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Your Reference: **TR010022**

Our Reference: **HE514503**

3 July 2020

Dear Tracey,

**Submission made by Third Parties pursuant to Deadline 15 of the Examination of the A38 Derby Junctions Development Consent Order Application**

I write with reference to the above and following the release of the Deadline 15 submissions.

Whilst it is noted that Deadline 15 was the final deadline in the Examination, Highways England considers that it will assist the Examination to have its view on record in respect of the submissions made by Euro Garaged Ltd and McDonald's. This is particularly true given the significant amount of detail they have submitted to the Examination at a very late stage. As the Examining Authority (ExA) is aware, Highways England, Euro Garages Ltd and McDonald's have been in discussions for a number of years regarding the access to the filling station and restaurant and it is disappointing and surprising to see so much information submitted to the Examination on the last deadline, giving Highways England no time in the scheduled timetable to respond. As such, Highways England asks the ExA to exercise its discretion and to accept this letter as a representation in response to these matters.

As Highways England is writing in respect of these representations, and in the interests of completeness, Highways England also responds below to the representations submitted by the Derby Climate Coalition (DCCo) and the Friends of Markeaton Park (FoMP) as, again, it is considered that Highways England's position on these points will assist the Examination. As these submissions follow a similar approach to those submitted by these parties at previous deadlines (and as Highways England has had to seek input from a number of specialist consultants on these points) responses to issues raised by DCCo and FoMP are provided in the tables appended to this letter.

Comments made on behalf of Euro Garages Ltd

It is worth noting that Euro Garages Ltd do not object to the Scheme in principle and that their concerns with the Scheme relate to the detailed design of the access, the impact that this may have on specific private rights in place between Euro Garages Ltd and McDonald's and the safety of the design. Any impacts on private rights caused by the

Scheme may give Euro Garages Ltd a right to claim compensation and much of the detail submitted by them to the ExA is focussed on this issue.

Euro Garages Ltd state that they have concern that the design of the junction is not available at this stage. Highways England has explained before that the DCO process entails gaining consent for a preliminary design, the detail of which (including the access arrangements at the Euro Garages/McDonald's site) will be refined at a later date.

### A52 Access and Highway Safety

Highways England note the concerns of Euro Garages Ltd in their summary position. Highways England considers that it has made its position clear throughout the Examination and it also did so well in advance of the submission of the DCO application.

Highways England welcome the fact that Euro Garages Ltd do not dispute the capacity assessment of Markeaton junction undertaken by Highways England (which indicates that it will operate within capacity). However, it is surprising to see the statement in the representation which provides that there are "*fundamental disagreements regarding the proposed A52 access in terms of safety.*"

Highways England maintain that the Scheme includes an appropriate design solution and is a safe means of access. This view is endorsed by Derby City Council (DCiC) as the responsible Highway Authority for the A52. As highlighted by Euro Garage Ltd, a (virtual) meeting took place on 16 June 2020 to discuss the A52 access; this meeting was attended by Highways England, DCiC, Euro Garages Ltd and McDonald's. During that meeting, DCiC confirmed their opinion that Highways England's proposals are acceptable in principle and they consider the proposed access will be no worse than the existing access in terms of safety of operation. During these discussions, Euro Garages Ltd did not offer any significant disagreement to the position taken by DCiC. DCiC's opinion on this matter was made clear through its representation to the ExA on 19 June 2020.

In the interests of drawing the outstanding matters to an agreed position, Highways England provided a final version of the Statement of Common Ground (SoCG) to Euro Garages Ltd as a record of the matters that it considered to be agreed, based on the meeting of 16 June 2020. This was provided on 18 June 2020 to Euro Garages Ltd, but it was not until 25 June 2020 that Euro Garages Ltd stated they could not sign the final SoCG, although they did not specify the reason(s) for this at the time.

In light of the sequence of events, Highways England are disappointed that Euro Garages Ltd were not more open with their views on access and safety if concerns remained and given the final deadlines for the examination were fast approaching. Nonetheless, despite these views being raised by Euro Garages Ltd at D15 they do not alter the position taken by Highways England on this matter, which is supported by DCiC as Highway Authority.

### Advance Direction Signage (referred to as 'warning' signage by Euro Garages)

Highways England note the concerns of Euro Garages Ltd on this point. As stated in the SoCG, there is a willingness to maintain a dialogue on the point and the matter is one which will remain 'under discussion'. Further to this, Highways England note that Euro Garages Ltd have provided further examples of other advance signage. Highways England will discuss this matter further with Euro Garages and confirms that this matter is a point of detail which is not relevant to the DCO process.

Comments Made on behalf of McDonald's (Letter dated 24 June 2020)

We note the similar comments made in relation to the A52 access and safety issues by McDonald's. We would reiterate the points above that McDonald's attended the same meeting on 16 June 2020 and there was no suggestion of a fundamental concern that remained on the acceptability of the access. Equally, McDonald's were also issued with a final SoCG on 18 June 2020 to confirm the agreed matters discussed and there was no indication of disagreement on this until an email received on 25 June 2020, again without providing details of those concerns.

In addition, further information was provided on car park strengthening in the McDonald's submission at Deadline 15. Whilst, again, Highways England consider this has no significant bearing on the decision to be taken on the Scheme (because it relates to their potential compensatable interest), it is disappointing that material apparently prepared in March 2020 was not submitted earlier in the process. As the material relates to the internal movements within the McDonald's forecourt Highways England does not consider that it is materially relevant to the Scheme and it will review this new technical material in due course and provide McDonald's with a response to it as it will inform discussions around the detailed design process.

Further to the general observations made above, Highways England also make the following comments on those submitted by Derby Climate Change coalition and Friends of Markeaton Park.

Comments made by Friends of Markeaton Park (FoMP) (Written Statement dated 25 June 2020).

Please see the table appended to the end of this letter. The comments respond to each point as presented on page 1 and 6 of the FoMP submission.

Comments made by Derby Climate Coalition at Deadline 15 (email dated 28 June 2020) and their final comments accepted at the Examiner's discretion on 30 June 2020 and Highways England's responses are also included in separate tables appended to this letter covering each of those specific points.

In the context of the issues raised above, and particularly the concerns expressed in relation to the Euro Garages and McDonald's representations, Highways England would respectfully request that this correspondence be accepted on a discretionary basis and made available to the ExA for their consideration.

If you wish to discuss any of these matters further, then please do not hesitate to get in touch.



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## Responses to Friends of Markeaton Park (FoMP) Comments made at Deadline 15

No	Comment	Response
1	<p>The RBS reported in 2003 and Highways England was instructed to develop options to grade separate the three junctions. This instruction led to the road-based improvement consultations that FoMP refer to as “TR0 10022 had its first consultation in 2003”.</p> <p>Several people took the trouble to write explanations and draw out plans for alternative simpler, much less expensive options. HE rigidly adheres to TR0 10022 proposals although it is well aware that Planning Laws have been altered during the history of their development.</p>	<p>The reasons for the selection of the Scheme alignment are detailed in ES Chapter 3: Scheme History and Assessment of Alternatives [APP-041].</p>
2	<p>There are four planning authorities that have a direct impact upon the future trip demands at the A38 Derby Junctions. These four planning authorities are: Derby City Council, Amber Valley Council, Erewash Borough Council, and South Derbyshire District Council.</p> <p>As a Strategic Network the source of the through traffic is from North, South, East and West. The Motorways near Birmingham Airport lower the speed limits to 40mph to maintain the flow when they are full capacity.</p> <p>Highways England should be prepared to keep the three current entrances open, not move them to the A52.</p> <p>The NPNNS requires the Applicant to have regard for the social impact of emergency ambulances being delayed.</p>	<p>It is not clear what point FoMP is making regarding future trip demands. The Scheme was appraised with the appropriate allowance for traffic growth.</p> <p>The motorway near to Birmingham Airport is the M42, which was retrofitted with variable speed limits so that the hard shoulder could be used as an extra running-lane. The A38 is not a motorway and does not have hard shoulders.</p> <p>It is not clear what “<i>three current entrances</i>” FoMP is referring to. The operation of the existing access into Markeaton Park from the Markeaton roundabout will be moved to the same location as the existing egress from the park onto the A52, which is to the west of the junction. The other vehicle accesses and egresses from Markeaton Park and its car parks will not be changed.</p>

		<p>With regard to issues associated with ambulances, refer to the Highways England comments in [REP15-007] which indicates that the Traffic Management Plan (TMP) [REP14-011] makes appropriate provisions for consulting with the local Ambulance, Police and Fire service organisations. TMP paragraph 7.1.6 reiterates that the traffic management TM strategy is to maintain the existing journey times along the A38 and thereby minimise the desires of drivers to re-route onto the local road network. This TM strategy will, inter-alia, minimise the number of road-users that choose to re-route onto the A516 and pass through the Royal Derby Hospital's access junction.</p>
3	<p>For a DCO application, sufficient design is carried out to determine the land take requirements for the Scheme and to identify the environmental impacts the Scheme will have (and the mitigation of adverse impacts). Limits of deviation have been set and these are secured in the draft Development Consent Order to provide surety that the Scheme that is being examined is the one that will be built. This is the case for all major highway schemes including the A38 Derby Junctions.</p> <p>Friends of Markeaton Park observes that the national utilities and national companies with most experience of Highways England do not trust them so they resist signing Statements of Common Ground. Their initial objections suggest that they do not agree with Highways England on this matter. Highways England could have said "Here is the Works Plan, there is enough land". Instead SoCG exempted the utilities from financial consequences.</p>	<p>Highways England disagrees with these comments, noting that they have sought, where appropriate to enter into Statements of Common Ground with utilities companies and where that organisation has been willing to do so. Updates on this have been provided throughout the examination. We refer to our response provided in [REP13-006] which states that "<i>The utility companies have been consulted over an extended period prior to the DCO submission. The utility corridor has been jointly developed with the utility companies in order to set the required area of land needed to construct the Scheme and conduct the required service diversions</i>". It is also confirmed that as stated in [REP13-007] "<i>The maximum width of the utilities corridor is as indicated in the submission drawings [REP2-006], if feasible, this will be reduced during the Scheme detailed design stage</i>".</p>
4	<p>The maximum width of the utilities corridor is as indicated in the submission drawings</p>	<p>We are unsure what point FoMP are making. The plans provided to</p>

	<p>[REP2-006], if feasible, this will be reduced during the Scheme detailed design stage.</p> <p>Friends of Markeaton Park finds the maps shown in four screenshots below more informative. Please note We add explanations above each screenshot.</p> <p>The purple dashed line with lilac surround indicates the diverted Utilities corridor adjacent to a path that goes under the curl of the footbridge.</p>	<p>Highways England for the existing utility services do show that some utilities currently pass under the western spiral of the access ramp to the existing footbridge. It is not uncommon that utilities pass beneath other features such as footbridges. During the detailed design process, the exact position of utilities will be defined within the utilities corridor and will be placed in a manner that does not impact on the safe delivery of the main works or to the future access for maintenance for either the utility service companies or the highway authority.</p>
5	<p>Tree planting plus Bat Totem poles in the same place.</p>	<p>The landscape planting shown in the environmental masterplan ES Figure 2.12C [APP-068] is indicative. During the detailed design stage the exact positions of the proposed semi-mature trees to be planted and the three totem poles will be defined. As such there is no conflict.</p>
6	<p>EPO describes the dumping of unwanted soil excavated from above a capped landfill site (possibly contaminated with gases) as “Translocation from roundabout A38 Wildlife Site” That description is not justified. There is no attempt to place wet soil adjacent to Bramble Brook next to any water, nor any attempt to bring the plants that were the reason the site was designated as A38 Kingsway roundabout DE010 Wildlife Site.</p>	<p>The material planned to be translocated from the A38 Roundabout Local Wildlife Site (LWS) to Markeaton Park is not “<i>material from above a capped landfill site</i>”. There are areas of former landfilling in the vicinity of Kingsway junction (refer to ES Figure 10.1 [APP-137]), but landfill materials do not extend to within the junction itself. Regardless material proposed to be moved from Kingsway junction into the park to create a new species-rich grassland will be appropriately tested, as will the proposed receptor site. If the soil testing indicates that translocation is not suitable, then planting of a bespoke native seed mix will be undertaken instead to achieve the same ecological outcome within the park. It is stressed that an outline agreement for such works has been obtained from Derby City Council (DCiC) as owners of Markeaton Park</p>

as it is considered that a new species rich grassland in the park will create an area of biodiversity and community interest. Refer to the Statement of Common Ground with DCiC [**REP7-020**], noting that the location and final layout of the species-rich grassland will be subject to further consultation with DCiC.

Placement of the material excavated from Kingsway junction to areas adjacent to Bramble Brook was not proposed, as the area will be subject to excavation in order to create three flood storage areas – these areas will be developed into wetland habitats. Areas to the south of Bramble Brook are subject to sequential redevelopment and thus use of this area for species rich grassland is not compatible with these ongoing development proposals.

As detailed in [**REP15-007**] *“The topsoil to be translocated will contain a seed bank that will grow naturally following placement within Markeaton Park, creating a new species rich grassland. The receptor area will also receive a combination of plug planting and seeding with an appropriate native species rich grassland seed mix. If during the detailed design stage translocation is not deemed suitable, then planting of a bespoke native seed mix will be undertaken instead to achieve the same ecological outcome”*. As such the comment that there has been no *“attempt to bring the plants that were the reason the site was designated as A38 Kingsway roundabout DE010 Wildlife Site”* is not accurate as it is the seed bank within the soil that will largely enable new species-rich habitat formation.

7	<p>The disused railway route left to right is protected in the City Derby Local Plan (route Ta) to be a Mickleover-Mackworth cycle route.</p>	<p>Noted. The Scheme will not prevent the future development of this cycle route. As the strategic highway authority, Highways England is not the appropriate organisation to implement the 'Mick-Mack' cycleway. However, the Scheme will grade separate the strategic traffic movement from traffic using local roads and will assist the delivery of this listed 'active travel' intervention.</p>
8	<p>H35 &amp; H37 screenshot Historic Interest hedges will have the most biodiversity. NPNNS 5.24 "halt overall biodiversity loss"</p> <p>Friends of Markeaton Park have no formal rights; we rely on voluntary workers and donations. We have been in a position to bring a wider range of matters outside the Red Boundary line to the attention of the Examiner Panel. We hope that our comments on the screenshots we include in this submission assist the Examining Panel in making their decision.</p>	<p>As illustrated in the figure presented by FoMP <b>[REP3-021]</b>, hedgerows H35 &amp; H37 will both be retained and thus unaffected by the Scheme.</p>
9	<p>Highways England can't match Carbon reduction targets the government and Local Authorities have not set yet. However the provisions of the NPNNS were set in 2014; extracts are included in footnote 1. The results of Climate Change threaten mankind's food crops and the fresh water supply of Asia, as the snow no longer replenish the glaciers feeding major rivers there.</p>	<p>Highways England's position regarding the Scheme's performance in relation to government and local carbon targets is set out in <b>[REP14-025]</b>.</p>
10	<p>Highways England has had six years to adjust the TR0 10022 proposals to take account of the Biodiversity provisions but it has not done so.</p> <p>There is no evidence that it has tried to reach the earlier 80% target for reduction of Carbon. Money can't buy the biodiversity generated by hundreds of years of living growth. Highways England rigidly adheres to these TR0 10022 proposals as though the Amendment to the Climate Change Act had</p>	<p>A full assessment of the Scheme's effects on ecology and biodiversity is provided in ES Chapter 8: Biodiversity <b>[REP9-009]</b>. With the mitigation measures proposed, the Scheme has the potential to have a moderate beneficial significant effect (at the County or Unitary Authority scale) on biodiversity in the medium to long term; particularly on standing water (ponds), running water, foraging and</p>



	<p>not set action to reduce Carbon Dioxide as the most pressing need.</p>	<p>commuting bats, otter, terrestrial invertebrates, aquatic invertebrates and fish. It is thus considered that the Scheme design has appropriately taken account of area biodiversity.</p> <p>Highways England's position regarding the Scheme's performance in relation to government carbon targets is set out in [REP14-025].</p>
<p>11</p>	<p>Highways England say that the need for a free-flowing Strategic Network outweighs the losses of designated Wildlife Site habitats, Veteran trees, screening trees and hedges that are the best method of getting Carbon Dioxide out of the atmosphere, and Public Open Space which has been proven to improve people's physical and mental health.</p>	<p>The Environmental Statement provides a detailed assessment of the Scheme effects upon the environment – including effects upon biodiversity [REP9-009] and climate change [APP-052]. Public open space issues are discussed in Chapter 5 of the Planning Statement [APP-252] and the Technical Note on Public Open Space and Replacement Land [REP6-023]. Reference should be made to the Planning Statement and National Policy Statement Accordance Table [APP-252] which provide details of the wider benefits that the Scheme will bring – the document concludes that: <i>“There is an identified need for the junction improvements to address congestion and journey time reliability along the route. The Scheme would provide additional capacity along the route and benefit local and strategic traffic by reducing journey times. The improvements to the A38 Derby junctions are a committed Scheme in the Roads Investment Strategy, which is supported by the NPSNN and complemented by Local Planning policy. It is considered that the Scheme accords with the relevant national and local transport, sustainability and economic planning policy objectives and should be granted development consent”</i>.</p> <p>It is for the Secretary of State to consider the effects of the Scheme</p>

		and whether these are outweighed by the Scheme's social and economic benefits.
12	<p>Whose need for a free-flowing Strategic Network?</p> <p>Local people's needs or the Road Freight lobby's needs?</p>	Reference should be made to the Planning Statement and National Policy Statement Accordance Table [APP-252] which provide details of the wider benefits that the Scheme will bring.
13	Parliament has set a target to reduce Carbon. There are methods to calculate the budgets and the Local Authorities are in the midst of obeying the latest laws despite enormous pressures on their resources.	Highways England's position regarding the Scheme's performance in relation to government carbon targets is set out in [REP14-025].
14	If the Examiners decide to recommend acceptance Friends of Markeaton Park repeat their request from ISH6 "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? "	Annie Clark-Maxwell is not a party that is named in the Outline Environmental Management Plan (OEMP) [REP14-008] nor the draft DCO [REP14-002] as requiring consultation during the Scheme detailed design stage. Although it is suggested that she has the benefit of the "Mundy Covenant", no evidence has yet been provided that Annie Clark-Maxwell has any legal interest or otherwise in any part of the site. The OEMP and draft DCO do however highlight that DCiC will be consulted on a wide range of matters during the detailed design stage, including matters relating to Markeaton Park (including tree loss and vegetation clearance and landscape planting proposals etc.). It is considered that Highways England commitments to consult with DCiC will appropriately look after the interests of Markeaton Park and its users.
15	whilst we contend that our submissions make a case that the proposals are unlawful under present Planning Laws; they should be refused.	Reference should be made to the Planning Statement and National Policy Statement Accordance Table [APP-252] which sets out Highway England's position with regard to the Scheme's alignment with national policy.

**Responses to Derby Climate Coalition Comments made at Deadline 15**

Comment	Response
<p><i>In Appendix 7 of 6.14 Environmental Statement Addendum, HE states various reasons for not being able to save the ancient oak T358. The only limitation there appears to be to allow movement of things like Statutory Undertakers corridors and drainage ditches, which currently cut through the RPA, is the Limits of Deviation that have been set “to optimise land use within the Order limits and to minimise impacts from the Scheme.” Surely the LoD could be reassessed for this particular area of the scheme to allow these bits of infrastructure to be diverted away from this tree. That together with a redesign/ slight change in position of the bridge could allow this important tree to survive? Surely it isn’t beyond the abilities of HE to do this?</i></p>	<p>Refer to Technical Note <b>[REP7-008]</b> which indicates that combined impacts on the veteran tree T358 and its associated root protection area (RPA) may result in the unavoidable loss of this veteran tree. This includes the mainline impacting upon the tree’s RPA, as well as impacts associated with drainage works, the replacement footbridge, utilities, as well as impacts caused by construction vehicles. However, during the Scheme detailed design stage Highways England will investigate whether the tree can be retained. Refer to Technical Note <b>[REP7-008]</b> which outline the measures that will be taken to avoid and minimise the Scheme effects on the veteran tree. This Technical Note indicates that during the Scheme detailed design stage, Highways England will examine further options that increase the potential to retain tree T358 and reduce the Scheme impacts upon its RPA. Through these actions, it may be possible to retain the tree itself and reduce the Scheme impacts upon the tree’s RPA, however, the Scheme mainline carriageway works will still inevitably have a significant effect on the tree’s RPA. It thus remains the most likely scenario (despite best endeavours) that the veteran tree will be unavoidably lost due to the Scheme. It is agreed that it would be preferable that the tree is retained, even with an affected RPA. Given this approach, the Outline Environmental Management Plan (OEMP) <b>[REP14-008]</b> has been amended to state the following at PW-LAN4: “Highways England will investigate whether the veteran tree (reference T358 in ES Appendix 7.2: Arboricultural Impact Assessment Report <b>[TR010022/APP/6.3]</b>) can be retained and the Scheme’s impacts upon the tree’s RPA reduced. Exploration work will be undertaken prior to any works to establish the trees underground/ root conditions. If the tree is retained, it will be stress tested post-works to ensure its stability and safety, noting that the tree canopy may need to be reduced. DCiC will be consulted during the detailed design stage regarding options to retain the veteran tree, minimise Scheme impacts upon the tree’s RPA and tree canopy reduction treatments”.</p>

Responses to Derby Climate Coalition Comments accepted at the discretion of the Examining Authority on 30<sup>th</sup> June 2020.

Comment	Response
<p>Our objections fall into 5 categories: -</p> <ol style="list-style-type: none"> <li>1. The Lack of proper analysis</li> <li>2. The scheme objectives can be and should be met by other means</li> <li>3. The Climate Crisis</li> <li>4. The Ecological Crisis</li> <li>5. Covid-19</li> </ol>	<p>Responses to Derby Climate Coalition comments on these points are detailed below.</p>
<p><b>1. The Lack of proper analysis</b></p> <ul style="list-style-type: none"> <li>• The A38 scheme was chosen from a list of proposed road schemes on the basis of biased cost benefit metrics that are unsuitable for times of climate emergency – <b>perverse metrics that give much more emphasis to miniscule reductions in journey times than to the costs of increased emissions</b> – at a time of climate crisis, this is not acceptable. (we should consider here that CO2 emissions remain in the atmosphere for thousands of years – so how do you quantify the costs of increased emissions to countless generations?)<sup>1 2 3 4 5 6</sup></li> </ul> <p><sup>1</sup> For example, less traffic and lower fuel consumption are treated as ‘costs’ in WebTAG rather than ‘benefits’ due to reduced tax receipts from fuel duty.</p> <p><sup>2</sup> Journey time savings are used as a proxy for all economic benefits, but other economic benefits are also added, leading to double counting. Buchan K. (2014) Only major reforms can restore confidence in appraisal. Letter from Keith Buchan, Director MTRU, to Local Transport Today, 643, March/April 2014.</p>	<p>The appraisal process used the “New Approach to Appraisal” (NATA) published by the Department for Transport (DfT).</p> <p>The transport economic efficiency (TEE) case was <u>one</u> topic within the economic objective category, which objective is one of the five transport objectives considered in the Scheme’s appraisal under NATA.</p> <p>The five transport objectives considered were: environment, safety, economy, accessibility, and integration.</p> <p>The study consulted with a wider reference group (WRG), which included both government organisations and local stakeholder groups.</p> <p>Over the last four decades, a wide range of alternative solutions to improve other transport modes have been suggested, but with very little evidence that they would have the desired effect on the A38 corridor, either in the real world (e.g. Derby e-bikes scheme)</p>

Comment	Response
<p><sup>3</sup> David Metz, former chief scientist at the Department for Transport, has made many criticisms of the use of travel time savings in scheme appraisal: Metz D. (2008) The Myth of Travel Time Saving Transport Reviews 28, 3, pp.321-336; Metz D. (2014) Travel demand: the basics. Local Transport Today, 643, March/April 2014; Metz D. (2015) Economics of road investment – a critique, article on Peak Car website, 22 May 2015, accessed 21.02.19. Professor John Whitelegg has also argued that travel time savings should not feature in scheme appraisal: Whitelegg, J. (2012) How much transport can landscape tolerate: new ways of thinking about traffic, landscape and nature? in Koerner, S. et al. (eds) Landschaft und Verkehr, University of Kassel, Germany, ISBN 978-3-86219-358-5, pp 93-114. The principal criticism is that in practice, no time is actually saved (except in the very short term). Instead, new transport infrastructure opens up land for development of housing, shopping centres or business parks, and people have to travel further to reach jobs, shops etc.</p> <p><sup>4</sup> In the case of a new high-speed road, the predicted time saved per driver is assigned a generous monetary value which is then multiplied by the millions of drivers forecast to use the road over its lifetime of say, 60 years. For example, in WebTAG the perceived value of the Working (Employers' Business) Time of a car driver is £14.86/hour in 2018 (at 2010 prices), which increases to £41.52/hour for 2070.</p> <p><sup>5</sup> The practice of discounting, which places greater weight on costs and benefits in the short term, is supposed to reflect the fact that people, and society as a whole, prefer to receive goods and services now rather than later. However, this means environmental problems such as climate change, which incur large costs in the longer term, count for little. For example, a £1 billion environmental cost in 50 years' time is</p>	<p>or from the results of transport modelling (e.g. congestion charging options tested by DCiC).</p> <p>Highways England disagrees with Derby Climate Change Coalition's claim that the Scheme was chosen: "<i>on the basis of biased cost benefit metrics</i>". The Scheme is a cost-effective solution to assist with the resolution of the varied existing transport problems in and through Derby.</p> <p>The footnotes also warrant a response. The following Highways England response uses the same footnote numbers:</p> <ol style="list-style-type: none"> <li>1. To clarify.       <ol style="list-style-type: none"> <li>a. Fuel duty receipts are considered as a change in benefits to society because the raised revenue (in market value units of accounting) can then be spent by government organisations to benefit society. [The method of reporting changes in indirect tax revenues are described in TAG unit A1-3, at paragraph 11.1.10.]</li> <li>b. The resource costs (i.e. excluding taxes and duties) of fuel used, and the other vehicle operating costs, are included in the monetised TEE evaluation of benefits and disbenefits.</li> <li>c. The TEE evaluation considers both travel times and vehicle operating costs to road users, which will accrue to both consumers and businesses.</li> <li>d. A scheme that <u>only</u> resulted in the use of more fuel per vehicle would <u>not</u> progress through Highways England's PCF process gateways.</li> </ol> </li> </ol>

Comment	Response
<p>discounted to a net present value of £147 million. Hickman R. (2015) The problematic application of CBA in transport appraisal. Presentation, Sintropher final workshop, Brussels, 2015.</p> <p><sup>6</sup> The costs and benefits occurring in the first 30 years of a programme, project or policy are generally discounted at an annual rate of 3.5%, declining thereafter. A high discount rate suggests those alive today are worth more than future generations, which some argue is unethical. This is why the Stern Review on the economics of climate change published in 2006 adopted a lower rate of 1.4%. Carbon Brief (2017) Q&amp;A: The Social Cost of Carbon. 14 February 2017.</p>	<ul style="list-style-type: none"> <li>e. Furthermore, the traffic forecast methods used a VDM approach and was combined with the Sugden “rule of a half” method for TEE appraisal (as specified by TAG). Therefore, a scheme that would result in reduced trips (and no other changes) would receive a TEE benefit.</li> </ul> <ol style="list-style-type: none"> <li>2. For the appraisal of the “A38 Derby Junctions” Scheme we have used journey time savings as a proxy for all economic benefits. However, no supplementary economic modelling was undertaken. <ul style="list-style-type: none"> <li>a. The business case for this Scheme made no claim for wider economic benefits.</li> <li>b. The Scheme is very good value for money on a consideration of journey time savings alone; i.e. without having to make a case for claiming additional economic benefits.</li> <li>c. There is no case for the double-counting of economic benefits on this Scheme’s appraisal.</li> </ul> </li> <li>3. The Department of Transport (DfT) issues transport appraisal guidance (TAG). These TAG documents are reviewed regularly. There are both critics and supporters of TAG appraisal methods.</li> <li>4. Two points in response: <ul style="list-style-type: none"> <li>a. The TEE appraisal method assumes that the wealth of the individual will increase in future years. This follows the central government methods of appraising investment schemes of all types (not just road schemes).</li> <li>b. The A38 Derby Junctions Scheme is not a “<i>new high-speed road</i>”. It is an alteration to an existing strategic road which will improve junctions on an existing road (which for part of its length is limited to 40mph).</li> </ul> </li> <li>5. Noted. The DfT’s consultation on the decarbonisation of transport is ongoing. Alternative appraisal methods might be</li> </ol>

Comment	Response
	<p>considered in due course but they are not in place at this time. The transport appraisal guidance is reviewed at regular intervals. The DfT will take account of the views expressed in the various submissions from experts and will no doubt formulate future TAG guidance based upon a consensus of these views. The DCO submission used the current TAG and DMRB appraisal guidance documents as these are the relevant guidance documents at this stage.</p> <p>With respect to the A38 Derby Junctions Scheme specifically, the Scheme will grade separate three existing at-grade roundabouts along the existing A38 dual carriageway and will smooth the flow of strategic traffic movements. The carbon emission impacts were appraised (including the detrimental impact of induced trips) and have been subsequently discussed within the documentation submitted (e.g. ES Chapter 14: Climate [APP- 052]) and responded to as part of this DCO application.</p> <p>6. Highways England is not in a position to publicly comment on central government's policy. The discounting method is defined in HM Treasury's Green Book and is applied to all infrastructure investment decisions (i.e. including new hospitals and railways).</p> <p>Highways England uses a Project Control Framework (PCF) process, which is monitored by DfT. At the end of Detailed Design (PCF Stage 5) there will be a decision gateway (SGAR5) that will determine permission to construct the Scheme. A positive DCO decision does not necessarily imply a 'go' decision at SGAR5 (refer to Highways England's Design to Handover for Operation Process Note [REP4-026]). The DCO provides the public planning case and legislation to proceed with the Scheme,</p>

Comment	Response
	but does not influence the internal funding (i.e. central government business case) decision that follows.
<ul style="list-style-type: none"> <li>• No hard evidence has been forthcoming to show there has been any Option Generation Analysis by Highways England or the Department for Transport – something that ‘The Green Book’ / DfT’s Transport Analysis Guidance says should be done: - <ul style="list-style-type: none"> <li>• 2.8.2 It is important that as wide a range of options as possible should be considered, including all modes, infrastructure, regulation, pricing and other ways of influencing behaviour. Options should include measures that reduce or influence the need to travel, as well as those that involve capital spend. Revenue options are likely to be of particular relevance in bringing about behavioural change and meeting the Government’s climate change goal.</li> <li>• 2.8.3 Studies should not start from an assertion about a preferred modal solution, or indeed that infrastructure provision is the only answer.</li> <li>• 2.8.5 Where highway solutions are being considered, options should include a consideration of different link/junction standards and other alternatives to address the problems in the area, such as public transport provision, demand management policies, traffic management measures and strategies.</li> </ul> </li> </ul> <p>This type of analysis is even more essential in the light of the Covid crisis and the worsening climate crisis.</p>	<p>Please refer to the Applicant’s response to the Q8.2 of the Examiners’ further written questions [REP12-007].</p>



Comment	Response
<p data-bbox="143 229 1019 296"><b>2. The scheme objectives can be and should be met by other means</b></p> <p data-bbox="143 338 994 373">The objectives of this scheme are claimed to be as follows: -</p> <ul data-bbox="143 411 1019 740" style="list-style-type: none"> <li data-bbox="143 411 1019 590">• Promote economic growth - There is a lack of robust empirical evidence on the economic benefits of road schemes <sup>7 8</sup> and we should also be very careful what we wish for – continual economic growth is what is fuelling the climate and ecological crisis.</li> <li data-bbox="143 600 376 635">• Reduce delays</li> <li data-bbox="143 638 584 673">• Increase reliability of journeys</li> <li data-bbox="143 676 454 711">• Increase road safety</li> <li data-bbox="143 715 880 750">• Reducing traffic volumes on the local road network</li> </ul> <p data-bbox="143 785 1019 963"><sup>7</sup> Highways England (2016) Post Opening Project Evaluation (POPE) of Major Schemes Main Report: meta-analysis 2015 <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/497241/POPE__Meta_2015_Final_210116_-_FINAL.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/497241/POPE__Meta_2015_Final_210116_-_FINAL.pdf</a></p> <p data-bbox="143 983 1019 1177"><sup>8</sup> Sloman L, Hopkinson L and Taylor I (2016) The Impact of Road Projects in England. Report for CPRE. <a href="https://www.cpre.org.uk/wp-content/uploads/2019/11/TfQLZZTheZImpactZofZRoadZProjectsZinZEnglandZ2017.pdf">https://www.cpre.org.uk/wp-content/uploads/2019/11/TfQLZZTheZImpactZofZRoadZProjectsZinZEnglandZ2017.pdf</a></p> <p data-bbox="143 1257 1019 1398">The last 4 bullet points all relate to the number of cars on the road and Highways England and the local authorities seem unable to grasp the concept that congestion on roads can be solved by methods other than huge infrastructure schemes.</p>	<p data-bbox="1046 236 1962 638">As recorded in the written summary of Oral Submissions for Issue Specific Hearing 6 [REP14-020], Highways England is a Government company responsible for the strategic road network. Highways England’s role is the improvement, enhancement and maintenance of roads. The A38 Derby Junctions Scheme is identified in the Highways England Delivery Plan. At a policy level, active travel is a matter for the DfT and at a local level by other government organisations. The NPSNN identifies that relying on alternative transport is not a viable way of managing need. In respect of ‘modal shift’ (public transport, walking and cycling), it is not realistic to rely on these for all journeys.</p> <p data-bbox="1046 651 1962 759">An objective of this Scheme is to reduce congestion on local networks within Derby and Derbyshire by improving the through route for A38 traffic.</p> <p data-bbox="1046 817 1962 1034">Highways England agrees that it is necessary to “build a better country with greener travel habits”, but until appropriate options have been developed and this is reflected in policy, it is important to note that there is an urgent need to solve the existing problems on the A38 through Derby which will only worsen with time if the Scheme does not go ahead.</p> <p data-bbox="1046 1091 1962 1270">On the subject of economic growth driving traffic increase, whilst it is agreed that traffic growth is partially driven by economic activity, traffic growth is also a response to increasing population and the provision of development to accommodate the predicted increase in the population.</p> <p data-bbox="1046 1283 1962 1423">Refer to Highways England’s response to Friends of Markeaton Park [REP14-029] at item 1. This Scheme, relative to Midlands Connect’s suggestions for public transport improvements in the East Midlands region, will be a modest intervention.</p>

Comment	Response
<p>In contrast to that, if we are to solve the Climate and Ecological crisis, we need to be thinking in new and more radical ways. We need to create a world where people don't have to use their cars to get to work. We need to be doing everything we can to not only change to EVs but also to reduce the number of cars on the roads.<sup>9 10</sup></p> <p>There are welcome signs that this message is getting through – Grant Shapps himself said on 9th March, ““We know cars will continue to remain vital for many, but as we look to the future, we must build a better country with greener travel habits, cleaner air and healthier communities.” We won't do this by building bigger/faster roads.</p> <p>Only last week, the independent Committee on Climate Change recommended in their Report on Progress <sup>11</sup>, that the government should be “prioritising resilient broadband investments over the road network” (to encourage home-working).</p> <p>A new think tank, Green Alliance have also come out against road building in a report this week.<sup>12</sup></p> <p>The greener, cleaner future requires investment in integrated public transport systems and housing developments that are centred around active travel, NOT BIGGER ROADS!</p> <p><sup>9</sup> Aligning UK car emissions with Paris (1.5-2°C) provisional carbon budget analysis - Prof. Kevin Anderson, Tyndall Centre for Climate Change Research. Presentation at the</p>	<p>The Scheme is needed to solve some of the observed transport problems on the west side of Derby that previous interim interventions have not fully solved.</p>

Comment	Response
<p>lowCVP Conference. July 2019.  <a href="https://www.lowcvp.org.uk/events/conference.htm">https://www.lowcvp.org.uk/events/conference.htm</a>  <sup>10</sup> Hopkinson L. and Sloman L. (2019) More than electric cars. Why we need to reduce traffic to reach carbon targets. Briefing for Friends of the Earth. February 2019.  <a href="https://www.transportforqualityoflife.com/u/files/1%20More%200than%20electric%20cars%20briefing.pdf">https://www.transportforqualityoflife.com/u/files/1%20More%200than%20electric%20cars%20briefing.pdf</a>  <sup>11</sup>See pages 145, 152 and 179 of  <a href="https://www.theccc.org.uk/wp-content/uploads/2020/06/Reducing-UK-emissions-Progress-Report-to-Parliament-Committee-on-Cli.._-002-1.pdf">https://www.theccc.org.uk/wp-content/uploads/2020/06/Reducing-UK-emissions-Progress-Report-to-Parliament-Committee-on-Cli.._-002-1.pdf</a>  <sup>12</sup><a href="https://www.bbc.co.uk/news/business-53214997?intlink_from_url=https://www.bbc.co.uk/news/topics/c4y3wxdx24nt/our-planet-matters&amp;link_location=live-reporting-story">https://www.bbc.co.uk/news/business-53214997?intlink_from_url=https://www.bbc.co.uk/news/topics/c4y3wxdx24nt/our-planet-matters&amp;link_location=live-reporting-story</a></p>	
<p><b>3. The Climate Crisis</b></p> <ul style="list-style-type: none"> <li>This scheme will increase emissions by around 160,000tonnes, which is equivalent to 6% of Derby’s total transport carbon budget to 2100. This is significant!</li> </ul>	<p>Highways England has explained in [REP14-025] and [REP15-007] how in line with the requirements of National Policy Statement for National Networks (NPSNN) paragraph 5.17, ES Chapter 14: Climate [APP- 052] presents an assessment of the carbon impact of the Scheme against the UK Government’s current carbon budgets set to achieve an 80% reduction in carbon emissions by 2050 relative to 1990. The assessment has identified that the emissions arising as a result of the Scheme represent less than 0.005% of the total emissions in any five-year UK carbon budget during which they would arise. Consequently, the climate assessment has concluded that the greenhouse gas (GHG) emissions impact of the Scheme will not have a material impact on the UK Government meeting its carbon reduction targets.</p>

Comment	Response
	Highways England considers that even if the budgets become more stringent with net zero, it will not change the magnitude of impact (not significant as set out in Section 14.12 of ES Chapter 14: Climate [ <b>APP- 052</b> ]) nor result in any risk of the Scheme having a material impact on the ability of the UK Government to meet its carbon reduction targets. Therefore, the conclusion of the assessment does not change in the context of the revised targets.
<ul style="list-style-type: none"> <li>When scaled up, we calculate that that the RIS2 programme will increase UK emissions by around 17Mtonnes which will almost double the policy gap of 19Mtonnes already identified by the CCC in UK transport.</li> </ul>	Highways England is a Government company charged with maintaining and improving the Strategic Roads Network (SRN). Highways England is a delivery company for Department for Transport (DfT). Highways England does not determine which projects are to be delivered within the Roads Investment Strategy (RIS) or have responsibility for setting transport policy. Reference should be made to the responses to Questions 3.2(a) and 3.3 in [ <b>REP12-007</b> ] regarding potential carbon emissions from RIS schemes, as well as the responses provided in [ <b>REP14-025</b> ] that relate to this matter.
<ul style="list-style-type: none"> <li>The 4th Carbon Budget (which is expected to be tightened) requires all sectors to reach a 50% reduction over 1990 levels in the years 2023-2027 – this scheme as part of RIS2 will make that impossible.</li> </ul>	Refer to the response above.
<ul style="list-style-type: none"> <li>Contrary to legal requirements, and contrary to HE’s claims, there has been no Strategic Environmental Assessment of the RIS2 programme and therefore no cumulative impact assessment of the RIS2 schemes. The Paris agreement has therefore not been taken into account.</li> </ul>	Refer to the response above.
<p><b>4. The Ecological Crisis</b></p> <ul style="list-style-type: none"> <li>HE’s own report says, “The construction phase would be the most disruptive period for ecology and nature conservation.</li> </ul>	This is a quotation from the ES Non-Technical Summary (NTS) [ <b>APP-241</b> ]. The NTS then goes on to state: “ <i>Given the potential for construction impacts upon local habitats and local animal populations, as well as the risk associated with water pollution,</i>

Comment	Response
<p>Vegetation clearance would remove habitats in the short term before the maturation of new landscape planting, and the exclusion of protected species from the construction works areas would be required. This would cause significant disruption to local habitats and local animal populations in the short term.”</p>	<p><i>ecological mitigation for the Scheme would involve the use of best practice measures across all construction activities as detailed within the CEMP. In addition, the Scheme design includes the creation and replacement of habitats lost due to the Scheme, and the translocation of species-rich grassland habitats from Kingsway junction to within Markeaton Park. Works to divert Bramble Brook and Dam Brook would also be undertaken in a manner that would enable them to develop into ecological habitats. The provision of replacement bat roosts and bat boxes, ecology ponds, retention of selected felled trees, bird boxes and wildlife fencing would aim to minimise impacts on protected species as far as practicable”.</i></p>
<ul style="list-style-type: none"> <li>• The A38 Roundabout LWS (Local Wildlife Site) would be permanently lost, resulting in a significant adverse effect.</li> </ul>	<p>This effect is fully reported in ES Chapter 8: Biodiversity [<b>REP9-009</b>] and is an unavoidable consequence of the Scheme given that the LWS comprises the existing A38 Kingsway junction roundabout. The significance of effect on the A38 Kingsway Roundabout LWS will be a moderate adverse significant effect (at the County or Unitary Authority sale) due to the complete permanent loss of this LWS. It is noted that given the mitigation approach taken by the Scheme, this is the only long-term significant effect on biodiversity as associated with the Scheme.</p>
<ul style="list-style-type: none"> <li>• Over 100 mature trees would be lost in the Markeaton area alone, including an ancient oak – T358. Ancient oaks provide habitat for 2300 species, of which 320 are found <i>only</i> on oak. This is irreplaceable.</li> </ul>	<p>As detailed in [<b>REP6-018</b>], the Scheme will result in the loss of approximately 50 individual trees within Markeaton Park and approximately 50 individual trees south bound (at Queensway and in the vicinity of Mill Pond), noting that these figures do not include groups of trees. As detailed in [<b>REP15-007</b>], during the development of the Scheme design Highways England has sought to minimise the loss of existing trees and hedges, and where such losses are unavoidable, mitigation planting is proposed (refer to the Environmental Masterplan figures (ES Figure 2.12A to 2.12H [<b>APP-068</b>])). The tree retention plans (ES</p>

Comment	Response
	<p>Figures 7.6A/B [<b>APP-092</b>] indicate that Highways England will retain a lot of trees within the Scheme boundary. As indicated in the Outline Environmental Management Plan (OEMP) [<b>REP14-008</b>] (refer to D-L5 in Table 3.2c), Highways England will deliver a landscape design that results in a net increase in the number of trees in Markeaton Park.</p> <p>Derby Climate Coalition raised the issue of the veteran tree at Markeaton junction in their submission post Deadline 15 (Additional Submission accepted at the discretion of the Examining Authority - Derby Climate Coalition's response to REP14-010 regarding the Veteran Oak T358). Highways England provided a letter response (Ref: TR010022/HE514503) as repeated below:</p> <p><i>“Refer to Technical Note [<b>REP7-008</b>] which indicates that combined impacts on the veteran tree T358 and its associated root protection area (RPA) may result in the unavoidable loss of this veteran tree. This includes the mainline impacting upon the tree's RPA, as well as impacts associated with drainage works, the replacement footbridge, utilities, as well as impacts caused by construction vehicles. However, during the Scheme detailed design stage Highways England will investigate whether the tree can be retained. Refer to Technical Note [<b>REP7-008</b>] which outline the measures that will be taken to avoid and minimise the Scheme effects on the veteran tree. This Technical Note indicates that during the Scheme detailed design stage, Highways England will examine further options that increase the potential to retain tree T358 and reduce the Scheme impacts upon its RPA. Through these actions, it may be possible to retain the tree itself and reduce the Scheme impacts upon the tree's</i></p>

Comment	Response
	<p><i>RPA, however, the Scheme mainline carriageway works will still inevitably have a significant effect on the tree's RPA. It thus remains the most likely scenario (despite best endeavours) that the veteran tree will be unavoidably lost due to the Scheme. It is agreed that it would be preferable that the tree is retained, even with an affected RPA. Given this approach, the Outline Environmental Management Plan (OEMP) [REP14-008] has been amended to state the following at PW-LAN4: "Highways England will investigate whether the veteran tree (reference T358 in ES Appendix 7.2: Arboricultural Impact Assessment Report [TR010022/APP/6.3]) can be retained and the Scheme's impacts upon the tree's RPA reduced. Exploration work will be undertaken prior to any works to establish the trees underground/ root conditions. If the tree is retained, it will be stress tested post-works to ensure its stability and safety, noting that the tree canopy may need to be reduced. DCiC will be consulted during the detailed design stage regarding options to retain the veteran tree, minimise Scheme impacts upon the tree's RPA and tree canopy reduction treatments".</i></p> <p>It is also noted that the ecological effects resulting from the loss of this veteran tree are reported in ES Chapter 8: Biodiversity [REP9-009].</p>
<ul style="list-style-type: none"> <li>• Local populations of otter, white clawed Crayfish and bats are likely to be disturbed.</li> </ul>	<p>Potential Scheme impacts upon otter, white clawed crayfish and bats are reported in full in ES Chapter 8: Biodiversity [REP9-009]. This indicates that:</p> <ul style="list-style-type: none"> <li>• <b>Otter:</b> As indicated in ES Chapter 8: Biodiversity [REP9-009] the Scheme will have a neutral (not significant) effect upon otter during Scheme construction, whilst during the operational phase the Scheme will potentially have a</li> </ul>

Comment	Response
	<p>moderate significant benefit for otter in the long term, principally due to enhancement measures proposed for Dam Brook and the creation of a net gain in open water channels.</p> <ul style="list-style-type: none"> <li>• <b>White clawed crayfish:</b> Extensive surveys for white clawed crayfish have been undertaken as detailed in ES Appendices 8.12a to 8.12c [APP-207] to [APP-209] – also refer to ES Figures 8.30 [APP-121] and 8.31 [APP-122]. As indicated in ES Table 8.13 [REP9-009] it is considered that white-clawed crayfish are absent from watercourses in the vicinity of the Scheme. As such, the Scheme will not impact upon white-clawed crayfish.</li> <li>• <b>Bats:</b> An extensive range of bat surveys have been undertaken (bat roost surveys, bat activity, bat trapping and radio tracking) as reported in ES Appendices 8.9a to 8.9f [APP-197] to [APP-202]. The results of the surveys are detailed in ES Figures 8.21 [APP-114] and Figure 8.22 [APP-115] and discussed in ES Chapter 8: Biodiversity [REP9-009] – refer to Table 8.13. Taking into account gathered baseline survey data, mitigation measures associated with bats have been defined – refer to ES para. 8.9.10. Mitigation measures are detailed in Table 3.2c in the OEMP [REP14-008]. A draft protected species licence was produced and submitted to Natural England for bats based on the Scheme design and baseline conditions as detailed in Section 8.7 of the ES Chapter 8: Biodiversity [REP9-009]. A Letter of No-Impediment was subsequently issued by Natural England and included in ES Appendix 8.9 [APP-216] which provides an agreement in principle on the essential mitigation measures proposed that are applicable to bats. Scheme effects upon bats are detailed in ES Section 8.10 and summarised in ES Appendix 8.20 [REP9-015] which indicates that with the mitigation provided, the Scheme will have no significant</li> </ul>



Comment	Response
	<p>(neutral) effects upon bats, although there will be potential for a slight beneficial effect in the long term for foraging and commuting bats.</p>
<p>• Derbyshire Wildlife Trust have concerns over the outdated Biodiversity Metrics used for the scheme and the inadequate Habitat surveys.</p> <p>We are in the 6th mass extinction event – the UK doesn't have much natural habitat left – this is our Amazon – we shouldn't be destroying it!</p>	<p>With regard to the use of a biodiversity metric, reference should be made to Highways England's response to ExA question 37 ISH2 [REP3-026]. This issue was also discussed at ISH4 [REP6-018], with the result that it has been agreed that in order to assist with the design of the Scheme landscaping proposals, and thereafter provide an evidence base for monitoring habitat management during the Scheme construction phase, the OEMP [REP14-008] at D-B31 (in Table 3.2c) commits to the "Use of a biodiversity metric to assist with the detailed design of the Scheme landscaping proposals, and thereafter provide an evidence base for monitoring habitat management during the Scheme construction phase". In addition, at ISH7 [REP14-021] when discussing the use of the Biodiversity Metric Assessment undertaken for the Alfreton Road Rough Grassland Local Wildlife Site (LWS) [REP12-010], Derbyshire Wildlife Trust confirmed that they welcome the use of the Biodiversity Metric Assessment as a recognised and standardised tool for measuring biodiversity in a consistent and transparent way, and had no comments or concerns regarding the metric methodology used.</p> <p>Highways England is not aware that Derbyshire Wildlife Trust has concerns that there have been "inadequate habitat surveys". It is noted that Derbyshire Wildlife Trust has been consulted throughout the biodiversity impact assessment, including during the specification of site survey proposals and methodologies – refer to ES Appendix 8.16 [APP-213] for details of consultation meetings with ecology stakeholders, including Derbyshire Wildlife Trust. In addition, reference should be made to the</p>

Comment	Response
	Statement of Common Ground (SoCG) with Derbyshire Wildlife Trust [REP1-010] which indicates that the Trust has confirmed that the survey coverage and methodologies used are appropriate for the ecological impact assessment.
<p><b>5. Covid-19</b></p> <ul style="list-style-type: none"> <li>Derby was identified in 2015 as one of five local authority areas with problem levels of nitrogen dioxide (NO<sub>2</sub>) and told to take action to resolve the situation in the shortest possible time.<sup>13</sup></li> </ul> <p><sup>13</sup> <a href="https://www.derbyconnected.com/airquality/">https://www.derbyconnected.com/airquality/</a></p>	Derby City Council (DCiC) identified one road in Derby as being at risk of being non-compliant with the EU Directive for nitrogen dioxide (NO <sub>2</sub> ) in 2020, if no further action is taken. This road is Stafford Street in the city centre. DCiC will be implementing traffic management measures to improve air quality and bring Stafford Street into compliance (refer to ES Chapter 5: Air Quality [APP-170] for details).
<ul style="list-style-type: none"> <li>Derby City Council have stated that air pollution in Derby will increase for the 4 years of construction if this scheme goes ahead.<sup>14</sup></li> </ul> <p><sup>14</sup> <a href="https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentalprotection/ED11928_Derby%202019%20AQAP_Draft_Issue%208%20Final.pdf">https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentalprotection/ED11928_Derby%202019%20AQAP_Draft_Issue%208%20Final.pdf</a></p>	ES Chapter 5: Air Quality [APP-170] indicates that during the Scheme construction phase, air quality at properties will achieve the air quality criteria set to protect human health, despite some increases in NO <sub>2</sub> concentrations near the A38 due to changes in traffic flows. ES Chapter 5: Air Quality [APP-170] indicates that the Scheme will reduce human exposure to air pollution once it is operational.
<ul style="list-style-type: none"> <li>The All-Party Parliamentary Group on Air Pollution has released a strategy document regarding air pollution in the UK. In it they say, “air pollution must be kept at low levels to help avoid a second peak of coronavirus infections.”<sup>15</sup></li> </ul> <p><sup>15</sup> <a href="https://appgaq.files.wordpress.com/2020/05/clean-air-exit-strategy.pdf">https://appgaq.files.wordpress.com/2020/05/clean-air-exit-strategy.pdf</a></p>	As indicated in [REP12-006] and [REP14-001], long term exposure to poor air quality, particularly elevated PM <sub>2.5</sub> concentrations, may be one of a multitude of factors linked to worse outcomes from COVID-19 with further research needed to investigate this further (e.g. age, obesity, gender, smoking, ethnicity, underlying health conditions, air quality). The changes expected in particulate matter PM <sub>2.5</sub> concentrations during Scheme construction would affect a small area over a short time period with PM <sub>2.5</sub> concentrations for all scenarios, including construction, well within (less than 60% of) the EU limit value set to protect human health. The vast majority of receptors are predicted to have an imperceptible change in PM <sub>2.5</sub>

Comment	Response
	<p>concentrations during Scheme construction. Concentrations of all pollutants at properties during Scheme construction will still achieve the air quality criteria set to protect human health (refer to ES Chapter 5: Air Quality [APP-170]).</p>
<p>• There is growing evidence from around the world linking exposure to dirty air and increased infections and deaths from Covid-19.<sup>16</sup></p> <p>The health of the people of Derby should not be put at risk by going ahead with this scheme at this time.</p> <p><sup>16</sup> <a href="https://www.theguardian.com/world/2020/may/04/is-air-pollution-making-the-coronavirus-pandemic-even-more-deadly">https://www.theguardian.com/world/2020/may/04/is-air-pollution-making-the-coronavirus-pandemic-even-more-deadly</a></p>	<p>As indicated in [REP12-006], based on available information from the baseline air quality and ES assessment findings (ES Chapter 5: Air Quality [APP-043]), the Scheme is not expected to increase mortality from COVID-19 in either the Scheme construction or operational phases, whilst there is a predicted reduction in human exposure to air pollution in the long term due to Scheme operation.</p>
<p><b>Our plea – this scheme, along with the rest of the RIS2 programme, is the last thing we need in this time of multiple crises.</b></p> <p><b>We need policies and investments to be focussed on projects that protect our natural world and help us mitigate the climate crisis.</b></p> <p><b>This scheme does the opposite – we ask that it is scrapped immediately.</b></p>	<p>The Environmental Statement provides a detailed assessment of the Scheme effects upon the environment – including effects upon biodiversity [REP9-009], air quality [APP-170] and climate [APP-052] during Scheme construction and operation. RIS2 is the current programme committed to by the Government and is current policy.</p> <p>Reference should be made to the Planning Statement and National Policy Statement Accordance Table [APP-252] which provides details of the wider benefits that the Scheme will bring – the document concludes that: <i>“There is an identified need for the junction improvements to address congestion and journey time reliability along the route. The Scheme would provide additional capacity along the route and benefit local and strategic traffic by reducing journey times. The improvements to the A38 Derby junctions are a committed Scheme in the Roads Investment Strategy, which is supported by the NPSNN and complemented by Local Planning policy. It is considered that the Scheme accords with the relevant national and local transport,</i></p>

<b>Comment</b>	<b>Response</b>
	<p data-bbox="1048 229 1877 296"><i>sustainability and economic planning policy objectives and should be granted development consent”.</i></p> <p data-bbox="1048 373 1912 478">It is for the Secretary of State to consider the effects of the Scheme and whether these are outweighed by the Scheme's social and economic benefits in line with current policy.</p>