



# Department for Transport

Great Minster House  
33 Horseferry Road  
London, SW1P 4DR

Telephone : [REDACTED]  
e-mail: [Kevin.O'Hanlon@dft.gov.uk](mailto:Kevin.O'Hanlon@dft.gov.uk)  
Web: [www.gov.uk/dft](http://www.gov.uk/dft)

---

To: Highways England

Date: 30 November 2020

---

Dear Sir/Madam

## **Planning Act 2008 (as amended)**

**Application by Highways England ("the Applicant") for an Order granting Development Consent to** construct a replacement of three roundabouts on the A38 in Derby known as the Kingsway, Markeaton and Little Eaton junctions with grade-separated interchanges. ("the Proposed Development").

## **REQUEST FOR COMMENTS FROM THE APPLICANT**

The Examining Authority submitted on 8 October 2020 a Report and Recommendation in respect of its findings on the above application to the Secretary of State for Transport ("the Secretary of State"). In accordance with section 107 of the Planning Act 2008, the Secretary of State has until 8 January 2020 to make a decision on the application. I am writing further in relation to an outstanding matter at the end of Examination on which we would appreciate updated information before determining the application.

## **Temporary Possession of land in Schedule 7**

The response provided by the Applicant to the Secretary of State's question on this subject does not address the question asked. Article 33(9)(a) of the draft DCO would allow the Applicant to acquire permanent rights over land identified in Schedule 7 to the draft DCO (land of which temporary possession may be taken). The question asked was over which of those plots listed in Schedule 7 might the Applicant need to acquire permanent rights, along with the other related questions.

The **Applicant** is invited to reply again, and also to provide similar information about the use of article 33(9)(b) in relation to the acquisition of subsoil and airspace below and above the Schedule 7 land.

**The deadline for any response is 7 December 2020.**

Responses to the matters outlined in this letter should be submitted by email to [A38derbyjunctions@planninginspectorate.gov.uk](mailto:A38derbyjunctions@planninginspectorate.gov.uk). Given the coronavirus (COVID-19) emergency, the Planning Inspectorate is currently unable to accept hard copies of consultation responses.

Your response will be published on the project page for the A38 Derby Junctions on the Planning Inspectorate website as soon as possible after the above deadline for response at:

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

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the A38 Derby Junctions, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Kevin O'Hanlon