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Letter issued via email to A38derbyjunctions@planninginspectorate.gov.uk

Dear Mr O'Hanlon.

Planning Act 2008 (as amended)

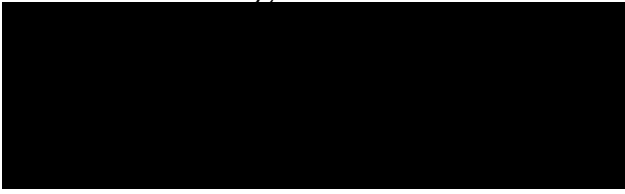
Application by Highways England ("the Applicant") for an Order granting Development Consent to construct a replacement of three roundabouts on the A38 in Derby known as Kingsway, Markeaton and Little Eaton Junctions, with grade-separated interchanges. ("the proposed development").

I write in response to your letter dated 30 November 2020 and am pleased to provide the following clarifications as requested within your letter in relation to Temporary Possession of land in Schedule 7 to the draft DCO (land of which temporary possession may be taken).

1. There is no intention for the draft DCO to allow Highways England to acquire permanent rights over the land to be temporarily possessed (as listed in Schedule 7), save where that land is also identified in Schedule 5.
2. On further review of the draft DCO Highways England does not consider that this position is clear in the DCO and understands the Secretary of State's concern that Article 33 as drafted may give Highways England the ability to acquire permanent rights over the land to be temporarily possessed. This is not the intention, as noted above.
3. To resolve this we suggest that, following the approach taken by the Secretary of State on the A30 Chiverton to Carland Cross DCO, Article 33(9)(a) is deleted to ensure it is clear that only the land identified in Schedule 5 may have rights acquired over it.
4. In terms of Article 33(9)(b) this power is linked to the exercise of the powers under Article 31 (acquisition of subsoil or airspace only). Again, it is not intended that these rights will apply to the Schedule 7 land save where this land is also included in Schedule 5. We note, however, that this paragraph/sub-paragraph was retained in the A30 Chiverton to Carland Cross DCO.

I trust that the content of this letter is clear, but please do not hesitate to contact me if you require any further information.

Yours faithfully,



Chris Archbold
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