

From: [REDACTED]
To: [A38 Derby Junctions](#)
Subject: Environment Agency Response to A38 Redetermination Consultation
Date: 26 October 2021 08:25:59
Attachments: [Environment Agency Response to A38 Redetermination Consultation.docx](#)

Hello,

Please find the Environment Agency's response to the A38 Redetermination Consultation.

Kind Regards,

Joe Drewry

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The Planning Inspectorate
Room 4/04
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: LT/2021/126346/01-L01
Your ref: A38 NSIP
Date: 25 October 2021

Dear Sir/Madam

**RE-DETERMINATION OF THE APPLICATION BY HIGHWAYS ENGLAND (“THE APPLICANT”) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE A38 DERBY JUNCTIONS
A38 DERBY JUNCTIONS**

Thank you for consulting the Environment Agency on the redetermination of this NSIP. The Environment Agency has provided responses to the questions that allow the Environment Agency to comment on matters within the Environment Agency’s remit which are detailed below:

Question

Any change in whether the Development would be consistent with the requirements and provisions of relevant local or national policies, given the length of time since the examination closed. This will include those policies included in the Applicant’s Planning Statement and National Policy Statement Accordance table and any updated versions thereof (including the updated Derwent Valley Mills World Heritage Site Management Plan 2020-25), as well as any wholly new policy that may be applicable;

Environment Agency Response

Since the initial consultation for the A38 DCO, the following changes have taken place.

Climate Change Allowances

New [climate change allowances](#) have been published on 20th July 2021 on gov.uk. The A38 is situated within the Derbyshire Derwent river catchment and the 2080 allowances should be looked at to understand any changes that may be applicable. H allowances for peak river flows are no longer applicable, however Gov.uk gives further advice for NSIPs under the section ‘[Assessing Credible Maximum Scenarios](#)’. The upper end allowance can be used to sensitivity test the development proposal against future climate change scenarios, which in this case can be done to help show any future impacts on the operation of the road. Whilst the relevant National Policy Statement does not highlight the requirement to do this we would encourage the developer to look into this to give them a fuller understanding of any impacts from the upper end allowance.

Question

Other than the matters set out above, the adequacy of the environmental information produced in support of the application for the Development¹ and whether further or updated environmental information is now necessary given the length of time since the examination closed;

Environment Agency Response

Environment Agency
Trent Side North, West Bridgford, Nottingham, NG2 5FA.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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The Environment Agency updated our guidance on the use of climate change allowances for development planning in July 2021. We recommend that the applicant reviews the new guidance to ensure that their proposals take account of any changes since the original Flood Risk Assessment was produced. Specifically we would highlight the guidance on the assessment of climate change for Nationally Significant Infrastructure projects, and recommend that the applicant undertakes additional sensitivity testing in line with the published guidance to support understanding of the impacts of a credible maximum climate change scenario on the proposed development.

Yours faithfully

Mr Joseph Drewry
Planning Specialist

