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**To:** [A38 Derby Junctions](#)  
**Subject:** Consultation closing 23rd March  
**Date:** 21 March 2022 10:06:33  
**Attachments:** [A38 2 DERBY JUNCTIONS DCO APPLICATION.pdf](#)  
[A38 JUNCTIONS SCHEME BPC response following 11 Dec hearing\(1\).docx](#)  
[HF Letter A38.docx](#)

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Good morning, in reply to the current consultation the Council wishes to reiterate its previous objections to the scheme as per the letters attached.

Regards  
Liz

**Liz Holgate**  
**Clerk/RFO**  
**Breadsall Parish Council**



**Please note that my working hours are 10 per week.**

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**Your Ref:**

**Our Ref:**

**Date:** 12<sup>th</sup> April 2018

Highways England  
A38DerbyJunctions@pins.gsi.gov.uk  
Attn of Richard Hunt

Dear Sir/Madam

**Planning Act 2008 (as amended) & The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 & 11.**  
**Application by Highways England for an Order granting Development Consent for the A38 Derby Junctions.**

**Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

In response to your letter of 15 March 2018, Breadsall Parish Council and the Breadsall A38 Action Group wish to register their concern (in connection with the Little Eaton Junction), that this scoping opinion does not recognise the potential environmental benefits of the other Options, which have been discarded and now relates only to the "Preferred Route Option". We will continue to object to this Preferred Route Option throughout the planning application process.

This objection is based principally on serious flaws in the original 2003 consultation exercise, which essentially led to the current choice of route.

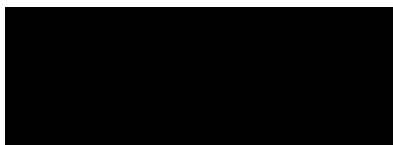
In addition to this, having read the scoping report, we would like the report to specifically consider the following matters in detail: -

1. The Local Environment
2. Noise
3. Light pollution
4. Flood risk
5. Aesthetic appearance

For the avoidance of doubt, we would like a detailed appraisal of alternative construction techniques and mitigation measures to be published to allow an informed response. Because of excessive land take, we also request that this analysis includes the option of a tighter radius to the bend, with a statutory 50mph speed limit, given that the HE proposals already incorporate an advisory 50mph speed limit.

We request that both Breadsall Parish Council and the Breadsall A38 Action Group are registered as interested parties during the planning process

Yours faithfully



Mrs N O'Leary  
Clerk/RFO  
Breadsall Parish Council.

A38 JUNCTIONS SCHEME—LITTLE EATON JUNCTION.  
APPLICATION FOR DEVELOPMENT CONSENT ORDER.

UPDATED WRITTEN REPRESENTATIONS BY BREADSALL PARISH COUNCIL  
TO THE EXAMINING AUTHORITY

This is an update to the representations submitted on 4 November, taking into account the responses received from Highways England to the Examining Authority's first questions and the discussions at the Issue Specific Hearing on December 11th

**Part 1. Selection of the preferred route.**

Highways England state that “the popularity of the options was just one of the factors considered when determining the preferred option”, implying that the methodology for the assessment of popularity was not in itself critical. In fact the supposed popularity of Option 3 was one of just two factors quoted by Highways England for rejecting Options 1 and 2 in their documentation for the 2015 consultation, the other reason being “the impacts on both local residents and commercial properties” Given that, according to Highways England, “there was very little to differentiate between Options 3 and 2” the methodology for assessing popularity was in practice highly critical and any change in the methodology could have altered the choice of route.

In justifying their methodology Highways England state that “the consultation process must consider the views of everybody who expresses interest” and they duly adopted a simplistic process in which every response was given equal weight. The Parish Council remains of the view that this process was deeply flawed for the following reasons

- According to Highways England physical effects from any version of the Little Eaton junction will be experienced only at property in the immediate vicinity (effectively Breadsall village, the properties adjoining the junction and some dwellings at the eastern end of Allestree).
- It must therefore be wrong in principle to give equal weight to the respondents located outside the affected zone who comprised the majority of those expressing an interest. This methodology is akin to allowing residents of Nottinghamshire to vote in Derbyshire local elections.
- Highways England did in fact conduct a second analysis of the 2015 consultation results limited to respondents from Breadsall, Allestree and Little Eaton. It is highly significant that this produced a much narrower vote in favour of Option 3 (54%). Even this figure was overstated as most parts of Allestree and Little Eaton are unaffected by physical effects from the scheme. If these areas had also been excluded the majority in favour of Option 3 would almost certainly have disappeared altogether.
- Although the petition from Breadsall Parish Council opposed Option 3 without explicitly supporting other options there must logically be an implication of preference for Option 1 or 2. In any event the mere submission of the petition was an expression of extreme strength of feeling in Breadsall which was highly relevant to the assessment of public opinion but was totally ignored by the Highways Agency in assessing the relative popularity of the alternative designs.

In summary, the assessment of public opinion was an absolutely key factor in the selection of a preferred route for the Little Eaton Junction by the Highways Agency and Highways England but the methodology for assessing public opinion was deeply

flawed and produced an utterly perverse result. This can be addressed only by a complete reappraisal of the design for this junction.

As stated in the Parish Council's previous written submission Highways England's second reason for rejecting Options 1 and 2 (impact on local residents and businesses) was also highly questionable and reinforces the need for a complete re-appraisal.

One further factor which emerged at the hearing on December 11<sup>th</sup> was the expression of concern about the effect of Option 3 on the green belt and the openness of the landscape. Although the effect may not be as severe as first thought it must be pointed out that Option 3 is routed through high quality, untouched green belt and is significantly more harmful to the landscape than the alternative options to the north west of the present junction which affect mainly brownfield land.

## **Part 2 Detailed comments on the current application**

Although the Parish Council believes that the selection of the Option 3 was inappropriate it will continue to comment on the current design in the event that it proceeds.

### **Tree planting on the eastern side of the A38 and slip road**

The Parish Council continues to be concerned that the tree belt alongside the southern end of the slip road and the roundabout is far too narrow in the present design to provide effective screening. The discussion at the hearing on December 11<sup>th</sup> showed that the tree belt at this location is far narrower than those elsewhere around the new junction despite the importance of this particular section in providing a screen between Breadsall and the new road. The Parish Council believes that this provides ample justification for increasing the permanent land take if that is necessary. It is understood that Highways England will in the first instance examine options for moving the ponds eastward to create more space for the tree belt and will liaise with the Parish Council.

Highways England state that the current composition of the tree belts is based on ecological considerations and includes just 10% evergreen species. In this particular location, however, the tree belt has an equally important function in helping to screen Breadsall from the physical effects of the new road. The Parish Council concludes that a much higher proportion of evergreens is needed to provide year- round screening.

### **Diversion of Footpath 3.**

The discussion at the hearing on December 11<sup>th</sup> was somewhat inconclusive and it is understood that the Parish Council will be invited to join further discussions with Highways England and the County Council concerning Footpath 3 and the crossing of the A61. In the meantime, the Parish Council wishes to make the following points

- Highways England appear to believe that footpath 3 had already been diverted. As far as the Parish Council is aware it has not.
- Although there is an alternative footpath from the north end of Rectory Lane to the centre of Little Eaton, Footpath 3 provides the only direct route from Breadsall village to the area immediately north of the present A38/A61 junction. This in turn gives convenient access to several destinations such as

the eastern end of Allestree, the riverside footpaths, Starbucks and the garden centre.

- The present route can be retained if Highways England provide a pedestrian route across the northern end of the new junction, effectively crossing the two slip roads and passing beneath the A38 main carriageway. This is actually safer than the present situation where pedestrians have to cross a slip road and the main A38 carriageway as well.
- It is understood that Highways England propose instead to divert Footpath 3 southward to join Footpath 1 on the eastern side of the A61 and suggest that pedestrians should cross the A61 where Footpath 1 currently crosses. This is quite unacceptable as the A61 is at this point a high-speed dual carriageway which represents a far greater danger to pedestrians than a crossing at the A38/A61 junction suggested in the previous point.
- The Parish Council assumed that pedestrians would in practice have to divert even further south to cross the A61 at a new Toucan crossing to be provided near the old Croft Lane simultaneously with the new A38 junction works. At the hearing on December 11<sup>th</sup>, however, there appeared to be some doubt whether the County Council had identified a suitable location for the proposed Toucan crossing. The Parish Council will welcome further discussion with the County Council and Highways England on this subject
- In the meantime, the Parish Council wishes to make it clear that a new Toucan crossing is essential to provide a safe pedestrian and cycle route between Breadsall and the western side of the A61. Its primary purpose is to create a route to Alfreton Road, local bus stops and the shops at the Meteor Centre and not to provide a diversionary route for Footpath 3. As a result, the new Toucan crossing should be located adjacent to the end of the old Croft Lane and bus stops, not further north.

A plan of the local footpath network is attached, annotated to show the current route of Footpath 3, the existing A38 crossing, Highways England's proposed diversion of Footpath 3 and the proposed location for the Toucan crossing

#### Traffic Management Plan.

The discussion at the hearing on December 11<sup>th</sup> showed how unpredictable the effect of major highway works on the surrounding highway network can be. This may result on road users encountering unexpected delays or being unsure whether to adopt alternative routes. This reinforces the point made by the Parish Council in its previous representations that it is essential to have a network of signs giving **real time** information about possible delays.

## **A38 DERBY JUNCTIONS DCO APPLICATION**

### **RESPONSE OF BREADSALL PARISH COUNCIL TO THE EXAMINING AUTHORITY'S SECOND WRITTEN QUESTIONS.**

#### **Question 7.1**

The Parish Council has always agreed that Highways England (HE) has made some attempts to mitigate the effects of the proposed new A38/A61 junction on Breadsall Village. However, HE's statements in REP 3-026 do not appear to add any new mitigation measures. In particular HE makes no reference to the Parish Council's request for the widening of the tree belt which currently narrows very abruptly at the southern end of the slip road and offers quite inadequate screening facing Breadsall village. Without the extra screening it seems impossible to achieve the level of mitigation predicted by HE. It is quite unacceptable that this matter is left to HE's discretion and the Parish Council requests the Examining Authority to insist on a wider tree belt at this location. At the same time only two of the new photomontages in REP 3-018 relate to Breadsall and one of these (11) is bizarrely taken from a position in the middle of the village where the junction cannot be seen. The other relevant photomontage (24) substantially repeats the earlier versions supplied by HE. It is assumed that the earlier photomontages still apply.

As far as the Parish Council is concerned, therefore, nothing has changed. HE has essentially incorporated some mitigation measures but, as it admits, there will be some adverse effects on Breadsall Village and the green belt more generally, especially during the early years of the scheme. The key issue which appears to have dropped off the agenda is that

- a) there are alternative routes to the north west of the present junction which would use mainly brownfield and avoid almost all adverse effects on Breadsall and the quality and openness of the Green Belt.
- b) the process by which the Highways Agency and later Highways England rejected these alternatives was deeply flawed.

The Parish Council addressed this issue in detail in its first written representation and remains of the view that the only equitable solution is to re-run the selection process for the design of the Little Eaton Junction. It is trusted that the Examining Authority will take full account of the Parish Council's submission on this subject in determining the DCO application.

#### **Question 8.2**

The issue of footpath diversions has become confused and this response will attempt to address each issue, point by point.

As far as the Parish Council is aware the plan submitted by HE in Rep 3-016 correctly shows the current alignment of FP3. Although HE appears to believe that some sort of diversion of this route has already taken place the Parish Council is unaware of any such diversion being formally approved. The County Council representatives were similarly unaware of any diversion at the hearing

on 11 December. Furthermore, the current alignment of FP3 is still signposted at the edge of the A38 slip road (see photograph below)

The present alignment of FP3 takes the pedestrian directly from Breadsall to the edge of the existing A38 southern slip road and then heads southwards immediately alongside the slip road as far as the southern side of the existing roundabout, where a dangerous crossing point is located. For the pedestrian wishing to reach the northern side of the existing roundabout there is a more direct route available by leaving FP3 where it first reaches the existing slip road and then simply crossing the slip road and the A38 main carriageway just to the north of the roundabout. The Parish Council has never suggested that FP3 actually crosses the A38, but this is a route which is available to pedestrians. The Parish Council is requesting that HE replicates this useful, direct route by providing a footpath route across the slip roads and beneath the A38 bridge immediately to the north of the new junction.

HE appears in its proposals to be suggesting that pedestrians could cross the A61 on the alignment of FP1 some way to the south of the roundabout and proposes to divert FP3 to join with FP1 to facilitate this. This is quite unacceptable as the A61 at this point is a high-speed dual carriageway and far more dangerous than the direct crossing point referred to in the third paragraph above.

HE also suggest that pedestrians wishing to walk from Breadsall to the northern side of the existing roundabout could walk southward along Croft Lane and Old Croft Lane to the proposed new Toucan crossing over the A61 and then northward along the western side of the A61. This is true but results in a major detour in the order of 660 metres and represents a most unattractive route entirely on or alongside roads.

Both HE and the County Council suggest that the proposed diversion of FP3 would create a circular recreational route together with FP1 to the east of the A38. This may be true, but the general objective of footpath users is to reach a destination, not to go round in circles! This, while not unwelcome, is likely to be of interest only to dogwalkers and is certainly no compensation for the loss of the direct route from Breadsall to the northern side of the A38/A61 roundabout. The Parish Council therefore opposes the loss of FP3 as a direct route to the A6179 but is quite happy to see a new link between FP3 and FP1 as shown in blue on the plan submitted by HE with REP 3-016. The County Council suggests a more direct alignment of the new link than the one shown by HE. The Parish Council has no objection to this, but it is possible that the HE proposal follows the boundary of the new ponds and makes more sense on the ground.

HE state that FP 1 and FP 3 are little used and quote some observations made in 2014 and 2018. The Parish Council would like details of these observations such as the location and duration of the pedestrian counts. If the use of these footpaths is low this is almost certainly because of their very poor state and termination at dangerous crossing points which clearly deters usage. Some photographs of these footpaths are attached.



Finally, the Parish Council requests a definite commitment to provide a Toucan crossing over the A61 at or near Old Croft Lane. It is understood that funding has been secured from HE but the County Council is still considering design issues. The Toucan crossing is vital to provide a safe pedestrian and cycling route between Breadsall and the western side of the A61 and it is understood that funding is to be provided as part of the A38 scheme. The Parish Council therefore requests a commitment to the Toucan crossing within the DCO or some other simultaneous agreement.



Original crossing point now discouraged.



Steep slippery path to revised crossing point

Unmaintained path to revised crossing point



Current termination/crossing point of FP3





Current termination/crossing point of FP1