



Meeting note

File reference	TR010022
Status	Final
Author	Rachel Gaffney
Date	30 September 2015
Meeting with	AECOM and Highways England
Venue	Conference Call, Temple Quay House
Attendees	The Planning Inspectorate – Susannah Guest (Infrastructure Planning Lead), David Price (Environmental Services) and Rachel Gaffney (Assistant Case Officer) Highways England – Monica Corso Griffiths (Project Manager) and Matthew Winter (Environmental Lead) [John Merrells] AECOM – Mark Hartharn (Project Manager), Simon Wild (Environmental Lead) and Simon Betts (Planning Lead)
Meeting objectives	Project Up-date Meeting
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate advised on its openness policy, explaining that any advice given would be recorded and placed on the National Infrastructure website under section 51 of the Planning Act 2008 (as amended) (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Introductions were made by everyone present, and individual roles were explained.

The Developer explained that since the last conference call, a public consultation had taken place - between February and March 2015. Originally, only one public consultation event had been planned to cover all three of the junction improvements, however a further 3 public exhibitions were carried out. Over the three events 1200 people attended and there were approximately 700 responses in total. The Developer noted that finding suitable venue locations was a challenge when arranging the public consultation events.

The Developer outlined that the responses to the consultation generally agreed with the stated need for the works to the junctions. The Developer explained that an initial review of the responses indicated a relatively high level of support for Markeaton and

Kingsway junctions with the rate being lower for the junction improvement for Little Eaton with just over 60% agreement from respondents that the works were needed.

The Developer indicated that during the consultation other suggestions or alternatives were put forward by various parties. Further investigation was undertaken regarding three further options for the Little Eaton junction. The outcome of the investigation into the three additional options would be announced in the Preferred Route Announcement currently anticipated for summer 2016.

The Developer noted that their current approach is that the Kingsway and Markeaton junctions would be considered one Nationally Significant Infrastructure Project (NSIPs) as the red line is contiguous. Little Eaton junction would likely be an NSIP in its own right. Any decision regarding the NSIP status of each of these junctions will be kept open for review by the Developer in respect of more detailed option and design considerations.

The question of how the junctions would be built and the likely sequence of construction were issues noted as arising from the consultation. The Developer confirmed that despite the separation between the junctions (and potential NSIPs) they would not construct one NSIP without the other. The Planning Inspectorate noted that this intent was important in EIA terms particularly if the assessment were to rely on both NSIPs being operational but also for consideration of construction impacts. If this is the approach taken then the Developer will need to ensure that the DCO does not provide an opportunity to construct in a contrary fashion to that which has been assessed.

In terms of on-going work, AECOM confirmed that all of the relevant data has now been collected. It was noted that the traffic modelling data is in the process of being validated. They predict that the forecasting figures will be released early next year to inform the noise and air quality assessments. There are some Air Quality Management Areas (AQMAS) along the scheme towards the Markeaton and Kingsway junctions / City Centre part of the scheme. In light of recent EU and DEFRA consultations, The Planning Inspectorate noted that this was likely to be an area of interest during the examination.

The possible issues in respect of Public Open Space were discussed; advice would be provided by the Planning Inspectorate in respect of development on areas of public open space and replacing any public open space which may be lost due to development and approaches to s131 and 132 in a Development Consent Order.

All individual land owners who may be potentially affected by compulsory acquisition have been identified and the Developer has individually made them aware of the proposals.

A positive relationship has been formed with the local authorities and a steering group meets every quarter to discuss the development. The Developer explained that there would be two relevant local authorities - Erewash and Amber Valley, but depending on more detailed design considerations there may be a third. The borough of Amber Valley will only be affected the proposal would need to consider associated junction improvements on the A6.

In terms of likely future programme, the Developer indicated that a Scoping Request might be submitted shortly after the Preferred Route Announcement anticipated in June 2016. They concluded that likely future submission date could be July 2017.

Specific decisions / follow up required?

Agreement for a further conference call for early 2016 with potential for a face-to-face and site visit after a Preferred Route Announcement.

Suggestion for regular conference calls to be scheduled approximately every 2 months to be reviewed closer to the proposed dates.

The Planning Inspectorate to provide advice in respect of s131 and s132 PA2008 – see below response issued after the meeting.

The Developer has requested Section 51 advice in relation to the powers available for inclusion within a Development Consent Order allowing the compulsory acquisition and replacement of special category land as defined in Section 131 and 132 of the Planning Act 2008 (as amended) (PA2008). Where a DCO includes powers to compulsorily acquire special category lands (including open space), the tests in Section 131 and 132 PA2008 apply. If the exceptions in Sections 131 and 132 do not apply, a DCO is subject to special parliamentary procedure unless it provides for replacement land to be given in exchange of any special category land within the order lands.

Section 131 PA2008 states: "replacement land" means land which is not less in area than the order land and which is no less advantageous to the persons, if any, entitled to rights of common or other rights, or to the public.

As a consequence of provisions contained in the Growth and Infrastructure Act 2013, there is no longer any need for certification to be provided by Defra in respect of special category and replacement lands. The Examining Authority appointed to examine the application for development consent will apply the statutory tests and report to the relevant Secretary of States on its findings as part of the comprehensive report about whether development consent should be granted.

Subject to the tests in Sections 131 and 132 PA2008, a mechanism by which special category lands were successfully acquired through a DCO is set out in the A30 Temple to Higher Carblake Improvement Order (articles 30 and 37), available on our website here: <http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010014/3.%20Post%20Decision%20Information/Decision/Development%20Consent%20Order.pdf>