



## Meeting note

<b>Project name</b>	A38 Derby Junctions Highway Improvement Scheme
<b>File reference</b>	TR010022
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	9 May 2018
<b>Meeting with</b>	Highways England
<b>Venue</b>	Teleconference
<b>Attendees</b>	<b>The Planning Inspectorate</b> Susannah Guest (Infrastructure Planning Lead), Richard Hunt (Senior EIA and Land Rights Advisor), Ian Wallis (EIA and Land Rights Advisor), Lisa Spice (Case Officer) <b>Highways England and AECOM</b> Amarjit Doow-Powell (Highways England DCO & Statutory Process Manager), Graham Littlechild (Highways England Senior Project Manager), Jonathan Merrills (Highways England Environmental Advisor), Simon Betts (AECOM Planning Lead), Simon Wild (AECOM Environmental Lead), Andy Wilson (AECOM Project Manager)
<b>Meeting objectives</b>	A38 Project Update Meeting
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (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, it was noted that the key purpose of the meeting was to discuss the Scoping Opinion issued by the Inspectorate on 25 April 2018 in response to the Applicant's Scoping Report.

### Scoping Opinion

The Applicant enquired how best to reference the delivery of measures proposed to prevent/ minimise any adverse effects in their Environmental Statement (ES). The Inspectorate noted that other applications often used a summary table at the end of the ES, detailing likely significant effects identified in aspect chapters and proposed mitigation measures, cross referencing to how these are secured in the draft Development Consent Order (DCO).

The Applicant queried whether an assessment of air quality effects on workers during routine maintenance could be scoped out of the ES. The Inspectorate advised that, subject to detailing the relevant health and safety procedures and justifying this position, the information contained in the ES would justify this approach.

The Applicant is seeking to scope out an assessment of environmental effects on a number of local wildlife sites, due to their distance from the scheme. The Applicant enquired whether this approach could be justified, provided that it could be demonstrated that there were no adverse effects arising from changes in air quality along the traffic diversionary routes during construction (once established). The Inspectorate clarified that in order to scope these sites out of the ES, the Applicant would need to provide the relevant evidence to support and justify this stance within the ES.

The Applicant queried whether the effects of contaminated soil on routine maintenance workers and construction materials could be scoped out of the ES. The Inspectorate advised that sufficient justification would need to be provided within the ES to support this approach but that it could be appropriate to rely on health and safety procedures to support scoping out effects on workers provided that no unusual or exceptional contamination was identified. The Inspectorate advised that the effect of building materials on the environment could only be scoped out of the ES if the Applicant was referring to the use of virgin material for construction rather than the movement and reuse of excavated material between different sites. The Applicant was reminded that the purpose of any ES was to identify likely significant effects, therefore if significant effects were unlikely to arise, this would form the basis for scoping out further consideration of a matter.

The Applicant queried whether baseline data needed to be project specific, as it had access to a great deal of desk study data, although it was concerned that the latter would significantly increase the size of the ES. The Inspectorate advised that the Applicant should provide any data used to underpin the assessment of likely significant effects within the ES, including for example baseline surveys and detailed species surveys.

The Applicant is in the process of obtaining relevant permits and licences in respect of works affecting watercourses, but was unsure how this could be best evidenced. The Inspectorate suggested that a Statement of Common Ground with the relevant regulatory bodies, such as the Environment Agency and the water authority would be helpful to demonstrate any progress made in this regard.

The Inspectorate's advice was sought regarding the possibility of scoping out routine maintenance and dismantling works. The Inspectorate noted that the definition of maintenance within the draft DCO could be very broad, and that any/all relevant, routine maintenance duties that might be scoped out would need to be defined in the first instance. The Applicant stated that it was hard to predict the extent of maintenance works required in the future, and that all major works would require mitigation and environmental strategies, in line with the relevant legislation. The Inspectorate confirmed that the Applicant needed primarily to consider whether any proposed works would give rise to a significant impact or effect, and that if so, this would need to be detailed and mitigated for in the ES and draft DCO as appropriate.

## **Progress Update**

The Applicant advised the Inspectorate that the statutory consultation for the proposed scheme is likely to be in September 2018. The Applicant is awaiting the outcome of an application for Designated Funds, which would enable it to upgrade certain elements of the proposed scheme for enhanced mitigation but the proposed scheme's timetable would not be held up by this. This may in turn result in small changes to the red line boundary and design features.

## **Specific decisions/ follow-up required?**

- The next teleconference call was provisionally scheduled for the last week in June 2018