



National Infrastructure Planning
Temple Quay House
Temple Quay
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BS1 6PN

19th December 2019

Dear Sirs,

A38 Derby Junctions Scheme – Further Written Representation from intu Derby

This response provides further comments and insights on behalf of intu Derby regarding Highways England's (HE) DCO application for the A38 Derby Junctions scheme. This follows on from our initial written submission and subsequent attendance at the DCO Issue Specific Hearing 2 on 11/12/19.

At this juncture, we seek to specifically address the points raised in Table 2 of The Examining Authority's issues and questions for the Issue Specific Hearing 2 where intu Derby is listed as a referee. As requested at Hearing 2, we have also drawn together and summarised our thoughts on the scheme's Traffic Management Plan (TMP). The TMP will be instrumental in managing the construction impacts of the scheme.

intu has first-hand experience of HE programmes of works - various intu centres and their teams have had direct involvement in major highways upgrade schemes e.g. A1 Western Bypass in the North East, M60/M62 Smart Motorways in Greater Manchester, M25 Junction 30/A13 congestion relief scheme in Essex. We can support the HE with regards to stakeholder engagement through our contacts in the local media and membership of local liaison groups. We can also facilitate opportunities for HE/their lead contractor to meet with our major retailers and host exhibition events in the centre so visitors can be updated on the scheme proposals and the benefits it will bring, plus provide a mechanism to acquire feedback to inform the delivery programme as the works progress. Positive and proactive stakeholder engagement through these actions will also help influence perceptions of the scheme, which is of particular importance to intu and the wider Derby business community.

We commend Derby City Council (DCiC)'s creation of a liaison group for the A38 programme, the 'Local Behaviour Change Group', which intu have already joined. We urge HE and the appointed lead contractor to make best use of this existing stakeholder network, both before and during the A38 works programme. A commitment to work with key local stakeholders, such as intu, should be secured through the A38 Derby Junctions scheme's TMP.

Issue 2. Impacts on local roads during construction

a) Further to the Applicant's responses and comments, are there any outstanding concerns about impacts on local roads during construction?

- Hours of working:
 - We have now noted in Section 4 of the TMP that core hours of construction works are proposed to be: 07:30 – 18:00 Monday to Friday; 08:00 – 13:00 Saturdays; No working

- on Sundays and Bank Holidays; and an hour either side of the core working period for mobilisation/demobilisation of personnel and plant.
- Our immediate concern is that these proposed working hours are likely to impact on both AM and PM peak travel periods during which many people will be trying to access/egress Derby city centre on what is an already busy and congested road network.
 - While we appreciate the need to cause minimal disturbance to residential areas in close proximity to the A38 corridor, but from a business / retailer perspective we question why a greater proportion of night-time working has not been factored in to have less of an impact on peak travel periods.
 - As discussed at Hearing 2, the strategic traffic modelling for the construction period suggests minimal impacts in terms of overall journey times. Notwithstanding this, the modelling work undertaken to date provides insufficient details on the localised impacts of a road closure/banned turning movements and what impact this will have on driver routing to and through Derby city centre. It would be helpful for the HE to identify particular congestion hotspots/pinchpoints and likely queue lengths at these points. We feel this additional insight is needed to develop an effective TMP as the likely problem areas must be identified before appropriate mitigation measures can be developed.
 - Considering the local bus network, as members of DCiC's A38 group, we are aware of concerns from the local operators around the potential impact these works will have on their own operations and the ability to run services to timetable given the level of disruption at the various junctions. To ensure intu staff and customers from the affected areas are still able to access the city centre by bus, it's crucial the HE/lead contractor works with DCC and DCiC's local transport officers and the local bus operators to ensure minimal disruption to bus services and that any changes are well publicised to bus users.

Issue 3. The Traffic Management Plan (TMP)

a) DCiC consider it important that the TMP is "agreed" with them. Do draft Development Consent Order (dDCO) Requirements 4 and 11 secure an acceptable process for consultation on the development of the TMP to be used during construction? How would any matters not agreed with consultees be handled?

And b) Should the TMP be subject to approval by the LHA rather than, or as well as, by the Secretary of State?

- We agree the relevant Local Authorities (Derby, Derbyshire, Erewash) should have the opportunity to shape the TMP and ideally there should agreement on the TMP's scope and measures prior to its submission to the Secretary of State.

c) Are the measures set out in the TMP for engagement with key stakeholders and communication during design development and construction clear and adequate?

- intu's response to point 3c) is covered below within the sub-section entitled 'Practical Measures in the Traffic Management Plan'.

d) How would any unforeseen matters be dealt with during construction, how would those be consulted on? What flexibility should be provided in the TMP, and how?

- Appreciating engineering schemes of this scale and complexity will be subject to unforeseen matters and there is the potential for programme amendments, we would like to be directly informed of any significant changes to details and timeframes as soon as these are released into the public domain, and not through secondary sources.
- We also repeat our comment from the first written response – *“In planning the construction programme, **we urge a realistic level of contingency be included.** our experience elsewhere and indeed locally (e.g. A52 Wyvern Way slip roads) shows works of such a complex nature tend to overrun, which then generates further negative press and is difficult for our retailers to plan their operations to a satisfactory level’.*

e) Are the LHA satisfied that the provisions in the TMP are clear and adequate with respect to dealing with access to Derby Royal Hospital. access to Markeaton Park during events. and potential impacts on retail trading?

- In considering *“particular sensitivity around significant events and holidays”* (para 5.17.2) we would request (if not already done so) that when the planning of the overall construction programme and timings of any significant closures, the HE/lead contractors take into consideration the key trading periods within the retail industry, especially our Peak trading (the final six (6) weeks of the calendar year), and as far as is reasonably practical implement embargoes on any significant closures during this crucial Peak period.

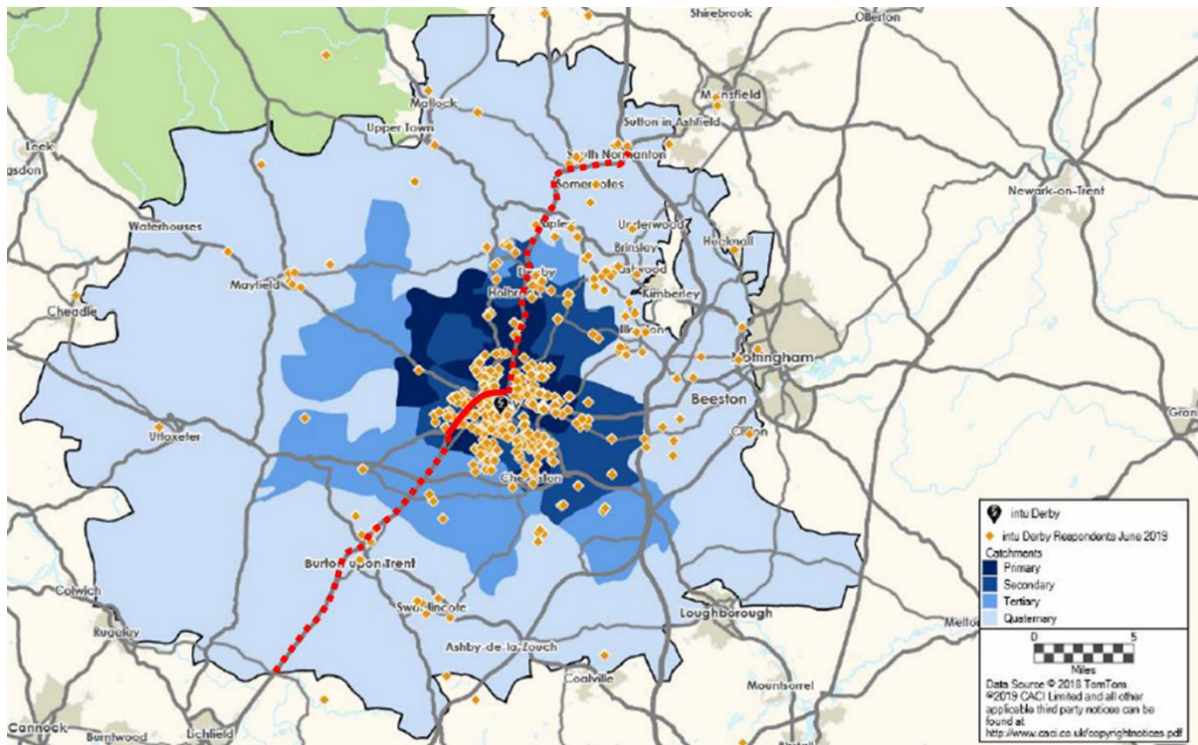
h) Will the Applicant provide an updated TMP to the Examination?

- We would appreciate sight of the updated TMP and the opportunity to provide any further comments should the timeframes of the Examination permit this to happen.
- It is acknowledged the TMP will be a live document that continues to be developed once the scheme is consented and the contractor is appointed. It is assumed as part of this process into and other stakeholders will be engaged at appropriate points in the programme.

Issue 13. The effect of the proposal on the trading patterns of retail businesses in the area during the construction phase

a) Update on the TMP with particular regard to balancing the flow of traffic on the A38 with access to the city centre.

- The catchment map below illustrates how the A38 bisects into Derby’s primary and secondary customer catchment area.
- Looking at the section of highway which forms part of the A38 Derby Junctions scheme (see solid line), the proposed works will have an impact upon a significant proportion of our primary catchment area plus our secondary and tertiary areas which have a great deal of choice as to where they can visit for shopping and leisure activities, including Burton on Trent, Nottingham, Meadowhall, Giltbrook Retail Park and smaller town centre locations.



- Given this, we stress that the traffic flows on the A38(T) **and** the flows traversing the A38(T) need to be managed accordingly to ensure our customers and staff are not cut-off from accessing the city centre, most notably residents of Mackworth and routes beyond towards Ashbourne westbound on the A52.
- A robust TMP is needed to ensure that access to the city centre is not compromised during the constriction period. The sub-section below entitled ‘Practical Measures in the Traffic Management Plan’ gives intu’s recommendations on what the TMP should cover.
- Any diversionary routes and inevitable displacement of traffic from the A38(T) mainline onto the local network must be accounted for. As highlighted in our first submission, one incident on the local network in/around Derby can rapidly have a domino effect across the rest of the city. This needs to be covered with the TMP.

b) How would the construction programme be co-ordinated with other road schemes in the region and the local area in order to minimise disruption?

- We are encouraged to read there have been ongoing and regular discussions between HE and the main Local Highway Authorities since 2003, not only about the design of the project but also about the method and the duration of its construction.
- Nevertheless, we would reiterate our comments from the first written submission regards issues surrounding Derby City Council’s A52 programme and how Derby’s residents and workforce are suffering from what can best be described as ‘roadworks fatigue’. The HE/lead contractor must be mindful of this when seeking to promote the long-term benefits of the A38 scheme. Even if the traffic modelling results suggest ‘no significant changes’ to journey times whilst the works are underway, it is unlikely the general public will be inclined to accept such statements given the negativity surrounding the A52 scheme.
- It is noted special attention will be given to access arrangements for the RDH and other key destinations along the A38(T) mainline, but we would ask this attention extends to other major employers and destinations, not just intu Derby, who rely upon the A38 in varying degrees.

c) Is there any evidence to suggest that travel disruption during the construction of highways schemes would have a lasting effect on retail trading patterns?

And d) Would the anticipated improvement to travel patterns arising from the completed scheme benefit retailers in the area in the long term?

- As shown through the map provided above, the construction of the proposed scheme will have a direct impact on our primary and secondary customer catchment area. We are particularly concerned about the impacts on access to the city centre from our catchment area to the north of the A38 corridor.
- On this basis we can categorically state that during the construction period, we believe the proposed scheme will inevitably have a negative impact on our retail trading patterns, which is a difficult message for our tenants, particularly given it is already a challenging period for the wider retail industry. This statement is made based on the impacts on the ongoing DCiC's A52 programme and our experience from other centres which have been impacted by different HE highways schemes.
- Experience from intu Metrocentre:
 - During the first months of the upgrade works for the A1 Western Bypass (Coal House-Metro Centre) there was an almost immediate reduction in the centre's footfall, and the general footfall trendline during the works remained below that experienced in the years prior to the works commencing. Major retailers highlighted they noted a marked drop-off in customers from key locations beyond the scheme to the south (e.g. Durham), which only recovered after around a year of the scheme being completed and operational.
 - It is worth noting that the impact of the A1 Western Bypass scheme was more pronounced because the upgrade works were immediately outside intu Metrocentre (Gateshead), and the advertising for the works/closures at Junction 71 included reference to 'Metro Centre' which further exacerbated the impacts. Furthermore, the local media initially reported on the scheme using dramatic headlines, advising people to "avoid Metro Centre entirely" which demonstrates the importance of getting the local media on board as part of the stakeholder engagement process.
- We can therefore foresee similar issues, arising from the A38 Derby Junction scheme (albeit to a lesser extent than the impacts of A1 Western Bypass on intu Metrocentre).
- Unlike work trips, retail/leisure trips are discretionary – as highlighted above, our customers can choose to shop outside of Derby city centre. If the A38 works mean the journey into Derby city centre by bus or car becomes too 'painful', then those that have the option to shop in other town/city centres are likely to do so. The key risk over a lengthy construction period is customers establish new shopping habits which intu/our retailers/other Derby city centre retailers will have to work hard to reverse, and this takes time to address as illustrated by the intu Metrocentre example.
- During the construction period of the A52, we have witnessed the impact through a reduction in footfall which spiked when the highway went to a single carriageway in summer 2018, leading to increased journey times to/from the city centre for a sustained period of time. Although other factors do play their part in the shopping centre's footfall trends, it is evident the roadworks have had an effect on the number of visitors choosing to visit Derby.
- Longer-term, it is appreciated there will be highway capacity benefits once this scheme is complete, but it is not possible for intu to quantify what benefits the scheme will bring to

intu/our retailers. Furthermore, there is always a question as to what happens once the additional capacity created by the works is absorbed by any latent or induced demand.

Practical Measures in the Traffic Management Plan (TMP)

Resourcing and Accountability

- We seek assurance that sufficient funding and staff resources are allocated to the implementation of the TMP.
- Key stakeholders such as intu appreciate having named contacts and their work phone numbers within both the HE project team and their appointed lead contractor, which can be shared with appropriate colleagues, for example, our control room operatives. The updated TMP submitted as part of the DCO process should make a commitment to doing this and set out how stakeholders will be updated once the relevant contacts are in post.
- We are also seeking assurance around how the commitments the HE will be making as part of the DCO process in terms of the TMP and working with local stakeholders (such as intu) will be secured. Will these commitments be reflected in the lead contractor's contract?

Construction programme

- If not already done so, we request that when the planning of the overall construction programme and timings of any significant closures, the HE/their contractors consider the key trading periods within the retail industry, especially the final six (6) weeks of the calendar year, which is our peak trading period and implement embargoes on any significant closures.
- We do appreciate some traffic management (TM) measures may have to remain in place during these periods, but it would be helpful if such measures could be introduced in such a way that the TM measure has time to bed in and for drivers/other affected user groups to adjust to the changed circumstances before our trading periods start.
- A realistic level of contingency should be included in the construction programme and associated TMP.
- Stakeholders such as intu should be directly informed of any significant changes to the details/timeframes of the construction programme as these are released into the public domain, and not through secondary sources.

Traffic Management Measures

- Road signage, including Variable Message Signs (VMS), will be a key way of communicating with the general public. Therefore, it is recommended the suite of VMS messages should be discussed with key stakeholders as part of the construction preparation phase. The signs should try and ensure the roadworks are promoted in a positive manner whilst also managing expectations.
- As outlined to date, it is felt that not enough is understood about the localised impacts during the construction period. This additional insight is needed to develop an effective traffic management measures - problem areas must be identified before appropriate mitigation measures can be developed.
- Messaging through the local media - Paragraph 5.17.2 of the TMP outlines the process concerning advanced communications prior to the start of any works, plus details of any lane restrictions/closures, which will be disseminated via a range of platforms - this is something

we'd strongly endorse and suggest HE work/their contractor engage with the local media to establish a positive, truthful messages as soon as is practically possible.

Communications and Stakeholder Engagement:

- The scheme liaison officer/s appointed by the HE/their contractor need to have in-depth knowledge of the Derby road network. This individual should be appointed at the earliest possible instance.
- Derby City Council (DCiC) and Derbyshire County Council (DCC) have a direct role to play in co-ordinating communications at the local level, thus ensuring a consistent message is communicated to, and a common voice provided on behalf of, all major businesses, employers and attractions in the city.
- It is suggested the scheme liaison officer/s should work from DCiC's offices so they can integrate with the communication officers and network management team within DCiC - a local presence will make it easier for the scheme liaison officer to engage stakeholders.
- The scheme's liaison officer must establish strong and positive links with the local media prior to any works commencing, thus ensuring the ongoing impact of these works are reported in a truthful yet non-sensationalised manner.
- The "*list of key stakeholders in the vicinity of the Scheme that may be affected by the works*" must extend to include intu and other major employers and destinations within Derby city centre as well as those in immediate proximity to the A38 carriageway.
- As mentioned, intu have been involved in stakeholder liaison groups for other major highways upgrade schemes and would be happy to join a similar set-up as part of the TMP for the A38 programme of works. As already suggested the aforementioned 'Local Behaviour Change Group' appears an appropriate starting point but there needs to be commitment from the HE/their contractor to attend meetings at appropriate milestones in advance of and during the construction programme.

Conclusion

As mentioned, we do welcome this investment into the East Midlands region and the opportunity to raise further concerns through the Examination process. Our aim is to support the A38 programme and develop a mutually beneficial working relationship with both HE and their contractors.

Our wider experience elsewhere in helping to manage the perception of previous major highways schemes will, we hope, be of benefit to the A38 programme. The A38 Derby Junctions scheme must be delivered through a strong collaborative approach which is sympathetic to the impact on local businesses and residents alike.

Kind regards,



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