

## **A38 Derby Junctions**

**TR010022**

### **8.59 Technical Note on Markeaton Junction Northbound Diverge Slip Road – Access to Euro Garages and McDonald's**

Planning Act 2008

Rule 8 (1)(k)

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 8

February 2020

## Infrastructure Planning

## Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure) Rules 2010****A38 Derby Junctions  
Development Consent Order 202[ ]**

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**Technical Note on Markeaton Junction Northbound Diverge Slip Road –  
Access to Euro Garages and McDonald's**

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<b>Regulation Number</b>	Rule 8 (1)(k)
<b>Planning Inspectorate Scheme Reference</b>	TR010022
<b>Application Document Reference</b>	TR010022/APP/8.59
<b>Author</b>	A38 Derby Junctions Project Team, Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
1	03 February 2020	Deadline 4 submission

## TECHNICAL NOTE

<b>Project:</b>	<b>A38 Derby Junctions</b>				
<b>Title:</b>	<b>Markeaton Junction Northbound Diverge Slip Road – Access to Euro Garages and McDonald’s</b>				
<b>Doc ID:</b>	<b>HE514503-ACM-HGN-Z2_JN_J2_J-TN-CH-0002</b>				
<b>Date:</b>	<b>January 2020</b>	Version:	<b>P01</b>	Status:	<b>S0</b>

Revision	Date	Prepared by	Reviewed by	Approved by
P01	22/01/2020	SW	GJS	AW

### 1 Introduction

- 1.1 This Technical Note summarises the current position with respect to the provision of access to the existing Euro Garages petrol filling station and McDonald’s fast food restaurant at the Markeaton junction.

### 2 Existing Situation

- 2.1 Both businesses enjoy access and egress provision from both the A38 northbound carriageway (on the south side of the existing roundabout) and from the A52 on the west side of the roundabout.

### 3 Scheme impact

- 3.1 Before the scheme was re-commenced in July 2014, a preliminary design had already been developed, this included a retaining wall between the Markeaton northbound diverge slip road and the McDonald’s/Euro Garages site; this meant that the existing access/egress from that part of the site would need to be closed. The existing access/egress onto the A52 would remain as existing.
- 3.2 In November and December 2014 meetings were held with representatives of McDonald’s and Euro Garages to explain the impacts of the scheme on the businesses.
- 3.3 At the Public Consultation exhibition in February 2015 a representation from McDonald’s made it very clear that they were not happy with the proposals, in particular they were objecting to the loss of the access with the A38.

## 4 Summary of Engagement with McDonald's, Euro Garages and Highways England SES (SR-D, formerly PTS)

Date	Engagement	Outcome
Nov '14	Meeting with SCP (Euro Garages transportation consultant)	Explained scheme to them (including closure of access from A38) – no issues or concerns raised at the time
Dec '14	Meeting with McDonald's estates rep.	Explained scheme to them (including closure of access from A38) – no issues or concerns raised at the time
Feb '15	Public Consultation Exhibition	Delegation of McDonald's reps made strong representation regarding closure of access off A38
30/04/15	Meeting with McDonald's	Agreed to have follow up meeting in June – AECOM to prepare options for discussion (all options assumed no access to/from slip road)
16/06/15	Meeting with McDonald's	Discussed several options for roundabout or signalised junction with A52 – McD's still not content that A38 access will be removed – AECOM agreed to investigate Departure from Standard to provide access from slip road (as TD22 does not permit this arrangement).
06/07/15	Meeting with SCP (Euro Garages transportation consultant)	Discussed several options for roundabout or signalised junction with A52 – main issue noted is that HGVs (including fuel tankers) would not be able to turn within the filling station site to exit back onto the A52 - AECOM agreed to investigate Departure from Standard to provide access from slip road
22/10/15	Meeting with Highways England (PM team and SES)	SES commented that DfS not normally granted for access off slip roads
24/02/16	AECOM issued a sketch layout of the slip road with access to the McDonald's and Euro Garages filling station (sketch included in <b>Appendix 1</b> ) – the slip road had been lengthened by approx. 120m in order to achieve full SSD (for main line design speed) from back of slip road nose to the access position.	

\*TD22 was current at that time. Clause 5.30 of TD22 stated "Private means of access and junctions on connector roads are not permitted".

TD22 has now been withdrawn and the new standard (CD 122) does not change the requirement that accesses are not allowed on a slip road (in the Terms and Definitions section on page 7, it states that a connector road includes (as a collective term) interchanges links, link roads, slip roads, and loops designed as part of a full grade separated junction).

Clause 5.2 of CD112 states: "**Direct accesses and priority junctions shall not be provided on connector roads**".

Highways England standard GG 101 defines the terminology used in all standards; it states:

*The verb 'shall' indicates a requirement of the Overseeing Organisation.*

As such, the access or egress on the slip road is not permitted by the standards.

- 4.1 A meeting was held with the new SES Specialist (Matt Holt) on 26/07/17 along with the outgoing HE Project Manager and the incoming HE PM. A representative from Highways England's Area 7 team also attended.

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- 4.2 Matt Holt indicated that acceptance of a Departure from Standard for the access off the slip road should not be assumed.
- 4.3 He suggested that the access provision would be improved if it was amended to include an entry taper in accordance with TD41.
- 4.4 It was agreed that a Technical Note should be prepared (this Technical Note) to summarise the situation and how it has developed through the previous stage of the scheme.
- 4.5 A follow up meeting was held on 1<sup>st</sup> November 2017 following the initial issue of this Technical Note.
- 4.6 Matt Holt accepted that a lot of effort had already been put into finding a solution to this issue but he still had reservations regarding the principle of providing an access off a slip road.
- 4.7 Matt Holt requested that the following is carried out: Provide a summary of the options considered so far to identify which of them would be feasible and which may result in the closure of one or both of the businesses. The options to look at should include:
- No access at all from the slip road (only access permitted from A52) including what could be done if Euro Garages and McDonald's come to an agreement such as giving up some parking space to allow HGV route through McDonald's car park for HGV egress from filling station.
  - Barriercd one-way egress from filling station onto slip road for fuel tankers only
  - Barriercd one-way access to filling station from slip road for fuel tankers only
  - One-way access/egress to or from filling station from slip road for fuel tankers and HGV customers
  - One-way access/egress to or from filling station from slip road for fuel tankers, HGV customers and cars
  - Full access/egress to/from filling station from slip road for all vehicles
- 4.8 The above has been summarised in the table below. Also, the implications of the Departure from Standard for the access from the slip road have been summarised.
- 4.9 At the time, AECOM recommended that Option 7 in the table below (i.e. full access/egress from the NB diverge slip road) should be included in the scheme.

Option	Arrangement Description	Impact on Euro Garages Petrol Filling Station	Impact on McDonald's restaurant	Impact on Highways England	Comments
1	Access from A52 only (access off A38 closed)	Insufficient space within forecourt for HGVs (including fuel tankers) to turn around to leave filling station – <b>high risk this could lead to closure of Filling Station</b>	May claim loss of trade due to no access from A38		
2	As above but provide an exit route for HGVs from filling station through McDonald's car park	May claim loss of passing trade due to closure of access on A38	Results in loss of 11 or more car park spaces. May claim loss of trade due to no access from A38		Agreement required between McDonald's and Euro Garages to facilitate this.
3	Barrierred one-way egress from filling station onto slip road for fuel tankers only	Likely claim from Euro Garages for loss of trade (HGV customers)	May claim loss of trade due to no access from A38	DfS* for junction off a slip road (TD22, cl 5.30)	
4	Barrierred one-way access to filling station from slip road for fuel tankers only	Likely claim from Euro Garages for loss of trade (HGV customers)	May claim loss of trade due to no access from A38	DfS* for junction off a slip road (TD22, cl 5.30)	
5	One-way access/egress to or from filling station from slip road for fuel tankers and HGV customers	Likely claim from Euro Garages for loss of trade (passing cars on A38) -	May claim loss of trade due to no access from A38	DfS* for junction off a slip road (TD22, cl 5.30)	



6	One-way access/egress to or from filling station from slip road for fuel tankers, HGV customers and cars	Access from A38 to the businesses would probably be the preferred option to both businesses and would be likely to result in lower financial claims	DfS* for junction off a slip road (TD22, cl 5.30) this option provides similar level of operational benefits to stakeholders as Option 7	This option would reduce potential conflicts (e.g. HGV trying to enter at the same time one is leaving) compared with option 7 <b>but</b> HGVs on A52 and A38 SB would need to be routed to Kingsway junction then NB on A38 to gain access
7	Full access/egress to/from filling station from slip road for all vehicles	Both affected stakeholders have confirmed their agreement that this arrangement offers a pragmatic solution.	DfS* for junction off a slip road (TD22, cl 5.30)	Slip road was lengthened to provide full SSD from back of nose to access
8	Provide new access from the roundabout	Not feasible due to location of fuel tanks fill point, McDonald’s traffic needing to pass through filling station, geometry of roundabout will not accommodate an additional arm at this location.		

\*DfS is from Clause 5.30 of TD22/06 in each case (which was the standard current at the time). The clause was a ‘black box’ requirement and it states: “Private means of access and junctions on connector roads are not permitted.” A departure would be required if any form of access or egress were provided on the slip road.

TD22 has now been withdrawn and the new standard (CD 122) does not change the requirement that accesses are not allowed on a slip road (in the Terms and Definitions section on page 7, it states that a connector road includes (as a collective term) interchanges links, link roads, slip roads, and loops designed as part of a full grade separated junction).

Clause 5.2 of CD112 states: “**Direct accesses and priority junctions shall not be provided on connector roads**”.

Highways England standard GG 101 defines the terminology used in all standards; it states:

*The verb ‘shall’ indicates a requirement of the Overseeing Organisation.*

As such, the access or egress on the slip road is not permitted by the standards.

Mitigation for a Departure would include introduction of a 30mph mandatory speed limit on the slip road, the flow on the single lane slip road being a lot less than the capacity (design year forecast peak hour flow is just 295 vehicles) and the slip road will become 2-lane at the position of the Euro Garages/McDonald’s access making it easier for traffic to enter/leave.

**The design team’s preferred option to be progressed at that time was option 7 with option 6 offering similar benefits to the stakeholders but with more complex management of HGV routes to and within filling station.**

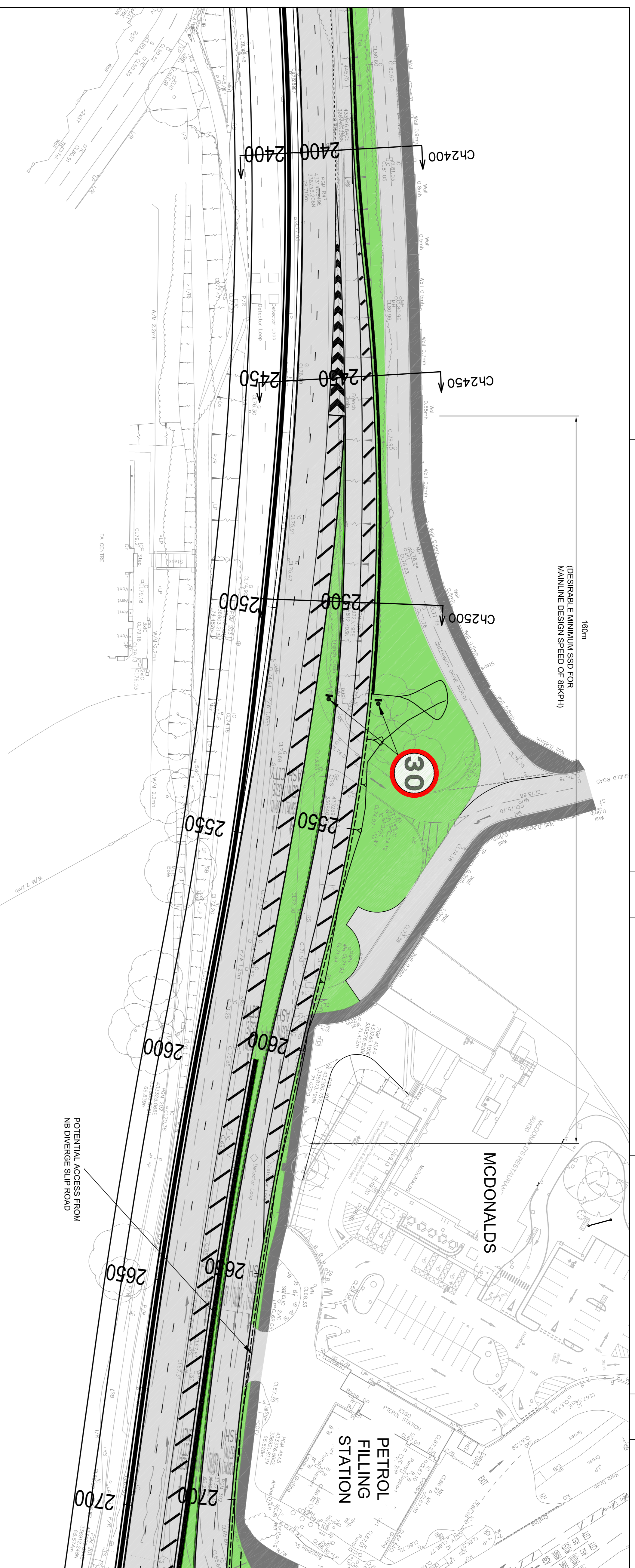
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- 4.10 The following summarises the response received following issue of the above to HE SES (SR-D)
- 4.11 Quoting SR-D's email "*Given the level of road user risk associated with the proposed layout (option 7), the fact that there are viable alternatives and the suggested claims are unlikely to be realistic, the 'preferred option' would not meet the basic criteria for DfS approval. If approval was granted, we [Highways England] would not be able to provide a reasonable defence to our decision-making process in the event that it was questioned in a Coroner's Court. Under the Construction (Design and Management) Regulations 2015, the designer has a duty to eliminate foreseeable health and safety risks where reasonably practicable. If we choose to not eliminate such a hazard, then we could be seen to have failed to meet our legal obligations.*
- To conclude, I can confirm that SR-D do not support the preferred option. I appreciate this isn't the answer you were hoping for; however, Highways England's number one imperative is safety and agreement to the proposed layout would mean other factors would be placed above this.*
- Access from the slip road only is an option that we are open to; however, I must stress given the position we are in that in order for this to be approvable it must be possible to demonstrate that the resultant layout represents the best overall option when weighed up against the alternatives. It must also not include an intolerable level of residual risk. While identification of the scale and nature of action required to support a particular development is the responsibility of the development promoter."*
- 4.12 A further meeting with HE SR-D was held in June 2018 to discuss the situation. At the meeting, SES confirmed they were still not prepared to accept an access/egress arrangement with the A38 slip road. They would like to see a sketch showing one-way (access or egress) solution onto the A38 slip road, (egress only onto slip road was progressed as this provides an easier access for A52 traffic and southbound A38 traffic).
- 4.13 A sketch was prepared which underwent several iterations following discussions with SES.
- 4.14 SES confirmed on 02/06/2018 that the concept was viable, and this should be taken forward to the statutory public consultation. This was developed into the sketch layout included in Appendix 2.



## Appendix 1

### Entry/Egress with A38 NB Diverge Slip road Sketch

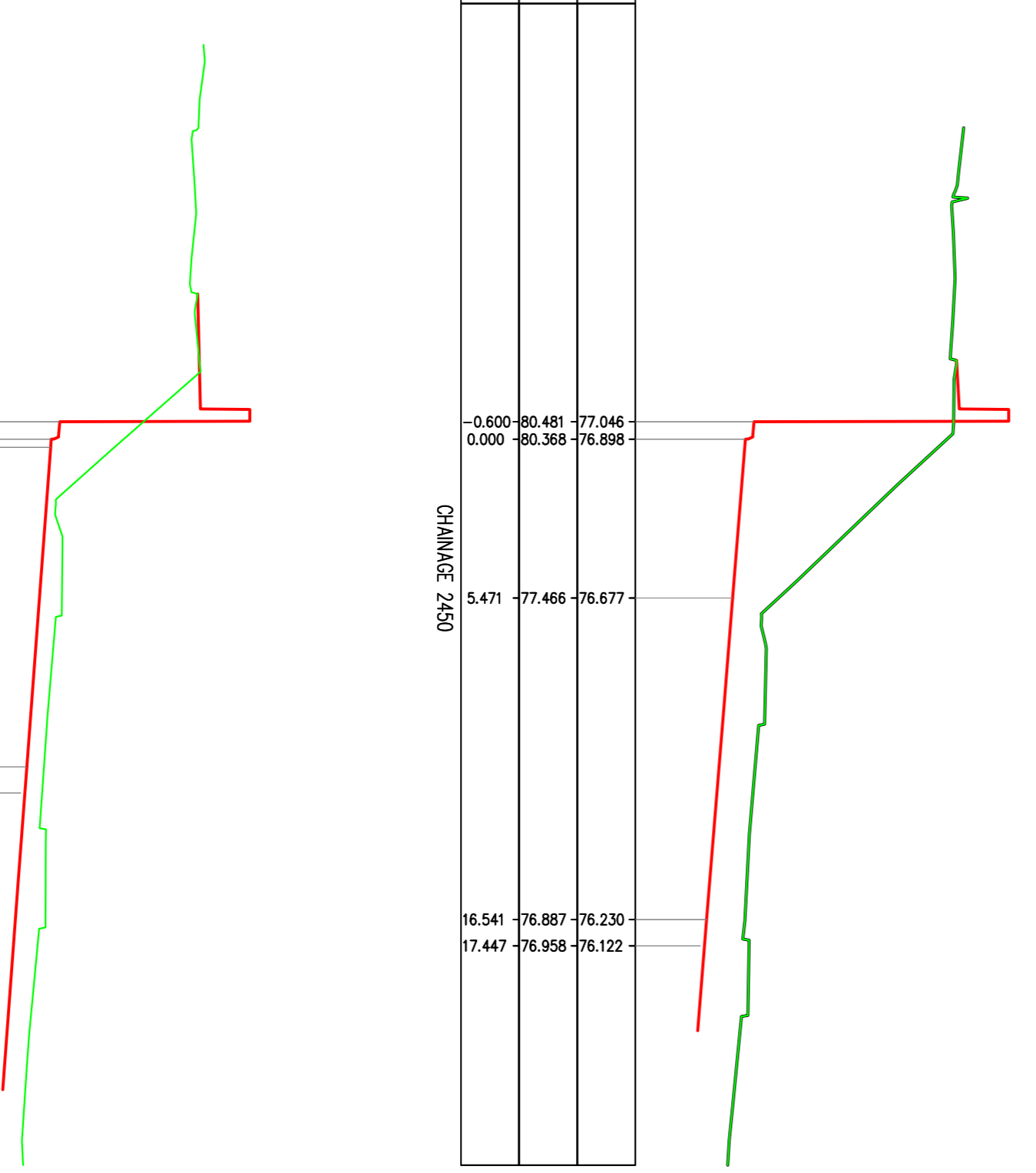
HA514503-URS-06-DR-GD-05



DATUM=76.

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EXISTING	88.00	-79.578	-78.478
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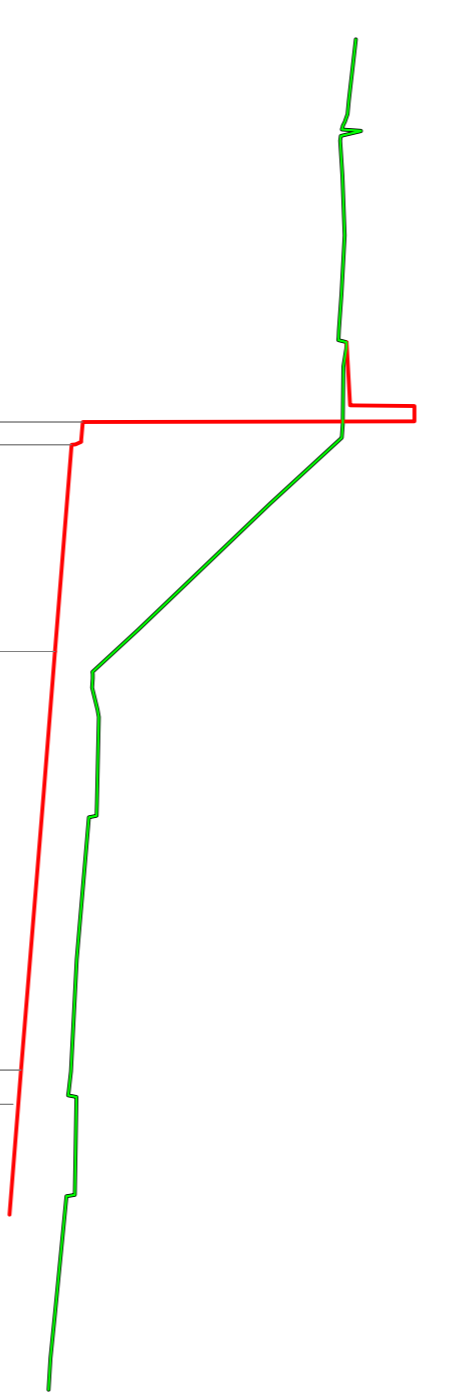
CHANNEL 2400



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DESIGN	80.000	-77.046	-76.898
EXISTING	80.481	-80.368	-76.898
OFFSET	5.471		

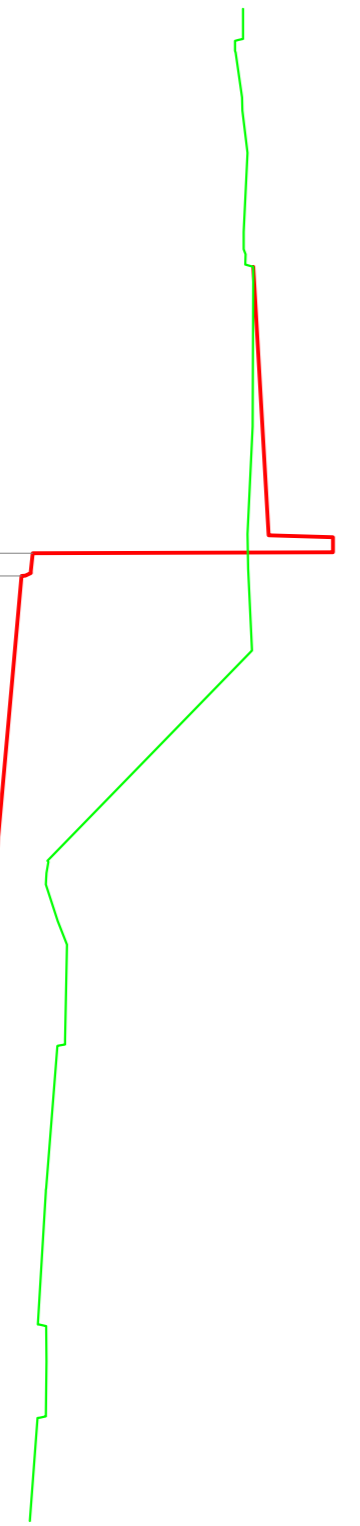
CHANNEL 2450



DATUM=73.

DESIGN	88.00	-75.040	-74.881
EXISTING	88.00	-77.884	-74.881
OFFSET	10.342		

CHANNEL 2500



DD	AMCB	10/02/16	JAW	03/02/16	JAW	03/02/16
D	DRAFT					

Job Title  
**A38  
DERBY JUNCTIONS**

Drawing Title  
**MARK EATON FILLING STATION /  
MCDONALDS ACCESS OFF  
NB DIVERGE SLIP ROAD  
OPTION**

DESIGNED	AMCB	Zone / Manager	Subsidiary
DRAWN	AMCB		
CHECKED	AMCB		
APPROVED	AMCB		

Scale at 1:1,200 (H): 1:1,000 (V)  
1:3000, 1:200 (H): 1:1,000 (V)  
Highways England  
M19 Project  
Strategic Case  
Standalone  
M1 2ND  
Mileover  
M1 2ND

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AECON Internal Project Number  
41071319

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**HEALTH AND SAFETY INFORMATION**  
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**CONSTRUCTION**  
NO EXCEPTIONAL RISKS RELATING TO THE WORKS SHOWN ON THIS DRAWING HAVE BEEN IDENTIFIED DURING THE DESIGN.

**MAINTENANCE / OPERATION / DECOMMISSIONING / DEMOLITION**  
NO EXCEPTIONAL RISKS RELATING TO THE WORKS SHOWN ON THIS DRAWING HAVE BEEN IDENTIFIED DURING THE DESIGN.

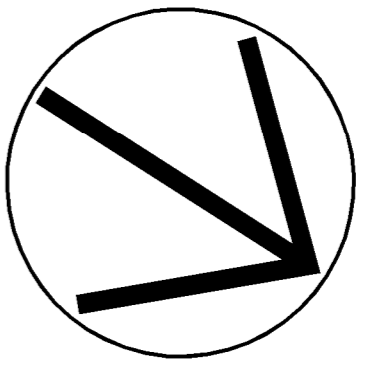
**NOTES**  
WORK CAN ONLY BE CARRIED OUT BY SUITABLY TRAINED AND BRIEFED PERSONNEL.

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## Appendix 2

### **Egress only onto A38 NB Diverge Slip road Sketch**

HA514503-ACM-HAW-Z2\_JN\_J2\_J-SK-CH-0002



SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION BOX

THE ASSUMED THAT ALL WORKS ON THIS DRAWING WILL BE COMPLETED IN ACCORDANCE WITH THE METHOD STATEMENT APPROPRIATE TO AN APPROPRIATE METHOD STATEMENT.

THIS DRAWING IS TO BE USED ONLY FOR THE PURPOSE OF ISSUE THAT IT WAS ISSUED FOR AND IS SUBJECT TO AMENDMENT.

EXCEPTIONAL RISK REGARDS TO THE ABOVE ASSOCIATED WITH THIS DRAWING ARE DEFINED BELOW.

CONSTRUCTION

MAINTENANCE / OPERATION / DECOMMISSIONING / DEMOLITION

NOTES

1. The Exit Only option would successfully allow both the Tanker to enter and exit quickly and safely, but; also allows the HGV filling operation to continue unhindered. All vehicles wanting to use the filling station would be directed to the AS2 access. The slip road hard shoulder would be closed off with a physical island allowing vehicles to safely join the slip road.
2. Internal site management between Esso and McDonald's would allow vehicles to access either business.

FOR REVIEW & COMMENT

Purpose of Issue

Revision Details	By	Date	Status
AS2 access modified swept path removed.	GS	29/05/19	P01
	AW		
	LF	14/06/19	P02
	GS		

Client  
 Highways England  
 199 Watlington Street  
 Birmingham  
 B1 1RN



Project Title  
 A38  
 DERBY JUNCTIONS

Drawing Title  
 ESSOMCDONALD'S  
 NORTHBOUND SLIP ROAD  
 EXIT ONLY  
 ONE WAY ARRANGEMENT

Designed	Drawn	Checked	Approved	Date
GS	LF	GS	GS	14/06/19
Internal Project No.	Subsidiary	Zone		
60553462	S3	A38/A52, Marketon		

Scale @ A1

NTS

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