

The Examining Authority's further Written Questions for 12th May 2020

Issued 5th May 2020

Derby City Council – Answers to Highways and Transportation Questions

Transport networks and traffic

Item		ExA Question	DCiC Answer
1.1.	Article 3 Disapplication of permit schemes	a) Are DCiC content with the proposed disapplication of their permit scheme and with any other provisions required for them to accept disapplication, including those in Articles 11 and 12, in the Traffic Management Plan (TMP) [REP7-003], and in the Outline Environmental Management Plan (OEMP) [REP10-002]?	The DCO and SoS has the power to suspend DCiC's permit scheme, in order to deliver the A38 Derby Junctions scheme. DCiC will be notified under the process set out in Articles 11 and 12 of the DCO. In addition, the TMP has been updated to ensure that DCiC is consulted on any additional processes it may require as the Scheme's design progresses and as part of the full TMP once this detail is collated and submitted to the SoS for approval. On the basis of the ongoing engagement and assurances given by the applicant, DCiC is content for its permit scheme to be disappplied
1.2	Article 6 Maintenance of authorised development	a) Further to the concerns raised by DCiC [REP9-030], should the Applicant include a provision in the OEMP [REP10-002] to specifically ensure the maintenance of the flood storage areas at Kingsway Island which is to return to the original landowner? b) Do DCiC and DCC consider that an acceptable process is secured in the OEMP [REP10-002] for the identification of final maintenance and repair responsibilities?	a) Regulation 14 clearly requires that the flood storage area is maintained. HE's response to this question states the OEMP submitted at D12 includes the commitment that HE will ensure that the flood storage areas to be installed at Kingsway junction (including those within the Kingsway hospital site) are appropriately maintained and fulfil their flood risk mitigation function (with maintenance being in accordance with the HEMP). DCiC therefore believe that OEMP should include the requirement to develop a detailed

		<p>Have satisfactory principles for maintenance and repair been agreed?</p>	<p>maintenance plan indicating who will be responsible for the various aspects of the maintenance. This will ensure the maintenance procedures are fully developed at the CEMP stage once the detailed design has been completed and taken forward into HEMP and ensure that there is better clarity.</p> <p>b) From a highway asset management perspective, and as identified in REP9-30 to Question 1.6, yes, DCiC is content that there is a process to secure a detailed Inventory. The OEMP submitted at D12 includes the requirement for a Maintenance and Repair Strategy Statement (MRSS) to be prepared during the detailed design stage, following consultation with the applicable local authorities regarding the maintenance and repair responsibilities. The Scheme is at a preliminary design stage and the detail is more appropriately dealt with at the detailed design stage when the specifics are clearer to both HE and the local highway authorities.</p>
1.3	Article 18 Clearways	<p>The Applicant has stated [REP10-009] that it has updated the Schedules following discussions with DCiC.</p> <p>Is DCiC now content with the updated Schedules [REP9-004]?</p>	<p>The recommended changes have been made following discussion with DCiC. ref schedule 3 Part 6 & 7 in the DCO</p>

1.4	Article 19 Traffic regulations	<p>The Applicant has stated [REP10-009] that it has updated the Schedules following discussions with DCiC.</p> <p>Is DCiC now content with the updated Schedules [REP9-004]?</p>	<p>The recommended changes have been made through discussion with DCiC. See schedule 3 Part 7 in the DCO.</p>
1.6	Article 40 Trees subject to tree preservation orders	<p>Are DCiC content with these provisions and with the related provisions in Schedule 8 and in the OEMP [REP10-002]? If not, how should they be amended?</p>	<p>Inclusion of the commitment in the OEMP indicates HE's serious commitment to try and retain the tree in a viable state, noting that compliance with the OEMP is a DCO Requirement. We also note the commitments made to the Examiners in the document Veteran Tree Loss T358 [REP7-008].</p> <p>In order to provide DCiC with some additional comfort, HE also propose to amend the OEMP to include additional text to require consultation with DCiC regarding retention of the tree and canopy treatments which is welcomed and DCiC are content with this approach</p>
1.9	Schedule 8	<p>Does DCiC have any outstanding concerns? How should any outstanding concerns be addressed?</p>	<p>Impacting upon the veteran tree (whilst aiming to retain the tree with a reduced root system and canopy), would be preferable to further impacting upon Markeaton Park and its associated trees and habitats. DCiC confirm we are happy with HE's approach</p>
2.1	Modelling of queueing and	<p>a) Is DCiC content the Applicant has given enough consideration to the potential for queues at one junction to effect other</p>	<p>Further to the response given in REP9-30 to Question 2.1, the inclusion of junction modelling in the TMP to inform the</p>

	junctions during construction	junctions and potentially lead to gridlock for the purposes of identifying reasonable worst-case impacts during construction and as appropriate for this stage of the process?	design of temporary junctions as part of the traffic management phasing, is an important step. This will help refine the detail design of the traffic management scenarios through the detailed design stage. DCiC confirm we are happy with HE's approach.
2.3	Customer and Stakeholder Manager	<p>DCiC has committed to providing a desk for a Customer and Stakeholder Manager and this has been added to the OEMP [REP10-002]. However, no commitment has been given to whether the Customer and Stakeholder Manager would actually spend any time at DCiC's office.</p> <p>a) Please could the Applicant and DCiC agree on either:</p> <ul style="list-style-type: none"> • how much time the Customer and Stakeholder Manager's time should spend in DCiC's office; or • on the circumstances in which their attendance at DCiC's office would be required? <p>b) b) Please can the OEMP be updated accordingly?</p>	<p>DCiC do not have any pre-conceived ideas on time or circumstances. We are happy for the applicant to suggest a broad structure to the arrangement in the OEMP. DCiC understands HE's response states that the OEMP being submitted at D12 states that the Customer and Stakeholder Manager will spend a minimum of 1 day per week in DCiC's offices. DCiC would prefer more physical engagement but accept this as the absolute minimum.</p>
2.4	Access to Royal Derby Hospital during construction	a) Is DCiC content with the measures set out in the TMP [REP7-003] to	The TMP identifies a mechanism to prioritise the movement of blue light vehicles through the works and for the need

		<p>maintain access to the Royal Derby Hospital during construction?</p> <p>b) If DCiC is not content, does it have any suggestions about what other mitigation should be secured?</p> <p>c) Should “<i>a dedicated passage for emergency vehicles</i>” be provided in the manner suggested by Anne Morgan [AS-056]?</p>	<p>to agree diversion routes with the Royal Derby Hospital. DCiC are content with this approach.</p> <p>Further to the response given in REP9-30 to Question 2.4 on the operation of the network around the Derby Royal Hospital, if there are problems that fundamentally have an impact on the operation of the hospital, the Contractor will have to deal the issues and adjust their traffic management during construction.</p> <p>As a direct consultee to the TMP and this scheme, are the Derby Royal Hospital happy with the TMP, access strategy and the communication that they have had with the HE/Contractor? What is their opinion on the need for a dedicated passage for emergency vehicles?</p>
2.7	Ford Lane / A6 junction	<p>a) Is DCiC content with the measures secured in the OEMP [REP10-002], reference MW-TRA14?</p> <p>b) If DCiC is not content, please could it suggest alternative wording?</p>	<p>Yes DCiC is content with the measures secured in the OEMP. The HE has always promoted the need for a scheme here, as such they have shown their intension to deliver an improvement.</p>
3.3	Net zero carbon by 2050	<p>c) Please would the Applicant clarify its understanding of the weight to be attached to locally allocated carbon</p>	<p>c) DCiC is working on a draft interim Climate Change Action Plan which will identify a local carbon budget based on nationally available data sources.</p>

		<p>budgets and whether the assessment takes them into account.</p> <p>d) Do DCiC and DCC consider that the locally allocated budgets are consistent with the UK Government's net zero target?</p>	<p>d) The aim of the interim Action Plan is not only to identify local emissions and an associated carbon budget for Derby but will also set a carbon reductions trajectory as part of the Governments net zero target. The city will effectively aim to become zero carbon in advance of 2050.</p>
3.5	Carbon footprint	<p>a) Should carbon footprint targets be set in the OEMP to ensure that best practice is followed?</p> <p>b) Please could the Applicant advise whether the planting of new trees fully compensates for the loss of mature trees from a climate change and carbon sequestration perspective? If not, why not and should it? Please clarify the age of new planted trees considered in the response.</p>	<p>a) It would be useful to set carbon footprint targets in the OEMP to guide the detailed design and construction phase which needs to be challenging to ensure that best practice is followed to drive down the GHG burden. This is particularly relevant in the 'new normal' post Covid world.</p> <p>The operation of the scheme is far more difficult to effectively monitor/manage and rests with the behaviour of the public along with advances in vehicle technology with electric vehicles and cleaner fuels (including hydrogen) driving down tail gate emissions</p> <p>b) It is difficult to quantify if the replacement trees will take up the same amount of carbon (there is lots of research in this area) but in principle the scheme should be looking to more than compensate for this natural service.</p>
3.6.	Support to other transport modes	<p>The ExA questioned [PD-018] whether enough support has been given to other transport modes and behavioural change.</p>	<p>There are two different questions being asked here. The ExA's question PD-18 was asked in the context of operational impact of the scheme, Climate Change and</p>

		<p>The Applicant responded [REP9-029] that "...Highways England is the strategic highway authority.</p> <p>Other transport modes are the responsibility of the DfT and the Local Highway Authority (which at two of the three junctions is DCiC). These organisations are responsible for promoting transport interventions that promote behavioural changes and the use of non-carbon-emitting transport modes.</p> <p>Paragraph 5.205 of the National Policy Statement for National Networks states that "Applicants should consider reasonable opportunities to support other transport modes in developing infrastructure."</p> <p>a) Please could the Applicant reconsider its earlier response, if necessary following discussion with other relevant parties about which initiatives it would be appropriate to support? Should these include the "ride share schemes" suggested by Mair Bain [REP9-043], "park and ride schemes" suggested by Mr B.W.Day [AS-051] or other additional measures to support pedestrians, cyclists or public transport?</p> <p>b) Please could DCiC, DCC and Derby Cycling Group comment?</p>	<p>offsetting CO₂. From this perspective Highways England is a Government owned company that is implementing a strategic transport scheme on the Strategic Road Network based on national policy and strategy. From this perspective it has to be considered against the rest of DfT's transport strategy and funding programme for all transport at a local and national level, including what it spends on public transport, cycling and walking.</p> <p>The National Policy Statement for National Networks and paragraphs 3.19 and 3.20, which are cross referenced in paragraph 5.205, refers to accessibility, severance, social inclusion and the provision for the mobility impaired. These statements refer to the physical design of infrastructure schemes and the vehicle stock of public transport that run on them.</p> <p>From these two perspectives, Highways England doesn't have responsibility for the operation of other transport networks but does have a duty to ensure that the other transport users that cross its network are provided for within the scheme.</p> <p>This is different to the issue of providing a behaviour change strategy to help manage construction impacts. Such initiatives are not usually considered in the costs of</p>
--	--	--	--

			<p>construction of major schemes on the Strategic Road Network. However, there is an opportunity here to trial initiatives and the HE to consider the benefits and potential inclusion in other schemes. Any long term shift in travel habits will underpin the longevity of economic journey time benefits created by the scheme.</p>
4.2	The Applicant's assessment	<p>Putting to one side any overall considerations of the proposed development, such as the overall balance of benefits and adverse impacts of the proposed development, do DCiC agree with the Applicant's assessment on the specific point that there are likely to be no significant air quality effects during construction? If not, why not?</p>	<p>Based on the information available and notwithstanding the various modelling uncertainties previously outlined, DCiC agrees that the modelling does appear to suggest that significant air quality effects during construction are unlikely, within the planning context.</p> <p>While some large increases in pollutant concentrations are predicted, these are expected to occur in locations close to the A38 carriageway where there is an absence of receptors which would be considered relevant against annual average concentrations.</p>
9.4	Alternatives to the CA of the Queensway properties	<p>a) Do DCiC consider that there is potentially an alternative A38 alignment, based on the current position of the Markeaton roundabout, that would avoid the need for CA of the Queensway properties or any other residential properties other than those currently</p>	<p>a) The proposed alignment of the scheme is related to the physical and environmental landscape constraints that it is located within. As such, the debate around the loss of the houses on Queensway is set against the loss of high landscape quality of land take from Markeaton Park. In general planning terms loss of the housing is deemed the lesser cost.</p>

		<p>identified in Ashbourne Road and Sutton Close?</p> <p>b) It appears that any alternative identified in (a) above would result in the loss of a strip of land to the A38 edge of Markeaton Park and the loss of trees. Do DCiC consider that the loss of land and impacts on trees could be mitigated? If so, how?</p>	<p>In addition, the land acquired by the CA of the A38 properties is where the main surface water attenuation features are located. It is not clear that there is an alternative location for these features given their size and requirement for access for maintenance.</p> <p>From a Highway perspective, the geometric design and assessment of the scheme is governed by the standards set out in DMRB for motorways and all-purpose trunk roads. Highways England produces and publishes these standards, and internally regulates any geometric departures. As such, it is not for DCiC to contest the alignment of the scheme or suggest an alternative unless there is a fundamental safety or planning issue with the proposals. Which there is not.</p> <p>DCiC has previously expressed concern at leaving these properties in situ overlooking a wider highway corridor and the resultant open parkland aspect as a result of significant tree losses. It would be a very poor amenity for residents of those properties and a significant cost to the city for the loss of the tree screen and backdrop for users of the park.</p>
9.5	The case for CA of Ashbourne Road	a) Please could DCiC comment on the technical content of the	Some weight has to be given to the safety review, which has been produced by a third party for the HE. However,

	<p>and Sutton Close gardens</p>	<p>Independent Safety Review Technical Note [Appendix A of REP6-014]?</p> <p>b) b) Does the Applicant consider that the stated purpose of the Independent Safety Review Technical Note [Appendix A of REP6-014] to “maximise the safety of resident’s movements” (emphasis added) is appropriate for the question being asked about the case for CA? Would consideration of an adequate, rather than maximum, level of safety be appropriate? If so, would that lead to a different conclusion?</p> <p>c) The Applicant has stated [REP9-029] that a turning head is not required at 255 Ashbourne Road, but that TP is still required. Please could the Applicant provide detailed justification of the case for TP at 255 Ashbourne Road and the extent?</p> <p>d) The Applicant’s explanation [REP9-029] of the case for CA of the gardens at 1 Sutton Close appears to be based on</p>	<p>the design note 8.52(a) sets out the justification for the access design and the basis of this as defined in DMRB GD304. The HE has set out clear reasons for the design decisions that they have taken. The basis of these safety decisions is the proximity of the existing access of 255 and 253 to the new signal stop line, design constraints of moving the proposed stop line and the imposition and safety of a left in and left out only access for 255 and 253.</p> <p>However, the safety review identifies the need for some form of right turn harbourage for the all movement access proposal. Considering this is a new scheme this should be provided to reduce the potential for shunts.</p>
--	---------------------------------	--	--

		<p>minimising impact on traffic. Is that the case? If so, is that sufficient for CA?</p>	
9.14	Trigger mechanism	<p>Have DCiC's concerns [REP4-029] regarding the need for a trigger mechanism for 28 days or 44 days been addressed by the Applicant's response [REP5-010]? Does DCiC have any outstanding concerns on this matter? If so, could a remedy be agreed with the Applicant?</p>	<p>This question refers to an ongoing debate about temporary possession of land and Compulsory Acquisition of land. HE's position is that whilst they insist the period specified within the document remains at 14 days, where longer notice periods are required they will be mindful and open to extending this where reasonably required and appropriate to do so agreed on an individual basis as appropriate. This gives DCiC comfort that the notice period can therefore be extended if we should require this.</p>