

A38 Derby Junctions
TR010022

8.106 Written Summary of Oral
Submissions to ISH6 09 June 2020

Planning Act 2008

Rule 8 (1)(i)

Infrastructure Planning (Examination Procedure) Rules 2010

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Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

**A38 Derby Junctions
Development Consent Order 202[]**

**Written Summary of Oral Submissions to ISH6
09 June 2020**

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| Author | A38 Derby Junctions Project Team Highways England |

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| Version 1 | 18 June 2020 | Deadline 14 submission |

1 INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 This document sets out a written summary of the oral submissions made by Highways England at the sixth Issue Specific Hearing (ISH) for the A38 Derby Junctions Scheme. The ISH took place on 09 June 2020. It was conducted using 'Microsoft Teams' online because of the Covid-19 pandemic.
- 1.1.2 The Item no. referred to in the first column of the Table below is a reference to the items in the ExA's agenda relating to this ISH. The ExA's questions and responses provided are reproduced in the second and third column of the table respectively.

Issue Specific Hearing 6

Date: 9 June 2020

Speakers:

Highways England (**HE**)
Derby City Council (**DCC**)
Derby Cycling Group (**DCG**)
Derbyshire County Council (**Derbyshire CC**)
Euro Garages (**EG**)
Friends of Markeaton Park (**FoMP**)
Intu Derby (**ID**)
McDonald's (**McD**)
Royal Derby Hospital (**RDH**)

| Item | Agenda | Response |
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| 1 | Welcome, opening remarks, introductions and housekeeping | |
| 2 | The purpose of the Hearing and how it will be conducted | |
| 3 | Specific issues by topic | |
| | Transport networks and traffic | |

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| | <p><u>Traffic Management Plan (TMP) update</u></p> <p>a) Please could the Applicant provide an update to the TMP submitted at Deadline 7 [REP7-003]?</p> <p>b) Please could the Applicant update the TMP with a correction to the final sentence of paragraph 6.3.2 to read "<i>the DCC Permit Scheme</i>"?</p> | <p>a) Highways England confirmed this would be provided at D14.</p> <p>b) Highways England confirmed that this amendment would be made.</p> <p>(refer to revised Traffic management Plan submitted at Deadline 14).</p> |
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| <p><u>Access to Royal Derby Hospital during construction</u></p> <p>Paragraph 7.4.1 of the TMP [REP7-003] notes that “special attention” would be given to access arrangements for “Derby Royal Hospital” (should this be corrected to Royal Derby Hospital?) and that these would need to be considered with emergency services.</p> <p>c) Please could Royal Derby Hospital advise of the delays to emergency vehicle and other traffic accessing the Hospital that it would consider acceptable? Does the Applicant consider that those delays are achievable as a maximum and, if so, please could it demonstrate how that would be achieved in practice?</p> <p>d) Are Royal Derby Hospital content with the TMP, access strategy and their communication with the Applicant? What is their opinion on the need for a dedicated passage for emergency vehicles?</p> <p>e) The Applicant’s commitment to consultation and to giving special attention to these matters is noted. However, the TMP does not secure a commitment to ensure that suitable access will be maintained. Please could the Applicant advise on the level of commitment that can be made for emergency vehicle and other traffic</p> | <p>Highways England confirmed that the next version of the TMP will delete the word “special” and the name of the site will be corrected to “Royal Derby Hospital”</p> <p>(c) – (f)</p> <p>Highways England emphasised that there is no change proposed to the current access to the hospital from the A38 and that it is a legal requirement to maintain access to it in any event. With reference to the Scheme location plan, Highways England pointed out that the works to the A38 are to the north of the hospital at Kingsway junction and that there would be no change in relation to the main A516/Uttoxeter Road roundabout that provides access into the hospital. Highways England stated that the Scheme has been designed to ensure that the A38 will remain open during construction works with the objective that journey times along the A38 are maintained. On the A38 currently there is no bus lane or dedicated lane for blue light vehicles and no such lane will be provided because there is no capacity within the highway.</p> <p>Highways England’s stated that their other objective during construction is to maintain journey times, so all mitigation and traffic signalling has been planned with this in mind. From Highways England’s perspective, a key aspect is consultation with the hospital and the ability to disseminate real-time information. Highways England confirmed that the Ambulance service have been consulted (see Consultation Report Annex O) and that the service would continue to use alternative routes that it currently uses if there is a holdup on the A38. Highways England confirmed that construction timetabling will be communicated to the hospital and to blue light services.</p> <p>The ExA noted the potential for delay and re-routing of traffic during construction and requested information from DCiC regarding capacity on other roads.</p> <p>DCiC outlined the current highways situation on the DCiC network as follows: there are already pressures on the network around the hospital. In discussion with the contractor DCiC confirmed they have discussed phases where traffic will be taken offline through roundabouts. DCiC stated their intention to watch how the construction process in the area very carefully, noting that signals around the site will need to be modelled to achieve maximum capacity. DCiC observed that there are significant demands on the network when staff shifts end and that these may not correspond to typical peak times. DCiC stated that it was important for there to be ongoing dialogue about the Scheme, rather than fixing on something now. DCiC also confirmed that measures are in place to ensure co-operation and that this is covered in the TMP.</p> |
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| | <p>and please could it suggest how that can be secured?</p> <p>f) Do Royal Derby Hospital or DCiC have any further comments?</p> | <p>Highways England stated that the East Midlands Ambulance Service is a TMP consultee and that the hospital is involved in the Behavioural Change Group (BCG) as well as management of the effect of works on key users. Highways England noted that the BCG is in its early stages. As the Scheme progresses, there will be greater communication through this group. There will also be communication through DCiC. With regard to local roads, the Scheme has been designed to maintain journey times to allow strategic traffic to flow through. This will stop those drivers making longer-distance trips from using the local road network as far as possible.</p> <p>The ExA expressed the view that there will be some increase in traffic in the vicinity of the hospital. In response to this, Highways England stated that keeping Kingsway junction, in particular, open is key to traffic not diverting onto local roads, including the A516 that passes the hospital access. Highways England confirmed that there will be contractors on site monitoring traffic more closely than it is now and that the traffic modelling shows that there will be no additional traffic diverting to local roads with the traffic management layouts developed and described in the TMP.</p> <p>Highways England stated that a thorough assessment and modelling of impacts has been carried out and that this is why mitigation is in place through the TMP to manage traffic during construction. Highways England drew attention to the management measures in front of the Examination in terms of what is within their control (the A38), noting that it is not possible to set minimum targets, because the local road network is not in Highways England's control (e.g. DCiC closures, statutory undertaker closures, crashes). Highways England emphasised their commitment to what they <i>can</i> do: keep the A38 open, maintain traffic flow, avoid diversions onto local roads. It would be unreasonable, in Highways England's view, to put targets on things that they cannot control.</p> <p>DCiC agreed with all of the points made above by Highways England. DCiC confirmed that Highways England has gone through all the appropriate processes to minimise impacts and manage them through the construction process. DCiC's view is that Highways England has mitigated as far as they can, but that no-one can say there will be no impacts. The key is to be able to manage problems when they arise.</p> <p>Highways England confirmed that the wording in the TMP around management issues would be reviewed. They agreed with DCiC that appropriate measures would be in place (refer to revised TMP submitted at Deadline 14).</p> <p>(g) Highways England confirmed that their commitment to the fleet operator recognition scheme (FORS) silver standard was included in the TMP at Deadline 7 [REP7-003; para 5.14.3] and this</p> |
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| | | <p>wording will be reviewed at D14. With regard to exceptions, these would include details of specialist items of plant (which could include, for example, piling rigs, concrete pumps etc.) and Highways England stated that there will be sufficient management at crossing points where there is an interface with cyclists/pedestrians [REP7-003; para 5.2.4]. Highways England agreed to adjust the wording relating to pedestrian and cycling demand in the TMP at Deadline 14. The ExA requested clarifications at D14 (refer to revised TMP submitted at Deadline 14).</p> |
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| | <p><u>Non-motorised users (NMU)</u></p> <p>g) Please could the Applicant set out the TMP provisions for a Fleet Operator Recognition Scheme to be operated to a minimum of silver standard, with identified exceptions?</p> <p>h) Please could the Applicant set out the TMP provisions for reasonable endeavours to be made to including the measures in sections A1, A2 and A3 of Derby Cycling Group's Deadline 6 submission [REP6-031]?</p> <p>i) Please could Derby Cycling Group comment on the TMP provisions?</p> | <p>(h) Highways England noted that it is difficult to set targets for increased NMU use during the construction phase. The TMP wording can be adjusted to encourage this and reasonable endeavours can be made, rather than a commitment given since there are numerous external factors at play. The ExA requested revised wording in the TMP at D14 (refer to revised TMP submitted at Deadline 14).</p> <p>Highways England stated that details of temporary routing of pedestrians and cyclists are not finalised, but will be included in ongoing conversations with the Behavioural Change Group where the contractor's proposed layout drawings have been made available for comment. Highways England emphasised, however, that the plans are under development and, if they are to be included in the TMP, will be indicative only. The layout drawings will be adapted as the construction sequencing is refined and in response to comments from the Behavioural Change Group.</p> <p>(i) ExA asked Highways England to liaise directly with Derby Cycling on the TMP provisions regarding NMUs before D14. Highways England agreed to make best efforts to do this.</p> <p>With reference to COVID-19, Highways England asked to pick up this point in a subsequent hearing, particularly with reference to NMUs. Highways England stated that recently allocated money from central government for improved walking and cycling provision is for local authorities and local road networks, rather than the strategic network which Highways England manages. Highways England confirmed that it will not do anything that does not align with Government objectives.</p> |
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| | <p><u>Ford Lane bridge</u></p> <p>j) Please could the Applicant provide an update on the verification surveys and subsequent assessment?</p> <p>k) Please could the Applicant clarify the mitigation measures now proposed for Ford Lane bridge? Have those measures been agreed with Derbyshire County Council, Network Rail and Derby Cycling Group? How are they secured?</p> <p>l) Do Derbyshire County Council consider that the Outline Environmental Management Plan (OEMP) [REP12-002, page 97, item MW-TRA12] should require the bridge to be made capable of carrying a 40T vehicle? If not, what are the potential impacts on Network Rail and how should those impacts be mitigated?</p> <p>m) Consideration by the Applicant and Derbyshire County Council of Network Rail's suggestion [REP12-016, item 2.6] that "a clearer Requirement is included in the Order that requires the suitability of the Ford Lane Bridge for the carrying of 40T vehicles to have been approved by DCiC before the relevant part of the authorised development is allowed to be used."</p> | <p>(j) The Applicant confirmed that the verification survey was completed and the report produced. The report was issued to DCC on 5th June for comment (Post hearing Note, following the hearing some comments were received from DCC asking for further clarifications – the assessment and survey team are preparing a suitable response)</p> <p>(k) Preliminary discussions have taken place with DCC regarding the mitigation and principles agreed (narrowing roadway by moving kerbs). The detail will be developed once agreement is reached on the bridge assessment work.</p> <p>(l) DCC confirmed they are satisfied with the current wording of the OEMP regarding the capacity of the bridge.</p> <p>(m) Highways England has already provided a response to this point in written submissions. Highways England is seeking to agree the approach in respect of the Ford Lane Bridge with the County Council. The provisions for doing this are set out in the TMP. Highways England considers that it is right and appropriate for the Council as Highways Authority to determine whether the provisions are adequate - not Network Rail who in this context are a user of the highway only. Highways England does not consider a requirement is necessary in this context as the Highways Authority will have control over the imposition of any restriction over the use of the bridge and engagement is ongoing.</p> <p>(n) Intu Derby not present</p> <p>(o) no other matters raised</p> |
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| | <p>n) Intu Derby: maintenance of access/egress to/from Derby Centre for the business continuity.</p> <p>o) Any other matters on the topic?</p> | |
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| Land use, social and economic impact | |
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| <p><u>Effects on the McDonald's and Euro Garages sites</u></p> <p>Applicant, Euro Garages, McDonald's, Derby City Council. [REP12- 007 paragraph 8.1, <u>REP12-014</u>]</p> <p>a) Update on discussions regarding the capacity and geometry of the A52 access. Are there any matters relating to this access which could not be dealt with at the detailed submissions stage?</p> <p>b) Update on discussions regarding advance signage. Are there any matters relating to this signage which could not be dealt with at the detailed submissions stage?</p> <p>c) Are there any matters relating to existing use rights which need to be addressed in the DCO rather than through compensation?</p> | <p>The ExA asked for discussion between the parties to take place during the next week or so to agree preliminary design. (Post hearing note – a meeting was held between Euro Garages, McDonald's, Highways England and DCiC and good progress made. A final signed SoCG will be submitted by Deadline 15)</p> <p>Highways England noted that they have been seeking to discuss this with Euro Garages and McDonalds and that they provided a number of sketches to inform these points before the Examination. Highways England confirmed that DCiC is happy with the preliminary design and is comfortable that this can be refined. Highways England will discuss this further with both parties and would welcome the material promised by McDonald's/Euro Garages including the pavement/weight survey which has not so far been forthcoming.</p> |
| <p><u>Justification of the need for a road-based solution</u></p> <p>d) In response to the concerns of Derby Climate Coalition, the Applicant's submission [REP12-007, paragraph 8.2] sets out its approach to the problems at the A38 Derby junctions and gives consideration to rail and</p> | <p>Highways England expressed the need to put this discussion in context. They are a Government company responsible for the strategic road network which by definition carries traffic at higher speeds than the local road network. Highways England's role is the improvement/enhancement/maintenance of roads. The A38 junctions have been identified in the Highways England Delivery Plan. At policy level, active travel is a matter for the DfT. NPSNN identifies that relying on alternative transport is not a</p> |

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| | <p>bus-based solutions. What consideration has the Applicant given to other measures, such as improvements to cycling and walking facilities, as potential alternative solutions?</p> | <p>viable way of managing need. In respect of 'modal shift' (public transport, pedestrians and cyclists), it is not realistic to rely on these for all journeys.</p> <p>The objective of this Scheme is to reduce congestion on local networks within Derby by providing a through route for A38 traffic. DfT's national travel survey from 2018 confirms that the average walking trip is 1.3km in length and the average cycling trip is 5.5km in length.</p> <p>42% of journeys on the A38 are longer than the average walking/cycling trip. This does not take account of freight vehicles. Whilst Highways England have considered how to accommodate NMUs, it is not credible to say that there is an alternative to this Scheme through provisions for pedestrians and cyclists.</p> <p>Derby Climate Coalition agreed that long journeys on the A38 cannot be replaced by walking and cycling, but challenged whether Highways England had considered any potential alternative solutions and whether their statements about non-road options were consistent. A written submission from Derby Climate Coalition on a number of points will be submitted at D14.</p> <p>Highways England noted that Derby Climate Coalition had introduced a significant amount of new material and agreed to provide a detailed written response in writing at Deadline 15.</p> <p>Highways England noted that they are informed by DfT as to how projects are to be delivered. The Government position currently supports <i>local</i> measures for walking/cycling, but not to the exclusion of the strategic road network. Local and strategic measures are not mutually exclusive.</p> |
| | <p><u>Other matters</u></p> <p>Any other matters on the topic?</p> | |
| <p>4</p> | <p>The recording of the Hearing and the next steps in the Examination</p> | |
| <p>5</p> | <p>Any other business and close of Hearing</p> | <p>ISH 12 is cancelled.</p> |