

A38 Derby Junctions

Scheme Number TR010022

8.110 Markeaton Junction - Development of Proposed Alignment

Planning Act 2008

Rule 8 (1)(k)

The Infrastructure Planning (Examination Procedure) Rules 2010

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APPENDIX A: Extract from Scheme Assessment Report (SAR), December 2017

APPENDIX B: Working Paper – Implications of Adopting an Alignment at Markeaton That Would Avoid Demolition of Houses: March 2004

APPENDIX C: Markeaton Junction Constraints Plan

1 Introduction

- 1.1 This technical note has been prepared to provide further information on the options considered by Highways England for the proposed alteration to the alignment of the A38 between Markeaton and Kedleston Road junctions (the Markeaton junction).
- 1.2 The alignment chosen by Highways England for the Markeaton junction, which forms part of the Development Consent Order (DCO) application, was arrived at following an extended optioneering stage of Highways England's PCF process (refer to the Design to Handover for Operation Process Note [REP4-026]) and following the required Department for Transport's procedures.
- 1.3 PCF Stages 1 and 2 identify and investigate options, assess them and identify a preferred option. PCF Stage 2 culminates in the production of a Scheme Assessment Report (SAR) which details the work that has been done in arriving at the recommended preferred option – the non-technical summary of this options assessment stage for the A38 scheme is available on Highways England's website for the A38:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/680865/A38_Derby_Junctions_SAR_Non_Technical_Version_Final_v3.pdf
- 1.4 An extract from this report (relating to the option selection for Markeaton junction) is included in Appendix A of this technical note.
- 1.5 The essential function of the SAR is to make a recommendation to the Secretary of State for Transport (SoS) as to what is considered to be the preferred option and that the correct process has been followed in arriving at that conclusion.
- 1.6 If the SoS agrees with the recommendation in the SAR, they will make what is known as the 'Preferred Route Announcement' (PRA). The PRA is a key stage in a scheme's development as this triggers the start of the preliminary design and statutory process stages.
- 1.7 It is worth noting that alternatives are referenced in para 4.27 of the National Policy Statement for National Networks (NPSNN). This states:
"All projects should be subject to an options appraisal...Where projects have been subject to full options appraisal in achieving their status within Road or Rails Investment Strategies or other appropriate policies or investment plans, options testing need not be considered by the examining authority or the decision maker. For national road and rail schemes, proportionate option consideration will have been undertaken as part of the investment decision making process. It is not necessary for the Examining Authority and the decision maker to reconsider this process, but they should be satisfied that this assessment has been undertaken"
- 1.8 This technical note details how this assessment work for Markeaton junction has been undertaken which lead to the Scheme being identified as a priority within RIS1.

2 Legal Approach

- 2.1 As set out below, Highways England has considered in detail alternatives to the route alignment for which it is seeking consent at Markeaton junction. The policy considerations for the proposal and the relevant design constraints have been discussed in detail during the Examination and Highways England has provided detailed responses to issues raised by the Examining Authority (see, for example, [REP3-013]).
- 2.2 Notwithstanding this, the ExA has highlighted a concern that Highways England has not demonstrated that the compulsory acquisition (CA) of the Queensway properties are needed to deliver the Scheme. The ExA appears to consider that there may be an alternative alignment which could reduce the impacts of CA as proposed by the Scheme and avoid the acquisition of the properties at Queensway and impacts on the Esso/McDonalds service area. The ExA has indicated that this is a material issue in respect of its consideration of whether there is a compelling case in the public interest for the granting of CA powers.
- 2.3 This section considers the legal and policy context within which the alternative alignments and optioneering for the Scheme need to be considered. It identifies matters that the ExA and the SoS, as decision maker, should take into account when determining whether to grant the CA powers sought.

Statutory Framework

- 2.4 The starting point for this is section 122 of the Planning Act. This states that a DCO may include provision authorising the compulsory acquisition of land only if certain conditions are met. Those conditions are that the land is:
- (i) required for the development to which the development consent order relates;
 - (ii) required to facilitate or is incidental to the development; or
 - (iii) replacement land which is to be given in exchange for land being acquired pursuant to sections 131 and 132;
- and
- (iv) there is a compelling case in the public interest for the land to be acquired compulsorily.
- 2.5 The Scheme is a nationally significant infrastructure project (NSIP) within sections 14(1)(h) and 22(1)(b) of the Planning Act 2008 (the "2008 Act"). Under section 22 an NSIP must fall within one of the three categories specified, which are expressly stated to be alternatives. This Scheme is the "alteration" of a highway within the meaning of section 22(1)(b). The alteration is to the A38 by the realignment of the route leading to and away from the existing roundabouts known as Kingsway, Markeaton and Little Eaton junctions. It includes the alteration to these three junctions and the related highway works necessary to allow the realigned A38 to connect to the realigned A5111, A52 and A61 and to be integrated into the surrounding trunk and classified road network.
- 2.6 The Scheme satisfies section 22(3) because it is located wholly in England, Highways England (being a strategic highways authority) is the highway authority for the highway, the area of development is greater than 12.5 hectares and the speed limit for any class of vehicle is expected to be 50 miles per hour or greater, in accordance with section 22(4).

Policy and Guidance

- 2.7 Alternatives are referenced in para 4.27 of the NPSNN. This references the Road Investment Strategy (RIS) programme (which includes the A38 Derby Junctions) and

reflects that proportionate option consideration of alternatives will have already been undertaken as part of the investment decision making process. It also notes that *'It is not necessary for the Examining Authority and the decision maker to reconsider this process but they should be satisfied that this assessment has been undertaken.'*

2.8 In terms of guidance, paragraph 8 of the *Planning Act 2008 Guidance relating to procedures for the compulsory acquisition of land*¹ (the Guidance) states *"the applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. The applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate"*.

2.9 Also relevant is Guidance on the Compulsory Purchase process and the Crichel Down Rules (MHCLG 2019). At paragraph 13 of this guidance it provides:

13. How will the confirming minister consider the acquiring authority's justification for a compulsory purchase order?

The minister confirming the order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be. However, the confirming minister will consider each case on its own merits and this guidance is not intended to imply that the confirming minister will require any particular degree of justification for any specific order.

2.10 At para. 106 of the Guidance it provides (when considering what the SoS will take into account when confirming an order under s.226 of the Town and Country Planning Act 1990):

...whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.

Case Law

2.11 The guidance noted above reflects the position determined through case law. In *Hall v The First Secretary of State*² the Court of Appeal considered a challenge to the confirmation of a compulsory purchase order under section 226(1)(b) of the Town and Country Planning Act 1990. In the case it was argued that the SoS ought to have, but had not, looked at ways of achieving the objectives of the compulsory purchase order without acquiring the claimant's land, which was used for a scrap metal business. Addressing this, Carnwath LJ described the extent of any obligation to explore the alternatives in the following way:

"To what extent was the Secretary of State under a duty to explore such alternatives, even if not presented by the parties? His primary task under the statute is to consider the issues raised by objections to the CPO, not to search for alternatives. On the other hand, to satisfy

¹ published by DCLG in September 2013

² [2007] EWCA Civ 612

himself that there is a “compelling case” for compulsory acquisition, particularly when objectors are unrepresented, fairness may require him to consider at least any obvious alternatives.”³

- 2.12 This should be considered in the light of the High Court’s decision (a judgment upheld by the Court of Appeal) in *Grafton Group plc v SoS for Transport [2015] EWHC 1083 (Admin)*. In determining whether to recommend the confirmation of a compulsory purchase order, notwithstanding the planning application for the proposed development having been refused on appeal, the Inspector recommended (and the SoS agreed) that it was justifiable to confirm the compulsory purchase order because an alternative planning scheme could come forward at a later stage that would justify the acquisition. This was despite no party to the compulsory purchase inquiry having put forward any alternatives or there being any evidence to suggest one was viable or what the impacts of an alternative might be. The High Court determined (and the Court of Appeal subsequently agreed) that the conclusion that another scheme could come forward with no evidence for what that might be was irrational and the decision was quashed. The Court emphasised that no alternative had been raised during the inquiry, no iteration of a different design had been proposed and it was the applicant’s case that the compulsory acquisition should be authorised on the basis of their proposed scheme (not an alternative); the justification for the compulsory acquisition powers sought was based on the promoted scheme, not on some general or potential scheme that may or may not come forward at some stage in the future. In addition, the proposed scheme had assessed the impacts of the development and the compulsory acquisition case was justified on the basis of that information; the prospect of an unspecified, alternative scheme with no evidence supporting its design or having assessed its impacts against which no judgement in terms of public advantage could be assessed was not a relevant consideration.
- 2.13 These cases confirm that, whilst consideration of reasonable alternatives are a relevant consideration, this cannot be speculative and any alternative proposals must be before the decision maker to be properly assessed against the application proposal.

Scheme Need

- 2.14 Finally, in support of the statutory requirements and Guidance tests noted above it is worth reiterating the need for and the benefits of the Scheme which support Highways England case that there is a compelling case in the public interest for the Scheme. These are set out in Chapter 2 of the Statement of Reasons [REP9-005] and in other application documents including the Planning Statement [APP-252].
- 2.15 In summary, Highways England notes:
- (b) As set out at Chapter 6 of the Planning Statement, paragraph 2.2 of the National Policy Statement for National Networks (NPSNN) identifies a "critical need" to improve the national networks to address road congestion to provide safe, expeditious and resilient networks that better support social and economic activity.
 - (c) The Scheme was identified in the National Infrastructure Delivery Plan 2013 and subsequently in the Government’s Road Investment Strategy (RIS) for the 2015/2016 - 2019/2020 Road Period (‘RIS1’) published in 2015.
 - (d) The way in which the strategic objectives of the Scheme are aligned with the NPSNN is set out in detail at Chapters 2 and 6 along with Appendix A of the Planning Statement [APP-252]. This clearly demonstrates that the substantial public benefits arising from the implementation of the Scheme.

³ The Law of Compulsory Purchase 3rd Edition, para 1029.1.

- (e) The Scheme's objectives directly support the Government's wider strategic policy objectives whilst specifically addressing a significant problem of traffic congestion on the strategic road network in Derby, providing additional capacity and facilitating long-term development and growth.⁴

⁴ Summarised from SoR Feb 2020

3 Development of Markeaton Junction Preferred Option

3.1 In 2001/2002 a Road based Study (RBS) was conducted into the A38 Derby Junctions; this was devised to identify short, medium and long-term solutions to the traffic and congestion issues that were being experienced at the three at-grade roundabout junctions on the A38 through Derby. Key dates in this and subsequent work were:

- April 2001 – Road Based Study commissioned
- November 2001 – Public Consultation Exhibition/Presentation
- July 2002 – Public Exhibition Event
- October 2002 – Road Based Study Final Report
- April 2003 – RBS submitted to DfT
- April 2003 – SoS announced support in principle
- March 2004 – RBS recommendations endorsed (by The Regional Planning Body (RPB) (formerly East Midlands Regional Local Government Association, which became the East Midlands Regional Assembly)
- April 2005 – Work stopped
- January 2007 – Continued scheme development towards Preferred Route Announcement (PRA)
- 2008 – Scheme put on hold again; preferred route identified but no formal announcement
- 2009 – Stage 1 Technical Appraisal Report (TAR) produced (to summarise all work done to date)
- August 2014 – Scheme re-commissioned (PCF Stage 1/2)
- December 2016 – Scheme Assessment Report (SAR) issued to DfT for PRA
- January 2017 – PRA put on hold to allow further option assessment for Little Eaton junction
- December 2017 – SAR updated and issued to DfT for PRA
- January 2018 – PRA by SoS for Transport
- September/October 2018 – Statutory Public Consultation

3.2 The RBS considered four options for the grade separation of Markeaton junction. Relevant extracts from this report are presented below (also refer to Environmental Statement (ES) Chapter 3: Scheme History and Assessment of Alternatives [**APP-041**]):

- Option 1 was for the A38 to pass beneath the junction in an underpass. There would be a single bridge carrying the A52 over the A38 with slip road providing all turning movements between the A38 and A52. The slip roads would join the A52 at signalised junctions. Additional land required to accommodate the underpass and slip roads would be on the east side of the A38 to avoid impacts on Markeaton Park and the petrol filling station and fast food restaurant on the west side of the junction. This would adversely affect 16 detached houses on Queensway, 2 semi-detached houses on Ashbourne Road and would require land from the TA Centre. See Figure 1.

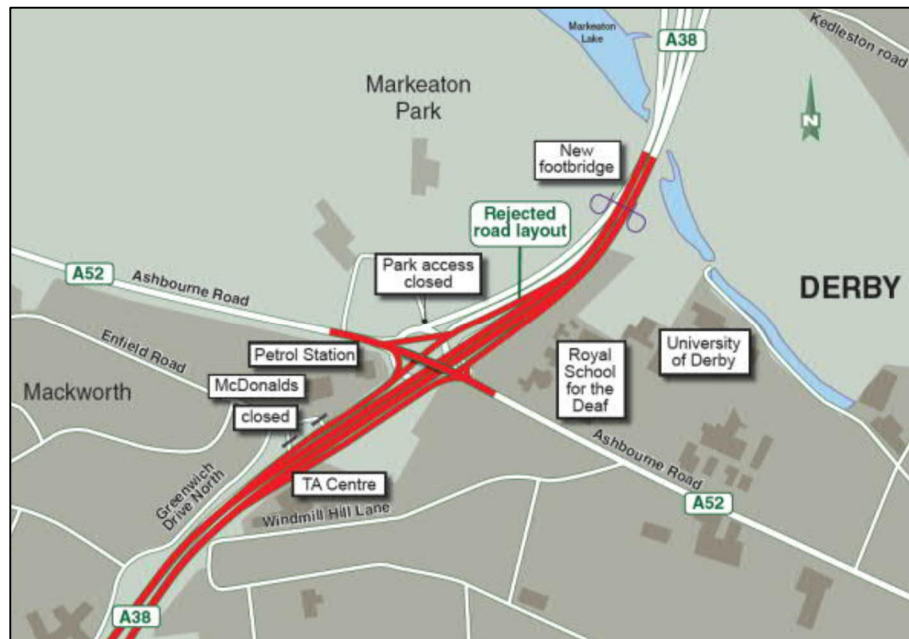


Figure 1 - RBS Option 1

- Option 2 was similar to Option 1 except that the additional land required to accommodate the underpass and slip roads would have been taken on the west side of the A38 to avoid impacts on the houses on Queensway and Ashbourne Road. Land would be taken from Markeaton Park, the petrol filling station and fast food restaurant on the west side of the junction. See Figure 2.

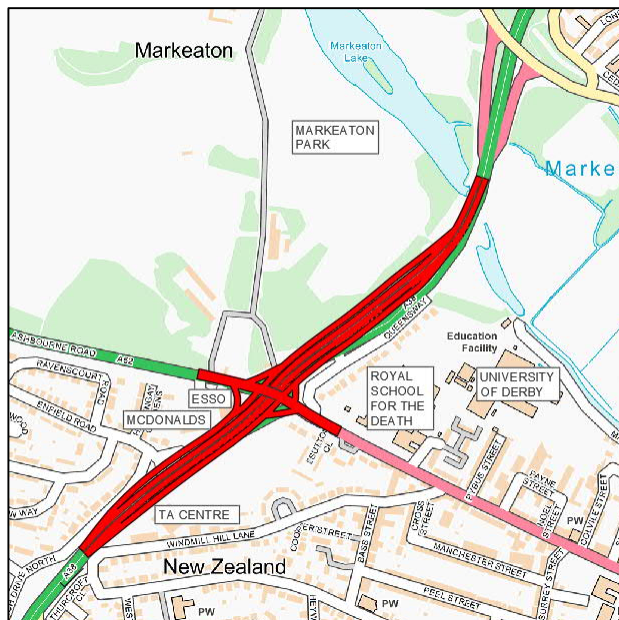


Figure 2 - RBS Option 2

- Option 3 was similar to Option 1, but with the A38 being on embankment over the junction as opposed to being in an underpass. See Figure 3.

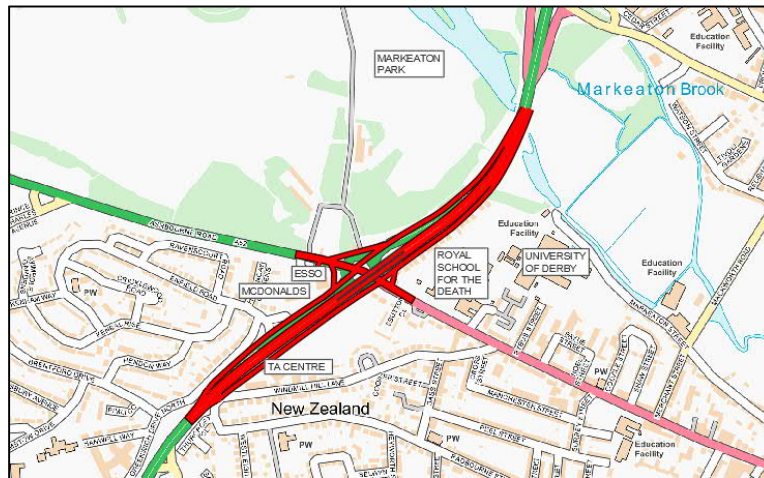


Figure 3 - RBS Option 3

- Option 4 was similar to Option 2, but with the A38 being on embankment over the junction as opposed to being in an underpass. See Figure 4.

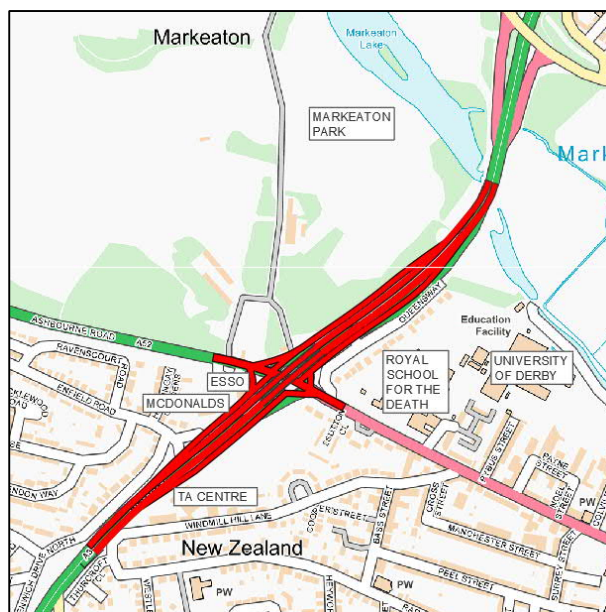


Figure 4 - RBS Option 4

RBS Preferred Option

- 3.3 The 2002 RBS concluded that an underpass solution was preferable to an embankment and flyover at it would be less visually obtrusive in the urban and parkland setting.
- 3.4 The choice between Options 1 and 2 came down in favour of **Option 1** as it was considered preferable to reduce the impact on Markeaton Park and the petrol filling station and fast food restaurant, albeit with increased impact on the residential properties on Queensway.

- 3.5 The Regional Planning Body (RPB) (formerly East Midlands Regional Local Government Association, now East Midlands Regional Assembly) endorsed the RBS recommendations for the Kingsway and Markeaton junctions together with the Highway Agency's subsequently modified recommendation for the Abbey Hill (now called Little Eaton) junction in March 2004.
- 3.6 Following on from the initial Road Base Study further design development was undertaken between 2002 and 2008. Traffic modelling of the RBS preferred option at Markeaton junction (i.e. Option 1) highlighted operational issues in that the signalised single bridge 'diamond' junction could not effectively accommodate the forecast traffic flows, particularly the right-turning traffic from the A52 onto the A38 which could result in the junction blocking up. This led to the layout being amended to allow the A38 to pass through the junction at low level with a roundabout on the A52 above – refer to Figure 4.5. It was considered that this would offer traffic management, construction and operational benefits.

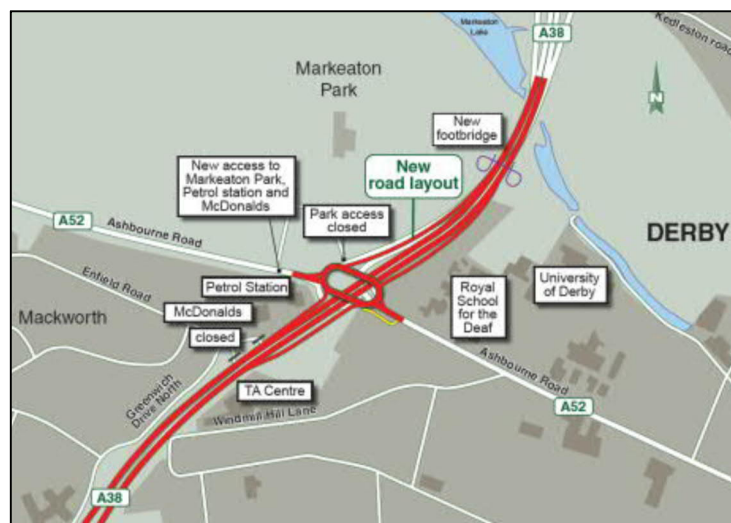


Figure 4.5 - Roundabout Option

- 3.7 In March 2004, an internal Highways Agency Working Paper was produced that explored options for aligning the A38 so as to avoid the demolition of some or all of the Queensway properties. This is included at Appendix B for reference.
- 3.8 The background to this paper is set out on page 2 as being:

“The A38 Derby Junctions study, completed in October 2002 [the RBS], identified that at the Markeaton junction grade separation would require land-take either from Markeaton Park to the west or residential land to the east. In the public consultation undertaken during this study taking land to the north east of the junction, affecting the houses at Queensway, received 10% more support than taking land from the park. It was perceived that the quality of life for people in the houses at Queensway would be reduced by the junction alterations if the houses remain so it was consulted that it would be better to remove them altogether. We are of the opinion that this reasoning is valid”

Further detail is provided in the paper regarding the options considered, and the impacts of an additional requirement for weaving lanes. The impacts on Markeaton Park, Esso/McDonald's and the Queensway properties are all considered in confirming the preferred option (identified as M6 revision C). This also confirms in conclusion that:

“The only option that would allow retention of the properties in Queensway would be option M6(D), or a variation of this option, with the following consequences:

- demolition of the filling station

- *Possibly demolition of McDonalds*
- *impinges into Markeaton park by requiring up to 2,000m2 of park land*
- *Greenwich Drive North may need to be closed in front of up to 12 properties rendering access to pedestrians with possible shared use by the affected householders, but*
- *retains vehicular access to the properties on Queensway*
- *perceived reduction in quality of life for people in the houses at Queensway due to the junction alterations”*

3.9 The importance of protecting Markeaton Park was also identified in the Technical Appraisal Report (TAR) produced in 2009. In respect of environmental objectives, these were listed as follows (refer to Section 2.5):

2.5 *General objectives for the scheme are:*

Environment

- *To minimise impacts on the surrounding environment, particularly the Derwent Valley Mills World Heritage Site and Markeaton Park*

2015 Non-Statutory Consultation

- 3.10 Scheme progress was halted in 2008 following the economic downturn and was re-started again in 2014. A non-statutory public consultation was held in February 2015 to reintroduce the Scheme to the local population of Derby City.
- 3.11 The consultation presented the Scheme as it had been developed based on the outcome of the Road Based Study (RBS).
- 3.12 The brochure (and exhibition display boards) included the following text:
- “The 2002 public consultation exercise resulted in some other options being rejected. These included options moving the A38 westwards away from Queensway at the expense of taking a swathe of land from Markeaton Park and potential loss of the filling station and land at McDonalds.”*
- 3.13 The 2015 Consultation Report is available on Highways England’s A38 website: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/497014/Public_Consultation_Report_.pdf
- 3.14 Paragraph 2.1.4 of this report states:
- The aims of the non-statutory public consultation were to:
- Raise awareness and understanding of the need and rationale for the proposed junction improvements.
 - Obtain objective feedback to enable the Scheme design to be refined and developed prior to statutory consultation in advance of the Development Consent Order (DCO) application planned for 2017.
- 3.15 With respect to the Markeaton junction, the consultation showed that 67% of respondents agreed with the proposed junction layout, 14% disagreed with the proposal and 19% had no preference to the junction layout. The main concerns raised by the 14% opposed to the preferred Markeaton option were:
- The 2014 Pinch Point improvement scheme sufficiently dealt with the congestion issues.
 - The impact to local residents and business - this primarily focused around the closure of existing local access routes onto the A38.
 - The highway alignment impacting on residential properties.

- 3.16 The consultation events were very well attended with more than 1,100 people attending the exhibitions, with 739 people responding to the consultation in writing (mainly by completing the consultation questionnaire, but there were also 40 letters and emails received).
- 3.17 The consultation generated a lot of interest from the public and several suggestions for alternative alignments were received, but these almost all related to Little Eaton junction.
- 3.18 Although some alternative options were received that involved Markeaton junction (e.g. tunnel from south of Kingsway junction to the north of Markeaton junction; new trunk road from A38/A50 Toyota junction to north of Little Eaton junction), none of these options passed the initial sifting process (due to failing to meet the Scheme objectives, not being feasible or being undeliverable) and as such were not subject to further technical assessment. **There were no suggested alternatives, including from owners of properties at Queensway, for moving the A38 away from the Queensway properties and increasing land take from Markeaton Park.** Details of the options sifting process are contained in Section 5 of the Scheme Assessment Report (SAR): (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/680865/A38_Derby_Junctions_SAR_Non_Technical_Version_Final_v3.pdf).
- Scheme Assessment Report (SAR)**
- 3.19 Following the conclusion of the 2015 non-statutory consultation, the SAR was prepared, the purpose of which was to provide a summary of the TAR that was produced in 2009, the more recent (2015) Report on Public Consultation, the options development and assessment work undertaken in PCF Stage 2 and to recommend a Preferred Route.
- 3.20 The non-technical summary of the SAR is available on Highways England's A38 website: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/680865/A38_Derby_Junctions_SAR_Non_Technical_Version_Final_v3.pdf and an extract from this report (relating to the option selection for Markeaton junction) is included in Appendix A of this technical note.
- 3.21 The SAR was originally issued in December 2016. Following the suggestion of further alternatives in relation to the route for Little Eaton junction, however, the Preferred Route Announcement (PRA) was delayed by 13 months to allow further option assessment work at Little Eaton junction to be carried out. The SAR was subsequently updated to include this further assessment work and republished in December 2017 (refer to ES Appendices 3.2 to 3.4 [APP-163] to [APP-165]).
- 3.22 The Preferred Route was announced by the SoS in January 2018. Along with many other interested parties, all of the residents of the Queensway properties were advised of this by means of a brochure detailing the PRA which was sent directly to them.

4 Statutory Public Consultation

4.1 Following the PRA, Highways England commenced the preparation of an application for a DCO for consent for the alteration to the three junctions of the A38. As part of the process set out in the Planning Act 2008, Statutory Public Consultation took place in September/October 2018. The consultation was extensive and satisfied all of the statutory requirements; the key elements are as follows:

- Draft Statement of Community Consultation (SoCC) issued to LPAs on 25 June 2018
- SoCC published on 23 August 2018
- S42 notification letters sent (to all potentially affected parties and statutory consultees) on 6 September 2018
- Supplementary s42 notification letters sent on 30 October 2018
- S47 Notice published (local community consultation) 6 September 2018
- S48 Notices (newspaper notices) London Gazette – 6 September 2018
The Guardian – 5 September 2018
Derby Telegraph – 5 and 13 September 2018

Public Consultation Events:

- University of Derby Enterprise Centre - 7 September 2018, VIP & Press event 11:00 - 12:00, Public event 14:00 - 20:00
- University of Derby Enterprise Centre - 8 September 2018, 10:00 - 16:00
- Breadsall Priory Golf Club - 12 September 2018, 12:00 - 20:00
- Haslams Rugby Club, Darley Abbey - 13 September 2018, 12:00 - 20:00
- Breadsall Memorial Hall - 15 September 2018, 14:30 - 20:00
- Allestree Memorial Hall - 18 September 2018 10:00 - 13:00 and 15:30 – 19:00
- Little Eaton Village Hall - 19 September 2018 15:30 – 20:00
- Brackensdale School - Saturday 22 September 2018, 10:00 – 16:00
- Kingsway Retail Park (events vehicle in car park) - 13 October 2018, 10:00 – 16:00

4.2 Please refer to Section 3 of the Consultation Report for further details [APP-023].

4.3 It should be noted that, following the statutory consultation, no objections or representations were received from the residents of any of the Queensway properties in relation to the Preferred Route or the Compulsory Acquisition of the properties.

5 DCO Application and Examination

- 5.1 It should be noted that all of the residents of the Queensway properties received the required notices following acceptance of the DCO application and, apart from the residents of 12 Queensway, there has been no relevant representations, written representations or requests to speak at hearings from any of the Queensway residents. No alternative alignments have been suggested by these residents nor any suggestion that the works at the Markeaton junction could be redesigned to avoid their properties being acquired. In addition, it should be noted that the residents of 12 Queensway were not objecting to the Scheme in principle or the acquisition of their property; they were keen to progress their blight application and compensation package, but this is now resolved as confirmed in their submission at Deadline 12 [REP12-018] and they did not participate further in the Examination.
- 5.2 All of the Queensway property owners have agreed to progress the acquisition of their properties by voluntary agreement. Of the 15 properties: 7 are now in Highways England's ownership, 4 have value agreed and searches are progressing; 1 has blight notice accepted (inspection pending lifting of Covid-19 restrictions); 1 (no. 12) has the compensation package for home and business agreed and 2 (tenanted investment properties so not eligible for blight) have a market value settlement figure proposed, and Highways England are awaiting a response from the agent of these parties.

6 Derby City Council's (DCiC) position

- 6.1 The ExA will be aware from the representations made throughout the Examination that DCiC is supportive of the A38 Derby Junctions Scheme and recognise the significant benefits that the Scheme will bring for Derby. Whilst it is recognised that DCiC may wish to make further representations on the alignment at Markeaton junction, Highways England believes that the Council supports the proposed alignment and recognises the significant impacts that would result from an alternative alignment that moves the Scheme further into Markeaton Park. Previous submissions made by DCiC during the Examination on this subject are summarised below.

Derby City Council's Deadline 9 response to ExA's further written question 10.4

- 6.2 **Question:** Do the Applicant or DCiC consider that there is 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 identified in Ashbourne Road and Sutton Close?

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. How much relative weight should be given to the human rights that would be affected by the CA of residence on Queensway and to the loss of land and trees in Markeaton Park? Do the Applicant or DCiC consider that the loss of land and impacts on trees could be mitigated? If so, how?

DCiC Response: *No. Changing the alignment is likely to open up more detrimentally significant environmental impacts such as unacceptable loss of public open space and further significant tree loss which is unsustainable. It would also result in retaining houses in a worse environment for housing overlooking and detrimentally affected by a significant highway and infrastructure.*

Derby City Council's Deadline 12 response to ExA's further written question 9.4

- 6.3 **Question:** 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 identified in Ashbourne Road and Sutton Close?

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?

DCiC Response: *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.*

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.

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.

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.

7 Constraints

- 7.1 The A38 is an existing road which forms part of the national strategic network and passes through both semi-rural and urban settings. As it passes through Derby, the immediate area surrounding the road is urbanised with private dwellings, businesses, city park land and other property types. The Scheme comprises an alteration to three existing at grade roundabout junctions maintaining the current path of the A38 route.
- 7.2 Of the three junctions to be altered, Markeaton junction is constrained by urban and parkland development. Refer to the plan in Appendix C of this document - this plan shows key constraints that have been considered in the optioneering process and which have influenced the proposed alignment for the Scheme through Markeaton junction. Refer to the Markeaton Junction Alternative Optioneering Summary [REP3-013].
- 7.3 Markeaton Park sited to the north west of the junction has been identified in a study of open space by DCiC as one of two parks within the city that are categorised as "*City Parks – sites of more than 60 hectares serving a catchment of around 5,000 metres radius. These provide a wide range and high standard of complimentary facilities of broad interest to visitors*". Markeaton Park has a significant draw in the region, with visitors travelling from across the surrounding county areas and a number of significant local events are held each year within the park. The significance of the park is recognised by the Scheme design and its Public Open Space designation - the replacement of Public Open Space lost due to the Scheme is accommodated by the Scheme design as detailed in the Planning Statement/NPSNN Accordance Table [APP-252] and the technical note on Public Open Space Loss and Replacement [REP6-023].
- 7.4 It should be noted that should the land that remains through the acquisition and demolition of the properties on Queensway not become available to the Scheme (due to the Scheme alignment being moved further into the park resulting in the retention of the Queensway properties), the proposed Public Open Space replacement land available for the current minor loss of POS would be lost. In addition, any option that takes the Scheme further into the park would significantly increase the Public Open Space losses and thus the Public Open Space replacement land requirement. Any replacement land would inevitably be outside the Park and lead to an overall reduction in the size of the Park.
- 7.5 In addition to being designated Public Open Space, Markeaton Park is defined as a Local Wildlife Site (LWS), designated for its wood pasture and parkland including associated veteran trees. During the Examination there has been public concern regarding the loss of trees within the park, and a Scheme realignment further into the park would remove more trees, effectively resulting in the loss of the whole tree belt between the A38 and the park. Such an increase in tree loss is not supported by DCiC as detailed in Section 6. In addition, land to the north of the Markeaton Lake close to the Kedleston Road junction is within Flood Zones 2 and 3. Thus a Scheme alignment that goes further into the park, requiring extension of the Markeaton Lake culvert, is also likely to require additional flood risk mitigation and compensation provisions.
- 7.6 The Design Manual for Roads and Bridges (DMRB) standards are essential for the design of the strategic road network in order to ensure that all designs meet safety standards. The implementation of the design standards in urban areas where space is already at a premium is challenging and adverse effects on the immediate surrounds are scrutinised to ensure that the final design solution achieves the best balance between engineering, safety and environmental impact.
- 7.7 Section 7 of this document looks at the relevant elements of the DMRB standards that have affected the proposals at the Markeaton junction.

- 7.8 The modern strategic highway network incorporates a significant number of other infrastructure items to enable the safe operation and maintenance of the roads. This includes signs, street lighting, bridges, drainage and many other buried items of equipment.
- 7.9 The shifting of road alignments or tightening of curves has the effect of pushing these associated infrastructure items further into adjacent land. Making even small adjustments to the alignment can have wide reaching impacts on the immediate surrounds of the road especially in urban areas where there are already likely to be significant existing physical constraints. For example, for the Scheme:
- The suggestion of moving the A38 to the west to avoid the Queensway properties would require a significant area of Markeaton Park to construct the carriageway itself, but key items such as Markeaton Footbridge (p on plan in Appendix C) would cut further into the park increasing the Public Open Space losses.
 - The diversion of statutory undertakers' plant and equipment is necessary on large schemes such as this. To be able to divert this apparatus would require further land take. The future maintenance and potential disruption to the traveling public is considered with such diversions and where practicable plant is located outside the carriageway. Shifting the road alignment would push these diversions further away from the existing routes and could result in wider impacts. The current proposals for the A38 places the main carriageway in an underpass at the Markeaton junction, the associated retaining structures preclude the placing of statutory undertakers' plant within the carriageway immediately around the junction where they currently cross the existing roundabout. The proposed solution is to place the statutory undertakers' plant in an agreed corridor (r on plan) alongside the road. If the works were to encroach further into Markeaton Park there would be further disruption and land take required to accommodate the relocated services
 - Given the constrained nature of this particular section of the A38 between the Kingsway, Markeaton and Kedleston Road junctions, consideration was given to avoid wider land take when positioning the necessary road signage. The proposed solution is the installation of gantry mounted signs, the positioning of which complies with design standards whilst minimising impacts to surrounding residents.
 - When considering the alignment of the road the number of associated structures and other infrastructure is taken into account. Where practicable, this is kept to a minimum to reduce costs and avoids further impacts. The A38 alignment between Markeaton junction and Kedleston Road junction has been selected to avoid impact on the existing large culvert under the A38 between Markeaton Lake (h on plan) to the west and the Mill Pond (l on plan) to the east. Realignment of this section of the A38 would require the extension of this culvert and further infrastructure works impacting both key features and resulting in greater cost and environmental effects.

8 Potential impacts of avoiding CA of properties

- 8.1 Referring to the Constraints Plan in Appendix C, the following are the likely consequences of retaining the Euro Garages filling station and McDonald's restaurant (d and e on plan) and also trying to avoid the Queensway properties (k on plan) as suggested by the ExA:
- For the A38 alignment, using a tighter than minimum desirable radius curve (for which a Departure from Standards would be required), it would still not be possible to avoid all of the Queensway properties – the first 4 or 5 would be likely to require demolition (allowing for a service road to be provided for the remaining properties).
 - The tight radius would require widening of the verge and central reserve for visibility requirements – this would further impact on the properties and land take in general.
 - The alignment would result in the loss of a much greater area of Markeaton Park (a on plan) which is designated Public Open Space.
 - Given this greater loss of Public Open Space coupled with the fact that the area that is currently being used for mitigation (the land currently occupied by the Queensway properties) not being available, would pose a serious challenge for such an option. This could result in requiring CA of other land further from the Scheme for replacement Public Open Space which may not satisfy policy requirements.
 - The proposed design requires a pumping station and surface water storage features – these are proposed to be located on the land currently occupied by the Queensway properties which would not be available if the properties were retained. Relocating these elements could increase impact on Markeaton Park and the Public Open Space losses.
 - The alignment into the park would have a serious impact on the existing screening tree belt (g on plan) resulting in the loss of most of the trees (including a veteran tree (DWT26 – refer to ES Figure 8.9 [APP-103]) which is a feature cited in the park's designation as a LWS).
 - The alignment could adversely impact Markeaton Lake (h on plan) requiring a complex engineering solution and loss of amenity. Such an option could also require additional flood risk mitigation and compensation provisions (given that the area to the north of the lake is defined as Flood Zones 2 and 3).
 - An alignment that maintains some or all of the Queensway properties would place these properties immediately adjacent to the new A38, where they would be exposed to noise and air emissions from the Scheme. Concerns have been raised by residents (including during CAH1) that this would significantly affect their properties as they would be positioned in a location where they would experience potentially significant adverse amenity and environmental effects (even with mitigation).
 - An alignment that takes more park land and incurs greater tree loss would undoubtedly result in a lot more opposition from the public.
- 8.2 The high value placed on Markeaton Park by DCiC and the general public, and the fact there have been no Relevant Representations, Written Representations or any other objections from any of the residents of the Queensway properties (or other parties) in relation to the Compulsory Acquisition of the properties, and the advanced stage of negotiations to acquire the properties by voluntary agreement, all indicate that, as identified by Highways England during the extensive public consultation and engagement on the A38 proposals (including the proposals at the Markeaton junction) over almost 20 years, the alignment that minimises the land take at Markeaton Park is supported by the public, the landowners in question and DCiC. On this basis Highways England considers there is a compelling case in the public interest for consent and the requested CA powers to be authorised for the Scheme as submitted to the Examination.

9 Conclusion

- 9.1 During the Examination, the ExA has intimated that it considers there is an alternative alignment through Markeaton Park which will avoid (i) the need for the acquisition of the Queensway properties and (ii) impacts on the existing Esso/McDonalds facilities.
- 9.2 In respect of its decision-making, Highways England considers that the SoS's primary duty is to consider the Scheme as presented in the DCO application and not to speculate on possible alternatives where none are proposed by any party participating in the DCO Examination process (and where none have been identified during the significant optioneering and public consultation undertaken by Highways England in respect of the A38 Derby Junctions scheme).
- 9.3 Highways England does not consider there are any "obvious alternatives" (taking the terms from the *Hall* case noted in para. 2.13 above) which can be considered, nor are any proposed.
- 9.4 Highways England does not consider that there is an obvious alternative to its proposals at Markeaton junction because these proposals have been in the public domain for a significant period of time (almost 20 years) and have been subject to many rounds of public consultation. They have also been endorsed by both the Regional Planning Body (through the conclusions of the RBS) and the Department for Transport (through the PRA). No alternative alignment at Markeaton junction has been proposed by any party. In the absence of such an alternative there is nothing which can be properly considered and assessed or compared to the Scheme proposal; the impacts too of any alternative alignment are not known.
- 9.5 As noted above, Highways England does not consider that moving the carriageway further west and into Markeaton Park would be acceptable given the Scheme objectives as approved by DfT and the existing physical constraints which would need to be overcome. The Scheme would no longer be an "alteration" to the existing A38 (under s.22 of the Planning Act 2008) as it would constitute the construction of a new section of trunk road which would have entirely different impacts; including more land take from Markeaton Park, and significant environmental effects.
- 9.6 The Scheme in front of the ExA and the subject of the Examination has been refined through a significant amount of public consultation and engineering refinement and at no stage has it been suggested that the scheme could or should be moved further into Markeaton Park.
- 9.7 Highways England's considers that the proposals at Markeaton junction meet the relevant legal and policy tests. The Secretary of State has to be satisfied that the land identified as the Order land on the DCO is reasonably required for the scheme and that all reasonable alternatives have been explored. These tests have been through the thorough optioneering and consultation process that has been followed and has led to the identification of the proposal at Markeaton as the most appropriate solution.
- 9.8 Highways England considers that the compulsory acquisition approach proposed to secure the Scheme is necessary and proportionate and ensures that an appropriate balance is struck to justify the grant of the compulsory acquisition powers sought in the DCO.

APPENDIX A

Extract from Scheme Assessment Report (SAR), December 2017

Extract from Scheme Assessment Report (SAR) Section 5 – Summary of Alternative Schemes

5.3 A38/A52 Markeaton Junction Alternative Options Road Based Study (2002) Options

5.3.1 Four options for grade separation emerged from the Road Based Study (RBS):

- Option 1 was for the A38 to pass beneath the junction in an underpass. There would be a single bridge carrying the A52 over the A38 with slip road providing all turning movements between the A38 and A52. The slip roads would join the A52 at signalised junctions. Additional land required to accommodate the underpass and slip roads would be on the east side of the A38 to avoid impacts on Markeaton Park and the petrol filling station and fast food restaurant on the west side of the junction. This would adversely affect 16 detached houses on Queensway, 2 semi-detached houses on Ashbourne Road and would require land from the TA Centre.
- Option 2 is similar to Option 1 except that the additional land required to accommodate the underpass and slip roads would be on the west side of the A38 to avoid impacts on the houses on Queensway and Ashbourne Road. Land would be taken from Markeaton Park, the petrol filling station and fast food restaurant on the west side of the junction.
- Option 3 is similar to Option 1 but with the A38 being on embankment over the junction as opposed to being in an underpass.
- Option 4 is similar to Option 2 but with the A38 being on embankment over the junction as opposed to being in an underpass.

5.3.2 The RBS concluded that Option 1 was the preferred option. The primary reason being that an underpass solution was considered preferable to an embankment and flyover as it would be less visually obtrusive in the urban and parkland setting. It was also considered preferable to reduce the impact on the Markeaton Park and petrol filling station and fast food restaurant at the expense of increased impact on the residential properties on Queensway. For the layout of this option refer to Appendix 2.

Design Development (2002 – 2008)

- 5.3.3 Traffic modelling of the RBS preferred option highlighted operational issues in that the signalised single bridge junction could not effectively accommodate the forecast traffic flows. This led to the layout becoming amended such that the A38 passed through the junction at low level with a roundabout on the A52 above. It was considered that this would offer traffic management, construction and operational benefits. This alternative became known as Option M6.
- 5.3.4 As part of the development of this option, consideration was given to revisions required to increase the speed limit from 40mph to 50mph through Kingsway and Markeaton junctions. A major issue is the distance between the Markeaton and Kedleston Road junctions where there is insufficient weaving length for a higher design speed. An option to remove the need for weaving by closing the existing A38 slip roads at Kedleston Road and providing link roads for local traffic between Kedleston Road and Markeaton junction was investigated as a possible solution. This alternative was assessed (Ref. Report No D114946/PM/017 Sept 2008) and the results can be summarised as:
- The proposed layout of the link roads option would be capable of operating satisfactorily up to the design year with the projected traffic flows.

- Although no additional properties would be required to be purchased for this option, an additional 2.5ha of Public Open Space would be required at the Markeaton Park area, and therefore an equivalent (or greater) additional area of POS Exchange land would be required.
- The link roads option would result in some increased adverse environmental impacts, which are all related to the effect on the Markeaton Park area.

5.3.5 Although the link roads option had the potential to deliver the scheme requirements, it had a major disadvantage in the need for an additional Public Open Space Exchange land due to the encroachment into Markeaton Park. It may be very difficult to find sufficient suitable exchange land in an acceptable location. In addition this encroachment is likely to generate strong opposition to the scheme from the general public and stakeholders due to impacts on Markeaton Park. It was considered that the alternative options should be considered further as these would be likely to provide better value for money and would avoid encroachment into Markeaton Park.

5.3.6 The layout that was then further developed as follows:

- A38 realigned along a horizontal alignment slightly further to the east.
- Vertical alignment steepened from 5% to 8% resulting in shorter slip roads and less retaining walls to reduce cost.
- Speed limit increased from 40mph to 50mph through and to each side of the junction, terminating just north of the Kedleston Road slip roads.
- Partly signalised roundabout replaced signalised A52/slip road junctions.
- An additional lane for weaving between the Kingsway and Markeaton junctions and between the Markeaton and Kedleston Road junctions, northbound and southbound.
- Third traffic lane southbound and third maintenance lane northbound through Markeaton junction.
- Parallel southbound merge in place of taper merge.
- Two properties on Ashbourne Road require demolition, in addition to those on Queensway.
- Land required from 2 further properties on Ashbourne Road and 2 on Sutton Close for access to properties.

5.3.7 In addition, engineering design was developed in much greater detail, sufficient to determine land required and provide a more robust cost estimate.

5.3.8 15 detached and 2 semi-detached residential properties would need to be purchased and demolished and the existing access to Sutton Close off Ashbourne Road closed and a revised access provided, which would require purchase of land from 4 further residential properties.

5.3.9 This was identified as the preferred option to be entered into the TPI programme when the scheme was put on hold in 2008.

5.3.10 Drawing D114946/GD/002A showing the proposed layout and long section at the Markeaton junction is included in Appendix 9 (Figure 1.2).

Developments up to 2015 Public Consultation

5.3.11 Work recommenced on the scheme in 2014 and a Public Consultation exhibition was held early in 2015. Design work prior to consultation focussed on re-affirming that the design option could accommodate the forecast traffic flows for the new design year. It was the

arrangement described above that was presented to the public at the consultation (referred to as the 'Presented Option' hereafter).

5.3.12 Overall 67% of consultation respondents agreed with the Presented Option.

5.3.13 The public were also asked whether the existing footbridge at Markeaton Park should be replaced with a new bridge or not; as the existing bridge would require demolition under the scheme proposals to accommodate the widened carriageway.

5.3.14 As a result of the consultation process, and discussions with Derby City Council, it was concluded that the footbridge should be replaced with a new one.

Alternative Options Emerging After the 2015 Public Consultation

5.3.15 Although some alternative options were received for Markeaton junction (e.g. tunnel from south of Kingsway junction to the north of Markeaton junction; new trunk road from A38/A50 Toyota junction to north of Little Eaton junction), none of these options passed the initial sifting process (as described in paragraphs **Error! Reference source not found. – Error! Reference source not found.**) and were thus excluded from further assessment.

Design Development Post-2015 Public Consultation

5.3.16 Following the completion of the 2015 public consultation, further design work was undertaken to focus on specific aspects of the junction to ensure the option was feasible and deliverable. These included:

- Reviewing the layout of the roundabout with a view to it operating under traffic signal control. This was identified as a necessary measure to accommodate the latest design traffic flows and to accommodate controlled pedestrian crossings on all arms of the roundabout.
- Examining the operation of the short weaving length between Markeaton junction and Kedleston Road.
- Developing the outline design for facilities for non-motorised users based upon feedback received during the consultation.
- Developing designs for maintaining access to Markeaton Park and the McDonalds/petrol filling station site.
- Conducting environmental surveys and assessments to quantify the adverse impacts and positive benefits of the scheme; and to inform the design of mitigation measures.

APPENDIX B

WORKING PAPER – IMPLICATIONS OF ADOPTING AN ALIGNMENT AT MARKEATON THAT WOULD AVOID DEMOLITION OF HOUSES: MARCH 2004

A38 DERBY JUNCTIONS**MARCH 2004****WORKING PAPER – IMPLICATIONS OF ADOPTING AN ALIGNMENT AT MARKEATON THAT WOULD AVOID DEMOLITION OF HOUSES.****Introduction.**

This working paper has been prepared at the request of the Project Sponsor to set out the implications of adopting an alignment at Markeaton that would avoid demolition of 17 properties to the west side of the A38 at this location. 15 properties are numbered 2 to 32 Queensway starting at the junction running to the north east. There is no property no 28. There is a pedestrian access to the School for the Deaf between the properties 18 and 20 Queensway.

The other 2 properties are 259 and 257 Ashbourne Road which is the first semi-detached house on the A52 to the south of the junction.

Part of the front gardens of 3 further properties on Ashbourne Road are required to provide road widening for the A52 to A38 southbound left turn lane. Further land take is required if a service road were provided such that vehicular access is maintained

Background


The A38 Derby Junctions study, completed in October 2002, identified that at the Markeaton junction grade separation would require land-take either from Markeaton Park to the west or residential land to the east. In the public consultation undertaken during this study taking land to the north east of the junction, affecting the houses at Queensway, received 10% more support than taking land from the park. It was perceived that the quality of life for people in the houses at Queensway would be reduced by the junction alterations if the houses remain so it was concluded that it would be better to remove them altogether. We are of the opinion that this reasoning is valid.

Options

Three options for grade separation of the A38 from the A52 using an underpass were developed during this study, two of these options M6(C) and M6(D) were reported on in the A38 Derby Junctions Final Report, October 2002, with M6(C) being the preferred option. These two layouts have been extracted from the report and are appended to this working paper.

A further option M5(D) was also developed, but not presented in the final report. This moves the alignment of the preferred option further to the south east to decrease the impact on the ESSO filling Station and McDonalds such that only their access off the A38 was closed.

Since production of the Final Report, further work on the scheme for the junction improvements has indicated that weaving lanes will be required between the Kingsway and Markeaton and between the Markeaton and Kedleston Road junctions



(ref A38 Derby Junctions, Number of Lanes Kingsway to Abbey Hill Working Paper, August 2003.) These weaving lanes are not shown on the layouts extracted from the final report (Options M6(C) and M6(D)) nor on the layout for Option M5(D) appended to this working paper.

Option M6 Revision C (Final report preferred option)

This option requires demolition of the properties 2 and 4 Queensway (those 2 properties furthest to the south west) as the widening of the southbound off slip road to provide a left turn lane goes through no. 2 and only just misses no. 4. The 7 properties 6 to 18 (those to the north east of no 4 and to the south west of the pedestrian access to the School for the Deaf) lie within the cutting footprint and these would also require demolition. Construction of a retaining wall on the edge of the slip road would physically allow no 18 Queensway to be retained but would render it undesirable as a residential property. The remaining 6 properties (nos. 20 to 32) on Queensway could be retained with pedestrian access only to the front although some land take would be required from all of these properties.

Some land take would also be required from 5 properties on Ashbourne Road and a service road within the front gardens would be required to maintain safe vehicular access.

This option does not require land to be taken from the park but has works 5m into land surrounding McDonalds and up to 10m into land at the Garage with the edge of the northbound off slip road only just clear of the filling station canopy. It would be necessary to refigure the layout of the petrol station if the business were to be retained.

When weaving lanes are considered (Kingsway to Markeaton) these could require the estate road to the south west (Greenwich Drive North) to be closed due to its proximity to the northbound weaving lane. The provision of weaving lanes between Markeaton and Kedleston Road will result in the remaining properties, 20 to 32 Queensway requiring demolition.

The impact of this scheme is much worse than previously anticipated in the Final Report both on Greenwich Drive North and Queensway due to the need for weaving lanes.

Option M6 Revision D

This option allows the service road to the properties on Queensway to be retained but requires demolition of the garage and clips the building at MacDonaldis requiring possible demolition of this premise also. The current 'drive through' facility would not be possible and this may make the business uneconomical. It also impinges on Markeaton Park by up to 15m, moves the alignment of the A38 closer to the properties 2 to 12 Queensway by up to 15m and further from the properties 14 to 32 by up to 11m. Moving the A38 closer, but placing it in cutting will probably result in the properties 2 to 12 Queensway not experiencing greater noise levels than would be the case with the do nothing option.

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This option results in the estate road (Greenwich Drive North) to the properties to the south west being removed, at least in part, as the northbound off slip road lanes would overlie the road outside nos 6 to 14 Greenwich Drive North (3rd to 7th property from north end of Greenwich Drive North). It may be possible to retain vehicular access by closing the Drive to through traffic and permitting these 5 householders to share the footway with pedestrians.

With weaving lanes, due to the proximity to Greenwich Drive closure of the estate road from nos 6 to 28 Greenwich Drive North (3rd to 17th properties from north end of Greenwich Drive North) may be required on safety grounds.

The impact of this scheme is also much worse than previously anticipated in the Final Report on Greenwich Drive North and Markeaton Park due to the need for weaving lanes.

Option M5 Revision D

This option has a junction arrangement that has little direct effect on the garage or MacDonalds, but the retaining wall to the southbound on slip road goes through the corner of 259 Ashbourne Road. 259 and 257 Ashbourne Road are semi-detached houses immediately to the south of the junction on the A52 and hence demolition of both would be required. Land would be required from three further properties on Ashbourne Road to provide a left turn lane and footway at the junction. Unless pedestrian access only was retained to 253 and 255 Ashbourne Road, a service road within the gardens of the 3 properties would be required to maintain safe vehicular access to nos 253 and 255 Ashbourne Road increasing the land take further. The third property on the side road, Sutton Close, has access from the Close.

The southbound off slip road goes through the properties 2 to 26 Queensway and only just misses 30 Queensway which is within the footprint of the cutting. All 14 properties would require demolition (there is no number 28), and the property 32 Queensway (last house to the north) could probably be retained although land take would be required. Pedestrian access only would be maintained as vehicular access would be unsafe.

When weaving lanes are added this last property (no 32 Queensway) would also require demolition.

This option allows the estate road to the south west (Greenwich drive North) to be retained.



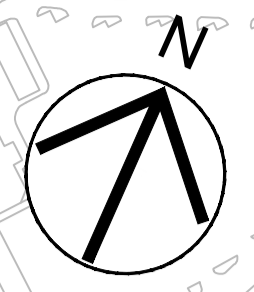
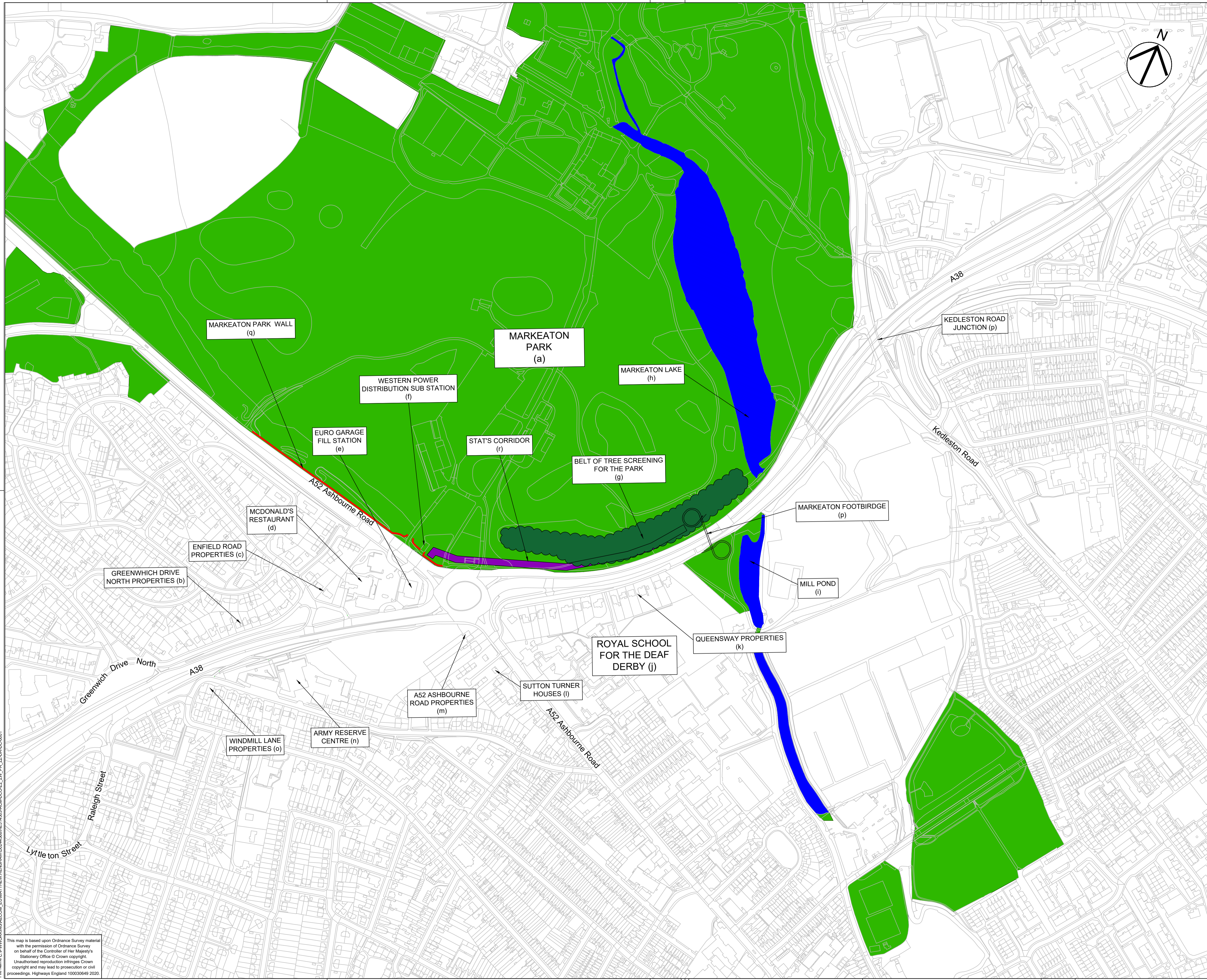
Conclusion

The only option that would allow retention of the properties on Queensway would be option M6(D), or a variation of this option, with the following consequences:

- demolition of the filling station,
- possibly demolition of MacDonalDs ,
- impinges onto Markeaton Park by requiring up to 2,000m² of park land,
- Greenwich Drive North may need to be closed in front of up to 12 properties rendering access to pedestrians with possible shared use by the affected householders, but
- retains vehicular access to the properties on Queensway.
- perceived reduction in quality of life for people in the houses at Queensway due to the junction alterations.

APPENDIX C

MARKEATON JUNCTION CONSTRAINTS PLAN




- NOTES**
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DOCUMENTATION.
 - DO NOT SCALE FROM THIS DRAWING, USE ONLY PRINTED DIMENSIONS.
 - ALL DIMENSIONS IN METRES, ALL CHAINAGES, LEVELS AND COORDINATES ARE IN METRES UNLESS DEFINED OTHERWISE.
- NOTES**
- TREE SCREENING BELT
 - WATERCOURSES
 - PUBLIC OPEN SPACE
 - MARKEATON PARK WALL
 - STAT'S CORRIDOR

First Issue	MSH	18/06/20	P01
Revision Details	By	Date	Suffix
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	Check		

Purpose of Issue
FOR STAGE APPROVAL

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Development Consent Order Number
TR010022

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**A38
DERBY JUNCTIONS**

Drawing Title
**MARKEATON JUNCTION
CONSTRAINTS PLAN**

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LF	MSH	GS	AW	18/06/20
Internal Project No.	Suitability			
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Scale @ A1	Zone			
---	A38/A52 Markeaton			

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