

From: [Bill Booker](#)
To: [A38 Derby Junctions](#)
Cc: [Tim Hancock](#); [Alun Jones](#); [Simon Cope \(simon.cope@eurogarages.com\)](mailto:simon.cope@eurogarages.com)
Subject: TR010022 - A38 Derby Junctions highway improvement scheme
Date: 24 June 2020 17:15:35

Dear Sirs,

**A38 DERBY JUNCTIONS HIGHWAY IMPROVEMENT SCHEMES
UNIQUE REF 20022836**

We write on behalf of Euro Garage Limited (EGL) in respect of the anticipated adverse effect upon the petrol filling station at the Markeaton interchange of the proposals by the applicant to materially amend the A38/A52 junction and to close the principal ingress as well as alter the remaining access arrangements serving the overall site.

This note summarises the EGL position in respect of the Applicant's proposals.

As you will be aware the accesses to the overall site from the A38 and the A52 are owned by McDonalds and there are existing rights of way for EGL to access their site. Currently, the access to the A38 serves the A38 northbound carriageway via a left in/ left out situation and there is a half moon style arrangement to permit access to either site. The A52 access provides for all movement to and from the A52 and again uses a half moon style arrangement to permit access to either site. These access arrangements are highly effective.

The combined site attracts a significant number of vehicle movements (circa 4,300 vehicles per day) on a daily basis and as such is considered to be a major attractor of trips. This high degree of usage confirms its importance as a facility located on the primary road network at which motorists can stop for rest, refreshment and fuel. The site therefore fulfils the policy objectives contained in circular 2/2013 of supporting the safety and welfare of motorists.

Currently the movement to and from the overall site can be achieved using two points of ingress and egress which operate using priority control. That will no longer be the case with the proposals as the A52 ingress will be the sole point of access into the overall site and on that basis there would be an intensification of use of the access from the A52 which is in the order of 100 additional vehicles per hour at peak times.

The applicant's overall proposals to upgrade three junctions along the A38 around Derby are not opposed by EGL in principle however concern was raised on a number of issues in relation to access to and from the overall site (EGL/McDonalds). The majority of the issues that concerned EGL were highlighted to the Applicant at an early stage in the consultation process and reiterated through the Examination Procedure Hearings and through various written submissions.

The proposals by the Applicant include;

- 1) Retention of the egress onto the A38 where Approval in Principle has now been achieved from Highways England.
- 2) Loss of the ingress from the A38 . This has the potential to impact upon the existing rights of way enjoyed by EGL over land owned by McDonalds. The applicant was

unable to get Approval in principle to retention of the ingress from the A38 slip road from highways England on safety grounds

3) Amending the access to/from the A52 to include traffic signal control and linkage to the traffic signal controlled gyratory junction of the A38/A52. This had the potential to impact upon the existing rights of way enjoyed by EGL over land owned by McDonalds, as well as have potential capacity issues for queueing within the site and safety issues associated by the sub standard radius from the A52 into the overall site.

Discussions have taken place with Aecom and the Applicant over a period of time and some minor alterations to the layout in respect of the EGL site have been achieved to avoid conflict with the existing rights of way enjoyed by EGL over land owned by McDonalds.

RIGHTS OF WAY

It is accepted that the existing rights of way enjoyed by EGL over land owned by McDonalds in relation to the A52 access should be capable of operating with the scheme as the current access proposal is located either within public highway or within land subject to the rights of way. This has been demonstrated by the applicant on a suitably scaled plan. This position remains subject however to a details review of the final detailed plans

That, however, is not the case at the A38 access where the stopping up of the ingress from the A38 will impact upon the rights of way. The loss of the ingress from the A38 is considered to represent a detriment to the trading potential of the site.

A52 ACCESS

As stated earlier the A52 signalised junction will become the sole means of ingress into the overall site.

The scheme as designed would include a substandard radius for the left turn into the overall site and for EGL it becomes in effect a U turn into the forecourt. The tightness of the turn has been acknowledged by all parties and leads to the need to widen the bellmouth in an attempt to facilitate the swept path of goods vehicles/ fuel tankers and the like.

As a result of the tight radius for the left turn into the access the crossing width for pedestrians at the bellmouth will be 24m which is considered excessive despite the introduction of a splitter island in the bellmouth of the junction. There are safety issues for pedestrians at this crossing point as a straight crossing route is proposed and these issues appear not to have been fully considered. EGL instructed an Independent Safety Auditor to review the extract of the Stage 1 Road Safety Audit supplied by the Applicant. The extract related to the A52 junction and it was clear that the EGL auditor had meaningful concerns with the extract document. As noted earlier there will be an intensification in the left turn into the site from the A52 due to the loss of the ingress from the A38. Indeed, the Applicants modelling of the access indicates an increase of 100 vph turning left into the site during the peak highway periods.

The turn for a tanker or an HGV into the forecourt from the A52 south is significantly below the normal design radius of 10m recommended by the Freight Transport Association. As such it is considered that the maintenance issues associated with the wheel scrub from these large vehicles is a material concern. Additionally, the swept path assessments undertaken by the Applicant will require precision by drivers to achieve in order to make the manoeuvre to ensure that vehicles do not stray into lane 2, strike the near side kerbs or overrun the footway with

consequential safety issues for pedestrians.

It cannot be stressed highly enough that as the A52 represents the sole point of ingress to the overall site that the potential of obstruction or closure, of the access, even for a few hours, is a serious matter of concern for EGL because of the potential loss of trade and threat to the viability of the site.

In the current situation if the A52 access is closed for any reason then the site could operate from the A38 access and vice versa. The current flexibility in relation to ingress will be lost should the proposals be implemented.

The concerns raised about this access are

- 1) Capacity, and
- 2) Safety

Capacity

The capacity assessments provided by the applicant has been appraised and it is noted that the junction would appear to operate within capacity. The assessments undertaken for the applicant allows for an increase in the left turn into the site from the A52 in the order of 100 vph during the peak highway hours. The projected queues are mean maximum queues and will therefore be exceeded at times during the assessed peak hours. This has the potential for the ingress into McDonalds to become blocked at times.

Safety

Detailed discussions have taken place in respect of the A52 with Aecom and the Applicant and last of which took place on 16th June 2020 with a Highways Officer from Derby City Council in attendance. At the meeting Derby City Council were requested to provide a written statement to confirm their position in respect of the A52 access. Unfortunately, the submission was submitted directly to PINS on 18th June and was only circulated to EGL and McDonalds on 23rd June.

It is clear from the response submitted by Derby City Council that it is accepted by them that the proposed access is less than ideal in terms of geometry of the junction and for pedestrian safety at the crossings. The response appears to have been limited to getting vehicles to and from the highway (ie the A52) and relies upon an assumption that situation will be no worse than the current. They also appear to rely upon the potential for design alterations at the detailed design stage. It is noted that this is a similar approach to the one being taken by the Applicant.

It is however important to appreciate that any such design changes will be limited in scope because of the land ownership and rights of way issues at the junction.

The Applicant has stated previously that the A52 access represents a workable solution and this point is now supported by Derby City Council subject to the design changes and a Stage 2 Road Safety Audit in their submission at Deadline 14.

Whilst it is comforting to learn that both the Applicant and Derby City Council, as the future adopting highway authority, are content with the layout, our client still remains firmly of the opinion that the A52 access proposals are grossly substandard and potentially unsafe.

It is noted that the Applicant considers that improvements can be made to the proposed layout

and that this will occur during the detailed design stage in consultation with EGL. The process for the continued consultation has not been outlined by the Applicant and neither has the legal status of such consultation.

It is concerning to EGL that detail of the access scheme has not been presented at this stage of the process and that the applicant will be reliant upon the need for future amendments of unknown details to improve the junction. It must be reiterated that any amendments to the access junction will need to be undertaken within the existing public highway or within the existing rights of way hence the potential for meaningful alterations is extremely limited.

It is further noted that the Applicant considers that the access proposals are similar to that which currently exist onto the A52. Clearly, whilst there are some similarities in that both existing and proposed accesses are onto the A52 there are also significant differences in that the current arrangement is a priority style junction with a one way circulation around the half moon island and ingress and egress movements occur at different points onto the A52. The angle of the turn into the EGL forecourt is much tighter than the existing arrangements. The removal of the ingress from the A38 is anticipated to lead to an intensification of use of the access by left turning vehicles. The Applicant's own modelling of the junction identifies an increase of 100 vph turning left into site. The introduction of traffic signals in the proposed access will lead to traffic queuing to leave the site, as per the Applicant's traffic modelling assessments. Vehicles turning into the site from the south will quickly face a decision whether to enter the forecourt or McDonalds and with the very tight radius for the left turn in there is a risk of loss of control or nose to tail shunts due to misunderstanding the layout. This could also involve vehicles waiting to leave the site.

It is therefore considered that the proposals are not similar to the existing situation and there would be an intensification of use of an access considered to be less than ideal. As such the objections raised on behalf of EGL in relation to the potential safety of the proposed A52 still stand.

ADVANCE WARNING SIGNAGE

The provision of advance warning signage was raised with the Applicant a considerable time ago during the consultation meetings as a potential method to mitigate against compensation claims. A formal report was submitted to the Inquiry in February 2020 on behalf of EGL.

It is concerning to EGL that as late as 16th June that this matter has not been concluded and we have now been informed that the process is likely to go into the next two to three months before a decision is likely to be made.

It is understood from the Applicant that the current Technical position is that signage will not be permitted as the site does not fully comply to the standards set out in 02/13. It is understood that the issue is principally the absence of HGV parking at the site but there are many examples of sites on the trunk road network that have the benefit of advance warning signs where not all categories of traffic are served. The report submitted on behalf of EGL put forward case for provision of signage and identified that signage has been provided at other similar locations when the full requirements of 02/13 have not been met. We have now been asked, at this late stage to provide further information concerning a site in Braintree and will provide this information as soon as possible to the Applicant.

SUMMARY

In summary, it is considered that whilst a number of matters have been agreed there are fundamental disagreements regarding the proposed A52 access in terms of safety and the issue with advance warning signage remains unresolved. It is considered that the access proposals to serve the overall site represent a reduction in standard to the current arrangements because of the safety issues raised and the lack of advance warning signage.

In light of the above and the lack of time given to fully review the final SoCG with EGL I can confirm that EGL are unable to sign off the SoCG at this moment in time.

I trust the above is clear and I should be obliged to receive acknowledgement of receipt of this email.

Regards
Bill Booker
Consultant
On behalf of

S | C | P

Transportation Planning : Infrastructure Design

Colwyn Chambers • 19 York Street • Manchester • M2 3BA

Tel 0161 8324400

Mob: [REDACTED]

Email: bill.booker@scptransport.co.uk

Web: www.scptransport.co.uk

[Click here for latest news](#)



Please think of the environment before printing this email. SCP is the trading name for Singleton Clamp & Partners Ltd which is an ISO 9001:2008 accredited consultancy registered in England No. 3728935 at Colwyn Chambers, 19 York Street, Manchester, M2 3BA. The information contained in this message or any of its attachments is confidential and is intended for the exclusive use of the addressee and may contain information that is confidential, privileged, and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, reproduction or other dissemination, or taking of any action in reliance upon this content is strictly PROHIBITED. If you have received this transmission in error please notify the sender by e-mail or telephone 0161 832 4400 and then delete this message. SCP shall not be liable for any loss caused from reliance on the contents or due to any error, bugs, viruses or malicious codes. Although we have taken steps to ensure that this e-mail and attachments are free from any virus, we advise that in keeping with good computing practice the recipient should ensure all e-mails are checked before opening.