



Developments Affecting Trunk Roads and Special Roads

Highways England Planning Response (HEPR 16-01)

Formal Recommendation to an Application for Planning Permission

From: Catherine Brookes (Divisional Director)
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To: South Derbyshire District Council – FAO: Chris Nash

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Council's Reference: DMPA/2019/1091

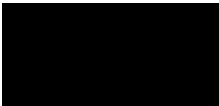
Referring to the planning application referenced above, and consultation dated 27 September 2019, for outline planning permission with all matters reserved for the erection of up to 51,000sqm of employment floorspace (use classes B1, B2 & B8) along with related road links, surface water drainage infrastructure, landscaping, earthworks, ancillary supporting infrastructure and the demolition of Ashlea Farm and associated buildings, located at land east of Deep Dale Lane, Stenson Fields, Derby, notice is hereby given that Highways England's formal recommendation is that we:

- ~~a) offer no objection;~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~
- c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);
- ~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B is relevant to this application.¹

This represents Highways England's formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gsi.gov.uk.

Signature: 	Date: 18 October 2019
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¹ Where relevant, further information will be provided within Annex A.

Annex A **Highways England recommended further assessment.**

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to DMPA/2019/1091 and has been prepared by Steve Freek.

In recent months Highways England has reviewed a number of planning applications on land on which this current development is proposed. We advised that these not be approved until outstanding issues related to the Transport Assessment (TA), layby provision, and the need for DfT approval for the proposed new A50 junction at Deep Dale Lane associated with the applications be addressed.

The Design and Access Statement submitted in support of this application indicates that the development would be reliant on the delivery of highway infrastructure proposed for the wider masterplan including the new A50 junction, in order to provide access to the site. There are a number of outstanding matters relating to the proposed A50 junction which need to be addressed before this application is approved.

In August 2019, VISSIM modelling work along with an associated modelling summary note was provided by BWB acting on behalf of the applicant for the new A50 junction. Following review of this submission a meeting was held in September 2019 with BWB to discuss the traffic impact assessment and modelling suitability. It was agreed that BWB would amend the current models and drawings to address the identified issues and recirculate when completed.

No new information has yet been provided in support of this new junction and therefore previous comments related to the TA, laybys and DfT approval remain relevant.

Although we expect the TA to be updated to incorporate the recent VISSIM modelling work, details of the comments previously provided are stated below:

Transport Assessment

Junctions 9 was used initially for the traffic impact assessment work. We previously stated that although this is appropriate for at-grade junctions it is not considered capable of accurately replicating operation of grade separated junctions due to the numerous assumptions within the software, and therefore should not be used to assess the A50 / Swarkestone Road junction or the proposed new A50 junction. Highways England have a VISSIM model of this A50 corridor, and although this would require validating, we offered to provide this to the applicant for use to support their impact assessment work. BWB have since created their own VISSIM model which as above was provided for review in August 2019.

We also recommended at the scoping stage that the TA is agreed in a staged approach, that is the overall methodology and elements such as assessment years, trip generation and distribution be agreed prior to further assessment work being carried out. The proposed opening year assessment of 2030 and the trip generation and distribution based on the modelling data developed for the wider SDGZ are however considered acceptable.

Regarding the scope of the highway impact assessment, this should include the A50 / Swarkestone Road / Infinity Park Way junction and the A38 / A50 junction. With these two junctions being the nearest to the proposed new A50 junction in either direction, understanding the development impacts at these sites will inform the need for a wider scope of traffic impact assessment on the SRN.

We understand that survey data was collected between Wednesday 13th and Tuesday 19th February 2018, which according to TAG Unit M1.2 is not considered a neutral period. Our response at the scoping stage advised on the requirement for survey data to be collected during a neutral period. As such, if this data is to be used to inform assessments of SRN junctions, spot checks against survey data collected in a neutral period should be carried out to demonstrate whether this is representative of typical traffic demands and therefore appropriate for use.

Laybys

Previously, we have been consulted on the proposed closures of four existing laybys on the A50 to accommodate the new junction, however limited information has been provided to detail the implications of this proposal. We have previously advised that the planning application for the junction would not be recommended for approval until the impact of these closures was further understood, requiring a detailed review of layby provision along the corridor to be carried out through consultation with Highways England.

DfT Approval

We understand that the new junction on the A50 is proposed to support the growth aspirations of the region.

Highways England's preference will always be that new development should make use of existing junctions. If appropriate, where new infrastructure is essential for the delivery of strategic planned growth (i.e. demands cannot be accommodated on the existing network), then proposals for new junctions should be identified during the development of the LPA's Local Plan. This would need to be supported by a robust transport evidence base in order to understand the implications of the proposal and to ensure it would not compromise the operation of the SRN. The evidence should address suitability, viability and deliverability of the proposal including the identification of potential funding arrangements. The evidence will need to be sufficiently comprehensive to be acceptable. In this regard, it will be important to bear in mind that, should development be designated in a Local Plan as dependent on particular infrastructure, the Local Plan may be unsound unless it can be demonstrated that there is a reasonable prospect of the infrastructure coming forward in a timely fashion. The creation of a new grade separated junction on the SRN can be relatively costly and, for it to be delivered as part of a development proposal, would require a substantial/high value development.

Highways England has been engaged with promoters of the scheme, Derbyshire County Council and consultants BWB, throughout the development of the Business Case for the proposed junction, advising on the transport evidence and providing initial comments on the junction design. These consultations included Local Planning Authorities Derby City Council and South Derbyshire District Council.

Highways England no longer has the authority that Highways Agency had to determine a proposed new junction on the SRN without prior approval from the DfT. DfT will therefore require a Business Case to be submitted for review supported by a transport evidence base.

Boundary considerations

As the application site abuts the A50 trunk road, there are a number of items to address to ensure the development does not negatively impact the operation of the highway or affect the physical integrity of Highways England's asset.

Drainage

BWB were provided with 'As Built' drawings from Highways England for this section of the A50, so should be able to take locations of existing drainage outfalls and ditches into account in their design. The applicant should be aware that in accordance with DfT Circular 02/2013 paragraphs 49 and 50, no water run-off that may arise from the development will be accepted into the highway drainage systems. As such no new connections into those systems from third party development and drainage systems shall be allowed.

It shall be recommended that no part of the development shall commence until details of all surface water drainage matters have been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The development shall be carried out in accordance with the approved scheme.

Geotechnics: We note that a bund is proposed along the eastbound side of the A50, though details of measures regarding drainage of the bund to prevent slippage should be provided. This should consider bund weight and pipe specifications for drainage that lies beneath the bund to ensure the bund does not damage the proposed drainage system.

It shall be recommended that no part of the development shall commence until details of the boundary treatment adjacent to the A50 trunk road boundary have been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The approved boundary treatment shall thereafter be constructed in accordance with the approved plans, and maintained in perpetuity.

Horticultural Areas: When planting soft estate, consideration should be given to the type of shrubs to be planted and the proximity to the A50 to allow easy access for maintenance.

Street Lighting: If any lighting columns are to be erected towards the bottom of the slip roads of the new A50 junction, consideration should be given to future maintenance by installing columns on the near side as well as providing a full width hard shoulder to avoid the need for full closure of the slips for maintenance work.

It shall be recommended that no part of the development shall commence until an assessment of the potential risk to motorists using the A50 arising from any temporary and task lighting, and any light glint and glare emitting from vehicles using the development access road(s), has been carried out. Any necessary mitigation scheme identified shall be approved in writing by the Local Planning Authority in consultation with Highways England. The approved mitigation scheme shall thereafter be constructed in accordance with the approved plans prior to first occupation of the development, and maintained in perpetuity.

Highways England therefore recommends that the application not be approved for a period of three months from the date of this notice, pending additional information being submitted to address the above concerns and subsequently support approval of the scheme by the DfT.

INFORMATIVE NOTE TO APPLICANT

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highways England Section 278 Business Manager David Steventon to discuss these matters on david.steventon@highwaysengland.co.uk.

The applicant should be made aware that any works undertaken to Highways England's network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 3 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The contact email for these matters is Area7networkoccupancy@highwaysengland.co.uk.