

## A382 Drumbridges to Newton Abbot Major Road Network Scheme (Phase 3) submission of Full Business Case, Contract Award and Construction Report of the Director of Climate Change, Environment and Transport

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Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

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### 1) Recommendation

That the Cabinet be asked to:

- (a) approve the submission of the Full Business Case for the A382 Drumbridges to Newton Abbot Major Road Network Scheme ("The Scheme") to the Department for Transport (subject to satisfactory acquisition of the primary land areas required) with any changes agreed by the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Climate Change, Environment and Transport and Local Members for Newton Abbot North and Newton Abbot South;
- (b) delegate to the Director of Climate Change, Environment and Transport, the authority to award the construction contract(s) for the works subject to project costs being within the overall budget of £56.76 million;
- (c) approve the serving of compulsory purchase notices, taking possession of the land and the subsequent land acquisition together with the construction of The Scheme, with any changes being agreed by the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Climate Change, Environment and Transport, subject to confirmation of Department for Transport funding.

### 2) Background / Introduction

This report seeks the approval by the Cabinet for The Scheme to progress through the final stage required by the Department for Transport (DfT) for Major Road Network (MRN) funding – the Full Business Case (FBC). It also seeks the approval from Cabinet to delegate the award of the contract and begin construction of The Scheme, subject to the tender submission being within the estimated budget, and the funding from the DfT being granted.

The A382 is a key route connecting Newton Abbot at Churchills Roundabout with the A38 Strategic Road Network at Drumbridges Roundabout. The existing road between Drumbridges Roundabout and Forches Cross is of low standard with poor alignment, high traffic flows, poor safety record and no facilities for pedestrians or cyclists.

Teignbridge District Council's adopted Local Plan sets out proposed residential and employment developments in the area between 2013 and 2033, and Teignbridge District Council are currently in the process of updating their Local Plan to run to 2040. Of the

development in the Heart of Teignbridge, a large amount of residential development (approximately 2,500 homes) is allocated to the west of Newton Abbot with an additional 1,250 homes also proposed in the area through the Local Plan update. Land at Forches Cross is also identified for employment with direct access onto the A382. These developments will result in significant traffic, pedestrian and cycle growth along the A382 corridor.

Improvements are required to the A382 between Drumbridges and Newton Abbot to support the large amount of housing and employment on the A382 corridor allocated and proposed in the Local Plan documents. Improvements would also need to meet the objectives of improving journey times and road safety on the A382 and make provision for non-motorised users. The Scheme identified meets these objectives with improvements to the A382 that comprise of a combination of road widening, junction improvements and new provision for non-motorised users.

The improvements are being delivered in phases, determined by the deliverability of each section of the improvements in relation to land and funding. Phase 1 has been constructed and is shown in Figure 1. Phase 2, also shown in Figure 1, comprises of a link between the A382 and A383 (Houghton Barton Link) and the first element of this has been constructed. The subject of this Cabinet report is Phase 3 of the A382 Corridor Improvements (“The Scheme”).

The Scheme was granted Programme Entry by the DfT in May 2021 and work has been progressing to produce a FBC since the approval of the Cabinet report PTE/21/32 dated 13 October 2021 to prepare the FBC and commence the acquisition of land.

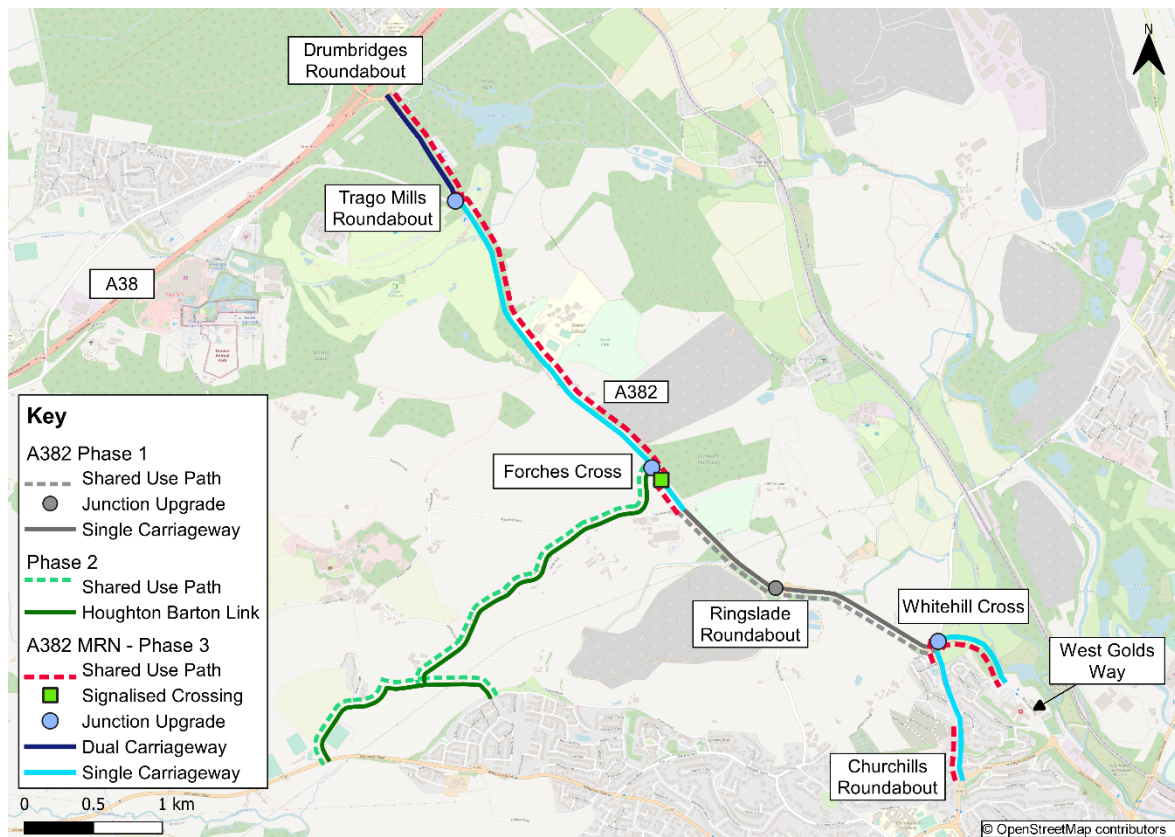
Since this date, work has progressed to produce detailed designs and the FBC which has included the appointment of an Early Involvement Contractor to provide expertise and advice on designs and delivery. Minor changes have been made to The Scheme presented in Cabinet report PTE/21/32 within the delegated authority and in consultation with the Cabinet member. The main changes are the reduction of the road width and the replacement of the pedestrian/cycle bridge with a signalised crossing. This has been undertaken to reduce the carbon impact of The Scheme and so The Scheme remained within the funding envelope (necessary due to cost inflation) set at Outline Business Case.

In October 2023, the Government announced there would be an increase in funding for existing Major Road Network schemes, including The Scheme, as part of the Network North policy. The increase in funding means all elements of The Scheme can be delivered as part of the Major Road Network package and increases the possible funding envelope.

The Scheme to be included in the FBC is comprised of the elements described in Table 1 and shown in Figure 1.

**Table 1 - Elements of A382 Drumbridges to Newton Abbot MRN Scheme - Phase 3**

Location	Description
Drumbridges to Trago Mills Roundabout	Widening to 2 lane dual carriageway. Adjacent shared pedestrian and cycle path.
Trago Mills Roundabout	Junction improvements.
Trago Mills Roundabout to Forches Cross	Realignment and widening to 8.3 metre single carriageway. Adjacent shared pedestrian and cycle path. Ghost island at Stover School entrance.
Forches Cross	New roundabout junction and short section of road widening, connecting to Phase 1. Signalised pedestrian and cycle crossing.
Whitehill Cross	Junction improvements, including conversion to a roundabout.
Whitehill Cross to West Golds Way	Jetty Marsh II, a new 6.5 metre wide single carriageway. Adjacent shared pedestrian and cycle path.
Whitehill Cross to Churchills Roundabout (Exeter Road)	Widening to 6 metre single carriageway. Widening of the footway to 3.5 metres to accommodate a shared pedestrian/cycle path. New pedestrian refuge island north of Whitehill Close.



**Figure 1 - Elements of A382 Drumbridges to Newton Abbot MRN Scheme - Phase 3**

In addition to The Scheme, Devon County Council (DCC) has been granted funds by the Association of Directors of Environment, Economy, Planning & Transport (ADEPT) for a

project called LiveLabs 2. The project is to test innovations and new ways of working to reduce carbon emissions in the construction and maintenance of The Scheme.

### **3) Proposal**

Devon County Council (DCC) proposes to submit the Full Business Case in November 2023 and, pending approval from the Department for Transport, award the contract to the preferred contractor to build The Scheme.

#### Submission of the Full Business Case

The FBC outlines the strategic, commercial, management, economic and financial dimensions of The Scheme. The FBC is a refresh and update of the Outline Business Case which is available on the following link: [www.devon.gov.uk/roadsandtransport/traffic-information/transport-planning/a382-corridor/](http://www.devon.gov.uk/roadsandtransport/traffic-information/transport-planning/a382-corridor/). The FBC includes the widening and realignment of the carriageway between Drumbridges and Forches Cross and along Exeter Road, a new highway link between the A382 and West Golds Way, and the provision for walking, wheeling and cycling along the route including an at grade crossing at Forches Cross. Other aspects of The Scheme include the creation of habitat for a net gain in biodiversity.

To progress The Scheme, the FBC must now be submitted to the DfT, who will then appraise the FBC to consider if it should pass through the final funding gate to the award stage.

#### Award of the Works Contract

A two stage NEC option A Contract has been chosen as DCC's preferred option to procure the works for The Scheme. This includes all works between Drumbridges and Forches Cross and the new link between Whitehill Cross and West Golds Way, including the junction upgrade at Whitehill Cross. Grouping the improvements together allows for consolidation and innovation of resources and aspects such as traffic management and carbon reduction. The Exeter Road element of The Scheme will be procured separately due to its size relative to the rest of the project.

Design work has been prioritised on the most complex elements of The Scheme, Drumbridges to Forches Cross and Jetty Marsh Link road. In 2022, after a competitive tender, DCC engaged Milestone Infrastructure as the stage 1 contractor to provide Early Contractor Involvement, providing expertise and advice on deliverability of the major parts of The Scheme whilst they were in the design phase. Milestone Infrastructure will proceed to provide a tender for the stage 2 contract, the construction of Drumbridges to Forches Cross & Jetty Marsh link road. Following the de-scoping addressed in section 4 this will be within the total estimated works budget for The Scheme and LiveLabs 2 project and will be subject to independent commercial scrutiny. Providing the FBC is successful in gaining funding for The Scheme, DCC intends to award the contract to Milestone Infrastructure in early 2024.

### Commencement of Work on Site

Planning permission and critical orders for the compulsory purchase of land have now been granted for The Scheme (however the compulsory purchase orders for land at Greycoat Lane and for the new Golf Course access road have not yet been confirmed). The compulsory purchase order for the Jetty Marsh Link Road is also yet to be confirmed, but as the land has been acquired by DCC through negotiations this does not have any effect on Scheme delivery.

This report seeks Cabinet approval to serve notices to landowners, once the FBC has been approved and The Scheme has confirmed funding, to enter the land to construct The Scheme as described in the FBC. Once notices to treat and enter have been served pursuant to the confirmed compulsory purchase orders, the Council will be entitled to enter onto the land to deliver The Scheme and shall be committed to purchasing the land. The formal acquisition of the land which is subject to those notices will take place at a later date.

## **4) Options / Alternatives**

The Scheme has been developed through an options appraisal process which is detailed in the Options Appraisal Report for The Scheme. The strategic nature of The Scheme was fixed at the Outline Business Case stage. Since the Outline Business Case was prepared in 2019 further changes have been made to descope The Scheme, in consultation with the Cabinet Member for Climate Change, Environment and Transport. These have been driven by the need to reduce the carbon impact of The Scheme and to keep The Scheme within the funding envelope agreed by the DfT at programme entry. In summary the options considered for descopeing were;

<b>Descoping element considered</b>	<b>Outcome</b>
Remove Forches Cross Footbridge and replace with signalised crossing	Incorporated into designs after consultation with Active Travel England
Change Forches Cross roundabout to signalised junction	Not taken forward
Remove dualling works between Drumbridges and Trago	Not taken forward
Changes to vertical alignment - Approach to Stover school - Forches Cross - Approach to Whitehills	Incorporated into designs
Change to vertical alignment - Stover Bridge	Incorporated into designs
Reduce road width	Incorporated into designs
Remove kerbs	Incorporated into designs where appropriate
Move Jetty Marsh II cycleway from top of embankment to bottom on South side	Not taken forward

## 5) Consultations / Representations / Technical Data

Improvements to the A382 from Drumbridges to Newton Abbot are included in the adopted Teignbridge Local Plan. The Scheme itself was also subject to a full public consultation in 2015. Further consultation was carried out as part of the planning application, prior to it being granted planning permission in June 2017.

A revision to the Jetty Marsh II section was granted planning permission in September 2019.

Proposed improvements to Exeter Road were consulted on in November 2018 and presented to Devon County Council's Cabinet in February 2019.

Local Members and scheme stakeholders have been kept up to date on design changes and project progress. The proposed changes to The Scheme were discussed with local Members.

## 6) Strategic Plan

The Scheme aligns with a range of priorities within the Council's Strategic Plan by improving connections in and out of Newton Abbot by multiple modes to support growth in the economy and housing in a sustainable manner. Table 2 below summarises how The Scheme would impact on the relevant Strategic Plan actions on a seven-point scale, with -3 representing a large negative impact and +3 representing a large positive impact.

**Table 2 - A382 MRN Scheme impact on Strategic Plan**

<b>Strategic Plan Priority</b>	<b>Strategic Plan Action</b>	<b>Alignment</b>
<b>Respond to the Climate Emergency</b>	Prioritise sustainable travel and transport	+1 (Slight Positive)
	Continue to reduce carbon emissions across all our services	+2 (Moderate Positive)
<b>Investing in Devon's Economic Recovery</b>	Secure investment in transport infrastructure	+3 (Large Positive)
	Maintain and, where necessary, improve our highway network and improve sustainable transport options	+3 (Large Positive)
<b>Improve Health and Wellbeing</b>	Give people greater opportunities for walking and cycling to increase their physical activity	+1 (Slight Positive)
<b>Help Communities be Safe, Connected and Resilient</b>	Enable a range of transport options, including public transport	+1 (Slight Positive)

## 7) Financial Considerations

The total estimated cost of £56.76 million is the sum of the cost of The Scheme, £53.08 million, and the additional carbon neutral works, to be funded from the LiveLabs 2 project of £3.68 million.

The cost of The Scheme will be largely funded by the DfT's Major Road Network investment programme. Following the announcement of the Government's Network North policy, the Major Road Network investment programme will fund the costs detailed in the Outline Business Case. If the business case is successful, that would total £44.85 million. A local contribution remains essential to the delivery of all elements of The Scheme. The local contribution is being split between Devon County Council (DCC) and Teignbridge District Council (TDC), totalling £8.2 million.

The contribution from Teignbridge District Council is expected to be £1.5m from the Community Infrastructure Levy (CIL), of which £0.5m was received by DCC in 2022/23 and £1 million was approved at TDC's Full Council on 4 September 2023.

The contribution from DCC of £6.72 million, will be a combination of LTP grant and South West Exeter Housing Infrastructure Fund (HIF) recycled developer contributions as agreed at Cabinet on 14 October 2020 report PTE/20/25. The majority of South West Exeter is located in Teignbridge and the HIF funding is aimed at unlocking/enabling housing. £1.4 million has been received to date and the latest projected figures, suggest that by 2026/27, the amount received will be significantly higher than required, in order to fund this scheme.

DCC has also been granted funding of £3.68 million for the LiveLabs 2 project by ADEPT.

If the FBC is successful, the proposed funding of The Scheme and LiveLabs 2 project is as shown in Table 3.

It should be noted that the DfT grant at Outline Business Case stage only funds design, planning and business case costs. Of the match noted below, if the Full Business Case is successful, DCC can claim back prior years costs and reimburse the Local Transport Plan (LTP) fund.

Table 3 below assumes that this will be claimed in 2024/25.

**Table 3 - Funding Profile**

<b>Source</b>	<b>Prior Years £</b>	<b>Projected 2023/24 £</b>	<b>Projected 2024/25 £</b>	<b>Projected 2025/26 £</b>	<b>Projected 2026/27 £</b>	<b>Projected 2027/28 £</b>	<b>Total £</b>
DfT Grant – MRN	1,247,728	710,000	23,954,096	18,939,176	0	0	<b>44,851,000</b>
DCC - LTP	2,922,729	2,815,000	-5,351,096	0	0	0	<b>386,633</b>
DCC – SWE HIF recycled developer contributions	0	0	0	0	4,490,489	1,850,635	<b>6,341,124</b>
TDC CIL	500,000	0	0	0	1,000,000	0	<b>1,500,000</b>
ADEPT – LiveLabs 2	33,407	331,339	1,656,697	1,660,107	0	0	<b>3,681,550</b>
<b>Total</b>	<b>4,703,864</b>	<b>3,856,339</b>	<b>20,259,697</b>	<b>20,599,283</b>	<b>5,490,489</b>	<b>1,850,635</b>	<b>56,760,307</b>



## **8) Legal Considerations**

The lawful implications of the recommendations have been considered and taken into account in the preparation of the recommendations and this report.

The development of The Scheme has involved considerable legal interventions by the way of the compulsory purchase of land, land transfers, and Section 106 agreements. The last element is to gain possession of and entry to the land.

All of the land for the Whitehill Cross improvements and Jetty Marsh II (Whitehill Cross to West Golds Way) has been acquired by negotiation. The primary areas of land required for the improvements to Trago Mills Roundabout, Trago Mills Roundabout to Forches Cross and Whitehill Cross to Churchills Roundabout (Exeter Road) are included in confirmed compulsory purchase orders. Under those orders, the Council is able to issue notices to treat and enter which would provide possession of the land to enable construction of The Scheme. It is advised that notices are not issued until FBC approval is obtained to ensure funding is secured. Formal transfers to acquire the land will take place at a later date, and it is not unusual that this may occur after construction.

There are two small areas (the Golf Club Access and Greycoat Lane) subject to compulsory purchase orders which are not yet confirmed. The Scheme delivery and construction can be carried out in a manner which enables these two areas to be delivered when the Orders are confirmed and so the fact they are not yet confirmed does not impede commencement of The Scheme or submission of the FBC.

## **9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)**

For the Planning Application, environmental considerations for the whole scheme were assessed through an Environmental Impact Assessment.

Regarding biodiversity impacts, the construction of The Scheme will lead to potential loss of habitat, disturbance from lighting and risk of traffic associated mortality. As part of the delivery of The Scheme, a net gain in biodiversity will be delivered through the creation and re-creation of habitats. The impact of lighting on the environment has also been considered in the detailed design. With this mitigation in place, The Scheme is considered to have a slight positive impact on biodiversity.

In terms of landscape, The Scheme will alter the width and alignment of the existing A382 carriageway. Replanting trees and hedgerows will help to mitigate the impact on landscape, therefore the impact on landscape is slight adverse.

The noise assessment considered the impacts on annoyance and disturbance associated with changes in the road traffic noise in terms of numbers of properties affected. With mitigation in the form of a low noise road surface and acoustic fencing, the noise impact of The Scheme is expected to be neutral. The Air Quality impact of The Scheme is predicted to be neutral.

The Scheme includes measures which would reduce impacts on air quality including road design to encourage free flow of traffic and the new shared pedestrian and cycle path which will encourage the use of sustainable transport modes.

Water Environment impacts have been assessed. The inclusion of sustainable drainage solutions in the Drumbridges to Forches Cross section of The Scheme will result in significant improvements in water quality over the existing arrangements. The impacts to the water environment of the Jetty Marsh II section of The Scheme have also been assessed. With construction of this section being within the floodplain, careful consideration has been given to impacts both during construction and operation with the impact predicted to be negligible.

The Scheme will lead to positive social impacts, by benefitting all road users including bus users through improved journey time reliability and pedestrians and cyclists through the introduction of new facilities. The Scheme will improve access to and from Newton Abbot resulting in a cost saving for new and existing residents. Economic, social and environmental wellbeing will be improved through better access to employment, education and recreational destinations.

Through the detailed design process, changes have been made to The Scheme to reduce the carbon impact. These changes have included reducing the road width and replacing the pedestrian/cycle bridge with an at grade crossing. A Carbon Management Plan has also been produced as part of the FBC and details the processes and targets for reducing carbon emissions through construction and maintenance. Furthermore, the LiveLabs 2 project will trial innovations to further reduce carbon impacts during construction and maintenance of The Scheme and is aiming for The Scheme to be carbon negative from construction and maintenance activities. The Scheme itself will reduce delays and queuing on the A382 and surrounding network, leading to reductions in carbon emissions. The introduction of new facilities for active modes will also benefit carbon emissions through mode shift.

## **10) Equality Considerations**

Where relevant, in coming to a decision the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding

in relation to the protected characteristics (age, disability, gender reassignment, marriage and civil partnership (for employment), pregnancy and maternity, race/ethnicity, religion or belief, sex and sexual orientation).

A decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

In progressing this particular scheme / proposal, an Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available on the Council's website [A382 Improvement Scheme - Impact Assessment \(devon.gov.uk\)](https://www.devon.gov.uk/transport-and-travel/A382-Improvement-Scheme-Impact-Assessment).

Members will need to consider the Impact Assessment for the purposes of this item / meeting.

The Scheme will have a positive impact on non-motorised users with the provision of new pedestrian/cycle infrastructure including paths and at grade signalised crossing. This will enable sustainable travel in the future to and from new and existing employment, educational and residential developments on the A382 corridor and surrounding area.

In economic terms, The Scheme will improve travel times, road safety and support development which will have a beneficial impact on the local economy by enabling employment and development to proceed.

## 11) Risk Management Considerations

This policy/proposal has been assessed and all necessary safeguards or action have been taken / included to safeguard the Council's position.

The Scheme is subject to the normal engineering risks and the risk register has been updated throughout the detailed design and production of the FBC as appropriate. The key risks identified include:

<b>Risk</b>	<b>Mitigation</b>
The DfT delay making the funding decision or decide not to award funding.	Ongoing engagement with the DfT and DfT departments in relation to The Scheme and changes to The Scheme.
Statutory Undertakers may not be able to deliver approvals within The Scheme programme.	Early engagement with Statutory Undertakers to identify issues and commission designs. Some risk does remain and this has been built into the programme and cost.
Compulsory Purchase Order (CPO) for remaining land rejected meaning the land is unattainable or objection delays programme.	Engaged with the affected landowners to discuss the impact of The Scheme and accommodation works.
Volatile inflation changes further impacts construction inflation and could cause cost overruns.	Monitor the situation regarding inflation, adjust timetables and include allowance in the risk register. Have the ability to review contract conditions.

## 12) Summary / Conclusions / Reasons for Recommendations

The Scheme enables the third phase of the A382 Corridor Improvements to be constructed with the aim of fulfilling the overall corridor improvement objectives to deliver development, improve safety, improve journey times and increase the use of sustainable modes. The

Scheme is consistent with the aims of the Devon and Torbay Local Transport Plan 3 and the Local Enterprise Partnership with regards to economic growth. This approval is the Cabinet decision required for The Scheme to progress to final DfT approval, contract award and construction.

**Meg Booth**

Director of Climate Change, Environment and Transport

**Electoral Divisions:** Newton Abbot North and Bovey Rural

Cabinet Member for Climate Change, Environment and Transport: Councillor Andrea Davis

**Local Government Act 1972: List of background papers**

Impact Assessment

August 2023

[https://www.devon.gov.uk/impact/published/ A382 Improvement Scheme - Impact Assessment \(devon.gov.uk\)](https://www.devon.gov.uk/impact/published/A382%20Improvement%20Scheme%20-%20Impact%20Assessment%20(devon.gov.uk))

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A382 Drumbridges to Newton Abbot Major Road Network Scheme (Phase 3) submission of Full Business Case, Contract Award and Construction - Final