

## CABINET

8 April 2020

Present:-

Councillors J Hart (Chair), S Barker, R Croad, A Davis, R Gilbert, S Hughes, A Leadbetter, J McInnes and B Parsons.

Members attending in accordance with Standing Orders 8 and 25

Councillors F Biederman, A Connett, P Crabb, A Dewhirst, B Greenslade and R Hosking.

\* 483

**Minutes**

**RESOLVED** that the Minutes of the meeting held on 11 March 2020 be signed as a correct record.

\* 484

**Items Requiring Urgent Attention**

(An item taken under Section 100B(4) of the Local Government Act 1972).

(Councillors Biederman, Connett, Dewhirst and Hannaford attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Chair had decided that the Cabinet should consider this item as a matter of urgency, in order that a strong and direct message be recorded in relation to the current COVID-19 position, social distancing requirements, holiday makers, accommodation providers, Air BnB and second home owners.

The Council's Director of Public Health and Chief Executive then updated the Cabinet on a number of COVID-19 related issues including the national work, the trajectory in Devon, how quickly the disease could spread without social distancing measures, the preparedness of Devon, care workers, hospital capacity, contingency plans for additional beds, Personal Protection Equipment (PPE), residential homes, emergency food parcels, the recent action to pay more money to care providers to enable care staff to receive an uplift in salary, the NHS volunteering scheme, the role of schools and the work strand focussing on economic recovery.

The Leader and the Chief Executive placed on record their thanks and appreciation to all staff in this difficult time as well the work of the Excess Deaths Management Team in the current contingency planning.

It was **MOVED** by Councillor Hart and **SECONDED** by Councillor Gilbert, and

**RESOLVED**

(a) that the County Council place on record that the South West is not open for holiday visitors and records its formal disquiet of persons flouting social distancing instructions or engaging in non-essential travel to the County and any accommodation providers (including Air BnB) currently advertising for people to visit; and

(b) that the Council forward this message to the local media and Devon Members of Parliament, stating that Devon is not open as a holiday resort, to formally ask people to not visit the area, but come back when it is safe to do so, instruct accommodation providers to

cease any advertising or promotion of their accommodation for holiday purposes and ask those who are accepting visitors to stop immediately for the safety of the County and the wider South West.

\* **485      Announcements**

There was no announcement by the Chair made at the meeting.

\* **486      Petitions**

There was no petition received from a Member of the Public or the Council.

\* **487      Question(s) from Members of the Council**

There was no question from a Member of the Council.

\* **488      Transport Capital Programme 2020/2021 and 2021/2022 - For Approval**

(Councillors Connett, Dewhirst, Greenslade, Hannaford and Hosking attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the Head of Planning, Transportation and Environment (PTE/20/8) outlining the proposed allocation for a two-year transport capital programme covering the financial years 2020/21 and 2021/22 (excluding maintenance), circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Transport Capital Programme continued to support economic development and the delivery of new housing and jobs. It aimed to balance the delivery of infrastructure so that it had a positive impact on reducing carbon emissions (in line with the climate emergency). Appendix II of the Report included an updated Transport Infrastructure Plan (TIP) setting out planned transport infrastructure investment for delivering growth in a low carbon environment.

The Integrated Transport Block (ITB) settlement from Government was currently set at an annual level of £3.6 million. The County Council had a strong track record of working with partners to secure significant levels of external funding from a range of different grant opportunities and it was expected that additional external funding would be needed to be added to the transport capital programme over the period 2020/21-2021/22 and also that there might be specific grant funding sources from Government relating to a range of initiatives including bus, rail, cycle and road giving opportunities to enhance the transport capital budget over the period 2020/21 - 2021/22, although the Cabinet Member confirmed these were currently on hold.

The Report outlined the various proposals and funding streams and the projects that had been delivered or were due to be delivered. In relation to the Growth Deal, the majority of projects had been completed, but the remaining projects to be delivered were the A382-A383 Houghton Barton Link Road at Newton Abbot, Marsh Barton Rail Station and the A39 Heywood Road junction improvement at Bideford.

In relation to the Large Local Majors Fund (LLM) and Major Road Network Fund (MRN), the Council was preparing a full business case for the delivery of Phase 1 of the A361/A39 North Devon Link Road project, with construction planned to commence in November 2020.

Other schemes included the Local Enterprise Partnership Growth Deal Construction works for delivering Phase 1 of the A382 Widening project between the A38 and Newton Abbot and a new Rail Station at Marsh Barton.

The Housing Infrastructure Fund (HIF) offered funding to local authorities for infrastructure to support the delivery of new homes across the Country. The Council had been successful in a Forward Fund bid for £55 million of grant funding to deliver key infrastructure that would support major development to the south west of Exeter. Marginal Viability HIF bids had also been awarded to five District authorities so the Council had been working with District partners on highway projects for the Cullompton Eastern Relief Road, the Dawlish Urban Extension Link Road, the A361 Landkey Junction on the NDLR and the final Phase 2 of the A361 junction for the Tiverton Eastern Urban Extension.

The National Productivity Investment Funded (NPIF) 2019/20 was the second year of a two-year NPIF funded capital programme to deliver highway infrastructure improvements at Sherford and in the East of Exeter growth area. The Exeter and East Devon Enterprise Zone (for which East Devon District Council was the accountable body) was working towards the delivery of the Science Park and Park & Change project.

There was also a Safer Roads Fund (which opened in 2017) where Devon had two 'high risk' local 'A roads'. The first being the A3121 (South Hams) and then the A3123 (North Devon). A bid was successful and work had progressed for the delivery of both schemes.

Last was the South Western Railway Customer and Communities Improvement Fund (CCIF), where £0.25m had been secured towards the cost of delivering a Pinhoe Rail station interchange.

The Report then outlined emerging Government Funding Schemes including Peninsula Transport (to work with the Department for Transport on strategic transport priorities for the region), Local Pinch Point Fund (PP) was a new tranche of competitive funding for local authorities to bid for schemes to help address congestion pinch points and reduce congestion on local roads (expressions of interest had been submitted to support various schemes including Dinan Way Extension and the E9 Strategic Cycle Route, Exeter), and a 'Market Towns' package for schemes such as highway and / or junction improvements and air quality improvements.

There was a 'Restoring Your Railway Fund, and the Council had made a submission to re-open the Bere Alston to Tavistock rail line and the 'Bus All-Electric Bus Town' (part of the Government's commitment to tackling air quality and reduce greenhouse gas emissions) and the intention was to submit an expression of interest for Exeter to support improvements to air quality along key corridors.

The Report then highlighted the sustainable transport infrastructure programme, which included proposals for an East-West Cycle Corridor bridge crossing of the A361 at Barnstaple and an A38 cycle bridge crossing between Sherford and Langage\Plympton. Promoting walking and cycling remained a core objective of the Local Transport Plan to deliver sustainable development and support the public health agenda, climate emergency and local economy.

The proposed Market and Coastal Towns and Rural Devon programme in Appendix I was heavily focussed on schemes that directly supported walking and cycling in the main market towns and there were a number of multiuse trail routes within the proposed programme, for example, the Seaton to Colyford Multiuse Trail and Pegasus Way Bridleway\Multi-use Trail and missing links on the Tarka Trail, Drakes Trail and on the Ruby Way. There was also a programme related to bus public transport and systems to improve the passenger experience.

The package of schemes in the Report totalled £95.192 million across financial years 2020/21 and 2021/22, which included funding of £90.91 million from external sources including grants and developer contributions. £0.251 million would be added to the capital programme as per recommendation (b) and detailed in Appendix I.

An Environmental Impact Assessment had been carried out for the overall strategy contained in the Devon and Torbay Local Transport plan 2011-2026. The environmental impacts of

individual schemes would be detailed in Cabinet or Highways and Traffic Orders Committee (HATOC) reports where relevant.

The Cabinet Member for Infrastructure Development and Waste added that whilst it was a difficult time to set the Capital Programme, it was important to keep developing projects that could be progressed once the situation returned to normality, and support Devon's economy to recover.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

it was **MOVED** by Councillor Davis, **SECONDED** by Councillor Hughes, and

**RESOLVED**

(a) that the budgets be allocated to the Local Transport Plan (LTP) schemes, as set out in Appendix I to the Report;

(b) that approval be given to enhance the 2020/21 capital programme by £0.181 million and 2021/22 by £0.07 million, funded from developer contributions;

(c) that approval be given to enhance the 2020/21 capital programme for the Long Lane enhancement of £2.237 million and Pinhoe rail station interchange £0.15 million, once funding agreements have been finalised;

(d) that the amendments to the Integrated Block allocations be delegated to the Head of Planning, Transportation and Environment in consultation with the Cabinet Member for Infrastructure, Development and Waste and the Cabinet Member for Highway Management; and

(e) that the updated Transportation Infrastructure Plan, as set out in Appendix II of the Report, be approved.

*[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>.]*

\* **489      Department for Transport's Safer Roads Fund – Scheme for approval A3123 (North Devon)**

(Councillors Dewhirst and Hannaford attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

The Cabinet considered the Report of the Head of Planning Transportation and Environment (PTE/20/9) which sought approval to implement road safety improvements on the A3123 following the award of £2,200,000 as part of the Department for Transport's (DfT) "Safer Roads Fund" project, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet noted that the A3123, in North Devon, which stretched from south of Ilfracombe to the south of Lynton, had a poor safety record with a number of accidents at three junctions on the route. In addition, there were ongoing concerns regarding the safety of the Oxenpark Lane junction on the road to Ilfracombe.

The Report proposed four improvements as part of the scheme which included:

1. an upgrade to the crossroads at Lynton Cross to an unlit four arm rural roundabout which would minimise the ecological impact on the adjacent English meadow and take account of the dark skies in the rural area. Research and evidence, produced by the road safety team, regarding rural unlit rural roundabouts was provided in Appendix II of the Report;
2. minor works to be carried out at Hore Down Gate to improve the alignment of the junction;
3. the closure of Oxenpark Lane up to its connection with the B3230 to overcome safety concerns at the Oxenpark Lane junction with B3230, however, this would be subject to a future consultation; and
4. at Berry Down Cross the junction would be improved with a number of measures including white lining, vehicle actuated signs and chevrons, new high friction surfacing, illuminated cat's eyes and a new 40mph speed limit.

The Scheme plans for the three junction improvements were shown in Appendix III of the Report.

The Cabinet further noted that the scheme had the support of the local Member and the relevant local Parish Councils.

As part of the grant application bid an impact assessment had been carried out and could be found at <https://www.devon.gov.uk/roadsandtransport/safe-travel/road-safety/saferroads/capital-schemes/>. The Scheme would require some earthworks and construction at Lynton Cross. Early discussions regarding Ecology and Landscape had taken place so that schemes were designed and built in compliance with the Wildlife & Countryside Act 1981 and fitted as closely as possible into the natural landscape.

Some trees would need to be felled at Lynton Cross, but enhanced planting would be undertaken to compensate for these losses.

Road safety schemes of this kind were expected to be of general benefit across the road using demographic. Cumulatively, the proposed measures would offer a positive social impact by decreasing risk of injury, and injury severity, arising from road travel. Road Safety Audits would be carried out, paying particular attention to vulnerable road users.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

it was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hart, and

#### **RESOLVED**

- (a) that the Safer Roads Schemes shown illustratively on the scheme plans attached at Appendix III to the Report on the A3123 in North Devon at a cost of no more than £2.2 million, be approved;
- (b) that the A3123 improvements between Mullacott Roundabout and Easter Close Cross be progressed through to detailed design and land acquisition by negotiation and, if necessary, by Compulsory Purchase Orders and any associated statutory orders;
- (c) that Traffic Regulations Orders related to Oxenpark Lane be advertised and, if no significant objections received, be made and sealed;

(d) that the Scheme be tendered and subject to all legal agreements being in place, and with the available cost envelope, progressed to construction; and

(e) the Head of Planning, Transportation and Environment be given delegated powers, in consultation with the relevant Cabinet Member and relevant local Member(s), to make minor amendments to scheme details to facilitate its delivery.

[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].

#### 490 **Notice of Motion - Support to Town and Parish Councils and Speed Awareness Signs**

(Councillors Dewhirst and Hannaford attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

*Parish and Town Councils across Devon should be supported in providing the popular 'flashing or vehicle activated speed awareness' signs in their communities and the current fog of bureaucracy imposed by Devon County Council is ended. We call for a simpler system to help and support our local communities tackle concerns about speeding vehicles by giving our local Highways Officers the authority to agree the number and location of the 'vehicle activated speed awareness' signs with Parish and Town Councils."*

Members considered the Officer's factual briefing note on the matter (CSO/19/06) which referred to the Council's support of those communities interested in funding and operating their own VAS (Vehicle Activated Signs), referring to those Parish Council's who had purchased their own. VAS could be effective in reducing vehicles speeds when sited appropriately. They were usually considered following a SCARF (Speed Compliance Action Review Forum) assessment and the briefing note further highlighted some of the circumstances where officers may not support such a request.

The Cabinet Member for Highways Management added there was a Traffic Speed Project Group already formed to look at how communities had a meaningful and transparent say on proposed local schemes, and therefore felt it was appropriate that this Group reviewed the process as part of their work.

The Cabinet considered the recommendation now before them and the actions now proposed and already undertaken.

It was then **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hart, and

**RESOLVED** that Council be recommended to note that the process by which Parish and Town Councils can fund and install their own VAS (Vehicle Activated Signs) be reviewed as part of the work of the Traffic Speed Project Group.

#### \* 491 **Question(s) from Members of the Public**

There was no question from a Member of the public.

#### \* 492 **Minutes**

(Councillor Hannaford attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

**RESOLVED** that the Minutes of the following be endorsed and any recommendations to Cabinet therein be approved:

Devon Audit Partnership – 10 March 2020

Devon Education Forum – 18 March 2020

\* 493

### **Delegated Action/Urgent Matters**

(Councillor Hannaford attended remotely in accordance with Standing Order 25(2) and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and spoke to this item).

A summary of the decisions taken since the last meeting by Members under delegated powers, in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, had been published with the Agenda for this meeting.

Decisions taken by Officers under any express authorisation of the Cabinet or other Committee or under any general authorisation within the Council's Scheme of Delegation set out in Part 3 of the Council's Constitution may be viewed at <https://new.devon.gov.uk/democracy/officer-decisions/>.

\* 494

### **Forward Plan**

In accordance with the Council's Constitution, the Cabinet reviewed the Forward Plan and determined those items of business to be defined as key and framework decisions and included in the Plan from the date of this meeting onwards reflecting the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0>).

An update on the recent Ofsted Inspection would be included in the Forward Plan for consideration at the May meeting.

#### **NOTES:**

1. These Minutes should be read in association with any Reports or documents referred to therein, for a complete record.
2. Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution.
3. The Minutes of the Cabinet are published on the County Council's website.
4. A recording of the webcast of this meeting will also be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>

**\*DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 11.50 am