

**Gateway to Northern Devon – Strategy for North Devon Link Road (A361/A39)  
(further development from Cabinet Report 12<sup>th</sup> October 2016)**

Report of the Head of Planning, Transportation and Environment

***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.***

**Recommendation: That Cabinet**

- (a) notes the conclusions from the North Devon Link Road 2017 public consultation;
- (b) agrees a strategy for the improvement of the North Devon Link Road between South Molton and Bideford;
- (c) agrees that an Outline Business Case be submitted to the Department for Transport for “The Scheme” which will form the first phase of the strategy;
- (d) agrees the Head of Planning, Transportation and Environment, in consultation with the Cabinet Member for Infrastructure, Development and Waste and relevant the local member(s), be given delegated powers to make minor amendments to the proposed works shown in Appendices II and III; and
- (e) notes the Head of Planning, Transportation and Environment’s intended application of the National Planning Policy Framework document in relation to determining planning applications that impact on the North Devon Link Road at paragraph 3.2.8 and 6.15.

**1. Summary**

- 1.1.1 This report follows the Cabinet report dated October 2016 regarding the A361/A39 North Devon Link Road (NDLR) project. Since then there has been further design, a public consultation in June/July 2017 and analysis of the consultation comments and suggestions. As a result, a long term strategy for the road has evolved. From this strategy, “The Scheme” has been derived, which will form the first phase of improvement works and will be included in an Outline Business Case (OBC) for submission to the Department for Transport (DfT) as a “Local Majors Bid”. The drawings attached to this report will also be on display at the Cabinet meeting.

**2. Introduction/Background**

- 2.1.1 The NDLR runs between Bideford and the M5 at Junction 27. It forms the principal road connection between northern Devon and both the M5 and the strategic rail network at Tiverton Parkway.
- 2.1.2 Between Tiverton and the M5, the road is dual carriageway. From Tiverton to Bideford, the road is a single carriageway with limited overtaking and a variety of at-grade junctions. In 2015 the government announced an opportunity to bid to the “Local Majors Fund” to improve the NDLR. In addition, they provided £1.5 million of funding to develop the bid to Outline Business Case.

2.1.3 The process of securing DfT funding for construction requires a three stage approach:

- i. Following the Cabinet report in October 2016 a **Strategic Outline Business Case** (SOBC) was submitted to the DfT. This identified the section between South Molton and Bideford as the priority for improvement. The SOBC identified the improvements to be a combination of junction improvements and widening of the single carriageway to provide more overtaking opportunities at an estimated cost in the order of £250 million. The SOBC was accepted by the DfT in early 2017 and the project was approved to move to the next stage.
- ii. The **Outline Business Case** (OBC) must be submitted to the DfT by the end of 2017. If approved, this is a significant step in entering a programme for both the County Council and the DfT to progress the scheme through design and construction.  
The process for the DfT to accept the bid is competitive. The criteria for success will depend on value for money, meeting government policies, affordability, local contribution and deliverability. The Local Majors Fund was launched in 2015 with a £450 million fund. DCC is aware that there are about 15 schemes likely to be submitted and competing for the remaining £300 million (two schemes were each given funding of £75 million at the launch of the fund). Assuming most of the bids are in the order of £50 million to £100 million and that significant proportions of these sums will have to be funded from the £300 million, it is clear the competition is going to be substantial.
- iii. If the DfT approve the OBC, the scheme will move through planning, land acquisition and works tender to the production of the **Full Business Case**. DfT approval of this will enable commencement of construction.

2.2 The NDLR proposals for improvement are based upon achieving the following objectives:

- Reduce journey times for commercial and non-commercial journey purposes:
  - Between Barnstaple and Bideford: significant congestion occurs at the key junctions on the corridor particularly at peak times; and
  - Between M5 and Barnstaple: to improve connectivity and perception of uncertain reliability between northern Devon and the wider transport network, including key access points to the national transport network (mainline stations at Tiverton Parkway, and Junction 27 of the M5), particularly in peak season.
- Improve highway safety through reducing the rate of fatal and serious accidents on the NDLR. Accidents occur at various locations on the links and junctions.
- Improve network resilience through reducing the effects of accidents and incidents on the NDLR. The nature of the road at two lanes means even small scale works or incidents result in a road closure.
- These objectives are to be achieved whilst minimising adverse social and environmental impacts and, where possible, achieving net benefit.

2.3 The June - July 2017 consultation proposals outlined improvements for the majority of the section between South Molton and Bideford at a cost of approximately £250 million. As noted above, NDLR improvements would be competing with at least 15 other projects for the unallocated Local Majors funding. Consequently these improvements are extremely unlikely to be affordable. In addition, there would need to be a meaningful local contribution which would be unaffordable to the Councils

(including North Devon and Torridge). Therefore, there is a need to phase the improvements based on maximising the likelihood of a successful submission.

### **3. Proposal**

#### **3.1 Public Consultation Report**

3.1.1 The proposals presented at the June – July 2017 public consultation, including the summary leaflet, are available on the Councils' website <https://new.devon.gov.uk/ndlr/project-progress/consultation> and are summarised below.

3.1.2 The public consultation proposals included junction improvements and widening of sections of the NDLR. The horizontal and vertical alignments generally followed the existing alignments with widening mostly on one side of the road to achieve the required extra width.

3.1.3 The total distance between Borner's Bridge and Heywood Road Roundabout is 30km. Over this length, sections of road widening were proposed for the 23kms between Westleigh Junction and Filleigh cutting.

3.1.4 The proposed carriageway improvements comprised:

- Between Westleigh and Brynsworthy and between Portmore and Filleigh Cutting: a combination of two lanes in one direction and one lane in the other, alternating every kilometre or so, to allow for overtaking (known as wide single carriageway standard WS2+1). In some places, the possibility of widening the road is physically constrained by cuttings and large stone retaining structures. As such, between Portmore Roundabout and Filleigh Cutting the widening is split into three sections: Between Portmore and Landkey Cutting, between Landkey Cutting and Swimbridge Cutting and between Swimbridge Cutting and Filleigh Cutting; and
- Between Brynsworthy and Portmore Roundabout: two lanes in each direction with a central double white line (known as urban four lane single carriageway standard 2+2).

3.1.5 Improvements to eight junctions were proposed that would facilitate a combination of improved access to future development, safety and congestion. A key outcome would be the removal of all uncontrolled right turn movements across the NDLR and further segregation of pedestrians and cyclists.

3.1.6 It is considered the consultation process was a success in gaining a reasonable range of views from a good selection of stakeholders and consultees, including statutory bodies, local government, organisations, businesses and the general public. 93% of the responses were from northern Devon which suggests that the advertising that was undertaken was successful and that the responses are representative of the area with which the consultation aimed to engage.

3.1.7 There were a few adverse comments on the way the consultation was promoted and that insufficient detail was provided.

3.1.8 The 563 questionnaire responses received was fewer than the number of responses received during the Public Consultation held in 2016 (which received over 1,325 responses). However, the number is comparable to those for other recent projects in Devon.

- 3.1.9 Overall there is a high level of agreement that there is a need to improve the NDLR. 83% of the respondents agree that there is a need to improve the NDLR between South Molton and Bideford. However there is a level of concern that the proposed improvements do not go far enough to address the inherent problems of the single carriageway and the dependence of the local economy on the NDLR.
- 3.1.10 There is a greater level of agreement to improve the section from Barnstaple to South Molton (64%) than the other sections of the NDLR (58%).
- 3.1.11 The main adverse comment from key stakeholders was from Historic England (HE). They raised concerns regarding the proposed new junction at West Buckland; they believe it is likely to result in significant harm to a number of designed vistas at this grade I Listed landscape.
- 3.1.12 There were a number of comments from residents; particularly from those just south of Portmore Roundabout (Fairacre Avenue), who live close to the existing road and were concerned about the enlarged footprint created by the improvements.
- 3.1.13 In addition, residents in close proximity to Bishop's Tawton Roundabout (Oatlands Avenue) were concerned about the impact of an enlarged junction. There was also concern that this would have an adverse effect on pedestrians crossing the junction.
- 3.1.14 The proposed improvements to the West Buckland Junction were welcomed by some but it is recognised that there is a need to work closely with the land owner in order to minimise the impact on the Castle Hill Estate.
- 3.1.15 Respondents also raised concerns about the proposed new roundabout at Brynsworthy. These particularly relate to a reluctance to support more junctions on the link road, and an opposition to the facilitation of a new link between the NDLR and the B3233 at Fremington (the 'Tews Lane Link'), which formed the initial rationale for including the roundabout in the consultation proposals.
- 3.1.16 As a result of the consultation, DCC learnt that the Tews Lane Link does not have universal local support. Consequently, the rationale for the new roundabout no longer exists. It is therefore to be removed from the strategy for the NDLR.
- 3.1.17 Some of the responses expressed concerns regarding the proposals including:
- Impact on Public Rights of Way (PROW);
  - Noise and air quality;
  - Landscape, visual impact and ecology;
  - Devaluation of property; and
  - Safety of WS2+1 and Urban 2+2 standards.
- 3.1.18 A number of suggestions for modifications or alternatives were considered. The suggestions that have, in principle, been accepted for inclusion in the strategy for NDLR include: improved provision for pedestrians at Borner's Bridge Junction, Bishop's Tawton and Heywood Road Roundabouts; realignment of the proposed bridge at West Buckland Junction westward; widening to the south between Portmore and Bishop's Tawton Roundabouts and to the north between Bishop's Tawton and Lake Roundabouts (both in part only); and provision of traffic signal control at Buckleigh Road Junction.

3.1.19 A summary of representations received to the consultation are include in the Public Consultation Report. Paper copies are available for inspection at the Cabinet Meeting.

3.1.20 It is recommended that Cabinet notes the results of the North Devon Link Road public consultation.

### 3.2 **Strategy for the North Devon Link Road**

#### South Molton to Bideford

3.2.1 The results of the consultation and assessment of suggestions for modifications or alternatives have been used to identify a strategy for the improvement of the NDLR. The strategy is illustrated in Appendix I and comprises junction and link improvements as follows:

3.2.2 Improvements to eight junctions:

- Borner's Bridge – replace staggered 'T' junctions with a roundabout and improvements to the footway under the A361;
- Hacche Lane – right turns to be banned; the new roundabout at Borner's Bridge and existing roundabout at Aller Cross would accommodate diverted traffic;
- West Buckland – replace staggered 'T' junctions with a new over bridge to provide a grade separated junction. Right turns would be banned but provided for by the bridge;
- Landkey – replace 'T' junction with a new large roundabout;
- Bishop's Tawton – provide a larger, higher capacity roundabout and facilities for pedestrians crossing the road;
- Westleigh – provide an additional lane to improve capacity;
- Heywood Road – provide a larger, higher capacity roundabout and improvements for pedestrians and cyclists crossing the road;
- Buckleigh Road – replace 'T' junction with a signalised junction.

3.2.3 Improvements to links:

- Sections of additional overtaking lanes (WS2+1) between Filleigh Cutting and Portmore Roundabout (with breaks in the widening at Landkey Cutting and Swimbridge Cutting) and between Roundswell roundabout and Westleigh junction; and,
- Given that the traffic flows are much higher around Barnstaple, the proposal includes an urban four-lane road (Urban 2+2 with separation by double white line) on this section between Portmore roundabout and Roundswell roundabout. This would be two lanes in each direction (including widening the river and rail bridge) without a central reserve but with a speed limit of (probably) 40mph. This proposal would offer a step change in capacity.

3.2.4 In terms of measures to improve road safety, there would be no uncontrolled right turns for over 35km between Bish Mill junction, east of South Molton, and Buckleigh Road Junction near Bideford. In addition, it is recommended the scheme includes the installation of Average Speed Cameras on the widened sections as evidence suggests this has a marked improvement in road safety on roads of this standard. Finally, measures would be developed to segregate pedestrian movements from the NDLR carriageway.

3.2.5 It is recommended that this strategy be accepted for the improvement of the North Devon Link Road between South Molton and Bideford.

### M5 Junction 27 to South Molton

- 3.2.6 Initial work has been undertaken to consider options for improving the section of the NDLR between M5 Junction 27 and Tiverton. This suggests that there are potential schemes to increase the capacity of Bolham junction and improve access to Tiverton Parkway. Further work needs to be carried out on these preliminary schemes including discussion with statutory bodies and public consultation.
- 3.2.7 An initial review of junctions on the NDLR between Tiverton and South Molton is underway to identify potential junction improvements to help vehicles access side roads. This will be subject to a public consultation in the future as the plans progress.

### National Planning Policy Framework

- 3.2.8 When considering development proposals that impact on the NDLR, paragraph 32 of National Planning Policy Framework will be interpreted as follows:
- Any future development between South Molton and Bideford will provide segregated pedestrian facilities and no uncontrolled right turns on the NDLR; and
  - Due to the concerns about the safety impact of existing junctions between Bolham and South Molton there will be a presumption against any development proposals that have a significant adverse impact on the North Devon Link Road and in particular the impact on uncontrolled right turns.

### **3.3 The Scheme to be included in the Outline Business Case to improve the NDLR**

- 3.3.1 To be successful the Outline Business Case needs to:
- Have a clear and robust case for action e.g. congestion, economic growth and housing;
  - Achieve best value. The best chance of success is 'keep the ask small', have a local contribution of around 20% and maximise the Benefit to Cost ratio (BCR); and
  - Have a high level of certainty in its deliverability; e.g. land should be available, evidence of link to future development, strong public support, low risk in design, ability to manage stakeholders' capacity in the supply chain.
- 3.3.2 Of the three sections comprising the improvement strategy, the section between South Molton and Barnstaple best meets the criteria above. It had the greatest support in the 2017 consultation and the least level of concern from local residents. It currently has very few overtaking opportunities but provides a gateway to Barnstaple, Bideford and a large proportion of northern Devon. In contrast, the section around Barnstaple has raised concern from local residents and there are risks in terms of construction of new bridges over the River Taw and the railway. The section between Barnstaple and Bideford already has a reasonable number of overtaking opportunities.
- 3.3.3 It is recommended that the widening and provision of improved overtaking opportunities, as shown in Appendix II, on the South Molton to Barnstaple section is a priority for investment to meet the scheme objectives. This will form a key element of the "The Scheme" to be submitted to the DfT in the Outline Business Case (OBC).

3.3.4 Full details of how this recommendation is explained are contained in the Scheme Selection Report, which is available on the Councils' website: <https://new.devon.gov.uk/ndlr/>

3.3.5 The nature of the improvements proposed for the scheme would mean that the improved section of road between South Molton and Barnstaple will have a very different 'look' in comparison with the existing road. Whereas only 10% of the road currently has overtaking, approximately 70% will have overtaking once the scheme is complete. The overall road surface will be widened from 9.3m wide to 13.5m wide with a metre gap between opposing flows. The road will continue to have a 60mph speed limit. It is recommended that speeds be controlled by way of average speed cameras as there is evidence to show this improves road safety on roads of this standard. The additional width will assist in providing greater resilience by allowing one lane to be closed and two lane operation to continue in the event of an incident. The reconstruction works will be linked to the road maintenance strategy providing a substantial period where the road will be maintenance free. The google screen shot below shows a recent example of such a road on the A40 in south Wales.



3.3.6 The scheme also comprises junction improvements which will address many of the local congestion issues in the urban areas. They also provide good value for money, are generally low risk, improve road safety and assist in the delivery of housing and employment. The proposed improvement layouts are shown in Appendix III and summarised below.

Junction	Scheme	Land availability	Development	Safety	Pedestrians & cyclists	Risk Mitigation
Borner's Bridge	Replace staggered junction with new (4-arm) roundabout	Requires land but principle of land agreed	New employment & residential development	Removes uncontrolled right turns and crossing traffic in central area	Potential improvements to existing underbridge route	Low risk although environmentally sensitive pedestrian route
Hacche Lane	Ban right turns	Not applicable	Not applicable	Removes right turns	No significant pedestrian/cyclist flow	Low risk (some local concern)
West Buckland	New bridge and grade separation	Requires land	Not applicable	Removes uncontrolled right turns and crossing traffic	Improved facilities for pedestrians, cyclists and equestrians	Land availability, and possible objection from HE. Mitigation is reduce WS2+1 length by 2km

Junction	Scheme	Land availability	Development	Safety	Pedestrians & cyclists	Risk Mitigation
Landkey	New roundabout	Requires land but principle of land agreed	Westacott 1,500 homes	Removes uncontrolled right turns	No significant pedestrian/cyclist flow	If land is not available then a temporary arrangement would be traffic signals
Bishop's Tawton	Enlarged existing roundabout	Land required. Concern from local residents	Provides capacity for Local Plan but not directly	Potential for new segregated pedestrian/cycle bridge subject to planning and land		High risk. Planning and local residents. Look at lower cost and minimise changes to existing layout
Westleigh	Additional lane at approach to the traffic signals	All within highway boundary	East of the Water development & capacity for Local Plan	Current junction has good safety record	No significant pedestrian/cyclist flow	Low risk
Heywood Road	Improve & enlarging of existing roundabout	All within highway boundary	Large development in Local Plan	Current junction has good safety record	Possible signalised crossing	Low risk
Buckleigh Road	New signal controlled junction	All within highway boundary	Large development in Local Plan	Removes uncontrolled right turns	No significant pedestrian/cyclist flow	Low risk

### 3.4 Summary of how the proposed scheme fits the DfT Criteria

Key Criteria	Policy/Proposition/Requirement	Sub-division	Outcome
Extent of compliance with DfT policy for investment in transport infrastructure (new emphasis as explained in Transport Investment Strategy July 2017)	<i>Create a more reliable, less congested, and better connected transport network that works for the users who rely on it.</i>	Effective stewardship to improve and maintain safety and improve reliability.	Widened road improves overtaking opportunities, reduces platooning of traffic, improves network resilience and will enable a long maintenance holiday.
		Congestion creates delays and incidents have a much greater impact meaning lower reliability.	Junction improvements will greatly reduce congestion during peak periods.
		Connectivity, defined as the ease with which places and people are linked together, is fundamental of a positive economic contribution.	The perception of the road as a reliable, safe link between Northern Devon and the rest of the UK will change significantly. There will be almost continuous overtaking opportunities. Journey times will improve slightly.
	<i>Build a stronger, more balanced economy by enhancing productivity and responding to local growth priorities.</i>	Analysis of overall impact on productivity.	Businesses recognise improvements to the NDLR are required to be a catalyst to further growth.
		Analysis of overall impact on local priorities for growth.	GVA could increase by up to 2-3% over 60 years generating addition new jobs for the area.
	<i>Enhance our global competitiveness by making Britain a more attractive place to trade and invest.</i>	N/A	The recognition of a long term strategy for the NDLR will provide greater confidence to developers to invest in northern Devon. The scheme has an economic rate of return (BCR) of 2.
	<i>Support the creation of new housing.</i>	N/A	Provides improved access to a number of key development sites and overall additional capacity to accommodate the Local Plan.

#### **4. Programme**

- 4.1 The next step in the programme is to submit the Outline Business Case by December 2017. This is a critical step in the Local Majors Programme as all the schemes in the UK have to be submitted by then. The DfT will then undertake their assessment process.
- 4.2 The unique selling point of the proposals for the NDLR scheme is that they can be delivered within the timescale set out by the DfT. Many competing schemes will need to acquire land by compulsory purchase, have objections from actions groups and have complex planning issues. Therefore, some elements of the scheme that present these challenges have not been included.
- 4.3 In order to make the most of the scheme's deliverability it is essential that the scheme development progresses towards the planning stage in tandem with the submission of the OBC and the DfT assessment process. It is quite likely that the complexity of the DfT decision methodology will mean a decision will not be forthcoming until summer 2018. During this period, preparation for the planning application will be progressed, which will require surveys and design work. This work is at risk if the scheme does not progress.
- 4.4 Assuming the Outline Business Case is approved, a planning application for the main scheme between Portmore and Borner's Bridge will be submitted in late 2018. On submission of the planning application design for the construction tender documents would commence. During this period land acquisition will take place. In parallel with work on the main scheme, detailed design would be carried out on the most deliverable aspects of the scheme i.e. the junctions not in the main scheme. This would be funded from the capital programme on the assumption that a scheme will take place, funded by the Local Majors programme or an alternative future funding pot such as the emerging "Major Road Network" fund.
- 4.5 The tender documents would comprise two packages: the main scheme and the junctions. The tender process would begin early in 2019 and run through to early 2020 ready for the submission of the Full Business Case. This would allow construction to start on the main scheme in late 2020. During construction, there would be significant traffic management as all the construction is on the existing carriageway. This would be very disruptive in terms of traffic management but once completed it would be followed by a maintenance holiday. Construction work on the junctions could start in mid-2020.

#### **5. Consultations/Representations/Technical Data**

- 5.1 Three consultations have been held. An initial consultation took place in 2014; a further consultation on strategic options took place in summer 2016; and a consultation on more detailed proposals took place during June and July 2017.
- 5.2 Consultations with key stakeholders on the more detailed proposals commenced in late 2016. This included meeting with individuals, seeking comment on the Environmental Scoping Report and a Value Management workshop held on 7 April 2017. A number of other environmental stakeholders were also engaged through additional early meetings. During the June/July 2017 public consultation, efforts were made to contact and meet with all known and directly affected land/property owners.

- 5.3 Public Exhibitions were held in South Molton, Barnstaple and Bideford and all local parishes were notified by email at the start of the consultation. The consultation began with exhibitions at Green Lanes shopping centre, Barnstaple, which enabled a wide audience to be targeted. An unmanned exhibition was also held at Taw View, Barnstaple for a week at the end of the consultation period. The exhibition dates, times and locations were as follows:

<b>Date</b>	<b>Location</b>	<b>Time</b>
Friday 16 <sup>th</sup> June, 2017	Green Lanes, Barnstaple	9am – 5pm
Saturday 17 <sup>th</sup> June, 2017	Green Lanes, Barnstaple	9am – 5pm
Tuesday 20 <sup>th</sup> June, 2017	Town Hall, Bideford	12pm – 8pm
Friday 23 <sup>rd</sup> June, 2017	Amory Centre, South Molton	12pm – 8pm
w/c 24 <sup>th</sup> July, 2017	Taw View, Barnstaple	Unmanned

- 5.4 The public consultation material included a comprehensive leaflet and exhibition boards charting the evolution of the scheme option as well as scheme plans and information regarding next steps.
- 5.5 As part of the consultation process, an extensive library of reports was made available on the scheme website. These reports included the Technical Appraisal Report, the Value Management Workshop Report and traffic and economics reports, as well as illustrative design plans for the scheme. A draft Environmental Assessment Report was made available to Key Stakeholders to assist them with their comments.
- 5.6 Approximately 600 responses were received. A summary of the responses is included in section 3. A complete analysis of these responses is detailed in the Public Consultation Report. The questionnaire responses also provided the project team with a number of suggested alternatives, modifications, concerns, mitigation measures and enhancement opportunities.
- 5.7 Discussion has taken place with Local Members of both the County and District Councils. In addition briefings have taken place with the MP's.

## **6. Financial Considerations**

- 6.1 The process of submitting a bid for scheme funding from the Local Majors Fund is complicated. It has some significant risks and has to meet certain criteria to be successful.
- 6.2 One criterion is that the scheme has to cost over £75 million to be eligible for a Local Majors Scheme bid. A second criterion is that DfT will give significant weight to a bid that maximises the local contribution. The DfT has informally indicated that 20% of the scheme cost is a reasonable target.
- 6.3 Regarding the first criterion, the estimated total cost of the scheme including land, mitigation works, main contract works, preparation, service diversions, supervision and aftercare is approximately £88 million. The estimates include allowances for inflation, risk and uncertainty; they are estimated in accordance with the latest DfT (July 2017) guidance; and have been verified against data from other schemes.
- 6.4 Regarding the second criterion, the local contribution could be met from a variety of sources. The following possible sources have been identified:

## Section 106 and Other Contributions

- 6.5 The scheme is linked to a number of development sites in the emerging North Devon and Torridge Local Plans which are in the process of applying for planning permission. These sites will have a reasonably long gestation process, so although discussions are taking place, most do not have signed agreements for funding essential infrastructure (section 106 agreements – “S106”). Of those that have been signed, many have not started construction. It is also recognised that there may be ongoing site specific viability issues and it is quite possible that developers may wish to renegotiate the S106 requirements at a later date. The Local Planning Authority (LPA) controls the process, although the County Council can make representations.
- 6.6 The total sums available as match from Section 106 agreements are still being negotiated. There are £5 million of agreements under negotiation. It would be a significant risk for the authority if the £5 million was to be included as match funding without some form of underwriting by the LPA. There are further sites allocated in the emerging Local Plans for which little or no S106 negotiations have begun but which could eventually contribute towards the scheme depending on their timing.
- 6.7 At the time of writing, neither Torridge nor North Devon Council have confirmed that they will adopt the Community Infrastructure Levy (CIL) which may have given more flexibility to secure developer contributions across the districts as in other areas such as Exeter, Teignbridge and East Devon. Both councils have consulted on draft CIL charging schedules but are now awaiting government decisions on potential revisions to the CIL regulations which are now expected to be delayed. The majority of large sites across the area have either signed S106 agreements or are in the process of doing so. It is unlikely therefore that any significant sums would be available to the scheme from any future adoption of CIL in the two district areas.
- 6.8 In summary, although there is a reasonable prospect that there are future opportunities for developer contributions, the County Council cannot at this stage commit these funds to the NDLR financial package as part of the bid to the DfT. This is too large a risk for the authority without some form of underwriting from another body, logically the two LPAs. The LPAs have so far declined to underwrite future agreements.

## Local Enterprise Partnership

- 6.9 Contact has been made with the Local Enterprise Partnership (LEP) as the NDLR Scheme is the only Large Local Majors Scheme in the Heart of the South West area. The LEP is fully supportive of the scheme from a strategic and policy perspective. The scheme is not specifically identified in its current Strategic Economic Plan given that this was written in 2013 before the scheme was identified. Northern Devon’s connectivity challenges are likely to be recognised in the LEP’s Productivity Plan, jointly owned by LEP and Joint Committee currently being established, which is currently under development. Investment priorities such as the NDLR scheme will be identified in the parallel action plan that will be developed once the overarching Plan has been finalised.
- 6.10 The LEP does not currently have discretionary funding to allocate to new schemes. The funding it secures is achieved through Growth Deals and other bidding mechanisms for specific schemes. The LEP was advised by central government not to include the NDLR in the previous Growth Deal bidding rounds given that there was

the separate Large Local Majors Fund (top sliced from the overall national Growth Deal / National Productivity Investment Fund allocation) for this purpose.

- 6.11 The LEP has already indicated to DfT its support for the North Devon Link Road scheme in the context of the 2016 invitation for Large Local Majors Funding in which the LEP Board approved and submitted a “holding” bid for funding from DfT of up to £150 million towards the NDLR. Since then, there has been no opportunity for the LEP to secure capital to contribute towards the project. There are as yet no bidding opportunities for LEPs for schemes being constructed beyond 2021.
- 6.12 In summary, the DfT do expect a local contribution but there is no requirement for this to come from the LEP.

#### County Council's Capital Programme

- 6.13 The financial position has been assessed with the County Treasurer and her team and due to the long time scale of the funding requirement (from FY2017/18 to FY2024/25+), it is considered there is scope for a £10 million contribution towards the scheme from the County Council's Capital programme including the £1million already approved. This could however constrain any other large requests for funding over the medium term.
- 6.14 The suggested way forward is to guarantee a £10 million contribution from the Council's capital programme but aim to get a significant sum back from developers by way of S106 agreements. This could amount to £5 million but the risk of not getting a refund would have to be deemed an acceptable risk. There are distinct benefits of doing it this way as the message from DfT is if they are assisting in providing infrastructures that is a catalyst for development then they would expect the developers to make a reasonable contribution.

#### National Planning Policy Framework

- 6.15 In considering development proposals that will impact on the NDLR, Devon County Council as Highway Authority will request that the LPA require appropriate contribution towards the cost of improving the NDLR. This is accordance with National Planning Policy Framework paragraph 203 & 204.

#### Summary of Local Contributions

- 6.16 The bid will explain that the DfT will be asked to pay 89% of the estimated scheme cost, with a corresponding local contribution of 11% coming from Devon County Council.

	Contribution	Percentage
Department for Transport	£78m	89%
Developer Funding Contributions*	£5m	
Devon County Council	£5m	
Total	£88m	

\*This figure is guaranteed by DCC and would be a capital contribution should the developer funding not materialise, every effort will be made to make this figure increase should other developments take place along the scheme.

- 6.17 It has been identified that the DfT have suggested that the target for a Local Contribution should be in the order of 20%. This needs to be considered alongside

the competitive aspect of securing funding. However, the County Council have limited capital funds available and there are other competing demands. It is not known what other local authorities are willing to offer as a local contribution but it is likely they are in a similar situation to Devon. A 20% contribution is reasonable for small schemes but for large schemes it is unaffordable. It is therefore considered that a guaranteed contribution of £10 million which includes the prospect of approximately £5 million from development contribution is a reasonable offer.

- 6.18 Based on historic evidence, it is likely that the DfT will want to spend their money early. The advantage of this approach is that DCC will not have to spend the Local Contribution until late in the programme, potentially 2023/2024.
- 6.19 To date, the Council has received £1.5 million from the DfT to cover the majority of the scheme development cost. This has been received as revenue and not part of the capital scheme estimate. The £1.5 million grant is conditional on the Council submitting a bid in December.

## **7. Environmental Impact Considerations**

- 7.1 A number of detailed environmental surveys and assessments have been carried out.
- 7.2 As the scheme is predominantly within the corridor of the existing road the larger adverse environmental (and traffic management) impact will be during construction and at the year of opening. In the long term, the environmental effects will be neutral to slight adverse in the majority of cases.
- 7.3 Eight visual receptors including residential, workplace and transport routes are likely to experience Moderate Adverse significant effects at and beyond the design year (year 15). However, it is anticipated that the impact will be reduced following further design and mitigation refinement at the next stage of the project.
- 7.4 At the Bishop's Tawton roundabout, the proposals to enlarge the junction require the removal of some high quality landscaping trees. A crossing for non-motorised users will also be provided. The type and location of the crossing will be identified at the next stage so that it doesn't significantly impact on visual receptors (such as adjacent residential properties) and compromise the integration of the improved junction into the existing the landscape.
- 7.5 The highest environmental impacts will be on Castle Hill Registered Park and Garden during construction and operation due to the proposed overbridge at the West Buckland junction. At this stage the effect is likely to be Moderate Adverse significant in the long-term providing that embankments are integrated in the existing landscape, that mature trees and screening around the junction are maintained and that offsite mitigation planting and advance planting are guaranteed. Adequate ecological mitigation will also be required to mitigate the loss of woodland and habitat connectivity.
- 7.6 Grade two listed buildings in East and West Buckland will be affected during the constructional phase and the effect is predicted to be Moderate Adverse.
- 7.7 Although, Large Adverse effects to the landscape are predicted during construction between Swimbridge Cutting and Filleigh Cutting and at Borner's Bridge Junction, these effects will be reduced to Moderate Adverse in the long term (Year 15).

- 7.8 There will be Moderate Beneficial effects on the safe movement of pedestrians/cyclists/equestrians and other non-motorised users at:
- Heywood Road roundabout
  - Bishop's Tawton Roundabout
  - West Buckland overbridge
  - Borner's Bridge roundabout.

## 8. Equality Considerations

- 8.1 In progressing this particular scheme, an Impact Assessment following DCC procedures has been prepared which has been circulated separately to Cabinet Members and also is available alongside this Report on the Council's website at: <https://new.devon.gov.uk/ndlr/project-documents> which Members will need to consider for the purposes of this item/meeting. This provides a summary of how impacts and issues relating to equality, environment and the economy have been appropriately and adequately addressed through the development of the scheme proposals. However, far more detail is provided on the majority of these issues through the formal documentation produced for the scheme.

## 9. Legal Considerations

- 9.1 The lawful implications/consequences of the proposals/recommendations/proposed course of action have been considered and taken into account in the preparation of this report/formulation of the recommendations set out above. In essence this is a relatively straight forward scheme that the Council have considerable experience in delivering.

## 10. Risk Management Considerations

- 10.1 This policy/proposal has been assessed and all necessary safeguards or actions have been taken/included to safeguard the Council's position.
- 10.2 The scheme is subject to the normal engineering and assessment risks.
- 10.3 Key risks identified include:

Risk	Mitigation
Applications for blight to properties that could be affected.	Very few properties are close to the scheme. The scheme will not increase traffic flows. The scheme will include acoustic fencing to reduce noise effects where necessary.
Insufficient level of support and/or increased resistance to scheme proposals from key Stakeholders such as Historic England at West Buckland junction.	Environmental mitigation measures have been identified. In the case of West Buckland the scheme can be terminated early if the objections are substantiated.
Land requirements are frustrated for scheme delivery or construction.	Land requirements are minimal. Options are available to overcome the need to acquire land if absolutely necessary.
Should funding be granted, there is a delay or difficulties in taking the scheme forward.	It is intended to make gradual progress with the scheme delivery over the next year prior to the DfT making a decision to ensure early delivery.
Cost escalates due to engineering difficulties.	Cost estimates include allowances for risk, uncertainty and inflation. In addition the scheme can be scaled down to the target cost if necessary.

10.4 The corporate and community risk registers will be updated as appropriate.

## **11. Public Health Impact**

11.1 No properties within the modelled area currently experience pollutant concentrations exceeding the UK objectives and neither will they with the scheme. In addition, the change in concentration as a result of the scheme is imperceptible (does not exceed 1% of the objective) at all modelled locations. As such, the effect of the scheme on local air quality at all receptors is not significant.

11.2 No severance of existing Public Rights of Way was identified. However, Public Rights of Way (PROW) has been considered at a number of locations where paths cross the carriageway and where there are potential improvements.

11.3 The scheme will be subject to a Stage 1 Road Safety Audit, which will be undertaken prior to the submission of the Planning Application. There will be further Stage 2 and Stage 3 Safety Audits.

11.4 The scheme aims to reduce the number and severity of road accidents.

## **12. Options/Alternatives**

12.1 There is an option to not bid to the Local Majors Fund. This has been rejected as it would mean refunding the DfT the £1.5 million already received.

12.2 The option of bidding for the full strategy between Bideford and South Molton has been rejected as it is very unlikely to receive funding due to the size of the bid, the lack of a reasonable local contribution and the practical difficulties of delivering such a large scheme.

12.3 The size of the scheme could be reduced but this would not accord with the minimum size of scheme as identified by the DfT therefore this has been rejected.

12.4 Other areas of the improvement strategy could be substituted for the current scheme. This has been rejected as they would not fulfil the objectives of the scheme and would represent poor value for money.

## **13. Reason for Recommendation/Conclusion**

13.1 The scheme that has been selected will provide a major upgrade to the North Devon Link Road. Of the three sections comprising the improvement strategy, the section between South Molton and Barnstaple best meets the criteria above. It had the greatest support in the 2017 consultation and the least level of concern from local residents. It currently has very few overtaking opportunities but provides a gateway to Barnstaple, Bideford and a large proportion of northern Devon.

13.2 In addition to this, the scheme comprises junction improvements which will address many of the local congestion issues in the urban areas. They also provide good value for money, are generally low risk, improve road safety and assist in the delivery of housing and employment.

13.3 The Scheme meets the overall objectives as shown below:

Strategic Aims and Objectives	
Strategic Aims	Intervention
Enhance the economic prosperity and competitiveness of northern Devon.	Demonstrates a long term strategy for improving the NDLR. If successful, the scheme will result in a major improvement in the section of road between South Molton and Barnstaple.
Support housing and employment development.	As series of junction improvements are identified that link to key development sites and unlock these sites for future development.
Objectives	Intervention
1. Reduce journey times for commercial and non-commercial journeys: <ul style="list-style-type: none"> <li>Barnstaple and Bideford significant congestion at the key junctions at peak times</li> <li>M5 and Barnstaple to improve journey times and perception.</li> </ul>	Junction improvements will reduce congestion.  Overtaking lanes will improve journey times/reliability and perception.
2. Improve highway safety	Improved junctions removing all the right turns will reduce accidents. The widened route will have speed monitoring measures which a known to reduce accidents.
3. Improve network resilience	Wider carriageway will improve resilience
4. Minimise adverse social and environmental impact	The planned mitigation measures, and where necessary compensation measures, will be developed to meet this objective

13.4 The Scheme has a reasonable Benefit to Cost Ratio (BCR) of 2.0, it would increase the GVA of Northern Devon by about 2-3 % and create a number of new jobs. Although the construction would be very disruptive in terms of traffic management once completed it would be followed by a maintenance holiday.

13.5 The cost of the scheme is £88million which includes allowances for inflation, risk and uncertainty. In addition there are opportunities to scale the scheme if costs increase. The proposal includes a Local Contribution of £10million which is considered to reasonably meet the DfT's requirements.

Dave Black  
Head of Planning, Transportation and Environment

**Electoral Divisions: South Molton, Chulmleigh and Landkey, Barnstaple North, Barnstaple South, Fremington Rural, Bideford East, Bideford West and Hartland, Northam, Torrington Rural, Ilfracombe, Braunton Rural, Combe Martin Rural.**

Cabinet Member for Infrastructure, Development and Waste: Councillor Andrea Davis

*Chief Officer for Communities, Public Health, Environment and Prosperity, Dr Virginia Pearson*

## Appendices

### Appendix I:

- Strategy Drawing

### Appendix II:

- Selected Scheme 1 of 2
- Selected Scheme 2 of 2

### Appendix III:

- Junction Plan 1 of 2
- Junction Plan 2 of 2

### Local Government Act 1972: List of Background Papers

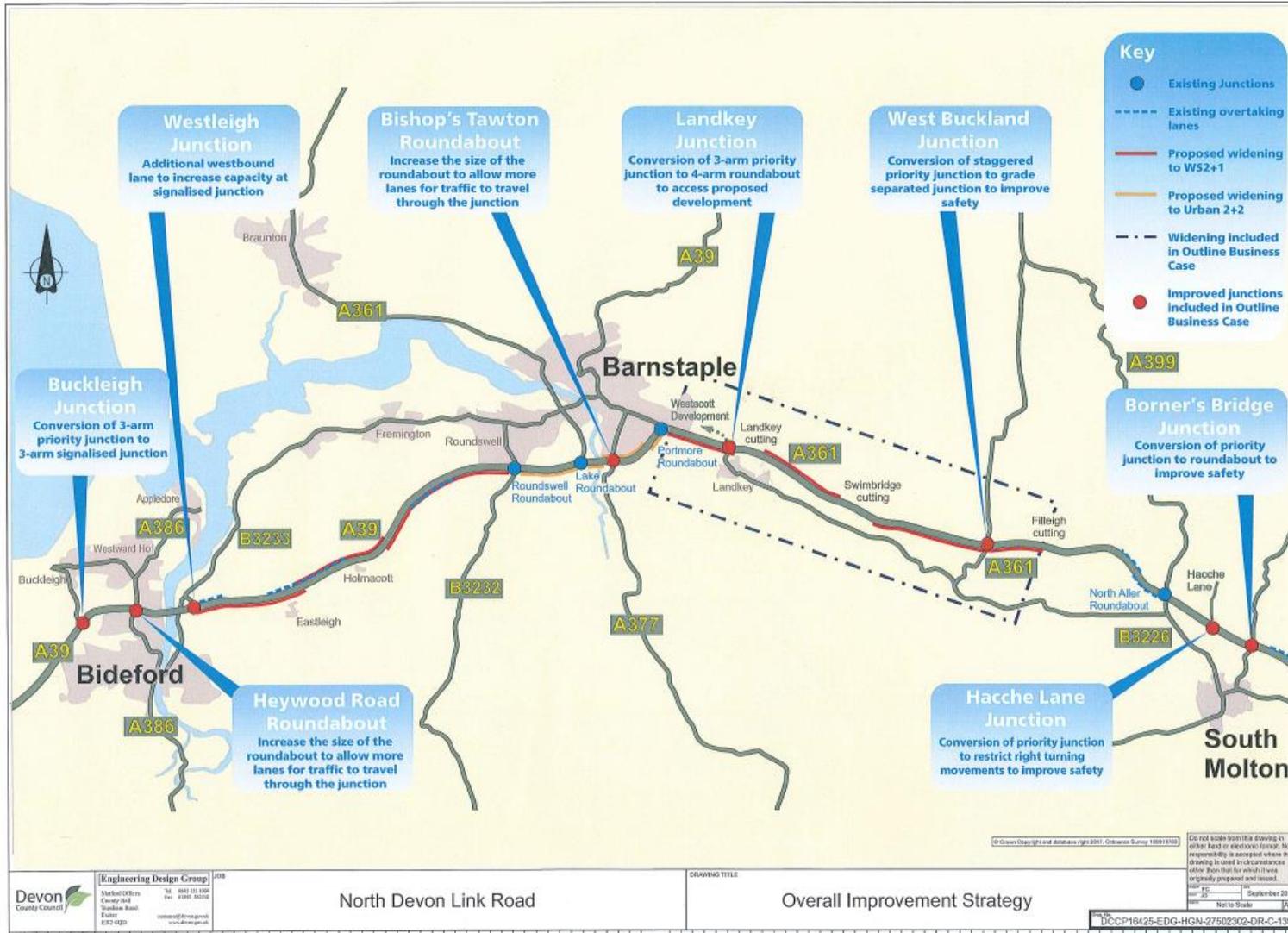
Contact for enquiries: David Black

Room No: County Hall, Topsham Road, Exeter, EX2 4QD

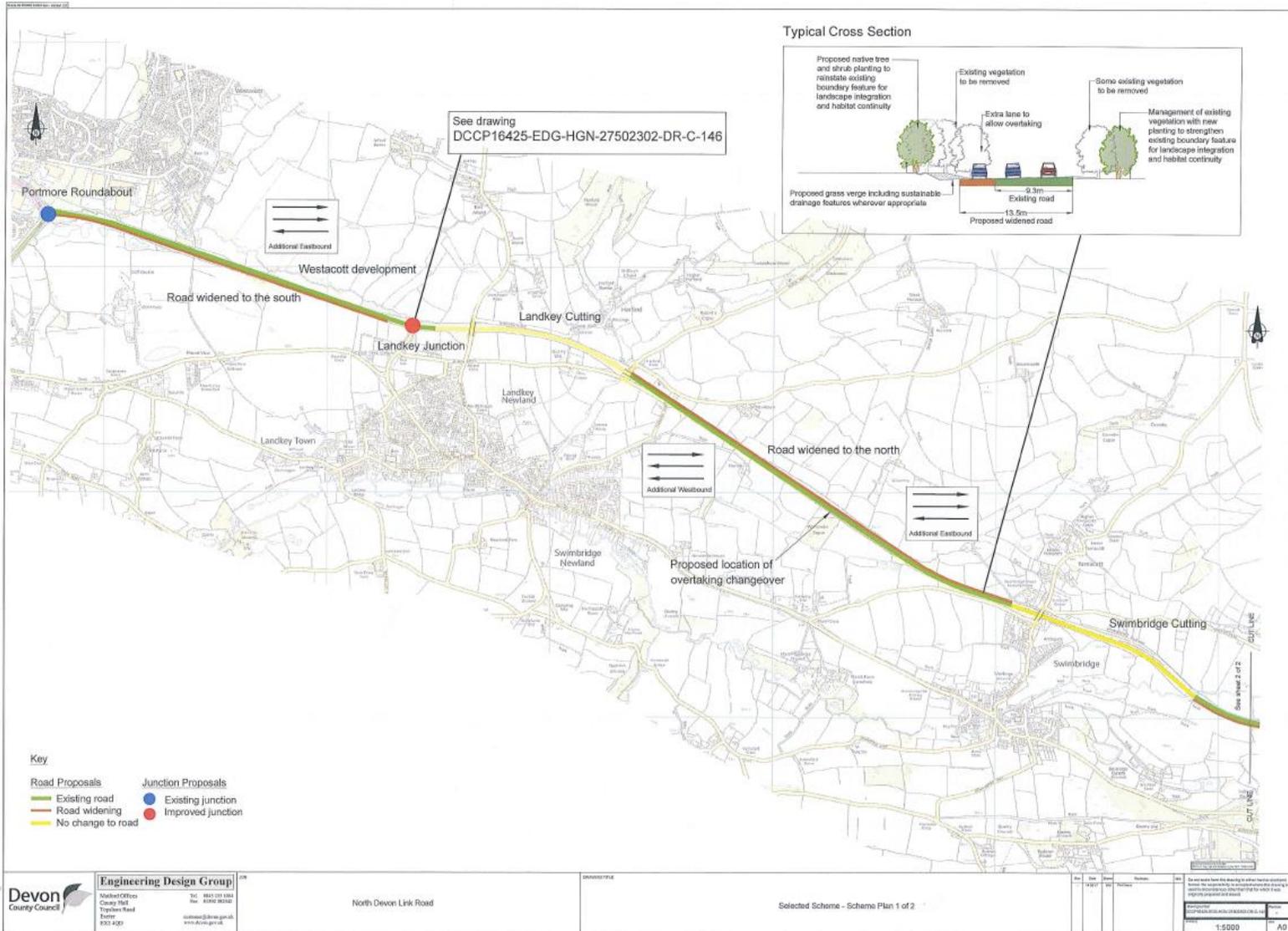
Tel No: (01392) 383000

Background Paper	Date	File Reference
1. NDLR Strategic Outline Business Case	October 2016	<a href="https://new.devon.gov.uk/ndlr/project-documents">https://new.devon.gov.uk/ndlr/project-documents</a>
2. NDLR Value Management Workshop report	June 2017	<a href="https://new.devon.gov.uk/ndlr/project-documents">https://new.devon.gov.uk/ndlr/project-documents</a>
3. NDLR Technical Appraisal Report	June 2017	<a href="https://new.devon.gov.uk/ndlr/project-documents">https://new.devon.gov.uk/ndlr/project-documents</a>
4. NDLR Public Consultation Report	September 2017	<a href="https://new.devon.gov.uk/ndlr/project-documents">https://new.devon.gov.uk/ndlr/project-documents</a>
5. NDLR Scheme Selection Report	September 2017	<a href="https://new.devon.gov.uk/ndlr/project-documents">https://new.devon.gov.uk/ndlr/project-documents</a>
6. NDLR Environmental Assessment Report	September 2017	<a href="https://new.devon.gov.uk/ndlr/project-documents">https://new.devon.gov.uk/ndlr/project-documents</a>
7. NDLR Impact Assessment v7	September 2017	<a href="https://new.devon.gov.uk/ndlr/project-documents">https://new.devon.gov.uk/ndlr/project-documents</a>

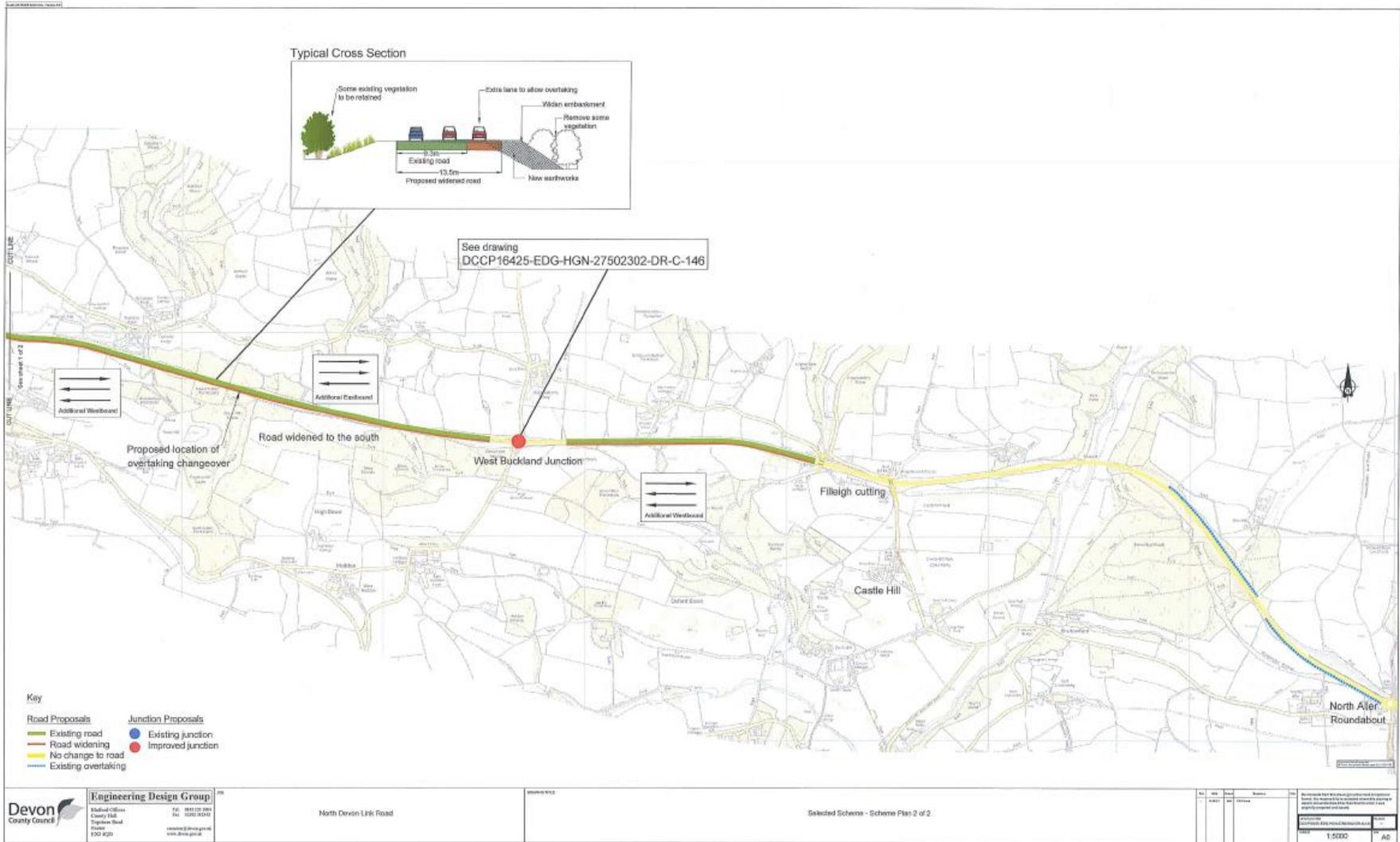
Appendix I: - Strategy Drawing



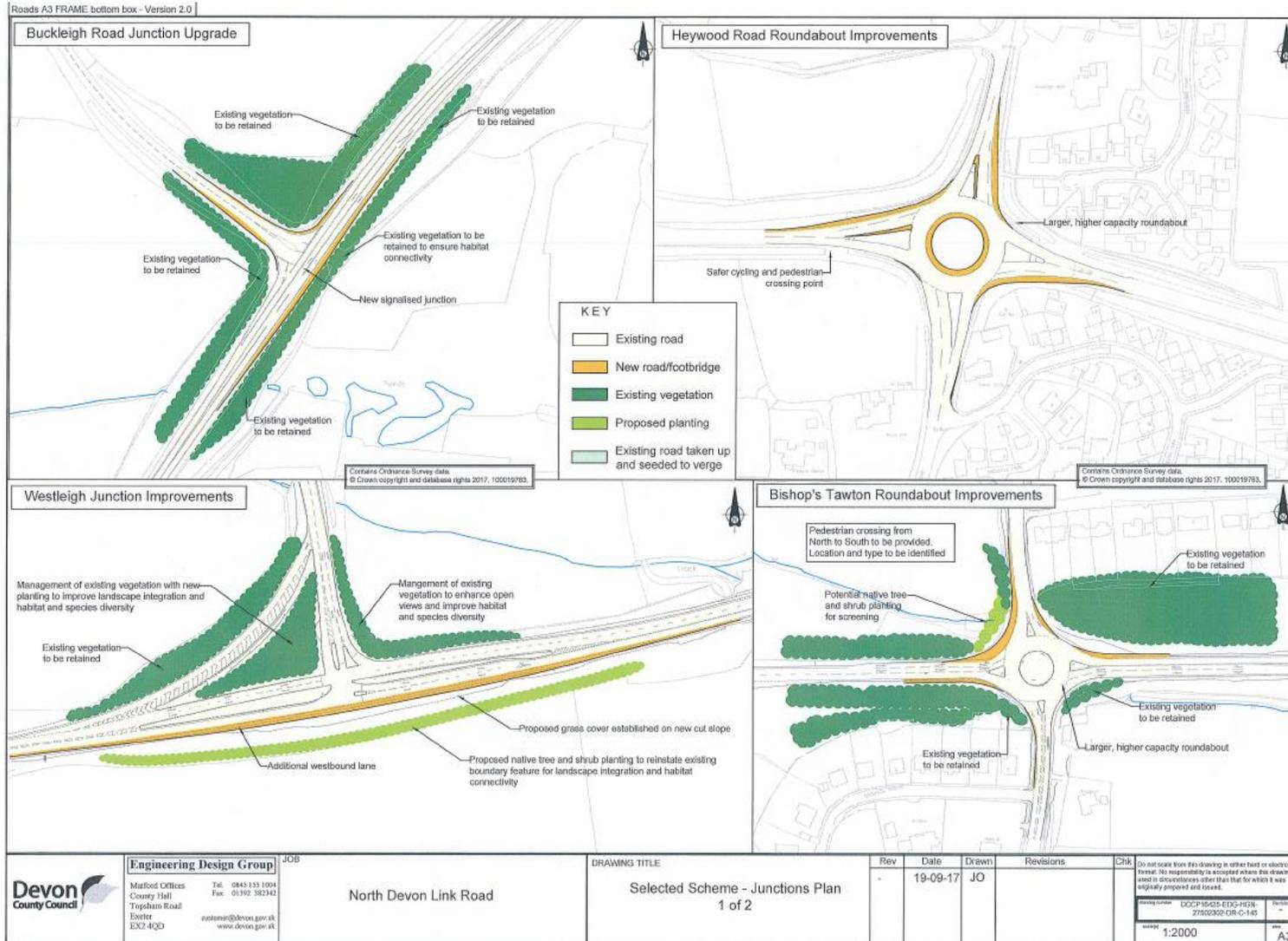
Appendix II: Selected Scheme 1 of 2



Appendix II: Selected Scheme 2 of 2



Appendix III: Junction Plan 1 of 2



Appendix III: Junction Plan 2 of 2

