

A Gateway to Northern Devon - A361/A39 North Devon Link Road South Molton to Bideford Approval to Proceed with submission of Full Business Case, Tender Award & Construction

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.

Recommendations: That Cabinet

- (a) approves the submission of the Full Business Case for the North Devon Link Road ("The Scheme") to the Department for Transport (subject to satisfactory acquisition of land) with any minor changes agreed by Head of Planning, Transportation and Environment in consultation with the Cabinet Member for Infrastructure, Development and Waste;
- (b) Delegates to the Chief Officer for Highways, Infrastructure Development and Waste, the authority to award the following contracts, subject to them being within the overall budget of £93 million:
 - The Main Works contract;
 - The additional contracts for the construction of Westleigh, Buckleigh and Heywood Road using the minor works framework; and
 - The tender and award of a contract to construct Bishop's Tawton Roundabout widening and underpass.
- (c) approves the design (drawing P_08_ST_07) for a new pedestrian and cycling bridge at Landkey and the footprint required for land acquisition with any minor changes being agreed by the Chief Officer for Highways, Infrastructure Development and Waste in consultation with Cabinet Member for Infrastructure, Development and Waste; and
- (d) approves serving of notices, land entry and the construction of The Scheme, beginning at the earliest in October 2020 for mobilisation and advance works, with any minor changes being agreed by the Chief Officer for Highways, Infrastructure Development and Waste in consultation with Cabinet Member for Infrastructure, Development and Waste.

1. Summary

This Cabinet report outlines the work that has been undertaken since the approval of the Cabinet report PTE/19/20 dated 15th May 2019.

This report outlines the need for a final approval by Cabinet for The Scheme to progress through the final stage required by the DfT for Local Majors Funding – the Full Business Case (FBC). It is also the final approval required by Cabinet to delegate the award of the necessary contracts if within the estimated budget and begin work on site, should the bid be granted.

2. Background/Introduction

The Scheme has been developed over a period of 6 years, with inception beginning in 2014. A plan of the final scheme is shown in Appendix A at the end of this report.

A Strategic Outline Business Case (SOBC) was submitted to the DfT in Autumn 2016 following approval to do so by Cabinet as outlined in the Cabinet report dated 12th October 2016. The SOBC outlined the need for the improvements to be to the road network and confirmed the extent of The Scheme. The SOBC was successful and was confirmed by the DfT in early 2017 and work progressed to confirm detail and phasing of the improvements.

In the Cabinet report dated 11th October 2017, the proposals for improvements to the North Devon Link Road (A361/A39) were outlined and approval was given for an Outline Business Case to be submitted to the DfT in a bid for funding. The Outline Business Case was successful. The Cabinet report dated 11th July 2018, gave approval to proceed with the preparation of the full business case.

In the Cabinet report dated 15th May 2019, approval was given to acquire additional land at Landkey & Bishops Tawton to reflect changes to scheme design and objectives; in particular the addition of improvements to pedestrian & cycling facilities.

The contractor procurement process has now been undertaken, and preferred contractors will be chosen shortly for the majority of the works, following the evaluation process overseen by the DCC Procurement Team. The procurement process for the Bishops Tawton junction will follow later. Advance works such as planting and archaeological works have also been undertaken to ensure that works can start on site in late 2020.

3. Proposal

DCC proposes to submit the FBC in summer 2020 and, pending approval from the DfT, award contracts to the preferred contractor(s) to build The Scheme.

Submission of Full Business Case

The Full Business Case outlines the strategic, commercial, management, economic and financial and viability of The Scheme as detailed in The Scheme Plan and other documents outlined on The Scheme website. The FBC is a refresh of the Outline Business case which is available on the following link: <https://www.devon.gov.uk/ndlr/>. The FBC primarily includes the widening of three sections of carriageway between South Molton and Portmore, upgrades to junctions and additional walking and cycling facilities across the route, two of which were not included in the Outline Business Case. Other aspects of The Scheme include extensive planting for a net biodiversity benefit, and the installation of average speed cameras.

To progress The Scheme the Full Business Case 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. Cabinet approval is required to submit the FBC.

Award of Main Works Contract

A Design & Build (NEC3 Option A) Contract has been chosen as DCC's preferred option to procure the 'Mainline Works' for The Scheme. This includes all widening and junction improvements between South Molton and Portmore. Grouping the improvements together in this way allows for consolidation and innovation of resources and aspects such as traffic management. DCC has successfully used this contract type before.

DCC has engaged the market for the opportunity to bid on the contract and has now received and evaluated tenders. At present the preferred bidder cannot be named as the integrity of the procurement process must be protected, however the successful tender price will be within the estimated budget. Providing that the FBC is successful in gaining funding, DCC intends to award the contract to the successful bidder in Autumn 2020. Cabinet approval is required to for the Chief Officer for Highways, Infrastructure Development and Waste to award the contract.

Award of Three Minor Works Contracts (Buckleigh, Heywood Road & Westleigh)

Due to the geographic separation between the Mainline Works and the other junction improvements and due to the limited opportunities for innovation at these other junctions there is little benefit to procuring these additional junctions as part of the mainline works. Instead these junctions have been designed in house and will be procured using DCC's Minor Works framework.

Procuring the junctions in this way gives DCC flexibility to procure the junctions such that traffic disruption is minimised whilst also giving opportunities to spread the construction work to local contractors. DCC has significant experience using the framework to successfully procure similar junction improvements.

Award of Bishop's Tawton Contract

Due to the later introduction of a subway, the design, planning application and land acquisition for the Bishop's Tawton Junction was not sufficiently progressed to be included in the Mainline Works contract. The works are also likely to be priced at a threshold greater than the Minor Works Framework (i.e. >£1m).

Therefore, DCC proposes to procure the construction of this junction on an individual basis. The cost of these works will be within the estimated budget.

Landkey Pedestrian & Cycle Bridge

Following Cabinet report of May 2019, DCC is now able to recommend a design for the pedestrian and cycle bridge at Landkey. This is shown in Appendix B. The design as proposed, including landscaping, can be accommodated within the footprint as shown and has received outline planning permission. By using the design as shown this provides the opportunity for a contractor to progress the structural design in more detail (aesthetically and in value for money terms), providing it fits within the available footprint. Compulsory Purchase Orders have been submitted (following the record of decision by the Cabinet Member) and are awaiting a decision from the DfT with no statutory objections received.

Commencement of Work on site

Planning permission & an order for the compulsory purchase of land have now been granted for the Scheme (however the compulsory purchase orders for Landkey and Bishops Tawton have not yet been confirmed). There is an outstanding issue with some land at Landkey to enable the cycle/footbridge to be built. Discussions are ongoing with the Department of Transport to resolve this. Final land entry will be completed before the award of any contract. This report seeks Cabinet approval to serve any outstanding notices on the mainline element of the Scheme to landowners which have not yet received notice prior to the award of the FBC, over the next few months, to enter the land and to construct The Scheme as described in the FBC. This represents a financial risk as in serving the notices prior to funding confirmation DCC is committing to purchase the land.

4. Programme

Key dates for the programme are as follows:

- Submission of FBC: August 2020
- Decision: Winter 2020
- Appoint Contractor: Winter 2020
- Advance works start: Winter 2020
- Main works – Spring/Summer 2021

- Minor junction improvements: Rolling throughout Programme
- Bishop's Tawton Junction: anticipated 2022
- End date & Full Scheme Opening - 2023

5. Consultation/Representations/Technical Data

Consultation

Numerous consultations have been undertaken over the course of the project which have materially informed the direction of The Scheme. These are detailed below. Where appropriate the results of consultations can be found on The Scheme website.

Consultation	Consultees
2014 Consultation	General Public
2016 SOBC Consultation	General Public, Parish and District Councils
2018 OBC Consultation	General Public, Parish and District Councils
2019 Bishop's Tawton Consultation	General Public, Parish and District Councils
Planning Application Consultations (Main Works, Bishop's Tawton, Landkey)	General Public, Parish and District Councils, Statutory Bodies
Value Management Workshops	Statutory Bodies, Environmental Stakeholders, District Councils
CPO Consultation	Landowners
Project Steering Board	District Councils
Individual Queries	All

6. Financial Considerations

The total estimated Scheme cost of £93 million, will be largely funded by the Department for Transport, however, as is standard with major scheme funding, a Local Contribution is also required. To make this contribution affordable and spread the cost amongst all authorities that will benefit from The Scheme, it was proposed that £5 million will be provided by DCC (which is included in the capital programme), with the other £5 million being covered by North Devon and Torridge District Councils via Section 106 Developer Contributions and Local Transport Plan grant.

Due to a downturn in the economy and a marked slowdown in housing sales in Bideford £1.5 million is available from Torridge District Council. The highway improvements in Torridge are modest (just two junction improvements) so it is proposed that Torridge contribute £1.5 million from developer contributions and the Local Transport Plan contribute the remaining £1 million.

Developer contributions in North Devon District Council are also at risk due to the economic downturn and are more difficult to overcome as they rely largely on contributions from the Westacott Development where negotiations are ongoing. Currently there is £1.3m of signed S106 contributions leaving a potential £1.2m shortfall.

North Devon Council have a successful Housing Infrastructure Funding (HIF) bid with Homes England (HE) for the Westacott development, for a £2.5m contribution to The Scheme. However, HE have diverged from the terms laid out in the original bid, which was capital grant, and are now insisting it is a loan which is not acceptable to North Devon Council or Devon County Council. Negotiations are currently ongoing with HE to demonstrate the viability gap which could result in the funding being made available.

Discussions with Westacott developer are also ongoing in terms of planning and S106 and it is anticipated that a significant S106 contribution will be agreed.

Negotiations to fill the funding gap are ongoing and DCC acknowledges there are risks. These risks will be managed by delaying the Westacott junction until the S106 is signed, trying to get an agreement with HE and looking to make a saving on the cost of The Scheme.

The proposed revised funding would therefore be as shown in Table 1.

Source	Prior Years £000	Projected 2020/21 £000	Projected 2021/22 £000	Projected 2022/23 £000	Projected 2023/24 £000	Total £000
DfT Grant	2,229	14,062	34,359	31,019	1,446	83,115
DCC	1,568				3,432	5,000
Signed Developer contributions					2,800	2,800
Developer contribution not signed					1,200	1,200
Local Transport Plan					1,000	1,000
Total	3,797	14,062	34,359	31,019	9,878	93,115

Table 1: Proposed financial contributions

It should be noted, that of the signed developer agreements of £2.8 million, £0.6 million has been received to date. The triggers for the remaining monies, are dependent upon the rate of progress of house building. It is therefore expected that DCC will need to forward fund, an element of this.

7. Environmental Impact Considerations

An Environmental Impact Assessment was submitted for The Scheme as part of the planning application process, which received no statutory objections. The majority environmental impacts are either minor or negligible including noise and air quality. It is also expected that there is going to be a net improvement of around 10% in terms of biodiversity. Advance works have also taken place on some aspects of The Scheme, including the planting of around 20,000 new trees.

An assessment of the carbon impacts of The Scheme was undertaken as part of the environmental and economic assessment of The Scheme. The Scheme brings about an increase in CO2 emissions per vehicle as a result of an increase in traffic, traffic calming measures during construction and the use of materials during The Scheme build. This increase is offset slightly by the reduction in congestion largely due to improvements at junctions but there remains an overall increase in emissions. This does not include the impact of a reduction in traffic on the smaller roads.

The Scheme includes a significant amount of investment to walking and cycling infrastructure across the route. This aligns with Devon County Council's commitment to reduce reliance on the private car and to encourage the uptake of sustainable modes. The carbon impact of increased walking and cycling facilities is not included in the carbon appraisal for The Scheme.

8. Equality Considerations

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 on the Council's website at: <https://devon.gov.uk/ndlr/project-documents>, which Members will need to consider for the purposes of this item. 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

The development of The Scheme has involved considerable legal interventions by way of the compulsory purchase of land, land transfers and valuation. The last element is to gain possession and entry to the land. 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 to construct that the Council have considerable experience in delivering.

10. Risk Management Considerations

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

Risk	Mitigation
The Coronavirus Pandemic may materially impact both the commercial viability of The Scheme and the ability to construct The Scheme safely and to programme	Monitor the evolving situation, adjust timetables and include an allowance in the financial risk register.
Unforeseen changes to the required engineering due to issues that arise as more detail about the site becomes known may increase costs or scheme viability	Risk built into overall cost for The Scheme
Bishop's Tawton is still going through the procurement process, and the cost at this junction will be submitted to the DfT as an estimate with DCC underwriting the risk.	If Bishop's Tawton becomes unviable it will be removed from The Scheme.
Statutory Undertakers may not have the capacity to deliver approvals in line with The Scheme programme. Unforeseen Statutory approvals or payments may be required as more detail about the site is known.	Extensive work to identify existing issues has been undertaken to reduce the risk, however some risk does remain and this has been built into both the programme and The Scheme cost.
The Scheme will require extensive and prolonged traffic management, which could cause delays to users of the route including the public and business owners.	Minimum traffic flow standards have been placed in the contract and must be maintained by the contractor. DCC will monitor the disruption caused by the works.

An issue has recently arisen with the compulsory purchase of land at the Landkey junction. The Department of Transport (DfT) are concerned that as the planning application is in outline this could result in some uncertainty on the amount of land required. Discussions are taking place with the DfT to assure them that sufficient design and mitigation is included in the outline planning application that they can confirm the order. Documents relating to the Junction, including the proposed design can be found in Appendix B.

11. Public Health Impact

No properties within the modelled area currently experience pollutant concentrations exceeding the UK objectives and neither will they with The Scheme.

The Scheme includes several new walking and cycling facilities and improvements to public rights of way. This will provide a net beneficial impact on active travel locally and is in line with DCC's ambition to reduce car trips and promote active modes.

12. Options/Alternatives

The Scheme has been developed through an extensive options appraisal process. This is detailed in the Options Appraisal Reports for The Scheme, Bishops Tawton and Landkey which can be found on The Scheme website.

13. Reason for Recommendation/Conclusion

The North Devon Link Road Scheme has been presented to Cabinet on several occasions during The Scheme programme. This approval represents the culmination of 6 years of preparatory work and is the final Cabinet decision required for this Scheme to progress to final DfT approval, contract award and construction.

Dave Black
Head of Planning, Transportation and Environment

Electoral Divisions: Barnstaple North; Barnstaple South; Bideford East; Bideford West & Hartland; Chulmleigh & Landkey; Fremington Rural; South Molton; Tiverton East; Tiverton West; Willand & Uffculme

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

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

Local Government Act 1972: List of Background Papers

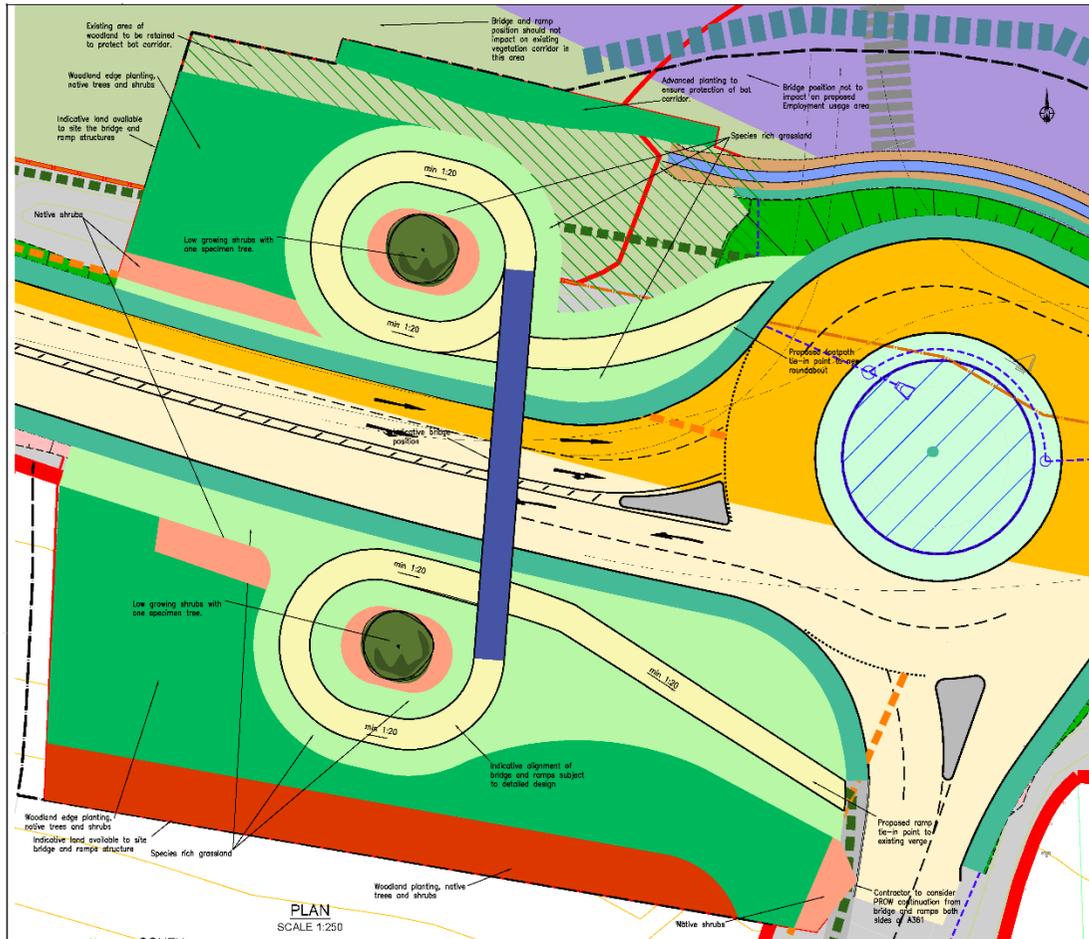
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Background Paper	Date	File Reference
1. Impact Assessment	June 2020	https://devon.gov.uk/ndlr/project-documents

Appendix B to PTE/20/11



Indicative Truss example
Roundwell cyclebridge over the A39 at Barnstaple



Indicative Spiral ramp example
Reinforced concrete construction

This plan shall be used in drawing in either hard or electronic format. No responsibility is accepted for any drawing in error or circumstances other than that for which it was originally prepared etc. issued.

NCPS

No. details

- The location of the bridge complex with the result of the consultation and is fixed. The spiral ramps comply with relevant standards and are suitable for use. The points will be set down on the plan. The light and dark green shaded areas show the landscape planting, which is the minimum necessary to screen the ramps and soften the landscape. The red shaded area is woodland planting to screen the bridge from the adjacent property.
- The detailed design of the structure should be completed by the contractor and details of the construction/appearance agreed with the Planning Authority.
- Early planning discussions have focused around a steel beam bridge with spiral ramps, which is anticipated to fulfil the criteria of the footbridge and achieve full planning permission. Additional work may be needed by the planning authority for a more interesting 'statement' structure, which in its appearance, marks the location as a 'gateway to Barnstaple'.
- The example photos show the initial form of structure considered. Low supports for the bridge and ramp elements will be subject to detailed design, but are shown over alternative support methods.
- The exact design and specification of the bridge span and ramps will be agreed by the relevant design authorities (current at the time and those will be agreed by way of an IAP document at the beginning of the design process.
- The areas of land shown are the minimum necessary to allow the siting of a bridge and spiral ramp proposal. Considerations for construction access/works areas should be carried out during detailed design by the contractor/designer.
- The design proposed by the contractor should also consider planting around the ramps, to allow the structure to blend into the environment in which it is to be constructed. Should a 'statement' structure be proposed, the extent of planting around the ramps could be reduced to allow the overall appearance of the structure to be fully appreciated.
- As part of the detailed design process, considerations to protect the structure from damage due to vehicle impact should be considered.
- Lighting of the bridge and ramp structures should be incorporated into the design, using handrail lighting or similar agreed method.
- The bridge and ramps should be designed for both pedestrian and cyclist use, with a clear width of 3.5m.

Rev	Date	Drawn	Revised	CHK
C	20/08/2020	EDG	Original Issue	EDG



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Location Plan and Employers Requirements
North Devon Link Road Stage 3

LANDKEY FOOTBRIDGE
COMMITTEE PLAN

This plan shall be used in drawing in either hard or electronic format. No responsibility is accepted where this drawing is used in circumstances other than that for which it was originally prepared and issued.

Project Name: DCCP18425-EDG-HGN-27502200-C

Drawing number: P_09_ST_09

AS SHOWN	Ed: A1	Revised: 0
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