

Dawlish Link - Elm Grove Road to A379 Exeter Road

Report of the Director of Climate Change, Environment and Transport

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 the Cabinet be asked;

- (a) to give approval for a scheme in Dawlish which assists in connecting Elm Grove Road and the A379 Exeter Road, and includes provision of a bridge with embankments, sustainable urban drainage together with cycle lanes and footpaths, as identified in the Local Plan, to proceed to tender and construction;
- (b) to delegate powers to the Director of Climate Change, Environment and Transport, in consultation with the Local Member and Cabinet Member for Climate Change, Environment and Transport, to make minor amendments to the scheme design;
- (c) to approve an increase to the 2022/23 capital programme by £286,065 and 2023/24 by £5,564,465, funded by external contributions.

1. Summary

This report seeks approval to progress to tender and subsequently construction for the provision of a section of new link road between Elm Grove Road and the A379 Exeter Road as allocated in the Teignbridge Local Plan in Dawlish (Policy DA2). The link road will support bus service, cycle lanes and footpaths.

The section of link road to be delivered in respect to this report is contained within Areas 3 and 4 of the DA2 allocation.

The scheme and associated development of approximately 860 dwellings is allocated in the Teignbridge Local Plan for Dawlish located north-west of Secmaton Lane (DA2).

The desired outcome of the project is to ensure viability of the allocated housing development at the site through the delivery of necessary transport infrastructure.

2. Introduction

Land to the north/west of Dawlish, is allocated in the Teignbridge Local Plan (2013-2033) for at least 860 homes, with a target of 25% affordable homes, along with a range of social and community infrastructure and transport improvements. The allocation includes the provision for a vehicular access through the development between Elm Grove Road and the A379 Exeter Road, including supported bus service, cycle lanes and footpaths. The route will enable and promote sustainable

movement for pedestrians, cyclists and bus services, and allows the efficient distribution of traffic.

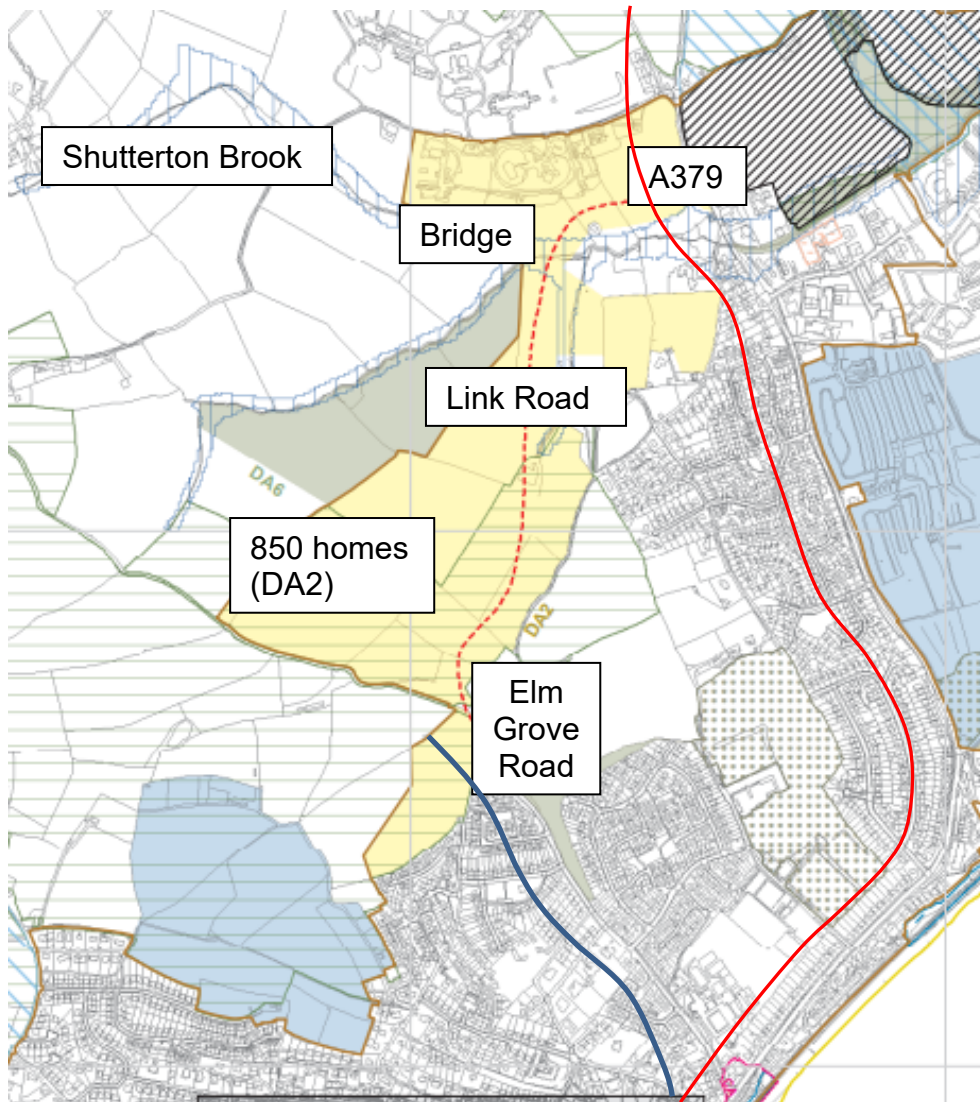


Figure 1: Dawlish DA2 Land Allocation and Link Road

The allocation area falls over several land ownerships which complicates the delivery of the link road route, particularly through the central section of the development over the Shutterton Brook, requiring a bridge. As a result, Teignbridge District Council (TDC) have requested Devon County Council (DCC) to assist on the delivery of the link road.

In order to address viability issues in the allocation, Teignbridge District Council have secured £4.9m of funding from the Government's Housing Infrastructure Fund - Marginal Viability Fund towards delivery of a section of new link road including a bridge over the Shutterton Brook (see Figure 1). This delivery falls within Areas 3 and 4 of the DA2 allocation.

3. Proposal

Teignbridge Council would fund Devon County Council to deliver part of the spine road through Areas 3 and 4 of the DA2 allocation. Figure 2 below illustrates the various Areas.

DCC will deliver a new highway bridge over the Shutterton Brook as part of their scope. This scheme will also assist in delivering the link road, by delivering the part of the carriageway section of the link road located within areas 3 & 4 to surface course level.

The extent of DCC delivery includes:

- 34m of highway and highway embankment within Area 4.
- 26m span highway bridge.
- Up to 430m carriageway incl. highway embankment within Area 3.
- Highway associated Sustainable Urban Drainage features.

Design:

- DCC have designed the proposed bridge and highway embankments on behalf of TDC.
- Area 3 designers have designed the carriageway through Area 3 and will supply this design information to DCC.

Planning:

The bridge element of the works is being delivered pursuant to a planning consent obtained by DCC in August 2022. This is a full planning consent from TDC Planning Authority under Application Reference 21/02872/FUL.

In October 2022, TDC's planning committee will have made a decision on whether to resolve to grant consent for the Planning Application Reference 19/01767/MAJ, and a verbal update on this will be given to Cabinet. This application was submitted by the landowners of Area 3, and will grant consent for both the development of Area 3 as well as the link road.

The first section of link road connecting the A379 within Area 4 has already been delivered by Persimmon Homes under TDC planning reference 15/02700/MAJ. Figure 2 below illustrates the proposed route of the link road through Areas 3 and 4 as well as outlining the 5 Areas of development which will be supported by the link road.

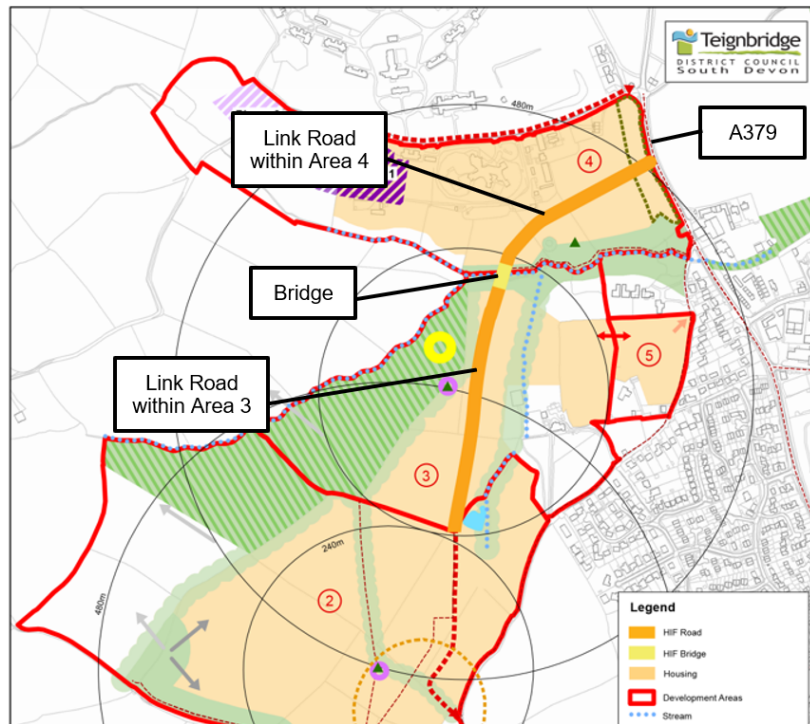


Figure 2: Proposed Link Road through Area 3 & 4

4. Options

As an alternative, TDC could do nothing and hand the Housing Infrastructure Fund monies back to Homes England leaving the landowners/developers to design and construct the link road and bridge. However, if this were the case it is likely that the funding gap will cause the development to stall.

5. Consultations

Consultation and community engagement has been undertaken by TDC during the preparation of the Local Plan and Development Framework Master Plan.

Consultation was also undertaken as part of the planning applications for the individual development sites. Further consultation has been undertaken as part of the planning application for the link road and bridge.

Prior to DCC submitting their planning application for the bridge a members briefing was held with TDC Members and the County Councillor for Dawlish. DCC and TDC jointly presented the scheme and answered any questions members raised.

6. Financial Considerations

A funding agreement between TDC and DCC has been entered into, to cover the entire project capital expenditure. The terms of the agreement are that the scheme will be funded by TDC, largely through the Government's Housing Infrastructure Fund - Marginal Viability Fund, £4.9 million (of which £0.34 million was spent in previous financial years). Subject to TDC Full Council approval, it is envisaged that the difference between the project budget of £4.9m and the project estimate of

£6.2m required will be provided by TDC via S106 contributions and the Community Infrastructure Levy Fund (CIL). If S106 contributions are forward funded by TDC, DCC will be required to reimburse contributions it actually receives from the relevant developments to TDC.

DCC and TDC have explicitly agreed that DCC will only deliver as much of the scheme as is possible in the funding TDC have available. DCC are not making any financial contribution to this scheme, other than the provision of the S106 contributions from developers.

The current total estimated cost of the scheme, including design, planning, procurement, construction etc is estimated to be in the region of £6.2 million. This includes prior years expenditure.

7. Legal Considerations

Funding

As mentioned above, DCC and TDC have entered into a funding agreement for the provision of services for the undertaking of the project management, planning, design, land acquisition, procurement, site supervision and construction of the works.

The terms of this agreement was negotiated between the respective legal teams of DCC and TDC.

Land

A series of land and highway agreements are required with both Area 3 and Area 4 landowners to enable the bridge and link road to be built. This includes land acquisition in relation to the areas required for the bridge approaches and embankments. It is intended that this acquisition is provided for £1 consideration.

Highway agreements will be utilised for the link road. DCC will also acquire easements for any highway drainage, maintenance and access rights required. Licence agreements will also be required in order to enable access and use of the land for a compound and construction access. It is intended that, where possible, these agreements will be acquired through negotiation. However, should it be necessary then DCC may seek to utilise Compulsory Purchase Powers, attained from Cabinet in July 2021 to acquire land for both the bridge, and if required, the link road. That process would run in parallel with negotiations. However, it is not currently envisaged that DCC will be required to utilise these powers as negotiations are progressing productively.

Procurement

To ensure that the works can proceed, DCC will need to ensure that prior to awarding the works contract to a Contractor the following pre-conditions will need to have been fulfilled:

- Confirmation of scheme funding via TDC Full Council.
- Successful conclusion of Land Agreements with Area 3 & Area 4.
- Attainment of Planning Consent for Area 3 development & infrastructure.

In order to comply with the Procurement Regulations 2015 these pre-conditions to award will be made clear within the tender documents.

8. Environmental Impact Considerations (Including Climate Change)

The link road and bridge infrastructure itself will reduce the traffic impact on local residential roads including Elm Grove Road.

The link road will help reduce emissions by providing better opportunities for active travel, public transport and possibly some marginal reduction in some car journey lengths, particularly in relation to short local journeys.

There will be an embodied energy impact resulting from the construction works on carbon emissions.

The design seeks to reduce carbon emission levels via a reduction in imported materials as well as reducing plant and delivery operations. An example of measures developed through the detailed design include reduction in use of steel and concrete for bridge abutments via use of reinforced earth embankments where appropriate.

9. Equality Considerations

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

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

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

This will be achieved, for example, through completing a full Equality Impact Needs Assessment / Impact Assessment or other form of options/project management appraisal that achieves the same objective.

In progressing this particular scheme, an Impact Assessment has been prepared which has been circulated separately to Cabinet Councillors and is also available alongside this Report on the Council's website at: [Dawlish DA2 Infrastructure Delivery - September 2022 - Impact Assessment \(devon.gov.uk\)](https://www.devon.gov.uk/infrastructure-delivery-september-2022-impact-assessment) which Councillors will need to consider for the purposes of this item.

10. Risk Management Considerations

The project risks identified are continually reviewed with the Project Board and have previously been shared with Homes England during the funding application and subsequent communications.

Key risks include:

- a) Area 3 not attaining Planning Consent.
- b) Unsuccessful Land Agreements and the need to progress a CPO and the possibility of this not being successful.
- c) Difficult ground conditions, bridge pile trials to be undertaken prior to award of Contract.
- d) Market volatility and rising inflation.

11. Public Health Impact

The delivery of the development will provide much needed housing. The link road is an integral and positive part of the development.

12. Reasons for Recommendations

Delivery of the link road is an integral element to ensure the successful delivery of 860 new homes in north-west Dawlish. The site comprises of five separate Areas and multiple landowners. Delivery of the bridge, and part of the link road as set out in the proposals above, will greatly assist in bringing the delivery of the link road forwards and supporting the development in this area.

Teignbridge District Council have asked Devon County Council to complete the design, attain planning, procure the bridge and sections of link road and assist in securing legal agreements for delivery of the link road to assist in meeting these aims.

Meg Booth
Director of Climate Change, Environment and Transport

Electoral Divisions: Dawlish

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

Local Government Act 1972: List of Background Papers

Contact for Enquiries: Meg Booth

Tel No: 01392 383000 Room: County Hall, Exeter. EX2 4QD

Background Paper	Date	File Reference
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Nil

Dawlish Link - Elm Grove Road to A379 Exeter Road - Final