

A361 North Devon Link Road – Pedestrian Cycle Crossings at Bishops Tawton and Landkey and Advance Planting Works

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 appointment of a contractor to undertake advance planting and associated works to an estimated value of £500k from the County Council's capital budget;**
- (b) **approves that a pedestrian and cyclist underpass at Bishop's Tawton Junction is progressed through to planning application, land acquisition and tender;**
- (c) **approves that a pedestrian and cyclist bridge at Landkey Junction is progressed through to planning application, land acquisition and tender; and**
- (d) **delegates to the Head of Planning, Transportation and Environment, in consultation with the Cabinet Member for Infrastructure, Development and Waste and relevant local member(s), to make minor amendments to the scheme details and to progress towards a Full Business Case.**

1. Summary

This report follows the Cabinet report dated 11 July 2018 regarding the A361/A39 North Devon Link Road (NDLR) project. Since then, the scheme has achieved several major milestones. Planning permission for the main works has been granted, and the objection period for the compulsory purchase order for land required for the larger scheme has now passed without objection. The next major milestone is tendering and the appointment of a contractor. These milestones represent a significant achievement for the main scheme. To remain on programme some advance planting must now be undertaken in 2019; to achieve a 12-month establishment period prior to the start of works in November 2020.

Also, further consultation has been undertaken regarding provision of two further segregated pedestrian cycle facilities at both Bishop's Tawton junction and at Landkey junction in addition to the main scheme and a preferred option for a facility at each location has now been reached.

2. Background/Introduction

In the Cabinet report dated 11 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 report noted that one of the results of the summer 2017 consultation was that residents were concerned that the nature of the proposed widening at Bishop's Tawton roundabout would negatively impact cyclists and pedestrian's ability to safely cross the road. As such, 'facilities for pedestrians and cyclists to cross the road' at Bishop's Tawton were included.

In July 2018 a further Cabinet report was approved to submit a planning application for the scheme. Following approval, an application was submitted for the section of works between Portmore and Filleigh Cutting. Due to the extensive scope of the works an Environmental

Statement was produced and a commitment was made to provide advance planting in autumn 2019, prior to the start of works in autumn 2020.

During the consultation phase of the planning process, Landkey Parish Council highlighted the need for a segregated pedestrian crossing at Landkey Junction. The suggestion was reviewed, and it was agreed that a segregated crossing here would be in-line with DCC's ambition to segregate, where possible, all pedestrian movements from the live carriageway for safety reasons. It also removes the severance effect of the road between Landkey and Westacott.

3. Proposal

Advanced Planting Contract

For the scheme to remain on programme, advance planting must be undertaken in autumn 2019. A tender process has been undertaken and a preferred contractor has been identified. The total cost of the works is estimated to £500k which is in line with the overall scheme cost estimates produced by DCC prior to the tender period. **It is recommended that approval is given to award the contract.**

Though a grant of £2 million per year in Financial Year 2018/19 and Financial Year 2019/20 has been agreed by the Department for Transport, this can only be used for activities relating to the production of the Full Business Case. Advance works such as advance planting must therefore be funded by DCC at risk (subject to full approval of the Full Business Case in 2020) from the County Council's capital fund. As many of the largest risks to the main project were related to areas such as planning and land acquisition (which have now passed or seem likely to pass) the risk of full approval not being achieved is significantly reduced.

Segregated Pedestrian & Cycling Facility at Bishop's Tawton Roundabout

Proposals for an underpass option at Bishop's Tawton Roundabout were taken to public consultation which was held between 12 October 2018 and 23 November 2018. A consultation outlining the preferred option and how to respond to the consultation was produced. The report on the public consultation can be found online at <https://www.devon.gov.uk/ndlr/project-documents>

The consultation responses provided valuable insight to the impact of the proposals and several suggestions for improvements to the design. In particular, it highlighted the high proportion of children that currently cross the road at grade, or who are forced to travel in other ways when travelling from Bishop's Tawton to Park School. The widening of the road will increase this severance and restrict even further young children's ability to safely cross the road, potentially generating more car trips or accidents if an intervention is not introduced.

It is recognised that any segregated facility for non-motorised users is a significant structure and will impact on local residents and there is local concern regarding this. However, considerable thought has gone into the assessment of options, consultation process and research into alternatives. In addition, the consultation has identified a number of additional comments that will be taken forward where the design of the improvements can be modified to maximise the benefit of the scheme. **Therefore, it is recommended that an underpass placed to the west of the roundabout remains the preferred option.** Designs for the recommended underpass option and an indicative design of the rejected overbridge option are shown as an Appendix to this report. The following additional amendments are also recommended and the final layout with a 3D flythrough is available on the scheme website:

- That high quality lighting is installed;

- That the length of the 2-lane approach to the roundabout from the south is lengthened to increase the amount of stacking capacity available during peak hours;
- To introduce a white or yellow box on the A377 at the junction of Oatlands Avenue to give drivers safe and convenient access to the road network;
- That where ever possible high-quality landscaping is introduced, and
- That crossing points to the north and south of the roundabout are provided so that users to the east side of Bishop's Tawton Road can access the underpass on the western side of the roundabout.

It was suggested by residents that a planning application for the Bishop's Tawton scheme should be submitted rather than the scheme proceeding through permitted development. Submitting a Planning Application would give stakeholders further opportunity to comment, particularly on any environmental impacts associated with the scheme. **It is therefore recommended that due to the scale of the improvement, and to provide a further opportunity for consultation, that a planning application is submitted for the Bishop's Tawton scheme in summer 2019 and the land acquisition and tender processes for the scheme commence.**

Segregated Pedestrian & Cycling Facility at Landkey Junction

During the planning process Landkey Parish Council raised concerns that the application did not show a segregated pedestrian crossing of the A361 at Landkey junction, which is proposed to be converted to a roundabout. The suggestion was reviewed, and it was agreed that a segregated crossing here would be in-line with DCC's ambition to segregate, where possible, all pedestrian movements from the live carriageway for safety reasons.

Options assessment concludes that the crossing should be an overbridge, though the design and location of the ramps is yet to be confirmed. **It is recommended that, once a preferred design emerges, work will begin to take the option through the planning, land acquisition and tender processes.**

4. Programme

It is expected that the contract for advance planting will be awarded at the end of May. This will allow the works to begin when land entry becomes available in Autumn 2019, continuing over the winter planting season.

A planning application for the Bishop's Tawton scheme would be submitted in summer 2019, with the view to begin procurement in winter 2019 separate to the 'main works' and 'junctions' procurement processes for the other parts of the scheme. Construction would likely begin in 2021 or later to minimise disruption once the phasing of the 'main works' between Portmore and Filleigh, decided by the D&B contractor, is known.

It is noted that with the procurement process beginning in 2019 it might not be possible to include a final tender price in the Full Business Case which is due to be submitted in August 2020. This has been discussed with the DfT and it has been agreed that an estimate of the final tender price could be included, providing that DCC take on the risk associated with the estimate and that the estimate is under a certain financial threshold of approx. £10 million.

The planning application for the Landkey scheme will be submitted in 2019, once the design for the scheme has been finalised. There are several options for tendering this scheme, including a stand-alone tender or as an amendment to the main D&B contract. As a final tender price is unlikely to be confirmed prior to submission of the Full Business Case, an estimate would be used, and would be subject to the same risks outlined for Bishop's Tawton above.

5. Consultation/Representations/Technical Data

The nature of the advance planting has been agreed with the various statutory bodies following extensive consultation prior to the submission of the planning application, including the environment agency, and is an essential condition to the scheme's progression.

Landkey Parish Council have been further consulted about the desire for a footbridge at Landkey Junction following the determination of the planning application and as the options for a facility have emerged.

A public consultation was held in autumn 2018 to consult on the preferred option at Bishop's Tawton. This consultation follows three previous consultations on the wider NDLR scheme, held in 2014, 2016 and 2017. The consultation process and outcomes are detailed in the consultation report, which can be found on the scheme website here:

<https://www.devon.gov.uk/ndlr/project-documents>

6. Financial Considerations

Funding for the proposed improvements will be through the Department for Transport Local Majors funding package for the North Devon Link Road of £93 million (including £10 million of local contributions). The Full Business Case for the funding will be submitted in August 2020, with the advance planting and proposals at Bishop's Tawton and Landkey forming part of the scheme.

The DfT has provided a grant funded amount of £2 million per year in 2018/19 and 2019/20 to de-risk the production of the business case for DCC. However, this grant cannot be used to cover advance works such as planting. This means that the advance planting contract must be awarded and funded at risk from DCC's capital fund. This would then be reimbursed upon full approval of the Full Business Case in 2020.

The preferred option at Bishop's Tawton is considered to be £5 million. This is inclusive of risk allowance, but not of land costs.

As a preferred option at Landkey junction has not yet been reached detailed scheme costs are not available. However, based on previous experience it is estimated the cost will be £3 million once optimism bias and scheme risks are considered.

7. Environmental Impact Considerations

It is recognised that the underpass and overbridge will have some localised negative impact on existing vegetation and landscape. This will be mitigated as far as possible with new planting, specific ecological mitigation measures and high-quality landscaping (to be developed as part of the planning application). It is recognised any outstanding negative impacts are offset by the safety benefits of the proposals.

In terms of climate change all three proposals will encourage non-motorised modes of transport. In particular, the segregated crossing facilities will encourage the use of non-motorised modes of transport and aim to reduce dependence on car travel.

8. Equality Considerations

In progressing the three actions outlined in this report for the NDLR 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://www.devon.gov.uk/impact/north-devon-link-road/>, 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

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 has considerable experience in delivering although should negotiation on land not be productive there may be a requirement for compulsory purchase which is part of the land acquisition strategy.

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
Bishop's Tawton or Landkey Planning Application is not approved due to lack of public support – causing the aspect of the NDLR scheme to stall	<p>Continue to consult with stakeholders to understand any residual concerns and mitigate these where possible.</p> <p>Bishop's Tawton has been separated from the critical programme of the main scheme, therefore a stall in the Bishop's Tawton scheme would not jeopardise the viability of the North Devon Link Road scheme as a whole. However, it may affect the benefits from the modelling of the scheme,</p> <p>A stall in the Landkey proposals would not materially impact the scheme as it is not included in the traffic model, nor the original planning application. However, failure to deliver could impact DCC's image locally.</p>
Further environmental surveys at Bishop's Tawton or Landkey find protected species	<p>Initial environmental surveys have already been undertaken and do not suggest that the protection of bats needs to be considered at Landkey.</p> <p>Bishop's Tawton Roundabout and the pedestrian crossing at Landkey have been separated from the critical programme of the main scheme, so if protected species are found then the start of works could be delayed whilst suitable mitigation measures are agreed with the relevant stakeholders.</p>
Applications for blight to properties that could be affected	There are several properties close to the proposed improvements at Bishop's Tawton; residents have formed an action group that is in regular consultation with the council.

Risk	Mitigation
	Traffic flows will not increase significantly as a result of the scheme. Some landscaping would need to be taken down as part of the works but it is proposed that this is replaced with high quality new landscaping where possible.
Risk that Full Business Case is not approved, meaning that costs associated with advance works (including advance planting and associated land purchase) that has been paid for at risk by DCC will not be recoverable from the DfT.	<p>Critical risks to the main project have reduced significantly now that planning permission has been obtained, and two contractor engagement days have been undertaken.</p> <p>Conversations are on going with the DfT to ensure that the scheme remains highly deliverable and any issues are identified and rectified early.</p>

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 effect of the scheme on local air quality at all receptors is not significant.

The introduction of an underpass aims to improve safety for pedestrians wishing to cross at Bishop's Tawton Roundabout by providing a segregated crossing facility away from the live carriageway. It is possible that the crossing may also improve the attractiveness of walking as a mode choice, meaning more walking trips and thus the associated improvements in public health associated with an increase in active travel.

The introduction of an overbridge at Landkey junction will provide benefits similar in nature to the underpass at Bishop's Tawton, though pedestrian movements are lower and so the benefits of the scheme may be less than at Bishop's Tawton.

12. Options/Alternatives

If the advance planting contract is not awarded such that the works can begin this autumn, then the North Devon Link Road scheme will potentially stall.

It is considered that the road improvements at Bishop's Tawton will be unacceptable in terms of pedestrian safety if a segregated crossing is not provided. One option, therefore, is to remove Bishop's Tawton from the North Devon Link Road improvements scheme entirely. This option is rejected as the removal of the improved roundabout from the scheme could have a knock-on effect on the strategy, and economic case, for the rest of the link road, of which the current NDLR scheme forms only the first phase.

An overbridge was considered as an option, but was discarded due to its higher cost, and significantly larger impact; particularly on residents. To achieve the required height clearance the bridge would be at such a level that users would overlook local residences. Furthermore, the bridge would also need to be lit, generating significant light pollution, and it would require an increased land take due to the long ramps required.

Some residents have called for a signalised crossing; however, research demonstrates that on higher speed roads in non-built up areas there is an increased risk (particularly to children) of collisions. The risk is particularly acute on 40mph and 50mph roads where

pedestrians who are disobeying the crossing signals find it harder to judge the gaps between vehicles and drivers increasingly find themselves in the 'dilemma zone' where they do not stop at the crossing. The outcomes of crossing violations are also likely to be more severe where they do occur due to the higher speed of vehicles on the road.

13. Reason for Recommendation/Conclusion

It is essential that advanced planting is undertaken in the upcoming autumn/winter season to deliver a commitment on which the approval of the North Devon Link Road planning application was predicated. A procurement exercise has been undertaken and it **proposed that a contract to the value of £500k be awarded such that advance planting works can be undertaken** within the timeframes required by the scheme programme.

An underpass to the west of Bishop's Tawton underpass has been selected as the preferred option as it removes pedestrians from the live carriageway whilst maximising safety and minimising impacts on the environment and residents. Doing nothing is considered unacceptable as it compromises the strategy for the wider link road, whilst a footbridge is ruled out in terms of impact and cost, and a signalised crossing is discarded in terms of safety.

Upon the request of residents, and to allow a further opportunity for consultation, it is proposed to **submit a Planning Application for the Bishop's Tawton Roundabout in summer 2019 following which the scheme will be taken through land acquisition and tender.**

During the consultation phase of the NDLR planning application it was raised by Landkey Parish Council that an overbridge should be provided at Landkey Junction, as proposals to widen the North Devon Link road will make it more difficult for pedestrians to cross the road. It is proposed that this suggestion is taken forward, and **an overbridge option is taken through planning, land acquisition and tender** in line with the schemes ambition to remove and, where possible, segregate pedestrian crossing movements from the live NDLR carriageway.

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Electoral Divisions: Chulmleigh and Landkey, Barnstaple South

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

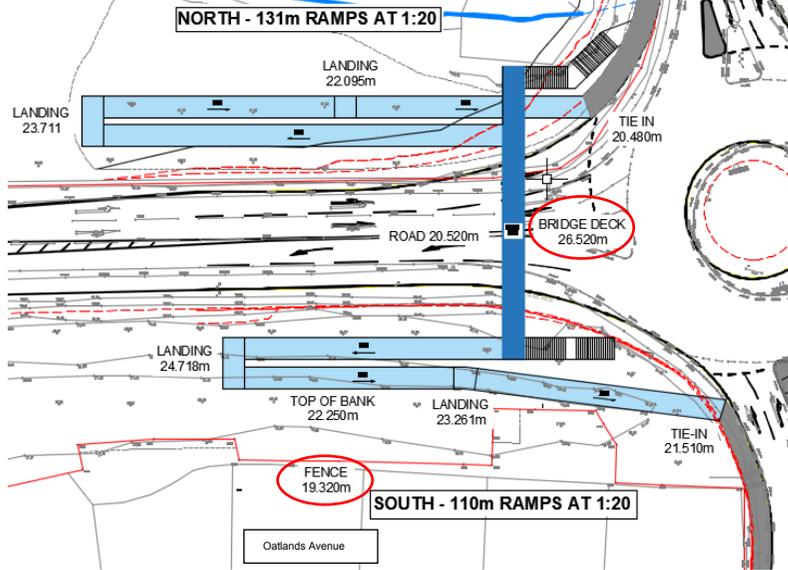
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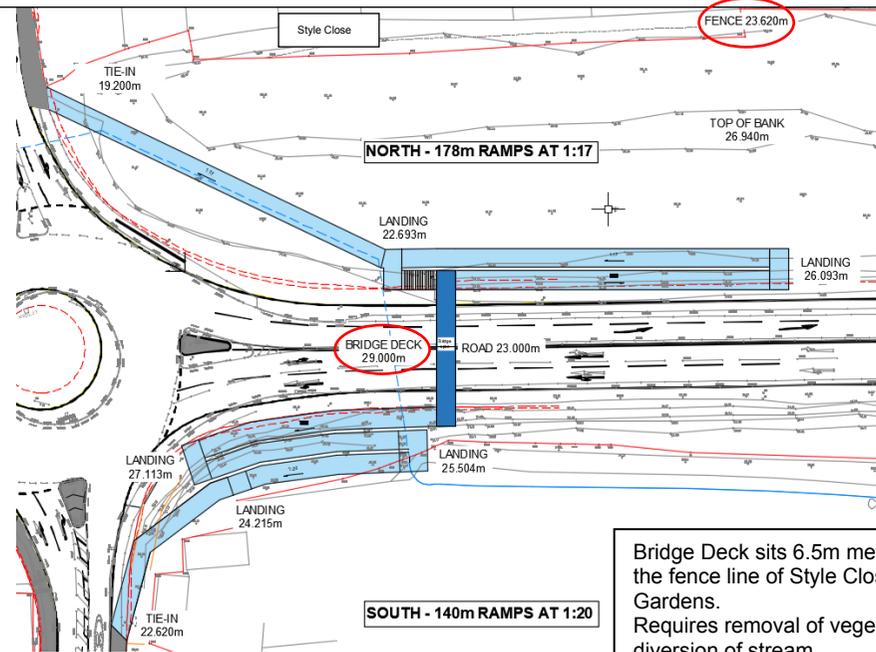
Tel No: (01392) 383000

Background Paper	Date	File Reference
Impact Assessment	12 April 2019	https://www.devon.gov.uk/impact/north-devon-link-road/

Bridge Deck sits 7 metres above the fence line of Oatlands Avenue. Requires removal of vegetation.



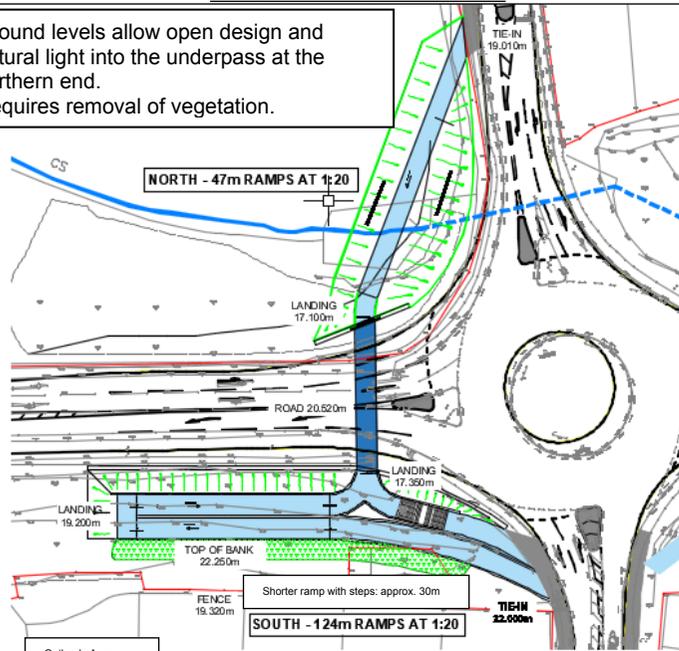
WEST BRIDGE OPTION



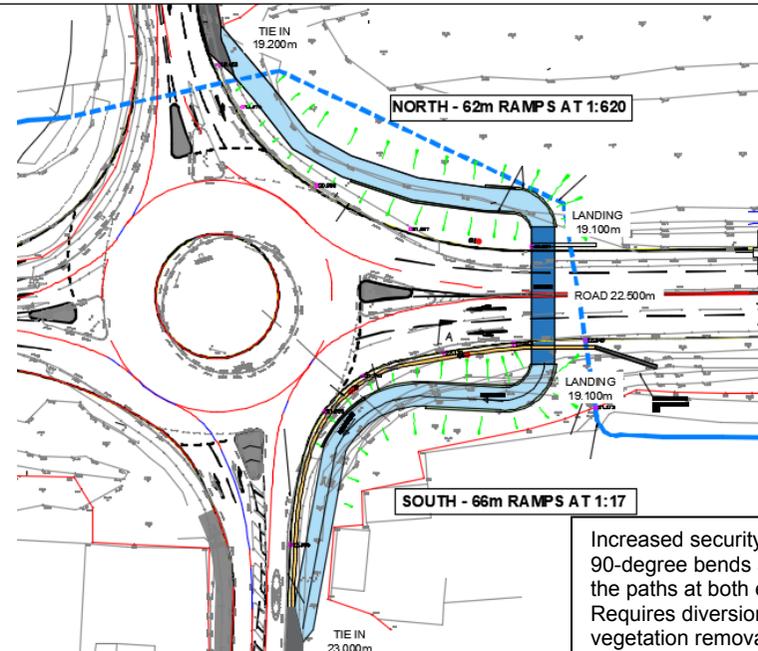
Bridge Deck sits 6.5m meters above the fence line of Style Close Gardens. Requires removal of vegetation and diversion of stream.

EAST BRIDGE OPTION

Ground levels allow open design and natural light into the underpass at the northern end. Requires removal of vegetation.



WEST UNDERPASS OPTION



Increased security risk due to several 90-degree bends and the depth of the paths at both ends of the subway. Requires diversion of stream and vegetation removal

EAST UNDERPASS OPTION