

**THE DEVON COUNTY COUNCIL
(A380 SOUTH DEVON LINK ROAD
(KINGSKERSWELL BYPASS)
CLASSIFIED ROAD) (SIDE ROADS) ORDER 2008**

and

**THE DEVON COUNTY COUNCIL
A380 SOUTH DEVON LINK ROAD (KINGSKERSWELL BYPASS)
COMPULSORY PURCHASE ORDER 2008**

STATEMENT OF REASONS

September 2008

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1 INTRODUCTION

1.1 Purpose of this Statement

- 1.1.1 The Devon County Council has made the (A380 South Devon Link Road (Kingskerswell Bypass) Classified Road) (Side Roads) Order 2008 and is seeking confirmation of the Order from the Secretary of State for Transport.
- 1.1.2 The Devon County Council has also made the A380 South Devon Link Road (Kingskerswell Bypass) Compulsory Purchase Order 2008 and is also seeking confirmation of that Order.
- 1.1.3 The purpose of this statement is to describe the proposals for the A380 South Devon Link Road Kingskerswell Bypass; to explain the reasons for making the Orders; and to explain the statutory procedures that have to be completed before construction can start.

1.2 The Classified Road

- 1.2.1 The Secretary of State for Transport, in exercise of his powers under Section 12(3) of the Highways Act 1980 has classified the proposed Kingskerswell Bypass as a new principal A (Class 1) Road. Form Roads 353 was signed and dated by authority of the Secretary of State for Transport on 29th January 2008.

1.3 Confirmation of Orders

- 1.3.1 Confirming the Side Roads Order will enable the Council to improve highways, stop up highways, construct new highways, stop up private means of access to premises and to provide new private means of access to premises.
- 1.3.2 Confirming the Compulsory Purchase Order will enable the Council to acquire the land necessary for the construction and maintenance of the Scheme.

2 NEED FOR THE SCHEME

2.1 Existing Conditions

- 2.1.1 The existing A380 from its junction with the A38 Exeter to Plymouth Trunk Road, at Splatford Split west of Exeter, to the southern end of Newton Abbot Bypass, at Penn Inn, is a dual carriageway standard highway. The next section of the A380, running southwards from Penn Inn to pass through Kingskerswell to Kerswell Gardens at the junction with the Torbay Ring Road, is a single carriageway, on average 10m wide.
- 2.1.2 Penn Inn to Kerswell Gardens is the most heavily trafficked section of the A380 with an annual average daily traffic (AADT) flow in 2005 of 33,700 vehicles, of which 7.5% were heavy goods vehicles.
- 2.1.3 The personal injury accident rate between Penn Inn and Kerswell Gardens for the period from 2001 – 2005 is 0.55 accidents per million-vehicle km compared to 0.20 accidents per million-vehicle km on the A380 between the A38 Splatford Split west of Exeter and Penn Inn.
- 2.1.4 The route's regional importance stems from its main function of serving the business and commercial needs of Torbay throughout the year as well as being the main route for tourist recreational traffic in the summer. The result of this high volume of vehicles having to pass through Kingskerswell is severe traffic congestion throughout the year. It also results in a significant number of drivers using minor sub standard routes parallel to the A380 to avoid the congestion.
- 2.1.5 The built up area of Kingskerswell, sitting astride the A380, is effectively bisected by the high traffic flows making it hazardous for those wishing to get from one side to the other. The existing road has footways on both sides with widths varying between 1m and 4m. Horizontal and vertical alignments and visibility are substandard at several locations. There are 31 other public highways, 8 public footpaths and 141 private drives or field gates having direct access onto the road. The main primary school lies to the east of the road together with a large proportion of the modern residential development. The historic centre with its associated shops and health care facilities lies to the west. The level of the noise and pollution experienced by those living alongside the existing A380 gives rise to a further general deterioration of the quality of life.
- 2.1.6 Historic traffic flow data shows that the existing A380 through Kingskerswell is at capacity and if the bypass were not built the volume of traffic using sub standard alternative routes would increase. Consequently, there would be a continuing deterioration of the quality of life in Kingskerswell and the surrounding area arising from severance, noise and pollution.

2.2 Objectives for the Scheme

- 2.2.1 Government has specified five criteria for assessing investment in road improvements, namely accessibility, integration, environmental impact, safety and economy. The objectives for the Scheme were developed by Devon County Council and Torbay Council with respect to the wider Government objectives falling from these criteria.
- 2.2.2 The objectives set were:

Environment:

- To reduce community severance throughout the Kingskerswell area.
- To minimise the impact on flora, fauna and the landscape.

- To reduce the effect of rat-running traffic on alternative routes to the A380
- To improve air quality in the A380 corridor, with particular reference to residential areas of Kingskerswell.

Safety:

- To improve road safety for motorised vehicles within the A380 corridor.
- To improve road safety for vulnerable road users on the A380.
- To improve road safety for vulnerable road users on alternative routes to the A380.

Economic:

- To improve access to Torbay tourist destinations from the north/west of Penn Inn Roundabout.
- To improve access to employment within the study area.
- To improve access to retail outlets within the study area.

Accessibility

- To promote use of non-car modes by users of new development sites.
- To make travel by alternative modes (other than private car) more attractive within the study area.
- To provide priority measures for bus services to reduce journey times and reduce variability in journey times.
- To increase the proportion of journeys made by non-car modes in the study area.

Integration:

- To improve integration of the transport modes in the study area.
- To improve integration of transport services.
- To integrate transport policies with other fields of local and national policy.

3 THE SCHEME

3.1 Summary Scheme Description

- 3.1.1 The proposed scheme would be a 5km dual two lane carriageway road between Penn Inn and the Torbay Ring Road at Kerswell Gardens.
- 3.1.2 The Scheme commences on the A380 Newton Abbot Bypass 550m north of the Penn Inn roundabout. The dual carriageway would then proceed in the existing wide central reserve to a flyover at the Penn Inn roundabout, which would be retained with modifications to the traffic signal timings. The adjacent slip roads would be contained within retaining walls to minimise land acquisition. From Penn Inn the dual carriageway would be provided by widening the existing road until Aller. Two bridges would carry the dual carriageway and the diverted Aller Road over the Torquay branch railway line. The length of the former bridge would be approximately 300m because of the acute angle of the road crossing over the railway.
- 3.1.3 The junction at Aller would be grade separated and would include an underbridge to carry the bypass over the diverted Kingskerswell Road.
- 3.1.4 From Aller the route of the dual carriageway swings west into open countryside before proceeding in a southerly direction to the west of Kingskerswell to join the Torbay Ring Road west of Kerswell Gardens. At Maddacombe Road and Yon Street simple overbridges would carry the realigned side roads over the bypass.
- 3.1.5 A traffic signal controlled junction would be provided at Kerswell Gardens. Two bridges would be required as part of the junction. These are necessary to provide the second carriageway on the Torbay Ring Road across Edginswell Lane and the railway.
- 3.1.6 There would be a 50mph speed limit on the dual carriageway between Penn Inn and Aller. Elsewhere, the national speed limit of 70mph would apply.
- 3.1.7 The cross section of the new dual carriageway would generally comprise two 7.3m wide carriageways providing two 3.65m lanes in each direction. The exception would be the Penn Inn Flyover and its approaches, which would be a single 3.7m lane with a 2.3m hardshoulder, in each direction. The central reserve width would vary, being a 1.8m minimum width between Penn Inn and Aller and 4.5m minimum thereafter. A 1.0m wide hardstrip would be provided to both the central reserve and verges south of Aller.
- 3.1.8 There would be no gaps in the central reserve. Existing roads would be taken over or under the new road via bridges, or would be closed. No private accesses would be provided onto the bypass.
- 3.1.9 The Scheme intersects two footpaths and the public access along Churchway Lane. These would be connected to nearby bridges to avoid any ground level crossing points of the dual carriageway.
- 3.1.10 Between the southern end of Addison Road and Aller Brake Road a footway and 3.0m wide cycleway would be provided along the eastern side of the road, separate from the dual carriageway. This, together with Addison Road and a new 7.3m wide carriageway south of Aller Bake Road, would provide a continuous link for cyclists and pedestrians from the existing subways and carriageway at Penn Inn roundabout to the old A380 running through Kingskerswell. No footways would be provided adjacent to the bypass.

3.2 Development of the Scheme

- 3.2.1 Devon County Council carried out public consultations on routes for the bypass in 1972 and 1977. Following the 1977 consultation Devon County Council adopted a preferred route for the Scheme and the local planning authorities were asked to safeguard it from future development.
- 3.2.2 Options considered by Devon County Council in 1977 included an 'on line' improvement and routes to the east and west of the built up area of Kingskerswell. 'On line' widening to a dual carriageway through Kingskerswell was rejected for many reasons, not least the cost, severance to the community and the number of properties requiring demolition in Kingskerswell.
- 3.2.3 A route running parallel to the railway was not favoured. (Due to recent development of Kingskerswell this route would now require considerable property demolition.)
- 3.2.4 A route passing through the southeastern outskirts of Newton Abbot was rejected primarily because of the impact on the landscape. It also passed through land zoned as an area of Great Landscape Value for over half its length. A route still further to the east was also investigated and rejected for similar reasons, but in addition, that it passed through an ancient monument.
- 3.2.5 Routes to the far west of Kingskerswell (towards Stoneycombe Quarry) were rejected, primarily because traffic to and from Torquay would still have used the old A380, the existing route being shorter. There were also considerable lengths over which there would have been severe farm severance and loss of agricultural land.
- 3.2.6 Therefore a route for the most part on the same alignment as that forming the basis of the present proposals was put forward as a preferred option and subsequently protected.
- 3.2.7 Further public consultation on the Scheme took place in 1988 when detailed plans based upon the safeguarded preferred route were displayed at an exhibition in Kingskerswell.
- 3.2.8 From 1990 the Highways Agency were responsible for promoting the Kingskerswell Bypass, but prior to proceeding with the safeguarded preferred route their Landscape Advisory Committee (LAC) visited Kingskerswell to examine all route options previously considered. The LAC confirmed that the safeguarded western route was preferred in landscape terms.
- 3.2.9 Subsequently, the Scheme was dropped from the trunk road programme and responsibility for its promotion again taken on by Devon County Council. Thereafter, a study into the transport problems of the A380 corridor was commissioned following discussions with the Department for Transport.
- 3.2.10 The A380 Newton Abbot to Torquay Corridor Study looked at all possible solutions to the transport problems between Newton Abbot and Torquay.
- 3.2.11 The conclusions of the Corridor Study were published in June 2000. Having examined many possible solutions, the study concluded that the problems along the A380 corridor could not be materially improved other than by building a bypass as part of a package of other measures. Having concluded that a bypass was necessary the study also reviewed the options for route selection. Three main routes were identified:
- Parallel to the Torquay Branch line railway
 - Western route
 - Eastern route
- 3.2.12 The Corridor Study concluded that a route alignment parallel to the railway would have major adverse environmental impacts in Kingskerswell and would require the acquisition

of a significant number of residential properties. The study also concluded that an eastern route was too damaging in landscape terms as it affected an area of Great Landscape Value and that there were significant difficulties in connecting the route into the existing A380 Torbay Ring Road and A3022 Riviera Way.

3.2.13 After the conclusions of the Corridor Study were incorporated into the Devon and Torbay Local Transport Plans (2000) further work was commissioned to reduce the environmental impact of the safeguarded western route by modifying the vertical alignment. These further developments to the Scheme were presented at the public consultation in 2002. In the returned questionnaires and letters raising 5,516 comments/suggestions, 21 (0.4%) raised the issue of the Eastern routes discarded in 1977.

3.2.14 Following the discovery of key European protected bat species during the environmental assessment work on the Scheme further engineering, ecological and landscape assessment work was carried on the Eastern route. The further work undertaken included:

- Engineering. Vertical alignment modelled to determine earthworks quantities and preliminary designs of grade separated junctions at Aller and Kerswell Gardens determined.
- Landscape. The landscape review involved consideration of alternative eastern routes to that considered by the LAC. The assessment concluded that there was no viable alternative eastern route to that considered by the LAC in 1990. The landscape assessment of the eastern route did not consider the impact of the junctions but it should be noted that the visual impact of the Kerswell Gardens would be significant.
- Noise. Comparative noise calculations carried on both routes to determine the affect of the steeper gradients on the eastern route.
- Ecology. Fieldwork on the eastern route corridor to enable a comparison assessment to be made of residual impacts.
- Cost. A preliminary cost estimate was determined.

3.2.15 It was concluded that on purely ecological issues the Scheme was not the most favourable but when the landscape, cost and engineering issues were considered the Scheme as proposed has more advantages.

3.2.16 The proposals presented at the public consultation display in 2002 showed the Aller junction layout as an at grade roundabout. Two rejected grade separated junction arrangements at Aller were also displayed. In progressing the design, refinement of the traffic modelling resulted in an increase in the predicted turning flows at the Aller junction confirming that the roundabout would exceed its design capacity before the design year 2026. The junction layout at Aller therefore now incorporates full grade separation.

3.2.17 Another issue raised at the public consultation, by residents of the Aller Park area of Newton Abbot, was the revised access arrangements to the estate. Noting the wishes of residents and following consultation with the emergency services the Scheme was modified to include an additional access to the estate from the bus route at the west end of Aller Brake Road.

3.2.18 The Environmental Statement was published in November 2004 and in August 2005 the Scheme was granted Planning Permission by Devon County Council and Torbay Council. This followed a decision by the First Secretary of State not to call in the planning application for his own determination and the subsequent withdrawal of the Article 14 Direction. This decision allowed Devon and Torbay to complete the planning permission process in line with the decisions of their respective Development Control Committees.

- 3.2.19 In response to local opinion, a small change to the Scheme removed the provision for buses through the Milber and Aller Park estates in Newton Abbot leaving only the provision for pedestrians and cyclists to travel separately from the new A380 dual carriageway. This change was presented to residents of the two estates at a public exhibition.

3.3 The Scheme

Design Standards

- 3.3.1 The requirements for the geometric layout of new road schemes are set out in Department of Transport standards and advice notes contained in the Design Manual for Roads and Bridges. The standards set out the desirable requirements for unconstrained sites but allow for lower parameters or 'departures' to be used in some circumstances. Such circumstances are where the adoption of departures would lead to environmental benefits or cost savings in locations where there would be no overriding safety implications.
- 3.3.2 Use of departures has been made in the design of this Scheme between Penn Inn and Aller and through the cutting at Maddacombe Road. In these cases the resulting decrease in the size of the earthworks required for the Scheme significantly reduces its impact on the local environment.

Detailed Description

- 3.3.3 The Scheme commences on the Newton Abbot bypass 550m north of the Penn Inn roundabout. The mainline would then proceed in the existing wide central reserve to a flyover at the Penn Inn roundabout. There would then be an on-line road improvement between Penn Inn and Aller.
- 3.3.4 Utilising the wide central reserve, which exists at the end of Newton Abbot bypass on the north side of the Penn Inn roundabout, a flyover would be provided to carry the new single lane dual carriageway over the roundabout. The flyover ramps would lead to the 3 span bridge, 130 metres in length. The existing Penn Inn roundabout would itself remain unchanged. The existing carriageways to the north of the roundabout would be utilised with some minor improvements to visibility to connect to the roundabout.
- 3.3.5 On the south side of the junction two lane slip roads would be provided on both sides of the flyover ramp to allow for access to and from the Penn Inn roundabout. These would run parallel to the main line constrained between the retaining walls supporting the flyover ramp on one side and Addison Road and Sainsbury's Store boundaries on the other. The carriageway of the flyover at its highest point would be 1.3 metres above the level of Addison Road at its junction with Pinewood Road.
- 3.3.6 South of Penn Inn the new road would be in cutting below Addison Road. The area between the new road and Addison Road would be planted with trees and shrubs to mitigate for the loss of existing planting. The proposed road would be a dual two lane carriageway running along the line of the existing road, parallel to the railway. Due to the restricted width of the corridor, the traffic signing would be carried on a gantry.
- 3.3.7 The bypass would continue in cutting with retaining walls being used to limit land take from the back gardens of St Luke's Road. The walls would vary in height from 2.0 to 5.0 metres and include a parapet above the wall. The gardens retained by these walls would be reinstated with specific planting, if owners agree, to mitigate for the continuous parapet 1.2 metres high required for safety purposes. The whole of the west side of the bypass would be supported on retaining walls varying from 2.0 to 9.0 metres in height above the Sainsbury's Store and the railway.

- 3.3.8 Addison Road would be retained, although the western verge on Addison Road would be widened to provide residents parking. A 3m wide cycle track would be provided from the southern end of Addison Road to connect with the eastern end of Aller Brake Road. Opening the eastern end of Aller Brake Road and creating a new junction with St Marychurch Road would provide an additional access into the Aller Estate. This junction would exclude the right turns from the Aller Park Estate and left turns from St Marychurch Road.
- 3.3.9 There would be two new culverts on the Aller Brook. One parallel to the existing two concrete box culverts under the Sainsbury's car park and the other under the mainline railway at Keyberry Mill. The new highway drainage outfall would discharge into the Aller Brook via a full bypass interceptor.
- 3.3.10 Footpath 45 would be severed by the Scheme where it leaves Sainsbury's and meets the existing footway on the western side of the A380. The footpath will therefore be closed off and rerouted to join the western subway under Penn Inn roundabout via an existing covered walkway within Sainsbury's car park.
- 3.3.11 Passing the Royal Aller Vale Quarry, to the west the new road would continue to be supported by retaining walls approximately 2.0 metres high. A gantry sign over the northbound carriageway would give advanced information in respect of the Penn Inn junction and help traffic select the appropriate lane. The route would then swing southwest away from the existing road on an embankment of maximum height 10 metres (excluding landscape bunds) to cross the Torquay branch line on a bridge. Slip roads would be provided from both carriageways to link to the altered local road network at Aller.
- 3.3.12 Aller Road would be diverted to pass over the Torquay branch line by means of bridge. At its eastern end the diverted road would connect to the existing A380 by a new roundabout, which would provide the principal access to Kingskerswell from the north. To the west of the bypass Aller Road would link via an underbridge into Kingskerswell Road, which would be realigned in this area. An access track would be constructed to run along the western side of the bypass and Old Newton Road would be realigned along the eastern side of the bypass to form a junction with the diverted Aller Road. The local road from Aller Park would connect back to the Torquay Road north of Kingskerswell via the existing lay by outside the Zig Zag Quarry.
- 3.3.13 The Scheme includes extensive earth shaping and planting on the various areas of land remaining between the existing and proposed carriageways. As the new road moves away from the urban area into more open countryside, planting would be used to maintain the landscape nature and character of enclosure.
- 3.3.14 In total, nine properties would be demolished through this section. Six at Aller Cottages, Hazelbank and the two properties, Elmsleigh and Elmscroft.
- 3.3.15 There would be three new culverts on the Aller Brook at the Aller junction. One culvert would be under the mainline railway, the second under the Scheme and the third under the branch line railway. The Scheme involves the diversion of a 300 m length of the Aller Brook through the afore mentioned culverts. A highway drain would outfall to the new Aller Brook channel via an attenuation pond.
- 3.3.16 From Aller, the Scheme follows a left hand curve southwards through a long cutting varying in depth from 2.0 metres to a maximum of 21 metres just before Maddacombe Road.
- 3.3.17 South of Maddacombe Road, the alignment would impinge on an area of designated Common Land, affecting 0.88 hectares. The Scheme includes the provision of a replacement area, which would effectively extend the Common Land to Churchway Lane. The lane itself would be severed by the proposals approximately 60 metres west of its junction with Greenhill Road. A new length of highway would be provided immediately to

the west of the bypass to connect the remaining section of Churchway Lane to Huxnor Road / Yon Street. Access to severed fields to the west would also be provided from this link.

- 3.3.18 From Maddacombe Road, the road would pass onto an embankment approximately 210 metres long and 2.0 metres high. A 3.0 metre high false cutting and planting would be provided along the east side to shield properties in Greenhill Road from noise and visual intrusion. The route would then run in a cutting of maximum depth 9.0 metres to pass under Yon Street midway between the United Reform Church and Edginswell Lane junction. One property, The Cott, would be demolished. Yon Street would remain on its present alignment at approximately the same level and would be carried over the bypass on an overbridge. The bypass would continue southwards in a cutting varying in depth from between 2 metres to 9.5 metres. At the end of the cutting, the bypass would start to run along the valley floor on a low embankment approximately 0.5 metres high towards the southern terminal junction. At this point severed land between the new road and the railway would be acquired for a new wetland area to replace that lost beneath the Scheme. This would include shaping and ditches to leave a situation suitable for the regeneration and re colonisation by wetland species.
- 3.3.19 There would be off site drainage works on the Edginswell Stream in the Daccabridge area of Kingskerswell. These works are the construction of a relief channel and control structure adjacent to the playground at Daccabridge. The latter would involve the demolition of one property, 53 Daccabridge Road.
- 3.3.20 A further relief channel between the Kingskerswell playing field and Manor Gardens to the west of the railway would be required. A new culvert would be constructed under Torquay branch line railway. There would be two highway drainage outfalls; one which would outfall to the new Edginswell relief channel via an attenuation pond and another which would outfall to the Edginswell Stream via an attenuation pond.
- 3.3.21 The route would climb towards the junction with the Torbay Ring Road. At the junction the embankment would reach a maximum height of 11 metres.
- 3.3.22 Bunds would be formed to the west of Manor Drive, Stadium Drive and the railway to mitigate the effect of the proposals on properties in the general area of Gander Park.
- 3.3.23 The dualled section of the Torbay Ring Road would climb to the southwest on a short length of embankment 8 metres high before passing into a cutting to merge with the existing 9.0 metre deep cutting. The modified highway drainage would utilise an existing Torbay Ring Road outfall to the Edginswell Stream.
- 3.3.24 The A3022 Riviera Way would be widened from the new terminal junction to the existing Scott's Bridge junction. A cycleway would be provided to enable cyclists to negotiate the Kerswell Gardens junction to and from Scott's Bridge. The existing footpath would also be diverted under the Torbay Ring Road.
- 3.3.25 Footpaths 36/262, would both be affected by the Scheme. Footpath 262 would remain to give access across the Torquay Branch Line from the existing A380. Footpath 36 however, would be stopped up as it is severed by the Scheme. An alternative route would be provided to Edginswell Lane using a new footpath along the toe of the bypass embankment on its eastern side, under the Torbay Ring Road then along the toe of the existing Torbay Ring Road embankment.

Junctions

- 3.3.26 The junctions at Penn Inn and Aller would both be grade separated. At Penn Inn the traffic signal controls at the roundabout would be retained to enable the layout to cope with anticipated future flows.

- 3.3.27 The southern junction with the Torbay Ring Road at Edginswell would be a traffic signalised at grade junction. The new dualled Torbay Ring Road would connect into the rural section of the dual carriageway bypass and the existing A380 at Kerswell Gardens.

Structures

- 3.3.28 Eight major bridge structures are proposed along in the Scheme together with the extensive use of retaining walls to both sides of the carriageway to limit land acquisition in the built up areas and adjacent to the railway.
- 3.3.29 Bridge construction would be in either reinforced / prestressed concrete or composite steel and concrete. All would have reinforced concrete abutments, piers, retaining walls and wing walls where required. Bridge piers would generally be of circular section as slender as design constraints permit. Exposed concrete surfaces of abutments and walls would receive a face treatment. The finishes to prominent retaining walls would be decided after consultation with the local Planning Authorities.
- 3.3.30 Penn Inn Flyover would carry the new single lane dual carriageway mainline over the Penn Inn roundabout. The adjacent slip roads would be contained within retaining walls to minimise land acquisition.
- 3.3.31 At Aller, two bridges would carry the bypass and the diverted Aller Road over the Torquay branch railway line. The length of the former bridge would be approximately 300 metres because of the acute angle of the road crossing over the railway. However, the bridge would be buried, with only the end portals and adjacent retaining walls being visible upon completion.
- 3.3.32 The Aller Cross junction would include an underbridge to carry the bypass over the diverted Kingskerswell Road. For aesthetic reasons the spans would be extended and supported on bank seats at a high level on the cutting slope.
- 3.3.33 At Maddacombe Road and Yon Street simple overbridges would carry the realigned side roads over the bypass. At Yon Street the effect on the Grade II Listed Congregational Church to the east and Edginswell Lane to the west would be minimised by the use of retaining walls on either side of the bypass.
- 3.3.34 Two bridges would be required as part of the junction in the vicinity at Kerswell Gardens. These are necessary to provide the second carriageway on the Torbay Ring Road across Edginswell Lane and the railway.

Lighting and Road Furniture

- 3.3.35 The Penn Inn roundabout would continue to be lit and lighting on the bypass is proposed between Penn Inn and the north end of Aller junction. There would also be lighting at the Kerswell Gardens junction.
- 3.3.36 In general, the roundabout junctions would be lit by 10m columns with flat glass high mast lantern units. These would minimise the intrusive nature of columns during the day while providing sufficient lighting to ensure safety during the hours of darkness. All street lighting would utilise specialised lamp units that reduce light spillage into surrounding areas.
- 3.3.37 The signing along the Scheme would conform to the Department of Transport's Traffic Signs Manual and the Traffic Signs Regulations. Signs on the approaches to junctions would be lit where appropriate, elsewhere reflective facing material would be used.
- 3.3.38 On the Penn Inn Flyover and its approaches, the road standard would change to dual single lane carriageway. Also there will be significant traffic movements between Penn Inn and Aller arising from the junctions with vehicles joining and leaving the bypass. In these circumstances there will be a particular need for a high standard of traffic signing.

To achieve this it is proposed that two gantry signs would be used in preference to large roadside signs.

Construction

- 3.3.39 The Scheme construction period would last approximately three years. South of Aller, where the road would be on a new alignment, inconvenience to through traffic and the general public would be minor and only for relatively short periods in the vicinity of the works. North of Aller, where the new construction overlays the existing road, there would be some disruption. However, this would be minimised by use of appropriate traffic management arrangements.
- 3.3.40 Road construction materials would have to be transported to the site although much of the material for forming embankments would arise from the excavation of cuttings along the route. Certain general restrictions would be applied to the movement of plant and materials to and around the site. The main access routes to the site would be via the existing A380 from Exeter, the existing A380 from Paignton and the existing A3022 from Torquay. No vehicles would be permitted to approach the site through Newton Abbot.
- 3.3.41 Construction vehicles would be permitted to use only the A380 to move from one end of the site to the other. Any materials from Stoneycombe Quarry would use the existing route taken by quarry traffic via Maddacombe Road, Old Newton Road and Aller Road. Provision of a haul road along the line of the bypass would be encouraged at an early stage by conditions in the contract prohibiting any intermediate access points to the local road network. At permitted points of access to the public highway from the site, cleaning regimes would be operated to ensure that mud did not cause a problem on the roads.
- 3.3.42 During the works, where side roads would be affected by bridge construction activities, suitable local diversions would be provided. Where the construction of earthworks and structures would take place close to residential properties the contractor would be required to adopt methods of construction and hours of working which would minimise noise and inconvenience to the satisfaction of the Local Planning Authorities.
- 3.3.43 In order to carry out the works, the contractor would be required to erect site offices and storage compounds. One possible site has been identified in the Aller junction area. If the contractor required an additional compound outside the land required for the works, all agreements relating to its provision would be strictly between the contractor and third parties and be subject to the usual planning regulations relating to such facilities. Contractors tendering for the works would be informed in the contract documents as to those areas considered to be environmentally important and from which all compounds, storage or working areas should be excluded.
- 3.3.44 It is anticipated that all earthmoving would be possible within the site boundaries although the contractor may enter into private arrangements with third parties, subject to the restrictions mentioned above, which may affect land outside the limit of the scheme. All essential working space for the construction of the scheme is included in the Compulsory Purchase Order.
- 3.3.45 All side road crossings would be subject to traffic control for construction vehicles. Public traffic would be catered for on suitable local diversions although in two cases, where suitable alternative access is available, there would be the need to close off sections of roads for through traffic to enable works to be constructed. These would be along Addison Road and in the Yon Street / Edginswell Lane junction area where the final works come extremely close to the edge of the existing carriageways.
- 3.3.46 Throughout the construction period the works will be supervised by suitably qualified personnel including archaeologists and ecologists, to ensure that all proposed protection measures and mitigation works are properly executed.

- 3.3.47 Substantial cuttings will be required in the Yannon Lane/Maddacombe Road area and in the vicinity of Yon Street. These would be through Breccia, Watcombe clays and derived soils, all of which could be excavated by conventional earthmoving machinery. Some of the Breccia in the deeper parts of the cutting, and strata containing boulders of limestone would probably require the use of pneumatic rock breakers.
- 3.3.48 These cuttings would also require ground drainage measures to ensure stability of side slopes both during and after construction. It is unlikely that pumping boreholes and dewatering would be required in advance of the cutting excavation but horizontal drainage boreholes would be installed during a staged excavation. After completion, the horizontal boreholes would drain water by gravity. This water, as well as run off from the earthworks generally, would be passed through settling tanks or lagoons prior to discharging to local watercourses.
- 3.3.49 Approximately 785,000 cubic metres of earthworks material, comprising topsoil, subsoil and rock, would be excavated from the cuttings. Of this quantity, approximately 646,000 cubic metres would be required to construct and topsoil the embankments and landscape bunds and a further 121,000 cubic metres would be suitable to use as rock fill, capping or reinforced earth fill. Approximately, 166,000 cubic metres of unacceptable material from cuttings that cannot be used in forming the embankments would be used to form earth shaping areas to mitigate the effect of the Scheme. The surplus unacceptable material would be disposed of in licensed tips.
- 3.3.50 Topsoil that would have to be removed as part of the works would be stored nearby for re-use on the new verges and landscape areas to allow the regeneration of local species.
- 3.3.51 Some quarried materials would have to be imported for use in the construction of the Scheme for example, for drainage layers or special filling associated with structures. It is anticipated that these and most of the quarry products for the construction of the road could come from Stoneycombe Quarry, a distance of 1 km from the centre of the site. However there are other small sand quarries in the Kingskerswell area with another potential stone sources situated at Trusham (11 km) in the Teign Valley. The decision as to the source of these products would be the responsibility of the contractor.
- 3.3.52 The total amount of road construction quarry products for use as rock fill, capping and in reinforced earth structures is approximately 225,000 cubic metres of which it is anticipated that a contractor could obtain approximately 121,000 cubic metres of site won material that would be suitable as rock fill, capping or reinforced earth fill. Overall there would be approximately 18,000 cubic metres of surplus unacceptable material that would require disposal off site but a further 20,000 cubic metres of acceptable would be required to be imported.

Maintenance

- 3.3.53 Devon County Council and Torbay Council will be responsible for all maintenance aspects of the Scheme.
- 3.3.54 It is envisaged that major road surface maintenance would not be required during the first 10 years after scheme opening. At this time a new surface course could be required to ensure a satisfactory level of skid resistance.
- 3.3.55 Some mitigation measures would require maintenance or monitoring on completion of construction.

3.4 Meeting Objectives

Traffic

- 3.4.1 Detailed traffic analysis was undertaken as part of the assessment of the scheme proposals and a summary of the results was published in the Environmental Statement – November 2004.
- 3.4.2 Since the publication of the Environmental Statement, the traffic model has been updated using new traffic data collected in 2005. The traffic model has been used to predict future year traffic flows (Annual Average Daily Traffic – AADT) on the Scheme and adjacent links on the road network. A range of flows is predicted in order to reflect uncertainties in national economic growth.
- 3.4.3 The predicted changes in traffic flows on Scheme opening at key points on the road network are shown below:

Table 3.1: Predicted 24hr 2 way Traffic Flows (AADT) in Year of Opening (2013)

Location	Without Scheme (AADT)	With Scheme (AADT)	% Change	
South Devon Link Road, Kingskerswell Bypass	None	64,400 – 66,664		
A380 Aller Park, Newton Abbot	37,103 – 37,332	72,821 – 76,105	96% - 104%	Increase
A380, Jurys Corner to Kerswell Gardens, Kingskerswell	32,249 – 32,346	5,805 – 6,580	82% - 80%	Reduction
C91 St Marychurch Road	12,278 – 13,599	3,422 – 4,745	72% - 65%	Reduction
A379 Teignmouth Road, Stokeinteignhead	13,132 – 15,461	8,138 – 9,580	38% - 38%	Reduction
A381 Totnes Road	18,074 – 20,742	13,545 – 14,806	25% - 29%	Reduction
C161 Fluder Hill, Kingskerswell	4,882 – 6,384	4,252 – 5,701	11% - 13%	Reduction
C9 Gropers Lane (A381 to A380)	4,199 – 4,756	1,146 – 1,467	73% - 69%	Reduction
C162 Kingskerswell Road	6,925 – 8,033	8,942 – 9,098	29% - 13%	Increase

- 3.4.4 Without the Scheme, the traffic flow on the existing A380 remains constant in future years as the road is at capacity. Consequently, the traffic flows on the unsuitable parallel routes to the existing A380 would increase as they are the only alternative option.

Accidents

- 3.4.5 The calculated accident savings over the 60-year appraisal period for the Scheme are detailed below:

Table 3.2: Accident Benefits

Total No. of Accidents Saved	No. of Casualties Saved		
	Fatal	Serious	Slight
935	20	168	1,205

Economics

- 3.4.6 The economic benefits of the scheme for central growth traffic forecasts are presented below:

Table 3.3: Economic Benefits

		Scheme Benefits
Travel Time	TUBA	£686,080
Vehicle Operating Costs	TUBA	£39,121
Accidents	COBA	£48,020
Construction / Maintenance Delay	TUBA	£1,205
Total Benefits (PVB)		£774,426
<u>Welfare Benefits and GDP</u>		
Welfare Benefits		£48,748
GDP Benefit		£405,333

All figures are in £000's discounted to 2002 values

3.5 Assessment of the Scheme

- 3.5.1 In accordance with the Directive of the European Economic Community (EEC/85/337), an Environmental Statement describing the environmental effects of the Scheme has been prepared and was published, together with a non-technical summary, in November 2004.
- 3.5.2 Copies of the Environmental Statement can be inspected at Devon County Council's web site and Torbay Council's web site. The following paragraphs provide a summary of the Environmental Statement.

Landscape Effects

- 3.5.3 The design of the Scheme aims to integrate the new bypass into the local landscape as far as possible. However, the Scheme would involve the removal of approximately 5.5km of field hedges, 0.44km of garden hedges, 70 mature individual trees and 1ha of woodland.
- 3.5.4 The construction and operation of the Scheme would generate a combination of adverse landscape, townscape and visual impacts. The visual envelope of the Scheme, however, is largely restricted to the densely-developed Aller, Kerswell and Edginswell Valleys, with few longer distance views from the surrounding countryside. The adjoining Coffinswell valley would be largely unaffected by the Scheme.
- 3.5.5 There would be substantial adverse landscape and visual impacts (particularly on views from residential properties in Newton Abbot and Kingskerswell) during the construction phase along the whole length of the Scheme. After completion, traffic would be more prominent in views from the southern edges of Newton Abbot than it is on the exiting A380 and embankments and traffic would intrude into the Aller valley. In views from much of lower Kingskerswell, when the earthworks have been finished and grassed, only the top of lorries would be visible, but the rock cutting at Kerswell Down would appear stark. These adverse impacts would be considerably reduced when the mitigation planting becomes established, because it would screen traffic in most views and create an extension to the existing wooded hillside to the west of Kingskerswell.
- 3.5.6 Visual effects on existing residential properties are assessed, at 15 years after construction, to be substantial adverse: 43 properties, moderate adverse: 47 properties, slight adverse: 265 properties, no change: 575 properties and beneficial: 70 properties. In addition, the visual effects on Scheduled Monuments, Listed Buildings and Structures are assessed, at 15 years after construction, to be moderate adverse: 1 Scheduled Monument and 1 Listed Building, slight adverse: 1 Scheduled Monument and 4 Listed Buildings, no change: 6 Listed Buildings.
- 3.5.7 The adverse landscape and visual impacts would be mitigated by measures which include extensive 'false cuttings' to minimise the visual intrusion of traffic along part of the south-eastern side of the main Aller junction embankment and where the road would traverse the valley sides to the west of Kingskerswell. 'False cuttings' are screen mounds alongside the road that would be shaped to blend in with the natural landform.
- 3.5.8 There would also be extensive areas of new woodland planting (15.43 ha), visually linking with existing woods in keeping with local landscape patterns. The pattern of hedges, disrupted at the construction phase, would be reconnected with new highway boundary hedges. In total, 3.5 km of hedges and over 100 new specimen trees would be planted.

Ecology and Nature Conservation

- 3.5.9 A total of seven locally designated County Wildlife Sites – CWS, or 'potential' County Wildlife Sites – pCWS are directly affected by the Scheme. Land take would result in habitat loss from approximately one half of the wetland at Edginswell Farm CWS and most of Aller Bridge pCWS. At the Kerswell Down and Whilborough Common CWS, 0.93 ha of woodland and scrub would be lost. In addition, 1.75 ha of grassland from Manor House Fields pCWS, 0.53 ha of grassland from Kerswell Down Hill Fields pCWS, 2.63 ha of arable fields from Yannon Lane Fields CWS and 0.87 ha of wetlands from the Ford Fields CWS would be lost. At the Ford Fields CWS a further 1.21 ha would be temporarily lost to a site compound and temporary access track required for the construction of a culvert under the mainline railway.
- 3.5.10 The loss of habitat from three of these designated sites, Edginswell Farm CWS, Aller Bridge pCWS and Kerswell Down and Whilborough Common CWS are assessed as moderate adverse. The loss of the habitat from the Manor House Fields pCWS, Kerswell Down Hill Fields pCWS and Ford Fields CWS are assessed as slight adverse. The loss

of the habitat at the Yannon Lane Fields CWS is assessed as slight beneficial due to the commitment to implement land management agreements with local landowners, prior to Scheme construction, in order to improve Cirl bunting habitat.

- 3.5.11 In addition to the loss of habitats in the designated sites, approximately 5.5 km of hedgerow would be lost as a result of permanent land take for the Scheme and a 300m length of the Aller Brook would be diverted. The Aller Brook diversion would include a 140m long culvert to pipe the brook under the road junction at Aller. The loss of the hedgerows is assessed as moderate adverse and the brook habitat as slight adverse.
- 3.5.12 These habitats support a number of fauna, such as Lesser horseshoe bat, Cirl bunting, Badger, Otter as well as Atlantic salmon. The effects are assessed as large adverse on Lesser horseshoe bat, slight adverse for Cirl bunting and Atlantic salmon and neutral for Badger and Otter. The effects on Lesser horseshoe bats are assessed as large adverse due to the severance of bat flight routes at the southern end of the Scheme, disruption to bat commuting patterns and loss of feeding habitat, in particular in the wetland at Edginswell CWS.
- 3.5.13 There are no Sites of International Wildlife Importance or Sites of Specific Scientific Interest within the Scheme corridor. As there is no deliverable alternative route at the Edginswell Farm County Wildlife Site, the Scheme includes creation of a new wetland habitat to compensate in part for that lost, as well as scrub and woodland planting in close proximity. The new wetland, as well as other grassland habitat within the Scheme corridor would continue to be grazed. Other measures include grassland establishment to compensate for loss of elements of some County Wildlife Sites, and hedgerow and woodland planting to compensate for loss of a part of Kerswell Down and Whilborough Common CWS.
- 3.5.14 Where hedgerows are to be lost, new hedgerows would be planted with a mix of native, locally occurring species. Existing heavily managed hedgerows would be allowed to grow taller and wider. Grassland establishment would help compensate for loss of grassland along the Scheme corridor.
- 3.5.15 Badger tunnels and fencing are proposed at two points along the Scheme, to enable Badgers to continue to access existing foraging habitat on the eastern side of the Scheme, whilst reducing the risk of road kills. Badger proof fencing would be installed to guide animals towards tunnel entrances.
- 3.5.16 In order to ensure that Otters are able to continue to move freely along watercourses at periods of peak flow, a tunnel has been incorporated into the Scheme at Aller. The section of watercourse to be lost at Aller Junction would be replaced and works on the watercourses would be undertaken so as to ensure the integrity of water quality and maintain access for migratory fish by the inclusion of a fish traverse and pool in the culvert at Aller.
- 3.5.17 Use of culverts and temporary low-level lighting would divert Lesser horseshoe bats under the Scheme at Edginswell. Purpose-built roosts would be constructed in appropriate locations to replace those roosts lost to the Scheme. A bat box scheme would be implemented to compensate for the tree roosts that would be lost.
- 3.5.18 Management agreements in advance of construction would focus on arable land adjacent to the Scheme, to enhance hedges and their structural diversity and to manage field edges to increase Cirl bunting foraging extent and quality. Some work has commenced in this regard, on land at Manor Farm, north of Aller Cross. The work at Manor Farm involves ploughing and cultivating with a specific seed mix to benefit Cirl bunting and other insectivorous birds.

Cultural Heritage

- 3.5.19 No nationally important archaeological remains have been identified within the Scheme corridor. Two known archaeological sites would be directly affected; the Iron Age/Romano-British site at Aller Cross is considered to be of regional importance, whilst the medieval building off Edginswell Lane south of Kingskerswell is of local importance. Other known features that would be directly affected by the Scheme include buried remains of the prehistoric and post-medieval periods, parish boundaries and sunken lanes; these are considered to be of minor local importance.
- 3.5.20 The main effect on the archaeological sites and features identified would be caused by physical damage to sites or severance of features during construction.
- 3.5.21 No Scheduled Monuments or Listed buildings would be directly affected by the Scheme. However, the construction of the Scheme west of Kingskerswell would have residual adverse effects on the settings of the Scheduled Monuments of Kingskerswell Manor ruins and Kerswell Down, the Kingskerswell Conservation Area as a whole and on individual buildings within it.
- 3.5.22 The loss of these sites would be mitigated through archaeological recording prior to construction by means of detailed excavation or Strip, Map and Sample. Earthwork features such as parish boundaries and sunken lanes would be surveyed prior to site clearance. The loss of remains of minor importance, whether known or discovered, would be mitigated by archaeological recording by means of a watching brief during construction.
- 3.5.23 False cuttings and landscape planting would be used to screen the sight and sound of the road past the old Kingskerswell village.

Property Demolition

- 3.5.24 Eleven properties would be demolished during the construction of the Scheme, none of which are of historical value.
- 3.5.25 Nine of the eleven properties are owned by Devon County Council, of which seven are unoccupied and boarded up. The owners of the two properties not owned by the authority would be compensated.

Water Quality and Drainage

- 3.5.26 It is not envisaged that the construction works of the Scheme once opened would have any significant effect upon local groundwater regimes nor would they affect licensed abstraction sites. The magnitude of the impact on groundwater would be minor adverse.
- 3.5.27 Construction work would occur immediately adjacent to or within watercourses at 15 sites. This work would include the provision of new culverts and two lengths of new channel. The Scheme would reduce the risk of both pollution and flooding of the existing watercourses Aller Brook and Edginswell Stream and would have a moderate positive impact on the frequency and amount of flooding associated with the Aller Brook and Edginswell Stream. The new channel west of Kingskerswell would allow the possibility of fish migration to the Edginswell County Wildlife Site, about 1 km further upstream than is possible at present.
- 3.5.28 In order to minimise the potential highway drainage affects of the Scheme, flows from the carriageways would be concentrated at six outfalls. At either end of the Scheme, where the new construction abuts existing highway, use would be made of existing outfalls and drainage infrastructure. Elsewhere, outfall positions take into account the need to avoid increasing flood risk and the ability to contain potential pollution risks by the use of attenuation ponds.

- 3.5.29 The risk of a serious spillage along the route is low. Despite the low accidental spillage return periods (1 in 400 years along the Scheme with 1 in 247 years at Aller junction) the Scheme would incorporate either full bypass interceptors or pollution traps in the form of attenuation ponds.

Land Use and Agriculture

- 3.5.30 The Environmental Statement reported that the Scheme would result in the permanent loss of approximately 41ha of agricultural land, of which 16.05ha is classified as the best and most versatile land in Grades 2 (2.17ha) and subgrade 3a (13.88ha). Some twenty one holdings comprising agricultural land would also be affected though only six are assessed as full time agricultural holdings; many of the other holdings are used as paddocks for grazing horses. None of the holdings described as full-time, viable holdings would be rendered non-viable by the construction of the Scheme.
- 3.5.31 The permanent effect of construction on the agricultural land resource is difficult to mitigate, but it is intended that no subsoil or topsoil would be removed from the Scheme corridor. Further, it is intended that where land is required for temporary works this would, where appropriate, be restored back to at least its former Agricultural Land Classification grade.
- 3.5.32 New access tracks and field entrances would be provided in order to minimise long-term disruption to agriculture.

Pedestrians, Cyclists, Equestrians and Community Effects

- 3.5.33 Footpath Nos 45 and 36 /262 would be severed by the Scheme and a section of Churchway Lane would be closed. The car park on Kerswell Downs would be closed.
- 3.5.34 A separate pedestrian / cycle route would be provided between Penn Inn and Aller. An improvement to local bus services in Aller and Milber estates would be provided to mitigate against the loss of bus stop provision along the A380 between Penn Inn and Aller.
- 3.5.35 Suitable footpath diversions would be provided with new hedges and tree planting to make the diversions as attractive as possible. A new agricultural access/bridleway between Yon Street and the remaining section of Churchway Lane would be provided. A replacement car park would be provided on Kerswell Downs with an entrance off Maddacombe Road.

Traffic Noise and Vibration

- 3.5.36 As stated above, since the publication of the Environmental Statement, the traffic model has been updated using new traffic data collected in 2005. The following statement on effects is based upon the updated traffic model and is based on the Appraisal Summary Table:
- 3.5.37 Traffic would be diverted away from roads within the more built-up areas to a dual carriageway bypass passing through a more rural environment. The estimated population annoyed:
- Without scheme: 795
With scheme: 1210
Net annoyance change: + 415
- 3.5.38 Landscape mitigation measures such as false cuttings and a 'low noise' road surface are included in the Scheme to help minimise the effects of road traffic noise.

Air Quality

3.5.39 As stated above, since the publication of the Environmental Statement, the traffic model has been updated using new traffic data collected in 2005. The following statement on effects is based upon the updated traffic model and is based on the Appraisal Summary Table:

3.5.40 All properties experience PM10 and NO2 levels within the Air Quality Objectives in the opening year (2013). The scheme has an overall beneficial impact, primarily due to the removal of traffic from Kingskerswell, and reduces pollution concentrations within the Kingskerswell Air Quality Management Area. No new AQMA will be created. The maximum changes in PM10 and NO2 at 20m from a roadside are 2.1ug/m3 and 5.8ug/m3 respectively, which occur alongside the bypass itself, where do-minimum concentrations are at background levels.

3.5.41 In the opening year (2013), Do Something compared with Do Minimum shows NOx emissions increase by 30 (13%) tonnes; PM10 emissions increase by 0.7 tonnes (10%).

3.5.42 With the Scheme, the number of properties that experience:

	PM10	NO2
Improvement	1458	1241
Deterioration	560	777
No change	0	0

Resulting in overall exposure scores of PM10 = -336 and NO2 = -279

3.5.43 It is not anticipated that any mitigation measures would be required.

Greenhouse Gases

3.5.44 As stated above, since the publication of the Environmental Statement, the traffic model has been updated using new traffic data collected in 2005. The following statement on effects is based upon the updated traffic model and is based on the Appraisal Summary Table:

3.5.45 The Scheme results in a net increase in carbon emissions over the appraisal period, primarily due to the predicted increase in traffic flows. The change in carbon emissions over a 60 year period = 106,387 tonnes.

3.6 Scheme Cost

3.6.1 The Scheme Quantified Cost Estimate, which excludes allowance for Optimism Bias, is £120.860 million.

3.7 Funding

3.7.1 An application was made to the Department for Transport for funding in December 2007. The application for programme Entry is still under consideration.

3.8 Programme

3.8.1 The current Scheme programme assumes Scheme Opening in March 2013.

4 PLANNING, POLICIES AND STRATEGIES

4.1 The Planning Position

4.1.1 A planning application for the Scheme was submitted to Devon County Council and Torbay Council on the 18 November 2004. Torbay Council granted conditional planning permission on 22 August 2005 and Devon County Council on 26 August 2005.

4.1.2 In order to bring the conditional planning permissions in line, a revised planning application, to extend the time for construction to 26 August 2012, was submitted to Torbay Council on 2 February 2007. Conditional planning permission, with the extended time for construction, was granted on the 12 April 2007.

4.1.3 Appendix 1 schedules the conditions attached to the grant of planning permission for the Scheme.

4.2 Planning Policy Context

4.2.1 The Scheme fits with strategies and policies at a number of levels:

- National transport and sustainable development objectives;
- The emerging Regional Spatial Strategy, the Regional Transport Strategy and the Regional Economic Strategy;
- South Devon sub-regional strategies including the Devon Structure Plan and the Devon Local Transport Plan; and
- Local strategies as expressed in the Teignbridge Local Plan, the Torbay Local Plan and the emerging Local Development Frameworks.

4.3 National Policies and Plans

A New Deal for Transport: Better for Everyone. The Government's White Paper on the Future of Transport (July 1998)

4.3.1 Published in July 1998 this White Paper changed the emphasis of transport policy away from the predict and provide approach to dealing with traffic growth. It focused on integrated transport and the need to implement land-use policies to support sustainable development in order to reduce the need for travel and the impact of transport on the environment. The focus [paragraph 1.5] is on an integrated transport policy that seeks to: *"extend choice in transport and secure mobility in a way that supports sustainable transport development"* through *"a transport system that is safe, efficient, clean and fair."*

4.3.2 The White Paper [paragraph 1.22] goes on to explain that an integrated transport policy means:

- *"integration within and between different types of transport – so that each contributes its full potential and people can move easily between them;*
- *integration with the environment – so that our transport choices support a better environment;*
- *integration with land use planning – at national, regional and local level, so that transport and planning work together to support more sustainable travel choices and reduce the need to travel;*
- *integration with our policies for education, health and wealth creation – so that transport helps to make a fairer, more inclusive society."*

4.3.3 The White Paper also sought to promote sustainable transport and states:

“A modern transport system is vital to our country’s future. We need a transport system which supports our policies for more jobs and a strong economy, which helps increase prosperity and tackles social exclusion. We also need a transport system which doesn’t damage our health and provides a better quality of life now – for everyone – without passing onto future generations a poorer world. This is what we mean by sustainable transport and why we need a New Deal.”

“The New Deal for transport therefore sets the framework to:

- *reduce pollution from transport*
- *improve air quality*
- *encourage healthier lifestyles by reducing reliance on cars, and making it easier to walk and cycle more*
- *reduce noise and vibration from transport*
- *improve transport safety for users, those who work in the industry and the general public”*

4.3.4 Having established the overall policy context, this White Paper [paragraph 3.124] recognises that *“parts of the trunk road are under considerable stress”* and, to address associated problems of congestion and safety, states that *“all decisions on road investment will be taken in the context of our integrated transport policy.”* In order to inform such investment decisions, the Government introduced a ‘new approach to appraisal [NATA], based on the following criteria:

- environment – protecting and enhancing the built and natural environment;
- safety – improving safety for all road users;
- economy – supporting substantial economic activity in appropriate locations and getting good value for money;
- accessibility – improving access to everyday facilities for those without a car and reducing community severance;
- integration – ensuring that all decisions are taken in the context of an integrated transport policy

4.3.5 Although the A380 between Newton Abbot and Torquay is not a trunk road, it is accurate to state that it is under stress.

Transport 2010: The Ten Year Plan (July 1998)

4.3.6 This is the Government’s investment plan for delivering its White Paper commitments to an integrated transport system. This plan aims to deliver Government priorities on reducing congestion, a wider choice of quicker, safer, more reliable travel by road, rail, and other forms of transport. This Plan also sets out proposals for relaxing rules to achieve greater flexibility in meeting rural needs. The 10 Year Plan for Transport, published in July 2000, set down eight Public Service Agreement Targets. Targets relevant to this scheme include:

- To reduce road congestion on the inter-urban network and in large urban areas in England below current levels by 2010 by promoting integrated transport solutions and investing in public transport and the road network.
- To improve air quality by meeting our National Air Quality Strategy targets for carbon monoxide. Lead, nitrogen dioxide, particles, sulphur dioxide, benzene and 1-3 butadiene.
- To reduce greenhouse gas emissions by 12.5% from 1990 levels, and move towards a 20% reduction in carbon dioxide emissions by 2010.
- To reduce the number of people killed or seriously injured in Great Britain in road accidents by 40% by 2010 and the number of children killed or seriously injured by 50%, compared with the average for 1994-98.

4.3.7 The Plan outlines the levels of transport investment to be made over the ten year period 2000 – 2010, including the then current targeted programme of improvements. The plan also states that:

“All road schemes will include high standards of environmental mitigation to ensure that, so far as reasonably possible, noise and the impact on biodiversity, the landscape and our heritage are minimised.”

The Future of Transport – a Network for 2030, Government White Paper (July 2004)

4.3.8 This sets out the Government’s long-term strategy for transport. An underlying strategy is to deal with the pressures of increasing demand for travel by striking the right balance among environmental, economic and social objectives. In terms of the road network, this includes new capacity, where it is needed and justified on environmental and social grounds. The White Paper’s aim for roads is for:

“smarter travel” and “a goal of providing a road network that provides a more reliable and freer-flowing system for motorists, other road users and businesses, where travellers can make informed choices about how and when they travel, and so minimise the adverse impact of road traffic on the environment and other people.”
[Chapter 3]

4.3.9 The White Paper goes on to outline the Government’s aims for the next 30 years, and focuses on three key themes of sustained investment, making improvements to transport management and planning ahead. The document outlines that a continuation of road building to reduce congestion is not sustainable, but details a balanced approach between focused highway improvements and better management of the existing and public transport improvements. The document’s forward states:

“Our strategy takes a balanced approach. Where it makes economic sense, and is realistic environmentally, we will provide additional transport capacity. We want to see road widening and bypasses to tackle the worst areas of congestion, better bus services in our urban and rural areas and many other improvements. But we also recognise that we cannot simply build our way out of the problems we face. It would be environmentally irresponsible – and would not work.”

4.3.10 At the heart of this strategy is the Government’s commitment to its four shared priorities:

- Delivering accessibility
- Tackling traffic congestion
- Improving air quality
- Improving safety on the roads

4.3.11 The Scheme would achieve significant outcomes in relation to all four of these shared priorities through:

- **Accessibility:** Torbay and parts of South Devon would have significantly improved accessibility, not only in relation to markets and services outside the sub-region, but also within the Torbay/South Devon area. In addition to access for employment and tourism, the Scheme would improve accessibility to health facilities [especially to and from Torbay Hospital], schools and South Devon College, shops, civic amenity sites, leisure and entertainment facilities. Improved accessibility would increase the self-containment of the sub-region and enhance quality of life.
- **Congestion:** Congestion between Torquay and Newton Abbot acts as a critical constriction on the main artery into and out of Torbay. The Scheme would free up the congested main road and enable the heavy traffic movements to flow freely. This would in turn enable buses to run more effectively and keep to timetables and avoid the serious delays they currently experience, which in turn would promote increased accessibility by public transport within the sub-region.

- Air quality: The Scheme would lead to a significant improvement in air quality through the urbanised Kingskerswell corridor, which together with significantly reducing the severance of the local community, would enhance the quality of life for the community living alongside the existing A380. In particular the construction of the Scheme would result in an improvement the air quality through Kingskerswell such that it would no longer meet the criteria for an Air Quality Management Area.
- Safety: There is a significant road safety issue caused by the existing substandard A380 major traffic route carrying heavy volumes of traffic through the urban area of Kingskerswell and the impact of significant rat-run traffic through the southern parts of Newton Abbot and northern parts of Torquay. The Scheme would significantly improve the road safety situation in these areas.

Planning Policy Statement 1: Delivering Sustainable Development

4.3.12 Planning Policy Statement 1 – Creating Sustainable Communities (PPS1) supports the reform programme and, in particular, the Government’s objectives for planning culture change, by setting out the Government’s vision for planning, and the key policies and principles that should underpin the planning system. These are built around three themes:

- Sustainable development – the purpose of the planning system.
- The spatial planning approach.
- Community involvement in planning.

4.3.13 The key policy messages are:

- The need for planning authorities to take an approach based on integrating the four aims of sustainable development: economic development; social inclusion; environmental protection; and prudent use of resources.
- The need for positive planning to achieve sustainable development objectives and proactive management of development, rather than simply regulation and control.
- The need for plans to set clear visions for communities and help to integrate the wide range of activities relating to development and regeneration.
- The need for the planning system to be transparent, accessible and accountable, and to actively promote participation and involvement.

4.3.14 PPS 1 sets out that planning should aspire to make places better for people and deliver development where communities need it and which is sustainable. Planning should facilitate and promote sustainable patterns of urban and rural development by:

- Making suitable land available for development in line with economic, social and environmental objectives to improve the quality of life.
- Contributing to sustainable economic growth.
- Protecting and where possible enhancing the natural and historic environment and the quality and character of the countryside, and existing successful communities.
- Ensuring high quality development through good design.
- Ensuring that development supports existing communities and contributes to the creation of safe, sustainable and liveable communities with good access to jobs and key services.

4.3.15 The Environmental Statement and conditions attached to the grant of planning permission for the Scheme take full account of the principles outlined above.

Planning Policy Statement 7: Sustainable Development in Rural Areas

4.3.16 Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS7) provides guidance on the land use planning in rural areas of England and emphasises that particular care should be taken in rural areas, particularly designated areas. It presents

advice on the role of the planning system in relation to the countryside. It promotes sustainable development principles for meeting the social and economic needs of people who need to live and work in the countryside and advises on achieving a good quality of development and respecting the character of the countryside. Paragraph 1(vi) states *“All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.”*

4.3.17 The Government’s objectives for rural areas that fall from this Planning Policy Statement are:

- To raise the quality of life and the environment in rural areas;
- To promote more sustainable patterns of development;
- Promoting the development of the English regions by improving their economic performance so that they are able to reach their full potential; and
- To promote sustainable, diverse and adaptable agriculture sectors.

4.3.18 The guidance also indicates that developments involving agricultural land should seek to minimise the loss of best quality and most versatile land. Where significant development of agricultural land is unavoidable, PPS7 guides that local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations. Chapter 6 of the Environmental Statement identifies the impact of the Scheme on the agricultural land in the area.

Planning Policy Statement 9: Biodiversity and Geological Conservation

4.3.19 Planning Policy Statement 9 – Biodiversity and Geological Conservation (PPS9) establishes the Government’s policies on the protection of biodiversity and geological conservation through the planning system. The PPS recognises the need to balance development and economic growth whilst ensuring effective conservation of wildlife and natural resources.

4.3.20 Regional planning bodies and local planning authorities should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered:

- Plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas. These characteristics should include the relevant biodiversity and geological resources of the area. In seeking to keep environmental characteristics under review local authorities should assess the potential to sustain and enhance those resources.
- Local planning authorities should consider whether proposed developments could be accommodated without causing harm to biodiversity and geological conservation interests. Where there may be significant harmful effects, local planning authorities will need to be satisfied that any reasonable alternative sites that would result in less or no harm have been fully considered.
- Where development will result in unavoidable and significant adverse impacts on biodiversity and geological conservation, planning permission for it should only be granted where adequate mitigation measures are put in place. Local planning authorities should normally seek appropriate measures to compensate for any harm, which cannot be prevented or mitigated.

4.3.21 The Environmental Statement and conditions attached to the grant of planning permission for the Scheme take full account of the principles outlined above.

Planning Policy Guidance 13: Transport

- 4.3.22 Planning Policy Guidance Note 13 – Transport (PPG13) seeks to integrate planning and transport at the national, regional, county and local level. The emphasis is upon more suitable forms of development involving less need to travel, but also acknowledging that sustainable development has to recognise and allow for the associated transport infrastructure that is needed to support such development. Such associated infrastructure can range from major new transport investment to more localised measures facilitating pedestrian and cycle movements. Annex C deals with mitigating the impact of new transport infrastructure. This states:

“Care must be taken to avoid or minimise the environmental impact of any new transport infrastructure projects, or improvements to existing infrastructure; this includes the impacts which may be caused during construction (including the need to transport materials to and from the site, and dispose of spoil). Wherever possible, appropriate measures should be implemented to mitigate the impacts of transport infrastructure.”

- 4.3.23 The Scheme addresses PPG13 by incorporating mitigation and compensation measures that mitigate adverse environmental affects. Full details of these measures are presented in the Environmental Statement.

Planning Policy Guidance 15: Planning and the Historic Environment

- 4.3.24 Planning Policy Guidance Note 15 – Planning and the Historic Environment (PPG15) sets out government guidance on historic buildings, conservation areas and other elements of the historic environment. The guidance recognises the fundamental importance of cultural heritage to sustainable development, to the quality of life and to tourism and leisure. It states:

“It is fundamental to the Government’s policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record, which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important, an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance.”

- 4.3.25 Paragraph 2.16 emphasises the importance of preserving the setting of Listed Buildings:

“Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed buildings consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building’s character. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their surroundings.”

- 4.3.26 Section 5 is devoted to transport and traffic management in historic areas. Reference is made not only to the direct physical impacts of roads, but also the indirect impact by, for example, altering new patterns of movement and generating pressures for development. Consideration should be given to the need for a new route and, if it is unavoidable, to the features of the historic landscape which may be affected. It states:

“Major new transport infrastructure developments can have an especially wide-ranging impact on the historic environment, not just visually and physically, but

indirectly, for, example, by altering patterns of movement or commerce and generating new development pressures or opportunities in historic areas. Local highway and planning authorities should therefore integrate their activities and should take great care to avoid or minimise impacts on the various elements of the historic environment and their settings.” and;

“If a new route is unavoidable, authorities should initially identify any features of the historic environment and evaluate their importance. Wherever possible, new roads (and any other transport infrastructure) should be kept away from listed Buildings, conservation areas and other historic sites. However, in each case a suitable balance has to be struck between conservation, other environmental concerns, economics, safety and engineering feasibility.”

- 4.3.27 The Environmental Statement and conditions attached to the grant of planning permission for the Scheme take full account of the principles outlined above.

Planning Policy Guidance 16: Archaeology and Planning

- 4.3.28 Planning Policy Guidance Note 16 – Archaeology and Planning (PPG16) emphasises the importance and vulnerability of archaeological areas. It states:

“Archaeological remains should be seen as a finite, and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction. Appropriate management is therefore essential to ensure that they survive in good condition. In particular, care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed. They can contain irreplaceable information about our past and the potential for an increase in future knowledge. They are part of our sense of national identity and are vulnerable both for their own sake and for their role in education, leisure and tourism.”

- 4.3.29 The guidance in PPG16 does recognise that, with the many demands of modern society, it is not always feasible to save all archaeological remains. It states:

“The key question is where and how to strike the right balance. Cases involving archaeological remains of relative minor importance will not always be so clear cut and planning authorities will need to weigh the relative importance of archaeology against other factors including the need for the proposed development.”

- 4.3.30 Where physical preservation in situ is not possible, excavation leading to “*preservation by record*” is acceptable, but is agreed as a second best option, because excavation may lead to destruction of evidence, and it may prove expensive and time consuming.

- 4.3.31 The Environmental Statement and conditions attached to the grant of planning permission for the Scheme take full account of the principles outlined above.

Planning Policy Statement 23: Planning and Pollution Control

- 4.3.32 Planning Policy Statement 23 – Planning and Pollution Control (PPG23) seeks to provide advice on the relationship between planning and pollution control systems, encouraging close liaison between both systems, particularly in respect of air quality, water quality and waste management. Where potentially polluting developments are proposed, the PPS advises that the Environmental Statement should: “*provide a full and systematic account of a development’s likely effects on the environment, including those which are subject to pollution controls, and the measures envisaged to avoid, reduce, or remedy significant adverse effects*”.

- 4.3.33 This advice has been taken into account in the assessment of effects described in the Environmental Statement.

Planning Policy Guidance 24: Planning and Noise

- 4.3.34 Planning Policy Guidance Note 24 – Planning and Noise (PPG24) notes that noise can have significant effect on the environment and on the quality of life enjoyed by individuals and communities. As such, it seeks to achieve separation of noise generating activities from the most sensitive receptors, in particular residential areas.
- 4.3.35 The Environmental Statement details the full assessment of the Scheme on properties and people and the measures taken to reduce the effects of noise. This work is updated by the Scheme Appraisal Summary Table, which is summarised above.

Planning Policy Statement 25: Development and Flood Risk

- 4.3.36 Planning Policy Statement 25 – Development and Flood Risk (PPS25) identifies that the susceptibility of land to flooding is a material consideration in the development process. It highlights that the precautionary principle should be to avoid flood risk and manage it elsewhere. Development proposals are expected to recognise the importance of functional floodplains and avoid inappropriate development and undefended floodplains where possible with the provision of flood defence and warning measures where required.
- 4.3.37 The Environmental Statement details the full assessment of the Scheme on the water environment. A flood risk assessment was submitted to the planning authority in February 2005 and is referred to in the Grant of Planning Permission. Subsequently, applications to the Environment Agency (and the National Fish Pass Group) for Land Drainage Consent were issued. Other than comments on the structures finishes, the Environment Agency confirmed in October 2005 that it has no objections to the applications.

4.4 Regional Policies and Plans

RPG10: Regional Planning Guidance for the South West (2001)

- 4.4.1 The Regional Planning Guidance (RPG) for the South West (RPG10), published in 2001, provides a framework for the provision of policy development plans within the region. It provides the framework for the Devon Structure Plan (2001 to 2016) which was adopted in October 2004.
- 4.4.2 The existing Regional Transport Strategy (RTS) for the South West is set out in Regional Planning Guidance for the South West (RPG10), published in September 2001. This provides a regional context for transportation planning for the period to 2016 and beyond.

Regional Spatial Strategy for the South West

- 4.4.3 The Regional Spatial Strategy for the South West (RSS) includes The Regional Transport Strategy (RTS) The opening paragraph of the RTS [5.1.1] states:

“The Spatial Strategy ...will mean growth and change will be planned for strategically, realising potential and enabling some of the region’s deeper seated problems to be addressed by guiding development and investment to places where it can have best effect.

“Proper planning of transport...will assist the achievement of the Spatial Strategy and its three main strategy emphases [including] stimulating economic activity in the west of the peninsula”

- 4.4.4 The RTS stresses the importance of connectivity *“which will have important consequences for the western peninsula in particular” [Para 5.1.1].*

- 4.4.5 Other key themes in the RTS are its emphasis on concentrating transport investment at the main urban areas, such as Torbay, which are designated as Strategically Significant Cities and Towns, (SSCTs), and mitigating and reducing harmful environmental impacts, developing sustainable modes of travel, including public transport, especially in congested corridors.
- 4.4.6 The A380 from Exeter to Torbay is identified as one of eight strategically significant road routes in the South West, and is covered by RSS Policy TR10, which states that a corridor management approach will be adopted to make the best use of the network to facilitate modal shift, reduce traffic impact on the built and natural environment and improve the quality of life of communities, seeking to improve air quality, and reduce accidents, severance and the impact of noise.
- 4.4.7 The Scheme would assist the RTS in its main strategic emphasis of stimulating economic activity in the west of the peninsula, in addressing the transportation needs of one of the region's SSCTs, in improving the quality of the bus services in one of the region's most congested corridors, and in achieving the objectives of RSS policy TR10.

4.5 Structure Plans, Local Plans and Local Development Frameworks

Devon Structure Plan

- 4.5.1 The Devon Structure Plan (2001 to 2016) sets out the policies and proposals for the whole of Devon covering the period to 2016 and provides the background to the Local Transport Plan 2006 to 2011. These policies remain in force until they are replaced by the emerging Regional Spatial Strategy.
- 4.5.2 The Devon Structure Plan (DSP), adopted in October 2004, is likely to remain in force until the formal adoption of the new Regional Spatial Strategy in 2008. The Scheme is identified as one of a number of strategic investment proposals in Proposal TR17, programmed to commence during the period 2001 to 2016.
- 4.5.3 The DSP notes [paragraphs 3.60 and 3.62] that Torbay's existing infrastructure has come under increasing pressure, and that there is a need for improvements to its transport linkages to reduce peripherality.
- 4.5.4 Policy ST13, dealing with the Torbay PUA, states that priority should be given to a development strategy that takes advantage of the opportunities resulting from the proposed Kingskerswell Bypass.
- 4.5.5 The SDLR is also seen as an important contribution to the effective delivery of sustainable new development in the Newton Abbot area in the period to 2016 [paragraph 3.63].

Devon Local Transport Plan

- 4.5.6 Devon on the Move, the Devon Local Transport Plan 2006 to 2011, sets out Devon County Council's approach to travel and transport in Devon: helping to meet everyone's travel needs, making roads safer and providing alternatives to the car. This Plan includes the programme of local transport plan schemes and 22 targets for the period 2006 to 2011. The Devon Local Transport Plan was submitted to Government, in accordance with the Department for Transport guidance, on the 31st March 2006.
- 4.5.7 The LTP identifies the A380 as a strategic road of regional importance and refers to the joint study commissioned by Devon County Council and Torbay Council, the A380 Newton Abbot to Torquay Corridor Study. The study aimed to identify sustainable transport solutions to this congested corridor.

Teignbridge Local Plan

- 4.5.8 The first area wide Local Plan for Teignbridge was adopted by the District Council in October 1996. This covers the whole of the district outside Dartmoor National Park. Until the Local Plan First Review is adopted the current plan will remain the statutory Plan for the area and will continue to be used for decision making purposes. This plan represents the Initial Deposit Version of the Teignbridge Local Plan First Review. It updates and rationalises the original Local Plan, bringing it in line with the current Devon Structure Plan and recent Government guidance.
- 4.5.9 The Local Plan Review provides guidance on the principal planning issues facing the area up to 2011. Policies seek to protect the character and amenity of the District's landscape, afford special protection to areas of recognised landscape value, to protect the most versatile agricultural land and to afford protection to protected species and habitats.
- 4.5.10 Policies are outlined regarding the development on or affecting locally, nationally and internationally important sites in Policy ENV7, ENV 8, and ENV 9.
- 4.5.11 For the built environment, the objectives seek to protect the District's built environment from intensive development, to preserve and enhance buildings, landscapes and areas of cultural, historic and archaeological interest and their setting, and to promote enhancement of the built environment through use of high standards of design and a careful choice of materials for all development.
- 4.5.12 The vision of the Plan is to achieve high quality, locally distinctive, sustainable development that reflects and builds on the character of the District and improves the quality of life for local people and visitors.
- 4.5.13 Policies TRN1, TRN2, TRN4, TRN5, TRN6, TRN7 and TRN9 deal with various aspects of transportation policy.
- 4.5.14 Policy TRN1 states that the principal footpath network will be safeguarded and enhanced for the benefit of pedestrians and Policy TRN2 indicates that developments that would harm pedestrian safety will not be permitted.
- 4.5.15 Similarly, Policies TRN4 and TRN5 states that the cycle network will be safeguarded and enhanced and that development that would harm the safety of cyclists will not be permitted.
- 4.5.16 Policies TRN6 and TRN7 safeguard the public transport network and provide for public transport provision in new developments.
- 4.5.17 TRN9 details proposed highway schemes within the district and includes the A380 Kingskerswell Bypass. The Policy states that the bypass is urgently needed to improve the local economy and quality of life for local residents.

Torbay Local Plan

- 4.5.18 The Torbay Local Plan, adopted in 2004, sets out a framework for providing for the needs of the community in the context of Torbay's PUA status, without harming the environment. The Local Plan leaves the reader in no doubt as to the importance of the economy to the life and vitality of Torbay, and notes [paragraph 2.26] that "*there is an urgent need to respond to Torbay's serious economic problems.*" It goes on to identify a number of key provisions that are necessary for the economic delivery, including provision of new employment sites, new tourism facilities and [paragraph 2.29] "*There is a need to improve road and rail access to the national route network, including overcoming the congestion bottleneck through Kingskerswell, to the north west of Torquay.*"
- 4.5.19 Proposal T21 in the Local Plan safeguards the southernmost part of the land required for the Scheme which lies within Torbay [the remainder being located within Teignbridge]

District of Devon]. The explanation to the Local Plan proposal refers to the work of consultants which shows that the building of a new road to bypass Kingskerswell is *“the only practicable way of improving access to Torbay for long distance traffic and local public transport, as well as reducing air pollution problems in this corridor.”* [Paragraph 15.101.]

- 4.5.20 The employment section of the Local Plan draws attention to the importance of securing improved access to Torbay [paragraph 4.13], and this reflects the near-unanimous view of the Torbay and South Devon business communities.

Torbay Local Transport Plan

- 4.5.21 The Torbay Local Transport Plan [LTP] sets out a sustainable transport framework for the period 2006 – 2011, for transport and access to Torbay’s homes, jobs and other facilities. The LTP is based on a ranking matrix that assesses each major scheme, programme and project against the Government’s four shared priorities and the Community Plan’s themes.

- 4.5.22 The aim of the LTP is to provide a range of measures that can be used to provide the greatest outcomes and which provide value for money to improve the Torbay transport network, in keeping with the priorities of the LTP.

- 4.5.23 The key policy objectives of the LTP are to:

- Improve accessibility, for all sections of the community
- Enhance air quality through Air Quality Management Areas
- Ease congestion through encouraging non-car modes of travel, relieving congestion hot spots and minimising conflicts between modes of transport
- Improve road safety through a high standard of maintenance
- Address other quality of life issues, including delivering the Torbay Community Plan, support for economic and social development initiatives, minimising environmental impact of transport and maintaining and enhancing the quality of the urban environment and the public realm

Summary of LTPs

- 4.5.24 The Devon and Torbay LTPs have an identical section explaining the Scheme. They explain that the purpose of the Scheme is to:

- Reduce traffic congestion on the A380
- Radically improve access to and from Torbay
- Support the economic regeneration of South Devon and Torbay
- Enhance bus services between Newton Abbot, Torquay, Paignton and Brixham
- Improve the quality of life for the residents of Kingskerswell
- Reduce the volumes of traffic which currently use unsuitable alternative routes

- 4.5.25 The LTPs explain the relationship of the scheme to the RFA and Devon Structure Plan [DSP], summarise the process of route selection and the original 34 route corridor options, and set out the main elements of the interim strategy, which include:

- Improvements to bus services, including introduction of a new fleet of vehicles for the core service 12, implemented in 2004
- Installation of an on-road cycle lane along the length of the A380 between Penn Inn and Kerswell Gardens, completed in 2004
- Improvements to ease traffic flows at Penn Inn, completed in 2003
- Working with local schools, to encourage the use of non-car modes, ongoing
- Publicity for car-sharing at visible locations along the route
- Road safety improvements at Jury’s Corner and Kerswell Gardens, completed in 2004

- Improvements to local rail services, including the introduction of a clock face timetable and increased service capacities, implemented in 2004

Teignbridge Local Development Framework

4.5.26 The current emerging Local Development Framework includes a supporting reference to the Scheme in its Submission Core Strategy [November 2006]. The Core Strategy notes [page 85] that:

“The principal benefits of the bypass would come from improving the quality of life for Kingskerswell residents, reducing traffic congestion, and supporting economic regeneration of South Devon and Torbay.”

4.5.27 The Core Strategy of the Teignbridge LDF acknowledges that the RSS does not identify Newton Abbot as a SSCT, although it does confirm its sub-regional role as complementing the role of the Principal Urban Areas and being a transport hub for the provision of economic and social regeneration, new development and major services and facilities in the southern part of Devon.

4.5.28 The complex relationship that Newton Abbot has with its neighbouring urban areas is explained, including overlapping housing markets, economic zones, retail catchments and major transport schemes.

Torbay Local Development Framework

4.5.29 The Torbay Local Development Framework [LDF] is in preparation, and will ultimately replace the adopted Local Plan. Its plan period is to 2026, in line with the emerging RSS.

4.5.30 The LDF Core Strategy sets out the strategic spatial pattern of development and the overall levels of strategic development, including housing, employment, community facilities and transport.

4.5.31 The Core Strategy will identify the key transportation priorities of the Council, which will include the Scheme, together with its indicative route.

4.5.32 The Core Strategy will identify the key transportation priorities of the Council, which will include the Scheme, together with its indicative route.

5 SIDE ROADS ORDER

5.1 The Need for a Side Roads Order (SRO)

5.1.1 The SRO will, subject to Confirmation of the Secretary of State for Transport, empower the County Council to stop up existing side roads and private means of access affected by the Scheme, to improve existing side roads and to create new side roads and private means of access as a consequence of the main works.

5.1.2 The full title of the Order published under the Highways Act 1980 is:

THE DEVON COUNTY COUNCIL
(A380 SOUTH DEVON LINK ROAD (KINGSKERSWELL BYPASS) CLASSIFIED ROAD)
(SIDE ROADS) ORDER 2008.

5.2 The Need for Side Roads Alterations

5.2.1 The proposed alterations to existing highways and private means of access that would be affected by the Scheme are detailed in the Schedule attached to the Side Roads Order, and shown diagrammatically on the Side Roads Order plans. The following descriptions should be read in conjunction with the Schedules in the Order and the site plans.

5.2.2 The Scheme will require alteration of side roads and accesses and the Order made under Sections 14 and 125 of the Highways Act 1980 implements these alterations. The Scheme requires the stopping up of highways at various points. Some sections of existing highways are being extinguished and then recreated as part of the proposals for the Scheme. Other sections of existing highways will be closed permanently, however convenient alternative routes are or will be available. The proposed arrangements are detailed below:

Site Plan 1

Highways to be Improved

The C91 St Marychurch Road.

The Unclassified Aller Brake Road.

Highways to be Stopped Up

Aller Brake Road for 20 metres south-westwards from the edge of St Marychurch Road.

Footpath No. 40 for 2 metres north-westwards from the northern boundary of Aller Brake Road.

Reason and Reasonably Convenient Alternative Route

To clarify legal status of existing verge. New highway (A) created to gain access to St Marychurch Road.

Existing highway crosses new highway (A).

New Highways to be Constructed

Reason

A Extension of Aller Brake Road to meet St Marychurch Road.

To provide access to Penn Inn via St Marychurch Road for residents of Aller and Milber estates upon closure of access between Aller Brake Road and the A380.

Site Plan 2

Highways to be Improved

The Unclassified Addison Road.

The Unclassified Aller Brake Road.

The A380 Torquay Road.

Highways to be Stopped Up

Reason and Reasonably Convenient Alternative Route

The footway between Addison Road and Penn Inn roundabout for 35 metres from the northern end of Addison Road.

Affected by new slip road works. A replacement footway / cycleway will be provided adjacent to the slip road.

Addison Road from the northern end of Addison Road south-eastwards for a distance of 45 metres.

Affected by new slip road works.

Footpath No. 45 for 25 metres northwards and 25 metres southwards then 35 metres westwards from the western boundary of the classified road north of Sainsbury's Store.

Affected by new slip road works. A replacement footpath will be provided (A).

The footway known as Milber Steps for a distance of 8 metres westwards from Addison Road.

Affected by new slip road works. Access will not be required onto the new A380.

The footway between Addison Road and the A380 Torquay Road opposite Nos 19 to 24 Addison Road.

Affected by new slip road works. Access will not be required onto the new A380.

Addison Road from its junction with Laburnum Road southwards for a distance of 100 metres.

Affected by improvement to classified road. Access to A380 will be via Aller Brake Road or via St Marychurch Road.

The A380 Torquay Road from Addison Road southwards for a distance of 120 metres.

To provide cycle track with a right of way on foot (C) between Addison Road and Aller Brake Road.

Aller Brake Road from its junction with the A380 Torquay Road eastwards for a distance of 8 metres.

Affected by improvement to classified road. Access to A380 will be via new highway (D).

The A380 Torquay Road from a point 30 metres south of the centre of Aller Brake Road southwards for a distance of 424 metres.

Affected by improvement to classified road.

Highways to be Stopped Up

The footway between Aller Park Road and the A380 Torquay Road for a distance of 14 metres from the eastern boundary of the A380 Torquay Road.

All public pedestrian rights of way which may exist along the Private Means of Access from the A380 Torquay Road opposite No. 16 Aller Park Road northwards for a distance of 50m then westwards for a distance of 35 metres then northwards for a distance of 80 metres.

Reason and Reasonably Convenient Alternative Route

Affected by new highway (D). A replacement footpath will be provided (E).

-

New Highways to be Constructed

Reason

A	Footpath.	Replacement for part stopped up footpath FP 45.
B	Road.	To provide connection to new cycle track with a right of way on foot (C) and to provide compensatory car parking.
C	Cycle track with a right of way on foot.	To provide continuous link for cyclists and pedestrians between Addison Road and Aller Brake Road.
D	Road.	To provide access onto A380 for Aller and Milber estates by linking Aller Brake Road with the A380.
E	Footpath.	To re-create footpath affected by new highway (D)
F	Footpath (temporary).	Required to maintain pedestrian access during construction of culvert works.
G	Footpath (temporary).	Required to maintain pedestrian access during construction of culvert works.

Private Means of Access to be Stopped Up

Reason and Reasonably Convenient Alternative Route

1s	Access to Wywuree from Addison Road.	Consequent on stopping up of highway. Access closed to vehicles. Access for pedestrians created (1)
2s	Access to Penn House from Addison Road.	Consequent on works to Addison Road. Stopped up and re-created (2)
3s	Access to railway lines from the A380 Torquay Road.	Affected by improvement to classified road. Alternative access (5) (on Site Plan 3) provided.
4s	Access to the rear of No. 15 St Luke's Road from the A380 Torquay Road.	Affected by provision of cycle track with a right of way on foot (C).
5s	Access to the rear of No. 13 St Luke's Road from the A380 Torquay Road.	Affected by provision of cycle track with a right of way on foot (C).

6s	Access from the western boundary of the A380 Torquay Road opposite No. 16 Aller Park Road northwards for a distance of 50 metres then westwards for a distance of 35 metres then northwards for a distance of 80 metres	Demolition of railway overbridge.
7s	Access to railway lines from the A380 Torquay Road opposite No. 42 Aller Park Road.	Affected by improvement to classified road. Alternative access (5) (on Site Plan 3) provided.
8s	Access to Royal Aller Vale Quarry from the A380 Torquay Road.	Affected by new highway (D). Alternative access (3) provided.
9s	Access to Aller Cottages and to the drainage outfall to the former Royal Aller Vale Quarry from the A380 Torquay Road.	Affected by improvement to classified road. Properties will be demolished, therefore no alternative is necessary.

New Means of Access to be Constructed

Reason

1	Pedestrian access to Wywurree from Addison Road.	Vehicle access stopped up (1s).
2	Access to Penn House from Addison Road.	To re-create access affected by highway improvement.
3	Access to Royal Aller Vale Quarry from the A380 Torquay Road.	To re-create access affected by new highway.
4	Access to Royal Aller Vale Quarry drainage outfall from the classified road.	To re-create access affected by new highway.

Site Plan 3

Highways to be Improved

The A380 Torquay Road

The C431 Aller Road

The C162 Old Newton Road

The C162 Kingskerswell Road

Highways to be Stopped Up

Reason and Reasonably Convenient Alternative Route

The C431 Aller Road from its junction with the A380 Torquay Road south-westwards for a distance of 120 metres.

Affected by new highway (D). Access to A380 will be via new highway (A) and (D).

The C431 Aller Road from its junction with the C162 Kingskerswell Road at Aller Cross eastwards for a distance of 94 metres.

Affected by new classified road. Alternative route will be via new highway (B).

The C162 Old Newton Road from its junction with the C162 Kingskerswell Road at Aller Cross southwards for a distance of 310 metres.

Affected by new classified road. Alternative route will be via new highway (B).

Highways to be Stopped Up

The C162 Kingskerswell Road from its junction with the C431 Aller Road at Aller Cross north-westwards for a distance of 160 metres.

Reason and Reasonably Convenient Alternative Route

Affected by new classified road. Alternative route will be via new highway (C).

New Highways to be Constructed

- A Road.
- B Road.
- C Road.
- D Road.
- E Road.

Reason

- Part of new junction at Aller
- Part of new junction at Aller
- Part of new junction at Aller
- Part of new junction at Aller
- Part of new junction at Aller

Private Means of Access to be Stopped Up

- 1s Access to field from the western boundary of the C431 Aller Road 30 metres north of the entrance to the Barn Owl Inn.
- 2s Access to field from the western boundary of the C431 Aller Road opposite the entrance to the Barn Owl Inn.
- 3s Access to field from the western boundary of the C431 Aller Road 15 metres south-west of the entrance to the Barn Owl Inn.
- 4s Access to field from the western boundary of the C431 Aller Road 36 metres south-west of the entrance to the Barn Owl Inn.
- 5s Access to field from the northern boundary of the C431 Aller Road 90 metres north-east of the junction of the C431 Aller Road with the C162 Kingskerswell Road.
- 6s Access to farm buildings from the southern boundary of the C162 Old Newton Road at the junction of the C162 Old Newton Road with the C162 Kingskerswell Road.
- 7s Access to Hazelbank from the northern boundary of the C162 Old Newton Road.

Reason and Reasonably Convenient Alternative Route

- Consequent on stopping up of highway. No alternative necessary.
- Consequent on improvement to highway. No alternative necessary.
- Consequent on improvement to highway. No alternative necessary.
- Consequent on improvement to highway. Alternative access (1) provided.
- Consequent on stopping up of highway. Alternative access (2) provided.
- Consequent on stopping up of highway. Alternative access (3) provided.
- Consequent on stopping up of highway. No alternative necessary.

8s	Access to Hazelbank from the western boundary of the C162 Kingskerswell Road 45 metres north-west of the junction of the C162 Kingskerswell Road with the C162 Old Newton Road.	Consequent on stopping up of highway. No alternative necessary.
9s	Access to field from the western boundary of the C162 Kingskerswell Road 88 metres north-west of the junction of the C162 Kingskerswell Road with the C162 Old Newton Road.	Consequent on stopping up of highway. Alternative access (4) provided.
10s	Access to field from the eastern boundary of the C162 Kingskerswell Road 174 metres north-west of the junction of the C162 Kingskerswell Road with the C162 Old Newton Road.	Consequent on improvement to highway. Alternative access (5) provided.
11s	Access to field from the western boundary of the C162 Kingskerswell Road 195 metres north-west of the junction of the C162 Kingskerswell Road with the C162 Old Newton Road.	Consequent on improvement to highway. Alternative access (6) provided.
12s	Access to field from the eastern boundary of the C162 Old Newton Road 45 metres north-west of the access to Elmcroft Nursery.	Consequent on stopping up of highway. Alternative access (3) provided.
13s	Access to field from the western boundary of the C162 Old Newton Road 26 metres north-west of the access to Elmcroft Nursery.	Consequent on stopping up of highway. Alternative access (4) provided.
14s	Access to Elmsleigh House.	Consequent on stopping up of highway. No alternative necessary.
15s	Access to field from the eastern boundary of the C162 Old Newton Road opposite the access to Elmcroft Nursery.	Consequent on stopping up of highway. Alternative access (3) provided.
16s	Access to Elmcroft Nursery.	Consequent on stopping up of highway. Alternative accesses (4) and (7) provided.
17s	Access to field from the western boundary of the C162 Old Newton Road 20 metres south-east of the access to Elmcroft Nursery.	Consequent on stopping up of highway. Alternative accesses (4), (7) and (8) provided.
18s	Access to Yannon Lane Landfill Site from a point 110 metres from the western boundary of the C162 Old Newton Road south-westwards for a distance of 254 metres.	Access severed by new classified road. Alternative accesses (4), (7) and (8) provided.

19s	Access to Yannon Lane Landfill Site from a point 364 metres from the western boundary of the C162 Old Newton Road south-westwards for a distance of 10 metres then south-eastwards for a distance of 100 metres then south-westwards for a distance of 114 metres.	Access severed by new classified road. Alternative accesses (4), (7), (8) and (9) provided.
20s	Access known as Yannon Lane, for a distance of 310 metres north-westwards from its junction with Foredown Lane.	Access severed by new classified road. Alternative accesses (4), (7), (8), (9), (10) and (11) provided.
21s	Access to field from a point 152 metres north-west then 40 metres south-west of the western boundary of Foredown Lane at its junction with the C162 Old Newton Road for a distance of 48 metres.	Access severed by new classified road. No alternative necessary.
22s	Access to field and the properties known as Kynance, High View, Woodfield and Three Corners from the western boundary of Foredown Lane at its junction with the C162 Old Newton Road for a distance of 152 metres.	To create new rights over existing access. New access (12) provided.

New Private Means of Access to be Constructed

Reason

1	Access track to railway.	To allow Network Rail access to railway south of tunnel.
2	Access to field.	Alternative to stopped up access (5s).
3	Access to fields.	Alternative to stopped up accesses (6s), (12s) and (15s).
4	Access track.	Alternative to stopped up accesses (9s), (13s), (16s), (17s), (18s), (19s) and (20s).
6	Access track to railway.	To allow Network Rail access to railway north of tunnel. Alternative to stopped up accesses (3s) and (7s) (Site Plan 2).
7	Access track.	Alternative to stopped up accesses (9s), (13s), (16s), (17s), (18s), (19s) and (20s).
8	Access track.	Alternative to stopped up accesses (17s), (18s), (19s) and (20s).
9	Access track.	Alternative to stopped up accesses (19s) and (20s).
10	Access track.	To allow Devon County Council access to maintain landscape planting.
11	Access track.	To create new rights over existing access.
12	Access	To create new rights over existing access.
13	Access	To allow Devon County Council access to maintain drainage.

New Private Means of Access to be Constructed

Reason

14 Access

To allow Devon County Council access to maintain landscape planting.

Site Plan 4

Highways to be Improved

The C161 Maddacombe Road

The C161 Maddacombe Road (Temporary Highway)

The C162 Yon Street

The C162 Edginswell Lane

The C162 Huxnor Road

Highways to be Stopped Up

Reason and Reasonably Convenient Alternative Route

The C161 Maddacombe Road from a point 84 metres west of its junction with Foredown Lane, westwards for a distance of 80 metres.

Affected by new classified road. Alternative route will be via new highway (A).

The unclassified Churchway Lane from its junction with Greenhill Road for a distance of 125 metres.

Affected by new classified road. Alternative route will be via Greenhill Road, Yon Street and new highway (B).

New Highways to be Constructed

Reason

A Road

To provide new bridge for C161 Maddacombe Road over new classified road.

B Road

To provide alternative route to stopped up highway Churchway Lane.

C Footpath

To provide alternative route to stopped up highway Churchway Lane and stopped up private means of access (2s).

D Temporary road

To provide access between C340 Huxnor Road and C162 Yon Street during construction of new bridge across new classified road.

Private Means of Access to be Stopped Up

Reason and Reasonably Convenient Alternative Route

1s Access to Foredown House from Maddacombe Road 65 metres west of the junction of Maddacombe Road with Foredown Lane.

Consequent on improvement to highway. Alternative access (1) provided.

2s	Access to Kerswell Down car park from Maddacombe Road 90 metres west of the junction of Maddacombe Road with Foredown Lane.	Access severed by new classified road. Alternative provided by new footpath (C) and new access (2).
3s	Access to field, from the southern boundary of Churchway Lane 118 metres south-west of the junction of Churchway Lane with Greenhill Road.	Access severed by new classified road. Alternative access (3) provided.
4s	Access to United Reformed Church car park from Yon Street.	Consequent on improvement to highway. Alternative access (4) provided.
5s	Access to No. 8 Yon Street	Access severed by new classified road. No alternative necessary (property demolished)
6s	Access to field, from the western boundary of Huxnor Road at the junction of Huxnor Road with Edginswell Lane.	Consequent on improvement to highway. Alternative access (5) provided.
7s	Access to field, from the eastern boundary of Yon Street 30 metres north of the junction of Yon Street with Edginswell Lane.	Access severed by new classified road. Alternative access (6) provided.
8s	Access to field, from the eastern boundary of Edginswell Lane 22 metres south-east of the junction of Edginswell Lane with Yon Street.	Access severed by new classified road. Alternative accesses (6) and (7) provided.
9s	Access to field, from the eastern boundary of Edginswell Lane 42 metres south-east of the junction of Edginswell Lane with Yon Street.	Access severed by new classified road. Alternative accesses (6) and (7) provided.
10s	Access to Kingskerswell playing fields, for 30 metres northwards from its junction with Manor Drive.	To create new rights over existing access. New access (8) provided.
11s	Access to 53 Daccabridge Road and Kingskerswell playground and playing fields, for 100 metres southwards from Daccabridge Road.	Access severed by drainage works for new classified road. Alternative accesses (9), (17) and (18) provided.
12s	Access to 47 and 49 Daccabridge Road and Overbridge House from Daccabridge Road.	Access affected by drainage works for new classified road. Alternative accesses (9) and (10) provided.

New Private Means of Access to be Constructed

Reason

1	Access to premises.	Alternative to stopped up access (1s).
2	Access to track and car park.	Alternative to stopped up access (2s).
3	Access to field.	Alternative to stopped up access (3s).
4	Access to car park.	Alternative to stopped up access (4s).
5	Access to field	Alternative to stopped up access (6s).

6	Access track	Alternative to stopped up accesses (7s), (8s) and (9s) and to allow Devon County Council access to maintain drainage and environmental mitigation area.
7	Access track	Alternative to stopped up accesses (8s) and (9s) and to allow Devon County Council access to maintain drainage and environmental mitigation area.
8	Access track	To create new rights over existing access.
9	Access track	Alternative to stopped up access (11s).
10	Access track	Alternative to stopped up access (12s).
11	Access track	To create new rights over stopped up highway (Churchway Lane).
12	Access to field	Access to land severed by new classified road.
13	Access to field	Access to land severed by new classified road.
14	Access to field	Access to land severed by new classified road.
15	Access to field	To allow Devon County Council access to maintain landscape planting.
16	Temporary access to field	Access to land severed by new temporary highway (D)
17	Access track	Alternative to stopped up access (11s).
18	Access track	Alternative to stopped up access (11s).

Site Plan 5

Highways to be Improved

The A380 Torquay Road

The A3022 Riviera Way

The A380 Hamelin Way

Highways to be Stopped Up

Footpath No. 36 from its junction with the C162 Edginswell Lane northwards for a distance of 208 metres.

Reason and Reasonably Convenient Alternative Route

Severed by new classified road. Alternative route will be via new highways (B, C, and D).

<u>New Highways to be Constructed</u>		<u>Reason</u>
A	Cycle track with right of way on foot	To provide convenient route across Hamelin Way.
B	Footpath	To provide alternative route to stopped up footpath No. 36.
C	Footpath	To provide alternative route to stopped up footpath No. 36.
D	Footpath	To provide alternative route to stopped up footpath No. 36.
<u>Private Means of Access to be Stopped Up</u>		<u>Reason and Reasonably Convenient Alternative Route</u>
1s	Access track to fields on north-western boundary of Hamelin Way from a point 95 metres from the western boundary of Edginswell Lane south-westwards for a distance of 38 metres.	Access severed by new classified road. Alternative access (1) provided.
2s	Access track to fields on north-western boundary of Hamelin Way from a point 133 metres from the western boundary of Edginswell Lane south-westwards for a distance of 292 metres.	Access severed by new classified road. Alternative accesses (1) and (2) provided.
3s	Access track to fields on north-western boundary of Hamelin Way from a point 425 metres from the western boundary of Edginswell Lane south-westwards for a distance of 122 metres.	Access severed by new classified road. Alternative accesses (1), (2) and (3) provided.
4s	Access track coincident with Footpath No. 36 from its junction with the C162 Edginswell Lane northwards for a distance of 105 metres.	Access severed by new classified road. Replacement access not required.
5s	Access track coincident with Footpath No. 36 from a point 105 metres from its junction with the C162 Edginswell Lane northwards for a distance of 105 metres.	Access severed by new classified road. Replacement access not required.
6s	Access track on north-western boundary of Hamelin Way from the eastern boundary of Edginswell Lane north-eastwards for a distance of 18 metres.	Access severed by new classified road. Alternative access (4) provided.
7s	Access track on north-western boundary of Hamelin Way from a point 18 metres from the eastern boundary of Edginswell lane north-eastwards for a distance of 174 metres.	Access severed by new classified road. Alternative accesses (5 and 6) provided.

<u>Private Means of Access to be Stopped Up</u>	<u>Reason and Reasonably Convenient Alternative Route</u>
8s Access track under Hamelin Way on south-western boundary of the Exeter to Torquay railway line from a point 192 metres north-east of Edginswell Lane south-eastwards for a distance of 112 metres.	Access severed by new classified road. Alternative accesses (5) and (6) provided.

<u>New Private Means of Access to be Constructed</u>	<u>Reason</u>
1 Access track	Alternative to stopped up access (1s)
2 Access track	Alternative to stopped up access (2s)
3 Access track	Alternative to stopped up access (3s)
4 Access track	Alternative to stopped up accesses (6s)
5 Access track	Alternative to stopped up accesses (7s) and (8s)
6 Access track	Alternative to stopped up accesses (7s) and (8s)
7 Access track	Alternative to stopped up access (4s)

6 COMPULSORY PURCHASE ORDER

6.1 Introduction

6.1.1 The Scheme requires the acquisition of land for which a Compulsory Purchase Order has been made. The County Council will be negotiating with the owners to purchase by agreement, but it is necessary to seek authority for compulsory purchase to ensure that all the land required for the Scheme is available at the appropriate time.

6.2 The Order Land

6.2.1 The Order Land is located between Penn Inn Roundabout at Newton Abbot and Kerswell Gardens roundabout to the south of Kingskerswell. The majority of the Order land is located in the district of Teignbridge, with a small proportion at the southern section of the Scheme in Torbay.

6.2.2 The A380 between Penn Inn roundabout and Aller Road is fringed by urban development. At Penn Inn the Scheme would occupy the wide central reserve at the existing roundabout and continue south utilising the existing A380. Widening of the existing road corridor would affect the back gardens of a number of properties. Mature non-native conifer trees and scrub fringe on the western side of the existing road would be affected, between the road and adjacent railway.

6.2.3 At Aller, the Scheme diverges from the existing road to pass to the west of Kingskerswell, following the floor of the broad valley running north-south between Newton Abbot and Edginswell. The Kingskerswell valley is occupied by two watercourses flowing northwards to the River Teign, at Newton Abbot. The Aller Brook rises in the Dacombe area and the Edginswell Stream joins the Aller Brook at Brookeador, in Kingskerswell. Parts of the valley floor are floodplain storage areas.

6.2.4 Land use comprises a mix of pastoral and arable, with sheep and cattle grazing on the lower-lying valley floor and sides and arable cropping to the west and north. West of Kingskerswell is an area of Common Land, clothed in deciduous woodland, on Kerswell Down.

6.2.5 Land use intensity appears to be greater between Aller and Maddacombe Road than to the south at Edginswell, with larger, mainly arable, fields and more tightly managed hedges.

6.3 The Compulsory Purchase Order

6.3.1 The Order has been made and is about to be submitted to the Secretary of State for Confirmation pursuant to the Highways Act 1980 (sections 239, 240, 246 and 250) and the Acquisition of Land Act 1981.

6.3.2 The Order Land is required to carry out the construction and maintenance of the A380 South Devon Link Road Kingskerswell Bypass, together with associated works (including mitigation measures).

6.3.3 The Order Land has an area of 59.8628 hectares. The Order Plan shows the extent of the Order Land, which comprises 87 plots. The Order Plan comprises eight separate sheets.

6.4 Land to be Acquired

6.4.1 Confirmation of this Order will enable Devon County Council to acquire compulsorily land required for the Scheme in order to construct new highways, improve highways, stop up highways and private means of access to premises, and to provide new means of access to premises. It will also enable Devon County Council to acquire compulsorily land required for the mitigation of adverse effects and for the acquisition of rights for construction and maintenance of the Scheme. All land shown in the Schedule is required for the Scheme.

6.5 Justification for Compulsory Purchase

6.5.1 The Scheme is required in order to meet the objectives set out in Chapter 2.

6.5.2 A description of the Scheme proposals and the affects of the Scheme are detailed in Chapter 3.

6.5.3 The Scheme fits with national, regional and local strategies and policies at a number of levels:

- National transport and sustainable development objectives;
- The emerging Regional Spatial Strategy, the Regional Transport Strategy and the Regional Economic Strategy;
- South Devon sub-regional strategies including the Devon Structure Plan and the Devon Local Transport Plan; and
- Local strategies as expressed in the Teignbridge Local Plan, the Torbay Local Plan and the emerging Local Development Frameworks.

6.5.4 These are described in Chapter 4.

6.6 Planning Conditions and other Consents

6.6.1 Appendix 1 schedules the conditions attached to the grant of planning permission for the Scheme.

6.6.2 A submission to the Environment Agency for Land Drainage Consent has been made.

6.6.3 A Flood Risk Assessment has also been submitted to the Environment Agency and has been approved.

6.7 Special Considerations affecting the Order Land

- 6.7.1 There are no ancient monuments or listed buildings in the Order site.
- 6.7.2 There are no buildings in a conservation area that would be demolished.
- 6.7.3 The Scheme does not require any land owned by the National Trust.
- 6.7.4 An area of common land, which is known as Kerswell Down, is included in the Order Land. The area affected by the Scheme is indicated in the table below, together with the area of Exchange Land, which is also included in the Order Land.

Type of Land	Lost to Scheme (m ²)	Area of Exchange Land (m ²)	Net change (M ²)
Grazing	23	0	- 23
Woodland	4,505	8,778	+ 4,273
Quarry *	4,060	0	- 4060
Car park & access road to car park **	190	0	- 190
TOTAL	8,778	8,778	0

* The Quarry is now used as a store for road chippings by Devon County Council and has within its boundary a model car racing circuit.

** The access road is also used to access the quarry and racing circuit.

- 6.7.5 Devon County Council will make an application to the Planning Inspectorate for Secretary of State's consent pursuant to Section 19 of the Acquisition of Land Act 1981.

6.8 Property Demolition

- 6.8.1 Eleven properties would require demolition. Two properties are currently occupied:
- 6.8.2 Nine of the eleven properties are owned by Devon County Council, of which seven are unoccupied and boarded up. The owners of the two properties not owned by the authority would be compensated.

6.9 Related Orders

- 6.9.1 A Side Roads Order has been made and is about to be submitted to the Secretary of State for Confirmation. Details of the Side Roads Order are given in Chapter 5.

7 GENERAL INFORMATION

7.1 Supporting Documents

7.1.1 In the event of public local inquiries into the made Orders, Devon County Council intends to refer to or put in evidence the documents listed in Appendix 2. The list is not intended to be exhaustive.

7.2 Access to Documents

7.2.1 The Order Documents can be inspected at:

Main Reception, Devon County Council, County Hall, Topsham Road, Exeter EX2 4QD	Main Reception, Torbay Council, Town Hall, Castle Circus, Torquay TQ1 3DS	Devon County Council Area South Highway Management Offices, Devon House, Brunel Road, Newton Abbot TQ12 4PB
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7.2.2 Alternatively, the documents can be inspected on the Devon County Council web site at:

<http://www.devon.gov.uk/index/transport/kingskerswellbypass.htm>

7.3 Compensation

7.3.1 Provision is made by statute with regard to compensation for the compulsory purchase of land and the depreciation in the value of affected properties. More information is given in the series of booklets published by the Department of Communities and Local Government entitled *Compulsory Purchase and Compensation* listed below:

Booklet No 1 – Compulsory Purchase Procedure
Booklet No 2 – Compensation to Business Owners and Occupiers
Booklet No 3 – Compensation to Agricultural Owners and Occupiers
Booklet No 4 – Compensation to Residential Owners and Occupiers
Booklet No 5 – Reducing the Effect of Public Development: Mitigation Works

7.3.2 Copies of these booklets are obtainable free of charge from:

Communities and Local Government Publications
PO Box 236
Wetherby
West Yorkshire
LS23 7BN

Tel. 0870 1226 236

APPENDIX 1: SCHEDULE OF CONDITIONS ATTACHED TO THE GRANT OF PLANNING PERMISSION FOR THE SCHEME

Devon County Council Planning Conditions	
Condition	Description
1	The development to which this condition relates must be begun not later than the expiration of seven years beginning with the date on which the permission is granted.
2	Unless otherwise agreed in writing with the County Planning Authority, the development shall be carried out in strict accordance with the details shown on approved plans No. HEX43444A/SKC/135a(A); et al Environmental Statement Volume 1 and 2 (dated November 2004); Flood risk Assessment (dated February 2005)
3-1	Prior to the commencement of the development full details of materials and surface treatments to be used on external highway surfaces and structures shall be submitted for approval in writing by the County Planning Authority
3-2	The development shall be carried out in accordance with the approved details or such other alternative details as may subsequently be agreed in writing by the County Planning Authority
4-1	Prior to the commencement of the development a scheme shall be submitted that details the restoration of ancillary land following the construction of the road hereby permitted.
4-2	The development shall be carried out at all times in strict accordance with the approved details, or such other details as may subsequently agreed in writing by the County Planning Authority.
5-1	Prior to the commencement of the development full details of both hard and soft landscaping works shall be submitted for approval in writing by the County Planning Authority. These details shall include: <ul style="list-style-type: none"> (i) Minor artefacts, including furniture, road signage and lighting (ii) Highway structures (iii) Schedules of plants, noting species, planting sizes and numbers (iv) Maintenance schedule including the control of injurious weeds and invasion of Japanese Knotweeds, (v) Implementation timetables
5-2	The development shall be carried out at all times in strict accordance with the approved details, or such other details as may subsequently agreed in writing by the County Planning Authority.
6	Pursuant to condition 5 above, all hard and soft landscape works shall be carried out in accordance with the approved details within a timetable to be agreed in writing by the County Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously diseased or damaged, shall be replaced as soon as is reasonably practicable with other species, size and number as originally approved.
7-1	Prior to the commencement of the development all existing trees, hedgerows, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of the site works and building operations, in accordance with a scheme that shall be agreed in writing by the County Planning Authority.
7-2	The development shall be carried out at all times in strict accordance with the approved details, or such other details as may subsequently agreed in writing by the County Planning Authority.

8-1	Prior to the commencement of the development full details of on-site mitigation and off-site nature conservation and compensation measures shall be submitted for approval in writing by the County Planning Authority. All off-site nature conservation compensation monitoring work (as described in the above scheme) shall be completed prior to the commencement of the development hereby approved.
8-2	The development shall be carried out at all times in strict accordance with the approved mitigation scheme, or such other details as may subsequently agreed in writing by the County Planning Authority.
9-1	Unless otherwise agreed in writing by the County Planning Authority, within twelve months of the date of this decision notice, the applicant shall submit for approval in writing an ecological monitoring scheme. The scheme shall include: <ul style="list-style-type: none"> (i) Formation of a steering group to oversee the implementation of the mitigation and compensation measures. (ii) A programme and methodology for pre-construction surveys, (iii) Ecological supervision of construction and mitigation works (iv) Post construction monitoring.
9-2	The development shall be carried out at all times in strict accordance with the approved monitoring scheme, or such other details as may subsequently agreed in writing by the County Planning Authority.
10	Unless otherwise agreed in writing by the County Planning Authority, no clearing of vegetation or building demolition shall be permitted to take place within the application area or within any off-site works during the main bird nesting season (15 March to 31 August).
11-1	Prior to the commencement of the development a scheme shall be submitted for approval in writing by the County Planning Authority detailing: <ul style="list-style-type: none"> (i) A full contaminated land survey (ii) How the contaminate land will be effectively handled and treated (iii) Suitable mitigation measures
11-2	The development shall be carried out at all times in strict accordance with the approved details, or such other details as may subsequently agreed in writing by the County Planning Authority.
12-1	Prior to the commencement of the development full details of the proposed method of surface water drainage disposal, pollution control and mitigation measures as outlined in the Environmental Statement and Flood Risk Assessment shall be submitted for approval in writing by the County Planning Authority. All off-site work (as described in the above scheme) shall be completed prior to the commencement of the development hereby approved.
12-2	Following approval the development shall be carried out in strict accordance with the submitted details or such other alternative details as may be agreed in writing by the County Planning Authority.

13-1	<p>No development shall take place until the applicant, or their agent, or successor in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which makes appropriate provision for:</p> <ul style="list-style-type: none"> (i) All aspects of recording, reporting and publication of results (ii) The deposit of archives and material recovered in an appropriate museum. (iii) Detailing the intensity of the Archaeological Watching Brief through the various stages of the development (iv) Describing how the contractors will be made aware of archaeological requirements and integrating these into their contracts. <p>The scheme will apply to the application area and any off-site works</p>
13-2	<p>The written scheme of investigation shall be submitted by the applicant for approval in writing by the County Planning Authority. Following approval the development shall be carried out in strict accordance with the submitted details or other such alternative details as may subsequently be agreed in writing by the County Planning Authority</p>
14	<p>Prior to the commencement of the development air quality modelling work shall be conducted and submitted and approved in writing by the County Planning Authority. The modelling work shall demonstrate that the overall impact of the application hereby permitted will be beneficial to the prospective Kingskerswell Air Quality Management Area when compared to the air quality should the development not be commenced.</p>
15-1	<p>Prior to the commencement of the development a scheme detailing the management of construction activities and traffic shall be submitted for approval in writing by the County Planning Authority. The scheme shall detail both the application area and any off-site works.</p>
15-2	<p>The development shall be carried out at all times in strict accordance with the approved details, or such other details as may subsequently be agreed in writing by the County Planning Authority.</p>
16-1	<p>Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the County Planning Authority which details how dust and mud arising from construction activities hereby approved will be controlled and suppressed.</p>
16-2	<p>The development shall be carried out at all times in strict accordance with the approved details, or such other details as may subsequently be agreed in writing by the County Planning Authority.</p>
17	<p>All plant, machinery and vehicles used in connection with the proposed development shall be fitted with and use effective silencers (or such other effective methods of sound proofing). These shall be used and maintained in accordance with the manufacturers specifications at all times.</p>
18-1	<p>Prior to the commencement of the development a scheme detailing the design and management of any temporary works and structures including floodlighting shall be submitted for approval in writing by the County Planning Authority.</p>
18-2	<p>The development shall be carried out at all times in strict accordance with the approved details, or such other details as may subsequently be agreed in writing by the County Planning Authority.</p>
19-1	<p>Prior to the commencement of the development a Waste Audit Statement for wastes arising from the proposed development shall be submitted for approval in writing by the County Planning Authority.</p>
19-2	<p>Following approval the development shall be carried out in strict accordance with the submitted details or other such alternative details as may be agreed.</p>

20-1	Prior to the commencement of the development details of how excavated materials will be handled, inspected, treated for injurious and invasive weed contamination and stored prior to reuse within the application area shall be submitted for approval in writing by the County Planning Authority.
20-2	Following approval the development shall be carried out in strict accordance with the submitted details or other such alternative details as may be agreed.

Torbay Council Planning Conditions	
Condition	Description
01	The development to which the application relates must be begun not later than 26 August 2012.
02	In so far as extant bat and Cirl Bunting habitats are affected by this development, compensatory bat feeding habitat and Cirl Bunting habitats, as may have been previously agreed in writing shall be in place prior to the commencement of the development. Such habitat shall be subject of a management plan/agreement which shall be submitted to and approved by the Local Planning Authority prior to works commencing. No variation to the approved plan shall take place without the prior written agreement of the Local Planning Authority.
03	No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the road being brought into use. The details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials; lighting; fencing; walls; minor artefacts and structures; proposed and existing functional services above and below ground.
04	Soft landscaping shall include planting plans, written specifications, schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate, and an implementation programme. It shall be designed to maximise visual screening, noise mitigation and particulate absorption.
05	No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
06	Details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority before the road is open. Development shall be carried out in accordance with the approved details.
07	A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaping areas, shall be submitted to and approved by the Local Planning Authority prior to the road being brought into use. The landscape management plan shall be carried out as approved and shall be implemented for a period of 10 years unless otherwise approved in writing by the Local Planning Authority.

08	<p>No works or development shall be carried out until the Local Planning Authority has:</p> <p>i. Approved in writing the full details of which trees, shrubs and hedges are to be retained by reference to a plan showing the location of every tree which has a stem with a diameter of over 75mm and either:</p> <p>a) is on the application site, or</p> <p>b) is on adjacent or nearby land which is the subject of mitigation or compensatory habitat management.</p> <p>ii. Approved in writing the full details of every tree, shrub and hedge to be planted or reinforced, including its proposed location, its species, its size at the date of planting, and the approximate date when it is to be planted.</p>
09	<p>Prior to commencement of development details of the protection of any existing tree or hedge to be retained in accordance with Condition 08 shall be achieved as follows:</p> <p>a) no equipment, machinery or material shall be brought onto the site for the purpose of development until fencing has been erected in accordance with the plans and particulars which shall have been previously approved by the Council in writing;</p> <p>b) where fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced to the satisfaction of the Council;</p> <p>c) the fencing shall be maintained in position to the satisfaction of the Council, until all equipment, machinery and surplus materials have been removed from the site; and</p> <p>d) within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on, above or below the ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the Council.</p>
10	<p>Prior to commencement of the work hereby permitted, a site meeting shall be arranged by the person carrying out the work and a person appointed by the Local Planning Authority. No work shall be carried out other than that which is agreed in writing.</p>
11	<p>No work shall be carried out, within a period of five years from the completion of the development, for the cutting down, felling, uprooting, removal, destruction, lopping or topping of any of the trees or shrubs retained in accordance with Condition 07 or planted in accordance with Condition 08 or any tree or shrub planted as a replacement for any of those trees or shrubs, other than as may be approved by the Council in writing.</p> <p>If, within a period of five years from the completion of the development any of the trees or shrubs retained in accordance with Condition 07 or planted in accordance with Condition 08 or any tree or shrub planted as a replacement for any of those trees or shrubs, is cut down, felled, uprooted, removed or destroyed, or dies or becomes seriously damaged or defective:</p> <p>a) the Council shall be notified as soon as reasonably practicable; and</p> <p>b) another tree or shrub of the same species shall be planted at the same location, at a time agreed in writing by the Council;</p> <p>unless the Council agrees to dispense with or vary the requirement.</p>
12	<p>Full details of any structures forming part of the proposed road shall be submitted to and approved by the Local Planning Authority prior to any development commencing.</p>
13	<p>The development hereby approved shall not be commenced until details of colour, type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.</p>

14	Prior to the commencement of the development full details of the proposed method of surface water drainage disposal, pollution control and mitigation measures as outlined in the Environmental Statement and Flood Plain Assessment shall be submitted for approval by Torbay Council. All of the site work shall be completed prior to commencement of this development.
15	No development shall take place within the site until the implementation of a programme of archaeological work has been secured. Such programme and written scheme of investigation shall have been previously submitted to and approved by the Local Planning Authority.
16	Prior to commencement of development further details of air quality and predicted noise levels for both the construction phase, scheme opening and predicted traffic volumes shall be submitted to the Local Planning Authority. In the event of further mitigation measures being required to accord with the Environmental Statement such measures shall be submitted to and approved by the Local Planning Authority and implemented prior to the road being brought into use.
17	In the event of the route potentially impacting any known or suspected contamination, an investigation should be carried out to establish the likely presence, extent and potential impacts of contaminated soils and ground water at the locus. The investigation should take the form of a desk top study, development and refinement of the conceptual model, site investigation, risk assessment, remediation proposals and method statement. The work to be carried out in a phased approach, each phase informing and determining the need to carry out later phases. The work is to be carried out in accordance with current good practice and agreed by the Local Planning Authority. Remediation, if required, will be carried out according to the above, agreed documents.
18	If during development, contamination of ground or groundwater is encountered, then an investigation and assessment shall be carried out and submitted to the Local Planning Authority detailing how that contamination will be managed. Further work on site will be carried out according to the results of this work.
19	Prior to commencement of development, full details of stream diversions, flood channels, attenuation ponds, open channels, drainage culverts and bat culverts, where such proposals lie within Torbay, are to be submitted to and approved by the Local Planning Authority. Such proposals as may be approved shall be implemented and managed in accordance with a scheme to be submitted and agreed by the Local Planning Authority.
20	Proposals for dust mitigation and measures for cleaning vehicles prior to entering the public highway during construction works shall be submitted to and approved by the Local Planning Authority prior to works commencing. Such measures as may be approved shall be retained during construction.
21	Prior to commencement of development details and location of any temporary site compounds within Torbay shall be submitted to and approved by the Local Planning Authority. Such compounds shall be built and operated in accordance with the approved scheme and details.
22	Any land which is outside the Compulsory Purchase Order and which is land required during the construction phase, which is not part of the road, shall be restored in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to any development commencing. Such restoration to be completed no later than six months following opening of the road.
23	Prior to development commencing details of the hours during which construction will take place shall be submitted to and approved by the Local Planning Authority. Such hours as may be agreed shall be operated unless prior written approval to variation has been agreed by the Local Planning Authority. Such a scheme shall not preclude 'out of hours' operation where there is a specific operation or emergency.

24	Details of proposals for the storage of excavated materials shall be submitted to and approved by the Local Planning Authority prior to commencement of development. Such scheme shall include proposals for restoration of the site. The scheme as approved shall be operated strictly in accordance with the submitted proposals during the construction period and the restoration of the site shall be completed no later than six months from opening of the road or such other time period as may be agreed by the Local Planning Authority.
25	A scheme for waste disposal audit shall be submitted to and approved by the Local Planning Authority, insofar as such a scheme applies to land within Torbay. Such scheme as may be approved shall thereafter be operated during the period of construction, unless otherwise approved by the Local Planning Authority.
26	No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, designs, materials and type of boundary treatments to be erected. The boundary treatments shall be completed before the road is brought into use. Development shall be carried out in accordance with the approved details.

APPENDIX 2: SUPPORTING DOCUMENTS

The A380 Newton Abbot to Torquay Corridor Study

A380 Kingskerswell Bypass Public Consultation Leaflet

A380 Kingskerswell Bypass Environmental Statement Volume 1 November 2004

A380 Kingskerswell Bypass Environmental Statement Volume 2 November 2004

A380 Kingskerswell Bypass Environmental Statement Volume 3 (Figures) November 2004

A380 Kingskerswell Bypass Environmental Statement Non-technical Summary November 2004

Planning Application Submission and associated Scheme Layout plans

Grant of Conditional Planning Application

Planning Application Submission and associated Scheme Layout plans

Grant of Conditional Planning Application

Land Drainage Consent

Flood Risk Assessment

A380 South Devon Link Road Kingskerswell Bypass Major Scheme Business Case Volume 1: Main Text December 2007

A380 South Devon Link Road Kingskerswell Bypass Major Scheme Business Case Volume 2: Appendices and Drawings December 2007

Committee Reports