



A380 South Devon Link Road (Kingskerswell Bypass)

Public Inquiries

Proof of Evidence

Overview and Scheme Development

Volume 2: Text

by

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This Proof of Evidence is presented in the following documents:

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1 INTRODUCTION

1.1 Qualifications and Experience

1.1.1 My name is Paul Ewings. I am a Chartered Engineer, being a Member of the Institution of Civil Engineers and registered with the Engineering Council.

1.1.2 I hold the post of Chief Engineer Highways and Traffic in the Environment, Economy and Culture Directorate of Devon County Council, a post I have held since 1994. My responsibilities include the development and delivery of the County Council's highways capital programme.

1.1.3 I have had 35 years experience of highway engineering projects.

1.2 Nature of Evidence

1.2.1 In my evidence I will:

- Provide an overview of why the Scheme is needed and identify the objectives of the Scheme.
- Provide an outline description of the A380 South Devon Link Road scheme.
- Describe the objectives and key outcomes of the A380 Newton Abbot to Torquay Corridor Study and the alternatives considered prior to concluding the Scheme is needed.

- Confirm that the outcomes and conclusions of the Corridor Study remain valid in 2009.
- Describe how as an outcome of the Corridor Study an integrated transport strategy has been adopted for the corridor.
- Summarise the consultations that have taken place during the development of the Scheme including the position of the statutory bodies.
- Confirm that all consents and licences have been or can be obtained.
- Describe the common land required for the Scheme and detail the proposals for exchange common land to be provided and
- Establish that the requirements of the Human Rights Act 1998 have been met.

1.3 Involvement with the Scheme

1.3.1 I have had responsibility within Devon County Council for the design and development of earlier scheme proposals since January 1991 at which time the Council was acting as design agents for the Highways Agency who were undertaking the scheme development in line with their intention to make the A380 a Trunk Road.

1.3.2 Following the Government decision in 1996 to remove the earlier scheme proposal from the Trunk Road Programme I have been responsible for the subsequent review of the A380 Newton Abbot to Torquay Corridor and the development of the Scheme thereon.

2 BACKGROUND

- 2.1 The existing A380 from its junction with the A38 Exeter to Plymouth Trunk Road west of Exeter to Torbay forms the key strategic link connecting Torbay, Newton Abbot and surrounding communities to the rest of the South West Region to the north and east and the national network beyond. This section of the A380 is classified as a National Primary Route, as shown on Map13: Devon Road Network contained in the Devon Structure Plan 2001 to 2006 (**CD 3.2**) and it is also identified as one of eight Regionally Significant Routes in the South West in the Regional Spatial Strategy (RSS) (**CD 3.15**).
- 2.2 Torbay is a unitary authority comprising the towns of Torquay, Paignton, Brixham and surrounding communities. The RSS defines Torbay as one of the Strategically Significant Towns and Cities (SSTCs) in the Region. Its economic catchments area is limited; bounded by 22 miles of coastline along its southern edge and further restricted by poor connectivity to the northern edge. Economic activity rates are relatively low and there are several pockets of severe unemployment and social deprivation. Torbay has little to attract inward investment both because it lacks a good quality road and rail infrastructure, and a higher education institution with associated research and development activity.
- 2.3 Newton Abbot is a large market town in a key location between Torbay and Exeter, and Dartmoor and the coast. Newton Abbot is also defined in the RSS as one of the region's SSCTs. The Newton Abbot area has seen a high level of change over the last few decades with one of the

highest percentages in population growth in the country. This has been matched to some extent by an expanding economy although there has also been a high degree of integration with the economies of Exeter and Torbay; 13% of those living in Newton Abbot work in Torbay and 8% in Exeter, also 16% of Newton Abbot employees live in Torbay.

2.4 Between Torquay and Newton Abbot the village of Kingskerswell sits astride the A380. This section of the A380 from Penn Inn junction Newton Abbot to the Kerswell Gardens junction Torbay is a single carriageway, generally 9.3 metres wide. The remainder of the A380 northwards from Penn Inn to the junction with the A38 is dual two lane carriageway. Similarly the routes into Newton Abbot from Penn Inn and into Torquay from Kerswell Gardens are also dual two lane carriageways. The Torbay Ring Road section of the A380 is single carriageway as it leaves Kerswell Gardens but quickly changes to dual two lane carriageway towards Marldon. A more detailed description of the existing A380 is provided in the evidence of Michael Smith **(DCC/P/3)**.

2.5 Penn Inn to Kerswell Gardens is the most heavily trafficked section of the A380 with an average daily traffic flow in 2008 of 33,022 vehicles, of which 7.5% were heavy goods vehicles. It also has personal injury accident rate for the period 2004 – 2008 of 0.46 accidents per million vehicles kilometres compared to a national average of 0.23.

2.6 The result of this high volume of vehicles having to pass through Kingskerswell is severe traffic congestion and significant journey time

unreliability throughout the year. This high level of congestion results in a significant number of drivers using minor sub standard routes parallel to the A380, bringing safety, noise and congestion impacts into these sensitive areas also. Congestion also has a significant impact on the journey time reliability for public transport operating along the A380 corridor, in particular the predominant Service 12. This results in a poor operating environment for buses leading to increased operating costs, fares and timetabled journey times. Stagecoach, the operator of the majority of the services in the area, is a supporter of the scheme and expect that improvements would be observed in journey time reliability, peak vehicle requirement and patronage.

2.7 Kingskerswell is effectively bisected by the high traffic flows making it hazardous for those wishing to get from one site 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 three locations. There are 25 side road junctions, two of which are at the Jurys Corner signal controlled junction, 76 other accesses onto the A380, five controlled pedestrian crossings and four uncontrolled pedestrian crossings and 18 bus stops including 10 lay-bys. 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 noise and pollution experienced by those living alongside the A380 gives rise to a further general deterioration of the

quality of life. The A380 through Kingskerswell was declared an Air Quality Management Area by Teignbridge District Council in November 2005.

- 2.8 Since its establishment in 1998, Torbay Council has worked in partnership with Devon County Council to develop solutions to the problems of the A380 corridor and have equally funded this work. Torbay Council has authorised Devon County Council in accordance with Section 8 of the Highways Act to make the CPO and SRO on its behalf for the section of the Scheme within Torbay.

3 NEED FOR THE SCHEME

3.1 The Transportation Need

- 3.1.1 The existing A380 between Newton Abbot and Torquay is classified as a National Primary Route and identified as a regional strategically significant route. However, for many years the route has failed to function effectively in these roles due to congestion, poor journey time reliability, displacement of traffic to inappropriate minor roads and poor conditions for public transport.

- 3.1.2 Chapter 5 of my evidence describes the work undertaken by consultants Halcrow Fox when they examined the existing conditions in the A380 corridor as part of the A380 Newton Abbot to Torquay Corridor Study,

completed in 2000. This study confirmed the long held view that the route was failing to perform its function. Traffic volumes were found to be extremely high for a single carriageway road with a daily traffic profile which showed almost constant traffic volumes through the working day in both directions. This level of traffic volume combined with the existing capacity restraints had resulted in little growth in traffic on the A380 in recent years.

- 3.1.2 This situation has continued to the present time, traffic growth on this section of the A380 has been just 0.08% since 1988.
- 3.1.3 The effect of this capacity limitation and resultant congestion is to attract a significant number of drivers to make use of alternative lower standard parallel routes. This results in highly undesirable volumes of traffic on these routes, particularly at peak periods, with resultant negative impacts on safety, vulnerable road users and the environment.
- 3.1.4 The evidence of David Black (**DCC/P/4**) provides a detailed account of the current situation.
- 3.1.5 The current and historic inability of the A380 corridor to accommodate existing reasonable demands for travel, with an acceptable level of reliability and dependable journey times demonstrates a continuing failure to meet its local and regional transportation role, including its role as a public transport corridor for busses. If improvements are not undertaken the volume of traffic using sub standard alternative routes will continue to increase due to traffic growth resulting from planned development. Consequently, there would be a continuing deterioration

of the quality of life in Kingskerswell and the surrounding area arising from severance, noise and pollution.

3.2 The Strategic Need

- 3.2.1 The need to improve the efficiency and capability of transport in the A380 corridor is a prerequisite of the full implementation of policies to revitalise the Torbay and South Devon area, manage the growth forecasts described in the RSS, and implement fully the other elements of the corridor integrated transport strategy in the interests of protecting the environment, encouraging local economic prospects, and achieving objectives for social inclusion and sustainable transport.
- 3.2.2 The current iteration of the future Regional Spatial Strategy indicates a future growth requirement for new dwellings in Torbay of 15,000, an increase of 24.2%, together with an increase in Newton Abbot of 8,000, an increase of 44.4%.
- 3.2.3 The Government has also designated Torbay and Teignbridge as New Growth Points, where the Government has made finance available to help accelerate the delivery of housing and employment.
- 3.2.4 In his evidence (**DCC/P/4**) David Black forecasts the likely increase in traffic flows when the growth required by the Government is taken into the traffic model. If the Scheme was not built flows on the A380 would only rise by 1,000 to 2,000 vehicles per day, or 5%, not surprising given the highly constrained existing conditions. However, flows on minor parallel routes would rise substantially, with the highest rise being 3,800

vehicles, or 54% on Kingskerswell Road. Flows on St Marychurch Road would rise by 3,200 vehicles, or 37%. There are also similarly high levels of growth on the A379 Teignmouth Road and the A381 Totnes Road. (**Table 24 of DCC/P/4**)

3.2.5 Such a high level of growth, particularly on the minor routes closest to the corridor would be very damaging, given the already high levels of traffic currently using these routes to avoid the A380 and the impacts that are being caused.

3.2.6 The scheme is therefore a necessity if the Growth Point and Regional Spatially Strategy plans are to be accommodated by the local transport network. The evidence of Ian Harrison (**DCC/P/2**) provides a detailed explanation of the Strategic Need.

3.3 The Economic Need

3.3.1 Gross Domestic Product levels in Torbay are below the regional and national averages and also low when compared to other areas of Devon which perform at a level close to the national average. Earnings levels are 28% below the average for England and Wales and 18% below the South West average. In 2004 Torbay's Gross Value Added score was 61% of the UK figure. Growth between 1995 and 2004 was 18.7%, compared with the South West average of 61.6% and the UK average of 58.1%. Torbay's ratio of income per head between 1995 and 2005 fell in relation to the national average, from 74.4% in 1995 to 63% in 2005. The manufacturing sector also fell from 13.0% to 7.4% during this

period. Torbay is dependent on the A380 as its major highway link to the strategic road network. The constraints that the existing conditions present have a clear link to the economy of Torbay.

3.3.2 The evidence given by Robert Hetherington (**DDC/P/5**) addresses the wider economic impacts.

3.4 Objectives

3.4.1 The Statement of Case (SoC) lists a series of objectives that were prepared as part of A380 Newton Abbot to Torquay Corridor Study in order to evaluate proposals that were developed during the study process. (SoC Para 4.2.4) These objectives are shown at **Appendix 2** in Volume 3 of my evidence.

3.4.2 The Scheme forms part of an integrated transport strategy for the A380 Newton Abbot to Torquay corridor and contributes directly towards the following Corridor Study objectives:

Environment:

- To reduce community severance throughout the Kingskerswell area.
- 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 route 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 make travel by alternative modes (other than private car) more attractive within the study area.
- To provide measures for bus services to reduce journey times and reduce variability in journey times.

Integration:

- To improve the integration of transport modes in the Study area.

3.4.3 The remaining Corridor Study objectives, given below, are addressed by the complementary measures incorporated in the integrated transport strategy for the A380 Newton Abbot to Torquay corridor:

Accessibility:

- To promote the use of non-car modes by users of new development sites.

- To increase the proportion of journeys made by non-car modes in the study area.

Integration:

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

3.4.4 The way in which the Scheme meets these objectives is explained further in other evidence, particularly that of David Black (**DCC/P/4**).

4 OUTLINE DESCRIPTION OF THE SCHEME

4.1 The Scheme would be a 5km dual two lane carriageway road between Penn Inn and the Torbay Ring Road at Kerswell Gardens. The Scheme is illustrated in detail on the scheme plan at **CD 1.6**.

4.2 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.

- 4.3 The junction at Aller would be grade separated and would include an underbridge to carry the dual carriageway over the diverted Kingskerswell Road.
- 4.4 From Aller the route of the dual carriageway swings west 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 dual carriageway. 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 dual carriageway.
- 4.5 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.
- 4.6 There would be 50 mph speed limit on the dual carriageway between Penn Inn and Aller. Elsewhere, the national speed limit of 70 mph would apply.
- 4.7 The cross section of the new dual carriageway would generally comprise two 7.30m wide carriageways providing two 3.65m lanes in each direction. The exceptions 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 and the section between Penn Inn and Aller which would be two 3.5m lanes in each direction.

- 4.8 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.
- 4.9 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. No private accesses would be provided onto the bypass.
- 4.10 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 Brake 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.
- 4.11 A more detailed description of the scheme, the design standards adopted and construction details are provided in the evidence of Michael Smith (**DCC/P/3**).

5 DEVELOPMENT OF THE SCHEME AND ALTERNATIVES CONSIDERED

5.1 Background

5.1.1 For many years Devon County Council has recognised the importance of the A380 route from the A38 at Kennford to Torbay and had been progressively improving it to dual carriageway standard. By 1993 only the section from Penn Inn to Kerswell Gardens remained as a single carriageway.

5.1.2 The development of a Kingskerswell bypass proposal had been long and tortuous including the acceptance by the Government during the early 1990s that the A380 to Torbay should be given trunk road status and the project be funded as a trunk road scheme.

5.1.3 However, following the publication of the report Managing the Trunk Roads Programme in November 1995 the project was moved from Priority 1 status to the Longer Term Programme and eventually removed from the Trunk Road programme in 1996.

5.1.4 Given this change of direction by Government regarding its Trunk Roads programme and the change in transport policy signalled by the Government's White Paper, A New Deal for Transport – Better for All (**CD 4.37**), published in July 1998, Devon County Council and the new unitary authority Torbay Council decided that a fundamental review of this section of the A380 corridor should be undertaken.

5.1.5 This review took the form of a multi-modal corridor study and was undertaken by Halcrow Fox during 1999 and 2000.

5.2 **A380 Newton Abbot to Torquay Corridor Study**

5.2.1 Devon County Council and Torbay Council, working in partnership, prepared a study brief in August 1999. (See **Appendix 1** in Volume 3 of my evidence). This brief contained the following aims and objectives:-

“The aim of the corridor study is to examine all available options for reducing the impact of vehicle travel on the study area (see attached plan), and thereby to improve the environment for the people of Kingskerswell and local villages and allow essential employment and residential development to proceed as defined in the adopted Structure Plan and the emerging local plan. The study should recognise the Councils’ policy that the hierarchy of travel modes is walking, cycling, public transport and finally private vehicle.

The objectives of the corridor study are:-

- (i) To research and define the current travel patterns for the area;*
- (ii) To identify the effects of current highway conditions on local businesses and commercial operations;*
- (iii) To identify the environmental effects of current highway conditions on residential properties;*
- (iv) To identify the potential for non-car based transport systems to meet the future travel needs of the area;*

- (v) *To propose a transportation strategy for the area for inclusion in the Councils' Local Transport Plans which will meet current transport needs and allow new employment and residential development to proceed;*
- (vi) *To indicate the infrastructure and operational requirements and draft programme needed to implement this strategy;*
- (vi) *To provide information which can be used to support the proposed strategy at any Public Inquiry.*

The corridor study is intended to assist in the development of a short, medium and long term strategy. Therefore, any proposals shall only be developed in sufficient detail to demonstrate their feasibility, enable them to be appropriately specified for demand forecasting purposes and allow realistic cost estimates to be made”.

5.2.2 A copy of the study area plan is shown at Figure 1 in **Appendix 1**.

5.2.3 The study brief contained direction regarding the traffic modelling to be undertaken which included the following:

“The formulation of strategies and option testing will require the development of a multi-modal model that is capable of examining the effect of various proposals on the corridor. The model must

- *Correctly reflect existing travel patterns*
- *Provide the necessary input to the environmental assessment*
- *Provide the necessary input to any appraisal framework*
- *Assess the potential for modal transfer*
- *Predict the effect of induced traffic*

- *Be compatible with the use or development of a SATURN model.*

The Devon Structure Plan first review (adopted February 1999) sets out the hierarchy of modes to be used in this study. The multi modal model must be able to take account of the following modes,

- *Walking*
- *Cycling*
- *Public transport (both rail and bus)*
- *Private vehicles*

It is likely that the overall model will consist of a system of models rather than a single model, however they must perform adequately and consistently over all modes.”

5.2.4 The study brief also set the minimum level of survey requirements to determine travel patterns:

- (i) *roadside interview survey;*
- (ii) *key junction traffic counts;*
- (iii) *automatic traffic counts;*
- (iv) *pedestrian and cycle counts;*
- (v) *public transport surveys;*
- (vi) *travel time surveys;*
- (vii) *major attractor surveys;*
- (viii) *travel to school*

5.2.5 Halcrow Fox were appointed to undertake the corridor study in September 1999 and adopted an objective led approach for the study

whereby specific objectives were set against which any proposals developed were able to be judged. The objectives accorded with the Government's five key criteria of Environment, Safety, Economy, Accessibility and Integration, but were developed in more detail to set objectives developed which were specific to this area. The objectives developed are shown in Chapter 2 of **CD 5.23** and included in the Appendices to this Proof of Evidence at **Appendix 2** in Volume 3.

- 5.2.6 Prior to the development of any proposals it was essential to have robust information regarding existing travel patterns in the area. This information was required for the assessment of potential solutions and to understand the reasons behind existing travel patterns and identify what was generating travel demand.
- 5.2.7 Details of the surveys undertaken are contained in **CD 5.21**, A380 Newton Abbot and Torquay Corridor Study Report of Survey May 2000.
- 5.2.8 On completion of the surveys a full review of the transport conditions and operations within the study corridor was undertaken. This concluded that there was a high car dependency with over 75% of trips relying on a car. Usage of other modes was low, although household interviews revealed that approximately 10% of the household trips (over 100m in length) were made by walking. The modal share for bus, cycle and train combined was found to be less than 5%.
- 5.2.9 The review concluded that the existing traffic volumes on the A380 between Penn Inn and Kerswell Gardens *"is extremely high for a route of single carriageway standard which is reflected in the daily traffic*

profile which shows almost constant traffic volumes through the working day in each direction with some small increases during peak periods. Due to the existing capacity constraints there has been little growth in traffic on the A380 experienced during recent years. Slightly higher daily traffic volumes are achieved during summer months due to increases in interpeak traffic volumes being taken up to peak hour levels". (CD 5.22 Para 10.2)

5.2.10 In addition to very high traffic levels on the A380 the review also found that *"the high traffic levels and resultant congestion on the A380 attract a significant number of drivers to make use of alternative parallel routes to the A380 through the study corridor. The most significant routes are:*

- *Edginswell Lane/Huxner Road – Yon Street/Greenhill Road – Old Newton Road – Decoy Road; and*
- *Barton Hill Road – St Marychurch Road – Shaldon Road*

Use is also made of Kingskerswell Road and Fluder Hill as an alternative route between Torquay and Kingskerswell.

The current traffic volumes on these routes, particularly during peak periods, are highly undesirable due to the low standard of the roads and environmentally sensitive nature of the areas through which they pass. The combination of traffic volumes and vehicle speed in relation to the route standards result in significant numbers of accidents on these routes. In addition, the traffic creates unpleasant conditions for

residents, cyclists, pedestrians and horse riders on these routes". (CD

5.22 Para 10.3)

- 5.2.11 The review also considered the results of data gathering and surveys relating to public transport, school travel and accidents.
- 5.2.12 The main alternatives to travelling by car through the corridor were found to be bus and rail services. At the time of the study the Service 12 bus route operated a 12 minute interval between Newton Abbot, Torquay and Paignton, following the main A380 between Penn Inn and Kerswell Gardens. Whilst this service was found to provide significant passenger carrying capacity at an attractive frequency, the buses suffered from the same congestion problems as the private cars. In addition the variability in congestion conditions both on the A380 and elsewhere on the route adversely affected the reliability of the service. The main constraint on bus usage was found to be the restricted range of locations which were directly served by bus services with significant number of car trip movements which could not be made by bus or required lengthy journeys with interchanges.
- 5.2.13 Rail services were found to have a limited number of long-distance through services from the Torbay stations with most medium and long-distance passengers being required to change at Newton Abbot. The interchange intervals were found to be variable with some passengers being required to wait more than 30 minutes for a connection.
- 5.2.14 The overall proportion of school-related trips was estimated to be as high as 5%. From primary school interviews in Kingskerswell it was

found that over 35% of pupils normally arrived by car with the majority of the remainder arriving on foot. Most parents indicated that the most important measures which would encourage them to use alternative modes related to the improvement of safety and the environment for walking.

- 5.2.15 The analysis of road accidents along the A382/A380/A3022 corridor showed that whilst there were some clusters, such as around Penn Inn, Kerswell Gardens and Jurys Corner junctions, the rest of the accidents were fairly evenly spaced out along the corridor, suggesting a problem with side road and/or driveways, and rear-end accidents, possibly while travelling at lower speeds in queues.
- 5.2.16 The accident patterns on the two most significant parallel routes used by drivers trying to avoid congestion on the A380 found that there were nearly as many serious injury accidents on the St Marychurch Road/Barton Hill route as along the A382/A380/A3022 even though it carried only about 20% of the traffic volume. Also for the Decoy Road/Old Newton Road/Edginswell Lane route the rate of accidents was significantly higher than that on the A380.
- 5.2.17 Full details of the review of the transport conditions and operations within the study corridor are contained in **CD 5.22**, A380 Newton Abbot to Torquay Corridor Study Existing Situation Report June 2000. The conclusions of this review remain relevant today. There has been little fundamental change by way of any improvement in the corridor in the intervening time and the problems identified in the study remain. The

current situation is explained in detail in the evidence of David Black
(DCC/P/4).

5.2.18 Having identified the objectives and key issues described above the corridor study work then progressed to consider and identify different types of scheme option which could be relevant to the problems of the A380 corridor. The study recognised that it was appropriate that those options which do not require major infrastructure construction should be fully explored before considering those options which include a major scheme thereby conforming with the Government's desire that road building should be an option of last resort. Therefore the options were examined in order of the scale of interventions that would be required.

5.2.19 Options for testing were developed and grouped into seven types:-

- (i) Do Nothing
- (ii) Do Minimum – Independent Measures

This option includes a series of relatively small scale transport measures comprising:-

- Rail improvements
- Bus improvements
- Cycle improvements
- Education
- Traffic Management

These measures are both possible and desirable to implement regardless of any other options which are adopted.

(iii) Traffic Management and Control Systems

This option includes those measures which are considered as the lowest cost options for improving transport conditions within the corridor. Their aim is to improve the flow of traffic, particularly through the urban area of Kingskerswell thereby improving air quality and noise problems. These measures comprise:

- A traffic management scheme at Jurys Corner
- A pedestrian overbridge at Jurys Corner
- A traffic management scheme through Kingskerswell
- Revisions to Penn Inn traffic signals

(iv) Schemes to Encourage Modal Shift

These measures are aimed at reducing traffic flow through the corridor by attracting people to use alternative travel modes other than the private car. Such measures comprise:

- Bus Priority – Penn Inn Roundabout
- Bus Priority – Jurys Corner
- Bus Priority – Kerswell Gardens
- New Bus Services
- New Park and Ride sites
- A Kingskerswell Rail Station
- A Scotts Bridge Rail Station
- An Aller Rail Station

- Road User and Workplace Parking Charges

(v) On-Line Highway Schemes

These schemes attempt to provide improved traffic flow through the corridor without the generally larger impact of a bypass scheme. Whilst such schemes may have lesser impacts on ecology, landscape and water these benefits are generally offset by greater noise, severance and air quality impacts along the existing route. The following on-line measures were identified:-

- Penn Inn Flyover (single carriageway)
- Jurys Corner Flyover
- On-line widening of A380
- On-line widening of St Marychurch Road

(vi) Off-Line Highway Schemes

If all the above options fail to deliver the objectives require then it would ultimately be necessary to examine a new bypass scheme. Such a scheme would result in the removal of through traffic from the village of Kingskerswell and provide the ability to remove traffic from the alternative routes used as 'rat runs' thereby providing environmental benefits in these areas. However, there are disbenefits associated with the landtake required, the impact on the local environment and the impact on residents close to any such new route. The following alternatives were developed for further examination:

- Single Carriageway Western Bypass
- Single Carriageway Western Bypass with Tunnel near Kerswell Down
- Single Carriageway Eastern Bypass
- Dual Carriageway Western Bypass, as Highways Agency abandoned scheme but dual two lane
- Dual Carriageway Western Bypass with revised junctions
- Dual Carriageway Western Bypass with Tunnel near Kerswell Down
- Dual Three Lane Western Bypass, as abandoned HA scheme
- Railway Alignment Western Bypass

(vii) Complementary Measures

These are measures which might be introduced alongside other schemes, with the aim of improving local conditions. They could only be introduced to complement other measures which are effective in reducing traffic on the existing A380 route.

- Kingskerswell traffic restraint
- Edginswell Lane/Decoy Road traffic restraint
- Barton Hill Road/St Marychurch Road traffic restraint
- Fluder Hill traffic management

5.2.20 Details of these options are contained in **CD 5.23**, A380 Newton Abbot to Torquay Corridor Study Final Option Development Report August 2000.

5.2.21 As part of the scheme sifting process, a number of options were rejected without being taken forward for further appraisal. They comprised the following:-

- (i) Do Nothing – rejected because the existing conditions within the A380 corridor, from both a transport and environment related perspective were considered unacceptable. *“There are significant problems of environmental impact, road safety risk, congestion, lack of provision for pedestrians and cyclists, and lack of significant opportunity to use alternative modes of travel. It is not a realistic option to allow these conditions to continue and perhaps worsen over time”.* (**CD 5.24 Para 2.3**)
- (ii) 3 Lane Dual Carriageway Bypass – rejected as this was the form of bypass previously promoted by the Highways Agency at a time when ‘predict and provide’ was still prevalent. Current transport policy has moved towards managing travel demands in a more sustainable fashion and the provision of a new dual 3 lane bypass is clearly at odds with this approach. Also adoption of a 3 lane scheme could only be justified if junctions of comparable capacity could be provided at each end. This would require the creation of larger grade separated junctions which would be environmentally unacceptable, whilst also providing

capacity which would be out of step with the remainder of the adjacent highway network.

- (iii) Railway Alignment Bypass – rejected as whilst such a route would be relatively unobtrusive in the existing landform and would require much less land acquisition, it would cause major environmental impacts by introducing a new road and traffic through the historic core of Kingskerswell village and would require the acquisition of a significant number of residential properties.
- (iv) A Bypass to the East of Kingskerswell – rejected as no viable eastern bypass options could be identified, all routes having over-riding environmental problems.
- (v) Traffic Management and Control Schemes – rejected on the following grounds:-

Pedestrian overbridge at Jurys Corner would be a large structure rising above or level with bedroom windows, requiring land-take from gardens and would be highly intrusive locally and out of character with the residential area.

The Jurys Corner Traffic Management Scheme and Traffic Management through Kingskerswell would have limited impact upon local conditions with significant disbenefits relating to air quality, noise and rat-running.

Revisions to Penn Inn traffic signals were considered to have limited potential benefits and could not therefore be considered

as a long term solution to existing problems. However, it was recognised that adjustment of the traffic signal control at Penn Inn could produce short-term benefits.

(vi) On-line Schemes- rejected on the following grounds:-

Penn Inn Flyover(provided in isolation) would do little for the conditions in the A380 Corridor; its main effect would be to move the traffic queues to another point on the network.

Jurys Corner Flyover would be a large structure rising about or level with bedroom windows, requiring the demolition of at least two properties. It was considered to be highly intrusive locally and out of character with the residential area.

On-line widening of the A380 would require acquisition of substantial land from residential properties and some demolition along the line of the route. It was considered to have a severe environmental impact, in terms of noise, visual intrusion, and severance creating a major barrier to movement within the village.

On-line widening of St Marychurch Road was considered a feasible long term scheme but was rejected due to the adverse impact of increased traffic volumes being attracted to the Barton Hill Road area of Torquay.

5.2.22 Having completed the initial sifting exercise, the remaining 23 options were further reviewed and then finally assembled into six main options for detailed appraisal. These six options comprised:

- (i) Do Minimum – Existing situation + Independent Measures proposals
- (ii) Schemes to Encourage Modal Shift – Do minimum + Schemes to Encourage Modal Shift + Edginswell Lane/Decoy Road Traffic Restraint Scheme.
- (iii) Single Carriageway Bypass – Do Minimum + Single Carriageway Western Bypass + Complementary Measures
- (iv) Single Carriageway Bypass with Environmental Mitigation – Do Minimum + Single Carriageway Western Bypass with Environmental Mitigation strategy + Complementary Measures
- (v) Dual Carriageway Bypass – Do Minimum + Dual Carriageway Western Bypass + Complementary Measures
- (vi) Dual Carriageway Bypass with Environmental Mitigation – Do Minimum + Dual Carriageway Western Bypass with Environmental Mitigation Strategy + Complementary Measures

5.2.23 From the assessment process it was clear that no single option performed well against all objectives. The Schemes to Encourage Modal Shift, whilst producing only small improvements in relation to most objectives, caused few adverse effects. The bypass options performed well against most objectives but were found to perform badly without an environmental mitigation strategy in relation to some

environmental objectives. This performance of the bypass schemes in relation to fauna, flora and landscape was improved with an environmental mitigation strategy.

5.2.24 Having completed the assessment process the study then moved to the formulation of a strategy which would best meet the study objectives with the aim of providing the optimum balance between positive and negative effects.

5.2.25 The first step of this process was to consider if the Do Minimum option was realistic in its own right, i.e. the Independent Measures only. The appraisal showed that whilst these measures were sufficient to transfer some car trips to other modes the effect would be very small. As such there would be little change in operating conditions along the A380 compared with the Do Nothing situation. Also there would be no scope to implement restraint measures along the parallel routes of Decoy Road/Edginswell Lane and St Marychurch Road/Barton Hill Road and therefore operating conditions along these roads would not be improved.

5.2.26 The Do Minimum option was considered to result in *“continuing congestion along the A380, continuing environmental impact along the A380 and the parallel routes, continuing safety concerns on the parallel routes, continuing poor conditions for pedestrians and cyclists in the area, and little improvement to the attractiveness of other modes of transport”*. The study concluded *“such conditions are considered unacceptable”*. (CD 5.24 Para 4.2.1)

- 5.2.27 Having established that the Do Minimum option is not acceptable the study then moved to consider if the study objectives could be met sufficiently well by an option that did not include construction of a bypass. Since a range of traffic management and on-line schemes were ruled out at an early stage in the assessment it remained to be seen whether a scheme to encourage modal shift was sufficient in its own right.
- 5.2.28 The assessment showed that such a scheme would, at best, lead to a reduction in traffic flow along the A380 corridor of about 10% compared to the Do Minimum. The study concluded that: *“This would lead to a small improvement in operating conditions along the A380 itself, although this would not be significant. Such an option would, however, enable restraint measures to be implemented along Decoy Road/Edginswell Lane and so improve the environmental and safety concerns along that rat-run. This improvement would be offset by the increased traffic flow on the A380 as traffic transfers from the rat-run, taking traffic flows back up to the level of the Do Minimum. The end result would be a situation that saw no difference in the operating conditions and environmental impact on the A380, but improved conditions for those currently affected adversely by the rat-running traffic on Decoy Road/Edginswell Lane. Conditions on St Marychurch Road/Barton Hill Road would be the same as the Do Minimum.*

Whilst this would represent an overall improvement compared with the Do Minimum, our view is that conditions would not be sufficiently improved for this to be a viable option, since general conditions on the A380 would be worse than those that exist today. In essence, the separate schemes to encourage modal shift have only limited impact on car travel demand". (CD 5.24 Para 4.2.2)

5.2.29 Having reached a conclusion on the effects of the Do Minimum and schemes to Encourage Modal Shift options the study went on to conclude: *"... that construction of a new bypass would, whilst creating environmental improvement in some areas such as air quality and noise, have an adverse environmental impact in others. This is particularly the case in respect of the impact upon the local ecology and landscape. On balance, however, we see no choice but to build a new bypass if overall conditions along the A380 Corridor are to be improved. It is self evident, however, that any adverse environmental impact should be reduced as much as is feasible". (CD 5.24 Para 4.2.2)*

5.2.30 Following this establishment of the need for a bypass, the next question to be answered was what is the best layout?

5.2.31 The assessment of the single carriageway and dual carriageway options showed that neither scheme had outright advantages over the other. However, a single carriageway layout would require climbing lanes over some 20% of its length due to gradients and would require dualling south of the Penn Inn roundabout junction, to deal safely with

merging traffic. Notwithstanding this, a single carriageway scheme would still have a smaller negative environmental impact than a dual carriageway scheme. In contrast a dual carriageway scheme performed slightly better in terms of road safety and reduced journey times.

5.2.32 Having examined the issues in detail, including the capacity of the surrounding network, journey times and the desire to minimise induced traffic, the study finally concluded that a dual carriageway layout was preferred but that significant works would be necessary to mitigate its environmental impact. Such a scheme would follow the previous alignment proposed for Kingskerswell Bypass but with simplified and reduced junction layouts compared with the abandoned Highways Agency scheme. Despite investigations all other route variations proved inferior.

5.2.33 The final stage of the study process was to set out a preferred strategy in terms of short term, medium term and long term proposals for consideration by Devon County Council and Torbay Council. In preparing this strategy the study recognised that there were some elements of other options that should complement the bypass scheme and in particular identified those elements which were considered to have most merit in encouraging modal shift in the A380 corridor. The resultant strategy is shown below:

Short Term Measures	Medium Term Measures	Long Term Measures
Independent Measures: <ul style="list-style-type: none"> • Rail improvements • Bus improvements • Cycle improvements • Education measures • Road safety schemes • Increase long-stay parking charges 	Kingskerswell Bypass	Kingskerswell Station (subject to further study)
Kerswell Gardens Station	Bus Priority Penn Inn Roundabout	
Decoy Road/Edginswell Lane traffic restraint	St Marychurch Road/Barton Hill Road traffic restraint	
	Kingskerswell traffic restraint scheme	
	Barton/Lawes Bridge Park and Ride	

(CD 5.24 Para 5.2)

5.2.34 The above measures will be dealt with further when I describe the adopted Integrated Transport Strategy below.

5.3 Adoption of a Strategy

5.3.1 In response to the outcomes of the Corridor Study, Devon County Council and Torbay Council jointly prepared a report to be considered by their respective Executive Committee and Strategic Services Committee. This report, shown at **Appendix 3** of my evidence in Volume 3, provided details of the study process, outcomes and recommended strategy and went on to recommend that whilst further study work was undertaken into the detailed implications of progressing

the strategy, the proposed strategy be included in the two authorities' Local Transport Plans.

5.3.2 These recommendations were approved by both Committees and the strategy was subsequently incorporated in both authorities' Local Transport Plans for the period 2001 – 2006.

5.3.3 The development of the strategy into an Integrated Transport Strategy is covered in Chapter 6 of this proof of evidence.

5.4 Design Review

5.4.1 Whilst the corridor study conclusions established the need for the Scheme and that the route should follow the line protected in successive Structure Plans and Local Plans, it raised concerns regarding the mitigation of adverse effects relating in particular to ecology and landscape.

5.4.2 The study recognised that substantial environmental mitigation measures would be necessary and went on to suggest that this might extend to placing a section of the route in a cut and cover tunnel. Having said that, the study also recognised that further work and study was necessary in order to develop an effective environmental mitigation strategy for the scheme.

5.4.3 This further work was undertaken by examining the Scheme design in more detail with the assistance of detailed landscape expertise in order to understand the nature and scale of the potential impacts and how such impacts might be mitigated. This considered how the Scheme

could be developed, making maximum use of flexibility in the application of design standards, in order to minimise the footprint of the scheme and its effect on the landscape. As a comparator, an alternative option of placing a 500 metre section of the route in a cut and cover tunnel was also developed.

- 5.4.4 In addition to this, design work was also undertaken to develop the layout of the junctions required for the Scheme, again with the aim of minimising footprint and impacts.
- 5.4.5 The review process resulted in a design with significantly reduced earthworks compared to earlier proposals developed by the Highways Agency prior to 1995, and also compared to the layout assumed during the corridor study, in order to mitigate the landscape impact. In addition the design included landscape screening in the form of false cuttings, together with proposals for landscape planting, to mitigate adverse effects.
- 5.4.6 The outcome of the review was reported to the Executive Committee of Devon County Council and the Strategic Services Committee of Torbay Council on 11 December 2001 and 28 November 2001 respectively. A copy of the report is shown at **Appendix 4** in Volume 3 of my evidence.

6 INTEGRATED TRANSPORT STRATEGY FOR THE A380 NEWTON ABBOT TO TORQUAY CORRIDOR

6.1 Local Transport Plan 2001 – 2006

6.1.1 Completion of the A380 Newton Abbot to Torquay Corridor Study and the adoption of a strategy for the corridor by both authorities described, in section 5.3 above, was followed by the development of the strategy into a series of proposals for implementation during the Local Transport Plan (LTP) 2001 – 2006 period. In addition, longer term proposals were also considered for the 2006 – 2012 period and beyond.

6.1.2 The Devon Local Transport Plan 2001 – 2006 embodied the strategies and proposals within the Newton Abbot Zone Programme. See extract shown at **Appendix 5** in Volume 3 of my evidence.

6.1.3 The Newton Abbot Zone Programme's Strategy recognised "the need to reduce current high levels of congestion on the A380 Newton Abbot – Torbay corridor" as one of its three key items and went on to include the following corridor related items in its eight key priorities:

- enhanced walking and cycling routes including links to the National Cycle Network and a new pedestrian cycle bridge at Newton Abbot station
- measures to introduce modal shift options to relieve year-round congestion on the A380 corridor and in Newton Abbot town centre
- public transport interchanges at Newton Abbot
- a new bus station in Newton Abbot

- improved access, especially for people with disabilities, at rail stations
- phased programme of demand restraint, e.g. residents' parking, car parking accessibility

6.1.4 During the LTP 2001 – 2006 period the following integrated transport objectives were achieved for the A380 corridor:

- on road cycle lanes provided through the corridor (A380 Corridor Strategy, short term measure)
- a new high quality fleet of Euro 3 standard low floor buses introduced in 2004 (A380 Corridor Strategy, short term measure)
- new bus shelters provided through the corridor (A380 Corridor Strategy, short term measure)
- improvements to local rail services through incremental timetable changes towards a clockface timetable (A380 Corridor Strategy, short term measure)
- road safety improvements at Jurys Corner completed in 2004 (A380 Corridor Strategy, short term measure)
- traffic calming and 20mph zones implemented in Kingskerswell village to discourage inappropriate use of minor roads (A380 Corridor Strategy, short term measure)
- an improvement to Penn Inn roundabout and Shaldon Road to ease traffic flows completed in 2003

6.1.5 Some difficulties were encountered during this period with the promotion of parts of the integrated transport strategy:

- The proposal for an off-road Aller Valley cycle route was withdrawn following significant local objection to the planning application including an objection from the Parish Council. (A380 Corridor Strategy, short term measure)
- The proposal for a new rail station at Kerswell Gardens was abandoned following discussions with Network Rail which indicated that a suitable station was not possible in this location due to the track alignment. (A380 Corridor Strategy, short term measure)

6.2 Local Transport Plan 2006 – 2011

6.2.1 The Devon Local Transport Plan 2006 – 2011 (**CD 3.9**) sets out the achievements of the first LTP listed in 6.1.4 above, and sets out a continuing strategy for improvements in the short term that would also form part of the long term solution for the corridor if the Scheme is completed:

- traffic calming in Buckland, Milber and Aller
- priority lanes for buses, HGVs and taxis on approaches to Jurys Corner
- joint strategic bus partnership with Torbay and Stagecoach to introduce next stages of upgrading bus services on the route, including real time information and further bus priority measures in Torbay
- cycle links to Newton Abbot via Penn Inn

- further school travel plan measures for Kingskerswell and Decoy primary schools
- extension of cycle route into Torbay as part of NCN 28
- traffic management measures on minor roads parallel to the A380 to reinforce use of the Scheme and to protect residential areas. This is dependant on the Scheme being completed.
- possible extension to bus services into a Newton Abbot urban extension to provide direct linkages between residential, employment areas and community facilities such as the relocated hospital and rail station.

The Torbay Local Transport Plan 2006 – 2011 (**CD 3.11**) reflects this strategy. (Chapter 10, paragraph 10.1.3).

6.2.2 At the present time, part way through the current LTP period, the following progress has been made:

- The use of 'Travelwise' messages along the corridor and on buses to encourage less reliance on travel by car have been implemented. (A380 Corridor Strategy, short term measure)
- The majority of the schools in the Newton Abbot and Kingskerswell area now have adopted travel plans and in many cases schemes have been, or are being, introduced to address access and safety issues. In particular improved footpath access has been provided to Kingskerswell Primary to support the successful walking bus. Considerable investment has also been made in improving walking and cycling access to the secondary schools in Newton Abbot

which serve the Kingskerswell area and further improvements are planned. GIS mapping of children's travel modes and patterns is used to support the development of the transport strategy for the area. Torbay Council has also been successful in developing School Travel Plans for all the schools in its area. (A380 Corridor Strategy, short term measure)

- It is now standard practice in the Teignbridge area for any new significant employment related development (including retail) to be required to include an acceptable travel plan with clear targets and measures for reducing the level of car usage and improving the quality of other options. Several key sites such as the new hospital have developed plans. The County Council has carried out a major 'tally' of as many Newton Abbot area employees' travel habits as possible. This will help DCC understand where the best opportunities are to be develop voluntary travel plans with employers and will be repeated on a bi-annual basis. (A380 Corridor Strategy, short term measure)
- The County Council has, jointly with the rail industry, recently developed 'A Strategy for Devon Rail Stations' designed to provide a focus for improvements to stations including access. (A380 Corridor Strategy, short term measure)
- A 20mph zone has been implemented in the Buckland area.
- Raised bus boarders have been installed through the corridor. (A380 Corridor Strategy, short term measure)

- In a jointly funded partnership with Stagecoach the Buckland bus service has been upgraded to modern low floor, low emission vehicles to improve the attractiveness of the service. (A380 Corridor Strategy, short term measure)
- Torbay Council has installed new shelters at service 12 bus stops. (A380 Corridor Strategy, short term measure)
- A scheme to provide new walking and cycling facilities between Newton Abbot Rail Station and Decoy, Penn Inn, Milber, Buckland and Aller is included in the 2009/10 Newton Abbot Area Programme. (A380 Corridor Strategy, short term measure)
- A scheme to improve the connection between bus and rail services is currently being developed for Newton Abbot Station forecourt. (A380 Corridor Strategy, short term measure)
- A scheme to provide a new foot and cycle link from Newton Abbot Station to the Brunel Industrial Estate is currently being planned. This would provide a better interchange for those travelling by bus into Newton Abbot on service 12 from the Kingskerswell and the Torbay area, allowing more attractive access to much of the Brunel Industrial Estate. (A380 Corridor Strategy, short term measure)

6.2.3 The proposal for priority lanes for buses, HGVs and taxis on the approaches to Jurys Corner has not been pursued following local objections to the proposals from residents and the Parish Council and in recognition that the benefits were small and short term. (A380 Corridor Strategy, short term measure)

6.2.4 Network Rail is currently working on a Rail Utilisation Strategy (RUS) for the Great Western Region. Their programme is to publish a consultation document in Spring 2009 followed by publication of the final RUS in Summer 2009. Publication of the consultation document is currently awaited. The RUS will form the basis for the development and delivery of timetable, infrastructure maintenance and renewals for the network. It will also underpin the development of the franchise specification and contribute to recommendations for enhancing and/or improving the rail network.

7 CONSULTATIONS

7.1 Public Consultation

7.1.1 Following completion of the A380 Newton Abbot to Torquay Corridor Study, the subsequent review of the Scheme design and the, in principle, adoption of a strategy for the corridor by Devon County Council and Torbay Council, a full public consultation was undertaken in 2002.

7.1.2 This consultation took the form of a series of local public exhibitions held at the following locations in Kingskerswell, Torquay and Newton Abbot during the period 27 February 2002 to 27 March 2002:

- Kingskerswell Village Hall

- preview for elected members, specialist bodies and householders adjacent to the Scheme, 27 February 2002
- open to the public, 28 February 2002 to 2 March 2002
- Central Church, Torquay, 8 March 2002 and 9 March 2002
- Forde House, Newton Abbot, 27 March 2002

7.1.3 The exhibition explained the history of the Scheme, summarised the findings of the corridor study including the future transport strategy proposed and displayed layouts of both engineering and landscape proposals for the Scheme.

7.1.4 Prior to the exhibitions a four page newspaper publication and questionnaire was delivered across Newton Abbot, Kingskerswell and Torquay.

7.1.5 Responses to the consultation showed a high level of in principle support for the proposals, with 83% of respondents finding the considering the layout shown to be acceptable or broadly acceptable but with some detailed changes. The full results of the consultation were reported to Devon County Council's Executive on 25 June 2002 and to Torbay Council's Full Council on 27th June 2002. The report is shown at **Appendix 6** in Volume 3 of my evidence.

7.1.6 The Planning Authority consultation in December 2004 to July 2005, including a site meeting hosted by the Planning Authority on 27 June 2005 at the Kingskerswell Parish Centre, provided further opportunity to comment on the scheme. The full environmental statement and non-technical summary had been available to view at local council

offices and online at www.devon.gov.uk from the date of submission of the planning application together with the other application drawings and details.

7.1.7 Following the granting of conditional planning permission in 2005 the detailed provision for buses has been altered in the Milber and Aller Park area to address the level of local concern expressed. This also included a commitment to increase local bus services through the two estates. These alterations were the subject of a local exhibition held in the St Lukes Church Hall, Milber on 17 June 2006.

7.1.8 A further series of public exhibitions were held at the following locations in Kingskerswell, Torquay and Newton Abbot between 26 January and 2 February 2008 to display the Scheme layout and to present the proposed Draft Orders for information and comment prior to making the Orders:

- Kingskerswell Community and Leisure Centre, 24 January to 26 January 2008
- St Lukes Church Hall, Milber, 31 January 2008
- Central Church, Torquay, 1 February and 2 February 2008

Where appropriate, comments received regarding the accuracy of the Orders were incorporated prior to making the Orders.

7.2 Consultation with Statutory and Non-Statutory Bodies

7.2.1 Consultation with statutory and non-statutory bodies has been undertaken throughout the development of the Scheme. In particular

these bodies were consulted during the public consultation undertaken in 2002 and again during the Planning Authority consultation relating to the planning application.

7.2.2 The Statutory environmental bodies, namely Natural England, English Heritage and the Environment Agency confirmed their acceptance of the proposals during the planning application process, subject to the imposition of planning conditions. Natural England are members of a steering group together with RSPB, Teignbridge District Council and Devon County Council who are working to deliver the environmental mitigation and compensation measures which accompany the Scheme. Similarly the Environment Agency has been closely involved with the Scheme development through the various applications relating to land drainage and fisheries.

7.2.3 With regard to other authorities:

- The South West Regional Assembly and the South West of England Regional Development Agency are regularly updated with information through meetings of the Regional Transport Board. The Scheme is included the Regional Assembly's major transport schemes forward five year programme.
- Teignbridge District Council continues to be consulted regarding ecological mitigation and air quality work.

7.3 Landowner Consultation

- 7.3.1 As a result of the lengthy history of previous proposals, landowners have been approached by Devon County Council over an extensive period of time. As a result many of the landowners are well known to the Council. Following the complete review of proposals for the corridor all landowners were given an individual invitation to attend a preview of the public exhibition in 2002 where officers from Devon County Council and Torbay Council, plus staff from the design team, were able to provide detailed help and information regarding concerns. This forum was well attended and allowed personal contact to be made or re-established.
- 7.3.2 During the intervening period landowners have been consulted through the formal planning application consultation and have also been sent copies of a scheme newsletter to keep them informed of progress and changes. More recently landowners have been engaged in the formal Statutory Referencing procedure as part of the preparation of the Compulsory Purchase Order and they were also invited to a preview of the Orders exhibition where any concern and issues could be dealt with separately from the later public opening times.
- 7.3.3 In accordance with paragraph 24 of Circular 6/04, (**CD 4.12**) the Acquiring Authority (AA) is seeking to acquire the land necessary for the Scheme by negotiation. These negotiations will continue in parallel with the formal compulsory purchase procedures.

8 CONSENTS AND AUTHORISATIONS

8.1 In order to construct the Scheme a number of other consents and authorisations will be required. These are listed below together with the current status:

- Planning Permission for the Scheme – conditional approval granted by Devon County Council and Torbay Council (**CD 2.6, CD 2.8 and CD 2.10**)
- Land Drainage/Flood Defence Consent – consent granted by the Environment Agency, see **Appendix 7** in Volume 3 of my evidence.
- Salmon and Freshwater Fisheries Act Consent – consent granted by the Environment Agency, see **Appendix 8** in Volume 3 of my evidence.
- Network Rail approval of structures affecting the railway – in principle approval received
- Common Land – an area of Exchange Land is included in the Order Land and which is proposed to be supplemented by the Supplementary CPO described in paragraphs 9.6, 9.7 and 9.8 of my evidence. Devon County Council has made an application for the Secretary of State's consent pursuant to Section 19 of the Acquisition of Land Act 1981.

8.2 The Scheme has the support of the Regional Assembly's Regional Transport Board, evidenced by its identification as a priority for investment in the advice from the South West Region to the

Department for Transport. The Region's advice includes details of how the Scheme's costs would be met from the Regional Funding Allocation. This is further explained in the evidence of Ian Harrison (**DCC/P/2**)

8.3 A Major Scheme Business Case is currently being considered by the Department for Transport (**CD 5.32** and **CD 5.33**) requesting a total contribution from the Department of £108.77 million towards a total scheme quantified cost estimate of £120.86 million. Devon County Council and Torbay will jointly fund the difference as their local contribution.

8.4 I consider that it is reasonable to conclude that the necessary funding will be available and that delivery of the Scheme is unlikely to be blocked by any impediment to implementation (Circular 6/04, paragraph 22, **CD 4.12**).

9 EXCHANGE COMMON LAND

9.1 The CPO includes an area of Common Land which forms part of Kerswell Down. The area required for the scheme is 8,778 square metres which comprises 190 square metres of car park and access road, 4,060 square metres of quarry currently used for storage of road chippings and a surfaced model car racing track, and 4,528 square

metres of woodland. A plan of this existing situation is shown at **Figure 1** in Volume 3 of my evidence.

- 9.2 The Scheme would provide a replacement access road and car park area. This access would be from Maddacombe Road, as existing, with the car parking area located in the area of the existing quarry floor. A more detailed description of this arrangement is given in the evidence of Michael Smith (**DCC/P/3**).
- 9.3 The CPO also includes an area of land for Exchange Land. This area comprises a total 8,778 square metres and would provide replacement woodland together with an additional 4,250 square metres of woodland.
- 9.4 This Exchange Land was selected following a review of potential land surrounding the Common. The Common is bounded on its northern side by Maddacombe Road. Its western boundary abuts land owned by Aggregate Industries which has the benefit of mineral rights. This leaves land on the southern and eastern boundaries as possible areas for exchange. An aerial photograph of the area is shown at **Figure 2** in Volume 3 of my evidence. Inspection shows that the most suitable land is the woodland area to east of the Common. This land is similar in nature and general ambience to the existing common land and would also enable an access to be provided to Churchway Lane. Whilst there is an existing permissive path through the land this right of access is precarious. Acquisition of this land for exchange would allow it to be vested in the Parish Council, current owners of the Common Land, and for public access to be secured. There would also be a separate

financial provision to provide for the Parish Council carrying out any woodland maintenance that might be necessary to ensure public safety.

9.5 Access to the Exchange Land from the village would be available from two directions. An access would be available via the new access that would be constructed from Maddacombe Road into the new car park area. From this point a new footpath would be constructed to provide access to the existing tracks within the Common Land. Once within the Common, access would be provided between the Common Land and the Exchange Land by the removal of existing boundary fencing. A second access would also be provided via an access track that would be constructed between Huxnor Road and Churchway Lane. Access from Churchway Lane would then be provided to the Exchange Land and thence from the Exchange Land to the existing Common Land by the removal of the existing boundary fencing. These access arrangements are shown at **Figure 3** in Volume 3 of my evidence.

9.6 In addition to the Exchange Land described above the AA is also taking steps to provide a further area of land, also shown at **Figure 3** in Volume 3 of my evidence. This additional area has been selected for its accessibility from Churchway Lane, its suitability for woodland planting and its connectivity to the existing Common Land.

9.7 This additional Exchange Land would provide a further 8,778 square metres for exchange, giving an overall total of 17,556 square metres, twice the area of Common Land taken in the CPO. This area is

currently agricultural grassland, however, the AA in agreement with the Parish Council, would undertake a woodland planting scheme using species suitable for the surrounding landscape and also ecological benefit. The AA would also provide a field gate access from Churchway Lane for maintenance vehicles, together with a separate pedestrian access gate. The access location is shown at **Figure 3** in Volume 3 of my evidence.

- 9.8 The AA has resolved to make a Supplementary CPO for this land, together with an associated No. 2 SRO to provide access from Churchway Lane. These Orders are currently being prepared.

10 COMPLIANCE WITH THE HUMAN RIGHTS ACT

- 10.1 The Human Rights Act 1998 requires (amongst other things) that every public authority must act in a manner which is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). The main articles of the Convention which are of importance in circumstances where the Council is considering making a CPO are Article 8 – the right of an individual to respect for his/her private and family life and home and Article 1 of the First Protocol – the protection of property.
- 10.2 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the

individual and of the community as a whole”, i.e. in the present context that any compulsory purchase of land must be proportionate. Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local planning authority.

Similarly, any interference with Article 8 rights must be such that is “necessary in a democratic society”, i.e. proportionate. In pursuing a compulsory purchase order, the Council has to carefully consider the balance to be struck between individual rights and the wider public interest having regard also to the availability of compensation for compulsory purchase.

10.3 Whilst Article 8(1) (as has been noted) provides that everyone has the right of respect for his/her property Article 8(2) allows the State to restrict the rights to respect for the property to the extent necessary in a democratic society and for certain listed public interest purposes (e.g. public safety, economic well being, protection of health and protection of the rights of others).

10.4 If the Order is confirmed, compensation may be claimed by persons whose interests in land have been acquired or whose possession of land has been disturbed. In the circumstances, if the Order is confirmed, the compulsory acquisition of the Order Land will not conflict with Article 1 of the First Protocol or Article 8 of the Convention. The Council considers that there is a compelling case in the public interest for the Order Land to be acquired. Having regard to the need for the

Scheme, the Council considers the acquisition of land and rights over land that the Order would authorise to be proportionate and justified.

11 RESPONSES TO POINTS RAISED BY OBJECTORS

11.1 In considering points raised by objectors I shall as far as possible group the key themes arising and note the objectors who have raised them.

11.2 Adequacy of Exchange Common Land

Statutory Objectors Nos: 13 Kingskerswell Parish Council, 15 A & B Ainsworth and 19 Mrs E Taylor.

Non-Statutory Objectors: 23 Mrs J Howard, 24 Mrs M Hearn, 25 Mr B Deakins, 27 M & D Poole, 38 M Howard, 40 The Open Spaces Society, 41 Miss R Middlebrook, 42 Mr D Metcalf, 45 The Kingskerswell Alliance, 48 Mr K Pegden, 54 M T Frith, 56 G & S Catley, 59 Ms K Frith and 65 Mr R Hooper.

11.2.1 In summary the above objectors raise issues regarding the location, choice, adequacy and safety of the Exchange Common Land.

11.2.2 I deal with these issues in Chapter 9 of my evidence, in particular noting the existing uses of the Common Lane required for the Scheme in paragraph 9.1 and the reasons for the selection of the Exchange Land in paragraph 9.4. I also explain the precarious nature of the existing rights of access to the Exchange Land in paragraph 9.4 together with the means by which the AA would provide for woodland management to ensure public safety.

11.2.3 My evidence also describes in paragraphs 9.6, 9.7 and 9.8 additional Exchange Land and that the AA has resolved to make a Supplementary CPO for this land.

11.2.4 The provision of this additional Exchange Land, together with the original Exchange Land, would provide an area of land double in area to that which would be required for the Scheme. Whilst the AA would propose to provide a planting scheme for this additional Exchange Land, the AA believes that the proposal provides Exchange Land that is equally advantageous to that being acquired for the Scheme without such planting.

11.3 More Affordable Solutions are Available

Statutory Objectors Nos: 5 Mr & Mrs D J and J M Bennett and 15 A & B Ainsworth.

Non-Statutory Objectors Nos: 30 Mr E Whereat, 32 Mr S Baxter, 33 Mrs P Hampson, 34 Mr C Hampson, 35 Mrs P Pegden, 36 Mr M Gwinnell, 37 Mr P Bright, 38 M Howard, 39 Mr P Martin, 42 Mr D Metcalf, 43 Mr S Wright, 45 The Kingskerswell Alliance, 46 Ms S Hall, 47 R, B & J Williams, 48 Mr K Pegden, 49 R Howes, 50 I Howes, 54 Mr T Frith, 58 B Holmes, 59 Ms K Frith, 64 Mr K McGrath and 66 Mr A Griffey.

11.3.1 In summary the above objectors consider that more affordable or cost effective solutions to the problems on the A380 corridor are available and/or that alternatives have not been properly investigated.

- 11.3.2 Chapter 5 of my evidence details the assessment of alternatives undertaken during the multi-modal corridor study and also provides details of the wide ranging brief for the study, shown at **Appendix 1**.
- 11.3.3 In paragraphs 5.2.18 and 5.2.19 I provide details of the many options developed during the study and how these options were grouped into seven types. In paragraphs 5.2.21 to 5.2.33 I deal with the assessment of these options and the development of a strategy for short term, medium term and long term proposals.
- 11.3.4 In addition to this work the AA has also examined the alternative proposals put forward by the Kingskerswell Alliance and also referred to as a more affordable alternative by many of the above objectors. The assessment of this alternative is detailed in the evidence of David Black (**DCC/P/4**).
- 11.3.5 I consider that the examination of alternative options has been undertaken at an appropriate level of detail and at an appropriate time in the Scheme's development. Alternative options are less effective in delivering the objectives and provide lower economic returns.
- 11.4 Route Choice Causes Severance of the Village**
Non-statutory Objectors Nos: 34 Mr C Hampson, 35 Mrs P Pegden, 38 M Howard, 39 Mr P Martin.
- 11.4.1 In summary the above objectors consider that the route of the Scheme causes severance to the village and passes too close to residential property.

- 11.4.2 In my evidence I provide in Chapter 5, paragraph 5.2.19, details of the off-line highway scheme route options which were developed for further examination during the A380 Newton Abbot to Torquay Corridor Study. These options were developments of three main off-line routes identified during the study:
- a western bypass of Kingskerswell
 - an eastern bypass of Kingskerswell
 - a 'railway alignment' bypass of Kingskerswell
- 11.4.3 As part of the scheme sifting process undertaken during the study the eastern and railway alignment routes were rejected due to their high environmental impacts. See paragraph 5.2.21 of my evidence.
- 11.4.4 The study finally concluded that a bypass scheme should follow the alignment of earlier proposed schemes as despite investigation all other route variations proved inferior.
- 11.4.5 The Environmental Statement (**CD 2.3**) which accompanied the planning application for the Scheme also included details of the route selection process and provided more detailed information regarding an eastern route alignment and a comparative assessment with the Scheme. The ES concluded that the Scheme on balance has more advantages.
- 11.4.6 I conclude therefore that the Scheme follows the most suitable alignment available and has the benefit of conditional planning permission.

11.5 Process for Discharging Planning Conditions

Non-Statutory Objector No. 42 Mr D Metcalf

11.5.1 In summary this objector raises the question of how the CPO can be served “on land pertaining to the planning and environmental mitigation through landscaping and earthworks when the relevant planning conditions have not yet been extinguished”.

11.5.2 The planning application for the Scheme included details of proposed mitigation works in the Environmental Statement and these works and the areas necessary to deliver them were shown on the planning application drawings.

11.5.3 The CPO reflects the planning application proposals which have the benefit of conditional planning permission. Whilst the planning consent contains a Schedule of Conditions, those relating to hard and soft landscaping and on-site mitigation measures require that full details are submitted and approved “prior to the commencement of the development”. Therefore there is no conflict between the making of the CPO and the requirements of the Planning Permission Schedule of Conditions.

11.6 Exchange Common Land Does Not Assist Provision of a Future Valley Park

Non-Statutory Objector No. 65 Mr R Hooper

11.6.1 In summary this objector considers that the Exchange Common Land included in the CPO does not fit with the view expressed by the local

population in a recent survey that new public land should be provided to develop a valley park along the Aller Brook Valley.

- 11.6.2 The selection of the Exchange Land is explained in Chapter 9 of my evidence which particularly notes that the Exchange Land is similar in nature and general ambience to the existing common land and is directly connected to the existing common land. This final point being of particular importance in order to ensure that the common land required for the Scheme is replaced by land that would be contiguous with the common land and directly accessible from the common land. None of these requirements would be met if land remote from the common land were offered in exchange.

12 SUMMARY AND CONCLUSIONS

- 12.1 Whilst a bypass for Kingskerswell has been recognised in development plans for over fifty years, my evidence details the fundamental review of the problems being experienced in the A380 Corridor that was undertaken in 2000. This review was predicated in on the change in transport planning policies in the late 1990s and involved a multi-modal approach to investigating the problems and proposing solutions. This approach to investigating problems and developing solutions remains valid.
- 12.2 The outcome of this review process, having considered many options, confirmed the need for improvement to the A380 and concluded that if

overall conditions along the A380 Corridor were to be improved then a bypass was necessary.

- 12.3 The review process also concluded that the current route of the Scheme was the best available and that the Scheme should form part of a wider package of measures for the corridor. These complementary measures have been included in LTPs and their delivery continues through the current LTP period.
- 12.4 Further medium term measures are also planned for implementation alongside completion of the Scheme and these will come forward in future LTPs.
- 12.5 The Scheme includes a significant package of environmental mitigation measures to ensure that on balance the impact on the local environment is acceptable. This has been examined through the planning application process prior to the granting of conditional planning permission by the Planning Authorities.
- 12.6 I have also considered the wider elements of need in my evidence and this is covered in greater detail in the evidence of Ian Harrison (**DCC/P/2**), David Black (**DCC/P/4**) and Robert Hetherington (**DCC/P/5**). There is a compelling case in the public interest for the delivery of the Scheme (Circular 6/04, paragraph 17, CD 4.12) and on balance this need outweighs the impacts and therefore the public benefit outweighs private loss.

13 ABBREVIATIONS

AA	The Acquiring Authority
AADT	Annual Average Daily Traffic in vehicles per day (annual traffic divided by 365)
CD	Core document
CPO	The Devon County Council A380 South Devon Link Road (Kingskerswell Bypass) Compulsory Purchase Order 2008
DCC	Devon County Council
RRS	Regional Spatial Strategy
HGV	Heavy Goods Vehicle
kph	Kilometres per hour
LTP	Local Transport Plan
mph	miles per hour
RSPB	Royal Society for the Protection of Birds
RUS	Rail Utilisation Strategy
SoC	Statement of Case
SRO	The Devon County Council (A380 South Devon Link Road (Kingskerswell Bypass) Classified Road) (Side Roads) Order 2008
SSCTs	Strategically Significant Cities and Towns