

# A30 Chiverton to Carland Cross TR010026

## 6.2 ENVIRONMENTAL STATEMENT CHAPTER 1 INTRODUCTION

Planning Act 2008

APFP Regulation 5(2)(a)  
Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

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Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

**A30 Chiverton to Carland Cross  
Development Consent Order 201[x]**

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**6.2 ENVIRONMENTAL STATEMENT  
CHAPTER 1 INTRODUCTION**

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# 1 Introduction

## 1.1 Purpose of the environmental statement

- 1.1.1 Highways England has commissioned this Environmental Statement (ES) to be prepared as part of the Environmental Impact Assessment (EIA) of the A30 Chiverton to Carland Cross, hereinafter referred to as “the scheme”. The purpose of this Environmental Statement (ES) is to report the environmental impact assessment (EIA) that has been carried out for the scheme as a statutory requirement.
- 1.1.2 The Environmental Statement forms part of Volume 6 Environmental Information of the application for a Development Consent Order (DCO) authorising Highways England to build the scheme. Volume 6 includes:
- Document Reference 6.1 Non-Technical Summary
  - Document Reference 6.2 Environmental Statement
  - Document Reference 6.3 Environmental Statement – Figures
  - Document Reference 6.4 Environmental Statement – Appendices
  - Document Reference 6.5 Habitat Regulations Assessment Screening
  - Document Reference 6.6 Statement of Statutory Nuisance
- 1.1.3 The role of the Planning Inspectorate is to examine the application and make a recommendation to the Secretary of State as to whether the DCO should be granted. The principal purpose of this ES is to provide the Planning Inspectorate with the relevant environmental information. The information in Volume 6, along with other application Volumes, will allow the Planning Inspectorate to make a well-informed recommendation, and to influence the terms of the DCO in relation to environmental matters.
- 1.1.4 The ES also provides details to other interested parties, who have a role in, or wish to participate in the statutory decision-making process.

## 1.2 Legal basis for the environmental statement

- 1.2.1 The scheme qualifies as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 (the Act) and the environmental assessment has been undertaken under The Infrastructure Planning (EIA) Regulations 2017 (hereafter referred to as the EIA Regulations).
- 1.2.2 The A30 Chiverton to Carland Cross is a ‘highways’ NSIP under section 22(2) of the Act (as amended), as it consists of the construction of a highway that is wholly within England, where the Secretary of State (SoS) is the Highway Authority. The scheme consists of the construction of a highway which is other than a motorway, the speed limit is expected to be 50mph or greater, and the area of development is greater than the relevant limit set out in section 22 (4) (c) of 12.5 hectares.
- 1.2.3 As the scheme is an NSIP, Highways England is required to make an application for a Development Consent Order (DCO) to the Planning Inspectorate. If granted by the Secretary of State, the DCO will provide the necessary authorisation to allow the scheme to be constructed.

## 1.3 Scope and content of the environmental statement

- 1.3.1 The scope of the Environmental Statement is defined by Regulation 2(1) of the EIA Regulations which outlines the information for inclusion in environmental statements in Part 1 of Schedule 4.
- 1.3.2 The scope of the EIA has been informed through engagement with the Planning Inspectorate through a request to them for a Scoping Opinion. The request was made in August 2017, and was accompanied by a Scoping Report. The Scoping Opinion was received in September 2017. The Scoping Report and the Scoping Opinion have been made available by the Planning Inspectorate on their website, via the following link:
- <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a30-chiverton-to-carland-cross-scheme/>
- 1.3.3 The structure of this ES is in line with the requirements of the EIA Regulations and draws upon the guidance provided by Highways England's Design Manual for Roads and Bridges (DMRB) Volume 11 Environmental Assessment.
- 1.3.4 Volume 6 Document Reference 6.1 Non-Technical Summary (NTS) provides a description of the EIA process and its findings in non-technical language.
- 1.3.5 Volume 6 Document Reference 6.2 Environmental Statement contains the main text of the ES and is divided into three parts:
- Chapters 1 to 4 provide information appropriate to the whole of the EIA, including an introduction to and detailed description of the Scheme and the EIA itself, a summary of alternatives considered, an account of how highways England have consulted on the scheme during its development, and a description of the approach taken to the EIA;
  - Chapters 5 to 14 describe and assess the potential effects of the scheme in relation to a series of specialist topics covering particular aspects of the environment; and
  - Chapter 15 considers the inter-relationships between the topics covered in Chapters 5 to 14, and between this scheme and other developments in the surrounding area.
- 1.3.6 Document Reference 6.3 Environmental Statement – Figures contains the figures and Document Reference 6.4 Environmental Statement – Appendices contains the appendices which support the findings of the EIA.
- 1.3.7 The specialist topics covered in chapters 5 to 14 of Volume 6 Document Reference 6.2 of the ES are as follows:
- Chapter 5 - Air Quality;
  - Chapter 6 - Cultural Heritage;
  - Chapter 7 - Landscape;
  - Chapter 8 - Nature Conservation;
  - Chapter 9 - Geology and Soils;
  - Chapter 10 - Materials;
  - Chapter 11 - Noise and Vibration;
  - Chapter 12 - People and Communities;
  - Chapter 13 - Road Drainage and the Water Environment; and
  - Chapter 14 - Climate Change and Resilience.

- 1.3.8 Each environmental topic chapter within the ES describes the local environment, and identifies any sensitive receptors such as designated sites, for example Sites of Special Scientific Interest, Air Quality Management Areas or Noise Important Areas. Baseline environmental surveys that have been carried out for each topic are then described, along with detail of consultation with Local Authorities and other stakeholders. Any likely impacts of the scheme on the local environment and required mitigation are then described.
- 1.3.9 The Environmental Constraints Plans (Volume 6, Document Ref 6.3, ES Figure 1.3) illustrate the environmental constraints for the wider study area.

## 1.4 Overview of the project

- 1.4.1 The Government's Road Investment Strategy: 2015 to 2020, published in 2014, sets out the vision for the strategic road network and includes a commitment to improve the A30 between Chiverton and Carland Cross to dual carriageway standard.
- 1.4.2 A comprehensive review of options and extensive analysis of responses to the 2016 public consultation was undertaken and on 3rd July 2017, the preferred route for the A30 Chiverton to Carland Cross improvement scheme was announced. The preferred route provides a new dual carriageway running to the north of the existing A30 between Chiverton and Chybucca and to the south between Chybucca and Carland Cross (see Figure 1.1 Location Plan and Figure 1.1 Scheme on Aerial Photograph). The existing A30 will be kept to provide a local route.
- 1.4.3 The scheme, comprises the construction of 14km (8.7 miles) of offline dual carriageway between Chiverton Cross roundabout and Carland Cross junction on the A30. The existing Chiverton Cross and Carland Cross roundabouts are to be replaced with grade separated junctions to provide connections to the local highway network.
- 1.4.4 The scheme is required as this section of the A30 is the last remaining length of single carriageway between Camborne and the M5 motorway, and regularly experiences congestion and delays.
- 1.4.5 To accommodate the new dual carriageway, the existing A30 will be retained to provide a local route. The existing A30 will connect to a number of minor side roads leading to and from Truro to the south of the A30, and to and from Perranporth and Newquay to the north.
- 1.4.6 The scheme comprises the following main features:
- The construction of a new A30 rural all-purpose dual carriageway approximately 14km (8.7 miles) to current trunk road design standards; in length and predominantly off-line from the existing single carriageway route
  - The re-alignment of the existing A30 at Chiverton, Chybucca, Zelah and Carland Cross to maintain as a parallel local route;
  - The construction of a new grade separated all-movement gyratory junction at Chiverton, with realigned connections to the B3277, A3075, A390 and the existing A30 side roads and the removal of the existing Chiverton Roundabout;



- The construction of a new Walking, Cycling and Horse Riding underpass just west of the new Chiverton junction, providing grade separated WCH access between the side roads and across the new A30;
- The construction of a new grade separated restricted movement dumbbell junction at Chybucca, with west facing slips only and connections to the existing A30 and the B3284 side roads;
- The construction of a new side road underbridge at Tresawsen providing grade separated access across the new A30;
- The stopping up of the Kilavose side road at Marazanvose;
- The construction of a Green overbridge crossing for ecology at Marazanvose, with an associated Walking, Cycling and Horse-riding (WCH) route linking between the adjacent side roads;
- The construction of a reinforced slope at the existing WPD overhead pylon east of Marazanvose;
- The retention of and improvement of the existing Two Barrows underbridge, with the new staggered junction for the Shortlanesend Road with the realigned existing A30, retaining grade separated access across the new A30;
- Demolition of the existing bridge at Tolgroggan Farm and the construction of a new accommodation overbridge over the new and realigned A30;
- The construction of a new Walking, Cycling and Horse Riding underpass at Church Lane, with grade separated WCH access across the new A30 and retained access to Zelah;
- The construction of a new side road underbridge at Trevalso Lane, providing grade separated access across the new and existing A30 and linking with the realigned Henvor Lane;
- The construction of a new side road underbridge at Pennycomequick;
- The stopping up and realignment of the Ennis Lane side road;
- The construction of a reinforced slope at the existing historic Round Barrow near to Ennis Farm;
- The construction of a new Walking, Cycling and Horse Riding underpass at Newlyn Downs, with grade separated WCH access across the new A30 between the A39 and the realigned existing A30;
- The construction of a new grade separated all-movement dumbbell junction at Carland Cross, with connection to the A39 side road and replacing the existing Carland Cross Roundabout;
- The diversion of a gas high pressure pipeline, water mains, power cables and telecommunications cables and mast, as well as the removal of sections of an abandoned oil pipeline;
- The construction of a number of new private laneways along the scheme, providing new and retained access from the existing side road network;
- The construction of 9 new public lay-bys along the scheme, a rest area on the realigned B3277 and a number of maintenance lay-bys and emergency access points;
- The construction of 20 new drainage attenuation ponds for the new A30 and realigned side roads; and
- The construction of 5 major drainage culverts and 14 multi-species culverts under the new A30 and side roads.

## 1.5 The Promoter

- 1.5.1 Highways England is promoting the A30 Chiverton to Carland Cross scheme. Highways England is the Government company charged with operating, maintaining and improving England's motorways and major A roads on behalf of the Department for Transport. Formerly the Highways Agency, it became a Government company in April 2015.
- 1.5.2 Highways England is responsible for motorways and major (trunk) roads in England. Their road network totals over 4,400 miles. Whilst this represents only two per cent of all roads in England by length, these roads carry a third of all traffic by mileage and two thirds of all heavy goods traffic.

## 1.6 Legislative and policy framework

### Overview

- 1.6.1 To support the preparation of the ES, it is necessary to review National and Local Planning Policy and how this has informed the overall approach to the ES. Further topic specific policies have been considered within each of the topic chapters (set out within Chapter 5 to Chapter 15 of this ES). An assessment of the scheme's compliance with relevant policies is provided in the Planning Statement (Volume 7, Document Ref 7.1).
- 1.6.2 The National Policy Statements (NPS) are of primary importance to the decision-making process when DCO applications are being examined. Section 104 of the Act states that:
- (2) In deciding the application the Secretary of State must have regard to –
- (a) any national policy statement which has effect in relation to development of the description to which the application relates (a "relevant national policy statement") ...*
- (3) The Secretary of State must decide the application in accordance with any relevant national policy statement, except to the extent that one or more of subsections (4) to (8) applies."*
- 1.6.3 The National Policy Statement for National Networks (NN NPS) is relevant to the proposed A30 Chiverton to Carland Cross. This NPS forms the basis against which the scheme will be examined.
- 1.6.4 In addition, the National Planning Policy Framework (NPPF) published in March 2012 sets out the Government's planning policies for England. The NPPF is an "important and relevant"<sup>1</sup> matter to be considered in decision making for NSIPs. The NPPF is supplemented by the Planning Practice Guidance (PPG)<sup>2</sup> web-based resource launched in February 2014. The PPG is updated by the Department for Communities and Local Government as necessary.
- 1.6.5 It is important to note that applications under the Act are not subject to s38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of a planning application must be made in accordance with the local development plan, unless other material considerations indicate otherwise. Local planning

<sup>1</sup> National Planning Policy Framework paragraph 3

<sup>2</sup> Department for Communities and Local Government: Planning Practice Guidance: February 2014

policy may be an important and relevant matter during the consideration of applications for development consent, but such applications do not have to be in accordance with the development plan.

Development plan policies may be relevant considerations where they inform the assessment of potential effects e.g. by identifying land allocations and environmentally sensitive areas. If there is a conflict between the NPS and local policies, however, the NPS takes precedence.

### **National Policy Statement for National Networks (December 2014)**

- 1.6.6 The NN NPS sets the policy against which the Secretary of State for Transport will make decisions on applications for development consent for nationally significant infrastructure projects on road, rail and strategic rail freight interchange developments<sup>3</sup>. Specifically, Paragraph 1.1 states that the purpose of the NN NPS is to establish:

*“the need for, and Government’s policies to deliver, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England. It provides planning guidance for promoters of nationally significant infrastructure projects on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.”*

#### Drivers of need for development on the national road network

- 1.6.7 The NN NPS sets out the ‘vision and strategic objectives for the national networks’. This recognises that there is a critical need to provide safe, expeditious and resilient networks that better support social and economic activity, and to provide a transport network that is capable of supporting economic growth and rebalancing the economy.

*“Government’s vision and strategic objectives for the national networks The Government will deliver national networks that meet the country’s long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. This means:*

- *Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs.*
- *Networks which support and improve journey quality, reliability and safety.*
- *Networks which support the delivery of environmental goals and the move to a low carbon economy.*
- *Networks which join up our communities and link effectively to each other.<sup>4</sup>*

- 1.6.8 Whilst the NN NPS is not scheme specific, it provides a decision-making framework for applications on the strategic highway network. It does however state that in some cases, it will not be sufficient to simply expand capacity on the existing network, through factors such as junction improvements or new slips roads, implementing ‘smart motorways’ or improving trunk roads. In these

<sup>3</sup> National Networks National Policy Statement (Paragraph 1.1)

<sup>4</sup> National Networks National Policy Statement (Vision)

circumstances “*new road alignments and corresponding links... may be needed to support increased capacity and connectivity*”<sup>5</sup>.

### Assessment Principles

- 1.6.9 Unlike other types of infrastructure covered by the Act, the NN NPS deals predominantly with linear infrastructure projects that are designed to link together separate points. Development will usually be determined by economic activity and population, as well as the location of existing transport networks<sup>6</sup>.
- 1.6.10 Paragraph 4.2 sets out that subject to the detailed policies and protections in this NPS, and the legal constraints set out in the Act, there is a presumption in favour of granting development consent for national networks NSIPs that fall within the need for infrastructure established in this NPS. In considering proposed development, and weighing adverse impacts against benefits, the Secretary of State should take into account:
- *Its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits;*
  - *Its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts*<sup>7</sup>.
- 1.6.11 With regard to alternatives, Paragraphs 4.26 and 4.27 of the NN NPS set out that applicants should comply with all legal requirements and any policy requirements for the assessment of alternatives. Specifically, this will include: reference to the EIA Directive, which requires projects with significant environmental effects to include an outline of the main alternatives studied by the applicant; other legal requirements for the consideration of alternatives, including under the Habitats and Water Framework Directives; or a policy requirement of the assessment of state that “*all projects should be subject to an options appraisal*”.
- 1.6.12 Section 5 of the NN NPS sets out the assessment criteria for the generic impacts associated with a nationally significant road or rail scheme. The principles of assessment and impacts which are of relevance to a particular topic are set out within each ES topic chapter.

## **National Planning Policy Framework**

### Role of the NPPF and NPS

- 1.6.13 The overall strategic aims of the NPPF and the NPS are consistent, however, as set out above, the two documents have two differing roles to play. Paragraph 5 of the NPPF makes it clear that it does not contain specific policies for NSIPs for which particular considerations apply. It goes on to state, however, that it may be an ‘important and relevant’ matter to be considered in decision making for NSIPs. The role of the NPS will be to assume the function of providing specific policies and provide transport policy which will guide individual development brought under it<sup>8</sup>.

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<sup>5</sup> National Networks National Policy Statement (Paragraph 2.27)

<sup>6</sup> National Networks National Policy Statement (Paragraph 4.13)

<sup>7</sup> National Networks National Policy Statement (Paragraph 4.3)

<sup>8</sup> National Networks National Policy Statement (Paragraph 1.19)

- 1.6.14 Further details are provided in the Planning Statement (Volume 7, Document Ref 7.1).
- 1.6.15 Each subsequent topic chapter of this ES refers to the relevant paragraphs and sections of the NPPF where considered important and relevant to the assessment of the proposed development.

### **Planning Practice Guidance**

- 1.6.16 Each topic chapter refers to the relevant sections of the Planning Practice Guidance where considered important and relevant to the assessment of the proposed development.

### **Local Development Plan**

- 1.6.17 Although a DCO application is not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004, development plans may be considered an important and relevant matter.
- 1.6.18 The proposal area falls entirely within the Cornwall Council Local Authority area. Although there are a number of 'saved policies' within the Local Plan, the development plan for the scheme area comprises:
- The **Cornwall Local Plan Strategic Policies (2010-2030)** which was formally adopted on 22 November 2016, which represents the overarching planning policy framework for the whole of Cornwall in the period up to 2030.
  - The **Cornwall Local Plan Strategic Policies (2010-2030) Community Network Area Sections** which act as a local focus for debate and engagement and provide the basis for the place-based element of Cornwall's policy framework. The scheme is within both PP6 Truro and Roseland and PP7 St Agnes and Perranporth Community Network Areas.
  - The scheme falls partially within the north eastern section of the **Truro and Kenwyn Neighbourhood Development Plan**, which sets out a number of relevant development management policies in the Truro and Kenwyn Neighbourhood Plan Area
- 1.6.19 There are also a number of guiding documents and supplementary planning documents, set out below, which will also feature as material considerations. Relevant guidance from each of these documents is set out within each topic chapter.

### **Cornwall Local Plan Strategic Policies (2010-2030)**

- 1.6.20 The A30 Carland Cross to Chiverton Cross is identified on the Key Diagram within the Cornwall Local Plan Strategy (2010-2030) as a Key Infrastructure Improvement. Relevant policies for the project, which are set out in further detail within each topic chapter of the ES, are set out as follows:
- **Policy 1 *Presumption in favour of sustainable development***, sets out Cornwall Council's response to the NPPF which states that Council's will take a positive approach that reflects the presumption in favour of sustainable development.
  - **Policy 12 *Design*** which sets out the Council's ambitions to achieving high quality, safe, sustainable and inclusive design in all development. Development must ensure Cornwall's enduring distinctiveness and maintain and enhance its distinctive natural and historic character.

- **Policy 23 *Natural Environment*** states that development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment and assets according to their international, national and local significance. The policy sets out required interventions and mitigation measures for each type of habitat, which will be referenced within Chapter 8 Nature Conservation.
- **Policy 24 *Historic Environment*** states that development proposals will be permitted where they would sustain the cultural distinctiveness and significance of Cornwall's historic rural, urban and environment by protecting, conserving and where appropriate, enhancing the significant of designated and non-designated assets. It further states that development within, or within the setting, of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) should accord with the WHS Management Plan.
- **Policy 27 *Transport and Accessibility*** states that all developments should provide safe and suitable access to the site for all people and not cause a significant adverse impact on the local or strategic road network that cannot be managed or mitigated.
- **Policy 28 *Infrastructure*** sets out that the requirements for developer contributions and when these will be sought.

#### Local Plan Community Network Area Sections

1.6.21 The proposed scheme falls within two of the Community Network Area Sections. These form the basis for the place-based element of Cornwall's policy framework:

- Policies within the **Truro and Roseland Community Network Area (PP6)** focus on ensuring the housing needs of the community are met (Objective 1) and balancing the provision of employment and housing to reduce commuting (Objective 2). Specifically, in relation to the proposed scheme, Objective 4 is relevant and seeks to enable the use of more sustainable transport modes and reduce congestion through the provision of additional transport infrastructure. Objective 7 also seeks to ensure that the development is adaptable, sustainable and of a high quality design and layout.
- In addition, the proposed scheme also falls within the **St Agnes and Perranporth Community Network Area (PP7)**. This Community Network Area document focuses on "co-ordinating a strategic approach to the provision of services and public transport to encourage self-containment and sustainable transport" (Objective 4). In addition, Objective 8 seeks to "maintain and enhance the area's heritage and environmental assets for the benefit of the local community and to enhance the area's tourism offer".

#### Truro and Kenwyn Neighbourhood Development Plan

1.6.22 The proposed scheme falls within the north-eastern edge of the Truro and Kenwyn Neighbourhood Development Plan. Alongside promoting sustainable development (Policy E1), sustainable drainage (Policy E2) and green infrastructure (Policy E4), the Neighbourhood Development Plan seeks to promote employment growth at existing and new employment sites. In relation to the proposed scheme, the NDP includes:

- Policy E7 Character of the Highways and Byways which seeks to retain and enhance the character and materials of highways and associated structures;

- Policy T1 Truro Transport Strategy which sets a requirement for contributions to the delivery of the Truro Transport Strategy.
- Policy T3 Sustainable Transport, which requires development to provide for sustainable transport modes, reduce the need to travel and identifies key routes for walking and cycling.

## 1.7 Competent expert evidence

- 1.7.1 The EIA Lead and Environmental Coordinator is a Chartered Engineer (CEng), a Chartered Environmentalist (CEnv) and Chartered Water and Environmental Manager (CWEM). They have an MEng (Hons) degree in Environmental and Earth Resources Engineering from Imperial College London (2002) and are a member of the Chartered Institute for Water and Environmental Management (CIWEM).
- 1.7.2 Each topic-specific chapter within this ES includes details of the author's professional qualifications. Full details of each of the competent expert's experience is set out in Volume 6 Document Ref 6.4 Appendix 1.1.

## 1.8 Copies of the environmental statement

- 1.8.1 The Environmental Statement, together with the other DCO application documents, are available electronically on the Planning Inspectorate's website for the duration of the Examination Stage of the NSIP application process, and can be downloaded, free of charge via the following link:

<http://infrastructure.planningportal.gov.uk/>

- 1.8.2 This ES will also be available to view as a hard copy. The intended locations are:
- The Planning Inspectorate,  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN
  - New County Hall  
Treyew Rd,  
Truro,
- 1.8.3 TR1 3AY Copies of the ES may also be requested from Highways England using the contact details below. A CD copy can be provided free of charge. Paper copies of the Non-Technical Summary can also be provided free of charge. Paper copies of the ES main text, figures and appendices are available, subject to a charge for printing. Highways England can be contacted at the address below for prices.
- 1.8.4 Highways England can be contacted:
- By email: [A30ChivertontoCarlandCross@highwaysengland.co.uk](mailto:A30ChivertontoCarlandCross@highwaysengland.co.uk)
  - In writing: Highways England, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6HA
  - By telephone on 0300 123 5000

- 1.8.5 Paper copies of this Environmental Statement will be available at 'deposit points' after it has been accepted by to the Planning Inspectorate. Details of where those 'deposit points' are will be provided on Highways England's website via the following link:

[www.highways.gov.uk/a30Chiverton](http://www.highways.gov.uk/a30Chiverton)

## **1.9 How to make comments / the next steps in the process**

- 1.9.1 On receipt of the application for a DCO, the Planning Inspectorate has a period of 28 days to determine whether the information submitted with the application meets all the criteria to enable them to accept it as a valid application.
- 1.9.2 Should the Planning Inspectorate accept the application, the applicant (Highways England) must publish a notice to inform the public that an application has been made and accepted, and to invite them to make representations about the application. This would mark the start of the 'pre-examination period'.
- 1.9.3 Third parties (individual members of the public or organisations) would then be able to register as interested parties. This would entitle them to make representations to the Planning Inspectorate about the application and to be involved in the examination of the application. The Planning Inspectorate will issue a letter after this period setting out the timetable for the examination and inviting interested parties to attend the 'preliminary meeting'.
- 1.9.4 The pre-examination period would close with the 'preliminary meeting', to which all those who have registered as interested parties would be invited. At the preliminary meeting, the Planning Inspectorate would ask interested parties to comment on the examination timetable. The timetable for the examination will be confirmed following the meeting.
- 1.9.5 The preliminary meeting would mark the start of the 'examination period', which has a maximum duration of six months. Examination is designed primarily to address each of the key issues identified during the pre-examination period and at the preliminary meeting. It operates through the provision of written representations to the Examining Authority and written questions from the Examining Authority to both the applicant and to interested parties. It is likely that there would be a number of hearings which parties who have registered an interest could attend, and where they could make statements and ask questions.
- 1.9.6 At the end of the examination period, the Planning Inspectorate has a period of up to three months to consider its recommendation. The recommendation and a supporting report would be passed to the Secretary of State for Transport, who would then have three months to consider a decision on whether to grant or withhold a DCO. Finally, the Secretary of State's decision would be published, and there would be a six-week High Court challenge period. At the end of this period, unless there have been High Court challenges, the decision would be final.

## **1.10 Other regulatory regimes**

- 1.10.1 As outlined, the ES is written to inform an application for a DCO. In addition to the application for a DCO, the scheme is subject to other regulatory regimes or consent requirements.



- 1.10.2 The way in which these other regulatory regimes and consent requirements have been, or are to be addressed, is set out in Volume 7 Document Reference 7.2 Details of Other Consents and Licenses.
- 1.10.3 The Habitats Regulations Assessment (HRA) has been considered separately from the EIA in Volume 6 Document Reference 6.5 Habitat Regulations Assessment Screening.
- 1.10.4 Volume 6 Document Reference 6.6 Statement of Statutory Nuisance identifies the matters set out in Section 79 of the Environmental Protection Act 1990 in respect of statutory nuisances and considers whether the scheme would engage one or more of those matters. The statement concludes that no statutory nuisance within the terms of Section 79 is predicted to arise.

If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.

