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All Interested Parties, Statutory Parties
and Other Persons

Your Ref:

Our Ref: TR010026

Date: 09 January 2019

Dear Sir/Madam

Planning Act 2008 – Section 88 and the Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6

Application by Highways England for an Order Granting Development Consent for the A30 Chiverton to Carland Cross upgrade

Appointment of the Examining Authority

I write to you following my appointment by the Secretary of State as the Examining Authority (ExA) to carry out an Examination of the above application by Highways England. A copy of the appointment letter can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/document/TR010026-000554>

I would like to thank those of you who submitted Relevant Representations. These representations have assisted me when preparing my proposals regarding how to examine this application.

Invitation to the Preliminary Meeting

This letter is an invitation to the Preliminary Meeting to discuss the examination procedure and contains a number of supporting annexes.

Date of meeting:	Wednesday, 6 February 2019
Seating available from:	9.30am
Meeting begins:	10.00am
Venue:	The Alverton Hotel, Tregolls Road, Truro, TR1 1ZQ
Access and parking:	Free parking available at venue.

Note: Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, the Planning Inspectorate aims to communicate with people by email wherever possible, as electronic communication is more environmentally friendly and cost effective for the Planning Inspectorate as a Government agency. If you are able to receive communications by email, please confirm this with us.

Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to me about the way in which the application is to be examined. At this stage, the ExA is looking at the procedure, and not the merits of the application. The merits of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed.

I wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, I strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is in **Annex A**. This has been set following my initial assessment of the Principal Issues arising on the application. That assessment is set out in **Annex B**. As a result of this assessment I wish to hear at the meeting from the Applicant, Interested Parties, Statutory Parties and Local Authorities where they consider changes may be needed to the draft timetable set out in **Annex C**.

Up to date information about the project and the Examination can be obtained from:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a30-chiverton-to-carland-cross-scheme/?ipcsection=overview>

This is the project website address from which I will make copies of all future communications and Examination documents available to the public. You can use this page to track progress of the Examination and access all relevant documents and correspondence from the links it contains. As the examination process makes substantial use of electronic documents, it will be useful to become familiar with this resource.

If you wish to receive an email notification when relevant documents and correspondence are published you can register on the project website to do so.

Attendance at the Preliminary Meeting

If you wish to attend the Preliminary Meeting please contact the Case Team using the details set out at the top of this letter. Please confirm this no later than **28 January 2019**.

It will help the management of the meeting and benefit everyone if you also:

- tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make; and
- notify us of any special requirements you may have (eg disabled access, hearing loop etc).

The Preliminary Meeting provides a useful introduction to the Examination process. I will use it to make procedural decisions that will affect everyone participating in the Examination. The meeting provides you with an opportunity to have your say about procedural issues before these decisions are finalised. If you intend to play an active part in the Examination or you have questions about procedure it is useful to attend the meeting. However, please note that you are not required to attend the Preliminary Meeting in order to participate in the Examination. If you are an Interested Party you will still be able to make a Written Representation and comment on the Written Representations made by other Interested Parties. You will also be able to participate in any hearings that are arranged.

Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, you can notify the Case Manager, Siân Evans, of this in writing.

After the Preliminary Meeting

After the Preliminary Meeting you will be sent a letter setting out the timetable for the Examination. An audio recording and a note of the meeting will also be published on the project page of the National Infrastructure Planning website.

Interested Parties have the right to request an Open Floor Hearing and those persons affected by any request for compulsory acquisition or temporary possession of their land or rights may request a Compulsory Acquisition Hearing. Any other Issue Specific Hearings are at the discretion of the ExA and will be arranged if I feel that consideration of oral representations would ensure an issue is adequately considered. My Examination will comprise of Written Representations about the proposal and any oral representations made at the hearings, in addition to consideration of the application documents, policy and legal positions, site inspections and any other matters I consider to be relevant and important.

All relevant and important matters will be taken into account when I make a recommendation to the Secretary of State for Transport, who will take the final decision in this case.

Notification of initial hearing

I have made a procedural decision to hold the following hearing:

- **An Issue Specific Hearing dealing with matters relating to the draft Development Consent Order** on the afternoon of 6 February 2019.

Important information about this hearing is contained within **Annexes F and G**.

If you wish to make an oral representation at this hearing please write, email or telephone the Case Team using the address and contact details at the top of this letter. We will need to receive the above notice **no later than 28 January 2019**.

It will help the management of these hearings and benefit everyone if you also:

- Set out the issues about which you wish to make oral representations (if you wish to speak); and

- Notify us of any special needs you may have (eg disabled access, hearing loop etc).

Procedural decision made by the ExA under s89(3) of the Planning Act 2008

I have made some preliminary procedural decisions. These procedural decisions are all set out in full at **Annex E** and include my decision to accept updated documents submitted by the Applicant.

Your status in the Examination

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008 (PA2008).

If you have made a Relevant Representation, have a legal interest in the land affected by the application⁽¹⁾, or are a relevant local authority where the development is proposed within your boundary (reference numbers beginning with 2001, 30CC, 30CC-AFP and 30CC-S57), you have a formal status as an Interested Party in the Examination.

Interested Parties will receive notifications from the Planning Inspectorate about the Examination throughout the process and may make written and oral submissions regarding the application.

If you are a Statutory Party⁽²⁾ or a local authority bordering the local authority in which the development is proposed, but have not made a Relevant Representation (reference number beginning with 30CC-SP) you will not automatically be an Interested Party. However, you may notify the ExA that you wish to be treated as an Interested Party at any point during the Examination.

If you are not an Interested Party or a Statutory Party, you have received this letter because you are invited to the Preliminary Meeting as an 'Other Person' because it appeared to me that the Examination could be informed by your participation. 'Other Persons' have a reference number beginning with 30CC-OP. If you are an Other Person you are not an Interested Party. We will not write to you again in the course of the Examination unless it is to inform you that the Examination Timetable has changed or we have specific questions for you.

If you are unsure of your status in the Examination, please contact the Case Team using the details at the top of this letter. More information regarding the formal status of Interested Parties is set out in the Planning Inspectorate's Advice Note 8 Series, available here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

⁽¹⁾ Or have been identified by the Applicant as a person who might be entitled to make a relevant claim

⁽²⁾ For the purposes of this letter, meaning a body specified in Schedule 1 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015

Award of Costs

I also draw your attention to the possibility of the award of costs against Interested Parties who behave unreasonably. You should be aware of the relevant costs guidance 'Awards of costs; examinations of applications for development consent orders' which applies to National Infrastructure projects. This guidance is available at:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

Management of Information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the ExA) and any record of advice which has been provided, is published at:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a30-chiverton-to-carland-cross-scheme/>

All Examination documents can also be viewed electronically at the locations listed in **Annex D**.

Please note that in the interest of facilitating an effective and fair examination, we consider it necessary to publish some personal information. To find out how we handle your personal information, please view our [Privacy Notice](#).

I look forward to working with all parties in the examination of this application.

Yours faithfully

Heidi Cruickshank

Examining Authority

Annexes

- A** Agenda for the Preliminary Meeting
- B** Initial Assessment of Principal Issues
- C** Draft timetable for examination of the application
- D** Availability of Examination documents
- E** Procedural decisions made by the Examining Authority
- F** Notification of the Issue Specific Hearing on the Development Consent Order
- G** Agenda for the Issue Specific Hearing on the Development Consent Order

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

Agenda for the Preliminary Meeting

Date: Wednesday 6 February 2019

Registration open from: 09.30am

Meeting Start Time: 10.00am

Venue: The Alverton Hotel, Tregolls Road, Truro, TR1 1ZQ

09.30am	Registration opens
Item 1 (10.00am)	Welcome and introductions
Item 2	The Examining Authority's (ExA's) remarks about the Examination process
Item 3	Initial Assessment of Principal Issues – see Annex B
Item 4	Draft timetable for the Examination – see Annex C
Item 5	Deadlines for submission of: <ul style="list-style-type: none"> • Comments on Relevant Representations; • Written Representations; • Local Impact Reports; • Responses to the ExA's Written Questions; • Statements of Common Ground; • Notifications relating to hearings; • Nominations of suggested locations with justifications for site inspections.
Item 6	Hearings and Accompanied Site Inspection (ASI): <ul style="list-style-type: none"> • Date of Issue Specific Hearing on draft Development Consent Order • Date reserved for Compulsory Acquisition Hearing • Dates reserved for Open Floor Hearing(s) • Date of ASI to application site and surrounding area • Dates reserved for Issue Specific Hearings
Item 7	Any other matters
Close of the Preliminary Meeting	

Please note: Please register and be available from the start and throughout the meeting. The agenda is subject to change at the discretion of the ExA. The ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time the ExA may change the order of the agenda items and may introduce breaks in the proceedings.

Initial Assessment of Principal Issues

This is the Initial Assessment of the Principal Issues arising from consideration by the Examining Authority (ExA) of the application documents and Relevant Representations (RRs) received. It is not a comprehensive or exclusive list of all relevant matters; regard will be had to all important and relevant matters in reaching a recommendation after the Examination is concluded. The identified Principal Issues are listed in alphabetical order and should not be taken to imply an order of importance.

The policy and consenting requirements and documents associated with the Planning Act 2008 (PA2008) are an integral part of the Examination and are therefore not set out as separate Principal Issues. In addition, it should be noted that a number of these Principal Issues set out below have an interrelationship and overlap and these will be reflected in the Examination.

1. Air Quality and Emissions

- Construction and operational effects.

2. Biodiversity, Ecology and Natural Environment

- Loss of or change to the ecological value of terrestrial and aquatic habitats and their species, including impacts on the ecological value, quality and capacity of land, waterways and water bodies.
- Implications for European/international sites and their qualifying features.
- Implications for statutorily and locally protected sites.
- Effects on specific fauna and flora species and their habitats (including European protected species).
- Potential subsidence from shallow mine workings.
- Timing of works and potential seasonal effects.
- Construction and operational effects.

3. Compulsory Acquisition and /or Temporary Possession

- The need for the land proposed to be subject to compulsory acquisition and / or temporary possession.
- Effects on statutory undertakers.
- Effects on infrastructure and infrastructure providers.
- Adequacy and security of funding for compensation.

4. Cultural Heritage

- Listed buildings and Scheduled Monuments.
- Construction effects.

5. Draft Development Consent Order (dDCO)

- The structure of the dDCO.
- The appropriateness of proposed provisions.
- Relationships with other consents.

6. Electricity & Gas Connections and Other Infrastructure

- Effects on existing and proposed transmission and distribution alignments and facilities, including windfarms and HP Gas Pipeline.
- Effects on other infrastructure, including broadcast, satellite and mobile phone masts.
- Construction and operational effects.

7. Landscape and Visual

- Including light pollution.
- Impact on heritage features and landscape designation areas.
- Impact on residents and users of locality.
- Construction and operational effects.

8. Noise and Vibration

- Construction and operational effects.

9. Public Interest Balance

- Including route choice.

10. Socio-Economic Effects

- Economic and employment effects.
- Effects on surrounding communities.

- Effects on agriculture, tourism, other businesses and residents.
- Construction and operational effects.

11. Transport and Traffic

- Traffic modelling: the case for and benefits of the scheme.
- Effects on the nearby road network.
- Effects on the Public Rights of Way (PRoW) network, particularly cycling access.
- Construction and operational effects.

12. Water Environment

- Construction effects on water courses and water bodies.
- Water abstraction and drainage.
- Operational effects, including road traffic accidents.

Draft timetable for examination of the application

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at Hearings.

Item	Matters	Due Dates
1	Preliminary Meeting	Wednesday 6 February 2019 (10.00am)
2	Issue Specific Hearing 1 Dealing with matters relating to the draft Development Consent Order (DCO)	Wednesday 6 February 2019 (2.00pm)
3	Issue by the ExA of: <ul style="list-style-type: none">• Examination Timetable Publication of: <ul style="list-style-type: none">• The ExA's Written Questions	As soon as practicable following the Preliminary Meeting
4	Deadline 1 Deadline for receipt of: <ul style="list-style-type: none">• Comments on the Applicant's updated documents, submitted on 7 January 2019;• Comments on Relevant Representations (RRs);• Summaries of all RR's exceeding 1500 words;• Written Representations (WRs);• Summaries of all WR's exceeding 1500 words;• Local Impact Report(s) from any relevant local authorities;• Statements of Common Ground (SoCG) requested by the ExA – see Annex E• Comments on updated application documents;	Tuesday 19 February 2019

	<ul style="list-style-type: none"> • Notification of wish to speak at a Compulsory Acquisition Hearing; • Notification of wish to speak at an Open Floor Hearing; • Notification of wish to attend the Accompanied Site Inspection; • Suggested locations for site inspections and justification for consideration by the ExA; • Responses to any further information requested by the ExA; • Post hearing submissions including written submissions of oral case. 	
5	Notification by the ExA of hearings and Accompanied Site Inspection	By Tuesday 12 March 2019
6	<p>Deadline 2</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs; • Comments on any SoCG; • Comments on Local Impact Report(s); • Responses to the ExA's Written Questions • Revised draft DCO from Applicant • Any further information requested by the ExA under Rule 17 of the Exam Rules¹ 	Tuesday 19 March 2019
7	Second Issue Specific Hearing on the draft DCO	Tuesday 2 April 2019 (morning)
8	Date reserved for Compulsory Acquisition Hearing	Tuesday 2 April 2019 (afternoon)
9	Accompanied Site Inspection	Wednesday 3 April 2019

¹ The Infrastructure Planning (Examination Procedure) Rules 2010

10	Date reserved for Open Floor Hearing	Wednesday 3 April 2019 (evening)
11	Date reserved for Open Floor Hearing	Thursday 4 April 2019 (morning)
12	Issue Specific Hearing	Thursday 4 April 2018 (afternoon)
13	<p>Deadline 3</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Post hearing submissions including written submissions of oral case • Any revised/updated SoCG • Revised draft DCO from Applicant • Comments on responses to the ExA's Written Questions • Comments on any further information requested by the ExA and received to Deadline 2 • Any further information requested by the ExA under Rule 17 of the Exam Rules 	Wednesday 24 April 2019
14	<p>Deadline 4</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on Applicant's revised draft DCO • Comments on any revised/updated SoCG • Comments on any further information requested by the ExA and received to Deadline 3 • Any further information requested by the ExA under Rule 17 of the Exam Rules 	Friday 3 May 2019
15	Notification by the ExA of further hearings (if required)	By Tuesday 21 May 2019
16	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • The ExA's Further Written Questions (if required) • Consultation on the ExA's preferred DCO (if required) 	Tuesday 21 May 2019

	<ul style="list-style-type: none"> Report on the Implications for European Sites (RIES) 	
17	<p>Issue Specific Hearing (if required) Date reserved to hold an Issue Specific Hearing on the dDCO</p>	Tuesday 11 June 2019
18	<p>Issue Specific Hearing (if required) Date reserved to hold an Issue Specific Hearing on any other matter</p>	Wednesday 12 June 2019
19	<p>Issue Specific Hearing (if required) Date reserved to hold an Issue Specific Hearing on any other matter</p>	Thursday 13 June 2019
20	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> Responses to the ExA's Further Written Questions (if required) Comments on the ExA's preferred DCO (if required) Comments on the RIES Any revised/updated Statement of Common Ground Post hearing submissions including written submissions of oral case (if required) Comments on any further information requested by the ExA and received to Deadline 4 Any further information requested by the ExA under Rule 17 of the Exam Rules 	Tuesday 18 June 2019
21	<p>Deadline 6</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> Applicant's final preferred DCO on SI template and validation report Comments on any revised/ updated Statement of Common Ground Comments on responses to the ExA's Further Written Questions (if required) 	Thursday 27 June 2019

	<ul style="list-style-type: none"> • Comments on any further information requested by the ExA and received to Deadline 5 • Any further information requested by the ExA under Rule 17 of the Exam Rules 	
22	<p>Deadline 7</p> <ul style="list-style-type: none"> • Comments on the Applicant's final preferred DCO • Comments on any further information requested by the ExA and received to Deadline 6 	Friday 5 July 2019
23	The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.	Tuesday 6 August 2019

Publication Dates

All information received will be published on the project website as soon as practicable after the deadline for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the project page. Each document will be afforded a unique reference. These references will be used by the ExA during the Examination.

<https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a30-chiverton-to-carland-cross-scheme/?ipcsection=docs>

Hearing Agendas

Please note that we will aim to publish a detailed draft agenda for each hearing on the project website at least five working days in advance of the hearing date; but the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Report on the Implications for European Sites (RIES)

Where the Applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the DCO application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of the Habitats Regulations and/ or Regulation 28 of the Offshore Marine Regulations.

Availability of Examination documents

All application documents including Relevant Representations and application documents are available on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a30-chiverton-to-carland-cross-scheme/?ipcsection=docs>

Documents can be viewed electronically at the following locations. Please note that you may need to bring a form of ID to use the computer at these locations.

Electronic Deposit Locations:

Local authority	Library	Opening Hours
Cornwall Council	Newquay Library The Librarian Marcus Hill Newquay TR7 1BD	Monday: 9:30-17:00 Tuesday: 9:30-17:00 Wednesday: 9:30-17:00 Thursday: 9:30-17:00 Friday: 9:30-17:00 Saturday: 10:00 – 13:00 Sunday: Closed
	Perranporth Library The Librarian Oddfellows Hall Ponsmere Rd Perranporth TR6 0BW	Monday: Closed Tuesday: 9:30-17:00 Wednesday: 9:30-17:00 Thursday: 13:00-17:00 Friday: 10:00-13:00 Saturday: Closed Sunday: Closed
	Redruth Library The Librarian Clinton Rd Redruth TR15 2QE	Monday: Closed Tuesday: 9:30-17:00 Wednesday: Closed Thursday: 9:30-17:00 Friday: 9:30-17:00 Saturday: 10:00-13:00 Sunday: Closed
	St Agnes Library The Librarian 2 Trelawny Rd Saint Agnes TR5 0TP	Monday: 9:30-17:00 Tuesday: Closed Wednesday: 13:00-17:00 Thursday: Closed Friday: Closed Saturday: 10:00-13:00 Sunday: Closed
	Truro Community Library The Librarian Union Place Truro	Monday: 9:30-17:00 Tuesday: 9:30-17:00 Wednesday: 9:30-17:00 Thursday: 9:30-17:00 Friday: 9:30-17:00

	TR1 1EP	Saturday: 10:30-16:00 Sunday: Closed
	Mobile Library Libraries Headquarters Unit 17 Threemilestone Industrial Estate Threemilestone Truro TR4 9LD	See Cornwall council website for Mobile Library itinerary: https://www.cornwall.gov.uk/leisure-and-culture/libraries/your-local-library/mobile-library-service/
	Black and White	Colour
A4	1-29 sheets: 10p per sheet 30 plus sheets: 8p per sheet	1-29 sheets: 50p where colour copying is available 20 plus sheets: 40p where colour copying is available
A3	1-29 sheets: 20p per sheet 30 plus sheets: 16p per sheet	1-29 sheets: £1 where colour copying is available 30 plus sheets: 80p where colour copying is available
Link to all council library locations		
https://map.cornwall.gov.uk/website/ccmap/?zoomlevel=1&xcoord=187430&ycoord=64380&wsName=ccmap&layerName=Libraries		

Procedural decisions made by the Examining Authority (ExA)

The ExA has made the following procedural decisions under Section 89(3) of the PA2008:

1. Notification of Issue Specific Hearing on the draft Development Consent Order

I have made a Procedural Decision to commence oral examination of the draft Development Consent Order by holding my first Issue Specific Hearing at 2.00pm, after the close of the Preliminary Meeting on 6 February 2019. **Annex F** provides notice of this decision.

For the purposes of Rule 13(1) and (6) of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) (the EPR), the periods of not less than 21 days with reference to which I must provide notice of a hearing and the Applicant must publicly notify and advertise the hearing arrangements is no later than **Wednesday 16 January 2019**. This is a date before the start of the Examination, but it ensures that the required statutory 21 days' notice has been provided for this hearing.

In light of this ISH commencing shortly after the PM, I have also decided that any person intending to participate in this ISH must notify the Case Team of their intention to attend by **28 January 2019**.

2. Deadline for comments on Relevant Representations

I have made a Procedural Decision to seek comments on Relevant Representations (RR) by **Tuesday 19 February 2019**, being Deadline 1.

The RRs were published on 15 November 2018 therefore there is sufficient time for them to have been read and responded to by the deadline I propose to set.

3. Deadline for submission of Written Representations

I have made a Procedural Decision to seek Written Representations (WR) by **Tuesday 19 February 2019**, being Deadline 1. WRs provide Interested Parties (IP) with the opportunity to amplify and provide evidence for the matters set out in their RRs.

For the purposes of Rule 10(2) of the EPR, the 'period of 21 days' with reference to which I must provide notice for the submission of WRs commences on 29 January 2019. This a date before the start of the Examination, however as the deadline for submission of WRs as set for 19 February 2019 is more than the statutory requirement of 21 days' notice, I am satisfied that IPs have been permitted sufficient time in which to draft and submit WRs.

By providing early notice, I am ensuring that all IPs will have a reasonable time period in which to draft their WRs before the deadline for submission.

4. Deadline for summaries of Representations

My Procedural Decisions (2) and (3) above also seek the early submission of summaries pertaining to RRs and WRs exceeding 1500 words. It is normal for ExAs to request that summaries are provided of RRs, comments to RRs and WRs, where these original representations exceed 1500 words in length. I have therefore also made a Procedural Decision to request the submission of summaries by **Tuesday 19 February 2019**, being Deadline 1.

5. Notifications of wish to speak at hearings

The statutory deadline to notify parties of hearings proposed to be held in April is 12 March 2019. Therefore the deadline for notification of wish to speak at a Compulsory Acquisition Hearing and/or an Open Floor Hearing is **Tuesday 19 February 2019**, being Deadline 1.

6. Accompanied Site Inspection – nominations and requests to attend

The Applicant, IPs and Other Persons will be provided with an opportunity to provide comments to me on the approach that I should take to site inspections at the PM. Subject to this discussion they are invited to nominate sites that I should inspect, the features that I should observe there and whether the inspection should be on an accompanied or an unaccompanied basis, by **Tuesday 19 February 2019**, being Deadline 1.

Site inspections can be carried out on an accompanied or an unaccompanied basis. In principle, inspections need to be carried out on an accompanied basis in the following circumstances:

- Where the land is private and consent is required for the ExA to enter it;
- Where there are health and safety or other regulatory considerations that require any visitor to a location to be accompanied; and/ or
- Where there are particular features that an IP wishes to ensure are pointed out to the ExA.

Where these considerations do not apply, it will normally be appropriate for a site inspection to be carried out by the ExA on an unaccompanied basis.

Before agreeing to hold site inspections at particular locations, I will consider the degree to which it is necessary to visit a site that has been nominated for an inspection to inform me about the application. I may decide not to visit nominated locations where I may have already visited the location or I consider that it is not necessary to see the features observed there. I may decide not to hold an Accompanied Site Inspection if all relevant features can be observed and understood from locations in the public domain on an Unaccompanied Site Inspection (USI).

Provisional arrangements for an ASI is included in the Examination Timetable, but this will only proceed should it appear that such inspections are necessary.

7. Statements of Common Ground (SoCG)

In relation to some of the Principal Issues identified in **Annex B**, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft timetable for the Examination therefore provides a deadline for submission of SoCGs. This is **Tuesday 19 February 2019**, being Deadline 1.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant interested party or parties, and submitted by the Applicant.

The SoCGs are requested to be prepared by:

- A. **SoCG with the Health and Safety Executive (HSE)** to include:
 - Details of the Major Accident Hazard Pipeline
 - Current case specific LUP advice
 - Need for HSE review of Redcliffe International at Newlyn Downs

- B. **SoCG with Arqiva Ltd** to include:
 - Situation with regard to existing mast at Nanteague Farm, Marzanvose
 - Situation with regard to existing mast at Pendown Farm, Pendown Cross
 - Situation with regard to existing mast at Carland Cross, Mitchell
 - Effect of proposed protective provisions in the dDCO

- C. **SoCG with ScottishPower Renewables (UK) Ltd** to include:
 - Access arrangements to the Eastern and Western Arrays of Carland Cross Windfarm during operation of the A30 scheme and construction of the A30 Scheme, particularly:
 - i. Design of Chybucca Junction
 - ii. Vertical alignment through Carland Cross Interchange
 - iii. Vertical and horizontal alignments of new access roads, including junction spacing and widths
 - iv. Carland Cross to Windfarm tie in
 - v. Diversion of Windfarm infrastructure

- D. **SoCG with Western Power Distribution** to include:
- The terms of the draft DCO
 - The protective provisions
- E. **SoCG with Nancarrow Farm in relation to all Relevant Representations received for this property** to include:
- Route selection
 - Business impacts during construction and operation
- F. **SoCG with Truro Cycling Campaign and/or Transition Truro** to include:
- Application of national planning policies to the proposed scheme
 - Application of Highways England strategies and policies to the proposed scheme
 - Status of potential cycle bridge under designated funds
- G. **SoCG with Devon, Cornwall & IOS Environment Agency** to include:
- Access arrangements to the Nanteague Farm during construction of the A30 Scheme
 - The draft DCO protective provisions
 - The protection of private water supplies
 - Relevant waterbody classification
 - Road alignment fencing, with regard to mammal guidance

The SoCGs should cover the following topics where relevant:

- Methodology for Environmental Impact Assessment including assessment of cumulative effects
- Data collection methods
- Baseline data
- Data/ statistical analysis, approach to modelling and presentation of results (including forecast methodologies)
- Full expression of expert judgements and assumptions
- Identification and sensitivity of relevant features and quantification of potential impact
- Likely effects (direct and indirect) on special interest features of sites designated or notified for any nature conservation purpose
- Feasible and deliverable mitigation and method for securing such mitigation within the Development Consent Order

8. Submission of Applicant's amended documents

Following the acceptance of the application, the Applicant submitted correspondence on 7 January 2019 [[AS-004](#)] to the Planning Inspectorate in response to s51 advice [[PD-003](#)] issued on 27 September 2018.

The letter provided by the Applicant outlines the changes in the revised documents. I have made a procedural decision to accept these

documents, which have now been published on the project page of the National Infrastructure website:

The revised/amended documents submitted by the Applicant are as follows:

- 2.2(A) Land Plans Key Plan [[AS-005](#)]
- 2.2(A) Land Plans Sheet 1 [[AS-006](#)]
- 2.2(A) Land Plans Sheet 3 [[AS-007](#)]
- 2.2(A) Land Plans Sheet 4 [[AS-008](#)]
- 2.2(A) Land Plans Sheet 5 [[AS-009](#)]
- 2.2(A) Land Plans Sheet 6 [[AS-010](#)]
- 2.2(A) Land Plans Sheet 7 [[AS-011](#)]
- 2.2(A) Land Plans Sheet 10 [[AS-012](#)]
- 2.3(A) Special Category Land Plan [[AS-013](#)]
- 2.4(A) Works Plan Sheet 1 [[AS-014](#)]
- 2.4(A) Works Plan Sheet 2 [[AS-015](#)]
- 2.4(A) Works Plan Sheet 3 [[AS-016](#)]
- 2.4(A) Works Plan Sheet 4 [[AS-017](#)]
- 2.4(A) Works Plan Sheet 5 [[AS-018](#)]
- 2.4(A) Works Plan Sheet 6 [[AS-019](#)]
- 2.4(A) Works Plan Sheet 7 [[AS-020](#)]
- 2.4(A) Works Plan Sheet 8 [[AS-021](#)]
- 2.5(A) Rights of Way and Access Plans Key Plan [[AS-022](#)]
- 2.5(A) Rights of Way and Access Plans Sheet 1 [[AS-023](#)]
- 2.5(A) Rights of Way and Access Plans Sheet 2 [[AS-024](#)]
- 2.5(A) Rights of Way and Access Plans Sheet 3 [[AS-025](#)]
- 2.5(A) Rights of Way and Access Plans Sheet 4 [[AS-026](#)]
- 2.5(A) Rights of Way and Access Plans Sheet 5 [[AS-027](#)]
- 2.5(A) Rights of Way and Access Plans Sheet 6 [[AS-028](#)]
- 2.5(A) Rights of Way and Access Plans Sheet 7 [[AS-029](#)]
- 2.5(A) Rights of Way and Access Plans Sheet 8 [[AS-030](#)]
- 3.1(B) DCO Rev B [[AS-031](#)]
- 4.1(A) Statement of Reasons Appendix A (Clean) [[AS-032](#)]
- 4.1(A) Statement of Reasons Appendix A (Tracked) [[AS-033](#)]
- 4.3(A) Book of Reference (Clean) [[AS-034](#)]
- 4.3(A) Book of Reference (Tracked) [[AS-035](#)]

Interested Parties are asked to submit any comments they may have on any of the revised documents submitted by the Applicant, by **Tuesday 19 February 2019 (Deadline 1)**.

Notification of Hearing under Section 91 of the Planning Act 2008

The first Issue Specific Hearing will be held as follows:

Date	Hearing	Starting Time	Venue	Access and Parking
Wednesday, 6 February 2019	Issue Specific Hearing into the draft Development Consent Order	2.00pm (doors open from 1.30pm)	The Alverton Hotel, Tregolls Road, Truro, TR1 1ZQ	Free parking available at venue

The agenda for this initial hearing is included at **Annex G**. This hearing will close no later than 5.00pm.

Information about hearings is included in the Planning Inspectorate's 'Advice Note 8.5: The examination: hearings and site inspections', available on the National Infrastructure Planning website here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-5v3.pdf>

If you wish to attend this hearing please contact the Case Team using the details at the top of this letter **no later than Monday 28 January 2019** stating:

- Whether you wish to speak at the hearing; and
- Notifying us of any special needs you may have (eg disabled access, hearing loop etc).

Please ensure that you include your reference number in your correspondence.

The hearing venue will be open 30 minutes prior to the start of the hearing to enable a prompt start. The hearing will finish as soon as the Examining Authority deems that all those present have had their say and all necessary issues have been covered.

Agenda for the Issue Specific Hearing into the draft Development Consent Order (ISH1)

This document sets out the agenda for the issue specific hearing into the draft Development Consent Order as notified by the Examining Authority (ExA) in **Annex F**.

Date: Wednesday 6 February 2019

Seating available from: 1.30pm

Hearing begins: 2.00pm

Venue: The Alverton Hotel, Tregolls Road, Truro, TR1 1ZQ

Access and parking: Free parking available at venue.

Purpose of the Issue Specific Hearing

The ExA will examine the draft Development Consent Order (dDCO) within the framework of the matters set out below to consider:

- i. how the draft responds to the project definition;
- ii. the approach taken in the draft to principal, associated and ancillary development;
- iii. the Applicant's response to guidance in PINS Advice Notes, particularly AN13 and AN15²;
- iv. the relationship between the dDCO and recently made Orders for similar highway proposals;
- v. the justification for any innovative approaches and changes from established practice;
- vi. the need for changes to other legislative provisions, ensuring that these are clear and are not unduly reductive of other persons' rights;
- vii. whether policy tests for planning conditions relevant to requirements are met;
- viii. the need for protective provisions and the scope for changes to the current draft to respond to negotiations in progress;
- ix. the need for any commercial agreements, planning obligations or equivalent side provisions and progress towards these; and
- x. the need for Crown, statutory undertaker and any other consents.

The ExA will not examine matters arising from the content of individual Relevant Representations (RRs) at this hearing. Technical drafting considerations relating to compulsory acquisition (CA) and the temporary possession (TP) of land will be examined, but individual Affected Persons (APs) concerns about their land and rights will not be examined. These are all matters that may be the subject of future hearings, following the submission of Written Representations (WRs).

² The Planning Inspectorate's Advice Notes can be found at:
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Schedule of Questions into the dDCO

In addition to the matters identified above, the ExA may review detailed issues and questions about individual dDCO provisions which would be sent out at least one week prior to the hearing date. Additional issues and questions arising from Interested Parties (IPs) not identified will not be discussed at this time but will be considered as the Examination progresses, in writing or orally as required.

This hearing will not examine the detailed content of provisions relating to the compulsory acquisition of land or rights or temporary possession of land. The draft Examination timetable proposes a separate Compulsory Acquisition Hearing (CAH) on these topics and they may also be returned to in subsequent DCO ISHs.

Participation, conduct and management of hearing

This early hearing on the dDCO is being held to address matters, issues and questions identified by the ExA during its Initial Assessment of Principal Issues, before consideration of Written Representations (WRs). The ExA considers that it is expedient to examine these matters, issues and questions orally at the outset of the Examination in order to ensure that technical and legal matters arising from the dDCO are identified and considered as early as possible. This hearing, and any subsequent hearings on the dDCO, will be held without prejudice to the ExA's consideration of the broader planning merits of the Application.

All IPs are invited to attend the hearing. Each IP is entitled to make oral representations at the hearing. However, this is subject to the ExA's power to control the hearing.

The ExA requests that the following attendees participate in ISH1 into the dDCO:

- Highways England (the Applicant)
- Cornwall Council (CC)
- Environment Agency (EA)
- Arqiva Ltd (AL)
- Scottish Power Renewables (SPR)
- Western Power Distribution (WPD)
- Any other IPs with an interest in the drafting of the DCO; implementation or discharge of proposed articles, requirements or other provisions; seeking protective provisions or any related side agreements.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. The

Applicant and IPs may consider attending with the following expert advisers, but IPs may participate without expert advice:

- Engineers and project managers, responsible for project design and delivery;
- Lawyers engaged in statutory drafting, planning and environmental law; and
- Town Planners or Surveyors engaged in the negotiation of requirements and agreements relating to the use and development of land.

Guidance under the Planning Act 2008 (PA 2008)³ and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

Cross-questioning of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case.

The hearing will run until all IPs have made their representations and responded to the ExA's exploration of the matters in accordance with the agenda set.

Please note that the following agenda is indicative and may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise other matters arising from submissions, and pursue lines of inquiry in the course of the discussion which are not on the agenda.

³ DCLG: 'Planning Act 2008: Guidance for the examination of applications for development consent', March 2015.
<https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

Agenda

1. Welcome, introductions and arrangements for this Issue Specific Hearing

2. Changes to the submitted dDCO

The ExA will ask the Applicant:

- to introduce proposed changes to the submitted draft DCO put forward in Revision B; and
- to identify in outline what the changes are proposed to achieve.

Views from the Applicant and IPs about the procedural implications of any proposed changes will be sought.

3. The function and structure of the submitted dDCO

The ExA will ask the Applicant about:

- a) the proposed articles;
- b) the proposed project description (Schedule 1);
- c) the proposed requirements and procedure for discharge (Schedule 2, Parts 1 and 2);
- d) the approach taken to protected trees (Schedule 8);
- e) the need for and progress on protective provisions (Schedule 9);
- f) the means of recording documents to be certified (Schedule 10);
- g) the need for and progress on any planning obligations and or side agreements;
- h) the need for and progress on any other consents; and
- i) progress on Statements of Common Ground relevant to the DCO.

4. Discharge of requirements and conditions, appeals and disputes

The ExA will ask IPs and particularly the agencies and Cornwall Council whether they have any significant concerns in principle with the proposed approaches taken to the discharge of requirements, or for managing appeals or disputes under the dDCO.

5. Specific issues and questions bearing on the dDCO, raised by the ExA

A schedule of issues and questions may be issued prior to the hearing. Any questions will be put to the Applicant and views will be sought from IPs.

6. Review of issues and actions arising

The ExA will address how any actions placed on the Applicant are to be met and consider the approaches to be taken to the examination of the dDCO and any changes to it, in the light of issues raised in this hearing.

7. Next steps

8. Closure of the hearing