

Application by Highways England for a Development Consent Order in relation to the A30 Chiverton to Carland Cross Scheme.

The Examining Authority's first written questions and requests for information in relation to the dDCO

Issued on 13 February 2019

The following document comprises the Examining Authority's (ExA) first written questions and requests for information in relation to the draft DCO (dDCO).

Each question has a unique reference number which combines a section number (derived from the Initial Assessment of Principal Issues) and a question number¹. When you are answering a question, please start your answer by quoting the unique reference number.

Each question makes explicit which party it is directed at. The ExA would be grateful if all parties named could answer all questions directed at them, providing either a substantive response, or indicating that the question is not relevant to them and why. For example, it may be that an agreed position on relevant matters is to be included in a Statement of Common Ground, or for local authorities the matter is covered in a Local Impact Report.

The direction of questions in this way does not prevent an answer being provided by a person to whom a question is not directed, should the question be relevant to their interests.

Unless otherwise stated, the Applicant and other Interested Parties should provide any new or amended documentation prepared in support of the answers to these questions for submission by Tuesday 19 March (Deadline 2 in the Examination Timetable).

¹ Please note that questions 1.5.1 – 1.5.36 were included within the matters considered at Issues Specific Hearing 1 in relation to the draft Development Consent Order, Wednesday 6 February 2019.

Where an Examination document is referred to within a question, the Examination Library reference is provided in square brackets e.g. [APP-001]. The Examination library link is:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010026/TR010026-000541-A30%20Examination%20Library%20.pdf>

A list of the acronyms and abbreviations used within this document is provided at Annex A.

If you are answering a limited number of questions, responses in a letter format will suffice. If you are answering several questions, it will assist the ExA if you use a table which reproduces the question and incorporates the referencing conventions used in the questions.

With regard to areas of disagreement with the application, please provide evidence including any counter proposals.

Please note that in drafting these first questions I have taken account that the response from the Applicant to the Relevant Representations have not yet been made. I also take account that I have requested Statements of Common Ground between the Applicant and certain parties. I consider that the responses and the Statements of Common Ground should assist me in determining whether I have remaining questions on these matters.

Abbreviations

BT	BT Group Public Limited Company	REAC	Record of Environmental Actions and Commitments
CA	Compulsory Acquisition	RES	Renewable Energy Systems Limited
CC	Cornwall Council	SMP	Soils Management Plan
CEMP	Construction Environmental Management Plan	SoCG	Statement(s) of Common Ground
dDCO	Draft Development Consent Order	SPR	ScottishPower Renewables (UK) Limited
EA	Environment Agency	SUK	Sky UK Limited
EIA	Environmental Impact Assessment	SWWL	South West Water Limited
EM	Explanatory Memorandum to the dDCO	TCC	Truro Cycling Campaign
ES	Environmental Statement	TMP	Traffic Management Plan
HEMP	Handover Environmental Management Plan	TP	Temporary Possession
IL	Instalcom Limited	TT	Transition Truro
L3C	Level 3 Communications Limited	VDM	Verizon Digital Media Services UK Limited
MMP	Materials Management Plan	VGPLC	Vodafone Group Public Limited Company
MRM	Mitigation Route Map	VML	Virgin Media Limited
NE	Natural England	WFD	Water Framework Directive
NPS	National Policy Statement	WPD	Western Power Distribution Public Limited Company
NPSNN	National Policy Statement for National Networks	WWUL	Wales & West Utilities Limited

Questions:

Number	Directed to	Question
0	GENERAL MATTERS	
1.0.1	Applicant	<p>Public Sector Equality Duty In considering the application, the SoS will be subject to the Public Sector Equality Duty under Section 149 of the Equality Act 2010.</p> <p>a) How has the Applicant fulfilled its own duty under the Act?</p> <p>b) How does the applicant consider the SoS can fulfil the duty?</p>
1.0.2	Applicant	<p>Paragraph 3.1.4, Funding Statement [APP-010] indicates that a proportion of funding has been allocated to the scheme through the European Regional Development Fund, committed in the Operational Programme 2014 to 2020.</p> <p>Please confirm whether or not the funds would be affected by the stated intention of the United Kingdom to withdraw from the European Union.</p>
1.0.3	Applicant, CC, NE, HE, EA, WWUL, HSE, Arqiva Ltd, SPR, WPD, Nancarrow Farm, TCC, TT	<p>See Paragraph 3 of Annex B to the Rule 8 letter. At the Preliminary Meeting, 6 February 2019, the applicant suggested that certain requested SoCG be not submitted and others submitted in their stead.</p> <p>By Deadline 1 (Tuesday 19 February 2019) can all relevant parties indicate their agreement to submit, or not submit, SoCG as appropriate to confirm where such documents are expected.</p>
1	AIR QUALITY AND EMISSIONS	<ul style="list-style-type: none"> Construction and operational effects.
1.1.1	NE	Paragraph 8.11.122, ES, explains that if a designated site was within 200m of an affected road, NOx concentrations within the site should be calculated. A potential significant effect was identified for the Breney

		<p>Common and Goss and Tregoss Moors SAC (paragraph 8.11.124). This resulting from exceedances of the vegetation criterion (30 µg/m³) and the 1% threshold (0.3µg/m³) were predicted to occur between 0-10 meters from the highway boundary. Further investigation found that 0.2% of the total area of the SAC lies within 10m of the Affected Road Network and of this area, only a small part was found to contain an Annex 1 Habitat for which the SAC has been designated – H4c <i>Ulex gallii</i> <i>Agrostis curtisii</i> heath, <i>Erica tetralix</i> sub-community. As such a small amount of the qualifying habitat may be affected, it was concluded that an effect of neutral significance was predicted.</p> <p>Can Natural England confirm whether they are satisfied with this conclusion?</p>
1.1.2	Applicant, NE	<p>Paragraph 5.7.14, ES [APP-058], states that monitoring was undertaken August 2016 – May 2017 adjacent to the existing A30 and the scheme and at the sensitive ecology sites in the period November 2016 – May 2017.</p> <p>a) As the monitoring at sensitive ecological sites was restricted to the winter season to what extent is the information likely to be representative for the purposes of the assessment?</p> <p>b) How has the data been used to inform the assessment of year-round effects to sensitive receptors, including sensitive ecological receptors?</p>
2	<p>BIODIVERSITY, ECOLOGY AND NATURAL ENVIRONMENT</p> <ul style="list-style-type: none"> • 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. 	

		<ul style="list-style-type: none"> • 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.
1.2.1	Applicant	<p>It is noted that the River Habitat Appraisal was carried out in November/December 2016.</p> <p>a) Can you confirm if there has been any update to the appraisal?</p> <p>b) If not, can you explain what confidence you have in the findings and the extent to which it remains appropriate to inform the assessment?</p>
1.2.2	Applicant	<p>Paragraph 8.6.24, ES, states that National Vegetation Classification surveys of the heathland were undertaken in late August 2016.</p> <p>a) Has been an update to the National Vegetation Survey for heathland?</p> <p>b) If not, can the Applicant explain what confidence they have in its findings and the extent to which it remains appropriate to inform the assessment?</p>

1.2.3	Applicant	<p>Paragraph 8.6.65, ES, states that the breeding bird survey was carried out over four visits between April and June 2016.</p> <p>a) Can the Applicant explain if there has been an update to the breeding bird survey?</p> <p>b) If not, can the Applicant explain what confidence they have in its findings and the extent to which it remains appropriate to inform the assessment?</p>
1.2.4	Applicant	<p>Paragraph 8.6.124, ES, explains that Bat Activity Transect Surveys were undertaken between May and September 2016.</p> <p>a) Can the Applicant explain if there has been an update to the Bat Activity Transect Surveys?</p> <p>b) If not, can the Applicant explain what confidence they have in its findings and the extent to which it remains appropriate to inform the assessment?</p>
1.2.5	Applicant	<p>Paragraph 8.6.131, ES, explains that further Automated Detector Surveys were to be undertaken beyond the submission of the ES, further to those undertaken between May and October 2016.</p> <p>a) Can the Applicant provide the results of these surveys?</p> <p>b) Please clarify if there are any findings that would alter the assessment contained within the ES.</p> <p>c) If this is the case, please provide a clear explanation of the changes to the assessment.</p>

1.2.6	Applicant	<p>Paragraph 8.6.162, ES, explains that significance is determined by assessing the value or resources/receptors against residual impact. However, it is unclear, in reading Chapter 8 as a whole, what level of effect is considered by the Applicant to be significant.</p> <p>a) Can the Applicant explain what level of effect is considered to be significant for effects on ecology and nature conservation?</p> <p>b) Can the Applicant explain which of the effects identified were determined necessary for mitigation?</p> <p>c) How would any such mitigation be secured?</p>
1.2.7	Applicant	<p>Paragraph 8.12.2, ES, states that detailed monitoring and management plans would be required to ensure that new habitats were succeeding, with further details to be included at the detailed design stage and within the Handover Environmental Management Plan.</p> <p>a) Can the Applicant explain in detail how they would undertake monitoring for new habitats?</p> <p>b) Can the Applicant explain how they would bring forward the Handover Environmental Management Plan?</p>
1.2.8	Applicant	<p>Paragraph 8.12.3, ES, explains that ongoing management and inspections would take place, in particular over the first five years. Monitoring would be required (under licence) to ensure bats and badgers are excluded before roosts and setts are demolished, and whether the artificial setts and roosts are being used. Monitoring would also be required for reptiles.</p> <p>Can the Applicant explain how the monitoring requirements proposed, would be secured?</p>

1.2.9	Applicant	<p>Tables 8-16 and 8-17, ES, provide a description of the potential impact, mitigation measures and significance effect during construction. Table 17-1, ES Summary [APP-070], states that the impact on habitat loss during construction would result in moderate to slight adverse effect, reducing to neutral effect as planting throughout the scheme starts to establish. Habitat loss in one heathland area is stated to be neutral if heathland translocation was successful or moderate to slight adverse, reducing to a neutral effect as planting throughout the scheme started to establish.</p> <p>a) How would the habitat development of Cornwall Roadside Verge Inventory sites, the Habitats of Principle Importance and the heathland translocation area would be monitored to ensure they were successful?</p> <p>b) What remedial measures would be taken if monitoring showed that habitat development was not proving successful?</p>
1.2.10	Applicant CC	<p>Paragraph 9.3.15, ES, refers to the draft Minerals Safeguarding Development Plan Document (2018). The Cornwall Minerals Safeguarding Development Plan Document was adopted by CC on 4 December 2018.</p> <p>a) Are you satisfied that the ES takes appropriate account of the adopted plan?</p> <p>b) If not please indicate which measures are considered to be material and whether and/or how the proposal would comply or otherwise to that policy?</p>
1.2.11	Applicant	<p>The baseline for mining and mineral workings has used the Mineral Resources map of Cornwall and Cornwall Consultants Ltd (2017) mining</p>

		<p>search information. Paragraph 9.7.14, ES, indicates that an adit may exist beneath the Scheme.</p> <p>a) What evidence is available to indicate that an adit may exist beneath the Scheme?</p> <p>b) Which area of the Scheme may be affected by its presence?</p> <p>c) What implications may this have for the proposed design?</p>
1.2.12	Applicant	<p>ES, paragraph 9.6.17 [APP-062], states that no piling is currently envisaged as being required for the scheme. However, elsewhere there is reference to temporary sheet piling (ES paragraph 11.13.10 [APP-064]), sheet piling (Table 11-1, Appendix 11.4 [APP-360]) and storage for piling (ES paragraph 2.6.66 [APP-055]).</p> <p>a) Please clarify whether or not piling is likely to be part of the scheme?</p> <p>b) If so, has consideration been given to the potential effect on geology and soils?</p> <p>c) Has there been consideration of different construction techniques in the assessment of the potential worst-case scenario for adverse effects from construction methods on geology and soils?</p>
1.2.13	Applicant	<p>It is indicated that a Soils Management Plan (SMP) will be developed as the scheme develops (Table 4-1, ES Appendix 4.2 [APP-312]).</p> <p>a) Please confirm the status of the SMP and when delivery of the document can be expected.</p>

		<p>b) If the SMP is to be relied upon in outlining and delivering mitigation measures to protect soils during construction, how would this be secured through the DCO?</p> <p>c) Have field drains and the impacts of the scheme been considered as part of soil management during construction and operational phases?</p>
1.2.14	Applicant	<p>For contaminated land, the ES indicates that the use of the CEMP and a Materials Management Plan (MMP) would prevent contamination being introduced and mobilisation of existing contamination or pathways to contamination being present during operation (ES paragraph 9.10.20 [APP-062] and the Outline CEMP Annex C (Outline MMP) [APP-375 & APP-376].</p> <p>a) How would the MMP be secured?</p> <p>b) What confidence is there in its successful delivery?</p>
3	<p>COMPULSORY ACQUISITION AND /OR TEMPORARY POSSESSION</p> <ul style="list-style-type: none"> • 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. 	
1.3.1	Applicant	<p>Paragraph 4.6 of the National Policy Statement for National Networks indicates that applicants are encouraged to make an assessment of the benefits and costs of scheme under high and low growth scenarios, in addition to the core case. Reference is made to high and low growth modelling and cost benefit analysis having been carried out, for example in 4.1 Statement of Reasons [APP-006], 7.1, the Planning Statement [APP-045] and 7.5, the Transport Report [APP-049].</p>

		Please provide a table showing the cost benefit analysis under high and low growth scenarios, alongside the presumed growth scenario.
4	CULTURAL HERITAGE	
	<ul style="list-style-type: none"> • Listed buildings and Scheduled Monuments. • Construction effects. 	
1.4.1	Applicant, HE	<p>Paragraph 6.5.3, ES [APP-059], sets out that views from heritage assets towards permanent works such as new roads, cuttings, embankments, other structures and the removal of elements of the existing A30, are considered to be construction impacts for the purposes of the assessment.</p> <p>a) As these would be permanent effects, is it appropriate that they do not appear to be acknowledged in relation to operation?</p> <p>b) Would it be possible and/or appropriate to provide mitigation measures for the significant adverse effects identified?</p>
5	DRAFT DEVELOPMENT CONSENT ORDER (dDCO)	
	<ul style="list-style-type: none"> • The structure of the dDCO. • The appropriateness of proposed provisions. • Relationships with other consents. 	
1.5.1	Applicant	<p>Paragraph 2 of the Explanatory Memorandum (EM) to the dDCO identifies the proposed scheme as a Nationally Significant Infrastructure Project (NSIP) pursuant to paragraphs 14(1)(h) and 22(1)(a) of the Planning Act 2008 (as amended) (PA2008). This relates to construction of a highway.</p> <p>Section 22(1)(b) PA2008 relates to alteration of a highway and section 22(1)(c) PA2008 to improvement of a highway.</p>

		Are you satisfied that the application relates entirely to construction of a highway and no part of this application should proceed under either, or both, s22(1)(b) and/or (c)?
1.5.2	Applicant	<p>Table of contents</p> <p>The table details the page numbers, but the individual pages are not numbered.</p> <p>Ensure that the dDCO is paginated (preferred option) or remove the references in the table of contents.</p>
1.5.3	Applicant	<p>Article 2, Interpretation, 'commence'</p> <p>The definition would permit certain works to be carried out without commencing the development, identified in the EM, paragraph 4.5(a), to be related to preparatory works prior to submission of relevant details for approval under the requirements.</p> <p>This appears to provide a wide flexibility with potential impacts on local residents, businesses and visitors to the area depending on the location of the works and the interpretation of 'temporary'.</p> <p>Please provide information on the expected type, scale and duration of such 'exemption works' to fall outside 'commencement', identifying any potential impacts.</p>
1.5.4	Applicant	<p>Article 2, Interpretation, 'cycle track'</p> <p>The term 'cycle track' is included but does not appear to be relevant to the dDCO. The term 'restricted byway' is not included but appears to be relevant to the dDCO.</p>

		Please check all interpretations and include those relevant to the dDCO.
1.5.5	Applicant, Any affected parties	<p>Article 2, Interpretation, 'Secretary of State'</p> <p>Planning Inspectorate Advice Note 15 indicates that "generally, a definition for 'The Secretary of State' should not be provided (government departments ask for a general Secretary of State to be assumed to allow for future changes to government machinery)".</p> <p>Are you satisfied is appropriate to interpret the Secretary of State as set out?</p>
1.5.6	Applicant	<p>Paragraph 4.5 (b) of the EM refers to the 'power to maintain in article 5'.</p> <p>Please check that the correct article is referred to in the EM.</p>
1.5.7	Applicant	<p>Article 4, Disapplication of legislation, etc.</p> <p>In relation to the disapplication of provisions of the Neighbourhood Planning Act 2017 (the 2017 Act) it is noted that that Act (section 18) would (on commencement) give the power to take temporary possession of land, or a new right over land, by agreement or compulsorily.</p> <p>Are you satisfied that the express provision you refer to in the dDCO is appropriate given that the 2017 Act provisions aim to provide a consistent regime for the use of temporary possession powers including additional protection for affected landowners?</p>
1.5.8	Applicant	<p>Paragraph 4.12 of the EM refers to the temporary possession of land being 'dealt with by articles 32 and 33'.</p>

		Please check that the correct articles are referred to in the EM.
1.5.9	Applicant, EA	<p>Paragraph 4.14 of the EM indicates that there are not considered to be any ancillary works in this case. However, Schedule 9, Part 3, article 21 refers to ancillary works.</p> <p>If satisfied that there would be no ancillary works would there be a need for this reference within the dDCO?</p>
1.5.10	Applicant, CC	<p>As explained in paragraph 4.15 of the EM article 5 paragraph (2) of the dDCO would provide that any enactment applying to land within or adjacent to the Order limits would have effect subject to the provisions of the Order.</p> <p>a) Are you satisfied that it would be appropriate to simply refer to the term 'adjacent' without greater clarity on the extent and limit?</p> <p>b) Are there any specific enactments causing concern in relation to the proposed Order land?</p>
1.5.11	Applicant, CC	<p>a) In relation to article 7 of the dDCO, are there any known planning permissions within the Order limits?</p> <p>b) If so, is there any reason to suspect that implementation of them may lead to a breach of the Order if granted?</p>
1.5.12	Applicant, CC, EA, Any affected parties	<p>Paragraphs 4.22 – 4.25 of the EM refer to article 8 of the dDCO, which provides for deviation laterally or vertically from the authorised development with respect to certain specified works. Although reference is made to recent example Orders where this was used, it is my understanding that in the M20 and A14 the ability to exceed the</p>

		<p>maximum limits of deviation was limited to vertical, not lateral and in the M4 no such power was set out.</p> <p>a) Would it be appropriate to exceed the vertical and horizontal limits of deviation without applying for a change to the DCO in accordance with the processes set out under the 2008 Act?</p> <p>b) Given that the limits of deviation are themselves designed to permit flexibility to deviate from the proposed scheme, what processes would be put in place for the Secretary of State to determine whether or not the development proposed, in excess of the limits, would give rise to any new or worse environmental effects? Although there is a process in place for the discharge of requirements set out in Part 2 of Schedule 2 (requirements 16 and 17) there is no similar provision for the submission of any information to the Secretary of State in accordance with article 8.</p>
1.5.13	Applicant, SWWL, WPD, BT, WWUL, IL, L3C, RES, SPR, VDM, VML, VGPLC, SUK	<p>Paragraph 4.27 of the EM provides a list of the works (to fall under article 9 paragraph (2) of the dDCO) and persons considered to benefit. There appear to be discrepancies between the list in article 10(4) and that provided in the EM.</p> <p>Please confirm that the correct information is provided in both the EM and dDCO.</p>
1.5.14	Applicant, SWWL, WPD, BT, WWUL, IL, L3C, RES, SPR, VDM, VML, VGPLC, SUK	<p>Article 10 paragraph (4) of the dDCO sets out that the benefit of the Order could be transferred or leased to others by the undertaker.</p> <p>How can it be confirmed that these parties would be able to meet the CA compensation costs if the DCO permitted transfer of the CA powers and TP powers to these bodies without further consideration by the Secretary of State?</p>

1.5.15	CC	<p>Article 11 allows the undertaker to carry out works to interfere with and execute works in or under the streets within the Order limits.</p> <p>a) Has this been discussed with you as the relevant highway authority?</p> <p>b) Are you satisfied that the provisions of this article would be appropriate?</p>
1.5.16	CC	<p>As explained in paragraph 4.35 of the EM article 12 paragraph (3) of the dDCO provides that certain provisions of the 1991 Act would not apply.</p> <p>Are you satisfied that the disapplication of these provisions is appropriate, given the scale of the proposed works, the specific authorisation and the specific provisions in the dDCO regulating the carrying out of the works?</p>
1.5.17	CC	<p>Article 13 places obligations on the highway authority in relation to the construction and maintenance of new, altered or diverted streets and other structures.</p> <p>a) Has this been discussed with you as the relevant highway authority?</p> <p>b) Are you satisfied that the provisions of this article would be appropriate?</p>
1.5.18	Applicant, CC	<p>As explained in paragraph 4.51 of the EM the purpose of article 14 paragraph (9) of the dDCO is to confirm that the matters covered in paragraphs (1) to (7) could be varied or revoked in the future without the need to apply under the 2008 Act for an amendment to the Order.</p>

		Are you satisfied that this would be appropriate, or would it circumvent the provisions of the 2008 Act?
1.5.19	CC	<p>As explained in paragraph 4.57 of the EM article 15(6) of the dDCO provides that a street authority which fails to notify the undertaker (the applicant) of its decision in respect of an application for consent within 28 days of the application being made is deemed to have given its consent.</p> <p>Are you satisfied that deemed consent would be appropriate in order to remove the possibility for delay and provide certainty that the authorised development can be delivered in a timely fashion, without risk of being held up due to a failure to respond to an application for consent?</p>
1.5.20	CC, Any affected parties	<p>As explained in paragraphs 4.64 and 4.65 of the EM article 17 of the dDCO provides that accesses could be created within the Order limits - it is anticipated to provide temporary accesses as required during the construction period - providing the undertaker with a general power to provide means of access, similar to those available under the Highways Act 1980. The provisions of this article confer slightly broader powers than those contained in the 1980 Act.</p> <p>a) Are you satisfied that the provision of such powers would be appropriate to ensure that the authorised development can be carried out expeditiously, allowing the creation of new temporary accesses as, where and when required, particularly in response to requests from landowners, occupiers and other affected parties?</p> <p>b) It appears that the powers would not simply be limited to requests from landowners, occupiers and other affected parties but could enable the applicant to make new accesses where the</p>

		<p>landowner or occupier did not consent, without any examination of the need for them. Would this be appropriate?</p> <p>c) Is the limit to the power to those that are 'reasonably required' sufficiently certain?</p> <p>d) What processes would be put in place to deal with any dispute as to what was 'reasonably required'?</p>
1.5.21	CC, EA, Any affected parties	<p>As explained in paragraph 4.80 of the EM article 20, paragraph 7 of the dDCO provides that a person who fails to notify the undertaker of their decision in respect of an application for consent within 28 days of the application being made is deemed to have granted consent or given approval.</p> <p>Are you satisfied that deemed consent/approval would be appropriate in order to remove the possibility for delay and provide certainty that the authorised development can be delivered in a timely fashion, without risk of being held up due to a failure to respond to an application for consent/approval?</p>
1.5.22	CC	<p>As explained in paragraph 4.82 of the EM article 22, paragraph 6 of the dDCO provides that a highway authority or street authority which fails to notify the undertaker of its decision in respect of an application for consent within 28 days of the application being made is deemed to have granted consent.</p> <p>Are you satisfied that deemed consent would be appropriate in this case?</p>
1.5.23	Applicant, Tregothnan Estate	<p>Taking account of The Cornwall Minerals Safeguarding Development Plan Document (2018) would article 24 of the dDCO, incorporating</p>

		Parts II and III of Schedule 2, Minerals, to the Acquisition of Land Act 1981 appropriately address the concerns raised by [RR-060]?
1.5.24	Applicant	<p>Article 26 would allow for rights over land to be acquired as well as the land itself, and also for new rights to be created over land, including the power to impose restrictive covenants.</p> <p>a) Please provide justification for this wide power, bearing in mind that the CA tests must be satisfied in order for the DCO to authorise the CA sought.</p> <p>b) Is it the intention to permit the creation of the new rights listed in schedule 5 as well as the creation of any new right over any of the order land?</p> <p>c) Would the dDCO achieve this?</p> <p>d) If not, what amendments would be sought?</p>
1.5.25	Applicant	<p>a) In relation to article 30 are you satisfied that this would be appropriate given that the 2017 Act provisions aim to provide a consistent regime for the use of temporary possession powers including additional protection for affected landowners?</p> <p>b) Would it be better to more closely reflect that regime?</p> <p>Alternatively, could the EM explain why not?</p>
1.5.26	Applicant, Tregothnan Estate	Taking account of The Cornwall Minerals Safeguarding Development Plan Document (2018) would articles 31 and 32 of the dDCO, acquisition of subsoil or airspace only and rights under or over streets, appropriately address the concerns raised by [RR-060]?

1.5.27	Applicant, Any affected parties	<p>Article 33, Temporary use of land for carrying out the authorised development.</p> <p>a) Are you satisfied that the provisions of paragraph 1(a)(ii) of the dDCO would not affect the compensation payable when that land was, eventually, compulsorily acquired?</p> <p>b) As 33(8) permits the CA of new rights in land listed in schedule 7 the CA tests would still have to be met, although this land is described as being for temporary use. Please ensure such justification if provided.</p> <p>c) Are you satisfied that this should not reflect the 2017 Act provisions, which aim to provide a consistent regime for the use of temporary possession powers, including additional protection for affected landowners?</p>
1.5.28	Applicant, Any affected parties	<p>Article 37 of the dDCO deals with recovery of costs of new connections in relation to statutory undertakers' apparatus. How are private water and sewerage supplies to be dealt with?</p>
1.5.29	Applicant, CC, Any affected parties	<p>Following the Planning Inspectorate's Advice Note 15, Drafting Development Consent Orders, paragraph 22.1 and Good Practice Point 6, in relation to article 39, where it is known that specific hedgerows need to be removed they should be listed in a Schedule and this article amended to refer to that Schedule. An additional paragraph should be added to this article to the effect that any other hedgerows should only be removed once the prior consent of the local planning authority has been obtained.</p> <p>Is there any reason not to include this matter within the DCO?</p>

1.5.30	Applicant	Please provide justification for the powers provided by article 41 in the circumstances of this particular scheme, notwithstanding precedent in other DCOs.
1.5.31	Applicant	What provisions have been put in place to ensure that Schedule 10, as referred to be article 45 of the dDCO, is up to date should changes arise to the documents to be certified?
1.5.32	CC, Any affected parties	As explained in paragraphs 4.167 – 4.171 of the EM article 48 of the dDCO is intended to provide a streamlined process in relation to appeals relating to the Control of Pollution Act 1974. Are you satisfied that the intended process would be appropriate to ensure that the authorised development could be carried out expeditiously, whilst still providing appropriate protection, as intended by the 1974 Act?
1.5.33	Applicant	In relation to Schedule 1 to the dDCO and the EM, and notwithstanding the potential for some overlap, please can you clarify the works which form part of the NSIP and the associated development. In particular, there needs to be justification that all of the works would be necessary or expedient and have been subject to EIA.
1.5.34	Applicant, CC	Schedule 2, Part 1, Requirement 12, permits Secretary of State, following consultation with the relevant planning authority and the local highway authority, to permit the development to be carried out other than in accordance with the preliminary scheme design shown on the works plans and the general arrangement and sections plans, provided that the departure would not give rise to any materially new or materially worse adverse environmental effects. It seems that this could allow development to take place contrary to the works plans and general arrangements and sections plans.

		<p>Although paragraph 5.29 of the EM says that any variations to the Scheme design must be within the limits of deviation, article 8 permits further deviation from the maximum limits of deviation where the Secretary of State, following consultation with the relevant planning authority and local highway authority, certifies that this would not give rise to any materially new or worse environmental effects than those reported in the ES (see question 1.5.11 above).</p> <p>Is it necessary and appropriate for amendments to be permitted to these key documents and the detailed design of the project without consultation or examination?</p>
1.5.35	Applicant, CC, EA	<p>a) Given the comments by the EA [RR-098] in relation to Schedule 9, Part 3 of the dDCO, should this part of the Schedule be removed from the dDCO?</p> <p>b) Given that the proposal crosses ordinary water courses is the appropriate consenting regime addressed and, if so, how?</p> <p>c) If this is not the case how would an appropriate consenting regime be addressed?</p>
1.5.36	Applicant	In relation to applications for consent where the dDCO provides for deemed consent/approval, what measures would be in place to ensure and demonstrate that appropriate consent was sought from the appropriate person/body at the appropriate time?
6	<p>ELECTRICITY & GAS CONNECTIONS AND OTHER INFRASTRUCTURE</p> <ul style="list-style-type: none"> • 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. 	

		<ul style="list-style-type: none"> • Construction and operational effects.
	Applicant	<p>The diversion of the gas high pressure pipeline forms part of the works considered by the Outline CEMP. One of the objectives of the CEMP (Paragraph 16.2.1, Document 6.4, Appendix 16.1 [APP-375]) would be to 'minimise the risk of any type of pollution incident or other form of unauthorised discharge.'</p> <p>a) What measures would be put in place to protect against unplanned interaction with the gas main during the construction phase?</p> <p>b) How would such measures be secured?</p>
		<p>Work No. 74 within Schedule 1 to the dDCO [AS-031] relates to the demolition of an abandoned oil pipeline at the location shown on sheet 7 of the works plans.</p> <p>Are further details available to show how these works would be executed?</p>
7		<p>LANDSCAPE AND VISUAL</p> <ul style="list-style-type: none"> • Including light pollution. • Impact on heritage features and landscape designation areas. • Impact on residents and users of locality. • Construction and operational effects.
1.7.1	Applicant	<p>Paragraph 7.10.38, ES [APP-060], indicates that due to the short-term and temporary nature of the construction effects identified by the ES, it would not be feasible to include any additional landscape mitigation measures to further reduce the construction phase effects.</p> <p>a) Please confirm whether these short term and temporary construction impacts will have any significant adverse effects on the receiving environment.</p>

		b) If so, please explain why it is not feasible to have any additional mitigation measures.
1.7.2	Applicant	<p>The ES indicates that the Mitigation Route Map (MRM) (Document 7.3 [APP-047]) is intended to act as an audit trail of the controls and mitigation measures, setting out how this would be translated into enforceable controls which the MRM proposes would be secured through the DCO's Requirements, Environmental Masterplans and CEMP. The Responses to scoping opinion, page 9 of ES Appendix 4.2 [AP-312] is also noted.</p> <p>a) Please clarify whether the MRM is intended to meet the request for a table, as described in Annex 1 to the Planning Inspectorate's Advice Note 7, which would set out the proposed mitigation and/ or monitoring measures, including cross-reference to the means of securing such measures (e.g. a draft DCO Requirement)?</p> <p>b) If this is the intention, please clarify how you feel this meets the advice given?</p> <p>c) If not, please confirm when and how such information will be made available.</p>
1.7.3	Applicant	<p>Table 17-1, ES Summary [APP-070], outlines the required mitigation measures for the likely significant effects (considered to be residual effects with a significance of moderate or greater by the Applicant). However, it does not explain how these are to be secured and delivered.</p> <p>a) Please clarify where this information is held in the ES or confirm that this information is within the details shown in the Record of</p>

		<p>Environmental Actions and Commitments (REAC) in the Outline CEMP [APP-375 & APP-376].</p> <p>b) Please explain how these mitigation measures would be legally secured and their relationship to the HEMP.</p>
1.7.4	Applicant	<p>Table 17-1, ES Summary [APP-070], summarises residual environmental effects and indicates some moderate and large adverse effects after mitigation in relation to visual impact.</p> <p>a) Please clarify why the residual effects for visual receptors (identified in full in Tables 7-13 and 7-14 [APP-060] could not and/or should not be mitigated?</p> <p>b) Would any monitoring for residual effects take place?</p> <p>c) How would remedial measures, deemed necessary as a result, be dealt with?</p>
1.7.5	Applicant	<p>Paragraph 2.7.26, ES [APP-055] sets out that lighting associated with the construction phase will be designed to minimise light pollution at night, whilst being consistent with the requirements of site safety and security. Paragraph 2.5.9 and Table 16-3 of the Outline CEMP [APP-375 & APP-376] refer to the production of a construction stage lighting strategy.</p> <p>a) Has there been any assessment of the potential impacts of construction phase night time lighting?</p> <p>b) If not, at what stage would such an assessment be undertaken?</p> <p>c) Would the CEMP provide the appropriate method to address impacts where significant effects may be likely to occur?</p>

8	NOISE AND VIBRATION • Construction and operational effects.	
1.8.1	Applicant	Paragraph 12.7.41, section 6.4, Environmental Statement Appendix 12.1 classifies health impacts, due to noise during construction, "as minor due to the number of people affected by the construction noise, which is relatively few within the overall community." How is the health impact on these individuals being taken into account? How has the Public Sector Equality Duty been taken into account?
1.8.2	Applicant, CC	Schedule 1 to the dDCO, Authorised Development, includes at "(g) landscaping, noise bunds and barriers, works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development." Paragraph 7.10.11, section 6.2, Environmental Statement, Chapter 7 refers to agreement to provide a 3 m high timber noise barrier in relation to Nancarrow Farmhouse. Are you satisfied that this fits with Local Plan policies regarding local distinctiveness and design?
9	PUBLIC INTEREST BALANCE • Including route choice.	
1.9.1	Applicant, Any affected parties, HE, RR-003, RR-037, RR-057, RR-086, RR-090, RR-101,	ES Chapter 3, Consideration of Alternatives [APP-056] presents a summary of the alternative options which have been considered and the justification for the scheme as now applied for. Paragraphs 3.7.7 and 3.7.8 refer specifically to Marazanvose, where there have been questions over route choice. Section 3.8 goes on to set out the preferred option in this context, with subsequent amendments in 3.9 and 3.10.

	RR-104 & RR-109	Taking account of the information provided – and other information you may have – please indicate how you believe the route choice would, or would not, represent the best available option in this location.
10	SOCIO-ECONOMIC EFFECTS	
	<ul style="list-style-type: none"> • Economic and employment effects. • Effects on surrounding communities. • Effects on agriculture, tourism, other businesses and residents. • Construction and operational effects. 	
11	TRANSPORT AND TRAFFIC	
	<ul style="list-style-type: none"> • 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. 	
1.11.1	Applicant	<p>It is noted in Paragraph 10.11.30, ES [APP-063], that construction phase traffic data was not available at that stage. The outline Traffic Management Plan (TMP), ES, 6.4 Appendix 2.1 [APP-300], has identified the key areas where the works would impact on the existing A30 traffic flow, with solutions derived to phase the construction works to minimise disruption and impact. It is noted that it has been assumed that construction traffic may result in significant adverse effects on the local road network.</p> <p>a) Please confirm what data was used to inform the assumptions for volume of traffic?</p> <p>b) Are you satisfied that you have identified the worst-case scenario?</p>
1.11.2	Applicant	Paragraph 14.5.3, ES [APP-067] indicates that the scheme is expected to increase the resilience of transport systems in Cornwall to a range of

		<p>hazards, including those resulting from climate change, and hence provide benefit for the overall resilience of the region.</p> <p>Please explain how the scheme would increase the resilience of transport systems in the region against climate change.</p>
1.11.3	<p>Applicant RR-004 – RR-034, RR-036, RR-039 – RR-045, RR-047 – RR-050, RR-052 – RR-056, RR-061 – RR-069, RR-071 – RR078, RR080 – RR-081, RR-083 – RR-086, RR-089, RR-091, RR-094 – RR-097, RR-099, RR-103, RR106 – RR-108, RR-110 – RR-111, RR-114 – RR-115</p>	<p>A number of comments have been raised in relation to cycle access, in particular, in the Chiverton Cross roundabout area; and appropriateness of the proposed tunnel for all users.</p> <p>Taking account of the comments made in this respect, how does the scheme deliver to the policies set out in the NPSNN and other relevant policies, in particular those of the Department for Transport relating to non-motorised travel?</p>
1.11.4	<p>Applicant, CC, RR-002, RR-059, RR-100, RR-102 & RR-105</p>	<p>The design provides west-facing junctions only at Chybuca, where the B3284 and the A30 meet and there are questions over the lack of a full junction at this location.</p>

		<p>a) Please provide the traffic data used to inform the decision regarding the proposed partial junction at Chybucca, the junction of the A30 and the B3284.</p> <p>b) Taking account of the comments made in this respect, please indicate how you believe the decision for a partial junction in this location would, or would not, represent the best available option.</p>
12	WATER ENVIRONMENT	<ul style="list-style-type: none"> • Construction effects on water courses and water bodies. • Water abstraction and drainage. • Operational effects, including road traffic accidents.
1.12.1	Applicant, EA	<p>a) Is it accepted that access to the rain gauge at Nanteague Farm is required during construction as set out by the EA [RR-098]?</p> <p>b) If that is accepted, how would access be provided as required?</p>
1.12.2	Applicant, CC, EA	If the matters set out in question 1.5.35 were accepted how would an appropriate consenting regime for ordinary water courses be addressed?
1.12.3	Applicant, CC, EA, Any affected parties	How should and would protection be provided for private water supplies and ephemeral headwaters?
1.12.4	Applicant, EA	<p>a) Do you agree that the Upper River Allen should be classified as high sensitivity [RR-098]?</p> <p>b) If not, please explain why not?</p> <p>c) If so, how would this alter the assessment of significant affects?</p>

1.12.5	Applicant, EA	Has any consideration been given to opportunities to improve or enhance the WFD status of the identified water bodies, River Kenwyn and Upper River Allen and Zelah Brook?
1.12.6	Applicant	<p>The ES [APP-062] states that remediation and stabilisation of mine workings and entrances has the potential to impact the chemistry, turbidity and flow of groundwater and surface water. The significance of this effect cannot be determined without understanding what the potential stabilisation measures would be, which may require a more detailed assessment. The need for such an assessment would be determined or updated following further investigations (paras 9.11.1-9.11.18).</p> <ul style="list-style-type: none"> a) Has any further work regarding mining hazards been carried out? b) If not, then at what point is it intended that further investigations will be carried out? c) What influence might the results have on the design of the Scheme taking into account what has been requested through the DCO?
1.12.7	Applicant	For the predicted effects on geology and soils Table 9-14 [APP-062] identifies impacts where significant adverse effects are likely following additional mitigation measures and where no additional mitigation has been proposed. ES paragraph 9.11.52 indicates that the impact is likely to be temporary and the anticipated level of contamination is considered to be relatively low with the implementation of design mitigation and best practise during construction meaning that the impact would likely be 'negligible' on the both the groundwater and surface waters.

		<p>However, Table 17-1, ES Summary [APP-070], lists the subsidence/ collapse of shallow underground mine workings due to construction of embankments at Chiverton and Journey's End; construction of Nanteague Cutting; Tolgroggan cutting and side road; and Carland Crossing Cutting, as construction and operational stage moderate adverse significant effects.</p> <ul style="list-style-type: none"> a) Have there been further investigations in relation to these matters? b) What monitoring would be required and who would be responsible for it c) How would monitoring be secured? d) How has the potential risk of subsidence/ collapse of mine workings from construction of embankments been determined in relation to any potential significant effects? e) What further mitigation may be required should any unexpected mine workings be discovered or in the event of subsidence/collapse of any mine workings during construction.
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