



Preliminary Meeting Note

Summary of key points discussed and advice given

Application: A30 Chiverton to Carland Cross

Reference: TR010026

Time and date: 10:00 am on 6 February 2019

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

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed and responses given. An audio recording of the event is available on the National Infrastructure Planning website [[EV-001](#)].

Welcome and introductions

The Examining Authority (ExA), Heidi Cruickshank, introduced herself and explained that she was appointed on 2 November 2018 under sections 61 and 79 of the Planning Act 2008 (PA2008), under delegation from the Secretary of State (SoS) as the single appointed person ExA to examine the A30 Chiverton to Carland Cross Scheme.

The ExA advised that she would be examining an application for Development Consent for the Scheme, which is a Nationally Significant Infrastructure Project. The application was made by Highways England, who may be referred to as 'the Applicant'.

In summary, the scheme proposes the following main features:

- An 8.7 mile (14km), high quality 70mph dual carriageway, connecting to the existing A30 dual carriageway at either end;
- Replacement of Chiverton Cross roundabout with a new, 2 level motorway style roundabout;
- A new, 2 level partial junction at Chybucca, with west-facing slip road connecting to the new dual carriageway;
- Replacement of the existing roundabout at Carland Cross with a 2 level motorway style junction;
- New bridges and accesses across the new road and the old road;
- Retention of the existing A30 including the construction of further local roads to maintain connectivity;

- The Development Consent Order (which you may find gets referred to as the DCO) would permit Highways England to acquire land and interests in land in connection with the construction of the works authorised by the Order.

The application has reference number TR010026 and information about the application can be found on the national infrastructure planning website. There are dedicated pages for this project which provide information on the examination procedure, timetable, Relevant Representations and examination documents:

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

The website will be used to communicate with everyone and provide access to documents throughout the examination. If parties do not have access to their own computer, they can view information about the application and the examination using computers at the local libraries, the details for which are set out in Annex D to the Rule 6 letter of 9 January 2019 [[PD-005](#)].

The ExA explained that the preliminary meeting is to allow the Planning Inspectorate to make arrangements for the examination of the application. It is not part of the examination itself; that starts after the meeting has finished. Therefore the preliminary meeting is not the time to consider the merits of the application.

The ExA advised that in the interests of openness and fairness to all parties she would appreciate it if people would not attempt to engage her in any form of conversation during adjournments as it is important that everyone hears what is being said to the ExA and that she is not engaged in private conversation with just one party.

The ExA invited parties intending to take part in the Preliminary Meeting to introduce themselves. Following this the ExA advised parties that the examination under the PA2008 relates to an application made by Highways England to carry out the development referred to and the final decision on the matter will be taken by the SoS for Transport. The purpose of the Examination is to enable the ExA to recommend either that the Development Consent Order should be granted as applied for, subject to recommended changes, or should be refused.

Policy

Government policy for this type of nationally significant infrastructure is set out in National Policy Statements (NPS), in this case the NPS for National Networks, which was designated on 14 January 2015. You can access the NPS from the national infrastructure page at <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/national-policy-statements/>

The SoS must decide the application in accordance with any relevant NPS, unless to do so would breach an international obligation entered into by the UK or relevant domestic law, or where he is satisfied that the adverse impacts of the proposal outweigh its benefits.

Other relevant policies, including policies in local authorities' development plans, can be important and relevant. However, if they conflict with NPS policy then the NPS will take precedence.

The ExA advised that in examining the application she must:

- a) consider the positions of Interested Parties;
- b) take account of any Local Impact Report (prepared by a local authority);
- c) have regard to prescribed matters and any other matters which appear to be both relevant and important to the SoS's decision.

The main way in which the ExA will be aware of these matters is by considering the Relevant Representations that have already been made by Interested Parties and Written Representations that parties might make to amplify these; by asking written questions and considering responses to them; and by holding oral hearings. However this is primarily a written process.

The SoS is entitled to disregard any representations that relate to the merits of NPS policy: in practice this means that the Examination should not spend time examining representations that suggest that NPS policy is wrong and should be changed: the ExA will focus on the merits of the application proposal, tested using the NPS policy that has been designated and so is in force.

Who can be involved in the Examination?

The ExA advised that everyone who has been invited to the Preliminary Meeting has already had an opportunity to make outline written observations in a Relevant Representation. If a party submitted a Relevant Representation, it has been published on the website and that party is already an Interested Party, entitled to involvement in the examination going forward.

If a party has an interest in land that is affected by a compulsory acquisition request included in the application then they are an Affected Person. Affected Persons have a right to be notified of any Compulsory Acquisition Hearing and a right to be heard in relation to any objection about the effects of a compulsory acquisition request on their interests in land. An Affected Person automatically becomes an Interested Party, whether or not they have made a Relevant Representation.

The ExA advised that 'Other Persons' can be involved in the Examination as though they are Interested Parties if, for example, a person raised an issue that made clear that the application would materially affect them, and for a good reason they have been unaware of or unable to take the opportunity to become an Interested Party. The ExA advised that late representations had been accepted from the following parties. The representations can be found via the Examination Library:

- a. Historic England [[AS-001](#)]
- b. Peninsula Transport [[AS-002](#)]
- c. Devon County Council [[AS-003](#)]

The ExA reminded all parties that the overall maximum examination timetable allowed is just six months and so all parties need to work together to make that happen. The ExA requested all parties to set aside any view they may have of the possible tactical

benefits of keeping evidence secret in order to stage a more persuasive argument or ambush at a hearing. The intention of the PA2008 is for issues to be put upfront, explored in writing and through questions. They will only be explored in oral hearings if it is necessary to do so. The ExA reminded parties that if they don't play by the rules, costs applications could be made against them.

The ExA advised she was aware that there may be things that still need to be discussed and agreed between the Applicant and Interested Parties, such as effects on protected species or sites, effects on statutory undertakers, protective provisions or matters relating to the Compulsory Acquisition or Temporary Possession of land interests. It would be helpful if any of these discussions that are not already in progress could be started as soon as possible.

The ExA set out in the Rule 6 letter certain Statements of Common Ground (SoCG) which it would be helpful to show where agreement has been reached and where it has not. The ExA advised that to take a SoCG into account, then it must be finished and signed by all parties to it. An unsigned SoCG is little more than a letter from an organisation, usually the Applicant, who arranged for it to be drafted and therefore is not likely to be given significant weight, as it cannot be held to stand for views held in common with the parties who have not signed it.

The ExA advised that for any party that would like a legal agreement or planning obligation to be taken into account, it must be finished and executed by all parties to it.

The ExA advised in relation to oral hearings that she will need to ensure that she has understood the planning issues and to test evidence to assure compliance with relevant policy.

Any interested party has a right to be heard at an Open Floor Hearing.

Where a party's interests in or rights over land are affected by a proposal to compulsorily acquire or take temporary possession of land then there is a right to be heard at a Compulsory Acquisition Hearing.

The ExA explained that a hearing on the draft Development Consent Order (DCO) would be held following the Preliminary Meeting. This is to provide the best draft Order to the SoS, irrespective of the ExA's recommendation on the application overall. The ExA must ensure that by the end of the Examination there is a DCO that is deliverable and enjoys the widest possible support.

This does not mean that there has been any pre-judging of the planning merits of the application. Due to the timescales of PA2008 the two things will effectively run together so that work on examining the DCO, whilst also considering the broader question about whether the consent should in fact be granted are run in parallel.

In relation to Open Floor Hearings the ExA will not set any agenda. Parties can attend and have their say.

Leaving the European Union: the application of relevant European law

The ExA briefly discussed Brexit. Some of the environmental law we will refer to is derived from European law, usually through European Directives that have been given effect in this country by way of Regulations, for example the Environmental Impact Assessment process, Habitats Regulations Assessment and the Water Framework Directive.

Government has legislated to provide a transition process under the European Union (Withdrawal) Act 2018. However, parts of that legislation have not yet commenced, and other procedures remain subject to formalisation of the withdrawal agreement.

Currently European law identified in the application documents, and the UK law giving effect to it, has not yet changed and will not do so before any withdrawal.

The underlying principle of the Withdrawal Bill is that much European law in force will be brought into the statute book so that the law does not immediately change on withdrawal. It would be for the Government to then change any law, as appropriate.

It is a principle of the proposed withdrawal agreement that the UK accepts certain elements of the European legal framework will have enduring effect. That appears to relate to the environmental regulations to which this application is subject, but of course, we cannot assume that agreement will come into effect unless Parliament agrees that it should.

Should any changes to the relevant law be given effect and commence during this examination, the examination will be carried out on the basis of the law in force at that time. The Inspectorate will aim to respond to any change to the legal context and, if any such changes affect parties in any substantive way, will seek parties' views. However, at present it appears that the relevant European law remains in force.

Please be aware that changes may play a part late in the Examination process or during the SoS's decision-making period. The ExA's intention would be to recommend that the SoS might consult the parties on any important and relevant matters that arise where it has been unable to do so during the Examination.

Applicant's updated documents

The ExA asked the Applicant to explain which documents had been submitted in response to the Inspectorate's section 51 advice to the Applicant following acceptance of the application.

The Applicant advised that the Book of Reference, Statement of Reasons, Land Plans, Special Category Land Plan, Works Plans and Rights of Way and Access Plans had been resubmitted. The ExA advised that these documents were available on the website.

Initial assessment of Principal Issues

The ExA advised that the initial assessment of principal issues was set out in Annex B of the Rule 6 letter. The Applicant requested clarification on principal issue 9: Public

Interest Balance – Including route choice as the Applicant cannot now change the route. The ExA advised that route choice had been raised as an issue in Relevant Representations in the Marazanvose area and therefore she would like a written statement on how and why the route was chosen.

Draft timetable for the Examination

The ExA invited any comments on the draft Examination timetable set out in Annex C of the Rule 6 letter.

Cornwall Council confirmed that they would submit a Local Impact Report for Deadline 1.

Statements of Common Ground

In relation to the SoCGs Stephens Scown LLP, on behalf of Nancarrow Farm, advised that they were happy with the deadline of 19 February 2019 (Deadline 1) as long as the Applicant provided the first draft to them in sufficient time. The Applicant advised that they had ongoing engagement with Nancarrow Farm but considered it unlikely that outstanding issues would be resolved by Deadline 1. The Applicant advised that a more realistic deadline for the SoCG is Deadline 2 (19 March 2019). Mr Chamberlain of Nancarrow Farm advised that there were business critical issues that needed to be resolved as a priority, which could be dealt with in a hearing, rather than SoCG if necessary.

Mr Mewton advised that the SoCG should be widened to the Marazanvose area alongside Nancarrow Farm, with regard to effects on the local community and environment.

The Applicant suggested submission of a SoCG with St Allen Parish Council to cover the Marazanvose area, in addition to Nancarrow Farm. The Chairman of St Allen Parish Council welcomed the opportunity of a SoCG with the Applicant. Stephens Scown LLP asked for consideration of an Issue Specific Hearing to be held on Nancarrow Farm and the Marazanvose area. Mr Mewton seconded this request.

In relation to other SoCGs the Applicant advised that they had drafts with Cornwall Council and Natural England and hoped these to be submitted for Deadline 1. A SoCG was being progressed with the Environment Agency and they are also intending to submit a SoCG with Historic England.

The Applicant agrees that there should be a SoCG with Truro Cycling Campaign and Transition Truro, although advised that these may not be ready for Deadline 1.

The Applicant advised that they do not consider SoCGs with the Health and Safety Executive, Arqiva or Western Power Distribution to be useful or appropriate.

The Applicant advised that they had submitted a position statement with ScottishPower Renewables (UK) Ltd prior to the meeting. [Post meeting: this was published on the Planning Inspectorate website as an Additional Submission on 7 February 2019]. ScottishPower Renewables and the Applicant both advised it would be unlikely to have a SoCG ready for Deadline 1. ScottishPower Renewables thought submission for Deadline 2 would be more achievable.

The National Farmers' Union (NFU) requested a SoCG with the Applicant on all agricultural issues relevant to the farm businesses affected by the proposed scheme. The Applicant confirmed they were happy to work with the NFU on a SoCG.

Site Inspections

The ExA advised that she had undertaken extensive unaccompanied site inspections of the area, both driving and walking. The ExA had only viewed sites from public land.

The ExA invited any requests for specific sites she should see. These would be accompanied as the ExA will not visit any sites with just one party. The ExA explained that the only reason for a site inspection would be to look at matters referred to in representations. It is not a meeting on site to discuss the merits or otherwise of the proposed scheme.

Stephens Scown LLP and Mr Chamberlain requested the ExA visit Nancarrow Farm and Marazanvose to assess the business impacts, particularly on the wedding venue. Mr Chamberlain requested the accompanied site inspection (ASI) take place before their busy season and before the trees are in leaf, therefore before mid April. The ExA confirmed that the dates reserved for the ASI are in the first week of April. Mr Chamberlain explained that a large event was taking place on the farm at the end of that week and therefore it would be less disruptive if the ASI was earlier in the week.

Mr Keast requested a visit to land at Chybucca. Stephen Scowns LLP also requested a visit to Chybucca in relation to the absence of east facing slip roads.

Truro Cycling Campaign requested a visit to the existing roundabout at Chiverton to assess the proposed underpass for cyclists.

St Allen Parish Council requested a visit to Henvor Lane, Church Lane and the village of Zelah to look at the current traffic flows and existing crossing over the A30.

ScottishPower Renewables advised they had no requests for a site inspection at the moment but this is dependent on the technical issues being resolved. If these are not resolved then they may request a visit and advised that access to Carland Cross wind farm can be arranged. Historic England also requested a visit to Carland Cross.

Cornwall Council requested the ExA look at the local highway network on an accompanied basis, particularly Boxheater, Shortlanesend and the existing A30.

The Applicant advised that they proposed to submit a schedule of locations for an accompanied site inspection which could include requests from other parties. They intend to submit this for Deadline 1.

Hearings

Stephens Scown LLP requested an Issue Specific Hearing (ISH) regarding the methodology that underpins the design of Chybucca junction and the lack of east facing slip roads, which will have a significant effect on businesses north of the A30.

The NFU queried whether an ISH on agricultural issues would be held and advised that access issues (not just east/west facing slip roads) affected farm businesses. The NFU also raised issues regarding the use of construction compounds and reinstatement to agricultural use, soil storage, field drainage and general agricultural issues that will affect all farm businesses once construction starts.

The NFU also requested that where a day was split into different hearings (ie a hearing in the morning and a different hearing in the afternoon), that the topics could be related.

The ExA reminded parties that the Examination was primarily a written process and therefore parties should raise any issues in writing. Hearings would only be held where the ExA needed greater understanding of the issues.

The Applicant had no comment to make on requests for ISHs.

ScottishPower Renewables reserved the right to request an ISH on technical matters if these were not resolved. They also considered they would wish to discuss matters at an ISH on the draft DCO and a Compulsory Acquisition Hearing.

The ExA asked whether any parties would like an Open Floor Hearing (OFH).

Truro Cycling Campaign reserved the right to request a hearing.

Stephens Scown LLP advised that if their requests for an ISH were not agreed then they would like an OFH and that they had other clients who would like an OFH.

The ExA advised that it would be helpful to know whether parties would find it useful to have an evening OFH, rather than in the day. Stephens Scown LLP advised they would check with their clients. The ExA asked parties to make clear in any request for an OFH whether they would like an evening hearing.

Notification dates

The Applicant advised that they would not meet their statutory requirement for publicity of hearings if the dates given at items 5 and 15 of the draft timetable were not brought forward.

Deadline dates

The Applicant referred to the dates for Deadline 6 and Deadline 7 and requested an additional week for these deadlines.

Other matters

St Allen Parish Council advised that they had not received any correspondence from the Planning Inspectorate. The ExA advised that all documents were available on the Planning Inspectorate's website. [Post meeting: The Inspectorate advised the Parish Council that they were on the mailing list and confirmed with them that the correct email address was being used. The Inspectorate advised that parish councils which had not registered as Interested Parties would not receive any further correspondence after the Rule 8 letter and therefore any parish councils that wishes to remain

involved in the Examination should contact the Inspectorate to advise they wished to become Interested Parties].

The meeting was closed at 11.20am.