

From: [Walmsley, Tim](#)
To: [A30 Chiverton to Carland Cross](#)
Cc: [Puppy Parker: "Edward Buckland MRICS FAAV"](#)
Subject: Response to Written Question 1.11.4 on behalf of Sam Parker (RR-059) [S-S.FID646289]
Date: 19 March 2019 17:59:44
Attachments: [image001.png](#)
[Response to Statutory Consultation - 21.07.19.PDF](#)

Dear Madam,

We act for Sam Parker and on his behalf, and in response to written question 1.11.4, attach the detailed response to the statutory consultation submitted in September 2017 which concludes that the decision to not include east facing slip roads is irrational and fails to take account of material considerations.

In addition, paragraph 2.4 of the Scheme Assessment Report sets out the scheme objectives which include:

- to contribute to regeneration and sustainable economic growth
 - To support employment and residential development opportunities
- to improve network reliability and reduce journey times
 - to deliver capacity enhancements to the Strategic Road Network
- to improve local and strategic connectivity

The lack of a full junction at Chybucca impedes greater use of the proposed new road, does little to improve connectivity and would prohibit the potential for development in this location. Accordingly, the proposed partial junction is contrary to the scheme objectives listed above.

For these reasons we submit that the proposal for a partial junction at Chybucca is not the best available option.

Kind regards,

Tim Walmsley

For and on behalf of Stephens Scown LLP

Senior Associate
Real Estate Team
Truro Office

Ext: 104

Phone: 01872 265104



Please don't print this e-mail unless you really need to.

We have become aware that clients of some firms have been tricked into sending funds to the wrong bank account. If you receive an unexpected email apparently from us requesting your bank details, or

requesting that you send money to an alternative account, please telephone your contact at Stephens Scown immediately. Please check that the number you are using to contact us is correct. We must inform you that Stephens Scown LLP will not be responsible if you mistakenly transfer money to the wrong bank account.

Stephens Scown LLP

EXETER: Curzon House, Southernhay West, Exeter, Devon EX1 1RS
ST AUSTELL: 1 High Cross Street, St Austell, Cornwall PL25 4AX
TRURO: Osprey House, Malpas Road, Truro, Cornwall TR1 1UT

T: +44 (0)1392 210700
T: +44 (0)1726 74433
T: +44 (0)1872 265100

F: +44 (0)1392 274010
F: +44 (0)1726 68623
F: +44 (0)1872 279137

This email is sent on behalf of Stephens Scown LLP, a limited liability partnership registered in England with number OC356696.
Registered Office: Curzon House, Southernhay West, Exeter, Devon, EX1 1RS.

The word "Partner" in relation to Stephens Scown LLP means a member of Stephens Scown LLP or an employee or consultant with equivalent standing.

A list of members is available for inspection at our registered office and at www.stephens-scown.co.uk.

Stephens Scown LLP is authorised and regulated by the Solicitors Regulation Authority (Registration Number 551582). Stephens Scown LLP do not accept service of documents by e-mail.

Disclaimer:

Information in this message is confidential and may be legally privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender, and please delete the message from your system immediately. The contents of an attachment to this message may contain software viruses which could damage your computer system. Whilst Stephens Scown have taken every reasonable precaution to minimise this risk, we cannot accept liability for any damage which you sustain as a result of software viruses. You should carry out your own virus checks before opening any attachment.

Personal data controlled or processed by Stephens Scown LLP is done so in accordance with our [Privacy and Data Protection](#). This link will redirect you to our website

If you are receiving information relating to a personally identifiable third party from us you must understand your obligations as set out in our [Third party data processing notice](#). This link will redirect you to our website

Our ref: TXW/PARK-00391-0001
Your ref:
Date: 21 September 2017



Josh Hodder
A30 Chiverton to Carland Cross
Highways England
2/07K Temple Quay House
2 The Square
Bristol
BS1 6HA

Dear Josh

Our Client(s) - Mr JS Parker and Mr Benjamin Sebastian Parker and Mr Samuel Rueben Parker

A30 Chiverton Cross to Carland Cross – Loss of east facing accesses between Chybucca and Zelah

Legal context

The Planning Act 2008 sets the legislative framework for Nationally Significant Infrastructure Projects ('NSIP').

Section 104 of the Planning Act 2008 sets out how decisions should be made where a National Policy Statement ('NPS') exists. In respect of NPS, it goes on to state:-

- (2) *In deciding the application the Secretary of State must have regard to—*
- (a) *any national policy statement which has effect in relation to development of the description to which the application relates (a “relevant national policy statement”),*
- ...
- (3) *The Secretary of State must decide the application in accordance with any relevant national policy statement, except to the extent that one or more of subsections (4) to (8) applies.*

For these purposes the National Policy Statement for National Networks ('NPSNN') has effect.

Policy context

National Policy Statement for National Networks

Reference is made in particular to those parts of the NPSNN in Appendix 1.

It is clear from the NPSNN that the economic effects on new and existing business activity are material to the decision making process. The NPSNN stresses the need for local economic growth and regeneration. In particular it refers to bringing businesses closer to their markets. The effect on existing economic activity is stressed in the NPSNN.

The NPSNN seeks to ensure that improvements reduce community severance and improve accessibility, improve operational conditions and are functional (including fitness for purpose and sustainability).

There is also significant emphasis on the development of road networks being sustainable.

The NPSNN also seeks that developments are resilient.

The documents available to date do not disclose that the applicant has fully considered the full economic effects on existing businesses that will be affected by the proposals contained within the preferred route¹.

In coming to a conclusion on the request for east facing slip roads at Chybucca, no reference is made to the effect on businesses in the locality, merely that the predicted traffic flows do not justify its provision. As such, it has not been demonstrated that the preferred approach has taken into account matters which are material to the decision. In that context the decision is flawed and infected with illegality.

The NPSNN makes clear that connectivity and accessibility are key issues in determining an NSIP of this sort and as such it is reasonable to expect that the issues would be considered in determining the preferred approach to east facing sliproads.

National Planning Policy Framework

The Ministerial foreword states that “*Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations*” and “*So sustainable development is about positive growth – making economic, environmental and social progress for this and future generations*”.

The NPPF make reference to Resolution 42/187 of the United Nations General Assembly which defined sustainable development as ‘*meeting the needs of the present without compromising the ability of future generations to meet their own needs*’.

Paragraphs 7-10 of the NPPF are relevant and state:-

¹ July 2017 <https://highwaysengland.citizenspace.com/he/a30-chiverton-to-carland-cross-improvement-scheme/>



“7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

8. These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;*
- moving from a net loss of bio-diversity to achieving net gains for nature;⁶*
- replacing poor design with better design;*
- improving the conditions in which people live, work, travel and take leisure; and*
- widening the choice of high quality homes.*

10. Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas”.

As such, when having regard to the NPPF (as is required by the NPSNN), the economic effect on local businesses should be taken into account in decisions – a position which is common to the NPSNN.

Observations

The preferred option means that the connectivity to the trunk road network will be lost at: Chybucca; Allet Cross (Tresawson); Nancarrow/Chyverton; Zelah; and Boxheater.

Truro traffic currently uses one of three main routes into Truro, the A39, A390 and via Shortlanesend (from a number of junctions on the A30) – the preferred option is likely to displace traffic from the Zelah/Chybucca via Shortlanesend route to either the A390 from Chiverton Cross or



A39 from Carland Cross. The utilisation of the junctions which lead to Shortlanesend is demonstrated by the analysis of the data in Table 2-1.

These junctions are used by traffic to and from Truro which avoids the A39 and A390 routes (the main routes into Truro from the north). Preventing access to/from Truro from the A30 except by those two routes (and a west facing sliproad) is likely to cause significant increases in traffic on these main routes. To date we have been unable to identify any consideration of the capacity of these routes to carry this additional traffic (or even to calculate that displaced traffic).

The evidence of use of these junctions is not simply anecdotal (see letters of representation from local businesses), but is amply demonstrated within the evidence utilised by the Highways Agency.

The Report on the consultation records that *“There is a perception from local residents that movements right onto the A30 eastbound from B3284 Shortlanesend is popular and there may be suppressed demand by the difficulty of the completing the manoeuvre at present”*².

The Report response also suggests that *“The partial junction at Chybucca junction was introduced to reduce the usage of the proposed Chiverton Cross junction for vehicles travelling between west Cornwall and Truro”*³, no figures have been seen which indicate the extent of this potential issue, or its scale in context. The data indicates that the route into Truro via Shortlanesend is utilised to a significantly greater extent by traffic from the East as opposed to the West (see consideration of Table 2-1 data).

Overall there is a net gain of traffic between the A390 and A39 when travelling eastbound and a net loss in traffic between the A39 and A390 travelling westbound. This indicates that there is a greater demand for east facing junctions between those two points than for west facing junctions.

In terms of Westbound traffic, Table 2-1 indicates that: 16,184 vehicles approach Carland Cross, with 10,867 approaching Zelah Hill. This indicates that over 5,000 vehicles are leaving the A30 between these two points, the majority of which are anticipated to be on to the A39. From Zelah Hill, a further 1,400+ turn off before Chybucca, with approximately 900 vehicles joining the A30 from Chybucca.

Analysis of Table 2-1 indicates that for Westbound traffic there is a net loss of 1538 vehicles (per day) from the A30 between Zelah Hill and Chybucca and for Eastbound traffic there is a net gain of 537 vehicles (per day) between Chybucca and Zelah Hill. These facts do not support the conclusion that *“Predicted traffic flows do not justify provision”*^{4 5} of an east facing slip road. In fact the data shows that east facing sliproads are required more than west facing sliproads.

Without the provision of east facing sliproads, the net 1548 vehicles per day that leave the A30 (westbound) between Zelah Hill and east of Chybucca will be required to either continue to use the existing A30, or use the A39. This traffic will not experience the reduction in journey times claimed. Nor will net 1422 vehicles which join the A30 between east of Chybucca and Zelah Hill. It should be noted that these net elements⁶ constitute between 13 and 16%⁷ of existing A30 traffic. The fact

² [Report on Public Consultation](#) June 2017 HA551502-WSP-GEN-0000-RE-Z-00024 P07.1 (page 20)

³ [Report on Public Consultation](#) June 2017 HA551502-WSP-GEN-0000-RE-Z-00024 P07.1 (para 4.2.3)

⁴ Table 6-1 [Scheme Assessment Report](#) June 2017 HA551502-WSP-GEN-0000-RE-Z-00029 P03 (page 32)

⁵ [Report on Public Consultation](#) June 2017 HA551502-WSP-GEN-0000-RE-Z-00024 P07.1 (Table 5-1 page, 38)

⁶ i.e. the actual figure will be higher because the net figure only gives the number of additional vehicles using this stretch, not the total number of vehicles using it.



that they are net elements means that the actual use is likely to be much higher as this only represents the difference between the numbers of vehicles leaving and joining the trunk road.

It is only during the 1700-1800 period where demand for west facing sliproads exceeds the need for east facing sliproads, and the net change in traffic at those times is negligible in comparison to other times (approximately 11% of the net demand for an east facing junction at 0800-0900).

In contrast, during the period 0700-1900, there is a net loss of 940 vehicles (westbound) between Zelah Hill and Chybucca, demonstrating a significant need to retain an exit from the A30 on this stretch.

The data indicates that the issue is at its worst in respect of traffic between east of Chybucca and Zelah Hill. At all time periods this area contributed a net increase to eastbound traffic and a net decrease in westbound traffic. It is clear therefore that the ability to exit the A30 in this area when travelling westbound and join the A30 when travelling eastbound is desirable to those using the existing trunk road.

It is unrealistic to expect that all of that traffic will continue with their current travel pattern but utilise the side roads to reach their destination. In any event, no data has been seen which considers the possibility of such use of the side roads.

The presence of east facing slip roads would also allow the use of the side roads between that point and the A39 or A390 should the trunk road have to be closed and traffic diverted adding resilience to the trunk road network.

Conclusion

In conclusion therefore:-

- i) There is no evidence that the current preferred scheme has had regard to all of the matters that are required to be considered by the NPSNN and NPPF;
- ii) No evidence has been provided of the consideration of the economic impact of the removing access to the trunk road network for those between Chiverton Cross and Carland Cross;
- iii) No evidence has been provided of the consideration (or quantification) of the effect on the local road networks of traffic which would be diverted due to the removal of access/egress from/to the A30;
- iv) The evidence provided indicates that there is a greater need for east facing slip roads between the A39 and A390 than west facing.

Consequently, the decision not to include east facing slip roads within the preferred option is irrational and fails to take account of material considerations.

It follows that should such a scheme be presented at the examination there is a significant risk of development consent being refused.

⁷ Eastbound: $1422/10867 = 13.08\%$; $1422/9445 = 15.05\%$; Westbound: $1538/10917 = 14.09\%$; $1538/10917 = 16.42\%$



Yours sincerely



Chris Tofts
Partner
For STEPHENS SCOWN LLP

planning@stephens-scown.co.uk



Appendix 1 – selected NPSNN references

(emphasis added throughout)

The Government's vision and strategic objectives for the national networks states that:

"The Government will deliver national networks that meet the country's long term needs; supporting a prosperous and competitive economy and improving overall quality of life, as a part of a wider transport system. This means:

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

Para 1.18 states that "The NPPF is also likely to be an important and relevant consideration in decisions on nationally significant infrastructure projects, but only to the extent relevant to that project".

Para 2.6 states "There is also a need for development on the national networks to support national and local economic growth and regeneration, particularly in the most disadvantaged areas. Improved and new transport links can facilitate economic growth by bringing businesses closer to their workers, their markets and each other. This can help rebalance the economy".

Para 2.13 states "The Strategic Road Network provides critical links between cities, joins up communities, connects our major ports, airports and rail terminals. It provides a vital role in people's journeys, and drives prosperity by supporting new and existing development, encouraging trade and attracting investment. A well-functioning Strategic Road Network is critical in enabling safe and reliable journeys and the movement of goods in support of the national and regional economies".

Para 2.22 states "Without improving the road network, including its performance, it will be difficult to support further economic development, employment and housing and this will impede economic growth and reduce people's quality of life. The Government has therefore concluded that at a strategic level there is a compelling need for development of the national road network".

Para 3.2 states "The Government recognises that for development of the national road and rail networks to be sustainable these should be designed to minimise social and environmental impacts and improve quality of life".

Para 3.3 states "In delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government's planning guidance. Applicants should also provide evidence that they have considered reasonable opportunities to deliver environmental and social benefits as part of schemes. The Government's detailed policy on environmental mitigations for developments is set out in Chapter 5 of this document".

Para 3.19 states "The Government is committed to creating a more accessible and inclusive transport network that provides a range of opportunities and choices for people to connect with jobs, services and friends and family".



Para 3.22 states “Severance can be a problem in some locations. Where appropriate applicants should seek to deliver improvements that reduce community severance and improve accessibility”.

Para 4.11 states “This NPS deals predominantly with linear infrastructure – road and rail development. These differ from some of the other types of infrastructure covered by the Planning Act for several reasons: These networks are designed to link together separate points. Consequently, benefits are heavily dependent on both the location of the network and the improvement to it”.

Para 4.13 states “This NPS does not identify locations at which development of the road and rail networks should be brought forward. However, the road and rail networks provide access for people, business and goods between places and so the location of development will usually be determined by economic activity and population and the location of existing transport networks.”

Para 4.29 states “Visual appearance should be a key factor in considering the design of new infrastructure, as well as functionality, fitness for purpose, sustainability and cost. Applying “good design” to national network projects should therefore produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction, matched by an appearance that demonstrates good aesthetics as far as possible”.

Para 4.31 states “A good design should meet the principal objectives of the scheme by eliminating or substantially mitigating the identified problems by improving operational conditions and simultaneously minimising adverse impacts. It should also mitigate any existing adverse impacts wherever possible, for example, in relation to safety or the environment. A good design will also be one that sustains the improvements to operational efficiency for as many years as is practicable, taking into account capital cost, economics and environmental impacts”.

Para 4.32 states “Scheme design will be a material consideration in decision making. The Secretary of State needs to be satisfied that national networks infrastructure projects are sustainable and as aesthetically sensitive, durable, adaptable and resilient as they can reasonably be (having regard to regulatory and other constraints and including accounting for natural hazards such as flooding)”.

Para 4.33 states “The applicant should therefore take into account, as far as possible, both functionality (including fitness for purpose and sustainability) and aesthetics (including the scheme’s contribution to the quality of the area in which it would be located). Applicants will want to consider the role of technology in delivering new national networks projects. The use of professional, independent advice on the design aspects of a proposal should be considered, to ensure good design principles are embedded into infrastructure proposals”.

Para 5.215 states “Mitigation measures for schemes should be proportionate and reasonable, focussed on promoting sustainable development”.

Para 5.216 states “Where development would worsen accessibility such impacts should be mitigated so far as reasonably possible. There is a very strong expectation that impacts on accessibility for non-motorised users should be mitigated”.

Para 5.217 states “Mitigation measures may relate to the design, lay-out or operation of the scheme”.



Eastbound traffic		daily (one way)	0800-0900	1700-1800	0700-1900
	E	net gain/lo	net gain/lo	net gain/lo	E
A	W of Chiverton	16377	1585	1397	15279
	(maj to A390)	-6047	-389	-254	-5250
B	Chiverton to Chybuca	10330	1196	1143	10029
	E of Chybuca	-885	-360	-210	-1165
C	E of Chybuca	9445	836	933	8864
	Zelah Hill	1422	127	181	1166
D	Zelah Hill	10867	963	1114	10030
	(maj from A39)	5317	354	583	4764
E	E of Carland Cross	16184	1317	1697	14794
					1

+ve figures means net gain of vehicles

Westbound traffic		daily (one way)	0800-0900	1700-1800	0700-1900
	W	net gain/lo	net gain/lo	net gain/lo	W
E	E of Carland Cross	16212	1657	1375	14854
	(maj to A39)	-5295	-559	-373	-4808
D	Zelah Hill	10917	1098	1002	10046
	E of Chybuca	-1548	-189	-158	-1297
C	E of Chybuca	9369	909	844	8749
	Chiverton to Chybuca	10	-52	185	357
B	Chiverton to Chybuca	9379	857	1029	9106
	(A390 + chybuca traffic)	7994	679	797	6834
A	W of Chiverton	17373	1536	1826	15940
					-940

-ve figures mean net loss of vehicles