

**A30 Chiverton to Carland Cross
TR010026**

**8.8 POST HEARING SUBMISSIONS
INCLUDING WRITTEN SUBMISSIONS
OF ORAL CASE - ISH 2 ON DRAFT DCO**

Volume 8

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This document sets out Highways England's (the Applicant) written summary of oral submissions made at Issue Specific Hearing 2 into the draft Development Consent Order for the A30 Chiverton to Carland Cross scheme, which took place at the Old Bakery Studios in Truro at 10am on Wednesday 3 April 2019.

2 Welcome, introductions and arrangements for this Issue Specific Hearing

- 2.1.1 Mr Julian Boswall of Burges Salmon LLP confirmed that he represents the Applicant. He also introduced David Grattan of Arup, John Arthur of Burges Salmon LLP and Josh Hodder of Highways England.

3 Changes to the submitted dDCO

- 3.1.1 A number of further points are emerging from ongoing discussions with different parties. Some of these points may result in minor changes to the DCO and related plans and documents and that may include minor changes to the compulsory acquisition position. The Applicant does not expect any of these changes to be controversial and expects to formally submit some or all of these changes at Deadline 3 (24 April) in the form of a further revision to the dDCO and associated documents with an accompanying table of changes.
- 3.1.2 The Applicant provided a short overview of each of the proposed changes:
ScottishPower Renewables (SPR)
- 3.1.3 The Applicant submitted a position statement on 6 February to explain the progress of discussions with SPR. The focus of discussions since then has been on resolving the more technical issues and some of these issues were explained on the accompanied site visit. In parallel, the Applicant has been pursuing a private side agreement with SPR and good progress has been made on this agreement to date but still has some way to go.
- 3.1.4 Another strand which is currently being discussed with SPR is whether or not there will be protective provisions in favour of SPR within the DCO. The Applicant is taking a relatively neutral position on this point and is willing to include them if required. In any case however, the majority of the relevant points of agreement will be contained within the proposed side agreement.
- 3.1.5 As a result of the discussions with SPR, the Applicant will need to make some minor amendments to the DCO and the relevant plans. Once the changes have been finalised the Applicant will formally apply for these changes on the basis that they are non-material changes to the application.
- 3.1.6 Additionally, as SPR is the leaseholder of the land in question, the freeholder will also need to be included in any final agreement that is reached with SPR. The freeholder is aware of the discussions taking place and has decided to wait until agreement between the Applicant and SPR has been reached before becoming involved. While progress is not quite as advanced as the Applicant might have hoped by this stage, the Applicant is confident that it will reach full agreement with SPR on all the matters currently under discussion and present a finalised package in due course, with an update to be provided at Deadline 3 including either definitive or indicative plans showing the proposed changes.
- 3.1.7 The Applicant confirmed that four other changes are currently under consideration.
Revisions to proposed compulsory acquisition
- 3.1.8 There are two examples where landowners have asked the Applicant to consider whether or not specific plots of land can be used on a temporary basis, with or without permanent rights, instead of the freehold being acquired outright as is currently proposed. In one instance the Applicant has agreed to this amended approach and in the other instance, the Applicant is considering the proposal but discussions are not yet as far advanced as in the first case. If and when these potential changes are finalised, the Applicant will submit revised Land Plans and make the relevant amendments to the DCO.

Historic England Viewing Area

- 3.1.9 As part of the Applicant's ongoing discussions with Historic England in relation to the SoCG, Historic England have indicated that they would welcome a proposal from the Applicant to provide a viewing point to allow the public to better appreciate the heritage value of views of a barrow cemetery. This proposal would involve the creation of a short section of path and a viewing area where people could stand, most likely with the provision of an interpretation board next to the viewing area. The Applicant already has a good indication of the likely location of the path and viewing area and is currently considering how best to put this proposal into practice.

Everything Everywhere Telecom Mast

- 3.1.10 There is currently a telecoms mast operated by EE on Plot 5/2k which will need to be relocated to Plot 5/2j as it is directly in the path of the proposed carriageway. Up until now there has been a delay in resolving with EE where this mast will be relocated to. It has now been agreed with EE that the mast will be moving approximately 60 metres from its current location to a new location adjacent to the carriageway on land which is owned by the same freeholder. In terms of land interests, the mast would be moved to a plot within the current red line boundary. Rights would be granted to EE for the new location in order to replicate the arrangements it has for the existing location.
- 3.1.11 The Applicant has considered the potential impacts of the relocation of the mast on others and has concluded that there are no parties in the vicinity that are likely to be adversely affected by the proposed relocation of this mast. The Applicant considers this to be a non-material change that does not engage the Compulsory Acquisition Regulations. The Applicant will explain how these conclusions have been reached when this amendment is formally submitted.
- 3.1.12 The Applicant confirmed that it would provide the ExA with as much information as possible about each proposed change at Deadline 3, with formal requests to be made where the changes are sufficiently certain.

Statements of Common Ground

- 3.1.13 Mr David Grattan of Arup provided a brief update in relation to each draft SoCG.
- 3.1.14 With Cornwall Council, a SoCG was submitted at Deadline 1. The matters that remain outstanding continue to be reviewed. The next meeting is scheduled for 25 April.
- 3.1.15 With Natural England the SoCG was signed on 18 March with all matters agreed and submitted at Deadline 2. It includes letters of no impediment for the draft badger and bat licence applications.
- 3.1.16 With Historic England a detailed response to the written representation was issued on 19 March. A meeting was held on 25 March and an updated SoCG will be issued to Historic England today (3 April). It is expected that a draft will be submitted at Deadline 3, with the signed version at Deadline 5.
- 3.1.17 The Environment Agency SoCG was signed on 13 March with all matters agreed at Deadline 2.
- 3.1.18 For Nancarrow Farm a draft SoCG was submitted by them at Deadline 2. The Applicant is reviewing the text that has been added to that. A meeting was held

on 20 March. A teleconference was also held on 29 March. A legal agreement is being progressed to secure some of the commitments in the draft SoCG and a draft agreement was issued to Nancarrow Farm on 2 April. The draft SoCG with Nancarrow Farm will be submitted at Deadline 3.

- 3.1.19 A meeting was held with Truro Cycling Campaign on 20 March. The draft SoCG has been updated and as of 2 April has been signed by both parties. The signed document will be submitted at Deadline 3.
- 3.1.20 A draft SoCG with the NFU was submitted at Deadline 2. A number of matters were for further review/confirmation by the NFU with its members and the draft remains under review and discussion between the parties. The Outline Soil Management Plan will be issued to the NFU this week as part of those discussions. An update to the draft SoCG is likely to be submitted at Deadline 4.
- 3.1.21 The final draft SoCG is with St Allen Parish Council. Following Deadline 2 a draft has been issued to them and a meeting will be arranged once they have had an opportunity to review. It is hoped that it will be possible to submit the draft SoCG at Deadline 3.

Statutory undertakers

- 3.1.22 There are two statutory undertakers that are in ongoing discussions with the Applicant, South West Water and Western Power Distribution. It is not intended that a SoCG will be prepared for either. The Applicant expects that discussions with these bodies will either lead to agreed protective provisions or protective provisions that take effect through private side agreements.
- 3.1.23 In terms of the other statutory undertakers affected by the Scheme, they have either not responded or they have indicated that they are content with the proposed protective provisions in the dDCO. The Applicant is not expecting to have further engagement with any of the other statutory undertakers as they have not made any representations raising objections or issues. The Applicant will continue to engage with WPD and SWW.
- 3.1.24 The Applicant will submit a table at Deadline 3 setting out its engagement with statutory undertakers to date to demonstrate that HE has fully engaged with each. The legal position is that if they have not made an objection then the assumption is that statutory undertakers are content.

Response to issues raised in NFU SoCG

- 3.1.25 A number of matters were raised by the NFU in relation to the ongoing discussions around the SoCG. Many of these issues are dealt with in the updated Outline CEMP which is to be issued by the Applicant at Deadline 3. The updated document will address many of the details requested by the NFU and in particular an Outline Soil Management Plan (which will be shared with the NFU in advance of Deadline 3) and an agricultural liaison officer, based on information provided by the NFU.
- 3.1.26 In relation to the issue of the east facing slips at Chybucca Junction, the Applicant's position is contained in the current draft of the SoCG with the NFU. The Applicant will respond to the landowner statement submitted at the Open Floor Hearing on 2 April.

4 Discharge of requirements and conditions, appeals and disputes

4.1.1 This agenda item was not discussed at the hearing.

5 Specific issues and questions bearing on the dDCO

Reduction in width of the existing A30

- 5.1.1 Regarding the issue raised by Historic England of a reduction to the width of the existing A30 as it passes a barrow from 7.2m to 6.8m, the Applicant confirmed that these works will not be contained in the draft DCO. The intention is that they will be dealt with in a separate agreement between the Applicant and Cornwall Council. This agreement will secure a number of works to the existing A30 including reductions in the width of the carriageway at agreed locations.

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