

**A30 Chiverton to Carland Cross
TR010026**

**8.10 POST HEARING SUBMISSIONS
INCLUDING WRITTEN SUBMISSIONS
OF ORAL CASE - CAH**

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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 the Compulsory Acquisition Hearing 1 for the A30 Chiverton to Carland Cross scheme, which took place at the Old Bakery Studios in Truro at 3pm on Wednesday 3 April 2019.

2 Welcome, introductions and arrangements

- 2.1.1 Ross Cullen of Arup, Michael Baker of Arup and Julian Boswall of Burges Salmon LLP confirmed that they represent the Applicant.

3 Summary of outstanding objections and progress with negotiations following meetings

3.1.1 This agenda item was not discussed at the hearing.

4 Parties who may be affected by the project

- 4.1.1 The Applicant asked the ExA for clarification as to how the limits of the hearing are to be drawn. Normally the focus would be on the land and rights that the Applicant is seeking to acquire and whether the case for that can be made out in compulsory purchase terms, as opposed to the different issue of construction impacts/mitigation.
- 4.1.2 The Applicant explained aspects of the proposed land take from Nancarrow Farm. In relation to Plot 6/4d with the 'two arms', this is a part of the Scheme where the new dual carriageway comes on-line with the existing A30. The new dual carriageway follows the line of the existing A30 and goes over the top of an existing bridge. The existing A30 is realigned to the north to join a section of what was the old A30 before the Zelah bypass was built in the 1990's. This leaves a triangular area of land between the two where as much land has been retained as possible in an attempt to ensure it remains useable. The area of the land is 3874 square metres.
- 4.1.3 The Applicant explained that the land included in the 'southern arm' in this location is needed in order to provide the new, wider dual carriageway to the north and the south. The Applicant understands that the fields to the south are more important to Nancarrow Farm as they are closer to the farmyard.

Route selection at Marazanvose

- 4.1.4 The Applicant confirmed that the northern route that was considered would follow a similar line through this section of the Scheme, routing to the north of Marazanvose before coming back on-line with the existing A30. There would be a significant length of the existing A30 that would be realigned to the north of the new dual carriageway to maintain that as a local through route. The part of the existing A30 currently running through Marazanvose would effectively become a cul-de-sac.
- 4.1.5 With regard to the noise mapping/modelling that was carried out at the route selection stage, the Applicant did not have that information immediately to hand. The ExA's request for further information in this regard is being taken forward as an action point arising from the hearing.
- 4.1.6 The Applicant confirmed that it has not yet provided information referred to by Historic England regarding heritage assets at Chiverton and Nancarrow.
- 4.1.7 An extended process of optioneering has been followed and there is a limited obligation when making an application to set out the alternatives that have been considered and rejected and the reasons for that. That can lead to an arguably difficult situation where parties that want to challenge to enter into a detailed comparison between the two, which may or may not sit comfortably with the level of information that was analysed to make that decision. During the examination stage there is a question as to the extent to which a route and branch challenge to route selection can be made and how such a challenge can realistically be brought forward if it is only picking up points here and there, as opposed to a fully reasoned technical case being presented by a highways expert that alleges that the Applicant has made clear mistakes in selecting the chosen route. The Applicant requested guidance from the ExA on their approach to considering an objection on this ground without a more detailed technical argument underpinning

a claim that the Scheme should be refused on the ground that an alternative scheme should have been promoted.

- 4.1.8 The Applicant noted the ExA's request for information underpinning the noise references in Table 7.6 in the Scheme Assessment Report as a follow up action for Deadline 3. The Applicant understands the ExA's question to be 'what is the methodological approach that sits behind the noise references in the Route Selection Report and the Scheme Assessment Report'. The Applicant asked the ExA whether its understanding of the question was correct and noted the ExA's response.

Rights acquisition plots at Nancarrow Farm

- 4.1.9 The Applicant confirmed that the purpose for which each Plot is required is explained in the Statement of Reasons. In summary Plot 5/8a is a right to construct a private means of access and a NMU route that leads to the green bridge and the farm. Plots 5/8b and 5/7h are for the same works, giving the Applicant the ability to carry out the construction work. Plot 5/7a is the right to construct a new replacement bat roost. The Applicant confirmed that it would continue to work with Nancarrow Farm in relation to the proposals for the replacement roost, particularly in order to maintain access to the field behind. The Applicant confirmed that these plots had originally been identified for outright acquisition, but were changed to rights acquisition at the request of Nancarrow Farm.
- 4.1.10 The Applicant explained that the Environmental Masterplans had been amended in this area to tie the fence (Plot 5/7d) very closely to the proposed earthworks and noise attenuation barrier in order to accommodate a request from Nancarrow Farm to avoid effects on the corner of the field and the shed mentioned by Mrs Chamberlain.

Noise barriers and boundaries

- 4.1.11 The Applicant confirmed that it has been working closely with Nancarrow Farm on the proposed noise mitigation measures. Cornish hedges require more land than a timber fence does. A fence offers the same noise mitigation but takes less land.
- 4.1.12 The Applicant explained by reference to the Environmental Masterplan what boundaries are proposed in the area of Nancarrow Farm. In summary, the road is in a cutting. The proposals are for a mixture of scrub and woodland planting which are part of the screening for receptors in the area. At the top of the cutting through this section is a 3m high timber noise fence which then becomes a 1.2m high Cornish hedge which continues along the top of the cutting. Alongside that Cornish hedge will be a badger proof fence. For the triangular area of land to the north (discussed earlier in the hearing) there will be a combination of badger proof fencing and a soft hedgerow.
- 4.1.13 The Applicant noted that with a compulsory acquisition case there would normally be clear points being made by objectors as to why land is allegedly not needed, with reasons, which the Applicant would then have the opportunity to rebut or potentially take into account in revised documents. Various points have been made today in a form that do not really allow the Applicant that opportunity to respond. The Applicant is happy to defend its application, so if there are particular points that Nancarrow Farm wishes to raise then it might be appropriate for it to

put those in its written submissions for Deadline 3 so that the Applicant can then respond to them.

- 4.1.14 The Applicant noted that in relation to the tests for compulsory acquisition it would like to submit more information about how the concerns previously raised by Nancarrow Farm have been taken into account as the Scheme has progressed. The Applicant considers that it has had a significant amount of engagement with Nancarrow Farm and although that is included in the draft Statement of Common Ground in headline terms, the Applicant is slightly concerned that this is not fully apparent.

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