

From: [REDACTED]
To: [A30 Chiverton to Carland Cross](#)
Cc: [Jeremy Merrick](#)
Subject: Deadline 4 Submission from The Harvey Family, [REDACTED]
Date: 01 May 2019 15:21:06

Good afternoon

We write in connection with the Applicant's responses to Deadline 3, specifically Document 8.9 Response to Hearing Action Points - ISH 2 on Draft DCO and the other documents mentioned therein.

We met with Highways England (HE) on 20th March hoping to reach agreement on a number of issues. Some of the points discussed have been summarised on pages 6,7 and 10 of "8.9 RESPONSE TO HEARING ACTION POINTS - ISH 2 on Draft DCO", submitted for Deadline 3. There are a number of inconsistencies between what was discussed and agreed on 20th March and what HE has reported in the above document. Our views, and the areas of agreement or lack of agreement, were made clear to HE by us in an email sent the day after we received their written version of discussions. We would be disappointed if anyone reading HE's response to the Hearing Action Points concluded that the alterations requested in the above document have been agreed between HE and ourselves. This is not the case. The most generous interpretation that we can put forward is that the Response to Hearing Action Points has been prepared in haste as in places it is manifestly wrong and contrary to what was discussed. It is also not in accordance with the Statement of Reasons, the Land Plan, the Draft Development Consent Order, the Trees and Hedgerows to be Removed or Managed plan and Sheet 15 of the Environmental Masterplans, of which the first three have been updated and appear on the Planning Inspectorate website. It could be argued that the Response is void due to ambiguity and uncertainty caused by conflicting information in the supporting documents.

Plots 8/2h, H/2j and H/2k: These plots were part of a tree-planting proposal which has now been deleted from the scheme. The deletion is explained in some detail in paras 3.1.11 – 3.1.15 of "8.9 RESPONSE TO HEARING ACTION POINTS - ISH 2 on Draft DCO". As a result of this, it was agreed at our meeting with HE that the plots would be occupied by them temporarily and returned to us following completion of construction.

After they had agreed a temporary acquisition, we are at a loss to understand why HE have now indicated at paragraph 2.1.20 of 8.9 RESPONSE TO HEARING ACTION POINTS - ISH 2 ON DRAFT DCO that they intend to seek the acquisition of permanent rights. The plots will not form part of the re-aligned Pennycomequick Lane or its associated verge and they lie outside of the stone hedges to be built on either side of the C0075; they would be inside our wild flower meadow. They will not have any highway structures in, under or on top of them and will not now form part of any tree-planting scheme. We accept that the temporary use of the strip of land forming these plots may be necessary during works to re-align the C0075 but we contend that there is no necessity for permanent rights to be reserved over these three plots. HE has provided absolutely no reasons why permanent rights are required.

HE appears to have updated most of the relevant documents. The updated versions give us reason for hope, viz:

- In APPENDIX A of the April 2019 version of the STATEMENT OF REASONS, HE has included the three plots in TABLE 3 (TEMPORARY POSSESSION OF LAND). They are NOT included in TABLE 2 (ACQUISITION OF RIGHTS) in APPENDIX A.
- On SHEET 8 of 2.2(B) LAND PLANS (Deadline 3 version) these three plots are shaded green and, according to the key, comprise LAND TO BE ACQUIRED TEMPORARILY. If the land was intended to be acquired temporarily AND rights acquired permanently, the plots would have been shaded blue.
- 3.1(D) Schedule 5 of The revised DRAFT DEVELOPMENT CONSENT ORDER shows TEMPORARY POSSESSION of these three plots.

We assume therefore that Table 3 of 8.9 RESPONSE TO HEARING ACTION POINTS - ISH 2 on Draft DCO is wrong. To avoid further misunderstandings we ask that all references to the acquisition of permanent rights over these three plots is removed. If the protocol prevents alteration of the document once published, we request that a new document clarifying the correct position is published as soon as possible.

Plot 8/2(c) This plot comprises the stream bed in our wild flower meadow which takes surface water from the drive serving our neighbour's farmhouse and from the existing A30. To the East of the stream there is a stone hedge which separates the wild flower meadow from a field used by another neighbour for grazing cattle. Part of that field will have a new attenuation pond constructed in it. At our meeting on 20th March it was agreed that HE would acquire the stream temporarily and return it to us following completion of construction. They are now renegeing on that agreement and seek to acquire permanent rights. We oppose this vigorously; as we shall now demonstrate it is of no use to HE but it is of great value to us.

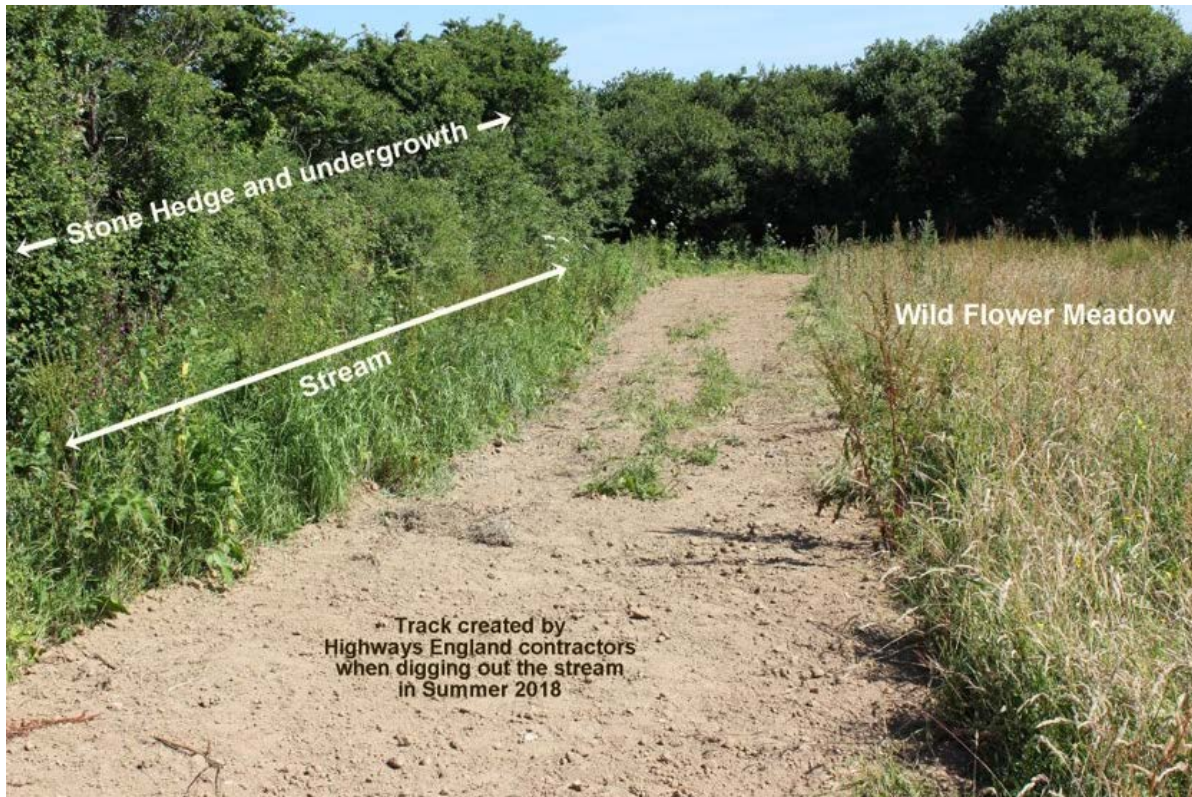
In Table 2 of Appendix A of the Statement of Reasons, HE claim that permanent rights are necessary in order to "CONSTRUCT, USE, PROTECT, INSPECT AND MAINTAIN DRAINAGE ATTENUATION POND NO. 14, ASSOCIATED DRAINAGE FACILITIES, ACCESS AND LANDSCAPING.

The stream is situated immediately adjacent to the boundary running between our wild flower meadow and with the attenuation pond field (Pond Field). The boundary comprises a substantial stone hedge with mature plantings (see photograph). Access between the two could only be achieved by wholesale destruction of at least part of this hedge. On sheet 6 of TREES AND HEDGEROWS TO BE REMOVED OR MANAGED APFP REGULATION 5(2)(O), there is no reference to this hedge being breached or removed, indeed virtually the entire hedge is enclosed by a black bordered box indicating, according to the key, that it contains VEGETATION TO BE RETAINED. This protection is reinforced on APP-195 6.3 ENVIRONMENTAL STATEMENT FIGURE 7.6 – ENVIRONMENTAL MASTERPLANS Sheet 15 of 20

where the red hatching extending over the stream and stone hedge highlights VEGETATION TO BE PROTECTED & RETAINED. The stream is also shown on the Environmental Masterplan as a watercourse and is again to be protected and retained. The Pond Field will have a vehicular access direct from the existing A30 across a wide highway verge. This will provide a very superior access.

Given that there is no physical connection between the Pond Field and our Wild Flower Meadow, and the applicants are not seeking to amend the protection that the hedge and vegetation enjoy, and since the applicants are not seeking to enlarge the DEVELOPMENT CONSENT ORDER BOUNDARY / LIMITS OF ORDER LAND we believe that the stream cannot be of any use in construction, useage, protection, inspection, maintenance of the attenuation pond, drainage, access or landscaping. We further believe that there would be no advantage whatsoever to the A30 Chiverton to Carland Cross improvement scheme in such permanent rights being acquired bt HE. Whilst we were, and remain willing to allow temporary usage of the stream while the attenuation pond is being built, we are not convinced that it is in the best interests of HE. We suspect the right was mooted by someone unfamiliar with the site and by reference to satellite imagery only.

We request that Schedule 5 of 3.1(D) The revised DRAFT DEVELOPMENT CONSENT ORDER be amended by deleting Plot 8/2c and the statement: "New right to construct, use, protect, inspect and maintain drainage attenuation pond no. 14, associated drainage facilities, access and landscaping". Colouring on SHEET 8 of 2.2(B) LAND PLANS (Deadline 3 version) of the stream should also be changed from blue (acquisition of permanent rights) to green (temporary acquisition), or removed altogether if the applicants agree that there is no benefit to them in acquiring the land temporarily.



Photograph showing the boundary (on the left-hand side of the photograph) between the Harvey family's wildflower meadow and the Pond Field.

Plots 8/2d, 8/2e and 8/2f

The applicant states in "8.9 RESPONSE TO HEARING ACTION POINTS - ISH 2 on Draft DCO" that these three plots have been added to Table 2 of the STATEMENT OF REASONS to reflect temporary acquisition with permanent rights. In APPENDIX A of the April 2019 version of the STATEMENT OF REASONS, HE has included the three plots in TABLE 3 (TEMPORARY POSSESSION OF LAND). They are NOT included in TABLE 2 (ACQUISITION OF RIGHTS) in APPENDIX A. We assume therefore that Table 3 of 8.9 RESPONSE TO HEARING ACTION POINTS - ISH 2 on Draft DCO is wrong. To avoid further misunderstandings and we ask that all references to the acquisition of permanent rights over these three plots is removed. If the protocol prevents alteration of the document once published, we request that a new document clarifying the correct position is published as soon as possible.

Plot 8/2(g): We are pleased to have reached agreement with HE on this matter.

Vehicular Access to the Wild Flower Meadow: We are also pleased to have reached agreement with HE on this matter.

Other Outstanding Matters:

- o **Traffic Noise:** Stone hedges beside the new road, particularly where the new road crosses over the underpass, would make such a large difference to our lives which are spent largely outside looking after our garden. We read in Chapter 11 Noise & Vibration that Government stated policy is not only to mitigate and minimise adverse impacts on health and quality of life but where possible to contribute to their improvement. HE's present plan of inaction is contrary to this policy and the reasons for this disregard seems to be purely a desire to save money. We ask again; please reconsider the decision to omit stone hedging on the new A30 where it passes our property and also erect either stone hedging or stone walling on top of the underpass.
- o **Road Safety:** Our concerns remain over the potential conflict between horses/riders, cyclists and pedestrians on the one hand and motorists who will be encouraged by better visibility over the improved section to drive more quickly. HE considers that there will not be a problem and refuses to do anything. We have to hope that they are correct and not negligent in their assumptions.
- o **Traffic Conflict:** The C0075 should be re-aligned at an early stage and used by contractors with existing traffic using the current lane. This would minimise hold-ups at peak times when, if all vehicles have to use the existing lane, traffic will be queued back onto the A30 causing further disruption. It would just as importantly reduce most of the conflicts between agricultural traffic (which would continue to use the existing lane) and construction plant and by taking the pressure off the existing blind corner, hopefully preventing the otherwise inevitable accidents that result.
- o **Underpass Design:** This is a sensitive site which intrudes into some beautiful Cornish countryside. Our pleas to the Applicant to design a beautiful structure have fallen on deaf ears. We previously quoted from HE's Design Manual of Roads and Bridges and do so again now:
*"A commonly held but erroneous view is that a bridge which is attractive in appearance must be more expensive than one which is not. This is not necessarily so. In fact a good-looking bridge is likely to have had more thought devoted to all aspects of its design; it will probably be a more fully integrated design and therefore could even cost less to build. It may well have cost more to design, but this is a small part of the total cost and should be taken into account when the situation requires a sensitive design. There are sometimes situations where to do justice to a bridge and its site it is necessary to spend some extra money, and this is an important part of the environmental mitigation of schemes. Unless designer and client are willing to make and accept a case for the necessary spending, where it is really justified, it is unlikely that they will have attractive bridges in those cases where it is not, because **the first essential to getting an attractive bridge is the feeling, on the part of the client and the designer, that it really matters**".*
HE tells us that they intend to erect a basic concrete beam bridge. We beg the inspector to consider how a brutal concrete structure will jar with the countryside hereabouts and decide whether it really would be appropriate. Please insist that HE follow their own advice and design an aesthetic, beautiful structure which, through clever design, will be less intrusive and much admired. At the very minimum the faces of the underpass should be stone faced.

With kind regards

Andrew & Patricia Harvey

