

A30 Chiverton to Carland Cross TR010026

7.4(E) STATEMENTS OF COMMON GROUND

Planning Act 2008

APFP Regulation 5(2)(q)
Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

Volume 7

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1 Introduction

1.1 Purpose

- 1.1.1 This document has been prepared to provide a concise update on the position of Statements of Common Ground (SoCG) between Highways England and statutory consultees/interested parties in relation to the A30 Chiverton to Carland Cross (the scheme).
- 1.1.2 This document provides the Highways England understanding of the position with each party at Deadline 5.
- 1.1.3 Where necessary Highways England will continue to work with relevant parties and review any matters that are still subject to further discussion during the Examination Timetable.
- 1.1.4 This document will be updated further at relevant Examination deadlines where appropriate and where progress has been made.

1.2 Structure

- 1.2.1 This report is structured as follows:
- **Section 2** details the structure of each SoCG document and provides an up to date list of SoCGs at the point of the relevant deadline in the Examination.
 - **Section 3** provides an update on the status of each SoCG.
 - **Section 4** sets out the commonality between SoCGs and provides a summary of the principal matters outstanding.

2 Position

2.1 Structure of SoCGs

2.1.1 Each SoCG has adopted a consistent and standard format to provide clarity to other parties and ultimately the Examining Authority (ExA).

2.1.2 Each SoCG is structured in the following way:

- **Section 1** introduces the SoCG and a description of its purpose.
- **Section 2** states the role of each party (e.g. Natural England) in the process and details the consultation undertaken to date.
- **Section 3** sets out matters agreed.
- **Section 4** sets out matters which are subject to negotiation or not agreed.
- **Appendix A** contains a sign off sheet.

2.1.3 Additional appendices have been added to SoCGs where relevant to provide further information and context for the matters described in the respective documents.

2.2 List of SoCGs

2.2.1 The SoCGs seek to identify matters on which parties agree and to track progress towards the resolution of any matters where agreement has not yet been reached.

2.2.2 Highways England has undertaken early preparation of SoCGs with various bodies as identified in **Table 1-1**. This provides a list of SoCGs that are currently in place, along with identifying other bodies where an SoCG is currently being prepared.

2.2.3 Since the submission of the application for development consent, additional SoCGs have been requested by the ExA to be submitted during the course of the Examination. These have been requested through the Rule 6 Letter issued on 9 January 2019, the Preliminary Meeting held on 6 February 2019 and the Rule 8 letter issued on 13 February 2019.

2.2.4 Highways England will be seeking to enter into an SoCG with four of the parties requested by the ExA:

- Nancarrow Farm
- Truro Cycling Campaign
- National Farmers Union (NFU)
- St. Allen Parish Council

2.2.5 These are listed in **Table 1-1**.

Table 1-1 List of SoCGs

Interested Party	Position
Statutory Consultee	
Cornwall Council	SoCG in draft
Natural England	Final SoCG signed, all matters agreed
Historic England	SoCG in draft
Environment Agency	Final SoCG signed, all matters agreed
Nancarrow Farm	SoCG in draft
Truro Cycling Campaign	Final SoCG signed, all matters agreed
National Farmers Union (NFU)	SoCG in draft
St Allen Parish Council	Final SoCG signed, some matters not agreed

2.3 SoCG requested by the Examining Authority and not provided

2.3.1 Highways England does not consider it is necessary or appropriate to develop and submit an SoCG with some of the parties as requested by the ExA. This is set out below for each party.

Health and Safety Executive (HSE)

2.3.2 As set out in the **Comments on Relevant Representations** (Document Reference 8.1) [REP1-004] document submitted at Deadline 1, Highways England considers that all matters raised by the HSE in their Relevant Representation have been resolved through engagement and therefore an SoCG is not required.

2.3.3 On 13 February 2019, the HSE submitted a Position Statement to the ExA confirming that it does not proposed to enter into an SoCG as they are satisfied that their concerns have been addressed. The Position Statement was also submitted as a Written Representation at Deadline 2 [REP1-012].

Western Power Distribution (WPD)

2.3.4 It is expected that the issues raised by WPD will be dealt with via a side agreement and therefore an SoCG is not considered necessary.

2.3.5 A summary of the current position with WPD is provided in the updated **Table of Position in Relation to Statutory Undertakers** (Document Reference 8.14) submitted at Deadline 5. This will be updated throughout the remainder of the Examination to reflect ongoing discussions between Highways England and statutory undertakers.

Arqiva

2.3.6 As set out in the **Comments on Relevant Representations** (Document Reference 8.1) [REP1-004] submitted at Deadline 1, Highways England considers that all matters raised by Arqiva in their Relevant Representation have been resolved through engagement and therefore an SoCG is not required.

2.3.7 Arqiva have confirmed this in a Position Statement emailed to the ExA on 15 February 2019, which states that their objections have now been addressed and that they request to withdraw their Relevant Representation. Furthermore, the

Written Representation submitted by Arqiva at Deadline 2 [REP1-007] confirmed the formal withdrawal of previous representations.

Scottish Power Renewables (SPR)

- 2.3.8 Highways England is undertaking ongoing engagement with SPR and it is expected that matters with this party will be resolved through a legal agreement. A Position Statement with SPR was submitted to the ExA on 5 February 2019 which sets out the current status of the discussions between both parties. For this reason, it is not considered that an SoCG is necessary at this time.
- 2.3.9 SPR submitted a Written Representation at Deadline 2 [REP1-026] which confirmed that discussions with Highways England regarding a separate legal agreement are ongoing.
- 2.3.10 A summary of the current position with SPR is provided in the updated **Table of Position in Relation to Statutory Undertakers** (Document Reference 8.14) submitted at Deadline 5. This will be updated throughout the remainder of the Examination to reflect ongoing discussions between Highways England and statutory undertakers.

3 Status

3.1 Summary of current position

3.1.1 This section provides an update on the status of each SoCG.

3.1.2 **Table 1-2** provides a high-level position and where necessary includes further detail to aid understanding of the ExA. In summary, the high-level positions used in **Table 1-2** are as follows:

- **SoCG in draft** – The SoCG has been drafted by Highways England and it has been shared with the other party for comment.
- **SoCG signed with matters outstanding** – The SoCG has been signed by both parties and work is ongoing to try and resolve remaining matters outstanding.
- **Final SoCG signed, all matters agreed** – The SoCG has been signed by both parties and all matters are agreed.
- **Final SoCG signed with matters outstanding** – The final version of the SoCG has been signed by both parties, and there remain matters outstanding that Highways England and the other party agree will not be resolved during Examination.

3.1.3 Where SoCGs have been submitted with matters subject to further discussion ('Signed SoCG with matters outstanding'), all parties will continue to review these matters in order that a final update can be provided during the Examination.

3.1.4 **Table 1-2** also provides a document reference which will be used for each SoCG once signed and submitted to the ExA. Any draft SoCGs updated at each deadline will be appended to this document.

Table 1-2 Status of SoCGs at Deadline 5

Document Reference (once signed)	Party	Position at submission	Position at Deadline 1	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4	Position at Deadline 5
<i>Statutory Consultees</i>							
7.4.1	Cornwall Council	SoCG drafted by Highways England and reviewed by Cornwall Council. SoCG submitted with the application in draft.	Draft SoCG updated by Highways England and reviewed by Cornwall Council. Updated SoCG submitted at Deadline 1.	No change in position from Deadline 1.	No change in position from Deadline 1.	No change in position from Deadline 1.	No change in position from Deadline 1.
7.4.2	Natural England	SoCG drafted by Highways England and reviewed by Natural England. SoCG submitted with the application in draft.	Updated draft SoCG in progress and expected to be submitted at Deadline 2.	Final SoCG signed, all matters agreed.			
7.4.3	Historic England	SoCG to be submitted during Examination.	SoCG in draft - it has been shared with Historic England for comment	SoCG in draft, this has been shared with Historic England for comment.	SoCG in draft, this is submitted at Deadline 3.	SoCG in draft, this is submitted at Deadline 4.	No change in position from Deadline 4.
7.4.4	Environment Agency	SoCG to be submitted during Examination.	SoCG in draft - it has been shared with the Environment Agency for comment	Final SoCG signed, all matters agreed.			
<i>Interested Parties</i>							
7.4.5	Nancarrow Farm	/	Draft SoCG being prepared by Highways England	SoCG in draft – this has been shared	SoCG in draft, this is submitted at Deadline 3.	No change in position from Deadline 3.	No change in position from Deadline 3.

Document Reference (once signed)	Party	Position at submission	Position at Deadline 1	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4	Position at Deadline 5
			based on response to Relevant Representation.	with Nancarrow Farm for comment.			
7.4.6	Truro Cycling Campaign	/	Draft SoCG being prepared by Highways England based on response to Relevant Representation.	SoCG in draft - this has been shared with Truro Cycling Campaign for comment.	Final SoCG signed, all matters agreed.		
7.4.7	National Farmers Union (NFU)	/	Draft SoCG being prepared by Highways England based on response to Relevant Representation.	SoCG in draft – this is submitted at Deadline 2.	Updated draft SoCG in progress and expected to be submitted at Deadline 4.	Updated draft SoCG in progress and expected to be submitted at Deadline 5.	Draft SoCG updated – this is submitted at Deadline 5..
7.4.8	St Allen Parish Council	/	Draft SoCG being prepared by Highways England.	Draft SoCG being prepared by Highways England based on response to Written Representation.	SoCG in draft, this is expected to be submitted at Deadline 4.	SoCG in draft, this is submitted at Deadline 4.	Final SoCG signed, some matters not agreed.

4 Commonality

4.1 Summary

- 4.1.1 This section of the report provides a summary of principal topics covered in the SoCGs and highlights where topics have been agreed, are subject to further discussion, or where a topic is not agreed.
- 4.1.2 The summary in **Table 1-3** is presented in such a way to show topics covered within the various SoCGs and any position for each topic. The topics are defined at a high-level to enable overview and comparison and may not reflect the structure of each individual SoCG.
- 4.1.3 A tick in the table indicates where a topic is relevant to a party. Where a tick is shown but the box is blank, no matters have yet been identified in relation to a relevant topic. Where a topic is not relevant to a party, it is shown as a blank in the table and not included within the SoCG.
- 4.1.4 The position for relevant topics are shown as follows:

	Topic agreed
	Topic subject to further discussion
	Topic not agreed

Table 1-3 Table of Commonality

Document Reference	Party	Topics																					
		Principle of Development	Project Description	Consultation	Consideration of Alternatives	Engineering Design	Approach to EIA	Air Quality	Cultural Heritage	Landscape and Visual	Ecology	Geology and Soils	Materials	Noise and Vibration	Road Drainage/Water Environment	People and Communities	Public Rights of Way	Consideration of Cumulative Effects	Environmental Management	Construction Effects	De-Trunking	Traffic and Transport	Development Consent Order
7.4.1	Cornwall Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
7.4.2	Natural England						✓		✓	✓	✓			✓									
7.4.3	Historic England					✓		✓	✓									✓					
7.4.4	Environment Agency					✓				✓				✓									✓
7.4.5	Nancarrow Farm	✓			✓	✓			✓				✓							✓			
7.4.6	Truro Cycling Campaign			✓		✓											✓						
7.4.7	National Farmers Union (NFU)						✓			✓	✓	✓		✓	✓			✓	✓			✓	✓
7.4.8	St Allen Parish Council	✓			✓	✓			✓				✓			✓				✓			

4.2 General overview and principal matters outstanding

4.2.1 The following section provides an overview of the position with each party and a summary of principal matters which are outstanding. The individual SoCGs should be referred to for the full detail on specific matters.

4.3 Statutory consultees

Cornwall Council

4.3.1 An updated SoCG with Cornwall Council was included at **Appendix A** of the **Statements of Common Ground** (Document Reference 7.4(A)) [REP1-003] submitted at Deadline 1, 19 February 2019.

4.3.2 Since Deadline 4, Highways England has continued to engage with Cornwall Council Officers in order to progress matters in the SoCG.

4.3.3 An updated version of the draft SoCG was issued to Cornwall Council by Highways England on 16 May 2019.

4.3.4 A meeting was held to discuss the contents of the updated SoCG on 20 May 2019, resulting in further updates and an updated draft SoCG issued to Cornwall Council Officers on 21 May 2019.

4.3.5 A meeting between Highways England and Cornwall Council was held on 10 June 2019 to discuss the draft SoCG and draft Heads of Terms for the legal agreement between Cornwall Council and Highways England. Cornwall Council presented the aspirational measures they would like to be funded through the legal agreement with Highways England. Highways England committed to return comments on these measures and a meeting will be held to reach agreement. The SoCG will be updated to reflect the terms of the legal agreement.

4.3.6 Cornwall Council attended the Issue Specific Hearing 4 on Chybucca junction on 12 June 2019.

4.3.7 The principal matters that are currently outstanding include:

- Cornish language signage
- De-trunking of the existing A30 and measures to be funded by Highways England.

4.3.8 It is the intention of both parties that an updated, signed version of the SoCG will be provided at Deadline 6.

Natural England

4.3.9 An SoCG was signed by both Highways England and Natural England on 18 March 2019 with all matters agreed.

4.3.10 The signed SoCG was submitted at Deadline 2 (Document Reference 7.4.2) [REP2-018].

Historic England

4.3.11 Since Deadline 4, Highways England has continued to engage with Historic England in order to reach agreement on the two remaining outstanding matters at the time of submission of the draft SoCG at Deadline 4.

- 4.3.12 On 17 May 2019, Highways England issued updated documents relating to the outstanding matter at Carland Cross to Historic England for their review. This included updates to: the Outline Written Scheme of Investigation (Annex F of the Outline CEMP); the Scheduled Monument Protection Plan (Annex R of the Outline CEMP); and Sheet 18 of the Environmental Masterplans to show a location for an elevated viewing point and the inclusion of a footpath link between the replacement open space land, the elevated viewing point and the existing CRoW land.
- 4.3.13 Following their review of these documents, Historic England requested a one further amendment to Annex R the Scheduled Monument Protection Plan of the Outline CEMP. Highways England agreed to submit this update at Deadline 5.
- 4.3.14 It is expected that a final, signed SoCG between Highways England and Historic England will be submitted at Deadline 6.

Environment Agency

- 4.3.15 An SoCG was signed by the Environment Agency on 13 March 2019 with all matters agreed.
- 4.3.16 The final, signed SoCG was submitted at Deadline 2 (Document Reference 7.4.4) [REP2-019].

4.4 Interested Parties

Nancarrow Farm

- 4.4.1 An updated draft SoCG was submitted at Deadline 3 in **Appendix B** of the **Statements of Common Ground** (Document Reference 7.4(C)) [REP3-016].
- 4.4.2 There are a number of matters outstanding, including the principle of the development, the proposed route and route selection process, impacts on the farm and events business (including noise, landscape and heritage effects) and construction timing and impacts.
- 4.4.3 Highways England shared a draft legal agreement with Nancarrow Farm on 2 April 2019 for their review.
- 4.4.4 A meeting was held between Highways England and Nancarrow Farm on 11 June 2019 to discuss the terms of the proposed legal agreement. Highways England is awaiting comments to be returned on this legal agreement. The SoCG may be submitted at Deadline 6 or Deadline 7 if there are relevant matters still outstanding following the signing of the legal agreement.

Truro Cycling Campaign

- 4.4.5 An SoCG was signed by Highways England and Truro Cycling Campaign with all matters agreed on 1 April 2019.
- 4.4.6 The signed **Statement of Common Ground with Truro Cycling Campaign** was submitted at Deadline 3 (Document Reference 7.4.6) [REP3-017].

National Farmers Union (NFU)

- 4.4.7 Since Deadline 4, Highways England has met with the NFU (via teleconference) on 7 June 2019 to discuss the submissions made by Highways England at

Deadline 3 and Deadline 4, which have been reviewed by the NFU. This included updates to the Outline CEMP and Outline CEMP Annexes.

- 4.4.8 As a result of the NFU's review and comments, Highways England has agreed to incorporate further updates to the Outline CEMP Annexes, which have been submitted at Deadline 5.
- 4.4.9 An updated draft SoCG which is not signed and which reflects the outcome of the discussions on 7 June, is provided at **Appendix A** of this document.
- 4.4.10 It is expected that following the NFU's review of the Deadline 5 submissions, a final, signed SoCG will be submitted at Deadline 6.

St Allen Parish Council

- 4.4.11 A draft, unsigned SoCG with St. Allen Parish Council was provided at Deadline 4 in Appendix B of **Statements of Common Ground (Document Reference 7.4(D))**.
- 4.4.12 Since Deadline 4, Highways England issued an updated draft SoCG to St. Allen Parish Council on 22 May 2019.
- 4.4.13 Highways England and St. Allen Parish Council signed the SoCG on 31 May 2019.
- 4.4.14 The final, signed **Statement of Common Ground with St. Allen Parish Council** (Document Reference 7.4.8) is submitted at Deadline 5.
- 4.4.15 Not all matters are agreed in the final, signed SoCG. The principal matters that are not agreed are:
- Route selection and road height at Marazanvose;
 - Noise and visual mitigation at Marazanvose;
 - The closure of the road C0089 at St. Freda's; and
 - The design of the crossing for walkers, cyclists and horse riders at Church Lane.

Appendix A – draft Statement of Common Ground with the NFU



European Union

European Regional
Development Fund

ARUP

Working on behalf of



A30 Chiverton to Carland Cross

Statement of Common Ground with National Farmers Union

Draft 2

Issue to National Farmers Union: 18/03/2019

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This document is a Statement of Common Ground (SoCG) between Highways England and the National Farmers Union (NFU) in relation to the A30 Chiverton to Carland Cross scheme. It has been prepared in accordance with DCLG (now Ministry of Housing, Communities and Local Government) Guidance on the pre-application process¹.
- 1.1.2 The document identifies the following between the two parties:
- Matters which have been agreed
 - Matters currently outstanding (subject to negotiation or not agreed)
- 1.1.3 The SoCG will continue to evolve as the application for development consent progresses through the Examination stage.

1.2 Structure of this SoCG

- 1.2.1 The SoCG is structured as follows:
- Section 2 states the role of NFU in the application and sets out the consultation undertaken from 2018.
 - Section 3 presents the topics covered in this SoCG.
 - Section 4 lists those matters which have been agreed, including the date that this matter was agreed.
 - Section 5 is a table of matters outstanding, incorporating a description of the matter, the position of NFU, the position of Highways England and any actions taken to address the matter, and the date of the latest position including any further meetings planned regarding the matter.
 - Appendix A includes the signing sheet.

1.3 Status of this SoCG

- 1.3.1 A previous draft of the SoCG with the NFU was submitted at Deadline 2 as Appendix A of the Statements of Common Ground (Document Reference 7.4(B)) [XX]. Following the submission of updated application documents at Deadlines 3 and 4, a further meeting was held on 7 June 2019 where all matters were reviewed and updated. This SoCG is now a correct reflection of the position between Highways England and the NFU as of 17 June 2019.
- 1.3.2 This SoCG is provided 'in draft' by Highways England. It has been updated by Highways England to reflect the comments received from NFU. It has been re-issued to NFU for further review and comment alongside the updated submissions at Deadline 5. This draft is 'not signed' by NFU.
- 1.3.3 Both parties will continue to review the matters that are still subject to negotiation and clarification. A final, signed version of the SoCG will be provided for Deadline 6.

¹ Department for Communities and Local Government. Planning Act 2008: Guidance for the examination of applications for development consent. (2015)

2 Consultation

2.1 Role of the National Farmers Union

2.1.1 The NFU is an industry organisation for agriculture and horticulture in England and Wales. It represents its members and campaigns for the future of British farmers.

Status in relation to the application

2.1.2 As set out in the **Consultation Report** (Document Reference 5.1) [APP-029], the NFU was consulted during the statutory pre-application consultation under section 47 of the Planning Act 2008, which requires that the applicant consults people who live in the vicinity of the proposed development. This includes, as per MHCLG guidance², any consultees which may be able to make an important contribution in developing the application. Given that the scheme is located in an area with agricultural industry and which may affect agricultural landowners and tenant farmers, the NFU was considered an appropriate consultee for the scheme.

2.1.3 The NFU submitted a response to the statutory consultation and have subsequently registered with the Planning Inspectorate as an Interested Party in the scheme's Examination. The NFU attended the Preliminary Meeting and draft DCO Issue Specific Hearing held on 6 February 2019. At the Preliminary Meeting, Highways England agreed to enter into a Statement of Common Ground with the NFU.

2.1.4 The SoCG has been shared for comment with Louise Staples, Rural Surveyor, who is the NFU's appointed representative.

2.2 Summary of consultation

2.2.1 Highways England has been in consultation with NFU prior to the submission of the DCO application.

² Department for Communities and Local Government (DCLG). Planning Act 2008: Guidance on the Pre-application Process. London, 2015.

2.2.2 The consultation with the NFU is set out below within Table 2-1.

Table 2-1 Consultation

Date	Method	Topic	Consultation Details
29/01/2018	Letter	Notification of statutory consultation	The NFU was sent a letter and/or email by Highways England notifying them of statutory consultation and inviting them to comment on the proposals by the deadline of 23:59 on 12 March 2018.
09/03/2018	Letter	Response to statutory consultation	A representative of NFU submitted a response to the statutory consultation setting out a number of concerns relating to impacts of the scheme on agricultural businesses and landowners in the vicinity of the scheme,
04/10/2018	Teleconference Call	Discuss response to statutory consultation	Highways England spoke to the NFU to discuss their response to the statutory consultation.
09/11/2018	Letter	Submission of relevant representation	The NFU submitted a relevant representation detailing outstanding concerns relating to the scheme.
19/02/2019	Letter	Response to relevant representation	Highways England responded to the relevant representation via letter sent directly to the NFU and which was also submitted to PINS.
05/03/2019	Meeting	Discuss response to Relevant Representation and the draft SoCG	Highways England met with the NFU to discuss the Highways England response to the NFU Relevant Representation and the preparation of the draft SoCG.
18/03/2019	Teleconference Call	Discuss draft SoCG	Highways England spoke to the NFU to discuss the draft SoCG for issue at Deadline 2.
16/04/2019	E-mail	Comments on Draft Soil Management Plan (SMP)	NFU provided comments on the Draft SMP
16/04/2019	E-mail	Responses to comments on Draft SMP	HE responded to the NFU comments on the Draft SMP
24/05/2019	Teleconference Call	Discuss draft SoCG	Highways England spoke to the NFU to discuss the draft SoCG and the relevant submissions to PINS at Deadlines 3 and 4 and update for issue at Deadline 5.
07/06/2019	Teleconference Call	Discuss draft SoCG	Highways England spoke to the NFU to discuss the draft SoCG and the relevant submissions to PINS at Deadlines 3 and 4 and update for issue at Deadline 5.

3 Topics covered in this SoCG

3.1.1 The following table (Table 3-1) is a summary of the topics which are considered within this SoCG. The topics covered in section 4 of this SoCG broadly align with Highways England's response to the NFU Relevant Representation.

Table 3-1 A summary of the topics which are considered within this SoCG

Overarching topic	Topic number	Topic
NFU topics in Relevant Representation and Written Representation	1.	DCO Article 8: Limits of Deviation
	2.	DCO Article 5: Adjacent land
	3.	Private Water Supplies
	4.	DCO Article 33: Temporary Possession
	5.	Hedgerows
	6.	Site Compounds
	7.	Soil Management
	8.	Field Drainage
	9.	Agricultural Liaison Officer
	10.	Landowner access
	11.	Green bridge
	12.	Utilities
	13.	Air Quality and dust
	14.	Flood Issues
	15.	Fencing
	16.	Transport and traffic

4 Matters agreed

4.1.1 The table below shows those matters which have been agreed by the parties, including that matters reference number, and the date and method by which it was agreed.

Table 4-1 Matters agreed between NFU and Highways England

Reference	Matter which has been agreed	Date and method of agreement
1. DCO Article 8: Limits of Deviation		
1.1	<p>The NFU queried the inclusion of Limits of Deviation in Article 8 of the draft DCO (Document Reference 3.1(B)) [AS-031] and sought clarity on earthworks being able to deviate laterally by 1.75m.</p> <p>Highways England has given very careful consideration to the limits of deviation that it considers are required in this case. As the scheme is currently at a Preliminary Design stage, Highways England has sought to strike an appropriate balance between including an appropriate degree of flexibility in the DCO, reflecting that the scheme will not reach the subsequent Detailed Design stage until after consent is granted (if this is the case), and a sufficient degree of certainty and clarity about what the scheme will look like and where exactly it will be positioned.</p> <p>The inclusion of limits of deviation is normal and Highways England is not seeking to do anything novel by including them in this DCO. The A14 Cambridge to Huntingdon Improvement Scheme Order 2016 referenced by the NFU includes both lateral and vertical limits of deviation: see article 7 (limits of deviation).</p> <p>The NFU has accepted the limits of deviation proposed in the draft DCO on this basis.</p>	Meeting 18 March 2019 and e-mail 19 March 2019
2. DCO Article 5: Adjacent land		
2.1	<p>The NFU queried whether the term 'Adjacent' in Article 5 of the draft DCO (Document Reference 3.1 (B)) [AS-031] should be included in Article 2 Interpretation with this definition.</p> <p>The key point is that Article 5(2) does not confer powers on Highways England to carry out any works on 'adjacent' land. It simply clarifies the relationship between the DCO (as a piece of legislation) and other legislation. It would be an arbitrary exercise to try and specify the limits of the term 'adjacent' in this article or in Article 2. This wording has been accepted in other orders and is well precedented.</p> <p>As drafted the DCO confers limited powers to undertake certain specified activities outside the DCO boundary. These are found in Article 22 (authority to survey and investigate the land), which gives Highways England authority to enter land within the Order limits, or which may be affected by the authorised development, for the purpose of</p>	Meeting 7 June 2019

Reference	Matter which has been agreed	Date and method of agreement
	<p>carrying out surveys and investigations. For the purpose of Article 22 the term 'adjacent' would therefore mean the land that was required to be surveyed because it would or might be affected by the authorised development. Paragraph 2 of Article 22 requires Highways England to give owners and occupiers at least 14 days' notice before entering land for this purpose.</p>	
3. Private Water Supplies		
3.1	<p>NFU requested, where an existing private water supply to a farm is adversely and directly affected by the construction of the scheme, Highways England will, if requested by the farmer or landowner to do so, provide or procure or meet the reasonable cost of the provision of an alternative supply of water. Where the supply is so affected temporarily by the construction of the scheme, then the alternative supply would only be supplied for the period during which it is so affected.</p> <p>Where a request is made by the farmer or landowner for a permanent supply due to permanent severance of the existing supply caused by the construction of the scheme, Highways England will, where provision of an alternative means of supply can be demonstrated by the landowner/farmer to be reasonably required for his business, provide or procure or meet the reasonable cost of a permanent means of alternative supply of water.</p> <p>Commitment RDWE 3 in Table 16.3 Record of Environmental Actions and Commitments (REAC) in the Outline CEMP (Document Reference 16.1) [APP-375] secures this and states "Where the potential for impacts to private water supplies remains unclear, a detailed assessment of groundwater levels and flows shall be undertaken during detailed design to fully understand the potential impact upon each feature of interest. Where, following this assessment, the potential for impact remains unclear or is certain, a new private water supply (e.g. a borehole) will be established following discussion with the landowner."</p> <p>NFU agree (subject to a final review of the updated Outline CEMP to confirm the proposed change implemented).</p>	Meeting 7 June 2019
5. Hedgerows		
5.1	<p>The NFU would like confirmation that the hedgerows to be removed have been clearly marked on a plan which forms part of the DCO. Too often hedges are pushed out by contractors which should not be.</p> <p>The NFU accepts that plans detailing the trees and hedgerows affected by development were submitted with the application – Trees and Hedgerows to be Removed or Managed Plans (Document Reference 2.13) [APP-027 to APP-028]. Figure 7.6 Environmental Masterplans of the Environmental Statement (Document Reference 6.3) [APP-180 to APP-200] also show the locations of proposed hedgerows and Cornish hedgerows.</p>	Meeting 7 June 2019

Reference	Matter which has been agreed	Date and method of agreement
	Existing trees, woodlands, hedgerows and Cornish hedgerows to be retained, must be protected during construction with protective fencing or netting where necessary in accordance with BS5837:2012 and this has been added to Commitment NC2 in Table 16.3 Record of Environmental Actions and Commitments (REAC) in the Outline CEMP (Document Reference 16.1) [APP-375].	
6. Site Compounds		
6.1	<p>The NFU raised at ISH1 on the draft DCO (6 February 2019) a question on whether the details had been highlighted as to the uses which would take place within each compound site. It is stated under Schedule 7 of the draft DCO the purpose for which temporary possession may be taken under column 3. It has been stated that where land is taken for a compound site this could include the treatment of site generated waste. The NFU believes that all uses should be clearly stated. The use will then be binding under the DCO and this will prevent an activity taking place which is not authorised.</p> <p>Where plots are identified in draft DCO Schedule 7 (Document Reference 3.1(B)) [AS-031] as being required for a site compound, the activity to “treat site generated waste” is only washout pits for concrete and sweepers and general wheel wash with an area for segregating this waste. The wastewater would either be recycled for construction processes or discharged to an adjacent foul sewer (with consent from the sewerage undertaker). Any waste material recovered during this process would be re-used onsite where possible or otherwise it would be removed from site by a licensed waste carrier for disposal to an appropriately licensed facility. The CEMP has been updated to include this clarification on the treatment of waste within the compounds.</p> <p>As the scheme only at Preliminary Design stage, it is not possible to state exact detail of all uses of compounds, however Highways England can commit to the treatment of waste as above.</p> <p>NFU agree (subject to a final review of the updated dDCO and Outline CEMP to confirm the proposed changes implemented).</p>	Meeting 7 June 2019
7. Soil Management		
7.1	The NFU believes that it is essential that general wording to cover how agricultural soils are treated during construction and how reinstatement and aftercare will take place is outlined in the outline CEMP. Presently soils is only mentioned briefly in Table 16.3 Record of environmental actions at PC4. The NFU would like to state how important it is that a pre- construction record of condition and soil survey is undertaken to form a soil report/soil statement. This soil report/statement can then be used to inform what aftercare requirements are needed to bring the soil back into agricultural use and to bring the soil back to its original condition. The NFU would also expect annual monitoring of physical soil characteristics and soil nutrient levels to be carried out. The NFU would expect to see aftercare carried out over a five year term.	Meeting 7 June 2019

Reference	Matter which has been agreed	Date and method of agreement
	<p>The Record of Environmental Actions and Commitments (REAC) in Table 16.3 on the Outline CEMP (Document Reference 16.1) [APP-375] provides actions and commitments on soil management and storage and an Outline Materials Management Plan is included in Annex C of the Outline CEMP Annexes (Document Reference 16.1) [APP-376]. Para 2.2.1 of the Outline Materials Management Plan, provides a list of the documentation requirements to support the completion of an MMP for the scheme and in relation to soils includes: Invasive Species Management Plan; Earthworks Strategy; Land Contamination Management Strategy; Remediation Strategy including a verification plan; Earthworks Specification; Cut/Fill requirements and earthworks movements plan; and Soils Management Plan.</p> <p>Highways England has now prepared an Outline Soil Management Plan as Annex P of the Outline CEMP. This includes further detail on how agricultural soils are treated during construction and how reinstatement and aftercare will be undertaken. This also confirms the requirement for a pre- construction Soil Survey and Record of Condition to form a soil report/soil statement. This soil report/statement can then be used to inform what aftercare requirements are needed to bring the soil back into agricultural use and to bring the soil back to its original condition.</p> <p>NFU agree (subject to a final review of the updated Outline CEMP to confirm the proposed changes implemented).</p>	
8. Field Drainage		
8.1	<p>The NFU would like to see general terms being set out as to how field drainage will be treated during and post construction of the road development scheme. No mention of field drainage can be found in the Outline CEMP.</p> <p>The Outline Ground and Surface Water Management Plan is included as Annex G of the Outline CEMP Annexes (Document Reference 16.1) [APP-376] and this is based on the information available at this preliminary design stage. Table 2-1 Ground and Surface Water Management - Main work activities and mitigation proposals (of Annex G) has been updated to include the Field Drainage requirements from the NFU Written Representation on the Norfolk Vanguard Offshore Windfarm DCO. The reinstatement of any affected field drainage would be developed in detailed design and will be informed and agreed with the individual affected landowners.</p> <p>As the detailed design progresses, the plan would be reviewed and updated accordingly. The final Ground and Surface Water Management Plan will consider all drainage required during the construction phase and will reference all industry and regulatory pollution prevention guidelines.</p> <p>NFU agree (subject to a final review of the updated Outline CEMP to confirm the proposed changes implemented).</p>	Meeting 7 June 2019

Reference	Matter which has been agreed	Date and method of agreement
9. Agricultural Liaison Officer (ALO)		
9.1	<p>The NFU has noted that the Outline CEMP has mentioned that a Community Liaison Officer is stated as a key site personnel in Table 16.1 but there is no mention of an Agricultural Liaison Officer (ALO). The NFU believe that it is essential that Highways England appoint an ALO to liaise between landowners and occupiers and contractors working on site. The ALOs role should be set out in the Outline CEMP.</p> <p>Highways England have updated the Outline CEMP (Document Reference 16.1) [APP-375] Table 16.1 to include an Agricultural Liaison Officer. The additional detail on the role of the ALO, as requested by NFU from their Written submission on the Norfolk Vanguard Offshore Windfarm DCO, has been included in Outline CEMP Annex P Outline Soils Management Plan.</p> <p>NFU agree (subject to a final review of the updated Outline CEMP to confirm the proposed changes implemented).</p>	Meeting 7 June 2019
10. Landowner access and site access routes		
10.1	<p>The NFU queried how access will be provided on a day to day basis for landowners to reach severed land. They further queried what access routes will Highways England use to access the land within the order limits.</p> <p>The Draft Traffic Management Plan submitted in Appendix 2.1 of the Environmental Statement (Document Reference 6.4) [APP-300 to APP-309], whilst identifying the key areas where the works impact on the existing A30 traffic flow and phasing of the construction works to minimise the disruption and impact on the travelling public, also confirms that access to all adjacent land and any associated farm buildings will be maintained during construction at all times or unless agreed in advance with the landowners. This is secured by Requirement 11 (Traffic Management) of the dDCO.</p> <p>The site will be accessed from the existing A30 or from associated public side roads as agreed with Cornwall Council as the local highway authority. The final access routes will be confirmed during detailed design and this will be informed by ongoing engagement with adjacent and affected landowners. During the continued planning and development of the scheme the overall objective will be ensuring the safety of the travelling public and the workforce whilst minimising disruption to the public.</p> <p>Article 17 of the draft DCO (Document Reference 3.1(C)) provides that accesses could be created within the Order limits – and it is anticipated that this power will be relied on to provide temporary accesses as required during the construction period, and this would be agreed in advance with the landowner. Article 16 regulates the stopping up of streets and private means of access and ensures that alternative access will be available.</p>	Meeting 7 June 2019

Reference	Matter which has been agreed	Date and method of agreement
12. Utilities		
12.1	<p>The NFU require from other projects that ‘Jointing Bays’ should be all underground and will not interfere with agricultural operations.</p> <p>The NFU understood that some link boxes will be needed with the cables being HVDC cables and further clarification is sort on how many there are likely to be and the location of the link boxes. Link boxes do stand proud above ground level and so greatly interfere with agricultural operations and are a hazard to farm machinery. It is extremely important to have further design information on link boxes and the siting of them. The preference is that all link boxes are located within field boundaries.</p> <p>It is agreed that Jointing Bays should be underground where possible and should be designed so as not to interfere with agricultural operations. Where any existing jointing bays are above ground, these may need to be retained.</p> <p>The scheme does require the diversion of HV and LV cables however all associated diversion joints will be underground. The exact details of these diversions would be developed during detailed design and will be informed by ongoing engagement with any affected landowners.</p>	Meeting 7 June 2019
13. Air quality and dust		
13.1	<p>Clarification is needed on how practical issues like dust will be controlled during construction and how can the effect on irrigation be minimised?</p> <p>The Outline Air Quality Management Plan sets out the management of dust, air pollution, odour and exhaust emissions during the construction works. This is included within Annex L of the Outline CEMP Annexes (Document Reference 6.4) [APP-376].</p>	Meeting 7 June 2019
14. Flooding Issues		
14.1	<p>No details have been provided to landowners and occupiers on how any increase in surface run off of water from the haul road or the construction compounds will be dealt with during construction. Therefore the NFU have concerns that retained land may flood during the construction works.</p> <p>The Outline Ground and Surface Water Management Plan in Annex G of the Outline CEMP Annexes (Document Reference 6.4) [APP-376] provides details of the temporary surface water management systems that would be installed early in the construction sequencing and how they would be carefully managed to prevent localised flooding or pollution of surface and groundwater from silt and other contaminants.</p>	Meeting 7 June 2019

Reference	Matter which has been agreed	Date and method of agreement
	The Outline Ground and Surface Water Management Plan in Annex G of the Outline CEMP Annexes (Document Reference 6.4) [APP-376] contains Table 2-1 Ground and Surface Water Management - Main work activities and mitigation proposals which provides an outline of the main work activities to be carried out throughout the scheme as well as relevant water management proposals currently being considered, including mitigation with respect to surface water run-off.	
15. Fencing		
15.1	<p>The NFU required further details about the provision of temporary fencing during the construction period and how new permanent boundaries are to be constructed. In particular, landowners require that for every metre of Cornish hedge removed on their land, one metre of new Cornish hedge is constructed.</p> <p>Details of the permanent fencing are provided in Chapter 2 of the Environmental Statement (Document Reference 6.2) [APP-055] and Figure 7.6 Environmental Masterplans (Document Reference 6.3) [APP-180 to APP-200] show the locations of the following permanent boundaries: standard highway fence; standard stock proof fence; badger fence; otter and badger fence; hedgerows; and Cornish hedgerows. Plans detailing the trees and hedgerows affected by development were submitted with the application – Trees and Hedgerows to be Removed or Managed Plans (Document Reference 2.13) [APP-027 to APP-028].</p> <p>4,488 m of Cornish hedgerow will be lost by the scheme; however, 12,605 m of replacement Cornish hedgerow are proposed (including 6,149 m of vegetated Cornish hedgerow). This is a net gain of 8,117 m.</p> <p>7,090 m of soft hedgerow will be lost by the scheme, however, 8,458 m of replacement soft hedgerow are proposed. This is a net gain of 1,367 m.</p> <p>If temporary fencing is required in advance of the permanent fencing or boundary hedgerows, the specification of this fencing would be agreed with the affected landowners through the Agricultural Liaison Officer (ALO) prior to the start of construction. Regular inspections of the fencing would take place to ensure that all fencing remain in place and that the condition is suitable for its intended use.</p> <p>NFU agree (subject to a final review of the updated Outline CEMP to confirm the proposed changes implemented).</p>	Meeting 7 June 2019

5 Matters outstanding

5.1 Principal matters outstanding

5.1.1 The principal matters that are outstanding and require further review and confirmation by NFU are as follows:

- DCO Article 33 – Temporary Possession
- Green bridge
- Traffic and Transport - Landowner Access at the Chybucca Junction and the lack of east facing slips

5.1.2 Highways England will continue to review these matters with the NFU as detailed in the table below.

5.2 Specific matters outstanding

5.2.1 The table below sets out the matters which are outstanding between Highways England and the NFU.

5.2.2 The table describes the matter being discussed and NFU's position, Highways England's position, and any action which may be taken by NFU or Highways England in relation to the outstanding matter. The date the respective positions of the parties were reached is also presented.

Table 5-1 Matters outstanding between NFU and Highways England

Ref.	NFU position	Highways England position	Date of the position
4. DCO Article 33: Temporary Possession			
4.1	NFU would like to see Highways England giving 3 months notice rather than just 14 days as stated at Article 33.(2) to Landowners and occupiers before entry is taken. This would then follow what has been set out in the Neighbourhood Planning Act 2017 Part 2 Section 20. This requires acquiring authorities to give at least three months notice and it also requires the acquiring authority to specify the period for which temporary possession is going to be taken. The NFU therefore ask the Examining Authority to change the 14 days notice to three months notice at Article 33 para (2).	Highways England have confirmed that the primary reason for disapplying the provisions of the 2017 Act is that these provisions are not in force and so cannot be applied and a date has not yet been appointed to bring them into force. The provisions in the 2017 Act are new and untested, whereas the provisions that are included in the dDCO in articles 33 and 34 have their roots in the model provisions and a host of previously made orders, including the recent A19 Testos scheme. They are therefore well established and have been tested on numerous schemes which have already been carried out. In many respects they therefore offer a more consistent regime than the provisions in the 2017 Act.	7 June 2019 NFU reviewed the Highways England increased 28 day notice period but still request 3 months

Ref.	NFU position	Highways England position	Date of the position
		Highways England has given careful consideration to the NFU request that 3 months' notice be given instead of 14 days in relation to taking temporary possession of land under the dDCO and Highways England is prepared to accept an extended 28 day notice period for taking temporary possession of land and the dDCO submitted at Deadline 2 has been amended accordingly. This is considered to be a reasonable compromise considering that section 20 of the 2017 Act is not in force.	
11. Green bridge			
11.1	<p>The NFU queried the location, construction and specification (including a weight limit) of the green bridge needing greater clarification to ensure that the Landowner isn't exposed to greater animal health and bio-security risks through the movement of wildlife, people and livestock.</p> <p>NFU to review with Nancarrow Farm and adjacent landowners and confirm if in agreement</p>	The green bridge is being provided as an ecological crossing for local wildlife and a route for walkers, cyclists and horse riders. In ongoing engagement with Nancarrow Farm, it has been discussed that given the proximity of the bridge to the farm, the farm will be permitted to use this crossing for tractor and trailer access to their fields to the north of the route, up to the maximum road legal weight. Any agricultural animal health and bio-security risks to the farm would need to be investigated and resolved by the farm.	<p>7 June 2019</p> <p>NFU to confirm any requirements for bio-security fencing for Highways England to review</p>
12. Traffic and Transport			
16.1.	<p>Chybucca Junction</p> <p>Highways England at a meeting on the 4th October 2018 confirmed that the proposed scheme still does not include east facing slip roads off the roundabout junction on to the new proposed A30. The NFU believe that this will greatly impact the local farm businesses near to the new proposed road and in particular Messrs Parker of Callestick Farm as without them journey times, disruption and additional costs of operating the local farms will be affected.</p> <p>Highways England have stated that there is not enough demand and so the east facing slip roads cannot be justified this taking into regard traffic movements. But the NFU</p>	<p>Based on comments received through the public consultation events, considerable traffic modelling work has been undertaken to consider the inclusion of east facing slips at Chybucca junction as part of the scheme. Large developments in the proximity of the scheme that were considered likely to have a direct impact on future demand on the A30 were modelled. Cornwall Council is in agreement with the modelling undertaken as stated in the Statement of Common Ground with Cornwall Council (Appendix A, Document Reference 7.4(A)). Further information on the traffic modelling is provided in section 5 of the Transport Report (Document Reference 7.4) [APP-049].</p> <p>The Traffic Model, built in accordance with WebTAG guidance and meeting the requirements for model calibration</p>	<p>7 June 2019</p> <p>NFU do not believe all of the scheme aims are achievable without the east facing slip roads.</p>

Ref.	NFU position	Highways England position	Date of the position
	<p>believes strongly that the impact on local farm businesses has been significantly underestimated.</p> <p>The project objective states “contribute to regeneration and sustainable economic development and improve network reliability and reduce journey times”. the NFU do not believe these aims are achievable without the east facing slip roads.</p>	<p>and validation, has been used to undertake sensitivity tests (further modelling) to forecast the role east facing slips would play if included as part of the scheme. This has included model scenarios with both west and east facing slips at Chybucca.</p> <p>With the inclusion of west and east facing slips at Chybucca, traffic flows on the westbound off slip and eastbound on slip combined are forecast to be approximately 190 cars in the 2038 AM peak period. The AM peak period represents the busiest modelled period at this junction under this model scenario, with lower flows forecast in the interpeak and PM peak periods.</p> <p>As a comparison, forecast traffic flows on eastbound off slip and westbound on slip combined under the west facing slips only scenario is larger than 800 cars in each of the modelled AM peak, interpeak and PM peak scenarios.</p> <p>In 2038 traffic flows on the A39 and A390 are forecast to reduce in the model assessment, including a scenario with the A30 scheme in place, compared to the scenario without the scheme included.</p> <p>The traffic model has also been used to assess the impact of the A30 Chiverton to Carland Cross scheme on the wider highway network. Analysis of the model outputs shows that journey times across the network are set to reduce with the provision of the scheme compared to the scenario without the scheme in place.</p> <p>The 2038 PM peak traffic model has also been used to assess forecast year journey times from the Callestick area to Carland Cross. Without the A30 scheme in place, the time taken to travel eastbound between these locations is forecast to take almost 16 minutes 52 seconds when travelling via Chybucca. With the A30 scheme in place, travelling eastbound between the same locations but via Chiverton (due to the absence of the east facing slips) the journey is forecast to take 11 minutes, 17 seconds. This demonstrates</p>	

Ref.	NFU position	Highways England position	Date of the position
		<p>that although the east facing slips are not provided, journey times to/from areas in close proximity to where the slips would be, are still improved with the scheme in place compared to the scenario where the scheme is not in place and trips are using the existing A30.</p> <p>Inclusion of the east facing slips would also require additional land take compared to the without slips scenario. Changes to the vertical alignment of the scheme would also be required to avoid introducing a departure from DMRB standards, which would require a significantly higher embankment adjacent to Tresawen with associated environmental adverse impacts (noise, air quality, landscape and visual). Such a change to include the higher embankment to include the east facing slip roads and amended A30 vertical alignment would significantly increase the construction costs.</p> <p>In summary, the Applicant does not consider that the increased land take and cost would be justified given the limited benefit that the addition of east facing slips would have.</p>	

Appendix A Signing Sheet

For signing	
Signed	
On Behalf of	National Farmers Union
Name	
Position	
Date	

For signing	
Signed	
On Behalf of	Highways England
Name	
Position	
Date	

If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.