

**A30 Chiverton to Carland Cross
TR010026**

**8.24(A) REQUEST FOR NON-MATERIAL
AMENDMENTS TO THE DRAFT DCO**

Volume 8

July 2019

Table of Contents

	Pages
1 Request for non-material amendment to the scheme	1
1.1 Everything Everywhere Telecommunications Mast	1
2 Update on other previous requests for non-material amendments to the scheme	4
2.1 Introduction	4
2.2 Pennycomeuick	4
2.3 Elevated viewing area and footpath to open access land	5
2.4 Bridleway VV realignment	6
Appendix A Elevated viewing area and footpath: evidence of written consent from Mr Matthews and Western Power Distribution	10
Appendix B Bridleway VV: evidence of written consent from Mrs Betty Sweet	11

1 Request for non-material amendment to the scheme

1.1 Everything Everywhere Telecommunications Mast

1.1.1 At Deadline 3 of the Examination Highways England requested a non-material amendment in respect of an Everything Everywhere (“EE”) Telecommunications Mast (see Highways England response to **Hearing Actions Points from ISH2 – DCO** (Document Reference 8.9)) [REP3-019]. The amendment proposed the removal of the existing mast and the construction of a new mast approximately 60 metres south east of the current location.

1.1.2 Following ongoing engagement with EE and the other parties with an interest in the land affected by the previous change a new location for the mast is now proposed in an area to the north east of the existing mast, with access from the existing A30. This is shown on Sheet 4 of the **General Arrangement and Section Plans** (Document Reference 2.6(C)).

Compulsory acquisition

1.1.3 The new location for the relocated mast is within plots 5/2 and 5/2f, which are proposed for permanent acquisition. The access for the relocated mast is within plot 5/1, which is part of the existing A30 and in the ownership of Highways England.

1.1.4 The new location of the relocated mast would not therefore require any changes to the proposed compulsory acquisition required for the scheme. **Sheet 5 of the Land Plans** (Document Reference 2.2(D)) has been updated to remove plot 5/2m which was introduced at Deadline 3 under the previous proposals.

Environmental effects

1.1.5 It is considered that the relocation of the EE telecommunications mast, which is within the existing Order limits on land which is proposed for oak-rich woodland planting, would not give rise to any new or significantly worse effects from those presented in the Environmental Statement. The proposed change has been assessed by the authors of the relevant chapters of the Environmental Statement.

Landscape

1.1.6 It is considered that the new location for the mast would not change the results of the assessment of landscape and visual effects as reported in **Chapter 7 Landscape** of the Environmental Statement (Document Reference 6.2) [APP-060].

1.1.7 The addition of the EE telecommunications mast could comprise an intrusive element in the landscape and in views, which would have potential effects on views from Ventongimps shown on View point 11, and from Marazanvose shown on View Point 12, Sheets 23 and 26 respectively of **Appendix 7.5 Photosheets** of the Environmental Statement (Document Reference 6.4) [APP-179].

1.1.8 The mast would be moved to the south west of the ridge, located on ground which is approximately 4m lower in elevation than the site of the existing mast. The proposed mast has been kept close to existing built form and infrastructure to reduce the potential magnitude of landscape and visual change.

- 1.1.9 In views from both Ventongimps and Marazanvose, the mast would be more visible than it currently is due to the lack of trees screening it. However, it would be seen at a lower height than the existing mast, and as a very small new element on the distant skyline in these views.
- 1.1.10 Given this, it is considered that the relocation of the mast would not give rise to any more significant adverse landscape or visual effects in addition to those already assessed in the LVIA.
- 1.1.11 The documents listed in Table 1 have been submitted at Deadline 6 to reflect this change.

Table 1 - Updated documents

Document Reference	Document name	Description of amendment to the document
2.2(D)	Land Plans, Sheet 5	A new plot 5/2m has been removed.
2.4(C)	Works Plans, Sheet 4	Labels for Work No's 6(i) and 6(j) have been moved to reflect the new location of the relocated mast. Work No.6(i) relates to the demolition of the existing mast and the construction of the new mast and 6(j) relates to the new Private Means of Access for the mast.
2.5(C)	Rights of Way and Access Plans, Sheet 4	Reference 27 has been moved to show the private means of access for the relocated mast.
2.6(A)	General Arrangement and Section Plans, Sheet 4	The position of the relocated mast has been amended on the plan and annotation labels have been moved.
3.1(D)	Draft Development Consent Order	Article 10 (consent to transfer benefit of order) has been amended to include EE in relation to Work No. 6(i). SCHEDULE 1 There is no change from the addition of Work No.s 6(i) and 6(j) referred in Table 1 of the Highways England Response to r Hearing Action Points ISH2 draft DCO (Document Reference 8.9) [REP3-019]. SCHEDULE 4 PART 4 Reference 27 has been amended to state: "A new private access to a telecommunications mast for a length of 5.4m". SCHEDULE 5 The new rights previously added to plots 4/10f, 4/10r, 4/10t, 5/2g and 5/2j referred to in Table 1 of the Highways England Response to Hearing Action Points ISH2 draft DCO (Document Reference 8.9) [REP3-019] have been removed. Plot 5/2m, which was introduced at Deadline 3, has been removed.
4.1(B)	Statement of Reasons Appendix A	Plot 5/2m has been removed from Table 2.

		<p>The description of the rights for EE to access the new plot 5/2m have been removed from plots 5/2j, 5/2g, 4/10f, 4/10t, and 4/10r in Table 2.</p> <p>The following description has been added to plots 5/2 and 5/2f: Required for the construction, operation, protection, inspection and maintenance of a telecommunications mast.</p>
4.3(A)	Book of Reference	No changes have been made to the Book of Reference as a result of this proposed amendment.
6.3 Figure 7.6	Environmental Masterplans, Sheet 9	This has been updated for Deadline 6 to show the new position of the relocated mast.

2 Update on other previous requests for non-material amendments to the scheme

2.1 Introduction

2.1.1 Highways England has requested other non-material amendments to the A30 Chiverton to Carland Cross Development Consent Order scheme (the scheme) at Deadline 3 and Deadline 5 of the Examination. The requested amendments comprise:

- Scottish Power Renewables (SPR) – access arrangements
- Pennycomequick – changes to acquisition proposals
- A39 Bridleway crossing
- Elevated viewing area and footpath to existing open access land
- Bridleway VV realignment

2.1.2 In the Rule 17 Letter issued on 1 July 2019, the ExA accepted the requests for non-material amendments for: SPR; A39 Bridleway crossing; and Bridleway VV realignment.

2.1.3 This document provides an update to the Examining Authority (ExA) regarding the status of the requested amendments in relation to: Pennycomequick; the elevated viewing area and footpath; and the Bridleway VV realignment.

2.1.4 For the reasons given at Deadlines 3 and 5, Highways England considers that all of these requested amendments are non-material, and that when considered cumulatively the amendments do not amount to a material amendment. This is accepted within the Rule 17 Letter issued by the ExA on 1 July 2019, albeit further information has been requested for the EE Telecommunications Mast (as provided in the previous section); Pennycomequick; and elevated viewing area and footpath to open space land, see **Response to Further Information Requested by the Examining Authority** (Document Reference 8.26).

2.1.5 All of the amendments have been made in response to matters raised in written submissions to the ExA and/or discussed at hearings during the Examination. The amendments are being requested in order to reduce the effects of the scheme on landowners or other interested parties following due consideration by Highways England.

2.2 Pennycomequick

2.2.1 Appendix A of the **Highways England comments on Interested Party submission at Deadline 4** (Document Reference 8.19) [REP5-018] provided the position of Highways England following a meeting on 10 June 2019. The letter confirmed Highways England's understanding that the change of plot 8/2c from permanent acquisition to acquisition of rights was acceptable to the Harvey Family. Highways England agreed as part of this to limit the use of these rights to the protection and inspection of the stream only.

2.2.2 Following the receipt of this letter the Harvey Family have objected to the change in the acquisition of plot 8/2c from permanent to acquisition of rights only.

2.2.3 The objection from the Harvey Family means that the proposed amendment to 'downgrade' plot 8/2c to acquisition of rights has been withdrawn.

- 2.2.4 Highways England offered the compromise of ‘downgrading’ the permanent acquisition to rights only notwithstanding the original justification for the acquisition of plot 8/2c. The permanent acquisition of this plot remains essential to construct, use, protect, inspect and maintain drainage attenuation pond no. 14, associated drainage facilities, access and landscaping as stated in the Statement of Reasons (Document Reference 4.1(C)). It is considered that this reasoning continues to justify the permanent acquisition of plot 8/2c.
- 2.2.5 Highways England understands that the Harvey Family will be making a representation regarding this and other matters at Deadline 6. Though it was not possible to reach an agreed position statement with the Harvey Family, Highways England’s position as set out in Appendix A of the **Highways England comments on Interested Party submissions at Deadline 4** (Document Reference 8.19) [REP5-018] is extant. Highways England will respond at Deadline 7 to any relevant matters raised by the Harvey Family at Deadline 6.
- 2.2.6 The documents listed in Table 2 below have been submitted at Deadline 6 to reflect this change.

Table 2 - Updated documents

Document Reference	Document name	Description of amendment to the document
2.2(D)	Land Plans, Sheet 8	Plots 8/2c has been changed from acquisition of rights to permanent acquisition
3.1(F)	Draft Development Consent Order	SCHEDULE 5 Plot 8/2c has been removed from this schedule.
4.1(B)	Statement of Reasons	Plot 8/2c; has been moved from Table 2 (acquisition of rights) to Table 1 (acquisition of land). The description remains the same.

2.3 Elevated viewing area and footpath to open access land

- 2.3.1 The request for an amendment to provide an elevated viewing area and footpath to the existing open access land was provided in the **Request for Non-Material Amendments to the draft DCO** (Document Reference 8.24) [REP5-023] submitted at Deadline 5.
- 2.3.2 It stated that Highways England had consulted with the land interests in this affected plot 9/2c in order to gain consent for the change. A letter enclosing a plan of the proposed changes was sent on 17 May 2019, requesting responses in writing by 17 June 2019.
- 2.3.3 Those with an interest in the land are:
- Mr Frank Matthews (Category 1, freeholder)
 - Western Power Distribution (South West) PLC (WPD)
 - Wales and West Utilities Ltd (WWU)
 - Fisher German LLP on behalf of the Defence Infrastructure Organisation (DIO)
 - Global Crossing & Level 3 Communications (Instalcom)
- 2.3.4 The evidence of written consent from WWU, DIO, and Instalcom was provided in Appendix B to the Highways England **Response to the Examining Authority’s**

Second Written Questions (Document Reference 8.21) [REP5-020]. Further to this, Appendix A of this document provides evidence of written consent from the remaining interests:

- Mr Frank Matthews (Category 1, freeholder)
- Western Power Distribution (South West) PLC

2.3.5 Highways England considers that the requirements of section 123 of the Planning Act 2008 are met given the receipt of written consent from all land interests in the affected plot.

2.4 Bridleway VV realignment

2.4.1 A request for an amendment to realign Bridleway VV was included in the **Request for Non-Material Amendments to the draft DCO** (Document Reference 8.24) [REP5-023] submitted at Deadline 5.

2.4.2 Although strictly speaking it did not need to, Highways England sought and gained consent in writing for the proposed amendment from all parties with an interest in plots 9/1v, 9/1x and 9/1z. The evidence of written approval was provided in Appendix B to the Highways England **Response to the Examining Authority's Second Written Questions** (Document Reference 8.21) [REP5-020]. Evidence of written consent from the freehold landowner is provided at Appendix B to this document.

2.4.3 Highways England also consulted with representative organisations for walking, cycling and horse-riding who have registered as interested parties. These were:

- British Horse Society (BHS)
- Cornwall Countryside Access Forum (CCAF)
- Truro Cycling Campaign (TCC)
- Cornwall Ramblers
- Transition Truro

2.4.4 Table 3 below provides the responses from these organisations and the Highways England comment on these responses.

Table 3 - Highways England comments on responses regarding the realigned Bridleway VV

Interested Party	Response	Highways England comment
Cornwall Ramblers	<p>The Ramblers have no objection in principle to the proposed change to the route of the proposed bridleway and welcome the positive action to address a shortcoming of the draft Order.</p> <p>However, the route to be abandoned shown in the draft Order is well shielded from the noise and visual intrusion of the main road by a high earth mound on which there is a dense woodland. The proposal will move walkers, cyclist and horse riders to the north of this mound and much nearer the main road. It would therefore be highly desirable to screen the rerouted bridleway from the main road traffic by an earth bank at least 1.8m high and planted with a screen of trees and we hope that this can be included in the revised proposal.</p>	<p>The realigned Bridleway VV is proposed to run parallel to the off-slip road from the new A30 to Carland Cross. The alignment has been designed to be the furthest possible distance from the off-slip road to Carland cross in order to minimise the effects of the road on users of the Bridleway.</p> <p>Woodland edge scrub planting is proposed between the realigned Bridleway and the new A30 and slip road to the Carland Cross junction. Once fully developed in 15 years, this would provide a 4-5 metre high screen between the new A30 off-slip road and the proposed Bridleway. The incorporation of a small bund in this section between the Bridleway and the new A30 will be considered in detailed design to maximise the short term screening and this will be included if possible.</p> <p>As shown on Sheet 19 of Environmental Masterplans ES Figure 7.6(C)), an otter and badger fence consisting of a timber post and four rail fence and a fine square mesh is proposed along the length of the realigned Bridleway VV to Carland Cross, and this will serve to deter walkers, cyclists and horse riders from entering the live carriageway.</p>
CCAF	<p>I am replying formally on behalf of Cornwall Countryside Access Forum to your invitation to comment of the proposed changes to bridleway VV at Carland Cross, as detailed in your e-mailed letter dated 17th May, and in the documents attached thereto.</p> <p>In general terms, we welcome the proposal as being a considerable improvement on that originally proposed. You will recall that at the Accompanied Site Inspection concern was expressed at the potential conflict between NM Users and traffic using the C class access road to the garage and filling station. The proposed route, subject to the comments below, overcomes that concern.</p>	The support for the principle of the realignment is noted.

Interested Party	Response	Highways England comment
	<p>There are two points which still concern us, which I detail below.</p> <p>Firstly, as I have mentioned to you in correspondence, the new route is at it's closest point about 10 metres from the eastern "off" slip road. As shown on the new drawing the space between the slip road carriageway and the new bridleway is open grass verge. It would be our preference that the bridleway is physically separated from the slip road by a barrier; at the least by a post and rail fence and planted live hedge, or possibly by a Cornish hedge. A 2m earth bund would serve, with the advantage that there would be some sound attenuation.</p> <p>Secondly, we have residual concern about the north-south crossing point of the C class access road, with fast left-turning vehicles coming off the roundabout to go to the filling station. This crossing point needs careful design.</p> <p>All in all we welcome the revision and would suggest that this response is passed on to the Inspectorate.</p>	<p>This suggestion is commented on in response to the Cornwall Ramblers above.</p> <p>Highways England note this concern and this crossing would be carefully designed during detailed design and this will include continued engagement with the CCAF and other stakeholders.</p>
TCC	<p>Thank you for consulting Truro Cycling Campaign on this proposed change. We acknowledge that the change of status of the plots 9/1v, 9/1x, and 9/1z from permanent acquisition to temporary use would be of benefit.</p> <p>We consider that amended proposal for Bridleway VV is satisfactory and would mean walkers cyclists and horse riders being better able to avoid any traffic accessing the filling station and car sales garage. We would recommend that some form of fencing be erected between the bridleway and the A30, slip road, and Carland Cross roundabout especially where it runs close to them. This would help keep horses and younger cyclists and walkers from straying onto the road.</p>	<p>This suggestion is commented on in response to the Cornwall Ramblers above.</p>

Appendix A Elevated viewing area and footpath: evidence of written consent from Mr Matthews and Western Power Distribution

A.1 Written consent from Osborne Clarke on behalf of Western Power Distribution

From: Emily Bailey <[REDACTED]>
Sent: 04 July 2019 12:06
To: John Arthur <[REDACTED]>
Cc: Julian Boswall <[REDACTED]>; Neil Bromwich <[REDACTED]>
Subject: RE: A30 Chiverton to Carland Cross [BURGES-WORK.FID9037035] [OC-OC_UK.FID3581116]

EXTERNAL EMAIL

John

Many thanks for your email. We can confirm that WPD consents to the change to Plot 9/2c.

Kind regards

Emily

Emily Bailey
Associate
for Osborne Clarke LLP
osborneclarke.com

.....
E [REDACTED]

T + [REDACTED]

M [REDACTED]

2 Temple Back East, Temple Quay, Bristol BS1 6EG or DX 7818 Bristol

A.2 Written consent from Mr Body on behalf of Mr Matthews

From: [REDACTED] >
Sent: 04 July 2019 16:45
To: Ross Cullen <[REDACTED]>
Subject: [External] RE: FAO Andrew Body: A30 proposed inclusion of footpath on Mr Matthews' land

Dear Mr Cullen,

Thank you for your email with plan attached relating to the proposed change to the land to be purchased from my client Mr F.K. Matthews for the A30 Chiverton to Carland Cross Road Scheme.

The amendment on the plan relates to the acquisition by Highways England of a further small triangular shape parcel of land to facilitate a public footpath which will lead to land which is currently owned by Mr Salmon and is being purchased under a Blight Notice.

On behalf of my client, I can confirm that he is happy to accept your proposed amendment to purchase the further small parcel of land as shown on your plan, subject to the usual negotiations in due course and the provision of satisfactory fencing to ensure that dogs and people will not be able to climb over the hedge which is proposed to be constructed as the new boundary to Mr Matthews' land and the footpath.

Regards,

Andrew Body

LODGE & THOMAS

ESTABLISHED 1892

Chartered Surveyors & Estate Agents
58 Lemon Street Truro Cornwall TR1 2PY
01872 272722

www.lodgeandthomas.co.uk

See all our properties at



Appendix B Bridleway VV: evidence of written consent from Mrs Betty Sweet

From: info@lodgeandthomas.co.uk <[REDACTED]>
Sent: 24 June 2019 13:55
To: Michael Baker <[REDACTED]>
Subject: [External] A30 PROPOSED AMENDMENTS - J A SWEET & PARTNERS

Dear Michael,

A30 PROPOSED AMENDMENTS – J A SWEET & PARTNERS

Further to our recent meeting and your email sent on 17th June with plans attached, I have written to Mrs Sweet asking her to confirm that the proposals are acceptable to her and her family.

Mrs Sweet has confirmed that the amendments are acceptable within a letter she has written dated 20th June 2019 and I attach a copy herewith.

Can you please confirm that this is sufficient for the purposes you require.

In addition, I have contacted Mr F K Matthews' sister etc asking them to confirm that the proposed amendments on his land are acceptable.

Regards,

ANDREW BODY



Chartered Surveyors & Estate Agents
58 Lemon Street, Truro, Cornwall, TR1 2PY
01872 272722
www.lodgeandthomas.co.uk

Tel [REDACTED]
[REDACTED]

Dear Andrew

I thank for forwarding the detailed maps for the extra planning the Highways England are proposing. We have discussed this and are in agreement this will be workable to have a mix of pedestrians and a working farm!

Many thanks for all your help.

Yours Sincerely

Betty Sweet
on behalf of J.A. Sweet
& Partners

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

