

**From:** [REDACTED]  
**To:** [Sian Evans; A30 Chiverton to Carland Cross](#)  
**Subject:** Request for Information for Deadline 6  
**Date:** 04 July 2019 20:18:58

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*Further to your notification requesting further information, we comment briefly on the issue raised below. A more detailed response has already been made in our Deadline 6 response sent earlier today.*

**The Harvey Family's Comments on the Applicant's responses to the further written questions and the request for amendments submitted under the covering letter of 18 June 2019 [REP5-001] referring also to [REP3-001] and [REP2-001].**

Sheet 8 of the Land Plans (APFP REGULATION 5(2)(I))(Rec C dated 18/06/19) are correct with regards to:

- Plots 8.2, 8.2a and 8.2b. The freehold of these will be acquired by the Applicant;
- Plots 8.2d, 8.2e, 8.2f, 8.2h, 8.2j and 8.2k which are to be used temporarily by the Applicant and returned to the Harvey Family in a condition satisfactory to our land agent after the scheme opens; and
- 8.2c comprises the stream. We have made suggestions to the Applicant for them to acquire either the freehold of the stream or to finalise their ongoing acquisition of permanent rights over it. If for some unforeseen reason they reject both of these offers and decide to proceed with Compulsory Acquisition, they can only be seeking to incorporate some unfair contract term. Our offers have been made in the interests of co-operation but if rejected, we shall exercise our demonstrable objections on the grounds that the land is not required for the development to which the development consent relates; the land is not required to facilitate or is incidental to that development; and there is not a compelling case in the public interest for the land to be acquired compulsorily. (See paragraphs 1.1 – 1.21 of Deadline 6 Representation from the Harvey Family.

The plan prepared by the Applicant needs to be clarified. Assuming acquisition, the land which will be owned by the Applicant will be from the western face of the Cornish hedge to the western bank of the stream. The Cornish hedge itself is owned by others. The new boundary will be struck adjacent to the stream and the Applicant will not acquire any part of our wildflower meadow in this area.

For the absolute avoidance of doubt, plots 8.2d, 8.2e, 8.2f, 8.2h, 8.2j and 8.2k are to be acquired the Applicants only temporarily. The Applicant has failed to show that these plots of land are essential for the development to which the development consent relates; or that the land is required to facilitate or is incidental to that development; nor that there is a compelling case in the public interest for the land to be acquired compulsorily. Plot 8.2g, we are told, does not exist.

Subject to the comments above, Sheet 8 LAND PLANS APFP REGULATION 5(2)(I) Version C dated 18<sup>th</sup> June 2019 appears correct.

We are perturbed to read that the contradiction in the response to 2.5.1, potentially provides the Compulsory Acquisition with as yet undefined new rights in the land in Schedule 7. While we accept that the existing form of wording may have been used unchallenged in other similar schemes, the drafting of this DCO should not provide the applicant with a wide power to create undefined new rights in the land listed, particularly as some of the powers they seek are contentious. To allow this would make a nonsense of the present Examination and the Draft DCO must be re-drafted or the Applicant offer some fail-safe form of undertaking not to seek new powers over and above what has already been agreed with landowners.

*With regards*

*The Harvey Family*

