

## A30 Chiverton to Carland Cross Improvement

### Deadline 6 Representation from the Harvey Family

[REDACTED]

We remain of the opinion that the re-alignment of the A30 between Chiverton and Carland Cross is essential for Cornwall and should go ahead without delay. However there remain a number of problems with the design and in the acquisition process. Some have been resolved through negotiation with the Applicant but others remain contentious.

Following a meeting between the Applicant and the Harvey Family on 10<sup>th</sup> June 2019, our respective positions were purportedly summarised in “*Annex A: Summary of final position with Harvey Family*” as sent to the Inspectorate by The Applicant in time for Deadline 5. This document was not shared with us prior to submission and as a result contains assumptions and inevitably, inaccuracies. In summary, Refs 1, 3, 4 and 8 have been agreed as per the Annex but Refs 2,5,6,7 & 9 are not agreed.

#### **1. Objection to permanent acquisition of the stream adjacent to Pond 14. (Ref 2)**

- 1.1. The stream is not adjacent to the Attenuation Pond, as claimed in the heading drafted by the Applicant. It is adjacent to the field which will contain the Attenuation Pond but the Pond will be sited some 50m away with a drive and landscaping between. This is shown on Sheet 15 of figure 7.6 Environmental Masterplan. To say it is adjacent is ambiguous.
- 1.2. The Applicant states unequivocally in Deadline 5 that either the Harvey Family agrees to granting permanent rights over the stream bed (Plot 8/2c) failing which the Applicant will acquire the freehold by compulsory purchase.
- 1.3. In order to be constructive, the Harvey Family has offered to sell the freehold of the stream to the Applicant subject to two conditions:
  - 1.3.1. At present we enjoy a free, natural water supply. The Applicant to extend our existing water supply from our house, through a conduit (to facilitate future replacement) under Pennycomequick lane to a new stopcock and standpipe to be supplied and erected by Highways England somewhere near the new field gate; and
  - 1.3.2. We shall need a boundary structure; the Applicant to erect a 1200mm high stock-proof fence along our new eastern boundary which would be positioned as close as possible to the boundary on the stream bank.
- 1.4. A reply to that offer is awaited. If it is not acceptable, we object on the following grounds:
  - Acquisition / Permanent Rights are not necessary to enable the scheme;
  - The stream has nothing at all to do with the scheme; and
  - The applicant will have no access to the stream without destruction of trees and natural undergrowth.
  - An offer of a permanent easement over the stream has already been made to Highways England that provides for the stream and carrier pipes on land outside of the scheme’s red line.
- 1.5. Background: The Harvey Family has owned the wildflower meadow and stream for the last 37 years. Every few years we are approached for permission by the Highway Authority (Subsequently Highways England) to enter the meadow to clear the stream of accumulated silt. We have always been very happy to give this permission.

- 1.6. In spring 2016 we received a call from Kier, managing agent for the A30 in Cornwall at the time, seeking permission for access to maintain and upgrade the stream. We had given permission for similar works in 2014 or thereabouts and on that occasion the field had been left in a shocking condition. We told Kier that they could have permission, but we wanted a formal easement put in place to provide future access for them and, importantly for us, ensure reinstatement of the meadow following entry in the coming years. This was acknowledged a few days later in a letter from Kier; we attach a copy (Appendix AA) and draw your attention to paragraph 4: *“With this in mind, **and following your request**, we would like to take the opportunity to establish an easement for future inspection and maintenance”*. This was further confirmed in a second letters from Kier and a letter from Highways England after Kier had ceased to act for them. The work was subsequently carried out in March 2018 and the field eventually reinstated.
- 1.7. We provided Highways England with our solicitor’s contact details and he has written and sent numerous reminders to the legal department at Highways England. He has received little in reply. My solicitor wrote to me in November 2018 saying that he had *“heard nothing substantive, since the summer, and chased just last week. The response from Highway England’s legal department was they were awaiting instructions. I have told them this is unacceptable and that we expect this matter to be progressed without further delay”*. The District Valuer, acting on behalf of Highways England, made contact in March 2019 and visited the site on 13<sup>th</sup> March 2019 but said that his instructions from Highways England were too vague; he went back to them for clarification.
- 1.8. After more than three years there has been little or no progress made in respect of the easement offered to Highways England. We remain keen to grant the it, as much as anything to protect ourselves. We continue to rely on Highways England to fulfil their promises to *“establish an easement for future inspection and maintenance”* sent in 2016 and subsequently confirmed by them in letters sent to us in May and December 2017.
- 1.9. We contend that the stream is totally unconnected with either the attenuation pond or the new A30 and the Applicant should not, therefore, seek compulsory powers to acquire either rights over, or ownership of the stream. Let no one be in doubt that we wish to grant an easement, indeed we are the ones who requested this initially and have subsequently been chasing for it. This easement will need to grant rights over other land (the verge) also within our title and vital for surface water drainage of the existing A30. Both the verge and the wildflower meadow are contiguous and should be covered by one single easement, not two or more.
- 1.10. The requirements for Compulsory Purchase are set out in s5 “The case for compulsory acquisition” of 4.1 Statement of Reasons. This in turn summarises s122 of the Planning Act 2008. The Applicant is required to show:
  - 1.10.1. The land is required for the development to which the development consent relates;
  - 1.10.2. The land is required to facilitate or is incidental to that development;
  - 1.10.3. There is a compelling case in the public interest for the land to be acquired compulsorily.
- 1.11. We met with the Applicants on 10 June 2019. We believe that they accepted that the purposes for acquisition of the stream, as then shown in the Statement of Reasons, were superfluous.

Subsequently they sent us, and the Inspectorate, a revised Annex A which contained their previous summary with the redundant items crossed out. They summarised by writing: *“This wording would limit works to the maintenance of the stream as discussed at the meeting on 20 [sic] June”*. (See Ref 2 of Annex A “Summary of final position with Harvey Family” in 8.19 Comments on Interested Party Submissions at Deadline 4”).

1.12. The Applicant’s previous reasons for acquisition are shown in the current 4.1 Appendix A - Statement of Reasons. In Table 1.1 Plot 8/2c the reasons are given as: *“Required for the construction of drainage attenuation pond no. 14 with associated drainage facilities, access and landscaping”*. In Annex A, every single one of these has been deleted. By deleting these, the Applicant indicated beyond question that they require the stream solely to *“protect, inspect and maintain the stream adjacent to attenuation pond no. 14”*. However...

1.13. In a subsequent email to us dated 19<sup>th</sup> June, the Applicants indicate that they require permanent rights or acquisition of the stream to construct and maintain the new A30. It could be that they wish to resurrect the motives provided for in the Statement of Reasons, contrary to our discussions with them and confirmed in writing in Annex A, Deadline 5. This change of mind is frustrating; on 10<sup>th</sup> June they agreed that they did not need access for construction but now decide that they do but give no tangible reasons. In case they have changed of mind on other matters, we have to assume that they are going to revert to the entry in the Statement of Reasons, i.e. *“in order to construct, use, protect, inspect and maintain the stream adjacent to attenuation pond no. 14, associated drainage facilities, access and landscaping.”* Given that we are nearing the end of the examination process, we feel that we must address each of these supposed reasons.

1.13.1. Construction: Appendix EE clearly shows the new Attenuation Pond lying some 50m to the east of the stream with a new vehicular drive to it accessed from the existing A30. Not apparent from the sketch plan is the maturing Hawthorn (*Crataegus monogyna*) trees along the boundary between the Attenuation Pond field and our Wildflower meadow, together with a Cornish hedge (Appendix BB). Together these two structures retain stock and will prevent access for construction purposes unless destruction of vegetation, the trees and the Cornish hedge is intended.

1.13.2. Sheet 15 of 7.6 Environmental Masterplan shows the stream and Cornish hedge between the old and proposed new A30 is hatched red, i.e. to be “Protected & Retained”. These Hawthorn trees, being wind tolerant, are a feature of this part of Cornwall. They are described by The Wildlife Trust as *“In May, Common Hawthorn erupts with masses of creamy-white blossom, colouring our hedgerows. During the autumn and winter, red fruits known as 'haws' appear. Common Hawthorn is a rich habitat for all kinds of wildlife, from Hawthorn Shield Bugs and Yellowhammers that feed on the haws, to Wood Mice and Slow Worms that shelter in the thorny thickets.”* The Applicants already intend to fell all the Hawthorn trees on the western boundary of this wildflower meadow (Appendix CC), do they now also wish to fell some on the eastern boundary in order to create an access between the Attenuation Pond and the stream “for construction purposes”. This would be unconscionable.

- 1.13.3. The only logical conclusion that can be drawn is that the stream is not required for the construction of the Attenuation Pond. The new vehicular access for the Attenuation Pond as shown on the Environmental Masterplan (Sheet 15) is far superior in every respect and will serve all the applicant's needs.
- 1.13.4. Usage: Fig 2 shows that the stream crossing our land cannot be of benefit to the Attenuation Pond. Given the distance from, and height above the Pond, there can be no potential use of the stream for the Applicants' known purposes.
- 1.13.5. Protection: We do not envisage that the stream can provide visual or physical protection; the opposite is true if, as suggested in 1.13.2 above, the Applicants propose to remove the Cornish hedge and all the trees.
- 1.13.6. Associated drainage facilities: No associated drainage facilities have been disclosed. The stream takes surface water from the existing A30 as detailed in paragraphs 1.5 – 1.9 above. This surface water is not "associated" water in any way but comes off the old road under an arrangement that has been continuing for decades and will continue for further decades if Highways England would get on and instruct their legal department to proceed. The construction of the new A30 and the Attenuation Pond will have no effect on how, when or from where the surface water flows down this section of the stream. Once the old road has been handed over, maintenance of the stream will be the responsibility of Cornwall Council and, judging by the excellent current regime of maintaining ditches and drainage channels along the C0075, undergrowth will be flailed down several times a year. Maintenance of the new A30 will be undertaken by the Applicants. Two separate roads, two surface water issues, two distinct authorities dealing with them, no connection between them.
- 1.13.7. Access: We have dealt with the lack of access and potential for habitat destruction in paragraph 1.11.1 – 1.11.3 above.
- 1.13.8. Landscaping: The proposals for landscaping around the Attenuation Pond are shown on Sheet 15 of fig 7.6 Environmental Masterplans. This shows a comprehensive scheme of tree planting on three sides including between the attenuation pond and our wildflower meadow. Any tree planting in our stream would quickly block the stream.
- 1.13.9. Inspection and maintenance of the stream: At our last meeting, the Applicants' lead engineer suggested that seeking rights upstream of the point where an Attenuation Pond discharges was something "the Applicant always did" and they wish to be able to clear upstream in the case of a blockage. This is a spurious response, given the linear distance from the stream to the outfall of the Attenuation Pond and the difference in levels. We cannot imagine a circumstance where the stream crossing our land could be blocked to the detriment of the Attenuation Pond. The fall of the stream bed from north to south across our field ensures that in the most unlikely event that there was a blockage, the water would quickly find a way around the obstacle.

- 1.13.10. Your engineer disclosed that sediment would be dug out of the stream bed by a mini-digger driving up the stream bed. We query the practicality of this. There would be little point in periodically clearing out the bed of the stream on our land but not the bed of the stream below us. Between our meadow and the outlet from the attenuation pond there is a wonderful unspoilt valley which has received no 'management' for many years. It is a haven for wildlife. This whole area comprising the stream and banks between the old and proposed new A30s together with a tranche of adjoining land are identified on Sheet 15 of Figure 7.6 Environmental Masterplan as Vegetation to be "Protected and Retained". Driving a mini-digger along the stream bed or the banks would require the destruction of wild habitats surrounding the stream bed. This section of stream (Appendix DD) abounds in wildlife. If future maintenance of this length of stream does indeed involve access by tracked diggers, the resulting damage to the trees and undergrowth and the inevitable disturbance downstream (see 1.11.11) ought to be detailed on the application and environmental groups/individuals given the opportunity to comment. In 6.2 Environmental Statement chapter 13 Road Drainage and Water Environment, the stream is described as flowing *south through the Trenerry Woods CWS c. 750m downstream. No fish present during survey but suitable habitat, macroinvertebrates at High WFD status.* The value is assessed as high as the quality of watercourse supports habitats and species in Cornwall Wildlife Site. We feel certain that this habitat should be disturbed as little as possible.
- 1.13.11. Highways England should also bear in mind that an alternative, less environmentally harmful, route is readily available and was first offered by us three years ago. If they will now give instructions to their legal department to proceed, our solicitor and agent are ready, willing and able and the matter could be concluded and an easement granting access concluded within a very short time.
- 1.14. The Applicants claim that they were not aware of previous communications between the Harvey Family and Highways England regarding a maintenance easement over the stream until 10 June. The very thought that those from Highways England who are dealing with maintenance of the existing A30 are not in regular contact with personnel also from Highways England who are dealing with the design of the replacement road and future handover of the old road to Cornwall Council defies belief. Now, as earlier, they do know and they should press on with instructing their legal department to correspond with our solicitor as soon as possible.
- 1.15. The question now arises as to whether maintenance of the stream is (i) required for the development, (ii) is required to facilitate the development or (iii) is incidental to the development. Unless the Applicant can prove at least one of these, the use of Compulsory Purchase powers would be wrong.
- 1.16. The sketch plan at Appendix EE shows the drainage arrangements for the old and proposed new A30 roads. The bright green line towards the top of the drawing represents the underground carrier pipes installed beside and across the carriageway in 2018 to take surface water from the old A30. These carrier pipes terminate in an outfall just inside the Cornish hedge on the north side of our wildflower meadow. From the outfall, highway surface water runs south down the existing stream on the eastern boundary of our meadow. On the right-hand side of the sketch plan is the blue mass of the Attenuation Pond. The two dark blue lines

represent (1) the inflow of surface water from the new A30 and (2) the outflow from the attenuation pond to the stream.

- 1.17. It is immediately apparent that the surface water drainage systems for both the old and the new A30 roads operate completely independently of each other. Either can and does function without the other. The distance between the two outfalls will be 140m while the fall between them is close to 10m; both distance and height are too great for any impediment in the stream as it crosses our wildflower meadow to have any impact on the surface water drainage from the new A30.
- 1.18. The Attenuation Pond does not drain into the stream crossing our land, in fact our section of stream provides no facility for it at all. The stream is an essential part of the infrastructure which keeps the old A30 clear of surface water but it is certainly not required for the new A30 development, nor is it needed to facilitate the development, nor is it necessary for works incidental to the development.
- 1.19. Section 122 of the Planning Act provides that a Development Consent Order may only authorise compulsory acquisition if the Secretary of State is satisfied that the land is required for the development to which the consent relates, or is required to facilitate, or is incidental to, the development, and there is a compelling case in the public interest for the compulsory acquisition. The Applicant has not satisfied any of these requirements. Furthermore, they have ignored all reasonable alternatives in favour of compulsory acquisition (the existing offer of an easement and the recent offer to sell the stream bed to them). They have failed to show that the proposed interference with our rights is for a legitimate purpose and have provided no clear idea of how they intend to use the land which is to be acquired.
- 1.20. We hope that the Applicants will accept our offer to sell them the stream bed subject to them putting us in no worse position than we enjoy at present. Alternatively they should instruct their lawyers to draw up the easement. If however they do neither, we shall feel that we have been as reasonable in our approach as we can be. They will presumably proceed with their stated intention of trying to acquire the land by compulsory purchase.
- 1.21. We dislike granting rights over land unless there is no alternative. Our favoured option is to sell the stream bed to the applicants subject to them agreeing the two conditions in 1.3.

## **2. Safety of the proposed realigned Pennycomequick Lane**

- 2.1. We believe insufficient thought has been given to ensuring motorists drive at a safe speed on the C0075 after the proposed improvements.
- 2.2. The C0075 Pennycomequick Lane is a winding country lane with limited visibility. It is a single carriageway, wide enough for one vehicle for much of its length and enclosed by high banks and/or vegetation on or close to the edge of the paved carriageway. There are no footpaths and limited places (normally gateways) where those on foot or horse or cycle can step off the carriageway to give room to a passing tractor or milk tanker, nevertheless the system works well providing motorists drive at a safe speed.
- 2.3. It is designated as a Quiet Lane. Cornwall Council provide a useful definition: *“‘Quiet Lanes’ is a nationally evolving strategy involving minor lanes which can be treated in ways to make them more attractive for all types of users whilst at the same time discouraging excessive use by vehicles. Essentially a Quiet lane will be a minor rural road which is suitable for other road user groups such as walkers, cyclists and horse-riders to share with motorised vehicles. ‘Quiet Lanes’ are not an attempt to deny access to motor vehicles nor to be anti-car. You are able to use the network as normal but you should be more aware of the other groups of road user that will be present at times”*.
- 2.4. We drive or walk the lane on a daily basis. Other nearby residents use Pennycomequick Lane daily to either drive, walk, jog, exercise dogs and on occasion to ride horses.
- 2.5. The lane is also Link 32 of the National Cycle Network and forms part of the Cornish Way Cycle Route which heads north from Truro following minor roads to St. Columb Major, Padstow and to Newquay. The extent of the cycle route is shown on sheet 2 of Figure 12.1 of the application (*Walkers, cyclists and horse-riders routes within 5km of scheme*). We have a good number of cyclists including individuals, families, groups of friends, cycling clubs, passing our property and using Pennycomequick Lane every day. During the week out of season these are mainly solitary individuals but at weekends and during the main holiday weeks they tend to be parents with children, clubs and/or groups of friends. Often they ride two or three abreast and occasionally take up the width of the lane.
- 2.6. As part of the A30 improvement, 382m at the northern end of the C0075 is being re-aligned. To meet modern design standards, verges up to 7m wide are being constructed to give forward visibility of up to 120m. The design speed as advised by the Applicants is 40 mph. The ‘unimproved’ remainder of the lane does not have this enhanced forward visibility and many parts, in our opinion, are only safe to drive at speeds of between 20mph and 30mph. This essential reduction in safe driving speed when passing from the improved to the unimproved sections has been discounted as unnecessary by the Applicant. All is to have the National Speed Limit (currently 60mph)
- 2.7. The Applicant writes *“Highways England does not consider the realignment of Pennycomequick Lane as part of the scheme to have any detrimental impact on the safety of this lane”*. The Applicants’ lead engineer, when asked why he thought that cars would not travel faster on a straighter road with increased visibility, agreed that vehicle speeds would indeed be faster.

- 2.8. We are advised by the Applicant that the old A30, after it has been de-trunked, will have a maximum speed limit of 50mph between Carland Cross and Boxheater Junction. Pennycomequick Lane, they tell us, will be a national speed limit road, i.e. a maximum speed limit of 60mph. Drivers entering the lane from the old A30, instead of encountering the present narrow lane with high banks to either side, will find a smart new lane with good visibility and a sign indicating that the speed limit is now increased to the National Speed Limit. In other words, cars leaving a 50mph former trunk road will be joining a designated Quiet Lane and be legally able to accelerate to 60 mph when, for safety reasons, they should be decelerating.
- 2.9. Shortly after the 'improved' section ends, vehicles will pass Honeycombe Farm beside a downhill section and then meet two sharp-ish corners where visibility is restricted. Sooner or later some driver new to the lane is going to turn the corner to find a gaggle of cyclists, a horse and rider or a small child on the lane with, if vehicle speeds are excessive, potentially catastrophic results.
- 2.10. We suggest that the solution is relatively simple; introduce a 30 mph speed limit on the full length of the lane where it is designated as a Quiet Lane. This will create a safer environment for non-motorised users and in so doing make the lanes more attractive and appealing for all types of user. 40mph may be adequate for the new section but it is much too fast for the unimproved country lane.
- 2.11. We understand that there is a reluctance to impose a speed limit as it will not be possible to enforce it. This seems to be a very ill-judged and negative view which shows insufficient consideration to non-motorised users, the very group that we are trying to attract. A speed limit should be seen as helpful guidance to motorists of the maximum safe speed to drive at; a constructive way to warn drivers of hazards all along the lane without littering the countryside with a proliferation of warning signs. 30mph seems appropriate; even though the re-aligned and improved section has a design speed of 40mph; the unimproved narrower sections with less visibility must be driven more slowly.
- 2.12. In advising motorists of the safe speed to drive at, a benign environment would be created for non-motorised users.



### **3. Works Compound 8 and Road Safety**

- 3.1. There is a probability that traffic accessing the works compound 8 on the C0075 will disrupt traffic flows on the old A30 with the potential for accidents both on the trunk road and by a blind corner in the narrow country lane. This inconvenience and/or danger is avoidable with a comparatively small amount of forward planning.
- 3.2. The re-alignment works to the C0075 ought to be carried out as early as possible in the road construction process. This new length of road should be used by contractors and delivery lorries while the existing lane would be used by other users. Such segregation of traffic will prevent a hazardous increase in the volume of traffic on the narrow country lane
- 3.3. If all vehicles going to the compound have to use Pennycomequick Lane and compete with existing users, particularly farm traffic, you will have created the perfect conditions for delays and accidents on the lane; traffic will be queued back to, and onto, the trunk road, eastbound and westbound, causing further disruption.
- 3.4. The Applicant tells us that contractors' vehicles will use the main line to travel forwards and backwards while it is under construction. With a cutting to be excavated immediately to the west and a valley to be filled by an embankment immediately to the east and an underpass to construct, the new road will not be passable by contractor's vehicles for many months, probably far more than a year, and therefore worker's cars and vans, together with supplier's lorries, will be accessing the compound via Pennycomequick Lane.
- 3.16. Construction of the improvement to the lane It would just as importantly reduce most of the potential conflicts between agricultural traffic and construction plant and by taking the pressure off the existing blind corner, will hopefully prevent the otherwise inevitable accidents that will result.
- 2.13. No explanation has been offered by the Applicant as to why the compound must be built before Pennycomequick Lane is improved. If there is a real need to first have a compound to store plant and materials while the lane improvement is carried out, this would be understandable. But in such a circumstance the Applicant could perhaps disclose a little more information to us and enter into a commitment to construct and use the new length of Pennycomequick Lane as soon as the compound is complete & in advance/ contemporaneously with other works in this section of the new road that require access at this point.
- 2.14. No timescale has been given for the lane improvement and the proposed full use of the compound has not been disclosed. Originally, we were told it was just for storage, then that it was essential for construction of the underpass. Once the mainline has been formed, we would not be surprised to find that it becomes a main access for construction traffic. If the Applicant were to be a little more transparent with us over this, many of our concerns (keeping the lane swept of mud and watered to lay dust) could be addressed and maybe our objections allayed.

#### **4. The Design of the Pennycomequick Underpass**

- 4.1. Since our earliest meetings with the Applicants, we have pointed out that this is a sensitive site and the new A30 will intrude into some beautiful Cornish countryside. We have implored the Applicants to design a beautiful underpass.
- 4.2. We have reminded them of their own advice contained in the Design Manual of Roads and Bridges (DMRB), particularly Volume 1, Section 3, Part II, Chapter 1, Para 1.6: *There are at least two ways **not** to design a bridge: a) to decide what it should look like and then work out how to make it stand up and how to build it; b) to work out the most economical structural/ constructional solution and then decide how to make it look nice.* From the correspondence received from the Applicant it seems that they are adopting the latter strategy.
- 4.3. The DMRB contains further advice in Chapter 2 Para 2.13 *“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”.*
- 4.4. The advice in the manual is clear: yet the Applicants appear not to have followed any of it.
- 4.5. In a letter dated 17<sup>th</sup> June and sent to the Harvey Family they write: *“Based on preliminary design information for this assessment, it was assumed that all proposed underpasses, including the one at Pennycomequick, would be simple precast concrete underbridges. The detailed design of the form and finish of this structure will be carried out during the implementation of the scheme, subject to Requirement 12 of the draft DCO (Document Reference 3.1(C)).”* This was discussed at the meetings on 20 March and 10 June 2019. It was confirmed that there are no proposals beyond standard provision for the facing of the underpass. *Highways England have provided Mr Harvey with the potential cost of stone-cladding of the underpass.”* The cost of the underpass they assessed as approximately £600,000 and stone cladding £55,000.
- 4.6. A copy of the images sent to us by the Applicant showing as an example the type of underbridge proposed is at Appendix FF. The Applicants’ intention to use an “off the shelf” design is inappropriate as it does not comply with national or local planning policy and relies on flawed advice.
- 4.7. National planning policy guidance seeks structures that are visually attractive. Cornwall Design Guide looks for development proposals containing local distinctiveness and character, if possible enhancing Cornwall’s natural environment. The Applicant proposed solution could not look more brutal, less visually attractive, more out of place or less locally distinctive.

- 4.8. We have only considered policy and the landscape report in relation to the Pennycomequick Underpass. Our comments on the unsuitability of design also applies elsewhere on the new A30.
- 4.9. The National Planning Policy Framework: The Framework requires that structures:
- 4.9.1. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - 4.9.2. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - 4.9.3. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change...; and
  - 4.9.4. establish or maintain a strong sense of place..."
- 4.10. The intended underpass meets few of these requirements. It may function well, however rather than being visually attractive as a result of good architecture it has a dreadful and depressing appearance. Some of it will admittedly be obscured by tree planting, however a drive down the A30 today between Carland Cross and Chiverton will reveal that within the last few years there has been wholesale clearance of many trees planted on the Zelah by-pass just 20 years previously.
- 4.11. Cornwall Design Guide: Policy 23 of the Design Guide (Natural environment) requires that:
- 4.11.1. Development proposals sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment and assets
  - 4.11.2. Development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and un-designated landscapes. Development must take into account and respect the sensitivity and capacity of the landscape asset..."
  - 4.11.3. ... Where adverse impacts are unavoidable, they must be adequately and proportionately mitigated...."
  - 4.11.4. The Applicants have paid no regard to local distinctiveness or character and are certainly not enhancing the environment with an underpass of this repugnant design. With the exception of tree planting (which local experience shows can be temporary) no serious attempt has been made to mitigate the impact of the structure.
- 4.12. Landscape Report: (6.2 Environmental Statement Chapter 7 Landscape) The Applicants have relied on the Landscape Report to assess the impact of the underpass on the landscape. We contend that this report contains inaccuracies.
- 4.13. The authors assess the present landscape in paragraph 7.7.35. We accept that along the high plateau much of the countryside *has an open and exposed landscape where there are few mature trees and there are many low Cornish hedges and hedgerows, which have been closely*

*flailed*. Surprisingly, throughout the report the authors fail to identify the importance of the valleys running down from the existing A30, gently to the south. Venture just a little way off the A30 and along one of the country lanes and one discovers a very different, softer environment. Despite the steel and concrete underpass proposed for Pennycomequick, the surrounding landscape does not even merit a mention. There is no reference to the lightly wooded valley with the River Allen running down to Trenerry Woods. This is shocking because of the huge change that is proposed here, and the scarcity value of a wooded landscape. The writers suggest that the landscape can accommodate change, but as they have failed to identify and report on the relevant section of landscape, they cannot appreciate its true sensitivity or draw that conclusion. The report is quite simply incomplete. Change can be accommodated but it needs a structure that respects the natural surroundings, and local distinctiveness. We draw your attention to the pictures at Appendix GG which comprise photographs from additional viewpoints showing a landscape that is well-wooded beside the lanes and not at all barren and windswept. These do not comply with evidence requirements but are supplied courtesy of Google maps. Some are a little out of date but the changes are that trees and hedges have perhaps grown larger. Readers may wish to reflect on the likely impact on the landscape at Viewpoint F of in Appendix GG where a number of aesthetic and mature trees are to be lost. (The affected trees can be identified on sheet 5 of 2.13 Trees and Hedgerows to be Removed or Managed Plans Part 2)

- 4.14. Overall the report assesses the Landscape sensitivity as moderate. We do not pretend to understand the criteria in assessing the worth of a landscape or the worth of people's views on a changing outlook. Such obfuscation does not help ordinary members of the public understand what is being written and is counter-productive if communities' views are genuinely being sought. We shall use plain English to deliver our opinion which is that the underpass is planned close to the head of a small semi-wild valley which is certainly not barren and windswept. The impact has not been addressed properly. We accept that it could indeed accommodate change providing the structure adds to, rather than detracts from, the environment. Such a structure must be of an appropriate mass, locally distinctive and characterful and have first class sustainable landscaping. It is difficult to envisage an "off-the-shelf" design being satisfactory.
- 4.15. Cyclists: Those passing Honeycombe Farm are apparently distracted by passing traffic(?). Getting up the hill perhaps presents more of a challenge. They are assessed as having a high-value visual amenity and a medium susceptibility to change. The authors fail to realise that cyclists who go past Honeycombe also pass Pennycomequick. We believe that cyclists' tendency to notice their surroundings is high, and consequently their sensitivity to change is also high. The authors' comments about traffic distractions in this quiet lane are just plain wrong, unless they are looking ahead to the likely problems associated with of contractor's vehicles.
- 4.16. Other non-motorised Users: We are disappointed that walkers, joggers, dog walkers and horse-riders are not considered. We suggest that their recognition of surroundings and particularly of change is also high and ask why these groups have not been considered.
- 4.17. Car Drivers: We assume that the C0075 is included under "Users of the typical minor rural lanes in the area" though we are surprised that they do not have their own section, given the level of change that users of this lane are facing. We read that "*The attention of most of these receptors will be absorbed with navigating the narrow country lanes*" and "*The value of the*

*visual amenity of these receptors is low, and their susceptibility to change is low. Conversely, users of the lane near Higher Ennis Farm are considered in the report to have a moderate sensitivity to change because the lane it is a Quiet Lane. We question how much the writers have actually familiarised themselves with the road network, or whether this predominately a desk-top study. If they had done their homework they would know that the C0075 is also designated as a Quiet Lane and the majority of users are local residents and workers who use the lane daily, sometimes several times a day. They are not absorbed with navigation but drive safely at the slow speeds that the conditions dictate. This means that they have a high sensitivity to change.*

- 4.18. When considering all these groups the reader has to remember that the proposal is to divert the lane into a valley. The views are reduced, the wind will be less, the hill perhaps not so steep. It is impossible for the writers to present a cogent argument that these changes will barely be noticed.
- 4.19. Landscape area CA 14 – Newlyn Downs is assessed as of moderate sensitivity with a minor construction impact and slight adverse and insignificant short-term effects (during the construction phase). It is impossible to take such a broad-brush stroke approach as this. CA 14 covers just about the entire zone within the core study area and probably three-quarters of the wider (2km) area. The authors assume in their report that we have all barely noticed the construction of the solar farms or wind turbines. On what basis? Purely because they are there was no public unrest when they were being built? They draw parallels between road building and agricultural activities. Do they not realise that most fields can be ploughed in much less than a day but the road construction period could well be three years of continuous noise and dust and inconvenience. We will put up with that as we have put up with the solar farms and wind turbines, but don't deride our patience and forgiving natures. The construction impact will not be minor and we will be faced with additional traffic, road closures, noise, dust and probable property damage. The significance will be much more than slightly adverse and insignificant.
- 4.20. Turning to the views photographed, our particular interest is in the views from Viewpoints 22 and 23 as these are the closest to the proposed underbridge.
- 4.21. Viewpoint 22 is described as "View from Honeycombe Farm, looking northeast, 50m south of the scheme". This photograph is slightly unusual as the view is largely of a shipping container which effectively blocks out the view. This picture has no value for the Inspectorate. A few paces to left or right, point the camera north and the reader has a really useful image showing the landscape that would be changed by the new underpass.
- 4.22. Viewpoint 23 is described as "*A narrow, enclosed view from the back entrance to Pennycomequick, looking southeast along the unclassified local road. The view is framed by mature deciduous hedgerows either side of the road, which restrict and filter views east and west into the wider countryside. The dominant element in the centre of the frame is the unclassified local road*". This time, the photograph is of some value but its use is severely limited as this length of the lane is to remain much as it is and will provide a gated emergency access from the new A30. Had the photographers stood just 15m further back (by our entrance as claimed), they would have been able to show a change of considerable magnitude as the trees and mature hedgerow on the left (first half) are to be felled, sacrificed to the scheme. See Viewpoint A in Appendix GG.

- 4.23. We think that there would be a great benefit in showing those landscapes that are going to change and how – the ‘before’ and the projected ‘after’ shots. If the Applicant can produce a smart video showing how the new road will look, surely a few photographs could be rendered without too much trouble. For instance, the new A 30 should be shown running across the photograph on a slight embankment in VP 23.
- 4.24. The Applicant advises that all underpasses will be simple precast concrete and the detailed design will be carried out during the implementation of the scheme, subject to Requirement 12 of the draft DCO; also that there are no proposals for stone cladding.
- 4.25. Detailed Design: The Applicant advises that “The detailed design of the form and finish of this structure will be carried out during the implementation of the scheme, subject to Requirement 12 of the draft DCO (Document Reference 3.1(C)).” Since they have already provided an image of the underpass style intended (Appendix FF) and indicated that there are no proposals beyond standard provision for the facing of the underpass we are confident that they do not intend to produce a structure that is visually attractive or sympathetic to local character unless forced to. Requirement 12 seems more concerned with ensuring the Applicant follows the outline of the scheme presented for examination (in which bridge and underpass appearance seem to form no part):
- 4.25.1. Requirement 12:—“(1) *The authorised development must be designed in detail and carried out so that it is compatible with the preliminary scheme design shown on the works plans and the general arrangement and section plans, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority and local highway authority on matters related to their functions and provided that the Secretary of State is satisfied that any amendments to the works plans and the general arrangement and section plans showing departures from the preliminary design would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement. (2) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding works plans or general arrangement and section plans and the undertaker must make those amended details available in electronic form for inspection by members of the public”.*
- 4.26. We are unable to contemplate any other planning application where full details of a structure as large as an underpass capable of taking a dual carriageway over the top of a country lane through a rural environment is not accepted until further design details are known. We hope that the Applicant will be told that, at the very least, a sketch must accompany the application and that the structure must be visually attractive and sympathetic to local character. If acceptable to the Inspectorate, the Applicant must produce a detailed plan in accordance with such a sketch during the implementation period. As the examination progresses, time becomes more of a premium but this approach does not seem unreasonable.
- 4.27. At each of our last two meetings the Applicant has cited cost and budgetary constraints as major factors when choosing not to invest in a design for the underpass. We are surprised that these reasons do not appear at Annex A: “Summary of final position with Harvey Family” and perplexed to have been told that the budget for the scheme is £250m, although confusingly, on their website, Highways England brackets the cost of the scheme as between £214.6m and £436.3m.

## 5. Noise and Mitigation:

- 5.1. Having lived at Pennycomequick for 37 years, we are most fully of the traffic noise from the existing A30.
- 5.2. The Applicants' experts have produced a most complicated technical report which requires a high degree of technical knowledge in acoustics to understand it. One questions whether the report was prepared for those likely to be affected, or purely for the Applicants. The former will find large tracts of it incomprehensible, as we have done. How much better if a summary in plain English had been prepared addressing each of the most-affected properties.
- 5.3. The new A30 is to be built to the south of Pennycomequick in the adjoining field. The Applicants claim that the modelling shows how much quieter we are going to be. If we consult their far- too-small scale map we find that they estimate 2023 daytime noise levels are in the 62 – 67 dBL<sub>Aeq,16h</sub> band. We introduce a caveat at this stage since we cannot be certain which band it is in as the experts have added three symbols where our property is situated, and we have had to extrapolate from either side. Looking ahead to 2038 the experts forecast daytime noise levels by the house of 57-62 dBL<sub>Aeq,16h</sub>.
  - 5.3.1. The forecast figures stated are the *average continuous sound prediction*. We are told that the computer model is unable to take into account the reduced noise from stationery traffic. Average noise levels from the existing road are therefore likely to be somewhat lower and the improvement therefore less beneficial
  - 5.3.2. Traffic volumes change according to season, affecting traffic flows which in turn impact upon noise volume. If these estimated noise levels are based on an average noise level for a day and then averaged out over the whole year, the peaks will be even higher and the troughs even deeper and the results begin to look even more suspect.
- 5.4. The Applicants calculate that the traffic noise at Pennycomequick (house) will reduce by something between 0 and 10 dBL<sub>Aeq,16h</sub>. (57-62 and 62-67 dBL<sub>Aeq,16h</sub>). If the reduction in noise is at the lower end of the 2023 bracket and higher end of the 2038 bracket, we shall see no benefit. The Inspectorate will realise that the current A30 is at its noisiest outside of the peak periods.
- 5.5. After the new road is built and operational, from the traffic estimates calculated by the Applicant, the volume of vehicles during the day will be similar to the volume we experience at 6.30am at the moment. This is one of our noisiest times, so there is unlikely to be significant benefit to us from the old road.
- 5.6. At present we experience very little noise from the south, just an occasional tractor coming up the lane. Once the new road is built, we shall have roads on three sides of us with the largest and busiest of these to our south. If the wind blows from the south east, through south round to the south west, the noise level will be exacerbated. The prevailing wind is from the south west. Contrary to previous discussions, the level of the new road has come up and up and the length that will be in a cutting has gone down and down.
- 5.7. The main problem we shall experience is that we shall have all-round sound with no escape anywhere. The garden absorbs much our time, rain or shine. With our family we like to sit in

the sunshine, enjoy an occasional meal outside, barbecue etc. With this in mind, a few years ago we developed a new area of garden close to our southern boundary and as far away as we could get from the existing A30. Regrettably this is now going to be blighted by new noise. If the old road was going to be closed we could simply transfer to the north side again, but it isn't, in fact we believe that the old road will be noisier and the old and new roads combined will produce more noise in more of the garden than the old road does at present. The Applicant disputes this and suggests that garden noise will be no noisier or quieter and remain at 62-67 dBLAeq,16h.

- 5.8. There can be little doubt that with the addition of a new dual carriageway a short distance from our property we shall be worse off with few or no opportunities to escape traffic noise. We have requested works of mitigation in the form of stone hedging beside the north side of the main line between chainage 10+700 and extending over the underpass to 11+800. This has been refused. If one takes a common-sense approach to the effects of the scheme, it is obvious that we shall be adversely affected in the garden and this will be to a material degree. We believe that we are entitled to at least somewhere on our property where we are not disturbed by traffic noise. The insufficient consideration being shown to us is galling.





Working on behalf of



Customer Contact Centre: 0300 1235 000  
www.highways.gov.uk

Mr & Mrs Harvey,  
Pennycomequick,  
Zelah,  
Truro,  
Cornwall  
TR4 9JD

Our Ref: 206/DGH/A5661

Dear Mr & Mrs Harvey,

**RE: A30 Carland to Chiverton, Drainage Improvements**

Kier is the managing agent contractor responsible for the maintenance of the A30 trunk road in Cornwall for Highways England (formerly the Highways Agency). I am writing on their behalf to let you know that we are currently designing a drainage scheme to reduce the risk of flooding ahead of the proposed road widening scheme.

In periods of rainfall, water has been known to cause flooding on the carriageway. Our investigations have found that this is due in part to third party runoff passing through cross carriageway pipes that are either under capacity or blocked.

As discussed on the phone, in order to mitigate this problem, we propose to capture runoff from the Penglaze Farm access track and upgrade the existing drainage network to the outfall which discharges onto your property. To enable us to carry out these works we will need access to part of your field, both at the time of the works and also in the future to ensure annual maintenance checks are carried out appropriately.

With this in mind, and following your request, we would like to take the opportunity to establish an easement for future inspection and maintenance. Please find enclosed copies of draft proposals of the scheme for your review and also a written consent form. However if you would prefer a formal license to be issued, please let me know.

I would be happy to address any questions or concerns you may have regarding this scheme, please contact me via the email address or telephone number given at the bottom of this page. However, if you are happy to proceed please return the enclosed Works Access Consent Form in the SAE provided.

Yours sincerely,

[Redacted signature]

David Goodwin-Hughes  
Drainage Manager



Kier Highways Limited  
Ash House, Falcon Road, Exeter, EX2 7LB  
Tel: 01392 312599 Email: david.goodwin-hughes@kier.emhighways.co.uk

Registered in England No. 05606089  
Registered Company Name: Kier Highways Limited  
Registered Office: Tempsford Hall, Sandy, Bedfordshire

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*Appendix BB*

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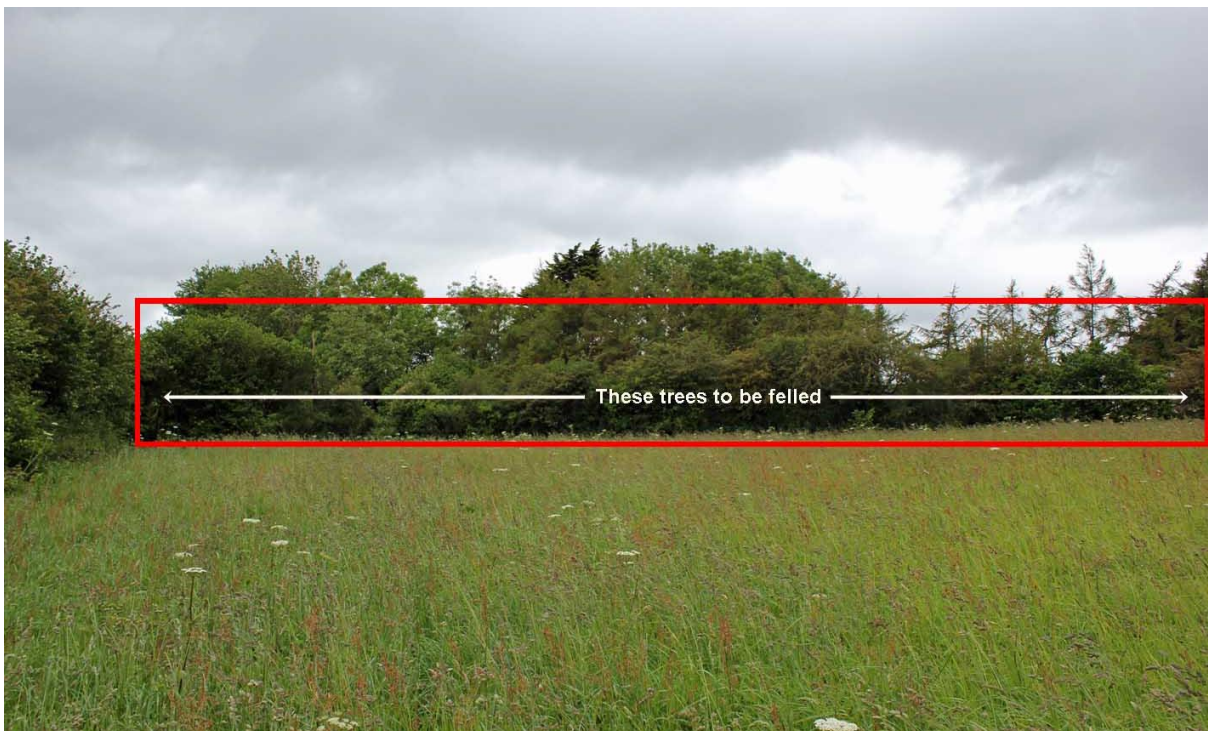


Hawthorn growing between the Wildflower Meadow and the Attenuation Pond field

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*Appendix CC*

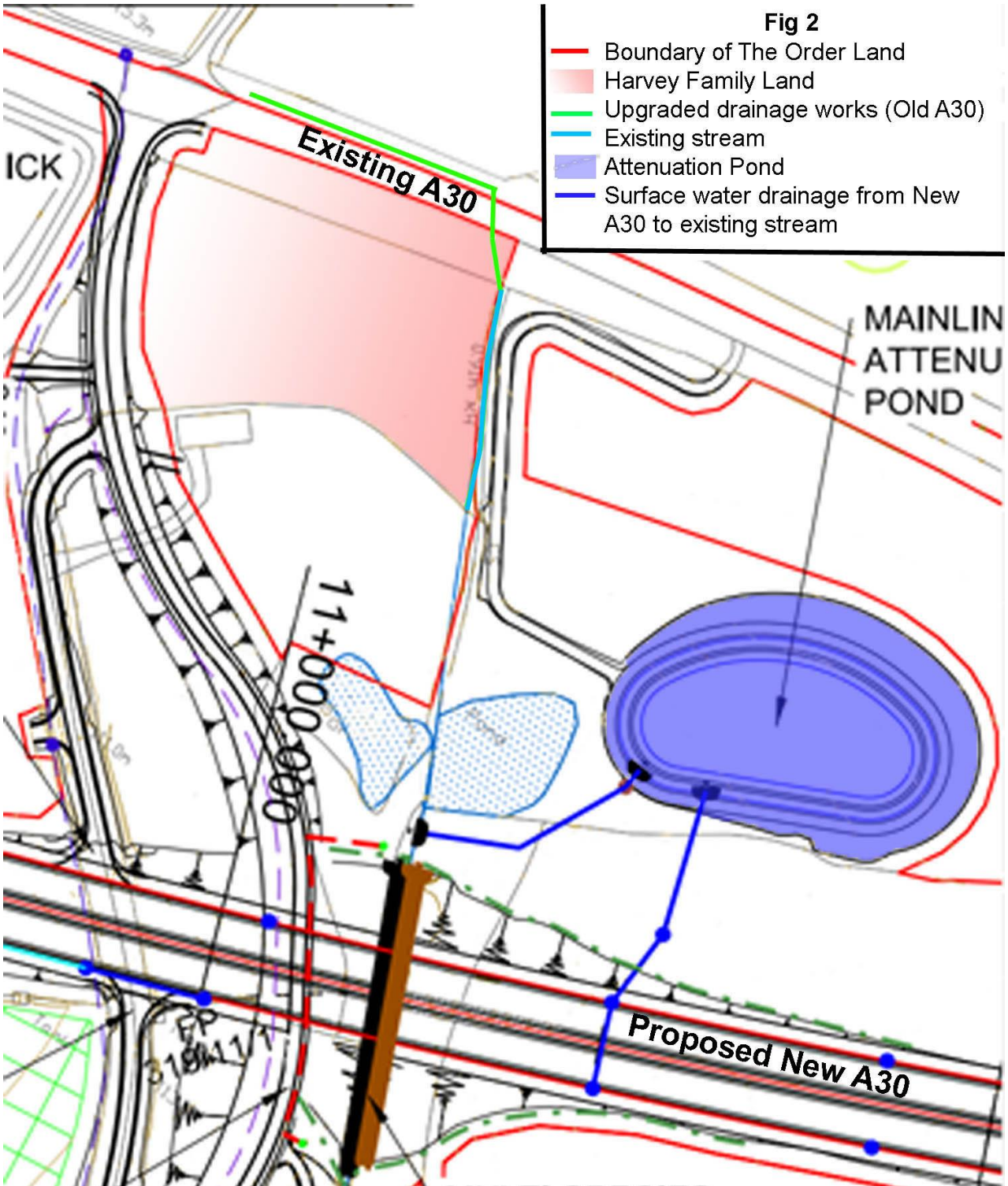
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Hawthorn to be felled at western end of Wildflower Meadow



Unspoilt stream and valley immediately to the south of the Wildflower Meadow



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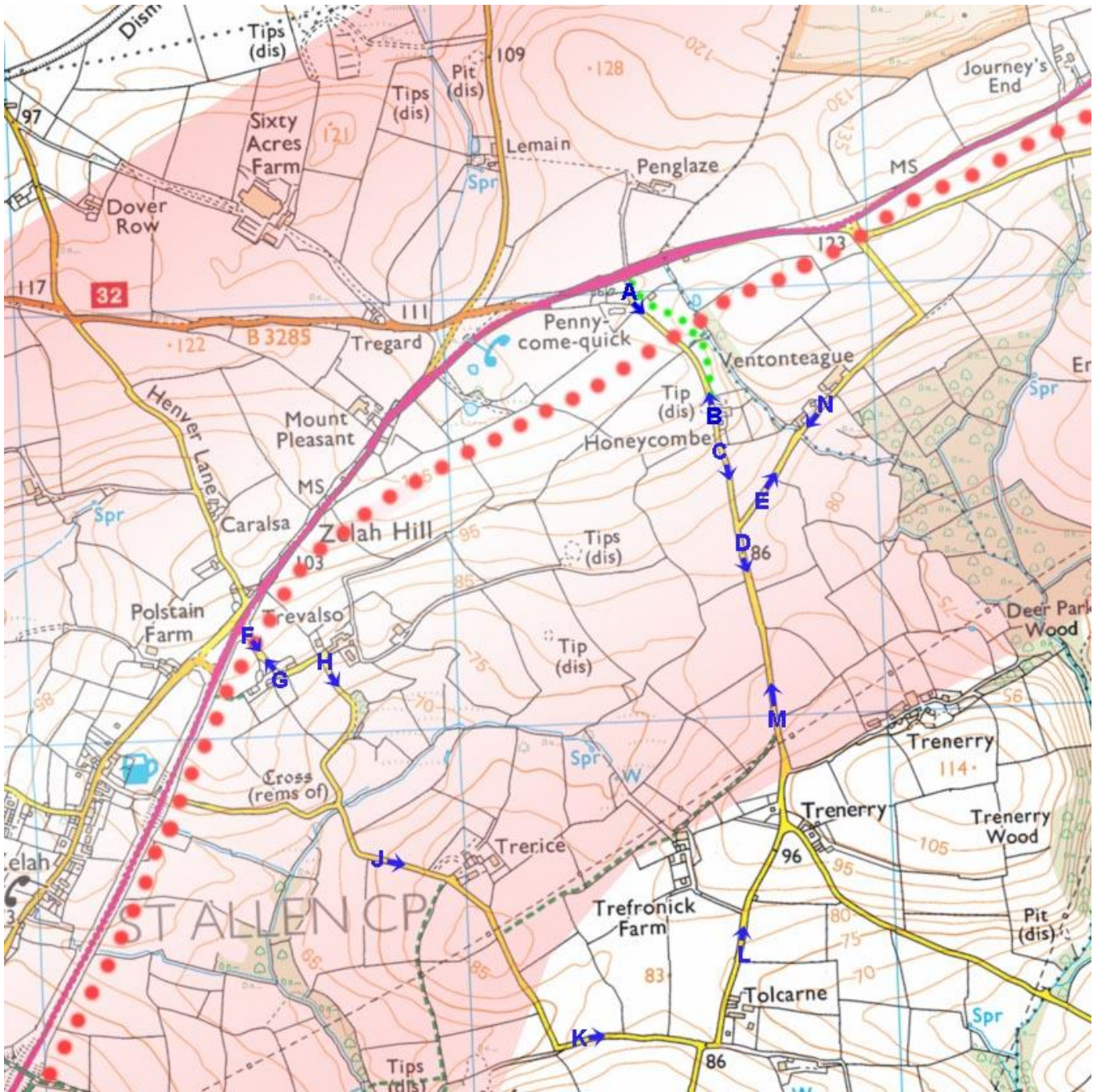
*Appendix FF*

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Examples of the structure proposed for the Pennycomequick Underpass

*(Images courtesy of Highways England)*



Plan showing locations of photographs showing the roadside country south of the A30 in this locality. The approximate line of the new A30 is shown by the red dotted line.



**Viewpoint A**  
Image courtesy of Google Maps



**Viewpoint B**  
Image courtesy of Google Maps



**Viewpoint C**  
Image courtesy of Google Maps



**Viewpoint D**  
Image courtesy of Google Maps



**Viewpoint E**  
Image courtesy of Google Maps



**Viewpoint F**  
Image courtesy of Google Maps



**Viewpoint G**  
Image courtesy of Google Maps



**Viewpoint H**  
Image courtesy of Google Maps



