

**A30 Chiverton to Carland Cross
TR010026**

**8.27 COMMENTS ON INTERESTED
PARTY SUBMISSIONS AT DEADLINE 6**

Volume 8

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This document has been prepared by Highways England (the Applicant) for submission to the Examining Authority (ExA) at Deadline 7 of the Examination of the A30 Chiverton to Carland Cross Development Consent Order (DCO) scheme (the scheme).
- 1.1.2 This document provides Highways England's comments on submissions made by Interested Parties (IPs) to the Examination at Deadline 6, including:
- Interested Parties' comments on Statements of Common Ground; and
 - Additional submissions and representations made by Interested Parties.
- 1.1.3 Natural England submitted a response to the ExA's second written questions. Highways England has no comment on this response.
- 1.1.4 Highways England has only provided comment where it is deemed necessary or relevant to the Examination.

2 Comments on Deadline 6 Submissions

2.1 Responses to Comments on Statements of Common Ground

2.1.1 Table 2-1 below provides Highways England's response to comments on Statements of Common Ground (SoCG) as submitted by Interested Parties at Deadline 6.

Table 2-1 Highways England response to IP comments on SoCGs made at Deadline 6

Interested Party	Comments on Statement of Common Ground	Highways England Comment
Historic England (HBMCE)	<p>As referred to in our Written Representations, the Historic Buildings and Monuments Commission for England is generally known as Historic England. However, due to the potential for confusion in relation to "HE" (Highways England and Historic England), we have used "HBMCE" in our formal submissions to the examination to avoid confusion.</p> <p>In relation to the submissions for Deadline 6 (4th July) HBMCE offer the following Position Statement regarding the draft Statement of Common Ground (SoCG), to assist the Examining Authority.</p> <p>HBMCE are content that the SoCG is close to agreement and that it will address most of the issues and comments on the draft DCO, the draft ES and, the draft CEMP raised in our original Written Representations, submitted at Deadline 1 (19 March). It has not, however, been possible to sign the final document as planned.</p> <p>This is primarily because the links provided to HBMCE for the updated documents that support the SoCG refer to the wrong documents. We have therefore been unable to verify that the required updates have been included on final document versions.</p> <p>HBMCE therefore, intend the following statement to stand as our position at Deadline 6 and pending the provision of updated supporting documents by highways England. HBMCE are meeting with Highways England on Monday 8th July in order to address these issues regarding</p>	<p>Highways England continue to engage with HBMCE to work toward a final, signed Statement of Common Ground.</p> <p>An updated draft SoCG has been provided at Deadline 7. This can be found at Appendix A to Statements of Common Ground (Document Reference 7.4(G)). This is with HBMCE for signing.</p> <p>In relation to the matters outstanding, updates have been made to the Outline WSI (Annex F of the Outline CEMP); and a new Annex has been added to the Outline CEMP to include an Outline Archaeological Framework Strategy.</p>

Interested Party	Comments on Statement of Common Ground	Highways England Comment
	<p>documentation and also items 25.2, 25.3, and 25.4 with a view to providing an update for Deadline 7 (15th July).</p> <p>HBMCE position regarding the draft SoCG. Matters outstanding.</p> <p>25.1 Warrens Barrow and Carland Cross barrow cemetery. The draft SoCG correctly identifies that HBMCE and Highways England have both recorded their final position in relation to this point. HBMCE consider the lowering of levels by the maximum permitted limit of deviation to be justified in order that the subsequent improvements to views from Warrens Barrow and the wider Carland Cross barrow cemetery may be secured. Highways England are unable to commit to this at this stage.</p> <p>25.2 A range of environmental works designed to address the loss of a major part of the environmental gain associated with the re-location of the existing A30 and re-unification of Warren's Barrow and the wider Carland Cross barrow cemetery, through the removal of the primary barrows group from the red line area, is proposed by Highways England as part of their Environmental Designated Funds scheme. Whilst this is welcomed, it is not linked to this scheme and has no guaranteed outcomes, therefore we have not commented on those benefits in this document.</p> <p>25.3 The DCO requires an Archaeological Framework, which informs subsequent archaeological mitigation. This document has yet to be produced.</p> <p>25.4 The WSI provided is inadequate and lacking in required detail. It is important that the outline WSI is produced in accordance with the research, sampling and mitigation strategies outlined in the missing Archaeological Framework. It is also essential that it is comprehensive in order that any subsequent detailed WSI's are covered by any approved DCO/CEMP.</p>	

2.2 Responses to representations made at Deadline 6

2.2.1 Table 2-1 below provides Highways England's response to representations as submitted by Interested Parties at Deadline 5.

Table 2-2 Highways England response to IP representations made at Deadline 6

Interested Party	Representation	Highways England Comment
Scottish Power Renewables (SPR)	SPR submitted a schedule of alternative Protective Provisions.	<p>Highways England has reviewed the draft Protective Provisions ('PPs') submitted by SPR at Deadline 6. Highways England is in the advanced stages of negotiating a legal agreement with SPR to address the various impacts of the Scheme on the Carland Cross Wind Farm. A meeting has been arranged for 17 July to discuss the outstanding drafting points. Highways England expects that the legal agreement will be signed before the end of the examination and that the inclusion of PPs for SPR in the DCO will not therefore need to be considered.</p> <p>If however Highways England is unable to reach agreement with SPR by the end of the examination it accepts that PPs may need to be considered as an alternative, although it should be noted that the issue of whether or not the relevant SPR company is a statutory undertaker (and therefore entitled to the benefit of PPs) has not been fully explored or resolved. If it is the case that SPR is not a statutory undertaker the question then arises as to whether a private company that is affected by the Scheme should benefit from PPs or whether the proper course of action is that it will benefit from the other protections in the Order, including the Requirements, any additional measures that are agreed with Highways England and any right to compensation in the same way as any other party that is affected by the Scheme. Highways England's view is that the latter position is correct, as it would clearly not be reasonable for the DCO to feature bespoke PPs in favour of every affected party.</p> <p>If the legal agreement with SPR has not been signed by the end of the examination and the Secretary of State, having considered this representation, is of the view that PPs are required for the</p>

Interested Party	Representation	Highways England Comment
		<p>benefit of SPR, Highways England is unable to accept the PPs submitted by SPR for a number of reasons, including:</p> <ol style="list-style-type: none"> 1. The PPs require Highways England to provide various plans and documents for approval by SPR before development of the Scheme may commence. However, the PPs contain no provision for deemed approval in the event that SPR fails to respond to Highways England following the submission of these plans and documents. This means that a failure by SPR to respond, or to act reasonably in approving the plans and documents, could prevent the entire Scheme from going ahead. In order to avoid any delays to the Scheme being caused by a failure to respond by SPR, Highways England requires a mechanism for deemed approval to enable the Scheme to proceed. Highways England also does not consider that it is reasonable for the PPs to impose restrictions on the entire Scheme, as SPR's interest is only in parts of it. 2. Highways England cannot accept the wide-ranging indemnity provision included in SPR's draft PPs, which is not reasonably worded. Highways England has instead offered wording that reflects the provisions in the DCO that apply for the benefit of electricity undertakers (see paragraph 11, Part 1, Schedule 9), which Highways England considers would be appropriate in covering the costs which SPR may incur if any damage is caused to the Wind Farm, including any loss of electricity supply during construction. <p>Accordingly Highways England is submitting an alternative set of PPs which it is prepared to accept in the event that the legal agreement is not signed by the end of the examination and in the event that the Secretary of State considers that the inclusion of PPs in favour of SPR is necessary. The alternative PPs are based on those submitted by SPR but with amendments that include</p>

Interested Party	Representation	Highways England Comment
		<p>changes to address the issues identified above. They are provided at Appendix A to this document.</p> <p>The Tracking Drawings referred to in the PPs remain to be agreed, but it is anticipated that the identity of the relevant drawings will be confirmed to the ExA before the end of the examination.</p> <p>If the parties have not finalised the legal agreement by the end of the examination they will continue to engage with each other with a view to reaching agreement as soon as possible thereafter. Should agreement be reached before or after the end of the examination the parties will immediately notify the ExA and the Secretary of State of that fact.</p>
Cornwall Council	Cornwall Council submitted a Supplementary report on matters not agreed between Cornwall Council and Highways England.	<p>Highways England acknowledge the comprehensive submission Cornwall Council have made in respect to the matters not agreed.</p> <p>Whilst Highways England recognise the aspirations Cornwall Council have for the existing A30, they do not consider that these measures are required to deliver the A30 Chiverton to Carland Cross scheme, nor to mitigate impacts of the scheme itself.</p> <p>Whilst the realignment of Boxheater junction and speed limit reductions on the existing road may provide future benefits to the local road network, these have not been assessed as part of the scheme and Highways England remain confident that the de-trunked road with significantly lower traffic flows would operate safely for all users without any significant changes in layout or reductions in speed limits.</p> <p>Highways England do not dispute accident data for the existing A30. Highways England recognise that not only will the volume of traffic reduce significantly as part of the scheme but also the type of traffic using the road, with strategic traffic being reassigned onto the new road, and the existing road being predominantly used for regular local journeys.</p>

Interested Party	Representation	Highways England Comment
		<p>Highways England recognise the increase in predicted traffic flows through Shortlanesend with the scheme in place and also note that traffic through Shortlanesend is an existing local road issue. Highways England consider that this impact must be viewed in the context of the wider scheme, notably the reduction in traffic on other local roads including the A39 and A390 into Truro. Cornwall Council have proposed an ambitious streetscaping scheme that Highways England maintain is disproportionate to the expected impacts.</p> <p>Highways England do not consider the removal of Chiverton underpass a viable option due to the wider benefits that a bridge alone is unable to offer. Highways England's position is that the Designated Funds overbridge is an enhancement that could happen with or without the scheme in place.</p> <p>The relationship between Highways England and Cornwall Council has been positive since the inception of the scheme. Although there are some areas of disagreement outstanding, Highways England will continue to work closely with counterparts at Cornwall Council to reach appropriate and reasonable outcomes.</p>
The Harvey Family	<p>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].</p> <p>Following a meeting between the Applicant and the Harvey Family on 10th 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.</p>	<p>Highways England provide a response below to the relevant sections of the representation of the Harvey Family, which have been copied or paraphrased for brevity.</p> <p>An updated position statement was sent to the Harvey Family on 17 June 2019, and was submitted as Annex A to the Highways England comments on Interested Party Submissions at Deadline 4 (Document Reference 8.19) [APP-349] on 18 June 2019.</p> <p>It was made clear in the email to the Harvey Family of 17 June and in the document submitted to the Planning Inspectorate on 18 June that Annex A of the above document only represented</p>

Interested Party	Representation	Highways England Comment
	<p>Paragraph 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:</p> <p>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</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>Highways England's understanding of the position and did not represent the position of the Harvey Family.</p> <p>Highways England have engaged continually with the Harvey Family throughout the Examination in order to come to agreement on the issues raised. At no time during this engagement was this suggestion received from the Harvey Family.</p> <p>Regarding potential impacts on the private water supply: Table 16-3 'Record of environmental actions and commitments' in the Outline CEMP (Document Reference 6.4, Appendix 16.1) [APP-376] secures investigations for private water supplies. 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>Regarding the provision of a new stock proof fence: Fences to match the existing situation would be provided.</p> <p>The easement referred to by the Harvey Family is a separate matter to the proposed scheme. The agreement of this easement has no bearing on the powers of acquisition that are being sought for the purposes of constructing and maintaining the new A30 scheme.</p>

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	<p>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.</p> <p>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 13th March 2019 but said that his instructions from Highways England were too vague; he went back to them for clarification.</p> <p>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.</p>	
	<p>1.9. We contend that the stream is totally unconnected with either the attenuation pond or the new A30 and the Applicant should not,</p>	<p>Highways England maintain that powers of acquisition are required over the stream (plot 8/2c), shown on the Land Plans</p>

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	<p>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.</p> <p>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:</p> <p style="padding-left: 40px;">1.10.1. The land is required for the development to which the development consent relates;</p> <p style="padding-left: 40px;">1.10.2. The land is required to facilitate or is incidental to that development;</p> <p style="padding-left: 40px;">1.10.3. There is a compelling case in the public interest for the land to be acquired compulsorily.</p> <p>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”).</p> <p>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</p>	<p>(Document Reference 2.2(D)) [REP6-003] in order to construct and maintain the scheme.</p> <p>Access is required to maintain the stream downstream of the existing A30 and upstream of the new A30, and the associated drainage. Although the existing A30 will be operated and maintained by Cornwall Council, the works on this stream are required as part the new scheme for Highways England to maintain the stream and the associated culverts and drainage outfalls.</p> <p>Access to the section of stream could either be from the existing A30 or from the new pond access track, close to the pond and to the south of the Harvey Family’s land, and any loss of the existing vegetation and Cornish hedge would be minimal and very localised.</p> <p>The stream will be maintained as required and could require the use of a mini-digger for any large blockage. In all cases, any disturbance or removal of vegetation would be avoided wherever possible.</p> <p>The Harvey Family emailed Highways England on 19 June stating their intention to object to the proposed downgrading of permanent acquisition of the stream to permanent rights only. As a result of this intention to object, Highways England reverted to the originally proposed permanent acquisition of plot 8/2c, as explained in section 2.2 of the Request for non-material amendments (Document Reference 8.24(A) [REP6-016]).</p>

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	<p>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...</p> <p>1.13. In a subsequent email to us dated 19th 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 10th 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.</p>	
	<p>The Harvey Family object to the design of the proposed realigned Pennycomequick Lane on the basis of safety and road speed.</p>	<p>The design speed of Pennycomequick Lane has been agreed with Cornwall Council.</p> <p>The proposed speed limit of Pennycomequick Lane is the national speed limit, which for a single carriageway is 60mph for cars and motorcycles. The national speed limit is the absolute maximum speed for vehicles and does not mean it is safe to drive at that speed irrespective of conditions. Vehicles should drive at a speed that is appropriate for the layout and the conditions.</p> <p>Providing the forward stopping sight distance appropriate for the design speed of the road may allow vehicles to drive faster but will also provide improved visibility to and from any other non-motorised road users on Pennycomequick Lane.</p>

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		<p>Highways England would continue to work closely with Cornwall Council and the local residents, including Mr Harvey, during detailed design. This could consider opportunities to reduce the stopping sight distances to those provided on other sections of the existing Pennycomequick Lane and encourage even slower vehicle speeds.</p> <p>The required visibility is provided from the tie-in of the new works to any reduced visibility bend further south on the Lane, such that vehicles can adjust the speed accordingly to suit the layout and conditions.</p>
	<p>The Harvey Family raised concerns about Work Compound No.8 and road safety.</p>	<p>The compound is required to be constructed to facilitate the construction of the realigned Pennycomequick Lane. The access and egress for the compound will provide the required visibility and be agreed with the Cornwall Council.</p> <p>The management of construction and general traffic will be agreed in detail with the Cornwall Council, as stated in Appendix 2.1 draft Traffic Management Plan (Document Reference 6.4) [APP-301].</p> <p>The contractor for the scheme would be looking to avoid the use of the existing A30 and side roads wherever possible and use haul roads through the site.</p> <p>Any existing roads that are used by construction traffic will be monitored closely by the contractor and kept clean and safe for operation by all road users.</p>
	<p>The Harvey Family raised concerns regarding the design of the underpass at Pennycomequick Lane. Extracts of their submission are responded to below:</p> <p>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</p>	<p>The underpass structure is designed with a simple, limited palette of hard materials of neutral tones comprising steel for the supporting girders, fair-faced concrete elevations and soffit, black asphalt road and path surfaces and galvanised steel for the safety railings.</p> <p>Limiting the number of different materials and using carefully designed junctions between the different materials and elements</p>

Interested Party	Representation	Highways England Comment
	<p>proposed solution could not look more brutal, less visually attractive, more out of place or less locally distinctive</p>	<p>of the structures results in a visually uniform and uncluttered design. This is in line with the scheme wide approach to simple and elegant design. Reducing visual clutter and complexity will make the scheme less visually intrusive, contrasting less with the receiving landscape.</p> <p>Stone cladding to the bridge abutments is not considered likely to make the bridge more acceptable in landscape or visual terms. Our approach is to design a scheme and structures which intrude or contrast as little as possible with the character of the local landscape.</p> <p>The mitigation measures described in Chapter 7, Landscape of the Environmental Statement (Document Reference 6.2) [APP-060] and in response to paragraph 4.11.4 of the submission of the Harvey Family (below) are considered the most effective mitigation for the scheme in this location.</p>
	<p>4.9. The National Planning Policy Framework: The Framework requires that structures:</p> <p>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;</p> <p>4.9.2. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;</p> <p>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</p> <p>4.9.4. establish or maintain a strong sense of place...”</p>	<p>As part of Highways England’s responsibility for the Strategic Road Network, periodic and cyclical thinning and management of the highways soft estate is necessary to maintain a healthy, thriving and safe planted soft estate. The measures planted as mitigation for this scheme would be similarly managed to ensure its healthy growth and longevity and the delivery of its mitigating value.</p>

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	<p>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.</p> <p>4.11. Cornwall Design Guide: Policy 23 of the Design Guide (Natural environment) requires that:</p> <p>4.11.1. Development proposals sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment and assets</p> <p>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..."</p> <p>4.11.3. ... Where adverse impacts are unavoidable, they must be adequately and proportionately mitigated...."</p> <p>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.</p>	<p>The distinctive feature of this landscape cited in the published character assessment is <i>'its wide rolling pastoral and arable character with Cornish hedges. Windfarms form prominent elements.'</i></p> <p>This was referred to in the finer grained assessment of the sensitivity and effects upon the more local landscape along the scheme between Zelah and Carland, within which this proposed underpass is located as stated in Chapter 7, Landscape of the Environmental Statement (Document Reference 6.2) [APP-060].</p> <p>Highways England agree that the quiet rural character of C0075 is a distinctive feature and characteristic of the local landscape. Accordingly, the scheme design was refined through an iterative process of design, assessment and consultation. The reduced width and sinuous alignment of the lane, design of the verges, inclusion of Cornish hedgerows, native woodland and scrub planting and wildflower seeding have all been designed as mitigation in this location.</p> <p>This was done to better integrate the scheme with the distinctive features of the local landscape. It is recognised that the scheme as a whole, and locally the underpass at Pennycomequick, would result in adverse effects on the landscape and on views. The proposed design for the underpass is for a simple, light-touch and elegant solution, using a reduced pallet of materials, fit for purpose and cost effective. Cladding the abutments of the bridge would not alter the significance of severity of these effects.</p>

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	<p>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.</p> <p>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</p>	<p>Paragraphs 7.7.79 to 7.7.81 of Chapter 7, Landscape of the Environmental Statement (Document Reference 6.2) [APP-060] consider the character of the local landscape along the existing A30 between Zelah and Carland Cross. This is a moderately sensitive landscape. The distinctive features of the local landscape conform to those set out in the published character assessment:</p> <p><i>“The distinctive feature of this landscape is its wide rolling pastoral and arable character with Cornish hedges. Windfarms form prominent elements.”</i></p> <p>The assessment predicted slight adverse and insignificant effects on the character of all these landscape receptors.</p> <p>The assessment did also consider the character and sensitivity of the Fal Ria (LCA 13). Although the scheme is not proximate to this Character area, it was recognised that the incised wooded valleys do extend closer to the scheme than the LCA boundaries.</p> <p>The mitigation embedded in the scheme design and added as landscape mitigation are designed to integrate the scheme into the landscape and address visual effects.</p> <p>Locally it was clear that the landscape is more wooded at the top of the River Allen valley. Accordingly, the scheme and landscape design does include several mitigation measures specific to this location to reflect the local landscape character:</p> <ul style="list-style-type: none"> • The reduced width and sinuous alignment of the lane, where possible within current highways design standards the lane has been designed to be as narrow as possible and sinuous in alignment to reduce traffic speeds and impart the character of a local Cornish lane. • The verges have been kept as narrow as possible, whilst maintaining forward visibility and would be

Interested Party	Representation	Highways England Comment
	2.13 Trees and Hedgerows to be Removed or Managed Plans Part 2)	<p>soft and seeded with wildflowers to maintain local character.</p> <ul style="list-style-type: none"> • In keeping with local distinctive character, stone faced, planted Cornish hedgerows are proposed along either side of the lane. • Native woodland and scrub planting is proposed to line the lane and to clothe the embankments either side of the lane and the main scheme carriageway. <p>Once the planting is established, the lane would appear enclosed with Cornish hedgerows and native deciduous trees lining either side. Eventually this would create the character of a ‘green tunnel’ similar to the pictures provided in Appendix GG of the Harvey Family’s submission. It is accepted that the carriageway would be wider than that shown in these photos.</p>
	The Harvey Family raised concerns about the factors taken into account in the noise modelling and the potential impact on their property.	<p>The Highways England Comments on Written Representations (Document Reference 8.6) [REP2-022] of the Harvey Family states that:</p> <p><i>“Around the house itself at Pennycomequick, noise levels would reduce, as shown on Figure 11.3 Operational Noise Difference Contour Map – Future Assessment Year (2038) Sheet 2 of 3 of the Environmental Statement (Document Reference 6.4) [APP-297]. This is because the noise contribution from the existing A30 would be reduced as a result of lower traffic flows. Figure 11.3 shows that noise increases from the proposed A30 alignment to the south, would occur at the southernmost end of the garden at Pennycomequick.”</i></p> <p>It is noted that table 11-4 of Chapter 11 Noise and Vibration of the Environmental Statement (Document Reference 6.2) [APP-064] states that the Pennycomequick residence would experience major beneficial effects as a result of the scheme.</p> <p>It is not proposed to provide Cornish hedges or other noise screening in this section of the scheme to mitigate impacts from</p>

Interested Party	Representation	Highways England Comment
		noise on the southernmost end of Pennycomequick garden, due to its distance from the scheme. Noise screening is most effective when dwellings are in close proximity to the noise barrier. At greater distances, the noise barrier becomes less effective resulting in diminishing beneficial impacts.

Appendix A – Alternative Protective Provisions for SPR

SCHEDULES

SCHEDULE []

PROTECTIVE PROVISIONS

PART []

FOR THE PROTECTION OF SCOTTISHPOWER RENEWABLES

Application

1. For the protection of ScottishPower Renewables and the Wind Farm, the following provisions have effect unless otherwise agreed in writing between the undertaker and ScottishPower Renewables.

Interpretation

2. In this Part of this Schedule—

“Design Vehicle” means the abnormal load vehicle, load and associated tracking as show on the ScottishPower Renewables Tracking Drawings;

“ScottishPower Renewables” means ScottishPower Renewables (UK) Limited (company registered in Northern Ireland under number NI028425) whose registered office is at The Soloist, 1 Lanyon Place, Belfast, Northern Ireland BT1 3LP;

“ScottishPower Renewables Tracking Drawings” means the drawings certified by the Secretary of State as the ScottishPower Renewables Tracking Drawings for the purposes of this Order;

“Wind Farm” means Carland Cross Wind Farm comprising ten wind turbine generators, a control building, cabling and associated plant and infrastructure;

Construction Programme

3.—(1) At least 56 days prior to the commencement of the authorised development the undertaker must consult with ScottishPower Renewables on a detailed construction programme and traffic management plan which must clearly set out the access arrangements for the Wind Farm in respect of all types of vehicles for all stages of construction of the authorised development.

(2) ScottishPower Renewables must notify the undertaker within 28 days of receipt of the documents referred to in sub-paragraph (1) where it considers that the construction programme and/or the traffic management plan have the potential to affect access to the Wind Farm and/or the commercial operation of the Wind Farm.

(3) If the undertaker does not receive notification from ScottishPower Renewables in accordance with sub-paragraph (2) then ScottishPower Renewables shall be deemed to be satisfied with the documents and the undertaker shall be at liberty to proceed with the authorised development.

(4) The undertaker must make reasonable attempts to agree a resolution to any concerns raised by ScottishPower Renewables in accordance with sub-paragraph (2) prior to commencing the relevant part of the authorised development.

Chiverton Junction

4.—(1) At least 28 days prior to the commencement of Work No. 3 the undertaker must provide to ScottishPower Renewables copies of detailed design information for that work demonstrating that the safe manoeuvre of the Design Vehicle can be accommodated travelling from the east and turning through the same junction to travel back east.

(2) If by the expiry of 28 days beginning with the date on which a plan or document under sub-paragraph (1) is submitted to it ScottishPower Renewables has not advised the undertaker in writing of any reasonable requirements for the alteration of the detailed design of that work in order to accommodate the safe manoeuvre of the Design Vehicle through the junction as described in sub-paragraph (1), it shall be deemed not to have any such requirements.

(3) Work No. 3 must be constructed in accordance with the detailed design information referred to in sub-paragraph (1) and any reasonable requirements specified by ScottishPower Renewables in accordance with sub-paragraph (2) that are necessary to ensure the safe manoeuvre of the Design Vehicle through the junction as described in sub-paragraph (1).

Chybucca Junction

5.—(1) At least 28 days prior to the commencement of Work No. 4 the undertaker must provide to ScottishPower Renewables copies of detailed design information and the detailed construction methodology for that work demonstrating—

- (a) that the safe manoeuvre of the Design Vehicle can be accommodated from the A30 eastbound through the Chybucca Junction to the existing A30;
- (b) that appropriate over-run areas will be provided; and
- (c) how access will be maintained to the Wind Farm throughout construction.

(2) If by the expiry of 28 days beginning with the date on which a plan or document under sub-paragraph (1) is submitted to it ScottishPower Renewables has not advised the undertaker in writing of any reasonable requirements for the alteration of the detailed design of that work or the detailed construction methodology for that work in order to accommodate the safe manoeuvre of the Design Vehicle through the junction, ensure that appropriate over-run areas are provided or to maintain access to the Wind Farm during construction, as described in sub-paragraph (1), it shall be deemed not to have any such requirements.

(3) Work No. 4 must be constructed in accordance with the detailed design information and the detailed construction methodology referred to in sub-paragraph (1) and any reasonable requirements specified by ScottishPower Renewables in accordance with sub-paragraph (2) that are necessary to accommodate the safe manoeuvre of the Design Vehicle through the junction, ensure that appropriate over-run areas are provided or to maintain access to the Wind Farm during construction, as described in sub-paragraph (1).

Carland Cross Junction

6.—(1) At least 28 days prior to the commencement of Work No. 5 the undertaker must provide to ScottishPower Renewables copies of detailed design information for that work demonstrating—

- (a) that the safe manoeuvre of the Design Vehicle can be accommodated from the re-aligned existing A30 eastbound into the Wind Farm;
- (b) that appropriate over-run areas will be provided which will have a minimum 0.5m buffer either side of the theoretical design vehicle swept path;
- (c) in respect of Work No. 5(g)—
 - (i) that a new site access gate and extensions with multi-lock system to match the existing site access gate will be provided;
 - (ii) that a minimum 5m running width on straight sections and wider on bends to accommodate the Design Vehicle has been accommodated;
 - (iii) that a minimum 0.5m verge width has been accommodated which will be increased to approximately 3m where it is required to include the realigned cables comprised within Work No. 5(m);
- (d) in respect of Work No. 5(m) that all realigned cables will be within the order limits; and
- (e) that drainage works required as a result of Work No. 5 will be provided.

(2) At least 28 days prior to the commencement of Work No. 5 the undertaker must provide to ScottishPower Renewables copies of the detailed construction methodology for that work demonstrating how access will be maintained to all parts of the Wind Farm throughout construction.

(3) If by the expiry of 28 days beginning with the date on which a plan or document under sub-paragraph (1) or (2) is submitted to it ScottishPower Renewables has not advised the undertaker in writing of any reasonable requirements for the alteration of the detailed design of that work or the detailed construction methodology for that work in order to achieve the measures referred to in sub-paragraphs (1) and (2) it shall be deemed not to have any such requirements.

(4) Work No. 5 must be constructed in accordance with the detailed design information and the detailed construction methodology and any reasonable requirements specified by ScottishPower Renewables in accordance with sub-paragraph (3) that are necessary to achieve the measures referred to in sub-paragraphs (1) and (2).

Access during construction

7.—(1) At all times during the construction of the authorised development the undertaker must provide and/or procure that ScottishPower Renewables and its employees, contractors sub-contractors, agents and assigns are able to obtain 24 hour unhindered access to all parts of the Wind Farm:

- (a) on foot, and with cars and light commercial vehicles; and
- (b) with heavy goods vehicles and abnormal loads provided ScottishPower Renewables gives 48 hours' prior written notice to the undertaker specifying the details of the access requirements.

(2) At all times during the construction of the authorised development the undertaker must provide and/or procure that its contractors provide unhindered 24 hour emergency vehicle access to and from all parts of the Wind Farm.

Over-run areas

8.—(1) Following construction of the over-run areas comprised within Work No. 4 and Work. No. 5, the undertaker will at its own cost and expense and insofar as it is the owner of and/or the highway authority for the areas in question—

- (a) keep the over-run areas clear of, without limitation, all rubbish, debris and vehicles, at all times;
- (b) undertake any clearance and/or maintenance required within reasonable timescales;
- (c) provide ScottishPower Renewables with copies of keys required to unlock any lockable bollards or similar that would prevent or hinder the use of the over-run areas; and
- (d) restrict access to those parts of the over-run areas where lockable bollards or similar are in place to the undertaker, the local highway authority and to ScottishPower Renewables only.

(2) In the event that the existing re-aligned A30 is adopted the undertaker will use reasonable endeavours to procure that the local highway authority complies with the obligations under paragraph (1).

Permanent rights

9.—(1) Prior to transferring any benefit of the Order to the local highway authority, the undertaker must (at the sole cost and expense of the undertaker) grant to ScottishPower Renewables permanent and uninterrupted rights in a form acceptable to ScottishPower Renewables —

- (a) to pass and re-pass on foot and with all vehicles over the over-run areas;
- (b) to pass and re-pass on foot and with all vehicles over any part of Work No. 5 not forming part of the public highway; and
- (c) to access, maintain and pass electricity through the re-aligned cables comprised within Work No. 5(m)

provided always that no consideration shall be payable by ScottishPower Renewables for or in relation to any such rights.

Expenses

10.—(1) The undertaker will pay to ScottishPower Renewables its proper and reasonable legal costs, professional fees and disbursements incurred in connection with reviewing detailed design information, construction information and any other information submitted to ScottishPower Renewables in respect of the authorised development.

Costs

11. —(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of the authorised development any damage is caused to the Wind Farm or other property of ScottishPower Renewables, or there is any interruption in the supply of electricity from the Wind Farm, the undertaker must—

- (a) bear and pay the cost reasonably incurred by ScottishPower Renewables in making good such damage or restoring the supply; and
- (b) make reasonable compensation to ScottishPower Renewables for any other expenses, loss, damages, penalty or costs incurred by ScottishPower Renewables,

by reason or in consequence of any such damage or interruption.

(2) The fact that any act or thing may have been done by ScottishPower Renewables on behalf of the undertaker or in accordance with a plan approved by ScottishPower Renewables or in accordance with any requirement of ScottishPower Renewables or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1).

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of ScottishPower Renewables, its officers, servants, contractors or agents.

Arbitration

12. Any difference arising between the undertaker and ScottishPower Renewables under this Part of this Schedule must be referred to and settled by arbitration under article 47 (arbitration).

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

