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To all Interested Parties, Statutory
Parties and Other Persons

Your Ref:

Our Ref: TR010026

Date: 22 July 2019

Dear Sir/ Madam

The Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rules 9, 17 and 8(3)

Application by Highways England for an Order Granting Development Consent for the A30 Chiverton to Carland Cross Scheme

Procedural Decisions, request for further information and change to the timetable

I am writing under Rules 9 and 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) to provide procedural decisions and request further information, as appropriate. This relates to the responses to the further information requested [PD-013] and other responses made at deadlines 6 and 7[REP6-021; REP6-023; REP6-024; REP6-027; REP6-028; REP7-012].

Procedural decisions regarding change requests

c. Bridleway VV realignment

The update in relation to this change request is noted.

d. Everything Everywhere (“EE”) Telecommunications Mast

It is understood that the requested amendments comprise:

- Removal of the existing mast and the construction of a new mast to the north east of the existing mast, with access from the existing A30, as shown on Sheet 4 of the General Arrangement and Section Plans (Document Reference 2.6(C)).
- The new location would not require any changes to the proposed compulsory acquisition (CA), as previously suggested.

The Examining Authority (ExA) is satisfied that the amendments do not require any new land beyond the Order limits; do not affect any new parties; and, having the

consent of all Affected Persons, are not subject to CA. The ExA is satisfied that there is no need for additional publicity and consultation on this matter and that acceptance of the non-material amendment into the Examination process at this stage allows anyone who wishes to make comment to do so.

f. Elevated viewing area and footpath to open space land

It is understood that the requested amendments comprise:

- An elevated viewing area (height of up to 1.2m) to the west of footpath UU as shown on Sheet 18 of Figure 7.6 Environmental Masterplans (Document Reference 7.6(B)).
- A new footpath PR16/WW, of 90m length to connect footpath UU to the southern section of the existing open space land, as shown in Sheet 8 of the Rights of Way and Access Plans (Document Reference 2.5(D)).

The ExA is satisfied that the amendments do not require any new land beyond the Order limits; do not affect any new parties; and, having the consent of all Affected Persons, are not subject to CA. The ExA is satisfied that there is no need for additional publicity and consultation on this matter and that acceptance of the non-material amendment into the Examination process at this stage allows anyone who wishes to make comment to do so.

The ExA therefore accepts the request for non-material amendments as set out above.

Request for further information

The Climate Change Act 2008 (2050 Target Amendment) Order 2019¹

Paragraph 5.16 of the National Policy Statement for National Networks refers to the legally binding framework to cut greenhouse gas emissions by at least 80% by 2050. The above Order commenced on 26 June 2019 and amended the net UK carbon account for the year 2050 to be at least 100% lower than the 1990 baseline.

Q4.0.1 to the Applicant In light of the above Order please confirm what changes may be required in relation to Environmental Statement Chapter 14, Climate Change [APP-067].

Compulsory Acquisition

In relation to the response to Q3.5.1 it is noted that the Applicant does not consider that there are clear reasons for departing from the original wording of Article 33(8). Having reviewed the matter, the ExA considers that the current drafting of the dDCO may, through the definition of "Order land", prevent the CA of new rights in land described as being for temporary possession in the Book of Reference ("BoR") and shown as such on the land plans in any event. The "Order Land" is defined as "the land shown on the land plans which is within the limits of land to be acquired or used permanently or temporarily and described in the BoR". The BoR describes the land as being for temporary possession and the Land Plans show this land as being for temporary possession; there is no indication that new rights will be created in this land. However, in light of the applicant's responses regarding the intention of the DCO

¹ SI 2019 N. 1056

to authorise CA of new rights in the land described as being for temporary possession, if the ExA does not recommend this CA, the ExA is minded to consider recommending the following in relation to Article 33 to remove any ambiguity about the extent of CA authorised by the DCO:

- 8) *The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not precluded from—*
- (a) acquiring new rights or imposing restrictive covenants over any part of that land under article 26 (compulsory acquisition of rights) to the extent that such land is listed in column (1) of Schedule 5 or*
 - (b) acquiring any part of the subsoil of or airspace over (or rights in the subsoil of or airspace over) that land under article 31 (acquisition of subsoil or airspace only).*

Q4.5.1 to the Applicant Please provide any further comments you may wish the ExA to take into account in relation to this matter.

Q4.5.2 – Directed to all persons with interests in the plots in Schedule 7

Please provide any further comments you may wish the ExA to take into account in relation to this matter.

a. ScottishPower Renewables

It is noted that Highways England (HE) question whether the relevant ScottishPower Renewables (SPR) company is a statutory undertaker and therefore entitled to the benefit of Protective Provisions.

Q4.5.3 to the Applicant Please indicate why you believe that the relevant SPR company may not be a statutory undertaker.

Q4.5.4 to the Applicant Please indicate the legal basis for your assertion that a private company may not be entitled to protective provisions.

Q4.5.5 – Directed to ScottishPower Renewables Please indicate your position in relation to whether or not you are a statutory undertaker.

Q4.5.6 – Directed to ScottishPower Renewables Please indicate the legal basis for protective provisions to apply if it is not accepted that you are a statutory undertaker in relation to this DCO application.

Q4.5.7 – Directed to ScottishPower Renewables Please provide any comments on the suggested wording of the protective provisions set out in Appendix A to 8.27 Comments on Interested Party Submissions at Deadline 6 [REP7-012].

Q4.5.8 – Directed to ScottishPower Renewables If considered to be a private company, please indicate whether it would be appropriate to benefit from the other protections proposed in the DCO, including the Requirements, any additional measures that are agreed with HE and any right to compensation in the same way as any other party that is affected by the Scheme.

e. Pennycomequick

It is understood that the requested amendments have been withdrawn and the application is to be considered as originally drafted.

Q.4.3.1 to the Applicant In making the original request for a non-material amendment, you appear to have accepted that the acquisition of rights, rather than outright CA, could be used in relation to this land. Please indicate why permanent acquisition is required in relation to this land.

A. Matters raised by Cornwall Council

It is noted that HE does not believe that the measures referred to are required to deliver the A30 Chiverton to Carland Cross scheme, nor to mitigate impacts of the scheme itself. In relinquishing the existing A30 HE is passing an asset to the local authority; this brings about a financial implication for the authority and the local community.

In relation to the route selection it is noted that one of the reasons for the proposed alignment parallel to the existing A30, using a minimum length of A30 in the new route, was to minimise conflict between the construction works and the existing traffic during construction and reduce disruption to existing statutory undertaker equipment. It is also understood that the use of the de-trunked A30 as a parallel emergency diversion route, in case of incidents on the proposed A30, is seen as an advantage to the scheme.

The National Policy Statement for National Networks ("the NPSNN") indicates that the Government expects applicants to improve access, wherever possible, on and around the national networks by designing and delivering schemes that take account of the accessibility requirements of all those who use, or are affected by, national networks infrastructure, including disabled users. It also sets out that applicants should consider reasonable opportunities to support other transport modes in developing infrastructure; Cornwall Council have identified the intention for increased use of the detrunked sections of the A30 by non-motorised users.

Q.4.11.1 to the Applicant Given the interrelationship between the existing and proposed routes, and the expectations set out in the NPSNN, please provide any further comments you may wish to be taken into account as to why the measures set out by Cornwall Council would not be seen as proportionate and reasonable mitigation.

B. Chybucca Junction

It is noted that an error in the data supplied to HE was discovered when compiling the response to the Connect Consultants Limited Report, submitted by Stephens Scown on behalf of Mr Sam Parker [REP5-036]. As a result, revisions to the diagrams in Annex A of the PCF Stage 3 Traffic Data Collection Report [REP5-030] have been submitted.

Q.4.11.2 to the Applicant Please indicate the degree of confidence which can be placed on the rest of the data from this source and, therefore, the subsequent calculations undertaken on the basis of this data source.

The further information should be provided no later than 11.59pm on Friday 26 July 2019. The amended Examination timetable is set out at Annex A.

Yours faithfully

Heidi Cruickshank

Examining Inspector



**Annex A: A30 Chiverton to Carland Cross Scheme
Amendment to Examination timetable**

Item	Matters	Due dates
24	<p>Deadline 8</p> <p>Deadline for the receipt of:</p> <ul style="list-style-type: none"> • Responses to further information requested by the ExA 	Friday 26 July 2019
25	<p>Deadline 9</p> <p>Deadline for the receipt of:</p> <ul style="list-style-type: none"> • Comments on responses to further information requested by the ExA 	Friday 2 August 2019
26	The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting	Tuesday 6 August 2019

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