



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

The Planning Act 2008

A30 Chiverton to Carland Cross

Examining Authority's Report
of Findings and Conclusions

and

Recommendation to the Secretary of State for
Transport

Examining Authority

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6 November 2019

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**Examining Authority’s Report of Findings and Conclusions and
Recommendation to the Secretary of State for Transport, dated 6
November 2019**

**Corrections agreed by the Examining Authority prior to a decision
being made**

Page No.	Paragraph	Error	Correction
9	1.5.18	“Unaccompanied Site Inspection”	“Unaccompanied Site Inspections”
14	2.1.1	“Security of State”	“Secretary of State”
29	3.6.2	“No significant affects”	“No significant effects”
37	4.3.10	“Herver Lane ²² ...Penstraze Lane ²³ ...outstanding ²⁴ ”	“Herver Lane ²² ...Penstraze Lane ²³ ...outstanding ²⁴ ”
40	4.6.2-4.6.3	Lack of space between 4.6.2 and 4.6.3	Insert space between paragraphs
48	4.9.17	Delete “[Error! Reference source not found.]”	Replace with “[7.9.2]”
54	4.10.31-4.10.32	Lack of space between 4.10.31 and 4.10.32	Insert space between paragraphs
70	4.14.2	“No designated assets ³² ”	“No designated assets ³² ”
79	4.16.10-4.16.11	Lack of space between 4.16.10 and 4.6.11	Insert space between paragraphs
80	4.16.19-4.16.20	Lack of space between 4.16.19 and 4.16.20	Insert space between paragraphs
104	7.4.7	“DCLG Guidance ³⁹ explains”	“DCLG Guidance ³⁹ explains”



OVERVIEW

File Ref: TR010026

The Application, dated 30 August 2018, was made under section 37 of the Planning Act 2008 and was received in full by The Planning Inspectorate on the same date.

The Applicant is Highways England.

The Application was accepted for Examination on 27 September 2018.

The Examination of the Application began on 6 February 2019 and was completed on 6 August 2019.

The Proposed Development comprises a 14 kilometre (8.7 mile) 70 mph dual carriageway, connecting to the existing A30 dual carriageway at either end. The proposal includes the replacement of Chiverton Cross roundabout with a new, 2 level motorway-style roundabout; a new 2 level partial junction at Chybucca, with west-facing slip roads connecting to the new dual carriageway; replacement of the existing roundabout at Carland Cross with a 2 level motorway-style junction; new bridges and accesses across the proposed road and the existing A30.

The proposed retention of the existing A30 includes the construction of further local roads to maintain connectivity. Associated development includes the realignment and/or provision of off-road routes for pedestrian, cycle and equestrian use, drainage works and the diversion of utilities.

Summary of Recommendation:

The Examining Authority recommends that the Secretary of State should make the Order as set out in Appendix E of this report.

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1. INTRODUCTION

1.1. STRUCTURE OF THIS REPORT

1.1.1. The structure of this report is as follows:

- a) **Chapter 1** introduces the reader to the application and the processes used to carry out the Examination and produce the Report.
- b) **Chapter 2** describes the site and its surrounds, the Proposed Development, its planning history and that of related projects.
- c) **Chapter 3** records the legal and policy context for the Secretary of State for Transport's (SoS) decision.
- d) **Chapter 4** sets out the planning issues that arose from the application and during the Examination.
- e) **Chapter 5** considers effects on European Sites and Habitats Regulations Assessment (HRA).
- f) **Chapter 6** sets out the balance of planning considerations arising from Chapters 4 and 5, in the light of the factual, legal and policy information in Chapters 1 to 3.
- g) **Chapter 7** sets out the ExA's examination of Compulsory Acquisition (CA) and Temporary Possession (TP) proposals.
- h) **Chapter 8** considers the implications of the matters arising from the preceding chapters for the DCO.
- i) **Chapter 9** summarises all relevant considerations and sets out the ExA's recommendation to the SoS.

1.1.2. This report is supported by the following Appendices:

- a) **Appendix A** – Examination Events.
- b) **Appendix B** – Examination Library.
- c) **Appendix C** – List of Abbreviations.
- d) **Appendix D** – Compulsory Acquisition Objections Schedule.
- e) **Appendix E** – the Recommended DCO

1.2. INTRODUCTION TO THE EXAMINATION

1.2.1. The application for the A30 Chiverton to Carland Cross (the Proposed Development) under file reference TR010026 was submitted by Highways England (HE" or "the Applicant"¹) to the Planning Inspectorate on 30 August 2018 under section (s)31 of the Planning Act 2008 (PA2008) [APP-001 – APP-383]² and accepted for Examination under s55 of PA2008 on 27 September 2018 [PD-001].

1.2.2. The Proposed Development comprises:

- a) Construction of a 14 kilometre (8.7 mile) 70 mph dual carriageway, connecting to the existing A30 dual carriageway at either end;

¹ Where referring to their role as "the Applicant" that abbreviation will be used but in other contexts the term "HE" will be used as appropriate

² References to documents in the Examination Library for this Report are enclosed in square brackets []. The Examination Library is published online and can be found in Appendix B, with links to the published documents.

- b) Replacement of Chiverton Cross roundabout with a new, 2 level motorway-style roundabout;
- c) A new 2 level partial junction at Chybucca, with west-facing slip roads connecting to the new dual carriageway;
- d) Replacement of the existing roundabout at Carland Cross with a 2 level motorway-style junction;
- e) New bridges and accesses across the proposed road and the existing A30;
- f) Retention of the existing A30, which includes the construction of further local roads to maintain connectivity;
- g) Realignment and/or provision of off-road routes for pedestrian, cycle and equestrian use;
- h) Drainage works; and,
- i) Diversion of utilities.

- 1.2.3. The Guide to the Application – 1.1(H) [AS-040] provides the detail of the documents relevant to the application at the close of the Examination.
- 1.2.4. The Application Form [APP-003] describes the application as a Nationally Significant Infrastructure Project (NSIP) within sections 14(1)(h) and 22(1)(a) of PA2008. The Proposed Development is indicated to be the 'construction' of highway within the meaning of section(s) 22(1)(a), meeting the requirements of this definition under section 22(2) of PA2008.
- 1.2.5. The location of the Proposed Development is shown in the Location Plan [APP-012]. The site lies in the county of Cornwall, located wholly within England.
- 1.2.6. The legislative tests for whether the Proposed Development is a NSIP were considered by the Secretary of State for the Ministry of Housing, Communities and Local Government (SoSMHCLG)³ in their decision to accept the application for Examination in accordance with s55 of PA2008 [PD-001] [PD-002].
- 1.2.7. Taking account of the above matters the Planning Inspectorate, under delegation from the SoS, agreed that the Proposed Development is an NSIP for the following reasons:
- a) the highway (when constructed) would be wholly within England (ss 22(2)(a) of PA2008);
 - b) it would be undertaken by HE, a strategic highways company, as the highway authority for the highway (ss 22(2)(b) of PA2008);
 - c) it would be on land extending to approximately 221.7ha (over 12.5ha, ss 22(2)(c) and 22(4) of PA2008); and,
 - d) nothing has arisen through the Examination to change that view.
- 1.2.8. As a result, the Proposed Development meets the definition of an NSIP

³Ministry of Housing, Communities and Local Government (MHCLG) replaced the Department of Communities and Local Government (DCLG) in January 2018. Documents published prior to this change are referred to as having been made or published by DCLG.

set out in ss14(1)(h) and 22(1)(a) of PA2008. Development consent would be required under s31 of PA2008.

1.3. APPOINTMENT OF THE EXAMINING AUTHORITY

1.3.1. On 2 November 2018, Heidi Cruickshank was appointed as the Examining Authority (ExA) for the application under s78 and 79 of PA2008 [PD-004].

1.4. THE PERSONS INVOLVED IN THE EXAMINATION

1.4.1. The persons involved in the Examination were:

- a) Persons who were entitled to be Interested Parties (IP) because they had made a Relevant Representation (RR) or were a Statutory Party (SP) who requested to become an IP.
- b) Affected Persons (AP) who were affected by a CA and/or TP proposal made as part of the application and objected to it at any stage in the Examination.

1.5. THE EXAMINATION AND PROCEDURAL DECISIONS

1.5.1. The Examination began on 6 February 2019 and concluded on 6 August 2019.

1.5.2. The main Examination events are summarised below. Appendix A, Examination Events provides information about the Examination timescales, dates and events.

Preliminary Meeting

1.5.3. On 9 January 2019, the ExA wrote to all IPs and SPs under Rule 6 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) (the Rule 6 Letter) [PD-005], inviting them to the Preliminary Meeting (PM) and an early Issue Specific Hearing (ISH) into the draft Development Consent Order (dDCO), outlining:

- a) the arrangements and agenda for the PM;
- b) notification of ISH1 into the dDCO to be held in the early stage of the Examination;
- c) the agenda for ISH1;
- d) the Initial Assessment of the Principal Issues (IAPI);
- e) the draft Examination Timetable;
- f) availability of RRs and application documents; and
- g) preliminary Procedural Decisions.

1.5.4. The preliminary Procedural Decisions set out in the Rule 6 Letter (Annex E) [PD-005] related to the Examination procedure. They were set out at an early stage so that, subject to discussion at the PM, it was possible to commence certain Examination procedures (including an early hearing, early submission of Written Representations (WRs), comments on WRs and on RRs) earlier within the Examination than may otherwise have been possible. There were no objections to these decisions.

1.5.5. The PM took place on 6 February 2019 at the Alverton Hotel, Truro. An audio recording [EV-001] and note of the meeting [EV-002] were

published on the National Infrastructure Planning website project page⁴.

- 1.5.6. The Procedural Decisions and the Examination Timetable took full account of matters raised at the PM. These were communicated in the Rule 8 Letter [PD-006], dated 13 February 2019. The Rule 8 Letter largely confirmed the initial Procedural Decisions. Following discussion at the PM regarding publication dates for required notices minor alterations were made to the originally proposed Examination Timetable. The Procedural Decisions, including the Examination Timetable, were generally complied with by the Applicant, relevant IPs and Other Persons.

Written Processes

- 1.5.7. Examination under PA2008 is primarily a written process, in which the ExA has regard to written material forming the application and arising from the Examination. The documents are recorded in the Examination Library (Appendix B) and published online. For this reason, this Report does not contain extensive summaries of documents and representations, although full regard has been had to them in reasoning and conclusions.

Relevant Representations

- 1.5.8. One hundred and seventeen RRs were received by the Planning Inspectorate [RR-001 to RR-117]⁵. The issues that they raise are identified and considered throughout this Report.

Written Representations

- 1.5.9. The Applicant and IPs were provided with opportunities to make Written Representations (WRs); comment on WRs made by the Applicant and other IPs; make written submission of oral cases made by the Applicant and other IPs at hearings; submit Statements of Common Ground (SoCG); and comment on other documents as set out in the Events Timetable attached at Appendix A.

Written Questions

- 1.5.10. The ExA asked two rounds of Written Questions. The first was issued on 13 February 2019 [PD-007], with some of the questions relating to the dDCO dealt with as part of the first ISH⁶. Further Written Questions were issued on 21 May 2019 [PD-011].
- 1.5.11. Requests for further information under Rule 17 of The PA2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) were made on 8 March 2019 [PD-009], 1 July 2019 [PD-013] and 22 July 2019 [PD-014].

⁴ <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a30-chiverton-to-carland-cross-Proposed-Development/>

⁵ RRs are available in the Examination Library (Appendix B).

⁶ Questions 1.5.1 – 1.5.36

Local Impact Report

- 1.5.12. A Local Impact Report (LIR) is a report made by a relevant local authority giving details of the likely impact of the Proposed Development on the authority's area (or any part of that area) that has been invited and submitted to the ExA under s60 of PA2008.
- 1.5.13. One LIR was received from Cornwall Council (CC) [REP1-010] and this has been taken into account in all relevant parts of this Report. A description of its content and role in decision-making can be found in Chapter 4 of this Report.

Statements of Common Ground

- 1.5.14. By the end of the Examination, the following bodies had concluded SoCGs⁷ with the Applicant:

- Cornwall Council [REP7-011];
- Environment Agency (EA) [REP2-019];
- Historic Buildings and Monuments Commission for England (generally known as Historic England) (HMBCE) [AS-043];
- National Farmers Union (NFU) [REP6-020];
- Natural England (NE) [REP2-018];
- St Allen Parish Council (SAPC) [REP5-016]; and
- Truro Cycling Campaign (TCC) [REP3-017].

The SoCGs are signed by both parties and, where appropriate, replace earlier submitted drafts.

- 1.5.15. A draft SoCG between the Applicant and Nancarrow Farm⁸ was submitted at D3. However, agreement could not be reached such that the SoCG could be finalised, even to sign off agreement as to the matters outstanding. Agreement on some points was reached with Steve and Lucy Chamberlain [RR-109], such that their objections to matters relating to construction works appear to have been resolved just prior to the close of the Examination [AS-047 and AS-048].
- 1.5.16. The signed SoCGs have been taken into consideration as appropriate within the Report.

Site Inspections

- 1.5.17. Site Inspections are made as part of the Examination process. This assists the ExA in understanding the Proposed Development within its site and surroundings.
- 1.5.18. Two Unaccompanied Site Inspection (USI) were made:
- a) USI1 was made over 4 and 5 February 2019 by car on public roads and on foot in relation to certain public rights of way. The route was planned having regard to issues raised in relevant representations,

⁷ Where relevant these include matters outstanding between the parties

⁸ A number of parties have interests in Nancarrow Farm and, unless specified, references to 'Nancarrow Farm' in this report relate to matters raised by one or more of those parties. The Relevant Representations are RR-003, RR-037, RR-057, RR-090, RR-104 and RR-109.

enabling the ExA to obtain views of the Proposed Development in relation to various settlements, properties, roads, lanes and other features of interest [EV-017]; and

b) USI2, was held on 1 April 2019 to view scheduled monuments and their surrounding landscape at the request of HMBCE [EV-022].

1.5.19. Following requests to do so, two Accompanied Site Inspections (ASI) were held:

a) ASI1 was held on 1 April 2019 to enable the ExA to view private land at Nancarrow Farm and view Marazanvose.

b) AS2 was held 2 April 2019 and enabled the ExA to view a number of sites, as requested and set out in the Detailed Itinerary [EV-018].

1.5.20. The ExA has had regard to the information and impressions obtained during site inspections in all relevant sections of this Report.

Hearings

1.5.21. Hearings are held in Examinations in two main circumstances:

a) To respond to specific requests from persons who have a right to be heard - in summary terms:

- where APs affected by CA and / or TP proposals request to be heard at a CA Hearing (CAH) (s92 of PA2008); and / or
- where IPs request to be heard at an Open Floor Hearing (OFH) (s93 of PA2008).

b) To address matters where the ExA considers that a hearing is necessary to inquire into matters under examination, typically because they are complex, there is an element of contention or disagreement, or the Application of relevant law or policy is not clear, generally at ISHs (s91 of PA2008).

1.5.22. The ExA held a CAH, an OFH and a number of ISHs to ensure the thorough examination of the issues raised by the application (as set out in the IAPI), RRs, WRs, comments on these and in all subsequent representations.

1.5.23. The majority of meetings and hearings were undertaken at venues in Truro, which is the main city lying to the south of the Proposed Development. Due to venue availability ISH4 was held in Newquay, which is a main town lying to the north of the Proposed Development.

1.5.24. ISHs were held on the dDCO as follows:

a) ISH1, 6 February 2019. The Agenda is at Annex G to the Rule 6 Letter [PD-005] with audio recordings at [EV-003] and [EV-004]; and,

b) ISH2, 3 April 2019. The Agenda is at [EV-005a] with audio recordings at [EV-006] and [EV-007] and Hearings Action Points at [EV-008].

- 1.5.25. ISHs were held on other individual matters as follows:
- a) ISH3, 4 April 2019 on walking, cycling, horse riding. The Agenda is at [EV-011a] with audio recordings at [EV-012], [EV-013] and [EV-014] and Hearings Action Points at [EV-015]; and
 - b) ISH4, 12 June 2019 with regard to Chybucca junction. The Agenda is at [EV-016] with audio recordings at [EV-020 and EV-021] and Hearings Action Points at [EV-019].
- 1.5.26. Requests were received from Nancarrow Farm for an ISH with regard to the route choice in the Marazanvose area. Given the mention of a wish, in the alternative, to attend a CAH I considered that this should be treated as a CAH request. As a result, it would be fair to say that I allowed the CAH to follow a much wider agenda than would generally be expected. Following the CAH there were further requests for an ISH on this matter. However, I am satisfied that every opportunity has been given for appropriate evidence on this matter and that the information received at the hearings, at which these matters were raised; the USI and ASI in this area; and, in written evidence was sufficient for me to report the matter to the Secretary of State without a further ISH.
- 1.5.27. The CAH was held on 3 April 2019. The Agenda is at [EV-008a] with audio recordings at [EV-009] and [EV-010] and Hearings Action Points at [EV-011]. All APs were provided an opportunity to be heard, but there were no other requests to be heard on this matter.
- 1.5.28. An OFH was held at the Old Bakery Studios, Truro, on the evening of 2 April 2019. The Agenda is at [EV-004a] with and audio recording at [EV-005]. All IPs and APs were provided with an opportunity to be heard on any relevant subject matter that they wished to raise.
- 1.5.29. The Examination Timetable had reserved time for an ISH into the dDCO on 11 June 2019. The ExA was satisfied that remaining matters could be dealt with through the written processes and so this ISH, and that reserved for Thursday 13 June 2019, were dispensed with.

Report on the Implications for European Sites

- 1.5.30. The Report on the Implications for European Sites (RIES) [PD-012] was published on 21 May 2019.

Requests to Join and Leave the Examination

- 1.5.31. Arqiva Ltd [RR-087] withdrew their representation, being satisfied that the matters raised had been addressed through the provision of mitigation measures [REP1-007].
- 1.5.32. Laurel and Colin Cave were not IPs and requested that the ExA should enable them to join the Examination. On the basis of the information provided with the request I considered that they fell within one or more of the categories set out in s102B. Status was therefore granted under s102 [PD-012a] providing the opportunity for them to participate in the Examination.

1.6. ENVIRONMENTAL IMPACT ASSESSMENT

- 1.6.1. The Applicant submitted a Scoping Report to the SoS on 10 August 2017 [APP-311]. On 20 September 2017, the Planning Inspectorate provided a Scoping Opinion [APP-311]. The Proposed Development would be development for which an Environmental Impact Assessment (EIA) is required (EIA development).
- 1.6.2. The application was made by reference to The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 2017 EIA Regulations). The application was accompanied by an Environmental Statement (ES). The ES, as submitted with the Application, comprises a Non-technical summary [APP-052], ES Chapters 0 - 19 [APP-053 – APP-072] and separate Figures and Appendices [APP-073 – APP-383]. Some of the Figures and Appendices were updated throughout the course of the examination as set out in the covering letters [REP2-001, REP3-001, REP4-001, REP5-001, REP6-001, REP7-001, AS-004 and AS-039] and an Addendum was submitted under the covering letter of 1 May 2019 [REP4-006].
- 1.6.3. On 12 November 2018 the Applicant provided the Planning Inspectorate with certificates confirming compliance with the s56 and s59 of PA2008 and Regulations 11 and 16 of the 2017 EIA Regulations.
- 1.6.4. Consideration is given to the adequacy of the ES and matters arising from it in Chapter 4 of this Report.

1.7. HABITATS REGULATIONS ASSESSMENT

- 1.7.1. The Proposed Development is development for which a Habitats Regulations Assessment (HRA) Report, entitled Statement to Inform an Appropriate Assessment (AA) has been provided [APP-033].
- 1.7.2. Consideration is given to the adequacy of the HRA Report, associated information and evidence and the matters arising from it in Chapter 5 of this Report.

1.8. UNDERTAKINGS, OBLIGATIONS AND AGREEMENTS

- 1.8.1. By the end of the Examination, the following bodies had entered into formal undertakings, obligations and/or agreements with the Applicant.
- a) The SoCG with NE [REP2-018] includes a Letter of No Impediment (LONI) in relation to the Applicant's draft bat mitigation licence application. This indicates that NE is content that the draft licence application is of the required standard and is designed to provide the Secretary of State with confidence that NE, as the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals, with stated amendments.
 - b) The SoCG with NE [REP2-018] also includes a LONI in relation to the Applicant's draft badger licence application. This indicates that NE is content that the draft licence application is of the required standard and is designed to provide the SoS with confidence that NE, as the competent licensing authority sees no impediment to issuing a

licence in future, based on information assessed to date in respect of these proposals, with stated amendments.

1.9. OTHER CONSENTS

1.9.1. The Details of Other Consents and Licences [APP-046] and the identified the following consents that the Proposed Development must obtain:

- a) Noise - consent(s) from CC pursuant to section 61 of the Control of Pollution Act 1974;
- b) Water - consent(s) from CC (the Lead Local Flood Authority) to alter ordinary watercourses pursuant to section 23 of the Land Drainage Act 1991; and,
- c) Permit(s) from the EA to discharge to surface/ground waters pursuant to the Environmental Permitting (England and Wales) (Amendment) Regulations 2018; and,
- d) Waste - permit(s) from the EA for waste operations pursuant to the Environmental Permitting (England and Wales) (Amendment) Regulations 2018.

1.9.2. These matters are set out in the Construction Environmental Management Plan (CEMP), ensuring that the consents and permits must be acquired. The SoCG with CC [REP7-011] indicates agreement on the way forward, particularly to avoid adverse noise and vibration effects in relation to night-time works. Given the oversight by the appropriate bodies in relation to the delivery, through the CEMP, of avoidance measures I am satisfied that there are no apparent impediments to the implementation of the Proposed Development.

2. THE PROPOSAL AND THE SITE

2.1. THE APPLICATION AS MADE

2.1.1. The Applicant submitted an application under section (s)37 of PA2008 for a Development Consent Order (DCO) for the proposed A30 Chiverton to Carland Cross Proposed Development under the application letter of 30 August 2018 [APP-002]. The Application comprised of the documents [APP-001 – APP-383]. The Applicant is appointed and licensed by the Security of State (SoS) as the strategic highways company for England. It is responsible for operating, maintaining and improving the strategic road network (SRN) in England on behalf of the SoS. The network is made up of England's motorways and all-purpose trunk roads (the major "A" roads). The A30 is part of the trunk road network for which the Applicant is responsible.

2.1.2. Chapter 2 of the ES [APP-055] provides a full description of the Proposed Development, whilst Chapter 1 [APP-054] sets out the main features, as follows:

- The construction of a new A30 rural all-purpose dual carriageway approximately 14km (8.7 miles) in length, to current trunk road design standards and predominantly off-line from the existing single carriageway route;
- The re-alignment of the existing A30 at Chiverton, Chybucca, Zelah and Carland Cross to maintain as a parallel local route;
- The construction of a new grade separated all-movement gyratory junction at Chiverton, with realigned connections to the B3277, A3075, A390 and the existing A30 side roads and the removal of the existing Chiverton Roundabout;
- The construction of a new Walking, Cycling and Horse Riding (WCH) underpass just west of the new Chiverton junction, providing grade separated WCH access between the side roads and across the new A30;
- The construction of a new grade separated restricted movement dumbbell junction at Chybucca, with west facing slips only and connections to the existing A30 and the B3284 side roads;
- The construction of a new side road underbridge at Tresawsen providing grade separated access across the new A30;
- The stopping up of the Killivose side road at Marazanvose;
- The construction of a Green overbridge crossing for ecology at Marazanvose, with an associated WCH route linking between the adjacent side roads⁹;
- The construction of a reinforced slope at the existing Western Power Distribution (South West)¹⁰ Public Limited Company (WPD) overhead pylon east of Marazanvose;
- The retention of and improvement of the existing Two Barrows underbridge, with the new staggered junction for the Shortlanesend Road with the realigned existing A30, retaining grade separated access across the new A30;

⁹ Additional agricultural access is now proposed for Nancarrow Farm

¹⁰ WPD requested a change to the name to include 'South West' in the DCO prior to deadline 7 [REP7-001]

- Demolition of the existing bridge at Tolgroggan Farm and the construction of a new accommodation overbridge over the new and realigned A30;
- The construction of a new WCH underpass at Church Lane, with grade separated WCH access across the new A30 and retained access to Zelah;
- The construction of a new side road underbridge at Trevalso Lane, providing grade separated access across the new and existing A30 and linking with the realigned Henver Lane;
- The construction of a new side road underbridge at Pennycomequick;
- The stopping up and realignment of the Ennis Lane side road;
- The construction of a reinforced slope at the existing historic Round Barrow near to Ennis Farm;
- The construction of a new WCH underpass at Newlyn Downs, with grade separated WCH access across the new A30 between the A39 and the realigned existing A30;
- The construction of a new grade separated all-movement dumbbell junction at Carland Cross, with connection to the A39 side road and replacing the existing Carland Cross Roundabout;
- The diversion of a gas high pressure pipeline, water mains, power cables and telecommunications cables and mast, as well as the removal of sections of an abandoned oil pipeline;
- The construction of a number of new private laneways along the Proposed Development, providing new and retained access from the existing side road network;
- The construction of 9 new public lay-bys along the Proposed Development, a rest area on the realigned B3277 and a number of maintenance lay-bys and emergency access points;
- The construction of 20 new drainage attenuation ponds for the new A30 and realigned side roads; and
- The construction of 5 major drainage culverts and 14 multi-species culverts under the new A30 and side roads.

The ES Non-technical summary [APP-052] includes an illustration of the main features of the Proposed Development.

2.2. THE PROPOSED DEVELOPMENT SITE AND SETTING

Location

- 2.2.1. The A30 is part of a main route from London to Land's End, continuing as the A303 east of Honiton and the M3 motorway east of Andover. It is particularly important as one of two trunk roads connecting Devon and Cornwall past numerous other settlements including Exeter, Okehampton, Launceston, Bodmin, Redruth and Penzance.
- 2.2.2. The A30 Chiverton to Carland Cross section lies wholly within the county of Cornwall and is situated to the north west of the cathedral city of Truro. It provides access to the wider SRN, such as the M5 motorway. The SRN provides access to other transport networks such as Cornwall Airport Newquay, Exeter and Bristol Airports and stations on the Penzance to London Paddington, Glasgow and Dundee and Plymouth to Manchester railway lines.

2.2.3. A Location Plan showing the Proposed Development and its surroundings is provided in Volume 2, Document Reference 2.1 [APP-012]. Figure 1.1 [APP-073] shows the relationship of the proposal to the main features in the local area, the areas of Three Burrows, which is the location of the existing Chiverton roundabout, Chybucca, Marazanvose, Zelah and Carland Cross. The A39, B3284 through Shortlanesend and A390 provide the main links into Truro to the south; the A3075 links to Newquay to the north; the B3227 to St Agnes to the west; and, the B3284 and B3285 to Perranporth to the north-west.

2.2.4. The existing A30 trunk road between the M5 motorway at Exeter and Penzance is predominantly dual carriageway. The Proposed Development relates to the section of A30 single carriageway which links Carland Cross to the north-east to Chiverton Cross junction at the south-west. Following improvement of a former stretch of single carriageway between Temple and Higher Carblake to dual two lane rural all-purpose road (D2AP) standard, which opened to traffic in summer 2017, this is the only remaining section of single carriageway on the trunk road between Penzance¹¹ and Exeter.

The Setting of the Proposed Development

2.2.5. Lying within the administrative boundary of CC the land adjacent to the Order limits comprises predominantly rural land in agricultural use. There is occasional former mining land, and associated historical land uses, towards the eastern end of the Proposed Development near Newlyn Downs and Carland Cross.

2.2.6. In addition to the roads identified in paragraph 2.2.3, 10 minor roads connect to the A30 at junctions between Chiverton and Carland Cross. These serve communities each side of the A30 and link into the local road network (LRN), providing access to villages and towns to the north and south. These are predominantly single lane width carriageways with high-sided hedges. There are also numerous individual properties served by direct access to the A30.

2.2.7. Notable structures on the existing A30, which were constructed in the early 1990s as part of the A30 Zelah Bypass Scheme, are:

- The Tolgroggan overbridge, which carries an agricultural access road and public bridleway (BR) over the existing A30 trunk road to the south of Zelah village at Tolgroggan Farm. The structure spans a total of 42.5 metres above the rock cutting.
- The Twobarrows underbridge carries the A30 over the Zelah to Shortlanesend road to the south of Zelah village. The bridge has a clear span of 9.43 metres.
- Two existing culverts below the existing A30 carrying local watercourses to the east of Zelah village.

¹¹ A short section of A30 remains single carriageway from roundabout east of Penzance

- 2.2.8. In addition to the road network there are a number of public rights of way (PROW) used by non-motorised users (NMUs), that include WCH. The PROW meet, cross or run near to the Proposed Development, providing additional access for local users and area identified in the Rights of Way and Access Plans [AS-023 – AS-030]. At the eastern end of the Proposed Development pedestrian access is available under the Countryside and Rights of Way Act 2000 (CROW) see ES, Document Ref 6.3 Figure 7.2, Sheet 2 of 2 [APP-174].
- 2.2.9. The character of Cornwall was appraised in the Cornwall and Isles of Scilly Landscape Character Study (CISLCS) (2007) which identified 40 landscape Character Areas (LCA). The Proposed Development is sited within two LCA's, LCA 11 Redruth, Camborne and Gwennap and LCA 14, Newlyn Downs.
- 2.2.10. The key relevant characteristics of LCA 11 were identified as pastoral landscape of improved and rough grazing with extensive areas of rough land; valleys which are shallow and narrow, containing small streams; and a well populated landscape containing Cornwall's largest built-up area. Evidence of historic industrial mining activities is common, particularly in Area 6 of the Cornwall and West Devon World Heritage Site (WHS) Gwennap Mining District, which lies immediately south west of the existing Chiverton Cross roundabout. Approximately 3.5km to the north-west of the Proposed Development is Area 7 of the WHS, the 'St Agnes Mining District'¹². The WHS includes heritage assets which are also protected under other designations, for example, Listed Buildings (LB) and (SM).
- 2.2.11. For LCA 14 Newlyn Downs, to the east, the key relevant characteristics, as defined by the CISLCS are open, gently undulating plateau with shallow valleys, incised with minor river valleys, which in the north reach the coast; medium to large-scale pasture or arable fields with low Cornish hedges and hedgerows; a significant area of Lowland Heathland at Newlyn Downs and along the coast between Perranporth and St Agnes; prominent barrows on higher ground, numerous late prehistoric defended / enclosed farmsteads (rounds) and mining remains in the west; the existing A30 is situated along the higher ground with associated roadside settlements.
- 2.2.12. The area is relatively dispersed from a residential perspective, with the village of Zelah and hamlet of Marazanvose the main concentrations of residential properties. There are a number of scattered farmsteads, some of which provide tourist related businesses and commercial/office facilities. Some commercial farm businesses would be directly and/or indirectly affected by the Proposed Development, for example, Nancarrow, situated just to the south of the existing A30 at Marazanvose and running a farm business and wedding venue.
- 2.2.13. A notable feature of the landscape in the immediate area, are the renewable energy developments. There are several wind farms, individual wind turbines and large scale solar farms, which can be

¹² For locations, see Figure 12-6 of Volume 6, Document Ref 6.4 ES Appendix 12.6 [APP-367]

identified on the larger scale Ordnance Survey (OS) mapping bases used throughout the application documents. The larger windfarm and solar farm locations are easily identifiable on the aerial photographs [APP-074 – APP-077]. Of particular note is the ScottishPower Renewables (UK) Limited (SPR) Carland Cross Windfarm situated to the north of the Proposed Development as shown in Figure 1 of the attachment to their relevant representation [RR-092].

- 2.2.14. There are several areas with environmental designations located adjacent to or within the vicinity of the proposed DCO limits. The main designations are:
- The Newlyn Downs Special Area of Conservation (SAC) coinciding with the Newlyn Downs Site of Special Scientific Interest (SSSI) northwest of Carland Cross;
 - The Carrick Heaths SSSI relate to a group of SSSIs located to the north and south of the A30 around Callestick and Nanteague Farm and to the south of Chiverton Cross and south east of Carland Cross;
 - The Ventongimps Moor SSSI north of Callestick;
 - The Callestick Vean, Polvenna Wood and Silverwell Moor County Wildlife Trust (CWT) sites located to the north of the A30;
 - Trenerry Wood and Allet Bog CWT sites located south of the A30;
 - Carland Moor CWT site located to the south east of Carland Cross;
 - Tree Preservation Order (TPO) area immediately south of the existing A30, west of Garvinack Solar Farm.
- 2.2.15. The St Agnes section of the Cornwall Area of Outstanding Natural Beauty (AONB) lies approximately 5km from the boundary of the Order limits. The St Clements Area of Great Landscape Value (AGLV) is situated within 1 – 2 km of the boundary. The landscape designations are identified in the ES, Document Ref 6.3, Figure 7.2 [APP-173 & APP-174].
- 2.2.16. There are a number of designated¹³ and non-designated¹⁴ heritage assets in the vicinity of the Proposed Development. HMBCE commented with regard to certain of these assets [REP1-013 & REP1-014] including the Carland Cross barrow cemetery (SM102075), including Warrens Barrow (SM1016888; NHLE 1016888); the Four Burrows SM (SM 29602; NHLE 1016064); two individually listed Grade II Milestones (NHLE 1140923) and (NHLE 1394843); and the Grade II LB the Church of St Peter at Chiverton (NHLE no. 1141481), among other assets.

Electricity and other utility infrastructure

- 2.2.17. ES Chapter 2: The Project [APP-055] indicates that the Proposed Development affects a number of Statutory Utilities that run longitudinally along or transversely across the existing A30 and the associated LRN. This includes:

¹³ Locations are indicated in Figures 1 and 2 of the Historic Environment Desk Based Assessment [APP-321]

¹⁴ Locations are indicated in Figures 3 and 4 of the Historic Environment Desk Based Assessment [APP-321]

- a major high-pressure gas main
- two renewable energy windfarms at Chybucca and Carland Cross
- strategic transatlantic and local telecommunications
- water mains and
- high, medium and low voltage power.

2.2.18. The intention would be for existing services crossing the Proposed Development to either be diverted under or over the new route or realigned to avoid the need to cross it. Existing services running along the existing A30 or side roads, that would be affected where the new route would follow the same line as the existing, would be diverted into the realigned existing A30 or side roads to facilitate easier, safer and less disruptive ongoing future maintenance.

2.2.19. New power and telecommunications services would be required to serve the new technology and lighting provisions on the Proposed Development, including the CCTV camera stations, weather station, emergency telephones and WCH crossing lighting.

2.2.20. The Table of Position in Relation to Statutory Undertakers [REP5-017] indicated agreement had been reached on a number of matters with a number of parties. For many it was indicated that all technical matters had been agreed with utility diversions incorporated into Proposed Development design and costs. Outstanding matters are referred to in relation to CA, section 7.

The Existing Highway Land and Additional Land Requirement

2.2.21. The site of the Proposed Development would consist of highway land occupied by the existing A30 and connecting roads and PROW. The Proposed Development partially follows the existing A30 with additional land required for the off-line sections and new and improved junctions. The proposed changes are best seen in the Location Plan [APP-012], Proposed Development Layout Plan within the Non-technical summary [APP-052]¹⁵ and in more detail in the Land Plans [REP6-003].

2.2.22. By reference to the main features of the Proposed Development only, from the south-west the existing Chiverton roundabout would be removed with the carriageway at this point graded into the dual carriageway section of the A30 to the south-west. Chiverton underpass would provide a WCH link between the A390 and B3277. To the north-east of this a new grade separated all-movement gyratory junction would provide connections to the local major side road network, the A390, A3075, B3277 and the mainline A30.

2.2.23. The current staggered junction of the B3284 with the A30, referred to as Chybucca junction, would be replaced by a grade separated restricted movement dumbbell junction with west facing slip roads only. This would be situated to the north-east of the existing junction.

¹⁵ Note that there are proposed alterations to the use of the Marazanvose Green Bridge

- 2.2.24. Continuing north-east a new underbridge would provide local connectivity on the Tresawsen – Allet Road. The Marazanvose Green (over) Bridge would provide multi-species and WCH access, as well as private farm access in connection with Nancarrow Farm. The Two Barrows (under) Bridge would continue to maintain local connectivity for all users. Tolgroggan Bridge would continue as a WCH and private farm access.
- 2.2.25. Church Lane underpass would provide a new WCH and multi-species crossing to the north-east of Zelah, whilst Trevalso Underbridge would maintain wider local connectivity a short distance further along the route.
- 2.2.26. An underpass at Pennycomequick Lane would maintain wider local connectivity whilst the Newlyn Downs Underpass would be a new WCH and multi-species crossing.
- 2.2.27. At the north-eastern end of the proposal a new grade separated all-movement gyratory junction at Carland Cross would incorporate the existing roundabout and provide connections to the A39, local services and the mainline A30.
- 2.2.28. The alignment of the mainline A30 between Chiverton Cross roundabout and Chybucca junction would be to the north-west of the existing A30. The mainline A30 from Chybucca junction to Carland Cross would lie to the south-east of the existing A30, with the exception of a section at Tolgroggan Bridge which would make use of the existing road. The unused sections of the existing A30 would be de-trunked for use as part of the LRN.
- 2.2.29. Additional land would be required to provide for the provision of the new junctions and bridges, as well as enhancement and development of existing. Additional land would be required for drainage, including attenuation ponds.

2.3. THE APPLICATION AS EXAMINED

- 2.3.1. Changes to application documents, including the wording of the draft Development Consent Order dDCO, were submitted between Acceptance and the start of the Examination (Pre-examination) and during the Examination. The changes sought to address points raised in advice pursuant to s51 of PA2008 after Acceptance, in RRs, WRs and other submissions by IPs, to reflect improved information and changes arising during the Examination.

Changes before the Preliminary Meeting

- 2.3.2. Advice was issued by the Planning Inspectorate pursuant to s51 of PA2008 [PD-003] after Acceptance on 27 September 2018 [PD-001]. On 7 January 2019 the Applicant indicated how it had responded to those matters [AS-004]. Updated documents were submitted prior to commencement of the Examination:

- dDCO (Document Reference 3.1(B)) [AS-031]

- Book of Reference (BoR) (Document Reference 4.3(A)) [AS-034 – AS-035]
- Statement of Reasons (Document Reference 4.2(A)) [AS-032 – AS-033]
- Land Plans (Document Reference 2.2(A)) [AS-005 – AS-012]
- Special Category Land Plan (Document Reference 2.3(A)) [AS-013]
- Works Plans (Document Reference 2.4(A)) [AS-014 – AS-021]
- Rights of Way and Access Plans (Document Reference 2.5(A)) [AS-022 – AS-030]

2.3.3. The submission and acceptance of these revised/amended documents was referred to in the letter notifying parties of the PM [PD-005]. This ensured that all parties were aware of the proposal under consideration.

Changes in Examination

2.3.4. In addition to changes before the PM, as is normal during NSIP examinations, a number of changes / amendments were made to application documents as the Examination progressed. A helpful Guide to the Application, including the updated documents was submitted by the Applicant [REP7-002]. There were some final updates:

- dDCO 3.1(G), (clean [REP7-003] and track changed [REP7- 004]);
- 6.4 (D) ES, Appendix 16.1 Outline CEMP (clean [REP7-006] and track changed [REP7-007]);
- 6.4 (E) ES, Appendix 16.1 Outline CEMP Annexes (clean [AS-041] and track changed [AS-042]).

2.3.5. The ExA considers whether the amended documents amount to a change to the application sufficient to require it to be considered as a new application in Chapter 3 (Section 3.11) below.

Non-Material amendments

2.3.6. The Applicant initially requested six changes to the application four at Deadline 3 [REP3-019] and two at Deadline 5 [REP5-023]. There were some revisions at Deadline 6 [REP6-021].

2.3.7. The following changes were accepted as non-material amendments by Procedural Decisions dated 1 July 2019 [PD-013] and 22 July 2019 [PD-014]:

- SPR:
 - The addition of a private access lane for wind farm abnormal load vehicles only, to the south of the realigned existing A30 to join into the northern roundabout of Carland Cross.
 - The addition of a private access lane across the northern roundabout of Carland Cross junction for wind farm abnormal load vehicles only.
 - Minor changes to the horizontal and vertical alignment of access lanes to the wind farm to improve access for abnormal load vehicles.
- A39 Bridleway Crossing
 - The re-designation of a footway/cycleway to and from the crossing of the A38 to the status of bridleway, including the crossing of the A39. This would be achieved through extension

- of the proposed Reference UU (PR14) bridleway.
- The addition of holding areas for horses on either side of the existing crossing, and within the existing refuge island.
- Bridleway VV realignment
 - The realignment of Bridleway VV to the north of its previous proposed position from a point around Chainage 13+850 to Carland Cross to run along the northern boundary of the vegetation to be retained, the Toyota Garage and the Carland Cross services station, turning south adjacent to the southern roundabout of the proposed Carland Cross junction.
 - The proposed realignment would meet the existing highway at the junction of Carland Cross and the entrance to the service station access road, opposite the proposed Bridleway UU, and include a holding area for horses at this location.
 - The area no longer required for Bridleway VV would be retained for the proposed private means of access for the benefit of Treventon Farm (PMA 24).
- Everything Everywhere (EE) Telecommunications Mast
 - 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.
- Elevated viewing area and footpath to open space land
 - An elevated viewing area (height of up to 1.2m) to the west of footpath UU
 - A new footpath PR16/WW, of 90m length to connect footpath UU to the southern section of the existing open space land.

2.3.8. In relation to Pennycomequick the following changes were requested at Deadline 3 [REP3-019]:

- Change to the CA of land from the wildflower meadow and the stream (plot 8/2c) in the ownership of the Harvey Family from permanent acquisition to acquisition of permanent rights.
- Change to the CA of land from the Pennycomequick residence to TP (plot 8/2b (CA) split to plots 8/2h (TP), 8/2j (TP) and 8/2k (TP) with plot 8/2g (CA) included in plot 8/2e (TP) in the Land Plans, 2.2(D) [REP6-003]).
- Provision of replacement access to the wildflower meadow (identified on the Works Plans, 2.4(E) [REP6-004], Sheet 6 of 8, as Work No. 11h; the Rights of Way and Access plans, 2.5(E) [REP6-005] as new private means of access No. 28).

2.3.9. Continuing discussions in relation to this request focused on the changes to CA sought over plot 8/2c, the stream and part of the meadow. The revised Land Plans [REP3-003] showed the alteration to the proposed acquisition of land for landscaping as set out above. The revised Environmental Masterplans included an amendment to remove the 5m wide woodland strip to the east of the C0075, as previously proposed, instead reinstating a planted Cornish hedge [REP3-019 and REP5-018]. The proposed access to the wildflower meadow would be created opposite the extended Pennycomequick garden access. It is shown on the updated Environmental Masterplans [REP6-014] and other updated plans as appropriate.

- 2.3.10. These changes affect the property Pennycomequick, benefit the owners and have been available to the examination should any party wish to comment. It would be appropriate to accept them as non-material amendments and I recommend that the SoS accepts them as such. The matter of CA, in relation to plot 8/2c in particular, is discussed below, from paragraph 7.10.19.

2.4. RELEVANT PLANNING HISTORY

- 2.4.1. CC and Highways England (HE) conducted studies for the improvement of the A30 between Chiverton Cross and Carland Cross in the past. In the period 1980 - 1990s Cornwall County Council (now CC) considered improvements in two separate sections. Carland Cross to Zelah (the north-eastern section) was included in the Government's white paper Roads for Prosperity in 1989 but was not implemented. Consideration of the section from Zelah to Chiverton Cross roundabout (the south-western section) led to construction of the Zelah bypass in 1991 to alleviate the narrow roads through the village from the increasing volumes of traffic along the A30.
- 2.4.2. In 2002 the Highways Agency (HA) (now HE) reviewed options and one was presented to a public consultation in May 2004, following which the SoS made a preferred route announcement (PRA) in March 2005. However, the South West Regional Assembly (SWRA) recommended that the Proposed Development should be delivered in the longer term. In July 2006 the SoS accepted SWRA's advice and indicated that funding was unlikely to be made available before 2016 at the earliest.
- 2.4.3. Following SWRA's assessment that improving the full length to dual carriageway standard was not a priority, the HA commissioned a safety improvement Proposed Development in December 2006, to be delivered within the ten-year plan. An initial Scheme Assessment Report (SAR) was produced which: described the options considered; described the impact of those options in terms of traffic, safety, economic and environmental impact; and recommended a strategy for improving this section prior to 2016.
- 2.4.4. In 2013 – 2014 HE developed a route strategy, which led to the Proposed Development being included in the Department for Transport (DfT) Road Investment Strategy (RIS) for 2015-2020, published December 2014.
- 2.4.5. In 2015 – 2017, subsequent to the RIS publication, HE has undertaken Project Control Framework (PCF) Stage 1, to identify feasible options and PCF Stage 2 to further investigate those options and carry out a public consultation, leading to the current DCO application.

3. LEGAL AND POLICY CONTEXT

3.1. THE PLANNING ACT 2008

3.1.1. Section 104(3) of PA2008 requires that the SoS must decide an application for development consent in accordance with the relevant National Policy Statement (NPS), except to the extent that the Secretary of State (SoS) is satisfied that doing so:

- would lead to the United Kingdom (UK) being in breach of its international obligations;
- would lead to the SoS being in breach of any duty imposed on him under any enactment;
- would be unlawful under any enactment;
- the adverse impact of the Proposed Development would outweigh its benefits; or
- fail to comply with any prescribed condition for deciding the application otherwise than in accordance with the NPS.

3.1.2. This is an application to which s104 applies because it is subject to policy in a designated NPS, the National Networks National Policy Statement (NNNPS)¹⁶. Section 104(2) of PA2008 sets out the matters to which the SoS must have regard in deciding an application, which include:

- any relevant NPSs;
- any Local Impact Report (LIR);
- certain prescribed matters, referred to in section 3.4; and
- any other matters the SoS considers important and relevant.

3.1.3. This Chapter addresses the identification and application of a relevant NPS, the LIR and other legal and policy matters that are capable of being important and relevant considerations.

3.2. NATIONAL POLICY STATEMENT

3.2.1. The NNNPS has been designated as the NPS for roads for which the SoS is the highway authority. It is relevant to this application because the Proposed Development comprises the construction and alteration of a highway where the speed limit for any class of vehicle is expected to be 50 miles per hour (mph) or greater, the area of development exceeds 12.5ha and HE is the highway authority.

3.2.2. The NNNPS sets out the need for, and Government's policies to deliver, development of NSIPs on the national road network in England. It provides planning guidance for such projects and the basis for the examination by the ExA and decisions by the SoS, covering a range of relevant topics including:

- Air Quality;
- Carbon Emissions;
- Biodiversity and ecological conservation;
- Waste management;

¹⁶ December 2014

- Dust, odour, artificial light and related emissions;
- Flood risk;
- Land instability;
- The historic environment;
- Landscape and visual impacts;
- Land use effects;
- Noise and vibration;
- Impacts on transport networks; and
- Water quality and resources.

3.2.3. These matters are addressed as appropriate in Chapter 4 of the Report. The NNNPS also states that applicable policies from the relevant Development Plan (DP) can be important and relevant matters.

3.3. EUROPEAN LAW AND RELATED UK REGULATIONS

Leaving the European Union

3.3.1. The UK is in the process of negotiating departure from the European Union. At the present time an extension has been agreed in principle for the planned exit to come into effect on 31 January 2020.

3.3.2. The European Union (Withdrawal) Act 2018 ends the supremacy of European Union (EU) law in UK law, converts EU law as it stands at the moment of exit into domestic law, and preserves laws made in the UK to implement EU obligations. It also creates temporary powers to make secondary legislation to enable corrections to be made to the laws that would otherwise no longer operate appropriately once the UK has left, so that the domestic legal system continues to function correctly outside the EU. The Act also enables domestic law to reflect the content of a withdrawal agreement under Article 50 of the Treaty on European Union once the UK leaves the EU, subject to the prior enactment of a statute by Parliament approving the final terms of withdrawal.

3.3.3. The report has been drafted on the basis that relevant EU law (primarily environmental law) will remain in force at the point when the SoS decides this Application.

The Habitats Directive

3.3.4. The Habitats Directive (92/43/EEC) forms a cornerstone of Europe's nature conservation policy. It is built around two pillars: a network of protected sites, and a system of species protection.

3.3.5. Habitat types requiring the designation of Special Area of Conservation (SAC) are listed in Annex I of the directive. Animal and plant species of interest whose conservation requires the designation of SACs are listed in Annex II. SACs form part of the Natura 2000 ecological network of protected sites. Annex IV lists animal and plants species of interest in need of legal protection. All species listed in these annexes are identified as European Protected Species.

The Birds Directive

- 3.3.6. The Birds Directive (2009/147/EC) is a comprehensive scheme of protection for all wild bird species naturally occurring in the European Union. It requires classification of areas as Special Protection Areas (SPAs) comprising all the most suitable territories for these species. All SPAs form part of the Natura 2000 ecological network.

The Habitats Regulations

- 3.3.7. The Conservation of Habitats and Species Regulations 2017 are the principal means by which the Habitats Directive and the Birds Directive are transposed into the law of England and Wales. Assessment processes taking place pursuant to these regulations are referred to as Habitats Regulations Assessment (HRA).

The Water Framework Directive (WFD)

- 3.3.8. Directive 2000/60/EC establishing a framework for Community action in water policy, the Water Framework Directive (WFD) includes objectives such as preventing and reducing pollution, environmental protection, improving aquatic ecosystems and mitigating the effects of floods. It provides for the production of River Basin Management Plans to provide for the sustainable management of rivers.
- 3.3.9. The WFD is transposed into law in England and Wales by The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

The Air Quality Directive (AQD)

- 3.3.10. Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe entered into force on 11 June 2008. It sets limit values for compliance and establishes control actions where the limit values (LV) are exceeded for ambient air quality with respect to sulphur dioxide (SO₂), nitrogen dioxide (NO₂) and mono-nitrogen oxides (NO_x), particulate matter (PM₁₀ and PM_{2.5}), lead, benzene and carbon monoxide. The Air Quality Standards Regulations 2010 give statutory effect to the AQD.
- 3.3.11. The UK Air Quality Strategy establishes the UK framework for air quality improvements¹⁷. The UK Air Quality Strategy establishes a long-term vision for improving air quality in the UK and offers options to reduce the risk to health and the environment from air pollution. Individual plans prepared beneath its framework provide more detailed actions to address LV exceedances for individual pollutants. These plans set the framework for action in specific local settings where LV exceedances are found, including the designation of Clean Air Zones and localised Air Quality Management Areas (AQMAs) where Air Quality Management Plans are prepared by local authorities.

¹⁷ The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (Defra, 2007)

- 3.3.12. There are two AQMAs in the study area. CC declared an AQMA in Truro in 2015 due to exceedances of the annual and 1-hour mean NO₂ objectives; and the Kerrier AQMA, declared in 2005 due to exceedances of the annual mean NO₂ objective. Truro AQMA is located around Truro town centre, extending east and west on the A390. The Kerrier AQMA encompasses the Camborne, Redruth and Pool regeneration area. The location of the AQMAs in relation to the Proposed Development is shown in Volume 6 Document Ref 6.3 ES Figure 5.5 [APP-154a]. The Clean Air for Cornwall Strategy includes the Air Quality Action Plan (AQAP) for the Truro and Kerrier AQMAs.
- 3.3.13. The Clean Air for Cornwall Strategy also notes that CC is investigating the need for an AQMA in Grampound. The A390, which is the main route through Grampound, is included in the study area of this assessment.

3.4. OTHER RELEVANT LEGAL PROVISIONS

United Nations Environment Programme (UNEP) Convention on Biological Diversity 1992

- 3.4.1. The UK Government ratified the Convention in June 1994. Responsibility for the UK contribution to the Convention lies with the Department for Environment, Food and Rural Affairs (DEFRA) who promote the integration of biodiversity into policies, projects and programmes within Government and beyond.
- 3.4.2. As required by Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010, the UNEP Convention on Biological Diversity 1992 has been taken into account in consideration of the likely impacts of the Proposed Development and of appropriate objectives and mechanisms for mitigation and compensation. The UK EIA and transboundary assessment processes referred to below satisfy with regard to impacts on biodiversity the requirements of Article 14 of the Convention (Impact Assessment and Minimizing Adverse Impacts).
- 3.4.3. This is of relevance to the biodiversity and ecological considerations and landscape and visual impact which are discussed in Chapter 4.

The Wildlife and Countryside Act 1981

- 3.4.4. The Wildlife and Countryside Act 1981 (WACA1981) is the primary legislation which protects animals, plants, and certain habitats in the UK. It provides for the notification and confirmation of Sites of Special Scientific Interest (SSSI). In England, these sites are identified for their flora, fauna, geological or physiographical interest by NE. WACA1981 contains measures for the protection and management of SSSIs.
- 3.4.5. WACA1981 is divided into four parts: Part I relating to the protection of wildlife, Part II relating to designation of SSSIs and other designations, Part III to public rights of way and Part IV, miscellaneous provisions. If a species protected under Part I was likely to be affected by development, a protected species licence would

be required from NE.

- 3.4.6. The Act is relevant to the application in view of the sites and species identified in the ES. Relevant considerations are discussed in Chapter 4 of this Report.

Natural Environment and Rural Communities Act 2006

- 3.4.7. The Natural Environment and Rural Communities Act 2006 (NERCA2006) makes provisions for bodies concerned with the natural environment and rural communities, in connection with wildlife sites and SSSIs. It includes a duty that every public body must, in exercising its functions, have regard so far as is consistent with the proper exercising of those functions, to the conservation of biodiversity (the biodiversity duty). In complying with the biodiversity duty, regard must be had to the UNEP Convention on Biological Diversity of 1992. The Act also requires that, as respects England, the SoS must publish a list of the living organisms and types of habitat which in the SoS's opinion are of principal importance for conserving biodiversity. The ExA has had regard to NERCA2006 and the biodiversity duty in all relevant sections of Chapters 4 and 5 of this Report.

The UK Biodiversity Action Plan

- 3.4.8. Priority habitats and species are listed in the UK Biodiversity Action Plan. The plan is relevant to the application in view of the biodiversity and ecological considerations discussed in Chapters 4 and 5 of this Report.

Other Natural Environment Legislation

- 3.4.9. The following additional legislation contains relevant provisions that must be met and are considered in this Report:

- Weeds Act 1959;
- Protection of Badgers Act 1992;
- The Environment Act 1995;
- Wild Mammals (Protection) Act 1996;
- The Hedgerows Regulations 1997; and
- Countryside and Rights of Way Act 2000.

Climate Change

- 3.4.10. PA2008 s10(3)(a) requires the SoS to have regard to the desirability of mitigating, and adapting to, climate change in designating an NPS. The Climate Change Act 2008 establishes statutory climate change projections and carbon budgets.
- 3.4.11. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 commenced on 26 June 2019, during the course of the examination. Paragraph 5.16 of the NNNPS refers to the legally binding framework to cut greenhouse gas (GHG) emissions by at least 80% by 2050. The 2019 Order amended the net UK carbon account for the year 2050 to be at least 100% lower than the 1990 baseline.
- 3.4.12. These matters have been taken into account in Chapter 4.

The Public Sector Equality Duty

- 3.4.13. The Equalities Act 2010 established a duty (the public sector equality duty (PSED)) to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. The PSED is applicable to the ExA in the conduct of this Examination and reporting and to the SoS in decision-making.

The Historic Built Environment

- 3.4.14. As required by Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010, the ExA has had regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses in Chapter 4 of this Report, and the SoS must also have regard to this in making their decision.

3.5. MADE DEVELOPMENT CONSENT ORDERS

- 3.5.1. The Applicant referred to precedents in made Orders. References were made in the final version of the EM, Rev B (clean [REP2-015] and tracked [REP2-016]); the ES, Chapter 11 [APP-064]; and in various responses and SoCG [REP1-006, REP2-020, REP5-015, REP6-020 and REP6-023].
- 3.5.2. The made Orders referred to include the A14 Cambridge to Huntingdon Improvement Order 2016, the A19 Testos, the M4 Motorway (Junctions 3 to 12) (Smart Motorway) Order 2016 and the M20 Junction 10a Development Consent Order 2017.

3.6. TRANSBOUNDARY EFFECTS

- 3.6.1. A transboundary screening under Regulation 32 of the 2017 EIA Regulations [OD-003] was undertaken on behalf of the SoS on 23 May 2018 following the Applicant's request for an EIA Scoping Opinion. The transboundary screening was repeated on 28 November 2018, whilst the Examination was in process.
- 3.6.2. No significant affects were identified at either screening which could impact on another European Economic Area State in terms of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts. The regulation 32 duty is an ongoing duty, and on that basis, I have considered whether any facts have emerged to change these screening conclusions up to the point of closure of the Examination; no new or materially different information has come to light to alter that decision.

3.7. OTHER RELEVANT POLICY STATEMENTS

- 3.7.1. The other policies that give rise to relevant considerations include the following, which were raised in the Planning Statement [APP-045], relevant sections of the ES [APP-314 and APP-363], CC in the LIR [REP1-010] and TCC [REP1-032].

National policies

- DfT Single Departmental Plan (May 2018), DfT
- National Infrastructure and Construction Pipeline (December 2017)
- HE Delivery Plan (2015-2020) and 2017-2018 update (October 2017), HE
- RIS (2015 – 2020) (November 2016), DfT
- DfT Cycling and Walking Investment Strategy 2017
- National Infrastructure Delivery Plan (2016 – 2021) (March 2016)
- National Infrastructure Delivery Plan (NIDP) (2016), HM Treasury
- HE Cycling Strategy 2016
- Action for Roads: A network for the 21st century (July 2013), HM Treasury
- Investing in Britain’s Future (June 2013), HM Treasury

Regional policies

- South West Peninsula Strategy Evidence Report, 2014, HE

Local policies

- Minerals Safeguarding Development Plan Document (2018)¹⁸
- Cornwall Site Allocations Development Plan Document (Allocations DPD) Regulation 19 Version (CC, 2017)¹⁹
- Cornwall Local Plan: Strategic Policies 2010-2030 (CC, 2016), relevant policies:
 - Policy 2 – Spatial Strategy
 - Policy 3 – Role and Function of Places
 - Policy 4 – Shopping, Services and Community Facilities
 - Policy 5 – Business and Tourism
 - Policy 12 – Design
 - Policy 13 – Development Standards
 - Policy 16 – Health and Wellbeing
 - Policy 17 – Minerals General Principles
 - Policy 18 – Minerals Safeguarding
 - Policy 19 – Strategic Waste Management Principles
 - Policy 20 – Managing the Provision of Waste Management Facilities
 - Policy 21 – Best Use of Land and Existing Buildings
 - Policy 23 – Natural Environment
 - Policy 24 – Historic Environment
 - Policy 25 – Green Infrastructure
 - Policy 26 – Flood Risk Management and Coastal Change
 - Policy 27 – Transport and Accessibility
 - Policy 28 – Infrastructure
- Cornwall Local Plan: Strategic Policies 2010-2030, Community Network Areas (2016), relevant policies:
 - PP6: Truro and Roseland Community Network Area
 - PP7: St. Agnes and Perranporth Community Network Area
- The Local Transport Plan - Connecting Cornwall: 2030 Strategy (CC, 2016) (LTPCC30), relevant policies:
 - Objective 7 – Make the most out of opportunities to protect and enhance the environment
 - Objective 14 – Reducing Noise and Air Quality Impacts

¹⁸ The Proposed Development was considered in relation to the then emerging DPD, adopted December 2018

¹⁹ Emerging policy document

- Policy 1
- Policy 6
- Policy 15
- Policy 16
- Policy 17
- Policy 18
- Policy 20
- Policy 21
- Policy 28
- Policy 29
- Policy 30
- Policy 31
- Truro and Kenwyn Local Neighbourhood Plan (Truro City and Kenwyn Parish Councils, 2016), relevant policies:
 - Policy E2 – Sustainable Drainage
 - Policy E5 – Green Infrastructure
 - Policy E6 – Character and Setting of Settlements
 - Policy C3 – Boundaries
 - Policy T3 – Sustainable Transport
 - Policy EJ1 – Communities at Work
- The Cornwall Local Flood Risk Management Strategy: Part 1 Strategic Vision (2014-2020)
- Minerals Local Plan (1998), relevant policies:
 - Policy E3 – Landscape
 - Policy S1 – Mining Consultation Areas
- Clean Air for Cornwall Strategy and AQAP, relevant policies:
 - Commitment AQ12.

3.8. THE NATIONAL PLANNING POLICY FRAMEWORK

- 3.8.1. The National Planning Policy Framework (NPPF) and its accompanying Planning Practice Guidance (PPG) set out the Government’s planning policies for England. The NPPF was updated in February 2019, following the making of the application, the previous update in July 2018 having been made just prior to the application of 6 August 2018.
- 3.8.2. Policies within the NPPF are material considerations which should be taken into account for decision-making from its day of publication. However, in accordance with Paragraph 213 of the revised NPPF, existing policies should not be considered out-of-date simply because they were adopted prior to publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the revised NPPF.
- 3.8.3. The NPPF indicates how policies are expected to be applied in producing DPs and deciding applications for planning permission and related determinations under the Town and Country Planning Act 1990 (as amended) (TCPA1990). Paragraph 5 states that the NPPF does not contain specific policies for NSIP decision-making.
- 3.8.4. Paragraphs 1.17 to 1.20 of the NNNPS further describe the relationship between the NPPF and the NNNPS, indicating that:

- the NPPF may be an important and relevant consideration in decisions on NSIPs, but only to the extent relevant to a particular project;
- the NPPF is not intended to contain specific policies for individual NSIPs where particular considerations can apply as the NNNPS performs that function and provides transport policy;
- the NPPF and NNNPS both seek to achieve sustainable development.

3.8.5. NPPF policies have been considered in respect of all planning issues addressed in Chapter 4 but are drawn out there only where they identify different or additional considerations from those arising from NNNPS.

3.9. LOCAL IMPACT REPORT

3.9.1. CC provided a LIR [REP1-010].

3.9.2. No LIR was submitted from neighbouring local authorities. However, Devon County Council (DCC), the immediate neighbouring local authority to the east, submitted a letter of support for the proposal [AS-003].

3.9.3. The content of the LIR is considered in Chapter 4 of this Report.

3.10. THE DEVELOPMENT PLAN

3.10.1. CC drew attention to the DP in force in the LIR [REP1-010], the constituent documents of which were reported to be:

- Cornwall Local Plan: Strategic Policies 2010-2030 (Cornwall Council, 2016)
- Truro and Kenwyn Local Neighbourhood Plan (Truro City and Kenwyn Parish Councils, 2016)

3.10.2. In addition, the LIR referred to the Minerals Safeguarding Development Plan Document (DPD), adopted on 4 December 2018, noting that the ES and Planning Statement were prepared prior to the adoption of this DPD.

3.10.3. The SoCG [REP6-019] notes that the Proposed Development had considered the emerging policy document, the Cornwall Site Allocations Development Plan Document (Allocations DPD) Regulation 19 Version (Cornwall Council, 2017).

3.11. THE SECRETARY OF STATE'S POWERS TO MAKE A DCO

3.11.1. I have considered whether changes to the application documents have altered the application to a point where it became a different application. This could impact on whether the SoS would have the power to make a DCO under s114 of PA2008 having regard to the development consent applied for.

3.11.2. 'Planning Act 2008: Guidance for the examination of applications for development consent' (March 2015), provides guidance at paragraphs 109 - 115 in relation to changing an application post Acceptance. The view expressed by the Government during the passage of the Localism

Act was that s114(1) places the responsibility for making a DCO on the decision-maker and does not limit the terms in which it can be made²⁰.

- 3.11.3. Having considered this context throughout the Examination, I am satisfied that the changes to the application have not resulted in any significant change to that which was applied for. It follows that the SoS has the power to make the DCO as referred to in Chapter 8 and provided in Appendix E to this report.

²⁰ Correspondence from Bob Neill MP, Parliamentary Under Secretary of State to Sir Michael Pitt, Chair, Infrastructure Planning Commission, DCLG (28 November 2011).

4. FINDINGS AND CONCLUSIONS IN RELATION TO THE PLANNING ISSUES

4.1. MAIN ISSUES IN THE EXAMINATION

4.1.1. As required by section (s)88 of the PA2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) Rule 5, the Examining Authority (ExA) made an IAPI arising from the application. The issues identified in that initial assessment were as follows:

- Air quality and emissions;
- Biodiversity, ecology and the natural environment;
- CA and/or TP;
- Cultural Heritage;
- dDCO;
- Electricity & Gas Connections and other infrastructure;
- Landscape and visual;
- Noise and vibration;
- Public Interest Balance;
- Socio-economic effects;
- Transport and traffic; and
- Water environment.

4.1.2. The IAPI was provided to all recipients within the Rule 6 Letter [PD-005, Appendix B] and discussed at the PM [EV-001 and EV-002]. No matters were raised at the PM that required amendment to the IAPI.

4.1.3. This Chapter addresses the planning issues arising from the IAPI. Taking account of their importance to the decision and relationship to other topics they have been sub-divided where appropriate and dealt with in the following order:

- Socio-economic effects (including land use);
- Public interest balance;
- Transportation and traffic;
- Walking, cycling and horse riding
- Air quality and emissions;
- Biodiversity, ecology and the natural environment;
- Historic environment;
- Landscape and visual impact;
- Noise and vibration;
- Water environment;
- Other strategic projects and proposals; and
- Other policy topics and relevant considerations.

4.1.4. Matters relating to CA, TP and other land or rights considerations are reported on in Chapter 7. Relevant matters relating to the DCO are reported in this chapter by reference to the individual relevant planning issues. The DCO is reported on in Chapter 8.

4.1.5. This Chapter takes account of the following:

- issues arising in written and oral submissions;
- issues arising in the LIR;

- conformity with the NNNPS;
- conformity with the development plan;
- the application and consideration of other legislation and policies; and
- EIA.

4.1.6. Having set out responses to these matters in broad terms in Sections 4.2 to 4.7 of this Report, the planning issues identified above and the matters of detail arising are considered in Sections 4.8 to 4.21.

4.2. ISSUES ARISING IN WRITTEN AND ORAL SUBMISSIONS

4.2.1. It was clear that there was a lot of support for the application in terms of achieving the dualling of the A30, with recognition of the issues that arise from the current arrangement for individuals and businesses in terms of travelling around the county, connecting to the wider transport networks and the environmental impact. The main issues arising related to the detail of the proposal, as follows:

- concerns regarding the arrangements for de-trunking of the existing A30;
- WCH arrangements at Chiverton junction in relation to the north-west – south-east links, predominantly relating to cycling access;
- concerns around the effects of the proposed alignment on Marazanvose, including Nancarrow Farm;
- whether there was justification for the lack of inclusion of east-facing sliproads at the proposed Chybucca junction;
- arrangements at Trevalso Lane and Henvver Lane;
- arrangements for the C0075, near Pennycomequick;
- historic environment, particularly in relation to the landscape around Carland Cross;
- windfarm access at Carland Cross;
- WCH access at several locations along the route;
- construction effects on business, including agricultural; and,
- reinstatement of agricultural land.

4.2.2. The WRs amplify the position of IPs and, to the extent that this was not accomplished in RRs, set out the positions of Affected Persons (APs) and Other Persons.

4.2.3. A request was made for an ISH with regard to the route selection at Marazanvose. I was not satisfied that this was appropriate or necessary but, taking account of the wording of the request called a Compulsorily Acquisition Hearing (CAH) [EV-008a – EV-011], which was attended by some of those making RRs in relation to Nancarrow Farm, among others. I allowed a wider discussion of matters than might normally be the case, to hear the concerns raised. An ASI was undertaken in relation to Nancarrow Farm and Marazanvose [EV-018].

4.2.4. ISH3 related to the WCH issues raised [EV-011a – EV-015] and ISH 4 to Chybucca junction [EV-016 and EV-019 – EV-021].

4.2.5. Matters arising from all the submissions have been carried forward and are addressed as necessary.

4.3. ISSUES ARISING IN THE LOCAL IMPACT REPORT

- 4.3.1. This section addresses issues arising from the CC LIR [REP1-010] and comments on the LIR from HE [REP2-021]. CC indicated that the LIR set out an analysis of the likely impacts of the Proposed Development on the CC's administrative area. The LIR includes a statement of positive, neutral and negative local impacts, without a balancing exercise between positives and negatives. It was noted that from the extensive pre-application consultation and consultation on the DCO relatively few impacts had arisen which CC thought should be subject to examination.
- 4.3.2. The LIR identified four major planning applications within 5km of the Proposed Development, which had been subject to CC approval after submission of the ES as part of the application for the DCO. HE assessed these projects against the methodology set out in section 15.4 of Chapter 15 Consideration of Cumulative Effects of the ES [APP-068].
- 4.3.3. For PA18/02740 - the change of use of land for the siting of 41 no. caravans/lodges, the conversion and extension of existing maintenance building to spa facility with outdoor hydro pool, erection of gym and treatment pods, new maintenance building, re-grading of land, provision of amenity and 6 recreation areas, internal road layout and associated landscaping (Resubmission of PA16/07269) – HE identified there to be a potential moderate adverse cumulative effect on bat populations from loss of foraging and commuting habitat, if the construction stages of the two projects overlapped.
- 4.3.4. HE did not find cumulative effects arising in relation to other matters relating to this project or in relation to the other three projects identified by CC. The SoCG with CC [REP7-011] shows that CC agree with this conclusion.
- 4.3.5. In relation to Landscape and Visual Impacts it was noted that ES Chapter 7 [APP-060] referred to superseded guidance. HE dealt with this in the Addendum to the ES [REP4-006]. The Cornwall Planning for Biodiversity Guide 2018²¹ (the 2018 Guide) is supplementary to the Cornwall Local Plan: Strategic Policies, setting out a new approach to achieve a gain for nature within development sites.
- 4.3.6. HE were satisfied the Proposed Development would comply with the 2018 Guide as:
- it aligns with CC's commitment for net gain for biodiversity and the environmental growth this would deliver;
 - the landscape planting is designed to provide a net gain for biodiversity and connectivity into the wider landscape;
 - it complies with all protected species and habitats legislation;
 - it follows the guiding principles set out in the document; and
 - it applies the mitigation hierarchy to protect habitats and species.

²¹ Adopted by CC on 16 October 2018

- 4.3.7. HE were satisfied that the 2018 Guide did not change the Assessment of Effects in ES Chapter 7: Landscape [APP-060]. CC made no further comment and are presumed to be content with the findings.
- 4.3.8. CC queried some matters in relation to the ES, including value ratings, visualisations and matters within the Environmental Masterplans [APP-180 - APP-200]. These matters were addressed by HE [REP2-021] and the SoCG shows that CC are in agreement in relation to Landscape and Visual matters, with only the matter of the noise attenuation fencing at Nancarrow outstanding.
- 4.3.9. In relation to Highways and Transport the LIR shows that CC were satisfied on the majority of matters, such as connectivity of the SRN with the LRN, route selection and design principle and traffic modelling. The outstanding matter was in relation to impacts on the LRN, in particular at Shortlanesend, Henvver Lane and Penstraze Lane.
- 4.3.10. The SoCG shows agreement had been reached with regard to Henvver Lane²² and Penstraze Lane²³, whilst Shortlanesend remained a matter outstanding²⁴ at the close of the Examination. Other outstanding matters related to the costs associated with de-trunking of the existing A30, the alignments Carland to Boxheater; Boxheater junction itself; Boxheater to Chybuca; and, Chybuca to Chiverton; as well as a review of the existing laybys. The disagreement on these points came down to who would be responsible for the cost and necessity of the changes to the existing A30 as part of the de-trunking, with HE not in agreement that it should be met as part of the overall Proposed Development. These outstanding matters will be discussed in section 4.10, Transportation and Traffic.
- 4.3.11. Signage at the 3 main junctions was a matter on which agreement was not reached between CC and HE, with CC seeking junction names in both English and Cornish. This is discussed in section 4.19.
- 4.3.12. For WCH, CC were generally satisfied with regard to these matters, although noting the WCH provision at Chiverton had remained an issue into the Examination. The SoCG sets out at reference 2.10 that CC recognises the proposed WCH underpass at Chiverton as an improvement from that proposed at statutory consultation and would provide an adequate facility. This matter and the proposed separate project for provision of a cycle/footbridge at the existing Chiverton roundabout will be dealt with in section 4.11.
- 4.3.13. In conclusion the LIR recognises at paragraph 16.1 "*...the demonstrable benefits the scheme would bring to Cornwall and the wider sub region. The Council is also mindful of the adverse impacts arising, although within the context of the overall scheme these impacts are considered to be limited albeit highly relevant to those affected...*".

²² Reference 19.2

²³ Reference 19.1

²⁴ Reference 19.4

4.3.14. The overarching support of host local authority CC and the neighbouring local authority DCC have been taken into account. Detailed LIR analysis is addressed in the relevant sections of this Report identified above to ensure that they are considered as required by the SoS.

4.4. CONFORMITY WITH NATIONAL NETWORKS NATIONAL POLICY STATEMENT

4.4.1. The Applicant analysed the performance of the Proposed Development against relevant policy in the NNNPS within its Planning Statement [APP-045], with detailed analysis in the accordance table, Appendix A. This sets out the need for the within the framework provided by NNNPS and the Road Investment Strategy (RIS).

4.4.2. The Proposed Development is required to provide a new section of modern dual carriageway whilst retaining the existing A30 for local traffic. This would increase safety and reliability for regular users and offer a boost to the tourism industry and local businesses in Cornwall, as well as the wider regional economy.

4.4.3. The NNNPS deals predominantly with linear infrastructure designed to link together separate points and connect to a wider network. Paragraph 4.2 of the NNNPS sets out that subject to the detailed policies and protections in the NPS, and the legal constraints set out in the Act, there is a presumption in favour of granting development consent for national networks NSIPs that fall within the need for infrastructure established in the NNNPS. In considering a Proposed Development, and weighing adverse impacts against benefits, paragraph 4.3 sets out how the SoS should take into account:

- its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits; and
- its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.

4.4.4. The Proposed Development fits with the Government's wider policy to bring forward improvements and enhancements to the existing SRN to address the need for improvement to address road congestion, providing safe, expeditious and resilient networks to support economic growth, existing economic activity and facilitate journeys. Enhancements to the existing SRN include improvements to trunk roads, in particular dualling of single carriageway strategic trunk roads and additional lanes on existing dual carriageways to increase capacity and to improve performance and resilience.

4.4.5. Table 3.1 of the Planning Statement compares the vision and strategic objectives of the NNNPS with the Proposed Development objectives. It concludes that the objectives of the Proposed Development align with the NNNPS and would support the development of a national SRN with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs; support and improve journey quality, reliability and safety; support

the delivery of environmental goals and the move to a low carbon economy; and join up communities to link effectively to each other.

4.4.6. Whilst there were questions on particular matters, which are dealt with in the relevant sections, there was no concern raised with regard to high level NNNPS compliance, in terms of need or the high level performance of the Proposed Development against policy. CC recognised in the LIR [REP1-010] that the majority of residents making representations were in favour of the Proposed Development, as they were significantly affected by reduced accessibility across the route, delays and congestion, as well as the resulting noise and air quality impacts this causes.

4.4.7. I am satisfied that the Proposed Development generally conforms to high-level policy in NNNPS. The compliance of the Proposed Development has been examined against policy detail and tests applicable to individual planning issues as set out in relevant NNNPS paragraphs, as set out in sections 4.8 to 4.21 below.

4.5. CONFORMITY WITH THE DEVELOPMENT PLAN

4.5.1. Section 3.10 of this Report identifies the Development Plan Documents (DPD) and policies indicated by the Applicant in the Planning Statement [APP-045] and the local authority CC in the LIR [REP1-010] as relevant to the assessment of the Proposed Development. The SoCG [REP6-019] identifies some matters outstanding but does not raise concern regarding non-compliance with the DP.

4.5.2. The Planning Statement [APP-045] provides an assessment of the Proposed Development against relevant adopted and emerging local plan policy. This indicates how the Proposed Development would comply with relevant CC DP policies and where additional mitigation measures have been identified. The Register of Environmental Actions and Commitments (REAC) is part of the Outline CEMP [REP7-006 and AS-041]. Table 16-3, Record of environmental actions and commitments, forms the record of the Proposed Development specific environmental actions and commitments to be implemented and managed through all stages of the Proposed Development.

4.5.3. CC did not identify any matters of non-compliance with the DP and no issues regarding plan compliance were identified by any other IP or AP. I have considered the policies and am satisfied that there is general compliance but have not found it necessary to consider the policies in detail within the Report.

4.5.4. In reviewing the DPDs and policies identified it is clear that there is policy support for the Proposed Development. CC indicate in the LIR [REP1-010] that the current problems associated with the existing A30 route, such as delay, route resilience, poor road safety and congestion, result in short term difficulties for motorists and constrain economic growth in the long term by making Cornwall less attractive for businesses and tourists. CC stated that Proposed Development would play a vital role in the future prosperity of Cornwall,

encouraging economic growth, aiding regeneration and business expansion, and supporting tourism. Economic growth and prosperity are part of the Government's vision for delivering sustainable development as set out in the NPPF and the Proposed Development would contribute to achieving this. The Proposed Development would also help to realise the full benefits of other key development and regeneration projects across Cornwall by providing better accessibility in accordance with local planning policy objectives.

- 4.5.5. It was noted by CC that the improvement of the A30 between Chiverton Cross and Carland Cross roundabouts to dual carriageway standards was identified in the Cornwall Local Plan as a key infrastructure improvement on the basis that all environmental issues are considered and suitably mitigated. The SoCG [REP7-011] has not identified unaddressed conflict with the requirements of environmental protection, water quality, biodiversity conservation, landscape and archaeology policies being met.
- 4.5.6. There are no issues arising from DP policies that conflict with relevant policy directions arising from NNNPS. The NNNPS is the primary source of policy for a decision under PA2008 but the DP policies are important and relevant considerations. None of them indicate against the directions set in NNNPS and so it follows that effect can be given to all relevant DP policies in a manner which reinforces and adds local flavour and detail to NNNPS compliance.
- 4.5.7. Taking all relevant DPDs and policies into account, I am satisfied that the Proposed Development generally conforms with the DP. Policies relating to environmental protection, water quality, biodiversity conservation, landscape and archaeology policies are met. There are no conflicts between NNNPS and the DP and so DP policy can be met by a decision that is in accordance with NNNPS.

4.6. APPLICATION OF OTHER POLICIES

- 4.6.1. A main relevant policy is the CC Local Transport Plan: 2030 strategy. It was noted by CC in the LIR [REP1-010] that the local transport policy seeks to enhance connectivity within Cornwall and specifically identified the Proposed Development as one of the projects that would achieve this goal.
- 4.6.2. It was noted that the Proposed Development would significantly reduce congestion that occurs every weekend from May to October as well as at other times and reduce journey times by up to 40 – 50%. Longer delays have occurred, in particular due to incidents on that section, causing road users to seek alternative routes in particular through Truro. The Proposed Development would encourage people who would normally avoid using the route to travel along it and may encourage people who have been dissuaded from visiting Cornwall altogether.
- 4.6.3. CC believe that the Proposed Development would enhance economic growth and provide wider economic benefits, with the potential to support 420 net additional jobs and £102 million net additional discounted gross value added cumulative over 30 years to the Cornish

economy by generating more employment, reducing business costs and improving productivity. DCC indicated that the Proposed Development would make journeys safer, quicker and more reliable, improving regional economic growth. Making access to Cornwall more sustainable would allow the region to improve the perception of the South West for tourists and visitors [AS-003].

4.6.4. I consider that the Proposed Development conforms with the relevant policies, with no conflict with the NNNPS.

4.7. PREVIOUSLY MADE DCOs

4.7.1. As set out in section 3.5, during the examination the Applicant referred to previously made DCOs in relation to the drafting of this DCO.

4.7.2. In relation to some matters the Applicant sought to rely on the precedent of similarly drafted made DCOs as justification for the adoption of particular drafting in the dDCO. In general, no concerns were raised by IPs regarding the approach to the Order drafting, although there was some discussion on drafting in relation to the existing extent of the highway during ISH3 [EV-012 – EV-015, REP3-022, REP3-023], which was resolved by agreement of HE to show the full extent of any proposed stopping up.

4.7.3. It is understandable that where there are a number of strategic highway alterations and improvements proposed the Applicant might seek, as far as possible, a standardised set of DCO provisions. This is also helpful to those bodies responding to multiple projects, for example the NFU, who can then easily understand what is intended and feedback on what does or does not work for those they represent [REP1-034 and REP6-020].

4.7.4. Whilst I am satisfied that there was no inherent issue in the approach the dDCO must work as a stand-alone Order to achieve the desired outcome. I have approached the matter in this way, noting that I am not bound by previous forms of drafting if inappropriate to the Order.

4.7.5. AN13 advises on the derivation of drafting from documents other than the Model Provisions that there may be relevance from precedent decisions but:

Developers should though satisfy themselves that the inclusion of particular wording is appropriate and relevant in all the circumstances of a given project. The relevant precedent and the rationale for including the particular wording of a provision will need to be set out and justified in the explanatory memorandum.

4.7.6. It is established law and practice that planning decisions are made within the framework of relevant legislation and policy. However, they must also take into account their own relevant facts. The individual circumstances of two or more decisions may be similar but the subsequent decision is not bound to have the same provisions and conditions as the precedent decision, except to the extent that the

underlying framework of legislation, policy and the factual matrix are similar and there is an absence of any important and relevant site-specific considerations, such that the same provisions are relevant in both sets of circumstances.

- 4.7.7. On balance, I am satisfied that the Applicant has generally justified the drafting of the DCO, taking appropriate account of precedent made Orders and local circumstances as required.

4.8. SOCIO-ECONOMIC EFFECTS (INCLUDING LAND-USE)

- 4.8.1. These matters run through the entirety of the Proposed Development, with positive and negative effects arising for individuals, organisations and the general public. ES Chapter 12, People and Communities [APP-065] provides an assessment of the potential construction and operational effects of the Proposed Development on people and communities, taking account of the following receptor groups:
- All Travellers – including potential effects on vehicle travellers and WCH;
 - Communities – including potential effects on employment, existing settlements, access to services/green space, community safety, health²⁵ and residential amenity; and
 - Land and Property – including potential effects on land and property to be used or acquired, allocated development land, tourism and recreation receptors and commercial business receptors.
- 4.8.2. The Agricultural Impact Assessment (AIA) [APP-366] deals with the potential impact on farm holdings in terms of land loss. It takes account of severance and access, which are compounded by the limited access to the proposed dual-carriageway, which differs from the numerous side road accesses on the existing A30.
- 4.8.3. The assessments were made by reference to recommendations in the DMRB as appropriate.

Travellers

- 4.8.4. The assessment took account of views from the road; driver stress; bus travellers; WCH; and, amenity during construction and operation. The significance of effects during construction were found to be neutral – low adverse and during operation neutral – moderate beneficial.
- 4.8.5. The LIR [REP1-010] notes that the A30 currently causes significant delays and congestion, particularly during the summer months when tourism forms an important part of the Cornish economy. The Proposed Development would provide transport benefits due to reduction in congestion and delays making Cornwall a more attractive place to visit and reducing driver stress.

²⁵ a full assessment of health has been undertaken with a Health Impact Assessment, Volume 6 Document Ref 6.4 ES Appendix 12.1 'Health Impact Assessment' [APP-362]

Communities

- 4.8.6. The assessment took account of access for settlements to services and green space; employment; community safety; health; and, residential amenity during construction and operation. The significance of effects during both phases were found to range from slight adverse to slight beneficial.
- 4.8.7. This assessment relates to the Proposed Development as a whole but issues were raised in relation to particular properties, such as Herver Cottage, Herver Lane Cottage, Pennycomequick, Trevalso Cottage and Farm and the hamlet of Marazanvose. The matters raised related to concerns about the effects of the Proposed Development in relation to air and light pollution; noise; the design of structures associated with the proposed road; and visual impact. As set out by CC [REP1-010] although within the context of the overall Proposed Development the adverse impacts would be limited, they would be highly relevant to those affected. The issues have been considered in the appropriate sections of this chapter.
- 4.8.8. A matter not touched on in detail would be the effect on Maranzanvose. This is a small hamlet which sits alongside the existing A30. The Proposed Development would mean that the proposed and existing routes would run in parallel through the hamlet, requiring demolition of one property and removal of a barn with permission for conversion. I refer to the route alignment choices in this location below, from paragraph 4.9.1. I consider that the personal impacts of the Proposed Development on families and individuals in this community would be significant [RR-003, RR-037, RR-057, RR-088, RR-090, RR-101, RR-104, RR-109, REP1-020, REP2-025, REP2-030, Rep2-033, REP2-034, REP4-010, AS-046].

Land use

- 4.8.9. The assessment took account of commercial property and business; agricultural land; tourism and recreation; and, other land during construction and operation. The significance of effects during both phases were found to range from moderate adverse to slight beneficial.
- 4.8.10. Agricultural land and farm holdings/plots would be subject to moderate adverse effects during both construction and operation. This is unsurprising, as CC notes [REP1-010] that adjacent to the Order limits the land comprises predominantly rural land in agricultural use. The area is relatively dispersed from a residential perspective and in the immediate vicinity lie a number of scattered farmsteads, some of which provide tourist related businesses and commercial/office facilities.
- 4.8.11. There were concerns about the route running through some of the best farmland in Britain, not simply because it is good soil and well managed over generations but because the Cornish climate means that it can shorten the impacts of winter earlier than elsewhere. It

was urged that the Proposed Development should strive to take the least land to improve the A30 [RR-051].

- 4.8.12. HE acknowledged that the Proposed Development would require a significant amount of land. The AIA [APP-366] quantifies the Proposed Development's temporary and permanent land take; assesses the impact on land use; assesses impacts on individual farm units (plots) forming part of a farm holding, taking into account agricultural land quality and the likely impact on its functionality in terms of severance and access; and describes agreed mitigation.
- 4.8.13. The Agricultural Land and Soil Resources Report [APP-365] and associated figures [APP-095 – APP-098] provide details of the land required and the associated Agricultural Land Classification Grade, Grade 1 land being of excellent quality and Grade 5 land of very poor quality. The Proposed Development would pass through 56 land holdings, with potential effects on 196 plots. There would be 147.5 hectares of agricultural land affected of which 77% was classified as very good quality or good quality. None were classified as Grade 1.
- 4.8.14. Given the location of the existing road the Proposed Development could not reasonably avoid the use of the identified land to secure the improvements to the SRN. The SoCG with the NFU [REP6-020] showed agreement had been reached in relation to a number of matters relating to agricultural land use during the Proposed Development construction and operation. Of particular assistance in a rural area such as this was the agreement to appoint an Agricultural Liaison Officer to liaise between landowners and occupiers and contractors working on site. This has been set out in the CEMP [REP7-006], with detail on their role included in the CEMP Annex P Outline Soils Management Plan [AS-041].
- 4.8.15. An outstanding matter in the NFU SoCG related to the location, construction and specification (including a weight limit) of the Marazanvose green bridge. There was concern regarding potential animal health and bio-security risks through the movement of wildlife, people and livestock. As HE indicates the green bridge would be provided as an ecological crossing for local wildlife and a WCH route. In ongoing engagement with Nancarrow Farm, it was agreed that the farm should be permitted to use the crossing for access to their fields to the north of the route, up to the maximum road legal weight. I do not consider it unreasonable that agricultural animal health and bio-security risks would need to be a matter resolved by the farm.
- 4.8.16. ES Chapter 15 [APP-068] and the ES addendum [REP4-006] found cumulative effects in relation to other Proposed Developments in the area, for any of the above matters, not to be significant.

Conclusions

- 4.8.17. There is a strong economic case in favour of the Proposed Development, which represents high value for money.

- 4.8.18. There would be an impact on the residents of the hamlet of Marazanvose, which may be justified by the overall Proposed Development benefits.
- 4.8.19. In relation to land use there is an impact in this rural area but the Applicant has generally taken appropriate action to minimise the effect of the losses, both permanent and temporary on those affected.
- 4.8.20. Balancing all the relevant issues I consider that the SoS can be satisfied that there are no significant issues in respect of economic, land use and social effects that would justify the DCO not being made.

4.9. PUBLIC INTEREST BALANCE

Alternatives

- 4.9.1. A matter raised in representations related to the effect of the proposed route on the community of Marazanvose. The hamlet is identified approximately central to the Proposed Development on the Location Plan [APP-012], with the final proposed detail design shown on sheet 4 of 8 in the General Arrangement and Section Plans [REP6-006].
- 4.9.2. The issue was raised at the PM [EV-001, EV-002] and the CAH [EV-008a – EV-011], with the area viewed during both accompanied and unaccompanied site visits [EV-017, EV-018 and EV-022].
- 4.9.3. The SAR [APP-050] indicates how this matter was determined with information in chapter 7 of the Route Selection Report [APP-051] detailing the methodology and rationale for selecting the preferred route at Marazanvose. The Consultation Report [APP-029] describes the non-statutory consultation and engagement prior to the preferred route selection, including the localised engagement event held on 8 February 2017 in relation to alignment options at Marazanvose. Appendices B and C to the CAH response to hearing action points [REP3-021] provides more detail of the options 7A and 7B. Option 7A was the preferred route that is put forward under the application and 7B was referred to as the northern route.
- 4.9.4. ES Chapter 3: Consideration of Alternatives [APP-056] refers to the option development issues with Table 3-2 setting out the original 6 options at Marazanvose. Table 3-3 sets out the reasons for rejection of the alternatives whilst Table 7-6 in the SAR [APP-050]²⁶ provides comparison of the route options 7A and 7B. Following the CAH, HE made submissions in relation to points raised [REP3-020 and REP3-021]. The Applicant confirmed that the northern route options would result in a significant length of the existing A30 being realigned to the north of the new dual carriageway to maintain a local through route.
- 4.9.5. Support was expressed for a northern option, which would not further split the hamlet of Marazanvose [RR-003, RR-037, RR-057, RR-088, RR-090, RR-101, RR-104, RR-109, REP1-020, REP1-028, REP2-025, REP2-030, REP2-033, REP2-034, REP3-031, REP3-032, REP4-010, REP4-011, AS-046]. It was suggested that there were flaws in

²⁶ Also presented as Table 7-2 in the Route Selection Report [APP-051]

relation to the route selection process as detailed in 'Revised Table 7.6' [REP2-031], which were not seen as resolved [REP4-011]. HE provided narrative on the comparison at Table 7-2 [REP3-021] and evidence of the EIA team competent experts [APP-299]. Comment on Deadline 4 submissions indicate that there was nothing further to add to matters already covered [REP5-018].

- 4.9.6. It is understandable that people living in the community of Marazanvose would have a preference for moving the proposed road further from their homes and businesses. HE indicated that they had developed the alignment and design through an iterative process, in which alternative options were considered. The design process was informed by environmental, socio-economic, technical and cost considerations, as well as feedback received during non-statutory and statutory consultation engagement with the public, landowners and other relevant stakeholders.
- 4.9.7. HE indicated that Option 7A was assessed to be the best performing alternative on 8 of 9 criteria:
- Land acquisition
 - Risk of delay/cost due to utility works
 - Business impacts
 - Cultural heritage
 - Visual impact
 - Living conditions
 - Noise
 - Residential demolition
 - Most likely cost
- 4.9.8. At the end of the Examination the Applicant remained of the view that the route selected performed the best in relation to construction, land, compensation, environmental and cost matters. Reliance was placed on the LIR [REP1-010], which states in relation to route selection, Appendix A at A2.10: *"The Council has undertaken a high level review of the Scheme Assessment Report and Route Selection report, and is satisfied that the HE Arup team have undertaken a robust assessment in line with appropriate guidance and policy, using competent and appropriately qualified professionals. Cornwall Council representatives were involved in this process as part of the stakeholder engagement and accept the findings in relation to the major junction and alignment options considered."*
- 4.9.9. I am satisfied that the principal residual effects of the Proposed Development, relating to cultural heritage, landscape and noise would be addressed. Proportionate and appropriate mitigation has been designed and included in the application to address the predicted level and range of environmental effects where possible.
- 4.9.10. In the construction stage Table 7-11, ES Chapter 7: Landscape [APP-060] shows that visual effects on the residents at Marazanvose would be large adverse and significant. Effects on the visual amenity of the community at Marazanvose in the first operational year are also predicted to be large, adverse and significant. Landscape mitigation

measures have been included to reduce effects as far as possible, including design to retain existing Cornish hedgerows and vegetation; deepening of the cutting; 5 to 10m oak rich woodland on the cutting slope (between the existing A30 and the proposed new A30); and woodland and scrub planting on the north (cutting) side of the 3m close boarded timber fence opposite Marazanvose, which would screen the fence from view as it matures.

- 4.9.11. HE indicates that as this mitigation establishes and grows over the first fifteen operational years, adverse residual visual effects would be reduced to a moderately significant level.
- 4.9.12. In relation to the effects on landscape, as oppose to visual receptors at Marazanvose, the northern route would have the greatest visual impact, with loss of trees and hedgerows, disruption of field patterns and effects on the setting of Chyverton House. I consider the effect upon those most likely to be affected, the residents of Marazanvose, should be given greater weight, bearing in mind that mitigation would be available whichever route was used.
- 4.9.13. In relation to the Cultural Heritage assessment [APP-059] HMBCE indicated that they were unable to comment in detail on the relative historic environment impacts of the proposed route in relation to the designated heritage assets Nancarrow Farmhouse and attached wall LBII (NHLE no. 1136610) and Chyverton Park RPGII (NHLE no. 1000512) [AS-001]. The SoCG [AS-043] showed it was agreed that this was a matter for the CC Historic Environment Team.
- 4.9.14. Concerns remained that an external assessment had not been done at the route selection stage. Regardless of which route was chosen there would be an effect on one of these designated assets, which are both Grade II listings. The NNNPS sets out that substantial harm to or loss of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional and this includes taking account of its setting.
- 4.9.15. The plan of the northern option indicates that a very small section on the south-western corner of Chyverton Park would fall within that Proposed Development area. It seems unlikely that this would represent substantial harm or loss any more than the proposed effects on the heritage assets at Nancarrow. To that extent I consider that comparison of the potential impact would be neutral. However, I consider that this decision would have been assisted had the Applicant provided information regarding any discussions at the route assessment stage regarding the value of heritage assets from the Heritage team at CC as well as HMBCE.
- 4.9.16. In terms of noise, Chapter 11 of the ES, Noise and Vibration [APP-064] finds that Marazanvose properties would experience a reduction in noise of 1-5dB(A) with the Proposed Development, due to the new A30 being further from the properties and because there would be substantially less traffic on the existing A30. The noise reductions at Marazanvose would occur within Noise Important Area (NIA) 3291 (i.e. reductions within a residential area of currently high noise exposure)

with some of the noise reductions assessed as significant beneficial effects.

- 4.9.17. When looking at the evidence as discussed in the narrative of Table 7-2 [REP3-021] it is the case that one less property would be affected under option 7B, this being in part due to the already high noise levels at Marazanvose due to the location adjacent to the existing A30. In relation to Hill House it should be noted that this has already been taken under a blight claim in relation to the Proposed Development in any case [**Error! Reference source not found.**]. As such it should not now weigh in terms of justification for Option 7A over 7B. As noted in the narrative there would be the opportunity for mitigation for Marazanvose in the form of noise barriers to the north.
- 4.9.18. For business impacts there would be different businesses impacted in different ways and, of course, each business would seek to minimise or avoid the effects on their interests. I consider that the number of fields impacted is less important than the value of those fields to the individual farming businesses. It is understandable that taking fields closer to a farmstead – referred to as strategic fields by Nancarrow [REP4-011] - would be more likely to have an effect on farm business management than peripheral fields. It is also noted that the narrative alters the number of affected fields without further explanation.
- 4.9.19. In relation to specific businesses, Table 7-6 [REP2-031] indicates that fewer active businesses that would be impacted by Option 7B. Of course compensation and mitigation would be relevant and may be factored into the overall scheme costings that have been provided. However, I do not consider that this provides a clear advantage in using route 7A as oppose to the northern alternative.
- 4.9.20. There was a little information on the effect of the proposal on the community of Marazanvose in the People and Communities chapter of the ES [APP-065] with matters being raised in the RRs. HE confirmed [paragraph 7.1.14, REP3-021] that at the consultation stage Marazanvose North Option 2 (Option 7B) was preferred by most residents of Marazanvose with Marazanvose South (Option 7A) and Marazanvose North Option 1 the least preferred by all respondents. Option 7B would leave a cul-de-sac road for access within Marazanvose and avoid there being two roads in from of the existing properties. Nevertheless, the perceived advantages of this must be weighted with the overall assessment that has been carried out.
- 4.9.21. The proposed green bridge link would improve severance issues, making NMU access easier and safer than is currently the case. In relation to the traffic on the existing A30 in 2023 the decrease in annual average daily traffic (AADT) on the existing A30 would be from 22,854 vehicles to 2,928 and in 2038 from 27,352 to 3,626 [REP5-031]; this is a significant reduction and in combination with the de-trunking proposals reducing the speed limit to 30 mph through the hamlet [REP1-010, REP2-030] would lead to improvements in the immediate environs of Marazanvose.

- 4.9.22. There would be loss of an existing property and a proposed dwelling [REP3-033]. However, in relation to Marazan Farm life and business decisions have been taken on the basis of the proposal, with support for the Order going ahead [REP1-017 and REP3-035].
- 4.9.23. Paragraph 4.27 of the NNNPS sets out that *“For national road schemes proportionate option consideration of alternatives will have been undertaken as part of the investment decision making process. It is not necessary for the Examining Authority and the decision maker to reconsider this process, but they should be satisfied that this assessment has been undertaken.”*
- 4.9.24. There has been a lengthy process, including consultation at various stages, in order to reach the stage of an application to the Secretary of State. No alternative route has been sought by any statutory bodies. The Applicant has carried out a full options appraisal for the Proposed Development for the investment decision making process, including viable modal alternatives, with their consideration proportionate to the Proposed Development.
- 4.9.25. I am satisfied that an appropriate options appraisal assessment has been undertaken in relation to the Proposed Development and that it is not necessary for the SoS to reconsider this process. There are understandably concerns regarding route selection process. However, I consider that the Proposed Development would deliver a better solution for Marazanvose than the present situation, with decreased traffic flows and lower speeds on the existing A30 and separation of the Proposed Development from the residents.
- 4.9.26. In considering the environmental, safety, social and economic benefits and adverse impacts at the very local level it could be seen that a different route alignment, enhancing the setting of the hamlet, could be seen as an improvement for residents. However, in taking the wider regional and national view it is clear that there are improvements to the wider picture, in particular safety, social and economic matters, that support the Proposed Development on this alignment in this location at this time.

4.10. TRANSPORTATION AND TRAFFIC

- 4.10.1. The Transport Report [APP-049] summarises the development of the traffic model used in the appraisal of the Proposed Development in terms of impact on the highway network and the economic benefits of the Proposed Development for Highways England PCF Stage 3 in support of the DCO. The SAR [APP-050] and Route Selection Report [APP-051] draw matters together in relation to development of the preferred route. The Planning Statement [APP-045] also provides relevant information.
- 4.10.2. The SAR identified the issues on the current A30 between Chiverton and Carland Cross as:
- sections of narrow carriageways
 - unsuitable bends and gradients for high speed traffic
 - locations with poor forward visibility

- slow moving agricultural vehicles
- limited opportunities for overtaking
- increasing traffic levels outgrowing the capacity of the existing road
- multiple minor roads and junctions where traffic enters, exits or crosses the A30
- numerous properties with direct access to the A30

4.10.3. The consequences of these issues were congestion and longer journey times, particularly during peak times; unreliable journey times; queuing at the junctions, due to the interaction between local and strategic traffic, particularly at peak times; and, queuing when incidents occur with knock on effects to surrounding local routes.

4.10.4. These issues were recognised, with general agreement of the need for improvement of this stretch of road, even by those directly impacted by the proposal or with views of how further improvements could be made [RR-035, RR-038, RR-091, RR-093, RR-097]. Three specific issues arose in relation to transportation and traffic: whether there should be east-facing slip roads at Chybucca junction; the effect of the proposal on the LRN, in particular through Shortlanesend; and, de-trunking of the existing A30.

Journey times

4.10.5. The SAR sets out that the impact of the Proposed Development would be significant with A30 journey times decreasing by 40-50% when travelling on the proposed route. The Proposed Development would reduce the amount of traffic on the LRN as vehicles reassign to the A30 Proposed Development rather than routing via alternative routes on the CC network to avoid the congestion. There are exceptions to this on the A3075 southbound, Shortlanesend and Chacewater.

4.10.6. The Proposed Development would reduce most journey times for travel between Truro and Newquay as the reduction in traffic on the existing A30 would reduce congestion at junctions, thus decreasing journey times. There is no doubt in my mind that the Proposed Development would improve the road network in relation to journey time savings due to the reduced congestion and increased capacity.

Road safety

4.10.7. Paragraphs 4.60 to 4.66 of the NNNPS set out the requirements in relation to road safety. It states that even when not the main purpose of a Proposed Development, the opportunity to improve safety should be taken, with significant accident reduction benefits can be generated in well-designed Proposed Developments.

4.10.8. In relation to the existing road a summary of traffic Personal Injury Accidents was provided by CC for the period 01/01/2012 - 31/12/2016, during which time there was 1 fatal, 17 serious and 93 slight accidents. Accidents were more frequent in the vicinity of Chiverton Cross, Carland Cross, Zelah Hill, Chybucca and

Callestick/Allet Cross junction.

- 4.10.9. There was no clear distributional pattern of the killed or seriously injured (KSI) collisions: of the 17 serious collisions, four occurred at Chiverton Cross, which is seen as the worst accident blackspot in Cornwall, two at Carland Cross with the remaining four spread along the route. The registered fatal collision occurred near Chybucca junction. CC carried out a review of accident history [REP6-024] which showed a high proportion of more serious accidents occurred in off-peak periods where traffic flows were lighter and speeds higher.
- 4.10.10. Economic benefits due to accident savings if the Proposed Development was implemented were assessed. The results showed that the Proposed Development would provide benefits in terms of accident savings in all growth scenarios. The Proposed Development would meet the safety target set in the Proposed Development objectives.
- 4.10.11. A Stage 1 Road Safety Audit (RSA) has been carried out and the issues have been reviewed to inform the Proposed Development design. The RSA is not an application document for this Application but the process is mandatory for HE. A Stage 2 RSA would be undertaken after the detailed design and prior to the commencement of construction. There would also be a Stage 3 and 4 RSAs following construction of the Proposed Development. HE has not sought to secure a specific requirement for undertaking RSAs within the DCO, as HD 19 of the DMRB is a standard, mandatory procedure for HE.
- 4.10.12. DMRB is the standard which sets desirable minimum criteria for schemes, for example horizontal and vertical radii, forward visibility and junction layouts. The Proposed Development design complies with the DMRB and this forms the basis of a safe highway design. I am therefore satisfied that the Proposed Development would minimise the risk of road casualties arising from it and contribute to an overall improvement in the safety of the SRN.

Economic Case

- 4.10.13. Section 4 of the Planning Statement [APP-045] sets out the economic case with evaluation over a standard 60-year period following DfT guidelines. The economic appraisal compares the cost to plan, design and implement the Proposed Development with the economic benefits accruing to individual road users and business, through those journeys taking place on business time. Reliability benefits and wider economic impacts, from more effective competition between firms bringing higher economic output, are also quantified. The preferred Proposed Development option was assessed against a 'do minimum' scenario if the Proposed Development was not taken forward.
- 4.10.14. The Proposed Development benefits are set against its investment and operating costs to calculate value for money, expressed as a benefit-cost ratio (BCR). The adjusted BCR includes journey time reliability benefits and wider economic impacts.

- 4.10.15. DfT's value for money categories are as follows:
- poor value for money if the BCR is between 0 and 1.0;
 - low value for money if the BCR is between 1.0 and 1.5;
 - medium value for money if the BCR is between 1.5 and 2.0;
 - high value for money if the BCR is between 2.0 and 4.0; and
 - very high value for money if the BCR is greater than 4.0.
- 4.10.16. I am satisfied that the Proposed Development represents 'very high value for money' with an initial BCR of 4.28 and an adjusted BCR of 4.61 [REP5-025].

De-trunking the existing A30

- 4.10.17. As set out in the LIR [REP1-010] the existing A30 would be retained as a parallel route and 'de-trunked' with CC taking over responsibility and maintenance for the road once the new Proposed Development was open. The general intention is that the existing A30 would be downgraded to a level appropriate to its future use. As the new Proposed Development would prohibit cyclists on that section between Carland and Chiverton it would be necessary to route them via the existing A30.
- 4.10.18. It has been agreed that the existing A30 would act as a temporary diversion route for the new Proposed Development in the event of planned maintenance or an incident requiring closure of the new road. This would necessitate that the future carriageway would have a desirable minimum width of 6.8m but an absolute minimum width of 6.1m with reduced speed limits. Changes would accommodate abnormal loads, with final designs to be agreed with the CC Highways Team and HE Operations Team. CC's outline de-trunking strategy was included in the LIR whilst the HE plans identify the relevant sections [APP-022]. The CC strategy intends that it be downgraded to a level appropriate to its future service level, and meet the following objectives:
- Provide safe and suitable access to local destinations and properties along the route, for all road users to a standard commensurate with the future predicted traffic flows;
 - Provide adequate facilities for non-motorised users including cyclists, walkers and equestrians. This is particularly relevant given the proposal to ban cyclists from the new dual carriageway section of the A30; and
 - accommodate abnormal loads and to act as a temporary diversion route.
- 4.10.19. CC indicated that the eastern-most section of the existing A30 – Carland to Boxheater - would be the busiest in terms of predicted traffic flows, albeit significantly less than the current situation, and would be the signed route from Carland Cross junction to Goonhavern and Perranporth. It was proposed that this section was downgraded to a B road classification, effectively continuing the B3285 from Goonhavern and Perranporth to Carland Cross.

- 4.10.20. CC indicated that as a direct consequence of the new Proposed Development the predominant flows at Boxheater junction would be traffic to and from Goonhavern and Perranporth on the B3285, see drawing at page 28 of the LIR [REP1-010]. Therefore it is CCs view that the junction priority needs to be adjusted to reflect this new situation and address potential safety issues this change in flows would raise with the current layout.
- 4.10.21. It will be seen from the SoCG [REP7-011] that CC remained of the view that the de-trunking aspects of the Proposed Development should be funded by HE – see ref 19.1, 19.2, 19.3, 19.5 and 19.6. This was not agreed by HE, who argued that there was no evidence from traffic modelling that the Proposed Development would impact Boxheater junction.
- 4.10.22. It can be seen from the Stage 3 traffic forecasting [REP5-031] that there would be greater traffic flows on the B3285 than on the A30 with the Proposed Development; the 2038 AADT would be 3,532 on the B road and 2,169 on the existing A30. However, it should be borne in mind that the Do Minimum scenario would leave high traffic volume on the A30 - 2038 AADT would be 27,379 on the existing A30 and 3,388 on the B road. This means that there would be significantly less traffic on the A30 with the Proposed Development which would lead to easier vehicle movements regardless of the junction priority. As a result, I consider that the SoS can be satisfied that the junction priority need not be a matter to be dealt with as part of the Proposed Development.
- 4.10.23. HE further argued that provision for WCH was unnecessary due to the reduction in traffic on the existing A30, with design being funded through Designated Funds (DF) in any event; the £80,000 funding for signage was sufficient; and, the £44,000 funding in relation to width works was sufficient.

Shortlanesend – Traffic Calming

- 4.10.24. The village of Shortlanesend is situated on the B3284 to the north-west of Truro. It already benefits from standard traffic management measures to address existing traffic issues. CC is proposing the creation of a comprehensive low speed environment Proposed Development to mitigate the impacts of the predicted traffic increase, which modelling predicts to result in up to a 74% increase in peak hour traffic as a result of the Proposed Development [REP7-011, Ref. 19.4].
- 4.10.25. HE have agreed a contribution of £10,000 towards the traffic calming measures but do not agree that the measures proposed by CC would be necessary to construct and operate the Proposed Development. The CC supplementary report [REP6-024] indicates that costing estimates were based upon experience arising from the implementation of similar Proposed Developments.

Shortlanesend Road – Farm access

- 4.10.26. Issues were raised in relation to HGV farm access to and from the A30 on the Zelah to Shortlanesend road, with a suggestion of using the Nancarrow green bridge as a vehicular bridge, not just for the private vehicular traffic [REP1-027 and AS-037].
- 4.10.27. HE confirmed [REP2-022] that Killivose Lane (U6082) would be stopped up [REP6-005]. The lane is currently used to access Chynoweth Farm from a T-junction with the existing A30 and to the south of the farm there is a junction with Killivose Lane (U6082) and the Shortlanesend Road (C0089). The current junction from the U6082 to the C0089 is not sufficient for use by HGVs and, as shown as Work No. 75 on Sheet 4 of the Works Plans (Document Reference 2.4(E)) [REP6-004], the junction would be upgraded to accommodate these vehicles.
- 4.10.28. The green bridge at Marazanvose would be a crossing facility for the local ecology and to connect the WCH routes in this area. As the structure would also be required to accommodate access for highway authority maintenance vehicles, access for a tractor and trailer has been granted for Nancarrow Farm in relation to access to their land on the opposite side of the existing and proposed A30.
- 4.10.29. Allowing HGV access on the bridge would significantly increase the cost and there would not be any significant journey time benefits for vehicles to and from Chynoweth Farm. The increased costs could not be justified. Access to the A30 from Chynoweth Farm would be via the U6082 and the C0089, which has been agreed with Chynoweth Farm.
- 4.10.30. The SoCG with St Allen Parish Council [REP5-016] shows agreement with the intended use of the green bridge for ecology, WCH and Nancarrow Farm access. The improvements on Shortlanesend Road (C0089) to ensure HGV access for the farms and businesses on the U6082 was understood to form part of the measures funded by HE through legal agreement with CC.

Summary on de-trunking and Shortlanesend

- 4.10.31. CC provided a supplementary report [REP6-024] with further details and justification for the proposals. This gave a total cost estimate of approximately £6.43 million to meet the future requirements of the de-trunked road. It will be noted that the CC costing estimates were based upon experience arising from the implementation of similar Proposed Developments. CC is seeking a £1m contribution from HE towards this.
- 4.10.32. CC acknowledge that HE have committed £17.1m towards a £19.1m programme of walking and cycling trails across central Cornwall, to address longstanding severance issues arising from the A30, with CC contributing the £2m balance. The DF programme includes the design of WCH measures on the existing A30 once it is de-trunked, which shows recognition of the benefits of the WCH measures. However, the commitment to the DF cannot be made until early 2020.

- 4.10.33. The NNNPS sets out that the Applicant should be able to demonstrate that the Proposed Development is consistent with the Highways Agency's Safety Framework for the Strategic Road Network and with the national Strategic Framework for Road Safety. I consider that the changes to the existing A30 arise as a direct result of the Proposed Development.
- 4.10.34. Whilst there would be less traffic on the existing A30 in general it is the case that without changes to the proposal at Chybucca, discussed below, an amount of HGV traffic from local businesses would remain. I believe that agricultural vehicles would be more likely to use this road, rather than the new dual carriageway. There is agreement to the use of the existing A30 as an alternative route during maintenance and incidents.
- 4.10.35. CC have accepted that the DF programme is an appropriate funding source in relation to certain WCH works, accepting that there is an overlap in the work. I have some concern that the funding cannot be guaranteed at this time, as a lack of ability to implement the WCH measures required for operation of the existing A30 would not necessarily demonstrate that reasonable steps had been taken in relation to improvements in road safety for walkers and cyclists. However, taking account of the traffic flow reductions overall and the funding which has been made available, I am satisfied that this should not weigh against the making of the DCO.
- 4.10.36. The SRN and LRN do not operate as separate entities in the real world and DfT is responsible for the entirety of the highway network. Giving due consideration to the impacts on local transport networks, including farm and business access to the north of Shortlanesend, I consider that CC have reasonably identified matters which flow directly from the Proposed Development and which could be included in the overall funding package. However, taking account of the measures which have been identified to make improvements and the steps taken in relation to the Proposed Development as a whole, I consider that the Applicant has taken steps reasonably required to:
- minimise the risk of death and injury arising from their development;
 - contribute to an overall reduction in road casualties;
 - contribute to an overall reduction in the number of unplanned incidents;
 - and contribute to improvements in road safety for walkers and cyclists.
- 4.10.37. Of course, CC as the local highway authority would wish to see the best outcome for the local residents but in this instance I am satisfied that the proposed funding is sufficient to meet the Applicant's obligations in relation to the NNNPS.

Chybucca Junction

- 4.10.38. The crossing of the B3248 across the A30 by way of two staggered three-arm junctions, would be replaced by a grade separated junction

with west-facing sliproads, resulting in an eastbound off-slip and a westbound on-slip [REP6-006, Sheet 3 of 8]. As noted in the SAR [APP-050] one of the main concerns expressed during public consultation was the lack of east-facing slips at Chybucca, as well as the alignment in this location.

- 4.10.39. The Route Selection Report [APP-051] indicates how the consultation alignment of the new dual carriageway was altered from a line parallel to the existing A30 and offset from it. The 'online' alternative, which is the proposed route included in the dDCO, reduced severance of agricultural holdings, reduced impact on a residential property and made better use of the existing highway.
- 4.10.40. There remained no intention to include east-facing sliproads on the basis that the predicted traffic flows did not justify them. This matter has remained live from the outset of the Examination [RR-002, RR-059, RR-100 and RR-105], with an ISH held on 12 June 2019 [EV-016, EV-020 and EV-021]. The Cornwall Chamber of Commerce supported making the junction accessible from both directions [AS-038] and it remained a matter outstanding in the SoCG with the NFU [REP6-020].
- 4.10.41. The sharing of additional data around the traffic modelling following the ISH [REP5-024 – REP5-031] led to further analysis, with a technical note [REP5-036]. As a result of that work HE realised there had been an error in the data presented in Annex A of the PCF Stage 3 Traffic Data Collection Report [REP5-030] and revised versions of the diagrams were provided [REP6-022]. Understandably this led to concerns that there may be other data errors [REP7-014].
- 4.10.42. HE provided further information [REP8-001], confirming that in a review of the traffic modelling documents submitted as part of the DCO process, CC agreed that the traffic data used to inform the model was sound and fit for purpose. Whilst it was argued that the movements across the junction had not been determined [REP5-036] the model was developed in accordance with Web-based Transport Analysis Guidance (WebTAG) criteria and meets the calibration/validation criteria, references 20.1, 20.2 and 20.3 CC SoCG [REP7-011].
- 4.10.43. It was argued that the corrected junction count diagrams show low flows on both east and west facing slips [REP7-014] and so east-facing slips would also be justified. However, the modelling works across the whole of the proposal and the SAR indicates that the incorporation of west-facing slip-roads was to facilitate peak flow movements between West Cornwall and Truro; without them traffic flows would potentially overload the proposed junction at Chiverton Cross [APP-050]. The A30 base year traffic model accurately reflects the most recently collected traffic turning count data in the AM peak period at the Chybucca Junctions. The data supports the decision not to include the east facing slips due to the low number of vehicles making the turning movements which they would provide for and show the higher demand for west facing slips [REP6-022].

- 4.10.44. In addition to the traffic flows the other part of the consideration was journey times. It is, of course, the case that local traffic to Chybucca junction would see improved journey times to and from Carland Cross with east-facing sliproads in place [REP6-022, Tables 5 and 7]. However, that traffic would also benefit from improvements with the Proposed Development and the proposed de-trunking measures in place, without east-facing sliproads in place [REP6-022, Tables 5 and 6].
- 4.10.45. The provision of east facing slips would require additional land take, although it is understood that the affected landowner would be agreeable to this [ISH4, EV-020/021]. HE indicates that changes to the vertical alignment of the Proposed Development would be required to meet DMRB standards, which would lead to adverse environmental impacts (noise, air quality, landscape and visual embankment) at Tresawsen. The changes would increase construction costs [REP6-020] for the benefit of a low number of vehicles [paragraph 2.3.41, REP6-022]. The costs were estimated to fall between £2.5 - £3.5 million, with an upper cost of an additional £20 million to avoid departures from standards [REP5-019].
- 4.10.46. Taking account of that low number of vehicles I do not consider that the argument that the potential effects on the EIA arising from changes in speed on the existing A30 following de-trunking would be significant in relation to the Proposed Development as a whole [REP7-014]. It should be remembered that one of the reasons for the Proposed Development is to deal with existing congestion, which already gives rise to factors of acceleration, braking and idling vehicles on the route.
- 4.10.47. I fully understand the desire for businesses and residents particularly local to this junction to have additional access to and from the proposed A30 at Chybucca. ES Chapter 12: People and Communities [APP-065] acknowledges that the proposed junction arrangement at Chybucca has the potential to cause driver frustration for users of the proposed A30 travelling westbound wishing to access local communities, facilities and services around that junction. It is proposed to mitigate this by way of appropriate signage at Chiverton and Carland Cross junctions, facilitating early driver routing decisions.
- 4.10.48. It would seem that with the access already planned it would not be a major expense to add east-facing sliproads, which would be costly to add retrospectively [RR-100]. This would benefit both existing business and provide opportunities for new businesses in this locality. It would also be beneficial in terms of the intention to use the existing A30 as an alternative route for the proposed route in relation to maintenance or incidents, providing additional access for this purpose.
- 4.10.49. Balancing the cost to the public purse with the advantages that could arise I consider that the SoS can be satisfied that it is reasonable to make the DCO without the addition of east-facing sliproads at Chybucca junction.

C0075 (Pennycomequick)

- 4.10.50. The residential property Pennycomequick lies adjacent to the junction of the C0075 and the existing A30. The landowners raised concerns regarding the proposed width, alignment and vehicular speeds on the C0075 [RR-093, REP1-030, REP4-009 and REP6-027].
- 4.10.51. The C0075 was noted to be designated as a Quiet Lane under The Quiet Lanes and Home Zones (England) Regulations 2006, intended to make identified minor rural roads more attractive for all types of users whilst discouraging excessive use by vehicles. This was one of the proposed new sections of side road reduced in width from a standard 6.8m to a more appropriate width of approximately 3.5m²⁷ to match the width of lanes they tie into. This was intended to create new side roads with a character much more in keeping with that of their respective adjoining Cornish Lanes [APP-060].
- 4.10.52. HE agreed that the quiet rural character of C0075 was a distinctive feature, characteristic of the local landscape. They indicated that the scheme design was refined through an iterative process, resulting in reduced width and sinuous alignment of the lane, design of the verges, inclusion of Cornish hedgerows, native woodland and scrub planting and wildflower seeding, all designed as mitigation to better integrate the Proposed Development with the local landscape.
- 4.10.53. HE indicated that the design speed has been agreed with CC at the national speed limit, which for a single carriageway is 60mph for cars and motorcycles [REP7-012]. Vehicles should drive at a speed that is appropriate for the layout and the conditions. It was argued that the forward stopping sight distance may allow vehicles to drive faster but would also provide improved visibility to and for any other NMU.
- 4.10.54. Where possible within current highways design standards the C0075 has been designed to be narrow and sinuous in alignment to reduce traffic speeds and impart the character of a local Cornish lane. Verges would be kept narrow, whilst maintaining forward visibility. Native woodland and scrub planting are proposed to line the C0075 and embankments. Once the planting was 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 [Rep6-027 and REP7-012].
- 4.10.55. I fully understand the concerns around the potential changes to the C0075, which forms part of the National Cycle Route (route no. 32, "NCR 32) and so would be used by NMUs, perhaps even more so with the Proposed Development in place due to the improvements to the NMU provision on the existing A30, to which it links. HE indicated an intention to continue to work with CC and local residents, including Mr Harvey, during detailed design. It was indicated that this could consider opportunities to encourage slower vehicle speeds. Taking

²⁷ Stated to be 4m in agreement with CC [REP1-004]

account of the design changes so far and the potential for further work on this matter I consider that the SoS can be satisfied with the proposal in relation to the C0075.

Conclusions

- 4.10.56. NNNPS identifies a need to address existing congestion on the SRN and the forecast rise in road traffic of 30% from 2014 to 2030 (paragraph 2.4). I consider that the traffic information demonstrates that the Proposed Development would increase capacity, improving performance and resilience on the network.
- 4.10.57. I am satisfied that there is a high level of support for the Proposed Development overall, notwithstanding the issues identified which would be affected by specific parts of the development.
- 4.10.58. I consider that the Proposed Development would deliver a high BCR with the transport and traffic effects of the Proposed Development during operation providing an overall positive outcome.
- 4.10.59. There are detailed matters to take into account as set out above but, overall, I consider that the Proposed Development delivers well in terms of the NNNPS.

4.11. WALKING, CYCLING AND HORSE RIDING

Chiverton roundabout

- 4.11.1. A large number of comments were raised in relation to cycle access, in particular in the Chiverton Cross roundabout area [General Arrangement and Section Plans (C), REP6-006, Sheet 1 of 8, RR-004 – RR-034, RR-036, RR-039 – RR-045, RR-047 – RR-050, RR-052 – RR-056, RR-061 – RR-069, RR-071 – RR078, RR080 – RR-081, RR-083 – RR-086, RR-089, RR-091, RR-094 – RR-097, RR-099, RR-103, RR106 – RR-108, RR-110 – RR-111, RR-114 – RR-115].
- 4.11.2. This matter was aired at the PM [EV-001 – EV-002], ISH1 [EV-003 and EV-004], the Open Floor Hearing (OFH) [EV-005] and ISH3 [EV-011a – EV-015]. The area was viewed during accompanied and unaccompanied site visits [EV-017, EV-018]. The matters were led by TCC [RR-094].
- 4.11.3. The application proposes the construction of a new grade separated all-movement gyratory junction at Chiverton, with realigned connections to the B3277, A3075, A390 and the existing A30 side roads and the removal of the existing Chiverton Roundabout; and a new WCH underpass west of the new Chiverton junction, providing grade separated WCH access between the side roads and across the new A30. This would be situated approximately 500m east of the existing Chiverton roundabout, resulting in users needing to travel a longer distance and use an underpass.
- 4.11.4. It will be noted from the Consultation Report [APP-029] that the issue of lack of WCH access in this location was raised at that stage and

resulted in amendment of the Proposed Development to include the Chiverton underpass. Despite the proposed design apparently meeting the design requirements of the relevant DMRB standards [REP2-022, REP3-022] concerns over potential user conflict remained, with a stated preference for provision of a bridge at or near the site of the existing Chiverton roundabout.

- 4.11.5. A SoCG was produced with TCC [REP3-017] which set out the commitment from HE that the provision of a cycle bridge at Chiverton roundabout would be funded through DF and CC match funding. This would be in addition to the proposed Chiverton underpass included in the dDCO, Reference F (PR2).
- 4.11.6. Chiverton underpass was designed as a straight continuous alignment with dimensions (4m width and 2.7m height) greater than the minimum required standards for an unsegregated WCH route, specified in IAN 195/16 and TD36/93 and guidance from Sustrans and the British Horse Society (BHS) (minimum width 3m and minimum height 2.2m for cyclists and 2.7m for horses (if dismounted)). HE appreciated that the wider and higher an underpass, the more attractive it would be for WCH use. There was no scope to increase the height without significant unintended consequences but HE agreed that the width could be increased to 5m, albeit with increased construction costs [REP3-023]. Annex M: Public Rights of Way Management Plan in the Outline CEMP Annexes [AS-041] refers to the provision of a new underbridge with mounting blocks each end, appropriate width for passing users, lighting and access restrictions to prevent use by vehicles as necessary, with sealed surface unless otherwise agreed by HE and CC.
- 4.11.7. CC suggested [REP6-024] that although it accepted the inclusion of the Chiverton underpass in the DCO Application, there was preference for the cycle footbridge on the desire line from St Agnes to Truro. As CC were already progressing this cycle/ footbridge project²⁸ it was suggested that there could be rationalization of the provision of the NMU crossing of the A30 in this vicinity. CC anticipated that by early 2020 the cycle footbridge could be implemented either as part of the main Proposed Development construction, or immediately after the dualling was complete, which they felt may make the proposed underpass redundant. HE did not agree with this due to wider benefits that the bridge alone could not offer; they saw it as a DF enhancement that could happen with or without the Proposed Development in place [REP7-012].
- 4.11.8. Paragraph 3.17 of the NNNPS states: *'There is a direct role for the national road network to play in helping pedestrians and cyclists. The Government expects applicants to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes. The Government also expects applicants to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and*

²⁸ DF secured and submission of planning Application anticipated by the end of 2019

walking, by correcting historic problems, retrofitting the latest solutions and ensuring that it is easy and safe for cyclists to use junctions.'

- 4.11.9. It was noted in representations that many people already used the B3277/A390 for cycle commuting journeys between St Agnes and Truro, for example to Truro College, Richard Lander School and the Royal Cornwall Hospital. The Cornwall Propensity to Cycle Study, 2016 [REP1-032] highlighted cycling potential, with associated reductions in driving, health benefits, and CO2 benefits, noting the east-west axis, on the A390 and beyond, as having particularly strong potential for increasing cycle use, including e-bikes. See also, relevant matters in the section on Human health, from paragraph 4.19.15.
- 4.11.10. It appears that initially little consideration had been given to potential cycle use, taking account of the existing severance issues arising from the junction improvements at Chiverton Cross which enabled greater volumes of motor traffic, but acted as a barrier to NMUs. However, it would be fair to say that the provision of the underpass arose from a desire to support other transport modes in developing the infrastructure following consultation.
- 4.11.11. Despite the clear intention for development of the proposed cycle bridge, which has left TCC content, I do not consider that the SoS can place weight on this provision in relation to the application before him. It relies upon external factors to the Proposed Development, such as gaining planning permission, and cannot be guaranteed for delivery.
- 4.11.12. I consider that due to the length of the route away from the desire line to the west, the Chiverton underpass provision is not ideal. It would be expected to add 15 minutes to journeys for walkers [RR-083]. It is noted that Truro City Council did not support the provision of the underpass because they felt that a bridge would provide a safer crossing overall [RR-056, REP1-031]. I consider the effect on cycle users would be less than on walkers, as they can travel greater distances in a shorter time period. Additionally, Chiverton underpass would provide for equestrian users, who may be unlikely to take advantage of the proposed overbridge.
- 4.11.13. Taking all these matters into account I find this to be a finely balanced issue. Nevertheless, looking at the advantages of the Proposed Development alongside the provision which would be made I consider that the Chiverton roundabout underpass would be just sufficient to meet the policy regarding modal shift set out in the NNNPS.

Church Lane underpass

- 4.11.14. Church Lane is an unclassified road, part of the U6083, running from the road between Trevalso and Trerice to the east of Zelah - Trevalso Lane - and the existing A30 [Rights of Way and Access Plans Sheets 5 and 6 of 8, REP6-005]. I understand that the changes to this route arose as a result of the development of the existing A30, which split the route, the western end of which leads into the village of Zelah.

Current access across the A30 is via steps to an at-grade crossing of the road.

- 4.11.15. SAPC raised the matter of providing a tunnel under both the proposed and existing routes in this location during consultation [APP-029], rather than just the proposed route. This remained a matter outstanding in the SoCG [REP5-016]. WCH provision here was also raised by the Cornwall Countryside Access Forum (CCAF) [RR-067, REP1-011] and BHS [RR-078].
- 4.11.16. HE indicated that the WCH underpass proposed under the new A30 would allow the current pedestrian route on Church Lane to be maintained. Surveys showed that cyclists use Trevalso Lane to join/cross the existing A30 at Trevalso, with no evidence of equestrians using either crossing. It was felt that the Proposed Development would lead to cyclists and horse riders using the new underpass at Trevalso Farm and the realigned Henvver Lane.
- 4.11.17. Traffic levels would reduce on the existing A30 with the width of the existing road reduced as part of the de-trunking works proposed by CC [Table A3.1, REP1-010] and this section would have a 40mph speed limit [Drawing A2, REP1-010]. HE carried out calculations in accordance with DMRB TA68/96 and the CC Traffic Engineering Manual on Pedestrian Crossings which showed that even with an allowance of latent demand, a formalised crossing was not required [REP3-022].
- 4.11.18. CC accepted in point 2.8 of the SoCG [REP7-011]²⁹ that in principle the number of WCH crossings of the new A30 (at Chiverton junction, Marazanvose, Tolgroggan Farm and Church Lane) was sufficient. They raised no further matters regarding Church Lane.
- 4.11.19. I understand the desire to improve WCH provision, in line with the NNNPS looking to address existing severance issues. In the case of Church Lane I take account that there is additional WCH access both east and west of this location. The reduced traffic flows and speeds on the existing A30, in combination with a tunnel under the proposed road appear to facilitate improved access in this location. On balance I consider that an appropriate outcome has been found in this location.

Shortlanesend Road

- 4.11.20. SAPC [REP1-027] and CCAF [RR-067, REP1-011] commented on the section of the Shortlanesend road from St Fredas to Two Burrow Hill, which forms part of NCR 32 [General Arrangement and Section Plans (C), REP6-006, Sheet 5 of 8]. This road section would be stopped up with NCR 32 diverted to pass under the A30 via the Two Barrows underbridge and follow the realigned existing A30 west, connecting with the C0364. It was suggested that the section could instead be redesignated as a bridleway, leaving it open as part of NCR 32.

²⁹This had been their position from the LIR [REP1-010]

- 4.11.21. HE argued that the design would provide the best solution, taking account of the need for WCH to cross the realigned A30 at a safe point. The proposed arrangement takes account of highway safety, visibility from the junction, and associated alignment considerations, as well as allowing NCR 32 to continue as an on-carriageway route at this point.
- 4.11.22. The adjacent road C0089 would be partially stopped up to only provide access to St Freda Nursery and the adjacent field from the north, with the closed section planted with deciduous native woodland planting [General Arrangement and Section Plans (C), REP6-006, Sheet 5 of 8].
- 4.11.23. During ISH3 [EV-011a – EV-015] there was discussion about the use of C0089 as part of the NCR. HE were concerned at the 'cross roads' arrangement for WCH that would result and were satisfied as to the proposed layout [REP3-023]. This matter remained outstanding in the SoCG with SAPC [REP5-016] as they felt that the proposed route would be more dangerous, due to lack of visibility splays.
- 4.11.24. Taking account of the HE highway engineering expertise I give weight to their assessment that the alignment on the realigned existing A30 and the associated visibility to and from the junctions would be appropriate. They indicate that the suggested alternative would involve reduced sub-standard visibility at the crossing of the A30, introducing a safety concern. It should be noted that CC were content with the planned works in this area [SoCG, REP7-011, reference 19.14 and Appendix D]. As a result, I consider that the planned outcome in this area is an appropriate solution.

Bridleway 309/3/1 (Kenwyn Bridleway 3)

- 4.11.25. The Consultation Report [APP-029] refers to the suggestion of pedestrian access on this bridleway [Rights of Way and Access Plans Sheet 3 of 8, REP6-005]. Annex M: Public Rights of Way Management Plan in the Outline CEMP Annexes [AS-041 and AS-042] shows the proposal to stop up a section of bridleway 309/3/1 at the northern end (ref PR6 on the Rights of Way and Access Plans).
- 4.11.26. The Ramblers [RR-083] did not object to the northern end of the bridleway being stopped up but said a bridleway should be provided to the south of the proposed new road to connect with the realigned C0049 road to the east [General Arrangement and Section Plans (C), REP6-006, Sheet 5 of 8].
- 4.11.27. HE argued that as the existing bridleway terminates at the existing A30, and only a short section would be stopped up, mitigation to extend the route, requiring additional land, was unnecessary [REP1-004].
- 4.11.28. Following discussions at ISH3 [EV-011a – EV-015] on this matter HE confirmed that the proposal was appropriate as it would involve like for like provision of access and more suitable alternative crossing points of the A30. They felt that WCH travelling from the south on

bridleway 309/5/1 would travel east on the B3284 to join Allet Road, the C0049, rather than west to join the bridleway 309/3/1 to then go back east to Allet Road. The bridleway to the south is not shown on the plans but can be seen on the OS base mapping of the Key Plan to the Land Plans [REP6-003]. It lies to the south of the B3284 and passes through Choon.

- 4.11.29. I consider that this argument fails to understand why WCH users make use of routes, with a general preference to follow off-road rather than on-road routes. In this case, the shorter length of road to follow west to join bridleway 309/3/1, rather than east to Allett Road, would, in my view, tend to mean WCH users would prefer that option, joining Allett Road further to the north, even if this meant use alongside the proposed A30, with associated noise and visual impact issues. I consider that the Ramblers were correct in their view that this would greatly improve connectivity with other nearby off-road routes. It also fails to acknowledge the fact that the existing A30 acts as a barrier to NMU use, a matter which the NNNPS sets out in paragraph 3.17 Applicants should take into account in correcting historic problems.
- 4.11.30. Although at reference 14.7 CC agreed with the mitigation proposed [SoCG, REP7-011] I consider this to be a case where the Applicant missed a reasonable opportunity to address any existing severance issues that act as a barrier to NMU (NNNPS, paragraph 5.205). It is now the case that the connection would require land acquisition outside the dDCO Order limits [REP3-023]; had the matter been engaged with at an earlier stage the minimal potential additional land required could have been accommodated within the Order limits.

General WCH matters

- 4.11.31. There were other matters relating to access which were agreed through the process, leading to changes to the dDCO [REP3-022 and REP3-023]. I consider that the SoS can be satisfied that those changes were appropriate in relation to the matters which had been raised by parties to the process. They represent improvements to NMU public access provision in association with the Proposed Development.

Conclusions

- 4.11.32. The NNNPS is clear on the need to address existing barriers to NMUs and support other transport modes in developing infrastructure. In general, there has been a positive approach but I consider there to have been misses in terms of the Chiverton Roundabout provision and the effect of the Proposed Development on bridleway 309/3/1. Whilst NMU access for Church Lane would undoubtedly be improved by a tunnel under the existing A30, as well as the proposed, on balance I consider that the Proposed Development would be reasonable in this location.
- 4.11.33. To accommodate the two matters identified above would require that this DCO be not made, with a further application to incorporate these

issues leading to delay in provision of the Proposed Development overall. With the possibility of the overbridge being provided and likely low level use of bridleway 309/3/1 I consider that these matters represent limited weight against the making of the DCO.

4.12. AIR QUALITY AND RELATED EMISSIONS

4.12.1. This section addresses the following effects:

- carbon emissions and climate change considerations;
- Nitrogen Oxide (NO_x) and particulate emissions;
- local air quality;
- construction emissions with a bearing on air quality including dust; and
- artificial light emissions.

4.12.2. ES Chapter 5: Air Quality [APP-058] indicates that the development proposal would change traffic flows on the existing A30, as well as flows on other roads in the wider area. This would result in changes to pollutant emissions from vehicle traffic and in ambient air quality at nearby receptors. The presence of significant ecological sites and the Truro and Kerrier Air Quality Management Areas (AQMA) indicate sensitivities to be addressed explicitly through the assessment.

4.12.3. The DMRB assessment was undertaken to establish the potential effects of the Proposed Development on local and regional air quality. A detailed assessment of construction phase impacts was scoped out of the assessment as set out in the Scoping Opinion [APP-311]. A review of impacts was undertaken to feed into the CEMP [REP7-006].

4.12.4. The assessment examined the potential effects of the Proposed Development on local air quality during the opening year 2023. The baseline assessment showed existing air quality issues in the study area, with exceedances of the NO₂ annual mean Air Quality Objective being observed in urban areas north and south of the A30. No exceedances were identified in the baseline year along the A30.

4.12.5. Assessment of annual mean NO₂ concentrations in 2023 indicated that the Proposed Development effect was not significant. There would be a decrease in emissions of NO₂ and CO₂ pollutants on a regional scale as a result of the Proposed Development. Assessment of EU compliance concluded that the Proposed Development was not likely to impact the Zone's predicted date for compliance with the EU limit value. HE indicated that the Proposed Development's impact along the A30 on air quality concentrations would not be significant.

4.12.6. The Report on Implications for European Sites (RIES) [PD-012] referred to the findings of the Statement to Inform an AA Report [APP-033]. This set out that, applying the relevant thresholds from DMRB guidance four European Sites were identified for the HRA screening process:

- Newlyn Downs SAC

- Fal and Helford SAC
- Breney Common and Goss and Tregoss Moors SAC
- River Camel SAC

- 4.12.7. Taking account of the nature of the works and the qualifying features of the European Sites, consideration was given to the following impacts with the potential to lead to significant effects:
- Changes in air quality from atmospheric pollution associated with increased traffic (Newlyn Downs SAC, River Camel SAC and Breney Common and Goss and Tregoss Moors SAC);
 - Changes in air quality from atmospheric pollution associated with construction activities (Newly Downs SAC);
 - Changes in water quality (Fal and Helford SAC and Newlyn Downs SAC);
 - Impacts on the management of the site (Newlyn Downs SAC);
 - Changes in hydrological conditions (Newlyn Downs SAC); and
 - Inappropriate management and introduction of invasive species (Newlyn Downs SAC).
- 4.12.8. Any Likely Significant Effect (LSE) on the interest features of the sites, either alone or in-combination with other plans/projects, was excluded at Stage 1: Screening, for the Fal and Helford SAC and the River Camel SAC. For Newlyn Downs SAC, the potential for LSE resulting from changes in air quality during operation was excluded at Stage 1: Screening. The remaining impacts were taken forward for consideration as part of Stage 2: AA:
- Changes in air quality from atmospheric pollution associated with construction activities;
 - Changes in water quality during construction and operation;
 - Changes in hydrological conditions;
 - Inappropriate management and introduction of invasive species; and
 - In-combination effects.
- 4.12.9. The RIES indicated there was potential for adverse effects on the integrity of the Newlyn Downs SAC and Breney Common and Goss and Tregoss Moors SAC. HE clarified [REP5-021] that as LSE could not be excluded for these two sites at the screening stage they were taken forward to Stage 2: A. It was concluded that that no reasonable scientific doubt remained and the project would not adversely affect the integrity of any European Site, alone or in combination with other plans or projects. NE confirmed that they content with the findings from the AA [REP5-032].
- 4.12.10. Concerns were raised in relevant representations regarding air and light pollution in relation to residential properties [RR-046, RR-057, RR-058, RR-101, RR-117].
- 4.12.11. HE reiterated that the Proposed Development would not have a significant impact on air quality during either the short-term construction phase or long-term operation with the proposed mitigation [REP1-004].
- 4.12.12. There would be no road lighting on the main carriageway or at the junctions. In relation to light pollution from headlights, the

Environmental Masterplans (Document Reference 6.3, Figure 7.6(C)) [REP6-014] shows the planting proposed around Henver Lane Cottage³⁰, Trevalso Farm and Trevalso Cottage to replace vegetation lost through construction and provide visual screening, including from headlights.

- 4.12.13. ES Chapter 7: Landscape [APP-060] notes that the use of Cornish hedges in relation to noise mitigation would have the advantage of visually screening car headlights from certain views. In relation to construction the lighting strategy in the CEMP [REP7-006 and AS-041] would limit the use of construction lighting and reduce light spill.
- 4.12.14. A Health Impact Assessment (HIA) was carried out, assessing various aspects of health (including direct and indirect impacts) during Proposed Development construction and operation. It indicated that while there may be minor adverse impacts on some aspects of health during construction (particularly noise, air quality, amenity and accessibility), these would be temporary. Mitigation has been proposed, such as those in the CEMP [REP7-006]. The HIA did not find that there would be any long-term adverse impacts on health during the operation of the Proposed Development.
- 4.12.15. In relation to cycling a number of individuals and organisations raised the issue of provision of appropriate cycling provision as part of the main Proposed Development in order to assist in increased NMU access, which would, among other things, reduce car use and associated pollution in the area [RR-006, RR-024, RR-028, RR-030, RR-040, RR-044, RR-073, RR-108 and RR-115]. HE did not specifically address this point in Annex G (response to TCC) of the Comments on Relevant Representations [REP1-004]. I consider that the point raised is a reasonable one and should be borne in mind when considering the matter of cycling provision overall in the Chiverton Roundabout area, see section 4.11.
- 4.12.16. ES Chapter 14, Climate Change [APP-067] described two assessments:
- the carbon assessment; and
 - the climate change resilience (CCR) assessment.
- 4.12.17. The carbon assessment identified that the Proposed Development would result in a net reduction in carbon. Although the total number of kilometres travelled would increase compared to the baseline it was predicted that congestion would reduce. The benefit from the reduction in congestion would outweigh the carbon associated with extra distance travelled and the carbon associated with the Proposed Development construction. The capital carbon for the Proposed Development was calculated at 108,330 tonnes CO₂e³¹ and the operational carbon 140 tonnes CO₂e. User carbon summed over the

³⁰ HE indicated [REP1-004] considering the purchase of all or part of this land holding as part of a blight claim (plot 7/4 in the Book of Reference, Document Reference 4.3(A) [AS-034]).

³¹ GHG emissions are converted into tonnes of carbon dioxide equivalent (tCO₂e), a calculation which normalizes the global warming potential of the main GHG into one measure, based on the global warming potential of CO₂.

study period would decrease by 397,110 tonnes CO₂e by 2050, leading to a total carbon reduction of 299,130 tonnes CO₂e by 2050.

- 4.12.18. It was concluded that the Proposed Development would not have a long-term detrimental impact on the Government's ability to meet its carbon targets and the effect was assessed as not significant for the purposes of the ES. The Proposed Development would result in a short-term increase in carbon caused by emissions associated with construction and carbon reduction measures to be implemented were shown in Section 14.10. Examples included lowering vertical alignment to achieve more site won material close to where required for deposit, so reducing haulage distances and an underpass at Trevalso Farm to reduce diesel required for round trips to severed land. The CCR assessment identified no significant effects.
- 4.12.19. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 commenced on 26 June 2019, during the course of the examination. Paragraph 5.16 of the NNNPS referred to the legally binding framework to cut GHG emissions by at least 80% by 2050, which the 2019 Order amended such that the net UK carbon account for the year 2050 should be at least 100% lower than the 1990 baseline.
- 4.12.20. HE confirmed that the revised carbon reduction target did not alter the assessment of the Proposed Development [REP8-001]. The Proposed Development would not have a long-term detrimental impact on the Government's ability to meet its carbon targets and the effect would remain not significant for the purposes of the ES.
- 4.12.21. The SoCG with CC [REP7-011] shows that CC were content that the issues and impacts in relation to air quality had been satisfactorily addressed and the proposed mitigation was adequate. There were no matters outstanding in relation to air quality or lighting.
- 4.12.22. The SoCG with NE [REP2-018] indicated no matters outstanding.
- 4.12.23. NNNPS paragraph 2.16 identifies that congestion causes 'environmental problems, with more emissions per vehicle and greater problems of blight and intrusion for people nearby...' suggesting that there can be relevant air quality benefits from solutions that reduce congestion and increase the free flow of traffic. I am satisfied that the assessments carried out in relation to this Proposed Development demonstrate such benefits overall.
- 4.12.24. There would be no significant adverse effects, including no new exceedances, no exceedances made worse and no AQMAs with significant adverse effects. The assessment indicates that the Proposed Development would not affect the ability of the local authority to comply with relevant air quality targets.
- 4.12.25. The Proposed Development would not have a long-term detrimental impact on the Government's ability to meet its carbon targets and the effect would remain not significant for the purposes of the ES.

4.12.26. In relation to light emissions, the mitigation measures are considered to be appropriate.

4.12.27. I consider that the SoS can be satisfied that matters relating to air quality and emissions, including lighting and climate change, have been appropriately addressed.

4.13. BIODIVERSITY, ECOLOGY AND THE NATURAL ENVIRONMENT

4.13.1. ES Chapter 8: Ecology and Nature Conservation [APP-061] assessed the impact of the Proposed Development on biodiversity and ecological conservation, including designated and non-designated sites of ecological importance, habitats, protected species and other species of principal importance.

4.13.2. The conclusion of the ES was that there would be slight adverse and moderate to slight adverse effects during construction, relating to general habitat loss and fragmentation, as well as the loss of heathland habitat. However, it concludes that the mitigation measures proposed in the Proposed Development as detailed in the Environmental Masterplans (Figure 7.6 (C)) [REP6-014], once fully planted and maturing, would provide a moderate beneficial impact on biodiversity and ecology during operation. Landscape planting on the Proposed Development was designed to provide a net gain for biodiversity and connectivity into the wider landscape, while numerous multi-species crossings for safe connectivity of mobile species would be provided, including a Green Bridge.

4.13.3. ES Chapter 9: Geology and Soils [APP-062] identifies that there are no statutory or non-statutory designated geological sites within the study area of the Proposed Development. There would subsequently be no significant effect in relation to this aspect of biodiversity and ecological conservation. Matters relating to agricultural use of soils are dealt with in relation to social, economic and land-use effects, section 4.8 of this Report.

4.13.4. As identified in paragraph 2.2.14 there are several areas with environmental designations which required consideration.

4.13.5. The SoCG with NE [REP2-018] indicated no matters outstanding. The SoCG with CC [REP7-011] identified no matters outstanding in relation to biodiversity, ecology and the natural environment.

4.13.6. Taking account of the NNNPS requirements with regard to the assessment of biodiversity and ecological conservation I consider that the SoS can be satisfied that all relevant matters have been appropriately addressed. The ES has considered the full range of potential impacts on ecosystems and shown how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.

4.13.7. Mitigation measures have been identified as set out in the Environmental Masterplans [REP6-014], with the proposed mitigation

secured via the REAC, the CEMP and the dDCO. It is considered that the Proposed Development meets the requirements of the NNNPS with regard to biodiversity, ecology and the natural environment.

4.14. HISTORIC ENVIRONMENT

- 4.14.1. ES Chapter 6: Cultural Heritage [APP-059] refers to the assessment of potential impacts of the Proposed Development on Cultural Heritage, prepared in accordance with guidance provided by DMRB. Individual archaeological sites, historic buildings and historic landscape types are known collectively as cultural heritage assets. The ES provides information on cultural heritage assets which may be subject to effects arising from the Proposed Development and assesses the likely significant effects in respect of those heritage assets, which are within the footprint or within 300m or 1km of the Proposed Development.
- 4.14.2. The assessment of impacts on the historic environment identified the range of effects upon heritage assets such as scheduled monuments, listed buildings and buried archaeological remains. Direct impacts would occur on buried archaeological deposits resulting in a likely moderate adverse significance of effect. No designated assets³² would experience direct impacts, however the Proposed Development would lead to some adverse effects upon their settings; in particular, construction compounds at the eastern and western ends of the Proposed Development would result in significant adverse effects upon the scheduled barrow groups.
- 4.14.3. HMBCE took an active part in the Examination [AS-001, REP1-013, REP1-014, REP1-015, REP2-028, REP2-029, REP3-028, REP3-029, REP4-007, REP5-034, REP5-035 and REP6-025]. Heritage assets were viewed during both accompanied and unaccompanied site visits [EV-017 and EV-018]. The SoCG with HMBCE [AS-043] showed agreement across the majority of relevant matters and the SoCG with CC [REP7-011] indicated no matters outstanding in relation to cultural heritage.
- 4.14.4. There were matters outstanding between HMBCE and HE in the SoCG [AS-043], both relating to the Warrens Barrow, Carland Cross area at the eastern end of the Proposed Development. There was concern that the 0.5m vertical limit of deviation at Carland Cross could limit engineering options to reduce the impact on the Warren's Barrow scheduled monument through reduction of levels. It was suggested that to reduce the obstruction of views, and subsequent impact upon Warren's Barrow and the round barrow cemetery scheduled monuments, it would be necessary to reduce the levels of the slip road and carriageway, with the Proposed Development start point east of Carland Cross moving further east in order to accommodate this.

³² The Department for Digital, Culture, Media and Sport (advised by HMBCE) is responsible for the identification and designation of listed buildings, scheduled monuments and protected wreck sites. HMBCE identifies and designates registered parks and gardens and registered battlefields. WHSs are inscribed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO). In most cases, conservation areas are designated by local planning authorities. HMBCE administers all the national designation regimes.

- 4.14.5. HMBCE set out that the issue related to the loss of views to, and from, Warrens Barrow to the north and west [AS-001]. Distant views were an essential factor in the location of barrows such that the loss of visibility would result in loss of significance derived from this aspect of its setting. It was argued that this loss should be considered separately, initially, from the gains in enhancement of the barrow's setting to the south that would arise from the removal of this section of the existing A30.
- 4.14.6. HMBCE did not feel that the cumulative assessment took due regard of the permanent adverse impact on the overall Carland Cross group of nationally important barrows, which should be considered as a group, rather than as isolated barrows. HE said that these barrows had not been treated individually and were content that the assessed effect of slight beneficial, as a result of reuniting the barrows with Warren's barrow to the north, realistically reflected the effect of the Proposed Development on the Carland Cross barrows as a whole.
- 4.14.7. HE referred to their Assessment Methodology [APP-059]: for a moderate adverse magnitude of impact on a scheduled monument (with high value), the DMRB methodology can result in either a moderate or large adverse effect. 'Moderate adverse' significance of effect had been assigned but HE accepted the HMBCE recommendation to alter this to 'large adverse' and this was set out in the ES Addendum [REP4-006].
- 4.14.8. HE indicated that the Proposed Development design could not be changed beyond the limits of deviation in Article 8 of the dDCO [REP7-003]. The proposed route was highly constrained both horizontally and vertically in this area due to the abandoned quarry pond and bowl barrow (north of Higher Ennis Farm) to the west; the wind turbines and their exclusion zones and the Newlyn Downs European Designated Site (SAC) to the north; the tie-in to the existing A30 to the east; and, the tie-in to the existing Carland Cross roundabout to the south [REP1-004].
- 4.14.9. Lowering of the vertical alignment of the A30 and associated side roads at Carland Cross by more than 0.5m would result in a direct impact on the quarry pond and its water level; require a change of form of retaining structure at the bowl barrow with an increased risk of impact on associated buried archaeology; lead to encroachment into the wind turbine exclusion zones, which is not permitted; and, lead to increased programme and costs and health and safety risks with a longer length of tie-in works to the existing A30.
- 4.14.10. HE indicated that although the maximum allowable 0.5m lowering of the new A30 vertical alignment through the Carland Cross junction could have visible benefits, this would not change the assessment [APP-059] and so would not be committed to at this stage.
- 4.14.11. An elevated viewing location adjacent to the proposed A30 carriageway would be included to replace views from Warrens Barrow [Sheet 18, Environmental Masterplans, REP6-014]. Interpretation

boards would be installed in consultation with HBMCE as secured in the Outline Written Proposed Development of Investigation (Annex F of the Outline CEMP) [AS-041]. As well as the PROW proposed between Warrens Barrow and the barrows to the south a further PROW would be included to direct WCH to the viewing location [Sheet 8, Rights of Way and Access Plans, REP6-005].

- 4.14.12. The Proposed Development would detract from the significance of the barrow, resulting in large adverse significance of effect. However, there would be a beneficial impact in the reuniting of Warrens Barrow with the barrow cemetery to the south. With the additional elements of access and interpretation of the landscape in this area and taking account of the limitations on the vertical alignment of the Proposed Development, I consider that the SoS can be satisfied that the overall balance does not weigh against the making of the DCO.
- 4.14.13. HMBCE referred to works to address matters associated with the relocation of the existing A30 and re-unification of Warren's Barrow and the wider Carland Cross barrow cemetery in relation to the location of the red line area. Whilst welcomed, concern was raised that it was not linked to the Proposed Development and had no guaranteed outcomes [AS-043].
- 4.14.14. HE said that some of the environmental benefits originally proposed for the Proposed Development were dropped when the red line area at Carland Cross was redrawn. These would now be proposed to be provided through HE's Environmental DF Project, which CC intended to deliver and with which HBMCE were engaged. As this has been identified as a separate Proposed Development, not required to mitigate impacts associated with the Proposed Development as applied for and not relied upon in the assessment in the ES nor any supporting documents in the application, I consider that it lies outside the matters for consideration by the SoS.
- 4.14.15. The ES notes that the majority of listed buildings within the study area would be expected to experience negligible permanent impacts as a result of the Proposed Development. At Nancarrow the Grade II listed building would experience a moderate adverse effect. Impacts would be mitigated through appropriate screening. Direct impacts on buried archaeological remains would be mitigated through archaeological recording (preservation by record), as set out in the CEMP Annexes [AS-041].
- 4.14.16. Taking account of the requirements of the NNNPS I consider that the SoS can be satisfied that any harmful impact on the significance of a designated heritage asset, when weighed against the public benefit of development, is not of such significance that the DCO should not be made. In reaching this conclusion account has been taken of the beneficial matters arising and the proposed mitigation put in place in relation to the Proposed Development and secured via the REAC, the CEMP and the dDCO.

4.15. LANDSCAPE AND VISUAL IMPACT

- 4.15.1. ES Chapter 7 Landscape [APP-060] sets out the landscape and visual impact assessment (LVIA) of the likely significant effects of the Proposed Development on the character of the landscape and the visual amenity of people at viewpoints from which they would be able to see the Proposed Development. Effects on receptors are related but assessed separately, the former relating to the landscape as a resource and the latter to views and the visual amenity. The ES Addendum [REP4-006] explains how the proposal fits with the 2018 Guide, as set out from paragraph 4.3.5.
- 4.15.2. The Proposed Development is situated within a National Character Area (NCA) and two Local Landscape Character Areas (CA) although seven other CAs would be indirectly affected ES [APP-173 - APP-178]. The assessment identified various visual receptors which may be impacted, including residential, recreational, transport, employment, visitor accommodation and heritage receptors. See The Setting of the Proposed Development from paragraph 2.2.5 above.
- 4.15.3. With regard to construction impacts, the assessment concludes that there would be no significant adverse impacts on the landscape; any slight to moderate adverse impacts would be temporary and reversible. A number of visual receptors were identified as experiencing significant short-term impacts during construction, which would be likely to take place over a period of approximately three years, however, these would be reversible. In the context of a working rural environment the magnitude of change to the landscape and visual environment would generally be limited.
- 4.15.4. The operation of the Proposed Development would result in direct and significant short and medium-term impacts on the landscape without mitigation. However, mitigation is proposed which once established over 15 years, would reduce the impact to an insignificant slight adverse level. A number of visual receptors are assessed to experience significant long-term and irreversible impacts during operation of the Proposed Development. Where possible, mitigation such as planting would be implemented to reduce the impact over a 15-year period.
- 4.15.5. Following mitigation there would still be significant adverse residual visual effects particularly on a number of residential and recreational receptors, as set out in Table 7-13 [APP-060]. HE indicated that the adverse, permanent impacts on visual receptors were not considered significant such that they were outweighed by the public benefit of the Proposed Development. Landscape and visual impact were considered in designing the Proposed Development through embedded design and mitigation measures to minimise impact and harm. In designing the landscape strategy HE opted to use vegetation appropriate to the character of the local landscape, traditional boundaries such as Cornish hedging and have regard to existing field patterns. Account was also taken of the requirements of ecological assets and the long-term management of the landscape following completion of

construction. Full details of the landscape mitigation are detailed in section 7.10 of Chapter 7 of the ES.

- 4.15.6. In response to concerns on visual impact [RR-046] it was confirmed that woodland planting was proposed between the new and existing A30 in the area adjacent to the property Henvor Cottage, in part to provide visual mitigation. Details of the landscape mitigation are provided in the Environmental Masterplans [REP6-014] and secured by Requirement 5 (landscaping) of the dDCO [REP7-003].
- 4.15.7. In relation to Nancarrow, on the south side of the A30 at Marazanvose [RR-057, RR-104, RR-109] raised concerns regarding the removal of established screening in the form of a 25-year-old mature native tree plantation. The residential receptors in properties to the north of the existing A30, at Marazanvose (VP 12) [RR-088 and RR-101] would find large adverse significant effects in year 1, which would reduce to moderate adverse significant effects by year 15, as a result of mitigation.
- 4.15.8. In relation to the proposed close board fencing on the southern side of the road at Nancarrow, CC queried whether this was appropriate. They suggested that a Cornish hedge would be more appropriate in terms of character and visual impact [REP7-011].
- 4.15.9. Having seen the use of both close-board fencing and Cornish hedging alongside the section of the A30 developed under the Temple to Carblake Improvement project³³, whilst travelling to and from the examination, I have some sympathy with this position. HE indicated that the proposed fencing would provide noise and visual screening at the top of the cutting slope for receptors to the south. The landscape mitigation of scrub and woodland planting to the north of the fence and woodland planting to the south would break up, filter and screen the views of the fence. I accept that while a Cornish hedge was considered, this was discounted following landowner engagement due to the land take and agree with HE that the fence and landscape mitigation offers the best balance between aesthetics and mitigation.
- 4.15.10. Paragraph 6.3.80 of the Planning Statement [APP-045] concludes that the adverse, permanent impacts on visual receptors as a result of the Proposed Development were not of such significance that this would outweigh the public benefit of the Proposed Development.
- 4.15.11. Landscape mitigation measures, including substantial areas of woodland, hedgerow and tree planting, have been included where appropriate to integrate the Proposed Development into the landscape and, where possible and appropriate, screen views of the Proposed Development. Details of the landscape mitigation are provided in the Environmental Masterplans [REP6-014], with the proposed mitigation secured via the REAC, the CEMP and the dDCO. The siting of the new Chiverton junction further away from the WHS than the existing junction provides a landscape benefit.

³³ Development consent granted by the SoS in February 2015

- 4.15.12. The SoCG with NE [REP2-018] indicated no matters outstanding.
- 4.15.13. It is understandable that local residents would find 15 years to be a long period for mitigation to take effect, even taking account of the ongoing reduction in impact over time. There remains an argument that for Marazanvose the visual impact of a northern route would be less than the Proposed Development. However, this is a difference between residential receptors and effects on landscape [APP-060 and REP3-021].
- 4.15.14. Taking account of the professional expertise I am satisfied that the effects have been appropriately considered, with landscape mitigation designed to reduce adverse effects and maximise beneficial effects.

C0075 (Pennycomequick) underpass

- 4.15.15. In general the Proposed Development design has taken account of matters of local distinctiveness, for example in the intended use of Cornish hedges where possible for noise and visual impact mitigation. A matter was raised in relation to the proposed underpass where the C0075 would pass under the road to its junction with the existing A30 [Rights of Way and Access Plans, sheet 6 of 8, REP6-005].
- 4.15.16. The owners of Pennycomequick, which is situated to the north-west of the proposed C0075 underpass, raised concerns regarding the design in this location [RR-093, REP1-030, REP4-009 and REP6-027]. It was said that the intended concrete beam bridge in this location would jar with the countryside and DMRB advice in relation to the provision of attractive bridges, and potential cost thereof, was referenced.
- 4.15.17. HE indicated [REP7-012] that there was a Proposed Development-wide approach to simple and elegant design and that stone cladding was unlikely to make the bridge more acceptable in landscape or visual terms. There was reference to the mitigation measures described in ES Chapter 7: Landscape [APP-060]: Section 7.10, Design, mitigation and enhancement measures refers to engineering design, landscape mitigation and construction mitigation.
- 4.15.18. As noted earlier, the C0075 is designated as a Quiet Lane, see paragraph 4.10.51. Despite this, the sensitivity of receptors appeared to relate to drivers, with reference to their attention being on the task of driving. Their visual amenity was considered to be of moderate sensitivity. There was no indication of amenity in relation to WCH, users who would take longer in using such a route and would be more likely to make use of it with the Proposed Development in place, as the existing A30 would be a more attractive route for such use than at present. There was no specific reference to the C0075 underpass.
- 4.15.19. Environmental Masterplan, Sheet 15 of 20 [REP6-014] indicates that there would be otter and badger fencing of the land boundaries on either side of the C0075 underpass. There would be species-rich grassland immediately adjacent to the road with some scattered

deciduous trees on the north-western side, near the C0075 underpass and mixed pine rich woodland to the south. HE indicated that once the planting was established, the lane would appear enclosed with Cornish hedgerows and native deciduous trees lining either side [REP7-012]. CC have not raised concerns regarding the design of this, or any other underpass.

- 4.15.20. Requirement 12 of the DCO, 'Detailed design', relates to the carrying out of any authorised development, which "*...must be designed in detail and carried out so that it is compatible with the preliminary Proposed Development design shown on the works plans and the general arrangement and section plans.*"
- 4.15.21. The works plans, 2.4(E) [REP6-004], Sheet 6 of 8, refer to Work No. 11, which is set out in the DCO [REP7-003] as:
- *Work No. 11 – the construction of an underbridge at Pennycomequick at the location shown on sheet 6 of the works plans. To include—*
 - (a) *the re-alignment of approximately 382 metres of the unnamed road C0075;*
 - (b) *the conversion of approximately 118 metres of the existing unnamed road C0075 to an emergency access point;*
 - (c) *the construction of drainage attenuation pond no. 15 with associated drainage facilities, access and landscaping;*
 - (d) *construction compound no. 8 of approximately 9689 square metres;*
 - (e) *the construction of a new private means of access to Pennycomequick;*
 - (f) *the construction of a new private means of access to field to the south of the A30(T);*
 - (g) *the construction of a new private means of access to field south of Pennycomequick;*
 - (h) *the construction of a new private means of access to field east of Pennycomequick.*
- 4.15.22. The General Arrangement and Section Plans, 2.6(C) [REP6-006], Sheet 6 of 8, sets out information relating to levels and alignments. It refers to the 'Pennycomequick Lane underbridge with WCH/multispecies crossing' and the 'Westbound gated emergency access point'.
- 4.15.23. There is no detail of design in the referenced plans, or elsewhere in the DCO, to support the argument of HE that the preliminary Proposed Development design means that "*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.*" [REP7-012].
- 4.15.24. As the preliminary Proposed Development design is limited in what it requires in terms of detailed delivery, this leaves room for the Applicant to engage further with the 'Criteria for "good design" for national network infrastructure' as set out in the NNNPS. This sets out that visual appearance should be a key factor in considering the design

of new infrastructure, as well as functionality, fitness for purpose, sustainability and cost. Infrastructure should be sensitive to place, efficient in the use of natural resources and energy used in their construction, matched by an appearance that demonstrates good aesthetics as far as possible.

- 4.15.25. The ultimate purpose of this part of the infrastructure is to carry the proposed road over an existing (although realigned) Quiet Lane, which would link to the existing A30. It clearly needs to be appropriate for the operational, safety and security requirements in relation to this role. However, there is no reason why detailed design in relation to the aesthetics, taking account of the part of the C0075 underpass that people would see, rather than simply pass over on the proposed road, should not be undertaken.

Conclusions

- 4.15.26. The NNNPS indicates that the SoS must consider whether a project has been carefully designed in landscape impact terms, taking siting, operational element design and mitigation measures into account. I consider that, in general, the design and mitigation measures proposed for the Proposed Development as applied for are satisfactory in terms of the requirements of the NNNPS. The C0075 underpass is important in terms of that locality but I consider that the DCO as proposed would not prevent the detailed design that may be required in this respect.

4.16. NOISE AND VIBRATION

- 4.16.1. ES Chapter 11 [APP-064] deals with noise and vibration. It sets out how construction and operational traffic noise was assessed in terms of Government Policy (for receptors exceeding the Significant Observed Adverse Effect Levels (SOAEL)), and EIA significance (between the Lowest Observed Adverse Effect Levels (LOAEL) and SOAEL). Table 11-1 sets out the assessment approach to address the EIA and Government Policy requirements, indicating the situations in which mitigation would be required.
- 4.16.2. Construction noise and vibration was assessed under the assumption that works would be undertaken following the principles, controls and processes set out in the Outline CEMP (Volume 6 Document Ref 6.4 ES Appendix 16.1) [REP7-006]. The main activities with the potential to cause noise and vibration effects were considered across 12 stages of construction.
- 4.16.3. Temporary significant construction noise effects were assessed at residential locations as shown in Figure 11.1 [APP-290 – APP-292]. The assessment related to direct effects above the SOAEL threshold, set out in Table 11-6³⁴ and the locations where the SOAEL would be exceeded during some months of the construction phase were:
- R1 Highfield (also The Annex and Burrow Farm);
 - R2 Silversprings (also the residences at The Old Vicarage, Old

³⁴ SOAEL 68dBL A10, 18h (façade), 63dBL Aeq, 16h (free-field)

- Vicarage Court, The Gatehouse and Chyverton House);
- R4 Roscarnick Farm;
- R5 Silverdene (also Ferriera and Silverwell Yard);
- R12 Elmsleigh (also Barn Wyn, Treffry Cottage, 1 The Cottages, Ranger Barn);
- R13 Nancarrow Villa;
- R15 Merton Lodge (also St Freda);
- R16 Hill House³⁵;
- R17 Zelah Lane Farm (also Zelah Lane Farm Annexe, Trolgroggan Bungalow, Chapel Cottage, The Nook Zelah Lane and The Chapel);
- R19 Henver Cottage (also Henver Lane Cottage);
- R21 Honeycombe Barn (also Honeycombe House and residential Caravan); and
- R22 Pennycomequick.

4.16.4. The activities associated with the structures phase, which would result in the highest noise levels, would take place only in particular locations and so affect only some receptors. For direct effects at residential receptors between the LOAEL and SOAEL likely noise effects were assessed as not significant in EIA terms for construction.

4.16.5. Likely noise impacts were also assessed as temporary significant effects at four non-residential receptors, these are direct effects:

- Mithian Church Hall,
- The Church of St Peter,
- Nancarrow wedding venue;
- Nanteague Stables.

4.16.6. The likelihood of construction generated vibration was considered. With suitable controls to minimise impacts where vibration impacts are identified at sensitive receptors close to the construction works boundary, vibration effects were assessed as not significant. Control measures were developed in the Outline CEMP (Volume 6 Document Ref 6.4 ES Appendix 16.1) [REP7-006].

4.16.7. It will be noted that agreement as to construction impacts appear to have been reached with Steve and Lucy Chamberlain in relation to Nancarrow wedding venue [AS-045, AS-047 and AS-048].

4.16.8. In relation to operational impacts, mitigation is envisaged to avoid SOAEL arising and to minimise, as far as practicable (and sustainable), other likely significant adverse effects from the Proposed Development. The day- and night-time traffic noise levels within the study area were predicted and assessed, with the identified effects relating to:

- two dwellings assessed as subject to direct adverse effects above the SOAEL;
- five dwellings assessed as subject to indirect adverse effects above the SOAEL. Indirect effects are those resulting from traffic noise changes on non-Proposed Development roads.

4.16.9. HE indicates that many of the residential locations would exceed the

³⁵ It is understood that a blight notice has been served in connection with this property [REP4-011]

SOAEL without the Proposed Development, some already being in NIAs. 70 properties were predicted to be exposed to high noise levels at or above the SOAEL in the Do Minimum baseline year (2023).

- 4.16.10. Reductions in noise would occur in the Do-Something scenario (with Proposed Development 2038) for some residential locations that already exceed the SOAEL in the Do-Minimum scenario (without Proposed Development 2023). These are:
- 22 dwellings are assessed with beneficial effects (with Proposed Development 2038), although still remaining above the SOAEL;
 - 21 dwellings would reduce from a level above the SOAEL to below the SOAEL (with Proposed Development 2038) with beneficial effects.
- 4.16.11. The largest residential community subject to direct, likely significant adverse effects in 2038 would be northwest of the Proposed Development, nearest to the proposed new Chiverton Junction. These impacts would be minimised due to the mitigation design incorporated around the proposed junction (i.e. screening provided by Cornish Hedges).
- 4.16.12. Across the whole Proposed Development, the total number of significant effects at dwellings assessed at lower noise exposure levels between the LOAEL and SOAEL is:
- 13 beneficial effects; and
 - 32 adverse effects.
- 4.16.13. Other than those communities around the proposed Chiverton Junction, HE does not consider it sustainable to provide noise screening for the individual properties in different locations across the Proposed Development. Callestick Vean bungalow and Trevalso Cottage [RR-117] were indicated to be potentially eligible for noise insulation under the Noise Insulation Regulations 1975 (as amended).
- 4.16.14. For non-residential sensitive receptors, the only indirect operational adverse effect assessed as significant was Allet Methodist Church.
- 4.16.15. The assessment indicates noise decreases at dwellings in four NIAs:
- Four Burrows Farm House (NIA 13097);
 - Marazanvose Farm group of dwellings (NIA 3291);
 - Henvver Cottage (NIA 3292);
 - Tregorland and Zelah Hill Cottage (NIA 3293).
- 4.16.16. The noise reductions in NIAs respond to the requirement stated in the revised NPPF that 'Development should, wherever possible, help to improve local environmental conditions...', and hence provide enhancement where sustainable to do so.
- 4.16.17. DMRB HD 213/11 requires consideration of impacts on existing roads, or 'affected' links, where traffic noise changes would be associated with traffic flow changes on the wider road network beyond the Proposed Development. There are 36 affected links in the short term, with eight affected in the long-term. HD 213/11 requires a count of the number of receptors within 50m of these road links and this

indicates that 431 properties would experience no change whilst a further 1,058 properties on 'affected' links would realise a noise increase. 638 dwellings were assessed as being subject to indirect significant adverse effects. In the long term, there are 624 properties within 50m of the 'affected' links with a noise decrease, although these benefits are assessed as not significant.

- 4.16.18. Operational vibration effects were assessed as not significant.
- 4.16.19. CC were satisfied that noise would be reduced for most residents through the use of low noise surfacing [REP1-010] on the proposed road. The Planning Statement [APP-045] sets out that the Proposed Development would increase the number of properties experiencing noise but reduce noise effects at the higher bands, resulting in an overall benefit.
- 4.16.20. Comments on noise matters regarding properties at Marazanvose [RR-003, RR-037, RR-057, RR-088, RR-101, RR-104 and RR-109] have been referred to in relation to the route selection (paragraph 4.9.16).
- 4.16.21. In relation to Nancarrow, HE referred to the mitigation to control noise levels such that the noise impacts would be minimal to the south of the Proposed Development. This includes extensive measures designed to reduce noise, including the vertical alignment (in cutting), low noise road surfacing and landscaped earthworks. The use of vertical timber barriers, rather than the standard Cornish Hedgerow, permits closer alignment to the source due to reduced land take requirements and maximises the potential benefit that noise screening can provide. The operational noise level changes would be negligible for most areas of the wedding venue with noise levels in all locations below the lower end of the appropriate external amenity noise criterion for this type of use. With the traffic reduction on the existing A30 at Marazanvose it was assessed that there would be no adverse significant noise effect in this area [REP1-004].
- 4.16.22. Properties to the north at Marazanvose would experience a reduction in noise of 1-5 decibels as a result of the new A30 being further away and significantly less traffic on the existing A30 [REP1-004].
- 4.16.23. In relation to Henvor Cottage, which is identified as Receptor 19 (R19), concerns were raised regarding effects during construction and operation [RR-046]. The busier and faster road, at around 1.4m higher, was seen as likely to create extra noise. There was also concern regarding the impact during the construction phase of the re-alignment of Henvor Lane. It was suggested that the road should be no higher than the existing A30, preferably lower, with a low noise road surface and a noise barrier, such as a Cornish hedge, in the planting between the two roads, which could be done before construction starts to reduce the impact of these issues. Henvor Lane Cottage, also within R19, raised concerns regarding noise due to the road changes including on Henvor Lane [RR-058].
- 4.16.24. HE confirmed in their comments on the RRs [REP1-004] that Table 11-11 [APP-064] sets out the assessed construction noise impact on

specific properties affected by the Proposed Development and within a NIA, which included Henver Cottage and Henver Lane Cottage. This would be one of 12 residential areas to experience temporary significant construction noise above SOAEL. However, Table 11-14 indicates that Henver Cottage would experience significant, major beneficial permanent effects with regard to noise during Proposed Development operation. HE indicates that Henver Lane Cottage would experience the same improvements.

- 4.16.25. With regard to mitigating the effects of construction noise the control of noise and vibration, using Best Practical Means (BPM) is incorporated within the Outline CEMP [REP7-006]. This would include the selection of quiet equipment, a review of programme and methodology to consider quieter methods, placing onsite equipment in appropriate locations, controlled working hours and the provision of acoustic enclosure screening where practicable. If situations arise where despite the implementation of BPM the noise exposure exceeds the criteria defined in the Outline CEMP, the main contractors may offer noise insulation or ultimately temporary re-housing.
- 4.16.26. A low noise road surface would be used along the whole length of the Proposed Development. The new A30 would be further from the property than the existing A30 in this location and 1.3m below the surrounding land. No noise barriers are proposed in this area as the property would experience a decrease in noise from current levels of more than 3dB, which is a perceptible benefit.
- 4.16.27. HE agreed [REP1-004] that Table 11-14 in ES Chapter 11: Noise and Vibration of the ES [APP-064] showed that the permanent, operational impacts of the Proposed Development on Trevalso Cottage would be significant, moderate adverse, and just above SOAEL in the long term, meaning it would be potentially eligible for noise insulation [RR-117]. Trevalso Farm would experience non-significant, minor adverse permanent operational effects in relation to noise.
- 4.16.28. The SoCG [REP7-011] shows that CC were content that the issues and impacts in relation to noise and vibration had been satisfactorily addressed and the proposed mitigation was adequate.
- 4.16.29. I consider that the noise and vibration impact of construction would be appropriately mitigated through the CEMP [REP7-006 and AS-041]. The road design and associated mitigation means that the development in operation would offer benefits to a number of properties sited close to the existing A30.

4.17. WATER ENVIRONMENT

- 4.17.1. The NNNPS sets out the requirements in relation to the water environment, indicating that during both construction and operation, development can lead to increased demand for water, as well as increase the risk of pollutants affecting the water environment and therefore having ecological affects. Where applicable, an application for a DCO must contain a plan with accompanying information

identifying water bodies in a River Basin Management Plan.

- 4.17.2. The impact of proposed projects can be minimised through efficient use of mitigation measures including water recycling and an effective pollution management strategy. It is also stated that proposed projects should adhere to any National Standards for sustainable urban drainage systems.
- 4.17.3. ES Chapter 13: Road Drainage and the Water Environment of the ES [APP-066] assesses the impacts of the Proposed Development in relation to water quality and resources. There are approximately 26 watercourses and surface water features within the study area of the Proposed Development (within the South West River Basin Management Plan 2015) all of which are classified as Ordinary Watercourses and therefore under the jurisdiction of CC. Main rivers are located in excess of 1km of the Proposed Development.
- 4.17.4. A baseline of the existing status and objectives of the Water Framework Directive (WFD) quality elements within the study area was included in the WFD compliance assessment in the ES, Appendix 13.1 [APP-368]. ES Figure 13-3 [APP-115 – APP-118] and ES Figure 13-4 [APP-119 – APP-122] show the WFD surface and ground water bodies respectively. The WFD compliance assessment indicates that the Proposed Development would not result in a change in status of any WFD quality elements or prevent any water bodies from reaching good status in the future.
- 4.17.5. Mitigation measures relating to the engineering design, construction and operation of the Proposed Development would minimise any harmful impacts to the water environment around the Proposed Development, including reduction of soluble and suspended pollutants in the carriageway runoff prior to groundwater discharge and reduction of flood risk. Measures to mitigate impacts during construction are detailed in the CEMP [REP7-006 and AS-041].
- 4.17.6. The assessment carried out within the EIA concludes that there would be an overall neutral impact on water quality in both surface water and groundwater in the short and long term [APP-045].
- 4.17.7. A Flood Risk Assessment [APP-369] has been undertaken for the Proposed Development, taking into account climate change and the requirements of the NNNPS. The Proposed Development is located in Flood Zone 1 and subsequently is at low risk of flooding. Flood risk due to coastal change is not a relevant consideration for this application.
- 4.17.8. In relation to concern over the proximity of an attenuation pond at Trevalso to a roadside barn [RR-035], HE said that the pond was located close to the low point in Trevalso Lane and so there is limited opportunity to move the location as shown in the design (see Sheet 6 of the General Arrangement and Section Plans (Document Reference 2.6) [REP6-006]. However, during the detailed design stage, the pond could be lined and would have no impact on the adjacent barn, with

the distance between them maximised as far as possible [REP1-004].

- 4.17.9. Matters relating to private water supplies in this rural area were raised [RR-058, RR-098, RR-105 and REP6-027] and it was confirmed that arrangements would be considered as part of the detailed design. Table 16-3 of the REAC in the CEMP [REP7-006] secures investigations for private water supplies, which also applies to septic tank outfalls. A detailed assessment of groundwater levels and flows would be undertaken during detailed design to fully understand the location of the septic tank outfall and any amendments would be agreed with the landowner.
- 4.17.10. In relation to water environment matters, including private water supplies and flooding issues, the SoCG with the EA [REP2-019], CC [REP7-011] and the NFU [REP6-020] indicated that there were no matters outstanding.
- 4.17.11. Taking account of the NNNPS requirements, the assessments and the agreements reached on relevant matters in this regard I consider that the water environment matters have been appropriately dealt with in relation to this Proposed Development.

4.18. OTHER STRATEGIC PROJECTS AND PROPOSALS

- 4.18.1. The CC LIR [REP1-010] confirmed that the cumulative impact of the Proposed Development and major projects in the vicinity had been assessed by HE in the ES [Table 15.6, APP-068]. Additional projects arising since that time were identified: PA18/01865, PA17/11631, PA18/02740, as well as PA18/07626 remaining to be determined.
- 4.18.2. HE commented on these matters [REP2-021] and an Addendum to the ES was submitted covering the points [REP4-006]. Due to the location and type of development, PA18/02740 - Change of use of land for the siting of 41 no. caravans/ lodges, the conversion and extension of existing maintenance building to spa facility with outdoor hydro pool, erection of gym and treatment pods, new maintenance building, re-grading of land, provision of amenity and recreation areas, internal road layout and associated landscaping. (Resubmission of PA16/07269) - was assessed for potential significant effects.
- 4.18.3. In relation to Chybucca junction concern was raised that there were many new houses being built in the Chybucca to Truro area that needed access to the A30, which would be made possible by adding east-facing sliproads [RR-100]. HE confirmed that large developments in the proximity of the Proposed Development likely to have a direct impact on future demand were modelled [REP1-004].
- 4.18.4. NNNPS at paragraph 4.43 identifies that the SoS should consider cumulative effects in both benefit and adverse impact terms. Consideration should be given to the 'the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits'. It should also be given to 'potential adverse impacts, including any longer-term and

cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.'

- 4.18.5. The NNNPS emphasises the need for an ES to carry out an effective assessment of cumulative effects for EIA purposes. This is needed for an assessment of cumulative effects for pollution control purposes, water environment effects and health effects. I am satisfied that the major projects have been identified and appropriately reviewed. The relevant relationships between the Proposed Development and the major projects have been considered, so far as possible, with no significant adverse cumulative effects indicated to arise.

4.19. OTHER POLICY TOPICS AND RELEVANT CONSIDERATIONS

Introduction

- 4.19.1. This Section of the report addresses remaining policy topics and important and relevant considerations that need to be taken into account in the planning balance, including:

- geology, soils and land instability;
- materials sourcing and waste management
- human health; and
- all other legislative and policy considerations drawn to the ExA's attention.

Geology, soils and land stability

- 4.19.2. Matters relating to geology and soils were addressed in ES Chapter 9;- Geology and Soil [APP-062]. The Proposed Development is located within areas that have been mined historically, both below ground and from the surface. As a result there was consideration of the risk of collapse settlement of the ground surface and the hydrological and hydrogeological regime, including the chemical characteristics of the groundwater and surface water and the flow and supply of groundwater.
- 4.19.3. The potential to limit access to mineral resources is dealt with below, from paragraph 7.10.12. There were no other representations that raised matters relating to geology, soils and land stability that have not been addressed elsewhere in the report. The EA confirmed [RR-098] that the proposed Requirements 1 (Interpretation), 3 (CEMP), 5 (Landscaping), 8 (Land and groundwater contamination), 10 (Protected species), 12 (Detailed design) and 13 (Surface and foul water drainage) set out in Schedule 2, part 1 requirements, of the dDCO [REP7-003] were appropriate.

Materials sourcing and waste management

- 4.19.4. Materials sourcing and waste management are addressed in ES Chapter 10;- Materials [APP-063].
- 4.19.5. Standard best construction practice would be adopted, with the CEMP setting out the controls for material storage.

- 4.19.6. The approach for managing materials is consistent with the waste hierarchy defined in the Waste Framework Directive (Directive 2008/98/EC). Adopting the waste hierarchy would significantly reduce the amount of material requiring off-site disposal and minimise potential impacts relating to movement of materials on to and off site.
- 4.19.7. The assessment demonstrates that the significance of adverse environmental effects with mitigation in place is generally slight adverse. However, during construction the generation of waste could result in moderate adverse effects due to limited availability in the region. A detailed strategy following the waste management hierarchy will be set out in the Site Waste Management Plan, CEMP, 6.4 (E) Annex B [AS-041] to reduce the amount of material that would need to be disposed of off-site.
- 4.19.8. During the operational phase there would be no significant effects anticipated associated with material resources.
- 4.19.9. The EA SoCG [REP2-019] and CC SoCG [REP7-011] raise no outstanding issues with regard to these matters.
- 4.19.10. I am satisfied that the waste policy considerations arising from NNNPS are appropriately addressed by the dDCO and associated documents.

Defence Infrastructure

- 4.19.11. The Defence Infrastructure Organisation (DIO) indicated that due to the fact that sections of the A30 occupy the technical safeguarding zone surrounding RAF Portreath, where development cannot exceed 15.2m in height, DIO Safeguarding should be added to any list of consultees whose approval would be required when detailed design was assessed through any relevant Requirements [AS-044].
- 4.19.12. As this letter was submitted at the close of the examination there was no opportunity for comment from HE. It was a separate matter from that relating to statutory undertaker issues, dealing with the abandoned DIO pipeline.
- 4.19.13. The Scoping Opinion [APP-311] shows appropriate consultation on such matters with the Ministry of Defence confirming at that stage that it had no safeguarding objections to the proposal.
- 4.19.14. Given the ongoing consultation and liaison required during the construction phase of a development on this scale I consider that the SoS can be satisfied that this matter would be addressed by, at very least, the Community relations team [AS-041].

Human health

- 4.19.15. The Health Impact Assessment [APP-362] was an appendix to ES Chapter 12: People and Communities [APP-065]. It identified both positive and adverse impacts which could affect the health and wellbeing of the local population. Mitigation and enhancement

measures were identified and have been appropriately addressed within the application.

- 4.19.16. Public Health England [RR-082] raised no comments following consultation.
- 4.19.17. A proportion of those referring to enhanced cycling opportunities, particularly associated with the provision of a bridge at Chiverton junction, see from paragraph 4.11.1, referred to the health benefits of encouraging and enabling cycling use [RR-005 - RR-007, RR-012, RR-018 - RR-020, RR-022, RR-027, RR-029, RR-040, RR-044, RR-045, RR-047, RR-053 RR-054, RR-073, RR-094, RR-108 RR-115].
- 4.19.18. A number of those commenting on this matter were health care professionals working at the Royal Cornwall and/or Duchy Hospitals, situated to the south-east of the Chiverton roundabout junction, off the A390. Information from a healthcare perspective was provided at the OFH [EV-005] by Dr Dan Williams [RR-029], a hip and knee surgeon regarding the World Health Organisation (WHO) report to promote active environments [REP1-009].
- 4.19.19. The NNNPS notes that there is a modal shift across Government, with policies being implemented and considered which encourage sustainable transport modes including cycling and walking. It is not realistic for walking or cycling to represent a viable alternative to the private car for all journeys, with a need to improve the SRN to support economic development, employment and housing. However, where there are opportunities to address the needs of cyclists and pedestrians in the design of new Proposed Developments these should be taken, for all the reasons set out in the representations, including improved physical and mental health outcomes.
- 4.19.20. The matter of stress was raised [RR-057] in relation to the effect of works within a short distance of a home. I am satisfied that mitigation would be provided in relation to working areas, as set out by the CEMP [REP7-006]. Despite the provision of the community relations team, there would, understandably, be a level of stress arising from changes to the local environment.
- 4.19.21. I consider that overall the Proposed Development would not give rise to any material adverse effects on human health. Taking account of the comments in relation to cycling provision referred to earlier, an opportunity within the Proposed Development itself may have been overlooked, although now dealt with to some extent by provision of a tunnel and through the DF programme. It would be likely that there would be some issues of stress arising for individuals through the process. Overall there is nothing to mitigate forcefully against the making of the DCO.

Local distinctiveness – Signage

- 4.19.22. In the LIR [REP1-010], in line with its policies on promoting the Cornish language, CC requested that junction names on the 3 main

junction map signs were provided in both English and Cornish, as below:

- Chiverton (Cross) = (Krowsfordh) Chi war Donn
- Chybucca = Chibogh
- Carland (Cross) = (Krowsfordh) Bowdir

4.19.23. HE indicated that they had discussed this with DfT, who had advised that it did not fall within Government Policy [REP2-021]. HE suggested CC discussed the matter with DfT as traffic signs must either be prescribed by Traffic Signs Regulations and General Directions, 2016 (TSRGD) or specially authorised by DfT. Bilingual signs incorporating Cornish legends are not prescribed in TSRGD and the DfT has confirmed that they would not authorise such signs going forward [REP3-022].

4.19.24. CC indicated that the UK Government had recognised Cornish as a regional or minority language and that they actively sought to promote the language. The lack of Cornish language signage remained a matter outstanding in the SoCG [REP7-011].

4.19.25. Taking account of the recognition of the Cornish language, it may be appropriate for bi-lingual signage to be part of the Proposed Development. However, taking the current signage policy into account it does not appear that this could be resolved without the SoS specifically authorising it. I consider that this would be a separate process from the making of the DCO and, as a result, should not weigh in the balance in relation to the Order under consideration.

Other policies

4.19.26. No other legislative or policy considerations referenced during the examination have raised any issues that affect the relevant considerations, the planning balance or the provisions of the DCO.

4.20. ENVIRONMENTAL IMPACT ASSESSMENT

4.20.1. As set out in Section 1.6 of this Report this application relates to development which is subject to EIA. The original documents comprised in the ES and the changes to those documents provided during the pre-examination and examination are helpfully recorded in the Guide to the Application, 1.1(H) [AS-040].

4.20.2. ES Chapter 4 [APP-057] sets out the approach to the EIA. This provided the approach to the environmental scoping; surveys and predictive techniques and methods; general assessment assumptions and limitations; significance criteria; design, mitigation and enhancement measures; and transboundary effects.

4.20.3. It is noted that in assessing the effects of the Proposed Development from an environmental perspective, the principle of the 'Rochdale Envelope' has been applied. This approach is employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for instance the precise

dimensions of structures) when the application is submitted, and flexibility is sought to address uncertainty. However, the NNNPS stresses the need to ensure that the significant effects of a Proposed Development have been properly assessed.

- 4.20.4. As stated in NNNPS section 4.15, all proposals for projects which are subject to the European EIA Directive³⁶, and are likely to have significant effects on the environment, must be accompanied by an ES describing the aspects of the environment likely to be significantly affected by the project. As required, the ES submitted in support of the DCO application includes an assessment of the effects of the construction and operation of the Proposed Development on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them.
- 4.20.5. An addendum to the ES was submitted [REP4-006] following the submission by HMBCE [AS-001]. The addendum updated the following ES chapters and has been taken into account in the relevant sections above:
- Chapter 6 Cultural Heritage
 - Chapter 7 Landscape
 - Chapter 8 Ecology and Nature Conservation
 - Chapter 9 Geology and Soils
 - Chapter 10 Materials
 - Chapter 15 Consideration of Cumulative Effects
- 4.20.6. Mitigation measures have been proposed as part of the design and operation of the Proposed Development.
- 4.20.7. I am satisfied that the ES, together with the other information submitted by the Applicant during the Examination, meets the requirements under the 2017 EIA Regulations. I have taken account of the environmental information in the assessment of the application and in making my recommendation to the SoS.

Conclusions

- 4.20.8. Taking the EIA process, the submitted ES, the Environmental Masterplan and the AES into account, the SoS can be satisfied that:
- the Proposed Development is EIA development;
 - the 2017 EIA Regulations have been complied with;
 - the ES and associated updated documents have provided an adequate assessment of the environmental effects of the Proposed Development, sufficient to describe the Rochdale Envelope for it, only so far as appropriate in a Proposed Development of this nature and to secure its delivery within that envelope.

³⁶ Council Directive 92/2011

5. FINDINGS AND CONCLUSIONS IN RELATION TO HABITATS REGULATIONS ASSESSMENT

- 5.1.1. This Chapter of the Report sets out the ExA's analysis, findings and conclusions relevant to HRA. This will assist the SoS, as the Competent Authority, in performing his duties under the Habitats Directive, as transposed in the UK through the Habitats Regulations.
- 5.1.2. Consent for the Proposed Development may only be granted if, having assessed the potential adverse effects the Proposed Development could have on European sites, the Competent Authority considers that it meets the requirements stipulated in the Habitats Regulations. The SoS is the Competent Authority for the purposes of the Habitats Directive and Habitats Regulations for Transport Applications submitted under the PA2008. NE is the statutory nature conservation body.
- 5.1.3. The ExA prepared a RIES [PD-012] during the Examination, with support from the Planning Inspectorate's Environmental Services Team. The purpose of the RIES was to compile, document and signpost information provided in the application and that submitted by the Applicant and IPs during the Examination (up to and including Deadline 4 of the Examination (1 May 2019)) that relates to the potential effects on European sites. The RIES was published on the Inspectorate's National Infrastructure website on 21 May 2019. Consultation on the RIES was undertaken between 21 May 2019 and 18 June 2019. The RIES was issued to ensure that IPs, including NE had been formally consulted on Habitats Regulations matters. This process may be relied on by the SoS for the purposes of Regulation 63(3) of the Habitats Regulations.
- 5.1.4. The only comments provided on the RIES were received from the Applicant. The RIES is not updated following consultation.

5.2. EUROPEAN SITES AND THEIR QUALIFYING FEATURES

- 5.2.1. The Proposed Development is not connected with, or necessary to the management for nature conservation of any of the European sites considered within the Applicant's HRA report [APP-033].
- 5.2.2. The Proposed Development Order limits do not overlap with any European site. The nearest European site to the proposed route alignment is Newlyn Downs SAC. At its closest point, the boundary of the European site is located 35m from the Order limits. The area of proposed works located 35m from the Order limits is currently arable/grassland but is included within the boundary of the Proposed Development due to proposed heathland restoration in this area as part of the Proposed Development.
- 5.2.3. The methodology in the HRA report (consistent with that specified in the DMRB) uses the following criteria to identify European sites to be

included within its assessment:

- European sites within the Proposed Development boundary;
- European sites within 2km of the Proposed Development;
- European sites where bats are a primary qualifying feature within 30km of the Proposed Development;
- European sites where wintering birds are qualifying features within 5km of the Proposed Development;
- European sites where the Proposed Development is crossed/adjacent to upstream of, or downstream of, watercourses designated in part or wholly;
- designated sites within 200m of roads affected by the Proposed Development (for air quality impacts).

5.2.4. A plan showing the European sites identified in the assessment are shown at Appendix A of REP5-010.

5.2.5. The Applicant provided an HRA report [APP-033] with the DCO application which identified four European sites for inclusion within the assessment:

- Newlyn Downs SAC;
- Fal and Helford SAC;
- Breney Common and Goss and Tregoss Moors SAC; and
- River Camel SAC.

5.2.6. The full list of these sites and their qualifying features is included at Table 2.1 of the RIES and presented in the Applicant's HRA Screening Matrices [APP-034] and Integrity Matrices [APP-035].

5.2.7. The Applicant did not identify any potential impacts on European sites in any other European Economic Area (EEA) State. No comments relating to European sites within another EEA State were received during the Examination.

5.2.8. The ExA is satisfied that the Applicant has correctly identified all the relevant European sites and relevant qualifying feature for consideration within the HRA.

5.3. ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

5.3.1. Section 3.2 of the HRA report [APP-033] outlines the Applicant's approach to HRA screening, including how the Applicant identified European sites for consideration through the screening assessment.

5.3.2. The HRA report confirmed that it had taken into consideration the judgement of the EU Court of Justice in respect of People Over Wind, Peter Sweetman v Coillte Teoranta³⁷ which ruled that "*it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site*".

5.3.3. The HRA report [APP-033] identified the following impacts with the

³⁷ Case C-323/17

potential to result in likely significant effects:

- Changes in air quality from atmospheric pollution associated with increased traffic;
- Changes in water quality;
- Loss or degradation of habitat supporting qualifying features;
- Impacts on the management of the site;
- Changes in hydrological conditions; and
- Spread of invasive/non-native species.

5.3.4. In the first round of Written Questions [PD-007], NE were asked (Q1.1.1) to confirm if they agreed with the approach that the Applicant had taken on assessing the effect which the Proposed Development may have on the Breney Common and Goss and Tregoss Moors SAC. No response was received from NE and so the question was asked again (Q2.1.1) in the Further Written Questions [PD-011]. A response was received from NE at D5 [REP5-032], this clarified that they concurred with the assessment conclusions.

5.3.5. The Applicant's HRA report [APP-033] concluded that there are no specific measures proposed to avoid or reduce effects on two of the four European sites and likely significant effects are not anticipated to occur as a result of the Proposed Development. Due to the distance from the Proposed Development and conclusions of neutral effects on water quality, likely significant effects on the Fal and Helford SAC were ruled out. Air quality modelling predicted that levels of NO_x would remain considerably lower than the critical level/limit value and therefore likely significant effects were also ruled out for River Camel SAC.

5.3.6. The HRA report found that likely significant effects could not be excluded for Newlyn Downs SAC due to potential impacts from habitat degradation, changes in water quality, changes in hydrology, introduction of invasive species and in-combination effects. Likely significant effects could not be excluded for Breney Common and Goss and Tregoss Moors SAC due to potential impacts from habitat degradation resulting from changes in air quality as a result of increased traffic flows and in-combination effects. It was determined that further assessment was required to establish if the Proposed Development could impact on the integrity of these two European sites.

In-combination effects

5.3.7. The Applicant's screening assessment concluded that in-combination effects could not be ruled out for Newlyn Downs SAC and Breney Common and Goss and Tregoss Moors SAC. The Applicant's approach to assessing in-combination/cumulative effects is outlined in Section 3.3 of the HRA report [APP-033] and ES Chapter 15: Consideration of Cumulative Effects [APP-068]. The approach identified each European site and the other developments which met specified criteria sufficient for them to be considered within the in-combination assessment. In-combination effects for a total of 75 other developments were

screened by the Applicant. This long list was reduced to a short list of 11 relevant other developments, following an assessment using criteria provided in Table 13-5 of ES Chapter 15: Consideration of Cumulative Effects [APP-068]. The list of relevant other developments is contained in Annex 2 of the RIES.

- 5.3.8. The scope of the in-combination assessment was not disputed by NE or any other IPs during the examination.

Screening conclusion

- 5.3.9. The Applicant's screening assessment [APP-033] concluded that the Proposed Development would have no likely significant effect, either alone or in-combination with other plans or projects, on the qualifying features of Fal and Helford SAC and River Camel SAC.

- 5.3.10. The Applicant's conclusions in relation to these sites and their features were not disputed by NE or any other IPs during the Examination.

- 5.3.11. The ExA is content that all relevant potential impacts have been identified and assessed by the Applicant in the HRA Report.

5.4. CONSERVATION OBJECTIVES

- 5.4.1. The Applicant provided the conservation objectives for the four European sites in Tables 4.1 to 4.4 of the HRA report [APP-033].

5.5. FINDINGS IN RELATION TO ADVERSE EFFECTS ON THE INTEGRITY (AEoI)

- 5.5.1. The assessment in the HRA Report concludes that the potential for likely significant effects on Newlyn Downs SAC and Breney Common and Goss and Tregoss Moors SAC could not be ruled out at the screening stage. Therefore, a Stage 2 assessment was carried out to identify any adverse effects which the Proposed Development may produce on the integrity of these two European sites.

- 5.5.2. Adverse effects on Newlyn Downs SAC were identified as:
- changes in air quality from atmospheric pollution associated with construction activities;
 - changes in water quality during construction and operation;
 - changes in hydrological conditions; inappropriate management and introduction of invasive species; and
 - in-combination effects.

- 5.5.3. The Applicant's Integrity Matrix [APP-035] for this site argued having regard to the location of the European site relative to the nearest construction works, the risk to the European site would be negligible. Furthermore, the Applicant concluded in the Integrity matrix that a review of the hydrogeological setting of the Proposed Development and the European site demonstrates that the bedrock formations underlying both sites are unlikely to be in hydraulic continuity. With

regards to invasive species, the Applicant proposes to manage any impacts during construction through measures to be specified and implemented through the CEMP.

- 5.5.4. Adverse effects on Breney Common, Goss and Tregoss Moors SAC were anticipated as a result of changes to air quality during operation. The Applicant's assessment and Integrity Matrix [APP-035] found that the Proposed Development would only contribute very small increases in nitrogen deposition within the site and notes that the upper limit of critical load, a measure relevant to the assessment of harmful effects on specified sensitive elements of the environment, would not be exceeded for this site.
- 5.5.5. The Applicant's assessment concluded that the Proposed Development would not adversely affect the integrity of the two European sites and qualifying features considered in the Stage 2 assessment (Newlyn Downs SAC and Breney Common and Goss and Tregoss Moors SAC). Evidence for the conclusions reached are detailed in the HRA report [APP-033], together with the footnotes of the Integrity Matrices [APP-035].
- 5.5.6. A final and signed SoCG with NE was submitted at D2 [REP2-018], confirming that all matters were agreed. The Applicants conclusions in relation to the effects on the qualifying features of the European sites were not disputed by NE or any other IP.

5.6. HRA CONCLUSIONS

- 5.6.1. The ExA concludes that the Proposed Development would not adversely affect the integrity of any European Sites or their qualifying features and therefore recommend that the Proposed Development could proceed without the need for an AA to be undertaken by the SoS.

6. CONCLUSIONS ON THE CASE FOR DEVELOPMENT CONSENT

6.1.1. The NNNPS provides the primary basis for making decisions on development consent applications for national networks NSIP in England by the SoS. Conclusions on the case for development consent set out in the application are reached within the context of the policies contained in the NNNPS. As indicated in Chapters 3 and 4, in reaching the conclusions set out in this Chapter, the ExA has taken all other relevant law and policy into account.

6.2. THE PLANNING BALANCE

6.2.1. ExA conclusions on the effects of the Proposed Development and its performance against relevant policy and legislation are summarised below, drawing on the analysis of planning considerations in Chapter 4 and HRA in Chapter 5 above.

The main issues

- The overarching support of host local authority CC and the neighbouring local authority DCC should be noted.
- There were no submissions opposing the Proposed Development in principle.
- The objections related to matters of individual or site specific interest and some were resolved during the Examination

Policy

- No instances of NNNPS non-compliance were identified by IPs or APs.
- The Proposed Development conforms to high-level policy in NNNPS and to relevant policy detail set out below.
- The Proposed Development conforms with the Development Plan.
- There is specific policy support in the Local Development Plan for this as a key infrastructure improvement.
- Other policies relating to environmental protection, water quality, biodiversity conservation, landscape and archaeology policies are met.
- There are no conflicts between NNNPS and the Development Plan, so Development Plan policy can be met by a decision that is in accordance with NNNPS.
- There is no indication from any party of non-compliance with relevant policies arising from the relevant Neighbourhood Plans.
- The Proposed Development conforms with all other relevant policies identified in Chapter 3 and referred to in Chapter 4 of this Report.
- There are no conflicts between NNNPS and other relevant policies and those policies would be met by a decision that is in accordance with NNNPS.

Consideration of other DCOs

- The Applicant has justified the drafting of the DCO.
- Appropriate account has been taken of precedent made Orders.
- Where the effects of the particular Development Consent Order (DCO) drafting has not been agreed this is set out in Chapters 7 and 8 below.

Environmental Impact Assessment (EIA) considerations

- The Proposed Development is EIA development.
- The 2017 EIA Regulations have been complied with.
- The ES and associated updated documents have provided an adequate assessment of the environmental effects of the Proposed Development, sufficient to describe the Rochdale Envelope for it, only so far as appropriate in a Proposed Development of this nature and to secure its delivery within that envelope.

HRA considerations

- There are no likely significant effects of the Proposed Development on the objectives of any European Sites or their qualifying features.
- The Proposed Development can proceed without an Appropriate Assessment being undertaken by the SoS because significant effects on European sites are sufficiently unlikely that they can be excluded.

Socio-economic effects (including land use)

- There is a strong economic case in favour of the Proposed Development, which represents high value for money.
- In relation to land use there is an impact in this rural area but the Applicant has taken appropriate action to minimise the effect of the losses, both permanent and temporary on those affected.
- There are no significant issues in respect of land use, environmental, safety, social and economic benefits that would justify the DCO not being made.

Public Interest Balance

- There was an appropriate options appraisal in relation to the Proposed Development and, as a result, it is not necessary for the SoS to reconsider the process.
- There would be some adverse impact on the residents of the hamlet of Marazanvose in terms of setting but improvements with regard to safety and noise.
- There are no significant issues in respect of land use, environmental, safety, social and economic benefits that would justify the DCO not being made at this time.

Transportation and traffic

- The Proposed Development would increase capacity on the Strategic Road Network (SRN), improving performance and resilience on the network.
- The Proposed Development will deliver a high BCR with the transport and traffic effects of the Proposed Development during operation

- providing an overall positive outcome.
- The Proposed Development has developed in the light of relevant local policies and local plans.
- Given the desire for a single usable traffic network, encompassing the Local Road Network (LRN) and the SRN, the Proposed Development has taken account of the relevant local issues.
- The mitigation measures set out would be proportionate and reasonable, focussed on promoting sustainable development.
- Balancing the cost to the public purse with the advantages that could arise it is reasonable to make the DCO without the addition of east-facing sliproads at Chybucca junction.

Walking, cycling and horse riding

- In general, there has been a very positive approach and outcome to the interrelationship between the Proposed Development and WCH use, including changes arising directly from suggestions made at ISH3.
- Taking all matters into account, including the health impacts, there should have been greater attention to the provision at Chiverton Roundabout; the proposed tunnel is a second-best option and there can be no guarantee of delivery of the bridge outside the Proposed Development.
- There was a lack of consideration in relation to bridleway 309/3/1.
- Nevertheless, considering the Proposed Development as a whole the impacts would be reasonably mitigated.

Air quality and emissions

- The assessments demonstrate benefits in reducing congestion and, therefore, the environmental problems caused as a result, such as more emissions per vehicle and greater problems of blight and intrusion for people nearby.
- There would be no significant adverse effects, including no new exceedances, no exceedances made worse and no Air Quality Management Areas (AQMA) with significant adverse effects.
- The Proposed Development would not affect the ability of the local authority to comply with relevant air quality targets.
- The Proposed Development would not have a material impact on the Government's ability to meet its carbon targets.
- In relation to light emissions, the mitigation measures are considered to be appropriate.
- The matters relating to air quality and emissions, including lighting and climate change, have been appropriately addressed against the NNNPS requirements.

Biodiversity, ecology and the natural environment

- All relevant matters with regard to the assessment of biodiversity and ecological conservation have been appropriately addressed.
- The ES has considered the full range of potential impacts on ecosystems and shown how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.
- The Proposed Development would avoid significant harm to

biodiversity and geological conservation interests.

- Appropriate weight has been attached to designated sites, protected species, habitats and other species of principal importance for the conservation of biodiversity, and to biodiversity and geological interests within the wider environment.
- Mitigation measures have been identified as an integral part of the Proposed Development, secured by the REAC, CEMP and DCO.
- It is considered that the Proposed Development meets the requirements of the NNNPS with regard to biodiversity, ecology and the natural environment.

Historic environment

- There would be no substantial harm or loss to of significance of a designated heritage asset as a result of the Proposed Development.
- There would be a moderate adverse effect on the Nancarrow Grade II listed building, which would be mitigated by screening.
- The less than substantial harm to the significance of any designated heritage asset, when weighed against the public benefits of Proposed Development, are not of such significance to weigh against the making of the DCO.
- Account has been taken of the beneficial matters arising and the proposed mitigation secured via the Register of Environmental Actions and Communities (REAC), the Construction Environmental Management Plan (CEMP) and the draft Development Consent Order (dDCO).

Landscape and visual impact

- Taking account of the existing landscape and nature of the effect likely to occur the Proposed Development has been appropriately designed to avoid or minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.
- The visual effects on sensitive receptors, such as local residents, have been appropriately mitigated such that they do not outweigh the benefits of the Proposed Development.
- The C0075 underpass is important in terms of that locality but the DCO as proposed would not prevent the detailed design that may be required with regard to this structure.

Noise and vibration

- The design through use of landscaping and noise barriers to reduce noise transmission would minimise noise emissions.
- The road design and associated mitigation means that the development in operation would offer benefits to a number of properties sited close to the existing A30, therefore contributing to improvements to health and quality of life.
- The Noise Insulation Regulations 1975 apply and there has been an indication of the likely eligibility for compensation in relation to certain properties in relation to either/or construction and operational noise.
- There would be noise reduction in the NIAs as a result of the Proposed Development.
- Proportionate and reasonable mitigation measures have been put in

place and would be secured by the REAC, the CEMP and the DCO.

Water environment

- The Water Framework Directive (WFD) compliance assessment indicates that the Proposed Development would not result in a change in status of any WFD quality elements or prevent any water bodies from reaching good status in the future.
- There would be an overall neutral impact on water quality in both surface water and groundwater in the short and long term.
- Matters relating to private water supplies in this rural area have been identified and would be taken forward within the detailed design.
- Proportionate and reasonable mitigation measures have been put in place and would be secured by the REAC, the CEMP and the DCO.

Other strategic projects and proposals

- The major projects in the locality have been identified and appropriately reviewed.
- The relevant relationships between the Proposed Development and the major projects have been considered, so far as possible, with no significant adverse cumulative effects indicated to arise.
- NNNPS policy requirements in relation to cumulative and in-combination assessment for EIA purposes have been met.

Other policy topics and relevant considerations

- Human health policies in relation to the encouragement of cycling should be considered alongside the conclusions on WCH. The Proposed Development makes acceptable provision for WCH use.
- In relation to the use of the Cornish language I do not consider that this would be a matter to be secured through the DCO.

6.2.2. The NNNPS paragraph 4.2 advises that, subject to the provisions of s104 of the PA2008, the starting point for the determination of an application for a national networks NSIP is a presumption in favour of development.

6.2.3. In reaching conclusions on the case for the Proposed Development, I have had regard to the NNNPS as the relevant National Policy Statement (NPS), the National Planning Policy Framework (NPPF), the Local Impact Report (LIR) and all other matters which are important and relevant to the SoS's decision. I have considered whether the determination of this application in accordance with the relevant NPS would lead the UK to be in breach of any of its international obligations where relevant. I have concluded that, in all respects, this will not be the case.

6.2.4. There is strong policy support for Proposed Developments that seek to deliver a well-functioning SRN. The Proposed Development would assist in delivering this policy.

6.2.5. The potential adverse impacts of the Proposed Development and the concerns raised by those who made submissions on the application

have been considered. There will be some harmful effects but many of these will be limited to the construction period and temporary. All are mitigated as far as possible through controls secured through the recommended dDCO. All harmful effects are within the scope envisaged in NNNPS as still being policy compliant.

- 6.2.6. All the impacts identified above fall to be considered together in the context of the Proposed Development as a whole. In particular, this consideration should be undertaken alongside the identified benefits of the Proposed Development in relation to the SRN and to meeting network need identified in the NNNPS and in regional and local strategies. Substantial weight is attached to these benefits.

6.3. OVERALL CONCLUSION ON THE CASE FOR DEVELOPMENT

- 6.3.1. I consider that the strategic benefits of the Proposed Development in addressing existing and predicted congestion, improving use experience of the A30 and enhancing connectivity and economic benefits in the region, are significant. These matters outweigh any negative impacts identified in relation to the construction and operation of the Proposed Development.
- 6.3.2. The potential harm is substantially outweighed by the benefits of the Proposed Development in meeting Government policy as set out in the NNNPS.
- 6.3.3. There is no reason for HRA matters to prevent the making of the Order.
- 6.3.4. This is a finely balanced recommendation in relation to two matters.
- 6.3.5. One is the WCH provision at Chiverton junction which, taking account of the policy in relation to modal shift and the identified human health impacts, was not fully engaged with to provide the best outcome. The proposed enhancement of the underpass is a reasonable adjustment to the initial application and so, taking the wider view of the overall benefits of the Proposed Development, this should not weigh against the making of the DCO.
- 6.3.6. The other is the route selection at Marazanvose, which remains an issue for those living in that area. The issues raised have to be balanced against the wider benefits of making the DCO in relation to a need to resolve the matters of congestion, safety, improved economic outcomes and environmental conditions along the existing A30. There would be increased costs and delay to the delivery of a solution for the wider SRN and the region if the Proposed Development was not taken forward at this time. In balancing all the relevant matters I consider that the SoS can find the Proposed Development as a whole to be appropriate.
- 6.3.7. For the reasons set out in the preceding chapters and summarised above, I recommend that development consent should be granted.

7. COMPULSORY ACQUISITION AND RELATED MATTERS

7.1. THE REQUEST FOR COMPULSORY ACQUISITION (CA) AND TEMPORARY POSSESSION (TP) POWERS

7.1.1. The request for CA and TP powers is made through the inclusion of Part 5 Powers of Acquisition in the Applicant's draft Development Consent Order (dDCO) (G) [REP7-004]. The following provisions are included:

- Article 23: Compulsory acquisition of land;
- Article 24: Compulsory acquisition of land - incorporation of the mineral code;
- Article 26: Compulsory acquisition of rights;
- Article 27: Public rights of way;
- Article 28: Private rights over land;
- Article 31: Acquisition of subsoil or airspace only;
- Article 32: Rights under or over streets;
- Article 33: Temporary use of land for carrying out the authorised development;
- Article 34: Temporary use of land for maintaining the authorised development
- Article 35: Statutory undertakers; and
- Article 38: Special category land.

7.1.2. The Development Consent Order (DCO) would also confer on the Applicant other rights and powers that may interfere with property rights and private interests. These additional powers are:

- Article 11: Street works;
- Article 15: Temporary stopping up and restriction of use of streets;
- Article 16: Permanent stopping up and restriction of use of streets and private means of access;
- Article 20: Discharge of water;
- Article 21: Protective works to buildings;
- Article 22: Authority to survey and investigate the land; and
- Article 39: Felling or lopping of trees and removal of hedgerows.

7.1.3. The application was accompanied by documents which set out the land and rights sought, the reasons for their requirement and the basis under which compensation would be funded. These were updated as necessary during the examination and the references below relate to the final document versions considered in relation to this application:

- Book of Reference (BoR) (B) [REP6-012];
- Statement of Reasons (SoR)³⁸[APP-006];
- Funding Statement [APP-010];
- Land Plans (D) [REP6-003];
- Special Category Land Plan (A) [AS-013];

7.1.4. A copy of the notice under s56 of PA2008 was provided [OD-002].

³⁸ App-006 with appendices C 7 C at APP-008 and App-009. The final updated Appendix A is at REP6-010 (Clean) and REP-011 (Track Changed)

- 7.1.5. CA powers are sought for the acquisition of land under Article 23 and of rights, including the power to create new rights and impose restrictive covenants under Article 26 of the DCO.
- 7.1.6. Article 28 of the DCO provides for the extinguishment of all existing private rights over land acquired by the Applicant. Where new rights are compulsorily acquired or restrictive covenants imposed on land, then any existing private rights or restrictive covenants to which that land was subject would be extinguished to the extent that continuing those private rights or restrictive covenants would be inconsistent with the new right acquired or restrictive covenant imposed.
- 7.1.7. Statutory undertakers' land and electronic communications code operators' land is involved along the route and CA powers are sought to acquire land, interfere with interests, override interests and remove apparatus. A number of existing utility services would be required to be diverted or re-aligned. Where such diversion or realignment would not be wholly within the land to be permanently acquired the Applicant proposes to acquire new permanent rights over land for the benefit of the utility company and take TP of land in order to undertake the works. The land involved is included in Parts 1 and 3 of the BoR.
- 7.1.8. Where the Applicant takes TP of land under Articles 33 or 34 of the DCO, article 28 provides that all private rights over that land would be suspended and unenforceable for as long as the Applicant was in lawful possession of the land.

7.2. ISSUES ARISING REGARDING TP LAND IN SCHEDULE 7

- 7.2.1. Article 26 of the DCO permits the undertaker to acquire existing rights, create new rights and impose restrictive covenants over all of the Order land. This is limited to rights and restrictive covenants as may be required to carry out or to facilitate or is incidental to the authorised development. The Order land is defined in Article 2 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 power to impose restrictive covenants is limited to the land listed in Schedule 5 (land in which only new rights etc may be acquired). The undertakers' powers of CA over the land in Schedule 5 is further limited to the rights and restrictions described in the Schedule.
- 7.2.2. Article 33 of the DCO permits the undertaker to take TP of the land in Schedule 7 and any other Order land in respect of which no notice of entry has been served and no declaration has been made (i.e. this permits the undertaker to take TP of any land which is subject to any CA before the undertaker exercises those powers).
- 7.2.3. Article 33(8) limits the undertakers' powers of CA in the land listed in Schedule 7 to the acquisition of new rights under Article 26.
- 7.2.4. A concern arose that the effect of the drafting of Articles 26(1) and 33(8) might enable the creation of undefined new rights over the land listed in Schedule 7, which was described as being for TP only in the

SoR and BoR and shown as being for TP on the land plans.

7.2.5. Questions were asked to establish the Applicant's intention in relation to the land in Schedule 7 through first Written Questions [PD-007] and requests for further information [PD-013 and PD-014]. It was clear from the Applicant's responses [REP2-020, REP6-023 and REP8-001] that they were seeking a power to compulsorily acquire new rights in the land listed in Schedule 7, described as being for TP, but that they did not consider this power should be limited to the new rights described in Schedule 5 as suggested by the ExA [PD-014 and REP8-001].

7.2.6. The Applicant did not consider that the power granted by Article 23 to create new rights in the Order land (*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" (article 2 DCO)*) limited the undertakers ability to compulsorily acquire new rights to the rights described in the BoR (in the "Extent, Description and Situation of the Land or Right" column) and shown on the land plans coloured blue (land to be used temporarily and rights to be acquired permanently). The Applicant's final position on this matter is as follows:

As stated in previous submissions, the Applicant's intention is to temporarily possess the plots in question for the purposes set out in Schedule 7 to the dDCO (Document Reference 3.1(G)) [REP7-003]. Although the Applicant is confident at this stage that it will not be necessary to create permanent rights over these plots, Article 33(8) would nonetheless provide important flexibility to the Applicant to do so should the creation of a permanent right prove to be necessary at a future stage [REP8-001].

7.2.7. It is not clear from the application documents that persons with an interest in the land listed in Schedule 7 were aware that the applicant was seeking anything other than TP of that land. The land has been consistently described as being for TP in the BoR and SoR and shown as being for TP on the land plans. The Applicant also describes land as being for TP in the list of objections prepared for the Examination [REP2-023]. There is no indication in any of these documents that the land described as being for TP was also subject to CA of undefined new rights by the technical effect of the interaction of Articles 26 and 33 in the DCO. This is reflected in comments on this matter from persons with an interest in such land [for example see REP6-028]. Consequently, it does not appear that persons with an interest in the land listed in Schedule 7 have been adequately consulted on the extent of the CA sought in the DCO.

7.2.8. The Applicant sought to address the concerns raised during examination by inserting wording into Article 33(8)(a) to limit the power to create new rights in the land in Schedule 7 relating to the purposes for which TP may be taken of the land [REP6-008 and REP6-023]. While this does limit the power to create new rights it does not define the new rights sought in this land.

- 7.2.9. Without definition of the new rights it is difficult to see how a judgement can be made on whether there is a compelling case in the public interest for authorising the CA of the new right because the burden of the right on the landowner and other persons with an interest in the land cannot be understood. Furthermore, in the absence of consultation with the relevant landowners and persons with an interest in the land in Schedule 7, it is questionable whether these persons have been given adequate opportunity to effectively participate in the examination and receive a fair hearing in relation to the CA of new rights in this land.
- 7.2.10. Taking this matter into account I am not satisfied that it is appropriate for the DCO to be made with the overarching powers that would be granted by the inclusion of Article 33(8). This would result in the land in Schedule 7 being subject to wider CA than I consider would be expected by a reasonable person reading the Schedule as set out. I consider the impact of this matter on the DCO below.
- 7.2.11. Given this conclusion; and in consideration of the fact that the main application documents are drafted in a way which supports this conclusion; I report on the remaining CA and TP issues on the basis that CA of undefined new rights is not recommended over the land in schedule 7.

7.3. CHANGES TO CA AND TP SOUGHT DURING THE COURSE OF THE EXAMINATION

- 7.3.1. The non-material amendments sought are set out at paragraph 2.3.7. Following revisions to some requests and the removal of one [REP6-021], I was satisfied that only one change involved "additional land" for the purpose of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regs). In relation to this request the applicant submitted consent from all persons with an interest in the additional land. I am satisfied that the condition in 123(3) was met in relation to this land and that the prescribed procedures in the CA regs do not apply.

7.4. THE PURPOSES FOR WHICH LAND IS REQUIRED

- 7.4.1. The purposes for which the CA and TP are required are set out in the BoR and the SoR.
- 7.4.2. The SoR sets out that the area of development comprises approximately 211.7 hectares. The total area of the scheme is stated to be 213.54 hectares, of which 154.60 hectares is land to be acquired permanently; 45.38 hectares is land to be used temporarily; and 13.55 hectares is land to be used temporarily and rights to be acquired permanently.
- 7.4.3. CA is sought for land that would be required permanently for the construction and operation of the A30 Chiverton to Carland Cross Proposed Development allowing for engineering design and environmental mitigation.

- 7.4.4. TP and permanent rights to use, inspect, and maintain are sought where land is only required to construct drainage outfalls and diversions to utilities, which would require future access for maintenance and protection purposes. The land would be used temporarily and returned to the original landowner, subject to the permanent right to use, inspect and maintain for the beneficiaries of the DCO.
- 7.4.5. The Applicant also seeks powers to take TP of land for all construction compounds, wildlife crossings, and the majority of boundaries associated with the Proposed Development. Article 33 of the dDCO provides that before giving up possession the Applicant must remove all temporary works and restore the land to the reasonable satisfaction of the owners. TP is sought for the de-trunking of the existing A30 highway.
- 7.4.6. Although I have specifically referred to objections raised by Affect Persons (APs), I appreciate that this represents only a proportion of those whose land would be affected. Even though a specific objection may not have been raised in relation to a particular plot of land, I have nevertheless applied the relevant tests to the whole of the land that would be subject to powers of CA or TP in reaching my overall conclusions.

Associated Development

- 7.4.7. Section 122(2) of PA2008 sets out the purposes for which CA may be authorised. The DCLG Guidance³⁹ explains that, in the light of s122, applicants must be prepared to justify their proposals for the CA of any land to the satisfaction of the SoS.
- 7.4.8. Section 115 of PA2008 provides that, in addition to the development for which development consent is required under Part 3 of PA2008 (the principal development), consent may also be granted for Associated Development. PA2008 defines Associated Development as development which is associated with the principal development.
- 7.4.9. I consider that the Associated Development in Schedule 1 of the DCO comprises development for which development consent is sought in accordance with DCLG Guidance. The land required for the Proposed Development and this Associated Development can therefore, in principle, be compulsorily acquired pursuant to s122(2)(a) of PA2008. I shall consider later in this chapter whether all of the land in respect of which CA and TP powers are sought is required for the development.

Public Benefit

- 7.4.10. The need for new nationally significant road infrastructure projects is recognised by the NNNPS [APP-045]. The NPPF acknowledges the pre-eminence of NPSs in policy terms when considering NSIPs. It is clear from the relevant NPS that there is a national need for new road infrastructure of the type that is the subject of the application.

³⁹ Planning Act 2008 Guidance on associated development applications for major infrastructure projects (DCLG, 2013)

7.4.11. The application sets out the need case for the Proposed Development [APP-006] and I have concluded earlier in this report that there is a need for the Proposed Development. I have also concluded that the benefits, including this need, outweigh any harm to such an extent that development consent should be granted. In terms of CA, I rely on this conclusion that development consent should be granted. I also consider that there is sufficient certainty regarding the identified need such that it is appropriate to request the CA powers at this time. These matters lead me to the view that there is significant public benefit to be weighed in the balance concerning the compelling case for CA.

Private Loss

7.4.12. There has not been a detailed assessment of the effect upon individual APs and their private loss that would result from the exercise of CA powers. Any private loss suffered by an individual AP may become the subject matter of a claim for compensation, with any claim determined by the Upper Tribunal of the Lands Chamber.

7.4.13. Provided that the DCO would prevent CA of land described as being for TP, as set out above, I am satisfied that the Applicant has taken steps to limit the exercise of CA powers in respect of each plot and each individual AP, including:

- keeping the areas of land affected to a minimum;
- seeking wherever possible to rely on TP of land rather than CA; and
- engaging with all persons with an interest in land affected with a view to reaching a voluntary agreement.

7.4.14. The Applicant carried out an options assessment process together with a detailed assessment of the land and rights needed to deliver the Proposed Development [APP-056]. Landowners and occupiers were involved throughout the process and the Applicant has had regard to landowner feedback in both the initial design of the Proposed Development and in iterative design changes, as shown by examples in Chapter 8, Table 8.2 of the Consultation Report (Volume 5, Document Ref 5.1) [APP-029].

7.4.15. I am satisfied that the Proposed Development has been designed to minimise interference with private rights as far as possible. The Applicant has sought to use powers of TP wherever possible. The extent of any private loss has therefore been mitigated through the use of CA powers only after the detailed design has been completed. All of these factors would inherently reduce the extent of the private loss experienced by those affected by CA.

7.5. LEGISLATIVE REQUIREMENTS

Compulsory Acquisition

7.5.1. Sections 122 - 134 of PA2008 set out the main provisions relating to the authorisation of CA of land and rights. CA powers can only be granted if the conditions set out in s122 and s123 of PA2008 are met.

Compliance with relevant guidance in "Planning Act 2008: Guidance Related to Procedures for Compulsory Acquisition Of Land"⁴⁰ is also important.

- 7.5.2. Section 122(2) of the PA2008 requires that land subject to CA must be required for the development to which the development consent relates; or is required to facilitate or is incidental to the Proposed Development; or is replacement land which is to be given in exchange under s131 or s132 of the Planning Act. The land to be acquired must be no more than is reasonably required for the purpose and proportionate.
- 7.5.3. Section 122(3) of the PA2008 requires that there must be a compelling case in the public interest to acquire the land, which means the public benefit derived from the CA must outweigh the private loss that would be suffered by those whose land is affected.
- 7.5.4. An order granting development consent may include provision authorising the CA of land only if the SoS is satisfied that one of the conditions in s123 (2) to (4) is met. The ExA is satisfied that the condition in s123(2) is met because the Application for development consent includes a request for CA of the land to be authorized [APP-002] and that the condition in s123(3) is met in relation to the Applicant's request for the inclusion of additional land.
- 7.5.5. A number of general considerations also have to be addressed either as a result of the following applicable guidance or in accordance with the legal duties on decision makers:
- All reasonable alternatives to CA must have been explored;
 - The Applicant must have a clear idea of how it intends to use the land subject to CA powers and to demonstrate that adequate funds are likely to be available to meet the compensation liabilities that might flow from the exercise of CA powers;
 - The decision-maker must be satisfied that the purposes stated for the CA are legitimate and sufficiently justify the inevitable interference with human rights of those affected.
- 7.5.6. PA2008 requires that if changes are sought to the Application the changes, whether material or non-material, must be considered and approved or otherwise by the ExA. If the changes involve additional land then if CA is required and the consent of those affected is not obtained by the Applicant, the provisions of the CA Regs will apply.

Temporary Possession

- 7.5.7. In some instances, TP has been sought as an alternative to CA. The DCO contains powers for TP which I consider would be appropriate for inclusion to support the delivery of the Proposed Development in respect of the plots noted for TP in the final Land Plans and BoR.
- 7.5.8. These are not CA powers and so the tests under s122 and s123 of PA2008 are not applicable. However, the request for the powers in

⁴⁰ DCLG40 September 2013

order to enable the Proposed Development to be implemented and maintained must be justified. The inevitable interference with human rights must be justified, and there must be adequate compensation provisions in place for those whose land is affected.

- 7.5.9. I have considered the objections raised by those persons affected by the application for the permanent acquisition of land and the permanent acquisition of rights in land where they are directly or indirectly related to TP. I have also taken all relevant objections into account in reaching conclusions on the application for TP powers in the same way as for permanent acquisition.
- 7.5.10. The Neighbourhood Planning Act 2017 (NPA2017) Part 2, Chapter 1 includes provisions in relation to TP. In recognition of the greater extent to which TP is being sought by Proposed Development promoters and of the extended durations for which TP can be sought, the provisions in general terms provide for enhancements to the rights of Affected Persons subject to TP, with a view to ensuring that they have equivalent or proportionate rights to notice and to relevant compensation to those already available for AP's subject to CA. Although the NPA2017 has been enacted, the provisions in relation to TP had not come into force at the time of the Examination closed.
- 7.5.11. I am satisfied that the TP powers sought would be needed to facilitate implementation of the Proposed Development. I am also satisfied that adequate compensation provisions are in place in the DCO.

7.6. EXAMINATION OF THE CA AND TP CASE

- 7.6.1. The Examination of the application included consideration of all submitted material relevant to CA and TP. This section does not address the examination of TP and the CA of rights in respect of Schedule 7 land which is addressed above.
- 7.6.2. On request from representatives of Nancarrow a CAH was held on 3 April 2019 [EV-009 - EV-011]. This was attended by Lucy Chamberlain, Steve Chamberlain and Peter Mewton from Nancarrow and Colin Innes for ScottishPower Renewables (UK) Limited (SPR).
- 7.6.3. Post-hearing submissions were made by HE [REP3-020 and REP3-021]; SPR [REP3-030] and Nancarrow [REP3-031 – REP3-033].

7.7. THE APPLICANT'S CASE FOR CA AND TP

- 7.7.1. The Applicant's case is set out in the SoR [APP-006]. The relevant background and history are set out in section 2.4. The need for and the benefits of the Proposed Development are set out in the Planning Statement [APP-045]. There is a very strong and compelling case in the public interest for the Proposed Development to be delivered.
- 7.7.2. Due to the low standard of the existing route, this section of the A30 experiences congestion and delays throughout the year, with poor journey time reliability and stifling growth in Cornwall. The design and

alignment of the existing section of road and its junctions causes traffic accidents, while the lack of an alternative direct route when an accident occurs results in queues on the main carriageway and unsuitable levels of traffic flow on local roads used as diversions. These problems are exacerbated in summer months, when traffic flows increase due to tourist traffic.

- 7.7.3. The Proposed Development would meet HE's objectives of maintaining the smooth flow of traffic, making the network safer and supporting economic growth. An economic cost benefit analysis undertaken in accordance with Web-based Transport Analysis Guidance (WebTAG) – DfT transport appraisal guidance and toolkit - has concluded an adjusted BCR of value of 4.61. The SoR gives a value of 4.55 whilst the Planning Statement gives an adjusted BCR value of 4.61. Either figure shows that the Proposed Development represents 'very high value' for money.
- 7.7.4. The NNNPS identifies a "critical need" to improve the national networks to address road congestion to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth. It goes on to state that improvements may also be required to address the impact of the national networks on quality of life and environmental factors.
- 7.7.5. The strategic objectives of the Proposed Development are aligned with the NNNPS as set out in Chapter 6 of the Planning Statement [APP-045]. General compliance with the NNNPS is set out in the National Policy Statement Accordance Table in Appendix A of that document. This clearly demonstrates that there would be substantial public benefits arising from the implementation of the Proposed Development. As noted in Chapter 3 of the Consultation Report [APP-029] there was a high level of public support for the principle of the Proposed Development, namely the need to improve the Chiverton to Carland Cross section of the A30.
- 7.7.6. The Proposed Development objectives were developed from consideration of the national objectives of DfT and HE, CC's transport objectives, and the constraints on the current A30. The objectives for the Proposed Development are:
- to contribute to regeneration and sustainable economic growth;
 - to support employment and residential development opportunities;
 - to improve the safety, operation and efficiency of the transport network;
 - to improve network reliability and reduce journey times;
 - to deliver capacity enhancements to the SRN;
 - to support the use of sustainable modes of transport;
 - to deliver better environmental outcomes; and
 - to improve local and strategic connectivity.
- 7.7.7. The specific purposes for which land subject to CA and TP powers is proposed to deliver the Proposed Development are set out in the updated Appendix A of the SoR [REP6-010]. This describes the

purpose for which each plot of land is required and identifies the land over which the powers are sought.

- 7.7.8. The land included in the DCO is the minimum required to construct, operate, maintain and mitigate the Proposed Development. The limits of the land have been drawn as tightly as possible to avoid unnecessary land take. In the event that less land proves to be required in a particular area at a later stage, the Applicant would only seek to acquire that part of the land that is required and in all events would seek to minimise effects on landowners.
- 7.7.9. The Applicant recognises that the authority to acquire land compulsorily should only be sought if attempts to acquire by agreement fail. However, the CA Guidance recognises that it may not always be practicable to acquire each plot of land by agreement. Where this is the case, the CA Guidance confirms that it is reasonable to include provision authorizing CA covering all the land required at the outset. It also recognises that in some cases it may be preferable, or necessary, to acquire land compulsorily rather than by agreement. The Applicant has continued discussions with landowners and occupiers to acquire the land by agreement. The CA and TP powers are required to ensure that the Proposed Development can be delivered in a reasonable timescale and in the event that it does not prove possible to acquire all of the land by agreement. The status of negotiations is set out in Appendix B of the SoR [APP-008].
- 7.7.10. The Applicant submits that the conditions in section 122 of the PA2008 are met and that there is a compelling case in the public interest for CA.

AVAILABILITY AND ADEQUACY OF FUNDS

- 7.7.11. The Funding Statement [APP-010] demonstrates that funding would be no impediment to the delivery of the Proposed Development, including payment of compensation to persons affected by CA, TP or blight claims.
- 7.7.12. The Proposed Development has a most-likely estimate of £271 million. This estimate includes all costs to deliver the Proposed Development from Options Stages through to the opening for traffic. It includes an allowance for compensation payments relating to the CA of land interests in, and rights over, land and the TP and use of land. It takes account of potential claims under Part 1 of the Land Compensation Act 1973, Section 10 of the Compulsory Purchase Act 1965 (CPA1965) and Section 152(3) of PA2008.
- 7.7.13. The estimates have been informed by land referencing activities, engagement of professional surveyors, and information received from consultation and engagement with parties having an interest in the land. HE has been, and will continue to be, responsible for all preparation costs associated with the Proposed Development, such as design costs, legal costs, land acquisition costs, advance payments to statutory undertakers and surveying costs.

- 7.7.14. The estimate has been prepared in accordance with HE procedures and, in combination with the approved budget, provides sufficient cost certainty to enable the Applicant to confirm the viability of the Proposed Development.
- 7.7.15. HE is a government owned company, responsible for operating, maintaining and improving the SRN in England. These responsibilities include the acquisition, management and disposal of land and property in relation to SRN improvement projects, together with the payment of compensation related to these activities. HE is responsible for delivering the major projects in the RIS.
- 7.7.16. The RIS published on 1 December 2014 is underpinned by legislation following the Infrastructure Bill receiving Royal Assent on 12 February 2015 and the creation of HE on 1 April 2015. The RIS provides certainty of Government funding with over £15 billion to be invested in major roads between 2015/16 and 2020/21. The Proposed Development was announced in the RIS as a committed Proposed Development subject to other contributions. The funding commitment was reiterated in the HE Delivery Plan 2015 to 2020, March 2015 and subsequent delivery plan update published 2016.
- 7.7.17. In addition to the above funding, £20 million has been allocated to the Proposed Development through the European Regional Development Fund (the ERDF). The funding is allocated as £8 million to support the development phase, with a further £12 million contribution to the construction phase. This funding was committed in the ERDF Operational Programme 2014 to 2020.
- 7.7.18. The Applicant believes that these commitments demonstrate that the Proposed Development would be fully funded, mainly by DfT and partly by contributions from the ERDF.

CONSIDERATION OF ALTERNATIVES

- 7.7.19. In designing the Proposed Development and determining the land to be subject to CA and TP powers, the Applicant has considered alternatives during the design process. The process is described in Chapter 3 (Consideration of Alternatives) of the ES (Volume 6, Document Ref 6.2) [APP-056] and Chapter 3 (Need for the Proposed Development and Proposed Development Development) of the Planning Statement (Volume 7, Document Ref 7.1) [APP-045].
- 7.7.20. Following public consultation, the Applicant selected the most appropriate option. This took account of various factors, including views of consultees, including persons with a land interest. Other factors included environmental impacts, meeting the objectives of the Proposed Development, affordability, value for money, safety and construction and operational considerations. None of the alternatives or modifications considered would obviate the need for the CA and TP of the Land.

- 7.7.21. In June 2017, a preferred route and site for the two junctions at Chiverton and Carland Cross, as well as an area of land to be protected from further development in order that the Proposed Development could be delivered, was identified. On 3rd July 2017 the preferred route for the A30 Chiverton to Carland Cross Proposed Development was announced as a modified version of the route presented at consultation.
- 7.7.22. As part of preliminary design development there have been amendments to the preferred route. These are set out in 6.2 ES Chapter 3 - Consideration of Alternatives [APP-056].

CROWN LAND

- 7.7.23. The Applicant has confirmed that none of the land is Crown land for the purposes of section 135 of PA2008.

7.8. SPECIAL CATEGORY LAND

- 7.8.1. As shown in Part 5 of the BoR [REP6-012] and the Special Category Land Plan (Volume 2, Document Ref 2.3(A)) [AS-013], the DCO makes provision for the acquisition of special category land, comprising open space land designated as CROW land. S131 of PA2008 applies to the CA of any land forming part of a common, open space or fuel or field garden allotment and section 132 to the CA any rights over such land.
- 7.8.2. There is provision for Special Parliamentary Procedure (SPP) to apply where a DCO authorises the CA of, or rights over, such land. The DCO would be subject to SPP unless the SoS is satisfied that one of the following four circumstances in s131 apply:
- Section (4)(a) and (b): replacement land will be given in exchange for the land to be compulsory acquired with the same rights, trusts and incidents; or
 - Section (5)(a): the land to be acquired does not exceed 200 square metres or is required for the widening or drainage of an existing highway and the giving of land in exchange is unnecessary; or
 - Section (4A)(c)(i), (c)(ii) and (d): for open space land only, replacement land in exchange is not available or is only available at a prohibitive cost, but it is strongly in the public interest for the order granting development consent being begun sooner than if the order were to be subject to SPP; or
 - Section (4B): for open space land only, the land is only being compulsory acquired for a temporary purpose.
- 7.8.3. The land in question (plots 9/3 and 9/3a) has been treated as open space land as a pre-cautionary approach due to its designation under CROW. HE is not aware of any rights of common or other rights that would be interfered with by its acquisition. The total area of the land that is considered open space is 35,339 square metres. Of this total, 10,649 square metres of land would be permanently acquired (plot 9/3a) and 2,646 square metres of land required temporarily (plot 9/3) (13,295 square metres in total).

- 7.8.4. As set out above, the Applicant confirmed that they intended to have the power to acquire new rights in the land required temporarily in Schedule 7. This would include the open space plot 9/3. If the SoS does not follow the recommendation to remove this power as set out in section 7.2 then this land would be subject to CA of rights as well as for temporary use.
- 7.8.5. Replacement land would be provided on plot 9/4h. The area of the replacement open space land identified on the Special Category Land Plan (Volume 2, Document Reference 2.3 (A)) [AS-013] is currently agricultural land with hedge and tree lined boundary and contains a Scheduled Monument (Warren's Barrow). The area of proposed replacement open space land is 13,448 square metres, which is a marginally larger area of land than the open space land to be acquired permanently and temporarily for the scheme.
- 7.8.6. Initially it was thought that the land considered to be open space was not in current public use. The Ramblers commented that it appeared relatively easy to provide access on foot along the disused length of the old A30 [RR-083]. On my unaccompanied site visit [EV-022] I found that there was evidence of some use in this area, particularly at the eastern end.
- 7.8.7. This was discussed at ISH3 [EV-012 – EV-014] and subsequently a new footpath (PR16/WW), see Rights of Way and Access Plan, 2.5(E) [REP6-005] was proposed to connect footpath UU to the southern section of the existing open space land, see paragraph 2.3.7. This small area would remain to the south of the Proposed Development.
- 7.8.8. The area of replacement land to be provided would be marginally larger than the total area of the land affected that is considered open space. The boundary of the replacement land would align with the new WCH route on the southern and western boundaries of this land. The replacement land would be publicly accessible from the new WCH route and provide an area of species rich grassland, which seeks to enhance the setting of the Warren's Barrow and re-unite the Barrow group in this location. In addition, in agreement with HMBCE [AS-043] an elevated viewing area, looking over Newlyn Downs (height of up to 1.2m), would be provided to the west of footpath UU, see paragraph 2.3.7.
- 7.8.9. In relation to the possibility of the new heathland being designated as CROW access land [RR-083] HE say that there is no legal requirement or need for that land to also be given CROW status. The new heathland proposed lies to the north of the existing A30. It is part of the Trewithen Estate and not currently CROW land. I am satisfied that it is not appropriate or necessary for this to be designated as CROW land due to the provision of replacement land elsewhere [REP3-022].
- 7.8.10. The area of the replacement land (plot 9/4h) to be provided to the west of Carland Cross in exchange for that which would become part of the proposed dual carriageway would be more advantageous to the public in terms of access and the quality. The Proposed Development

would have an overall beneficial impact on open space with a net gain and better access to the replacement land and part of the remaining land than the current situation.

- 7.8.11. Paragraph 5.166 of the NNNPS, states that "*open space ... land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality and suitable location...*".
- 7.8.12. Account is taken of the relative size and proximity of the replacement land compared to the land that would be subject to CA and TP. The provision in Article 38 of the DCO that the special category land cannot be acquired by HE until the replacement open space land has been acquired and the SoS has certified that a satisfactory scheme for the provision of the replacement land is to be implemented.
- 7.8.13. The replacement land complies with the definition contained in s131(12) of PA2008 as it is not less than the order land and will not be any less advantageous to the persons entitled to rights of common, other rights, or the public. I consider that the SoS can be satisfied that the provision of open space land meets the requirements of s131(4) of PA2008 and that the DCO should not be subject to SPP.

7.9. ACQUISITION OF RESIDENTIAL PROPERTY

- 7.9.1. There are four occurrences on the Proposed Development of acquiring residential property.

Hill House, plot number 6/1

- 7.9.2. Initially an area was proposed for acquisition from the curtilage of this residential property under plot number 6/8. The updated Land Plans and BoR show the owners to be HE, which appears to follow the completion of a blight claim [REP4-011].
- 7.9.3. Taking account of the above I am satisfied that this matter has been concluded in accordance with the principles of the Human Rights Act, as discussed further below. I consider it appropriate to authorise CA in relation to this land.

Marazan Farmhouse and outbuildings, plot number 5/4b

- 7.9.4. The farmhouse and outbuildings are proposed for demolition. The land is required for the construction and operation of the main carriageway and associated earthworks.
- 7.9.5. The justification for the acquisition and interference with rights in this location is to ensure the preferred route alignment of the main carriageway is compliant with design safety standards. It has not been possible to minimise harm to the residential property as demolition is required for the construction of the Proposed Development.

7.9.6. Engagement has been carried with the owners of the residential property since the inception of the Proposed Development. HE was in negotiation to purchase the residential property (and associated outbuildings).

7.9.7. I note that the residents indicated support for the Proposed Development, even taking account of the effect that this would have on their property and business [REP1-017]. Although expressing some discontent with the process the matter appears to be in hand [REP3-035 and APP-008].

7.9.8. Taking account of the relevant matters I consider it appropriate to authorise CA in relation to this land.

St Freda Nursery, plot number 6/5

7.9.9. Outbuildings are proposed for demolition and an area proposed for acquisition from the curtilage of this residential property. This land is required for the realignment of the existing A30 and associated earthworks.

7.9.10. The justification for the acquisition and interference with rights in this location is to ensure the realigned existing A30 complies with design safety standards in curvature and vertical alignment, which is required to be in cutting in this location. Harm has been minimised to this residential property by reducing the area of proposed acquisition since the statutory consultation, through changing the realignment of the local road to another location.

7.9.11. Engagement has been carried with the owners since the inception of the Proposed Development and discussions were ongoing regarding purchase of the freehold title [APP-008].

7.9.12. Although matters do not yet appear to have reached a conclusion, I consider that the engagement has been appropriate and would deal with the potential blight as required. Should it be the case that negotiations had not reached a conclusion at the time that the land was required I am satisfied that it would be appropriate to authorise CA in relation to this land.

Henver Lane Cottage, plot number 7/5

7.9.13. A small area is proposed for acquisition from the curtilage of this residential property. The land is required for the construction and operation of the realigned Henver Lane.

7.9.14. The justification for the acquisition and interference with rights in this location is to provide the realigned Henver Lane which accommodates the construction of the Trevalso underbridge. This underbridge is essential to avoid the complete severance of the farm at the other side of the new and existing A30.

7.9.15. Engagement has been carried with the owners of the residential

property since the inception of the Proposed Development. HE was in negotiation with the owners to purchase the curtilage of this residential property.

- 7.9.16. As with the above property matters do not yet appear to have reached a conclusion. However, taking account of the potential effect on this property, I consider that the engagement has been appropriate in dealing with the potential interference with the human rights in this instance. Should it be the case that negotiations had not concluded at the time that the land was required for the Proposed Development I am satisfied that it would be appropriate to authorise CA in relation to this land.

7.10. THE OBJECTORS' CASES AND CONCLUSIONS

- 7.10.1. Sixteen objections were made at the RR stage in relation to the land the Applicant seeks to acquire. A summary of the status of the objection was set out in relation to the Response to Further Information Requested by the ExA [REP6-023]. Appendix D to this report shows the position at the close of the examination and updates changes arising from the matters raised and conclusions as set out below.

Trewithen Estate [RR-035]

- 7.10.2. The Trustees of Trewithen Hawkins Estate, Probus Garden Estate and STJ Galsworthy are all part of "Trewithen Estate" and in general support the Proposed Development. Concerns were initially raised about the amount of land proposed to be taken on the north-west side of the underpass at Trevalso Farm, Zelah and the effect this would have on Polstain Farm; the proximity of the construction compound to Trevalso Farmhouse; the proximity of the attenuation pond at Trevalso to the roadside barn; the amount of land taken on the north side of the A30 at Carland Cross; the effect on access to the existing wind turbines; and, the effect on Newlyn Downs SSSI and a Higher Tier Countryside Stewardship Scheme agreed with NE.
- 7.10.3. HE responded [REP1-004] indicating that the proposed road layout for Trevalso Lane and Herver Lane was required to maintain the connection of Trevalso Lane to the existing A30 and had sought to minimise land take. The layout would maintain Herver Lane as a through-route to the existing A30. The design would provide the required separation between the Trevalso Lane underpass and the new junction to allow acceptable vertical gradients and a level area on the approach to the junction.
- 7.10.4. The Trevalso Lane construction compound would be a satellite compound for the construction of the Trevalso Lane underpass. It would have to be in close proximity to the structure because it serves the construction site in terms of labour, plant and materials. In response to matters raised at statutory consultation, the compound was reduced from its original size and the new size and location was agreed with the farm tenants (page 135, Consultation Report,

Document Reference 5.1) [APP-029].

- 7.10.5. The attenuation pond would be located close to the low point in Trevalso Lane and so there is limited opportunity to move the location (Sheet 6, General Arrangement and Section Plans (Document Reference 2.6 (C)) [REP6-006]. During detailed design the pond could be lined and would have no impact on the adjacent existing roadside barn with the distance between the pond and the barn maximised as far as possible.
- 7.10.6. The proposed land take at the Carland Cross windfarm would be required to provide the realigned main access to the windfarm and the associated accesses to turbines 2 and 3 to the requested SPR standards as now agreed with SPR [REP4-001, Annex D]. The two attenuation ponds would be required to hold the new road surface water run-off before discharging to the existing watercourses to north-west and north-east of the junction at the equivalent rate as the run-off from the existing fields. As this is a requirement of the EA and CC there is no scope to reduce their size.
- 7.10.7. HE reported a meeting was held with Trewithen Estate on 21 March 2019 to discuss the response and design changes. On 16 April 2019 a letter was sent to Trewithen Estate confirming the position. HE understood that agreement had been reached with no objection outstanding [REP6-023].
- 7.10.8. Trewithen Estate took no active part in the examination and made no comments following publication of the above submission; it appears that matters have been agreed to the satisfaction of all parties. I further consider that the SoS can be satisfied that if there are matters remaining outstanding the case for CA and TP has been met.

Adrian David Hare [RR-046]

- 7.10.9. Adrian David Hare is identified as an owner in relation to plot 7/6 in the BoR in respect of the subsoil of Henver Lane. He is a person within Category 3, who would or might be entitled to make relevant claim under Section 10 of the CPA1965, Section 152(3) of the PA2008 and/or Part 1 of the Land Compensation Act 1973.
- 7.10.10. Matters were raised with respect to noise and visual impact but I am satisfied as to the measures set out in the CEMP [REP7-006] and mitigation secured in the DCO requirements [REP7-003].
- 7.10.11. In view of these points, I cannot see anything in this objection that would prevent the grant of the CA powers sought. I am therefore satisfied that this plot is required and proportionate for the Proposed Development and that there is a compelling case for the CA powers sought.

Edward Buckland Ltd on behalf of Tregothnan Estate [RR-060]

- 7.10.12. Tregothnan Estate are a significant Landowner in Cornwall and whilst the Proposed Development would not impact on the surface ownership it was argued that it would sterilise mineral rights. It was argued that HE had not taken account of potential future extraction of minerals.
- 7.10.13. HE believed that the incorporation of the mineral code via Article 24 of the dDCO [REP7-003] would address the concerns. The default position would be that minerals were excepted from the scope of any CA unless expressly conveyed. If a party brought forward plans to work minerals in the area of the Proposed Development in the future then the code prescribes a process that would be followed [REP1-004].
- 7.10.14. Tregothnan Estate were not satisfied that Articles 24, 31 and 32 of the dDCO addressed their concerns. They said the value of underlying minerals was unknown and not possible to quantify in the time. It was argued that if the acquiring authority (the Applicant) did not acquire the mineral rights which the Proposed Development would cover then they would be trespassing on those rights by building the Proposed Development over them.
- 7.10.15. As compensation was based on value, the Applicant could compensate the owner for all or any part of the mines that could not be worked but a potential future developer of the mines and minerals might decide the Proposed Development had sterilised the whole site not just the area covered by the road and dismiss the area without exploring the opportunities; in such a case the compensation to the mineral owner could arguably be nil. More information about the underlying mineral lodes in relation to this Proposed Development and the long-term impact that this might have on future economic opportunities should be considered [REP2-036].
- 7.10.16. HE remained of the view that Article 24 of the dDCO would satisfactorily address the points raised. Whilst the value of the underlying minerals was not known this had no bearing on the operation of the mineral code, which envisages that the owner of the mineral rights may not have a current proposal to work them. The statement that the Proposed Development would be 'trespassing' if the mineral rights were not acquired appears to be without legal basis; the mineral code explicitly provides for exactly this situation [REP3-025].
- 7.10.17. Article 24 incorporates Parts 2 and 3 of Schedule 2 (minerals) to the Acquisition of Land Act 1981 (ALA1981) into the DCO, subject to minor modifications. I agree with HE that the potential of a future developer choosing not to explore land has no bearing on the operation of the mineral code; the owner of the mineral rights would remain able to serve a notice on the acquiring authority, which would lead to compensation being payable in the event minerals could not be worked. There is, therefore, no need for more detailed information about the minerals that may or may not be present under the Proposed Development prior to implementation of a DCO. It is a matter that can be dealt with satisfactorily at a future date due to the

incorporation of the mineral code in the DCO.

- 7.10.18. I consider that the SoS can be satisfied that the incorporation of the mineral code appropriately deals with concerns raised by the Tegothnan Estate. As a result, I cannot see anything in this objection that would prevent the grant of the CA and TP powers sought. I am therefore satisfied that the relevant land plots are required and proportionate for the Proposed Development. There is a compelling case for the CA and TP powers sought.

Edward Buckland Chartered Surveyors on behalf of The Harvey Family [RR-093]

- 7.10.19. Mr and Mrs Harvey are shown in the BoR as the owners of Pennycomequick, situated to the south of the existing A30, east of the B3285, Boxheater junction. The proposed road would run to the south of this property and land would be subject to both permanent and temporary acquisition. The initial representation was made on their behalf [RR-093] with subsequent submissions made directly [REP1-030, REP4-009, REP6-027, REP6-028, REP7-015 and REP9-002].
- 7.10.20. A number of matters were raised initially: the extent of land being acquired in relation to proposed landscaping, which was felt to be unnecessary; design of the new meadow boundary; design width and speeds of the C0075; the contractor access to the storage compound; the bridge design; future private access to land; and, mitigation during construction. Additional matters were raised in the course of the examination relating to operational mitigation, water supply and acquisition of land associated with a stream.
- 7.10.21. Matters relevant to the C0075 underpass, realignment and width are dealt with above, from paragraphs 4.10.50 and 4.15.15. The boundary treatment was confirmed to be a stone Cornish hedge planted with hedgerows, which would include hawthorn. This is shown on Environmental Masterplans [REP6-014], which is secured by Requirement 5 (landscaping) of the DCO [REP7-003]. Matters relating to private water supplies are dealt with from paragraph 4.17.9.
- 7.10.22. In relation to Work Compound No. 8, which would facilitate the construction of the realigned C0075, Pennycomequick Lane, HE confirmed that the access and egress would provide the required visibility and be agreed with CC. The management of construction and general traffic would be agreed in detail with CC, as set out in the draft Traffic Management Plan [APP-300]. The contractor would seek to avoid using the existing A30 and side roads, instead using haul roads through the site. Existing roads used by construction traffic would be monitored closely by the contractor and kept clean and safe for operation by all road users [REP7-012].
- 7.10.23. With regard to construction works mitigation HE has committed, in a

separate letter to the Harvey family⁴¹, to the provision of double-glazing [REP5-018]. Concerns were raised regarding noise in the garden during operation [REP1-030]. HE states that around the house 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 ES (Document Reference 6.4) [APP-297]. The noise contribution from the existing A30 would be reduced as a result of lower traffic flows, with noise increases from the proposed A30 at the southernmost end of the garden [REP2-022].

- 7.10.24. Table 11-4 of Chapter 11 Noise and Vibration of the ES [APP-064] states that the Pennycomequick residence would experience major beneficial effects as a result of the Proposed Development. As a result I consider it appropriate that there is no proposal to further noise screening, due to its distance from the Proposed Development. Noise screening is most effective when dwellings are in close proximity to the noise barrier.
- 7.10.25. There was confirmation that the access to the wildflower meadow would be retained [REP1-004] and later agreed to create a new access opposite the extended Pennycomequick garden access. It is shown on the updated Environmental Masterplans [REP6-014] and other updated plans as appropriate, with the works and access secured in the DCO as set out above, paragraph 2.3.8.
- 7.10.26. Revised Land Plans [REP3-003] make changes to the proposed acquisition of land for landscaping. Plot 8/2b was split, with new plots 8/2h, 8/2j and 8/2k added to show the land requested to be changed to temporary use. The revised Environmental Masterplans included an amendment to remove the 5m wide woodland strip to the east of the C0075, as previously proposed, instead reinstating a planted Cornish hedge [REP3-019 and REP5-018]. These changes remain in the latest revisions and have minimised the land take in this area.
- 7.10.27. However, the matter of acquisition of the stream and access, on the eastern side of the meadow remains unresolved [REP1-030]. The BoR [REP6-012] shows the extent of the interest sought in plot 8/2c to be *"All interests and rights in approximately 59 square metres of land forming part of hedge and tree lined boundary and unnamed watercourse located south of existing A30 highway, east of Pennycomequick, south of Penglaze and north west of Honeycombe Farm."*
- 7.10.28. HE indicated [REP2-022] that the land was required to construct the access track to Pond 14, Work No 1(h) on Sheet 6 of the Works Plans (2.4(E)) [REP6-004] and General Arrangement and Section Plans (2.6(C)) [REP6-006]. However, the landowners point out that this is a stream bed, to the east of which there is a stone Cornish hedge. The new attenuation pond would be constructed in the field east of that hedge, which is shown as *"(LE 2.4) – Existing Vegetation To Be*

⁴¹ The Harvey family have not commented on this subsequent to Deadline 5 and so it appears that this matter has been resolved.

Protected & Retained EF A,B,D" on the Environmental Masterplans [REP6-014].

- 7.10.29. The SoR, Appendix A, indicates that the purpose for which the land is required would relate to a "*New right to construct, use, protect, inspect and maintain drainage attenuation pond no. 14, associated drainage facilities, access and landscaping.*" [REP6-010]. The landowners said there would be access to the attenuation pond direct from the existing A30. The landowners accepted that there may be some need for TP but not permanent rights [REP4-009].
- 7.10.30. HE sought to change Plot 8/2c from permanent acquisition to acquisition of permanent rights, relating to them being acquired in order to construct, use, protect, inspect and maintain the stream adjacent to attenuation pond no. 14, associated drainage facilities, access and landscaping. This would limit works to the maintenance of the stream [REP3-010 and REP5-018]. The landowners offered to sell the freehold of the stream⁴² but argue that neither CA nor permanent rights are necessary to enable the Proposed Development as the stream is unconnected to either the attenuation pond or the new A30. For CA the Applicant must show that the land is required for the development to which the consent relates; the land is required to facilitate or is incidental to that development; and there is a compelling case in the public interest for the land to be acquired compulsorily [REP6-027].
- 7.10.31. HE maintain that powers of acquisition would be required over the stream in order to construct and maintain the Proposed Development. Access would be required to maintain the stream downstream of the existing A30 and upstream of the new A30, and the associated drainage. Although the existing A30 would be operated and maintained by CC, the works are required as part the Proposed Development for HE to maintain the stream and the associated culverts and drainage outfalls.
- 7.10.32. Access could either be from the existing A30 or from the new pond access track, close to the pond and south of the Pennycomequick land. Any loss of the existing vegetation and Cornish hedge would be minimal and localised. The stream would be maintained as required and disturbance or removal of vegetation would be avoided wherever possible. Due to the intention of the Harvey Family (email 19 June 2019) to object to the proposed downgrading of permanent acquisition of the stream to permanent rights only HE have reverted to the originally proposed permanent acquisition of plot 8/2c.
- 7.10.33. HE argue that the downgrading to the acquisition of rights was on the understanding that an agreed position would allow such work to be undertaken in the future without relying on permanent acquisition. As this was rejected, HE cannot rely on it to carry out works and so the tests in s.122 of PA2008 and the CA Guidance are met in relation to this land [REP6-016, REP7-012 and REP8-001].

⁴² Whether direct to HE or by way of the submission to the examination is not relevant

- 7.10.34. The landowners say that the stream takes surface water from the existing A30 and so would not service the new A30. There would be no culverts or outfalls associated with the new A30 or the proposed attenuation pond draining into the stream on or above their land. It was accepted that there could be a gradual build-up of silt and so the existing offer of a maintenance easement in connection with the existing A30 remained in place [REP9-002].
- 7.10.35. I consider it reasonable that the stream may be required in the first instance for construction of the Proposed Development, bearing in mind that de-trunking of the existing A30 is part of the Proposed Development. However, having indicated that rights rather than acquisition would provide the necessary access for maintenance I do not consider that the Applicant can revert to the position that permanent acquisition is necessary. The easement referred to may be a separate matter, apparently already in discussion prior to the DCO application, but it demonstrates a way forward in terms of the rights which appear to be required in relation to this land.
- 7.10.36. It was also argued that the plots 8/2d, 8/2e, 8/2f, 8/2h, 8/2j and 8/2k, to be acquired temporarily, were not essential for the Proposed Development [REP6-028]. I consider that the SoS can be satisfied that they are required for Work No. 11(a) and/or 11(e) which relate to construction of a new private means of access and/or landscaping as set out in the DCO [REP7-003] and the Land Plans [REP6-003].
- 7.10.37. Taking account of the above points, I do not consider that the SoS should grant CA for permanent acquisition in relation to plot 8/2c but should instead grant the acquisition of rights as requested at Deadline 3 [REP3-019]. Changes have been made to the recommended DCO in Appendix E to reflect this. If agreeing with my recommendation the SoS would need to request revised BoR and Land Plans to reflect this.
- 7.10.38. In relation to the rest of the affected land there is nothing in this objection that would prevent the grant of the CA or TP powers sought. I am therefore satisfied that these plots are required and proportionate for the Proposed Development. There is a compelling case for the CA and TP powers sought, with the exceptions set out above in relation to plot 8/2c.

ScottishPower Renewables (UK) Ltd [RR-092]

- 7.10.39. SPR took an active part in the Examination and Accompanied Site Inspections [RR-092, REP1-023 – REP1-026, AS-036, REP3-030, REP4-008, REP5-033, REP6-026, REP8-002, REP9-001 and EV-018]. The Proposed Development would significantly alter the junction arrangements at Carland Cross. SPR operates a windfarm consisting of 10 turbines to the north and west of the junction with two separate areas known as the Eastern Array and Western Array.
- 7.10.40. The Eastern Array currently takes access through the Carland Cross roundabout while the Western Array is accessed via Boxheater junction and the Fiddlers Green route which leaves the A30 to the west

of the Carland Cross roundabout as shown in Figure 1 [RR-092]. SPR sought to ensure that both the Eastern and Western Arrays could be accessed safely and efficiently by abnormal loads through the proposed new junction configuration, with access and egress maintained at all times for maintenance works and de-commissioning purposes during both construction and operation of the proposed A30 Proposed Development.

- 7.10.41. There appeared to be good progress on matters between the parties throughout the course of the examination until SPR submitted a draft schedule of alternative protective provisions [REP6-026]. HE responded indicating that there was an expectation for a legal agreement to be signed before the end of the Examination, which would mean that the inclusion of protective provisions for SPR in the DCO would not need to be considered [REP7-012]. An update on outstanding third party legal agreements just prior to the close of the Examination [AS-045] indicated continued progress on the draft agreement. If a legal agreement has been received then the SoS can be satisfied as to the protective provisions that were set out in the DCO revision G, Part 1 of Schedule 5 [REP7-003]. However, at the time of writing of this report there is no legal agreement before me and so the recommendation is made on that basis.
- 7.10.42. HE said that the issue of whether or not the relevant SPR company was a statutory undertaker (and therefore entitled to the benefit of protective provisions) had not been fully explored or resolved. They argued it would not be reasonable for bespoke protective provisions in the DCO in the favour of every affected party. If not a statutory undertaker, the proper course of action would be for SPR to benefit from the other protections in the Order, including the Requirements, any additional measures that are agreed with HE and any right to compensation in the same way as any other affected party.
- 7.10.43. I note that HE had referred to SPR as a statutory undertaker throughout the course of the Examination prior to this point. In response to questions, HE indicated their view that SPR would only qualify as a statutory undertaker for the purposes of s.127 PA 2008 if it held a licence that included CA powers conferred by Schedule 3 to the Electricity Act 1989, which was in doubt [REP8-001]. SPR confirmed that they met the requirements [REP8-002 and REP9-001].
- 7.10.44. Taking account of all relevant matters I consider that SPR should be considered to be statutory undertakers in relation to this Proposed Development. As a result s127 and s138 of PA2008 are engaged. Relevant articles of the dDCO [REP7-003] provide rights and powers to the relevant statutory undertakers to undertake the necessary works and to clarify where the DCO would benefit them, rather than the Applicant, as described in the Explanatory Memorandum [REP2-015]. The Order Land includes the TP of land for the diversionary works and the CA of rights associated with the passage of diverted infrastructure and the siting of associated apparatus.
- 7.10.45. Taking account of the proximity of the SPR business to the Proposed

Development, in particular in relation to Carland Cross roundabout, I consider that there is a need to include additional protective provisions specifically for SPR, assuming no legal agreement has been reached. HE provided suggested provisions to be added to the DCO in Appendix A of their Comments on Interested Party Submissions [REP7-012].

- 7.10.46. SPR were concerned [REP8-002] that these provisions did not go far enough to protect their interests in relation to the requirement for '*...reasonable attempts to agree a resolution...*' (paragraph 3(4)) and the need to '*...use reasonable endeavours to...*' (paragraph 8(2)). I consider that Article 47 of the DCO, 'Arbitration', provides an appropriate means of resolution to any such matter and so do not propose to alter the suggested protective provisions in this respect. This is applied to the additional Part relevant to SPR by paragraph 12.
- 7.10.47. In relation to the request to insert '*...are fit for purpose and...*' into paragraph 6(1)(d) I consider that the fact that these are referred to as "*realigned cables*" would be sufficient to ensure that they would be fit for their required purpose. These would not be newly provided cables and so there is no reason to suppose that they would not be fit for purpose.
- 7.10.48. With regard to potential losses arising from operation I consider that HE have reasonably set out that such a wide-ranging indemnity provision would not be appropriate. The proposed protective provisions reflect those reasonably included in the DCO that apply for the benefit of electricity undertakers (paragraph 11, Part 1, Schedule 9). SPR are in no different position to any other business situated along the A30 alignment and a blanket provision for compensation in relation to operation of the Proposed Development would be inappropriate.
- 7.10.49. Taking account of the arguments made by the parties on this matter I consider that the appropriate provisions, which would provide the protection needed for SPR without leaving the Proposed Development in a situation that could mean that it would be delayed unnecessarily, would be those set out by the Applicant [REP7-012].
- 7.10.50. It will be noted that the Tracking Drawings referred to by the proposed protective provisions have not been delivered to the Examination. I am satisfied that it would be appropriate for them to be submitted directly to the SoS, who would need to ensure that they were certified as part of the Order.
- 7.10.51. The NNNPS does not directly engage with the means by which an Applicant should respond and adapt its design to accommodate pre-existing national energy infrastructure, including electricity and gas transmission and distribution assets. However, in general the way in which the matters have been dealt with, prior to and during the examination, has led to a fair and reasonable outcome in relation to the infrastructure issues.
- 7.10.52. In addition to s127 of the PA2008 s138 of PA2008 is relevant to SPR.

Taking account of the protective provisions discussed above I am satisfied, having regard to s138(4), that the extinguishment or removal of the right or relevant apparatus is necessary for the carrying out of the development to which the DCO relates.

- 7.10.53. With the appropriate provisions in place to protect the interests of SPR I am satisfied that the various land plots which would be subject to permanent acquisition, TP and acquisition of rights could be taken without serious detriment to the carrying on of SPR's undertaking. As a result I recommend that the SoS includes the protective provisions referred to above and grants the CA and TP as requested by the Applicant, there being nothing that would prevent the grant of those powers. I am satisfied that land within the Order limits is required and proportionate for the Proposed Development and that there is a compelling case for the CA and TP powers sought.

Mark Nicholson [RR-088]

- 7.10.54. Mr Nicholson owns the property Barn-Wyn, Marazanvose, which can be seen on Sheet 5 of 10 of the Land Plans [REP6-003].
- 7.10.55. HE confirmed that he does not have any interests in land which would be affected by the Proposed Development. Mr Nicholson has not provided information to show that this is incorrect. As a result, I am satisfied that there is nothing further to consider in relation to CA for this party.

Western Power Distribution (South West) PLC [RR-112]

- 7.10.56. In relation to the matters raised by WPD, the Applicant provided an update on outstanding third-party legal agreements just prior to the close of the Examination [AS-045]. This indicated that progress had been made on the draft agreement, which addressed the comments made by WPD in advance of and during the Examination. HE indicated that they would write to the SoS as soon as the agreement was completed. At the time of writing there is no legal agreement and so the recommendation is made on that basis.
- 7.10.57. WPD is the distribution network operator for the electricity distribution network for the area in which the Proposed Development is situated. WPD is regulated as a licensed operator pursuant to Section 6 of the Electricity Act 1989. Under Section 9 of that Act WPD is under a duty to develop and maintain an efficient, co-ordinated and economical system of electricity distribution.
- 7.10.58. WPD's assets consisting of overhead and underground electricity lines cables at 132kV and below that are situated in the land are set out in the BoR [REP6-012]. Article 35 of the DCO would provide power to the undertaker to CA the rights of WPD over any of the land and to extinguish or remove or reposition WPD's assets within the land.
- 7.10.59. Schedule 1 of the DCO sets out the authorised development, which would include the diversion of WPD's power cables. These are Work

No's 15, 19, 20, 24, 26, 28, 32, 37, 40, 42, 43, 57, 63 and 70. The SoR notes that part of the works in Schedule 1 provides for earthworks and a retaining wall to protect WPD's pylon equipment. Protective provisions for the benefit of WPD have been included in Part 1 of Schedule 4 of the DCO.

- 7.10.60. WPD does not object to the Proposed Development as such but is concerned to ensure it can continue to deliver its own statutory duties. The latest position [REP3-023] confirms that all technical matters are agreed, as had been the case at Deadline 3 [REP3-024]. Although originally indicating that the protective provisions were not in a form acceptable to them [RR-112] WPD have not provided further detail in relation to this matter, their only input to the examination being a brief submission [REP2-038].
- 7.10.61. As the Applicant seeks to acquire rights and interests in the relevant plots over which WPD have rights and apparatus, s127 and s138 of PA2008 are relevant.
- 7.10.62. As noted earlier, the NNNPS does not directly engage with the means by which an Applicant should respond and adapt its design to accommodate pre-existing national energy infrastructure, including electricity transmission and distribution assets. There appears to be a reasonable outcome in relation to the relevant infrastructure issues, to ensure continued delivery of WPDs own statutory duties.
- 7.10.63. Bearing in mind that protective provisions are set out in the DCO I am satisfied, having regard to s127 and s138 that the plots identified by the Applicant are necessary for the carrying out of the Proposed Development. It is noted that the apparatus and rights would be diverted and or moved as appropriate. As a result, I cannot see anything that would prevent the grant of the CA or TP powers sought. I am therefore satisfied that the plots are required and proportionate for the Proposed Development and that there is a compelling case for the CA and TP powers sought.

Simon Lutey on behalf of Residents of Trevalso [RR-117]

- 7.10.64. There were concerns that the close proximity of proposed dual carriageway to Trevalso Cottage and Trevalso Farmhouse would result in noise, air and light pollution from headlights. These matters have been considered in the relevant sections in Chapter 4.
- 7.10.65. The affected plot numbers are shown in the table in Appendix D. The land is referred to in the AIA under the landowner's name, Mr Galsworthy, Mr Lutey being shown in the BoR as the lessee or tenant of Trevalso Farm.
- 7.10.66. In relation to the potential effect on farm viability, HE acknowledged that the Proposed Development would require a significant amount of land. They said that the AIA [APP-366] assessed the impact of the Proposed Development on land use and on farm units (plots) forming part of a farm holding, taking into account agricultural land quality and

the likely impact on functionality in terms of severance and access.

- 7.10.67. Table 12-10 in the AIA shows permanent land take by holding with 9.26 ha in permanent land take. This is 11% of the plot and 89% of the Best and Most Versatile land (BMV)⁴³, referred to by the objector as the dry end of the farm.
- 7.10.68. Loss of property value as a result of the operation of the Proposed Development, due to physical impacts, would be compensable in line with the Compensation Code. I consider that the land identified would be reasonably required in order to deliver the Proposed Development and that the grant of CA powers would be appropriate.
- 7.10.69. In view of all of the above points, I cannot see anything in this objection that would prevent the grant of the CA or TP powers.

Bronwen May Lloyd [RR-058]

- 7.10.70. Mrs Lloyd is a joint owner and occupier of Henver Lane Cottage. As set out above, HE was in negotiation to purchase the curtilage of this residential property at the close of the examination.
- 7.10.71. Given the need for realignment of Henver Lane as part of the Proposed Development, I consider that the grant of CA powers would be appropriate in relation to this land. Taking account of all the relevant matters, I cannot see anything that would prevent the grant of the CA or TP powers.

Peter Gordon Keast [RR-102]

- 7.10.72. Mr Keast is the owner and occupier of land in plots 3/9 and 4/3, associated with Choon Farm. The concern related to having no direct access to farm buildings during construction, meaning that all animals would need to be moved to alternative locations. HE confirmed that access to the farm buildings would be maintained during construction. Article 17 of the DCO [REP7-003] sets out "*The undertaker may, for the purposes of the authorised development, form and lay out means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.*" HE indicated [REP1-004] that this was anticipated to provide temporary accesses as required.
- 7.10.73. Mr Keast felt that the proposed new farm access would not provide safe access to and from the B3284, asking for an area for agricultural vehicles to wholly pull off the road. HE indicated that the proposal was developed to provide access at a safe distance from the new roundabout, as shown on Sheet 3 of the General Arrangement and Section Plans (2.6(C)) [REP6-006]. I consider that the proposed land-take for this provision would be reasonable.
- 7.10.74. There was concern about the extent of the proposed temporary land

⁴³ Grades 1, 2 and 3a

that would be taken during construction, asking about its proposed use. HE confirmed that the temporary land take had been discussed with Mr Keast during ongoing engagement, Appendix B, SoR [APP-008]. It would be required to allow the construction of the new junction whilst maintaining two-way uninterrupted traffic flow on the Shortlanesend Road. This is clearly necessary for the construction phase, with the land take being temporary.

- 7.10.75. Mr Keast confirmed that he would require the reinstatement of Cornish hedges and fields following construction. The NFU SoCG [REP6-020] shows acceptance that plans detailing the hedgerows affected by Proposed Development were submitted [APP-027 - APP-028] whilst Figure 7.6(C), Environmental Masterplans [REP6-014] shows the locations of proposed hedgerows, including Cornish hedgerows. Existing Cornish hedges would be retained where possible and replaced where required. In total 4,488m of Cornish hedges would be lost but 12,605m of replacement Cornish hedges are proposed, with a net gain of 8,117m.
- 7.10.76. Taking all these points into account there is nothing in this objection that should prevent the grant of the CA or TP powers.

Nancarrow Farm [RR-104]

- 7.10.77. Nancarrow Farm is a family business owned and occupied by members of the family (Mewton and Chamberlain), who made individual objections as set out below. The ExA sought a SoCG between the owners and occupiers of Nancarrow Farm and HE and a draft was prepared and shared [REP2-017, REP2-032]. As confirmed in the update of the position on these matters [REP7-010] the SoCG was not updated or signed off and remains in draft as submitted at D3 [REP3-016]. As a result, I have not been able to give weight to the matters which were agreed.

David Mewton [RR-003]

- 7.10.78. Mr D Mewton is a joint land owner of Nancarrow Farm, Marazanvose. His objection to the proposed alignment has been considered as part of section 4.9. Matters relating to his land interests will be dealt with as part of the overall Nancarrow Farm discussion below.

Reginald Mewton [RR-037]

- 7.10.79. Mr R Mewton has interests in Nancarrow Farm, Marazanvose. Matters of design and route selection are considered in Chapter 4. Wider issues relating to Nancarrow generally are dealt with below.
- 7.10.80. Mitigation works would be so close to his home – Nancarrow Villa⁴⁴ – that Mr R Mewton did not know if he could endure the noise of construction just 20 yards from the back door. The proposed road would come closer to this property, about 50 metres away, such that

⁴⁴ Identified as Nancarrow Bungalow, situated to the north-west of Nancarrow Farm on the Land Plans [REP6-003]

he was concerned that the noise may permanently change his quality of life for the worse and devalue the property.

- 7.10.81. The Environmental Masterplans [REP6-014] show that there would be retention of existing hedgerows and vegetation in this area. The green bridge would be on embankment, with mixed oak rich woodland and scattered deciduous trees, which would afford some screening from the proposed road. The road itself would be in cutting in this location with a 3m high noise barrier.
- 7.10.82. Construction matters in relation to Nancarrow have been agreed by separate legal agreement, as set out in paragraph 4.16.7. Given the close interrelationship of the farm property, the businesses and the family I consider that such agreement should adequately protect the concerns relating to this, the closest of the farm properties. The CEMP provides mitigation during works.

Peter Mewton [RR-057]

- 7.10.83. Issues regarding route alignment are dealt with in section 4.9. In relation to concerns regarding the size and design of the Proposed Development and effect on the environment I have dealt with relevant matters in Chapter 4. Concerns regarding previous land loss will have been dealt with at that time, with appropriate compensation measures. I do not consider them relevant to this application.
- 7.10.84. The barn situated in plot 5/10, shown in the BoR as owned by Mr P Mewton, has been maintained and there has been excavation of the footings in preparation for full renovation [REP2-033] for use as a retirement home. This relates to grant of conditional planning consent on 6 July 2016, PA16/03963, Conversion of Historic barn to form new 1 bedroom Cottage, [REP3-033].
- 7.10.85. HE confirmed [REP2-022] that there were four occurrences of acquiring residential property, as detailed in paragraphs 6.1.6 to 6.1.17 of the SoR (Document Reference 4.1) [APP-006]. The demolition of the barn would be required for works associated with the new A30. I accept that it would not be possible to construct the Proposed Development without the demolition of the barn [REP4-005].
- 7.10.86. HE responded to specific CA matters raised [REP3-032 and REP4-005]. In relation to the "*Field know as 'Three Corners'*" HE confirmed that Pond 11 in plot 6/4d, of which Mr P Mewton is a joint owner, would be required to hold the new road surface water run-off before discharging to the existing watercourses at the equivalent rate as the run-off from the existing fields. This is a requirement of the EA and CC and therefore there was no scope to reduce its size. The area of acquisition surrounding Pond 11 includes for the provision of forebays, as required in agreement with CC.
- 7.10.87. I am satisfied that the pond has been located as far east as possible, increasing the availability of land for the farm. This location was necessary due to the required the levels and resulting side slopes of

the pond. HE also needs to acquire the land surrounding the pond for landscaping, page xxi of Appendix A to the SoR (Document Reference 4.1(C)) [REP6-010].

- 7.10.88. In relation to the use of part of the plot for landscaping there is a clear justification to acquire the land for landscaping. This area of woodland planting would be required to reduce the effects of the scheme for Viewpoint 16 (Chyverton Lodge) to slight adverse and insignificant by year 15 of operation (paragraph 7.11.46 of Chapter 7 Landscape of the ES (Document Reference 6.2) [APP-060].
- 7.10.89. HE agreed that it could be possible for the area of land currently used as a slip road within Plot 6/1, which is proposed to be returned to the ownership of Nancarrow Farm following the construction of the Proposed Development to be kept as amenity woodland with some agricultural use. This would be a matter for the owners of the land at the relevant time.
- 7.10.90. I understand that Plot 5/7a was proposed to be subject to the acquisition of permanent rights for a bat roost (Work No. 1). As set out in point 5 of Table 3-1 of the HE response to CAH Action Point 9 [REP3-021] HE changed the land acquisition from permanent acquisition to temporary acquisition with permanent rights in order to preserve access to this meadow. Plot 5/7a was included in Schedule 5 to the DCO – Land in which only new rights etc. may be acquired – in the original application [APP-004]. HE indicated an intention to continue to discuss the delivery of the bat roost in order to minimise disruption to farming activities, Comments on Responses to Hearing Action Points, 8.17 [REP4-005].
- 7.10.91. The general finding in relation to Nancarrow are dealt with together below.

Robert Mewton [RR-090]

- 7.10.92. As a joint owner of Nancarrow Farm Mr R Mewton believed that the loss of many acres of good agricultural land would hit Nancarrow Farm and its wedding reception business very hard, potentially making both non-viable. He said that the farm had already lost acres to previous A30 development schemes, which he felt only moved the summer traffic jams farther down the road towards the tourists' holiday destinations. This was hard to justify when there was a need to preserve and develop small farms, small local businesses and small local communities.
- 7.10.93. His concerns regarding route choice are part of the considerations at section 4.9 and more specific Nancarrow matters are dealt with together below.

Steve Chamberlain [RR-109]

- 7.10.94. Mr and Mrs Chamberlain⁴⁵ are jointly and separately owners, lessees/tenants and/or have an interest in land at Nancarrow. I understand that Mr and Mrs Chamberlain are partners in the organic farm business and the proprietors of the Nancarrow Farm events business.
- 7.10.95. Route selection matters are dealt with in section 4.9 and general Nancarrow Farm matters are discussed below. Business impacts during construction are a matter understood to be agreed, paragraph 4.16.7.
- 7.10.96. Matters following on from the CAH [EV008a – EV-011] were raised in [REP3-031]. In relation to the loss of strategic organic land HE indicated that they had minimised the acquisition from this field as far as possible, Response to Hearing Action Points - CAH (Document Reference 8.11) [REP3-021].
- 7.10.97. With regard to the proximity to key strategic farm components HE altered permanent acquisition to temporary with permanent rights for the access track from the farmyard to the Green Bridge as shown on Sheet 5 of the Land Plans (Document Reference 2.2(D)) [REP6-003] and shown in Schedule 5 of the DCO (Plot numbers: 5/8a; 5/8b; 5/7b; 5/7h).
- 7.10.98. HE amended the design of the access track to PR7 to be in the field to the west of the Green Bridge, instead of on the existing route of FP 319/16/1 as shown on Sheet 4 of the Rights of Way and Access Plans (Document Reference 2.5(E)) [REP6-005]. Steps (PR8) are now proposed to access the proposed bridleway PR7 from the existing FP 319/16/1. I am satisfied that these measures minimised the land required for access to the Green Bridge and have led to a better overall design for both Nancarrow and WCH users.
- 7.10.99. Confirmation was given that access to plots to east of the green bridge, Jose's meadow, Wild close and Western close would be retained. As explained during the CAH [EV-009 and EV-010] and stated in Post Hearing Submissions [REP3-020] the engineering design was amended prior to submission of the DCO application to retain the corner of the field boundary between Jose's Meadow and Wild Close. The Proposed Development would not encroach on the corner of the "Wild close" and "Western Close".
- 7.10.100. Whilst visual impacts are not relevant to CA it was understood that Nancarrow Farm would like a 1.8m Cornish hedge rather than the 1.2m Cornish hedge as proposed. I am satisfied that a 1.2m Cornish hedge would provide appropriate screening from the road which would be in a cutting in this location. Woodland planting and woodland edge planting are proposed between the Cornish hedge and the carriageway.

⁴⁵ Nee Mewton

7.10.101. It was noted that the Proposed Development would remove two plantations, arising from community planting schemes post-1992 Zelah Bypass, and an established tree boundary, providing a visual screen and protection for wildlife. In relation to the suggestion of further planting I agree with HE that this is not relevant to CA matters, with the areas identified lying beyond the Order limits and so not deliverable as part of the Proposed Development [REP4-005].

Nancarrow Farm

7.10.102. Nancarrow Farm comprises a Grade II listed Farmhouse, 100 acre certified organic farm, and award winning Events Venue - offering food and farming experiences including corporate events, feast nights/dinners, festivals and weddings - with annual turnover of £1 million and economic contribution of nearly £3 million [REP1-028]. Whilst the two businesses operate as separate entities, it is indicated that they are interdependent, and marketed as one business. The same family have lived and farmed at Nancarrow since 1782.

7.10.103. Route selection matters are referred to in section 4.9

7.10.104. The main issues raised in relation to Nancarrow [REP1-028, REP2-031] were the removal of a barn with permission to create a residential dwelling, see from paragraph 7.10.83; removal of key strategic fields adjacent to the farmyard with no mitigation, which raises issues on the feasibility of the farm; damaging the setting of the Grade II listed Farmhouse and Garden; jeopardizing the events business due to disruption during construction works, and risk of increased noise, land loss, and visual impact during operation; removal of existing access onto the A30; removal of established tree border; severing farmland north of the A30 from the main farm south of the A30; damage to the setting of Nancarrow Villa, see above; and, mitigation measures.

7.10.105. In relation to concerns over design changes following the preferred route announcement, the usual process has been followed with mitigation to be provided where required [REP2-022].

7.10.106. Appendix A of the Response to Hearing Action Points, 8.11 [REP3-021] clearly demonstrates changes in the proposals that HE have made in relation to the proposals at Nancarrow Farm up to that point. Further changes have been proposed as discussed above. In general I consider that the applicant has done all that should and can be to minimise land take and provide mitigation in relation to this property.

7.10.107. I consider that the SoS can be satisfied that the land identified is required for the development to which the development consent relates or is required to facilitate or is incidental to the proposed development. It is also the case that the identified land is no more than is reasonably required for the purposes of the development and is proportionate.

7.10.108. I consider that there is a compelling case in the public interest to provide a road of this standard in this general location, which would

require land to be acquired compulsorily. However, it is necessary to balance those public benefits, that would be derived from the CA, and be satisfied that they would outweigh the private loss that would be suffered by those whose land would be acquired. Land should only be taken compulsorily where there is clear evidence that the public benefit would outweigh the private loss.

- 7.10.109. The Proposed Development would not simply lead to financial loss for Nancarrow, which of course can be adequately calculated and recompensed. I consider it relevant that fields strategically close to the farm hub and farm buildings would be affected and accept the evidence from the affected parties that this would cause more management problems, in addition to the actual land loss.
- 7.10.110. At a personal level there has already been emotional strain on family members, seeing the perceived destruction of generations of work and achievements [REP1-020]. For three years the building of a retirement home has been prevented, leaving Mr P Mewton living in a rental property off the farm, with future plans uncertain. The farm legacy, including tree planting and wildlife management, would be altered and concerns remain about the overall potential damage to the events venue business [AS-046].
- 7.10.111. Taking all these matters into account I consider that there is evidence of private loss that would arise at Nancarrow Farm. However, there is a need to balance any such private loss against the case in the public interest. As I have already set out, I am satisfied that there is a compelling case in the public interest to provide the Proposed Development. In doing so I find the matter to be finely balanced. However, being satisfied as to the work undertaken by the Applicant to minimise so far as possible the effect on this land I am satisfied that land within the Order limit is required and proportionate for the Proposed Development. There is a compelling case for the CA and TP powers sought in relation to Nancarrow Farm.

7.11. HUMAN RIGHTS

- 7.11.1. The Human Rights Act 1998 (HRA1998) incorporated into domestic law the provision of the European Convention on Human Rights (ECHR). The ECHR includes provisions in the form of Articles, which aim to protect the rights of the individual.
- 7.11.2. In assessing whether there is a compelling case in the public interest for the land to be acquired compulsorily, it is necessary to consider the interference with human rights which would occur, if CA and TP powers were granted. The DCO would engage Article 1 of the First Protocol and Article 8 of the ECHR.
- 7.11.3. Article 1 provides a right to the protection of property, which can include the peaceful enjoyment of property or possessions or any effect of development on property values. Article 8 provides a right to respect for private and family life, which can include interference with home life through disturbance. These rights are however qualified and

can be interfered with in certain circumstances, such as if it is necessary to protect the legitimate interests of the wider community.

- 7.11.4. In this case, I have attributed substantial weight to the need described in the NNNPS for new road infrastructure and how the project would assist in meeting this need. This is a legitimate interest of the wider community. In this context, it is also relevant that those affected would be entitled to compensation. Moreover, the Applicant has taken a number of steps to ensure its approach to land acquisition is proportionate and would not give rise to interference with private rights beyond that which is absolutely necessary.
- 7.11.5. The Applicant has varied the Order limits to ensure that the land affected has been kept to a minimum, and the route has sought to make use of some online sections of the existing A30, rather than interfere with other land, infrastructure or development. With the exception already discussed in relation to the potential wide power to CA land in Schedule 7, reliance has been placed upon TP rather than permanent acquisition. There is evidence that the Applicant has sought to reach voluntary agreements with all persons with an interest in the land affected.
- 7.11.6. On the basis that the recommendation not to include the CA of undefined new rights over the Schedule 7 land I would be satisfied that the powers sought would be no more than is required to secure the interests of the wider community. The acquisition of land and rights should not be likely to place an excessive burden on those whose human rights could be affected. However, it is difficult to reach such a conclusion in relation to a retained power to create new rights in the Schedule 7 land because without a definition of the rights I cannot understand the burden that they would place on any person with an interest in the land. Provided this wide flexibility of powers was removed from the DCO I consider that there would be no violation of Articles 1 and 8 and I recommend this accordingly in the DCO chapter.
- 7.11.7. The DCO also engages Article 6 of the ECHR which relates to the need for a fair hearing. The application and its Examination procedurally accord with PA2008 and related guidance. There is therefore nothing to suggest that parties have not had a reasonable chance to put their case or been put at a substantial disadvantage in relation to other parties. On the basis that the recommendation with regard to the Schedule 7 land was accepted I consider that the SoS could be satisfied that there was no violation of Article 6. However, if this was not the case then I consider that there could be a violation of Article 6 in relation to the CA of new rights in that land.
- 7.11.8. Finally, in terms of the overarching aims of the Human Rights Act 1998, DCLG Guidance and the required balancing exercise, I am satisfied that the public benefit from the Proposed Development would clearly outweigh any interference with the human rights of those with an interest in the land affected.

7.11.9. I therefore consider that any interference with human rights would be for legitimate purposes, proportionate and justified in the public interest. This finding is made on the basis that the Schedule 7 land would not be subject to the flexibility to the Applicant to create any unspecified permanent rights at some unspecified future stage.

Equality Act 2010

7.11.10. Section 149 of the Equality Act requires a public authority, in the exercise of its functions, to: have due regard to the need to eliminate discrimination harassment and victimisation and any other conduct prohibited by or under the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age; gender; gender reassignment; disability; pregnancy and maternity; religion and belief; and race.

7.11.11. There is no evidence that the Proposed Development would have any specific impact in relation to persons who share a protected characteristic as compared to persons who do not. Moreover, and this is a view shared by CC, allowing the Proposed Development would not have any harmful equality implications.

7.12. CONCLUSIONS

7.12.1. General conclusions on the CA and TP case are set out here, together with those conclusions arising from individual detailed cases and technical considerations set out above.

7.12.2. In determining the CA powers the SoS should be recommended to grant I have applied the relevant sections of the PA2008, notably s122 and s123, the Guidance, and the HRA1998; and, in the light of the representations received and the evidence submitted, to consider whether a compelling case has been made in the public interest, balancing the public interest against private loss.

7.12.3. These conclusions are made on the basis that Schedule 7 land is not included in the DCO as land over which undefined new rights could be created; and that the proposed alteration from CA to TP in relation to plot 8/2c is accepted.

S122(2) - THE PURPOSE FOR WHICH COMPULSORY ACQUISITION IS SOUGHT

7.12.4. I am satisfied that the CA sought in all the plots of land included in the final BoR and shown on the final Land Plans [REP6-003] would be required for, or to facilitate or be incidental to, the Proposed Development to which the development consent relates. Both the principal development and the associated development identified by the application would be needed for that purpose. The requirements of s122(2)(a) and (b) of PA2008 are therefore met.

S122(3) - WHETHER THERE IS A COMPELLING CASE IN THE PUBLIC INTEREST

- 7.12.5. I have had regard to the objections raised by all APs. I am satisfied that consent has been received from all those with an identified interest in the additional land. Notwithstanding the objections, I conclude that the public benefits associated with the Proposed Development would strongly outweigh the private loss which would be suffered by those whose land would be affected by CA powers to enable the construction, operation and maintenance of the project.
- 7.12.6. I have also taken into account the particular points made by objectors in relation to alternatives. I am satisfied that the Applicant has explored all reasonable alternatives to CA, including modifications to the Proposed Development. The objections raised do not dissuade me from the conclusion that there are no alternatives to the CA powers sought which ought to be preferred.
- 7.12.7. With the exception of the undefined rights in Schedule 7, the Applicant has demonstrated a clear idea of how it intends to use the land rights which it proposes to acquire. It has shown that there is a reasonable prospect of the requisite funds, both for acquiring the land and implementing the project, becoming available.
- 7.12.8. I conclude that:
- the development for which the land is sought would be in accordance with national policy as set out in the NNNPS and development consent should be granted;
 - the NNNPS identifies a national need for new road infrastructure of the type that is the subject of the application;
 - the need to secure the land and rights required and to construct the development within a reasonable timeframe represent a significant public benefit to weigh in the balance;
 - the private loss to those affected has been mitigated through the selection of the application land, and the extent of the land, rights and interests proposed to be acquired;
 - the Applicant has explored all reasonable alternatives to the CA of the rights and interests sought, and there are no alternatives which ought to be preferred;
 - adequate and secure funding would be available to enable the CA within the statutory period following the Order being made; and
 - Taking these various factors together, there is a compelling case in the public interest for the CA powers sought in respect of the CA land shown on the final Land Plans. The proposal would thus comply with s122(3) of PA2008.

S120(5)(A) AND S126 - THE INCORPORATION OF OTHER STATUTORY POWERS

- 7.12.9. The recommended DCO seeks, in a number of instances, to apply s120(5)(a) of PA2008 and apply, modify or exclude a statutory provision. Since the recommended DCO is in the form of a statutory instrument, it would comply with s117(4) of PA2008. Furthermore, no provision would contravene the provisions of s126 of PA2008 which relates to the modification or exclusion of a compensation provision.

S127 AND S138

- 7.12.10. Section 127 representations have been made and not withdrawn by WPD and SPR. The representations also relate to s138. These representations have been considered as set out above. In the case of each s127 representation, I consider that the SoS can be satisfied that – subject to the protective provisions referred to above - there would be no serious detriment caused to the carrying on of the undertaking of the statutory undertakers should the CA powers sought be granted. In the case of s138, the ExA is satisfied that the extinguishment of the relevant rights, or the removal of the relevant apparatus, would be necessary for the purpose of carrying out the development to which the Order relates.

S131 and S132 – SPECIAL CATEGORY LAND

- 7.12.11. There is open space land to be temporarily acquired or permanently acquired, with replacement land to be given in exchange, s 131(4). Taking account of the matters discussed above I consider that the SoS can be satisfied that the CA powers are appropriate and can be granted without the DCO being subject to SPP.

TEMPORARY POSSESSION

- 7.12.12. I am satisfied that the TP powers sought are necessary both to facilitate implementation of the Proposed Development and to maintain it and that adequate compensation provisions are in place in the recommended DCO.

HUMAN RIGHTS ACT 1998 AND THE EQUALITY ACT 2010

- 7.12.13. I am satisfied, in relation to the inclusion of CA and TP powers in the recommended dDCO, that any interference with human rights would be for legitimate purposes, proportionate and justified in the public interest. I am also satisfied that there is no evidence that the Proposed Development would not accord with s149 of the Equality Act 2010.

ADEQUACY OF FUNDING

- 7.12.14. The identified sources of funding do not lead to any cause for concern or reason to doubt that the Proposed Development would be implemented if granted consent.

EXAMINING AUTHORITY RECOMMENDATIONS ON THE GRANTING OF COMPULSORY ACQUISITION AND TEMPORARY POSSESSION POWERS

7.12.15. In the event that the SoS is minded to grant development consent for the Proposed Development, I recommend that:

- the CA powers included in the recommended dDCO be granted which has been amended in respect of Article 33 from the draft DCO;
- the TP powers included in the recommended dDCO be granted;
- the powers authorising the CA of statutory undertakers' land and rights over land included in the recommended dDCO be granted;
- the powers authorising the extinguishment of rights and removal of apparatus of SUs included in the recommended dDCO be granted; and
- the powers included in the recommended dDCO to apply, modify or exclude a statutory provision be granted.

8. DRAFT DEVELOPMENT CONSENT ORDER AND RELATED MATTERS

- 8.1.1. Taking account of the matters referred to above I have set out below the changes that I consider would be necessary for a sound Development Consent Order (DCO) to be made. These changes have been incorporated into the recommended DCO included at Appendix E to the Report.
- 8.1.2. Through the Examination process the DCO developed from the original 3.1(A) [APP-004]. The latest version submitted was 3.1(G) [REP7-003]. For each change there was a clean and tracked version of the DCO, with a Validation Report from 3.1(C) onwards, the most up to date being [REP7-005]. The original dDCO was accompanied by the Explanatory Memorandum [APP-005] and both formed part of the application. A revised Explanatory Memorandum was submitted, with track changes [REP2-015 and REP2-016].
- 8.1.3. The Guide to the Application, 1.1(H) [AS-040] provides the information on the most up to date documents relating to the Plans, Drawings and Designations, DCO and the CA Information:
- 2.1, Location Plan [APP-012]
 - 2.2(D), Land Plans [REP6-003];
 - 2.3(A), Special Category Land Plan [AS-013];
 - 2.4(E), Works Plans [REP6-004];
 - 2.5(E), Rights of Way and Access Plans [REP6-005]
 - 2.6(C), General Arrangement and Section Plans [REP6-006];
 - 2.7, Traffic Regulation Measures Plans A – Speed Limits [APP-018];
 - 2.7, Traffic Regulation Measures Plans B - Clearways [APP-019];
 - 2.7, Traffic Regulation Measures Plans C - Prohibitions [APP-020];
 - 2.7, Traffic Regulation Measures Plans D - Classification of Roads [APP-021];
 - 2.8, De-trunking Plans [APP-022]
 - 2.9, Environmental Features – Statutory or Non-Statutory Sites or Features of Nature Conservation [APP-023];
 - 2.10, Habitats of Protected Species, Important Habitats or Other Diversity Features and Water bodies in a River Basin Management Plan-Plans [APP-024];
 - 2.11, CONFIDENTIAL: Habitats of Protected Species: Location of Badger Setts Plans [APP-025];
 - 2.12, Heritage Designation Plans [APP-026];
 - 2.13, Trees and Hedgerows to be Removed or Managed Plans – Part 1 [APP-027];
 - 2.13, Trees and Hedgerows to be Removed or Managed Plans – Part 2 [APP-028];
 - 3.1(G), Draft Development Consent Order (DCO) (Clean) [REP7-003];
 - 3.2(B), Explanatory Memorandum (Clean) [REP2-015];
 - 4.1, Statement of Reasons [APP-006];

- 4.1(C), Statement of Reasons – Appendix A (Clean) [REP6-010];
- 4.1, Statement of Reasons – Appendix B [APP-008];
- 4.1, Statement of Reasons – Appendix C [APP-009];
- 4.2, Funding Statement [APP-010]; and
- 4.3(B), Book of Reference (BoR) (Clean) [REP6-012].

8.1.4. In summary the DCO is sought to authorise:

- the construction of a new 8.7 mile dual carriageway connecting to the existing A30 dual carriageway at either end;
- the replacement of the Chiverton Cross roundabout with a new two level roundabout;
- a new two level partial junction at Chybucca, with west-facing slip roads connecting to the new dual carriageway;
- the replacement of the existing roundabout at Carland Cross with a two level junction;
- new bridges and accesses across both the new and old road; and
- the de-trunking and retention of the existing A30.

8.1.5. In general the changes to the proposed DCO have arisen through ongoing discussions between the Applicant, landowners and other IPs.

8.2. DATE OF ORDER

8.2.1. Given the submission in November 2019 it seems more likely than not that the Statutory Instrument that is the DCO would be made in 2020 rather than 2019. The Statutory Instrument Number and Order Title have been modified to reflect that likelihood.

8.3. ARTICLES

8.3.1. Articles in the recommended DCO are divided into seven parts. These are:

- Part 1: Articles 1 to 4 set out the preliminary provisions providing for commencement, citation and interpretation;
- Part 2: Articles 5 to 10, containing the Principal Powers in relation to the Order, including the consent to transfer benefit of the Order;
- Part 3: Articles 11 to 19, 'Streets' referring to matters relating to street works, the application of the New Roads and Streets Works Act 1991, construction and maintenance, classification, stopping up, access to works, clearways and traffic regulation;
- Part 4: Articles 20 to 22 includes Supplemental Powers in relation to discharge of water, protective works to buildings and authority to survey and investigate land;
- Part 5: Articles 23 to 38 contains the powers in relation to acquisition and possession of land, including public and private rights and special category land;
- Part 6: Articles 39 and 40 contains powers in relation to operations affecting trees and hedgerows.
- Part 7: Articles 41 to 48 provide for a number of miscellaneous and general provisions.

8.3.2. There have been a number of important but generally uncontroversial revisions throughout the course of the examination. I am satisfied that the changes as now seen in the DCO version 3.1(G) [REP7-003] are necessary. Should the SoS determine to make the DCO I consider it generally fit for purpose, save for the matters now referred to.

Article 33

8.3.3. In relation to Schedule 7 to the Order, see section 7.2, the Applicant proposed revised wording in Article 33(8). For the reasons set out earlier I am not satisfied that this deals adequately with the issue arising from the drafting of the DCO with such wide-ranging powers as to allow the creation of undefined new rights in the land set out in Schedule 7, *LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN*.

8.3.4. Should the SoS determine to make this DCO then I consider that this power should not be provided. This would require alteration of 33(8)(a). I consider that appropriate powers for inclusion would be as set out below:

(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).

8.4. SCHEDULE 5 - LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

8.4.1. Schedule 5 of the DCO would be given effect by Articles 23 and 26 in relation to Compulsory Acquisition (CA) of land and the CA of rights.

8.4.2. As referred to from paragraph 7.10.19 I do not consider that the SoS should grant CA for permanent acquisition in relation to plot 8/2c. Should the SoS determine to make the DCO then grant of acquisition of rights would be appropriate, which would require the plot to be included in Schedule 5. This would be *'Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton.'* There would also need to be revisions to Sheet 8 of 10 of the Land Plans [REP6-003] and the BoR [REP6-012].

8.5. SCHEDULE 7 - LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

8.5.1. Schedule 7 of the DCO would be given effect by Article 33. As referred to above I have recommended changes to Article 33, however, there would be no need for any material changes to the Schedule as a result.

8.6. SCHEDULE 9 – PROTECTIVE PROVISIONS

8.6.1. Schedule 9 of the DCO would be given effect by Article 44.

8.6.2. As discussed above there was an issue regarding protective provisions for SPR. If the SoS determines to make the DCO then he may be satisfied with regard to the expected legal agreement. However, if no legal agreement was confirmed at the relevant time then the SoS would wish to modify the DCO to include the protective provisions as set out in Appendix A of [REP7-012]. This has been included as Part 3 of Schedule 9 to the recommended DCO.

8.7. CONCLUSION

8.7.1. Should the SoS determine to make the DCO then the modifications referred to above should be incorporated for the reasons set out.

9. SUMMARY OF CONCLUSIONS AND RECOMMENDATION

9.1. CONCLUSIONS

9.1.1. In relation to s104 of PA2008, I conclude:

- That making the recommended Order would be in accordance with National Policy Statement for National Networks and any relevant development plans and other relevant policy, all of which have been taken into account in this report;
- Account has been taken of the Local Impact Report from Cornwall Council in making this recommendation;
- That whilst the Secretary of State is the competent authority under the Habitats Regulations, in my view, the proposal would not adversely affect European sites, species or habitats, and this has been taken into account in reaching the recommendation;
- That in regard to all other matters and representations received, subject to the amendments to the recommended DCO set out, there were no important and relevant matters that would individually or collectively lead to a different recommendation to that below;
- That there is no adverse impact arising from the Proposed Development that would outweigh its benefits (s104(7)); and
- That there is no reason to indicate that the application should be decided other than in accordance with the relevant National Policy Statement.

9.1.2. In relation to the application for compulsory acquisition and related powers within the recommended Order, in summary:

- There is a compelling case in the public interest for the grant of the Compulsory Acquisition (CA) powers sought by the Applicant in relation to majority of the land over which they are sought, with the exception of the CA of undefined new rights in the land listed in Schedule 7; and, plot 8/2c, which should be for CA of rights rather than of land;
- That the TP powers included in the recommended DCO should be granted;
- That the powers authorising the CA of Statutory Undertakers' land and rights over land included in the recommended DCO be granted;
- That the powers authorising the extinguishment of rights, and removal of apparatus, of Statutory Undertakers included in the recommended DCO be granted;
- That the powers authorising the CA of rights over open space included in the recommended DCO be granted; and
- That the powers included in the recommended DCO to apply, modify or exclude a statutory provision be granted.

9.2. RECOMMENDATION

- 9.2.1. For all of the above reasons and in the light of the findings and conclusions on important and relevant matters set out in this report, I recommend under the PA2008 (as amended) that the Secretary of State for Transport makes The A30 Chiverton to Carland Cross Development Consent Order 202[] in the form recommended at Appendix E.

APPENDICES

APPENDIX A: THE EXAMINATION

The table below lists the main events that occurred during the Examination and the procedural decisions taken by the Examining Authority (ExA)

Date	Examination Event
4 and 5 February 2019	Unaccompanied Site Inspections
6 February 2019	Preliminary Meeting held at the Alverton Hotel, Tregolls Road, Truro, TR1 1ZQ
6 February 2019(afternoon)	Issue Specific Hearing 1 dealing with matters relating to the draft Development Consent Order (DCO), held at the Alverton Hotel, Tregolls Road, Truro, TR1 1ZQ
13 February 2019	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Examination Timetable under Rule 8 of The Infrastructure Planning (Examination Procedure) Rules 2010 (the Examination Procedure Rules) <p>Publication of:</p> <ul style="list-style-type: none"> • The ExA’s Written Questions
19 February 2019	<p>Deadline 1</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on any updates to application documents submitted by the Applicant before or at the Preliminary Meeting • Comments on Relevant Representations (RRs) • Summaries of all RRs exceeding 1500 words • Written Representations (WRs)

	<ul style="list-style-type: none"> • Summaries of all WRs exceeding 1500 words • Local Impact Report(s) from any relevant local authorities • Statements of Common Ground (SoCG) requested by the ExA • Notification of wish to speak at a Compulsory Acquisition Hearing • Notification of wish to speak at an Open Floor Hearing • Notification of wish to attend the Accompanied Site Inspection • Suggested locations for site inspections and justification for consideration by the ExA • Responses to any further information requested by the ExA • Post hearing submissions including written submissions of oral case
6 March 2019	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Notification of Open Floor Hearing 1, Issue Specific Hearing 2 and 3, Compulsory Acquisition Hearing 1 and Accompanied Site Inspections 1 and 2
8 March 2019	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Request for further information under Rule 17 of the Examination Procedure Rules
19 March 2019	<p>Deadline 2</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs • Comments on any SoCGs • Comments on Local Impact Report(s) • Responses to the ExA's Written Questions • Revised draft DCO from Applicant

	<ul style="list-style-type: none"> • Responses to any further information requested by the ExA
1 April 2019 (afternoon)	Accompanied Site Inspection 1
2 April 2019 (morning)	Accompanied Site Inspection 2
2 April 2019 (evening)	Open Floor Hearing 1 held at Old Bakery Studios, Blewett's Wharf, Malpas Road, Truro, TR1 1QH
3 April 2019 (morning)	Issue Specific Hearing 2 on the draft DCO held at Old Bakery Studios, Blewett's Wharf, Malpas Road, Truro, TR1 1QH
3 April 2019 (afternoon)	Compulsory Acquisition Hearing 1 held at Old Bakery Studios, Blewett's Wharf, Malpas Road, Truro, TR1 1QH
4 April 2019	Issue Specific Hearing 3 on walking, cycling, horse riding issues, held at Old Bakery Studios, Blewett's Wharf, Malpas Road, Truro, TR1 1QH
24 April 2019	<p>Deadline 3</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Post hearing submissions including written submissions of oral case • Any revised/ updated SoCGs • Revised draft DCO from Applicant • Comments on responses to the ExA's Written Questions • Responses to any further information requested by the ExA
1 May 2019	<p>Deadline 4</p> <p>Deadline for receipt of:</p>

	<ul style="list-style-type: none"> • Comments on Applicant's revised draft DCO • Comments on any revised/ updated SoCGs • Responses to any further information requested by the ExA
14 May 2019	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Notification of Issue Specific Hearing 5 • Notification that Issue Specific Hearings 4 and 6 scheduled to take place (if required) on Tuesday 11 and Thursday 13 June 2019 were not required
21 May 2019	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • The ExA's Further Written Questions • Report on the Implications for European Sites (RIES)
12 June 2019	<p>Issue Specific Hearing 5 on Chybucca junction held at Atlantic Hotel, 1 Dane Road, Newquay, TR7 1EN</p>
18 June 2019	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to the ExA's Further Written Questions • Comments on the RIES • Any revised/ updated SoCGs • Responses to further information requested by the ExA • Post hearing submissions including written submissions of oral case
1 July 2019	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Request for further information under Rule 17 of the Examination Procedure Rules

4 July 2019	<p>Deadline 6</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Applicant’s final preferred DCO on SI template and validation report • Comments on any revised/ updated SoCGs • Comments on responses to the ExA’s Further Written Questions • Any further information requested by the ExA
15 July 2019	<p>Deadline 7</p> <ul style="list-style-type: none"> • Comments on the Applicant’s final preferred DCO • Comments on responses to any further information requested by the ExA for this deadline
22 July 2019	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Procedural decisions regarding non-material amendments to the application; • Request for further information under Rule 17 of the Examination Procedure Rules; • Change to the Examination timetable under Rule 8(3) of the Examination Procedure Rules
26 July 2019	<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
2 August 2019	<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
6 August 2019	<p>Close of Examination.</p>

7 August 2019	Issue by the ExA of: <ul style="list-style-type: none"><li data-bbox="638 280 1356 358">• Notification of completion of the Examination under section 99 of the Planning Act 2008
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APPENDIX B: EXAMINATION LIBRARY

**TR010026 A30 Chiverton to Carland Cross Scheme
Examination Library
Updated – 28 August 2019**

This Examination Library relates to the A30 Chiverton to Carland Cross Improvement Scheme application. The library lists each document that has been submitted to the examination by any party and documents that have been issued by the Planning Inspectorate. All documents listed have been published to the National Infrastructure's Planning website and a hyperlink is provided for each document. A unique reference is given to each document; these references will be used within the Report on the Implications for European Sites and will be used in the Examining Authority's Recommendation Report. The documents within the library are categorised either by document type or by the deadline to which they are submitted.

Please note the following:

- This is a working document and will be updated periodically as the examination progresses.
- Advice under Section 51 of the Planning Act 2008 that has been issued by the Inspectorate, is published to the National Infrastructure Website but is not included within the Examination Library as such advice is not an examination document.
- This document contains references to documents from the point the application was submitted.
- The order of documents within each sub-section is either chronological, numerical, or alphabetical and confers no priority or higher status on those that have been listed first.

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**TR010026 A30 Chiverton to Carland Cross Scheme
By Highways England**

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APP-288	Highways England 6.3 Environmental Statement Key Plan - Chapter 12 Figure 12.5
APP-289	Highways England 6.3 Environmental Statement Key Plan - Chapter 13 Figures 13.1-13.4
APP-290	Highways England 6.3 Environmental Statement Figure 11.1 – Study Area, Sensitive Receptors and Baseline Assessment Noise Contour Map (2023) Sheet 1 of 3
APP-291	Highways England 6.3 Environmental Statement Figure 11.1 – Study Area, Sensitive Receptors and Baseline Assessment Noise Contour Map (2023) Sheet 2 of 3
APP-292	Highways England 6.3 Environmental Statement Figure 11.1 – Study Area, Sensitive Receptors and Baseline Assessment Noise Contour Map (2023) Sheet 3 of 3
APP-293	Highways England 6.3 Environmental Statement Figure 11.2 – Operational Noise

	Contour Map - Future Assessment Year (2038) Sheet 1 of 3
APP-294	Highways England 6.3 Environmental Statement Figure 11.2 – Operational Noise Contour Map - Future Assessment Year (2038) Sheet 2 of 3
APP-295	Highways England 6.3 Environmental Statement Figure 11.2 – Operational Noise Contour Map - Future Assessment Year (2038) Sheet 3 of 3
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APP-301	Highways England 6.4 Environmental Statement Appendix 2.1 - Traffic Management Appendix A1 Chiverton
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APP-303	Highways England 6.4 Environmental Statement Appendix 2.1 - Traffic Management Appendix A3 Chybucca
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APP-317	Highways England 6.4 Environmental Statement Appendix 5.4 - Air Quality -

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APP-330	Highways England

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APP-331	Highways England 6.4 Environmental Statement Appendix 8.1 - Road Traffic Collision Summary Report
APP-332	Highways England 6.4 Environmental Statement Appendix 8.2 - 2015 Phase 1 Habitat Verification Survey Report
APP-333	Highways England 6.4 Environmental Statement Appendix 8.3 - 2017 Phase 1 Habitat Update Survey Report
APP-334	Highways England 6.4 Environmental Statement Appendix 8.4 - River Habitat Appraisal Report
APP-335	Highways England 6.4 Environmental Statement Appendix 8.5 - Heathland and Woodland NVC Report
APP-336	Highways England 6.4 Environmental Statement Appendix 8.6 - Grassland NVC Report
APP-337	Highways England 6.4 Environmental Statement Appendix 8.7 - Hedgerow Survey Report
APP-338	Highways England 6.4 Environmental Statement Appendix 8.8 - Terrestrial Invertebrate Survey Report
APP-339	Highways England 6.4 Environmental Statement Appendix 8.9 - Freshwater Macroinvertebrates Survey Report
APP-340	Highways England 6.4 Environmental Statement Appendix 8.10 - Fish Survey Report
APP-341	Highways England 6.4 Environmental Statement Appendix 8.11 - Reptile Survey Report
APP-342	Highways England 6.4 Environmental Statement Appendix 8.12 - Breeding Birds Survey Report
APP-343	Highways England

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APP-344	Highways England 6.4 Environmental Statement Appendix 8.14 - Confidential Barn Owl Survey Report
APP-345	Highways England 6.4 Environmental Statement Appendix 8.15 - Nightjar Survey Report
APP-346	Highways England 6.4 Environmental Statement Appendix 8.16 - Otter Survey Report
APP-347	Highways England 6.4 Environmental Statement Appendix 8.17 - Confidential Badger Survey Report
APP-348	Highways England 6.4 Environmental Statement Appendix 8.18 - Dormouse Survey Report
APP-349	Highways England 6.4 Environmental Statement Appendix 8.19 - Bat Roost Report
APP-350	Highways England 6.4 Environmental Statement Appendix 8.20 - Bat Activity Survey Report
APP-351	Highways England 6.4 Environmental Statement Appendix 9.1 - WSP Preliminary Sources Study Report
APP-352	Highways England 6.4 Environmental Statement Appendix 9.2 - WSP Ground Investigation Report
APP-353	Highways England 6.4 Environmental Statement Appendix 9.3 - Ground Investigation Report Addendum
APP-354	Highways England 6.4 Environmental Statement Appendix 9.4 - Baseline Conditions
APP-355	Highways England 6.4 Environmental Statement Appendix 10.1 - Suppliers and Local Quarries & Plants

APP-356	Highways England 6.4 Environmental Statement Appendix 10.2 - List of Sites known to accept CDE Waste
APP-357	Highways England 6.4 Environmental Statement Appendix 11.1 - Glossary of Acoustic Terminology
APP-358	Highways England 6.4 Environmental Statement Appendix 11.2 - Baseline Noise Survey
APP-359	Highways England 6.4 Environmental Statement Appendix 11.3 - Detailed Approach to Assessment of Effects
APP-360	Highways England 6.4 Environmental Statement Appendix 11.4 - Construction Plant Machinery
APP-361	Highways England 6.4 Environmental Statement Appendix 11.5 - Assessment Locations and Noise Prediction
APP-362	Highways England 6.4 Environmental Statement Appendix 12.1 - Health Impact Assessment
APP-363	Highways England 6.4 Environmental Statement Appendix 12.2 - Legislative and Policy Framework
APP-364	Highways England 6.4 Environmental Statement Appendix 12.3 - SIC Codes
APP-365	Highways England 6.4 Environmental Statement Appendix 12.4 - Agricultural Land and Soil Resources Report
APP-366	Highways England 6.4 Environmental Statement Appendix 12.5 - Agricultural Impact Assessment
APP-367	Highways England 6.4 Environmental Statement Appendix 12.6 - World Heritage Site Areas
APP-368	Highways England 6.4 Environmental Statement Appendix 13.1 - WFD Compliance Assessment

APP-369	Highways England 6.4 Environmental Statement Appendix 13.2 - Flood Risk Assessment
APP-370	Highways England 6.4 Environmental Statement Appendix 13.3 - DMRB Assessments
APP-371	Highways England 6.4 Environmental Statement Appendix 14.1 - Carbon Assessment Assumptions
APP-372	Highways England 6.4 Environmental Statement Appendix 14.2 - Climate Change Resilience
APP-373	Highways England 6.4 Environmental Statement Appendix 15.1 - Consideration of Cumulative Effects
APP-374	Highways England 6.4 Environmental Statement Appendix 15.2 - In-Combination Climate Change Impacts
APP-375	Highways England 6.4 Environmental Statement Appendix 16.1 - Outline CEMP
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APP-377	Highways England 6.4 Environmental Statement Figure 11.4 – Operational Noise Impact Map Future Assessment Year (2038) Sheet 1 of 7
APP-378	Highways England 6.4 Environmental Statement Figure 11.4 – Operational Noise Impact Map Future Assessment Year (2038) Sheet 2 of 7
APP-379	Highways England 6.4 Environmental Statement Figure 11.4 – Operational Noise Impact Map Future Assessment Year (2038) Sheet 3 of 7
APP-380	Highways England 6.4 Environmental Statement Figure 11.4 – Operational Noise Impact Map Future Assessment Year (2038) Sheet 4 of 7
APP-381	Highways England

	6.4 Environmental Statement Figure 11.4 – Operational Noise Impact Map Future Assessment Year (2038) Sheet 5 of 7
APP-382	Highways England 6.4 Environmental Statement Figure 11.4 – Operational Noise Impact Map Future Assessment Year (2038) Sheet 6 of 7
APP-383	Highways England 6.4 Environmental Statement Figure 11.4 – Operational Noise Impact Map Future Assessment Year (2038) Sheet 7 of 7
Adequacy of Consultation Responses	
AoC-001	Cornwall Council Adequacy of Consultation Representation
AoC-002	Devon County Council Adequacy of Consultation Representation
AoC-003	West Devon Borough Council and South Hams District Council Adequacy of Consultation Representation
Relevant Representations	
RR-001	Mrs Diane Nankivell
RR-002	Tom Probst
RR-003	David Mewton
RR-004	Daniel Robins
RR-005	Judith Lawrence
RR-006	Thomas Roberson
RR-007	Barrie Phypers
RR-008	Dr Barnaby Scrace
RR-009	Helen Mitchell
RR-010	Keith Mitchell
RR-011	Yvonne Hacon
RR-012	Zoe Mitchell
RR-013	Alex Durran
RR-014	Ben Warrick
RR-015	Chris Duckham
RR-016	David Ashton-Cleary
RR-017	Duncan Sim
RR-018	Tom Sulkin
RR-019	Ian Finlay
RR-020	Dr Simon Robertson
RR-021	Hannah Perkins
RR-022	M Peter D Crees
RR-023	Maria Curtin
RR-024	Parminder Chaggar
RR-025	Clare Round

RR-026	Gareth Smith
RR-027	Justine Robertson
RR-028	Meme Wijesinghe
RR-029	Dan Williams
RR-030	Dr Celia Julian
RR-031	William Kevin Wilkinson
RR-032	William Stableforth
RR-033	Eloise Clark
RR-034	Hugh
RR-035	Trewithen Estate
RR-036	Andru Blewett
RR-037	Mr Peter Mewton on behalf of Mr Reginald Mewton
RR-038	Simon Dobson
RR-039	Bernard Quigg
RR-040	Carol Swain
RR-041	Alex Laird
RR-042	Arthur Legg
RR-043	Dan Rodenhurst
RR-044	Dr Katherine Mallam
RR-045	Dr Paul Archer
RR-046	Adrian David Hare
RR-047	James Luxton
RR-048	Judy Sargent
RR-049	Kiran Gill
RR-050	William Hart
RR-051	Bert Biscoe
RR-052	Carl Jackaman
RR-053	James Pittaway
RR-054	Jurg Ehmann
RR-055	Tony Maddocks
RR-056	Truro City Council
RR-057	Mr Peter Mewton
RR-058	Mrs Bronwen May Lloyd
RR-059	Sam Parker
RR-060	Edward Buckland Ltd on behalf of Tregothnan Estate
RR-061	Alyson Rugg
RR-062	Garry Read
RR-063	Peter Rugg
RR-064	Christopher Till
RR-065	Jean Hammersley
RR-066	Kevin Hammersley
RR-067	Cornwall Countryside Access Forum
RR-068	Boyden Family
RR-069	Elizabeth Scully
RR-070	Health and Safety Executive
RR-071	John McGrane
RR-072	Katherine Fok
RR-073	Robin Sellwood
RR-074	Ross Burton

RR-075	Stuart Croft
RR-076	Will English
RR-077	AggieCycles
RR-078	British Horse Society
RR-079	Jon Mackeen
RR-080	Kawita Sharp
RR-081	Mathew Roberts
RR-082	Public Health England
RR-083	Ramblers
RR-084	Sarah Roberts
RR-085	St agnes hotel
RR-086	Wheal Velocity Cycle Academy
RR-087	Arqiva Ltd - Withdrawn 15 February 2019
RR-088	Mark Nicholson
RR-089	Michael Creagh
RR-090	Robert Mewton
RR-091	Sam Irving
RR-092	ScottishPower Renewables (UK) Ltd (ScottishPower Renewables (UK) Ltd)
RR-093	Edward Buckland Chartered Surveyors on behalf of The Harvey Family
RR-094	Truro Cycling Campaign
RR-095	Alan Dovey
RR-096	Bruce Hocking
RR-097	Chris Daly on behalf of Cornwall Council
RR-098	Devon Cornwall and IoS Environment Agency
RR-099	Hocking Family
RR-100	Kevin Williams
RR-101	Mark Overend
RR-102	Mr Peter Gordon Keast
RR-103	N Carter-Rowe
RR-104	Nancarrow Farm
RR-105	National Farmers Union
RR-106	Pat Doell
RR-107	Rachel Power
RR-108	Sarah Wetherill
RR-109	Steve Chamberlain
RR-110	Transition Truro
RR-111	Veronica Prowse
RR-112	Osborne Clarke LLP on behalf of Western Power Distribution (South Wales) PLC (Western Power Distribution (South Wales) PLC)
RR-113	Woodlands Investment Management Ltd
RR-114	Jane Rickard
RR-115	John Wetherill
RR-116	Mr Robert Wetherill on behalf of Mrs Diane Wetherill
RR-117	Mr Simon Lutey on behalf of Residents of Trevalso
Procedural Decisions and Notifications from the Examining Authority	

PD-001	Notification of Decision to Accept Application
PD-002	Section 55 Checklist
PD-003	Section 51 advice to the Applicant
PD-004	Notice of Appointment of Examining Authority
PD-005	Rule 6 letter - Notification of the preliminary meeting and matters to be discussed
PD-006	Rule 8 - Notification of timetable for the examination
PD-007	Examining Authority's First Written Questions
PD-008	Rule 13 and Rule 16 Notification of hearings and Accompanied Site Inspection
PD-009	Request for Further Information - Rule 17
PD-010	Notification of Hearing - Rule 13
PD-011	Further Written Questions
PD-012	Report on the Implications for European Sites (RIES)
PD-012a	Section 102A letter to Laurel and Colin Cave Letter notifying of Interested Party status under s102(1)(ab)
PD-013	Request for Further Information - Rule 17 (July 2019)
PD-014	Request for Further Information – R17 and Notification of Change to Timetable R8(3)
PD-015	Notification of Completion of the Examining Authority's Examination
Additional Submissions	
AS-001	Historic England Representation accepted at the discretion of the Examining Authority on 22 November 2018
AS-002	Peninsula Transport Representation accepted at the discretion of the Examining Authority on 29 November 2018
AS-003	Devon County Council Representation accepted at the discretion of the Examining Authority on 29 November 2018
AS-004	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - Cover Letter
AS-005	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.2(A) Land Plans Key Plan
AS-006	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.2(A) Land Plans Sheet 1
AS-007	Highways England

	Additional Submission - Accepted at the discretion of the Examining Authority - 2.2(A) Land Plans Sheet 3
AS-008	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.2(A) Land Plans Sheet 4
AS-009	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.2(A) Land Plans Sheet 5
AS-010	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.2(A) Land Plans Sheet 6
AS-011	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.2(A) Land Plans Sheet 7
AS-012	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.2(A) Land Plans Sheet 10
AS-013	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.3(A) Special Category Land Plan
AS-014	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.4(A) Works Plans Sheet 1
AS-015	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.4(A) Works Plans Sheet 2
AS-016	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.4(A) Works Plans Sheet 3
AS-017	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.4(A) Works Plans Sheet 4
AS-018	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.4(A) Works Plans Sheet 5
AS-019	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.4(A) Works Plans Sheet 6
AS-020	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.4(A) Works Plans Sheet 7
AS-021	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.4(A) Works Plans Sheet 8
AS-022	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.5(A) Rights of Way and Access Plans Key Plan
AS-023	Highways England Additional Submission - Accepted at the discretion of the

	Examining Authority - 2.5(A) Rights of Way and Access Plans Sheet 1
AS-024	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.5(A) Rights of Way and Access Plans Sheet 2
AS-025	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.5(A) Rights of Way and Access Plans Sheet 3
AS-026	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.5(A) Rights of Way and Access Plans Sheet 4
AS-027	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.5(A) Rights of Way and Access Plans Sheet 5
AS-028	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.5(A) Rights of Way and Access Plans Sheet 6
AS-029	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.5(A) Rights of Way and Access Plans Sheet 7
AS-030	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 2.5(A) Rights of Way and Access Plans Sheet 8
AS-031	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 3.1(B) DCO Rev B
AS-032	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 4.1(A) Statement of Reasons Appendix A (Clean)
AS-033	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 4.1(A) Statement of Reasons Appendix A (Tracked)
AS-034	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 4.3(A) Book of Reference (Clean)
AS-035	Highways England Additional Submission - Accepted at the discretion of the Examining Authority - 4.3(A) Book of Reference (Tracked)
AS-036	Highways England Position statement between Highways England and Scottish Power Renewables - Accepted at the discretion of the Examining

	Authority at the Preliminary Meeting on 6 February 2019
AS-037	Simon and Caroline Foote Additional Submission - Accepted at the discretion of the Examining Authority
AS-038	Cornwall Chamber of Commerce Additional Submission - Accepted at the discretion of the Examining Authority
AS-039	Highways England Additional Submission - Cover Letter - Accepted at the discretion of the Examining Authority
AS-040	Highways England Additional Submission - 1.1(H) Guide to the Application - Accepted at the discretion of the Examining Authority
AS-041	Highways England Additional Submission - 6.4(E) Environmental Statement - Appendix 16.1 Outline CEMP Annexes (Clean) - Accepted at the discretion of the Examining Authority
AS-042	Highways England Additional Submissions - 6.4(E) Environmental Statement - Appendix 16.1 Outline CEMP Annexes (Track Changed) - Accepted at the discretion of the Examining Authority
AS-043	Highways England Additional Submission - 7.4.3 Statement of Common Ground with Historic England - Accepted at the discretion of the Examining Authority
AS-044	Defence Infrastructure Organisation Additional Submission - Response on Safeguarding - Accepted at the discretion of the Examining Authority
AS-045	Highways England Additional Submission - Update on outstanding third party legal agreements - Accepted at the discretion of the Examining Authority
AS-046	Peter Newton Additional Submission - Accepted at the discretion of The Examining Authority
AS-047	Highways England Additional Submission - Update on Nancarrow Farm - Accepted at the discretion of The Examining Authority
AS-048	Stephens Scown LLP on behalf of Nancarrow Farm Additional Submission - Update on Nancarrow Farm - Accepted at the discretion of The Examining Authority
Events and Hearings	
Unaccompanied Site Inspection - 04 and 05 February 2019	
EV-017	Note of Unaccompanied Site Visits - 4 and 5 February 2019
EV-022	Unaccompanied Site Inspections Record up to 1 April 2019
Preliminary Meeting – 06 February 2019	
EV-001	Recording of Preliminary Meeting (PM) - 06 February 2019
EV-002	Preliminary Meeting Note
Issue Specific Hearing 1 – 06 February 2019	

EV-003	Recording of Issue Specific Hearing 1 (ISH1) on draft DCO - Session 1 - 06 February 2019
EV-004	Recording of Issue Specific Hearing 1 (ISH1) on draft DCO - Session 2 - 06 February 2019
Accompanied Site Inspection - 01 and 02 April 2019	
EV-018	Accompanied Site Inspection Itinerary - 01 and 02 April 2019
Open Floor Hearing 1 - 02 April 2019	
EV-004a	Agenda for Open Floor Hearing (OFH)
EV-005	Recording of Open Floor Hearing 1 (OFH1) - 02 April 2019
Issue Specific Hearing 2 - 03 April 2019	
EV-005a	Agenda for Issue Specific Hearing 2 on draft DCO (ISH2)
EV-006	Recording of Issue Specific Hearing 2 on draft DCO (ISH2) - Session 1 - 03 April 2019
EV-007	Recording of Issue Specific Hearing 2 on draft DCO (ISH2) - Session 2 - 03 April 2019
EV-008	Action Points from Issue Specific Hearing 2 (ISH2) - 03 April 2019
Compulsory Acquisition Hearing 1 - 03 April 2019	
EV-008a	Agenda for Compulsory Acquisition Hearing (CAH)
EV-009	Recording of Compulsory Acquisition Hearing (CAH1) - Session 1 - 03 April 2019
EV-010	Recording of Compulsory Acquisition Hearing 1 (CAH1) - Session 2 - 03 April 2019
EV-011	Action Points from Compulsory Acquisition Hearing 1 (CAH1) - 03 April 2019
Issue Specific Hearing 3 - 04 April 2019	
EV-011a	Agenda for Issue Specific Hearing 3 into Walking, Cycling, Horse Riding (ISH3)
EV-012	Recording of Issue Specific Hearing 3 (ISH3) - Session 1 - 04 April 2019
EV-013	Recording of Issue Specific Hearing 3 (ISH3) - Session 2 - 04 April 2019
EV-014	Recording of Issue Specific Hearing 3 (ISH3) - Session 3 - 04 April 2019
EV-015	Action Points from Issue Specific Hearing 3 (ISH3) - 04 April 2019
Issue Specific Hearing on Chybucca junction - 12 June 2019	
EV-016	Agenda for Issue Specific Hearing on Chybucca junction - 12 June 2019
EV-020	Recording of Issue Specific Hearing on Chybucca junction - 12 June 2019 - Part 1
EV-021	Recording of Issue Specific Hearing on Chybucca junction - 12 June 2019 - Part 2
EV-019	Action Points from Issue Specific Hearing on Chybucca junction - 12 June 2019
Representations	
Deadline 1 - 19 February 2019	

- Comments on any updates to application documents submitted by the Applicant before or at the Preliminary Meeting
- Comments on Relevant Representations (RRs)
- Summaries of all RRs exceeding 1500 words
- Written Representations (WRs)
- Summaries of all WRs exceeding 1500 words
- Local Impact Report(s) from any relevant local authorities
- Statements of Common Ground (SoCG) requested by the ExA
- Notification of wish to speak at a Compulsory Acquisition Hearing
- Notification of wish to speak at an Open Floor Hearing
- Notification of wish to attend the Accompanied Site Inspection
- Suggested locations for site inspections and justification for consideration by the ExA
- Responses to any further information requested by the ExA
- Post hearing submissions including written submissions of oral case

REP1-001	Highways England Deadline 1 Submission - Cover Letter
REP1-002	Highways England Deadline 1 Submission - Guide to the Application
REP1-003	Highways England Deadline 1 Submission - Statements of Common Ground (SoCG)
REP1-004	Highways England Deadline 1 Submission - Comments on Relevant Representations
REP1-005	Highways England Deadline 1 Submission - Suggested Location for Site Inspections
REP1-006	Highways England Deadline 1 Submission - Post hearing submissions including written submissions of oral case
REP1-007	Argiva Ltd Deadline 1 Submission - Written Representation
REP1-008	Bernard Quigg Deadline 1 Submission - Written Representation
REP1-009	Dan Williams Deadline 1 Submission - Written Representation
REP1-010	Cornwall Council Deadline 1 Submission - Local Impact Report
REP1-011	Cornwall Countryside Access Forum Deadline 1 Submission - Written Representation; suggested locations for site inspections and justification for consideration by the ExA
REP1-012	Health and Safety Executive (HSE) Deadline 1 Submission - Written Representation
REP1-013	Historic England

	Deadline 1 Submission - Written Representation
REP1-014	Historic England Deadline 1 Submission - Appendix to Written Representation
REP1-015	Historic England Deadline 1 Submission - Suggested locations for site inspections and justification for consideration by the ExA
REP1-016	John Wetherill Deadline 1 Submission - Written Submission
REP1-017	Marazan Farm and Caravan Park Deadline 1 Submission - Written Representation
REP1-018	Mrs Marion Eley Deadline 1 Submission - Written Representation
REP1-019	NATS Deadline 1 Submission - Written Representation
REP1-020	Peter Mewton Deadline 1 Submission - Written Representation
REP1-021	Peter Mewton Deadline 1 Submission - Suggested locations for site inspections and justification for consideration by the ExA
REP1-022	Sarah Wetherill Deadline 1 Submission - Written Representation
REP1-023	ScottishPower Renewables Deadline 1 Submission - Written Summary of Oral Representations at the Preliminary Meeting and Issue Specific Hearing held on 6 February 2019
REP1-024	ScottishPower Renewables Deadline 1 Submission - Written Representation
REP1-025	ScottishPower Renewables Deadline 1 Submission - Summary of Relevant Representation
REP1-026	ScottishPower Renewables Deadline 1 Submission - Suggested locations for site inspections and justification for consideration by the ExA
REP1-027	St Allen Parish Council Deadline 1 Submission - Written Representation
REP1-028	Nancarrow Farm Deadline 1 Submission - Written Representation
REP1-029	Nancarrow Farm Deadline 1 Submission - Suggested locations for site inspections and justification for consideration by the ExA
REP1-030	The Harvey Family Deadline 1 Submission - Written Representation
REP1-031	Truro City Council Deadline 1 Submission - Written Representation
REP1-032	Truro Cycling Campaign Deadline 1 Submission - Written Representation
REP1-033	Truro Cycling Campaign Deadline 1 Submission - Suggested locations for site inspections and justification for consideration by the ExA
Late Submissions	
REP1-034	National Farmers Union

	Deadline 1 Submission - Late Submission - Written Representation - Accepted at the discretion of the Examining Authority
Deadline 2 - 19 March 2019	
<ul style="list-style-type: none"> - Comments on WRs - Comments on any SoCGs - Comments on Local Impact Report(s) - Responses to the ExA's Written Questions - Revised draft DCO from Applicant 	
REP2-001	Highways England Deadline 2 Submission - Cover Letter
REP2-002	Highways England Deadline 2 Submission - 1.1(B) Guide to the Application (Revision P05.1)
REP2-003	Highways England Deadline 2 Submission - 2.4(B) Works Plans - Sheet 1 of 8
REP2-004	Highways England Deadline 2 Submission - 2.4(B) Works Plans - Sheet 4 of 8
REP2-005	Highways England Deadline 2 Submission - 2.4(B) Works Plans - Sheet 5 of 8
REP2-006	Highways England Deadline 2 Submission - 2.4(B) Works Plans - Sheet 6 of 8
REP2-007	Highways England Deadline 2 Submission - 2.4(B) Works Plans - Sheet 8 of 8
REP2-008	Highways England Deadline 2 Submission - 2.5(B) Rights of Way and Access Plans - Sheet 1 of 8
REP2-009	Highways England Deadline 2 Submission - 2.5(B) Right of Way and Access Plans - Sheet 4 of 8
REP2-010	Highways England Deadline 2 Submission - 2.5(B) Rights of Way and Access Plans - Sheet 5 of 8
REP2-011	Highways England Deadline 2 Submission - 2.5(B) Rights of Way and Access Plans - Sheet 6 of 8
REP2-012	Highways England Deadline 2 Submission - 3.1(C) Development Consent Order (Clean) (Revision C)
REP2-013	Highways England Deadline 2 Submission - 3.1(C) Development Consent Order (Tracked Changes) (Revision C)
REP2-014	Highways England Deadline 2 Submission - 3.1(C) DCO Validation Report (Revision C)
REP2-015	Highways England

	Deadline 2 Submission - 3.2(B) Explanatory Memorandum (Clean) (Revision B)
REP2-016	Highways England Deadline 2 Submission - 3.2(B) Explanatory Memorandum (Tracked Changes) (Revision B)
REP2-017	Highways England Deadline 2 Submission - 7.4(B) Statements of Common Ground (Revision B)
REP2-018	Highways England Deadline 2 Submission - 7.4.2 Statement of Common Ground between Highways England and Natural England
REP2-019	Highways England Deadline 2 Submission - 7.4.4 Statement of Common Ground with Environment Agency
REP2-020	Highways England Deadline 2 Submission - 8.4 Responses to ExA's Written Questions
REP2-021	Highways England Deadline 2 Submission - 8.5 Comments on Local Impact Report
REP2-022	Highways England Deadline 2 Submission - 8.6 Comments on Written Representations
REP2-023	Highways England Deadline 2 Submission - 8.7 Responses to further information requested by the Examining Authority
REP2-024	Cornwall Council Deadline 2 Submission - Response to ExA's Written Questions
REP2-025	David Mewton Deadline 2 Submission - Comments on Statement of Common Ground
REP2-026	Environment Agency Deadline 2 Submission - Response to ExA's Written Questions
REP2-027	Reference not in use
REP2-028	Historic England Deadline 2 Submission - Response to ExA's Written Questions
REP2-029	Historic England Deadline 2 Submission - Updates on SoCG
REP2-030	Mark & Tricia Nicholson Deadline 2 Submission
REP2-031	Nancarrow Farm Deadline 2 Submission - Response to ExA's Written Questions
REP2-032	Nancarrow Farm Deadline 2 Submission - Statement of Common Ground between Nancarrow Farm and Highways England
REP2-033	Peter Mewton Deadline 2 Submission - Comments on SoCG
REP2-034	Robert Mewton Deadline 2 Submission
REP2-035	Stephens Scown LLP on behalf of Sam Parker Deadline 2 Submission - Response to ExA's Written Questions

REP2-036	Tregothnan Estate Deadline 2 Submission - Response to ExA's Written Questions
REP2-037	Truro Cycling Campaign Deadline 2 Submission - Comments on SoCG
REP2-038	Western Power Distribution (South West) PLC Deadline 2 Submission - Response to ExA's Written Questions
REP2-039	Gillian Richards Deadline 2 Submission
Deadline 3 - 24 April 2019	
<ul style="list-style-type: none"> - Post hearing submissions including written submissions of oral case - Any revised/ updated SoCGs - Revised draft DCO from Applicant - Comments on responses to the ExA's Written Questions - Responses to any further information requested by the ExA 	
REP3-001	Highways England Deadline 3 Submission - Cover Letter
REP3-002	Highways England Deadline 3 Submission - 1.1(C) Guide to the Application
REP3-003	Highways England Deadline 3 Submission - 2.2(B) Land Plans
REP3-004	Highways England Deadline 3 Submission - 2.4(C) Works Plans
REP3-005	Highways England Deadline 3 Submission - 2.5(C) Rights of Way and Access Plans
REP3-006	Highways England Deadline 3 Submission - 2.6(A) General Arrangement and Section Plans
REP3-007	Highways England Deadline 3 Submission - 3.1(D) draft Development Consent Order (Revision D) (Clean)
REP3-008	Highways England Deadline 3 Submission - 3.1(D) draft Development Consent Order (Revision D) (Tracked Changes)
REP3-009	Highways England Deadline 3 Submission - 3.1(D) Validation Report (Revision D)
REP3-010	Highways England Deadline 3 Submission - 4.1(B) Statement of Reasons - Appendix A (Clean)
REP3-011	Highways England Deadline 3 Submission - 4.1(B) Statement of Reasons - Appendix A (Tracked Changes)
REP3-012	Highways England Deadline 3 Submission - 6.4(A) Outline CEMP (Clean)
REP3-013	Highways England Deadline 3 Submission - 6.4(A) Outline CEMP (Tracked Changes)

REP3-014	Highways England Deadline 3 Submission - 6.4(A) Outline CEMP - Annexes (Clean)
REP3-015	Highways England Deadline 3 Submission - 6.4(A) Outline CEMP - Annexes (Tracked Changes)
REP3-016	Highways England Deadline 3 Submission - 7.4(C) Statements of Common Ground
REP3-017	Highways England Deadline 3 Submission - 7.4.6 Statement of Common Ground with Truro Cycling Campaign
REP3-018	Highways England Deadline 3 Submission - 8.8 Post Hearing Submission including Written Submissions of Oral Case - ISH2 on draft DCO
REP3-019	Highways England Deadline 3 Submission - 8.9 Response the Hearing Action Points - ISH2 on draft DCO
REP3-020	Highways England Deadline 3 Submission - 8.10 Post Hearing Submissions including Written Submissions of Oral Case - CAH
REP3-021	Highways England Deadline 3 Submission - 8.11 Response to Hearing Action Points - CAH
REP3-022	Highways England Deadline 3 Submission - 8.12 Written Summary of Oral Case - ISH3 on WCH
REP3-023	Highways England Deadline 3 Submission - 8.13 Response to Hearing Action Points - ISH3 on WCH
REP3-024	Highways England Deadline 3 Submission - 8.14 Table of Position in Relation to Statutory Undertakers
REP3-025	Highways England Deadline 3 Submission - 8.15 Comments on Interested Party Submissions at Deadline 2
REP3-026	Highways England Deadline 3 Submission - 8.16 Additional Photomontages
REP3-027	Cornwall Council Deadline 3 Submission - Post Hearing Submission
REP3-028	Historic England Deadline 3 Submission - Post Hearing Submission
REP3-029	Historic England Deadline 3 Submission - Update on SoCG
REP3-030	ScottishPower Renewables Deadline 3 Submission - Written Submission of Oral Case
REP3-031	Nancarrow Farm Deadline 3 Submission - Post Hearing Submission
REP3-032	Peter Mewton Deadline 3 Submission - Post Hearing Submission
REP3-033	Peter Mewton Deadline 3 Submission - Response to Further Information

	Requested by the ExA
REP3-034	Stephens Scown LLP on behalf of Sam Parker Deadline 3 Submission - Post Hearing Written Representation
REP3-035	Marazan Farm and Caravan Park Deadline 3 Submission - Post Hearing Written Submission
Deadline 4 - 01 May 2019	
<ul style="list-style-type: none"> - Comments on Applicant's revised draft DCO - Comments on any revised/ updated SoCGs - Responses to any further information requested by the ExA 	
REP4-001	Highways England Deadline 4 Submission - Cover Letter
REP4-002	Highways England Deadline 4 Submission - 1.1(D) Guide to the Application
REP4-003	Highways England Deadline 4 Submission - 6.3 Figure 7.6(A) Environmental Plans
REP4-004	Highways England Deadline 4 Submission - 7.4(D) Statements of Common Ground
REP4-005	Highways England Deadline 4 Submission - 8.17 Comments on responses to Hearing Action Points
REP4-006	Highways England Deadline 4 Submission - 8.18 Addendum to the Environmental Statement
REP4-007	Historic England Deadline 4 Submission - Updates on SoCG
REP4-008	ScottishPower Renewables Deadline 4 Submission - Comments on the Applicant's revised draft DCO
REP4-009	The Harvey Family Deadline 4 Submission
REP4-010	Peter Mewton Deadline 4 Submission
Late Submission	
REP4-011	Nancarrow Farm Deadline 4 Submission - Late Submission - Accepted at the discretion of the Examining Authority
Deadline 5 – 18 June 2019	
Deadline for receipt of:	
<ul style="list-style-type: none"> - Responses to the ExA's Further Written Questions - Comments on the ExA's preferred DCO - Comments on the RIES - Any revised/ updated SoCGs - Responses to further information requested by the ExA 	

- Post hearing submissions including written submissions of oral case	
REP5-001	Highways England Deadline 5 Submission - Cover Letter
REP5-002	Highways England Deadline Submission - 1.1(E) Guide to the Application
REP5-003	Highways England Deadline 5 Submission - 2.2(C) Land Plans
REP5-004	Highways England Deadline 5 Submission - 2.4(D) Works Plans
REP5-005	Highways England Deadline 5 Submission - 2.5(D) Rights of Way and Access Plans
REP5-006	Highways England Deadline 5 Submission - 2.6(B) General Arrangement and Section Plans
REP5-007	Highways England Deadline Submission - 3.1(E) draft Development Consent Order (Clean)
REP5-008	Highways England Deadline Submission - 3.1(E) draft Development Consent Order (Track Changed)
REP5-009	Highways England Deadline 5 Submission - 3.1(E) draft DCO Validation Report
REP5-010	Highways England Deadline 5 Submission - 6.3 Figure 7.6(B) - Environmental Master Plans
REP5-011	Highways England Deadline 5 Submission - 6.4(B) ES Appendix 16.1 Outline CEMP (Clean)
REP5-012	Highways England Deadline 5 Submission - 6.4(B) ES Appendix 16.1 Outline CEMP (Track Changed)
REP5-013	Highways England Deadline 5 Submission - 6.4(B) ES Appendix 16.1 Outline CEMP Annexes (Clean)
REP5-014	Highways England Deadline 5 Submission - 6.4(B) ES Appendix 16.1 Outline CEMP Annexes (Track Changed)
REP5-015	Highways England Deadline 5 Submission - 7.4(E) Statements of Common Ground
REP5-016	Highways England Deadline 5 Submission - 7.4.8 Statement of Common Ground with St. Allen Parish
REP5-017	Highways England Deadline 5 Submission - 8.14(A) Table of Position in Relation to Statutory Undertakers
REP5-018	Highways England Deadline 5 Submission - 8.19 Comments on Interested Party Submissions at Deadline 4
REP5-019	Highways England

	Deadline 5 submission - 8.20 Post Hearing Submissions including Written Submissions of Oral Case - ISH 4 on Chybucca Junction
REP5-020	Highways England Deadline 5 Submission - 8.21 Responses to The Examining Authority's Second Written Questions
REP5-021	Highways England Deadline 5 Submission - 8.22 Comments on The Report on The Implications For European Sites
REP5-022	Highways England Deadline 5 Submission - 8.23 Response to Hearing Action Points - ISH 4 on Chybucca Junction
REP5-023	Highways England Deadline 5 Submission - 8.24 Request for Non-Material Amendments to the draft DCO
REP5-024	Highways England Document made available by Highways England to Mr Parker - Stage 3 Appraisal Specification Report
REP5-025	Highways England Document made available by Highways England to Mr Parker - Stage 3 Combined Modelling and Appraisal (ComMA) Report
REP5-026	Highways England Document made available by Highways England to Mr Parker - Stage 3 Combined Modelling and Appraisal (ComMA) Report Appendices
REP5-027	Highways England Document made available by Highways England to Mr Parker - Stage 3 Distributional Impact Appraisal Report
REP5-028	Highways England Document made available by Highways England to Mr Parker - Stage 3 Local Model Validation Report
REP5-029	Highways England Document made available by Highways England to Mr Parker - Operational Assessment Note
REP5-030	Highways England Document made available by Highways England to Mr Parker - Stage 3 Traffic Data Collection Report
REP5-031	Highways England Document made available by Highways England to Mr Parker - Stage 3 Traffic Forecasting Report
REP5-032	Natural England Deadline 5 Submission - Response to ExA's Further Written Questions
REP5-033	ScottishPower Renewables Deadline 5 Submission
Late Submission	
REP5-034	Historic England Deadline 5 Submission - Late Submission - Accepted at the discretion of the Examining Authority
REP5-035	Historic England Deadline 5 Submission - Late Submission - Accepted at the

	discretion of the Examining Authority
REP5-036	Stephen Scown LLP on behalf of Sam Parker Deadline 5 Submission - Late Submission - Accepted at the discretion of the Examining Authority
Deadline 6 - 04 July 2019 Deadline for receipt of:	
<ul style="list-style-type: none"> - Applicant's final preferred DCO on SI template and validation report - Comments on any revised/ updated Statement of Common Ground - Comments on responses to the ExA's Further Written Questions (if required) 	
REP6-001	Highways England Deadline 6 Submission - Cover Letter
REP6-002	Highways England Deadline 6 Submission - 1.1(F) Guide to the Application
REP6-003	Highways England Deadline 6 Submission - 2.2(D) Land Plans
REP6-004	Highways England Deadline 6 Submission - 2.4(E) Works Plans
REP6-005	Highways England Deadline 6 Submission - 2.5(E) Rights of Way and Access Plans
REP6-006	Highways England Deadline 6 Submission - 2.6(C) General Arrangement and Section Plans
REP6-007	Highways England Deadline 6 submission - 3.1(F) Draft DCO (Clean)
REP6-008	Highways England Deadline 6 Submission - 3.1(F) Draft DCO (Track Changed)
REP6-009	Highways England Deadline 6 Submission - 3.1(F) DCO Validation Report (Track Changed)
REP6-010	Highways England Deadline 6 Submission - 4.1(C) Statement of Reasons - Appendix A (Clean)
REP6-011	Highways England Deadline 6 Submission - 4.1(C) Statement of Reasons - Appendix A (Track Changed)
REP6-012	Highways England Deadline 6 Submission - 4.3(B) Book of Reference (Clean)
REP6-013	Highways England Deadline 6 Submission - 4.3(B) Book of Reference (Track Changed)
REP6-014	Highways England Deadline 6 Submission - 6.3 Figure 7.6(C) Environmental Master Plans
REP6-015	Highways England Deadline 6 Submission - 6.4(C) Outline CEMP (Clean)
REP6-016	Highways England Deadline 6 Submission - 6.4(C) Outline CEMP (Track Changed)
REP6-017	Highways England

	Deadline 6 Submission - 6.4(C) Outline CEMP Annexes (Clean)
REP6-018	Highways England Deadline 6 Submission - 6.4(C) Outline CEMP Annexes (Track Changed)
REP6-019	Highways England Deadline 6 Submission - 7.4(F) Statements of Common Ground
REP6-020	Highways England Deadline 6 Submission - 7.4.7 Statement of Common Ground with National Farmers Union (Signed)
REP6-021	Highways England Deadline 6 Submission - 8.24(A) Request for Non-Material Amendments to the draft DCO
REP6-022	Highways England Deadline 6 Submission - 8.25 Comments on Interested Party Submissions at Deadline 5
REP6-023	Highways England Deadline 6 Submission - 8.26 Response to Further Information Requested by the Examining Authority
REP6-024	Cornwall Council Deadline 6 Submission - Supplementary report on matters outstanding and latest draft Statement of Common Ground
REP6-025	Historic England Deadline 6 Submission - Historic Buildings and Monuments Commission for England's Position regarding the draft Statement of Common Ground
REP6-026	ScottishPower Renewables Deadline 6 Submission - Update on outstanding matters and draft Protective Provisions
REP6-027	The Harvey Family Deadline 6 Submission - Representation from the Harvey Family
REP6-028	The Harvey Family Deadline 6 Submission - Response to Examining Authority's request for further information dated 1 July 2019
Deadline 7 - 15 July 2019 Deadline for receipt of:	
- Comments on the Applicant's final preferred DCO	
- Comments on responses to any further information requested by the ExA for this deadline	
REP7-001	Highways England Deadline 7 Submission - Cover Letter
REP7-002	Highways England Deadline 7 Submission - 1.1(G) Guide to the Application
REP7-003	Highways England Deadline 7 Submission - Late Submission - 3.1(G) Draft DCO (Clean) - Accepted at the discretion of the Examining Authority
REP7-004	Highways England Deadline 7 Submission - 3.1(G) Draft DCO (Track Changed)
REP7-005	Highways England

	Deadline 7 Submission - Late Submission - 3.1(G) DCO Validation Report - Accepted at the discretion of the Examining Authority
REP7-006	Highways England Deadline 7 Submission - 6.4(D) Environmental Statement Appendix 16.1 Outline CEMP (Clean)
REP7-007	Highways England Deadline 7 Submission - 6.4(D) Environmental Statement Appendix 16.1 Outline CEMP (Track Changed)
REP7-008	Highways England Deadline 7 Submission - 6.4(D) Environmental Statement Appendix 16.1 Outline CEMP Annexes (Clean)
REP7-009	Highways England Deadline 7 Submission - 6.4(D) Environmental Statement Appendix 16.1 Outline CEMP Annexes (Track Changed)
REP7-010	Highways England Deadline 7 Submission - 7.4(G) Statements of Common Ground
REP7-011	Highways England Deadline 7 Submission - 7.4.1 Statement of Common Ground with Cornwall Council (Signed)
REP7-012	Highways England Deadline 7 Submission - 8.27 Comments on Interested Party Submissions at Deadline 6
REP7-013	Nancarrow Farm Deadline 7 Submission
REP7-014	Stephens Scown LLP on behalf of Sam Parker Deadline 7 Submission
Late Submission	
REP7-015	The Harvey Family Deadline 7 Submission - Late Submission - Accepted at the discretion of the Examining Authority
Deadline 8 - 26 July 2019 Deadline for receipt of:	
<ul style="list-style-type: none"> - Comments on the Applicant's final preferred DCO - Comments on responses to any further information requested by the ExA for this deadline 	
REP8-001	Highways England 8.28 Response to Further Information Requested by the Examining Authority on 22 July 2019
REP8-002	ScottishPower Renewables Response to Further Information Requested by the Examining Authority on 22 July 2019
Deadline 9 - 02 August 2019 Deadline for receipt of:	
<ul style="list-style-type: none"> - Comments on responses to further information requested by the ExA 	
REP9-001	ScottishPower Renewables Deadline 9 Submission - Comments on Responses to Further Information Requested by The Examining Authority

REP9-002	The Harvey Family Deadline 9 Submission - Comments on Responses to Further Information Requested by The Examining Authority
Other Documents	
OD-001	Scoping Report The Applicant's Scoping Report
OD-002	Highways England Section 56 Notice
OD-003	30CC Transboundary Screening

APPENDIX C: LIST OF ABBREVIATIONS

APPENDIX C: LIST OF ABBREVIATIONS

Abbreviation or usage	Reference
2017 EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
2018 Guide	The Cornwall Planning for Biodiversity Guide 2018
AA	Appropriate Assessment
AADT	Annual Average Daily Traffic
AGLV	Area of Great Landscape Value
AIA	Agricultural impact assessment
ALA1981	Acquisition of Land Act 1981
AP	Affected Person
AQAP	Air Quality Action Plan
AQD	Air Quality Directive
AQMA	Air Quality Management Area
ASI	Accompanied Site Inspection
BCR	Benefit to cost ratio
BMV	Best and Most Versatile land
BoR	Book of Reference
BPM	Best Practical Means
BR	Bridleway
BT	BT Group Public Limited Company
CA	Compulsory Acquisition
the CA Regs	The Infrastructure Planning (Compulsory Acquisition) Regulations 2010
CAH	Compulsory Acquisition Hearing
CC	Cornwall Council
CCAF	Cornwall Countryside Access Forum
CCR	Climate change resilience
CEMP	Construction Environmental Management Plan
CISLC	Cornwall and Isles of Scilly Landscape Character Study
CO ₂	Carbon dioxide
CPA1965	Compulsory Purchase Act 1965
CWT	County Wildlife Trust
D (number)	Deadline, with a number referring to a specific deadline identified in the Examination Timetable
DCC	Devon County Council
DCLG	Former Department for Communities and Local Government, re-organised to form Ministry of Housing, Communities and Local Government (MHCLG) in January 2018. References to documents (eg Examination Guidance) or decisions taken by the former department are referred to using the abbreviation DCLG.
DCO	Development Consent Order
dDCO	draft Development Consent Order
DEFRA	Department for Environment, Food and Rural Affairs
DF	Designated funds
DfT	Department for Transport
DIO	Defence Infrastructure Organisation
DMRB	Design Manual for Roads and Bridges
DP	Development Plan
DPD	Development Plan document
EA	Environment Agency
ECHR	European Convention on Human Rights

Abbreviation or usage	Reference
EE	Everything Everywhere
EEA	European Economic Area
EIA	Environmental Impact Assessment
EM	Explanatory Memorandum
ERDF	European Regional Development Fund
ES	Environmental Statement
EU	European Union
ExA	Examining Authority
FP	Footpath
GHG	Greenhouse gas
ha	hectare
HA	Highways Agency (now Highways England)
HA1980	Highways Act 1980
HE	Highways England
HEMP	Handover Environmental Management Plan
HGV	Heavy Goods Vehicle
HIA	Health Impact Assessment
HMBCE	Historic Buildings and Monuments Commission for England
HRA	Habitats Regulations Assessment
HRA1998	Human Rights Act 1998
IAPI	Initial Assessment of Principal Issues
IL	Instalcom Limited
IP	Interested Party
ISH (number)	Issue Specific Hearing and where followed by a number,
km	kilometre
L3C	Level 3 Communications Limited
LB	Listed Building
LCA	Landscape Character Area
LIR	Local Impact Report
LOAEL	Lowest Observed Adverse Effect Levels
LONI	Letter of No Impediment
LRN	Local Road Network
LSE	Likely Significant Effect
LTPCC30	Local Transport Plan - Connecting Cornwall: 2030 Strategy
LV	Limit value(s) – a regulatory limit expressed as a value
LVIA	Landscape and Visual Impact Assessment
m	metre
MHCLG	Ministry of Housing, Communities and Local Government
mph	miles per hour
NCR	National Cycle Route
NE	Natural England
NERCA2006	Natural Environment and Rural Communities Act 2006
NHLE	Historic England National Heritage List for England
NIA	Noise Important Area
NIDP	National Infrastructure Delivery Plan
NMUs	Non-motorised users
NNNPS	National Networks National Policy Statement
NO ₂	Nitrogen Dioxide
NO _x	Nitrogen Oxide
NPA2017	Neighbourhood Planning Act 2017
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project

Abbreviation or usage	Reference
OFH	Open Floor Hearing
OS	Ordnance Survey
PA2008	Planning Act 2008 (as amended)
PCF	Project Control Framework
PM	Preliminary Meeting
PPG	Planning Practice Guidance
PRA	Preferred Route Announcement
PROW	Public Right of Way
PSED	Public Sector Equality Duty
REAC	Register of Environmental Actions and Commitments
RES	Renewable Energy Systems Limited
RIES	Report on the Implications for European Sites
RIS	Road Investment Strategy (2015 – 2020)
RR	Relevant Representation
RSA	Road Safety Audit
s (number)	Section of a statute and when followed by a number, a
SAC	Special Area of Conservation
SAPC	St Allen Parish Council
SAR	Proposed Development Assessment Report
SM	Scheduled Monument
SOAEL	Significant Observed Adverse Effect Levels
SoCG	Statement of Common Ground
SoR	Statement of Reasons
SoS	Secretary of State for Transport
SoSMHCLG	Secretary of State for the Ministry of Housing, Communities and Local Government (from Jan 2018)
SP	Statutory Party
SPP	Special Parliamentary Procedure
SPR	ScottishPower Renewables (UK) Limited
SRN	Strategic road network
SSSI	Site of Special Scientific Interest
SUK	Sky UK Limited
SWRA	South West Regional Assembly
SWWL	South West Water Limited
TCC	Truro Cycling Campaign
TCPA1990	Town and Country Planning Act 1990
TP	Temporary Possession
TPO	Tree Preservation Order
TSRGD	Traffic Signs Regulations and General Directions, 2016
UK	United Kingdom
USI	Unaccompanied Site Inspection
VDM	Verizon Digital Media Services UK Limited
VGPLC	Vodafone Group Public Limited Company
VML	Virgin Media Limited
WCH	Walking, Cycling and Horse Riding
WebTAG	Web-based Transport Analysis Guidance
WFD	Water Framework Directive
WHO	World Health Organisation
WHS	World Heritage Site
WPD	Western Power Distribution (South West) Public Limited
WSI	Written Proposed Development of (Archaeological)
WWUL	Wales & West Utilities Limited

APPENDIX D: COMPULSORY ACQUISITION OBJECTIONS
SCHEDULE



The Planning
Inspectorate

Please be aware that this document is no longer available on the National Infrastructure project website.

APPENDIX E: THE RECOMMENDED DCO

202[*] No. 0000

INFRASTRUCTURE PLANNING

**The A30 Chiverton to Carland Cross Development Consent
Order 202[*]**

Made - - - - 202[*]
Coming into force - - 202[*]

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An application has been made to the Secretary of State under section 37 of the Planning Act 2008(a) in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(b) for an Order granting development consent.

The application was examined by a single appointed person (appointed by the Secretary of State) in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010(c).

The single appointed person, having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 83 of the 2008 Act, has submitted a report and recommendation to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the single appointed person, has decided to make an Order granting development consent for the development described in the application with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application.

The Secretary of State is satisfied that replacement land has been or will be given in exchange for the special category land (as defined in article 38(4) of this Order) and the replacement land (as defined in that article) has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the special category land, and that, accordingly, section 131(4) of the 2008 Act applies.

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 117, 120, 122 and 123 of, and paragraphs 1 to 4, 10 to 17, 19 to 23, 26, 33, 36 and 37 of Part 1 of Schedule 5 to, the 2008 Act, makes the following Order—

PART 1 PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the A30 Chiverton to Carland Cross Development Consent Order 201[•] and comes into force on [•].

Interpretation

2.—(1) In this Order except where provided otherwise—

“the 1961 Act” means the Land Compensation Act 1961(d);

“the 1965 Act” means the Compulsory Purchase Act 1965(e);

“the 1980 Act” means the Highways Act 1980(f);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(g);

(a) 2008 c.29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c.20).

(b) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2012/1659, S.I. 2013/522, S.I. 2013/755, S.I. 2014/2381, S.I. 2015/377, S.I. 2017/572

(c) S.I. 2010/103, amended by S.I. 2012/635

(d) 1961 c.33.

(e) 1965 c.56.

(f) 1980 c.66.

(g) 1981 c.66.

“the 1984 Act” means the Road Traffic Regulation Act 1984(a);

“the 1990 Act” means the Town and Country Planning Act 1990(b);

“the 1991 Act” means the New Roads and Street Works Act 1991(c);

“the 2008 Act” means the Planning Act 2008(d);

“address” includes any number or address for the purposes of electronic transmission;

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“authorised development” means the development and associated development described in Schedule 1 (authorised development);

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“bridleway” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

“the classification of roads plans” means the plans certified by the Secretary of State as the classification of roads plans for the purposes of this Order;

“the clearways plans” means the plans certified by the Secretary of State as the clearways plans for the purposes of this Order;

“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, and the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;

“the de-trunking plans” means the plans certified by the Secretary of State as the de-trunking plans for the purposes of this Order;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“the environmental masterplan” means the plan certified by the Secretary of State as the environmental masterplan for the purposes of this Order;

“the environmental statement” means the documents certified by the Secretary of State as the environmental statement for the purposes of this Order;

“footpath” and “footway” have the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

“the general arrangement and section plans” means the documents certified by the Secretary of State as the general arrangement and section plans for the purposes of this Order;

“highway” has the same meaning as in section 328 (meaning of “highway”) of the 1980 Act;

“the land plans” means the plans certified by the Secretary of State as the land plans for the purposes of this Order;

“the limits of deviation” means the limits of deviation referred to in article 8 (limits of deviation);

“the local highway authority” means Cornwall Council;

(a) 1984 c.27.

(b) 1990 c.8.

(c) 1991 c.22.

(d) 2008 c.29.

“maintain” includes inspect, repair, adjust, alter, remove, replace or reconstruct in relation to the authorised development and any derivative of “maintain” is to be construed accordingly;

“the Order land” means 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 book of reference;

“the Order limits” means the limits of the land to be acquired or used permanently or temporarily shown on the land plans and works plans within which the authorised development may be carried out;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(a);

“the prohibitions plans” means the plans certified by the Secretary of State as the prohibitions plans for the purposes of this Order;

“the relevant planning authority” means Cornwall Council;

“restricted byway” has the meaning given in section 48(4) of the Countryside and Rights of Way Act 2000(b);

“the rights of way and access plans” means the plans certified by the Secretary of State as the rights of way and access plans for the purposes of this Order;

“the Secretary of State” means the Secretary of State for Transport;

“the special category land plan” means the plan certified by the Secretary of State as the special category land plan for the purposes of this Order;

“special road” means a highway which is a special road in accordance with section 16 (general provision as to special roads) of the 1980 Act or by virtue of an order granting development consent;

“the speed limits plans” means the plans certified by the Secretary of State as the speed limits plans for the purposes of this Order;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) of the 2008 Act;

“street” means a street within the meaning of section 48 (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority” has the same meaning as in section 49 (the street authority and other relevant authorities) of the 1991 Act;

“traffic authority” has the same meaning as in section 121A(c) (traffic authorities) of the 1984 Act;

“the trees and hedgerows to be removed or managed plans” means the plans certified by the Secretary of State as the trees and hedgerows to be removed or managed plans for the purposes of this Order;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“trunk road” means a highway which is a trunk road by virtue of—

- (a) section 10(d) (general provision as to trunk roads) or section 19(1)(e) (certain special roads and other highways to become trunk roads) of the 1980 Act;
- (b) an order made or direction given under section 10 of that Act;
- (c) an order granting development consent; or

(a) 1981 c.67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c.34). There are other amendments to section 7 which are not relevant to this Order.

(b) 2000 c.37.

(c) This section was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the New Roads and Street Works Act 1991 (c.22) and brought into force by S.I. 1991/2288.

(d) As amended by section 22(2) of the 1991 Act and paragraph 22 of Schedule 2 to the 2008 Act, and by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c.7).

(e) As amended by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c.7).

(d) any other enactment;

“the undertaker” means Highways England Company Limited, company number 09346363, whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plans” means the plans certified by the Secretary of State as the works plans for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the airspace above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or is otherwise comprised in the Order land.

(3) All distances, directions, areas and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(4) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the relevant plans.

(6) References in this Order to numbered works are references to the works as numbered in Schedule 1 (authorised development).

Maintenance of drainage works

3.—(1) Nothing in this Order, or the construction, maintenance or operation of the authorised development under it, affects any responsibility for the maintenance of any works connected with the drainage of land, whether that responsibility is imposed or allocated by or under any enactment, or otherwise, unless otherwise agreed in writing between the undertaker and the person responsible.

(2) In this article “drainage” has the same meaning as in section 72 (interpretation) of the Land Drainage Act 1991.

Disapplication of legislation, etc.

4. In so far as they relate to the temporary possession of land, the provisions of the Neighbourhood Planning Act 2017(a) do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development and, within any maintenance period defined in article 34(11), any maintenance of any part of the authorised development.

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

5.—(1) Subject to the provisions of this Order, including the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

(a) 2017 c.20.

(2) Any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of this Order.

Maintenance of authorised development

6. The undertaker may at any time maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

Planning permission

7. If planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is—

- (a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or
- (b) required to complete or enable the use or operation of any part of the development authorised by this Order,

then the carrying out, use or operation of such development under the terms of the planning permission does not constitute a breach of the terms of this Order.

Limits of deviation

8. In carrying out the authorised development the undertaker may—

- (a) in respect of the earthworks associated with Work Nos. 1 to 12 only, deviate laterally from the lines or situations of the authorised development shown on the works plans to a maximum of 1.75 metres;
- (b) in respect of any other work, deviate laterally from the lines or situations of the authorised development shown on the works plans to a maximum of 0.5 metres;
- (c) subject to sub-paragraph (d), deviate vertically from the levels of the authorised development shown on the general arrangement and section plans to a maximum of 0.5 metres upwards or downwards; and
- (d) in respect of that part of:
 - (i) Work Nos. 1 and 3 between points M and N on sheet 1 of the works plans;
 - (ii) Work No. 1 between points O and P on sheet 4 of the works plans; and
 - (iii) Work Nos. 1 and 5 between points Q and R on sheet 8 of the works plans,

deviate vertically from the levels of the authorised development shown on the general arrangement and section plans to a maximum of 0.5 metres downwards, except that these maximum limits of deviation do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority and the local highway authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.

Benefit of Order

9.—(1) Subject to article 10 (consent to transfer benefit of Order) and paragraph (2), the provisions of this Order conferring powers on the undertaker have effect solely for the benefit of the undertaker.

(2) Paragraph (1) does not apply to the works for which consent is granted by this Order for the express benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

Consent to transfer benefit of Order

10.—(1) The undertaker may—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order, including those relating to compulsory acquisition, and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order, including those relating to compulsory acquisition, and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), include references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

(4) If the benefit of the provisions of this Order relating to compulsory acquisition is transferred or granted to a transferee or lessee pursuant to this article and the transferee or lessee exercises those powers then the undertaker alone is liable for any compensation that is payable to another party as a consequence of the exercise of those powers by the transferee or lessee.

(5) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant is made to—

- (a) South West Water Limited (company number 02366665, whose registered office is at Peninsula House, Rydon Lane, Exeter, Devon EX2 7HR) for the purposes of undertaking Work Nos. 14, 16, 25, 31, 36, 46 and 66;
- (b) Western Power Distribution (South West) Public Limited Company (company number 02366894, whose registered office is at Avonbank, Feeder Road, Bristol BS2 0TB) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 15, 19, 20, 24, 26, 28, 32, 37, 40, 42, 43, 57, 63 and 70;
- (c) BT Group Public Limited Company (company number 04190816, whose registered office is at 81 Newgate Street, London EC1A 7AJ) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 21, 27, 29, 33, 34, 35, 39, 41, 44, 50, 51, 52, 54, 56, 59, 60, 61, 62, 64 and 65;
- (d) Wales & West Utilities Limited (company number 05046791, whose registered office is at Wales & West House, Spooner Close, Coedkernew, Newport, South Wales NP10 8FZ) for the purposes of undertaking Work Nos. 22 and 45;
- (e) Instalcom Limited (company number 03421543, whose registered office is at 202 Northolt Road, South Harrow, Middlesex HA2 0EX) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (f) Level 3 Communications Limited (company number 03514850, whose registered office is at 7th Floor, 10 Fleet Place, London EC4M 7RB) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (g) Renewable Energy Systems Limited (company number 01589961, whose registered office is at Beaufort Court, Egg Farm Lane, Station Road, Kings Langley, Hertfordshire WD4 8LR) for the purposes of undertaking Work Nos. 19 and 57;
- (h) ScottishPower Renewables (UK) Limited (company number NI028425, whose registered office is at The Soloist, 1 Lanyon Place, Belfast, Northern Ireland BT1 3LP) for the purposes of undertaking Work Nos. 5(g) and 5(m);
- (i) Verizon Digital Media Services UK Limited (company number 08524398, whose registered office is at Shropshire House, 11-20 Capper Street, London WC1E 6JA) for the purposes of undertaking Work No. 13;
- (j) Virgin Media Limited (company number 02591237, whose registered office is at Media House, Bartley Wood Business Park, Hook, Hampshire RG27 9UP) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;

- (k) Vodafone Group Public Limited Company (company number 01833679, whose registered office is at Vodafone House, The Connection, Newbury, Berkshire RG14 2FN) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (l) Sky UK Limited (company number 02906991, whose registered office is at Grant Way, Isleworth, Middlesex TW7 5QD) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73; or
- (m) Everything Everywhere Limited (company number 08263590, whose registered office is at Trident Place, Mosquito Way, Hatfield, Hertfordshire AL10 9BW) for the purposes of undertaking Work No. 6(i).

PART 3

STREETS

Street works

11.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets as are within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) place apparatus in the street;
- (d) maintain apparatus in the street or change its position; and
- (e) execute any works required for, or incidental to, any works referred to in sub-paragraphs (a), (b), (c) and (d).

(2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act.

(3) Subject to article 12 (application of the 1991 Act), the provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).

Application of the 1991 Act

12.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major highway works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3)(a) of that Act; or
- (b) they are works which, had they been executed by the local highway authority, might have been carried out in exercise of the powers conferred by section 64(b) (dual carriageways and roundabouts) of the 1980 Act or section 184(c) (vehicle crossings over footways and verges) of that Act.

(2) In Part 3 of the 1991 Act references to the highway authority concerned are, in relation to works which are major highway works by virtue of paragraph (1), to be construed as references to the undertaker.

(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order—

-
- (a) Section 86(3) defines what highway works are major highway works.
 - (b) As amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c.51) and section 168(2) of, and Schedule 9 to, the New Roads and Street Works Act 1991 (c.22).
 - (c) As amended by section 4 of, and paragraph 45 of Schedule 2 to, the Planning (consequential Provisions) Act 1990 (c.11).

- (a) section 56(a) (power to give directions as to timing of street works);
- (b) section 56A(b) (power to give directions as to placing of apparatus);
- (c) section 58A(c) (restriction on works following substantial road works);
- (d) section 58A(d) (restriction on works following substantial street works); and
- (e) schedule 3A(e) (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved, under those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 15 (temporary stopping up and restriction of use of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act(f) referred to in paragraph (4) are—

- (a) section 54 (advance notice of certain works), subject to paragraph (6);
- (b) section 55 (notice of starting date of works), subject to paragraph (6);
- (c) section 57 (notice of emergency works);
- (d) section 59 (general duty of street authority to co-ordinate works);
- (e) section 60 (general duty of undertakers to co-operate);
- (f) section 68 (facilities to be afforded to street authority);
- (g) section 69 (works likely to affect other apparatus in the street);
- (h) section 75 (inspection fees);
- (i) section 76 (liability for cost of temporary traffic regulation); and
- (j) section 77 (liability for cost of use of alternative route),

and all such other provisions as apply for the purposes of the provisions mentioned above.

(6) Sections 54 and 55 of the 1991 Act as applied by paragraph (4) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(7) Nothing in article 13 (construction and maintenance of new, altered or diverted streets and other structures)—

- (a) affects the operation of section 87 (prospectively maintainable highways) of the 1991 Act;
- (b) means that the undertaker is by reason of any duty under that article to maintain a street to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or
- (c) has effect in relation to street works to which the provisions of Part 3 of the 1991 Act apply.

Construction and maintenance of new, altered or diverted streets and other structures 13.—

(1) Any highway (other than a special road or a trunk road) to be constructed under this Order must be completed to the reasonable satisfaction of the local highway authority and, unless otherwise agreed in writing with the local highway authority, the highway including any culverts

(a) As amended by sections 40 and 43 of the Traffic Management Act 2004(c.18).
 (b) Inserted by section 44 of the Traffic Management Act 2004.
 (c) As amended by section 51 of the Traffic Management Act 2004.
 (d) Inserted by section 52 of the Traffic Management Act 2004.
 (e) Inserted by section 52 of, and Schedule 4 to, the Traffic Management Act 2004.
 (f) All as amended by the Traffic Management Act 2004.

or other structures laid under it must be maintained by and at the expense of the local highway authority from its completion.

(2) Where a highway (other than a special road or a trunk road) is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the local highway authority and, unless otherwise agreed in writing with the local highway authority, that part of the highway including any culverts or other structures laid under it must be maintained by and at the expense of the local highway authority from its completion.

(3) Where a street which is not and is not intended to be a public highway is constructed, altered or diverted under this Order, the street (or part of the street as the case may be) must, when completed to the reasonable satisfaction of the street authority and unless otherwise agreed in writing with the street authority, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(4) Where a highway is de-trunked under this Order—

- (a) section 265 (transfer of property and liabilities upon a highway becoming or ceasing to be a trunk road) of the 1980 Act applies in respect of that highway; and
- (b) any alterations to that highway undertaken under powers conferred by this Order prior to and in connection with that de-trunking must, unless otherwise agreed in writing with the local highway authority, be maintained by and at the expense of the local highway authority from the date of de-trunking.

(5) In the case of a bridge constructed under this Order to carry a highway (other than a special road or a trunk road) over or under another highway, the highway surface must from its completion be maintained by and at the expense of the local highway authority and the structure of the bridge must be maintained by and at the expense of the undertaker unless otherwise agreed in writing with the local highway authority.

(6) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(7) For the purposes of a defence under paragraph (6), the court must in particular have regard to the following matters—

- (a) the character of the street and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and
- (e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant to prove that the undertaker had arranged for a competent person to carry out or supervise the maintenance of the part of the street to which the action relates unless it is also proved that the undertaker had given the competent person proper instructions with regard to the maintenance of the street and that the competent person had carried out those instructions.

Classification of roads, etc.

14.—(1) From the date on which the roads described in Part 1 (trunk roads) of Schedule 3 are completed and open for traffic, they are to become trunk roads as if they had become so by virtue

of an order under section 10(2)(a) (general provision as to trunk roads) of the 1980 Act specifying that date as the date on which they were to become trunk roads.

(2) On such day as the undertaker may determine, the roads described in Part 2 (roads to be de-trunked) of Schedule 3 are to cease to be trunk roads as if they had ceased to be trunk roads by virtue of an order made under section 10(2) of the 1980 Act specifying that date as the date on which they were to cease to be trunkroads.

(3) From the date on which the roads described in Part 3 (classified roads) of Schedule 3 are completed and open for traffic, they are to become classified roads for the purpose of any enactment or instrument which refers to highways classified as classified roads as if such classification had been made under section 12(3) (general provision as to principal and classified roads) of the 1980 Act.

(4) From the date on which the roads described in Part 4 (unclassified roads) of Schedule 3 are completed and open for traffic, they are to become unclassified roads for the purpose of any enactment or instrument which refers to unclassified roads.

(5) From the date on which the roads described in Part 5 (speed limits) of Schedule 3 are open for traffic, no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of that Part along the lengths of road identified in the corresponding row of column (2) of that Part.

(6) On such day as the undertaker may determine, the restrictions specified in column (3) of Part 6 (traffic regulation measures (clearways and prohibitions)) of Schedule 3 are to apply to the lengths of road identified in the corresponding row of column (2) of that Part.

(7) Unless otherwise agreed with the relevant planning authority, the public rights of way set out in Part 8 (public rights of way) of Schedule 3 and identified on the rights of way and access plans are to be constructed by the undertaker in the specified locations and open for use from the date on which the authorised development is open for traffic.

(8) On such day as the undertaker may determine, the orders specified in column (3) of Part 7 (revocations & variations of existing traffic regulation orders) of Schedule 3 are to be varied or revoked as specified in the corresponding row of column (4) of that Part in respect of the lengths of roads specified in the corresponding row of column (2) of that Part.

(9) The application of paragraphs (1) to (7) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters, including by an instrument made under the 1984 Act where the matter in question could have been included in an order made under that Act.

Temporary stopping up and restriction of use of streets

15.—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily stop up, alter, divert or restrict the use of any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without limitation on the scope of paragraph (1), the undertaker may use any street temporarily stopped up or restricted under the powers conferred by this article, and which is within the Order limits, as a temporary working site.

(3) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration, diversion or restriction of a street under this article if there would otherwise be no such access.

(4) The undertaker must not temporarily stop up, alter, divert or restrict the use of any street for which it is not the street authority without the consent of the street authority, which may attach

(a) As amended by section 22 of the 1991 Act, and by section 1 of, and Schedule to, the Infrastructure Act 2015.

reasonable conditions to any consent but such consent must not be unreasonably withheld or delayed.

(5) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

Permanent stopping up and restriction of use of streets and private means of access

16.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up each of the streets and private means of access specified in columns (1) and (2) of Parts 1, 2, 3 and 4 of Schedule 4 (permanent stopping up of highways and private means of access & provision of new highways and private means of access) to the extent specified and described in column (3) of those Parts of that Schedule.

(2) No street or private means of access specified in columns (1) and (2) of Parts 2 and 4 of Schedule 4 (being a street or private means of access to be stopped up for which a substitute is to be provided) is to be wholly or partly stopped up under this article unless—

- (a) the new street or private means of access to be constructed and substituted for it, which is specified in column (4) of those Parts of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street or private means of access to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street or private means of access until the completion and opening of the new street or private means of access in accordance with sub-paragraph (a).

(3) No street or private means of access specified in columns (1) and (2) of Parts 1 and 3 of Schedule 4 (being a street or private means of access to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street or private means of access to be stopped up.

(4) The condition referred to in paragraph (3) is that—

- (a) the undertaker is in possession of the land;
- (b) there is no right of access to the land from the street or private means of access concerned;
- (c) there is reasonably convenient access to the land otherwise than from the street or private means of access concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

(5) Where a street or private means of access has been stopped up under this article—

- (a) all rights of way over or along the street or private means of access so stopped up are extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street or private means of access as is bounded on both sides by land owned by the undertaker.

(6) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(7) This article is subject to article 36 (apparatus and rights of statutory undertakers in stopped up streets).

Access to works

17. The undertaker may, for the purposes of the authorised development, form and lay out means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

Clearways

18.—(1) From such day as the undertaker may determine, except as provided in paragraph (2), no person is to cause or permit any vehicle to wait on any part of the lengths of road described in column (2) of Part 6 (traffic regulation measures (clearways and prohibitions)) of Schedule 3 (classification of roads, etc.) where it is identified in the corresponding row of column (3) of that Part that such lengths of road are to become a clearway, except upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer.

(2) Nothing in paragraph (1) applies—

- (a) to render it unlawful to cause or permit a vehicle to wait on any part of a road, for so long as may be necessary to enable that vehicle to be used in connection with—
 - (i) the removal of any obstruction to traffic;
 - (ii) the maintenance, improvement, reconstruction or operation of the road;
 - (iii) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the road of any sewer, main pipe, conduit, wire, cable or other apparatus for the supply of gas, water, electricity or any electronic communications apparatus as defined in Schedule 3A (the Electronic Communications Code) to the Communications Act 2003(a); or
 - (iv) any building operation or demolition;
- (b) in relation to a vehicle being used—
 - (i) for police, ambulance, fire and rescue authority or traffic officer purposes;
 - (ii) in the service of a local authority, safety camera partnership or Driver and Vehicle Standards Agency in pursuance of statutory powers or duties;
 - (iii) in the service of a water or sewerage undertaker within the meaning of the Water Industry Act 1991(b); or
 - (iv) by a universal service provider for the purposes of providing a universal postal service as defined by the Postal Services Act 2000(c); or
- (c) in relation to a vehicle waiting when the person in control of it is—
 - (i) required by law to stop;
 - (ii) obliged to stop in order to avoid an accident; or
 - (iii) prevented from proceeding by circumstances outside the person's control.

(3) No person is to cause or permit any vehicle to wait on any part of the roads described in paragraph (1) for the purposes of selling, or dispensing of, goods from that vehicle, unless the goods are immediately delivered at, or taken into, premises adjacent to the land on which the vehicle stood when the goods were sold or dispensed.

(4) Paragraphs (1), (2) and (3) have effect as if made by order under the 1984 Act, and their application may be varied or revoked by an order made under that Act or any other enactment which provides for the variation or revocation of such orders.

(5) In this article, “traffic officer” means an individual designated under section 2 (designation of traffic officers) of the Traffic Management Act 2004(d).

(a) 2003 c.21. Schedule 3A was inserted by paragraph 1 of Schedule 1 to the Digital Economy Act 2017 (c.30).

(b) 1991 c.56.

(c) 2000 c.26 as amended by the Postal Services Act 2011 (c.5).

(d) 2004 c.18.

Traffic regulation

19.—(1) This article applies to roads in respect of which the undertaker is not the traffic authority.

(2) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the undertaker may, for the purposes of the authorised development—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road,
- (f) either at all times or at times, on days or during such periods as may be specified by the undertaker.

(3) The power conferred by paragraph (2) may be exercised at any time prior to the expiry of 12 months from the opening of the authorised development for public use but subject to paragraph (7) any prohibition, restriction or other provision made under paragraph (2) may have effect both before and after the expiry of that period.

(4) The undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provisions of paragraph (5).

(5) The undertaker must not exercise the powers conferred by paragraph (2) unless the undertaker has—

- (a) given not less than—
 - (i) 12 weeks' notice in writing of the undertaker's intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or
 - (ii) 4 weeks' notice in writing of the undertaker's intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily,

to the chief officer of police and to the traffic authority in whose area the road is situated; and

- (b) advertised the undertaker's intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(ii).

(6) Any prohibition, restriction or other provision made by the undertaker under paragraph (2)—

- (a) has effect as if duly made by, as the case may be—
 - (i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or
 - (ii) the local authority in whose area the road is situated, as an order under section 32 (power of local authorities to provide parking places) of the 1984 Act,

and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and

- (b) is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the Traffic Management Act 2004(a).

(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers

(a) 2004 c.18.

conferred by paragraph (2) within a period of 24 months from the opening of the authorised development.

(8) Before exercising the powers conferred by paragraph (2) the undertaker must consult such persons as the undertaker considers necessary and appropriate and must take into consideration any representations made to the undertaker by any such person.

(9) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(10) The powers conferred on the undertaker by this article with respect to any road have effect subject to any agreement entered into by the undertaker with any person with an interest in (or who undertakes activities in relation to) premises served by the road.

(11) If the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (2) the traffic authority is deemed to have granted consent.

PART 4

SUPPLEMENTAL POWERS

Discharge of water

20.—(1) Subject to paragraphs (3) and (4), the undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out, maintenance or use of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker under paragraph (1) is to be determined as if it were a dispute under section 106 (right to communicate with public sewers) of the Water Industry Act 1991(a).

(3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld.

(4) The undertaker must not make any opening into any public sewer or drain except—

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld; and
- (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(6) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to Homes England, the Environment Agency, an internal drainage board, a joint planning board, a local authority, a sewerage undertaker or an urban development corporation; and
- (b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991(b) have the same meaning as in that Act.

(a) 1991 c.56. Section 106 was amended by section 35(1) and (8) of, and Schedule 2 to, the Competition and Service (Utilities) Act 1992 (c.43), sections 36(2) and 99 of the Water Act 2003 (c.37) and paragraph 16(1) of Schedule 3 to the Flood and Water Management Act 2010 (c.29).

(b) 1991 c.57.

(7) If a person who receives an application for consent under paragraph (3) or approval under paragraph (4)(a) fails to notify the undertaker of a decision within 28 days of receiving an application, that person is deemed to have granted consent or given approval, as the case may be.

Protective works to buildings

21.—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building which may be affected by the authorised development as the undertaker considers necessary or expedient.

(2) Protective works may be carried out—

- (a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised development; or
- (b) after the completion of that part of the authorised development in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised development is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may (subject to paragraph (5)) enter and survey any building falling within paragraph (1) and any land within its curtilage.

(4) For the purpose of carrying out protective works to a building under this article the undertaker may (subject to paragraphs (5) and (6))—

- (a) enter the building and any land within its curtilage; and
- (b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to a building;
- (b) a right under paragraph (3) to enter a building and land within its curtilage;
- (c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a right under paragraph (4)(b) to enter land,

the undertaker must, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specifying the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 47 (arbitration).

(7) The undertaker must compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.

(8) Where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised development carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised development,

the undertaker must compensate the owners and occupiers of the building for any loss or damage sustained by them.

(9) Nothing in this article relieves the undertaker from any liability to pay compensation under section 152(a) (compensation in case where no right to claim in nuisance) of the 2008 Act.

(10) Any compensation payable under paragraph (7) or (8) is to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(11) In this article “protective works” in relation to a building means—

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the carrying out, maintenance or use of the authorised development; and
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised development.

Authority to survey and investigate the land

22.—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised development and—

- (a) survey or investigate the land (including any watercourses, ground water, static water bodies or vegetation on the land);
- (b) without limitation on the scope of sub-paragraph (a), make any excavations or trial holes or boreholes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and groundwater and remove soil and water samples and discharge water samples onto the land;
- (c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land, including making any excavations or trial holes on the land for such purposes; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes or boreholes.

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days’ notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the undertaker—

- (a) must, if so required, before or after entering the land, produce written evidence of their authority to do so; and
- (b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes or boreholes.

(4) No trial holes or boreholes are to be made under this article—

- (a) in land located within the highway boundary for which the local highway authority is the highway authority, without the consent of the local highway authority; or
- (b) in a private street without the consent of the street authority,

but such consent must not be unreasonably withheld.

(5) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(6) If either the local highway authority or a street authority which receives an application for consent fails to notify the undertaker of its decision within 28 days of receiving the application for consent—

- (a) under paragraph (4)(a) in the case of the local highway authority; or

(a) As amended by S.I. 2009/1307.

- (b) under paragraph (4)(b) in the case of a street authority, that authority is deemed to have granted consent.

PART 5

POWERS OF ACQUISITION

Compulsory acquisition of land

23.—(1) The undertaker may acquire compulsorily so much of the Order land as is required to carry out or to facilitate, or is incidental to, the authorised development, or is required as replacement land.

(2) This article is subject to paragraph (2) of article 26 (compulsory acquisition of rights) and paragraph (8) of article 33 (temporary use of land for carrying out the authorised development).

Compulsory acquisition of land – incorporation of the mineral code

24. Parts 2 and 3 of Schedule 2 (minerals) to the Acquisition of Land Act 1981(a) are incorporated into this Order subject to the modifications that—

- (a) paragraph 8(3) is not incorporated;
- (b) for “the acquiring authority” substitute “the undertaker”; and
- (c) for “undertaking” substitute “authorised development”.

Time limit for exercise of authority to acquire land compulsorily

25.—(1) After the end of the period of 5 years beginning on the day on which this Order is made—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act; and
- (b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 30 (application of the 1981 Act).

(2) The authority conferred by article 33 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker from remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

Compulsory acquisition of rights

26.—(1) The undertaker may acquire such rights over the Order land or impose restrictive covenants affecting the land as may be required for any purpose for which that land may be acquired under article 23 (compulsory acquisition of land), by creating them as well as acquiring rights already in existence.

(2) In the case of the Order land specified in column (1) of Schedule 5 (land in which only new rights etc. may be acquired) the undertaker’s powers of compulsory acquisition are limited to the acquisition of such wayleaves, easements, new rights in the land or the imposition of restrictive covenants as may be required for the purpose specified in relation to that land in column (2) of that Schedule and relating to that part of the authorised development specified in column (3) of that Schedule.

(3) The power to impose restrictive covenants under paragraph (1) is exercisable only in respect of plots specified in column (1) of Schedule 5.

(a) 1981 c.67.

(4) Subject to Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as substituted by paragraph 5(8) of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants)), where the undertaker acquires a right over land or the benefit of a restrictive covenant, the undertaker is not required to acquire a greater interest in that land.

(5) Schedule 6 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant.

Public rights of way

27.—(1) The public rights of way identified in columns (1) to (3) of Parts 1 and 2 of Schedule 4 (permanent stopping up of highways and private means of access & provision of new highways and private means of access) and shown on the rights of way and access plans are to be extinguished on the date of the expiry of the notice given under paragraph (2).

(2) Prior to the extinguishment of each of the public rights of way identified in columns (1) to (3) of Parts 1 and 2 of Schedule 4 and shown on the rights of way and access plans, the undertaker must erect a site notice at each end of the rights of way to be extinguished no less than 28 days prior to the extinguishment of that right of way.

(3) The notice to be erected under paragraph (2) must include—

- (a) details of the public rights of way to be extinguished;
- (b) the date on which the extinguishment will take effect;
- (c) details of any public rights of way being provided in substitution; and
- (d) details of the places where a copy of this Order and the documents listed in Schedule 10 (documents to be certified) may be inspected.

Private rights over land

28.—(1) Subject to the provisions of this article, all private rights over land subject to compulsory acquisition under this Order are extinguished—

- (a) from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) (powers of entry) of the 1965 Act,

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights over land subject to the compulsory acquisition of rights or the imposition of restrictive covenants under this Order are extinguished in so far as their continuance would be inconsistent with the exercise of the right or burden of the restrictive covenant—

- (a) from the date of the acquisition of the right or the benefit of the restrictive covenant by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) (powers of entry) of the 1965 Act,

whichever is the earlier.

(3) Subject to the provisions of this article, all private rights over land owned by the undertaker within the Order limits which are required to be interfered with or breached for the purposes of this Order are extinguished on commencement of any activity authorised by this Order which interferes with or breaches those rights.

(4) Subject to the provisions of this article, all private rights over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(5) Any person who suffers loss by the extinguishment or suspension of any private right under this article is entitled to compensation in accordance with the terms of section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) This article does not apply in relation to any right to which section 138 (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) of the 2008 Act or article 35 (statutory undertakers) applies.

(7) Paragraphs (1) to (4) have effect subject to—

(a) any notice given by the undertaker before—

- (i) the completion of the acquisition of the land or the acquisition of the rights or the imposition of restrictive covenants over or affecting the land;
- (ii) the undertaker's appropriation of it;
- (iii) the undertaker's entry onto it; or
- (iv) the undertaker's taking temporary possession of it,

that any or all of those paragraphs do not apply to any right specified in the notice; and

(b) any agreement made at any time between the undertaker and the person in or to whom the right in question is vested or belongs.

(8) If any such agreement as is referred to in paragraph(7)(b)—

- (a) is made with a person in or to whom the right is vested or belongs; and
- (b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

(9) References in this article to private rights over land include any trust, incident, easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by virtue of a contract, agreement or undertaking having that effect.

Modification of Part 1 of the 1965 Act

29.—(1) Part 1 of the 1965 Act, as applied to this Order by section 125 (application of compulsory acquisition provisions) of the 2008 Act, is modified as follows.

(2) In section 4A(1)(a) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 4” substitute “section 118 of the Planning Act 2008 (legal challenges relating to applications for orders granting development consent), the five year period mentioned in article 25 (time limit for exercise of authority to acquire land compulsorily) of the A30 Chiverton to Carland Cross Development Consent Order 20[•]”.

(3) In section 11A(b) (powers of entry: further notice of entry)—

- (a) in subsection (1)(a), after “land” insert “under that provision”;
- (b) in subsection (2), after “land” insert “under that provision”.

(4) In section 22(2) (interests omitted from purchase), for “section 4 of this Act” substitute “article 25 of the A30 Chiverton to Carland Cross Development Consent Order 20[•]”.

(a) As inserted by section 202(1) of the Housing and Planning Act 2016 (c.22).

(b) As inserted by section 186(3) of the Housing and Planning Act 2016 (c.22).

- (5) In Schedule 2A (counter-notice requiring purchase of land not in notice to treat)—
- (a) for paragraphs 1(2) and 14(2) substitute—
- “(2) But see article 31(3) (acquisition of subsoil or airspace only) of the A30 Chiverton to Carland Cross Development Consent Order 20[•], which excludes the acquisition of subsoil or airspace only from this Schedule”; and
- (b) after paragraph 29, end insert—

“PART 4

INTERPRETATION

30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 21 (protective works to buildings), 33 (temporary use of land for carrying out the authorised development) or 34 (temporary use of land for maintaining the authorised development) of the A30 Chiverton to Carland Cross Development Consent Order 20[•].”

Application of the 1981 Act

- 30.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.
- (2) The 1981 Act, as applied by paragraph (1), has effect with the following modifications.
- (3) In section 1 (application of Act), for subsection 2 substitute—
- “(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”
- (4) In section 5 (earliest date for execution of declaration), in subsection (2), omit the words from “, and this subsection” to the end.
- (5) Omit section 5A(a) (time limit for general vesting declaration).
- (6) In section 5B(b) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A” substitute “section 118(c) (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008, the five year period mentioned in article 25 (time limit for exercise of authority to acquire land compulsorily) of the A30 Chiverton to Carland Cross Development Consent Order 20[•]”.
- (7) In section 6(d) (notices after execution of declaration), in subsection (1)(b), for “section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981” substitute “section 134(e) (notice of authorisation of compulsory acquisition) of the Planning Act 2008”.
- (8) In Schedule A1(f) (counter-notice requiring purchase of land not in general vesting declaration) for paragraph 1(2) substitute—
- “(2) But see article 31(3) (acquisition of subsoil or airspace only) of the A30 Chiverton to Carland Cross Development Consent Order 20[•], which excludes the acquisition of subsoil or airspace only from this Schedule.”
- (9) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and

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- (a) Inserted by section 182(2) of the Housing and Planning Act 2016 (c.22).
- (b) As inserted by section 202(2) of Schedule 3 to the Housing and Planning Act 2016.
- (c) As amended by paragraphs 1 and 59 of Schedule 13, and Part 20 of Schedule 25, to the Localism Act 2011 (c.20) and section 92(4) of the Criminal Justice and Courts Act 2015 (c.2).
- (d) As amended by paragraph 52(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11) and paragraph 7 of Schedule 15 to the Housing and planning Act 2016 (c.22).
- (e) As amended by section 142 of, and Part 21 of Schedule 25 to, the localism Act 2011 (c.20) and S.I. 2012/16.
- (f) As inserted by paragraph 6 of Schedule 18 to the housing and Planning Act 2016 (c.22).

as modified by article 29 (modification of Part 1 of the 1965 Act)) to the compulsory acquisition of land under this Order.

Acquisition of subsoil or airspace only

31.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of or the airspace over the land referred to in paragraph (1) of article 23 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where the undertaker acquires any part of, or rights in, the subsoil of or the airspace over the land referred to in paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.

(3) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil or airspace only—

- (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act;
- (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and
- (c) Section 153(4A) (blighted land: proposed acquisition of part interest; material detriment test) of the 1990 Act.

(4) Paragraphs (2) and (3) are to be disregarded where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory or airspace above a house, building or manufactory.

Rights under or over streets

32.—(1) The undertaker may enter on and appropriate so much of the subsoil of, or airspace over, any street within the Order limits as may be required for the purposes of the authorised development and may use the subsoil or airspace for those purposes or any other purpose ancillary to the authorised development.

(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

(3) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation is not payable under paragraph (4) to any person who is a statutory undertaker to whom section 85 (sharing of cost of necessary measures) of the 1991 Act applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary use of land for carrying out the authorised development

33.—(1) The undertaker may, in connection with the carrying out of the authorised development, but subject to article 25(2) (time limit for exercise of authority to acquire land compulsorily)—

- (a) enter on and take temporary possession of—
 - (i) the land specified in columns (1) and (2) of Schedule 7 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column

(3) of that Schedule relating to the part of the authorised development specified in column (4) of that Schedule; and

(ii) any other Order land in respect of which no notice of entry has been served under section 11(a) (powers of entry) of the 1965 Act and no declaration has been made under section 4 (execution of declaration) of the 1981 Act (other than in connection with the acquisition of rights only);

- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
- (d) construct any permanent works specified in relation to that land in column (3) of Schedule 7 (land of which temporary possession may be taken), or any other mitigation works in connection with the authorised development.

(2) Not less than 28 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken in respect of land specified under paragraph (1)(a)(ii).

(3) The undertaker must not, without the agreement of the owners of the land, remain in possession of any land under this article—

- (a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (4) of Schedule 7 (land of which temporary possession may be taken); or
- (b) in the case of any land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker is not required to—

- (a) replace a building removed under this article;
- (b) restore the land on which any permanent works (including ground strengthening works) have been constructed under paragraph (1)(d); or
- (c) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development.

(5) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(7) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).

(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 to be precluded from—

- (a) acquiring new rights 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

(a) Section 11 was amended by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No.1) and S.I. 2009/1307.

(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).

(9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(10) Section 13(a) (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

(11) Paragraph (1)(a)(ii) does not authorise the undertaker to take temporary possession of any land which the undertaker is not authorised to acquire under article 23 (compulsory acquisition of land) or article 26 (compulsory acquisition of rights).

Temporary use of land for maintaining the authorised development

34.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised development, the undertaker may—

- (a) enter upon and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development;
- (b) enter on any land within the Order limits for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised development; and
- (c) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land explaining the purpose for which entry is to be taken.

(4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(8) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).

(9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(10) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory

(a) Section 13 was amended by sections 62(3) and 139 of, and paragraphs 27 and 28 of Schedule 13, and part 3 of Schedule 23, to, the Tribunals, Courts and Enforcement Act 2007 (c.15).

acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

(11) In this article “the maintenance period”, in relation to any part of the authorised development, means the period of 5 years beginning with the date on which that part of the authorised development is first opened for use.

Statutory undertakers

35.—(1) Subject to the provisions of article 26(3) (compulsory acquisition of rights), Schedule 9 (protective provisions) and paragraph (2), the undertaker may—

- (a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, any Order land belonging to statutory undertakers; and
- (b) extinguish the rights of, or remove or reposition the apparatus belonging to, statutory undertakers over or within the Order land.

(2) Paragraph (1)(b) has no effect in relation to apparatus in respect of which the following provisions apply—

- (a) Part 3 (street works in England and Wales) of the 1991 Act; and
- (b) article 36 (apparatus and rights of statutory undertakers in stopped up streets).

Apparatus and rights of statutory undertakers in stopped up streets

36.—(1) Where a street is stopped up under article 16 (permanent stopping up and restriction of use of streets and private means of access), any statutory utility whose apparatus is under, in, on, along or across the street has the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

(2) Where a street is stopped up under article 16 any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker must—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such position as described in sub-paragraph (a).

(3) Subject to the following provisions of this article, the undertaker must pay to any statutory utility an amount equal to the cost reasonably incurred by the utility in or in connection with—

- (a) the execution of the relocation works required in consequence of the stopping up of the street; and
- (b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

(4) If in the course of the execution of relocation works under paragraph (2)—

- (a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which, apart from this paragraph, would be payable to the statutory utility by virtue of paragraph (3) is to be reduced by the amount of that excess.

(5) For the purposes of paragraph (4)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(6) An amount which, apart from this paragraph, would be payable to a statutory utility in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(7) Paragraphs (3) to (6) do not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by the undertaker and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this article—

“relocation works” means work executed, or apparatus provided, under paragraph (2); and

“statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003(a).

Recovery of costs of new connections

37.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 35 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under article 35, any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) This article does not have effect in relation to apparatus to which article 36 (apparatus and rights of statutory undertakers in stopped up streets) or Part 3 of the 1991 Act applies.

(4) In this paragraph—

“public communications provider” has the same meaning as in section 151(1) (interpretation of Chapter 1) of the Communications Act 2003; and

“public utility undertaker” means a gas, water, electricity or sewerage undertaker.

(a) 2003 c.21.

Special category land

38.—(1) The special category land is not to vest in the undertaker until the undertaker has acquired the replacement land and the Secretary of State (in consultation with the relevant planning authority) has certified that a satisfactory scheme for the provision of the replacement land as open space and a satisfactory timetable for the implementation of the scheme has been received from the undertaker.

(2) On the requirements of paragraph (1) being satisfied, the special category land is to vest in the undertaker and be discharged from all rights, trusts and incidents to which it was previously subject.

(3) On the date on which the replacement land is laid out and provided in accordance with the scheme requirements at paragraph (1), the replacement land is to vest in the person(s) in whom the special category land was vested immediately before it was vested in the undertaker and is to be subject to the same rights, trusts and incidents as attached to the special category land.

(4) In this article—

“the special category land” means the land numbered 9/3 and 9/3a in the book of reference and on the land plans and forming part of open space which may be acquired compulsorily under this Order;

“the replacement land” means the land identified as such and numbered 9/4h in the book of reference and on the land plans.

PART 6

OPERATIONS

Felling or lopping of trees and removal of hedgerows

39.—(1) The undertaker may fell or lop any tree or shrub, or cut back its roots, within or overhanging land within the Order limits if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) from constituting a danger to persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must—

- (a) do no unnecessary damage to any tree or shrub;
- (b) pay compensation to any person for any loss or damage arising from such activity; and
- (c) take steps to avoid a breach of the provisions of the Wildlife and Countryside Act 1981^(a) and the Conservation of Habitats and Species Regulations 2017^(b) or any successor acts and regulations.

(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined under Part 1 of the 1961 Act.

(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraphs (2) and (5), remove any hedgerow within the Order limits that is required to be removed.

(5) In exercising its powers under paragraph (4) the undertaker may remove any hedgerow that is identified for removal on the trees and hedgerows to be removed or managed plans. It may remove any other hedgerow within the Order limits only where it is demonstrated by the

^(a) 1981 c.69.

^(b) S.I. 2017/1012

undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority, certifies accordingly that the removal of the hedgerow would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.

(6) In this article "hedgerow" has the same meaning as in the Hedgerows Regulations 1997(a) and includes important hedgerows and Cornish hedgerows.

Trees subject to tree preservation orders

40.—(1) The undertaker may fell or lop any tree described in Schedule 8 (trees subject to tree preservation orders), cut back its roots or undertake such other works described in column (2) of that Schedule relating to the relevant part of the authorised development described in column (3) of that Schedule, if the undertaker reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) from constituting a danger to persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1)—

- (a) the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity;
- (b) the duty contained in section 206(1) (replacement of trees) of the 1990 Act is not to apply although where possible the undertaker is to seek to replace any trees which are removed; and
- (c) the undertaker must consult the relevant planning authority prior to that activity taking place.

(3) The authority given in paragraph (1) constitutes a deemed consent under the relevant tree preservation order.

(4) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

PART 7

MISCELLANEOUS AND GENERAL

Application of landlord and tenant law

41.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.

(a) S.I. 1997/1160.

(3) No such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Operational land for purposes of the 1990 Act

42. Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is to be treated as operational land for the purposes of that Act) of the 1990 Act.

Defence to proceedings in respect of statutory nuisance

43.—(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraph (fb), (g) or (ga) of section 79(1) (statutory nuisances and inspections therefor) of that Act no order is to be made, and no fine may be imposed, under section 82(2) of that Act if—

- (a) the defendant shows that the nuisance—
 - (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites), of the Control of Pollution Act 1974(b); or
 - (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or
 - (iii) is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

Protective provisions

44. Schedule 9 (protective provisions) has effect.

Certification of plans etc.

45.—(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of each of the plans and documents set out in Schedule 10 (documents to be certified) for certification that they are true copies of the plans and documents referred to in this Order.

(a) 1990 c.43.

(b) 1974 c.40.

(2) A plan or document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Service of notices

46.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post;
- (b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or
- (c) with the consent of the recipient and subject to paragraphs (5) to (8) by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978^(a) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement is to be taken to be fulfilled only where—

- (a) the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission;
- (b) the notice or document is capable of being accessed by the recipient;
- (c) the notice or document is legible in all material respects; and
- (d) the notice or document is in a form sufficiently permanent to be used for subsequent reference.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic communication given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and

(a) 1978 c.30.

(b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

(10) In this article “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served, given or supplied by means of a notice or document in printed form.

Arbitration

47. Except where otherwise expressly provided for in this Order and unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

Appeals relating to the Control of Pollution Act 1974

48.—(1) The undertaker may appeal in the event that a local authority issues a notice under section 60 (control of noise on construction sites), or does not give consent or grants consent but subject to conditions, under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974.

(2) The appeal process is as follows—

- (a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision, or the date by which a decision was due to be made, as the case may be;
- (b) the undertaker must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the local authority and affix a notice to a conspicuous object on or near the site of the works which are the subject of such appeal, which must give details of the decision of the local authority and notice that an appeal has been made together with the address within the locality where the appeal documents may be inspected and details of the manner in which representations on the appeal may be made;
- (c) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to consider the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person, a start date and the address to which all correspondence for their attention should be sent;
- (d) the local authority must submit their written representations to the appointed person in respect of the appeal within 10 business days of the start date and must ensure that copies of their written representations and any other representations as sent to the appointed person are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
- (e) the appeal parties must make any counter-submissions to the appointed person within 10 business days of receipt of written representations under sub-paragraph (d); and
- (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.

(3) The appointment of the person under sub-paragraph (2)(c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(4) In the event that the appointed person considers that further information is necessary to enable the appointed person to consider the appeal, the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.

(5) Any further information required under sub-paragraph (4) must be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person. The appointed person must notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal must require submission of written representations to the appointed person within 10 business days of the agreed date but must otherwise be in accordance with the process and time limits set out in sub-paragraphs (2)(c) to (e).

(6) On an appeal under this paragraph, the appointed person may—

- (a) allow or dismiss the appeal; or
- (b) reverse or vary any part of the decision of the local authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to the appointed person in the first instance.

(7) The appointed person may proceed to a decision on an appeal taking into account such written representations as have been sent within the relevant time limits and in the sole discretion of the appointed person such written representations as have been sent outside the relevant time limits.

(8) The appointed person may proceed to a decision even though no written representations have been made within the relevant time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

(9) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(10) Except where a direction is given under sub-paragraph (11) requiring some or all of the costs of the appointed person to be paid by the local authority, the reasonable costs of the appointed person must be met by the undertaker.

(11) The appointed person may give directions as to the costs of the appeal and as to the parties by whom such costs are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the relevant Planning Practice Guidance published by the Department for Communities and Local Government or such guidance as may from time to time replace it.

Signed by authority of the Secretary of State for Transport

Date

Name
Title
Department

SCHEDULES

SCHEDULE 1

Articles 2, 5 and 6

AUTHORISED DEVELOPMENT

In the administrative area of Cornwall Council

The authorised development is a nationally significant infrastructure project as defined in sections 14 and 22 of the 2008 Act^(a) and associated development within the meaning of section 115(2) of the 2008 Act, comprising—

Work No. 1 – the construction of a new A30 dual carriageway road approximately 14 kilometres in length between a point 985 metres to the west of Work No. 3 and a point 956 metres to the east of Work No. 5. To include—

- (a) the construction of drainage attenuation pond no. 1 with associated drainage facilities, access and landscaping at the location shown on sheet 1 of the works plans;
- (b) the construction of drainage attenuation pond no. 2 with associated drainage facilities, access and landscaping at the location shown on sheet 1 of the works plans;
- (c) the construction of drainage attenuation pond no. 4 with associated drainage facilities, access and landscaping at the location shown on sheets 1 and 2 of the works plans;
- (d) the construction of drainage attenuation pond no. 6 with associated drainage facilities, access and landscaping at the location shown on sheet 3 of the works plans;
- (e) the construction of drainage attenuation pond no. 9 with associated drainage facilities, access and landscaping at the location shown on sheet 4 of the works plans;
- (f) the construction of drainage attenuation pond no. 10 with associated drainage facilities, access and landscaping at the location shown on sheet 4 of the works plans;
- (g) the construction of drainage attenuation pond no. 12 with associated drainage facilities, access and landscaping at the location shown on sheet 5 of the works plans;
- (h) the construction of drainage attenuation pond no. 14 with associated drainage facilities, access and landscaping at the location shown on sheet 6 of the works plans;
- (i) the construction of drainage attenuation pond no. 16 with associated drainage facilities, access and landscaping at the location shown on sheet 7 of the works plans;
- (j) the construction of drainage attenuation pond no. 18 with associated drainage facilities, access and landscaping at the location shown on sheet 8 of the works plans;
- (k) the construction of drainage attenuation pond no. 19 with associated drainage facilities, access and landscaping at the location shown on sheet 8 of the works plans;
- (l) the construction of drainage attenuation pond no. 20 with associated drainage facilities, access and landscaping at the location shown on sheet 8 of the works plans;
- (m) the construction of a green bridge over the main carriageway of the new A30 and the existing A30 at Marazanvose and associated construction compound no. 4 of approximately 12149 square metres at the location shown on sheet 4 of the works plans, to include provision for a new bridleway (PR7) to connect U6082 and C0178 and a new footpath (PR8) to connect the bridleway (PR7) to FP319/16/1;
- (n) the demolition of Marazan Farm House and associated outbuildings at the location shown on sheet 4 of the works plans;

(a) Section 22 was substituted by article 3 of S.I.2013/1883.

- (o) the demolition of the barn at Nancarrow Farm at the location shown on sheet 4 of the works plans;
- (p) the demolition of the buildings at Hill View Farm at the location shown on sheet 3 of the works plans;
- (q) the construction of approximately 40 metres of reinforced earth slope around the pylon to the north of the new A30 dual carriageway at Nancarrow Farm at the location shown on sheet 5 of the works plans;
- (r) the construction of approximately 10 metres of reinforced earth slope at the location shown on sheet 8 of the works plans;
- (s) the construction of a walking, cycling, horse riding, multispecies underbridge under the main carriageway of the new A30 at Church Lane at the location shown on sheet 5 of the works plans;
- (t) the construction of a walking, cycling, horse riding, multispecies underbridge under the main carriageway of the new A30 at Newlyn Downs at the location shown on sheet 8 of the works plans;
- (u) the construction of four public laybys on the eastbound carriageway of the new A30 and five public laybys on the westbound carriageway of the new A30 at the locations shown on sheets 2 to 7 of the works plans;
- (v) the construction of thirteen private laybys for maintenance use on the eastbound carriageway of the new A30 and fifteen private laybys for maintenance use on the westbound carriageway of the new A30 at the locations shown on sheets 1 to 8 of the works plans;
- (w) the construction of six emergency access points onto the new A30 at the locations shown on sheets 4 to 6 of the works plans;
- (x) construction compound no. 1 of approximately 15639 square metres at the location shown on sheet 1 of the works plans;
- (y) construction compound no. 3 of approximately 44244 square metres at the location shown on sheet 4 of the works plans;
- (z) construction compound no. 5 of approximately 35801 square metres at the location shown on sheet 5 of the works plans;
- (aa) construction compound no. 9 of approximately 51849 square metres at the location shown on sheet 8 of the works plans;
- (bb) the construction of drainage culverts at the locations shown on sheets 2 to 6 and 8 of the works plans;
- (cc) the construction of wildlife crossings at the locations shown on sheets 1 to 8 of the works plans;
- (dd) the construction of a walking, cycling and horse riding underbridge under the main carriageway and slip roads at Chiverton Cross at the location shown on sheet 1 of the works plans;
- (ee) the construction of a stabilised earthworks slope adjacent to the quarry pond at the location shown on sheet 7 of the works plans;
- (ff) works to cap mineshafts at the locations shown on sheets 6 and 7 of the works plans.

Work No. 2 – the re-alignment of the existing A30. To include—

- (a) the re-alignment of the existing A30 from point C on sheet 2 of the works plans to point D on sheet 3 of the works plans;
- (b) the re-alignment of the existing A30 from point G on sheet 4 of the works plans to point H on sheet 5 of the works plans;
- (c) the closure of approximately 380 metres of the unnamed road C0089 at the location shown on sheet 5 of the works plans;

- (d) the construction of drainage attenuation pond no. 5 with associated drainage facilities, access and landscaping at the location shown on sheet 3 of the works plans;
- (e) the construction of drainage attenuation pond no. 11 with associated drainage facilities, access and landscaping at the location shown on sheet 5 of the works plans;
- (f) the construction of a new private means of access to field south of the re-aligned A30;
- (g) the construction of a new private means of access to field south of the re-aligned A30;
- (h) the construction of a new private means of access to a telecommunications mast to the north of the re-aligned A30;
- (i) the construction of a new private means of access to Bracken Woods;
- (j) the construction of a new private means of access to Chyverton Park and Chyverton Lodge.

Work No. 3 – the construction of a new grade separated junction at Chiverton shown on sheets 1 and 2 of the works plans. To include—

- (a) the construction of a new eastbound off-slip from the main carriageway of the new A30, approximately 615 metres in length;
- (b) the construction of a new eastbound on-slip to the main carriageway of the new A30, approximately 399 metres in length;
- (c) the construction of a new westbound off-slip from the main carriageway of the new A30, approximately 513 metres in length;
- (d) the construction of a new westbound on-slip to the main carriageway of the new A30, approximately 475 metres in length;
- (e) the construction of two new overbridges over the junction circulatory carriageway of the new A30;
- (f) the re-alignment of approximately 851 metres of the B3277 to include provision for non-motorised users;
- (g) the partial closure and re-alignment of approximately 767 metres of the A3075 north of the new A30, to include provision for non-motorised users;
- (h) the re-alignment of the existing A30 between points A and B on sheet 1 of the works plans, to include provision for non-motorised users;
- (i) the re-alignment of approximately 1078 metres of the A390 to include provision for non-motorised users;
- (j) the re-alignment of approximately 95 metres of the unclassified road U6072 to include provision for non-motorised users;
- (k) the re-alignment of approximately 45 metres of the unnamed road C0005 to include provision for non-motorised users;
- (l) the closure and demolition of the existing A30 Chiverton Cross Roundabout;
- (m) the construction of drainage attenuation pond no. 3 with associated drainage facilities, access and landscaping;
- (n) the construction of a public rest area on the realigned B3277;
- (o) the construction of a walking, cycling and horse riding link to the north and south of the junction circulatory carriageway of the new A30;
- (p) the construction of an unclassified road to access Trevisson Park;
- (q) the construction of a new private means of access to Silversprings;
- (r) the construction of a new private means of access to Three Burrows;
- (s) the construction of a new private means of access to field west of the A3075;
- (t) the construction of a new private means of access to field east of the A3075.

Work No. 4 – the construction of a new grade separated dumbbell junction at Chybucca. To include—

- (a) a new roundabout north of the main carriageway of the new A30 with overrun area through the central island for Carland Cross windfarm at the location shown on sheet 3 of the works plans;
- (b) a new roundabout south of the main carriageway of the new A30 at the location shown on sheet 3 of the works plans;
- (c) a new overbridge over the main carriageway of the new A30 at the location shown on sheet 3 of the works plans;
- (d) the construction of a new eastbound off-slip from the main carriageway of the new A30, approximately 486 metres in length, at the location shown on sheet 3 of the works plans;
- (e) the construction of a new westbound on-slip to the main carriageway of the new A30, approximately 374 metres in length, at the location shown on sheet 3 of the works plans;
- (f) the construction of drainage attenuation pond no. 7 with associated drainage facilities, access and landscaping at the location shown on sheet 3 of the works plans;
- (g) the re-alignment of approximately 852 metres of the B3284 to join Work No. 4(a), to include provision for walking, cycling and horse riding, at the location shown on sheet 3 of the works plans;
- (h) the re-alignment of approximately 147 metres of the B3284 to join Work No. 4(b), to include provision for walking, cycling and horse riding, at the location shown on sheet 3 of the works plans;
- (i) the re-alignment of the existing A30 between points E and F on sheets 3 and 4 of the works plans, to include provision for walking, cycling and horse riding;
- (j) the re-alignment of the existing A30 between points D and E on sheet 3 of the works plans, to include provision for non-motorised users;
- (k) the construction of a new private means of access to Creegmeor Farm north of the B3284 and a new bridleway (PR4) to connect BR314/64/1 and BR314/65/1;
- (l) the construction of a new private means of access to the south of the new grade separated junction from the re-aligned B3284.

Work No. 5 – the construction of a new grade separated junction at Carland Cross at the location shown on sheets 7 and 8 of the works plans. To include—

- (a) a new roundabout north of the main carriageway of the new A30 including track for overrun area;
- (b) the re-configuration of the existing Carland Cross roundabout south of the main carriageway of the new A30;
- (c) two new overbridges over the junction connector road carriageway of the new A30;
- (d) the construction of a new westbound on-slip to the main carriageway of the new A30, approximately 332 metres in length;
- (e) the construction of a new westbound off-slip from the main carriageway of the new A30, approximately 611 metres in length;
- (f) the re-alignment of the existing A30 between points I and J;
- (g) the reconfiguration of the existing access to the Carland Cross Windfarm and the construction of new access tracks;
- (h) the construction of a new eastbound on-slip to the main carriageway of the new A30, approximately 334 metres in length;
- (i) the construction of a new eastbound off-slip from the main carriageway of the new A30, approximately 569 metres in length;
- (j) the closure and demolition of approximately 489 metres of the existing A30 between points K and L;

- (k) the construction of drainage attenuation pond no. 17 with associated drainage facilities, access and landscaping;
- (l) the construction of a track for walking, cycling and horse riding including equine refuges connecting the southern roundabout at Carland Cross with the underbridge at Work No. 1(t);
- (m) the diversion of the cables serving Carland Cross Wind Farm;
- (n) the construction of a private means of access to Treventon Farm;
- (o) the construction of a track for walking, cycling and horse riding from the southern roundabout at Carland Cross to Mitchell;
- (p) the construction of a new private means of access to Newlyn Downs / Trewithen Estate;
- (q) a new footpath (PR16) linking to open access land and Roundbarrow viewing area.

Work No. 6 – works to Allet Road for access across the new A30 at Tresawsen at the location shown on sheet 4 of the works plans. To include—

- (a) the construction of an underbridge under the main carriageway of the new A30;
- (b) the re-alignment of approximately 338 metres of the Allet Road;
- (c) the conversion of approximately 306 metres of the Allet Road to an emergency access track;
- (d) the construction of drainage attenuation pond no. 8 with associated drainage facilities, access and landscaping;
- (e) construction compound no. 2 of approximately 12675 square metres, at the location shown on sheets 3 and 4 of the works plans;
- (f) the construction of a new private means of access to the south of the existing A30(T);
- (g) the construction of a new private means of access to Nanteague Farm;
- (h) the construction of a new private means of access to Nanteague Solar Farm;
- (i) the demolition of an existing telecommunications mast and the construction of a new telecommunications mast;
- (j) the construction of a new private means of access to a telecommunications mast.

Work No. 7 – the stopping up of the public highway U6082 at Marazanvose. To include—

- (a) the construction of a turning head;
- (b) the construction of a new private means of access to Nancarrow Farm.

Work No. 8 – the retention and continued use of the Two Barrows underbridge at the location shown on sheet 5 of the works plans. To include—

- (a) the retention and continued use of the access under the existing A30 for Shortlanesend Road;
- (b) the construction of a new road to connect the realigned existing A30 with the unnamed road C0364;
- (c) the stopping up of unnamed road C0089 to the existing A30 and retention for access only to St Freda Nursery.

Work No. 9 – the demolition and replacement of the existing bridge at Tolgroggan Farm at the location shown on sheet 5 of the works plans. To include—

- (a) the construction of a new overbridge over the main carriageway of the new A30 and the realigned A30;
- (b) construction compound no. 6 of approximately 3352 square metres;
- (c) the construction of a new private means of access to Tolgroggan Farm;
- (d) the construction of a new bridleway and new private means of access to fields;

- (e) the construction of a new bridleway and new private means of access to Tolgroggan Farm.

Work No. 10 – the construction of an underbridge under the main carriageway of the new A30 and the existing A30 at the location shown on sheet 6 of the works plans. To include—

- (a) the re-alignment of approximately 247 metres of Henver Lane;
- (b) works to the junction with Zelah and the existing A30;
- (c) the construction of drainage attenuation pond no. 13 with associated drainage facilities, access and landscaping;
- (d) construction compound no. 7 of approximately 5160 square metres;
- (e) the construction of a new private means of access to Trevalso Farm.

Work No. 11 – the construction of an underbridge at Pennycomequick at the location shown on sheet 6 of the works plans. To include—

- (a) the re-alignment of approximately 382 metres of the unnamed road C0075;
- (b) the conversion of approximately 118 metres of the existing unnamed road C0075 to an emergency access point;
- (c) the construction of drainage attenuation pond no. 15 with associated drainage facilities, access and landscaping;
- (d) construction compound no. 8 of approximately 9689 square metres;
- (e) the construction of a new private means of access to Pennycomequick;
- (f) the construction of a new private means of access to field to the south of the A30(T);
- (g) the construction of a new private means of access to field south of Pennycomequick;
- (h) the construction of a new private means of access to field east of Pennycomequick.

Work No. 12 – the closure of the junction at unclassified road U6093 where it meets the existing A30 and the re-alignment of approximately 128 metres of unclassified road U6093 at the location shown on sheet 7 of the works plans;

Work No. 13 – the diversion of 1646 metres of telecoms equipment at the location shown on sheets 1 and 2 of the works plans.

Work No. 14 – the diversion of 587 metres of water pipeline at the location shown on sheet 1 of the works plans.

Work No. 15 – the diversion of 375 metres of power cables at the location shown on sheet 1 of the works plans.

Work No. 16 – the diversion of 319 metres of water pipeline at the location shown on sheet 1 of the works plans.

Work No. 17 – the diversion of 560 metres of telecoms equipment at the location shown on sheets 1 and 2 of the works plans.

Work No. 18 – the diversion of 113 metres of telecoms equipment at the location shown on sheet 2 of the works plans.

Work No. 19 – the diversion of 812 metres of power cables at the location shown on sheet 2 of the works plans.

Work No. 20 – the diversion of 60 metres of power cables at the location shown on sheet 2 of the works plans.

Work No. 21 – the diversion of 223 metres of telecoms equipment at the location shown on sheet 3 of the works plans.

Work No. 22 – the diversion of 1468 metres of gas pipeline at the location shown on sheets 3 and 4 of the works plans.

Work No. 23 – the diversion of 330 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 24 – the diversion of 133 metres of power cables at the location shown on sheet 4 of the works plans.

Work No. 25 – the diversion of 507 metres of water pipeline at the location shown on sheet 4 of the works plans.

Work No. 26 – the diversion of 68 metres of power cables at the location shown on sheet 4 of the works plans.

Work No. 27 – the diversion of 89 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 28 – the diversion of 136 metres of power cables at the location shown on sheet 4 of the works plans.

Work No. 29 – the diversion of 99 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 30 – the diversion of 203 metres of telecoms equipment at the location shown on sheets 4 and 5 of the works plans.

Work No. 31 – the diversion of 504 metres of water pipeline at the location shown on sheet 5 of the works plans.

Work No. 32 – the diversion of 91 metres of power cables at the location shown on sheet 5 of the works plans.

Work No. 33 – the diversion of 525 metres of telecoms equipment at the location shown on sheet 5 of the works plans.

Work No. 34 – the diversion of 65 metres of telecoms equipment at the location shown on sheet 5 of the works plans.

Work No. 35 – the diversion of 79 metres of telecoms equipment at the location shown on sheet 5 of the works plans.

Work No. 36 – the diversion of 908 metres of water pipeline at the location shown on sheets 5 and 6 of the works plans.

Work No. 37 – the diversion of 159 metres of power cables at the location shown on sheet 6 of the works plans.

Work No. 38 – the diversion of 227 metres of telecoms equipment at the location shown on sheet 6 of the works plans.

Work No. 39 – the diversion of 87 metres of telecoms equipment at the location shown on sheet 6 of the works plans.

Work No. 40 – the relocation of an electricity pole at the location shown on sheet 6 of the works plans.

Work No. 41 – the diversion of 323 metres of telecoms equipment at the location shown on sheet 6 of the works plans.

Work No. 42 – the diversion of 100 metres of power cables at the location shown on sheet 6 of the works plans.

Work No. 43 – the diversion of 146 metres of power cables at the location shown on sheet 7 of the works plans.

Work No. 44 – the diversion of 1016 metres of telecoms equipment at the location shown on sheet 8 of the works plans.

Work No. 45 – the diversion of 850 metres of gas pipeline at the location shown on sheet 8 of the works plans.

Work No. 46 – the diversion of 443 metres of water pipeline at the location shown on sheet 8 of the works plans.

Work No. 47 – the diversion of 483 metres of telecoms equipment at the location shown on sheet 8 of the works plans.

Work No. 48 – the diversion of 165 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 49 – the diversion of 215 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 50 – the diversion of 103 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 51 – the diversion of 61 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 52 – the diversion of 23 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 53 – the diversion of 19 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 54 – the diversion of 210 metres of telecoms equipment at the location shown on sheet 2 of the works plans.

Work No. 55 – the diversion of 653 metres of telecoms equipment at the location shown on sheet 3 of the works plans.

Work No. 56 – the diversion of 17 metres of telecoms equipment at the location shown on sheet 3 of the works plans.

Work No. 57 – the diversion of 300 metres of power cables at the location shown on sheet 3 of the works plans.

Work No. 58 – the diversion of 422 metres of telecoms equipment at the location shown on sheet 3 of the works plans.

Work No. 59 – the diversion of 47 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 60 – the diversion of 11 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 61 – the diversion of 11 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 62 – the diversion of 58 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 63 – the diversion of 62 metres of power cables at the location shown on sheet 4 of the works plans.

Work No. 64 – the diversion of 48 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 65 – the diversion of 71 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 66 – the diversion of 158 metres of water pipeline at the location shown on sheet 5 of the works plans.

Work No. 67 – the diversion of 1331 metres of telecoms equipment at the location shown on sheets 4 and 5 of the works plans.

Work No. 68 – the diversion of 274 metres of telecoms equipment at the location shown on sheet 6 of the works plans.

Work No. 69 – the diversion of 368 metres of telecoms equipment at the location shown on sheet 6 of the works plans.

Work No. 70 – the diversion of 105 metres of power cables at the location shown on sheet 7 of the works plans.

Work No. 71 – the diversion of 160 metres of telecoms equipment at the location shown on sheet 7 of the works plans.

Work No. 72 – the diversion of 131 metres of telecoms equipment at the location shown on sheet 8 of the works plans.

Work No. 73 – the diversion of 26 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 74 – the demolition of an abandoned oil pipeline at the location shown on sheet 7 of the works plans.

Work No. 75 – carriageway widening at the location shown on sheet 4 of the works plans.

Work No. 76 – the construction of a new private means of access to Trevalso Farm.

In connection with the construction of any of those works, further development within the Order limits consisting of—

- (a) works required for the strengthening, improvement, maintenance or reconstruction of any street;
- (b) the strengthening, alteration or demolition of any structure;
- (c) ramps, means of access including private means of access, public rights of way and crossing facilities;
- (d) embankments, abutments, shafts, foundations, retaining walls, barriers, parapets, drainage, outfalls, ditches, wing walls, highway lighting, fencing and culverts;
- (e) works to place, alter, remove or maintain street furniture or apparatus in a street, or apparatus in other land, including mains, sewers, drains, pipes, cables and ducts;
- (f) works to alter the course of or otherwise interfere with a watercourse, including private water supplies;
- (g) landscaping, noise bunds and barriers, works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (h) works for the benefit or protection of land affected by the authorised development;
- (i) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing structures); earthworks (including soil stripping and storage, site levelling); remediation of contamination;
- (j) the felling of trees;

- (k) working sites, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction-related buildings, temporary worker accommodation facilities, welfare facilities, construction lighting, haulage roads and other buildings, machinery, apparatus, works and conveniences; and
- (l) the provision of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development.

SCHEDULE 2 REQUIREMENTS

Article 5

PART 1 REQUIREMENTS

Interpretation

1. In this Schedule—

“CEMP” means the construction environmental management plan;

“contaminated land” has the same meaning as that given in section 78A of the Environmental Protection Act 1990;

“County Archaeologist” means the individual nominated or appointed as such by the relevant planning authority;

“Ecological Clerk of Works” means the individual appointed as such by the undertaker;

“HEMP” means the handover environmental management plan, being the CEMP to be developed towards the end of the construction of the authorised development which is to contain—

- (a) the environmental information needed for the future maintenance and operation of the authorised development;
- (b) the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development; and
- (c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies.

“protected species” means species which are subject to protection under the laws of England or which are European protected species.

Time limits

2. The authorised development must not commence later than the expiration of 5 years beginning with the date on which this Order comes into force.

Construction Environmental Management Plan

3.—(1) No part of the authorised development is to commence until a CEMP for that part has been prepared in consultation with the relevant planning authority and the local highway authority and submitted to and approved in writing by the Secretary of State.

(2) The CEMP must—

- (a) be substantially in accordance with the outline construction environmental management plan certified under article 45 (certification of plans etc.);
- (b) contain a record of all the sensitive environmental features that have the potential to be affected by the construction of the proposed development;
- (c) incorporate the measures referred to in the environmental statement as being incorporated in the CEMP;

- (d) require adherence to working hours of 07:30 to 19:30 on Mondays to Saturdays from 1 March to 31 October, 07:30 to 18:00 on Mondays to Saturdays from 1 November to 28 February and 08:00 to 13:00 on Sundays, except for—
 - (i) traffic management activities;
 - (ii) bridge beam lifts;
 - (iii) demolition operations requiring the full or partial temporary closure of roads;
 - (iv) surfacing works at tie-in locations;
 - (v) importation of materials during peak holiday seasons;
 - (vi) the provision of services at compounds, including CCTV and vehicle recovery;
 - (vii) any emergency works; and
 - (viii) any works for which different working hours have been agreed with parties who will or may be affected by those works and recorded in the approved CEMP, in which case the CEMP must require adherence to those working hours.

(3) The authorised development must be constructed in accordance with the approved CEMP.

(4) Upon completion of construction of the authorised development the CEMP must be converted into the HEMP. The HEMP must be submitted to the Secretary of State for approval within 28 days of the opening of the authorised development for public use.

(5) The authorised development must be operated and maintained in accordance with the HEMP approved under paragraph (4).

Details of consultation

4.—(1) With respect to any requirement which requires details to be submitted to the Secretary of State for approval under this Schedule following consultation with another party, the details submitted must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted and the undertaker's response to that consultation.

(2) At the time of submission to the Secretary of State for approval, the undertaker must provide a copy of the summary report referred to under sub-paragraph (1) to the relevant consultees referred to in the requirement in relation to which approval is being sought from the Secretary of State.

(3) The undertaker must ensure that any consultation responses are reflected in the details submitted to the Secretary of State for approval under this Schedule, but only where it is appropriate, reasonable and feasible to do so, taking into account considerations including, but not limited to, cost and engineering practicality.

(4) Where the consultation responses are not reflected in the details submitted to the Secretary of State for approval, the undertaker must state in the summary report referred to under sub-paragraph (1) the reasons why the consultation responses have not been reflected in the submitted details.

Landscaping

5.—(1) No part of the authorised development is to commence until a written landscaping scheme for that part has been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority.

(2) No part of the authorised development, including vegetation clearance, is to commence until an arboricultural walkover survey and tree survey for that part, taking due regard to the guidance in British Standard 5837:2012, have been undertaken to identify any significant constraints posed by trees.

(3) The landscaping scheme prepared under sub-paragraph (1) must be based on the environmental masterplan, the trees and hedgerows to be removed or managed plans and the results of the surveys undertaken under sub-paragraph (2).

(4) The landscaping scheme prepared under sub-paragraph (1) must include details of hard and soft landscaping works, including—

- (a) location, number, species, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) proposed finished ground levels;
- (d) hard surfacing materials;
- (e) details of existing trees to be retained, with measures for their protection during the construction period; and
- (f) implementation timetables for all landscaping works.

Implementation and maintenance of landscaping

6.—(1) All landscaping works must be carried out in accordance with the landscaping scheme approved under Requirement 5.

(2) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(3) Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted.

Fencing

7. Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with the Manual of Contract Documents for Highway Works except where any departures from that manual are agreed in writing by the Secretary of State in connection with the authorised development.

Land and groundwater contamination

8.—(1) No part of the authorised development is to commence until a contamination risk assessment in respect of controlled waters has been produced for that part which is to include details of—

- (a) any existing sources of contamination within the Order limits that may be affected by the carrying out of the authorised development;
- (b) any reasonably required protective measures to ensure that the carrying out of the authorised development does not make worse any adverse conditions or risks associated with such existing sources of contamination; and
- (c) appropriate remediation strategies and mitigation measures to address any historic contamination which is shown to be having significant, unacceptable effects on the environment within the context of the proposed works,

and the assessment has been submitted to and approved by the Secretary of State.

(2) The steps and measures that are identified as necessary for the purposes of carrying out the authorised development in the assessment referred to in sub-paragraph (1) must be implemented as part of the authorised development.

(3) In the event that contaminated material, including impacted groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, the undertaker must cease construction of the authorised development in the vicinity of that contamination and must report it immediately in writing to the Secretary of State and the relevant planning authority, and in agreement with the relevant planning authority undertake a risk assessment of the contamination, and sub-paragraphs (4) and (5) will apply.

(4) Where the undertaker determines that remediation is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be prepared submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority.

(5) Remedial measures must be carried out in accordance with the approved scheme.

Archaeology

9.—(1) No part of the authorised development is to commence until for that part a scheme for the investigation and mitigation of areas of archaeological interest, reflecting the mitigation measures included in chapter 6 of the environmental statement, with provision for sub-written schemes of investigation for each area and each phase (evaluation or detailed excavation or watching brief), has been prepared in consultation with the relevant planning authority and the local highway authority, agreed with the County Archaeologist and submitted to and approved in writing by the Secretary of State.

(2) The authorised development must be carried out in accordance with the archaeological framework strategy and sub-written schemes of investigation referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State.

(3) A programme of archaeological reporting, post excavation and publication required as part of the archaeological framework strategy and sub-written schemes of investigation referred to in sub-paragraph (1) must be agreed with the County Archaeologist and implemented within a timescale agreed with the County Archaeologist and deposited with the Historic Environment Record of the relevant planning authority within two years of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.

(4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be—

- (a) retained in situ and reported to the County Archaeologist as soon as reasonably practicable; and
- (b) subject to appropriate mitigation as set out in the archaeological framework strategy and mitigation agreed with the County Archaeologist.

(5) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (4) for a period of 14 days from the date the remains are reported to the County Archaeologist under sub-paragraph (4) unless otherwise agreed in writing by the Secretary of State.

(6) On completion of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be agreed with the County Archaeologist.

Protected species

10.—(1) In the event that any protected species which were not previously identified in the environmental statement or nesting birds are found at any time when carrying out the authorised development the undertaker must cease construction works near their location and report it immediately to the Ecological Clerk of Works.

(2) The undertaker must prepare a written scheme for the protection and mitigation measures for any protected species that were not previously identified in the environmental statement or nesting birds found when carrying out the authorised development. Where nesting birds are identified works should cease within 10 metres of the nest until birds have fledged and the nest is no longer in use.

(3) The undertaker must implement the written scheme prepared under sub-paragraph (2) immediately and construction in the area specified in the written scheme must not recommence until any necessary licences are obtained to enable mitigation measures to be implemented.

Traffic management

11.—(1) No part of the authorised development is to commence until a traffic management plan for the construction of that part of the authorised development, substantially in accordance with the draft traffic management plan at appendix 2.1 to the environmental statement, has been submitted to and approved in writing by the Secretary of State following consultation with the local highway authority.

(2) The authorised development must be constructed in accordance with the approved traffic management plan.

Detailed design

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.

Surface and foul water drainage

13.—(1) No part of the authorised development is to commence until written details of the surface and foul water drainage system for that part, reflecting the mitigation measures in chapter 13 of the environmental statement and including means of pollution control, have been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority.

(2) The drainage system must be constructed in accordance with the approved details referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority.

Highway lighting

14.—(1) No part of the authorised development is to commence until a written scheme of the proposed highway lighting to be provided for that part of the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and (in the case of proposed lighting for any highway for which the undertaker is not, or will not be following implementation of article (2), the highway authority) the local highway authority.

(2) The standard of the highway lighting to be provided by the scheme referred to in sub-paragraph (1) must either reflect the standard of the highway lighting included in the environmental statement or, where the standard of the highway lighting proposed materially differs from the standard of the highway lighting identified in the environmental statement, the undertaker must provide evidence with the written scheme submitted for approval that the standard of the highway lighting proposed would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement taking into account the lighting identified in it. The standard of the highway lighting must encompass the specification, level of provision, light spillage, intensity and brightness of the highway lighting.

(3) The authorised development must be carried out in accordance with the scheme approved under sub-paragraph (1).

(4) Nothing in this requirement restricts the lighting of the authorised development during its construction or where temporarily required for maintenance.

Approvals and amendments to approved details

15. With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved under this Schedule, the approved details are taken to include any amendments that may subsequently be approved or agreed in writing by the Secretary of State.

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

16.—(1) Where an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement (including agreement or approval in respect of part of a requirement) included in this Order, the Secretary of State must give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with—

- (a) the day immediately following that on which the application is received by the Secretary of State;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 17; or
- (c) such longer period as may be agreed between the parties.

(2) Subject to sub-paragraph (3), in the event that the Secretary of State does not determine an application within the period set out in sub-paragraph (1), the Secretary of State is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where—

- (a) an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement included in this Order;
- (b) the Secretary of State does not determine such application within the period set out in sub-paragraph (1); and
- (c) the application is accompanied by a report referred to in paragraph 4 stating that, in the view of a body required to be consulted by the undertaker under the requirement in question, the subject matter of the application is likely to give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement,

then the application is taken to have been refused by the Secretary of State at the end of that period.

Further information

17.—(1) In relation to any part of an application made under this Schedule, the Secretary of State has the right to request such further information from the undertaker as is necessary to enable the Secretary of State to consider the application.

(2) In the event that the Secretary of State considers such further information to be necessary, the Secretary of State must, within 21 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the Secretary of State does not give such notification within this 21 day period the Secretary of State is deemed to have sufficient information to

consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

(3) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 16 and in this paragraph.

(4) In this paragraph, “business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(a).

Register of requirements

18.—(1) The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the Secretary of State.

(2) The register must set out in relation to each such requirement the status of the requirement, in terms of whether any approval to be given by the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.

(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.

Anticipatory steps towards compliance with any requirement

19. If before this Order came into force the undertaker or any other person took any steps that were intended to be steps towards compliance with any provision of Part 1 of this Schedule, those steps may be taken into account for the purpose of determining compliance with that provision if they would have been valid steps for that purpose had they been taken after this Order came into force.

(a) 1971 c.80.

SCHEDULE 3

Articles 14 and 18

CLASSIFICATION OF ROADS, ETC.

PART 1

TRUNK ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Perranzabuloe, Kenwyn, St Allen, St Erme, St Newlyn East Civil Parishes	A30 (T) between point A on sheet 1 and point B on sheet 8 of the classification of roads plans, comprising 13820 metres
Perranzabuloe, Kenwyn Civil Parishes	A30 (T) between points C and D on sheet 1 of the classification of roads plans, comprising 615 metres
Perranzabuloe Civil Parish	A30 (T) between points E and F on sheet 1 of the classification of roads plans, comprising 399 metres
Perranzabuloe Civil Parish	A30 (T) between points G and H on sheet 1 of the classification of roads plans, comprising 475 metres
Perranzabuloe Civil Parish	A30 (T) between points I and J on sheet 1 of the classification of roads plans, comprising 513 metres
Kenwyn Civil Parish	A30 (T) between points K and L on sheet 3 of the classification of roads plans, comprising 486 metres
Kenwyn Civil Parish	A30 (T) between points M and N on sheet 3 of the classification of roads plans, comprising 374 metres
St Erme, St Newlyn East Civil Parishes	A30 (T) between points O and P on sheet 8 of the classification of roads plans, comprising 569 metres
St Newlyn East Civil Parish	A30 (T) between points Q and R on sheet 8 of the classification of roads plans, comprising 334 metres
St Erme Civil Parish	A30 (T) between points S and T on sheet 8 of the classification of roads plans, comprising 332 metres
St Erme, St Newlyn East Civil Parishes	A30 (T) between points U and V on sheet 8 of the classification of roads plans, comprising 611 metres

PART 2

ROADS TO BE DE-TRUNKED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Perranzabuloe Civil Parish	A30 Trunk Road between point A on sheet 1 and point B on sheet 2 of the de-trunking plans, comprising 1925 metres

Perranzabuloe, Kenwyn, St Allen Civil Parishes	A30 Trunk Road between point C on sheet 3 and point D on sheet 4 of the de-trunking plans, comprising 2368 metres
St Allen, St Erme Civil Parishes	A30 Trunk Road between point E on sheet 5 and point F on sheet 7 of the de-trunking plans, comprising 3980 metres

PART 3

CLASSIFIED ROADS

<i>(1)</i> Area	<i>(2)</i> Length of road
Perranzabuloe, Kenwyn Civil Parishes	B3277 between points 1 and 2 on sheet 1 of the classification of roads plans, comprising 851 metres
Perranzabuloe Civil Parish	A3075 between point 3 on sheet 1 and point 4 on sheet 2 of the classification of roads plans, comprising 767 metres
Perranzabuloe, Kenwyn Civil Parishes	A390 between points 5 and 6 on sheet 1 of the classification of roads plans, comprising 1078 metres
Perranzabuloe Civil Parish	A30 between points 7 and 8 on sheet 1 of the classification of roads plans, comprising 178 metres
Perranzabuloe, Kenwyn Civil Parishes	B3284 between points 9 and 10 on sheet 3 of the classification of roads plans, comprising 852 metres
Kenwyn Civil Parish	B3284 and A30 between points 11 and 12 on sheet 3 of the classification of roads plans, comprising 147 metres
Kenwyn Civil Parish	B3284 between points 13 and 14 on sheet 3 of the classification of roads plans, comprising 245 metres
Kenwyn Civil Parish	B3284 between points 15 and 16 on sheet 3 of the classification of roads plans, comprising 147 metres
Perranzabuloe Civil Parish	A30 between point 17 on sheet 4 and point 18 on sheet 5 of the classification of roads plans, comprising 1331 metres
St Allen Civil Parish	Unnamed road C0364 between points 19 and 20 on sheet 5 of the classification of roads plans, comprising 54 metres
Perranzabuloe, Kenwyn Civil Parishes	A30 and B3284 between point 21 on sheet 2 and point 22 on sheet 3 of the classification of roads plans, comprising 805 metres
St Allen Civil Parish	Henver Lane between points 23 and 24 on sheet 6 of the classification of roads plans, comprising 247 metres
St Allen Civil Parish	Unclassified road U6083 between points 25 and 26 on sheet 6 of the classification of roads plans, comprising 220 metres
St Allen Civil Parish	Unnamed road C0075 between points 27 and 28 on sheet 6 of the classification of roads

	plans, comprising 382 metres
St Erme, St Newlyn East Civil Parishes	A30 between point 29 on sheet 7 and point 30 on sheet 8 of the classification of roads plans, comprising 654 metres
St Erme, St Newlyn East Civil Parishes	A30 between points 31 and 32 on sheet 8 of the classification of roads plans, comprising 155 metres
Kenwyn Civil Parish	Allet Lane between points 35 and 36 on sheet 4 of the classification of roads plans, comprising 367 metres
Perranzabuloe Civil Parish	The new Chiverton grade separated junction at point 41 on sheet 1 of the classification of roads plans, for the whole length of the circulatory carriageway, comprising 479 metres
Perranzabuloe Civil Parish	Unnamed road C0005 between points 44 and 45 on sheet 1 of the classification of roads plans, comprising 45 metres
Kenwyn Civil Parish	The new Chybucca grade separated junction northern roundabout at point 46 on sheet 3 of the classification of roads plans, for the whole length of the circulatory carriageway, comprising 106 metres
Kenwyn Civil Parish	The new Chybucca grade separated junction southern roundabout at point 47 on sheet 3 of the classification of roads plans, for the whole length of the circulatory carriageway, comprising 106 metres
St Newlyn East Civil Parish	The new Carland Cross grade separated junction northern roundabout at point 48 on sheet 8 of the classification of roads plans, for the whole length of the circulatory carriageway, comprising 163 metres
St Erme Civil Parish	The new Carland Cross grade separated junction southern roundabout at point 49 on sheet 8 of the classification of roads plans, for the whole length of the circulatory carriageway, comprising 206 metres

PART 4

UNCLASSIFIED ROADS

<i>(1)</i> Area	<i>(2)</i> Length of road
Perranzabuloe Civil Parish	Unclassified road U6072 between points 33 and 34 on sheet 1 of the classification of roads plans, comprising 95 metres
St Allen Civil Parish	Unclassified road U6083 (Church Lane) between points 37 and 38 on sheet 5 of the classification of roads plans, comprising 76 metres
St Erme Civil Parish	Unclassified road U6093 between points 39 and 40 on sheet 7 of the classification of roads plans, comprising 140 metres
Perranzabuloe Civil Parish	Unclassified road between points 42 and 43 on

PART 5
SPEED LIMITS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Speed limit</i>
Perranzabuloe, Kenwyn, St Allen, St Erme, St Newlyn East Civil Parishes	A30 Trunk Road From point A on sheet 1 of the speed limits plans to point B on sheet 8 of the speed limits plans, for a total distance of 13820 metres	National speed limit for dual carriageways
Perranzabuloe, Kenwyn Civil Parishes	B3277 From point 1 to point 2 on sheet 1 of the speed limits plans, for a total distance of 1078 metres	National speed limit for single carriageways
Kenwyn, St Agnes Civil Parishes	A390 From point 5 to point 6 on sheet 1 of the speed limits plans, for a total distance of 1078 metres	National speed limit for single carriageways
Perranzabuloe, Kenwyn Civil Parishes	B3284 From point 9 to point 10 on sheet 3 of the speed limits plans, for a total distance of 852 metres	National speed limit for single carriageways
Kenwyn Civil Parish	B3284 and existing A30 (T) From point 11 to point 12 on sheet 3 of the speed limits plans, for a total distance of 147 metres	National speed limit for single carriageways
Kenwyn Civil Parish	Existing A30 (T) From point 13 to point 14 on sheet 3 of the speed limits plans, for a total distance of 245 metres	National speed limit for single carriageways
Kenwyn Civil Parish	B3284 From point 15 to point 16 on sheet 3 of the speed limits plans, for a total distance of 147 metres	National speed limit for single carriageways
Kenwyn Civil Parish	Existing A30 (T) From point 50 to point 51 on sheet 3 of the speed limits plans, for a total distance of 150 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	Existing A30 (T) From point 17 on sheet 4 to point 18 on sheet 5 of the speed limits plans, for a total	National speed limit for single carriageways

	distance of 1331 metres	
St Allen Civil Parish	Unnamed road C0364 From point 19 to point 20 on sheet 5 of the speed limits plans, for a total distance of 54 metres	National speed limit for single carriageways
Perranzabuloe, Kenwyn Civil Parishes	Existing A30 (T) From point 21 on sheet 2 to point 22 on sheet 3 of the speed limits plans, for a total distance of 805 metres	National speed limit for single carriageways
St Allen Civil Parish	Henver Lane From point 23 to point 24 on sheet 6 of the speed limits plans, for a total distance of 247 metres	National speed limit for single carriageways
St Allen Civil Parish	Unclassified road U6083 From point 25 to point 26 on sheet 6 of the speed limits plans, for a total distance of 220 metres	National speed limit for single carriageways
Kenwyn Civil Parish	Unnamed road C0049 From point 35 to point 36 on sheet 4 of the speed limits plans, for a total distance of 367 metres	National speed limit for single carriageways
St Allen Civil Parish	Unclassified road U6083 From point 37 to point 38 on sheet 5 of the speed limits plans, for a total distance of 76 metres	National speed limit for single carriageways
Perranzabuloe, Kenwyn Civil Parishes	A30 Trunk Road eastbound off-slip From point C to point D on sheet 1 of the speed limits plans, for a total distance of 615 metres	National speed limit for dual carriageways
Perranzabuloe Civil Parish	A30 Trunk Road eastbound on-slip From point E to point F on sheet 1 of the speed limits plans, for a total distance of 399 metres	National speed limit for dual carriageways
Perranzabuloe Civil Parish	A30 Trunk Road westbound on-slip From point G to point H on sheet 1 of the speed limits plans, for a total distance of 475 metres	National speed limit for dual carriageways
Perranzabuloe Civil Parish	A30 Trunk Road westbound off-slip From point I to point J on sheet 1 of the speed limits plans, for a total distance of 513 metres	National speed limit for dual carriageways

Perranzabuloe Civil Parish	A3075 From point 3 on sheet 1 of the speed limits plans to point 4 on sheet 2 of the speed limits plans, for a total distance of 767 metres	National speed limit for single carriageways
Perranzabuloe, Kenwyn Civil Parish	Unnamed road C0005 From point 44 to point 45 on sheet 1 of the speed limits plans, for a total distance of 45 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	New unclassified road From point 42 to point 43 on sheet 1 of the speed limits plans, for a total distance of 79 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	De-trunked existing A30 (T) From point 7 to point 8 on sheet 1 of the speed limits plans, for a total distance of 178 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	The new Chiverton grade separated junction circulatory carriageway At point 41 on sheet 1 of the speed limits plans, for a total distance of 479 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	Unclassified road U6072 From point 33 to point 34 on sheet 1 of the speed limits plans, for a total distance of 95 metres	National speed limit for single carriageways
St Allen Civil Parish	Unnamed road C0075 From point 27 to point 28 on sheet 6 of the speed limits plans, for a total distance of 382 metres	National speed limit for single carriageways
St Erme Civil Parish	Unclassified road U6093 From point 39 to point 40 on sheet 7 of the speed limits plans, for a total distance of 140 metres	National speed limit for single carriageways
St Erme and St Newlyn East Civil Parishes	Existing A30 (T) From point 29 on sheet 7 of the speed limits plans to point 30 on sheet 8 of the speed limits plans, for a total distance of 654 metres	National speed limit for single carriageways
St Erme and St Newlyn East Civil Parishes	The new Carland Cross grade separated junction From point 31 to point 32 on sheet 8 of the speed limits plans, for a total distance of 155 metres	National speed limit for single carriageways
Kenwyn Civil Parish	A30 Trunk Road eastbound	National speed limit for dual

	off-slip From point K to point L on sheet 3 of the speed limits plans, for a total distance of 486 metres	carriageways
Kenwyn Civil Parish	A30 Trunk Road westbound on-slip From point N to point M on sheet 3 of the speed limits plans, for a total distance of 374 metres	National speed limit for dual carriageways
St Erme and St Newlyn East Civil Parishes	A30 Trunk Road eastbound off-slip From point O to point P on sheet 8 of the speed limits plans, for a total distance of 569 metres	National speed limit for dual carriageways
St Erme and St Newlyn East Civil Parishes	A30 Trunk Road eastbound on-slip From point Q to point R on sheet 8 of the speed limits plans, for a total distance of 334 metres	National speed limit for dual carriageways
St Erme Civil Parish	A30 Trunk Road westbound on-slip From point S to point T on sheet 8 of the speed limits plans, for a total distance of 332 metres	National speed limit for dual carriageways
St Erme and St Newlyn East Civil Parishes	A30 Trunk Road westbound off-slip From point U to point V on sheet 8 of the speed limits plans, for a total distance of 611 metres	National speed limit for dual carriageways
Kenwyn Civil Parish	Chybucca grade separated junction northern roundabout At point 46 on sheet 3 of the speed limits plans, for a total distance of 106 metres	National speed limit for single carriageways
Kenwyn Civil Parish	Chybucca grade separated junction southern roundabout At point 47 on sheet 3 of the speed limits plans, for a total distance of 106 metres	National speed limit for single carriageways
St Newlyn East Civil Parish	Carland Cross grade separated junction northern roundabout At point 48 on sheet 8 of the speed limits plans, for a total distance of 163 metres	National speed limit for single carriageways
St Erme Civil Parish	Carland Cross grade separated junction southern roundabout At point 49 on sheet 8 of the speed limits plans, for a total distance of 206 metres	National speed limit for single carriageways

PART 6

TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

<i>(1)</i> Area	<i>(2)</i> Road name, number and length	<i>(3)</i> Measures
Kenwyn, Perranzabuloe, St Allen, St Erme, St Newlyn East Civil Parishes	New A30 Trunk Road From point A on sheet 1 of the clearways plans to point B on sheet 8 of the clearways plans, for a total distance of 13820 metres	Clearway (to include verges and slip roads)
Perranzabuloe and Kenwyn Civil Parishes	A390 From point C to point D on sheet 1 of the clearways plans, for a total distance of 1078 metres	Clearway (to include verges and slip roads)
Kenwyn, Perranzabuloe, St Allen, St Erme and St Newlyn East Civil Parishes	New A30 Trunk Road From point A on sheet 1 to point B on sheet 8; point C to point D on sheet 1; point E to point F on sheet 3; point M to point N on sheet 3; point O to point P on sheet 1; point G to point H on sheet 8; and point L to point K on sheet 8 of the prohibitions plans	Prohibition of pedestrians, cyclists, horses and horse drawn vehicles
Perranzabuloe Civil Parish	Chiverton grade separated junction westbound off-slip At point 2 on sheet 1 of the prohibitions plans	Prohibition of entry
Kenwyn Civil Parish	Chybucca grade separated junction eastbound off-slip At point 5 on sheet 3 of the prohibitions plans	Prohibition of entry
St Erme Civil Parish	Carland Cross grade separated junction westbound off-slip At point 8 on sheet 8 of the prohibitions plans	Prohibition of entry
Perranzabuloe Civil Parish	Restricted byway at Chiverton grade separated junction At point 3 on sheet 1 of the prohibitions plans	Prohibition of vehicular access
Perranzabuloe Civil Parish	Restricted byway at Chiverton grade separated junction At point 4 on sheet 1 of the prohibitions plans	Prohibition of vehicular access
St Erme Civil Parish	Restricted byway at Carland Cross grade separated junction At point 6 and point 7 on sheet 8 of the prohibitions plans	Prohibition of vehicular access
St Newlyn East Civil Parish	Restricted byway from Carland Cross to Treventon Farm At point 9 on sheet 8 of the	Prohibition of vehicular access

	prohibitions plans	
St Newlyn East Civil Parish	Restricted byway from Carland Cross to Treventon Farm At point 10 on sheet 8 of the prohibitions plans	Prohibition of vehicular access

PART 7

REVOCATIONS & VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

<i>(1) Area</i>	<i>(2) Road name, number and length</i>	<i>(3) Title of Order</i>	<i>(4) Revocations or variations</i>
Kenwyn Civil Parish	A390 From point G to point D on sheet 1 of the clearways plans, for a total distance of 363 metres	The County of Cornwall (Truro) (Chiverton Cross) (Clearway) Order 2006 as amended by The County of Cornwall (Truro) (Chiverton Cross) (Clearway) (Amendment) Order 2011	Order to be varied to remove the existing clearway over this length

PART 8

PUBLIC RIGHTS OF WAY

<i>(1) Area</i>	<i>(2) Status and length of public right of way</i>
Perranzabuloe Civil Parish	Reference F (PR2) 135 metres restricted byway as shown on sheet 1 of the rights of way and access plans
Perranzabuloe Civil Parish	Reference L (PR3) 88 metres restricted byway as shown on sheet 1 of the rights of way and access plans
Perranzabuloe Civil Parish	Reference J (PR3) 90 metres restricted byway as shown on sheet 1 of the rights of way and access plans
Perranzabuloe Civil Parish	Reference S (PR4) 690 metres bridleway as shown on sheet 3 of the rights of way and access plans
Kenwyn Civil Parish	Reference Z (PR5) 20 metres footpath as shown on sheet 3 of the rights of way and access plans
St Allen Civil Parish	Reference BB (PR7) 350 metres bridleway as shown on sheet 4 of the rights of way and access plans
St Allen Civil Parish	Reference CC (PR8) 15 metres footpath as shown on sheet 4 of the rights of way and access plans

St Allen Civil Parish	Reference HH (PR9) 342 metres bridleway as shown on sheet 5 of the rights of way and access plans
St Allen Civil Parish	Reference JJ (PR10) 260 metres bridleway as shown on sheet 5 of the rights of way and access plans
St Allen Civil Parish	Reference KK (PR11) 103 metres bridleway as shown on sheet 5 of the rights of way and access plans
St Erme Civil Parish	Reference UU (PR14) 486 metres bridleway as shown on sheet 8 of the rights of way and access plans
St Erme and St Newlyn East Civil Parishes	Reference VV (PR15) 1127 metres bridleway as shown on sheet 8 of the rights of way and access plans
St Erme and St Newlyn East Civil Parishes	Reference WW (PR16) 90 metres footpath as shown on sheet 8 of the rights of way and access plans

SCHEDULE 4

Articles 16 and 27

PERMANENT STOPPING UP OF HIGHWAYS AND PRIVATE MEANS OF ACCESS & PROVISION OF NEW HIGHWAYS AND PRIVATE MEANS OF ACCESS

In relating this Schedule to the rights of way and access plans, the provisions described in this Schedule are shown on the rights of way and access plans in the following manner—

- (a) Existing highways to be stopped up, as described in column (2) of Part 1 and Part 2 of this Schedule, are shown by thick black diagonal hatching (as shown in the key on the rights of way and access plans) over the extent of the area to be stopped up, which is described in column (3) of Part 1 and Part 2 of this Schedule.
- (b) New highways which are to be substituted for a highway to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 2 of this Schedule, are shown by red cross-hatching (for trunk roads), black stippling (for other classified roads and highways) and solid blue shading (for public rights of way) (as shown in the key on the rights of way and access plans) and are given a reference label (a capital letter in a circle) and will be a road unless otherwise stated beneath its reference letter in column (4) of Part 2 of this Schedule.
- (c) Private means of access to be stopped up, as described in column (2) of Parts 3 and 4 of this Schedule, are shown by solid black shading (as shown in the key on the rights of way and access plans) over the extent of stopping up described in column (3) of Parts 3 and 4 of this Schedule, and are given a reference label (a lower case letter in a circle).
- (d) New private means of access to be substituted for a private means of access to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 4 of this Schedule, are shown by blue diagonal hatching (as shown in the key on the rights of way and access plans) and are given a reference label (a number in a circle).

PART 1

HIGHWAYS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
Kenwyn Civil Parish	Byway Open to All Traffic 309/25/2 (PR1)	Over its length of 50 metres to the south west of the existing Chiverton Cross roundabout and to the west of the existing A30(T), as shown on sheet 1 of the rights of way and access plans
Kenwyn Civil Parish	Bridleway 309/3/1 (PR6)	From its junction with the A30(T) south for 143 metres, as shown on sheet 3 of the rights of way and access plans
St Allen Civil Parish	Existing A30 slip road at the existing Two Barrows underbridge	For a length of 134 metres, as shown on sheet 5 of the rights of way and access plans
Kenwyn Civil Parish	Footpath 319/12/1 (PR12)	From its junction with the A30(T) to Trevalso Cottage over its entire length of 68

		metres, as shown on sheet 6 of the rights of way and access plans
Kenwyn Civil Parish	Footpath 319/11/1 (PR13)	North of Honeycombe Farm over its entire length of 56 metres, as shown on sheet 6 of the rights of way and access plans

PART 2

HIGHWAYS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW HIGHWAYS WHICH ARE OTHERWISE TO BE PROVIDED

<i>(1)</i> Area	<i>(2)</i> Highway to be stopped up	<i>(3)</i> Extent of stopping up	<i>(4)</i> New highway to be substituted/provided
Rights of way and access plans – Sheet 1			
Perranzabuloe Civil Parish	B3277	From Blackwater Roundabout to the existing Chiverton Cross Roundabout for a length of 156 metres including the northern section of the existing Chiverton Cross Roundabout	Reference A Re-aligned B3277 west of the existing Blackwater Roundabout for a length 851 metres including a new length of adjacent footway/cycleway within the verge for a length of 747 metres and an adjoining new length of footway/cycleway between the realigned B3277 and new A30 for a length of 94 metres
Perranzabuloe, Kenwyn Civil Parishes	A390	From a point 154 metres from the existing Chiverton Cross Roundabout including the southern section of the existing Chiverton Cross Roundabout	Reference B Re-aligned A390 east of the existing Chiverton Cross Roundabout for a length of 1078 metres including a new length of adjacent footway/cycleway within the verge for a length of 704 metres and an adjoining new length of footway/cycleway between the realigned A390 and existing footway/cycleway for

			a length of 21 metres
Perranzabuloe Civil Parish			Reference F (PR2) A new restricted byway underbridge north-south to allow access under the new A30 mainline and side roads, for a total length of 135 metres
Perranzabuloe Civil Parish	Existing A30	For a length of 850 metres from a point east of the existing Chiverton Cross Roundabout to the north of Roscarnick Farm	Reference G A new length of classified road (A30) for a length of 178 metres to the south of the new grade separated junction at Chiverton including a new length of adjacent footway/cycleway within the verge from the new grade separated junction at Chiverton for a length of 221 metres
Perranzabuloe Civil Parish			Reference H A new unclassified road to serve as access to Trevisome Park for a length of 70 metres from its junction with the new A30 (T)
Perranzabuloe Civil Parish	C0005	For a length of 32 metres from its junction with the existing A30 (T)	Reference I A new length of the C0005 for a length of 50 metres to the east of the new grade separated junction at Chiverton
Perranzabuloe Civil Parish			Reference J (PR3) A new restricted byway to the south of the new grade separated junction at Chiverton, for a total length of 90 metres
Perranzabuloe Civil Parish			Reference K A new circulatory carriageway on the new grade separated junction at Chiverton for a length of 479 metres including a

			new length of adjacent footway/cycleway within the eastern verge of the new grade separated junction at Chiverton for a length of 115 metres
Perranzabuloe Civil Parish			Reference L (PR3) A new restricted byway to the north of the new grade separated junction at Chiverton, for a total length of 88 metres
Perranzabuloe Civil Parish	U6072	For a length of 195 metres from the existing A3075	Reference M A new length of U6072 for a length of 99 metres from its junction with the realigned A3075
Perranzabuloe, Kenwyn Civil Parishes			Reference Z1 New A30 eastbound off-slip to the new grade separated junction at Chiverton for a length of 637 metres
Perranzabuloe Civil Parish			Reference Z2 New A30 eastbound on-slip from the new grade separated junction at Chiverton for a length of 399 metres
Perranzabuloe Civil Parish			Reference Z3 A30 westbound off-slip to the new grade separated junction at Chiverton for a length of 514 metres
Perranzabuloe Civil Parish			Reference Z4 A30 westbound on-slip from the new grade separated junction at Chiverton for a length of 471 metres
Perranzabuloe Civil Parish			Reference Z16

			A new unclassified road to provide access to BOAT 314/1/1 for a length of 30 metres
Kenwyn, Perranzabuloe, St Allen, St Erme, St Newlyn East Civil Parishes			Reference ZZ A30 for a length of 13820 metres as shown on sheets 1 to 8 of the rights of way and access plans
Rights of way and access plans – Sheet 2			
Perranzabuloe Civil Parish	A3075	From a point on the existing Chiverton Cross Roundabout to where it meets the existing A3075 for a length of 1480 metres, as shown on sheets 1 and 2 of the rights of way and access plans	Reference D Re-aligned A3075 north of the existing Chiverton Cross Roundabout for a length of 767 metres as shown on sheets 1 and 2 of the rights of way and access plans including a new length of adjacent footway/cycleway within the northern verge for a length of 317 metres between the new grade separated junction at Chiverton and the U6072 and a new length of adjacent footway/cycleway within the southern verge from the new grade separated junction at Chiverton for a length of 177 metres
Perranzabuloe, Kenwyn Civil Parishes	Existing A30	From a point at the existing Chybucca Junction for a length of 850 metres in a westerly direction, as shown on sheets 2 and 3 of the rights of way and access plans	Reference E Re-aligned A30 from a point at the existing Chybucca Junction for a length of 805 metres in a westerly direction, as shown on sheets 2 and 3 of the rights of way and access plans
Rights of way and access plans – Sheet 3			
Perranzabuloe, Kenwyn Civil Parishes	B3284	For a length of 134 metres from its junction with the existing A30 (T)	Reference R A new length of re-aligned B3284 to the

			east of Callestick Vean for a length of 852 metres to the northern roundabout of the new grade separated junction at Chybucca including a new length of adjacent footway/cycleway within the verge from the new grade separated junction at Chybucca for a length of 201 metres
Perranzabuloe Civil Parish			Reference S (PR4) A new bridleway from west to east to connect BR314/64/1 and BR314/65/1, for a total length of 690 metres
Kenwyn Civil Parish	B3284	For a length of 290 metres to the south of the southern roundabout of the Chybucca grade separated junction	Reference T A new length of classified road (A30) to the west of the new grade separated junction at Chybucca to where it meets the southern roundabout of the new grade separated junction at Chybucca for a length of 245 metres including a new length of adjacent footway/cycleway within the verge from the new grade separated junction at Chybucca for a length of 50 metres
Kenwyn Civil Parish			Reference U A new length of B3284 for a length of 147 metres from its junction with the southern roundabout of the new grade separated junction at Chybucca including a new length of adjacent footway/cycleway within the verge from the new grade separated junction at

			Chybucca for a length of 165 metres
Kenwyn Civil Parish			Reference V A new link between the northern and southern roundabouts on the new grade separated junction at Chybucca for a length of 148 metres including a new length of adjacent footway/cycleway within the eastern verge for a length of 211 metres
Kenwyn Civil Parish	Existing A30 (T)	For a length 379 metres from a point south of Creegmeor Farm to a point east of the northern roundabout of the new grade separated junction at Chybucca	Reference W A new length of classified road (A30) from its junction with the northern roundabout of the new grade separated junction at Chybucca for a length of 150 metres including a new length of adjacent footway/cycleway within the verge from the new grade separated junction at Chybucca for a length of 160 metres
Kenwyn Civil Parish			Reference Z (PR5) A new footpath with adjacent hard surface slope to connect to BR314/65/1 at Creegmeor Farm, for a total length of 20 metres
Kenwyn Civil Parish			Reference EE A new circulatory carriageway on the northern roundabout of the new grade separated junction at Chybucca for a length of 106 metres
Kenwyn Civil Parish			Reference GG A new circulatory carriageway on the

			southern roundabout of the new grade separated junction at Chybucca for a length of 106 metres
Kenwyn Civil Parish			Reference Z5 A30 eastbound off-slip to the new grade separated junction at Chybucca for a length of 490 metres
Kenwyn Civil Parish			Reference Z6 A30 westbound on-slip from the new grade separated junction at Chybucca for a length of 383 metres
Rights of way and access plans – Sheet 4			
Kenwyn Civil Parish	C0049	From a point 311 metres from its junction with the existing A30 (T)	Reference AA A new side road to redirect 367 metres of C0049
Perranzabuloe Civil Parish	U6082 and FP 319/16/1	U6082 for a length of 107 metres from its junction with existing A30 (T) FP 319/16/1 for a length of 68 metres from its junction with the existing A30 (T)	Reference BB (PR7) A new bridleway over a green bridge north of the existing A30 (T) in a southerly direction, for a total length of 350 metres
St Allen Civil Parish			Reference CC (PR8) A new footpath to join a new bridleway over a green bridge, for a total length of 15 metres
Perranzabuloe Civil Parish	C0364	From a point east of the telecommunication mast for a length of 365 metres, as shown on sheet 5 of the rights of way and access plans	Reference DD Re-aligned A30 for a length of 1159 metres from a point to the east of Elmsleigh to a point east of Tolgroggan Farm, as shown on sheets 4 and 5 of the rights of way and access plans
St Allen Civil Parish			Reference Z18 Widening of the U6082 for a length of 30 metres north of the

			property known as Burnetts
Rights of way and access plans – Sheet 5			
Perranzabuloe Civil Parish	C0089	For a length of 96 metres from its junction with the existing A30 (T)	Reference DD Re-aligned A30 for a length of 1159 metres from a point to the east of Elmsleigh to a point east of Tolgroggan Farm, as shown on sheets 4 and 5 of the rights of way and access plans
St Allen Civil Parish	Bridleway 319/9/1	From the intersection with BR319/9/1 along its length south of the existing A30(T) for a total length of 320 metres	Reference HH (PR9) A new bridleway for a total length of 342 metres
St Allen Civil Parish	Bridleway 319/1/1	From a point 50 metres east of the Chapel along its length for a total distance of 214 metres	Reference JJ (PR10) A new bridleway from a point 40 metres east of the Chapel in an easterly direction for a total length of 260 metres
St Allen Civil Parish	U6083	For a length of 67 metres from its junction with the existing A30 (T)	Reference KK (PR11) A new bridleway as an underbridge for a total length of 103 metres
St Allen Civil Parish			Reference LL A new length of U6083 for a length of 75 metres
Rights of way and access plans – Sheet 6			
St Allen Civil Parish	C0364	For length of 167 metres from its junction with the existing A30 (T)	Reference MM A new length of C0364 from its junction with the existing A30 (T) for a length of 243 metres
St Allen Civil Parish	U6083	For a length of 76 metres from its junction with the existing A30 (T)	Reference NN A new length of U6083 for a length of 220 metres from a point to the west of Trevalso Farm to where it meets the new length of C0364
St Allen Civil Parish	C0075	For a length of 325 metres from its junction with the	Reference OO

		existing A30 (T)	A new length of C0075 for a length of 380 metres from its junction with the existing A30 (T)
Rights of way and access plans – Sheet 7			
St Erme Civil Parish	U6093	For a total length of 284 metres from its junction with the existing A30 (T)	Reference PP A length of new U0693 for a length of 140 metres south of the existing A30 (T)
Rights of way and access plans – Sheet 8			
St Erme, St Newlyn East Civil Parishes	Existing A30 (T)	For a length of 624 metres westbound from its junction with the existing Carland Cross Roundabout as shown on sheets 7 and 8 of the rights of way and access plans	Reference QQ A length of re-aligned A30 from a point to the east of Four Winds to the northern roundabout of the new grade separated junction at Carland Cross for a length of 654 metres as shown on sheets 7 and 8 of the rights of way and access plans
St Erme, St Newlyn East Civil Parishes			Reference SS The new link between the new northern roundabout and the reconfigured southern roundabout at the new grade separated junction at Carland Cross for a length of 155 metres
St Erme, St Newlyn East Civil Parishes			Reference TT New circulatory carriageway on the northern roundabout of the new grade separated junction at Carland Cross for a length of 163 metres
St Erme Civil Parish			Reference UU (PR14) A new bridleway through an underbridge from a point 80 metres north of the existing A30(T) to a point east of the existing Carland Cross roundabout, for a total

			length of 486 metres including equine refuges
St Erme, St Newlyn East Civil Parishes			Reference VV (PR15) A new bridleway south of the existing A30(T) to its junction north of Treventon Farm, for a total length of 1127 metres
St Erme, St Newlyn East Civil Parishes			Reference WW (PR16) A new footpath south of the existing A30(T) west of the existing Carland Cross junction for a total length of 90 metres
St Erme, St Newlyn East Civil Parishes			Reference Z7 A30 eastbound off-slip to the new grade separated junction at Carland Cross for a length of 570 metres
St Erme, St Newlyn East Civil Parishes			Reference Z8 A30 eastbound on-slip from the new grade separated junction at Carland Cross for a length of 366 metres
St Erme, St Newlyn East Civil Parishes	Existing A30	For a length of 503 metres eastbound from the junction with the existing Carland Cross Roundabout	Reference Z9 A30 westbound off-slip to the new grade separated junction at Carland Cross for a length of 624 metres
St Erme Civil Parish			Reference Z10 A30 westbound on-slip from the new grade separated junction at Carland Cross for a length of 355 metres

PART 3

PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> Area	<i>(2)</i> Private means of access to be	<i>(3)</i> Extent of stopping up
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	<i>stopped up</i>	
Kenwyn Civil Parish	Reference d Access to field south of the existing A30 (T) from the existing B3284, as shown on sheet 3 of the rights of way and access plans	From the existing B3284 for a length of 28 metres as shown on sheet 3 of the rights of way and access plans

PART 4

PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE TO BE PROVIDED

<i>(1) Area</i>	<i>(2) Private means of access to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New private means of access to be substituted/provided</i>
Rights of way and access plans – Sheet 1			
Perranzabuloe Civil Parish	Reference a Access to Silversprings north of the A3075	At a point north west of the junction with the A3075 for a length of 73 metres	Reference 1 A new private access to Silversprings to the north east of the existing Chiverton Cross Roundabout, 113 metres south west of its existing access
Perranzabuloe and Kenwyn Civil Parishes	Reference b Access to Three Burrows south east of the existing A30(T) and to the north east of the existing Chiverton Cross Roundabout	At a point south east with the A30(T) for a length of 20 metres	Reference 25 A new private access to Three Burrows to the north east of the existing Chiverton Cross Roundabout to the south of its existing access for a length of 12 metres
Rights of way and access plans – Sheet 2			
Perranzabuloe Civil Parish			Reference 2 A new private access to the field west of the A3075 for a length of 13 metres
Perranzabuloe Civil Parish			Reference 3 A new private access to the field east of the A3075 for a length of 14 metres
Rights of way and access plans – Sheet 3			
Perranzabuloe Civil Parish	Reference c Access to Creegmeor Farm	At a point to the north of the existing A30(T) for a length of 76 metres	Reference 4 A new private access to the north of the B3284 at Callestick Veau for a length of 690 metres to Creegmeor Farm

Kenwyn Civil Parish			Reference 5 A new private access to the field south of the re-aligned A30 for a length of 11 metres
Kenwyn Civil Parish			Reference 6 A new private access to the south of the new grade separated junction at Chybucca from the re-aligned B3284 for a length of 95 metres
Kenwyn Civil Parish			Reference 26 A new private access to the field south of the re-aligned A30 for a length of 11 metres
Rights of way and access plans – Sheet 4			
St Allen and Kenwyn Civil Parishes	Reference e Access to Nanteague Farm	At a point south of the existing A30(T) at Town and Country Motors for a total length of 272 metres	Reference 7 A new private access to the south of the existing A30(T), 475 metres to the west of the existing access, north east for a length of 1160 metres
St Allen Civil Parish	Reference e Access to Nanteague Farm	At a point south of the existing A30(T) at Town and Country Motors for a length of 272 metres as shown on sheet 3 of the rights of way and access plans	Reference 8 A new private access to Nanteague Farm for a length of 22 metres
St Allen Civil Parish	Reference e Access to Nanteague Farm	At a point south of the existing A30(T) at Town and Country Motors for a length of 272 metres	Reference 9 A new private access to Nanteague Solar Farm for a length of 7 metres
St Allen Civil Parish	Reference h Access to Nancarrow Farm	At a point to the south of the existing A30(T) to the east of Elmsleigh for a length of 83 metres	Reference 10 A new private access to Nancarrow Farm south of the existing A30(T), 210 metres south west of the existing access, north east for a length of 200 metres
St Allen Civil Parish			Reference 27 A new private access to a telecommunications mast for a length of 5.4 metres

Rights of way and access plans – Sheet 5			
Perranzabuloe Civil Parish	Reference i Access to O2 Telecommunications Mast	At a point to the north of the existing A30(T) to the west of Chyverton Lodge for a length of 4 metres	Reference 11 A new private access to a telecommunications mast to the north of the realigned A30 for a length of 6 metres
Perranzabuloe Civil Parish			Reference 12 A private access to Bracken Woods from the realigned C0364 for a length of 118 metres
Perranzabuloe Civil Parish			Reference 13 A private access to Chyverton Park and Chyverton Lodge from the realigned C0364 for a length of 23 metres
St Allen Civil Parish	Reference j Access to the property known as Tolgroggan Farm	At a point to the south of C0364 and to the east of The Chapel for a length of 214 metres	Reference 14 A new private access to Tolgroggan Farm to the south of C0364, 52 metres south east of the existing access, south east for a length of 260 metres
St Allen Civil Parish			Reference 15 A new private access to Tolgroggan Farm to the south of the new A30 for a length of 342 metres
St Allen Civil Parish			Reference 16 A new private access to Trevalso Farm to the south of Church Lane for a length of 182 metres
Rights of way and access plans – Sheet 6			
St Allen Civil Parish			Reference 17 A new private access to Trevalso Farm to the east of U6083 for a length of 776 metres
St Allen Civil Parish			Reference 18 A new private access to Pennycomequick from C0075 for a length of 29 metres
St Allen Civil Parish	Reference k Access track from unnamed road C0075	At a point south of the existing A30(T) to the south east of	Reference 19 A new private access to field to the south of

	to field access	Pennycomequick for a length of 35 metres	the A30(T), 80 metres from the existing access for a length of 13 metres
St Allen Civil Parish			Reference 20 A new private access to the field south of Pennycomequick from the stopped C0075 for a length of 9 metres
St Allen Civil Parish			Reference 28 A new private access to the field south of the A30(T) to the east of Pennycomequick for a length of 7 metres
Rights of way and access plans – Sheet 8			
St Newlyn East and St Erme Civil Parishes	Reference l Access to Carland Cross Wind Farm	At a point north west of the existing Carland Cross Roundabout for a total length of 1075 metres	References 21, 22, 23 A new private access to wind turbines at Carland Cross Wind Farm 205 metres to the north of the existing Carland Cross roundabout for a total length of 506 metres
St Newlyn East Civil Parish	Reference m Access to Treventon Farm	At a point to the south of the existing A30(T) to the north of Rosehill Farm for a length of 585 metres	Reference 24 A new private access to Treventon Farm to the south of the existing A30(T) for a distance of 871 metres to the north of Rosehill Farm
St Newlyn East Civil Parish			Reference 29 A new private access to Newlyn Downs / Trewithen Estate to the north of the existing Carland Cross roundabout for a length of 10 metres

SCHEDULE 5

Article 26

LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which rights over land may be acquired</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
Land Plans – Sheet 1		
1/1	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/1a	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/1b	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/1c	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/1d	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/1g	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/1h	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(a)
1/7	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(b)
1/8	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(b)
1/9b	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 16
1/9c	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment New right to construct, use,	Work Nos. 1(b) and 16

	protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	
1/10b	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work Nos. 1(cc) and 14
1/10c	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 14
1/10h	New right to construct, use, protect, inspect and maintain a new electrical pole and equipment for the benefit of Western Power Distribution	Work No. 15
1/10k	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 16
Land Plans – Sheet 2		
2/3b	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
2/3p	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(c)
2/6	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(c)
2/6a	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(c)
2/7c	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
2/7d	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
Land Plans – Sheet 3		

3/3a	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
3/3c	New right to construct, use, protect, inspect and maintain a new electrical pole and equipment for the benefit of Western Power Distribution	Work No. 19
3/3g	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work Nos. 1(d) and 2(d)
3/3k	New right to construct, use, protect, inspect and maintain a new private means of access north of the B3284 at Callestick Vean to Creegmeor Farm New right to construct, use, protect, inspect and maintain a new bridleway (PR4) from west to east to connect BR314/64/1 and BR314/65/1	Work No. 4
3/4b	New right to construct, use, protect, inspect and maintain a new culvert, ditch and equipment	Work No. 1(cc)
3/5	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work Nos. 1(d) and 2(d)
3/5a	New right to construct, use, protect, inspect and maintain a new drainage ditch and equipment	Work No. 1(bb)
3/5b	New right to construct, use, protect, inspect and maintain a new private means of access north of the B3284 at Callestick Vean to Creegmeor Farm New right to construct, use, protect, inspect and maintain a new bridleway (PR4) from west to east to connect BR314/64/1 and BR314/65/1	Work No. 4
Land Plans – Sheet 4		
4/4f	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/4k	New right to construct, use, protect, inspect and maintain a new gas pipeline and	Work No. 22

	equipment for the benefit of Wales and West Utilities Limited	
4/4q	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/4v	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/8d	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/8j	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/9	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
4/9e	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited New right to construct, use, protect, inspect and maintain a new culvert and equipment	4/9e
4/9f	New right to demolish existing structure and construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/10	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/10f	New right to construct, use, protect, inspect and maintain a private access to Nanteague	Work No. 1

	<p>Farm</p> <p>New right of access with or without vehicles plant and machinery for the benefit of KS SPV 11 Limited</p>	
4/10g	<p>New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited</p> <p>New right to construct, use, protect, inspect and maintain a new culvert and equipment</p>	Work Nos. 1(bb) and 22
4/10h	New right to construct, use, protect, inspect and maintain a new drainage ditch and equipment	Work No. 1(bb)
4/10k	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(e)
4/10m	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(e)
4/10n	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	4/10n
4/10r	<p>New right to construct, use, protect, inspect and maintain a private access to Nanteague Farm</p> <p>New right of access with or without vehicles plant and machinery for the benefit of KS SPV 11 Limited</p>	Work No. 1
4/10s	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/10t	<p>New right to construct, use, protect, inspect and maintain a private access to Nanteague Farm</p> <p>New right of access with or without vehicles plant and machinery for the benefit of KS SPV 11 Limited</p>	Work No. 1

Land Plans – Sheet 5		
5/2a	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
5/2g	New right to construct, use, protect, inspect and maintain a private access to Nanteague Farm New right of access with or without vehicles plant and machinery for the benefit of KS SPV 11 Limited New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work Nos. 1 and 1(cc)
5/2h	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
5/2j	New right to construct, use, protect, inspect and maintain a private access to Nanteague Farm New right of access with or without vehicles plant and machinery for the benefit of KS SPV 11 Limited New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work Nos. 1 and 1(cc)
5/3	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 25
5/7a	New right to construct, use, protect, inspect and maintain a new bat roost and equipment	Work No. 1
5/7b	New right to construct, use, protect, inspect and maintain a new bridleway (PR7) and a new footpath	Work No. 1(m)
5/7g	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(f)
5/7h	New right to construct, use, protect, inspect and maintain a	Work No. 1(m)

	new bridleway (PR7) and a new footpath	
5/8a	New right to construct, use, protect, inspect and maintain a new bridleway (PR7) and a new footpath	Work No. 1(m)
5/8b	New right to construct, use, protect, inspect and maintain a new bridleway (PR7) and a new footpath	Work No. 1(m)
5/9b	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(f)
5/11	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(f)
5/11a	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(f)
Land Plans – Sheet 6		
6/1g	New right to construct, use, protect, inspect and maintain a new bridleway New right to construct, use, protect, inspect and maintain a private access to fields for Boswellick Farm	Work No. 1
6/1r	New right to construct, use, protect, inspect and maintain a new drainage ditch and equipment	Work No. 1(bb)
6/7f	New right to construct, use, protect, inspect and maintain a new bridleway New right to construct, use, protect, inspect and maintain a private access to fields for Boswellick Farm	Work No. 1
6/8a	New right to construct, use, protect, inspect and maintain a new bridleway New right to construct, use, protect, inspect and maintain a private access to fields for Boswellick Farm	Work No. 1
6/10a	New right to construct, use, protect, inspect and maintain a new bridleway New right to construct, use, protect, inspect and maintain a private access to fields for Boswellick Farm	Work No. 1

6/10f	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(g)
6/11g	New right to construct, use, protect, inspect and maintain a private access to fields for Trevalso Farm	Work No. 1
6/11h	New right to construct, use, protect, inspect and maintain a private access to fields for Trevalso Farm	Work No. 1
6/11j	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 36
6/11n	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 36
6/11p	New right to construct, use, protect, inspect and maintain a private access to fields for Trevalso Farm	Work No. 1
6/11q	New right to construct, use, protect, inspect and maintain a new drainage ditch and equipment	Work No. 1(bb)
Land Plans – Sheet 7		
7/2	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	Work No. 37
7/3b	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 36
7/3e	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water New right to construct, use, protect, inspect and maintain a private access to fields for Trevalso Farm	Work No. 36
7/3f	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 36
7/3g	New right to construct, use,	Work No. 10(c)

	protect, inspect and maintain a new drainage pipeline and equipment	
7/3k	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 10(c)
7/3m	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 10(c)
7/3n	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 10(c)
7/3r	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 10(c)
7/3s	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 10(c)
7/3t	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 10(c)
7/3u	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 36
7/3v	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 10(c)
7/3x	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water New right to construct, use, protect, inspect and maintain a private access to fields for Trevalso Farm	Work No. 36
7/3y	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
7/3z	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
7/3aa	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work Nos. 10(d) and 36

7/4c	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	Work No. 40
7/7	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 10(c)
7/9	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	Work No. 40
Land Plans – Sheet 8		
8/2c	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton.	
8/3k	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
8/3m	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(i)
8/3n	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and ditch and equipment	Work No. 1(i)
8/6b	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 1(i)
8/6e	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	Work No. 43
Land Plans – Sheet 9		
9/1s	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
9/2c	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 45
Land Plans – Sheet 10		
10/1t	New right of access with or without vehicles plant and machinery	Work No. 1(l)
10/2	New right to construct, use, protect, inspect and maintain a	Work No. 1(l)

	new drainage outlet pipeline and equipment	
10/2a	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(l)
10/3	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(l)
10/3b	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(l)
10/3d	New right of access with or without vehicles plant and machinery	Work No. 1(l)

**MODIFICATION OF COMPENSATION AND COMPULSORY
PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS
AND IMPOSITION OF RESTRICTIVE COVENANTS**

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right or imposition of a restrictive covenant as they apply as respects compensation for the compulsory purchase of land and interests in land.

2.—(1) Without limitation on the scope of paragraph 1, the 1961 Act has effect subject to the modification set out in sub-paragraph (2).

(2) For section 5A(5A) (relevant valuation date) of the 1961 Act substitute—

“(5) (a) If—

- (a) the acquiring authority enters on land for the purposes of exercising a right in pursuance of a notice of entry under section 11(1) of the Compulsory Purchase Act 1965 (as modified by paragraph 5(5) of Schedule 6 to the A30 Chiverton to Carland Cross Development Consent Order 20[•] (the “[•] Order”));
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the Compulsory Purchase Act 1965 (as substituted by paragraph 5(8) of Schedule 6 to the [•] Order) to acquire an interest in the land; and
- (c) the acquiring authority enter on and take possession of that land,

the authority is deemed for the purposes of subsection (3)(a) to have entered on that land when it entered on that land for the purpose of exercising that right.”

3.—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973(a) has effect subject to the modifications set out in sub-paragraph (2).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 (measure of compensation in case of severance) of the 1965 Act as substituted by paragraph 5(3)—

- (a) for “land is acquired or taken from” substitute “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for “acquired or taken from him” substitute “over which the right is exercisable or the restrictive covenant enforceable”.

Application of Part 1 of the 1965 Act

4. Part 1 of the 1965 Act, as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and modified by article 29 (modification of Part 1 of the 1965 Act)) to the acquisition of land under article 23 (compulsory acquisition of land), applies to the compulsory acquisition of a right by the creation of a new right, or to the imposition of a restrictive covenant under article 26(1) (compulsory acquisition of rights)—

- (a) with the modifications specified in paragraph 5; and

(a) 1973 c.26.

(b) with such other modifications as may be necessary.

5.—(1) The modifications referred to in paragraph 4(a) are as follows.

(2) References in the 1965 Act to land are, in the appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or the restriction imposed or to be imposed; or
- (b) the land over which the right is or is to be exercisable, or the restriction is or is to be enforceable.

(3) For section 7 (measure of compensation in case of severance) of the 1965 Act substitute—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

(4) The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are modified so as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

(5) Section 11 (powers of entry) of the 1965 Act is modified so as to secure that, where the acquiring authority has served notice to treat in respect of any right or restriction, as well as the notice of entry required by subsection (1) of that section (as it applies to a compulsory acquisition under article 23), it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant; and sections 11A(a) (powers of entry: further notices of entry), 11B(b) (counter-notice requiring possession to be taken on specified date), 12 (unauthorised entry) and 13 (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(6) Section 20 (tenants at will, etc.) of the 1965 Act applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

(7) Section 22 (interests omitted from purchase) of the 1965 Act as modified by article 29(4) is also modified so as to enable the acquiring authority in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

(8) For Schedule 2A of the 1965 Act substitute—

(a) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016(c.22).
(b) Section 11B was inserted by section 187(2) of the above Act.

“SCHEDULE 2A
COUNTER-NOTICE REQUIRING PURCHASE OF LAND NOT
IN NOTICE TO TREAT

Introduction

1.—(1) This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, or a restrictive covenant affecting, the whole or part of a house, building or factory and have not executed a general vesting declaration under section 4 of the 1981 Act as applied by article 30 (application of the 1981 Act) of the A30 Chiverton to Carland Cross Development Consent Order 20[•] in respect of the land to which the notice to treat relates.

(2) But see article 31(3) (acquisition of subsoil or airspace only) of the A30 Chiverton to Carland Cross Development Consent Order 20[•] which excludes the acquisition of subsoil or airspace only from this Schedule.

2. In this Schedule, “house” includes any park or garden belonging to a house.

Counter-notice requiring purchase of land

3. A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the acquiring authority to purchase the owner’s interest in the house, building or factory.

4. A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

Response to counter-notice

5. On receiving a counter-notice, the acquiring authority must decide whether to—

- (a) withdraw the notice to treat,
- (b) accept the counter-notice, or
- (c) refer the counter-notice to the Upper Tribunal.

6. The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

7. If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

8. If the authority do not serve notice of a decision within the decision period it is to be treated as if it had served notice of a decision to withdraw the notice to treat at the end of that period.

9. If the authority serve notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in the house, building or factory.

Determination by the Upper Tribunal

10. On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right of the imposition of the restrictive covenant would—

- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or

- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making the determination, the Upper Tribunal must take into account—

- (a) the effect of the acquisition of the right or the imposition of the covenant,
- (b) the use to be made of the right or covenant proposed to be acquired or imposed, and
- (c) if the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.

12. If the Upper Tribunal determines that the acquisition of the right or the imposition of the covenant would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the acquiring authority ought to be required to take.

13. If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in that land.

14.—(1) If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the acquiring authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraws the notice to treat under this paragraph it must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawing of the notice.

15. Any dispute as to the compensation is to be determined by the Upper Tribunal.”

SCHEDULE 7

Article 33

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Plot Reference</i> <i>Number shown on</i> <i>land plans</i>	<i>(3)</i> <i>Purpose for which</i> <i>temporary possession</i> <i>may be taken</i>	<i>(4)</i> <i>Relevant part of the</i> <i>authorised</i> <i>development</i>
Land Plans – Sheet 1			
Perranzabuloe, Kenwyn Civil Parishes	1/1k	The provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3277	Work No. 3(f)
Perranzabuloe, Kenwyn Civil Parishes	1/1q	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3277	Work No. 3(f)
Perranzabuloe Civil Parish	1/1t	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3277	Work No. 3(f)
Kenwyn Civil Parish	1/1aa	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A390	Work No. 3(i)
Kenwyn Civil Parish	1/1ac	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work	Work No. 1(x)

		vehicles, storage of plant, materials and top soil and the treatment of site generated waste	
Perranzabuloe Civil Parish	1/1am	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe Civil Parish	1/6	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3277	Work No. 3(f)
Perranzabuloe Civil Parish	1/9	Required for the construction of a new private means of access to Silversprings and boundary treatment for the realigned B3277	Work No. 3(f)
Perranzabuloe Civil Parish	1/9d	Required for the provision of and to provide working space and temporary access for works associated with the improvement of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	1/10a	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A390	Work No. 3(i)
Perranzabuloe, Kenwyn Civil Parishes	1/10d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A390	Work No. 3(i)
Perranzabuloe, Kenwyn Civil	1/10m	Required for the provision of and to	Work No. 3(i)

Parishes		provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A390	
Perranzabuloe Civil Parish	1/15	Required for the provision of and to provide working space and temporary access for works associated with the improvement of the boundary treatment for the realigned A3075	Work No. 3(g)
Land Plans – Sheet 2			
Perranzabuloe Civil Parish	2/1	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Perranzabuloe Civil Parish	2/3c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned unclassified road U6072	Work No. 3(j)
Perranzabuloe Civil Parish	2/3n	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A3075	Work No. 3(g)
Perranzabuloe Civil Parish	2/3r	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/3t	Required for the provision of and to provide working space and temporary access for works associated	Work No. 1

		with the provision of the boundary treatment for the new A30	
Perranzabuloe Civil Parish	2/3u	Required for the provision of and to provide working space and temporary access for works associated with the provision of gated access from the A3075	Work No. 3(g)
Perranzabuloe Civil Parish	2/3w	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/3y	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned unclassified road U6072	Work No. 3(j)
Perranzabuloe Civil Parish	2/7	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/7a	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/7b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage	Work No. 1

		ditch and boundary treatment for the new A30	
Perranzabuloe Civil Parish	2/7f	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/7g	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/8	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Land Plans – Sheet 3			
Perranzabuloe Civil Parish	3/1	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	-
Kenwyn Civil Parish	3/1e	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/1q	Required for the provision of and to provide working space and temporary access for works associated with the provision of a new private means of access and the	Work Nos. 1(bb) and 2(a)

		construction of drainage culverts	
Kenwyn Civil Parish	3/1t	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Perranzabuloe Civil Parish	3/2	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	3/2b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/2c	Required for the provision of and to provide working space and temporary access for works associated with the provision of a new private means of access and the construction of drainage culverts	Work Nos. 1(bb) and 2(a)
Kenwyn Civil Parish	3/2d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/2e	Required for the provision of and to provide working space and temporary access for works associated	Work No. 2(a)

		with the provision of the new land drainage ditch and boundary treatment for the realigned A30	
Kenwyn Civil Parish	3/2f	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/2h	Required for the construction of a new private means of access	Work No. 2(a)
Kenwyn Civil Parish	3/2k	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A30	Work No. 4(j)
Kenwyn Civil Parish	3/2m	Required to provide temporary road for works associated with the construction of the new grade separated dumbbell junction at Chybucca	Work No. 4
Perranzabuloe Civil Parish	3/3	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	3/3n	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	3/4	Required for the provision of and to provide working space and temporary access	Work No. 2(a)

		for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	
Kenwyn Civil Parish	3/4e	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/4g	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/6a	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/6b	Required for the provision of and to provide working space and temporary access for works associated with the provision of a new private means of access and the construction of drainage culverts	Work No. 2(a)
Kenwyn Civil Parish	3/6d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/9b	Required for the	Work No. 4(j)

		provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned A30	
Kenwyn Civil Parish	3/9c	Required to provide temporary road for works associated with the construction of the new grade separated dumbbell junction at Chybucca	Work No. 4
Land Plans – Sheet 4			
Perranzabuloe, St Allen, Kenwyn Civil Parishes	4/1a	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Kenwyn Civil Parish	4/1c	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe Civil Parish	4/1d	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe Civil Parish	4/1e	Required for the realignment of the Allet Road	Work No. 6(b)
Perranzabuloe Civil Parish	4/1f	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe, St Allen Civil Parishes	4/1k	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	4/1m	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe,	4/1n	Required for all	

Kenwyn Civil Parishes		purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe Civil Parish	4/2	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3284	Work No. 4(g)
Kenwyn Civil Parish	4/3a	Required for the construction of a new private means of access	Work No. 4
Kenwyn Civil Parish	4/3b	Required for the construction of a new private means of access	Work No. 4
Kenwyn Civil Parish	4/3c	Required to provide temporary road for works associated with the construction of the new grade separated dumbbell junction at Chybuca	Work No. 4
Kenwyn Civil Parish	4/4	Required for the construction of a new private means of access	Work No. 4
Kenwyn Civil Parish	4/4c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/4d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/4e	Required for the provision of and to provide working space and temporary access for works associated	Work No. 1

		with the provision of a gated access	
Kenwyn Civil Parish	4/4g	Required to provide temporary road for works associated with the construction of the new grade separated dumbbell junction at Chybucca	Work No. 4
Kenwyn Civil Parish	4/4j	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/4n	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/4p	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/4r	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30 and the stopping up of northern section of existing Bridleway BR309/3/1 north of the proposed A30 mainline	Work No. 1
Kenwyn Civil Parish	4/4u	Required for the provision of and to provide working space and temporary access for works associated with the provision of	Work No. 1

		the boundary treatment for the new A30 and the stopping up of northern section of bridleway BR309/3/1 south of the proposed A30 mainline	
Kenwyn Civil Parish	4/4w	Required for the stopping up of northern section of bridleway BR309/3/1 north of the proposed A30 mainline	Work No. 6(e)
Perranzabuloe, Kenwyn Civil Parishes	4/5a	Required to provide temporary road for works associated with the construction of the new grade separated dumbbell junction at Chybucca	Work No. 4
Kenwyn Civil Parish	4/6a	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe, Kenwyn Civil Parishes	4/6b	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Kenwyn Civil Parish	4/6c	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Kenwyn Civil Parish	4/6e	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Kenwyn Civil Parish	4/6j	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Kenwyn Civil Parish	4/8a	Required for the provision of and to provide working space and temporary access for works associated	Work No. 1

		with the provision of the boundary treatment for the new A30 and the stopping up of northern section of bridleway BR309/3/1 north of the proposed A30 mainline	
Kenwyn Civil Parish	4/8c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30 and the stopping up of northern section of bridleway BR309/3/1 south of the proposed A30 mainline	Work No. 1
Kenwyn Civil Parish	4/8e	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the	Kenwyn Civil Parish
Kenwyn Civil Parish	4/8f	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/8h	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/8k	Required for the provision of and to provide working space and temporary access for works associated	Work No. 6(c)

		with the provision of the new land drainage ditch and boundary treatment for the conversion of the Allet Road to an emergency access track	
Kenwyn Civil Parish	4/8n	Required for the stopping up of northern section of bridleway BR309/3/1 north of the proposed A30 mainline	Work No. 6(e)
Kenwyn Civil Parish	4/9a	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1
Kenwyn Civil Parish	4/9b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/9d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/9g	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Land Plans – Sheet 5			
St Allen Civil Parish	5/1	Required for all	

		purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe Civil Parish	5/1a	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe, St Allen Civil Parishes	5/1b	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe Civil Parish	5/1c	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe Civil Parish	5/1d	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe, St Allen Civil Parishes	5/1e	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1f	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1g	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1h	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1j	Required for all purposes associated with the de-trunking	

		of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1k	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1m	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1n	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1p	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1q	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1r	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1s	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe and St Allen Civil Parishes	5/1u	Required for access and traffic management during construction	Work No. 1(m)
St Allen Civil Parish	5/2c	Required for the construction of a new private means of access	Work No. 1
Perranzabuloe Civil Parish	5/3a	Required for the provision of a site compound, including	Work No. 1(y)

		but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	
St Allen Civil Parish	5/5	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(m)
Perranzabuloe and St Allen Civil Parishes	5/5a	Required for access and traffic management during construction	Work No. 1(m)
Perranzabuloe Civil Parish	5/6	Required for access and traffic management during construction	Work No. 1(m)
St Allen Civil Parish	5/7d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Land Plans – Sheet 6			
St Allen Civil Parish	6/1h	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 9(b)
St Allen Civil Parish	6/1j	Required for the provision of a site	Work No. 9(b)

		compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	
St Allen Civil Parish	6/1k	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	6/1m	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	6/1n	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	6/1q	Required for the construction of a new private means of access	Work No. 1
St Allen Civil Parish	6/1s	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	6/1w	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe, St Allen Civil Parishes	6/2a	Works associated with a length of new highway to unnamed road	Work No. 2(b)
Perranzabuloe, St Allen Civil Parishes	6/2b	Works associated with a length of new highway to unnamed road	Work No. 2(b)
Perranzabuloe Civil Parish	6/3a	Works associated with a length of new highway to unnamed	Work No. 2(b)

		road	
St Allen Civil Parish	6/4b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe, St Allen Civil Parishes	6/4c	Works associated with a length of new highway to unnamed road	Work No. 2(b)
St Allen Civil Parish	6/4e	Works associated with a length of new highway to unnamed road	Work No. 2(b)
St Allen Civil Parish	6/4f	Works associated with a length of new highway to unnamed road	Work No. 2(b)
St Allen Civil Parish	6/7b	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(z)
St Allen Civil Parish	6/7c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
St Allen Civil Parish	6/7g	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned bridleway and new private means of access	Work No. 1
St Allen Civil Parish	6/10b	Required for the	Work No. 1

		provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned bridleway and new private means of access	
St Allen Civil Parish	6/10c	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 9(b)
St Allen Civil Parish	6/10e	Required to construct a new drainage ditch	Work No. 1(bb)
St Allen Civil Parish	6/11a	Required to construct a new drainage ditch	Work No. 1(bb)
St Allen Civil Parish	6/11b	Required for the construction of a new private means of access	Work No. 1
St Allen Civil Parish	6/11f	Required for the construction of a new private means of access	Work No. 1
Land Plans – Sheet 7			
St Allen Civil Parish	7/1	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/1h	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/1j	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/1k	Required for all purposes associated	

		with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/1m	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/1n	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/1p	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/1q	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/1r	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/1w	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/1x	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/3ab	Required for the construction of a new private means of access	Work No. 1
St Allen Civil Parish	7/3ac	Required for the provision of and to provide working space and temporary access for works associated with the provision of	Work No. 1

		the boundary treatment for the new A30	
St Allen Civil Parish	7/3q	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 10(d)
St Allen Civil Parish	7/9b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
St Allen Civil Parish	7/9c	Required for the provision of and to provide working space and temporary access for works associated with the provision of a gated access	Work No. 11
St Allen Civil Parish	7/9d	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 11
St Allen Civil Parish	7/9f	Required for works to cap mineshafts	Work No. 1(ff)
St Allen Civil Parish	7/9g	Required for works to cap mineshafts	Work No. 1(ff)
St Allen Civil Parish	7/10a	Required for works to cap mineshafts	Work No. 1(ff)
St Allen Civil Parish	7/11	Required for works to cap mineshafts	Work No. 1(ff)
Land Plans – Sheet 8			
St Erme Civil Parish	8/1	Required for all purposes associated	

		with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Erme Civil Parish	8/1a	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Erme Civil Parish	8/1b	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	8/2d	Required for the construction of a new private means of access and landscaping	Work No. 11(a)
St Allen Civil Parish	8/2e	Required for the construction of a new private means of access and landscaping	Work No. 11(a)
St Allen Civil Parish	8/2f	Required for the construction of a new private means of access and landscaping	Work No. 11(a)
St Allen Civil Parish	8/2h	Required for the provision of landscaping	Work Nos. 11(a) and 11(e)
St Allen Civil Parish	8/2j	Required for the provision of landscaping	Work Nos. 11(a) and 11(e)
St Allen Civil Parish	8/2k	Required for the provision of landscaping	Work Nos. 11(a) and 11(e)
St Erme Civil Parish	8/3a	Required to provide working space and temporary access for works associated with the provision of ecological mitigation	Work No. 1
St Erme Civil Parish	8/3b	Required to provide working space and temporary access for works associated with the provision of ecological mitigation	Work No. 1
St Erme Civil Parish	8/6d	Required for works to cap mineshafts	Work No. 1(ff)
St Erme Civil Parish	8/6g	Required for the provision of and to	Work No. 1

		provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	
Land Plans – Sheet 9			
St Erme Civil Parish	9/1	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Erme Civil Parish	9/1a	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Erme Civil Parish	9/1q	Required for the construction of advance direction sign associated with the re-configuration of the existing Carland Cross roundabout south of the main carriageway of the new A30	Work No. 5
St Newlyn East Civil Parish	9/1t	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	9/1v	Required for the provision of a private means of access	Work No. 1
St Newlyn East Civil Parish	9/1w	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	9/1x	Required for the provision of a private means of access	Work No. 1
St Newlyn East Civil Parish	9/1y	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	9/1z	Required for the provision of a private means of access	Work No. 1
St Erme Civil Parish	9/2a	Required for the provision of and to provide working space and temporary access for works associated with the provision of	Work No. 1

		the boundary treatment for the new A30	
St Erme Civil Parish	9/3	Required for the construction of a stabilised earthworks slope adjacent to the quarry pond	Work No. 1(ee)
St Newlyn East Civil Parish	9/4	Required for the enhancement of heathland corridor at Carland Cross	Work No. 1
St Newlyn East Civil Parish	9/4a	Required for the enhancement of heathland corridor at Carland Cross	Work No. 1
St Newlyn East Civil Parish	9/4g	Required for a new spring chamber to be constructed	Work No. 1
St Newlyn East Civil Parish	9/5a	Required for a new spring chamber to be constructed	Work No. 1
St Erme Civil Parish	9/6	Required for the construction of advance direction sign associated with the re-configuration of the existing Carland Cross roundabout south of the main carriageway of the new A30	Work No. 5
St Erme Civil Parish	9/6a	Required for the construction of advance direction sign associated with the re-configuration of the existing Carland Cross roundabout south of the main carriageway of the new A30	Work No. 5
St Newlyn East Civil Parish	9/7	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(aa)
St Newlyn East Civil Parish	9/7a	Required for the reinstatement of a private means of	Work No. 1

		access	
Land Plans – Sheet 10			
St Newlyn East Civil Parish	10/1	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	10/1k	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	10/1r	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	10/1s	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	10/4	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(aa)
St Newlyn East Civil Parish	10/4b	Required for the reinstatement of a private means of access	Work No. 1

SCHEDULE 8

Article 40

TREES SUBJECT TO TREE PRESERVATION ORDERS

<i>(1)</i> <i>Name of Order/Type of tree</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
North Plantation near Tregavethen Kenwyn Tree Preservation Order 1948 (Reference C1/10) A mixed deciduous and evergreen woodland with a proportion of pine (Tree Reference W1)	Potential disturbance to roots and removal of trees to enable drainage works	Work No. 1(bb)

PROTECTIVE PROVISIONS

PART 1

FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the utility undertakers referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and the utility undertaker concerned.

2. In this Part of this Schedule—

“alternative apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(a)) belonging to or maintained by that utility undertaker;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter within the meaning of Part 1 of the Gas Act 1986(b) for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other apparatus belonging to or maintained by that utility undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
 - (i) any drain or works vested in the utility undertaker under the Water Industry Act 1991(c); and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) (adoption of sewers and disposal works) of that Act or an agreement to adopt made under section 104 (agreements to adopt sewer, drain or sewage disposal works, at future date) of that Act(d),

and includes a sludge main, disposal main (within the meaning of section 219 (general interpretation) of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works,

and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land;

“plan” includes all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed; and

“utility undertaker” means—

- (a) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
- (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986;

(a) 1989 c.29.

(b) 1986 c.44.

(c) 1991 c.56.

(d) Section 104 was amended by section 42(3) of the Flood and Water Management Act 2016 (c.29).

- (c) a water undertaker within the meaning of the Water Industry Act 1991; and
- (d) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,

for the area of the authorised development, and in relation to any apparatus, means the utility undertaker to whom it belongs or by whom it is maintained.

On street apparatus

3. This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and the utility undertaker are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act.

Apparatus in stopped up streets

4.—(1) Where any street is stopped up under article 16 (permanent stopping up and restriction of use of streets and private means of access), any utility undertaker whose apparatus is in the street has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to the utility undertaker legal easements reasonably satisfactory to the utility undertaker in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of the utility undertaker to require the removal of that apparatus under paragraph 7 or the power of the undertaker to carry out works under paragraph 9.

(2) Regardless of the temporary stopping up or diversion of any highway under the powers conferred by article 15 (temporary stopping up and restriction of use of streets), a utility undertaker is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

Protective works to buildings

5. The undertaker, in the case of the powers conferred by article 21 (protective works to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

Acquisition of land

6. Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire any apparatus otherwise than by agreement.

Removal of apparatus

7.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that the utility undertaker's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of a utility undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the utility undertaker in question in accordance with sub-paragraphs (2) to (7).

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to the utility undertaker in question 28 days' written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order a utility undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to the utility undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, the utility undertaker in question must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the utility undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 47 (arbitration).

(5) The utility undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 47 (arbitration), and after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the undertaker gives notice in writing to the utility undertaker in question that the undertaker desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the undertaker, that work, instead of being executed by the utility undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the utility undertaker.

(7) Nothing in sub-paragraph (6) authorises the undertaker to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

Facilities and rights for alternative apparatus

8.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a utility undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and the utility undertaker in question or in default of agreement settled by arbitration in accordance with article 47 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the utility undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by the undertaker to that utility undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus

9.—(1) Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 7(2), the undertaker must submit to the utility undertaker in question a plan of the works to be executed.

(2) Those works must be executed only in accordance with the plan submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the utility undertaker for the alteration or otherwise for the protection of

the apparatus, or for securing access to it, and the utility undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by a utility undertaker under sub-paragraph (2) are to be made within a period of 21 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.

(4) If a utility undertaker, in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 3 and 6 to 8 apply as if the removal of the apparatus had been required by the undertaker under paragraph 7(2).

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the utility undertaker in question notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (3) in so far as is reasonably practicable in the circumstances.

(7) In relation to works which will or may be situated on, over, under or within 10 metres measured in any direction of any electricity apparatus, the plan to be submitted to the utility undertaker under sub-paragraph (1) must be detailed, include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which they are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal;
- (d) the position of all electricity apparatus; and
- (e) by way of detailed drawings, every alteration proposed to be made to such apparatus.

Expenses and costs

10.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to a utility undertaker all expenses reasonably incurred by that utility undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph 7(2).

(2) The value of any apparatus removed under the provisions of this Part of this Schedule must be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 47 (arbitration) to be necessary then, if such placing involves cost exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the utility undertaker in question by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus must not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole must be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to a utility undertaker in respect of works by virtue of sub-paragraph (1), if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, is to be reduced by the amount which represents that benefit.

11.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraphs 5 or 7(2) any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of a utility undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any utility undertaker, the undertaker must—

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

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

(2) The fact that any act or thing may have been done by a utility undertaker on behalf of the undertaker or in accordance with a plan approved by a utility undertaker or in accordance with any requirement of a utility undertaker 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 a utility undertaker, its officers, servants, contractors or agents.

(4) A utility undertaker must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise is to be made without the consent of the undertaker and, if such consent is withheld, the undertaker has the sole conduct of any settlement or compromise of any proceedings necessary to resist the claim or demand.

Cooperation

12. Where in consequence of the proposed construction of any part of the authorised development, the undertaker or a utility undertaker requires the removal of apparatus under paragraph 7(2) or a utility undertaker makes requirements for the protection or alteration of apparatus under paragraph 9, the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the utility undertaker's undertaking and each utility undertaker must use its best endeavours to co-operate with the undertaker for that purpose.

13. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and a utility undertaker in respect of any apparatus in land belonging to the undertaker on the date on which this Order is made.

PART 2
**FOR THE PROTECTION OF OPERATORS OF ELECTRONIC
COMMUNICATIONS CODE NETWORKS**

14. For the protection of any operator, the following provisions have effect, unless otherwise agreed in writing between the undertaker and the operator.

15. In this Part of this Schedule—

“the 2003 Act” means the Communications Act 2003**(a)**;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in section 106**(b)** (application of the electronic communications code) of the 2003 Act;

“electronic communications code network” means—

(a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and

(b) an electronic communications network which the undertaker is providing or proposing to provide.

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act;

“infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7 (infrastructure system) of that code; and

“operator” means the operator of an electronic communications code network.

16. The exercise of the powers conferred by article 35 (statutory undertakers) is subject to Part 10 (undertaker’s works affecting electronic communications apparatus) of the electronic communications code.

17.—(1) Subject to sub-paragraphs (2) to (4), if as a result of the authorised development or its construction, or of any subsidence resulting from the authorised development—

(a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development), or other property of an operator; or

(b) there is any interruption in the supply of the service provided by an operator,

the undertaker must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and make reasonable compensation to that operator for any other expenses, loss, damages, penalty or costs incurred by it by reason, or in consequence of, any such damage or interruption.

(2) 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 an operator, its officers, servants, contractors or agents.

(3) The operator must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker and, if such consent is withheld, the undertaker has the sole conduct of any settlement or compromise of any proceedings necessary to resist the claim or demand.

(a) 2003 c.21.

(b) Section 106 was amended by section 4 of the Digital Economy Act 2017.

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

18. This Part of this Schedule does not apply to—

- (a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act; or
- (b) any damages, or any interruptions, caused by electro-magnetic interference arising from the construction or use of the authorised development.

19. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and an operator in respect of any apparatus in land belonging to the undertaker on the date on which this Order is made.

PART 3

FOR THE PROTECTION OF SCOTTISHPOWER RENEWABLES

Application

20. 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

21. 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; and

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

Construction Programme

22.—(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 subparagraph (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

23.—(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 backeast.

(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).

Chybuca Junction

24.—(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 Chybuca 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

25.—(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 subparagraph (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 subparagraph (3) that are necessary to achieve the measures referred to in sub-paragraphs (1) and (2).

Access during construction

26.—(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

27.—(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

28.—(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

29. 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

30.—(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

31. 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).

SCHEDULE 10

Article 45

DOCUMENTS TO BE CERTIFIED

<i>(1)</i> <i>Document</i>	<i>(2)</i> <i>Examination Library Reference</i>	<i>(3)</i> <i>Application Document Reference</i>	<i>(4)</i> <i>Revision</i>
Book of Reference	AS-034	4.3	A
Works Plans	REP5-004	2.4	C03 - C05
Land Plans	REP5-003	2.2	C01 - C02
Rights of Way and Access Plans	REP5-005	2.5	C03 - C05
Classification of Roads Plans	APP-021	2.7d	C01
Special Category Land Plan	AS-013	2.3	C03
Prohibitions Plans	APP-020	2.7c	C01
Clearways Plans	APP-019	2.7b	C01
De-trunking Plans	APP-022	2.8	C01 (Key Plan) C02
Speed Limits Plans	APP-018	2.7a	C01
Environmental Masterplan	APP-180 APP-181 APP-182 APP-183 APP-184 APP-185 APP-186 APP-187 APP-188 APP-189 APP-190 APP-191 APP-192 APP-193 APP-194 APP-195 APP-196 APP-197 APP-198 APP-199 APP-200	6.3, Figure 7.6	C01
General Arrangement and Section Plans	REP5-006	2.6	C02 - C03
Environmental Statement	APP-052 to APP-374 APP-377 to APP-383	6.2, 6.3, 6.4	
Outline Construction Environmental Management	REP5-011 REP5-013	6.4. Appendix 16.1	

Plan			
Trees and Hedgerows to be Removed or Managed Plans	APP-027 APP-028	2.13	C01 (Key Plan) C03

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises Highways England to construct a new dual carriageway between Carland Cross and Chiverton in Cornwall and carry out all associated works.

The Order permits Highways England to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose.

The Order also makes provision in connection with the maintenance of the authorised development.

A copy of the plans, book of reference and environmental statement mentioned in this Order and certified in accordance with article 45 (certification of plans etc.) may be inspected free of charge during working hours at Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ.

