



Meeting note

Project name	A30 Chiverton to Carland Cross Improvement Scheme
File reference	TR010030
Status	Final
Author	The Planning Inspectorate
Date	30 May 2018
Meeting with	Highways England
Venue	Planning Inspectorate offices, Bristol
Attendees	The Planning Inspectorate Susannah Guest – Infrastructure Planning Lead Richard Price – Case Manager James Bunten – Case Officer The Applicant Josh Hodder – Project Manager (Highways England) William Spencer – DCO and Statutory Process Manager (Highways England) David Grattan – DCO Lead (Arup) Michael Baker – Stakeholders and Land Lead (Arup) Jessica Postance – EIA Lead (Arup) John Arthur – Lawyer (Burgess Salmon)
Meeting objectives	Draft document feedback and project update meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

It was noted that the key purpose of the meeting was for the Applicant to provide a brief update on the Proposed Development and for the Inspectorate to provide clarifications in respect of its written feedback on the draft application documents (**Annex A**) provided by the Applicant for review on 30 April 2018.

Project update

The Applicant explained that it was undertaking an additional targeted statutory consultation following minor changes to its redline boundary (RLB) which did not introduce any new persons with an interest in the land (PILs) who had not been previously consulted. PILs affected by the changes to the RLB have been written to and provided with 28 days to submit a response. Two additional drop-in sessions had also been scheduled for week commencing 5 June 2018. The Applicant stated that the targeted statutory consultation would be fully detailed in the Consultation Report. The

Inspectorate queried if the additional consultation had impacted the Applicant's internal timetable. The Applicant confirmed the timetable was unlikely to change.

The Applicant highlighted that it also wrote to Cornwall Council, relevant Parish Councils and the local MP to inform them of the targeted consultation.

The Inspectorate requested an update with regards to engagement with affected landowners, and the Applicant summarised progress in seeking to assemble the order lands. The Applicant had been unable to identify interest(s) in one land plot but diligent enquiry was ongoing. The Applicant noted that a Statement of Common Ground (SoCG) with one of the main affected landowners may be produced if there were unresolved issues remaining following the targeted consultation and after ongoing negotiations in advance of submission.

The Applicant noted it had scheduled a workshop with officers from Cornwall Council (CC) in order to provide a high-level overview of the PA2008 regime. The workshop would also include a session on the drafting of SoCGs. The Inspectorate queried whether the Applicant would be sharing the draft DCO with CC ahead of submission. The Applicant confirmed that it would provide drafts of its application documents, if requested.

The Applicant provided an update on SoCG progress with other key stakeholders. The Inspectorate queried whether there was concern with the level of progression with any of the SoCGs. The Applicant noted that the SoCG with Historic England had not been advanced due to illness, but was now being prioritised.

The Applicant stated that the application documents would include a 'Statement of Commonality' as encouraged by the Inspectorate in its list of example documents¹. The Inspectorate advised that the Examining Authority would find the document helpful as it would help to consolidate unresolved matters across SoCGs, potentially leading to fewer questions at examination.

The Inspectorate queried whether the Applicant had internal milestones leading up to submission. The Applicant set out that it had planned a series of document reviews before the anticipated submission, which was on track for the end of summer/ beginning of autumn.

Draft documents feedback

The Inspectorate had provided written advice to the Applicant ahead of the meeting to inform discussion. That advice is provided at **Annex A** to this meeting note.

In the course of discussing the comments at **Annex A**, in some instances the Applicant asked for further information in respect of the observations made by the Inspectorate. The Inspectorate agreed to provide the following post-meeting:

- An example of a good Statement of Reasons that had been submitted by a previous applicant.
- Examples of Land Plans in which insets had been used to articulate concentrations of smaller plots.

¹ <https://infrastructure.planninginspectorate.gov.uk/application-process/example-documents/>

- Examples of the observations made in respect of the landmarks used in the descriptions of some plots in the Applicant's draft Book of Reference, and their apparent absence from the Applicant's draft Land Plans.
- Clarification in respect of the Inspectorate's comments on Article 24 and Article 34 in the Applicant's draft Development Consent Order.

In response to these requests the Inspectorate advised the Applicant by email dated 31 May 2018. The advice issued has been published here:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/register-of-advice/?ipcadvice=db124c5b26>

Next steps

The Applicant expressed its interest in keeping in contact with the Inspectorate via phone and email in the run-up to submission. The Inspectorate agreed and advised that any further queries arising from its comments on the draft documents (**Annex A**) could be answered ad hoc.

The Applicant asked how many complete hard copies of the application documents would need to be submitted. The Inspectorate advised that two sets of hard copy documents was required as standard, although if the Examining Authority was a Panel, additional copies may be required and the Applicant should prepare for this.

It was agreed that a project update teleconference would be scheduled following the close of the targeted statutory consultation in July 2018.

Specific decisions/ follow-up required?

The following actions were agreed:

- Both parties to schedule a project update teleconference in July.
- Both parties to keep in close contact on the run-up to submission.



TR010030: A30 Chiverton to Carland Cross Improvement Scheme

Draft documents review

This document comprises the comments made by the Planning Inspectorate on the form and content of the following draft application documents provided by the Applicant (Highways England) in May 2018:

- Draft Environmental Statement (Chapters 1 to 4)
- Draft Consultation Report
- Draft Development Consent Order and Explanatory Memorandum
- Draft Land Plans
- Draft Book of Reference
- Draft Works Plans

The review of draft documents forms part of the Planning Inspectorate's Pre-application service for applicants¹. The commentary included in this document comprises advice issued by the Planning Inspectorate under section 51 of the Planning Act 2008 (PA2008). It does not constitute legal advice upon which the Applicant (or others) should rely.

¹ <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>



1. Draft Environmental Statement (Chapters 1 to 4)

Ref	Extract	Question/Comment
Paras 1.3.2 and 1.3.10	-	Repeated paragraph.
Para 1.4.6	Second to last bullet point	Xisting rather than existing.
Para 1.6.14	-	Number 8 at end.
Para 1.8.2	Location to be confirmed	Due to length of scheme it may be advisable for the hard copy to be located in more than one location.
Para 2.4.4	Bullet point 4	If the SAC and SSSI have the same footprint, then suggest removing word 'both'.
Para 2.6.6	Attenuation ponds	The project description refers to a number of attenuation ponds, the location of these should be shown on supporting plans.
Para 2.6.47	Proposals for how the existing A30 road space can be reallocated are in their early stages.	Are there any further details?



Para 2.6.61	It is currently proposed to include two main compounds located at each end of the scheme, known as the Eastern and Western compounds. The Eastern compound will include with the main office buildings / welfare facilities, car parking / mini bus parking and the induction centre. Both compounds will provide traffic management / maintenance, material storage, satellite offices, fuel storage, washout pits for concrete and sweepers, waste segregation area and topsoil subsoil storage.	The dimensions of the construction compounds have not yet been determined, the ES should provide these details and also explain and justify what assumptions have been made in assessing effects arising from the construction compounds.
2.7.5	The scheme is anticipated to be open for traffic December 2022 and completed 2023.	Is there any more certainty of when in 2023?
Paras 2.7.18 and 2.7.24	Construction Environmental Management Plan.	These sections both discuss the CEMP. It may be advisable to group these sections into one to make it easier for the reader to follow. There is a reference to 'Appendix XX' in paragraph 2.7.24 which will require a correct reference.
2.7.26 – 2.7.30	Traffic and Transport Management Plan	The Inspectorate expects that the Traffic and Transport Management Plan should be secured through the dDCO. Paragraph 2.7.26 contains a reference to Appendix XX, it is assumed this will have a correct reference upon submission.



Section 2.8	Demolition	It is noted that this section is titled demolition but discusses decommissioning, and therefore it is assumed this infers demolition of the whole scheme. Two bridges are planned to be demolished but further details of this are not provided. The ES should provide further details and assess impacts of the two bridges being demolished.
Para 3.7.2	states its not a material change from scoping report and therefore don't need to resubmit a SR.	Amendments to preferred route – can applicant confirm whether the new route has led to any new consultees being identified and have they consulted them?
Para 4.7.5	-	Source error – should be table 4.1?
Para 4.8.7	-	Appendix XX
Para 4.8.13	-	Blank para
Para 4.8.16	-	Figure Xx and Appendix XX
Para 4.11.3	-	Appendix X.X

2. Draft Consultation Report

Q No.	Paragraph	Comment/Question
1.	General	The Applicant may find it useful to complete its own version of the s55 checklist to inform the preparation and finalisation of its application. The Applicant may submit their copy of the completed checklist alongside the application as a separate document that does not form part of the application . The latest version can be found as Appendix 3 to Advice Note Six: https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/
2.	General	The Applicant is advised to ensure that the final version of the Consultation Report refers correctly to all relevant Paragraphs, Appendices, Tables and Figures throughout the whole document. Tables and Figures need to be consistently named and numbered. The accuracy of naming is helpful when cross referencing the text from the main body of the Consultation Report and the appendices.



Q No.	Paragraph	Comment/Question
3.	General	<p>We note that the majority of appendices have not been provided and therefore it has not been possible to review these alongside the dCR. In particular, the Inspectorate therefore has been unable to test the evidence underpinning assertions made in the main text of the report. A 'Draft list of Appendices' is included in Appendix A, A.1 stating basic titles. We also note that there is still information to be added to the dCR and therefore it has not been possible to assess the standard of the document in a meaningful way.</p>
4.	General	<p>The dCR makes several references to the MHCLG 'Planning Act 2008: Guidance on the pre-application process' (3.5.1, 6.2.2, 6.2.25 & 7.2.1) however explicit references to the relevant sections of the guidance could helpfully be made throughout the document, where required. The dCR does not state that the Applicant has had regard to 'Planning Act 2008: Application form guidance'.</p>
5.	Table of Contents	<p>The Applicant should ensure the correct numbering of tables and figures throughout the document and also ensure they accurately cross reference back to the 'Tables of Tables' and 'Table of Figures':</p> <ul style="list-style-type: none">• Several 'Tables' are included within the dCR that are not referenced – para 5.3.2 (Summary of meetings), para 5.4.2 (Details of meeting), para 5.5.3 (Local Publications), para 6.4.36 (Engagement Activity), para 6.5.4 (Table of Publications), para 7.2.1 (PEIR and additional themes). If these are not to be referenced as tables then the Applicant may consider presenting the information in a different way.• Several Tables are incorrectly referred to in the dCR – Para 7.1.2 refers to Table 4 not Table 7.1, para 8.1.1 (Table 4 not 8.1), para 8.2.1 (Table 5 not 8.2), para 8.3.1 (Table 6 not 8.3), para 8.3.3 (Table 7 not 8.4).• Figure 7.1.3 'How respondents heard about the consultation' is not included in the Table of Figures.• Para 7.3.3 within the dCR refers to Figure 7.5 as 'the main themes arising from Section A – Chiverton junction to Chybuca' however para 7.3.5 also refers to Figure 7.5 but describes this as 'the main themes arising from Section B – Chybuca junction to Zelah'. The Table of Figures refers to Figure 7.5 as 'Question 1 response themes'.



Q No.	Paragraph	Comment/Question
6.	Section 3.3 – What was consulted on and summary of key findings	<p>Paras 3.3.25 to 3.3.29 provides details of responses to the second round of non-statutory consultation (15 Oct 2016 to 2 Dec 2016) however it does not provide a summary of how the Applicant had regard to those responses in respect of the requests for an event in Truro.</p> <p>We acknowledge that further information regarding the evolution of the scheme design, and the decision on the Preferred Route used during the statutory consultation, will be found in the Scheme Assessment Report (Volume 7, Document Ref 7.6) and Route Selection Report (Volume 7, Document Ref 7.7) however as these have not been provided it has not been possible to review these in conjunction with the dCR.</p>
7.	4.2.10	<p>The Planning Inspectorate provided the Applicant with a list of consultation bodies notified under Reg 11(1)(a) of the 2017 EIA Regulations and this list was subsequently used to inform the list of prescribed consultees to be consulted under s42 of the Act. There are a few discrepancies between the Reg 11 list and the list of consultees in Appendix A, A.2:</p> <ul style="list-style-type: none">• Historic England (should be Historic England South West?)• Environment Agency (should be EA Devon, Cornwall and the Scilly Isles?)• Highways England (should be Highways England South West?)• The Forestry Commission (should be FC South West?)• NATS Holdings (should be NATS En-route Safeguarding?)
8.	5.4.1	<p>This confirms that the draft SoCC was submitted to Cornwall Council on 16 Oct 17 with a response required by 13 Nov 17 (28 days). However no copy of the draft SoCC was provided and there is no indication that this will be included as an appendix. The draft SoCC should be included with the final Consultation Report so that the Applicant's actions and responses to the comments made by Cornwall Council can be reviewed alongside the final SoCC.</p>



Q No.	Paragraph	Comment/Question
9.	6.2.15	Para 6.2.13 identifies six Parish Councils included in the list of prescribed consultees and para 6.2.15 identifies a further four Parish Councils that were also consulted, including Chacewater Parish Council. However Chacewater Parish Council does not appear on the list of ' <i>Consultees identified under section 42(a) and (b) of the Act</i> ' in Appendix A, A.2. The Reg 11 prescribed consultee list provided to the Applicant by the Inspectorate records Chacewater Parish Council as a prescribed consultee
10.	6.3.2	The para states " <i>Highways England wrote to PINS on 29 January 2018</i> ". The section 46 Notice is dated 26 January 2018 and was received by email on 26 January 2018.
11.	6.4.10, 6.4.14 & 6.4.19	The hyperlinks to the PEIR, s48 notice and key objectives videos will need to be activated in the final Consultation Report.
12.	6.4.26	This states that elected representatives – MP's and MEP's - were sent an email or letter at the start of the consultation. The Applicant may wish to clarify if this included all MP's and MEP's or just local representatives.
13.	6.4.52	This lists the Public Events held to comply with section 47. The SoCC provides details of the location of the St Erme Community Centre with a postcode of TR4 9BD (as does the address provided on the project consultation website). However the section 47 notice publicising the Public Events records a postcode of TR4 9AP.
14.	Tables 8.1, 2, 3 & 4	<p>The Applicant is advised to ensure that a clear explanation is provided of where the design of the scheme has changed in relation to matters raised by consultees and equally where no change has resulted.</p> <p>Paragraph 56 of the MHCLG guidance (2015) encourages applicants to consider consulting widely so that further information on the impacts of the proposal can be provided. Para 6.4.39 of the dCR confirms that a pop-up information point was set up at Cornwall Services and figure 7.2 provides the geographical distribution of consultation respondents. The Applicant may consider highlighting matters raised from the wider area and the regard had to them.</p>



Q No.	Paragraph	Comment/Question
15.	Appendix A, A.2	<p>The title should read 'Consultees identified under section 42(1)(a) and (b) of the Act'. A similar amendment is required for the titles of Tables 9.1 and 9.2.</p> <p>Table 9.2 does not record Cornwall Council as the Section 43(b) authority.</p>



3. Draft Development Consent Order and Explanatory Memorandum

Q No.	Article (A)/ Requirement (R)	Extract from DCO	Question/comment
1.	General (EM)	-	The EM in referring to individual provisions frequently merely states that they have been included in previous orders. The EM should explain why the provision in this form is necessary and appropriate for this particular order – see section 15 of PINS advice Note 15.
2.	General (EM)	-	The EM frequently states that an article is 'based on' the MP or another precedent. The EM should identify and justify the changes from the MPs or other quoted precedents.
3.	EM para 2.5	-	Can the EM state the area of the scheme, not just that it exceeds 12.5 ha?
4.	EM para 4.5(b)	-	The EM should justify the extended definition of "maintain", in particular the inclusion of "adjust" and "alter" which are outside the ordinary meaning of the word.
5.	General (DCO)	-	The applicant will be asked to maintain a list of all plans and other documents that will require SoS certification (including plan/document references), updated throughout the examination process, and supplied to the Examining authority before the close of the examination



Q No.	Article (A)/ Requirement (R)	Extract from DCO	Question/comment
6.	General (DCO)	-	<p>The application DCO and any subsequent versions of the submitted to the examination:</p> <ul style="list-style-type: none">• should be supplied in both .pdf and Word formats, the latter showing any changes from the previous version by way of tracked changes, with Word comments briefly outlining the reason for the change?• the examination timetable will usually provide a deadline for receipt of the applicant's final or preferred version of the DCO. That version should be supported by a report of the outcome of validating it through the Publishing section of the legislation.gov.uk website
7.	A2	-	<p>Can the various plans referred to in A2 each be identified by Drawing and Revision Numbers in the next version of the draft DCO?</p> <p>As an alternative, the plans could be listed in a new schedule that is then referred to in A43.</p>
8.	A2(1)	<i>"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</i>	<p>The EM should justify this extended definition, in particular the inclusion of "adjust", "alter" and "remove" which are outside the natural meaning of "maintain" and could allow variations of the scheme as may be approved.</p>



Q No.	Article (A)/ Requirement (R)	Extract from DCO	Question/comment
9.	A2(1)	<i>"the Order limits" means the limits of deviation shown on the works plans within which the authorised development may be carried out</i>	The works plans refer to 'Highway Work Limit of Deviation (indicative)': <ul style="list-style-type: none">• The titles used in the DCO and works plans should be consistent to avoid confusion;• Precise, not indicative, limits should be used in the application documents for certainty
10.	A4(2)	<i>(2) Any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of this Order.</i>	Although this general and extensive provision has been included in made orders, the EM should explain why it is necessary and justified for this particular project. Para 4.14 of the EM is not understood. Clarify? The EM should also explain whether there are any specific enactments that are causing concern What are the limits of the provision? How far does "adjacent" extend from the Order limits?
11.	A8(2)	<i>(2) Paragraph (1) does not apply to the works for which the 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.</i>	The EM should identify which of the works in Schedule 1 are "works for which the 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 to which paragraph 1 does not apply, and the persons they are each to expressly benefit?"



Q No.	Article (A)/ Requirement (R)	Extract from DCO	Question/comment
12.	A10(7)	<i>(7) Nothing in article 12 (construction and maintenance of new, altered or diverted streets and other structures)—</i>	Reference should be to A11?
13.	A11	-	The EM should indicate whether the provisions of this article have been discussed with the local highway authority in the light of the obligations that it places on that authority.
14.	A12(8)	<i>(8) The application of paragraphs (1) to (6) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters.</i>	Although included in other highways orders, the EM should explain the operation of this paragraph as its meaning (if not its intent) is unclear. Compare for example A16(4).
15.	A15	<i>[Access to works]</i>	The EM indicates that this article is included to provide similar powers to those available under the Highways Act 1980. The EM should explain why these powers are required in the DCO if they are already available to the applicant under other legislation.



Q No.	Article (A)/ Requirement (R)	Extract from DCO	Question/comment
16.	A24	<i>[Public rights of way]</i>	<p>The terms of the article and the title of Schedule 4 appear contradictory. The EM should justify why PRoWs are to be extinguished with no substitute being provided.</p> <p>Should the article be more specific about the content of the site notice?</p>
17.	A27	<i>[Application of the 1981 Act]</i>	<p>The EM should provide a more detailed explanation of the changes that are proposed to the application of the Act, including the effect of the modifications.</p>
18.	A30	<i>[Temporary use of land for carrying out the authorised development]</i>	<p>Although regulations bringing the relevant provisions into force have yet to be made, there are provisions in the Neighbourhood Planning Act 2017 that aim to provide a consistent regime for the use of temporary possession powers, including additional protections for affected landowners. The EM should explain why this article should not more closely reflect that regime.</p>
19.	A34	<i>[Recovery of costs of new connections]</i>	<p>The EM should explain why this provision is limited to public utility undertakers or public communications providers and not other bodies responsible for utilities such as gas, water, and electricity.</p>



Q No.	Article (A)/ Requirement (R)	Extract from DCO	Question/comment
20.	A35	<i>[Special category land]</i>	The EM should explain why the trigger for the vesting of the special category land in the undertaker is the receipt of a scheme and not e.g. the approval of that scheme by the SoS or indeed the laying out and provision of the replacement land.
21.	A36	<i>[Existing powers and duties of the undertaker]</i>	Although it is noted that an equivalent article has been included in the M20 Order, nonetheless the EM should explain why in the context of this Order the applicant requires powers both under this Order as well as its existing powers under other legislation.
22.	A40	<i>[Operational land for the purposes of the 1990 Act]</i>	S264(3) of the 1990 Act is entitled "Cases in which land is to be treated as not being operational land" and not as stated in the draft article.
23.	A46	<i>[Appeals relating to the Control of Pollution Act 1974]</i>	The EM should explain the statutory appeals process under the 1974 Act and why and how the proposed appeal process is more suitable.
24.	Schedule 1	-	The Schedule at items (a) to (p) contains a very extensive list of additional development that may be carried out in addition to the numbered Works. The EM will need to explain and justify why such extensive and unspecified works are needed and how they have been assessed in the ES.



Q No.	Article (A)/ Requirement (R)	Extract from DCO	Question/comment
25.	R1	-	Should the "County Archaeologist" be 'nominated' by the Council as it may in the future decide not to 'appoint' such a person? "European protected species" is undefined
26.	R2	-	The EM will need to explain how the CEMP is to be converted into the HEMP including if and by whom it is to be approved?



4. Draft Land Plans, draft Book of Reference and draft Works Plans

Draft Land Plans/ draft Book of Reference

- The thickness of the red line boundary can make it difficult to view some of the smaller plots located on the edge of the site.
- Although the majority of the plot descriptions within the Book of Reference appear accurate, there are a few instances of landmarks used that are not identified on the correlating land plan.
- It would be helpful to have insets on the land plans when there is a concentration of smaller plots and it is hard to make each individual plot boundary.
- There is an unidentified plot located on sheet 6 of the land plans, directly above plot '6/9'.

Draft Works Plans

- Work '1u' is described as three public laybys eastbound and three westbound in the draft DCO, however the plans show three public laybys eastbound and five westbound.
- Work '1v' is described as 12 private laybys eastbound and 16 westbound in the draft DCO, however the plans show a total of 29 private laybys.
- Work '1v' is described in the draft DCO as being located on sheets two to six of the works plans however, the works begin on sheet one.
- It is noted that further culverts are identified in the further development list of works under (f); are these culverts different to those in works 1bb?
- For works with no identified number of individual works, we assume these will be included on the engineering plan(s):
 - Work '1bb' – culverts
 - Work '1cc' - wildlife crossings
 - Work '3f' – re-alignments