



A380 South Devon Link Road (Kingskerswell Bypass)

Public Inquiry

Devon County Council's Response to

Proof of Evidence of John Hartley

(Obj 51): OBJ/HART(51)/P/1

Response by Michael Smith

**with contributions by Richard Perkins, Rosalyn Guard and
Paul Ewings**

1.0 Introduction

- 1.1 This Rebuttal (**DCC/REB/7**) to the Proof of Evidence of John Hartley (**OBJ/HART(51)/P/1**) has been prepared by Michael Smith with contributions by Richard Perkins, Rosalyn Guard and Paul Ewings.
- 1.2 John Hartley, in his letter dated 6th November 2008, objected to the Scheme and indicated that detailed objections would follow. John Hartley has subsequently submitted his Proof of Evidence.
- 1.3 John Hartley has stated that his grounds of objection to the Scheme are that it will cause vibration and noise nuisance; that the proximity of the Scheme to 'Woodlands' will expose parts of it to visual impact; and that the property will be deprived of a natural water supply. Mr Hartley also comments on the adverse effect of the Scheme on the value of his property, the public consultation process; and the presentation of the Environmental Statement drawings; the lack of public exhibition regarding the Kingskerswell Bypass Economic Impact Study and that this study identified development land; and also the lack of public exhibition of the flood risk assessment.

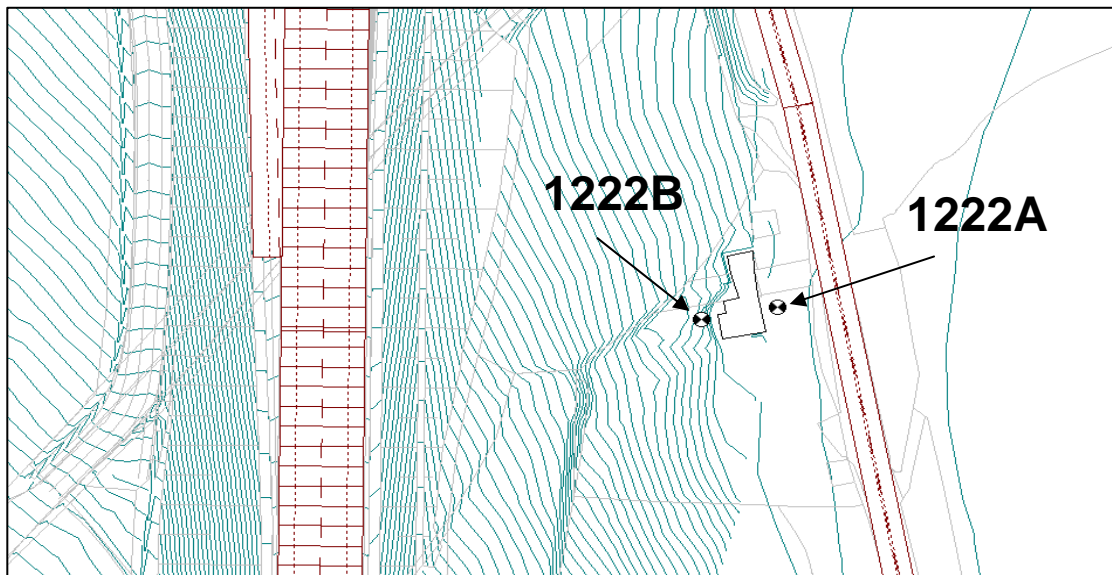
2.0 Noise and Vibration Issues (Contribution by Richard Perkins)

- 2.1 In Richard Perkins' Proof of Evidence (**DCC/P/9**), the methodology for the calculation of noise levels is described at Section 4.3, which refers to the Calculation of Road Traffic Noise (**CD 4.27**). The calculations take account of the traffic flow, composition, speed and type of road surface. There is no need to carry out individual property visits in order to model the effects of the Scheme.
- 2.2 Noise levels at two façades have been calculated at 'Woodlands' and are shown in the table below:

NSR	Noise Level $L_{A10,18h}$			
	Do-Minimum		Do-Something	
	Baseline Year (2013)	Future Assessment Year (2028)	Baseline Year (2013)	Future Assessment Year (2028)
1222A	66.5	64.5	67.0	66.3
1222B	58.0	55.9	60.9	60.7

Source: DCC/A/9, Annex D

Receptor A is on the building façade facing the existing Old Newton Road, and Receptor B is on the façade facing the Scheme.



- 2.3 Noise changes, that is between do minimum baseline year 2013 and do something future assessment year 2028, are therefore predicted to be negligible on the “A” façade, and a minimal increase on the “B” façade. None of the facades are eligible for noise insulation grants. In summary, The Woodlands property will experience a minimal increase in noise as a result of the Scheme.
- 2.4 **DCC/P/9** describes the methodology for the calculation of the effect of vibration. At paragraph 2.2.3 it explains that ground-borne vibration is normally only a potential effect for properties very close to a road and the effects are generally insignificant beyond 50m from the kerb. For a given level of noise exposure the percentage of people bothered very much or quite a lot by vibration is 10% lower than the corresponding figure for noise nuisance. On average traffic induced vibration is expected to affect a very small percentage of people at exposure levels below 58 LA10 dB.
- 2.5 Vibration nuisance changes are therefore predicted to be negligible on the “A” façade, and minimal on the “B” façade.
- 2.6 The Scheme incorporates measures to mitigate the effects of traffic noise, which are described in Section 4.2 of **DCC/P/9**.
- 2.7 In his proof of evidence, John Harley refers to Table 12.3, page 12-19 of Volume 1 of the Environmental Statement (**CD 2.3**). Table 3 sets out the calculated data for determination of eligibility for road traffic noise insulation. The methodology is set out in paragraph 12.3.5 of the ES and the Abbreviations used in the Tables are described on page 12-9 of the ES, which also further explains the eligibility criteria.
- 2.8 John Hartley expresses concern at the figures presented. They are explained below:
‘OLD’ represents the contribution to the Relevant Noise Level from the existing unaltered highway at the façade facing the Scheme. The levels were calculated to be 38.7dB and 40.1dB based upon the proximity of the existing A380 only. These levels are so low relative to the calculated levels of the Relevant Noise Level, they have no bearing on the decision on eligibility for road traffic noise insulation.
- 2.9 John Hartley also raises concern regarding the reference to noise nuisance. The methodology is explained in paragraphs 12.3.11 to 12.3.13 of the ES.
- 2.10 The calculated noise levels at Woodlands at façade B shown above are different to those reported in the ES, because the noise model now takes account of traffic flows on Old Newton Road, in both do minimum and do something. The difference in level is insignificant between the do something future assessment year as reported in the ES (60.0) and the do something future assessment year reported above (60.7).
- 3.0 Visual Issues (Contribution by Rosalyn Guard)**
- 3.1 As noted by John Hartley the visual effects on ‘Woodlands’ were assessed as No change (see **DCC/A/6** Figure LA 11b).
- 3.2 The screen mounding referred to in the Statement of Case is shown on the Scheme plans (**CD 1.6**) Sheet 6, to the west of ‘Woodlands’. This is indicated as a double-sided slope symbol extending along the east side of the proposed road to approximately Ch. 3450, south of which the road is in a cutting around 4m deep.
- 3.3 This screen mound (or ‘false cutting’) is illustrated on the attached drawing HEX43444A/SKC/485 at Appendix 1 to this Response. This drawing was sent to John Hartley by PB on 6 March 2008, as he requested at the Orders Exhibition: further annotations have since been added to explain it more fully.
- 3.4 Drawing HEX43444A/SKC/485 shows the Scheme in relation to the house at ‘Woodlands’. Because ‘Woodlands’ is set below the proposed road, the line of sight

from the upper windows will be controlled by the top of the eastern false cutting and traffic both on the A380 and using the Yannon Lane landfill site access will be below this line, so will not be visible from the house.

- 3.5 The existing view from the house is surmised to be grassed fields seen through the substantial, apparently unmanaged, hedge to the north and west of 'Woodlands' (see attached aerial photograph at Appendix 2). It seems possible that vehicles using the Yannon Lane landfill site are occasionally visible to the north, over the hedge bounding the access track, at a distance of some 80m from 'Woodlands'.
- 3.6 The predicted view of the Scheme in Year 1 is grassed slopes seen through 'Woodlands' boundary hedge, with landfill vehicles absent from the view. In accordance with DMRB, the visual impact assessment considered whether the quality and nature of the elements in the view would change, rather than whether the exact elements would change. It is considered that from Woodlands the nature of the view would remain the same, so the Year 1 assessment is No change. If the landfill vehicles are visible at present, the Scheme could be said to have provided a Slight benefit for views from the house.
- 3.7 Although in Year 15 the view would appear more wooded, this is considered to be a positive characteristic, so again the predicted quality of the view is assessed as 'No change'.
- 3.8 The attached Drawing HEX43444A/SKC/487 (also sent to John Hartley on 6 March 2008 and included in Appendix 1) shows a section through the field owned by him and his wife, to the south of Woodlands. This demonstrates that the Scheme would be in sufficiently deep cutting alongside the field to conceal all traffic from the Hartley's property, without the need for additional screen mounding.

4.0 Water loss

- 4.1 The photographs included in Mr Hartley's Proof of Evidence would appear to have been taken either during or shortly after a rain storm. At the 'road wall' it seems from examination of contours that surface water collects behind the wall, drains down behind the wall and then through the weep pipes. The discolouration of the water in photographs flowing past 'Woodlands' would suggest this is draining from the fields above 'Woodlands', which are ploughed from time to time. This field is illustrated on the aerial photograph shown in Appendix 2, which was taken in April 2006.
- 4.2 Mr Hartley is correct to conclude that the Scheme would affect the volume of surface water and ground water that drains across 'Woodlands' land ownership. The drainage system for the Scheme would intercept all surface water and all field drains and divert this run-off to the attenuation pond at Ch 2700 as shown on Figure 4.2 of Michael Smith's Proof of Evidence Volume 3 (**DCC/A/3**). This would prevent the excessive surface water run-off illustrated in Mr Hartley's Proof of Evidence.
- 4.3 The Scheme would also affect the spring located within 'Woodlands' land ownership. This spring is labelled S17 and is shown on Figure 6 of Michael Smith's Proof of Evidence Volume 3 (**DCC/A/3**). In Volume 2 of his Proof of Evidence, Michael Smith states at paragraph 6.7.3.9 that:

"Excavation of the proposed cuttings and associated drainage measures would intercept shallow groundwater flow from the west (upslope), particularly during the winter months, resulting in a significant lowering of the water table in the vicinity of the excavation, with the following consequences: Ch 3400: reduction in the hydraulic gradient downslope of the cutting would reduce the winter discharge of Spring S17 possibly by 50% or more."

- 4.4 This affect is based upon borehole water level monitoring during winter months. The monitoring data for the summer period (September) when the demand for water is

likely to be higher shows the groundwater level to be approximately 7m below existing ground level at the proposed cutting position. The effect of the Scheme cutting and drainage system would be to create a draw-down in the summer water table level, but the effect on spring flows would be negligible given that the depth of cutting is approximately 5m. Therefore there would be no detrimental effect on the summer spring flow rate.

5.0 Foredown Landfill Site

5.1 As explained above, any surface water runoff from Foredown landfill site would be intercepted by the Scheme drainage system and drained to the attenuation pond at Ch 2700. In Volume 2 of his Proof of Evidence, Michael Smith states at paragraph 6.7.2.19 that:

“The cutting between Ch 3400 – Ch 3700 would divert groundwater from beneath the upper part of the Yannon Lane Landfill Site into the road drainage. There is potential for this groundwater to become contaminated by leachate from the upper eastern edge of the landfill. Monitoring results to date do not show any evidence of significant contamination of groundwater outside the landfill and the likelihood of contaminated water entering the road drains appears small. Notwithstanding this conclusion, measures are included in the Scheme to mitigate possible pollution risks.”

5.2 The mitigation measures are fully described in paragraph 6.7.2.20 of DCC/P/3. These measures will ensure that the effects of any contaminants arising from Yannon Lane are negligible.

6.0 Public Consultation (Contribution by Paul Ewings)

6.1 Mr Hartley states that there has been no public consultation regarding other route options or alternatives. The Overview and Scheme Development Proof of Evidence (**DCC/P/1**) describes the consultation process in Section 7 and confirms that the consultation in 2002 included an explanation of the scheme history and the findings of the A380 Newton Abbot to Torquay Corridor Study. The 2002 consultation included an explanation of the options that had been considered and rejected.

6.2 Mr Hartley also asserts that the public exhibitions held in January and February 2008, referred to in paragraph 5.20 of the Statement of Case, did not include displays of the full scheme layouts in a form that the public could understand. This statement is difficult to understand as not only were detailed scheme plans displayed but also the scheme outline was displayed against an aerial photography background in order to assist understanding. Additionally, staff from the Acquiring Authority and their Consultants were on hand to provide any assistance required.

6.3 Mr Hartley further asserts that the Economic Impact Study, dated February 2002 has not had a public exhibition. However, the public consultation undertaken in 2002, referred to in 2.1 above, included a section on the outcomes of the study as part of the exhibition material and also as a part of the consultation leaflet.

6.4 Finally Mr Hartley states that the Flood Risk Assessment (FRA) has not had a public exhibition. There is no requirement for a public exhibition on the FRA. The Flood Risk Assessment was submitted to the Planning Authority in support of the Planning Application and therefore consultation regarding its contents formed part of the Planning Authority's formal consultation regarding the Planning Application.

7.0 Planning Permission (Contribution by Paul Ewings)

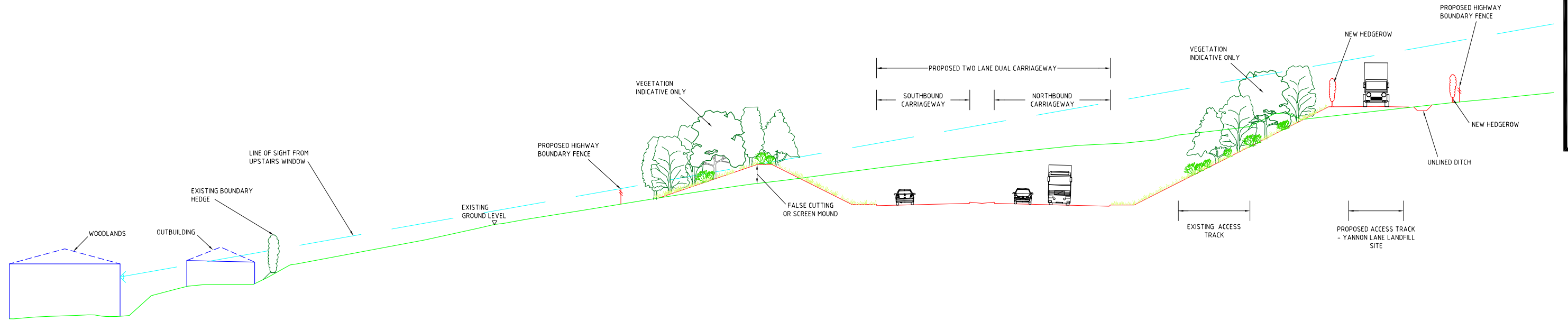
7.1 Mr Hartley states that in the planning permission granted by Devon County Council reference is only made to Volumes 1 and 2 of the Environmental Statement (**CD 2.6**). This is correct but it has no effect on the validity of the planning permission.

8.0 Effect on Value of Property

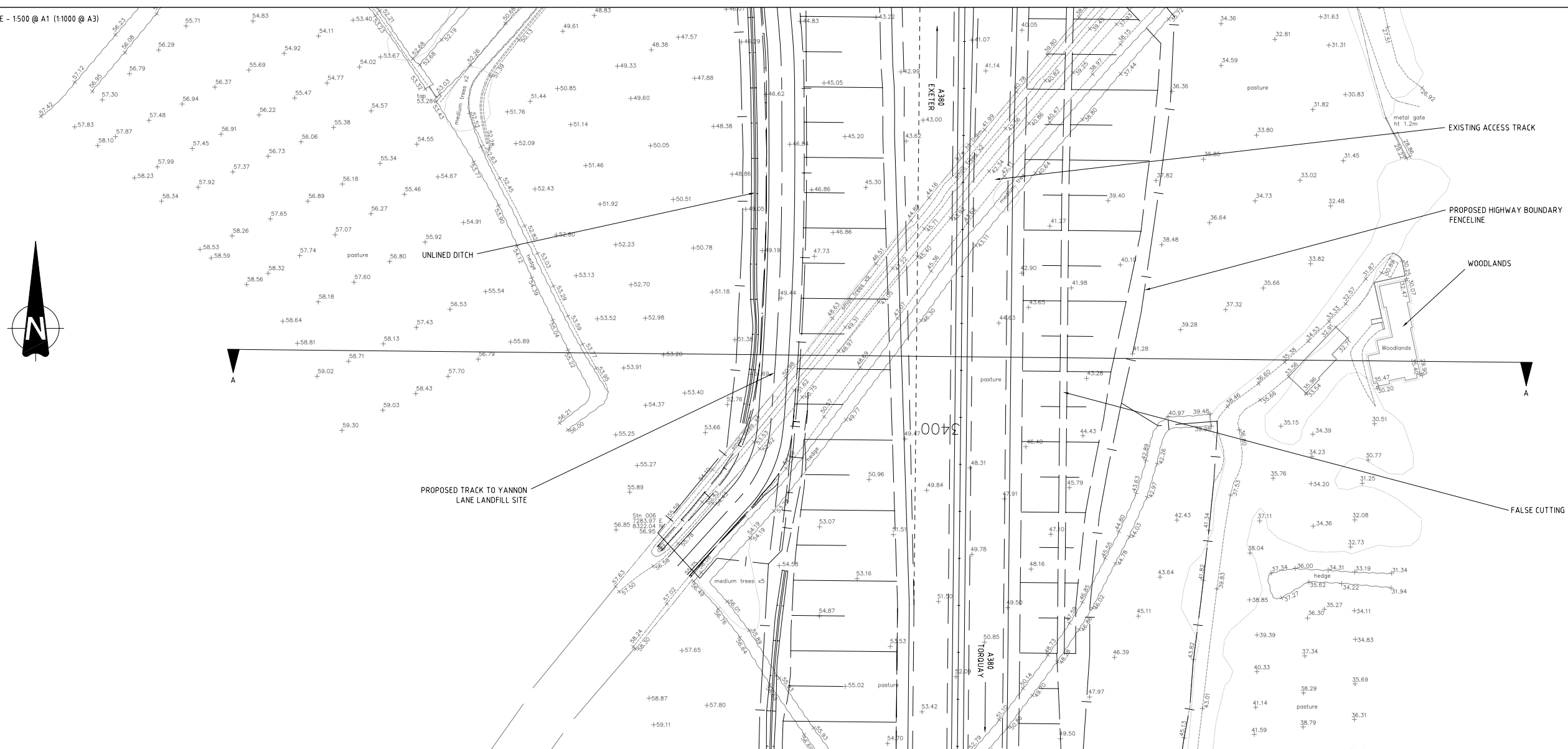
8.1 Any effect on the value of the property would be addressed in accordance with the Compensation Code.

APPENDIX 1

Drawings HEX43444A/SKC/485A and HEX43444A/SKC/487A



LAYOUT PLAN SCALE - 1:500 @ A1 (1:1000 @ A3)



		<p>Parsons Brinckerhoff Ltd The Forum, East Hill Road, Exeter, Devon, EX1 1GR Tel: 44-(0)1392-229700 Fax: 44-(0)1392-229701</p>	<p>JOB A380 SOUTH DEVON LINK ROAD KINGSKERSWELL BYPASS</p>	<p>DRAWING TITLE CROSS SECTION A-A (CH 3387m) WOODLANDS</p>	<p>No. Date A. 20/6/9</p>	<p>Revisions</p> <table border="1"> <tr> <td>1</td> <td>GENERAL AMENDMENTS</td> <td>By</td> <td>TJ</td> <td>Chkd</td> <td>RH</td> <td>Appd</td> <td>RH</td> <td>date</td> <td>18/02/08</td> <td>designed</td> <td>JL</td> </tr> <tr> <td>2</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>scale(s)</td> <td>AS SHOWN</td> <td>produced</td> <td>JL</td> </tr> <tr> <td>3</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>checked</td> <td>RH</td> </tr> <tr> <td>4</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>approved</td> <td>RH</td> </tr> </table>	1	GENERAL AMENDMENTS	By	TJ	Chkd	RH	Appd	RH	date	18/02/08	designed	JL	2								scale(s)	AS SHOWN	produced	JL	3										checked	RH	4										approved	RH	<p>ACAD_ref G:\HEX\43406-43719\43444\ACAD\ drawing number HEX43444A/SKC/485A</p>
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Aerial Photograph

