



**A380 South Devon Link Road (Kingskerswell Bypass)**

**Public Inquiry**

**Devon County Council's Response to  
Letters of Objection not Responded to in Proofs of Evidence  
(Obj: 118, 124, 156, 157, 158, 161, 162, 163)**

**Response by Michael Smith**

**with contributions by Richard Perkins, Bethan Tuckett-Jones  
Paul Ewings, David Black, Rosalyn Guard and Andrew McCarthy**

## 1.0 Introduction

1.1 This Response (**DCC/REB/17**) to the letters of Objection from Objectors 118, 124, 156, 157, 158, 161, 162 and 163 has been prepared by Michael Smith with contributions by Richard Perkins, Bethan Tuckett-Jones, Paul Ewings, David Black, Rosalyn Guard and Andrew McCarthy

## 2.0 Objector 118

2.1 Objector 118: Antje Ronnenberger and Christian Winkelvoss in their email dated 17<sup>th</sup> June 2009 object to the Scheme on a number of grounds:

- The road will cause noise nuisance and vibration from the passing traffic and construction.
- The road will cause air pollution from the passing traffic and construction.
- The Scheme will adversely affect the value of the property.
- No public consultation took place on alternative routes and improvements to the existing road.
- The full impact of the route has not been explained to the public.
- The Environmental Statement lacks the usual designations.
- The Kingskerswell Bypass Economic Impact Study has not had a public exhibition. Page 69 shows a development area that will affect Torhill Cottage.
- The visual impact assessment of 'slight' at 15 years is disputed.
- Loss of parts of Kerswell Down as a recreational and wildlife habitat.

### Noise nuisance and vibration (Contribution by Richard Perkins)

2.2 In Richard Perkins' Proof of Evidence (**DCC/P/9**), the methodology for the calculation of noise levels is described at Section 4.3. Noise levels at two façades have been calculated at 'Torhill Cottage' and are:

Facade	Do Minimum		Do Something	
	Baseline Year (2013)	Future Assessment Year (2028)	Baseline Year (2013)	Future Assessment Year (2028)
A	65.6	63.6	66.2	65.5
B	67.7	65.7	69.0	68.4

2.3 The table shows that in the Do Something (with Scheme) Future Assessment Year that there would be a Negligible increase in level in comparison with the Do Minimum Baseline Year.

2.4 Vibration nuisance from road traffic is assessed for the Scheme as a whole; the methodology is described in Richard Perkins' Proof of Evidence **DCC/P/9**. Torhill Cottage is more than 50m from the Scheme and adjacent to Greenhill Road. The increase in vibration predicted from the Scheme at the property is negligible relative to any vibrations from traffic using Greenhill Road. Noise and vibration effects during construction of the Scheme is not expected.

### Air Pollution (Contribution by Bethan Tuckett-Jones)

- 2.5 In Bethan Tuckett-Jones' Proof of Evidence (**DCC/P/10**), the impacts of the operation of the Scheme on pollution levels in the vicinity of the Scheme have been shown to be acceptable with no exceedence of air quality objectives for any pollutants. Indeed, concentrations remain well within the objectives in all futures years. Torhill Cottage has not been included as a specific receptor for reporting purposes. However, effects at Torhill Cottage can be inferred from results presented for 1 Greenhill Road, an adjacent property (**DCC/A/10**, Appendix AQ 5, Tables AQ 5.1 and AQ 5.2), which show that there is an increase in concentration levels with the Scheme at 1 Greenhill Road for nitrogen dioxide and mean PM<sub>10</sub>, but still below the air quality objectives.
- 2.6 Effect of dust. This is addressed in paragraph 8.2.2 of Bethan Tuckett-Jones's Proof of Evidence (**DCC/P/10**).
- Value of Property
- 2.7 The effect of the Scheme on the value of the property would be addressed in accordance with the Compensation Code.
- No public consultation (Contribution by Paul Ewings)
- 2.8 Objector 118 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.
- The full impact of the route not explained (Contribution by Paul Ewings)
- 2.9 The full impact of the Scheme was explained in the Environmental Statement, which was published in November 2004.
- The Environmental Statement lacks the usual designations.
- 2.10 The Environmental Statement (**CD 2.3**) at Figure 7.0b identifies Torhill Cottage as a 19<sup>th</sup> Century Listed Building. Paragraph 7.5.21 of Volume 1 of the Environment Statement states that there would be a Moderate Adverse residual effect on the settings of the Important Grade II Listed ..... Torhill Cottage (46)...
- 2.11 The Environmental Statement (**CD 2.3**) at Figure 8.12c identifies Torhill Cottage as a 19<sup>th</sup> Century Listed Building. Appendix 8.1 of Volume 2 of the Environmental Statement (page 8-60) provides (for property reference 86) the visual impact for Torhill Cottage.
- 2.12 Noise impacts are described in the Environmental Statement (**CD 2.3**) at Chapter 12 and Torhill Cottage is located between property references 112 and 113 on Figure 12.2.3. The updated work included in Richard Perkins' Proof of Evidence (**DCC/P/9**) is referred to above in paragraphs 2.2 and 2.3.
- Kingskerswell Bypass Economic Impact Study has not had a public exhibition. (Contribution by Paul Ewings)
- 2.13 Document **DCC/REB/7** at paragraph 6.3 explains that the public consultation held in 2002 included a section on the outcomes of the study as part of the exhibition material.
- The visual impact assessment of 'slight' at 15 years is disputed. (Contribution by Rosalyn Guard)
- 2.14 The ground floor of Torhill Cottage is enclosed by a wall and evergreen vegetation over 1.7m tall, which is higher than the ground floor windows. There is an oblique view north through the garden gateway from the left-hand ground floor window, which is presumed to be the kitchen to which the email refers. The view in that direction is

to a gateway and the hedge along the west side of Greenhill Road, with distant tree-tops on Kerswell Down beyond.

- 2.15 By Year 15 the Greenhill Road hedge, which would be removed for temporary construction works, would be reinstated as existing. The view from the upstairs windows to the Scheme would be screened by mitigation planting, as shown on Photomontage 8 (Figure LA 23) which would be in keeping with the character of the existing view to Snakey Wood. The line of sight from the upper windows to the woodland on top of Kerswell Down would be above the height of the planting (predicted to be 6m at Year 15) so would not be lost. The visual impact is assessed as Slight adverse because the tops of HGVs might be discernible in winter through the upper screen planting and Kerswell Down cutting may be visible at the edge of the view when standing close to the bedroom windows.
- 2.16 Because the line of sight up to the woodland on top of Kerswell Down from the upper windows is at an upward angle it would not be blocked by the roadside screen planting at Year 15.

Loss of parts of Kerswell Down as a recreational and wildlife habitat. (Contribution by Rosalyn Guard and Andrew McCarthy)

- 2.17 The impacts of the Scheme on recreation in Kerswell Down is explained in Rosalyn Guard's Proof of Evidence (**DCC/P/6**) at sections 11.8 and 11.10.
- 2.18 The impacts of the Scheme on wildlife habitat in Kerswell Down is explained in Andrew McCarthy's Proof of Evidence (**DCC/P/8**) at sections 7.3 and 7.5.

### **3.0 Objector 124**

- 3.1 Objector 124: Mrs L Busby in her letter dated 11<sup>th</sup> June 2009 objected to the Scheme on a number of grounds, including:
- Torquay's business could be improved by addressing anti-social behaviour.
- 3.2 Addressing the issue of anti-social behaviour is not dependent upon the Scheme.
- 3.3 The remaining grounds of objection are addressed in Proofs of Evidence as indicated the 'Matrix of Objections'.

### **4.0 Objector 156**

- 4.1 Objector 156: Mr R J Baker in his letter dated 3<sup>rd</sup> July 2009 objects to the Scheme on a number of grounds:
- The Scheme would interfere with water sources for the Grade II Listed Witpot Mill.
  - Concern regarding subsidence to church and other properties as a consequence of the Scheme.
  - Concern regarding delivery of property preconstruction surveys.
  - Concern regarding continuity of village stream.

The Scheme would interfere with water sources for the Grade II Listed Witpot Mill.

- 4.2 Michael Smith states in paragraph 6.7.3.14 and 6.7.3.15 of his Proof of Evidence (**DCC/P/3**) that construction of the Scheme is very unlikely to affect the sub-surface drainage system beneath Kerswell Down or spring discharges around the periphery of the outcrop and that although there would be a very slight reduction in the total catchment of the limestone aquifer of approximately 0.35% of the total, this reduction would have no discernable effect on the overall water balance of the Kerswell Down Limestone or on the spring flows.

4.3 Michael Smith further states in paragraph 6.7.3.16 of **DCC/P/3** that as a precautionary measure, and in recognition of its importance to the local landscape, as well as the original industrial use, a new piped drainage system from the cutting would be installed to sustain the water supply to the Mill Leat. The cut off drainage in the cutting would be arranged in such a way that a controlled flow could pass down a new piped system via Foredown Farm and Greenhill Road to outfall at the south west corner of the church grounds and so maintain the leat flows. This measure, would ensure that the Scheme would not affect the leat flows.

Concern regarding subsidence to church and other properties as a consequence of the Scheme.

4.4 The church is approximately 170m from the edge of the Scheme. **DCC/P/3** at para 6.7.3.17 concludes that the Scheme is not expected to have any adverse hydrogeological impacts within the limestone outcrop. Therefore there is no risk of subsidence as a consequence of the Scheme.

Concern regarding delivery of property preconstruction surveys. (Contribution by Paul Ewings)

4.5 Mr Baker includes with his letter a copy of correspondence with Devon County Council where the Council has confirmed that it will consider undertaking a preconstruction condition survey. This remains the case and Devon County Council will take a decision on this matter six months before construction commences.

Concern regarding continuity of village stream.

4.6 See paragraphs 4.2 and 4.3 above.

## **5.0 Objector 157**

5.1 Objector 157: Mr John Leonard in his letter dated 2<sup>nd</sup> July 2009 objects to the Scheme on a number of grounds:

- Vibrations from the construction of the Scheme could affect some of the walls of the Manor House.
- The cutting could alter the underground water courses to the detriment of the Manor House walls and site.
- Enjoyment of future visitors to the restored site will be adversely affected by noise.

Vibrations from the construction of the Scheme could affect some of the walls of the Manor House. (Contribution by Michael Smith and Richard Perkins)

5.2 Michael Smith states in paragraph 9.4.5.8 of his Proof of Evidence (**DCC/P/3**) that Devon County Council will preclude blasting from the contract documents because of the risks from vibration and fly-rock.

5.3 Objector 157 raises the potential impact of vibration during construction of the Scheme on the Kingskerswell Manor House. The potential for damage to the walls of the Manor House is very low. Vibration during construction will be managed as follows:

5.4 In order to mitigate noise and vibration impacts during construction of the Scheme, the successful contractor will be required to produce and then adhere to a Construction Environmental Management Plan. In advance of all activities likely to give rise to an impact, consideration will be given by the appointed contractor to the most effective method of construction, along with feasible mitigation from the activity, and calculations on the likely noise and vibration levels.

5.5 These methodologies and calculations will then be agreed with the Local Authority Environmental Health Officer before the activity takes place. Noise and / or Vibration Monitoring of some activities will be undertaken if considered by the Local Authority to be appropriate, and suitable limits applied, which the contractor will not be allowed to exceed without prior authorisation. Suitable monitoring locations will include those properties or structures close to the activities concerned.

5.6 Therefore if any of the construction activities are identified as having a potential impact on the Kingskerswell Manor House, mitigation would be put in place, and monitoring undertaken if appropriate.

The cutting could alter the underground water courses to the detriment of the Manor House walls and site.

5.7 Michael Smith has addressed this issue in paragraphs 4.3, 4.4 and 4.5 above.

Enjoyment of future visitors to the restored site will be adversely affected.  
(Contribution by Richard Perkins)

5.8 Richard Perkins in his Proof of Evidence (**DCC/A/9**) at Figure NV5b shows the change in noise levels between the Do Something Future Assessment Year and the Do Minimum Baseline Year. The site of the Kingskerswell Manor ruins SM lies in two noise change bands: -1 to +1dB and +1 to +3dB, ie it will be imperceptible or only just perceptible (paragraph 3.3.1).

## **6.0 Objector 158**

6.1 Objector 158: Mr John Leonard in his letter dated 9<sup>th</sup> July 2009 objects to the Scheme on a number of grounds:

- Vibrations from the construction of the Scheme could cause structural damage to the parish church.
- The cutting could alter the water table to the detriment of the parish church.
- The Scheme may increase the flood risk to the parish church.

Vibrations from the construction of the Scheme could cause structural damage to the parish church.

6.2 This is addressed in paragraphs 5.2 to 5.6 above.

The cutting could alter the underground water courses to the detriment of the parish church.

6.3 This is addressed in paragraphs 4.3, 4.4 and 4.5 above.

The Scheme may increase the flood risk to the parish church.

6.4 **DCC/A/3**, Annex 2, section 2.3.3 explains that the Scheme would not increase flows into the watercourse that runs in the valley between Churchway Lane and Yon Street. Consequently, the Scheme would have no adverse affect on existing flooding problems in the vicinity of the parish church.

## **7.0 Objector 161**

7.1 Objector 161: Mr Chris Bryant in his letter dated 13<sup>th</sup> July objects to the Scheme on a number of grounds:

- The Scheme is not a bypass for populations in St Lukes Road, Aller Brake Road and Aller Park Road.
- Residents from the Aller Park area of Newton Abbot will not see any benefit but will have a lower quality of life due to visual impact and noise.

- The Scheme will impact on residential areas both in Kingskerswell and Newton Abbot.

Scheme is not a bypass for populations in St Lukes Road, Aller Brake Road and Aller Park Road

7.2 The Scheme would provide a dual carriageway standard road to the west of properties on St Lukes Road and Aller Park Road. There would be no highway connections between the proposed A380 and the residential roads of Milber and Aller Park estates; a new local road would connect Aller Brake Road to the existing A380 and a new junction would be provided for Aller Brake Road at St Marychurch Road so that residential traffic would not have to join traffic on the strategic route.

Residents from the Aller Park area of Newton Abbot will not see any benefit but will have a lower quality of life due to visual impact and noise. (Contribution by Rosalyn Guard and Richard Perkins)

7.3 **DCC/P/6** describes the changes in visual impact for properties to the west of St Lukes Road and Aller Park Road. There would be permanent substantial, moderate and slight adverse visual impacts on properties close to the Penn Inn Flyover and close to the northern sign gantry, including:

- 14 permanent Substantial adverse due to direct views to flyover or approach retaining walls from both storeys of 2-storey houses or main windows of flats or bungalows.
- 10 permanent Moderate adverse due to direct views to flyover approach walls from upper storey, over roadside shrub planting.
- 21 Slight adverse due to oblique views to flyover from ground floor bay windows or upper windows; and
- 1 Substantial adverse, 1 Moderate adverse and 1 Slight adverse due to sign gantry.

7.4 For the majority of directly affected properties in Aller Park the nature of their outlook would be similar to their existing view once replacement planting has established in their gardens.

7.5 **DCC/P/9** para 6.1.12 states that noise changes would be minor or moderate increases for some properties on Addison Road, St Lukes Road and Aller Park Road. However, further from the Scheme noise changes become negative with negligible or minor decreases in noise.

The Scheme will impact on residential areas both in Kingskerswell and Newton Abbot. (Contribution by Rosalyn Guard and Richard Perkins)

7.6 Residential areas would be subject to severance, relief of severance, noise and vibration changes, visual impact and changes in air quality. These impacts are described in **DCC/P/3** at section 8.4 and summarised in **DCC/A/3** Table 15 for severance and relief of severance; **DCC/P/6** at paragraphs 7.4.7, 7.4.8 and 8.4.5 for visual impacts; **DCC/P/9** at paragraphs 6.1.33 and 6.3.3 for noise and vibration impacts; and **DCC/P/10** paragraphs 6.4.2, 6.4.3 and 6.4.4 for local air quality impacts.

7.7 Noise changes as a result of the Scheme would be either negligible, or minor to moderately beneficial for the majority of properties within Newton Abbot. Residents in Kingskerswell village are similar to those in Newton Abbot, where it is estimated that 85% of properties within the village would be either be no worse off or experience noise decreases if the Scheme proceeds (**DCC/P/9** paras 9.1.2 & 9.1.3)

7.8 Properties to the west of St Lukes Road and Aller Park Road are expected to experience a minor increase in exposure to air borne pollution with the operation of

the Scheme due to the predicted increase in traffic volume on the proposed A380. However, concentrations in the opening year are predicted to be lower than baseline (2008) levels and well within the air quality objectives whether or not the Scheme is in operation (**DCC/P/10**, paras 6.1.4 and 6.1.9). The objectives are based on health based standards and, therefore, no significant adverse effects are anticipated as a result of the Scheme

7.9 Within Kingskerswell, the majority of properties are anticipated to experience an improvement in air quality, with an overall reduction in exposure to pollution. Pollutant concentrations have been assessed in a screening study at selected roadside properties within Newton Abbott. The results of the assessment show either a neutral impact or a minor improvement in pollutant concentrations with the Scheme. No significant adverse health effects are anticipated in any residential areas.

7.10 The Scheme design has sought to mitigate the adverse impacts on residential properties, as far as is reasonably practical, whilst also having regard to other constraints, such as flood-plain, loss of habitats and the long-term landscape impacts.

## **8.0 Objector 162**

8.1 Objector 162: Brian and Christine Mackness in their letter dated 16<sup>th</sup> July object to the Scheme on a number of grounds:

- The Scheme would increase traffic and move the problem further on to the outskirts of Torbay.
- The proposals are at odds with public opinion and government policy on climate change.
- The authorities should look at addressing congestion by looking at how traffic can be reduced, through improved public transport and other means.
- The Scheme does not address the impact on business in currently used roads.
- Expenditure would be better spent elsewhere.

The Scheme would increase traffic and move the problem further on to the outskirts of Torbay. (Contribution by David Black)

8.2 This is addressed in DCC/REB/4 section 5.0.

The proposals are at odds with public opinion and government policy on climate change (Contribution by Bethan-Tuckett-Jones)

8.3 This is addressed in DCC/P/10 para 8.2.1.

The authorities should look at addressing congestion by looking at how traffic can be reduced, through improved public transport and other means (Contribution by David Black)

8.4 This is addressed in DCC/REB/08 section 7.

The Scheme does not address the impact on business in currently used roads. (Contribution by Rob Hetherington)

8.5 These impacts are not addressed on business by business case but it has been included implicitly in the work undertaken by SQW (**CD 5.26**). Any public sector intervention will redistribute resource and in some cases there will be those that would lose as well as those that would gain. The principle of cost benefit analysis is to establish that those who gain outweigh those that lose.

8.6 In terms of economic impacts, this translates to the consideration of net impacts which is the balance of those that benefit after the losses have been taken away. In

calculating net impacts, one of the adjustments that needs to be taken into account is displacement - this is where economic activity is moved (displaced) from one location to another. Both methods of estimating the scale of the wider economic impacts used by SQW (**CD 5.26**) implicitly account for displacement. The business survey identifies the average expected improvement in performance and pro-ratas the results to the entire business stock. Within this average are results for businesses that feel the Scheme would reduce their business performance (**CD 5.26** para 6.32). SQW's second estimation technique - econometric model - is designed to calculate net improvement so displacement is implicit within the model.

Expenditure would be better spent elsewhere (Contribution by David Black)

8.7 This is addressed in DCC/REB/10 section 5.

## 9.0 Objector 163

9.1 Objector 163: Robert Brennand in his email dated 19<sup>th</sup> July objects to the Scheme on a number of grounds:

- It is suggested that observations show traffic at the Jurys Corner junction cause traffic to flow 'in waves that match the lights timings', with the major delays caused by the lights at that junction. The use of a signalised junction at the Edginswell junction is therefore called into question as it is considered that the problem will be shifted to the new set of proposed traffic lights. As a result the cost-effectiveness of the Scheme is called into question.
- An alternative proposal has been made which involves closing the right turns at the junction to increase capacity.

Edginswell and Jurys Corner Junctions (Contribution by David Black)

9.2 **DCC/INQ/35** gives an assessment of the Edginswell junction and the Jurys Corner junction. The results of the assessment show that the junction at Edginswell has a capacity more than three times greater than the existing Jurys Corner junction as it currently operates. The Edginswell junction would operate within capacity.

Closing Rights Turns on A380 (Contribution by David Black)

9.3 The suggestion to close right turns at this junction would be unworkable as such closures are difficult to enforce. The proposals would also yield virtually no capacity benefits as a traffic signal stage at Jurys Corner would still be required for left turns exiting from the side roads. **DCC/P/4**, paragraph 3.6 shows that the side road flows are low and that the 'minimum safe green' is sufficient for all side road traffic to enter the junction without significant queuing. Main line traffic turning right into side roads is able to utilise intergreens at the junction and therefore banning this movement would provide little or no benefit.

9.4 Other proposals have been investigated to increase capacity at the junction, particularly the relocation of pedestrians to an underpass as part of the Kingskerswell Alliance package of measures (more details provided in **DCC/REB/5**).

9.5 **DCC/P/4**, section 3 discusses the performance of the existing A380 route and shows that the problems on the A380 are not isolated to the Jurys Corner junction, with the key bottleneck arising from the limited capacity on the road with its numerous side roads and frontage development. As with all proposals aimed at solving the capacity issues at Jurys Corner, this proposal would also not address the other issues on the single lane section of the A380 and therefore would provide little benefit to the current fragile network with poor journey times and reliability.