



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

**Public Inquiries**

**Proof of Evidence**

**Supplementary Orders and Exchange Land**

**Volume 1: Summary**

by

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This Proof of Evidence is presented in the following documents:

Volume 1    Summary    DCC/SUM/12

Volume 2    Text    DCC/P/12

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# **1 INTRODUCTION**

1.1 My name is Paul Ewings. I am a Chartered Engineer, being a Member of the Institution of Civil Engineers and registered with the Engineering Council. I hold the post of Chief Engineer Highways and Traffic in the Environment, Economy and Culture Directorate of Devon County Council, a post I have held since 1994. My responsibilities include the development and delivery of the County Council's highways capital programme. I have had 35 years experience of highway engineering projects.

1.2 Devon County Council (the Acquiring Authority (AA) made the following orders on the 12<sup>th</sup> September 2008 and is seeking confirmation of the Orders from the Secretary of State for Transport:

- The Devon County Council A380 South Devon Link Road (Kingskerswell Bypass) Compulsory Purchase Order 2008 (the CPO) **(CD 1.1)**
- The Devon County Council (A380 South Devon Link Road (Kingskerswell Bypass) Classified Road) (Side Roads) Order 2008 (the SRO) **(CD 1.2)**

1.3 I submitted a Proof of Evidence, entitled Overview and Scheme Development (**DCC/P/1** and **DCC/A/1**), to the Public Inquiries for these Orders.

1.4 Since then, representations have been made and a Supplementary Compulsory Purchase Order **(CD 6.1)** and a No. 2 Side Roads Order

(CD 6.2) were made on 6<sup>th</sup> July 2009 to address, where possible, issues raised.

## **2 THE SCHEME**

2.1 In Chapter 2 of my Proof of Evidence on Supplementary Orders and Exchange Land **DCC/P/12** I explain that my Overview and Scheme Development Proof of Evidence (**DCC/P/1**) describes in Chapter 3 the need for the Scheme in transportation, strategic and economic terms and also sets out the objectives for the Scheme, which remain unchanged.

2.2 In Chapter 5 of **DCC/P/1** I provide a description of the development of the Scheme and the alternatives considered. The making of the Supplementary Orders has not altered my evidence on this subject.

## **3 CONSULTATIONS**

3.1 In Chapter 7 of **DCC/P/1** I describe the consultation process that has taken place during the development of the Scheme, including public consultations, consultations with Statutory and Non-statutory bodies, landowners. Consultation has continued with these parties and in particular with affected landowners where the Acquiring Authority (AA) is seeking to acquire the land necessary for the Scheme by negotiation. These negotiations will continue in parallel with the formal compulsory purchase procedures.

## **4 CONSENTS AND AUTHORISATIONS**

4.1 In order to construct the Scheme a number of other consents and authorisations will be required. These have been, will be, or are in the process of being obtained.

4.2 Delivery of the Scheme is unlikely to be blocked by any impediment to implementation.

## **5 EXCHANGE COMMON LAND**

### **(Contribution by Rosalyn Guard and Richard Perkins)**

5.1 The Supplementary Compulsory Purchase Order includes an area of 8,778 square metres of Common Land forming part of Kerswell Down which comprises 190 square metres of car park and access road, 4,060 square metres of quarry floor currently used for storage of road chippings and a surfaced model car racing track and therefore not currently available for general amenity use, and 4,528 square metres of woodland.

5.2 The Supplementary Order also includes an area of land for Exchange Land. This area comprises a total 17,556 square metres, an area twice the size of the Common Land required for the Scheme, all of which would be available for general amenity use. It provides an area of 8,778 square metres of existing woodland in comparison to the 4,528 square metres of Common Land woodland required for the Scheme. In addition it provides a further 8,778 square metres of agricultural grassland which the AA in agreement with the Parish Council would

undertake a woodland planting scheme which would provide an additional ecological benefit. New permanent accesses would also be provided from Churchway Lane. Whilst the public currently enjoy access to the woodland part of the Exchange Land these permissive rights are considered to be precarious.

5.3 The Commoner has the right to graze ten cattle on the Common. These rights are not currently exercised, however, assuming that they were then I consider the Exchange Land to be equally advantageous.

5.4 I conclude that the Exchange Land is equally advantageous to the public and the Commoner and therefore the Secretary of State can be satisfied that the conditions in Section 19(1)(a) apply.

## **6 OTHER ISSUES**

6.1 In Chapter 6 of **DCC/P/12** I describe the other issues that are addressed within the Supplementary Orders: land at Sainsbury's, the realignment of Footpath 45, the re-positioning of Keyberry Mill Culvert, land at the Barn Owl Inn, an emergency pedestrian access for Network Rail, and a private access from C162 Old Newton Road.

## **7 MODIFICATIONS OF ORDERS CONSEQUENTIAL ON SUPPLEMENTARY ORDERS**

7.1 In Chapter 7 of **DCC/P/12** I describe the modifications to the Devon County Council A380 South Devon Link Road (Kingskerswell Bypass) Compulsory Purchase Order 2008 (the CPO) and The Devon County

Council (A380 South Devon Link Road (Kingskerswell Bypass)  
Classified Road) (Side Roads) Order 2008 (the SRO) consequent on  
the making of the Supplementary Orders.

## **8 COMPLIANCE WITH THE HUMAN RIGHTS ACT**

8.1 The requirements of the Human Rights Act have been complied with  
and met.

## **9 EFFECT UPON PROOFS OF EVIDENCE CONSEQUENT ON SUPPLEMENTARY ORDERS**

9.1 In Chapter 9 of **DCC/P/12** I refer to the changes to the Proofs of  
Evidence of other witnesses that have appeared from the Acquiring  
Authority consequent on the making of the Supplementary Orders.  
These changes are set out in Appendix 2 of **DCC/A/12**.

## **10 RESPONSES TO POINTS RAISED BY OBJECTORS TO SUPPLEMENTARY ORDERS**

10.1 In Chapter 10 of **DCC/P/12** I provide the AA's responses to the points  
raised by Objectors to the Supplementary Orders.

## **11 SUMMARY AND CONCLUSIONS**

11.1 Following the receipt of representations to the Scheme Orders the AA  
has taken steps to enable, where possible, the issues raised to be  
resolved.

- 11.2 The AA has also made Supplementary Orders where this has been necessary to resolve outstanding issues and at the time of writing one statutory objection remains to the Supplementary Orders.
- 11.3 Care has been taken in the selection of Exchange Land for the Common Land required by the Scheme and this Exchange Land is considered to be equally advantageous to the public and to the Commoner.