



A380 South Devon Link Road (Kingskerswell Bypass)

Public Inquiries

Proof of Evidence

Section 19 of the Acquisition of Land Act 1981

by

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Devon County Council**

With contributions by Rosalyn Guard and Richard Perkins

October 2009

Contents

		Page
1	INTRODUCTION	1
1.1	Qualifications and Experience	1
1.2	Nature of Evidence	1
1.3	Involvement with the Scheme	2
1.4	Background	2
2	THE COMMON LAND AND EXCHANGE LAND	3
2.1	The Common Land	3
2.2	The Exchange Land	3
2.3	The Certificate	3
3	RESPONSES TO POINTS RAISED BY OBJECTORS TO SECTION 19 CERTIFICATE	5
3.1	General	5
3.2	Section 19 Certificate	5
3.3	Non-Section 19 Issues	9
4	CONCLUSIONS	14
5	ABBREVIATIONS	15

List of Appendices Contained in DCC/P/13

Appendix No	Description
Appendix 1	Notice of the Secretary of State's intention to give a certificate
Appendix 2	List of Representations
Appendix 3	Notice of intention to hold a public local inquiry
Appendix 4	Letter to Objector 177 dated 14 th September 2009

1 INTRODUCTION

1.1 Qualifications and Experience

1.1.1 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.

1.1.2 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.

1.1.3 I have had 35 years experience of highway engineering projects.

1.2 Nature of Evidence

1.2.1 In my evidence I will:

- Describe in detail the nature of the Common Land that is included in the Supplementary Compulsory Purchase Order and demonstrate that the Exchange Land is equally advantageous for members of the public and the Commoner;
- Address the issues raised in objections to the notice of the Secretary of State's intention to give a certificate in accordance with section 19(2) of the Acquisition of Land Act 1981; and
- Briefly deal with other, wider issues raised in objections, although they do not relate to the section 19 certificate.

1.3 Involvement with the Scheme

1.3.1 My involvement with the Scheme is fully described in **DCC/P/1**.

1.4 Background

1.4.1 Devon County Council (the Acquiring Authority (AA)) made a Supplementary Compulsory Purchase Order (**CD 6.1**) on 6th July 2009. The Order includes provision for the acquisition of an area of common land and the provision of exchange land and therefore the AA made an application to The Planning Inspectorate for the Secretary of State's consent pursuant to Section 19 of the Acquisition of Land Act 1981.

1.4.2 On 11th September 2009 The Planning Inspectorate gave notice of the Secretary of State's intention to give the certificate in accordance with the provisions of section 19(2) of the Act. A copy of the Notice is attached at **Appendix 1**. In response to the Notice, representations have been made. These are listed at **Appendix 2**.

1.4.3 On 15th September 2009 The Planning Inspectorate gave notice that if objections were received to the Secretary of State's intention to give the certificate then a public local inquiry into the proposal to give the certificate would be held. A copy of this Notice is attached at **Appendix 3**.

1.4.4 This Proof of Evidence is in response to the request from the Programme Officer in her letter dated 14th October 2009.

2 THE COMMON LAND AND EXCHANGE LAND

2.1 The Common Land

2.1.1 The common land is shown as plot 4/5 in **CD 6.1** and is fully described in Chapter 9 of **DCC/P/1**.

2.2 The Exchange Land

2.2.1 The exchange land is shown as plot 5/6 in **CD 6.1** and is fully described in Chapter 5 of **DCC/P/12**.

2.3 The Certificate

2.3.1 The date upon which the equality of advantage is to be assessed is the date of exchange of land (vesting), which will be some months after confirmation of the Orders but before construction of the Scheme would have commenced. I have had regard to the effects of the Scheme in the context of the Exchange Land (but not the Order land).

2.3.2 The Secretary of State should be satisfied that the following conditions are complied with before issuing a certificate:

- the exchange land is no less in area than the Order Land – Chapter 5 of **DCC/P/12** explains that the Order Land is 8,778 square metres (paragraph 5.1.2) and the Exchange land is 17,556 square metres (paragraph 5.1.4); and
- the exchange land must be equally advantageous to any persons entitled to rights of common or to other rights, and to the public.

2.3.3 The exchange land meets the equally advantageous criterion as follows:

The Rights of Common

2.3.4 As explained in paragraph 5.1.22 of **DCC/P/12**, the Commoner has a right to graze ten cattle on the common and as explained in 5.1.2 of **DCC/P/12** there is no grazing land included in plot 4/5. These rights are not currently exercised, however, assuming that they were then I consider the exchange land to be equally advantageous in respect of the rights of common.

The Public

2.3.5 The proximity of the exchange land relative to the Order Land is explained in paragraphs 5.1.5 and 5.1.7 of **DCC/P/12**. The exchange land adjoins the existing Common Land.

2.3.6 Access to the exchange land is explained in paragraph 5.1.8 of **DCC/P/12**. In section 8.4.10 of **DCC/P/3** Michael Smith explains the effect of the Scheme on journeys along Churchway Lane.

2.3.7 In paragraph 5.1.6 of **DCC/P/12** I explain that Devon County Council would carry out maintenance work in the existing woodland within the exchange land to ensure public safety, prior to vesting.

2.3.8 In paragraph 5.1.7 of **DCC/P/12** I explain Devon County Council's undertaking to carry out a woodland planting scheme within the exchange land.

- 2.3.9 In paragraphs 5.1.9 to 5.1.20 of **DCC/P/12** I compare the existing common land with the exchange land in landscape, experiential, visual, and recreational aspects.
- 2.3.10 In Paragraphs 5.1.21 and 5.1.22 of **DCC/P/12** I summarise the comparison between the existing common land and the exchange land and in paragraph 5.1.23 I conclude that the exchange land is equally advantageous to the public and to the commoner. The Supplementary CPO (**CD 6.1**) incorporates provision for the discharge of the rights of common over the Order Land and for the vesting of the Exchange Land in the Parish Council subject to the rights of common.

3 RESPONSES TO POINTS RAISED BY OBJECTORS TO SECTION 19 CERTIFICATE

3.1 General

- 3.1.1 In considering points raised by objectors I shall first address those that deal with the particular issue of the Section 19 Certificate. A number of other points raised by objectors do not relate directly to the Section 19 Certificate. Where the points are the same as those raised earlier, I have referred to the earlier responses in other Proofs of Evidence or in Rebuttal.

3.2 Section 19 Certificate

There are several points which require clarification

Objectors: 187 – Kingskerswell Parish Council

- 3.2.1 I met with representatives of the Parish Council on 15th October 2009 in order to understand the nature of the clarifications required:

- I explained the layout of the access from the proposed car park to the Common, as shown in Figure 1 of **DCC/P/12**, and confirmed that this is suitable for 4x4 vehicle use, as the existing.
- I confirmed that the existing hand rail would be relocated alongside the access above.
- I confirmed that access to the common would be maintained during the construction period such that the new access and car park would be provided prior to closure of the existing.
- I subsequently confirmed that the section of verge between the proposed Maddacombe Road overbridge and the proposed car park entrance would be hardened to benefit walkers.
- I confirmed that a pedestrian access would be constructed between the Exchange Land, shown edged pink in Figure 3 of **DCC/A/1**, and the Common.
- I confirmed that the proposed vehicle and pedestrian access gates from Churchway Lane would be determined in agreement with the Parish Council.
- I subsequently confirmed that the surface of Churchway Lane would be repaired between the proposed Churchway Lane diversion route and the proposed emergency vehicle access.
- I confirmed that details of the boundary fencing to the Exchange Land would be forwarded to the Parish Council.

The exchange land is not equally advantageous because:

- ***woodland is being replaced with agricultural land***
- ***there has been no consultation regarding the exchange land***
- ***it cannot compensate for Loss of Tranquillity,***
- ***it does not provide the same type of habitat,***
- ***there would be a loss of attractive features,***
- ***people already have access to the woodland,***
- ***the exchange land would be subject to increased noise, and***
- ***the exchange land would look onto the Scheme***

Objectors: 188 – Mrs J Howard, 189 – Mrs Marilyn Kenyon, 190- Mr M Howard, 191 – Mrs P J Hampson, 192 – Mr K G Pegden, 193 – Torbay Friends of the Earth, 195 – Teignbridge and Torbay CPRE, 196 – Open Spaces Society, 197 – Elizabeth Renowden, 198 – Mr R Johnson, 199 – Mrs Karen Long, 200 – Mr H M C Mulkern, 201 – Kingskerswell Alliance, 202 – Suzie Hall, 203 – Rosy Williams, 204 – J Williams, 205 – B Williams

3.2.2 The adequacy of the exchange land, including the above issues, is explained in section 2.3 above and section 5 of **DCC/P/12**. In so far as these points go beyond the section 19 issues, they are addressed in **DCC/P/6** at paragraph 11.8.2 and in **DCC/P/12** at paragraphs 5.1.19 and 5.1.20.

Severance of the common from the village

Objectors: 192 – Mr K Pegden, 196 – Open Spaces Society, 201 – Kingskerswell Alliance

3.2.3 This issue is addressed in paragraph 10.2.8 of **DCC/P/12**.

Emergency Vehicular Access to Kerswell Down

Objectors: 192 – Mr K Pegden, 193 – Torbay Friends of the Earth, 195 – CPRE Teignbridge and Torbay Group, 201 – Kingskerswell Alliance. 193 – Torbay Friends of the Earth

3.2.4 This issue is addressed in paragraph 10.2.1 of **DCC/P/12**.

Replacement Car Park further up hill

Objectors: 195 – CPRE Teignbridge and Torbay Group

3.2.5 This issue is addressed in paragraph 11.1.90 of **DCC/P/3**.

Loss of quarry and car park

Objectors: 193 – Torbay Friends of the Earth

- 3.2.6 Paragraph 8.4.9.3 of **DCC/P/3** explains that a replacement car park would be provided.

Access to Downs more difficult because of severance of Churchway Lane

Objectors: 192 – Mr K Pegden, 195 – Teignbridge and Torbay CPRE,
201 – Kingskerswell Alliance

- 3.2.7 This issue is addressed in paragraphs 11.1.87 and 11.1.88 of **DCC/P/3**.

The new access would be unsuitable for walkers

Objectors: 189 – Mrs Marilyn Kenyon, 199 – Mrs Karen Long, 200 – Mr
H M C Mulkern

- 3.2.8 This issue is addressed in paragraphs 10.2.11 to 10.2.13 of **DCC/P/12**.

Loss of permissive path; the alternative is too steep and obstructed by trees

Objectors: 193 – Torbay FoE

- 3.2.9 This issue is addressed in paragraphs 5.1.7 and 5.1.20 of **DCC/P/12**.

The precise route of a path between Churchway Lane and the existing common would be determined in conjunction with the proposed planting scheme and could avoid the steeper gradients. Any necessary clearance of scrub to provide connectivity with existing paths would be undertaken by Devon County Council as described in paragraph 5.1.6 of **DCC/P/12**.

The old quarry could be used by the village

Objectors: 195 – Teignbridge and Torbay CPRE,

- 3.2.10 This area has been utilised for many years as a chippings store by Devon County Council under a lease agreement with the Parish Council. Negotiations are currently underway with the Parish Council to

determine when this use would be terminated should the Scheme proceed.

3.3 Non-Section 19 Issues

The Scheme would have serious effects on wildlife

Objectors: 188 – Mrs J Howard, 189 – Mrs Marilyn Kenyon, 192 – Mr K G Pegden, 193 – Torbay Friends of the Earth, 196 – Open Spaces Society, 201 – Kingskerswell Alliance, 202 – Suzie Hall, 203 – Rosy Williams, 204 – J Williams, 205 – B Williams.

3.3.1 This issue is addressed in sections 7.3 and 7.5 of **DCC/P/8**.

The Scheme would affect wildlife on the quarry face

Objectors: 195 – Teignbridge and Torbay CPRE

3.3.2 The effect of the Scheme on wildlife within the quarry is explained in Andrew McCarthy's Proof of Evidence (**DCC/P/8**) at sections 4.5, which deals with woodland across the Scheme, and at paragraphs 4.8.15, 7.3.3 and 7.5.1, which deal with Kerswell Down.

The impact on karst features and on groundwater and stream adjacent Kingskerswell Parish Church

Objectors: 188 – Mrs J Howard, 193 – Torbay Friends of the Earth, 195 – Teignbridge and Torbay CPRE

3.3.3 These issues are addressed in paragraph 11.1.78 of **DCC/P/3**.

The effect of the Scheme on archaeology of the Downs

Objectors: 189 – Mrs Marilyn Kenyon

3.3.4 This issue is addressed in paragraphs 7.5.3 to 7.5.6 of **DCC/P/7**.

Loss of kart track

Objectors: 195 – Teignbridge and Torbay CPRE

3.3.5 This issue is addressed in paragraphs 5.1 to 5.4 of **DCC/REB/2**.

Provide tunnel to keep Churchway open

Objectors: 195 – Teignbridge and Torbay CPRE

3.3.6 This issue is addressed in paragraphs 10.5.1 and 10.5.2 of **DCC/P/12**.

Ecological plan to compensate for loss to village

Objectors: 192 – Mr K G Pegden and 201 – Kingskerswell Alliance

3.3.7 The 'environmental balance sheet' is a term that Devon County Council uses to help quantify the ecological 'gains' and 'losses' as a result of the Scheme for presentation to the Biodiversity Steering Group, as requested by Natural England.

3.3.8 The balance sheet is used to monitor progress towards delivery of offline compensation and is an ongoing process.

There is insufficient mitigation in the Scheme where it would affect Kerswell Down, Churchway Lane and the Conservation Area

Objectors: 192 – Mr K G Pegden, 196 – Open Spaces Society, 201 – Kingskerswell Alliance

3.3.9 This issue is addressed in paragraphs 11.8.4 to 11.8.7 of **DCC/P/6**.

The Impact of the Scheme on the environment, the conservation area and the village is unacceptable

Objectors: 190 – Mr M Howard

3.3.10 This issue is addressed in paragraph 11.8.7 of **DCC/P/6** and in paragraphs 7.2.1 and 7.2.2 of **DCC/P/7**.

Newton Abbot library is closed for maintenance, therefore the details cannot be inspected.

Objectors: 195 – Teignbridge and Torbay CPRE

3.3.11 Newton Abbot Library was closed from Monday 21 September to 3 October for essential repair and maintenance of the windows. The library reopened to the public on Monday 5 October. Opening hours at the nearby Kingsteignton and Kingskerswell libraries were extended during the period.

3.3.12 This information was given to the objector in a letter dated 14th September 2009 together with the arrangements for relocating the

documents to the nearby Kingsteignton library during the period. The letter, which is attached at **Appendix 4**, also gave the Devon County Council web address, where documents are also available for inspection.

The Red land is not mentioned on Figure 3 of DCC/P/1

Objectors: 195 – Teignbridge and Torbay CPRE

- 3.3.13 Referring to Figure 3 of **DCC/P/1** Mr Hartley states that the common land lost is shown pink. In fact it is shown edged red as indicated in the key to the Figure. Mr Hartley also states that the proposed additional exchange land is shown in red and not shown in the key. In fact the proposed exchange land is shown edged pink and again is clearly shown in the key to the Figure.

Issues to do with Figure 1 of DCC/P/12

Objectors: 195 – Teignbridge and Torbay CPRE

- 3.3.14 A plan showing the emergency vehicle access route and gradients that would be provided from the proposed car park to the Common is shown at Figure 1 of **DCC/P/12**. This was sent directly to Mr Hartley by Paul Ewings in response to discussions held on the telephone. Mr Ewings clearly was aware that such a Figure existed and chose to send it direct to Mr Hartley as soon as practicably possible.

- 3.3.15 The emergency access provision is described in paragraph 10.2.1 of **DCC/P/12**.

The Scheme would destroy the character of the old village forever.

Objectors: 197 – Elizabeth Renowden

3.3.16 This issue is addressed in paragraph 11.8.7 of **DCC/P/6** and in paragraphs 7.2.1 and 7.2.2 of **DCC/P/7**.

The Scheme will save just a few minutes journey time.

Objectors: 198 – Mr R Johnson

3.3.17 This issue is addressed in paragraphs 15.8.1 to 15.8.3 of **DCC/P/4**.

The Scheme would lead to the desecration of the countryside around Kingskerswell and destroy part of the Downs.

Objectors: 198 – Mr R Johnson

3.3.18 This issue is addressed in paragraphs 11.8.2 to 11.10.2 of **DCC/P/6** and in paragraphs 7.2.1 and 7.2.2 of **DCC/P/7**.

The Scheme will lead to excessive noise

Objectors: 202 – Suzie Hall, 203 – Rosy Williams, 204 – J Williams, 205 – B Williams

3.3.19 This issue is addressed in section 9 of **DCC/P/9**.

Torbay traffic will use St Marychurch Road

Objectors: 193 – Torbay Friends of the Earth

3.3.20 This issue is addressed in paragraph 10.6.3 of **DCC/P/12**.

Lack of consultation on footpath 45 realignment through Sainsburys

Objectors: 193 – Torbay Friends of the Earth

3.3.21 This issue is addressed in paragraph 10.7.1 of **DCC/P/12**.

The traffic conditions along the existing A380 between Penn Inn and Kerswell Gardens are exaggerated.

Objectors: 194 – Torbay FoE, CIWF, LACS and 'Animal Voices'

3.3.22 This issue is addressed in section 2 of **DCC/REB/28**

The traffic lights at Jurys Corner are the main cause of congestion.

Objectors: 194 – Torbay FoE, CIWF, LACS and 'Animal Voices'

3.3.23 This issue is addressed in section 3 of **DCC/REB/28**

There is no basis in evidence that building roads stimulates economic growth.

Objectors: 194 – Torbay FoE, CIWF, LACS and ‘Animal Voices’

3.3.24 This issue is addressed in section 4 of **DCC/REB/28**

There would be an increase in pollution for people living along the A380.

Objectors: 194 – Torbay FoE, CIWF, LACS and ‘Animal Voices’

3.3.25 This issue is addressed in section 5 of **DCC/REB/28**

There has been no study to identify the affect of bus passes on travel demand.

Objectors: 194 – Torbay FoE, CIWF, LACS and ‘Animal Voices’

3.3.26 This issue is addressed in section 6 of **DCC/REB/28**

The junctions at each end of the Scheme would cause as much congestion as they solve.

Objectors: 194 – Torbay FoE, CIWF, LACS and ‘Animal Voices’

3.3.27 This issue is addressed in section 7 of **DCC/REB/28**

4 CONCLUSIONS

4.1.1 I have considered the nature and amenity of the Common Land required for the Scheme and compared this with the proposed Exchange Land. The Exchange Land will provide a substantially greater area of amenity land which will offer an equivalent recreational experience. It will also provide a significantly larger area for the exercise of the Commoner's rights should these rights be exercised again in the future. I conclude that the Exchange Land is equally advantageous to the public and the Commoner. Pursuant to the Supplementary CPO, the Exchange Land will be vested in the Parish Council subject to the rights of common. Therefore the Secretary of State can be satisfied that the conditions in Section 19(1)(a) apply.

5 ABBREVIATIONS

AA	The Acquiring Authority
CD	Core document
CPO	Compulsory Purchase Order
CPRE	Campaign to Protect Rural England
DCC	Devon County Council
FoE	Friends of the Earth
SoC	Statement of Case

APPENDICES

Appendix No	Description
Appendix 1	Notice of the Secretary of State's intention to give a certificate
Appendix 2	List of Representations
Appendix 3	Notice of intention to hold a public local inquiry
Appendix 4	Letter to Objector 177 dated 14 th September 2009

Appendix 1
**Notice of the Secretary of State's intention to give a
certificate**

THE ACQUISITION OF LAND ACT 1981

NOTICE OF INTENTION TO ISSUE A CERTIFICATE UNDER SECTION 19(1)(a) OF THE 1981 ACT

THE DEVON COUNTY COUNCIL A380 SOUTH DEVON LINK ROAD (KINGSKERSWELL BYPASS) SUPPLEMENTARY COMPULSORY PURCHASE ORDER 2009

Land forming part of Kerswell Down Common, Teignbridge, Devon

1. Devon County Council has submitted the above named Compulsory Purchase Order to the Secretary of State for Transport for confirmation. If confirmed, it will authorise the purchase of land ("the order land") which forms part of a common or village green, as defined in the Acquisition of Land Act 1981 Act; that is, land subject to be enclosed under the Inclosure Acts of 1845 to 1882, and any town or village green.

2. The order will be subject to special Parliamentary procedure unless the Secretary of State for Environment, Food and Rural Affairs ("the Secretary of State") gives a certificate in accordance with the provisions of section 19 of the Act. The Secretary of State has been asked by the council to certify under section 19(1)(a), that he is satisfied that there has been or will be given in exchange for the order land other land ("the exchange land") which is not less in area and is equally advantageous to persons, if any, entitled to rights of common or other rights, and to the public, and that the exchange land has been or will be vested in the persons in whom the order land was vested, and subject to the like rights, trusts and incidents as attach to the order land.

3. The order land is described in the First Schedule to this notice and the exchange land is described in the Second Schedule. On the plan referred to in paragraph 5 below, the order land is shown coloured pink and identified as plot 4/5, and the exchange land is shown coloured green and identified as plot 5/6.

4. The Secretary of State is required to give public notice of his intention to give a certificate before he reaches a decision, to afford an opportunity for representations and objections to be made. He hereby gives that notice. Any representations or objections to this proposal should be addressed in writing to The Planning Inspectorate, Zone 4/05, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN before 5 October 2009 quoting reference COM 105.

5. Copies of the draft Compulsory Purchase Order, the order map(s) and of a plan showing the order land and the proposed exchange land may be seen, without payment, during office hours at:-

1. Main Reception, County Hall, Topsham Road, Exeter EX2 4QD.
2. Devon County Council Area South Highway Management Offices, Devon House, Brunel Road, Newton Abbot, TQ12 4PB.
3. Torbay Council at Town Hall, Castle Circus, Torquay, TQ1 3DS

4. Kingskerswell Library, 1 Newton Road, Kingskerswell, TQ12 5EH

and may be viewed online at

<http://www.devon.gov.uk/index/transport/kingskerswellbypass.htm>

6. Please note that objections or representations **cannot be treated as confidential** and will be copied to Devon County Council to seek comments. They may also be made more widely available. A copy of any reply received from Devon County Council will, in turn, be copied to any objector. The Secretary of State may, if he considers it expedient, hold a public inquiry into the matter concurrent with the public inquiry into the compulsory purchase order to be reconvened on **Tuesday 27 October 2009 at The Passage House Hotel, Hackney Lane, Kingsteignton, Newton Abbot, TQ12 3QH.**

FIRST SCHEDULE ORDER LAND

Plot 4/5 – 8,778 square metres of land, part of Kerswell Down Common, south of C161 Maddacombe Road and coloured pink on the map referred to in The Devon County Council A380 South Devon Link Road (Kingskerswell Bypass) Supplementary Compulsory Purchase Order 2009.

SECOND SCHEDULE EXCHANGE LAND

Plot 5/6 – 17,556 square metres of woodland on the north west of Churchway Lane and coloured green on the map referred to in The Devon County Council A380 South Devon Link Road (Kingskerswell Bypass) Supplementary Compulsory Purchase Order 2009.

Martin Steer
The Planning Inspectorate

11 September 2009

Appendix 2

List of Representations

- 187 – Kingskerswell Parish Council
- 188 – Mrs J Howard
- 189 – Mrs Marilyn Kenyon
- 190 – Mr M Howard
- 191 – Mrs P J Hampson
- 192 – Mr K G Pegden
- 193 – Mr Alan Griffey on behalf of Torbay Friends of the Earth
- 194 – Mr Len Short on behalf of Torbay FoE, CIWF, LACS and ‘Animal Voices’
- 195 – Mr John Hartley on behalf of Teignbridge and Torbay CPRE
- 196 – Nicola Hodgson on behalf of the Open Spaces Society
- 197 – Elizabeth Renowden
- 198 – Mr R Johnson
- 199 – Mrs Karen Long
- 200 – Mr H M C Mulkern
- 201 – Mr Ken Pegden on behalf of the Kingskerswell Alliance
- 202 – Suzie Hall
- 203 – Rosy Williams
- 204 – J Williams
- 205 – B Williams

Appendix 3

Notice of intention to hold a public local inquiry

THE HIGHWAYS ACT 1980 AND THE ACQUISITION OF LAND ACT 1981

THE DEVON COUNTY COUNCIL A380 SOUTH DEVON LINK ROAD (KINGSKERSWELL BYPASS) SUPPLEMENTARY COMPULSORY PURCHASE ORDER 2009

WHEREAS the Devon County Council have submitted to the Secretary of State for Transport for confirmation an order made by them which, if confirmed, will authorise the compulsory purchase of land which forms part of common land and which land is described in the First Schedule hereto.

AND WHEREAS Devon County Council have asked the Secretary of State for Environment, Food and Rural Affairs to certify under section 19(1)(a) of the Acquisition of Land Act 1981 he is satisfied that there will be given in exchange for the common land described in the First Schedule hereto other land described in the Second Schedule hereto which land is not less in area, is equally advantageous to the persons, if any, entitled to rights and to the public and is to be held subject to the like rights, trusts and incidents as attach to the common land to be purchased compulsorily.

AND WHEREAS the Secretary of State has given public notice of his intention to give a certificate, to afford an opportunity for representations or objections to be made. Any representations or objections to this proposal should be addressed in writing to The Planning Inspectorate, Zone 4/05, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN before 5 October 2009 quoting reference COM 105. Please note that objections or representations **cannot be treated as confidential** and will be copied to Devon County Council to seek comments. They may also be made more widely available. A copy of any reply received from Devon County Council will, in turn, be copied to any objector.

NOTICE IS HEREBY GIVEN that if The Planning Inspectorate receives any objections by the closing date above, a public local inquiry into the proposal to give a certificate will be held by Mr J Moffett BSc, CEng, FICE, MIHT, an Inspector appointed for the purpose, at **The Passage House Hotel, Hackney Lane, Kingsteignton, Newton Abbott, TQ12 3QH, on Tuesday 27 October 2009 beginning at 10.00 am**. If no objections are received by the closing date, a public local inquiry into the proposal to give a certificate will not be held.

ANY INQUIRY in connection with the above will be held jointly with the inquiries (notice of which has been issued separately) into the Devon County Council (A380 South Devon Link Road (Kingskerswell Bypass) Classified Road) (no. 2 Side Roads) Order 2009 and The Devon County Council A380 South Devon Link Road (Kingskerswell Bypass) Supplementary Compulsory Purchase Order 2009.

FIRST SCHEDULE Order land

Plot 4/5 – 8,778 square metres of land, part of Kerswell Down Common, south of C161 Maddacombe Road and coloured pink on the map referred to in The Devon County Council A380 South Devon Link Road (Kingskerswell Bypass) Supplementary Compulsory Purchase Order 2009.

SECOND SCHEDULE Exchange land

Plot 5/6 – 17,556 square metres of woodland on the north west of Churchway Lane and coloured green on the map referred to in The Devon County Council A380 South Devon Link Road (Kingskerswell Bypass) Supplementary Compulsory Purchase Order 2009.

Martin Steer
The Planning Inspectorate
15 September 2009

Appendix 4
Letter to Objector 177 dated 14th September 2009



**Parsons
Brinckerhoff**

The Forum
Barnfield Road
Exeter EX1 1QR
United Kingdom
44-(0)1392-229700
Fax: 44-(0)1392-229701
www.pbworld.com

Mr J Hartley
obo Campaign to Protect Rural England
Woodlands
Old Newton Road
Kingskerswell
TQ12 5LB

14 September 2009

Our Ref: CPO/43444A/-

Dear Mr Hartley,

**THE DEVON COUNTY COUNCIL A380 SOUTH DEVON LINK ROAD (KINGSKERSWELL BYPASS)
SUPPLEMENTARY COMPULSORY PURCHASE ORDER 2009 AND
THE DEVON COUNTY COUNCIL (A380 SOUTH DEVON LINK ROAD (KINGSKERSWELL BYPASS)
CLASSIFIED ROAD) (NO.2 SIDE ROADS) ORDER 2009**

You wrote to the Department for Transport objecting to the above Orders. The Secretary of State intends to hold a local public inquiry to consider the above Orders. The relevant regulations require Devon County Council to prepare a Statement of Case briefly setting out the information and evidence it intends to rely on at the public inquiry.

I am writing to advise you that the Statement of Case has now been prepared and copies have been sent to "remaining objectors" as defined in the Acquisition of Land Act 1981 (owners and occupiers of land required for the scheme who lodged objections which have not been withdrawn). As you do not fall within that category there is no requirement to supply you with a copy of the Statement of Case. However, one is enclosed and copies of the documents referred to in it or the relevant extracts may be inspected, free of charge during normal office hours until commencement of the public inquiry at:-

1. Kingskerswell Library, 1 Newton Road, Kingskerswell, TQ12 5EH
Monday between 10 am and 12.30 pm
Tuesday between 10 am and 12.30 pm and between 2 pm and 5.30 pm.
Wednesday between 2 pm and 7 pm
Thursday Closed
Friday between 10 am and 12.30 pm and between 2 pm and 5.30 pm
Saturday between 10 am and 12.30 pm.
2. Newton Abbot Library, Market Street, Newton Abbot, Devon, TQ12 2RJ
Monday between 9:30 am and 7 pm
Tuesday between 9:30 am and 1 pm
Wednesday between 9:30 am and 7 pm
Thursday between 9:30 am and 7 pm
Friday between 9:30 am and 5 pm
Saturday between 9:30 am and 4 pm

Please note that we understand that Newton Abbot Library will be temporarily closed from 21st September to 3rd October for essential maintenance. Therefore the documents will be relocated to Kingsteignton Library between these dates.

Kingsteignton Library, Newton Road, Kingsteignton, TQ12 3AL
Monday between 9:30 am and 7 pm
Tuesday between 9:30 am and 5:30 pm
Wednesday between 9:30 am and 5:30 pm
Thursday between 9:30 am and 7 pm

*Over a Century of
Engineering Excellence*

In Partnership with



A9384 ISO9001
A12283 ISO14001

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(ST/FS)



Friday between 10 am and 5:30 pm
Saturday between 9:30 am and 1 pm

and online at www.devon.gov.uk/index/transport/kingskerswellbypass.htm

I would emphasise that the preparation of the Statement of Case is a statutory requirement and that the Council or its agents are happy to continue any discussions with you or your representatives with a view to addressing your concerns.

Yours sincerely,
Parsons Brinckerhoff

A handwritten signature in cursive script that reads 'Michael Smith'.

MICHAEL SMITH
Technical Director