



A380 South Devon Link Road (Kingskerswell Bypass)

Public Inquiry

Supplementary Orders

**Devon County Council's Response to
Proof of Evidence from Mrs P J Hampson**

(Obj 175): OBJ/HAMP(175)/P/1

Response by Paul Ewings

1.0 Introduction

- 1.1 Mrs Hampson, in her letter dated 26th August, objected to the Supplementary Compulsory Purchase Order and the No 2 Side Roads Order on a number of grounds. These grounds are included in Chapter 10 of **DCC/P/12**, together with Devon County Council's response. They are summarised below, together with the paragraph reference in Chapter 10 of **DCC/P/12**.
- Loss of Tranquillity in Kerswell Down – see paragraph 10.2.3 of **DCC/P/12**
 - Loss of amenity in Kerswell Down – see paragraph 10.2.4 of **DCC/P/12**
 - Severance of the common from the village – see paragraph 10.2.8 of **DCC/P/12**
 - The impact on flora and fauna of Kerswell Down – see paragraph 10.2.14 of **DCC/P/12**
 - Unacceptable public consultation on effects at the Downs – see paragraph 10.2.21 of **DCC/P/12**
 - Visual impact in Conservation Area – see paragraph 10.3.1 of **DCC/P/12**
 - Carbon and air pollution – see paragraph 10.3.2 of **DCC/P/12**
 - Adequacy of ftp site – see paragraph 10.4.1 of **DCC/P/12**
 - Visual impact from exchange land – see paragraph 10.4.3 of **DCC/P/12**
 - The route is inappropriate – see paragraph 10.6.1 of **DCC/P/12**
 - Traffic will experience the same delays – see paragraph 10.6.2 of **DCC/P/12**
 - The Scheme will attract infill development – see paragraph 10.6.4 of **DCC/P/12**
- 1.2 This Response (**DCC/REB/25**) to the Proof of Evidence of Mrs P J Hampson (**OBJ/HAMP(175)/P/1**) has been prepared by Paul Ewings. A number of the grounds for objection have already been addressed and do not arise by reason of the Supplementary Orders. Where the grounds are the same as those raised earlier, the earlier responses in other Proofs of Evidence or in Rebuttal are referenced in this response. Devon County Council's response to the proof of evidence in respect of the main Orders was provided as **DCC/REB/16**.

2.0 Summary of Grounds

- Loss of trees
- Purpose of tree preservation and conservation area orders
- The Orders would lead to devastation of the landscape without safe guarding local amenities or housing.
- The impact on the local community is unacceptable because there are alternatives.
- Kerswell Down would lose peace and tranquillity
- The effect of noise on the Downs and surroundings
- Noise would increase significantly when development takes place in Torquay
- The Exchange Land is not equally advantageous

- There has been no public consultation with models showing how the Downs would be affected.
- Carbon emissions will directly affect the Common Land at Kerswell Down.
- The channelling effect of air and traffic pollution will cause destruction of buildings, natural habitat and vegetation.
- The Scheme would bisect the common land from the village.
- The Orders will not bring real gains to residents in the locality or rural regeneration or revitalisation of the community.
- Infill development would exacerbate the effect of the Scheme on the countryside.

3.0 Loss of trees

- 3.1 Andrew McCarthy in **DCC/P/8** details at section 4.5 the loss of woodland to the Scheme and the mitigation measures included in the Scheme. At paragraph 4.5.5 Andrew McCarthy states that approximately 1.0ha of woodland would be permanently lost to the Scheme and at paragraph 4.5.8 states that mitigation comprises up to 15.0 ha of planting including extensive woodland establishment. This latter figure does not include additional planting on the Exchange Land.
- 3.2 None of the trees protected by TPOs in Kingskerswell would be affected by the Scheme.

4.0 Significance of tree preservation and conservation area orders

- 4.1 Mrs Hampson states that because Devon County Council is promoting the South Devon Link Road, the orders are of no significance. This is clearly not the case. Both Rosalyn Guard in **DCC/P/6** and Chris Moore in **DCC/P/7** address the impact of the Scheme on conservation areas, scheduled monuments, listed buildings and structures and trees protected by TPOs.
- 4.2 The effect of Scheme on views from Kingskerswell Conservation Area is described in paragraph 11.8.7 of **DCC/P/6**.
- 4.3 In paragraph 8.6.23 of the ES (**CD 2.3**) it is concluded that *'the overall effect [on the Conservation Area] in Year 15 is assessed as **Slight adverse** in both summer and winter, mainly on account of some permanent loss of tranquillity and the Maddacombe Road overbridge'*.

5.0 The Orders would lead to devastation of the landscape without safe guarding local amenities or housing.

Impact on the landscape

- 5.1 The impact of the Scheme on landscape has been assessed in Rosalyn Guard's Proof of Evidence (**DCC/P/6**). This concludes that the long-term impact of the Scheme on landscape character are predicted to be slight adverse as the Scheme incorporates extensive mitigation design to reduce its landscape and visual impacts (**DCC/P/6**, Section 12). The Proof states that *'traffic on the proposed road west of Kingskerswell will be almost entirely screened in the longer term'* (**DCC/P/6**, paragraph 12.1.6).
- 5.2 The proposed route has been chosen to safeguard as much residential property and Common Land as possible. The Downs have been safeguarded as far as possible, without taking residential properties to the east instead, by routing the road so that much of the land taken is the old quarry, which is least accessible for recreation. The

proposed highway width has also been reduced to a minimum at this point by proposing steep exposed limestone cutting sides where the route takes the Common Land.

Closure of Churchway Lane will sever the Common Land from the village.

- 5.3 The effect of the Scheme on Kerswell Down is addressed in paragraphs 10.2.8 and 10.2.9 of **DCC/P/12** in respect of access and severance; paragraph 10.2.3 of **DCC/P/12** in respect of tranquillity; and in Section 3 above in respect of the ecology of the Downs.

6.0 The impact on the local community is unacceptable because there are alternatives.

- 6.1 Alternatives considered during the development of the Scheme are described in Chapter 5 of **DCC/P/1**. Alternatives that have been promoted by objectors to the Orders have been addressed in **DCC/P/4** and in **DCC/REB/5**.
- 6.2 **DCC/REB/15** addresses the level of travel reduction achievable by travel planning and states that *'This [significant level of travel reduction] can only take place with improvements to public transport which can only come about with the Scheme; and DCC/REB/15 paragraphs 3.25 – 3.32 demonstrate Devon County Council's commitment and expertise in demand management and travel planning.*

7.0 Kerswell Down would lose peace and tranquillity

- 7.1 The impacts of the Scheme on tranquillity in Kerswell Down is explained in Rosalyn Guards' Proof of Evidence (**DCC/P/6**) at paragraph 11.8.2 where it is stated that *'The ES acknowledged that there would be a reduction in relative tranquillity at Kerswell Down and it is not considered possible to achieve significant further noise mitigation. The visual ambience would be affected at the eastern end of the Down but the Scheme will not be visible from the rest of the Common.'*

8.0 The effect of traffic noise on the Downs and surroundings

- 8.1 Mrs Hampson asks where are the figures for the predicted noise impacts and why haven't Devon County Council provided the community with these.
- 8.2 Paragraphs 9.1.6 to 9.1.8 of Richard Perkins's Proof of Evidence (**DCC/P/9**) addresses concerns regarding traffic noise on the Downs. This is also addressed at paragraphs 5.1.12 and 5.1.13 of **DCC/P/12**.
- 8.3 Mrs Hampson also states that DCC have not followed "The Environmental Noise (England) Regulations 2006" (**CD 4.49**) in respect of quiet areas. Richard Perkins reported in **DCC/A/9** Paragraph 3.2.15 that this scheme does not qualify under the Regulations.
- 8.4 The regulations introduce the concept of a "Quiet Area", and require a Member State to identify and protect areas that are considered to meet as yet defined criteria. However, at present, a Quiet Area only exists within "Agglomerations", (i.e. dense urban areas that meet the definition of the Regulations), and are not currently required outside of these areas. The study area for the Scheme is not included within an agglomeration, but as a major road.

9.0 Noise would increase significantly when development takes place in Torquay

- 9.1 The issue of traffic modelling and development is addressed in section 15.9 of **DCC/P/4**. The calculated future noise levels are based upon the traffic flows thus predicted.

10.0 The Exchange Land is not equally advantageous

10.1 Mrs Hampson states that the exchange land would not compensate for the land being taken and is not equally advantageous. The Supplementary Orders and Exchange Land Proof of Evidence (**DCC/P/12**) describes in Section 5 the reasons why the Exchange Land is equally advantageous to the Common Land included in the Supplementary Compulsory Purchase Order (**CD 6.2**).

10.2 Mrs Hampson states that no exchange land can compensate for the noise, air pollution and loss of habitat and recreation that would result from the Scheme. The Exchange Land is not intended to compensate for these impacts, only to replace a parcel of Common Land. The Exchange Land offers both security of access to an equal area of woodland that is currently subject only to a permissive path and grassland that would become wooded in future.

11.0 There has been no public consultation or models showing how the Downs would be affected.

11.1 This issue is addressed in paragraph 10.2.21 of **DCC/P/12**.

12.0 Carbon emissions will directly affect the Common Land at Kerswell Down.

12.1 The Air Quality Proof of Evidence (**DCC/P/10**) provides an assessment of the change in carbon emissions with the Published Scheme. Taken over all trips of relevance to the study area, the Scheme will result in an increase in carbon dioxide emissions of less than 1% of the total emissions on the trips. This is considered a neutral impact.

12.2 The Air Quality Proof of Evidence (**DCC/P/10**) also explains that air pollution is a term used to refer to any chemical or biological agents that modify the natural characteristics of the atmosphere. It is generally accepted to apply to those substances which have the potential to cause harm to human health, flora and fauna or buildings. Carbon dioxide is not one of the substances for which a local air quality standard is established. Section 2.3 of **DCC/P/10** explains the extent of the assessment of impacts of air pollutant emissions on ecology.

13.0 The channelling effect of air and traffic pollution will cause destruction of buildings, natural habitat and vegetation.

13.1 The impact of the Scheme on local air quality has been assessed in Bethan Tuckett-Jones' Proof of Evidence (**DCC/P/10**). The Proof concludes:

'The results of the Local Air Quality Assessment presented in my proof clearly demonstrate that no significant adverse impacts on air quality in relation to human health are expected as a result of the implementation of the Published Scheme. Indeed an overall beneficial impact on air quality in the community is predicted as there is a net reduction in exposure to pollution. The Published Scheme is predicted to result in an improvement in air quality at more than 1250 properties within Kingskerswell.' (**DCC/P/10**, paragraph 9.1.2)

13.2 The Proof goes on to state that:

'Ambient pollutant concentrations are predicted to increase at receptors close to the route of the new link road. However, total concentrations remain well within the relevant air quality objectives for all pollutants and, consequently, no significant health effects are anticipated.' (**DCC/P/10**, paragraph 9.1.3)

and that:

'No mitigation of any sort is required in relation to the operational impacts of the Scheme.' (**DCC/P/10**, paragraph 9.1.4)

13.3 It is therefore the case that the Scheme will have a beneficial impact on local air quality.

14.0 The Scheme would bisect the common land from the village.

14.1 The effect of the Scheme on Kerswell Down is addressed in paragraphs 10.2.8 and 10.2.9 of **DCC/P/12** in respect of access and severance.

15.0 The Orders will not bring real gains to residents in the locality or rural regeneration or revitalisation of the community.

15.1 The need for the Scheme and the objectives that have been set for it are fully described in **DCC/P/1**.

16.0 Infill development would exacerbate the effect of the Scheme on the countryside.

16.1 This issue is addressed in paragraph 10.6.4 of **DCC/P/12**.

17.0 Other Issues

17.1 In her proof of evidence, Mrs Hampson also raises the following questions:

- Why has Devon County Council not listened to local people?
- Why didn't DCC produce photomontages of the impact of the road in January 2008?
- Why haven't DCC produced photomontages for the impact on the Downs and Exchange Land.
- Why haven't noise levels been assessed in a way that the public can comprehend.
- Why didn't DCC consider a route that did not take Common Land?
- Which houses /property would have been necessarily demolished in order to avoid the common land.

Why has Devon County Council not listened to local people?

17.2 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. **DCC/P/6** at section 11.6 explains the discussions held with local people in relation to the Scheme details.

Why didn't DCC produce photomontages of the impact of the road in January 2008?

17.3 Production of photomontages was not considered necessary but they have been provided subsequently to assist the Inquiry.

Why haven't DCC produced photomontages for the impact on the Downs and Exchange Land.

17.4 Rosalyn Guard in her Proof of Evidence (DCC/P/6) states at paragraph 3.7.3: *'The viewpoints for the photomontages prepared for this PoE were selected in consultation with Teignbridge DC's Landscape Officer, as there is no landscape officer in post at Devon CC at present.'*

17.5 The photomontage viewpoints chosen in agreement with the Teignbridge DC landscape officer were selected to illustrate either overviews of the Scheme where the proposed location needed to be clarified or aspects of the Scheme that are most difficult to judge and envisage, such as the flyover height. It was thought to be clear

that when walking from the car park to the Down at the completion of the Scheme there would be a view into the cutting, until the mitigation planting has established.

Why haven't noise levels been assessed in a way that the public can comprehend.

- 17.6 Richard Perkins in his Proof of Evidence (**DCC/P/9**) explains at section 3.2 the legislation and guidance used in the prediction of noise levels. At paragraph 3.2.6 Richard Perkins states: *'The Government's standard methodology for the prediction of traffic noise is given in the Department of Transport memorandum Calculation of Road Traffic Noise (CRTN) (CD 4.27). The current version was first published in 1988 and describes the procedures for calculating noise from road traffic.'*
- 17.7 At paragraph 3.2.7 Richard Perkins states: *'In assessing the noise and vibration impacts due to road traffic, I have used HA213/08, which is DMRB Volume 11, Section 3, Part 7 (CD 4.33). I have used the latest version of the guidance issued in August 2008, as opposed to the previous version (August 1994) that was used to prepare the Environmental Statement. Both guidance documents require traffic noise levels to be predicted for various scenarios using the Calculation of Road Traffic Noise (CRTN) (CD 4.27).'*
- 17.8 DMRB is the standard best practice guidance for the presentation of noise levels due to road traffic.

Why didn't DCC consider a route that did not take Common Land?

- 17.9 The Overview and Scheme Development Proof of Evidence (**DCC/P/1**) at section 5 describes the alternatives considered during the development of the Scheme and in paragraph 5.2.32 explains how the conclusion was reached no other options were preferred.

Which houses /property would have been necessarily demolished in order to avoid the common land?

- 17.10 By inspection of Figure 4.3 of **DCC/A/3** it can be seen that to have avoided the common land with a route to the west of Kingskerswell would have meant an alignment closer to Greenhill Road. Such an alignment would have led to the demolition of Foredown, Rock House, 7 Greenhill Road and 5 Greenhill Road. Foredown House would possibly have avoided having to be demolished.

18.0 Questions in Relation to the Statement of Reasons

- 18.1 In her proof of evidence, Mrs Hampson also raises questions in relation to statements made in the Supplementary Compulsory Purchase Order Statement of Reasons (**CD 6.3**). In paragraph 12.6 of **DCC/P/1**, Paul Ewings considers the balance of impacts against the benefits of the Scheme and concludes that there is a compelling case in the public interest for the delivery of the Scheme.

19.0 Questions in Relation to the Statement of Case

- 19.1 In her proof of evidence, Mrs Hampson also raises questions in relation to the Supplementary Orders Statement of Case (**CD 6.5**) stating that it fails to demonstrate that the exchange land is equally advantageous. The Supplementary Orders and Exchange Land Proof of Evidence (**DCC/P/12**) describes in Section 5 the reasons why the Exchange Land is equally advantageous to the Common Land included in the Supplementary Compulsory Purchase Order (**CD 6.2**).