



A380 South Devon Link Road (Kingskerswell Bypass)

Public Inquiry

Supplementary Orders

Devon County Council's Response to

Proof of Evidence on behalf of Teignbridge and Torbay CPRE

(Obj 177): OBJ/CPRE(177)/P/1

Response by Paul Ewings

1.0 Introduction

1.1 Mr John Hartley on behalf of, Teignbridge and Torbay CPRE, in his letter dated 27th 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**.

- Emergency Vehicular Access to Kerswell Down – see paragraph 10.2.1 of **DCC/P/12**
- Loss of Kerswell Down and Car Park – see paragraph 10.2.2 of **DCC/P/12**
- Loss of Tranquillity in Kerswell Down –10.2.3 of **DCC/P/12**
- Loss of amenity in Kerswell Down – see paragraph 10.2.4
- The impact on flora and fauna of Kerswell Down – see paragraph 10.2 14 of **DCC/P/12**
- The impact on groundwater and stream adjacent Kingskerswell Parish Church
The impact on groundwater and stream adjacent Kingskerswell Parish Church– see paragraph 10.2.18 of **DCC/P/12**
- Visual Impact on Conservation Area – see paragraph 10.3.1 of **DCC/P/12**
- Effects of dust and noise during construction – see paragraph 10.3.3 of **DCC/P/12**
- Carbon and air pollution – see paragraph 10.4.1
- Visual impact from exchange land – see paragraph 10.4.3 of **DCC/P/12**
- Provide a tunnel to keep Churchway open – see paragraph 10.5.1 of **DCC/P/12**
- Lack of consultation on footpath 45 realignment through Sainsbury's – see paragraph 10.7.1 of **DCC/P/12**

1.2 This Response (**DCC/REB/26**) to the Proof of Evidence of Mr John Hartley, on behalf of Teignbridge and Torbay CPRE (**OBJ/CPRE(177)/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 evidence submitted by the objector in respect of the main Orders is provided as **DCC/REB/8**.

2.0 Summary of Grounds

- 2.1 Mr John Hartley, on behalf of Teignbridge and Torbay Group CPRE, in his proof of evidence dated 5th October 2009 objects to the Supplementary Compulsory Purchase Order on a number of grounds:
- The diversion of footpath 45 and the lack of public consultation on the Scheme details in the Sainsbury's area.
 - The Exchange Land is not suitable as replacement for the common land included in the Order including proposed planting and other issues.
 - The kart track would be lost

- No details have been shown to the public on the effect of the cutting on spring water.
- Loss of orchids
- Loss of emergency vehicle access and issues relating to Figure 1.
- Change to proposals for Churchway Lane without public consultation.
- No public consultation on excavation of limestone cutting
- Effect on tranquillity
- Unknown affect on flora and fauna and wildlife.
- No public consultation on proposals for planting the Exchange Land.
- Kerswell Down area is proposed as a centre of major development and there has been no public consultation.

3.0 The diversion of footpath 45 and the lack of public consultation on the Scheme details in the Sainsbury's area.

- 3.1 In **DCC/P/12** Paul Ewings states at paragraph 10.7.1: *'The proposed modification to the realignment of footpath 45 was described in paragraph 8.4.4.9 of DCC/P/3 and illustrated on Figure 13.1 of DCC/A/3. No representations were received during the Inquires relating to the proposed realignment and no representations have been received from individual members of the public in response to the No 2 Side Roads Order and the notices that were posted.'*

4.0 The Exchange Land is not suitable as replacement for the common land included in the Order including proposed planting and other issues.

- 4.1 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 6.1**).
- 4.2 The Exchange Land would be equally advantageous for the commoner and the public.

5.0 The kart track would be lost

- 5.1 This issued is addressed in section 5 of **DCC/REB/2**.

6.0 No details have been shown to the public on the effect of the cutting on spring water.

- 6.1 The effect of the Scheme on groundwater and the stream adjacent Kingskerswell Parish Church is addressed in section 4 of **DCC/REB/7** and in paragraphs 10.2.18 and 10.2.19 of **DCC/P/12**.

7.0 Loss of orchids

- 7.1 In paragraph 4.5.1 of **DCC/P/8**, Andrew McCarthy notes the existence of orchids within the Kerswell Down woodland. The woodland at Kerswell Down is assessed as of Medium Value.
- 7.2 In paragraph 4.5.10 of **DCC/P/8**, Andrew McCarthy assesses the woodland loss. It would, at Year 1 result in a Temporary Intermediate Negative impact on a Medium Value receptor resulting in a Temporary Moderate Adverse effect. By Year 15, once mitigation planting has begun to mature, it is concluded that there would be a

Permanent Intermediate Negative impact (at the lowest end of this scale) on a receptor of Medium Value resulting in a Permanent Moderate Adverse effect (at the lower end of this scale).

8.0 Loss of emergency vehicle access and issues relating to Figure 1.

- 8.1 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.
- 8.2 The emergency access provision is described in paragraph 10.2.1 of **DCC/P/12**.

9.0 Change to proposals for Churchway Lane without public consultation.

- 9.1 Mr Hartley states that there should have been public consultation regarding proposals at Churchway Lane. The Overview and Scheme Development Proof of Evidence (**DCC/P/1**) describes the consultation process in Section 7. At that time there were no proposals to include a tunnel at Churchway Lane.

10.0 No public consultation on excavation of limestone cutting

- 10.1 The Overview and Scheme Development Proof of Evidence (**DCC/P/1**) describes the consultation process in Section 7 and the Environmental Statement (**CD 2.3**), which was prepared in support of the planning application, contained explanations of the impact of the excavation.

11.0 Effect on tranquillity

- 11.1 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.*'

12.0 Unknown effect on flora and fauna and wildlife.

- 12.1 The impact of the Scheme on wildlife is explained in Andrew McCarthy's Proof of Evidence (**DCC/P/8**, at chapters 4 and 5 and at sections 7.3 and 7.5).

13.0 No public consultation on proposals for planting the Exchange Land.

- 13.1 The proposals for treatment of the grassland area within the Exchange Land is described in paragraph 5.1.7 of **DCC/P/12**.
- 13.2 The Acquiring Authority (Devon County Council) has discussed the future treatment of this area of grassland with the Parish Council and following discussion with the Parish Council would undertake a woodland planting scheme for this area, using species suitable for the surrounding landscape which would also provide an ecological benefit. The AA would also be responsible for the immediate aftercare of the planting scheme for a period of three years. The area is shown edged pink at **Figure 3** in **DCC/A/1**.

14.0 Kerswell Down area is proposed as a centre of major development and there has been no public consultation.

- 14.1 There are no plans for future development between the Scheme and Kingskerswell village (as addressed in David Blacks Proof of Evidence, **DCC/P/4**, paragraph

15.10.2) or in the Kerswell Down area. The adopted Teignbridge Local Plan (**CD3.5 and CD3.5A**) identifies the land between the Scheme and Kingskerswell village as countryside which is subject to Policy H7. The lands between Kingskerswell and Newton Abbot and Kingskerswell and Torquay are additionally identified as 'open land between settlements', with the latter also designated as an Area of Great Landscape Value.