

Our ref: 748,023

Ash House  
Falcon Road,  
Sowton Ind. Estate  
Exeter EX2 7LB

**28 February 2017**

Dear

**FREEDOM OF INFORMATION - A38 LOWER LODGE EDGE STABILISATION  
SCHEME CORNWALL**

Thank you for your further email received on 20 February which helped clarify your request. I am dealing with it under the terms of the Environmental Information Regulations 2004. This is because the information requested concerns measures and activities affecting or likely to affect elements of the environment or affect factors such as noise, pollution discharges and other releases into the environment.

For ease of response, I have listed your questions below and answered each individually;

***1. 'I would like to see any or all of The Method statements/Risk assessments/penalty clauses and any other paperwork that could assist us achieve a full understanding of why no claim for compensation is allowed'***

This information is not held.

Businesses have no right in law to any given level of passing trade, and may suffer temporary loss owing to disruption of traffic flows. Trade may fluctuate for a variety of reasons, and accurately assessing the losses directly attributable to works in the highways can be difficult. There is, too, an element of 'windfall' profit and loss; often when one trader suffers a rival business in the neighbourhood stands to gain customers as a direct result of the same works. There are no plans to introduce legislation to create legal liability to compensate anyone for loss of trade when a highways authority properly executes road works under its statutory powers.

When planning the scheme we worked with Cornwall Council and local businesses on the A38 especially those directly affected by the works to minimise any potential disruption.

**2. ‘- this should take into account the possible negligent repairs/maintenance over many years that may have contributed to the current repairs taking so long –**

No information held. There are no proven cases of negligent repairs or maintenance nor have any been sought.

The restricted width of the A38 in Glynn Valley means that undertaking any work safely is going to take longer than other parts of the strategic road network.

Much of the A38 in the Glynn Valley still follows the route of the original turnpike road constructed in the 1830s and much of the infrastructure dates to that time, as in this case, with the stone walls supporting the edge of the westbound carriageway. The section between Trago Mills and Halfway House was built partly on natural ground to the north and partly on embankment above the original river floodplain, hence why the need for the walls.

**3. ‘please note this Request now includes The A30 Temple to Higher Carblake improvements - kindly include the time scales under which both these works are/were supposed to be completed by –’**

The A30 Temple to Higher Carblake improvement scheme is being delivered by Cornwall Council, therefore I am unable to advise what the contractual completion is. They have recently announced that the works will be completed by 13 July 2017.  
[Cornwall Council - A30 Temple to Higher Carblake Improvement](#)

The A38 Lower Lodge Edge Stabilisation scheme is contracted to be completed by 26 May 2017, the work is currently progressing well and weather permitting will be completed in advance of this date.

I trust I have fully answered your questions but if you are unhappy with the way we have handled your request you may ask for an internal review. Our internal review process is available at: <https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy, please phone the Information Line on 0300 123 5000; or e-mail [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk). You should contact me if you wish to complain. If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner’s Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

If you have any queries about this letter or specific questions about this scheme and the traffic management of these works please contact me. Please remember to quote reference number (748,028) in any future communications.

Yours sincerely

Operations South West