

Our ref: DT/TOTA-3-7  
Your ref: RM/069636  
Date: 18 April 2023

Cornwall Council

**BY EMAIL**

Rebecca Mabelle [Rebecca.Mabelle@cornwall.gov.uk](mailto:Rebecca.Mabelle@cornwall.gov.uk)

Dear Rebecca

### **Newham highways narrowing**

I write further to your letter dated 6 April 2023 in response to our pre-action letter.

#### **1. Timing**

- 1.1. You state that our actions were premature since no decision has been taken as to whether to proceed with the works or not. Whilst that may be the position that was communicated to you by officers, it appears inconsistent with contemporaneous events and communications, including this sign which the council commissioned, had manufactured and placed at the site.



- 1.2. Further, in an email to the Newham BID and copied to Councillor Nolan, it was confirmed by Kieran Couch of Ward Williams Associates that “CORMAC Solutions Ltd now intend [sic] commencing works on the core scheme elements on Newham Road week commencing 03.04.23.”

## 2. Site visit 4 April 2023

- 2.1. You note [at paragraph 8 (e) (ii)] that an audit site visit took place on 4 April 2023. Please can you confirm the publicity given to that planned site visit, which parties, if any, were notified (and how) and who it was who “verbally confirmed” that no issues were raised. Is that the same site visit that the 6 April 2023 report states took place on 3 April 2023 or have there been two site visits?

## 3. Audit

- 3.1. You note [at paragraph 8 (c) (v)] that a safety review was undertaken. Neither I nor my clients have been able to locate a copy of this on the council’s website. Would you please provide a link to it.
- 3.2. You note [at paragraph 8 (c) (vi)] that a formal road safety audit was also commissioned and is available online. Again, neither I nor my clients have been able to locate that on the council’s website; please would you provide a link to it. Is the report produced on 6 April 2023 the council’s formal road safety audit?
- 3.3. You note [at paragraph 8 (c) (xi)] that “[i]t cannot therefore be said that the scheme is in anyway [sic] unsafe.” Please can you explain the basis on which you conclude that the scheme is safe when the first audit of the scheme was not carried out until 6 April 2023.
- 3.4. Please can you explain why the consultation page for this scheme only provides the two superseded general arrangement plans and none of the plans that have actually been reviewed in the 6 April 2023 audit. The general arrangement drawings were considered as they include the carriageway widths. Is it the case, therefore, that none of the plans that formed the evidence base for this most recent audit are available for public inspection and also that none of the current drawings include any of the highway widths?
- 3.5. At paragraph 5 of the 6 April 2023 audit it is noted that the recommendations of the report in no way imply that a formal design process has been undertaken. If it was the case that as at 6 April 2023 there had not been a formal design process undertaken, please would you explain exactly what works were to be started in the week commencing 3 April 2023 and notified to the Newham Road community.
- 3.6. The first item raised by the 6 April 2023 report is that “[n]o detailed drawings have been provided to the Audit Team concerning the proposed signing, carriageway cross sections, cycle stands, seating or fencing, therefore it has not been possible for these elements to have been audited. **There is a risk that any potential road safety issues relating to these may not be identified, which could lead to road users being injured**” [emphasis



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added]. Please can you reconcile that identified deficiency in the assessment with your assertion that “it cannot be said that the scheme is in anyway [sic] unsafe”.

- 3.7. Please can you indicate where, in any of the documents produced by the council or its contractors, the road traffic implications of narrowing the carriageway have been assessed, particularly given that that was the section that has previously been widened to address safety concerns.

Yours sincerely,

**Duncan Tilney**  
**Partner**  
**For and on behalf of STEPHENS SCOWN LLP**

