

APP/PCU/CPOP/D08480/3312829

**CORNWALL COUNCIL (LANGARTH GARDEN VILLAGE, THREEMILESTONE) COMPULSORY
PURCHASE ORDER 2022**

and

**THE CORNWALL COUNCIL (TRURO NORTHERN ACCESS ROAD) (CLASSIFIED ROAD) (SIDE
ROADS) ORDER 2022**

SECTION 226(1)(a) OF THE TOWN AND COUNTRY PLANNING ACT 1990

and

SECTION 13 THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

and

THE ACQUISITION OF LAND ACT 1981

and

THE HIGHWAYS ACT 1980

**COMBINED STATEMENT OF CASE
of
Cornwall Council
for making the Compulsory Purchase Order and Side
Roads Order**

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1. PURPOSE OF THE COMBINED STATEMENT OF CASE

- 1.1 The Council made the Cornwall Council (Truro Northern Access Road) (Classified Road) (Side Roads) Order 2022 (**SRO**) on 1 November 2022. The Cornwall Council (Langarth Garden Village, Threemilestone) Compulsory Purchase Order 2022 (**CPO**) was made on 3 November 2022.
- 1.2 This Combined Statement of Case (**Combined Statement**) has been prepared on behalf of Cornwall Council (**Council**) in its role as the acquiring authority in relation to the CPO and as the order making authority in relation to the SRO.
- 1.3 The CPO was submitted to the Secretary of State for Levelling Up, Housing and Communities for consideration on 2 December 2022. On 31 January 2023, the Secretary of State wrote to the Council to confirm that, pursuant to section 14D of the Acquisition of Land Act 1981, he has decided to appoint an Inspector to act instead of him to decide whether or not to confirm the CPO. The Planning Inspectorate, by way of a letter dated 24 February 2023, has given notice of their intention to hold a public inquiry to hear and consider the objections raised in relation to the CPO.
- 1.4 The SRO was submitted to the Secretary of State for Transport for confirmation on 2 December 2022. The Council is advancing the CPO and SRO on the basis that objections will be heard at a conjoined inquiry.
- 1.5 This Combined Statement of Case contains the submissions that the Council will present to the inquiry in support of both the CPO and the SRO. It describes the proposals to facilitate the development of the Langarth Garden Village and provides a justification for why the Council considers that a clear and compelling case in the public interest exists for making the CPO and the need for the SRO. It also outlines the evolution of the Scheme to date and explains the reasons and policy context behind the decision to proceed with the Scheme.
- 1.6 In this Combined Statement of Case, the CPO and SRO are together referred to as the “**Orders**”.
- 1.7 This Combined Statement has been prepared in support of the making of the Orders in accordance with “Guidance on Compulsory purchase process and The Crichel Down Rules” (Ministry for Housing Communities and Local Government, 2019) (**CPO Guidance**), the advice contained in the Department of Transport Circular 1/97 “Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act” (**SRO Guidance**), the Compulsory Purchase (Inquiries Procedure) Rules 2007 (as amended) and the Highways (Inquiries Procedure) Rules 1994.

2. INTRODUCTION TO THE ORDERS

The CPO

- 2.1 The CPO has been made under section 226(1)(a) of the Town and Country Planning Act 1990 (**1990 Act**), the Council being of the view that the proposed acquisition will facilitate the carrying out of development, redevelopment, or improvement on or in relation to land and will contribute to the achievement of the promotion or improvement of the economic and/or, social, and/or environmental well-being of the Council’s area. The CPO is also made under section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to enable the Council to acquire new rights over land to enable certain drainage/utilities infrastructure works to be carried out and completed and brought into beneficial use and maintained thereafter.
- 2.1 The land proposed to be compulsorily acquired and/or used pursuant to the CPO (**Order Land**) is primarily comprised of open farmland and existing public and private highway. Further details of the Order Land are contained at paragraph 4 below.
- 2.2 The Council is exercising its powers under section 226(1)(a) as a last resort because it has not been possible to acquire by agreement all interests that are needed for the delivery of those elements of the Scheme where delivery is intended to be led by the Council and it is not certain it will be able to acquire the necessary remaining land interests by agreement. The purpose in seeking to acquire the land and using section 226(1)(a) is set out in detail at paragraph 8 below.

- 2.3 The schedule to the CPO (**CPO Schedule**) lists owners, lessees, tenants and occupiers of the Order Land. In addition, it also lists other parties with a qualifying interest in the Order Land as defined by section 12(2) Acquisition of Land Act 1981 including those with the benefit of rights within the Order Land. Where appropriate, the Council will consider the grant of equivalent or alternative rights to the current beneficiaries of relevant rights and interests if reasonably required for the continued enjoyment of the property benefitting from the right. Various restrictive covenants/titles that affect the titles that make up the Order Land have also been identified in the Schedule.
- 2.4 The map to the CPO (**CPO Map**) identifies the land proposed to be acquired (coloured pink) and the land on, over or under which new rights are to be acquired (coloured blue). Further information on the CPO Map is contained at paragraph 4 below.
- 2.5 The Council recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest (paragraphs 2 and 12 of the CPO Guidance) which justifies the overriding of private rights in the land sought to be acquired. For the reasons set out in more detail below, the Council is satisfied that there is a compelling case in the public interest for the exercise of compulsory purchase powers and that the public interest is sufficiently important to justify the interference with private rights.

The SRO

- 2.6 The SRO has been made under sections 14 and 125 of the Highways Act 1980 (**1980 Act**) for the purposes of stopping up, diverting, improving, raising, lowering or otherwise altering a highway that crosses or enters the route of the new road or is or will be otherwise affected by the construction or improvement of the new road, constructing new highway for purposes concerned with any such alteration and stopping up any private means of access to premises adjoining or adjacent to land comprised in the route of the classified road, or forming the site of any works authorised by the SRO and providing a new means of access to any such premises.
- 2.7 Any failure to confirm the SRO would prevent the necessary changes being made to the local highway network to enable the implementation and delivery of the Scheme. The SRO is, therefore, integral to the ability to deliver the Scheme and to ensure the consequential benefits, including enabling the Langarth Garden Village.
- 2.8 Sections 14(6) and 125(3) of the Highways Act 1980 set out two key tests against which the Secretary of State for Transport will assess the SRO and decide whether to confirm the SRO which are repeated in Circular 1/97. In accordance with section 14(6), the Council is satisfied that another reasonably convenient route is available or will be provided before any highway is stopped up pursuant to the SRO. In accordance with section 125(3), the Council is satisfied that no means of access to premises shall be stopped up unless another reasonably convenient means of access to the premises is available or will be provided. The Council is therefore satisfied that both statutory tests are met.

3. THE COUNCIL'S PURPOSE IN PROMOTING THE ORDERS

The Scheme

- 3.1 The Council is promoting the CPO and the SRO to enable the implementation of a comprehensive mixed use, landscape-led community (to be known as Langarth Garden Village) comprising a phased development of up to 3,550 dwellings plus 200 extra care units and 50 units of student/health worker accommodation, including affordable housing; five local centres (comprising local retail, offices, restaurants, cafes, health and community facilities), a local care health centre, a blue light centre for emergency services, up to two primary schools, business and commercial floorspace, brewery / public house and associated areas of open space to include a suitable alternative natural greenspace (**SANG**) as a strategic open space, community farm / allotments, public realm, renewable energy provision and energy centre, park and ride extension; and the delivery of a new central access road with cycle lanes together with utility supplies, access junction arrangements onto the A390, new junctions to quiet lanes and associated earthworks and retaining and boundary features (known as the **Northern Access Road** or the **NAR**), providing vehicular, pedestrian and cycle connectivity through Langarth Garden Village and linking the new community to the A390, established adjoining

residential and commercial/industrial areas and also the Royal Cornwall Hospital at Treliske (the **Scheme**). Further details of the Scheme are contained at paragraph 5 below.

The Site

- 3.2 The site which is to be developed through the implementation of the Scheme forms an area of approximately 245 hectares located in the central region of Cornwall, centred at OS National Grid Reference SW 770457 (**Site**).

The Planning History for the Site

- 3.3 The Council's purpose in promoting the Orders is rooted in the complex planning history for the Site. This planning history reflects the past plans for Truro and Threemilestone as set out in a range of now historic development plans. These range from the 2004 Cornwall Structure Plan and the Regional Spatial Strategy (**RSS**), to the Truro and Threemilestone Area Action Plan, which included a focus of growth along the western corridor of the A390 (but which was never finally adopted) and the 'Land North of the A390 Truro/Threemilestone Development Brief', which was adopted as a material consideration in 2012 (**2012 Development Brief**) and which sought to facilitate coordination between landowners through an overall vision or plan for the area.
- 3.4 Post the revocation of the RSS and Cornwall Structure Plan in 2010 - in the period between 2012 and 2016 - a range of planning applications came forward for the area between Royal Cornwall Hospital at Treliske (to the east of the Site) and West Langarth (the western component of the Site). These were submitted over a number of years by neighbouring private developers.
- 3.5 These applications were approved by the local planning authority (**LPA**) within the context of either an out of date adopted Local Plan or lack of a 5-year housing land supply. This patchwork of previous permissions mainly comprised large-scale mixed-use development, some anchored by major retail; cumulatively making provision for approximately 2,700 homes.
- 3.6 The planning position established by these permissions was then subsequently reflected in the adopted Cornwall Local Plan 2016 (**Local Plan**) and the Truro and Kenwyn Neighbourhood Plan 2016 (**2016 TKNP**) – the key adopted development plan policies for the area in which the Site is situated.
- 3.7 The 2016 TKNP map shows much of the Site as an area (shaded grey) with the benefit of existing planning permissions (many of which have now expired). The supporting commentary in the 2016 TKNP highlights the assumption, at the time the plan was adopted, that these previous permissions would give rise to substantial new communities in the west of the TKNP area. In practice, the 2016 TKNP relies upon the previous permissions to meet the Local Plan's requirement for 3,900 houses for Truro in the period up to 2030.
- 3.8 The 2016 TKNP has undergone review in parallel to the Council undertaking masterplanning and submitting planning for the Scheme. The 2023 TKNP (**2023 TKNP**) has now passed independent examination and is progressing to referendum on 27 April 2023. The 2023 TKNP contains a bespoke policy for Langarth (Policy H3) which allocates the Site for land uses which are compatible with the masterplan and Scheme. This is considered further at paragraph 8.53 below.
- 3.9 Crucially – explaining the rationale for both the revised TKNP policy for Langarth as well as the Council's masterplan – since the permissions identified in the 2016 TKNP were granted, very little progress has been made in the delivery of this consented development (see further at paragraph 3.14 below).
- 3.10 The lack of delivery reflects several complex and interrelated factors, including changing retail market conditions, which have continued to undermine the deliverability of retail-led schemes nationally.
- 3.11 Equally critical amongst these factors is the physical and functional interrelationship of the consented areas and the obvious need for coordination. Coordination is vital in terms of joined up and cost effective infrastructure delivery, as well as in realising an overall and sustainable vision or plan. Attempts were made to facilitate coordination between landowners through the Council's

endorsement of the 'Land North of the A390 Truro/Threemilestone Development Brief'. However, the planning applications that ensued were driven, in large part, by the aspirations of individual landowners and developers, set against the market and policy conditions at the time.

- 3.12 The principle of a spine road linking the developments was adopted in the previous planning permissions. However, whilst the need for modal shift in travel behaviour was a key direction given in the 2012 Development Brief, the movement strategy and standards to be applied were uncoordinated, with each landowner/developer favouring their own primary connection to the A390 and assuming responsibility for different segments of the spine road. The continuous segregated cycleway that is part of the current NAR design is a response to Government best practice documents such as 'Gear Change' and Local Transport Note LTN1/20, as expectations for modal shift and sustainable transport standards have been strengthened and clarified since the 2012 Development Brief.
- 3.13 The uncoordinated market-led approach informing the planning history for the Site is reflected in the way in which a number of the previous permissions are anchored by competing retail proposals. The planning history reflects an implicit acceptance, at the time, that the market would dictate which schemes came forward - and so giving rise to a need, at some point, to reassess those areas designated for retail that did not come forward as such. This can be seen in the mix of uses consented under the previous permissions. The Langarth area had approvals for 3 new schools, multiple hotels, 2 petrol stations, 3 new food stores and 10,370 sqm net of non-food (comparison) out of town retail development. The previous schemes also failed to account for the additional retail proposal for an adjacent site (known as the "Hendra site"), along the A390, which provided for a further 4,360 sqm of net retail floorspace, adjacent to but outside the boundary of the Site.
- 3.14 In summary, the lack of co-ordination of infrastructure and the duplication of facilities and land uses reflected both micro- and macro- economic drivers, the policy context at the time - and the uncoordinated manner in which the previous applications were worked up by competing landowners and developers, without a shared vision or plan and who were not necessarily prioritising housing delivery. In the end, this uncoordinated, market led approach has failed to deliver any development, to date.
- 3.15 In response to this planning history, the Scheme seeks to review and rationalise facilities and land uses in the Langarth area and to revisit the overall approach, to improve the planning outcomes for Truro and Threemilestone. By taking an active coordinating role in the Langarth Garden Village project, the Council seeks to set higher standards for place-making and design in the area and to facilitate the creation of a sustainable new mixed use community, whilst addressing the overall imbalance of jobs and homes in the area.

Key Council decisions

- 3.16 The form and scope of the Scheme have emerged in tandem with a number of key Council decisions, dating back to 2017, which collectively reflect the Council's ambition and vision to make a purposeful intervention at Langarth in order to deliver the Council's strategic vision for the area. These are summarised in **Table 1** below.

Table 1	
Date	Decision
15 November 2017	Cabinet endorses the vision and objectives for a proposed Investment Programme for Cornwall and approves a £70 million increase to the capital programme to support the development of a number of schemes, including the Threemilestone programme
2 May 2018	Cabinet approves strategy to take on a proactive role in planning and delivering the new integrated community at Langarth

Date	Decision
20 June 2018	Cabinet approves the acquisition of land at Langarth Farm
10 July 2018	Full Council formally ratifies Cabinet decision to acquire land at Langarth Farm
3 December 2018	Detailed submission issued for Housing Infrastructure Fund (HIF) funding to Ministry of Housing, Communities and Local Government (MHCLG)
18 December 2018	Cabinet approves recommendation to Full Council to increase capital programme to support the development of Langarth Garden Village
22 January 2019	Full Council takes a formal decision to take on proactive role in the Langarth Garden Village project and allocates £159m to support the development of the masterplan and the delivery of key infrastructure
11 June 2019	MHCLG confirms the Council £47.45m HIF bid has been successful
1 July 2019	MHCLG issues to the Council the HIF funding conditions
13 November 2019	Cabinet agrees to invest in community projects in Threemilestone and Highertown, acknowledging the need for wider investment in the local community to support the scale of change in a sustainable manner
27 March 2020	The Council acquires 120 acres of land at West Langarth, Langarth Farm Phases 1 and 2 and parts of Phase 3, 4 and 5, Pollards Field and land known as Biondi Field enabling plans for the Langarth Garden Village scheme to move ahead and also enabling the Council to begin the process of assembling the land and rights required for the adjoining Stadium for Cornwall
20 August 2020	The Council enters into a £47.45m HIF agreement with Homes England for the funding and delivery of the NAR, the spine road through Langarth Garden Village
28 September 2020	Construction commenced for the Interim Link Road (ILR), facilitating access to the first 300 houses and future construction access to the NAR (construction completed in March 2020).
3 November 2020	Submission of planning application for the Scheme (reference PA20/09631)
4 November 2020	Cabinet meeting to consider, inter alia, the masterplan for the Scheme, the wider Threemilestone community investment projects; and funding for the delivery of the first primary school and energy centre at Langarth Garden Village
20 October 2020	The Council acquires part of the land known as 'The Willows' (The Willows) to facilitate the delivery of a primary school within the Scheme
26 November 2020	The Council acquires land known as 'East Langarth' (East Langarth) to facilitate delivery of part of the NAR and wider Scheme
10 March 2021	The Council acquires the remaining part of The Willows to facilitate the delivery of the primary school within the Scheme

Date	Decision
22 April 2021	The Council acquires the land known as 'Governs Farm' (Governs Farm) to facilitate the delivery of the Scheme; and obtains a surrender and release of various rights, covenants and obligations affecting the Scheme
23 July 2021	The Council acquires the remainder of Langarth Farm Phases 3, 4 and 5 to facilitate the delivery of the Scheme and obtains a surrender and release of various rights, covenants and obligations affecting the Scheme
16 December 2021	Strategic Planning Committee resolves to approve planning application reference PA20/09631 for the Scheme subject to conditions and settling the terms of a section 106 agreement
5 April 2022	Planning permission for the Scheme is granted
15 July 2022	Cabinet resolves to make the CPO and the SRO and to appropriate Council owned land interests within the boundary of the Site for the purposes of delivering the Scheme
14 December 2022	Cabinet resolves to endorse the Delivery Strategy for Langarth Garden Village and to set up a special purpose delivery vehicle to support the Delivery Strategy and act as the master developer.
23 February 2023	First Reserved Matters Approval issued pursuant to the Planning Permission in respect of details of access, appearance, landscaping, layout and scale for Governs Park, roads and parking area including the SANG (LPA ref PA22/07093)
22 March 2023	Cabinet approves the key principles of the Outline Business Case for the establishment of a stewardship organisation for managing and maintaining the green infrastructure, public realm, cycle and walking routes, SUDs networks and unadopted highways network for Langarth Garden Village and resolves to progress to Full Business Case and establishment of the stewardship organisation

- 3.17 The chronology of key decisions set out above illustrates both the evolution of the Scheme (as reviewed in further detail below) and the fact that the Scheme forms part of the Council's wider strategic vision which, as well as securing delivery of homes, seeks to respond to local concerns around the need to invest in the wider area to support the existing community and infrastructure. The Council understands that the realisation of the economic, social, and environmental benefits of the Scheme require a more rounded approach which seeks to ensure that Langarth Garden Village integrates effectively with – and will ultimately form part of – the community of Truro and Threemilestone. The wider capital investment programme therefore stretches beyond the limits of the Scheme and includes projects such as the School Hall improvements at Threemilestone, improvements to Threemilestone Community Centre (now completed) and improvements to All Saints Church, in Highertown. This wider programme ensures that the residents of Threemilestone Village and other adjoining communities along the A390 will benefit from direct investment in improved facilities and infrastructure as well as indirectly benefiting from the infrastructure and facilities delivered as part of the Scheme.

Garden Communities Programme

- 3.18 In June 2019, MHCLG included the proposals for Langarth Garden Village in its Garden Communities programme and approved the Council's bid for £47.45 million from the HIF to build the NAR, as the key road infrastructure needed for the successful delivery of the Scheme.

- 3.19 Following approval of its HIF bid, the Council worked with key partners and the local community to develop a masterplan for the Scheme, taking cues from the development qualities endorsed in the Government's Garden Community Prospectus (August 2018).

HIF Grant Agreement and NAR delivery milestones

- 3.20 On 20 August 2020, the Council entered into an agreement with Homes England which secures the funding for the delivery of the NAR. This agreement includes delivery milestones including, amongst others, submission and approval of the Langarth Garden Village planning application, progress of the compulsory purchase order process and construction start and completion dates for the NAR in six stages. The Council has already achieved the first few milestones, the most recent being the commencement of NAR Stage 5 at Royal Cornwall Hospital, on the eastern end of the Site. The next milestone due is the commencement of NAR Stage 4, after confirmation of the Orders, with all Stages due to be completed by 31 March 2025.

Interplay between the Council's masterplan for the Scheme and the TKNP Review

- 3.21 Both the masterplan for the Scheme and the new 2023 TKNP policy for Langarth have emerged out of an appreciation of the planning history for the area; in particular, an appreciation of how the number of different permissions - each reflecting competing land use aspirations and lack of a shared vision - has impeded delivery and has not, to date, been conducive to the creation of a new, vibrant and sustainable community.
- 3.22 The fact that the 2016 TKNP effectively relies on this area to meet its share of the Local Plan's housing need, indicates that the area will, come what may, be the focus of new housing provision for Truro in the Local Plan period and beyond. Getting that outcome right is critical for the future of Truro and its surrounding area.
- 3.23 On this basis, the Council took the executive decision to develop a masterplan for the Scheme, in parallel with proactively providing advice and assistance to Truro City Council and Kenwyn Parish Council in connection with the review of the 2016 TKNP.
- 3.24 The core aims of these two inter-linked workstreams were:
- 3.24.1 to support the delivery of development in the area covered by the previous permissions to meet the needs of the existing and new community;
 - 3.24.2 to improve the coordination and delivery of infrastructure, both within and around the area covered by the previous permissions; and
 - 3.24.3 to bring forward sustainable development, underpinned by high quality place-making principles.
- 3.25 This twin-track approach reflects a recognition of the fact that, in a plan-led system, the TKNP provides a robust policy framework for future development in this area, whilst the masterplan will help bring forward development in line with the new policy. This twin-track approach has also enabled the Council to look beyond the boundaries of the previous permissions with a view to improving the location and delivery of key facilities and infrastructure and to provide a more sustainable framework for place-making.

Defining the boundaries for the Site

- 3.26 This process has led to the inclusion of some additional areas in the masterplan, which fall outside the redline boundaries of the previous permissions. The main additional area is land at Governs Farm on the northern edge of the Site. This land forms a ridge into Kenwyn Valley from the existing development areas. Located at the end of the promontory of this ridge is the Penventinnie Round, a scheduled monument (**SM**). The SM provides the masterplan with a recognised landscape feature, whereas the wider land at Governs provides an invaluable opportunity for 35 hectares (85 acres) of public accessible SANG, which will serve existing residents as well as the new community at Langarth Garden Village.

Summary

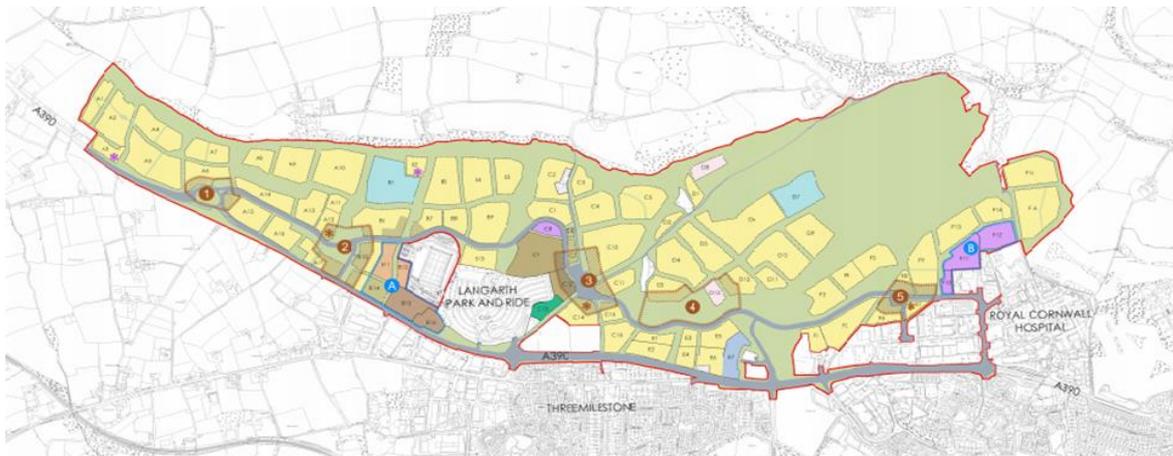
- 3.27 In summary, the masterplan for the Scheme and the new 2023 TKNP policy for Langarth each respond to the lessons learned from the planning history for the area. Each are also informed by the Garden Community qualities endorsed by the Government. Both strive to look at the area afresh in light of this history and these qualities and to respond sustainably to the unique environmental and heritage constraints and opportunities of the area. Both, in their own ways, are intended as a catalyst for delivery of a form of development that creates a sense of place and community, not just a series of housing estates.
- 3.28 More detailed consideration of the relevant planning policies, including the Local Plan and 2023 TKNP policy for Langarth (Policy H3), is contained at paragraph 8.30 below.

4. LOCATION AND DESCRIPTION OF THE ORDER LAND AND NEW RIGHTS

The Site

- 4.1 The Site which is to be developed through the implementation of the Scheme forms an area of approximately 245 hectares. The redline boundary of the Site (and indicative land use parameters and development parcels for planning purposes) is shown in **Figure 1** below.

Figure 1



- 4.2 The Site is situated in Kenwyn Parish, with the eastern Site boundary abutting the parish boundary between Kenwyn and Truro. Kenwyn Parish is largely rural but includes key residential areas such as Threemilestone which practically function as suburbs to Truro. This interrelationship has been consistently recognised in local planning policies over at least the last 20 years.
- 4.3 The Site encompasses over 70 agricultural fields which are in a mix of arable and pasture uses with hedgerows on field boundaries and areas of higher conservation value in the valley bottoms. In the main (with the exception of Governs Farm) neither the arable nor the pasture land has been maintained with a view to its long term fertility or productivity due to the nature of occupation and likelihood of development. In addition, the Site includes farm buildings associated with several farm holdings including those at Maiden Green; Willow Green; East Langarth, Langarth; West Langarth and Rosedene, as well as several dwellings.
- 4.4 The eastern boundary of the Site is located approximately 3km to the west of Truro city centre, near Cornwall's main acute hospital (the Royal Cornwall Hospital at Treリスケ) and also near Truro Golf Course and Treリスケ Industrial Estate. The Site continues some 3.5km from there to its western extent at West Langarth Farm, varying in width from approximately 300m at each end, to 800m in the central area.

- 4.5 The Site envelops, at its centre, the existing Langarth Park and Ride (**Park and Ride**) which provides 1,209 car-parking spaces with cross city links via the main line railway station to the 1,345 space Eastern Park and Ride at Tregurra. Although the Park and Ride has been in existence for over 14 years now, the choice of its location was made cognisant of the likely long-term direction of growth in Truro. The Scheme provides for an extension to this facility.
- 4.6 The Site is bordered to the south by the A390, a part single, part dual carriageway that separates the Site from Threemilestone and is the main western artery to Truro. The Scheme includes improvements to the A390 corridor, to ensure that its character evolves to become a lower speed environment, with improved north south pedestrian connectivity.
- 4.7 The Site is bordered to the west, north and part of the east by a mixture of hedgerows, areas of woodland and watercourses. To the north in particular, the boundary coincides with the valley bottom of the upper reaches of the River Kenwyn.
- 4.8 The eastern part of the Site is incised by a stream which forms a narrow steep-sided valley that branches off the River Kenwyn north of Treliske Industrial Estate, with the western edge of this stream valley formed by the spur of Governs Farm.
- 4.9 The surrounding urban context is provided by Threemilestone and Gloweth to the south and to the southeast respectively. Uses here are mixed and include: residential areas, the Industrial Estates at Threemilestone and Treliske, social infrastructure (including schools and green spaces) and established retail uses as well as (consented but not yet built) hotels.

The Order Land

- 4.10 The Order Land comprises a site area of approximately 175 hectares.
- 4.11 The Order Land primarily consists of unregistered existing highway or previously undeveloped farmland and is in a variety of ownerships. Full details of the ownership of each interest in the land and the new rights comprised in the CPO are contained in the Schedule to the CPO.
- 4.12 The land proposed to be acquired is shown coloured pink (**Pink Land**) on the maps which accompany the CPO (**CPO Map**). In respect of the Pink Land, the Council intends to acquire all of the interests in the land unless expressly stated in the Schedule to the CPO.
- 4.13 The land over which new rights are sought are shown coloured blue on the CPO Map (**Blue Land**).
- 4.14 The CPO Map comprises sheets 1-3 together with a location plan. Individual plot boundaries and numbers on the CPO Map correspond with the Schedule. In addition, the Schedule lists other parties who may have a qualifying interest in the Order Land where known after reasonable enquiry. The Schedule has been based on information gathered through site inspections and enquiries, responses to notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and inspection of Land Registry documents. Whilst based on extensive enquiry, currently unknown interests may emerge in the course of proceeding with the compulsory purchase process.

Description and location of the Order Land

- 4.15 The Pink Land includes the interests set out in **Table 2** below:

<u>Table 2</u>	
Plot numbers (as shown on Order Map)	Description of land
Plots 15, 35, 50 to 65, 80, 85, 90, 115 to 125, 126, 135, 140, 145, 150, 160 to 162, 270 to 295, 335 to 365, 375, 380 to 410, 420, 435 to 485, 495 to 505, 525, 550 to	Land laid out and either held and/or used as public highway

Plot numbers (as shown on Order Map)	Description of land
560, 570, 575, 610, 616 to 618, 665, 670, 680 and 685	
Plots 5, 10, 20 and 25	Land currently laid out as open farmland known as West Langarth, with adjoining areas of woodland and scrubland, and Penstraze which includes a detached dwelling with outbuildings and paddocks
Plots 75, 95, 100 to 110, 155, 305, 310, 325, 330, 415, 425, 430, 490, 510, 515 and 520	Land currently laid out as open farmland known as Langarth Farm
Plot 130	Land currently laid out as open farmland known as Pollards Field
Plot 70	Land currently laid out as scrubland and road-side verge including land known as Biondi Field
Plot 165 and 231	Land currently laid out as open land and buildings known as The Willows together with access
Plot 180	Land containing fishing ponds
Plots 181 and 185	Land forming part of West Langarth Farmhouse
Plots 300, 315 and 320	Land laid out as or immediately adjacent to Park and Ride together with access
Plots 370, 535 and 540	Land currently laid out as open farmland known as East Langarth
Plots 565, 580 and 585	Land currently laid out as open farmland known as Govers Farm
Plots 590 and 592	Land currently laid out as open farmland known as Willow Green
Plots 595, 600, 620 and 635	Land currently laid out as open farmland known as Maiden Green
Plot 625	Land laid out as hardstanding area forming part of Treliske Industrial Estate
Plots 40, 45, 86, 200, 205, 215, 225, 230, 240, 246, 250, 260, 530, 630 and 650	Land currently laid out as private road or footpath or verge adjacent thereto
Plots 645, 655, 660, 666, 675 and 690	Land currently laid out as a private access to the Royal Cornwall Hospital

4.16 The Blue Land includes (east to west) the interests set out in **Table 3** below:

<u>Table 3</u>	
Plot numbers (as shown on Order Map)	Description of land
Plots 6, 7, 166, 167, 168, 186, 187, 188, 522, 523, 524, 581, 582 and 583	Land laid out as existing watercourse to north of Site

New rights

4.17 The new rights in respect of the Blue Land are described in the Schedule. They are required for the following principal purposes:

4.17.1 The right to enter onto land adjacent to the Site to facilitate the installation and future maintenance of new surface water drainage infrastructure.

4.17.2 The right for surface water to drain across adjacent land to reach the watercourse.

5. DESCRIPTION OF THE SCHEME

Key components

5.1 The Scheme comprises a mixed use, landscape-led development, the key components of which are as follows:

5.1.1 up to 3550 dwellings plus 200 extra care units and 50 units of student/health worker accommodation, including affordable housing;

5.1.2 five local centres comprising local retail (E), offices (E), restaurants and cafes (E), drinking establishments (sui generis), hot food takeaway (sui generis), health and community facilities (F1 and E), a local care health centre (E), a blue light centre for emergency services (sui generis), up to two primary schools (F1), business and commercial floorspace (E), brewery / public house (sui generis);

5.1.3 construction of the NAR, being a 3.5km long single carriageway road with associated access junction arrangements onto the A390, new junctions to existing quiet lanes, Trelliske Industrial Estate and Royal Cornwall Hospital (as more particularly described at 5.2 below);

5.1.4 associated areas of open space to include a suitable alternative natural greenspace as a strategic open space a community farm/allotments and public realm (including the majority of the landscape spur formed by Governs Farm and pre-historic hill fort);

5.1.5 renewable energy provision and energy centre;

5.1.6 Park and Ride extension (of up to 600 spaces or 2.73 ha);

5.1.7 segregated cycle paths;

5.1.8 connections with the existing highway network including crossings of the A390; and

5.1.9 drainage and associated infrastructure.

The NAR

- 5.2 The NAR is a central component of the Scheme. The purpose of the NAR is, inter alia, to provide access to the new development and improve access to the Park and Ride, Royal Cornwall Hospital and Treliske Industrial Estate. The proposed character of the NAR (especially as compared with previously consented proposal for the area) is one of the defining features of the Scheme, as it is designed to give significant priority to non-motorised movements.
- 5.3 The road construction comprises earthworks, drainage, fencing, diversion of existing and provision of new utility apparatus, carriageway, footways, cycleways, road signs and markings, verges, swales, basins and ponds, landscaping, accommodation works, temporary storage of materials and temporary construction offices and compounds. These works are designed to be carried out in the following works packages (for further detail, see **Table 8** below):
- (1) Work No 1: A new at-grade junction at West Langarth with widened and realigned A390 approach roads and connection to the NAR.
 - (2) Work No 2: Completion of the ILR surfacing and finishes to create a bus gate and construction of a shared use path alongside the A390 in highway verge to connect to the path at the Langarth Park and Ride.
 - (3) Work No 3: NAR incorporating two 2 metre wide footways and a 3 metre wide segregated cycleway, including side road connections to maintain access to the public highway and stub junctions to development parcels.
 - (4) Work No 4: New link roads; the eastern link road (connection to A390) and Oak Lane Link, to connect the NAR to the existing highway network and maintaining access to existing premises.
 - (5) Work No 5. NAR connection to the public highway at Penventinnie Lane adjacent to the Royal Cornwall Hospital incorporating a 2 metre wide footway and a 3 metre wide shared use path maintaining access to existing premises.
 - (6) Work No 6: Side road connections from NAR to relocate and maintain private means of access.

Neighbourhoods

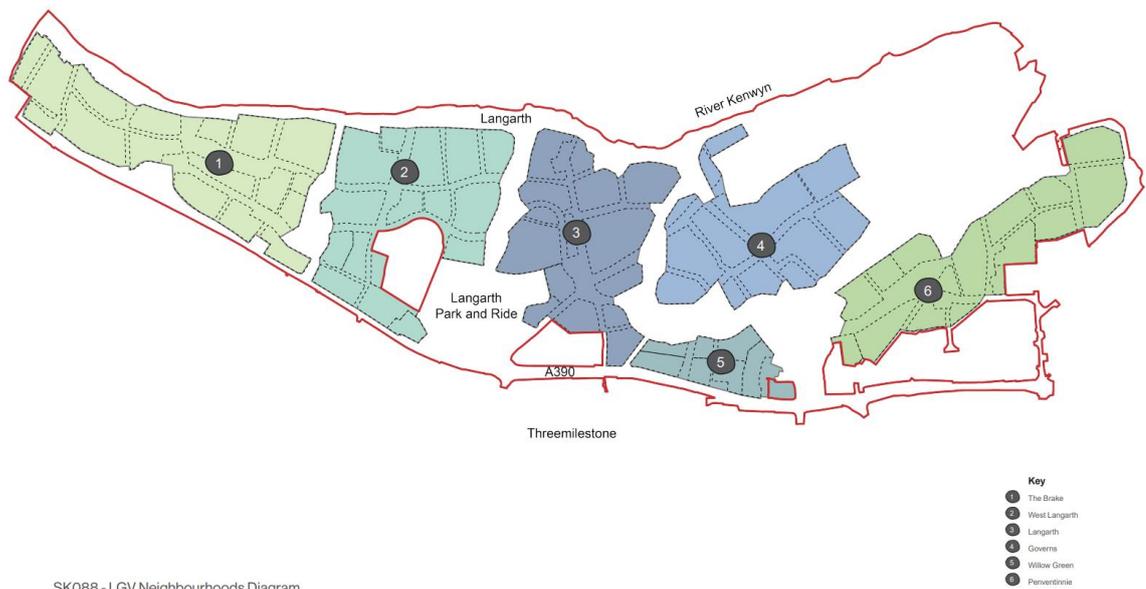
- 5.4 The masterplan for the Scheme is divided into six neighbourhoods, as identified in **Table 4**, below. These neighbourhoods are situated in the locations identified in **Figure 2** below. As explained further at paragraph 5.20 below, these neighbourhoods derive from an understanding and analysis of Site topography and landscape; the streams and valleys within the Site and other natural elements. Their purpose is to allow more intimate, distinct and smaller-scale communities to flourish within the wider Langarth Garden Village community.

Table 4

No.	The Neighbourhood	No. of residential units	Other uses
1	The Brake	987 new homes	NA
2	West Langarth	743 new homes	3FE School Approximately 34,000 sqm mixed commercial/leisure uses
3	Langarth	702 new homes	Energy Centre Park and Ride Extension 4,273 sqm employment/mixed use

No.	The Neighbourhood	No. of residential units	Other uses
4	Governs	503 new homes	2FE School Community Farm Community Hall/Library
5	Willow Green	222 new homes	Blue light services
6	Penventinnie	643 new homes	Approximately 28,000 sqm employment/mixed use

Figure 2



Local Centres

5.5 The six new residential neighbourhoods described above will be supported by five new local centres identified in **Table 3** below.

Table 5

Local Centre	Retail, Café, Restaurant, Pub, Takeaway, Financial and Professional (GIA)	Employment (GIA)	Uses	Community (GIA)	Uses
1	130 sqm	200 sqm		250 sqm	
2	520 sqm	300 sqm		400 sqm	
3	650 sqm	300 sqm		600 sqm	
4	260 sqm	200 sqm		250 sqm	
5	520 sqm	300 sqm		600 sqm	

- 5.6 These local centres are located along the NAR as the primary street within the Scheme. As per **Table 3** above, they accommodate a range of mixed-use buildings and community facilities. They perform different functions across the Scheme; some accommodate landmark buildings and some have a more civic function. The locations of the local centres reflect a combination of factors, but the number of smaller centres is partly a response to the shape and topography of the Site and also support the objective of a walkable neighbourhood.
- 5.7 The Scheme's focus on place-making has involved moving away from out-of-town retail, which anchored many of the previously consented proposals for the Site. To illustrate this point, the previously consented proposals included 10,370 sqm net comparison retail floorspace, whereas the Scheme only includes 1,200 sqm net comparison retail. In like vein, the previously consented proposals included 8,600 sqm net of convenience (food) retail floorspace, compared to 1450sqm in the Scheme (source: Langarth Garden Village Retail Impact Assessment (October 2020) Lichfields). This shift away from out-of-town retail brings with it significantly reduced town centre impacts.

Housing Mix

- 5.8 The Scheme includes provision for specialist housing in the form of extra care units and other forms of accommodation for older people and people with disabilities, as well as student/key worker accommodation. Student health worker and other key worker provision is informed principally by the needs of the adjoining the Royal Cornwall Hospital and is also aimed at reducing pressure on existing residential areas. The Scheme also incorporates a commitment to deliver 5% of the housing on the Site as self-build /custom build, to support a variety of ways of meeting different housing needs. A minimum 35% of the total residential accommodation will be provided as affordable housing.

Employment Provision

- 5.9 The focus of the employment provision in the Scheme is to complement existing strengths in the area, avoid undermining the city centre and to respond proactively to emerging trends. Over the previous 30 years, Truro has seen a significant increase in terms of jobs compared to growth in its resident population, leading to the current issues of commuting and congestion. Truro is unusual in having a much higher proportion of jobs compared to its population than many other towns. On a conservative estimate, this leads to estimated daily inbound commuting of around 18,000 trips per day compared to a total population of around 23,500 for Truro and Threemilestone combined (source: 2011 Census).
- 5.10 The Site adjoins two existing employment hubs: Threemilestone Industrial Estate and Royal Cornwall Hospital at Treliske. As noted above, it also envelops the Park and Ride which links to key employment sites in the city and serves both the city centre and New County Hall. The employment strategy for the Scheme supports the growth of the Royal Cornwall Hospital site as an area of significant employment opportunity and also builds on other new growth opportunities for Truro. It is a key aspiration for the Scheme that it can service the residential needs arising from this combination of local employers and allows its residents to access local employment within walking and cycling distance, without having to commute by car.
- 5.11 In addition, the proposed employment space within the Scheme is focused on working at home and the creation of community work hubs in local centres and across the Site. This approach was promoted before the recent pandemic, both as a response to the vision for the Garden Village lifestyle and as an opportunity identified through the high working at home figures in Cornwall generally compared to national levels.

The Sports and Wellness Quarter

- 5.12 The 'Stadium for Cornwall site' (horseshoe shape exclusion from the planning redline, west of the Park and Ride) is carved out of the masterplan. Proposals for this site are being progressed independently of the Scheme.
- 5.13 However, the masterplan anticipates and facilitates the delivery of shared infrastructure and services between the two sites. It also makes provision for a 'Sports and Wellness Quarter' which is to contain

areas of complementary commercial, leisure, residential and other uses - capitalising on the proximity of existing facilities, such as the Park and Ride.

- 5.14 The Sports and Wellness Quarter is designed as a vibrant civic space, building upon the Garden Village principles, and offering an attractive and accessible public realm to both residents and visitors. This area is designed to adapt to and integrate and interact with the land uses which come forward on the Stadium for Cornwall site.

The Car Parking and Travel Strategy

- 5.15 At the heart of the design philosophy for Langarth Garden Village is the promotion of sustainable modes of transport and the creation of six new neighbourhoods which minimise the need to travel and are accessible by non-vehicular modes of transport. For these reasons, the layout of the Scheme is designed to provide access to local services, facilitate walking and cycling and to strengthen access to public transport options. The car parking and travel strategy for the Scheme need to be read in this context.
- 5.16 Consistent with the Cornwall Streetscape Design Guide (2019) and the newly adopted Cornwall Design guide (2020), the car parking strategy for the Scheme starts with the twin objectives of promoting the use of sustainable modes of transport and creating a high-quality place to meet the needs of residents. These twin objectives have meant moving away from a 'predict and provide' approach to transport planning, to one which focuses on creating quality places and seeks to manage demand (for further detail, see paragraph 5.29). On this basis, the Scheme seeks to provide a level of car parking which meets the needs of residents, without creating an environment that will be dominated by the car.
- 5.17 The Langarth Garden Village Design Code (**Design Code**), approved in connection with the Planning Permission, stipulates parking standards to meet the Council's policy requirements of 1.5 spaces per home, although the exact provision for each area of the Scheme will be developed as part of future reserved matters applications.

The Movement Framework, Green Infrastructure and Open Space

- 5.18 As set out above, the Scheme was developed in response to an understanding of the Site, its nature, topography and wider landscape and heritage context. The network of connections between and to the six new neighbourhoods within the Site and to surrounding areas is designed to work with the topography, landscape and heritage of the area. For example, key landscape elements are retained as green infrastructure. In addition, the Site's heritage is protected by retaining the field pattern and structure of Cornish hedges.
- 5.19 In this context, the movement framework includes the NAR, the A390 and connections to the NAR as well as retained quiet lanes. This framework provides connectivity across the Site and links to adjoining settlements (particularly Threemilestone) - and associated employers, business areas, retail areas, community facilities, as well as the Royal Cornwall Hospital. It also includes a network of crossings from Langarth to destinations on the South side of the A390 for both pedestrian and cyclists.
- 5.20 The movement framework is set in the context of and forms part of an extensive network of green infrastructure across the Site. This network helps to define a series of legible and recognisable neighbourhoods, as described above, including more formal areas near to the A390 and sections of the NAR. In addition, it supports healthy living - providing opportunities for active travel, sport and recreation, well-being, and community engagement. It also accommodates habitats for wildlife and opportunities for sustainable drainage solutions, while trees and woodland support cleaner air and assist in carbon capture.
- 5.21 The green corridors formed by the smaller tributary watercourses to the River Kenwyn are retained. The existing semi natural character of the Site is retained near to the River Kenwyn and Penventinnie watercourse, while the landscape setting to the Penventinnie Round Scheduled Monument is enhanced. Other types of green infrastructure such as amenity green space, play, allotments, and sports pitches are accommodated on more level ground in convenient and accessible locations.

5.22 The wider green infrastructure network is complemented by key areas of open space/public realm across the Site, including:

- West Langarth gateway;
- The Village Common;
- Langarth Park;
- The Bosvisack Corridor;
- Willow Green Park;
- Penventinnie Park; and
- Govers Park, consented principally as SANG.

Design

5.23 The approved Design Code sets out ten design principles working within the Garden Village principles. The Design Code is intended to set guidance and establish design elements to control and inspire the quality of any future reserved matter applications for the Scheme. The ten principles are summarised in **Table 6** below.

Table 6

No	Principle
1	Working with and enhance the quality of life for existing communities
2	Making it easy and possible to get around on foot, bike and public transport, both within Langarth and into surrounding communities
3	Helping instil a strong sense of community
4	Creating a place that builds upon and celebrates the unique environment
5	Creating a hard working landscape that not just looks beautiful, but is productive and functional
6	Promoting healthy and productive lifestyles
7	Designing for climate change resilience
8	Offering a mix of homes meeting the varying needs of residents
9	Creating jobs and enhancing existing employment opportunities
10	A vision that is deliverable

5.24 The Design Code provides an overarching regulatory plan to guide the implementation of the proposed development and includes:

- Identification of key frontages and the design structure for the Site;

- Guidance on the design of development edges and around open spaces;
- Identification of different character areas and the need for a different grain of development in different locations;
- Guidance on how development should respond and work with the sloping nature of the Site;
- Guidance on how the development is to respond to the historic fabric of the Site as a framework for future growth;
- Measures to use and support the delivery of green infrastructure and biodiversity net gain ;
- Measures to support the creation of streets with a focus on walking and cycling;
- A structure for car parking standards across the Site;
- Guidance on building in resilience and flexibility into the design and layout of the Scheme by anticipating areas which are capable of reuse / redevelopment; and
- Generally, reducing the dominance of the car in the design.

5.25 Individual Neighbourhood Design Guides are to be approved prior to any development within a particular phase or neighbourhood of the Scheme. These are to show how each area will follow the ten principles of the Design Code through density, building heights, residential grains, street hierarchy, materials palette, architectural style and architectural design.

Transport Strategy

5.26 The NAR is central to the transport strategy for the Scheme. The NAR will run parallel to the A390 and connect from West Langarth in the west, to Royal Cornwall Hospital and existing commercial and employment land (at Oak Lane/ Penventinnie Lane) in the east. Other access points for both vehicular and non-vehicular access will be provided along its length.

5.27 Early construction of the NAR is facilitated by the ILR. This provides sufficient capacity to facilitate the occupation of up to 300 dwellings. Once the NAR is complete, the section of the ILR to the south of the western development plot access will be restricted to buses only (controlled by a bus gate). The remaining ILR to the north of this location will be retained as a vehicular access to the adjoining development plots.

5.28 The Scheme adopts a hierarchal approach to transport mitigation, consistent with the requirements set out at paragraph 110 of the National Planning Policy Framework (**NPPF**), specifically:

- Reducing the need to travel through providing high quality local facilities (including education and commercial uses).
- Enabling and enhancing the opportunities for travel by sustainable modes, including walking, cycle and public transport; and
- Providing infrastructure to meet the needs of existing communities and accommodate economic growth in a coordinated and strategic fashion.

5.29 A key part of the transport strategy for the Scheme approach is to resist the traditional presumption to build capacity to meet established car ownership and usage patterns (known as 'predict and provide'), and instead to invest in alternative infrastructure to fundamentally change behaviour and reduce reliance on the car.

5.30 The aim is to minimise the level of traffic generated by the development and to achieve a substantial reduction in existing traffic, through encouraging mode shift to offset traffic generated by the

proposed development. This mode is to be achieved through a range of measures designed to reduce traffic generated by the development itself and also other background traffic.

5.31 These measures include:

- Internalisation of trips: The Scheme includes a mix of uses, services and facilities including schools, health facilities and employment uses, to reduce the need to travel off Site. The delivery of the same will be supported by community facility schemes and neighbourhood area strategies, which are requirements of the Planning Permission.
- Provision of key worker housing as part of housing mix: The Scheme includes the opportunity for the provision of key worker housing within easy walking and cycling distance from several major employers, with a particular focus on the Royal Cornwall Hospital.
- Home working: The Scheme makes provision for telecommunications infrastructure to support remote working and includes work hubs in local centres.
- Walking and cycling infrastructure: The movement framework for the Scheme integrates walking and cycling routes which provide connectivity across the Site and with surrounding areas. The NAR is designed as an avenue style route with dedicated cycle and pedestrian routes.
- Public transport: The Scheme contributes financially towards the provision of a new bus service with key destinations in Truro.
- Extension of the Langarth Park and Ride: the Scheme provides for an extension, for a further 600 spaces.
- Mobility hubs: The Scheme provides for a network of mobility hubs on the Site to facilitate, inter alia, electric bike and car charging, close to bus stops as well as collection and drop off facilities to serve the development. The Scheme also contributes towards offsite provision of such mobility hubs, in Truro and Threemilestone.
- Travel planning - the Planning Permission secures a Framework Travel Plan which provides an overarching strategy for sustainable transport for the Scheme. The implementation of this strategy will be supported by individual residential and commercial travel plans, as the Scheme comes forward.
- Car clubs and car share schemes: residential and commercial travel plans will incentivise the take up of car clubs and car share schemes.
- Infrastructure to support electric vehicles: the Scheme prescribes certain requirements around electric vehicle charging and the use of such vehicles is also encouraged by residential and commercial travel plans;
- Off-site measures. A range of measures are either proposed for delivery by the Scheme or supported through financial contributions. These include:
 - Controlled crossings over the A390 to provide walking and cycling links to facilities and adjoining communities;
 - Financial contribution towards public realm and transport improvements to Threemilestone village centre, including electric bike docking stations;
 - Bus subsidy to pump prime bus services serving the development.

5.32 The NAR corridor also provides a secondary route in and out of the Royal Cornwall Hospital, which is relevant to staff and visitors (notwithstanding the car trip reduction strategies outlined above) and also creates resilience for emergency vehicles currently entirely reliant on the A390.

Heritage

- 5.33 The masterplan and Design Code are informed by heritage assets which are situated on and off the Site. A listed milestone (at West Langarth) and a scheduled monument (Penventinnie Round, at Governs Farm) are situated within the Site. Outside of the Site, to the north, sits the Bosvisack Hill fort, another scheduled monument. The Cornwall Mining World Heritage Site (**WHS**) is situated to the south of the Site. Although it is physically separated from the WHS by the A390, the Site forms part of the rural agricultural character within which the WHS is set.
- 5.34 The masterplan has sought to ensure that any impacts upon designated features within the landscape are understood and mitigated through the layout and design of the Scheme. Such mitigation includes limiting the heights of buildings along the western entrance to the Site, to better manage the transition from rural to urban in the areas adjoining the WHS. It also includes the provision of strategic open space/SANG at Governs Farm which will serve as the setting of Penventinnie Round and facilitate its ongoing management and maintenance.
- 5.35 The listed milestone will be relocated to the South side of the A390. Listed Building Consent to relocate the listed milestone was granted by the LPA on 5 April 2022.

Biodiversity Net Gain

- 5.36 The Langarth Garden Village proposals have been developed with the objective of achieving at least a 10% Biodiversity Net Gain (**BNG**) with an ambition of 20% BNG. The BNG proposals form part of a landscape led and green infrastructure-based approach to the masterplan, in line with the Garden Communities principles. The BNG is secured via section 106, the Strategic Landscape Ecology Management Plan (**LEMP**) and Design Code approved in connection with the Planning Permission.

Infrastructure and Services

- 5.37 The NAR corridor also provides an important corridor for physical services, including a new electricity supply which will provide resilience to the current and future operations at and development of the Royal Cornwall Hospital.

6. THE COUNCIL'S PURPOSE AND JUSTIFICATION IN MAKING THE CPO

- 6.1 This section sets out the Council's purpose and justification for the making of the CPO with reference to paragraphs 12 to 15 of the CPO Guidance as well as paragraph 2 of the CPO Guidance.

Compelling Case in the Public Interest

- 6.2 Paragraph 12 of the CPO Guidance provides that the Council must only make a CPO where there is a compelling case in the public interest and that it must be sure that the purposes for which the order is made justify interfering with the human rights of those with an interest in the affected land.
- 6.3 The purpose of the Council in making the CPO is to secure the acquisition of all relevant interests in the Order Land needed to implement the NAR and the other associated infrastructure and which is required to:
- 6.3.1 directly control the delivery of 68% of the development by housing units, both school sites, the SANG and the Park and Ride Extension, and
- 6.3.2 facilitate the coherent delivery of the remaining mixed use, masterplanned, landscape-led community to be known as Langarth Garden Village.
- 6.4 Having had regard to the provisions of the 1990 Act and the CPO Guidance, the acquisition of the Order Land will facilitate delivery of the Scheme by:
- a) Allowing the Council to take an active coordinating role across the whole development and so set higher standards for place making and design in the area than would be achieved

through the delivery of smaller piecemeal consents, leading to a far more sustainable community and a more attractive place to live.

- b) Controlling the delivery of good quality homes serving Truro, addressing the overall imbalance of jobs and homes, and underwriting the Council's policy target of 35% affordable homes.
- c) Ensuring that the needs of the most vulnerable in the community are properly addressed by ensuring the delivery of extra care and other forms of accommodation for older people and people with disabilities, as well as accommodation for student health workers and other key workers.
- d) Avoiding the difficulties inherent in piecemeal development; by taking a masterplanned approach, key infrastructure is designed and delivered on a site wide basis to support a vibrant, co-ordinated, and sustainable community where people want to live, work and visit, rather than a series of unconnected housing estates.
- e) Controlling the delivery of beautifully designed low carbon homes which meet the needs and budgets of all sectors of the community. These will include live-work housing solutions, and homes where young families can live close to schools and surrounded by nature, with opportunities for children to develop in close relationship with the landscape.
- f) Providing infrastructure that developers would otherwise have to fund at the outset of development, thereby helping to unlock private sector development of the area and supporting the achievement of the Council's housing delivery targets.
- g) Providing improved cycle, bus and walking connections that will provide a realistic and practical alternative to car use for accessing the city centre and other services with an intent to make a significant change in modal shift from use of the car to other more sustainable forms of transport.
- h) Building on Cornish heritage by taking a more active role in promoting the use of locally sourced building materials and local tradespeople to create a variety of different housing sizes and styles rather than a "one size fits all" approach.
- i) Proactively adopting the Garden Communities approach through the creation of a new settlement which will offer high quality homes, jobs and community facilities and services in an attractive landscape led setting. The vision for Langarth is for a new community with around 48% of green space.
- j) Ensuring that the impact on existing hedgerows is minimised, while also actively creating new Cornish hedges and use sustainable drainage systems as a natural flood prevention system to help increase biodiversity across the site by at least 10% with an ambition of 20%.
- k) Delivering five hectares of new woodland as part of the Forest for Cornwall and other trees throughout the site to support cleaner air and help capture carbon.
- l) Delivering a network of walkable green corridors, nature trails and river and woodland walks, which prioritises people over cars, with the new boulevard style NAR and walkable and cycle friendly streets linking with new cycle routes into and around the city, and e-bike and e-car clubs.
- m) Providing increased bus services, with bus stops at least every 400 metres along the length of the NAR, together with improvements to the existing A390 and an extra 600 parking spaces at the Park and Ride and Park and Ride Extension.
- n) Ensuring that key services such as the NAR, new schools, health and leisure facilities and community buildings can be delivered at the start of the project when the community needs

them, rather than having to wait until a significant proportion of the new houses have been built.

- o) Delivering the physical, social and community infrastructure, creating the conditions and policy context for private developers to bring forward quality housing development on adjoining land.
- p) Ensuring the delivery of jobs in construction, retail, community services, the care industry and hospitality as well as home working opportunities.
- q) Securing the creation of a truly sustainable community, with integrated public transport and improved footpaths and cycleways making the daily commute a short walk, cycle, or bus ride from home.
- r) Providing the most up to date technology and infrastructure so future residents can work from home, from the park, or from coffee shop if they wish.
- s) Generating a proportion of its own green energy – playing a key role in delivering Cornwall Council's ambitious climate change strategy.
- t) Aiming to achieve net zero carbon across the site by providing high levels of insulation on buildings and the use of heat pump technology and solar panels to reduce energy use
- u) Where possible, in accordance with the energy hierarchy approved in connection with the Planning Permission, enabling the potential delivery of an innovative geothermal heating network managed by an estate wide energy service company serving the housing on the estate to help achieve a net zero carbon position.

6.5 The Council considers that there is a compelling case in the public interest for the CPO and that the CPO, if confirmed, would strike an appropriate balance between public and private interests. Having had regard to the provisions of the 1990 Act and the CPO Guidance, the Council considers that acquisition of the Order Land will facilitate the carrying out of development, redevelopment and improvement and will make a positive contribution to the promotion or achievement of the economic, social, and environmental well-being of its area for the reasons explained above and below.

6.6 The Order Land does not include all land within the boundary of the Site. Certain development parcels are not included on the basis that development of these parcels are considered to be capable of independent viable delivery by the existing landowners and so likely to come forward without the need for public sector intervention. This applies to the development parcels set out in **Table 7** below (for locations of the development parcels, see **Figure 1** above):

Table 7

Development Parcels	
B12/ B14/ B15/ B16	Future development expected to come forward in conjunction with or subsequent to development on the Stadium land
C2 and part of C3	Includes a number of dwellings which are intended to be retained, with adjoining land with development potential which is expected to be brought forward independently by or in conjunction with private developers
D2	A discrete potential development opportunity which could be independently promoted and brought forward in conjunction with local SME builders/developers
D3/ D4/ D5/ D11/ D12/ D13 F1/F2	Development parcels which are expected to be brought forward by the landowners in collaboration

Development Parcels	
F3/ F4/ F5/ F6/ F7/ F8/ F9/ F13/ F14/ F15/ F16 F10/ F11/ F12	with development partners, where the Council is helping to facilitate and accelerate development through delivery of critical road and utility infrastructure.

- 6.7 The Council's consideration of the effect of making the CPO on the human rights of those with an interest in the land affected is set out at paragraph 12 below.

Clear intention for how the land will be used

- 6.8 Paragraph 13 of the CPO Guidance provides that the Council must be able to show that it has a clear idea of how it intends to use the Order Land and that all the necessary resources are likely to be available to achieve that end within a reasonable timeframe.
- 6.9 Planning Permission for the Scheme was granted on 5 April 2022; this grants detailed consent for the NAR with the remainder of the Scheme permitted in outline. The Planning Permission, in essence, incorporates and facilitates the implementation of the masterplan endorsed by the Council on 4 November 2020. A plan showing the Order Land overlaid by the masterplan is provided at **Appendix 1** to this Statement.
- 6.10 **Table 8** below provides a brief summary of the uses proposed by the masterplan for those plots included within the Order Land. The Works packages are summarised at paragraph 5.3 above.

Table 8

Plot numbers (as shown on CPO Map)	Proposed use of land and/or reason for inclusion in CPO
Plots 5, 75, 165, 181, 185, 190, 305, 330, 510, 520, 565, 580	Land required to deliver the Bosvisack corridor which will include the non-motorised users track (strategic valley cycle route) where possible overlaid over the gravity foul trunk sewer and surface water attenuation ponds.
Plots 5, 15, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 86, 90, 95, 110, 115, 120, 125, 130, 135, 140, 145	Land required to deliver Work No.1 being a new at-grade junction at West Langarth with widened and realigned A390 approach roads and connection to the NAR.
Plots 75, 105, 130, 160, 162, 270, 275, 280, 285, 290 and 295	Land required to deliver Works No.2 being the completion of the Interim Link Road surfacing and finishes to create a bus gate and construction of a shared use path alongside the A390 in highway verge to connect to the path at the Langarth Park and Ride.
Plots 75, 250, 315, 325, 365, 370, 410, 415, 420, 455, 460, 465, 470, 475, 480, 485, 490, 495, 500, 525, 540, 590, 600, 620, 640	Land required for Work No.3 being the Northern Access Road incorporating two 2 metre wide footways and a 3 metre wide segregated cycleway, including side road connections to maintain access to the public highway, drainage outfall and stub junctions to development parcels.
Plots 595, 600, 625, 630, 635	Land required for Work No.4 being new link roads; the eastern link road (connection to A390) and Oak Lane Link, to connect the NAR to

Plot numbers (as shown on CPO Map)	Proposed use of land and/or reason for inclusion in CPO
	the existing highway network and maintaining access to existing premises
Plots 645, 650, 655, 660, 665, 670, 675, 680, 685, 690	Land required for Work No.5 being the Northern Access Road connection to the public highway at Penventinnie Lane adjacent the Royal Cornwall Hospital, incorporating a 2metre wide footway and a 3metre wide shared use path maintaining access to existing premises.
Plots 75, 250, 325, 590	Land required for Work No.6 being side road connections from NAR to realign, relocate and maintain private means of access.
Plots 170, 175, 190, 195, 200, 205, 210, 220, 225, 230, 231, 235, 240, 245, 246, 255, 260	Land required for the delivery of Scheme being unregistered private road in unknown ownership.
Plots 335, 340, 345, 350, 355, 360, 365, 375, 380, 385, 390, 395, 400, 405, 410, 420, 435, 440, 445, 450, 455, 460, 465, 475, 480, 485, 495, 500, 505, 525, 530, 545, 550, 555, 560, 570, 575, 610, 616, 617, 618	Land required to deliver the Scheme being unregistered public highway in unknown ownership.
Plot 590	Land required to deliver the NAR including drainage and the access road to Governs Park SANG from the NAR.
Plot 592	Land required to deliver access to Governs Park SANG
Plots 5, 10, 20, 25, 75, 100, 105, 130, 155, 165, 215, 305, 310, 330, 370, 415, 425, 520, 535, 540, 585	Land owned by the Council but where mines and minerals are not included in the title and which need to be acquired to ensure delivery of the Scheme.
Plots 6, 7, 166, 167, 168, 186, 187, 188, 522, 523, 524, 581, 582 and 583	New rights required to facilitate surface drainage.

Clear funding proposals

- 6.11 Paragraph 14 of the CPO Guidance provides that the Council should be able to provide substantive information of the sources of funding available for both acquiring the land and implementing the Scheme and that the funding will be available early in the process.

Costs of acquiring the land and implementing the Scheme

- 6.12 In order to fund the current land acquisition and sitewide infrastructure delivery programmes to facilitate the implementation of the Scheme, the Council has approved £109m of Council investment (funded from borrowing).

Approach to land acquisition

- 6.13 The Council has sought to acquire the required land by agreement where possible on terms that have regard to specific planning or site characteristics as well as the costs and timescales associated with any future development (and infrastructure delivery), adopting a residual valuation approach to ensure acquisition costs are reasonable, justified and affordable in the context of the Council's approved budget and overall viability position, and benchmarked against pre-negotiation independent valuation advice obtained from Vickery Holman. The Council, with agency support from JLL, has been successful in acquiring most of the land required to deliver the NAR and other strategic infrastructure on this basis or otherwise on financially advantageous terms. In circumstances where it has not been possible to reach agreement on this basis, the Council is now seeking to acquire the remaining land required to deliver key sitewide infrastructure through CPO powers.
- 6.14 The Council will recover its investment through a combination of its own development activities, sale of serviced land parcels to (and equity arrangements in partnership with) third party developers; and otherwise via Section 106 and CIL contributions.

Costs of implementing the NAR

- 6.15 The Council's own funding has been supplemented by £47.45m of HIF funding from Homes England towards the delivery of the NAR. The HIF agreement with Homes England allows a phased approach to drawdown of the funds and as at the date of this Statement of Case a total of £8.65m has already been provided through the Homes England agreement towards the delivery of the NAR.

Approach to NAR costs

- 6.16 The HIF estimate in 2019 included several assumptions to cover the likely design development of the NAR including assumptions around risk, inflation, contingency and optimism bias. Those factors are reviewed on a monthly basis to ensure the project is being delivered within budget.
- 6.17 In addition to the principal highway delivery, the design and build contract has integrated other LGV funded elements of work not originally included in the HIF bid. Examples of those elements are the ILR and provision for future services within the road corridor. The current estimate for LGV funded elements is £6m, allocated from the £109m Council investment.
- 6.18 The total forecast NAR cost is updated monthly and reported to Homes England each quarter. The most recent forecast estimate reported was January 2023 as set out in **Table 9** below.

Table 9

Cost element	Forecast cost estimate	Comments
Historic costs	£2,405,685	Eligible costs incurred prior to Aug 2020 CC/HCA HIF agreement
Preliminary costs	£1,436,942	Further design costs prior to construction and ancillary costs of statutory processes
Infrastructure costs	Forecast estimate	Comments
Detailed design fees	£1,283, 913	Detailed construction drawings and Early Contractor Input (ECI)
Stage 1 (ILR) interim completion	£1,000,166	Completed works
Stage 1 (ILR) finishes	£325,000	Prior to occupation of 1 st dwelling
Stage 1 (ILR) shared use path connection	£580,000	Prior to occupation of 1 st dwelling
Stage 2B (West Langarth junction and connection to ILR)	£4,870,177	Completion required before 300 th dwelling

Cost element	Forecast cost estimate	Comments
Stage 2A/2C (ILR to north of Stadium and link to school)	£4,295,952	Works commenced
Stage 3 (Stadium to Langarth Square/Quiet Lanes)	£7,792,658	Works commenced
Stage 4A (Maiden Green)	£6,993,411	
Stage 4B (Willow Green)	£3,596,611	
Stage 5 (RCHT and Oak Lane)	£1,998,117	Works commenced
Stage 6 (East Langarth)	£3,596,611	Works commenced
Finishes (all Stages)	£674,228	
Existing utility diversions	£1,842, 437	
Project Management services	£770,763	
Legal fees (shared cost)	£768,078	
Client fees	£782,611	
Inflation on construction costs	£3,578,638	
TOTAL COST FORECAST	£53,446,028	

Monitoring

- 6.19 The Council is continually reviewing the forecast cost estimates and reviewing project risks and inflation to confirm that its funding arrangements for land acquisition and Scheme implementation remain adequate.

Conclusion

- 6.20 The Council is confident that it has sufficient funding in place to secure the remainder of its land acquisition programme and delivery of key sitewide infrastructure; and to undertake the necessary steps to create serviced land parcels ready for disposal to (and equity arrangements in partnership with) third party developers to deliver up to 2,600 dwellings and associated commercial development on land held (or to be held upon confirmation of the CPO) by the Council.

Impediments to the Scheme going ahead

- 6.21 Paragraph 15 of the CPO Guidance requires the Council to show that the Scheme is unlikely to be blocked by any physical or legal impediments to implementation. This includes:

6.21.1 the programming of any infrastructure accommodation works or remedial work which may be required; and

6.21.2 any need for planning permission or other consent or licence.

Programming and delivery of the infrastructure works:

- 6.22 As set out above, the delivery of the Scheme will be achieved through the implementation of key sitewide infrastructure, the provision of serviced parcels and the subsequent disposal of a number of separate but interlinked development plots to third parties. In terms of key sitewide infrastructure,

progress has already been made in connection with the NAR and the Energy Centre, as detailed below.

NAR

6.23 Cormac Solutions Ltd have been appointed to take forward the design and delivery of the NAR as the key sitewide road infrastructure. Construction of the NAR is proposed to come forward in six main construction Stages as set out in **Table 10** below:

Table 10	
Construction Stage	Description
Stage 1	Interim Link Road (ILR)
Stage 2a	Route through Langarth Phase 3 (first section)
Stage 2b	Route through West Langarth
Stage 2c	Route through Langarth Phase 3 (second section)
Stage 3	Route through Langarth Farm
Stage 4a	Route through Maiden Green
Stage 4b	Route through Willow Green
Stage 5	Route through to Royal Cornwall Hospital
Stage 6	Route through East Langarth

6.24 The location of the NAR construction Stages is shown in **Figure 3** below.

Figure 3



- 6.25 Construction of Stage 1 commenced in September 2020 and is already complete to a standard affording safe construction access for the later NAR stages (see **Appendix 2**).
- 6.26 The Council has acquired sufficient land interests by agreement for the construction and operation of Stages 2, 3 and 6 of the NAR and work has commenced (ibid).
- 6.27 Construction of the remaining Stages of the NAR (Stages 4 and 5) is dependent on completion of the necessary programme of land acquisition, either by negotiation or supported as required by the CPO.
- 6.28 The construction programme for the NAR is primarily driven by the HIF delivery milestones agreed with Homes England. The target completion date for the NAR, assuming the CPO is confirmed, is 31 March 2025.

Energy Centre

- 6.29 Construction of the energy centre, as another key strategic infrastructure element of the Scheme, began in May 2021 (see **Appendix 2**). Located next to the existing Park and Ride, the centre will provide a central hub for bringing electrical power to the Site and will bring together both onsite and offsite renewable energy. It will include a transformer compound to house the electricity substation which will have a capacity of up to 24 megawatts together with a battery compound to maximise the use of renewable energy on the site for the benefit of the Scheme residents and commercial occupiers.
- 6.30 **Appendix 2** contains photographs of the works carried out in connection with the NAR and the Energy Centre, to date.

Delivery of the Scheme

- 6.31 To take forward delivery of the remainder of the Scheme, the Council is working with Treveth Holdings LLP (**Treveth**), a 99% owned partnership of the Council which was established in April 2019 with the objective of creating new homes and commercial development to benefit people who live and work in Cornwall.
- 6.32 Treveth is supporting the Council through:
- 6.32.1 securing detailed permission/reserved matters approvals for key strategic infrastructure (such as the Energy Centre, the SANG, the primary school(s), certain strategic green infrastructure and community and recreational facilities);
 - 6.32.2 leading on the disposal strategy of those development parcels that are owned by the Council but which are intended to be sold to third party developers/landowners to bring forward under their reserved matters approvals;
 - 6.32.3 delivering/coordinating delivery against the sitewide planning conditions/section 106 obligations;
 - 6.32.4 bringing an 'infrastructure first' mindset to the delivery of the Scheme which, in addition to the infrastructure items set out at paragraph 6.32.1 above includes making provision for:
 - (a) sewers;
 - (b) SUDS;
 - (c) a single primary substation to provide power to developments in the masterplan area;
 - (d) ducting within the NAR for telecoms;

- (e) allowances in the NAR for future power cable routes and power stations to serve land being brought forward by third party landowners/developers;
- (f) duct crossings beneath the NAR to facilitate the installation of future water supply pipes to third party land;
- (g) space provision for future battery storage, in connection with the Energy Centre.

6.33 An 'infrastructure first' approach to delivery is considered to be more cost efficient in terms of infrastructure procurement and delivery and this in turn will enable the disposal of serviced land more quickly and on more favourable terms. It is also intended to facilitate delivery of those development parcels within the Scheme that are currently not intended to be acquired by the Council and which landowners/developers will be able to bring forward pursuant to their own reserved matters applications under the Planning Permission or alternative planning proposals, where appropriate.

6.34 Careful consideration was given during the planning process to ensure the timely delivery of key strategic infrastructure necessary to meet the requirements of each phase of the development. The priorities of the proposed strategic infrastructure delivery programme reflect this approved phasing strategy and ensures that the strategic infrastructure needed to support the development of each phase is in place when needed, while facilitating sufficient flexibility to adapt to changing circumstances and emerging stakeholder needs over time.

Other impediments to delivery

6.35 There is no land within the Order Land which is owned by another local authority, by the National Trust or which forms part of a common, open space land or fuel or field garden allotment.

6.36 There are a number of gas, water and electricity undertakers and telecommunications operators with interests in the Order Land to whom section 16 of the Acquisition of Land Act 1981 would apply. These are set out and listed in the CPO Schedule. The Council (through its agents Arcadis and Cormac) has approached each undertaker seeking to reach agreement with them as to the relocation or removal of any existing apparatus within the Site, or the removal or amendment of rights over the Site, where this is required in order to implement the Scheme. These discussions are ongoing.

6.37 There are the following known Crown interests within the Order Land:

6.37.1 Royal Cornwall Hospital Trust: has land interests in Plots 645, 655, 660, 665, 675, 680, 685, 690 and has the benefit of a registered restriction against the title to Plot 650. These plots are required for the construction of Work No 5 being the NAR connection to the public highway at Penventinnie Lane adjacent the Royal Cornwall Hospital. The Trust has agreed to grant the Council a licence over these plots to allow for the construction of the works and for the Trust to thereafter dedicate its interests in this land as public highway. As at the date of this Statement, agreed form documents are in circulation for signature.

6.37.2 Department of Health and Social Care (**DHSC**): has the right to construct and maintain a water drain across Plot 620 and a right of access across Plot 690. Completion of the proposed agreement with the Royal Cornwall Hospital Trust described above will result in Plot 690 being dedicated as public highway. In this scenario, the Council will not acquire this Plot and there will be no interference with the existing DHSC right of access. Implementation of the Scheme will not impact upon the DHSC's right to construct and maintain a water drain across Plot 620.

6.37.3 Defence Infrastructure Organisation (**DIO**): there is an abandoned aviation fuel pipe which originally ran from Falmouth docks to RAF St.Mawgan (now Newquay Cornwall Airport) and which intersects with a section of the NAR (plot 600) and continues northwards through Govers Farm (plot 585). Although originally operated by the Ministry of Defence, it is now managed by the British Pipeline Agency (**BPA**). The pipeline was subsequently made redundant and decommissioned. While the pipeline is in situ within the Site, the DIO does not have any registered legal interest in this Site which needs to be acquired by the Council through the CPO. The BPA has confirmed to the Council (through its agent Cormac) that

there is nothing to prevent the abandoned pipeline from being removed as required during the Scheme works. A letter from the DIO is appended as **Appendix 3**.

The Planning Position

6.38 A hybrid planning application for the Scheme was submitted on 4 November 2020 (reference PA20/09631) seeking permission for the following development:

A. A full planning application for construction of the Northern Access Road and associated access junction arrangements onto the A390, new junctions to the quiet lanes and associated infrastructure and earthworks and retaining and boundary features.

B. An outline planning application with all matters reserved to create a mixed use, landscape-led community comprising a phased development of up to 3550 dwellings plus 200 extra care units and 50 units of student/health worker accommodation, including affordable housing; five local centres comprising local retail (E), offices (E), restaurants and cafes (E), drinking establishments (sui generis), hot food takeaway (sui generis), health and community facilities (F1 and E), a local care health centre (E), a blue light centre for emergency services (sui generis), up to two primary schools (F1), business and commercial floorspace (E), brewery / public house (sui generis) and associated areas of open space to include a suitable alternative natural greenspace as a strategic open space a community farm/allotments, public realm, renewable energy provision and energy centre, park and ride extension (of up to 600 spaces or 2.73 ha), cycle lanes, connections with the existing highway network including crossings of the A390, quiet lanes, drainage and associated infrastructure, including the demolition of buildings and structures, site clearance and associated earthworks. 2.3 The Application is for Schedule 2 EIA development and is accompanied by an Environmental Statement.

6.39 In line with best practice, engagement on the planning application for the Scheme started at the pre application stage through the Langarth Stakeholder group (who had also led the initial work on the masterplan by setting the principles and parameters for the development). The involvement of the members of this group helped with shaping input into the application and supporting wider engagement with the proposals. This pre application engagement took a number of forms.

- Key presentations and updates to Kenwyn Parish Council and Truro City Council;
- Public participation events between September 2019 to March 2020;
- Langarth Stakeholder Panel monthly workshops between July 2019 to April 2020;
- Themed working group sessions in November 2019 and March 2020;
- Visioning sessions with local schools and colleges; and
- Online website material with email comments link.

6.40 Engagement and consultation continued throughout the application process. This included continuing discussions with statutory organisations and the LPA and presentations and meetings at a range Parish and City Council events. To assist local awareness, a Langarth Garden Village website was published which included information on the progress of the application and developed an extensive “frequently asked questions” page to address both previous issues and new questions raised by the local residents and businesses.

6.41 The application submission evolved to respond to consultation responses, with the applicant proposing changes and submitting further information to explain the application approach, as appropriate. This work was supplemented by additional Parish and City Council meetings plus a series of technical briefings to the Council’s Strategic Planning Committee.

6.42 On 16 December 2021, the LPA resolved to grant Planning Permission for the Scheme subject to settling the terms of the associated section 106 agreement. The Planning Permission was subsequently granted on 5 April 2022.

6.43 Letters of support for the Scheme from the Royal Cornwall Hospital Trust and Environmental Agency are appended as **Appendix 34**

Outline element

6.44 The outline element of the Planning Permission establishes the principle of development for the masterplanned mixed use component of the Scheme. Details of access, layout, scale, appearance, and landscaping will be submitted for approval at the reserved matters stage.

6.45 A series of parameters have been devised which set the context for subsequent detailed design. These take the form of a series of six "Parameter Plans", accompanied by an area schedule, which together detail the uses and amount of development approved under the outline element of the Planning Permission. The six Parameter Plans cover land use, building heights, movement and access, landscape and green infrastructure, sustainable urban drainage and density.

6.46 An application for approval of reserved matters for the SANG at Govers Park was submitted on 2 August 2022 and approved by the LPA on 23 February 2023 (reference PA22/07093). Further applications for approval of reserved matters of other key strategic infrastructure pursuant to the Planning Permission are currently being prepared.

6.47 The Planning Permission and associated section 106 agreement have been structured to facilitate the delivery of development parcels by a variety of different developers, in accordance with the Council's delivery strategy for Langarth Garden Village.

Detailed element

6.48 The detailed element of the Planning Permission authorises the construction of the NAR as a critical early infrastructure item to unlock the delivery of the Scheme.

6.49 The plans and other supporting information for this element of the Scheme include a Design and Access Statement for the NAR; general arrangement drawings; Landscape Plan for the NAR; construction drawings; a Surface Water Drainage Plan and Surface Water Management Plan; a Flood Risk Assessment; a walking, cycling and horse-riding scheme; draft Construction Environment Management Plan; sections through the NAR; and a HGV Construction Traffic Plan.

6.50 As at the date of this Statement, all of the pre-commencement conditions for the NAR have now been discharged and works have commenced as set out at paragraph 6.25 above.

Amendments to the Scheme

6.51 As at the date of this Statement, the detailed element of the Planning Permission has been subject to two non-material amendments pursuant to section 96A of the 1990 Act, as follows:

6.51.1 amendment dated 30 August 2022 to clarify the compliance triggers for condition 17 (Cornish hedges) (reference PA22/07415); and

6.51.2 amendment dated 23 September 2022 to change the alignment of a side road access (reference PA22/07413).

Other orders and consents

6.52 The related orders and consents necessary for implementing the Scheme are as follows:

6.52.1 Listed building consent dated 5 April 2022 for the re-siting of a listed milestone to facilitate proposed works to the highway (reference PA20/09610) (**LBC**).

6.52.2 Full planning permission dated 21 January 2021 for the development of the energy centre forming part of the Scheme (reference PA20/09599) (**Energy Centre Permission**).

6.52.3 Full planning permission dated 2 January 2020 for the ILR (reference PA20/00009). (**ILR Permission**).

6.53 As noted at paragraph 6.25 above, works pursuant to the ILR Permission commenced in September 2020 and have since been completed. As noted at paragraph 6.29 above, works have also commenced pursuant to the Energy Centre Permission.

6.54 The Planning Permission, LBC, Energy Centre Permission and ILR Permission have each been granted and there are no planning obstacles which would prevent implementation if the CPO or SRO are confirmed.

6.55 The Local Plan and all relevant material considerations were taken into account in determining the relevant applications. The necessary highways orders for the highways works required to deliver the Scheme are to be secured through the SRO as set out at paragraph 10 below.

7. EFFORTS TO ACQUIRE BY AGREEMENT

7.1 Paragraph 2 of the Guidance provide advice on negotiations. In particular, it states:

“Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest.

The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement. Where acquiring authorities decide to/arrange to acquire land by agreement, they will pay compensation as if it had been compulsorily purchased, unless the land was already on offer on the open market.

Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:-

- *plan a compulsory purchase timetable as a contingency measure; and*
- *initiate formal procedures*

This will also help to make the seriousness of the authority’s intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.”

7.2 Should the CPO be confirmed, negotiations to acquire land and rights and surrender and release adverse interests by agreement will continue all the way through the process with a view to seeking to acquire all land and rights and surrender and release all relevant adverse interests by agreement rather than using compulsory purchase powers where this is possible based on reasonable valuation principles and within a timescale necessary to facilitate the Council's programme.

7.3 Land reference agents, Ardent Management, have been instructed by the Council to compile a detailed schedule of the identified third-party land interests within the Order Land. Negotiations with owners of the land and rights required has been conducted on the Council's behalf by a firm of Chartered Surveyors, JLL, with officer support where appropriate.

7.4 To date, of the 152 plots identified within the Order Land for permanent acquisition, the Council has successfully acquired the freehold interest in 45 of those plots, accounting for the vast majority (more than 90%) of the Order Land by area (387 acres out of a total of 428 acres) where there are known

or potential third party rights and interests which the Council is relying on the CPO to identify and address. These include:

- 7.4.1 the acquisition of land at West Langarth, Langarth Farm Phases 1 and 2 and parts of Phases 3, 4, and 5, Pollards Field and Biondi Field required for the construction of Stages 1 to 3 of the NAR and delivery of the wider Scheme;
- 7.4.2 the acquisition of land at East Langarth required for the construction of Stage 6 of the NAR and the delivery of the wider Scheme;
- 7.4.3 the acquisition of land known as The Willows, identified as the preferred site for the first Langarth Garden Village primary school and part of the Bosvisack corridor (strategic valley cycle route);
- 7.4.4 the acquisition of land known as Governs Farm, identified as the preferred site for the second Langarth Garden Village primary school, together with housing and Governs Park (comprising the SANG, community woodland, allotments and parks);
- 7.4.5 the acquisition of the balance of Langarth Farm Phases 3, 4 and 5 for delivery of the wider Scheme;
- 7.4.6 the acquisition of land at Penstraze (part of West Langarth Farm) for delivery of the wider Scheme;
- 7.4.7 the acquisition of all title, rights and interests in adjacent sections of the unregistered lanes and other parcels from neighbouring landowners and the successful registration of possessory title to some of those parcels to facilitate the delivery of the Scheme;
- 7.4.8 the modification of covenants affecting part of the Park and Ride to enable the development of the energy centre for the Scheme;
- 7.4.9 the release of covenants affecting land known as the "Park and Ride Extension" to facilitate its development;
- 7.4.10 the release of specific restrictive covenants and other obligations affecting the Bus Gate and a general release of covenants and obligations affecting the majority of the Council's holdings at Langarth Garden Village (with specific exceptions) to facilitate the delivery of the Scheme;
- 7.4.11 the surrender and release of an option agreement with various covenants and obligations affecting Langarth Farm Phases 1 and 2;
- 7.4.12 the surrender of a potential farm business tenancy and/or agricultural holdings act tenancy and ancillary rights affecting part of Langarth Farm and its replacement with a grazing licence to assist with land and environmental management, bio diversity and meeting planning requirements to facilitate the delivery of the Scheme;
- 7.4.13 the surrender of three protected business tenancies and a potential farm business tenancy and ancillary rights affecting part of Governs Farm and their replacement with contracted out leases and/or grazing licences to facilitate the delivery of the Scheme;
- 7.4.14 the grant of a new farm business tenancy affecting land at Governs Farm to assist with land and environmental management, bio diversity and meeting planning requirements to facilitate the delivery of the Scheme;
- 7.4.15 the settlement and release of overage obligations and positive obligations affecting land known as Biondi Field to facilitate the development of the primary junction and access for the Scheme;

- 7.4.16 the variation of an existing option agreement over part of Langarth Farm which affects the remainder of the land forming part of the Scheme.
- 7.5 The Council is the highway authority in respect of a further 59 plots within the Order Land identified for permanent acquisition, amounting to less than 2% of the total by area (8.1 acres) where changes or improvements are proposed for Scheme purposes. In these cases, the Council is relying on the CPO to confirm its (presumed) ownership of the underlying subsoil beneath the highway crust and/or roadside verges and footpaths under the *ad medium filum* rule. Similarly, in the case of a further 4 plots comprising half-width sections of parts of the watercourse forming the northern boundary of the Garden Village, the Council is relying on the CPO to acquire the freehold interest where it is already the presumed riparian owner under the *ad medium filum* rule.
- 7.6 Of the remaining 44 plots, amounting to 32.7 acres and less than 8% of the Order Land by area, 9 plots comprise further sections of watercourse held by neighbouring landowners to the north of the Scheme boundary where the Council is seeking to acquire express rights to drain into the watercourse, to supplement those it is already presumed to have as the riparian / adjoining land owner, and a further 11 plots comprise land where the ownership is unregistered and unknown and the Council is relying on the CPO to identify the owner to facilitate engagement where required.
- 7.7 As noted at paragraph 6.37.1 above, agreement has been reached with Royal Cornwall Hospital NHS Trust regarding the construction of Stage 5 of the NAR, including the agreement of RCHT to the dedication of the existing access road as public highway, which relates to 6 of the remaining 24 plots. Through further design work, the Council has been able to reduce its required land take such that it no longer anticipates needing to acquire Plots 592 and 625.
- 7.8 The freehold interest (or an option to acquire the freehold interest) in the remaining 16 plots are held by 10 parties, some of whom are connected.
- 7.9 The Council has engaged with the owners of each of these and, where appropriate, offers to acquire the land or rights by agreement have been made based on expert valuations undertaken by JLL. The Cabinet has previously resolved (November 2020) to delegate authority to the Strategic Director for Economic Growth and Development (in consultation with relevant Members and officers) to permit the acquisition of such land and other interests.
- 7.10 A summary of the status of the negotiations with each of these 10 freehold interest owners/option holders is set out in **Table 11** below:

Table 11

	Plot Numbers	Status of negotiations with freehold land owner
1	181, 185, 187 (watercourse rights only)	Objector. Negotiations ongoing with agent on behalf of the registered owner to acquire the land and rights required for Scheme purposes. The parties are also exploring alternative accommodation and relocation options to address the claimants concerns regarding the viability of their existing smallholding and holiday letting operations.
2	225, 240	Objector. Plots are subject to alleged adverse possession and prescriptive rights claims by the owners. The owners have objected to the CPO based on this and concerns regarding access over West Langarth Lane. Terms are agreed with the claimants to extinguish all existing rights in exchange for new rights following confirmation of the CPO.
3	270, & 280	The Council has served notices inviting the owners' representatives to make contact with JLL to discuss the Council's proposals.

	Plot Numbers	Status of negotiations with freehold land owner
4	300, 330, 510	Negotiations ongoing with owner's representative to acquire these plots and potentially additional surplus land the owners are looking to sell.
5, 6, 7 and 8	555, 590, 592, 595, 600	Objector. The plots are owned or otherwise controlled (via options to purchase) by the objector and their connected corporate entities. The Council has made offers to acquire the land required for delivery of critical infrastructure and provided detailed plans and documents to explain the Council's proposals as well as undertakings and assurances to address the claimant's concerns regarding development of their retained land. Negotiations are ongoing.
9	620	Objector. The plots are subject to an option to purchase in favour of two connected companies. The Council has made offers to acquire the land required for delivery of critical infrastructure and provided detailed plans and documents to explain its proposals and assurances to address the claimant's concerns regarding development of retained land. Negotiations and discussions are ongoing.
10	625, 630, 640	The Council has made offers to acquire the land by agreement in advance of CPO and negotiations are ongoing.

- 7.11 There are 13 plots with leasehold/occupational interests within the boundary of the Order Land where the Council is the freehold owner of the land and where it will be necessary to bring that leasehold/tenancy/licence to an end in order to facilitate delivery of the Scheme. The Council is actively managing these interests such that each is on terms that allow the Council to bring the interest to an end by the point in time at which vacant possession is required to allow construction of the Scheme. In respect of one of these (plot 650), agreement has been reached with the leaseholder to amend their leasehold boundary as an alternative to the use of compulsory purchase powers in respect of their interest in the plot.
- 7.12 There are 2 plots with leasehold/occupational interests within the boundary of the Order Land where the Council is not the freehold owner of the land. The Council has engaged with the owners of these plots and, where appropriate, made offers to acquire the relevant interests.
- 7.13 There is 1 plot where the title is unregistered and either the owner is unknown, or no current address is held.
- 7.14 There are 34 plots where the mines and minerals are excluded from the freehold title and where it has not been possible to identify the name and/or address of the current owner of the mines and minerals interest.
- 7.15 There are 13 plots where the Council is not seeking permanent acquisition of the land but does require new rights over the land for the purpose of the construction and operation of the Scheme. The Council has engaged with the owners of each of these and, where appropriate, offers to acquire the land by agreement have been made to each based on expert valuations undertaken by JLL. A summary of the status of the negotiations with each of the 4 owners of the land over which new rights are sought is set out in **Table 12** below:

Table 12

	Plot Numbers	Status of negotiations with freehold land owner
1.	6, 7,	JLL is in discussion with landowner's agent (Lodge & Thomas) to secure advance agreement for grant of express rights to drain into watercourse
2.	166, 186, 522, 523, 524, 582, 583,	JLL is in discussion with landowner's agent (Savills) to secure advance agreement for grant of express rights to drain into watercourse
3.	167, 168, 188,	JLL is in discussion with landowner's agent (Lodge & Thomas) to secure advance agreement for grant of express rights to drain into watercourse
4.	187	JLL is in discussion with landowner's agent (Carter Jonas) to secure advance agreement for grant of express rights to drain into watercourse

- 7.16 Where possible, attempts to conclude negotiations for all outstanding land and rights and surrender and release of all adverse interests, covenants and obligations required for the construction and operation of the NAR and associated development and infrastructure and land required for the delivery of the Scheme will continue throughout the CPO process.
- 7.17 While engagement has been offered and, in many cases, entered into with affected parties, to date it has not been possible to reach agreement with all those affected by the CPO. It is therefore appropriate, as the CPO Guidance advises, to progress the CPO as well as advancing negotiations as far as possible.
- 7.18 The Council considers that the use of its CPO powers to acquire all outstanding land and rights and surrender and release of all outstanding adverse interests in the Order Land is required as it has not been possible to achieve this by agreement and it is highly unlikely that it would be able to do so within the timescales required to satisfy the conditions of the HIF without the CPO. The Council is satisfied that the acquisition of these land and rights and surrender and release of those adverse interests will facilitate the delivery of the Scheme which will lead to the redevelopment and will contribute to economic, social, and environmental improvements to the area.
- 8. ADDITIONAL REQUIREMENTS WHERE CPO IS MADE PURSUANT TO SECTION 226(1)(A) OF THE 1990 ACT**
- 8.1 The CPO Guidance at Paragraph 106 sets out four additional factors which the Secretary of State can be expected to consider in assessing whether to confirm an order under section 226(1)(a) of the 1990 Act. The four factors are set out and dealt with below.

(i) Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework.

National Planning Policy - NPPF (2021)

- 8.2 The NPPF provides the Government's overarching planning policy guidance, and its overriding principle is the presumption in favour of sustainable development. This section of the Statement sets out the way in which the Scheme complies with the relevant policies in the NPPF.
- 8.3 Paragraphs 60-67 (Delivering a sufficient supply of homes) reflect the Government's objective to significantly boost the supply of new homes including affordable housing. Paragraph 65 provides that major development should expect at least 10% of the homes to be affordable unless this would exceed local need or prejudice the ability to meet identified need for specific groups.
- ✓ The Planning Permission provides for the locally set target of 35% affordable housing and has made provision for extra care and other specialist accommodation.
- 8.4 Paragraph 73 reflects the Government's recognition that large numbers of new homes are often best achieved through well planned larger developments supported by community engagement and Garden City principles.
- ✓ The Scheme is designed around the Government's Garden City principles following extensive community engagement.
- 8.5 Paragraph 81 (Building a strong, competitive economy) underscores that planning decisions should help create the conditions in which businesses can invest, expand and adapt.
- ✓ The Scheme will not just provide new homes; it will also create opportunities for employment to support the community and will therefore lay the groundwork for endemic economic growth and productivity which is responsive to local needs and wider opportunities for growth. In addition, it provides homes to meet the already significant extant needs from local employers.
- 8.6 Paragraph 86 (Ensuring the vitality of town centres) highlights that planning decisions support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation.
- ✓ As noted at paragraph 5.7 above, the Town Centre Impact Assessment prepared by Lichfields in support of the planning application for the Scheme concluded that the Scheme will not have a significant impact on the vitality or viability of the city centre. This contrasts with the position under the previous permissions which included substantial levels of out-of-town retail floorspace.
 - ✓ The transport strategy for the Scheme places an emphasis on connectivity to the city centre, to reduce the likelihood of car dominated trips to other out of town shopping developments on the main A30 trunk route to the west and east.
- 8.7 Paragraph 92 (Promoting healthy and safe communities) explains the role of planning in promoting healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- ✓ The Scheme has been designed with all the above objectives in mind. Amongst other things, it incorporates a mix of uses and neighbourhood and local centres, promotes pedestrian and cycle use and makes provision for safe and accessible green infrastructure, sports facilities, local shops, allotments etc.
- 8.8 Paragraph 93 explains the role of planning decisions in helping provide the social, recreational, and cultural facilities and services the community needs.
- ✓ By adopting a masterplanned approach the Scheme satisfies each of these requirements and contrasts to the previous individual consents in the Site area.

- 8.9 Paragraph 95 highlights the importance of adequate educational facilities in place-making.
- ✓ The Scheme makes provision for up to two new primary schools, in line with the pupil place needs assessment and advice from the LPA in its capacity as Education Authority. The delivery of the first school is to be provided in line with the occupation of the first phase of residential development. The delivery of the second primary school will track need and the delivery of later stages.
- 8.10 Paragraph 98 (Open space and recreation) recognises the importance of access to a network of high-quality open spaces and opportunities for sport and physical activity, for the health and well-being of communities.
- ✓ High quality open spaces and opportunities for physical activity are key features of the Scheme. The emphasis placed on the green infrastructure networks as demonstrated by the Council's decision to acquire land at Govers Farm to deliver SANG, demonstrates the depth of the commitment to this aim.
- 8.11 Paragraph 100 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.
- ✓ The Scheme retains and enhances existing PROW across the Site. The movement framework for the Scheme also includes a number of proposals for extensions to existing or the creation of new rights of way and will also contribute towards a number of offsite links and routes.
- 8.12 Paragraph 104 (Promoting sustainable transport) explains that transport issues should be considered from the earliest stages of development proposals.
- ✓ The planning application for the Scheme was supported by a Transport Assessment which addresses the impacts of the Scheme on existing transport networks. It also explained how environmental impacts are mitigated through embedded mitigation such as the design of the new NAR and the layout of the Scheme; as well as through additional mitigation, such as developer contributions towards strategic and site-specific highway infrastructure improvements.
 - ✓ The Transport Assessment also explains how the Scheme seizes opportunities around changing transport technology and usage (such as electric vehicles and car-pooling) as well as how it is prioritising walking, cycling and public transport.
- 8.13 Paragraph 105 explains how significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- ✓ The location of the Scheme provides an opportunity to take advantage of existing public transport networks and facilities (including the existing Park and Ride) and the physical proximity of key services and employers (such as Royal Cornwall Hospital, the Industrial Parks at Treliske and Threemilestone and Truro and Penwith College) in close proximity to reduce the need to travel by private car.
 - ✓ The Scheme also incorporates a range of facilities, employment and homes to support the ability for working at home, all further reducing the need to travel, and in particular travel by private car.
- 8.14 Paragraph 112 encourages applications for development to give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
- ✓ The Scheme satisfies each of these objectives. As described elsewhere in this Statement, the NAR is a critical element to this strategy.

- 8.15 Paragraph 119 (making effective use of land) explains that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- ✓ The Scheme makes effective use of previously consented land to meet the need for new homes, in a way which maximises opportunities for high densities, where appropriate, whilst being respectful of existing environmental and heritage opportunities and constraints and striving to create healthy living conditions for the new community.
 - ✓ The Scheme provides circa 1,000 more homes (about 35% more) than the previous consented schemes (it is acknowledged that there is some additional land developed compared to the previous schemes and there has been some exchange of land to residential from that previously earmarked for retail uses in the earlier consents).
- 8.16 Paragraph 126 explains how the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.
- ✓ These principles are endorsed by the Government's Garden Community Prospectus examined above and lie at the heart of the Scheme.
- 8.17 Paragraph 132 provides that applications that can demonstrate early, proactive, and effective engagement with the community should be looked on more favourably than those that cannot.
- ✓ As noted at paragraph 6.39 above, the Scheme is underpinned by early discussion with the local community about the design and style of the emerging proposals and allowed designs to evolve to take account of the views of the community.
- 8.18 Paragraph 174 (conserving and enhancing the natural environment) provides that planning decisions should contribute to and enhance the nature and local environment, noting the need to protect and enhance valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
- ✓ It is acknowledged that the Scheme would result in the loss of 180.94 ha of agricultural land. This land would be lost to the agricultural businesses as each field was built out, reducing the area available for grazing or arable production. The phasing of the development and pre-requisite notice periods would allow the enterprises to adapt or move to minimise the impact on economic performance of the businesses affected as much as possible. In addition, it is worth noting that the implementation of the previous permissions would ultimately have led to these same outcomes.
 - ✓ There are no other strategically preferable sites identified in the Local Plan, 2016 TKNP or 2023 TKNP to deliver the homes required to be delivered in the plan area.
- 8.19 Paragraph 189 acknowledges that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.20 Paragraph 197 provides that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 8.21 Paragraph 198 states that in considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.
- 8.22 When determining the planning application for the Scheme, the LPA was required, pursuant to Paragraphs 199 and 200, to attribute great weight to the conservation of designated heritage assets and to demand clear and convincing justification for any harm to or loss of the significance of such assets (from its alteration or destruction, or from development within its setting). Substantial harm to or loss of grade II heritage assets should be exceptional; and harm to higher grade heritage assets should be wholly exceptional. Pursuant to Paragraph 203, the LPA was also required to take into account the effect of the Scheme on the significance of non-designated heritage assets.
- 8.23 Special policy tests in Paragraph 201 apply where a proposed development will lead to “substantial harm to” (or total loss of significance of) a designated heritage asset. As explained below, these tests do not apply to the Scheme. Where a development proposal will lead to “less than substantial harm” to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The LPA undertook this balancing exercise when assessing the planning application for the Scheme, having regard to the conclusions of the technical assessments carried out in support of the application. The conclusions of these assessments are briefly summarised below.
- 8.24 The Scheme impacts on a number of onsite and offsite designated and non-designated heritage assets. The onsite designated heritage assets impacted by the Scheme are identified at paragraph 5.33 above. They include the WHS, the SM at Governs Farm and the listed milestone at West Langarth. This section looks at the harm on each of these heritage assets, in turn:

WHS

- ✓ The Scheme is situated in an area where the sensitivity of the adjoining WHS has been reduced by recent urban developments.
- ✓ The Scheme is designed to adhere to the vision and aims laid out in the “Cornwall and West Devon Mining Landscape World Heritage Site Management Plan” (2020-2025). This approach integrates the regeneration of the area with conservation of the WHS, by locating the proposal in the area least likely to have a negative impact on the WHS.
- ✓ While the Scheme will further reduce the amount of open, rural fields and greenspace, these changes are considered minor in terms of impact to the WHS.
- ✓ None of the industrial landscape that the WHS was listed for will change, nor will any of the attributes that contribute to its Outstanding Universal Value.
- ✓ The Scheme will promote equality of opportunity for new residents of the area to discover, access and enjoy the WHS, which is a benefit.
- ✓ The residual effects from the operation phase of the Scheme to the WHS were assessed as negligible during the planning application process and were considered to be “less than substantial” in terms of the guidance in the NPPF.

Governs Farm SM

- ✓ The setting of the Governs Farm SM will experience urbanisation.
- ✓ However, the Scheme provides for the long term management of the area around the SM as strategic open space. This is considered a benefit to the setting of the asset.
- ✓ The harm caused by the Scheme to the SM was assessed, during the planning application process, as being “less than substantial” in terms of the guidance in the NPPF.

Listed Milestone

- ✓ The new junction at West Langarth involves the relocation of a listed milestone to the south side of the A390, in line with its historic location prior to the earlier widening of the A390. This relocation was assessed to cause less than substantial harm, in terms of the guidance in the NPPF, and is authorised by a separate LBC.

Offsite SMs

8.25 Offsite SMs potentially impacted by the Scheme include the setting of the SM at Bosvisack Hillfort (which falls outside of the Site but sits 290m from its northern edge), a number of scheduled Barrows at Little Regard Farm, Ashgrove, Ivydene Farm and Chiverton, and three scheduled Rounds at Mount Pleasant, situated west of Polstein, and the Goodern Round, situated south west of Carrine.

- ✓ As part of the planning application process, the impact on each was assessed as “less than substantial” in terms of the guidance in the NPPF.

Offsite listed buildings

8.26 The offsite listed buildings potentially impacted by the Scheme include two listed milestones along the A390, outside of the site and a Grade II listed farmhouse (Croft West) approximately 110m north of the Site.

- ✓ The roadside setting of the listed milestones would remain unchanged, but they are at a higher risk of vehicular impact, erosion and pollution from increase in traffic. This impact was assessed to be “less than substantial” in terms of the guidance in the NPPF.
- ✓ The Scheme is considered likely to have an adverse impact on the character of the setting of the Grade II listed farmhouse. However, such impact was assessed to be “less than substantial” in terms of the guidance in the NPPF.

Non-designated heritage assets

8.27 There are numerous non-designated heritage assets recorded within the Site. These date from the Prehistoric to Post Medieval periods. They include several assets whose date is unknown. They also include a number of landscape elements that help to provide the character of the Site such as post-medieval hedges (and their hedge ‘furniture’), trackways and mining remains; as well as the post medieval farm settlements that are still extant.

- ✓ The scale of harm from the Scheme on such non-designated assets was assessed as “less than substantial” in terms of the guidance in the NPPF.

Buildings with evidential historic value

8.28 There are also several farms within the Site that include buildings with some historical and evidential value, including West Langarth Farmhouse, West Langarth Farm, Langarth/Henley Court, Govers Farm, Willow Green Farm and East Langarth Farm. Those buildings identified for retention as part of the Scheme due to their heritage value are: West Langarth Farm, Govers Farm, East Langarth Farm, Willow Green Farm, West Langarth Farmhouse and Langarth, Henley Court.

- ✓ These buildings are classified as being lower significance, and whilst the Scheme will give rise to a change to their setting, such harm was assessed as “less than substantial” in terms of the guidance in the NPPF.

8.29 There is a WWII military hut, which is in the long established occupation and recent ownership of Threemilestone Young Farmers Club.

- ✓ This hut would experience a temporary moderate adverse impact to its setting during the construction phase. These construction period are not expected to endure during the operational

phase of the Scheme and harm on the hut was assessed as “less than substantial” in terms of the guidance in the NPPF.

- 8.30 In summary, whilst the Scheme is acknowledged to have some adverse and potentially adverse impacts on designated and non-designated heritage assets on and near the Site, no such impacts were assessed as significant, and all less than significant impacts were given proper consideration during the planning application process for the Scheme, in accordance with the NPPF guidance. All harms to heritage assets were assessed as “less than substantial” in terms of the guidance in the NPPF and considered to be outweighed by the public benefits of the Scheme.
- 8.31 The Scheme therefore meets the requirements of the relevant policies of the NPPF.

Local Planning Policy

- 8.32 The Cornwall Local Plan was adopted on 22 November 2016 and provides the policy context for the whole of Cornwall for the period 2016-2030. It sets out the primary planning approach and policies for the Council as a unitary authority. The relevant Local Plan policies are summarised below, together with a brief analysis of how the Scheme complies with the same.
- 8.33 Policy 1 (Presumption in Favour of Sustainable Development) provides that planning applications that accord with the policies in the Local Plan and supporting development plan (including, where relevant, with policies in Neighbourhood Plans) will be regarded as sustainable development and be approved unless material considerations indicate otherwise.
- ✓ The Scheme is primarily on land identified for development in the 2016 TKNP and 2023 TKNP to meet the housing need for Truro with Threemilestone area and therefore fully complies with this key policy.
- 8.34 Policy 2 (Spatial Strategy) provides that new development should provide a sustainable approach to accommodating growth, providing a well-balanced mix of economic, social, and environmental benefits. Development should do this by: (1) respecting and enhancing quality of place; (2) providing solutions to current and future issues and (3) generating and sustaining economic activity.
- ✓ The Scheme was conceived with the three strategic policy objectives of Policy 2 in mind.
 - ✓ The Scheme strives to create a place that respects its environment and heritage, in line with the first strategic objective.
 - ✓ The masterplanning process has looked to the future with a view to providing solutions to current and future issues, in line with the second strategic objective. This has included seizing opportunities to address climate change challenges in terms of energy storage and production as well as local food production. It also includes finding opportunities for strategic new areas of green infrastructure, embracing technological change in transport and supporting public transport and active forms of travel.
 - ✓ Consistent with the third strategic objective, the Scheme will integrate with neighbouring land uses and promote economic activity by, inter alia, incorporating complementary land uses. The Scheme also supports Truro’s wider role as an economic and service centre by providing new homes, infrastructure, and facilities where they are needed to service existing economic activity.
- 8.35 Policy 2a (Key Targets) highlights the targets for, inter alia, housing, employment and purpose-built student accommodation in Cornwall. These targets include a minimum of 52,500 new homes by 2030, with Truro with Threemilestone being apportioned 3,900 new homes and a further 1,200 homes targeted in the wider Truro and Roseland CNA residual area.
- ✓ The Scheme constitutes a significant proportion of these homes as the single largest remaining strategic site.
- 8.36 Policy 3 (Role and Function of Places) requires the scale and mix of uses to be based to the role and function of places.

- ✓ In line with the spatial strategy, the Scheme is optimally located to link into the major employment centres on the west of Truro as well as to utilise the strong public transport links to the city centre and to support the LPA's wider objective of reducing the net imbalance of 'in commuting' into Truro.
- 8.37 Policy 4 (Shopping Services and Community Facilities) supports retention of the retail hierarchy and role of town and city centres as a focus for retail growth. Truro is identified in the spatial strategy as having a major retail and service role, as a sustainable alternative to major centres outside of Cornwall.
- ✓ The Scheme contains an appropriate range of shops, services, and community facilities and (unlike previous proposals for the Site) is not reliant on significant out of town retail floorspace, and thus supports the vitality and viability of Truro.
- 8.38 Policy 5 (Business and Tourism) provides support for business space that is well integrated with city and towns or well-served by public transport and communications infrastructure.
- ✓ The Scheme incorporates employment floorspace and other proposals for a diverse array of economic activity in a location adjoining other major employment sites and on one of the best served public transport corridors in Cornwall.
 - ✓ The Scheme addresses the strategic ambition in Policy 5 to develop 'smart specialisations', to facilitate productivity improvements in the local economy. In this spirit, the Scheme not only includes proposals for office and other employment space across the Site but also responds to the opportunities presented by adjoining land uses such as Royal Cornwall Hospital (the largest single employer in the city). This allows the Scheme to cater for business and other needs associated with the Hospital (and any future Hospital expansion), as well as the adjoining innovation centre and medical school.
- 8.39 Policy 6 (Housing Mix) requires development of 10 or more dwellings to provide an appropriate mix of house sizes, types, cost, and tenures and to be responsive to the requirements of a changing population and of groups in the community.
- ✓ The Scheme will provide an appropriate mix of houses in line with Policies 6 and 8 (see below). In line with Policy 6, the Scheme includes provision for specialist housing in the form of extra care units, as well as student / key worker accommodation that will service the specialist needs of the health sector.
- 8.40 Policy 8 (Affordable Housing) seeks to provide 35% affordable housing in the Truro area, with a tenure split of 70% affordable rent and 30% intermediate housing for rent or sale.
- ✓ The Scheme makes provision for 35% affordable housing, in line with the overall target for the area. The Scheme also provides a policy compliant tenure split of 70% affordable rent and 30% intermediate housing. Within these parameters, details for house size, type, price, and tenure will be fixed at reserved matters stage, as is appropriate for outline development. Also, as appropriate for development of this scale, size and lifetime, the tenure split and phasing of overall affordable housing provision is to be kept under review over the lifetime of the Scheme, to ensure it effectively meets local needs as may be defined from time to time.
- 8.41 Policy 12 (Design) seeks to ensure Cornwall's enduring distinctiveness and to maintain and enhance its distinctive natural and historic character.
- ✓ The masterplan is underpinned by a landscape-led design process, which is informed by extensive consultation and a strong ethos of place-making and sustainability. This process has carefully and sensitively considered the existing natural and historic context and how the Scheme can, through design, contribute to all three dimensions of sustainability.
 - ✓ The Planning Permission secures a Design Code which carefully considers and responds to each of the limbs in Policy 12 – from character, layout, movement, and adaptability - to minimising neighbour impacts and maximising opportunities for private amenity and public open space. The

Design Code provides a robust mechanism to ensure the design ambitions of the Scheme are taken through to implementation.

- 8.42 Policy 21 (Best Use of Land and Existing Buildings) seeks to ensure the best use of land with encouragement being given to sustainably located proposals.
- ✓ The Scheme has been designed to make environmentally sensitive and efficient use of land.
 - ✓ In compliance with Policy 21, the Scheme supports a range of densities to make the best use of land, create space for more strategic open space and, in general, to support a more walkable neighbourhood. Policy 23 seeks to conserve, protect and where possible enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance. Development should avoid adverse impacts on existing features as a first principle and enable net gains by designing in landscape and biodiversity features.
- 8.43 Policy 23 (Natural Environment) seeks to ensure that development sustain local distinctiveness and character and protects and, where possible, enhances Cornwall's natural environment and assets.
- ✓ Some habitat loss is inevitable. In particular, the loss of arable land means loss of habitat for wintering woodlarks. This habitat loss will be mitigated through the provision of offsite compensatory habitat secured through the section 106 agreement accompanying the Planning Permission.
 - ✓ This habitat loss is counterbalanced by the sensitive landscaping proposals for the Scheme (which include elements of habitat creation) as well as its wider biodiversity net gain strategy.
 - ✓ The Scheme is capable of achieving a 29% increase in biodiversity for habitat units and 12% for hedgerow units.
- 8.44 Policy 24 (Historic Environment) provides that development proposals will be permitted where they would sustain the cultural distinctiveness and significance of Cornwall's historic rural, urban, and coastal environment by protecting, conserving and where appropriate enhancing the significance of designated and non-designated assets and their settings.
- ✓ Consistent with Policy 24, the masterplan for the Scheme avoids adverse impacts on existing natural and historic features of value, wherever possible, while existing features are utilised to create a link to the natural and historic heritage of the Site.
 - ✓ Great care has been taken to retain and enhance the network of Cornish hedges on the Site, which form part of the character of the area, as well as being a key biodiversity feature.
 - ✓ The masterplan is based on a series of character areas and development grains, to respond to the different characters and needs of different parts of the Site. Groupings of original farm buildings have been retained, to provide a link back to the historic landscape and uses of the area as well as to the adjoining WHS.
 - ✓ The Design Code contains design responses to topography which are common to Cornish settlements.
- 8.45 Policy 25 (Green Infrastructure) provides that development proposals should contribute to an enhanced connected and functional network of habitat, open spaces and waterscapes.
- ✓ In line with Policy 25, the Scheme is structured around a strong framework of green infrastructure. This green infrastructure framework provides the skeleton for the Scheme, joining up parts of the body of the Site. It has multiple functions, from open space, recreation, local food production and providing routes for walking and cycling; to sustainable surface water drainage management and a means by which to promote biodiversity and heritage values.
 - ✓ The ongoing management and maintenance of green infrastructure is secured via the section 106 agreement accompanying the Planning Permission.

- 8.46 Policy 26 (Flood Risk Management and Coastal Change) requires development to take account of and be consistent with any adopted strategic and local flood and coastal management strategies including the Shoreline Management Plan and Catchment Flood Management Plans for Cornwall and the South West River Basin Plan.
- ✓ The Scheme makes section 106 contributions to design work for improvements to New Mill Dam, to improve future extreme event resilience.
- 8.47 Policy 27 (Transport and Accessibility) provides that all developments should provide safe and suitable access to the site for all people and not cause a significantly adverse impact on the local or strategic road network that cannot be managed or mitigated.
- ✓ The design of the Scheme is based around a number of key movement features which have been developed as a direct response to Policy 27. Amongst these, the NAR takes centre stage. It provides an essential route across the Site and serves to divert a proportion of traffic from the A390. The road is designed to provide high quality cycle and walking facilities along its route.
 - ✓ Policy 27 should be read alongside the Local Transport Plan and accompanying implementation plans; as well as the Infrastructure Delivery Plan accompanying the Local Plan . These highlight the importance of the Park and Ride within the Site in reducing car trips into Truro and list the NAR as one of the schemes proposed for the period of 2015-2019.

2016 TKNP

- 8.48 The 2016 TKNP was adopted on 10 November 2016 and was developed to oversee development management decisions in the Truro and Kenwyn Neighbourhood Plan Area for the period of 2015-2030. The 2016 TKNP explains the position as follows:
- "The Cornwall Local Plan sets a requirement of land to be identified for the building of around 3,900 houses in the period up to 2030. This Plan must provide land for at least this amount, taking into account any need for housing identified above that level. At the time that this Plan was prepared there was need for only a small proportion of that housing to be allocated by the Plan as permissions have already been granted since 2010 for around 4100 dwellings in Truro and Kenwyn."
- 8.49 The supporting text to Policy EJ2 provides:
- "Recent planning permissions at Langarth will create substantial new communities in the west of the Plan area."
- 8.50 As explained at paragraph 3.7 above, the 2016 TKNP relies upon the previous permissions to meet the strategic housing requirement for the Truro with Threemilestone area.
- 8.51 The Scheme was designed to respond to the policies in the 2016 TKNP. In summary:
- ✓ The masterplan was developed following the Government's Garden Community key qualities, in line with Policy E1 (Sustainable Development) of the 2016 TKPN.
 - ✓ The masterplan was developed using a landscape-led approach with a focus on the development of a comprehensive network of green infrastructure. This network performs multiple functions, from recreation, movement to drainage, in line with Policies E2 (Sustainable Drainage) and E5 (Green Infrastructure).
 - ✓ In accordance with Policies E5 (Green Infrastructure), E6 (Character and Setting of Settlements) and E7 (Character of the Highways and Byways), the proposals for the Site are based on an extensive analysis of the area which has sought to work with the historic and natural character and landscape, including but not limited to features such as retaining hedgerows and the quiet lanes as part of the fabric of the Scheme.
 - ✓ The Scheme also capitalises on opportunities for the provision of allotments and a community farm, in line with Policy E5 (Green Infrastructure).

- ✓ The detailed design and layout of the new homes will be subject to reserved matters applications, but these will be guided by parameters set by the Parameter Plans as well as the Design Code. The Design Code incentivises the use of high quality, energy efficient design and accessible layouts, in accordance with Policy E4 (Building Quality).
- ✓ In line with Policy T3 (sustainable transport), the Scheme follows the movement hierarchy set out in the TKNP. The Site is well served by public transport and the Scheme is designed to incentivise a modal shift to non-car borne modes of travel, inter alia, through the provision of cycle and walking routes within and from the Site.
- ✓ In accordance with Policy T3 (Sustainable Transport), the Scheme incorporates a range of local centres and arrival spaces across the Site to improve accessibility for local residents to services by non-car mode. This approach to accessibility is supported by the Scheme's approach towards density, with higher densities providing more walkable neighbourhoods. It is also supported by the design approach to the NAR which prioritises pedestrians and cycles and provides regular bus stops within walking distance across the Site.
- ✓ Contributions towards wider network improvements and other measures to reduce congestion are secured by the section 106 agreement, in line with Policy T1 (Transport Strategy Contributions) and the Truro Sustainable Transport Strategy. The Planning Permission is supported by a Framework Travel Plan. Occupier travel plans are secured through the section 106 which accompanies the Planning Permission.

TKNP 2023

- 8.52 As indicated at paragraph 3.8 above, the 2016 TKNP has undergone review contemporaneously with the development of the masterplan and submission of the planning application for the Scheme. The masterplan was, in essence, developed in response emerging policy for Langarth (Policy H3).
- 8.53 The revised TKNP allocates the Site for a mixed use community (Policy H3) and provides development plan support for a comprehensively masterplanned approach for the area. Policy H3 provides policy support for the NAR, the development of a series of coherent and comprehensively planned neighbourhoods, early implementation of key strategic infrastructure, development which responds to local character and plans for a coherent network of multi-functional green infrastructure and the creation of wooded landscapes across the Site. Policy H3 also requires development proposals to be supported by proportionate historic environment assessments and to make provision for an appropriate mix of housing, energy efficient housing and to take steps to prevent further incursion into the surrounding countryside beyond the allocation. The overarching ambition for Langarth is a masterplanned development which provides benchmarks of good quality development and/or appropriate level of design coding.
- ✓ The explanation of the planning history for the Site, the evolution of Policy H3 for Langarth and the policy analysis of the Scheme against the NPPF and Local Plan policies set out above serves to demonstrate how the Scheme achieves a strong degree of compliance with Policy H3.
- 8.54 **Climate Emergency Development Plan Document (21 February 2023)**
- 8.55 The Council declared a climate emergency in 2019. The Council's aim is to become carbon neutral by 2030. At the time the planning application for the Scheme was submitted to the LPA, the Council's new Climate Emergency Development Plan Document had been submitted to Examination. This plan sets a direction of travel for the Council in addressing climate change within planning decisions.
- ✓ Given the strategic importance of the Site, the Scheme sought to address the requirements of the then emerging policy, by incorporating a range of measures to ensure the delivery of net carbon zero homes.
- 8.56 The Climate Emergency Development Plan Document was adopted in 2023 and the Scheme is considered consistent with its objectives and policies.

The Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document (2017)

8.57 The Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document (2017) (SPD) identifies what makes the WHS important, why it needs to be protected and how the planning system can support this. It seeks to ensure that those involved in the planning process take the WHS properly into consideration.

- ✓ The guidance provided by the SPD has been reflected in the design and development of the Scheme.

Housing Supplementary Planning Document (2020)

8.58 The Housing SPD was adopted by the Council in February 2020 and provides further information to support Local Plan policies 2, 6, 7, 8, 9 and 10.

- ✓ The obligations secured in the section 106 agreement relating to the quantum, tenure, mix and sizes of housing, affordable housing, extra care and custom/self build housing meet the requirements of the SPD.

(ii) The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social, or environmental well-being of the area.

8.59 The Scheme has developed around the Government's Garden Community qualities and extensive public engagement - with a view to providing a vibrant, coordinated and integrated and sustainable new community - not just another series of housing estates. The economic, social and environmental well-being benefits of the Scheme are surveyed throughout this Statement. In summary, the Scheme achieves:

Employment

- Without limitation, the Scheme will deliver jobs in construction, retail, community services, the care industry and hospitality as well as home working opportunities.

Housing

- Overall delivery of housing to meet the strategic needs for the area as identified in the Local Plan and committed for delivery through the 2016 TKNP/2023 TKNP.
- A sustainable mix of housing, including policy compliant levels of affordable housing, specialist housing such as extra care and student / health worker accommodation and self and custom build housing to meet a range of needs.
- High quality housing, designed to be capable of responding to future needs, including policy compliant levels of accessible homes.
- A flexible housing delivery strategy appropriate for an outline scheme of this scale, nature and build out duration.

Access and Movement

- The early delivery of the NAR as an access across the Site and to provide relief to the A390.
- A NAR design which prioritises active and sustainable travel modes.

- A coherent network of pedestrian and cycle routes within the Site and to key locations outside of the Site, to support sustainable movement and connectivity with neighbouring communities and facilities.
- Park and Ride Extension.

Social Infrastructure

- Five new local centres (retail, offices, restaurants, cafes, health and community facilities).
- Up to two new primary schools.

Design

- A Design Code to regulate development which respects local character and distinctiveness and facilitates and incentivises sustainable development in accordance with the parameters secured in the Planning Permission.

Green Infrastructure and biodiversity net gain

- The creation of cohesive and abundant network of green infrastructure.
- Woodland planting.
- Achievement of significant net gain in biodiversity across the Site.
- The creation of SANG at Governs Farm to provide improved interpretation of the heritage asset and reduce recreational pressures on other protected habitats.

Energy

- Energy Centre designed to provide low cost green power to residents - and committed for early delivery as set out at paragraph 6.29 above.

Sustainable Drainage

- A strategic approach to sustainable drainage for the Site and its wider catchment.

Off Site improvements

- Appropriate contributions towards offsite infrastructure such as sports pitches at Threemilestone and other enhancements in Threemilestone Village to compensate for under-provision of formal onsite sports provision and to achieve integration and connectivity with the wider area.

Indirect and catalytic benefits

- Of the foregoing, a significant proportion of the total dwellings, the land earmarked for the two primary schools, the Energy Centre, the SANG and the land required for the Park and Ride Extension are all under the Council's control. The remainder of the Scheme is considered capable of independent viable delivery.
- The social, economic and environmental benefits of the Scheme outlined above should also be read in the context of the wider capital spending programme and key Council decisions outline in **Table 1** above, which underscore the Council's commitment to the delivery of Langarth Garden Village and its effective integration in the local area.

(iii) Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.

- 8.60 The Site has the benefit of a range of permissions promoted by the previous or existing owners.
- 8.61 However, since the previous permissions were approved some have now lapsed and overall little progress has been made in the delivery of this consented housing or mixed-use development. As set out at paragraph 3.10 above, the lack of delivery reflects several complex and interrelated factors, including changing retail market conditions and the absence of mechanisms facilitating co-ordinated delivery and upfront funding of critical sitewide infrastructure.
- 8.62 The Orders will allow the Council to acquire into its ownership the land required to deliver the key sitewide infrastructure needed to release the initial phases of the Scheme. By taking responsibility for funding and construction of the key strategic infrastructure in the manner outlined at paragraph 6.32.1 above, the Council's proposals will also unlock and facilitate delivery of development on land outside the Order Area.

(iv) The potential financial viability of the scheme for which the land is being acquired.

- 8.63 As set out at paragraph 6.12 above, the Council has approved £109m of Council investment (funded from borrowing). As set out at paragraph 3.20 above, in 2020 the Council entered into a HIF agreement with Homes England which secures £47.45m of HIF funding to deliver the key road infrastructure for the Scheme.
- 8.64 A review of the viability of the development of the 2,600 homes to be delivered on Council owned land (inclusive of the land to be acquired via the CPO) demonstrates that it is viable for the Council to deliver this significant element of the Scheme via land sales alone i.e. through the disposal of serviced parcels to third party developers to take forward. However, there is further potential for additional revenue and profit to be achieved later on through a variety of joint ventures or build to rent schemes. The Council is taking additional independent expert advice to confirm the robustness of the Scheme's viability position in support of the compulsory purchase process.

9. **OBJECTIONS TO THE CPO**

- 9.1 The Secretary of State has received seven objections to the CPO.
- 9.2 A number of objections raise similar points. This section of the Statement responds to the matters that have been raised by each objector to the CPO, as detailed below.
- 9.3 **CPO Objector Number: 1**
- Plots 165, 200, 205, 215, 225, 231, 240, 250 and 260 (permanent acquisition)**
- 9.4 The objectors own and occupy a property outside of the Order Land. The property potentially benefits from rights of access or occupation over plots 165, 200, 205, 215, 225, 231, 240, 250 and 260 and which are included in the CPO for permanent acquisition.
- 9.5 The objection can be summarised as follows:
- 9.5.1 The Council has not provided detailed plans for the land affected, preventing objector from making a reasonable judgement that "the order" is justified.

9.5.2 There has been no attempt to provide a negotiated settlement which would negate the requirements for the objection.

9.6 JLL has engaged with the objectors with a view to (i) ensuring that the objectors are clear regarding the impact of the CPO and the Scheme on their continued enjoyment of their property and (ii) entering into a deed of undertaking with the objectors to confirm that the property can continue to benefit from rights of access or occupation as appropriate. This engagement will continue in parallel with the statutory process.

9.7 **CPO Objector Number: 2**

Plot 70 (permanent acquisition)

9.8 The objector does not own any property within the Order Land but has the benefit of a restrictive covenant over plot 70. Plot 70 is included in the CPO for permanent acquisition.

9.9 The objection can be summarised as follows:

9.9.1 No notice received of either CPO or SRO.

9.9.2 There has been no meaningful attempt to negotiate for release of restrictive covenant.

9.10 The title for plot 70 showed no address for the objector. Notices were consequently placed on site as well as published in the local newspaper. A duplicate notice has now been provided and the objection was received within the statutory time period. The restrictive covenant remains on the title to plot 70 despite the overage that it was drafted to protect having been satisfied. Prior to making the CPO, the Council made a financial offer to the objector to secure the release of the restrictive covenant from the title, but this offer has not been accepted. JLL have engaged with the objector to confirm that the financial offer remains open for acceptance. In the event that the offer to secure the release of the restrictive covenant is not accepted, and should the restrictive covenant later be breached by the construction or use of the development, the objector will be entitled to statutory compensation pursuant to section 204 of the Housing and Planning Act 2016.

9.11 **CPO Objector Number: 3**

Plots 166, 186, 522, 524 and 582 (acquisition of new rights) and plots 200, 250 and 260 (permanent acquisition)

9.12 New rights in respect of surface water drainage are sought over a watercourse which runs along the northern boundary of the Site including those parts of the watercourse owned by the objectors. In addition, the objectors own land outside of the boundary of the Order Land but which has the benefit of prescriptive rights of access over an existing lane which runs through the Order Land and which is proposed for permanent acquisition.

9.13 The objection can be summarised as follows:

9.13.1 Incorrect ownership identification resulting in incorrect service of notice.

9.13.2 Lack of engagement and inadequate negotiations to acquire rights by agreement.

9.13.3 No meaningful response to alternative drainage solution which would have provided a viable alternative that would not have required the use of CPO powers and which would have had environmental benefits.

9.13.4 Request for full details of viability of the current proposal for drainage and discharge into the River Kenwyn.

9.13.5 Impact of acquisition on business:

(a) Rely on two water abstraction licences to support farming business.

- (b) Road closures and changes will have untenable effect on access to farm buildings which require 24/7 HGV access – effect on property not properly considered.
- (c) Road safety concerns – new residential occupants will be sharing road with HGVs and agricultural machinery.

9.14 The Council appointed Ardent, a special land referencing company, to assemble a full schedule of land interests within the Site. This included serving the objectors with a request for information in advance of making the CPO to ensure that the Council was aware of any changes or additions to the title information obtained from HM Land Registry. The objectors did not complete and return the questionnaire as a result of which the Council was unaware that (i) the objectors claim ownership of a greater area of the watercourse than is shown on their registered title and (ii) the objectors claim to have transferred part of their land ownership (plot 524) to an associated company.

9.15 Despite requests, the objectors have not provided any evidence of land ownership beyond that shown on the CPO Map and CPO Schedule. Further, as at the date of this Statement, the transfer of plot 524 has yet to be registered at HM Land Registry. However, duplicate notices have been served on the associated company (see Objector 5 below) on the basis of the assertions made by the objectors.

9.16 The objection makes reference to an outline foul water drainage proposed by Albion Water in 2019 which also included an anaerobic digestion plant. Prior to the Albion proposals emerging, South West Water (**SWW**) had been working with the existing developers to provide an off-site solution, involving the construction of pumping stations and new mains to convey flows to their existing Newham Sewage Treatment Works. SWW had already committed significant investment to upgrade their works, including the increasing of capacity to accommodate Langarth Garden Village. Whilst the Albion proposals were an interesting alternative to the more developed SWW scheme, the Council considered that the proposals were insufficiently developed and carried too many risks in terms of EA consenting, planning and timescales to meet the programme for the Scheme. This view was also shared by the four main landowners/developers, who in the summer of 2019, formally requested that SWW commence with delivering their scheme via a requisition. The Albion proposal would have required the acquisition or use of a greater area of land in the objectors' ownership. As such, the Council incorporated the SWW scheme into the masterplan and the Planning Permission.

9.17 Both Council officers and JLL have engaged with the objectors and the agent appointed by the objectors to take forward negotiations to acquire the new rights sought over plots 166, 186, 522, 524 and 582 and to provide clarity as to the impact of the CPO and the Scheme on the access to the objectors' land and buildings. The Council has also engaged with the objectors to ensure that any impacts of the Scheme on the business operated by the objectors are mitigated as far as possible. The Council has offered to enter into a deed of undertaking with the objectors to secure any covenants made by the Council as to continued access to the objectors' retained land and its use of any new rights acquired over the watercourse.

9.18 **CPO Objector Number: 4**

Plot 524 (acquisition of new rights)

9.19 The Council understands that the objector has recently acquired land to the north of the Site although the transfer has yet to be reflected in the registered title held at HM Land Registry. The land includes plot 524 over which new rights are sought relating to the drainage of surface water from the Site.

9.20 The objection can be summarised as follows:

9.20.1 failure by the Council to serve notice of the CPO on the objector

9.20.2 failure to exhaust option to acquire rights by agreement to negate requirement for use of compulsory purchase powers

- 9.20.3 Concerns as to the effect of the CPO on the objector's property including concerns over future access and concerns over road safety in light of the requirement for new residential occupants to share the road with HGVs and agricultural machinery.
- 9.21 As set out above in relation to objection number 4, the previous owner of plot 524 failed to complete a request for information served on them as part of the land referencing process. As a result, the Council was unaware of the change in land ownership which remains unregistered at HM Land Registry. Duplicate notices have subsequently been served on the objector and the objection was received within the statutory period.
- 9.22 JLL is engaged with the objector and its appointed agent regarding the acquisition by agreement of the new rights sought over the watercourse and to provide clarification as to the design (including road safety audit) of the highways solution proposed by the Scheme and the impact on access to the objector's property.
- 9.23 **CPO Objector Number: 5**
Plots 165, 181, 185, 187 (permanent acquisition)
- 9.24 The objectors own and occupy a property, part of landholding of which is included within the CPO for permanent acquisition. The objection can be summarised as follows:
- 9.24.1 No compelling case to justify inclusion of land in the CPO. AA has not sufficiently demonstrated need to include land in the CPO.
- 9.24.2 Land acquisition will blight retained land.
- 9.24.3 Legal agreement required to ensure that works are undertaken in such a way as to mitigate effects of scheme on retained land and business
- 9.24.4 Land acquisition will significantly reduce the land available and used as a small holding making it commercially unviable
- 9.24.5 Land acquisition will fundamentally harm commercial occupation of holiday caravan on property by removing access
- 9.24.6 Land acquisition will prevent future development of property
- 9.24.7 No information as to how future right of access to property will be maintained
- 9.24.8 Negotiations have been limited in scope, unrealistic and do not demonstrate reasonable attempts to acquire the land by agreement.
- 9.25 JLL and Council officers have been in direct discussion with the objectors for some time prior to and following the making of the CPO in relation to acquiring the objectors' land by agreement including exploring a range of solutions to assist the objectors.
- 9.26 The Council carefully considered the extent to which that land is required to deliver the key strategic infrastructure needed to facilitate the development of the Scheme as permitted pursuant to the Planning Permission.
- 9.27 The Council has written to the objectors to confirm that (i) plots 181 and 185 are needed to deliver the Bosvisack corridor which will include the strategic valley cycle route, gravity foul trunk sewer and surface water attenuation ponds and (ii) new rights are required over Plot 187 to facilitate surface drainage.
- 9.28 The Council has engaged with the objectors regarding possible impacts on their retained land and has proposed a deed of undertaking to commit to any assurances and mitigations that arise from those discussions, including endeavouring to assist the objectors to identify and source suitable alternative land in the area for their smallholding and ways to maintain access to the holiday caravan.

The Council has confirmed that access to the retained land will be maintained throughout both the construction and operation of the Scheme.

9.29 **CPO Objector Number: 6**

Plots 555, 590, 592, 595, 600, 620 and 635 (permanent acquisition)

9.30 The objector is the freehold owner of plot 595. An associated company is the freehold owner of plots 555, 590 and 592. A second associated company has the benefit of an option to acquire the freehold interest in plot 600 while a third associated company has an option to acquire the freehold interest in plots 620 and 635.

9.31 In preparing for the use of its compulsory purchase powers, the Council has been in regular contact with the objector and representatives of their associated companies and has sought, where practicable, to respond to concerns and to provide requested information as to both the acquisition of Plots 555, 590, 592, 595, 600, 620 and 635 of the CPO, and the potential impacts of the development on the objectors' retained land interests. Separate engagement has also taken place between the objector, representatives of their associated companies, and representatives of Treveth (who are assisting the Council with the delivery of the Scheme).

9.32 The objection can be summarised as follows:

- 9.32.1 Not clear what land is included in the CPO and rationale for inclusion of all plots unclear.
- 9.32.2 No explanation of how the objectors' land will remain capable of viable independent delivery following the land acquisition including risk that extant planning permissions will no longer be capable of implementation.
- 9.32.3 Land take is inefficient.
- 9.32.4 No clear land acquisition strategy to justify why some parcels needed but not others to deliver a comprehensive development.
- 9.32.5 Lack of clarity on phases, with some residential phases not occurring until 2032 with the concern that this unnecessarily sterilises the development potential of the objectors' land for an extended period.
- 9.32.6 Rate of delivery no better than existing market
- 9.32.7 Delivery relies on private landowners to deliver on land outside CPO therefore does not achieve comprehensive development; it is a contradiction to say private market failed to deliver but then rely on private market to deliver part of scheme.
- 9.32.8 Council's wider scheme could have integrated extant permissions (including original NAR alignment)
- 9.32.9 No rationale for taking developable land from private sector developers who are actively promoting beneficial development.
- 9.32.10 The Council has not shown that its own proposals are deliverable.
- 9.32.11 The Council has no coherent land acquisition strategy.
- 9.32.12 Failure to show funding in place to deliver the NAR; construction costs to support the HIF bid out of date and there is no public position updating costs.
- 9.32.13 Scheme faces serious impediments, especially as regards current viability.

- 9.33 All statutory notices relating to the CPO were accompanied by a copy of the CPO Map showing the plots proposed to be compulsorily acquired. Furthermore, the objector was provided with hard copies of the CPO Plans.
- 9.34 The Council has taken a proportionate approach to determining the Order Land, seeking to limit the extent of third party land included within the CPO where appropriate. In setting the boundary of the Order Land, the Council carefully considered the third party land required to deliver the key strategic infrastructure needed to facilitate the Scheme in accordance with the Planning Permission. JLL has written to the objectors to confirm the purpose for which the objectors' land interests are required.
- 9.35 As explained in the Statement of Reasons accompanying the CPO, certain development parcels which are within the boundary of the Planning Permission are not included in the Order Land on the basis that these parcels are considered to be capable of independent viable delivery by existing landowners and so are likely to come forward without the need for public sector intervention.
- 9.36 The Council has confirmed to the objectors that where land is compulsorily acquired to facilitate construction, but is not permanently required for its operation (e.g. working areas), any such surplus land will be offered back to the person from whom it was acquired in accordance with the CPO Guidance. As an alternative to the use of compulsory purpose powers in relation to land only required for the period of construction of the Scheme, the Council has offered to explore the possibility of entering into an agreement with the objectors on terms that would allow the Council to make use of certain of the areas proposed for acquisition on a temporary basis during the construction process. This would avoid the need for permanent acquisition of certain land parcels that are not permanently required following completion of construction.
- 9.37 The Council's approach to land acquisition is set out on the Langarth Garden Village project web page and also within the Statement of Reasons accompanying the CPO. The Council has taken a strategic approach by responding to opportunities as they arise to acquire land within the overall Scheme area on terms that it could demonstrate as reasonable, financially prudent and commercially advantageous, with a particular focus on securing land required for delivery of critical infrastructure together with sufficient additional land to ensure future housing development is delivered at a pace and quality that conforms with Local Plan policies and the place-making and Garden Community principles that the Scheme seeks to promote. This approach has resulted in the Council successfully acquiring the freehold interest or required rights in, or agreeing for the surrender, release or variation of various rights, interests and obligations in the majority of the Order Land (more than 90% by land area) and approximately two thirds of the entire Scheme Area.
- 9.38 With regard to phasing, the Council has referred the objectors to the NAR staging plan approved pursuant to planning condition 4 of the Garden Village Permission. This illustrates the Council's proposals to construct the NAR in a number of stages, west to east. This approach is primarily informed by landownership/access considerations (for example, to facilitate the transport and storage of materials on land owned by the Council). It is also informed by the desire to minimise impacts on Royal Cornwall Hospital, to the east.
- 9.39 In terms of timing, the construction programme for the NAR is primarily driven by the HIF delivery milestones. The target completion date for the NAR, assuming the CPO is confirmed, is 31 March 2025.
- 9.40 Phasing of the residential development has been developed with regard to a number of key development constraints, including landownership, the need to ensure a continued construction access to the existing highway and the need to coordinate housing delivery with the delivery of key strategic infrastructure such as the NAR but also including the primary school(s), SANG, Energy Centre etc. Without prejudice to the final say of the LPA in the matter, the Council has suggested that it may be possible to amend the current phasing plan to facilitate earlier delivery on phases which are currently identified for later delivery. Any such alternative phasing proposals would need to be compatible with the construction programme for the NAR (to ensure that new homes and community facilities etc. are, where necessary, served by the new road at the appropriate time). They should also be assessed for any likely significant environmental effects relative to the current phasing proposals.

- 9.41 The objectors' concerns regarding the proposed rate of delivery of new homes must be viewed within the context of the market failure to deliver any homes on the Site to date. This underpins the need for the masterplan for the Scheme and public sector intervention to unlock delivery, as explained in the Statement of Reasons accompanying the CPO. The Planning Permission is informed by reasonable assumptions around delivery rates, based on market information available at the time the planning application was submitted. The estimate of 150 units per year represents an acceleration of current housing delivery in Truro and remains, in the Council's view, a reasonable average over the total project delivery timeframe.
- 9.42 With regard to the delivery strategy for land not included within the Order Land, as set out in the Statement of Reasons accompanying the CPO, the previous permissions benefiting the Site facilitated (in the main) retail-led delivery. Development under these permissions has failed to come forward and some permissions have now lapsed. In contrast, (i) the objectors' retained land now benefits from the Planning Permission (thereby increasing the options for delivery on these plots) and (ii) the Council has committed to constructing the NAR across the Site with the benefit of HIF grant funding, thereby facilitating delivery. In these circumstances, it is reasonable to expect the private sector to deliver those parts that are excluded from the Order Land – either pursuant to the Planning Permission (which would be the Council's preference) or pursuant to the private sector's own development consents.
- 9.43 The Council acknowledges some overlap in the land required to deliver highway improvements under the Petrol Filling Station (**PFS**) permission (reference PA18/11022 dated 12 September 2019 as revised by permission ref PA21/06047 dated 20 September 2021) and Hotel/Drive Thru permission (reference PA19/07921 dated 30 November 2020) and the land required to deliver highway improvements under the Planning Permission. However, the land required to construct the PFS and Hotel/Drive Thru themselves have been purposely excluded from the Planning Permission in order to facilitate these two developments coming forward on their own terms. The Council remains confident that, through constructive dialogue with the LPA and Highway Authority (but without prejudice to their final say on matters), the areas of overlap can be conformed such that these permissions are capable of implementation independently of and alongside the Scheme.
- 9.44 With regard to the design of the NAR, the NAR as permitted under the Planning Permission incorporates some changes to the alignment and gradient of the road as previously consented by the objectors' earlier planning permissions, as well as eliminating the need for an additional roundabout.
- 9.45 These changes were informed by changes to transport and drainage planning policies and guidance as well as a comprehensive Site-wide assessment of a number of physical factors, including ground conditions, topography and levels. The revised NAR design is also informed by the following objectives:
- 9.45.1 to reduce cut and fill works (and associated environmental impacts);
 - 9.45.2 to ensure the gradient for the NAR is set at a level which facilitates its use for walking and cycling;
 - 9.45.3 to facilitate a design which accommodates lower speeds which also encourages the use of the NAR for walking and cycling (in practice, this means a slightly bendier road with shorter straight sections); and
 - 9.45.4 to accommodate a segregated walking and cycle route.
- 9.46 In summary, the revised NAR design is influenced by changes in policy/guidance, physical constraints as well as broader sustainability objectives at the heart of the Scheme. The Council considers that the NAR as consented pursuant to the Planning Permission is far more suitable for the new Langarth Garden Village than the previously consented NAR and is promoting it on this basis.
- 9.47 As set out above at paragraph 6.16 above, the HIF estimate in 2019 included several assumptions to cover the likely design development of the NAR including risk, inflation, contingency and optimism

bias. Those factors are reviewed on a monthly basis to ensure the project is being delivered within budget.. The forecast NAR cost is updated monthly and reported to Homes England each quarter.

9.48 **CPO Objector Number: 7**

Plot 620 (permanent acquisition)

9.49 The objectors are the freehold owner of plot 620 together with adjacent land outside of the Order Land.

9.50 The objection can be summarised as:

9.50.1 the CPO fails to provide protective provisions as to the conditions to the drawdown of land, the use of haul roads by the Council within land owned by the objectors, the transportation of certain material within land owned by the objectors and the carrying out of accommodation works.

9.50.2 The absence of a legal agreement to provide above protections

9.50.3 Lack of above agreements mean that CPO proposed before it was ready

9.50.4 No protection to ensure that no mining or mineral rights are sterilised or compromised as a result of the CPO.

9.51 JLL has engaged with the objectors to confirm that no works or haul roads are required on or over the objectors' retained land and that the only accommodation works would be to place a fence along the boundary of the Order Land. This engagement will continue in parallel with the statutory process in order to ensure that the objectors' concerns are addressed as far as practicable.

10. THE SIDE ROADS ORDER

10.1 The SRO is known as the "Cornwall Council (Truro Northern Access Road) (Classified Road) (Side Roads) Order 2022". The SRO is made under sections 14 and 125 of the Highways Act 1980.

Authority to make the SRO

10.2 On 15 June 2022, the Council resolved to make the SRO. On 1 November 2022 the SRO was made by the Council in accordance with such authorisation. The SRO was made and sealed prior to the making and sealing of the CPO.

SRO Enabling Powers

10.3 The SRO, if confirmed by the Secretary of State for Transport, will provide for the stopping up and improvement of highways which connect with the new classified road to be delivered as part of the Scheme, for the construction of new highways, the stopping up of private means of access to premises, the provision of new means of access to them, and other associated works, including alterations to Public Rights of Way (**PRoW**).

10.4 The SRO refers to the NAR as the "classified road". The NAR, when constructed, is to be classified as a "C" road.

10.5 The SRO is made under the following powers of the Highways Act 1980:

10.5.1 Section 14 – An order under this section in relation to a trunk road or a classified road, not being in either case a special road, may authorise the highway authority for the road:

- to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road or is or will be otherwise affected by the construction or improvement of the road;

- to construct a new highway for purposes concerned with any such alteration as aforesaid or for any other purpose connected with the road or its construction and to close after such period as may be specified in the order any new highway so constructed for temporary purposes; and
- for any purpose incidental to the above purposes.

10.5.2 Section 125 - An order made by the Council under Section 14 (a side roads order) may authorise the Council to:

- stop up any private means of access to premises adjoining or adjacent to land comprised in the route of the classified road, or forming the site of any works authorised by the side roads order; and
- provide a new means of access to any such premises.

Need and Justification for the SRO

- 10.6 Any failure to confirm the SRO would prevent the necessary changes being made to the local highway network to enable the implementation and delivery of the Scheme. The SRO is, therefore, integral to the ability to deliver the Scheme and to ensure the consequential benefits, including enabling the Langarth Garden Village.
- 10.7 Sections 14(6) and 125(3) of the Highways Act 1980 set out two key tests against which the Secretary of State for Transport will assess the SRO and decide whether or not to confirm the SRO. These key tests are repeated in the SRO Guidance and are as follows.

Section 14(6)

- 10.8 Under this Section no order authorising the stopping up of a highway shall be made or confirmed by the Minister unless he is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.
- 10.9 Where any highway is to be stopped up pursuant to the SRO, it is the case that another reasonably convenient route is already available or will be provided by the Scheme. This is explained on a case by case basis within the relevant paragraphs below. In all cases therefore, the statutory test is met.

Section 125(3)

- 10.10 Under this Section no order authorising the stopping up of a means of access to premises shall be made or confirmed by the Minister unless he is satisfied that no access to the premises is reasonably required or that another reasonably convenient means of access to the premises is available or will be provided.
- 10.11 Where any private means of access is to be stopped up pursuant to the SRO, it is the case that either no replacement access to the premises is reasonably required, or, that another reasonably convenient route is already available or will be provided by the Scheme. This is explained on a case by case basis within the relevant paragraphs below. In all cases therefore, the statutory test is met.

Details of the SRO

- 10.12 The SRO works are detailed in Schedules 1 to 9 of the SRO and shown diagrammatically on the nine SRO Plans numbered '1 of 9' to '9 of 9' respectively.
- 10.13 The following descriptions should be read in conjunction with the Schedules in the SRO and the SRO Plans.
- 10.14 The SRO, if confirmed by the Secretary of State for Transport, will authorise the Council to:

- Improve the lengths of highway named in the Schedules and shown on the corresponding Site Plan by cross hatching;
- Stop up each length of highway described in the Schedules and shown on the corresponding Site Plan by zebra hatching;
- Construct a new highway along each route whose centreline is shown by an unbroken black line surrounded by stipple;
- Stop up each private means of access to premises described in the Schedules and shown on the corresponding Site Plan by a solid black band; and
- Provide new private means of access to premises at each location shown on a Site Plan by thin diagonal hatching.

- 10.15 The proposed arrangements are detailed below. In the following descriptions capital letters (e.g. 'A') refer to lengths of new highway, which will be a road unless the words "footpath", "bridleway" or "cycle track" appear alongside its reference in the Schedules to the SRO; numbers (e.g. '1') refer to new private means of access, and numbers preceded by a capital X (e.g. 'X1') refer to private means of access to be stopped up. Highways to be improved and highways to be stopped up do not have a reference but are described in the Schedules to the SRO.
- 10.16 Any improvements to the existing highway network may result in the loss, replacement, or renewal of, or additions to existing assets within the public highway; these are, but are not limited to, drainage, street lighting, signage, traffic signal apparatus, kerb alignment (horizontal and vertical), paved areas including footways, cycle tracks and the pavement, verge areas and soft landscaping. The changes required will be dependent upon the detailed design requirements and layout at each section of the highway.
- 10.17 The area of improvement shown on the SRO Plans includes the full extent of the public highway, including verge areas where they form part of the highway, unless otherwise stated.
- 10.18 Where land is proposed to be acquired for the provision of highway drainage ponds, this will include the land required to enable the Council to access those ponds. Whilst the drainage ponds and related accesses are shown on the SRO Plans, these accesses are not referenced/numbered as new (or replacement) private means of access.

Improvements

- 10.19 The SRO provides for the following improvements to the existing public highway:
- 10.19.1 The levels and alignment of the A390 are to be altered from a point 102m northwest of its junction with the centre line of West Langarth Farm access, then in a south-easterly direction for a distance of 535m. The West Langarth Junction will form part of the A390 as shown on SRO Plan 1.
- 10.19.2 The levels and alignment of the A390 are to be altered from a point 417m northwest of its junction with the centre line of the Interim Link Road then in a south-easterly direction for a distance of 496m as shown on SRO Plan 2.
- 10.19.3 The alteration of the levels of Unclassified Road (C0290) from a point 62m south of Caravan Site Access southwards over a distance of 40m as shown on SRO Plan 3.
- 10.19.4 The improvement of Unclassified Road (C0360) from a point 44m north-east of the junction with Unclassified Road C0290 for a distance of 74m as shown on SRO Plan 4.
- 10.19.5 The alteration of the levels and alignment of Penventinnie Lane (U6076) 23m southwest from its junction with the Hospital Laboratory access south-west wards for a distance of 27m together also with the levels and alignment to be altered from a point 11m south of its

junction with the Hospital Car Park access then in a southerly direction for a distance of 24m as shown on SRO Plan 6.

- 10.19.6 The improvement of the A390 (pedestrian and cyclist path on the northern side) from a point 120m northwest of its junction with Rosedene Farm access in a south easterly direction for 441m as shown on SRO Plan 8.

New highways

- 10.20 The SRO provides for the creation of the following new highways:

10.20.1 The creation of new bridleway shown as A, B, C and D on SRO Plan 1.

10.20.2 The creation of new bridleway shown as A, C and D, and new highways shown as E and F on SRO Plan 2.

10.20.3 The creation of new bridleway shown as G and H and new highway shown as J on SRO Plan 3.

10.20.4 The creation of new bridleway shown as K, M, N, P and Q together with new highway shown as L on SRO Plan 4.

10.20.5 The creation of new highway shown as R on SRO Plan 5.

10.20.6 The creation of new highway shown as S on SRO Plan 6.

Highway to be stopped up

- 10.21 The SRO provides for the following sections of highway to be stopped up:

10.21.1 Public Footpath FP309021 from its junction with the A390 northwards for a distance of 133m as shown on SRO Plan 9.

10.21.2 The A390 from its junction with the Ashgrove Farm access, north west for a distance of 433m as shown on SRO Plan 9.

10.21.3 Unclassified Road (C0290) from a point 248m northwards from its junction with the C0360, then in a southerly direction for a distance of 286m as shown on SRO Plan 7.

10.21.4 Unclassified Road (C0360) from a point 166m southwest of its junction with the C0290 then in a north-easterly direction for a distance of 227m as shown on SRO Plan 7.

Private means of access to be stopped up

- 10.22 The SRO provides for the stopping up of the following private means of access:

10.22.1 Access from West Langarth Farmhouse, and properties beyond to the A390 as shown on SRO Plan 3 (reference a)

10.22.2 Access from the A390 to West Langarth Bungalow and properties beyond as shown on SRO Plan 3 (reference b)

10.22.3 Access from the A390, C0360 and C02090 to Woodclose and properties beyond as shown on SRO Plan 4 (reference c)

10.22.4 Access from the A390 and C0360 to Willow Green Cottage and properties beyond as shown on SRP Plan 4 (reference c)

- 10.22.5 Access from the A390, C0360 and bridleway 309029 to East Langarth Farm as shown on SRO Plan 4 (reference c)
- 10.22.6 Access from the A390 to Willow Green Farm and properties beyond as shown on SRO Plan 4 (reference d)
- 10.22.7 Access from Willow Green Farm and properties beyond to the A390 as shown on SRO Plan 4 (reference e)

Private means of access to be created

- 10.23 The SRO provides for the following new private means of access to be created:
 - 10.23.1 Extension of existing private means of access to and from Ashgrove Farm as shown on SRO Plan 1 (reference 1)
 - 10.23.2 Creation of private means of access to and from drainage ponds as shown on SRO Plans 1 and 2 (reference 2 – including private vehicular rights over part of proposed Bridleway D), SRO Plan 2 (references 3 and 16) SRO Plan 3 (reference 6), SRO Plan 4 (references 9, 10 and 11) and SRO Plan 5 (references 13, 14 and 15)
 - 10.23.3 Creation of a private means of access for the benefit of future development parcels as shown on SRO Plan 3 (references 5 and 7)
 - 10.23.4 Replacement access to and from West Langarth Farm Farmhouse and properties beyond as shown on SRO Plan 3 (reference 4)
 - 10.23.5 Replacement access to and from West Langarth Bungalow and properties beyond as shown on SRO Plan 3 (reference 4)
 - 10.23.6 Replacement access to and from East Langarth Farm as shown on SRO Plan 4 (reference 8 – includes private vehicular rights over proposed Bridleway N)
 - 10.23.7 Replacement access to and from Willow Green Farm and properties beyond as shown on SRO Plan 4 (reference 12).
- 10.24 The Council is satisfied that,
 - 10.24.1 as respects each length of highway being stopped up pursuant to the SRO, that another reasonably convenient route is available or will be provided before that length is stopped up, and
 - 10.24.2 as respects each length of private means of access to be stopped up pursuant to the SRO, that other reasonably convenient means of access to relevant premises are available or will be provided before that length is stopped up.
- 10.25 The SRO also provides that, where any statutory undertaker or any telecommunications code system operator has apparatus under, in, on, over, along or across a length of highway immediately before it is stopped up then those undertakers, or that operator, as the case may be, shall have the same rights as respects that apparatus as they had immediately before the stopping up took place.
- 10.26 Accordingly, the Council is satisfied that the statutory requirements of Sections 14(6) and 125(3) of the Highways Act 1980 together with the key tests set out in Circular 1/97, will be satisfied should the SRO be confirmed by the Secretary of State.
- 11. **OBJECTIONS TO THE SRO**
 - 11.1 The Secretary of State has received nine objections to the SRO although four of these (objections 6, 7, 8 and 9) are on identical terms and have therefore been addressed together in this Statement of Case.

11.2 **SRO Objector Number: 1**

Plots 165, 200, 205, 215, 225, 231, 240, 250 and 260 (permanent acquisition)

11.3 This objector to the SRO has also objected to the CPO on identical terms (see CPO Objector Number 1). Please see paragraphs 9.4 and 9.5 above for details of the objection.

11.4 The Council has engaged with the objectors to explain the impact of the SRO on the highways network in the vicinity of the property and to confirm that the property will continue to enjoy vehicular access during both the construction and operational phases of the Scheme.

11.5 **SRO Objector Number: 2**

Plot 70 (permanent acquisition)

11.6 This objector to the SRO has also objected to the CPO on identical terms (see CPO Objector Number 2). Please see paragraphs 9.8 and 9.9 above for details of the objection.

11.7 As above, the objector does not own or occupy plot 70, but benefits from a restrictive covenant over the land. The SRO does not impact on any private means of access to plot 70. The Council has written to the objector to explain the impact of the SRO on the wider highway network within the vicinity of plot 70.

11.8 **SRO Objector Number: 3**

Plots 166, 186, 522, 524 and 582 (acquisition of new rights) and plots 200, 250 and 260 (permanent acquisition)

11.9 The objectors have also objected to the CPO (see CPO Objector Number 3 above). The objectors own land outside of the boundary of the Order Land but which has the benefit of prescriptive rights of access over an existing lane which runs through the Order Land and which is proposed for permanent acquisition.

11.10 The objection can be summarised as follows:

11.10.1 Incorrect ownership identification resulting in incorrect service of notice.

11.10.2 Lack of engagement and inadequate negotiations to acquire rights by agreement.

11.10.3 Effect on business - Existing and satisfactory road access will be prevented in the short term and significantly detrimentally altered in the long term, removing ability for 24/7 access for HGVs and agricultural machinery access

11.10.4 Road closures in place or planned without proper consideration of effect on business e.g. closures in Jan 23 affecting cauliflower harvest.

11.10.5 New proposed road cannot be safely or practically used by larger vehicles. Safety concerns for new residents of the Scheme who will be sharing road with HGVs and agricultural machinery.

11.10.6 Alternative route for HGV/ agricultural vehicles will be longer and not suitable, leaving the property effectively landlocked to commercial vehicles, ruining business interests.

11.10.7 Lack of verge on southern side of road for pedestrians and proposed footway to north side stops short of second bend.

11.10.8 Only one position that a car could wait for larger vehicles forced onto the opposite side of the road.

11.10.9 No visibility for large vehicle drivers.

- 11.11 The Council's engagement with the objectors is demonstrated by the design for the NAR taking into account comments and information provided by the objector at public meetings and subsequent meetings with Council staff and consultants in 2021. Regular meetings and engagement have followed since with the objective of providing information or seeking to address concerns raised by the objectors in relation to any potential impact of the SRO and the Scheme on the objector's adjacent land and business interests.
- 11.12 The Council has written to the objectors to clarify that any works that have been undertaken on the highway network to date have commenced pursuant to separate powers held by the Local Highways Authority and are not the subject of the current SRO application.
- 11.13 The Council has also sought to reassure the objectors that the NAR junctions and side road connections have been designed to accommodate HGVs and long agricultural trailers. Furthermore, the Council is committed to providing continued access for HGVs and other agricultural vehicles/machinery during the construction phase of the development.
- 11.14 The construction of the NAR, junctions and side road connections is subject to a number of planning conditions, including planning condition (9) (construction quality control plan) and planning condition (11) (construction traffic management plan). These seek to ensure that works are carried out in accordance with all relevant rules, regulations and best practice and that, so far as reasonably practicable, the impacts of development on existing road users are minimised. Both conditions 9 and 11 have been discharged by the LPA.
- 11.15 The NAR already benefits from detailed planning permission. It has therefore been deemed acceptable by the LPA and the Local Highway Authority, in design and road safety terms. The design of the new road has been subject to all relevant road safety audit processes. A road safety audit was undertaken at the end of the design stage in September 2021 and the auditor raised no concerns about the junctions or roads serving the objectors' land. The "as constructed" road will be subject to Stage 3 road safety audits (day and night) to ensure the safety of all permitted classes of road user.
- 11.16 The existing 'Quiet Lane' designation for C0290 and C0360 recognises the promotion of equal use for pedestrians, cyclists and equestrian users. The lanes are narrow with occasional passing places and no separate footways. The Scheme further promotes walking and cycling and to that end will establish the NAR speed limit as 20 mph. It should be noted therefore that all vehicle movement in this location will be in a low-speed environment.
- 11.17 The Council has provided additional drawings to the objectors demonstrating the swept path analysis for HGVs and long tractor/trailer combinations. It is noted that long vehicles need to traverse the opposing vehicle lane to enter the junction and this is considered to be safe due to the low speed environment and appropriate visibility. However, the Council has reviewed the junctions again to see if minor kerb adjustments would better accommodate long vehicles without adversely affecting the nature of the NAR and the Scheme. Such minor kerb revisions to the southerly junction avoid the need to use the opposite lane on the NAR for turning into the junction. The northerly junction will remain as designed. Updated vehicle swept path drawings have been shared with the objector and a meeting has been offered to the objector's highways consultant.
- 11.18 **SRO Objector Number: 4**
Plot 524 (acquisition of new rights)
- 11.19 This objector has also objected to the CPO (see CPO Objector Number 4 above). The Council understands that the objector has recently acquired land to the north of the Site from which it runs a building operations company.
- 11.20 The objection can be summarised as follows:
- 11.20.1 Not served notice of SRO whereas should have been as owner of CL247189.
- 11.20.2 Lack of engagement.

- 11.20.3 Effect on access will have detrimental effect on business of objector.
- 11.20.4 Safety concerns of new residents sharing access with HGV and large machinery which doesn't currently occur. Planned increase in traffic would be problematic.
- 11.21 As set out above in relation to objection number 4 to the CPO (paragraph 9.11), the previous owner of plot 524 failed to complete a request for information served on them as part of the land referencing process. As a result, the Council was unaware of the change in land ownership which remains unregistered at HM Land Registry. Duplicate notices have subsequently been served on the objector and the objection to the SRO was received within the statutory period.
- 11.22 The Council has written to the objector and its appointed agent regarding the impact of the SRO on the highways network in the vicinity of the objector's property. This has included confirmation that the NAR junctions and side road connections have been designed to accommodate HGVs and long agricultural trailers and that the Council is committed to providing continued access for HGVs and other agricultural vehicles/machinery during the construction phase of the development.
- 11.23 The Council has offered to meet with the objector to discuss any specific concerns that it may have regarding the impact of the SRO on access to the property for the purpose of its business operations.
- 11.24 **SRO Objector Number: 5**
- Plots 165, 181, 185, and 187 (permanent acquisition)**
- 11.25 These objectors to the SRO have also objected to the CPO (see CPO Objector 5 above). As set out at paragraph 9.23 above, the objectors own and occupy a property adjacent to the Order Land.
- 11.26 The objection to the SRO can be summarised as follows:
- 11.26.1 Not been provided with details of the new legal rights of access, nor have these been documented.
- 11.26.2 Request legal agreements to fully protect the access rights to the property and ensure any losses, costs and inconvenience are appropriately compensated for as a result of impact on access rights.
- 11.26.3 No reassurance has been provided that access will be provided to property (and the commercial letting on the property) at all times, without restriction.
- 11.26.4 Detailed design and specification of the proposed new highway and private means of access have not been provided.
- 11.26.5 Require details of proposed traffic control measures to prevent unauthorised and antisocial use of the school access road and adjacent private access.
- 11.26.6 Require confirmation of whether the track to the fishing ponds which passes the property is proposed for increased use.
- 11.26.7 Scheme results in significant reduction in the distance from the property to a public highway. No details of noise mitigation and/or screening have been provided. Concerned that the proposed road will adversely affect the quiet and peaceful setting to the detriment of the property and its value.
- 11.27 The Council has engaged with the objectors with a view to addressing the concerns raised in their objection.
- 11.28 This has included:

- 11.28.1 confirmation that the SRO does not prevent vehicle access along the lane to and from existing properties and that the objectors' existing vehicular access to their property will be maintained throughout both the construction and operation of the Scheme
- 11.28.2 confirmation that, where necessary, new rights of access will be granted over land acquired by the Council in order to provide access to and from existing properties and the public highway
- 11.28.3 details of how their existing property will continue to be accessed during both the construction and operation of the Scheme
- 11.28.4 details of the proposed access to the new school within the Scheme and the existing fishing ponds and
- 11.28.5 details of the NAR and the Scheme in order to provide reassurance as to the likelihood, nature and extent of any impact of the NAR on the continued enjoyment of the property.
- 11.29 The Council has offered a further meeting to discuss the objectors' concerns and to enter into a deed of undertaking with the objectors to commit to assurances made by the Council as to continued vehicular access to the property.
- 11.30 **SRO Objector Number: 6, 7, 8 and 9**
Plots 555, 590, 592, 595, 600, 620 and 635 (permanent acquisition)
- 11.31 The objectors have also objected to the CPO (see CPO Objection Number 6 above). The objection can be summarised as follows:
- 11.31.1 The proposed road layout does not provide a reasonably convenient alternative route for Willow Green Farm (i) to the west-bound A390 at the Langarth Park and Ride roundabout and (ii) north bound to Langarth, Bosvisack and Tregavethan Manor. Alternative routes are longer and not reasonably convenient.
- 11.31.2 The alternative private means of access proposed for Willow Green Farm is not a reasonably convenient means of access and is dependent on the CPO for delivery.
- 11.31.3 The NAR alignment will sever northern and southern parts of Willow Green site, Willow Green Farm Lane and the southern parcels of the Maiden Green site with the alignment putting development proposals at risk – the classified road does not provide a reasonably convenient route in place of existing highways network.
- 11.31.4 Provision of NAR is dependent on CPO and so without the CPO the NAR cannot provide a reasonably convenient route.
- 11.31.5 The PFS Link road is not complete and cannot be completed without the CPO and so the PFS Link does not provide a reasonably convenient link.
- 11.31.6 The link between the NAR and Oak Lane serves no purpose without the NAR and so does not provide a reasonably convenient route. It is also dependent upon the on the confirmation of the CPO and so without the CPO it does not provide a reasonably convenient route.
- 11.31.7 Proposed new private means of access (**PMA**) numbers 11, 13, 14 and 15 impose a further land take burden on Willow Green and Maiden Green sites and limit the developability of those sites. The new PMAs are not needed without the NAR which cannot be delivered without the CPO and so without the CPO the PMAs will serve no purpose.
- 11.32 Members of the Council's Langarth Garden Village project team have been in regular contact with the objectors and have sought to provide requested information about the potential impacts of the SRO on their retained land interests.

- 11.33 The SRO does not, of itself, authorise the construction of the NAR. The purpose of the SRO is to authorise those amendments to the existing highways network needed to facilitate the construction and operation of the NAR. Detailed planning permission for the construction of the NAR has already been granted by the LPA. It is not a relevant test for the making or confirmation of the SRO that the NAR (as the classified road to which the SRO relates) provides a “reasonably convenient route”.
- 11.34 This test is however relevant where a private means of access is proposed to be stopped up by the SRO. Section 125(3) of the Highways Act 1980 provides that, before making an order to stop up a private means of access, the Secretary of State must be satisfied either that no access to that property is reasonably required or that another reasonably convenient means of access to the property is already available or will be provided.
- 11.35 It is also relevant where public highway is proposed to be stopped up by the SRO. Again, before making an order to stop up an area of public highway, the Secretary of State must be satisfied that another reasonably convenient means of access to is already available or will be provided.
- 11.36 There is therefore no requirement on the Council to demonstrate that the NAR, the PFS Link or the link between the NAR and Oak Lane are “reasonably convenient”, save to the extent that any of these are intended to provide the alternative means of access in relation to an area of public highway, or a private means of access, that would be stopped up were the SRO to be confirmed.
- 11.37 It is agreed that the SRO and the CPO are inextricably linked. It is also correct that the need to stop up, divert, improve, raise, lower or otherwise alter an existing highway that crosses or enters the route of the NAR (as sought by the SRO), would not be needed unless the NAR is constructed. Accordingly, the two orders have been promoted together to ensure that issues common to both orders can be considered jointly, with the intention that a single conjoined public inquiry will be held to hear objections to both orders as part of a co-ordinated determination process.
- 11.38 Willow Green Farm has an existing access track connecting directly from the A390 dual carriageway which can only be accessed travelling in the eastbound direction. The revised PMA will connect to a new side road off the NAR which will be capable of access in both the eastbound and westbound direction. The travel distance will depend wholly upon the direction of travel but overall the new layout will be more convenient than the existing access:
- 11.38.1 Travelling eastbound from the A30 trunk road to Willow Green Farm a driver would use the new NAR and the travel distance would be of negligible difference to that using the A390. Travelling westbound access would be along the new Eastern Link (also referred to as the PFS Link) and then along the NAR reducing the travel distance from 1.79km to 0.54km (measured from the junction at Richard Iander School/Higher Besore Road) a reduction of 1.25km making the new access more convenient than the existing.
- 11.38.2 Travelling from the Willow Green Farm access north to Langarth, Bosvisack etc is currently a distance of 2.77km to the Langarth Farm using the A390 and quiet lane. This will be reduced to 0.8km using the NAR and new side road connection saving 1.97km. In the opposite direction the existing distance travelled to the same locations is 1.55km which will reduce to 0.8km saving 0.75km. As can be seen this will make the new access much more convenient than the existing.
- 11.39 The stopping up of sections of the quiet lanes C0360 and C0290 will have no adverse impact on the objectors’ retained land interests as the revised highway alignments provide access from those fields north east of the closed sections onto the NAR with shorter travel distances to Willow Green Farm lane avoiding the need to travel via the A390 Park and Ride roundabout.
- 11.40 Travelling eastbound from the A390 Park and Ride roundabout to Willow Green Farm using existing routes is a distance of 0.79km. Using the new road network that will become 1.47km, an addition of 0.68km. Travelling westbound from Willow Green Farm to the Park and Ride roundabout is currently 1.94km. That will reduce to 1.51km, saving 0.43km. Overall this journey is slightly less convenient using the new road alignments, but not unreasonably so.

- 11.41 With regard to the concern that the NAR will sever the northern and southern parts of the Willow Green site, Willow Green Farm Lane and the southern parcels of the Maiden Green site:
- 11.41.1 The land to the north of the NAR (Planning plot D3 and beyond) will be served by a new side road connection (PMA12) and south of the NAR (Planning plots E3 and E5) will be served from the NAR by a stub junction. Ongoing use of the south side land remains accessible from the A390.
- 11.41.2 The land beside the new NAR drainage pond will have a field gate access opposite the private access back to the Willow Green Farm lane. That existing lane will continue to serve the farm buildings and adjacent land.
- 11.42 Turning to the concern that proposed new private means of access 11, 13, 14 and 15 impose a further land take burden on Willow Green and Maiden Green sites and limit the developability of those sites:
- 11.42.1 The Scheme and the NAR proposals place a significantly lesser burden on Willow Green than the objector's own consented proposals for the development of Willow Green which had a three-lane access from the spine road/NAR to the A390. The consented spine road in the Maiden Green development is on a broadly similar alignment to the NAR providing similar plot access.
- 11.42.2 The drainage pond accesses have been proposed in the absence of any consented reserved matters and keeping as close as possible to the land take for the road. Both accesses 13 and 14 have been located to coincide with proposed stub junctions into development land with an expectation that the accesses would be amended with Reserved Matters for development. The accesses are capable of being realigned to cater for future development proposals where appropriate access from the public highway is maintained for the highway authority operational purposes.

12. HUMAN RIGHTS CONSIDERATIONS

- 12.1 Section 6 of the Human Rights Act 1998 prohibits a public authority from acting in a way which is incompatible with the rights and fundamental freedoms set out in specified provisions of the European Convention on Human Rights (**Convention Rights**).
- 12.2 Convention Rights likely to be engaged in the process of considering, making, confirming, and implementing a CPO and SRO include those under Article 6 (right to a fair and public hearing to determine a person's civil rights), Article 1 of the First Protocol (right to peaceful enjoyment of possessions) and Article 8 (right to respect for private and family life including a person's home). In addition, in effect, Article 14 prohibits discrimination, on any grounds, in the way public authorities secure enjoyment of the rights protected by the European Convention on Human Rights.
- 12.3 In relation to the rights protected under Article 1 of the First Protocol (right to peaceful enjoyment of possessions) the European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Any interference with a Convention Right must be necessary and proportionate. Compulsory purchase and overriding private rights must be justified by sufficiently compelling reasons in the public interest and must be a proportionate means of achieving the objectives of the Order. Similarly, any interference with rights under Article 8 (right to home life) must be "necessary in a democratic society" and proportionate. The requirements under the Convention are accurately summarised in paragraphs 12 and 13 of the CPO Guidance:

"12. *A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.*

13. *The Minister confirming the order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in land it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be. However, the confirming Minister will consider each case on its own merits and this guidance is not intended to imply that the confirming Minister will require any particular degree of justification for any specific order. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but a confirming Minister will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time. If an acquiring authority does not have a clear idea of how it intends to use the land which it is proposing to acquire and cannot show that all of the necessary resources are likely to be available to achieve that end within a reasonable timescale, it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making.”*

12.4 In making the CPO and SRO, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. It should be noted that no occupied dwellings are included within the Order Land. There is therefore limited potential for the CPO to infringe on those rights protected by Article 8. A compelling case in the public interest exists for the making and confirmation of the Orders. Interference with Convention Rights, to the extent that there is any, is considered to be justified in order to secure the benefits which the Scheme will bring including the economic, social and environmental well-being improvements referred to above. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

12.5 In relation to the requirements of Article 6 (right to a fair and public hearing), these are satisfied by the statutory procedures which include rights to object and to be heard at any public inquiry and by the right to statutory challenge under the Acquisition of Land Act 1981 and Highways Act 1980.

13. EQUALITY ACT 2010

13.1 In discharging all its functions, the Council has a statutory duty under section 149 of the Equality Act 2010 to have due regard to the need to:

13.1.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

13.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

13.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

13.2 Section 149 gives greater detail of what each of the above matters involves which the Council has taken into account. The “relevant protected characteristics” are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

13.3 The Cabinet decision to endorse the masterplan in 2020 was supported by a Comprehensive Impact Assessment, including a Equality and Diversity Impact Assessment. This highlights the positive impacts of the Scheme in terms of provision of accessible and adaptable new homes to nationally described space standards and finds no discernible impact on other characteristics protected by the Act.

13.4 In connection with the CPO specifically, the Council has contacted all those with land interests affected by the CPO requesting that they complete a short questionnaire to assist the Council in its assessment of the impact of the CPO on those with protected characteristics. The Council has been cautious to draw conclusions from the survey results due to the very low response rate which makes analysis of the results difficult. However, the responses received suggest that the CPO may have a marginally proportionately increased impact on those who are:

- 13.4.1 over the age of 65 years (62.5% of all respondents);
 - 13.4.2 male (75% of respondents);
 - 13.4.3 of Christian faith (62.5%);
 - 13.4.4 in economic group C2 and above (60%);
 - 13.4.5 married (75%);
 - 13.4.6 heterosexual (75%); and
 - 13.4.7 white British (62.5%).
- 13.5 A very low percentage of respondents stated that they were reliant on a pension or have a disability and no respondents stated that they were pregnant or transgender.
- 13.6 The Council has undertaken a review of the impacts of the decision to make both the CPO and the SRO together with the delivery of the Scheme on those with protected characteristics as part of its decision making process. The review concluded that there are unlikely to be any material adverse impacts on those with protected characteristics compared with those without that characteristic arising out of either the decision to make the CPO or the SRO or that would result from the delivery of the Scheme.
- 13.7 The construction phase is likely to lead to some temporary disruption and potential effects on residential amenity for local communities and residents of earlier phases of the proposed development that have been built and occupied. These potential effects relate to noise, disturbance, construction traffic, potential air quality changes (for example construction dust) as well as changes to the visual landscape. However, as a result of the mitigation put in place through the conditions attached to the Planning Permission, any such impacts are expected to be minor.
- 13.8 The proposed development creates new housing, employment, community and leisure space which would have a range of beneficial effects in terms of the population and associated services and facilities. The new population of the proposed development would generate a requirement for community infrastructure (notably education, healthcare and community facilities, and open space / play provision). This infrastructure is either included within the Scheme or there is existing capacity in the area, so no adverse effects are anticipated.
- 13.9 Employment uses are proposed as part of the Scheme which would lead to significantly increased employment opportunities, higher quality and more accessible employment locations and scope for more highly skilled jobs. The assessment concludes that, as a result of the proposed development, 650 net full time equivalent (FTE) jobs would be created in the construction phase and 1,081 net FTE jobs in the operation phase for people in the Cornwall area. Therefore, the impact of the Scheme on local employment is considered moderate beneficial.
- 13.10 Other operational effects include the provision of sufficient primary school places to meet the needs of children onsite and reduce potential for children to travel to school from elsewhere, whilst the Secondary school needs are met in the existing provision within the area. The open space provision within the Scheme has been assessed against local authority standards as part of the planning application process. The assessment concluded that there would be surplus open space provision providing moderate beneficial and significant health and wellbeing benefits for the community.
- 13.11 Residual adverse effects as a result of the construction phase are limited. The construction site could potentially reduce the quality of the living environment for those living in proximity to the construction and which may impact on those persons that are older, disabled, pregnant or with younger children. It could also place slightly more additional pressure on the capacity of local health services, transport infrastructure, open spaces and the rental market from additional construction workers. However, these effects are all considered to be temporary and not significant. The construction phase would also result in moderate beneficial effects associated with access to work and training.

- 13.12 During the operational phase of the Scheme there would be health benefits to existing local residents, as well as to residents of the Scheme. These would include benefits related to the quality and mix of housing (particularly through the provision of affordable housing, wheelchair accessible and adaptable housing and extra care units); access to healthcare services and open space; active travel opportunities; access to healthy food; crime reduction; access to work and training; social cohesion; minimising the consumption of resources; and climate change related effects.
- 13.13 No residential or business occupiers are required to relocate as a result of the implementation of either the CPO or the SRO. Any private means of access to be stopped up pursuant to the SRO are to be re-provided by an alternative reasonably convenient means of access to relevant premises before the stopping up takes place.

14. DOCUMENTS TO BE REFERRED TO OR PUT IN EVIDENCE IN THE INQUIRY

- 14.1 List of Documents:

Compulsory Purchase Order and Side Roads Order

- 14.1.1 CPO and CPO Plans
- 14.1.2 SRO and SRO Plans
- 14.1.3 Combined Statement of Reasons

Cabinet Reports

- 14.1.4 15 June 2022 Cabinet report (relevant extract only)
- 14.1.5 14 December 2022 Cabinet report (relevant extract only, including Appendix 1: Delivery Strategy)
- 14.1.6 22 March 2023 Cabinet report (relevant extract only)

Planning Policies

- 14.1.7 National Planning Policy Framework (relevant extracts)
- 14.1.8 Local Plan (relevant extracts)
- 14.1.9 2016 TKPN (relevant extracts)
- 14.1.10 2023 TKPN (relevant extracts)

Planning Permissions

- 14.1.11 Planning permission decision notice PA20/09631 (Planning Permission for the Scheme)
- 14.1.12 Reserved matters approval decision notice PA22/07093 (SANG RMA)
- 14.1.13 Listed building consent decision notice PA20/09610 (LBC)
- 14.1.14 Planning permission decision notice PA20/09599 (Energy Centre Permission)
- 14.1.15 Planning permission decision notice PA20/00009 (ILR Permission)

Supporting Documents/Evidence

- 14.1.16 Overlay Plan
- 14.1.17 Langarth Garden Village Retail Impact Assessment (October 2020) Lichfields (relevant extracts)

Dated 6 April 2023

The Cornwall Council

APPENDIX 1
OVERLAY PLAN



THIS DRAWING MAY BE COMMERCIALY SENSITIVE

NOTES:
1. PROPOSED CPO LAND OVERLAID OVER MASTERPLAN PARAMETER PLAN. REFERENCE LAN_02.1-AHR-MP-ZZ-DR-A-92-009_PROPOSED LANDSCAPE_P14

LEGEND
CPO Boundary Line
Permanent Land Acquisition
New Rights

Sustainable Drainage Strategy (SuDS):
Minimum 6m Wide Swale
2.5m Wide Swale
Infiltration / Detention Basin
Wetpond
NAR Infiltration Basin
NAR Wetpond
Infiltration Trench

Developable Plot
Plot where no change proposed
Woodlark / Skylark Habitat
Exercise Trail
Outdoor Gym Station
Parks, Amenities & Civic Space (Type 1):
Informal Sport
Informal Sport & Community Event Space
Natural Space (Type 2):
Retained Woodland
New Forest
Retained Hedge
Proposed Hedge
Hedge Enhancement
Retained Tree
Fishing Pond
Public Access Sports Facilities (Type 3):
Outdoor Sport
Children's Play Areas (Type 4):
Neighbourhood Equipped Area of Play
Large Destination Play Area
Teenage Provision (Type 5):
Large Teenage Provision
Satellite Teenage Provision
Allotments (Type 6)
Suitable Alternative Natural GreenSpace:
Phase 1
Potential Phase 2
Highway Land:
Indicative Street Planting
Verge

P4	14DEC22	CPO BOUNDARIES UPDATED	RRS	ST	CN
P3	31MAY22	CPO BOUNDARIES UPDATE	RRS	CN	CN
P2	04MAY22	UPDATED CPO AREAS	RRS	CN	CN
P1	19JAN22	FOR INFORMATION ONLY	RRS	CN	CN

Rev	Date	Description	Drawn	Check	Approv
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Client
CORNWALL COUNCIL
PROJECT: **LANGARTH DEVELOPMENT PROGRAMME**

Site
LANGARTH TRURO

Client
Cornwall Council
County Hall
Treyew Road
Truro TR1 3AY
Phone +44 (0)10 000 00 00
Fax +44 (0)10 000 00 00
www.cornwall.gov.uk

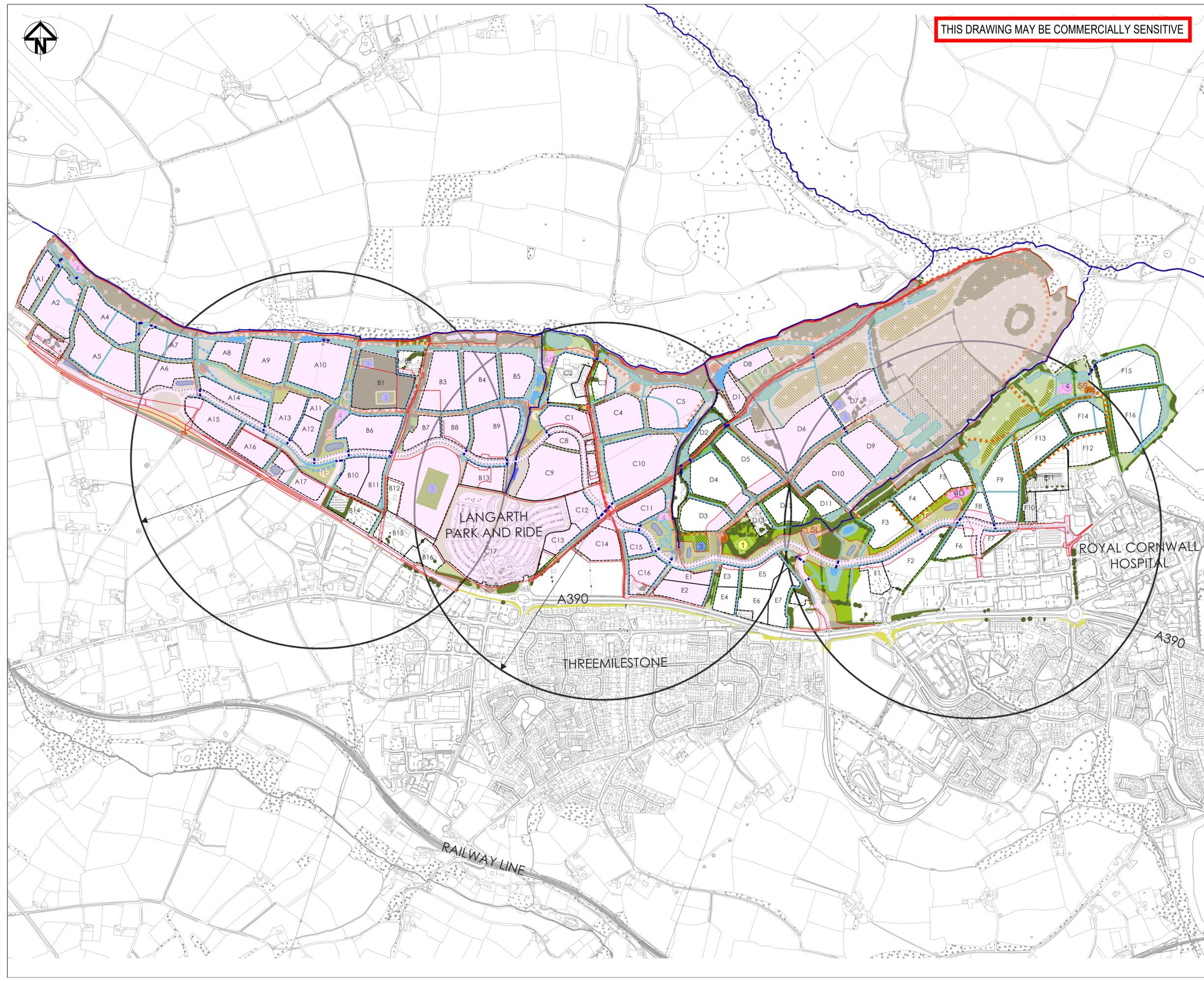
ARCADIS Design & Consultancy
Registered office: Arcadis House, 34 York Way, London N1 9AB
Coordinating office: Arcadis Consulting (UK) Ltd, Unit 7, Research Way, Plymouth PL6 8BT, Tel: +44 (0)1752 689000
www.arcadis.com

TITLE:
CPO OVERLAID ON MASTERPLAN

Designed	C.NICKSON	Signed		Date	12JAN22
Drawn	R. SEARLE	Signed		Date	12JAN22
Checked	C.NICKSON	Signed		Date	12JAN22
Approved	C.NICKSON	Signed		Date	12JAN22

Scale: NTS Datum: AOD
Original Size: A3 Grid: OS
Suitability Code: Sx Project Number: 10032015
Suitability Description:
FOR INFORMATION ONLY

Drawing Number:	Revision:
LGV0_00-ARC-XX-XX-DR-Z-0630	P04



APPENDIX 2
PHOTOGRAPHS OF DEVELOPMENT TO DATE

Photo	Description
	<p>Interim Link Road in 2021</p>
	<p>Earthworks on NAR taken from ILR junction</p>
	<p>Enabling works on NAR taken from quiet lane near Energy Centre</p>
	<p>Shared use path along A390</p>

Photo	Description
	<p>Tree removal at Royal Cornwall Hospital for road realignment</p>
	<p>Energy Centre in November 2022</p>
	<p>Foundations to Energy Centre</p>
	<p>NAR site compound</p>

APPENDIX 3
LETTER FROM DIO



Defence Infrastructure Organisation

Email enquiries@gpss.info

Ref. LSBUD-201217-20824905

18 December 2020

Miss Emma Reed
Cormac Solutions Ltd
Murdoch Building
Western Group Centre

SCORRIER TR16 5EH

Dear Sir/Madam

Redundant Pipelines – Land Powers (Defence) Act 1958 (formerly part of the GPSS)

Thank you for your enquiry dated 17 December 2020. Using the confirmed location provided by your LSBUD search, our records indicate there may be a redundant pipeline in the area shown on the attached plan. The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. If you are working in close proximity to the pipeline we would recommend that you seek the advice of a specialist pipeline contractor by contacting the Pipeline Industries Guild, along with gaining confirmed asset locations and agreements from any other asset owners that may be affected by your works.

This pipeline has been declared redundant by the Ministry of Defence and the necessary legal charges have been removed in accordance with the Land Powers (Defence) Act 1958 and subsequent legislation. If the landowner wishes to remove the pipeline from the land they may do so at their own cost; however, as different methodologies were used to decommission pipelines we would highly recommend using specialist contractors.

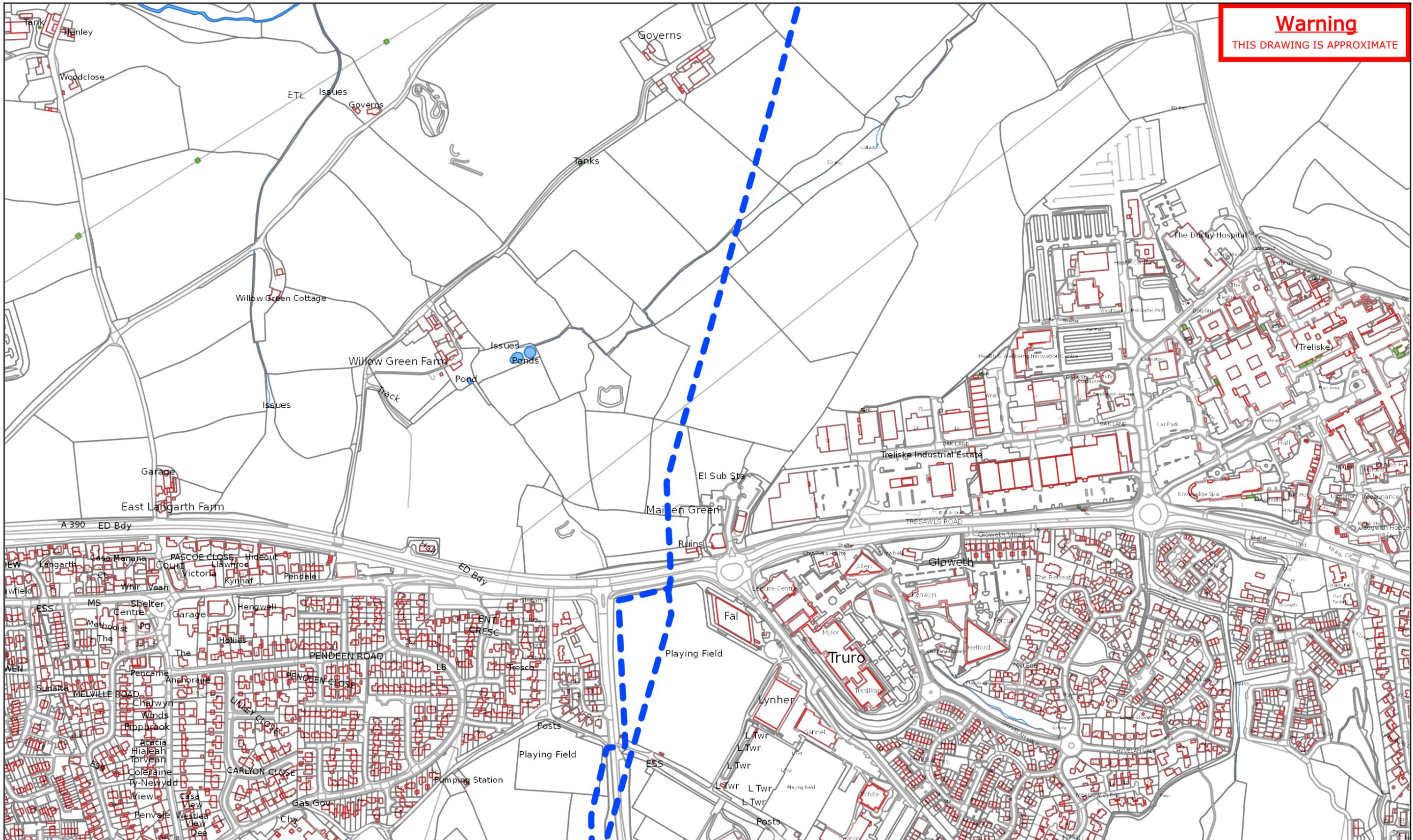
This letter relates to the abandoned pipelines from the former Government Oil and Pipeline System and you should make separate enquiries relating to live pipelines owned by other third parties that may be in close proximity.

Yours faithfully

DIO (MOD Abandoned Pipelines)

Enc Location Plan

Warning
THIS DRAWING IS APPROXIMATE



APPENDIX 4
LETTERS OF SUPPORT

Mr Matthew Doble
Cornwall Council
Planning and Enterprise Service
Council Offices Dolcoath Avenue
Camborne
Cornwall
TR14 8SX

Our ref: DC/2020/121850/02-L01

Your ref: PA20/09631

Date: 26 November 2021

Dear Mr Doble

**HYBRID PLANNING APPLICATION FOR LANGARTH GARDEN VILLAGE
LANGARTH GARDEN VILLAGE, LAND NORTH OF A390 TREEMILESTONE
THREEMILESTONE CORNWALL**

Thank you for the opportunity to consult on the proposed Langarth Garden Village scheme. We expect that the partnership fostered over the last few months and the agreed approach will help the council realise the Langarth Garden Village vision for a “vibrant, connected, sustainable and well-planned community”. We welcome the constructive approach taken by the applicant team and appreciate the extensive additional modelling. Together, these have combined to provide an improved understanding and approach to the management of surface water within the Langarth Garden Village proposals and management of the offsite flood risks. We recognise that the Council’s planning application is an improved position on the previous planning consents.

We also support a masterplanned approach to the whole site to achieve an integrated delivery of measures to ensure a resilient response to surface water management as we move forward. The following letter provides an updated response to the application in the light of the additional information now submitted to support the application.

Environment Agency position

Further to our letter dated 5 February 2021, detailed assessment work has been undertaken by the applicant’s consultant, Arcadis, on the impact of the development on hydrology and the Environment Agency’s New Mills Flood Impoundment Reservoir. We have also discussed the impact of nutrients from the development on the Fal and Helford SAC with Natural England. On the basis of the further assessment work and discussions, we now consider that the development is supported subject to the following conditions and financial contribution:

- Biodiversity Net Gain and production of a detailed Landscape Environmental Management Plan.

Environment Agency
Sir John Moore House, Victoria Square, Cornwall, Bodmin, PL31 1EB.
Customer services line: 03708 506 506

www.gov.uk/environment-agency

Cont/d..

- Appropriate management of any unsuspected contamination found to be present on the site; and
- The production of a detailed CEMP for each phase of the site construction phase.
- Protection, management and enhancement of onsite watercourses and the watercourse corridors
- Ownership, management and maintenance of the proposed SUDs scheme
- Contribution to on-going monitoring of the operation of New Mills dam and strengthening of the spillway when required.

We can provide suggested wording for these conditions in due course should this be necessary.

In parallel with this planning application, we are developing a Truro flood risk management strategy. This strategy will look strategically across Truro and the surrounding area on how flood resilience can be managed going forward. This strategy will look forward over a 20 year period and will need to have the support and engagement with Cornwall and Local Councils. The strategy will include a review of the operation of the New Mills dam and changes that may need to be made to ensure it is able to continue to provide the current level of protection to Truro. On that basis, we are keen to work in partnership with Cornwall Council with this review and will seek a financial contribution from CIL funding that would be provided from the Langarth development towards works required to the New Mills dam.

The reasons for this position are set out below together with further advice with regard to the planning contribution, impact of nutrients, watercourses and environmental permitting.

Surface Water Management, Flood Risk and Flood Risk Infrastructure

Extensive work has been undertaken on the assessment of the downstream flood risks associated with the Langarth Garden Village development and the impact on our New Mills Flood Impoundment Reservoir. We now consider that we have sufficient information for an informed decision to be made on the interrelationship between Langarth Garden Village and flood risks at New Mills.

The SUDS scheme should ensure that there is a reduction in surface water runoff in a 1 in 100 year rainfall event (plus a 40% allowance for climate change). However, dams are expected to function safely above a 1 in 10,000 year flood, which is well in excess of the SUDS design standard.

Our position is one in which reasonable caution must be applied when considering the ability of the SUDs to function effectively over the lifetime of development, and conditions where the SUDS are impacted by successive storms filling the onsite storage system reducing the available water retention. To ensure risk is managed over the lifetime of the development, the precautionary approach will require the strengthening of the dam spillway at some point in the future. This view has been supported by the All Reservoirs Panel Engineer who inspects New Mills Dam, and suggests that the large and significant alteration in the catchment upstream of the dam associated with Langarth Garden Village is sufficient to require these measures.

As a statutory consultee in the planning process, we have highlighted our concerns about the issue of flood risk and flood risk infrastructure and the applicant has responded positively. The flood risk associated with the development is primarily from surface water runoff, as such it is a matter for the LPA, advised by the LLFA, to be

satisfied that the proposal will not create an unacceptable risk to homes and properties in Truro. While any failure to ensure the adequate mitigation of this risk is a matter of concern for us, surface water management remains a matter outside of our statutory remit and control.

While the EA is willing for the flood storage reservoir at New Mills Dam to be considered as part of the solution for surface water management to support that precautionary approach, it would require substantial capital works to adapt the reservoir, and we do not have the funding to bear these capital costs alone.

Contributions, Section 106 and Community Infrastructure Levy

We recognise that the pace and scale of development evidenced in the phasing drawings submitted with the application means that the scheme will emerge over at least two decades, and that the proposed attenuation will address runoff proportionately to each phase. The cumulative effects of the development, such as they are, will (by definition) only be realised towards the end of that period.

After extensive consultation concerning the sum and the mechanisms for securing contributions for the strengthening of New Mills Dam, we are satisfied with the approach of utilising both a Section 106 agreement and Community Infrastructure Levy (CIL) in order to provide funding for the works to the spillway and measures to increase the dam's storage. The package put forward on behalf of the Council has the potential to enable the required flood risk mitigation works and provide a platform for future work around the emerging Truro Flood Risk Management Strategy to the overall benefit of the city and area.

In order for this approach to deliver the required improvements it is imperative that certain issues and obstacles are addressed. Our agreement to move forward with the above approach will be dependent on the following.

- That the Council's Cabinet resolves to focus the CIL income generated from Langarth to Kenwyn/Truro and adjoining parishes.
- The flood resilience measures (strengthening of New Mills Dam spillway and measures to increase the dam storage) will be prioritised for CIL contributions (not less than £2m minus the sum required by the s106 £100K).
- The commitment of CIL contributions for the purpose of flood resilience will be set out in a Letter of Intent and placed on the public register alongside the planning application.

Given that the s106 contribution of £100K is modest in the scheme of the development, we would recommend a trigger with a defined period for payment along the following lines:

1. DAM CONTRIBUTION

1.1 The Owner covenants with the Council:

1.1.1 to pay the Dam Contribution to the Council not later than the substantial completion of phase 1 of the development of 500 homes]

2. The Council covenants with the Owner:

2.1 On receipt of the Dam Contribution to arrange for onward transmission of the Dam Contribution to the Environment Agency within 60 days, for expenditure on the Dam Design Monitoring

... the Dam Contribution ... shall be considered fully expended for the purposes of this Deed once transmitted by the Council to the Environment Agency

Advice – Impact of nutrients from the development

Further to the points we raised in our letter dated 5 February 2021 regarding this matter, we entered into further dialogue with Natural England, who have not raised an objection to the proposal on grounds of nutrient impact on the SAC. Given that Natural England are the lead authority for this matter, we have resolved not to pursue this matter further at this stage.

Advice – Watercourses and Natural Flood Management

The current watercourses within the site boundary require adequate protection from the proposed development and there are opportunities to enhance these features as part of this development. We advise that the watercourses should be improved as much as is possible through the removal of obsolete structures/modifications and re-naturalised. This will improve the quality of the watercourses for a breadth of aquatic wildlife, including fish and eel passage. We consider that a planning condition is required to secure these works together with a strategy for delivering improvements to the quality of the watercourses. We would like to be involved with the watercourse proposals.

To maintain a viable nature corridor associated with the watercourses and leave space for water, there should be a minimum of a 5m buffer from each bank of the watercourses on site. The current masterplan appears to achieve a much greater buffer than this in most places, which is welcomed.

The above measures will ensure that the watercourses within the site are a more enhanced environment, whilst recognising that new crossings will be required.

The urbanisation of this area has the potential to impact the flows in these watercourses during prolonged dry periods and we expect that the SUDS design maximises opportunities for infiltration as has been recommended. During the future planning stages we need to ensure that the drainage proposals are mindful of how they replenish the ground water in these small catchments and a condition will be required to manage this aspect. In parallel with this we expect that opportunities to manage surface water runoff in the site's green spaces are also considered using natural flood risk management techniques. This will link with the conditions already recommended by the LLFA for manage surface water from the development site.

Informative – Environmental Permitting

The Environmental Permitting (England and Wales) Regulations 2016 require a Flood Risk Activity Permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact psocornwall@environment-agency.gov.uk

A permit is separate to and in addition to any planning permission granted. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

Again, we would like to thank Cornwall Council for the partnership approach taken during this period of consultation. Should you have any queries with regards to the above please do not hesitate to contact me.

Yours sincerely

Shaun Pritchard
Sustainable Places Technical Specialist

Direct dial 02084746317

Direct e-mail SPDC@environment-agency.gov.uk

cc Arcadis Consulting (UK) Ltd

Trust Head Quarters
Bedruthan House
Royal Cornwall Hospital
Truro
Cornwall
TR1 3LJ
Tel: 01872 250000

Direct line: 01872 252705
Mobile : 07768554398

www.rcht.nhs.uk

Terry Grove-White
Director - Atlantic Arc Planning
Via email

Dear Terry,

Ref: 0269-ACM-XX-XX-RP-TC-00001-P04 Design and Access Statement for the RCHT Helipad Wall and related drawings.

Thank you for sharing your proposals for the downwash protection adjoining the Search and Rescue Helipad on the Royal Cornwall Hospital site, and the covering design and access statement.

As previously indicated to you informally, in your statement you reflect the discussions you have already undertaken with the operators of the Search and Rescue Helipad, and I am writing to confirm that, as the organisation responsible for the management of the Helipad, the Trust is supportive of the solution.

The Trust is aware of the need to safeguard passing pedestrians and other road users and understands that the proposals, outlined in the updated planning application, will provide a safe environment to support the management of that part of the hospital site where it joins with the extended Northern Access Road.

I have additionally corresponded with Tim Wood on the matter of future proofing of the helipad for changes to operator requirements in the longer term but as we concluded this is difficult to predict and therefore any changes to operation and location of the Helipad would be considered separately and only if necessary in the future.

Yours sincerely,



Karl Simkins
Director of Finance



Chairwoman: Dr Mairi McLean

Chief Executive: Mr Tony Chambers

Care + Compassion | Inspiration + Innovation | Working Together | Pride + Achievement | Trust + Respect

14 December 2021

Chief Executive
Royal Cornwall Hospital
Truro
Cornwall
TR1 3LJ
Tel: 01872 250000

Direct line: 01872 252902

www.rcht.nhs.uk

Matt Doble
Principal Development Officer
Cornwall Council
Council Offices
Camborne
Cornwall
TR18SX

Dear Matt

Langarth Garden Village: Planning Application ref PA20/09631

Further to our letter dated 19th November 2020 from Kate Shields, and subsequent letters regarding your proposals for a new energy centre and provision of safeguards for the Search and Rescue helipad at Treliske, I wanted to highlight our continued support for the emerging plans for Langarth Garden Village (LGV) and for working in partnership with Cornwall Council in support of the project.

RCHT, and the wider local health system, have appreciated the dialogue which has developed over the past year with the LGV project team, and the early, and ongoing, consultation on the proposed LGV plans. The opportunity to contribute to the scope of the development, particularly from a healthcare perspective, has helped us in the review and refresh of our own Strategic Estates Master Plan and the re-configuration of clinical services on the Treliske site.

The process of developing the LGV Master Plan, and planning application, has allowed the Trust to understand the detail of the proposals, and the joint ambitions, opportunities, and benefits of the scheme.

On this basis it is timely to confirm the following points with regard to the LGV development from an RCHT perspective:



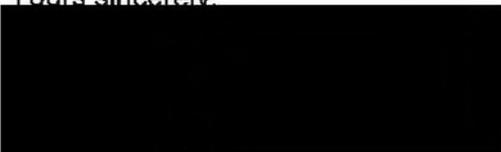
Chairwoman: Dr Mairi McLean

Chief Executive: Mr Tony Chambers

- The Trust welcomes the opportunity to continue to work in partnership with Cornwall Council on the future infrastructure developments at Langarth, and specifically in relation to any impact on access to the Royal Cornwall Hospital, and the services we provide from the Treliske site. The Trust understands that LGV will provide significant opportunities and benefits for both the Trust and the wider community.
- RCHT supports the improvements proposed and identified with the development of the Northern Access Road (NAR), as it will ensure better vehicular access to the Treliske site for staff, visitors and patients.
- RCHT has worked with Cornwall Council to find a satisfactory, and safe, solution to helicopter access to the Treliske site both during, and after, the LGV development period. This has centred on providing additional safety measures around the Search and Rescue helipad, which has one of the highest volumes of air traffic on a medical site in England. We have written to you separately in support of the proposed site upgrades
- The Trust welcomes the opportunities provided by the LGV scheme to support healthcare staff and students in finding homes close to the hospital. The commitment to provide additional accommodation in the area, which students/key healthcare workers can access, is a current and critical issue for the Trust. Any support in this area is beneficial to the long-term delivery of high-quality healthcare in Cornwall.
- RCHT is very supportive of the expansion of the Langarth Park and Ride facility and recognises the important role the Park and Ride provides in helping to support improved and more sustainable access to Truro and the Royal Cornwall Hospital. In addition, the Trust supports the focus the LGV development offers in promoting active travel and improving facilities for walking, cycling and public transport. This approach supports the Trust's objectives to help mitigate climate change and the long-term health plans for Cornwall.
- The Trust supports the delivery of the Langarth energy centre to provide the required additional power capacity for both LGV and the reconfiguration of the Royal Cornwall Hospital site.
- Finally, RCHT also welcomes the provision of access to high quality areas of open space and other recreational facilities for staff and other future users of the hospital site.

I hope this letter will assist, at this stage, in supporting the planning application for Langarth Garden Village; and I look forward to future discussions with you, and your team, as the project moves forward.

Yours sincerely,



Tony Chambers
Chief Executive