

**CORNWALL COUNCIL**

**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**

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

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## 1. INTRODUCTION

- 1.1 Cornwall Council (**Council**) made the Cornwall Council (Langarth Garden Village, Threemilestone) Compulsory Purchase Order 2022 (**CPO**) on 3 November 2022. The Cornwall Council (Truro Northern Access Road) (Classified Road) (Side Roads) Order 2022 (**SRO**) was made on 1 November 2022.
- 1.2 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 in order to enable certain drainage infrastructure works to be carried out and completed and brought into beneficial use and maintained thereafter.
- 1.3 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.
- 1.4 The land proposed to be compulsorily acquired and/or used pursuant to the Order (**Order Land**) is primarily comprised of open farmland and existing public and private highway. Further details of the Order Land are contained in paragraph 3 below.
- 1.5 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; 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 as a strategic open space, community farm/allotments, public realm, renewable energy provision and energy centre, and park and ride extension and including 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 to the A390, established adjoining residential and commercial areas, and also the acute hospital at Treliske (the **Scheme**). Further details of the Scheme are contained in paragraph 4 below.
- 1.6 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 National Grid Reference SW 770457 (**Site**).
- 1.7 The schedule to the 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 rights of way 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.
- 1.8 The map to the Order (**Order 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 Order Map is contained in paragraph 3 below.

- 1.9 The CPO is being submitted to the Secretary of State for Levelling Up, Housing and Communities for confirmation pursuant to the Acquisition of Land Act 1981. If confirmed by the Secretary of State, the CPO will enable the Council to acquire compulsorily the land and new rights included in the CPO. The SRO is being submitted to the Secretary of State for Transport for confirmation pursuant to the 1980 Act.
- 1.10 In this Combined Statement of Reasons, the CPO and SRO are together referred to as the “**Orders**”.
- 1.11 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**).
- 1.12 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. The Council considers that a clear and compelling case in the public interest exists for making the CPO, as described in the following paragraphs of this Combined Statement set out below.
- 1.13 The Council, in preparing and making the SRO and in drafting this Combined Statement, has also had regard to 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**).
- 1.14 This Combined Statement of Reasons is a non-statutory statement provided in compliance with paragraph 25 of the CPO Guidance and paragraph 11.1 of the SRO Guidance.

## 2. BACKGROUND

- 2.1 The Site has a complex planning history which 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 and which sought to facilitate coordination between landowners through an overall vision or plan for the area.
- 2.2 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.
- 2.3 This patchwork of previous permissions was mainly comprised of large-scale mixed-use development, some anchored by major retail; cumulatively making provision for approximately 2,700 homes. 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.
- 2.4 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 (**TKNP**).
- 2.5 On this basis, the TKNP map shows much of the Site as an area (shaded grey) with the benefit of existing planning permissions. The supporting commentary in the 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 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.
- 2.6 However, since the previous permissions identified in the TKNP map were approved, little progress has been made in the delivery of this consented housing or mixed-use development. 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.

- 2.7 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.
- 2.8 The principle of a spine road linking the developments was adopted in the previous planning permissions. However, the movement strategy and standards to be applied were uncoordinated, with each developer favouring their own primary connection to the A390. The need for modal shift in travel behaviour was a key direction given in the 2012 'Land North of the A390 Truro/Threemilestone Development Brief' whereas the outline information in the earlier applications was not sufficiently developed to give a coherent vision of what might later be delivered through reserved matters applications. The continuous segregated cycleway that is part of the NAR design has responded 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 clarified.
- 2.9 Further, the uncoordinated market-led approach is reflected in the way in which a number of the previous permissions are anchored by competing retail proposals underpinned by 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. As a result, 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 provides for a further 4,360 sqm of net retail floorspace, adjacent to but outside the boundary of the Site.
- 2.10 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 impeded delivery. 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.
- 2.11 The form and scope of the Scheme have emerged in tandem with a number of key decisions made by the Council and which collectively reflect its ambition and vision to make a purposeful intervention in land at Langarth in order to deliver the Council's strategic vision for the area.

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
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 ( <b>HIF</b> ) funding to Ministry of Housing, Communities and Local Government.

18 December 2018	Cabinet approves recommendation to full Council to increase capital programme to support the development of Langarth Garden Village scheme
22 January 2019	The Council takes a formal decision to take on proactive role in the Langarth Garden Village project and allocates £159m to the scheme to support development of masterplan and key infrastructure
11 June 2019	Government (Ministry of Housing, Communities and Local Government) confirms the Council £47.5m HIF bid has been successful.
1 July 2019	Ministry of Housing, Communities and Local Government issues Cornwall Council the HIF funding conditions.
13 November 2019	Cabinet agrees to invest in community projects in Threemilestone and Highertown, reflecting 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 Stadium for Cornwall
20 August 2020	Cornwall Council entered contract with the Homes and Communities Agency for delivery of the £47.5m grant funded Truro Northern Access Road, the spine road through the Langarth Garden Village.
28 September 2020	Construction commenced for the Interim Link Road facilitating access to the first 300 houses and future construction access to the Northern Access Road. Construction completed in March 2021.
3 November 2020	Submission of planning application for the Scheme
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' ( <b>The Willows</b> ) to facilitate the delivery of a primary school within the Scheme
26 November 2020	The Council acquires land known as '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
22 April 2021	The Council acquires the land known as '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 completion 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.

- 2.12 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 socio-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 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**

- 2.13 In June 2019, the Government included the proposals for the Langarth Garden Village in its Garden Communities programme and approved the Council's bid for £47.5 million from the Housing Infrastructure Fund (HIF) to build the NAR being the key road infrastructure needed to secure the successful implementation of the Scheme.
- 2.14 The Council subsequently entered into an agreement with Homes England on 20 August 2021 which secured the funding for the delivery of the NAR. The agreement includes delivery milestones including, amongst others, submission and approval of the Langarth Garden Village hybrid 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 receipt of the hybrid planning permission for the Scheme on 5 April 2022. The next milestones due are the award of the construction contract by 31 July 2022 (details submitted and awaiting discharge by Homes England), the start of work to Stages 2 and 3 of the NAR and the provision of CPO documentation to show progress against securing access to the land needed for Stage 4.
- 2.15 Following the grant of HIF government funding, the Council has been working with key partners and the local community to develop a masterplan for the Langarth Garden Village, taking cues from the development qualities endorsed in the Government's Garden Community Prospectus (August 2018).
- 2.16 While there is no 'one size fits all' design or approach to garden communities - and it is accepted that each will be different in character depending upon their context - the Government expects all garden community proposals to demonstrate how they meet and embed the following key qualities<sup>1</sup>:

Clear identity:	a distinctive local identity as a new garden community, including at its heart an attractive and functioning centre and public realm
Sustainable scale:	built at a scale which supports the necessary infrastructure to allow the Community to function self-sufficiently on a day-to-day basis, with the capacity for

<sup>1</sup> Paragraph 13, Garden Communities Prospectus (MHCLG) 2018



	future growth to meet the evolving housing and economic needs of the local area
Well-designed places:	with vibrant mixed-use communities that support a range of local employment types and premises, retail opportunities, recreational and community facilities
Great homes:	offer a wide range of high quality, distinctive homes. This includes affordable housing and a mix of tenures for all stages of life
Strong local vision and engagement:	designed and executed with the engagement and involvement of the existing local Community, and future residents and businesses. This should include consideration of how the natural and historic environment of the local area is reflected and respected
Transport-integrated, forward-looking and accessible transport options that support economic prosperity and wellbeing for residents:	This should include the promotion of public transport, walking, and cycling so that settlements are easy to navigate, and facilitate simple and sustainable access to jobs, education, and services
Healthy places:	designed to provide the choices and chances for all to live a healthy life, through taking a whole systems approach to key local health & wellbeing priorities and strategies
Green space:	generous, accessible, and good quality green and blue infrastructure that promotes health, wellbeing, and quality of life, and considers opportunities to deliver environmental gains such as biodiversity net gain and enhancements to natural capital
Legacy and stewardship arrangements:	should be in place for the care of community assets, infrastructure and public realm, for the benefit of the whole Community
Futureproofed designed to be resilient places that allow for changing demographics, future growth, and the impacts of climate change including flood risk and water availability, with durable landscape and building design planned for generations to come:	This should include anticipation of the opportunities presented by technological change such as driverless cars and renewable energy measures.

- 2.17 The Garden Village designation and the key garden community qualities summarised above have informed both the locally set development principles underpinning the masterplanning for the Scheme and the new policy for Langarth, emerging as part of the ongoing review of the 2016 TKNP. Critical to an understanding of both is an appreciation of how and why the masterplan and the TKNP review have proceeded side by side.

#### **The Scheme masterplan and the TKNP review**

- 2.18 Fundamentally, both the masterplan and the emerging policy respond to the concerns around the need for a more coordinated and sustainable approach to the development of the area to the west of Truro. Both 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 complicated delivery and has not, to date, been conducive to the creation of a new, vibrant and sustainable community.

- 2.19 At the same time, the fact that the 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. The masterplan and the emerging TKNP policy for Langarth thus reflect an understanding that getting that outcome right is critical for the future of Truro and its surrounding area.
- 2.20 On this basis, the Council took the executive decision to develop a masterplan for the whole Site 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.
- 2.21 The core aims of these two inter-linked workstreams are:
- 2.21.1 to support the delivery of development in the area covered by the previous permissions to meet the needs of the existing and new community;
  - 2.21.2 to improve the coordination and delivery of infrastructure, both within and around the area covered by the previous permissions; and
  - 2.21.3 to bring forward sustainable development, underpinned by high quality place-making principles.
- 2.22 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 emerging 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 – whilst, at the same time, addressing the aspirations of the emerging policy.
- 2.23 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 Govers 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 Govers provides an invaluable opportunity for green infrastructure, which will serve existing residents as well as the new community at Langarth Garden Village. This combined approach of using policy and public sector led intervention mechanisms provides longstanding protection for a key part of the immediately adjoining rural landscape.
- 2.24 In summary, the masterplan and the emerging 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.
- 2.25 More detailed consideration of the relevant planning policies, including the Local Plan, is contained at paragraph 9 below.

### **3. LOCATION AND DESCRIPTION OF THE ORDER LAND AND NEW RIGHTS**

#### **Location of the Site and the Order Lands**

- 3.1 The Site which is to be developed through the implementation of the Scheme forms an area of approximately 245 hectares. It is situated in Kenwyn Parish, with the eastern Site boundary abutting the parish boundary between Kenwyn and Truro. A plan indicating the location and identifying the

land areas within the Site is provided at Figure 3 below. Kenwyn Parish is largely rural but includes key residential areas such as Threemilestone which practically function as suburbs to Truro. This inter-relationship has been consistently recognised in local planning policies over at least the last 20 years.

- 3.2 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, Treliske) and also near Truro Golf Course. The Site continues some 3.5km from there to its western extent at West Langarth Farm, varying in width from 300m at each end, to 800m in the central area.
- 3.3 The Site encompasses over 70 agricultural fields which are in 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. The Site also includes, 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 12 years now, the choice of its location was made cognisant of the likely long-term direction of growth in Truro indicated in the planning policies referred to above, and the Scheme includes a long anticipated allocation of land for an extension to the facility.

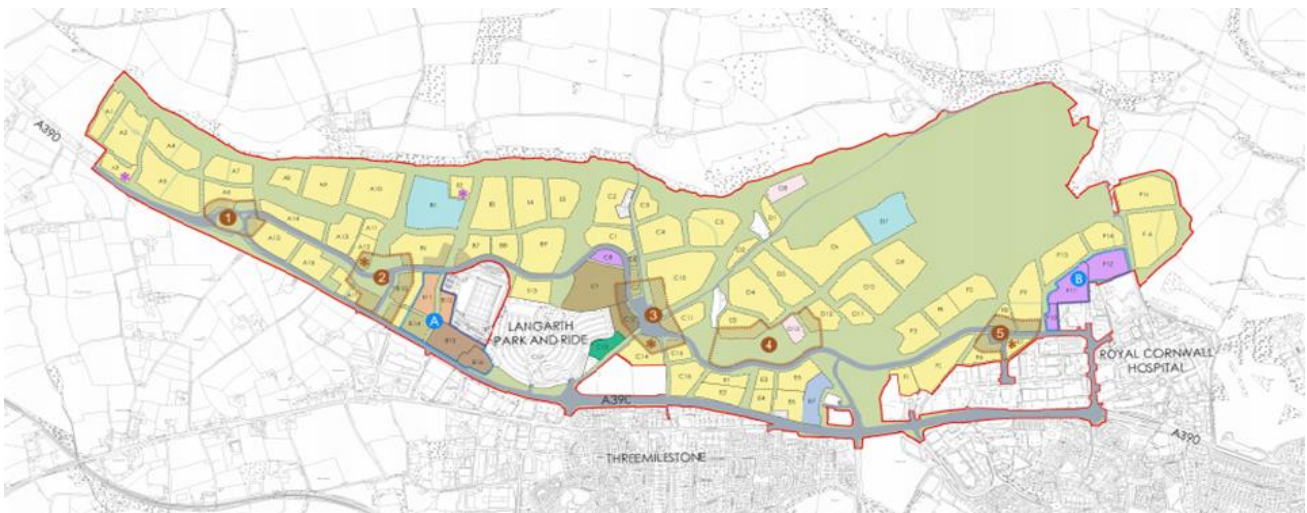


Figure 1

- 3.4 The Site is bordered to the south by the A390, which is a part single, part dual carriageway that separates the Site from Threemilestone and is the main western artery to Truro. The Scheme actively includes this corridor to ensure that its character evolves to become a lower speed environment with improved north south pedestrian connectivity.
- 3.5 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. At the Eastern end the boundaries also adjoin areas with a wider variety of uses including Truro Golf Course, the Treliske Industrial Estate and the Royal Cornwall Hospital site. The housing estate of Gloweth is located to the southeast of the Site across the A390.
- 3.6 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.

- 3.7 The surrounding urban context is provided by Threemilestone and Gloweth to the south and to the southeast respectively, where land uses are mixed, comprising (as mentioned above) residential areas; the industrial estates of Threemilestone and Treliske; social infrastructure including schools, hospitals and green spaces, and established retail uses as well as (consented but not yet built) hotels.

### The Order Land

- 3.8 The Order Land primarily consists of existing highway or previously undeveloped farm land 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.
- 3.9 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.
- 3.10 The land over which new rights are sought are shown coloured blue on the CPO Map (**Blue Land**).
- 3.11 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, as described in paragraph 3.8 above, 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

- 3.12 The Pink Land includes:

Plot numbers (as shown on Order Map)	Description of land
Plots 35, 50 to 65, 80, 90, 115 to 125, 135, 160 to 162, 275, 285 to 295, 320, 335 to 365, 375, 380 to 410, 420, 435 to 485, 495 to 505, 525, 550 to 560, 570, 575, 610, 616 to 618, 665, 670, 680 and 685	Land currently laid out as public highway or footpath
Plots 5 to 25	Land currently laid out as open farmland known as West Langarth and Penstraze which includes a detached dwelling with outbuildings and paddocks
Plots 75, 95, 100 to 110, 126, 127, 140, 145, 155, 180, 181, 185, 300 to 315, 325, 330, 425, 430, 490, 520 and 540	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 open farmland known as Biondi Field
Plot 165	Land currently laid out as open land and buildings known as The Willows
Plots 370, 535 and 540	Land currently laid out as open farmland known as East Langarth

Plot numbers (as shown on Order Map)	Description of land
Plots 580, 585 and 615	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 and 620	Land currently laid out as open farmland known as Maiden Green
Plots 40, 45, 85, 86, 165, 200, 205, 215, 225, 230, 231, 240, 246, 250, 260, 305, 325, 585, 615 and 630	Land currently laid out as private road or footpath
Plots 645, 650, 655, 660, 675 and 690	Land currently laid out as a private access to the Royal Cornwall Hospital

3.13 The Blue Land includes (east to west):

Plot numbers (as shown on Order Map)	Description of land
Plots 6, 7, 166, 167, 168, 186, 187, 188, 306, 331, 376, 506, 522, 523, 524, 581, 582 and 583	Land laid out as existing watercourse to north of Site

3.14 The Order Land comprises a site area of approximately 175 hectares.

#### **New rights**

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

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

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

#### **4. DESCRIPTION OF THE SCHEME**

4.1 In taking the decision to develop proposals for Langarth Garden Village, the Council began with the objective of creating a place, not just a housing estate, and undertook to do this via a stakeholder and landscape led masterplan for the entire site area. This objective required the master planners to start with an understanding of the existing space. To help that understanding the Council commissioned a report by its Cornwall Strategic Historic Environment team. This report, “Langarth, Understanding the place (Strategic Historic Environment, Cornwall Council)” sets out a description of the different elements of Langarth and the key elements that contribute to its distinctive character.

4.2 The report identifies key messages for the future development of the Site that informed the development of the Masterplan to ensure that the sense of place is retained, even as the character of the area evolves with the development of the proposed Garden Village. The key findings of the report covering topography, landscape, routeways, settlement patterns, field patterns and archaeological features were used in the development of the planning application for the Scheme.

- 4.3 The Scheme as now conceived therefore comprises a mixed use, landscape-led development, the core elements of which are as follows:
- 4.3.1 up to 3550 dwellings plus 200 extra care units and 50 units of student/health worker accommodation, including affordable housing;
  - 4.3.2 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);
  - 4.3.3 construction of the NAR being a 3.5km long single carriageway with associated access junction arrangements onto the A390, new junctions to the quiet lanes, Treliske Industrial Estate and Royal Cornwall Hospital. The purpose of the road is to provide access to the new development and improve access to the Park and Ride, hospital and industrial estate. The proposed character of the NAR, especially compared to the previous consents, is one of the defining features of the proposals as it is designed to give significant priority to non-motorised movements. The road construction will comprise 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 will comprise construction of;
    - (a) Work No.1 – A new at-grade junction at West Langarth with widened and realigned A390 approach roads and connection to the NAR.
    - (b) Work No.2 – 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.
    - (c) Work No.3 – 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 and stub junctions to development parcels.
    - (d) 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.
    - (e) Work No.5 – The NAR connection to the public highway at Penventinnie Lane adjacent the Royal Cornwall Hospital, Treliske, incorporating a 2 metre wide footway and a 3 metre wide shared use path maintaining access to existing premises.
    - (f) Work No.6 – Side road connections from NAR to relocate and maintain private means of access.
  - 4.3.4 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);
  - 4.3.5 renewable energy provision and energy centre;
  - 4.3.6 Park and Ride extension (of up to 600 spaces or 2.73 ha);
  - 4.3.7 segregated cycle paths;
  - 4.3.8 connections with the existing highway network including crossings of the A390; and
  - 4.3.9 drainage and associated infrastructure.



## The Neighbourhoods

- 4.4 The masterplan is divided into six neighbourhoods allowing a more intimate, distinct, small-scale sense of community to flourish. These areas are defined from the topography, streams and valleys within the Site and other natural elements from an analysis of the Site.

	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
4	Willow Green	222 new homes	Blue light services
5	Governs	503 new homes	2FE School Community Farm Community Hall/Library
6	Penventinnie	643 new homes	Approximately 28,000 sqm employment/mixed use

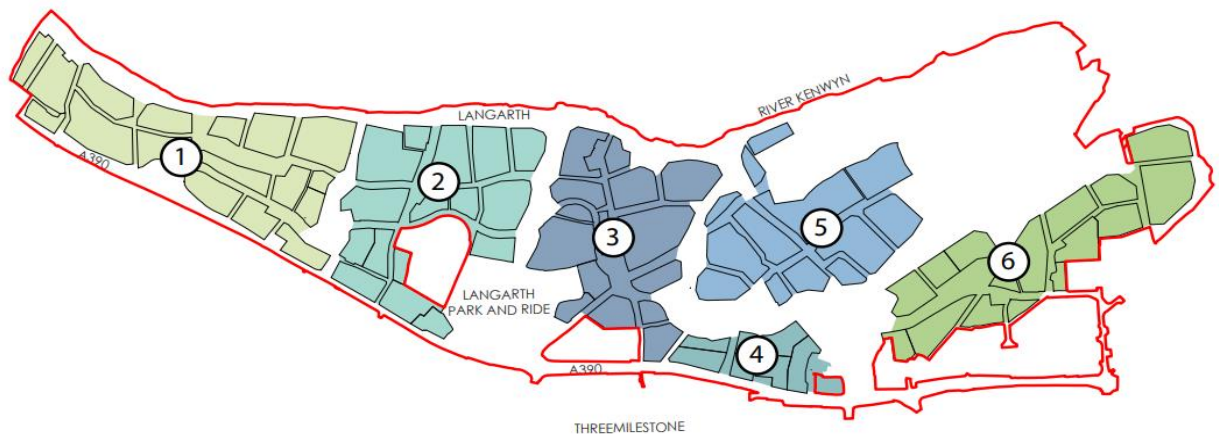


Figure 2

- 4.5 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. This need has been informed by the needs of the adjoining acute hospital (and is also aimed at reducing pressure on existing residential areas which have seen an informal transition to greater usage as houses of multiple occupation in what should otherwise be typical family estates). 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 units.

## The Local Centres

- 4.6 The six new residential neighbourhoods will be supported by five new local centres as follows:

Local Centre	Retail, Café, Restaurant, Pub, Takeaway, Financial and Professional (GIA)	Employment Uses (GIA)	Community Uses (GIA)
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

- 4.7 Located along the NAR (as the primary street within the Scheme), creating focus for activities and community, these public space areas accommodate mixed-use buildings and community facilities. With differing functions across the Scheme, some accommodate landmark buildings, and some have a more civic function. The centres' locations reflect a combination of factors, but the number of smaller centres is a response to the shape and topography of the Site to support the objective of walkable neighbourhoods, supporting access and identity. The total retail floorspace provision proposed by the Scheme is significantly less, and more appropriate, than that previously approved within the Site under the earlier permissions. The concept of a mixed use local centre has been informed by the growing literature and evidence from other developments on the positive effects of such principles.

#### **The Employment provision**

- 4.8 The focus of the employment provision is to complement existing strengths, 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. This leads to estimated daily inbound commuting of around 18,000 trips per day compared to a total population of around 25,000 for Truro and Threemilestone combined. The Site adjoins two existing employment hubs at the Threemilestone industrial estate and the Royal Cornwall Hospital. It is also located at the hub of the Park & Ride which links to key employment sites in the City and serves both the City centre and the new County Hall. The employment strategy supports the growth of the Royal Cornwall Hospital site as an area of significant employment opportunity, but also builds on the potential for new opportunities for Truro including the proposals for the new Stadium for Cornwall, adjacent to the Site. It is a key aspiration for the Scheme that it can create an opportunity to organically service the residential needs arising from this combination of employers, and allow its residents to access local employment within walking and cycling distance without having to commute by car.
- 4.9 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**

- 4.10 Delivery of the new Stadium for Cornwall is a separate project outside of the scope of the Scheme but which is also supported by the Council as a delivery partner. However, surrounding the south west boundary of the Stadium for Cornwall is the Sports and Wellness Quarter within the Scheme. This quarter accommodates areas of commercial / leisure as well as residential / mixed use development.



- 4.11 Whilst not a direct open space or sporting benefit of the Scheme, it is intended that the Sports and Wellness Quarter will integrate and interact with the Stadium through complementary community/active land uses, such as a climbing wall or gym. There will clearly be synergies between the two developments located next to each other and the proposal is designed in such a way as to capitalise on and maximise such synergies for the benefit of the new residents of the Scheme. The Sports and Wellness Quarter will provide a vibrant civic space, building upon the Garden Village principles and offering an attractive public realm to both residents, visitors, and sports fans. Although each scheme is independent of the other in terms of governance, they are practically linked through reliance on the same physical services and local infrastructure and each will complement the other.
- 4.12 Taken together, the significant frontage towards the A390, the inter-action with the proposed Stadium for Cornwall and the proposed character of the NAR establish a place which will generate sufficient footfall to support mixed use businesses, not only on a match day, but also during usual business operational hours.
- 4.13 In close proximity to the West Langarth local centre, users will be provided with easy access to the nearby Langarth Park, which can be used during street functions, such as market days, small festivals and days out. This approach provides flexibility and commercial opportunity to support the delivery of a quarter based around the Stadium.

#### **The car parking strategy**

- 4.14 At the heart of the design philosophy for Langarth Garden Village is the promotion and support for the use of sustainable modes of transport. 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. Cornwall Streetscape Design Guide (2019) and the newly adopted Cornwall Design guide (2020) both highlight the need to ensure car parking is limited to the minimum required for the development.
- 4.15 The parking strategy for the Scheme starts with the objective of both promoting the use of sustainable modes of transport and creating a high-quality place to meet the needs of residents. The principle behind this approach is to move away from a predict and provide approach to one which focuses on creating quality places and manages demand. As part of those objectives, the Scheme seeks to provide a balance in the level of car parking to meet the needs of residents but does not create an environment that will be dominated by the car. Parking standards are provided in the approved Langarth Garden Village Design Code (**Design Code**) 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, Open Space and Green Infrastructure**

- 4.16 As mentioned above, the NAR (in terms of its proposed character) is a key element of the Scheme, but it needs to also be seen in the context of the wider movement, open space and green infrastructure framework as proposed. The Scheme was developed based on an analysis and understanding of the Site, its nature and topography and context. The network of connectivity between and to neighbourhoods and surrounding areas therefore works with the topography of the area, retaining key parts of the landscape as a green infrastructure framework, and protecting the Site's heritage by retaining the field pattern and structure of Cornish hedges. The network includes the NAR, the A390 and connections to the NAR and the retained quiet lanes which provide a green framework 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. These connections include a network of crossings from Langarth to destinations on the South side of the A390 for both pedestrian and cyclists.
- 4.17 Part of the movement framework is created by the extensive provision of green infrastructure across the Site. The network of green infrastructure is designed to support healthy living, providing opportunities for active travel, sport and recreation, well-being, and community engagement. It accommodates habitats for wildlife and sustainable drainage, while trees and woodland support cleaner air and assist in carbon capture.

- 4.18 This network of green infrastructure helps to define a series of legible and recognisable neighbourhoods, including more formal areas near to the A390 and sections of the NAR. The existing semi natural character is retained near to the River Kenwyn and Penventinnie watercourse, while the landscape setting to the Penventinnie Round Scheduled Monument is enhanced.
- 4.19 The green corridors formed by the smaller tributary watercourses to the River Kenwyn are retained and a semi natural character is proposed. 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.
- 4.20 There are a number of proposed key areas of open space/public realm across the Site:
- West Langarth gateway
  - The Village Common
  - Langarth Park
  - The Bosvisack Corridor
  - Willow Green Park
  - Penventinnie Park
  - Governs farm, proposed as a Suitable Alternative Natural Green space (SANG).

### Design

- 4.21 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:

1	Work 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	Help instil a strong sense of community
4	Creating a place that builds upon and celebrates the unique environment
5	Create a hard working landscape that not just looks beautiful, but is productive and functional
6	Promote healthy and productive lifestyles
7	Designing for climate change resilience
8	Offer a mix of homes meeting the varying needs of residents
9	Creating jobs and enhancing existing employment opportunities
10	A vision that is deliverable

- 4.22 The Design Code provides an overarching regulatory plan to guide the structure 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
- Generally, reducing the dominance of the car in the design.

4.23 Individual Neighbourhood Design Guides are to be approved prior to any development within a particular phase or neighbourhood of the Scheme showing 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**

4.24 The proposed development will be served by the NAR. 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 vehicle and non-vehicle access will be provided along its length.

4.25 Prior to the delivery of the NAR, the Interim Link Road (**ILR**) will facilitate early construction on the Site and has sufficient capacity to facilitate the occupation of up to 300 dwellings. Once the NAR is open, 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.

4.26 The Scheme adopts a hierarchal approach to transport mitigation, consistent with the requirements set out in paragraph 110 of the 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.

4.27 The sustainable transport strategy secured through the Planning Permission focuses upon implementing a 'Decide and Provide' approach, which establishes the travel patterns which support low carbon and active lifestyles and then provides the measures required to deliver on that aspiration. A key part of this 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.

4.28 The aim of the Scheme's sustainable transport strategy 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 is to be achieved through a range of measures that will be integral to the Scheme and will reduce traffic, both from the development itself and also in regard to other (background) traffic.

4.29 The measures included in the Planning Permission are:

- Internalisation of trip: The Scheme includes a mix of uses and services to reduce the need to travel off the Site as well as locating the development in close proximity to existing facilities. These include schools, health facilities and employment. The Planning Permission requires the submission of a delivery plan prior to each phase setting out a strategy for how that phase will deliver employment uses and services and facilities on Site in order to help reduce the need and/or desire for future residents to travel from the Site.
- 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 and with the Park and Ride providing access to a number of major public sector employers with a particular focus on the Royal Cornwall Hospital site at Treliske.
- Home working: The Scheme includes telecommunications infrastructure to support remote working and includes work hubs in local centres.
- Walking and cycling infrastructure: Walking and cycling routes provided across the Site and connecting to surrounding areas, including the NAR as an avenue style route with dedicated cycle and pedestrian routes network of mobility hubs as a basis for electric and other bikes/cycle clubs.
- Public transport: Provision of a new bus service with key destinations in Truro.
- Extension of the Langarth Park and Ride for a further 600 spaces (**Park and Ride Extension**).
- Mobility hubs - to be provided in the site and contributions made to further offsite provision in Truro and Threemilestone as a focus for sustainable transport modes.
- Provision of car clubs and car share schemes.
- Infrastructure to support electric vehicles.
- Home delivery services - provision of collection and drop off facilities as part of the development of mobility hubs.
- Travel planning - the Planning Permission secures a Framework Travel Plan which provides an overarching strategy for sustainable transport.
- Off-site measures. A range of measures are either proposed for delivery by the Scheme or supported through a financial contribution. These include.
  - Single phase controlled crossings over the A390 to provide walking and cycling links to facilities and adjoining communities (locations identified on the parameter plans)
  - Financial contribution towards provision of e bike hire system at Truro and Threemilestone
  - Contribution towards public realm and transport improvements to Threemilestone village centre
  - Bus subsidy for bus services serving the development.

- 4.30 The NAR corridor also performs an important corridor for physical services, including a new electricity supply upon which major investment in the Royal Cornwall Hospital is dependant. The corridor also provides a secondary route in and out of the hospital which is relevant to staff and visitors (notwithstanding the car trip reduction strategies outlined above) and also creates resilience for emergency vehicles who are currently entirely reliant on the A390.

### Heritage

- 4.31 Within the Site sits a listed milestone (at West Langarth) and a scheduled monument (at Governs Farm). Outside of the Site to the north sits the Bosvisack Hill fort, another scheduled monument. The Cornwall mining World Heritage Site (**WHS**) sits to the south. The Site therefore forms part of the rural agricultural character within which the WHS is set although it is physically separated from the WHS by the A390. These heritage assets informed the Masterplan and the Design Code for the Scheme that will help shape the future of the development.
- 4.32 The Masterplan sought to assure that any impacts upon designated features within the landscape were understood and mitigated through proposals for the layout and design of the Scheme. These included limiting the heights of the buildings along the western entrance to the Site to better manage the transition from rural to urban adjoining the WHS and the provision of a strategic open space at Governs Farm to provide the setting and future management of the scheduled Penventinnie round within the Site.
- 4.33 The listed milestone is due to be relocated to the South side of the A390, back where it originally was located. Listed Building Consent to relocate the listed milestone was granted by the LPA on 5 April 2022 (see further paragraph 6.26 below).

### Biodiversity Net Gain

- 4.34 The Langarth Garden village proposals have been developed with the objective of achieving at least a 10% Biodiversity Net Gain (**BNG**) and an ambition of 20% BNG. The net gain has been developed as part of a landscape led/Green infrastructure-based approach to the design of the Masterplan in line with the Garden Communities principles. The BNG is to be delivered through substantial areas of strategic green infrastructure and the guidance set out in the Design Code. Guidance for the delivery of the BNG is set out in a Strategic Landscape Ecology Management Plan (**LEMP**) which includes an addendum on the delivery of BNG across the Site and its elements.

## 5. THE PLANNING PERMISSION

- 5.1 The hybrid planning application for Langarth Garden Village was submitted by the Council to the LPA on 4 November 2020 (LPA 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.

- 5.2 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 in September 2019 to March 2020
  - Langarth Stakeholder Panel monthly workshops July 2019 to April 2020
  - Online website material with email comments link June 2019 to present
  - Visioning sessions with local schools and colleges
  - Themed working group sessions in November 2019 and March 2020.
- 5.3 Engagement and consultation continued throughout the application process. This included continuing discussions with statutory organisations and the LPA but also through presentations and meetings at a range Parish and City Council events. To assist local awareness, a Langarth Garden Village web site 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.
- 5.4 The application submission evolved to respond to consultation responses with the applicant proposing changes where required, and submitting further responses to explain the application approach. This work has been supplemented by additional Parish and City Council meetings plus a series of technical briefings to the Council’s strategic planning committee.
- 5.5 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. Planning permission (**Planning Permission**) was subsequently granted on 5 April 2022.

#### **Outline element**

- 5.6 For the outline (masterplan) element of the Planning Permission, details of access, layout, scale, appearance, and landscaping will be submitted for approval at reserved matters stage. The outline element of the Planning Permission establishes the principle of development for the masterplanned mixed use component of the Scheme.
- 5.7 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’ which are accompanied by an area schedule, which together detail the uses and amount of development to be secured by the outline element of the Planning Permission. The six Parameter Plans that set the spatial and design parameters for the masterplan for Langarth Garden Village cover land use; building heights; movement and access; landscape and green infrastructure; sustainable urban drainage; and density.
- 5.8 It is intended that the details of the Scheme, which will be the subject of future reserved matters applications, will fall within the parameters secured by the Planning Permission, and on which the related environmental impact assessment was based. 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 methodology for delivery of the Langarth Garden Village (see paragraph 10 below).



## Detailed element

5.9 The NAR was included as a detailed proposal to ensure early delivery of this critical element of road infrastructure. The plans and other supporting information for this element of Langarth Garden Village 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 an HGV Construction Traffic Plan. A non-material amendment to condition 17 (Cornish hedges) of the detailed element of the Planning Permission was approved by the LPA pursuant section 96A of the 1990 Act on 30 August 2022 (reference PA22/07415).

5.10 A further non-material amendment to the approved drawings for the detailed element of the Scheme (alignment of a side access road) was approved by the LPA pursuant section 96A of the 1990 Act on 23 September 2022 (reference PA22/07413).

## 6. STATUS OF ORDER LAND AND HOW THE SCHEME FITS WITH PLANNING POLICY

### The National Planning Policy Framework (“NPPF”) (2021)

6.1 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 fits with the relevant policies in the NPPF. The developments that were previously consented in this area were, generally, consented in accordance with this presumption due to the absences of an adopted Local Plan, a Neighbourhood plan or evidence that the area could demonstrate adequate housing delivery at the time. The fact that these consents were not implemented, and that delivery had still not commenced in 2019, some 10 years after the first major consents were granted, is what led to the Council's intervention.

6.2 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.

6.3 The Planning Permission provides for the locally set target of 35% affordable housing and has made provision for specialist accommodation.

6.4 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 community qualities following extensive community engagement.

6.5 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.

6.6 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. The Town Centre Impact Assessment prepared by Lichfield's 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. As detailed above, one of the benefits of the Scheme relative to the previous permissions, is the more modest and better coordinated provision for retail. The transport strategy places an emphasis on connectivity to the existing 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.



- 6.7 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, strong neighbourhood centres, promotes pedestrian and cycle use and makes provision for safe and accessible green infrastructure, sports facilities, local shops, allotments etc. The Council's involvement in the Scheme provides the depth of commitment required to ensure these aspirations are delivered.
- 6.8 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 master planned approach the Scheme satisfies each of these requirements and contrasts to the previous individual consents in the Site area.
- 6.9 Paragraph 95 highlights the importance of adequate educational facilities in place-making. The Scheme makes provision for 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 the delivery of later stages. The Scheme will also contribute towards offsite educational facilities (in accordance with local needs) through the s106 agreement.
- 6.10 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 Council's involvement and the emphasis it has placed on the green infrastructure networks, particularly with regard to securing Govers Farm, both in policy and public ownership, demonstrates the depth of the commitment to this aim.
- 6.11 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.
- 6.12 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 addressed 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 explained 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.
- 6.13 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 in close proximity to reduce the need to travel by private car. The Scheme 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. Although the Site is on the edge of the existing City, and is long and linear in its form, it is well sited in terms of adjacency to existing employers (such as the hospital, Treliiske retail park, Truro and Penwith College, and Threemilestone Business Park), and substantially more sustainable than a reliance on employees commuting from other towns and settlements in Cornwall.

- 6.14 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 document, the NAR is a critical element to this strategy.
- 6.15 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 in a similar area (it is acknowledged that there is some additional land developed compared to the previous schemes in the context of Govers Farm, and there has been some exchange of land between that previously allocated for retail uses in the earlier consents).
- 6.16 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 qualities examined above and lie at the heart of the Scheme.
- 6.17 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. 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.
- 6.18 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 and notice periods provided would allow the enterprises to adapt or move to minimise the impact on economic performance of the businesses affected as much as possible. It is noted that the majority of the land benefits from extant planning permissions, but their implementation would ultimately have led to these same outcomes. The loss of agricultural land to provide homes identified as being delivered as part of the Cornwall Local Plan and TKNP is inevitable, although it represents harm in the planning balance. However, there are no other strategically preferable sites identified in the TKNP to deliver the homes required to be delivered in the plan area. The consent has also safeguarded a key green gap between Threemilestone and Truro at Besore farm to the south of the A390 as a consequence of Council ownership and related planning conditions.
- 6.19 Paragraph 189 (Conserving and enhancing the historic environment) 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.
- 6.20 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.

- 6.21 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.
- 6.22 While the Scheme will further reduce the amount of open, rural fields and greenspace within which the WHS is set, these changes are considered minor in terms of impact to the WHS. The proposed development is situated in an area where the sensitivity of the WHS has been reduced from recent urban developments that have already impacted on the rural, open landscape within which the WHS is set. Placing the proposed development in the proposed area reduces the visual impact to the WHS, as it cannot be viewed from any of the key views that are the attributes of the outstanding universal value (OUV) of 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 OUV.
- 6.23 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. 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. 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 considered to be “less than substantial” in terms of the guidance in the NPPF.
- 6.24 During the occupation phase of the Scheme, the SM at Governs Farm and its geophysical remains would be under long-term management as public open space. This is considered to help maintain the immediate setting of the asset. However, its wider setting would alter from rural agricultural landscape to urban development. The harm caused by the Scheme to the SM was assessed as being “less than substantial” in terms of the guidance in the NPPF.
- 6.25 There are additionally a number of SM's that sit outside of the Site but the settings of which may be potentially impacted by the Scheme. These consist of: 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, west of Polstein and the Goodern Round situated south west of Carrine. The impact on each was assessed as less than substantial in terms of the NPPF guidance.
- 6.26 The Site has one listed element in its boundary, which is a milestone on the northern side of the A390. The proposed new junction at West Langarth involves the relocation of the milestone back to the south side of the A390, in line with its historic location prior to the earlier widening of the A390. The Scheme is expected to have a slight and beneficial effect.
- 6.27 Two other listed milestones are located along the A390, outside the Site. They are at a higher risk of vehicular impact, erosion and pollution from increase in traffic usage. Their roadside setting would remain unchanged. The impact is considered to be less than substantial in the context of the NPPF guidance.
- 6.28 There is a Grade II listed farmhouse (Croft West) approximately 110m north of the Site. The Scheme is considered likely to have adverse impacts on the character of the setting of the building. However, such impacts have been assessed as being less than substantial under the NPPF guidance.
- 6.29 There are numerous non-designated heritage assets recorded within the Site. These date from the Prehistoric to Post Medieval periods and include several assets whose date is unknown and a number of landscape elements that help to provide the character of the site and consist of post-medieval hedges (and their hedge ‘furniture’), trackways and mining remains, but also primarily the presence of the post medieval farm settlements that are still extant. The impact to the Cornish hedges and routeways within the Site, together with the impacts on the Penhaldarva and South Penhaldarva mines have been assessed as less than substantial harm.
- 6.30 There are several farms within the Site that include buildings with some historical and evidential value, including West Langarth Farmhouse, West Langarth Farm, Langarth/Henley Court, Governs

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, Governs Farm, East Langarth Farm, Willow Green Farm, West Langarth Farmhouse and Langarth, Henley Court. The buildings are classified as being low value and the impacts of the development upon them, with the change to their setting, is not considered significant. The WWII military hut (in the long established occupation and recent ownership of Threemilestone Young Farmers Club) would experience a temporary moderate adverse impact to its setting during the construction phase. This would result in a slight significance of effect. The impact on all of these buildings is considered to be less than significant.

6.31 The Scheme is acknowledged to have potentially adverse impacts on a number of designated and non-designated heritage assets. However, no 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.

6.32 The Scheme therefore meets the requirements of the relevant policies of the NPPF.

### **Local Planning Policy**

6.33 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 and 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.

6.34 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 adopted TKNP, to meet the housing need for Truro with Threemilestone area and therefore fully complies with this key policy.

6.35 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.

6.36 Policy 2a (Key Targets) further develops Policy 2 by highlighting the targets, inter alia, for housing, employment, purpose-built student accommodation and communal establishments 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 large proportion of these homes – equating to about 90% of the remaining delivery.

6.37 Policy 3 (Role and Function of Places) places the focus of strategic scale development within the main listed settlements. This policy specifically identifies “Truro with Threemilestone” as a main settlement (alongside 17 other urban areas in Cornwall) which reflects the practical lived reality, geography and interrelationship of those two communities, and allocates 3,900 new homes to Truro with Threemilestone.

6.38 The TKNP sets a land use framework that supports Policies 2, 2a and 3, to manage the delivery of housing and other development in the plan area. The TKNP has relied upon the delivery of the development of the Site to meet much of the area's apportioned housing needs. The proposals for Langarth Garden Village are intended to unlock the stalled delivery of the housing commitments identified in Policies 2a and 3 and reflected in the TKNP (including its associated delivery strategy), and to thus support the strategic objectives of the development plan.

6.39 The proposals for Langarth Garden Village have been developed with the three key strategic policy objectives of Policy 2 in mind. By following a landscape led approach, they respect the quality of existing place. The masterplan has developed from a detailed understanding and analysis of the Site area and its surrounding area. This analysis has focused on retaining key features in the landscape, such as hedgerows, ancient lanes, and earlier farm groupings, which create a distinctive landscape framework and provide a sustainable and respectful basis for the creation of a new community.

- 6.40 As well as striving to create a place that respects its environment and heritage, the master planning process has looked to the future. This is in line with the second key objective of Strategic Policy 2, which is to provide solutions to current and future issues. This includes 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. 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.
- 6.41 Consistent with the third strategic objective to generate and sustain economic activity, the Scheme will integrate with neighbouring land uses and promote economic activity by, inter alia, incorporating land uses which are complementary to the Stadium and to Royal Cornwall Hospital, such as a health and a sports quarter. Finally, the proposals support 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. They also support Truro's role in the retail hierarchy by allowing for a significant reduction in out-of-town retail development relative to the previous permissions. The earlier proposals, if developed, ran the risk of undermining the role of the City centre in the retail hierarchy. Overall, the Scheme achieves a superior planning outcome in terms of quality, sustainability, and sustainable economic activity.
- 6.42 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, is not reliant on significant out of town retail floorspace, and thus supports the vitality and viability of Truro.
- 6.43 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 the Stadium and the Hospital, at Treリスケ (being 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.
- 6.44 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.
- 6.45 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.
- 6.46 Policy 12 (Design) seeks to ensure Cornwall's enduring distinctiveness and to maintain and enhance its distinctive natural and historic character. The locally led development principles established by



the Langarth Garden Village Stakeholder Group and through wider community consultation and engagement dovetail with the strategic objectives of Policy 12 and are reflected in the design of the Scheme. The masterplan for the Scheme is underpinned by a landscape-led design process, which is informed by 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.

- 6.47 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 an environmentally sensitive and efficient use of land, including via increased building densities, where appropriate in accordance with the Design Code parameters.
- 6.48 To achieve its sustainability objectives, the Scheme does not follow the form of yet another low-density housing estate. The success of higher densities can be seen in the popularity of Cornwall's historic towns and villages where densities and forms of development are very different to most modern estates. Densities can be used to ensure shorter walking distances to key facilities and public transport and to make better use of public space, which minimises the dominance of car parking. 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.
- 6.49 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.
- 6.50 The masterplan has been developed to deliver an increase in biodiversity across the site in accordance with Local Plan Policy 23 and TKNP Policy E5. The Scheme provides a Framework BNG Strategy which explains how delivery would take place across the development which is principally achieved through the Scheme's focus on enhancing existing green infrastructure and the retention of and creation of new hedgerows and creating species-rich grasslands in areas across the Site but with a particular focus on land at Govers Farm providing the setting of the SM, the planting of new woodland areas in areas such as the valley sides of Govers Farm, the creation of new wetlands in areas such as along the valley bottom to the north of the Site, retention of well-vegetated stream corridors, embedded design features in the Design Code. On this basis, the Scheme achieves a 29% increase in biodiversity for habitat units and 12% for hedgerow units. The Scheme also retains and creates new habitats, wherever possible. For example, the proposed development retains the well-vegetated stream corridors and terrestrial green corridors, which are based along existing hedges, or woodland strips. These will be enhanced by buffer planting, parklands and other new natural spaces. 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.
- 6.51 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. The Scheme has been developed through a thorough technical analysis of the existing natural and historic features on the Site and its surrounds. Consistent with Policy 24, adverse impacts on existing natural and historic features of value have been avoided, wherever possible while existing features have been utilised to create a link to the natural and historic heritage of the Site. The topography of the Site has been used to create a strong framework of green infrastructure. In addition, 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 a key biodiversity feature. The masterplan for the Scheme 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, in turn, contains design responses to topography which are common to Cornish settlements.

- 6.52 Policy 25 (Green Infrastructure) provides that development proposals should contribute to an enhanced connected and functional network of habitat, open spaces and waterscapes while Policy 26 (Flood Risk Management and Coastal Change) states that it must 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.
- 6.53 In line with the Government's key garden community qualities and 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. Management of this space going forward is critical to its success and forms a key part of the guiding principles for garden communities. A variety of mechanisms and structures to secure the long-term management of community infrastructure have been examined to date, including but not limited to trust structures, private or charitable companies, community interest companies and a range of other stewardship vehicles.
- 6.54 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. Policy 27 needs to be read alongside the current Local Transport Plan (LTP) that, inter alia, highlights the importance of the Park and Ride within the Site in reducing car trips into Truro and which lists the NAR as one of the schemes proposed for the period of 2015-2019. 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.
- 6.55 The NAR is designed to provide a low speed route through the Site to link to the Hospital in the east, which (as explained above) is one of the largest single employers in Cornwall. The road is designed to provide high quality cycle and walking facilities along its route, between the garden village, Park and Ride and Treliske Hospital. As well as providing an essential route across the Site, the NAR is designed to divert 30% of the current traffic from the A390, with consequent benefits from reduced congestion in the local area, especially at the Hospital where the NAR creates an additional access point. By incorporating the NAR as a central feature which is programmed for early delivery, the Scheme achieves the objectives of the implementation plan accompanying the LTP and the rationale for the Council's intervention at Langarth.
- 6.56 In line with Policy 27, the design of the Scheme incorporates a mix of uses to meet the needs of residents within the Site. It also includes features such as garden rooms and adaptable garages, which support greater working from home. It also provides local work hubs in local centres, which are conveniently co-located with proposed community facilities. These design features reflect how the design of the Scheme has been future proofed and has also adapted in response to the lessons from Covid 19. The Council's involvement to date, evidenced by previous decisions of Cabinet in December 2018, full Council in January 2019, and Cabinet in November 2019 and November 2020, has also enabled early investment, or commitment to invest, in adjoining communities in a way that no other developer would have facilitated (specifically this is evidenced by the grant funding for Higher Town community hall and Threemilestone community hall and school hall).

#### **Truro and Kenwyn Neighbourhood Development Plan (2016)**

- 6.57 The 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.
- 6.58 The 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."

- 6.59 The supporting text to Policy EJ2 provides: -
- "Recent planning permissions at Langarth will create substantial new communities in the west of the Plan area."
- 6.60 As explained at paragraph 2.5 above, the TKNP thus relies upon the previous permissions to meet the strategic housing requirement for the Truro with Threemilestone area.
- 6.61 The policy fit with the TKNP is similar to and even keener than the policy fit with the more generic policies in Local Plan.
- 6.62 In summary, the Scheme has been developed following the Government's garden community key qualities, in line with Policy E1 of the TKPN. The masterplan for the Scheme has been 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 Policy E2 and E5.
- 6.63 In accordance with Policies E5, E6 and E7, 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.
- 6.64 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.
- 6.65 In line with Policy T3, 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.
- 6.66 In accordance with Policy T3, 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.
- 6.67 Contributions towards wider capacity improvements and other measures to reduce congestion are secured by the section 106 agreement, in line with the Truro Sustainable Transport Strategy and Policy T1. The Planning Permission is also supported by a Framework Travel Plan. Occupier travel plans will be secured through S106 or other planning commitments, as explained above, and in line with Policy T1.
- 6.68 A review of the TKNP is currently being undertaken. The six week public consultation on the updated TKNP took place over June/July 2022. A public examination into the updated TKPN is due to commence on 6 November 2022. The updated TKNP seeks to specifically allocate the Site for a mixed use community and provides a Policy framework to support the delivery of a masterplanned approach for the area.

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

- 6.69 The Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document (2017) requires the planning system to fulfil the responsibilities and opportunities afforded to the WHS. It aims to unlock what makes the WHS important, why it needs to be protected and how the planning system can support this. It also ensures that all those involved in the planning process are provided with advice so that the responsibilities of its WHS status are taken into consideration. The guidance provided by the SPD has been fully reflected in the design and development of the Scheme.

#### **Housing Supplementary Planning Document (2020)**

- 6.70 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 meets the requirements of the SPD.

#### **Climate Change Development Plan Document (emerging policy)**

- 6.71 The Council declared a climate emergency in 2019. The Council's aim is to become carbon neutral by 2030. The Council has developed and submitted for Examination in Public a Climate Emergency Development Plan Document, which provides new policies and additional detail on existing Local Plan policies to address the climate and biodiversity emergencies. The document sets a direction of travel for the Council in addressing climate change within planning decisions. Although not yet an adopted development plan document, the policies, given the strategic importance of the Site, a range of measures to ensure that net carbon zero homes would be delivered have been incorporated into the Scheme. This is above the requirements of the existing planning permissions for the Site should those be built out.

### **7. THE ENABLING POWERS FOR THE CPO**

- 7.1 The Council has made the CPO pursuant to its powers under section 226(1)(a) and section 226(3)(a) of the 1990 Act and section 13 of the Local Government (Miscellaneous Provisions) Act 1976.
- 7.2 Section 226(1)(a) of the 1990 Act enables the compulsory acquisition of land where an acquiring authority thinks the acquisition will facilitate the carrying out of development, redevelopment, or improvement on or in relation to the Order Land and where the acquiring authority thinks the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic and/or, social, and/or environmental well-being of the authority's area. The Guidance provides guidance to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of this in making this CPO.
- 7.3 The Council is exercising its powers under section 226(1)(a) because it has not been possible to acquire by agreement all interests that are required for the delivery of the key infrastructure required to facilitate the delivery of the Scheme 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 in paragraph 8 below.
- 7.4 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.

### **8. THE COUNCIL'S PURPOSE AND JUSTIFICATION IN MAKING THE CPO**

#### **Compelling Case in the Public Interest**

- 8.1 The purpose of the Council in making the CPO is to secure the acquisition of all relevant interests in the Order Land required to deliver the NAR and facilitate the Scheme. The Council firmly believes that the CPO, the NAR and the Scheme will facilitate the improvement of the economic, social, and environmental well-being of its area.

- 8.2 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.
- 8.3 The purpose of the Council in making the CPO is to secure the acquisition of all relevant interests in the land needed to implement the NAR and the other associated infrastructure and which is required to:
- 8.3.1 directly control the delivery of 68% of the development by housing units, both anticipated school sites, the SANG and the park and ride extension of Council owned land, and
  - 8.3.2 Facilitate the coherent delivery of the remaining mixed use, master planned, landscape-led community to be known as Langarth Garden Village.
- 8.4 Having had regard to the provisions of the 1990 Act and the CPO Guidance, the acquisition of the land to be included within the CPO will facilitate delivery of the Scheme which will: -
- a) Allow 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) Control 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) Ensure 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) Avoid 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) Control 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) Provide 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) Provide 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) Build 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 adopt 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 (compared with just 19% in the previous planning applications).

- j) Ensure 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 up to 20%.
- k) Deliver 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) Deliver 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) Provide 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) Ensure 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) Reduce the potential for land to be sat on or land banked and allow a quality development to come forward.
- p) Ensure the delivery of jobs in construction, retail, community services, the care industry and hospitality as well as home working opportunities.
- q) Secure 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) Provide 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) Generate a proportion of its own green energy – playing a key role in delivering Cornwall Council's ambitious climate change strategy at the same time as providing low cost green power for residents.
- t) Aim 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 consent PA20/09631, to enable 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.

8.5 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 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 below.

8.6 The Order Land does not include all land within the boundary of the Site. Certain development parcels are not included on the basis that 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 following development parcels (for locations, see Figure 1 above):

Development Parcels	
B12/ B14/ B15/ B16	Future development expected to come forward in conjunction with or subsequent to delivery of the Stadium
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 in conjunction with private developers
D2	A discrete potential development opportunity that could be independently promoted and brought forward in conjunction with local SME builders/developers
D3/ D4/ D5/ D11/ D12/ D13	Development parcels which are expected to be brought forward by the landowners in collaboration with development partners, where the Council is helping to facilitate and accelerate development through delivery of critical road and utility infrastructure.
F1/F2	
F3/ F4/ F5/ F6/ F7/ F8/ F9/ F13/ F14/ F15/ F16	
F10/ F11/ F12	

#### Clear intention for how the land will be used

- 8.7 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 Lands and that all the necessary resources are likely to be available to achieve that end within a reasonable time frame.
- 8.8 Planning permission for the Scheme was granted on 5 April 2022 including detailed consent for the NAR. The planning permission provides detailed consent for the NAR with the remainder of the Scheme permitted in outline. The planning permission adopts the approach taken by the Masterplan approved by the Council on 4 November 2020. A plan showing the Order Lands overlayed by the Masterplan is provided at **Appendix 1** to this Statement. A brief summary of the use proposed by the Masterplan for those plots included within the Order Lands are as follows:

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, 160, 162, 270, 275, 280, 285, 290, 295	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 and 130	Land required to deliver Work 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, 315, 325, 365, 370, 455, 460, 465, 470,	Land required for Work No.3 being the Northern Access Road incorporating two 2 metre wide footways and a 3 metre wide

475, 480, 485, 490, 495, 500, 525, 540, 590, 592, 600, 620, 640	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 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, Treliske, incorporating a 2metre wide footway and a 3metre wide shared use path maintaining access to existing premises.
Plots 75, 250, 325, 410, 415, 420, 435, 440	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 NAR including drainage and the eastern link road to connect back to the A390 carriageway and connect to the existing road to Royal Cornwall Hospital (Penventinnie Lane) and to Oak Lane being unregistered public highway in unknown ownership.
Plots 590 and 592	Land required to deliver the NAR including drainage and the access road to Governs Park, (the suitable alternative natural greenspace, SANG) from the NAR.
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, 306, 331, 376, 506, 511, 521, 522, 523, 524, 581, 582 and 583	New rights required to facilitate surface drainage.

### Clear funding proposals

- 8.9 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.
- 8.10 The Council has approved £110m of Council investment (funded from borrowing) for the development and this has been supplemented by £47.45m of HIF pursuant to the grant funding



agreement with Homes England. The agreement with Homes England allows a phased approach to drawdown of the funds and a total of £6.5m has already been provided through the Homes England agreement towards the delivery of the NAR. The Council therefore has sufficient funding in place to secure the remainder of its land acquisition programme, for the delivery of key site wide infrastructure and to undertake the necessary steps to create serviced land parcels ready for disposal to third party developers to deliver the first 2,600 dwellings and associated commercial development intended to be delivered on land held (or to be held upon confirmation of the CPO) by the Council.

#### **Additional requirements where CPO is made pursuant to section 226(1)(a) of the 1990 Act**

- 8.11 The CPO Guidance at paragraph 106 sets out four 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.*

- 8.12 The Local Plan sets out a range of policies for development up to 2030 across the whole county, including some specific parameters (e.g. housing allocation) for Truro and Threemilestone. The TKPN has taken that framework a stage forward, setting a land use framework to manage the delivery of housing and other development in the plan area and has relied upon the development at Langarth to meet much of the area's apportioned housing needs. The emerging Truro & Kenwyn Neighbourhood Plan Review document builds on this planning history and contains a specific allocation for Langarth. The proposals for Langarth Garden Village are intended to unlock the stalled delivery of the housing commitments identified in the Local Plan and reflected in the Neighbourhood Plan and to thus support the strategic objectives of the development plan.

- 8.13 Further assessment of how the purpose for which the land is to be acquired fits with the adopted Local Plan is set out in section 6 above.

*(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.*

- 8.14 Delivery of the Scheme will unlock a new landscape led development of up to 3550 dwellings plus 200 extra care units and 50 units of student/health worker accommodation. The Scheme will secure affordable housing at policy level. In addition, it will create five new local centres including retail, offices, restaurants and cafes, health and community facilities, health provision, a blue light centre for emergency services and up to two primary schools together with associated areas of open space, renewable energy provision and energy centre and 600 extra spaces at the Park and Ride and Park and Ride Extension. Of the foregoing, 68% of the 3550 dwellings; two primary schools; the energy centre; SANG, and Park and Ride Extension are all under the Council's direct control to deliver upon confirmation of the CPO. The Scheme will deliver jobs in construction, retail, community services, the care industry and hospitality as well as home working opportunities.

- 8.15 The Scheme responds positively to the Site's planning history, its unique environmental and heritage constraints and opportunities, as well as the requirements and aspirations of the adopted and emerging development plan and supporting policies and guidance, both local and national.

- 8.16 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. As a result, the Scheme achieves the following economic, social and environmental wellbeing objectives:-

#### **Housing**

- 8.16.1 Overall delivery of housing to meet the strategic needs for the area as identified in the Local Plan and committed for delivery through the TKNP.



- 8.16.2 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 / custom build housing to meet a range of needs.
- 8.16.3 High quality housing, designed to be capable of responding to future needs, including policy compliant levels of accessible homes.
- 8.16.4 A flexible housing delivery strategy appropriate for an outline scheme of this scale and nature.

#### **Access and Movement**

- 8.16.5 The early delivery of the NAR as an access across the Site and to provide relief to the A390.
- 8.16.6 A NAR design which prioritises active and sustainable travel modes.
- 8.16.7 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.

#### **Design**

- 8.16.8 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 for the Scheme.

#### **Green Infrastructure and biodiversity net gain**

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

#### **Energy**

- 8.16.13 Energy centre providing low cost green power to residents and committed for early delivery under the full Energy Centre Permission (see paragraph 10.15.3 below).

#### **Sustainable Drainage**

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

#### **Off Site improvements**

- 8.16.15 Appropriate contributions towards offsite infrastructure such as sports pitches at Threemilestone and other enhancements in Threemilestone Village to compensate for underprovision on Site and achieve integration and connectivity.

- 8.17 These benefits should be read in the context of the wider capital spending programme, which underscores 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.*

- 8.18 The Site has the benefit of a range of permissions promoted by the previous or existing owners.
- 8.19 However, since the previous permissions were approved, little progress was made in the delivery of this consented housing or mixed-use development. The lack of delivery reflects several complex and interrelated factors, including changing retail market conditions and co-ordinated delivery and upfront funding of critical site-wide infrastructure.
- 8.20 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. The Order will allow the Council to acquire into its ownership the land required to deliver the key site wide infrastructure needed to release the initial phases of the Scheme and thereby unlock the delivery of a sustainable new mixed use community, whilst addressing the overall imbalance of jobs and homes in the area. The Council's proposals will also unlock and facilitate large-scale delivery of development on adjoining land by taking responsibility for funding and implementing construction of the road, utility and other infrastructure (schools, Park and Ride extension, energy centre, parks and SANG) that those developments are reliant upon in order to progress.

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

- 8.21 In November 2017, Cabinet approved a £70 million increase to the capital programme to support the development of the Scheme. In June 2019, the Government announced that the Council had been successful in its bid for £47.5m of Housing Infrastructure Funds towards the cost of delivering the infrastructure for the Scheme.
- 8.22 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.

## **9. EFFORTS TO ACQUIRE BY AGREEMENT**

- 9.1 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."*

- 9.2 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.
- 9.3 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 Lands. 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. The Council has prepared a land acquisition strategy setting out how it will approach the acquisition of all land required for the Scheme, a copy of which is published on the Scheme web page.
- 9.4 To date, of the 150 plots identified by Ardent within the Order Lands, the Council has successfully acquired the freehold interest or required rights in, or agreed for the surrender, release or variation of various rights, interests and obligations in 95 of these plots. This includes:
- 9.4.1 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; and
  - 9.4.2 the acquisition of land at East Langarth required for the construction of Stage 6 of the NAR and the delivery of the wider Scheme
  - 9.4.3 the acquisition of land known as The Willows, identified as the preferred site for the First Langarth Garden Village primary school;
  - 9.4.4 the acquisition of land known as Governs Farm required for the construction of the second primary school and housing together with the SANG with new woodland planting.
  - 9.4.5 the acquisition of the balance of Langarth Farm Phases 3, 4 and 5 for delivery of the wider Scheme
  - 9.4.6 the acquisition of Penstraze for delivery of the wider Scheme
  - 9.4.7 the acquisition of all title, rights and interests in 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.
  - 9.4.8 the release of covenants affecting part of the Park and Ride to enable the development of the energy centre for the Scheme.
  - 9.4.9 the release of covenants affecting land known as the "Park and Ride Extension" to facilitate its development.
  - 9.4.10 the release of specific restrictive covenants and other obligations affecting the Busgate 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.
  - 9.4.11 the surrender and release of an option agreement with various covenants and obligations affecting Langarth Farm Phases 1 and 2.
  - 9.4.12 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.

- 9.4.13 the surrender of three protected business tenancies and a potential farm business tenancy and ancillary rights affecting part of Govers Farm and their replacement with contracted out leases and/or grazing licences to facilitate the delivery of the Scheme.
- 9.4.14 the grant of a new farm business tenancy affecting land at Govers Farm to assist with land and environmental management, bio diversity and meeting planning requirements to facilitate the delivery of the Scheme.
- 9.4.15 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.
- 9.4.16 The variation of an existing option agreement over part of Langarth Farm which affects the remainder of the land forming part of the Scheme.
- 9.5 Discussions have commenced with Royal Cornwall Hospitals National Health Service 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.
- 9.6 Discussions have also taken place with the Trustees of Threemilestone Fishing Club to surrender and release certain rights and interests and grant the Council new rights and interest for the delivery of drainage infrastructure and generally facilitate the delivery of the Scheme.
- 9.7 There are 61 plots that are in the freehold ownership of 22 parties other than the Council where interests or rights are yet to be acquired. 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 to each 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.
- 9.8 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.
- 9.9 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.
- 9.10 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.

## **10. IMPLEMENTATION OF THE SCHEME**

- 10.1 Paragraph 15 of the CPO Circular advises that the acquiring authority be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation and delivery. These include the programming of any infrastructure accommodation works or remedial work which may be required to facilitate delivery of the Scheme.
- 10.2 The delivery of the Garden Village Vision will be achieved through the implementation of infrastructure, the provision of serviced parcels and the subsequent sale of a number of separate but interlinked development plots promoted by a mix of public and private sector bodies. The overarching aim of the Scheme is to expand the choice and quality of housing within the area, together with the

delivery of a range of higher value employment opportunities that together create an attractive and sustainable place for people to live, work, learn and spend leisure time.

- 10.3 Cormac Construction have been appointed to take forward the design and delivery the NAR. Construction of the NAR is proposed to come forward in nine construction phases as set out below:

Construction Phase	Description
Stage 1	Interim Link Road
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

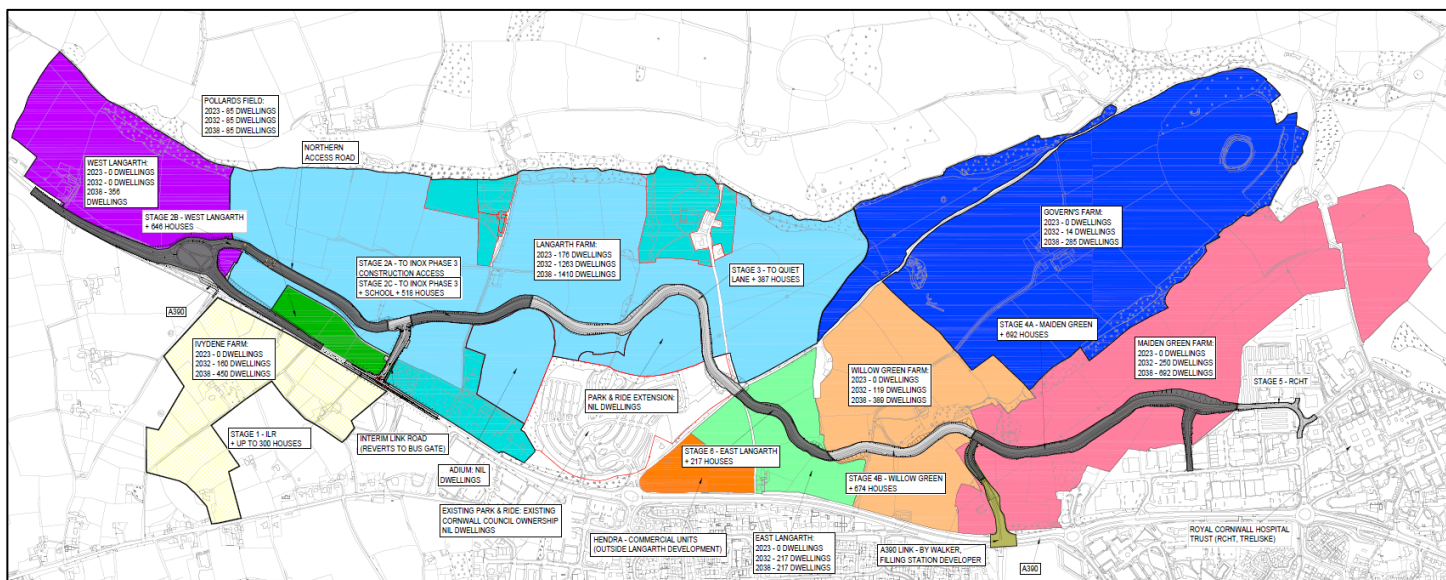


Figure 3

- 10.4 Construction of Stage 1 of the programme commenced in September 2020 and is already complete.
- 10.5 Construction of the remaining phases of the NAR are dependent on completion of the necessary programme of land acquisition, either by negotiation or supported as required by the CPO. As set out above, funding for the construction of the NAR has been secured through the investment of £47.5m from the Housing Infrastructure Fund.



- 10.6 Construction of the energy centre began in May 2021. Located next to the existing park and ride facility, the centre will provide a central hub for bringing electrical power to the Site and will bring together both on-site and off-site 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.
- 10.7 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.
- 10.8 Treveth are supporting the Council through:
- 10.8.1 securing detailed reserved matters approvals for those residential and development parcels that are owned by the Council but which are intended to be sold to individual developers to bring forward;
  - 10.8.2 delivering against the site wide S106 obligations; and
  - 10.8.3 bringing an 'Infrastructure First' mindset to the development of the Scheme.
- 10.9 This methodology has been adopted to ensure the creation of a sense of place early on in the delivery of the Scheme and has been supported by viability assessment workstreams focused on the delivery of those 2600 homes that can be delivered on the Council owned land parcels. The approach is also considered to be more cost efficient in terms of infrastructure procurement and delivery and this in turn creates more saleable and profitable land parcels which will in turn allow the Council to secure a land premium more quickly than through uncoordinated development. The "infrastructure first" approach 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 existing landowners will be able to bring forward pursuant to individual reserved matters approvals in due course.
- 10.10 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.
- 10.11 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.
- 10.12 There are the following known Crown interests within the Order Land:
- 10.12.1 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 Council is currently in discussions with the Trust for the grant to 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. An advanced draft of the agreement is currently with solicitors.
  - 10.12.2 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. As set out above, completion of the proposed agreement with the Royal Cornwall Hospital Trust 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. The Council is in discussion with the DHSC to understand whether implementation of the



Scheme will impact upon the right to construct and maintain a water drain across Plot 620 and for the release or realignment of this right if necessary.

- 10.12.3 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. 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.
- 10.13 Other than confirmation of the CPO and the SRO, the Council is satisfied that there are no foreseeable impediments to implementation and funds will be available to secure the delivery of the Scheme.
- 10.14 Paragraph 15 of the CPO Guidance further advises that acquiring authorities demonstrate that there are no planning impediments to delivery of the Scheme. It states:
- “Where planning permission will be required for the scheme, and permission has yet to be granted, the acquiring authority should demonstrate to the confirming minister that there are no obvious reasons why it might be withheld. Irrespective of the legislative powers under which the actual acquisition is being proposed, if planning permission is required for the scheme, then, under section 38(6) of the Planning and Compulsory Purchase Act 2004, the planning application will be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. Such material considerations might include, for example, a local authority’s supplementary planning documents and national planning policy, including the National Planning Policy Framework.”*
- 10.15 The related orders and consents necessary for implementing the Scheme are as follows: -
- 10.15.1 Planning Permission granted on 5 April 2022;
- 10.15.2 Listed building consent for the re-siting of a listed milestone to facilitate proposed works to the highway granted on 5 April 2022 under reference PA20/09610 (**LBC**).
- 10.15.3 Full planning permission for the development of the energy centre forming part of the Scheme adjoining the Park and Ride granted on 21 January 2021 under reference PA20/09599 (**Energy Centre Permission**) in order to enable early delivery of this key infrastructure.
- 10.15.4 Full planning permission for the development of the ILR was granted on 2 January 2020 under reference PA20/00009 (**ILR Permission**). Works pursuant to the ILR Permission commenced in September 2020 and have since been completed.
- 10.16 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. 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 in paragraph 11 below.

## 11. THE SIDE ROADS ORDER

- 11.1 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**

- 11.2 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**

- 11.3 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**”).
- 11.4 The SRO refers to the NAR as the “classified road”. The NAR, when constructed, is to be classified as a “C” road.
- 11.5 The SRO is made under the following powers of the Highways Act 1980:
- 11.5.1 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.
- 11.5.2 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**

- 11.6 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.
- 11.7 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 Circular 1/97 and are as follows.

### **Section 14(6)**

- 11.8 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.

- 11.9 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)**

- 11.10 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.
- 11.11 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**

- 11.12 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.
- 11.13 The following descriptions should be read in conjunction with the Schedules in the SRO and the SRO Plans.
- 11.14 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.
- 11.15 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.
- 11.16 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.
- 11.17 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.

- 11.18 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**

- 11.19 The SRO provides for the following improvements to the existing public highway:
- 11.19.1 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.
  - 11.19.2 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.
  - 11.19.3 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.
  - 11.19.4 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.
  - 11.19.5 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.
  - 11.19.6 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**

- 11.20 The SRO provides for the creation of the following new highways:
- 11.20.1 The creation of new bridleway shown as A, B, C and D on SRO Plan 1.
  - 11.20.2 The creation of new bridleway shown as A, C and D, and new highways shown as E and F on SRO Plan 2.
  - 11.20.3 The creation of new bridleway shown as G and H and new highway shown as J on SRO Plan 3.
  - 11.20.4 The creation of new bridleway shown as K, M, N, P and Q together with new highway shown as L on SRO Plan 4.
  - 11.20.5 The creation of new highway shown as R on SRO Plan 5.
  - 11.20.6 The creation of new highway shown as S on SRO Plan 6.

### **Highway to be stopped up**

- 11.21 The SRO provides for the following sections of highway to be stopped up:
- 11.21.1 Public Footpath FP309021 from its junction with the A390 northwards for a distance of 133m as shown on SRO Plan 9.

- 11.21.2 The A390 from its junction with the Ashgrove Farm access, north west for a distance of 433m as shown on SRO Plan 9.
- 11.21.3 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.
- 11.21.4 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**

- 11.22 The SRO provides for the stopping up of the following private means of access:
  - 11.22.1 Access from West Langarth Farmhouse, and properties beyond to the A390 as shown on SRO Plan 3 (reference a)
  - 11.22.2 Access from the A390 to West Langarth Bungalow and properties beyond as shown on SRO Plan 3 (reference b)
  - 11.22.3 Access from the A390, C0360 and C02090 to Woodclose and properties beyond as shown on SRO Plan 4 (reference c)
  - 11.22.4 Access from the A390 and C0360 to Willow Green Cottage and properties beyond as shown on SRP Plan 4 (reference c)
  - 11.22.5 Access from the A390, C0360 and bridleway 309029 to East Langarth Farm as shown on SRO Plan 4 (reference c)
  - 11.22.6 Access from the A390 to Willow Green Farm and properties beyond as shown on SRO Plan 4 (reference d)
  - 11.22.7 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**

- 11.23 The SRO provides for the following new private means of access to be created:
  - 11.23.1 Extension of existing private means of access to and from Ashgrove Farm as shown on SRO Plan 1 (reference 1)
  - 11.23.2 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)
  - 11.23.3 Creation of a private means of access for the benefit of future development parcels as shown on SRO Plan 3 (references 5 and 7)
  - 11.23.4 Replacement access to and from West Langarth Farm Farmhouse and properties beyond as shown on SRO Plan 3 (reference 4)
  - 11.23.5 Replacement access to and from West Langarth Bungalow and properties beyond as shown on SRO Plan 3 (reference 4)
  - 11.23.6 Replacement access to and from East Langarth Farm as shown on SRO Plan 4 (reference 8 – includes private vehicular rights over proposed Bridleway N)
  - 11.23.7 Replacement access to and from Willow Green Farm and properties beyond as shown on SRO Plan 4 (reference 12).

- 11.24 The Council is satisfied that,
- 11.24.1 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
- 11.24.2 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.
- 11.25 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.
- 11.26 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.

## 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. 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 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:
- 13.3.1 over the age of 65 years (62.5% of all respondents)
  - 13.3.2 male (75% of respondents)
  - 13.3.3 of Christian faith (62.5%)
  - 13.3.4 in economic group C2 and above (60%)
  - 13.3.5 married (75%)
  - 13.3.6 heterosexual (75%)
  - 13.3.7 white British (62.5%).
- 13.4 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.

- 13.5 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.
- 13.6 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.
- 13.7 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.
- 13.8 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.
- 13.9 Other operational effects include the provision of sufficient primary school places to meet the needs of children on-site 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.
- 13.10 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.
- 13.11 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 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.
- 13.12 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 reprovided by an alternative reasonably convenient means of access to relevant premises before the stopping up takes place.

#### **14. OTHER RELEVANT INFORMATION**

- 14.1 Those parties affected by the Orders who wish to discuss matters with a representative of the Council should email [langarthyv@cornwall.gov.uk](mailto:langarthyv@cornwall.gov.uk) in the first instance.

- 14.2 The Royal Institution of Chartered Surveyors (RICS) operates a Compulsory Purchase helpline which provides initial free advice. Those parties wishing to make use of that service should contact the RICS on 024 7686 8555 or via its website: [www.rics.org](http://www.rics.org).

## **15. INSPECTION OF THE ORDERS**

- 15.1 Copies of the Orders and Order Maps can be inspected during office hours at the Council's offices at the County Hall, Truro, Cornwall TR1 3AY. Inspection may be made between 9.00am and 5pm Monday to Friday. The documents are also available for inspection on the project website ([www.langarth.co.uk](http://www.langarth.co.uk)).

## **16. INQUIRY PROCEDURE RULES**

- 16.1 This statement of reasons is not intended to be a statement of case in accordance with the Compulsory Purchase (Inquiries Procedure) Rules 2007.

## **17. DOCUMENTS TO BE REFERRED TO OR PUT IN EVIDENCE IN THE EVENT OF AN INQUIRY**

- 17.1 Documents and plans may be inspected at the same venues and times as the Orders, identified in paragraph 15 above.
- 17.2 List of Documents:-
- 17.2.1 CPO and CPO Plans
  - 17.2.2 SRO and SRO Plans
  - 17.2.3 15 June 2022 Cabinet report (relevant extract only)
  - 17.2.4 National Planning Policy Framework (relevant extracts);
  - 17.2.5 Local Plan (relevant extracts);
  - 17.2.6 TKPN (relevant extracts);
  - 17.2.7 Langarth, Understanding the place (Strategic Historic Environment, Cornwall Council) – relevant extracts;
  - 17.2.8 Planning Permission.

**Dated 1 November 2022**

**Cornwall Council**