

# Cornwall Council

Correspondence Address: Cornwall Council Planning, PO Box 676, Threemilestone, Truro, TR1 9EQ

Email: [planning@cornwall.gov.uk](mailto:planning@cornwall.gov.uk)

Tel: 0300 1234151

Web: [www.cornwall.gov.uk](http://www.cornwall.gov.uk)



**Application number:** PA20/09631

**Agent:**

Mr Terry Grove White  
Atlantic Arc Planning Ltd  
C/o Arcadis  
Rydon House  
Pynes Hill  
Exeter  
EX2 5AZ

**Applicant:**

MR Phil Mason  
New County Hall  
Treyew Road  
Truro  
TR1 3AY

**Town And Country Planning Act 1990 (As Amended)  
Town And Country Planning (Development Management Procedure) (England)  
Order 2015**

## **Grant of Conditional Planning Permission**

**CORNWALL COUNCIL**, being the Local Planning Authority, **HEREBY GRANTS CONDITIONAL PERMISSION**, subject to the conditions set out on the attached schedule, for the development proposed in the following application received on 3 November 2020 and accompanying plan(s):

**Description of Development:** Hybrid planning application for Langarth Garden Village comprising: 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

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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 and C. The Application is accompanied by an Environmental Statement.

**Location of Development:** Land North Of A390 Threemilestone, Threemilestone, Cornwall

**Parish:** Kenwyn

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**DEFINED TERMS APPLICABLE TO HYBRID PERMISSION REFERENCE PA20/09631**

In this hybrid planning permission the following terms shall have the following meanings:

"Enabling Works" mean preparatory works to make the application site ready for construction, including surveying (including but not limited to ecological and GPR surveys), testing (including but not limited to soil testing), sampling, monitoring (including but not limited to groundwater monitoring), strip trenching, pegging out, tree protection works, archaeological investigations, construction of temporary boundary fencing and/or hoardings (including for site security); and any necessary service diversions

"Construction Works" means material operations as defined in Section 56(4) of the Town and Country Planning Act 1990

"Infrastructure Development" means development permitted by this planning permission other than for the construction of residential floorspace (including extra care, student/health worker accommodation and self-build units) or non-residential floorspace (including retail, commercial, employment and wider community use floorspace) which is not ancillary to such Infrastructure Development

"NAR" means the Northern Access Road as more particularly described in Application A

**FULL APPLICATION (APPLICATION A)**

Description of development under Application A:

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

References to the "development" in the below conditions for Application A are to the development described above.

References to "conditions" in the below conditions for Application A are to the conditions attached to Application A save where expressly otherwise stated.

**CONDITIONS APPLICABLE TO THE FULL APPLICATION (APPLICATION A)**

1 Time Limit

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### 2 Approved Plans

The development hereby permitted shall be carried out in accordance with the plans and documents listed below:

Reason: For the avoidance of doubt and in the interests of proper planning.

### 3 Environmental Mitigation

The development hereby permitted shall be carried out in accordance with the mitigation measures set out at Table 19.1 of the accompanying Environmental Statement dated November 2020 as amended by the Monitoring Evaluation Plan by Aecom dated October 2021.

Reason: To ensure that the development takes place in accordance with the principles and parameters contained within the Environmental Statement.

#### Informative

For the avoidance of doubt, the biodiversity net gain measures in Table 19.1 have been superseded by the requirements in planning condition 12 attached to Application B and the Section 106 Obligation accompanying this permission.

### 4 Staging

No development shall take place until a construction stages plan for the development which sets out the sequence of the construction of the NAR has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved construction stages plan.

Reason: To ensure the development is comprehensively planned and phased to maximise practical integration between different land uses within and beyond the site in accordance with paragraph 60 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary in this instance to ensure that the development on the masterplan area is delivered in a co-ordinated manner and served by the associated key transport infrastructure.

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For the avoidance of any doubt, any reference to "stage" in this permission shall be construed as a stage of the NAR as shown on the plan or plans approved pursuant to this condition 4.

5 Archaeology

A) Prior to the commencement of Construction Works within any stage as agreed under condition 4 (save for Enabling Works) a Written Scheme of Investigation ("WSI"), shall have been submitted to and approved by the Local Planning Authority in writing. The WSI shall include:

1. An assessment of significance including research questions;
2. The programme and methodology of site investigation and recording;
3. The programme for post investigation assessment;
4. Provision for analysis of the site investigation and recording;
5. Provision for publication and dissemination of the analysis and records of the site investigation;
6. Provision for archive deposition of the analysis and records of the site investigation;
7. Nomination of a competent person or persons/organisation to undertake the works set out within the WSI

B) No development shall take place other than in accordance with the WSI approved under Part (A).

C) Any stage as agreed under condition 4 shall not be used by the public until the site investigation and recording and post investigation assessment for that stage has been completed in accordance with the programmes set out in the WSI approved under Part (A) and the analysis, publication and dissemination of results and archive deposition has also been secured in accordance with details set out in the WSI approved under Part (A).

Reason: To ensure that provision is made to record finds of archaeological interest in accordance with the aims and intentions of Policy 24 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraph 205 of the National Planning Policy Framework 2021 and. A pre-commencement condition is necessary in this instance due to the need to ensure that a programme and methodology of site investigation and recording of archaeological features is undertaken before physical works commence on site.

Informative

The archaeological recording condition for any stage as agreed under condition 4 will normally only be discharged when all elements of the WSI, including onsite

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works, analysis, reporting, publication (where applicable) and archive work has been completed.

**6 Groundwater Monitoring**

Prior to the commencement of Construction Works within any stage as agreed under condition 4 (save for Enabling Works) the results of groundwater monitoring undertaken at the position of each attenuation and infiltration basin along the route of the NAR for that stage shall have been submitted to and approved by the Local Planning Authority in writing.

Such results shall include and/or comply with the following details (as applicable):

1. A plan with the location of the monitoring boreholes shown, each borehole applicable to the relevant stage individually referenced, the below ground depth of the borehole marked, and the position and base depth of the proposed surface water drainage features shown (and reference to "each borehole" in parts 2 to 9 below shall mean each borehole as identified on the plan or plan(s) approved under this part 1);
2. The results of a full 12 months' continuous monitoring of groundwater levels, the borehole depth, and the depth recorded from the ground surface of each borehole to the surface of the groundwater for each borehole;
3. The positions of drainage features R1-C, R1-A, R1-B, SR-A, M1-A, M1-B, SR-B, SR-C M1-C, M1-D, SR-D, M1-E, M1-F and M1-G identified on Drawing Ref 1665-CSL-HDG-00MZ-DE-D-0044 Rev P03 must be monitored unless otherwise agreed in writing by the Local Planning Authority;
4. The results must demonstrate that the seasonal groundwater peak has been reached and that there has been a continuous fall in the level following the peak for a minimum of 2 months;
5. A record of the weather conditions must be maintained throughout the monitoring period and submitted with the groundwater monitoring results;
6. The monitoring results for each borehole shall be tabulated and presented in both a table and line graph format;
7. All results must be provided including the results for those boreholes which fail;
8. Details of the ground investigation result shall be provided for each borehole; and
9. Details of any proposed "cut and fill" operations proposed by the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with the aims of Policy E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167 and 169 of the National Planning Policy Framework 2021. A pre-

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commencement condition is necessary in this instance to ensure that the drainage features proposed are appropriate having regard to groundwater levels.

7 NAR Detailed Surface Water Design

Prior to the commencement of Construction Works within any stage as agreed under Condition 4 (save for Enabling Works) a detailed surface water scheme for that stage satisfying the requirements in both Parts A and B below shall have been submitted to and approved by the Local Planning Authority in writing. The scheme shall include and/or comply with the following details (as applicable):

A) Details of ground investigations relevant to the stage. Such investigations should:

1. Identify any areas of instability which shall subsequently inform remedial design and construction techniques;
2. Include infiltration test and groundwater monitoring results; and
3. Inform the surface water drainage design and construction techniques

B) The following technical details:

1. A detailed description of the surface water drainage system, how it is proposed to operate and how it relates to the drainage strategy for the wider site;
2. Greenfield runoff calculations, which must be based on the proposed impermeable area and exclude open space, gardens, greenspace etc.;
3. Details of the surface water drainage design, including calculations, layout and bespoke surface water drainage solutions (based on the findings of the site investigations). The surface water drainage solutions incorporated into this drainage design must fully manage the 1 in 100 year peak rainfall event plus a minimum allowance of 40% for the impact of climate change;
4. Drainage systems which are designed to ensure that (unless an area is designed to hold/convey surface water) flooding does not occur to any building or part of a building, utility or plant, pumping station, electricity substation during the 1 in 100 year peak rainfall event;
5. Under the 1 in 100 year peak rainfall event conveyance systems (including pipework and swales) must aim to hold and convey flows without flooding. Flooding of any part of the site must not occur within any part of the site during the 1 in 30 year rainfall event;
6. Infiltration should be used as the preferred method of surface water disposal and only where this method is not viable should an attenuated flow controlled discharge from the site be used;
7. Flow rates discharged from the site should aim to achieve the 1 in 1 year greenfield runoff rate but must be no greater than the 1 in 10 year greenfield runoff rate;
8. Flow control system designs and profiles;

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9. Factors of safety must be applied based on the consequence of failure; a minimum factor of 10 is required for surface water drainage systems offered for adoption by Cornwall Council;
10. Plan indicating the provisions for exceedance pathways and overland flow routes and mitigation measures;
11. Timetable for construction, including a drainage phasing plan (where applicable).

The approved surface water drainage scheme shall be implemented in accordance with the approved construction timetable and details and shall be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To prevent the increased risk of flooding within and off site and minimise the impact of surface water within and resulting from the development on the area and manage the potential pollution risk to surface water by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with the aims of Policies E1 and E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 16, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167, 169, 174 and 180 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary in this instance to ensure that the drainage features proposed are appropriate and would not give rise to any harm to the environment.

### 8 NAR Construction Period Surface Water Management Plan

Prior to the commencement of Construction Works within any stage as agreed under condition 4 (save for Enabling Works) a Construction Period Surface Water Management Plan for that stage shall have been submitted to and approved by the Local Planning Authority in writing. This must include and/or comply with the following details (as applicable):

1. Areas proposed for infiltration systems e.g. basins, soakaways, infiltration trenches must be fenced and protected from compaction during the construction phase. A plan clearly indicating the extent of the fenced areas must be provided.
2. Clearly identify how surface water runoff from the site and the effects of silt and surface water on land, property, watercourses and the highway will be mitigated and managed throughout the construction period.
3. Details of pollution water quality and emergency control measures, including temporary sediment basins, sediment traps, silt fences, bunds and trenches.
4. Construction site plan showing compounds, material storage areas, temporary vehicle parking areas for the relevant stage.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal during construction and

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implementation in accordance with the aims of Policies E1 and E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 16, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167, 169, 174 and 180 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary in this instance to ensure that the construction surface water management is appropriately managed and would not give rise to any harm to the environment.

9 NAR Construction Quality Control Plan

Prior to the commencement of Construction Works within any stage as agreed under condition 4 (save for Enabling Works) a Construction Quality Control Plan shall have been submitted to and approved by the Local Planning Authority in writing. This must include and/or comply with the following details (as applicable):

1. Procedures used to ensure that the quality of contractors and subcontractors' workmanship is in accordance with the approved design;
2. The proposed storage and use of materials which must be in accordance with the manufacturer's recommendations and specifications;
3. Procedures implemented to ensure that all materials used, including any materials which are substituted, are compliant with the approved design;
4. How inspections, non-compliances and corrective actions will be recorded.

The development in each stage shall be carried out in accordance with the details hereby approved

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal during construction and implementation in accordance with the aims of Policies E1 and E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 16, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167, 169, 174 and 180 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary in this instance to ensure that the construction of the development hereby approved is appropriately managed and would not give rise to any harm to the environment in particular with respect to surface water control.

10 NAR Surface Water Drainage Systems Operations and Maintenance Manual

Prior to the commencement of Construction Works within any stage as agreed under condition 4 (save for Enabling Works) details of the NAR Surface Water Drainage Systems Operation and Maintenance Manual for that stage shall have been submitted to and approved by the Local Planning Authority in writing. This must include and/or comply with the following details (as applicable):

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1. A brief summary of the SuDS design, how the SuDS components work, their purpose and potential performance risks;
2. A plan showing the location of all SuDS components within and serving the relevant stage including inlets and outlets. Each component must have a unique reference
3. Confirmation of who will adopt, operate, manage and maintain each SuDS component and the method of adoption;
4. Maintenance and remedial measures triggers, including visual indicators for silt removal, vegetation removal etc.;
5. A description of the proposed maintenance activities and measures for maintaining a log of such activities;
6. A Maintenance Schedule identifying regular and occasional maintenance and remedial actions and responsible persons;
7. Confirmation of maintenance buffer areas;
8. Details of maintenance access routes and easements;
9. Details of the contributing drainage catchment(s);
10. The landscaping and planting scheme(s) for the relevant stage;
11. Details how habitats and amenity areas created as part of the approved drainage scheme shall be managed and maintained.

The development in each stage shall be carried out in accordance with the details hereby approved.

Details of the Maintenance Schedule shall be kept up to date and be made available to the Local Planning Authority within 28 days of receipt of a written request.

Reason: To ensure that the implemented surface water drainage systems are managed and maintained for the lifetime of the development in accordance with the aims of Policies E1 and E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 16, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167, 169, 174 and 180 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary in this instance to ensure that the drainage system can be appropriately managed, operated and maintained.

### 11 NAR Construction Traffic Management Plan

Prior to the commencement of Construction Works within any stage as agreed under condition 4 (save for Enabling Works) a Construction Traffic Management Plan ("CTMP") and programme of works for that stage shall have been submitted to and approved by the Local Planning Authority in writing.

The CTMP shall include the following details:

1. Construction vehicle details (number, size and type);

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2. Vehicular routes and delivery hours;
3. The parking of vehicles of site operatives and visitors;
4. Loading and unloading of plant and materials;
5. Storage of plant and materials used in constructing of the development;
6. Wheel washing facilities; and
7. Measures to control the emission of dust and dirt during construction.

The approved CTMP and programme of works shall be adhered to throughout the construction period of the relevant stage.

Reason: In the interests of maintaining a safe and efficient highway network and in accordance with the aims and intentions of Policy T3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 16 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 110 and 112 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary in this instance to ensure that the construction process is appropriately managed in the interests of highway safety.

12 NAR Construction Environmental Management Plan

Prior to the commencement of Construction Works within any stage as agreed under condition 4 (save for Enabling Works) a Construction Environmental Management Plan ("CEMP") for that stage shall have been submitted to and approved by the Local Planning Authority in writing.

The CEMP shall include and/or comply with the following details (as applicable):

1. Risk assessment of potentially damaging construction activities;
2. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (this may be provided as a set of method statements);
3. Air quality management measures, including an anti-idling policy and details of construction traffic management;
4. Dust management plan;
5. Protocols for community and stakeholder relations and workforce training;
6. The location and timing of sensitive works, with a view to avoiding harm to and mitigating construction period effects on biodiversity features;
7. The details of and roles and responsibilities of an onsite ecological clerk of works or similarly competent person;
8. The times during construction when specialist ecologists need to be present on site to oversee works;
9. Responsible persons and lines of communication between contractors and responsible persons;
10. Monitoring, reporting and emergency response mechanisms;
11. Use of protective fences, exclusion barriers and warning signs;

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12. Measures to mitigate the effects of and to control lighting during construction;
13. Measures to mitigate construction effects on features of archaeological and cultural heritage significance;
14. Measures for the protection of any European and/or nationally protected species from construction period activities.

The development in each stage shall be carried out in strictly accordance with the details hereby approved.

Reason: To ensure that the development is undertaken in a manner which reduces any potential adverse impact upon the residential amenities currently enjoyed by existing and future residents and businesses and features of biodiversity value in accordance with the aims of Policies E4 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 13 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 159, 167, 169, 174, 185 and 186 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary to ensure that the existing biodiversity and habitat potential of the site is not harmed through inappropriate actions and that works can be completed safely and reducing amenity and environmental impacts so far as possible.

13 NAR Landscape Ecology Management Plan

Prior to the commencement of Construction Works within any stage as agreed under condition 4 (save for Enabling Works) a Landscape and Ecology Management Plan ("LEMP") for that stage shall have been submitted to and approved by the Local Planning Authority in writing. The LEMP shall be prepared in accordance with the Environmental Statement by Arcadis dated November 2020 (including its addendums and appendices), and the Design and Access Statement by AHR dated November 2020, as updated in October 2021. The LEMP shall include and/or comply with the following details (as applicable):

1. Physical protection of retained hedgerows and trees through tree protection measures approved under this Application A, throughout the construction period;
2. Avoidance of artificial light spill onto boundary hedges, during the construction period;
3. Detailed lighting strategy for the operational phase of the development, to prevent harm to light-sensitive bat species (such strategy to utilise directional lighting, careful positioning of lighting and appropriate light levels);
4. Incorporation of native species in planting schemes, hedgerow enhancement measures and landscaping;
5. Management of existing and proposed trees and hedges and associated ecological mitigation measures for the lifetime of the development;
6. Details of habitat linkages and routes of passage for wildlife and mitigation measures for loss of habitat;

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7. Appointment of an ecological clerk of works;
8. Timetable for implementation;
9. Details of all other the landscape and ecological mitigation, enhancement and/or compensation measures to be undertaken pursuant to the LEMP;
10. Details for the management, maintenance and monitoring of all landscape and ecological mitigation, and/or compensation measures to be undertaken pursuant to the LEMP.

The development in each stage shall be carried out strictly in accordance with the details hereby approved.

Reason: To ensure the habitats and species are safeguarded and where appropriate enhanced to secure the specified habitat net gain in accordance with Policy E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Polices 2 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030, advice in paragraphs 17, 130, 174 and 180 of the National Planning Policy Framework 2021, and the requirements of the Conservation of Habitats and Species Regulations 2010.

### 14 NAR Landscaping

Prior to the commencement of Construction Works within any stage as agreed under condition 4 (save for Enabling Works), a soft and hard landscaping scheme for the relevant stage shall have been submitted to and approved by the Local Planning Authority in writing.

The soft and hard landscaping scheme shall include and/or comply with the following details (as applicable):

1. A scaled plan showing all existing trees and vegetation, Cornish hedges and landscape features to be retained, as well as proposals for new trees, hedges and planting;
2. A schedule detailing size, number and density of all proposed trees/plants;
3. Identification of the root protection areas of retained trees;
4. Tree pit design, to include (where appropriate) root barriers and underground modular systems;
5. Specifications for operations associated with plant establishment and maintenance that are compliant with best practice at the time;
6. Means of enclosure, including types and dimensions of all boundary treatments;
7. Location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a. car parking (including details of layout);
  - b. hard surfacing materials, to include permeable paving;
  - c. street furniture and structures (including play equipment, bus stops, refuse and other storage units, street and road signs and lighting);

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- d. proposed and existing functional services above and below ground (including drainage, power, communications and cables and to serve any district heating infrastructure or similar infrastructure);
- e. retained and relocated historic features and proposals for restoration or alternative use elsewhere, where relevant;
- 8. Integration of both soft and hard landscaping features with the sustainable urban drainage system serving the NAR

The development in each stage shall be carried out strictly in accordance with the details hereby approved.

During the implementation of the landscaping hereby approved there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees.

Planting is to take place in the first planting season after completion of the relevant stage of the NAR, or the relevant stage of the NAR being open to the public, whichever is the sooner.

Unless expressly required by a separate landscaping or other similar condition to this permission (or the conditions attached to Application B), all soft landscaping shall have a ten year maintenance period following planting. This means that any new trees or plants (other than trees) that die, are removed, become severely damaged or diseased within a period of ten years from planting will be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the details hereby approved.

Reason: To ensure that the development does not have a detrimental impact upon the natural environment in accordance with the aims and intentions of Policies E4, E5 and C3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 2, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174 and 197 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary as there is significant potential for spatial conflict between green, grey and blue infrastructure. Construction and engineering operations have the potential to compromise retained trees, damage soil structure and alter drainage and adversely impact upon the establishment of new planting. In order to ensure the successful delivery and establishment of green infrastructure appropriate and commensurate to the approved scheme, it is critical that from the outset all disciplines involved in implementation are aware of approved landscaping and informed of the constraints this poses to site operations, working areas and both the timing and methods of works.

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Informative

The preparation and delivery of the soft and hard landscaping scheme required by this condition should be informed by the relevant British Standards and current industry best practice.

15 Arboricultural supervision

Prior to the commencement of Construction Works within any stage as agreed under condition 4 (including any facilitative vegetation clearance or tree works), details of a suitably qualified tree specialist e.g. arboricultural professional with the minimum of a level 4 qualification as recognised by the Qualifications and Credit Framework (or similar framework which may amend or replace this from time to time), to supervise the implementation of the tree protection measures for the relevant stage, shall have been submitted to and approved in writing by the Local Planning Authority.

The tree works in each stage shall be supervised strictly in accordance with the details hereby approved.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition, construction and landscaping operations, and to protect and enhance the appearance and character of the site and locality. In accordance with the aims and intentions of Policies 2 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Policies E4 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 and paragraph 174 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary because damage to the boundary hedges or trees from construction processes is irreversible. To ensure successful tree retention beyond completion, it is critical that from the outset all disciplines involved in implementation of the approved development are aware of the tree protection required and the constraints the retained trees pose to the timing of operations, working areas and working methods. Having an appointed tree specialist working with the construction team and an agreed scheme of monitoring in place is key to this.

16 Tree Protection Plans

Prior to the commencement of any Construction Works within any stage as agreed under condition 4 (including any facilitative vegetation clearance or tree works), a scheme for the protection of retained trees, in accordance with BS 5837, including a tree protection plan(s) and an arboricultural method statement for that stage, shall have been submitted to and approved in writing by the Local Planning Authority.

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The development in each stage shall be carried out strictly in accordance with the details hereby approved.

Reason: To ensure that the development does not have a detrimental impact upon the natural environment in accordance with the aims and intentions of Policies 2 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Policies E4 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 and paragraph 174 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary to ensure that the existing trees within the site are not harmed through inappropriate actions and that works can be completed safely and reducing amenity impacts so far as possible.

Informative

The level of detail to be submitted shall be commensurate to the scale and impact of the approved development on retained trees in the relevant stage. The preparation and delivery of such detail should be informed by BS: 5837:2012 Trees in relation to design, demolition and construction - Recommendations and BS: 3998 Tree work - Recommendations.

17 Cornish Hedges

Prior to the commencement of Construction Works within any stage as agreed under condition 4 (including any facilitative vegetation clearance or tree works), a Conservation Statement for Cornish hedge and boundary repairs shall have been submitted to and approved by the Local Planning Authority in writing. The Statement should be informed by an assessment of the character and build of each existing boundary/Cornish hedge to be breached by the NAR (including hedging stone, field gate posts or hedge furniture (e.g. stiles), and the Statement should include the proposed bank material, facing style and stone type to be used to make good each breach. The development shall be completed in accordance with the details hereby approved prior to the relevant stage of the NAR being brought into public use.

Reason: To retain control over the appearance of the development and these key historic landscape features that contribute to the character of the area in the interests of visual amenities of the locality and in accordance with the aims and intentions of Policies E4, E5 and C3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 2, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174 and 197 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary in this instance due to the need to secure and agree a programme and methodology for boundary repairs is undertaken before physical works commence on site.

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 5 April 2022**

*Hayley Jewels* - Head of Development  
Management

18 Local forum

Prior to the commencement of any Construction Works (save for Enabling Works), details of a local forum including membership, terms of reference, frequency of meetings and duration of existence (which shall be at least for the construction period of the entire length of the NAR) for that forum shall have been submitted to and approved by the Local Planning Authority in writing. The terms of reference for the local forum shall reflect the following objectives:

1. To exchange relevant information for the purposes of assisting with condition discharges under this Application A (in particular, but without limitation, details required in connection with the CEMP and CTMP);
2. To facilitate community consultation on any proposed amendments to plans (without prejudice to the normal statutory procedures for securing non-material and/or material amendments to plans approved under this Application A);
3. To provide a defined route to responding to local comments and taking corrective action where required; and
4. To help maintain good community relations.

The local forum shall be set up, meet and operate in accordance with the approved details.

Reason: In order to clarify and control the scope and nature of the use and to protect local amenities in accordance with Policy E1 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 12, 13 and 16 of the Cornwall Local Plan (2016) and paragraphs 8 and 130 in the National Planning Policy Framework 2021.

19 Badger crossings

Prior to the commencement of Construction Works within any stage as agreed under condition 4 (save for Enabling Works) details of the proposed badger crossings shall have been submitted to and approved by the Local Planning Authority in writing. The badger crossings shall be completed in accordance with the details hereby approved prior to the relevant stage of the NAR being used by the public.

Reason: In order to safeguard species which are specially protected by law, and in accordance with Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and the National Planning Policy Framework 2021, with specific reference to paragraph 180. A pre-commencement condition is necessary in this instance due to the need to ensure that suitable mitigation is designed and installed during the construction period.

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 5 April 2022**

*Hayley Jewels* - Head of Development  
Management

20 Earthworks strategy

Prior to the commencement of Construction Works within any stage as agreed under condition 4 (save for Enabling Works) details of the proposed earthworks strategy, (including method of soil stripping and details of storage and site levelling) shall have been submitted to and approved by the Local Planning Authority in writing.

The earthworks in each stage shall be carried out in accordance with the details hereby approved.

Reason: To ensure that the development is undertaken in a manner which reduces any potential adverse impact upon the residential amenities currently enjoyed by existing and future residents and businesses and features of biodiversity value and in the interests of visual amenity in accordance with the aims of Policies E4 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 12, 13, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 130, 174, 180 and 185 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary to ensure that the existing biodiversity and habitat potential of the site is not harmed through inappropriate actions and that works can be completed safely and reducing amenity impacts so far as possible.

21 NAR as Constructed Drawings

Prior to any stage as agreed under condition 4 being used by the public and prior to each sustainable drainage feature or series of features serving a defined catchment area being brought into use, "As Constructed" drawings and supporting information of the road and drainage for that stage must have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the implemented sustainable drainage features are accurately recorded to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal during construction and implementation in accordance with the aims of Policies E1 and E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 16, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167, 169, 174 and 180 of the National Planning Policy Framework 2021.

22 Reporting previously unidentified contamination

Any contamination that is found during the course of construction of any stage as agreed under condition 4 that was not previously identified shall be reported in writing immediately to the Local Planning Authority. Development on the part of the site affected by such contamination shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

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*Hayley Jewels* - Head of Development  
Management

## SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA20/09631

Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be carried out and verified before the development in that stage is resumed or continued.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016 and paragraphs 174, 183, 184 and 185 of the National Planning Policy Framework 2021.

### 23 Hours of construction

Any Construction Works (save for Enabling Works) within any stage as agreed under condition 4 shall only take place between the following hours:

Monday to Friday 08:00 to 18:00

Saturdays 08:00 to 13:00

No working on Sundays or Public/Bank/National Holidays

Reason: In the interests of the residential amenities of neighbouring properties in accordance with the aims of Policies 13 and 16 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 174 and 185 of the National Planning Policy Framework 2021.

### 24 Helipad wall

Prior to the Penventinnie Lane stage of the NAR being accessed by the public as shown on approved plan 1665\_CSL\_GEN\_06MZ\_DE\_CH\_0095 P08, the helipad wall as shown on plan 60571547-ACM-GEN-01-DR-CH-0001 P05 shall be constructed in accordance with details which shall have first been submitted to and approved by the Local Planning Authority in writing. The submission shall include details of the natural stone to be used in the construction of the external surfaces of the helipad wall.

Reason: In the interests of visual amenities and highway and pedestrian safety in accordance with the aims of Policies E4 and T3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1, 2, 12, 13 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 110, 112 and 124 and 127 of the National Planning Policy Framework 2021.

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 5 April 2022**

*Hayley Jewels* - Head of Development  
Management

**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA20/09631**

25 Ecology mitigation

The development hereby permitted shall be carried out in accordance with the mitigation measures identified within section 4.1 of the report titled 'Badger walkover survey along the route of the NAR, Threemilestone, Truro, Cornwall' by Wheel Grey Ecology Ltd dated May 2021.

Reason: In order to safeguard species which are specially protected by law, and in accordance with Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and the National Planning Policy Framework 2021, with specific reference to paragraph 180.

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 5 April 2022**

*Hayley Jewels* - Head of Development  
Management

**OUTLINE APPLICATION (APPLICATION B)**

Description of development under Application B:

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 (all matters reserved)

References to the "development" in the below conditions for Application B are to the development described above.

References to "conditions" in the below conditions for Application B are to the conditions attached to Application B save where expressly otherwise stated.

**CONDITIONS APPLICABLE TO THE OUTLINE APPLICATION (APPLICATION B)**

Compliance conditions

1 Reserved Matters

Prior to commencement of development on any phase, sub-phase, or development parcel details of access, appearance, landscaping, layout and scale for that phase, sub-phase, or development parcel (hereinafter called "the reserved matters") shall have been submitted to and approved in writing by the Local Planning Authority.

Development shall not be begun on any phase, sub-phase, or development parcel until all reserved matters for that phase, sub-phase or development parcel have been submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 5 April 2022**

*Hayley Jewels* - Head of Development  
Management

## SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA20/09631

requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### 2 Time Limits

A) Application for approval of all of the reserved matters for the first phase, the first sub-phase, or the first development parcel of the development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Development within the first phase, the first sub-phase or the first development parcel shall be begun no later than the expiration of five years from the date of this permission or, if later, the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved for the first phase, the first sub-phase or the first development parcel.

B) Application for approval of all of the reserved matters for the subsequent phases, sub-phases, or development parcels of the development shall be made to the Local Planning Authority before the expiration of 17 years from the date of this permission. Development within those subsequent phases, sub-phases or development parcels shall be begun before the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved, for such phase, sub-phase or development parcel.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### 3 Approved Plans

The development hereby permitted shall be carried out in accordance with the plans and documents listed below:

- o Application Boundary LAN\_02.1-AHR-MP-ZZ-DR-A-93-004 P11 received 03 November 2020
- o SUDS Strategy Parameter Plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-008 P18 received 12 October 2021
- o Landscape and GI Parameter Plan LAN\_02.1-AHR-MP-ZZ-DR-A-92-009 P14 received 12 October 2021
- o Density Parameter Plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-010 P14 received 12 October 2021
- o Land Use Parameter Plan LAN\_02.1-AHR-MP-ZZ-DR-A-92-002 P15 received 12 October 2021
- o Building Heights Parameter Plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-011 P17 received 12 October 2021

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- o Movement and Access Parameter Plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-012 P14 received 12 October 2021
- o Phasing Parameter Plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-005 REV P13 received 12 October 2021
- o Wider Movement Strategy Parameter Plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-026 REV P05 received 12 October 2021
- o Buildings of Heritage Value to be Retained LAN\_02.1-AHR-MP-ZZ-DR-A-93-027 P04 received 02 November 2020
- o Environmental Statement dated November 2020 and its associated addendums and appendices (the "Environmental Statement")
- o Langarth Garden Village Design Code received 12 October 2021 (the "Design Code")

Reason: For the avoidance of doubt and in the interests of proper planning.

#### 4 Parameters

The development shall comprise no more than:

- o 3550 dwellings
- o 200 extra care units
- o 50 student/health worker bedspaces
- o 38,530sqm of non-residential floor space including 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)
- o Park and ride extension (600 spaces or 2.73 ha)
- o Energy centre incorporating electricity substation, battery storage and associated renewable energy generation

Reason: To clarify the permission, for the avoidance of doubt. The application was submitted and considered on this basis, as were all likely significant environmental effects.

#### 5 Environmental Statement

The development shall be carried out in accordance with the mitigation measures as set out at Table 19.1 of the accompanying Environmental Statement dated November 2020 as amended by the Monitoring Evaluation Plan by Aecom dated October 2021.

Reason: To ensure that the development takes place in accordance with the principles and parameters contained within the accompanying Environmental Statement.

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*Hayley Jewels* - Head of Development  
Management

Informative

For the avoidance of doubt, the biodiversity net gain measures in Table 19.1 have been superseded by the requirements in planning condition 12 below and the Section 106 Obligation accompanying this permission.

6 Local Forum

Prior to the commencement of any Construction Works (save for Enabling Works), details of a local forum including membership, terms of reference, frequency of meetings and duration of existence (which shall be at least for the construction period of the development) for that forum shall have been submitted to and approved by the Local Planning Authority in writing. The terms of reference for the local forum shall reflect the following objectives:

1. To exchange relevant information for the purposes of assisting with condition discharges under this Application A (in particular, but without limitation, details required in connection with the CEMP and CTMP);
2. To facilitate community consultation on any proposed amendments to plans (without prejudice to the normal statutory procedures for securing non-material and/or material amendments to plans approved under this Application A);
3. To provide a defined route to responding to local comments and taking corrective action where required; and
4. To help maintain good community relations.

The local forum shall be set up, meet and operate in accordance with the approved details.

Reason: In order to clarify and control the scope and nature of the use and to protect local amenities in accordance with Policy E1 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 12, 13 and 16 of the Cornwall Local Plan (2016) and paragraphs 8 and 130 in the National Planning Policy Framework 2021.

Informative

This local forum may be the same forum or a continuation of the forum set up under planning condition 18 to Application A but in any event details of the forum shall be submitted to and approved by the Local Planning Authority under this Application B.

7 Building retention

The buildings identified for retention on approved plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-027 P04 (the "Retained Buildings") shall not be demolished unless prior

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approval for demolition is first provided in writing by the Local Planning Authority.

Prior to commencing development affecting any Retained Building (including demolition works), a programme for the recording and analysis of such building(s), known as a Historic Recording Report, shall have been submitted to and approved by the Local Planning Authority in writing.

No development affecting a Retained Building (including demolition works) shall take place until the submitted Historic Recording Report has been approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the details hereby approved.

Reason: The buildings identified are considered to positively contribute to the character and appearance of the area and are worthy of retention and re-use unless it is demonstrated to be uneconomical, unviable or inappropriate to be re-used. Their retention is in accordance with the aims of Policy E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 12, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030, paragraphs 127, 130, 197 and 203 of the National Planning Policy Framework 2021.

## 8 Neighbourhoods

Prior to commencement of any development (save for Enabling Works) a plan detailing the Neighbourhoods and associated green infrastructure in respect of which Neighbourhood Design Codes will be prepared in accordance with conditions 9 and 10, shall have been submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure that high standards of urban design and comprehensively planned development designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved in accordance with Policies 1 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 and paragraphs 73, 126 and 129 of the National Planning Policy Framework 2021. A pre-commencement condition is required to ensure that the high standards of urban design and a comprehensive development can be co-ordinated.

### Informative

For the avoidance of doubt, references to a Neighbourhood or Neighbourhoods under this Application B shall be a Neighbourhood as approved under this condition 8.

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*Hayley Jewels* - Head of Development  
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9 Neighbourhood Design Code

No development shall take place in any Neighbourhood until a Neighbourhood Design Code for that Neighbourhood has been prepared in accordance with condition 10 and submitted to approved by the Local Planning Authority in writing.

In addition, all applications for the approval of reserved matters within a Neighbourhood shall be accompanied by the Neighbourhood Design Code for that Neighbourhood.

Reason: To ensure that high standards of urban design and comprehensively planned development designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved in accordance with Policies 1 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 and paragraphs 73, 126 and 129 of the National Planning Policy Framework 2021. A pre-commencement condition is required to ensure that the high standards of urban design and a comprehensive development can be co-ordinated.

10 Neighbourhood Design Code

The Neighbourhood Design Code shall accord with the principles and parameters described and illustrated in the approved Design Code and Parameter Plans and shall include the following details:

- o development block types
- o building form
- o building height
- o materials strategy
- o architectural language (construction details and articulation e.g. of windows, porches/canopies, bike storage, rainwater goods etc.)
- o private and public space (including public open space and community gardens)
- o green infrastructure
- o landscape/public realm treatment
- o street typology showing their role and purpose in the Neighbourhood
- o local centres in that Neighbourhood - including associated land uses
- o community buildings/uses
- o interaction with the NAR
- o hard surfacing materials
- o street furniture and structures (including play equipment, bus stops, refuse and other storage units, street and road signs and lighting)

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- o functional services above and below ground (including drainage, power, communications, and cables and to serve any district heating infrastructure or similar infrastructure)
- o retained historic features and proposals for restoration or alternative use elsewhere, where relevant
- o lighting schemes where used on all road and routes in the Neighbourhood including technical information
- o access and circulation
- o car and cycle parking (including any transport hubs and electric car/cycle charging)
- o waste storage and recycling facilities
- o boundary treatments
- o siting of services and utilities (including meter boxes and vents)
- o a scheme to show how the Neighbourhood Design Code achieves cultural distinctiveness
- o public art strategy
- o specialist advice on mining features

Reason: To ensure that high standards of urban design and comprehensively planned development designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved in accordance with Policies 1 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 and paragraphs 73, 126 and 129 of the National Planning Policy Framework 2021.

#### Informative

The requirements for the Neighbourhood Design Code for any phase, sub-phase or development parcel comprising Infrastructure Development only shall be proportionate to the effects of that Infrastructure Development on that Neighbourhood.

#### Conditions requiring details to be provided with reserved matters applications

##### 11 A390 Highway/crossing works

Application for approval of reserved matters for any land parcel within phases 1, 2 and 3 as shown on approved plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-005 P13 (save for applications for approval of reserved matters for Infrastructure Development only) shall include details relating to the line, level and layout of the A390 and details for the at grade crossing points relevant to such land parcel together their means of construction, surface finishes, surface water drainage and tree planting. The details hereby approved shall be laid out and completed prior to the first occupation of any part of the development within the relevant

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land parcel, or with respect to tree planting, shall be carried out in the first planting and seeding seasons following the first occupation of any part of the development within such land parcel, and retained as such thereafter.

Reason: In the interests of maintaining a safe and efficient highway network and facilitating pedestrian links between adjoining the development approved and Threemilestone in accordance with the aims and intentions of Policies E1, E4 and T3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1,2, 12, 13 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 110, 112, 127 and 130 of the National Planning Policy Framework 2021.

Informative

The at grade crossings across the A390 required to serve land within phases 1, 2 and 3 respectively are shown on approved plans LAN\_02.1-AHR-MP-ZZ-DR-A-93-005 REV P13 alongside LAN\_02.1-AHR-MP-ZZ-DR-A-93-012 P14.

12 Biodiversity Net Gain

A. Applications for the approval of reserved matters shall be accompanied by a Biodiversity Conformity Statement and Implementation Timetable demonstrating compliance with the Strategic Landscape Ecology Management Plan and Framework Biodiversity Net Gain Strategy for Langarth Garden Village dated 07 December 2021.

B. There shall be no commencement of development in any area to which an application for the approval of reserved matters relates (a Reserved Matters Area) until the Local Planning Authority has approved in writing the Biodiversity Conformity Statement and Implementation Timetable in connection with that Reserved Matters Area. The Biodiversity Conformity Statement shall explain how the development in the Reserved Matters Area conforms with the approved Strategic Landscape Ecology Management Plan and Framework Biodiversity Net Gain Strategy and achieves biodiversity net gain in respect of that Reserved Matters Area (and in the event it does not conform what measures are proposed to achieve biodiversity net gain in accordance with the objectives of the Strategic Landscape Ecology Management Plan and Framework Biodiversity Net Gain Strategy). The Implementation Timetable shall set out the programme for delivering the biodiversity net gain measures set out in the Biodiversity Conformity Statement.

C. The biodiversity net gain measures in the approved Biodiversity Conformity Statement shall (subject to Part D below) be implemented in full prior to the first use or occupation of the development in the relevant Reserved Matters Area.

D. In the event the Reserved Matters Area relates to Infrastructure Development only, the biodiversity net gain measures in the approved

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Biodiversity Conformity Statement shall be implemented in accordance with the approved Implementation Timetable.

Reason: To ensure a minimum net biodiversity gain of 10% over the pre-development site score across the development as a whole in accordance with Policy E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174 and 179 of the National Planning Policy Framework 2021.

Informative

The minimum 30-year maintenance of the biodiversity net gain implemented pursuant to the approved Biodiversity Conformity Statement and Implementation Plan in each Reserved Matters Area is secured by the Section 106 Obligation accompanying this planning permission. The Biodiversity Conformity Statement shall be prepared by reference to the DEFRA metric used in the Strategic Landscape Ecology Management Plan and Framework Biodiversity Net Gain Strategy for Langarth Garden Village dated 12 October 2021 unless otherwise agreed in writing by the Council.

13 Energy Statement

Applications for the approval of reserved matters for layout, scale and/or appearance for a phase, sub-phase, or development parcel (including in respect of commercial and employment uses but excluding applications exclusively for Infrastructure Development) shall be accompanied by an Energy Statement for that phase, sub-phase or development parcel for the Local Planning Authority's written approval, containing, at a minimum, the following information:

1. A review of the design and technology energy efficiency measures prevailing at the time;
2. Details of how the design of each building proposed in that phase, sub-phase or development parcel provides opportunities to include design and technology energy efficiency measures;
3. Details of the sustainable design measures incorporated into the development, proposed that phase, sub-phase or development parcel, including but not limited to sustainable building orientation, passive solar gain, sustainable landscape design and water conservation and efficiency measures;
4. Details which demonstrate that the development in that phase, sub-phase or development parcel will achieve net zero carbon including (where applicable) how its energy needs would be met through the use of decentralised, renewable or low carbon technologies

The details and measures contained in each approved Energy Statement shall be implemented and operational in accordance with the Energy Statement before

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the first use or occupation of the development to which the Energy Statement relates and shall thereafter be retained in the approved form.

Reason: To ensure an energy efficient and sustainable development in accordance with the aims of Policies E1 and E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1, 2 and 13 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 152, 154 and 157 of the National Planning Policy Framework 2021.

14 Water Efficiency

Applications for the approval of reserved matters for a phase, sub-phase or development parcel (except for applications exclusively for Infrastructure Development) shall include a scheme for the provision and implementation of water efficiency measures for the buildings proposed on that phase, sub-phase or development parcel, for the Local Planning Authority's written approval. Such scheme must include plans and specifications for the proposed water efficiency measures.

The details and measures contained in each approved water efficiency scheme shall be implemented and operational in accordance with the plans/specifications in the approved water efficiency scheme before the first use or occupation of the development to which the water efficiency scheme relates and shall thereafter be retained in the approved form.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with the aims of Policies E1 and E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 1 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 8, 154 and 157 of the National Planning Policy Framework 2021.

15 Waste and recycling strategy

Applications for the approval of reserved matters for the layout of a phase, sub-phase, or development parcel (including for commercial, employment and community uses but excluding applications exclusively for Infrastructure Development) shall be accompanied by a refuse strategy for that phase, sub-phase, or development parcel for the Local Planning Authority's written approval which shall contain and/or comply with the following details (as applicable):

1. The storage and disposal arrangements for refuse and waste associated with that phase, sub-phase, or development parcel, including vehicular access thereto;
2. The storage and disposal arrangements for refuse and waste associated with proposed public realm areas (if any within the phase, sub-phase or development parcel), including vehicular access thereto;

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3. A full waste management strategy with details of the location, size and design of the residual waste and recycling container storage areas for each residential, commercial, employment or community unit within that phase, sub-phase or development parcel.

The details and measures contained in each approved refuse strategy shall be implemented and operational in accordance with the approved refuse strategy before the first use or occupation of the development to which the refuse strategy relates and shall thereafter be retained in the approved form.

Reason: To ensure the provision of waste collection infrastructure on site and to protect the amenities of nearby residents/occupiers and in the interests of visual amenity in accordance with the aims of Policies E1 and E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1, 2, 12 and 16 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 8, 92, 126, 130 and 174 of the National Planning Policy Framework 2021.

16 EV charging infrastructure

Applications for approval of reserved matters for the layout of a phase, sub-phase, or development parcel (except for applications exclusively for Infrastructure Development) shall provide details of the electric vehicle and cycle charging infrastructure proposed to be installed in connection with that phase, sub-phase and development parcel and an implementation plan setting out when such charging infrastructure shall be installed (the "EV Strategy"), for the Local Planning Authority's written approval. The EV Strategy shall include details of the number, location, technical installation and proposed maintenance and management of the electric vehicle and cycle charging points, including associated cabling infrastructure.

The electric vehicle and cycle charging infrastructure shall be implemented and operational in accordance with the approved EV Strategy before the first use or occupation of the development to which the EV Strategy relates and shall thereafter be retained and maintained in the approved form.

Reason: To ensure that the development is undertaken in a manner which reduces any potential adverse impact upon air quality and in accordance with Policies E1 and E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1, 2 and 16 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 174 and 186 of the National Planning Policy Framework 2021.

17 Parking provision

Applications for approval of reserved matters for access and/or layout in respect of a phase, sub-phase, or development parcel shall include details of cycle and vehicle parking (including any cycle parking that is publicly available) to be

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provided on that phase, sub-phase, or development parcel, for the Local Planning Authority's written approval. The details submitted under this condition also need to explain how the cycle and vehicle parking shall be retained and maintained as such.

The cycle and vehicle parking shall be implemented in accordance with the approved details before the first use or occupation of the development to which the details relate and shall thereafter be retained and maintained in the approved form and shall not be obstructed or used for any other purpose.

Reason: To ensure adequate parking facilities off the adjoining highway and in accordance with the aims and intentions of Policy T3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

**18 Daylight, Sunlight and Overshadowing**

Applications for the approval of reserved matters for layout and/or scale in each phase, sub-phase, or development parcel (excluding applications for Infrastructure Development) shall be accompanied by a daylight, sunlight and overshadowing assessment for that phase, sub-phase or development parcel and development in that phase, sub-phase or development parcel for the Local Planning Authority's written approval.

The development shall be implemented in accordance with the approved daylight, sunlight and overshadowing assessment for that phase, sub-phase, or development parcel.

Reason: To demonstrate that the impacts of the development are acceptable in relation to neighbouring properties, the external and internal amenity and open spaces within the site for the existing and future residential occupiers in accordance with the aims of Policy E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1, 2, 13, 16 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 8, 92, 126 and 130 of the National Planning Policy Framework 2021.

**19 Accessible Housing**

Applications for approval of reserved matters for layout for each residential phase, sub-phase, or development parcel shall include a scheme setting out the arrangements for the delivery of accessible housing for such phase, sub-phase or development parcel, for the Local Planning Authority's written approval. Such scheme shall include and/or comply with the following details (as applicable):

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1. A schedule of residential units, together with appropriate plans and drawings, setting out the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010 (or the relevant applicable legislation by which it has been amended or replaced); and
2. At least 25% of all new dwellings will meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings', the delivery of which should be distributed across market and affordable tenures.

All units specified as M4(2) 'accessible and adaptable dwellings' in the agreed schedule of units shall be implemented in accordance with the approved scheme and in compliance with the corresponding part of the Building Regulations.

Written verification of the implementation of the approved scheme shall be supplied to the Local Planning Authority within 30 days of the practical completion of the development to which the scheme relates.

Reason: To ensure that suitable housing is provided to households in need of accessible or wheelchair housing in accordance with Policies 1 and 13 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 61 and 62 of the National Planning Policy Framework 2021.

## 20 Accessibility Strategy

Applications for the approval of reserved matters for access and/or layout for each phase, sub-phase, or development parcel shall be accompanied by a detailed accessibility strategy for the relevant phase, sub-phase, or development parcel, for the Local Planning Authority's written approval. Such strategy shall explain:

1. How the proposed public realm areas within the relevant phase, sub-phase or development parcel (if any), would be accessible to all, including details of finished site levels, surface gradients and lighting; and
2. How each building within the relevant phase, sub-phase or development parcel would be accessible to all, including details of level access, internal accommodation arrangements and access to car parking

The development shall be implemented in accordance with the approved accessibility strategy for that phase, sub-phase, or development parcel.

Reason: To ensure the development is accessible and inclusive to all in accordance with Policies 1, 12 and 13 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 92, 126 and 130 of the National Planning Policy Framework 2021.

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21 Landscaping

Applications for approval of reserved matters for landscaping within any phase, sub-phase or development parcel shall include a soft and hard landscaping scheme for the Local Planning Authority's written approval.

The soft and hard landscaping scheme shall include and/or comply with the following details (as applicable):

1. A scaled plan showing all existing trees and vegetation, Cornish hedges and landscape features to be retained, as well as proposals for new trees, hedges and planting;
2. A schedule detailing size, number and density of all proposed trees/plants;
3. Identification of the root protection areas of retained trees;
4. Tree pit design, to include (where appropriate) root barriers and underground modular systems;
5. Specifications for operations associated with plant establishment and maintenance that are compliant with best practice at the time;
6. Means of enclosure, including types and dimensions of all boundary treatments;
7. Location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a. car parking (including details of layout);
  - b. hard surfacing materials, to include permeable paving;
  - c. street furniture and structures (including play equipment, bus stops, refuse and other storage units, street and road signs and lighting);
  - d. proposed and existing functional services above and below ground (including drainage, power, communications and cables and to serve any district heating infrastructure or similar infrastructure);
  - e. retained and relocated historic features and proposals for restoration or alternative use elsewhere, where relevant;
8. Integration of both soft and hard landscaping features with the sustainable urban drainage system serving the development
9. Detailed lighting strategy for each operational phase of the development to prevent harm to light-sensitive species (which strategy shall make use of directional lighting, careful positioning of lighting and appropriate light levels, shall be developed in consultation with an ecologist or other suitably qualified professional, and shall be informed by survey information, to ensure that the lighting avoids adverse effects to bats).
10. Identifying how the development phase, sub-phase or development parcel complies with the Strategic Landscape Ecology Management Plan and Framework Biodiversity Net Gain Strategy dated 7 December 2021.

The development in each phase, sub-phase or development parcel shall be carried out strictly in accordance with approved soft and hard landscaping scheme for that phase, sub-phase or development parcel.

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During the implementation of the approved landscaping there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees.

Planting is to take place in the first planting season after practical completion of the development to which the approved scheme relates or the first occupation of any building in the relevant phase, sub-phase or development parcel, whichever is the sooner.

Unless expressly required by a separate landscaping or other similar condition to this permission (or the conditions attached to Application A), all soft landscaping shall have a ten year maintenance period following planting. This means that any new trees or plants (other than trees) that die, are removed, become severely damaged or diseased within a period of ten years from planting will be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the details hereby approved.

Reason: To ensure that the development does not have a detrimental impact upon the natural environment in accordance with the aims and intentions of Policies E4, E5 and C3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 2 and 23 of the Cornwall Local Plan Strategic Policies: 2010 - 2030 and paragraph 174 of the National Planning Policy Framework 2021.

22 Ecology

Applications for approval of reserved matters that are submitted after two years of the date of this permission shall be accompanied by an Ecological Mitigation and Management Plan ("EMMP") for the Local Planning Authority's written approval. The EMMP shall include and/or comply with the following details (as applicable):

1. The results of comprehensive, up-to-date surveys for that phase, sub-phase or development parcel (the type and extent of such surveys to be informed by a preliminary ecological appraisal);
2. Set out the mitigation measures required to protect the species and habitats identified in the surveys, during the construction phase;
3. Set out the mitigation measures required to protect the species and habitats identified in the surveys when the development in the phase, sub-phase or development parcel is brought into use (the operational phase); and
4. Set out the arrangements and measures for ensuring ongoing management and maintenance of the approved mitigation measures for the lifetime of the development.

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The construction phase mitigation measures in the approved EMMP shall be implemented before commencement of any Construction Works (including any vegetation clearance) in the relevant phase, sub-phase or development parcel and shall be managed and maintained as approved throughout the construction phase.

The operational phase mitigation measures in the approved EMMP shall be implemented before any development in the relevant phase, sub-phase or development parcel is first used or occupied and shall thereafter be managed and maintained as approved for the lifetime of the development.

Prior to the first occupation or use in any phase, sub-phase or development parcel to which an EMMP relates, written confirmation (from a suitably qualified person) that all the approved mitigation measures for that phase, sub-phase or development parcel have been implemented in accordance with the approved EMMP, shall have been submitted to and approved by the Local Planning Authority in writing.

Reason: In order to ensure that the interests of ecology, biodiversity and protected species are addressed in accordance with Policy E1 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 174 and 180 of the National Planning Policy Framework 2021.

### 23 Maiden Green Link road details

Applications for reserved matters for any land parcel within phase 3 as shown on approved plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-005 P13 shall (unless and until the new access road junction and associated access (link) road have been provided) include details of the line, level, layout of the A390 and the new access road junction and the associated access (link) road which will connect with the NAR for the Local Planning Authority's written approval.

The new access road junction and associated access (link) road shall be laid out and constructed in accordance with the details approved by the Local Planning Authority and available for public use before any development within land parcel falling within phases 3, 4 and 5 as shown on approved plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-005 P13 is first used or occupied.

Reason: In the interests of maintaining a safe and efficient highway network in accordance with the aims and intentions of Policies E4 and T3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1, 2, 12, 13 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 110, 112, 127 and 130 of the National Planning Policy Framework 2021.

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24 Power lines

All new power lines laid out in connection with the development shall be sited underground.

Applications for approval of reserved matters for any phase, sub-phase or development parcel shall include the following details:

1. location of existing and proposed power lines; and
2. timetable for implementing proposed power lines.

The development in that phase, sub-phase or development parcel shall be carried out in accordance with the details hereby approved.

Reason: In the interests of visual amenity and to ensure that no underground utility services have an adverse impact on the health of trees and mature hedgerows that are an intrinsic part of the landscape character and are identified as being retained within the development site in accordance with Policies E4 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 12, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraph 127, 130, 174 and 180 of the National Planning Policy Framework 2021.

25 Groundwater Monitoring

Applications for approval of reserved matters for any phase, sub-phase or development parcel shall include details of the results of groundwater monitoring undertaken at the position of each attenuation and infiltration system for that phase, sub-phase or development parcel.

Such results shall include and/or comply with the following details (as applicable):

1. A site plan showing (a) the location of the monitoring boreholes (each borehole individually referenced), (b) the below ground depth of the monitoring boreholes, and (c) the position and base depth of the proposed surface water drainage features in that phase, sub-phase or development parcel;
2. The borehole depth and the depth recorded from the ground surface of each borehole to the surface of the groundwater for each borehole;
3. The results must demonstrate that the seasonal groundwater peak has been reached and that there has been a continuous fall in the level following the peak for a minimum of 2 months;
4. A record of the weather conditions must be maintained throughout the monitoring period and submitted with the groundwater monitoring results;
5. The monitoring results for each borehole shall be tabulated and presented in both a table and line graph format;

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6. All results must be provided including the results for those boreholes which fail;
7. Details of the ground investigation result shall be provided for each borehole; and
8. Details of any proposed "cut and fill" operations proposed by the development.

The results submitted pursuant to this condition shall be approved by the Local Planning Authority in writing prior to commencement of any Construction Works (save for Enabling Works) in the relevant phase, sub-phase or development parcel.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with the aims of Policy E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167 and 169 of the National Planning Policy Framework 2021.

## 26 Infiltration Testing Condition

Applications for the approval of reserved matters for any phase, sub-phase or development parcel shall include details of the results of infiltration testing undertaken at the vicinity of and at the relevant depth of proposed infiltration systems for that phase, sub-phase or development parcel.

Such results shall include and/or comply with the following details (as applicable):

1. A site plan showing (a) the location of the trial pits (each trial pit individually referenced), (b) the trial pit depth and (c) the position and base depth of the proposed surface water drainage features;
2. The trial pit logs;
3. The results of three consecutive tests for each trial pit in accordance with BRE Digest 365;
4. A note of whether groundwater water was found;
5. Calculated infiltration test results;
6. The results of all testing undertaken including tests for those trial pits which fail;
7. The date when tests were undertaken; and
8. A record of the weather conditions at the time of testing.

The results submitted pursuant to this condition shall be approved by the Local Planning Authority in writing prior to commencement of any Construction Works (save for Enabling Works) in the relevant phase, sub-phase or development parcel.

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Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with the aims of Policies E1 and E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 16, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167, 169, 174 and 180 of the National Planning Policy Framework 2021.

27 Detailed Surface Water Design

Prior to the commencement of Construction Works (save for Enabling Works) within any phase, sub-phase or development parcel a detailed surface water scheme for that phase, sub-phase or development parcel satisfying the requirements in Parts A, B and C below shall have been submitted to and approved by the Local Planning Authority in writing.

The scheme shall include and/or comply with the following details (as applicable):

A) Details of ground investigations carried out in connection with that phase, sub-phase or development parcel. Such investigations should:

1. Identify any areas of instability which shall subsequently inform remedial design and construction techniques;
2. Include infiltration test and groundwater monitoring results (or cross refer to details submitted to and agreed with the Local Planning Authority under conditions 25 and 26 above); and
3. Inform the surface water drainage design and construction techniques.

B) The following technical details:

1. A detailed description of the surface water drainage system, how it is proposed to operate and how it relates to the drainage strategy for the wider site;
2. Greenfield runoff calculations, which must be based on the proposed impermeable area and exclude open space, gardens, greenspace etc;
3. Details of the surface water drainage design including calculations, layouts and any bespoke surface water drainage solutions (based on the findings of ground investigations carried out under Part A); and
4. Flow control systems design and profiles;
5. Plan identifying the provision made for exceedance pathways, overland flow routes and associated mitigation measures; and
8. Timetable for construction which cross refers to the latest phasing and delivery details for the development at that time.

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C) The following system requirements (unless alternative system requirements are approved by the Local Planning Authority in writing pursuant to condition 28):

1. Fully manage the 1 in 100 year peak rainfall event plus a minimum allowance of 40% for the impact of climate change;
2. Be designed to ensure that (unless an area is designed to hold/convey surface water) flooding does not occur to any building or part of a building, utility or plant, pumping station, electricity substation during the 1 in 100 year peak rainfall event;
3. Under the 1 in 100 year peak rainfall event conveyance systems (including pipework and swales) must aim to hold and convey flows without flooding;
4. Flooding of any part of the phase, sub-phase or development parcel (as appropriate) must not occur during the 1 in 30 year rainfall event;
5. Use infiltration as the preferred method of surface water disposal and only where this method is not viable should an attenuated flow controlled discharge from the site be used;
6. Flow rates discharged from the site should aim to achieve the 1 in 1 year greenfield runoff rate but must be no greater than the 1 in 10 year greenfield runoff rate;
7. Factors of safety must be applied based on the consequence of failure. A minimum factor of 10 is required for surface water drainage systems offered for adoption by Cornwall Council.

The approved surface water drainage scheme for each phase, sub-phase or development parcel shall be implemented in accordance with the approved construction timetable and details for that phase, sub-phase or development parcel and shall be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To prevent the increased risk of flooding within and off site and minimise the impact of surface water within and resulting from the development on the area and manage the potential pollution risk to surface water by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with the aims of Policies E1 and E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 16, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167, 169, 174 and 180 of the National Planning Policy Framework 2021.

28 Drainage Strategy Compliance

Applications for the approval of reserved matters shall include details setting out how the surface water drainage system for the relevant phase, sub-phase or development parcel accords with the principles set out in the Langarth Garden Village - SuDS Modelling Technical Note Ref LGV3\_04-ARC-XX-XX-TN-Z-0001-P1

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(dated 30/09/21) and the Langarth Garden Village - Drainage Strategy Addendum Ref LGV3\_05-ARC-XX-XX-TN-Z-0001-P1 (dated 30/09/21).

Drainage catchments serving the development must comply with drawing reference LGU3\_04-ARC-XX-XX-DR-Z-007 REV PO1 and be designed so that:

1. Drainage catchments A, C and G discharge at or near to the 1:10 greenfield runoff rate;
2. Drainage catchments B, D and H discharge at or near to the 1:1 greenfield runoff rate;
3. Drainage catchment E discharges at a rate less than the 1:1 greenfield runoff rate;
4. Drainage catchment F discharge at a runoff rate between the 1:1 and 1:10 greenfield runoff rate;
5. Discharge flow rates for each catchment shall be no greater than those specified in Langarth Garden Village - SuDS Modelling Technical Note Ref LGV3\_04-ARC-XX-XX-TN-Z-0001-P1 Table 2 - Drainage Catchment Overview and Table 4 - Outfall Summary by Catchment (dated 30/09/21);
6. Catchment and sub-catchment references and proposed surface water drainage features shall accord with the Langarth Development SuDS Strategy Detailed Drawings Refs LGV3\_04-ARC-XX-XX-DR-Z-0001 P01, LGV3\_04-ARC-XX-XX-DR-Z-0002 P01 and LGV3\_04-ARC-XX-XX-DR-Z-0003 P01 (dated 30/09/2021);
7. Landscaping and green infrastructure associated with surface water drainage infrastructure shall accord with the Landscape and Green infrastructure Parameter Plan Ref LAN\_01.1-AHR-MP-ZZ-DR-A-92-009 P09 (dated 27/04/2020).

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with the aims of Policies E1 and E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1, 13 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167 and 169 of the National Planning Policy Framework 2021.

29 Cornish hedges

Applications for the approval of reserved matters for any phase, sub-phase or development parcel shall include a Conservation Statement for Cornish hedge and boundary repairs, for the Local Planning Authority's written approval. The Statement should be informed by an assessment of the character and build of each existing boundary/Cornish hedge to be breached by the development (including hedging stone, field gate posts or hedge furniture (e.g. stiles)), and the Statement should include the proposed bank material, facing style and stone type to be used to make good each breach. The development shall be completed in accordance with the approved Statement for that phase, sub-phase or

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development parcel, before first use or occupation in the relevant phase, sub-phase or development parcel.

Reason: To retain control over the appearance of the development and these key historic landscape features that contribute to the character of the area in the interests of visual amenities of the locality and in accordance with the aims and intentions of Policies E4, E5 and C3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 2, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174 and 197 of the National Planning Policy Framework 2021.

Pre-commencement conditions

30 Section 106 Obligation - Council Land

If, at the point of commencement of any development (save for Enabling Works ) in any phase, sub-phase or development parcel, the Cornwall Council owns a relevant legal interest in the land comprised in that phase, sub-phase or development parcel, no development (save for Enabling Works) shall take place in that phase, sub-phase or development parcel unless and until a Memorandum of Understanding has been submitted to and approved in writing by the Local Planning Authority which:

1. Details how the obligations in the Section 106 Obligation accompanying this planning permission will be complied with in respect of that phase, sub-phase, or development parcel; and
2. Includes an undertaking that the Cornwall Council will not (unless the obligations in the Section 106 Obligation have been fully discharged in respect of that land) dispose of any relevant interest in that phase, sub-phase or development parcel unless and until the disponent has entered into a planning obligation with the Local Planning Authority pursuant to Section 106 of the Town and Country Planning Act 1990 substantially in the form of the Section 106 Obligation accompanying this planning permission (with the intent that all of the covenants, obligations and restrictions contained therein will be enforceable not only against the disponent but also their successors in title and any person corporate or otherwise claiming through or under them an interest or estate in that land).

The obligations in the S106 Obligation accompanying this planning permission must thereafter be delivered in accordance with the approved Memorandum of Understanding.

Reason: Cornwall Council as landowner of part of the application site cannot enter into the Section 106 Obligation with itself. The condition will allow the timely issuing of the planning permission whilst ensuring the development will accord with the aims of Policies 1 and 28 of the Cornwall Local Plan Strategic

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Policies 2010-2030 and paragraphs 55, 56, 57 and 58 of the National Planning Policy Framework 2021.

### 31 Section 106 Obligation - Other Land

If, at the point of commencement of any development (save for Enabling Works) in any phase, sub-phase or development parcel, any party other than the Cornwall Council owns a relevant legal interest in the land comprised in that phase, sub-phase or development parcel, no development (save for Enabling Works ) shall take place in that phase, sub-phase or development parcel unless and until every party with a relevant legal interest in the land comprised in the phase, sub-phase or development parcel has entered into a planning obligation with the Local Planning Authority pursuant to Section 106 of the Town and Country Planning Act 1990 substantially in the form of the Section 106 Obligation accompanying this planning permission (with the intent that all of the covenants, obligations and restrictions contained therein will be enforceable not only against the original covenantor but also their successors in title and any person corporate or otherwise claiming through or under them an interest or estate in that land).

Reason: The condition will allow the timely issuing of the planning permission whilst ensuring the development will accord with the aims of Policies 1 and 28 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 55, 56, 57 and 58 of the National Planning Policy Framework 2021.

### 32 Phasing

No development (save for Enabling Works) shall take place in any phase, sub-phase or development parcel until a construction phasing plan for the development in that phase, sub-phase or development plan has been submitted to and approved in writing by the Local Planning Authority. This construction phasing shall show how the NAR construction stages (as shown on the plan or plans approved under condition 4 to Application A) relate to (in terms of location and timing) the construction of the relevant phase, sub-phase or development parcel and also how the construction of the phase, sub-phase or development parcel relates (in terms of location and timing) to other Application B phases, sub-phases or development parcels coming forward in the application site, as at the time the plan is submitted to the Local Planning Authority for approval.

The development in the phase, sub-phase or development parcel shall be carried out in accordance with the approved construction phasing plan for that phase, sub-phase or development parcel.

Reason: To ensure the development is comprehensively planned and phased to maximise practical integration between different land uses within and beyond the site in accordance with paragraph 60 of the National Planning Policy Framework

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2021. A pre-commencement condition is necessary in this instance to ensure that the development in the masterplan area is delivered in a co-ordinated manner and served by the associated key transport infrastructure.

33 Non-residential uses

No development (save for Enabling Works or Infrastructure Development) within any Neighbourhood as approved under condition 8 shall take place until a strategy which sets out the quantum of non-residential floorspace and the timing or phasing of its the delivery within that Neighbourhood has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

Reason: To ensure the development is comprehensively planned and phased to maximise practical integration between different land uses within and beyond the site in accordance with paragraph 60 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary in this instance to ensure that the masterplan area is delivered in a co-ordinated manner and served by the associated key transport infrastructure.

34 Construction Traffic Management Plan

Prior to the commencement of Construction Works (save for Enabling Works) within any phase, sub-phase, or development parcel, a Construction Traffic Management Plan ("CTMP") and programme of works for that phase, sub-phase, or development parcel shall have been submitted to and approved in writing by the Local Planning Authority.

The CTMP shall include the following details:

1. Construction vehicle details (number, size and type);
2. Vehicular routes and delivery hours;
3. The parking of vehicles of site operatives and visitors;
4. Loading and unloading of plant and materials;
5. Storage of plant and materials used in constructing of the development;
6. Wheel washing facilities; and
7. Measures to control the emission of dust and dirt during construction.

The approved CTMP and programme of works shall be adhered to throughout the construction period of the relevant phase, sub-phase or development parcel.

Reason: In the interests of maintaining a safe and efficient highway network and in accordance with the aims and intentions of Policy T3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 16 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 110 and 112 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary

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in this instance to ensure that the construction process is appropriately managed in the interests of highway safety.

35 Construction Environmental Management Plan

Prior to the commencement of Construction Works (save for Enabling Works) within any phase, sub-phase, or development parcel a Construction Environmental Management Plan ("CEMP") shall have been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include and/or comply with the following details (as applicable):

1. Risk assessment of potentially damaging construction activities;
2. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (this may be provided as a set of method statements);
3. Air quality management measures, including an anti-idling policy and details of construction traffic management;
4. Dust management plan;
5. Protocols for community and stakeholder relations and workforce training;
6. The location and timing of sensitive works, with a view to avoiding harm to and mitigating construction period effects on biodiversity features;
7. The details of and roles and responsibilities of an onsite ecological clerk of works or similarly competent person;
8. The times during construction when specialist ecologists need to be present on site to oversee works;
9. Responsible persons and lines of communication between contractors and responsible persons;
10. Monitoring, reporting and emergency response mechanisms;
11. Use of protective fences, exclusion barriers and warning signs;
12. Measures to mitigate the effects of and to control lighting during construction;
13. Measures to mitigate construction effects on features of archaeological and cultural heritage significance;
14. Measures for the protection of any European and/or nationally protected species from construction period activities.

The development phase, sub-phase, or development parcel shall be carried out strictly in accordance with the approved CEMP for that phase, sub-phase, or development parcel.

Reason: To ensure that the development is undertaken in a manner which reduces any potential adverse impact upon the residential amenities currently enjoyed by existing and future residents and businesses and features of biodiversity value in accordance with the aims of Policies E4 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 13 and 26 of the Cornwall

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Local Plan Strategic Policies 2010-2030 and paragraphs 159, 167, 169, 174, 185 and 186 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary to ensure that the existing biodiversity and habitat potential of the site is not harmed through inappropriate actions and that works can be completed safely and reducing amenity impacts so far as possible.

Informative

The CEMP should, where applicable, reflect the findings of the updated surveys and EMMP approved under condition 22.

36 Landscape Ecology Management Plan

Prior to the commencement of Construction Works (save for Enabling Works) within any phase, sub-phase, or development parcel a Landscape and Ecology Management Plan ("LEMP") for that phase, sub-phase or development parcel shall have been submitted to and approved by the Local Planning Authority in writing.

The LEMP shall be prepared in accordance with the Environmental Statement by Arcadis dated November 2020 (including its addendums and appendices), and the Design and Access Statement by AHR dated November 2020, as updated in October 2021. The LEMP shall include and/or comply with the following details (as applicable):

1. Physical protection of retained hedgerows and trees through tree protection measures approved under this Application B, throughout the construction period;
2. Avoidance of artificial light spill onto boundary hedges, during the construction period;
3. Incorporation of native species in planting schemes, hedgerow enhancement measures and landscaping;
4. Management of existing and proposed trees and hedges and associated ecological mitigation measures for the lifetime of the development;
5. Details of habitat linkages and routes of passage for wildlife and mitigation measures for loss of habitat;
6. Appointment of an ecological clerk of works;
7. Timetable for implementation;
8. Details of all other the landscape and ecological mitigation, enhancement and/or compensation measures to be undertaken pursuant to the LEMP; and
9. Details for the management, maintenance and monitoring of all landscape and ecological mitigation, and/or compensation measures to be undertaken pursuant to the LEMP and how these measures comply with the Strategic Landscape Ecology Management Plan and Framework Biodiversity Net Gain Strategy dated 7 December 2021.

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

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The development in each phase, sub-phase or development parcel will be undertaken in accordance with the timetable and details approved under the approved LEMP for that phase, sub-phase or development parcel.

Reason: To ensure the habitats and species are safeguarded and where appropriate enhanced to secure the specified habitat net gain in accordance with Policy E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 2 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030, advice in paragraphs 17, 130, 174 and 180 of the National Planning Policy Framework 2021, and the requirements of the Conservation of Habitats and Species Regulations 2010.

Informative

The LEMP should, where applicable, reflect the findings of the updated surveys and EMMP approved under condition 22.

37 Tree Protection Plans

Prior to the commencement of Construction Works within any phase, sub-phase or development parcel (including Enabling Works), a scheme for the protection of retained trees, in accordance with BS 5837, including a tree protection plan(s) and an arboricultural method statement for that phase, sub-phase or development parcel, shall be submitted to and approved in writing by the Local Planning Authority.

The development in that phase, sub-phase or development parcel shall be implemented in strict accordance with the details approved for that phase, sub-phase or development parcel.

Reason: To ensure that the development does not have a detrimental impact upon the natural environment in accordance with the aims and intentions of Policies 2 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Policies E4 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 and paragraph 174 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary to ensure that the existing trees within the site are not harmed through inappropriate actions and that works can be completed safely and reducing amenity impacts so far as possible.

Informative

The level of detail to be submitted shall be commensurate to the scale and impact of the approved development on retained trees in the relevant phase, sub-phase or development parcel. The preparation and delivery of such detail should be informed by BS: 5837:2012 Trees in relation to design, demolition and construction - Recommendations and BS: 3998 Tree work - Recommendations.

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 5 April 2022**

*Hayley Jewels* - Head of Development  
Management

38 Arboricultural Supervision

Prior to the commencement of Construction Works within any phase, sub-phase or development parcel (including any facilitative vegetation clearance or tree works) details of a suitably qualified tree specialist e.g. arboricultural professional with the minimum of a level 4 qualification as recognised by the Qualifications and Credit Framework (or similar framework which may amend or replace this from time to time), to supervise the implementation of the tree protection measures for the relevant phase, sub-phase or development parcel shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition, construction and landscaping operations, and to protect and enhance the appearance and character of the site and locality. In accordance with the aims and intentions of Policies 2 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Policies E4 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 and paragraph 174 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary because damage to the boundary hedges or trees from construction processes is irreversible. To ensure successful tree retention beyond completion, it is critical that from the outset all disciplines involved in implementation of the approved development are aware of the tree protection required and the constraints the retained trees pose to the timing of operations, working areas and working methods. Having an appointed tree specialist working with the construction team and an agreed scheme of monitoring in place is key to this.

39 Archaeology

A) Prior to the commencement of Construction Works (save for Enabling Works) within any phase, sub-phase or development parcel a Written Scheme of Investigation ("WSI"), shall have been submitted to and approved by the Local Planning Authority in writing. The WSI shall include:

1. An assessment of significance including research questions;
2. The programme and methodology of site investigation and recording;
2. The programme for post investigation assessment;
3. Provision for analysis of the site investigation and recording;
4. Provision for publication and dissemination of the analysis and records of the site investigation;
5. Provision for archive deposition of the analysis and records of the site investigation; and
6. Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

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B) No development within any phase, sub-phase or development parcel shall take place otherwise than in accordance with the WSI approved under Part (A).

C) No phase, sub-phase or development parcel shall be occupied or brought into use until the site investigation, recording and post investigation assessment for that phase, sub-phase or development parcel has been completed in accordance with the programme set out in the WSI approved under Part (A) and the analysis, publication and dissemination of results, and archive deposition (where applicable) has also been secured in accordance with details set out in the WSI approved under Part (A).

Reason: To ensure that provision is made to record finds of archaeological interest in accordance with the aims and intentions of Policy 24 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraph 205 of the National Planning Policy Framework 2021 and. A pre-commencement condition is necessary in this instance due to the need to ensure that a programme and methodology of site investigation and recording of archaeological features is undertaken before physical works commence on site.

### Informative

The archaeological recording condition for any phase, sub-phase or development parcel will normally only be discharged when all elements of the WSI for that phase, sub-phase or development parcel, including onsite works, analysis, reporting, publication and (where applicable) archive work has been completed.

#### 40 Contaminated Land - Risk Assessment

No development within any phase, sub-phase, or development parcel shall commence (save for Enabling Works) until an assessment of the risks posed by any contamination for that phase, sub-phase or development parcel shall have been submitted to and approved by the Local Planning Authority in writing.

This risk assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the phase, sub-phase or development parcel, whether or not it originates on that phase, sub-phase or development parcel. The risk assessment shall include:

1. Survey of the extent, scale and nature of contamination;
2. An explanation of the potential risks to:
  - a. human health;

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- b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- c. adjoining land;
- d. ground waters and surface waters;
- e. ecological systems; and
- f. archaeological sites and ancient monuments.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2021 with specific reference to paragraphs 174 and 183 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016. A pre-commencement condition is required in this case because it is essential to establish, before any works takes place, the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

41 Contaminated Land - Remediation Scheme

Where (following the risk assessment carried out pursuant to condition 40) land affected by contamination is found which poses risks identified as unacceptable in such risk assessment, no development in that phase, sub-phase or development parcel shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority.

The remediation scheme shall include an appraisal of remediation options and shall identify the preferred option(s). It shall also set out the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including a plan for verifying the remediation undertaken. The remediation scheme shall be sufficiently detailed to ensure that upon completion of the relevant development the land comprised in the relevant phase, sub-phase or land parcel will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2021 with specific reference to paragraphs 174 and 183 and Policy 16 of the Cornwall Local Plan Strategic

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Policies 2010 - 2030, Adopted November 2016. A pre-commencement condition is required in this case because it is essential to establish, before any works takes place, the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

42 Construction Phase Surface Water Management Plan Condition

Prior to the commencement of Construction Works (save for Enabling Works) within any phase, sub-phase or development parcel details of a Construction Phase Surface Water Management Plan for that phase sub-phase or development parcel must have been submitted to and approved in writing by the Local Planning Authority. This must include and/or comply with the following details (as applicable):

1. Areas proposed for infiltration systems e.g. basins, soakaways, infiltration trenches must be fenced and protected from compaction during the construction phase and should include a plan clearly indicating the extent of the fenced areas;
2. Clearly identify how surface water runoff from the phase sub phase or development parcel and the effects of silt and surface water on land, property, watercourses and the highway will be mitigated and managed throughout the construction period;
3. Evidence that all necessary Land Drainage Consent- and Environmental Permit- applications have been submitted;
4. Details of pollution water quality and emergency control measures, including temporary sediment basins, sediment traps, silt fences, bunds and trenches; and
5. Construction site plan showing compounds, material storage areas, temporary vehicle parking areas for the relevant phase, sub-phase or development parcel.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal during construction and implementation in accordance with the aims of Policies E1 and E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 16, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167, 169, 174 and 180 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary in this instance to ensure that the construction surface water management is appropriately managed and would not give rise to any harm to the environment.

43 Construction Quality Control Plan

Prior to the commencement of Construction Works (save for Enabling Works) within any phase, sub-phase or development parcel a Construction Quality

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Control Plan shall have been submitted to and approved in writing by the Local Planning Authority. This must and/or comply with the following details (as applicable):

1. Procedures used to ensure that the quality of contractors and subcontractors workmanship is in accordance with the approved design;
2. The proposed storage and use of materials which must be in accordance with the manufactures recommendations and specifications;
3. Procedures implemented to ensure that all materials used, including any materials which are substituted, are compliant with the approved design; and
4. How inspections, non-compliances and corrective actions will be recorded.

The development in any phase, sub-phase or development parcel shall be carried out in accordance with the approved Construction Quality Control Plan for that phase, sub-phase or development parcel.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal during construction and implementation in accordance with the aims of Policies E1 and E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 16, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167, 169, 174 and 180 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary in this instance to ensure that the construction of the development hereby approved is appropriately managed and would not give rise to any harm to the environment in particular with respect to surface water control.

### 44 Surface Water Drainage Systems Operations and Maintenance Manual

Prior to the commencement of Construction Works (save for Enabling Works) within any phase, sub-phase or development parcel details of the Surface Water Drainage Systems Operation and Maintenance Manual shall have been submitted to and approved in writing by the Local Planning Authority. This must include and/or comply with the following details (as applicable):

1. A brief summary of the SuDS design, how the SuDS components work, their purpose and potential performance risks;
2. A plan showing the location of all SuDS components within and serving the relevant phase, sub-phase or development parcel, including inlets and outlets. Each component must have a unique reference;
3. Confirmation of who will adopt, operate, manage and maintain each SuDS component and the method of adoption;
4. Maintenance and remedial measures triggers, including visual indicators for silt removal, vegetation removal etc.;
5. A description of the proposed maintenance activities and measures for maintaining a log of such activities;

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6. A Maintenance Schedule identifying regular and occasional maintenance and remedial actions and responsible persons;
7. Confirmation of maintenance buffer areas;
8. Details of maintenance access routes and easements;
9. Details of the contributing drainage catchment(s);
10. The landscaping and planting scheme(s) for the relevant phase, sub-phase or development parcel;
11. Details how habitats and amenity areas created as part of the approved drainage scheme shall be managed and maintained.

The development in any phase, sub-phase or development parcel shall be carried out in accordance with the approved Surface Water Drainage Systems Operation and Maintenance Manual for that phase, sub-phase or development parcel.

Reason: To ensure that the implemented surface water drainage systems are managed and maintained for the lifetime of the development in accordance with the aims of Policies E1 and E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 16, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167, 169, 174 and 180 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary in this instance to ensure that the drainage system can be appropriately managed, operated and maintained.

45 Land stability

Prior to the commencement of Construction Works (save for Enabling Works) within any phase, sub-phase or development parcel, an assessment to identify any ground instability in that phase, sub-phase or development parcel shall have been submitted to and approved by the Local Planning Authority in writing.

If instability is identified, a scheme for onsite investigations and a further assessment to identify the extent of unstable ground and the measures to be taken to avoid risk to buildings when the land is developed, shall also be submitted to and approved in writing by the Local Planning Authority.

The development in the phase, sub-phase or development parcel shall be carried out in accordance with the approved assessment(s) and scheme(s) and where instability is identified, the approved mitigation measures shall be completed before the development in that phase, sub-phase or development parcel is first used or occupied.

Reason: To ensure that potential adverse ground conditions are fully investigated and remediated prior to the commencement of development; in the interests of public safety and to secure the residential amenities of future occupiers and in accordance with Policy 13 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraph 183 in the National Planning Policy Framework

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2021. A pre-commencement condition is necessary because the risk of ground instability needs to be assessed before any site works take place in the interest of the safe development and subsequent occupation of the site.

46 Earthworks strategy

Prior to the commencement of Construction Works (save for Enabling Works) within any phase, sub-phase or development parcel, details of the proposed earthworks strategy (including method of soil stripping and details of storage and site levelling) for that phase, sub-phase or development parcel shall have been submitted to and approved by the Local Planning Authority in writing.

The development in that phase, sub-phase or development parcel shall be carried out in accordance with the approved earthworks strategy for that phase, sub-phase or development parcel.

Reason: To ensure that the development is undertaken in a manner which reduces any potential adverse impact upon the residential amenities currently enjoyed by existing and future residents and businesses and features of biodiversity value and in the interests of visual amenity in accordance with the aims of Policies E4 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 12, 13, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 130, 174, 180 and 185 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary to ensure that the existing biodiversity and habitat potential of the site is not harmed through inappropriate actions and that works can be completed safely and reducing amenity impacts so far as possible.

47 Foul drainage

Prior to the commencement of Construction Works (save for Enabling Works) within any phase, sub-phase or development parcel, a scheme for the disposal of sewage and foul drainage for that phase, sub-phase or development parcel shall have been submitted to and approved in writing by the Local Planning Authority.

The development in that phase, sub-phase or development parcel shall be carried out in accordance with the approved sewage and foul drainage scheme for that phase, sub-phase or development parcel and the approved sewage and foul drainage works shall be completed before any buildings in the relevant phase, sub-phase or development parcel are first used or occupied.

Reason: In the interests of water quality and the residential amenities of future occupiers and in accordance with the aims and intentions of Policies E1 and E3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1, 2, 13 and 16 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraph 174 of the National Planning Policy Framework 2021. A pre-commencement condition is

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necessary to ensure appropriate foul drainage infrastructure is available to serve the development approved.

48 Gas pipeline

No development (save for Enabling Works) shall be commenced within the developable plots A4, A5, A6 and A7 as shown on approved plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-005 REV P13 until a scheme for modifying the high pressure gas pipeline in that area (ref 1522 - Indian Queens/St. Day) has been submitted to and approved in writing by the Local Planning Authority.

The high pressure gas pipeline shall be modified in accordance with the approved scheme and the aforementioned developable plots shall not be first used or occupied until such modification has been completed.

Reason: In the interests of public safety and in accordance with Policy E1 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 1 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 8 and 45 of the National Planning Policy Framework 2021.

Post commencement and pre-occupation conditions

49 Construction hours

Any Construction Works (save for Enabling Works) shall only take place between the following hours:

Monday to Friday 08:00 to 18:00

Saturdays 08:00 to 13:00

No working on Sundays or Public/Bank Holidays.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with the aims of Policies 13 and 16 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 174 and 185 of the National Planning Policy Framework 2021.

50 Noise Impact Assessment

Prior to the occupation or use of any non-residential building, the following details shall have been submitted to and approved in writing by the Local Planning Authority:

1. a noise impact assessment;
2. a scheme for the insulation of any building(s), and associated plant/equipment; and

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3. a scheme setting out any other noise mitigation measures necessary to minimise the level of noise emanating from the said building(s) and/or plant, or arising as a consequence of the permitted uses for that building and/or plant, including details of how such mitigation measures should be managed and maintained.

The approved details shall be implemented before first use or occupation of such non-residential buildings and shall thereafter be managed and maintained in strict accordance with the approved details.

Reason: To protect the amenity of nearby properties in accordance with Policy E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1, 2 and 16 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 174 and 185 of the National Planning Policy Framework 2021.

51 Car Club

Prior to occupation in any phase, sub-phase or development parcel the following details shall have been submitted to and approved in writing by the Local Planning Authority:

1. Detailed drawings showing the size, position, method of delineation and signing of designated car club parking spaces serving that phase, sub-phase or development parcel.
2. A car club implementation and management scheme for that phase, sub-phase or development parcel, setting out the method of operation, timing of provision as well as the arrangements for managing and maintaining the approved car club spaces.

The approved car club parking spaces shall be laid out prior to first use or occupation in that phase, sub-phase or development parcel and shall not, thereafter, be obstructed or used for any other purpose.

The car club implementation and management scheme for each phase, sub-phase or development shall be implemented as approved.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with the aims of Policy E1 and T3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

52 Contaminated Land - Verification Report following Remediation Scheme

Any remediation scheme approved under conditions 41 or 53 shall be implemented in accordance with the approved details. On completion of the

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approved remediation works, a verification report by a suitably qualified contaminated land practitioner shall be submitted to the Local Planning Authority for its written approval. The Local Planning Authority's written approval of such verification report shall be obtained before first use or occupation in the relevant phase, sub-phase, or development parcel.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2021 with specific reference to paragraphs 174 and 183 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030.

53 Contaminated Land - Reporting of Unexpected Contamination

Any contamination that is found during the course of construction of the development that was not previously identified shall be reported in writing immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, a remediation scheme shall be submitted to and approved by the Local Planning Authority in writing and the approved remediation shall be carried out before the development in that phase, sub-phase or development parcel is resumed or continued.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2021 with specific reference to paragraphs 174 and 183 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030.

54 A30 dualling

Occupation of the residential component of the development (including extra care units and student/health worker accommodation) shall be limited to 2,500 dwellings until the Highways England A30 Chiverton Cross to Carland Cross improvement scheme junction has been completed and opened to traffic.

Reason: To mitigate against the impact of development traffic upon the strategic road network and ensure the safe and free flow operation of the A30 trunk road network in accordance with Policy T3 of the Truro and Kenwyn Neighbourhood

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Plan 2015-2030, Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraph 112 of the National Planning Policy Framework 2021.

55 Pedestrian /cycle link

Prior to the occupation of any residential unit within land comprised in phase 1 as shown on approved plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-005 P13, a pedestrian/cycle link (forming part of the site access junction, to the north of the A390) providing a connection to or a means of connecting with existing pedestrian/cycle footway infrastructure along the A390, shall have been laid out and made available for use by the public in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of providing safe and suitable non-vehicular access along the A390 accordance with the aims of Policy T3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 13 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

Informative

The phase 1 pedestrian/cycle link referred to in this condition is shown on approved plans LAN\_02.1-AHR-MP-ZZ-DR-A-93-005 P13 alongside LAN\_02.1-AHR-MP-ZZ-DR-A-93-012 P14.

56 Roads

No building on any phase, sub-phase or development parcel shall be first used or occupied until the estate roads, carriageways and footways necessary to provide access from an adopted highway to that building have been completed (except for the application of the final wearing course), in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory means of access is provided to each dwelling before it is occupied in accordance with the aims and intentions of Policy T3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 13 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

57 As Constructed Drawings Condition

Prior to each sustainable drainage feature or series of features serving a defined catchment area being brought into use, "As Constructed" drawings and supporting information of the relevant drainage features must have been submitted to and agreed in writing by the Local Planning Authority.

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Reason: To ensure that the implemented sustainable drainage features are accurately recorded to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal during construction and implementation in accordance with the aims of Policies E1 and E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 16, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167, 169, 174 and 180 of the National Planning Policy Framework 2021.

Informative

Drainage catchments for Application B are identified in the plans referenced in condition 28.

58 Restricted uses

Notwithstanding the uses hereby permitted no part of the development shall be used as a Theatre(s) or Cinema(s).

Reason: To enable the Local Planning Authority to retain control over other uses that might harm the vibrancy and vitality of Truro City Centre in accordance with Policies EJ2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 4 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraph 86 of the National Planning Policy Framework 2021.

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**PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:**

Proposed 1665\_CSL\_HML\_05MZ\_DR\_CH\_0071 PO6 received 20/10/21  
Proposed 1665\_CSL\_HSR\_00MZ\_DR\_CH\_0009 PO5 received 20/10/21  
Proposed 1665\_CSL\_HSR\_01MZ\_DR\_CH\_0010 PO5 received 20/10/21  
Proposed 1665\_CSL\_HSR\_02MZ\_DR\_CH\_0011 PO5 received 20/10/21  
Proposed 1665\_CSL\_HSR\_03MZ\_DR\_CH\_0012 PO5 received 20/10/21  
Proposed 1665\_CSL\_HSR\_04MZ\_DR\_CH\_0013 PO5 received 20/10/21  
Proposed 1665\_CSL\_HSR\_05MZ\_DR\_CH\_0015 PO2 received 20/10/21  
Proposed 1665\_CSL\_HSR\_XXMZ\_DR\_CH\_0014 PO5 received 20/10/21  
Proposed 1665\_CSL\_HML\_XXMZ\_DR\_CH\_0046 PO5 received 20/10/21  
Proposed 1665\_CSL\_HML\_XXMZ\_DR\_CH\_0047 PO6 received 20/10/21  
Proposed 1665\_CSL\_HML\_XXMZ\_DR\_CH\_0048 PO5 received 20/10/21  
Proposed 1665\_CSL\_HML\_XXMZ\_DR\_CH\_0049 PO5 received 20/10/21  
Proposed 1665\_CSL\_HDG\_00MZ\_DR\_D\_0030 PO3 received 20/10/21  
Proposed 1665\_CSL\_HDG\_01MZ\_DR\_D\_0031 PO3 received 20/10/21  
Proposed 1665\_CSL\_HDG\_02MZ\_DR\_CH\_0032 PO3 received 20/10/21  
Proposed 1665\_CSL\_HDG\_03MZ\_DR\_D\_0033 PO3 received 20/10/21  
Proposed 1665\_CSL\_HDG\_04MZ\_DR\_D\_0034 PO3 received 20/10/21  
Proposed 1665\_CSL\_HDG\_05MZ\_DR\_D\_0035 PO3 received 20/10/21  
Proposed 1665\_CSL\_HDG\_06MZ\_DR\_D\_0036 PO3 received 20/10/21  
Proposed 1665\_CSL\_HDG\_07MZ\_DR\_D\_0037 PO3 received 20/10/21  
Proposed 1665\_CSL\_HDG\_08MZ\_DR\_D\_0038 PO3 received 20/10/21  
Proposed 1665\_CSL\_HDG\_09MZ\_DR\_D\_0039 PO4 received 20/10/21  
Proposed 1665\_CSL\_HDG\_10MZ\_DR\_D\_0040 PO5 received 20/10/21  
Proposed 1665\_CSL\_HDG\_11MZ\_DR\_D\_0041 PO3 received 20/10/21  
Proposed 1665\_CSL\_HDG\_12MZ\_DR\_D\_0042 PO3 received 20/10/21  
Proposed 1665\_CSL\_HDG\_13MZ\_DR\_D\_0043 PO3 received 20/10/21  
Proposed 1665\_CSL\_HDG\_00MZ\_DR\_D\_0044 PO3 received 20/10/21  
Proposed 1665\_CSL\_ENM\_XXMZ\_DE\_CH\_0013 PO5 received 20/10/21  
Proposed 1665\_CSL\_HGN\_XXMZ\_DR\_CH\_0043 P02 PO3 received 20/10/21  
Proposed 1665\_CSL\_HGN\_XXMZ\_DR\_CH\_0044 P03 PO3 received 20/10/21  
Proposed 31665\_CSL\_HGN\_XXMZ\_DR\_CH\_0045 P02 PO4 received 20/10/21  
Site/location Plan 1665\_CSL\_GEN\_00MZ\_DE\_CH\_0098 PO4 received 20/10/21  
Site/location Plan 1665\_CSL\_GEN\_01MZ\_DE\_CH\_0099 PO3 received 20/10/21  
Site/location Plan 1665\_CSL\_GEN\_02MZ\_DE\_CH\_0100 PO4 received 20/10/21  
Site/location Plan 1665\_CSL\_GEN\_03MZ\_DE\_CH\_0101 PO5 received 20/10/21  
Site/location Plan 1665\_CSL\_GEN\_04MZ\_DE\_CH\_0102 PO4 received 20/10/21  
Site/location Plan 1665\_CSL\_GEN\_05MZ\_DE\_CH\_0103 PO4 received 20/10/21  
Site/location Plan 1665\_CSL\_GEN\_06MZ\_DE\_CH\_0104 PO3 received 20/10/21  
Proposed 60571547\_ACM\_GEN\_00\_DR\_CH0001 PO5 received 20/10/21  
Proposed 60571547\_ACM\_GEN\_01DR\_CH\_0001 PO5 received 20/10/21  
Proposed 60571547\_ACM\_GEN\_01\_DR\_CH\_0002 PO5 received 20/10/21  
Existing 60571547\_ACM\_GEN\_01\_DR\_CH\_0005 PO2 received 20/10/21  
Proposed LAN\_02.1-AHR-MP-ZZ-DR-A-92-002 P15 received 20/10/21  
Proposed LAN\_02.1-AHR-MP-ZZ-DR-A-93-012 P14 received 20/10/21  
Proposed LAN\_02.1-AHR-MP-ZZ-DR-A-93-010 P14 received 20/10/21  
Proposed LAN\_02.1-AHR-MP-ZZ-DR-A-93-011 P17 received 20/10/21  
Proposed LAN\_02.1-AHR-MP-ZZ-DR-A-93-008 P18 received 20/10/21

**DATED: 5 April 2022**

*Hayley Jewels* - Head of Development  
Management

**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA20/09631**

Proposed LAN\_02.1-AHR-MP-ZZ-DR-A-92-009 P14 received 20/10/21  
Proposed LAN\_02.1-AHR-MP-ZZ-DR-A-93-005 P13 received 12/10/21  
Proposed LAN\_02.1\_AHR-MP-ZZ-SC-A-92-007 P09 received 15/10/21  
Proposed LAN\_02.1\_AHR-MP-ZZ-SC-A-92-010 P12 received 15/10/21  
Proposed LAN\_02.1-AHR-MP-ZZ-DR-A-93-027 P04 received 03/11/20  
Proposed LAN\_02.1-AHR-MP-ZZ-DR-A-93-026 P05 received 12/10/21  
Site/location Plan LAN\_02.1-AHR-MP-ZZ-DR-A-93-004 P11 received 03/11/20  
Proposed Langarth Garden Village Design Code received 12/10/21  
Existing 1665\_CSL\_VTO\_03MZ\_DE\_CH\_0004 PO3 received 20/10/21  
Existing 1665\_CSL\_VTO\_00MZ\_DE\_CH\_0001 PO4 received 20/10/21  
Existing 1665\_CSL\_VTO\_01MZ\_DE\_CH\_0002 PO3 received 20/10/21  
Existing 1665\_CSL\_VTO\_02MZ\_DE\_CH\_0003 PO3 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0001 PO5 received 20/10/21  
Existing 1665\_CSL\_VTO\_04MZ\_DE\_CH\_0005 PO3 received 20/10/21  
Existing 1665\_CSL\_VTO\_05MZ\_DE\_CH\_0006 PO3 received 20/10/21  
Existing 1665\_CSL\_VTO\_06MZ\_DE\_CH\_0007 PO4 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0002 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0003 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0004 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0005 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0006 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0007 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0008 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0009 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0010 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0011 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0012 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0013 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0014 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0015 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0016 PO5 received 20/10/21  
Proposed 1892-AEC-LAE-DE-LE-0017 PO5 received 20/10/21  
Proposed 1665\_CSL\_GEN\_00MZ\_DE\_CH\_0088 PO7 received 20/10/21  
Proposed 1665\_CSL\_GEN\_01MZ\_DE\_CH\_0089 PO6 received 20/10/21  
Proposed 1665\_CSL\_GEN\_02MZ\_DE\_CH\_0090 PO6 received 20/10/21  
Proposed 1665\_CSL\_GEN\_03MZ\_DE\_CH\_0091 PO6 received 20/10/21  
Proposed 1665\_CSL\_GEN\_04MZ\_DE\_CH\_0092 PO6 received 20/10/21  
Proposed 1665\_CSL\_GEN\_05MZ\_DE\_CH\_0093 PO6 received 20/10/21  
Proposed 1665\_CSL\_GEN\_06MZ\_DE\_CH\_0095 PO8 received 20/10/21  
Proposed 1665\_CSL\_HML\_00MZ\_DE\_CH\_0066 PO6 received 20/10/21  
Proposed 1665\_CSL\_HML\_01MZ\_DR\_CH\_0067 PO6 received 20/10/21  
Proposed 1665\_CSL\_HML\_02MZ\_DR\_CH\_0068 PO6 received 20/10/21  
Proposed 1665\_CSL\_HML\_03MZ\_DR\_CH\_0069 PO6 received 20/10/21  
Proposed 1665\_CSL\_HML\_04MZ\_DR\_CH\_0070 PO6 received 20/10/21

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 5 April 2022**

*Hayley Jewels* - Head of Development  
Management

**ANY ADDITIONAL INFORMATION:**

- Please note that the proposed development set out in this application will be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of the liability will be calculated when the related reserved matters application is determined. Further information about CIL is available at [www.cornwall.gov.uk/cil](http://www.cornwall.gov.uk/cil).
- In accordance with the requirements of Article 35 (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the Local Planning Authority hereby advises that it has taken into consideration the environmental information submitted with the Environmental Statement in its determination of this planning application.
- It should be noted that some of the conditions attached to this consent are required to be complied with prior to the commencement of the development hereby approved, if those conditions are not fully adhered to, then the consent cannot lawfully be implemented, therefore a new application will be requested and consideration will be given to the expedience of enforcement action.

Please note that from the 6th April 2008 a fee is now payable for the discharge of any conditions where details are required to be submitted pursuant to that condition. Details of the exact amount and the procedure to be followed can be found on the Council's website.

When submitting information pursuant to conditions attached to this consent:

An individual 1APP form has been enclosed for condition(s) that require submission of details.

Complete the details and return to the Council offices addressed directly to the Case Officer, this will avoid any unnecessary delays. A decision as to the acceptability of the information submitted will only be given in writing. Please note that the Local Planning Authority has up to eight weeks to agree or disagree with the details submitted before an appeal can be lodged. However the timescale required is usually much shorter and can be as a little as few days provided that all the necessary information is submitted and found to be satisfactory.

Photographs, manufacturers leaflets/brochures will be acceptable as descriptions of materials provided they identify the specific material. We will be happy to view sample panels placed on site for retention until the condition is discharged.

Please note that from the 6th April 2008 a fee is now payable for the discharge of any conditions where details are required to be submitted pursuant to that condition. Details of the exact amount and the procedure to be followed can be found on the Council's website.

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 5 April 2022**

*Hayley Jewels* - Head of Development  
Management

## SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA20/09631

Please liaise with the case officer if you have any concerns.

- Care should be taken during any felling operation or surgery works to trees, to avoid damage or disturbance to birds during the nesting season. In Cornwall this can typically be from February to August, with many species producing second to third broods in appropriate habitat. Under the terms of the Wildlife and Countryside Act 1981 (As Amended in 1986 and 1991) Part 1 (1), it is an offence intentionally or recklessly take, damage or destroy any wild birds or its nest while being built or in use, or to take or destroy its eggs or chicks.

It is also an offence to kill, injure or take a bat or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. Under the Habitat Regulations it is an offence to damage or destroy a breeding site or resting place of any bat.

- There may be circumstances where a European protected species is discovered on a development site after planning permission has already been granted. In such cases you are advised to contact the Secretary of State (Defra) who will determine applications for derogations in the form of a licence under regulation 44 of the 1994 Regulations. In determining such applications, the Secretary of State (Defra) will seek advice from the Local Planning Authority and Natural England on whether the Directives tests are met.

This may occur if the species moves onto a site in the interim between grant of planning permission and start of works, or if the presence of the species was simply not known at the time of planning permission application. This may cause difficulties and delays for developers, and stresses the need for sound ecological survey information on which to base decisions where it is suspected that European protected species may be present.

- Note to the Applicant (Badgers): All work using machinery within 20m or hand held tools within 10m of a sett entrance requires a licence under the Protection of Badgers Act 1992. These licences are issued by the English Nature. \* English Nature recommends that, where possible, exclusion zones of 30m are established around setts.
- Cornwall Council advises that developers should be made aware of their obligations regarding the public right of way, as follows:
  - the applicants should ensure that they have private access rights to drive on the public right of way;
  - the surface/width of the bridleway should not be altered - prior consent would be needed to do so;
  - no building materials must be stored on the right of way;
  - vehicle movements must be arranged so as not to interfere with the public's use of the way;

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 5 April 2022**

*Hayley Jewels* - Head of Development  
Management

**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA20/09631**

- the safety of members of the public using the right of way must be ensured at all times;
  - no additional barriers (eg gates) are to be placed across the right of way;
  - there must be no diminution in the width of the right of way available for use by members of the public;
  - no damage or alteration must be caused to the surface of the right of way; and
  - wildlife mitigation fencing must not be placed across the right of way.
- This permission is granted with an accompanying Pro Forma Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) as set out at conditions 30 and 31 of Application B within this decision notice.

In dealing with this application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application, on this occasion this has included :

Discussions/negotiations ongoing with LPA throughout determination of planning application

Dedicated phone number of the case officer for the Applicant/Agent

Close liaison with the Town and Parish Councils in accordance with the protocol.

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 5 April 2022**

*Hayley Jewels* - Head of Development  
Management

## NOTES

### Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made to the Planning Inspectorate using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <http://www.planningportal.co.uk>. A copy of the completed appeal form must also be submitted to the Council.

**Please Note:-** If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are on [GOV.UK](http://www.gov.uk).

(<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on Cornwall Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.

If this approval is for the erection of new buildings please refer to the note below.

### Registering addresses for new properties prior to commencement

You must apply officially to register the name of any new street or the address of any new property through Cornwall Council's Street Naming and Numbering process. You are required to submit an application form, plan and appropriate fee all details of which can be found on our website at <http://www.cornwall.gov.uk/streetnaming>. Developers are advised to contact Street Naming and Numbering at the earliest opportunity for street naming as the process involves consultation with the local Parish, Town or City Council and can take several months to complete. For any further assistance please contact [addressmanagement@cornwall.gov.uk](mailto:addressmanagement@cornwall.gov.uk) or telephone 0300 1234 100.

Mr Terry Grove White  
Atlantic Arc Planning Ltd  
C/o Arcadis  
Rydon House  
Pynes Hill  
Exeter  
EX2 5AZ

**Your ref:** LANGARTH GARDEN VILLAGE  
**My ref:** PA20/09631  
**Date:** 5 April 2022

Dear Sir/Madam

**Hybrid planning application for Langarth Garden Village comprising: 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 and C. The Application is accompanied by an Environmental Statement.**  
**Land North Of A390 Threemilestone Threemilestone Cornwall**

With reference to this planning application, I enclose the Decision Notice granting permission.

If conditions have been included that must be complied with before the commencement of the development, e.g. "No development shall commence before ...", and this is not done, the development cannot be validly commenced even if it is within the time limit set by Condition.

If details are required I look forward to receiving them. Application forms can be found on <http://planningportal.co.uk/> . Your attention is drawn to the fees to discharge planning conditions under The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012:

**£116 (per request)** for applications not falling within fee categories 6 or 7 (non-householder applications)

Development Management Service  
Cornwall Council

Correspondence Address: Cornwall Council Planning, PO Box 676, Threemilestone, Truro, TR1 9EQ  
planning@cornwall.gov.uk

**£34 (per request)** where the request relates to an application for works to an existing dwelling, or within the curtilage of such, falling within fee categories 6 or 7 (householder applications only)

You may wish to take the opportunity to submit details to discharge more than one condition per request.

Yours faithfully

**Matthew Doble**

**Principal Development Officer  
Development Management Service  
Tel: 01872 322222 Mob 07483 172703**

Development Management Service  
Cornwall Council  
Correspondence Address: Cornwall Council Planning, PO Box 676, Threemilestone, Truro, TR1 9EQ  
planning@cornwall.gov.uk