

**CD 6.1**

**Town and Country Planning Act 1990**

**Acquisition of Land Act 1981**

**Local Government (Miscellaneous Provisions) Act 1976**

**Inquiry into:**

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

**Proof of Evidence**

**of**

**Philip Mason**

**Strategic Director for Sustainable Growth and Development with Cornwall Council**

**2 January 2024**

## 1. INTRODUCTION

- 1.1 I am Mr Philip Mason, Strategic Director for Sustainable Growth and Development in Cornwall Council. I have held this role since 2021 and was previously the Strategic Director for Economic Growth and Development from 2019 to 2021. In both roles I have had ongoing responsibility for planning, transport (now called connectivity), housing and economic development, and have latterly assumed responsibility for environmental strategy and services. Prior to these roles I was the relevant Head of Service/Service Director for Planning and Housing from 2009 to 2019, including being the designated Chief Planning Officer of Cornwall Council for the same period. Prior to that, I held various senior roles, including being the Council's Chief Planning Officer and latterly the Deputy Chief Executive in (what was then) Restormel Borough Council, before the Council became a unitary authority. I hold an honours degree and Post Graduate Diploma in Town Planning.
- 1.2 I have developed, led and maintained close working relationships with the Town and Country Planning Association over the last 14 or so years. This has provided me with the opportunity to travel widely in Europe to see and experience best practice in large-scale urban design and renewal.
- 1.3 I have significant experience in strategic planning for the largest schemes in Cornwall. For the last 20 years, I have led, on behalf of the Council, the Duchy of Cornwall's urban extension scheme at Nansledan, near Newquay. For the last 15 years, I have also led, on behalf of the Council, Cornwall's other designated Garden Village, at West Carclaze, near St Austell.
- 1.4 As Chief Planning Officer, I also oversaw the granting of the original permissions in the area now known as Langarth, between 2012 and 2016, and witnessed the evolution in national planning policy, which ran alongside.
- 1.5 In my Head of Service and Director roles I subsequently oversaw the making of the development plan driving the Council's vision for Langarth Garden Village (Cornwall Council's Local Plan (2016) – **CD 2.3**). In addition, I ensured the Council appropriately supported the Truro and Kenwyn Neighbourhood Plan Group in its revision of the Truro and Kenwyn Neighbourhood Development Plan (2016, revised in 2023 – **CD 2.4** and **2.7**) (**TKNP**).
- 1.6 It is this breadth and depth of experience in strategic planning that I have brought to my role as the Senior Responsible Officer for the Langarth Garden Village programme, over the last five years.

- 1.7 It is against this background that I recognised the challenges of a lack of effective coordination arising from the local policy vacuum and individual market-led applications at Langarth and led the work towards filling this vacuum, securing HM Government funding via Homes England for the Northern Access Road (**NAR**), as well as orchestrating the Council's direct intervention, from the first relevant Council decisions in 2017. I have overseen, authored or inputted into the significant catalogue of enabling Council reports underpinning the Council's intervention since that date. These are summarised in **Appendix PM1** to my proof of evidence.
- 1.8 As one of five Strategic Directors at the Council, I have collective responsibility for the delivery of all of the Council's agreed outcomes, and specifically those falling under the heading of "Thriving and Sustainable Communities", which are centred on housing, the built and natural environment and economic development. As a new sustainable community of an expected 3,800 homes, with a projected population in excess of 8,000 people, Langarth Garden Village (the **Scheme**) indirectly and directly supports most aspects of the Council's agreed outcomes for Thriving and Sustainable Communities. The Scheme's contributions to these outcomes form the foundations for my proof of evidence.

## 2. **SCOPE OF EVIDENCE**

- 2.1 My evidence focuses on the planning and political context for the Council's vision and masterplan for Langarth Garden Village and the need for public sector intervention, at this particular time, to secure the regeneration of the Langarth area in Truro & Threemilestone. In so doing, I seek to address the following statutory requirements and objectives, as articulated in the Department for Levelling Up, Housing & Communities Guidance on Compulsory Purchase Process and The Crichel Down Rules 2019 (the **CPO Guidance**) (**CD 5.4**):
- 2.1.1 Section 226(1) (a) Town and Country Planning Act 1990 (**TCPA 1990**) - compulsory purchase of land for development and other planning purposes;
- 2.1.2 Paragraph 14 – sources of funding for the Scheme (focusing on the Council's capital investment in the Scheme);
- 2.1.3 Paragraph 106 – the extent to which the Scheme contributes to the achievement of the economic, social or environmental well-being of the area;
- 2.1.4 Paragraph 106 - whether the purpose for which the land is being acquired could be achieved by any other means; and

2.1.5 Paragraphs 2 and 12 - compelling case in the public interest.

2.2 With these overarching requirements and objectives in mind, the scope of evidence within my proof of evidence is as follows:

2.2.1 The planning context for the Scheme;

2.2.2 The need for public sector intervention;

2.2.3 The Council's commitment to the Scheme - financial, land assembly and delivery;

2.2.4 The social, economic and environmental benefits of the Scheme;

2.2.5 The Council's experience in facilitating delivery and place-making;

2.2.6 Justification for public sector intervention in terms of, inter alia, the Council's responsibilities towards public sector equalities and human rights;

2.2.7 Conclusion, applying the above analysis to the statutory tests and CPO Guidance.

2.3 My evidence should be read alongside the other evidence prepared by and on behalf of the Council, in particular, the following proofs of evidence:

2.3.1 Mr Gavin Smith – Planning (Local Planning Authority (LPA)) (CD 6.3);

2.3.2 Mr Terry Grove White – Planning (Applicant) (CD 6.5);

2.3.3 Mr Tim Wood – Transport and Highways (CD 6.9);

2.3.4 Mr Harry Lewis – Langarth Portfolio Director for the Council's delivery partner (CD 6.11); and

2.3.5 Mr Andrew Hector – land acquisition and negotiations (CD 6.13).

### 3. TERMINOLOGY AND VISUAL AIDS

3.1 In my proof of evidence references to the core documents are made by the abbreviation, for example, "CD1.1". Specific abbreviations are noted in the text on first use, and these abbreviations are also set out in the Glossary (CD 6.17). The proofs of evidence of other witnesses are referred to by the name of the author.

- 3.2 I have prepared visual aids to help set the Scheme in its proper planning context, help with identification of key features and locations and to help draw out the rationale for public intervention and the key economic, social and environmental benefits of the Scheme. These visual aids are appended at **Appendix PM2** to my proof of evidence and are referenced throughout by reference to the '**Figures**' therein.

#### 4. **PLANNING CONTEXT FOR THE SCHEME**

##### **The Scheme**

- 4.1 The Council is promoting the CPO and the SRO to enable the delivery of a sustainable mixed-use community known as Langarth Garden Village, which obtained hybrid planning permission on 5 April 2022 (**CD 3.1**) (**Hybrid Permission**). In summary, the Scheme comprises a phased development of up to 3,550 dwellings plus 200 extra care units and 50 units of student/health worker accommodation. These residential uses are supported by five local centres, a local care health centre, a centre for emergency services, up to two primary schools, business and commercial floorspace and a brewery/public house. The Scheme incorporates policy compliant levels of open space, including a suitable alternative natural greenspace (**SANG**) and a community farm and allotments. The Scheme also makes provision for an energy centre (the **Energy Centre**) and renewable energy provision, as well as an extension to the existing Park & Ride. Crucially, the Scheme incorporates a new central access road and access junctions onto the A390, and associated works - collectively known as the NAR.
- 4.2 In headline summary, the land-take identified in the CPO Schedule (**CD 4.1**) and on the CPO Map (**CD 4.2**) is justified to facilitate the delivery of the NAR and the other associated infrastructure required to:
- 4.2.1 directly control the delivery of 68% of the development by housing units, both school sites, the SANG and the Park & Ride extension; and
  - 4.2.2 facilitate the coherent delivery of the remaining mixed use landscape-led community to be known as 'Langarth Garden Village'.

##### **The Site**

- 4.3 The development site for the Scheme (the **Site**) is situated on the edge of the city of Truro. Please refer to **Figure 1**. Truro is the main administrative centre of Cornwall, with a Cathedral, the Headquarters of Cornwall Council and the only acute hospital in

Cornwall (Royal Cornwall Hospital), which serves a population of around 470,000 people<sup>1</sup>.

- 4.4 The Site is situated in the parish of Kenwyn, to the west of Truro. Truro is a city with a population of circa 23,000 people (2021 census) which has historically served a very wide rural hinterland. From an administrative perspective, Truro's western suburbs cross the boundary into Kenwyn parish. Following the A390, this leads into the settlement of Threemilestone, which has a population of circa 3,000 people (2021 census).
- 4.5 Truro and Threemilestone have experienced significant population growth since 2011 – see **Figure 2**. This growth has informed the Council's strategic housing needs for the area, as articulated in the Council's Local Plan (Strategic Policies) (**CD 2.3**) and as reflected in the Truro and Kenwyn Neighbourhood Development Plans adopted in 2016 (**CD 2.4**) and as updated in 2023 (**CD 2.7**). Policy 2a of the Council's Local Plan sets a target for 3,900 new homes in Truro and Threemilestone. The Scheme is intended to meet the lion's share of this need. This is a key driver for the Council's intervention in delivery, as examined in further detail at paragraph 5.8 below.
- 4.6 **Figure 3** provides a key to the main place names and locations comprised in and forming the setting of the Scheme, to help the Inspector navigate my proof and that of the other witnesses at the Inquiry. **Figure 31**, at the end of **Appendix PM2**, provides a further key to place names and other key features. I start by drawing out a few of these key features, by reference to **Figure 3**.
- 4.7 The first feature of note is that the boundary of the planning application for the Scheme (**Hybrid Application**) excludes the parcels for land earmarked for the former Stadium for Cornwall (now the Truro Sports Hub), Hendra retail development, and a petrol filling station (**PFS**) and hotel/drive thru developments, to the east. The rationale for these exclusions is twofold. At the time the Hybrid Application was being worked up, these land parcels benefited from their own planning permissions and development had either already commenced or there was evidence of an intention to commence by the relevant landowners/developers (in the form of condition discharge applications, communications with the LPA, and so on). In addition, these development parcels were not required to deliver the NAR and related enabling infrastructure. The Council

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<sup>1</sup> <https://royalcornwallhospitals.nhs.uk/organisation/about-us/>

therefore elected to design the Scheme around these committed developments. Whilst excluded from the planning redline, the Scheme may have a catalytic effect in helping bring these developments forward. There may also be synergies in respect of some of the proposed land uses – for example, between the Truro Sports Hub and the wider Garden Village.

- 4.8 The second feature of note is that the Hybrid Application boundary encompasses all the land required to deliver the NAR and associated infrastructure and to provide for a comprehensive masterplan for the Site.
- 4.9 The third feature of note is that the Hybrid Application boundary incorporates Langarth Park & Ride. This is a central sustainable transport node, and the Scheme facilitates its extension in the future. Such transport features provide part of the answer to the question, ‘why this Site?’. In spatial planning terms, the Site is relatively sustainable and well situated to deliver the quantum and range of development proposed in the Scheme.
- 4.10 **Figure 3** also demonstrates that the Scheme integrates effectively with its surrounding area and provides new homes, services, recreation and leisure areas (for example, via the SANG to the north east) and energy (via the Energy Centre, located next to the Park & Ride) to workers at the adjoining Treliske Industrial Estate, Retail Park, Truro College, Health and Wellbeing Innovation Centre and the Royal Cornwall Hospital.

## 5. THE NEED FOR PUBLIC SECTOR INTERVENTION

- 5.1 **Figure 4** summarises the key drivers for public sector intervention. These include meeting the housing needs of the area, the complexity of the land ownership and consenting position before the Council became proactively involved in delivery and, fundamentally, the need for better coordination around land uses and sitewide infrastructure delivery. I consider each of these drivers in further detail below.

### Housing need

- 5.2 The economic performance and draw of Truro, through its City Centre function and presence of major employers - including the Council, the Royal Cornwall Hospital and Truro (Further Education) College amongst others - far exceeds its available housing stock for the workforce required. There has been a long-standing need for further housing stock, as evidenced in the housing apportionments articulated in the Local Plan, as set out at paragraph 4.5 above.

### Landownership

- 5.3 **Figure 5** illustrates – in high level terms – the complexity of the landownership position before the Council’s decision to intervene. There were at least 9 controlling interests in the Langarth area before the Council commenced its programme of land acquisition and assembly in 2019. Please refer to the table in **Appendix PM3** for a more detailed breakdown of titles and landowners. The table in **Appendix PM3** demonstrates that **Figure 5** is itself an abstraction of an extremely fragmented title/proprietorship position for the Site.

### Consenting

- 5.4 **Figure 6**, in turn, illustrates the complexity of the consenting position before the Hybrid Application for the Scheme. When the Council commenced its masterplanning work in 2019, the Site benefited from a patchwork of planning permissions granted to a number of different landowners and developers between 2012 and 2016.

### Interplay between the consenting and planning policy position

- 5.5 Further information on the applications identified in **Figure 6** (including applicant details and descriptions of development) can be found in **Appendix GS1** to the proof of evidence of Mr n Smith (**CD 6.3**). I do not repeat these details here.
- 5.6 Instead, I take this opportunity to note that these permissions were granted in a particular policy (and political) vacuum where the Regional Spatial Strategy for the County and the Council’s Structure Plan had been revoked, the first iteration of national planning policy framework (**NPPF**) had been recently adopted (in 2012), and the Council had not yet adopted its new Local Plan (or, I would add, resolved to proactively intervene in delivery). I refer to **Appendix GS6** of the proof of evidence of Mr Smith (**CD 6.4**) for a timeline of planning policy which helps illustrate this point. This policy context meant that there was greater scope for planning applications to be market-driven and for planning decisions to be made by reference to comparatively ‘pro development’ national policies and guidance.
- 5.7 In this context it is also worth noting – as part of the answer to the question of whether the Council’s objectives for the development of the Langarth area are capable of being achieved through means other than the compulsory purchase of land – that the Council *did* try and steer development in this area via, for example, the ‘Land North of the A390 Truro/Threemilestone Development Brief’, which was adopted as a material

consideration in 2012 (**CD 2.6**).<sup>2</sup> However, in the absence of an up to date development plan and in the face of relatively strong pro-development steer of national policy, that brief carried relatively little weight in planning decision-making.

- 5.8 In 2016, the Council adopted its Local Plan (**CD 2.3**) and the Truro and the Kenwyn Neighbourhood Development Plan 2016 (**TKPN 2016**) (the development plan document for allocations in Truro) (**CD 2.4**) was also adopted. As explained in paragraph 3.6 of the Council's Statement of Case (**CD 4.5**), the Policy Map for the 2016 TKPN essentially reflected the (by then established) consenting position shown in **Figure 6**. This meant that, in effect, the TKPN 2016 relied on the Site to deliver its share of the strategic housing target for Truro and Threemilestone.

### **Planning outcomes under previous permissions**

- 5.9 A comparison to the previous consenting position helps explain the genesis for the Scheme, in masterplanning terms, as well as the rationale for public sector intervention. It also helps draw out some of the Scheme's economic, social and environmental benefits, which I consider in further detail below.
- 5.10 As noted in paragraph 3.13 of the Council's Statement of Case (**CD 4.5**) and also discussed in paragraphs 4.3 and 4.5 of the proof of evidence of Mr Smith (**CD 6.3**) and paragraph 4.4 of the proof of evidence of Mr Grove-White (**CD 6.5**), many of the previous permissions for the Site were anchored by 'big box' out of town retail, as shown in **Figure 7**.
- 5.11 Had all of these permissions been implemented to their maximum permitted range, in retail capacity terms, the total out of town centre convenience floorspace would have exceeded 16,000 square metres and the total comparison floorspace would have exceeded 13,000 square metres. The adverse impacts on the vitality and viability Truro town centre would have been significant – even if only some but not all of these schemes came forward. Some of these impacts are considered in more technical detail in the Lichfields retail study (**CD 5.1**, section 5) and in the GVA retail impact assessment at **CD 5.2** (section 7 thereof considers the cumulative impact of the retail schemes). The purpose of my proof is not to dwell on this technical detail on town centre impacts, but

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<sup>2</sup> For further information on this Brief, refer to the Lichfields Retail Impact Assessment (**CD5.1** para 3.23-3.25)

to highlight the very different impact profile of these retail-led mixed use developments, relative to the Scheme.

- 5.12 As another example, the landscape and visual impacts of the previous schemes for the Site are completely different (and in many ways aesthetically inferior) to those arising in connection with the Scheme. **Figure 8** extracts some of the previously approved visual details for some of the retail schemes permitted under the previous permissions. Whilst they only provide for a snapshot comparison, I have included these images in my proof to allow the Inspector to compare these to the Scheme's more diverse and interesting visual offer, as shown in the later visual aids in **Appendix PM2** and further elaborated upon in paragraphs 8.4 and 8.5 of the proof of evidence of Mr Grove-White (**CD 6.5**).
- 5.13 Stepping back from a comparison of impacts, the previous permissions provided for piecemeal delivery of the Site, whereby each development would fund and deliver its own section of the road across the Site (the earlier iteration of the NAR) and comply with its own stand-alone planning conditions and obligations to mitigate impacts associated with each development, individually. In this consenting and delivery paradigm, there was limited scope in planning terms (beyond cross-site Grampian conditions or obligations) to address sitewide needs or to coordinate infrastructure delivery across individual development sites.
- 5.14 The Council expected that some of the negative impacts identified above would be pruned out by virtue of the 'inbuilt competition' between the previous permissions. As explained in paragraph 4.5 of the proof of evidence of Mr Smith (**CD 6.3**), the LPA received advice that there was insufficient retail capacity in the market for all of the schemes to come forward (see the GVA advice, at section 8 - **CD 5.2**). As it happens, and as illustrated in **Figure 9**, delivery under all the previous proposals for the Site has failed to come forward.
- 5.15 There are many reasons for lack of delivery. They include a change of market conditions for retail development. This inevitably meant that as the enabling retail stalled, the associated housing did not get delivered. Fundamentally, they also reflect challenges inherent in bringing forward piecemeal development on a Site of this size and scale, with significant upfront infrastructure requirements. For any large-scale development to come forward on a topographically challenging greenfield site such as this, there is need to incur significant upfront development costs associated with road, energy and drainage infrastructure (amongst other sitewide needs). Without a tool or agreement between landowners for granting of pre-requisite land rights and apportionment of costs associated with sitewide infrastructure – such as the NAR, foul drainage, surface

drainage, power etc. – delivery is inherently challenging. These constraints to delivery speak in favour of a comprehensive and coordinated approach to delivery.

### **Summary**

- 5.16 In summary, the complex land ownership position, consenting position and sitewide infrastructure needs – combined with the desirability of unlocking development in a way which enables the proper planning of the area, and the overarching need to meet the strategic housing target for Truro and Threemilestone – formed the basis for the Council's decision to intervene in delivery.

### **Council decisions to facilitate intervention**

- 5.17 The full chronology of Council decisions underpinning its intervention is set out in **Appendix PM1** to my proof. Without limitation, the key enabling decisions preceding the Hybrid Application are summarised below:

- 5.17.1 On 15 November 2017, Cabinet approved a £70 million increase to the capital programme to support the development of a number of schemes, including the Threemilestone programme (see **CD 1.1**);
- 5.17.2 On 2 May 2018, Cabinet approved the strategy take on a proactive role in planning and delivering the Scheme (see **CD 1.2**);
- 5.17.3 In December 2018, the Council submitted the bid for HIF funding and on 18 December 2018 Cabinet approved an increase in the capital programme by c. £159m to support the Scheme (see **CD 1.5**);
- 5.17.4 On 22 January 2019, Full Council ratified the decision to increase the capital programme by £159m to support the Scheme, including the preparation of a masterplan and delivery of key infrastructure (see **CD 1.6**).

### **HIF**

- 5.18 In June 2019, the Government awarded the Council £47.45 million to build the NAR and included Langarth in its Garden Communities programme (with associated capital and resource funding). It was at this point that the work on the Council's masterplan and Hybrid Application began in earnest.

### **Policy support**

- 5.19 In parallel, the Council also supported Truro and Kenwyn Neighbourhood Group in its revision of the TKPN 2016, amongst other things, to provide for a formal development plan allocation for the Site (Policy H3). The revised TKPN 2023 has now been adopted (**CD 2.7**), and Policy H3 provides a strong local policy framework for the future development of the Site. Further information on the planning policy framework underpinning the Scheme is found in the proof of evidence of Mr Smith (**CD 6.3**) and related Appendices (**CD 6.4**) and I do not repeat that detail here.

## **6. THE COUNCIL'S COMMITMENT TO THE SCHEME**

### **Capital Funding**

- 6.1 As explained in the Council's Statement of Case and further examined in the November 2020 Cabinet Report (**CD 1.8**, paragraphs 6.6-6.10), the Council has approved £109m of Council investment (funded from borrowing). This level of investment was informed by reasonable estimates and projections based on the information available at the time. It was also accepted that this investment would need to be regularly reviewed, as evidenced by the relevant recommendation of the November 2020 Cabinet Report (**CD 1.8**, recommendations 11a and b - which were resolved as proposed). The main constraint to the Council's capital investment is the annual revenue cost of financing the associated borrowing, in so far as it affects the annual revenue budget of the Council. Flexibility has been built into this to allow for the financing costs of this Scheme. The relevant recommendation of the November 2020 Cabinet Report (**CD 1.8**, recommendation 11b) sets out the process and authority to address this through routine capital updates without further separate decisions. This demonstrates the Council's realistic understanding of the delivery challenges of a scheme of this scale and lifespan. It also demonstrates that the Council took prudent measures at the right time to ensure sufficient and flexible authorities were (and remain) in place to respond to any changes in financing requirements that may emerge and to ensure that the delivery programme remains fully funded, including the associated revenue costs of financing the relevant borrowing.
- 6.2 The Council investment is also supplemented by £47.45m of HIF funding, as explained at paragraph 5.18 above.
- 6.3 The Council's initial capital investment will remain invested over a significant time and will eventually be repaid, along with the cost of financing, when the development is finally completed. To that end, the relevant recommendation of the November 2020

Cabinet Report (**CD 1.8**, recommendation 11a) provides authority to waive the Council's usual approach to capital finance (which is to centrally pool receipts) and enable a revolving facility such that receipts at Langarth are ring fenced to the Scheme.

- 6.4 This allows the Council to recover its investment through a combination of its own development activities, sale of serviced land parcels to third party developers and section 106 and CIL contributions. Paragraphs 7.36 to 7.44 of the proof of evidence of Mr Harry Lewis (**CD 6.11**) explains the steps the Council, via its delivery partner, is taking to recover this initial investment.
- 6.5 In summary, and with regard to paragraph 14 of the CPO Guidance, the Council remains confident that it has sufficient financing arrangements in place to secure the remainder of its land acquisition programme and delivery of key sitewide infrastructure, both in terms of access to absolute capital but also the revenue cost of financing that capital; and to undertake the necessary steps to create serviced land parcels ready for disposal to (and equity arrangements in partnership with) third party developers, to deliver around 2,600 dwellings and associated commercial development on land held (or to be held upon confirmation of the CPO) by the Council.

#### **Acquisition and land assembly**

- 6.6 In contrast to **Figure 9**, **Figure 10** shows the current landownership position. Since its formal decision to get proactively involved in delivery in 2019, the Council has acquired a significant proportion of the Site, as shown in orange shading in **Figure 10**. The Council's pre-CPO acquisition history is summarised below:
- 6.6.1 In Spring 2020, the Council acquired land at West Langarth, Langarth Farm Phases 1 and 2 and parts of Phase 3, 4 and 5, Pollards Field and land known as Biondi Field;
- 6.6.2 In Autumn 2020, the Council acquired part of the land known as 'The Willows' to facilitate the delivery of a primary school within the Scheme, and the land known as 'East Langarth' to facilitate the delivery of part of the NAR and the wider Scheme;
- 6.6.3 In Spring/Summer 2021, the Council acquired the remaining part of the Willows and the land known as Governs Farm as well as Langarth Farm Phases 3, 4 and 5.

- 6.7 Following these acquisitions, the Council now owns the majority of land required for the construction of the NAR, the two primary schools, the Park & Ride extension, the Energy Centre, key utilities, housing, as well as the green and community spaces.
- 6.8 The land shaded purple on **Figure 10** shows the extent of third-party land (surface, freehold) which is included in the CPO. This is required to deliver the remaining section of the NAR and associated highways, sustainable transport and drainage infrastructure. The Council has, every step of the way, sought to ensure that land take and interference with rights is limited to that which is necessary and proportionate to facilitate the delivery of the NAR and associated infrastructure, and to unlock the Scheme on the balance of the third-party land.
- 6.9 The Council has also continued with private treaty negotiations in parallel to the CPO and SRO to acquire remaining interests by agreement in tandem, as required by the CPO Guidance. Section 5 of the proof of evidence of Mr Hector (**CD 6.13**) summarises the acquisitions and other transactions concluded (or in the process of being concluded) following the Council's resolution to proceed with CPO in June 2022, as part of the Council's meaningful engagement with landowners in the run up to the Inquiry. This includes the Council taking a flexible and pragmatic approach to reaching agreement with affected landowners in order to reduce the number of interests that need to be acquired pursuant to the CPO – see paragraph 5.11 of Mr Hector's proof of evidence (**CD 6.13**). I do not repeat this detail here.

#### **Positive delivery on the ground**

- 6.10 Further testament to the Council's commitment to the Scheme, and in stark contrast to **Figure 9, Figures 11 to 14** illustrate the positive delivery steps taken by the Council to date. Starting with **Figure 11**:
- 6.10.1 In 2020, the Council obtained planning approval for the interim link road (**Interim Link Road**) (**CD 3.14**), as construction access to the Site. That road has now been completed as shown in blue shading in **Figure 12**.
- 6.10.2 In 2021, the Council obtained stand-alone permission for an Energy Centre (**CD 3.13**), to bring forward this element of the Scheme and associated power and utilities works in advance of the residential development. In the future, the Energy Centre will provide low-cost green power to residents. Works are already substantially underway.
- 6.10.3 In 2022, the Council obtained the Hybrid Permission for the Scheme (**CD 3.1**) and related Listed Building Consent for the relocation of a milestone to

facilitate works at West Langarth Junction (**CD 3.12**). Further detail on the planning application process and Scheme particulars is provided in paragraphs 5 to 11 of the proof of evidence of Mr Smith (for the LPA) (**CD 6.3**) and paragraphs 4 to 11 of the evidence of Mr Grove White (for the Council as Applicant) (**CD 6.5**) and I do not repeat it here.

- 6.10.4 In February 2023, the Council obtained its first reserved matters approval under the 2022 Permission, for the SANG at Governs Park, and associated access road (**CD 3.15**).
- 6.10.5 The foul drainage strategy for the Scheme has been progressed through a process of requisitioning and South West Water obtaining permission, in May 2023, for two foul pumping stations to serve the Scheme (**CD 3.18** and **CD 3.19**)
- 6.10.6 As at the date of this proof, applications have also been submitted for the Phase 1 green infrastructure and utilities as well as the first primary school serving the site. Further details are provided in paragraphs 11.20 through to 11.26 of the proof of evidence of Mr Grove-White (**CD 6.5**) and I do not repeat it here.
- 6.10.7 Applications have also been submitted to discharge the Neighbourhood Design Code conditions to the Hybrid Permission for the first development phases. As above, further details are provided in paragraph 11.27 of the proof of evidence of Mr Grove-White (**CD 6.5**) and I do not repeat it here.
- 6.11 **Figure 12** illustrates the delivery on the ground, as at October 2023. Construction of the NAR is substantially underway on the Council-owned land, the Interim Link Road is complete and the Energy Centre is substantially underway, as stated above (refer also to **Figure 14**).
- 6.12 **Figure 13** provides an aerial image of the construction of West Langarth Junction. **Figure 14** provides an aerial image of the NAR and Energy Centre under construction on the land controlled by the Council.
- 6.13 **Figure 15** projects into the future, to look at the likely delivery situation on the ground by 2026, on the assumption that the CPO is confirmed.

### **Other Council decisions supporting delivery**

- 6.14 The Council's commitment to the Scheme and is clear and demonstrable. Following grant of the Hybrid Planning Permission, the Council has made the following decisions to facilitate delivery and to ensure the Council's quality and place-making objectives are met as part of that delivery:
- 6.14.1 In November 2020, Cabinet approved the recycling of funds within the approved programme (**CD 1.8**) (see also paragraph 6.3 above);
- 6.14.2 In December 2021, Cabinet resolved that the Community Infrastructure Levy monies collected from the development of the Scheme be retained and applied to infrastructure in Truro, Kenwyn, Chacewater, Kea and St Clements, with a view to aiding the effective integration of the Scheme with the surrounding area (**CD 1.8(a)**);
- 6.14.3 In December 2022, Cabinet approved the Delivery Strategy and Model for the Scheme and to set up a special purpose delivery vehicle to support the Delivery Strategy and act as the master developer (**CD 1.11**); and
- 6.14.4 In March 2023, Cabinet approved the Outline Business Case for the establishment of a stewardship organisation for managing and maintaining the green infrastructure, public realm, cycle and walking routes, sustainable urban drainage (**SUDS**) networks and unadopted highways network for the Scheme and resolved to progress to Full Business Case and establishment of such stewardship organisation **CD 1.12**).
- 6.15 Further information on the Council's delivery strategy is provided in paragraphs 6 and 7 of the proof of evidence of Mr Harry Lewis (**CD 6.12**). I do not repeat it here.

## **7. ECONOMIC, SOCIAL AND ENVIRONMENTAL BENEFITS OF THE SCHEME**

- 7.1 In this section of my proof, I explain the Council's masterplanning approach and aspirations for the Site and in so doing seek to draw out the some of the key economic, social and environmental benefits of the Scheme.
- 7.2 **Figure 16** synthesises the principles agreed with the community and key stakeholders which informed the Council's masterplan and aspirations for the Scheme. The Scheme is predicated on:

- Community-buy in for the Council's proposals

- Comprehensive masterplanning for the Site as a whole
- Embracing the Government's garden community principles
- Adopting a landscape-led design that respects the natural and heritage context for the Scheme
- Creating a new settlement that integrates with its surroundings
- An infrastructure first approach to infrastructure
- A view to the long-term management and maintenance of key green infrastructure and community assets on the Site

These aspirations align with Policy H3 of the TKPN 2023 (**CD 2.7**).

7.3 **Figure 17** shows how parameter plans and design code principles have been used to create a comprehensive masterplan and a Scheme that connects the built environment into the surrounding landscape and seeks, so far as possible, to reflect and respect the existing character and appearance of the area. The approved Design Code (**CD 3.3**) for the Scheme helps secure these parameters, design standards and quality of the place for the future.

7.4 **Figure 18** identifies how national best practice in masterplanning has been used to achieve some of the key economic, social and environmental benefits of the Scheme. Without limitation, these include:

- Complementary mixed uses and retail including work hubs and commercial spaces as part of local centres
- NAR with segregated cycle route and public transport integration
- Better linkages to existing communities and businesses at Threemilestone and Treliske
- Two primary schools (two and three form entries)
- Health facilities
- Two extra care facilities
- Community and sport facilities

- A390 improvements including crossings to Threemilestone
- SANG.

- 7.5 **Figure 18** also shows how the Scheme has been designed to be outward as well as inward looking. The masterplan has evolved with a focus on how to achieve integration with Threemilestone and the wider surrounding area, as well as a sustainable mix of uses on the Site. As noted in the Statement of Case (**CD 4.5**), the Council is has made targeted investments in various community and infrastructure projects outside the Site, in Threemilestone. These projects include the Community Hall at All Saints Church in Highertown, a new hall at Threemilestone School, upgrades to a local Community Centre and wider urban realm improvements. These do not form part of the Scheme but are linked to it as part of the Council's wider capital programme (see decisions from 13 November 2019 and 4 November 2020 in **Appendix PM1**).
- 7.6 **Figure 19** shows how the Scheme is divided into distinct Character Areas to help realise the Council's vision for a sustainable community rather than just another monolithic housing estate. It makes use of a variety of Local Centres and Arrival Spaces to help cluster complementary land uses and focus activities on the Site. The vision is of a walkable community with a range of densities and sufficient services to meet the needs of a new community and ample opportunities to enjoy open space and leisure activities on the Site.
- 7.7 **Figure 20** helps illustrate what is meant when the Council refers to the Scheme as a landscape-led development. The Scheme responds sensitively and innovatively to its challenging (but not unusual for Cornwall) topography, whilst prioritising landscape - for example, by retaining existing field network levels wherever possible and working around Cornish hedgerows - and promoting biodiversity net gain, in line with existing and emerging local and national policy. One of the hallmarks for the Scheme is its cohesive and abundant network of green infrastructure.
- 7.8 **Figure 21** draws out the Scheme's thoughtful response to one of the key heritage constraints on the Site – namely the Scheduled Monument at Governs. The reserved matters approval for Governs Farm (**CD 3.15**) provides for improved interpretation and management of this Monument, as well as improved public access. It also provides for SANG (as previously described) and over 5 hectares of tree and woodland planting.
- 7.9 **Figure 22** illustrates how the Scheme promotes active and healthy lifestyles. The Scheme not only prioritises sustainable transport, it also promotes social cohesion and

opportunities for community activities such as children's play, allotments and community food production.

- 7.10 **Figure 23** explores some of the sustainable drainage principles for the Scheme. The sitewide, strategic approach to drainage helps improve the resilience of the catchment and to protect almost half of the Site for green infrastructure. Effective future management and maintenance of the SUDS for the Site is a key priority for the Council and form part of the Council's thinking around stewardship.
- 7.11 Unlike the previous retail-led proposals for the Site examined in **Figures 7 and 8**, **Figure 24** illustrates how the Scheme provides for a mixed-use community which makes use of a variety of heights and densities and provides for a mix of homes to meet current and future housing needs. As well as providing for a policy compliant level of affordable housing, the Scheme provides for specialist housing needs including extra care, student and self-build housing. These features, amongst others, speak to the Council's commitment to honouring its duty to public sector equality.
- 7.12 **Figure 25** captures the essence of the Scheme in terms of movement and access and provides context for the Council's proposals for the NAR. The previous proposals for the Site relied on their own individuated movement and access strategies which offered limited opportunity for coordination. The masterplan adopts a sitewide approach where, for example, the approach to cycling and pedestrian movement is coordinated with the green infrastructure strategy. The NAR provides a sustainable transport corridor across the Site that relieves pressure off the A390 whilst prioritising non-motorised road users. The Scheme provides for wider sustainable transport features such as travel planning and mobility hubs as well as contributions towards public transport. As further evidence of the equalities benefits of the Scheme, multi-user accessibility has been at the heart of the Council's design. These features are examined in further detail in the proofs of evidence of Mr Tim Wood (**CD 6.9**) and Mr Grove White (**CD 6.5**) and I do not repeat the detail here.
- 7.13 **Figure 26** speaks to the climate change credentials of the Scheme and identifies some of the ways in which the Scheme achieves the objectives of the Climate Emergency DPD (**CD2.10**), which (like the TKPN 2023) evolved alongside the planning application for the Scheme. Fundamentally, the Council is concerned to ensure the Scheme meets the current and future needs of the new community and responds effectively to the emerging issues of climate change.

7.14 **Figure 27** illustrates how the principles identified above, as enshrined in the Hybrid Planning Permission for the Scheme, are now being used to inform the Council's current and future planning applications for the Site.

7.15 Based on the above analysis, I consider that the Scheme will deliver considerable economic, social and environmental benefits.

## 8. **COUNCIL'S EXPERIENCE IN DELIVERY AND PLACE-MAKING**

8.1 The next 3 images, **Figures 28 to 30**, help to highlight the Council's experience as a place-making authority and ability to adapt its approach to meet different planning contexts and commercial and other drivers.

8.2 The Duchy-led scheme at Nansledan (**Figure 29**) is of comparable size to Langarth but does not face the same complexity of landownership (the Duchy is the key landowner and masterplanner for the residential development site). It has been heralded by the Building Better Building Beautiful Commission as an example of place making quality.

8.3 By contrast, the eco community at West Carclaze, St Austell (**Figure 30**), is the Council's other designated Garden Village and a comparable scheme in terms of also benefiting from grant funding towards strategic transport infrastructure. In each of these cases the Council has worked as a partner to bring forward delivery, but each approach varies depending upon the context.

8.4 These parallel case studies are not intended to detract from the wellbeing benefits of the Scheme but to showcase the Council's experience in and commitment to bringing forward challenging and complex development proposals - and to its overarching commitment to Thriving and Sustainable Communities.

## 9. **JUSTIFICATION FOR PUBLIC SECTOR INTERVENTION**

9.1 The Council is mindful of both its public sector equalities duties and responsibilities in relation to human rights. The decision to compulsorily acquire land in the public interest has been balanced against the protection of private property.

9.2 As noted above, and further elaborated in the proof of evidence of Mr Hector (**CD 6.13**) and Mr Tim Wood (**CD 6.9**), the Council has been very mindful to ensure that the land-take proposed under the CPO is the minimum necessary to deliver the NAR and unlock the full benefits of the Scheme on its land and across third party land.

9.3 The CPO Guidance acknowledges that a CPO can be made and progressed in tandem with negotiations. As set out in section 5 of the proof of evidence of Mr Hector (**CD 6.13**),

the Council has negotiated for the acquisition of all of the order land (and relevant interests) in accordance with the CPO Guidance (in many cases successfully) and the CPO is a last resort to acquire the remaining land/interests required to deliver the NAR and other essential enabling infrastructure within the timeframe set by HIF grant funding, the Hybrid Permission and the Council's Delivery Strategy.

9.4 Many of the remaining land interests to be acquired by compulsory purchase are either needed for the construction and operation of key infrastructure or are in unknown ownership<sup>3</sup>. The Council has made considerable efforts to acquire the land interests by agreement where possible. While the Council would continue to seek to acquire by agreement those land interests where the owner can be identified, non-confirmation of the CPO would:

9.4.1 pose a significant risk to the funding and delivery of the remaining section of the NAR together with the Eastern Junction and the connecting link road between the NAR and the A390;

9.4.2 jeopardise delivery of a substantial proportion of the Council's planned housing delivery for the Truro area;

9.4.3 greatly diminish the extent of the social, economic and environmental benefits set out at section 7 above.

9.5 There were no non-land owner objections to the CPO. All land owner objections to the CPO have been withdrawn.

## 10. **CONCLUSION**

10.1 The Council's vision for the Scheme is for a vibrant, co-ordinated development where people want to live, work and visit.

10.2 In line with section 226(a) TCPA, the proposed compulsory acquisition of land to acquire the final stretches of the NAR and other land required to unlock delivery is a necessary and proportionate step required to facilitate the successful delivery of the Scheme.

10.3 My proof has addressed paragraph 106 of the CPO Guidance and explained the need for public sector intervention and, by setting the Scheme in its spatial planning context,

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<sup>3</sup> See paragraphs 3.17 to 3.20 of the proof of evidence of Mr Andrew Hector (CD 6.15)

how the purpose for which the land is being acquired could not be achieved by any other means.

10.4 In response to paragraph 14 of the CPO guidance, my proof explains the steps the Council has taken to fund this intervention and how this funding is secure.

10.5 My proof has addressed the requirements of both section 226(1A) and paragraph 106 of the CPO Guidance by illustrating how the Scheme is likely to contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of the area.

10.6 For the reasons set out in my evidence and in line with paragraphs 2 and 12 of the CPO Guidance, I am confident that there is a compelling case in the public interest in confirming the CPO.

11. **STATEMENT OF TRUTH**

11.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true.

11.2 The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.



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**Philip Mason**