

CD 6.9

Town and Country Planning Act 1990

Acquisition of Land Act 1981

Local Government (Miscellaneous Provisions) Act 1976

The Highways Act 1980

Inquiry into:

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

and

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

Proof of Evidence

of

Tim Wood

Project Director – Truro Northern Access Road

2 January 2024

1. INTRODUCTION

- 1.1 I, Tim Wood, am a Project Director at Cornwall Council. I hold a B.Eng (Hons) in Civil Engineering and have been a Chartered Engineer for 32 years. I am a Member of the Institution of Civil Engineers (**MICE**) and a Member of the Chartered Institution of Highways and Transportation (**MCIHT**). I have been a Truro resident for 36 years.
- 1.2 I was previously directly employed by Cornwall County Council and (following the Council becoming a Unitary Authority) Cornwall Council (**Council**) for 28 years (ending in 2014), in which time I held many posts, including Deputy Project Manager (Tamar Bridge Strengthening), Chief Engineer (Structures), Head of Design and latterly Assistant Head of Transportation, leading the strategic aspects of highways and transportation. I led the Council's civil engineering design and construction supervision functions before they became integrated into the Council's wholly owned arm's length company Cormac Solutions Ltd (**Cormac**). As project manager and senior manager at the Council, I led the delivery of several major construction projects including the Camborne Pool Redruth Link Road and the Hayle North Quay project. I have led several more projects since 2014, including the Truro Eastern Park and Ride (employed by Provelio for Cornwall Council) and the Long Rock Train Depot Improvement for Great Western Railway (a precursor project to allow High Speed 2 construction to commence in London).
- 1.3 I started my own company in 2016, Prenn Limited, through which I provide project management and project director services to a range of public and private clients. I have been working for Cornwall Council as a Project Director since 2018, on a contract basis, initially on the St. Erth Park and Ride project and, since 2019, on the Northern Access Road (**NAR**) project. Since September 2022, I have been contracted via MWJV Ltd to provide the Project Director services to Cornwall Council on a secondment basis.
- 1.4 I became involved with the NAR project in December 2018, just as Cornwall Council was concluding its funding bid to Homes England for Homes Infrastructure Funding (**HIF**). My role since January 2019 has been to guide and develop the NAR project to delivery as part of the wider Langarth Garden Village (**LGV** or **Scheme**). I manage the HIF spend and direct the relevant Cormac and Council teams in the design and construction of the NAR.

2. SCOPE OF EVIDENCE

- 2.1 My proof of evidence addresses the following tests set out in the Government's Guidance on Compulsory purchase process and The Crichel Down Rules (2019) (**CPO Guidance**) (**CD 5.4**):
- 2.1.1 Paragraph 13 – clear idea of how the land acquired by the CPO is to be used to the extent that need relates to transport and highways infrastructure;
- 2.1.2 Paragraph 14 – sources of funding for the NAR and related highways infrastructure;
- 2.1.3 Paragraph 15 – how the programming of infrastructure works in connection with the NAR helps overcome physical impediments to delivery;
- 2.1.4 Paragraph 106 – the extent to which the Scheme contributes to the achievement of the economic, social and environmental well-being of the area, in respect of the NAR only.

- 2.2 My proof of evidence also addresses the specific requirements of Sections 14(6) and 125(3) of the Highways Act 1980 (**Highways Act 1980**). Section 14(6) provides that highway shall not be stopped up unless another reasonably convenient route is available or will be provided. Section 125(3) provides that no means of access to premises shall be stopped up unless another reasonably convenient means of access to the premises is available or will be provided. My proof of evidence contains the evidence on reasonably convenient alternative routes and means of access, as applicable, having regard also to the advice contained in the Department of Transport Circular 1/97 (**SRO Guidance**) (**CD 5.5**).
- 2.3 With a view to addressing the above legal and policy tests, the scope of evidence within my proof of evidence is as follows:
- 2.3.1 Evolution of the design of the NAR;
 - 2.3.2 Funding for the NAR;
 - 2.3.3 Need for the NAR and its benefits in spatial planning terms;
 - 2.3.4 A technical description of the NAR;
 - 2.3.5 Explanation of the land requirements for construction and operation of the NAR;
 - 2.3.6 Impact of the construction and operation of the NAR on the wider highways network;
 - 2.3.7 Progress on the NAR to date;
 - 2.3.8 Changes to the CPO and SRO in so far as they relate to the NAR;
 - 2.3.9 A description of the key elements of the SRO and why these changes to the road network are required;
 - 2.3.10 A response to the remaining objections to the CPO and SRO insofar as they relate to highways and transportation matters.
- 2.4 My evidence should be viewed alongside the further evidence prepared by and on behalf of the Council, in particular the following proofs of evidence:
- 2.4.1 Mr Philip Mason – Masterplan and Need for Regeneration (**CD 6.1**);
 - 2.4.2 Mr Gavin Smith – Planning (Local Planning Authority) (**CD 6.3**);
 - 2.4.3 Mr Terry Grove-White - Planning (Applicant) (**CD 6.5**); and
 - 2.4.4 Mr Harry Lewis – Project Delivery (**CD 6.11**).

Terminology

- 2.5 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. EVOLUTION OF THE DESIGN FOR THE NAR

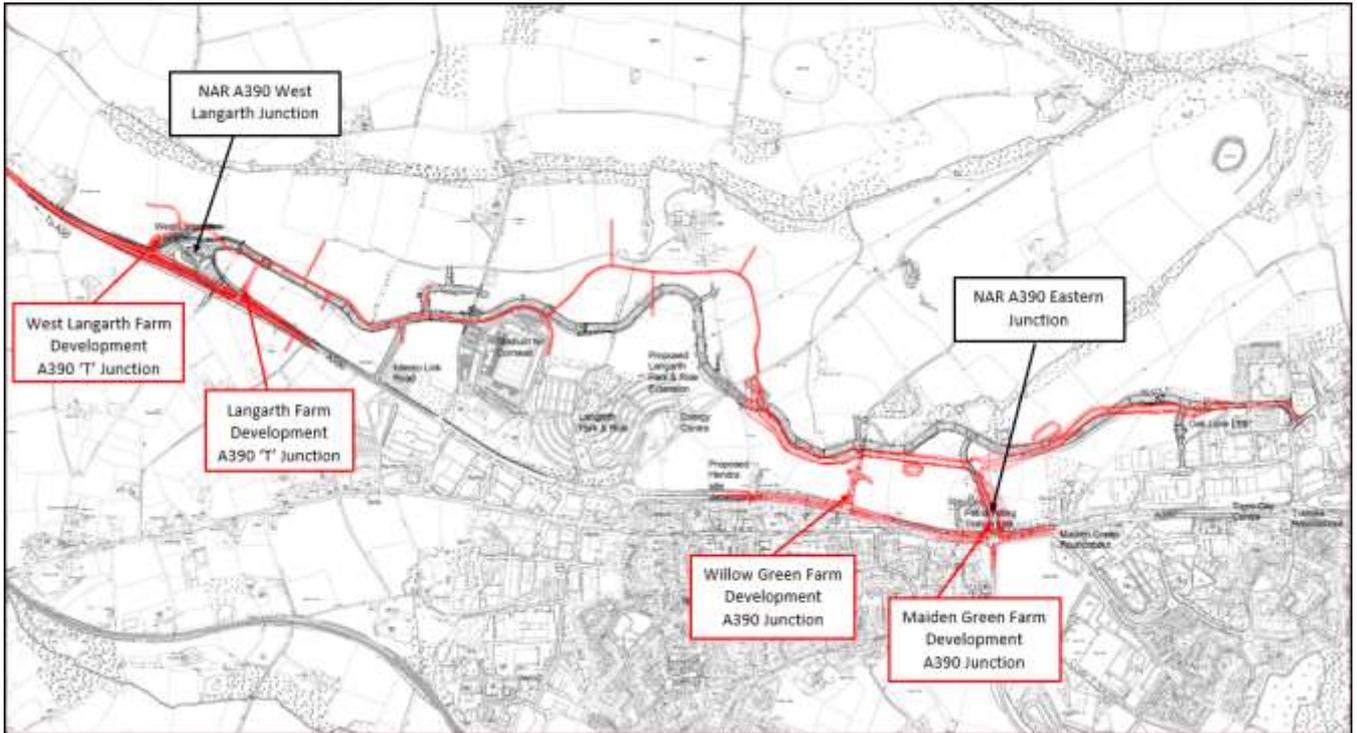
- 3.1 During my time as Assistant Head of Transportation I was involved in liaison with the landowners and developers of this land to encourage a more holistic transport solution that would connect the individual development site, manage traffic flows and coordinate sustainable transport options -

- rather than relying on three major independent developments (totalling c. 2700 houses) each designing and delivering its own major junction with the A390 with no internal road linking the developments.
- 3.2 On the back of this liaison and the landowners' individual development proposals for their sites, an early concept for a NAR alignment emerged in 2011/2012. This was referred to in the Truro Transport Strategy at the time as well as the 2012 'Land North of the A390 Truro/Threemilestone Development Brief' (**CD 2.6**).
- 3.3 In high level summary, at the time, the landowners adopted the principle of a linking spine road across the Site as a whole. However, the varying status of design of the developer roads (most permitted in outline only) was reflected in the varying extents to which a NAR was presented as a fully developed proposal. The individual development proposals were not otherwise well integrated in transport terms. Not only did they rely on piecemeal delivery, but there were also disconnections in the spine road route, at site boundaries, the road and footway widths were different, and each development proposal had its own A390 primary junction.
- 3.4 In 2018, the availability of HIF provided the Council with an opportunity to bid for funds to undertake its own design development work on the NAR. In reviewing the NAR design for the HIF bid, Cormac for the Council considered the link road sections as presented in the then consented developments but approached the design from the perspective of securing the best possible fit, given the topography and the Council's aspirations for a low-speed environment, ignoring individual land boundaries.
- 3.5 As well as incorporating updated planning and transport policy aspirations, the Council's design tried to balance the earthworks across the entire road length, rather than within each landholding. At this stage, the design for the NAR was developed only in sufficient detail for the Council to better determine the delivery constraints and risks such that a competent funding bid could be submitted and, if approved, the Council could deliver the road within the scope of the funding.
- 3.6 Following confirmation of the successful bid, in June 2019, I recommissioned Cormac to review the NAR design in more detail, as I worked through discharging the funding conditions and secured the funding agreement with Homes England (at the time trading as Homes and Communities Agency), in August 2020 (see further at paragraph 4.1 below).
- 3.7 The HIF bid, in 2018, and award, in 2019, were the key catalysts for the Council's decisions to take on a proactive role in planning and delivering the Scheme, as set out in the evidence of Philip Mason (**CD 6.1**). As Mr Mason says at his paragraph 5.18, it was at this point that the work on the Council's masterplan and planning application for the Scheme (and ancillary consents) began in earnest. This included close liaison with nearby residents, landowners and those with other land interests in the Site. More information on the consultation process underpinning the planning application for the Scheme (the **Hybrid Application**) is provided in paragraphs 4.14 to 4.30 of the proof of evidence of Mr Grove-White (**CD 6.5**). I do not repeat that detail here, save to note that it was in this context that – from January 2020 to December 2020 - Cormac reviewed the access requirements across the Site and, where necessary, made changes to the emerging NAR design to ensure continued safe access to the public highway network and to private land. This review process saw Cormac reviewing all sections of the NAR and corresponding side road connections to public highway, as well as any changes to, or severance of, private means of access.

3.8 The Hybrid Application for the Scheme was validated in December 2020, was resolved approved by the Strategic Planning Committee in December 2021 and received formal approval in April 2022 (see decision notice at **CD 3.1**) (the **Hybrid Planning Permission**). Following planning submission, in December 2020, the NAR technical design was progressed alongside the planning process, to develop more of the detailed three-dimensional aspects to finalise e.g. carriageway crossfalls and drainage manhole locations.

3.9 **Figure 1** below shows (for illustrative purposes only) the rough difference in alignment between the NAR (black) and the previously consented link road across the Site (red).

Figure 1 – alignment comparison



4. FUNDING FOR THE NAR

4.1 Addressing the requirements of Paragraph 14 of the CPO Guidance (**CD 5.4**), as noted in the paragraph 3.20 of the Council’s Statement of Case (**CD 4.5**) and in paragraph 6.2 of the proof of evidence of Mr Mason (**CD 6.1**), the NAR benefits from £47.45m HIF grant. The HIF grant Determination Agreement with Homes England was entered into on 20 August 2020. The HIF grant is in respect of road and connections, excluding the Eastern Junction¹ and utilities and services serving development parcels. The HIF estimate in 2019 included several assumptions to cover the likely design development of the NAR including risk, inflation, contingency and optimism bias. Those factors are reviewed on a monthly basis to ensure the project is being delivered within budget.

4.2 Certain new utilities and services within the road corridor serving the future housing and commercial development will also be laid along the NAR. The cost of this provision is in addition to the HIF (the HIF grant covers the road and connections, as set out above) and is being forward funded by the LGV Programme (i.e. the Council’s investment in the Scheme – see paragraph 6.1

¹ Being a primary junction from the NAR to the A390 at Maiden Green – see paragraph 7.33 and Figure 7, or Appendix PM2, Figure 31 to the proof of evidence of Mr Philip Mason - CD 6.2.

of Mr Mason's proof of evidence – **CD 6.1**) It makes sense to carry out such works now to avoid the inconvenience to users of the NAR, footways and cycleway being dug up by the utility companies on completion to serve the development land.

4.3 The Eastern Junction will now be forward funded by the LGV Programme with private developer contributions as contracted, and cost recovery sought via the Section 106 Agreement that accompanies the Hybrid Planning Permission.

4.4 Therefore, with regard to paragraph 14 of the CPO Guidance, there are clear sources of funding for the delivery of the NAR (HIF funded works package), additional services as well as the Eastern Junction.

5. NEED FOR THE NAR AND BENEFITS IN SPATIAL PLANNING TERMS

5.1 As set out above, an early concept for a NAR alignment emerged in 2011/2012 as illustrated in the 2012 'Land North of the A390 Truro/Threemilestone Development Brief (**CD 2.6**). Whilst the NAR has never been classified as a strategic highway improvement in strict transport policy terms, because it principally serves the development plots north of the A390, it clearly serves a number of very important transport roles. In response to paragraph 106 of the CPO Guidance, as well as unlocking the development of this allocation area, the key economic, social and environmental benefits of the NAR are that it:

5.1.1 encourages journeys within the development area and to adjacent areas without needing vehicle access on the A390;

5.1.2 encourages and supports pedestrians and cyclists, thus reducing traffic flow overall;

5.1.3 reduces traffic congestion at A390 Treliske roundabout, by allowing traffic from the Royal Cornwall Hospital (**Hospital**) and Treliske Industrial Estate to enter and exit the site from the west via the NAR rather than the A390; and

5.1.4 reduces congestion and journey times on the A390.

5.2 The last point in the list above is a particularly compelling benefit of the NAR. The NAR is forecast to attract approximately one third of traffic that would otherwise run on the A390 thereby reducing congestion and improving journey times.

5.3 Further benefits of the NAR include:

5.3.1 a segregated cycleway from the new West Langarth Roundabout to the Hospital;

5.3.2 a secondary access for the Hospital, improving accessibility and resilience; and

5.3.3 a secondary access for Treliske Industrial Estate.

5.4 **Figure 2** below identifies some of the features outlined in paragraph 5.3 above, for ease of reference.

Figure 2: Treliske design features



Key: The purple arrows in **Figure 2** indicate current exits from Treliske Industrial Estate to the A390 westbound. The red arrows denote the future additional accesses that will be afforded by the NAR and the link at Oak Lane (**Oak Lane Link**)².

5.5 The reasons these features deliver benefits are that:

- 5.5.1 a segregated cycleway encourages cycling for short journeys and reduces reliance on the private car;
- 5.5.2 a secondary access for the Industrial Estate allows westbound and A30 bound traffic to exit the Industrial Estate (and adjoining Retail Park) via the Oak Lane Link onto the NAR reducing peak time congestion and delays on both the A390 and Penventinnie Lane;
- 5.5.3 a secondary access for the Hospital avoids the Hospital being reliant on a single access to the A390 primary road network, improving the resilience of the Hospital and affording an additional access for emergency vehicles as well as for deliveries, staff and visitors.

5.6 Pausing on the last point; it is worth noting that the Hospital Trust has been a constant supporter of the NAR. This is evidenced by the Hospital providing written support to the Hybrid Application (see paragraphs 4.18 and 4.9 and Appendix TGW2 to the proof of evidence of Grove-White – **CD 6.5** and **CD 6.6**) and, on 6 June 2023, voluntarily entering into a dedication agreement to allow the Council to improve and incorporate the Hospital's private road into the NAR route and for it to become highway on completion (**CD 5.3**) (see paragraphs 7.40 to 7.42 below for further detail).

² The location of the Oak Lane Link is shown on Figure 31 within Appendix PM2 to the proof of evidence of Mr Philip Mason (CD 6.2)

6. TECHNICAL DESCRIPTION

- 6.1 The NAR is a single carriageway urban distributor road serving residential areas, with a 20mph speed limit and a segregated cycleway. The NAR will be a bus route.
- 6.2 The length of the road, including the necessary works at the west to tie-in the road levels, is about 4 km.
- 6.3 It is served by two primary junctions on the A390: one at West Langarth and the other at Maiden Green referred to as the Eastern Junction.
- 6.4 At the eastern end of NAR, an existing private road owned by the Hospital will be improved and dedicated as public highway on completion ensuring the NAR creates a continuous public highway link.
- 6.5 A more technical description is provided in paragraphs 1.4 and 1.5 of Appendix 1 to the Design and Access Statement submitted with the Hybrid Application (**CD 3.11B**).

7. EXPLANATION OF THE LAND REQUIREMENTS FOR THE NAR

- 7.1 The CPO and SRO include the land required to construct, operate and maintain the NAR. In response to paragraph 13 of the CPO Guidance, I consider the various components informing the land take below. I also compare the equivalent components under the previously consented schemes for the Site, to draw out similarities and differences and provide a rationale where there are differences.

Width

- 7.2 At the time of the HIF bid the NAR was 6.5m wide with 2 x 2.1m wide parking bays (or 3m verges), a 2m wide footway to one side (including kerbs) and a 3m wide shared use path to the other.
- 7.3 For comparison, the previous consents across the Site granted between 2013 and 2016 provided for a variety of road widths, from 6.1m to 6.5m wide.
- 7.4 All the previous schemes had a 3m shared use path, but the second footway varied between 2m including kerbs (through that part of the Site known as Maiden Green³) to a second 3m shared use path (through that part of the site known as Willow Green).
- 7.5 The NAR footway solution represents a response to detailed consultation between Cormac and disAbility Cornwall who represent a number of disabled interests including mobility impaired and the blind and partially sighted. Following this consultation, the NAR footways were widened to 2.0m between kerbs, effectively widening the road corridor by 0.3m.
- 7.6 The Maiden Green scheme had extensive parallel parking, widening the road area by 2.5m in areas. It also had a right turn lane to the supermarket, widening the road by 2.9m. These features reflect the land uses permitted by that scheme (food retail) which are not catered for by the Hybrid Planning Permission.
- 7.7 Through development of the LGV masterplan design, the extent of NAR parking bays was significantly reduced and a 3.4m wide segregated cycleway was introduced along the entire north

³ To assist with location references, please see Figures 6 and 31 within Appendix PM2 to Mr Philip Mason's proof of evidence – CD 6.2

side in accordance with the Government's local transport note (LTN) 1/20 implementing new national guidance to highway authorities to be applied to all new highway improvements (**CD 2.14**).

Cross section comparison of width

- 7.8 The NAR corridor at road level is wider than that of the previous iterations of the NAR. This is because the NAR corridor includes drainage swales and segregated cycle way. This is offset by the removal of parallel parking.

Gradient

- 7.9 To promote cycling as part of the target to reduce short trips by private vehicle, the NAR gradient is limited to 6%.
- 7.10 For comparison, the maximum road gradient under the previous consents was 8% which was the preferred maximum gradient for adoptable highway at that time.

Earthworks

- 7.11 The earthworks slopes for the NAR are 1 (vertically) in 2 (horizontally) in order to reduce the impact on land take of the slacker road gradient.
- 7.12 By contrast, the previous schemes provided for earthworks slopes at 1 in 3, or alternatively, retaining walls.

Speed

- 7.13 The NAR is a 20mph low-speed environment.
- 7.14 By contrast, the previous schemes provided for a 30mph speed limit.
- 7.15 It is worth noting that this low-speed environment for the Scheme has influenced the alignment of the road. The NAR is slightly more sinuous than the previously consented link road which helps keep speed down. (There are other reasons for the alignment also, including levels which I consider later in my proof at paragraph 7.30.)

Drainage

- 7.16 Through liaison with the lead local flood authority as a planning consultee, it became apparent that surface water drainage for the new road would need to be via predominantly open features known as swales. These swales are served by infiltration basins or attenuation ponds, allowing for long term maintenance.
- 7.17 This is because requirements for modern developments in relation to drainage have changed in recent years due to policies responding to climate change and more extreme weather events. The NAR design makes use of sustainable drainage methods to maintain rainwater run-off to no greater than greenfield rates. It also seeks to return water to the water table at the earliest point i.e. to infiltrate water into the ground rather than collect it, run it via pipes to ponds and then to watercourses. This approach creates swales alongside the NAR rather than verges and creates several ponds or basins along the NAR rather than having fewer larger ponds. These ponds require access tracks to allow for future maintenance. Where possible, these tracks have been integrated with stub junctions which will facilitate future development.

- 7.18 These ponds were initially designed for a 1 in 100 year storm event plus 40% capacity for climate change allowance, as directed by the Environment Agency (**EA**). After the Planning Permission for the LGV was granted, the EA increased its standards to 50% climate change allowance. With minor amendments which were made within the CPO and SRO boundary, the NAR ponds were modified to cater for that higher design standard.
- 7.19 By contrast, the previous schemes for the Site were consented at a time when there was less focus on climate change. This is why these schemes were approved with kerbs and gullies with piped systems as noted in paragraph 7.17 above.

Cycling

- 7.20 In July 2020, the Department for Transport introduced 'Gear Change' (**CD 2.13**). This promotes cycling and required new grant funded projects to provide segregated cycle facilities. This requirement was integrated into the NAR design on the north side of the NAR. The northern side of the NAR provides for a standard segregated cycleway, which is 3.4m wide.
- 7.21 By contrast, the previous schemes for the Site did not provide for segregated cycleway.
- 7.22 The Department for Transport's Local transport Note LTN 1/20 'Cycle Infrastructure Design' (**CD 2.14**) seeks a maximum longitudinal gradient of 5% however this was not possible to achieve with the challenging topography of the Site so a target maximum 6% gradient was set.
- 7.23 By contrast, the previously permitted schemes for the Site had maximum gradients of 8%.

Alignment

- 7.24 Overall, the NAR horizontal alignment is relatively similar to that approved under the previous permissions for the Site. The route options tested are detailed in the Cormac 'Design Options Review - Main Alignment and Western Junction' 1665-CSL-HGN-00MZ-RP-CH-0001 P05 (**CD 3.11A**). In high level summary:
- 7.24.1 Sixteen options were considered for West Langarth Junction; Option 15 was preferred. The main reasons were because it effectively provided a driver choice to use the NAR rather than continue on the A390 (to reduce A390 flows), it is organic in shape and has space to incorporate the required at-grade crossing points to promote walking and cycling.
- 7.24.2 Fourteen options were considered for the NAR main alignment with option 14 promoted as meeting the overall objectives of the Scheme including providing a bendy alignment that would naturally control vehicle speeds, had a maximum gradient of 6%, served the development land well and integrated with the key points at A390 West Langarth, park and ride site, avoided large tree loss at Langarth village centre, joined the permitted Maiden Green PFS junction⁴, catered for an Oak Lane Link and connected to the Hospital.

⁴ See planning permission ref PA21/06047 at CD 3.20. The location of the approved petrol filling station is shown on Figure 6 within Appendix PM2 to Mr Philip Mason's proof of evidence (CD 6.2)

- 7.24.3 Options were considered for the NAR around Willow Green to attempt to open more development land however all routes to the north had more extensive impact on the landscape and ecology and were not value for money.
- 7.24.4 Options for the NAR through Maiden Green sought to avoid wetland, link effectively to the Maiden Green PFS (Eastern) Junction⁵, achieve safe distances from the 132kV power cables and pylons and introduce a more bendy alignment to control vehicle speeds. In the absence of clear proposals to divert the 132kV cables, avoiding them reduced that large financial burden on the initial NAR construction cost. The Maiden Green Permission⁶ shows the road raised under the cables so would have required cable diversion had that design been adopted, see **Figure 3** below. Six options were considered for the Eastern Junction (PFS) link and five options for the Oak Lane Link. **Figure 3** below shows the 132kV power cable in a thick red line. (The road shown in red is the NAR and the blue road is the previously consented Maiden Green road).

Figure 3 - 132kV cables crossing Maiden Green.



- 7.25 The Council's decision-making was informed by the following criteria:
- 7.25.1 Adherence to the LGV vision promoting walking and cycling for all ages and all abilities in accordance with the Council's Equality Duty;
 - 7.25.2 Reducing the need for vehicle use and reducing congestion on A390;
 - 7.25.3 Creating a road alignment that encourages slower speeds;
 - 7.25.4 Minimising harm to the environment; and
 - 7.25.5 Delivering the project within the HIF funding.
- 7.26 In addition, the Council's decision-making was informed by landowner engagement, which was undertaken between 2019 and 2021, alongside the planning process for the Scheme and before

⁵ See footnote 4 above.

⁶ See planning permission ref PA14/00703 – CD 3.26.

the CPO and SRO were made. Whilst I did not take part in these meetings so cannot speak with direct knowledge or experience, I understand that, at the time, the owner of Little Treworder Farm advised that he has numerous heavy goods vehicle and long tractor and agricultural trailer combinations that would have to be accommodated by the side road. The side roads at Langarth Square were consequently designed with those particular vehicles in mind. (Further amendments were made after the SRO was made. This later engagement and changes are detailed later on in my proof at paragraphs 10.1 to 10.3 below).

7.27 Designing to the Manual for Streets standards, the road was made more bendy making it better able to respond horizontally to the topography and with maximum straights in the order of 100 metres to reduce traffic speeds (see section entitled ‘speed’ above, paragraphs 7.13 to 7.15).

7.28 Overall, the previous schemes did not make the same accommodations for sustainable transport and catered for a 30mph speed limit, so the road was straighter and steeper.

Levels

7.29 A key aim of the NAR was to keep the road as close as possible to the existing ground level to reduce level differences between the road and adjacent housing. With the steep topography sloping downhill to the north this was particularly difficult.

7.30 I explain below some of the key design decisions which have a bearing on NAR levels:

7.30.1 At the link between the Eastern Junction and the NAR through Maiden Green (**Eastern Junction Link**), the NAR was moved north to better follow existing ground levels. This avoided the need for a bridge shown in the HIF bid design work – see **Figure 4** below. (It also avoided the 7m high embankment in the Maiden Green Permission (**CD 3.26**), as shown in blue in **Figure 5** below.)

Figure 4 - extract from HIF bid design



7.33 The 'Eastern Junction', as it is now known, was the preferred option for the second junction for a number of reasons. Amongst other considerations, it already had a planning precedent via the Maiden Green Permission (CD 3.26) as well as the stand-alone petrol filling station (PFS) Permission (CD 3.20) at a capacity that would be sufficient for the Scheme (whilst not perfectly in line with the sustainability ambitions). As noted in paragraph 9.43 of the Council's Statement of Case (CD 4.5), paragraph 4.7 of the proof of evidence of Mr Mason and paragraphs 3.6 to 3.7 of the proof of evidence of Mr Hector (CD 6.13), the PFS footprint was carved out of the planning redline for the Scheme because at the time the Hybrid Application was submitted, the PFS looked like committed development that would come forward independently of the Scheme. This planning history also explains why the Eastern Junction was not permitted in detail as part of the Hybrid Planning Permission. At that point in time, the expectation was that the Eastern Junction and part of the Eastern Junction Link would come forward under the PFS Permission (CD 3.20). There was a recognition that the Council would need to collaborate with the landowner with a view to regularising the interface between the PFS Permission and the Hybrid Planning Permission and, in particular, in delivering the Eastern Junction Link to the NAR. **Figure 6** shows the extent of the Eastern Junction Link which benefits from detailed permission under the Hybrid Planning Permission and that part of the Eastern Junction Link which is within the Hybrid Planning Permission in outline only (but which is consented under the PFS Permission).

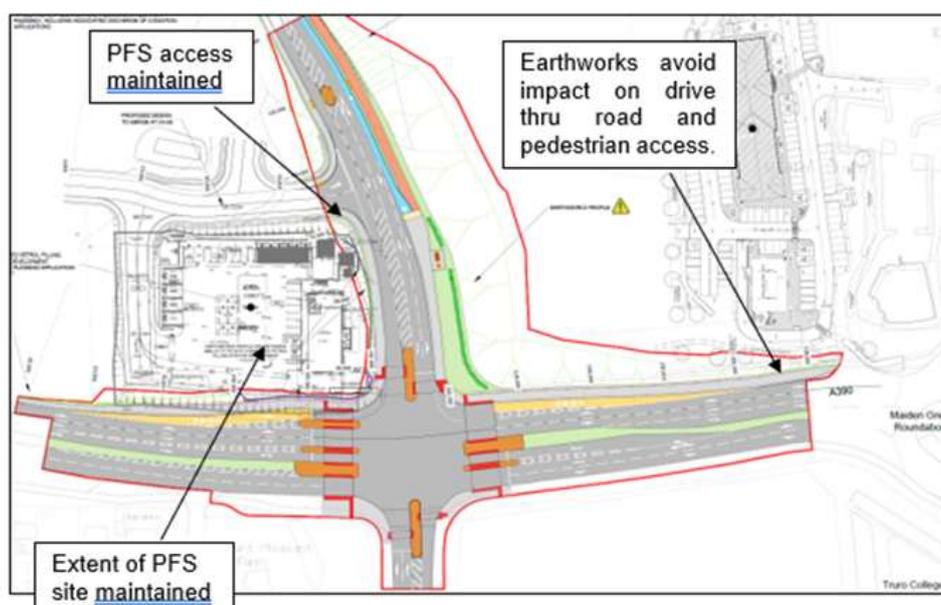
Figure 6 – extent of NAR permitted in detail linking into PFS development



7.34 The decision was taken to include the land required to deliver the Eastern Junction and Eastern Junction Link in the CPO as whilst the Council hoped that the Eastern Junction and Link would be privately delivered, the Council clearly could not rely on third party delivery of this junction or link within the timeframes required by the Scheme. The transport modelling for the Scheme requires the Eastern Junction and Link to be constructed in order for the NAR to be open to the public and thus avoid all NAR traffic passing via the Hospital and overloading the A390 roundabout at Trelliske.

- 7.35 In the time between grant of the Hybrid Planning Permission and the CPO inquiry, the Council has worked with the relevant landowner to seek to expedite a section 278 application by the landowner whilst also seeking to implement the sustainable travel objectives of the LGV; namely introducing a bus lane and north/south pedestrian crossings of the A390.
- 7.36 However, whilst those discussions have advanced, delivery of the PFS under the PFS Permission has stalled. It is understood that the option with the original PFS operator has lapsed, and it might take some time to reinstate a new operator. In any event, there is no certainty that the Eastern Junction would come forward pursuant to the PFS Permission within the timeframes required by the Scheme.
- 7.37 To preserve its position, the Council has therefore obtained a positive pre-application response to its preferred layout for the Eastern Junction and Link (ref PA22/02098/PREAPP) and submitted a reserved matters application (ref PA23/07445) which is due for determination in January 2024. Technical design and ongoing landowner discussions are progressing contemporaneously with the planning determination, in reliance on the positive pre-application response to facilitate an expedient start on site. Both the landowner's and the Council's objectives will be secured by this approach.
- 7.38 The landowner's preferred delivery model is for the Council to deliver the Eastern Junction and the Link with a private funding contribution secured by contract. The Council is now committed to delivering the Eastern Junction and Link pursuant to the Hybrid Planning Permission. The Council's design has considered both the landowner's extant PFS Permission as well as the adjacent extant Hotel/Drive Thru permission (**CD 3.23**)⁸ with a view to facilitating the operative development under both those permissions. This is shown in **Figure 7** below.

Figure 7 – Eastern Junction general arrangement showing integration with permitted developments



⁸ PFS Permission and the Hotel Drive/Thru Permission – see Appendix PM2 to Mr Philip Mason's proof of evidence for the location of the Hotel/Drive Thru Permission (CD 6.2).

- 7.39 It is accepted that certain details approved under PFS Permission (for example, landscaping, boundary treatments, etc.) will need to be adjusted to accommodate the Eastern Junction being delivered under the Council's RMA⁹, however, having liaised with Project Planner, Mr Grove-White and considered paragraphs 11.18 to 11.19 of his proof of evidence, I understand that there is a technical planning solution to achieve the mutually compatible implementation of both permissions. The form of that solution is for the LPA to determine but the Council is committed to working collaboratively with the landowner with a view to regularising the position. As a technical solution is available, the Council's Eastern Junction does not fetter the independent delivery of the PFS Permission or the Hotel/ Drive Thru Permission.

Hospital area road improvements

- 7.40 Land through the Hospital site, matching its existing private road, was included in the CPO in the event that no other form of agreement could be reached.
- 7.41 Access across that land has now been secured by a highway works and dedication agreement thus allowing the road to be upgraded (alongside other works such as a 1.8m high wall to safeguard road users from the downwash of helicopters using the adjacent helipad) to make the NAR connection required at its eastern end (see **CD 5.3**).
- 7.42 The highway works and dedication agreement means that it is not necessary to implement the CPO in respect of any of the RCHT's interests within the boundary of the CPO.

Oak Lane Link

- 7.43 In addition, it has been agreed with the landowner that, should the CPO be confirmed, it will not be necessary to implement the CPO with respect to plot 625 as the earthworks design has been modified to avoid taking commercial frontage.

Summary

- 7.44 The land required for the NAR includes that land within the footprint of the earthworks including the embankments, cuttings and access to and construction of the drainage ponds. In addition, land is required along the perimeter to provide construction access and to install temporary cut-off ditches to avoid water running off the fields into the road corridor, to provide access for moving vehicles to undertake finishing works, to erect fences and hedges and for the temporary storage of materials.
- 7.45 The future maintenance of the road requires limited access to the top of embankments and the foot of cuttings plus vehicle access to the drainage ponds to undertake routine clearing of silt etc. The pond access tracks require a turning head for vehicles to turn and leave safely back onto the NAR.
- 7.46 The CPO land-take includes the Eastern Junction and Link so that the Council does not have to rely on third party delivery.
- 7.47 Overall, the land take is the minimum necessary to deliver the NAR and facilitate the delivery of the wider Scheme.
- 7.48 The evidence presented in the preceding paragraphs in this section 8 of my proof address Paragraph 13 of the CPO Guidance; they give a clear idea of how the land acquired by the CPO is to be used.

⁹ See paragraph 7.37 above.

8. IMPACT OF THE CONSTRUCTION AND OPERATION OF THE NAR ON THE WIDER HIGHWAYS NETWORK

Operation period impacts

- 8.1 The operation of the completed NAR will be beneficial to the A390 by providing a traffic relieving effect and also by providing a parallel route in emergency scenarios when a diversion is required in the event of A390 closure.

Construction period impacts

- 8.2 The majority of NAR crosses fields so there is very limited construction impact on the existing highway network. Access will be maintained on all the existing minor highways (quiet lanes east of the Park and Ride site and Penventinnie Lane at the Hospital) with closures limited to short durations to make temporary diversions or realignment onto the NAR. Where closures are necessary these will have signed traffic diversions.
- 8.3 Road closures will be at the discretion of the local highways authority (**LHA**) and subject to their normal public consultation and noticing practices. The LHA (and Cormac) will undertake such direct consultation as appropriate in advance of planned closures where those changes are expected to cause specific inconvenience to landowners.
- 8.4 The most significant construction impacts will be to the A390 at West Langarth and the Eastern Junction and Link where there will be extensive traffic management to construct the new junctions. Phased construction will be adopted to divert traffic onto temporary or part completed carriageway to minimise the requirement for lane closures. Construction will comply with the traffic embargoes set by the LHA to minimise traffic disruption. and where necessary work will be undertaken at night during periods of low traffic flow.
- 8.5 Landowners will be advised of planned changes to private means of access to allow proposals to be discussed before implementation.

9. PROGRESS ON THE NAR TO DATE

- 9.1 As evidence of the Council's commitment to the Scheme generally and to the NAR specifically, this section of my proof summarises the key milestones in the NAR programme to date.
- 9.2 The HIF Grant Determination Agreement was entered into on 20 August 2020.
- 9.3 The Interim Link Road¹⁰ was constructed in 2020/ 2021 providing access from the A390 to the sites of the first 300 houses and creating the primary construction access for the NAR - see **Figure 8**, below.

¹⁰ For the location of the Interim Link Road and A390, see Figure 31, Appendix PM2 to Phil Mason's proof of evidence

Figure 8: View of Interim Link Road as constructed in 2020/2021 (photo taken April 2021)



- 9.4 The Hybrid Planning Permission was granted in April 2022 (**CD 3.1**).
- 9.5 In August 2022, construction works commenced on the public highway (works not requiring planning permission). Enabling works across the western section of the Site, such as utility diversions, archaeological recording, tree protection fencing and temporary boundary fencing, also commenced at this time (works capable of being carried out before discharge of pre-commencement conditions to the NAR element of the Hybrid Planning Permission).
- 9.6 In February 2023, trees were felled at the Hospital end to mitigate for potential delays to construction arising from nesting birds.
- 9.7 In March 2023, the final pre-commencement condition to the NAR element of the Hybrid Planning Permission was discharged. Major earthworks equipment started work on the main site at West Langarth Junction in April 2023 – see **Figure 9**, below.

Figure 9 - West Langarth Junction, looking east, showing earthworks completed and drainage works starting (photo taken on 25 October 2023)



Figure 10 - view from Langarth Park and Ride looking westwards showing the NAR earthworks nearing completion (photo taken on 23 July 2023)



Figure 11 - showing the eastern extent of the NAR earthworks and the formation of the side road towards Little Treworder Farm (photo taken in October 2023).



- 9.8 In August 2023, access was permitted (under a licence arrangement with the existing landowner and option holder) to the eastern section of NAR to undertake topsoil stripping and archaeological mapping and sampling. This work is due to be completed in December 2023.
- 9.9 In October 2023, works on that same land started to close badger setts under licence from Natural England and to remove hedges and trees on the route of the NAR to mitigate against birds nesting and restricting progress in the nesting season (Feb-Sep).

- 9.10 The earthworks contractor has now completed the extent of works to which it has access and will return in 2024 to complete the NAR, subject to land access being approved by agreement or via the CPO/SRO being confirmed. (Landowner approval for works access has now been obtained, as at the date of this proof).
- 9.11 Subject to land access (via agreement or confirmation of the CPO) and grant of the RMA, construction of the Eastern Junction and Link are planned to commence from Spring 2024.
- 9.12 Throughout the NAR delivery there has been regular engagement with Homes England confirming where HIF milestones have been achieved and whether milestones need to be revised. Homes England has approved milestone changes recognising the additional time for the CPO process and extending the HIF Availability Period for Stage 4 (Willow Green/Maiden Green) to 31 December 2025 with project completion by 31 March 2026.
- 9.13 In addition, as stated in paragraph 4.2 above, certain services are being laid out alongside the NAR, in addition to the HIF funded works.
- 9.14 Finally, the Eastern Junction is programmed for delivery alongside the NAR, subject to land access being obtained either by private treaty or via the CPO.
- 9.15 This part of my proof addresses the test in Paragraph 15 of the CPO Guidance; it demonstrates how the NAR works and related works to lay services and future works to construct the Eastern Junction help overcome physical impediments to delivery. Please see the proof of evidence of Mr Valvona (**CD 6.7**) in relation to the delivery of drainage and utilities infrastructure.

10. CHANGES TO THE CPO AND SRO LINKED TO THE NAR WORKS

- 10.1 The CPO and SRO Maps (see **CD 4.2** and **CD 4.4** respectively) have been kept under continuous review as the Scheme design and delivery has been progressing, to ensure the minimum necessary land take. Where possible, there have been some minor adjustments (within the CPO and SRO boundaries) to accommodate representations and negotiations (see for example, agreements with landowners discussed at paragraphs 7.42 and 7.43 above).
- 10.2 These adjustments are recorded in the Cormac 'Side Road Design Technical Note' 1892-CSL-HSR-00MZ-RP-D-0001-P04 appended as **Appendix TW1**.
- 10.3 On completion of the construction and adoption of the NAR, land secured by CPO can be offered back to the landowners where it:
- 10.3.1 is surplus and will not form part of the adopted highway;
 - 10.3.2 is by mutual agreement preferred to be incorporated within development plots with or without the construction of retaining walls;
 - 10.3.3 is identified as providing temporary access.
- 10.4 Draft drawings where land might be returned to the landowners have been shared and are the subject of continuing engagement with affected land owners.

11. NEED FOR THE SRO

- 11.1 The SRO supporting the Scheme is required to:

- 11.1.1 Create new public highway – to create the NAR, access tracks to ponds, new side roads and bridleways.
- 11.1.2 Make changes to existing public highway – where it is severed by the NAR and is reconnected to maintain access for highway users.
- 11.1.3 Amend existing private means of access – where impacted by the NAR to provide reasonably convenient alternative access to private property.
- 11.2 The new highways to be created by the SRO are set out in paragraph 10.20 of the Statement of Case (**CD 4.5**). The highway to be stopped up is set out in paragraph 10.21. Private means of access to be stopped up are itemised in paragraph 10.22. Private means of access to be created are itemised in paragraph 10.23. I do not repeat this detail here.
- 11.3 I am satisfied that as respects each length of highway being stopped up pursuant to the SRO, that another reasonably convenient route is available or will be provided before that length is stopped up and as respects each length of private means of access to be stopped up pursuant to the SRO, that other reasonably convenient means of access to relevant premises are available or will be provided before that length is stopped up. To the extent there are objections to the SRO which remain, I address these at paragraph 12 below, with these tests in mind.
- 11.3.1 Failure to confirm the SRO would prevent the necessary changes being made to the local highway network to enable the implementation and delivery of the Scheme.

12. OBJECTIONS TO THE CPO AND SRO

- 12.1 In this section of my proof of evidence I consider objections to the CPO and SRO which relate to the NAR and other highways infrastructure.

12.2 Mrs Ida Biondi (Plot 70)

This objection has now been withdrawn and I do not consider it further in my proof of evidence.

12.3 Mr Andrew Ross Treseder, Mrs Pamela Margaret Treseder and Mr Christopher Paul Treseder¹¹ [deceased] - Plots 166, 186, 522, 524 and 582 (acquisition of new rights) and plots 200, 250 and 260 (easements)

This objection has been withdrawn and I do not consider it further in my proof of evidence.

12.4 Willow Green Developments Ltd, R J Walker Ltd, Richard Walker, Maiden Green Ltd (Plots 555, 590, 592, 595, 600, 620 and 635 (permanent acquisition))

This objection has been withdrawn and I do not consider it further in my proof of evidence.

13. CONCLUSION

- 13.1 My proof has detailed how the NAR was conceived, designed and funded. I have demonstrated where existing highways and accesses will be amended how alternative access is reasonably convenient.
- 13.2 The main body of my proof of evidence has addressed the relevant tests in the CPO Guidance and the SRO Guidance as summarised below:

¹¹ Mr Christopher Paul Treseder died after the objection was lodged; the objection remained valid with regard to the other named individuals.

- 13.2.1 Paragraph 13 – explanation of approach to land take and clarity on the use to which the land included in the CPO will be put.

The NAR and SRO are required to facilitate the delivery of the Scheme. The land take for the NAR and related side roads was informed by various considerations. The Council looked at width, cross sections, gradient, nature and extent of earthworks, speed environment, ecological constraints, drainage requirements, requirement for cycling provision, alignment, development constraints such as power, levels, junction requirements, the Hospital's use requirements. These considerations were assessed against, inter alia, feedback arising from landowner engagement which preceded the making of the CPO and SRO. The NAR benefits from detailed planning under the Hybrid Planning Permission which provides clarity on how the land required for the NAR falling within the CPO and SRO will be used. Finally, I have explained how the Council has approached the CPO and SRO maps iteratively over time and reduced land-take where possible (for example, but not limited to, in respect of the Hospital land which is now covered by the highway works agreement and deed of dedication). Overall, the land take for the NAR is the minimum necessary to deliver the new road and help unlock the delivery of the wider Scheme.

- 13.2.2 Paragraph 14 – sources of funding for the NAR.

The funding sources for the NAR and services and Eastern Junction and Link being delivered alongside the NAR are clear. The NAR works benefit from £47.45m HIF grant funding and the project is running on budget. The services and Eastern Junction and Link are being forward funded from the Council's investment.

- 13.2.3 Paragraph 15 – how the programming of infrastructure works in connection with the NAR helps overcome physical impediments to delivery.

I have explained the progress of the NAR and related infrastructure works to date. Pre-commencement conditions to the NAR permission have been discharged and works have started on site on the land owned by the Council. I have also explained how the NAR works have been carried out to date and are programmed to be carried out in the future, in a way which minimises impacts on the wider highways network. In addition, I have provided examples of how the Council has collaborated with adjoining landowners to obtain access for ecology and other surveys, to facilitate expedient start on site once land access is secured for the main road works. The progress on the ground is evidence of the Council overcoming physical impediments to delivery. The NAR, once constructed, will unlock the development of the Site and thereby overcome a significant impediment to delivery.

- 13.2.4 With regard to the tests in the SRO Guidance, I am satisfied that – as per section 12 of my evidence – with regard to each length of highway being stopped up pursuant to the SRO, that another reasonably convenient route is available or will be provided before that length is stopped up and with regard to each length of private means of access to be stopped up pursuant to the SRO, that other reasonably convenient means of access to relevant premises are available or will be provided before that length is stopped up.

14. STATEMENT OF TRUTH

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

Tim Wood

2 January 2024

A handwritten signature in black ink, appearing to read "Timothy Wood". The signature is written in a cursive style with a large, stylized initial 'T' and 'W'.