

**CD 6.18**

**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**

**Summary 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.
- 1.2 I am the Senior Responsible Officer for the Langarth Garden Village programme. I have overseen, authored or inputted into the significant catalogue of enabling Council reports underpinning the Council's intervention in delivery since 2017.
- 1.3 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. Langarth Garden Village (the **Scheme**) indirectly and directly supports most aspects of the Council's agreed outcomes for Thriving and Sustainable Communities.

## 2. SCOPE OF EVIDENCE

- 2.1 My evidence addresses the following statutory requirements and objectives set out 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.

## 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**". 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, to draw out the rationale for public intervention and illustrate the key economic, social and environmental benefits. These are appended at **Appendix PM2** to my proof of evidence and are referenced in my proof by reference to the '**Figures**' therein.

#### 4. **PLANNING CONTEXT FOR 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**). 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. The Scheme incorporates a new central access road and related access junctions onto the A390, collectively known as the NAR.
- 4.2 The land-take identified in the CPO 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 community.
- 4.3 **Figure 1** shows that the development site for the Scheme (the **Site**) is situated on the edge of Truro, the main administrative centre of Cornwall.
- 4.4 Truro and Threemilestone have experienced significant population growth since 2011 – see **Figure 2**. This has informed the Council's strategic housing needs for the area, as articulated in the Council's Local Plan (Strategic Policies) (**CD2.3**) and as reflected in the Truro and Kenwyn Neighbourhood Development Plans adopted in 2016 (**CD2.4**) and as updated in 2023 (**CD2.7**). 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, which is a key driver for the Council's intervention.
- 4.5 **Figure 3** provides for a key of the key place names and locations comprised in and adjoining the Scheme to help the Inspector navigate my evidence and that of the other witnesses at the Inquiry. **Figure 31** provides a further key to place names and other key features.
- 4.6 In my evidence, I use **Figure 3** to help explain the planning application boundary for the Scheme and to illustrate how the Site is in sustainable location and well situated to deliver the quantum and range of development proposed in the Scheme.

## 5. THE NEED FOR PUBLIC SECTOR INTERVENTION

- 5.1 **Figure 4** summarises the key drivers for public sector intervention. These include the housing needs of the area, the complexity of the land ownership and consenting position before the Council got involved in delivery and the need for better coordination around land uses and sitewide infrastructure delivery. I consider each of these drivers in further detail in my proof of evidence.
- 5.2 Previous permissions for the Site were granted in a policy vacuum where the Regional Spatial Strategy for the County and the Council's Structure Plan had been revoked, the 2012 iteration of national planning policy framework (**NPPF**) had just been adopted, but the Council had not yet adopted its new Local Plan (or resolved to proactively intervene in delivery). This policy/political context meant that there was greater scope for planning applications and decisions to be market-driven.
- 5.3 The Council tried to 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>1</sup> However, in the absence of an up-to-date development plan, that brief carried relatively little weight in planning decision-making.
- 5.4 In 2016, the Council adopted its Local Plan (**CD 2.3**) and the Truro and Kenwyn Neighbourhood Development Plan 2016 (**TKPN 2016**) (the development plan document for allocations in Truro) (**CD 2.4**). The Policy Map for the TKPN 2016 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.
- 5.5 Many of the previous permissions for the Site were anchored by 'big box' out of town retail, as shown in **Figure 7**.
- 5.6 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.
- 5.7 The landscape and visual impacts would also have been very different, as illustrated in **Figure 8**.

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

- 5.8 Fundamentally, 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 (an earlier iteration of the NAR).
- 5.9 **Figure 9** illustrates that delivery under all these previous planning proposals has failed to come forward.
- 5.10 There are many reasons for lack of delivery. They include a change of market conditions for retail development. They also reflect challenges inherent in bringing forward piecemeal development on a Site of this size and scale, with significant upfront infrastructure requirements. Without a landowner agreement for granting pre-requisite land rights and apportioning sitewide infrastructure costs, delivery is inherently challenging.
- 5.11 The full chronology of Council decisions underpinning its intervention is set out in **Appendix PM1** to my proof.
- 5.12 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). This allowed the Council to take forward its masterplan and planning application for the Scheme.
- 5.13 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 Truro and Kenwyn Neighbourhood Development Plan 2023 (**TKNP 2023**) has now been adopted (**CD 2.7**) and provides a strong local policy framework for the future development of the Site.

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

- 6.1 The Council has approved £109m of Council capital investment (funded from borrowing). 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. The November 2020 Cabinet Report (**CD 1.8**) sets out the process and authority for routine capital updates without further separate decisions. Fundamentally, sufficient and flexible authorities are 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'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.
- 6.3 Since its decision to get proactively involved in delivery, in 2019, the Council has acquired a significant proportion of the Site, as shown in orange in **Figure 10**.
- 6.4 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.
- 6.5 The land shaded purple on **Figure 10** shows the extent of third-party land (surface, freehold) which is required to deliver the remaining section of the NAR and associated infrastructure.
- 6.6 The Council has 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.
- 6.7 The Council has also continued with private treaty negotiations to acquire remaining interests by agreement, as required by the CPO Guidance.
- 6.8 **Figure 11** shows the various planning applications that have been submitted by or on behalf of the Council to progress Scheme delivery.
- 6.9 **Figure 12** shows that construction of the NAR is substantially underway on the Council-owned land.
- 6.10 **Figure 13** provides an aerial image of the construction of West Langarth Junction.
- 6.11 **Figure 14** provides an aerial image of the NAR and Energy Centre which are also substantially under construction.
- 6.12 **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.
- 6.13 Following grant of the Hybrid Planning Permission, the Council has made various decisions to facilitate delivery and to ensure the Council's quality and place-making objectives are met. The relevant reports are included as **CD 1.8**, **CD 1.8(a)**, **CD 1.11**. and **CD 1.12**.

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

- 7.1 **Figure 16** synthesises the principles agreed with the community and key stakeholders which informed the Council's masterplan. These align with Policy H3 of the TKPN 2023 (CD 2.7).
- 7.2 **Figure 17** shows how parameter plans and design code have been used to create a comprehensive masterplan that connects the built environment into the surrounding landscape.
- 7.3 **Figure 18** identifies how national best practice in masterplanning has been used to achieve some of the Scheme's key economic, social and environmental benefits and to achieve effective integration with its neighbours.
- 7.4 **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.
- 7.5 **Figure 20** helps illustrate what is meant when the Council refers to the Scheme as a landscape-led development. One of the hallmarks for the Scheme is its cohesive and abundant network of green infrastructure.
- 7.6 **Figure 21** draws out the Scheme's thoughtful response to one of the key heritage constraints on the Site – the Scheduled Monument at Govers.
- 7.7 **Figure 22** illustrates how the Scheme promotes active and healthy lifestyles.
- 7.8 **Figure 23** explores some of the sustainable drainage principles for the Scheme.
- 7.9 **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.
- 7.10 **Figure 25** speaks to the movement and access principles informing the Scheme. The NAR provides a sustainable transport corridor across the Site that relieves pressure off the A390 whilst prioritising non-motorised road users.
- 7.11 **Figure 26** identifies some of the ways in which the Scheme achieves the objectives of the Climate Emergency DPD (CD2.10), which also evolved alongside the Hybrid Application.

- 7.12 **Figure 27** illustrates how the principles identified above are now being used to inform the Council's current and future planning applications for the Site.

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

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

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

- 9.1 The Council's decision to compulsorily acquire land in the public interest has been balanced against the protection of private property.
- 9.2 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 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 key infrastructure or are in unknown ownership. Were the CPO not to be confirmed this would pose a significant risk to the funding and delivery of the remaining section of the NAR, the Eastern Junction and connecting link road, to the delivery of a substantial proportion of the Council's planned housing delivery for the Truro area and to the extent of delivery of the social, economic and environmental benefits set out at section 7 of my proof.
- 9.5 There were no non-land owner objections to the CPO. All land owner objections to the CPO have been withdrawn.

## 10. **CONCLUSION**

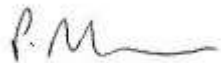
- 10.1 In line with section 226(a) TCPA, the proposed compulsory acquisition of land to acquire the final stretches of the NAR and other land required to unlock delivery is a necessary and proportionate step required to facilitate the successful delivery of the Scheme.
- 10.2 In line with paragraph 106 of the CPO guidance, my proof explains the need for public sector intervention and how the purpose for which the land is being acquired could not be achieved by any other means.



- 10.3 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.
- 10.4 With reference to both section 226(1A) and paragraph 106 of the CPO Guidance my evidence demonstrates 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.
- 10.5 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**