



Compulsory Purchase Order Decision

Inquiry Held on 23 January 2024

Site visit made on 30 January 2024

by Z H R Hill BA(Hons) DipBldgCons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Compulsory Purchase Order

- The Compulsory Purchase Order was made under the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 and the Local Government (Miscellaneous Provisions) Act 1976. It is known as The Cornwall Council (Langarth Garden Village, Threemilestone) Compulsory Purchase Order 2022.
- The Order was published on 4 November 2022.
- The Order would authorise the compulsory acquisition of the land and the new rights over land for the purposes of supporting the delivery of a residential led development on land at Threemilestone, Cornwall comprising a mix of uses including new dwellings, local centres, educational facilities, commercial floorspace, open space, health centre, public realm and community farm/allotments together with the delivery of a new central access road with cycle lanes, utility supplies, access junction arrangements onto the A390, new junctions to quiet lanes, energy centre and park and ride extension.

Summary of Decision: The CPO be confirmed

Introduction

1. The Applicant Council, the Acquiring Authority (AA), is Cornwall Council which is also the Highway Authority for the local road network in the administrative area containing the road scheme known as the Truro Northern Access Road ("the NAR Scheme"). The NAR Scheme comprises a proposed new access road which lies to the west of Truro, connecting the A390, and A30 further westwards, to the site of Truro's Treliske Hospital at its eastern end. The Council manages and maintains the public highways directly affected by the NAR Scheme.
2. The NAR is a key part of Cornwall Council's (the Council) intention to enable the successful delivery of the proposed Langarth Garden Village development (the LGV or the Garden Village), as it will facilitate access to that land and as it will improve east-west connectivity.
3. On 23 March 2023 the Secretary of State for Transport (SoS) confirmed that he intended to hold a Public Inquiry into the Side Roads Order (SRO). Concurrent with the SRO the Compulsory Purchase Order (CPO) 'The Cornwall Council (Langarth Garden Village, Threemilestone) Compulsory Purchase Order 2022' was published. On 31 January 2023 it was decided that the CPO

should be transferred to an Inspector to confirm whether or not the CPO should be made. I was appointed as the Inspector to conduct the Public Inquiry in order to write a report with a recommendation to be made in respect of the SRO and to decide whether or not the CPO should be confirmed.

4. Given the direct link between the SRO and CPO it was necessary for me to be appraised of the SRO outcome before coming to a conclusive view on the CPO. To ensure that the SoS was made fully aware of the circumstances I dealt with both matters within a single report. That report is the base for this Decision Letter and, given the approach I have taken which was agreed at the Pre-Inquiry Meeting (PIM) with the main parties, and the subsequent Decision that the SoS has made, the content of this Decision Letter is a shortened version of the initial report.
5. The PIM was held on 19 October 2023, with the Inquiry scheduled for 23 January 2024¹. Whilst it was scheduled for two weeks it was apparent before opening that it would not need this amount of time as there were no remaining statutory objectors.
6. After the close of the SRO Inquiry, but prior to the close of the CPO Inquiry, further correspondence has been received from Spanview who had withdrawn their objections. They appeared to want to reinstate their objection on the basis of ownership of land that is not within the SRO or CPO areas before me. On that basis, and on the limited information before me, I do not consider that it would be fair to reinstate their objection which was removed following negotiations in a normal manner. The SoS concurred with this view.
7. I am aware that the CPO guidance was updated on 3 October 2024 however, given that the entire Inquiry and gathering of evidence took place well before that date and given the nature of the revised guidance I am satisfied that there is no need to delay this decision to consider that change. The statutory provisions have not changed and the associated SRO was considered on the former guidance.
8. On 11 November 2024 the CPO Inquiry was closed in writing.
9. At the PIM and throughout proceedings I was assisted by Mrs Joanna Vincent who was appointed as the Programme Officer. This included Mrs Vincent's attendance at the site inspection which took place on 30 January 2024 where she accompanied the inspection group as an impartial observer.
10. At the date of the PIM there were five statutory objectors with unresolved objections. Following the PIM negotiations continued with all parties. The consequence of those negotiations was that the substance of objections and number of remaining objections continued to reduce right up until the week before the Inquiry, when it became apparent that there were no remaining objections. At my request a schedule was supplied to set out the position in respect of each objection that was withdrawn including an annexe of the formal documentation withdrawing the objection.² Although there were no remaining objectors, at the request of the AA it was decided that the Inquiry should proceed to ensure any other objectors could come forward should they wish given that the Inquiry details had been published. No further person

¹ Notes of the PIM were published on 25 October 2025

² Core Document 7.13

came forward at the Inquiry which only sat on 23 January 2024. No statutory or non-statutory objector appeared at the Inquiry.

11. The AA was represented at the Inquiry and called eight witnesses. There were no modifications requested to the Orders in terms of content. However, some administrative changes to the text of the SRO as sought by the Department for Transport were agreed to by the AA³. Those changes did not alter the substance or intent of the SRO and are the modifications referred to as part of the Confirmation of the SRO.
12. All of the evidence before me was taken into account in reaching my recommendation for the SRO and in my reporting on the CPO contained herein.

Background to the SRO

13. The NAR Scheme necessitates a number of alterations to existing highways and rights of way in order to provide a safe and free flowing access arrangement. The Scheme also necessitates footpath alterations and provides for a cycle path. All such alterations are now confirmed through the SRO. The NAR has a roundabout junction at its western end and links through to the location of Treliske Hospital joining the highway network at that point just before the existing roundabout near the hospital site. Construction of the NAR is underway on the Council owned land and at the site visit I saw that the western end roundabout was largely in place.
14. The NAR is deliberately designed to be winding in order to naturally reduce traffic speeds. This design, which also accounts for the varied topography can be seen in Fig 1 below.

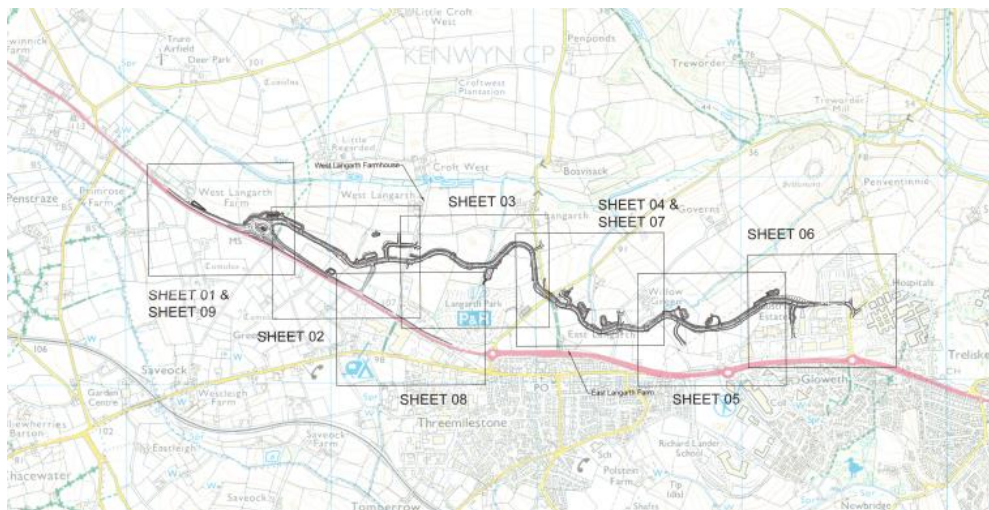


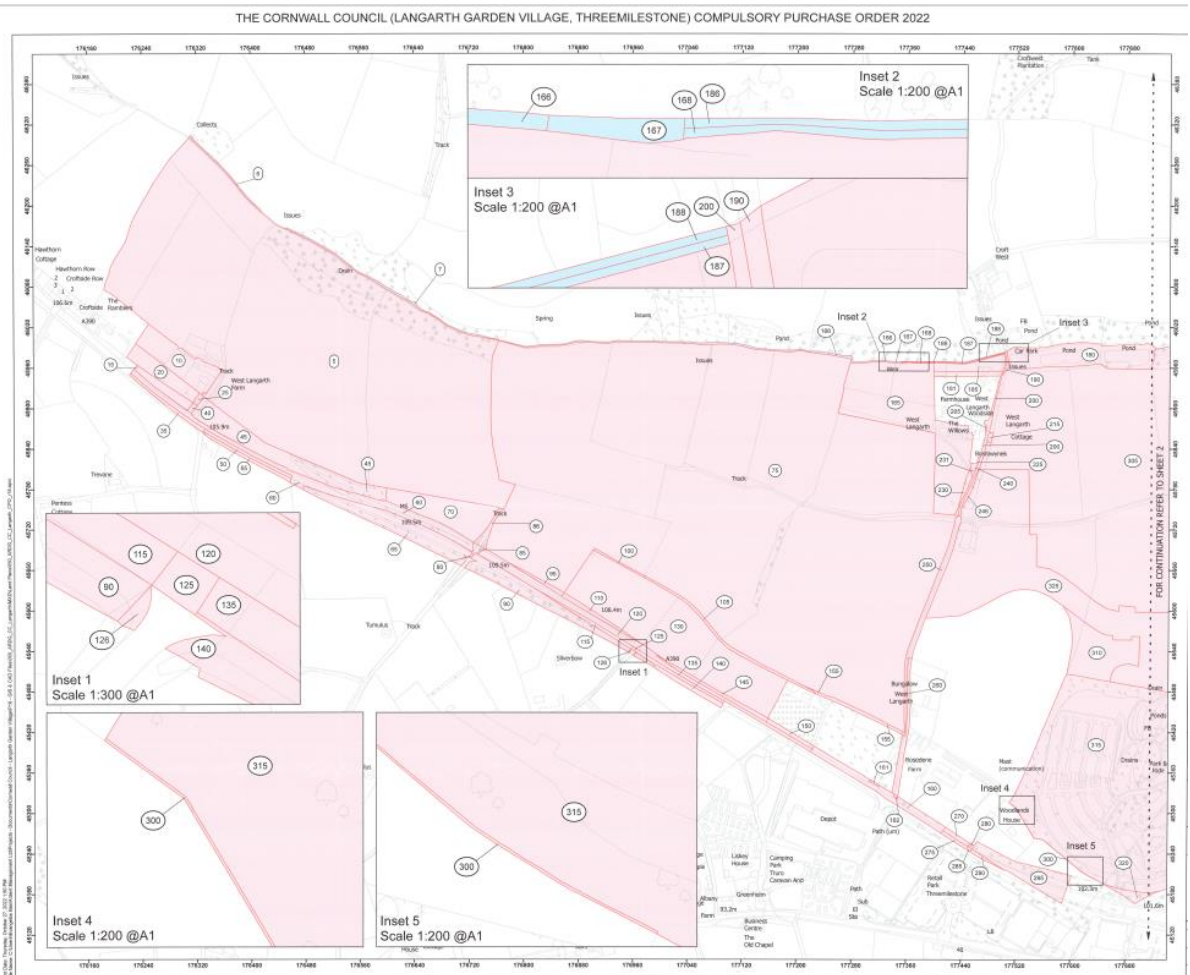
Fig 1

³ Changes as discussed at the Inquiry and as had been confirmed in the email from Lucy Thomas dated 19 January 2024

Introduction to the CPO

15. The CPO extends significantly beyond the extent of that required for the SRO and amounts to some 175 hectares sought to create the Garden Village. The site is located at the western edge of Truro near its main facilities including the County's main hospital.

Figures 2, 2a, 2b, 2c: The extent of the Langarth Garden Village CPO for illustration only – not to scale



space and a public house/brewery. In terms of greenspace the Scheme incorporates policy compliant levels of open space, including a suitable alternative natural greenspace (SANG) and a community farm and allotments. It also makes provision for an energy centre (the Energy Centre) and renewable energy provision, as well as an extension to the existing Park and Ride. As established above it also incorporates a new central access road and access junctions onto the A390, and associated works (collectively known as the NAR).

The CPO

17. The Order Lands are required for the purpose of constructing the LVG, the NAR and implementing the SRO.
18. The CPO individual plots are depicted on the CPO Map and are more fully described in the Schedule⁴. (Similarly, the SRO Maps and Schedule set out the details for the SRO.⁵) The CPO Scheme includes plots that are to be acquired on a permanent basis (pink plots) and plots where new rights are required (blue plots). In total there are 152 plots in the CPO 14 of which relate to the acquisition of new rights. The Council instructed land reference agents to compile a schedule of third-party interests, which was added to with other qualifying interests after enquiries, site visits and questionnaires. The 'pink' and 'blue' plots are identified within the CPO schedule and also set out in the Council's evidence⁶.
19. At the time of the Inquiry 114 of the plots were within the existing public highway or are already in the Council's ownership. A further 13 plots comprised unregistered land in unknown ownership and 5 plots are owned by the Royal Cornwall Hospital Trust with whom the Council has reached agreement. The remaining 20 plots are in the ownership of 8 private landowners and agreements had been reached to acquire land and rights with all of them such that all remaining objections had been withdrawn. At that point 90% of the Order Lands by area (amounting to 388 acres) was in the control of the Council through acquisition of freehold interests.
20. The Council explained that it has limited the extent of third-party land included within the Order Lands to only that necessary for delivery of key strategic infrastructure required to facilitate delivery of the Scheme in accordance with the planning permissions. It had arrived at the extent of the Order Lands by identifying the extent of the Scheme and omitting the land not required to meet the key objectives of; being able to directly control the delivery of 68% of the development by housing units, both school sites, the SANG and the Park & Ride Extension, and; being able to facilitate the coherent delivery of the remaining mixed use, masterplanned, landscape-led community to be known as LGV. In addition, it omitted any site capable of independent viable delivery by existing landowners that would therefore be likely to come forward without the need for public sector intervention⁷.
21. The 'blue' plots are required principally to: provide the right to enter onto land adjacent to the Site to facilitate the installation and future maintenance of new surface water drainage infrastructure; and, to provide the right for

⁴ CD4.01 and CD4.02

⁵ CD4.03 and CD4.04

⁶ Table 2 and Table 3 CD6.13

⁷ The list of 'excluded' land is set out in Table 1 CD6.13

surface water to drain across adjacent land to reach the watercourse. One of these 'blue' plots is unregistered and the Council explains it has not been possible to identify the owner despite press and site notices.

22. It is noted that in respect of 22 plots, the mines and minerals are excluded from the freehold title. It has not been possible to identify the name and/or address of the current owner of the mines and minerals interest and these plots are therefore included within the Order Lands so as to acquire these interests. Further, in respect of 8 plots there are leasehold/occupational interests which it is necessary to bring to an end in order to facilitate delivery of the Scheme. While these plots have been included within the Order to ensure that vacant possession of the land can be achieved, the Council is actively managing these interests to allow the Council to bring the interest to an end by the point in time at which vacant possession is required to allow construction of the Scheme. In respect of one of these (plot 650), agreement has been reached with the leaseholder to amend their leasehold boundary as an alternative to the use of compulsory purchase powers in respect of their interest in the plot.
23. At the time of making the CPO 48 plots were public highway where the freehold is unregistered. In respect of 28 of these highway plots, the Council is presumed to already be the owner of the underlying subsoil beneath the highway crust and/or roadside verges and footpaths under the *ad medium filum*⁸ rule up to the halfway point. Here, the Council is relying on the CPO to both confirm its land ownership position up to the halfway point and to acquire the freehold interest in the remaining half. In total, these highway authority plots account for 8 acres of the Order Lands (less than 2%) by area. A further plot, Plot 565, is a watercourse forming the boundary between plots 520 and 580 where the Council is the freehold owner in both cases and thus presumed to be the owner of the entirety of the watercourse under the *ad medium filum* rule.
24. Additionally, 16 plots comprise land where the freehold title is unregistered and the land is not public highway and so no presumptions can be made as to ownership. It has not been possible to identify the relevant owner despite press and site notices. Here, the Council is relying on the CPO to facilitate engagement and acquire the interest. In total 9 plots are owned by the Royal Cornwall Hospital NHS Trust (RCHT / 'the Trust'). Agreement has been reached with the RCHT regarding the construction of Stage 5 of the NAR, including the agreement of RCHT to the dedication of the existing access road as public highway as an alternative to compulsory purchase⁹.
25. The CPO has been drafted to exclude the AA's interests. The Council either acquired its existing interests in the Order Lands for the purpose of the Scheme, or has otherwise appropriated it for such purposes, which allows for the use of the powers in Section 203 of the Housing and Planning Act 2016 to override easements and other third-party rights that affect the Order Lands and might otherwise present an obstacle to the delivery of the Scheme.

⁸ *Ad medium filum* – up to the middle line - where the landowner at the side of the highway or non-tidal watercourse presumes ownership up to the middle of that highway or non-tidal watercourse unless there are other established ownership rights

⁹ CD5.03

26. There are a number of gas, water and electricity undertakers and telecommunications operators with interests in the Order Lands to whom Section 16 of the Acquisition of Land Act 1981 would apply. As a result of discussions, no objections to the CPO have been received from any of the statutory undertakers with existing apparatus within the Order Lands.

The confirmed SRO

27. The confirmed SRO:
- Creates new public highway – to create the NAR, access tracks to ponds, new side roads and bridleways¹⁰.
 - Makes changes to existing public highway – where it is severed by the NAR and is reconnected to maintain access for highway users¹¹.
 - Amends existing private means of access (PMA)– where impacted by the NAR to provide reasonably convenient alternative access to private property¹².
28. The NAR would be a 3.5km long single carriageway with associated access junction arrangements onto the A390, new junctions to the quiet lanes, Treliske Industrial Estate and Royal Cornwall Hospital. The purpose of the road is to provide access to the new development and to improve access to the Park & Ride, hospital and industrial estate. The proposed character of the NAR, especially compared to the previous permissions, is one of the defining features of the proposals as it is designed to give significant priority to unmotorised movements.
29. The confirmed SRO enables the necessary changes being made to the local highway network to enable the implementation and delivery of the Scheme.

Procedural Matters and Statutory Formalities

31. The AA confirmed at the Inquiry that it had complied with all necessary statutory formalities in relation to the CPO. This compliance was not disputed.
32. The AA has submitted a planning application and planning permission has been granted in relation to the proposed Scheme¹³. The planning permission was accompanied by an Environmental Statement (ES).
33. The planning application was a 'hybrid application' wherein the first part (Part A) grants full permission for the NAR and the second (Part B) authorises outline permission for the masterplanning of the mixed use Garden Village development.
34. There are known Crown interests within the Order. RCHT has agreed to grant a license over the relevant plots to allow for construction works and for the Trust to dedicate its interests in this land as public highway. The Trust did

¹⁰ CD4.05 para 10.20

¹¹ CD4.05 para 10.21

¹² CD4.05 para 10.22 and 10.23

¹³ CD3.01

not object to the CPO. The Department of Health and Social Care (DHSC) has rights in terms of maintaining a water drain (plot 620) and a right of access (plot 690). This latter plot becomes public access following agreement with the Trust set out above and so access is not an issue. The Scheme will not impact on the DHSC right to construct and maintain a water drain across plot 620.

35. The Defence Infrastructure Organisation (DIO) interest relates to an abandoned aviation fuel pipe which originally ran from Falmouth docks to RAF St. Mawgan (now Newquay Cornwall Airport) and which intersects with a section of the NAR (plot 600) and continues northwards through Governs Farm (plot 585). Although originally operated by the Ministry of Defence, it is now managed by the British Pipeline Agency (BPA). The pipeline was subsequently made redundant and decommissioned. While the pipeline is in situ, the DIO does not have any registered legal interest in the land to be acquired. The BPA has confirmed to the Council (through its agent Cormac) that there is nothing to prevent the abandoned pipeline from being removed as required during the Scheme works. The pipeline was capped at the extents of the works on 20 December 2023. The pipe itself will be removed later during the earthworks operation to create the NAR¹⁴.
36. There are two heritage assets situated within the Order Lands. A listed milestone sits within Plot 60. The listed milestone will be relocated to the south side of the A390. Listed Building Consent to relocate the listed milestone was granted by the Council on 5 April 2022¹⁵. Notably the Inquiry was told that the milestone is not in its original location which, given the errors with its relocation, detracted from that key part of its significance and special interest. As such, the relocation to a functionally appropriate location was considered acceptable.
37. A scheduled monument (Penventinnie Round, at Governs Farm) sits within Plot 585. No works are proposed to the scheduled monument with the layout and design of the Scheme ensuring provision of strategic open space/SANG at Governs Farm which will serve as the setting of Penventinnie Round and facilitate its ongoing management and maintenance.
38. I have taken all of the documents relating to the planning permission into account in reaching my Decision.
39. The CPO Scheme as submitted is the published Scheme, without modifications. Minor alterations were made to the SRO at the request of the Department for Transport and now form the confirmed modifications. These relate to administrative matters only and did not alter the requirements of the SRO.

¹⁴ See letter from DIO at Andrew Hector's appendices AH3 to his POE CD6.13

¹⁵ CD3.12

Description of The Order Lands and Surroundings

40. The Scheme is located within the administrative boundary of the Council which is the relevant highway authority and the local planning authority.
41. The Order Lands are situated in the parish of Kenwyn, to the west of Truro and cover some 175 hectares. Truro is a city with a population of circa 23,000 people (2021 census) and also serves wide rural hinterland. Truro's western suburbs cross the boundary into Kenwyn parish. Leaving Truro on the A390, leads into the settlement of Threemilestone, which has a population of circa 3,000 people (2021 census).
42. The land is predominantly undeveloped farmland and unregistered existing highway. However, the boundary of the planning application for the Scheme 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. These development parcels were not required to deliver the NAR and related enabling infrastructure. The hybrid application boundary incorporates all the land needed to deliver the NAR and the infrastructure for a comprehensive masterplanned Garden Village along with a Park and Ride site.
43. The land, as seen at the site visit, therefore consists mainly of open fields, with some hedgerows and treed areas with a sloping topography where, in general terms, it drops away from the existing main road into a valley to the north-east. This area is traversed by existing roads and footpaths.
44. The most north-eastern area of the site would remain as open space around a historic site of former settlement. The centre of the site is where the existing Park and Ride and its proposed extension are located.

Law and Policy

45. The SRO was made and confirmed (as modified) under Sections 14 and 125 of the Highways Act 1980.
46. The CPO was made under the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 and the Local Government (Miscellaneous Provisions) Act 1976.
47. Section 226(1)(a) of the Town and Country Planning Act 1990 enables an AA with planning powers to acquire land if they think that it will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement.
48. The CPO would authorise the acquisition of land and rights for the construction and improvement of highways and new means of access to premises in pursuance of the SRO. It would also authorise the acquisition of land to enable the construction of the LGV.
49. In addition to the tests detailed above, the Guidance under which this Inquiry was held¹⁶ stipulates that, for land and interests to be included in a CPO, the following matters must be addressed. Whilst I have considered this scheme on the basis of the old Guidance for the reasons set out above I note

¹⁶ CD5.04 The Guidance on Compulsory Purchase process and The Crichel Down Rules

that the new Guidance sets out the same matters, albeit drafted differently¹⁷.

- a compelling case for acquisition in the public interest;
- that this justifies interfering with the human rights of those with an interest in the land affected;
- that the AA has a clear idea of how it intends to use the land it seeks to acquire;
- that the AA can show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale; and
- that the scheme is unlikely to be blocked by any impediment to implementation.

The Policy Context

50. The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England. At the heart of the Framework is a presumption in favour of sustainable development, which should be considered through both plan-making and decision-taking. The Framework is clear that sustainable development includes the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. Economic, social and environmental objectives are set out along with an emphasis on taking local circumstances into account.
51. The Development Plan for the Scheme area comprises the Cornwall Local Plan Strategic Policies 2010-2030¹⁸ (adopted in 2016) and the Truro and Kenwyn Neighbourhood Plan Revision 2015-2030 (approved in May 2023)¹⁹. The latter plan shows the LGV site within its policy maps and follows the 2016 Neighbourhood Plan. The Planning Permission is accompanied by a series of Parameter Plans and Design Codes so that the LGV is masterplanned in detail from the outset.²⁰

Inspector's Reasons and Conclusions

Statutory Provisions and Guidance

52. The CPO seeks to acquire rights and ownership of land shown on the Order Map as detailed in the Order Schedule, for the purpose of securing the carrying out of development of the LGV and NAR. The CPO is made under the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 and the Local Government (Miscellaneous Provisions) Act 1976.
53. The SRO has now been confirmed with modifications of a minor and administrative nature.

¹⁷ The Guidance on the Compulsory Purchase Process, Stage 2 Sections 12 and 13

¹⁸ CD2.03

¹⁹ CD2.07

²⁰ CD3.02- 3.03D and associated documents within CD3

54. The Government's most recent and updated Guidance on confirming Orders states that AAs should use compulsory purchase powers where it is expedient to do so, and an Order should be made only where there is a compelling case in the public interest. The AA should demonstrate that they have taken all reasonable steps to acquire land and rights included in the Order by agreement. Compulsory purchase should only be a last resort to secure the assembly of land.
55. The CPO Guidance (in both the old and new versions) also states that any decision on whether to confirm an Order will be made on its own merits. The following factors are helpful in considering the merits:
- whether the purpose for which the land is being acquired fits with the adopted local plan for the area, has planning permission or faces any impediments to this;
 - the extent to which the purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
 - whether the purpose could be achieved by other means, such as through alternative proposals; and
 - the potential financial viability/funding of the scheme for which the land is being acquired.
56. Each of these matters therefore needs to be considered. However, first it assists to set out some background to the development of this area.

Background to the development Scheme CPO

57. This location has historically been designated for the expansion development close to Truro. The undisputed evidence presented sets out that in the early 2010s the landowners in the LGV area adopted the principle of a linking spine road across the Site as a whole. However, the varying status of planning permissions and stages of design development meant the NAR was not fully developed. Nor were the individual development proposals otherwise well integrated in transport terms. There would have been piecemeal delivery, as well as disconnections in the spine road route. At site boundaries, the road and footway widths would have been different, and each development proposal would have had its own A390 primary junction. Thus, in 2018, the availability of the Housing Infrastructure Fund (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, the Council considered the link road sections as presented in the then permitted 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.

58. The AA explains that 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.
59. Following confirmation of the successful bid, in June 2019, the NAR design was reviewed in more detail. In August 2020 a funding agreement with Homes England (at the time trading as the Homes and Communities Agency) was reached.
60. The AA explains that 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 Scheme²¹ and 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 Site²².
61. Throughout 2020 the access requirements across the Site were reviewed and, where necessary, changes made to the emerging NAR design to ensure continued safe access to the public highway network and to private land. This led to submission of the now approved Hybrid Planning Permission reflecting the policy position to which I turn to next.

Whether the purpose for which land is being acquired fits with the adopted local plan for the area

62. The Development Plan for the Scheme area comprises the Cornwall Local Plan Strategic Policies 2010-2030²³ (adopted in 2016), the Truro and Kenwyn Neighbourhood Plan Revision 2015-2030 (approved in May 2023)²⁴. The latter plan shows the LGV site within its policy maps and follows the 2016 Neighbourhood Plan.
63. In terms of the Local Plan, Policy 2a sets the Council's housing target and sets Truro and Threemilestone a target of 3,900 new homes with a further 1,200 new homes targeted in the wider Truro and Roseland Community Network Area residual area. The CPO Scheme is closely linked to the Truro and Kenwyn Neighbourhood Plan. Its first iteration in 2016 identified a similar area and the 2023 revision reflects the planning approval associated with the Scheme. The housing, including 35% affordable housing, is a

²¹ See CD6.01

²² See CD6.05

²³ CD2.03

²⁴ CD2.07

matter which the NHS Trust is clearly in support of given pressures in its sector.

64. As should be appreciated, there is planning permission, in hybrid form, for this comprehensive development. That permission is extant, has not been challenged and is in the process of being implemented with conditions being discharged and minor material amendments sought.

	The Neighbourhood	No. of residential units	Other uses
1	The Brake	987 new homes	NA
2	West Langarth	743 new homes	3FE School Approximately 34,000 sqm mixed commercial/leisure uses
3	Langarth	702 new homes	Energy Centre Park and Ride Extension 4,273 sqm employment/mixed use
4	Willow Green	222 new homes	Blue light services
5	Governs	503 new homes	2FE School Community Farm Community Hall/Library
6	Penventinnie	643 new homes	Approximately 28,000 sqm employment/mixed use

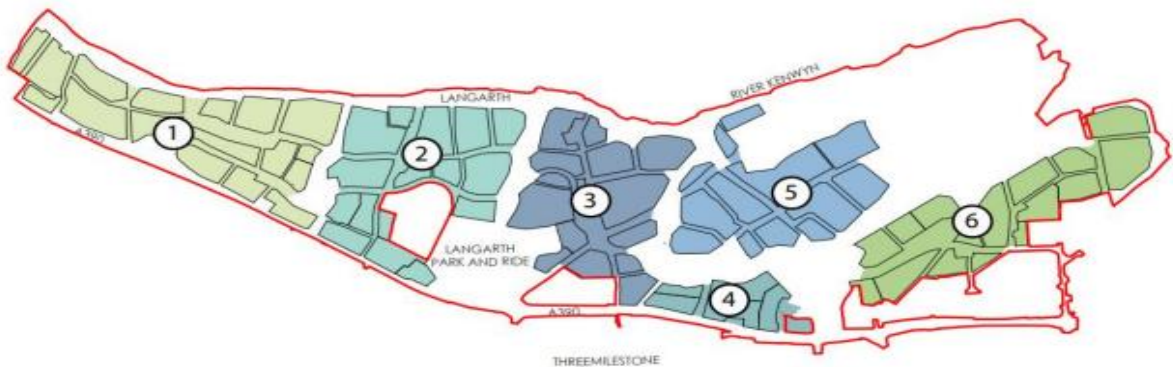


Figure 3: Taken from the Statement of Reasons to illustrate the masterplan – not to scale

65. Turning to other policies, at the Inquiry there was no dispute around whether or not the Scheme would accord with the development plan. As set out by the AA, there would be accord with Local Plan Policy 12 in terms of Design given the extensive Design Code in place. There would also be accord with Policy 25 in terms of Green Infrastructure and Policy 27 regarding Transport and Accessibility. In particular there would be significant improvements to the cycle path network and the Park and Ride provision would be enlarged.

66. The Truro and Kenwyn Neighbourhood Plan 2023 (the current plan) allocates the Site for a mixed-use community and provides development plan support for a comprehensively masterplanned approach for the area under Policy H3.
67. This masterplanned approach adheres to the previous 2016 Truro and Kenwyn Neighbourhood Plan, in which Policies E1 (Sustainable Development), E2 (Sustainable Drainage), E4 (Building Quality), E5 (Green Infrastructure), E6 (Character and Setting of Settlements), E7 (Character of the Highways and Byways), T1 (Transport Strategy Contributions) and T3 (Sustainable Transport) were all considered to be complied with in determining the planning permission.
68. Turning to the National Planning Policy Framework, as the AA sets out, there is strong adherence to national policy in terms of housing delivery. Notably, there has been a plan-led approach to identifying this land for homes. Moreover, it forms part of a holistic approach to development of a community. This would incorporate at least one school and be co-located with employment opportunities, commercial development and comprehensive consideration of the transport network, and green infrastructure needs / benefits. The Site clearly benefits from being sustainably located where there is ready access to the city, with its infrastructure, hospital and academic institutions as well as benefitting from public transport links of a main line station. Further detail of local and national planning policy is set out within the AA Statement of Reasons, including compliance with Supplementary Planning Documents (SPD) in respect of The Cornwall and West Devon Mining Landscape World Heritage Site, Housing and, Climate Change.
69. I am therefore satisfied that the land being acquired fits with the adopted local plan for the area and in doing so clearly reflects national planning policy.

The extent to which the purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area

70. LGV is intended to be a comprehensive and inclusive development designed with mixed uses to promote sustainable living and the well-being of its residents.
71. It would provide the infrastructure for the housing provision. That housing provision would include policy compliant affordable housing. This would include 200 extra care units and 50 units of student/health care worker accommodation. Within the housing and community areas there would be open space in addition to the SANG. The masterplan seeks to create walkable neighbourhoods with encouragement of walking and cycling and an integrated transport strategy, including extending the Park & Ride.

72. The site is located close to Truro which has seen an expansion including in employment which, in part, contributes to traffic congestion. The site is in close proximity (almost adjoining) two employment areas, the Threemilestone Industrial Estate and the Royal Cornwall Hospital site – Treliske. In addition, the Scheme seeks to create community work hubs in Local Centres as part of the Garden Village ethos and to reflect greater home working.
73. The Scheme seeks to provide a sport and wellness quarter focused around the new stadium. This aims in turn to create a focus for facilities such as a gym, climbing wall as well as the stadium, creating a positive civic space and encouraging activity sought by the greenspace network including an approach to accessibility other than just by private car. Whilst there would be space for private vehicles, this would be integrated along with pedestrian and cycle use and to improve the environmental conditions electric vehicle charging would be a feature of the development. Public transport and the Park & Ride would further assist in managing transport requirements in an environmentally conscious way. This would not only benefit occupiers of the site but those using the road network in this part of Cornwall.
74. The Cornish hedges, a historic landscape feature of the site, would be retained and reinforced where possible in the interests of local character and creating wildlife habitat. The sustainable drainage systems would also provide for some bio-diversity. The existing semi-natural character would be retained near to the River Kenwyn and Penventinnie watercourse, while the landscape setting to the Penventinnie Round Scheduled Monument would be enhanced.
75. In addition, the Scheme provides scope for two schools and an energy centre to provide low cost green power to residents.
76. For these reasons, noting there is much greater detail within the Statement of Reasons and masterplan, I am satisfied that the Scheme would significantly and demonstrably contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of those future occupiers of the Scheme and the wider Truro and Kenwyn area.

Whether the purpose could be achieved by other means, such as through alternative proposals

77. The AA sets a clear rationale for the CPO in terms of the land required and that it is required permanently. In this regard the CPO provides for the majority, but not all, of the housing, the SANG, schools sites and the NAR.
78. The development is clearly established in principle through the plan led process and a development of this size could not be readily located elsewhere and certainly not in the sustainable location found here where it would be co-located with commercial uses, the hospital, educational

facilities, and the mainline station. There is no-one suggesting it could go elsewhere.

79. At the Inquiry the clear starting point for the vision for the LGV was explained along with the history of this area with piecemeal permissions failing to deliver the housing requirement for the location. The CPO boundary reflects this by designing of the Scheme around committed development.
80. In terms of the CPO, the need for utilities, drainage and flood risk mitigation²⁵ for the LGV are, understandably, extensive. It also encompasses areas which fall outside the current ownership of Cornwall Council. The AA explains the networks have been designed, where possible, to be within public highway (including the NAR and existing road networks) or away from developable areas and outside the LGV development parcel boundaries. New rights are therefore being sought to facilitate surface water drainage discharge, or land acquisition to provide corridors for strategic utilities infrastructure. In limited areas, the CPO seeks to secure land to ensure that there is sufficient space for utilities and drainage to provide the necessary interconnectivity as part of the site-wide strategy for LGV. The AA notes that this is particularly important for strategic infrastructure where there are limited or no rights by statutory undertakers to cross third-party land, such as is the case for sustainable draining systems features and district heating.
81. I am mindful that this Scheme is ambitious in its objectives. The utilities and drainage strategy seek to make good use of the NAR as a 'spine' for the strategic power and telecoms network thereby minimising land-take. I agree that creating an accessible integrated infrastructure corridor is important for the success of the LGV and accept that this needs to be holistic to make use of good infiltration on the higher ground to the south of the NAR and to use attenuation features (ponds and basins) at the northern edge of the Site where infiltration is poor. This would result in a more environmentally sustainable use of land.
82. It is important to acknowledge that this Scheme seeks to be forward-thinking. Amongst other things, the AA points out the following: An Energy Centre is located at the centre of the Site on Council-owned land, comprising a single 24MVA primary substation, sized to serve the entire LGV, with capacity to support the Royal Cornwall Hospital to the east. It would provide for future (aimed for 2027-28) critical grid reinforcements between the Energy Centre and the main National Grid substation at Shortlanesend. Furthermore, three-phase local networks are intended for all household connections in order to cater for increased electrical demands due to decarbonisation and rooftop solar export. The aim is that this would sit alongside provision for battery storage and solar canopies over the Park &

²⁵ CD3.05 and 3.06

Ride. It also seeks to provide for geothermal and low carbon district heating for the LGV and potentially for the hospital.

83. A single solution for foul sewerage has been designed, with flows being collected by gravity and pumped off-site to South West Water's upgraded Newham Wastewater Treatment Plant, some 4km east south east of the LGV. There is also a strategic phased approach to water supply by identifying the locations for future networks expansions as the LGV grows.
84. In all, the land and rights required to provide for the NAR and the LGV are necessary and proportionate to their delivery in the interests of proper planning of the area.
85. Other than land required to deliver the NAR and enabling infrastructure, the AA has been pragmatic about the CPO requirements. This is demonstrated where other developers have either commenced development or sufficiently evidenced a firm intention to commence development so that it need not form part of the CPO. Examples of this are the Truro Sports Hub (formerly Stadium for Cornwall), the Hendra retail development, and a petrol filling station and hotel/drive through development to the east of the Order area.
86. The AA has evidenced the significant amount of work in developing the route for and identifying the land required to deliver the NAR and associated infrastructure. It has provided for a comprehensive masterplan for the Site. In terms of the NAR alternatives, the AA looked at 16 options for West Langarth Junction, 14 options for the main NAR alignment, as well as six options for the Eastern Junction link and five options for the Oak Lane Link.
87. The final design selected for the SRO which has now been confirmed (with its direct link to the CPO) performed best against a number of criteria as set out by the AA above. In particular it; promotes walking and cycling for all reflecting the Public Sector Equality Duty; will help improve conditions on the A390 westwards out of Truro particularly during peak flow traffic times by creating an alternative route and by creating greater opportunities to cycle, walk and use public transport including the Park and Ride. In addition, the route has been created with a deliberately winding configuration, partly as that is appropriate in character and respects the environment and partly because it naturally reduces traffic speeds. Finally, it would deliver the NAR within the HIF funding.
88. The AA explains it has also sought to design the NAR to accommodate the needs of surrounding landowners. For instance, the side roads at 'Langarth Square' were amended in their configuration to accommodate the tractor/trailer/HGV sizes used at Little Treworder Farm making access better for that landowner. This positive engagement to get good outcomes for all is, no doubt, part of the reason why there were no outstanding objections to the SRO.

The potential financial viability of the Scheme for which the land is being acquired

89. As set out by the AA in November 2017, Cabinet approved a £70 million increase to the capital programme to support the development of the Scheme. In June 2019, the Government announced that the Council had been successful in its bid for £47.5 million of HIF towards the cost of delivering the infrastructure for the Scheme.
90. A review of the viability of the development of the 2,600 homes to be delivered on Council owned land (inclusive of the land to be acquired via the CPO) demonstrates that it is viable for the Council to deliver this significant element of the Scheme via land sales alone i.e. through the disposal of serviced parcels to third-party developers to take forward. However, there is further potential for additional revenue and profit to be achieved later on through a variety of joint ventures or build to rent schemes.
91. I am therefore satisfied that the land to be acquired is for a scheme where the potential financial viability has been considered and should be deliverable under anticipated circumstances.
92. Given the extant hybrid planning permission, the listed building consent and the energy centre permission, along with the progress on the NAR to date and the funding arrangements, it seems that the Scheme is unlikely to be blocked by any impediment to implementation. Moreover, and noting the ambitious size and scale of the Scheme along with its integrated Garden Village objectives, development would be managed through progress with the NAR and an associated phased approach to development. In essence, as set out in the Statement of Reasons, 'the delivery of the Garden Village Vision will be achieved through the implementation of infrastructure, the provision of serviced parcels and the subsequent sale of a number of separate but interlinked development plots promoted by a mix of public and private sector bodies. The overarching aim of the Scheme is to expand the choice and quality of housing within the area, together with the delivery of a range of higher value employment opportunities that together create an attractive and sustainable place for people to live, work, learn and spend leisure time'.

Conclusions

93. The CPO includes a schedule and plan of the land the AA seeks to acquire outright and that land over which it seeks to acquire rights. In accordance with the Guidance the CPO is accompanied by a Statement of Reasons. The AA's case in relation to the CPO is set out within that document.
94. The overall benefits in terms of providing the infrastructure necessary to facilitate the delivery of LGV with its housing, and other mixed uses including school facilities, SANG and Park & Ride, in a sustainable and plan-led settlement together with its infrastructure including the NAR with its

improvements to the local highway network, when taken together, represent a compelling case in the public interest for the acquisition of the land.

95. I am satisfied that the AA has taken reasonable steps to acquire the land and rights as set out in the Statement of Reasons²⁶ by agreement. Negotiations with landowners have continued and all objections have now been withdrawn. The acquisition of the land represents an interference with the human rights of those affected but when balanced against the need for the land to facilitate the overall benefits of the Scheme, I conclude that the interference is proportionate and justified. The landowners will be able to claim compensation.
96. There is a clear purpose for the acquisition of the land and the necessary resources are available. The hybrid planning permission is in place and listed building consent granted in respect of the related milestone. I am further satisfied that there are no physical or legal impediments which are likely to block or delay the Scheme which, in part, is currently under construction.
97. Having regard to the Equality Act 2010 the Council has undertaken a review of the impacts of the decision to make both the CPO and the SRO together with the delivery of the Scheme on those with protected characteristics as part of its decision making process. The review concluded that there are unlikely to be any material adverse impacts on those with protected characteristics compared with those without that characteristic arising out of either the decision to make the CPO or the SRO or that would result from the delivery of the Scheme.
98. No residential or business occupiers are required to relocate as a result of the implementation of the CPO.
99. I consider that the purposes for which the CPO is promoted justifies interfering with the human rights of those with an interest in the land affected, having regard to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and the Human Rights Act 1998.
100. I have found above that the AA has a clear intention as to how the land to be acquired would be used and a reasonable expectation that the necessary resources would be available to carry out its plans within a reasonable timescale. I conclude that there is a compelling case in the public interest for the CPO.

Conclusion and Decision

101. As set out in the Report to the SoS for Transport I am mindful that a late claim has been made in respect of additional plots for whom there was no identified owner in respect of the CPO only.

²⁶ CD4.06

102. Nothing new has been put before me to indicate that those plots are within CPO Order Lands. As such, there is nothing in those representations to suggest this should delay the CPO.
103. For the reasons given above and having regard to all matters raised I therefore confirm the Compulsory Purchase Order.

ZHR Hill

Inspector

Appendix A- APPEARANCES AT THE INQUIRY

FOR THE ACQUIRING AUTHORITY, CORNWALL COUNCIL:

Mr Richard Moules of Counsel

He called

Mr Philip Mason	Statutory Requirements
Mr Tim Wood	Highways
Mr Terry Grove White	Planning
Mr Gavin Smith	Planning
Mr Patrick Valvona	Drainage and Utilities
Mr Anthony Lee	Viability
Mr Harry Lewis	Valuation
Mr Andrew Hector	Negotiations

INTERESTED PERSONS:

No interested persons appeared at the Inquiry.

Appendix B – CORE DOCUMENTS**1. Full Council and Cabinet Reports**

1.01	15 November 2017 Cabinet Report endorsing the vision and objectives for a proposed Investment Programme for Cornwall and approves a £70 million increase to the capital programme to support the development of a number of schemes, including the Threemilestone programme
1.02	2 May 2018 Cabinet Report approving strategy to take on a proactive role in planning and delivering the new integrated community at Langarth
1.03	20 June 2018 Cabinet Report approving the acquisition of land at Langarth Farm
1.04	10 July 2018 Full Council Report formally ratifying Cabinet decision to acquire land at Langarth Farm
1.05	18 December 2018 Cabinet Report approving recommendation to full Council to increase capital programme to support the development of Langarth Garden Village scheme
1.06	22 January 2019 Council Report taking formal decision to take on proactive role in the Langarth Garden Village project and allocates £159m to the scheme to support development of masterplan and key infrastructure
1.07	13 November 2019 Cabinet Report to invest in community projects in Threemilestone and Hightown, reflecting the need for wider investment in the local community to support the scale of change in a sustainable manner
1.08	4 November 2020 Cabinet Report to approve, inter alia, the masterplan for the Scheme, the wider Threemilestone community investment projects and funding for the delivery of the first primary school and energy centre at Langarth Garden Village
1.08(a)	15 December 2021 Cabinet report to approve that Community Infrastructure Levy monies collected from the development of the Scheme be retained and applied to infrastructure in the geographical areas of Truro, Kenwyn, Chacewater, Kea and St Clements
1.09	16 December 2021 Report to Strategic Planning Committee to approve planning application reference PA20/09631 for the Scheme subject to conditions and completion of a section 106 agreement, (including (a) Committee Report, (b) Appendix to Committee Report, (c) Supplemental Update Report, (d) Appendix to Supplemental Update Report and (e) Delegated Officer Report for the 2022 Permission)
1.10	15 June 2022 Cabinet Report resolving to make the CPO and the SRO and to appropriate Council owned land interests within the boundary of the Site for the purposes of delivering the Scheme.
1.11	14 December 2022 Cabinet Report to approve the delivery strategy for Langarth Garden Village, including the Delivery Strategy at appendix 1
1.12	22 March 2023 Cabinet Report to Cabinet approve the key principles of the outline business case for the establishment of a stewardship organisation for managing and maintaining the green infrastructure, public realm, cycle and walking routes, SUDs networks and unadopted highways network for Langarth Garden Village and resolves to progress to full business case and establishment of the stewardship organisation

2. Planning Policy

2.01	NPPF 2021
2.02	NPPF December 2023
2.03	Cornwall Local Plan (Strategic Policies) 2016 (Local Plan)
2.04	Truro and Kenwyn Neighbourhood Development Plan 2016
2.05	Not used

2.06	Land North of the A390 Truro/Threemilestone Development Brief 2012
2.07	Truro and Kenwyn Neighbourhood Development Plan 2023
2.08	Planning Practice Guidance ('PPG') on viability (2019)
2.09	Not used
2.10	Climate Emergency Development Plan Document (21 February 2023)
2.11	The Cornwall and West Devon Mining Landscape World Heritage Site Supplementary Planning Document (2017)
2.12	Housing Supplementary Planning Document (2020)
2.13	The Department for Transport, "Gear Change a Bold Vision for Cycling and Walking"
2.14	The Department for Transport's Local Transport Note LTN 1/20 'Cycle Infrastructure Design'

3. Planning Permissions and other consents

The 2022 Permission and associated application / approved documents	
3.01	Planning Permission reference PA20/09631, dated 5 April 2022 (the "Hybrid Planning Permission")
3.02	Parameter Plans (a) Proposed building heights (b) Landscape green infrastructure (c) Density (d) Proposed wider movement strategy (e) Proposed SUDs Strategy (f) Proposed phasing (g) Proposed movement and access (h) Proposed land use
3.03	Design Code
3.04	Not used
3.05	Flood Risk Assessment
3.06	Utilities and Drainage Strategy
3.07	Draft Section 106 Agreement
3.08	Statement of Community Involvement
3.09	Strategic Landscape Ecology Management Plan (LEMP)
3.10	Letter of approval of application for non-material amendment to condition 17 (Cornish hedges) of the 2022 Permission issued on 30 August 2022 (reference PA22/07415).
3.11	Letter of approval of application for non-material amendment to the approved drawings for the 2022 Permission (alignment of a side access road) issued on 23 September 2022 (reference PA22/07413).
3.11A	Design Options Review - Main Alignment and Western Junction 1665-CSL-HGN- 00MZ-RP-CH-0001 P05
3.11B	Design and Access Statement – Appendix 1
3.11C	LGV Hybrid Application Transport Assessment (Part 1)
3.11D	LGV Hybrid Application Transport Assessment (Part 2)
Other planning permissions and other consents:	
3.12	PA20/09610 - Listed building consent for the re-siting of a listed milestone to facilitate proposed works to the highway granted on 5 April 2022
3.13	PA20/09599 - Full planning permission for the development of the energy centre forming part of the Scheme adjoining the Park and Ride granted on 21 January 2021
3.14	Not used
3.15	PA22/07093 - Reserved matters approval for 35.92 hectares of open space, associated road, and parking to SANG at Governors Park, dated 23 February 2023
3.16	PA22/02098/PREAPP - Pre application advice response, dated 5 April

	2023
3. 17	PA20/00009 - Construction of interim link road to provide access from the A390 to the proposed NAR, dated 6 March 2020
3. 18	PA22/09111 - Proposed New Pumping Station, land NW of Governs, Threemilestone, dated 8 May 2023
3. 19	PA23/02209 - Proposed new pumping station, Land Adjacent Penventinnie House, Penventinnie Lane, 8 May 2023
3. 20	PA21/06047 - Petrol filling station permission (variation to permission reference PA18/11022 dated 12 September 2019), dated 20 September 2021
3. 21	PA22/09016 - Non-material amendment in relation to decision notice PA21/06047: Amendment to condition 12 - Hard landscape, dated 1 November 2022
3. 22	PA22/09017 - Non-material amendment in relation to decision notice PA21/06047: Amendment to condition 8 - Mitigation measures, 3 November 2022
3. 23	PA19/07921 - Hotel/Drive Thru permission, Land at Maiden Green, Threemilestone, dated 30 November 2020
3. 24	PA23/04870 - Non-material amendment to decision notice PA19/07921 to amend the description of development, dated 10 July 2023
3. 25	PA11/00703 - Willow Green permission
3. 26	PA14/10755 - Maiden Green permission

4. Order Documents

4.01	CPO and Schedule
4.02	CPO Map
4.03	SRO Schedule
4.04	SRO Maps
4.05	Combined Statement of Case
4.06	Combined Statement of Reasons

5. Other Documents

5.01	Langarth Garden Village Retail Impact Assessment (October 2020), Lichfields
5.02	GVA Retail Impact Assessment, 2015
5.03	Deed of highway works and dedication entered into between The Royal Cornwall Hospitals NHS Trust and The Cornwall Council on 6 June 2023
5.04	CPO Guidance
5.05	SRO Guidance
Additional Documents post Inquiry	
5.06	Correspondence regarding Spanview
5.07	Report to SoS DfT under the Highways Act 1980 into The Cornwall Council (Truro Northern Access Road) (Classified Road) (Side Roads) Order 2022 dated 3 June 2024
5.08	THE CORNWALL COUNCIL (TRURO NORTHERN ACCESS ROAD) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2022 (“the SRO”) The Decision issued on 12 September 2024

6. Evidence for the Acquiring Authority

6.01	Proof of Evidence of Philip Mason
6.02	Appendices to Proof of Evidence of Philip Mason
6.03	Proof of Evidence of Gavin Smith
6.04	Appendices to Proof of Evidence of Gavin Smith
6.05	Proof of Evidence of Terry Grove White
6.06	Appendices to Proof of Evidence of Terry Grove White
6.07	Proof of Evidence of Patrick Valvona
6.08	Appendices to Proof of Evidence of Patrick Valvona
6.09	Proof of Evidence of Tim Wood
6.10	Appendices to Proof of Evidence of Tim Wood
6.11	Proof of Evidence of Harry Lewis (including Appendices)
6.12	Summary Proof of Evidence of Harry Lewis
6.13	Proof of Evidence of Andrew Hector (including Appendices)
6.14	Summary Proof of Evidence of Andrew Hector
6.15	Proof of Evidence of Anthony Lee (including Appendices)
6.16	Summary Proof of Evidence of Anthony Lee
6.17	Glossary of Key Terms used in Acquiring Authority Evidence
6.18	Summary Proof of Evidence of Phil Mason
6.19	Summary Proof of Evidence of Gavin Smith
6.20	Summary Proof of Evidence of Terry Grove White
6.21	Summary Proof of Evidence of Patrick Valvona
6.22	Summary Proof of Evidence of Mr Tim Wood

Appendix C – INQUIRY DOCUMENTS LIST

7. Miscellaneous

7.01	REP-1 Town and Country Planning Association
7.02	REP-2 Lord Taylor of Goss Moor
7.03	REP-3 Royal Cornwall Hospitals - NHS Trust
7.04	Langarth Garden Village CPO and SRO Compliance File 19 Jan 2024
7.05	Council's Opening submissions Langarth Garden Village
7.06	Certificate in relation to Consecrated Land
7.07	General Certificate in Support of CPO submission
7.08	Protected Assets Certificate in relation to listed buildings and conservation areas
7.09	Slides presented during Evidence of Mr Tim Wood
7.10	Slides presented during Evidence of Mr Patrick Valvona
7.11.1	Summary Status of Objections submitted 23 Jan 2024
7.11.2	Summary Status of Objections submitted 28 Jan 2024
7.12	Council Closing Statement
7.13	Redacted full set of withdrawal of objections

Appendix D – Abbreviations used the this Document

AA	Acquiring Authority/Cornwall Council/the Council
BPA	British Pipeline Agency
Cornwall Council	The Council/AA
CPO	Compulsory Purchase Order
DHSC	The Department of Health and Social Care
DIO	Defence Infrastructure Organisation
ES	Environmental Statement

Garden Village	LGV
HIF	Housing Infrastructure Fund
LGV	Langarth Garden Village/Garden Village
NAR Scheme	The Truro Northern Access Road
NMA	Non-material Amendments
PIM	Pre-inquiry Meeting
PMA	Private Means of Access
RCHT	Royal Cornwall Hospital NHS Trust/ The Trust
SANG	Suitable Alternative Natural Greenspace
SoS	Secretary of State for Transport
SRO	Side Roads Order
The Framework	National Planning Policy Framework
The Trust	Royal Cornwall Hospital NHS Trust/ RCHT