



Department
for Transport

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Your Ref:

Our Ref: NATTRAN/SW/HAO/284

Date: 12 September 2024

Dear Ms Thomas

THE CORNWALL COUNCIL (TRURO NORTHERN ACCESS ROAD) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2022 (“the SRO”)

SECRETARY OF STATE’S DECISION – SRO TO BE CONFIRMED WITH MODIFICATIONS

1. I refer to your application, submitted on behalf of Cornwall Council (“the Council”), for confirmation of the above-named SRO. The Secretary of State for Transport (“the Secretary of State”) has decided to confirm, as modified by her, the SRO and this letter constitutes her decision to that effect.

2. The confirmed SRO will authorise the Council to improve highways, stop up highways, construct new highways, stop up private means of access to premises and provide new means of access to premises all on or in the vicinity of the route of the classified road known as the Truro Northern Access Road, which the Council proposes to construct from a junction with the A390 at West Langarth eastwards for a distance of 3,040 metres to tie in with Penventinnie Lane (U6076).

MODIFICATIONS

3. The Secretary of State will make the modifications to the SRO as referred to in the Inspector’s report at paragraphs 9 and 39 and agreed with the Council. The modifications are as follows:

- i. The full title of the SRO is added onto Site Plan 4 of 9.
- ii. Article 2 of the SRO which commences ‘The Council is satisfied – ’ is deleted.
- iii. References to new highways and the Classified Road are deleted under ‘Reference numbers of new accesses’ in Schedules 3 and 4.

CONSIDERATIONS FOR DECISION

4. As statutory and non-statutory objections remained outstanding to the SRO it was decided that a Public Local Inquiry should be held for the purposes of hearing those objections and that this would be held jointly with the Inquiry into 'The Cornwall Council (Langarth Garden Village, Threemilestone) Compulsory Purchase Order 2022' ("the CPO"). A Pre-Inquiry Meeting was held on 19 October 2023 and the joint Inquiry was scheduled to open on 23 January 2024 at The Falmouth Hotel, Castle Beach, Falmouth before Inspector Zoë Hill BA(Hons) DipBldgCons MRTPI IHBC, an independent Inspector appointed by the Secretary of State for Transport and the then Secretary of State for Levelling Up, Housing and Communities.

5. By the date of the Inquiry no objections remained outstanding to either the SRO or the CPO but at the request of the Council it was decided that the Inquiry should go ahead to ensure that any other objectors could come forward should they wish given that the Inquiry details had been published. The Inquiry sat only on 23 January 2024 and the SRO Inquiry was closed with the CPO Inquiry remaining open. A decision on the CPO will be taken by the Inspector following the outcome of the SRO decision.

6. The Inspector has submitted a report to the Secretary of State, a copy of which is enclosed with this letter. The Secretary of State has given careful consideration to the Inspector's report and also to a number of relevant issues, as set out in *The Highways Act 1980* in reaching her decision on the Order, namely that:

- i. where a highway is to be stopped up another reasonably convenient route is available or will be provided before the highway is stopped up; and
- ii. where a private means of access to premises is to be stopped up either no access to the premises is reasonably required or another reasonably convenient means of access to the premises is available or will be provided.

7. The Inspector's comments at paragraphs 140, 141 and 150 are noted and the Secretary of State has complied with the public sector equality duty and has had due regard to the matters set out in section 149(1) of the Equality Act 2010 in accordance with section 149(3) to (5) concerning the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic or persons who do not. The Secretary of State has considered these issues where relevant below.

CONCLUSION

8. The Secretary of State has considered the Inspector's report carefully. She notes that no objections were received from statutory undertakers and is satisfied that where a highway is to be stopped up a reasonably convenient alternative route is available or will be provided. In agreement with the Inspector's conclusions at paragraph 151 the Secretary of State is also satisfied that where a private means of access is to be stopped up either no access to the premises is reasonably required or a reasonably convenient alternative access is available or will be provided, as described in the schedules and plans of the Order.

9. The Secretary of State has considered the post SRO Inquiry correspondence from Spanview and notes the Inspector's comments at paragraph 6. The Secretary of State is satisfied that there is nothing in the correspondence received after the close of the SRO Inquiry which causes her to disagree with the Inspector's conclusions or recommendations.

10. The Secretary of State is satisfied that the scheme has the benefit of the necessary planning permission and with reference to paragraphs 142-145 and 149 notes that the necessary resources to implement the scheme are likely to be available for delivery of the scheme.

11. Having considered all aspects of the matter the Secretary of State is satisfied that there are no compelling reasons brought forward which would justify not confirming the SRO. Accordingly, the Secretary of State agrees with the Inspector's recommendations and has decided to confirm, as modified by her, 'The Cornwall Council (Truro Northern Access Road (Classified Road) (Side Roads) Order 2022'.

12. In confirming the SRO the Secretary of State has relied on the information that the Council and others have provided, as contained in the Order and any related plans, diagrams, statements or correspondence, as being factually correct. Confirmation is given on this basis.

13. Where not otherwise stated in this letter, the Secretary of State can be taken to agree with the findings, conclusions and recommendations set out in the Inspector's report and the reasons given for the Secretary of State's decision are those given by the Inspector in support of the conclusions and recommendations.

AVAILABILITY OF DOCUMENTS

14. A copy of this letter, together with a copy of the Inspector's report, has been sent to those parties who appeared at the Inquiry, other interested parties and relevant Members of Parliament. Copies will be made available on request to any other persons directly concerned.

15. Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at www.cornwall.gov.uk and at all other places used to deposit the SRO for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at the address shown on this letter within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report.

RIGHT OF CHALLENGE

16. Notice is to be published of confirmation of the SRO. Any person who wishes to question the validity of the confirmed SRO, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded her powers or has not complied with the relevant statutory requirements in confirming it may, under the provisions of Schedule 2 to the Highways Act 1980, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the SRO has been confirmed. The High Court cannot entertain an application under Schedule 2 before publication of the notice that the Secretary of State has confirmed the SRO.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Brimelow', written in a cursive style.

TIM BRIMELOW

Authorised by the Secretary of State for Transport
to sign in that behalf