

**C.D 6.5**

**TOWN AND COUNTRY PLANNING ACT 1990  
ACQUISITION OF LAND ACT 1981  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**Inquiry into:**

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

---

**PROOF OF EVIDENCE  
of  
TERRY GROVE-WHITE  
Director of Atlantic Arc Planning Ltd.**

---

**2 January 2024**

## CONTENTS

	<b>Page</b>
1. INTRODUCTION .....	1
2. SCOPE OF EVIDENCE .....	1
3. TERMINOLOGY .....	2
4. PLANNING APPLICATION FOR THE SCHEME .....	2
5. DEVELOPMENT PLAN COMPLIANCE AND PLANNING BALANCE .....	20
6. PLANNING PERMISSION FOR THE SCHEME.....	21
7. FULL PERMISSION FOR THE NAR .....	21
8. OUTLINE PERMISSION FOR THE GARDEN VILLAGE .....	25
9. PLANNING CONDITIONS AND PLANNING OBLIGATIONS .....	26
10. AMENDMENTS TO THE SCHEME TO DATE .....	30
11. RESERVED MATTERS APPLICATIONS AND RELATED WORK TO PROGRESS SCHEME DELIVERY .....	31
13. OBJECTIONS TO THE ORDER (AS RELEVANT TO THE PLANNING POSITION).....	41
14. CONCLUSION .....	42
15. STATEMENT OF TRUTH .....	43

## 1. INTRODUCTION

- 1.1 My name is Terry Grove White, I am the Director of Atlantic Arc Planning Ltd. I hold a BSc in Town Planning Studies and a Diploma. I am chartered member of the Royal Town Planning Institute.
- 1.2 I have 40 years planning experience, having previously worked in Cornwall, and more specifically in Truro, as assistant head of Planning for Cornwall Council, and Head of Community Planning for the former Carrick District Council. Since leaving Cornwall Council, I have worked as a planning consultant. In this capacity, I have led on a range of projects, including on the first reserved matters application for the development of the 'West Carclaze' Garden Village, near St Austell.
- 1.3 With reference to the Langarth Garden Village (**LGV**), I was the planning consultant who acted as agent on behalf of Cornwall Council for the preparation and submission of the hybrid planning application on behalf of Cornwall Council for the LGV, as well as the stand-alone application for the Energy Centre. I now continue to provide support to Cornwall Council in bringing forward the scheme for the Garden Village (the **Scheme**). I am therefore fully familiar with the Site, its surroundings, the wider planning context, the detail of the LGV proposals and more recent planning applications to secure the delivery of the Scheme.

## 2. SCOPE OF EVIDENCE

- 2.1 My proof of evidence seeks to address the following policy tests as set out in the Government's Guidance on Compulsory purchase process and The Crichel Down Rules (July 2019) (**CPO Guidance**) (**CD 5.4**):
- 2.1.1 How the development of Langarth Garden Village is unlikely to be blocked by any physical or legal impediments to implementation such as need for planning permission or other consent or licence (paragraph 15).
- 2.1.2 How the programming of infrastructure works does not present an impediment to implementation (paragraph 15).
- 2.1.3 In brief, how the Scheme fits with the adopted Local Plan for the area (paragraph 106).
- 2.1.4 The ways in which the Scheme contributes to the achievement of the promotion or improvement of the economic, social, or environmental well-being of the area (paragraph 106).
- 2.1.5 How, from a planning perspective, the purpose for which the Council is proposing to acquire the land could not be achieved by any other means (paragraph 106).
- 2.2 The structure of evidence within my proof of evidence is as follows:
- 2.2.1 Terminology

- 2.2.2 Hybrid Application for the Scheme
- 2.2.3 Hybrid Planning Permission for the Scheme – full element for the NAR and outline element for the wider Scheme
- 2.2.4 Planning conditions and planning obligations
- 2.2.5 Amendments to the Scheme to date
- 2.2.6 Reserved matters applications and related work to progress Scheme delivery
- 2.2.7 Other consents required for delivery.
- 2.2.8 Objections to the CPO, as relevant to the planning position; and
- 2.2.9 Conclusions and why the proposals to compulsorily acquire land and interests in connection with the Scheme are consistent with the tests in the CPO Guidance (**CD 5.4**).

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

- Philip Mason – The Need for Regeneration (**CD 6.1**)
- Gavin Smith – Planning (Local Planning Authority) (**CD 6.3**)
- Tim Wood – Highways and Transport (**CD 6.9**)

### 3. **TERMINOLOGY**

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.

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

#### **Strategic vision**

4.1 As set out in section 5 of the proof of evidence of Philip Mason (**CD 6.1**):

4.1.1 The planning application for the Scheme (the **Hybrid Application**) was developed by the Council as part of a strategic intervention to support the delivery of the main strategic growth area for Truro.

4.1.2 The Hybrid Application is part of a wider Council-led process to:

- (a) proactively manage patterns of growth in a coordinated and masterplanned manner;

- (b) support the objectives of the statutory development plan; and
- (c) achieve a superior and deliverable planning outcome – a comprehensively planned community – as compared with the ad hoc nature of previous permissions for the Site.

4.2 Key to the Council's strategic intervention is the objective to facilitate the early and coordinated delivery of infrastructure, to support the delivery of the new community and to address the lack of progress and delivery under the previous stand-alone permissions for the Site.

4.3 This strategic vision developed in response to the planning history for the Site, which evolved between 2012-2016 and is set out in chronological order in Appendix GS1 to the proof of evidence of Mr Gavin Smith (**CD 6.4**).

4.4 As explained in paragraph 4 of the proof of evidence of Mr Gavin Smith (**CD 6.4**) and paragraph 5 of the proof of evidence of Mr Philip Mason (**CD 6.1**), the planning history for the Site is characterised by several separate planning permissions. Each permission was responsible for direct delivery of different segments of a version of the Northern Access Road (**NAR**) across the Site. Most of the permissions permitted at this juncture in time were conceived before adoption of the current Local Plan (**CD 2.3**) for Cornwall and were 'anchored' by significant retail proposals. The development under these permissions was not responsive to local landscape or heritage in the same way or to the same degree, as the proposals for the Scheme. Fundamentally, this disaggregated earlier development has failed to come forward. This reflects a change in retail market conditions as well as lack of landowner collaboration around delivery - in particular, around infrastructure delivery.

4.5 My proof of evidence seeks to explain how the Scheme provides for a comprehensive framework for the proper planning of the area in social, economic, and environmental terms. My evidence supports and should be read alongside Appendix PM2 to Mr Philip Mason's proof of evidence (**CD 6.2**) (visual information pack supporting Mr Philip Mason's proof of evidence).

**Garden community qualities and locally set principles.**

4.6 The Langarth Garden Village proposals were informed by the Government's Garden Community qualities outlined in the then MHCLG Garden Communities Prospectus (2018) and the Town and Country Planning Association (**TCPA**) report on Understanding Garden Villages Guide (2018).

4.7 The Council's core ambition was to integrate these centrally led principles with those agreed by the local community.

4.8 To achieve this ambition, the Hybrid Application was prepared in consultation with the local community and other key stakeholders. A local stakeholder group was set up, which set out the following principles:

- 4.8.1 to work with and enhance the quality of life for local communities;
  - 4.8.2 to make it possible and indeed easy to get around on foot, cycle, and public transport, within the Site and into surrounding communities;
  - 4.8.3 to help instil a strong sense of community;
  - 4.8.4 to create a place that builds upon and celebrates its unique environment;
  - 4.8.5 to create a hard-working landscape that looks beautiful and is functional and productive;
  - 4.8.6 to promote active and healthy lifestyles and a sense of wellbeing;
  - 4.8.7 to design for climate change resilience;
  - 4.8.8 to offer a mix of homes meeting the varying needs of residents;
  - 4.8.9 to create jobs and enhance existing employment opportunities; and
  - 4.8.10 to provide a vision that is deliverable.
- 4.9 These locally set principles developed and adopted by the Langarth Stakeholder group, were integral to shaping the Hybrid Application.
- 4.10 Further details on community engagement can be found in the Statement of Community Involvement (**CD 3.8**) submitted with the Hybrid Application.
- 4.11 Wider community engagement was supported by direct engagement with Truro City Council and Kenwyn Parish Council the local Councils that contain and abut the Scheme. I consider the Parish Councils' responses to the Scheme further, at paragraphs 4.25 and 4.26 below.

### **Application**

- 4.12 The Hybrid Application for the Scheme was submitted in November 2020 under reference PA20/09631. It took the form of a 'hybrid application' comprising two elements:
- (A) a full planning application for construction of the Northern Access Road (NAR) and associated access junction arrangements onto the A390, new junctions to the quiet lanes and associated infrastructure and earthworks and retaining and boundary features; and
  - (B) an outline planning application with all matters reserved to create a mixed use, landscape-led community comprising a phased development of up to 3550 dwellings plus 200 extra care units and 50 units of student/health worker accommodation, including affordable housing; five local centres comprising local retail (E), offices (E), restaurants and cafes (E), drinking establishments (sui generis), hot food takeaway (sui generis), health and community facilities

(F1 and E), a local care health centre (E), a blue light centre for emergency services (sui generis), up to two primary schools (F1), business and commercial floorspace (E), brewery / public house (sui generis) and associated areas of open space to include a suitable alternative natural greenspace as a strategic open space a community farm/allotments, public realm, renewable energy provision and energy centre, Park & Ride extension (of up to 600 spaces or 2.73 ha), cycle lanes, connections with the existing highway network including crossings of the A390, quiet lanes, drainage and associated infrastructure, including the demolition of buildings and structures, site clearance and associated earthworks.

- 4.13 The Scheme constitutes Schedule 2 Environmental Impact Assessment (**EIA**) development so the Application was supported by an Environmental Statement (**ES**). For further information on the ES and approach to EIA more generally, please refer to **Appendix TGW1** to my proof (**CD 6.6**).

#### **Representations from consultees**

- 4.14 After submission and first round of publicity and consultation, changes were made to the Hybrid Application to refine the Scheme and address representations made by statutory consultees such as Historic England, the Environment Agency (**EA**), the Land Drainage Authority and Natural England (**NE**).
- 4.15 These changes also included adjustments to phasing and the approach to the SANG access to ensure the Scheme met the NE specification for a Suitable Alternative Nature Greenspace (**SANG**).
- 4.16 By the time the Hybrid Application was presented to the Strategic Planning Committee, there were no outstanding objections from statutory consultees.

#### **Key consultee responses**

- 4.17 My proof of evidence considers some of the key representations made in response to the Scheme at the Hybrid Application stage.
- 4.18 As highlighted in paragraph 6.43 of the Council's Statement of Case (**CD 4.5**), letters of support for the Scheme were received from the Royal Cornwall Hospital Trust (**RCHT**) and the EA. For ease of reference, these are appended as **Appendix TGW2** to my proof. In high level terms, these focus on the benefits of a comprehensive approach to the masterplan and the coordinated delivery of infrastructure. I identify some key themes below.

#### ***RCHT***

- 4.19 Picking out some of the highlights from the RCHT representation:
- 4.19.1 RCHT notes its appreciation of ongoing dialogue and consultation in connection with the proposals for the Scheme. This "has allowed the Trust to understand the detail of the proposals, and the joint ambitions, opportunities and benefits of the scheme".

- 4.19.2 RCHT understands the “significant opportunities and benefits for both the Trust and the wider community”.
- 4.19.3 RCHT notes the satisfactory and safe solution to a helicopter access to the Royal Cornwall Hospital (the **Hospital**), which was worked up together with the Council as applicant
- 4.19.4 RCHT welcomes the opportunities provided to support healthcare staff and students in finding homes close to the Hospital.
- 4.19.5 RCHT is very supportive of the proposed expansion of the Park & Ride facility.
- 4.19.6 RCHT supports the delivery of the Energy Centre to provide additional power capacity for the new community and the future reconfiguration of the Hospital site.
- 4.19.7 RCHT also welcomes the provision of access to high quality areas of open space and other recreational facilities for staff and Hospital users.

#### **EA**

- 4.20 The EA provided support for the Hybrid Application, subject to appropriate planning conditions or obligations to secure biodiversity net gain (**BNG**), landscape and ecological management, control of land contamination, construction period environmental management, protection and management of onsite watercourses, ongoing management of sustainable urban drainage (**SUDS**) scheme(s) and a financial contribution towards the monitoring of the function of New Mills Dam. Each of the EA’s requirements for the Scheme have been addressed as part of the negotiated planning conditions and planning obligations secured in connection with the Scheme. Please refer to **Appendix TGW3** (planning obligations) and **Appendix TGW4A** and **TGW4B** (planning conditions) to my proof, for further detail.
- 4.21 As evidence of the Council’s commitment to working with statutory consultees and other stakeholders positively, the EA’s representation confirmed, “As a statutory consultee in the planning process, we have highlighted our concerns about the issue of flood risk and flood risk infrastructure and the applicant has responded positively”.
- 4.22 The EA’s letter also identified certain strategic aspirations for a coordinated approach with the Council to secure funding towards future flood resilience. In response, the Council has resolved to focus a proportion of the CIL income generated from the Scheme on flood resilience matters in the locality. Please refer to paragraph 6.14.2 of the proof of evidence of Mr Philip Mason (**CD 6.1**), for further information.

#### **Parish Councils**

- 4.23 The Scheme is situated in Kenwyn Parish Council and borders the administrative boundary of Truro City Council (a parish council but City by name). The Parish Councils are key stakeholders to the successful implementation and integration of the Scheme.
- 4.24 The Parish Council resolutions are appended to my proof as **Appendix TGW5** (Kenwyn) and **Appendix TGW6** (Truro). In summary, the Parish Councils support the Scheme, subject to continued engagement in the development of the Site and the future management of green infrastructure and biodiversity across the Site.
- 4.25 The conditions for support put forward by the Kenwyn Parish Council, and the applicant's response to the same, are summarised below:

Kenwyn Parish Council requirement	Applicant response
Kenwyn Parish Council should be fully consulted and involved with the Truro Transport Strategy and Bus Service Improvement Plan where it relates to Kenwyn Parish and the A390.	Whilst the Truro Transport Strategy and Bus Service Improvement Plan are matters for the Council in its capacity as Strategic Highway Authority rather than applicant for the Scheme, the Highway Authority will, as a matter of course, consult the Parish on the evolution of these strategic transport plans.
Kenwyn Parish Council to be fully consulted and involved in all future Governance and Stewardship arrangements. These should be brought forward to the earliest opportunity.	Kenwyn Parish Council were consulted on the stewardship proposals approved by Cabinet on the 22 <sup>nd</sup> of March 2023. The Council's Cabinet has resolved to continue to engage with both local Councils as the detailed business plans and proposals are developed.
Kenwyn Parish Council to be consulted in future discussions on the proposed Green Infrastructure Strategy consultation between Truro City Council and Cornwall Council where it may have an impact on Kenwyn Parish.	The Parish Councils will be a consultee on planning proposals relating to the delivery and maintenance of green infrastructure.
Kenwyn Parish Council to be involved in continued consultation and discussions on Biodiversity Net Gain ( <b>BNG</b> ) and the Environmental Plan. This is to be brought forward to the earliest opportunity.	Kenwyn Parish Council will be a consultee on planning proposals relating to the delivery and maintenance BNG and other environmental mitigation and enhancements.  The proposals for SANG are front-loaded in the delivery plan for the Scheme.

Kenwyn Parish Council requirement	Applicant response
Cornwall Council to confirm its support and commitment to ensuring all the Threemilestone Improvement Projects go ahead and the S106 funding already agreed remains in place.	Funding towards public realm improvements in Threemilestone is secured as part of the pro forma planning obligation supporting the Scheme; please refer to <b>Appendix TGW3</b> for more detail.
Cornwall Council to make a commitment that Langarth Garden Village will maintain its village status and that it will not be subsumed into a 'Greater Truro' in the future.	Langarth has been designed as a Garden Village that has its own identity but relates and is connected to both Threemilestone and Truro.  The concerns raised by the Parish Council in this context relate to a wider review of parish boundaries and Langarth. Truro remains in Kenwyn Parish following that review.

- 4.26 The conditions for support put forward by Truro City Council, and the applicant's response to the same, are summarised below:

Truro City Council requirement	Applicant response
A planning obligation to commit Truro City Council together with neighbouring parish councils, should they so wish, and Cornwall Council to full involvement and meaningful consultation on all reserved matters relating to the LGV development.	Truro City Council is a consultee for all planning proposals relating to the Scheme. In addition, with the applicant's full knowledge and support, the LPA has imposed a planning condition requiring the setting up of a local forum, to facilitate community engagement in connection with future reserved matters and condition discharge applications. This forum is already in operation and includes representatives from both the City Council and Kenwyn Parish Council.
A commitment to consult and engage with Truro City Council on the acquisition of additional green space in and around the City, and the preparation of a Green Infrastructure Strategy for the City.	This ambition goes beyond the confines of the Hybrid Application for the Scheme but aligns with the strategic objectives of the Council in its capacity as plan-maker. This request will be picked up in the context of the Local Plan review.
A planning obligation to commit Truro City Council and Cornwall Council to full	Whilst the Truro Transport Strategy and Bus Service Improvement Plan are matters for the

Truro City Council requirement	Applicant response
involvement and meaningful consultation on the Truro Transport strategy and Bus service improvement plan, with a commitment to see a significant reduction in vehicle numbers and emission levels in the Highertown corridor.	Council in its capacity as Strategic Highway Authority rather than applicant for the Scheme, the Highway Authority will as a matter of course consult the City Council on the evolution of these strategic transport plans. The LPA shares the City Council's commitment to reducing vehicle emissions.
A commitment to include Truro City Council involved and consulted upon future stewardship arrangements.	Truro City Council were consulted on the stewardship proposals approved by Cabinet in March 2023 which committed to fully engage during preparation of the Business Case over the next year, to ensure that the requirements and needs of both Kenwyn Parish Council and Truro City Council are fully considered.
To supply Truro City Council and Cornwall Council Strategic Planning Committee with written confirmation that the EA have no objection to the application and are content with the proposed mitigation measures.	This was obtained and supplied – see EA representation summary above.

4.27 In summary, both Kenwyn Parish Council and Truro City Council supported the Scheme. However, in recognition of the strategic importance of the development for Truro and their respective Parishes, the Parish Councils tied their support to the need to continue to be engaged, as the details for the Scheme are developed through the reserved matters applications process. Engagement will continue through the usual planning process. For example, the Parish Councils are consultees for all reserved matters and condition discharge applications relating to the Scheme. In addition, they can participate in pre-determination discussions via the Local Forum which has been set up pursuant to planning condition 18 of the full permission for the NAR (see **CD 3.1**).

#### ***Maypool Estates Ltd / Walker Developments***

4.28 Maypool Estates/Walker Developments objected to the Hybrid Application twice. I have summarised in the table below the grounds of objection set out in the first objection letter submitted in 2020, alongside the response the applicant as well as the LPA. I am summarising the LPA response from the Committee Report (**CD 1.9**) for ease of reference.

Representation	LPA response	Applicant response
My clients have planning consent for ecological	The outline element of the Scheme is capable of flexing to	The Council has demonstrated a commitment to working with

Representation	LPA response	Applicant response
<p>mitigation relating to decision notice PA18/11022 for a petrol filling station (PFS).</p>	<p>accommodate ecological mitigation required to implement alternative proposals.</p>	<p>the developer to ensure a satisfactory alternative provision of badger mitigation in connection with the PFS permission.</p> <p>A new artificial sett was identified, and planning permission obtained under ref PA 21/12536 on 15 July 2022.</p> <p>This mitigation solution was subsequently linked to the PFS scheme through amendments under S73 to that permission (reference PA21/06047<sup>1</sup>). The new sett facilitates the independent and unimpeded delivery of the PFS and the NAR.</p>
<p>We have been undertaking the necessary background studies to inform the submission of reserved matters applications on both sites during 2021 and have commercial interest from housebuilders and retail operators. My clients are also likely to develop and retain other commercial elements of the scheme themselves.</p>	<p>The developer's intentions are noted.</p> <p>It is not uncommon for multiple planning permissions to cover the same area of land; compatibility and implementation issues need to be assessed on their own facts against concrete planning proposals.</p>	<p>The developer's intentions were noted, and the applicant has sought to accommodate the PFS development, as outlined above.</p> <p>Apart from the route of the Maiden Green NAR which has the benefit of a full planning permission, there were no extant reserved matters approvals under either the Willow Green<sup>2</sup> or Maiden Green<sup>3</sup> permissions at the time</p>

<sup>1</sup> See CD 3.20 – see Appendix PM2 to the proof of evidence of Mr Philip Mason, Figure 6 for the location of this permission.

<sup>2</sup> See copy decision notice for the Willow Green Permission at CD 3.25. see Appendix PM2 to the proof of evidence of Mr Philip Mason, Figure 6 for the location of this permission.

<sup>3</sup> See copy decision notice for the Maiden Green Permission at CD 3.26. see Appendix PM2 to the proof of evidence of Mr Philip Mason, Figure 6 for the location of this permission.

Representation	LPA response	Applicant response
		<p>the Hybrid Application was submitted/ determined.</p> <p>Please refer to the Planning History Appendix GS1 to the proof of evidence of Mr Gavin Smith for further detail (<b>CD 6.4</b>).</p>
<p>Whilst there have been discussions over several years with representatives of Cornwall Council as applicant about working collaboratively, to date these have not led to an in-principle agreement to work together and the Council has no legal interest in my client's landholdings.</p>	<p>The LPA notes these comments but is not involved in matters relating to land assembly</p>	<p>The Council continues to meaningfully engage with the objector with a view to avoiding or minimising the need for the compulsory acquisition of third-party land.</p> <p>For further detail, please refer to section 5 and Appendix AH1 to the proof of evidence of Mr Andrew Hector (<b>CD 6.13</b>).</p>
<p>Therefore, at this time, my client has no option other than to object to the above application on the grounds that delivery of the scheme would prohibit delivery of the approved outline / detailed consents. For clarity, even if the scheme is approved at the Committee stage, my clients will not be parties to the planning obligations that would be needed and therefore consent could not be issued.</p>	<p>This point was addressed in paragraph 696 of the Committee Report and again, in the Supplemental Report to Committee which are included as core document <b>CD1.9</b>.</p> <p>Please also refer to the legal note appended as Appendix GS8 to the proof of evidence of Gavin Smith for further analysis (<b>CD 6.6</b>).</p>	<p>The section 106 planning obligation is secured via an 'Arsenal condition' which is not unusual in the context of large schemes with multiple landowners.</p> <p>Please refer to the legal note appended as Appendix GS8 to the proof of evidence of Gavin Smith for further analysis (<b>CD 6.6</b>).</p>

4.29 Maypool Estates/Walker Developments submitted an additional representation prior to Planning Committee in December 2021 as part of the second round of consultation following amendments

to the Scheme, in October 2021. I have summarised in the table below the additional grounds of objection, alongside the response of the applicant and the LPA.

Representation	LPA response	Applicant response
<p>We remain unconvinced that the LGV scheme is viable. Whilst we are told that the applicant does not need to provide any viability information because the scheme is policy compliant, this does not give us the assurances we require as a landowner/developer whose interests make up approximately a third of the proposed LGV.</p> <p>We therefore cannot guarantee that we would implement the LGV Scheme on our site.</p> <p>This is an important point to make now should the Council wonder why we may not implement our reserved matters, or have a reduced financial package, if we do, should it receive planning consent.</p>	<p>The Planning Practice Guidance (<b>PPG</b>) states that where development proposals set out contributions that fully comply with up-to-date policies, they should be assumed to be viable.</p> <p>The advice in the PPG reflects paragraph 58 of the National Planning Policy Framework (<b>NPPF</b>) 2021</p>	<p>There is no requirement in the PPG or NPPF to undertake detailed viability at the outline planning application stage.</p> <p>Detailed viability reviews will take place to inform the reserved matter applications in the normal way when more detailed information on layout, scale, density have been worked up.</p> <p>The developers have had over 5 years to bring forward their proposals, which suggests that publicly funded upfront delivery of the NAR is essential to unlock the comprehensive development of the Site.</p> <p>The Hybrid Planning Permission is structured in a way to incentivise third-party reserved matters applications and delivery.</p>
<p>Since the Council cannot enter into a S106 with itself this has to be conditioned. However, as the only other major landowner/developer (other than the Council) to the LGV scheme we need to understand what the proposed S106 will obligate us to, so we</p>	<p>Detailed heads of terms for the section 106 agreement were made publicly available in an addendum report to Planning Committee – refer to <b>CD1.9</b>.</p>	<p>As per LPA response. In addition:</p> <p>As with other major schemes of this nature, draft heads of terms were submitted as part of the Hybrid Application, and these were refined in response to consultee representations /</p>

Representation	LPA response	Applicant response
<p>understand what is being proposed, including financial commitments, triggers, and timings etc. We will need a better understanding of this to give us the assurance that its workable and viable. It is of concern to us that the Council could potentially be granting consent without understanding fully themselves the S106, CIL and construction costs that will arise as a result of the LGV concept.</p>		<p>requests as the determination of the Scheme progressed.</p> <p>The heads of terms accompanying the Update Committee Report (<b>CD1.9</b>) provided significantly more detail around the quantum and nature of section 106 mitigation than is often made available in connection with other large-scale developments, pre-approval. The section 106 mitigation package was worked up cognisant that the Scheme is also liable for CIL and of construction cost estimates for key infrastructure elements of the Scheme</p>
<p>We note that the phasing scheme for our part of the LGV puts our sites at Phases 3, 4 and 5, i.e. at the back end of the project. This would mean that our site would not be coming forward until 2028 and yet our site is closest to the existing built development around Treliske, the College and Threemilestone. Given that delivery of housing is a priority of the Council it makes no sense to hold back areas of land that are the easiest and most immediately available for development.</p>	<p>The phasing plan and triggers are linked to the delivery of facilities. For example, the early phases are linked to the delivery of the primary school within that area of the masterplan. The phasing plan could change should phases or areas within phases be brought forward earlier - provided that these development proposals are supported by the necessary infrastructure and facilities and are supported by any supplementary environmental information deemed necessary at the time.</p>	<p>For a development that will take over 20 years to come forward, the applicant sensibly expects there will be a need for on-going discussion on the approach to phasing – however, changes to phasing are ultimately in the gift of the LPA, not the Council as applicant.</p>

Representation	LPA response	Applicant response
<p>On the basis of the phasing plan and the proposed highway condition, we could not sign up to the LGV proposal and wait until Phases 1 and 2 to the west have been implemented.</p> <p>We therefore need assurances that our site can come forward at the same time as the Council's Phases 1 and 2</p>	<p>See above.</p>	<p>See above. In addition:</p> <p>The proposed phasing of the Scheme reflected a number of economic and practical constraints to delivery at the time the Hybrid Application was submitted.</p> <p>As the LPA notes, phases are linked to the early provision of social/ community infrastructure.</p> <p>In addition, the early phases reflect areas of the Site which are in the Council's ownership/control and are therefore logically those areas which are capable of being delivered first.</p> <p>They are also the areas to which access has already been secured, for example, through the Interim Link Road<sup>4</sup>; and in respect of which planning information was further advanced under previous planning proposals for the Site.</p> <p>For these reasons, the early phases identified in the phasing plan submitted with the Hybrid Application, are areas where the Council can guarantee early delivery</p>

<sup>4</sup> See Figure 31, Appendix PM2 to the proof of evidence of Mr Philip Mason (CD 6.2) for the location of the Interim Link Road

Representation	LPA response	Applicant response
<p>The phasing plan for LGV shows access through our land at Willow Green to access the proposed Govers open space as part of Phase 1. Whilst we are prepared to discuss this further with the applicant it has not been agreed and it therefore cannot be guaranteed to form part of the Council's Phase 1, at this stage</p>	<p>NE were concerned to secure appropriate habitat mitigation within the current Local Plan period.</p> <p>Early delivery of SANG is controlled by the pro forma section 106 agreement<sup>5</sup> supporting the Scheme.</p>	<p>The first phase of development in this location would be to support the delivery of SANG to provide strategic open space for the local community and reduce pressure on the Special Area of Conservation (<b>SAC</b>) at Penhale Dunes, in line with Natural England's objectives. Early delivery allows for mitigation to be in place and for monitoring of effectiveness to commence, during and beyond Local Plan period.</p> <p>The applicant has and will continue to engage with landowners in relation to optimising the design of this access to meet landowner objectives, as appropriate.</p>
<p>We have planning consent for the new access junction from the A390 (Maiden Green/4th arm of the Richard Lander School junction) and a Petrol Filling Station (decision notice PA21/06047<sup>6</sup> but formerly PA18/11022) which includes an artificial badger sett, originally consented in 2018 prior to the Council's NAR proposals.</p> <p>The NAR as currently proposed cannot be implemented because it</p>	<p>It is not uncommon for there to be multiple planning permissions over the same parcel of land. Implementation of one permission does not necessarily prohibit delivery of another permission; each case will need to be assessed on its own facts as and when reserved matters applications come forward.</p> <p>The open space shown on the parameter plan is part of the outline planning application;</p>	<p>The planning proposals for the petrol filling station at Maiden Green now include proposals for a relocated Badger sett which does not conflict with the delivery of the NAR.</p> <p>The applicant is happy to continue to work with the landowner/developer at the time, to ensure that the PFS can come forward alongside the LGV.</p>

<sup>5</sup> See CD 3.7

<sup>6</sup> See CD 3.20

Representation	LPA response	Applicant response
<p>traverses over the location of our consented artificial badger sett. We have this week submitted the application to discharge planning conditions in relation to the new junction on the A390 including the badger sett and a revision to its location. Whilst we are prepared to work with the applicant on this, it is an issue that needs to be resolved because we note that the agreed relocation site for the artificial badger sett has, in the most recent LGV submission, a Large Teen Play Space (5L) located on it. Both of which cannot be located in the same place.</p>	<p>this plan is not prescriptive to this level of detail; its role is to ensure that parameters assessed at Hybrid Application-stage can be met.</p>	
<p>We have in principle offered the applicant the opportunity to implement the LGV NAR through our landholdings subject to agreement and will continue this dialogue should the Council come back to us</p>	<p>Noted, although the LPA is not involved in private property matters</p>	<p>The landowner's agreement to the principle of incorporating the proposals for the NAR is welcomed and private treaty negotiations are progressing on this point.</p>
<p>We believe that the current LGV scheme still lacks a foodstore provision for a growth area of this size (a town of similar size to St Ives) otherwise residents will still travel to do their food shop. There is a need for a foodstore of appropriate size to serve this growth area and therefore provision for Convenience</p>	<p>As noted in the Committee Report (<b>CD1.9</b>), the Co-Op and Spar shops within Threemilestone would provide the nearest food retail facilities for the new residents at the Scheme.</p> <p>The applicant's retail assessment concludes that the proposed food and beverage floorspace is appropriate and</p>	<p>The Scheme includes provision for local retail facilities to meet the needs of the community. It also provides for access to stores in Threemilestone and to delivery of goods to the development Site; this provision is sufficient from a planning perspective.</p>

Representation	LPA response	Applicant response
Food retailing should be included	provides sufficient facilities for local residents; no evidence has been submitted to the contrary.  The LPA also recognises alternative potential retail delivery options in the vicinity of the Site, such as the adjoining Hendra site retail development proposals. <sup>7</sup>	
Whilst there has been engagement with us, prior to the submission of the Hybrid Application we do not believe the applicant has listened to what we have had to say about the Scheme.  We reiterate that we cannot guarantee that we would be able to implement the LGV permission	Noted; the Committee Report (CD1.9) acknowledges that it is not possible to compel third parties to implement the Hybrid Planning Permission/enter the planning obligations accompanying the Hybrid Planning Permission	The applicant made meaningful efforts to engage with the developer, more latterly specific conversations with the delivery team, all the way up to Strategic Director level.  Some land parcels have been excluded from the masterplan area in response to this engagement, and private treaty discussions are ongoing.

4.30 Truro Cycling Campaign commented on the development. I have summarised in the table below the grounds of objection, alongside the applicant's response to the comments made.

#### **Truro Cycling Campaign**

Representation	Applicant response
All new cycling provision, including that at Langarth, must now adhere to the latest Government guidance 'Cycle Infrastructure Design - Local Transport Note '1/20' <sup>8</sup> reflecting	The inclusion of the segregated cycle lane and NAR design has evolved with the latest Government guidance to support cycling rates.

<sup>7</sup> Which had not lapsed at the time the Hybrid Application was determined.

<sup>8</sup> CD 2.14

Representation	Applicant response
the Government's agenda to radically increase cycling rates.	<p>The NAR will be supplemented by further cycle provision along the A390.</p> <p>In addition, the Design Code (<b>CD 3.3</b>) encourages the use of lower speeds on secondary and other routes</p>
We welcome the inclusion of a two-way segregated cycle path along the NAR.	Noted – see above.
<p>However, we note that this [cycle path along the NAR] excludes a section just east of Langarth Park &amp; Ride. This runs next to the Hendra Site<sup>9</sup>. We understand that as this site is outside the Langarth development boundary. There will have to be a 3m shared use path in the adjacent highway. We would urge that every effort be made to ensure that the future development of the Hendra site incorporates a footway, so enabling the shared provision to be converted to a segregated cycle path. Thus, segregated provision would be continuous from West Langarth to Maiden Green.</p>	<p>Noted.</p> <p>The Council is working with the landowner at Hendra and would support improved provision as part of any future revised scheme for that site.</p>
Generally, traffic flows and speeds are low on secondary and tertiary streets. We welcome the 20mph speed limit and requirement that the streets must be designed to create the necessary low speed environment (20mph on secondary streets and 12mph on tertiary streets).	The 20mph speed limit is intended to support non-motorised users ( <b>NMU</b> ).
<p>The proposal uses a wide network of NMU paths within the development.</p> <p>Excluding the segregated routes along the NAR, the A390 and some sections next to swales, this is mostly made up of paths where space is</p>	The secondary and tertiary routes supporting the NAR will be refined through reserved matters applications and, in particular, Neighbourhood Design Codes (see further paragraphs 8.4 and 8.5 below).

<sup>9</sup> See Figure 3, Appendix PM2 to the proof of evidence of Mr Philip Mason (CD 6.2) to assist with identifying the locations of the Park and Ride and Hendra sites.

Representation	Applicant response
shared by cyclists and pedestrians. Such provision is increasingly being seen as problematic.	Shared pedestrian/cycle paths may be appropriate in certain contexts – each route performs a distinct planning role – but each proposal will be assessed on its own merits.
We consider that the inclusion of shared use paths at Langarth is appropriate subject to suitable widths being achieved along various sections. The low speed, well connected street system, will lower the flows of cyclists using the NMU paths thus reducing conflict.	See above.
<p>We consider key destinations to be Truro city centre and surrounds, Newham Trail, Threemilestone, Truro College, Richard Lander school, Saints Trails, and the wider quiet lanes network.</p> <p>It is important that safe and high-quality cycle routes are provided from the development to these destinations at an early stage.</p>	<p>The Scheme makes financial contributions towards improvements to cycle links to adjoining destinations, such as Threemilestone, the RCHT site and links to existing recreational routes into Truro city centre.</p> <p>See above.</p>
The A390 will continue to provide a preferred link to Truro centre, the train station, County Hall, and Newham Trail. Due to it being well lit, and overlooked it provides an all-year round route for all users. It will also continue to provide a direct link to destinations along its route for existing Truro residents. An adequate connection to the A390 at the eastern end of the NAR at Treliske is therefore essential, as are improvements to the existing A390 cycle route, particularly bridging the gap in provision at Highertown Hill.	See response above.
Providing adequate, secure, conveniently located and, where appropriate, covered cycle parking and storage will be key to promoting cycling as a preferred transport mode at Langarth.	The LGV Design Code ( <b>CD 3.3</b> ) provides for cycle parking and promotes early consideration of its location within homes.

Representation	Applicant response
<p>We greatly welcome the ambition regarding cycle storage but feel that currently the requirements/advice within the design code are not strong enough to ensure appropriate provision in relation to cycle storage.</p>	<p>The focus is to ensure the provision is easily accessible to make the use of cycles as easy as possible.</p> <p>The LGV Design Code provides for different approaches to short-term and long-term stays.</p> <p>Cycle parking provision is also supplemented by a network of mobility hubs within the Site and key locations across Truro. These mobility Hubs provide secure cycle parking and access to bike hire /electric cycle provision.</p> <p>The amount and nature of cycle parking provision is already being reviewed as part of the first Neighbourhood Design Codes (see further, below).</p>

## 5. DEVELOPMENT PLAN COMPLIANCE AND PLANNING BALANCE

5.1 The Scheme complies with the statutory development plan and the NPPF for the reasons set out in the Officer's Report to Planning Committee (**CD 1.9**) and summarised in Appendices GS4, GS5, GS6 and GS7 to the evidence of Mr Gavin Smith (**CD 6.4**).

5.2 I do not repeat that evidence but adopt it and agree with it.

5.3 In its decision to grant Hybrid Planning Permission for the Scheme, the LPA agreed with the applicant that the Scheme provides a comprehensive framework for development achieving the following key social, economic, and environmental benefits:

5.3.1 A holistic approach to strategic scale housing delivery to meet needs identified in the development plan and at a scale aimed at minimising the need to travel;

5.3.2 Affordable housing and specialist housing;

5.3.3 A mix of non-residential uses aimed at creating a self-sustaining connected community;

5.3.4 Necessary infrastructure and range of sustainable modes for travel;

- 5.3.5 Early delivery of the NAR to unlock development and provide relief along the A390 – addressing an imbalance of people commuting to Truro for work, which imbalance has grown over the last 20 years;
  - 5.3.6 Linkages to adjoining communities and effective integration to adjoining centres, facilities and employment sites to support the comprehensive planning of the area;
  - 5.3.7 Effective habitat/recreation mitigation via SANG;
  - 5.3.8 The provision of a network of strategic green infrastructure (**GI**) to support a landscape led development.
  - 5.3.9 From the development of a landscape led framework for the site and GI network the provision of above policy compliant levels of BNG;
  - 5.3.10 Construction and end-user period employment including job opportunities which minimise the need for commuting;
  - 5.3.11 An energy strategy to support the delivery of an exemplar development to show-case low carbon living in line with the LPA's commitment to tackling climate change;
  - 5.3.12 A reduction in the retail impact upon the city centre compared to previous schemes for the Site.
- 5.4 These benefits were balanced against the inevitable loss of agricultural land and associated change in character of the area. They were also weighed up against the less than significant heritage, landscape and ecological effects identified in the ES supporting the Scheme and the mitigation secured by the LPA to avoid, minimise and mitigate any identified effects Please refer to **Appendix TGW1** to my proof for further detail on the approach to EIA.

## 6. **PLANNING PERMISSION FOR THE SCHEME**

- 6.1 On this basis, planning permission was granted pursuant to the Hybrid Application on 5 April 2022 (**Hybrid Planning Permission**). Please refer to **CD 3.1** for a copy of the decision notice. The full permission for the NAR supports the early provision of the road through the Site. The outline permission for the wider development provides a flexible framework for the delivery of the Garden Village, over the longer term. I consider each element of the Hybrid Planning Permission, in turn, below.

## 7. **FULL PERMISSION FOR THE NAR**

- 7.1 Technical detail on the NAR and its construction is set out in the proof of evidence of Mr Tim Wood (**CD 6.9**). The section below focuses on its planning function and design.

## NAR Design and Function

- 7.2 The NAR will be approximately 3.5km long, with a cross section of 19.6m, and a design speed of 20mph. It includes<sup>10</sup>:
- 7.2.1 A new landscaped junction and roundabout at Threemilestone, off the A390, with pedestrian and cycle routes running through (West Langarth Junction);
  - 7.2.2 A new light-controlled junction off the A390 opposite the access to the Richard Lander school access, with pedestrian and cycle crossings across the A390 (Eastern Junction);
  - 7.2.3 A spine road, incorporating two 2-metre-wide footways and a 3-metre-wide segregated cycleway, including side road connections to maintain access to the public highway and stub junctions to development parcels.
- 7.3 Fundamentally, the NAR provides:
- 7.3.1 Access to the Site;
  - 7.3.2 A route to divert around a third of the traffic off the A390;
  - 7.3.3 Improved access and resilience to the Hospital; and
  - 7.3.4 A low-speed and sustainable movement route.
- 7.4 The design for the NAR is based on principles that encourage sustainable transport and active travel seeking to minimise landscape and other environmental impacts. Features which promote sustainable travel include:
- 7.4.1 Maintaining longitudinal gradients to a maximum of 6% to encourage walking and cycling;
  - 7.4.2 Minimising lengths of straight sections of road to approximately 100m to discourage higher speed;
  - 7.4.3 Limiting horizontal radii to discourage higher speed; and
  - 7.4.4 Restricting forward stopping sight distance (straight sections of road) in line with the selected design speed.

<sup>10</sup> See Figure 31, Appendix PM2 to the proof of evidence of Mr Philip Mason (CD 6.2) for the locations of the West Langarth Junction and the Eastern Junction.

- 7.5 Features which minimise landscape and other environmental impacts include an integrated landscape and SUDS strategy, which is designed to manage surface water discharge and creates opportunities for increased biodiversity.
- 7.6 The landscape strategy also sets out a boulevard vision for the NAR. This vision is characterised by different character areas which allow for a route which moves through parkland, celebrates different views to sections and creates a strong street form with the development abutting the route.
- 7.7 The geometry of the road is designed to naturally force traffic speeds down as it follows contours. This is an efficient and economical approach to reducing significant earthworks (in accordance with the waste hierarchy and minimising material consumption). It also minimises the need for highways structures along the route. Working with the topography in this way also reduces the adverse landscape and visual impacts of the NAR and helps the road integrate into the landform.
- 7.8 Overall, the NAR is expected to accommodate approximately one third of the traffic predicted to travel into Truro via the A390. It will become the main commuter access route from the A390 to destinations, including the Park & Ride, Treliske Industrial Estate and the Hospital<sup>11</sup>.

### **West Langarth Junction**

- 7.9 The NAR begins adjacent to West Langarth Farm with a junction on the A390 forming a new roundabout called 'West Langarth Junction'. The approach to this junction, travelling east along the A390, provides a gradual slowing of speed between high speed rural and low speed urban environments. Three lanes are provided; the left-hand lane leads to the NAR, whilst the right two lanes head towards the A390. This has been designed to accommodate future predicted traffic volumes and achieves a one third/two third split required between the NAR and A390.
- 7.10 The roundabout takes the form of a large oval, which accommodates an attractive landscaping feature and attenuation pond in the centre. The size of the roundabout and associated landscaping creates an organic feel, maintaining the rural context while introducing a gradual transition into the new urban area to the east.
- 7.11 The proposal for a roundabout at this junction was considered more appropriate than a T-junction. The 'gateway' design will welcome road users into Truro while promoting the NAR as the primary route to key destinations such as the Park & Ride and the Hospital. The use of a T-junction in this location would have resulted in a large and unsightly expanse of bituminous macadam to accommodate all the required turning movements and the need to turn off the A390 to the Hospital rather than take the easier decision to choose the NAR exit at the roundabout. In addition to reducing queuing, the proposed roundabout provides opportunities to create an attractive arrival space for the Scheme as well as an opportunity for some potential artwork within the roundabout.

---

<sup>11</sup> See Figure 3, Appendix PM2 to the proof of evidence of Mr Philip Mason (CD 6.2) for the locations of the Park & Ride, Treliske Industrial Estate and the Hospital.

- 7.12 The design of the West Langarth Junction has also been developed to facilitate NMU movements through the centre of the roundabout, consistent with the overall transport vision for the Scheme.

### **Eastern Junction**

- 7.13 The Eastern Junction provides a light controlled junction opposite the access to the Richard Lander School. The junction provides pedestrian and cycle crossing of the A390 while supporting additional bus priority along the A390.
- 7.14 The Eastern Junction and link road to the NAR is permitted in outline only but benefits from positive pre-application advice from the LPA (reference PA22/02098/PREAPP) dated 5 April 2023 (**CD 3.16**). A reserved matters application for the Eastern Junction and link road to the NAR was submitted to the LPA and validated on the 23<sup>rd</sup> of October 2023 (reference PA23/07445).
- 7.15 The reserved matters application is based on the approach set out in the pre-application advice. The design for the junction meets the requirements of the Scheme as well as providing an access to the adjoining PFS which benefits from its own planning permission (see **CD 3.20**, **CD 3.21** and **CD 3.22**). It is anticipated that the LPA will have determined this reserved matters application in early 2024 (the published determination deadline is 22 January 2024). I discuss the rationale for this application further at paragraph 11.15 (onwards) below.

### **Oak Lane/Treliske Link<sup>12</sup>**

- 7.16 At the eastern extent of the Scheme, the NAR ties into the Treliske Industrial Estate, passes the Health and Wellbeing Innovation Centre<sup>13</sup> and connects to the existing highway network at Penventinnie Lane, by the Hospital helipad.
- 7.17 Options for improving capacity at the existing A390 Treliske roundabout are limited. As explained in paragraphs 5.3.3, 5.5.2 and 7.30.3 of Mr Tim Wood's evidence (**CD 6.9**), in order to reduce this pressure, the Oak Lane Link has been included off the NAR to provide an alternative access to the Industrial Estate.
- 7.18 Westbound traffic from Treliske Industrial Estate and the Hospital will be directed to the NAR. Eastbound traffic from the Industrial Estate will be directed to the A390 via the existing left in, left out junction between the 'The Range' and 'Vospers' (the Treliske Junction). Eastbound Hospital traffic would largely continue to exit via the existing Treliske roundabout.
- 7.19 In summary, the Oak Lane Link provides a route to allow access to the NAR from the Industrial Estate for westbound vehicles, without the need to increase traffic onto the existing already congested routes at the Hospital. The Oak Lane Link thus provides a significant benefit to the

<sup>12</sup> See Figure 31, Appendix PM2 to the proof of evidence of Mr Philip Mason (CD 6.2) for the location of the Oak Lane Link

<sup>13</sup> See Figure 3, Appendix PM2 to the proof of evidence of Mr Philip Mason (CD 6.2) for the location of the Treliske Industrial Estate, Health and Wellbeing Innovation Centre and Hospital

management of movement along the A390 and a secondary access to the Hospital site, with associated environmental and social benefits for the wider community.

### **Hospital Helipad**

- 7.20 The NAR proposals incorporate a new wall to run along the edge of the Hospital helipad. This is a requirement of the Hospital, to ensure safe movement while emergency helicopters are landing or taking off.
- 7.21 The delivery of this section of the NAR, including the helipad wall, is secured by the deed of highway works and dedication which was entered into between the RCHT and the Council on 6 June 2023 (**CD 5.3**).

### **Summary of Benefits**

- 7.22 Overall, the Council's proposals for the NAR achieve a greater range of benefits to the previous iterations of the NAR. Without limitation, the previous proposals:
- 7.22.1 Do not include segregated cycle routes;
- 7.22.2 Do not adhere to a maximum 6% gradient to support non-motorised users as part of a wider community;
- 7.22.3 Are not designed to a 20-mph low speed environment;
- 7.22.4 Do not provide a link to Oak Lane to reduce pressure on the Treliske Junction;
- 7.22.5 Make no provision for improvements at the helipad to allow safe movement of vehicles; and
- 7.22.6 Were not developed within an overall landscape strategy and framework.

## **8. OUTLINE PERMISSION FOR THE GARDEN VILLAGE**

- 8.1 The outline element of the Hybrid Planning Permission establishes the principle of development for the masterplanned mixed use component of the Scheme. Details of access, layout, scale, appearance, and landscaping will be submitted for approval at the reserved matters stage.
- 8.2 A series of parameters have been devised which set the context for subsequent detailed design. These take the form of a series of six 'Parameter Plans', accompanied by an area schedule, which together detail the uses and amount of development approved under the outline element of the Hybrid Planning Permission (**CD 3.1**). The Parameter Plans cover:
- Landscape and green infrastructure
  - Drainage

- Land use
- Height
- Density
- Movement and access
- Phasing

8.3 Copies of the Parameter Plans are provided in **CD 3.2**.

8.4 Applications for reserved matters will be informed by the Parameter Plans (**CD 3.2**) and the approved Design Code a summary of which is set out in **Appendix TGW7** to my proof of evidence with the full document being available as **CD 3.3**. Recognising the scale of the Scheme, the Design Code has built in flexibility through a 5-year review and the requirement to submit Neighbourhood Design Codes (**NDCs**) for each Neighbourhood Area.

8.5 These NDCs will allow applicants to further develop and refine guidance for each Neighbourhood as reserved matters applications are brought forward. This approach provides a framework for ensuring a quality of development as well as a mechanism to evolve and refine the Scheme design to reflect latest best practice and guidance over the 25 year build out period. An example of this approach is the proposed West Langarth NDC, described later in my proof at paragraph 10.3, which has been recently submitted to the LPA for determination under a condition discharge application.

8.6 Reserved matters applications will be prepared for phases or sub phases to allow flexibility and inclusion of a range of developers but within the framework provided by the Parameter Plans and Design Code.

8.7 Details of the first reserved matters are outlined later in this proof of evidence (see section 11 below), illustrating how the need for reserved matters approval is not an impediment to delivery.

## 9. **PLANNING CONDITIONS AND PLANNING OBLIGATIONS**

### **Planning Conditions**

9.1 The conditions attached to the Hybrid Planning Permission (**CD 3.1**) are specified separately for the detailed and outline elements of the Hybrid Planning Permission. Schedules of the conditions attached to both the full and outline element of the Hybrid Planning permission are attached as **Appendix TGW4A** and **Appendix TGW4B** to my proof.

9.2 As set out in **Appendix TGW4A** all the pre-commencement conditions for the full element of grant (the NAR) have been discharged. The landscaping condition for the NAR has been partially discharged to allow for start on site and for further details to be submitted in relation to trees, street furniture and for local centres as the NAR works progress to the relevant section of the road. As set out in paragraph 9 of the proof of evidence of Mr Tim Wood (**CD 6.9**), contracts are let and works are

materially in construction. No impediments to delivery are identified, subject to successful confirmation of the CPO to secure the land required for the route across third party land.

9.3 The conditions to the outline element of the Hybrid Planning Permission are listed under specific headings as follows:

9.3.1 Compliance conditions;

9.3.2 Conditions requiring details to be provided with reserved matters applications;

9.3.3 Pre commencement conditions (save for enabling works); and

9.3.4 Post commencement and pre-occupation conditions.

9.4 Reflecting the strategic scale of the Scheme, most conditions allow for discharge on a 'phase, sub phase, or development parcel' basis to provide flexibility in implementation. Please refer to the condition's tracker at **Appendix TGW4B** to my proof for further detail.

9.5 There are limited number of conditions which are linked to specific geographic areas in the Site. These conditions and the proposals for achieving compliance with the same are summarised in the table below.

Requirement	Relevant condition <sup>14</sup>	Delivery proposals and why not an impediment to delivery
The first crossing of the A390 at the Park & Ride Site – tied to delivery of phase 1	11	This crossing is already under construction as part of the NAR works permitted under the full element of the grant.
The second crossing of the A390 at East Langarth – tied to delivery of phases 2/3	11	Details will be submitted with reserved matters for land falling within phase 2.
The third crossing at Maiden Green – tied to delivery of phases 3/4/5	11	Details will be submitted with reserved matters for land falling within phase 3.
The first phase of the shared cycle/pedestrian route along the A390 from the West Langarth Junction to the Park & Ride –	55	This shared cycle/pedestrian route is linked to the delivery of the first crossing over the A390 set out above and is already under construction.

<sup>14</sup> To outline element of grant unless otherwise stated

Requirement	Relevant condition <sup>14</sup>	Delivery proposals and why not an impediment to delivery
required before the occupation of phase 1		
The Eastern Junction and link road to the NAR – required before the delivery of phases 3/4/5	23	This element benefits from pre-application advice dated 5 April 2023 ( <b>CD 3.16</b> ). A reserved matters application was submitted and validated on the 23 <sup>rd</sup> of October 2023 under reference PA23/07445, in line with the pre-application advice, and is due to be determined by the LPA in early 2024 (January 2024 is the published target determination date).
A wall to shield the Hospital heliport before the Treliske section of the NAR is open to the public	24 (full element of grant)	Details have been discharged in May 2023 and the construction of this wall is governed by the deed of highway works and dedication, entered into with the RCHT on 6 June 2023 ( <b>CD 5.3</b> ).
Phasing in areas in the west (plots A4/5/6/7), linked to works to the gas main that traverses that part of the Site	48	This reflects the need to re-route the gas main crossing the final phases of the Scheme.

### Planning Obligations

9.6 The Hybrid Planning Permission is accompanied by a pro forma agreement under section 106 of the Town and Country Planning Act 1990 (**TCPA 1990**) (see **CD 3.7**), which is secured by a planning condition (as set out in the legal note at Appendix GS9 to the proof of evidence of Mr Gavin Smith – **CD 6.4**) and which will secure a range of mitigation to make the Scheme acceptable in planning terms, including:

- affordable housing
- financial contributions towards:
  - strategic transport measures
  - sustainable transport (bus subsidy)
  - sections of the NAR not funded via HIF.
  - education facilities

- health facilities
  - offsite open space/sports pitches
  - public realm improvements intended to ensure effective integration with Threemilestone
  - strategic flood defence design work by the EA
  - police service infrastructure for the benefit of services in the locality
  - the implementation and review of the approved Design Code
  - appointment of a Clerk of Works to supervise compliance with planning obligations.
  - travel planning
- a bond to secure additional transport mitigation, if necessary, linked to the monitoring of achievement of modal shift targets against an approved monitoring and evaluation framework
  - provisions to secure the delivery of the Park & Ride Extension
  - provisions to secure the delivery of community facilities across the Site
  - provisions to secure the delivery of the onsite SANG and payments of SAC SAMM contributions.
  - short term and long-term Woodlark habitat mitigation; and
  - provisions to secure ongoing management and maintenance of specified green infrastructure and other assets, via a stewardship vehicle.

9.7 The section 106 agreement (**CD 3.7**) has been structured to facilitate the delivery of development parcels by a variety of different developers, in accordance with the Council's delivery strategy for the Scheme. The cost of shared section 106 infrastructure and other mitigation measures is, wherever possible, spread across the Scheme as a whole. Compliance triggers are largely linked to development on individual development parcels.

9.8 Planning condition 31 (outline element of grant) (**CD 3.1**) provides a mechanism for binding the Council's current and future retained land interests (and formalising the Council's commitment to comply with the relevant planning obligations) and planning condition 30 (outline element of grant) ensures that the LGV Property Holdings LLP (**LGV LLP**)<sup>15</sup> will enter into to the section 106 agreement once it has acquired an interest in the Site. These mechanisms are explained in the legal note appended as Appendix GS7 to the proof of evidence of Mr Gavin Smith (**CD 6.4**).

---

<sup>15</sup> For further information on the LGV LLP, see section 5 of the proof of evidence of Mr Harry Lewis – CD 6.11

9.9 **Appendix TGW3** to my proof of evidence summarises the section 106 requirements and provides an explanation of how these do not present an impediment to delivery of the Scheme. A copy of the proforma section 106 agreement is provided as **CD 3.7**.

## 10. **AMENDMENTS TO THE SCHEME TO DATE**

10.1 The detailed element of the Hybrid Planning Permission has been subject to two 'non-material amendments' (**NMA**) pursuant to section 96A TCPA 1990, as follows:

10.1.1 NMA dated 30 August 2022 to clarify the compliance triggers for condition 17 (Cornish hedges) (reference PA22/07415) (**CD 3.10**); and

10.1.2 NMA dated 23 September 2022 to change the alignment of a side road access (reference PA22/07413) (**CD 3.11**).

10.2 Table 2 to the Planning History Appendix GS1 to the proof of evidence of Mr Gavin Smith (**CD 6.4**) provides more detail. In headline summary, the purpose of these NMAs is to clarify the compliance triggers applicable to the relevant conditions and to facilitate Scheme delivery, as reserved matters applications are developed. They demonstrate the flexibility of the Hybrid Planning Permission to adapt to changing planning circumstances and delivery needs over time.

10.3 As at the date of this proof of evidence, the following NMA application is pending determination:

10.3.1 NMA validated on 7 August 2023 to amend the Parameter Plans for West Langarth area (reference PA23/06481).

This application proposes non-material amendments to a range of the approved Parameter Plans in relation to Phase 1 of the Scheme, to align with detail submitted as part of the Phase 1 Utilities and Infrastructure reserved matters application (reference PA23/06512). They also reflect design refinement progressed via the NDC for West Langarth (condition discharge reference PA23/07057).

10.4 In headline summary, the amendments relate to:

10.4.1 Changes to the Neighbourhood Equipped Area for Play (**NEAPS**);

10.4.2 Expansion of the extent of the SUDs ponds along the northern boundary of West and Little Langarth areas;

10.4.3 Amendments to secondary streets through West Langarth to provide a looped network and ensuring impacts upon hedgerows/trees are minimised;

10.4.4 Adjustment to cycle/pedestrian routes (NMU routes) where required to reduce cycle and pedestrian route gradients;

- 10.4.5 Relocation of local centre no. 1 further to the west of the site to provide better site coverage/access;
- 10.4.6 Focusing of the area for local centre 2 and inclusion of some community facilities within the adjoining proposed community sports hub (former Stadium site); and
- 10.4.7 Amendments to phasing, to reflect the early delivery of Green Infrastructure/Utilities for Phase 1.

## 11. **RESERVED MATTERS APPLICATIONS AND RELATED WORK TO PROGRESS SCHEME DELIVERY**

11.1 Following grant of the Hybrid Planning Permission, the Council (via its internal stakeholder teams and delivery partner, LGV LLP) has undertaken extensive work to start bringing forward the Scheme. Please refer to Appendix PM2 of the proof of evidence of Mr Philip Mason (**CD 6.2**) for further detail of the progress of works to date. Further photographic evidence of start on site is included in paragraph 9 of the proof of evidence of Mr Tim Wood (**CD 6.9**). In headline summary:

- 11.1.1 LGV LLP submitted and received approval for the development of the SANG at Governs Park, providing 35.92 Hectares of open space and key ecological mitigation and green infrastructure (**RMA 1**).
- 11.1.2 The Council, via Cormac, has submitted a reserved matters application for the East Langarth Junction (**RMA 2**).
- 11.1.3 LGV LLP has submitted a reserved matters application for green infrastructure and utilities enabling the first development phase, to provide a framework for future delivery of residential plots (**RMA 3**).
- 11.1.4 The Council, via its Education Team, has submitted a reserved matters application for the first primary school for Langarth (**RMA 4**).
- 11.1.5 LGV LLP has also submitted condition discharge applications in respect of the NDC for West Langarth, in accordance with the requirements of planning conditions 8 and 9 to the outline element of the Hybrid Planning Permission (**Condition Discharge Application**).

11.2 I examine each of these detailed development proposals and related applications in more detail below.

**(RMA 1) reserved matters application for SANG at Governs Park and associated infrastructure (Reference PA22/07093) (CD 3.15) - approved February 2023**

- 11.3 Reserved matters application reference PA22/07093 sought detailed permission for 35.92 hectares of open space (SANG), together with an associated access road and parking, at Govers Park. The application was approved by the LPA in February 2023 (refer to **CD 3.15** for a copy of the decision notice). I summarise the key features of this development proposal below, including how it responded to stakeholder and consultation feedback, as part of the planning process.
- 11.4 SANG is a recreational site, designed to attract residents away from sites that are protected for their valuable ecology and are sensitive to recreational activities such as dog walking. The SANG at Govers Park is the first element of strategic green infrastructure to be delivered on the Site.
- 11.5 This reserved matters application involved significant pre-application engagement. This took several forms, including:
- 11.5.1 wider public consultation as part of the 'Govers Park - let's talk Cornwall' - a live webpage via the Langarth website;
  - 11.5.2 engagement with key statutory organisations including NE and Historic England;
  - 11.5.3 engagement with Parish Councils, local Councillors and the Langarth liaison group; and
  - 11.5.4 requests to meet third party landowners to discuss the proposals – please refer to **Appendix TGW8** under the heading "Engagement").
- 11.6 Following submission, objections were submitted by Truro City Council and Walker Developments. These are summarised below.
- Truro City Council***
- 11.7 Truro City Council raised concerns about future traffic management/car parking. Truro City Council also flagged the need to ensure consistency with Policy 5 of the Truro and Kenwyn Neighbourhood Plan 2016 (**CD 2.4**). This policy highlights the need to secure effective management of green infrastructure.
- 11.8 The City Council's concerns around traffic management are addressed by the planning conditions and obligations accompanying the Scheme and the Council's delivery strategy, as follows:
- 11.8.1 A car park is a NE requirement for a SANG; it helps ensure that the SANG can be accessed by people of all ages and abilities.
  - 11.8.2 The section 106 planning obligations accompanying the Hybrid Planning Permission include a requirement for travel planning. They also require a Stewardship Vehicle to be set up, to help manage and maintain strategic open space and certain

community facilities comprised in the Scheme, including the SANG and associated car park. Please refer to **Appendix TGW3** to my proof of evidence for further detail.

- 11.8.3 The Stewardship proposals for the Scheme have Cabinet support (refer to the March 2023 Cabinet Report - **CD 1.12**) and full business case is currently being worked up as described in paragraph 7.35 of the proof of evidence of Mr Harry Lewis (**CD 6.11**).
- 11.8.4 It is envisaged that the Stewardship Vehicle will work with the travel plan coordinator(s) appointed for the wider development site, as well as local residents, to encourage sustainable travel to Governs Park.
- 11.8.5 The car park operating hours and wider management details will be agreed ahead of opening of the SANG, once the Stewardship Vehicle has been set up.
- 11.8.6 As the management of the car park is part of the Stewardship Vehicle's remit, usage and access behaviours can be monitored, and management adjusted as required.
- 11.8.7 An access gate to the car park is required by planning condition 4 to the reserved matters approval decision notice, meaning the car park can be locked overnight to prevent unauthorised use.
- 11.8.8 Access to Governs Park is via the existing green lane for NMUs, and a new street (Governs Link) for motorised users. The street will also serve future development parcels and represents a long-term future-proofing solution for the wider Governs neighbourhood (see further at paragraph 11.11 below).
- 11.9 The City Council's Neighbourhood Plan policy objectives and wider operational objectives around green infrastructure delivery and management and maintenance are addressed as follows:
- 11.9.1 Governs Park is consistent with Policy E5 of the Truro and Kenwyn Neighbourhood Plan 2023 (**TKNP 2023**) (**CD 2.7**). The area permitted for use as SANG is shown as strategic green open space in the map accompanying TKNP 2023 and the consented SANG does not adversely affect other identified areas of biodiversity and green space. Refer to the local plan policy summary at Appendix GS4 to the proof of evidence of Mr Gavin Smith (**CD 6.4**), for further detail.
- 11.9.2 Governs Park is subject to the biodiversity net gain (**BNG**) conditions and planning obligations accompanying the Hybrid Planning Permission (see **Appendices TGW3** and **TGW4B** of my proof for further detail). Biodiversity net gain at the SANG will be increased through habitat management which will create biodiverse meadows, incorporate improvements to hedges and introduce new woodland planting.

11.9.3 The reserved matters approval is accompanied by a Landscape and Ecological Management Plan (**LEMP**) which explains how and to what specification Governs Park, as strategic open space, will be managed.

11.9.4 As above, the SANG will be managed by the Stewardship Vehicle and the City Council will be consulted upon final management and maintenance arrangements. The City Council is a key stakeholder in the Council's outline business case for the Stewardship Vehicle.

### ***Walker Developments***

11.10 Walker Developments objected to a number of aspects of the proposals for Governs Park. In high level terms, Walker Developments considered that the need for the SANG doesn't arise until later development phases and the access road for the SANG takes up too much development land. By contrast, the Council's position is that the SANG is not comparable to other forms of open space as it performs a specific planning function to offset recreational/leisure use on other environmentally sensitive sites. Early delivery of the SANG is a NE/s106 requirement and the access road has been designed to be environmentally sensitive and compatible with future development of the land that it crosses.

11.11 The Walker Developments objections and the applicant's response to the same, are summarised in more detail in the table below:

<b>Ground of objection</b>	<b>Applicant response</b>
SANG is not an early infrastructure requirement.	<p>Early delivery of SANG complies with the section 106 planning obligation and is representative of the infrastructure-first approach to delivery.</p> <p>Access to the SANG is required to provide for the needs of both residents at the Garden Village as well as other residents in the locality wishing the use the SANG for recreation purposes.</p>
SANG is not located to the early phases of the development.	The location of the SANG (which is strategic habitats mitigation, not just open space) is appropriate to offset the recreational impacts from the development and has a wider strategic role rather than just providing local green space for new residents.

Ground of objection	Applicant response
<p>For early phases, the existing lane could have been used as an access to the SANG site, allowing longer term access to be developed as part of wider development of the area.</p>	<p>Initially, the existing agricultural lane (which runs North to South from the A390 to Governs) was assessed for potential use by vehicles and non-motorised users. However, due to its width, the lane would need to be substantially widened for safety, forward visibility, and vehicle activity. This lane widening would require the removal of existing Cornish hedge bank, contrary to the approved Design Code (<b>CD 3.3</b>) which sees the retention of Cornish hedgerow routes through the Site as critical to ensuring the local distinctiveness of the existing landscape. The loss of this natural asset also raised concerns in connection with bat activity in this corridor.</p> <p>For these reasons, permission was sought for a new vehicular access from the NAR to Governs.</p>
<p>The access route does not need to be this size to serve development beyond SANG.</p>	<p>The road is wide enough to allow for future access to the primary school proposed at Governs and associated development.</p> <p>In addition, the layout and alignment of the route has been very carefully assessed to achieve compliance with the approved Design Code (<b>CD 3.3</b>) and parameter plans for the Garden Village. For example,</p> <ul style="list-style-type: none"> <li>- the road alignment avoids larger mature trees and tree groups;</li> <li>- the road passes through existing hedgerow gaps or poorer quality hedgerow;</li> <li>- sections of single carriageway width reduce hedgerow loss and slows down traffic;</li> <li>- the design provides for a landscape buffer;</li> <li>- the road design separates vehicles from cyclists and pedestrians along the main access route, to</li> </ul>

Ground of objection	Applicant response
	<p>ensure a safe and attractive movement route for cyclists and pedestrians; and</p> <ul style="list-style-type: none"> <li>- the last section of access (using an existing lane) runs past an existing farmyard with wider sections and fewer constraints, thereby enabling safe motorised and non-motorised access, whilst minimising ecological and arboricultural impacts;</li> <li>- in general, the secondary street network provides a looped access within the parcels which follows the contours and gradients on the site;</li> <li>- in general, the tertiary street network follows the Site contours.</li> </ul>
<p>The access route uses flatter land which reduces development capacity on the retained land.</p>	<p>No detailed planning consent existed for this part of the Willow Green site at the time the application was developed and approved.</p> <p>In any event, the proposals were developed with an awareness that there would be development on adjoining development plots. The application was supported by a series of proofing plans to demonstrate how the proposed access route can from a suitable secondary access route which would not prejudice future development of the wider Site. These are appended as part of <b>Appendix TGW8</b> to my proof.</p> <p>These are not intended to be 'final' design layouts, but they do contain logical solutions given the development constraints on the Site (notably levels, steep topography, and mature vegetation cover).</p> <p>Further design guidance will be provided when the NDC comes forward for these third-party development parcels. However, the applicant is satisfied that the design provides flexibility for future</p>

Ground of objection	Applicant response
	development phases whilst protecting important existing natural and heritage assets.

11.12 A detailed response to these issues was prepared at application stage and is included as **Appendix TGW8** to my proof.

**(RMA 2) pre-application advice and subsequent reserved matters application for the Eastern Junction and link road to NAR (pre-application reference PA22/02098/PREAPP and reserved matters application reference PA23/07445)**

11.13 The Eastern Junction is required to be completed before development commences on the land identified as phases 3/4/5 in the phasing plan approved in connection with the Planning Permission (see planning condition 23 to the outline element of the Planning Permission – **CD 3.1**). The HIF Grant Funding Agreement requires the Eastern Junction to be in place when the NAR opens to the public. Further information on programme interdependencies is found in paragraph 7.34 and paragraph 9.12 of the proof of evidence of Mr Tim Wood (**CD 6.9**). I focus on the planning position, below.

11.14 A pre-application advice request (reference PA22/02098/PREAPP) for the design of the Eastern Junction and link to the NAR was submitted to the LPA by Cormac, on behalf of the Council. The LPA's pre-application advice is included as **CD 3.16**. In summary, the LPA was supportive of the Council's proposals, subject to the detailed scheme complying with the Design Code (**CD 3.3**) and providing further detail on the integration of SUDS, landscape and works to trees.

11.15 Cormac, on behalf of the Council, has now submitted a reserved matters application (reference PA23/07445) in accordance with the LPA's advice. This application seeks detailed approval for access, layout, appearance and landscaping for the Eastern Junction from A390 and the link to the NAR and seeks to address the LPA's comments.

11.16 The Council's proposals include:

11.16.1 A controlled junction for two lanes on the A390, with the addition of a left-hand turning lane into Site for traffic travelling west from Truro.

11.16.2 An equivalent lane for traffic turning into the Richard Lander (school) site for vehicles travelling from the west.

11.16.3 A north-south pedestrian crossing and shared cycle and pedestrian route running along the southern edge of the A390 designed to provide the opportunity for single phase crossings.

- 11.16.4 Bus priority lanes through the junction itself.
- 11.17 Whilst the decision to approve the application rests with the LPA, as the application is based on positive pre-application advice and seeks to address the LPA's additional information requirements, I consider that the prospects of approval are reasonably high and do not consider the need for approval of reserved matters to be an impediment to delivery. A determination is expected in early 2024.
- 11.18 The reserved matters application for the Eastern Junction includes land that is part of an extant planning permission for a PFS (**CD 3.20**). The extent and details of this overlap is illustrated by Figure 7 in the evidence of Mr Wood (**CD 6.9**). I have been asked to comment on whether the overlap of land between the two schemes is likely to prevent an independent and compatible delivery of the PFS.
- 11.19 If the reserved matters application is approved, my view is that mechanisms exist within the planning system to enable both schemes to co-exist. The Eastern Junction is essentially a revised version of the junction permitted under the PFS permission and the residual overlap is limited. Moderate changes to the boundary treatment of the PFS under Section 96A or Section 73 of the Town and Country Planning Act could result in an amended PFS scheme that functions within and aligns to the junction layout approved by the reserved matters application. Alternatively, a new planning application could be submitted for a PFS with its layout and function being compatible with the highway details approved by the Council's reserved matters application. Whilst I cannot fetter the LPA's determination of any proposal(s) to align the schemes, it is clear that mechanisms exist within the planning system that could be used to enable both schemes to come forward and function together.
- (RMA 3) reserved matters application for green infrastructure and utilities for Phase 1 (reference PA23/06512).**
- 11.20 LGV LLP has submitted a reserved matters application for the layout and design of green infrastructure and utilities falling outside of Phase 1 plot development areas, to the west of the Site. This was validated by the LPA on 24 August 2023 under reference PA23/06512 and is due for determination in early 2024.
- 11.21 The rationale for this application is to facilitate the early provision of green infrastructure and utilities and provide the framework for development of Phase 1, in accordance with the Council's 'infrastructure first' delivery strategy described in the proof of evidence of Mr Harry Lewis (**CD 6.11** - paragraph 6.2).
- 11.22 At a more granular level, the application makes provision for 15.46 hectares of parks and infrastructure, including roads and SUDS – including an expansion of the SUDS ponds along the northern boundary of the Phase 1 area. The details for this application have been progressed in parallel with the NDCs for the area (see below).

**(RMA 4) reserved matters application for the first primary school (reference PA 23/05687)**

- 11.23 The Council's Education Team has submitted details for the 'First School', as defined in the section 106 planning obligation accompanying the Planning Permission – see **CD 3.7**. Under the proforma section 106 agreement, the First School is required to be practically completed, before Occupation of the 200<sup>th</sup> Dwelling. The reserved matters application (reference PA23/05687) was validated on the 27 September 2023 and is due for determination in spring 2024.
- 11.24 The First School proposals have been subject to significant pre-application engagement with the wider community. This engagement has been facilitated by the Planning Performance Agreement which exists between the Council's applicant teams (currently: LGV LLP, Cormac and in-house Education Team) and the LPA, as well as the Local Forum set up pursuant to the Hybrid Planning Permission.
- 11.25 This engagement has included presentations to local schools and local councils, press releases, publication of plans on the Langarth Garden Village website, workshops, and a community event in Threemilestone community centre on 3 March 2023. The community event was particularly well attended. Over 200 people attended the event to discuss the school proposals and wider proposals for green infrastructure and open spaces. Feedback welcomed the early delivery of community infrastructure and the degree to which the design responded to the environment and wider sustainability objectives.
- 11.26 Subject to planning, the construction of the First School is programmed to commence around June 2025, with the school opening in September 2026.

**Condition discharge application to secure approval for the NDC for West Langarth (reference PA23/07057)**

- 11.27 In compliance with conditions 8 and 9 to the outline element of the Hybrid Planning Permission, the LGV LLP have submitted the first NDC for the West Langarth Neighbourhood. The NDC tailors the principles enshrined in the Design Code (**CD 3.3**) to reflect the requirements of the particular Neighbourhood. Without limitation, it:
- 11.27.1 Further develops the framework for green infrastructure;
- 11.27.2 Relocates the first local centre and provides and more precisely defines the area for the second local centre;
- 11.27.3 Develops the secondary street network and provides guidance for NMU routes;
- 11.27.4 Develops details for open space, including play and movement;
- 11.27.5 Provides further guidance for development affecting Cornish hedges and provides for a network of new hedges to support biodiversity net gain objectives;

- 11.27.6 Develops and refines the approach to NAR frontage development;
- 11.27.7 Amends the approach to the A390 frontage for West Langarth, to reflect further work on more detailed development layouts.

11.28 As can be seen from the above, the NDC allows for the principles in the Design Code to be tailored to meet the requirements of different development areas, whilst respecting and securing the delivery of the original principles informing the grant of the Hybrid Planning Permission for the Scheme. It is anticipated that the NDC will be approved alongside the reserved matters application for the Phase 1 green infrastructure and utilities.

## 12. OTHER CONSENTS REQUIRED FOR THE DELIVERY OF THE SCHEME

12.1 The other consents secured in connection with the Scheme are summarised in the Table 2 to Planning History Appendix GS1 to the proof of evidence of Mr Gavin Smith (CD 6.4). In snapshot summary, they are as follows<sup>16</sup>: -

Site name	Development description	Planning reference / type of approval	Date and current status
Interim Link Road (ILR)	Construction of interim link road to provide access from the A390 to the proposed Northern Access Road to facilitate construction access at Langarth Farm. Upon completion of the Northern Access Road junction from the A390 the interim link road will revert to a bus gate	PA20/00009 (Full)	Permitted 06 <sup>th</sup> March 2020  <i>Works completed.</i>
Energy Centre	Construction of energy centre incorporating substation and battery storage	PA20/09599 (Full)	Consented 21 <sup>st</sup> January 2021  <i>Works commenced</i>
Listed Milestone	Listed building consent for the removal of milestone during construction work and relocation to its same co-ordinates on the southern side of the new junction following its completion	PA20/09610 (LBC)	Consented 5 <sup>th</sup> April 2022

<sup>16</sup> See Figure 11, Appendix PM2 to the proof of evidence of Mr Philip Mason (CD 6.2) to assist with identifying the locations of these planning permissions

Site name	Development description	Planning reference / type of approval	Date and current status
Governs Farm RMA	Reserved Matters application following outline approval PA20/09631 for the 35.92Ha Governs Park, SANG, roads and parking area including details of access, appearance, landscaping, layout, and scale	PA22/07093 (RMA)	Approved 23 <sup>rd</sup> February 2023
Pumping Station 1	Proposed new pumping station (SWW), NW Governs	PA22/09111 (Full)	Approved 8 <sup>th</sup> May 2023
Pumping Station 2	Proposed new Pumping station (SWW), Penventinnie	PA23/02209 (Full)	Approved 18 <sup>th</sup> May 2023

12.2 As noted, above, works pursuant to the ILR Permission commenced in September 2020 and have since been completed. As also noted, above, works have also commenced pursuant to the Energy Centre permission.

12.3 These ancillary consents are valid and were not subject to legal challenge within the time limit for such challenge. I am not aware of any additional planning consenting requirement which prevent implementation of the Scheme if the CPO and SRO are confirmed.

#### **Side Road Order (SRO)**

12.4 In developing the proposals for the NAR, which runs west to east across the Site, care has been taken to ensure that existing routes and rights of access are retained, wherever possible. Further details on the SRO and alternative routes and accesses are set out in paragraph 11 to the proof of evidence of Tim Wood (**CD 6.9**) and I do not repeat this detail here.

12.5 With reference to paragraph 15 of the CPO Guidance (**CD 5.4**), and based upon the information set out at paragraphs 6 to 12 of my proof of evidence I am satisfied that there are no planning related impediments to the delivery of the Scheme.

### **13. OBJECTIONS TO THE ORDER (AS RELEVANT TO THE PLANNING POSITION)**

13.1 In this section of my proof, I consider objections to the Order which relate to planning matters, and which have not been withdrawn as at the date of my proof.

**Objector: Richard Walker and associated companies**

**Representation by: Gareth Pinwell, Ashfords**

**Plots: 555, 590, 592, 595, 600, 620, 635.**

13.2 I have reviewed the objections received to the CPO. The only objection relevant to my scope of evidence was submitted by Mr Richard Walker and associated companies. This objection has been withdrawn and I therefore do not consider it further in my proof of evidence.

14. **CONCLUSION**

14.1 With reference to the paragraphs in the CPO Guidance (**CD 5.4**), I have sought to demonstrate – inter alia, through an analysis of the planning conditions and obligations attached to the Hybrid Planning Permission, and in my responses to the objections to the Order - that the Scheme is unlikely to be blocked by any physical or legal impediments to implementation (paragraph 15).

14.2 By reviewing the current work in bringing the Scheme forward, I have demonstrated how the programming of infrastructure works does not present an impediment to implementation (paragraph 15).

14.3 Through agreement with the relevant analysis in the proof of evidence of Mr Gavin Smith (**CD 6.3**), my proof of evidence endorses how the Scheme accords with the adopted Local Plan for the area (paragraph 106).

14.4 By describing the evolution of the Scheme and its journey through the pre-application consultation, application, and determination process I have sought to illustrate the various ways in which the Scheme contributes to the achievement of the promotion or improvement of the economic, social, or environmental well-being of the area (paragraph 106). Key benefits of the Scheme include:

14.4.1 Meeting strategic housing needs as set out in the Cornwall Local Plan and TKNDP 2016/2023;

14.4.2 Comprehensive and masterplanned approach to development;

14.4.3 Delivery of Garden Community – not just another housing estate or piecemeal mixed use development predicated around out-of-town retail parks;

14.4.4 Coordinated and accelerated infrastructure delivery including the NAR, Energy Centre, First School and other enabling infrastructure/utilities - facilitating independent viable delivery by third parties on land within and outside of the Council's ownership;

14.4.5 Necessary transport intervention in terms of the delivery of the NAR to provide site access, relief to the A390 and a sustainable and low speed movement corridor across the Site – unlocking development across the Site;

14.4.6 A flexible package of Parameter Plans, planning conditions and planning obligations which provide a robust but flexible framework to ensure the quality and coordination of the development;

14.4.7 Demonstrable commitment to delivery through reserved matters approvals for key infrastructure such as Govers Link/SANG and first phase green infrastructure and utilities as well as advanced proposals for the First School.

14.5 Finally, my understanding of the evolution of the Scheme and the planning history for the Site – as extensively set out in the proof of evidence of Mr Philip Mason (**CD 6.1**), Mr Gavin Smith (**CD 6.3**) and touched upon in my proof also - demonstrate how, from a planning perspective, the purpose for which the acquiring authority is proposing to acquire the land could not be achieved by any other means (paragraph 106).

15. **STATEMENT OF TRUTH**

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and those which are not are identified as such. 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.

Signed by T Grove White



.....  
Signature of Terry Grove White

Date: 2 January 2024