

**The Cornwall Council (Langarth Garden Village, Threemilestone)  
Compulsory Purchase Order 2022**

**and**

**The Cornwall Council (Truro Northern Access Road) (Classified  
Road) Side Roads) Order 2022**

**CLOSING SUBMISSIONS BY THE ACQUIRING AUTHORITY**

*Abbreviations according to the Glossary at CD 6.17*

**Introduction**

1. As explained in Opening, the CPO and SRO have been made to enable the delivery of a sustainable mixed-use community known as Langarth Garden Village. As Terry Grove-White said, the feedback from public engagement, the absence of objections and the fulsome letters of support is a strong recognition that the scheme is trying to do the right thing.
2. These closing submissions deal principally with compliance with the CPO Guidance.

**(1) Planning**

3. There is no challenge to the Scheme's compliance with the planning framework. As Gavin Smith and Terry-Grove White explain, planning permission and listed building consent have been granted for the Scheme. The relevant consents are as follows:
  - (1) the Hybrid Planning Permission (5 April 2022);<sup>1</sup> and
  - (2) Listed Building Consent to relocate listed milestone.<sup>2</sup>
4. None of those consents was subject to legal challenge and they remain extant and capable of implementation. As set out in Terry Grove-White's appendices, the consents are subject to typical conditions which are all capable of being discharged within the required timeframes.<sup>3</sup>
5. Two non-material amendments have been made in relation to the detailed element of the Hybrid Planning Permission and one application is pending in relation to the outline

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<sup>1</sup> CD 3.1.

<sup>2</sup> CD 3.12.

<sup>3</sup> See

element:<sup>4</sup>

- (1) NMA to clarify the compliance triggers for condition 17 (Cornish hedges) dated 30 August 2022;<sup>5</sup>
  - (2) NMA to change the alignment of a side road access dated 23 September 2022;<sup>6</sup> and
  - (3) NMA application to amend the Parameter Plans for West Langarth area validated 7 August 2023.
6. As Terry Grove-White explains, the NMA decisions demonstrate the flexibility of the Hybrid Planning Permission to adapt to changing planning circumstances and delivery needs over time.<sup>7</sup>
7. Considerable progress has been made in terms of discharging conditions and obtaining reserved matters approval. This demonstrates a lack of impediments and a firm intention to deliver the Scheme. In particular:<sup>8</sup>
- (1) LGV LLP submitted and received approval for the development of the SANG at Govers Park, providing 35.92 Hectares of open space and key ecological mitigation and green infrastructure;<sup>9</sup>
  - (2) the Council, via Cormac, has submitted a reserved matters application for the East Langarth Junction which is in line with the positive pre-application advice received;<sup>10</sup>
  - (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;
  - (4) the Council, via its Education Team, has submitted a reserved matters application for the first primary school for Langarth;
  - (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.
8. Gavin Smith's evidence explains in detail, with reference to the Hybrid Planning

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<sup>4</sup> Grove-White proof paras. 10.1-10.4.

<sup>5</sup> CD 3.10.

<sup>6</sup> CD 3.11.

<sup>7</sup> Grove-White proof para 10.2

<sup>8</sup> Grove-White proof Section 11.

<sup>9</sup> CD 3.15.

<sup>10</sup> CD 3.16.

Permission, why the purposes for which the CPO Lands are being acquired fits with the planning framework which consists of:<sup>11</sup>

- (1) the Cornwall Local Plan 2016-2030;<sup>12</sup>
  - (2) the Truro and Kenwyn Neighbourhood Plan 2023<sup>13</sup> (replacing the former Truro and Kenwyn Neighbourhood Plan 2016<sup>14</sup> which was extant when the Hybrid Planning Permission was granted);
  - (3) the NPPF;<sup>15</sup> and
  - (4) a number of supplementary planning documents, most notably the Climate Emergency Development Plan Document (21 February 2023).<sup>16</sup>
9. In terms of the Local Plan, Policy 2a sets the Council's housing target and apportions Truro and Threemilestone a target of 3,900 new homes with a further 1,200 new homes targeted in the wider Truro and Roseland Community Network Area residual area. The Scheme constitutes a significant proportion of those homes and is the single largest remaining strategic site.
10. The Scheme was designed with Local Plan policy 2 firmly in mind and it delivers on all three of the Council's strategic policy objectives of (1) respecting and enhancing quality of place; (2) providing solutions to current and future issues; and (3) generating and sustaining economic activity. The Scheme strives to create a place that respects its environment and heritage, in line with the first strategic objective. The masterplanning process has looked to the future with a view to providing solutions to current and future issues, in line with the second strategic objective. This has included seizing opportunities to address climate change challenges in terms of energy storage and production as well as local food production. It also includes finding opportunities for strategic new areas of green infrastructure, embracing technological change in transport and supporting public transport and active forms of travel. Consistent with the third strategic objective, the Scheme will integrate with neighbouring land uses and promote economic activity by, among other things, incorporating complementary land uses. The Scheme also supports Truro's wider role as an economic and service centre by providing new homes, infrastructure, and facilities where they are needed to service existing economic activity.
11. The Scheme provides a housing mix and 35% affordable housing in accordance with

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<sup>11</sup> See Appendices GS2-GS5 and also paragraphs 8.1-8.58 of the Council's Combined Statement of Case CD 4.5.

<sup>12</sup> CD 2.03.

<sup>13</sup> CD 2.07.

<sup>14</sup> CD 2.04.

<sup>15</sup> CD 2.01 (NPPF 2021) and CD 2.02 (NPPF 2023).

<sup>16</sup> CD 2.10.

Local Plan policies 6 and 8 respectively.

12. The design complies with Local Plan Policy 12 which seeks to ensure Cornwall's enduring distinctiveness and to maintain and enhance its distinctive natural and historic character. The masterplan is underpinned by a landscape-led design process, which is informed by extensive consultation and a strong ethos of place-making and sustainability. This process has carefully and sensitively considered the existing natural and historical context and how the Scheme can, through design, contribute to all three dimensions of sustainability. The Hybrid Planning Permission secures a Design Code which carefully considers and responds to each of the limbs in Policy 12 – from character, layout, movement, and adaptability - to minimising neighbour impacts and maximising opportunities for private amenity and public open space. The Design Code provides a robust mechanism to ensure the design ambitions of the Scheme are taken through to implementation.
13. In line with Local Plan Policy 25 (Green Infrastructure) the Scheme is structured around a strong framework of green infrastructure. This green infrastructure framework provides the skeleton for the Scheme, joining up parts of the body of the Site. It has multiple functions, from open space, recreation, local food production and providing routes for walking and cycling; to sustainable surface water drainage management and a means by which to promote biodiversity and heritage values. The ongoing management and maintenance of green infrastructure is secured via the section 106 agreement accompanying the Hybrid Planning Permission.
14. Finally, in terms of Local Plan Policy 27 (Transport and Accessibility), the design of the Scheme is based around a number of key movement features which have been developed as a direct response to Policy 27. Among these, the NAR takes centre stage. It provides an essential route across the Site and diverts a proportion of traffic from the A390. The road is designed to provide high quality cycle and walking facilities along its route. Additionally, the Local Transport Plan and accompanying implementation plans, as well as the Infrastructure Delivery Plan, that accompany the Local Plan all highlight the importance of the Park & Ride within the Site in reducing car trips into Truro and list the NAR as one of the schemes proposed during 2015-2019.
15. Turning to the Truro and Kenwyn Neighbourhood Plan 2023, Policy H3 allocates the Site for a mixed use community and provides development plan support for a comprehensively masterplanned approach for the area. Policy H3 provides policy support for the NAR, the development of a series of coherent and comprehensively planned neighbourhoods, early implementation of key strategic infrastructure, development which responds to local character and plans for a coherent network of multi-functional green infrastructure and the creation of wooded landscapes across the Site.

16. The Scheme achieves a strong degree of compliance with Policy H3 and meets its overarching ambition for Langarth being a masterplanned development which provides benchmarks of good quality development and/or appropriate level of design coding.
17. It is no surprise that the Scheme complies with Policy H3. The Hybrid Application was prepared in response to the then extant Truro and Kenwyn Neighbourhood Plan 2016, the supporting text to Policy EJ2 of which recognised that “*recent planning permissions at Langarth will create substantial new communities in the west of the plan area*”. As such:
  - (1) the masterplan was developed following the Government's Garden Community key qualities, in line with Policy E1 (Sustainable Development) of the 2016 TKPN;
  - (2) the masterplan was developed using a landscape-led approach with a focus on the development of a comprehensive network of green infrastructure. This network performs multiple functions, from recreation, movement to drainage, in line with Policies E2 (Sustainable Drainage) and E5 (Green Infrastructure).
  - (3) in accordance with Policies E5 (Green Infrastructure), E6 (Character and Setting of Settlements) and E7 (Character of the Highways and Byways), the proposals for the Site are based on an extensive analysis of the area which has sought to work with the historic and natural character and landscape, including, but not limited to, features such as retaining hedgerows and the quiet lanes as part of the fabric of the Scheme.
  - (4) the Scheme also capitalises on opportunities for the provision of allotments and a community farm, in line with Policy E5 (Green Infrastructure).
  - (5) the detailed design and layout of the new homes will be subject to reserved matters applications, but these will be guided by parameters set by the Parameter Plans as well as the Design Code. The Design Code incentivises the use of high quality, energy efficient design and accessible layouts, in accordance with Policy E4 (Building Quality).
  - (6) in line with Policy T3 (sustainable transport), the Scheme follows the movement hierarchy set out in the TKNP. The Site is well served by public transport and the Scheme is designed to incentivise a modal shift to non-car borne modes of travel, inter alia, through the provision of cycle and walking routes within and from the Site.
  - (7) in accordance with Policy T3 (Sustainable Transport), the Scheme incorporates a range of local centres and arrival spaces across the Site to improve accessibility for local residents to services by non-car mode. This approach to accessibility is supported by the Scheme's approach towards density, with higher densities providing more walkable neighbourhoods. It is also supported by the design

approach to the NAR which prioritises pedestrians and cycles and provides regular bus stops within walking distance across the Site.

- (8) contributions towards wider network improvements and other measures to reduce congestion are secured by the section 106 agreement, in line with Policy T1 (Transport Strategy Contributions) and the Truro Sustainable Transport Strategy. The Planning Permission is supported by a Framework Travel Plan. Occupier travel plans are secured through the section 106 which accompanies the Hybrid Planning Permission.

18. The Scheme is also strongly in accordance with the NPPF (2023), most notably because:

- (1) it significantly boosts the supply of new homes and provides a policy compliant level of affordable housing in line with paragraphs 60-68;
- (2) it is designed around the Government's Garden City principles following extensive community engagement thereby meeting the objectives of paragraph 73;
- (3) it will not just provide new homes near existing jobs, it will also create opportunities for local employment to support the new community thereby helping to build a strong, competitive economy as required by paragraph 85;
- (4) it incorporates a mix of uses and neighbourhood and local centres, promotes pedestrian and cycle use and makes provision for safe and accessible green infrastructure, sports facilities, local shops, allotments etc and thereby promotes healthy and safe communities in line with paragraphs 96-97;
- (5) it provides high quality open spaces and opportunities for physical activity in line with paragraph 102. The emphasis placed on the green infrastructure networks as demonstrated by the Council's decision to acquire land at Governs Farm to deliver SANG, demonstrates the depth of the commitment to this aim;
- (6) it promotes sustainable transport in line with paragraph 108; and
- (7) it is focused on a location which is or can be made sustainable in accordance with paragraph 109. The location of the Scheme provides an opportunity to take advantage of existing public transport networks and facilities (including the existing Park & Ride which will be expanded) and the physical proximity of key services and employers such as the Royal Cornwall Hospital, the Industrial Parks at Treliske and Threemilestone, and Truro and Penwith College.

19. Accordingly the purpose for which the Order Lands are being acquired fits in with the adopted planning framework for the area and there are no planning impediments to implementation of the Scheme. Indeed this is precisely the type of development that the development plan demands. This alone is a compelling reason for the CPO to proceed.

Investment in development of this scale and quality deserves the warmest of welcomes.

**(2) Funding, deliverability and viability**

20. For the reasons set out in Opening and explained in the Council's evidence, you can be satisfied as to the funding and viability of the Scheme and that there is a reasonable prospect that it will be delivered. Indeed, there is significant construction work taking place as we speak demonstrating the determination the Council and LGV LLP have to bring the Scheme to fruition on time. Only confirmation of the CPO and SRO stand in the way of delivery of the Scheme in full, on time and within budget.

**(3) Contribution to the economic, social and environmental well-being of the area**

21. The evidence of Phil Mason, Tim Wood, Gavin Smith and Terry-Grove White explains how the Scheme will promote the economic, social and environmental well-being of the area. Even when objections remained, there appeared to be no serious dispute that the Scheme would promote these matters.
22. As Phil Mason explains, the Scheme will directly or indirectly support most aspects of the Council's agreed outcomes for Thriving and Sustainable Communities.<sup>17</sup> The following benefits are of particular note:
- (1) the Scheme will provide an expected 3,800 new homes for a projected population in excess of 8,000 meeting the strategic housing needs set out in the Local Plan and Truro and Kenwyn Neighbourhood Plan 2023;
  - (2) the Scheme will include a policy compliant 35% affordable housing, together with specialist housing;
  - (3) the NAR will deliver significant highways and sustainable transport benefits, including:<sup>18</sup>
    - (a) it will attract approximately one third of the traffic that would otherwise run on the A390 thereby reducing congestion and improving journey times;
    - (b) encourage and support pedestrians and cyclists thereby reducing traffic flow overall;
    - (c) provide a secondary access for Treliske Industrial Estate which will reduce traffic congestion at the A390 Treliske roundabout by allowing traffic from the Royal Cornwall Hospital and Treliske Industrial Estate to enter and exit the site from the West via the NAR rather than the A390;
    - (d) provide a secondary access for the Hospital which will avoid the Hospital being reliant on a single access to the A390 primary road network,

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<sup>17</sup> Mason proof para. 1.8.

<sup>18</sup> Wood proof paras. 5.1-5.6.

improving the resilience of the Hospital and affording an additional access for emergency vehicles as well as for deliveries, staff and visitors. It should be noted that the Hospital strongly supports the Scheme;<sup>19</sup>

(e) it is a considerable improvement on the previous position whereby, landowners adopted the principle of the linking spine road across the Site but their individual development proposals were not well integrated in transport terms, they relied on piecemeal delivery, there were disconnections in the spine road route at site boundaries, the road and footway widths differed along the route, and each development proposed its own primary junction with the A390;<sup>20</sup>

- (4) the Scheme represents a comprehensive and masterplanned approach to development;
- (5) the Scheme will be a high quality Garden Village informed by the Government's Community qualities and locally set principles developed and adopted by the Langarth Stakeholder Group;<sup>21</sup>
- (6) the Scheme provides a mix of non-residential uses aimed at creating a self-sustaining connected community and helping to address an imbalance of people commuting to Truro from elsewhere for work, which imbalance has grown over the last 20 years;
- (7) the Scheme promotes linkages to adjoining communities and effective integration to adjoining centres, facilities and employment sites to support the comprehensive planning of the area, including through facilitating extension of the existing Park & Ride;
- (8) the Scheme coordinates and accelerates infrastructure delivery;
- (9) the Scheme provides effective habitat/recreation mitigation via SANG;
- (10) the Scheme provides a network of strategic green infrastructure (GI) to support a landscape led development;
- (11) the scheme provides above policy-compliant levels of Biodiversity Net Gain;
- (12) the Scheme provides economic benefits in terms of construction and end-user period employment, including job opportunities which minimise the need for commuting;
- (13) the energy strategy for the Hybrid Planning Permission will help the Scheme to support the delivery of an exemplar development to showcase low carbon living

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<sup>19</sup> Grove-White Appendix TGW2.

<sup>20</sup> Wood proof para 3.3.

<sup>21</sup> Grove-White proof paras. 4.6-4.9.

- in line with the Council's commitment to tackling climate change;
- (14) the Scheme delivers vastly superior planning outcomes compared to the previous planning permissions on the Site.<sup>22</sup>
23. However if the Scheme were not to proceed there would be a significant risk:
- (1) to the funding and delivery of the remaining section of the NAR, together with the Eastern Junction and the connecting link road between the NAR and the A390;
  - (2) to the delivery of a substantial proportion of the Council's planned housing delivery for the Truro area to the significant detriment of the thousands of Cornish people in need of that new housing; and
  - (3) that the substantial social, economic and environmental benefits of the Scheme will not be realised, representing a huge missed opportunity to meet strategic housing need in a truly sustainable and vibrant new community.

#### **(4) Alternatives**

24. The rationale for the boundary for the CPO stems from the need to meet the identified engineering and design requirements of the Scheme.<sup>23</sup> All of the CPO Land is permanently required in order to facilitate delivery of the NAR and other associated infrastructure required to:
- (1) directly control delivery of 68% of the development by housing units, both school sites, the SANG and the Park & Ride extension; and
  - (2) facilitate the coherent delivery of the remaining mixed use landscape-led community to be known as Langarth Garden Village.<sup>24</sup>
25. There are no reasonable alternatives. There is no alternative location for the delivery of the Scheme which seeks to meet Truro's housing needs in a sustainable location adjacent to Truro. The principle of a new Garden Village at the Site is enshrined in development plan, including the recently made 2023 Truro and Kenwyn Neighbourhood Plan. Nobody suggests that there is a reasonable alternative to the Site.
26. Furthermore, in terms of possible alternative forms of the Scheme, there is no evidence that the important objectives of the Scheme could be realised without all of the land included within the CPO.
27. The Council's evidence demonstrates that:

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<sup>22</sup> Mason proof paras. 5.11-5.12.

<sup>23</sup> See Valvona proof Section 6 explaining the need for land to be included in the CPO for utilities and drainage, and Wood proof Section 7 for an explanation of the land required for the NAR.

<sup>24</sup> Hector proof para. 3.5.

- (1) the Council undertook a significant amount of work to identify the land required to deliver the NAR and associated infrastructure and provide for a comprehensive master plan for the Site. This included the assessment of multiple alternatives, including 16 options for West Langarth Junction,<sup>25</sup> 14 options for the main NAR alignment,<sup>26</sup> as well as six options for the Eastern Junction link and five options for the Oak Lane Link.<sup>27</sup> The ultimate design chosen was selected because it performed best against the following criteria:<sup>28</sup>
  - (a) adherence to the LGV vision promoting walking and cycling for all ages and all abilities in accordance with the Council's Equality Duty;
  - (b) reducing the need for vehicle use and reducing congestion on the A390;
  - (c) creating a road alignment that encourages slower speed;
  - (d) minimising harm to the environment; and
  - (e) delivering the NAR within the HIF funding.
- (2) Where possible, the Council has sought to design the NAR to accommodate the needs of surrounding landowners. For example the owner of Little Treworder Farm advised that he has numerous heavy goods vehicles and long tractor and agricultural trailer combinations that would need to be accommodated by the side road. Consequently the side roads at Langarth Square were designed with those particular vehicles in mind and further technical amendments to construction drawings have been made after the SRO was made;<sup>29</sup>
- (3) The Council has taken a proportionate approach to identifying the CPO boundary by designing the Scheme around certain committed development. The Council has deliberately excluded land which is not required to deliver the NAR and enabling infrastructure where third party developers have either commenced development or sufficiently evidenced a firm intention to commence development e.g. the Council has excluded the parcels earmarked for the former Stadium for Cornwall (now the Truro Sports Hub), the Hendra retail development, and a petrol filling station & hotel/drive through development to the east.<sup>30</sup>

## **(5) Negotiations**

28. In accordance with the CPO Guidance, negotiations have proceeded in tandem with

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<sup>25</sup> Wood proof para. 7.24.1.

<sup>26</sup> Wood proof para. 7.24.2.

<sup>27</sup> Wood proof para. 7.24.4.

<sup>28</sup> Wood proof para 7.25.

<sup>29</sup> Wood proof paras. 7.26 and 10.1-10.3.

<sup>30</sup> See Mason proof para 4.7 and Hector proof paras. 3.5-3.7.

the formal process of pursuing the CPO. Given the large number of interests in the CPO Lands this is the only realistic way in which to proceed. In many instances negotiations have been fruitful and in others negotiations have and will continue. The detail of the negotiations were addressed in Opening and the evidence of Andrew Hector.

29. The objections that were made and the Council's response to them is set out at Section 9 of the Council's Statement of Case. By way of update, following withdrawal of all of the objections, the position is:

<b>CPO Objector Number 1: Ashfords on behalf of Mr Walker and associated companies</b>
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<b>Plots 555, 590, 592, 595, 600, 620 and 635 (permanent acquisition)</b>
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The objection was withdrawn on 21 December 2023. The objection was withdrawn due to progress made in negotiations of a development agreement between the parties which is close to completion.

<b>CPO and SRO Objector Number 2: Carter Jonas on behalf of Mr Ali and Ms Briggs</b>
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<b>Plots 165, 181, 185, 187 (permanent acquisition)</b>
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The objection was withdrawn on 21 July 2023.

The Council has acquired Plots 165, 181, 185 and 187 by agreement with the owner to facilitate delivery of the Bosvisack Corridor.

<b>CPO and SRO Objector Number 3: Michelmores LLP on behalf of Ms Lutey and Ms Jones</b>
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<b>Plot 620 (permanent acquisition)</b>
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The objection was withdrawn on 5 December 2023 as they no longer had a legal interest in the land to be acquired. The Council settled the objector's legal costs incurred in the negotiations prior to the objection being withdrawn.

<b>CPO and SRO Objector Number 4: Spanview Limited</b>
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<b>Plot 524 (acquisition of new rights)</b>
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This objection was withdrawn on 18 October 2023 having not responded to the Council's request for them to prove their interest in Plot 524.

<b>CPO and SRO Objector Number 5: Savills on behalf of Mr Treseder and family</b>
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<b>Plots 166, 186, 522, 524 and 582 (acquisition of new rights)</b>
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This objection was withdrawn on 5 January 2024. One deed of grant of easement has been completed. A second deeds of grant of easement is in the process of being settled. The Council has provided an undertaking confirming access in perpetuity.

<b>CPO and SRO Objector Number 6: Lodge and Thomas on behalf of Mrs Biondi</b>
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<b>Plot 70 (permanent acquisition)</b>
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This objection was withdrawn on 22 December 2023. Documentation to secure the release of covenant is in the process of being settled.

<b>CPO and SRO Objector Number 7: Mr and Mrs Gordon</b>
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<b>Plots 225, 231 and 240 (permanent acquisition)</b>
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This objection was withdrawn on 21 December 2023. The parties have entered a settlement agreement to secure relevant reciprocal rights across the land.

30. The absence of any remaining objections is testament to the fact that the Council has conscientiously complied with the requirements of the CPO Guidance in relation to negotiations.
31. Despite that (as one would expect with a Site as large and with as many affected interests as this) there is no reasonable prospect of the Council acquiring the remainder of the CPO Lands within a reasonable period of time and so the use of CPO powers is necessary.

***(6-7) Human rights and equalities***

32. As set out in opening, the very significant public benefits that the Scheme justifies the interference with individual rights. The Council has complied with its duties under the Equality Act 2010 and indeed the Scheme provides real equalities benefits.

**Compelling Case in the Public Interest**

33. The final and overriding question that arises is whether there is a compelling case in the public interest for the compulsory acquisition. That can be tested in this way: would this part of Cornwall look, feel and function better with the Scheme in place than it does now, or would if the previous planning permissions had been delivered? Surely the answer is obvious – yes it would and that would bring considerable benefits to the Council’s whole area and indeed the wider region.

34. Has the Council satisfactorily minimised, mitigated and avoided any adverse impacts of the CPO? Again the answer is clear – yes it has, e.g. by thoroughly investigating alternatives and minimising the land required to that necessary to realise the Scheme’s objectives, by providing those affected with access to free independent professional advice and by providing full and fair compensation in accordance with the Compensation Code. If you agree then the CPO should be confirmed.

## **The SRO**

35. The SRO is required to support the Scheme in order to:
- (1) create new public highway i.e. the NAR, access tracks to ponds, new side roads and bridleways;
  - (2) make changes to the existing public highway where it is severed by the NAR and is reconnected in order to maintain access for highway users; and
  - (3) amend existing private means of access where they are affected by the NAR in order to provide reasonably convenient alternative accesses to private property.
36. Section 14(6) of the Highways Act 1980 provides that highways shall not be stopped up unless another reasonably convenient route is available or will be provided.
37. Section 125(3) of the Highways Act 1980 provides that no means of access to premises shall be stopped up unless another reasonably convenient means of access to the premises is available or will be provided.
38. As explained by Tim Wood, and as set out at paragraphs 10.20-10.23 of the Council’s Statement of Case:<sup>31</sup>
- (1) another reasonably convenient route is available, or will be provided, before each length of highway being stopped up pursuant to the SRO is stopped up; and
  - (2) another reasonably convenient means of access is available or will be provided, before each length of private means of access being stopped up pursuant to the SRO is stopped up.
39. Tim Wood used the plans to explain each of the specific lengths of highway and private means of access to be stopped up and compared the reasonably convenient alternative that would be available. At the Western Junction, the little used pedestrian route will be moved slightly and the new route will be considerably safer with pedestrian crossings provided. The alternative side road route at the centre of the NAR will provide the benefit of enabling exit in both directions which the current arrangement does not. On

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<sup>31</sup> CD 4.5.

balance this still results in an improvement even though the route will be slightly longer.

40. Tim Wood explained Council has taken care to ensure construction impacts are also minimised. The longest diversion during construction would be a 1.4km alternative route which would be in place for up to 6 weeks.
41. All of the objections to the SRO have been withdrawn and there is no evidence before the Inquiry to contradict the Council's evidence that the statutory tests are fully met.

## **Conclusions**

42. These submissions have sought to set out the fundamental reasons why the CPO and SRO should be confirmed along with the context for making the decisions on confirmation.
43. For all the reasons set out above and in the evidence to be presented to the Inquiry:
  - (1) there is a compelling case in the public interest for the confirmation of the CPO which justifies the acquisition and overriding of private rights;
  - (2) there are no material impediments to the implementation of the Scheme other than the confirmation of the CPO;
  - (3) no alternatives to the CPO Scheme as a whole exist;
  - (4) the legal requirements of s. 226 TCPA 1990 and ss. 14 and 125 of the Highways Act 1980 are satisfied;
  - (5) there are no new material considerations which would justify a different approach to be taken to that of the Council in granting planning permission;
  - (6) the policy requirements in the CPO Guidance and SRO Guidance for the are satisfied;
  - (7) the confirmation of the CPO would be entirely consistent with the NPPF and development plan;
  - (8) the Council has fully complied with its equalities duties; and
  - (9) confirmation of the CPO would be consistent with, and not breach, the human rights of the landowners affected.
44. The Council respectfully requests that the CPO and SRO be confirmed as sought.

**Richard Moules**

Landmark Chambers

23 January 2024