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# Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State for Transport

Date: 17 August 2012

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**HIGHWAYS ACT 1980**

**ACQUISITION OF LAND ACT 1981**

**THE CORNWALL COUNCIL (CAMBORNE POOL REDRUTH) (HIGHWAY  
IMPROVEMENTS) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2011**

**THE CORNWALL COUNCIL (CAMBORNE POOL REDRUTH) (HIGHWAY  
IMPROVEMENTS) COMPULSORY PURCHASE ORDER 2011**

Date of Inquiry: 19 to 22 June 2012

Ref: DPI/D0840/12/5

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## **ACRONYMS AND ABBREVIATIONS USED IN THE REPORT**

AAP	Area Action Plan
AM peak	morning peak period
App	Appendix
BCR	Benefit to Cost Ratio
CD	Core Document
CEMP	Construction Environmental Management Plan
the Convention	the European Convention on Human Rights
the Council	Cornwall Council
CPO	Compulsory Purchase Order
CPR	Camborne, Pool and Redruth
CS	Core Strategy
DfT	Department for Transport
Doc	Document
EA	Environment Agency
EH	English Heritage
EIA	Environmental Impact Assessment
EN	English Nature
ES	Environmental Statement
EU	European Union
the Framework	the National Planning Policy Framework
GDP	Gross Domestic Product
HCA	Homes and Communities Agency
LTP	Local Transport Plan
MPS	Minerals Policy Statement
NMU	Non-Motorised User
NPV	Net Present Value
Pia/mvkm	Personal Injury Accidents per Million Vehicle Kilometres
PIN	Pre-Inquiry Note
PDL	Previously Developed Land
PMA	Private Means of Access
PM peak	evening peak period
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement
PVB	Present Value of Benefits
PVC	Present Value of Costs
RPG10	Regional Planning Guidance Note 10
RSS	Regional Spatial Strategy
the Scheme	the Camborne-Pool-Redruth Stage 1 East-West Link
SRO	Side Roads Order
TUBA	Transport User Benefit Appraisal
vpd	vehicles per day
WebTAG	Web Based Transport Analysis Guidance
WHS	World Heritage Site
WUM	Western United Mines

## **CASE DETAILS**

### **The Side Roads Order (SRO)**

- The SRO is made under Sections 14 and 125 of the Highways Act 1980, and is known as the **Cornwall Council (Camborne Pool Redruth) (Highway Improvements) (Classified Road) (Side Roads) Order 2011**.
  - The SRO was made on 7 September 2011.
  - Cornwall Council (hereafter referred to as "the Council") submitted the SRO for confirmation to the Secretary of State for Transport.
  - If confirmed, the SRO would authorise the Council to improve or stop up lengths of highway, construct new highways and stop up and/or provide new private means of access (PMA) to premises, in order to construct the Camborne-Pool-Redruth Stage 1 East-West Link.

**Summary of Recommendation: that the SRO be confirmed with modifications.**

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### **The Compulsory Purchase Order (CPO)**

- The CPO is made under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and Schedule 2 of the Acquisition of Land Act 1981. It is known as the **Cornwall Council (Camborne Pool Redruth) (Highway Improvements) Compulsory Purchase Order 2011**.
  - The CPO was made on 7 September 2011.
  - The Council submitted the CPO for confirmation to the Secretary of State for Transport.
  - If confirmed, the CPO would authorise the Council to compulsorily purchase land and the rights over land in order to construct the Camborne-Pool-Redruth Stage 1 East-West Link with its associated works and mitigation measures, as provided for by the above mentioned SRO.

**Summary of Recommendation: that the CPO be confirmed with modifications.**

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## **1 PREAMBLE**

- 1.1 On 19 June 2012 I opened a public local inquiry ("the Inquiry") at the Penventon Park Hotel, West End, Redruth to hear representations and objections made following the publication of the Orders described in the Case Details at the head of this page. The Inquiry sat on 4 days and I closed it on 22 June 2012. I carried out an unaccompanied inspection of those parts of the route of the Camborne-Pool-Redruth Stage 1 East-West Link ("the Scheme"), viewable from public land, on 18 June 2012. I also carried out an accompanied site visit on 26 June 2012 in the presence of representatives of the Council and non-Statutory Objectors.
  - 1.2 In the absence of a pre-Inquiry meeting I issued a pre-Inquiry Note (PIN) (Document (Doc) INSP/1) in order to set out the practical and administrative arrangements for the Inquiry. The Inquiry was held in accordance with the details set out in the PIN.
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### **Purpose and Scale of the Proposal**

- 1.3 The Scheme is part of a comprehensive package of initiatives to revitalise and regenerate the Camborne, Pool and Redruth (CPR) area (Doc CC/1/3). As well as providing the key to unlocking large areas of brownfield land, which are intended to deliver new homes and jobs, the Scheme would also address existing problems along the A3047. These include traffic congestion, poor bus reliability, higher than average accident levels, poor provision for pedestrians and cyclists and poor air quality. The Scheme would also enable improvements to be made to bus services on the A3047 through Tuckingmill and East Hill junction, and would make specific provision for pedestrian and cyclists (Doc CC/INQ/1).
- 1.4 The current proposal is Stage 1 of a larger, 2 Phase scheme, for which planning permission has already been granted (see Core Documents (CDs) 2.26, 2.27 & 2.29). Detailed Environmental Impact Assessments (EIAs) have been undertaken, with the findings reported in Environmental Statements (ESs) which were submitted to support the planning applications (CDs 2.3-2.9 and 2.16-2.20). I have taken account of these documents, together with the objections made, in arriving at my recommendations. All other environmental information submitted in connection with the Scheme has also been taken into account. This includes updated Landscape, Air Quality, Noise and Vibration and Ecology Reports, to be found in Doc CC/3/3, together with information arising from questioning at the inquiries.

### **Numbers of Objectors and Supporters**

- 1.5 During the formal objection period a total of 18 objections were submitted from Statutory Objectors, with 3 from non-Statutory Objectors. In addition, 6 further objections were submitted by non-Statutory Objectors in the weeks leading up to the Inquiry. I accepted these additional objections, with some being dealt with orally at the Inquiry whilst others were simply submitted in written form. Written representations in support of the Orders were received from 7 parties (see Section 4 of this report).
- 1.6 By the time the Inquiry opened many of the originally submitted objections had been withdrawn, with only 2 remaining from Statutory Objectors and 2 from non-Statutory Objectors. However, the Council continued to discuss and negotiate with Objectors such that by the close of the Inquiry all of the Statutory Objections had been withdrawn, as had all but one of the non-Statutory Objections (see Doc OBJ/1). All 6 of the additional, non-Statutory Objections were maintained and I deal with all outstanding objections in this report.

### **Main Grounds for Objection**

- 1.7 The one remaining objection which had been lodged within the formal objection period concerned the direct impact of the Scheme on land adjacent to the Objector's property (see later details relating to Objector 15). The additional 6 non-statutory Objections, raised outside the formal objection period were, in the main, not related to specific areas of land or specific side roads issues. Instead, the objections tended to focus on such matters as the growth strategy for the area; the likely impact of the proposed East-West Link road in traffic and environmental terms; the implications of the Scheme on present and future mining operations; and the lawfulness of the SRO and CPO process.

## **Statutory Formalities**

- 1.8 The Council confirmed at the Inquiry that it had complied with all necessary statutory formalities (see Doc CC/INQ/3).

## **Scope of this Report**

- 1.9 This report contains a brief description of the site and its surroundings, the gist of the evidence presented and my conclusions and recommendations. Lists of Inquiry appearances and documents are attached. These include details of the submitted proofs of evidence, which may have been added to or otherwise extended at the Inquiry, either during examination in chief or during cross-examination. Where appropriate, references to CDs and other submitted documents are given in parentheses.

## **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 2.1 The CPR conurbation is the largest urban area in Cornwall, located some 14km (9 miles) west of Truro and 19km (12 miles) east of Penzance. It extends in a linear fashion for some 6-8km (4-5 miles) along the A3047, with the A30 trunk road to the north and the London to Penzance mainline railway to the south (see Appendix (App) 2 in Doc CC/2/3). The A3047 is the main east/west route within the area and is of single-carriageway standard between Barncoose in the east and Treswithian in the west. It serves the residential, business, commercial, and industrial areas of CPR, including the Wilson Way industrial estate, Pool, Dudnace Lane, South Crofty mine, Tuckingmill, Dolcoath, and Camborne.
- 2.2 A number of more minor routes lead off from the A3047 and pass through predominantly residential areas to serve the business and commercial areas which provide the main employment centres in the area. The A3047 and its junctions suffer from congestion at peak periods and are not capable of accepting traffic growth in the future without exacerbating these problems. This is of particular note as CPR has been designated an Air Quality Management Area.
- 2.3 The A30 trunk road acts as a northern bypass for the CPR area. It has junctions at Scorrier in the east, Avers at Redruth, and Tolvaddon and Treswithian at either end of Camborne. These enable local traffic to join and leave the trunk road which is the strategic route throughout the length of Cornwall, linking to Devon, Exeter, and the M5 motorway. Access by rail to the area is provided for by stations at both Camborne and Redruth on the London to Penzance line.

## **3. THE CASE FOR CORNWALL COUNCIL**

The material points are:

### **Background and the need for the Scheme**

- 3.1 This area was once the pre-eminent centre of hard rock mining, principally for the minerals of copper and tin, but following the collapse of the mining and associated industries in the 19th and 20th centuries the area went into a period of prolonged decline. This left a legacy of derelict and contaminated brownfield land, a low wage economy, low economic outputs, and social deprivation. Currently the wider CPR area has a population of nearly 60,000, with some 45,000 people concentrated in the main urban areas. Four neighbourhoods in the CPR area are in the 10% most deprived areas in the country, with 2 of them

being in the worst 5% nationally. This means that over 5,000 households (25% of the CPR population) are located in some of the most deprived neighbourhoods in England. Furthermore, unemployment rates are 3.9% compared to a Cornwall average of 3.3%. (Doc CC/1/2 para 2.2.3 & Doc CC/2/2 para 2.3.4).

- 3.2 Cornwall has been designated by the European Union (EU) as having Objective One and, now, Convergence funding eligibility, recognising that the Gross Domestic Product (GDP) of the County is less than 75% of the EU average. CPR has been specifically identified within these EU Programmes and is located within a designated investment area under Priority 4 of the Convergence Programme (Doc CC/1/2 paras 2.3.1 & 2.3.2). However, there are high costs associated with developing derelict and contaminated sites and providing the necessary highway capacity to support new development. Coupled with low capital and rental value of properties in the area, this has resulted in limited market interest by private developers to invest, without public sector aid.
- 3.3 One result of the relative poverty of the area and the difficulties in developing these brownfield sites has been a low completion rate for new housing, with only 130 completions in 2011/12, of which 25% were affordable. At the same time there are over 2,500 households within the CPR area on the Homechoice Register, of which nearly 1,000 fall within bands A-C (Doc CC/INQ/7).
- 3.4 To address all these matters a number of sites throughout the CPR area have been identified as suitable for development for employment and housing uses by the CPR Urban Regeneration Company, set up by the previous Government to drive forward the regeneration of the area. These sites have been the subject of extensive consultation and master planning, resulting in a series of integrated development frameworks covering the Trevenson Road, Dudnace Lane, Pool Retail and Tolvaddon Business Park locations, which together form the Pool Business District (see Doc CC/1/3 App 2).
- 3.5 Ambitious but necessary growth targets were set for the area through regional plans and subsequent Local Development Framework targets. These led to the Regeneration Company working with County and District Councils, the Regional Development Agency and English Partnerships (now the Homes and Communities Agency (HCA)) to develop a Regeneration Programme aimed at delivering 6,000 new homes, 6,000 gross jobs and in excess 100,000sqm of employment space over a 10 year period (Doc CC/1/2 para 2.8.2).
- 3.6 This was delivered through to March 2012, when the Regeneration Company ceased to operate following changes to Local Government Funding support and management arrangements. The responsibility for implementation has now transferred to the Cornwall Development Company. However many of the development proposals are constrained by the inadequate transport capacity and are subject to Article 25 Directions<sup>1</sup> from the Highways Agency, or Grampian conditions, preventing their development until the highway capacity is increased. It is against this background that the East-West Link road is proposed, as the key to unlocking this employment and housing programme and realising the regeneration potential of the area.

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<sup>1</sup> Where the Highways Agency considers that a new development could compromise the safety and free passage of traffic on the A30 trunk road it is required to exercise statutory authority provided by Article 25 (formerly Article 14) of the Town and Country Planning (Development Management Procedure)(England) Order to issue 'holding directions' on the local planning authority

- 3.7 The Scheme would provide better access to existing business and residential areas and new access to the areas proposed for redevelopment within the CPR area. By relieving the existing A3047 west of East Hill, and the East Hill junction itself, it would provide the necessary highway capacity to allow proposed and identified developments to proceed, enabling employment and benefits worth up to £300 million to the local economy to be realised (CD 5.18).
- 3.8 Since its inception the Scheme has been developed by Cornwall Council and its predecessor authorities, through an iterative process that has included feasibility studies, appraisals, consideration of alternative options, topographic, geotechnical and mining surveys, assessments, and reviews. There have been public consultation events at each stage of preparation, and various stakeholders have been regularly consulted. Exhibitions have been held prior to planning applications and the publication of the Orders and detailed business cases have been developed by the Council and independently assessed and approved by the Department for Transport (DfT). This work has resulted in the Scheme for which the current SRO and CPO have been made.

### **Policy Considerations**

- 3.9 At national level, the Scheme was developed against the backdrop of Planning Policy Guidance Notes (PPGs), Planning Policy Statements (PPSs), and Minerals Policy Statements (MPSs), extant at that time (see Doc CC/5/2 paras 3.5.31 to 3.5.70). However, the National Planning Policy Framework ("the Framework"), which was published in March 2012, replaces virtually all of these former PPGs, PPSs and MPSs, including all those referred to in Doc CC/5/2.
- 3.10 The publication of the Framework has not, however, had a fundamental impact on the Scheme's justification. The Scheme would be in line with the Framework's aims as it would promote economic growth in a priority area; provide social and environmental improvements, including necessary infrastructure, to improve the quality of people's lives; and promote sustainable economic and housing development opportunities. Its clear benefits would outweigh any disbenefits.
- 3.11 At the regional level, the Government has announced its intention to abolish Regional Spatial Strategies (RSS) through the Localism Bill, but this has not yet been fully enacted. Regional policies are therefore still extant at the time of writing this report and form part of the development plan in the form of Regional Planning Guidance Note 10 (RPG10) (CD 3.3), published in 2001. Policy SS3 of RPG10 aims to focus major new employment, social and cultural investment in the CPR area, which is specifically identified as a significant potential area for growth and a focus for regeneration. Policy SS6 of RPG10 requires development plans to "recognise the Camborne and Redruth area as one where there are major regeneration issues and where policies, plans, proposals and programmes will need to promote opportunities for employment growth in particular."
- 3.12 The Draft RSS for the South West (CD 3.2), intended to replace RPG10, passed through much of its statutory procedures but was never formally confirmed or published as Regional Planning Policy. Consequently, the content of the Draft RSS simply remains a material consideration when considering development proposals.
- 3.13 The Draft RSS carried forward the RPG10 strategy, with an emphasis on the CPR area to encourage development by stimulating economic activity, recognising the

need to continue regeneration and economic activity (CD 3.2 paras 4.4.2 & 4.4.20). Policy SR39 identifies that Councils should plan for the growth of CPR maximising the use of previously developed land (PDL). Policy SR40 indicates that Local Development Documents are to stimulate the economy, reduce social inequalities, address housing affordability and should make provision for about 16,500 jobs in the CPR, Truro and Falmouth/Penryn travel to work area, with an average of about 300 dwellings per year at CPR. The policy specifically identifies that "investment will be made in key infrastructure to enable the achievement of the development proposed in the policy."

- 3.14 At the local level the Cornwall Structure Plan (2004) (CD 3.12), notes, at paragraph 101, that the regeneration of CPR is a regional and strategic priority. Paragraph 108 notes that the area will be a focus for regeneration through a mixed-use strategy for economic restructuring. "This is supported by a transport strategy that improves public transport within the urban area and links with other strategic urban areas. The context provided by the Plan will need to recognise the key role which CPR can play in Cornwall as a whole".
- 3.15 The Council's draft Core Strategy (CS) Preferred Approach (CD 3.13.6) continues the theme from previous policy documents, with paragraph 4.11 and policy PP4 recognising that the CPR area requires a focus of investment as a catalyst for economic regeneration and to address deprivation. As part of this emerging CS the Council has produced an Infrastructure Delivery Plan for the CPR area (CD 3.13.7) which specifically identifies the need for the CPR East-West Link road as part of the package of regeneration and revitalisation of the CPR area.
- 3.16 This document builds on the findings of the various Cornwall Local Transport Plans (LTPs), which have consistently demonstrated the need for an East-West Link within the CPR area, both to facilitate new developments in the area and to relieve the heavily congested A3047. In addition, the Implementation Plan for 2011-2015 identifies the Scheme as one of the principal elements in the CPR transport strategy (CD 3.26 App A).
- 3.17 It is thus apparent from both longstanding adopted policy and emerging policy that the CPR area is in need of regeneration, is a priority area for growth and that the Scheme is a vital component in the strategy for unlocking that growth potential.

## **Scheme Details**

### *Scheme Objectives*

- 3.18 The primary objectives of the scheme, to meet the needs of the CPR area are:
- To create a new East to West route to relieve the existing A3047, thereby reducing congestion;
  - to provide the necessary transport infrastructure to enable planned, sustainable, economic growth to take place in the CPR corridor; encouraging private sector investment and facilitating the creation of up to 5,540 jobs and 6,670 new homes in the CPR area by 2030; and
  - to facilitate future improvements to public transport and the urban environment on the existing A3047 (Doc CC/2/2 para 4.1.1).

*Scheme Description (see Section 6 of Doc CC/3/2)*

- 3.19 As noted earlier, the Scheme currently before the Inquiry is Stage 1 of a larger, 2 Phase scheme. Planning permission was granted for Phase 1 in December 2008 (CD 2.26) and for Phase 2 in January 2010 (CD 2.27). An extension of time for the Phase 1 planning permission was granted in September 2011 (CD 2.29). Phase 1 would extend from East Hill to Wilson Way and would include the widening and improvement of Dudnance Lane and the provision of a new length of road extending from Station Road to a new roundabout on Wilson Way. Phase 2 would comprise a new road extending north-eastwards from the Dolcoath Avenue/Lower Pengegon area, to a new junction with Dudnance Lane.
- 3.20 Following the Government's comprehensive spending review in 2010 a "reduced scope" version of the overall East-West Link scheme was devised which would still enable most of the planned developments for the area to be delivered, but at a reduced cost. It is this reduced scope Scheme (termed Stage 1) for which the current SRO and CPO are proposed. The originally granted planning permissions are still relevant for this proposed Stage 1, with Stage 2 to follow when funds are available (CD 2.29). Details of the elements which have been deferred for a later stage can be found in paragraph 6.1.4 of the Statement of Case (CD 1.11).
- 3.21 The Scheme has been given the status of "Classified" road, A3047, by the DfT. This would come into effect on its opening to traffic. Summary details of the currently proposed elements of both Phase 1 and Phase 2 are given below.

*Phase 1 - East Hill to Wilson Way*

- 3.22 This section would commence with the widening of a short length (50m) of Dudnance Lane, south of East Hill, to accommodate a longer, northbound, left-turn lane into the signal controlled junction with East Hill and Trevenson Road. Moving southwards, a new signal controlled junction would be provided at the intersection of Dudnance Lane with the proposed Phase 2 new road (to the west) and Heartlands Park access (to the east). Flared carriageways would be provided to accommodate turning traffic lanes and the widening would extend some 75m north and south of the junction. The junction would incorporate controlled pedestrian and cyclist crossing facilities.
- 3.23 A shared, 3m wide cycleway/footway would be provided on the west side of Dudnance Lane, with the existing footway being retained on the east side as far as the access to Pool Market. At this location the cycleway/footway would cross to the east side of the road, at a signal controlled crossing point, and continue eastwards past the Tesco access to a new traffic signal controlled junction at Penhallick Road, with flares for turning lanes. Moving further eastwards and north-eastwards, a new section of road would run parallel to the railway line for approximately 300m before bearing north to a new roundabout on Wilson Way, near Carn Brea Lane. This new link would include a shared footway/cycleway, 3m wide, on its north side and a 2m wide footway on its south side.

*Phase 2 - Dolcoath to Dudnance Lane*

- 3.24 At Dolcoath the new road would link to the ongoing Dolcoath Development spine road. This would entail the closure of the eastern end of Dolcoath Avenue and the construction of a new roundabout at Dolcoath Road. From this roundabout the scheme would traverse farm land in a northerly then easterly direction. It

would then cross the Red River valley, and the South Crofty mine site, to the new traffic signal controlled junction at Dudnance Lane. This new section of road would be a 6.8m wide single-carriageway with a 3m wide shared facility (with a 0.5m wide buffer strip) on each side, to cater for pedestrians and cyclists. The new road would cross the Red River valley on embankment with two 12m arch structures to accommodate the river, Chapel Road, and multi-user trails.

General

- 3.25 Throughout the Scheme, landscaping and planting would be included where required to mitigate the visual impact of the road and its traffic and to provide replacement habitats for flora and fauna. Noise reduction and screen fencing would also be provided at various locations to reduce the impact of the scheme and its traffic.
- 3.26 There are elevated concentrations of a range of heavy metals, associated with mine spoil from mining activities across the site. All excavation within the road corridor is therefore expected to be contaminated to some degree. However, the Contractor's Construction Method Statements for working would ensure the safe management and handling of contaminated material within the site (Doc CC/3/2 para 8.5).
- 3.27 Road drainage would, where possible, be carried by open channels, in accordance with the CPR Surface Water Management Plan's preferred design and as accepted by the Environment Agency (EA). Water storage would be provided (in pond and tanks) to attenuate the run-off flows before discharge to water courses and outfalls. Diversion of the Red River, the open channel drainage, and the attenuation pond, would all provide opportunities to extend and increase the wetland habitats. The impact on existing groundwater quality, from routine runoff, has been assessed to be negligible. There is no water abstraction in the area of the scheme (commercial or utilities) but further assessment would be undertaken prior to final design to the satisfaction of the EA and the Council (Doc CC/3/2 Section 9).
- 3.28 Various existing side roads would need to be connected to the new road. This would entail the creation and connection of new side roads, re-grading of the tie-in lengths and a unification or replacement of the existing highway boundary treatments. Various private accesses and roads serving residential properties, business premises and land adjacent to the existing roads would also be modified as part of the Scheme. In addition, access would be maintained to land which would be severed by the Scheme.
- 3.29 The Scheme would cross the South Crofty mine site, but has been designed so that it would not impair or prejudice future mining operations. The expansion and relocation of mining activity southwards has been accommodated by the road scheme. A land exchange agreement has been made between Western United Mines (WUM) and the Council and WUM has now obtained planning permission for the erection of new processing plant and a new mine access to the south of the existing site, incorporating the land transferred from the Council.
- 3.30 Private access connections would be provided for future development at the site of the proposed Tuckingmill Urban Village, with a centre right turn lane. Private accesses would also be provided to maintain entry and egress to severed land at South Crofty and to facilitate future development.

- 3.31 The Scheme is shown on the Overall Plan (CD 1.6), on the General Layouts (CD 1.7) and on the Long Sections (CD 1.8), together with the General Layout at CD 1.9 which shows the proposed change to the connection with Wilson Way (see later). A more detailed description of the Scheme can also be found in Section 6.3 of Doc CC/3/2.
- 3.32 "Quiet road surfacing" would be used to give a significant reduction in source noise and "high friction" surfacing, giving improved skidding resistance, would be provided on the approaches to traffic signals and roundabouts. Additional safety features would be provided at various locations in the form of vehicle safety barriers, parapets and pedestrian guardrails. In addition the whole of the Scheme would be lit, including the section across the Red River valley, in the interests of safety and consistency (Doc CC/3/2 Section 10).
- 3.33 Liaison and discussions have continued with all those affected by the Scheme and best endeavours have been made to meet the concerns and needs of residents, landowners, businesses and tenants. Accommodation works plans have been issued. There would also be a need to undertake service diversions and protection for the 4 major Statutory Undertakers: Western Power Division (Electrical); South West Water; Wales and West (Gas) and British Telecom (Doc CC/3/2 Section 10).

#### Funding

- 3.34 The estimated cost of the Scheme is £26.81m and the Scheme benefits from "Programme Entry" status which confirms the DfT support for funding contributions amounting to £16.08m. The EU Convergence fund has already granted a contribution of £1.09m, and a bid for a further £4.0m of Convergence support has been lodged. Third party funding of £1.98m will be sought via developers' contributions and Cornwall Council has committed £3.66m to the scheme. Additionally Cornwall Council has undertaken to underwrite all unconfirmed contributions (Doc CC/2/2 Section 4.6 & Doc CC/INQ/8).

#### **Transport and Economics**

##### Current Conditions

- 3.35 Full details of traffic flows in the area in 2010 can be seen in Figs 2.2 to 2.4 of Doc CC/4/3. In summary the A3047 was used by about 19,000 vehicles per day (vpd) west of the East Hill junction, and about 14,000vpd east of this junction. About 2% of the traffic was heavy goods vehicles. The high volumes of traffic on the A3047 result in delays to public and private vehicles during peak periods at the East Hill junction. Queue length surveys in 2010 recorded queues of up to 97 vehicles on East Hill during the evening (PM) peak, with journey time surveys also undertaken in 2010 recorded delays of up to 4 minutes per vehicle during peak periods.
- 3.36 Since these surveys were carried out some changes have been made to the geometry and timings of the signal junction at East Hill, but whilst these have reduced the delays and queues somewhat, traffic modelling indicates that the junction will again be at capacity by 2013 if the Scheme is not implemented. The A3047 is also used by a number of local bus services which suffer from the congestion on this route.

3.37 The local accident rate on the A3047 is 0.72 to 0.74 personal injury accidents per million vehicle kilometres (Pia/mvkm), which is noticeably higher than the national average rate for roads of this type of 0.58Pia/mvkm (see Doc CC/4/3 App B). The accident rate on the proposed new single carriageway is expected to be the same as the national average for single carriageway urban A class roads and the Scheme is therefore predicted to result in significant accident savings (Doc CC/4/2 para 2.2).

Forecast Future Conditions

- 3.38 The Scheme would free up highway capacity and thereby allow proposed developments to go ahead. In order to estimate the effect of the highway improvements on travel patterns, a transport model has been developed, using SATURN<sup>2</sup> for the highway network and VISUM<sup>3</sup> for the public transport network. This model represents highway traffic and public transport journeys in the CPR area during a weekday am peak, inter-peak, and pm peak hour separately (Doc CC/4/2 Sections 3, 4 & 5).
- 3.39 The model has been built in accordance with guidance set out in the Design Manual for Roads and Bridges Volume 12 (see Doc CC/4/3 App C), and the DfT's "Transport Analysis Guidance". The transport model forecasts highway traffic for 2 scenarios, namely if the Scheme goes ahead, and also if it does not go ahead.
- 3.40 Forecasts for 2015, without further highway improvements, resulted in 7 minutes average delay per vehicle in the morning (AM) peak at the East Hill approach to the East Hill traffic signals. During the PM peak 6 minutes average delay was forecast for the East Hill approach and 2 minutes for the Dudnace Lane approach. As part of the Best And Final Funding Bid it was agreed with the DfT that forecast development after 2015 could not take place without further highway improvements, and that future growth and regeneration in the area after 2015 was dependent on the Scheme being built.
- 3.41 Without the Scheme, traffic flows along the A3047 are forecast to increase by 2015, resulting in increased delays and congestion. Between 2015 and 2030 however, high levels of congestion permit only a small forecast growth in traffic along the A3047. New development and regeneration projects would be constrained by the heavily congested local road network at East Hill.
- 3.42 In contrast, with the Scheme traffic flows would reduce at East Hill, to the west of the traffic signal junction, in both 2015 and 2030, as traffic would re-route along the new East-West Link. At East Hill, even in 2030, traffic is forecast to be below the 2010 levels. The daily vehicle trips along the new link road, west of Dudnace Lane, are forecast at 5,600 in 2015 growing to 7,900 in 2030 (Doc CC/4/2 para 5.3).
- 3.43 Compared to the Do-Minimum scenario (without the Scheme), traffic levels along the A3047 east of the East Hill junction (on Trevenson Road), parallel to the new Link are forecast to increase with the East-West Link in place. This reflects the removal of right turning traffic from the west at the East Hill junction with completion of the East-West Link. This right turning traffic currently blocks straight ahead traffic and reduces the capacity for other traffic on A3047. The

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<sup>2</sup> Simulation and Assignment of Traffic to Urban Road Networks

<sup>3</sup> VISUM: a software system for transportation planning, travel demand modelling and network data management

section of new link road from Dudnance Lane to Wilson Way is forecast to carry 6,700vpd in 2015, rising to 8,300vpd in 2030, demonstrating the significant increase in capacity for east/west traffic through the area which the Scheme would make possible (Doc CC/4/3 Fig 5.1).

- 3.44 The Council also intends to complete further elements of the transport strategy if funding becomes available. These elements, which include further improvements to Wilson Way and public transport priority measures along the A3047, would encourage traffic to transfer from the A3047 to the East-West Link. Further details of forecast traffic flows throughout the area can be seen in Fig 5.1 in Doc CC/4/3.
- 3.45 In addition, detailed capacity assessments have been carried out on the new junctions which form part of the highway improvements, and these are set out in App G in Doc CC/4/3. The results of the assessments show that the layouts of these junctions are predicted to operate without any capacity problems in both the AM and PM peak periods in 2030. Construction of the Scheme would therefore ensure that adequate highway capacity was available to accommodate the predicted and planned growth in housing and employment.

#### Economic Assessment

- 3.46 An economic assessment of the scheme has been carried out using the standard assessment software TUBA<sup>4</sup> in order to calculate the transport benefits and disbenefits as a result of changes to journey times and distances, and also to calculate the benefits or disbenefits of carbon emissions. In accordance with Guidance set out in draft WebTAG unit 3.16 (see CD 4.66), the economic assessment separately includes the benefits and disbenefits resulting from the additional housing and employment which could be provided in the CPR area as a result of the highway improvements.
- 3.47 In 2002 market prices, discounted to a 2002 present value year (the standard method of accounting for transport economic assessments) the Scheme would provide a Present Value of Benefits (PVB) of some £22.9 million against a Present Value of Costs (PVC) of about £10.9 million. This would give a Net Present Value (NPV) of £12 million with a Benefit to Cost ratio (BCR) of 2.11. This would represent high value for money in accordance with DfT guidance (see Doc CC/4/3 App J). Furthermore, if benefits outside the modelled period are included the BCR would increase to 2.77. In addition, further Scheme-dependent benefits amounting to a net total of some £17.2 million are forecast to arise from changes in land values between 2016 and 2030, as a result of the planned housing and employment development (Doc CC/4/2 para 7.6).

#### **Environmental and other impacts of the Scheme**

- 3.48 The environmental impacts of the Scheme have been thoroughly assessed in the ESs (CD 2.3-2.9 and 2.16-2.20) which were considered by the Council when it granted planning permission for Phases 1 and 2 of the Link road scheme. The impacts and proposed mitigation are set out in some detail in Section 11 of Doc CC/3/2. In addition, environmental reviews were undertaken on critical aspects of the proposed scheme in 2012, to update the EIAs which had been completed for the original, larger scheme. These reviews covered Landscape, Air Quality,

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<sup>4</sup> Transport User Benefit Appraisal

Noise and Ecology and are contained in Apps 6, 7, 8, and 9 within Doc CC/3/3. They confirm that the smaller Stage 1 Scheme would not create significantly greater or additional environmental impact. A summary of the anticipated environmental impacts is given in the following paragraphs.

#### Noise and Vibration

3.49 The Scheme design includes noise and vibration mitigation measures where needed, such as earth mounding, noise barriers and low-noise asphalt road surfacing, to reduce the impact of the road and its traffic. Limits on construction noise levels and hours of working would be established in consultation with the Council's Environmental Health Officer. Upon Scheme opening, residents in some dwellings would experience increases in noise levels, but the majority would experience either no change or a reduction in traffic noise levels. It is therefore concluded, on balance, that the Scheme would be neutral in terms of noise impact (Doc CC/3/2 para 11.3.6).

#### Air Quality

- 3.50 The local air quality assessments presented in the ES (CD 2.3-2.9 and 2.16-2.20) and the update report (App 7 to Doc CC/3/3) demonstrate that no significant adverse impacts on air quality in relation to human health would be expected as a result of the implementation of the Scheme. Pollutant concentrations are predicted to remain within air quality objectives in the future, whether or not the Scheme is in operation. Whilst an overall increase in exposure of the local population to air pollution is predicted with the operation of the Scheme and dependent developments, the vast majority of receptors would experience an insignificant impact.
- 3.51 Moreover, the Scheme is predicted to result in an improvement in air quality at more than 650 properties within the study area, primarily along the A3047 between the East Hill Junction, where existing nitrogen dioxide levels exceed the air quality objective at properties close to the roadside, and the Wesley Street Roundabout, and also alongside Station Road. Ambient pollutant concentrations are predicted to increase at receptors close to the route of the new link road and where the link road feeds into the existing network. However, total concentrations would remain well within the relevant air quality objectives for all pollutants, and consequently no significant health effects are anticipated.
- 3.52 The Scheme is consistent with UK national strategies for ambient air quality and planning policies in that it would not, in itself, result in new or significant worsening of existing exceedences of air quality objectives within the study area. Furthermore, it would allow the Council to implement additional "soft" mitigation measures, many of which are already included in the Air Quality Action Plan for the CPR area, such as increasing public awareness of air quality issues and encouraging local businesses to set up car-share schemes.

#### Ecology

3.53 Although the Scheme would not affect any locally designated or nationally protected sites of nature conservation importance, it would pass through an area of importance for lichens and bryophytes. The ecological assessments in the ESs also concluded that there would be likely to be impacts on reptiles and bats. However, mitigation would follow careful working methodologies to avoid

destroying or injury to vulnerable protected species, and the Scheme would include habitat creation to provide alternative and better habitats. Areas have been identified for the re-creation of bryophyte habitats and with these measures in place there would be no significant residual effects on the environment as a result of the scheme.

- 3.54 Significant enhancements to the wetland habitats in the Red River valley would be undertaken with the road construction works. The scheme's open channel drainage, and the cascade for water run-off down the eastern side of the valley, would also provide opportunities for wetland planting and wetland habitat creation. Habitat surveys would be updated, prior to demolition and construction, and would take full regard of the legislative and policy changes and local initiatives, and the implications for the Scheme (Doc CC/3/2 Section 11.5).

#### Land Use and Agriculture

- 3.55 The impact on the original holding of Church View Farm would have been severe, but following changes to the holding the Scheme would now only have a minor impact on the land currently used by the farm. Access to the farm and its residual land has been retained in the Scheme design (Doc CC/3/2 para 11.5.5).

#### Cultural Heritage

- 3.56 The EIAs undertaken for the planning applications concluded that there is the potential for impacts on features and sites of cultural heritage value that could be exposed, as areas are excavated during construction. A programme of further investigation would therefore be agreed with the Council (in the form of a Written Scheme of Investigation) to ensure that any interests that may be affected would be logged and recorded. There would be an archaeologist on site with a watching brief during the early top soil stripping and excavation works. Should finds of interest be identified, further appropriate mitigation would be agreed with the Council, in accordance with the standard guidance for archaeological watching briefs (CD 5.17).
- 3.57 Areas of World Heritage Site (WHS) Landscape lie close to the scheme, at Tuckingmill, Chapple's Shaft (Cook's Kitchen), and Carn Brea. However, the impact of the proposed road on the WHS was assessed in depth in the EIA documents supporting the Phase 1 Planning Application (CD 2.1 and CD 2.3 to 2.8). On balance the Council concluded, in granting planning permission, that the direct residual impact of the scheme on the heritage landscape would be justified by the benefits which the Scheme would deliver (Doc CC/3/2 para 11.5.6).

#### Landscape Impact and Mitigation

- 3.58 Detailed assessments of the likely visual impacts of the original scheme were given in the documents submitted in support of the Phase 1 and Phase 2 Planning Applications (CD 2.1, 2.3 to 2.8 and 2.14, 2.16 to 2.19). A Review of these assessments was undertaken to compare the present, reduced scope, Scheme with the original (see App 5 to Doc CC/3/3).
- 3.59 Wherever possible the new route would be kept at grade, or within cutting, to avoid visual exposure of the earthworks on embankments. The Scheme design follows the existing topography, dipping down into the Red River valley, and generally follows field boundaries and existing cultural land use patterns,

including preservation of existing hedgerows. Earth mounds would be created to reduce visual intrusion, particularly to residential property. These mounds would be planted to increase their screening capability and integrate the Scheme into the surrounding landscape. Angular and severe side slopes would be avoided in order to reflect existing topography.

- 3.60 Older/specimen trees and hedgerow features would be retained where possible. The planting proposals would also create new habitats alongside the road. Enhancements in the Red River valley would introduce new areas of vegetation and wetland and improve habitats for flora and fauna (Doc CC/3/2 Section 7).

#### Property Demolition

- 3.61 The residential property, known as "Sylmar" would need to be demolished, as would a partially converted barn in its grounds. The new road would pass through the South Crofty, operational, mine site and would require the demolition of old, derelict, mining buildings, currently in a state of disrepair, which are no longer required for WUM's mining operations on the site. A number of smaller buildings within the site, associated with mining, would also be demolished. Service supplies would be maintained and the Scheme would not affect any essential buildings or equipment.
- 3.62 The Scheme would avoid the Winding House but would intrude on the protected space (150m radius) around Cook's Shaft headgear. The road would, however, allow enough space around this headgear for future mining needs to be protected. The demolition would assist in the proposed re-development of the site, as mining operations are relocated southwards. The whole of the existing site, including the road corridor, would then be cleared and remediated in readiness for regeneration development.
- 3.63 The Council owned property known as "Coastline", on Dudnance Lane has a number of outbuildings which would need to be demolished in order to create the new cycleway/footway on the West side of Dudnance Lane, although the main office building would not be demolished. These buildings form part of the old Bartle's Foundry. A small industrial unit within the Old Station Yard, Station Road would also need to be demolished in order to widen the footway and reconstruct the existing stone wall (Doc CC/3/2 para 11.5.7).

#### Pedestrians, Cyclists, Equestrians and Community Effects

- 3.64 Provisions for non-vehicular highway users are an integral part of the Scheme because the planned regeneration developments, and the expected economic growth, are expected to generate high cyclist and pedestrian flows. Although the Scheme would not result in significant community severance, realisation of the planned regeneration and economic growth would mean that the new road would form a movement corridor through communities.
- 3.65 By the construction of new infrastructure links, which include new bridleways, cycleways and footways, the Scheme would deliver significant benefits for pedestrians, cyclists and equestrians. It would enhance existing routes, such as the Mineral Tramways Leisure Trail, along the Red River valley, which would be accommodated within one of the proposed arch structures. The network for non-motorised users (NMUs) would be extended with new, contiguous provision between Dolcoath and Dudnance Lane and eastwards to Wilson Way and the

industrial areas, by way of footways and shared cycleway/footways alongside the new, and improved existing, road carriageways. These provisions would help meet the Council's objective to reduce the reliance on motor vehicles, particularly for short journeys.

- 3.66 The needs of the disabled have been considered in the design of the Scheme through a number of public consultations at key stages. In addition, an independent audit by a local Disability Group was undertaken prior to the contract designs being finalised. Overall the Council is satisfied that there would be no conflict with the requirements of the Disability Discrimination Act 2010 (Doc CC/3/2 Section 12).

### **Implementation**

- 3.67 If the Orders are confirmed, construction works are expected to start on site in January 2013. Construction of the Scheme would take approximately 20 months, opening in the Autumn of 2014. The contractor's Contract Management Plan would cover all areas of the works, defining Method Statements and codes of operational practice (see App A2 in CD 2.18). The plan would define the contractor's system for managing Health, Safety, Sustainability and Quality. Within it would be the Construction Environmental Management Plan (CEMP) which would describe how the construction works would be carried out to ensure safety and to minimise impact on people and the environment. A Waste Management Plan would also be prepared by the contractor.
- 3.68 The earthworks operations would be a significant part of the construction across South Crofty and the Red River valley, with the Red River valley embankment requiring the importation of additional material. The movement of materials into the site would be mainly from the A30 via Dudnace Lane and then along the new road corridor. Temporary site compounds would be established to support the construction operations. On completion of the Scheme, all compound areas would be restored to their previous condition and use.
- 3.69 Construction of the Scheme would result in some disruption to flows on the existing road network, but appropriate, clearly signed diversion routes would be agreed with the Council. The public would be kept fully informed of such matters, through news bulletins which would be issued regularly through various media. Businesses, landowners and residents adjacent to the construction would be advised of programmes of work and close liaison with them would ensure that impacts would be minimised (Doc CC/3/2 Section 13.8).

### **Modifications requested to the Orders**

- 3.70 As a result of ongoing discussions with a number of Objectors, and examination of the Orders by the DfT, a number of minor modifications are proposed to both the SRO and the CPO to reflect latest requirements and to correct drafting errors. The Council supports these modifications, which are fully detailed in Docs CC/INQ/2 and CC/INQ/9, as it considers that the proposed changes could be made to the Orders without affecting the Scheme. In summary the modifications are as follows:
- a. The exclusion of a small strip of land from the CPO to enable Cornish Linen Services (Objector 07) to purchase a strip of land along their southern boundary in order to achieve a better flow of vehicles around

the site. This modification would involve a revised CPO Site Plan 1 and a revised CPO Schedule.

- b. A reappraisal of predicted traffic flows and turning movements at the proposed Wilson Way roundabout means that the exclusive left filter lane, originally proposed to serve east to south-west traffic movements, is no longer needed. This design change, which would require less land from Mr I C Moore and Tescan Ltd (Objectors 11, 12 & 13) creates no additional impact on third parties and reduces the land required in the CPO. This modification would involve a revised CPO Site Plan 2 and a revised CPO Schedule.
- c. The Ramblers Association pointed out a minor drafting error in the SRO on Site Plan 3, where the southern end of the new highway (bridleway) B had been incorrectly shown as having a taper, such that it would not fully connect to highway C (the existing bridleway). This has been corrected by a revised SRO Site Plan 3.
- d. Within the SRO, in the paragraphs defining "classified road" under paragraph 3, a distance of 1,216m is given for Wilson Way. This is an error. The correct distance should be 140m.
- e. In Schedule 1 to the SRO, under Site Plan 1 "Highways to be stopped up", the reference to "Par Moor Market" is incorrect. It should be "Pool Market".
- f. In Schedule 2 to the SRO, under Site Plan 2 "Private Means of Access to be stopped up", the three references to "Access to "Tescan" commercial premises Wilson Way" all have incorrect lower case letters in brackets. Instead of "(l)", "(m)" and "(n)" the references should be "(s)", "(r)" and "(q)" respectively.
- g. In Schedule 3 to the SRO, under Site Plan 3 "Highways to be stopped up", the distance of 105m relating to the Mineral Tramways Trail is incorrect. It should be 125m.
- h. On SRO Site Plan 1 the reference arrows to areas 4/g and 5/h need to be transposed, so that the letters identify the PMA to be stopped up and the numbers identify the new PMA to be created.
- i. On SRO Site Plan 2 the reference arrows to area 3/d need to be transposed, so that the letter identifies the PMA to be stopped up and the number identifies the new PMA to be created.

## Summary

3.71 The Scheme has the benefit of planning permission and there are no planning impediments to it going ahead. The Council has concluded, with the benefit of EIAs, that the Scheme as a whole is in accordance with the statutory development plan. There were no challenges to the grants of planning permission. Furthermore, with an estimated cost of some £26.81 million the Scheme has good prospects of being funded. It was the subject of a Best and Final Funding Bid to Central Government in September 2011, and was approved for Central Government funding in December 2011.

- 3.72 Under the updated TUBA assessment it achieves a BCR of 2.11, which indicates that Government considers that the Scheme offers high value for money. The DfT has committed just over £16 million to the project cost whilst EU Convergence funds have committed £1.09 million, with a further £4 million bid submitted for further consideration. The Council has agreed to underwrite all non-DfT contributions should any fail to materialise (Doc CC/INQ/8). There are therefore no financial impediments to the Scheme progressing.
- 3.73 In Circular 06/2004 "Compulsory Purchase and The Criche Down Rules" (CD 4.12), the Government has made it clear that it believes that compulsory purchase powers are an important tool for local authorities to use as a means of assembling the land needed to help deliver social and economic change. It has advised that used properly these powers can contribute towards effective and efficient rural and urban regeneration, the revitalising of communities and the promotion of business – leading to improvements in quality of life.
- 3.74 The regeneration and transportation benefits that the Scheme would bring, together with the measures that would be taken to mitigate and compensate for the effects of the scheme, provide a compelling case in the public interest that would justify any interference with the human rights of those whose land would be affected. The Orders should therefore be confirmed.

#### **4. THE CASES FOR THE SUPPORTERS**

- 4.1 No Supporters appeared at the Inquiry, but a number of written representations expressing support for the Scheme have been submitted.

The material points are:

##### **Homes and Communities Agency (HCA) (Doc HCA/1)**

- 4.2 When the CPR Regeneration Company ceased operational activity its assets were transferred to the HCA, and a number of the land and property assets now owned by the HCA are required for the implementation of the Scheme. In the absence of the Scheme, the regeneration initiatives in the CPR area would be severely compromised and this would be a major deterrent to those considering moving their homes and businesses to the area. Not only would there be insufficient highway capacity to achieve growth targets but the quality of the environment along the existing A3047 and the congestion within the industrial areas would become intolerable. Good access to the A30 trunk road is particularly important in being able to attract business and residential investors to the area.
- 4.3 The HCA is currently working with Linden Homes to achieve the regeneration of a former industrial site at Dolcoath, Camborne, at the western end of the Scheme. The first phase of a development of new homes at the site is nearing completion and a link road will be constructed as part of the development, which would directly connect this site to the new East-West Link road. Securing the Scheme would boost demand for both new homes and new employment opportunities which, when taken together would boost the resilience of the area economically.
- 4.4 The HCA fully supports the CPO as the successful delivery of the Scheme would contribute to the social, economic and environmental regeneration of the important CPR growth area and would bring wider benefits to its communities.

**Camborne Chamber of Commerce** (Doc COC/1)

- 4.5 The plans to regenerate the CPR area and construct the East-West Link road are seen as significant benefits, essential for the future of the town, supported by all in Camborne Chamber of Commerce. Completion of the Link road would remove the rat run through Dolcoath and Brea and would remove significant traffic from the residential area along Dolcoath Road to the Council offices. It would also reduce traffic through the residential area of Tuckingmill and would significantly improve access to the new World Heritage Heartlands project.
- 4.6 Businesses in Camborne are investing in the town, having recently voted a significant "Yes" to the BID Camborne (Business Improvement District) project. For years the Chamber of Commerce has wanted to "open up" Camborne to make it more accessible to attract shoppers, suppliers, and holiday makers, especially now from Heartlands. The Chamber fully supports completion of the East-West Link road link, as soon as possible, as it would make Camborne a far better place for businesses in the town, the residents, and visitors.

**Cornwall College** (Doc CAM/1)

- 4.7 Cornwall College is one of the largest Further Education providers in England and is the third largest employer in Cornwall. As one of the leading economic development organisations in Cornwall, working with over 2,000 Cornish businesses every year, it has an advanced understanding of the development needs of residents and businesses in this area. It supports the CPO for the CPR East-West Link road, which it regards as a critical piece of enabling transport infrastructure in the regeneration and economic development of the CPR area.
- 4.8 Cornwall has suffered from low growth and under investment for decades and has qualified for EU structural fund support for less developed regions since the late 1980s. The CPR area is the most economically and socially challenged area in Cornwall, with 4 out of 10 wards in CPR being in the 10% most deprived wards in England, half of the total number of such wards in the whole County. The Link road would enable other economic development assets such as the College, the Pool Innovation Centre and Heartlands to realise their full potential in supporting the economic and social regeneration of CPR.

**Jude Robinson<sup>5</sup> & Robert Webber<sup>6</sup>** (Doc LAB/1)

- 4.9 The SRO and CPO are fully supported. Camborne and Redruth have a long industrial past which has, with the decline of traditional heavy industries, left large areas of brownfield land, often heavily polluted, lying unused for decades. The economy of the area has many weaknesses which have attracted attention of Government initiatives over the last 15 years. The former Cornwall County Council and the CPR Regeneration Company recognised one of the main difficulties with economic redevelopment in the CPR area was the weakness of transport links between the 2 towns. The A3047's existing usage is so high that the Highways Agency has put restrictions on future development, even on large brownfield sites in the Pool and Tuckingmill neighbourhoods, until road improvements and new routes are constructed.

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<sup>5</sup> Labour and Co-Operative Cornwall Councillor, Camborne North

<sup>6</sup> Labour Town Councillor, Camborne South

- 4.10 The proposed East-West Link road has full planning permission and fully allocated monies both from Cornwall Council and Central Government. It would link up with recent improvements which include the Barncoose Link Road (constructed in 2009) and the East Hill Junction Improvements (2011). Failure to construct this Link road would be a major bar to economic regeneration of the area and a complete bar to the use of many brownfield sites.
- 4.11 In addition, it needs to be recognized that the Council is required by law to devise a CS for economic and housing needs across Cornwall over the next 20 years. The draft document includes building up to 6,500 new homes in the CPR area. This is inevitably not universally popular but whatever form the final CS takes, thousands of new homes will be built in the area in the coming decades.
- 4.12 As local Councillors it is our duty to shape this change to minimise the use of greenfield land and protect the natural beauty of our part of Cornwall. The maximum re-use of brownfield land is vital to achieving this. The failure to build the proposed East-West Link would have major detrimental consequences for the towns and parish of Camborne, Redruth and Carn Brea, ongoing into the future.

**Vicky Martin, Chief Executive Officer, Heartlands Trust** (Doc HEA/1)

- 4.13 Support is offered for the Scheme, which is seen as contributing to the ongoing regeneration of the CPR area. It would bring benefits to the area including a reduction in road congestion, improved air quality, better access to towns and attractions within the area and wider benefits to businesses and local people.

**George Eustice MP**<sup>7</sup> (Doc EUS/1)

- 4.14 Mr Eustice confirms his full-hearted support for the SRO and CPO and comments that he worked very hard to secure the necessary funding from the DfT to make the Scheme possible. The proposed East-West Link road has a crucial role to play in the regeneration of the derelict mining land at Tuckingmill in Camborne. It would enable the building of new industrial units, a new hotel and additional housing which are expected to create up to 6,000 new jobs in the area over the next 15 years or so.
- 4.15 The Scheme would also enable the Council to pursue its preferred strategy as far as housing growth is concerned, which is to favour brownfield sites over greenfield extensions. If the Scheme does not proceed, the housing growth needed locally will not be capable of being provided on brownfield sites. Planning permission has already been granted for the road and the objections raised do not have a strong basis in law.

**Camborne Councillors**<sup>8</sup> (Doc COL/1)

- 4.16 Delivery of the East-West Link road as part of the approved transport strategy is an integral and essential part of the planned economic growth for the area, as it would provide improved access from industrial areas to the A30 trunk road and release brownfield development potential. Residents in Dolcoath Road would find their road is no longer a rat run and the residents in Pendarves Street and

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<sup>7</sup> Member of Parliament (MP) for Camborne, Redruth & Hayle

<sup>8</sup> J P Collins (Camborne Town Councillor); J Stoneman (Cornwall Councillor, Camborne Central); D Biggs & Mrs M Williams (Camborne Town & Cornwall Councillors); R J Beare, P White & S Odgers (Camborne Councillors)

Tuckingmill would find that less traffic would be using their roads to access Pool, Redruth, and the A30 and further afield. The Scheme would encourage private sector investment and hopefully facilitate the creation of some 5,000 jobs and about 7,000 homes by 2030 and enable employment and benefits in excess of £70 million to the local economy to be realised.

- 4.17 It has been commented that Wesley Street is the heaviest air quality polluted road in Cornwall. However Cornwall College researchers, who monitor this section of road 24 hours a day, indicate that air pollution registers on the middle band of the lowest scale to measure air quality.
- 4.18 Housing should be built on brownfield sites before greenfield sites and this road would enable the development of derelict land at Dolcoath and Tuckingmill and help prevent mass house building around villages like Penponds. To help the next generation in Camborne it should be made easier for businesses to create jobs here, not harder, and the new road would be a crucial element in improving the town's future by facilitating potential inward investment and job creation.
- 4.19 Objections to the Scheme should therefore be rejected as the proposal complies with national, regional, and local development plans and emerging plan policies concerning regeneration and highway improvements, as well as environmental matters and mineral protection.

## **5. THE CASES FOR THE OBJECTORS**

The material points are:

**Cllr S Cullimore** (Docs CULL/1-4)

- 5.1 Speaking as a Camborne Town and a Cornwall Councillor, objections were raised to the SRO and CPO under a number of headings, as detailed below.
- 5.2 Air Quality. Tesco's roundabout, at the western end of the Scheme, is one of the most polluted areas in Cornwall. This situation would be worsened by the additional traffic which the proposed road would bring into the area, coupled with the new traffic which would be generated by the proposed developments which would accompany the new road. The air quality impacts associated with the planned future growth of traffic have not been assessed.
- 5.3 Rat Runs & Gridlock. The Scheme would cause gridlock in large parts of the town, particularly in the area of the library and Pendarves Street. As a result of this congestion, increased traffic and the blocking off of other roads, the Scheme would create a number of "rat runs" in Pengegon, Brea and other areas of Camborne to the detriment of road safety and the quality of life for local people.
- 5.4 Loss of Amenity Space. The Scheme and the developments it would facilitate would result in the loss of rough/green space, much of which is used by local children as playing space. This would be all the more important in the context of the increase in population which would arise as a result of the developments made possible by the new road. The construction of the bridge would result in hindrance to people's enjoyment of the Red River valley - an area much used by walkers and those who want to enjoy Cornwall's industrial and cultural heritage.
- 5.5 Heritage. The proposed road would pass through the "sets" of South Crofty mine, the world famous Dolcoath mine and the Tuckingmill valley which was

extensively tin streamed and contains within it many features of historic interest. Most of the valley is part of the WHS and the whole area is either part of the WHS or is co-terminus with it. It is important to maintain not just the integrity of the WHS but the surrounding area. Losing the WHS status would be a severe cultural and economic blow to Cornwall. The road would demolish some buildings associated with Bartle's Foundry and destroy mine dumps and possibly destroy historic buried features, reputedly including a medieval blowing house.

- 5.6 Mineral Safeguard Zone. South Crofty and Dolcoath both contain strategic mineral safeguard zones which were put in place to protect access to mineral reserves of national and international importance. The road would cut into the safeguard site at Cook's Kitchen shaft, one of the main access shafts for South Crofty, and although the present company wish to use the Tuckingmill decline they may not be the last company to mine this site. It is not possible to sink a shaft at a distance from the site as has been suggested. Not only is shaft sinking a very costly operation (in excess of £20 million), but distance adds considerably to the cost of getting the ore to surface. It is not just a matter of preserving access but of maintaining the integrity of the whole set.
- 5.7 The proposed road would cause the costs of construction to rise dramatically and would sterilise access to vital areas of mineral extraction. As many if not all of the minerals which the mines are known to contain are of high importance in times of economic need, it would not make sense to sterilise these reserves for short term gain.
- 5.8 Developments. The primary reason for this road is to act as a distributor road for proposed housing developments. It would bring no economic benefit to the area. With the present levels of unemployment the increase in population, with no real jobs in the pipeline, would have an adverse effect as well as being a burden on the ratepayer.
- 5.9 Environmental. The road would sterilise many of the mine dumps, which contain rare mineral specimens and are a habitat for plants such as bryophytes and a home to many small burrowing mammals and reptiles. In addition the road itself, as well as the proposed developments, would have an enormous adverse effect on the local environment. The proposed bridge would shade a large area of the Red River valley, causing damage to an area which during the time of KDC was considered to be of such importance as to merit the status of nature reserve. Harm would also be caused during the construction phase as the mine dumps contain high levels of toxic metals which, if disturbed, could spread over a large area contaminating both people and the environment.
- 5.10 Local Objections. Many local people and organisations object to this Scheme, feeling it has been forced on them by the Regeneration Company with only limited consultation. The road would have a major impact on their lives yet they feel totally disempowered by the planning process. The Town Council planning committee rejected the proposal after extensive debate, reflecting the feelings of the town and larger surrounding areas.
- 5.11 Human Rights. Allowing the CPO to go ahead would simply open up the area for private developers and speculators to develop properties, 82% of which would be for in-migration to Cornwall. This would result in the despoiling of internationally important sites for short term profit, destroying Cornwall's unique cultural and historic identity whilst forcing a large increase of both people and cars on the

existing population, who largely oppose this project. This would be a clear denial of the human rights of the people living here.

- 5.12 In conclusion, the SRO and CPO are unnecessary, contrary to the public good and in conflict with the use of Objective One money and EU Convergence Funds. The Scheme would provide little or no public gain and much potential harm. It would cause gridlock and a loss of air quality, and the mass housing which would be made possible by the Scheme would further overload the area's already badly overloaded and outdated infrastructure.

**Stannator W H Rowe** (Docs ROW/1-3)

- 5.13 Stannator Rowe spoke on behalf of the Cornish Stannary Parliament (CSP). Objections are raised to the CPO as the Council has no root title to the land, much of which is unregistered common land and wastrel. It is "the peoples land" and should not be removed from the register without public consent.
- 5.14 There is no compelling case to purchase this land, nor would purchasing it be in the public interest. The main purpose of the Scheme is to bring about new open market housing, nearly all of which would be out of reach of local people but which would adversely affect the quality of life of existing local residents, through increased pollution and traffic movements. The purported need for the Scheme appears to be contrary to the Council's stated objective of creating sustainable communities, a requirement of the Sustainable Communities Act 2007.
- 5.15 The Scheme would also have a significant adverse impact on the integrity of the mining WHS, a valuable asset both nationally and internationally. By sterilizing the access to Cook's shaft at South Crofty it would hinder future deep mining, cut off proven ore reserves, stop development of minerals of international importance and hamper the provision of local employment opportunities.
- 5.16 By carrying out preparatory works before being able to purchase the land, the Council has predetermined the outcome of the CPO and the development of land which is of international importance. In addition, part of the proposed Scheme includes the demolition of the uniquely important Bartle's Foundry at Dudnance Lane. Foundry buildings around mine sites are extremely rare and Bartle's Foundry is a very well preserved example.
- 5.17 The whole regeneration package for the area is based on questionable data. Although the proponents of the scheme claim it will generate 5,500 jobs, this is based on a simple calculation of linking floor space to jobs. However, conditions are different in Cornwall to those in England, and the ratio of floorspace to jobs can clearly change as the economic situation changes. The Council has used job figures for the whole road to justify the SRO and CPO for just a short part of it. Many of these jobs would exist whether or not this section of road was built. The construction of the 7,000 houses that this section is claimed to facilitate would create a shortfall of at least 1,500 jobs.
- 5.18 Following a judicial review, the previous Area Action Plan (AAP) for the CPR area had to be withdrawn, on the basis that it had been compromised by there being too close a relationship between Planning Officers of the former KDC and members of the CPR Regeneration Company. However, the new AAP for the area is very little different from the first AAP in substance and form, apart from the increase in housing numbers. The new AAP has had the minimum of consultation

and little or no democratic input. This has attracted criticism from Councillors and indeed only two Councillors voted to recommend it to Cabinet. Many of the Council Officers as well as members of the CPR Regeneration Company are now employed by Cornwall Council and their arms length company. To the layperson this must be perceived as having compromised the process.

5.19 It is also questioned whether the environmental impacts of the overall scheme have been properly assessed. The air quality in parts of Camborne is already poor and the Council's assessment of the impact of the new road does not take into account the pollution which would arise from new housing, nor from the extra traffic (up to 14,000 cars) which would be generated. In addition there are very serious concerns regarding the disposal of surface run-off from the road, as well as additional sewage and surface run-off from the housing developments. This Scheme is very clearly not sustainable.

**Mr E R Nute** (Docs CSP/1-3)

5.20 Mr Nute, as Keeper of the Seal, also spoke for and on behalf of the CSP. All Cornish people have an interest in their historic and constitutionally recognised territory. It cannot be in the public interest to compulsorily purchase the people's land for use as a mass house building scheme, which would introduce even more immigration into Cornwall. Already too much mining land has been bulldozed and covered with inappropriate and unwanted building. As a nation and a people recognised worldwide, the human rights of the Cornish national minority must be seriously taken into consideration, particularly as the Cornish language (Kernewek) is recognised as one of the minority languages of Europe. A language requires the long term existence of a people who speak it.

5.21 Many Cornish people consider that the purpose of acquisition is to complete an operation begun in the late 1950's, to assimilate the nation of Cornwall into the nation of England. This is evidenced by "Bartholomew's Ethnographical Map Of Britain 1936" (see Doc CSP/2), which shows Cornwall to be the only territory or national land in the whole of Britain populated by one people only, the Cornish. The Council's support for mass house building in Cornwall, including to accommodate overspill from London, causes the further emigration of young Cornish people (see Doc CSP/2). Today, the Cornish nation amounts to around 50% of Cornwall's population and this rate of assimilation, if continued for another 50 years, would ensure the virtual ethnic cleansing of the Cornish people from their own territory.

5.22 Article 16 of the Council of Europe Framework Convention for the Protection of National Minorities, signed by the British government in 1995, prohibits any measure which alters the proportions of the population in areas inhabited by persons belonging to national minorities. The European parliament recognises the Celtic identity of Cornwall, its language, culture and traditions. However, the Council apparently supports the alteration of the proportion of indigenous Cornish people through encouraging immigration by allowing mass house building.

5.23 Moreover, the state-funded English Heritage (EH), English Nature (EN) and English Partnerships are active in Cornwall, apparently with a mandate to assimilate Celtic Cornwall into Anglo Saxon England. English Partnerships have now been rebranded as the HCA, who have acquired large amounts of land in Cornwall for mass house building. This will even further increase the proportion of English people to Cornish people within Cornwall. The Westminster parliament

appears to be purposefully disregarding European and International treaties in order to assimilate the Cornish people into an England that does not exist on the western side of the Tamar.

- 5.24 Furthermore, the United Nations declaration on the rights of indigenous peoples, September 2007, contains many Articles which need to be taken into account. Cornwall is constitutionally extra-territorial to England (see Doc CSP/3), as was demonstrated at the beginning of June 2012 when the Monarch's barge flew the Cornish national flag alongside the English, Scottish and Welsh national banners. It follows that as the Monarch recognises the Cornish nation, Cornwall Council should do likewise, and honour the spirit and intent of the Framework Convention for the Protection of National Minorities by ensuring in its planning procedures that Article 16 of the Convention is adhered to.
- 5.25 Due to all of the foregoing, the CSP considers that the SRO and CPO do not comply with European and International treaties, conventions and directives, and are therefore incompatible with the constitutions of both Cornwall and England. Accordingly they should be unable to be confirmed.

**Miss J Fox** (Docs FOX/1-2)

- 5.26 Miss Fox is a local resident who researches matters that would affect the WHS. Land in the Dolcoath Road and Dolcoath Avenue that falls within the CPO is bounded by 13 men from Camborne. The land is bounded to protect it for future mining and the mineral rights of the Duke of Cornwall. Also, some of the land is public land. Large deposits of minerals have recently been found in this area. In the Truro County Court Stannaries Jurisdiction Case No 9303888, with KDC as Plaintiff and 12 Defendants (those who bounded the land), the case brought by KDC to build on this land was turned down because of the bounding. A mining or minerals area like this is excluded from the acquisition of land. This would call into question the validity of the proposed CPO and would render it illegal.
- 5.27 The land is also located next to a WHS and guidance both from the Department for Communities and Local Government and the United Nations Educational, Scientific and Cultural Organisation make it clear that both a WHS and its setting should be protected. The proposed road scheme would not accord with this guidance.
- 5.28 The Link road, if approved, would allow the development of thousands of new houses in the area, but mass house building is not required anywhere in Cornwall and certainly not in the Camborne area. The housing target for this area is unrealistic as the number of people requiring housing is much lower. The target figure for new jobs is also unrealistic as the number of people requiring employment is lower than the suggested figure. The extra jobs mentioned would mostly be created for the building industry itself, whilst carrying out this development and would then disappear upon completion.
- 5.29 Cornwall does not need the influx from other parts of Britain so local needs would not require the new road. At the present time Cornwall is full up so more incomers would make life as it is known now nothing but extreme hardship. The NHS facilities are working to full capacity and that does not take into account the cuts proposed by the UK Government. There would also be an impact on other services such as the Police, Fire Brigade and public transport. All this proposed regeneration is pure vandalism of our countryside that would only cause more

traffic congestion and not solve it. It would not improve the flow of traffic but would worsen the situation on the roads in this vicinity, such as Wesley Street, which are already congested.

- 5.30 Camborne Town Council members in favour of the Scheme have been pressurising other members. This is not democratic and goes against the views and wishes of the local community. People feel that whatever views they have they are completely ignored and the authorities can just do what they like.

**Matters raised by objectors in written representations**

The material points were:

Ms V R Oldfield (Objector 15)

- 5.31 Ms Oldfield objects to the CPO on the grounds that the Scheme would adversely affect her property. Land in unknown ownership, required for the Scheme, lies adjacent to her property (parcel 4/8). When she bought her bungalow some 13 years ago she contacted the land registry office with the aim of acquiring this land, and was told to fence it off and reapply in 12 year's time. She erected a feather-boarded fence around approximately one half of the land and put posts and a wire fence over the remainder. She has cleared and planted out the area enclosed by the feather-boarded fencing and the remaining shrubs and trees in the other area provide her with protection and privacy. She considers that implementation of the Scheme would cause her considerable inconvenience and expense to restore the necessary security and privacy that she has at present.

Mr Bob Le Marchant, Chairman of the Cornish Mining Development Association (CMDA) (Docs MAR/1-3)

**INSPECTOR'S NOTE:** *Although lengthy submissions were made by Mr Le Marchant, which can be seen in full in Docs MAR/1-3, many of the points raised relate to commercial and detailed aspects of the proposals for mining operations by Western United Mines. As such they do not directly relate to the subject matter of this Inquiry and are therefore not discussed further, here. The remainder of this section is restricted to those matters which directly relate to the proposed road.*

- 5.32 The CMDA, as a statutory consultee, objects to the Scheme as presently drawn on the grounds that it would adversely box in Cook's Kitchen shaft and its associated machinery footprint amongst retail or housing development. It would also break Cornwall Council's own policy of reserved strategic mineral access. Cook's Kitchen shaft is at present the only immediately available access to the £4 billion of estimated tin reserves identified under the old South Crofty mine. As currently proposed the Scheme would sterilize the chance of doing any mining in a conventional sense, through the only easily accessible route to the vast underground wealth.
- 5.33 Whilst the present company interested in the mine (Baseresult), state that they do not wish to use the surface winding facilities of this shaft, they have endlessly been forced to make compromises, and now have ambitious plans for which they still have to raise massive sums of inward investment to bring to fruition. It is vital that the facilities at Cooks shaft are preserved as an industrial asset, not a heritage asset, until such time as Baseresult comes good.

5.34 If the proposed road were moved 20-50m northwards, to create a staggered junction on Dudnance Lane, this would avoid demolishing the North Winder electricity substation, and would also avoid visibly boxing in this vital area. If this were done the CMDA would withdraw its objection.

*The Cornish Social & Economic Research Group (CoSERG) (Docs COS/1-2)*

5.35 Objections are raised against the SRO and CPO on the grounds that the proposed Link road is not desirable or necessary. The Council's target of 6,500 dwellings for the area is way above what is required to meet local need. A more sustainable figure would be 1,000 dwellings, which would be enough to cater for local needs over the 2010-30 period. If, as the Council has said, some 1,200 affordable houses are needed "now", this only requires the construction of about 3,000 new houses, if affordable housing were to be provided at a 40% rate.

5.36 The total number of dwellings proposed on sites close to the proposed road is some 1,800, which is less than one in three of the total proposed, meaning that the housing figures used to support the proposal are an over-estimate. There is no evidence that population growth causes increases in GDP or disposable income. Over the period 1999-2008 the ratio between the increase in population growth and total GDP growth was below the UK average.

5.37 The suggestion that the road would lead to the provision of some 5,500 jobs misses the point that these are not extra jobs to meet the needs of the existing population, but to cater for the planned population increase. They are simply a means of playing catch up. With a reduced jobs target total, to meet local need, and a focus on travel by non-car modes, there would be no need to provide extra road capacity. Again not all of the employment sites are close to the road.

5.38 The Council's argument that the Scheme would unlock development sites is flawed, as land is not needed to accommodate the population growth. Moreover, sites which have been allocated for development close to the proposed road are already served by the road network. With a reduction in traffic from current levels there would be no problems regarding the use of existing roads. Planned developments, such as a bigger leisure centre and more retail facilities in Pool, will generate extra traffic and will encourage people both within the urban area and from further afield to travel to the area. The new road would facilitate this, but developments should be planned that do not generate additional car traffic.

5.39 Development proposals should be aimed at supporting the local area and should not act as a magnet to encourage car use. The new road would not reduce congestion but would simply move traffic from one residential area to another. Areas around Tuckingmill, which are surprisingly rural, would be urbanized and communities which now have access to green areas would be trapped within a new road system. Increasing extra road capacity does not reduce traffic levels. Within a few years the "old" roads will have as much traffic as they do now.

5.40 The aim should be to reduce the current traffic levels by investing in non-road transport modes. Camborne-Illogan-Redruth is ideally situated as an area where a higher proportion of trips could be made by modes other than car. The proposed Link road is ill conceived, outdated and irrelevant to the needs of the area.

## 6. THE RESPONSE OF CORNWALL COUNCIL

The material points are:

### **Response to Objections presented at the Inquiry**

#### Response to Cllr S Cullimore (Doc CC/2/4)

- 6.1 Air Quality. The updated Air Quality Report of April 2012 (Doc CC/3/3, App 7) has concluded that the net impact of the Scheme would be either neutral or beneficial, with paragraph 3.4.4 of this document noting that the Council's Air Quality Action Plan identifies the new road as a specific improvement measure. The updated Air Quality Report does assess the impacts which would be associated with planned future traffic growth. This is apparent from both the April 2012 report itself (which the Councillor acknowledged he had not read), and also from Figure 5.2 of Doc CC/4/3.
- 6.2 It is accepted that Annual Mean Nitrogen Dioxide levels in Wesley Street have exceeded the National Air Quality Target level at times and that the Scheme would not alleviate the existing conditions. It would, however, limit the impacts that development would otherwise create and although an increase in exposure to pollution is predicted west of Wesley Street roundabout, this would be due to additional development traffic in that area coming forward in any event, and would not be caused by the new road (Doc CC/3/3, App 7, para 6.2.4). In any case, by 2030 Wesley Street would still not be as congested as East Hill is now.
- 6.3 Moreover, a decrease in exposure to pollution is predicted along the A3047 between Wesley Street and the East Hill junction, and along Station Road. On balance, air quality would not change significantly within the corridor of the proposed Scheme and existing exceedences of the standards would not worsen. Overall, air quality in Camborne is good and the Scheme would not alter this fact.
- 6.4 Rat Runs & Gridlock. The Scheme would provide additional highway capacity and relieve existing congestion at the East Hill junction. This would remove constraints to further housing and employment regeneration projects and although such projects would result in increased traffic in the area, the new road would satisfactorily accommodate this additional traffic. Contrary to the assertions of Cllr Cullimore, the Scheme is not forecast to increase rat-running in Pengegon or other areas in Camborne. Rather, by providing additional capacity and an alternative route it would be likely to reduce rat-running on other less suitable east-west routes.
- 6.5 Loss of Amenity Space. Outside the precise limits of the scheme there would be no change to public access to available amenity sites, whether public or private land. The impact of the scheme in the wider area would, therefore, be insignificant. Within the areas that would be developed after implementation of the scheme, it would be a matter for the Council, as planning authority, to ensure that appropriate levels of amenity land are set aside for public use.
- 6.6 Heritage. The impact of the Scheme on the WHS and its setting was fully considered by the Council at the time the planning applications for Phase 1 and Phase 2 were determined (see CDs 2.26 and 2.27). In addition, the impact on Bartle's Foundry was thoroughly assessed in an Archaeological Assessment in the ES (see CD 2.5 Apps D1 & D2). The original ES identified the impacts on Bartle's

Foundry as "major adverse" because the dualling of Dudnance Lane proposed as part of the original scheme would have removed most of the Foundry buildings. Despite this, EH raised no objection when consulted at the planning application stage and this matter was expressly considered in the Committee report for the Phase 1 scheme, with Committee Members coming to the view that, on balance, the impacts would be acceptable (see Doc CC/5/3 App 1).

- 6.7 The impacts would be less with the currently proposed Scheme as Dudnance Lane would not be dualled. Some of the Bartle's Foundry buildings located along the frontage of Dudnance Lane, dating from 1860 to 1946, would still need to be demolished to accommodate the proposed cycleway and footway. However, whilst the buildings are noted to be "sound", internally they appear to contain no original fixtures. Moreover, none of the buildings are identified as being of more than "local importance" (see Doc CC/INQ/6). The most valuable buildings within Bartle's Foundry would still remain and any ground works in the area would be accompanied by an archaeological watching brief.
- 6.8 A continuous cycleway along Dudnance Lane is a key part of the Scheme, without which there would be no cycle connection to the College or to East Hill. Moving the road to the east would adversely affect other important businesses. On balance, the chosen alignment is preferable and the impacts of the Scheme on the heritage landscape should not be seen as significant. In this regard, conditions attached to the planning permission require a scheme of investigation to be agreed with the Council prior to the works being commenced, so that heritage features can be uncovered, recorded and logged.
- 6.9 Mineral Safeguard Zone. The impacts of the Scheme on the Mineral Safeguarding Zone and the sterilisation of near surface reserves were considered and accepted by the Council as part of the assessment of the road proposal, at the time the planning permissions were granted (see CDs 2.26 and 2.27). The Council has signed an agreement to transfer land in its ownership to the owners of South Crofty mine, to enable a new processing plant and mine access to be constructed to the south of the existing site, so that planning conditions attached to this permission can be discharged (see Doc CC/2/4 App 3).
- 6.10 The written representation dated 14 June 2012, submitted to the Inquiry by WUM, clearly demonstrates that future mine operations at South Crofty would not be compromised by the published highway scheme (Doc WUM/1). One of the main reasons for relocating the proposed alignment from the south to the north of the mine complex related to the better ground conditions at this location. The mineralised zone dips to the north and therefore the extent of mineralisation along the route will be at greater depth than along the southern route. Allowances for the costs of finding and dealing with unexpected mine workings have been covered in the scheme costs and Risk Register.
- 6.11 Developments. The Council disputes the assertion that the Scheme would simply act as a distributor road for proposed housing developments and would bring no economic benefit to the area. As already noted, the ability to implement both employment and housing projects in one of the most deprived wards in the county is currently constrained by limited infrastructure capacity (Doc CC/1/2 paras 2.9.3 and 2.10.2). The Scheme would not only release this development capacity but would also secure significant investment of up to £24 million into the

CPR area which otherwise would be reallocated or potentially be subject to EU claw-back provisions (Doc CC/1/3 App 1).

- 6.12 Moreover, any increase in population would require to be served by local shops, restaurants, post offices, pubs, leisure facilities, and services. These, in turn, would secure existing employment and lead to opportunities for expansion of existing facilities and the creation of new jobs locally. Overall it can therefore be demonstrated that significant development and associated economic benefit would be facilitated by the delivery of the East-West Link road as proposed.
- 6.13 *Enviromental.* The Council does not accept that the Scheme would have an adverse impact on the local environment. Environmental assessments were included in the original Phase 1 and Phase 2 planning applications and these assessments were reviewed and updated for the current Scheme which was accepted for funding by the DfT (see Doc CC/3/3 App 9).
- 6.14 Rare and protected species of bryophytes were discovered within the South Crofty and adjacent sites. However, their habitat, rich in contaminants, would be re-created within the new highway corridor, segregated from public intrusion. It is anticipated that they would re-colonise these new habitat areas, along with native local lichens which thrive in similar conditions. In addition, habitat surveys of flora and fauna, to include bats, badgers, otters, birds and reptiles, would be repeated again prior to construction, and changes would be made to the proposed mitigation measures if necessary.
- 6.15 Although the composition of the various mine dumps is wide ranging, reflecting the past history of the site, they are not readily accessible to the public and are not of any significant importance. Having been there for many years, anything of interest at surface level is likely to have been removed already by collectors. Any specimens of interest would not be destroyed, but rather would be incorporated into the works.
- 6.16 The Red River valley is not formally designated as a nature reserve or similar, but the Cornwall Wildlife Trust and EN were consulted over the proposals and the Phase 2 planning permission includes appropriate conditions to mitigate any impacts in this regard. Segregated non-motorised public access would be provided under the new structures and shading of the valley between bridge and the railway embankment would not be an issue as this would be to the south of the new road. In liaison with the EA the Council has developed river bed re-profiling works as part of the Scheme, designed to increase and improve the wetland habitats. In addition the Scheme would take the opportunity of the river diversion to enhance the existing ecology. These features would be expected to mature into significant ecological assets, improving habitats for flora and fauna.
- 6.17 Regarding contamination during construction, the extensive ground investigations undertaken between 2007 and 2011) have provided comprehensive data on the range of contaminants which are likely to be found in excavated material (see Doc CC/3/2 Section 8.2. The contractor would manage the contamination in accordance with its Construction Management Plan and the CEMP. Excavated material would be isolated and monitored and the workforce would adhere to strict codes of working practice such that the public would not be exposed to any contaminants. Surface water run-off would be contained and leachate pollution levels would be regularly analysed to ensure compliance with standards.

- 6.18 Local Objections. Although it is accepted that there is a minority who do not support the Scheme, it has been the subject of many local exhibitions and has been considered by the democratic bodies elected to represent the local population. The planning process has followed established democratic procedures at all levels of approval and the Scheme commands a high degree of support as evidenced by the questionnaires returned at various events (CD2.10 and 2.21).
- 6.19 Human Rights. The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights ("the Convention"). The compliance of the preparation of the Scheme and Orders with regard to the Human Rights Act is explained in the Statements of Reasons to each of the orders (CDs 1.2 and 1.4) and in section 7.4 of Doc CC/2/2. In summary, in resolving to make the SRO and CPO the Council considered the rights of property owners under the Convention, notably under the following articles:
- Article 1 (of the First Protocol) - This protects the rights of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.
  - Article 8 - This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and it is necessary in the interest of national security, public safety or the economic well-being of the country.
  - Article 14 - This protects the right to enjoy rights and freedom in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.
- 6.20 In the case of each of these Articles (and indeed other provisions of the Convention) the Council has been conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit that would arise from the Scheme the Council considered that it would be appropriate to make the Orders. The Orders would not constitute an unlawful interference with the individual property rights. Those directly affected by the Orders would be entitled to compensation proportionate to the loss, which they would incur as a result of the compulsory acquisition, or as a result of the changes, alterations, modifications and improvements arising from the Scheme.
- 6.21 In view of all the above points, this objection should not be upheld.
- Response to Stannator W H Rowe, CSP (Doc CC/2/5)
- 6.22 The Scheme is fully justified and would facilitate many forms of development, not simply housing. Without the Scheme, regeneration in the CPR area would stall and the associated benefits would not be gained (see Doc CC/1/2 sections 2.9.3, 2.10.3, 4.2.5, 5.3, and 5.4). The Scheme accords with all relevant local and regional planning policies, and its social and environmental impacts have been considered and found to be acceptable at planning application stage.

- 6.23 The predictions used for jobs arising from new floor space areas are derived from guidance produced by the HCA and are the accepted norm for such calculations. These are regularly used to apply for grant funding nationally and through the EU and as such meet funding bodies' criteria. The figures used are based on the various developments that would be released by the delivery of the scheme up to the year 2030 (Doc CC/1/2 paras 2.9.3 & 2.10.2).
- 6.24 Many of the matters relating to the environmental impacts of the scheme, and other impacts, have already been dealt with in the response to Cllr Cullimore, above and are not repeated here. On other points raised, the environmental assessments do include the effects of additional traffic generated by developments which would be facilitated by the scheme. Visual intrusion of the Scheme would be reduced by extensive landscaping and planting and earth mounds would be used at some locations to shield exposed properties from the new road and its traffic.
- 6.25 The proposals have been developed in accordance with the Surface Water Management Plan for the area (see Doc CC/3/2 section 9.4), and would accommodate attenuated flows from the planned and proposed development sites. Sewage disposal from developments is not a matter for this highway Scheme to address, but would be considered for each future development proposal by the Council as planning authority.
- 6.26 Concerns regarding land ownership are noted, but obtaining the necessary title to the land needed for this Scheme is the whole purpose of the CPO. The carrying out of preparatory works to pursue the planning applications and the SRO and CPO in no way amounts to a predetermination of the outcome of this Inquiry.
- 6.27 Stannator Rowe has not made it clear in what ways he believes the Scheme would conflict with the Sustainable Communities Act 2007. The Council does not believe that it would. Moreover, the Council refutes Stannator Rowe's assertion, supported by other Objectors, that the process of preparing the AAP has been compromised. In summary, the former KDC withdrew the previous CPR AAP 2006-2026, following the outcome of a Judicial Review, and subsequently began to produce the Camborne-Pool-Illogan-Redruth (CPIR) AAP 2006-2026. This process was led by the Forward Planning Section of KDC and not the Major Projects Team which had been responsible for the previous AAP.
- 6.28 This replacement AAP, which proposed some 7,000 new jobs and between 9,400 and 11,100 new homes up to 2026, went through public consultation processes in 2008 and 2009, following significant stakeholder engagement that included local Town and Parish Councils. However, once it became apparent that the Government intended to abolish the RSS, KDC decided to halt the development of that plan until the Government's intentions had been made clear. The RSS has, however, not been formally abolished to date and it therefore remains a material consideration in developing plans and policies.
- 6.29 In 2009, the Council became the Unitary Authority for Cornwall and began preparation of its CS. As part of this process it produced an Area Based Paper setting out key issues and objectives, options for growth and highlighting initial infrastructure issues which went to public consultation in the summer of 2011. Between January and March 2012 the emerging CPIR Town Framework 2010-2030 options were subject to Public Consultation, alongside the preferred strategy for the CS. The CPIR Town Framework drew on the relevant parts of the

former KDC's CPIR AAP 2006-2026, along with other studies and assessments considering the growth of the area.

6.30 It includes significant input from a local Steering group that comprises Town, Parish and Cornwall Council Member input. Within this process the need for 6,500 new homes in the CPR urban area and a further 500 homes in the wider CPR Community Network Area remains as a core objective, to support the countywide and regional development strategies. A key message to emerge from this latest public consultation has been the aspiration to regenerate the brownfield sites as a priority. In view of the above points the Council contends that the current CPIR Framework 2010-2030 proposals have been appropriately developed and tested through public consultation processes.

6.31 Having regard to the foregoing, this objection should not be upheld.

*Response to Mr E R Nute, CSP (Doc CC/2/10)*

6.32 The Council shares the view of the CSP, that the Cornish people should be recognised as a "national minority" under the Framework Convention<sup>9</sup>. However, the UK Government disagrees<sup>10</sup> and because of this the CPO cannot be contrary to the Framework Convention. The Council does not agree with the CSP's arguments that there should be no inward migration into Cornwall. Rather, the Council's view is that the most effective way of stimulating the local economy is to make disused land available for new jobs and new homes. This vision is enshrined in all tiers of planning and transportation policy for the area.

6.33 The CSP's submission that Acts of the Westminster Parliament do not apply within Cornwall is plainly misconceived and contrary to authority (see attachments to Doc CC/INQ/10). Such arguments have been raised before, in other CPO cases, including the Bodmin to Indian Queens A30 Trunk Road Improvement Scheme. In that case the Secretaries of State were satisfied that the laws of England apply equally to Cornwall as they do to any other part of the country, and that such laws include those relating to the compulsory purchase of land under the Highways Act and the Acquisition of Land Act. In that case they took the view that there is no legal impediment to their powers to grant the CPO<sup>11</sup>. The same view should be taken in the current case.

6.34 In view of the above points this objection should not be upheld.

*Response to Miss J Fox (Doc CC/2/9)*

6.35 Matters raised by Miss Fox relating to the delivery of new houses and jobs, in-migration and traffic congestion have already dealt with in the Council's responses to other Objectors, set out above. Assertions that Camborne Town Council has acted against the wishes of the local community is not a matter for this Inquiry.

6.36 The assertion that the land required for the CPO is "bounded", and registered at the Stannary Court at Truro was not supported at the Inquiry by any firm evidence. Although Miss Fox's written evidence referred to a judgment of the

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<sup>9</sup> The Council of Europe Framework Convention for the Protection of National Minorities

<sup>10</sup> UK Report on the Framework Convention

<sup>11</sup> Secretary of State's Decision Letter relating to the Bodmin to Indian Queens A30 Trunk Road Improvement Scheme, paragraph 5.

Stannary Court, this was not produced by her and the Council has no record of it. Accordingly, there is no objective evidence that land which is the subject of the CPO is, in fact, bounded. In any event, bounding of land has no consequence for the CPO. Miss Fox has not identified what legal title any bounding would confer. Nor has she made clear why a legal interest in land, (even if such an interest was created - which is denied by the Council), could not be acquired by the Council in exercising its CPO powers.

6.37 This objection should not be upheld.

### **Response to Written Objections**

#### Response to Ms Oldfield

6.38 The CPO identifies the land in unknown ownership, adjacent to Ms Oldfield's property, as being required for essential landscaping. Publication of the CPO has interrupted any ongoing occupation of the land. If the Council successfully acquires the land it would be landscaped and densely planted to give screening and provide habitat recreation. The Council would be responsible for this land and would maintain any new vegetation. Ms Oldfield would derive significant benefit from the proposed works on this land, without having ownership of it.

6.39 This objection should not be upheld.

#### Response to Mr Le Marchant, CMDA (Doc CC/2/8)

6.40 Many of the matters raised on behalf of CMDA have already been dealt with in the responses to other Objectors, as detailed above. On other matters, as part of the agreement with the South Crofty mine owners the Council will refurbish and maintain the headgear to Cook's Kitchen Shaft, but will not own it. If the mine owners wish to make use of the shaft from the surface in the future, the Council is required to hand back the headgear and associated infrastructure. With the current mine owners' desire to process ore underground or in the proposed building to the south, the existing headgear may be lowered and replaced by ground level gear. The Winder Houses could then be relocated to suit and the ore taken to the processing plant underground. This would not be prejudiced by the road and the deep shaft would remain functional.

6.41 Discussions with the mine owners identified that whilst it would be necessary to protect and retain the North Winder Building itself, the electricity sub station is outdated and obsolete and could be replaced elsewhere. Recent discussions with the mine owners and Western Power Distribution have considered the details of this possible relocation and other service diversions within South Crofty, to ensure that the mine utilities are retained and operational. As and when a planning application is submitted for the area in the vicinity of the headgear, and within the protected zone around the shaft, it will be for the Council to consider how development should be set out in order to allow for the future needs of mining in the area.

6.42 Moving the road to the north would impinge on proposed re-development at Maynes Site and North Crofty and would mean the proposed junction at Dudnace Lane would need to be staggered. This would be a much less desirable and much less efficient layout than the cross-roads junction currently proposed. Moreover, it would adversely affect the accesses to the Cornish Linen Services complex, which would lie within the middle of the junction. Overall, any

perceived benefits of moving the scheme 20-30m to the north are considered to be outweighed by the impacts and disbenefits.

6.43 Finally, commercial and detailed aspects of WUM's proposals for mining have to be a matter for the mine owner and are not an appropriate matter to be considered at this Inquiry.

6.44 This objection should not be upheld.

*Response to CoSERG (Doc CC/2/7)*

6.45 Some matters raised by CoSERG have already been dealt with in the responses to other Objectors, above. On other points, every planning strategy for the CPR area since the early 2000s has recognised that additional jobs and additional housing are the key to regeneration and reducing deprivation. The fact that the population is growing, both locally and nationally, means that further pressure will arise on housing and employment markets which will need to be addressed. A balance needs to be struck whereby the necessary housing and employment sites are developed in an integrated fashion across the CPR area.

6.46 Current housing need in the area has identified that 1,200 affordable houses are needed now. For developers to provide these affordable homes they need to be supported by full priced market value homes to be economically viable. When growth in the area is also taken into account, there will be a need for at least a further 6,000 homes in the CPR area before 2030 (CC/2/2 para 2.3.6).

6.47 Whilst it is clear that business developments create additional traffic, this can be reduced in a number of ways, such as by siting new businesses close to existing and new housing developments, and having good transport facilities for all modes of travel between them. Non-road based options are an integral part of travel planning for new developments but they can only deliver small savings in traffic growth. The level of development proposed for the CPR area is such that it cannot be achieved without additional highway infrastructure, in addition to more sustainable transport initiatives. Of particular concern is the East Hill junction which, as has already been noted, is approaching full capacity such that even modest levels of development would result in overloading of the junction.

6.48 To address these problems the development strategy for the area, as set down in the approved and emerging development plans, aims to deliver employment and housing development onto brownfield sites, and sites within the existing urban extents, in sustainable locations where people can live and work in close proximity. This would minimise the reliance on the car to travel and promote sustainable transport movements. The CPR East-West Link road would provide an alternative route between housing and business areas, available to all modes of transport, bypassing the East Hill junction. In addition, the A3047 between Camborne and Redruth is currently subject to a Sustainable Transport Corridor study, aimed at improving public transport provision in the area as part of the wider transport strategy.

6.49 In view of the above points, this objection should not be upheld.

**Summary**

6.50 The Scheme is viable and represents good value for money; it is in the public interest; meets the critical objectives for the area; and is in accord with relevant

national, regional and local policy. Moreover, any negative impacts of the Scheme would be outweighed by the substantial benefits which it would bring to local communities, residents, visitors and businesses and by the economic regeneration and growth which would be facilitated. The Secretary of State is therefore invited to confirm the SRO and the CPO.

*My conclusions begin on the next page*

## 7. CONCLUSIONS

- 7.1 Bearing in mind the submissions and representations I have reported, I have reached the following conclusions, reference being given in superscript brackets <sup>□</sup> to earlier paragraphs where appropriate.

### Structure of Conclusions

- 7.2 These conclusions first deal with the legal issues raised by Mr Nute on behalf of the CSP, and by Miss Fox. They then set out the tests which the Orders must satisfy if they are to be confirmed and next consider the Scheme in the light of the relevant policies against which it should be assessed. Funding issues are then considered, before the matters raised by Objectors are dealt with.
- 7.3 The one remaining objection which was submitted within the formal objection period (From Ms Oldfield – Objection 15) is dealt with first, as this relates to a discrete matter, specific to the Scheme itself, and hence particularly relevant to the published SRO and CPO. The remaining objections from non-statutory Objectors, submitted after the end of the formal objection period, are then considered. Many of these are of a more general nature, opposing such matters as the growth strategy for the area and the likely impacts of the Scheme, and are therefore of less direct relevance to the subject of the Inquiry, namely the consideration of the SRO and CPO. In the interests of natural justice, however, these Objectors were heard at the Inquiry and written submissions were also accepted. As there are common themes in these objections they are dealt with by topic to reduce repetition, with conclusions drawn on each.
- 7.4 Finally, consideration is given to other matters raised by Objectors, which do not fall easily within the topic headings, together with the suggested modifications to the Orders. The conclusions are then drawn together into recommendations on each of the Orders.
- 7.5 I have taken account of the ESs published by the Council, together with all other environmental information submitted in connection with the Scheme, in arriving at my recommendations<sup>[1.4]</sup>.

### Legal issues

- 7.6 A number of specific legal issues were raised. Firstly, the CSP's case is that the SRO and CPO do not comply with European and International treaties, conventions and directives, and are therefore incompatible with the constitutions of both Cornwall and England and should be unable to be confirmed<sup>[5.20-5.25]</sup>.
- 7.7 In particular the CSP argues that altering the proportion of the indigenous Cornish people within their own territory, through encouraging immigration by allowing mass house building, is contrary to the Council of Europe Framework Convention for the Protection of National Minorities, signed by the British government in 1995. Specifically it is argued that there would be conflict with Article 16, which prohibits any measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities<sup>[5.22]</sup>.
- 7.8 Whether or not the Cornish people should be considered to be a National Minority for the purposes of the Framework Convention is clearly a matter of law, but it seems to me that no firm evidence has been submitted to the Inquiry to justify such a position being taken. The Council has indicated that it supports the view

that the Cornish people should be considered a National Minority under the Convention, but it also points out that the UK Government disagrees<sup>[6.32]</sup>.

- 7.9 Indeed, on the basis of the submitted evidence, which includes 2 Court judgements attached to the Council's closing submissions, there is every indication that the laws of England, including those relating to compulsory purchase of land under the Highways Act and the Acquisition of Land Act, apply equally to Cornwall as they do to any other part of the Country<sup>[6.33]</sup>.
- 7.10 However, if the Secretary of State was to take a different view on this matter, and decide that Article 16 of the Convention should apply in this case, the SRO and CPO should not be confirmed, unless the Secretary of State decides that any harm in this regard would be outweighed by the benefits of the Scheme.
- 7.11 The legal issue raised by Miss Fox is her contention that land in the Dolcoath Road and Dolcoath Avenue area, required for the Scheme, is "bounded" and registered at the Stannary Court at Truro. She made reference to a Stannaries Jurisdiction Case, determined at Truro, which resulted in the former KDC being unable to develop this land because of the bounding. Miss Fox argues that a mining or minerals area like this is excluded from the acquisition of land and that this calls the validity of the proposed CPO into question, and renders it illegal<sup>[5.26]</sup>.
- 7.12 Whether or not the bounding of land in this way would prevent it being compulsorily acquired is clearly a matter of law, but as with the previous matter, it seems to me that insufficient firm evidence has been submitted to the Inquiry to support these assertions. Firstly, the Court judgement referred to by Miss Fox was not submitted in evidence and I was told that the Council has no record of it. Secondly, Miss Fox has not identified what legal title any bounding would confer, and why a legal interest in land could not be acquired by the Council in exercising its compulsory purchase powers<sup>[6.36]</sup>. In view of these points the Council maintains that bounding of land has no consequence for the CPO, and no firm evidence has been submitted to cause me to take a contrary view.
- 7.13 However, if the Secretary of State was to take a different view on this matter, and decide that bounding of land in this manner would prevent the Council from compulsorily acquiring the land in question, the SRO and CPO should not be confirmed.

### **The tests against which the Orders need to be assessed**

- 7.14 The SRO is made under Sections 14 and 125 of the Highways Act 1980. Subject to confirmation by the Secretary of State, it would authorise the Council to stop up any highway or PMA and provide any improved or replacement highway, footpath and PMA or new means of access to premises adjoining or adjacent to a highway.
- 7.15 It is a requirement that provision be made for the preservation of any rights of statutory undertakers in respect of their apparatus. No stopping up order shall be confirmed unless either another reasonably convenient route is available or will be provided before the highway is stopped up. Furthermore, the stopping up of a PMA shall only be authorised if the Secretary of State is satisfied that no access to the premises is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided.

- 7.16 The CPO is made under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and Schedule 2 of the Acquisition of Land Act 1981. For this Order to be confirmed the land affected must be required for the construction or improvement of, or the carrying out of works to, a highway maintainable at public expense, or for the provision of buildings or facilities to be used in connection with the construction or maintenance of a highway maintainable at public expense. The powers extend to the acquisition of land to mitigate any adverse effect the existence of a highway would have on the surroundings of that highway. The powers also extend to the acquisition of rights over land.
- 7.17 The CPO would authorise the acquisition of land rights for the construction of the new CPR East-West Link road and its associated junctions and for the construction and improvement of highways and new means of access to premises in pursuance of the SRO. It would also authorise the acquisition of land to enable mitigation measures to be implemented as an integral part of the Scheme.
- 7.18 In addition to the tests detailed above, Circular 06/2004<sup>[3.73]</sup> points out that for land and interests to be included in a CPO there must be a compelling case for acquisition in the public interest; that this justifies interfering with the human rights of those with an interest in the land affected; that the acquiring authority has a clear idea of how it intends to use the land it seeks to acquire; that the acquiring authority can show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale; and that the scheme is unlikely to be blocked by any impediment to implementation.

### **The Policy Context**

- 7.19 The evidence before the Inquiry shows that at the regional level, dating back to at least 2001 with the publication of RPG10, CPR has been identified as an area of special need where the focus should be on regeneration. These aims and objectives were carried forward in the Draft RSS for the South West, and although the Government has signalled its intention to abolish the regional tier of government, the policies in RPG10 still carry weight at the time the Inquiry was held and when this report was written<sup>[3.11]</sup>. The more recent carrying forward of these policy objectives in the RSS reinforces the strength of purpose in the policies, and reinforces the fact that they should be seen as material considerations in this case<sup>[3.12]</sup>.
- 7.20 Within the Draft RSS the CPR area is identified as one where the Council should plan for growth by maximising the use of PDL and where investment in key infrastructure is seen as fundamental to achieving the desired regeneration<sup>[3.13]</sup>. Over the period up to 2026 the Draft RSS sought the provision of some 16,500 jobs in the CPR, Truro and Falmouth/Penryn travel to work area, with an average of about 300 dwellings per year at CPR<sup>[3.13]</sup>. I have noted that this is well in excess of the 130 housing completions for 2011/12 in the CPR area, and I have no reason to doubt the Council's assertion that this low figure reflects the relative poverty of the area and the difficulties of developing brownfield sites<sup>[3.3]</sup>.
- 7.21 The need and desire to regenerate the area as a strategic priority has been carried forward at the local level in both the Cornwall Structure Plan of 2004 and the Council's draft CS Preferred Approach<sup>[3.14, 3.15]</sup>. This latter document, covering the period up to 2030, indicates that some 6,500 new homes should be planned for the urban area of CPR, with a further 500 homes to be delivered within what is described as the wider CPR Community Network Area<sup>[4.11, 6.30]</sup>. Policy PP4

within this document highlights the importance of delivering highway and sustainable transport infrastructure needed to support regeneration, including the East-West Link road Scheme<sup>[3.15]</sup>.

- 7.22 Indeed the East-West Link road has long been seen as a key part of the package of regeneration and revitalisation for the CPR area, both to facilitate new developments in the area and to relieve the congested A3047. As such it has featured in the various LTPs for the area, and also is a key element of the up to date Infrastructure Delivery Plan for the CPR area, prepared by the Council as part of the emerging CS<sup>[3.15, 3.16]</sup>.
- 7.23 It is against this background that planning permission was granted for Phase 1 of the East-West Link road Scheme in 2008 (with an extension of time granted in 2011), and for Phase 2 in 2010<sup>[3.19]</sup>. Full and extensive ESs were prepared for each Phase<sup>[1.4, 3.48]</sup>, and as part of the planning application process the proposed road was assessed against the relevant national planning policy guidance extant at that time, in the form of PPGs and PPSs<sup>[3.9]</sup>. The Council's view, in granting planning permission, was that the Link road would not be in material conflict with national planning policy<sup>[3.10]</sup>. Although the National Planning Policy Framework ("the Framework") has now replaced the previous suite of PPGs and PPSs, no evidence was submitted at the Inquiry to cause me to conclude that the Scheme should not be seen as in accord with current national planning policy.
- 7.24 Taking all the above points into account I conclude that, overall, the Scheme would not be in conflict with prevailing development plan policies, nor would it be at odds with national planning guidance in the Framework. There is therefore no planning policy impediment to the Scheme proceeding.

### **Funding**

- 7.25 The Scheme is estimated to cost some £26.81 million and has been approved for Central Government funding, with the DfT committing just over £16 million to the project cost. EU Convergence funds have committed £1.09 million and a further £4 million bid has been submitted for consideration. In addition, the Council has agreed to underwrite all non-DfT contributions, should any fail to materialise<sup>[3.34]</sup>. Having regard to these points I conclude that there are no financial impediments to prevent the Council from progressing the Scheme.

### **Issues Raised By Objectors**

#### ***Specific objection from Ms V R Oldfield (Objector 15)***

- 7.26 Ms Oldfield lives at "Pennies", 2 Lower Pengegon, Camborne, which lies close to the south-western extremity of the Scheme. Land in her ownership would not be directly affected by the scheme, although land parcel 4/8, which lies immediately to the north of her property would be required, under an essential license, to provide landscaping for the Scheme. The ownership of this land is not known and Ms Oldfield had hoped to be able to acquire it by fencing it for a 12 year period. However, no firm evidence has been submitted to indicate that such a period has now elapsed and, accordingly, there is nothing before me to demonstrate that Ms Oldfield has a claim on this land<sup>[5.31]</sup>.
- 7.27 The land in question lies close to the proposed junction between the new road and Lower Pengegon. It would be important for this land to be included within the Scheme, in order to visually soften the area around the proposed junction,

provide screening for the nearby dwellings and also provide a habitat for wildlife. As the Council proposes to densely plant the area, and also maintain it, I am not persuaded that the land's inclusion within the CPO would lead to any material inconvenience or loss of privacy for Ms Oldfield<sup>[6.38]</sup>. For these reasons I conclude that the objection of Ms Oldfield to the Orders cannot be sustained.

### ***The growth strategy for the area***

- 7.28 A key element of the objections raised under this heading is the contention that the Council's targets for houses and jobs are too high<sup>[5.8, 5.17, 5.28-5.29, 5.35-5.37]</sup>. The Objectors refer to the proposed residential growth as "mass house-building" and maintain that it is well in excess of what would be needed to meet local need. In a similar way, the jobs planned for the area are not seen as addressing the needs of the existing population, but rather are viewed as being needed to meet the demands of the planned increased population<sup>[5.28,5.37]</sup>. The CSP is particularly concerned that the effect of the Council's future strategy for the area would be to encourage in-migration, which it sees as harmfully diluting the proportion of native Cornish people living in the county<sup>[5.21-5.22]</sup>. In addition, Stannator Rowe argues that the Scheme would not be sustainable, and indeed would work against the Council's stated objective of creating sustainable communities<sup>[5.14, 5.19]</sup>.
- 7.29 However, these views are clearly at odds with both the adopted and emerging strategy of the Council, as expressed in both the Cornwall Structure Plan and the Draft CS<sup>[3.14-3.17, 6.22, 6.27-6.30, 6.45]</sup>. These documents carry forward the aims and objectives enshrined in regional policy, set out in RPG10 and the Draft RSS, and although the Government is in the process of abolishing the RSS, the regional policies still carry weight at the present time<sup>[3.11-3.13]</sup>.
- 7.30 It is clear that the collapse of the mining and associated industries has had an adverse impact on the economy and the landscape of the area, both of which are in need of regeneration. There is a significant level of deprivation with 4 neighbourhoods in the CPR area being classed as within the 10% most deprived areas in the country and with 2 of them being in the worst 5% nationally. This means that over 5,000 households (25% of the CPR population) are located in some of the most deprived neighbourhoods in England<sup>[3.1]</sup>.
- 7.31 Unemployment rates are 3.9% compared to a Cornwall average of 3.3%; and over 2,500 people are on the Councils Homechoice register<sup>[3.1, 3.3]</sup>. Overall, the GDP of the County is less than 75% of the EU average. This is a fact recognised at European level, with Cornwall being designated by the EU as having Objective One and, now, Convergence funding eligibility. Indeed the CPR area has been specifically identified within these European Programmes and is located within a designated investment area under Priority 4 of the Convergence Programme<sup>[3.2]</sup>.
- 7.32 Plans to regenerate the CPR area have been drawn up by the former CPR Regeneration Company, in conjunction with the Council<sup>[3.4-3.6]</sup>. These are being taken forward in the Council's emerging CS, with delivery set out in the CPIR Framework which is currently being prepared alongside the CS. In this regard I have noted that an earlier AAP for the CPR area had to be withdrawn, following a judicial review. But despite the assertions of some Objectors<sup>[5.18]</sup>, there is no clear evidence before me to suggest that the CPIR AAP is not following proper procedures or that it is not being subject to meaningful public consultation<sup>[6.27-6.30]</sup>.

- 7.33 However, although the Council has developed a clear strategy for the regeneration of the CPR area, the submitted evidence indicates that many of the proposed developments are now constrained by a lack of transport capacity<sup>[3.6, 3.41, 6.11]</sup>, a fact not seriously disputed by those raising objections to the Orders. The East-West Link road is seen by the Council as a key element of a package of transport proposals, aimed at unlocking the development potential of the area, and has already been thoroughly considered by the Council and has the benefit of planning permission<sup>[1.4, 3.19-3.20, 3.71]</sup>.
- 7.34 Contrary to views expressed by Stannator Rowe, the development strategy which the Scheme would help the Council to take forward would be very much in accord with the aims and objectives of sustainable communities. The Scheme would make it possible to provide new employment and housing developments on brownfield sites, in sustainable locations within the existing urban area, and would enable further sustainable transport options to be provided. In turn, this would mean that people would have the opportunity to live and work in close proximity, thereby minimising reliance on the car and allowing planned, sustainable, economic growth to take place in the CPR area<sup>[3.10, 3.18, 6.47, 6.48]</sup>.
- 7.35 Notwithstanding the objections made, no credible reasoning, backed by evidence of any substance, was put forward to persuade me that the adopted and emerging strategy of the Council should be disregarded, or that the fact that the Scheme has already been granted planning permission should be ignored. Indeed, this Inquiry was not the forum where such matters could be considered.
- 7.36 Having regard to the above points and the substantial evidence submitted in support of the proposal, I conclude that those objections which relate to the proposed growth strategy for the area cannot be supported.

***Impact of the Scheme in traffic and environmental terms***

- 7.37 Congestion. Although a number of Objectors maintain that the Scheme and the developments that it would facilitate would lead to increased traffic levels, congestion, increased "rat-running" and indeed, "gridlock", these are simply assertions, unsupported by any factual evidence<sup>[5.3, 5.29, 5.39]</sup>. In contrast, the Council has submitted detailed and professionally prepared traffic assessments, produced using industry standard traffic modelling software, such as SATURN and VISUM, in accordance with recognised guidance from both the Highways Agency and the DfT<sup>[3.38-3.39]</sup>. Accordingly I attach significant weight to the Council's evidence but can only give very little weight to the views expressed by Objectors.
- 7.38 It is clear that a lack of highway capacity and the congested local road network, particularly at East Hill, has restricted new development and regeneration projects in the CPR area. This is evidenced by the Article 25 Directions imposed by the Highways Agency and the existence of Grampian conditions attached to planning permissions which could otherwise be implemented<sup>[3.6]</sup>. Indeed as part of the Best And Final Funding Bid it was agreed with the DfT that forecast development after 2015 could not take place without further highway improvements, and that future growth and regeneration in the area after 2015 was dependent on the Scheme being built<sup>[3.40]</sup>.
- 7.39 With the Scheme in place, traffic flows are predicted to reduce on the A3047 to the west of the East Hill traffic signal junction, such that even in 2030, traffic is forecast to be below the 2010 levels<sup>[3.42]</sup>. Alongside this reduction in A3047

traffic, the daily vehicle trips along the new link road, west of Dudnance Lane, are forecast at 5,600 in 2015 growing to 7,900 in 2030, with the eastern section of new link road from Dudnance Lane to Wilson Way forecast to carry 6,700vpd in 2015, rising to 8,300vpd in 2030<sup>[3.42-3.43]</sup>. This demonstrates the significant increase in capacity for east/west traffic through the area which the Scheme would make possible.

- 7.40 Overall there was no challenge to the Council's evidence that construction of the Scheme would ensure adequate highway capacity was available to accommodate the predicted and planned growth in housing and employment<sup>[3.45]</sup>. There is nothing to cause me to come to a contrary view on this matter.
- 7.41 In addition, the Council indicates that it intends to complete further elements of the transport strategy if funding becomes available. These would include additional improvements to Wilson Way and public transport priority measures along the A3047, aimed at encouraging traffic to transfer from the A3047 to the East-West Link<sup>[3.44]</sup>. The Scheme is also predicted to result in significant accident savings<sup>[3.37]</sup>. These would arise because the local accident rate on the A3047 is currently noticeably higher than the national average rate for roads of this type, whereas the accident rate on the proposed link is expected to be the same as the national average for single carriageway urban A class roads.
- 7.42 These transport benefits arising from changes to journey times and distances, together with the benefits from changes to carbon emissions and other benefits of the Scheme have been input into the standard economic assessment software TUBA, to determine the value for money of the Scheme. These economic assessments indicate that the Scheme would provide a PVB of some £22.9 million against a PVC of about £10.9 million, giving a NPV of £12 million with a BCR of 2.11. This would represent high value for money, in accordance with DfT guidance, and could represent even better value for money if benefits outside the modelled period were to be included<sup>[3.46-3.47]</sup>.
- 7.43 In addition, the Council points out that further Scheme-dependent benefits, amounting to a net total of some £17.2 million, are forecast to arise from changes in land values between 2016 and 2030 as a result of the planned housing and employment development<sup>[3.47]</sup>. Again, no contrary evidence was submitted on these matters, and I therefore see no reason to dispute the Council's findings.
- 7.44 These clear Scheme benefits and the absence of any firm evidence demonstrating future traffic problems lead me to conclude that the objections made in this regard cannot be supported.
- 7.45 Air Quality. Concerns about the impact of the Scheme on air quality, raised primarily by Cllr Cullimore, focussed on Wesley Street, which was claimed to be one of the most over-polluted areas in Cornwall<sup>[5.2]</sup>. However, this area lies beyond the western extent of the Scheme, where the Council indicates that traffic levels would increase in any event, due to natural growth, regardless of whether the Scheme goes ahead. It is the Council's case that although the Scheme would not alleviate the existing conditions in Wesley Street it would, however, limit the impacts that development would otherwise create<sup>[6.2]</sup>.
- 7.46 Again it is the case that the only significant and substantial evidence on this topic comes from the Council, both in the form of the air Quality Chapters of the ES for

the Scheme, and also in an updated (April 2012) report, prepared in the light of the more recent traffic assessments<sup>[6.1]</sup>. It is clear that as air quality is related to traffic volumes, those parts of the overall CPR area where traffic flows are forecast to increase are likely to experience a worsening of air quality conditions. However, this has to be off-set against those areas where reduced traffic flows would lead to improvements in air quality<sup>[3.51, 6.3]</sup>.

- 7.47 The detailed modelling contained in the updated Air Quality Report of April 2012 has concluded that on balance, air quality would not change significantly within the corridor of the proposed Scheme and the Scheme would not worsen existing exceedences of the standards<sup>[3.52]</sup>. The net impact of the Scheme is therefore considered to be either neutral or beneficial<sup>[6.1]</sup>. No reasoned evidence was put forward by Objectors to dispute this, and I am mindful of the fact that this matter has already been considered, and found to be acceptable, at the time planning permission was granted for the Link road.
- 7.48 Moreover, the updated Air Quality report notes that the Council's Air Quality Action Plan identifies the new road as a specific improvement measure in its own right, as it would encourage increased use of cycleways and facilitate improvements in public transport provision<sup>[3.52, 6.1]</sup>. On the basis of the evidence before me, I see no reason to disagree with the Council's assessment that overall air quality in Camborne is good and the Scheme would not alter this fact<sup>[6.3]</sup>. In view of this, and the other points detailed above, I conclude that the objections relating to the topic of air quality cannot be sustained.
- 7.49 Other Environmental Impacts. Some Objectors raised concerns about the Scheme under this heading, but as with many of the objections raised at the Inquiry, they were presented more in the form of assertions or opinions, unsupported by any hard, factual evidence<sup>[5.9, 5.19]</sup>. In contrast, extensive environmental survey work has been undertaken by the Council as part of the EIAs, culminating in the ESs for both the Phase 1 and the Phase 2 elements of the overall Link road scheme<sup>[1.4, 3.48]</sup>. Contrary to the views of some Objectors, the EIA's included the effects of additional traffic likely to be generated by future developments and, as has already been stated, these ESs formed part of the evidence before the Council when it granted planning permission for each of the East-West Link road Phases<sup>[3.48]</sup>.
- 7.50 Cllr Cullimore expressed particular concern about the impact of the Scheme on the habitat of those plants, such as bryophytes, which only grow in a mineral-rich environment<sup>[5.09]</sup>. However, the Council is fully aware of the presence of such plants in some of the areas through which the Scheme would pass, and intends to undertake a habitat re-creation exercise, within the proposed highway corridor. These areas would be segregated from public intrusion, and it is anticipated that bryophytes would re-colonise them as new habitat, along with native, local lichens which thrive in similar conditions<sup>[3.53, 6.14]</sup>.
- 7.51 On another matter raised, although there may be mineral specimens of interest present in some of the mine dumps, evidence from the Council suggests that these dumps are not readily accessible to the public and are not of any significant importance<sup>[5.5, 6.15]</sup>. I accept the Council's point that as the dumps have been there for many years, it is reasonable to assume that anything of interest at surface level will already have been removed by collectors. In any case, construction of the Scheme would not destroy any such specimens, but would

incorporate them into the works so they would not be lost<sup>[6.15]</sup>. I do not consider that this is a matter which should weigh against the Scheme.

- 7.52 Nor am I persuaded that shading from the proposed bridge across the Red River valley would cause any material damage to the local area, especially as the area between the bridge and the railway embankment, specifically referred to by Cllr Cullimore, would lie to the south of the bridge<sup>[5.9, 6.16]</sup>. Indeed the Scheme would provide the opportunity to extend and increase the wetland habitats in the valley, and would also result in improved access opportunities, by providing a bridleway link between the new road and the amenity trail and highway in the valley<sup>[3.27, 3.54, 3.65]</sup>. It would also enhance existing routes for NMUs along the Red River valley, such as the Mineral Tramways Leisure Trail, which would be accommodated within one of the proposed arch structures<sup>[3.65]</sup>. Overall I conclude that these proposals would enhance the Red River valley area, rather than harm it.
- 7.53 It is clearly the case that there are elevated concentrations of a range of heavy metals, associated with spoil from mining activities across the site, such that all excavation within the road corridor is expected to be contaminated to some degree<sup>[3.26]</sup>. Some Objectors expressed concern about the likely health and environmental implications which would arise from excavation and construction in such ground, but there are established techniques and methodologies for dealing with such situations. The Council referred to the fact that a Contractor's Construction Method Statement would be prepared, detailing necessary working practices, and that contaminated material would be managed and handled safely within the site<sup>[3.26, 3.67]</sup>. In these circumstances I conclude that the presence of contaminated land would not give rise to unmanageable problems.
- 7.54 Finally under this heading, concerns were raised about the ability of the drainage system within the area to deal with surface run-off from the proposed road, and the sewerage system's ability to deal with the additional sewage and surface run-off from the proposed housing developments<sup>[5.19]</sup>. On the first of these points, the submitted evidence indicates that the proposals have been developed in accordance with the Surface Water Management Plan for the area and would accommodate attenuated flows from the planned and proposed development sites<sup>[3.27, 6.25]</sup>. On the second point, sewage disposal from future developments is not a matter for consideration as part of this proposed highway Scheme. Rather, it would need to be addressed as and when planning applications come forward for future development proposals.
- 7.55 Taking account of all the above points I conclude that the likely environmental impacts of the Scheme have been thoroughly assessed by the Council and that appropriate mitigation measures have been satisfactorily planned. Because of this, the objections raised on this topic cannot be sustained.
- 7.56 Heritage Concerns. Although a number of Objectors raised concerns about the impact of the Scheme on the setting of areas of WHS Landscape, which lie close to the scheme, such matters were assessed in depth in the ES supporting the original planning applications. On balance the Council concluded, in granting planning permission for the proposed road scheme, that the direct residual impact of the Scheme on the heritage landscape would be justified by the benefits which the Scheme would deliver<sup>[3.56-3.57, 6.6-6.8]</sup>. No contradictory evidence of any substance was placed before me, and I therefore see no reason to take a

different view to the Council on this matter. Revisiting the reasoning behind the grant of planning permission is not the purpose of this Inquiry, in the absence of any materially different evidence.

- 7.57 A particular concern of some Objectors is the impact of the Scheme on 6 of the buildings associated with Bartle's Foundry, which line the western side of Dudnance Lane and which are proposed to be demolished in order to provide a cycleway and footway<sup>[5.5, 5.16]</sup>. I visited these buildings as part of my accompanied site visit and was able to undertake an internal, visual inspection of some of them. I saw that the buildings, which are dated as having been constructed between 1880 and 1946, all appear to be of sound condition and I have noted that the Archaeological Assessment undertaken as part of the EIA comments that internally there appear to be no original fixtures<sup>[6.7]</sup>.
- 7.58 My inspection did show, however, that many structural items of the buildings appear to be original, including beams, roof-trusses and supporting columns. Nevertheless, all the affected buildings are graded as only being of local importance, and the Archaeological Assessment referred to above makes it clear that these buildings would be included in a detailed building survey of the Foundry complex, in advance of any future development. Moreover, the report also indicates that any ground works in the area would be accompanied by an architectural watching brief<sup>[6.7]</sup>.
- 7.59 Some Objectors questioned the need for the cycleway and footway along this stretch of road. However, as one objective of the Scheme is to improve travel conditions for all modes, not just the car<sup>[3.18]</sup>, I accept the Council's point that the absence of a continuous cycleway/footway along this stretch of road would make it less attractive for cyclists and pedestrians to travel to and from the College and East Hill. Realigning the road to the east would adversely affect other important businesses and, on balance, the Council has decided that the benefits of the Scheme would outweigh the harm which would arise, including from the demolition of these buildings<sup>[6.8]</sup>. Again, on the basis of the evidence before me there is nothing to cause me to reach a contrary view.
- 7.60 Overall I conclude that the impacts of the Scheme on the heritage landscape should not be seen as significant. Accordingly, I further conclude that the objections raised in this regard cannot be supported.

### ***Implications of the Scheme on present and future mining operations***

- 7.61 As with the majority of the other matters raised by Objectors, issues relating to present and future mining operations are not the subject of this Inquiry. The Objectors are opposed to the proposed route of the new Link road as it passes across the South Crofty Mine site, with CMDA arguing that the route should be moved some 20m-50m northwards to avoid demolishing the Northern Winder electricity substation. If the road were to be moved in this way, CMDA indicates that it would be prepared to withdraw its objection<sup>[5.34]</sup>. I have noted, however, that although CMDA describes itself as a statutory consultee in its written representation, it is not a statutory objector to these Orders as land in its ownership is not directly affected by the Scheme.
- 7.62 I am mindful, however, that no objection to the Scheme has been made by the current owners, WUM, who are planning to relocate mining operations southwards on the overall site and have secured a planning permission to this

effect<sup>[3.29]</sup>. Moreover, the impacts of the Scheme on the Mineral Safeguarding Zone and the sterilisation of near surface reserves were considered and accepted by the Council as part of the assessment of the East-West Link road at the time the planning permissions were granted<sup>[6.9]</sup>.

- 7.63 The Scheme has been designed so that it would not impair or prejudice future mining operations and the written representation from WUM demonstrates that future mine operations at South Crofty would not be compromised by the intended route of the new road<sup>[6.10]</sup>. I have noted that a main reason for relocating the route from the south to the north of the mine complex is because of the better ground conditions to the north, and have also noted that moving the road further to the north would impinge on proposed re-development at other locations and would result in a much less desirable staggered junction at Dudnace Lane<sup>[6.10, 6.42]</sup>. Overall, the Council comments that any perceived benefits of moving the proposed road further to the north would be outweighed by the impacts and disbenefits<sup>[6.42]</sup>. No firm evidence has been submitted to cause me to take a different view on this matter.
- 7.64 With regard to other matters, as the current mine owners intend to process ore underground or in the proposed building to the south, the existing headgear could be lowered and replaced by ground level gear. The Winder Houses could then be relocated to suit and the ore could be taken to the processing plant underground. This would not be prejudiced by the Scheme and the deep shaft would remain functional<sup>[6.40]</sup>. As and when a planning application is submitted for the area in the vicinity of the headgear, and within the protected zone around the shaft, it would be for the Council to consider how development should be set out in order to allow for the future needs of mining in the area<sup>[6.41]</sup>.
- 7.65 Finally, as the Council has said, commercial and detailed aspects of WUM's proposals for mining have to be a matter for the mine owner. Whilst others may have different views on such things, I have to have regard to the fact that such matters have already been considered as part of the planning application process through which the route of the proposed Link road was established. As noted above, this Inquiry was not the appropriate forum to revisit matters pertaining to the grant of planning permission.
- 7.66 Taking all the above points into account I conclude that objections raising concerns about current and future mining operations cannot be sustained.

### ***Human Rights***

- 7.67 The objections on the grounds of human rights have been presented in somewhat vague terms. Cllr Cullimore contends that the CPO would open up the area for private developers and speculators who would develop properties to accommodate massive in-migration to Cornwall. In turn it is argued that this would despoil internationally important sites for short term profit and destroy Cornwall's unique cultural and historic identity, whilst forcing a large increase of both people and cars on the existing population who largely oppose this project. Cllr Cullimore states that this would be a clear denial of the human rights of the people currently living in the CPR area<sup>[5.11]</sup>.
- 7.68 The objections from the CSP on this matter centre around the contention that Cornwall is constitutionally extra-territorial to England and that the Council should therefore recognise the Cornish nation and honour the spirit and intent of

the Framework Convention for the Protection of National Minorities. The CSP also makes reference to the United Nations declaration on the rights of indigenous peoples, September 2007, which contains many Articles which the CSP argues need to be taken into account when considering these Orders<sup>[5.20-5.24]</sup>.

- 7.69 Whether or not the Cornish people should be considered a National Minority as contended by the CSP is a matter already dealt with above. However, with regards to the Human Rights Act 1998, the Council has clearly given full consideration to the rights of individuals (including companies), and has considered the rights of property owners under specific, relevant Articles of the European Convention on Human Rights. Moreover, the Council has made it clear that in the case of each of these Articles (and indeed other provisions of the Convention), it has sought to strike a balance between the rights of the individual and the interests of the public<sup>[6.19-6.20]</sup>.
- 7.70 In light of the significant public benefit which would arise to the CPR area if the Scheme were to go ahead, I share the Council's view that the Orders would not constitute an unlawful interference with the individual property rights. I conclude that any residual interference with human rights would be necessary in order to achieve the Scheme and, having regard to the Scheme benefits, would be proportionate.

### **Other Matters**

- 7.71 Cllr Cullimore objected to the loss of rough/green space which would arise from the Scheme and the developments it would facilitate, maintaining that much of this area is used by children as playing space<sup>[5.4]</sup>. However, no specific areas of land were identified and, in any case, the appropriate time to have raised such concerns would have been when planning permission was being sought for Phases 1 and 2. As the thrust of this objection relates to the merits of the Scheme itself, and not the SRO or the CPO, and as no firm evidence to support the objection has been submitted, I conclude that this matter should not carry weight in my consideration of the Orders.
- 7.72 In a similar vein, claims that there is local opposition to the Scheme and that it has been forced on local people by the Council and the former CPR Regeneration Company do not go to the heart of the matters before me at this Inquiry<sup>[5.10, 5.30]</sup>. There was an appropriate time to lodge objections to the Scheme itself, and that was at the time planning permission was being sought. There is nothing before me to suggest that the Council did not give full consideration to concerns raised at planning application stage, and the clear evidence before me is that on balance the Council considered that planning permission should be granted. These permissions have not been disputed or challenged and again I conclude that this matter should not carry weight in my consideration of the Orders.

### **Conclusion on the Side Roads Orders**

- 7.73 The Council asks for the SRO to be confirmed in modified form, to cover modifications discussed at the Inquiry and other matters identified in writing by the DfT<sup>[3.70]</sup>. The modifications suggested are as follows:
- SRO Site Plan 3 should be revised to correct a minor drafting error identified by the Ramblers Association, relating to the southern end of the new highway (bridleway) B<sup>[3.70]</sup>.

- Within the SRO, in the paragraphs defining “classified road” under paragraph 3, a distance of 140m should be given for Wilson Way, instead of the distance of 1,216m currently stated<sup>[3.70]</sup>.
- In Schedule 1, under Site Plan 1 “Highways to be stopped up”, the reference should be to “Pool Market” rather than to “Par Moor Market”<sup>[3.70]</sup>.
- In Schedule 2, under Site Plan 2 “Private Means of Access to be stopped up”, the 3 references to “Access to “Tesca” commercial premises Wilson Way” should be “(s)”, “(r)” and “(q)” instead of “(l)”, “(m)” and “(n)” respectively<sup>[3.70]</sup>.
- In Schedule 3, under Site Plan 3 “Highways to be stopped up”, the distance relating to the Mineral Tramways Trail should be 125m, rather than 105m<sup>[3.70]</sup>.
- On SRO Site Plan 1 the reference arrows to areas 4/g and 5/h need to be transposed, so that the letters identify the PMA to be stopped up and the numbers identify the new PMA to be created<sup>[3.70]</sup>.
- On SRO Site Plan 2 the reference arrows to area 3/d need to be transposed, so that the letter identifies the PMA to be stopped up and the number identifies the new PMA to be created<sup>[3.70]</sup>.

7.74 In addition, since the Inquiry closed, I have identified a further typographical error, not in the SRO but in the Notice which accompanies it. In describing the length of new road from Station Road to Wilson Way the notice says “for a distance of 568 metres in “a westerly and then a northerly direction to the junction of Wilson Way and Carn Brea Lane”. This should refer to “an easterly and then a northerly direction...”. This error does not directly affect the SRO, and as the Order has to be read alongside the accompanying plans, I am not persuaded that anyone with an interest in these Orders would have been unacceptably prejudiced by this error.

7.75 I consider that all the above modifications to the SRO are necessary for clarity and accuracy, and that they can all be made in accordance with paragraph 8 of Schedule 1 to the Highways Act 1980.

7.76 With regard to the statutory criteria to be satisfied, I am mindful that the Council is well aware of the need to make provision for Statutory Undertakers’ apparatus within the proposal<sup>[3.33]</sup>. Moreover, where a highway or PMA is to be stopped up, a reasonably convenient alternative route or access would be provided, as described in the schedules and plans of the SRO.

7.77 I conclude that the SRO should be confirmed with the modifications detailed in paragraphs 7.73 and 7.74 above.

### **Conclusions on the Compulsory Purchase Order**

7.78 The Council asks for the CPO to be confirmed in modified form, to cover modifications discussed at the Inquiry and other matters identified in writing by the DfT<sup>[3.70]</sup>. The modifications suggested are as follows:

- CPO Site Plan 1 and the CPO Schedule should be revised to exclude a small strip of land, to enable Cornish Linen Services (Objector 07) to

purchase a strip of land along their southern boundary in order to achieve a better flow of vehicles around the site<sup>[3.70]</sup>.

- CPO Site Plan 2 and the CPO Schedule should be revised to reflect the fact that the exclusive left filter lane, originally proposed to serve east to south-west traffic movements from Wilson Way to the new road, is no longer needed<sup>[3.70]</sup>.

7.79 In addition, the typographical error referred to in paragraph 7.74 above also applies to the CPO. In section 1(iii)e the CPO, , says "..... 568 metres in a westerly and then a northerly direction.....", but this should read "... an easterly and then a northerly direction...". The CPO Notice, in item (iii), contains the same error. As with the SRO, as the Order has to be read alongside the accompanying plans I am satisfied that no-one with an interest in these Orders would have been unacceptably prejudiced by this error.

7.80 The CPO modifications do not require additional land outside that required for the published Scheme. I consider that these modifications could be made in accordance with paragraph 8 of Schedule 1 to the Highways Act 1980 and paragraphs 4 and 5 of Schedule 1 to the Acquisition of Land Act 1981.

7.81 I consider that the purposes for which the CPO is promoted justify interfering with the human rights of those with an interest in the land affected, having regard to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights<sup>[6.19-6.20]</sup>. At paragraph 7.70 I indicate that I agree with the Council that appropriate measures have been taken in the design of the Scheme to mitigate adverse effects and any residual interference with human rights is proportionate and necessary to achieve the Scheme.

7.82 In my assessment, all the land proposed to be acquired is necessary for the Scheme to proceed and the Council has a clear idea of how the land to be acquired would be used. In paragraph 7.25 I conclude that there is a reasonable expectation that the necessary resources would be available for the Council to implement the Scheme within a reasonable timescale and the Council has confirmed that all statutory procedures have been followed correctly<sup>[1.8]</sup>.

7.83 I conclude that the CPO should be confirmed with the modifications detailed in paragraphs 7.78 and 7.79 above.

## **8. RECOMMENDATIONS**

8.1 I recommend that the **Cornwall Council (Camborne Pool Redruth) (Highway Improvements) (Classified Road) (Side Roads) Order 2011** should be modified as indicated in paragraph 7.77 above, and that the Order so modified should be confirmed.

8.2 I recommend that the **Cornwall Council (Camborne Pool Redruth) (Highway Improvements) Compulsory Purchase Order 2011** should be modified as indicated in paragraph 7.83 above, and that the Order so modified should be confirmed.

*David Wildsmith*

INSPECTOR

## **APPENDIX 1 - APPEARANCES**

### **FOR THE PROMOTING AUTHORITY, CORNWALL COUNCIL:**

Robert White	of Counsel, instructed by the Head of Legal and Democratic Services, Cornwall Council
He called:	
Nigel Tipple MBA DMS FCMA FRSA	Project Director, Cornwall Council
Peter J Swain BSc CEng MICE MCIHT	Highways Project Manager, Cornwall Council
John A Foskett BSC BA CEng MICE	Project Manager, Parsons Brinckerhoff
Ian Johnston MSc BA(Hons)	Project Director, Mott MacDonald
Matthew I Williams BSc(Hons) MRTPI	Principal Development Officer, Cornwall Council

### **OBJECTORS TO THE ORDERS:**

Stuart Cullimore	Local Ward Councillor
Mr W H Rowe	Stannator, Cornish Stannary Parliament
Mr E R Nute	Keeper of the Seal, Cornish Stannary Parliament
Jill Fox	Local Resident

## **APPENDIX 2 – INQUIRY DOCUMENTS**

### **Core Documents**

#### **Documents relating to the SRO and CPO**

CD 1.1	The Cornwall Council (Camborne Pool Redruth) (Highway Improvements) Compulsory Purchase Order 2011 and the drawing sheets forming the map attached to the Order
CD 1.2	The Cornwall Council (Camborne Pool Redruth) (Highway Improvements) Compulsory Purchase Order 2011 Statement of Reasons
CD 1.3	The Cornwall Council (Camborne Pool Redruth) (Highway Improvements) (Classified Road) (Side Roads) Order 2011 and the drawing sheets forming the map attached to the Order
CD 1.4	The Cornwall Council (Camborne Pool Redruth) (Highway Improvements) (Classified Road) (Side Roads) Order 2011 Statement of Reasons
CD 1.5	Cornwall Council Cabinet Decision Sheets
CD 1.6	Scheme overall Plan WHV285300BP-0100-0002 rev A
CD 1.7	Scheme General Layouts WHV285300BP-0300-001 to 010 (all Rev B)
CD 1.8	Scheme Long Sections WHV285300BP-0700-151 to 160 (all Rev B)
CD 1.9	Scheme General Layout WHV285300BP-0300-006 rev D
CD 1.10	Land Reference Plans (submitted 6/6/2012)
CD 1.11	Statement of Case

**Documents relating to the Planning Application and Permission**

- CD 2.1 CPR Regeneration Highway Infrastructure Project – Phase 1 750105-R-PA001 - Supporting Statement
- CD 2.2 CPR Regeneration Highway Infrastructure Project – Phase 1 750105-R-PA002 - Traffic Statement Report
- CD 2.3 CPR Regeneration Highway Infrastructure Project – Phase 1 750105-R-PA003 - Environmental Statement Vol 1 (Text)
- CD 2.4 CPR Regeneration Highway Infrastructure Project – Phase 1 750105-R-PA004 - Environmental Statement Vol 2 (Figures)
- CD 2.5 CPR Regeneration Highway Infrastructure Project – Phase 1 750105-R-PA005 -Environmental Statement Vol 3 Appendices A-E
- CD 2.6 CPR Regeneration Highway Infrastructure Project – Phase 1 750105-R-PA005 -Environmental Statement Vol 3 Appendices F-K
- CD 2.7 CPR Regeneration Highway Infrastructure Project – Phase 1 750105-R-PA005 -Environmental Statement Vol 3 Appendices L-M
- CD 2.8 CPR Regeneration Highway Infrastructure Project – Phase 1 750105-R-PA005 -Environmental Statement Vol 3 Appendices M-N
- CD 2.9 CPR Regeneration Highway Infrastructure Project – Phase 1 750105-R-PA006 - Non Technical Summary
- CD 2.10 CPR Regeneration Highway Infrastructure Project – Phase 1 750105-R-PA007 – Statement of Consultations and Community Involvement
- CD 2.11 CPR Regeneration Highway Infrastructure Project – Phase 1 750105-R-PA008 - Scheme Drawings (Folder 1 of 2)
- CD 2.12 CPR Regeneration Highway Infrastructure Project – Phase 1 750105-R-PA008 - Scheme Drawings (Folder 2 of 2)
- CD 2.13 CPR Regeneration Highway Infrastructure Project – Phase 1 750105-R-PA009 - Supplementary Drawings
- CD 2.14 CPR Regeneration Highway Infrastructure Project – Phase 2 750244-R-PA001 Supporting Statement
- CD 2.15 CPR Regeneration Highway Infrastructure Project – Phase 2 750244-R-PA002 Traffic Statement Report
- CD 2.16 CPR Regeneration Highway Infrastructure Project – Phase 2 750244-R-PA003 Environmental Statement Vol 1 (Text)
- CD 2.17 CPR Regeneration Highway Infrastructure Project – Phase 2 750244-R-PA004 Environmental Statement Vol 2 (Figures)
- CD 2.18 CPR Regeneration Highway Infrastructure Project – Phase 2 750244-R-PA005 Environmental Statement Vol 3 (Appendices) A-E
- CD 2.19 CPR Regeneration Highway Infrastructure Project – Phase 2 750244-R-PA005 Environmental Statement Vol 3 (Appendices) F-H
- CD 2.20 CPR Regeneration Highway Infrastructure Project – Phase 2 750244-R-PA006 Environmental Statement (Non-Technical Summary)
- CD 2.21 CPR Regeneration Highway Infrastructure Project – Phase 2 750244-R-PA007 Public Consultation Report
- CD 2.22 CPR Regeneration Highway Infrastructure Project – Phase 2 750244-R-PA008 Stakeholder Statutory Consultation Report
- CD 2.23 CPR Regeneration Highway Infrastructure Project – Phase 2 750244-R-PA009 Scheme Drawings (Folder 1 of 3)
- CD 2.24 CPR Regeneration Highway Infrastructure Project – Phase 2 750244-R-PA009 Scheme Drawings (Folder 2 of 3)
- CD 2.25 CPR Regeneration Highway Infrastructure Project – Phase 2 750244-R-PA009 Scheme Drawings (Folder 3 of 3)

- CD 2.26 Planning Permission for Phase 1 (December 2008)
- CD 2.27 Planning Permission for Phase 2 (January 2010)
- CD 2.28 Extension of Time for Planning Permission for Phase 1 (September 2011)
- CD 2.29 Confirmation from Cornwall Council that Planning Permissions are still relevant for the reduced (Major Scheme Proposal)

**Local and Regional policy documents and letters**

- CD 3.1 Department for Transport Regional Funding Approval and Re-Confirmation of Programme Entry (BFFB approval)
- CD 3.2 The Draft Regional Spatial Strategy for South West 2006 – 2026 (3.2.1-3.2.5)
  - CD 3.2.1 Executive summary
  - CD 3.2.2 The Draft Regional Spatial Strategy
  - CD 3.2.3 Implementation Plan
  - CD 3.2.4 Pre-submission consultation statement
  - CD 3.2.5 Strategic sustainability assessment – Main report
- CD 3.3 Regional Planning Guidance for the South West (RPG10) (September 2001).
- CD 3.4 Cornwall LTP2
- CD 3.5 Connecting Cornwall:2030 (LTP3)
- CD 3.6 Connecting Cornwall: 2030 (LTP3) Executive summary
- CD 3.7 Regional Economic Strategy for South West England 2006 – 2015 - Spatial Implications - Place Matters 2006
- CD 3.8 The Draft South West Regional Spatial Strategy for the South West incorporating the Secretary of State’s proposed changes – For public consultation (July2008)
- CD 3.9 Not Used
- CD 3.10 Regional Economic Strategy for the South West of England, 2003 to 2012
- CD 3.11 Strategy and Action Document, The Economic Development Strategy for Cornwall and the Isles of Scilly - Cornwall and Isles of Scilly Economic Forum
- CD 3.12 Cornwall Structure Plan 2004
- CD 3.13 Local Development Framework (3.13.1-3.13.7)
  - CD 3.13.1 Core Strategy Options Paper
  - CD 3.13.2 Community Network Areas Discussion Paper
  - CD 3.13.3 Core Strategy Options Paper Sustainability Appraisal Interim Report
  - CD 3.13.4 Draft Statement of Community Involvement
  - CD 3.13.5 CPR Community Network Areas Discussion Paper – Comments
  - CD 3.13.6 Planning Future Cornwall 2012 – Preferred Approach for a Core Strategy
  - CD 3.13.7 Cornwall Infrastructure Delivery Plan
- CD 3.14 Not Used
- CD 3.15 Kerrier Local Development Framework
  - CD 3.15.1 CPR Area Action Plan 2005 – 2026
  - CD 3.15.2 Kerrier Vision, Strategy and Core Policies
  - CD 3.15.3 CPIR AAP 2009 Preferred Strategy Consultation Document
  - CD 3.15.4 CPIR AAP 2006 – 2026 Developing Options
- CD 3.16 Kerrier Local District Plan 1996 – 2011 (Revised 2002)
- CD 3.17 CPR Action Plan
- CD 3.18 Cornwall Design Guide 2001
- CD 3.19 Development Layout Design
- CD 3.20 Revocation of Regional Strategies
- CD 3.21 Abolition of Regional Strategies

- CD 3.22 Street Lighting Design
- CD 3.23 Drainage Design
- CD 3.24 Construction Specification
- CD 3.25 Cornwall Minerals Local Plan (March 1998)
- CD 3.26 Connecting Cornwall:2030 – Moving towards a green peninsula – Implementation Plan 2011-2015

**National policy and guidance documents**

- CD 4.1 Countryside and Rights of Way Act 2000
- CD 4.2 Environmental Protection Act 1990 (relevant sections)
- CD 4.3 Natural Environment and Rural Communities Act 2006
- CD 4.4 The Land Compensation Act 1973 (relevant sections)
- CD 4.5 The Local Government (Miscellaneous Provisions) Act 1976 (relevant sections)
- CD 4.6 The Highways Act 1980 (relevant sections)
- CD 4.7 Wildlife and Countryside Act 1981 as amended
- CD 4.8 The Noise Insulation Regulations, Statutory Instruments 1975 No. 1763 – Building and Buildings, Department of the Environment, HMSO, 1975 (amended 1988)
- CD 4.9 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
- CD 4.10 The Conservation (Natural Habitats, &c.) (Amendment) (England and Wales) Regulations 2009
- CD 4.11 The Acquisition of Land Act 1981
- CD 4.12 Office of the Deputy Prime Minister Circular 06/2004 Compulsory Purchase and The Crichel Down Rules
- CD 4.13.1 UK Biodiversity Action Plan Priority Habitat Descriptions (Updated 2011)
- CD 4.13.2 UK Biodiversity Action Plan, 2010 – Report on the Species and Habitat Review (June 2007)
- CD 4.14 Planning Policy Guidance Note 13: Transport, 2001 (Updated 2011)
- CD 4.15 Planning Policy Guidance Note 24: Planning and Noise, 1994
- CD 4.16 Planning Policy Statement 1: Delivering Sustainable Development, 2005
- CD 4.17 Planning Policy Statement 7: Sustainable Development in Rural Areas, 2004
- CD 4.18 Planning Policy Statement 9: Biodiversity and Geological Conservation, 2005
- CD 4.19 Planning Policy Statement 10: Planning and Waste Management, 2005
- CD 4.20 Planning Policy Statement 23: Planning and Pollution Control, 2004
- CD 4.21 Planning Policy Statement 25: Development and Flood Risk, 2006
- CD 4.22 Planning Policy Statement 5: Planning for the Historic Environment, 2010
- CD 4.23 Control of Substances Hazardous to Health (Amendment) Regulations, 2004
- CD 4.24 Design Manual for Roads and Bridges Volume 6, Section 1, TD 9/93 Highway Link Design [Incorporating Amendment No. 1 dated February 2002]
- CD 4.25 Design Manual for Roads and Bridges Volume 6, Section 1, TD 27/05 Cross-Sections and Headrooms
- CD 4.26 Design Manual for Roads and Bridges Volume 6, Section 2, TD 16/07 Geometric Design of Roundabouts
- CD 4.27 Design Manual for Roads and Bridges Volume 6, Section 2, TD 50/04 The Geometric Layout of Signal-Controlled Junctions and Signalised Roundabouts

- CD 4.28 Design Manual for Roads and Bridges Volume 6, Section 2, TD 42/95  
Geometric Design of Major/Minor Priority Junctions
- CD 4.29 Design Manual for Roads and Bridges Volume 6, Section 3, TA 90/05 The  
Geometric Design of Pedestrian, Cycle and Equestrian Routes
- CD 4.30 Design Manual for Roads and Bridges Volume 10, Section 1, Part 2 HA 56  
92 New Roads Planting, vegetation and soils
- CD 4.31 Design Manual for Roads and Bridges Volume 10, Section 4, Parts 1-7 HA  
84/01 Nature Conservation And Biodiversity
- CD 4.32 Design Manual for Roads and Bridges Volume 10, Section 4, Parts 2 HA  
59/92 Mitigating Against Effects On Badgers
- CD 4.33 Design Manual for Roads and Bridges Volume 10, Section 4, Parts 3 HA  
80/99 Nature Conservation Advice In Relation To Bats
- CD 4.34 Design Manual for Roads and Bridges Volume 10, Section 4, Parts 4 HA  
81/99 Nature Conservation Advice In Relation To Otters
- CD 4.35 Design Manual for Roads and Bridges Volume 10, Section 4, Parts 6 HA  
98/01 Nature Conservation Management Advice In Relation To  
Amphibians
- CD 4.36 Design Manual for Roads and Bridges Volume 10, Section 4, Parts 7 HA  
116/05 Nature Conservation Advice In Relation To Reptiles And Roads
- CD 4.37 Design Manual for Roads and Bridges Volume 11, Section 1, HA 200/08  
Aims and Objectives of Environmental Assessment
- CD 4.38 Design Manual for Roads and Bridges Volume 11, Section 2, HA 201/08  
General Principles and Guidance of Environmental Impact Assessment
- CD 4.39 Design Manual for Roads and Bridges Volume 11, Section 2, HA 202/08  
Environmental Impact Assessment
- CD 4.40 Design Manual for Roads and Bridges Volume 11, Section 2, HD 47/08  
Screening of Projects for Environmental Impact Assessment
- CD 4.41 Design Manual for Roads and Bridges Volume 11, Section 2, HA 204/08  
Scoping of Environmental Impact Assessments
- CD 4.42 Design Manual for Roads and Bridges Volume 11, Section 2, HA 205/08  
Assessment and Management of Environmental Effects
- CD 4.43 Design Manual for Roads and Bridges Volume 11, Section 2, HD 48/08  
Reporting of Environmental Impact Assessments
- CD 4.44 Design Manual for Roads and Bridges Volume 11, Section 2, HA 218/08  
Glossary of Terms Used in The Design Manual for Roads and Bridges  
Volume 11 Sections 1 and 2
- CD 4.45 Design Manual for Roads and Bridges Volume 11, Section 3, HA207/07 Air  
Quality
- CD 4.46 Design Manual for Roads and Bridges Volume 11, Section 3, HA 208/07  
Cultural Heritage
- CD 4.47 Design Manual for Roads and Bridges Volume 11, Section 3, Disruption  
Due to Construction
- CD 4.48 Design Manual for Roads and Bridges Volume 11, Section 3, Ecology and  
Nature Conservation
- CD 4.49 Design Manual for Roads and Bridges Volume 11, Section 3, Landscape  
Effects
- CD 4.50 Design Manual for Roads and Bridges Volume 11, Section 3, Land  
Use[Incorporating Amendment No.1 dated August 2001]
- CD 4.51 Design Manual for Roads and Bridges Volume 11, Section 3, HA 213/11  
Noise and Vibration
- CD 4.52 Design Manual for Roads and Bridges Volume 11, Section 3, Pedestrians,  
Cyclists, Equestrians and Community Effects

- CD 4.53 Design Manual for Roads and Bridges Volume 11, Section 3, Vehicle Travellers
- CD 4.54 Design Manual for Roads and Bridges Volume 11, Section 3, HA 45/09 Road Drainage and the Water Environment
- CD 4.55 Design Manual for Roads and Bridges Volume 11, Section 3, Geology and Soils
- CD 4.56 Design Manual for Roads and Bridges Volume 11, Section 3, Impact of Road Schemes on Policies and Plans
- CD 4.57 Design Manual for Roads and Bridges Volume 11, Section 4, HD 44/09 Assessment of Implications (of Highways and/or Roads Projects) on European Sites (Including Appropriate Assessment)
- CD 4.58 A New Deal for Transport: Better for Everyone July 1998
- CD 4.59 Transport 2010: The 10 Year Plan July 2000
- CD 4.60 Managing our Roads 2003
- CD 4.61 The Future of Transport: A Network for 2030 July 2004
- CD 4.62 Securing the Future: Delivering UK Sustainable Development Strategy March 2005
- CD 4.63 Delivering a Sustainable Transport System: Executive summary  
Delivering a Sustainable Transport System: Main Report, November 2008
- CD 4.64 The Hedgerow Regulations (1997)
- CD 4.65 Ancient Monuments and Archaeological Areas Act 1979
- CD 4.66 Transport Analysis Guidance website, [www.webtag.org.uk](http://www.webtag.org.uk) (DfT)
- CD 4.66.1 3.5.6 Values of Time and Operating Costs
- CD 4.66.2 3.10.3 Variable Demand Modelling - Key Processes
- CD 4.66.3 3.10.4 Variable Demand Modelling - Convergence Realism and Sensitivity
- CD 4.66.4 3.15.5 The Treatment of Uncertainty in Model Forecasting
- CD 4.66.5 3.16D Appraisal in the Context of Housing Development
- CD 4.67 Design Manual for Roads and Bridges, Vol 4, Section 2, Part 1, HA 39/98 Edge of Pavement Details
- CD 4.68 Design Manual for Roads and Bridges, Vol 4, Section 2, Part 1, HA 106/04 Drainage of Run-off from Natural Catchments
- CD 4.69 Design Manual for Roads and Bridges, Vol 4, Section 2, Part 3, HA 33/06 Surface and Subsurface Drainage systems
- CD 4.70 Design Manual for Roads and Bridges, Vol 4, Section 2, Part 3, HA 102/00 Spacing of Road Gullies
- CD 4.71 Design Manual for Roads and Bridges, Vol 4, Section 2, Part 5, HA 40/01 Determination of Pipe Bedding Combinations
- CD 4.72 Design Manual for Roads and Bridges, Vol 4, Section 2, Part 7, HA 107/04 Design of Outfall and Culvert Details
- CD 4.73 The SUDS Manual, CIRIA C697 (2007)
- CD 4.74 Localism Act - A Guide to Localism Act
- CD 4.75 Calculation of Road Traffic Noise, Department of Transport and the Welsh Office, 1988
- CD 4.76 The Control of Pollution Act 1974
- CD 4.77 BS4142:1997 Method for Rating industrial noise affecting mixed residential and industrial areas
- CD 4.78 BS 5228:2009 Code of Practice for Noise and vibration control on construction and open sites. Part 1 – Noise
- CD 4.70 Design Manual for Roads and Bridges, Vol 4, Section 2, Part 3, HA 102/00 Spacing of Road Gullies
- CD 4.71 Design Manual for Roads and Bridges, Vol 4, Section 2, Part 5, HA 40/01 Determination of Pipe Bedding Combinations

- CD 4.72 Design Manual for Roads and Bridges, Vol 4, Section 2, Part 7, HA 107/04  
Design of Outfall and Culvert Details
- CD 4.73 The SUDS Manual, CIRIA C697 (2007)
- CD 4.74 Localism Act - A Guide to Localism Act
- CD 4.75 Calculation of Road Traffic Noise, Department of Transport and the Welsh  
Office, 1988
- CD 4.76 The Control of Pollution Act 1974
- CD 4.77 BS4142:1997 Method for Rating industrial noise affecting mixed  
residential and industrial areas
- CD 4.78 BS 5228:2009 Code of Practice for Noise and vibration control on  
construction and open sites. Part 1 – Noise
- CD 4.70 Design Manual for Roads and Bridges, Vol 4, Section 2, Part 3, HA 102/00  
Spacing of Road Gullies
- CD 4.71 Design Manual for Roads and Bridges, Vol 4, Section 2, Part 5, HA 40/01  
Determination of Pipe Bedding Combinations
- CD 4.72 Design Manual for Roads and Bridges, Vol 4, Section 2, Part 7, HA 107/04  
Design of Outfall and Culvert Details
- CD 4.73 The SUDS Manual, CIRIA C697 (2007)
- CD 4.74 Localism Act - A Guide to Localism Act
- CD 4.75 Calculation of Road Traffic Noise, Department of Transport and the Welsh  
Office, 1988
- CD 4.94 PPS12 – Planning Policy Statement 12: Local Spatial Planning
- CD 4.95 PPS23A – Planning Policy Statement 23: Planning and Pollution Control –  
Annex 1: Pollution Control, Air and Water Quality
- CD 4.96 PPS23B – Planning Policy Statement 23: Planning and Pollution Control –  
Annex2: Development on Land
- CD 4.97 PPS25A – Planning Policy Statement 25: Development and Flood Risk -  
Practice Guide
- CD 4.98 PPG16 – Planning Policy Guidance 16: Archaeology and Planning
- CD 4.99 PPG15 – Planning Policy Guidance 15: Planning and the Historic  
Environment
- CD 4.100 PPS4 – Planning Policy Statement 4: Planning for Sustainable Economic  
Growth

### **Background documents and reports**

- CD 5.1 Guidelines for Ecological Impact Assessment in the UK published by the  
Institute of Ecology and Environmental Management, 2006
- CD 5.2 TUBA Guidance (Version 1.8) May 2010
- CD 5.3 TUBA User Manual (Version 1.8) May 2010
- CD 5.4 Landscape Character Assessment: Guidance for England and Scotland,  
Countryside Agency, 2002
- CD 5.5 Countryside Character Volume 8: South West The character of England’s  
natural and man-made landscape
- CD 5.6 EC Directive on the Conservation of Wild Birds (Birds Directive 1979) as  
amended (79/409/EEC)
- CD 5.7 EC Directive on the Conservation of Natural Habitats and of Wild Flora  
and Fauna (Habitats Directive 1992) as amended (92/43/EEC)
- CD 5.8 EC Directive on Pollution Caused by Contaminated Dangerous Substances  
Discharged into the Aquatic Environment of the Community– 76/464/EEC,  
1976
- CD 5.9 Control of Substances Hazardous to Health Regulations, 2004
- CD 5.10 UK Air Quality Archive, Defra, 2006, [www.airquality.co.uk](http://www.airquality.co.uk)

- CD 5.11 Major Scheme Business Case Camborne Pool Redruth Transport Strategy 2006 Volume 1: Main Text
- CD 5.12 Major Scheme Business Case Camborne Pool Redruth Transport Strategy Volume 2006 2: Appendices and Drawings
- CD 5.13 Major Scheme Business Case Camborne Pool Redruth Transport Strategy Volume 1 Main Report 2008
- CD 5.14 The Cornwall Biodiversity Action Plan(5.14.1-5.14.7)
- CD 5.14.1 Cornwall's Biodiversity Action Plan Volume 4: Priority Projects 2010-2015
- CD 5.14.2 Taking Action for Wildlife in Cornwall, Headline achievements from the Biodiversity Action Plan 2004-2008 (Cornwall Biodiversity Initiative)
- CD 5.14.3 Cornwall's Biodiversity Action Plan - Progress Review 2004-2008 April 2008
- CD 5.14.4 Measuring BAP Outcomes from landscape scale projects in Cornwall March 2008
- CD 5.14.5 Cornwall's Biodiversity Volume 2: Action Plans
- CD 5.14.6 Cornwall's Biodiversity Volume 1: Audits & Priorities
- CD 5.14.7 Cornwall's Biodiversity Volume 3: Action Plans 2004
- CD 5.15 Handbook for Phase 1 Habitat Survey – A Technique for Environmental Audit. Joint Nature Conservation Committee, Peterborough (2004)
- CD 5.16 Institute of Field Archaeologists 1994, Standard and Guidance for Archaeological Excavation (revised September 1999)
- CD 5.17 Institute of Field Archaeologists 1994, Standard and Guidance for an Archaeological Watching Brief (revised September 1999)
- CD 5.18 Camborne, Pool, Redruth Major Scheme Key messages Document (5.18 – 5.18.3)
- CD 5.18.1 Best and Final Funding Bid
- CD 5.18.2 Demand Model Report
- CD 5.18.3 Summary Annex – Value for money Case
- CD 5.19 Assignment model validation Report (5.19 – 5.19.3)
- CD 5.19.1 Existing Data & Traffic Survey Report
- CD 5.19.2 Forecasting Report
- CD 5.19.3 Economic Assessment Report
- CD 5.20 CPR Planning Application Phase 1 Traffic Forecast Report (2008)
- CD 5.21 CPR Planning Application Phase 2 Traffic Forecast Report (2009)
- CD 5.22 Camborne, Pool and Redruth Transport Strategy Stage 1 - Dudnace Lane Traffic Modelling April 2011
- CD 5.23 Supplementary Addendum Report on the Heartlands Junction May 2011
- CD 5.24 Camborne, Pool and Redruth Major Scheme Heartlands Junction Traffic Modelling November 2011
- CD 5.25 Camborne, Pool and Redruth Major Scheme Tesco Access Modelling Report January 2012
- CD 5.26 Camborne, Pool and Redruth Major Scheme Junction Modelling Report January 2012
- CD 5.27 The Conservation of Habitats and Species Regulations 2010
- CD 5.28 Entec CPR Surface Water Management Plan
- CD 5.29 Cornwall Minerals Development Framework 2006
- CD 5.30 Cornwall Minerals Development Framework 2008
- CD 5.31 Planning Future Cornwall: Options and Preferred Options for Energy, Minerals and Waste
- CD 5.32 Minerals Policy Statement 1: Planning and Minerals
- CD 5.33 Ecology Review for CPR Major Scheme (March 2012)
- CD 5.34 Camborne Pool Redruth Urban Framework Plan (2001)

## **Inspector's Document**

INS/1 Inspector's pre-inquiry note

### **Documents from Cornwall Council**

CC/1/1 Summary Proof of Evidence by Nigel Tipple - Integrated Regeneration Case  
CC/1/2 Proof of Evidence by Nigel Tipple - Integrated Regeneration Case  
CC/1/3 Appendices to Proof of Evidence by Nigel Tipple (CC/1/2) - Integrated Regeneration Case  
CC/2/1 Summary Proof of Evidence by Peter Swain - Scheme overview  
CC/2/2 Proof of Evidence by Peter Swain - Scheme overview  
CC/2/3 Appendices to Proof of Evidence by Peter Swain (CC/2/2) - Scheme overview  
CC/2/4 Rebuttal Proof of Evidence by Peter Swain to Cllr Cullimore (CULL/1)  
CC/2/5 Written Representation Rebuttal by Peter Swain to Mr Rowe (ROW/1)  
CC/2/6 Written Representation Rebuttal Proof of Evidence by Peter Swain to Mr Rowe (ROW/2)  
CC/2/7 Written Representation Rebuttal by Peter Swain to CoSERG (Mr Deacon) (COS/1)  
CC/2/8 Written Representation Rebuttal by Peter Swain to Mr B Le Marchant (MAR/1 and MAR/2)  
CC/2/9 Written Representation Rebuttal by Peter Swain to Ms J Fox (FOX/1)  
CC/2/10 Written Representation Rebuttal by Peter Swain to Mr Nute (CSP/1 & CSP/2)  
CC/3/1 Summary Proof of Evidence by John Foskett - Engineering Design  
CC/3/2 Proof of Evidence by John Foskett - Engineering Design  
CC/3/3 Appendices to Proof of Evidence by John Foskett (CC/3/2) - Engineering Design  
CC/3/4 Rebuttal Proof of Evidence by John Foskett to Richfords Fire & Flood & Mr Richford (Letters of Objection 009/010)  
CC/3/5 Rebuttal Proof of Evidence by John Foskett to Philip Whear Windows & Conservatories (Letters of Objection 003)  
CC/4/1 Summary Proof of Evidence by Ian Johnston - Transport and Economics  
CC/4/2 Proof of Evidence by Ian Johnston - Transport and Economics  
CC/4/3 Appendices to Proof of Evidence by Ian Johnston (CC/4/2) - Transport and Economics  
CC/5/1 Summary Proof of Evidence by Matthew Williams - Planning  
CC/5/2 Proof of Evidence by Matthew Williams - Planning  
CC/5/3 Appendices to Proof of Evidence by Matthew Williams (CC/5/2) - Planning  
CC/INQ/1 Opening submission by Robert White on behalf of Cornwall Council  
CC/INQ/2 Submissions into the changes of the orders  
CC/INQ/3 Cornwall's submission re compliance with the Statutory Procedures  
CC/INQ/4 Clarification on the Scheme Dependant Development areas from Mr N Tipple Evidence  
CC/INQ/5 NOT USED  
CC/INQ/6 Submission into Area of Bartle's Foundry  
CC/INQ/7 The current need for affordable housing and the current availability of industrial/warehouse/office units  
CC/INQ/8 Clarification of Cornwall's position with regard to funding

- CC/INQ/9 Modifications of the proposed site road orders as advised by DfT  
CC/INQ/10 Closing submissions on behalf of Cornwall Council with 2 x court of appeal decisions regarding Mr Troll(Trull)

### **Proofs of Evidence from all other parties**

- ROW/1 Proof of Evidence from Mr WH Rowe  
ROW/2 Further Proof of Evidence from Mr W H Rowe  
ROW/3 Bundle of newspaper cuttings and letters from Mr W H Rowe  
CULL/1 Proof of Evidence from Councillor Cullimore – Camborne West.  
CULL/2 Further evidence from Councillor Cullimore – Camborne West.  
CULL/3 Newspaper cutting from Councillor Cullimore – Camborne West.  
CULL/4 Note from Minutes of meeting on behalf of Camborne Town Council – 3 July 2008.  
CSP/1 Proof of Evidence from Mr E R Nute on behalf of Cornish Stannary Parliament  
CSP/2 Further Proof of Evidence from Mr ER Nute on behalf of Cornish Stannary Parliament  
CSP/3 Cornwall - One of the Four Nations of Britain  
FOX/1 Written submission from Jill Fox (converted to Proof of Evidence)  
FOX/2 Further Written submission from Jill Fox (converted to Proof of Evidence)

### **Written Submissions (objections) from all other parties**

- MAR/1 Written submission from Mr Le Marchant  
MAR/2 Further Written submission from Mr Le Marchant  
MAR/3 Rebuttal Written submission from Mr Le Marchant  
COS/1 Written submission on behalf of Cornish Social and Economic Research Group (CoSERG)  
COS/2 Rebuttal Written submission on behalf of Cornish Social and Economic Research Group (CoSERG)  
FOX/1 Written submission from Jill Fox  
FOX/2 Further Written submission from Jill Fox

### **Written Submissions (Supporting) from all other parties**

- HCA/1 Supporting submission from Homes & Communities Agency  
COC/1 Supporting submission from Camborne Chamber of Commerce  
CAM/1 Supporting submission from Camborne College  
LAB/1 Supporting submission from Jude Robinson, Labour & Co-operative Cornwall Councillor and Robert Webber Labour Town Councillor  
HEA/1 Supporting submission from Heartlands  
EUS/1 Supporting submission from George Eustice MP  
WUM/1 Supporting submission from Western United Mines Limited (Note: although listed as a letter of support, rather than offering direct support for the Scheme and proposed Orders, this document provides a direct response to the submissions of CMDA and others)  
COL/1 Written submission from 6 Councillors

### **General documents from Objectors**

- OBJ/1 Bundle of withdrawal letters from Statutory and non-Statutory Objectors

### **APPENDIX 3 – STATUS OF OBJECTIONS**

#### **Statutory Objectors**

<b>Reference</b>	<b>Name</b>	<b>Status</b>
OBJ01	Network Rail	Withdrawn
OBJ02	Mrs S P Wherry	Withdrawn
OBJ03	Philip Whear	Withdrawn
OBJ04	Dudley Car Sales	Withdrawn
OBJ05	Baseresult Holdings Ltd, Crofty Developments Ltd, Studyhomes No 80 Ltd, WUM	Withdrawn
OBJ06	Tesco Stores Ltd	Withdrawn
OBJ07	Sunlight Services Group Ltd (Cornish Linen Services)	Withdrawn
OBJ08	B&Q Plc	Withdrawn
OBJ09	Richford Fire & Flood Ltd	Withdrawn
OBJ10	Mr S M Richford	Withdrawn
OBJ11	I C Moore	Withdrawn
OBJ12	Tescan Limited	Withdrawn
OBJ13	Tescan Pension Trust	Withdrawn
OBJ14	Western Power Distribution	Withdrawn
OBJ18	Mr Arthur, Church View Farm	Withdrawn
OBJ 19	South Crofty Tyres (Mr & Mrs Huttel)	Withdrawn
OBJ 20	Tuckingmill Investments Ltd	Withdrawn
OBJ 21	Camborne Town Council	Withdrawn

#### **Non-Statutory Objectors**

<b>Reference</b>	<b>Name</b>	<b>Status</b>
OBJ15	Ms V R Oldfield	Retained
OBJ16	Carn Brea Leisure Centre Trust	Withdrawn
OBJ17	McDonalds Restaurants Ltd	Withdrawn

#### **Additional Non-Statutory Objectors, who submitted objections outside the formal objection period**

<b>Reference</b>	<b>Name</b>	<b>Status</b>
-	Cllr Stuart Cullimore, Local Ward Councillor	Retained
-	Mr W H Rowe, Cornish Stannary Parliament	Retained
-	Mr E R Nute, Cornish Stannary Parliament	Retained
-	Mr Bob Le Marchant, Cornish Mining Development Association	Retained
-	Miss Jill Fox	Retained
-	Cornish Social and Economic Research Group (CoSERG)	Retained