



CAMBORNE POOL REDRUTH HIGHWAY IMPROVEMENTS

COMPULSORY PURCHASE ORDER 2011

STATEMENT OF REASONS

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1 General Information

1.1 Introduction

1.1.1 Authority to make the Orders

- a) On 17 March 2010 the Cornwall Council (“the Council”) Cabinet resolved to make the (Camborne Pool Redruth Highway Improvements) Compulsory Purchase Order 2010 (“the Order”). The land and interests over land proposed to be compulsorily acquired pursuant to the Order (“the Order Land”) broadly cover land at Dudnance Lane, Pool; Wilson Way, Pool and Dolcoath, Camborne; land adjacent to the Carn Brea Lane Leisure Centre, Pool; and open farmland at Church View Farm, Tuckingmill, Camborne which are described in greater detail in Section 3.
- b) This decision was confirmed in a Cabinet Meeting in July 2011, which considered the CPO Stage 1, reduced scope scheme. At this meeting the Cornwall Council (“the Council”) Cabinet resolved to make the (Camborne Pool Redruth Highway Improvements) Compulsory Purchase Order 2011 (“the Order”), covering a similar area – with the exception of Wilson Way.

The scheme is situated at the heart of the Camborne, Pool and Redruth (“CPR”) conurbation and feeds directly onto the A30 Trunk Road via Tolvaddon Road and Tolvaddon interchange.

This is a non-statutory statement provided in compliance with paragraph 35 of ODPM Circular 06/2004.

1.1.2 Need to invoke CPO powers

Section 239(1) of the Highways Act 1980 states that:

“....any highway authority may acquire land required for the construction of a highway which is to be maintainable at the public expense.....”

A Compulsory Purchase Order (CPO) is required to expedite the land acquisition to enable the construction of the Camborne Pool Redruth Highway Improvements to be undertaken.

This CPO will enable acquisition of all interests in the land (except mining interests and others specifically excluded) as stated in the Schedule to the Order and within the area shown coloured pink and new rights over the land coloured blue on the Order map for the purposes of facilitating the improvements.

A CPO can only be made if there is a compelling case in the public interest. The Council, after careful consideration considers that a compelling case exists here.

1.1.3 Regional Planning Policy framework

The CPR area is designated as one of the largest growth area in Cornwall with the potential to provide substantial numbers of additional houses and new jobs by 2027. Regeneration plans for the area were originally developed within the SW Regional Development Agency's Regional Economic Strategy, realised through Local Development Frameworks set within the wider structure of the National Planning Policy Statements, the Cornwall Structure Plan and the Regional Spatial Strategy.

A new Area Action Plan will be developed by Cornwall Council to confirm the planning policy guidance in the CPR corridor and allocate development proposals for environmental and economic regeneration and growth within the area.

Major transportation improvements are fundamental to achieving the action plan targets; they have been in preparation since 2003 with full support of all the development partners including the previous CPR Urban Regeneration Company and the SW Regional Development Agency, the Homes and Communities Agency and the Council.

These highway improvements represent value for money and are vital to the regeneration of CPR and therefore to the continued revitalisation of the Cornish economy in this corridor. Without these transport investments the regeneration proposals cannot be achieved due to lack of capacity on the existing road network.

1.1.4 Cornwall Council Transportation Policy background

Cornwall's second Local Transport Plan (LPT2) covering the period 2006-2011 was published in 2005 and addressed in detail the need for transportation to support regeneration in the county.

LTP2 identified that the challenge for Cornwall is how to achieve regeneration and development in a way that is sustainable and promotes the environmental, economic

and social objectives of the county. Solutions were required that supported and facilitated the County's economic regeneration and also addressed mounting congestion problems.

LTP2 specifically supports the CPR Transport Strategy and states that the implementation of a long term strategy for the CPR area is pivotal to successful regeneration, by creating vital additional capacity to facilitate new investment in the area. According to the LTP2, the following regional priorities are addressed by the Improvements:

- To harness the benefits of population growth and manage the implications of population change;
- To enhance economic prosperity and ensure quality of employment opportunity; and,
- To address deprivation and disadvantage and reduce significant intra-regional inequalities.

The implications if the Transport Strategy is not delivered will be failure to deliver the regeneration development strategy at a local level; and, to undermine completely the Council's overall plans to transform the area.

Accordingly, a Transport Study was commissioned in 2003 to establish the transportation strategy for the area, which would support the emerging development plans. The recommended strategy from this Study proposed an integrated package of measures to increase travel options, manage and enhance the network capacity and change travel behaviour. The strategy placed a focus on the regeneration and development of CPR in a sustainable way that protected the environment, promoted social and economic development and tackled growing traffic congestion. A key element of the strategy was to reduce car dependency.

The strategy was adopted by the then Cornwall County Council (CCC) and included in the LTP2. The three cornerstones of the CPR transport strategy are:

- Expanding travel options,
- Managing the highway network and
- Influencing travel behaviour

The main elements of this transport strategy, furthered by the highway improvements which are the subject of these Orders, are:

- Development of a North-South Corridor in Pool; a gateway dual carriageway to provide quick and safe access from the A30 to the main regeneration areas in the Camborne to Redruth corridor;

- An East-West Link between Camborne and Redruth, a new road to act as a distributor for the new developments and an alternative link to the congested A3047;
- Conversion of the A3047 into a bus priority corridor; and,
- Improvements to cycling and walking infrastructure.

1.1.5 *Major Scheme Business Case Bid for Funding*

It was agreed with the then Government Office for the South West (GOSW) and the Department for Transport that major scheme bid funding would be the most appropriate way to fund the transport strategy. The funding bid was developed from inception with the objective of maximising the contribution from the private sector, and significant contributions have been committed from developers towards the strategy.

The CPR transport strategy was identified by the DfT and Regional Assembly in June 2006 as a priority for funding in the South West Regional Allocation for 2006 to 2016.

The Preferred Route was developed in detail for inclusion in a Major Scheme Business Case (MSBC) which was submitted to the Department for Transport in August 2006. A decision by the Transport Minister on 20 June 2008 approved a substantial Government contribution towards the cost of “this major new scheme in the region”

1.1.6 *The Coalition Government’s Comprehensive Spending Review (June 2010)*

The original scheme proposals have now changed and have been reduced in scope to enable the Council to meet the requirements of the Government’s Comprehensive Spending Review.

This smaller, lower capital cost, Stage 1 scheme has been exhibited to the public showing that the upgrading of Wilson Way and the dual carriageway standard improvement of Dudnanace Lane are not now included in the present scheme.

Its purpose, however, is unchanged: to provide a robust highway network to facilitate the planned regeneration developments in the area and to meet future needs. The new CPR Stage 1 scheme will create a new, alternative East to West route to take traffic away from current bottlenecks on the A3047.

1.1.7 *Planning position*

Two planning approvals (Phase 1 and Phase 2) have been granted by Cornwall Council which together cover the whole of the proposed scheme referred to in this Order.

Phase 1 (East Hill to Wilson Way) was approved by the Planning Department in November 2008 and Phase 2 (Dudnance Lane to Dolcoath) was approved in January 2010.

The present, CPR **Stage 1**, highway works will implement only part of this (Phase 1 plus Phase 2) scheme.

The Council intends to complete the remaining **Stage 2** improvements, and realise the whole scheme, when further funds become available.

1.2 **Description of the proposed Works**

1.2.1 *The Highway Improvements Scheme*

The highway improvements will comprise:

- 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.
- A new signal controlled junction at Heartlands Park for the park access, the new link road and Dudnance Lane, with widened carriageways to accommodate turning traffic lanes. The widening will extend some 75m each side of the junction. Pedestrian facilities will be included in the junction.
- A shared cycleway / footway (3.0m wide) would be provided on the West side of Dudnance Lane and the existing footway would be retained on the East side as far as the access to Pool Market. At this location the cycleway / footway would switch to the East side of Dudnance Lane via a signal controlled crossing point.
- There would be a new shared footway/cycleway, 3.0m wide, on the North side (from the Pool Market access) and the existing footway would be retained on the South side (approximately 2.0m wide).

[In Stage 1, there would be no further upgrading of Dudnance Lane between the East Hill junction and Penhallick Road.]

- A new traffic signal controlled junction, with widening for turning lanes, would be provided at Penhallick Road.
- A new link road from Station Road to a new roundabout on Wilson Way at Carn Brea Lane; the road will run parallel to the London / Penzance railway line for approximately 300m before bearing North to the new roundabout at Carn Brea Lane (the Wilson Way Roundabout).
- The shared footway/cycleway, 3.0m wide, on the North side and 2.0m wide footway on the South side would continue on this section.

[In Stage 1 there would be no further improvement or upgrading of Wilson Way between the new roundabout at Carn Brea Lane and Barncoose.]

- A connection into the ongoing Dolcoath Development spine road ("Main Street") entailing the closure of the East end of Dolcoath Avenue.
- A new roundabout at Dolcoath Road and
- A new link constructed from this roundabout, across the Red River valley, to the new traffic signal controlled junction at Dudnance Lane (opposite the proposed access into Heartlands Park).

[This will be a new, single carriageway road 6.8m wide. Pedestrian and cyclist will use a 3.0m wide shared lane on each side of the new road. Safe crossing provision will be designed at the junctions. The new road will cross the Red River valley on embankment with twin 12m arches to accommodate the river, Chapel Road and multi-user trails. The road will be lit along its whole length. Diversion of the Red River will provide an opportunity to extend and increase the wetland habitats.]

- Landscaping will be included in the scheme where required to mitigate the visual impact of the road and its traffic and to provide replacement habitats for flora and fauna.
- Road drainage will be, where possible, carried by open channels – in accordance with the Surface Water Management Plan's preferred design – as accepted by the Environment Agency. Water storage will be provided (in pond and tanks) to attenuate the run-off flows before discharge to water courses and outfalls.
- Private access connections will be provided for future development at the site of the proposed Tuckingmill Urban Village, with a centre right turn lane.

Private accesses will also be provided to maintain entry and egress to severed land at South Crofty and to facilitate future development.

- Various existing side roads will need to be connected to the classified road. This will entail connection of new side roads, regrading 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 will be modified as part of the scheme. Access will be maintained to land which will be severed by the scheme.

1.2.2 *Nature and condition of the Order land*

The land required for the highway improvements includes:

- Light industrial, Business Park property along the short length of Wilson Way and portions of Dudnance Lane; the majority of this land is frontage space or car parking;
- Land owned by Western United Mines (WUM) – mostly across derelict sections of the South Crofty Mine area;
- Grazing farmland (for cattle) from Dolcoath to the Red River valley;
- Scrubland within the Red River valley;
- Private properties and gardens (on Wilson Way and Station Road).

Most excavated ground will be contaminated with mining waste products to some degree.

Across the WUM land there will be a need to demolish a number of derelict buildings. The road will not prejudice the future of mining operations in the area, but rather will facilitate access and provide an improved infrastructure to serve mining needs.

Along the length of the highway improvements one residence will require demolition: the house *Sylmar* and its out-buildings (Station Road, Pool). Additionally, active commercial property will be demolished along the West side of Dudnance Lane (Coastline buildings)

2 The purpose of the Order, the need to use CPO powers and issues arising

2.1 Background

The implementation of the Camborne Pool Redruth (CPR) Transport Strategy Stage 1 scheme will bring more people into the corridor to live and work, for education and to undertake shopping and leisure / amenity activities. The scheme is needed to support and contribute to the development of sustainable travel patterns envisaged under the Major Scheme Business Case to deliver the planned regeneration and provide additional capacity on the already overloaded road network.

Feasibility studies and option assessments were carried out in order to arrive at a preferred scheme which was reported on in the Major Scheme Business Case, prepared for Cornwall Council and submitted to Department for Transport. This Preferred Scheme was developed in more detail following consultation on the emerging, detailed designs with the public and stakeholders. Exhibitions of the proposed scheme were held at various stages of development between 2006 and 2011.

The Highways Agency supports the major scheme proposal and acknowledges its importance in order to unlock highway capacity and meet the wider aspiration of promoting sustainable travel within the CPR area. The scheme will secure the longer term regeneration aspirations within the area and the proposals will assist in minimising the impact of local traffic on the A30 trunk road and associated junctions.

The Environment Agency supports the scheme's detailed design of landscaping and drainage provisions.

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 corridor. This is because not only would there be insufficient highway capacity to achieve growth targets but the quality of the environment along the existing A3047, and congestion within the industrial areas, would become intolerable.

The scheme will increase capacity on the highway network and improve accessibility to the Camborne, Pool and Redruth Regeneration Areas to enable redevelopment. The scheme will bring traffic relief to the A3047 and its overloaded junctions which will allow enhanced use of the existing corridor between Camborne and Redruth for public transport. The opportunity will also be taken to improve cycling and walking facilities in the A3047 corridor, thereby promoting sustainable travel options.

2.2 Reason for Making the CPO

Section 239(1), 240, 246, 250 and 260 of the Highways Act 1980 will be employed to acquire the necessary land and rights to construct and maintain the scheme.

The Council recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest which justifies the overriding of private rights in the land sought to be acquired. It is considered that a compelling case exists here.

The Council has given careful consideration to the reasons as to why it is necessary to include the land and new rights shown on the Order Plans. All freehold owners, lessees and occupiers affected by the Order have been invited to enter into discussions with the Council with a view to agreeing appropriate terms for acquisition of the land and new rights required and, where appropriate, to discuss options for relocation.

The Council has consequently made the Order to secure the outstanding interests and rights required to enable implementation of the Scheme necessary to achieve the Council's objectives for the area. Discussions will, however, continue with owners of relevant interests and new rights required in an endeavour to secure them by agreement wherever possible, with a view to limiting the number of interests which need to be acquired compulsorily. The approach adopted by the Council is in accordance with the policy advice and recognised good practice.

On confirmation of the Order, the Council intends to serve a Notice (or Notices) to Treat and Enter in order to secure unencumbered title of the Order Land.

The scheme is fundamental to the economic development and regeneration of the Camborne, Pool and Redruth areas. The scheme will facilitate the creation of some 6,000 new homes and 6,000 new jobs in CPR, thereby furthering the economic development and regeneration of the area. The achievement of this objective depends on the creation of more capacity on the network.

The scheme will act as a stimulus to the promotion of employment opportunities as well as business efficiency, investment and competitiveness by improving access to and egress from the area. The scheme will contribute to the creation of an attractive environment for securing sustainable investment and new employment in the area - securing competitiveness by bolstering the local economy.

The design of the scheme will not only increase traffic capacity and improve access to the area but also enhance the image, character and attractiveness of Camborne, Pool and Redruth for the local people, visitors, the business community as well as potential investors in the local economy.

It is essential that the quality and effectiveness of the highway scheme enables the adjacent developments to be served efficiently and smoothly – delivering materials, goods, customers and travellers with minimal delays or congestion. The scheme will be an essential factor in changing people’s perception of the area. It will complement the new development and help to generate a high quality, interesting place with a distinctive character: a desirable and practical place to live, work and play. Well designed, appropriate standard, safe roads are at the heart of most successful communities.

The scheme will also support and contribute to the emergence of sustainable development and travel patterns envisaged under the Major Scheme Business Case. The scheme will expand the local network of cycleways and footways. The new road across the Red River from Dudnance Lane to Dolcoath will have 3.0m wide cycleway / footways each side, giving a cross section which will be flexible enough to cope with a range of future needs. The facilities for non-motorised road users will contribute to the character of the emerging urban fabric of the CPR corridor.

The reduction in traffic on the A3047 due to the improved East-West distribution will, in due course, be exploited to improve the bus network corridor. The frequency, speed, quality and reliability of bus services on this already busy bus corridor will be improved to make access to the area by bus transport more attractive. The opportunity will also be taken to improve and enhance cycling and walking in the A3047 corridor.

The scheme will contribute to the achievement of sustainable development by increasing the capacity and flexibility of the highway network and improving accessibility to the area.

In the considered opinion of the Council, the CPO is necessary to facilitate the improvement works and satisfies the statutory requirements for use of CPO powers pursuant to the Highways Acquisition of Land powers.

Compulsory purchase of the land needed for the scheme, with the necessary Rights, will enable the redevelopment and regeneration to take place in a timely fashion. It will also secure and provide certainty for programming construction.

It will thus ensure that the Council’s Transportation policy objectives can be met and will allow redevelopment and regeneration to take place as planned.

It is therefore considered that compulsory purchase is necessary and justifiable in the public interest.

3 CPO Land Requirements

The land included in Compulsory Purchase Order (CPO) is the land required to construct the scheme. It includes land which will be required as title; it also includes land over which Rights are required (for continuing access such as future maintenance and inspection) and land which, it is expected, will only be required under Essential Licence for the period of construction. It is expected that the land required temporarily during the construction period under Essential Licence will be negotiated by agreement and hence the title will not be acquired.

Land is included to enable construction of the road (with its drainage outfalls) and for various future maintenance. Land has been included for the contractor to establish temporary site offices, compound, welfare facilities and storage areas for plant and materials at various locations.

3.1.1 *East Hill to Station Road (Site plan sheet 1)*

A small area of land will be required for the widening of the existing Dudnace lane – immediately South of East Hill in order to extend the left turn lane by some 50m to increase junction capacity.

The existing footway will be widened by approximately 1.0m on the West Side to provide a shared use, cycleway / footway. Land is included in the CPO to provide working space which will only be required during construction.

150m further South the existing road is to be widened and a new traffic signal controlled junction constructed where the new link to Dolcoath meets Dudnace Lane. The widening (some 75m each side of the junction) is to provide the necessary turning lanes to accommodate forecast traffic flows.

Southwards, the existing footway is again widened by approximately 1.0m on the West Side to provide a shared use, cycleway / footway. Commercial property within South Crofty is to be demolished to provide this facility (*Coastline's* buildings). The existing Dudnace Lane along this section is retained without widening.

The direct highway access to a garage is closed (*Dudley Car Sales*) and a new private means of access provided across land owned by others.

60m North of the access to Pool Market, a signal controlled crossing takes pedestrians and cyclists across to the East Side. A small area of land and a low

retaining wall are required to establish this facility on the East side (from *City Electrical*)

Southwards and eastwards, there is a need to acquire small areas of land from the adjoining business frontages for visibility and to widen the existing footway to create a shared use cycleway / footway, 3.0m wide..(*Atlantic Windows, Varcurn Marble and South Crofty Tyres*)

Further widening of Dudnance Lane is then needed to accommodate the new signal controlled junction at Station Road / Penhallick Road. This junction requires additional land, mainly from the North side of the existing road, in order to provide the required turning lanes. (*Richfords and Station Yard*)

Where the road is widened at junctions etc., the adjoining property boundaries will be moved back and operational or frontage land acquired; land has been included to undertake the construction activities and to reinstate, or provide new, boundary treatments – fences or walls. It is expected that this land will be needed temporarily for construction and/or future maintenance. Access slopes will be regraded where required. Accommodation work within sites will be undertaken by agreement.

A number of plots have been included to enable the contractor to store materials and plant – and to store excavated soil for later use within the road scheme corridor.

The closure of the existing access to *Tesco's* delivery bay off Station Road has required the creation of an alternative, safe access further East. In order to facilitate practical, operational manoeuvres into, and out of, this new access it has been necessary to acquire an addition area of land. The new road could not be constructed without the closure of the *Tesco* access; the safe, replacement access could not be provided without this additional area.

The widening of the existing road necessitates the demolition of the residential property named *Sylmar* (and out-building).

3.1.2 *Station Road to Wilson Way (Site plan sheet 2)*

The new section of road, from Station Road, parallel to the Penzance to Paddington rail line and around the Carn Brea leisure centre running track to Wilson Way, requires land from Network Rail, Cornwall Council and commercial property. The Network Rail land to be acquired includes a small active depot off Station Road and land adjacent to the rail line. An access will be provided to land owned by Network Rail which is severed.

Land is included to enable construction of the road (with its drainage outfalls) and for future maintenance. Land has been included for the contractor to establish temporary site offices, compound, welfare facilities and storage areas for plant and

materials. Land is included to provide working space which will only be required during construction for activities such as earth moving, pavement construction, erection of fences and boundary treatments.

Land is included for the construction of earth mounds, grass seeding with tree and shrub planting, to mitigate the visual impact of the road and its traffic and for the regrading of adjacent land. Land is also included for essential landscaping and a noise fence to reduce the adverse effects of the road on the leisure centre amenities and on residential property.

Land is acquired to create a shared cycleway / footway, 3.0m wide on the North, then West, side of the new road. Land will also be acquired to create a 2.0m wide footway on the South, then East side of the new road.

A section of Footpath Carn Brea No 4 will be closed where it is crossed by the new road and will be diverted within the new highway. Land is acquired to create this diversion.

The new roundabout at the junction - with Wilson Way, the new road and Carn Brea Lane - requires land for construction of the highway and land for the construction and future maintenance of a small retaining wall. A short section of Wilson way eastwards would be widened to create the required turning lanes entering the new roundabout; this will need small additional areas of land from the adjacent commercial interests. (*Tescan Ltd*)

Alternative private means of access is provided where existing access to land and property needs to be stopped up (*78 Carn Brea Lane*)

Land is included to provide working space which will only be required during construction.

Land has been included to create a new highway from Agar Way to give heavy goods vehicle access to the rear of a commercial property on Wilson Way (*Bookers Cash & Carry*).

Land has been included to create other private means of access for those whose existing access(es) are to be closed (*Tescan Ltd*). Land has also been taken for the construction of a maintenance lay by.

The land required for the future widened highway has been taken with regard to the impact on the adjacent businesses. Frontage land taken is either operational, car parking or landscaped areas and, following consultations, the impact has been minimised as far as possible. Land has been taken to enable the existing accesses to remain, with regrading as required to tie-in the surfaces, and for the erection of agreed boundary fences or walls.

3.1.3 *Dudnance Lane to Dolcoath (Site plan sheet 3 and 4)*

Land is included to enable construction of the road and for future maintenance.

From Dudnance Lane westwards the new road will traverse South Croft Mine (*Western United Mine's* land (WUM)). Demolition of derelict operational buildings will be required and land has been included to enable this to be undertaken. Land has also be included to provide a construction haul road and access through the South Crofty site whilst construction and demolition are in progress.

Land for the creation of private means of access to the bisected areas of WUM land is included.

As the road crosses the Red River valley land is required for the construction of the highway embankments, and for construction and future maintenance of the two arch structures which will take the new road over Chapel Road, amenity routes and the Red River.

Highway drainage is provided in open channels on the North side of the road. Land has been taken to accommodate these channels and for an attenuation, storage pond in the Red River valley, to collect the highway run-off water before it is discharged into the Red River. Land has been included for a permanent access to this drainage feature for maintenance.

The diversion of the Red River through the eastern arch has given the opportunity to implement ecological improvements to the river bed on either side of the road – establishing new habitats for flora and fauna. The Council's land has been included for this purpose.

Land has been included for the creation of a new bridleway, traversing the side of the new road embankment. This connects the new road with the Red River valley via a multi-user trail which runs through the eastern arch.

Land is required to flatten the embankment slopes to allow the new earthworks with landscape planting to be better integrated with the surrounding landform of the valley. Land has been taken for landscape planting to establish replacement habitats and additional areas for rare bryophytes and lichen.

Staggered private means of access have been provided on the North and South side of the new road for the Tuckingmill Urban Village regeneration project; the southern one of which will, in the interim, provide access to the fields severed from Church View Farm by the new road. (Site plan sheet 4)

A strip of land has been included on the North side of the road (around the bend approaching Dolcoath) to facilitate essential landscaping and planting within the

future highway boundary – extending, in places, up to existing walls and bank. This densely vegetated strip of land is designed to provide an effective screen, to mitigate the visual and noise impact of the road and its traffic on residential properties in Dolcoath.

Open channel drainage channels are also on the outside of this bend and land has been taken to construct and maintain them.

Access to Church View Farm will be provided via land included to create a private means of access from Church View Road / Dolcoath Road.

Land has been taken to erect and maintain a noise reduction fence to shield the rear of properties on Church View Road from traffic noise.

Land has been included to link the new road into the existing side roads at Dolcoath with a new roundabout connection to Dolcoath Road. Land has also been included to create new footway / cycleways, to close sections of the existing roads and to link into the Dolcoath Development spine road ("Main Street").

Land is included to enable the contractor to establish temporary site compound, welfare facilities and storage areas for plant and materials.

In the northwest and southwest quadrants of the new roundabout at Dolcoath, land has been included to facilitate essential landscaping and planting within the future highway boundary – to provide an effective screen to mitigate the impact of the road and its traffic on residential properties – on Church View Road and on Dolcoath Road. South of the roundabout, additional land has been taken to create new habitat and provide a screen for the adjacent open land.

Following consultations, the impact of the loss of land has been minimised as far as possible. Compensation for the loss of land resulting from this CPO and other losses will be considered under statutory provisions for compulsory purchase by the Council's Western Area Valuer (see below 5.1.3)

4 Human Rights Considerations

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights' ("the Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual (including companies). In resolving to make the Order the Council should consider 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.

In the case of each of these Articles (and indeed other provisions of the Convention) the Council should be 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 will arise from the construction of the proposed road it is considered that it would be appropriate to make the Order. In the circumstances, it is not considered that the Order would constitute an unlawful interference with the individual property rights.

Extensive consultation has taken place in relation to the proposed scheme at the planning stage with the opportunity being given for affected parties to make representations. Negotiations have also been pursued with many parties affected by the compulsory purchase order. Further representations can be made in the context of any Public Inquiry, which the Secretary of State for Transport may decide to hold in connection with the Order. Those directly affected by the Order will be entitled to compensation proportionate to the loss, which they incur as a result of the compulsory acquisition. See below 5.1.3.

5 Further Information

5.1.1 *Related Orders*

A Side Roads Order for the same scheme will be made concurrently with this CPO

5.1.2 *Special considerations affecting the Order Land*

5.1.2.1 **Listed Buildings and Conservation Areas**

No listed buildings are affected by the Order. A number of buildings, however, are of archaeological importance and measures have been agreed to mitigate the impact by surveying and recording.

None of the land affected by the Order is within a conservation area.

5.1.2.2 **World Heritage Site**

(a) The World Heritage Convention was ratified by the United Kingdom in 1984. The convention provides for the identification, protection, conservation and presentation of cultural and natural sites of outstanding universal value, as World Heritage Sites ("WHS"). Individual governments are responsible for ensuring the protection of sites which are inscribed on the list. Following a submission by the Secretary of State for Culture, Media and Sport On July 13 2006 the decision was taken by UNESCO's World Heritage Committee meeting to inscribe the Cornwall and Devon *mining landscape* onto the World Heritage List.

(b) World Heritage status is a material consideration in the determination of planning applications (as defined in PPG 15) but has no statutory place in the current planning system.

(c) Part of the order land falls within the World Heritage Site. The Council is sensitive to this and has fully considered the WHS and any immediate impact and/or implications for the longer terms have been evaluated. The case for the scheme has been made in two planning applications which included assessments of the environmental impact of the scheme. The impact of this scheme on the WHS has been considered and judged to be unlikely to have any significant negative impact on the WHS.

5.1.2.3 **Negotiated land acquisition**

Land owned by the SWRDA, Western Power Distribution, Network Rail and WUM (BaseResult) is affected by the order. The Council is in negotiation with these interests with a view to securing the relevant land needed for the scheme.

5.1.3 *Compensation issues*

In any CPO process there is always an endeavour to discuss compensation issues and to purchase properties by agreement, if possible, rather than compulsorily.

Owners and tenants of properties affected by the Order who wish to discuss this option should contact Colin Benney, the Council's Western Area Valuer, in the first instance, whose details appear below. The Council's consultant is Parsons Brinckerhoff.

Land required temporarily during the construction period would, if possible, be obtained under an Essential Licence by agreement and Title would not be acquired.

5.1.4 *Inspection of documents*

A copy of the Order, Order Map and this Statement of Reasons and the documents referred to in the attached list can be inspected at the Council's Offices, [New County Hall, Truro] [between 9am and 5pm on Mondays to Thursdays and between 9am and 4.30 pm on Fridays] and at [Cornwall Council offices , Camborne] [between 8.45am and 5.15pm on Mondays, Tuesdays and Thursdays, between 10am and 5.15pm on Wednesdays and 8.45am to 5.45pm on Fridays], and is available for inspection on the Council's website This Statement of Reasons for making the Compulsory Purchase Order is not intended to discharge the Council's statutory obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007.

5.1.5 *Next Steps – Objections leading to a Public Inquiry*

Objections to the Compulsory Purchase Order and its associated Side Roads Order for the CPR Regeneration Highway Scheme may be considered at a Public Inquiry. This would be programmed by the Department for Transport for Spring 2012.

Letters of support or objection, or letters making comments on these orders should be addressed to:

Secretary of State for Transport
National Casework Team
Department for Transport
Lancaster House
Hampshire Court
Newcastle Business Park
Newcastle Upon Tyne
NE4 7YH

and a copy sent to:

Jayne Broadway, Principal Legal Officer – Property, Cornwall Council, Room 329, New County Hall, Treyew Road, Truro, TR1 3AY.

5.1.6 *Queries*

Land owners or Tenants of property affected by the CPO who require further information about the scheme, the Orders or the statutory process can contact the Council's officers.

Further information on the Engineering aspects of the proposal should be addressed to Nicola Yeates the Council's Major Schemes Project Manager by e-mail [nyeates@cornwall.gov.uk].

Legal queries may be raised with Jayne Broadway by phone [01872 322127] or e-mail [jbbroadway@cornwall.com].

Land acquisition and compensation issues may be raised with Colin Benney, by phone [01209 614225] or e-mail [cbenney@cornwall.gov.uk].

Enquiries by post should be sent to the address below.

John Foskett, Project Manager, Parsons Brinckerhoff, 11 High Cross, Truro, TA1 2AJ or e-mail [john.foskett@pbworld.com]