



Cornwall Council

**St Austell to A30 Link Road Compulsory Purchase
Order 2020**

**Summary Proof of Evidence on common land and
access**

by Peter Williams, BSc(Hons), FBIAC

17 August 2021

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1 Introduction

1.1 My name is Peter John Williams. I am an Associate of Reading Agricultural Consultants ("**RAC**") and my qualifications and background are set out in my main proof of evidence dated 17 July 2021 (my "**Proof of Evidence**").

1.2 My Proof of Evidence deals with common land, including:

- i. the proposed acquisition and replacement of common land;
- ii. the acquisition of rights of access across common land; and,
- iii. issues surrounding public access of the existing and proposed replacement common land.

2 Scheme submission

2.1 The proposed scheme seeks the powers necessary to construct the St Austell to A30 Link Road.

2.2 Part of the land that is to be acquired is common land. Section 19(1) of the Acquisition of Land Act 1981 (the "**Act**") requires that where common land is to be acquired under compulsory purchase this must be subject to special parliamentary procedures unless the Secretary of State is satisfied that:

- *inter alia* replacement land is provided that is "*equally advantageous*" to those persons, if any, entitled to rights of common or other rights, and to the public; and

- the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and has been or will be subject to the like rights, trusts and incidents as attach to the land purchased.

2.3 Similarly, paragraph 6 of Schedule 3 of the Act requires that where the compulsory acquisition of rights over common land is required, this too shall be subject to special parliamentary procedures unless the Secretary of State is satisfied that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before.

2.4 RAC prepared a report that reviewed the suitability of proposed replacement common land in terms of:

- area;
- the extent that it is no less advantageous (in other words, it is "*equally advantageous*") than the land being acquired in terms of:
 - location;
 - the capability of the various parcels in meeting the rights of commoners; and
 - the extent that the replacement common land is equally advantageous to the public in terms of access.

2.5 The report is attached at **Appendix 1** of my Proof of Evidence.

2.6 The report concluded that:

- the area of land proposed as replacement common land (83,387.29m²) exceeds the area of common land to be acquired (81,336m²);
- the quality of the agricultural land proposed as replacement land is the same or better than the land to be acquired;
- the quality and nature of the soil of the replacement land will be equally advantageous for stocking with cattle; and
- the replacement land could be used to harvest turf, soil or stones.

2.7 With regard to the use of the common land where a right of access is sought it was determined that:

- the area of common over which the rights are sought (3,505.62m²) forms a very small percentage (less than 0.5%) of the overall common (extending to 966,000m²); and
- the common over which these rights are sought will still be available for use by the commoners at all times for rights of common, except when this right is occasionally and temporarily being exercised.

2.8 With regard to public access the report concluded that:

- the low levels of current access;
- the lack of continuity of existing access across the B3274; and
- the lack of parking and the poor accessibility of the existing common land;

suggests that the proposed replacement land, being of similar size and close location with better accessibility to the land to be acquired, would be no less advantageous to the public.

2.9 Cornwall Council subsequently submitted an application under section 19 of the Act (the "**S19 Application**") to the Planning Inspectorate ("**PINS**") on 23 October 2020.

3 Scheme developments

3.1 Since the S19 Application, Cornwall Council has undertaken a detailed review of the Cornwall Council (St Austell to A30) Compulsory Purchase Order 2020 (the "**Order**") Map against the common land boundary in consultation with the Council's Common Land Officer which has resulted in Cornwall Council requesting minor modifications to the Order.

3.2 RAC reviewed these minor modifications and produced an Addendum to the Replacement Common Land Report (attached at **Appendix 2** of my Proof of Evidence).

3.3 The report concluded:

"The minor modifications do not entail any changes to the proposed exchange land, which remains "equally advantageous" and significantly greater in area than the common land being acquired.

Overall, those with rights of common will not be disadvantaged by the provision of the proposed replacement land, or the acquisition of minimal rights of access".

3.4 The notice of intention to issue a certificate under paragraph 6 of Schedule 3 of the Act as well as under section 19(1)(a) of the Act (the "**Notice of Intention**") was published in the Cornish Guardian for two successive weeks (14 July 2021 and 21 July 2021). The notice of intention required representations or objections be sent to PINS before 6 August 2021.

3.5 On 9 August 2021 PINS confirmed that it had not received any representations or objections in respect of the S19 Application.

