



St Austell to A30 Link Road

**Replacement Common Land Report
ADDENDUM**

July 2021

**Gate House
Beechwood Court
Long Toll
Woodcote
RG8 0RR

01491 684 233
www.reading-ag.com**

1	INTRODUCTION	2
2	LAND TO BE ACQUIRED	3
3	PROPOSED REPLACEMENT / EXCHANGE LAND	4
4	THE TESTS	5
5	CONCLUSION.....	6

1 Introduction

- 1.1 Reading Agricultural Consultants Ltd (RAC) is instructed by *Cormac Solutions* on behalf of Cornwall Council which is promoting the St Austell to A30 Link Road and the associated Cornwall Council (St Austell to A30 Link Road) Compulsory Purchase Order 2020 (Order).
- 1.2 RAC produced a Replacement Common Land Report in July 2020 dealing with the potential impact on Rights of Common arising from the proposed Common Land Exchange being proposed as part of the construction of the St Austell to A30 Link Road.
- 1.3 Cornwall Council submitted its application under S19 of the Acquisition of Land Act 1981 to the Planning Inspectorate (PINS) on 23 October 2020.
- 1.4 As part of the S19 Application process, PINS confirmed on 8 April 2021 that the Inspector was content to issue a Notice of Intention to issue a certificate under Schedule 3, paragraph 6 of the Acquisition of Land Act 1981 as well as under section 19(1)(a) S19 ALA 1981. However, by email dated 22 April 2021 PINS identified that Plots 03/04, 03/11, 03/13 and 03/16 (currently described as common land in the Order) appear outside of the Tresayes Down and Hensbarrow Down (registered under number CL492) common land boundary.
- 1.5 The Council has undertaken a detailed review of the CPO Map against the common land boundary in consultation with the Council's Common Land Officer. This review included reference to a number of historical mapping sources, including the Council's common register map, Land Registry and Ordnance Survey mapping data. As a result minor modifications of the Order have been requested in order to ensure its accuracy and to reflect the outcome of the Council's review.
- 1.6 *Cormac Solutions* has instructed RAC to consider the minor modifications to the Order and produce an Addendum to the Replacement Common Land Report which considers the potential impacts on Rights of Common arising from the modifications.

2 Land to be acquired

2.1 Following the review it is confirmed that the common land that is proposed to be acquired is as set out in Table 1A (greyed cells indicate minor changes, mainly in nomenclature):

Table 1A: Common land to be acquired

Plot No:	CPO Ref No.	Area m ²	Permanent acquisition or rights	Owner/Tenant
8a-1 (CL191351)	03_13C	282.46	Permanent	Imerys / Gummoie
8b-1 (CL225948)	02_03C	157.64	Permanent	Imerys
8c-1 (CL225512)	03_10C	9,109.18	Permanent	Imerys / Thomas
8c-2 (CL225512)	03_02C	12,343.58	Permanent	Imerys / Thomas
8c-3 (CL225512)	03_09C	5,847.72	Permanent	Imerys / Thomas
8c-4 (CL225512)	03_01A	2,890.47	Permanent	Imerys / Thomas
8c-6 (CL225512)	03_02RC	2,473.61	Rights	Imerys / Thomas
8c-7 (CL225512)	03_10A	2,231.99	Permanent	Imerys / Thomas
8c-8 (CL225512)	03_06AC	899.27	Permanent	Imerys / Thomas
8c-9 (CL225512)	03_03C	3,081.51	Permanent	Imerys / Thomas
8c-16 (CL225512)	03_03A	55.18	Permanent	Imerys / Thomas
8d-1 (CL225524)	02_02C	28,773.5	Permanent	Imerys
8d-3 (CL225524)	03_04A	582.8	Permanent	Imerys
8d-4 (CL225524)	03_01R	1,032.01	Rights	Imerys
8d-5 (CL225524)	03_05A	985.91	Permanent	Imerys
8d-6 (CL225524)	03_01	4,063.46	Permanent	Imerys
8d-8 (CL225524)	03_13A	3,034.83	Permanent	Imerys
8i-1 (CLTB010)	01_08C	2,636.42	Permanent	Imerys
8k-1 (CLTBC015)	03_11C	4.44	Permanent	Imerys
8L-1 (CLTBC016)	03_16C	5.56	Permanent	Imerys
None (CL225498)	02_03AC	937.44	Permanent	Imerys
Total permanent acquisition		81,428.99m²		

2.2 The common land to be permanently acquired extends to 81,428.99m². It is presently open moorland and is used for grazing cattle. Alongside the existing highways the land is fenced; the land is very uneven and the grass tussocky.

2.3 The Agricultural Land Classification of the land to be acquired is designated as other/non-agricultural due to its rocky nature, shallow soils, coverage with scrub/gorse and non-accessibility or a combination of these factors. If the land were to be assigned an agricultural land classification grade it would be Subgrade 3b at best, due to climate and soil wetness limitations. In practical terms however, the rock outcrops, hollows and undulations render the land more likely to be Grade 5 which better fits the definition of land:

“...with severe limitations which restrict use to permanent pasture or rough grazing...”

2.4 The land to be acquired is also subject to a public right of access for open-air recreation under the Countryside and Rights of Way Act 2000 ("the right of access"). This public right of access is only for the purpose of open-air recreation on foot (or invalid carriage) and does not include any right of access riding or leading horses or with a vehicle, including a pedal cycle.

2.5 The land to be acquired is crossed by four public rights of way all of which are designated as public footpaths, restricting users to access on foot only.

3 Proposed replacement / Exchange land

3.1 There is no change to the land that is proposed to be acquired for use as replacement land is set out in Table 2A.

Table 2A: Replacement Land

Plot No:	CPO Ref No.	Area:	Owner/Tenant
8a-2	03_12	2,939.11	Imerys / Gummoie
8a-4	03_25	3,287.28	Imerys / Gummoie
8c-10	03_08	1,010.17	Imerys / Thomas
8c-13	03_22	25.61	Imerys / Thomas
8c-14	03_23	1.12	Imerys / Thomas
8g-2	03_14	36,955.69	Imerys / Manhire / TBC
8k-2	03_07	38,043.15	Imerys
8k-3	03_24	1,125.16	Imerys
Total Replacement Land		83,387.29m²	

4 The Tests

4.1 In terms of the express tests for Replacement common land:

- the **area** of land proposed as replacement common land extends to 83,387.29m² and exceeds the area of common to be acquired -81,428.99m² - and meets the test;
- the **quality** of the agricultural land proposed as replacement land is the same or better than the land to be acquired - and meets the test;
- the **quality** and **nature** of the soil on the other/non-agricultural land (Plots 8k-2, 8k-3, 8c-10, 8c-13 and 8c-14) is similar to that found across the existing common and it will produce similar herbage for rough grazing - and meets the test;
- **stocking with cattle** - the proposed replacement common land will be equally advantageous for stocking with cattle with a similar (indeed greater) area of land being provided. The land will be accessible by livestock and is suitable as rough grazing, albeit the highway will need to be crossed as occurs at present, and meets the test;
- **turbary** - the land to be acquired is covered with tussocky grass. The replacement land is a mixture of tussocky grass and moderate quality agricultural land all of which could be used to harvest turf. The status quo will be retained and meets the test;
- **common in soil** – the proposed replacement land could be used to harvest soil or stones. The status quo will be retained and meets the test.

4.2 With regard to Plots 8c-6 and 8d-4, where a right of access is sought, as:

- the area of common over which these 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.

5 Conclusion

- 5.1 Before granting a certificate under section 19(1)(a), the Secretary of State must be satisfied that:

'there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the person in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attached to the land purchased'.

- 5.2 None of the minor modifications have any material impact on the tests for replacement common land.
- 5.3 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.
- 5.4 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.

