

Report to:	Leader of the Council	
Date:	24 August 2020	
Title:	St Austell to A30 Link Road - Compulsory Purchase Order & Side Roads Order	
Portfolio Area:	Transport	
Divisions Affected:	Roche, Bugle, Penwithick and Boscoppa, St Dennis and Nanpean, St Enoder, St Stephen-in-Brannel, Mount Charles, St Austell Bay, St Austell Bethel, St Austell Gover, St Austell Poltair, St Mewan, Carlyon	
Local Member(s) briefed:	Yes	
Relevant Scrutiny Committee: Economic Growth and Development		
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Approval and clearance obtained:	Y	
For Cabinet and delegated executive decisions only		
Key decision? (≥£500k in value or significant effect on communities in two or more electoral divisions)	N	
Published in advance on Cabinet Work Programme?	N	
Urgency Procedure(s) used if 'N' to Work Programme?	N	
Date next steps can be taken	Following call-in period	

Recommendations:

- 1) To authorise the making of a Compulsory Purchase Order under Sections 239, 240, 246, 249, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 to acquire:

- a. All land, interests and rights in respect of the areas of land shown edged red and shaded pink on the attached drawings 0213- 0219 (Key and Plans 1-6);
 - b. The areas of exchange common land shown edged red and shaded green on the attached drawings 0213- 0219 (Key and Plans 1-6); and
 - c. The new rights over the land shown edged red and shaded blue on the attached drawings 0213- 0219 (Key and Plans 1-6).
- 2) That authority be delegated to the Strategic Director – Economic Growth & Development, in consultation with the Portfolio Holder for Transport, Monitoring Officer and Section 151 Officer to:
- a. Take all necessary steps to secure the making, submission to the Secretary of State for confirmation and implementation of the Compulsory Purchase Order including (but not limited to) publishing the Statement of Reasons, the publication, advertisement, notification and service of all notices, the investigation of and response to objections, and the presentation of the Council's case at any public inquiry;
 - b. Negotiate and acquire interests in land and new rights set out in the Compulsory Purchase Order either by agreement or compulsorily; and
 - c. Make minor amendment, modifications and deletions to the plans should this be considered appropriate.
- 3) To authorise the making of a Side Roads Order under section 14 and 125, and in accordance with Schedule 1, of the Highways Act 1980 for highway improvements and modifications needed for the construction of the proposed new highway, the St Austell to A30 Link Road on the attached drawings 0066-0079 (Key and Plans 1 to 13).
- 4) To delegate authority to the Strategic Director – Economic Growth & Development, in consultation with the Portfolio Holder for Transport, Monitoring Officer and Section 151 Officer to:
- a. Take all necessary steps to secure the making, submission for confirmation and implementation of the Side Roads Order including (but not limited to) publishing the Statement of Reasons, the publication, advertisement, notification and service of all notices, the investigation of and response to objections, and the presentation of the Council's case at any public inquiry; and
 - b. Make minor amendment, modifications and deletions to the plans should this be considered appropriate.

1 Executive Summary

- 1.1 The Council has been working towards the construction of a new link road between Victoria and Stenalees known as the St Austell to A30 Link Road (“the Scheme”). The outline business case for this was supported, and the Preferred Route for the Scheme was approved in March 2017. The Council has been awarded £78.461m from the Department for Transport (DfT), subject to a full business case being submitted and approved. The Council subsequently agreed to contribute £6m towards the Scheme and underwrite the cost should the full business case be unsuccessful.
- 1.2 The DfT notified the Council on 28 November 2017 it would fund £78.461m subject to an acceptable final business case and satisfactory completion of the procurement and statutory processes.
- 1.3 Officers have been working with Cormac as the designer to finalise the preferred route and a planning application was submitted in December 2018 with determination made in April 2019. Officers have also been consulting with landowners affected by the Scheme regarding property acquisition and have held public engagement events to ensure residents and business owners are kept abreast of progress and developments of the Scheme.
- 1.4 There were a number of Cabinet approvals which were required in advance of the Scheme's construction commencement; planned for Spring 2020. In order to deliver the Scheme to the challenging programme and to minimise risk to delays delegated authority was sought at the 13 February 2019 Cabinet meeting to allow the Strategic Directors and project team to progress in the most expeditious way possible.
- 1.5 This report follows on from the delegated authority from Cabinet to secure the acquisition or secure the option of acquisition of such land, interests and rights, make, and publish a Compulsory Purchase Order ('CPO') to ensure that the permanent land required for the road and the temporary land required for its construction of the Scheme can be secured and acquired, and to make and publish all necessary Side Roads Orders ('SRO') so that the affected highway can be stopped up, diverted, improved, and new highway provided.
- 1.6 Since the date this authority was delegated, the details of the Scheme have been finalised identifying the need to secure sufficient land for the Scheme, to identify and agree the acquisition of sufficient and suitable Replacement Common Land, and the establishment of appropriate rights. In particular, the Replacement Common Land has meant that the original scope of the CPO presented to Cabinet has had to be widened and therefore it is necessary to

seek an amended approval from the Leader to extend the area of land subject to the CPO and SRO ('the Orders').

- 1.7 The additional areas of land identified to satisfy the Replacement Common Land criteria are alongside the section of realigned Greensplatt Road to the west of the Scheme. One of these is adjacent to land already being acquired from Imerys to the east of Coldvreath; the other is part of the smallholdings of Hill View Farm and Holly Farm, already acquired by Cornwall Council as part of the Scheme. This equates to approximately 3.2 hectares over and above the 8 hectares already identified.
- 1.8 All of the land to be acquired and the lengths of highways required to be stopped up, diverted, improved and created are contained within the areas shown on plans 0213- 0219 (Key and Plans 1-6) in respect of the CPO, and 0066-0079 (Key and Plans 1 to 13) in respect of the SRO - all as attached at Appendix 1.

2 Purpose of Report and key information

- 2.1 In March 2017 Cabinet approved the final route for the Scheme and granted authority for an outline business case to be submitted to the DfT to fund the Scheme. The DfT notified the Council on 28 November 2017 it would fund £78.461m subject to an acceptable final business case and satisfactory completion of the procurement and statutory processes. The capital programme was amended at a meeting of full Council on 20 February 2018 to cover the full cost of the Scheme. Since then much progress has been made to keep the Scheme implementation on programme. Currently the preliminary design is complete, conditional planning consent granted, a Principal Contractor appointed, and work progressed on detailed design. In parallel with this, there has been on-going extensive negotiations with landowners and communication with the public and local elected representatives.
- 2.2 The planning application for the Scheme was submitted to the Council as the local planning authority and was considered by the Strategic Planning Committee on 4 April 2019 and granted conditional approval. Following this, there are several further processes that need to be progressed in a short period of time to ensure the Scheme can be delivered to meet the published programme. The paper submitted to the 13 February Cabinet meeting requested a number of delegations to the Strategic Directors rather than requesting a number of further individual approvals from Cabinet. The recommendations in the Cabinet paper were approved and this report relates to Recommendations 1 to 3, concerning land and highway implications.

Summary of the Scheme

- 2.3 The proposed link road will be 6.2km in length running from the Singlerose Roundabout at Stenalees on the A391 in the south passing through the clay mining area and to the west of Trezaise and Roche to the old A30 (now C0120) to the west of Victoria. The old A30 provides connectivity to the Victoria Services junction on the A30. The new road comprises two 3.65m running lanes with climbing lanes on sections with steeper gradients. Along much of its length a new bridleway will be provided that incorporates a 3m wide cycle pedestrian path alongside a 2m wide equestrian track. A number of additional improvements will be made to the provision for non-motorised users ('NMU') including connecting links to the shared use tracks on the Goss Moor and also the local road network. The B3274, where it runs through Trezaise and Roche, is predicted to have less than a third of the current traffic with considerably reduced number of HGVs. The A391 through Stenalees and Bugle will be downgraded to a B road and through traffic will be considerably reduced. Complementary measures will be provided in the villages and the wider St Austell area to further encourage the diversion of vehicles onto the new link road.

Development of the Route

- 2.4 In the late 1980s a report written by Cornwall County Council stated that the economic development of St Austell was being constrained by the lack of connectivity to the A30. In the early to mid-1990s options for a new connecting road to the A30 were explored. A route was selected that passed to the south of Stenalees and Bugle, and then to the east of Lockengate to the Innis Downs A30 junction but funding was withdrawn, and the scheme was discontinued. In 2005 the scheme was resurrected, and some design work was undertaken but funding was withdrawn again. Following local representations, a new study was completed in mid-2015 and concluded that there were two viable routes – a Bugle route similar to the one previously adopted and a Roche route.
- 2.5 A series of public consultations were held in mid-2016 which showed a strong support for a new link road. It also became apparent that there were a number of imminent developments along the Bugle route that would affect its viability, including the creation of a number of Sites of Special Scientific Interest ('SSSIs') and the STARR project designed to delay the flow of rainwater from the Bugle and Luxulyan area down to Par and St Blazey. A further five routes were subsequently considered with opportunities, constraints and high-level costings being assessed after which the Roche route option became the preferred route.

- 2.6 The final determination of the preferred route has enabled those affected landowners to be identified and detailed discussions with each has been ongoing. In addition, the road impacts on Common Land and therefore suitable Replacement Common Land has been identified for that which is to be lost to the Scheme.

Land and Property Negotiations

- 2.7 Two properties were identified (Hill View Farm and Holly Farm) that were more adversely affected than the remainder and, with the agreement of the owner/occupiers, these were acquired in advance and are now in the ownership of Cornwall Council and currently let to tenants.
- 2.8 Three of the landowners (IMERYS, Tregothnan Estates, and a local farmer) hold the majority of the land affected by the Scheme (more than 80%). Negotiations with these and the other 15 landowners are at an advanced stage with agreed heads of terms and accommodation works agreed. Acquisition can therefore proceed through finalisation, exchange of contracts, and completion, subject to funding. However, to ensure that the Council's interests are protected, legal advice indicates that a CPO should still be sought to avoid any risks associated with late withdrawal of any agreements and to meet the timescale of implementing the Scheme.
- 2.9 In the central section of the new link road at Hensbarrow, some Common Land will be lost due to the Scheme. In the context of the CPO, this is known as Special Land. Through a combination of land acquisition from Imerys and using some of the land in the Council's possession (part of the Hillview Farm/Holly Farm estate), suitable Replacement Common Land has been identified and application will be made to the Secretary of State under Section 19 of the Land Acquisition Act for the existing affected Common Land to be de-registered and the Replacement Common Land to be registered as Common. In all, due to the sizes of available land plots and maintaining sensible boundaries, the Replacement Common Land is slightly greater than that which is lost and is considered to be equally advantageous.

Funding Position

- 2.10 The £78.461m funding being provided by DfT is conditional on the Council achieving conclusion of a number of key stages
- Planning Consent [*achieved April 2019*]
 - Appointment of a suitable contractor [*achieved October 2019*]
 - Discharge of all Pre-start Planning Conditions [*in progress, to conclude August/September 2020*]

- Control of all land – by CPO or acquisition [*contained within this report*]
 - Changes to existing highways – by SRO [*contained within this report*]
 - The submission of a compliant Final Business Case [*in progress, to conclude in August 2020*]
- 2.11 The value of the total package of land acquisition exceeds £6.7m with a further £800k identified as compensation and is part of the £78.461m funding agreed with DfT. In order for the DfT to be satisfied that the Council has the land within its control, the making, publication, and confirmation of the CPO and SRO will be required as evidence that if the funding is provided the Council are able to progress the Scheme.
- 2.12 In the discussions with landowners, they have been made aware that it is the intention of Cornwall Council to include their land in a CPO, but that Cornwall Council's preferred approach is to acquire land by agreement rather than CPO.
- 2.13 Subject to the DfT making the required funding available, then it is the intention that private treaty transfers are exchanged and following confirmation of the Orders the Council intends to serve Notices to Treat or execute General Vesting Declarations, as the case may be, in order to secure title to or rights over the respective parts of the Order Land.

Affected Highways

- 2.14 There are a number of severances of existing roads along the route. The one with the biggest impact is the severance of the B3274 Roche road in Stenalees. To the south the road will lose its connectivity with the Stenalees roundabout and to the north the road will be severed where the new link road passes on top of the B3274. Around 30 properties lie along this road and to reconnect them to the highway network it is proposed to construct a road from the Roche road down to the Stannary road in Stenalees. Both this new connection and the severed section of the Roche road will have little traffic upon it and T junctions will be provided at the top and bottom of the new connecting road. Additional severances include cutting of the C0298 between Trezaise and Whitemoor, and the U6114 Coldvreath road between Trezaise and Reeshill. For both of these severances an alternative connection will be via the new Trezaise junction. One further severance is the Edgcumbe road to the south of Treranke Cottages. Here, connectivity is provided via the new Tregoss junction and for Treranke cottages through the crossroads where the Edgcumbe road meets the C0120 (old A30) to the east of the Iron Bridge.
- 2.15 In summary, along the length of the new link road, existing highways will be affected by the new road layout. This includes:

- the creation of the new road (to be known as the A391) from Singlerose Roundabout up to the C0120 (old A30) north of Roche, reclassification of the old A30 from this point to the Victoria interchange on the A30 as continuation of the A391,
- the creation of a number of new junctions (Trezaise, Harmony, and Tregoss) and side roads to improve and connect to the existing road network;
- the downgrading of the existing A391 to a B-class road (from Singlerose Roundabout at Stenalees up to the Innis Downs interchange on the A30);
- the improvement of existing highway at various locations;
- the diversion of some minor roads onto new alignments;
- the making of NMU routes from existing roads by introducing vehicle barriers and prohibitions of driving;
- the creation of new footpaths, bridleways, and multi-user trails;
- the diversion of existing footpaths and bridleways onto new alignments;
- the stopping up of redundant highway, including roads, footpaths and bridleways (and the creation of new), and
- the stopping up of private means of access, including the creation of new.

Consultation with Interest Groups on Highway Changes

- 2.16 One of the intentions behind the new link road between St Austell and the A30 is improving the provision of facilities for NMUs such walkers, cyclists and horse riders.
- 2.17 The Cornwall Countryside Access Forum (CCAF) and the Council's Rights of Way Officer have been consulted on the proposals for the highway changes and played an active role in their development. Any changes made during the design process were discussed with them and they have given their full support to the proposals. The purpose of these discussions was to highlight the fact that the opportunities available for walking, cycling, and horse-riding were to be enhanced significantly once the new facilities were in place, with quieter roads for all, better crossing points (including the use of two under-bridges), and the provision of multi-user trails.
- 2.18 The CCAF are particularly supportive of the proposals given the substantial increase in provision and the greening of the route and have written in support of both the Scheme and the way in which they have been engaged.

- 2.19 In Autumn 2018, in the run-up to the submission of the planning application for the Scheme, a number of workshops and public exhibitions were held in the local area to which over 800 people took part. And from this there was overwhelming support for the proposals.
- 2.20 The planning application considered by Strategic Planning Committee in April 2019 was itself subject to consultation and again there was extensive support for the proposals.
- 2.21 As mentioned above in 2.14, a number of Private Means of Access (PMA) will be affected by the change in local highways caused by the creation of the new road. All residents and businesses whose PMA is affected and planned to be stopped up have been consulted and either an agreed new PMA is to be provided or new rights to be created across existing access tracks. An accommodation works package has also been agreed, including the relocation of gates, walls, fences, and water troughs.

COVID-19 and Public and Affected Party Consultation

- 2.22 Following the making of the Orders, it is intended to publish them in the required press locations, placing all the relevant documents on the Council's website for downloading, as well making all of the documents available for public viewing.
- 2.23 To ensure that COVID-19 requirements are adhered to, an exhibition space has been secured at Victoria Business Park. This will be open to the public on each weekday of the consultation period (except Bank and Public Holidays) between the hours of 9am and 5pm. Any persons wishing to view the documents will be able to call a dedicated number and to make an appointment. The room will be cleaned between appointments and be generally locked unless being opened for a pre-booked appointment. This is compliant with current COVID-19 requirements and current guidance on the CPO process issued by government in May/June 2020.

3 Benefits for Customers/Residents

- 3.1 The overall benefits of the Scheme remain as previously outlined in the cabinet approval of March 2017 and detailed in the outline business case submitted to Government. The summary of the benefits are:
- Creating a better link between two of Cornwall's largest towns – St Austell and Newquay, the airport and Aerohub Enterprise Zone.
 - Making it easier to get to Cornwall's new, large employment sites, therefore supporting the expanding employment sites of Victoria Business Park, Indian Queens Industrial Estate and the Aerohub Enterprise Zone

- Improving competitiveness of St Austell as a location to do business via new employment space or interest in land that can be developed into employment space; creating 600 and 500 jobs respectively.
- Addressing congestion and support housing growth, including the delivery of the West Carclaze Garden Village eco-community; creating new homes and jobs.
- Supporting the regeneration of Roche and Bugle; by addressing traffic issues and create better opportunities for businesses and living conditions for the residents with the removal of heavy traffic flow .

3.2 The acquisition of the land (by CPO or private treaty) or the changes to the local highway network required does not impact on the overall benefit or disbenefit already considered previously when Cabinet approved the Scheme in March 2017.

4 Relevant Previous Decisions

4.1 Cabinet approved the Scheme in March 2017 and have since had further updates on progress as set out below. That paper approved the route of the proposed Scheme and the submission of the outline business case to Government.

- Full Council approved the funding for the scheme on 20th February 2018.
- The Cabinet Members have been briefed on the Scheme programme and budget and that it was subject to a planning application submission in December 2018.
- The Strategic Director - Economic Growth & Development, approved the early acquisitions of two residential properties with small holdings which were significantly affected by the Scheme.
- Cabinet approved a number of delegations of decisions to the Strategic Director Economic Growth & Development on 13th February 2019.
- The Strategic Director – Economic Growth & Development approved the award of Contract to Alun Griffiths (Construction) Ltd. on 5 September 2019
- The Strategic Director – Economic Growth & Development approved the recommendation to make and publish the CPO and SRO as delegated by Cabinet. However, this decision has not been implemented and is effectively superseded by the recommendations set out in this report.

- The Local Ward Members have been kept informed of the progress of the project.

5 Consultation and Engagement

- 5.1 Details of the Scheme, the Preferred Route and Business Case have been communicated to local residents, Town and Parish Councils, Community Network Group and stakeholder groups via a round of face to face meetings, public presentations and mailshots.
- 5.2 At the beginning of October 2018, a series of public exhibitions were held across the area at five separate events. This attracted over 850 residents and interested parties and further engagement with the communities is planned to develop the complementary measures in the surrounding villages.
- 5.3 Extensive consultation has been undertaken with landowners and tenants who will be affected by the acquisition of land and may be subject to compulsory purchase. All affected parties have been visited by the delivery team and in most cases a land agent has been appointed on their behalf to allow them professional support during the acquisition process.
- 5.4 The local elected members, parish councils and MP have been consulted regularly via a series of local meetings to ensure consistency of communication. The members for Roche and Bugle represent the constituents who are most directly affected by the Scheme and have expressed their full support of the Scheme and have supported the delivery team to liaise with the community to agree important changes and clarifications to the Scheme.
- 5.5 The delegation from 13 February 2019 Cabinet decision included for the Strategic Director to consult the Portfolio Holder for Transport, Section 151 Officer, and Monitoring Officer as part of making and advertising both the CPO and SRO as described in this report. The Portfolio-holder for Transport has been advised of the report and is supportive of the recommendations, with the Monitoring Officer and the s151 Officer having also been appraised of the report and its recommendations.

6 Financial Implications of the proposed course of action/decision

- 6.1 The Scheme budget has been based on the availability of Government funding of £78.461m and the Cornwall Council contribution of £6.0m from prudential borrowing, giving the Scheme a total budget of £84.461m.

- 6.2 The bid for the £78.461m Government funding will be submitted in August 2020 and it is estimated that notification of the award of the grant will be received by the end of 2020.
- 6.3 The item for decision within this report is budgeted for within the overall Scheme envelope. In the event that the DfT funding is not approved, no further land will be acquired, and the two properties already acquired could either be retained by the Council as a lettable asset or resold into the market.
- 6.4 There are no additional financial implications associated with this paper above those already met. The following table shows the current budget allocation summary.

Outline Business Case Estimate for Land Acquisition	£3,500,000
Allocation of budget to Land Acquisition	£6,950,000
Allocation of budget to compensation matters	£800,000

The increase in in budget allocation required for the land acquisition has occurred through the process of negotiation with the two major landowners: one additional element triggered by the effect of the road on their current operations and the other by the effect of the extent land acquisition on theirs. Both of these issues had the potential to trigger a Public Inquiry and the financial settlement that may have occurred would have been of a similar quantum PLUS the cost of the delays to the project.

7 Legal/Governance Implications of the proposed course of action/decision

Compulsory Purchase

- 7.1 Cornwall Council has powers under the Highways Act 1980 to exercise Compulsory Purchase powers through the making of an Order. In this instance this will be undertaken under Sections 239, 240, 246, 249, 250 and 260 of the Highways Act 1980. Additionally, the Council is also able to acquire all land, interests and rights under Acquisition of Land Act 1981.

Side Roads

- 7.2 Cornwall Council as the local Highway Authority has powers under the Highways Act 1980 to exercise Side Roads through the making of an Order. In this instance this will be undertaken under Sections 14 and 125 of the Highways Act 1980.

Balancing individual rights, wider public rights & interference with Human Rights

- 7.3 Set out in the report to Cabinet in February 2019 was an undertaking that before any Compulsory Purchase Order or Side Roads Order is made, a carefully considered balance needed to be struck between individual rights and the wider public rights, including any interference with Human Rights. In delegating authority to the Strategic Director – Economic Growth & Development, this balance would need to be fully explored and considered to ensure the test for a compelling case in the public interest is balanced against public and private interests.
- 7.4 As set out in this report, the Council has been seeking to acquire by agreement the required interests in the land in order to deliver the St Austell to A30 Link Road Scheme. In doing so, full account has been taken of the Department for Communities and Local Government's Guidance on Compulsory purchase process and The Crichel Down Rules, which provides guidance to acquiring authorities on the use of compulsory purchase powers. The CPO Guidance makes clear that compulsory purchase is intended as a last resort in the event that efforts to acquire by agreement fail. However, the CPO Guidance also recognises that acquiring authorities will need to consider when the land to be acquired will be needed. Therefore, the CPO Guidance recommends that acquiring authorities plan a compulsory purchase timetable in parallel with conducting negotiations. In light of that recommendation, the Council is planning to make the CPO in order to secure the outstanding interests required to enable implementation of the Scheme. Nevertheless, the Council remains committed to continuing discussions with landowners with a view to seeking to acquire all necessary land and rights by agreement.
- 7.5 In accordance with the provisions of Article 1 of the First Protocol of the European Convention of Human Rights, a CPO should be made where there is a compelling case in the public interest, and land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss. The Statement of Reasons that accompanies the CPO describes the response to Article 1 and includes details of consultation with the public that supports that assertion. Discussions and negotiations with all those who have interests in the Order Land directly affected by the Scheme have been taking place during the evolution of the Scheme.
- 7.6 The Council has consulted with stakeholders extensively throughout the development of the Scheme. Public engagement has enabled the identification of appropriate objectives and to design solutions to meet those objectives. It is considered that the Scheme appropriately delivers a range of key benefits, as described in the Statement of Reasons. Moreover,

consultation and engagement has enabled the Council to limit its compulsory acquisition to that which is both necessary and sufficient to deliver the Scheme, both in terms of construction and operation

- 7.7 The CPO is needed for the Council to achieve those objectives within a realistic time and in order to meet the funding timescales. Reasonable efforts are being made to acquire all land and rights by agreement in order to develop the Scheme, but it is clear that the CPO is required to ensure that there is sufficient certainty that it can come forward within a reasonable time period and ensure all land can be acquired. In this regard, it is to be noted that the CPO Guidance advises that it is often sensible for the formal CPO process to be initiated in parallel with negotiations to acquire the Order Land. The Council has considered that the CPO is not only necessary but also justifiable and that there is a compelling case in the public interest when assessed against the CPO Guidance and relevant case law.

8 Risk Implications of the proposed course of action/decision

- 8.1 The project holds and maintains a priced risk register that covers risks associated with the delivery of the project. This has resulted in a priced risk budget which is available to be used by the client team throughout the project life. These risks are being managed and reviewed on a regular basis.
- 8.2 Risks that are considered to be most significant and related to this paper and the recommendations it contains, along with the management of those risks, are shown in the table below:

Description	Likelihood	Impact	Mitigation Management
Objections Received during the advertising of the orders	Medium	High	<p>Advanced negotiations have been undertaken with affected landowners, their appointed agents, and groups that represent the interests of highway users, and all these to date have been positive.</p> <p>However, there may be others who wish to lodge objections against either Orders and the Council will consider those objections in light of the issued raised and make the appropriate decisions on a case-by-case basis.</p>

9 Comprehensive Impact Assessment Implication

9.1 A full Comprehensive Impact Assessment was undertaken as part of the Cabinet paper approved in March 2017 which gave approval to the Scheme. There have been no changes to the CIA as presented previously.

10 Options available

10.1 There are two options relating to the making and publication of the Orders:

- 1) Approve the making and publication of both the Compulsory Purchase Order and the Side Roads Order; and
- 2) Approve the making and publication of the Side Roads Order but refuse the making and publication of the Compulsory Purchase Order and instead rely on the acquisition of all land through private treaty.

Option 1 is the preferred recommendation. One of the main risks associated with entering into final phase of land acquisition without the protection of a CPO is whether existing landowners will complete on all of the land acquisitions or reject, potentially at a very late stage, their current offers. This could have the effect of increasing payments to try to seek settlement, further delays while the CPO is reconsidered, or loss of funding from DfT. By agreeing to Option 1, it protects the Council's interests in the land to be acquired and provides the degree of certainty being sought by DfT around the control of land that would enable them to award funding.

There are three options relating to the taking of the decision by the Leader of the Council:

- 1) Approve the recommendations as set out in this report;
- 2) Defer the decision to the next scheduled meeting of Cabinet on 16 September 2020 as an urgent item;
- 3) Defer the decision to the following scheduled meeting of Cabinet on 5 November 2020

Option 1 is the preferred recommendation. Before the legal advice was received, the aim was to make and publish the CPO and SRO during early-mid August to allow the public consultation process to close at a similar point in time that DfT would finalise their review on the Final Business Case. Whilst there is now a delay associated with seeking approvals as set out, delaying to mid-September or November may increase risk to the DfT funding and being able to potentially make a start on some of the Scheme works this side of winter.

11 Supporting Information (Appendices)

- 11.1 Appendix 1 – plans 0213- 0219 (Key and Plans 1-6) in respect of the CPO, and 0066-0079 (Key and Plans 1 to 13) in respect of the SRO.

12 Background Papers

- 12.1 Report to Cabinet 13th February 2019 – St Austell A30 Link Road.

13 Approval and clearance

Final report sign offs	This report has been cleared by (or mark not required if appropriate)	Date
Governance/Legal (Required for all reports)	Vanessa Davis	02/09/20
Finance (Required for all reports)	Geraldine Baker	26/08/2020
Equality and Diversity (If required)		
Service Director (Required for all reports)	Nigel Blackler	02/09/2020
Strategic Director (If required)	Phil Mason	03/09/2020

