

THE CORNWALL COUNCIL (ST AUSTELL TO A30 LINK ROAD) COMPULSORY PURCHASE ORDER 2020

The Highways Act 1980 and the Acquisition of Land Act 1981

1. Notice is hereby given that the Secretary of State for Transport, in exercise of his powers under the above Acts, on 7 December 2021 confirmed with modifications THE CORNWALL COUNCIL (ST AUSTELL TO A30 LINK ROAD) COMPULSORY PURCHASE ORDER 2020 submitted by the Cornwall Council.
2. The order as confirmed provides for the purchase for the purposes of:
 - I. the construction and improvement of a highway between the Singlerose Roundabout at the junction between the A391 and B3274 at Stenalees generally northwards for a distance of 6,740m to tie in with the old A30 (C0120) north of Roche in the Parishes of Treverbyn, Roche and Withiel in the County of Cornwall;
 - II. the construction of new highways to connect the above mentioned highway with the existing road system in the Parishes of Treverbyn, Roche and Withiel in the County of Cornwall;
 - III. the provision of new means of access to premises in pursuance of the Cornwall Council (St Austell to A30 Link Road) (Classified Road) (Side Roads) Order 2020;
 - IV. the diversion of watercourses and the carrying out of other works on watercourses in connection with the construction and improvement of highways and the provision of new means of access to premises as aforesaid;
 - V. the diversion and extinguishment of existing drainage and the carrying out of other drainage works in connection with the construction of highways, including the construction of attenuation ponds, and the provision of new means of access to those attenuation ponds;
 - VI. use by the acquiring authority in connection with the construction and improvement of highways, the diversion of watercourses and drainage and the provision of new means of access to premises as aforesaid;
 - VII. the improvement or development of frontages to the above mentioned new and existing highways or of the land adjoining or adjacent thereto;
 - VIII. mitigating the adverse effect which the existence or use of certain of the highways proposed to be constructed or improved will have on the surroundings thereof; and
 - IX. giving in exchange for the land and new rights referred to in this paragraph the land described in Schedule 2 of the order;

of the land and the new rights described in Schedule 1 hereto.

3. A copy of the order as confirmed by the Secretary of State and of the map referred to therein have been deposited at:
 - (a) Alun Griffiths Site Offices, Edgcumbe Road, Roche, St Austell, PL26 8JH and may be seen at all reasonable hours Monday to Friday 9.00am to 5.00pm excluding Bank and Public Holidays and by prior appointment- email paul.shaw@alungriffiths.co.uk or telephone 07977 280415 to book an appointment; and
 - (b) <https://www.cornwall.gov.uk/transport-and-streets/roads-highways-and-pavements/major-highway-schemes/st-austell-to-a30-link/>
4. The order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.
5. Once the order becomes operative, the Cornwall Council may acquire any of the land described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.
6. Every person who, if a general vesting declaration were executed under section 4 of that Act in respect of the land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the Cornwall Council at New County Hall, Truro, TR1 3AY (marked for the attention of Tom Odling) about the person's name, address and interest in land, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

Schedule 1 LAND AND THE NEW RIGHTS COMPRISED IN THE ORDER AS CONFIRMED

DESCRIPTION OF LAND AND THE NEW RIGHTS

In the Parish of Treverbyn in Cornwall

1. 8045.0 square metres of Public Highway and verge on the A391 at Singlerose Roundabout, Stenalees.
2. 517.8 square metres of land being scrub and grass adjoining the A391 situated to the southeast of Singlerose Roundabout, Stenalees.
3. 486.8 square metres or thereabouts of land being scrub and grass adjoining the B3274 situated to the south west of the Singlerose roundabout, Stenalees.
4. 146244.0 square metres of land being ex mine workings and waste tips situated to the west of the B3274, to the north of the Singlerose Roundabout and south of the Blockworks on Gunheath tip.

5. The right of way with or without vehicles over 11693.2 square metres of existing track across china clay mine and waste to the north of the B3274 and Carbean Lodge to provide an access track to the proposed drainage system and water retention basin for the purposes of construction, inspection and maintenance.
6. 116.1 square metres of footway on the Public Highway or garden adjacent to the footway alongside A391, outside numbers 33, 35 and 37 Stannary Road, Stenalees.
7. 16562.7 square metres of land being part of the former Stenalees China Clay Works situated on the east side of the B3274 Roche Road, and to the north west of the A391 Stannary Road, Stenalees.
8. 1816.7 square metres of arable fields lying to the south of 26 Roche Road, Stenalees.
9. 86.6 square metres of Public Highway verge or garden adjacent to the B3274 between 24 and 26 Roche Road, Stenalees.
10. 26804.5 square metres of land being part of the Goonbarrow China Clay Works situated to the east of the B3274 running from the Stenalees Water Reservoir to the North Goonbarrow Block Works south of the Great Wheal Prosper China Clay Works, Roche.
11. 1308.1 square metres of land being part of Goonbarrow Block Works and part grassed highway verge adjoining the B3274 between Stenalees and Trezaise.

In the Parish of Roche in Cornwall

12. 7871.5 square metres of China Clay mine land being part of Great Wheal Prosper China Clay Works situated alongside the north eastern side of the B3274 to the south of Higher Trezaise.
13. 75498.6 square metres of heathland at Hensbarrow Downs to the south of Higher Trezaise between the B3274 and the C0298 Greensplat road.
14. The right of way over 3529.5 square metres of heathland for the purpose of a multi-use path for public use connecting the B3274 and the C0298 Greensplat Road to the multi-use path running alongside the proposed road.
15. 55418.9 square metres of heathland and Arable land to the east of the C0298 Greensplat Road and south of the C0298 New Road, Higher Trezaise.
16. 24781.3 square metres of Arable land to the south west of higher Trezaise and behind 10, 12, 14, 16,16A, 18, 20, 22, 24, 26, 28, 30 and 32 Higher Trezaise, Roche.
17. The right of way with or without vehicles over 90.5 square metres of Arable Land south west of Higher Trezaise for the purposes of constructing, inspecting or maintaining the bridleway..
18. 38334.1 square metres of Arable land to the south of the C0298 New Road adjacent to Coldvreath Mill, Coldvreath.
19. 2036.4 square metres of Arable land adjacent to the C0298 New Road to the east of the junction with the U6113 Coldvreath Road, Coldvreath.
20. 12587.2 square metres of Public Highway, verge and scrub along the C0289 New Road between the junction with the C0298 Greensplat Road and the junction with the U6114 Reeshill Road.
21. 349820.9 square metres of Arable Land between C0298 New Road at Trezaise and the C0065 Harmony Road to the west of Roche.
22. 3128.3 square metres of Public Highway and verge on the B3274 Trezaise Road between Ty Capel and 139 Trezaise Road, Roche.
23. 2434.0 square metres part Public Highway, and part hedgerow and part scrub adjacent to the junction between the C0298 New Road, U6114 Reeshill Road, and the U6113 Coldvreath Road, Roche.
24. 446.9 square metres of Public Highway on U6114 from the B3274 Trezaise Road to Reeshill, Roche.
25. 2845.3 square metres of Public Highway on C0065 Harmony road from 84 Harmony Road to the junction at Pits Mingle, Roche.
26. 238621.9 square metres of Arable land between the C0065 Harmony Road and the B3274 Edgcumbe Road, Roche.
27. 1830.2 square metres of Public Highway on the B3274 Edgcumbe Road, Roche.
28. 169108.0 square metres of Arable land between the B3274 Edgcumbe Road, Roche and the C0120 (former A30) between the crossroads with the B3274 and Beacon View, Victoria.
29. 11104.6 square metres of Arable land and unadopted track situated to the north of the former A30 (C0120) to the west of Eothen, Victoria.

In the Parishes of Roche and Withiel in Cornwall

30. 8189.4 square metres of Public Highway and verge of former A30 (C0120) between the railway bridge and the crossroads with the B3274 to Roche and Padstow.

Schedule 2 FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to execute a general vesting declaration

1 Once THE CORNWALL COUNCIL (ST AUSTELL TO A30 LINK ROAD) COMPULSORY PURCHASE ORDER 2020 has become operative, the Cornwall Council (hereinafter called the acquiring authority) may acquire any of the land described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the acquiring authority at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

2 As soon as may be after the acquiring authority execute a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the confirmation notice of the order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the acquiring authority together with the right to enter on the land and take possession of it. Every person on whom the acquiring authority could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.

3 The "vesting date" for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the Act within that period. In such circumstances, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

4 In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.

5 The modifications are that the acquiring authority may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

Schedule 3 FORM FOR GIVING INFORMATION

THE CORNWALL COUNCIL (ST AUSTELL TO A30 LINK ROAD) COMPULSORY PURCHASE ORDER 2020

To: The Cornwall Council, New County Hall, Truro, TR1 3AY

[I] [We] being [a person] [persons] who, if a general vesting declaration were executed under *section 4* of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to the provisions of section 15 of, or paragraph 6 of *Schedule 1*, to the Acquisition of Land Act 1981.

1 Name and address of informant(s) (i)

2 Land in which an interest is held by informant(s) (ii)

3 Nature of interest (iii)

Signed

[on behalf of]

Date

(i) In the case of a joint interest insert the names and addresses of all the informants.

(ii) The land should be described concisely.

(iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number

M Stokes, New County Hall, Truro, Cornwall, TR1 3AY

Dated 15 December 2021