

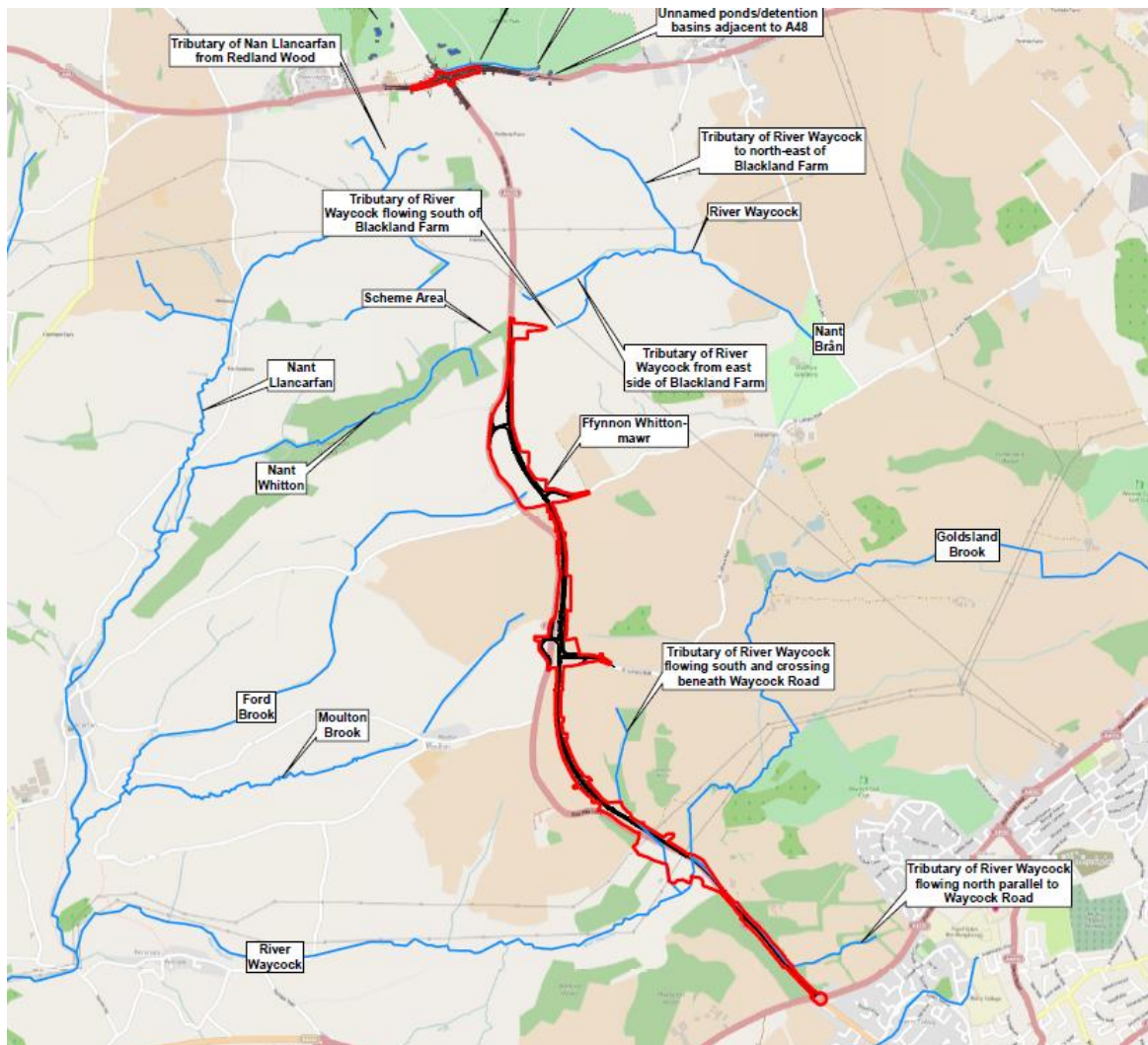
Vale of Glamorgan Council, Civic Offices,, Holton Road,, Barry,, Vale of Glamorgan., CF63 4RU  
John Dent, Project Mangement Unit,, Vale of Glamorgan Council,, Docks Offices,, Barry Docks,, Barry,, Vale of Glamorgan., CF63 4RT

**Land adjacent A4226, Five Mile Lane, Barry**

Proposal is for on line improvements to the existing A4226 between Waycock Cross Roundabout in Barry and the lay-by to the north of the Welsh Hawking Centre and an off line new road provision to the east of the existing A4226 which will reconnect with the existing A4226 just to the south of Blackland Farm

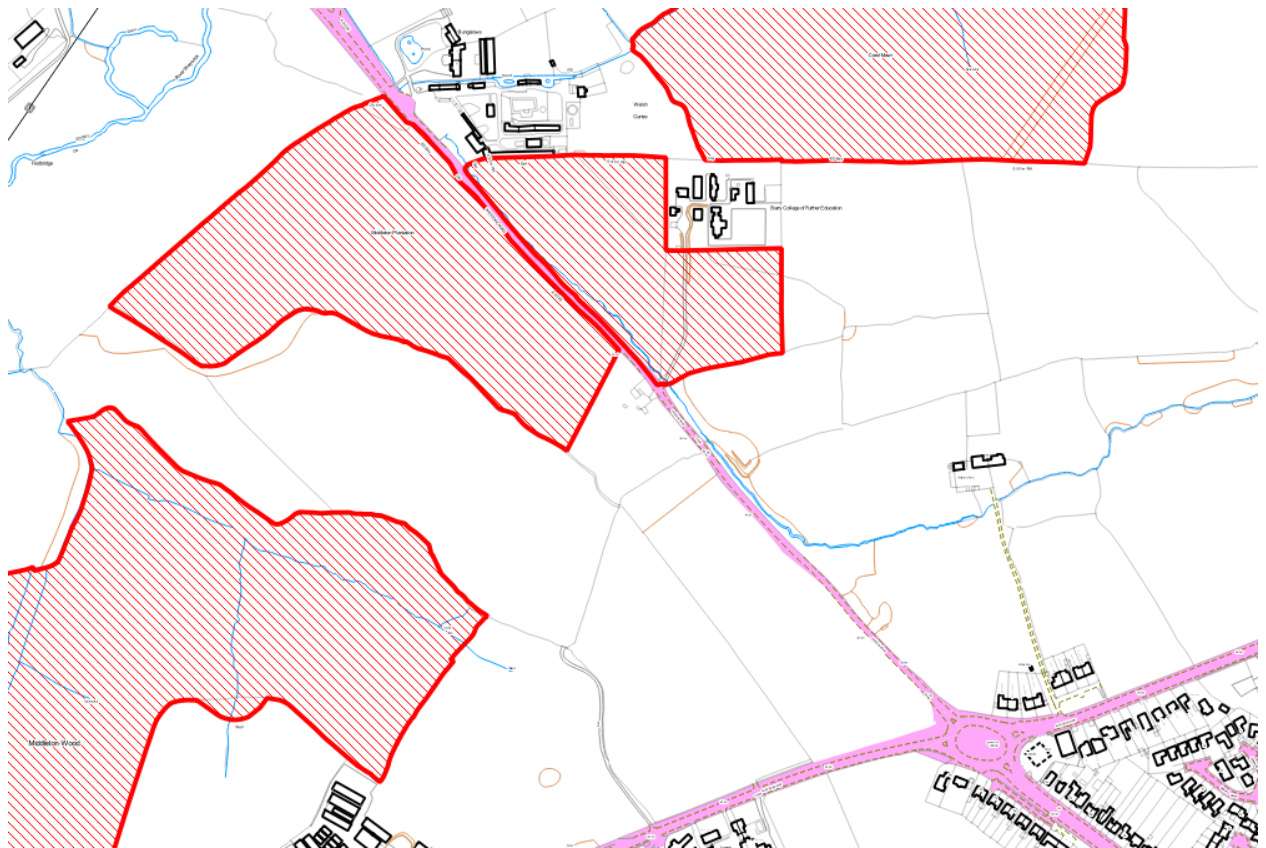
**SITE AND CONTEXT**

The application site is 'Land adjacent to the A4226, Five Mile Lane, Barry'. The plan below shows the relationship of the works to the A4226 as a whole and the site's wider context including the A48 and Waycock Cross roundabout.



The site comprises the Sycamore Cross junction, where the A4226 meets the A48, and a long linear section of land that starts just south of Blackland Farm and extends to the south as far as Waycock Cross.

The site lies within the Nant Llancarfan and Dyffryn Basin and Ridge Slopes Special Landscape Areas (SLAs) and the southern part of the existing road lies adjacent to Barry Woodlands Site of Special Scientific Interest (SSSI), as shown on the plan below:



Part of the site runs through a C2 flood zone and the application states that the greatest risk to the existing road occurs at the crossing over the River Waycock where approximately 500m of road is indicated to lie in Zones B and C2. Smaller areas of land adjacent to the road are indicated to lie in Zone C2, along the routes of Moulton Brook and Ford Brook.

A variety of archaeological assets and historic landscapes are located in the vicinity of the scheme. These cultural heritage assets include a buried Roman Villa and an identified Historic Landscape Character area.

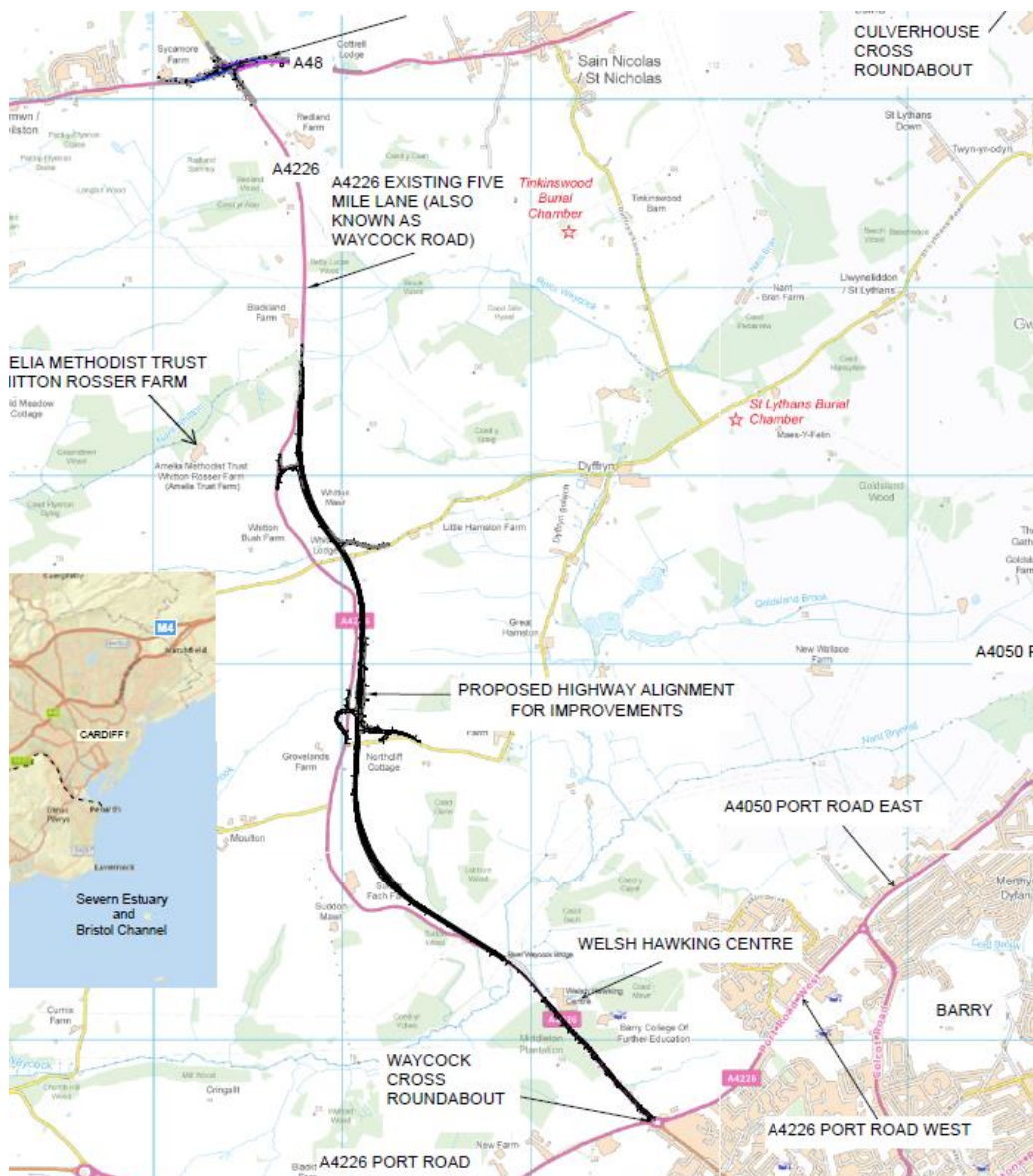
The site includes part of three Sites of Interest for Nature Conservation (SINC), those being Land south of Blackland Farm, Land North-east of Whitton Rosser Farm and Walters Farm.

## DESCRIPTION OF DEVELOPMENT

The application is for improvements to the route of the existing A4226 between Waycock Cross Roundabout in Barry and the lay-by to the north of the Welsh Hawking Centre, including a new off line road provision to the east of the existing A4226 which will reconnect with the existing A4226 just to the south of Blackland Farm.

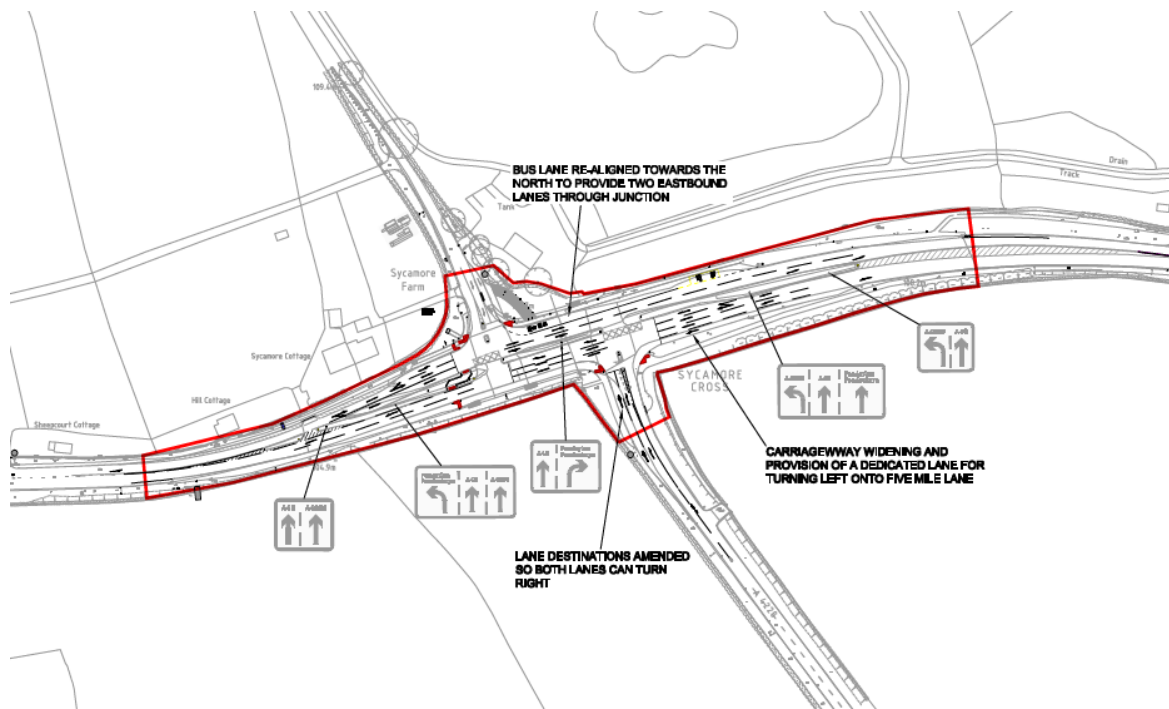
The Welsh Government has identified the need to reduce congestion at Culverhouse Cross, as well as improve access and reliability to Cardiff Airport Enterprise Zone and St Athan. The proposed highway improvements are also designed to reduce congestion on the A4050. The aim is to provide an alternative route to St. Athan and Cardiff Airport, and therefore to improve network resilience and shorten journey times. These improvements are also identified as necessary to unlock development potential at the enterprise zone and assist the proposed future expansion of Cardiff Airport.

The plan below shows the scope of the works, in the context of the wider area:

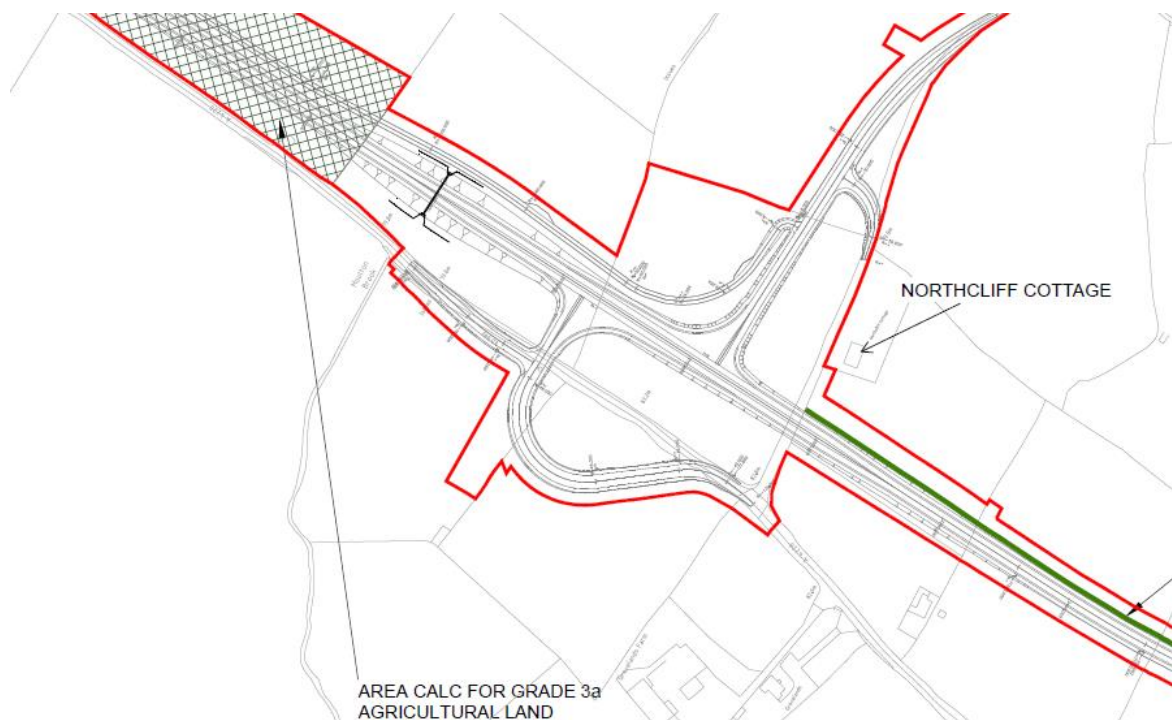
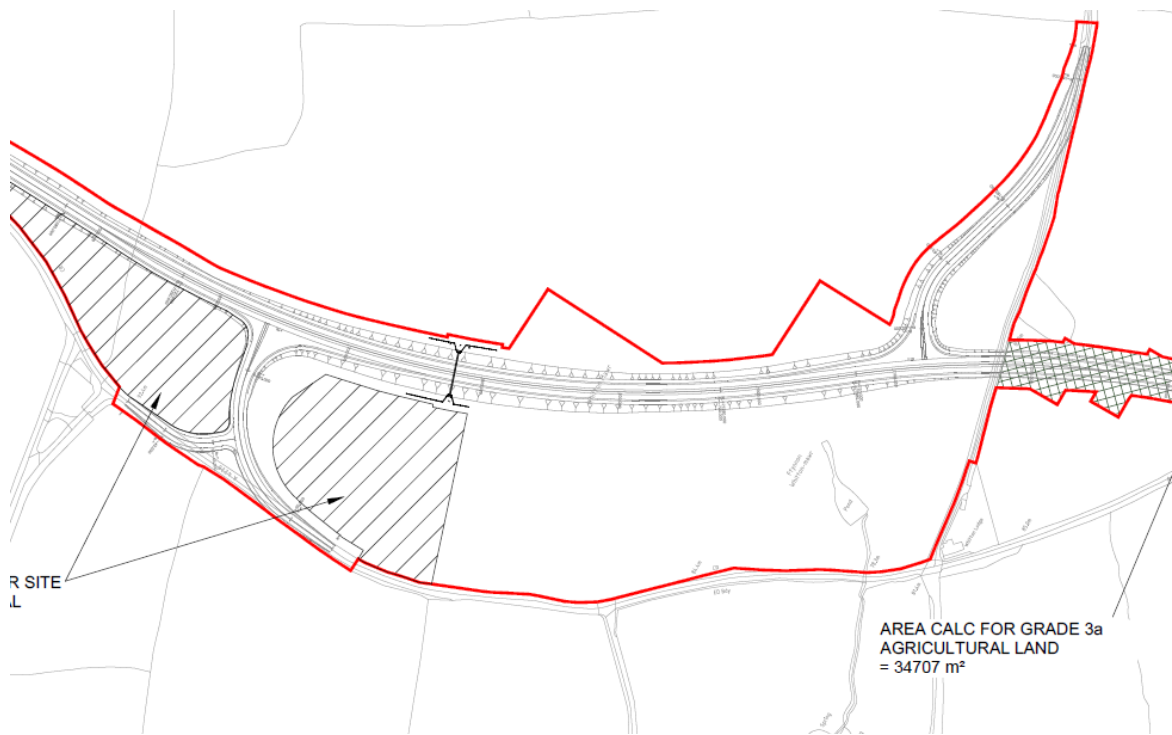




Minor improvements are also proposed at the existing junction between the A48 and Five Mile Lane at Sycamore Cross. The aim of this element of the works is to provide capacity increases for the turning movements at the junction. This is shown on the plan below:

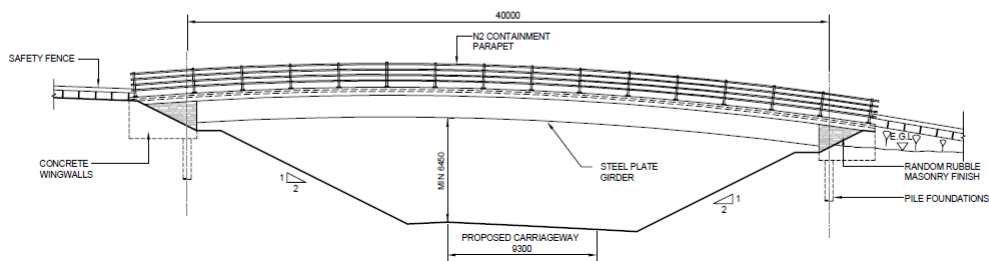
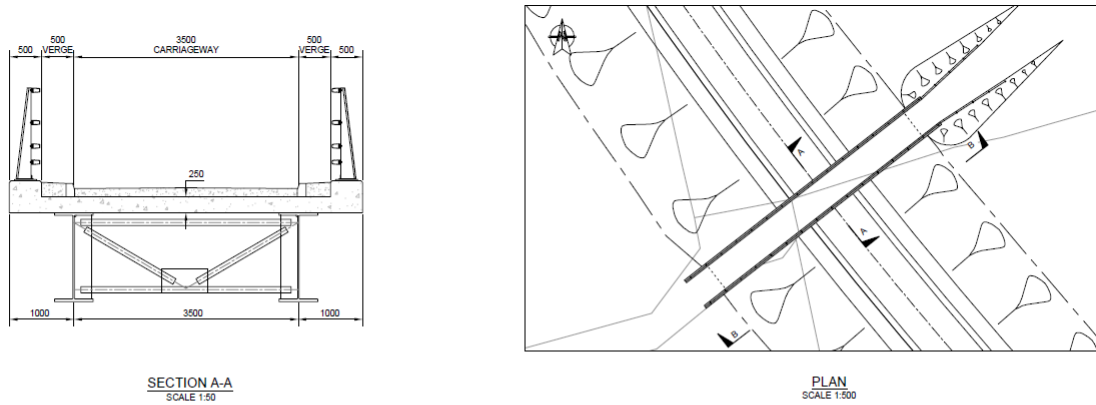


The proposed road alignment would go 'offline' at a point approximately 1.5km south of the Sycamore Cross signalised junction and follow a southerly course running broadly parallel with the existing A4226. The proposed alignment would re-join the existing A4226 Five Mile Lane just north of the existing River Waycock Bridge. The offline part of the proposed scheme comprises a 7.3m wide single carriageway with 1m hardstrips, giving a total carriageway width of 9.3m. The route would contain three junctions, those being two T-junctions and one staggered junction, all with ghost islands. These are shown on the plans below:

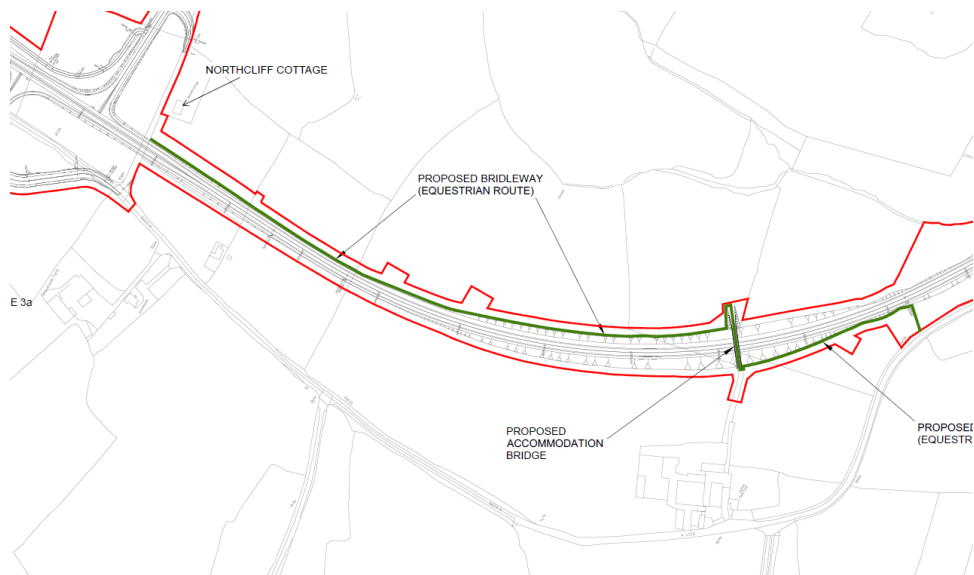


The priority junctions are designed to provide connectivity between the existing road and the new offline section of carriageway just south of Amelia Trust Farm, and the staggered junction does similarly, just north of Grovelands Farm. All junctions would have ghost islands to enable through traffic to continue along the route without being obstructed by right turn traffic at the junctions. Vehicles would be able to turn in both directions when leaving the junctions. The offline section of the scheme would be constructed on a mix of embankment and cutting along its length.

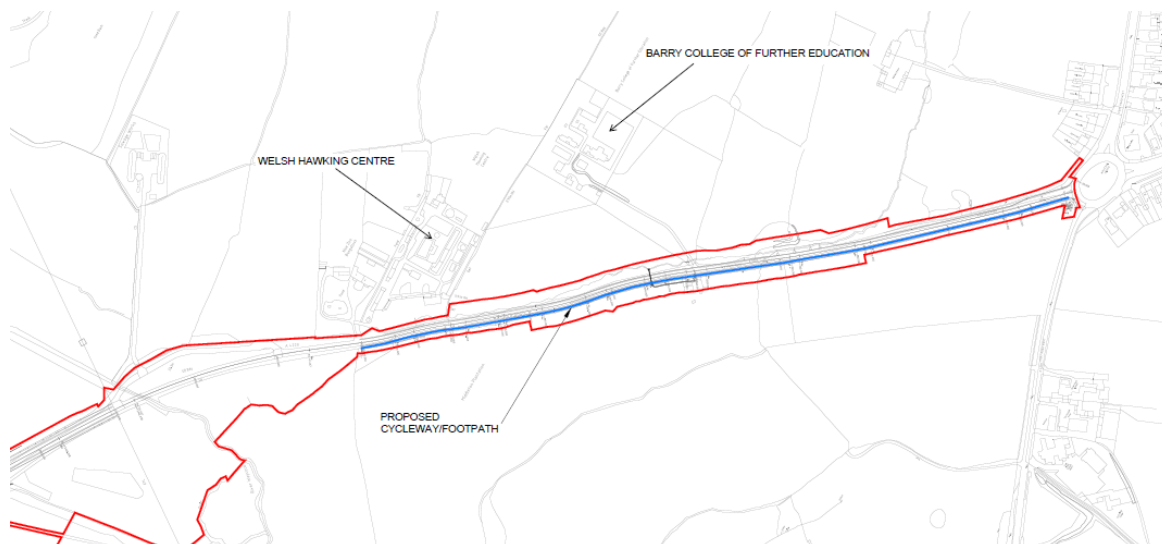
The scheme also involves a single span steel composite accommodation bridge carrying a farm access road over the proposed route. It would be located immediately north east of Sutton Fach Farm, spanning the proposed road to provide the farm with access to fields. The bridge deck would comprise a 3.5m carriageway with a 0.5m verge on either side, and it is shown on the plan below:



The location of the bridge, relative to the staggered junction and Sutton Fach Farm, is shown on the plan below:



The southbound approach to Waycock Cross would be widened to two lanes, for approximately 60m in length. A 2.5m wide verge would be located on the west side of the on-line road widening for a proposed cycleway / footpath. This is indicated on the plan below and it would extend as far as the point where the new road breaks away from the existing road. New cycleway would be provided at this point and at the northern end of Five Mile Lane, and cyclists would be directed to use the existing Five Mile Lane for the section in between the two cycleways.



The Scheme would allow a 60mph speed limit to be maintained from Sycamore Cross until the Hawking Centre, upon which it would revert to 40mph for south-bound traffic, and then 30mph on the approach to Waycock Cross.

### PLANNING HISTORY

The most relevant planning history is as follows:

2014/00813/SC2: Five Mile Lane, Barry - Five Mile Lane improvements - EIA (Scoping) - Further information required

2014/00499/SC1: A4226 Five Mile Lane, between Sycamore Cross and to the north of Weycock Cross, Barry - Proposed highway improvements - Environmental Impact Assessment (Screening) – EIA Required

2007/01166/SC1: Five Mile Lane (A4226), Barry - Request for formal screening opinion, five mile lane improvement (road widening/alterations) - Environmental Impact Assessment (Screening) – EIA Required

### CONSULTATIONS

**Barry Town Council:** No objection.

**Llancarfan Community Council:** No representations received.

**St. Nicholas and Bonvilston Community Council:** No representations received.

**Wenvoe Community Council:** No representations received.

**Highway Development-** The following comments have been received:

*The Highway Department fully support the proposed realignment of Five Mile Lane as identified and has been fully engaged and consulted in the ongoing development of the scheme from its inception.*

*The scheme will adhere to the design standards in the Design Manual for Roads and Bridges (DMRB) which will ensure and provide for a safer and more attractive route for all traffic, including HGV's, which will reduce journey times to Western Barry as well as the St Athan and Cardiff Airport Enterprise Zone thereby reducing traffic using the busy Port Road from Culverhouse Cross.*

*The proposed new road will also provide resilience to the local highway network to cater for additional traffic flow demand from regeneration and development works within Barry and the Enterprise Zones by providing alternative route planning opportunities in the light of proposals to develop modal shift options which utilise the Port Road and to allow for segregation of traffic accessing the road infrastructure at the local and more strategic levels, such as the Metro.*

*Based on the above information and position, I can confirm that there is no highways objection to the submitted scheme proposal and there is considered to be no adverse traffic impact from the proposed works / proposals. The final design of the proposed new road alignment will require full engineering details of the road alignment and construction with sections and surface water drainage to be submitted to and approved.*

**Public Rights of Way Officer:** No objection.

**Highways and Engineering (Drainage):** The Council's drainage engineer has been consulted and has raised no objection subject to conditions requiring the following to be submitted:

- A detailed scheme of surface water drainage
- A SUDS management plan
- A construction Environmental Management plan for the protection of watercourses from pollution.

**Glamorgan Gwent Archaeological Trust:** No objection subject to a condition requiring the implementation of a scheme of archaeological work.

**Local ward members:** No representations received.

**Dwr Cymru Welsh Water:** No representations received.

**The Council's Ecology Officer's** initial response highlighted the need for additional information comprising ground nesting bird survey, a Brown Hare assessment, the updating of the Post-Development Monitoring Strategy to reflect findings of the ground nesting bird survey and a survey of two trees for bats (although the Ecologist advised that the last of these items could be conditioned). Further to this information being submitted, the Ecology Officer now raises no objection subject to conditions.



**Environmental Health (Pollution Control):** No objection.

**The Badger Group:** No representations received to date.

**Natural Resources Wales:** raised concerns and requested the updating of the air quality assessment and the amendment of the proposed mitigation in relation to 'off-roading and loss of habitat'. Further to that, conditions were requested in respect of new and translocated planting, new hedgerow and habitat planting, long term habitat management, dormouse mitigation and bat mitigation. Further to the additional information being submitted, there is now no objection, subject to conditions.

**SWALEC:** No representations received.

**Cadw:** have advised that the development would not have a physical impact on any Scheduled Monuments and it is unlikely that there would be a significant adverse impact on their settings. Cadw also advise that they concur with the Environmental Statement conclusions that the development would not be harmful to a Grade I registered historic park at Duffryn.

**The Council's Landscape Architect:** initially requested an additional viewpoint analysis and photomontages. This information has now been submitted and the Landscape Architect raised no objection, stating that the submitted information is acceptable.

**Wales and West Utilities:** have advised that there is no apparatus in the area of the application.

## REPRESENTATIONS

Neighbouring properties were consulted and the development has been advertised on site and in the press. Eleven representations of objection or support have been received, ten of which raise concerns or objections, and one of which refers to support for the proposal. The letters of concern/objection raise the following points:

In respect of the application details:

- The proposal is a departure from the development plan and the development has not been advertised as such.
- Clarification is sought regarding disregarded alternative schemes.
- The description of development on the application is misleading.
- The submitted plans are not to scale.

In respect of the development:

- The proposals do not accord with the Council's Active Travel duty.
- The development would cause congestion at the Waycock Cross junction and the applicant's statement that this has been accepted by Welsh Government is queried.
- The plans do not make adequate provision for walking.
- No bus stops or laybys are planned as part of the development. The development should include such facilities as a 'reasonable adjustment' under the Equality Act 2010.

- The proposed footway would be unsuitable for alighting from or waiting for buses on.
- The development would give priority to motorists and lesser priority to cyclists and walkers, and would do nothing for buses.
- The loss of land at Northcliff Cottage would adversely affect the occupiers' enjoyment of their property.
- Alternative land could be used with less impact on residential properties.
- The proposed layout would cause nuisance to the occupiers of Northcliff Cottage, given that it would be a public highway dead-end.
- Security concerns, privacy and fly-tipping concerns relating to the roadway and bridleway location.
- The development would 'landlock' the owner of Northcliff Cottage's agricultural land, leaving them without an adequate access to that land.
- Dust pollution from use of the road.
- The development would have an adverse impact on agricultural and equestrian businesses.
- The location of the attenuation ponds is inappropriate and would be costly for the Council, given the location of one of the ponds relative to a recently constructed agricultural building.
- The proposed acquisition includes land which is not necessary for the development.
- The proposed speed limit is inappropriate and highway safety concerns would arise if vehicles are having to travel behind slower moving agricultural vehicles.
- An additional expense to landowners having to travel longer distances.
- The new road would be unsafe- a filter lane/ghost island would improve safety.
- Concerns regarding noise impacts.
- Adverse impact on property value.

It should be noted that the representations referred to above include representations from Barry and Vale Friends of the Earth.

The representation which references support for the scheme is from a member of the Vale 50+ Strategy Forum. The email primarily seeks to clarify that a previous email that was submitted by an individual claiming to represent the views of the Forum did not in fact represent the views of the forum. The email concludes by stating that it appears that the majority of members of the Forum welcome the proposals as they believe they will greatly improve safety for cyclists and pedestrians. The individual who submitted the initial representation subsequently clarified that the views expressed were indeed his personal views.

## REPORT

### Planning Policies and Guidance

#### **Unitary Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18<sup>th</sup> April 2005, and within which the following policies are of relevance:

#### *Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 7 – TRANSPORTATION NETWORK IMPROVEMENT

POLICY 8 – TRANSPORTATION

#### *Policy:*

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

POLICY ENV2 – AGRICULTURAL LAND

POLICY ENV4 – SPECIAL LANDSCAPE AREAS

POLICY ENV7 – WATER RESOURCES

POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV12 - WOODLAND MANAGEMENT

POLICY ENV13 – INTERNATIONAL AREAS OF NATURE CONSERVATION IMPORTANCE

POLICY ENV14 – NATIONAL SITES OF NATURE CONSERVATION IMPORTANCE

POLICY ENV15 – LOCAL SITES OF NATURE CONSERVATION SIGNIFICANCE

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

POLICY ENV18 – ARCHAEOLOGICAL FIELD EVALUATION

POLICY ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV28 – ACCESS FOR DISABLED PEOPLE

POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

POLICY TRAN9 – CYCLING DEVELOPMENT

POLICY TRAN10 – PARKING

POLICY TRAN11 – ROAD FREIGHT

POLICY REC 12 – PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

*'2.14.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted [Development Plan] are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).'*

*'4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:*

- there is no adopted development plan or*
- relevant development plan policies are considered outdated or superseded or*
- where there are no relevant policies*

*there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives.'*

With the above advice in mind, many of the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. However, the fact that the Plan is time-expired means that its policies in respect of strategic highways are outdated. For example, Policy TRAN 1 (Strategic Highways) identifies a route via Wenvoe and Barry as the "Airport Access Road" which has subsequently been put aside in favour of the current proposals to improve access to the airport via the A48 and five mile lane. In this regard, the Vale of Glamorgan Local Transport Plan and Deposit LDP (explained below) reflect the most up to date position.

The following policy, guidance and documentation support the relevant UDP policies.



## **Planning Policy Wales:**

National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 in particular.

*4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when:*

- *preparing a development plan (see Chapter 2); and*
- *in taking decisions on individual planning applications (see Chapter 3).*

*A Wales of Cohesive Communities*

- *Locate developments so as to minimise the demand for travel, especially by private car*
- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods (4.11.12 and Chapter 9).*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity. In general, developments likely to support the achievement of an integrated transport system should be encouraged (Section 4.7 and Chapter 8).*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car (Section 4.7 and 4.11.11).*

*4.9.3 If the Welsh Government's objectives for the more sustainable use of land and buildings and the re-use of previously developed sites are to be achieved, local authorities and other stakeholders will need to be more proactive. Wherever possible, local authorities should work with landowners to ensure that suitable sites are brought forward for development and to secure a coherent approach to renewal. In some instances the local authority may need to purchase land in order to facilitate redevelopment. Wherever possible this should be done by negotiated agreement, but it may involve the use of compulsory purchase powers.*

Chapter 7 of PPW sets out the Welsh Government guidance for Economic Development. The following extracts are particularly relevant to this application:

*7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development.*

*7.4.2 Local planning authorities should also seek to support the development of innovative business and technology clusters. Development plan policies need to identify potential networks and cluster areas, making clear the criteria used to categorise them and the links to policies relating to the creation of the transport, environmental and telecommunications infrastructure needed to support such networks.*

Chapter 8 of PPW sets out the Welsh Government guidance for Transport. The following extracts are particularly relevant to this application:

*8.1.7 Local authorities should ensure that when planning transport centred projects their approach is compatible with the Welsh Transport Appraisal Guidance (WelTAG). They should ensure that the full range of possible solutions, including solutions other than road enhancement, is considered.*

*[Welsh Transport Planning and Appraisal Guidance (WelTAG) provides guidance from the Welsh Government that must be applied to the development, appraisal and evaluation of all transport related projects funded in part or in full by the Welsh Government. It provides a framework for thinking about proposed changes to the transport system and is recommended for application to all transport interventions, regardless of the funding source.]*

*8.1.9 Development plan policies and decisions on planning applications should take into account national air quality objectives, EU limit and target values, World Health Organisation guidelines on the health effects of noise and national indicators set by the Welsh Ministers under the Well-being of Future Generations (Wales) Act 2015, together with information from the local authority's annual air quality reports, national noise maps and any area statements issued by Natural Resources Wales under the Environment (Wales) Act 2016.*

*8.5.7 Great care must be taken to minimise the adverse impacts of new transport infrastructure, or improvements to existing infrastructure, on the natural, historic and built environment and on local communities, where neighbourhood severance should especially be avoided. Routes should make the best use of existing landforms and other landscape features to reduce noise and visual effects, subject to safety and other environmental considerations. Where no other alternative routes or options are practicable, transport infrastructure schemes should provide mitigation measures to minimise the impacts caused by their construction and operation.*

*8.7.1 When determining a planning application for development that has transport implications, local planning authorities should take into account:*

- the impacts of the proposed development on travel demand;*
- the level and nature of public transport provision;*
- accessibility by a range of different transport modes;*
- the opportunities to promote active travel journeys, and secure new and improved active travel routes and related facilities, in accordance with the provisions of the Active Travel (Wales) Act 2013;*

- *the willingness of a developer to promote travel by walking, cycling or public transport, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);*
- *the environmental impact of both transport infrastructure and the traffic generated<sup>12</sup> (with a particular emphasis on minimising the causes of climate change associated with transport); and*
- *the effects on the safety and convenience of other users of the transport network.*

### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2016)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 23 – Economic Development (2014)

*1.2.1 The economic benefits associated with development may be geographically spread out far beyond the area where the development is located. As a consequence it is essential that the planning system recognises, and gives due weight to, the economic benefits associated with new development.*

*1.2.5 Local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development.*

*1.2.6 In line with these principles, there will be instances where the planning system may not provide the land the market demands, and in the places where the market demands it. Some proposed developments or sites may be resisted by planning authorities – for example because they would have unacceptable environmental impacts, divert demand from town centres or would go against agreed spatial strategies. In these circumstances, so far as possible planning authorities (and planning applicants) are encouraged to look for alternative sites which offer the same, or very similar, advantages.*

*1.3.3 Furthermore, the strategies should focus on identifying strategic sites of national and regional importance. They should also provide agreed land provision targets for the B-class uses showing how development is to be distributed across local authority areas in LDPs.*

*2.1.1 It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such ‘win-win’ outcomes, where development contributes to all dimensions of sustainability.*

*2.1.2 Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority's priorities.*

*2.1.3 It is a central objective of the planning system to steer development to appropriate locations. Therefore, where a proposed development would cause unacceptable environmental or social harm, demand should be steered to an alternative location, unless the harm is outweighed by the additional benefit of development at the original site in question. Such alternative locations will not necessarily be in the same local authority area. The TAN does not override any environmental legislative requirements that may apply to particular site.*

*2.1.11 Special merit: would the development make any special contribution to policy objectives?*

*2.1.12 Such policy contributions may relate to the objectives listed in PPW 7, or to more general policy objectives set out elsewhere in PPW. For example, a major employment site may be a key element of a wider spatial strategy which aligns jobs, development and infrastructure. The office or production plant of a high-technology firm could bring supply-side benefits by raising skills and introducing innovation. An industrial estate in a disadvantaged area could help fight social exclusion, improving run-down places and creating job opportunities for people at high risk of unemployment.*

### **Supplementary Planning Guidance:**

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Biodiversity and Development
- Design in the Landscape
- Trees and Development
- Amenity Standards

### **The Local Development Plan:**

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which have been the subject of public consultation in September / October 2016. Further hearing sessions are expected in January 2017.

In respect of this application, it is noted that the Vale of Glamorgan Deposit Local Development Plan (LDP) (as amended by MACs) identifies the existing 'five mile lane' route under policies Policy SP7 (Transportation) and MG 16(16) (Transport Proposals).



## POLICY SP 7 – TRANSPORTATION

SUSTAINABLE TRANSPORT IMPROVEMENTS THAT SERVE THE ECONOMIC, SOCIAL AND ENVIRONMENTAL NEEDS OF THE VALE OF GLAMORGAN AND PROMOTE THE OBJECTIVES OF THE SOUTH EAST WALES REGIONAL TRANSPORT PLAN AND THE LOCAL TRANSPORT PLAN WILL BE FAVOURED. KEY PRIORITIES FOR THE DELIVERY OF STRATEGIC TRANSPORTATION INFRASTRUCTURE WILL BE: [...] IMPROVEMENTS TO THE A4226 BETWEEN WAYCOCK CROSS, BARRY AND SYCAMORE CROSS, A48 (FIVE MILE LANE).

The supporting text states:

*“5.68 The A4226 (Five Mile Lane) connects Barry at the Waycock Cross roundabout with the Sycamore Cross junction on the A48, and comprises an essential part of the highway network leading to the Enterprise Zone. The proposed Five Mile Lane Highway Improvements stem from the Welsh Government’s proposals to trunk the route Culverhouse Cross – Sycamore Cross – Five Mile Lane – Airport. The Council has previously received a Principal Road Grant from the Welsh Government to advance the Five Mile Lane Highway Improvement Scheme, and to date this work has involved the signalisation of Sycamore Cross junction, as well as initial design and feasibility work together with various environmental assessments. Funding for the scheme has been approved by the Welsh Government and a planning application was submitted in March 2016.”*

Policy MG 16 states “LAND FOR THE FOLLOWING TRANSPORTATION SCHEMES IS ALLOCATED: [...] 16. IMPROVEMENTS TO THE A4226 BETWEEN WAYCOCK CROSS, BARRY AND SYCAMORE CROSS, A48 (FIVE MILE LANE).” The supporting text to the policy states:

*“6.112 The Vale of Glamorgan Council has progressed environmental studies and identified route alignment options in respect of highway safety improvements along Five Mile Lane. The route is an important north-south corridor within the Vale of Glamorgan with poor alignment that contributes to road safety concerns. The studies that have been undertaken have formed the basis for the Council’s current proposals to upgrade the alignment of the Five Mile Lane and the junction improvements at Sycamore Cross (completed 2013) and Waycock Cross. The proposals would improve highway safety, help reduce congestion and enhance access to Cardiff Airport and St Athan. Funding for the scheme has been approved by the Welsh Government and a planning application was submitted in March 2016.”*

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.14.1 of Planning Policy Wales (Edition 9, 2016) states:

*'2.14.1 The weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'*

It is relevant to note that the LDP Inspector did not raise concerns nor give the Council any Action Points from the Hearing Sessions to date in respect of the proposals for this route improvement, nor is it mentioned in the agenda hearing sessions for the remaining sessions to be held in January 2017.

In line with the guidance provided in Paragraph above, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular, the following background papers are relevant:

- Designation of Landscape Character Areas (2013 Update)
- Designation of Special Landscape Areas (2013 Update)
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update)
- Cardiff Airport and St Athan Enterprise Zone - Strategic Plan 2015
- St Athan and Cardiff Airport Enterprise Zone - Draft Strategic Development Framework 2015
- Identification of SINC's (2013)
- Local Development Plan Highway Impact Assessment (2013)
- VOGC - Local Transport Plan (2015)
- Sustainable Transport Assessment (2013)
- Infrastructure and Site Deliverability Statement (2015)
- Draft Infrastructure Plan (2013)

## **Vale of Glamorgan Local Transport Plan 2015-2030**

The Council's Local Transport Plan (LTP) seeks to identify the local sustainable transport measures required to ensure the Vale of Glamorgan adheres to requirements set by Welsh Government and current good practice guidance. The LTP sets out a number of short term objectives to 2020 and includes medium and longer term objectives to 2030. The LTP has been informed by proposals within the Council's Local Development Plan and is also consistent with the Wales Transport Strategy objectives. In identifying schemes the LTP seeks ways to secure better conditions for pedestrians, cyclists and public transport users and to encourage a change in travel choices away from the single occupancy car. The LTP also seeks to tackle traffic congestion by securing improvements to the strategic highway corridors for commuters who may need to travel by car as well as providing better infrastructure for freight. It also seeks to address the key road safety priorities for the Vale. The Local Transport Plan supports proposals for the Cardiff Metro and the LTP will inform future regional transport planning.

The LTP identifies this road scheme as a high priority scheme described as: "To provide off line improvements to this very busy corridor to assist with access to the strategic highway network and to the airport Enterprise Zone."

### **Other relevant evidence or policy guidance:**

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 - Environmental Impact Assessment
- Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)

### **Well Being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. The aim of the planning system is to make planned provision for an adequate and continuous supply of land to meet society's needs in a way that is consistent with sustainability principles (PPW, para 2.1.1). The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when taking decisions on individual planning applications.

In accordance with the Well-being of Future Generations Act (Wales) 2015, the Vale of Glamorgan Council has adopted Well Being Outcomes and Objectives that contribute towards the well-being goals for Wales, as follows:

Well-being Outcome 1: An inclusive and safe Vale

Objective 1: Reducing poverty and social exclusion.

Objective 2: Providing decent homes and safe communities.

Well-being Outcome 2: An environmentally responsible and prosperous Vale

Objective 3: Promoting regeneration, economic growth and employment.

Objective 4: Promoting sustainable development and protecting our environment.

Well-being Outcome 3: An Aspirational and Culturally Vibrant Vale

Objective 5: Raising overall standards of achievement

Objective 6: Valuing culture and diversity.

Well-being Outcome 4: An Active and Healthy Vale

Objective 7: Encouraging and promoting active and healthy lifestyles.

Objective 8: Safeguarding those who are vulnerable and promoting independent living.

This application has been assessed in this context, having regard to the need to deliver sustainable development.

## Issues

### Background and options appraisal

The Vale of Glamorgan Council has been working with the Welsh Government to improve routes to Cardiff International Airport and the St Athan Enterprise Zone. This planning application seeks consent for online improvements to the A4226 (Five Mile Lane) and a section of new 'offline' carriageway, to achieve that aim. Prior to the application being submitted, a series of options were appraised and that initially took the form of a 'WelTAG Stage One Assessment (Arup, March 2012)', which identified five route alternatives to be considered. Following on from the WelTAG Stage One assessment, Parsons Brinckerhoff were commissioned by the Vale of Glamorgan Council to undertake another WelTAG Stage One assessment in 2013. This assessment built on the previous work and two route corridors were given consideration. They were the A4050 Port Road and the A48/A4226 Five Mile Lane. An appraisal was undertaken to establish which of the two route corridors best matched a series of transport planning objectives and assess each route corridor under the headings 'Economy', 'Environment' and 'Society'.

The Five Mile Lane corridor performed comparatively with the Port Road corridor in terms of 'Society', slightly worse in terms of 'Environment', and significantly better in terms of 'Economy'. It was also considered to match more of the transport planning objectives.

Subsequently, the two preferred routes from the 2012 assessment have been developed further into a single carriageway option that made use of the existing Five Mile Lane and took the route offline along the more constrained sections between Blackland and Grovelands Farms and at Sutton Fach Farm.



The above provides summary context to Members in terms of how the proposed development has been arrived upon, however, it is not fundamentally the purpose of this report to provide an assessment of which is the most appropriate route. Rather it is necessary to consider whether, in the face of all material considerations, the proposed development is acceptable in its own right in planning terms. Notwithstanding this, it is considered that the submissions demonstrate the consideration of alternative options, and are therefore compatible with the Welsh Transport Appraisal Guidance (WeTAG).

#### The Principle of the development/departure issues

Policy TRAN 1 of the Vale of Glamorgan Unitary Development Plan (UDP) makes provision for strategic highways developments, including the Airport Access Road and the Barry Waterfront to Cardiff Link. While this development would improve access to the airport, it is not specifically 'the Airport Access Road' referred to in the UDP and, therefore, it is considered this proposed development does not explicitly benefit from Policy TRAN 1 of the UDP. Furthermore, the development does not benefit from any of the provisions set out in Policy ENV 1- Development in the Countryside, or any other UDP Policy. Consequently, the application is (and has been advertised as) a departure from the development plan.

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary to consider whether there are material considerations in this case which outweigh the fact that the development is a departure from the Council's UDP.

However, as noted above the UDP is technically time expired (as of 31st March 2011), although as yet there is no adopted replacement. Whilst the UDP remains the basis of local policy, as stated in PPW, where policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. In this case, there are no policies specifically relevant to this development which would be considered outdated, particularly given that the general countryside protectionist principles of Policy ENV 1 remain a theme in PPW.

The Wales Spatial Plan (WSP) provides a framework for the future spatial development of Wales. In addition to the identified strategy areas and hub settlements the document also identifies three Strategic Opportunity Areas (SOA), one of which is St. Athan. The identification of a SOA at St Athan emphasises the important role that it has to play in the development and economic growth of the South East Wales region.

The development is also considered to be relevant to a number of the Council's Draft Local Development Plan (LDP) Objectives. Of particular relevance is Objective 8, which is to foster the development of a diverse and sustainable local economy that meets the needs of the Vale of Glamorgan and that of the wider South East Wales Region.

The Draft LDP strategy is as follows:

“To promote development opportunities in Barry and the South East Zone. The St. Athan area to be a key development opportunity and Cardiff Airport a focus for transport and employment investment. Other sustainable settlements to accommodate further housing and associated development.”

The first three strands of the strategy are particularly relevant to the proposed development and they emphasise the importance of Cardiff Airport and St. Athan with regard to development opportunities and economic activity. It is clear that the LDP envisages the Airport and Enterprise Zone at St. Athan as being central to economic development in the Vale and the wider South Wales region.

Policies SP2 and SP5 of the Draft LDP identify the need for employment land at St. Athan and Cardiff Airport and these are supported by Policies SP7 and MG16, which specifically identify the need for improvements to Five Mile Lane between Sycamore Cross and Waycock Cross. While this development does not form part of the existing Unitary Development Plan and the Draft LDP is not adopted, this demonstrates the importance that has been placed on St. Athan and the airport, and the improvement of this route, to the future land use planning strategy for the Vale of Glamorgan.

The plan below from the Draft LDP identifies Five Mile Lane as a Strategic Transport Corridor and this emphasises further the importance of this route.



Specifically in respect of such improvements the LDP states:

*The A4226 (Five Mile Lane) connects Barry at the Waycock Cross roundabout with the Sycamore Cross junction on the A48, and comprises an essential part of the highway network leading to the Enterprise Zone. The proposed Five Mile Lane Highway Improvements stem from the Welsh Government's proposals to trunk the route Culverhouse Cross – Sycamore Cross – Five Mile Lane – Airport. The Council has previously received a Principal Road Grant from the Welsh Government to advance the Five Mile Lane Highway Improvement Scheme, and to date this work has involved the signalisation of Sycamore Cross junction, as well as initial design and feasibility work together with various environmental assessments. Additional funding is required to complete the development and implementation of this scheme, with WG having announced their commitment to the scheme;*

and;

*The Vale of Glamorgan Council has progressed environmental studies and identified route alignment options in respect of highway safety improvements along Five Mile Lane. The route is an important north south corridor within the Vale of Glamorgan with poor alignment that contributes to road safety concerns. The studies that have been undertaken have formed the basis for the Council's current proposals to upgrade the alignment of the Five Mile Lane and undertake junction improvements at Sycamore Cross (completed 2013) and Waycock Cross. The proposals will need to be the subject of formal Environmental Impact Assessment and, if approved, would improve highway safety, help reduce congestion and enhance access to Cardiff Airport and St Athan.*

It is, therefore, evident that there is a clear and focussed policy proposal for these works within the Draft LDP, in order to ensure, safe, easier and more efficient and user friendly access to the airport and St. Athan, and this is identified as being critical to the continued and future development of these areas and to the economic development of the wider area

However, the weight to be attributed to the draft LDP itself is relatively limited, given that it has not been subjected to a completed examination at this stage. With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Planning Policy Wales (edition 9) is noted. It states as follows:

*2.14.1 The weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see paragraph 3.1.3).*

In this context, consideration should also be given as to whether the proposals would be premature, considering the site's inclusion in the Draft LDP and the size of the proposed development. On the issue of prematurity, PPW advises that:

*2.14.2 Where an LDP is in preparation, questions of prematurity may arise. Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Where there is a phasing policy in the plan that is critical to the plan structure there may be circumstances in which it is necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. The stage which a plan has reached will also be an important factor and a refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.*

*2.14.3 Whether planning permission should be refused on grounds of prematurity requires careful judgement and the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.*

Consideration should therefore be given to whether the proposals would be premature, considering the site's inclusion in the Draft, the potential impacts on the LDP process of allowing the development at this stage, the overall strategy and the provision of transport infrastructure with the Vale of Glamorgan.

While the works are considered important within the LDP in terms of delivering an improved access to the airport and Enterprise Zone, they comprise a relatively small proportion of all strategic highway/transport improvements within the LDP. For example, this comprises one of nine projects listed in Policy SP7 and one of twenty transport proposals listed in Policy MG 16.

On the basis that the development is consistent with the Draft LDP Strategy and would provide for a relatively small proportion of all highway works within the plan it is considered the proposed development would not 'go to the heart' of the overall LDP strategy. It is also considered that it would not go to the heart of the plan cumulatively with other developments that have already been approved. It is considered that it would not undermine the deliverability of other highways/transport projects or the wider strategy of the plan, in line with the guidance set out in PPW. With regard to the latter part of paragraph 2.14.2, while the plan is not at pre-deposit stage, it is still within the examination process. Therefore, while the plan is more advanced than pre-deposit, it is considered that a refusal on the grounds of prematurity could not be sustained in this instance.

Nevertheless, while the site has been identified in the Draft Local Development Plan it is recognised that this Draft plan remains un-adopted. Accordingly, the weight to be afforded to the plan alone must reflect the fact that it may be subject to change before it becomes an adopted Development Plan.

However, it is relevant to note that the LDP Inspector did not raise concerns nor give the Council any Action Points from the Hearing Sessions to date in respect of the proposals for this route improvement, nor is it mentioned in the agenda hearing sessions for the remaining sessions to be held in January 2017.

Notwithstanding the above and given that the proposals are not in accordance with the adopted UDP, there would still need to be sufficient material considerations to justify the proposed development now in advance of the adoption of the LDP. This is considered further below.

In summary, the application asserts that the existing route is substandard and that the development would firstly make the route more fundamentally safe and user friendly, that it would offer an attractive alternative route to the airport and therefore ease traffic issues within the wider highway network, particularly at Culverhouse Cross and along Port Road (A4050), and that as a result it would be of significant benefit to the development of Cardiff Airport and the Enterprise Zones. These benefits are to be weighed against any harm arising from the development, in the above policy context, and the issues associated with each of these points are considered below. A balance of any benefits and/or harm is set out at the end of the report.

#### Highways issues

The application states that the existing route fails to meet appropriate highway standards for a 60mph road and that in order to meet the aim to create a strategic route to the St. Athan and Cardiff Airport Enterprise Zone, there is the need to undertake a number of improvements to upgrade the existing highway. It goes on to state that the Council has endeavoured to improve safety on the road through the introduction of speed limits, re-surfacing, improved signage, lighting, and solar powered LED cats eyes, however, the road still contains a number of sharp bends, has substandard forward visibility and is too narrow in places for two large vehicles such as farm traffic, lorries or buses to pass. Consequently, the development seeks to overcome these existing problems.

The Transport Assessment (TA) appraises the traffic impacts and flows resulting from the development in two main scenarios, which it refers to as 'Do Minimum' (DM) and 'Do Something' (DS). Do Minimum represents what could be reasonably expected to have occurred over the same timescale if the proposed development did not go ahead, between 2017 and 2032. The Do Something option is the Do Minimum improvements coupled with the proposed scheme.

The TA principally assesses impacts upon and operational performance of three junctions, those being Sycamore Cross, Waycock Cross and Culverhouse Cross. Along with the junction analyses, link analysis has been conducted to assess the future growth of traffic on the network, which is compared against base year data. Five links were chosen at various points along the A4050 with two links on Five Mile Lane. These are:

- Between Old Port Road/Brooklands Terrace Roundabout to the 'Alps' roundabout
- Between Wenvoe North roundabout to Wenvoe South roundabout
- Between St Andrew's Road to the A4231 roundabout
- Between Pencoedre Road and Merthyr Dyfan Road

- Between Stirling Road and Waycock Cross
- Between Sycamore Cross and Amelia Trust Farm (Five Mile Lane)
- Between crossroads to Dyffryn and Walterston, and lane to Northcliff Farm (Five Mile Lane)

### Traffic flows and impacts

The assessment shows that in 2017, traffic on the Port Road links would be reduced by between 11% and 34%, depending on the time of day, and by up to 35% in 2032. All links show a reduction in traffic in both years, other than links 4 and 5 which show no change in one period in 2032. Conversely traffic flows are shown to increase significantly on Five Mile Lane, which is a desired outcome of the scheme.

In terms of the junctions, the TA shows that the development without the Sycamore Cross alterations would result in over capacity at Sycamore Cross, however, the relatively minor alterations to that junction would ensure the junction operates within capacity. This is considered to be a significant benefit to the junction.

For Waycock Cross, the TA shows that at present, it operates within capacity other than on the Port Road West arm in the AM peak hour. The TA goes on to show that without the proposed development (i.e. in the DM scenario) capacity would be exceeded on the same arm (but by more) in 2017 and would be exceeded on three of the four arms in 2032 (significantly in the case of the two Port Road arms). The TA also shows that with the development, there would be a smaller 'over capacity' on Port Road West arm in 2017, no over capacity on the Five Mile Lane arm in 2032 and much less 'over capacity' on the Port Road West Arm. It should be noted that while the Port Road West 'over capacity' in 2032 with the development would still be relatively significant, it would be approximately 40% less than without the development. The development would increase the 'over capacity' on the Port Road East arm, which the TA states is an outcome that has been accepted by Welsh Government. While this would increase queuing time on this arm, it is considered that the TA demonstrates a significant benefit to this junction on the whole, and across the majority of the arms, in terms of reducing queuing.

The TA demonstrates limited 'over capacity' at Culverhouse Cross currently, with the situation worsening progressively through 2017 and to 2032 without the development (7 'over capacity' lane instances in 2032). The TA shows that with the development there would be 4 'over capacity' lane instances in 2032 and the extent of over capacity instances would be generally lower.

It is considered that this junction analysis demonstrates that the development would result in a re-distribution of traffic that would have an appreciably positive impact on the junction's operation.

It is considered that the TA (which has been assessed and approved by the Council's Highways Engineers) shows that the proposed development would have a significant positive impact on traffic distribution across the wider highway network. Traffic flows would increase markedly on Five Mile Lane, however, the road has been designed to accommodate this and the residual benefits would be felt at Culverhouse Cross, Waycock Cross (with the exception of one arm), Sycamore Cross and along the links on Port Road.

The Council's Highways Engineer has confirmed (*full comments in the Consultations section of this report*) that the development is fully supported from a traffic perspective and would reduce journey times and enable to network to deal with increased traffic flows.

The development would make the Five Mile Lane route more attractive, given that it would take less time to travel along the route and would involve less queuing to exit it. This would make access to the Cardiff Airport and the Enterprise Zones more attractive and would provide resilience to the highway network in catering for additional traffic resulting from both natural growth and increased visits to the airport/Enterprise Zone. The economic benefits associated with this are discussed below.

### Highway safety

The Council's Highways Engineer has advised that the development would adhere to the design standards in the Design Manual for Roads and Bridges (DMRB) which will ensure a safer and more attractive route for all traffic, including HGVs. This is considered to also represent a significant benefit to the development, given that safety issues have been identified with the existing route as a consequence of its narrow width, sharp bends and inadequate forward visibility. Therefore, subject to the engineering detail of the road being approved, it is considered that it would function safely and positively impact upon highway safety within the highway network.

While the neighbouring resident's concerns regarding highway safety have been considered, the Council's Highways Engineers have considered the scheme as a whole, which has been developed over a significant period of time while taking such matters into account. Fundamentally the Highways Engineers are of the view that the road layout is safe, and this has not been challenged by any technical submissions to the contrary.

### Cycling, pedestrians and bus transport

At present there are no designated cycleway facilities along Five Mile Lane and, while the initial sections in both directions are relatively straight and wider than the middle section, the road as a whole is not considered to be an attractive route for cyclists. By contrast, the development would result in designated cycleways for the initial stretches of the road from Waycock Cross and the A48 and in between, cyclists would be able to use the existing road, which would be used by significantly less traffic. It is considered that this would result in the route being significantly more attractive to cyclists and this would encourage cycle trips as an alternative to the car. This is considered to be a further benefit to the scheme.

There are two bus services that currently use Five Mile Lane between Waycock Cross and Sycamore Cross which are a Cardiff to Barry service (3-4 buses a day) and a Cowbridge to Barry service (once per day). Although there are two routes that use Five Mile Lane, there are no formal bus stops along the route and no footpaths along the carriageway. The nearest bus stops to Five Mile Lane are located at Sycamore Cross to the north and at Waycock Cross to the south. The development would not provide additional bus stops but it would create a safer, quicker and more attractive route, which would be likely to encourage bus use above the existing situation.



Pedestrian facilities would also be improved, relative to the existing situation, with two stretches of footway/cycleway provides as described above. This would provide improved and safer pedestrian facilities along a significant length of the road and would provide a genuine pedestrian access as far as the Hawking Centre, in the case of the southern section.

A representation has been received citing concerns in respect of bus and pedestrian provision, which suggests that proper priority is not given to walking, bus stop lay-bys should be provided at the Hawking Centre and Amelia Trust Farm, the development should include such facilities as a 'reasonable adjustment' under the Equality Act 2010, and that the proposed footway would be unsuitable for alighting from or waiting for buses on.

It is, however, considered that the development would provide much improved facilities and a safer environment for cycle and pedestrian movements, in addition to providing a safer route for buses. It is considered that additional formal lay-bys, such as those suggested in the representation, would not be justified given the relatively limited number of users that would wish to use a stop in locations along five mile lane, and consequently these would not constitute 'reasonable adjustments', as defined by the Equality Act. In addition, and with reference to the objection, it should be noted that the route has currently not been designated by the Council as an Active Travel route.

In summary, it is considered that the development would deliver discernible benefits to bus users, cyclists and pedestrians, in accordance with policies 2, 8 and ENV 27 of the UDP, and the advice in PPW.

#### Public rights of way/bridleways.

The development would not obstruct or adversely impact upon any existing public rights of way or bridleways. The development would make provision for a new stretch of bridleway, however, this is not to replace any existing section that would be lost, rather it is just a new section of bridleway. The Council's Public Rights of Way Officer has stated no objection.

#### Economic Benefits in terms of improved access to the Airport and Enterprise Zones

The above section on highways impacts details the benefits in terms of traffic movement, junction capacity and queuing. It is considered that these benefits will make Five Mile Lane a safer and more attractive route, reducing journey times and add resilience to the highway network. It is considered that all of these benefits would make access to Cardiff Airport and the Enterprise Zone easier and more efficient, thereby increasing their attractiveness to customers and businesses.

As noted above, it is considered that a safe, quick, efficient and user friendly access to the airport and St. Athan is critical to the continued and future development of these areas and to the economic development of the wider area. It is considered that failure to provide such an access would stifle the development potential of the airport and Enterprise Zone and would be damaging to the ability of these sites to contribute to economic activity to their potential.

It is considered that the significant benefits described above in terms of traffic movement, easing congestion, journey speed and the resilience of the highway network would translate into significant benefits in terms of the efficiency of movement to the airport and St. Athan Enterprise Zone and, therefore, the attractiveness of them both to visitors, customers, businesses and investment. It is considered that the development would significantly enhance the development potential of these areas and, therefore, the degree to which they would contribute to economic activity and regeneration.

In this respect, it is considered that the development would accord with the aims of the Draft LDP strategy (and Policies SP7 and MG16), the Wales Spatial Plan, and furthermore also the aims of Planning Policy Wales in terms of sustainability and economic development. While it is acknowledged that the development would be likely to have greatest impact in terms of potential changes to car movements, this does not infer that the development fundamentally encourages more car use. It is considered that it would make journeys easier and more efficient, and would re-distribute patterns of traffic, however, it would also improve the route for buses, cyclists and pedestrians. Environmental impacts are discussed below, however, the EIA (in summary) concludes that there would not be significant adverse environmental impacts.

In terms of economic development, PPW states that the planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development, and that local planning authorities should also seek to support the development of innovative business and technology clusters. It is considered that this development fundamentally complies with this advice and that the development of a sustainable economy in turn complies with the aims set out in chapter 4 of PPW. While the benefits discussed above are principally economic (and highways related), these are considered to be significant benefits and this is considered to comprise a significant 'arm' of 'sustainable development'.

It is also considered that the development is consistent and compliant with the advice in Technical Advice Note 23 (TAN 23). In particular, TAN 23 notes the need for the planning system to give due weight to the economic benefits associated with development and guide economic development to the most appropriate locations.

It is considered that the airport and Enterprise Zone are strategic sites of national and regional importance, since Cardiff Airport is the major commercial airport in Wales and has the greatest potential of any air based transport facility to drive economic development and regeneration in the region. Consequently, it is considered that the airport and Enterprise Zone (and developments that would contribute significantly to them) are essentially of 'special merit' (as referenced at paragraph 2.1.11 of TAN 23), given the special contribution that their development would make to policy objectives.

These benefits, in addition to the wider benefits in terms of the highway network, will be weighed below against any harm arising from the development.

## Visual impact

### *Sycamore Cross*

The works at Sycamore Cross involve bus lane re-alignment, alterations to road markings and carriageway widening relating to a dedicated left turn lane from the A48 onto the A4226. While it appears that these works may constitute permitted development in any case, it is considered that their visual impact in the context of the existing highway network and engineered junction would be negligible, both locally and within the wider landscape.

### *On line highway works*

The online works principally comprise the southbound approach to Waycock Cross being widened to two lanes for approximately 60m in length. A 2.5m wide verge would be located on the west side of the on-line road widening for a proposed cycleway / footpath. These works would extend the scope and area of the road, however, they would remain bounded by woodland on both sides and it is considered that they would not impact significantly on the wider area. There would be localised views of the works when within the highway, however, the woodland would screen the works from further afield. It is, therefore, considered that this part of the scheme would not be visually intrusive or harmful.

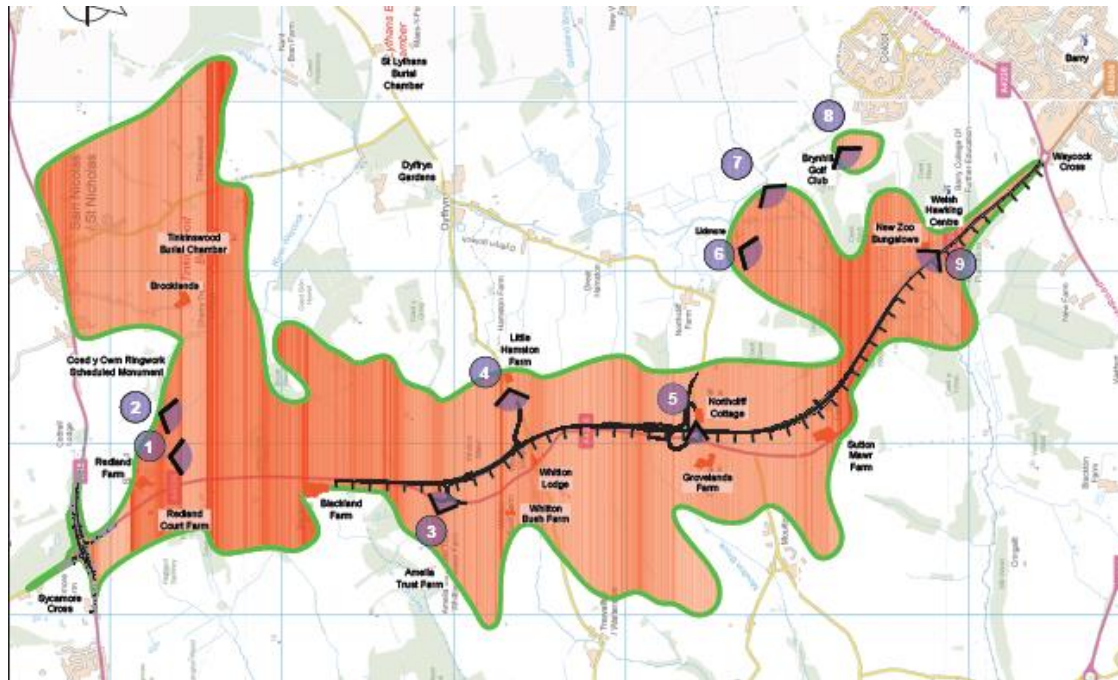
### *Off line new carriageway*

The new carriageway is the section of the development that has the greatest potential to impact upon the wider landscape. The application is accompanied by a Landscape Visual Impact Assessment (LVIA) which appraises the likely impacts of the development within the wider landscape. The Council's Landscape Architect initially requested additional information including photomontages of the development, from certain key locations. The additional information received is as follows:

- an additional viewpoint – Key view 10 from a Public Right of Way between the Scheme and Moulton to the west
- clarification with regards to the visual impact on Listed Buildings located within the Zone of Visual Influence (ZVI), and
- photomontages from six representative viewpoints.

The above information has now been provided and assessed by the Council's Landscape Architect.

The image below shows the Zone of Visual Influence (ZVI), within which the development would be visible, and the locations of the key viewpoints. The tenth viewpoint, as described above, is not shown on this plan.



The ZVI as shown in the EIA is relatively limited and this is as a consequence of the undulating landscape, with longer range views being restricted by the local topography and woodland blocks. This not disputed by the Council's Landscape Architect and it is considered that while the development is relatively substantial in terms of area, its inherently low lying form and the surrounding natural topography do significantly limit the scope of wider views.

The EIA sets out the Landscape Character Areas that the site lies within, and they are Central Vale Ridges and Slopes, Upper and Lower Waycock Valley and Rhoose/Porthkerry. It concludes, in summary, that the scheme would introduce some adverse effects where it directly impacts on the landscape character of the areas through which it passes, especially where it is on embankment and at junctions. However, it goes on to conclude that the scale of these impacts would be reduced by the existing Five Mile Lane, the landform and existing vegetation, all of which limit the visual context of the scheme. The EIA states that the landscape impact significance would be moderately adverse in the construction year and at year 1, and between slightly adverse and negligible/neutral at year 15, when landscaping has matured.

The key viewpoints within the EIA cover a variety of positions within the ZVI and comprise views from the public footpath near Redland Farm, the Scheduled Monument (GM116), the public footpath at Amelia Trust Farm, an un-named road to the east of the site, an un-named road near Northcliff Cottage, Lidmore Mill, Millenium Heritage Trail, Brynhill Golf Club, the entrance to the Hawking Centre and the public footpath near to Moulton. In addition, consideration has been given to views from individual properties including Amelia Trust, Little Hampton Farm, the group of properties at 'Lidmore', Whitton Farm, Sutton Mawr Farm and the Hawking Centre. It is considered that this comprises a comprehensive range of locations around the site and provides a robust basis for assessing the visual impact.

Similarly to the assessment in respect of Landscape Character Areas, the EIA concludes on the whole that landscape impacts from key public viewpoints and individual properties, particularly in the long term when landscaping has matured, would be neutral or only slightly adverse.

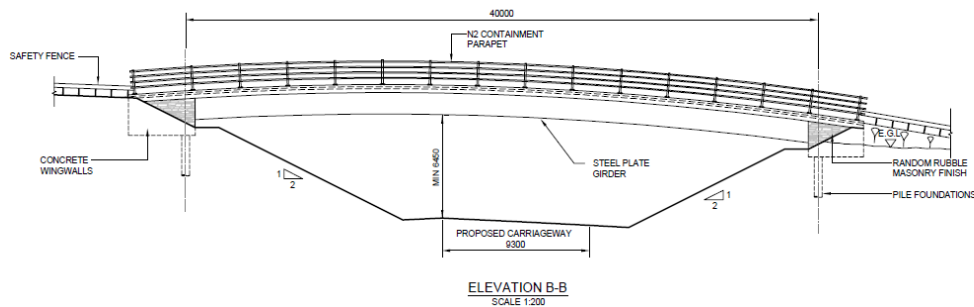
It goes on to state that given the local topography, existing woodland cover and the existing Five Mile Lane, the change in views would be limited primarily to the junctions and embankments and that in the summer of the design year (year 15) and with planting in place, there would be very limited impact on the visual amenity of the area.

The LVIA has been considered by officers, including the Council's Landscape Architect and as noted above, the findings of the EIA in terms of the likely ZVI are not disputed. Furthermore potential public viewpoints within the ZVI are relatively limited, such that the shaded area on the plan above predominantly does not comprise public areas.

The greatest visual impact is likely to occur during the construction phase, where there would be earthworks, compounds and construction vehicles along the route, however, these impacts would be temporary and not representative of the long term visual impact of the development. It is also considered that conditions to control the location of compounds, means of lighting and the retention of landscaping would minimise those impacts.

The road fundamentally follows the topography of the existing landform, but given the undulations in ground levels along the route, the height of the proposed road relative to the existing land would vary. There would be some cut (principally in the area adjacent to Sutton Fach Farm) and some raised sections with fill embankments (principally at the junctions near Northcliff Cottage and Amelia Trust Farm). It is considered that these areas would have the greatest impact from the surrounding viewpoints, due to the change in levels and the more complex road form at the junctions. However, the change in levels would not be significant within the context of the wider undulating landform and the proposed planting would largely mitigate the impact of these sections. The findings of the EIA are therefore concurred with in terms of the relatively minor visual impact from each of the viewpoints, particularly once the landscaping has matured. (Impacts on specific properties are considered below in the section relating to impacts on neighbours.)

The accommodation bridge (shown on the plan below) would lie above an area of cut and it would essentially adjoin the existing level of land on either side. While there would be some impact (particularly at closer range) from the bridge structure and parapet, it is considered that it would be low lying within the wider landscape and would not have appear as a significant visual incursion into the countryside.



Both sides of the route would be lined with substantial landscaped buffers, which would serve to partially screen and filter views of the development from short and long range positions, thereby serving to mitigate its impacts. Whilst it is accepted that the effect of the landscaping would be more limited in the short term, it is considered that it would significantly soften the visual impact of the road in time, to the point where it would effectively reduce its impacts and assimilate it into the wider landscape.

It is considered that the topography and well landscaped nature of the surrounding countryside means the development can be more sensitively accommodated than if the route's context comprised more open expanses of countryside with wide ranging views (from local, distance and/or elevated locations). The development will inevitably have an impact upon the character of the countryside, however, it is considered that the detailed engineering design and landscaping would serve to minimise that impact. It is also considered that sensitive design would appropriately minimise the impact of any lighting.

It should be noted that following the submission of the additional information listed above, the Council's Landscape Architect has advised that the information is acceptable and no objection is raised. It should also be noted that Natural Resources Wales (NRW) have provided comments in respect of landscape impact and advise that the development will not have an adverse impact on any registered historic landscape area. NRW also advise that they concur with the assessment and recommendations in the environmental statement and believe the design of the scheme should mitigate against visual impacts.

As noted above, the site lies within Special Landscape Areas (SLAs) and Policy ENV 4 of the UDP states that development will only be allowed in SLAs where it can be demonstrated that it would not adversely affect their landscape character and features. In this case, it is considered that there would be a level of adverse impact, however, for the reasons given above and having regard to the robust assessment demonstrated in the EIA, the development would not have a significantly adverse impact, particularly given the localised nature of views. The Nant Llancarfan and Dyffryn Basin and Ridge Slopes Special Landscape Areas area significantly wide ranging landscape designations and it is considered that the development, by virtue of its limited ZVI and lower lying form, would have minimal impact upon the wider SLA designations as a whole, and their landscape value.

Notwithstanding this, without any overriding justification for the works or benefits to outweigh that limited degree of harm, the development would be unjustified, therefore, this impact must be weighed against the other materials considerations, and this assessment is set out to members in the section below.

### Heritage Impacts

The Environmental Impact Assessment accompanying the application contains a section which appraises impact on Cultural Heritage and the following documents have been submitted:

- Archaeological Desk-Based Assessment
- Geophysical Survey Report
- Archaeological Watching Brief Report
- Written Scheme of Investigation

In terms of archaeology, Glamorgan Gwent Archaeological Trust (GGAT) have advised that the Written Scheme of Investigation details an acceptable methodology for recording all archaeological remains, in order to mitigate against damage to them during the course of the development. The scheme includes a topographical survey, strip and record investigation, open area investigation and evaluation trenching. GGAT have advised that the strategy is coherent and appropriate, and that they have no objection to the development subject to a condition requiring the developer to undertake the programme of archaeological work in accordance with the Written Scheme of Investigation. It is, therefore, considered that subject to a condition as requested by GGAT, the development would not adversely impact upon archaeology, in accordance with Policies ENV 17, ENV 18 and ENV 19 of the UDP.

In terms of listed buildings and Scheduled Monuments, the EIA considers impacts within an 'inner study area', that being an area within 250m of the development, and an outer area, which is the Zone of Visual influence. There are no listed buildings or ancient monuments within the Inner Study Area, whereas there are five monuments within or adjacent to the outer area. These are Coed y Cwm Ringwork, Coed y Cwm Long Barrow, Moulton Roman Site, Remains of Highlight Church and Castle Ringwork 850m east north east of Ty'n-y-Coed. It is considered that each of these monuments, which are approximately between 750m and 1000m from the development, would not be unacceptably affected, both physically and in terms of their setting. Their distance from the development, coupled with the low lying nature of it, would ensure that views of these monuments would not be harmfully affected and their existing rural setting would be preserved. There are also no listed buildings within close proximity to the development and consequently, there would be no adverse impacts on the settings of listed buildings.

Cadw have advised that the development would not have a physical impact on any Scheduled Monuments and it is unlikely that there would be a significant adverse impact on their settings. Cadw also advise that they concur with the Environmental Statement conclusions that the development would not be harmful to a Grade I registered historic park at Duffryn.



Having regard to the above, it is considered that the development would not adversely impact upon heritage assets and the historic environment, in accordance with Policies ENV 17, ENV 18 and ENV 19 of the UDP, in addition to the advice within Planning Policy Wales and Welsh Office Circulars 60/96 and 61/96, and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Agricultural land

The development permanently requires approximately 27ha of agricultural land take of which approximately 3.5ha may be Best and Most Versatile (BMV) agricultural land.

There are no detailed Agricultural Land Classification surveys available for the Scheme however, the provisional Agricultural Land Classification of England and Wales 1985 indicates that the area around the proposed Scheme is a mixture of Grade 3 or 4. The majority of the route has not been surveyed in detail, with only a small section in the north classified as Agricultural Land Classification (ALC) Grade 3. The Environmental Statement advises that correspondence received from Welsh Government's Department for Natural Resources (DNR) in February 2015 indicated that approximately 3.5 ha of the total area of land take has a moderate probability of being Grade 3 BMV land. The DNR did not make the distinction as to whether the Grade 3 land is comprised of sub-Grade 3a or sub-Grade 3b land, however, for the purposes of this assessment and in the interests of robustness, this area has been assumed to be the more highly valued sub-Grade 3a land (i.e. BMV land).

The submissions state that the scheme has been designed to minimise areas of land take and loss of Best and Most Versatile agricultural land, however, the loss of this land has to be weighed against the benefits associated with the development. The Environmental Statement quantifies the impact as being 'negligible adverse', given that the development would result in the loss of less than 20ha of BMV land and it is considered that in the context of the scheme as a whole, the loss of BMV land is not significant that it would justify the refusal of the application, in light of the highways benefits and those associated with the improved access to the airport and enterprise zone.

The Council (as applicant) is in discussion with the respective land owners with regard to the Compulsory Purchase Order process and how the development can be managed in terms of impacts upon agricultural operations. Objections have been received in respect of impacts upon existing agricultural (and equestrian businesses), however, these impacts have not been substantiated or quantified as part of the planning application process. The Local Planning authority cannot, therefore, assume that the development *would* be significantly damaging to any existing business or the management of any land holding. However, and in the interests of robustness, it is reasonable to assess this development in the context of such impacts, by considering whether it would be justified in planning terms if such impacts arose.

This issue is weighed against the benefits of the development in the section at the end of this report, also having regard to the fact that the Council is in discussion with the respective land owners as part of the on-going compulsory purchase process.

### Nature and Ecology

The EIA contains a significant volume of work which assesses impacts on ecological interests. These documents include a Great Crested Newt Survey Report, Water Vole Survey Report, Dormouse Survey Report, Bat Activity Survey Report, Bat Tree Survey Report, Phase 1 Habitat Survey Report, Crayfish Survey Report, Freshwater Macroinvertebrate Report and a National Vegetation Survey. The application has subsequently been considered by the Council's Ecologist and Natural Resources Wales.

The whole volume of ecological work is available for Members to inspect, however, for the purposes of this report, it is considered of principal relevance to advise Members of the responses of the Council's Ecologist and Natural Resources Wales, who are responsible for providing advice to the Local Planning Authority on these matters.

The EIA states that the most significant impact of the Scheme would be on 2 of the 14 woodlands which together comprise Barry Woodlands SSSI. The scheme would result in permanent loss of a 0.264 ha strip of vegetation along the length of the road in the SSSI on the west side and another 0.167 ha on the east side equating to a total loss of 0.431 ha. A further 0.168 ha would be taken under essential licence for construction in Middleton plantation and 0.301 ha in Barry College Wood, which would be returned after construction, equating to a total loss of 0.469 ha. Not all trees would be removed from these areas, but the ground flora is likely to be affected.

However, the impacts of the loss would be partially mitigated by planting broad-leaved woodland of 2.8 ha at Waycock Bridge. It is proposed to replace the SSSI ancient woodland lost with new woodland of appropriate composition at the northern end of the SSSI in the improved pasture adjacent to Middleton Plantation, opposite the Welsh Hawking Centre. The woodland will be planted to be continuous with Middleton Plantation, and with other planting will extend to Sutton Wood and Sutton Fach Wood, providing a total additional area of 4.7 ha. The applicant acknowledges that this will not replace the quality of the SSSI woodland lost in the short term, but longer term would prove to be of value. The Council's Ecologist and Natural resources wales raise no objection in terms of the impact on the SSSI.

The EIA envisages slight adverse impacts in terms of the loss of small sections of SINCs, however, this would be effectively mitigated by additional tree planting and grass sowing. Again the Council's Ecologist and Natural Resources wales have raised no objection in respect of this.

The Council's Ecologist's initial response highlighted the need for additional information comprising ground nesting bird survey, a Brown Hare assessment, the updating of the Post-Development Monitoring Strategy to reflect findings of the ground nesting bird survey and a survey of two trees for bats (although the Ecologist advised that the last of these items could be conditioned).

Natural Resources Wales raised concerns and requested the updating of the air quality assessment and the amendment of the proposed mitigation in relation to 'off-roading and loss of habitat'. Further to that, conditions were requested in respect of new and translocated planting, new hedgerow and habitat planting, long term habitat management, dormouse mitigation and bat mitigation.

The additional information was subsequently submitted and the Council's Ecologist and Natural Resources Wales were re-consulted. The Council's Ecologist has responded to advise that the additional information addresses the previous concerns and consequently there is no objection raised, subject to conditions relating to ground nesting birds and a biodiversity strategy for site clearance. A condition is also recommended to require compliance with the recommendations set out in the documents contained in the submitted Environmental Impact Assessment. Natural Resources Wales also now raise no objection, subject to conditions relating to the matters listed above.

In light of the above, it is considered that the development would not be harmful to ecology and protected species, in accordance with Policy ENV 16 of the Unitary Development Plan.

#### Other Environmental Impacts

As noted above, the application is accompanied by an Environmental Impact Assessment, and this provides an assessment of issues including social inclusion, economic development, traffic and transport, air quality, cultural heritage, landscape, nature conservation, geology, noise and water resources.

The whole document is available for inspection by Members, however, in summary the EIA concludes that there would not be unacceptable significant environmental impacts and, having regard to the assessments carried out by consultees, and their responses, it is considered that there would not be any unacceptable impacts, or impacts that cannot be mitigated for. It should be noted in particular, in respect of environmental issues, that neither Natural Resources Wales nor the Council's Environmental Health officers have raised an objection.

With specific regard to air quality, Natural Resources Wales' initial consultation response requested an amendment to the work in the Environmental Statement in respect of 'Nitrogen Critical Load', given the proximity of the development to Barry Woodland and Walters Farm SSSIs. This work has now been completed and Natural Resources Wales are satisfied that the development would not have an unacceptable impact in terms of air quality.

In terms of air quality more generally (beyond impacts on the SSSI), the EIA has assessed impacts on human receptors within a wide ranging area around the development site, including along Five Mile Lane, St. Nicholas and Barry. The report concludes that the most significant *changes* in pollutant concentration result from changes in traffic flows on the major routes near the Scheme. The A48 and Five Mile Lane would both experience increases in traffic flow and the A4050 and Port Road would both experience decreases in traffic flow. As a result, receptors near the A48 and Five Mile Lane would experience an increase in pollutant concentrations and receptors along Port Road would experience a decrease in pollutant concentrations. However, due to the low pollutant concentrations predicted with the scheme in operation and the minimal change in concentration across the area, the report concludes that no effects at human receptors would be significant, and air quality would be within annual mean air quality objectives. The Council's Environmental Health Section have considered the reports and have raised no objection or contested the findings.

In terms of cumulative impacts, consideration has been given to a number of other large developments around Five Mile Lane, most notably a number of approved solar farms. However, it is considered that the development, which is low lying, linear and physically detached from those developments, would not have any significant visual or environmental impacts when taken cumulatively with them.

#### Impact on Neighbours/Residential Amenity

The EIA assesses the impact that the development would have on views from specific properties and it concludes that there would be very limited impacts from Redland Farm, Redland Court Farm, Blackland Farm, Whitton Bush Farm, Grovelands, Sutton Mawr Farm and Brooklands. Greater impacts are identified to Whitton Lodge and Northcliff Cottage.

It is considered that the impact on views from those properties (with the exception of the last two) would be very limited and that limited degree of impact would not be harmful to residential amenity. It is acknowledged that occupiers of Whitton Lodge and Northcliff Cottage would experience a more significant impact upon their views, however, while it is understandable that a change to a predominantly rural outlook may be objectionable to the occupiers, it is considered that the change to these views does not in itself demonstrably harm the living conditions of the occupiers. Loss of view is not a planning matter and consequently it is considered that the application could not be justifiably refused as a consequence of such an impact on views.

The road would be closer to residential properties than the existing road and in particular, to Northcliff Cottage. The EIA considers noise and vibration impacts on the properties Whitton Lodge, Sutton Fach Farm, Grovelands Farm, Grovelands House, Northcliff Cottage and Cwm Derwyn Farm. The submissions conclude that there is greatest potential for an impact residential amenity during the construction phase, however, subject to a comprehensive Construction Environmental Management Plan being adhered to, it is considered that these impacts would be effectively mitigated.

The EIA concludes that once operational, the majority of receptors would experience a negligible effect, and that a limited number of receptors would experience minor adverse and moderate adverse effects. In particular, Northcliff Cottage would be closer to the new road than the existing and, given its proximity and the forecasted increase in vehicle numbers, the development is likely to have a greater impact on the occupiers of this property than the existing road in terms of noise. However, it is considered that the noise experienced would not be so harmful to residential amenity as to unacceptably impact upon the living conditions of the occupiers or warrant the refusal of the application.

The next nearest neighbour is Cwm Derwyn Farm, however, the new section of road would be further from this property than the existing road and, notwithstanding the additional vehicle movements, it is considered that there would not be a significantly greater impact, given its location relative to the existing. In respect of Sutton Fach Farm, while it would introduce a new road to the east of the property where there isn't one presently, it would be further from the property than the existing road and it is considered that the distance is sufficient to ensure that there would not be an unacceptable impact on residential amenity. The new road would lie approximately 120m from Whitton Lodge and, while there is likely to be more vehicles using this than the existing road, the occupiers of this property are likely to experience a significant decrease in the number of vehicles using the existing road, which it lies directly adjacent to. It is considered, therefore, that there would not be a demonstrably harmful impact on this property as a consequence of the development. The other neighbours assessed at Grovelands Farm and Grovelands House are further from the development and consequently, it is also considered that the distance is sufficient to adequately preserve the amenities of the occupiers.

The Council's Environmental Health section has been consulted and have raised no objection to the development. In summary, it is considered that while the development would impact upon residential amenity in the area to a degree, it would not result in unacceptable impacts and would comply with the aims of Policies ENV 27 and ENV 29 in this regard.

#### Other neighbour objections not covered by other sections of the report.

It is considered that the description of development on the submitted application form accurately describes the development. While the concerns of the occupiers of Northcliff Cottage regarding the dead end and nuisance have been considered, it is considered unlikely that this route would be subject to significant use and consequently, it is not considered likely that such issues would arise. The bridleway is also considered to be sufficiently away from this property to not unacceptably impact upon the living conditions and privacy of the occupiers. Through the Compulsory Purchase Order (CPO) process, parcel of land '4/6a' has now been omitted, thereby addressing the issue regarding land becoming landlocked. The inclusion within the CPO acquisition of land not needed for the development is not considered to be a planning matter, nor is impact on property value.

The issues raised regarding the CPO process and the attenuation pond are not considered to be fundamentally relevant to this assessment. Rather the Local Planning Authority must consider whether the attenuation ponds would effectively deal with surface water from the development.

Finally, it is considered that there would not be a significant nuisance caused to neighbouring residents in terms of longer journeys being required to access land

#### Drainage and flood risk

The Scheme would include drainage improvement works, which will require a series of attenuation ponds on land adjacent to the new alignment. Existing ditches that are located either side of the length of the road subject to an on-line improvement will also require realignment. These would be utilised to drain the improved highway.

An assessment of the potential impacts associated with construction and operation of the Scheme has been undertaken in relation to the water environment. The assessment identified the potential hydrological effects that the scheme may have on the surrounding area and assessed the potential implications of any such hydrological effects for the scheme. Mitigation measures have been proposed to minimise the scale of the impacts identified. Through the provision of a Sustainable Drainage System (SUDS), the risk of pollution to groundwater and surface water has been concluded within the submissions to be, for the most part, negligible during operation of the Scheme.

The submissions state that mitigation measures implemented during the scheme's construction will ensure that the risk of pollution to surface water and groundwater is largely negligible. The reports do state, however, that a residual risk remains, especially where construction occurs directly above watercourses or in excavations near the groundwater table. These risks are considered by the applicant to be temporary and not posing a long term risk to water quality.

The submissions also conclude that the impact of the scheme on flood risk (on users of the road and third party people and property) is negligible and not significant.

Natural Resources Wales have been consulted in respect of flood risk and have advised that the majority of the development is not in a flood zone. They note that a small section of the proposed road would be within the flood plain of the River Waycock, which would flood to a depth of 9mm during a 0.1% (in in 1000 year) event. NRW advise that it is therefore compliant with part A1.14 and within tolerable limits of part A1.15 of TAN 15. The FCA also demonstrates in the view of NRW that the development would not increase flood risk elsewhere.

TAN 15 states that in order for a development to be justified in Zone C, it must be demonstrated that:

*Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement<sup>1</sup>; or,*

*Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;*

*and*

*It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,*

*The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in Sections 5 and 7 and Appendix 1 found to be acceptable.*

In this case, the development is necessary to assist a local authority regeneration initiative and the potential consequences of a flooding event have been considered and found to be acceptable (i.e. there would not be unacceptable flood risk). The development is not on brownfield land, however, it is considered that strategic improvements to this road will inevitably not be able to be accommodated on brownfield land, given the site's rural context. Notwithstanding this, the submitted Flood Consequences Assessment and NRW's report make clear the development would not result in unacceptable flood risk and, therefore, it is considered that the development complies with the objectives of TAN 15. While the criteria within TAN 15 are noted, this is guidance and one material consideration in the assessment of the application. In light of NRW's comments and the fact that only a very small proportion of the development would lie within zone C2, it is considered that the development is acceptable in respect of flood risk.

The Council's drainage engineer has been consulted and has raised no objection subject to conditions requiring the following to be submitted:

- A detailed scheme of surface water drainage
- A SUDS management plan
- A construction Environmental Management plan for the protection of watercourses from pollution.

It is considered that subject to compliance with those conditions, the development would be acceptable in respect of drainage and flood risk, complying with policies ENV 7 and ENV 27 of the UDP and the aims and objectives of PPW and TAN 15.

#### Summary and balancing of benefits/impacts

The sections above consider the specific impacts (positive and negative) of the development in respect of the relevant materials considerations.

In terms of negative impacts, the report identifies a degree of harm to the character of the countryside, however, the detailed design and mitigation proposed would ensure that these impacts are not significant. The development would also result in the loss of some small areas of Barry Woodlands SSSI and a number of SINCs, however, compensatory planting is proposed and the Council's Ecologist and natural Resources Wales do not object.



There would be some impacts to air quality as a consequence of the development, however, these are also not significant and air quality levels would remain at an acceptable level. Consequently, the Council's Environmental Health Section has not objected.

The development would also have a negative impact on queuing at the Port Road East arm of the Waycock Cross roundabout, however, this would be a modest impact when compared to the significant positive impacts in terms of the highway network.

Objections have been received in respect of the impact on agricultural and rural businesses, however, as noted above these impacts have not been specifically quantified. While it has not been demonstrated that there would be critical impacts on these businesses, it also has not been definitively demonstrated that there wouldn't be. For the purposes of the report, the assessment considers the balance of issues in the event that the development did have such an impact. There would be a loss of some Best and Most Versatile Agricultural land.

The benefits of the scheme are principally in terms of highway safety, easing wider highway network congestion by re-distributing traffic and making the Five Mile Lane route more efficient, giving resilience to the highway network and unlocking/enhancing the attractiveness and development potential of Cardiff Airport and the Enterprise Zone. There would also be benefits in terms of improved cycle and pedestrian access along Five Mile Lane.

It is considered that the above listed benefits are significant and would make decisive and meaningful contributions to a better highway/transportation system and in turn to economic development/regeneration. The development would comply with the objectives of Planning Policy Wales in respect of sustainability and economic development, and the advice within TAN 23. In particular, it is considered that the development is of special merit, given the importance of the airport and Enterprise Zones to the regional economy.

Weighed against this are a number of outcomes (or possible impacts) which have essentially negative impacts. However, it is considered that those impacts, summarised above, are all in their own right relatively limited in scope/magnitude and that the limited degree of harm arising is decisively outweighed by the significant benefits described. It is considered that the potential impacts on rural businesses would be outweighed by the significant positive benefits, however, there is in any case a CPO process running along side the application which will address impacts on land owners as a consequence of the loss of land.

It is, therefore, considered that there are material considerations which outweigh the fact that the development would be a departure from the development plan.

Finally, it is also considered that the development would have due regard to the sustainability objectives contained in the Council's Unitary Development Plan, the Draft LDP and Planning Policy Wales. The development also complies with the Well Being of Future Generations (Wales) Act 2015 and the Well Being Outcomes and Objectives that have been adopted by the Vale of Glamorgan Council.

### REASON FOR RECOMMENDATION

The decision to recommend deemed consent has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

It is considered that the development complies with the sustainable development principle and satisfies the Council's well-being objectives in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Having regard to Policies 1, 2, 7, 8, ENV1 – DEVELOPMENT IN THE COUNTRYSIDE, ENV2 – AGRICULTURAL LAND, ENV4 – SPECIAL LANDSCAPE AREAS, ENV7 – WATER RESOURCES, ENV10 - CONSERVATION OF THE COUNTRYSIDE, ENV11 – PROTECTION OF LANDSCAPE FEATURES, ENV12 - WOODLAND MANAGEMENT, ENV13 – INTERNATIONAL AREAS OF NATURE CONSERVATION IMPORTANCE, ENV14 – NATIONAL SITES OF NATURE CONSERVATION IMPORTANCE, ENV15 – LOCAL SITES OF NATURE CONSERVATION SIGNIFICANCE, ENV16 – PROTECTED SPECIES, ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT, ENV18 – ARCHAEOLOGICAL FIELD EVALUATION, ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS, ENV27 – DESIGN OF NEW DEVELOPMENTS, ENV28 – ACCESS FOR DISABLED PEOPLE, ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY, TRAN9 – CYCLING DEVELOPMENT, TRAN10 – PARKING, TRAN11 – ROAD FREIGHT and REC 12 – PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales 9<sup>th</sup> Edition (November 2016), Technical Advice Notes 5 – Nature Conservation and Planning, 11 – Noise, 12 – Design, 15 – Development and Flood Risk, 18 – Transport and 23 – Economic Development, The Council's Supplementary Planning Guidance on Biodiversity and Development, Design in the Landscape, Trees and Development and Amenity Standards, The Wales Spatial plan, the Council's Local Transport Plan and all other appropriately weighted local material policy considerations, Manual for Streets, Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management, Welsh Office Circular 11/99 - Environmental Impact Assessment, Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology and Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended), the proposed development is considered acceptable in principle, and in terms of the balance of issues comprising visual impact, sustainability, contribution to economic activity, highway safety, traffic and congestion, transport, residential amenity, ecology and

nature conservation, drainage, archaeology, the historic environment, environmental impacts, agricultural land and impact on agricultural/rural businesses.

## RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

- Parsons Brinckerhoff Five Mile Lane Improvements Environmental Statement February 2016 (and associated Appendices and Figures).
- Parsons Brinckerhoff Five Mile Lane Improvement Scheme: Transport Assessment March 2016.
- Plans: 3512646D-HHC Figures 3.1 A, 3.1 B, 3.1 C, 3.1 D and 3.1 E (all Rev 2).
- Plan 3512646D-HHC 102.
- Parsons Brinckerhoff Design and Access Statement February 2016.
- Plan 3512646D-HHC FIGURE 1.1.
- Breeding Bird Assessment August 2016.
- Supplementary Landscape Information August 2016.
- Additional Air Quality Information, August 2016 (WSP Parsons Brinckerhoff).
- Dormouse Mitigation Strategy August 2016.
- Commuting and Foraging Bats Mitigation Strategy August 2016.
- Figures 1.2A and 1.2B- Route and Longitudinal Sections Rev 1.
- Environmental Statement Addendum October 2016.
- Brown Hare Note October 2016.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Notwithstanding the submitted plans, full engineering details of all sections of the new off-line carriageway, all on-line carriageway improvements/works, all new works at Sycamore Cross, all new junctions through the route (including the junctions where the new carriageway adjoins the existing A4226) and cycle/footways, incorporating vision splays, and including sections, street lighting, surface water drainage and the details of the location of all new signage and changes to existing signage, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented and at all times thereafter maintained in accordance with the approved details.

Reason:

In the interests of highway safety in accord with Policy ENV27 of the Unitary Development Plan.

4. The development hereby approved shall not commence until details of the provision of parking for construction traffic and the routes for heavy construction vehicles, and means of defining and controlling such traffic routes, have been submitted to and approved in writing by the Local Planning Authority and the construction works and deliveries shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest of highway safety and to maintain the effective operation of the local highway network, in accordance with Unitary Development Plan Policy TRAN11 (Road Freight).

5. No Development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details hours of construction working, the location of site compounds, and details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP shall utilise the Considerate Constructors Scheme. The CEMP shall include a system for the management of complaints from local residents which shall incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.

6. Prior to the commencement of development a Site Waste Management Plan (SWMP) in relation to the ongoing construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the measures contained within the submitted SWMP unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of flood risk, prevention of pollution and impact on neighbouring amenity in accordance with Policies ENV7 (Water Resources); ENV26 (Contaminated Land and Unstable Land); and ENV29 (Protection of Environmental Quality) of the Unitary Development Plan, along with TAN11-Noise and TAN15-Development and Flood Risk.

7. Any vegetation clearance across the site shall be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated through submission to the Local Planning Authority of an appropriate survey immediately prior to works commencing that nesting birds are absent or a method statement for works is agreed in writing with the local planning authority and fully implemented prior to works commencing.

Reason:

To ensure adequate compensation and mitigation measures for biodiversity across a site that is considered to be of SINC status in accordance with Policy ENV15 (Local Sites of Nature Conservation Significance) of the Unitary Development Plan, Supplementary Planning Guidance on Biodiversity and Development and TAN5 (Nature Conservation and Planning).

8. Prior to the commencement of development, a scheme for the protection of ground nesting birds, for the periods during and following the completion of the development, to include details of compensation land for breeding and a post development monitoring strategy, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full thereafter in accordance with the approved details.

Reason:

In order to ensure the protection of ground nesting birds and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

9. Prior to the commencement of development, a Biodiversity Strategy for sensitive site clearance, to include provisions in respect of amphibians & reptiles, birds and non-native invasive plant species (such as Japanese Knotweed and Himalayan Balsam) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in full in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

10. The development shall be carried out in accordance with the methodologies and recommendations contained within Chapter 9 of the Parsons Brinckerhoff 'FIVE MILE LANE IMPROVEMENTS ENVIRONMENTAL STATEMENT' February 2016, and contained within the WSP Parsons Brinckerhoff 'FIVE MILE LANE IMPROVEMENTS ENVIRONMENTAL STATEMENT ADDENDUM' October 2016.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

11. Prior to the commencement of development, a strategy shall be submitted to and approved in writing by the Local Planning Authority that makes provision for the protection of habitat and designated sites during the construction process. The development shall at all times thereafter be carried out in accordance with the approved strategy.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

12. Prior to the commencement of development, a dormouse mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be carried out in accordance with the approved strategy.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

13. Prior to the commencement of development, a bat mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be carried out in accordance with the approved strategy.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

14. Prior to the commencement of development, a strategy for the implementation of a translocated planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be carried out in accordance with the approved strategy.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

15. Prior to the commencement of development, a plan shall be submitted which shows the location, widths, composition and distribution of all retained and newly created hedgerows, alongside hedgerows to be removed. The development shall at all times thereafter be carried out in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

16. Prior to the commencement of development, a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be carried out in accordance with the approved management plan.

Reason:

In the interests of ecology and to ensure compliance with Policies ENV 16 and ENV 27 of the Unitary Development Plan.

17. No development shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that out-lined in "Five Mile Lane Improvements: Archaeological Excavation Written Scheme of Investigation" (Parsons Brinckerhoff Report no. 3512646-D-HHC, dated October 2015).

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, and to ensure compliance with Policies ENV 17, ENV 18 and ENV 19 of the Unitary Development Plan.



18. No development shall commence until a detailed scheme of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include technical details for the proposed attenuation basins and proposals for the 1 in 30 year drainage system within the highway, along with details of the drainage system at Sycamore Cross and calculations for onsite attenuation or discharge. The scheme shall clarify the level of runoff treatment and shall follow the principles identified within the submitted Flood Consequence Assessment. The approved scheme shall be implemented prior to first beneficial use of the development hereby approved.

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere, and to ensure compliance with Policies ENV 7 and ENV 27 of the UDP.

19. No development shall take place until a SuDS management plan, which includes details on future management responsibilities for the site and its drainage assets, has been submitted and approved in writing by the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The management plan shall be implemented and maintained in full accordance with the agreed details at all times thereafter.

Reason:

In order to ensure adequate drainage facilities are in place to serve the development and to ensure compliance with Policies ENV 7 and ENV 27 of the Unitary Development Plan.

20. No development shall commence until a construction environmental management plan for the protection of the adjacent watercourses from pollution during the course of construction has been submitted to and approved in writing by the local planning authority. The statement shall assess the risks from all pollution sources and pathways (including silt, cement and concrete, oils and chemicals, herbicides, aggregates, contaminated land and waste materials) and describe how these risks will be mitigated for this development. The development shall be carried out in accordance with the approved details at all times thereafter.

Reason:

In order to prevent contamination/pollution and to ensure compliance with Policies ENV 7, ENV 27 and ENV 29 of the Unitary Development Plan.

21. Prior to the first planting and seeding seasons following the commencement of works to construct the road, and notwithstanding the submitted plans, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development, and details of the future maintenance and management of the landscaping.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

22. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

**NOTE:**

1. **In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
3. **The applicants are advised that all necessary consents/ licences must be obtained from Natural Resources prior to commencing any site works.**

4. **In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 ( as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.**

**At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a durable material. The notice shall be in the form specified in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.**

**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.**

**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.**

**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**