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**Vale of Glamorgan**

**(A4226 FIVE MILE LANE HIGHWAY IMPROVEMENTS)**

**Compulsory purchase order 2016**

**and the**

**Vale of Glamorgan Council**

**A4226 (FIVE MILE LANE) CLASSIFIED ROAD**

**SIDE ROADS order 2016**

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**Proof of evidence**

**of mr john anthony dent**

**(on behalf of the order making authority)**

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national assembly for wales reference: 3155453/3155473

Vale of Glamorgan Council reference: PMU/5ml

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43. **QUALIFICATIONS AND EXPERIENCE**
    1. I am John Anthony Dent and I am employed by the Vale of Glamorgan Council (the Council) as the Operational Manager for Major Projects in the Council’s Resources Department with responsibility for the programme management, feasibility, funding and delivery of a range of corporate Capital Projects. I am based at the Council’s Docks Offices at the Barry Docks, Barry. I have held this post since the formation of the Council’s Project Management Unit in 2002 and before that I was employed by the Newport City Council, initially as Senior Planning Officer-Area Team Leader in the Council’s Development Control Section (1988-1996) and later as the Council’s Urban Regeneration Project Manager (1996-2002). I have 31 years Local Government experience.
    2. I have an Honours degree in Town and Country Planning, a Post Graduate diploma in Town Planning, a Master’s Degree in Business Administration and I am a Chartered Town Planner and have been a Member of the Royal Town Planning Institute since 1987.
44. **INTRODUCTION AND SCOPE OF EVIDENCE**
    1. In July 2013 Edwina Hart AM, the Minister for Business, Enterprise, Technology & Science announced funding for the A4226 Five Mile Road Improvement Scheme (referred to in this Proof of Evidence as the Scheme). The consultancy, Parsons Brinckerhoff, were appointed by the Welsh Government to take forward the Scheme design, and the Council were asked to manage the delivery of the Scheme in December 2013. The Council’s Project Management Unit were asked to take over the project management and delivery of the Scheme in March 2014.
    2. The proposals stem from the strategic plans of both the Welsh Government and the Council. The Scheme will provide strategic and direct access to the St Athan and Cardiff Airport Enterprise Zone, supporting job creation and employment and will improve road infrastructure, safety and provision of a new cycle route.
    3. The principle of the delivery of the Scheme by the Council was accepted by the Cabinet of the Council on 15th October 2015 and the details of the required Compulsory Purchase Order (CPO) and Side Roads Order (SRO) were approved at a Full Council meeting on 25th January 2016.
    4. I have provided this Proof of Evidence in support of the CPO and associated SRO which will enable the implementation of the proposed Scheme
    5. References to documents and appendices are references to the deposit and library documents and the appendices which are set out and numbered in the Vale of Glamorgan Council’s Statement of Case in this matter unless otherwise stated.
45. **THE PROPOSED SCHEME**
    1. The existing A4226 (Five Mile Lane) is a single carriageway road, in a rural location that currently fails to meet appropriate highway standards. In order to improve safety along the road and meet the aim of creating a strategic route to the St Athan and Cardiff Airport Enterprise Zones, there is a need to undertake a number of improvements to upgrade the road so it meets modern highway standards. Personal Injury Collision (PIC) rates have been fairly constant over the 5-year period between 2009 and 2013, averaging 111.4 incidents per year within the study area. There were seven fatalities during this period, with four of these occurring in 2009. The number of serious or slight accidents has been fairly split over the period. This road scheme will improve the safety of the road for all road users and nearby properties.
    2. The Scheme involves a combination of online improvements to Five Mile Lane and construction of a new road alignment that bypasses the more winding central section of the existing road. The Scheme will make use of the existing and already upgraded highway immediately off the A48 at Sycamore Cross and then go offline at a point about 1.5km south, following a southerly course for about 4km, before re-joining the existing road just north of the River Waycock Bridge, about 1.1km north of the Waycock Cross. Minor intersection upgrade works will also be undertaken at the junction of the A48 and Five Mile Lane at Sycamore Cross.

***The Environmental Statement***

* 1. The Environmental Statement is one of the documents accompanying a Planning Application made by the Council (referred to as the applicant in this section) under the Town and Country Planning Act 1990.

* 1. As part of the Planning Application for the Scheme, the applicant is required to undertake an Environmental Impact Assessment (EIA). EIA is the process whereby environmental information is collected and the potential significant environmental effects that are likely to arise from a development are identified and assessed. The findings of the EIA for the Scheme are contained in the Environmental Statement.
  2. The Environmental Statement describes the environmental effects of the construction and operation of the Scheme and identifies adverse and beneficial impacts, together with measures (termed ‘mitigation’) that are proposed to avoid, reduce or offset any significant environmental effects.

***Background to the Scheme***

* 1. The Local Transport Plan outlines the strategy to support economic growth and social inclusion within the county by providing an efficient transport network and improved accessibility to services
  2. The Scheme aims to improve access and journey time reliability to the St Athan and Cardiff Airport Enterprise Zones and reduce congestion along the A4050 Port Road, A4050 Port Road East and the A4226 Port Road West between Culverhouse Cross and Waycock Cross Roundabout. The proposal also includes provisions to improve access and safety for Non-motorised Users (NMUs) in the form of a combined footway and cycleway comprising sections of new path and upgrades to the old road alignment. A more detailed description of these improvement works is provided in Section 3.4 of the Environmental Statement.
  3. The works will be undertaken by the Council, with Welsh Government funding. Both organisations are committed to improving access to the St Athan and Cardiff Airport Enterprise Zones in order to encourage economic development and inward investment.
  4. The main benefits of the Scheme works can be described as follows:
* Improved strategic access for Heavy Goods Vehicles (HGVs) and development traffic to the St Athan and Cardiff Airport Enterprise Zones;
* Improved safety for cyclists and pedestrians through creation of a safer environment on the new road and a reduction of vehicles travelling on the bypassed road (which will have a lower speed restriction);
* Improved access for regional and local businesses by providing better access to the M4 and distant markets, and more reliable journey times for customers and freight;
* Improved reliability and safety for private road users through the straightening and widening of Five Mile Lane;
* Greater resilience on the network by providing a more appropriate alternative route to the Port Road Link;
* Improved safety for highway maintenance activities;
* Improved perceptions of safety of this link for motorised and non-motorised users; and
* Local economic benefits realised through construction of the Scheme.
  1. Parsons Brinckerhof carried out a cost benefit analysis of the proposed scheme in 2014 which indicated an overall positive net present value (NPV) in both high and low traffic forecasts.

***Alternatives***

* 1. A previous WelTAG Stage One Assessment (the Assessment) undertaken in March 2012 identifiedfive similar route alternatives which were considered for the Scheme, termed the Red Route, Green Route, Purple Route, Blue Route and Orange Route. Each option was reviewed with consideration of its environmental, social and economic impacts and benefits, which have been summarised below:
* Blue Route – Impacts on noise, air quality and social aspects would be beneficial or moderate beneficial. Impacts on heritage would be moderate adverse due to effects around Whitton Lodge. Impacts on the Transport Planning Objectives and vehicle travellers would be moderate beneficial;
* Purple Route – Similar to the Blue Route but with a moderate beneficial effect on air quality only;
* Red Route – Similar to Purple Route but with no moderate beneficial effects;
* Orange Route – Similar to Blue Route but with a significant beneficial effect on noise and vibration and a neutral effect on air quality; and
* Green Route – Similar to Red Route, but with a significant adverse impact on the water environment.
  1. The Assessment recommended that the ‘Orange Route’ and ‘Purple Route’ be progressed further towards detailed design. These two routes were developed further into a single option (supported by traffic data) that made best 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.
  2. The Assessment concluded that a combination of the ‘Orange Route’ and ‘Purple Route’ was the best option overall, albeit with a few minor amendments incorporated as a result of subsequent consultations with highway authorities.

***Preferred Option***

* 1. The proposed alignment will go offline at a point about 1.5km from the Sycamore Cross signalised junction and follow a southerly course running parallel with, and to the east of , the existing Five Mile Lane, before re-joining the existing Five Mile Lane about 1.1km north of Waycock Cross.

**4. SCHEME DESCRIPTION**

4.1 The Scheme proposal includes making use of the existing and already upgraded highway immediately off the A48 at Sycamore Cross. The proposal also includes provisions to improve access and safety for non-motorised users in the form of an accommodation over-bridge and a combined footway and cycleway comprising sections of new path along the existing road alignment. These improvements are detailed further in the following subsections.

***Highway improvements***

4.2 The route will run from the north of The Amelia Methodist Trust Farm in the north, to Waycock Cross roundabout in the south. It will be 4,850m in length, but 300m of this, just north of the Hawking Centre, will be existing road that will remain unchanged. The proposed alignment will go offline at a point about 1.5km from the Sycamore Cross junction and follow a southerly course running generally east of and parallel with the existing Five Mile Lane. The proposed alignment will re-join Five Mile Lane just north of the existing River Waycock Bridge. There will also be the need to undertake works to improve the drainage for the existing carriageway south of the point where the new alignment re-joins Five Mile Lane.

4.3 The proposed alignment will be constructed on a combination of earthworks and ‘in cutting’. The route will be a 7.3m wide single carriageway with 1m hard strips, making the total carriageway 9.3m wide except for the carriageway section approaching Waycock Cross junction, which will be 7.3m wide due to the absence of hard strips. A 2.5m wide verge would be located on west side of the on-line road widening for a proposed cycleway / footpath. The route will include three junctions; one staggered junction and two T-junctions located about 2km, 3km and 3.5km northward from Waycock Cross respectively. Vehicles will be able to turn in both directions when leaving the junctions. The southbound approach to Waycock Cross will also be widened to two lanes, being about 60m in length.

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

4.5 In order to facilitate access to the farms and properties to the east of the Scheme and to provide a safe crossing for equestrian users, an over-bridge will be constructed to the north of Sutton Fach Farm, about 1.9km northward along the alignment from Waycock Cross. Access to plots to the west of the existing Five Mile Lane will be maintained by retaining the existing Five Mile Lane alignment as a side road for access and connective purposes.

4.6 The existing road will remain open after the Scheme is completed to provide local access to the various farms along its length and as a safer route option for non-motorised users. The only vehicular access to and from this road will be from the three proposed junctions linking to the new road. All other footpaths and street lighting along the existing Five Mile Lane will remain unchanged.

4.7 Minor improvements will also be made to the existing junction between the A48 and Five Mile Lane at Sycamore Cross. These works will be undertaken within the existing highway corridor and will consist of carriageway widening, shifting the existing east-bound bus lane to the north to provide two east-bound lanes through the junction and provision of a dedicated lane for turning left onto Five Mile Lane. The aim of this element of the works is to provide capacity increases for the turning movements at the junction, therefore enabling the benefit of any improvements along Five Mile Lane to be maximised.

***Accommodation Works***

4.8 The Scheme will also include construction of an integral single span steel composite accommodation bridge carrying a farm access road over the proposed route. It will be located immediately north east of Sutton Fach Farm, spanning the proposed road to provide the farm with access to local fields. The bridge will consist of twin steel girders braced together and made composite with a concrete deck slab. The bridge deck will be comprised of a 3.5m carriageway with a 0.5m verge on either side. The bridge abutments will be covered with a local stone façade to ensure the structure is in keeping with the rural environment.

***Improvements for Non-motorised Users***

4.10 As part of the Scheme, a cycle path will be included alongside the road alignment north of Waycock Cross and north of the proposed tie-in location to the old carriageway. At its northern end, the proposed new road verge on the west side will be surfaced to provide an unsegregated footway/cycleway link between the existing Five Mile Lane and a proposed cycleway route, which will utilise the existing roadside verge between the Sycamore cross junction and the new cycleway. To the south, a new length of unsegregated footway/cycleway will be provided running adjacent to the west side of the on-line road widening, to link the existing Five Mile Lane to the Waycock Cross roundabout.

4.11 A new bridleway, that can be used by equestrians and pedestrians, will provide a link across the new road linking the existing Five Mile Lane to the new overbridge.

4.12 As the old road will be secondary to the new main road, the number of vehicles will significantly reduce with only local traffic (i.e. to the farms) using the road.

***Drainage***

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

***Land take***

4.14 The Scheme will be subject to land acquisition through compulsory purchase. The land required is predominantly agricultural in nature. Land acquisition details are detailed in the CPO and SRO documents and schedules.

4.15 The land is required to accommodate the new highway, together with side road connections and associated drainage. Land will also be required for the new cycleway and bridleway / footway and for replacement woodland planting, environmental mitigation and landscaping, provision of hedgerows, watercourse realignments, private means of access and areas subject to archaeological investigation.

4.16 Consultation with the landowners will continue in respect of land acquisition requirements prior to and during construction of the Scheme but the Council has already endeavoured to meet reasonable requests from landowners during the negotiations carried out to date.

***Landscape and Biodiversity Design***

4.17 A key component of the Scheme will be its landscape and biodiversity design. Landscape mitigation elements will include planting, including broadleaf woodland, native mixed-species hedgerows, individual trees, species-rich and amenity grassland and earthworks.

4.18 Where the proposed road will connect with the existing Five Mile Lane, careful consideration of the structures and finishes will ensure that they become integrated into the landscape.

4.19 Existing trees, woodland and hedgerows will be retained wherever possible to help mitigate any adverse landscape, visual amenity and ecological impacts. New hedgerows and individual trees will be planted along the edges of the Scheme boundaries to replace any lost to the Scheme and to provide landscape integration, connectivity and visual screening.

4.20 Land adjacent to the Scheme will be planted with locally present native woodland species to mitigate for the loss of habitat and provide screening and landscape integration and the details of such planting have been agreed with Natural Resources Wales as part of the scheme development.

***Construction***

4.21 Construction of the Scheme (if approved) is expected to commence in January/February 2018 and be completed by summer 2019, following on from the consideration of the relevant Planning Application, the Inquiry into the CPO and associated SRO, and the procurement of the main works contract. Phasing of the works will be developed with the Contractor, who will aim to maintain traffic on the existing highway whilst the majority of the works are constructed off-line. However, temporary traffic management measures will be necessary to undertake the works at the tie-ins and during the on-line improvements.

4.22 Where possible, works will be undertaken to ensure vegetation clearance is undertaken outside the bird nesting season. Habitat will also be managed to aid in the relocation of reptiles from the site in advance of any main construction works. A scheme of archaeological investigative fieldwork will also be undertaken post-submission / predetermination.

4.23 Works will also be managed to minimise the impact on adjacent businesses and co-ordinated to account for any events or highway works planned by the Council.

**5. FUNDING FOR THE SCHEME**

5.1 The cost of the Scheme is currently estimated at £25.8 million including land/property acquisition costs. This figure will be reviewed periodically as the project progresses through the delivery programme.

5.2 The Scheme is being financed through grant funding to the Council from the Welsh Government.

**6. planning position**

6.1 Planning consent was sought for the Scheme, and a Planning Application (together with an accompanying environmental statement) (referred to as ‘the Planning Application’ and ‘the Environmental Statement’ in this Proof of Evidence) was submitted to the Council’s Planning Department on the 15 March 2016. The Planning Application has been allocated the reference 2016/00305/RG3

6.2 The 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.

6.3 The proposed new road represents a technical “departure” from the extant development plan for the Council’s area, consisting of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the associated planning application related to the Improvement Scheme was duly advertised as such a ‘departure’.

6.4 The Planning Application was determined by the Council’s Planning Committee on 16th December 2016 and the application was granted consent subject to a number of planning conditions. A copy of the Planning Permission is attached as Appendix A to this Proof of Evidence.

**7. SPECIAL CONSIDERATIONS**

7.1 At the southern end of the Scheme, land is required from the Middleton Plantation, which is designated a Site of Special Scientific Interest (SSSI) as part of the Barry Woodlands SSSI. Consultation has been undertaken with National Resources Wales in relation to the overall proposals, and a scheme for mitigating the loss of woodland has been incorporated into the Scheme proposals. In overall terms approximately 8.44 hectares of mitigation land is being provided to replace the woodland being lost from the Barry Woodlands SSSI which comprises 0.431 ha of ancient semi-natural broad-leaved woodland, 0.016 ha of broad leaved woodland and 0.12ha of scrub.

7.2 There are no scheduled ancient monuments or listed buildings within the Order Land of the CPO, or affected by the SRO. However, there are known to be the remains of a Roman Villa within the route corridor of the Improvement Scheme. The site was extensively excavated and recorded between 1956 and 1976. It is thought that little buried archaeological resource remains in situ, but this will be tested during the initial stages of the archaeological mitigation works. Should it prove that significant remains are present, this will be discussed with the council’s archaeological advisor, Glamorgan Gwent Archaeological Trust (GGAT) and a suitable provision put in place to either record and preserve in situ, or to further investigate and remove the buried resource.7.3 As part of the Environmental Impact Assessment (EIA) an Archaeological Desk Based Assessment and a Geophysical Survey were undertaken and the results of these were considered by the Council’s consultants. A Written Scheme of Investigation (WSI) has been produced based on these findings and this has been submitted for comment to the Glamorgan Gwent Archaeological Trust (GGAT) who provide archaeological advice to the Council in its Planning role. GGAT have recommended that a condition is attached to any planning permission such that a programme of archaeological works is implemented in accordance with this written scheme of archaeological investigation in order to mitigate any potential impact of the road scheme on the archaeological resource. Given the possibility of impact on sites which may be of archaeological interest in the area, a suitable scheme of investigation is being developed with GGAT in order that contract/s for an archaeological investigation can be awarded and undertaken before any main works tendering is undertaken. The findings of this work will inform further mitigation strategies and supplementary WSIs will be developed to address the findings of these initial investigations.

7.4 The risk assessment in the EIA (which the objection letter from Barry & Vale Friends of the Earth referred to) indicated that ‘slight to large’ impacts on buried heritage assets might occur as part of delivering the scheme. This is because, almost by definition, it cannot be known if anything of archaeological interest which is buried below ground will be encountered until work to disturb the ground is begun. The intention is to fully investigate these areas in accordance with nationally accepted standards and guidance (as set out in Planning Policy Wales, Chapter 6 and by the Chartered Institute for Archaeologists, CIfA) in order that appropriate decisions can be made regarding the options relating to each site (such options being, for example, to record, cover and preserve or to preserve by record and remove, dependent upon the location within the route and the extent to which the scheme proposals impact upon ground levels at each relevant archaeological location).

7.5 It can therefore be seen that, as set out above, the correct steps are being taken to mitigate any potential impact of the scheme on the archaeological resource. This is a rare opportunity to implement investigative works that will allow us to better understand the nature of any buried resources, and to disseminate the information gained from these investigations to a wider audience through the publication of reports and accession of the archive records and artefactual remains to the appropriate receiving institutions. Currently the extent and nature of these potential sites is unknown, and the proposal to undertake a pre-works contract excavation is in line with both national policy and the policies of the Council which support and promote local culture and heritage.

**8. VIEW OF WELSH GOVERNMENT**

* 1. The Welsh Ministers support the proposed Scheme. The Council and the Welsh Ministers have entered an agreement providing funding for the Council to undertake the improvement works as the Highway Authority.

1. **CONSULTATION**
   1. The development of the Scheme has involved an ongoing process of consultation with statutory authorities, specialists, interest groups and potentially affected parties over a number of years. Details of consultations relating to particular aspects of the environmental assessment, and a full list of consultees, are included in relevant sections of the Environmental Statement lodged in support of the Planning Application.
2. **RESPONSES TO THE OBJECTIONS** 
   1. Three statutory objections to the CPO were received from parties whose property is included within plots of land subject to the CPO. Their objections, and the Council’s response to them are briefly summarised below. As far as practicable, discussions/negotiations continue, in the hope of securing the withdrawal of these objections.
   2. **Mr Howard Kinsey, Cwmderwen Farm, Waycock Road**. Mr Kinsey’s objections in brief relate to the taking of good quality pasture land close to his farmhouse and important to the farm business; to severance of his land, and access arrangements; to the loss of mature oak trees; and to ‘poorly thought out’ drainage ponds forming part of the scheme.
   3. The Council is not prepared to consider abandoning the proposed Scheme, or moving it to some materially different location; that would involve losing the transport benefits which the scheme seeks to gain. However, following discussion with the Objector, the Council is prepared to consider reviewing the positioning of some or all of the drainage capacity within this part of the scheme, as far as practicable. The Council will also provide additional detail to the Objector indicating how access can be provided to his retained land.
   4. **Mrs Gaynor Mc Hardy, Northcliffe Cottage, Moulton**. Mrs McHardy’s objections (in brief) concern her wish that the new road should be further from her property, and off her land; security, privacy and amenity concerns from the retention of the existing highway outside her property; concern about the bridleway proposal close to her property; health concerns for her son; and detailed access issues.
   5. The Council cannot agree to a relocation of the proposed road provision, as its design and route are at the heart of the whole scheme. However the Council is prepared to consider the options for more detailed aspects of the Scheme design, relating to the current highway in front of Northcliffe Cottage, positioning of the proposed bridleway, and access issues, and have discussed these with her agent**.** In order to allow Ms Mc Hardy to retain access to field number D0003 a proposal to modify the CPO has been suggested and plot 4/6b created. The removal of plot 4/6b from the land take requirements of the CPO will allow this access to continue.
   6. The preference of Ms Mc Hardy would be to see plot 4/3c indicated in the scheme as private means of access and the route of the proposed bridleway altered so that it runs through plot 4/1d providing Ms Mc Hardy with a greater margin of privacy. Whilst the Council can see some merit in this suggestion, the current scheme has been designed to allow for both an access route between the new side road being constructed and the start of the bridleway, and also a means of access for Mr and Sleeth who require access to field number D0001 to the east of the new road construction. In the current scheme this will be achieved my maintaining plot 4/3c as adopted highway.
   7. **Mr R Bradshaw, Mrs SC Bradshaw, Mr LR Bradshaw and Mr KA Bradshaw, of Wallas Farm, Llampha, Ewenny**. This objection accepts the need for road improvements, but considers the proposed route unfairly detrimental to the business, taking almost 20% of the landholding at this location; raises consequent welfare issues for stock; says impact on business would be reduced by widening the existing road; and raises detailed access and water supply concerns.
   8. Once again, the Council cannot agree to a relocation of the proposed road provision, as its design and route are at the heart of the whole scheme. However the Council’s agents have met with the landowners and their agents, and the Council will review and provide details of access provision, water supplies and indicative plans of how access might be retained during the construction phases of the scheme. The latter will form part of detailed contract provisions with any contractor engaged to construct the scheme.
   9. **Western Power Distribution (South Wales) Plc**. A ‘holding objection’ was lodged on behalf of this statutory undertaker, relating to potential interference caused by the road scheme to the company’s electricity transmission lines, equipment, apparatus, etc. Discussions continue, and it is anticipated that this objection will be withdrawn, upon the signing of an appropriate agreement.
   10. **Mr PJ and Mrs ML Sleeth, Grovelands House, Moulton**. Mr and Mrs Sleeth, in response to the CPO, wrote to point out that they are owners of the subsoil (to the mid-point) of the existing road outside their property. This is not taken to be an objection to the CPO.
   11. **Barry & Vale Friends of the Earth**. Barry & Vale FoE objected to the CPO and SRO. In brief summary, the objection says: the Scheme represents a ‘departure’ from the development plan, and should be advertised as such; the scheme does not accord with the Active Travel (Wales) Act 2013; the scheme will have severe impact on archaeological sites; and significant impact on natural conservation in SINCs and an SSSI; less damaging, cheaper alternatives should be pursued; so there is no ‘compelling case in the public interest’ for the CPO and scheme.
   12. The Council’s position is as follows: As noted elsewhere, it is accepted that the proposal represents a technical ‘departure’ from the extant development plan, which was appropriately advertised, before planning permission was granted. The Council considers the Scheme to be fully justified in both planning and highway terms.
   13. It is not accepted that the scheme fails to accord with the Active Travel (Wales) Act. The design process undertaken by the Consultants working for both the Welsh Government and the Council considered both whether and how the needs of cyclists and walkers should be met, in connection with the scheme. The Welsh Government’s advice on these matters is contained in the document “Statutory Guidance for the Delivery of the Active Travel (Wales) Act 2013”. The guidance sets out the rules as they apply to “designated areas”; these are defined within the guidance as the built up area, as indicated in Appendix A to the guidance.
   14. “Active Travel” (as defined in paragraph 2.3.1 of the guidance) means walking and cycling as an alternative means to motorised transport for the purpose of making everyday journeys. An “active travel journey” means a journey made to or from a workplace or educational establishment, or in order to access health, leisure or other services or facilities. It is indicated that this definition covers short-distance commuting, travel to school and other educational facilities, travel to the shops, travel to leisure facilities and so on. Where routes do not fall into this category, then they are not suitable to be considered as active travel routes. The guidance also advises that the integrated network will only need to stretch as far as people are willing to make relevant journeys (and defines this as perhaps 3 miles on foot or ten miles by bicycle).
   15. The aim of the Scheme here is to provide for a strategic road link improvement, with a design speed of 60 mph. The proposal lies outside of the built up area of Barry, and the Council does not consider that it should be regarded as an ‘active travel’ route per se. However, it is accepted that an effort should appropriately be made, as far as practicable, to integrate such a scheme as the present one with the plans, policies and activities of the Council in supporting active travel generally. With that in mind, in developing the proposals both for the new road scheme and for how the existing A4226 Five Mile Lane might be utilised, following completion of the new road scheme, the principles of active travel have been an integral element of the design philosophy and discussions to date.
   16. The Council’s intention, as part of the implementation of the scheme, is to develop a cycle route from Waycock Cross to Sycamore Cross, essentially following the existing route of the A4226 Five Mile Lane. As the new road scheme relies on a substantial length of “off line” construction, this proposal would allow for cyclists to access the old route of the road for a significant length. Following the completion of the new road scheme the Council would give consideration to reducing the speed limit on that section of road; as it will also serve much less traffic it would make a potentially very suitable cycling route. As this route would not be particularly close to the new road, the impact of motorised traffic on the safety and comfort of cyclists would therefore be greatly mitigated, as compared with a situation where cyclists must share a carriageway with busy motor traffic. It is accepted that this detail of the scheme was not referenced in the CPO itself, as that document references the land required only for the new road construction.
   17. With respect to provision for walkers, the Council does not consider that the provision of a footpath along the route would support its Active Travel aims, and the junction strategy adopted in the scheme design does not cater for such provision. For large sections of the existing A4226 there is no footway provision, and audit of the route did not indicate any significant latent demand for footway provision. Given the strategic nature of the proposal, as set out it the supporting Business Case, and the 60 mph road speed design objective, it is considered by the Council that the delivery of a footpath alongside the new road scheme would not be acceptable, either in terms of supporting Active Travel provision, or in terms of the level of amenity to users which such an option would be able to provide. The strategic need for a footpath route alongside the new road has not been justified, and the significant cost of providing one is not justified either, in the Council’s view.
   18. With regard to bus provision, there are no bus services along the existing A4226, and there are no current plans to provide any such services. No interest in the provision of such services has been expressed by the existing bus operators in the area. The Council’s approach to the level of demand for travel support in the Vale has been through the development of its Greenlinks “on demand” community transport. The Council considers that the further development of this approach is more likely to meet the sporadic demands for travel support across the rural areas. It is accordingly considered that the provision of bus stops and associated lay-bys, at considerable expense, along the proposed new road sections would not amount to the prudent use of public funds, and would not of itself bring about the provision of bus services in this location. However, should it subsequently emerge that private sector bus providers are interested in providing services in this area, the Council would be prepared to consider the provision of bus stops in locations on that part of the existing A4226 which would become a secondary road following completion of the scheme.
   19. It is misleading to suggest that it is acknowledged that the proposals will have a ‘severe impact’ on archaeological sites. There are no scheduled ancient monuments or listed buildings within the area affected by the CPO. It is known that there is some potential archaeological interest within the route corridor generally, and an appropriate scheme of investigation has been developed and agreed with Glamorgan and Gwent Archaeological Trust, as I have discussed above. The Council’s intention is to let an archaeological works contract ahead of the main works contract in order to de-risk that latter contract.
   20. As noted at paragraph 7.1 above, it is accepted that the Scheme involves some impact on an SSSI, but substantial mitigation is proposed. The proposed cycle route in that location is an essential part of the overall scheme, to provide an off-line through route suitable for cyclists, to link up with the envisaged use by cyclists of the separate line of the old A4226, as discussed above.
   21. This objection argues generally for an ‘on-line’ improvement instead of the Council’s proposed scheme. The possibility of on-line improvement has in fact been extensively considered by the Council in the past. The general conclusion was that on-line improvement suggestions would not ameliorate the significant safety problems of the existing road, and of themselves would create ecological impact through the amount of hedgerow removal which such a scheme might require. Such proposals may also still have archaeological impact. Accordingly the Council’s view is that only a substantially ‘off-line’ scheme will provide the benefits which the current scheme seeks to provide.
   22. For completeness, it is noted here that **Mr & Mrs D Thomson, of Little Hamston Farm, Duffryn, St Nicholas, CF5 6SU**, understood to be owners of significant parts of the land affected by the CPO in this case, on 20th April 2014 expressed by letter to the Council their strong opposition to the Planning Application associated with the present Scheme. As far as the Council is aware, however, Mr & Mrs Thomson did not make or register any formal objection to the CPO (or indeed the SRO) to which these proceedings relate. It is not known to the Council whether Mr & Mrs Thomson propose to attend or be represented at the forthcoming inquiry into these two orders.
3. **Conclusions**

11.1 The construction of the Scheme is seen by the Council as a key component in both the Local Transport Plan, the National Transport Plan and the emerging Local Development Plan. The main benefits of the Scheme will be:

* Improved strategic access for Heavy Goods Vehicles (HGVs) and development traffic to the St Athan and Cardiff Airport Enterprise Zones;
* Improved safety for cyclists and pedestrians through creation of a safer environment on the new road and a reduction of vehicles travelling on the bypassed road (which will have a lower speed restriction);
* Improved access for regional and local businesses by providing better access to the M4 and distant markets and more reliable journey times for customers and freight;
* Improved reliability and safety for private road users through the straightening and widening of Five Mile Lane;
* Greater resilience on the network by providing a more appropriate alternative route to the Port Road Link;
* Improved safety for highway maintenance activities;
* Improved perceptions of safety of this link for motorised and non-motorised users; and
* Local economic benefits realised through construction of the scheme.

11.2 The Scheme is fully supported by the Welsh Assembly Government who are funding the Scheme and planning permission for the Scheme has been approved.

11.3 It is in the public interest that the land required for the scheme be acquired I respectfully submit that both the CPO and the SRO should be confirmed to enable the project to proceed.