

Date/Dyddiad: 6 June 2014

Ask for/Gofynwch am: Administration

Telephone/Rhif ffon: (01446) 704656

Fax/Ffacs: (01446) 704847

Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/2014/00499/SC1

The Vale of Glamorgan Council  
Dock Office, Barry Docks, Barry CF63 4RT  
Tel: (01446) 700111

Cyngor Bro Morgannwg  
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT  
Ffôn: (01446) 700111

[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)

e-mail/e-bost: [developmentcontrol@valeofglamorgan.gov.uk](mailto:developmentcontrol@valeofglamorgan.gov.uk)



Parsons Brinckerhoff,  
The Forum,  
Barnfield Road,  
Exeter.  
EX1 1QR

Dear Sir,

**Town and Country Planning (Environmental Impact Assessment)  
(England and Wales) Regulations 1999 : Part II Screening Paragraph 5  
Proposed highway improvements at A4226 Five Mile Lane, between  
Sycamore Cross and to the north of Weycock Cross, Barry**

The Council has considered the details of the proposed scheme as detailed in the information submitted with the request for a screening opinion as to the requirement for an Environmental Impact Assessment received 9 May 2014.

The Local Planning Authority would advise that in their opinion an Environmental Impact Assessment is required for the following reason:

Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, the Local Planning Authority is of the view that the characteristics of the development, characteristics of the impacts and location of the site are such that the potential impacts of the development are likely to be significant upon the environment, for the reasons identified in the screening opinion attached.

Accordingly, it is considered that there is a requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

Yours faithfully,

Head of Planning and Transportation

Welsh Government, C/o Agent  
Parsons Brinckerhoff, The Forum, Barnfield Road, Exeter, EX1 1QR

**A4226 Five Mile Lane, between Sycamore Cross and to the north of  
Weycock Cross, Barry**

Proposed highway improvements

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT  
ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999 (as amended)

REGULATION 5 – REQUEST FOR SCREENING OPINION

**BACKGROUND**

The Council has received a formal request from Parsons Brinckerhoff for a formal screening opinion under the above regulations for proposed highway improvements along the classified road A4226, known locally as the Five Mile Lane.

On examination, it is considered that the proposal falls to be considered for EIA under Part 10 (f) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) which comprises the construction of roads, which will involve a site area of more than 1ha in total.

As this application would cover 52 hectares it is considered to exceed the threshold set out in this section of the regulations.

In assessing a development as to whether an Environmental Impact Assessment is needed WO Circular 11/99 advises that the basic question to be asked is

“would this particular development be likely to have significant effects on the environment” (para. 32).

**SITE AND CONTEXT**

The existing A4226 is a single carriageway road, in a rural location, which links the A48 to Barry (between Sycamore Cross and Weycock Cross respectively).

The road has recently had improvements to the north to create improvements at the A48 junction but maintains the character of a winding rural lane mid-way between the A48 to Barry.

The site is close to a number of protected areas of Barry Woodland SSSI and either side of the existing five mile lane are designated Special Landscape areas for Nant Llancarfan (west) and Duffryn Basin & Ridge Slopes.(East)

## DESCRIPTION OF DEVELOPMENT

The proposal is to make use of the existing and improved part of the highway and to align the more winding and rural section of the road. The alignment will begin 1.5km from Sycamore Cross and will again meet the existing road approximately 1km from the Weycock cross roundabout.

The proposed alignment will include a combination of earthworks and 'in cutting to widen and align the road over this distance. The road will be widened from 7.3m to 9.3m. The proposals may involve underpasses and overbridges to provide access to plots to the west of the site. The works will also include drainage works, which are likely to require attenuation of water on land adjacent to the new alignment.

## PLANNING HISTORY

None relevant

## CONSULTATIONS

None

## REPRESENTATIONS

None

## REPORT

### Issues

The Local Planning Authority is required to consider whether the development has any significant impact on the environment, given the location and characteristics of the site and surroundings and thus whether it should be the subject of an Environmental Impact Assessment, notwithstanding that the development may constitute permitted development.

In reaching a screening opinion, the Council must have regard to the matters listed in Schedule 3 of the Regulations, which sets out the 'selection criteria' which must be taken into account in determining whether a development is likely to have significant effects on the environment.

### Characteristics of the development

Annex B: Selection Criteria for Screening Schedule 2 Development – of the regulation advises that the characteristics of development must be considered having regard, in particular, to:

- (a) the size of the development;
- (b) the accumulation with other development;
- (c) the use of natural resources;
- (d) the production of waste;

- (e) pollution and nuisances;  
the risk of accidents, having regard in particular to substances or technologies used.

The proposal is a stretch of road that would cross nearly the entire A4226 (five mile lane) approximately 4km of new road will be created and, therefore, the development would occupy a relatively large expanse of area and several parcels of agricultural land.

It is considered that a road infrastructure project of this scale would use natural resources in the construction of the road and associated infrastructure, which would result in the production of waste and pollution (from traffic, construction etc.). Furthermore, there are a number of residential properties within the vicinity of the site, from the areas of Barry, Moulton, St. Nicholas, Duffryn and Bonvilston who will be impacted significantly during the construction phase of this development as well as the increase in traffic and movement through the site upon completion. The submission does not include great detail, however, it must be considered that there will be an increase in noise and emissions from traffic and as the highway is improved, the speed limit will increase as well as traffic flows. Furthermore, having regard to the number of agricultural fields that would be developed it is inevitable that the new road will have a significant visual intrusion as well as the potential impacts upon ecology.

It should be noted that Circular 11/99 states that for linear transports schemes, the likelihood of significant effects will generally depend on the estimated emissions, traffic, noise and vibration and degree of visual intrusion and impact upon the surrounding ecology. An EIA is more likely to be required for development over 2km in length.

Accordingly, in view of the above, it is considered that the extent of the works would appear to be over 2km in length and the construction of the road on undeveloped agricultural land within a designated Special Landscape area is likely to have significant effects on the visual character of the area, as well an increase in traffic, noise and emissions as well as ecology.

Accordingly, the development is likely to exceed the thresholds set out in the Circular, where it would be reasonable to request the submission of an EIA to accompany any planning application.

#### Location of the development

It is necessary to assess the area for its environmental sensitivity, and whether any part of the development would be carried out in a sensitive area. The EIA Regulations provide definitions of those areas that are regarded as 'sensitive', and this includes:

- Sites of Special Scientific Interest (SSSI),
- National Parks,
- Areas of Outstanding Natural Beauty (AONB),
- World Heritage Sites,
- Conservation Areas,
- Scheduled Ancient Monuments, and

- Internationally designated sites.

The Circular advises that “the relationship between a proposed development and its location is a crucial consideration. For any given development proposal, the more environmentally sensitive the location, the more likely it is that the effects will be significant and will require EIA.”

It goes on to state that:

*For any Schedule 2 development, EIA is more likely to be required if it would be likely to have significant effects on the special character of any of the other types of 'sensitive area' or the New Forest Heritage Area. However, it does not follow that every Schedule 2 development in (or affecting) these areas will automatically require EIA. In each case, it will be necessary to judge whether the likely effects on the environment of that particular development will be significant in that particular location. Any views expressed by the consultation bodies (paragraph 98) should be taken into account, and authorities should consult them in the cases where there is a doubt about the significance of a development's likely effects on a sensitive area.*

In certain cases other statutory and non-statutory designations which are not included in the definition of 'sensitive areas', but which are nonetheless environmentally sensitive, may also be relevant in determining whether EIA is required.

Thus when considering the environmental sensitivity of geographical areas likely to be affected by development, regard must also be had, in particular, to –

- (a) the existing land use;
- (b) the relative abundance, quality and regenerative capacity of natural resources in the area;
- (c) the absorption capacity of the natural environment paying particular attention to the following areas -
  - (i) wetlands;
  - (ii) coastal zones;
  - (iii) mountain and forest areas;
  - (iv) nature reserves and parks;
  - (v) areas classified or protected under Member States' legislation; areas designated by Member States pursuant to Council Directive 79/409/EEC on the conservation of wild birds and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;
  - (vi) areas in which the environmental quality standards laid down in Community legislation have already been exceeded;
  - (vii) densely populated areas;
  - (viii) landscapes of historical, cultural or archaeological significance.

The site in question and the existing five mile lane traverses between two designated Special Landscape Areas, namely Nant Llancarfan and Duffryn Basin & Ridge Slopes Special Landscape Area.

As the alignment will be carried out to the east of the existing road, it is considered that the Duffryn Basin & Ridge Slopes Special Landscape Areas will be the most effected by the proposed road alignment scheme. In addition, a significant proportion of the land is Grade 2 or 3 agricultural land, either undeveloped or used for agricultural or horse related activity. This development will clearly result in a number of these parcels of agricultural land being used, which will result in the loss of viable and versatile undeveloped agricultural land.

In addition, to the south of the proposed alignments and improvements, the road adjoins a designated SSSI site as well as being within close proximity (approx. 300m) from a number of other designated SSSI sites that all relate to Barry Woodland, which is also protected by a Woodland Tree Preservation Order. Accordingly, given the scale and type of works required to align and improve the road, coupled with the proximity to the SSSI sites, it is considered that there could be significant ecological impacts upon these nationally important protected sites, which would have to be considered by way of an EIA.

It is also considered that the development would be sited around 500m from the nearest Scheduled Ancient Monument, specifically the Moulton Roman site. While this is a sufficient distance not impact upon the Ancient Monument itself, the improvements could have wider impacts upon the setting of the Ancient Monument site and possible archaeological sites within close proximity to the road.

The nearest listed buildings that can be identified on Council records are approximately 1km either side of the road alignment, specifically Duffryn Gardens and Walterston Fach as well as Trewallter Fawr Farmhouse and a barn located within the same grounds. However, it cannot be seen that any significant impact could be caused by the proposed development by virtue of the distance from the proposed works to align the road.

In respect of above, it is considered that the development would be likely to have significant impacts upon particularly sensitive land use areas, with particular concern over the locally designated Special Landscape Area and the nationally recognised SSSI. Furthermore, the proposed road area is not necessarily densely populated, however, to the south of the site, where the road connects to Barry there are a number of residential dwellings to the east and south of the Weycock Cross roundabout. Furthermore, there are residential properties surrounding the application site to the north in smaller villages such as Moulton, St. Nicholas, Bonvilston and Duffryn. Accordingly, it is considered that the construction works, as well as the improvements and capacity of the road to take more traffic, are likely to have significant impacts on many of these communities by virtue of noise, disruption and ultimately the increase of traffic.

## Characteristics of the Potential Impact

The potential significant effects of development must have particular regard in particular to:

- (a) the extent of the impact (geographical area and size of the affected population);
- (b) the transfrontier nature of the impact;
- (c) the magnitude and complexity of the impact;
- (d) the probability of the impact;
- (e) the duration, frequency and reversibility of the impact.

As identified above, the proposed development would extend across a long section of the existing main road, impacting upon undeveloped Grade 2 and 3 agricultural land and a Special Landscape area as well as a SSSI site (Barry Woodland).

The majority of the land to be developed is open countryside and the road alignment will stretch across a geographical area that locally will effect the surrounding population located in Barry, St. Nicholas, Moulton, Duffryn and Bonvilston. However, it should also be noted that the existing road is heavily used and the works to the road will affect the commuters and visitors who frequently use this road to access Barry, the Cardiff Airport and many of the coastal areas within the Vale of Glamorgan. Notwithstanding this, the road will not cross or bound any other border that would suggest any major transfrontier impact.

The probability of the impact would theoretically be 100% and the duration of the impacts would be continuous and, while these factors alone may not necessitate an EIA (given that this would infer all permanent road schemes require an EIA) this is material in this case insofar as significant impacts have been identified above, given the size and scale of the development, the sensitive sites effected, the traffic related impacts and impacts on high quality agricultural land. Therefore, these identified significant impacts would be 'certain', continuous and unlikely to be reversed.

## CONCLUSION

Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, the Local Planning Authority is of the view that the characteristics of the development, characteristics of the impacts and location of the site are such that the potential impacts of the development are likely to be significant upon the environment, for the reasons identified in the screening opinion attached.

Accordingly, it is considered that there is a requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

RECOMMENDATION – OFFICER DELEGATED

An Environmental Impact Assessment is required.