

Version 11

DEVELOPMENT BY THE VALE OF GLAMORGAN COUNCIL

Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
The Town and Country Planning (Development Management Procedure) (Wales)
Order 2012
Town and Country Planning General Regulations 1992
(Regulation 3)

DEEMED PLANNING CONSENT

Agent:
John Dent,
Project Mangement Unit,
Vale of Glamorgan Council,
Docks Offices,
Barry Docks,
Barry,
Vale of Glamorgan,
CF63 4RT

Applicant:
Vale of Glamorgan Council,
Civic Offices,
Holton Road,
Barry,
Vale of Glamorgan.
CF63 4RU

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 at Land adjacent A4226, Five Mile Lane, Barry

The Council in pursuance of its powers under the above mentioned Act and Regulations hereby **GRANTS DEEMED PLANNING CONSENT** for the carrying out of the proposed development as described above and in accordance with the plans registered by the Council on 15 March 2016 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.

2016/00305/4/CD

Details approved in part 15/4/19- Vale of Glamorgan Council

Engineering plans:

Series 100- HGT-ZZZZ-SP-CE-0002, HGN-ZZZZ-DR-CG 0101.P02 to 0125 and HGN-ZZZZ-DR-CH-0126.P02 to 0129

Series 200- HSC-ZZZZ-SP-CH-0001 and HSC-ZZZZ-DR-CH-0201 to 0225

Series 300- HFE-ZZZZ-SP-CH-0001 and HFE-ZZZZ-DR-CH-0301 to 0325

Series 400- HRR-ZZZZ-SP-CH-0001 and HRR-ZZZZ-DR-CH-0401 to 0425

Series 500- HDG-ZZZZ-SP-CD-0001 and HDG-ZZZZ-DR-CD-0533 to 0547

Series 600- HGT-ZZZZ-SP-CE-0001, HGT-ZZZZ-DR-CE-0141 to 0145, HGT-ZZZZ-DR-CE-0001 to 0010 and 0028, HGT-ZZZZ-DR-CE-0011 to 0020, 0023 to 0027 and 0143 and HGT-ZZZZ-DR-CE-0021 to 0022
Series 700- HPV-ZZZZ-SP-CH-0001 and HPV-ZZZZ-DR-CH-0701 to 0725
Series 1100- HKF-ZZZZ-SP-CH-0001 and HKF-ZZZZ-DR-CH-1101 to 1153
Series 1200- HSN-ZZZZ-DR-CH-1201 to 1233, HMK-ZZZZ-SP-CH-0001 and HMK-ZZZZ-DR-CH-1201 to 1225
Series 1300- HLG-ZZZZ-SP-EO-0001 and HLG-ZZZZ-JN01-DR-EO-1301 to 1305
Series 2400- SGN-ZZZZ-SP-CB-0004
Series 2600- SBR-ST01-SP-CB-0002

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).

2016/00305/4/CD

**Details Approved 09 August 2019 - Vale of Glamorgan Council
Plan 3512646D-HHC Fig 1.2a.**

Griffiths Traffic Management Plan 15/3/18

PC4- Traffic and Working Interface Summary

Jacobs Geometry Assessment at Proposed Compound Access

Locations- 694997-CH2-HGN-SZ-DO-CH-001 (9/2/18).

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.

2016/00305/4/CD

**Details Approved 15/11/18- Vale of Glamorgan Council
Griffiths CEMP Revision 3**

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.

2016/00305/4/CD

**Details approved 15th November 2018- Vale of Glamorgan Council
Griffiths Materials Waste Management Plan (dated 09/05/2018)**

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).

2016/00305/5/CD

**Details approved 21/11/18- Vale of Glamorgan Council
Vegetation clearance details: TACP email dated 11/05/18, TACP email dated 20/02/18**

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.

2016/00305/1/CD

**Details Approved 14/08/17- Vale of Glamorgan Council
Capita Biodiversity Strategy for Site Clearance- June 2017**

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.

2016/00305/2/CD

**Details approved 11th October 2017- Vale of Glamorgan Council
Capita Protection of Habitat and Designated Sites Management
Strategy August 2017.**

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.

2016/00305/1/CD

**Details Approved 14/08/17- Vale of Glamorgan Council
Capita Dormouse Mitigation Strategy- June 2017**

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.

2016/00305/2/CD

**Details approved 11th October 2017- Vale of Glamorgan Council
Capita Bat Mitigation Scheme August 2017**

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.

2016/00305/1/CD

Details Approved 14/08/17- Vale of Glamorgan Council

Capita- Translocated Planting Scheme- June 2017

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, along side 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.

2016/00305/3/CD

**Details approved 11th October 2017- Vale of Glamorgan Council
Capita Hedgerow Plan September 2017.**

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.

2016/00305/2/CD

**Details approved 11th October 2017- Vale of Glamorgan Council
Capita Outline Habitat Management Plan
August 2017**

17. A programme of archaeological work shall be carried out 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), other than where it is amended, superseded or supplemented by the "Cotswold Archaeology Written Scheme of Investigation for a Programme of Archaeological Investigation (Phase 2) (April 2018)" and in accordance with the Rubicon Heritage Post Excavation Assessment Programme Issue 02, dated 09/07/2018.

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 SP10 and MD8 of the Local Development Plan.

2016/00305/2/NMA

Condition 17 amended 14/11/18

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.

2016/00305/4/CD

**Details Approved 11th December 2018- Vale of Glamorgan Council
Drainage plans**

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.

2016/00305/4/CD

**Details Approved 11th December 2018- Vale of Glamorgan Council
Drainage plans**

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.

2016/00305/4/CD

Details Approved 26/09/2018 - Vale of Glamorgan

Griffiths Pollution Control and Contingency Plan (dated 17/08/18) and received on 21/08/18

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.

2016/00305/5/CD

Details approved 8/10/19- Vale of Glamorgan Council

Landscape plans- 694997-T AC-ELS-ZZZZ-DR-LA-0001 to 694997-T AC-ELS-ZZZZ-DR-LA-0025 (1-25 inclusive), the Griffiths Japanese Knotweed and other Invasive Non-Native Species Method Statement Rev P1, plans 694997-TAC-EGN-ZZZZ-DR-EN-0001 sheets 1-3, 694997-TAC-ELS-Ecology-ZZZZ-DR-EN-000 and the Barton Hyett ARBORICULTURAL SURVEY, PROTECTION PLAN AND METHOD STATEMENT.

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.

Reason for Granting Planning Permission

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 9th 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.

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.

Dated: 16 December 2016

M. J. Goldsworthy

Head of Regeneration and Planning