****

**Vale of Glamorgan Council**

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

**Compulsory purchase order 2016**

**Statement of Reasons**

**Contents**

1. Introduction
2. the proposed scheme
3. description of the order landS
4. ENABLING POWERS
5. reason for the proposed acquisition
6. human rights considerations
7. planning position
8. SPECIAL CONSIDERATIONS
9. VIEWS OF GOVERNMENT DEPARTMENTS
10. consultation
11. RELATED ORDERS
12. additional information
13. LISTOF DOCUMENTS IN THE EVENT OF AN INQUIRY
14. **INTRODUCTION**
	1. This document is the Statement of Reasons of the Vale of Glamorgan Council (“the Council”) for the making of a compulsory purchase order entitled “The Vale of Glamorgan Council (A4226 Five Mile Lane Highway Improvements) Compulsory Purchase Order 2015 (“the Compulsory Purchase Order”). The statement has been prepared in conjunction with the Statement of Reasons for a Side Roads Order entitled “The Vale of Glamorgan Council (A4226 (Five Mile Lane) Classified Road) Side Roads Order 2015 (“the Side Roads Order”) and should be read in conjunction with that statement.
	2. On 25th January 2016 the Council resolved to make both the Compulsory Purchase Order and the Side Roads Order to facilitate the construction of the A4226 Five Mile Lane Highway Improvements (“the Improvement Scheme”).
	3. The Compulsory Purchase Order, made by the Council under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981, would, if confirmed by the Welsh Ministers, facilitate compulsory acquisition of the land and new rights required needed for the Improvement Scheme.
	4. The Side Roads Order, made by the Council under sections 14 and 125 of the Highways Act 1980, provides for the stopping up and improvement of particular side roads which connect to the A4226 Five Mile Lane Highway Improvements Scheme, for the construction of new highways and for the stopping up of private means of access to premises and the provision of new means of access to them. The Side Roads Order would, if confirmed by the Welsh Ministers enable the construction of the Improvement Scheme and other necessary and associated highway works.
	5. The Compulsory Purchase Order will enable the Council to acquire the land and the rights over the land necessary for the construction and maintenance of the proposed Improvement scheme.
	6. The Council will invite freehold owners, lessees and occupiers affected by the Order to enter into discussions with a view to agreeing appropriate terms for payment and compensation. However, to enable the implementation of the Improvement scheme within realistic timescales, compulsory purchase powers will be employed.
	7. The A4226 (Five Mile Lane) is a non-primary single carriageway A-road which connects Barry at the Weycock Cross roundabout with the Sycamore Cross junction on the A48, and comprises an essential part of the highway network leading to the St Athan and Cardiff Airport Enterprise Zones.
	8. The proposed Five Mile Lane Highway Improvements will provide a derestricted (60mph) section of single carriageway road to current highway design standards. The existing highway will be retained to provide a safe and accessible route for cyclists and pedestrians along the length of the improved road.
	9. The proposals stem from the strategic plans of both the Welsh Government and the Vale of Glamorgan Council. The new improvements 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 and pedestrian route.
	10. This is a non-statutory statement provided in compliance with ODPM Circular 06/2004.
15. **THE PROPOSED SCHEME**

**Existing Conditions**

* 1. Five Mile Lane had historically acquired a poor safety record, particularly in the period between 2005 and 2009. During this period there were a number of serious accidents and 3 fatalities. In response, the Vale of Glamorgan Council undertook the introduction of a number of safety measures including a 40 mph speed limit with a static speed camera, resurfacing, improved signage and solar powered road studs.
	2. The existing road has been the subject of a number of reviews and problem identification exercises. The key problems identified from these studies include:
* A perception of poor safety – this is irrespective of the improvement to the accident record since 2011 following the introduction of the safety improvement measures;
* Safety issues related to the implementation of maintenance and network management on the A4226 itself;
* Poor horizontal and vertical alignment with inadequate visibility at both junctions and on the existing mainline. This has the potential to result in increased incidents. The geometry is sub-standard when compared to its usage (based on Design Manual Road and Bridges (DMRB) standards);
* Slow moving vehicles use this link which results in driver frustration, as there is no opportunity for overtaking;
* Poor drainage, resulting in accelerated degradation of the surfacing materials (which are subsequently difficult to replace) and cause dangerous driving conditions;
* The need to ensure access for local land use and local attractions;
* An unsafe environment for Non-Motorised User (e.g. cyclists, pedestrians and equestrians) access;
* Journey times between the trunk road network and Weycock Cross are variable, both this route and its alternative (Port Road A4050) are subject to this variability;
* A lack of resilience on the local road network, in the event of incidents the A4226 is not a favourable alternative route due to the constraints of its geometry.
	1. In July 2013 the Welsh Government Transport Minister announced the intention to fund improvements to Five Mile Lane, as a means of improving access to the St Athan and Cardiff Airport Enterprise Zones. Furthermore, the Welsh Government confirmed the commencement of the scheme preparatory work on 17 March 2014.
	2. In addition to the Welsh Government Minister’s commitment for the scheme, the Vale of Glamorgan Council included the commitment to improve the access road within its draft Local Development Plan as published in October 2013.

**Purpose of the Scheme**

* 1. The overall aim of the scheme is to support the future land allocation and growth at both the St Athan and Cardiff Airport Enterprise Zones, as well as the wider development plan for the Vale of Glamorgan, as identified in the Vale of Glamorgan Council’s Local Development Plan.
	2. At a strategic level the road scheme seeks to:
* Provide strategic and direct access to the St Athan and Cardiff Airport Enterprise Zone in support of the Welsh Government’s policy for job creation and employment;
* Provide for improved road infrastructure to service traffic needs accessing or commuting through the area of Barry and the areas west of Barry comprising, but not limited to, Rhoose, St Athan, Llantwit Major as well as the Enterprise Zones;
* Reduce the risk faced by users of this route in its current form due to its geometry and limited driver visibility and in recognition that the existing proportion of HGV’s is expected to increase as Enterprise Zone activity develops;
* Provide a safer route for non-motorised road users in support of the provisions of the Active Travel Bill;
* Support the on-going regeneration of Barry (in line with recent major re-development projects currently on going at Barry) and to ensure its status as a visitor destination of regional and national significance is promoted and enhanced;
* Provide network resilience to cater for additional demand which might result from the development on or in proximity to the Port Road in Barry;
* Provide network resilience to cater for alternative route planning 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.

**Description of the Improvement Scheme**

* 1. The Improvement Scheme consists of the following elements:
		1. A new 4.8km long, two lane single carriageway road designed to current highway standards. This includes 1.3km of on line improvement at the southern end of the Improvement Scheme. The new highway alignment will provide a 7.3m wide carriageway with 1m hard-strips either side of the running surface and will provide 2.5m grass verges. The new road will be subject to a de-restricted (60mph) speed limit.
		2. A minor reconfiguration of the traffic lanes at the Sycamore Cross junction to accommodate the traffic movements predicted as a consequence of the Improvement Scheme.
		3. The creation of two new ghost island junctions and one staggered ghost island junction together with new side roads to link the Improvement Scheme to the existing highway network.
		4. The creating of new private means of access to maintain access to land adjacent to the new Improvement Scheme.
		5. The provision of a new accommodation bridge to link land situated on either side of the new road and to provide bridleway access across the new road.
		6. A new bridleway route from Northcliffe Cottage to the existing A4226 approximately 200metres south of the Sutton Fach Farm property
		7. The provision of a new cycleway along the existing road, including a new section of shared cycleway / footway adjacent to the on line highway improvements works from the vicinity of the Hawking Centre to Weycock Cross Roundabout.
		8. Provision of new highway drainage within and adjacent to the new highway including attenuation ponds to control surface water flow into existing watercourses to agreed discharge rates.
		9. Realignment of existing watercourses including the provision of new culverts passing beneath the new road.
		10. Street lighting will be provided in the immediate vicinity at the Sycamore Cross junction and Weycock Cross roundabout.
		11. The provision of woodland planting to mitigate for loss of existing vegetation in the Site of Special Scientific Interest (SSSI) Middleton Plantation.
		12. A scheme of archaeological investigations works along the route corridor which will be carried out prior to construction.
		13. To construct the scheme it will be necessary to divert or protect existing statutory undertakers apparatus. These diversions will take place within the land required for the Improvement Scheme. Diversions will be implements by arrangements with the relevant statutory undertakers.

**Benefits of the Improvement Scheme**

* 1. The project will improve the present road to modern DMRB highway standards, addressing poor visibility, poor horizontal alignment and narrow road width. This will be done by building a new section of offline highway which ties in at either end of the existing Five Mile Lane between the roundabout at Weycock Cross and the new junction at Sycamore Cross. This will:
* Improve strategic access for HGV and development traffic to the St Athan and Cardiff Airport Enterprise Zones;
* Make cycling and walking safer - a safer environment on the new road and fewer vehicles on the bypassed road (that will have a lower speed restriction);
* Improve access for regional and local businesses – better access to the M4 and markets and more reliable journey times for customers and freight;
* Improve conditions for private road users – safer and more reliable journeys;
* Greater resilience on the network by providing a more appropriate alternative route to the Port Road Link;
* Improving the safety aspects for highway maintenance on this strategic route;
* By straightening and widening Five Mile Lane, it will provide a higher standard, more free-flowing alternative to Port Road;
* Improving the perceived safety of this link for motorised and non-motorised users;
* Provide community benefits by providing construction work locally and potential training opportunities.

 **Programme for the Improvement Scheme**

* 1. The Council’s programme currently anticipates that works will commence on site in early 2017.

 **Funding for the Improvement Scheme**

2.10 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.

* 1. The scheme is being financed through Grant funding to the Vale of Glamorgan Council from Welsh Government.
1. **Description of the Order Lands**

The Order Land is shown on the Order Map and comprises approximately 43.2 hectares. The land is predominantly agricultural land in nature and situated to the east of the existing A4226 highway between Blackland Farm and Sutton Fach Farm.

* 1. Areas of land to the west of the A4226 and immediately south of Blackland Farm and immediately north of Grovelands Farm are also included in the Order.
	2. South of Sutton Fach Farm the Order land is located adjacent to and either side of the existing A4226 Weycock Road. A small area of existing car park is required for road widening at the Welsh Hawking centre. To accommodate the online road widening, associated drainage and the provision of an adjacent shared cycle / pedestrian route, land adjacent to the road is required in the SSSI Middleton Plantation. Loss of woodland will be mitigated through replacement planting in land situated immediately nouth of the Plantation.
	3. Full details of the Order Land appears in the Schedule to the Compulsory Purchase Order.
	4. Details of known interest and rights to be acquired are listed in the Schedule to the Compulsory Purchase Order. This Schedule has been prepared based on information gathered through inspection of Land Registry title documents and enquiries made under Section 5A of the Acquisition of Land Act 1981 and Section 297 of the Highways Act 1980.
1. **enabling powers**
	1. Section 239 of the Highways Act 1980 provides a general power for a highway authority to acquire land for the construction of a highway which is to be maintainable at the public expense or to acquire land for the improvement of a highway.
	2. Section 240 of the Highways Act 1980 provides a further general power for a highway authority to acquire land for the purposes of carrying out works to stop up, divert or alter an existing highway that crosses or enters the route of the road and to construct a new highway for purposes concerned with such alteration as authorised under Section 14 of the Act.
	3. Section 246 of the Highways Act 1980 provides a power for a highway authority to acquire land for the purposes of mitigating any adverse effect the new highway has or will have on the surroundings of the highway.
	4. Section 250 of the Highways Act 1980 provides a highway authority land acquisition powers to extend to creation as well as acquisition of new rights while section 260 provides the clearance of title to land that the highway authority already have an interest by agreement.
	5. The Council is using its powers under the Highways Act 1980 because it is not certain that it will be able to acquire the land and new rights required by agreement although efforts will be made in parallel with the compulsory purchase order process.
	6. The land to be acquired is shown coloured pink on the Compulsory Purchase Order map. The land over which new rights are required is shown coloured blue on the Compulsory Purchase Order map.
2. **reason for the proposed acquisition**
	1. The proposed highway realignment will improve a strategic route which supports future land allocation and growth at both the St Athan and Cardiff Airport Enterprise Zones, as well as the wider development plan for the Vale of Glamorgan, as identified in the Vale of Glamorgan Council’s Local Development Plan. This supports the Welsh Government’s policy for job creation and employment.
	2. The improved highway will support the on-going regeneration of Barry and ensure its status as a visitor destination of regional and national significance is promoted and enhanced.
	3. The realigned highway will be built to current highway standards improving on the existing widening alignment and limited driver visibility. The improved alignment will reduce journey times and provide greater reliability for public transport and highway users. The new alignment will improve road safety and reduce the potential for accident.
	4. The scheme will provide a safer route for non-motorised road users in support of the provisions of the Active Travel Bill. It will also provide network resilience to cater for potential alternative route planning 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.
	5. The Side Roads Order will provide for the construction, improvement and stopping up of highways and private means of access.
	6. The Compulsory Purchase Order will enable the Vale of Glamorgan Council to acquire the land and the rights of the land necessary for the construction and maintenance of the proposed scheme.
	7. The land acquisition includes areas required to mitigate the impact of the scheme. This includes land required for landscaping, drainage, ecological habitat connectivity, replacement woodland and land required to undertake archaeological investigations.
3. **Human Rights considerations**
	1. In contemplating the use of compulsory purchase powers, the Council has taken into account the Convention of Human Rights as incorporated into United Kingdom law by the Human Rights Act 1998. In particular consideration has been given to the rights set out in Articles 8 and 1 of the first protocol to the Convention of Human Rights. The land to be acquired compulsorily represents the minimum to enable the A4226 Five Mile Lane Highway Improvements scheme to proceed. The Council considers that there is a compelling public need for acquisition, which outweighs private land interests.
4. **planning position**
	1. Planning consent is to be sought of the Improvement Scheme and a Planning Application (with an accompanying Environmental Statement) is due to be submitted in January 2016.
5. **SPECIAL CONSIDERATIONS**
	1. At southern end of the improvement scheme, land is required from the Middleton Plantation which is designated a Site of Special Scientific Interest (SSSI). Consultation has been undertaken with National Resources Wales in relation to the 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.
	2. There are no scheduled ancient monuments or listed buildings within the Order land. However, there is a known to be the remains of a Roman Villa within the site area. This has previously been excavated and surveyed for archaeological records. Ground Penetrating Radar Surveys (GPRS) have revealed a number of possible archaeological features within the corridor of the Order land. A written scheme of investigation has been developed and agreed with Glamorgan and Gwent Archaeological Trust (please refer to the Environmental Statement). These investigative works will be undertaken in advance of the construction works. Agreement to undertake the investigation works will be sought from respective landowners, but in case agreement cannot be reached, areas have been incorporated into the Order land.
6. **VIEWS OF GOVERNMENT DEPARTMENTS**
	1. The Welsh Ministers support the proposed highway improvements scheme. The Vale of Glamorgan Council and the Welsh Ministers have entered an agreement providing funding for the Council to undertake the improvement works as the Highway Authority.
7. **CONSULTATION**
	1. The development of the A4226 Five Mile Lane Highway Improvements scheme has involved an ongoing process of consultation with statutory authorities, specialists and interest groups 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 Planning Application Environmental Statement.
8. **RELATED ORDERS**
	1. The Council has, in conjunction with the Compulsory Purchase Order, made a related Side Roads Order, namely the “The Vale of Glamorgan Council (A4226 (Five Mile Lane) Classified Road) Side Roads Order 2016. The Side Roads Order would, if confirmed by the Welsh Ministers enable the construction of the new highways, improvement of highways, stopping-up of highways, stopping up of accesses and creation of new private means of access required in association with the Improvement Scheme. Further details concerning this related order are set out in a separate Statement of Reasons for the Side Roads Order.
9. **ADDITIONAL INFORMATION**
	1. Informationrelating to the project as it progresses will be available on the Councils website.
	2. The Order documents and planning application documents can be inspected during normal office hours at Vale of Glamorgan Council offices, Holton Road, Barry, Vale of Glamorgan. They may also be viewed on the Councils website at: www.valeofglamorgan.gov.uk
	3. General Enquiries: about the scheme should be addressed to John Dent, Major Projects Manager, Resources Directorate, Docks Office, Barry Docks, Barry, Vale of Glamorgan, CF63 4RT.
	4. Land Acquisition / Compensation Enquiries: should be addressed to Lorna Cross, Strategic Estates Manager, Civic Offices, Holton Road, Barry, Vale of Glamorgan.
	5. Planning Enquiries**:** should be addressed to the Head of Regeneration and Planning, Docks Office, Barry, Vale of Glamorgan.
10. **LIST OF DOCUMENTS IN THE EVENT OF AN INQUIRY**
	1. Planning Application and Environmental Statement
	2. The Side Roads Order
	3. Compulsory Purchase Order plans and Schedules.
	4. Background documents.