

Application Number: DM/2018/00757

Proposal: Proposal to change use of former railway line, which is also currently used as farm access, to a mixed use farm track and cycletrack / footpath. This will require some clearance of vegetation, surface material and laying of a surfaced path and construction of a fence in parts to segregate farm traffic from cyclists / walkers

Address: Former railway line, Woodside, Usk to land west of Coleg Gwent site, Monkswood

Applicant: Mr Mike Moran

Plans: Sustrans – Usk to Little Mill Traffic Free Route Ecological Appraisal, SE-001 Usk to Pontypool Feasibility Study, SD/12_USK A, SD/01 B, SD/90_USK A,

RECOMMENDATION: APPROVE

Case Officer: Mr Andrew Jones
Date Valid: 11.09.2019

This application is presented to Planning Committee as the application has been made by Monmouthshire County Council

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to the construction of Phase 2 of a cycleway/ footpath from Usk to Little Mill along the route of the disused railway track between Usk and the A472 to the west of Coleg Gwent. The planning application relates to only the eastern section of the total cycle route. The proposal forms a section of the proposed "Sustrans" Usk to Pontypool National Cycle Network route 466. The other sections of the cycleway are planned between Glascoed Lane and Little Mill and connections to the roundabout at Mamhilad. The Little Mill to Monkswood route has previously been granted planning permission under application DC/2016/01002.

1.2 Value Added

The application has seen further ecological survey work requested and submitted following advice from the Council's Ecologist. The proposed boardwalk ramp at the commencement of the route has also been removed from the application; for the sake of clarity reference to a proposed bridge over the A472 is only indicative and would require a separate application for planning application. Finally the other change sought through the application process is that the applicant is now MCC, this followed concerns by the highway authority regarding the original applicant's ability to deliver the scheme. The change now negates the requirement for the applicant to enter into formal agreements with the Council as Highway Authority to deliver the scheme where it directly affects the publically maintained highway.

1.3 Proposal Description

As noted the proposal is for the creation of a footway / cycleway with shared agricultural use by Coleg Gwent Agricultural College and existing land users; the route is along the line of the dismantled former railway line. The route is divided into six areas commencing just off the A472 opposite the Usk Island picnic area car park and terminating just past the BAE Systems entrance. The proposed cycleway path would vary between 2.5 and 3.5 metres wide made up of a shallow

depth of 50mm with a minimum excavation required to lay down a granular stone sub-surface and a limestone dust surface.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
None.			

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S7 LDP Infrastructure Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
MV4 LDP Cycleways
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection

Supplementary Planning Guidance

Green Infrastructure April 2015

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

Technical Advice Notes

Technical advice note (TAN) 18: Transport - 2007.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llanbadoc Community Council - Have concerns whether the scheme is deliverable. As such do not feel can make a recommendation and should be considered by planning committee, although do not wish to speak at planning committee.

MCC Highways - The highway authority note that the applicant is now Monmouthshire County Council; the highway authority removes their concerns regarding the applicant's ability to deliver the scheme. The highway authority therefore as stated previously maintain no objection to the proposal and welcomes the development of the shared footway / cycleway.

MCC Ecology - Subject to the imposition of planning conditions to secure implementation of the Wildlife Protection & Enhancement Plan which includes measures to avoid pollution incidents during the construction phase, and a planning condition for pre-construction check for otter, it is concluded that the project will not adversely affect the integrity of the River Usk SAC. In accordance with the Regulations, Natural Resources Wales have been consulted on the Appropriate Assessment (03/01/2020).

MCC Tree Officer - I have visited this site on several occasions and it is my opinion that the impact of this proposal on trees is low, subject to planning condition.

Natural Resources Wales (NRW) - We do not object to the application as submitted.

Torfaen County Borough Council – No objections.

5.2 Neighbour Notification

Five objections have been received raising the following area of concerns:

- Segregated Access
- Width of Access
- Farm Waste Disposal
- Safety
- Security
- Privacy
- Himalayan Balsam
- Litter Nuisance
- Misuse of Track
- Crosses land owned by BAE
- Adverse Impact on Livestock

One letter of support noting the following:

- Roads in area unsuitable for young and inexperienced cyclists

5.3 Other Representations

Woodland Trust - Objects to this development on the basis of damage and loss to ancient woodland.

5.4 Local Member Representations

Councillor Val Smith - Noted safety concerns and would wish application to be presented to Planning Committee if recommended for approval.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

Planning Policy Wales (PPW) 10 makes it clear in para 4.1.28 that "the planning system has an important role to play in promoting and supporting the delivery of the Active Travel Act (2013) and creating the right environments and infrastructure to make it easier for people to walk and cycle, including new and improved routes and related facilities".

The theme of active travel, in particular moving away from private motor vehicle dependency, is prevalent throughout PPW10 which acknowledges in para 4.0.2 that "planning authorities need to ensure that residents of existing and new communities have access to jobs and an appropriate range of community facilities including recreation, leisure, health and education".

Within the adopted Local Development Plan (LDP) there is further policy support via Policy MV4 which sets out that "New cycleways will be permitted where they provide improved opportunities for sustainable travel or recreational cycling, subject to no adverse impact on pedestrian / cyclist safety and subject to detailed planning considerations".

The principle of a change of use to a shared cycle/footpath is acceptable having regard to both local and national planning policy. Consideration of the detailed planning considerations is set out in the ensuing sections of this report.

6.2 Place Making

6.2.1 Good Design

The most significant form of operational development, and the most visually prominent, originally proposed was the boardwalk at the route entrance opposite the Usk Island car park. However, as noted at the outset of this report this element has been removed from the proposal owing to its proximity to the public highway. The boardwalk would have run parallel with the A472 within the publically maintained highway for a distance of approximately 30 metres. Full details of how the route will connect with the public highway are to be agreed via planning condition; the design solution would need to be moved into the site outside the limits of the public highway.

The track itself would have limited visual impact given the surfacing proposed and the fact large parts of the route are screened via mature vegetation that flanks either side of the former railway line.

It is therefore considered that the proposal would have limited visual impact and therefore complies with the requirements of Policy DES1 of the adopted LDP.

6.3 Landscape

As detailed in para. 6.2.1 above, the proposal is considered to have low visual impact to the wider view of open countryside, the amount of new infrastructure required is limited and given the existing presence of the former rail line it is not considered any further adverse visual impact is caused. The Council's Tree Officer has visited the site and is satisfied that the impact on existing trees along the route would be low. Only a small amount of excavation work will be required to facilitate the track, although a detailed condition is to be attached to ensure trees are safeguarded including the appointment of a Project Arboriculturist to oversee works.

6.4 Biodiversity

The application has been submitted with sufficient survey work to inform the planning decision and also includes a Wildlife Protection and Enhancement Plan. All documents have been subject to consultation with the Council's own Ecologist as well as NRW.

The site crosses over a tributary of the River Usk SAC (Berthin Brook) via an existing bridge and terminates 100m away from the SAC, accordingly a Habitats Regulations Assessment (Appropriate Assessment) has been carried out to determine whether there will be any detrimental impacts on the SAC.

This has concluded that subject to appropriate planning conditions, that the project will not adversely affect the integrity of the River Usk SAC. In accordance with the Regulations, Natural Resources Wales have been consulted on the Appropriate Assessment (03/01/2020).

The Berthin Brook Meadow SINC will be unaffected by the scheme despite being immediately adjacent to the site. The scheme does not include any works on this marshy grassland.

Other protected species including bats, badgers, reptiles and nesting birds have been considered through the survey and subject to condition would not be adversely impacted by the development. Accordingly the development is considered to comply with the requirements of Policy NE1 of the adopted LDP.

6.5 Impact on Amenity

The primary issue in terms of impact on residential amenity is the impact on the properties known as Little Henrhiw and Lisvane which are located towards the conclusion of the route. The route runs to the rear of these properties and as noted on the submitted plans a condition will be attached to agree a scheme of improved screen fencing in this location.

Owing to their position in proximity to the busy A472, it is not considered the provision of cycle path to the rear of these properties would create such additional noise or harm to residential amenity so as to warrant refusal. In addition it is not considered that users of the cycle path would cause any unacceptable harm to the privacy of these properties.

The development is therefore considered to comply with Policy EP1 of the adopted LDP.

6.6 Highways

6.6.1 Sustainable Transport Hierarchy

The Sustainable Transport Hierarchy is a key component of PPW10 and sets out clear aspirations to prevent car-dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport.

This application forms part of a wider proposed "Sustrans" Usk to Pontypool National Cycle Network route 466. As such it will eventually form part of a wider network that provides opportunity for greater use of cycling, as well as walking, over travel by motor car and therefore is considered to fully accord with the aims of the Sustainable Transport Hierarchy.

6.6.2 Access / Highway Safety

As noted previously in this report the original boardwalk ramped entrance to the site has been removed from the proposal following concerns highlighted by the Council's Highway Engineer. Full details of how the route would connect to the public highway will be agreed via condition that will allow for further detailed consultation with Highways.

The change of applicant to MCC also removed the Highway Engineer's original concerns with deliverability and the issues of entering into agreements where works directly affect the publically maintained highway.

A number of concerns have been raised with regard to safety issues associated with use of the route and potential conflict with the surrounding working farms.

A condition is to be attached that will require detailed design, technical audits and safety audits for the construction of the mixed use farm track and cycle track / footpath. The Council, as the new applicant, has recently met representatives of Coleg Gwent to review these concerns. Whilst it was originally intended to erect a fence along the middle of the track to separate members of the public using the route from farm stock and vehicles it was concluded this was not a practical solution. The details, to be agreed via the aforementioned condition, will include the installation of a small number of pedestrian/cycling refuges, each one in view of the other, over a relatively short section of the route so that pedestrians can shelter there on the occasions when there are any farm vehicle movements. This short section of route will cover that part between the points where the Coleg Gwent land ownership starts to the metal gate beyond the farm buildings. It is anticipated that the design for the refuges will consist of a post and rail fence construction with stock proof fencing beneath.

Therefore the provision of the cycle route is considered, subject to conditions, to accord with the requirements of Policy MV1 of the adopted LDP.

6.6.3 Parking

As detailed elsewhere in this report, the proposed path forms part of a wider route, rather than a defined destination in itself. It is acknowledged that designated parking for motor vehicles is not provided at either end of this section of the route. The route is principally designed to discourage use of the private motor vehicle and to encourage active travel, and is only a short distance from the Rural Secondary Settlement of Usk. Notwithstanding this public parking is provided within the

town of Usk and there are a limited number of spaces at the River Usk Island car park opposite the start of the route.

Given the active travel aspirations of the route, and its part of a long term wider network, it is not considered reasonable to provide dedicated parking spaces for this section of the route and this would be contradictory to the aspirations of the project.

6.7 Response to the Representations of Third Parties

6.7.1 A number of the concerns raised through the consultation process have already been addressed in the preceding sections of this report.

In respect of farm waste disposal, the current temporary above ground system can be resolved easily through the use of slurry road ramps, a readily available and inexpensive product. These would not constitute development and therefore it would not be reasonable or necessary to condition the provision of these.

Concerns in respect of litter and misuse of the track are not material planning considerations, any anti-social behaviour that may occur in connection with use of the route would be a matter for the police.

The matter of land that forms part of the application site being owned by BAE systems has been referred to both the Council's Estates and Legal Departments who have concluded with the view that no part of the route would cross BAE land. Accordingly the correct land owners have been served notice in respect of the application.

6.8 Well-Being of Future Generations (Wales) Act 2015

6.8.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.9 Conclusion

6.9.1 The principle of the development of the shared footway / cycleway is welcomed and will form part of a wider network that facilitates and encourages active travel.

It is acknowledged that this section of the route has a number of sensitive issues including biodiversity interest and highway safety, in particular the shared use of the route with adjoining agricultural uses and how it connects with the public highway.

The submission of further ecological survey work, including enhancements, has addressed the former of these issues whilst the change in applicant to MCC will help facilitate the practical deliverability of the project.

Therefore subject to the detailed planning conditions set out in Section 7.0 below the proposal is considered acceptable having regard to both local and national planning policy as well as all other material considerations.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of this permission.

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

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 The scheme shall be implemented in strict accordance with Wildlife Protection and Enhancement Plan (Sustrans – Usk to Little Mill Traffic Free Route Ecological Appraisal).

REASON: To safeguard protected and priority species and deliver a net gain for biodiversity in line with Policy NE1.

4 Prior to the commencement of works, a scheme of preconstruction checks for protected species including otter, badger, nesting birds and bats shall be agreed in writing with the Local Planning Authority. The approved scheme shall be thereafter implemented in full.

REASON: To ensure protected species are not disturbed or their resting places damaged or destroyed during construction and to comply with Policy NE1.

5 If the change use of former railway line, which is also currently used as farm access, to a mixed use farm track and cycle track hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 1 year from the date of the planning consent, the approved ecological measures secured through the Wildlife Protection & Enhancement Plan shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to

i) establish if there have been any changes in the presence and/or abundance of protected or priority habitats and/or species and

ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

REASON: To safeguard protected and priority species and to deliver net gain for biodiversity in line with Policy NE1.

6 A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority within three months of the commencement of the scheme.

The content of the Management Plan shall include the following;

a) Description and evaluation of Green Infrastructure assets to be managed.

b) Trends and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).

g) Details of the body or organization responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The management plan shall demonstrate how the scheme considers the predicted impacts of climate change during the course of the plan period including; measures to minimise the carbon footprint of plan implementation and climate change mitigation measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action.

REASON: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4.

7 No development shall take place until detailed design, technical audits and safety audits have been submitted to and approved by the Local Planning Authority for the construction of the mixed use farm track and cycle track / footpath. The development shall be carried out in accordance with the approved details and retained as such in perpetuity.

REASON: In the interest of the safety of all users of the route and to comply with Policy MV1.

8 Notwithstanding the plans hereby approved no development shall take place until detailed design, technical audits and safety audits have been submitted to and approved by the Local Planning Authority for the delivery and construction of the off-site highway improvements to facilitate the safe access and egress from the public highway to the proposed mixed use farm track and cycle track / footpath. The development shall be carried out in accordance with the details hereby approved and shall be retained as such in perpetuity.

REASON: In the interest of the safety of all users of the route and to comply with Policy MV1.

9 Prior to the commencement of development a scheme for improved screen fencing in relation to the properties know as Little Henriw and Lisvane shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the development being brought into use and retained as such in perpetuity.

REASON: To protect local residential amenity and to comply with Policy EP1.

10 Prior to the commencement of the scheme the following information shall be submitted to and approved in writing by the Local Planning Authority.

- An Arboricultural Method Statement (AMS) in accordance with BS 5837:2012 - Trees in relation to Design, Demolition and Construction Recommendations (BS 5837). The AMS will specifically detail the mitigation measures used where any form of construction activity conflicts with the root protection area (RPA) of any retained trees.
- An Arboricultural Impact Assessment detailing the number and locations of any tree losses shown on a scaled plan.
- A schedule of pruning works to be carried out in accordance with industry best practice i.e. BS 3998:2010 - Tree Work Recommendations.
- The appointment of a Project Arboriculturist to oversee workings within the RPA of any retained tree, the felling and pruning operations and who will be responsible for reporting to the Tree Officer of the Local Planning Authority.

The Project Arboriculturist is to be sufficiently skilled to the task as detailed in 3.3.and 3.4 of BS5837

3.3 Arboriculturist - a person who has, through relevant education, training and experience, gained expertise in the field of trees in relation to construction.

3.4 Competent person - A person who has training and experience relevant to the matter being addressed and an understanding of the requirements of the particular task being approached.

The development shall be carried out in accordance with all of the details approved prior to the development being brought into use.

REASON: To ensure the protection from harm of valuable green infrastructure assets in accordance with Council Policy S13.

INFORMATIVES

1 Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs.

To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

2 Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.

3 Please note that the hazel dormouse is protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual dormice from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If dormice are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.

4 Please note that otters are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes otters and places used for resting up, breeding, etc. whether an otter is present at the time or not. If otters are disturbed during the course of works, all works must cease and Natural Resources Wales contacted immediately.

5 Please note that Badgers are protected under the Protection of Badgers Act 1992. It is illegal to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so; to intentionally or recklessly interfere with a badger sett by damaging or destroying it; to obstruct access, or any entrance of, a badger sett and to disturb a badger when it is occupying a sett. To avoid breaking the law, follow the advice provided by the consultant ecologist and if work is within 30m of a sett consult with Natural Resources Wales.

6 It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.