

**Application Number:** DM/2024/01537

**Proposal:** Development of a restaurant with drive-thru facility (Use Class A3) including access, servicing, car parking, hard and soft landscaping and other associated works

**Address:** Land At Newhouse Farm Industrial Estate, Chepstow, Monmouthshire

**Applicant:** East Mon Industrial Holdings Ltd.

**Plans:** All Existing Plans 8335-SA-2464-AL03 - , Elevations - Proposed 8335-SA-2464-P005 - B, Tree Protection Plan EDP8922\_D002 - D, EDP8922\_r005b Landscape and Ecological Management Plan , Landscaping Plan EDP8922\_R002 Rev B- , Landscape Visual Impact Assessment Part 1 and Part 2, 8335-SA-2464-AL01C - , Other GI Statement EDP8922\_R004B - , Other PLANNING STATEMENT - , Other COMMERCIAL MARKET AND EMPLOYMENT LAND POSITION STATEMENT - , Other ODOUR CONTROL ASSESSMENT - , Other EDP8922\_R001-B - , Other EDP8922\_R002B - , Ecology Report EDP8922\_R003-B - , Other DELIVERY MANAGEMENT PLAN Part 1, Part 2, Part 3 - , Other REPORT ON A GROUND INVESTIGATION - , Other STORE TRAVEL PLAN FOR MCDONALDS RESTAURANT - , Other TRANSPORT ASSESSMENT –ADL Traffic and Highway Part 1,2,3,4,5 , Other COMMUNITY CONSULTATION STATEMENT - , Other PHASE I CONTAMINATIVE USES DESK STUDY - , All Proposed Plans 501682049 – Proposed Lighting Layout REV 0, Site Layout 8335-SA-2464-P004C - , Other PRODUCT SHEET 1 - BBA\_GABIONS\_16\_H247 PROD, Block Plan 8335-SA-2464-P002B Site Levels 4240325 - 1100 - P3 - PROPOSED LEVELS PLAN, Landscaping Plan EDP8922\_D011-D - SOFT LANDSCAPE PLAN, Landscaping Plan EDP8922\_D010-D - HARD LANDSCAPE PLAN, Other REV.03A - TDS UK TERRAMESH SYSTEM, Site Levels 4240325 - 1102 - P2 - PROPOSED LEVELS SECTIONS, Location Plan 8335-SA-2464-AL01E- SITE LOCATION PLAN, Other 5353-201 - VEHICLE TRACKING - HGV, Site Levels 4240325 - 1101 - P3 - PROPOSED LEVELS SECTIONS, Floor Plans - Proposed 8335-SA-2464-P006 - PROPOSED FLOOR AND ROOF – 501682049 Proposed Lighting Layout

## **RECOMMENDATION: Refuse**

Case Officer: Ms Jo Draper  
Date Valid: 13.12.2024

**This application is presented to Planning Committee at the request of the Local Member.**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

1.1 The site extends to approximately 0.9ha and currently comprises an area of grassland within the Newhouse Farm Industrial Estate, adjacent to the M48 Chepstow Roundabout (junction 2). Due to the site's topography, it sits above the rest of the Newhouse Farm Industrial Estate but substantially below the road and the land beyond it to the north.

1.2 The site is bounded by:

To the North: Loverose Way and beyond this, open land which is subject to an approved planning application for fuel station, two drive-thru's and B2/B8 space (application ref.: DM/2022/01155).

To the South: the wider Newhouse Farm Industrial Estate

To the East: An area of trees and shrubs and beyond this, the M48 Chepstow Junction and motorway and pedestrian footpath linking to the Wales Coast Path and the community of Thornwell.

To the West: A small area of open land between Loverose Way and the Newhouse Farm Industrial Estate and beyond this, Loverose Way.

There is a shared pedestrian/cycleway running through the site. This is not registered as a Public Right of Way (PROW) but is well used and provides a direct link from the Newhouse Farm Industrial Estate to the Residential community of Thornwell and beyond.

The Newhouse Farm Industrial Estate comprises B1 (office/R&D/Light industrial), B2 (General Industry), and B8 (Storage and Distribution) uses. To the north-east of the site, is the settlement of Chepstow, with the Thornwell and Bulwark areas being the closest residential communities.

The site mostly comprises a plateau, a green wedge south of the access road (Loverose Way) adjoining the M48 motorway. The application contains several existing trees at its margins as well as a large area of grass. There is an unrecorded public right of way that intersects the site (and adjacent industrial warehouses), typically travelling in an east-west direction, before heading beneath the M48 bridge. The application site due to the proximity to the nearby embankment, road corridors and tree belts create a visual sense of enclosure to the north, east and west, the embankment, and M48 road corridor, screening views to and from the site in these directions. There are two mature tree belts along the northern boundary; a break in the belts allow for distant views towards the English Channel and Severn Estuary. To the south, the site lies close to large scale logistics depots and industrial development sheds and here the land levels drop towards the industrial sheds and containers immediately outside of the site boundary.

## 1.2 Value Added

Amendments to location of bike shed.

## 1.3 Proposal Description

It is proposed to redevelop the site to provide a 371sqm (GEA) single storey McDonald's restaurant with tandem drive thru facilities located in the north-east corner of the site and a dual drive-thru lane wrapping around the north of the restaurant.

There is parking provided to the south of the site comprising 47 car parking spaces, including four accessible bays, two with electric vehicle charging points (one of which is accessible) and two reserve bays for drive-thru customers. There are 10 cycle parking spaces proposed (including six covered 'Sheffield' stands and a dual cycle locker). A dedicated delivery area is proposed.

The customer area within the restaurant will measure 92sqm and provide 76 seats. The supporting information states that the restaurant will use a modern palette of materials including a timber effect and dark grey cladding panel. External materials comprise vertical grey and timber cladding. Supporting information states that this reflects the McDonalds branding.

The proposed vehicular access to the site will be provided via Loverose Way, via a new junction. A new internal access road will be constructed to facilitate access and egress to the site which will provide direct access to the drive-thru lane and car parking area.

Pedestrian and cycle access will be provided from the underpass connecting the Industrial Estate to Thornwell and Bulwark. It is proposed that the pathway that currently runs through the site will be rerouted and formalised as a right of way to include cycle use. Where this route rejoins the existing cycle route, as designed it creates a dog-leg and a gap between the two. A legal order has been agreed to be undertaken to move the unrecorded public right of way onto the proposed alignment. As part of the Transport Assessment, wider improvement to the Coast Path is proposed outside the red line boundary with additional lighting to run along the stretch of that path from the application site to the underpass. This has not been submitted with any level of detail; the final detail is proposed to be resolved through a S106 agreement or through a Grampian condition as these works would be offsite works, offered by the applicant as a wider benefit of the planning permission.

There is planting and soft landscaping proposed comprising turf, hedges and low-level shrubs to the perimeter of the site. It is proposed to maintain most of the trees on site. Several scattered mature trees are located within the site boundary and twelve trees will be removed as a result of the proposal. To mitigate for the loss of these trees, the GI Statement states that this is to be replaced with a minimum of 36 broadleaved trees. There would also be 41 whips to be planted to mitigate for clearance of 0.0245ha of land.

It is proposed that retained amenity grassland and poor semi-improved grassland will be enhanced, creating areas of species-rich meadow grassland to be located at the northern and southern boundaries of the site. Other habitat on site includes patches of semi-improved grassland, scrub and a drainage ditch. An attenuation pond will be provided in the south-west corner and surface water from the site will be drained to and disposed of from this pond, with the outfall route included with the extended red line area to the west of the main site.

The application is supported by a Transport Assessment (TA) which has been prepared by ADL, the primary data has included and extrapolated from that used for the neighbouring site, and considers the impact on the M48 roundabout, and how the new access junction will interact with the proposed access junction for the neighbouring site.

The applicant has undertaken a public engagement exercise. A total of 600 responses were received during the consultation period.

A Commercial Market and Employment Land Position Statement has been submitted with this application. This report covers how the application has been marketed. CBRE have acted for East Mon Industrial Holdings Ltd (the owners of Newhouse Farm Industrial Estate) in respect of the estate since 2016 and it is stated that they have actively (and continuously) marketed development plots (including the application site) since July 2019.

According to this statement, the plots marketed included a single plot of 6 acres as well as smaller opportunities such as the application site. CBRE have promoted the available plots through marketing boards, production and distribution of marketing material and online promotion. An electronic version of the marketing brochure has been issued to commercial property agents active in South Wales and the South West; Welsh Government; local occupiers; and major logistics and manufacturing occupiers. Online Promotion has been supported by a full Web-Advertising package, which includes listings on CBRE's website. According to this statement, occupier interest in the application site (or interest in the wider industrial estate for land/premises of a size that could be accommodated by the application site) has been very limited. Ten potentially suitable enquiries were logged by CBRE over a five-year period. The report states that it is understood that CBRE received no response from prospective occupiers when following up on five of the ten enquiries. It is suggested that these enquiries were general rather than site-specific.

This application is supported by the following suite of reports, as follows:

- Planning Statement
- Design and Access Statement
- Community Consultation Report
- Economic Operator Statement
- Commercial Market and Employment Land Position Statement
- Transport Assessment
- Travel Plan
- Delivery Management Plan
- Ecological Appraisal
- Green Infrastructure Statement
- Arboricultural Method Statement
- Landscape and Visual Appraisal
- Landscape and Ecological Management Plan
- Lighting Strategy
- Odour Control Report
- Ground Investigation Report
- Phase 1 Contaminative Uses Desk Study.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2024/00870	Discharge of condition 17 relating to planning DM/2022/01155. Landscape parcel 1.	Approved	06.08.2024
DM/2024/00884	Discharge of condition 12 (Green Infrastructure Management Plan) for planning decision DM/2022/01155.	Approved	06.08.2024
DM/2024/01042	Discharge of condition 18 (Pedestrian crossing) for planning decision DM/2022/01155.	Approved	02.10.2024
DM/2024/01043	Discharge of condition 19 (Details of the electric vehicle charging points) for planning decision DM/2022/01155.	Approved	02.10.2024
DM/2024/01046	Discharge of condition 5 (Written Scheme of Historic Environment Mitigation) for planning decision DM/2022/01155.	Approved	16.10.2024
DM/2024/01047	Discharge of conditions 6 (Excavations with associated Risk Assessments / Method Statements (RAMS)) and 10(Details of earthworks/ mounding/ Contouring) for planning decision DM/2022/01155.	Pending Consideration	
DM/2024/01352	Discharge of condition 8 (Drainage Scheme) of planning decision DM/2022/01155.	Approved	07.02.2025
DM/2024/01537	Development of a restaurant with drive-thru facility (Use Class A3) including access, servicing, car parking, hard and soft landscaping and other associated works	Pending Determination	
DM/2025/01121	Discharge of Conditions 14 in relation to planning decision (DM2022/01155)		04.02.2026

DM/2025/01390	Hybrid application comprising: 1) Full planning for the erection of a roadside facility comprising PRS, 2no. drive thru units and associated development; and 2) Outline application for storage and distribution / logistics or industrial / manufacturing floor space and associated development (B2/B8 use class).	Pending Consideration
DM/2025/01462	Discharge of condition 14 ref DM/2022/01155 CEMP produced by AKN	Pending Consideration
DM/2025/01467	1) Int-Illum 9mtr Totem 2) Int-Illum Directional Sign 3) Int-Illum Height Restrictor 4) Int-Illum Preview Menu 5) Int-Illum Speaker Canopy 6) Int-Illum Triple Menu 7) Int-Illum 255mm Wordmark 8) Non-Illum Drive Thru Window Vinyl x 3 9) Int-Illum 1500mm Roundel 10) Int-Illum Drive Thru Lettering 11) Int-Illum 1500mm Roundel 12) Int-Illum Drive Thru Lettering 13) Int-Illum Thank You/No Entry Directional Sign 14) Int-Illum 305mm Wordmark 15) Non-Illum Mobile Order Graphic 16a) Non-Illum 15mtrs. Window Manifestations (950mm from floor level) 16b) Non-Illum 15mtrs. Window Manifestations (1500mm from floor level) 17) Non-Illum Banner Frame	Pending Consideration

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S6 LDP Retail Hierarchy  
S7 LDP Infrastructure Provision  
S8 LDP Enterprise and Economy  
S9 LDP Employment Sites Provision  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design  
SAE2 LDP Protected Employment Sites

#### Development Management Policies

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development  
RET4 LDP New Retail Proposals  
E1 LDP Protection of Existing Employment

SD1 LDP Renewable Energy  
SD2 LDP Sustainable Construction and Energy Efficiency  
SD4 LDP Sustainable Drainage  
LC5 LDP Protection and Enhancement of Landscape Character  
EP3 LDP Lighting  
MV1 LDP Proposed Developments and Highway Considerations  
MV2 LDP Sustainable Transport Access  
MV3 LDP Public Rights of Way

## **4.0 NATIONAL PLANNING POLICY**

### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

### **Planning Policy Wales (PPW) Edition 12**

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

### **Technical Advice Notes**

Technical Advice Note 4: Retail and Commercial Development.

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

#### **Chepstow Town Council: Objection**

Re-consultation on amended plans have been received - responding to landscaping and further information provided regarding economic viability. Chepstow Town Council's objection to this planning application still stands and notes that Monmouthshire County Council's Active Travel share the Town Council's concerns.

The Town Council welcomes the potential for new jobs however recommends refusal for the following reason(s):

1. Road safety concerns as the issue over pedestrian access has not been addressed, the safe route is outside the report which will result in pedestrians using a dangerous main road / roundabout to access the site.
2. Not satisfied that the active travel has been addressed as it is too narrowly focussed.
3. Concerns over the loss of green space - this area is heavily used by runners, and this development would mean a significant loss to green space (DES1). recommends refusal for the following reason(s): In addition, the Council has taken on board the comments made by the Aneurin Bevan Health Board which it finds persuasive.

**MCC Tree Officer:** No objection

Site of many trees with very few mature trees of significant value. Most trees are situated on the border of the site. The proposal is to maintain most of the trees.

Seven trees are to be crown reduced which is acceptable. The 12 trees that are proposed to be removed are all young and some semi-mature to be replaced with a minimum of 36 broadleaved trees and planting 41 whips to mitigate for clearance of 0.0245ha of land. They are mainly ash, horse chestnut and some young oak trees. There are no Cat A trees on site.

**MCC Public Transport Officer:** Objection

The development is not served by public transport. Planning Policy Wales sets out a transport hierarchy, which puts public transport at second priority after active travel. It states that "proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial" (4.1.11). Section 4.1.17 gives further practical examples of how this should be done"... then consider whether new development could be located near a bus stop or enable improvements to the bus service; before finally considering the needs of private motor vehicles, including measures". MCC planning policy (S16) states that "Where appropriate, all development proposals shall promote sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision. This will be facilitated by:

- Reducing the need to travel, especially by car;
- Favouring development close to public transport facilities;
- Promoting public transport, walking and cycling; ..."

The proposed development site is not accessible by public transport. As set out in the transport assessment, the walk distance to the nearest bus stop is more than 800m. This is twice of the commonly accepted maximum distance to a bus stop of 400m, after which usage drops off dramatically. Furthermore the transport assessment does not include any proposals for doing something about the lack of public transport accessibility. It does include any proposals to maximising accessibility by public transport as required by PPW, neither does it promote improved public transport provision as required by the MCC LDP.

**MCC Public Rights of Way (PROW):** Qualified Objection.

Comments on the revised plans submitted on the 5th June 2025. A number of discussions have already taken place in regard to the site and the unrecorded public right of way, the proposed new route is as discussed and for the most part satisfactory. However, we have serious concerns in regard to where the new constructed route joins into the existing infrastructure on the west side of the site. The new alignment for the footpath is to be constructed to a standard to accept cycle use, however, where this route rejoins the existing cycle route, it looks to create both a dog-leg and a gap between the two. A legal order has been agreed to be undertaken to move the unrecorded public right of way onto the proposed alignment, should planning be approved, no construction should take place until an application to move the unrecorded route has been confirmed.

**MCC Highways:**

2025/06/26 - We raise no further comments regarding the public highway; however, we would restate our comments regarding the interaction between the internal layout & AT access to echo those of the AT team. It is expected that visitors travelling from the south along the footpath will cross over the barrier instead of walk around the site, because that will be the shortest and quickest route. This should be considered, and we would recommend an appropriate path included in the interests of safety within the car park.

2025/05/07 - The applicant has provided additional detail, namely showing an amendment in response to our concerns over junction width, which has now been altered to allow access for HGV's without impeding exiting traffic. We raise no further concerns over the proposal. Should the Planning Authority approve the application we would request the following condition applied to any grant of planning permission or included in a Section 106 Agreement.

While there remain concerns over the Active Travel route for this site as per the neighbouring application, the link proposed is acceptable on balance since we are unable to promote pedestrian routes towards the M48 junction. A pedestrian survey was undertaken showing that very few pedestrians attempt to cross the M48 junction, with 23 out of 792 movements (2.9%) recorded during a three-day period, excluding the extraneous Saturday Park-run results.

We would recommend improved pedestrian links within the car park and onto the rerouted footpath be included. Pedestrians from the south must travel around the site to enter based on the current proposal, however it is expected that many will take a shorter route through the car park from the southwest corner.

It should be noted that further guidance on measures to improve the existing route should be sought from our AT team and should include a Section 106 to improve its safety and desirability as an AT route, and is noted that the applicant intends measures to be approved by the Welsh Gov't such as guard rails.

#### Parking

The site will provide a total of 53 spaces, above the minimum required under the MCC Local Parking Standards and includes space for waiting vehicles in the drive through and other forms of vehicle parking. Parking spaces are to be coned off during delivery, reducing available parking to 32 spaces. However, this is accepted to be outside of peak hours.

No development may commence until the applicant has entered into a Section 278 Agreement of the Highways Act 1980 with the Highway Authority for the construction of the approved junctions and associated footways together with appropriate alterations to the characteristics of the public highway to promote appropriate traffic speeds. The highway authority requires that the off-site improvements are delivered by the applicant /landowner. Implemented in accordance with the S278 agreement entered into between the landowner and the Highway authority for the delivery of the development approved under DM/2022/01155 in advance of the construction of the proposed access. Implemented in accordance with the S278 agreement entered into between the landowner and the Highway authority for the construction of the proposed access for the development.

**Heneb:** No objection subject to planning conditions securing a watching brief.

The proposal requires archaeological mitigation.

The information in the Historic Environment Record (HER) curated by this Trust shows no known archaeological sites within the proposed development site. However, an excavation in 2007 within the Newhouse Farm Industrial Estate revealed clear evidence for activity from late prehistory, with structural evidence concentrated on the Late Iron Age and Roman periods. As such, the groundworks required for the proposed development have the potential of encountering similar archaeological material. Therefore, a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members. We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

**Welsh Government Highway Department:** Welsh Government as highway authority for the M48 motorway does not issue a direction in respect of this application.

- 1) There should be no interference with the Motorway soft estate or boundary fence.
- 2) Car park and site lighting should be suitably directed and cowled so as not to cause dazzle or glare to highway users.
- 3) Any noise insulating measures deemed necessary should be on-site at the applicant's expense.
- 4) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system. The form and detailed design of the drainage to be incorporated within the proposal shall be agreed with the Planning Authority.

**Office for Nuclear Regulation (ONR):** No objection.

**MCC Active Travel (AT): Concerns**

We remain concerned about the location of this site and the likelihood that people will attempt to reach it on foot by crossing the trunk roads. Our previous comments did not recognise the primacy of the Wales Coast Path (WCP) - these comments restate our position on the prioritisation of Active Travel while looking at the flow of the WCP. We now note that new Wales Coast Path connection on the south-west corner of site joins an awkward angled junction, affecting the route's coherence. We would request the primary path to be made continuous, with a flowing connection between existing street-lit section of the WCP and proposed route (so that WCP is a continuous line), with a junction to branch off to lower path (Junctions should be bevelled or given corner radii of 1m). WCP is disjointed in current design.

We have concerns that the 60cm knee rail on the north-west site entrance will be evaded as people use a desire-line between the WCP connection to north-west and the restaurant. This should be improved through wayfinding, more appropriate fencing (light permeable, such as railing) and planting. New development should contribute to the expansion and improvement of active travel networks. We understand the walked path will have to be diverted, and request the below measures to promote active travel, promote and facilitate use of the route and mitigate the impact of the diversion on users.

It appears that customers entering the site from the industrial estate south-west are currently supposed to walk around the site to enter it - there is a risk of the development of informal tracks between the path and car park, that will affect the quality of experience on the path, and create a risk at the car park. Request for an additional pedestrian access between the path and car park on the south side to be provided. Steps are acceptable as there is a ramped access further along. 3. - Alignment of path should allow for comfortable use. Curve and softer angle will improve flow and reduce predictable corner-cutting maintenance issue.

I remain concerned that this site will attract pedestrians to cross the M48 roundabout.

**MCC Land Drainage: No objection.****Surface Water Drainage**

The application has now demonstrated a means of surface water discharge to a watercourse.

As the site will have a total construction area greater than 100m<sup>2</sup>, SAB approval will be required. Please append the informative below.

Flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding.

Our database of historic flood events does not contain records of surface water flooding in close proximity to the site.

Our database of drainage and flood assets does not contain records of drainage or flood assets in close proximity to the site which may be impacted by the development.

We do not have an objection based on flood risk to the site.

**MCC Ecology: No objection.**

An Ecological Appraisal report by the Environmental Dimension Partnership (EDP) has been submitted to inform the application. The report details the results of an extended phase 1 habitat survey and Preliminary ground level roost assessment of trees for roosting suitability.

The majority of the site has been classified as Amenity Grassland, although the presence of species such as Pyramidal Orchid would suggest the grassland is currently managed sensitively and holds some local biodiversity value. In order to mitigate for a loss of grassland, it is proposed that 'retained amenity grassland and poor semi-improved grassland will be enhanced, creating areas of species-rich meadow grassland.'

On the 'Soft Landscaping' plans, these are shown to be located at the northern and southern boundaries of the site and the Landscape & Ecological Management Plan confirms that a sensitive cutting schedule of management. The commitment for long-term improvement of areas of the grassland is welcomed and the management proposals (including commitment for monitoring/remediation are welcomed). Nevertheless, it must be acknowledged that most of the grassland habitat at the site will be lost because of the proposal. Several scattered mature trees are located within the site boundary, and it is understood that twelve trees will be removed as a result of the proposal. Other habitat on site includes patches of semi-improved grassland, scrub and a drainage ditch. To mitigate for the loss of these trees, the GI Statement states that 36 individual broadleaved trees will be planted. The proposed species to be planted include wild service tree, small-leaved lime, field maple, bird cherry, European aspen, Scot's pine and European hornbeam - as well as ornamental varieties of whitebeam and crab apple. The use of mostly native species is welcomed and considered acceptable mitigation for the loss of trees proposed.

Habitats adjacent to the site that are considered valuable for biodiversity include deciduous woodland, dense scrub and mature scattered trees. Whilst these habitats will not be directly impacted by the proposal, measures should be implemented to ensure they are not impacted during the construction phase of the project. It is also noted that there is no significant light spill anticipated to impact these habitats.

Protected Species - Breeding Birds Section 2.18 of the ecological appraisal confirms that breeding bird surveys have been scoped out by EDP. However, given that site boundaries are not to be directly impacted by the proposals, it is agreed that a full suite of breeding bird surveys will not be necessary to inform the application. Nevertheless, habitat on site such as mature trees and scrub are likely to support nesting bird species which are protected from destruction under the Wildlife & Countryside Act 1981. Any construction works should be undertaken outside of the nesting bird season (March - August). If this is not possible, then a pre-works nesting bird check by an experienced ecologist should be undertaken to ensure that there is no breach of wildlife legislation. The provision of additional native scrub/hedgerow planting, as well as sensitive management of grassland habitat, should provide breeding and foraging habitat for more common bird species.

Several trees on and adjacent to the site have been identified as holding potential to support roosting bats. It is understood that the majority of these will be retained within the proposed development. However, one tree (T10) which was assessed as holding potential for roosting bats, will be felled to facilitate the construction of the proposed SuDS. As such, it has been recommended that a soft-felling technique is adopted during removal to avoid destruction or disturbance of a bat roost. As mitigation for the loss of potential roosting features, two-crevice roosting bat boxes will be installed on retained trees within the site. Overall, the site was assessed to have low suitability to support foraging and commuting bats due to the managed nature of the site and disturbance from adjacent infrastructure.

Protected Species - Badger No badger setts were identified during the ecological survey of the site and no direct evidence of badgers was noted.

Protected Species - Dormice A number of dormice records were returned from within close proximity of the site, including a record 0.38km east of the site. The dense scrub to the east of the site was considered to offer suitable foraging and breeding habitat for the species, although the rest of the site was considered relatively unsuitable.

Consequently, the report has assumed hazel dormice to be present within the scrub to the east of the site. It is understood that the proposals will involve cutting back approximately 28m of scrub where dormice are assumed to be present. It has been recommended that vegetation clearance is undertaken under the guidance of a non-licensed method statement outlining a series of precautionary work measures. It is also noted that there is no significant light spill anticipated to impact suitable adjacent habitats.

Biodiversity Net Benefit Planning Policy Wales (PPW) 12 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or

nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

A Green Infrastructure Statement has been submitted to inform the application. The tree planting and grassland enhancement has been considered as mitigation for habitat loss, in line with the stepwise approach detailed in PPW 12, and therefore not considered above. The 'Soft Landscaping' plans detail the provision of native species hedgerow to the east and south of the site. The proposed species and management of the hedgerows is considered acceptable. Ornamental hedgerows are proposed to the north of the site, but these are of low biodiversity value. The plans also include the provision of a drainage basin which is primarily situated for SuDs purposes.

However, the Green Infrastructure Statement and Landscape & Ecological Management Plan (LEMP) state that the drainage basin has been designed to be permanently wet and will be planted with aquatic marginal vegetation including water forget-me-not, ragged robin, meadowsweet and yellow iris. Despite being predominantly included for SuDs provision, it is agreed that the proposed management of the drainage basin will provide a degree of biodiversity enhancement. A reptile hibernaculum is proposed to be created in the south-east of the site to provide overwintering habitat for reptiles, amphibians and hedgehogs. This is welcomed and, with the provision of permanently wet habitat elsewhere on site, should provide an enhancement of the site for these species. Three bird boxes will be installed on retained trees within the site boundary. The specification of these boxes has not been detailed within the LEMP. It is advised that boxes include a mixture of 28 and 32mm hole, and open-fronted nestboxes.

MCC Ecology comments 18.02.2026

Comments from the MCC biodiversity team on the above application were provided by Daniel Hulmes on 22<sup>nd</sup> May 2025. The comments raised no objection subject to conditions to safeguard protected and priority species (CEMP) and provision of features to achieve net benefit for biodiversity (LEMP). The comments were based on the plans provided, including the plan "Proposed Lighting Layout, produced by Signify, 501682049 dwg 01" which shows proposed lighting within the red line boundary. Biodiversity comments state "*It is also noted that there is no significant light spill anticipated to impact suitable adjacent habitats*".

The biodiversity team have been reconsulted to comment on the proposed Transport Assessment report which refers to additional lighting outside of the redline boundary, along the coastal path and underpass. The report includes a plan showing lighting columns along the length of the path as far as the underpass, in contrast to the low-level bollards shown on the path within the redline only on the proposed lighting layout. This level of lighting would raise an objection from the biodiversity team, due to impacts on habitat likely to support dormouse.

If lighting outside the redline boundary is necessary it must be designed to minimise impacts on retained and new ecological habitats, informed by proper assessment and lux plans demonstrating light spill. Other comments provided by the MCC biodiversity team are still applicable.

**Natural Resources Wales (NRW):** No objection.

We have no objection to the proposed development as submitted and provide advice regarding protected species Dormice. The impacts associated with this scheme seem to be of a lower risk for protected species.

We consider the site to be not of the highest environmental setting and therefore request an informative to be imposed on any planning permission granted.

**MCC Economic Development:** Objection

Whilst the proposed development will deliver new jobs, we recommend refusal on the grounds that it does not comply with Policy E1 of the adopted Local Development Plan, which addresses the protection of existing employment land from competing uses.

## 5.2 Neighbour Notification

To date there have been 415 representations submitted, 105 objecting and 310 in support, the points raised are summarised below:

Chepstow is a beautiful town with independent restaurants. Let's keep it that way

Proposal delivers different food options for people

Encourages growth

Children are going to short cut across that extremely fast and dangerous road to use this facility

Chepstow is inconveniently not close to fast food, have to travel to Bristol, Newport or even Gloucester

Bring more people to Chepstow.

Traffic would not be affected too much considering as not in the centre of Chepstow

Create jobs for people in the area, especially for young people needing to get a bit more experience

Generate a handful of low paid jobs,

The road is already dangerous and this would lead to children potentially dodging heavy traffic as they run across roads to reach the site quickly

The tunnel under the M48 has been suggested as a potential access route, however anyone who knows the area, knows that this tunnel is already a hotbed for antisocial behaviour. You can often find local youths under there taking drugs, revving engines and behaving in a threatening manner to many who use the footpaths

Increase in litter

Increase air pollution

Large Hedgehog population on the industrial estate that are endangered and the building would cause issues to their habitat

Traffic congestion

MCC claims to be pro-active travel (see recent RLDP proposals) but this restaurant would encourage vehicle use. The applicant's own documents state the number of people required within driving distance to make it viable. This will increase congestion and be detrimental to air quality. For M48 users there are already fast food restaurants at Magor so the need for this one must be negligible at best

The proposed site will attract children of all ages and I'm not convinced that safe access is delivered in the plans. It's next to a motorway and very busy roundabout that was not designed with pedestrians and bicycles in mind

McDonald's will provide wider food and drink choice for people in Chepstow, especially for those who work at the industrial estate and currently have no food choice near their place of work

Public amenity - it will detract from the public amenity to the detriment of local residents and visitors

Visual Impact the first thing entering the area will be a McDonalds take away

Consideration does need to be made to the way people will access it, we need to prevent people walking across the roundabout with it being a motorway exit and very busy. Ensure that an appropriate path is created that avoids this route

It needs to draw people to the town centre, not the start of another out of town retail or leisure development. This proposal does not align with the Welsh Government's green travel development plan at all

Object due to the nature of where it is and the safety of the children and adults who will use the quickest way to get to it which is by dodging the traffic on the on and off ramp at the roundabout to cut across and go down the path from the top entrance of the industrial estate. The tunnel under the motorway is not used often and many just cross over at the top by the roundabout including current workers at the industrial estate

No safe bus route for workers to the estate

Will also cause queues on a roundabout which is usually pretty stacked with commuters. It is not a free flowing roundabout at those times

The location is very unsuitable. The main issue I see going forward is that traffic is already awful coming off the slip road and going up the A466, also the roundabouts by Thornwell School

Teenagers will not use the proposed tunnel under the slip road to access McDonalds and will simply run across the roundabout at the top which will result in numerous accidents

The litter under the tunnel (and graffiti and unsociable behaviour) is already a problem. The back of my house is at the entrance to the tunnel and we constantly get people down there revving their engines, breaking glass and causing havoc

Issue of the wildlife and Welsh Coast route which goes through the top of the industrial estate which will be completely destroyed if a business is allowed to build there

I think that it would be more suited located in one of the closed down businesses on the high street and help to rejuvenate the high street due to it being so quiet

Introducing a low cost chain will massively impact similar independent restaurants which can't compete

Currently we must travel to either Magor or Bristol to enjoy a meal from McDonalds. Chepstow is limited for fast food places

Represents a significant investment in Chepstow, boosting the local economy

Create jobs

McDonald's franchises actively support the local community through sponsorship, volunteering and donations to local charities

These proposals are well located, close to a motorway junction and accessible on foot via a pedestrian underpass

There is plenty of empty warehouses or other buildings that McDonalds could rent or buy. Why has it got to go on such a beautiful piece of land?

How can you build on the Coast path?

An out-of-town restaurant will drive business out of Chepstow town centre and further exacerbate the decline in small businesses

Need to create jobs, we need manufacturing, new schools, new amenities, new shops, new large supermarket, not McDonalds or Greggs

It will add to increased traffic, at a traffic black spot, and the danger for children, trying to use an already fast roundabout, to cycle or walk there, will lead to accidents. This needs to be taken into consideration, as probability of a child losing their life is exceptionally high. This is the wrong site

I'm a small independent burger takeaway in Chepstow town. As it stands Chepstow is small. There's already enough competition within the small area with other independent takeaways let alone allowing a huge fast-food chain to come in. It could literally wipe a handful of small businesses out

Chepstow doesn't need any more food outlets, it needs shops

Obesity crisis

No more fast food needed; climate crisis - no more outlets serving beef, particularly where the global corporation is causing so much deforestation

There is only one road in and out of Newhouse Farm Estate and it is already very busy with cars and lorries going in and out to the various businesses based there

There is already a Greggs and Subway near Hardwick Hill/High Beech roundabout which already causes delays to the surrounding roads at certain times of day. Another fast food outlet would just cause more traffic congestion to already congested roads

Support a new affordable food establishment in Chepstow

Proposed location is right on the Wales Coast Path, which should be treated with more respect as an important national and international landmark.

I am a local independent business owner and believe it is necessary to create jobs and variety in the area. I see no direct impact to the centre of Chepstow where most disagree.

### 5.3 Other Representations

**Aneurin Bevan Health Board:** Objection.

The Public Health Team of Aneurin Bevan University Health Board comments are summarised as follows:

In summary, due to the concerns raised in the above response, the Public Health Team of Aneurin Bevan University Health Board would not be supportive of this application. Our concerns are specifically in relation to the location of the site with the following concerns:

Proximity to an educational settings (865 metres/ 10 minute walk).

Proximity to several existing takeaways selling predominantly food and drinks high in fat, salt and sugar, and the high concentration of such food outlets.

Health challenges within the local area related to living with overweight and obesity for children, young people and adults.

Impact on viability of neighbourhood centre

Inappropriate use of Protected Employment Site Land.

### 5.4 Local Member Representations

This application will provide considerable new employment in the area when we may lose a significant amount of jobs locally. Those persons who may need to seek new employment are showing considerable interest in the jobs that will be on offer if this application goes ahead. I have always had concerns regarding safety of young people accessing this site. I would appreciate this application going to committee meeting to fully appreciate the new proposals. A site visit would seem necessary to appreciate the nature of the route. The area is diverse with many shift workers

and more young people than in any other part of Monmouthshire. I appreciate the concerns of ABUHB over fast food outlets but I'm not sure that objecting to this application is the way to tackle them. Choice is important to all and there is not a proliferation of such outlets in this area. For some people in the area, speed is also important. There are several concerns raised but also considerable support locally. If runners use the area there are alternative routes for them. I would greatly appreciate the public debate that a full committee meeting would allow.

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

The Newhouse Farm Industrial Estate comprises B1 (office/R&D/Light industrial), B2 (General Industry), and B8 (Storage and Distribution) uses. The Industrial Estate is designated as a Protected Employment Site in the adopted Local Development Plan (LDP) (allocation: SAE2k) Policy E1 the Protection of Existing Employment Land must therefore be adhered to along with Policy RET4.

The Planning system manages the development and use of land in the public interest contributing to improving the economic, social, environmental and cultural well-being of Wales as required by the Well-being of Future Generations (Wales) Act 2015 and as stated in paragraph 1.2 of Planning Policy Wales (Edition 12, February 2024) (PPW12).

The consideration of the principle of this development must start with Future Wales: The National Plan 2040, Welsh Government (2021). This document replaces the Wales Spatial Plan and acts as the national development framework, guiding development and where investment should be in Wales to 2040. This framework will be built on by Strategic Development Plans at a regional level and LDP's at a local authority level, to identify the location of new development and infrastructure. This document supports and helps deliver the aims of the Welsh Government Economic Action Plan.

PPW12, here the overarching principles of 'National Sustainable Placemaking Outcomes' is 'fosters economic activity' and under 'Facilitating Accessible and Healthy Environments' development must not be 'car dependent'; 'Accessible by means of active travel and public transport' and 'Equality of access' and 'Feel safe and inclusive'.

The emphasis upon reducing the reliance upon the car, is a consistent theme of this national policy document.

For planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses ( Para 5.4.1)

Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration. Sites identified for employment use in a development plan should be protected from inappropriate development. (Para 5.4.4).

Planning authorities should aim to:

- *align jobs and services with housing and sustainable transport infrastructure, to reduce the need for travel, and dependency on travel by car*

- *control and manage the release of unwanted employment sites to other uses*

(Para 5.4.13 Planning Policy Wales 12).

At a local level, the two policies within the adopted Local Development Plan (LDP) that should be considered when assessing the principle of this development are Policy E1 and Policy RET4.

Policy E1 recognises that the importance of protecting existing employment sites / premises is of continuing value over the plan period to ensure there is an appropriate portfolio of employment land and premises that can be safeguarded from competing uses and provides for a sufficient quality, range and choice.

These policies are addressed under each relevant sub-headings below.

As this proposal is to move away from class B1, B2 and B8 to a retail use, Policy E1 (Policy E1 - Protection of Existing Employment Land of the LDP) sets out that this will only be permitted if it meets one of the following criteria:

- a) *the site or premises is no longer suitable or well-located for employment use;*
- b) *a sufficient quantity and variety of industrial sites or premises is available and can be brought forward to meet the employment needs of the County and the local area;*
- c) *there is no viable industrial or business employment use for the site or premises;*
- d) *there would be substantial amenity benefits in allowing alternative forms of development at the site or premises;*
- e) *the loss of the site would not be prejudicial to the aim of creating a balanced local economy, especially the provision of manufacturing jobs.*

*Exceptionally, planning permission may be granted for a change of use of existing employment land when the above criteria are not fully complied with if:*

- (i) the proposal is for small scale retail uses which are ancillary to the main business / industrial activity; or*
- (ii) small scale service activities of an industrial nature which are not suited to the high street and involve the sale, service or repair of vehicles or machinery.*

This is to be addressed in turn:

- a) *the site or premises is no longer suitable or well-located for employment use;*

The site is located within the main industrial estate and so in principle is still suitable for B1, B2 and B8 uses. The location is not questioned as it is part of a widely developed and established protected employment site.

The agent has argued that the site is not deliverable and therefore not suitable for B use class employment.

It is recognised that the topography of the site is such that it makes it more challenging to develop, although whilst this site may not lend itself to the construction of a large B class use unit that would involve substantial excavation of the site to create a level base, it has been suggested by the Council that the difference in levels could be overcome by developing smaller units/starter units that require less extraction and land disturbance. The agent has sought to address this point regarding the viability assessment that has been undertaken on a small starter unit scheme for 8 units.

The points that the agents raise to substantiate that the site is unsuitable for B use class are summarised and listed below:

1. Unsuccessful marketing efforts.
2. The Council's own employment land review (December 2023, updated October 2025), does not identify the site as being available for B use class development in any case (previously highlighted in para 3.19 CMELPS - there is not capacity identified in SAE2K). On this basis the site does not currently form part of the land supply for the area, and there is no reliance on it to deliver B use class development.
- 3 The site is capable of no more than 18,000sqft of development, in small units - a typology at odds with the occupiers at Newhouse Farm.
4. A viability appraisal has been prepared and submitted demonstrating that a small unit industrial/commercial scheme is not financially viable.

With regard to point 3 above, it is recognised that Newhouse Farm industrial Estate is characterised by large units, but this does not rule out the potential for smaller units to come forward on this site, particularly as 30% of all industrial transactions between 2012 and 2022 in Monmouthshire were attributed to small industrial units of up to 250sqm. There is evidence that

there is a need to develop such units particularly as the suitability of the location is not questioned, it being part of a widely developed and established protected employment site. The other issues that question suitability merge with the assessment of other relevant criteria that are addressed below.

This criterion is not met.

*b) A sufficient quantity and variety of industrial sites or premises is available and can be brought forward to meet the employment needs of the County and the local area.*

The agent suggests that there is a clear surplus in the supply of land. In the supporting information it is argued that the Council has a surplus of available employment land, including over 4.5ha in Chepstow; and despite being part of a wider allocation, the application site is not included within the identified future employment land supply, and therefore its development for an alternative use would not reduce the current surplus. (It has also been put forth that the Council's Employment Land Review (December 2023, updated October 2025), does not identify the site as being available for B use class development in any case (previously highlighted in para 3.19 CMELPS - there is not capacity identified in SAE2K). On this basis the site does not currently form part of the land supply for the area and there is no reliance on it to deliver B use class development.

They conclude from this that the development of this land for an alternative use will not impact the County's ability to maintain a sufficient supply of industrial land, in accordance with the policy test.

However, reference is given to the report, 'Supply and demand for industrial space in Monmouthshire' – Lichfields' study:

In 2023, MCC's Economy, Employment & Skills team commissioned Lichfields to undertake economic analysis to inform a new Economy, Employment and Skills Strategy. In this analysis, entitled 'Growing Monmouthshire's Future Economy' (Economic Analysis) (June 2023) they noted that Monmouthshire contains 585,000sqm of industrial space. This industrial stock declined by 35,000sqm (-5.6%) over the last decade. This is in contrast with a small growth seen in Cardiff Capital Region (+0.8%) and Wales (+0.9%).

Monmouthshire, South-East Wales and Wales have all experienced a decline in industrial space since 2002. However, Monmouthshire has been subject to a greater rate of loss, having declined by 11.0% between 2002 and 2022 (compared with -7.1% in South East Wales and -3.8% in Wales). The evidence indicates that loss of industrial space in Monmouthshire is not due to a lack of demand.

Many industrial properties within Monmouthshire were built in the 1980s and 1990s. However almost 20% of industrial stock has been delivered since 2010 including 15,000sqm (2%) being provided within the past three years.

Vacancy levels within the industrial market in Monmouthshire stand at 0.1%. This clearly highlights that the industrial market is operating without additional capacity which is reflected by the very limited availability of floorspace. This is a strong indicator of high occupier demand compared to the Cardiff industrial market which recorded a vacancy rate of 4.6%. This low rate of vacancy is indicative of how industrial supply is being outstripped by demand. (MCC's Economic Development officer has stated that this is a view that is shared by local businesses including property agents and the shortage of industrial property is consistently raised by businesses, whilst the very limited vacancy rate means that many businesses have struggled to find suitable premises to meet their ongoing needs, let alone future expansion requirements).

This indicates that industrial supply is being outstripped by demand at present with many needs of businesses not being met. This includes ongoing operational needs as well as local business expansion requirements and aspirations which will materialise within the next 10 years. Lichfields' own advice was therefore that addressing the imbalance between property supply and demand, particularly in the industrial sector should be a primary focus of the Council's emerging economic strategy.

The agent has stated that this reference to the 2023 report, ('Growing Monmouthshire's Future Economy' (Economic Analysis) (June 2023)) is misleading on the basis that this report considers premises, not land. The application site is allocated land, not existing premises - whilst the two may be linked, a shortage of premises (highlighted in the 2023 report) does not equate to a shortage in land. Furthermore, the policy test considers sufficient quantity and variety of sites or premises. It is therefore argued by the agent that there is a surplus of employment land and the development of the site for an alternative (non-B use) use will not have an adverse impact on the ability of the Council to meet its needs through its land bank, whilst not reducing the existing supply of premises.

However, contrary to this assertion that the 2023 report considers premises, not land. Para 6.20 of this report reads:

*Based on our review of the existing employment stock, ensuring an adequate supply of land and premises will be critical to enabling the growth of and investment in these business Types (B1 & B2).*

Also Para 8.26 and 8.27 of the 2023 report reads as follows:

*8.26 The acute shortage of suitable business premises represents a significant threat to the local economy. If not addressed, it could undermine future growth prospects as existing businesses are unable to expand and new businesses are unable to establish or move into the County.*

*8.27 The identification and allocation of an adequate quantum of high quality, accessible land for employment purposes in the RLDP will be important in this regard but many of the businesses that engaged in the stakeholder events emphasised the need for existing premises that are available for immediate occupation (i.e. in preference to land for development opportunities). This raises the importance of ensuring that employment land allocations are viable and deliverable and that developers are attracted into Monmouthshire to operate. There is a clear imperative to provide for unmet need for industrial and related premises (including appropriate warehousing space).*

Finally, with reference to the Employment Land Review and the agent's statement that this site is not listed, the summary of Employment Land Supply in Chepstow notes that there is 0ha remaining land available for SAE2 sites. However, often sites do come forward, for example on space in between buildings and are therefore picked up in the monitoring. It does not mean that by virtue of the site not being included as an identified industrial and business site it is not available for B use class development. Therefore, the fact it is directly identified does not preclude it from the protection that Policy E1 provides and its removal as an available site will in principle reduce the existing supply of employment land that is afforded protection under Policy SAE2k. Also, it is noteworthy with reference to the Employment Land Background Paper October 2025, as stated in the introduction section, this paper purely monitors and collates information on employment land supply across designated employment sites. This site is allocated in the Adopted Local Development Plan under the reference SAE2k and protected for industrial and business development classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987

The agent accepts that the 2023 report identifies that the availability of B use floorspace is low; their argument is that the solution is not to hold on to land that offers no prospect of delivering floorspace in such a use, this is addressed under the Part c) Viability, below.

Taken with consideration of the statistics and information given, there is not clear evidence to demonstrate that there is a sufficient quantity and variety of industrial sites or premises available that can be brought forward to meet the employment needs of the County and the local area. Criterion (b) is not therefore satisfied.

c) That there is no viable industrial or business use.

There are several documents that have been submitted by the agent to demonstrate that this site is not viable for industrial or business use. This has also been subject to ongoing discussion during this application.

A key argument put forward in the supporting information refers to the topographical issues of developing the site for B uses. In this instance, particular issues include site levels, the need to create a new access and provision of utilities and drainage infrastructure.

Commercial Market and Employment Land Position Statement has been submitted with this application. This report covers how the application has been marketed. This documents the level of marketing that has been undertaken which covers marketing boards, production and distribution of marketing material and online promotion. The plots marketed included a single plot of six acres (and capable of accommodating up to 100,000 sq. ft) as well as smaller opportunities such as the application site. It is stated that the site has been actively marketed as such since 2019.

Ten potentially suitable enquiries were logged by CBRE over a five-year period. The report states that it is understood that CBRE received no response from prospective occupiers when following up on five of the ten enquiries. It is suggested that these enquiries were general rather than site-specific.

The agent has given reasons for the general lack of interest in the site; these are listed as follows:

- *Industrial developers generally focussing on key regional cities;*
- *£/sq.ft rents in Chepstow/Newhouse Farm being too low to justify the higher £/sq.ft construction costs associated with smaller schemes;*
- *The size of the application site (with a main net developable area of 1.2 acres) falling below the target development size for most industrial developers.*
- *To ensure that a sufficient Gross Development Value can be achieved relative to capital costs, developers typically prefer plots with a net developable area of 3 acres and above (but can sometimes make sites of 2 acres and above work in more valuable urban locations);*
- *The abnormal costs associated with developing the application site.*

It is noteworthy that there is no price given for sale or lease of land, so it remains difficult to establish whether the price set is reflective of the employment land allocation and the constraints that are applicable at this site.

The supporting information includes a viability position with reference to construction costs, borrowing rates and comparative land value. This has been summarised as follows:

Construction costs for the development of new industrial units have increased substantially from a typical cost of £70/sq.ft in 2020 to a current rate of between £110 and £125/sq.ft (subject to the exact specification of units).

*"In addition borrowing costs have also risen. Commercial borrowing to fund development is typically available at rates of 8% to 9%, thereby doubling the cost of accessing finance (when compared with four years earlier). Taken together, these factors have had a significant and adverse impact on the viability of industrial development. This is particularly true in locations such as South Wales, where values are comparatively low, with current market conditions rendering industrial development economically unviable unless:  
However, it is the abnormal costs arising from the topographical constraints on this site, which requires levelling works, the creation of a new access into the site from the main estate road and utilities infrastructure to bring utilities from off-site. The supporting information states that the initial costs provided to (but not verified by) M4 Property Consultants suggest that these factors could increase construction costs to over £183/sq.ft based on an 18,000sq.ft development. It is concluded that it is difficult to see any developer taking on such a development, particularly when it is considered that rental values are likely to fall some way short of the £10/sq.ft required to make the development of unconstrained plots viable. Reference is made to the Severn Link Distribution Centre as being the closest existing comparator on Newhouse Farm Industrial Estate to the scale of development that could be delivered at the application site (i.e. smaller format units ranging from 4,000sqft to 20,000sq.ft). Rents achieved at Severn Link Distribution Centre have recently been reaching £7.50 to £8.00/sq.ft for modern, refurbished stock."*

In addition to this supporting information has been provided of the cost of bringing the site forward, *"the costs for McDonald's to undertake the principal facilitating and enabling works would be c.£992,000. It has been stated that as McDonald's would undertake the works itself, no overheads or profit are included in these costs. However, if another developer were to develop the site, the cost to undertake the same works would be higher, at c.£1.2 million."*

This leads to the following summary presented by the agent:

*"Given these costs, as we have set out in previous correspondence, associated with the planning application, we feel it is very unlikely that it would be viable to develop the site for a more traditional employment / industrial use - which would not attract sufficient end value to support the upfront costs. Taking into account the supply of land available elsewhere, which would not have such high externalities and barriers to entry, it is very unlikely that the site will come forward for traditional B use class employment - whereas the McDonald's can come forward, delivering significant employment opportunities for local workers."*

However, the viability assessment related to delivering larger units on site which inevitably resulted in more costly engineering works to be undertaken. The Council raised the need to consider developing smaller starter units as a less engineering intensive and arguably less costly and suitable alternative on this site.

In response the agent has provided a viability assessment for the delivery of a small unit scheme. This viability appraisal also supports the stance that a small unit industrial/commercial scheme is not financially viable. The figures given are below:

*They state that "this Viability Assessment demonstrates that an 8,000 sq. ft small unit scheme (8 units at 1000sq.ft), which fits comfortably on the site allowing for access and parking would create a land value deficit of over £3million. Even if the 18,000 sq. ft of floorspace suggested feasible by CBRE was built, and therefore development value increased to c. £3.3m3, the scheme would result in a negative residual land value (even without accounting for additional build costs)/ 18,000 sq. ft, at £12/sq. ft capitalised by 6.5% (in line with the viability appraisal) = £3,323,076.92 land value (even without accounting for additional build costs)."*

MCC Estates Surveyors have reviewed the information provided; it is recognised that a reasonable argument on face value has been presented regarding the necessity to change the use of the site, although the following points are made that question the picture given in respect of costing, marketing enquiries and maximising site potential. Their detailed comments are set out below:

- (i) It is not unusual for sites to withhold guide prices as a means of stimulating enquiries, although it is expected they would be able to evidence the existence of enquiries and/or that financial constraints were relevant to the reason the site has not been brought forward. We know there is established demand in Monmouthshire for B1 use/industrial development, so they seem to be suggesting construction cost is the biggest constraint although this is in part on assumption rather than unsuccessful enquiries or attempts to bring forward.
- (ii) The financial assessment utilised a few BCIS examples of costings, but there are big ranges in the costs that could have improved the values and viability. As an example, only one site listed includes external works but at a significantly lower amount than they have used in their own model for their site.
- (iii) There is no indication of how a site could be made viable (as in what construction cost would the scheme stack up?)
- (iv) A further issue is the external site costs (which make up the largest proportion of the development cost) and the relatively limited scale of the development. It may well be that onsite constraints prevent greater density but by comparison, at Rockfield Farm in Undy we had an enquiry where they were looking to develop 30 small scale business units over 2 hectares. This site is proposing 8 units over an acre; this is conservative and will be contributing to the unviable development model as essentially they need more rent to offset the external costs.
- (v) It is worth noting that B of E interest rates have been cut several times since this report has been written, currently standing at 3.75%.

To make a comparison, regarding land values etc., the following MCC case examples are referenced:

- Rockfield Farm Undy - Circa 7.0 acres of B1 Use Class employment land within a mixed use development site located in Undy. Estates have advertised this site for sale on the open market, inviting offers for over 5 years now. Whilst some interest has been received, it has been sporadic in nature and not at the level that we would expect given the site's location. The site has been advertised on Rightmove and via MCC's website. In early 2025, we received a single offer via tender from a company proposing to develop half the site for B1 Use. Proposals allowed for 33 X 1,000 sqft units on 3.7 acres of land. The offer was conditional subject to planning with the purchase price £650k + VAT so approximately £175k per acre. There were other conditions attached to the offer that may well have resulted in a lower purchase price including site abnormalities and planning contributions if evidenced/required.
- Nantgavenny Lane, Abergavenny - 1.47 acres of land adjacent to an existing business park. Special purchaser sale to the owner of the business park. Proposals are for up to 8,500 sq. ft of B1 Use with mix of 1,000 and 2,000 sq. ft units. Off market transaction due to access constraint and ransom with conditional offer of £160k agreed subject to planning, so approximately £110k per acre. There are a number of site constraints identified on this site that have affected viability, notably access which would make the site unviable to any other purchaser/developer. The existing business park is fully occupied. The purchaser is confident that the additional space will be fully let due to the number of enquiries received. This interest is echoed by Estates, with strong interest and demand for new starter units in the north of the county, particularly Raglan and Abergavenny.

In general, the supporting information given with this application seems to reflect standard industry practice when marketing commercial development land for sale on the open market. The statement appears to fairly reflect MCC Estates' experiences of the market conditions as at the time produced, although it is relevant that it has been noted that some influencing conditions have since changed that may help improve the viability of the site, but this should be met with caution and generally applied.

On face value there is a convincing argument that the site is not viable for traditional B use class development, whilst McDonalds have stated that they can undertake the facilitating and enabling works with no overheads or profits associated. However, the viability assessment relating to both schemes (large single unit and small starter units) has raised some queries that could potentially impact the overall costing of the site. In addition to the points raised above there is no evidence of facilitation of B use class by exploring options to access funding or to facilitate development, for example working with neighbouring land developers to undertake the land work. These are all issues that singularly are not conclusive to question the viability assessment and the argument put forward, although when taken together raise questions that lead to the conclusion at this point that it cannot be fully substantiated there is no viable B use class on this site. This criteria has not therefore been met.

d) Substantial amenity benefits.

The basis of the argument put forward regarding benefits delivered is set against the 'do nothing' scenario, and this is based on the premise that the site is unlikely to come forward for an employment generating use.

These include:

*1 Enhanced choice (in terms of food and beverage options) for the local community (both employees at / visitors to the employment uses in the area, and the wider residential community) complementing the approved scheme to the north of the site. This is particularly relevant given the feedback from the consultation event which highlighted that local residents are travelling excessive distances to the nearest existing McDonald's restaurant.*

*2 Improvements to the Wales Coast Path, including re-surfacing, signage and lighting (with provision made for lighting beyond the red line boundary).*

*3 Introduction of significant green infrastructure (having both an ecological & visual impact benefit).*

*4 Significant job creation, including up to 85 FTE jobs during operation - new employment which will be accessible and attainable to those within the local community who might otherwise find it difficult to find pathways into employment, and which will bring associated social and mental health benefits to those employed in the restaurant once operational. There is emphasis upon the employment benefits specifically, with approximately two thirds of McDonald's workforce aged between 16 and 25, and for many a job at the company is a first step in their career.*

*5 Wider economic benefits, ranging from construction and indirect/induced employment, through to increased GVA and an increase in business rates payable (50% of which would be retained by the Council to support local services). Critically, having regard to the employment benefits specifically, approximately two thirds of McDonald's workforce are aged between 16 and 25, and for many a job at the company is a first step in their career.*

(Response to Policy Objection November 2025).

However, there is no evidence provided that demonstrates the delivery of a fast-food drive-thru restaurant provides amenity benefits over that of the allocated employment use. The argument that there is no food service provision on site servicing the existing employees is now undermined with the planning consent on the adjacent site which includes a fast-food takeaway restaurant of a similar scale as that proposed in this application.

There are some improvements proposed in the local environment because of this development regarding improvements to the local footpath network, including GI enhancements, although this is not exclusive to this type of development proposed, and could also apply to any other development that comes forward on this site. Also given the level of pedestrian and vehicular traffic that will be visiting McDonalds it is arguable whether this is indeed enough to outweigh some other major concerns that arise from the proposed active travel route and lack of access to sustainable transport.

Employment creation is not a matter of amenity in this case, and when set against the provision of more skilled labour that potentially arises from the development of the site for a B use class does not represent a substantial amenity benefit in this case. The threshold has not been reached to evidence that substantial amenity benefits would be delivered by this development.

This criterion is not met.

e) The loss of the site would not be detrimental to creating a balanced economy.

*It is relevant to refer to the adjacent site, the officer report concluded in this case...." that the proposed PFS and drive-through facilities would provide circa 75 jobs for those in the local community. Despite not being in the manufacturing or warehousing sector this is an important benefit of the scheme. In addition, as the full application is effectively enabling development to deliver the outline element of the application, this would also facilitate a further 200 jobs in the manufacturing/ warehousing sector which, without the retail element, would not be viable or deliverable. For the above reasons the loss of the site is not considered to be prejudicial to the aim of creating a balanced local economy".*

This application also offers... Significant job creation, including up to 85 FTE jobs during operation - new employment which will be accessible and attainable to those within the local community who might otherwise find it difficult to find pathways into employment, and which will bring associated social and mental health benefits to those employed in the restaurant once operational

*The proposed use will create a significant number of accessible and attainable jobs and training opportunities, particularly for young people in the local community;*

*Approximately two thirds of McDonald's workforce are aged between 16 and 25, and for many a job at the company is a first step in their career.*

*The type of employment and training offered by McDonald's aligns directly with Monmouthshire's NEET Prevention Strategy (2024) - which is targeting support for young people at risk of disengagement from education, employment, or training. This is even more relevant given the demographic profile of Bulwark and Thornwell, the neighbouring ward, which has a higher*

*proportion of people aged 16-25 than the Monmouthshire average as well as a higher proportion of working aged people registered as unemployed than the Monmouthshire average (Response to Policy objection, Litchfields 07.11.2025).*

The numbers employed and target demographic is positive. However, when compared with the potential for manufacturing and skilled labour being delivered on site it would not be policy compliant. It is argued by the applicant that this site will not come forward due to the suitability and viability of the site, therefore this is a better option than 'do nothing' on the site. It is the contention of the Local Planning Authority that the information provided is not sufficiently compelling or conclusive enough to establish that the site will not come forward for B use class.

Unlike the adjacent site, there is no enabling development arising from this proposal, and given the proposal arguably removes the opportunity for the delivery of this allocated site for B use class development with the associated high skilled jobs to be replaced by low skilled retail employment, it can be concluded that this test has not been met.

For clarity, the proposed restaurant with drive thru facility (Use Class A3) is not considered to meet either of the exceptions (i and ii) set out in Policy E1. The standalone restaurant (with drive thru) would not be ancillary to any main business/industrial activity within the wider site. Similarly, the proposed A3 use does not accord with the small scale service activities of an industrial nature referred to in exception criterion ii).

Policy E1 reflects the main thrust of Strategic Policy S9 Employment Site Provisions to protect existing employment land from alternative developments. Whilst the applicant has provided a detailed and considered case in response to the 'in principle' concerns raised, it cannot be concluded on balance the proposed development complies with Policy E1. It is therefore contrary to the provisions and aims of the LDP that seeks to ensure there is an appropriate portfolio of employment land and premises that should be safeguarded from competing uses and provides for a sufficient quality, range and choice.

#### 6.1.2 Impact on the Town Centre

The drive-thru restaurant is an A3 use. LDP Policy RET4 relates to new retail and commercial leisure/entertainment developments and states the preferred location of such proposals is within Central Shopping Areas (CSAs). Policy RET4 must be considered in full along with national planning policy set out in PPW4.

##### *Policy RET4 - New Retail Proposals*

*The preferred location for new retail and commercial leisure /entertainment developments (not covered by Policy RET3 Neighbourhood Centres), including extensions to existing retail premises, will be in the designated Central Shopping Areas (CSAs). Where it can be demonstrated that no suitable sites exist in the CSA, then sites on the edge of the CSA should be considered before finally considering out-of-town sites. Where development outside the CSA is considered the proposal will be assessed against the following criteria:*

- a) a demonstrable need exists for the proposed development;*
- b) the proposed development, either individually or cumulatively with other recent or proposed developments, would not have a detrimental impact on the trade /turnover, vitality and viability of town, local or neighbourhood centres;*
- c) the proposed development is of an appropriate scale and type to the size, character and function of the centre and its position in the retail hierarchy;*
- d) the proposed development would not have a detrimental impact on future public or private investment needed to safeguard vitality and viability of the centres;*
- e) the proposal is in a location accessible to public transport facilities;*
- f) the proposal is not on land allocated for other uses. This especially applies to land designated for industry, employment and housing, where retail development can be shown to limit the range and quality of sites for such uses.*

In undertaking a Town Centres First sequential assessment, it is important to consider from the outset, the commercial need that the proposed development is seeking to meet. In this case, McDonald's has a requirement for a new drive-thru restaurant to serve the catchment area of

Chepstow and Caldicot which would also serve commuters travelling through South-East Wales and between Wales and England along the M48. The subject site is ideally located, immediately south of Chepstow and on the western gateway into Wales from the Severn Bridge. McDonald's does not consider that the centres of any towns in the south of Monmouthshire would provide sufficient footfall to make a restaurant viable, without the provision of a drive-thru to capture additional custom.

Therefore, the proposed restaurant with associated surface level car parking and drive-thru responds to the specific business model requirements of McDonalds in this location. As such, in undertaking the sequential approach, consideration has been given to whether the potential alternative sites could accommodate the proposed development in its entirety, as the components of the proposed development do not need to be disaggregated for this purpose.

In respect of identifying sites to include in sequential assessments, TAN4 confirms that *"developers and retailers should be flexible and innovative about the format, design and scale of proposed development"* (paragraph 7.5). This guidance is consistent with the legal judgement *Tesco Stores Ltd v Dundee City Council* Supreme Court Judgement on 21 March 2012 which is binding to local planning authorities across the UK confirmed that the understanding of what is suitable (in the context of the sequential test) is not a matter of planning judgement, but of legal interpretation. As such, if a developer of an out-of-centre has demonstrated a degree of flexibility in assessing whether they are available and suitable, the sequential test is satisfied. In addition, the Inspector considering an appeal against a refusal of planning permission for a drive-thru restaurant at Treloggan Road, Newquay stated *"it is difficult to envisage how a developer could be flexible in respect of the format of a drive through restaurant. Unlike a conventional restaurant, which could easily be accommodated on any of the identified sites, a drive through by definition requires vehicular access and circulation through or around the building."*

McDonald's has specific locational requirements for a drive-thru restaurant that can serve both the Chepstow and Caldicot catchment areas, but it also needs to be well placed to capture passing trade along the M48. Its business model is such that it requires strong levels of passing trade and an appropriate catchment population.

The supporting information states that the Town Centres First sequential assessment has considered the available sites and land within the following CSA and Neighbourhood Centres: 1 Chepstow Central Shopping Area; 2 Caldicot Central Shopping Area; 3 Bulwark Neighbourhood Centre; 4 Thornwell Neighbourhood Centre, 5 West End Neighbourhood Centre.

In summary, the alternative sites presented were either too small in size (including consideration given to the amalgamation of units); unable to accommodate a drive-thru lane or surface area parking; and, unable to meet the commercial requirements of McDonald's to service the residents of Chepstow, the wider south Monmouthshire area, and motorists along the M48. On this basis, any development in the locations assessed could not meet the commercial requirements of McDonalds for a new restaurant and were not suitable for development.

It has been concluded that there are no sequentially preferable development sites within the Central Shopping Areas or Neighbourhood Centres identified through the Town Centres First assessment. Whilst a small number of potential alternative sites were identified, it has been established that none were suitable and/or available to accommodate the proposed development. On this basis, it is concluded that the proposal meets the town centres first sequential assessment requirements of Future Wales, PPW and the Monmouthshire LDP. Contrary to this, the site at Newhouse Farm Industrial Estate fulfils this requirement and meets an identified need by the business.

Policy RET4 sets out additional criteria that must be met for new out-of-centre retail proposals. These are considered in turn below:

a) *A demonstrable need exists for the proposed development*

PPW has recently been amended to provide clarity on the types of development that are required to consider the need for commercial developments in out-of-centre locations. Paragraph 4.3.13 confirms that a Retail Needs Assessment is not required for A3 use, stating "*needs tests only apply to retail uses and do not apply to other uses which are complementary to town and city centres*". The adopted Monmouthshire LDP is therefore not in accordance with national policy and there should be no requirement to carry out a needs assessment for the use. Nevertheless, the need for the development proposed has been set out in the supporting information provided. The operational need is based on location, McDonalds makes the case for a new restaurant in this location; this is a business case, the reference to need expressed by potential users is supported by the responses to the public consultation. There is no evidence to the contrary.

*b) The proposed development, either individually or cumulatively with other recent or proposed developments, would not have a detrimental impact on the trade/turnover, vitality and viability of town, local or neighbourhood centres.*

PPW provides clarity on the types of development that are required to consider the impact of a proposed commercial development on the vitality and viability of a town centre. Paragraph 4.3.26 of PPW limits the need for retail impact assessments to be undertaken for retail planning applications of 2,500sqm or more gross floorspace (this proposal is 371sqm). Paragraph 4.3.27 continues that planning authorities may consider that a retail impact assessment is needed for smaller retail planning applications but that these should be proportionate to potential impacts. There is concern that the proposed development will have a negative impact on the vitality and viability of nearby centres.

However, the applicant's response is that many customers will comprise those already on the road network and the proposed development would not draw customers away from the centres. There is a recognition by the agent as referenced above that the model that drives the location requirement is (in addition to servicing passing traffic on the M48) to serve the catchment of Chepstow and Caldicot, with customers visiting from these areas, although it is argued that this will not draw customers away from existing A3 uses within these towns as these are the visitors that would have otherwise visited the McDonalds in Magor or Bristol.

The supporting information makes the following points regarding this matter:

*The proposal comprises an A3 use and therefore would not include comparison retail floorspace, i.e., the type of uses retail impact assessments typically look to control (as per PPW). The surrounding context, i.e., the Industrial Estate also has fundamentally different characteristics to Town and Neighbourhood Centre, and the roadside nature of the proposed development differs from a town centre operation. As such, the proposed drive-thru restaurant would not compete directly with or divert any material levels of trade from Chepstow Town Centre. In considering the potential for impact on existing businesses it is important to also consider the types of A3 food and beverage units already operating in nearby CSAs and Neighbourhood Centres. McDonald's is a national and market-leading quick service restaurant which has specific requirements for identifying locations for new restaurants, it is stated in the supporting information that McDonald's does not take other quick service restaurants operating in an area into account when identifying new locations. This is because they have a specific market focus which does not compete with independent restaurants, or even other fast-food options. As such, even if residents were to make a specific trip to the new McDonald's, this would not be in place of a trip to Chepstow, or another Neighbourhood Centre. Given the specific market focus of McDonald's, the proposed development would not compete with neighbour centres and therefore would not impact on their vitality or viability. It can be concluded in the absence of conflicting evidence that the proposal would not have a detrimental impact on the vitality and viability of town, local or neighbourhood centres.*

*c) The proposed development is of an appropriate scale and type to the size, character and function of the centre and its position in the retail hierarchy*

The development is of a very similar scale to the drive thru restaurant that has been approved on the adjacent site. The scale sits comfortably on the plot and given the scale of development within the Industrial Estate, would be subservient to the wider industrial presence.

*d) The proposed development would not have a detrimental impact on future public or private investment needed to safeguard the vitality and viability of the centres*

There is no basis for any concern that the proposed development would have a detrimental impact on future public or private investment needed to safeguard the vitality and viability of the centres. As stated by the agent, the ability of McDonalds to deliver a restaurant in Chepstow is contingent on a development site being able to accommodate a drive-thru facility. As such its provision here provides a complementary use that captures a different need to the traditional high street visitor seeking food and beverage facilities.

The proposal fails to meet this criterion.

*e) The proposal is in a location accessible to public transport facilities.*

Planning Policy Wales sets out a transport hierarchy, which puts public transport at second priority after active travel. It states that "*proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial*" (4.1.11).

Section 4.1.17 gives further practical examples of how this should be done "... *then consider whether new development could be located near a bus stop or enable improvements to the bus service; before finally considering the needs of private motor vehicles*".

MCC planning policy (S16) states that "*Where appropriate, all development proposals shall promote sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision. This will be facilitated by:*

- *Reducing the need to travel, especially by car;*
- *Favouring development close to public transport facilities;*
- *Promoting public transport, walking and cycling; ..."*

It is stated in the supporting information that the proposal is in a location accessible to public transport facilities. The nearest bus stop is located 800m walking distance north of the site; this accesses bus service (C1) that provides access to the nearby town of Chepstow.

However, there is a clear objection from the MCC Public Transport Officer and contrary to the assertion given in the supporting information for this application, the development is not served by public transport. Reference is made to the transport assessment, the walk distance to the nearest bus stop is more than 800m. This is twice the commonly accepted maximum distance to a bus stop of 400m, after which usage drops off dramatically. Furthermore, the transport assessment does not include any proposals to address the lack of public transport accessibility. It does not include proposals to maximise accessibility by public transport as required by PPW, neither does it promote improved public transport provision as required by the MCC LDP.

The agent has responded to this objection with the following:

- Paragraph 4.1.17 of Planning Policy Wales states "*Different approaches to sustainable transport will be required in different parts of Wales, particularly in rural areas, and new development will need to reflect local circumstances. For example, a planning authority wishing to grow a rural village, despite it having limited public transport accessibility, could apply the transport hierarchy by: first considering how the location and design of new development could encourage walking and cycling to shops and services in the village centre; then consider whether new development could be located near a bus stop or enable improvements to the bus service; before finally considering the needs of private motor vehicles, including measures to encourage the use of Ultra Low Emission Vehicles.*"

The agent refers to this as an acknowledgment that some proposed development sites may have limited public transport, however they can be acceptable if the design of the development encourages walking and cycling. Reference is given to the proposed

measures for improvement to the Wales Coast Path and within the site (cycle parking and EV charging).

Also, the agent has stated:

*"The walking distances to the bus stops is shown on drawing 5353/SK/10 attached. The distances are 702m to the bus stops on Denbigh Drive and 852-858m to the bus stops on Conway Drive. This is approximately ½ a mile which is roughly a 10-minute walk. It is not considered that this level of walking distance would be unreasonable for restaurant staff" The Active Travel Act Guidance July 2021 Table 4.1 shows that people will likely walk less than 1 mile for utility journeys. It is considered a utility journey to work which could include reasonably this walking distance to/from a bus stop. There is no specific distance to a bus stop requirement cited in; Planning Policy Wales (2024), TAN 18, the Active Travel Act Guidance or Monmouthshire Adopted Local Development Plan (2014). Whilst 400m is a preferred distance there is no policy basis to object to this development due to the bus stops being located further in these circumstances.*

However, it is not disputed that that "some proposed development sites may have limited public transport, but they can be acceptable in planning terms if the design of the development encourages walking and cycling". This accords with the transport hierarchy as set out in the Wales Transport Strategy. However, as covered in this report, there is indeed an offer to improve the active travel route and PROW, although this is not acceptable given the location of the site, the unsatisfactory route design and the existence of a significantly shorter alternative route that crosses the M48 slip roads. It cannot be argued in this case that the development strongly favours walking and cycling.

The agent states that 800m is a reasonable distance to walk, and that there is no policy basis for 400m. However, PPW and MCC LDP policy specifically refer to 'near a bus stop' or 'close to public transport facilities'. The stated distance of 400m has been considered relevant since the Department of Environment Circular 82/73 (DOE, 1973). This has been reiterated repeatedly since, for example in the Institution of Highways & Transportation Guidelines for Providing Journeys on Foot (2000) and the Chartered Institution of Highways and Transportation Buses in Urban Developments (2007).

*"IHT (1999) bases its recommended walking distance to a bus stop on DoE Circular 82/73. This circular advised that "Estates should be designed so that the walking distance along the footpath system to the bus stops should not be more than 400m from the furthest houses and work places that they serve" (DoE, 1973, para 4.3)." ("How far do people walk' Para 1.14 WYG Environment Planning Transport Limited presented at the PTRC Transport Practitioners' Meeting London, July 2015)*

The agent refers to the adjacent approved site (DM/2022/01155), the offering being commensurate with what has been delivered here and elsewhere on the industrial site. However, it is noteworthy that the committee report for the adjacent approval states that the development proposals are unlikely to generate public transport trips by customers. The transport assessment for this site does not appear to make this claim, and given that the Council does not support the argument that this development strongly favours access by walking and cycling and the absence of any enabling improvements to the bus service, the proposal does not comply with the sustainable transport hierarchy as set out in PPW12.

The agent also refers to the roadside nature of the development when considering this criterion, which mostly serves customers already on the local highway network and relies, to some extent, on arrival by motor vehicle. This was deemed acceptable in the consideration of planning permission DM/2022/01155 which also has only a proportionate reliance on public transport.

*"The nature of the development, being predominately a car borne destination serving the car user, means that customers would be unlikely to use public transport facilities. However, there is a pedestrian link to the site which is proposed to be upgraded with signposting and a new crossing to facilitate a safe crossing for those accessing the site by foot."*  
(Planning Committee Report DM/2022/01155)

The approved scheme differs from the current proposal. In the case of the approved scheme the drive thru restaurant is just one part of a larger mixed use development, and would sit alongside the Euro Garages development that is principally a fuel station and serves car users from the M48. With this current application, this is a proposal for a drive thru restaurant only, a restaurant that is recognised in the supporting information that would serve the catchments for Chepstow and Caldicot as well as the commuters travelling along the M48 (this raises concerns regarding pedestrian and cycle access - this is addressed under active travel). This proposal is being assessed with regard to public transport provision and therefore it is reasonable to conclude that the potential customers from the surrounding catchment areas should be able to access the site via public transport for all the reasons set out above.

The proposal fails to meet this criterion.

*f) the proposal is not on land allocated for other uses. This especially applies to land designated for industry, employment and housing, where retail development can be shown to limit the range and quality of sites for such use*

The site is located within an allocated Protected Employment Area. The proposed restaurant with drive thru facility (Use Class A3) has been assessed against relevant policy and is not considered to meet either of the exceptions (i and ii) set out in Policy E1. The main thrust of Strategic Policy S9 - Employment Site Provisions is to protect existing employment land from alternative developments. It has been concluded on balance that the proposed development is contrary to the provisions and aims of the LDP that seek to ensure there is an appropriate portfolio of employment land and premises that can be safeguarded from competing uses and provides for a sufficient quality, range and choice.

This proposal therefore fails this criterion.

The proposed development passes the sequential tests. This is arguably a likely result given that drive-thru facilities, by their very nature, are designed for and attract high volumes of car traffic, with out-of-town, car-dependent sites passing the test. The proposed site meets the needs of the applicant as it is situated adjacent to the M48. It is recognised that in addition to the passing traffic, the development serves the catchments of Chepstow and Caldicot, although the proposal fails to meet the requirements for delivering public transport (criterion e - the proposal is required to be in a location accessible to public transport facilities), the location is effectively designed around car accessibility rather than alternative transport modes. Finally, the proposal is sited on a protected employment site for B use class development which this policy purposely identifies as being unacceptable (criterion f).

Policy RET4 - New retail proposals, reflects the main thrust of Strategic Policy S6 - Retail Hierarchy, that seeks to direct all new retail development into the County's main towns with the preferred location in the designated Central Shopping Areas (CSAs). Only where it can be demonstrated that no suitable sites exist in the CSA, or failing this edge of the CSA, should then out-of-town sites be considered subject to assessment against the given criteria. The proposal contravenes criteria e) and f) and fails to comply with the relevant planning policy in this case.

## **6.2 Sustainability**

There has been supporting information provided that lists the measures the applicants propose to undertake to deliver on sustainability measures. These generally relate to the credentials of how they operate as opposed to the environmental implication of the choice of location.

To meet these targets, McDonalds buy 100% renewable electricity and have invested in long term partnership agreements to develop the renewable energy infrastructure in the UK. The absence of on-site fossil fuel use, together with McDonalds' electricity procurement agreements, eliminates the production of greenhouse gases from on-site operations. In recognition of global warming potential ("GWP") associated with refrigeration gases, McDonalds have moved to the latest reduced GWP air conditioning refrigerants ahead of any legislation in this regard.

It is also stated that the design of the new building has been directly influenced by sustainability and the standard practices to enable the reduction in their carbon footprint. Approximately 90% of new restaurants are built using modular construction techniques, which use considerably less energy, inclusive of the reduction of the total number of deliveries to site during the build. Modular construction takes place in a controlled environment, which allows a highly monitored and efficient process, where leftover materials can be used in future projects and ultimately reduce the general building waste. The construction time is also reduced, minimising the potential disruption to neighbours.

However, ultimately this proposal is for an out-of-town drive thru restaurant immediately adjacent to the M48 that is accessed by the car with no meaningful provision for public transport. This represents a development that overwhelmingly serves the car user, which becomes significantly more apparent when the issue of active travel is assessed below.

Therefore, whilst operationally the applicant seeks to function with initiatives that reduce the carbon footprint, this becomes insignificant when compared with the choice of location which in this case, by reason of the lack of effective provision for sustainable transport facilitates, caters for the car user which runs contrary to national planning policy.

### 6.2.1 Good Design

The restaurant building is a single storey building, constructed in a contemporary form with muted colours applied with the external materials. The building will not appear out of keeping given its location in an industrial estate which is characterised by one to three storey warehousing buildings, the building is likely to appear subservient to the surrounding development, including the consented development to the north, once built out.

There is a landscaping scheme that will serve to soften the development, and subject to control of lighting and external advertisements (scale and illumination) the design of the proposal is acceptable and complies with LDP Policy DES1.

### 6.2.2 Heritage

The site does not fall within a Conservation Area, and it does not contain any designated heritage assets. There are no designated heritage assets within close proximity of the site.

### 6.2.3 Green Infrastructure

Chapter 6 of Planning Policy Wales (PPW) 12 highlights that a Green Infrastructure (GI) statement should be submitted with all planning applications and will be proportionate to the scale and nature of the development. The statement which will need to be informed by a GI assessment of the site will describe how green infrastructure will be incorporated into the proposal and how the step wise approach to protecting biodiversity, habitats and GI onsite will be managed. A step wise approach considers what impacts may occur as a result development activity to any identified biodiversity, habitats and green infrastructure assets and networks that may be present on or bounding a site. The approach then seeks to manage any harm that may occur by (a) avoiding (b) minimising (c) Mitigate / Restore.

A Green Infrastructure Statement has been submitted to inform the application. The tree planting and grassland enhancement has been considered as mitigation for habitat loss, in line with the stepwise approach detailed in PPW12, and therefore not considered above.

The 'Soft Landscaping' plans detail the provision of native species hedgerow to the east and south of the site. The proposed species and management of the hedgerows is considered acceptable. The plans also include the provision of a drainage basin which is primarily situated for SuDS purposes; this is to be planted with aquatic marginal vegetation which will also provide a degree of biodiversity enhancement. The Landscape and Ecological Management Plan confirm a cutting schedule of management. Several scattered mature trees are located within the site boundary and it is understood that twelve trees will be removed and replaced with a minimum of 36. It is also proposed to plant 41 whips to mitigate for clearance of 0.0245ha of land. Other habitat on site includes patches of semi-improved grassland, scrub and a drainage ditch.

### 6.3 Landscape

This application has been supported with a landscape and visual appraisal. This report concludes that the receptors most likely to experience elevated effects (defined as moderate or above) are confined to within the site itself or within the immediate vicinity of the site. These receptors include users of the Wales Coast Path. The site is extremely well contained from a visual perspective, particularly to the north, the embankment and mature vegetation shielding it from view. The site benefits from many trees, the majority are situated on the border of the site, twelve trees that are proposed to be removed are all young and some semi mature and these are to be mitigated by the planting of 36 trees and 41 whips. To the south, the views are obscured by large industrial sheds and containers.

There will be a change in character as a result of this development as this green wedge incorporates the proposed development. However, given the character of this site and its wider context being defined by large industrial features including industrial sheds, containers, electricity pylons, these serve to distract the limited viewpoints that can be achieved into the site. Whilst the localised viewpoints that can be achieved of the site is of a much small-scale commercial development that integrates into the local context, this is supported by the conclusion in the LVA that the site has the capacity for the proposal and that there is no 'in principle' or policy landscape or visual reason why it should not be developed. The proposal complies with relevant planning policy in this case.

### 6.5 Biodiversity

An Ecological Appraisal report by the Environmental Dimension Partnership (EDP) has been submitted to inform the application. The report details the results of an extended phase 1 habitat survey and preliminary ground level roost assessment of trees for roosting suitability. The site was assessed to have low suitability to support foraging and commuting bats due to the managed nature of the site and disturbance from adjacent infrastructure. There were several trees on and adjacent to the site were identified as holding potential to support roosting bats, the majority of these will be retained within the proposed development. There is one tree (T10) which was assessed as holding potential for roosting bats to be felled to facilitate the construction of the proposed SuDS, it has been recommended that a soft-felling technique is adopted during removal to avoid destruction or disturbance of a bat roost and as mitigation for the loss of potential roosting features. There are two-crevice roosting bat boxes proposed to be installed on retained trees within the site.

Regarding other protected species, there are several dormice records within close proximity of the site, there is a potential impact as proposals will involve cutting back approximately 28m of scrub where dormice are assumed to be present. It has been recommended that vegetation clearance is undertaken under the guidance of a non-licensed method statement outlining a series of precautionary work measures. It was previously concluded that "there is no significant light spill anticipated to impact suitable adjacent habitats". However, following re-consultation (relating to the Transport Assessment report) there are concerns raised to the indicative lighting plan which proposes additional lighting along the route from the application site to the underpass due to impacts on habitat likely to support Dormouse. However, the final details have not been confirmed, this is an 'in-principle' offer to improve the path which the agent has requested be resolved via S106 agreement and/or Grampian condition. If lighting outside the redline boundary is necessary it must be designed to minimise impacts on retained and new ecological habitats, informed by proper assessment and lux plans demonstrating light spill.

The ecological appraisal confirms that breeding bird surveys have been scoped out. However, habitat on mature trees and scrub are likely to support nesting bird species which are protected from destruction under the Wildlife & Countryside Act 1981. Any construction works should be undertaken outside of the nesting bird season (March - August). If this is not possible, then a pre-works nesting bird check by an experienced ecologist should be undertaken to ensure that there is no breach of wildlife legislation. The provision of additional native scrub/hedgerow planting, as well as sensitive management of grassland habitat, should provide breeding and foraging habitat for more common bird species.

6.5.2 PPW 12 sets out that the planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. The planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced wellbeing.

Biodiversity Net Benefit Planning Policy Wales (PPW) 12 sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

To site has been classified as amenity grassland, most of the grassland will be lost as a result of the proposal. To mitigate for a loss of grassland, it is proposed that 'retained amenity grassland and poor semi-improved grassland will be enhanced, creating areas of species-rich meadow grassland.' The commitment for long-term improvement of areas of the grassland is welcomed including management proposals with a commitment for monitoring/remediation. Several scattered mature trees are located within the site boundary, twelve trees will be removed, to mitigate for the loss of these trees 36 individual broadleaved trees will be planted. The use of mostly native species is welcomed and considered acceptable mitigation for the loss of trees proposed. Also, this proposal offers other habitat on site including patches of semi-improved grassland, scrub and a drainage ditch.

The 'Soft Landscaping' plans detail the provision of native species hedgerow to the east and south of the site. The proposed species and management of the hedgerows is considered acceptable. The plans also include the provision of a drainage basin this will provide a degree of biodiversity enhancement. A reptile hibernaculum is proposed to be created in the south-east of the site to provide overwintering habitat for reptiles, amphibians and hedgehogs. This together with the provision of permanently wet habitat elsewhere on site, should provide an enhancement of the site for these species. Three bird boxes will be installed on retained trees within the site boundary. The specification of these boxes has not been detailed within the LEMP. The Ecological enhancement offering is compliant with planning policy

6.5.4 Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

6.5.5 This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

## **6.6 Impact on Residential Amenity**

The closest residential property is c.350m from the site but is separated by the M48 so it is not considered the proposal would cause any unacceptable harm to local amenity or health. The anticipated amenity impacts of the proposed development are appropriate within its context of being in an industrial estate.

There are no sensitive receptors near the site which is separated from the nearest settlement of Thornwell by the M48 and Chepstow junction roundabout. As such the proposed development would not have an unacceptable impact on the amenity or health of residents of Thornwell or Bulwark. The proposal complies with relevant planning policy.

### **6.6.1 Public Rights of Way**

There has been considerable discussion between this Council PROW officer, the landowner and applicants and agents regarding the site and the unrecorded public right of way that crosses the site. The proposed new route is partly satisfactory in this case. There is currently a qualified objection from the PROW officer to the proposal, (namely an objection that can be removed if changes are made that address the concerns raised with the proposed scheme).

There are serious concerns on where the new constructed route joins into the existing infrastructure on the west side of the site. The new alignment for the public right of way is to be constructed to a standard to accept cycle use, however, where this route rejoins the existing cycle route, it looks to create both a dog-leg and a gap between the two. A legal order has been agreed to be undertaken to move the unrecorded public right of way onto the proposed alignment, and should planning be approved, no construction should take place until an application to move the unrecorded route has been confirmed. However, the route remains unacceptable.

There are two options, one is to link the public rights of way; this is outside the red line but in the same ownership so could be secured via a S106 agreement. The alternative and simpler route which is within the red line boundary is to continue with the primary cycle route, with a flowing connection between existing street-lit section of the Wales Coast Path (WCP) and proposed route (so that the WCP is a continuous line), with a junction to branch off to a lower, unrecorded public right of way (junctions should be bevelled or given corner radii of 1m; updated Active Travel Act guidance has been issued for shared use away from road). The WCP is disjointed in its current design.

In both cases the applicant has not agreed to these changes required to remove the objection from the PROW officer.

Whilst a PROW is not, per se, an active travel route, the route however is the same, as the active travel route relies on the Wales Coast Path to provide the routes to the site and the surrounding area - this is addressed further under Para 6.7.2 below.

## **6.7 Transport**

### 6.7.1 Sustainable Transport Hierarchy

A Transport Assessment submitted with the application has undertaken an assessment of the public transport delivery to this site. This has been addressed in full under Para 6.1.2 Impact on Town Centre, (reference compliance with LDP Policy RET4 criteria e)).

There are bus stops located on Denbigh Drive. The bus stop is located 800m walking distance (approximately 10 minutes) north of the site via the underpass. The bus stop is equipped with post only. The site is served by 1 or 2 buses per hour to/from Chepstow on Monday to Saturday daytime hours. There are no services from this stop on Mon-Sat evenings and Sundays. The nearest stop with a service on Mon-Sat evenings and Sundays is a further 140m. The supporting information with this application has concluded that the site therefore benefits from a reasonable level of public transport accessibility and the accessibility of the site is commensurate with the existing Industrial Estate and that that was deemed acceptable for the Euro Garages site.

In this case there has been a substantive objection by the Public Transport officer. It is the contention of the Council that the development is not appropriately served by public transport. Planning Policy Wales sets out a transport hierarchy, which puts public transport at second priority after active travel. It states that "*proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services*" (4.1.11). Section 4.1.17 gives further practical examples of how this should be done "... then consider whether new development could be located near a bus stop or enable improvements to the bus service; before finally considering the needs of private motor vehicles, including measures".

MCC Policy S16 states that "*Where appropriate, all development proposals shall promote sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision. This will be facilitated by:*

- *Reducing the need to travel, especially by car;*
- *Favouring development close to public transport facilities;*

*- Promoting public transport, walking and cycling; ..."*

As set out in the transport assessment, the walk distance to the nearest bus stop is more than 800m. This is twice the commonly accepted maximum distance to a bus stop of 400m, after which usage drops dramatically. In the absence of any proposals to address the shortfall in public transport accessibility as required by PPW, or measures to promote improved public transport provision as required by the MCC LDP, the proposed development site is not considered to be appropriately accessible by public transport. The proposal is thus contrary to MCC Policy S16 and National Guidance (PPW12 Para 4.1.11)

### 6.7.2 Active Travel

The Active Travel (Wales) Act 2013 is carried out through adherence to the Active Travel Act Guidance (ATAG). ATAG Section 7.6 outlines responsibilities towards active travel in relation to new developments and refers to Planning Policy Wales and is in line with the MCC Sustainable Transport policy.

*7.6.3 The design of development proposals shall, in accordance with the sustainable transport hierarchy, start with identifying the shortest, most attractive walking and cycling connections and then addressing the other transport needs.*

Planning Policy Wales 12

*4.1.11 Development proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on site infrastructure and, where necessary, mitigating transport impacts through the provision of off site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services. Importantly, sustainable transport infrastructure and services should be prioritised and put in place from the outset, before people have moved in and travel patterns have been established.*

*4.1.33 Development plans must identify and safeguard active travel routes and networks, including those identified in the Integrated Network Maps required by the Active Travel Act, and support their delivery. As part of the selection of future development sites, priority should be given to sites which can be readily connected to existing active travel routes or future networks. New development should be integrated with active travel networks and contribute to their expansion and improvement, through the inclusion of well designed routes and facilities as part of the schemes and financial contributions to pay for off site connections.*

The Transport Assessment submitted with the application states the following with reference to pedestrians and cyclists.

*The site benefits from the existing pedestrian and cycle infrastructure serving the Newhouse Farm Industrial Estate. There is a shared footway/cycleway running through the site. This is not registered as a Public Right of Way (PROW) the pathway is well used and forms part of the wider Wales Coast Path which runs along the northern boundary of the Industrial Estate and passes through the site from its west and eastern boundaries.*

There are no footways on Loverose Way, it is proposed that a pedestrian access would be provided from the existing Wales Coast Path footway/cycleway which currently runs through the site from Loverose Way to Caerwent Lane which provides a pedestrian/cycle link to Thornwell. The footway/cycleway utilises an underpass that runs underneath the M48. The footway/cycleway continues to the M48 Junction 2 where there is an uncontrolled crossing facility with tactile paving, guard railing and a refuge on the Conway Drive arm. An audit of the section of the existing Wales Coast Path which runs from the underpass and through the site was undertaken; this revealed that the surface of the path is generally in good condition but could be improved at given points. There are no existing lighting facilities. There is vegetation along the path which could be trimmed back to provide better clearance for pedestrians and cyclists. There are improvements secured from the Euro Garages development which will fund signage improvements to the Wales Coast Path to direct pedestrian/cyclists to the underpass.

An isochrone plan showing an 800m (10 minute) walking distance from the site is included in the supporting information. This demonstrates that the pedestrian catchment for the site would be predominantly the existing Industrial Estate and potentially the southern part of Thornwell. The traffic assessment concludes from this that the scope for the site attracting significant pedestrian trips is therefore limited by the lack of surrounding residential development with pedestrians being predominantly existing staff from the Industrial Estate with potentially a small number of customers from Thornwell.

A plan has also been provided showing the local cycle routes on Caerwent Lane that provide connections to the Industrial Estate and the residential areas of Thornwell. Pedestrian and cycle access will be provided from the underpass connecting the Industrial Estate to Thornwell and Bulwark.

This pedestrian route is to be improved by rerouting the existing pathway that crosses the site to run around the restaurant building and to formalise it as a PROW as a 3m width Shared Use Path. However, there are concerns with the links at both ends; there is a missing link in the chain with a small section outside of the red line that has not been joined up.

Sections of the existing pathway are currently in very poor condition and are not suitable for users with mobility challenges or for cyclists; a multi-user pathway is proposed a width of 3m minimum, this would improve access because of the development. Ten cycle parking spaces would also be provided, six of which would be covered.

There are improvements proposed within the red line boundary including resurfacing and lighting. As part of the Transport Assessment, wider improvement to the Coast Path is proposed outside the red line boundary with additional lighting to run along the stretch of that path from the application site to the underpass. This has not been submitted with any level of detail; the final detail to deliver a multi-user route outside of the site with the associated infrastructure as proposed is to be resolved through legal agreement and/or a Grampian condition as these works would be offsite works, offered by the applicant as a wider benefit of the planning permission.

There have been ongoing discussions with the agents and the Council's PROW, Active Travel and Planning team regarding improvements to the route. As explained under Public Rights of way para. 6.6.2 above, this application does present the opportunity to formalise the historical pedestrian crossing that passes through this site. There is improvement proposed which is welcomed, although it stops short literally and does not physically join with the path outside the red line boundary.

There are opportunities to make significant localised improvements to this proposed PROW which have not been taken up despite requests during this application to do so. This has resulted effectively in a less than satisfactory route for the Wales Coast Path as connection on the south-west corner of site joins an awkward angled junction, affecting the route's coherence. Requests have been made to make the primary path continuous, with a flowing connection between the existing street-lit section of the WCP and the proposed route; this comes within the red line boundary so that the Welsh Coast Path is a continuous line, with a junction to branch off to the lower path. The current design is disjointed, needlessly so, as it is within the applicant's gift to undertake the changes required; the opportunities are within the site boundary to make the improvements as requested. There are further concerns that the 60cm knee rail on the north-west site entrance will be evaded as people use a desire-line between the WCP connection to north-west and the restaurant. Furthermore, there is concern that customers entering the site from the industrial estate to the south-west are currently supposed to walk around the site to enter it, inevitably leading to a risk of informal tracks between the path and car park, that will affect the quality of experience on the path, and create a risk at the car park. The request for an additional pedestrian access to be provided between the path and the car park on the south side has been made but not delivered.

Finally, there are clear concerns given the location of this site and the likelihood that people will attempt to reach it on foot by crossing the trunk roads and M48 roundabout. 'The Proposed route' does not provide a significant shortening of the pedestrian route, and the desire line of pedestrians is up the road towards the motorway junction. This desire line is significantly shorter than the

alternative proposed and the directness of this route is a significant draw. From the options shown, "The Proposed Route" namely through the underpass and along the Coast path is the only route which may mitigate some of the risk with suitable path grading on the slope, but this is still significantly longer than the on-road route. The 'Proposed Route' is also less visible and less overlooked. In combination with the hours of business, potential employee-base and customer-base, this raises serious concern about the increased risk of pedestrians accessing the site via the motorway junction route.

There are measures for improvement proposed, although these improvements still do not address the fundamental concern that this site particularly in addition to the adjacent approved scheme for a drive thru restaurant provides a destination point that many will access on foot via the shortest direct route possible, namely across the motorway junction. The alternative provided is not short enough or attractive enough to provide a suitable alternative.

It is argued by the agent that because of the localised improvements to the Welsh Coast Path the site is reasonably accessible by walking and cycling, given its roadside location and the accessibility of the site is commensurate with the existing Industrial Estate and that deemed acceptable for the Euro Garages site. It is noteworthy that MCC Highways have recognised the concerns over the Active Travel route for this site, although they consider that the link proposed is acceptable, on balance, since a pedestrian route towards the M48 junction cannot be promoted. Reference is also made to the traffic assessment and the pedestrian survey showing that very few pedestrians attempt to cross the M48 junction, with 23 out of 792 movements (2.9%) recorded during a three-day period, excluding the extraneous Saturday Park-run results. However, this pedestrian data is inconclusive as this is not an assessment of pedestrian traffic drawn to the drive thru restaurants(s); this surveys people accessing the industrial estate, a different demographic and age and not necessarily relevant to the potential customer base that will access the proposed development on foot or cycle.

Reference is made to an appeal decision (Appeal Ref: APP/Y3425/W/25/3364648, Land off A34 opposite George & Dragon PH, Stone Road, Meaford, Staffordshire, ST15 0PX). Appeal dismissed 30 June 2025. Inspector Zoe Raygen DipURP MRTPI.

The appeal was made by George Developments Limited against the decision of Stafford Borough Council. The development proposed is creation of an Electric Vehicle Charging Hub comprising 31 charging bays equipped with solar panels and a substation (Sui Generis), picnic areas and a drive-through restaurant (Use Class E), with associated access, car and cycle parking, and landscaping.

One of the main issues was whether the appeal site can be suitably and safely accessed by sustainable travel. It was considered that the proposed pedestrian crossing would be to the north of the appeal site some distance from the restaurant. The Inspector concurred with the Council that the desire line is likely to be much closer to both the restaurant and the established residential area close to the roundabout. The inspector considered that it is unlikely that residents would walk from the residential area down to the proposed crossing and then back towards the restaurant, but instead would attempt to cross the road near to the roundabout when they reach the road. This view was shared by the Highway Authority. The inspector stated, "*I saw at my site visit that this is a busy environment and that attempts to cross the road without a pedestrian crossing, whether controlled or not, would be unsafe.... Given its location near several large settlements, it would, in my view, attract customers solely to that facility rather than passing by on their journey,*" added Raygen. It was concluded that there would not be suitable access to the appeal site for all users which would result in harm to highway safety for pedestrians and cyclists attempting to access the restaurant (in conflict with paragraph 115 of the Framework). The Inspector concluded that the proposal would not be suitably accessed by sustainable travel modes leading to harm to highway safety.

Further reference is made to Fife refusal of drive-thru restaurant, decision by Philip McLean (Planning appeal reference: PPA-250-2394) Site address: Kathellan Home Farm, Kelty, KY4 0JR Appeal by Mr Ian Maclellan & TG Convenience Stores Ltd against the decision by Fife Council Application for planning permission 22/01040/FULL dated 22 March 2022 . The development proposed: roadside services development comprising of erection of a petrol filling station and

associated retail kiosk (class 1), jet washes, restaurant with drive-thru facility (class 3), site access arrangements, parking provision, electric vehicle charging points, landscaping and ancillary works.

In relation to pedestrian access, there is no footway on the southern side of the B914 adjacent to the site. A footway exists on the northern side, which is a designated core path and is signed as a recreational route. The proposal would link to this via a new uncontrolled pedestrian crossing, comprising dropped kerbs and a pedestrian refuge. However, walking to and from Kelty would require crossing the M90 motorway on- and off-slips as well as its overbridge, where vehicle restraint barriers reduce the footway width to less than a metre.

The Inspector considered the route to feel unsafe. The appellant submitted that the nature of the proposal as a roadside services development means it would not attract significant numbers of pedestrians and hence the existing connection to Kelty is satisfactory with the addition of the proposed crossing. The Inspector questioned the assumption of pedestrian trips, notably referring to 1600m radius of the site which would include a significant proportion of Kelty around 20 minutes' walk. It was considered that the proposed restaurant could result in a significant increase in pedestrian activity, especially by younger people.

The relevance of this appeal decision comes from the importance attributed to the safety of the route, relevant as the shortest route is across the M48 junction and due to the reference to a 1600m zone from the site which is used and will attract young people to the site. As stated above an isochrone plan has been provided showing an 800m (10 minute) walking distance from the site which demonstrates that the pedestrian catchment for the site would be predominantly the existing Industrial Estate and potentially the southern part of Thornwell concluding that the scope for the site attracting significant pedestrian trips is therefore limited. However this zone is in touching distance of the higher density areas of Thornwell, Chepstow and if a 1600m zone was applied this would comfortably include a significant part of this residential area and a significant proportionate increase in potential pedestrian movement drawn to this site.

In the case of Kelty, there was no deliverable solution for safe crossing facilities of the motorway slip roads that would not adversely affect the operational efficiency of the motorway junction and in the absence of mitigation measures the inspector was not satisfied that a safe pedestrian connection can be provided. It was also concluded that while a substantial proportion of customers might already be passing, there would likely also be some new trips, particularly to the restaurant.

Given the inadequacy of the site's pedestrian connectivity, it follows the proposal may increase reliance on the private car for any new trips and would therefore not be consistent with the sustainable travel hierarchy.

National guidance seeks to reduce the need to travel unsustainably, with transport requirements to be considered in line with the sustainable travel hierarchy. Proposals for significant travel generating uses will not be supported where they would increase reliance on the private car. The localised improvement does not address the existing deficiency or justify further development that would increase usage of the same inadequate infrastructure.

The proposal fails to comply with national guidance and planning policy; there is insufficient evidence to demonstrate that the only safe pedestrian and cycle access is attractive enough to prevent visitors from accessing via the shorter route across the M48 roundabout. The proposal does not accord with the sustainable travel hierarchy or overall would help address the global climate emergency.

### 6.7.3 Access / Highway Safety

Welsh Government as highway authority for the M48 motorway has not objected or supported the proposal subject to various conditions being imposed regarding interference with boundary fence, lighting, noise insulating measures and land drainage. Amendments were submitted during this application in response to concerns over junction width from MCC Highway engineers. This has now been altered to allow access for HGV's without impeding exiting traffic. The proposal is acceptable subject to conditions and a S106 Agreement. The proposal complies with relevant planning policy accordingly.

#### 6.7.4 Parking

The proposal delivers a total of 53 spaces, above the minimum required under the MCC Local Parking Standards and includes space for waiting vehicles in the drive- thru and other forms of vehicle parking. Parking spaces are to be coned off during delivery, reducing available parking to 32 spaces. However, this is accepted to be outside of peak hours. The proposal meets parking requirements in this case.

#### **6.9 Flooding**

There are flooding implications regarding this proposal.

#### **6.10 Drainage**

##### 6.10.1 Foul Drainage

There are no foul drainage implications.

##### 6.10.2 Surface Water Drainage

The application has now demonstrated a means of surface water discharge to a watercourse. As the site will have a total construction area greater than 100m<sup>2</sup>, SAB approval will be required.

#### **6.5 Response to the Representations of Third Parties and/or Community/Town Council**

6.5.1 Most of the representations given including those by Chepstow Town Council are addressed under the relevant sections above.

There are some issues that are not addressed.

- Runners and obesity.

There is an established informal path that crosses the site currently, this is not to be removed it is to be improved. Whilst the environment changes as this open area is developed out, the access and provision for runners remains and is not significantly affected by the proposal.

- Obesity

This has been raised by neighbours and ABHB. This is not a matter than can be addressed under planning legislation.

#### **6.6 Well-Being of Future Generations (Wales) Act 2015**

6.6.1 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.

#### **6.7 Conclusion**

This proposal for a 371sqm (GEA) single storey McDonalds Restaurant with tandem drive thru facilities and a dual drive thru lane wrapping around the north of the restaurant has been assessed against National policy and the Monmouthshire LDP. There are several potential issues relating to landscaping, drainage, amenity and biodiversity that have been assessed in this report and are indeed policy compliant. The main point of contention relates to the loss of a protected employment site, retail impact, suitability of location and access via sustainable transport.

Economic development is defined in PPW12 as the development of land and buildings for activities that generate sustainable long-term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales is not constrained by a shortage

of land for economic uses. PPW 12 states *"wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration. Sites identified for employment use in a development plan should be protected from inappropriate development"*(PPW12 5.4.4). *Planning authorities should aim to "align jobs and services with housing and sustainable transport infrastructure, to reduce the need for travel, and dependency on travel by car, control and manage the release of unwanted employment sites to other uses"* (PPW12 5.4.13).

The application site is designated as a Protected Employment Site in the adopted Local Development Plan (LDP) (allocation: SAE2k) and the proposal to develop this site for a drive thru restaurant has been thoroughly assessed against LDP Policy E1 which reflects the main thrust of Strategic Policy S9 'Employment Site' provisions to protect existing employment land from alternative developments. The projected employed figures and target demographic from this development is positive. However, when compared with the potential for manufacturing and skilled labour being delivered on site it is not policy compliant. It is argued by the applicant that this site will not come forward due to the suitability and viability of the site, therefore this is a better option than 'do nothing' on the site. It is the contention of the Local Planning Authority that the information provided is not sufficiently compelling or conclusive enough to establish that the site will not come forward for a B use class. Unlike the adjacent site, there is no B use class development arising from this proposal, and given that the proposal arguably removes the opportunity for the delivery of this allocated site for B use class development with the associated high skilled jobs, to be replaced for low skilled retail employment, it can be concluded that this test has not been met. The applicant has provided a detailed case in response to concerns raised, although it cannot be concluded on balance that the proposed development complies with Policy E1. It is therefore contrary to the provisions and aims of the LDP that seeks to ensure there is an appropriate portfolio of employment land and premises that can be safeguarded from competing uses and provides for a sufficient quality, range and choice of employment sites.

The drive-through restaurant is an A3 use. LDP Policy RET4 relates to new retail and commercial leisure/entertainment developments and states the preferred location of such proposals is within Central Shopping Areas (CSAs). Policy RET4 must be considered in full along with national planning policy set out in PPW12.

The proposed development passes the sequential tests. The alternative sites assessed that are potentially policy compliant are not acceptable as they are unable to accommodate the requirement to deliver a 'drive thru' element with associated parking and turning area. The element that makes this retail use unsuitable for sites that are policy compliant is the infrastructure required to serve car users, thus, excluding more sustainable, well-connected sites, facilitating car-centric developments in out-of-town locations. The proposed site meets the needs of the applicant as it is situated adjacent to the M48. It is recognised that in addition to the passing traffic, the development serves the catchments of Chepstow and Caldicot, although the proposal fails to meet the requirements for delivering public transport ( criteria e) - the proposal is required to be in a location accessible to public transport facilities). The location is effectively designed around car accessibility rather than alternative transport modes. Finally, the proposal is sited on a protected employment site for B use class development which this policy purposely identifies as being unacceptable. It can be concluded that this site, which is deemed to meet the needs of the applicant, is one that does not meet the required standards by public transport and is sited on a protected employment site. It therefore fails to meet LDP Policy RET 4 criteria e) and f).

Finally, Planning Policy Wales sets out a transport hierarchy, *"proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial"* (4.1.11). Furthermore LDP Policy S16 states that, *"Where appropriate, all development proposals shall promote sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision. This will be facilitated by:*

- Reducing the need to travel, especially by car;
- Favouring development close to public transport facilities;

*- Promoting public transport, walking and cycling; ..."*

The application has proposed improvements to formalise the PROW, although the offering is insufficient and is not acceptable by reason of the disjointed design. Due to land ownership and the red line boundary, there are opportunities to significantly improve the design of this route and meet the requirements of both the PROW and Active Travel officer. In both cases the applicant has not agreed to these changes required to remove the objection from the PROW officer. There are clear concerns given the location of this site and the likelihood that people will attempt to reach it on foot by crossing the trunk roads and M48 roundabout. 'The Proposed route' - namely through the underpass and along the Coast path - is the only route which may mitigate some of the risk with suitable path grading on the slope, but this is still significantly longer than the on-road route, is also less visible and less overlooked. The desire line of pedestrians is up the road towards the motorway junction which is significantly shorter than the alternative proposed and the directness of this route is a significant draw. The 'Proposed Route' in combination with the hours of business, potential employee-base and customer-base raises serious concern about the increased risk of pedestrians accessing the site via the motorway junction route.

National guidance seeks to reduce the need to travel unsustainably, with transport requirements to be considered in line with the sustainable travel hierarchy. The localised improvements do not address the existing deficiency or justify further development that would increase usage of the same inadequate infrastructure. LDP Policy S13 Transport requires new development to promote sustainable, safe forms of transport (with a focus on active travel and public transport). LDP Policy MV2 Sustainable Transport Access requires new developments to, dependent on their location, size and local need, to include provision for integration of appropriate sustainable transport links.

The agent has stated that the principle of this development has already been established with the approval of the mixed use development on the adjacent site. However, this differs from the approved scheme. In the case of the approved scheme the drive thru restaurant is just one element of a larger mixed use development, it sits alongside the Euro Garages development that is principally a fuel station and serves car users from the M48. With this current application, this is solely a proposal for a drive thru restaurant, a restaurant that is recognised in the supporting information that serves the catchments for Chepstow and Caldicot as well as the commuters travelling along the M48.

The proposal fails to comply with national guidance and planning policy. This proposal fails to fully comply with LDP policies E1 and RET 4. There is insufficient evidence to demonstrate that the only safe pedestrian and cycle access is attractive enough to prevent visitors from accessing via the shorter route across the M48 roundabout. This results in a development that is inherently car-focused, potentially conflicting with wider sustainability goals that aim to reduce vehicle reliance and carbon emissions. The proposal does not accord with the sustainable travel hierarchy or overall would help address the global climate emergency. The proposal fails to comply with LDP policies S13 and MV2 and is recommended for refusal accordingly.

## **7.0 RECOMMENDATION: REFUSE**

### **Reasons for Refusal:**

1. The application site is designated as a Protected Employment Site in the adopted Local Development Plan (LDP) (allocation: SAE2k). The application is contrary to Local Development Plan Policy S9 and Policy E1 as this proposal represents a move away from the use classes B1, B2 and B8 to an A3 retail use. As stated in Policy E1 (Policy E1 - Protection of Existing Employment Land of the LDP) such uses will only be permitted if they meet the given criteria. The information provided is not sufficiently compelling or conclusive enough to establish that the site will not come forward for B use class and does not meet the criteria or exceptions cited under Policy E1. The proposal is therefore contrary to the provisions and aims of the Local Development Plan that seek to ensure there is an appropriate portfolio of employment land and premises that can be safeguarded from competing uses and provides for a sufficient quality, range and choice of employment sites.

- 2 The drive-through restaurant is an A3 use. LDP Policy RET4 relates to new retail and commercial leisure/entertainment developments and states the preferred location of such proposals is within Central Shopping Areas (CSAs). The proposal fails to meet the requirements for delivering public transport as the proposal is not in a location accessible to public transport facilities and the proposal is sited on a protected employment site for B use class development which this policy purposely identifies as being unacceptable. It therefore fails to meet LDP Policy RET 4 criteria (e) and (f).
  
- 3 Planning Policy Wales (Edition 12, 2024), specifically Chapter 4, seeks to reduce the need to travel unsustainably with transport requirements to be considered in line with the sustainable travel hierarchy. The design of the proposed public right of way that crosses the site is disjointed and unconnected. There is insufficient evidence to demonstrate that the only safe pedestrian and cycle access is attractive enough to prevent visitors from accessing via the shorter route across the M48 roundabout. This results in a development that is inherently car-focused, conflicting with wider sustainability goals that aim to reduce reliance on private motor vehicles and carbon emissions. The proposal does not accord with the sustainable travel hierarchy or address the global climate emergency. The proposal fails to comply with PPW12 and Local Development Plan policies S13 and MV2.