

The Welsh Development Agency (South Side of Roath Basin, Cardiff) Compulsory Purchase Order 2005

Statement of Reasons

The Order is made under section 21A and Schedule 4 of the Welsh Development Agency Act 1975 (as amended by the Government of Wales Act 1998) and the Acquisition of Land Act 1981.

This Statement of Reasons comprises the following:

1. Description of the land and its location
2. Description of the present use of the land
3. A brief description of existing land use
4. The purpose of the WDA
5. Description of the proposal
6. The need for compulsory purchase
7. The planning position
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11. Relocation proposals for occupiers
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13. Documents, maps or plans for the public inquiry

1. Description of the Land and its Location

- 1.1 The Order Land, shown coloured pink and coloured blue on the CPO map (hereafter referred to as “the Map”), extends to a site area of 27.575 hectares (68.139 acres) located at Roath Basin, Cardiff Bay, approximately 2 miles south-east of Cardiff City centre.

- 1.2 The Order Land may be considered in three broad categories. Land shown coloured pink on the Map south-east of Roath Basin is referred to hereafter as the “Main Development Land” and totals 14.022 hectares (34.648 acres). Land shown coloured pink on the Map north of Roath Basin Inner (or eastern) Lock and south of the Queensgate Roundabout is referred to hereafter as the “Queensgate Improvement Land” and totals 3.199 hectares (7.906 acres). The land shown coloured blue on the Map is hereafter referred to as the “Rights Land” and totals 10.354 hectares (25.586 acres).
- 1.3 Full descriptions of the land parcels appear in the Schedule to the Order. In summary the Main Development Land comprises land bounded to the north-west by Roath Basin (together with its Inner Lock and Outer Lock passages), to the west by the embankment of Cardiff Bay and to the south-east and east by Cargo Road (excluding railway lines adjoining the road).
- 1.4 The Main Development Land is generally level (at approximately 8.5 to 9 metres AOD) with the exception of two disused dry docks, one known as Channel Dry Dock with its water entrance to Cardiff Bay and the other known as Bute Dry Dock with its water entrance to Roath Basin.
- 1.5 Much of the Main Development Land is roughly surfaced with some areas laid with concrete. In its central section there are two small buildings which, until recently, were used as site offices, workshops and a weighbridge in connection with a former sand wharf business. Close to the south side of Roath Basin Outer Lock is situated a small vacant building known as Lock Keeper’s Cottage. There are also two electricity sub-stations one forming part of the private Port circuitry and the other provided by Western Power Distribution (South Wales) plc. Adjoining the Bute Dry Dock there are a number of derelict buildings of various forms of construction previously used as offices and workshops. The Main Development Land also includes a small area of land within the impounded water area of Cardiff Bay. This last area of land adjoins the north-western edge of the former Channel Dry Dock and is intended to be reclaimed to create a prominent head-land development site with Bayside walkway.

- 1.6 With the exception of Channel Dry Dock, all other dock walls, including the walls of Bute Dry Dock, and part of the Cardiff Bay wall have been statutorily listed as buildings of special architectural or historic interest. The vacant Lock Keeper's Cottage close to the Roath Basin Outer Lock is also a listed building.
- 1.7 The Queensgate Improvement Land comprises that section of Pierhead Street south and east of Caspian Point offices and also north and east of Adventurers Quay, together with that part of Tyneside Road north of Roath Basin Inner Lock and that part of Roath Dock Road south of Queensgate Roundabout. Also included is the temporary car park east of Tyneside Road and landscaped areas adjoining Pierhead Street together with part of the paved and landscaped areas at the north-eastern end of Caspian Point offices.
- 1.8 The improvement to the Queensgate Roundabout will require alterations to the existing roundabout and approach / leaving roads, together with alterations to and realignment of Roath Dock Road (a private road) to the south of the southern entrance gate to Castle Works Rolling Mill.
- 1.9 An access bridge is proposed across the Roath Basin Outer Lock, which will involve alterations to the southern end of Harbour Drive close to the Visitors Centre and the Norwegian Church. Service conduits will also be created below Roath Basin Outer Lock. Further service conduits are proposed beneath the Roath Basin Inner Lock near Tyneside Road and works to the private roads, including Roath Basin Inner Lock swing bridge, in this area.
- 1.10 To ensure rights of continued land support and the ability to over-sail with crane jibs, new rights over land adjoining the Main Development Land are being acquired for a distance of 40 metres (131 feet) from the Main Development Land boundary (except in the vicinity of Adventurers Quay where the rights will exclude the land occupied by the residential properties).

- 1.11 Much of the land over which support and crane over-sailing rights are sought is water covered, being within Roath Basin and Cardiff Bay. To the south-east of the Main Development Land the rights will be over rail tracks north of Cargo Road and Cargo Road itself together with open storage land and warehouse buildings within the Port south-east of Cargo Road.
- 1.12 To comply with requirements of the Environment Agency, new rights will be acquired over land adjoining the former Channel Dry Dock within the impounded water of Cardiff Bay to create a suitable habitat for fish spawning and feeding.

2 Description of the Present Use of the Land

- 2.1 The Main Development Land south of Roath Basin is no longer in use and, other than an electricity substation close to the Roath Basin Inner Lock swing bridge, all areas are vacant. The transformer equipment of the other sub-station situated close to the former Sand and Gravel Wharf on Roath Basin is not in use but remains part of the Port's electrical circuit.
- 2.2 To the north of Roath Basin the Queensgate Improvement Land comprises part of Pierhead Street (a public highway) together with the landscaped areas to the east and south of that highway (within which is located an electricity substation), part of the paved area and landscaping at the north-eastern end of Caspian Point offices, parts of the private roads known as Tyneside Road and Roath Dock Road, the car park east of Tyneside Road / Roath Dock Road and open storage land south of Roath Dock Road. The car park is a temporary use only as plans exist to replace it with a multi-storey car park some 300 metres to the west near East Bute Street.
- 2.3 The land to the west of the Main Development Land forms part of the enclosed water area of Cardiff Bay. The Harbour Authority use this area, and permit others to use the area, for various leisure purposes.

- 2.4 To the north of the Main Development Land lie the enclosed water area of Roath Basin and the two entrance locks – although part of the Outer Lock has been filled with rubble to act as a dam between the higher level salt water of Roath Basin and the fresh water of the impounded Bay. Associated British Ports (“ABP”) use Roath Basin and the Inner Lock for commercial shipping purposes and as a water supply route linking the Dock Feeder channel (from the River Taff) to the Dock system.
- 2.5 Land to the north of the Outer Lock has been redeveloped in recent years and in the main forms part of Britannia Park within which are situated a Visitor Centre, a small sales / office building of Bay Island Voyages and parking areas off Harbour Drive.
- 2.6 To the south and east of the Main Development Land lie Cargo Road and the southern part of Tyneside Road together with various port cargo storage areas, warehouses and other port related commercial premises. Adjoining Tyneside Road is a Mission to Seafarers premises and a base for the Cardiff Sea Cadet Corps. All of these properties are in use. Also running parallel to Cargo Road are railway lines which formerly provided rail facilities to the dockside and properties adjoining Queen Alexandra Dock but ABP has undertaken to remove these railway lines.

3 A Brief Description of Existing Land Ownership

- 3.1 As regards the Main Development Land, the Welsh Development Agency (WDA) own the freehold interest of the property known as the former Bute Dry Dock and hold a 999 year leasehold interest (with an option to acquire the freehold interest), in all about 98.6% of the Main Development Land. ABP hold the freehold interest of that area held on lease by WDA.
- 3.2 ABP are also freehold owners of the private roads known as Tyneside Road and Roath Dock Road, portions of which are to be acquired to achieve the improvements to the Queensgate Roundabout. The private roads are subject to numerous rights of way under various leases and other documents granted by ABP and available to all authorised users of the Port facilities. In order to ascertain all parties with interests in the

area affected Notices were posted in prominent locations for 14 days from 16th November 2004 requesting owners to contact WDA if they considered that their interest may be affected. No parties other than those listed in the Schedule have contacted WDA.

- 3.3 ABP has a Port Security control cabin situated on a central traffic island within Tyneside Road north of the Inner Lock swing bridge. This will be relocated to a new position within ABP's retained ownership in Cargo Road immediately north of its junction with Compass Road.
- 3.4 Cardiff County Council (Cardiff CC), as Harbour Authority, is the freeholder of water-covered land at the western end of the Main Development Land part of which WDA propose to reclaim. Adjoining water-covered land also in their ownership will be affected by rights of support, crane over-flying rights and rights to carry out environmental improvement to create fish spawning and feeding grounds.
- 3.5 A number of companies and organisations hold leases and tenancies from ABP within the Bute Docks who will be affected by the intended acquisition of new rights. Many will only be affected as regards rights over private roads within the Port over which they have access. Whilst they may be affected during highway construction and installation of services, it is probable that the effect upon their rights will be minimal. Some will, in addition, be affected by crane over-sailing rights in respect of their occupation of properties. This latter group includes the Mission to Seafarers Trust, Cardiff Sea Cadet Corps, Cardiff Stevedoring and Cargo Handling Co Ltd., Global Specialised Services Llp., Cardiff CC (in respect of the Visitor Centre) and Bay Island Voyages. It will also be necessary to carry out accommodation works to the premises occupied by Global Specialised Services Llp to close off the existing entrance at Cargo Road and provide an alternative means of access.
- 3.6 Cardiff CC own the sub-soil of the public highways of Queensgate Roundabout. The sub-soil of Pierhead Street, which is a public highway, is in the ownership of ABP. Alterations to the highways will be carried out under highway agreements with the Highway Authority. The proposal involves the alteration of levels of parts of Pierhead Street and therefore it

is intended to acquire the sub-soil interest of ABP in those parts of the highway so affected. As a result of the proposals to alter road levels it is also currently planned to drain surface water from Pierhead Street into the Dock system by way of a drain to the former Commercial Dry Dock.

- 3.7 The alterations to the Queensgate Roundabout also require the acquisition of the freehold and leasehold interests of part of the paved and landscaped area at the north-eastern end of Caspian Point, Pierhead Street, which is owned by Companies under the general umbrella of Norwich Union. Cardiff CC own the freehold interest in the land held on lease by these Companies.
- 3.8 Details of the interests to be acquired and over which rights are to be acquired are listed in the Schedule annexed to the Order.

4. The Purpose of the WDA

- 4.1 The WDA is established under the Welsh Development Agency Act 1975 (as amended by the Government of Wales Act 1998) (“the 1975 Act”) and charged with the function of furthering the economic and social development of Wales, promoting business efficiency and the international competitiveness of Wales, providing, maintaining and safeguarding employment and improving the environment in Wales.
- 4.2 The WDA has powers under section 21A and Schedule 4 of the 1975 Act and the Acquisition of Land Act 1981 to acquire land compulsorily to facilitate its development in accordance with its functions.
- 4.3 Sub-section 4 of section 21A requires that “Before the Agency acquire land under subsection (1) above for the purpose of their function under section 1(3)(da) above, they shall-
- (a) consider whether the land would or would not in their opinion be made available for development if they did not act,

- (b) consider the fact that planning permission has or has not been granted in respect of the land or is likely or unlikely to be granted,
- (c) (in a case where no planning permission has been granted in respect of the land) consult every relevant local authority, and
- (d) consider the needs of those engaged in building, agriculture and forestry and of the community in general”.

4.4 Each of these requirements has been considered. The WDA is satisfied that its action is required to make the whole of the Main Development Land available for development. (See also Section 6 below). Although planning permission has not yet been granted the Planning Committee of Cardiff CC has accepted the recommendation of its Officers to grant outline planning permission subject to conditions and planning obligations and there are no other relevant local authorities to consult on that matter. The redevelopment of this area will bring benefits to the community in general and provide employment for those engaged in building for many years.

4.5 The purpose of the WDA in making the Order is to achieve a comprehensive redevelopment of the Main Development Land to provide high quality business and commercial premises together with residential accommodation and other urban uses. It is proposed that part of the development will be targeted towards research and development business activities and offer scope for the commercial exploitation of research work from Cardiff University and other Higher Educational Institutions (particularly the Life Sciences sector). It is considered that high quality business activities of this nature, together with high quality residential and public realm development in a waterfront location, will attract national and international businesses and their personnel.

4.6 Whilst only part of the proposed development the creation of facilities for research and development activities is considered by WDA to be an important element. The National Economic Development Strategy ‘A Winning Wales’ aims to increase the knowledge, research and

development, and innovation capacity in all parts of the Welsh economy and the WDA's Technium programme is one of the objectives of 'A Winning Wales'. The WDA Business Plan 2004–2007 outlines several key sectors which the Agency wishes to enhance, one of which is Pharmaceuticals / Bioscience. The proposal also accords with the Cardiff County Council Economic Development Strategy 2001–2006 relating to the Bioscience/Health sector policies and objectives. This sector has also been identified by Cardiff University as one they can build upon with their renowned research strengths. In discussion with each of the concerned bodies the Roath Basin location has been identified as suitable for this use.

- 4.7 The Main Development Land was within the designated area of the former Cardiff Bay Development Corporation ("CBDC"), being part of an area of Cardiff recognised as in need of regeneration. During the operational period of CBDC (1987 to 2000) the Main Development Land retained its port uses although ABP, working with CBDC and the Local Planning Authority, formulated plans to redevelop land around Roath Basin. The first phase of that plan – the north side of Roath Basin – is now nearing completion.
- 4.8 Announcing the closure of CBDC, the then First Secretary of The National Assembly for Wales stated in 1999 that "the critical mass of development is substantial and successor bodies – particularly Cardiff County Council and the Welsh Development Agency – will be able to build on that progress". He also stated that "it is essential that the momentum of development within the Bay is maintained" and in the winding-up process charged the strategic responsibility for continued progress with the Local Authorities working in partnership with the WDA and other bodies. More recently, the Welsh Assembly Government, in The Wales Spatial Plan (November 2004), expressly supports enhancing the role of Cardiff as a European capital city.
- 4.9 Building on the established success of Cardiff Bay, the WDA seeks to create a new, high quality environment for sustainable development in the Capital City of Wales. The proposal will enhance Cardiff's role as a dynamic European capital in the opening years of the twenty-first century

and provide a new and exciting focus for additional investment in Wales. It demonstrates the Agency's commitment to attaining many of its economic, social and environmental aims, emphasising the beneficial effects of a commercially sound, well designed development founded on the principles of sustainability.

- 4.10 The WDA has published its Property Strategy for Employment in Wales 2004 – 2008 which sets out its strategy for such property throughout Wales according to type and function. The site at Roath Basin is identified as one of a relatively small number of “strategic mixed use sites” in Wales, the purpose of which is to broaden the appeal and choice of the property offer in Wales in this key market area.
- 4.11 The WDA has sought outline planning permission for redevelopment of the land (see Section 7 below).

5. Description of the Proposal

- 5.1 The proposal is directed to the regeneration of a large, prominently situated and strategically important brownfield site in Cardiff Bay. The development will transform a vacant, disused and predominantly unsightly site to create a sustainable and vibrant mixed use development. It will further the continuing development of Cardiff Bay – as envisaged by national and local planning policy – and help meet desirable social, economic and environmental aims. It will continue the regeneration process that was started in the 1980s to transform the docklands of Cardiff and to reconnect the city with its waterfront.
- 5.2 The redevelopment will comprise :
- (i) a mixed use development, including business premises, research and development and business incubation, residential accommodation, commercial uses (leisure, retail and hotel), open space and car parking;

- (ii) improved pedestrian, cyclist, vehicular and public transport links to the new development and provision for extension of these links to the eastern end of the Cardiff Bay Barrage;
- (iii) upgrading of the physical and urban environment including the improvement of the water edge to Cardiff Bay;
- (iv) creation of a new, accessible public realm, including the regeneration of an important waterfront.

5.3 This major mixed use development is designed to regenerate a brownfield site to create a 'total environment' maximising the site's waterfront location and is the next 'big step' in the ongoing transformation of Cardiff Bay.

5.4 In order to achieve the development, it will be necessary to enlarge the existing Queensgate Roundabout with consequential alterations to Pierhead Street, Tyneside Road, Roath Dock Road and Cargo Road. Re-alignment of Roath Dock Road has been agreed in principle between ABP and WDA although its full design remains to be agreed. Whilst not included in the planning application, the route proposed is shown on the Map. Harbour Drive will be extended over the Roath Basin Outer Lock via a new bridge.

5.5 To enable these highway works to be carried out related Agreements under section 38 of the Highways Act 1980 relating to the construction of new roads and under section 278 of the same Act relating to the alterations to existing roads are being prepared with the co-operation of the Highway Authority. These Agreements will make provision for future Orders to be made by the Council as required to implement works as the development phases progress. Identified works are :

- (a) one-way circulation (Queensway Circulatory)
- (b) shared footway & cycle-ways
- (c) cycle-ways
- (d) bus lanes
- (e) prevention of right turns
- (f) prevention of parking

6. The Need for Compulsory Purchase

- 6.1 The Order Land comprises a large urban brownfield site in multiple ownerships and subject to historical rights and restrictions. The land is suitable for the development proposed and is required for those uses.
- 6.2 As mentioned above, the Main Development Land previously fell within the designated area of CBDC and was identified by that body for redevelopment. In 1988 CBDC published its Regeneration Strategy which included indicative proposals for redevelopment of lands within its area. Following those principles, ABP's property development Company, Grosvenor Waterside, prepared a development plan for Roath Basin which formed the basis of an outline planning application for development of the north side of Roath Basin approved by Cardiff City Council in 1990 and was incorporated into CBDC's Inner Harbour Area Planning Brief of the same year. Phasing of development indicated development of the south side of the Dock to follow the development of the north side.
- 6.3 The Peripheral Distributor Road (PDR) and the Central Link Road were united at the Queensgate Roundabout in March 1995 and the completion of Pierhead Street was achieved in 2000. These roads provided the main highway infrastructure to enable development of the south side of Roath Basin to progress. ABP attempted to secure ownership of the few remaining interests in the area south of Roath Basin but failed to do so and, recently, the Company decided to concentrate on its core port business activities and to discontinue non-port related property development in Cardiff.
- 6.4 Cardiff CC, as Harbour Authority, is owner of the water-covered land within the Bay which is required to create a headland site for a landmark structure. The Council have resolved in principle to sell this land to the WDA, but satisfactory terms have not yet been agreed.
- 6.5 To achieve the comprehensive development, an overall masterplan and programme of development and infrastructure creation are required. The

Local Planning Authority has resolved that planning obligations under section 106 of the Town and Country Planning Act 1990 will be required to provide for matters such as affordable housing, public open space, off-site highway and drainage improvements, public realm, public transport financial support, traffic management, community facilities, etc. The development will necessitate major highway improvements including an enlargement of the Queensgate Roundabout and a new vehicular crossing of the Roath Basin Outer Lock, and reclamation of land from Cardiff Bay. To achieve these it is considered necessary to unify ownership of the whole area by acquisition of all interests in the land not already in the ownership of the WDA. It is also necessary to remove obsolete rights of way and easements.

- 6.6 Compulsory purchase will enable comprehensive redevelopment to take place at an early date by providing certainty for programming and deliverability and will enable the WDA to achieve its statutory functions. Nevertheless, the WDA has attempted, and will continue to attempt, to purchase the remaining interests in the land by agreement.
- 6.7 The Agency is conscious of the need to strike a balance between the needs of the individual and the interests of the public. In the view of WDA significant public benefits will result from the comprehensive redevelopment of this derelict area of former Dock land, including the economic well being of the region and the provision of further homes, and it has concluded that it would be appropriate to make the Order.
- 6.8 The requirements of the Human Rights Act 1998 in this respect, particularly the rights of property owners, have been taken into account. It is considered that the action will not constitute an unlawful interference with individual property rights as the Order is made in accordance with the provisions of national legislation; is necessary for the reasons already given; the opportunity has been given through the development plan process of the local Planning Authority to make representations on the planning policies which support the development and through the planning application process, to make representations on the specific development proposals; the opportunity will be available to make further representations and appear at a public inquiry in respect of the Order and

those directly affected by the Order, if confirmed, will be entitled to compensation as provided under national law.

7. The Planning Position

- 7.1 Proposals for the development of the land south of Roath Basin were first promoted in the Cardiff Bay Regeneration Strategy (Llewelyn–Davies Planning, 1988) prepared on behalf of CBDC. These were elaborated upon in the Inner Harbour Area Planning Brief (Benjamin Thompson and Associates, 1990) and subsequently incorporated in the City of Cardiff Local Plan (1996). The local plan envisaged that residential development on the site would be complete by 2001 but, to date, no development whatsoever has taken place.
- 7.2 The proposed development complies with national and local planning policies, both extant and emerging.
- 7.3 The statutory development plan for the area comprises the South Glamorgan (Cardiff Area) Replacement Structure Plan 1991–2011, adopted in April 1997 and the City of Cardiff Local Plan, adopted in January 1996.
- 7.4 The Structure Plan promotes sustainable development (Policy EV1) and promotes the regeneration of derelict or degraded land, particularly within Cardiff Bay, for a variety of land uses (Policy EV2). Other land use policies specific to Cardiff Bay include: Policy E5, which favours major office developments; Policy H1, which gives priority to housing development sites; Policy R3, which favours new retail development and regeneration; and Policy T1, which favours new tourism and visitor accommodation developments.
- 7.5 One of the principal objectives of the Local Plan is to support the regeneration of Cardiff Bay and to generally maximise the potential for the reuse of existing urban land in meeting future land requirements. On the Local Plan proposals map, the Main Development Land is shown to lie within the area of the former CBDC and to be allocated principally for

housing (Policy 21) and sport, recreation and leisure (Policy 44). The Local Plan views the Main Development Land as part of a mixed use development area in accordance with the Inner Harbour Area Planning Brief that had been prepared previously by CBDC.

- 7.6 In due course, both the Structure Plan and the Local Plan were to have been replaced by the Cardiff Unitary Development Plan, which was on statutory deposit in 2003. On the UDP proposals map, the Main Development Land is identified as part of the Waterfront Business Area (Policy 2.31), within which commercial leisure facilities, hotels, tertiary education and housing uses are appropriate. Policy 2.17 of the UDP is specific to the Main Development Land and states that the land will be redeveloped for mixed use development including leisure, office, hotel, residential, community and associated uses and for the Barrage Access Road. It is one of a series of action areas within which “comprehensive treatment by new development, redevelopment, rehabilitation or improvement by public authorities or private enterprise should start within 10 years of the plan’s deposit.”
- 7.7 The Local Planning Authority has announced the intention to discontinue work on production of the UDP and instead to prepare a Local Development Plan under the provisions of the Planning and Compulsory Purchase Act 2004. It is unlikely that this will affect the proposals of the Planning Authority with regard to the subject land.
- 7.8 The proposal complies with national planning policy guidance as set out in Planning Policy Wales (March 2002), The Wales Spatial Plan (2004), the series of Technical Advice Notes, Circulars and other documents issued by the former Welsh Office and the Welsh Assembly Government.
- 7.9 An application for outline planning permission for the proposed development of the site was submitted to Cardiff CC, as Local Planning Authority for the area, in January 2003 (application number 03/00099/C). The application is supported by a number of documents, including a masterplan with design statement, environmental statement and a movement strategy. There were no objections to the application by any of the statutory consultees and few objections from non-statutory

consultees. The application was reviewed recently by the Design Commission for Wales, who “applauded the WDA’s commitment to the masterplan process on this critical site” and were “delighted with the way this project was presented and the obvious depth of design consideration.” The application was considered by the Planning Committee of Cardiff CC on 13 October 2004, when the Development Manager (Regulatory Services) recommended that outline planning permission be granted subject to conditions and planning obligations. The Committee accepted that recommendation and a section 106 agreement is in course of preparation. It is expected that the planning permission will be issued within the next few months.

8 Welsh Assembly Government Policy Statements

- 8.1 The relevant statements concerning national planning policy guidance and economic development strategy have been mentioned elsewhere in this statement.
- 8.2 It has been announced that with effect from 1st April 2006 the Welsh Development Agency will merge with the Welsh Assembly Government. The announcements regarding this state that it is “business as usual” and that the merger will not affect the on-going obligations upon WDA to achieve its objectives.

9 Special Considerations

- 9.1 As noted above, certain structures have been statutorily listed as being of special architectural or historic interest. It is not proposed to demolish any of the listed buildings and due account of them and of their settings has been made in the design of the development. Proposals include the refurbishment for re-use of the former Lock Keeper’s Cottage and infrastructure works, particularly the provision of waterfront walkways, drainage affecting the dock walls and the new bridge over the Outer Lock, will require works to be carried out to some of these listed buildings.

These works, when defined in adequate detail, will be the subject of applications for Listed Building Consent at the appropriate time.

- 9.2 Discussions have been held with Cardiff CC and Cadw regarding the nature of the proposed development and the likely works to Listed Buildings which will be necessary. The observations and suggestions of Cadw have been taken into account in the proposals and it is not anticipated that any material matters will be raised when Listed Building Consent is sought which cannot be resolved or which will prevent development.
- 9.3 Part of the Order Land is in the ownership of ABP, a statutory body charged with the provision of port facilities at Cardiff. ABP support the proposed redevelopment and their statutory obligations, rights and powers have been taken into account in the development proposals
- 9.4 That land within Cardiff Bay in the ownership of Cardiff CC is held by the Council as Harbour Authority. The Council support the proposed redevelopment and their statutory obligations, rights and powers have been taken into account in the development proposals
- 9.5 Equipment and structures of the Statutory Undertakers will be protected, diverted, extended or improved.
- 9.6 There are no scheduled ancient monuments within the Order Land neither is the Order Land located within a designated conservation area.
- 9.7 Land described in plot reference number 33 forms part of the impounded Cardiff Bay. Although it comprises water-covered land under the control of the Harbour Authority it is available as a public recreation facility, subject to the payment of fees, charges and dues for its use. It is therefore Special Category Land being open space within the definition of section 19 of the Acquisition of Land Act 1981. It is proposed to acquire and reclaim this area (extending to 4373 sq m) for development including a wide waterfront boulevard to improve public access to Cardiff Bay waterfront. A similar boulevard is intended for the Roath Basin. It is also intended to flood the currently disused Channel Dry Dock (extending to

some 5300 sq m) creating water-based recreational facilities. The replacement area of the recreational facilities available to the public will exceed the area to be reclaimed but it is not proposed to vest the new facilities in the Harbour Authority. WDA will not, therefore, be seeking a certificate under section 19 of the Act and it considers that no material detriment will be suffered by the public resulting from the loss of this area of water-covered land from the Bay

- 9.8 New rights are being sought over plot reference numbers 129, 130, 131, 132, 133, 135 and 141 which also relates to Special Category Land being open space within the statutory definition. The new rights sought are defined in the Schedule. WDA will not be seeking a certificate under paragraph 6 of Schedule 3 of the Acquisition of Land Act 1981. With the exception of plot reference number 135, where it is also intended to construct a new road which will prevent future recreational use, the rights sought over the lands are considered to have no material detriment to the public use other than occasional restrictions during carrying out of works and swinging of cranes.

10 The Views of Departments of the Welsh Assembly Government

- 10.1 Discussions have been held with certain Departments of the Welsh Assembly Government regarding the proposed development. The Transport Directorate is aware of the proposed improvements to and enlargement of the Queensgate Roundabout and raises no objections. The Economic Policy Division supports the proposal for the development of a Life Sciences Technium with research links to Cardiff University.

11. Relocation Proposals for Occupiers

- 11.1 There are no occupiers requiring relocation from the Main Development Land. Whilst the Queensgate Improvement Land affects an existing car park the planning permission for that expires in 2006 and it is not proposed to replace the car park as part of this development. Alternative

provision by others is being made elsewhere in the Bay area. The proposed re-alignment of Roath Dock Road may require the relocation of Celsa's temporary open storage compound and discussions will be held with that Company and their landlord, ABP, to find a suitable relocation site if that is necessary.

- 11.2 It is not considered necessary for any occupiers to relocate as a consequence of acquiring new rights over land.
- 11.3 Although works to existing roads and the improvement of Queensgate Roundabout may temporarily affect access to properties, alleviating any detrimental affects of these works will be dealt with by planning conditions and consultation with affected parties when details of programming of works have been defined.

12. Related Applications, Appeals, Orders, etc.

- 12.1 A planning application for the proposed development was submitted in January 2003 (see paragraph 7.9 above). There are no other related planning applications or appeals.
- 12.2 Agreements under the Highways Act 1980 with the Local Highway Authority will be required to facilitate and improve access to and within the site. As indicated above at paragraph 5.5, these Agreements are in the course of preparation. An agreement under section 38 of the Highways Act 1980 is being prepared to provide for adoption of new roads within the development. Agreements under section 278 of the Highways Act 1980 are also being prepared to enable works to be carried out to the existing public highways at Pierhead Street, Queensgate Roundabout and Harbour Drive.
- 12.3 The various works required will be implemented as required as the development progresses. It is intended that the Agreements will provide for the Council to make individual Orders specifying particular works and / or directions immediately before each phase is to be executed.

12.4 At paragraphs 9.7 and 9.8 above reference is made to works affecting Special Category Land and that WDA will not be seeking certificates under the Acquisition of Land Act 1981. It will therefore be necessary for this Order to be subject to the National Assembly's Standing Order 27 procedure.

13 Documents, Maps or Plans for the Public Inquiry

13.1 A list of documents, etc. will be provided in due course and arrangements will be made for them to be available for public inspection.