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**gan W S C Wadруп BEng (Hons), CEng,
MICE, FCIHT.**

Arolygydd a benodir gan Weinidogion Cymru

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Report

Inquiry opened on 25/06/2015
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**by W S C Wadруп BEng (Hons), CEng,
MICE, FCIHT.**

an Inspector appointed by the Welsh Ministers

Date: 11 September 2015

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

**THE SWANSEA TO MANCHESTER TRUNK ROAD (A483) AND THE
NEWTOWN TO ABERYSTWYTH TRUNK ROAD (A489) (NEWTOWN
BYPASS AND DETRUNKING) ORDER 201-**

**THE SWANSEA TO MANCHESTER TRUNK ROAD (A483) AND THE
NEWTOWN TO ABERYSTWYTH TRUNK ROAD (A489) (NEWTOWN
BYPASS SIDE ROADS) ORDER 201-**

**THE WELSH MINISTERS (THE SWANSEA TO MANCHESTER TRUNK
ROAD (A483) AND THE NEWTOWN TO ABERYSTWYTH TRUNK
ROAD (A489) NEWTOWN BYPASS) COMPULSORY PURCHASE
ORDER 201-**

Cyf Ffeil/File Reference: APP/T6850/15/516057

GLOSSARY AND ABBREVIATIONS USED IN THIS REPORT

| | |
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| WG | Welsh Government |
| COBA | Cost Benefit Analysis of the Department of Transport/Welsh Government |
| TUBA | Transport Users Benefits Appraisal |
| BCR | Economic Benefits to Costs Ratio |
| DMRB | The Design Manual for Roads and Bridges - Department of Transport and the Welsh Government |
| SRO | Side Roads Order |
| CPO | Compulsory Purchase Order |
| LDP | Local Development Plan of Powys County Council |
| ES | Environmental Statement for the scheme |
| EIA | Environmental Impact Assessment |
| SIAA | Statement to Inform an Appropriate Assessment |
| PMA | Private Means of Access to property |
| NERC Act | Natural Environment and Rural Communities Act 2006 |
| WelTAG | Wales Transport Planning and Appraisal Guidance |
| SSSI | Site of Special Scientific Interest |
| AIES | Assessment of the Impacts on European Sites |
| AQMP | Air Quality Management Plan |
| NMU | Non motorised users- pedestrians, cyclists & equestrians |
| AADT | Annual average daily traffic flows (over a 24 hour period) |
| vpd | Vehicles per day |
| obo | On behalf of clients or parties to the Inquiry |
| WG | Prefix of Welsh Government evidence-in chief |
| DD | Prefix for documents deposited for public scrutiny |
| S | Prefix for Supporters' evidence |
| R | Prefix for those making representations |
| O | Prefix for Objectors' evidence |
| ID | Prefix for Documents raised and submitted during the Inquiry period. |
| ECHR | European Convention on Human Rights |

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CASE DETAILS

- The Welsh Government's trunk road improvement proposal, known as The Newtown Bypass, is hereinafter referred to as "the scheme" in this report. References to Inquiry documentation are given in the brackets that follow each section of the report.
- The draft Line Order would be made under Sections 10 and 12 of the Highways Act 1980 and is known as: THE SWANSEA TO MANCHESTER TRUNK ROAD (A483) AND THE NEWTOWN TO ABERYSTWYTH TRUNK ROAD (A489) (NEWTOWN BYPASS AND DETRUNKING) ORDER 201- (DD001).
- The draft Side Roads Order would be made under Sections 12, 14, 125 and 268 of the Highways Act 1980 and is known as: THE SWANSEA TO MANCHESTER TRUNK ROAD (A483) AND THE NEWTOWN TO ABERYSTWYTH TRUNK ROAD (A489) (NEWTOWN BYPASS SIDE ROADS) ORDER 201- (DD002).
- The draft Compulsory Purchase Order would be made under Sections 239, 240, 246, 250, and 260 of the Highways Act 1980 and under Section 2 and paragraphs 1(1)(b), (3) and (4) of Part 1 of Schedule 2 to the Acquisition of Land Act 1981 and is known as: THE WELSH MINISTERS (THE SWANSEA TO MANCHESTER TRUNK ROAD (A483) AND THE NEWTOWN TO ABERYSTWYTH TRUNK ROAD (A489) NEWTOWN BYPASS) COMPULSORY PURCHASE ORDER 201 - (DD003).
- The draft Line Order and draft Side Roads Order (SRO) were published on 28 November 2014 and the objection period ended on 23 January 2015. The draft Compulsory Purchase Order (CPO) was published on 9 January 2015 and the objection period ended on 30 January 2015 (ID2, DD010, DD011, DD013, DD014).
- The scheme was subject to an Environmental Impact Assessment, in accordance with Section 105A of Part V of the Highways Act 1980 (as amended) and EC Directive 2011/92/EU (DD016).
- An Environmental Statement (ES), a Non-Technical Summary of the ES and a Statement to Inform an Appropriate Assessment (SIAA) were published on 28 November 2014. The periods for comment on those documents ended on 23 January 2015 (DD004-DD009, DD012, DD018).
- The Orders, if made, would authorise the Minister, acting on behalf of the Welsh Government, to construct the Newtown Bypass and transfer responsibility for lengths of the A483 and A489 that currently pass through the town as trunk roads, to Powys County Council.

SUMMARY OF RECOMMENDATIONS

I recommend that the draft Line Order be made.

I recommend that the draft Side Roads Order be modified and, as modified, be made.

I recommend that the draft Compulsory Purchase Order be modified and, as modified, be made.

1 PREAMBLE

- 1.1 I was appointed by the Minister for Economy, Science and Transport, one of the Welsh Ministers, pursuant to Paragraph 7 of Schedule 1 of the Highways Act 1980 and Schedule 13 (2) of the Acquisition of Land Act 1981, to conduct concurrent Public Local Inquiries into the above draft Orders and to report to the Welsh Ministers. For ease of reference I shall refer to the concurrent Public Local Inquiries as "the Inquiry" in this report (DD019, DD020, DD201, DD202, DD203, DD204).
- 1.2 I held a Pre-Inquiry meeting at the Elephant and Castle Hotel, Broad Street, Newtown on 30 April 2015. A note of the meeting was sent to all persons who had registered at the meeting or had made objection or representation about the draft Orders. The note is at Inquiry Document 1 (ID1) (DD019).
- 1.3 I also held the Inquiry at the Elephant and Castle Hotel, Broad Street, Newtown, over 12 days between 25 June 2015 and 15 July 2015. In the order of 250 members of the public attended the Inquiry (DD019, DD020).
- 1.4 I undertook an unaccompanied site inspection on 24 June 2015 and two targeted and accompanied site inspections on 16 and 17 July 2015.
- 1.5 There were 78 objections and 7 representations submitted before the end of the Inquiry. All were considered. At the end of the Inquiry 72 objections remained unsatisfied. The Welsh Government received 133 expressions of support for the principle of the scheme.
- 1.6 Five alternatives to the scheme were advanced by objectors for consideration before the start of the Inquiry and in accordance with the programming stipulation for such alternatives set at the Pre-Inquiry meeting. The Welsh Government developed these into realistic engineering proposals during the early days of the Inquiry. All received some support from members of the public and counter-objection from interested individuals, companies or authorities.
- 1.7 Seven witnesses gave evidence at the Inquiry on behalf of the Welsh Government. Six supporters and 26 objectors appeared at the Inquiry or were represented. Three counter-objector to 3 of the alternative proposals appeared.
- 1.8 At the end of the objection period the main grounds for objection to the draft Orders were:
 - the scheme is not justifiable, it would not offer value for money and would adversely affect businesses
 - there are two better alternative routes for the bypass that would utilise the Mochdre Industrial Estate access road corridor, thereby removing the threat of the scheme on the Mochdre Bridge area
 - at its eastern end the scheme should be moved eastwards away

from dwellings, thereby avoiding the demolition of residential and agricultural buildings

- the proposed Dolfor Road roundabout, the associated industrial estate access and attenuation pond should be removed from the scheme
- the severe effect on Black Hall Farm justifies a redesign of the proposals to reduce those effects
- at Lower Brimmon the carriageway should be moved northwards to avoid a veteran oak tree, an established pond and the proximity of the farmhouse
- the harmful effects on the Glandulas Holiday Caravan Park
- east of Wern Ddu Lane the proposed westbound carriageway lay-by would threaten security and privacy
- the scheme would damage farms and agriculture and there would be insufficient agricultural crossings over or under the road
- the roundabouts would not cater adequately for cyclists
- the attenuation ponds would be inappropriately positioned
- the significant earthworks would cause a scar across the attractive rural landscape to the south of Newtown
- the scheme would introduce traffic noise and visual intrusion into the relatively quiet countryside and fine landscape and would affect the human rights of individuals
- too much land is included in the CPO and this could be reduced by the removal of some areas intended for landscape mitigation and for the proposed 2+1 carriageway relative to a less wide single 2-lane carriageway which should suffice
- there have been insufficient guarantees that water supplies would be maintained to dwellings and farms and mains should be protected where they would pass beneath the embankments.

1.9 The Welsh Government confirmed that all the Statutory Procedures had been properly completed before the start of the Inquiry (WGO1/B, ID2).

1.10 The scheme would provide a 6.53km long bypass to the south of Newtown. It would comprise a wide single 2+1 carriageway that would provide 2 lanes in one direction and 1 lane in the opposite direction, with a separating central strip. Roundabouts would link the bypass to the major local roads and to the Mochdre Industrial Estate, which would have a new eastwards facing access to the trunk road network (DD021).

1.11 This report contains a brief description of the area, the gist of the cases

and my conclusions and recommendations. Lists of appearances and documents are appended at Annex A and Annex B respectively. Annex C sets out the modifications proposed for the draft Orders, as requested by the Welsh Government and Annex D those recommended by me.

2 PROCEDURAL AND LEGAL MATTERS

The material points are:

- 2.1 There were several identical legal submissions, included in similar statements of evidence, submitted by an Agent who represented a number of clients as objectors. One of these highlighted the effect that the scheme would have on the human rights of the objectors. There was also a similar written legal submission about the effect on the human rights of an individual objector, which would arise from noise generated by traffic on the bypass.
- 2.2 At the Pre-Inquiry meeting I requested that all legal submissions should be put in writing, and explained that the Inquiry would be run in accordance with the Highway Inquiry Procedure Rules (Wales) 2010. Despite this, a complaint was asserted orally about the lack of impartiality of the Welsh Government Professional witnesses. A further assertion claimed that the Welsh Government approach to Compulsory Purchase ran contrary to Government Circular ODPM 6/2006. I have treated these issues as legal submissions made to the Inquiry (DD212, ID1).
- 2.3 I explained at the Inquiry that matters of law are not for me to determine. However, to the extent that they arose as part of objections and related to the evidence adduced by the Welsh Government in responding to objectors, they do fall within my purview and I address them in my reporting of:
 - the respective objectors' cases, at paragraphs 6.10 and 6.12
 - the Welsh Government's rebuttals at paragraphs 8.10-8.17, 8.19
 - my conclusions at paragraphs 10.7-10.28.
- 2.4 No person required the Welsh to English translation facility that was available on a daily basis at the Inquiry (ID1).

3. DESCRIPTION OF THE SURROUNDINGS

The material points are:

- 3.1 An aerial photograph of the area, with the proposed scheme superimposed on it, is shown after page 24 of the Environmental Statement Non-Technical Summary (DD018).
- 3.2 Newtown, the largest town in Powys sits astride the River Severn, in an area that is predominantly agricultural. The scheme would run generally

westwards from the A483 east of the town, near a batch of individual dwellings, crossing over the operational single track Cambrian railway, all to the south of the urban outskirts of Newtown.

- 3.3 The corridor would occupy undulating productive pasture, passing through a succession of individual farm units, in a quiet landscape interspaced with hedgerows and small areas of woodland and generally of high scenic value that rises steeply to form prominent hills to the south.
- 3.4 It would pass just south of the southern periphery of the large Mochdre Industrial Estate, then north of the small hamlet of Bontdulas, at Mochdre Bridge. To the west of Mochdre Bridge it would sever a portion of the large Glandulas Holiday Home Caravan Park and divide the land of the operational agricultural college of Colleg Powys before veering to the north to join the A489 rural trunk road immediately west of Newtown.
- 3.5 The River Severn passes close to the existing trunk roads, both A489 west of Newtown and A483 to the east, near the points at which the proposed road would merge with them.

4 THE CASE FOR THE WELSH GOVERNMENT

The material points are:

The Background to the Scheme and the History of Public Consultation

- 4.1 A 1969 investigation into the traffic problems caused by two trunk roads passing through Newtown resulted in a preferred route for a bypass being protected from development in 1973 (WG01B, ID07).
- 4.2 That route was subsequently compromised by the construction of the Government backed Mochdre Industrial Estate. That necessitated a fresh study in 2006, which considered 21 new options for the bypass together with improvements to traffic management and public transport in Newtown. The study reported that traffic management and public transport improvements could not solve the traffic problems in the town and that a road based solution would be the only acceptable option (WG01B).
- 4.3 Further refinement of the options took place in 2007 and in 2009 three bypass routes emerged for public consultation in combination with improvements to public transport and non-motorised user facilities (NMUs). Following public exhibitions the consultation indicated that, of the 833 respondents, 91% of respondents favoured a bypass and 77% favoured the orange route, 13% the brown route and 6% the purple route (ID34, ID35, ID43, ID101).
- 4.4 In 2010 the orange route was adopted as the preferred route and protected from development. After the appointment of a contractor in 2014, that route was modified to reflect construction advantages and cost savings. That modified route formed the basis of the draft Line Order before the Inquiry (WG01A, WG03, DD114).

Relevant National, Regional and Local Policies, Programmes and Strategies

The following Policies, Programmes and Strategies underpin the need for the scheme.

Programme for Government 2011-2016 (DD101)

- 4.5 The Programme for Government 2011-16 is the current action plan aimed at delivering the Welsh Government's manifesto. One of the key policy areas is growth and sustainable jobs, and improving infrastructure is one of the four commitments of the Government associated with that aim.
- 4.6 The Programme also includes the high level aims and key actions of:
- reducing poverty, especially persistent poverty and reducing the likelihood that people will become poor
 - strengthening business, creating jobs and economic growth
 - ensuring that rural communities remain vibrant with access to quality employment, sustained by reliable and effective infrastructure and are able to offer an excellent quality of life
 - improving skills in Wales by encouraging apprenticeships and young people to enter science and engineering
 - tackling "workless-ness" and raising household income
 - making communities safer
 - creating sustainable places for people
 - introducing the Highways and Transport (Cycle Routes) Bill (DD101, DD102, DD103).
- 4.7 In support of the Programme, the scheme would provide a substantial improvement to the rural infrastructure of Mid Wales. It would help economic and business growth by reducing transport costs and providing certainty. It would maximise accessibility and safety on the trunk road network. It would increase opportunities for apprentices and the development of skills (WGO1/A, WG03, DD102).

The Wales Spatial Plan (DD104) and the 2008 update of it (DD105)

- 4.8 This establishes the context for planning considerations in Wales. It promotes sustainable development that improves quality of life and well being by integrating social, economic and environmental objectives in the context of more efficient use of natural resources. The Plan aims to develop access in ways that encourage economic activity, widen employment opportunities, ensure quality services and balance the social,

environmental and economic benefits that travel can have.

- 4.9 Section 13 of The Spatial Plan states: "*We will develop access in ways that encourage economic activity, widen employment opportunities*"... The scheme, in removing congestion in Newtown would improve local access and reduce the burden of delays and travel costs on employment and employees (DD104).
- 4.10 The Spatial Plan vision for Central Wales is intrinsically linked to the other regions of Wales by virtue of its central location. Central Wales has cross-border linkages and dependencies with the West Midlands, North West England and Ireland. Much of Mid Wales is dependent on road transport and the efficiency of the road network underpins the realisation of aspirations for the area. The scheme, in removing a well-known traffic bottleneck, would be a substantial factor in advancing those aspirations through Mid Wales and beyond (DD104, DD105).

The Wales Transport Strategy - One Wales: Connecting the Nation (DD106)

- 4.11 The Strategy for a sustainable transport network that safeguards the environment whilst strengthening the country's economic and social life promotes:
- reducing greenhouse gas emissions and providing cleaner air
 - adapting to climate change
 - the use of more sustainable materials
 - the integration of local transport
 - improving access between settlements and to education, training, shopping, leisure, employment and health care
 - the efficient movement of freight and people
 - access to visitor attractions
 - international and national connectivity
 - safety and security
 - reducing the impact of transport on the environment, heritage and biodiversity.

In line with this policy the scheme would:

- ensure the scheme design is resilient to climate change
- reduce traffic noise, air and water pollution and harmful effects on biodiversity by the incorporation of extensive mitigation

measures

- use local and site won materials
- provide connections for walkers, equestrians and communities by underpasses, footbridges, footpaths and bridleways
- provide direct access from the trunk road to employment sites
- improve north-south and east-west routes across Mid Wales
- reduce road casualties and urban congestion
- remove dangerous HGVs from residential areas.

The National Transport Plan of March 2010 (DD102)

- 4.12 The Plan, which updated the 2009 Trunk Road Forward Programme, sets out how the Transport Strategy would be delivered over the 2010-2015 period. It recognises that by 2014 work would start on a programme of proposals to the north-south road corridor to address sub-standard alignment, journey reliability, safety and local environment issues on trunk roads (DD101, DD110).
- 4.13 On the north-south corridor the Plan recognised the need for creating safe overtaking in order to improve journey times, reliability and safety. By providing clear and safe overtaking opportunities the scheme would assist in achieving that goal (DD102, WG02, ID101).
- 4.14 The National Transport Plan was prioritised in December 2011 and confirmed the appointment of contractors for the scheme between 2012 and 2013, which is consistent with the formal Reprioritisation of the Trunk Road Forward Programme. The Plan was subjected to an Appropriate Assessment of its environmental impacts (DD107, DD112, DD113).
- 4.15 In July 2013 the Minister confirmed that progress with the scheme would continue (DD114).
- 4.16 In December 2014 a consultation on the emerging draft National Transport Plan for 2015 was initiated on the basis of the scheme being delivered in the short-term (DD115).
- 4.17 All schemes within the Plan were subject to an options development process in accordance with methodology set out in Welsh Transport Appraisal Guidance (WelTAG), to ensure that they would be compatible with the raft of transport policies in Wales (DD111).

The Road Safety Framework for Wales (DD116)

- 4.18 The Framework was published in July 2013 to target significant reductions in the number of people killed or seriously injured on Welsh roads by 2020. The scheme, in removing through traffic from urban areas, would reduce pedestrian and vehicular conflict, and thereby help achieve these

targets. It would be subject to an analysis of its effectiveness in reducing collisions and its design would be subject to Road Safety Audits (WG02, DD502, DD503, DD504, ID5, ID131, ID153).

The Mid Wales Joint Local Plan 2015 (DD117)

- 4.19 A consortium of Local Authorities has prepared the draft Joint Local Plan, in order to address key economic and transport issues and opportunities for Mid Wales. It recognises that of the 1.75 million tourists attracted to Mid Wales every year 88% travel by car and that the A483 from Shropshire provides the main route for such activity. The key issues identified include the sub-standard alignment along the core road network, inadequate width and overtaking opportunities, local congestion at hot spots and the adverse environmental effects of traffic. Road freight has a disproportionate effect on the efficient working of the network because it creates low-speed platoons of HGVs. Apart from at Brecon, all Mid Wales roads are single carriageways and overtaking opportunities are desperately needed.
- 4.20 The scheme would address many of these issues by providing much-needed strategic relief with safe overtaking opportunities and therefore would accord with the Joint Local Plan.

The Active Travel (Wales) Act 2013 (DD210)

- 4.21 The Act requires the Welsh Government and Local Authorities to continually improve routes for cyclists, equestrians and pedestrians and, in the case of new roads, to build in safe and practicable improvements at the design stage. Suitable safe crossing points for cyclists could be built into the scheme at roundabouts and the relieved town centre would be much more commodious for cyclists. New bridleways would be created to replace those affected by the scheme and these would become parts of a coherent network of such routes, in accordance with the Powys County Council aspirations (WGO2, ID153).

The Wales Infrastructure Investment Plan for Growth and Jobs (DD108)
Community Benefits: Delivering Maximum Value for the Welsh Pound

- 4.22 The 2012 Plan sets out the Welsh Government's strategic capital investment priorities. It defines the scope, coordination and delivery for major infrastructure investments that stimulate economic growth and the long-term economic, social and environmental well-being of the people and communities of Wales. The Plan includes the scheme as a 2014-2015 high-level investment priority aimed at improving east-west links.
- 4.23 Contracts for major infrastructure schemes must maximise the impact of public spending on the local economy, resulting in local jobs. Training and recruitment would be an essential ingredient for the scheme and the contract has been structured to achieve this, thereby complying with the policy set out in: "Community Benefits: Delivering Maximum Value for the Welsh Pound" (WG03, DD109).

The Environment Strategy for Wales 2006 (DD118)

- 4.24 This long-term strategy for the environment aims to provide a framework within which an environment that is clean, healthy, biologically diverse and valued by the people can be achieved, alongside one which is thriving and contributing to the economic and social well-being of all the people of Wales. The development of the scheme has sought to provide a balance between its advantages, including environmental advantages, and its environmental impact, whilst underpinning economic activity (WG01A, WG05, WGO6, DD121).
- 4.25 The scheme would improve the environment in places, but it would, to a degree, adversely affect some communities close to the scheme and bring with it environmental costs. These costs have been given full weight and all studies, analyses and actions that are necessary to comply with European and UK Environmental Regulations have been undertaken in the design of the scheme. This has resulted in long-term mitigation measures being incorporated in the design and these would be covered by long-term management plans (WG01A, WGO3, WG05, DD006-DD009).

Vibrant and Viable Places - New Regeneration Framework (DD119)

- 4.26 The Framework directs that everybody in Wales should live in a well-connected, vibrant, viable and sustained community with a strong local economy and a good quality of life. The scheme would assist this vision by helping to:
- improve the economy and create jobs (WG01, WG03, WGO4)
 - provide well connected communities, supported by transport (WG02)
 - conserve and sustain a safe local and natural environment and heritage features (WG02, WG05)
 - facilitate a skilled and confident workforce (WG03).

The Climate Change Strategy for Wales 2010 (DD120)

- 4.27 This is a long-term strategy for reducing greenhouse gas emissions by 3% per year from 2011 in areas of devolved competence. The transport sector is responsible for about a fifth of the 3% target. All infrastructure projects must incorporate climate change adaption as part of their approach to sustainable development. The scheme would reduce existing congestion thereby reducing emissions within the urban fabric of Newtown, although it would not reduce traffic growth (WG04, WG05).

The Objectives of the Scheme

- 4.28 These are:

- Objective 1 – maintaining the local economic base and employment levels
- Objective 2 - meeting relevant environment targets by 2018
- Objective 3 - removing 50% of through traffic from local roads and 90% of HGVs from local roads
- Objective 4 - increasing the use of non-car forms of transport
- Objective 5 - integrating public transport
- Objective 6 - improving journey time consistency, reducing journey times by 10%
- Objective 7 - reducing accidents by 10% (WG01).

4.29 The scheme would achieve these objectives by:

- removing congestion and improving access, thereby assisting efforts to expand the local economy and employment (WG01A)
- meeting all environmental targets within 200 metres of the scheme and reducing greenhouse gas emissions along Pool Road and New Road by 3% by 2018. Emissions would decrease in line with the reduction in traffic in Newtown (WG04, WG05).
- removing through traffic on Heol Treowen, Plantation Lane and Milford Road by 34%, 47% and 39% respectively over 2008 levels by 2018. HGV traffic on Heol Treowen, Plantation Lane and Milford Road would be reduced by 56%, 33% and 28% respectively from 2008 levels by 2018, but further prohibition notices would reduce flows further and achieve the objective (WG04)
- reducing car travel (car to non-car and car to bus) within Newtown by achieving a modal shift of 10% and 2%% respectively over 2008 levels by 2018. The scheme would facilitate an opportunity for this objective to be advanced (WG04).
- limiting the Newtown interchange penalty linking bus and train services to 20 minutes generally and in the peak hours to 10 minutes respectively by 2018. The scheme would facilitate an opportunity for this objective to be advanced (WG01).
- reducing journey times between specific points by 10% by 2018. This would be exceeded, with savings in excess of 25% being predicted on the main routes for through traffic (WG04).
- reducing road traffic accidents by 10% by 2018 on A483, A489, Heol Treowen, Plantation Lane and Milford Road. This would be exceeded

with percentage reductions in the range 25-40% predicted on the specified roads (WGO4).

The Existing Road Conditions

- 4.30 The A483 and A489 trunk roads at Newtown form part of the north-south and east-west strategic traffic corridors through Wales. They meet as urban single carriageways in Newtown, creating a pinch point for through traffic, delays for all traffic and impediments for cyclists and pedestrians.
- 4.31 The 7 signalised junctions or crossings along the A483 at New Road and Pool Road and along the A489 Llanidloes Road frequently suffer from peak hour congestion. These serve residential and large and small retail properties, with multiple access points. In the town two low and narrow bridges, one on each trunk road, cause high-sided vehicles to divert through the residential streets of Plantation Lane, Garth Owen and Treowen. There are no overtaking opportunities along the 6.1 km of the A483 in Newtown, the average traffic speed is about 20 mph and congestion is commonplace during peak periods and school-out times. (WG02, WG04, ID44).
- 4.32 Two locations, on Pool Road and New Road, breach the Welsh Government air quality objectives and residential and commercial properties in Newtown suffer from constant road traffic noise throughout the day (WG05, WG06).

The Proposed Road

Details and Standards

- 4.33 The proposed single 2+1 carriageway would be 6.53 km long and 13.5m wide. It would provide safe overtaking opportunities on two lanes in one direction and one in the opposite direction. The counter-directional flows of traffic would be separated by double solid lines set 1 metre apart with cross hatching on red road surfacing between the lines. A 1-metre wide hard strip would run on both sides of the carriageway. The scheme has been designed in accordance with the national Design Manual for Roads and Bridges (DMRB), including Departmental Standards TD 70/08-Design of Wide Single 2+1 Roads and TA46/97-Traffic Flow Ranges for Use in the Assessment of New Rural Roads (DD301, DD302, DD303, WG02, ID03, ID15).
- 4.34 At the eastern and western ends of the scheme and at the Mochdre Industrial Estate single carriageway connections to the existing road network would be made.
- 4.35 This layout would provide for westbound overtaking lengths on 36% of the road and on 40% in an eastbound direction, both exceeding the 30% required by Departmental Standard TD9/93-Highway Link Design. Two segregated laybys would be positioned on overtaking sections, to minimise

the risk of right turn manoeuvres into them (DD301, WG02).

- 4.36 Five at grade lit roundabouts would provide junctions between the bypass and local roads and 2.7km of single carriageway side roads would be constructed. The road lighting, apart from short 30 mph speed limited urban lengths of new side road, would be confined to some approaches to and circulation of the roundabouts. It would be designed as low energy fully cut-off to prevent light spread into adjacent areas (WG02, DD501).
- 4.37 The piped drainage system would discharge into 8 attenuation ponds strategically located near natural watercourses. Natural Resources Wales, on behalf of the Lead Local Flood Authority, have specified the maximum discharge rates. The ponds would be fitted with baffles and skim boards to contain potentially polluting hydrocarbons. Emergency shut-off valves would be provided upstream of critical discharge locations to isolate the drainage system in the event of toxic spillage (DD007, WG02, WG05).
- 4.38 The detailed sizes, locations and associated hydraulics of the attenuation ponds are set out in Volume 3 Part 4 Appendix K of the ES (DD007).
- 4.39 To compensate for a small part of the scheme lying in the flood plain and the potential of flooding from a 1 in 1000-year storm occurring, an area north of the road near its western end would be lowered to provide compensatory floodwater storage in accordance with Planning Policy Wales TAN15 - Development and Flood Risk (DD123, ID108).
- 4.40 The road would be fenced with badger and otter proof fencing, constructed to British Standards. The bridges would be constructed using weathered steel and the culverts using concrete boxes. The wing walls and abutment faces to structures would be stone clad where they would be visible from the bypass and Pool Road. Some of the culverts would be adapted for ecological purposes (WG02, WG05).
- 4.41 The scheme would balance the earthworks cut and fill, with all materials excavated used for embankments, false cuttings or landscaping. Generally cutting slopes would be set at a gradient of 1:2.5 (vertical to horizontal), but in rock of 1:1 and 1:3 where weaker materials would be encountered. Embankments would be constructed at a slope of 1:2.5, but steeper in places to 1:2 using selected fill material from excavated rock and imported gravel, generally north of the railway (WG02, WG03).
- 4.42 The carriageway alignment would be designed for a speed of 100kph (60mph) and its depth for a structural life of 40 years with noise absorbent surfacing.
- 4.43 The whole of the scheme has been subjected to Road Safety Audits, a report of which recommended a series of measures. All were accepted except for eight, which were highlighted in the Stage 1 Road Safety Audit Exceptions Report (DD502, DD503, DD504, DD505, WG02).
- 4.44 The bypass section of the design incorporates 11 departures from

normal engineering standards and 5 relaxations of those standards. An independent panel has technically endorsed them. The side roads would carry fifteen departures from standard, which have been discussed with the Powys County Council and accepted in principle by the Council (DD505, DD506, ID15).

Alignment, earthworks and carriageway cross section

- 4.45 An engineering plan of the road is laid out in the Non-Technical Summary of the Environmental Statement. This shows that the scheme would start at the western end with a three-arm roundabout linking the bypass to the existing Llanidloes Road from which it would continue eastwards severing the southern part of the Glandulas Holiday Home Park. A new bridge would connect the severed areas of the Park, which would have its internal road network modified. This internal road rearrangement would require the removal of a number of caravans from their permanent locations.
- 4.46 East of the Holiday Park the scheme would enter a shallow cutting and a short length of embankment before being bridged over the Mochdre Brook, Mochdre Lane and Upper Mochdre Lane on a high single clear span bridge elevated well above the surrounding land.
- 4.47 Nearby two underpasses would serve Coleg Powys and a local bridleway, and an attenuation pond would be constructed into sloping ground on the southern bank of the Mochdre Brook.
- 4.48 To the east the road would be carried on an embankment up to 16 metres high, in a shallow cutting, then a deep cutting of up to 28 metres on its southern side at Castell y dial Wood. Nearby a segregated layby would be constructed off the eastbound carriageway.
- 4.49 Access to the Mochdre Industrial Estate and the A483 Dolfor Road would be provided by a four-arm roundabout, which because of the undulating topography would necessitate a 23 metre deep, tiered cutting into the slopes. The northern arm of the roundabout would link to the Lower Dolfor Road roundabout and from that to Heol Ashley and the industrial area, as well as to the A483 into town.
- 4.50 Upper Dolfor Road would be bridged over the bypass with Middle Dolfor road crossing beneath it by way of an underbridge. Thereafter the bypass would be carried in a long cutting, followed by a long and high embankment to the east, before a four-arm roundabout would join it to Kerry Road.
- 4.51 To the east of this point the carriageway would run generally at field level, with a segregated layby formed off the westbound carriageway. The layby would be shielded from the adjacent land by a 2-metre high landscaped earth bund.
- 4.52 Wern Ddu Lane would be bridged across the bypass and connected to the existing Lane by short lengths of embankment.
- 4.53 The road would then rise on two short, 13 metre high embankments and then be bridged over the single track Cambrian railway, beyond which the

road would pass over Pool Road to link back to that road at a three-arm roundabout. That roundabout and part of Pool Road would be lit and a 2 metre landscaped bund erected on its northern side to offer some shielding to residential property. A new road would be constructed from the roundabout to pass beneath the bypass and provide the local link to Newtown.

- 4.54 The design of the scheme has been the subject of reviews by the Design Commission for Wales (WG02, ID8-ID10).

Traffic justification for the scheme (WG04)

- 4.55 Extensive traffic data, collected from a core area around Newtown and its environs in 2008, was fed into a specifically prepared SATURN traffic model, from which traffic flows in 2016 and 2031 were predicted. The predicted flows were analysed and tested against observed flows and they validated well within acceptable limits of accuracy (DD507, DD508, DD325-DD327, DD509).

- 4.56 In order to reflect significant local development new traffic counts were undertaken in 2013 to facilitate an update of the model and its validation. The traffic survey details are set out in DD507 and included:

- 6 bi-directional automatic traffic counts
- 6 bi-directional manual traffic counts
- road-side interviews at 6 locations, forming a cordon around the outskirts of Newtown
- A489 and A483 journey time surveys (ID59).

- 4.57 The updated traffic model explicitly modelled the morning (0800-0900 hrs) and evening peak hours (1630-1730 hrs) and the average inter-peak hour during the period running between 1000 hrs and 1600 hrs. Two categories of traffic (cars and light goods vehicles together, and separately heavy goods vehicles) were represented in the traffic model. Growth factors were applied to predict traffic flows on the existing and proposed network of roads in 2017 (year of opening) and 2032 (design year) respectively (ID44, DD325, DD326, DD327, DD509).

- 4.58 The predicted traffic flows on the bypass were:

| | <u>West Section</u> | <u>Central Section</u> | <u>East Section</u> |
|------|---------------------|------------------------|---------------------|
| 2017 | 8,802vpd | 14,534vpd | 17,534vpd |
| 2032 | 9,827vpd | 16,073vpd | 19,359vpd |

- 4.59 Traffic growth on the trunk road network in Wales is continuing despite an overall reduction in the number of car miles driven annually in Great Britain (ID29, ID47, ID73).

- 4.60 Without the bypass in place much of this traffic would continue to use the A483 and A489 trunk roads through Newtown, with current problems getting worse each year. Typical existing flows through the urban fabric of the town were in the range of 15,667vpd to 20,348vpd, of which heavy goods vehicles varied between 5% and 7%. Without the scheme these flows would continue to grow, with the diversion routes along Plantation Lane and Heol Treowen carrying an ongoing burden (ID12, ID74, ID76, WG04, WG04A).
- 4.61 The bypass would immediately reduce these urban flows to lie within the range 4,456vpd to 11,537vpd with the proportion of heavy vehicles remaining in the town falling to 1% to 3%. This would represent a reduction in traffic of about:
- 48% on Llanidloes Road
 - 43% on New Road
 - 51% on Pool Road
 - 50% of diverted flows on Plantation Lane and Heol Treowen (WG04).
- 4.62 As a consequence the conflict between pedestrians and vehicular traffic within the town would reduce and journey times for through traffic and local traffic would fall. A typical journey time saving of between 3 minutes and 4 minutes would accrue for traffic travelling along the whole length of the bypass and about 5 minutes for traffic travelling between the proposed roundabouts on Dolfor Road and Pool Road. During holiday periods and at weekends significantly greater savings for through traffic would occur (WG04, WG04A).

Road related accidents

- 4.63 A total of 110 personal injury accidents occurred in the Newtown area from 2008 to 2012, resulting in 132 casualties. Over half of these involved road junctions and clusters were identified along the A483 and A489 trunk roads and in the town centre (ID5).

Cost and economic justification for the scheme

- 4.64 The scheme would cost in the order of £ 62.1 m at Quarter 4 2012 prices, inclusive of design and land costs. The land cost is limited to the permanent and justifiable acquisition within the fence lines of the highway and some temporary construction requirements outside the proposed fence-lines, in addition to an estimate of the likely compensation payable.
- 4.65 The Economic Assessment Report sets out the beneficial return of the scheme, when considered against the capital and maintenance costs (Benefits to Cost Ratio-BCR). The scheme cost, discounted to a common base from 2012, would be in the order of £ 65.6m and the corresponding benefits that would accrue for the nation would be in the order of £194m, giving a BCR of about 3.0, which means that, for every £1 of public money

spent on the scheme, it would reap £3.0 in public benefit over a period of 60 years. It would be a sound investment of public funds. (WG04, DD510).

- 4.66 The above figures do not take account of traffic queues and delays during construction and maintenance works, both on the proposed road and on the existing trunk roads, which, as single urban carriageways, would present significant maintenance challenges and delays to traffic for even minor works unless they are relieved of through traffic. Had these potential delays been taken into account, the economic case for the scheme would have been strengthened.
- 4.67 A 2014 study into the wider economic effects on Newtown concluded that the scheme would provide wide economic benefits to local industry, particularly in the manufacturing sector. Without a bypass the continuing congestion would threaten the local existence of a number of companies. The opening of a bypass would optimize efforts to retain these companies in Newtown (DD514 and addendum, ID11).
- 4.68 Funding for construction would be raised from the Welsh Government's Transport budget and has been earmarked for the appropriate budget years, having regard to the optimum construction programme (WG01).

Construction matters

- 4.69 It is anticipated that phased construction would start in late 2015 and continue for 30 months, with a 1-year aftercare commitment for the engineering works and a 5-year maintenance period for the mitigation works. The contract would be incentive based in an effort to control and minimise costs. Local labour would be used, training would be undertaken and apprentices would be employed. The general site working hours would be 0700 to 1800 Monday to Friday and 0700 to 1600 on Saturdays. Best site practice would control vibration, dust and air pollution and discussions would be held with the Environmental Health Officer of Powys County Council to ensure that construction noise is assessed and minimised. Before and after condition surveys of property would be organised (WG03).
- 4.70 A Construction Environmental Management Plan (CEMP) would be developed and regularly reviewed in consultation with the statutory bodies. An Environmental Coordinator would oversee and control construction activities in order to create a safe and healthy working environment. All operatives would be trained and receive an induction course on matters of health, safety and the environment through which the scheme would be constructed. Agreed method statements would control activity on site and day to day monitoring of site activities would be carried out by the Environmental Clerk of Works who would report to the Environmental Coordinator. Site waste, noise, vibration, materials management and protected species would come under the purview of the Clerk of the Works (WG03).
- 4.71 Protected species licences would be obtained for bats, badgers and dormice and temporary and permanent drainage consents sought where

necessary. An agreement would be sought with the Clwyd-Powys Archaeological Trust in respect of site clearance and topsoil excavation and an archaeological watching brief established (WG03, WG05, ID20, ID21).

- 4.72 A permanent Public Liaison Officer has been appointed and would form the main point of contact with the general public in accordance with a communication strategy, which has been developed for the scheme. It would be updated frequently as the works progress. A programme of public meetings would be rolled-out in advance of key site activities. The public would be kept informed through the site website, newsletters and leaflet drops, notice boards, exhibitions and a 24-hour help-line. A visitor centre would be established within the main site compound (WG03).
- 4.73 Site access would initially be from existing roads but after boundary fences are established much of the site traffic would travel between the fences. Site deliveries would be predominately from the south. All existing roads would remain operational during the works and regular liaison with the relevant authorities would continue throughout the duration of construction (WG03).
- 4.74 A number of diversions of Statutory Undertakers plant would be required, mostly early in the construction programme.
- 4.75 The mass earthworks would be preceded by the construction of the structures to facilitate haulage within the confines of the site. Stripped topsoil would be stored in earth bunds flanking the road and it is proposed to reuse all other excavated material within the works, as structural embankments or environmental bunds, thereby obviating the need to haul material on public highways (WG03).
- 4.76 Drainage ponds would be excavated early in the construction process to enable them to function as silt-trap lagoons to prevent site run-off polluting local watercourses. A series of anti-pollution measures, in accordance with the Environment Agency's Pollution Prevention Guidelines (that have been adopted by Natural Resources Wales) would be deployed. Culverts would also be installed early in the programme to enable them to act as crossing points for mammals (WG03).

Land acquisition, demolition and compulsory purchase of land

- 4.77 About 83 hectares (ha) of land are included in the draft Compulsory Purchase Order (CPO), most would be agricultural land but none of it is "special category" land. Two residential properties, Kinsale on Middle Dolfor Road and Gelli on Pool Road would be demolished, as well as a barn. Four dwellings would lose part of their gardens and, overall another hectare of residential land would be taken. The scheme would also require, permanently or temporarily, about 4.5 ha of commercial land of which about 2 ha would be from the Glandulas Holiday Park (DD003, WG05).

The effects of the scheme on agriculture

- 4.78 The Welsh Government's objective for sustainable agriculture revolves

around a sustainable and profitable future for farming families and businesses through the production and processing of farm products while safeguarding the environment.

- 4.79 Some 76Ha of agricultural land would be needed for the scheme, of which 51 ha of agricultural land would be required permanently, in addition to 25 ha which would be needed on a temporary basis during construction. This land is categorised as sub-grade 3b and 4, which nationally is defined as moderate to poor quality and the effect of the scheme on agriculture could be defined as of moderate adverse significance (WG05, ID109).
- 4.80 Thirteen farm units or businesses would be affected by the scheme. Four of the units would suffer a moderate adverse effect, the rest only a slight effect. Five of the units would be significantly severed by the scheme. Alternative access would be provided to 5 of the farms and 4 underpasses would connect severed areas on 2 of the units. Additional access would be provided for silage equipment for all the others.
- 4.81 In places the land that would be disturbed by construction would be re-graded and returned for agricultural use. Water supplies that would have to pass under road embankments would be sleeved (WG05).

The Environmental Statement for the scheme (ES)

- 4.82 The Environmental Impact Assessment (EIA) was prepared in accordance with Directives 85/337/EEC and 97/11/EC and the ES has been prepared in accordance with EC Directive 85/337/EEC, as amended by Directive 97/11/EC and Council Directive 2003/35/EC, and as applied by Section 105A of the Highways Act 1980 to road schemes in England and Wales (DD203, DD206, DD208, DD209, DD313, DD314, WG01, WG05, ID22).
- 4.83 It has had regard to the Highways (Assessment of Environmental European Habitats) Regulations 1999 (as amended), the Highways (Environmental Impact Assessment) Regulations 2007 (as amended) and the Conservation of Habitats and Species Regulations 2010. These assessments were necessary to fulfil obligations set out in the Conservation of Habitats and Species Regulations 2010. These require the Welsh Government to carry out an Appropriate Assessment of the Implications for any European Site for Nature Conservation that would arise from the scheme should it proceed (DD216, DD217, DD218).
- 4.84 The ES Scoping Report was issued for comment to Statutory Consultees and responses were received from:
- Natural Resources Wales (NRW)
 - Cadw (Welsh Historic Monuments)
 - Powys County Council
 - Clwyd-Powys Archaeological Trust

- North and Mid Wales Trunk Road Agency
- Welsh Government Environmental Coordination/Advice Team (DD511).

4.85 The comments from these Bodies initiated further survey and assessment work along with measures to mitigate potential impacts. This resulted in a minor addition to the ES. (ID21). An Environmental Liaison Group of statutory and non-statutory bodies and stakeholders have met frequently and would continue to do so in order to steer the scheme to completion (ID21, ID154).

The Assessment of the Implications for European Sites (AIES) and a Statement to Inform an Appropriate Assessment (SIAA) of the effect of the scheme on a European Site

4.86 The AIES process is separate from that of the EIA and is relevant in respect of the potential impact on the Montgomery Canal Special Area of Conservation (SAC), which is defined as a site of importance on a European scale. Accordingly, a Statement to Inform an Appropriate Assessment (SIAA) was prepared by the Welsh Government in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 to enable Welsh Ministers to have regard to any potential significant implications on the integrity the local SAC along the Montgomery Canal (DD006, DD216).

4.87 The SIAA concluded that, even in the absence of mitigation, the scheme would not be likely to have a significant effect on the Montgomery Canal SAC, whether alone or in combination with other plans and projects. NRW has endorsed that conclusion and therefore the scheme would comply with The Conservation of Habitats and Species Regulations (DD216).

The effects of the scheme on local air quality

4.88 As there are no designated ecological sites within 200 metres of the scheme, or any affected road, no assessment of the impact on air quality at such sites was required. A series of assessments were undertaken both within the rural environment through which the scheme would pass and within relevant urban areas of Newtown that would experience traffic changes (WG05).

4.89 The assessments demonstrated that, providing there was effective dust control, the scheme would have no significant adverse impacts on air quality (ID30).

4.90 There would be an improvement in air quality for receptors in Llanidloes Road, Pool Road and New Road, Newtown. Concentrations of nitrogen dioxide would fall below the level of concern within the current Air Quality Management Area. The assessment indicated that the scheme would achieve its objective of reducing greenhouse gas emissions along Pool Road and New Road by 3% by 2018 (WG05).

The effects of the scheme on local cultural heritage

- 4.91 In accordance with the DMRB a study area of 200 metres around the scheme was investigated to determine the effect that the scheme would have on cultural heritage. There are no scheduled ancient monuments within the study area. There would be no affect upon those in or around Newtown, or on the Newtown Conservation Area (WG05).
- 4.92 Ten grade II listed buildings lie within the study area and the scheme would have an impact on 3 of these namely, Glanhafren Hall, Black Hall Farm and Glan Hafren House (WG05).
- 4.93 During construction 14 known archaeological sites would be affected, but with mitigation the effects would be negligible or minor adverse. The highest value sites are the Great Brimmon Enclosure and the Forden to Caersws Roman Road. A watching brief and recording would be applied to those and to sites of lower value during topsoil stripping and excavation (ID20).
- 4.94 The precise alignment of the Roman road would be determined on site and the precise location of the flood compensation works adjusted locally to ensure it remained unaffected. Elsewhere geophysical surveys would pinpoint the exact road alignment (WG03, WG05).

The effects of the scheme on nature conservation

- 4.95 The Montgomery Canal is the only SAC within the vicinity of the scheme, some 840 metres to the north of it. It is also a SSSI and there are 3 more SSSIs near the proposed road at Mochdre Dingles, Penstrowed Quarry and Gweunydd Penstrowed. There would be no direct impacts on any of these and the effect of the scheme on them would be neutral (DD004-DD009, WG05).
- 4.96 There would be a direct impact on hedgerows and trees, which would cause a loss of commuting route for the resilient Pipistrelle bat on the A489 Kerry Road. It is likely that the bats would adapt to the loss of the route, which would neutralise the short-term minor adverse impact. The bat roosts at Kinsale and the barn along Pool Road would be removed under licence from the NRW. All trees with the potential of housing bats would be inspected before felling and any roosts found would be removed under licence. The clear span bridges, arch culverts and other structures would provide safe crossing points for bats (DD004-DD09, WG05).
- 4.97 With mitigation in place the predicted effects on all species and habitats listed in the Natural Environment and Rural Communities Act 2006 would be neutral but the proposed hedgerow and grassland planting, in addition to the road verge would, over time, enhance the surroundings for species and habitats. This would assist the achievement of the aims set out in The Trunk Road Biodiversity Plan (2004) and the initiative for wildflowers along verges (DD121, DD220).
- 4.98 In order to preserve lichens, translocation of the substrates supporting the

lichens from the footprint of the road would be undertaken before construction (WG05).

- 4.99 A small-scale relocation of reptiles would also take place at the western end of the scheme and a temporary reptile barrier installed to prevent relocation until the scheme is complete. About 2,500 sq m of slowworm habitat would be lost to the works but a slightly greater area of replacement grassland habitat would be provided in mitigation (WG05).
- 4.100 The site clearance works would have regard to the needs of dormice and bird nests would be protected. Vegetation clearance in dormouse areas would be carried out under licence (WG03, WG05).
- 4.101 A ghost licence for the necessary works associated with badgers has been drafted in consultation with the NRW and should the scheme proceed would be presented to the NRW. The requirements of the CEMP would be met for any active badger setts encountered. Mammal resistant fencing would be provided and crossing points facilitated by the culverts with dry ledges and dry pipes (WG05).

The effects of the scheme on the water environment

- 4.102 Drainage from the existing road network enters the watercourses without any attenuation, or treatment of flows or spillage, although currently water quality is generally of good quality. Run-off from the scheme would be fully attenuated and there would be no lowering of local water quality because of it. The Environment Agency has established a water source protection zone at the eastern end of the scheme which has been adopted by NRW (WG05).

The effects of the scheme on the landscape

- 4.103 The topography of the proposed road corridor follows a valley pattern but is complicated by subtly undulating valley slopes and minor side valleys, the orientation of which often conflicts with that of the main valley. Land cover is variable with arable and pasture fields, woodland blocks and copses. Field boundaries can be either post and wire fences or tree-lined hedgerows. The corridor houses a number of individual dwellings and farms and some urban dense town development. No formal landscape designations are found in the broader corridor (DD004, DD005, WG05).
- 4.104 The visual impact assessment for the scheme was based on 30 representative viewpoints, which were agreed with the Statutory Environmental Bodies, and an assessment of residential properties from vantage points and publicly accessible locations (DD004, DD005, WG05).
- 4.105 The scheme would introduce significant adverse effects to the rural landscape and, whilst mitigation works would lower the impact in places, there would be a long-term significant residual implication for 1 landscape character area and a major adverse impact on 3 other landscape character areas (DD004-DD009, WG05).

- 4.106 By the design year (of 2032) the only townscape area to be affected would be the Glandulas Holiday Park, which would experience a minor residual adverse impact (WG05).
- 4.107 Of the 30 viewpoints assessed, there would be 6 with a residual impact of substantial adverse significance in the design year and 7 of major adverse significance (WG05).
- 4.108 The visual assessment on affected properties indicated that of the 217 individual properties assessed most would suffer no visual impact by the design year. In winter in the design year there would be 13 properties with a substantial adverse impact, 38 with a moderate impact and 30 with a slight impact. The worst affected would be those closest to the route, near the Mochdre Bridge and the proposed roundabout at Kerry Road. No change would be experienced at 136 properties (DD004-DD009, WG05).
- 4.109 In order to offset the magnitude of the adverse impacts a package of measures, forming a landscape strategy, would be incorporated into the scheme. Key to the success of the strategy would be the planting of broadleaf trees, hedgerows and amenity grassland. Earthworks such as false cuttings and slope re-profiling and treatment of structures have been designed to lessen the impact of the scheme. In addition 3 plots of land have been included in the Compulsory Purchase Order for essential mitigation proposals. Planting of these plots would reduce the visual impact on Upper Dolfor Road and on Pool Road and help integrate the scheme into the surroundings. Some off-site planting would be discussed with residents and boundary landscaping targeted to intercept headlight beams in sensitive areas (DD004-DD009, WG05).
- 4.110 There would be a short-term loss of habitat arising following site clearance, probably for about 10 years for hedgerows and 15 years for woodland. About 5 km of hedgerow would be removed by the scheme but 12km of new hedgerow would be planted and linked to retained lengths of hedgerow to facilitate colonisation of the whole network of hedges by plants and animals. About 5ha of broadleaf woodland and 1.7 ha of shrub would be lost to the scheme and replaced by 15 ha of local native trees and shrubs (WG05).

The Register of environmental and construction commitments

- 4.111 Following concerns by the Statutory Consultees and requests from the public about the potential impacts on the sensitive environment, both during construction and thereafter, a Commitments Register was produced for use as a template for actions necessary to protect and enhance the surroundings. This would bind the Welsh Government and contractor to the specified actions during the construction process (ID159).

Construction noise, vibration and road traffic noise (WG06)

- 4.112 Noise was monitored at 12 locations in the vicinity of the scheme over a 14 - day period in December 2013. This showed that noise levels do not fall below 40dB(A) during the day. This value was used as the base against

which to assess both future construction and road traffic noise impacts (WG06).

4.113 An analysis of construction noise indicates that no significant noise levels are expected beyond 100 metres from the scheme, or from compounds, and for many of the activities significant noise increases would not occur beyond 50 metres from the works or from compounds. Temporary re-housing would not be required. No vibration would affect property and night working would only be necessary on the decking of the railway bridge. Only one structure would require piling and those piles would be bored hence obviating the need for vibration of the ground (WG03, WG06).

4.114 In order to counteract road traffic noise mitigation measures would be incorporated into the scheme in the form of earth bunds, false cuttings and noise fence barriers. These would be incorporated at:

- the Glandulas Holiday Park
- the approaches to and across Mochdre Bridge
- the Mochdre Industrial Estate area
- the Garth Owen and Hafren areas
- Brimmon Farm and Brimmon Lane
- the Pool Road roundabout
- the Cambrian railway (WG02, WG06).

4.115 All calculations of road traffic noise complied with standard methodology. These show that with the proposed mitigation, the scheme would cause a decrease in local road traffic noise at over 2800 properties and a significant decrease at over 1700 dwellings in Newtown. It would cause an increase in noise at over 600 properties and a significant increase at over 400 properties in the scheme corridor (WG06, ID33, ID46, ID133).

Order modifications sought by The Welsh Government

4.116 The Welsh Government, following agreement with landowners and objectors, discussion with interested parties and minor redesign, proposes modifications to the Side Roads and Compulsory Purchase Orders. These modifications are set out in detail at Annex C of this report. Details of the proposed modifications and their justification are set out at ID163. Most modifications that require written acceptance have been formally confirmed (ID163).

Order modifications recommended by the Inspector

4.117 The Modifications to the Compulsory Purchase Order and the Side Roads Order recommended by me are at Annex D.

5 THE CASE FOR THE SUPPORTERS

The material points are:

Supporters who attended the Inquiry

Mr Russell George AM (S72, ID64)

- 5.1 Mr George is a passionate supporter of the scheme and considers that, although there are opposing concerns, it would offer the best overall traffic solution for Newtown, a view, in his opinion, shared by the majority of local residents. In 2011 a petition containing 10,000 signatures calling for a bypass was submitted to the National Assembly for Wales.
- 5.2 The scheme would be very important for the local economy as well as benefiting the economies of Llanidloes and Machynlleth. It would address congestion in Newtown, in the residential area along Plantation Lane and the Garthowen and Treowen housing estates. Schools are located in those areas.
- 5.3 The response times of the Emergency Services would improve and direct trunk road access to the Mochdre Industrial Estate would be beneficial for industrial traffic.
- 5.4 The scheme should be constructed as soon as possible but it is recognised that, as currently designed, it raises legitimate concerns for a number of residents and farmers. If practicable, the scheme should be modified to reflect these issues, but the prime concern is to see the scheme proceed quickly and that overrides the local issues if the adoption of them would delay the much-needed bypass.
- 5.5 The local issues could be resolved by constructing accommodation bridges to re-establish connections to severed land, realignment of the bypass to avoid ancient oak trees, a wildlife pond and property along Pool Road, removing some landscaping from the scheme and by the provision of triple glazing, quality fencing and gates.

County Councillor Kath Roberts-Jones (S94, ID18)

- 5.6 Councillor Roberts-Jones represents the Kerry ward, which includes the villages of Sarn, Kerry and Dolfor. Kerry and Sarn sit astride the A489 and are burdened with traffic passing through the villages. Some of this traffic results from congestion in Newtown forcing drivers onto alternative routes. As congestion has increased in Newtown flows along the A489 have increased. It is recognised the bypass would adversely affect some, but overall the benefits of the scheme would outweigh that adversity.

County Councillor Bob Mills (S62, ID16)

- 5.7 Councillor Mills represents Newtown South and draws attention to the congestion and safety issues that arise because of the burden of having converging trunk roads passing right through the town. Congestion and height restrictions along the trunk roads cause drivers, including HGV drivers, to divert along the unsuitable local roads in Lon Gerylli, Plantation Lane, Treowen, Maesyrrhandir and Maesedial. These issues should have been addressed by the building of the original protected line 40 years ago.

- 5.8 The bypass would be of huge benefit to the Police, Fire and Ambulance services. Without it the continuing congestion would discourage investment and economic development in Newtown.

Councillor Dr Gemma-Jane Bowker (S69, ID17)

- 5.9 Dr Bowker represents Newtown and Llanllwchaiarn North, an area that houses about 2,269 residents.

- 5.10 The bypass, with the proposed detrunking of the existing roads and ancillary works, are all supported because the line of the bypass would offer the most radical solution to the unsustainable burden of traffic on the existing A483/A489. Congestion and tailbacks are a daily problem for locals and travellers alike. This causes unsatisfactory diversion routes to be adopted such as the Aberbechan Bridge and Canal Road route, which serves a school club and play group, a community centre, restaurant and shop. The problems are so frequent that, even when congestion levels are low, drivers divert away from the trunk road in anticipation of delays ahead. The scheme would also release the development potential of the town.

County Councillor Joy Jones (S74, ID19)

- 5.11 Councillor Jones represents East Newtown and fully supports a bypass as the only viable solution to the high traffic volumes and congestion through the town, which is the largest in Mid Wales. Diverting traffic adversely affects the Treowen housing estate and its 400 homes, with permission in place for another 100. Conflicts between vehicles, pedestrians and cyclists are a constant danger. Visitors to the town are put-off because of the congestion, and residents suffer air pollution on a daily basis.

Mr Nigel Brinn (S1, ID14)

- 5.12 Mr Brinn is Head of Service for Highways, Transport and Recycling at Powys County Council and confirms that the Council formally supports the scheme, including the proposed detrunking and ancillary works although details need finalisation. It would accord with the aspirations in the Deposit Local Development Plan, in particular those set out in Objectives 6, 7, 8, 11 and 14 (ID63).
- 5.13 Since the Welsh Office issued a notification for the scheme in 1973 traffic growth has continued. The restricted height bridges on both the A483 and A489 cause high-sided vehicles to travel through residential areas. Air quality along New Road by Dolfor Road has become such a concern that an air quality management area has been established. The aging under-road infrastructure in the town could be replaced more easily should through traffic be removed. The proposals for NMU public rights of way are welcomed and fully supported.

Written Supporters issuing Statements to the Inquiry

Newtown and Llanllwchaiarn Town Council-Mr E Humphreys (S132, ID23)

- 5.14 Mr Humphreys is the Town Clerk and Business Manager of the Town Council, which formally supports the scheme for the removal of traffic from the town in order to support the well-being of local people. The Town Council is currently engaged with the Newtown Chamber of Commerce and Mid Wales Manufacturing Group on the promotion of town centre improvements. These would be facilitated by the removal of through traffic.

Councillor Wynne Jones (S52, ID24)

- 5.15 Councillor Jones is a County Councillor representing the Dalforwyn Ward. He recognises that traffic congestion in Newtown dates back to the 1970's. By the 1990's westbound traffic would queue for 2 miles on weekends and bank holidays. This congestion thwarts business as far away as Aberystwyth. It causes diversion of traffic onto less suitable roads and visitor frustration. The bypass would free the town and enable it to prosper.

Other Written Support

- 5.16 In addition to those supporters appearing at the Inquiry, or producing statements, there were 126 expressions of written support for the scheme. This list included correspondence from the Community Councils of Caersws, Llangurig, Dwyriw and Llanbrynmair. The Llanidloes Town Council and the Newtown Chamber of Trade also submitted letters of support for the scheme.
- 5.17 Amongst the points made in writing by the supporters were:
- the scheme would afford an opportunity for proper space management of the relieved town and consultation on options for improvement
 - the scheme would stop hazardous diversions onto unsuitable routes threatening equestrians, pedestrians and cyclists
 - the scheme would be good for the economy, tourism and the town centres in Mid Wales which have suffered more than the National average
 - the scheme would prevent diversions onto unsuitable urban streets and would make housing estates more attractive places
 - the scheme would reduce commuting times and industrial access would be improved
 - Currently traffic approaching Newtown from the east has to queue for 2 miles at peak times and 4 miles on Bank Holidays, from Easter until October.

6 THE CASE FOR THE OBJECTORS

After the end of the objection period, but before the closure of the Inquiry discussions took place between the parties leading to agreements being reached between the Welsh Government and Objectors. These resulted in the formal withdrawal of some of the points of objection that I have, for completeness, recorded immediately below, together with the Responses to them at Section 7 of this report. Agreements were reached with 6 objectors before the close of the Inquiry and I have acknowledged those agreements in Sections 8 and 10 of this Report. These agreements led to the withdrawal of objections number 7, 11, 14, 25, 35 and 73. For the confirmed objections I have structured this section of the report in the following order:

- *Statutory Objectors who attended the Inquiry.*
- *Written objections from Statutory Objectors.*
- *Non-Statutory Objectors who attended the Inquiry.*
- *Written objections from Non-Statutory Objectors.*

The material points are:

Statutory Objectors who attended the Inquiry

Mr T Emlyn Jones on behalf of Mr A F Gardner (O23, ID55)

- 6.1 Mr Gardner is owner of CPO Plots 2/13, 2/13b and 2/13c. Compulsory purchase of these plots would be unnecessary if the proposed Lower Dolfor Road roundabout and industrial estate access road were removed from the scheme. That would improve the cost benefit ratio for the scheme. As it stands the scheme would occupy valuable land and negate its natural development potential (ID58).
- 6.2 The Dolfor Road roundabout would serve the Mochdre Industrial Estate from the east. It is already well served with access from the west. That would continue to be the main access to the estate, with traffic from the east using the bypass. A limited traffic count taken on 22 June 2015 showed that of little traffic entering the estate only 13% of it comes from the east, a fact that demonstrates that a second access would not be needed (ID59).
- 6.3 Relative to the traffic demand, the proposed Dolfor Road roundabout would be too large, it would waste resources and would offer poor value for money. With its removal the new Dolfor Road could be joined into the existing road with a short link to provide access to Newtown from the bypass (ID62).
- 6.4 The proposed attenuation pond should also be repositioned away from flat land (ID62).

Mr Dave Evans, Mrs F A M Evans and Mrs R Moss (O1, ID78, ID79)

- 6.5 Black Hall Farm, a Grade 11 listed building, was purchased with the intention of establishing an equestrian centre on the farm. When the details of the scheme were released it was put up for sale but it has attracted no purchasers. It has now emerged that the scheme would cut the farm in two and make the small holding non-viable. The Welsh Government should purchase it.
- 6.6 The proposed nearby Dolfor Road roundabout would cause light invasion and Black Hall Farm would lose its privacy because the adjacent connecting road and bypass would surround the property. Road signing would have a major adverse effect on views from the farm. At the farm noise would dramatically increase and pollution would rise.
- 6.7 The only sensible access into the northern fields would be from the new stretch of the Dolfor Road, through land in the ownership of the Town Council.
- 6.8 The scheme would be improved by the removal of the Dolfor Road roundabout, and substantial money saved. There should be no signposting for non-local traffic to use Dolfor Road and no new access to the industrial estate. Nearby local roads should be improved to carry local traffic into Newtown. Parts of the redundant A483 should be ripped up and returned to agriculture. Alternative 2 would reposition the proposed Dolfor Road roundabout and should be built instead.

Clients of Mr Philip Meade

- 6.9 At the Inquiry Mr Meade, acting as their Agent, represented a number of Statutory Objectors, namely:
- Mrs Blanche and Miss Bethan Rowlands
 - Mr and Mrs Brymer Griffith
 - Mr Chris Clayton
 - Mr Geoffrey Jarman
 - Mr Richard Jones
 - Mr Peter Harris
 - Mr Peter Watkin
 - Mr Chris Lewis.
- 6.10 At the start of the presentation of his clients' cases Mr Meade orally challenged the impartiality of the witnesses who gave evidence on behalf of the Welsh Government and drew attention to annex O of the Planning Inspectorate Guidelines to Inspectors. As the witnesses were in the employment of the Welsh Government and linked to the development of the scheme they would have a biased view of issues, unlike Experts in the Civil Courts who are dedicated to the Court and not to the interests of

the client organisation (DM1 of ID90).

6.11 All statements of evidence presented by Mr Meade on behalf of these clients contained five identical "common threads" of objection, amongst other client specific matters. I have therefore reported those common points of objection immediately below. Mr Meade also made an oral representation about the need for an independent review of the local agricultural land classification. This request was based on his concern that officials in the Welsh Government Agricultural Division appear to have restricted the assessment presented to the Inquiry in the relevant Welsh Government Statement, which is inconsistent with a 2009 Consulting Engineer's report about land classification (DM7, 8, 9 & 11 of ID90).

6.12 I quote the five common matters of concern as:

1. *"The proposed 2+1 road results in an unnecessarily large land take. A two lane road would be perfectly adequate in relieving congestion within Newtown and would require less land take throughout the entire scheme."*

2. "Enjoyment of the Property"

Our clients' right to the peaceful enjoyment of their property will be significantly interfered with due to the proposed scheme. We believe that the general balance between general benefits of the proposed scheme and the interference that our clients are facing is disproportionate. Our clients should not have to be subject to this level of disturbance in this hostile way and the proposed scheme is an infringement of their human rights as per Article 1 Protocol 1 of the European Convention on Human Rights".

3. ODPM Circular 06/2004

".... we believe that the CPO is in conflict with paragraph 17 of the Circular 06/2004".

4. Boundary Fences

"All boundary fences.....should meet British Standard 1722 Part 7 as a minimum. This is for post and four rail and suitable wire to stock proof the fence. The rails are to be on our client's land side".

5. Structural Surveys

"An independent structural survey should be carried out.... Before works commence and again once the scheme is complete".

I turn now to deal with the individual objections of the clients.

Mrs Blanche and Miss Bethan Rowlands (O42, ID103)

- 6.13 Mrs Blanche and Miss Bethan Rowlands are owners of Sunridge, Upper Dolfor Road. They object to the extent of CPO Plot 3/1 which, if taken, would remove a small but important triangular parcel of land from the southern corner of the garden. It is understood that some land may be required for access to Bryneira's land, but a review of the necessity for this land take is needed because its loss to the garden would cause the protecting double hedge to be removed.
- 6.14 As the scheme would pass close to Sunridge and in a deep cutting ground disturbance would take place necessitating an independent structural survey of the property before works start and after completion.

Mr Geoffrey Jarman (O21, ID119)

- 6.15 Mr Jarman's farm, Melstone, would be dramatically severed by the scheme. The proposed accesses to the severed land would be unsatisfactory. It would necessitate a round trip of about 6 miles for farm machinery. Even then the proposed access 4/9b to the severed land would be too steep as it enters Field 0009. An additional access across the railway coupled with an underpass would reduce the burden of the severance. A new access into Field R004 to the north east of the proposed Pool Road roundabout should also be provided.
- 6.16 The scheme would cause the demolition of a large multi-use agricultural building and silage clamp, it would take the best quality land from the farm and water supplies may be interrupted. It would adversely affect wildlife habitats and the landscape of the area.
- 6.17 Plot 4/2d should be removed from the CPO because it would be unnecessary and the parcel of land in CPO Plot 4/2aa should not be re-profiled. It should be removed from the CPO. The need for re-profiling of plot 4/2ff is also challenged.
- 6.18 Issues of security and litter would be caused by the proposed westbound layby.
- 6.19 An alternative route, known as alternative 4, repositioning the bypass south of the railway, in an easterly direction to reduce the amount of severed land and facilitate easier management of the farm should be considered.

Mr and Mrs Brymer Griffith (O41, ID105)

- 6.20 Mr and Mrs Brymer Griffith are freehold owners of Bryneira, a 58ha mixed livestock farm. The farm would be severed and lose 5ha of productive land. A review of the proposed land take should be undertaken. A bridge should be provided to allow the movement of livestock around the farm and obviate the difficulty of stock movement to the severed area along the busy, narrow and dangerous Upper Dolfor Road.

- 6.21 CPO plot 3/2L should be removed from the CPO. There would be no benefit from the proposed tree planting in that plot, which would not marry in with the surroundings, but affect the quality of nearby grass.
- 6.22 Natural water supplies should be maintained and piped beneath the road. During construction vibration, noise and dust concerns would arise and suitable measures to offset these should be deployed. Access to the farm must be maintained during construction.

Mr Chris Clayton, Mr Gareth and Mrs Audrey Clayton (O39, ID110)

- 6.23 In all Mr Gareth and Mrs Audrey Clayton* and Mr Chris Clayton farm Great Brimmon, Upper Brimmon and Cefnaire as a mixed livestock and arable farm. It would lose 12 ha of its most productive land and a review of the extent of that land take should be undertaken (ID112).
- 6.24 The two main drains that service Great Brimmon Farm run north and would be interrupted by the scheme. These would need to be maintained during construction, as would the water supplies to all parts of the farm, which would also need protecting and preserving.
- 6.25 The proposed landscaping of the northern embankment should be enhanced to reduce the impact that the scheme would have on Cefnaire and its associated holiday accommodation. Plot 3/3aaa of the CPO contains land north of the proposed pond that is unnecessary**. The land in CPO Plots 3/3zz and 3/3vv should not be re-profiled and the plots should be removed from the CPO.
- 6.26 A bridge and gate should be constructed between fields L001 and L002 and trees and screening should be implemented to improve views from Cefnaire. Cattle grids with side gates should be built either side of the proposed underpass at Great Brimmon.

*[Mr G and Mrs A Clayton own CPO Plots 3/3a, 3/3b, 3/3f, 3/3h and 3/3k].

** [It is apparent that this should be Plot 3/3e].

Mr Richard E Jones (O20, ID115)

- 6.27 Mr Jones is the freehold owner of Lower Brimmon, a 40ha mixed livestock farm. The scheme would be only 5 metres from Lower Brimmon at its closest point. It would cause issues of privacy, security, access, livestock handling and wildlife. Structural damage to the old farmhouse, which would lie in the shadow of the road, could occur and the water supply to the farm could be interrupted.
- 6.28 The CPO includes unnecessary land, several outbuildings would need to be demolished and the line of the road would devastate the farm. It would divide it in two. Moving the road to the north would reduce the impact. Alternative 3 has been promoted to achieve that, safeguard an ancient oak, that has a long-standing association with the family and avoid an established pond which provides livestock with water.
- 6.29 About 4 ha of the most productive land would be taken thereby causing a change to the management of the family run farm. Moving livestock via

Wern Ddu Lane or Kerry Road would be dangerous and an underpass or bridge should be provided to connect the severed areas of Lower Brimmon.

- 6.30 The proposed access tracks PMA 4/10a and PMA 4/9b would serve third parties and take further land from Lower Brimmon. They would threaten a badger set and underground gas pipeline and pose an additional security and privacy issue, opening up the threat of trespass and theft. As an alternative, access should be relocated further north to border the railway, or Alternative 4 adopted. That alternative would solve the problems of the access tracks and preserve an ancient pond that has long-standing environmental associations with the farm.

Mr Peter Watkin (O38, ID113)

- 6.31 The scheme, on embankment, would adversely affect Brimmon House. Measures should be taken to reduce noise, dust and visual pollution both during construction and after opening. The area to the north of the house should be re-profiled and flattened in CPO Plot 3/3zz with an earth bund created along the scheme boundary. The water supply to Brimmon House would be threatened and measures to safeguard it must be taken.
- 6.32 A preferable alignment for the road would be to the north of the proposed line. This should not affect the high-pressure gas main.

Mr Peter and Mrs Karen Harris (O77, ID117)

- 6.33 Mr and Mrs Harris live at Gelli on Pool Road and would lose their home and garden, in which precious animals are buried. A review of the necessity for this should take place. Alternative 4, which would preserve Gelli, should be constructed in place of the scheme.

Mr Rob Roberts, with Mr Jonathan Roberts,

who also called Mr Graham Morris (O22, ID127)

- 6.34 Mr Roberts owns The Gables on Pool Road, a property that would be close to the proposed Pool Road roundabout. Alternative 4 would move the scheme away from the property and should be preferred because it would represent an improvement for 6 properties located off Pool Road.
- 6.35 Vehicles and road lighting on the proposed roundabout would be visible from the house even with the earth bund in place and traffic noise would increase. That would represent a significant change in the outlook from The Gables. If the scheme was approved the proposed roundabout should be abandoned in favour of a slip road. A review of the location of PMA 4/11A should also be undertaken.
- 6.36 There is concern about the drainage system at The Gables and about the water main that could be severed by the scheme, because matters of this type were dealt with in an unsatisfactory manner in an earlier contract at Newbridge-on-Wye.

Mrs Jayne Jones (O43, ID124)*

- 6.37 The westbound layby and the proposed access track should be removed from the scheme because they would pose security and privacy threats to secluded land that is used for recreation and accommodates valuable stock. Laybys on high-speed roads are dangerous and 53% of users are HGV drivers. Removal of the layby would result in a safer stretch of road. Additional screening should be incorporated into the scheme to reduce the impact of the layby if it is not removed because HGV drivers could look over a 2-metre high bund.
- 6.38 The access track that is proposed to run past The Meadows from Wern Ddu Lane should also be removed from the design because that too would give rise to issues of security and privacy, even if it was gated and locked. Rural theft is on the increase. The track would take farmland and an alternative access route across the existing railway from Pool Road should be sought.
- 6.39 The scheme would compromise the views and surroundings of The Meadows and, even with landscaping, would be prominent in the priceless landscape. The original lower alignment of the bypass passing beneath the railway would be preferable, despite the extra cost, because it would reduce the impact on The Meadows.

**Mrs Jones, a client of Mr Meade, is not a Statutory Objector but is included in this section of the report for convenience of drafting and because her objection contains one common point referred to above. Mrs Jones represented herself at the Inquiry.*

Mr Chris Lewis (O40, ID156) **

- 6.40 Mr Lewis lives at The Stables, Wern Ddu Lane in a property that would overlook the proposed bypass. He is opposed to the scheme and is particularly concerned with the security and privacy threat that would arise from the proposed layby opposite his property and the access track that would run past his northern field boundary. The field is used for recreation and dog training business purposes and enjoyment of it would be ruined.
- 6.41 There would be no need for the layby, which on a high-speed road would be dangerous. Studies show that 60% of fatal road accidents involving parked vehicles feature those parked in a layby. If the layby was constructed suitable signage should be erected to discourage all night parking.
- 6.42 The access track should be replaced by increased use of the railway level crossing from Pool Road.
- 6.43 The bypass, even with landscaping and regrading, would compromise the view and rural location of the property. It would be very prominent in the landscape. Additional screening and a higher earth bund should be deployed if the scheme goes forward.
- 6.44 The bypass at its eastern end should be lowered in accordance with earlier proposals.

*** The Proof of Evidence of Mr Lewis, a client of Mr Meade, contained common points of evidence characterised in Mr Meade's other client proofs. I have therefore reported Mr Lewis' case in this section of the report even though he is not a Statutory Objector. Mr Lewis represented himself at the Inquiry.*

Mr Mervyn Jones (O37, ID129)

- 6.45 Mr Jones lives at Tyn y Green, a property that would lie directly adjacent to the scheme, and one that would be subjected to significant visual and noise disturbance. A noise survey should be undertaken before construction starts.
- 6.46 The water supply pipe feeding Tyn y Green runs for about 500 metres from the house to the railway bridge on Wern Ddu Lane. This would need to be ducted beneath the proposed road but even then repairs could be expensive in the event of a burst beneath the road. The water meter should be relocated to the southern side of the bypass at the expense of The Welsh Government.

Mr David Gale-Hasleham obo Mr Trevor and Mrs Pat Bebb (O27, ID136)

- 6.47 Mr and Mrs Bebb own Glandulas Holiday Home Caravan Park and object to the scheme that would destroy the business that they have built up over 8 years. In supporting the orange route as the preferred route in 2009 the public were fed incorrect information. Had the information been accurate the public could have supported another route. As things stand, negotiations are ongoing with the Welsh Government to protect Mr and Mrs Bebb's interests.

Statutory Written Objections

NPTC Group (Powys College/Colleg Powys) (O6)

- 6.48 The operational educational and farming enterprises of the college would be adversely affected by the scheme. The design should be modified to enable:
- the proposed footpath 1/L to be repositioned
 - the removal of PMA 1/K
 - the realignment of FP 251/3 about 10 metres west
 - the new access track 1/7b to be extended to underpass 1/7a
 - the proposed underpass 1/7 to be realigned
 - the headroom of proposed underpasses 1/7 and 1/7a to be increased to 5 metres
 - an improved access radius north of underpass 1/7
 - the relocation of access 1/k (*actually 1/6b*)

- unimpeded access for stock beneath Mochdre Bridge
- topsoil to be used as infill in fields OS 0587 and OS 8782
- water pipes and drainage to be ducted beneath the road.

Mr Stephen Sprie of Network Rail (O11)

- 6.49 Further discussions about the effects on operational railway land are needed.

The Mochdre with Penstrowed Community Council (O2)

- 6.50 The Council supports the views of local residents advocating Alternatives 1 and 1A, on the grounds that the scheme would not be the best option environmentally or economically. It would badly serve the residents of western Newtown. The alternative route through the industrial estate would enhance access to it and abate urban traffic in Newtown. The scheme, in contrast, would run through the middle of a tourist attraction and be more expensive.

Mrs Glenys Jerman-Jones (O25)

- 6.51 The proposals give rise to concerns over CPO Plot 4/8a and access across the railway.

Mr Peter and Mrs Theresa Oakes (O26)

- 6.52 The proposals give rise to concerns over the CPO of Plots 1/5a and 1/5b because the high quality dressage horse breeding and training stud would be adversely affected during, and for some time after, construction.

Mr Mark E Bebb (O28), Mr Adam Bebb (O29), Mr Darren Bebb (O30) & Mr Lee Bebb (O31)- four individual but identical objections

- 6.53 The scheme would have a serious impact on agriculture and the countryside generally. It would have a dramatic effect on the family owned Glandulas Holiday Home Caravan Park. Non-insulated caravans are very prone to traffic noise.
- 6.54 Had the boundaries of the existing developed and proposed caravan park been correctly shown at the public consultation public opinion could have favoured an alternative route. The process was fundamentally unfair.
- 6.55 The scheme would have a negative impact on tourism, both during construction and thereafter, as many would not return to an area ruined by adverse visual impact, noise and pollution.

Mr David Cooke (O35)

- 6.56 The CPO includes land that is not needed for the scheme particularly Plots 1/4, 1/4e, 1/4f and 1/4g. The proposed easement across Plot 1/4a would create nuisance. It would not be required. Continued ownership of

the replacement access and parking area should rest with Mr Cooke and that facility be constructed to the same specification as the existing assets.

Mrs M E Smith (O52), Mr P Smith (O53)

- 6.57 The scheme would cut through the Glandulas Caravan Park thereby disrupting the peace, tranquillity and views of the countryside. It would cause long-term damage to the countryside. The prospect of the scheme has prevented caravan purchase and would reduce the value of existing caravans.
- 6.58 The consultation exercise included an inaccurate representation of the caravan park boundary.

Mr Dilwyn Richards (O75)

- 6.59 Mr Richards is tenant of Lower Brimmon Farm and is concerned with the continuation of water supplies to fields either side of the proposed bypass.

Non-Statutory Objectors who appeared at the Inquiry

Councillor Jean Williams (O4, ID66)

- 6.60 Councillor Williams addressed the Inquiry on behalf of herself and her neighbours. The scheme should not be constructed as proposed because The Castle y Dail iron/bronze age enclosure would have a 28 metre cutting along its north-eastern flank which would lead to instability in this area of relic landslips.
- 6.61 To the west the route would encounter a haven of wildlife around the Mochdre Brook and be driven through it on an 11-metre high embankment and 12-metre high single span, 45 metre long bridge, only 20 metres from dwellings. An attenuation pond dug on the far side of the Mochdre Brook would cause additional water, potentially polluted, to flow into the brook, which has some history of flooding (ID155).
- 6.62 At Bontdulas, the accuracy of the ES, in terms of predicted air quality and noise is questioned and badgers, a protected species, would be disturbed, as would other species of wildlife.
- 6.63 Alternatives 1 or 1A should be constructed in place of the scheme.

Mr Brett Kibble and Mrs Jill Kibble (O70, O71, ID86)

- 6.64 The current design of the scheme does not satisfactorily cater for cycling, especially at the roundabouts on Kerry Road, Dolfor Road and Llanidloes Road, which would make it difficult and unnecessarily dangerous for residents in southern Newtown to access the town by cycle. It is also necessary for designs to encourage more people to cycle. The proposed roundabouts fall short in this regard. At the three roundabouts it would be easy and inexpensive to adapt the design, thereby enabling the scheme to satisfy the requirements of the Welsh Government Policy set out in The Active Travel (Wales) Act 2013 (ID153).

Mrs Hilary Kewley (O5, ID35-ID37)

- 6.65 Mrs Kewley lives in the Bontdulas area and is primarily concerned with the effects that the proposed 11-metre high embankment and associated single span bridge would have on the tranquillity and ecology of that area.
- 6.66 She has advocated two alternatives (Alternatives 1 and 1A), the brown corridor of which should, in her opinion, have been developed all along. Had the plans on display at the public consultation exercise been accurate more people would have favoured the brown route and fewer the orange route that forms the original basis of the scheme. A total bypass would not be good for Newtown because it would remove too much trade from the town and would not integrate thoroughly.
- 6.67 In the early stages the brown route was considered to be better environmentally than the orange corridor. With the development of the Line Order it is accepted that there have been modifications to the orange corridor, some for reasons of environmental improvement, but the brown route would remain the better.
- 6.68 However concerns about the effect on the floodplain and likelihood of flooding at Mochdre Bridge remain. The design at the Mochdre area should be modified and sound insulation of properties should be offered to all residents there. The scheme would not deliver sufficient benefits to justify the adverse effect that it would have on the outstanding countryside and complex topography.

Mrs Linda Ward (O16)/Miss Monica Bradley (O10, ID48-joint appearance)

- 6.69 The scheme would make it untenable to continue to live at Brook Terrace, dwellings specifically chosen for their quiet location. Local dwellings have lost 30% of their value over the last 5 years because of the threat of the bypass.
- 6.70 The scheme would spoil a delightful area of countryside. It is unnecessary because the sound alternative along the brown route would avoid damaging the environment of long-standing country-loving residents. At the public consultation plans of the orange route did not show the full impact that it would have. The arguments used in favour of the scheme put economic considerations above all else, ignoring local objection to it. The claimed recent improvements to it have added a third lane that would create additional noise, speeding traffic and adverse visual effects. A bypass should not be a high-speed stretch of road.
- 6.71 The location and size of the proposed attenuation pond at Mochdre Brook would also cause problems of smell, vermin and flies.
- 6.72 The threat of construction and traffic noise is severe for those who are sensitive to noise and it would appear that greater weight has been given to relieving those who live in an urban environment at the expense of those who have sought the quiet of the countryside. The change in noise levels, from those of a quiet sheltered area to one which would be

alongside a fast trunk road would offend the Human Rights of those who would have to suffer it or move home.

Mr Derek Thomas (O8, ID51)

- 6.73 Mr Thomas, an experienced long distance lorry driver lives in Mochdre Lane adjacent to the brook, in what would be in the shadow of the proposed bypass. He has experienced traffic delays everywhere and cannot understand the concerns in Newtown that are minor compared to elsewhere. There are no overtaking places on the road network for 30 miles so constructing a bypass with overtaking provision would make little difference.
- 6.74 Mr Thomas' main concerns are the proposed Mochdre Bridge, the noise and dirt from the proposed road and the consequences for flooding of the brook, which in the past has reached the top of his garden wall.
- 6.75 Alternatives 1 or 1A should be built instead of a scheme that would not improve Newtown and local business there would suffer.

Ms Lizzie Harrison (O13, ID68)

- 6.76 The brook at Mochdre Lane has recently been restocked and now is rich in various species of fish but that would be put at risk by the scheme and in particular by toxins leaking from the proposed attenuation pond. Flooding of the Mochdre Lane would be a common event because of the steep embankment nearby and over compacted local soil. Flash flooding already occurs.
- 6.77 There has been misrepresentation in the public documentation, which erroneously describes the effects on Mochdre Lane as neutral but there would be significant noise in the long-term and construction period.

Non-Statutory Written Objections

Mr J Jones (O3)

- 6.78 The scheme would be unnecessarily costly when compared to a feasible alternative. It would cause flooding and be built on the flood plain. Towns should not be surrounded by the equivalent of a racetrack, which make barriers for walkers, cyclists, and horse riders. Newtown should not have another barrier. Reports have shown the scheme to be non-viable and incapable of reducing congestion on Llanidloes Road. Through traffic speed would be better addressed by incorporating passing places into the existing roads that run between towns.
- 6.79 The scheme would remove valuable, first class farmland which should be preserved, it would cause severance and make farm holdings non viable. In comparison with the brown route it has severe disadvantages including flooding and cost.

Miss Muriel Evans (O7)

- 6.80 The scheme would have a severe impact on the residents of Bontdulas because they would be sandwiched between an attenuation pond and the

high embankment and bridge of the bypass. A better alternative route for the bypass could be constructed through the industrial estate.

Mr Lee and Mrs Sarah Taylor (O12)

- 6.81 Mr and Mrs Taylor live at The Foxes, a dwelling near Mochdre Bridge that would be only 100 metres from the proposed road. They are primarily concerned with the noise and visual impact that the scheme would have in that area. The scheme, which would have a devastating impact on the enjoyment and value of The Foxes, has been advanced with scant regard to the information available before the choice of route was made. The headroom problem at the existing railway bridges could be solved by civil engineering measures. Noise from the proposed road is bound to be excessive when compared with virtually no noise at present.

Mrs L Davies (O14)

- 6.82 There would be a preferable route for the bypass along the lines of the brown route, despite its shortcomings, because of loss of amenity with the scheme, its greater environmental impact including the increased risk of flooding and extra cost.

Mr P Joseph (O15)

- 6.83 The scheme would only reduce urban congestion by about 25% and on Llanidloes Road hardly at all. The traffic problems in the town arise from the succession of cul-de-sacs that have no connecting roads.
- 6.84 The scheme would create a huge intrusive embankment at Bont Dulas and be uneconomical. The Environment Agency (now NRW) did not favour it as the best solution on offer. Flooding would be a major concern.

Mr Richard Lawson (O17)

- 6.85 The scheme, based on the orange route at public consultation, would be the most damaging of all options for a bypass of Newtown. Its disadvantages were not fairly represented at the consultation or in information packs. It would be the most expensive option, and would create most personal and financial disruption.
- 6.86 A better alternative would exist along the line of the brown route. Such a route would cause factory demolitions but that would be preferable to the adverse effects on peoples' homes, agriculture, wildlife and the important parts of the agricultural college. The alternative would be closer to Newtown and thereby reduce the impact of the loss of passing trade that a bypass would bring. The scheme would leave 75% of local traffic on the streets of Newtown. The flood plain should not be built on. Local people voted for the orange route unaware of the glowing omissions in the information that they were provided with.

Mr Kevin Lander (O18) and Mrs Annie Lander (O19)

- 6.87 No adequate provision has been made for cyclists in the design of the proposed roundabouts despite the requirements of the Welsh Government Active Travel Act 2013.

Mr Gareth Marston (O32)

- 6.88 Traffic induced by the bypass would be in the order of 20% on the roads either side of Newtown, thereby worsening journey times on roads approaching the town and inhibiting reliability. That would undermine connectivity and adversely affect the economy of Newtown.
- 6.89 With an aging population, who favour off-peak travel, traffic flows will even out, thereby decreasing the justification for expanding road capacity. The cost savings from abandoning the scheme could be spent on rail projects.

Mr Paul and Mrs Abi McCullough (O33)

- 6.90 The scheme and its proposed attenuation pond at Mochde Lane would cause distress through noise, disturbance of tranquillity and smells. Local property prices have already dropped.
- 6.91 A route through the Mochdre Industrial Estate would be preferable and have advantages. It already exists. With no flyovers, bridges and earthworks it would not be intrusive and it could be widened to provide service roads alongside the through carriageway. That route would be compatible with other highways in the area and it would avoid the Holiday Caravan Park. The alternative would not disrupt dwellings or lower house prices. It would be cheaper.

Ms Susan Evans (O34)

- 6.92 The scheme would cause significant adverse environmental effects including the loss of agricultural land, wildlife and rights of way. It would create more noise, embedded carbon and air pollution. The proposed noise barrier at Bontdulas would devalue nearby property. The scheme may cause a loss of business in Newtown. Improvement to public transport would be a better option.

Mr and Mrs Simpson (O36)

- 6.93 The scheme would have a detrimental effect on Avondale, a property located off the A483 near the eastern end of the scheme, and screening should be incorporated between the road and house. Tertiary glazing should be provided to the property.

Mrs Fiona Burnett (O69)

- 6.94 The scheme would be a waste of public money. Local traffic queues, in comparison with many other places in the UK, are never very long and clear relatively quickly. The recently erected traffic signals have made this small problem a little worse.

Mr N Moore of the Campaign for the Protection of Rural Wales (O72)

- 6.95 A road with roundabout intersections would be difficult to accommodate in the topography of the valley slopes to the south of Newtown. This area has been identified as of very good landscape quality for the majority of the route and of exceptional value in the southern scarp slope just to the south of the route. It follows that the sensitivity of such infrastructure in those landscapes is high. Accordingly, the highest standards of design should be applied to the scheme and alternatives considered. In this precious landscape the design of bridges would be critical, including colours, detail and textures. As shown in the ES, the proposals for bridges are inadequate.
- 6.96 The proposed high and exposed embankment just below the southern scarp slope in the Brimmon area would appear to be contrary to best landscape practice. The Kerry Road roundabout with its lighting columns could be detrimental to the foraging of bats along the corridors on either side of the road.
- 6.97 At its western end, the scheme would be particularly damaging in terms of cost, the effects on the landscape, on local communities, on the important college and on the successful caravan park enterprise. The viability of the enterprise and the local economy should not be compromised.
- 6.98 These severe issues could all be removed by routing the western section of the bypass through the industrial estate. Necessary modification of industrial units would be acceptable because there is a surplus of such units in Newtown. The industrial estate would then benefit from a more direct access to the bypass.
- 6.99 Some 11% of Powys GDP comes from farming but little concern seems to have been given to farm accesses and water supplies.

Ms Janet Phillips (O73)

- 6.100 Precious woodland would be destroyed, particularly at Castel y Dial. The least damaging route should be chosen having regard to businesses, woodland and the Glandulas Holday Park.

Ms Kelly Leah (O74)

- 6.101 The scheme would ruin a lot of greenery and homes. The urban traffic situation in Newtown should be sorted out in preference to building any bypass. Wildlife, like water voles in the brook behind Garthowen, should be protected.

SUSTRANS (O76)

- 6.102 The objection centres on the lack of provision for non-motorised users. There would be limited links for active travel users through the proposed roundabouts and to the existing network of routes within Newtown. An additional barrier for walkers and cycling would occur and additional crossing facilities should be incorporated at Kerry Road and Dolfor Road. As designed the scheme would not comply with The Active Travel (Wales) Act 2013. The proposed roundabouts should be more compact.

Mr P Mullineux (O78, was Rep 10)

- 6.103 An area of land on the northern side of the bypass and west of the proposed railway bridge would be devoid of planting. Strengthening of the landscape along that length should be incorporated into the scheme.

Owners/Occupiers of the Glandulas Holiday Home Caravans

The following similar, mostly identical, objections are from those persons with an interest in plots on the Glandulas Holiday Home Caravan Park. Some may be Statutory Objectors. Because of the almost identical nature of them they have been grouped together in this part of the report for convenience.

Mr & Mrs Bradley (O44), Mr N J Nicols (O45), Denny, Nina & Trevor Haynes (O46), Alan and Jean Lowe (O47), Mr & Mrs Kay Hope (O48), Mr & Mrs J Watson (O49), Mr & Mrs T Edwards (O50), Andrew & Audrey Shale (O51), Mrs M E Smith (O52)**, Mr P Smith (O53)**, J F & C A Kinsey (O54), Mrs M L Shaw (O55), Mr & Mrs F Wynne (O56), Mr & Mrs C R Brass (O57), Mr & Mrs G S Berridge (O58), Jim & Gill Cowley (O59), Barbara & Mike Wall (O60) Kevin & Sylvia Machin (O61), Peter & June Dockerty (O62), Mr G & Mrs S M Marsh (O63), Mr & Mrs P Stanway (O64), Mr M Bodenham (O65), Mr N Jones (O66), Joyce L Jones (O67), Mr & Mrs D Burden (O68)*.

* The objection of Mr and Mrs Burden was submitted orally from the floor at the Inquiry. ** These are registered Statutory Objectors.

- 6.104 The scheme would bring dismay to owners and occupiers of caravans on the Glendulas Holiday Park. It would cut the Park in two and devastate views and the peace and tranquillity of the beautiful countryside. Construction of the scheme would be particularly unpleasant, with noise and dust, and caravan values would drop as a consequence.
- 6.105 The consultation process was unfair because the boundaries of the caravan park were incorrectly shown. Had correct information been available that could have altered public opinion.
- 6.106 Occupants of the Park spend lots of money in the local shops. Should the Park become less attractive to visitors their absence from the area would have adverse economic consequences in the town.

7 THE CASE FOR THOSE MAKING REPRESENTATIONS

The material points are:

Mr John Selwyn Smith (R1)

- 7.1 All run off from the proposed road should be connected to the drainage system to alleviate the potential build- up of water at the rear of the factory.

Ms A Truman of the Canal and River Trust (R2)

- 7.2 The Canal and River Trust is responsible for the maintenance and management of The Montgomery Canal, which is held in trust for public enjoyment. Water is fed into the canal from the River Severn, which, in turn, would be fed via an attenuation pond from the eastern end of the scheme. Mitigation measures to prevent either gradual or sudden pollution should be incorporated into the design of the scheme and suitable maintenance of the drainage system agreed. General and emergency response to incidents plans should be drawn up before construction.

Natural Resources Wales (R3)

- 7.3 No objection is made to the draft Orders because there would be no adverse effect on any SSSI. The surveys of protected species are adequate for informing the public decision making process.
- 7.4 In principle the scheme would not be detrimental to favourable conservation status of each of the dormouse and bat populations present within the environs of the scheme. However, it is essential that the Welsh Government provide a:
- dormouse habitat creation and enhancement scheme
 - dormouse avoidance and mitigation scheme
 - long-term habitat and a surveillance scheme.
- 7.5 The loss of bat roosts would be acceptable. Post construction monitoring of bats should be agreed with the NRW and the local authority and the Construction Environmental Management Plan (CEMP) must include provision for bats during construction. It is confirmed that the design is adequate in respect of bat dispersal issues but a suitable road lighting scheme must be agreed with NRW and the Local Authority.
- 7.6 Agreements should also be sought in respect of the licence needed for the removal of badger setts and the measures needed to protect slowworms during the construction phase.
- 7.7 Commitments would be required in respect of the translocation of lichens, bio-security and an ecological compliance unit.
- 7.8 The landscaping surveys and assessments are satisfactory, as is the flood modelling, but the CEMP must cover the management of potential silt run-off.

Mr Paul Bufton: Environmental Health Officer Powys County Council (R4)

- 7.9 The predicted improvement in air quality in the town should be monitored post construction. Properties that suffer the greatest adverse impact of noise appear to be protected the least. This needs further consideration.

Ms Juliet Griffin (R7)

- 7.10 Noise mitigation measures should be extended to protect the vulnerable countryside as well as individual properties.
- 7.11 Formal planting of trees would be a serious mistake and maximum deployment of hedgerows and native trees should be widespread along the length of the scheme.

Mr William Powell AM acting for Councillor David Selby of Newtown Town Council (R9)

- 7.12 Clarification is sought about the proposals for converting the existing A483 for use by cyclists and pedestrians.

Messrs G and T Evans (R11)

- 7.13 Clarification is sought about the drainage proposals at Dulas Mill.

8 THE WELSH GOVERNMENT RESPONSE TO OBJECTIONS AND REPRESENTATIONS

Statutory Objectors who appeared at the Inquiry

The material points are:

Mr T Emlyn Jones for A F Gardner (O23)

- 8.1 The Powys LDP includes the Newtown bypass and its connecting roads. These would affect Mr Gardner's land, which does not have permission for any development on it. In the LDP the land is reserved for the road and all the land included in the CPO would be needed for the scheme (ID60).
- 8.2 The Dolfor Road roundabout would provide a roundabout connection to Heol Ashley (the Mochdre Industrial Estate access) as the most appropriate form of junction for that purpose. It would prevent Estate traffic having to travel through the town to connect to the trunk road network to the east of Newtown. It would enhance the accessibility of the Estate and remove traffic from the Llanidloes Road. It would therefore assist in removing traffic from Newtown and contribute towards safety objectives.
- 8.3 An attenuation pond in Mr Gardner's land would be necessary to reduce the environmental impact of the scheme. It would receive run-off from about 1 km of the bypass and local roads. The contribution of the highway run-off from the Dolfor Road roundabout would be relatively small but the location of the pond, immediately upstream of the confluence of the Green Brook and Dolfor Brook, would be well placed to receive and discharge that run-off water efficiently (DD002-Volume 3 - Part4, Appendix K).

- 8.4 The overall cost benefit of the scheme is 3.0. This includes the cost of constructing the Lower Dolfor roundabout and link road, in the order of £1.3m at Q4 2012 prices. They would provide about £7.5m of benefits, thereby offering good incremental value for money. The economic case for the scheme would therefore be weaker without the roundabout and link road.
- 8.5 The suggestion of an alternative arrangement north of the main Dolfor Road roundabout was not submitted in time for a considered analysis and a proper response to be given but clearly any truncation of the proposed Dalfor Road by premature linking into the severely substandard existing carriageway could not be contemplated because highway safety and alignment standards would be severely breached (ID62).

Mr Dave Evans, Mrs F A M Evans and Mrs R Moss (O1)

- 8.6 The extensive landscaping and planting at Black Hall Farm would minimise any violation of rights. The farm is currently 8.5 ha and 1.7ha would be taken by the scheme. It could continue as a smallholding, but stock would need vehicular transportation to the northern fields. The existing trunk road boundaries effectively enclose the farm to the east and south. The scheme would add a further boundary (ID78, ID79).
- 8.7 The proposed centre line of the scheme has been moved about 50 m to the south relative to the earlier line. This change made access to the northern fields a practicable proposition, with an acceptable gradient for access. Access to land north of Black Hall Farm and east of Dolfor Road would be impracticable. The land across which such an access has been proposed is not publicly owned. Moving the access proposed in the draft SRO northwards would bring it closer to the roundabout. An agricultural underpass beneath the bypass could not be justified on grounds of cost.
- 8.8 Road traffic noise would increase by 2.6 db(A) to a level of 54.4 db(A) at the farm.
- 8.9 Landscape planting would help mask the necessary lighting and signage but it is accepted that there would be an adverse effect on the Black Hall Farm (ID81).

Response to common points of objection obo the Clients of Mr Philip Meade

Response to the claim of Expert Witness bias and the request for a fresh classification of agricultural land

- 8.10 A detailed legal response to the claim of bias is set out at ID 161. All witnesses representing the case for the scheme have given objective evidence, which has been subjected to continual testing, with examples of clear evidence in favour of issues that did not support the case for the scheme. They have consistently acted impartially and professionally, in the manner normally associated with Highway Public Inquiries and outlined in the Highway Inquiry and Compulsory Purchase Rules. All witnesses are members of Professional Bodies and are bound by the rules of those Bodies to act in a professional way. The reference to The

Planning Inspectorate advice is apposite and confirms the normality of witnesses being engaged on highway projects giving evidence about the scheme on which they are engaged (DD212, DD213).

- 8.11 Mr Kernon gave an oral response to the issue about the classification of agricultural land to the south of Newtown. He emphasised that the quality of soil is only one factor in determining the class of agricultural land and presented ID 109, which included the relevant correspondence from Government officials. Gradient, drainage and wetness were other pertinent factors at Newtown. He saw no need for a new land survey. (ID109).

Response to the five other Common Points of Objection

1. Human Rights

- 8.12 The Welsh Government rebuts there would be an infringement of Human Rights of any of Mr Meade's clients as alleged or at all and that the CPO is in conflict with paragraph 17 of Circular 06/2004.
- 8.13 In deciding whether or not to confirm the CPO following the Public Inquiry and the report of the appointed Inspector the Welsh Ministers would need to be satisfied that the case for the compulsory acquisition of the land within the Order justifies interfering with the Human Rights of those with an interest in the land.
- 8.14 The Welsh Government also considers that the Public Inquiry is a means for objections to be heard and considered so that there is a fair hearing to determine any relevant right that may be engaged. The obligation is to comply with the substantive law concerning human rights. Interpretation of the law is for the Courts but guidance has been published to assist in identifying factors, which may, as appropriate, be taken into account by the decision maker.
- 8.15 In preparing, designing and promoting the scheme, and the land proposed to be acquired under the draft CPO, the Welsh Government have taken into account the human rights of those who would be or would likely to be affected. These rights include a person's entitlement to the peaceful enjoyment of his/her possessions and that no one should be deprived of possessions except as provided for in Article 1 of the First Protocol of the European Convention on Human Rights (ECHR). In addition, in appropriate circumstances, consideration is given to a person's right to respect for his private or family life and his home in accordance with Article 8 of the ECHR. Accordingly, full consideration has been given to the effect of the CPO, whether it entails acquiring a person's home or business or the extent to which it's impacts, other than or in addition to the acquisition of lands or rights over land, affect enjoyment of a home or possessions.
- 8.16 Consideration has been given to the specific terms of the Articles of the ECHR and the justification allowed for any interference of proportionality. In particular consideration has been given to public safety, the economic well being of the country and the public interest generally.

- 8.17 The case for the scheme is that it would bring economic benefits and safety benefits for the general public. Where individuals are affected compensation would be payable. The land-take in the CPO would be the minimum necessary for the construction of a 2+1 road, which would deliver those benefits. A compelling case has been established justifying interference with the human rights of Mr Meade's clients and other affected persons. In terms of The Human Rights Act it would therefore be acceptable.

2. A single 2-lane carriageway would suffice and take less land

- 8.18 The need to provide a single 2+1 road rather than a single 2-lane road was set out in the evidence-in-chief of Mr Terry Davies Section 6.1 (WGO2). A single 2+1 road would cater for design year traffic flows whilst a single carriageway with 2 lanes could not in accordance with Standards. A single 2-lane carriageway could therefore not be built within Standards. A single 2+1 road would provide safe overtaking in both directions. It would be governed by the requirement of forward visibility, for safe stopping whilst the visibility requirements for a single 2-lane road would be more onerous (for head-on closing speeds). In effect, in undulating terrain, the land take for a single 2+1 road could be less than that of a single 2-lane road because greater cutting and filling to flatten vertical crest curves would be required on the lower category of road in order to achieve the required 30% overtaking standard in both directions. For the Newtown bypass a single 2-lane road would require about 3.4 ha more land than a 2+1 road yet provide 5% less safe overtaking visibility. Given the predicted traffic flows a single 2-lane road would be unsafe (ID107).

3. Conflict with ODPM Circular 06/2004

- 8.19 The relevant guidance in Wales is set out in NAFW Circular 14/2004, paragraphs 14 and 15. The Circular referred to in the evidence of objection (ODPM Circular 06/2004) applies to England.

4. Boundary Fence Standards

- 8.20 All fences would be stock proof and to British standards, with rails on the field side and ducts would be provided under the proposed embankments for water supply pipes, where practicable.

5. Structural Surveys of Property.

- 8.21 Properties that would lie close to the road or near significant cuttings would be surveyed before construction starts and after completion.

Response to Mr Meade's Individual Client Objections

Mrs Blanche and Miss Bethan Rowlands (O42, ID104)

- 8.22 The area of the garden of Sunridge that lies outside the CPO area would not be entered into. Replacement hedging could be provided as accommodation works to replicate that which currently exists. Alternatively compensation for that element of disturbance would be payable. In addition, a solid wooden fence could be constructed as a

secure boundary to protect the garden and offer privacy during the construction phase.

- 8.23 The land would be needed to provide an access to the severed lands of Bryneira and to enable the offset overbridge carriageway to be safely connected back into the alignment of the existing road. This is illustrated on the aerial photograph attached to ID132. The minimum amount of land would be taken.
- 8.24 It is agreed that an independent property condition survey would be undertaken prior to works starting, although it is unlikely that damage would occur because Sunridge would sit about 40 metres from the proposed cutting.
- 8.25 It is noted that there is a short gap in the eastern hedge line of the property and it is understood that the boundary of Sunridge extends about a metre or so beyond that hedge. Whilst landscaping, which would be of benefit to Sunridge, would be planted alongside the boundary of the bypass to the east of Sunridge the Welsh Government would be prepared to enter into agreement about off-site planting adjacent to the gap in the eastern hedge, in order to reinforce the landscaping.

Mr Geoffrey Jarman (O21, ID120)

- 8.26 It is accepted that there would be a problem of access for large farm vehicles to land that would lie south of the railway but north of the bypass. This land is currently accessed by a private level crossing agreement with Network Rail but that would become severed south of the bypass. Network Rail would not allow an additional access across the Cambrian railway, to the north of the bypass. Therefore the proposed access, PMA 4/9b off Wern Ddu Lane, is proposed as a means of getting machinery from the public highway into field P0009. It is accepted that this would involve a long detour compared to the current situation, but a bridge or underpass crossing the scheme could not be justified on grounds of cost.
- 8.27 It is also accepted that the proposed access, PMA 4/9b, into the severed field P0009 would involve a steep gradient within that field. That could be addressed by grading out the land parallel to the fence line, as an accommodation works.
- 8.28 Plot 4/2d cannot be removed from the CPO because it would be required for the construction of the proposed scheme. Similarly Plots 4/2aa and 4/2ff would be required on a temporary basis for construction purposes.
- 8.29 An agricultural assessment showed that the farm is currently 22.2ha and the scheme would remove 5.92ha with a further 3.41 ha required temporarily. The farm could continue as a smaller unit but stock would need to be transported to the severed fields, and agricultural vehicles would have to take longer journeys. It is accepted that the large barn off Pool Road would need to be demolished and that the land lost would, in part, constitute the best and most flexible on the farm.
- 8.30 The scheme has been designed to comply with Standards, including those concerned with the provision of laybys, which have been sited on the

two-lane sections of the proposed 2+1 carriageway road, and at stipulated distances away from junctions. A 2-metre high earth bund would flank the back of the segregated lay-by. It would be landscaped and fencing provided along the highway boundary thereby creating a substantial security barrier. The Welsh Government's Agents would collect litter on a regular basis.

- 8.31 There would be some loss of habitat but in the long term the residual impacts on all ecological receptors would be slight.

Mr Peter and Mrs Karen Harris (O77, ID118)

- 8.32 The whole of Gelli would need to be demolished in order to construct the link road from the Pool Road roundabout back towards Newtown. It is accepted that the triangular piece of lawn, which would be contained by the railway boundary, level crossing access and the link road boundary would not be required and could be excluded from the CPO.

Mr and Mrs Brymer Griffith (O41, ID106)

- 8.33 An accommodation bridge, which would need to span 40 metres and cost £410,000, could not be justified but it is accepted that the severance of fields would give rise to issues of livestock handling. Access to the severed land would be maintained during construction. It is accepted that some of the most productive land on the farm would be taken by the scheme (ID132).
- 8.34 A new PMA 2/3a would be provided to the severed land adjacent to Sunridge. Handling pens could be provided as accommodation works, if requested. It is accepted that livestock would need to be transported to the severed fields.
- 8.35 CPO Plot 3/2L would be landscaped with native trees and shrubs to provide visual screening of long views from properties on Upper Dolfor Road. The plot is bounded by hedgerows that would be retained for screening prior to the establishment of the landscaping, thereby retaining an established wildlife corridor. There could be shading from the trees upon maturity, but given the contours of the sloping ground this would be of minor consequence as the more substantial trees would be planted towards the centre of Plot 3/2L.
- 8.36 Ducts, for water pipes, would be provided under the road if practicable, which should also help the retention of natural water supplies across the road and boundary fences would be to Standards.

Mr Peter Watkin (O38, ID114)

- 8.37 To the north of Brimmon House a 2-metre visual/noise bund would be constructed to shield the property. It would be continued over the Brimmon underpass as a 2-metre high fence. Low noise emitting surfacing would be laid on the bypass. With these measures in place noise levels at Brimmon House would be about 58db(A), representing an increase of about 17db(A) over current levels. These predicted noise levels would not qualify Brimmon House for noise insulation.

- 8.38 The private water supply would be protected or locally diverted. It would be ducted beneath the embankment and a new pipeline would be laid for the affected length at no cost to Mr Watkin. Renewal of a further length of pipe would result from a private agreement with the contractor.
- 8.39 The scheme would introduce re-profiling of the land to the north of Brimmon House in order to visually improve the area and its agricultural use. Local to Brimmon House the proposed bypass elevation has already been lowered by 2-metres at the suggestion of The Design Commission for Wales. (ID8-ID10, ID149)
- 8.40 Any movement of the bypass to the north would cause an impact on the underground gas and water mains, which would be very expensive to deal with. In particular the proposed embankment would be only 5 metres from the water main and the Severn Trent Water Company have stipulated that the embankment should not encroach any closer to the main.

Mr Richard E Jones (O20, ID116)

- 8.41 An alternative access across the railway for third parties avoiding Mr Jones' land could not be agreed with Network Rail, which has objected to any fresh access rights being granted as a matter of safety policy. Therefore the new accesses proposed off Wern Ddu Road to the south of the bypass would be essential. It would be securely fenced and gated and keys provided to the nominated users only. This would limit security and privacy issues. Alternative 4 would remove the need for some access tracks but would have serious disadvantages in other respects*.
- 8.42 Mr Jones originally suggested the northern access (PMA 4/9b) in preference to the earlier proposal alongside the scheme's northern boundary.
- 8.43 It is accepted that the transporting of livestock between the severed areas of the farm would be necessary in the absence of an accommodation bridge but a bridge could not be justified on grounds of cost. It is also accepted that further accommodation works may be necessary in order to make the transportation of livestock a practicable proposition. The proposed vehicular sweep paths from the highway into the lower Brimmon farmyard would be acceptable (ID121).
- 8.44 The farm of 40ha would lose about 3.8 ha of land permanently and a further 2.3 ha temporarily. Hence the farm could be run as a smaller unit.
- 8.45 The proposed roundabout on Kerry Road would be very close to Lower Brimmon but landscaping would reduce the impact of it in due course. Ducting under the embankment would be provided to carry water mains beneath the road where needed. Structural surveys would be organised. Alternative 3 would move the bypass further from the farmstead but would cost about £900,000 more than the scheme and probably delay construction*.

- 8.46 The existing pond would be affected by the scheme but a pair of linked ponds would replace it. The natural water supply would be retained to the northernmost of these ponds. The scheme would run clear and to the north of the ancient oak.

**Alternatives 3 and 4 are dealt with in Section 9 of the report.*

Mr Chris Clayton, Mr Gareth and Mrs Audrey Clayton (O39, ID111)

- 8.47 The drains from Great Brimmon farmyard would be protected or replaced during construction, as would water mains. Cattle grids with side access gates would be provided as accommodation works and all fences would be stockproof.
- 8.48 It is accepted that the area of land in CPO plot 3/3vv would be removed from the CPO but some re-profiling in Plot 3/3zz would remain in the scheme for the benefit of the residents of Brimmon House. Modification 6 details the alterations to the CPO. The land in CPO Plot 3/3aaa would be needed for construction purposes and that north of the pond in CPO Plot 3/3e for construction and maintenance.
- 8.49 A 3-metre high raised bund would shield Cefnaire and the northern faces of these slopes would be planted with native trees.

Mr Rob Roberts (Mr Jonathan Roberts) (O22, ID128)

- 8.50 As part of the scheme development a number of alignments passing over the Cambrian railway at the eastern end were investigated but resulted in the draft Line Order emerging as the most preferable because that option represented the least environmental and engineering impact on the surroundings as a whole. This solution included the relocation of access 4/11a to replace 4/11 in the draft SRO.
- 8.51 It is accepted that there would be some adverse effect on The Gables but the proposed mitigation would minimise this. Further off-site planting could be deployed to reduce the impact further. The proposed lighting would be limited to the roundabout and short lengths of approach roads and would provide directional LED neutral white lights.
- 8.52 A roundabout would be the only feasible engineering solution to the merger of the two local roads and the changes of standard between the existing and proposed carriageways.
- 8.53 Water mains and the soak-away are matters for discussion of accommodation works or compensation should the scheme proceed.

Mr Mervyn Jones (O37, ID130)

- 8.54 It is accepted that Tyn Y Green would be about 150 metres from the road and there would be an increase in noise of about 12 db(A). The scheme would be in cutting past the property and the landform between it and Tyn y Green would be re-graded to help it fit into the existing landform. There would be widespread landscaping near Tyn y Green and existing hedging and vegetation would be retained. Wern Ddu Lane would be

moved further from the property. The combination of these measures would reduce the visual affect on Tyn y Green to slight adverse (ID133).

- 8.55 The scheme would not affect the water main or the water meter location. Water companies are only responsible for mains up to the water meter position, with owners responsible beyond that point to the dwelling. There would therefore be no justification in moving the meter position at public expense.

Mr Chris Lewis (O40, ID157) **

- 8.56 The scheme has been designed to comply with Standards, including those concerned with the provision of laybys, which have been sited on the two-lane sections of the proposed 2+1 carriageway road and at stipulated distances away from junctions. The Standards also stipulate that only layby designs conforming to Figure 1 of Departmental Standard TD 69/07 shall be used on 2+1 carriageway roads. These have a 1.8m wide protection zone with a further set back parking area. They are safe. The study referred to by Mr Lewis does not apply to such laybys. Should the scheme proceed the Welsh Government would be prepared to advance a maximum 2-hour waiting Order in the layby (DD308).
- 8.57 A 2-metre high earth bund would flank the back of the segregated lay-by. It would be landscaped and fencing provided along the highway boundary thereby creating a substantial security barrier. Further fencing alongside the proposed access track would give additional security to Mr Lewis. A cross section of the layby and adjoining land is at ID126.
- 8.58 Whilst the layby would be screened by the two-metre high earth bund and be planted, additional planting for Mr Lewis could be provided off site. The height of the bund could not be increased within the current restrained land-take.
- 8.59 Network Rail, as a matter of safety policy, would not allow fresh crossing permits over the railway. In such circumstanced the access track, which would run past the property would offer the best solution for those few who need it. It would be used sparingly and would be controlled by a locked gate.
- 8.60 The original lower road alignment would have required land from Mr Lewis' property, in Field OS7969. That scheme would have been closer to the property, although it is accepted that it would have less visual impact on it. It would also require the diversion of the high-pressure gas main and the construction of a bridge under the railway. These requirements would have added costs to the scheme.

***The Proof of Evidence of Mr Lewis, a client of Mr Meade, contained common points of evidence characterised in Mr Meade's other client proofs. I have therefore reported the rebuttal Mr Lewis' case in this section of the report even though he is not a Statutory Objector.*

Mrs Jayne Jones (O43, ID125)

- 8.61 The scheme has been designed to comply with Standards, including those concerned with the provision of laybys, which have been sited on the

two-lane sections of the proposed 2+1 carriageway road, and at stipulated distances away from junctions. The Standards also stipulate that only layby designs conforming Figure 1 of Departmental Standard TD 69/07 (DD308) shall be used on 2+1 carriageway roads. These have a 1.8m wide protection zone with a further set back parking area. They are safe. The study referred to by Mrs Jones does not apply to such laybys.

- 8.62 A 2-metre high earth bund would flank the back of the segregated lay-by. It would be landscaped and fencing provided along the highway boundary thereby creating a substantial security barrier. Further fencing alongside the proposed access track would give additional security to Mrs Jones. A 2-hour traffic regulation order would prevent overnight parking.
- 8.63 Whilst the layby would be screened by the two-metre high earth bund and be planted, additional planting for Mrs Jones could be provided off site, after consultations with her. The height of the bund could not be increased within the current restrained land-take. A typical cross-section of the proposed layby and surrounding land is at ID126.
- 8.64 Network Rail, as a matter of safety policy would not allow fresh crossing permits over the railway. In such circumstances the access track, which would run past the property would offer the best solution for those few who need it. It would be used sparingly and would be controlled by a locked gate.
- 8.65 The original lower road alignment would have required land from Mr Jones' property. That scheme would have been closer to the property although it is accepted that it would have less visual impact on it. It would also require the diversion of the high-pressure gas main and the construction of a bridge under the railway. These requirements would have added significant costs to the scheme.
- 8.66 It is accepted that the scheme would have a significant adverse effect on the landscape in year 1, which would reduce to moderate by year 15 as mitigation planting establishes itself. The Meadows would be 130 metres from the scheme fence and the visual impact on it would be moderate adverse in year 1 decreasing to slight adverse in year 15.
- 8.67 Alternative 4 would also affect Mrs Jones' property. Her wish that the alignment submitted by Mr Meade (origin of Alternative 4) should be preferred is unrealistic because The Welsh Government can only construct schemes that are to Highway Standards. The original sketch does not achieve that.

** The Proof of Evidence of Mrs Jones, a client of Mr Meade, contained common points of evidence characterised in Mr Meade's other client proofs. I have therefore reported the rebuttal to Mrs Jones' case in this section of the report even though he is not a Statutory Objector.*

Mr Trevor and Mrs Pat Bebb (O27, ID137)

- 8.68 The route of the Line Order generally follows the orange route corridor shown in the September 2009 Public Consultation Exhibition. This route was by far the most popular with the public, and in October 2010 was

chosen as the Preferred Route. This route skirted to the west of the established Holiday Park.

- 8.69 On 15 September 2010 The Powys County Council granted Planning Consent for a 20-caravan westward extension of the Park outside the line of the orange route, which in October 2010 was chosen as the preferred route and protected. This was a second extension of the Park.
- 8.70 It is accepted that at the Public Consultation Exhibition the aerial photographs did not show the first extension of the Holiday Park, but approved and committed developments, of which the extension was one, were shown. That extension brought caravans closer to the line of the bypass but the substantial area of the caravan park was shown correctly (ID32, ID34, ID43).
- 8.71 As Planning Permission for the second extension to the Park was not granted until mid September 2010 that extension could not physically be shown on the September consultation plans. In any event, with 77% of the public favouring the orange route these inaccuracies would not have significantly affected the weight of public opinion behind the orange route.
- 8.72 The Holiday Park would be adversely affected by the scheme, although it is considered that it would still be able to trade. Four caravans would need to be removed to enable an internal roadway to be constructed and a 100 metre 3 - metre high landscaped noise bund would be constructed on either side of the bypass to reduce the noise and visual effects of the scheme. Cross sections of the bunds are shown at ID134 and ID135.
- 8.73 The existing A489 passes within 130 metres of the Holiday Park and traffic on it can be heard and seen from some parts of the Park. It is accepted that the scheme would move traffic closer to the Holiday Park but there would be a negligible effect on the existing very good air quality at the site. The District Valuer has included an appropriate compensation allowance in the land estimate for the scheme.
- 8.74 It is accepted that the bypass would have an adverse effect on the countryside but these would be mitigated and the scheme would benefit Newtown as well as through traffic.

Non-Statutory Objectors who appeared at the Inquiry

Councillor Jean Williams (O4, ID67)

- 8.75 The former Iron Age fort comprises low embankments that encircle a crown of a prominent local summit, which can only be viewed in its entirety from Dolfor Road. Elsewhere it is obscured and the scheme would not alter its setting. The top of the earthworks cutting would be within 25 metres of the monument but the road and cutting would not be visible from the viewpoint on Dolfor Road or from the ancient monument. A local archaeological watching brief would be deployed during soil stripping.
- 8.76 The instability of the ground would not be problematic.

- 8.77 A number of options for the new Mochdre Bridge spanning the Dulas Brook were explored and that resulted in the proposed 45 metre single span structure being regarded as superior to the other options. It would not cause flooding by a blockage of the watercourse or inhibit wildlife in established corridors. It would allow the passage of agricultural machinery below it and provide a passage for animals and equestrians (ID138).
- 8.78 It is accepted that the Bontdulas Cottages would be adversely affected but landscape mitigation would reduce these effects over time. It is also acknowledged that the bridge and road embankment would be highly visible from the local dwellings. Noise fences would be erected and native trees planted on the embankment.
- 8.79 There would be only negligible effects on the local air quality.
- 8.80 Any closure of the badger sett would be done under licence from Natural Resources Wales. All local wildlife corridors would be preserved.
- 8.81 The low-lying attenuation pond would be located 8 metres east of the tree lined Mochdre Brook, some 25 metres from the nearest property. It would appear as grassland except in the wetter months when water depths of up to 1.5 metres may occasionally occur, but then the peripheral reeds and vegetation would have colonised. Its purpose would be to retain road water run-off from the bypass, thereby reducing the risk of flooding of the brook.

Mr Brett Kibble and Mrs Jill Kibble (O70, O71, ID87, ID153)

- 8.82 One-metre wide strips would enable cyclists to travel safely alongside the bypass carriageway. As the scheme would substantially reduce traffic in Newtown it would be of immediate benefit to local cyclists and detailed discussions with Powys County Council would take matters forward. Further discussions would also consider the comprehensive provision of the roundabout cycling facilities illustrated on ID153.

Mrs Hilary Kewley (O5, ID39)

- 8.83 It is accepted that the plans on display at the public consultation exercise contained some outdated aerial survey information but, had the plans correctly shown the Holiday Park boundary, with 77% of the public favouring the orange route, the brown route would still have not been as popular as the orange.
- 8.84 The former orange route was substantially amended from its 2010 line and details, in terms of alignment and width. Environmental improvements were also incorporated to improve the scheme, including moving the route further south away from where people live. These improvements have resulted in a scheme that would provide a healthy cost benefit ratio of 3.0, reduce environmental impacts and fulfil its objectives.
- 8.85 The clear span bridge and the position of the proposed embankment at Mochdre would mean that the scheme would not exacerbate flooding, and studies have demonstrated that the predicted 1 in 1000 year storm flood

levels would not threaten property. The attenuation pond would retain run-off and discharge it to Mochdre Brook at a controlled rate.

- 8.86 It is accepted that the scheme would adversely affect the landscape in certain areas and would have a significant visual impact on dwellings in the Mochdre area, but extensive landscaping would reduce that impact.
- 8.87 Noise fencing would be provided at Mochdre but no property would qualify for sound proofing because noise levels would be well below the necessary thresholds for qualification. The road would have a 3-metre high noise barrier on either side at Bontdulas, dropping to 2-metres over the long bridge.
- 8.88 Alternative routes 1 and 1A advocated by Mrs Kewley are dealt with in Section 9 of the report.

Ms Lizzie Harrison (013, ID69)

- 8.89 A comprehensive flood risk assessment demonstrated that the western abutment to the proposed Mochdre Bridge and its approach embankment would both lie outside the flood plain of the Mochdre Brook and River Severn (ID138, ID155).
- 8.90 The location of the proposed attenuation pond has been chosen because ground levels would allow road water to drain under gravity towards it. It is designed to receive and retain road run off and discharge it at a rate akin to current discharges. Pollutants would be trapped and removed. The pond would house a large bio-retention treatment area that would contain permanently wet reeds and aquatic plants, with the permanent water depth about 500 mm. Such ponds encourage wildlife to use them and do not smell, even in rural areas. Details of the proposed attenuation pond are at ID6 and a plan of it, illustrating its location relative to local dwellings, is at ID54.
- 8.91 It is accepted that there would be construction noise at Bontdulas but the contractor would undertake the measures set out in The Construction Environmental Management Plan to contain noise and suppress dust.

Mrs Linda Ward and Miss Monica Bradley (O16, O10, ID49, ID50)

- 8.92 The orange route was supported by over 75% of those that took part in the Public Consultation compared to 13% who supported the brown route. Since then the orange route has been improved in engineering and environmental terms. It is accepted that the scheme would have adverse effects, some of significance, on land use and some residential property, but extensive mitigation measures have been built into it in order to minimise these effects. Constructing a road to the south of Newtown through sharply undulating terrain is bound to expose the road until landscaping matures (ID32, ID34).
- 8.93 There is no precedent for assessing an individual's sensitivity to noise but all dwelling houses near the scheme have been assessed in accordance with national criteria that must be satisfied in order that insulation could be offered to homeowners at the taxpayers expense (WG06).

- 8.94 At Brook Terrace the existing noise level is in the order of 35db(A) well below the level that studies have shown to be bothersome to 1% of the population. With the scheme in place, and noise barriers erected alongside the road, noise at Brook Terrace would rise to about 49db(A), a level that would bother only 4% of the population. This noise level would be well below the level at which noise insulation could be offered at Brook Terrace. A 2+1 carriageway would not increase traffic noise relative to a single 2-lane road.
- 8.95 The noise levels for all properties in Newtown that would be subjected to changes in traffic have been assessed and all given equal weighting in accordance with the DMRB (DD320, WG06).
- 8.96 The location of the proposed attenuation pond has been chosen because ground levels would allow road water to drain under gravity towards it. It is designed to receive and retain road run off and discharge it at a rate akin to the current discharge. Pollutants would be trapped and removed. The pond would house a large bio-retention treatment area that would contain permanently wet reeds and aquatic plants, with the permanent water depth about 500 mm. Such ponds encourage wildlife to use them and do not smell, even in rural areas. Details of the proposed attenuation pond, which would have a maximum water depth of 1.5 metres, are at ID6 and a plan of it, illustrating its location relative to local dwellings is at ID54.
- 8.97 The economic performance of a road scheme, paid for out of public funds, is an important assessment criterion, but a full environmental impact assessment, resulting in the publication of the ES has been completed for all parts of the scheme.
- 8.98 The Welsh Government rebuts there would be an infringement of Ms Bradley's human rights. It considers that the Public Inquiry is a means for objections to be heard and considered impartially so that there is a fair hearing to determine any relevant right that may be engaged. The obligation is to comply with the substantive law concerning Human Rights. Interpretation of the law is for the Courts but guidance has been published to assist in identifying factors, which may, as appropriate, be taken into account by the decision maker. The relevant guidance in Wales is set out in Circular NAFWC 14/2004, paragraphs 14 and 15.
- 8.99 In preparing, designing and promoting the scheme the Welsh Government have taken into account the human rights of those who would be or would likely to be affected. These rights include a person's entitlement to the peaceful enjoyment of his/her possessions and that no one should be deprived of possessions except as provided for in Article 1 of the First Protocol of the ECHR.
- 8.100 Consideration has been given to the specific terms of the Articles and the justification allowed for any interference of proportionality. In particular consideration has been given to public safety, the economic well being of the country and the public interest generally. The case for the scheme is that it would bring economic benefits and safety benefits. It would be in the public interest, in accordance with law and it would be necessary in

the public interest. The scheme would cause noise in the Brook Terrace area but it would be limited and the interference with any rights would be in accordance with the law.

Mr Derek Thomas (O8, ID53)

- 8.101 The case for the bypass is set out in the evidence in chief for the scheme. It is accepted that the Mochdre Lane area would be subject to an increase in traffic noise but that would be insufficient to justify offers of noise insulation. The creation of passing places on the wider network would not enable Newtown to benefit from the relief that a bypass would bring.
- 8.102 Studies have shown that with the scheme in place a 1 in 1000-year flood would not affect Mr Thomas' home. The limits of such flooding are illustrated at ID53 (ID138).

Statutory Written Objections

NPTC Group (Powys College) (O6)

- 8.103 It is accepted that the operational, educational and farming enterprises at the College would be adversely affected by the scheme. Currently the land farmed is about 150ha, from which 5.4ha of land owned by the College and 2.7ha of rented land would be taken by the scheme. This land may be the best teaching land as it is located close to farm buildings.
- 8.104 The relocation of FP251/3 and access 1/K (1/6b) would be acceptable as a Modification to the SRO. CPO plots 1/9 and 1/10 would be Modified and reduced to enable livestock passage beneath the Mochdre Bridge to take place. The position of proposed footpath 1/L would be modified and 1/7b extended to the underpass. Agricultural underpass headroom of 4.5 metres is adequate under current Standards, with about 0.5 metres reserve. Any justifiable increased radius sweep paths for tractors would be incorporated into the detailed design of the scheme. Infilling of the small areas in OS0587 and OS 8782 could be addressed by direct negotiation with the contractor as they lie outside the CPO. Water pipe ducts would be incorporated into scheme embankments. Further works to pipes and drainage would be matters to be discussed as accommodation works.

Mr Stephen Sprie of Network Rail (O11)

- 8.105 After discussions an agreement has been reached that satisfies the objection.

The Mochdre with Penstrowed Community Council (O2)

- 8.106 It is noted that the Council, in support of local residents, favour Alternative Routes 1 and 1A as better solutions to the traffic needs of Newtown. It is accepted that the scheme would have an adverse affect on the community in the Mochdre area but, on balance, the scheme would be preferable to both alternatives, as illustrated by the Brochure at ID40.

Mrs Glenys Jerman-Jones (O25)

- 8.107 After discussions an agreement has been reached that satisfies the objection.

Mr Peter and Mrs Theresa Oakes (O26)

- 8.108 Flood storage would be required to mitigate the effects of the scheme encroaching into the flood plain of the River Severn. An area of about 9,864 sq m in CPO Plot 1/5b was identified as the most suitable for lowering of up to 2.5 metres, with side slopes of 1:3 between the bottom of the area and the current field. The area would be seeded for grass and the slopes gentle enough for grazing by horses.

Messrs Mark, Adam, Darren and Lee Bebb (O28, O29, O30, O31)

- 8.109 It is accepted that the bypass, passing through the rural area south of Newtown would adversely affect agriculture. The appropriate agricultural impact assessment is set out in the ES. It is also accepted that the scheme would have an adverse effect on the Glandulas Holiday Park, especially during the construction period, and discussions could take place to determine what landscaping measures could be deployed to reduce the normal period of maturity and thereby speed up protection of the site (DD002).
- 8.110 At the public consultation the first extension of the Park was on display. The alignment at the western end of the scheme was amended to reduce its impact on the Park in October 2010. The public were not misled by the fact that not all caravan plots were shown on the plan presented to the public. Planning permission for the second extension was granted on 15 September 2010. It is accepted that the full extent of the Park was not on display at the Public Information Exercise in June 2013 (ID32).

Mr David Cooke (O35)

- 8.111 After discussions an agreement has been reached that satisfies the objection.

Mr Dilwyn Richards (O75)

- 8.112 Every effort would be made to guarantee continuity of water supply either side of the bypass, but details would be needed before that could be confirmed. If continuity proved troublesome water bowsers could be deployed and compensation considered.

Non-Statutory Written Objections

Mr J Jones (O3)

- 8.113 The scheme incorporated into the draft Orders differs considerably from the Public Consultation orange route, which it improves upon. The case for the confirmation of this modified scheme is set out in the evidence-in-chief presented to the Inquiry. It shows the scheme would have a benefit to cost ratio of 3 and substantially reduce traffic on Llanidloes Road and through the town. Its comparison with Alternatives 1 and 1A,

which are based on the brown route are set out in ID 40. No first class farmland would be affected.

8.114 The Flood Consequences Assessment Report illustrates that the scheme would not exacerbate flooding in the Mochdre Bridge area (DD323).

8.115 The bypass would relieve Newtown of congestion, reduce severance and accidents and improve long-distance journey time reliability. Providing passing places between towns could reduce driver frustration but that could not achieve the same benefits as the bypass, which would have overtaking provision built into it. The bypass, constructed on its intended alignment clear of the urban fabric of Newtown, with 10 new structures, would not cause new barriers for equestrians or pedestrian.

Miss Muriel Evans (O7)

8.116 Following correspondence the objection was withdrawn.

Mr Lee and Mrs Sarah Taylor (O12)

8.117 It is accepted that the scheme would have a severe adverse impact on the quiet and secluded Mochdre Bridge area and that there would be a clear line of sight from The Foxes to the elevated 12-metre bridge and 11- metre high embankment.

8.118 The noise barriers, which would be located either side of the road in the Mochdre area would contain traffic noise, which would be well below the level at which sound insulation of properties could be offered.

8.119 A Flood Consequences Assessment Report illustrated that the scheme would not exacerbate flooding in the Mochdre Bridge area (DD323).

Mrs L Davies (O14)

8.120 Following correspondence the objection was withdrawn.

Mr P Joseph (O15)

8.121 In general the scheme would halve the traffic through Newtown, although it is accepted that the accident rate through the town is already lower than the national average. The line of the bypass has been modified and improved considerably since the presentation of the orange route at the Public Consultation exercise. The current proposals are economically viable and would offer good value for money, with a benefit to cost ratio of 3.

8.122 It is accepted that the scheme would have a severe adverse impact in The Mochdre Bridge area and that there would be a clear line of sight from Bont Dulas to the elevated 12-metre bridge and 11-metre high embankment.

8.123 The noise barriers, which would be located either side of the road in the Mochdre area would contain traffic noise, which would be well below the level at which sound insulation of properties could be offered.

- 8.124 A Flood Consequences Assessment Report illustrates that the scheme would not exacerbate flooding in the Mochdre Bridge area (DD323, ID138).

Mr Richard Lawson (O17)

- 8.125 In general the scheme would halve the traffic through Newtown. The line of the bypass has been modified and improved considerably since the presentation of the orange route at the Public Consultation exercise. It would be economically viable with a benefit to cost ratio of 3. An alternative based on the brown route has been assessed against the Scheme and the comparison set out at ID40.

- 8.126 A Flood Consequences Assessment Report illustrated that the scheme would not exacerbate flooding in the Mochdre Bridge area (ID138).

Mr Kevin Lander and Mrs Anne Lander (O18, O19)

- 8.127 One-metre wide strips would enable cyclists to travel safely alongside the carriageway of the bypass. As the scheme would substantially reduce traffic in Newtown it would be of immediate benefit to local cyclists and detailed discussions with Powys County Council would take matters forward. Further discussions would also consider the comprehensive provision of the roundabout cycling facilities illustrated on ID153.

Mr Gareth Marston (O32)

- 8.128 The removal of congestion through Newtown would cause a reduction in traffic north of the River Severn on the B4568. This traffic would divert onto the bypass and hence increase traffic on the trunk roads immediately west and east of the scheme. However traffic throughout the town would be significantly reduced.

- 8.129 It is accepted that the scheme would have an adverse impact on the Glandulas Holiday Park but it would pass through the area of the Park in a cutting and 3 metre high noise and visual barriers would further protect the Park. A bridge would link the new and original areas of the Park.

- 8.130 The traffic figures used to assess the case for the scheme are based on national methodology and growth parameters. In Wales there is no evidence of traffic growth flattening on trunk roads.

- 8.131 The economic case for the scheme is sound with a benefit to cost ratio of 3. It would conform to the Transport Policies of the Welsh Government and is included in the relevant Programme for trunk road development (DD101, DD102, DD106, DD107, DD108, DD110, DD119, DD122).

Mr Paul and Mrs Abi McCullough (O33)

- 8.132 It is accepted that the scheme would have a severe adverse impact on the quiet and secluded Mochdre Bridge area and that, should the scheme proceed, there would be a clear line of sight from The Foxes to the elevated 12-metre bridge and 11 metre high embankment as they cross over the valley.

- 8.133 The noise barriers, which would be located either side of the road in the Mochdre area would contain traffic noise, which would be well below the level at which sound insulation of properties could be offered.
- 8.134 A Flood Consequences Assessment Report illustrates that the scheme would not exacerbate flooding in the Mochdre Bridge area (DD323, ID138).
- 8.135 The location of the proposed attenuation pond has been chosen because ground levels would allow road water to drain under gravity towards it. It is designed to receive and retain road run off and discharge it at a rate akin to current discharges. Pollutants would be trapped and removed. The pond would house a large bio-retention treatment area that would contain permanently wet reeds and aquatic plants, with the permanent water depth about 500 mm. Such ponds have encouraged wildlife to use them and do not smell, even in rural areas. Details of the proposed attenuation pond, which would have a maximum water depth of 1.5 metres, are at ID6 and a plan of it, illustrating its location relative to local dwellings is at ID54.
- 8.136 It is accepted that the scheme would have an adverse affect on the community in the Mochdre area but, on balance, the scheme would be preferable to both Alternatives 1 and 1A through the Mochdre Industrial Estate, as explained in the rebuttal and illustrated by the Brochure at ID40.

Ms Susan Evans (O34)

- 8.137 A full environmental assessment has been undertaken for the scheme from which the adverse impacts have been addressed with mitigation measures although it is accepted that some adverse impacts would remain. It is also accepted that the scheme would pass through farmland for much of its length although no "best and most versatile" land would be affected.
- 8.138 An assessment of the wider economic benefits that the scheme would bring concluded that it would be beneficial to Newtown.
- 8.139 The economic case for the scheme is sound with a benefit to cost ratio of 3. It would conform to the Transport Policies of the Welsh Government and is included in the relevant Programme for trunk road development (DD101, DD102, DD106, DD107, DD108, DD110, DD119, DD122).

Mr and Mrs Simpson (O36, ID143)

- 8.140 It is accepted that views from Avondale to the east and south would be adversely affected by the scheme but early visual mitigation would be incorporated into the scheme in the form of hedgerows, bunds and woodland. As a result of the design the predicted noise levels at Avonsdale would fall well short of that necessary to justify sound insulation at public expense. Further off-site planting could be considered (WG05).

Mrs Fiona Burnett (O69)

- 8.141 The economic case for the scheme is sound. It has a benefit to cost ratio of 3. An analysis has shown that there would be significant time savings for through traffic and it is recognised that weekend and summer peak delays are considerable although it is accepted that these are less than on the busier parts of the UK road network (WGO4, ID73, ID74).

Mr N Moore of CPRW (O72, ID145)

- 8.142 The scheme has been designed in accordance with the national standards set out in the DMRB and has been subject to comments made by The Design Commission for Wales. The engineering and landscaping teams have worked in collaboration to secure the best optimum alignment and mitigation features and a comprehensive ES produced that covered all such issues. Attention has been paid to farm access, and accommodation structures would be incorporated into the scheme where justified. (DD304-DD320, WG05).

- 8.143 In the Brimmon area it would be necessary to construct a substantial embankment to enable the vertical alignment of the road to be accommodated within the natural terrain but, in recognition of this, design development has lowered the embankment as far as practicable, consistent with the engineering demands. However, despite that, the scheme would still necessitate landscaping in an effort to mitigate the impact of the earthworks further. Native woodland planting on the embankment slopes would be undertaken. The slopes of the embankment would be graded out where possible to reduce their relative scale and to integrate them into the natural landform. Native hedgerows would form field boundaries. These would link with existing hedgerows to further integrate the embankment into its surroundings.

- 8.144 As set out in the ES, the landscape assessment indicated that there would be a substantial impact from the scheme in the Brimmon area, but the southern scarp slopes should suffer no adverse effect by the design year of 2032 because the scheme would only represent a very small proportion of the panoramic visual context of this elevated area (WG05).

- 8.145 Highway lighting would be required for safety reasons and in recognition of this, and the sensitive landscape at Kerry Road, lighting would be limited to the roundabout. The lighting would incorporate shielding to minimise light spillage. The Common and Soprano bat uses a flight path near Kerry Road, but these are light tolerant species and characteristically would not fly low over the bypass. The scheme should have little impact upon them (WG05).

- 8.146 The structures have all been designed as a family to create consistency of appearance and the design has been approved by The Design Commission for Wales. The larger exposed faces would be stone clad where they would be visible from the bypass and Pool Road (WG02).

- 8.147 A full comparison between the scheme and Alternatives 1 and 1A is set out at ID40.

Ms Janet Phillips (O73)

8.148 There would be a loss of 4.9ha of woodland and 1.6ha of shrub but 15 ha of tree and shrub planting would be undertaken. Some 12 km of hedgerow would be planted compared to the removal of 4.9km. At Castel-y-Dial 1.6ha of woodland would be lost of which 40% would be coniferous.

8.149 A number of alternatives were put to public consultation and 77% of the public favoured the route that forms the basis of the scheme. At the Inquiry five alternatives have been advanced for consideration. In the view of the Welsh Government the scheme, on balance of the competing factors, remains the best option to take to construction.

Ms Kelly Leah (O74)

8.150 It is accepted that there would be an adverse effect on agriculture arising from the scheme but extensive mitigation would be built into the scheme to offset some of the adverse effects. There would be a loss of 4.9ha of woodland and 1.6ha of shrub but 15 ha of tree and shrub planting would take place. Some 12 km of hedgerow would be planted compared to the removal of 4.9km.

8.151 The scheme would remove 50% of the traffic from the urban stretches of trunk road in Newtown.

8.152 An assessment of the ecological effects of the scheme is set out in the ES. No water voles were found within a 2km buffer of Newtown but further investigations could ensue if evidence of them is presented to the Welsh Government (DD006-DD009).

SUSTRANS (O76, ID147)

8.153 Compact roundabouts are only appropriate in urban areas. The roundabouts on the bypass would have to cater for high flows of turning traffic whilst preventing queuing. The roundabouts and the approaches from Newtown would be lit and cycle pathways and crossing points incorporated as illustrated by ID153.

8.154 The scheme would include the new and enhanced travel routes agreed with the Powys County Council. These would pass over or under the bypass and connect to existing rights of way. No additional barriers for local travel would occur. The proposals comply with the guidance set out in The Active Travel (Wales) Act 2013. With the reduction in traffic in Newtown, cycling within the town would be easier and safer. Suitable post-bypass works would be discussed with the Powys County Council.

Mr P Mullineux (O78, was Rep 10)

8.155 Planting between Ch 5200 and 5300 towards the eastern end of the scheme will be reviewed in order to take account of long-distance cross-valley views from the outskirts of Newtown.

Owners/Occupiers of the Glandulas Holiday Home Caravans*

The following similar, or identical, objections are from those persons with an interest in Plots on the Glandulas Holiday Caravan Park. Because of the almost identical nature of them the Welsh Government's Responses

to them have been grouped together in this report for convenience. Some of these objectors may be statutory objectors.

Mr & Mrs Bradley (O44), Mr N J Nicols (O45), Denny, Nina & Trevor Haynes (O46), Mr & Mrs Lowe (O47), Mr & Mrs Hope (O48), Mr & Mrs Edwards (O50), Mr & Mrs Watson (O49), Mr & Mrs Shale (O51), Mrs M E Smith (O52)**, Mr P Smith (O53)**, Mr & Mrs Kinsey (O54), Mrs Shaw (O55)*, Mr & Mrs Wynne (O56), Mr & Mrs Brass (O57), Mr & Mrs Berridge (O58), Mr & Mrs Cowley (O59), Mr & Mr Wall (O60), Mr & Mrs Machin (O61), Mr & Mrs Dockerty (O62), Mr & Mrs Marsh (O63), Mr & Mrs Stanway (O64), Mr Bodenham (O65), Mr Jones (O66), Mrs Joyce Jones (O67), Mr & Mrs D Burden (O68).

** On day 10 of the Inquiry, Mr and Mrs D Garner asked from the floor of the Inquiry if they could associate themselves with the objection of Mrs Shaw. ** These are registered Statutory Objectors.*

- 8.156 Following a public exhibition in September 2009, at which three possible routes for the bypass were on display, the preferred route for the bypass, passing around the whole of the Holiday Park was announced in October 2010. On 10 September 2010 planning permission, for an extension of 20 caravan units in an area that would have been outside the preferred route of the bypass, was granted. This resulted in the preferred route of the bypass being located between the original caravan area and the second extension of it.
- 8.157 At the public consultation the first extension of the Park was on display. The alignment at the western end of the scheme was amended to reduce its impact on the Park in October 2010. The public were not misled by the fact that not all caravan plots were shown on the plan presented to the public in September 2009. Planning permission for the second extension was only granted on 15 September 2010. It is accepted that the full extent of the Park was not on display at the Public Information Exercise in June 2013. However 77% of the public favoured the corridor that now forms the basis of the scheme. The omissions from the material on display at the Consultation exercise would not have affected the overwhelming weight of public opinion in favour of that corridor.
- 8.158 Following the appointment of contractors a fresh investigation into the potential of moving the route near the caravan park was undertaken but that failed to find a feasible local diversion that would have avoided severance of the Park although some relatively minor adjustment of the route reduced the effect on the Park to a degree. A final preferred route reflecting those changes was announced in March 2014 but it would still sever the Park.
- 8.159 It is accepted that the scheme would have an adverse effect on the Holiday Park and, in an effort to reduce that effect, 100 metres of noise and visual barrier, 3 metres high would be erected either side of the road where it would pass through the Park. A mitigation bund would be constructed in this area and planted with native trees and shrubs. Discussions would ensue with the Park owners in an effort to reduce the time after construction before the planting becomes effective. It is

accepted that even with the mitigation there would be a residual adverse impact on the Park.

- 8.160 It is also accepted that The Holiday Park itself and visitors to it do support the local economy. The Park would still be able to trade with the bypass in place and the scheme would bring positive benefits to the wider local economy.
- 8.161 The scheme would take 2 years to construct and measures would be taken to ensure that access to the Park would continue during that period. Noise and dust would be suppressed during construction as far as practicable.
- 8.162 Holiday home owners may qualify for disturbance payment subject to certain criteria, in accordance with the Land Compensation Act 1973.
- 8.163 It is accepted that the scheme, in crossing through undulating ground, would involve earthworks and structures, and a package of mitigation measures would be incorporated into the design to lessen its adverse effects. The scheme would reap considerable benefit for the wider community and economy and through Newtown for the environment. Details of these benefits were set out to the Inquiry in the Evidence-in-Chief of the Welsh Government Witnesses (WG01-WG06).

Welsh Government Response to Representations

Mr John Selwyn Smith (R1)

- 8.164 Surface water run-off from the scheme would discharge into the existing drainage system.

Ms A Truman of the Canal and River Trust (R2)

- 8.165 The formal assessment of the effect that the scheme might have on the water quality in the canal and River Severn concluded that there would be no detriment to either waterway. Run-off from the proposed highway would be controlled by attenuation ponds, which would be fitted with skim plates, whereas the existing highway discharge flows are un-attenuated. The construction of the road would therefore offer a degree of protection to the canal that does not currently exist. The Welsh Government would maintain the drainage system in accordance with Environment Agency (NRW) guidance. Construction would be governed by the CEMP. The Trust would be welcome to comment on it.

Natural Resources Wales (R3)

- 8.166 The Welsh Government would continue liaison with NRW throughout the development of the scheme. All relevant species and habitats listed in Section 42 of the NERC Act 2006 have been considered and ghost licences and method statements developed to deal with them. This would be continually updated and the new habitat and the other nature mitigation proposals shown in the Environmental Master Plan would be developed to compensate for losses, to restore continuity and to monitor long-term effects on species. The CEMP has been developed to protect

slowworms during construction and details would be agreed with NRW before the start of works. It would also be developed to include a Bio-security Risk Assessment, an ecological compliance audit and the threat of sediment run-off.

- 8.167 A Register of Commitments would be drafted and agreed with NRW (ID159).
- 8.168 The loss of the flood plain would be offset by compensatory storage of run-off, provision for which is included in the CPO.
- 8.169 Scheme lighting may affect bats but this would be restricted to:
- A489 Llanidloes Road roundabout
 - A483 Dolfor Road roundabout
 - Lower Dolfor Road roundabout and the links from it
 - Kerry Road roundabout
 - A489 Pool Road roundabout and the link to the underbridge.

Mr Paul Bufton of Powys County Council (R4)

- 8.170 Discussions would continue with the County Council to establish agreement over town centre proposals.

Ms Juliet Griffin (R7)

- 8.171 Detailed assessments have been carried out in accordance with the appropriate Noise Regulations and the DMRB and barriers proposed where justifiable having regard to the landscape and practical issues. Planting would comprise local species of tree, shrub and hedge in order to integrate the scheme into the environment and would create 12 km of new hedgerow and 15 ha of new woodland. Landscaping of the proposed roundabouts would aim to create local identities and distinctiveness, but would be restrained by engineering requirements for sightlines.
- 8.172 Full energy saving lanterns would provide road lighting but this would be restricted to:
- A489 Llanidloes Road roundabout
 - A483 Dalfor Road roundabout
 - Lower Dalfor Road roundabout and the links from it
 - Kerry Road roundabout
 - A489 Pool Road roundabout and the link to the underbridge.

Mr William Powell AM obo Councillor David Selby (R9)

- 8.173 Discussions would continue with Powys County Council over detrunking the existing lengths of trunk roads that would be intercepted by the bypass.

Messrs G & T Evans (R11)

- 8.174 The ditch that runs alongside the mill would not carry any water arising from the scheme but its natural flows should diminish.

9 THE ALTERNATIVES TO THE DRAFT ORDERS

Five objectors' alternatives were advanced during the objection period and submitted by the deadline specified at the Pre-Inquiry meeting of 4 March 2014. They were analysed and developed into feasible alternatives by the Welsh Government, compared with the published scheme and published locally as objectors' alternative proposals. The alternatives are known as Objectors' Alternatives 1, 1A, 2, 3, and 4. Alternatives 1 and 1A are very similar and so have been grouped together below.

The material points are:

Alternatives 1 and 1A (ID38, ID40)

Brief Details

- 9.1 The details of the Alternatives are set out in ID38. The alternatives have been promoted to enable an efficient bypass to be built without disturbing the countryside west of the A483 Dolfor Road, the Mochdre Bridge/Bontdulas area and the entirety of the Glandulas Holiday Home Caravan Park. To achieve those aims the alternative would adopt the same standards as the published scheme but the route of the alternative bypass, west of Dolfor Road, would veer to the north away from the line of the published scheme, and pass along Heol Ashley and through the Mochdre Industrial Estate before linking to the A489 west of Newtown. This is illustrated on page 3 of ID38.
- 9.2 Alternative 1 would connect into the existing trunk road A489 at the existing Llanidloes Road roundabout, west of the urban area of Newtown. Alternative 1A, a derivative of Alternative 1, would also adopt the alignment of Heol Ashley as far as the Mochdre roundabout, but thereafter would continue westward to bypass the Llanidloes roundabout before linking directly to the A489 to the west.

Comparison of Alternatives 1 and 1A with the Scheme

- 9.3 A comprehensive comparison of the salient points of the scheme and Alternatives 1 and 1A is set out in ID38.
- 9.4 The scheme would cost £62m compared to £69m for Alternative 1 and £71.6m for Alternative 1A. These figures include allowances for land and compensation. The land costs are those that fall within the alternative and scheme boundaries.

- 9.5 Should additional land, or property, be bought outside scheme fence lines that could distort the costs because a full allowance has already been included in the costs of the alternatives for the acquisition of business premises where necessary. Also included in the estimated cost of the alternatives is an allowance for the two new service roads that would be needed to serve the industrial premises on the Estate. These figures are based on extensive engineering information for the published scheme but far less detail for the alternatives. A cost breakdown, comparing the estimated cost for the scheme with the alternatives, is set out at ID42 and ID45. Supplementary detailed evidence on the cost differentials is set out at ID72.
- 9.6 The economic returns (BCR) for all three options are positive, within the range 3.0 to 2.7 and indicate both alternatives would produce greater benefits than the scheme but the extra costs of the alternatives would negate those advantages.
- 9.7 All options would meet the scheme objectives but the scheme specific objectives would be served better with the scheme (ID38).
- 9.8 The agricultural impact of the scheme is markedly worse than either of the alternatives, particularly on Coleg Powys.
- 9.9 The scheme would adversely affect the landscape to a significantly greater degree than the alternatives. It would also adversely affect cultural heritage and biodiversity to a greater extent. The published scheme would cause a significant impact in the Mochdre Bridge area. The alternatives would not cause any disturbance there.
- 9.10 The scheme would adversely affect the Glandulas Holiday Home Park. Both alternatives would leave the Park completely unaffected.
- 9.11 The scheme would provide better overtaking facilities and quicker journeys, with a 60mph speed limit between roundabouts, compared with 30 mph on the alternatives through the Industrial Estate but the alternatives would be significantly better than the current circumstances (ID41).
- 9.12 Both the scheme and the Alternatives would provide a safe highway but the Alternatives, in having to deal with a mix of local and through traffic at the western end, would potentially be slightly less safe (ID41, ID75).
- 9.13 The alternatives would cause the demolition of four factories and a farmhouse (Alternative 1) and eight factories and a farmhouse (Alternative 1A). Potentially the alternatives would have a severe effect on local employment with, perhaps, 200/300 jobs on the Mochdre Industrial Estate being put at risk. Currently the estate has a 97.5% occupancy, with only 5 units available to accommodate displaced businesses. The details of the Industrial Estate properties are set out at ID31 (ID77, ID102).
- 9.14 The adoption of either Alternative would delay the scheme for 3 or 4 years.

Support and Objection

- 9.15 The two alternatives each attracted significant support, initially in objections to the draft Orders, in the form of support for the original brown route at the Public Consultation exercise and in response to the publication of the alternative brochure. Supporters included The Mochdre with Penstrowed Community Council, The NPTC group (Powys College), CPRW, an industrialist on the Mochdre Industrial Estate and five individuals, in addition to several expressing a view in objections (ID70).
- 9.16 Counter objections, opposing the alternatives were received from representatives of 31 Companies with premises on the Mochdre Industrial Estate. Mr John Selwyn Smith appeared at the Inquiry as a counter objector to both alternatives because his factory and that of his neighbour would need to be demolished for either of the alternatives (ID77, ID102).
- 9.17 At the Public Consultation Exercise 77% supported the orange route that formed the basis of the scheme. The general public therefore expressed a clear preference for the scheme when compared to a route through the Industrial Estate.

Alternative 2 (ID80, ID82)

Brief Details

- 9.18 The details of Alternative 2 are set out at ID80. It has been designed to reduce the impact of the bypass on Black Hall Farm by the removal of the 4-way roundabout on Dolfor Road and replacing that facility with a 3-way roundabout further to the west, away from Black Hall Farm (ID80).
- 9.19 The alternative would remove the access to the town centre along the Dolfor Road thereby requiring all Newtown bound traffic to travel via Kerry Road. As an alternative the substandard Dolfor Middle Road could be upgraded to allow Newtown bound traffic from the south to use that road. The cost comparisons assume that the upgrading would be necessary (ID122).
- 9.20 The proposed link road from Dolfor Road (and the bypass) into the Mochdre Industrial Estate would not be provided with Alternative 2, because Dolfor Road north of the bypass would also be removed. Industrial Estate traffic would need to enter and exit the Estate via Llanidloes Road and the western terminal roundabout of the scheme on Llanidloes Road.

Comparison of Alternative 2 with the Published Scheme

- 9.21 Both the scheme and the alternative would cost about £62m. These figures include land and compensation. The saving in road works with the alternative would be offset by the greater earthworks required to engineer it within acceptable standards and some improvements to the substandard Middle Dolfor Road (ID82, ID84, ID85).
- 9.22 Both the alternative and the scheme would generally meet the objectives

set for the bypass and both would offer value for money with the scheme slightly better with a BCR of 3.0 compared to 2.8.

- 9.23 Both the scheme and Alternative 2 would sever Black Hall farmland (ID82).
- 9.24 The alternative would not serve the Industrial Estate as well as the scheme and, with it, some industrial traffic would continue to use the residential area along Plantation Lane. The alternative would not serve traffic bound for Newtown as well as the scheme. The alternative would significantly improve the surroundings for Black Hall Farm but that would be at the expense of dwellings on Middle Dolfor Road from which counter-objection was made. The alternative would compromise highway standards of design, particularly on the A483 where a gradient of 16% would be necessary to tie the existing trunk road into the proposed roundabout (ID82, ID83, ID84).

Alternative 3 (ID90, ID93, ID94)

Brief Details

- 9.25 The alternative was advocated by Mr Richard E Jones of Lower Brimmon Farm and would move the alignment of the scheme northwards, over a length of about 800 metres, through the farm, and away from the farmhouse and its entrance off the Kerry Road. The proposed Kerry Road roundabout would need to be repositioned about 20 metres to the north. In so doing it would move the bypass slightly further away from a veteran oak tree and around an established pond to the east of the oak. The repositioning of the Kerry Road roundabout would result in the need to divert the high-pressure gas pipeline because the northern link road from the roundabout to Newtown would need to cross the pipeline in a cutting approximately 3 metres deep. The topography would mean that the link road would need to be constructed with a sub-standard vertical alignment that could have safety implications.

The comparative effect on a veteran oak tree

- 9.26 An Expert report on the veteran oak was commissioned by Mr Mervyn Jones of Tyn y Green, and undertaken on 5 July 2015 by Mr Matthew Owen FDS. The report relied upon the advice set out in *BS5837: 2012 - Trees in relation to design, demolition and construction-Recommendations*. It concluded that the oak was over 400 years old and currently suffering from crown retrenchment, some decay and hollowing of the stem. The survey reported that the proposed boundary fence of the scheme would be 3.5 metres from the edge of the tree. It has a stem diameter of over 1.25 metres, and accordingly BS 5873 recommends a root protection radius of 15 metres to avoid severance of the roots. However the report concluded:
- that for a tree of this age, and size, a root protection zone of 11 metres from the stem should suffice because of canopy depletion (ID89, paragraphs 4.0- 4.2 thereof)

- that a no-dig approach to construction near the root protection zone would further help safeguard the tree (ID160).

9.27 The Welsh Government also commissioned an independent Expert opinion; this one from Mr Jerry Ross BSc, F.Arbor. He also relied on BS 5837 and confirmed that the oak was a true veteran. The report/mini statement submitted to the Inquiry dated 15 July 2015 was produced by the Welsh Government with input from Mr Ross. Mr Ross provided information on ground penetrating radar surveys undertaken on 13 July 2015. This survey indicated that north of the tree (on the proposed bypass side) the roots extend for 14 metres from the centre of the trunk, which equates to about 13.1 metres from the periphery of the trunk (ID89, ID160).

9.28 At the Inquiry the Welsh Government demonstrated that by using advanced geo-technical engineering it would be practicable to restrain the extent of the small embankment proposed on either side of the bypass, and adjacent to the oak tree. The road alignment could also be modified slightly within the CPO land take so that, in combination with the reinforced earthworks, the nearest edge of the compacted road sub-base and top soil strip would be over 15 metres from the tree, thereby ensuring the full recommended 15 metre root protection zone of BS 5837 was complied with.

9.29 The scheme would pass closer to the oak than Alternative 3, but at the Inquiry it was demonstrated that near the tree:

- there would be no excavation of the field for the road structure outside the edge of the sub base
- no drains would cut into the subsoil on the southern side of the road
- the proposed low embankment would not over compress the topsoil
- no topsoil stripping would be needed
- the area could be protected by fencing during construction
- the alignment of the bypass would only form a tangent to the outside of the root circle
- beyond its closest point to the root circle the alignment would diverge in both directions further away from it
- the road works near the oak could be supervised by an Environmental Clerk of the Work and by an appropriate Expert, if deemed necessary.

Other Comparisons of Alternative 3 with the Published Scheme

- 9.30 Because the proposed changes to the scheme would be confined to a short length with virtually no alterations to the vertical alignment the differences between the alternative and the scheme are minor but a small reduction in traffic noise at Lower Brimmon would occur.
- 9.31 Alternative 3 would cost £900,000 more than the scheme, principally because a high-pressure gas main would need diversion. The alternative would retain good value for money with a rounded benefit to cost ratio of about 3.0, the same as for the scheme.
- 9.32 If Alternative 3 was adopted delays to the construction of the scheme would ensue because fresh Orders would need to be published and these may attract objection from the Statutory Gas Authority.
- 9.33 Both alternatives would meet the scheme objectives identically.
- 9.34 The alternative would pose no threat of disturbance to the roots of the veteran oak whilst the scheme would need to be engineered to fully avoid conflict with the roots.
- 9.35 Surface water entering the long-standing field pond (which would be replaced by twin ponds with the scheme) would be affected by the alternative and scheme alike. The existing pond occupies a natural depression in the field but dries up in the summer months and has little ecological value.

Alternative 4 (ID90, ID96, ID98, ID99)

Brief Details

- 9.36 The alternative would be located at the eastern end of the scheme and, because it would involve a different crossing point of the Cambrian Railway, would need to extend back to the proposed Wern Ddu Bridge. Details of it are set out at ID100.
- 9.37 Alternative 4 has been promoted to reduce the impact that the scheme would have on a number of properties, which are located off the existing A483 trunk road, including Gelli (which would be demolished by the scheme), Hazeldene, Melstone, Avondale, The Gables and Glan Hafren (ID97).
- 9.38 The alternative would reposition Pool Road roundabout about 600 metres eastward. To the east of Wern Ddu Lane the alternative would veer northwards from the alignment of the scheme, taking its carriageway further away from The Stables and The Meadows. It would cross over the railway on an 8 metre high embankment and skew bridge and continue east to a new roundabout that would be located northwest of the existing railway bridge to Broniarth Farm. From there access to Newtown would be gained by a link back to Pool Road via a new under-bridge beneath the elevated bypass (ID99, ID139, ID158).

Comparison of Alternative 4 with the Published Scheme

- 9.39 Both the alternative and the scheme would meet the objectives set for the scheme identically.
- 9.40 At £68.6m Alternative 4 would be £6.5m more expensive than the scheme and that would reduce the benefit to cost ratio to 2.7 compared to 3.0 with the scheme.
- 9.41 It would significantly reduce the impact that the scheme would have on the 5 properties situated along the A 483 and would avoid the demolition of Gelli. Two dwellings, Bron Afon and Glan Afon would need to be demolished with the alternative and it would have a greater effect on Penarth Vineyard and Broniarth Farm. The alternative would increase visual and noise implications for properties off Wern Ddu Lane relative to the scheme (ID123, ID139-aerial photograph).
- 9.42 Because of its longer length the alternative would increase overtaking opportunities on the bypass but would take more agricultural land and have a greater impact on services. A large agricultural building and silage clamp, which would be removed by the scheme, would be spared by the alternative. The long access track to severed farmland, referenced PMA 4/10a, would not be needed but access to the attenuation pond would still be necessary. New PMAs both sides of Alternative 4 would be required to reach severed lands off Wern Ddu Lane.
- 9.43 Bridging of the railway would be more expensive because the alternative would cross it at an acute skew angle. The construction of the eastern terminal roundabout would create greater delays to traffic because it would be established on the line of the existing trunk road. The A483 roundabout would need to fit into a confined gap between the River Severn and the railway, creating engineering problems in an effort to minimise the affect on the river and its floodplain. The river would require diversion onto adjacent land. The extent of the earthworks that would be necessary with Alternative 4 are set out at ID139 (ID108 Map 2, ID151).
- 9.44 The alternative would not be as successful in attracting traffic away from local roads. In general between 250 and 470 vehicles would remain on the urban roads of Newtown compared to the scheme (ID99, ID131).

Supporters and Counter Objectors

- 9.45 The alternative was advocated by the owners/occupiers of properties near the eastern end of the scheme and supported by the owners of Tyn y Green on Wern Ddu Lane and Lower Brimmon Farm. The initial support offered by the owners of The Meadows and The Stables on Wern Ddu Lane was withdrawn and the owners counter-objected to the alternative because it transpired that a proper engineering representation of the alternative would affect their land. The effect of the alternative on the land associated with The Meadows and The Stables is illustrated on the aerial photograph at ID139. Network Rail and NRW also counter-object to Alternative 4. The owner of Bronavon would not object to the alternative. (ID158).

10 CONCLUSIONS

Having regard to the foregoing, I have reached the following conclusions. Reference has been given in brackets to the appropriate earlier paragraphs of this report.

Preliminary Remark

- 10.1 The efficient conduct of the Inquiry was due, in a large part, to the careful and well considered way in which the objectors, counter-objectors and supporters presented their cases. Almost without exception the statements of evidence were received well in advance of the start of the Inquiry and in accordance with the request made at the Pre-Inquiry meeting. This, in combination with the considerable effort made by the Welsh Government and its advisors in producing its prime evidence and prompt and fully written responses to the objections, gave all parties a good opportunity to understand and debate the issues.
- 10.2 I wish to place on record my appreciation to Mrs Hilary Kewley, an objector, for the considerate way she assisted those objectors who, at the Inquiry, were in need of support and for her constant presence on the 2-day accompanied site visit.

Introduction to Conclusions

- 10.3 If I am to recommend that the scheme proceeds, it needs to be shown that, on balance, and having regard to local and national planning policies, including the requirements of agriculture, it is expedient and in the public interest.
- 10.4 If I am to recommend that the Line and Detrunking Order be made I also need to be satisfied with the compatibility of this Order with the proposed scheme details and for detrunking the two existing trunk roads through Newtown.
- 10.5 In the case of lands to be acquired under the Compulsory Purchase Order, and having regard to both statutory criteria and advice, it must be shown that there is a compelling need for compulsory purchase in the public interest which justifies interference with the human rights of those with an interest in the land, that the Welsh Government has a clear idea how it intends using the land it seeks to acquire, that the necessary resources to carry out these plans would be available within a reasonable time scale, and the scheme is unlikely to be blocked by any impediment to its implementation.
- 10.6 With regard to the Side Roads Order it must be shown that alternative routes to highways proposed for stopping up are reasonably convenient

and that where private means of access are to be stopped up that another reasonably convenient access is available, or will be provided by the scheme, if needed.

Comments on the Legal Submissions

- 10.7 I received several legal submissions, one in respect of the infringement of a person's Human Rights, a batch of identical submissions alleging infringements of Human Rights of a number of objectors represented by an agent and one in respect of the bias in the opinions of the Welsh Government witnesses.
- 10.8 The Welsh Government's legal response to the last issue was submitted in ID161. The identical responses to the claims of human rights infringement were incorporated into the rebuttals to the evidence of those who claimed such infringement and a general response was also submitted to the Inquiry as recorded at paragraphs 8.12-8.17 of this report [6.10, 6.12.2, 6.12.3, 8.12-8.17, 8.19, ID161].
- 10.9 Being matters of law they are not for me to determine but I indicate on each my own assessment of the arguments. In so doing I give references to my earlier reporting of the points raised in the relevant submissions, together with the Welsh Government response. The gist of the submissions and my assessment on them is set out immediately below.

The use of Civil Servants, Advisors and Contractors as Expert Witnesses

- 10.10 On day 8 of the Inquiry, Mr Meade, in introducing the cases for all his clients, orally drew comparison between the witnesses called by the Welsh Government in presenting its case to the Inquiry and the impartial duty, which would be required of Expert witnesses to a Technical Court (Civil Procedures) [2.1, 2.3, 6.10].
- 10.11 His assertion was that the Welsh Government witnesses could not act impartially in advising the Inquiry of the relative merits of the respective arguments since they were part of the development team dedicated to progressing the scheme. Mr Meade repeated this concern on day 9, at the conclusion of his clients' cases, although the intent of the criticism was never clarified and he did not reduce his legal arguments to writing, as requested at the Pre-Inquiry meeting or draw the matter to any particular conclusion. Therefore no reference can be made to specific Inquiry documentation in this regard but, in my view, it is proper to treat this oral submission as a legal submission to the Inquiry [1.2, 2.1- 2.3, 6.10, 8.10, 8.11].
- 10.12 In ID161 Counsel for the Welsh Government responded drawing attention to the recognised difference between the Principles deployed in civil court proceedings and those used for planning inquiries and to the relevant Ikerian Reefer Principles that are set out in *Burroughs Day v Bristol City Council* (1996) 1PLR 78 [8.10, 8.11].
- 10.13 He made the supporting point that with Highway or CPO Inquiries, as

with Planning Inquiries, an Expert is usually involved with the development or implementation of the scheme, but the salient points are that an expert must have the relevant expertise, must not hide relevant but contrary facts or considerations, should give objective evidence on matters within his/her expertise and comply with all Professional Standards of the relevant Body to which the Expert belongs. The response further stated that, at the Inquiry, there was no particular challenge to the methodologies used by the witnesses, or their technical competence, nor any expert view put to the contrary. Their relationship with the Welsh Government was apparent [8.10, 8.11].

10.14 For my part, I am aware that Public Local Inquiries into new highway orders promoted under the Highways Act 1980 in Wales are conducted under, amongst other procedures:

- *The Highways (Inquiries Procedure) (Rules) 1994* (DD203, DD212) and
- *The Compulsory Purchase (Inquiries Procedure) (Wales) Rules 2010* (DD213).

10.15 It seems to me that these Rules are explicitly clear in allowing the Minister to be represented at the Inquiry by counsel or solicitor or by an officer of his department or any other person authorised by him/her (DD212). Where compulsory purchase is involved, the Rules at paragraph 14(2) state: "In relation to a Welsh Ministers order the Welsh Ministers may be represented at the inquiry by counsel or solicitor or by an officer or other person authorised by the Welsh Ministers to represent them". Those Rules further stipulate that: " In relation to such an order the Welsh Ministers shall make a representative of the acquiring authority available at the inquiry to give evidence in elucidation of the statement of case and that such representative shall be subject to cross-examination to the same extent as any other witness." [8.12].

10.16 I am also aware that, in common with the above, where the Minister's Department is the promoting authority for a scheme, the deployment of the civil servant managing the scheme to produce written evidence and explain it at Highway Inquiries is commonplace and very long-standing, perhaps almost universal. Similarly, professional consultants and advisors are used for their individual professional expertise. All are subject to questions of elucidation and cross-examination, in the way I described at the Pre-Inquiry meeting [1.2].

10.17 In the case of this Inquiry all the Welsh Government witnesses were professionally qualified and were Members of their respective Professional Bodies. There was clarity in the role in which they were engaged. The evidence of each was subjected to continual testing by cross-examination and throughout the Inquiry I detected no evidence of bias in the evidence adduced or answers given during cross-examination [6.10, 8.10, 8.11].

10.18 Where objectors, or their representatives, did not pose necessary and relevant questions to the Professional witnesses I did. I also assisted

non-represented objectors on the subject matter of complex and technical issues. On a number of occasions it was quite evident there were answers given by the Welsh Government Experts that, rightly in my view, did not support or favour the case for the scheme. I have accorded full weight to the evidence brought forward on behalf of the Welsh Government where I considered, after cross-examination and questioning that it merited such weight. I am satisfied that, at the Inquiry the evidence adduced by the Welsh Government witnesses was professional, balanced and fair [6.10, 8.12].

Human Rights Act

- 10.19 On days 8 and 9 of the Inquiry Mr Meade made a standard representation about the "*Enjoyment of Property*" on behalf of his clients to the effect that those Clients' entitlements under *Article 1 Protocol 1 of The European Convention on Human Rights (ECHR)* would be violated if the CPO was made and the scheme was constructed. Gelli, the home of Mr and Mrs Harris (two of Mr Meade's clients), would be demolished by the scheme. Accordingly, I have treated the representation as being in accordance with Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998 [2.3, 6.12(2), 6.12(3), 8.12 - 8.17].
- 10.20 On day 5 of the Inquiry Ms Monica Bradley generally expressed concern that her human rights would be affected because of the impact that the scheme would have in the Brook Terrace area, where she lives, although she did not specify whether she relied on any particular Article of the ECHR[6.72, 8.98-8.100].
- 10.21 In its rebuttal of these claims The Welsh Government drew attention to a persons entitlement to the peaceful enjoyment of his/her possessions, citing Article 1 of the First Protocol and Article 8 Of the ECHR in respect of a persons private and family life and his/her home. They drew attention to the demolition of Gelli in that latter respect [6.33, 8.12, 8.32].
- 10.22 In the Welsh Government's responses to individual objector proofs it consistently rebutted all submissions that Human Rights would be infringed as alleged, or at all.
- 10.23 The individual rebuttals highlighted that:
- the scheme was being promoted in accordance with the law in this respect
 - the Public Inquiry was a means for a fair hearing
 - the scheme would deliver national public economic benefits
 - the scheme would deliver public safety benefits and
 - the scheme would deliver public health benefits through cleaner air.
- 10.24 In considering the points claimed by the Welsh Government immediately

above, first it is clear to me that the Statutory Procedures for the scheme have been properly completed. Therefore the scheme would be in accordance with the law and the Inquiry evidence demonstrated that it would achieve economic, health and safety benefits for the public [1.9, 4.28, 4.29, 4.63, 4.65].

- 10.25 The Public Inquiry was conducted in accordance with standard procedures, which I set out at the Pre Inquiry meeting, circulated to all objectors and reiterated at the start of the Inquiry. I conducted the Inquiry in an inquisitorial way and, where parties to the Inquiry needed help, I neutralised that disadvantage by assisting them with the technical and complex issues that arose. I am satisfied that the Inquiry represented a fair hearing for all concerned and no party was disadvantaged by the absence of Professional representation [1.2].
- 10.26 For my part, I recognise that the Inquiry revealed that the environment where people live and work would be adversely affected to the extent that, in some cases, that would interfere with home and family life. This must be weighed against the wider public interest and benefits that the scheme would deliver. These are substantial and I am satisfied that Gelli, on Pool Road, would need to be demolished to accommodate the proposals for the bypass, which by far outstrip the merits of any alternative. Here and elsewhere the impact that the scheme would have is proportionate and compensation would be considered in all cases. All objectors were given the opportunity to express their concerns at the Inquiry [8.33].
- 10.27 I accept that individual land and property, including dwellings, would be adversely affected, but that the minimum amount of land would be taken and compensation would be payable to the individuals affected.
- 10.28 As a result of the above points I conclude that there would be no violation of the Human Rights of any party arising from the scheme.

The Scheme for the Newtown Bypass - Pertinent Matters

Objections and Support

- 10.29 At the close of the Inquiry there were 72 sustained individual local objections to the draft Orders and 123 individual expressions of support. Mr Glyn Davies MP for Montgomeryshire, Mr Russell George AM for the Newtown area, The Powys County Council, 6 local County Councillors and 5 Community or Town Councils supported the scheme. One County Councillor opposed the western section of the scheme [5.1-5.15, 6.59-6.62].
- 10.30 I conclude that there is significant local objection to and support for the principle of the scheme, but support from Public Authorities and the Parliament and Assembly Members is strong.

National, Regional and Local Planning Policies

- 10.31 At the Inquiry there was an abundance of evidence to show that the scheme would comply with local and national Policy for Transport and for the Economy. The National Transport Plan confirms the status of the scheme, programming the appointment of contractors in 2012-2013, with the necessary resource availability within a reasonable timescale for a three-year construction programme [4.5-4.27].
- 10.32 Landscape and environmental policies would not all be advanced by the scheme, but both the subjects were vigorously addressed as part of the development of the scheme, with clear strategies to make its impact acceptable. They were demonstrated at the Inquiry [4.82-4.110].
- 10.33 The scheme would accord with the draft Local Development Plan (2015) of Powys County Council and with the Mid Wales Joint Local Plan (2015). It would facilitate the delivery of a number of the objectives of the Plans. It would deliver much needed relief to the strategic road network and remove traffic from Newtown [4.19-4.20, 5.12].
- 10.34 I conclude that the scheme is supported by most of the Local and National Policies and is compatible with the principles of them. On a strong balance of these policies it is acceptable.

The needs of agriculture

- 10.35 The effect of the scheme on agriculture would be adverse. Good quality fields would be affected but no land that has been nationally classified as best and most versatile would be affected. Where individual farms or holdings are affected suitable measures have been advanced to reduce the impact on these where justifiable and practicable. Compensation would be considered for any losses. I conclude that the effect of the scheme on agriculture can be regarded as minor in national terms [4.78-4.81].

Agricultural land grades

- 10.36 On day 8 of the Inquiry a concern was raised in ID90 that representatives of the Welsh Government had downgraded the agricultural category of the CPO land and that an independent review of the classification should take place. In response Mr Kernon for the Welsh Government orally explained that, even if soil quality was good, classification depended on many other factors, including climate, gradient and wetness and introduced ID109. To my mind this appears to be totally consistent with the evidence adduced in ID90 (DM7). However, the request for a review of land grades was repeated at the close of the particular case [6.11].
- 10.37 For my purposes I note that the correspondence in ID109 recognised that, whilst very little land along the corridor of the bypass could not be classified as best and most versatile, a limited area of flat land at the western end of the scheme might be grade 3a. Accordingly, I make no recommendation for a reconsideration of the issue, but I draw attention to the ongoing dissatisfaction on this matter [6.11, 8.12].

The capacity of the proposed highway

- 10.38 There was compelling evidence to show that the 2+1 single carriageway scheme would provide a highway of sufficient capacity for the 2032 design year traffic, with good opportunities for safe overtaking, and that a highway of a lower cross-sectional standard would not. I am satisfied that, given the likely traffic demands on the bypass, a single 2-lane standard of road would be relatively unsafe [4.33, 4.35, 4.55-4.59, 6.12(1), 8.18].
- 10.39 The associated assertion that a single 2-lane carriageway would need less agricultural land than a wider 2+1 lane carriageway was not proven. From the evidence presented and in recognition of the different visibility requirements of the different cross sectional standards and the undulating terrain through which the road would be engineered I am satisfied that to provide comparable overtaking opportunities the lower standard of road would require appreciably more land than that needed to build the scheme. No compelling or technical evidence to the contrary was adduced [6.12(1), 8.18].
- 10.40 However, in my judgement the evident failure of a single 2-lane carriageway design to safely accommodate the design year demand flows is the determining factor. I conclude that a single 2-lane carriageway should not be considered further [6.12(1), 8.18].

The need for run-off attenuation and floodplain capacity replacement

- 10.41 Both the flooding and water pollution control measures would reduce the potential of adverse effects once the scheme is operational. They would improve local watercourses relative to the current situation. The attenuation ponds are needed to safeguard local watercourses, many of which carry an abundance of wildlife and are well situated to fulfil their function of controlling the rate of storm water run-off. The lowering of ground levels to provide replacement flood storage is justifiable. I am satisfied that, in combination, these measures would prevent flooding and improve water quality. No compelling objective evidence demonstrating that any flooding would occur because of the scheme was evident [4.37- 4.39, 4.76, 6.4, 6.52, 6.61, 6.71, 6.74, 6.76, 6.78, 8.77, 8.85, 8.90, 8.96, 8.102].

Objectives

- 10.42 The Welsh Government set 7 specific objectives for the scheme, of which 6 were for the locality. I am satisfied that improving journey time consistency for through traffic would be achieved. I am also satisfied that the achievement of three local road based objectives would be very likely with the opening of the bypass. The scheme would facilitate progress towards the achievement of the three remaining broader objectives [4.28].

Funding and economic assessment

- 10.43 Confirmation of funding for the scheme was established by its inclusion in the Welsh Government's programme. The cost/benefit analysis for the

scheme was undertaken in accordance with nationally adopted procedures using current Government guidance. The economic benefits would significantly outweigh the scheme cost [4.64-4.68].

- 10.44 The construction contract is incentive based in an effort to control costs. It is geared towards the employment of new employees and would deliver an immediate social benefit for the area, with the potential of residual longer-term benefits arising from that [4.69].
- 10.45 In my opinion the scheme has a proven economically beneficial case notwithstanding its more wide ranging potential. I conclude that there is a good economic case for proceeding with the scheme and that funding would be made available within a reasonable timescale [4.65, 4.67, 4.68].

The Environmental Statement and the Statement to Inform an Appropriate Assessment

- 10.46 The Welsh Government's Environmental Statement was published in accordance with European and UK Regulations and Directives and it is noted that all the Statutory Authorities were consulted in the course of the scheme's development. Their responses were included in the Environmental Statement and these have also been taken into account in reaching my conclusions. At the Inquiry nobody was critical of the Environmental Statement and there were no significant changes to the accuracy or relevance of it. I am satisfied that the ES meets the requirements of the various Acts and Directives and addresses the concerns of the Statutory Bodies [4.82-4.87].

Road traffic noise, construction noise and vibration

- 10.47 I am satisfied that noise calculations were undertaken in accordance with the Noise Regulations. The scheme would substantially reduce existing traffic noise alongside the A483 and A489 trunk roads in Newtown and on other urban roads that periodically currently carry through traffic. It would introduce new traffic noise into a swathe of countryside south of Newtown. Some of those areas are currently quiet. Dwellings that would be substantially relieved of traffic noise significantly outnumber those that would be burdened by increases [4.112-4.115, 6.22, 6.31, 6.37-6.40, 6.47, 6.50, 6.61, 6.62, 6.65, 6.72, 6.83, 6.84, 6.81, 6.117, 6.121-6.124, 8.1-8.6, 8.9, 8.33, 8.56-8.58, 8.77-8.79, 8.85, 8.86, 8.89, 8.93, 8.95].
- 10.48 Imposition of the Construction Environmental Management Plan should reduce the construction noise to acceptable levels but I draw attention to the need for rigid application of the plan and the fulfilment of the commitments associated with it [4.113].
- 10.49 I note that "before and after" property condition surveys have been promised for properties close to the road. In my opinion these are needed and must be undertaken to give assurances to the owners and tenants, particularly over the concerns about construction vibration. I

consider that the programme of inspections is undertaken before any construction starts [4.69, 6.12, 6.13, 6.1, 6.62, 6.67, 8.24, 8.36, 8.77-8.79, 8.89].

Air quality

- 10.50 I am satisfied that the effect of the scheme on air quality was assessed in accordance with the methodology stipulated by the DMRB and that no unacceptable pockets of polluted air would occur. Opening of the bypass would bring immediate improvements in the air quality in Newtown. [4.88-4.90, 6.62, 8.79].

The landscape

- 10.51 I consider that the important matter of the impact of the scheme on the landscape is perhaps the key factor in the overall analysis of its acceptability and its assessment against alternatives.
- 10.52 It is clear that the scheme would have an unavoidable adverse impact to the south of Newtown. This would be partially mitigated by the incorporation of extensive measures particularly in the longer term. After time the residual effect on the landscape would remain significant, especially where the scheme would introduce new engineering forms into the rural landscape, at Mochdre Bridge, Dolfor Road and Kerry Road [4.103, 4.110, 6.17, 6.39, 6.43, 6.50, 6.53, 6.60, 6.70, 6.81, 6.84, 6.104, 6.110, 6.95- 6.98, 6.103, 8.149-8.152, 8.156].
- 10.53 The effect on property would be softened by appropriate earth bunds, re-grading of the topography and landscaping strips. Offsite planting would further benefit some dwellings [4.105, 4.108, 6.5, 6.13, 6.33, 6.39, 6.43, 6.45, 6.61, 6.65, 6.69, 6.70, 6.72, 6.92, 6.93, 6.104, 8.6, 8.9, 8.25, 8.45, 8.54, 8.57, 8.62, 8.63, 8.77, 8.78, 8.87, 8.96].
- 10.54 I am satisfied that the acquisition of all the land necessary for the achievement of the landscaping mitigation works is justifiable, including temporary land entry for field re-grading works [4.105].
- 10.55 Overall I conclude that the effect of the scheme on the landscape would be severe and that represents the major argument against its adoption.

The Mochdre Bridge area

- 10.56 I am conscious that the elevated section of the bypass would pass close to the small and confined community just south of Mochdre Bridge. Its effects would be particularly severe, especially during construction. Landscaping at Mochdre Bridge would not significantly mask the nearby dominant structure. In my opinion this is a major disadvantage with the scheme. In these unique circumstances I conclude that there is a need to correspond with residents frequently and keep them informed of proposed construction activities in that area [4.45, 6.50, 6.61, 6.62, 6.72, 6.65, 6.72, 6.73, 6.74, 6.76, 6.77, 6.95,-6.97, 8.85, 8.86, 8.77-8.79, 8.93-8.95, 8.89, 8.90, 8.101, 8.102, 8.140-8.147].

The appearance of bridges

- 10.57 I note that, after taking advice from The Design Commission for Wales, the appearance of all structures would embrace a consistent design. There was no criticism of this at the Inquiry although, in written evidence, the CPRW requested the “highest standards” of appearance for the structures. In view of the particularly sensitive nature of the Mochdre Bridge area and its closeness to the proposed new and dominant Mochdre Bridge I consider that the appearance and shape of that structure should be reviewed [4.40, 4.54, 6.95-6.97, 8.140-8.147].

Cultural heritage

- 10.58 Very little cultural heritage would be adversely affected by the scheme. I am satisfied that, where there are potential sensitive heritage zones, measures are in place to marshal the works local to them so proper surveys and actions could ensue [4.91-4.94, 6.6, 6.60, 8.9, 8.75].

Water supply to isolated property

- 10.59 At the Inquiry there was understandable concern expressed by all whose property is currently served by long private water mains for which they are responsible. I note that pipe sleeves would be installed beneath embankments where these water pipes would be intercepted. This essentially would be a matter of accommodation works and, as such, not for me to comment. However, given that the sleeves would need to be installed through highly compressed subsoil, I recommend that appropriate detailed design is undertaken to assure individuals that long-term inspection and maintenance of the mains would not be problematic [4.81, 6.22, 6.24, 6.27, 6.31, 6.36, 6.46, 8.36, 8.38, 8.45, 8.47, 8.53, 8.55].

The Individual Objections

- 10.60 Having reached these general conclusions on the case for the scheme I turn now to my consideration of the individual objections to and representations about the draft Orders, other than the justification for the principle of the scheme or the specific issues covered immediately above.

Objections withdrawn by the end of the Inquiry

- 10.61 From my study of the correspondence between the various parties I am satisfied that agreements were reached with 6 objectors leading to the withdrawal of those objections. I have therefore not drawn conclusions on them. In Sections 6 and 8 of the report these objections are referenced:

- Objection number (O) 07 - Miss Muriel Evans
- Objection number (O) 11 - Network Rail
- Objection number (O) 14 - Mrs L Davies
- Objection number (O) 25 – Mrs Glynys Jerman-Jones

- Objection number (O) 35 – Mr David Cooke
- Objection number (O) 73 - Miss Janet Phillips.

The agreements represent a satisfactory way forward for those objectors.

Objections outstanding at the end of the Inquiry

- 10.62 The objections that were outstanding at the end of the Inquiry are addressed immediately below.

Statutory Objectors who appeared at the Inquiry

Mr T Emlyn Jones on behalf of Mr A F Gardner (O23)

- 10.63 Mr Gardner's objection is primarily that:

- the attenuation pond proposed on Mr Gardner's land should be moved elsewhere because his land is flat and potentially valuable for development
- the proposed improvement of the Dolfor Road should be severely truncated to avoid land take
- the proposals for an eastern Mochdre Industrial Estate access road from the Dolfor Road and its overlarge roundabout should be abandoned because an existing route from the west is adequate [6.1-6.4, 8.1-8.5].

- 10.64 In my view the crucial NRW stipulation (in accordance with the Welsh Government policy for sustainable drainage) that road surface run-off should be controlled to Greenfield run-off rates underpins the justification for attenuation ponds as a whole. At Dolfor Road I accept that the proposed position is sensible from an engineering viewpoint and its size representative of need. It is easy to appreciate that its location at the confluence of Green Brook and Dolfor Brook would also render its position attractive. I note that in the draft Powys LDP the land in question is earmarked for highway purposes alone and that no planning permission for development of the land exists. I am satisfied that the location of the attenuation pond in CPO Plot 2/13 is justified [6.4, 8.3].

- 10.65 The late suggestion made during the Inquiry, of an alternative short connection to the existing route of Dolfor Road, in order to reduce the effect on Mr Gardner's land was not submitted for consideration in accordance with the Procedures set down for the proper, or fair conduct of the Inquiry. I am conscious that the lateness of the submission prevented thorough consideration of it, support for and counter-objection against it. I have therefore treated it as an objection to the scheme rather than an alternative to it. The effect of the objection would be to prevent the substandard Dolfor Road, from the modern bypass into Newtown, from being improved. In my judgement such a connection would be dangerous, out of keeping with a modern road project and would seriously weaken the proposals. I heard sufficient of the

arguments to conclude that it should be rejected [6.3, 8.2, 8.5].

- 10.66 The justification of the attenuation pond and the Dolfor Road realignment confirms that much of the land included in the draft CPO in respect of Mr Gardner's interests would need to be acquired whether or not the industrial link road and roundabout were needed. [6.3, 6.4, 8.2, 8.3].
- 10.67 That leaves the question of the justification for the connecting roundabout and link road. In my opinion the suggested removal of the roundabout and link does have some merit, mostly because of the apparent low usage of Heol Treowen and the availability of an existing access from the west. In this I agree with Mr Jones that it would be reasonable to conclude that HGV drivers and others bound for the industrial estate from the east would find a route along the bypass to Llanidloes Road a reasonably commodious one [6.2, 6.3, 8.4].
- 10.68 Despite the evidence of the Welsh Government to the contrary, I am not convinced that, without the link, all such traffic would use the urban roads in Newtown, although I accept that some would. I also accept that the removal of industrial traffic from Newtown would have safety and environmental benefits. Having considered these points I am though satisfied that it was demonstrated that the cost of the proposed industrial estate link and roundabout would be significantly outweighed by the economic benefit that would accrue from it and that it would present some advantage for industrial traffic [6.2, 8.4].
- 10.69 Having taken all these factors into account I conclude that the CPO of Mr Gardner's agricultural land is justifiable for the link to the industrial estate, its connecting roundabout, improved Dolfor Road and attenuation pond which are all justified in the public interest.

Mr Dave Evans, Mrs F A M Evans and Mrs R Moss (O1)

- 10.70 It is clear that the impact that the scheme would have on Black Hall Farm would be severe and cumulative, with severance of the holding, land loss, the proximity of a busy trunk road junction, increased noise and visual impacts all contributing to the decision of the owners to try to sell the property. I can understand that but I also accept that the viability of the holding would remain and the access to the severed fields, as demonstrated by the Welsh Government evidence, is practicable and reasonable even though the transporting of stock between the two blocks would be a new burden on those farming the land [6.5-6.8, 8.6-8.9].
- 10.71 I note that the owners of Black Hall Farm have advocated Alternative 2 but coincidentally request the Welsh Government to purchase the property. I address the case for Alternative 2 at paragraphs 10.175-10.181 below but purchase of the property is not a matter for me and I make no relevant recommendation [6.5-6.8, 8.6-8.9].

The Clients of Mr Philip Meade

Common matters in the objections of all these clients

- 10.72 I have dealt with two of the matters of common concern to all of Mr Meade's clients at paragraphs 10.10-10.18 (use of expert witnesses) and at paragraphs 10.19-10.28 (infringement of Human Rights), both as legal issues. Mr Meade's request for an independent review of agricultural land classification is dealt with at paragraphs 10.35 and 10.37 and the assertion that the carriageway should be a single 2-lane cross section instead of a 2+1 carriageway is dealt with at paragraphs 10.38-10.40. I now turn to his individual client cases [6.13-6.33, 8.22-8.53].

Mrs Blanche and Miss Bethan Rowlands (O42)

- 10.73 I am satisfied that a small area of land would need to be taken from the garden of Sunridge, to enable the off-set carriageway, which would be carried over the proposed Upper Dolfor Bridge, to be satisfactorily aligned to join the existing carriageway near Sunridge [6.13, 8.22, 8.23].
- 10.74 I am also content with the proposals of the Welsh Government to replicate the double hedge to the garden, and to offer a permanent barrier during the construction phase, whilst the hedge matures. These would be a satisfactory way forward. Off-site planting along the eastern boundary of the property would negate views of traffic to the east. This and the landscaping proposed alongside the Bryneira boundary should suffice in offering visual protection at Sunridge from much of the scheme. I conclude that a suitable offer of boundary planting would be beneficial to Mrs and Miss Rowlands [6.13, 8.22, 8.25]
- 10.75 In my opinion a before and after structural survey should be undertaken at Sunridge because of its location alongside a deep and long cutting [6.14, 8.24].

Mr Geoffrey Jarman (O21)

- 10.76 It is quite clear that Mr Jarman's farm would be badly affected by both severance and the loss of key buildings, matters for which compensation would be considered. However I am conscious of the particularly long detours that farm machinery would need to make in order to reach the proposed access 4/9b and render the farm workable. In such circumstances I have considered the justification of an accommodation bridge but from the evidence presented at the Inquiry, including the relatively infrequent demand for such trips, I am satisfied that such a structure could not be justified at public expense [6.15-6.19, 8.2- 8.31].
- 10.77 I am therefore minded to conclude that, in these difficult circumstances, the proposed access 4/9b would be a reasonably convenient alternative means of access to the commodious route currently authorised by Network Rail across the railway tracks. However that proposed access terminates at an unworkably steep piece of ground inside the boundary of Mr Jarman's field P0009. In such circumstances the proposed access could not be regarded as acceptable. It would be impracticable and therefore the draft SRO is deficient. I note that a binding commitment to grade out an access track, as accommodation works in P0009, would solve the problem [6.15, 8.27].

- 10.78 I conclude that, should that be done over a length sufficient to attain a reasonable gradient for loaded agricultural vehicles, the draft SRO would become acceptable. I draw attention to the need for such a commitment, which was not itemised in the Register of Commitments (ID 159). With that accommodation works commitment in place CPO Plot 4/2u (owned by Mr Jarman) should be reassessed and the CPO could be modified accordingly, if necessary. An appropriate modification to the SRO has been itemised in Annex D to cover the necessary extension of the PMA in Field P0009, if necessary in the absence of an agreed accommodation works [6.15, 6.18, 8.27].
- 10.79 I am satisfied that CPO Plot 4/2d would be required for construction of the bypass and both CPO Plots 4/2aa and 4/2ff would be necessary on a temporary basis [6.17, 8.28].

Mr Peter and Mrs Karen Harris (O77)

- 10.80 I am satisfied that the whole of the dwelling house Gelli and outbuildings would be required for the construction of the Pool Road junction. However I note that the triangular parcel of lawn, included in CPO Plot 4/4 and contained by the railway fence line to its south and the proposed boundary of the Pool Road link road to the west would not be needed for construction or landscaping. I am aware that Mr and Mrs Harris wish to retain this land. I conclude that this triangular area should be removed from the CPO, and I recommend that modification at Annex D below [6.33, 8.32].

Mr and Mrs Brymer Griffith (O41)

- 10.81 Whilst I accept that the severance of a considerable percentage of the farm would incur livestock management problems at Bryneira, from the evidence adduced at the Inquiry, an accommodation bridge across the bypass would not be justifiable. I note that the Welsh Government was minded towards the construction of animal holding pens near Upper Dolfor Road as accommodation works. Clearly that would be of assistance to the management of the farm and I conclude would be necessary [6.20, 8.33].
- 10.82 In the circumstances I conclude that the replacement access (PMA 2/8a) to the northern fields off Upper Dolfor Road would be reasonable [6.20, 8.33, 8.34].
- 10.83 The Welsh Government was also open to further accommodation works in respect of water supply ducts and the continuity of natural supplies to severed fields. Should such agreements be finalised that would represent a satisfactory way forward for Mr and Mrs Brymer Griffith [6.22, 8.36].
- 10.84 Given the excessive depth of the cutting proposed near Bryneira I endorse the proposal for before and after structural surveys of the property [6.22, 8.36].
- 10.85 I am satisfied with the proposals for maintenance of access during

construction and the quality of boundary fencing would be satisfactory [6.22, 8.33].

- 10.86 In respect of whether or not Plot 3/2L should remain in the CPO I am convinced that the landscaping proposals associated with it are fully justifiable in an effort to shield views of the road and the vehicles on it from others. The landscaping should not be a serious disadvantage to grassland alongside but it would strengthen a corridor of connectivity for wildlife. I therefore conclude that Plot 3/2L should remain in the CPO [6.21, 8.35].

Mr Chris Clayton, Mr Gareth and Mrs Audrey Clayton (O39)

- 10.87 The loss of 12 ha of good quality farmland would be significant but I am satisfied that no land has been included in the CPO other than that which would be necessary, or detailed in Modification No. 6. That modification would remove Plot 3/3vv from the CPO and reduce Plot 3/3zz. In this regard I also note the agreement of Mr Chris Clayton to the re-profiling of land just north of Brimmon House in CPO Plot 3/3zz (which would be reduced in size), a matter that I regard as particularly satisfactory overall and one that would retain benefit for the residents of Brimmon House. It would also be practicable to return some of the land north of attenuation pond 3 for agricultural use but I am also satisfied that access for construction and maintenance is justifiable. I endorse all the changes to the CPO detailed in Modification 6 [6.23-6.25, 8.47-8.49].
- 10.88 I note that a number of agreements, mostly of an accommodation works nature, have been reached by the parties and conclude that is a satisfactory way forward [6.26, 8.47].

Mr Richard E Jones (O20)

- 10.89 As the closest property to the scheme it is clear that there would be a significant impact on the farmstead of Lower Brimmon, a property that fully justifies the proposed structural surveys. I can understand Mr Jones' proposal for Alternative 3, which would move the bypass further from the house and on which I have reached conclusions at paragraphs 10.182-10.189 below. I also note Mr Jones' concern that the proposed access tracks would remove agricultural land from Lower Brimmon but I am satisfied that, in the absence of a new crossing over the railway, they are both necessary for others and justified. I agree with Mr Jones that there is little need for the permanent acquisition of land earmarked for landscaping near Wern Ddu Lane and I note Modification 11 has been introduced to amend the CPO in that regard. That is a satisfactory way forward [6.27-6.30, 8.41-8.46].

Mr Peter Watkin (O38)

- 10.90 There is no doubt that the effect of the scheme on Brimmon House would be severe, particularly from the increase in noise levels [6.31, 8.37].
- 10.91 The northern outlook from Brimmon House would be adversely affected,

but I accept that the earlier design change to lower the embankment due north of the dwelling, coupled with the proposed attenuation bund, would significantly reduce the impact [6.31, 8.39].

- 10.92 In this regard, and having seen the agricultural disadvantage that earthworks taking place in this quality silage field would have, I conclude that it remains necessary to re-profile some of the land between Brimmon House and the road in CPO Plot 3/3zz for the benefit of Mr and Mrs Watkin but by reducing the extent of the re-profiling, as detailed in Modification 6 [6.31, 8.39].
- 10.93 I note that the water supply pipe would be sleeved beneath the embankment and discussions on other accommodation matters of concern to Mr Watkin would ensue. These should represent a satisfactory way forward [6.31, 8.38].

Mrs Jayne Jones (O43), Mr Chris Lewis (O40)

- 10.94 Although clients of Mr Meade, Mrs Jones and Mr Lewis represented themselves at the Inquiry. As adjacent owners of land and property off Wern Ddu Lane their individual concerns were similar and arose from the perceived threat to security and privacy that may arise because of the proposed private means of access that would run at the bottom of Mrs Jones' field and the proposed westbound layby on the bypass opposite their land. They were also concerned about the noise and visual impact on their property, issues that I well understand in the quiet location along Wern Ddu Lane. In my opinion the scheme would have an impact on both properties but it would not be disproportionate [6.37, 6.40, 8.56-8.58, 8.61, 8.63].
- 10.95 The Welsh Government response was that the access track would be fenced, gated and locked and it would only be used sparingly by known farmers and, very infrequently, by highway maintenance teams seeking access to the attenuation pond. They refuted that another practicable route for farm and maintenance vehicles was available across the railway because Network Rail, as a matter of policy, would not allow new surface level access over railways [6.38, 6.40, 8.59, 8.64].
- 10.96 The Welsh Government also argued that the layby would be safe and needed to fulfil the requirement of Standards. They conceded that they would be prepared to advance a Traffic Regulation Order to restrict parking to 2 hours. That would prevent overnight parking and a 2-metre high landscaped bund would shield the properties [6.37, 6.40, 6.41, 8.63, 8.56].
- 10.97 From all I have seen and heard I am satisfied that the private access track would be needed for agricultural and highway maintenance use by known parties and would be sparing. It would be reasonably secure and I fail to see why this gated, fenced and secure track should pose a greater threat than the unobstructed public highway along Wern Ddu Lane that already serves the properties. I can understand Network Rail being resolute in opposing any new level crossing of an operational railway. In

my view the track should not unduly burden any party and is justifiable [6.38, 6.40, 6.42, 8.57, 8.64].

- 10.98 At the Inquiry and in correspondence, the potential danger associated with the segregated layby was asserted. It is evident that this challenge to the safety of the scheme was unfortunately founded on the reading of an inappropriate report highlighting the poor safety record of laybys adjacent to and contiguous with high-speed carriageways. I am satisfied that the analysis forming the basis of that report is irrelevant for the consideration of segregated laybys where parking is set further away from the operational carriageway. In my opinion the asserted safety concerns over the layby should be dismissed [6.37, 6.41, 8.61].
- 10.99 I am satisfied that the proposed layby is justifiable as a needed asset on the trunk road, and that its 2-metre high bund would offer reasonable shielding to adjacent land. I note that The Welsh Government would be prepared to promote a Traffic Regulation Order restricting parking to a 2-hour period but I fail to appreciate any real security or privacy advantage in such a restriction. The needs of the travelling public should be considered and accordingly, my conclusions in favour of the layby being retained in the scheme are not dependent on such an Order [6.37, 6.41, 8.58, 8.62, 8.63].
- 10.100 Both The Stables and The Meadows would be set well back from the road but the current quiet of the area would be disturbed by the scheme, which would also cause a visual impact at the properties. That would be noticeable by the residents but in my view it would not be disproportionate [6.39, 6.43, 8.66].

Mr Rob Roberts (O22)

- 10.101 Mr Roberts' main concern was the promotion of Alternative 4, which would have moved the eastern terminal roundabout of the scheme further from his home. I have concluded on that at paragraphs 10.190-10.196 of the report [6.34].
- 10.102 In terms of the scheme I am satisfied that PMA 4/11a is a satisfactory replacement for access 4/11 which would need to be stopped up. I am also satisfied that the proposed lighting on the Newtown urban approach to and around the roundabout is justifiable on safety grounds and that the design of the lighting should limit light spillage onto The Gables. Having said that, I conclude that The Gables would be subjected to some visual and noise intrusion that it currently does not have, but given the presence of the existing trunk road nearby that intrusion would not be disproportionate. Off-site planting would reduce the intrusion. I recommend that an approach should be made to try to secure agreement on such planting. Issues of drainage and water supply are accommodation works [6.35, 6.36, 8.50, 8.51, 8.53].
- 10.103 Mr Roberts' loosely defined comment in ID127 that the eastern terminal roundabout should be replaced with a slip road was not formally advanced as an alternative to the scheme but I note that the Welsh

Government has responded to it at ID 128 on the assumption that a T-junction was being proposed by Mr Roberts. This assumption was not challenged at the Inquiry. I accept that such an arrangement would not be a safe solution given the traffic demands that would occur at that location. I conclude that the suggestion of "a slip road" need not be taken further [6.35, 8.52].

Mr Mervyn Jones (O37)

- 10.104 In terms of Tyn y Green, I conclude that the scheme would have a substantial visual and noise impact on this property, which is set in a quiet location in the countryside. [6.45, 6.46, 8.54, 8.55].

I understand Mr Jones' concern that his private water main, located 500 metres from the house could be vulnerable where it passes beneath the road embankment and accordingly I have drawn attention to this predicament for Mr Jones and others above [6.46, 8.55].

Mr Gale-Hasleham on behalf of Mr Trevor and Mrs Pat Bebb

- 10.105 I understand the criticism of the inadequacy of some plans on display at the Public Consultation Exhibition, which omitted to show the then up to date constructed development of the Glandulas Caravan Park. It was argued that if the plans had accurately shown the extent of the Park the public would have not have preferred the orange route in the numbers that did. Whether that would, or would not, have been the case is, in my opinion, conjecture. The plans did show the orange route close to the Caravan Park. Therefore, it would be difficult to conclude that more clarity at the exhibition would have substantially tilted the balance of opinion in the minds of many of the 77% who favoured the orange route. I therefore conclude that 77% of the public who responded favouring the orange route (scheme corridor) remains a material point in its favour [6.47, 8.68-8.74].
- 10.106 I accept that the Holiday Caravan Park would be adversely affected by the bypass cutting through it although the substantial mitigation in the form of a dedicated bridge, attenuation bund and landscaping would reduce the impact. Those measures would significantly reduce the impact that the scheme would have but it would still be substantial. In my opinion the residual impact would be substantial when compared to the current ambience of the area [6.47, 8.68- 8.74].

Non-Statutory Objectors who appeared at the Inquiry

Residents of the Mochdre Bridge area

Mrs Hilary Kewley (O5)

- 10.107 I acknowledge that much of Mrs Kewley's evidence was geared towards the promotion of Alternatives 1 and 1A on which I have concluded at

paragraphs 10.161-10.174 below [6.66, 6.67, 8.83, 8.84].

10.108 Of her local concerns I am convinced that the scheme, which includes an attenuation pond near Brook Terrace, would not create a local risk of flooding greater than that which currently exists without the scheme in place. I am also certain that the proposed single span structure could not obstruct the watercourse downstream of the restrictive Mochdre Bridge [6.65, 6.68, 8.85].

10.109 I note that The Welsh Government accept that the scheme would introduce traffic noise into the relatively quiet Mochdre Brook area but I am satisfied that the noise analysis that was presented to the Inquiry was calculated using the appropriate methodologies and I have no reason to doubt the predicted outcome. This concluded that no properties in the Mochdre Brook area would qualify for sound insulation and I concur with that assessment [6.65, 8.86, 8.87].

Mrs Linda Ward and Ms Monica Bradley (O16, O10)

10.110 I understand the criticism of the inadequacy of some plans on display at the Public Consultation Exhibition, which omitted to show the then up to date development of the Glandulas Caravan Park. It was argued that, if the plans had accurately shown the Park, the public would have not have preferred the orange route in the numbers that did. Whether that would, or would not, have been the case is, in my opinion, conjecture. The plans did show the orange route close to the Caravan Park. Therefore, it would be difficult to conclude that more clarity at the exhibition would have substantially tilted the balance of opinion in the minds of many of the 77% who favoured the orange route. I am conscious that there was a relatively small response to the Consultation, when compared to the population of Newtown but given the limited support for Alternatives 1 and 1A at the Inquiry I conclude that 77% of the public who responded favouring the orange route (scheme corridor) remains a material point in its favour [4.3, 6.70, 8.92].

10.111 I am convinced that the scheme, which includes an attenuation pond nearby, would not create a risk of flooding at Mochdre Brook greater than that which currently exists without the scheme in place. Whilst the attenuation ponds over time would act as a catalyst for ecological advancement I accept that its appearance would change the outlook from Brook Cottages, although the mature deciduous trees would shield them for much of the year. Having said that, I do not regard the change of appearance in this area to be particularly adverse at any time of the year and not out of proportion to the surroundings [6.71, 8.96].

10.112 I note that the Welsh Government accept that the scheme would introduce traffic noise into the Mochdre Brook area but I am satisfied that the noise analysis that was presented to the Inquiry was calculated using the appropriate methodologies, in accordance with standard practice. This concluded that no properties in the Mochdre Brook area would qualify for sound insulation and I concur with that assessment. However, for those who are sensitive to noise, it seems to me to be inevitable, and

most unfortunate, that noise from the road passing through the particularly quiet area along Brook Terrace would be bound to be burdensome and I fully understand their concerns [6.72, 8.93-8.95].

Mr Derek Thomas (O8)

- 10.113 I accept that the scheme would introduce traffic noise and visual intrusion into the environment around Mochdre Bridge, an area that currently has a pleasant outlook and is tranquil. I am convinced that the scheme, which includes an attenuation pond nearby, would not create a risk of flooding at Mochdre Brook greater than that which currently exists without the scheme in place [6.73, 6.74, 8.101, 8.102].

Councillor Jean Williams (O4)

- 10.114 I accept that the scheme would introduce traffic noise and visual intrusion into the environment around Bontdulas Cottages, an area that currently has a pleasant outlook, is rich in ecology and is tranquil [6.61, 6.62, 8.77-8.79].
- 10.115 From what I have heard and seen I am convinced that the setting of the Iron Age Fort would not be seriously compromised by the scheme [6.60, 8.75].

Ms Lizzie Harrison (O13)

- 10.116 I accept that the scheme would introduce construction and traffic noise and visual intrusion into the environment around Mochdre Bridge, an area that currently has a pleasant outlook and is tranquil [6.76, 6.77, 8.89].
- 10.117 I am convinced that the scheme, which includes an attenuation pond nearby, would not create a risk of flooding at Mochdre Brook greater than that which would exist without the scheme in place.
- 10.118 It seems to me that the attenuation pond would be ideally situated to work efficiently and I am convinced that, over time, and in common with established highway attenuation ponds, it would complement the ecological diversity of this area, which is already a rich ecological reserve [6.76, 6.77, 8.89, 8.90].

Other Non-Statutory Objectors who appeared at the Inquiry

Mr Brett Kibble (O71) and Mrs Jill Kibble (O70)

- 10.119 Mr and Mrs Kibble's evidence centred on the need for proper provision to be built into the scheme to cater for cyclists and other non-motorised users (NMUs) in an effort to provide safe passage for such users and encourage more NMU in accordance with The Active Travel (Wales) Act 2013. In my opinion the scheme would substantially comply with the Act in that its design has already catered for NMU use and I note that it received the endorsement of Powys County Council in that regard [4.21, 4.33, 4.43, 6.64, 8.82].

- 10.120 However, I agree with Mr and Mrs Kibble that the facilities for cyclists could be improved, particularly at roundabouts. I do not accept that the roundabouts should be made smaller to assist cycling movement since the sizes proposed are necessary for vehicular capacity demands on the strategic road network. I therefore conclude that cycling facilities should be built into the design of all four roundabouts, based on the segregated cycle routes highlighted at ID153 and the associated crossing points. That would represent a satisfactory solution to the present and future needs of cyclists and motorists alike [6.64, 8.82].

Statutory and Non Statutory Written Objections

The Owners and Occupiers of the Glandulas Holiday Park Caravans.

Messrs Mark, Adam, Darren and Lee Bebb (O28, O29, O30, O31), Mr & Mrs Bradley (O44), Mr N J Nicols (O45), Denny, Nina & Trevor Haynes (O46), Alan and Jean Lowe (O47), Mr & Mrs Kay Hope (O48), Mr & Mrs J Watson (O49), Mr & Mrs T Edwards (O50), Andrew & Audrey Shale (O51), Mrs M E Smith (O52)*, Mr P Smith (O53)*, JF & CA Kinsey (O54), Mrs M L Shaw (O55), Mr & Mrs F Wynne (O56), Mr & Mrs C R Brass (O57), Mr & Mrs G S Berridge (O58), Jim & Jill Cowley (O59), Barbara & Mike Wall (O60) Kevin & Sylvia Machin (O61), Peter & June Dockerty (O62), Mr G & Mrs S M Marsh (O63), Mr & Mrs P Stanway (O64), Mr M Bodenham (O65), Mr N Jones (O66), Joyce L Jones (O67), Mr & Mrs D Burden (O68). * Statutory Objectors.

- 10.121 There is no doubt that the scheme would have a severe effect on the Holiday Home Park and, despite the proposed connecting bridge and noise and visual attenuating bunds, would cause some disturbance to those occupying the facilities in what is currently a quiet area. However, and whilst I appreciate that personal choices would need to be made, I tend to the view advanced by The Welsh Government that the business would be able to continue operations and be enjoyed by occupants of the Park [6.53-6.55, 6.57, 6.58, 6.104-6.106, 8.109, 8.110, 8.156, 8.163].
- 10.122 I conclude that the impact that the scheme would have on the Park would be a necessary consequence of its alignment and that the early construction and establishment of the earth bunds would be essential to reduce such impacts as much as possible. I also recommend that discussions take place between the parties to determine what species of plant would give rise to rapid growth and establishment as quickly as possible [6.53-6.55, 6.104-6.106, 8.109, 8.110, 8.156, 8.163].

NPTC Group (Colleg Powys) (O6)

- 10.123 Clearly there would be a considerable impact on the College but, whilst not eradicating the whole of the adverse effects, the Modifications to the Orders set out at Annex C would appreciably reduce the disadvantages. In my view the modifications are needed, as are further discussions with

The College in respect of vehicular sweep paths. I am satisfied that the underpass headroom of 4.5 metres would be acceptable and that generally there would be no disproportionate impact on the establishment [6.48, 8.103, 8.104].

The Mochdre with Penstrowed Community Council (O2)

10.124 I note that the Council supports Alternatives 1 and 1A on which I have reached conclusions at paragraphs 10.161-10.174 below [6.50, 8.106].

Mr Peter and Mrs Theresa Oakes (O26)

10.125 I am satisfied that the scheme, in occupying part of the flood plain of The River Severn, would require compensatory storage to be excavated and that the location of CPO Plot 1/5b would be well suited to achieve that. I am also satisfied that the resultant grass field slopes would be suitable for grazing horses [6.52, 8.108].

Mr Dilwyn Richards (O75)

10.126 I understand Mr Richards' concern over the continuity of water supply to the fields in which he holds livestock. This primarily is a matter of accommodation works but I am satisfied with the response of the Welsh Government in respect of water bowzers, which could be deployed as a contingency measure. I conclude that, if needed, that would be an acceptable way through the short-term agricultural problem [6.59, 8.112].

Mr J Jones (O3)

10.127 I have reached conclusions on the need for the scheme, the impact on agriculture and the acceptability of the Draft Orders at paragraphs 10.197-10.212 below. I note Mr Jones' view that passing places on the existing trunk road network would suffice as a long term solution to the needs of through traffic in this part of Mid Wales. In that I disagree and accept the contrary view that such a proposal would leave Newtown without a bypass and all the advantages that it would deliver for the travelling public and local people alike. I therefore conclude that the concept of passing places instead of a bypass need not be considered further [6.78, 6.79, 8.113 - 8.115].

Mr Lee Taylor and Mrs Sarah Taylor (O12)

10.128 I agree with Mr and Mrs Taylor that the scheme would cause noise and visual intrusion at The Foxes, from which a direct line of sight to the large embankment and high bridge would prevail despite noise barriers and landscaping being built into the design [4.60, 4.61, 6.81, 8.117, 8.118].

10.129 I am convinced that the scheme would not create a risk of flooding from Mochdre Brook greater than that which currently exists and that the attenuation pond would be designed to remove the pollutants that may reach it [6.81, 8.119].

Mr P Joseph (O15)

10.130 I have reached conclusions on the need for the scheme, its effect on agriculture and the acceptability of the Draft Orders at paragraphs 10.197-10.212 below but recognise the significant adverse visual and noise impact that it would have on the Bont Dulas area. I am convinced that the scheme would not create a risk of flooding from Mochdre Brook greater than that which currently exists without the bypass. From the evidence adduced the economic viability of the scheme is sound [6.83, 6.84, 8.121- 8.124].

10.131 In terms of its relieving effect on the urban roads through Newtown I am satisfied that traffic flows through the town would be halved with the bypass in place [4.60, 4.61, 6.83, 8.121].

Mr Richard Lawson (O17)

10.132 I have reached conclusions on the need for the scheme, its effect on agriculture and the acceptability of the Draft Orders at paragraphs 10.34 and 10.197-10.212 below [4.78-4.81, 6.85].

10.133 I note that the Welsh Government accept that there were omissions from the plans on display at the Public Exhibition Exercise and I understand criticism of the inadequacy of some plans on display, which omitted to show the then up to date development of the Glandulas Caravan Park. At the Inquiry it was argued that if the plans had accurately shown the Park the public would have not have preferred the orange route in the numbers that did. Whether that would, or would not, have been the case is, in my opinion, conjecture but the plans did show the orange route close to the Caravan Park and therefore it would be difficult to conclude that more clarity at the exhibition would have tilted the balance in the minds of many of the 77% who were in favour of the orange route to change an opinion. I am also conscious that there was a relatively small response to the Consultation, when compared to the population of Newtown but that was significantly greater than the numbers registered as objectors to the western end of the scheme at the Inquiry. I therefore conclude that 77% of the public who responded favouring the orange route (scheme corridor) remains a material point in its favour [6.85, 6.86, 8.125].

10.134 In terms of the relieving effect that the scheme would have on the urban roads through Newtown I fully accept that traffic flows through the town would halve with the bypass in place. No evidence whatsoever was produced to substantiate the claim that 75% of the traffic would remain on the streets of Newtown and, in my judgement such an assertion should be dismissed [4.60, 4.61, 6.86, 8.125].

10.135 I am also convinced that the scheme would not exacerbate any local flooding because of the series of attenuation ponds that would control the rate of discharge from the road and the flood compensatory excavation that would be undertaken near the western end of the bypass [4.37-4.39, 4.102, 6.86, 8.126].

Mr Kevin Lander (O18) and Mrs Annie Lander (O19)

10.136 I accept that the 1-metre wide strips either side of the carriageway could facilitate cycling along the bypass but agree with Mr and Mrs Lander that the design of all of the roundabouts lacks provision for safe cycling. However I note that The Welsh Government would be prepared to amend the design to cater for cycle movements at all roundabouts along the bypass, as set out in ID153. I conclude that these cycle pathways should be included in the scheme [4.21, 4.33, 4.43, 6.87, 8.127].

Mr Gareth Marston (O32)

10.137 Those opposing the principle of the scheme adduce no compelling and objective evidence that the current problems in Newtown could be addressed by any public transport means. The lack of a bypass to remove Newtown through traffic would, in my view, be likely to lead to additional trunk road delays either side of Newtown and a worsening of highway conditions, including pollution and safety within the town itself [6.89, 8.128].

10.138 From a study of the evidence I am satisfied that the scheme complies with a wide raft of policies and that it is included in The Trunk Road Programme [4.5-4.27, 6.89, 8.128].

10.139 I am also satisfied that the traffic model has been properly assembled and validated, growth predictions comply with Government policy and I accept the explanation at the Inquiry, that the bypass would draw traffic to it from relatively local roads, rather than induce long distance diversions [6.88, 8.128-8.131].

Mr Paul and Mrs Abi McCullough (O33)

10.140 I have reached conclusions on the need for the scheme, its effect on agriculture and the acceptability of the Draft Orders at paragraphs 10.197-10.212 below despite the significant adverse impact that it would have on the Mochdre Bridge area [6.90, 8.132, 8.133 - 8.136].

10.141 The proposed attenuation pond is justifiable in order to control surface water run-off flows to the Mochdre Brook. I heard no compelling evidence to suggest that it would smell and I am convinced that in common with other established attenuation ponds, would, in time, enhance local ecology [6.90, 6.91, 8.134, 8.135].

Ms Susan Evans (O34)

10.142 Those opposing the principle of the scheme adduce no compelling and objective evidence that the current problems in Newtown could be addressed by any public transport means. The lack of a bypass to remove Newtown through traffic would, in my view, be likely to lead to additional trunk road delays either side of Newtown and a worsening of highway conditions, including pollution and safety within the town itself. Without through traffic having been removed the town would be a less pleasant

place to visit [4.55-4.62, 6.92, 8.137 - 8.139].

- 10.143 I accept that the construction of a major road through the terrain and rural environment to the south of Newtown is bound to incur adverse environmental affects, although noise barriers would contain the noise and no technical evidence was presented to suggest that air pollution would be a problem. On the contrary evidence was forthcoming to demonstrate that the air quality within the town would improve with the opening of the bypass. More dwellings would benefit from a reduction in appreciable noise than would suffer a noticeable increase [6.92, 8.137].

Mr and Mrs Simpson (O36)

- 10.144 I agree with Mr and Mrs Simpson that the outlook from Avondale would be adversely affected by the scheme although I am satisfied that traffic noise would be well below the threshold at which noise insulation could be offered for the property. I note that early planting of landscaping would be undertaken. In my opinion that is essential to soften the outlook from Avondale [4.53, 6.93, 8.140].

Mrs Fiona Burnett (O69)

- 10.145 I agree with Mrs Bennett that, in comparison with many other places in the UK, the normal traffic delays in Newtown could be regarded as relatively light and short-lived. There was though compelling evidence to show that, at weekends and during the holiday season, they are, at times, substantial. I do not agree that the scheme would be a waste of money. Evidently with a benefit to cost ratio of 3 it represents good value for the taxpayer and offers a succession of other benefits. I have taken all of this into account in concluding on the case for the scheme at paragraphs 10.197-10.212 below [4.55-4.62, 6.94, 8.141].

Mr N Moore of CPRW (O72)

- 10.146 I note that the CPRW do not object to the Principle of a bypass, only to the impact that it would have in the most sensitive terrain and its alignment at its westernmost end where Alternatives 1 and 1A are preferred. I have concluded on the relative merits of these Alternatives and the scheme at paragraphs 10.161-10.174 below [6.97, 6.98, 8.143, 8.147].
- 10.147 I fully concur with Mr Moore that the landscape through which the bypass would run is very attractive and with the rolling nature and varying grain of the land difficult to engineer a new road through, without temporarily disturbing the landform. On the other hand I accept that the mix of the landform grain obscures the road from various viewpoints and thereby helps accommodate the road into the overall wider landscape [4.103-4.110, 6.95, 8.144, 8.145].
- 10.148 In such circumstances I can understand the CPRW request that the design of the road should be of the highest standard. In this regard I note and am satisfied that the design, including the environmental and

landscape design fully complies with the DMRB. The work in preparing the ES has been extensive. At the Inquiry and in correspondence there was no challenge to the contents or quality of the ES. Other than at the western end of the scheme there have been no requests for additional substantial landscaping in the most sensitive areas, although there have been requests for less re-grading of agricultural land, some off-site planting and protection of long distance cross-valley views [4.104, 6.95, 8.143].

10.149 I conclude that the landscaping proposals have been comprehensively and professionally undertaken and, with few exceptions, are fitting for the quality landscape through which the scheme would run [4.103-4.110, 6.95, 8.144, 8.145].

10.150 I also note the CPRW request that the appearance of the bridges should be to the highest standards. After discussions with, and directions from the Design Commission for Wales, stone faces would be deployed on wing walls and abutments, with weathered steel beams spanning between the supports. In my view that would be in keeping with the local environment. However, I am particularly conscious of the massive superimposition that the proposed Mochdre Bridge would have on its extremely delicate surroundings [6.95-6.97, 8.146, 8.147].

10.151 In this particular circumstance, I am minded to recommend that The Welsh Government approach the Design Commission for Wales again to seek targeted guidance on the most appropriate appearance for this structure situated in this unique area. I conclude that the greatest care should be undertaken at Mochdre Bridge [4.54, 6.98, 8.147].

10.152 I do not agree with the CPRW criticism of the farm access proposals, which mindful of value for money, satisfy the Statutory tests set for such new accesses [4.45-4.53, 6.99, 8.143].

Ms Janet Phillips (O73)

10.153 Following discussions and correspondence with the Welsh Government the objection was withdrawn [6.100, 8.148, 8.149].

Ms Kelly Leah (O74)

10.154 I have reached conclusions on the need for the scheme, its effect on agriculture and the acceptability of the Draft Orders at paragraphs 10.197-10.212 below. No compelling evidence at all was adduced to support the case that conditions in Newtown would improve without a bypass [4.55-4.62, 6.101, 8.150 - 8.152].

SUSTRANS (O76)

10.155 I disagree that there are inadequate links for NMUs built into the design of the scheme. There are many, and I note that Powys County Council, whilst continuing discussions, accept the proposals [6.102, 8.153, 8.154].

- 10.156 I also challenge the assertion that the scheme would create a barrier for “rural-minded NMUs”. In my view it does the opposite by providing grade-separated crossings as appropriate. Within Newtown the relief from through traffic that the scheme would bring is bound to assist NMUs in the urban environment [4.55-4.62, 6.102, 8.153, 8.154].
- 10.157 I also reject the idea that the main trunk road roundabouts on this rural scheme should be made smaller to facilitate cyclists. Such roundabouts are quite inappropriate to accommodate the significant volume of turning traffic on the strategic road network [6.102, 8.153, 8.154].
- 10.158 I do endorse the need to provide better passageways for cyclists around all the roundabouts and across some approaches. The proposals set out in ID153 are eminently sensible and should be incorporated into the scheme [6.102, 8.154, 8.154].
- 10.159 Subject to these proposals being adopted I conclude that the NMU facilities, other than safe cycle passage at roundabouts, are adequate.

Mr P Mullineux (O78 was Rep 10)

- 10.160 I agree with Mr Mullineux that the landscaping proposed on the northern side of the bypass and west of the railway should be reviewed having regard to long-distance cross-valley views. I note that the Welsh Government have proposed a professional review of the landscaping needed and, in the circumstances, I conclude that a review of this length of the bypass should take place [6.103, 8.155].

Conclusions with regard to the Five Alternative Proposals

Alternative 1 and 1A

- 10.161 The alternatives are very similar, with only a minor difference at the tie-in to the existing A489 at their western end. For the purposes of comparing them with the scheme I have therefore considered them as one.
- 10.162 They were put forward primarily to protect the tranquil community in the area around the Mochdre Bridge and Brook Terrace. They would do that extremely well, a factor that, to my mind, is a material advantage in favour of the alternatives. I can well understand the enthusiasm of the local residents in promoting a pair of closely allied alternative routes that would achieve their aim whilst providing Newtown with a bypass (ID70).
- 10.163 At the Inquiry there was much debate about the history of the development of the scheme along the corridor of the public consultation orange route and that of its competitor the brown route, from which Alternatives 1 and 1A emerge. The promoters of the alternatives argued that the consultants engaged earlier on the development of the scheme had reported that the brown route was technically better in many

respects than the orange route, from which the scheme emerged (ID32).

- 10.164 For its part, the Welsh Government pointed out the several and material changes that had been made to the orange route recently so that technical comparisons in the past were largely meaningless. In that I agree, the changes to earlier proposals have been substantial and in my view have made the scheme stronger for them. It is therefore important to compare the alternatives with the current scheme and not with historic versions of its origin (ID32).
- 10.165 There was also understandable criticism of the inadequacy of some plans on display at the Public Consultation Exhibition, which omitted to show the full development potential of the Glandulas Caravan Park. This would be adversely affected by the orange route (the scheme), and it was argued that if the plans had been accurate the public would have not preferred the orange route in the numbers that did.
- 10.166 Whether that would, or would not, have been the case is, in my opinion, conjecture but the plans did show the orange route close to the Caravan Park boundary and therefore, in my view, it would be difficult to conclude that more clarity at the exhibition would have tilted the balance in the minds of many of the 77% who favoured the orange route. It was reported that about 880 members of the public responded to the consultation, with about 670 of them favouring the orange route.
- 10.167 At the Inquiry, and as recorded in this report, the evidence points to about 70 members of the public objecting to the western end of the bypass, including locals and Caravan Park owner/visitors. The numbers pressing the case for the scheme was considerably greater.
- 10.168 I therefore conclude that the probable popularity of the orange scheme corridor, when considered against the alternatives, remains a material point in its favour when weighed against Alternatives 1 and 1A.
- 10.169 What is clear is that the alternatives are better in terms of the effect on the landscape generally and in particular at Mochdre Bridge. The alternatives would affect Coleg Powys less adversely than the scheme and be better for agriculture generally. These are material points.
- 10.170 On the other hand it is also clear that Alternatives 1 and 1A would badly affect the Mochdre Industrial Estate and, I accept that if constructed the alternative/s may precipitate some local redundancies. In contrast the scheme would enhance the infrastructure of the Estate. To my mind that is bound to be a material issue in weighing the balance between the options, although I accept that again there appears to be some conjecture on that point, because it was demonstrated that some vacant industrial premises exist within the Newtown area. However the mass of owners and industrialists who counter-objected against both alternatives cannot be set aside.
- 10.171 Should one of the alternatives be adopted I accept that would incur delay, perhaps in the order of 2 or 3 years. I also accept that of the

members of the public who expressed support for the scheme many of them requested urgency in its completion. Almost without exception County Councillors and Parliamentary representatives supported the scheme, and their call for early completion was also loud and clear.

10.172 After a detailed analysis of the comparative costs between the options I am satisfied that, on the basis of the assumptions that I have made at paragraph 9.4 of the report, there could be a significant cost saving in the adoption of the published scheme. The evidence indicated that the scheme, with similar economic benefits to the alternatives, would be £7m cheaper than Alternative 1 and £9.4m cheaper than Alternative 1A. Should one of the alternatives be adopted I am confident from the evidence adduced under questioning that value engineering would reduce some construction cost of the alternative but I am persuaded that this material and crucial advantage would therefore remain on the side of the scheme and is one that, in my view, is critical in the assessment of the options.

10.173 In summary in my opinion the main points to be considered in comparing Alternatives 1 and 1A with the scheme are:

- the alternatives would be better for agriculture
- the alternatives would be better for the landscape
- the alternatives would not burden the Mochdre Bridge community
- the alternatives would not burden the Glandulas Holiday Park
- the alternatives would threaten local employment
- if adopted an alternative would delay the Newtown bypass
- the scheme would serve the Mochdre Industrial Estate better
- the alternatives would have a negative impact on it
- overall the public prefer the scheme to the alternatives
- the scheme would cost significantly less.

10.174 Having regard to all the above I conclude that both Alternatives 1 and 1A would offer acceptable routes for a bypass of Newtown but, on a fine balance, and on the evidence that was revealed at the Inquiry, should not be preferred to the scheme [9.1-9.17].

Alternative 2

10.175 The alternative, some details of which only unfolded during the Inquiry, was advanced in order to reduce the impact that the scheme would have on Black Hall Farm. The original sketch plans have been interpreted by

the Welsh Government and, although not formally confirmed by those advocating Alternative 2, I am satisfied that the developed plans fairly represent the original intentions. In my opinion the alternative would reduce the impact on the farmhouse and farmstead but not for the agricultural holding as a whole, which would be severed by both the scheme and Alternative 2.

10.176 The options would incur similar costs and deliver similar benefits.

10.177 Alternative 2 would have slightly less impact on agriculture.

10.178 The alternative would introduce a major reconfiguration of the connecting road network near Dolfor Road by the abandonment of that road access into Newtown. That would cause a redistribution of traffic movements relative to the scheme. It would load Kerry Road, and a necessarily improved Middle Dolfor Road, with more traffic than with the scheme. In so doing the alternative would burden property along Middle Dolfor Road, thereby negating the clear advantage it would provide for Black Hall Farm and attracting counter objection.

10.179 The alternative would remove the eastern access to the Mochdre Industrial Estate whereas the scheme would provide an eastern access to the trunk road network.

10.180 In summary in my opinion the main points to be considered in comparing Alternative 2 with the scheme are:

- the alternative would be advantageous for Black Hall Farm
- the alternative would be worse for property elsewhere
- the costs and economics are equal
- the scheme would provide better highway standards
- the scheme would serve the Mochdre Industrial Estate better
- the scheme would offer better diverse access to Newtown.

10.181 In my opinion it is clear that the material disadvantages outweigh any advantages to be gained for Black Hall Farm from the alternative. I conclude that Alternative 2 need not be considered further [9.18-9.24].

Alternative 3

10.182 This is a very local alternative, primarily advanced by Mr R E Jones to reduce the impact on the Lower Brimmon Farmhouse, safeguard the preservation of a veteran oak tree and avoid an established pond.

10.183 Firstly, I looked closely at the precise location of the scheme relative to the circular root system of the ancient oak tree on site and considered

the two compatible Expert opinions and the ground penetrating radar survey presented to the Inquiry. This evidence is compelling in demonstrating that the well-being of the ancient tree could be secured by avoiding sub-soil disturbance within 15 metres of the tree, bearing in mind the tangential alignment of the road that would briefly skirt the outer circumference of the 14 metre circle of roots, without entering the circle.

10.184 I am satisfied that detailed engineering, controlled by a local method statement, to marginally move the carriageway northwards, within the proposed fence lines, foreshorten the low bypass embankments and avoid topsoil and drainage excavation on the southern side of the carriageway, would preserve the 15-metre root safety zone recommended by the Experts. I conclude that these engineering actions would negate any material disadvantage that the scheme built on low embankment on the marginally modified alignment would have relative to Alternative 3 in this regard [9.26-9.28].

10.185 It was also demonstrated that the pond, located in a natural depression in the terrain, and apparently long-standing, has no ecological value and dries up during summer months. As such very little weight should be given to the effect that the scheme would have on it although I note that, in any event, replacement twin ponds from the same water source would be constructed as part of the scheme [9.34].

10.186 That leaves consideration of the weight to be given to the modest advantage to Lower Brimmon Farmhouse that would arise from moving the bypass 20 metres to the north, at an additional cost in the order of £900,000 and with the potential of attracting a delaying statutory objection in respect of the gas pipeline displacement.

10.187 In summary, my opinions on the main points in comparing Alternative 3 with the scheme are:

- the alternative would be better for Lower Brimmon Farmhouse
- the alternative would cost £900,000 more than the scheme
- the transient advantage for the pond should be given little weight
- the veteran oak would not be under threat from either option
- the alternative may delay a bypass for Newtown.

10.188 I conclude that the additional cost or programming uncertainty could not be justified in the public interest in order to give a relatively small advantage to Lower Brimmon Farmhouse [9.29, 9.30].

10.189 The alternative need not be considered further, but care in the detail of design and supervision of the works near the veteran oak is essential. [9.25-9.34].

Alternative 4

- 10.190 I can understand the desire of the residents of the 6 properties that lie near the A483 in advocating an alternative alignment that would move the eastern terminal roundabout further from their property, albeit closer to where others live and work. I can also appreciate why 2 others who initially supported the alternative, which they believed would have a lower adverse effect on their interests, subsequently counter-objected to it. They had not appreciated that the broad-brush suggestion of Alternative 4, when translated into adoptable highway engineering plans, would be somewhat different in reality (ID90).
- 10.191 Confirmation of the Welsh Government's engineering plans, that seemed to me to properly represent the initial intentions of those advocating Alternative 4, were not forthcoming by the close of the Inquiry. I have therefore studied the submitted objector's sketch ideas for an alternative in this particularly complex area and the Welsh Government's professional development of it. On that I am satisfied that the Welsh Government's interpretation of the sketch is accurate and its consequential development of engineering plans accurate in terms of modern standards and what it would be authorised to construct as a modern trunk road designed to established highway standards.
- 10.192 It is evident that the alternative would have an appreciably reduced effect on 6 dwellings at the eastern end of the scheme and would avoid the demolition of one. That exposes a disadvantage of the scheme, but one that would be tempered by the mitigation that would be built into it. On the other hand the alternative would cause the demolition of two dwellings, significantly affect the Penarth Vineyard and a farm and cause greater visual and noise impacts on two other properties. In my view the effect of either option on property is broadly balanced, but with the alternative being marginally better.
- 10.193 The overall effect on agriculture between the options is finely balanced. The alternative would use up more agricultural land but would avoid the demolition of agricultural infrastructure for which I note that compensation would be payable. The alternative would ease access arrangements and would also make some farm management easier. In my judgement these points are not a strong material advantage to the scheme or alternative.
- 10.194 The scheme would perform better in terms of removing unnecessary traffic passing through the urban fabric of Newtown. It would have no impact on the River Severn or its environment whereas the alternative would have. The alternative would cost in the order of £6.5m more than the scheme. It would involve a complex skew bridge across the Cambrian railway and Network Rail has counter-objected to it. Adoption of the alternative could induce delay of 3 or 4 years.
- 10.195 In summary my opinion on the main points in comparing Alternative 4 with the scheme are:

- the relative effects on agriculture are balanced
- the alternative would marginally have less impact on property
- the alternative would be much more expensive than the scheme
- the alternative would remove less traffic from Newtown
- the alternative could delay the Newtown bypass.

10.196 Having regard to the material points above I conclude that overall Alternative 4 is clearly inferior to the scheme, and should not be considered further [9.36-9.44].

The Orders required for the Scheme

Conclusions with regard to the Line and Detrunking Order

10.197 I am satisfied that the proposed changes to the trunk road network would, bearing in mind the requirements of local and national planning, including the requirements of agriculture, be expedient and in the public interest for the purposes of improving the national system of routes for through-traffic in Wales.

10.198 I am also satisfied that the proposals for detrunking lengths of the existing A483 and A489 trunk roads are expedient. The tests set out at paragraph 10.4 above are therefore met.

Conclusions with regard to the Compulsory Purchase Order

10.199 I have closely studied the Schedule and Plans accompanying the Compulsory Purchase Order and can find no evidence of any proposal to purchase any land or rights other than those necessary to implement the scheme, with the exception of four areas detailed in Annex C and Annex D of this report namely:

- a relatively small triangular area, in Plot 4/1a, in the south eastern quadrant of the Wern Ddu Lane / bypass area
- a small triangular area of the rear garden of Gelli, part of CPO Plot 4/4
- an area of field to be re-graded in Plot 3/3zz
- the whole of Plot 3/3vv.

10.200 The Welsh Government has recommended modifications to the areas of some plots and to rights or ownership details. I have closely studied proposals for modifying the Order and endorse all the

modifications as being necessary for the purposes of the scheme, or for improvement of it in the interests of all, and for the correct definition of the Order. These modifications would not prejudice any party.

- 10.201 For the most part the parties have agreed the modifications in writing; the exception being in respect of Modification 2 at Annex C. I can find no evidence of the NPTG (Coleg Powys) or its Agent having confirmed that it would be content with the changes proposed to the draft CPO. I draw attention to the need to secure that specific assurance.
- 10.202 I am further satisfied that the whole Order, as modified, addresses no more land than is necessary and that the need for the whole of the CPO has been properly explained. Budgetary provision has been made for the scheme. I foresee no impediment to the scheme proceeding. If the Orders are made work could start soon, for which reason I am satisfied that no land would be purchased ahead of time [4.12, 4.15, 4.69].
- 10.203 In coming to a view on this I have had regard to the Compulsory Purchase Order test summarised at Paragraph 10.5 above. I conclude that the Compulsory Purchase Order should be modified, in accordance with Annex C and Annex D to this report, and as modified should be made.

Conclusions with regard to the Side Roads Order

- 10.204 I am satisfied that the proposals for improving or stopping up the highways, and for the stopping up of private means of access in the Order are necessary to meet the scheme's objectives.
- 10.205 With regard to highways, other convenient routes would be made available by the scheme. During the Inquiry the need for a number of minor modifications arose. I am satisfied that these have been dealt with in the list of modifications proposed by the Welsh Government at Annex C and one by me at Annex D.
- 10.206 With regard to the private means of access, reasonable replacement means of access would become available before each stopping up takes place, or temporary measures would be provided. However in the case of Mr Jarman, the new means of access to severed Field 0009 could only be regarded as reasonable if the access was continued eastwards into that field and graded out to enable its use by agricultural vehicles. I am satisfied that could be accomplished by accommodation works on Mr Jarman's land in Field 0009, or by modification of the Side Roads Order identified in Annex D.
- 10.207 Therefore, with the exception mentioned above, I am satisfied that, under the constraints of the geography of the area, reasonably convenient means of passage would be provided by the scheme and therefore the tests set out at paragraph 10.6 above have been met.

Overall Conclusions on the Scheme

- 10.208 In my view there is a compelling case for the scheme to be implemented in order to remove through traffic from Newtown, improve safety within the town and significantly improve conditions for long distance traffic on the strategic trunk road network of Mid Wales. In so far that they are achievable by the construction of the Newtown bypass and side roads, the scheme would achieve its objectives well and the achievement of those objectives would, in my judgement, provide a substantial public benefit.
- 10.209 For the reasons I have set out above I conclude that the modifications to the Side Roads and Compulsory Purchase Orders proposed by the Welsh Government are needed.
- 10.210 The Line Order is acceptable. The incorporation of modifications would make the draft Line, draft Side Roads and draft Compulsory Purchase Orders acceptable. I do not regard any of the modifications proposed to be such as to make a "substantial change" of the magnitude necessary to cause further representation or consultation to be necessary in accordance with stipulations of Schedule 1 Section 8 (3) of the Highways Act. It follows that the scheme is acceptable.
- 10.211 It is accordingly my view that the scheme is in the public interest and should be allowed to proceed despite the sensitive environment through which it would pass. The scheme would not, to my mind, have any disproportionate adverse impacts.
- 10.212 In coming to this view I have had regard to all objections and representations made in writing and statements and oral presentations at the Inquiry. I have also had regard to the cases set out for all the alternatives proposed by objectors, to the support for alternatives and the counter objections against them, made at the Inquiry or in writing, but individually or collectively, they do not outweigh the conclusions I have reached.

11. RECOMMENDATIONS

I recommend that:

- THE SWANSEA TO MANCHESTER TRUNK ROAD (A483) AND THE NEWTOWN TO ABERYSTWYTH TRUNK ROAD (A489) (NEWTOWN BYPASS AND DETRUNKING) ORDER 201-

be made.

- THE SWANSEA TO MANCHESTER TRUNK ROAD (A483) AND THE NEWTOWN TO ABERYSTWYTH TRUNK ROAD (A489) (NEWTOWN BYPASS SIDE ROADS) ORDER 201-

be modified as set out in Annex C and Annex D
and as modified, be made.

- THE WELSH MINISTERS (THE SWANSEA TO MANCHESTER TRUNK ROAD (A483) AND THE NEWTOWN TO ABERYSTWYTH TRUNK ROAD (A489) NEWTOWN BYPASS) COMPULSORY PURCHASE ORDER 201-

be modified as set out in Annex C and Annex D
and as modified, be made.

W S C Wadrup

Inspector

ANNEX A - APPEARANCES AT THE INQUIRY

For the Welsh Government

Mr Graham Walters of Counsel, as Advocate for the Welsh Government case. He was instructed by Mr John Davies of the Welsh Government Legal Division, and called:

Mr Peris Jones BEng (Hons), CEng, MICE, MCIHT

Mr Terence Davies BSc (Hons), CEng, CEnv, MICE, MCIHT

Mr Richard Bruten BEng (Hons), CEng, MICE

Mr Geraint Morgan BSc (Hons), CEng, MICE

Ms Jo Wall BSc (Hons), BLD, HMBIDP, CMLI

Mr Dan Pope BSc (Hons), MIOA

Mr Tony Kernon

Mr Rhodri Gibson BEng (Hons), BSc (Hons), MRICS, MCIHT

Evidence in Chief

The Welsh Government's Case

Principal Witness - Need and Policy.

Engineering Design of scheme

Construction Activities

Traffic and Economics

Environment and Landscape

Noise and Vibration

Agricultural Issues

Quantities, Surveying, Costs

As Supporters of the Scheme

Mr Russell George AM

Councillor Bob Mills

Councillor Kath Roberts-Jones

Councillor Dr Gemma-Jane Bowker

Councillor Joy Jones

Mr Nigel Brinn

Assembly Member for Newtown

Member of Powys Council

Member of Powys Council

Member of Powys Council

Member of Powys Council

Officer of Powys Council

As Objectors to the Scheme

Mr Dave Evans

Mr T Emlyn Jones

Ms Hilary Kewley

Mrs Linda Ward and Ms Monica Bradley

Mr Derek Thomas

Owner of Black Hall Farm

obo Mr A F Gardner

Local Resident

Local Residents

Local Resident

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| Councillor Jean Williams | Member of the Powys Council |
| Mr David Gale-Hasleham | obo Mr T Bebb & Mrs P Bebb |
| Mr Mervyn Jones | Local Resident |
| Mrs Jayne Jones | Local Resident |
| Mr Chris Lewis | Local Resident |
| Ms Lizzie Harrison | Local Resident |
| Mr Brett Kibble / Mrs J Kibble | Local Residents |
| Mr Rob Roberts / Mr Jonathan Roberts | Local Residents |
| (and called Mr Graham Morris) | Powys Farmer |
| Mrs Jayne Jones | Local Resident |
| Mr Chris Lewis | Local Resident |
| Mr Philip Meade - obo the following clients, some of which also appeared: | |
| Ms Bethan Rowlands and Mrs Blanche Rowlands | Local Resident |
| Mr and Mrs Brymer Griffith | Local Farmers |
| Mr Chris Clayton | Local Farmer |
| Mr Geoffrey Jarman | Local Farmer |
| Mr Richard Jones | Local Farmer |
| Mr Peter Harris | Local Resident |
| Mr Peter Watkin | Local Resident |

As a Counter Objector to Alternatives 1 and 1A

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| Mr John Selwyn Smith | Industrialist of Mochdre Industrial Estate |
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ANNEX B: SUPPORTING DOCUMENTS

DOCUMENTS RELATING TO THE EVIDENCE OF WELSH GOVERNMENT WITNESSES

| | |
|--------|---|
| WG01/A | Statement of Welsh Government's Reasons for Proposing that the Published Draft Orders should be made-Part A – Policy Statement - Evidence of Mr Peris Jones |
| WG01/B | Statement of Welsh Government's Reasons for Proposing that the Published Draft Orders should be made-Part B – Statement of Need - Evidence of Mr Peris Jones |
| WG01/C | Summary Statement of Welsh Government's Reasons for Proposing that the Published Draft Orders should be made - Part C– Statement of Need - Evidence of Mr Peris Jones |
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| WG02 | Engineering Design Proof of Evidence of Mr Terence Davies |
| WG02/A | Summary of Engineering Design Proof of Evidence of Mr Terence Davies |
| WG03 | Construction Proof of Evidence of Mr Richard Bruten |
| WG03/A | Summary of Construction Proof of Evidence of Mr Richard Bruten |
| WG04 | Traffic and Economics Proof of Evidence of Mr Geraint Morgan |
| WG04/A | Summary of Traffic and Economics Proof of Evidence of Mr Geraint Morgan |
| WG05 | Environmental Proof of Evidence of Ms Jo Wall |
| WG05/A | Summary of Proof of Evidence of Ms Jo Wall |
| WG06 | Noise and Vibration Proof of Evidence of Mr Daniel Pope |
| WG06/A | Summary Proof of Evidence of Mr Daniel Pope |

GENERAL AND SPECIFIC DOCUMENTS PUT ON PUBLIC DEPOSIT

CATEGORIES OF THE DOCUMENTATION

DD001-DD050 - Published Documents relating to the Orders
DD101-DD129 - Policy and Strategy Documents
DD201-DD222 - Regulations, Rules and Acts
DD301-DD321 - Design Manual for Roads & Bridges
DD401-DD407 - British Standards and Other Standards
DD501-DD537 - Other Documents not in the above Categories

PUBLISHED DOCUMENTS RELATING TO THE ORDERS

| | |
|-------|--|
| DD001 | THE SWANSEA TO MANCHESTER TRUNK ROAD (A483) AND THE NEWTOWN TO ABERYSTWYTH (A489)(NEWTOWN BY PASS AND DETRUNKING ORDER) 201- and associated plans |
| DD002 | THE SWANSEA TO MANCHESTER TRUNK ROAD (A483) AND THE NEWTOWN TO ABERYSTWYTH TRUNK ROAD (A489)(NEWTOWN BY PASS SIDE ROADS ORDER) 201- and associated plans and schedules |
| DD003 | THE WELSH MINISTERS (THE SWANSEA TO MANCHESTER TRUNK ROAD (A483) AND THE NEWTOWN TO ABERYSTWYTH TRUNK ROAD (A489) COMPULSORY PURCHASE ORDER 201- and associated maps and schedules |
| DD004 | A483/A489 Newtown Bypass Environmental Statement 2014- Volume 1- Technical Assessment Report |
| DD005 | A483/A489 Newtown By Pass Environmental Statement 2014 Volume 2 Book of Figures |
| DD006 | A483/A489 Newtown By Pass Environmental Statement 2014 Volume 3 Technical Appendix Part 1 Technical Appendix Part 1 Appendix A-E7 |
| DD007 | A483/A489 Newtown By Pass Environmental Statement 2014 Volume 3 Technical Appendix-Part 2 Appendix A-E8-G |
| DD008 | A483/A489 Newtown By Pass Environmental Statement 2014 Volume 3 Technical Appendix Part 2 Technical Appendix H |
| DD009 | A483/A489 Newtown By Pass Environmental Statement 2014 Volume 3 Technical |

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| | Appendix Part 4 Appendix I -L |
| DD010 | The Public Notice announcing the publication of the draft Line and Detrunking Order and the draft Side Roads Order |
| DD011 | The Public Notice announcing the publication of the draft Compulsory Purchase Order |
| DD012 | The Public Notice announcing the publication of the Environmental Statement and the Statement to Inform an Appropriate Assessment |
| DD013 | The Public Notice Announcing unknown ownership, part of the draft Compulsory Purchase Order |
| DD014 | The Explanatory Statement explaining the proposals contained in the draft Line and Detrunking Order and the draft Side Roads Order |
| DD015 | The Explanatory Statement explaining the proposals contained in the draft Compulsory Purchase Order |
| DD016 | The Notice of Determination Explaining that the proposals will be subject to an Environmental Impact Assessment and an Assessment of Implications for European Sites (AIES) |
| DD017 | A483/A489 Stage 3 Scheme Assessment Report (November 2014) |
| DD018 | A483/A489 Newtown By Pass Environmental Statement Non-Technical Summary |
| DD019 | Public Notice of intention to hold a Public Local Inquiry and a Pre-Inquiry Meeting |
| DD020 | Public Notice Announcing Details of the Public Local Inquiry |
| DD021 | Outline Statement of the Welsh Government's Principal Statement to be put forward at the Public Local Inquiry |
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| | WELSH GOVERNMENT POLICY DOCUMENTS |
| DD101 | Programme for Government. |
| DD102 | The National Transport Plan |
| DD103 | The Highways and Transport (Cycle Routes) Bill |
| DD104 | Peoples, Places, Futures-The Wales Spatial Plan |
| DD105 | Peoples, Places, Futures-The Wales Spatial Plan -update |
| DD106 | One Wales: Connecting the Nation- The Wales Transport Strategy |
| DD107 | Prioritised National Transport Plan December 2011 |
| DD108 | The Wales Infrastructure Investment Plan for Growth and Jobs 2012 |
| DD109 | Community Benefits: Delivering Maximum Value for the Welsh Pound |
| DD110 | Trunk Road Forward Programme –November 2009 |
| DD111 | Welsh Transport Appraisal Guidance WelTAG |
| DD112 | Strategic Environmental Assessment |
| DD113 | Statement to inform the Appropriate Assessment of the National Transport Plan March 2010 |
| DD114 | Minister for Economy, Science and Transport Written Statement |
| DD115 | National Transport Plan 2015-DRAFT |
| DD116 | The Road Safety Framework for Wales (July 2013) |
| DD117 | The Mid Wales Joint Local Transport Plan (Draft for Consultation) |
| DD118 | The Environment Strategy for Wales 2006 |
| DD119 | Vibrant and Viable Places – New Regeneration Framework (2013) |
| DD120 | Climate Change Strategy for Wales |
| DD121 | Trunk Road Estate Biodiversity Action Plan |
| DD122 | Driving Wales Forward (2009) |
| DD123 | Planning Policy Wales - Technical Advice |
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| | REGULATIONS, RULES AND ACTS |

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|-------|---|
| DD201 | NAW Constitutional Law –Transfer of Functions Order (2009) |
| DD202 | Government of Wales Act 2006 |
| DD203 | Highways Act 1980 |
| DD204 | Acquisition of Land Act 1981 |
| DD205 | Transport Wales Act 2006 |
| DD206 | EU Council Directive 85-337 |
| DD207 | Public Participation Document 2003/35/EU |
| DD208 | The Highways (Assessment of Environmental Effects) Regulations 1999 |
| DD209 | Highways (Environmental Impact Assessment) Regulations 2007 |
| DD210 | The Active Travel (Wales) Act 2013 |
| DD211 | NAFCW 14/2004 Revised Circular on Compulsory Purchase Orders. |
| DD212 | The Highways (Inquiries Procedure) (Rules) 1994 |
| DD213 | The Compulsory Purchase (Inquiries Procedure) (Wales) Rules 2010 |
| DD214 | Traffic Signs and General Directions 2002 and its amendments |
| DD215 | Directive 2011/92/EU |
| DD216 | Conservation of Habitats and Species Regulations 2010 |
| DD217 | Directive 92/43/EEC |
| DD218 | Directive 2014/52/EU |
| DD219 | Noise Insulation Regulations 1988 |
| DD220 | Natural Environment and Rural Communities Act 2006 |
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ENGINEERING DESIGN MANUALS

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|-------|---|
| DD301 | Design Manual for Roads and Bridges (DMRB) Volume 6 Section 1 Part 1 TD 9/93 Highway Link Design (incorporating Amendment No.1 dated Feb 2002). |
| DD302 | DMRB Volume 5 Section 1 Part 3 TA46/97 Traffic Flow Ranges for Use in the Assessment of New Rural Roads |
| DD303 | Design Manual for Roads and Bridges Volume 6 Section 1 Part 2 TD 27/05 Cross-Sections and Headroom. |
| DD304 | Design Manual for Roads and Bridges TD27/05 |
| DD305 | Design Manual for Roads and Bridges TD16-07 |
| DD306 | Design Manual for Roads and Bridges TD 42/95 |
| DD307 | Design Manual for Roads and Bridges TD 41/95 |
| DD308 | Design Manual for Roads and Bridges TA 69/07 |
| DD309 | Design Manual for Roads and Bridges TD57/87 |
| DD310 | Design Manual for Roads and Bridges HD19/06 |
| DD311 | Design Manual for Roads and Bridges HD19/03 |
| DD312 | Design Manual for Roads and Bridges - Environmental Design and Management |
| DD313 | Design Manual for Roads and Bridges Volume 11- Environmental Assessment |
| DD314 | Design Manual for Roads and Bridges Volume 11- Screening Projects |
| DD315 | Design Manual for Roads and Bridges Volume 11 - Assessment and Management of Environmental Effects |
| DD316 | Design Manual for Roads and Bridges - Air Quality |
| DD317 | Design Manual for Roads and Bridges - Cultural Heritage |
| DD318 | Design Manual for Roads and Bridges - Cultural Heritage / Archaeological Remains |
| DD319 | Design Manual for Roads and Bridges - Land Use |
| DD320 | Design Manual for Roads and Bridges - Noise and Vibration |

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| DD321 | Not used |
| DD322 | Not used |
| DD323 | Design Manual for Roads and Bridges - Road Drainage and Water |
| DD324 | Design Manual for Roads and Bridges - Geology and Soils |
| DD325 | Transport Analysis Guidance |
| DD326 | Transport Analysis Guidance |
| DD327 | Transport Analysis Guidance |
| DD328 | IAN125/09 |
| DD329 | IAN126/09 |
| DD330 | IAN170/12 |
| DD331 | IAN 174/13 |
| DD332 | IAN 175/13 |
| DD401 | BS 5228 Code of Practice for Noise and Vibration on Construction Sites |
| DD501 | Alignment and Junction Strategy Report |
| DD502 | Stage 1 Road Safety Audit |
| DD503 | Interim Stage 1 Road Safety Report |
| DD504 | Stage 1 Road Safety Audit Exceptions Report |
| DD505 | WG TRP Endorsed Departures from Standards Report |
| DD506 | Powys County Council Acceptance of Principal Departures from Standards |
| DD507 | Traffic Survey Report |
| DD508 | Local Model Validation Report |
| DD509 | Traffic Forecasting Report |
| DD510 | Economic Assessment Report |
| DD511 | Environmental Scoping Report |
| DD512 | Welsh North-South transport link Study |
| DD513 | Newtown Planning Objectives and pre-appraisal Report (2006) |
| DD514 | Wider economic impact assessment of the Newtown Bypass upon the local economy Report |
| DD515 | Calculation of Road Traffic Noise |

DOCUMENTS SUBMITTED TO THE INQUIRY LIBRARY DURING THE INQUIRY

| | <u>INQUIRY DOCUMENTS (IDs)</u> |
|------|---|
| ID1 | Inspector's note of the Pre-Inquiry meeting. |
| ID2 | Statutory Procedures folder, submitted by the Welsh Government |
| ID3 | Technical note re wide single 2+1 carriageways |
| ID4 | Plan of proposed road lighting and speed limits plus photomontage and section |
| ID5 | Accident data in and around Newtown |
| ID6 | Attenuation pond 1A, east of Mochdre Lane |
| ID7 | Original protected line of 1973 |
| ID8 | Design Commission for Wales, Design Review Report January 2014 |
| ID9 | Design Commission for Wales, Design Review Report March 2014 |
| ID10 | Design Commission for Wales, Design Review Report October 2014 |
| ID11 | Extract from Wider Economic Impact Report |
| ID12 | 2032 do minimum (no scheme) AADT flows |
| ID13 | Traffic related Scheme Objectives - replaces 17.4.1 of ES |
| ID14 | Supporting evidence of Powys County Council |
| ID15 | Powys County Council acceptance of Departures from Standards for local roads |
| ID16 | Supporting evidence of Councillor Bob Mills |
| ID17 | Supporting evidence of Councillor Dr Gemma-Jane Bowker |
| ID18 | Supporting evidence of Councillor Kath Roberts-Jones |
| ID19 | Supporting evidence of Councillor Joy Jones |

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| ID20 | Inspectors question re Cultural Heritage |
| ID21 | Comments from CADW |
| ID22 | Update of EIA Regulations Directive 2014/52/EU |
| ID23 | Written Statement of Evidence of Newtown/Llanllwchaearn Town Council |
| ID24 | Written Statement of Evidence of Councillor Wynne Jones |
| ID25 | Construction programme at Mochdre Lane |
| ID26 | Press article re encouragement to support the scheme |
| ID27 | Powys LDP 2011-2026 deposit draft |
| ID28 | Proposed improvements to public rights of way |
| ID29 | Question from Inspector-traffic growth and peak car hypothesis |
| ID30 | Air quality at Mochdre area |
| ID31 | Alternatives 1 and 1A-property demolition consequences |
| ID32 | Plan of various routes shown at public consultation |
| ID33 | Technical note – height of barrier/noise effects at proposed Mochdre Bridge |
| ID34 | Results of public consultation |
| ID35 | Mrs Hilary Kewley's Summary Statement of objection |
| ID36 | Ditto-extension to the Summary Statement |
| ID37 | Mrs Kewley's Rebuttal to the WG comments |
| ID38 | Alternatives 1 and 1A-Brochure of comparisons with the scheme |
| ID39 | WG Rebuttal to Mrs Kewley |
| ID40 | WG Rebuttal to Alternatives 1 & 1A |
| ID41 | Alternatives speed limits and details |
| ID42 | Relative costs published scheme and Alternatives 1 and 2 |
| ID43 | Public consultation questions pamphlet |
| ID44 | Peak hour traffic report and figures |
| ID45 | Earthworks cost - comparing Alternatives 1 and 1A with the scheme |
| ID46 | Inspectors question-Technical Note noise in the Mochdre valley |
| ID47 | Inspectors question-Technical Note traffic changes outside Newtown /noise effects |
| ID48 | Statement of Objection of Ms Monica Bradley |
| ID49 | Rebuttal to Statement of Objection of Ms Monica Bradley |
| ID50 | Rebuttal to Statement of Objection of Mrs Linda Ward |
| ID51 | Statement of objection of Mr Derek Thomas |
| ID52 | Policy DM2-RE Mr Gardener's case, inc. supplement |
| ID53 | Plan of flooding prediction at Mr Thomas's property. |
| ID54 | Plan of attenuation pond near Brook Terrace, Mochdre Lane |
| ID55 | Statement of objection by Mr T Emlyn Jones |
| ID56 | Local solutions to Newtown's traffic problems |
| ID57 | Powys CC LDP2011-2016 Policy DM2 |
| ID58 | Powys CC LDP 2011-2016 Deposit Draft June 2015 |
| ID59 | Various traffic counts, including a limited time count of traffic entering the Mochdre Industrial Estate |
| ID60 | Plan showing the protection of land from development near Dolfor Road |
| ID61 | Rebuttal to Statement of objection made by Mr T Emlyn Jones on behalf of Mr Alan Gardener |
| ID62 | Sketch Plan (from Draft SRO base) illustrating the oral suggestion of Mr T Elwyn Jones at the Inquiry of the proposal of amendments near Dolfor road to accommodate the wishes of Mr Gardener to preserve his land |
| ID63 | Letter from Powys County Council leader - Councillor W Barry Thomas |
| ID64 | Statement of evidence of support and objection from Mr Russell George AM |
| ID65 | Rebuttal Statement in response to the evidence of Mr Russell George AM |
| ID66 | Statement of evidence of Councillor Jean Williams, in her personal capacity as a local resident of the Mochdre Lane area |
| ID67 | Rebuttal Statement in response to the objection of Councillor Jean Williams |

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| ID68 | Statement of evidence of Ms Elizabeth Harrison |
| ID69 | Rebuttal Statement to the evidence of objection of Ms Elizabeth Harrison |
| ID70 | Folders of letters offering support and counter objection to alternatives 1&1A |
| ID71 | E-mail about Mr Hills' status |
| ID72 | Supplementary evidence: cost comparison of the scheme and Alternatives 1 and 1A |
| ID73 | Traffic report by Consulting Engineers Arup |
| ID74 | Report on traffic queues at Kerry road traffic signals |
| ID75 | Safety Audit on Alternatives 1 & 1A |
| ID76 | Heol Ashley base traffic flows |
| ID77 | Statement of evidence of John Selwyn Smith in counter-objection to alternatives |
| ID78 | Presentation by Mr Dave Evans on behalf of himself and others |
| ID79 | Ditto with photographs |
| ID80 | Alternative 2 Brochure |
| ID81 | WG Rebuttal to Dave Evans' presentation |
| ID82 | WG Rebuttal to Alternative 2 |
| ID83 | Margaret Blakeley's written counter-objection to Alternative 2 |
| ID84 | ES extract on scheme contours re slopes at Alternative 2 |
| ID85 | Note on road safety aspects of Alternatives 2, 3 & 4 |
| ID86 | Statement of Evidence of Mr Brett Kibble |
| ID87 | WG Rebuttal to Mr Kibble |
| ID88 | WG Statement on easement rights over land included in Powys LDP |
| ID89 | Survey of veteran oak tree |
| ID90 | Dossier of general matters of evidence of objection from Mr Philip Meade |
| ID91 | Proposal of Alternative 3 by Mr R E Jones |
| ID92 | Plan of Alternative 3 land holding objectors |
| ID93 | Alternative 3 brochure |
| ID94 | WG Rebuttal to Alternative 3 |
| ID95 | E mail from Powys County Council re scheme support |
| ID96 | Alternative 4 route proposal |
| ID97 | Plan of roundabout at Pool Road |
| ID98 | Alternative 4 sketched proposal |
| ID99 | WG Rebuttal to Alternative 4 |
| ID100 | Alternative 4 Brochure |
| ID101 | North-South route study re Newtown bypass |

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| ID102 | Current occupancy levels of Mochdre Industrial Estate units |
| ID103 | Statement of evidence of Mrs Blanche and Miss Bethan Rowlands |
| ID104 | WG Rebuttal to Mrs and Miss Rowlands |
| ID105 | Statement of Evidence of Mr & Mrs Brymer Griffith |
| ID106 | WG Rebuttal to Mr & Mrs Brymer Griffith |
| ID107 | Land requirements for 2+1 carriageway roads |
| ID108 | Flood plain, NRW flood map |
| ID109 | Land surveys correspondence |
| ID110 | Statement of evidence of Mr Chris Clayton |
| ID111 | WG Rebuttal to Mr Chris Clayton |
| ID112 | E-mail re Mr Clayton as a silage champion |
| ID113 | Statement of Evidence of Mr Peter Watkin |
| ID114 | WG Rebuttal to Mr Peter Watkin |
| ID115 | Statement of Evidence of Mr Richard Jones |
| ID116 | WG Rebuttal to Mr Richard Jones |
| ID117 | Statement of Evidence of Mr Peter Harris |
| ID118 | WG Rebuttal to Mr Peter Harris |
| ID119 | Statement of Evidence of Mr Geoffrey Jarman |
| ID120 | WG Rebuttal to Mr Geoffrey Jarman |
| ID121 | Vehicle sweep paths at Lower Brimmon Farm entrance |
| ID122 | Weight restriction at Wern Ddu Lane |
| ID123 | Mrs Jayne Jones counter-objection to Alternative 4 |
| ID124 | Statement of Evidence of Mrs Jayne Jones |
| ID125 | WG Rebuttal to Mrs Jayne Jones |
| ID126 | Cross-section of westbound layby near Mrs Jones' field |
| ID127 | Statement of Evidence of Mr Rob Roberts |
| ID128 | WG Rebuttal to Mr Rob Roberts |
| ID129 | Statement of Evidence of Mr & Mrs Mervyn Jones |
| ID130 | WG Rebuttal to Mr M Jones |
| ID131 | Supplementary information on HGV rat-running |
| ID132 | Bridge costs at Bryneira Farm |
| ID133 | Noise reading corrections at Tyn Y Green |

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| ID134 | Spot levels and cross-sections at Glandulas Holiday Park |
| ID135 | Ditto |
| ID136 | Statement of evidence-objection of Mr Gale-Hasleham - Glandulas Holiday Park |
| ID137 | WG Rebuttal to Mr Gale-Haselham |
| ID138 | Attenuation pond details at Mochdre Brook |
| ID139 | Alternative route 4–accuracy of engineering relative to submitted sketch plan |
| ID140 | Statement of Evidence of objection of NPTG-Coleg Powys |
| ID141 | WG Rebuttal to NPTG-Coleg Powys |
| ID142 | Statement of Evidence of objection of Mr and Mrs Simpson |
| ID143 | WG Rebuttal to Mr and Mrs Simpson |
| ID144 | Statement of Evidence-objection from the Campaign for Protection of Rural Wales |
| ID145 | WG Rebuttal to CPRW |
| ID146 | Statement of Evidence from Sustrans |
| ID147 | WG rebuttal to Sustrans |
| ID148 | Traffic signals-Kerry Road and Tesco's |
| ID149 | Cross Section at Brimmon House |
| ID150 | Entry dates/refusal to grant entry |
| ID151 | NRW comments on Alternative 4 |
| ID152 | Network Rail counter-objection to Alternative 4 |
| ID153 | Cycling arrangements at the roundabouts |
| ID154 | Minor amendments to ES |
| ID155 | Note on Mochdre Road drainage |
| ID156 | Statement of Evidence from Mr Chris Lewis |
| ID157 | WG Rebuttal to Mr Chris Lewis |
| ID158 | Letter of support submitted by E Jacks for Alternative 4 |
| ID159 | WG Register of Commitments |
| ID160 | Veteran Oak details at Lower Brimmon Farm |
| ID161 | Legal Submission by Mr G Walters in response to the legal matters raised |
| ID162 | Closing Statement by Mr Walters for Welsh Government |
| ID163 | Dossier of Modifications requested by The Welsh Government |

ANNEX C - MODIFICATIONS SOUGHT BY THE WELSH GOVERNMENT

All modifications proposed by the Welsh Government are set out below.

Modification Number 1 – CPO

This would change the draft CPO to reflect changes in ownership in land plots. It would introduce a new interest 1/13, which would result in amendment to Interest 1/8.

Plots 1/8, 1/8a, 1/8b, 1/8c, 1/8d, 1/8v, 1/8w, 1/8x, 1/8y, 1/8z and 1/8aa would be removed from the CPO Schedule and Plots 1/8bb, 1/8cc, 1/13, 1/13a to 1/13h, 1/13j and 1/13k would be added to the Schedule and Plan. There would be no net increase in land area, or in its designation.

Modification 2 – SRO & CPO

SRO

The SRO modification would reflect the written wishes of the land-owner to realign Public Footpath FP251/3 to follow the northern boundary fence line of the scheme to the west of Mochdre Brook.

A new access would be provided to the severed southern section of field D0008 on SRO Site Plan 1 by stopping up existing access 1/8 and including a diverted PMA 1/8A through land earmarked for attenuation pond 1/A East.

Highway 1/L on SRO Site Plan 1 would be located to the south of the scheme as far as Coleg Powys underpass, which would then be re-designated as a bridleway. Diverted PMA 1/7b should follow this alignment.

CPO

The CPO modification to the permanent land-take to the south of the scheme would reduce the acquired land to allow livestock to pass beneath the proposed Mochdre Bridge and gain access to the severed land north of the scheme.

The pursuant SRO Order changes would be to replace Ref 1/K and Ref 1/L with modified alignments and amend the description of PMA 1/7 to recognise "field" instead of "fields".

They would also modify the details of Ref 1/6b and Ref 1/7b and add a new stopped up length of PMA 1/8 and a new length of 1/8a.

The pursuant CPO changes would be to remove Plots 1/9, 1/10, 1/10c, 1/10L, 1/10m, 1/10n, 1/10q, 1/10v, 1/10x, 1/10LL, 1/10xx, 1/10ddd, 1/10jjj, 1/10ppp and 1/10uuu.

Correspondingly, Plots 1/9f, 1/9g, 1/9h, 1/9j, 1/9k, 1/9L, 1/10www, 1/10xxx, 1/10yyy, 1/10zzz, 1/10aaaa, 1/10bbbb, 1/10cccc, 1/10dddd, 1/10eeee, 1/10ffff, 1/10gggg, 1/10rrrr, 1/10ssss, 1/10tttt would be added, with Plots 1/10aa, 1/10mm, 1/10nn, 1/10qq, 1/10rr and 1/10sss amended. New Plots 1/10hhhh, 1/10jjjj, 1/10kkkk, 1/10LLLL, 1/10mmmm, 1/10nnnn, 1/10pppp and 1/10qqqq would be incorporated.

There would be no net increase in land taken from Powys CC but the net increase in land that would be taken from the NPTC Group would be 1507 sq m (title) and 647sq m (easement).

Modification 3 – CPO

At the request of the landowner, CPO Plot 2/3a would be replaced by Plot 2/3b and would be increased by 57 sq m, from 25 sq m to 82 sq m.

Plot 2/4c would be replaced by Plot 2/4k and would be reduced in area from 127sq m to 70 sq m, resulting in a net decrease in land take of 57 sq m to counterbalance the increase specified above.

Modification 4 – CPO

In the CPO Schedule - add Plots 2/1n, 2/1p to 2/1z to the CPO and Plots 2/1aa to 2/1cc to the Interest 2/1.

Remove Plots 2/20b, 2/20c, 2/20j to 2/20n and 2/20p to 2/20r, all with updated contact and address details. Contact and address details would also be updated for Plots 2/20, 2/20a and Plots 2/20d to 2/20h.

Remove Plots 2/19, 2/19b, 2/19c, 2/19d and 2/19e. There would be no overall net increase in the land to be acquired.

Modification 5 - CPO

At the request of the landowner, introduce a new Plot 2/15b of 900 sq m to the CPO.

Modification 6 – CPO

Remove Plots 3/3a, 3/3b, 3/3e, 3/3f, 3/3h, 3/3k, 3/3m, 3/3n, 3/3ff, 3/3jj, 3/3vv, 3/3zz from the CPO.

Add plots 3/3ggg, 3/3hhh, 3/3jjj, 3/3kkk, 3/3LLL, 3/3mmm, 3/3nnn, 3/3ppp 3/3qqq, 3/3rrr, 3/3sss, 3/3ttt, 3/3uuu, 3/3vvv, 3/7, 3/7a, 3/7b, 3/7c and 3/7d to the CPO. The overall net decrease in land to be acquired would be 8,144 sq m.

Reduce the area of land earmarked for regrading at the request of the owner. Amend the ownership of some plots in favour of Mr Gareth and Mrs Audrey Clayton and adjust the plots to reflect the true extent of the bridleway BW253/N15 diversion.

Modification 7 - was not used

Modification 8 – SRO and CPO

Change the details in the Schedule 3 of the SRO to remove a minor typographical error and change the CPO schedule to reflect the correct address details of three of the scheduled landowners for interests 2/21, 2/24 and 4/3.

Modification 9- CPO

Introduce changes in the Scheduling of Plots 4/11, 4/11a to reflect current ownership by Welsh Ministers. Interest 4/6 and CPO Plots 4/6 and 4/6a would no longer be used.

Modification 10 – SRO & CPO

SRO

Incorporate a new PMA, 4/14a extending from Wern Ddu Lane to field OS0900.

CPO

Replace CPO Plots 4/2c, 4/2k and 4/2t in the CPO and replace them by Plots 4/2LL, 4/2mm, 4/2nn, 4/2pp and 4/2qq. There would be no net increase in the land area to be acquired.

Add CPO Plot 4/8c (of 21 sq m) to provide access as an accommodation works on Mrs Glenys Jarman Jones land.

Modification 11 – CPO

Reduce the original Plot 4/1a by 926 sq m and increase original Plot 4/ff by 926 sq m.

Introduce two new plots -Title Plot 4/1qq and Licence Plot 4/1rr.

Reduce the permanent land acquisition from Mr R E Jones by 926 sq m.

ANNEX D - MODIFICATIONS TO THE ORDERS RECOMMENDED BY THE INSPECTOR

Modification 12 - SRO

On SRO Plan 4 access for Mr Jarman to Field P0009 is shown as PMA 4/9b, terminating at the boundary between Fields P0009 and P0008. Beyond that point field P0009 falls away at such a steep gradient as to make the SRO access proposal impracticable.

In the absence of an agreed accommodation works in the Register of Commitments (ID 159) the Site Plan should be modified to show an extension of this access for a distance in the order of 40 metres initially in a northern direction and then in an easterly direction to enable the construction of a properly graded means of access into Field P0009. Accordingly CPO Plot 4/2u could be retained with the remaining length of

new access in P0009 undertaken as necessary accommodation works.

References in this report are paragraphs 6.15, 8.26 and 8.27.

Modification 13 - CPO

On CPO Plan Sheet 4 and as detailed in the CPO Schedule on page 114 thereof reduce the size of CPO Plot 4/4 (4,928 sq m) to exclude the triangular piece of land currently in the back garden of Gelli.

The triangle, with the scheme constructed, would lie between the existing Cambrian railway fence line, the new fence line at the top of the cutting to the proposed side road connection from the new roundabout back to the existing A483 to Newtown, and the fence line at the bottom of the bypass embankment. This reduction in the CPO would be in favour of that piece of land remaining in the ownership of Mr Peter and Mrs Karen Harris. The triangular area would not be needed for the construction of the scheme, or to mitigate its effects and its area would be in the order of 400 sq m.

References in this report are paragraphs 6.33 and 8.32.

Modification 14 - CPO

On the CPO Schedule, page 98, re CPO Plot 4/1 etc change the name of the occupier from Mr Dilwyn Richard to Mr Dilwyn Richards.
