



Adroddiad

Ymchwiliad a agorwyd ar 18/03/2014
Ymweliadau safle a wnaed ar 21/01/14,
17/03/14, 21/03/14, 27/03/14 a 11/04/14

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

Arolygydd a benodir gan Weinidogion Cymru

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Report

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by **W S C Wadруп BEng (Hons), CEng,
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an Inspector appointed by the Welsh Ministers

Date: 30/05/2014

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

**THE NEATH TO ABERGAVENNY TRUNK ROAD (A465) (ABERGAVENNY TO
HIRWAUN DUALLING AND SLIP ROADS) AND EAST OF ABERCYNON TO
EAST OF DOWLAIS TRUNK ROAD (A4060), CARDIFF TO GLAN CONWY
TRUNK ROAD (A470) (CONNECTING ROADS) ORDER 1999, (GILWERN
TO BRYNMAWR) (AMENDMENT) ORDER 201-**

**THE NEATH TO ABERGAVENNY TRUNK ROAD (A465) (ABERGAVENNY TO
HIRWAUN DUALLING AND SLIP ROADS) AND EAST OF ABERCYNON TO
EAST OF DOWLAIS TRUNK ROAD (A4060) AND CARDIFF TO GLAN
CONWY TRUNK ROAD (A470) (CONNECTING ROADS) (GILWERN TO
BRYNMAWR) (SIDE ROADS) ORDER 201-**

**THE WELSH MINISTERS (THE NEATH TO ABERGAVENNY TRUNK ROAD
(A465) (ABERGAVENNY TO HIRWAUN DUALLING AND SLIP ROADS)
AND EAST OF ABERCYNON TO EAST OF DOWLAIS TRUNK ROAD
(A4060) AND CARDIFF TO GLAN CONWY TRUNK ROAD (A470)
(CONNECTING ROADS) (GILWERN TO BRYNMAWR)) COMPULSORY
PURCHASE ORDER 201-**

**THREE PUBLIC NOTICES OF THE INTENTION TO ISSUE CERTIFICATES
UNDER SECTION 19 OF THE ACQUISITION OF LAND ACT 1981 IN RESPECT
OF COMMON LAND AND OPEN SPACE**

**A PUBLIC NOTICE OF THE INTENTION TO ISSUE A CERTIFICATE UNDER
PARAGRAPH 6 OF SCHEDULE 3 TO THE ACQUISITION OF LAND ACT 1981**

Cyf Ffeil/File Reference APP/E6840/13/515915

GLOSSARY AND ABBREVIATIONS USED IN THIS REPORT

WG	Welsh Government
COBA	Cost Benefit Analysis of the Department of Transport/Welsh Government
TUBA	Transport Users Benefits
BCR	Economic Benefits to Costs Ratio
DMRB	Design Manual for Roads and Bridges of the Department of Transport/ Welsh Government
SRO	Side Roads Order
CPO	Compulsory Purchase Order
NCR	National Cycle Route
ES	Environmental Statement for the scheme
EIA	Environmental Impact Assessment
SIAA	Statement to Inform an Appropriate Assessment
SASICOM	Statement about Alternative Solutions, Imperative Reasons of Overriding Public Interest and Compensatory Measures
SAC	Special Area of Conservation
SAM	Scheduled Ancient Monument
SSSI	Site of Special Scientific Interest
AIES	Assessment of the Impacts on European Sites
NRW	Natural Resources Wales
BBNPA	Brecon Beacons National Park Authority
SINC	Site of Interest for Nature Conservation
vpd/AADT	Vehicles per day/Annual Average Daily Traffic
SUDS	Sustainable Urban Drainage System
AQMP	Air Quality Management Plan
CRT	Canal and River Trust
AOD	Above Ordinance Datum
WelTAG	Wales Transport Appraisal Guidance
TRFP	Trunk Road Forward Programme
LDP	Local Development Plan

PPW	Planning Policy Wales
AO	Amendment Order (Line)
NMU	Non-motorised User

PREFIXES USED IN INQUIRY DOCUMENTATION

WG	Prefix for Welsh Government's evidence-in-chief
DD	Documents that were deposited for public scrutiny
S	Prefix for Supporters' document files
R	Prefix for files of those making representations
O	Prefix for Objectors' documents
DD	Prefix for deposited documents
ID	Prefix for documents raised/submitted at Inquiry

TABLE OF CONTENTS

1. PREAMBLE	7
2. PROCEDURAL AND LEGAL MATTERS.....	9
3. DESCRIPTION OF THE SURROUNDINGS.....	9
4 CASE FOR THE WELSH GOVERNMENT	11
5 THE CASE FOR THE SUPPORTERS	44
6 THE CASE FOR THE OBJECTORS.....	47
7 THE CASE FOR THOSE MAKING REPRESENTATIONS	71
8 THE WELSH GOVERNMENT RESPONSE TO THOSE MAKING OBJECTIONS AND REPRESENTATIONS.....	71
9 THE ALTERNATIVES TO THE DRAFT ORDERS	95
10 CONCLUSIONS	102
11 RECOMMENDATIONS	139
ANNEX A: APPEARANCES AT THE INQUIRY.....	141
ANNEX B: SUPPORTING DOCUMENTS.....	143
ANNEX C: MODIFICATIONS SOUGHT BY THE WELSH GOVERNMENT	153
ANNEX D: MODIFICATIONS TO THE ORDERS RECOMMENDED BY THE INSPECTOR.....	156

CASE DETAILS

- The Welsh Government's trunk road improvement proposal, known as Section 2 of the A465 Heads of the Valleys Road Improvement, 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 Amendment Line Order would be made under Section 10 of the Highways Act 1980 and is known as: THE NEATH TO ABERGAVENNY TRUNK ROAD (A465) (ABERGAVENNY TO HIRWAUN DUALLING AND SLIP ROADS) AND EAST OF ABERCYNON TO EAST OF DOWLAIS TRUNK ROAD (A4060) AND CARDIFF TO GLAN CONWY TRUNK ROAD (A470) (CONNECTING ROADS) ORDER 1999 (GILWERN TO BRYNMAWR) (AMENDMENT) 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 NEATH TO ABERGAVENNY TRUNK ROAD (A465) (ABERGAVENNY TO HIRWAUN DUALLING AND SLIP ROADS) AND EAST OF ABERCYNON TO EAST OF DOWLAIS TRUNK ROAD (A4060) AND CARDIFF TO GLAN CONWY TRUNK ROAD (A470) (CONNECTING ROADS) (GILWERN TO BRYNMAWR) (SIDE ROADS) ORDER 201 - (DD002).
- The draft Compulsory Purchase Order would be made under Sections 239, 240, 246, 250, 254 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 of the Acquisition of Land Act 1981 and is known as: THE WELSH MINISTERS (THE NEATH TO ABERGAVENNY TRUNK ROAD (A465) (ABERGAVENNY TO HIRWAUN DUALLING AND SLIP ROADS) AND EAST OF ABERCYNON TO EAST OF DOWLAIS TRUNK ROAD) (A4060) AND CARDIFF TO GLAN CONWY TRUNK ROAD (A470) (CONNECTING ROADS) (GILWERN TO BRYNMAWR) COMPULSORY PURCHASE ORDER 201 - (DD003).
- The draft Amendment Line Order (AO) and Side Roads Orders (SRO) were published on 10 October 2013. The draft Compulsory Order (CPO) was published on 31 October 2014. The concurrent objection period ended on 21 November 2013 (ID2, DD017, DD018, DD037, DD038, DD039).
- Notices of Intention to Issue 4 Certificates in accordance with Sections 19 and under paragraph 6 of Schedule 3 of the Acquisition of Land Act 1981, in respect of compulsory purchase of Common Land, Open Space and rights across Open Space were published on 31 October 2013 (WG01/Appendicies 4.1 and 4.2, DD004-DD007, DD204).
- 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 (DD019).
- An Environmental Statement (ES) was published on 10 October 2013. A statement to Inform an Appropriate Assessment (SIAA) in accordance with Regulation 61 of the Conservation of Natural Habitats and Species Regulations 2010 in connection with the potential impact that the scheme might have on the Usk Bats Sites, the River Usk and the Cwm Clydach Woodlands SACs was also published on this date DD008-

DD015, DD016, DD042, DD210.

- A voluntary supplement to the ES was published on 25 February 2014 in order to update the Environmental Impact Assessment because of minor design changes and discussions with the Statutory Environmental Bodies (DD056, DD058).
- An addendum to the SIAA and 'A Statement about Alternative Solutions, Imperative Reasons of Overriding Public Interest and Compensatory Measures (SASICOM)' also published on 25 February 2014. These were required as NRW and the Welsh Government could not agree on the conclusion of the original SIAA in relation to level of certainty that an adverse effect on the integrity of the Usk Bat Sites Special Area of Conservation (SAC) would be avoided (DD057, DD059).
- The Orders, if made, would authorise the Minister, acting on behalf of the Welsh Government, to carry out an improvement to the A465 Heads of the Valleys Trunk Road between Glanbaiden and a point west of Brynmawr where it would abut the dual carriageway currently being constructed. The Orders would also authorise the Minister to de-trunk a short section of the A465 at Saleyard, in addition to the powers already granted by the made 1999 Line Order for this length of the A465 Trunk Road (DD001-DD003).

SUMMARY OF RECOMMENDATIONS

I recommend that the draft Amendment (Line) Order be modified, to correct minor drafting omissions, and as modified 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

I further recommend that all 4 Certificates, in respect of the acquisition of Common Land, Open Space and Rights over Open Space, be issued.

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 (DD203, DD204).
- 1.2 I held a Pre-Inquiry meeting at The Gilwern Old School Community Centre, Gilwern, NP7 0AT on 22 January 2014. 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) (DD043).
- 1.3 I held the Inquiry at the Gilwern Old School Community Centre, School Lane, Gilwern, NP7 0AT, over 15 days between 18 March 2014 and 11 April 2014. In the order of 300 members of the public attended the Inquiry (DD044).
- 1.4 I undertook unaccompanied site inspections on 21 January 2014 and 17 March 2014 two targeted and accompanied site inspections on 21 March 2014 and 27 March 2014 and a widespread accompanied inspection after the closure of the Inquiry on 11 April 2014 (ID70).
- 1.5 There were 62 objections and 6 representations submitted before the end of the Inquiry. All were considered. At the close of the Inquiry 44 objections remained unsatisfied and Welsh Government had received 21 expressions of support for the principle of the scheme.
- 1.6 Fourteen witnesses gave evidence at the Inquiry on behalf of the Welsh Government. One supporter and 16 objectors appeared at the Inquiry or were represented.
- 1.7 At the end of the objection period the main grounds for objection to the draft Orders were:
 - the existing road is adequate
 - the widening of the A465 would be a waste of public money
 - the adverse impact on the Clydach Gorge,
 - the adverse impact on the National Park
 - the adverse impact on Scheduled Ancient Monuments (SAMs) and on the Blaenavon World Heritage Site
 - the adverse impact on protected species, on European Sites and on Sites of Special Scientific Interest (SSSIs)
 - the general disturbance to the environs of the area, including light pollution and the impact on the visual outlook from the communities of

Brynmawr, Clydach, Maesygartha and Gilwern

- traffic disturbance in Clydach North and Maesygartha during the construction period
- the inadequate provision for pedestrians and equestrians
- the unsatisfactory access to, and egress from, Gilwern where a full-movement junction on the A465 should be constructed instead of only east-facing slip roads
- the lack of a footbridge at Gilwern to replace the existing structure that would be removed by the widened road
- the proposed connection from the A465 to Station Road, Gilwern and the impact of the scheme on the local community there and along Old Trap Road
- the adverse effects on local business interests, including the outlook from, and operation of, the Monmouthshire and Brecon Canal, a garage and a Waste and Recycling Centre both at Brynmawr
- the adverse effects on agriculture and on farm businesses
- the poor design and location of proposed footbridges
- tree planting mitigation measures, which would block cherished views and occupy precious farmland
- the impact on the development of the Navigation Inn
- the Brynmawr junction would be too large and would adversely affect businesses, development potential of land and dwellings
- there are alternatives that would complement the draft Orders or which could be constructed in place of them.

- 1.8 The Welsh Government confirmed that all the Statutory Procedures had been properly completed before the start of the Inquiry (WGO1/B, ID2).
- 1.9 The proposed scheme would widen the existing road to a dual carriageway, mostly on its present alignment, but with 2.2 km constructed off-line. For a length of approx. 2.2km between Brynmawr and Blackrock, the eastbound carriageway would be up to 11 metres higher than the westbound. (WGO4).
- 1.10 This report contains a brief description of the area, the gist of the cases presented 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 as recommended by me.

2 PROCEDURAL AND LEGAL MATTERS

The material points were:

- 2.1 The Inquiry was conducted under the Highways (Inquiries Procedure) Rules (Wales) 1994 and The Compulsory Purchase (Inquiries Procedure) (Wales) Rules 2010 (DD208, DD209).
- 2.2 There were no procedural submissions at the Inquiry.
- 2.3 There was one legal submission on behalf of the Welsh Government in connection with the refusal of The Canal and River Trust, (a Statutory Undertaker), to accept compulsory purchase of several parcels of land within its ownership (ID68).
- 2.4 I explained at the Inquiry that matters of law are not for me to determine. However, to the extent that it related to the evidence adduced by the Welsh Government in responding to The Canal and River Trust's objection (O49) it does fall within my purview and I address it in my consideration of the evidence at paragraphs 6.49 and 8.130 to 8.132 and in my conclusions at paragraphs 10.9 to 10.11.
- 2.5 At the Inquiry one objector accepted an offer of a Welsh to English translation facility that was available on a daily basis (ID1). At the request of the same objector the advisory brochure outlining Alternative 5 to the draft Orders and promoted by him was made a bilingual document for public consideration.

3. DESCRIPTION OF THE SURROUNDINGS

The material points were:

- 3.1 An aerial photograph of the area, with the proposed scheme superimposed on it, is shown between pages 18 and 19 of the Environmental Statement Non-Technical Summary. This illustrates the dramatic topography either side of the existing A465 trunk road corridor that would provide the footprint for the proposed dualling scheme over most of its length (DD042).
- 3.2 In following the existing A465, the scheme would run on a north - west to south - east orientation, descending continuously at a 5% gradient from rugged high ground west of Brynmawr (AOD 350m) through The Clydach Gorge to the relatively low-lying open plain of The River Usk at Glanbaiden (AOD 120m).
- 3.3 Most of the scheme would be located within The Brecon Beacons National Park, with the exception of a relatively small area just north and west of Brynmawr. There a short length would lie within the administrative area of the Blaenau Gwent County Borough Council, with the rest within that of the Monmouthshire County Council (DD009).
- 3.4 At the western end, and west of the town of Brynmawr, the scheme would sit on the northern shoulder of the valley formed by the Clydach Dingle, in an area of made ground associated with mining spoil. In this vicinity and just north and west of the Clydach Dingle are the wide upland landscape slopes of Mynydd

Llangatwg, a vast area in the Brecon Beacons National Park characterised by extensive tracts of unimproved grassland (ID13).

- 3.5 From the Clydach Dingle the valley shoulder falls steeply to the outskirts of Brynmawr, where it turns sharply eastwards at an elbow and enters the dramatic and constrained valley of the River Clydach. The Clydach Gorge has a mosaic of ancient and semi-natural woodland, widespread industrial archaeology, mineral outcrops, numerous small caves and small residences. The sides of the gorge are almost precipitous in places, with dense deciduous woodlands in the valley bottom flanked by exposed steep cliffs, rock outcrops, scree slopes and water falls cascading sideways into the bedrock spine of the tumbling and fast-flowing River Clydach (ID38).
- 3.6 The existing trunk road is mostly a 3-lane single carriageway of varying width and alignment. It runs through the gorge on a high shelf carved into the northern side of the valley, which has necessitated extensive and domineering retaining structures and near sheer rock cuttings. In contrast, the bottom and southern side of the gorge houses remnants of its former heavy industrial heritage, many now cloaked in a canopy of regenerated woodland either side of the cascading river and its side streams that emanate from both sides of the valley. This environment provides tranquillity to an area close to an operational trunk road, and is crossed by major electricity power lines and clearly visible large pylons (ID38).
- 3.7 Large parts of the ecologically rich gorge and surrounding areas carry international, national and local designations for its wildlife habitats, landscape and heritage interests. This natural heritage has become integrated with the aftermath of the engineering, quarrying and transport legacy of the local and pioneering iron-making industry, which dominated the area from the early 17th century until the mid 20th century. The remnants of iron stone strata, coal levels, culverts, lime works and quarries, tram-roads, railroads, bridges, the canal, tracks, the formidable Clydach Ironworks itself, slag tips and workers dwellings all remain, but in a regenerated environment. This historic heritage is interspaced with a network of pathways, bridleways and rights of way for visitors to access the length of the gorge (WG06, WG07, WG09, WG11, WG11/B, ID13, ID17- ID21, ID23).
- 3.8 High and to the north of the gorge lie the small settlements of Blackrock and North Clydach, linked by the old single carriageway road, Main Road that runs parallel to the existing A465, to the lower lying Maesygwatha and Gilwern villages (ID34).
- 3.9 The communities of Old Trap Road, and Station Road, Gilwern are established, in rural surroundings, generally on a high tree lined precipices on the southern side of the valley, but split off from the main village of Gilwern by the existing A465 (ID34).
- 3.10 Within the gorge, and at relatively low level, lie the small settlements of South Clydach and Saleyard, with the existing A465 passing through or close to them.
- 3.11 To the east of Saleyard the valley and river become flatter and wider either side of Gilwern. Further east at Glanbaiden, near the eastern terminal point of the

scheme, pasture land lies at about 80m AOD, from which widespread views of the broad Usk Valley and the surrounding mountains emerge as the topographical character of the area transforms into that of a lowland river valley plain (DD009, DD034, DD042, ID34).

- 3.12 From Glanbaiden eastwards the trunk road is already constructed as a modern dual 2-lane carriageway with substantial widening of the central reservation near the Glanbaiden roundabout accommodating raised embankments that were constructed as part of Section 1 of the A465 improvement scheme, in anticipation of the fly-over of Section 2 being constructed later.
- 3.13 The whole A465 corridor is encased by the spectacular, massive, high and dominant mountain ranges of the Mynydd Llangattock, Llanelly Hill, Gilwern Hill and, in the distance, the Sugar Loaf. These ranges provide the grand setting into which the A465 and Clydach Gorge sit (DD009)

4 THE CASE FOR THE WELSH GOVERNMENT

The material points were:

The Background to the scheme

- 4.1 The A465 Heads of the Valleys road was constructed in the 1960s as a 3-lane single carriageway trunk road and was converted in 1975 to a 2+1 carriageway that permitted two lanes of traffic in one direction with one lane dedicated to the opposite direction of flow.
- 4.2 Over time the safe carrying capacity of that road layout became strained, a deficiency recognised in a 1989 traffic study, which recommended dualling the 40km from Abergavenny to Hirwaun, either side of which dual carriageways were already operational (WG01/B, WG03, WG04, DD524).
- 4.3 The A465 forms part of the Trans-European Road Network but, in running across the heads of the Glamorgan and Gwent Valleys, also functions as an important regional connector by linking the succession of north-south valley spine roads, local industry and communities (WGO1/C - Appendix 1).
- 4.4 In 1994 the public were consulted on options for the line between Abergavenny and Hirwaun. That consultation included two options between Gilwern and Brynmawr, one an on-line upgrade of the existing road and the other a clear deviation from the existing alignment through the Clydach Gorge. The public favoured the on-line option by a factor of 2.5 to 1, as did the Local Highway Authority, but the Local Planning Authority supported the alternative (WG01/C Appendix 3).
- 4.5 In July 1995 the Secretary of State for Wales announced the preferred line for the overall improvement and in 1997 a draft Line Order defining this was published with a full Environmental Statement (ES).
- 4.6 Following a Public Local Inquiry in 1998, the Secretary of State made the Line Order between Abergavenny and Hirwaun in 1999, together with the Side Roads and Compulsory Purchase Orders for Sections 1 and 4 of the Improvement. The

made Line Order was protected from development incursion by the issue of a TR 111 Notice to the Local Planning Authorities (DD020-DD036, DD051, DD052).

- 4.7 The 1998 Public Inquiry Inspector recommended that, within the Clydach Gorge, the then proposed climbing lane and any lay-bys, other than bus stops, should be deleted from the proposals (DD052).
- 4.8 The Secretary of State took note of these recommendations but considered that such matters could be addressed by detailed design necessary for a subsequent Compulsory Purchase Order (DD051, DD052).
- 4.9 The improvement was divided into 6 sections for construction and administrative reasons. Sections 1 and 4, between Abergavenny and Gilwern, and between Tredegar and Dowlais respectively have been completed. Section 3 from Brynmawr to Tredegar is under construction.
- 4.10 In June 2011 the contractor Costain was awarded an Early Contractor Involvement (ECI) contract to design and, if approved, construct Section 2 between Gilwern and Brynmawr (WG01/A, B, C, WGO5).
- 4.11 The 1999 made Line Order gave the Welsh Ministers authority to proceed with the whole of the original scheme but following a Public Local Inquiry for Section 3 in 2011 and development of the design some alterations were made that caused a deviation from the original line. Consequently, the earlier made line for Section 2 was no longer compatible at its western end with that being constructed for Section 3, near Brynmawr.
- 4.12 Furthermore, since 1999 the status of a major physical constraint on the original design, the large Anacomp factory at Brynmawr, changed. The Usk Bats Site became a designated SAC and the Habitat Regulations Assessment process evolved over this period, bringing with it greater protection for special areas and features (DD053, DD210).
- 4.13 The current draft Amendment Order would substitute the approved 1999 Line Order with a fresh line for section 2. The amended line was developed in recognition of the changes to section 3, the demise of the Anacomp factory and the raised status of the environmental restraints near Brynmawr (DD001).

The Differences between the 1999 scheme and the current proposals

- 4.14 The changes to the 1999 scheme were:
 - Through the Clydach Gorge there would be narrow hard strips and verges and no climbing lane.
 - At Gilwern a junction between the village and the A465 would be created for eastbound on and off traffic.
 - The Saleyard junction would use more of the existing A465 alignment (WG01/A, B, C).
 - The main carriageway alignment through Brynmawr would be moved

further north and the junction layout re-configured.

- Intermediate Road would be stopped up for vehicle access.
- A split level carriageway would be introduced from Brynmawr to Blackrock.

National, Regional and Local Policies, Programmes and Strategies

Programme for Government 2011-2016 (DD101)

4.15 The Programme for Government 2011-16 is the current action plan aimed at delivering the Government's manifesto. It includes the high level aims and key actions of:

- strengthening business, jobs creation and economic growth
- reducing poverty, especially persistent poverty and reducing the likelihood of people becoming poor
- ensuring rural communities remain vibrant and thrive and are able to offer an excellent quality of life and have improved accessibility by delivery of the National Transport Plan (DD105)
- improving Welsh skills for employment by encouraging apprenticeships and young people to enter science and engineering
- tackling "worklessness" and raising household income
- creating sustainable places for people and introducing the Highways and Transport (Cycle Routes) Bill (DD205)
- making communities safer.

4.16 In support of the Programme, the scheme would help economic and business growth by reducing transport costs and providing certainty. Community safety would be improved by targeting high-risk road users in order to reduce casualties. Cycle routes would encourage sustainable travel. The contractor would offer apprenticeships and engage with pupils of the local school, thereby aiding prosperity and encouraging young people to follow a career in engineering and construction (WGO1/A, WG05)

The Wales Spatial Plan (2008 update) (DD102)

4.17 This establishes the context for spacial planning considerations in Wales. It promotes sustainable development that improves well-being and the quality of life 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. The vision for South East Wales is that the region would compete internationally by increasing its global visibility through stronger links between the Valleys and the coast and with the UK and the rest of Europe;

helping to spread prosperity within the area and benefiting other parts of Wales.

- 4.18 The Spatial Plan Capital Network Strategy envisages new development being targeted on 14 key settlements, one of which is the Heads of the Valleys area, an area recognised as one of the most vulnerable areas of South East Wales. The Plan recognises the A465 as an important transport corridor serving this area and linking it to West Wales and the West Midlands and providing access to the Brecon Beacons National Park and Central Wales. Additionally the A465 is the main road linking the "priority key settlements" of Merthyr Tydfil, Caerphilly Rhondda Cynon Taf, Aberdare and Abergavenny. The Plan highlights the 15-year regeneration strategy, which is being developed in full partnership with the 5 Local Authorities covering the administration of these areas.
- 4.19 By improving the A465 the scheme would support the aspirations of the Plan by providing greater certainty of travel, which, in turn, could lead to an improved perception of the social and environmental aspects of the area (WGO1/A).

The Wales Transport Strategy (DD206)

- 4.20 The Strategy promotes a sustainable transport network that safeguards the environment while strengthening the country's economic and social life. It sets out the Welsh Government's strategy for transport including the following:
- reducing greenhouse gas emissions and other harmful environmental effects, including air pollution
 - adapting to the impact of climate change
 - increasing the use of sustainable materials
 - integrating local transport
 - improving access between key settlements, to education, training, shopping, leisure facilities and health care
 - improving access to employment opportunities
 - improving the efficient reliable movement of freight, people and access to visitor attractions
 - enhancing international and national connectivity
 - increasing actual and perceived safety and security
 - improving the impact of transport on the local environment, heritage and biodiversity.

In line with this policy the scheme would:

- ensure this new transport infrastructure along the A465 is resilient to climate change by engineering and design
- reduce traffic noise, severance, air and water pollution and the harmful

effects on biodiversity by incorporating extensive mitigation measures into the scheme

- use local materials, some of which would be won on site
- provide connections for walkers, equestrians and communities by underpasses and footbridges across the dual carriageway and footpaths and bridleways elsewhere
- provide walking and cycling links to communities and to the long-distance national cycle route (NCR) network through NCR route 46
- improve the reliability of the road networks between key settlements and local employment sites
- improve strategic east-west routes
- reduce road casualties by providing a safer form of carriageway and removing collision prone cluster sites.

The National Transport Plan of March 2010 (DD105)

- 4.21 The Plan sets out how the Transport Strategy would be delivered over the 2010-2015 period. It recognises that the A465 Heads of the Valleys Road provides a strategic link for the northern Valleys, supporting regeneration and providing an alternative link between West Wales and the Midlands.
- 4.22 The National Transport Plan was prioritised in December 2011 and confirmed the proposed start for the scheme as 2014, which is consistent with the formal Reprioritisation of the Trunk Road Forward Programme. Inclusion of the scheme within the National Transport Plan confirms that it meets the general sustainability requirements of Government policy documents.
- 4.23 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 Wales Transport policies (DD507).
- 4.24 The National Transport Plan prioritisation of 2011 confirmed the scheme for a start in 2014-15.
- 4.25 In line with the National Transport Plan the improvements to the A465 would:
- help the integration of local transport by reducing congestion on local roads for local transport
 - improve access between key settlements and sites by improving journey times and reliability
 - enhance international connectivity, because the A465 is part of the Trans European Transport Network
 - increase safety and security by providing safe overtaking opportunities

and cycle ways

- reduce greenhouse gas emissions and other environmental impacts by eradicating congestion.

Road Safety Framework for Wales (ID5) (DD108) (DD106)

- 4.26 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 dualling a heavily used single carriageway and removing through traffic from existing junctions would help achieve these targets.

Trunk Road Forward Programme (TRFP) 2008 Reprioritisation (DD106)

- 4.27 The scheme is ranked within Phase 2 of the TRFP, which is defined as “high ranking” and scheduled to start construction between 2011 and 2014.

The Active Travel (Wales) Act 2013 (DD207)

- 4.28 The Act requires the Welsh Government and Local Authorities to continually improve routes for cyclists and pedestrians and, in the case of new roads, to build in safe and practicable improvements at the design stage. The design of the scheme has demonstrably complied with the Act.

Relevant National and Regional Economic Policies

The Wales Investment Plan for Growth and Jobs (DD104)

- 4.29 The Plan was published in 2012 and sets out the Welsh Government’s strategic capital investment priorities, their scope, coordination and delivery for major infrastructure investments to stimulate economic growth and make a significant contribution to the long-term economic, social and environmental well-being of the people and communities of Wales. The Plan includes the scheme as a high-level investment priority aimed at improving east-west links for a start of construction in 2014-15.

Turning Heads- A Strategy for the Heads of the Valleys 2020 (DD111)

- 4.30 The strategy provides a strategic framework for the Heads of the Valleys area and sets out its vision in line with the Wales Spatial Plan. The upgrading of the Heads of the Valleys Road is regarded as a key opportunity in the strategy to compliment the local regeneration set out in the Strategy. The strategic goals are to:

- provide well used and easily accessed amenities
- link people directly with work
- improve opportunities for business and individuals
- link local and regional attractions and facilities.

- 4.31 The scheme, which is recognised in the strategy, would contribute towards, and be a fundamental part of, the strategy by providing improved transport links from deprived communities and encourage economic growth within the corridor (WG01A).

European Structural Funds 2007-2013 – Sustainable Transport Framework (DD112)

- 4.32 The overall aim of the Framework is to increase accessibility within regions that need regeneration. It specifically targets improvements to the Trans European Road Network, which improves accessibility to European markets and to job opportunities and to schemes that reduce congestion and the associated carbon emission levels. The Framework recognises the scheme as one that would give impetus for economic and social regeneration of this area of South Wales (WG01A).

Vibrant and Viable Places-New Regeneration Framework (2013) (DD114)

- 4.33 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 more jobs
 - well connected communities, supported by transport
 - a well-managed historic and natural environment, with heritage and historic character conserved, valued and sustained
 - a skilled and confident workforce
 - a sustainable and high quality local environment.

Relevant Local Planning Policies for Development and Enterprise

The Ebbw Vale Enterprise Zone (DD529)

- 4.34 This is one of 7 such zones in Wales. Its purpose is to encourage investors and businesses to relocate in Ebbw Vale. The scheme would substantially boost the endeavours of the enterprise.

The Blaenau Gwent County Borough Council Regeneration Strategy 2009 (DD118)

- 4.35 The Regeneration Strategy states that the A465 is the most important link to the national road network. Upgrading it has been a top priority in strengthening Blaenau Gwent's competitive advantage.

The Regional Transport Plan of the South East Wales Transport Alliance

- 4.36 The Alliance has a 15-year programme for integrating transport and making it

sustainable by 2025. Its vision is to have a modern accessible and integrated transport system that increases opportunity, promotes prosperity for all and protects the environment. The scheme would assist in the realisation of this vision by reducing congestion, making public transport more reliable and improving the visual appearance of the area (DD110).

Blaenau-Gwent County Borough Council - Local Development Plan, adopted November 2012 (DD509)

- 4.37 Policy T6 of the LDP states that the scheme would facilitate the regeneration of the area and that there is an expectation that the improvement would generate new and sustained economic activity and investment.

Monmouthshire County Council-Local Development Plan, adopted February 2014 (DD510)

- 4.38 This identifies the need for economic growth and prosperity to improve the range and quality of employment opportunities available in Monmouthshire.

Brecon Beacons National Park Authority Local Development Plan, adopted December 2013 (DD542)

- 4.39 The Plan stipulates development control policies and that major developments should only take place where proven to be in the public interest. Under the LDP the Authority will oppose any proposal to construct a new route through the National Park, or any programme of major improvements to existing routes that would cater for or encourage their use by additional through traffic, with the exception of the A465, A470 and any scheme protected by a Road Line Order.
- 4.40 A made Line Order already protects the overall A465 scheme. The Plan goes on to say that the Authority would support the principle of the A465 widening because it would reduce traffic on the A40 trunk road through the National Park and would improve safety on the A465. Concern was expressed about the impact on the Clydach Gorge, which would need special consideration (DD051).
- 4.41 Policy 14 of the Plan stipulates that development proposals will only be permitted where it is proven that no detrimental impact on air quality, individually or cumulative would be experienced. Proposals for development that are likely to impact negatively on air quality, or are potentially polluting, would not be permitted unless mitigation measures to avoid the impact are provided (WG01).

***Relevant National and Regional Environmental and Landscape Policies
The Environment Strategy for Wales (DD113)***

- 4.42 The Welsh Government's long-term strategy for the environment is set out in the document Environment Strategy for Wales 2006. Its aim is 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 wellbeing 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 (WG06).

- 4.43 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 necessary to comply with European and UK Environmental Regulations have been completed in the design phase 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, DD212, DD214, DD216, DD217, DD218, DD219).

A465 Heads of the Valleys Landscape Strategy 2007 (DD116)

- 4.44 This strategy has been produced to strategically guide the landscaping of the whole of the A465 improvement from Abergavenny to Hirwaun. The landscaping proposed for the scheme accords with the overall strategy in order to:
- focus on interventions and improvements within the zone of the scheme's visual influence
 - convey the Heads of the Valleys story, its people, attractions and facilities, and the potential role of public art locally
 - provide opportunities for visitors and travellers to access the landscape to promote healthy living
 - provide "gateways" to the wider landscape including the BBNP, the Blaenavon World Heritage Site and local attractions.

Climate Change Strategy for Wales 2010 - the Adaptation Plan (DD115)

- 4.45 The Welsh Government has a 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 adaptation as part of their approach to sustainable development. The scheme would reduce existing congestion thereby reducing emissions, although it would not reduce traffic growth.

The Control of Pollution Act 1974 (DD229)

- 4.46 The Control of Pollution Act provides Local Authorities with powers to control noise from construction sites and recommends that guidance provided by British Standard 5228 be implemented in respect of major construction works. The Local Authority may serve a notice specifying the level of noise and vibration that must not be exceeded on a particular site. The contractor must obtain prior consent for working hours (WG05, DD402, DD403).

The Environmental Noise (Wales) Regulations 2006 Amended 2009 (DD231)

- 4.47 The Regulations required environmental noise maps to be produced in areas

surrounding major roads in Wales and Action Plans for the management of noise in these areas.

The Noise Insulation Regulations 1975/1998 (DD226, DD227)

- 4.48 These specify that a Highway Authority must offer sound mitigation for properties where traffic on a new road would contribute an increase in noise of at least 1 dB (A), be at a level of 68 dB (A) or higher and be at least 1 dB (A) more than the prevailing level without the road. Where calculations show that to be the case the property owners would be notified (DD226, DD227).

Planning Policy Wales v6 - Noise (PPW) (DD120)

- 4.49 PPW states that the object of a policy for noise is to minimise emissions and reduce ambient noise levels to an acceptable standard because noise has a direct impact on wildlife and amenity (DD120).

Monmouthshire County Council Adopted Unitary Development Plan, 2006 Superseded by 'Adopted Local Development Plan (DD543)

- 4.50 Policy ENV6 of the Plan states that, in the case of noise generating developments, developers should submit information on the likely noise impact and undertake measures to mitigate the noise. If, after mitigation, noise would remain unacceptable the development should be refused. The contractor would engage with the Authority well before the start of construction in order to get authority to proceed (WG06).

Relevant National and Local Policy on Heritage

Planning Policy Wales (DD120)

- 4.51 Development Plan policies should reflect the need to protect a site in the World Heritage List, emphasising the need to protect both the site and their settings for future generations.
- 4.52 With specific regard to the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, Planning Policy Wales states that Local Planning Authorities should take account of the scale of developments that would have more than a local impact on an historic lands

Brecon Beacons National Park Authority Development (BBNP)

- 4.53 Development that directly or indirectly affects areas registered as historic landscapes will only be permitted if the essential integrity and coherence of the area, as defined in the Register, is preserved or enhanced. Development proposals that would adversely affect the setting of a listed building will not be permitted (DD509).

The Objectives of the scheme

4.54 These are:

- Objective 1 - to improve the Heads of the Valleys Road between Gilwern and Brynmawr from a single 3-lane carriageway to a dual 2-lane carriageway to programme and budget
- Objective 2 - to maintain the current level of service and to carry out improvements
- Objective 3 - to reduce journey times for private and commercial road users
- Objective 4 - to facilitate economic regeneration
- Objective 5 - to enhance road safety and reduce casualties
- Objective 6 - to have due regard to the environment
- Objective 7- to deliver a scheme that is sustainable and with due regard to the natural and built environment
- Objective 8 - to improve non-motorised user provision and provide opportunities for healthier lifestyles
- Objective 9 - to deliver a scheme that minimises future maintenance requirements and disruption of the network
- Objective 10 - to reduce journey time variability and improve resilience on the A465
- Objective 11 - to use the A465 to manage traffic effectively and improve resilience on the strategic road network in South East Wales
- Objective 12 - to deliver a scheme that integrates with public transport and the local transport network
- Objective 13 - to improve access to healthcare, education and leisure facilities
- Objective 14 - to reduce community severance (WGO1/B).

The Existing Road Conditions

- 4.55 Between Glanbaiden and Saleyard the existing road operates partly as a two-lane and partly as a three-lane single carriageway. West of Saleyard it utilises two lanes, to climb steeply through the Clydach Gorge to a large roundabout just east of Brynmawr, with one lane, on which overtaking is restricted, catering for traffic down the slope. North of Brynmawr the single 2+1 road sharply changes direction and continues on a rising gradient towards Tredegar, again with two lanes in the upward direction.
- 4.56 Over these lengths there is no central medium between opposing traffic flows, which effectively reduces the theoretical carrying capacity below that of a modern 2+1 single carriageway. Traffic flows and speeds are restricted by road

width, lane availability, gradient, at-grade junctions and limited opportunity for overtaking, particularly where only one lane is available. The road is governed by a mandatory 50 mph speed limit (WG01, WG04).

- 4.57 The 2011 annual average daily traffic flow (AADT) on this section of the A465 is in the order of 20,000 vpd. That level of traffic causes queuing at the Glanbaiden and Brynmawr junctions and platoons of traffic on the single lane sections (WG03).
- 4.58 By 2017 the traffic flow between Gilwern and Brynmawr is predicted to grow to 22,760 vpd. That would exceed the recommended maximum traffic flow limit of 21,000 vpd AADT set out in the Standard TA46/87: Traffic Flow Ranges for Use in the Assessment of New Rural Roads, for a modern road 2+1 road (WG03, WG04).
- 4.59 By the design year of 2032 traffic would grow along this section of the A465, even if no improvement was made, with daily flows of 27,000-29,000 vpd forecast. That would cause a significant worsening in traffic conditions with delays prevalent throughout the day (WG03, WG04).
- 4.60 The existing single carriageway through the Clydach Gorge already causes driver frustration, speeding (up the slope), accident clusters and some head-on collisions. Platoons of eastbound traffic only proceed at the pace of the slowest vehicle, and the steep westbound gradient is a challenge for heavy vehicles. Similarly Brynmawr and Glanbaiden roundabouts obstruct through traffic, as do the westbound rising gradients emanating from both these locations (WG03, WG04).
- 4.61 The existing road is lit throughout with obtrusive yellow sodium lights.
- 4.62 Routine and planned maintenance operations on the existing road are problematic because of the complexities of maintaining a heavily used single carriageway, disproportionate traffic management costs and danger and congestion caused by the removal of part of the operational carriageway.

The Proposed Road

- 4.63 In 2012 and 2013 the Design Commission for Wales was asked to assess three early designs of the scheme. A further assessment is planned. The observations of the Commission have been incorporated into the design that forms the basis of the draft Orders. A set of plans and a detailed description of the resultant scheme can be seen at WG03/A, and at Section 6 of WGO4.
- 4.64 The scheme would provide 8.1 km of dual 2-lane carriageway between the junction at Glanbaiden and a point 200 metres north of Intermediate Road, Brynmawr. In so doing it would connect the dual carriageway constructed as Section 1 of the A465 Improvement, to the east of Glanbaiden, to the dual carriageway currently under construction as Section 3, about 450 metres north of Brynmawr roundabout. The proposed carriageways would follow the trace of the existing road for about 5.9 km, before departing onto a new off-line alignment for 2.2 km.

- 4.65 There would be departures from normal engineering standards, the main mitigation to which would be a 50mph speed limit imposed on the road (DD516).
- 4.66 Four main junctions would connect side roads to the dual carriageway, which would fly-over the side roads in order to provide uninterrupted flows for through traffic (DD515). These would be at:
- Glanbaiden - where the dual carriageway would fly-over the local road roundabout with four slip roads providing connections from the A465 to the B4246 Govilon Road and the A4077 Abergavenny Road, Gilwern.
 - Gilwern - where easterly facing slip roads would be constructed from and to the A465 on the northern side of the trunk road. No west facing slip roads would be created. A new local road would be constructed to provide a link between the village and Station Road and Old Trap Road to the south of the trunk road. That link road would be bridged over the dual carriageway but without a connection to it.
 - Saleyard - where a compact junction with four slip roads would provide connections to the trunk road from South Clydach and from North Clydach and Maesygartha to the north.
 - Brynmawr - where an all-directional, widespread and complex junction would provide an interchange between the A465 and Brynmawr with a grade-separated link to the Brynmawr Foundation School, Main Road and Hafod Road carried over the dual carriageway on a new Gateway bridge. The westbound on-slip road from Brynmawr roundabout would be elongated to provide a lane-gain/crawler-lane to connect to a crawler lane, which is currently under construction as part of the Section 3 contract, about 250 metres north of Intermediate Road.
- 4.67 West of Brynmawr the existing Intermediate Road Bridge would be demolished and the Hafod footbridge erected nearby to restore pedestrian movements across the A465. This could be adapted to carry equestrians.
- 4.68 Between Glanbaiden and Saleyard the dual carriageway would generally adopt the alignment of the existing A465, but west of Saleyard the alignment would depart southwards and require a new bridge over the River Clydach. Between Blackrock and Brynmawr the eastbound and westbound carriageways would be split, with level differences about 8 metres rising to 11 metres. A substantial retaining wall would support the eastbound carriageway.
- 4.69 The road cross-section would generally comprise twin 7.3 metre wide carriageways with 0.5 metre wide hard-strips, a minimum verge width of 2.3 metres and a minimum central width of 2.5 metres. However, through the constrained section alongside the Hafod Arch, the verge and central reserve dimensions would be further reduced.
- 4.70 An emergency lay-by would be provided off the eastbound carriageway at

Saleyard and another at Blackrock for westbound traffic and an arrester bed lay-by would be constructed near the bottom of the slope through the Gorge. Two new bus stops would be provided at Saleyard, with existing bus stops retained at Blackrock and Clydach (DD306, ID73).

- 4.71 Two bridges would be built at Glanbaiden and a further two at Saleyard. Two additional structures would be needed to carry side roads elsewhere and a complex long-span steel-arch structure would be built to cater for local traffic movements associated with the Brynmawr junction. In total 13 new bridges would be required. The form of these structures is set out at Section 6.4 of WG04. Discussions about the proposed finishes would continue with the BBNPA and NRW but photomontages and drawings of each are illustrated at ID11, ID42 and ID51.
- 4.72 New footbridges and subways would be provided at Pont Harri Isaac, Blackrock, Clydach (Dan y Coed) and Pant Glas to preserve existing movements to bus stops, following removal of the existing facilities. The existing footbridge at the Lion Hotel would be demolished. All existing subways would be converted to provide road crossings for bats. The potential for a number of post construction footpaths to inherit construction tracks would be discussed with the local authorities.
- 4.73 The proposed Gilwern Bridge would carry a 7.3 metre wide carriageway, with a wide verge/footway on the western side (ID30, ID45).
- 4.74 To accommodate the topographical and environmental constraints about 11.5 km of retaining structures would be built, particularly in the Clydach Gorge where the presence of caves and other sub-surface uncertainties would necessitate extremely careful and flexible engineering and thorough and continuous monitoring. Full descriptions of the complex earthworks are set out in WG04 and WG05.
- 4.75 Cutting and embankment slopes would be limited to 1 in 2, unless engineering works to reinforce the earthworks were undertaken. In places the slopes could be flattened to blend into the natural slopes. In order to reduce the visual impact of rock cuttings these would be restrained to about 40 deg where possible. Rock faces would be cut at natural angles having regard to public safety on the highway below. Retaining walls in some locations would be faced with natural stone won locally on site and green slope measures would be adopted to blend with the topography and flora (WGO4, ID11).
- 4.76 The dual carriageway would be screened by landscaping, have noise bunds at Saleyard and Gilwern, a noise barrier at Blackrock and a noise absorbent surface throughout. A skid resistant surfacing would be used at junctions.
- 4.77 The road would be lit throughout using light emitting diode units, which would reduce light spread and pollution. Lighting columns, either 10 or 12 metres high, would be located to ensure that drivers breaking down at night would be able to see the perils of falling from the verge and central reservations that otherwise would not be obvious in the dark. The detailed design of the lighting would minimise the impact on bats and light spillage into their habitats and onto property. Directional signing would be restricted in size to reduce impacts on the

high quality landscape (DD590).

- 4.78 The drainage system has been designed to intercept pollutants in the road surface run-off and to regulate the rate of run-off to that acceptable to NRW.
- 4.79 A number of public rights of way, including National Cycle Route (NCR) 46, in the Clydach Gorge would be affected but, following construction, these would be reconnected. A new cycle route would be introduced into the network to link with NCR 46 and Hafod Road. Some routes would be disrupted during construction but the more important underpass and bridge crossings, which provide village access would remain open until new structures are completed.
- 4.80 A Stage 1 Road Safety Audit was carried out in June 2013. Its recommendations were responded to in the Designer's Response. Fifteen relaxations and 14 Departures from Standard were adopted in the final design. The Technical Review Panel of the Welsh Government formally accepted them (DD513, DD514).

Traffic Justification for the scheme (WG03)

- 4.81 Extensive data collection took place in 2009 and 2011 from which an accurate picture of traffic patterns was drawn. This was based on roadside interview surveys, manual, automatic and video classified counts, turning movements, queues and journey time observations. Current flows between Brynmawr and Gilwern were in the order of 19,000-19,500 vehicles on an average day (vpd AADT) (WG03, ID50, DD502).
- 4.82 The data showed a "through traffic" growth between 2006 and 2009 of 10%. In contrast local junction traffic grew by 3-4% over this period.
- 4.83 From the data collected a computer traffic model of the area was populated to produce predicted traffic forecasts for 2017 and 2032. Details of the model and its testing are set out in the Local Model Validation Report which was developed in accordance with the design methodology set out in the Design Manual for Roads and Bridges (DMRB). The traffic model validated satisfactorily (DD 503, DD504, WG03/A Appendix C).
- 4.84 Without the scheme in place traffic flows in 2017 would be in the range of 21,200 vpd west of Glanbaiden to 22,800 vpd east Brynmawr based on mid range growth parameters. With the proposed scheme operational these 2017 flows would increase to about 28,000 vpd and 29,000 vpd respectively (DD504, WG03).
- 4.85 By the design year of 2032, assuming mid-range traffic growth and no improvement of the A465 the range of flows would grow to about 27,000 vpd west of Glanbaiden and 29,000 vpd east of the Brynmawr junction. These flows would be well in excess of the comfortable carrying capacity of the severely restricted 3-lane A465 in its current form (WG03/A Appendix E table 6, WG04).
- 4.86 With the proposed scheme operational those 2032 flows would increase to 40,800 vpd and 42,900 vpd respectively, as the attraction of the improved route draws traffic away from less attractive parts of the South Wales network. These

flows would justify a dual 2-lane all-purpose carriageway (WG03, WGO4).

- 4.87 The traffic predictions do not take account of the Circuit of Wales development because generated flows from that development are unlikely to coincide with peak flows on the A465, there would be only about 10 major events each year and an allowance for development based traffic within the Blaenau Gwent region has been included in the predictions.
- 4.88 Completion of the remaining sections of the A465 Improvement project would increase the predicted traffic by about 5%. Construction of the M4 relief road would divert about 1% of the traffic away from the A465.
- 4.89 With the scheme in place the model indicates that journey times for west to east traffic would reduce substantially and by as much as 9 minutes per vehicle. Journeys from east to west would also be quicker with about 2 minutes saved over current durations. The scheme would remove all junction queues (WGO3).

Road Safety Justification for the scheme (WG03)

- 4.90 Collision data was obtained and analysed for the period 2007-2012 over the length of the scheme. There were 31 personal injury accidents reported but other collisions would have occurred and not been reported. Of these there were 2 fatalities and 7 were serious and most occurred in the light, in dry road conditions. Only 23% occurred in wet or icy conditions, which is well below the UK average of about 46%. There were junction cluster sides and two head-on collisions, which probably would have been prevented by a dual carriageway restraint system. With the scheme in place all junctions would have through traffic removed thereby reducing conflict with local movements (DD501).
- 4.91 The predictions show that with the scheme in place there would be 163 collisions saved over the 60-year assessment period, including 6 fewer fatal accidents and 23 fewer serious accidents (WG03).

Cost and Economic Justification for the scheme (WG02, WG03)

- 4.92 The scheme would cost in the order of £190m at Quarter 4 2012 prices, inclusive of design and land costs. Within that figure an allowance of about £28m covered risk and a further £9.5m covered contingencies that, based on historic data would arise. This level of risk is reasonable because a significant of ground survey work is available and understood and the contract includes incentive clauses to keep costs low (ID16, DD512).
- 4.93 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 discounted scheme cost would be in the order of £170.4m and the corresponding benefits that would accrue for the nation would be in the order of £248.4m, giving a BCR of about 1.46, which means that, for every £1 of public money spent on the scheme, it would reap £1.46 in public benefit over a period of 60 years. It would be a sound investment of public funds. (DD508, DD512, DD517).

- 4.94 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 A465, which, as a single carriageway, currently presents significant maintenance challenges and delays to traffic. They do not take account of more probable future accident rates on the single carriageway, which could have been significantly underestimated when compared to similar roads in the UK. Therefore additional benefits from a dual carriageway would probably accrue (WG03).
- 4.95 Taking account of wider community and business benefits the BCR for the scheme would increase to 1.65, as the overall benefits increase to £280.9m (WG02, DD534).
- 4.96 The effect of the opening of the remaining sections of the A465 improvement would be to enhance the economic case for the scheme (section 2) and increase its BCR from 1.46 to 1.65, without the wider benefits mentioned above being taken into account (WG02).
- 4.97 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 (WG04)

- 4.98 It is anticipated that phased construction would start in late 2014 and continue for 38 months with a 1-year aftercare commitment for the engineering works and a 5-year maintenance period for the mitigation works. Local labour would be employed, training would be undertaken and apprentices would be taken on.
- 4.99 For the on-line sections, one existing lane would be removed from use and extensive traffic management measures would be deployed throughout. The main site access points would be direct from the A465 and use of the local road network would be restricted. The main compound would be established near the eastern extent of the scheme. That would have limited impact on dwellings, sensitive ecological and environmental areas, protected designated sites, major utilities and the National Park. Further satellite offices would be located near the proposed major structures and other remote structural locations.
- 4.100 Fencing and property surveys would be carried out early during the construction period, and site clearance undertaken during the first 9 months, with the main earthworks and drainage starting in early 2015. The whole of the works would be temporarily fenced off and sensitive environmental areas protected. The site workforce would be trained to respect sensitive areas and temporary attenuation traps would be incorporated to protect the large number of watercourses from potential run-off and fuel pollution. About 16 permanent water attenuation ponds would be built early to intercept pollutants, and a site-specific water management plan would be created. Invasive weeds would be removed in accordance with best practice for such activity.
- 4.101 The mainline pavement would be laid progressively from late 2014.
- 4.102 All local public rights of way would remain open during the construction period,

or be temporarily diverted. Existing culverts would be converted for bat flight paths and vegetation preserved for foraging wherever possible. Detailed discussions with NRW would continue in order to minimise disturbance to wildlife (ID23, ID24).

- 4.103 The bulk earthworks design has been optimised to balance cut and fill volumes and consequently little import or export of earthworks material would be necessary, but there would be some inter-site haulage of materials using the A465. Discussions with the Local Authorities would be held to minimise the off-site transport of bulk materials. Contaminated materials would be disposed of in a licensed disposal facility and procedures would be in place to deal with unknown contamination. Stockpiling of material would be clear of sensitive areas.
- 4.104 Rock excavation would be necessary over a substantial part of the site and would be carried out by ripping, chiselling and, in the harder rock areas, by blasting. Passing traffic would be protected during such operations. Blasting would be subject to strict controls and undertaken by experienced specialists. A Public Liaison Officer would alert the public. Specialist contractors would be employed to demolish 8 buildings, 2 footbridges and The Intermediate Road Bridge, which would require closure of the trunk road over limited periods. In the geological Site of Special Scientific Importance (Brynmawr SSSI) the works programme would enable logging of the exposures to be undertaken (ID22).
- 4.105 Near the Brynmawr roundabout old mine workings would need to be treated and any contaminated materials or run-off from those workings and the former Anacomp factory site would be dealt with in accordance with detailed method statements.
- 4.106 The location of caves, unknown voids and underground gullies would be surveyed and monitored during construction in order to reduce disturbance to bats and stalagmites. Special blasting considerations would be considered close to caves (DD555, DD554, DD555).
- 4.107 The bridges, footbridges, a river crossing, retaining walls and underpasses would be constructed in reinforced concrete or steel and the retaining walls in some locations would be faced in local stone. Because of the complexity of some parts of the site the structural work would need to rely on piling, ground anchorage and stability engineering.
- 4.108 All construction noise would be subject to control by the Blaenau Gwent County Borough and Monmouthshire County Council Environmental Health Officers and would be monitored. An application would be made to the Local Authorities under Section 61 of the Control of Pollution Act 1974 at least 28 days before construction starts (DD229, DD230, DD231, DD232).
- 4.109 Dust and construction plant emissions would be suppressed by water spraying, sweeping, construction vehicle control, haul road alignment, maximisation of off-site fabrication, and the regulation of the transport of hot bitumen. Effective barriers would be erected to protect sensitive receptors. A public liaison officer would advise local residents and receive and register feedback or complaints. Specialist Clerks of the Works would supervise all construction activities that

would be bound by the Construction Environment Management Plan (CEMP). A constraints drawing would be produced to protect sensitive areas of vegetation during construction and a communication strategy has been developed and would be regularly updated. A commitments register would govern much of the design and construction. An emergency response plan would be developed for the construction period (DD221, ID54).

- 4.110 Working hours for normal site activity would be 7am to 7pm, finishing at 5pm on Saturdays. There would be night working for tasks that could not be carried out during the day because of the traffic restrictions. The relationship between these activities and dwellings is detailed at Figures 13.6-13.13 of Volume 3 Appendix 1.1-10.2 of the ES (DD009).
- 4.111 Where temporary land would be required for construction, or storage, the topsoil would be excavated and stored for relaying after completion. The before and after conditions would be recorded for inspection.
- 4.112 Significant diversion of Statutory Undertakers plant would be required, particularly near Brynmawr and frequent contact would continue with these Undertakers. Two high pressures gas mains would need to be diverted. Construction works associated with the trunk sewer would ensure that flows continue to the treatment works.

Matters of Flooding, Pollution Control and Drainage (WG04)

- 4.113 Drainage of the road would be through a combination of channels, filter drains, kerb and gully systems. The series of 16 balancing or attenuation ponds would be linked to the road drainage network using gravity drainage in order to restrict outfall flows to Greenfield run-off rates of discharge. Pollution control measures would apply to the off-line and on-line sections and the existing A465, which currently has no control features. These have been agreed with the NRW (DD518).
- 4.114 The drainage storage has been designed for a storm intensity of 1 in 100 years, plus a 20% climate change allowance. No flooding or water quality issues would arise because mitigation measures have been designed into the scheme to protect the trunk road and the surrounding area, including the aquifer source protection zone. The proposed westbound on-slip road from the Brynmawr roundabout would still be susceptible to flooding but the risk of that would be reduced by the incorporation of a new overflow culvert, which would reduce risk to that of a 1 in 100 year annual chance occasion.
- 4.115 Land adjacent to the scheme, and downstream of it, would be protected by the construction of attenuation ponds and underground tanks where acceptable to the NRW. Swales would be incorporated early into the construction to reduce risk of flooding to a 1 in 100 year event. Sediment would be trapped in specially designed catch-pits and separators. With these facilities constructed the risk of flooding in the area would reduce. The Environment Agency Wales (now NRW) confirmed acceptance of the flood consequences assessment for the scheme in September 2012 (DD519, DD520).

Land Acquisition and Notices for Open Space and Common Land

- 4.116 About 122 hectares of land are included in the draft Compulsory Purchase Order. This includes of 5,845 sq metres of Common Land and 6,717 sq metres of land, which would be purchased as replacement for use by Commoners (Exchange Land). Routes of access to the exchange land would be across other areas of common. For each of the areas of Common Land that would be taken, a greater area of replacement land would be provided. The quality of the exchange land would not be inferior to the replaced land. Consultations have taken place with the Secretary to The Duke of Beaufort's Estate (Manors of Crickhowell and Tretower) Commoners Association, which has resulted in acceptance of the proposals for the parcels of exchange land and access to them (DD004-DD007).
- 4.117 The CPO also includes 827 sq metres of land defined as Open Space under paragraph 6(5) of Schedule 3 of the 1981 Act, together with 915 sq metres of exchange land, which would be needed to off-set the loss of the Open Space.
- 4.118 Rights to enter upon 166 sq metres of the Siloam Disused Burial Ground, for the construction and maintenance of a retaining wall, are included in the CPO, such land being Open Space within the meaning of paragraph 6(5)(3) of Section 3 of the Acquisition of Land Act 1981. No replacement land is sought in the CPO because the area of the land is below the threshold of 250 sq yards (211 sq metres) set out in the Act. Giving exchange land is therefore unnecessary in respect of the sought after rights (DD007).
- 4.119 Eight buildings will be demolished including the Primitive Methodist Chapel and the Clydach Gorge Caravan removed with Siloam Chapel also affected. An equivalent area of exchange land would be provided for the burial ground lost at the Primitive Methodist Chapel graveyard (DD006).

The Effects of the scheme on Agriculture (WG09)

- 4.120 The Welsh Government's objective for sustainable agriculture revolves around a sustainable and profitable future for farming families and businesses through the production and processes of farm products while safeguarding the environment.
- 4.121 The scheme would lead to the loss (permanent and temporary) of 25.7 ha of agricultural land, including 7.9 ha of land classified as MAFF classification grade 3a, defined nationally as "the best and most versatile land". About 3.8 ha grade 3b and 14 ha grade 4 would also be required for construction. Providing topsoil is satisfactorily reinstated the total agricultural land loss would fall to about 8.2 ha with only 1.5 ha of that being grade 3a. Overall the impact of the scheme on agriculture would be slight adverse (WG04, WG09, DD595).
- 4.122 The scheme would have the greatest impact on farm holdings at the extreme eastern and western ends, with day-to-day affects being experienced at Hafod Farm, a tenanted holding at Gilwern and at Ty Gwyn Farm. The effect on Hafod Farm would be very sensitive owing to its entry into the Glastir scheme and the contribution that its grazing stock makes to the maintenance of Common Land grassland. After reinstatement the permanent loss to Hafod Farm, the tenanted holding and Ty Gwyn Farm would be 4.1ha, 3.2 ha and nothing, respectively. The impacts on these farms would be slight to moderate adverse (WG09).

The Environmental Statement for the scheme (ES)

- 4.123 An ES for the entire widening between Abergavenny and Hirwaun was published in 1997 (DD019).
- 4.124 In order to accurately report the environmental effects that would arise from the design changes itemised at paragraph 4.14 above a new ES was published on 10 October 2013. A non-technical summary of the ES and a Technical Assessment Report were also published on 10 October 2013 (DD08-DD15, DD42).
- 4.125 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. 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) (DD203, DD217).
- 4.126 The Conservation of Habitats and Species Regulations 2010 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. Given that the scheme would be within the Brecon Beacons National Park, the ES has had regard to the objectives of a national park and in particular to the special qualities defined in the Brecon Beacons National Park Management Plan 2010-2015 (DD05-DD08, DD201, DD211, DD212, DD216-DD220).
- 4.127 The ES scoping report was issued for comment to Statutory Consultees and responses were received from the following:
- Welsh Government
 - NRW (formerly Environment Agency Wales and Countryside Council for Wales)
 - Heritage Partners Advisory Group
 - Sustrans Wales
 - Cadw
 - Blaenau-Gwent County Borough Council
 - Monmouthshire County Council
 - Brecon Beacons National Park Authority.
- 4.128 These bodies, together with representatives of Natural Resources Wales, The Royal Society for the Protection of Birds, The Glamorgan - Gwent Archaeological Trust, The South Wales Trunk Road Agency, Gwent Wildlife Trust and Sustrans Cymru, met on a quarterly basis with further proposed meetings planned throughout the design and construction phases and for about 5 years afterwards. Detailed correspondence with all the Statutory Consultees took place over the draft ES.

- 4.129 These detailed consultations and discussions were necessary because the existing road corridor (that would be developed by the scheme) is constrained by numerous areas carrying environmental designations, including European SACs, National Nature Reserves and SSSI designated sites of nature importance. The scheme would also run adjacent to the locally designated Clydach River Site of Importance for Nature Conservation (SINC) and a candidate SINC at Ben Wards Fields just east of Brynmawr. There are also scheduled monuments that would lie close to the scheme – The Clydach Coal Level, Hafod Arch, Clydach Iron Works, Smarts Bridge and Gilwern Canal Embankment as well as three Grade II* listed buildings (ID13, ID18-ID22, WG05, WG05A, WG06A).
- 4.130 The Monmouthshire County Council and the BBNPA had concerns about the ES which were:
- the difficulty in assessing the visual impact of the scheme, given the topography of the Gorge might limit the quantity and extent of selected viewpoints, and thereby fail to represent on the extremely sensitive environment
 - the number of photomontages was inadequate
 - the policies that govern a National Park, the special qualities of the National Park and the Silkin Principles had not been fully addressed
 - the ES makes reference to the Unitary Development Policy of the BBNPA but does not include Policy ES36 - construction of new roads that relates directly to the A465 Heads of the Valleys Scheme.
 - the proper use of LANDMAP needed to be demonstrated.
 - landscape integration into local features, slackening slopes and reducing retaining structures in favour of earthworks needed to be developed
 - the effects on tranquillity and the Dark Skies Reserve designation of the National Park and lighting column, signage design and location should be demonstrated
 - the extent of and appearance of retaining structures
 - how would rock faces and scree stabilisation be carried out
 - respect for the cultural heritage of the area
 - consideration of cumulative impacts
 - proper long-term maintenance of proposed mitigation features was not specified.

The Environmental Statement Supplement

- 4.131 Development of the detailed design of the scheme has resulted in new information becoming available that could have a bearing on the Environmental

Impact Assessment as reported in the ES. This has been included in a Supplemental ES, which, although not being requested by any party, was voluntarily presented to the Inquiry. The Supplemental ES included additional photomontages requested by the BBNPA in its response to the ES, a draft Commitments Register and the results of cave and tree roosts surveys (DD056, DD058).

A Statement to Inform an Appropriate Assessment of the Environmental Effect of the scheme in accordance with the Conservation of Habitats and Species Regulations 2010

- 4.132 The Welsh Government published an appropriate Environmental Impact Assessment Notice in respect of the scheme on 10 October 2013 (DD040).
- 4.133 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. This will enable Welsh Ministers to have regard to any potential significant implications that the scheme would have on any area that provides habitats and species that are of European importance and to identify whether the scheme would have an adverse effect on the integrity of any of the local SACs (DD210, ID25).
- 4.134 The SIAA recognises that the area through which the scheme would pass is dominated by the steep-sided and wooded Clydach Gorge (Cwm Clydach), a substantial area of which is protected because of its wildlife and habitats, including the Cwm Clydach Woodlands Special Area for Conservation (SAC) and the Usk Bat Sites SAC. The River Clydach is a tributary of the River Usk, which carries a SAC designation.
- 4.135 The scheme was not needed for the site management of nature conservation in any of these areas and therefore its effects would have no exempt status under the Conservation of Habitats and Species Regulations.
- 4.136 The primary reason for the designation of the Usk Bat Sites SAC, which covers a widespread area of 1686 ha, was the presence of the Lesser Horseshoe Bat, but the other qualifying features that would be encountered in the SAC are:
- European Dry Heaths
 - degraded raised bogs still capable of natural regeneration
 - Blanket Bogs
 - calcareous rocky slopes with chasmorphic vegetation
 - caves not open to the public
 - *Tilio-Acerion* forests of slopes, screes and ravines.
- 4.137 Of these, Blanket Bogs, *Tilio-Acerion* forests of slopes, screes and ravines are all classified as Priority Features whilst the caves and the forests of slopes, screes and ravines, with the Lesser Horseshoe Bat would be the most affected by the

scheme.

- 4.138 The Cwm Clydach SAC, which covers an area of 29 ha within the Cwm Clydach SSSI, was designated for the presence of *Asperulo-Fagetum* beech forests and *Atlantic acidophilous* beech forests.
- 4.139 The River Usk SAC which covers a very long narrow area of 1008 ha, was designated for its adjacent vegetation and the presence of the Sea Lamprey, Brook Lamprey, River Lamprey, Twaite Shad, Atlantic Salmon and Bullhead species of fish as well as the otter. The scheme could potentially result in sediment and water pollution, noise and vibration and disturbance from lighting and operations during construction adversely affecting these species unless satisfactory designs and careful construction measures are implemented.
- 4.140 A screening exercise, which was agreed with Natural Resources Wales (NRW), determined that the scheme could potentially have a significant effect on features of all three sites. However the development of the SIAA and the appropriate mitigation measures were subject to quarterly meetings, from 19 July 2011 between the team developing the scheme and the Countryside Council for Wales (later Natural Resources Wales), as required by Regulation 61(3) of the Habitats Directive.
- 4.141 Since February 2012 monthly meetings resulted in a series of recommendations that would be incorporated into the scheme, both in terms of mitigation of adverse effects, scheme design and compensatory measures for the adverse effects. All of these actions were considered to be acceptable but concern remained in NRW about the effects of the scheme on the Lesser Horseshoe Bat and its habitat in the Usk Bats SAC.
- 4.142 The Welsh Government accepted that a small risk of an adverse short-term effect on the Lesser Horseshoe bat would be possible because replacement tree planting would take time to mature. In view of this small risk, and as there was no agreement with the NRW over the question of: "Can it be ascertained that the proposal will not adversely affect the integrity of the sites beyond reasonable scientific doubt", further consideration of the matter was undertaken.
- 4.143 The reconsideration concluded that the scheme would not undermine any conservation objective in the Cwm Clydach Woodlands SAC or River Usk SAC and none in the Usk Bats Sites SAC with the possible exception of that in relation to the Lesser Horseshoe Bat. It was concluded that there was an extremely low risk of a short-term threat to the species whilst replacement mitigation planting was maturing. In view of this and as there was no agreement with the NRW over the issue, it was necessary to produce an Addendum to the SIAA and a SASICOM.

An Addendum to A Statement to Inform an Appropriate Assessment and SASICOM (DD057)

- 4.144 For the reasons set out above, and in accordance with HD44/09, it was necessary for the SASICOM to cover the questions of whether:

- there could be alternatives that would avoid, or have a lesser effect on, the integrity of the Usk Bats Sites SAC
- a priority habitat or species would be adversely affected by the scheme
- there are Imperative reasons of Overriding Public Interest, including those of a social or economic nature, for proceeding with the scheme
- the compensatory measures that would form part of the scheme ensure that the coherence of the Natura 2000 network is protected.

4.145 The Welsh Government considered that:

- there are no alternatives that would achieve the scheme objectives, whilst having a lesser effect on the integrity of the SAC
- there are no priority species or habitats that would be adversely affected by the scheme
- there are three imperative reasons of overriding public interest for progressing with the scheme, namely that the scheme is included as Welsh Government Policy, it would have public safety benefits and it would have economic benefits
- the compensatory measures are sufficient to ensure that the Natura 2000 network is protected.

4.146 In the light of the above considerations and the conclusions drawn on them, the Welsh Government confirmed its view that the Welsh Ministers, as the Competent Authority, would be able to agree that the scheme, in accordance with Regulations 62 and 66 of the Conservation of Habitats and Species Regulations 2010, should proceed.

4.147 The Welsh Government is of the opinion that the tests set by Regulations 62 and 66 are therefore met (DD210).

The Register of Environmental and Construction Commitments (ID54)

4.148 Following concerns raised by the Statutory Consultees and requests from the public about the potential impacts on the sensitive environment both during construction and thereafter, an Environmental Commitments Register was produced for use as a template for actions necessary to protect and enhance the surroundings. This would bind the contractor to the specified actions during the construction process (ID54, ID62).

The Effect of the scheme on the Landscape (WG07, WG07A)

4.149 The landscape that the scheme would occupy is that of the upland river valley of the Clydach and its steep and dramatic descent into the Clydach Gorge, a sheltered and contained landscape, enclosed by open and exposed steep cliffs with rocky outcrops and scree slopes. As the Gorge descends to the Lower Usk Valley the steepness of its sides give way to lower more gently rising slopes with

enclaves of permanent pasture bounded by remnant hedge banks and stone walls. At Gilwern the A465 enters and skirts the fringes of the more open landscape of the Usk Valley with the river meandering through its floodplain.

- 4.150 This landscape contains the existing A465, which has become part of the character of the Gorge and influences the landscape and views within it. However the steep topography and densely wooded character of the Gorge reinforces the sense of enclosure and contains the existing A465 and its traffic to localised views.
- 4.151 The aesthetic qualities of the Gorge have been shaped by past human activity and it has historically been a major transport, communication and service route as evidenced by the tramways, railways, canal, trunk road and huge pylon lines, with small settlements that supported past industries. The Gorge has undergone continual change over the last two centuries (ID38).
- 4.152 The A465 Heads of the Valleys Landscape Strategy 2007 provided a strategic vision for the integration of the A465 improvements into its setting and clear guidance for the design of the project (DD116).
- 4.153 The Brecon Beacons National Park is the principal landscape designation affected by the scheme. The widened road would lie within the National Park but none of it would lie within an area defined by NRW as being tranquil or in a Core Dark Zone or one of the Critical Buffer Zones. The A465 is currently lit by orange lanterns, which are intrusive. The scheme would change the lighting to that of a more naturalistic colour, reducing sky pollution and offer no threat to the tranquillity of the Core Dark Zone at night. The Clydach Gorge is also overlooked from a small area on the northern periphery of the extensive Blaenavon World Heritage Site. From there are clear views of the existing A465 in the distance and in the foreground the electricity infrastructure, which is very intrusive (DD544 - DD549, DD566).
- 4.154 In order to incorporate the scheme into the sensitive landscape and encourage biodiversity the following widespread mitigation measures are proposed:
- broadleaf woodland planting at junctions and other key locations
 - side slopes planting of vegetation similar to the area in which they would lie
 - replacement of any mature trees felled
 - earth bunds and false cuttings
 - low intensity white LED road lighting
 - weathered steel for structures to reflect the heritage of the area and concrete panels and local stone finishes
 - tree and shrub planting to reflect existing features of the landscape
 - off-site planting where agreed with landowners.

- 4.155 With these measures in place there would be adverse effects on the landscape character of four areas but the overall character of the area would not be significantly harmed. There would be a moderate adverse effect on 7 of the 19 key viewpoints 15 years after the opening of the scheme but there would be no significant harm (ID13).
- 4.156 For a scheme of this magnitude and complexity, in an inherently sensitive landscape, significantly adverse residual effects on the landscape could not be avoided. The design proposals would reap some positive benefits from woodland planting and the creation of false cuttings and the existing road already adversely affects the landscape of the area.
- 4.157 Overall the scheme would be acceptable in landscape terms.

The Effect of the scheme on Geology and Soils (WG14)

- 4.158 The scheme runs generally in a west to east direction along the northern edge of the South Wales Coalfield synclinal, which outcrops widely in the Heads of the Valleys area. Two SSSI occur near the footprint of the scheme. The first is the huge Mynydd Llangatwg SSSI that houses the extensive limestone caves, which lie beneath the A465 and emerge from the sides of the Gorge between the road and the river. The caves are protected because of their bat roosts but are also of national and regional geological importance and are a valued recreational facility. The widening proposed within this section of the Gorge would sit between 5 and 10 metres above these caves and would be about 25 metres from the most important entrances to them necessitating extra care during piling. Further geophysical survey work should pinpoint the cave locations to enable work to proceed with confidence. With these surveys and the careful construction protocol proposed the impact of the scheme on the caves would be slight or minimal.
- 4.159 The second SSSI is the much more contained Brynmawr SSSI, which contains notable exposures of the Lower Coal Measures bedrock that are of outstanding stratigraphical and palaeogeographical significance. The SSSI immediately south of the existing A465 on its approach to the existing Brynmawr roundabout. It is exposed to public view from the A465 but is not currently accessible. The scheme would move the bulk of the traffic well clear of the SSSI and would provide the public access for viewing. Excavations nearby could have a major adverse affect on the SSSI but it is probable that the work would expose new strata which would be visible for public and educational observation and thereby reduce the impact that the scheme would have to minor adverse when the proposed improved access, relocation of road signs and minimisation of excavation are adopted (ID22, ID55).
- 4.160 The above actions would be necessary to comply with the relevant BBNPA policy that stipulates that, "Development will only be permitted where there is no unacceptable impact on the biodiversity and earth heritage of the area". Geodiversity is a significant contributor to the Gorge's biodiversity and is integral to the Gorge landscape, which contributes to the quality of life for both residents and visitors.

The Effects of Noise and Vibration (WG12)

Road Traffic Noise

- 4.161 All calculations of road traffic noise complied with standard methodology. Eleven baseline noise-monitoring sites recorded data in October 2011. This was used to populate a noise model, which covered 2881 residential receptors. Of these some 325 receptors would experience an increase of at least 1dB (A) in 2017, with the maximum increase being 11 dB (A) as a result of the operation of the scheme. At the same time 907 receptors would receive a reduction in noise of at least 1 dB (A) with a maximum decrease of up to 18 dB (A). There would be no significant change at 1649 receptors, mainly because the A465 corridor already experiences appreciable road traffic noise. The scheme would therefore be beneficial overall in reducing traffic noise in the proposed opening year of 2017.
- 4.162 When comparing the situation without the scheme in 2017, with the 2032 situation with the scheme and its noise barriers operational but with increased traffic on the network, a significant noise increase would occur at 135 of the 2881 receptors studied but a significant decrease would be experienced at 169 of them. The scheme would therefore be beneficial in, overall, reducing noise in 2032 despite traffic growth that would occur anyway.
- 4.163 A more realistic measure of the noise effects of the scheme would be the comparison of the situation with and without the scheme in 2032. The analysis shows that, of the 2881 properties studied there would be no significant change at 2595 dwellings, a significant increase at 84 properties and a significant decrease at 202 properties. In reality, and assuming that the 2 metre high Blackrock noise barrier is constructed, the scheme would offer large and significant benefits overall in reducing noise at dwellings.
- 4.164 In terms of the 21 particularly sensitive receptor buildings, 1 would receive a significant noise increase with 6 benefiting from a significant decrease. For the 10 sensitive outdoor receptors, 4 would receive significant increase and none would benefit from the scheme. The scheme would therefore be relatively neutral for sensitive receptors (DD231, ID15).

Construction Noise and Vibration

- 4.165 Construction noise could be significant up to 40m from the site but decrease to not significant beyond that point. However when major earthworks, rock excavation, blasting, breaking or piling is undertaken the construction would significantly affect properties up to 80 metres away, but for relatively short durations (DD229, DD231).
- 4.166 There would be no significant construction vibration impact except potentially from blasting of rock, which would be of limited duration.

The Effect of the Scheme on Ecology and Habitat (WG06, WG06A, ID12)

- 4.167 The environmental impacts of the scheme are set out in the ES which demonstrates that the area through which the scheme would run has a number of ecologically sensitive areas carrying international, national and local designations. Overall the scheme would cause a slight adverse impact in these

areas and to the species within them, both during construction and later. The water quality in the River Clydach and in streams would improve after construction of the run-off control features and should not suffer during construction because of the extensive water management works that would be established early in the construction period.

4.168 Some habitat would be destroyed by the scheme but new habitat would be created in, approximately a 2:1 ratio. Long-term management of these new habitat areas would follow the construction of the scheme.

4.169 Widespread measures would be incorporated into the scheme to aid bats, reptiles, amphibians, birds, potentially otters, grassland and woodland cultivation. Otter fencing would be erected where appropriate. The effect on no species would be greater than of slight significance. (WG13, WG13/B, ID63).

The Effect of the Scheme on Bats (WG 08, ID26, ID27)

4.170 Road schemes cause 8 potential threats to bats:

- loss of roosts, foraging and commuting
- the creation of barriers across flight lines
- impact of vehicles because the low flying Horseshoe Bat is especially vulnerable
- disruption to natural water flow
- water pollution in foraging areas
- lighting particularly for light shy species like the Horseshoe Bat and those attracted by insects around road lights where vehicular danger exists. Lights also draw insects from foraging areas
- air pollution and construction dust
- construction disturbance.

4.171 Mindful of this, the scheme has been designed to minimise the impact on bat foraging and commuting habitat and roosts as well as minimising land take from within the Usk Bats Site SAC (ID25, DD578, DD579).

4.172 Extensive measures have been incorporated to offset harmful effects. These would include:

- woodland planting as replacement for woodland lost
- providing attractive replacement roosts for the 6 Summer Pipistrelle roosts and four minor to moderate Lesser Horseshoe Bat roosts that would be lost.
- replacement of the roosts would be of an equal or better value within the same functional area and that would increase the functional

resource

- repositioning Lesser Horseshoe roosts into under-utilised foraging zones
- minimising cave disruption
- summer survey work
- an increase in long-term woodland bat foraging habitat and better connectivity (ID29).

4.173 The loss of foraging habitat, in the short term by 5 to 13%, would be extremely unlikely to have an adverse affect on the Lesser Horseshoe Bat, or on any other bat species. The NRW hypothesises “an under-utilisation” of habitats but maternity roosts may struggle unless bats relocate. The proposed Hafod maternity roost would be far better than that at Clydach viaduct (ID27-ID29, ID64, ID66).

4.174 All existing structures, including the important river bridges, beneath the A465 would be retained for use by commuting bats. During and after construction, features would be incorporated in the scheme to guide bats to these under-road structures until suitable vegetation becomes established.

4.175 The new roosts would provide easy access to foraging habitat and this, combined with the measures mentioned above, would ensure that it is extremely unlikely that there would be a significant effect on bat populations because of the scheme. Mortality rates would not increase because of the dualling of the existing highway.

4.176 There would be no significant adverse effect on bats from lighting (which could prove beneficial relative to the current situation), from water pollution or ground water changes, from air pollution or construction activities.

The Effect of the Scheme on Cultural Heritage

The Blaenavon World Heritage Site

4.177 The area surrounding the A465 is rich in heritage and includes the Blaenavon Industrial Landscape World Heritage Site, to the south of the Clydach Gorge. There is ongoing work aimed at persuading UNESCO that the establishing of a buffer zone for the Blaenavon World Heritage Site should progress and, as currently envisaged, that zone would probably include the Clydach Gorge and the existing A465 trunk road.

4.178 The scheme would not result in any direct physical impact to any part of the World Heritage Site, but it would fall within its setting wherein there would be direct physical impacts.

4.179 The principal heritage assets of this area represent the most important and well-preserved elements of what is commonly referred to as the Industrial Revolution. The scheme would not be visible from the vast majority of the World Heritage Site, including the important Blaenavon Ironworks, Big Pit Colliery or any part of

Blaenavon town. Much of the scheme would be visible, at a distance, from the extreme northern edge of the World Heritage site, but views from there already incorporate the existing trunk road, pylons and electricity lines all of which are dominant features of the vista.

- 4.180 Having regard to all of these factors, the impact of the scheme would result in slight adverse effects, from the loss of short sections of former tramway routes, and loss of a few non-listed historic buildings. There would also be slight beneficial effects that would arise from improved access and connectivity.
- 4.181 Overall the effect on the World Heritage Site would be slightly adverse. That would not be significant (DD545).

The Blaenavon Landscape of Outstanding Historic Interest and the Cwm Clydach Landscape of Special Historic Interest

- 4.182 Much of the scheme would lie within the Cwm Clydach Landscape of Special Historic Interest. The summary description of this area, published in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, states: "Vestiges of past industries and communication systems are plentiful, as is the evidence of former social conditions, including not only housing, but also surviving chapels and public houses. The dense and varied industrial sites and successive transport systems in the gorge represent a compact and integrated microcosm of the Welsh industrial past; this, in turn, depended on the remarkable geology and topography of this inspiringly visual historic landscape area" (DD566, WG11, WG11/A).
- 4.183 Immediately south of the designated historic landscape is the Blaenavon Landscape of Outstanding Historic Interest. The summary description of this area states: "The whole area is covered by early coal opencasts and it survives as probably the only sizable, abandoned, multiple period, opencast mineral working in South Wales. It remains a palimpsest of early mineral working and processing, crisscrossed by shallow trench mines, tramway inclines and tips. These elements, with the town of Blaenavon, Coity Mountain, The Blorange and Pwll Du and preserved mining scenery directly related to the mining processes, form the essence of the unique historic character of the landscape of Blaenavon" (WG11, WG11/A).
- 4.184 The above quotations show that the area represents the most important and well-preserved elements of the Industrial Revolution. It includes areas of raw materials, processing industry transport to ports and living conditions of the workers. However, it is clear that the area has been subject to intensive human activity, the remnants of which can be observed today (ID38).
- 4.185 The scheme would not result in any direct impacts to any part of the Blaenavon Landscape of Outstanding Historic Interest. Because of the location of the existing road and the distance that would separate the scheme from the remnants of the industrial past, the scheme would result in only a slight adverse effect on the registered historic landscape. That would not be significant (WG11).
- 4.186 The scheme would have an impact of minor magnitude on the Cwm Clydach

Landscape of Special Historic Interest, resulting in a slight adverse effect.

Scheduled Ancient Monuments (SAMs), Listed Buildings and Archaeology

4.187 There are 5 SAMs near the scheme and the location and boundaries of these are illustrated at ID18-ID21. They are:

- The Clydach Coal Level.
- The Clydach Railroad, including the Hafod Arch.
- The Clydach Ironworks and Smart's Bridge.
- The Llanelly Furnace at Saleyard.
- The Gilwern Canal Embankment.

4.188 Smart's Bridge and Gilwern Canal Embankment are Grade II* listed buildings and there are many other listed buildings nearby. None of these buildings would be physically affected by the scheme although there would be changes within the settings of 8 of these buildings.

4.189 There would be a slight adverse effect on the canal embankment because the carriageway would be raised adjacent to it (ID74). There would be no significant effect on any of the SAMs.

4.190 There would be a slight beneficial effect on 3 grade II listed buildings (at Llanelly Bridge, Canal Bridge 102 and a turnpike road bridge at Saleyard), and also on a pair of Grade II listed cottages at Saleyard. The demolition of the Primitive Methodist Chapel and burial ground would be moderate adverse, largely because the building is not listed. Arrangements would be made for an appropriate procedure whilst remains are exhumed (DD225).

4.191 The scheme would give a slight beneficial effect on Clydach Coal Levels SAM but because of encroachment, a moderate adverse effect on the Hafod Arch and a slight adverse effect on both the Gilwern canal embankment and Clydach Ironworks.

4.192 There are potential archaeological remains that would fall within the footprint of the scheme footprint and a watching brief, geophysical survey and, if appropriate, exploratory trenching, would be undertaken in areas where there had been no previous disturbance.

4.193 Overall the impact that the scheme would have on heritage would be acceptable.

The Effects of the Scheme on Air Quality (WG10, WG10A)

Effects of Air Pollution on Ecology

4.194 In the UK levels of air pollution have been established that would protect vegetation at designated sites. This is known as the Critical Load. The minimum

Critical Load level for nitrogen in the UK is 10 kgN/ha/yr for beech woodland and 15 kgN/ha/yr for the Tilio-Acerion forest slopes, screes and ravines that are found in the Clydach Gorge. These are the values below which no harmful effects would ensue to the related species and would be appropriate for the Clydach Gorge.

- 4.195 In the vicinity of the scheme the woodlands are located on steep ground with shallow soil in an area of high rainfall. These natural conditions would counteract traffic generated nitrogen depositions by the action of leaching driven by the high rainfall. Therefore the Critical Load for woodlands near the scheme could reasonably be regarded as 20kgN/ha/yr. For bryophytes and lichen the critical NO_x level is 30ug/m³.
- 4.196 For this scheme, studies have shown that the Critical Load for nitrogen deposition would be exceeded in 2017 and 2032 at the proposed road edge. However, the contributions that the scheme would make would be negligible compared to background contributions, which already provide just over 200% of the Critical Load. Traffic emissions would contribute about 17.5% of the Critical Load in 2017 reducing to about 7% in 2032. The traffic contribution falls rapidly with increasing distance from the road.
- 4.197 Currently the local NO_x exceeds the Critical Load by about 160% at the road edge, reducing to 88% by 2032 (i.e. less than the critical level).
- 4.198 However, at about 50m from the carriageway nitrogen deposition would not cause a harmful change in vegetation. This zone will decrease to about 10-15 m by 2032. The zone for NO_x concentrations would terminate about 30 metres from the road in 2017 and, according to Defra, would not exceed harmful limits by 2027 (DD564). UK monitoring evidence suggests that whilst emissions have decreased recently, that decrease is not as sharp as the Defra prediction. In recognition of that, the analysis for the scheme has taken a more conservative approach.
- 4.199 For all sites and sensitive habitats the nutrient nitrogen deposition rate already exceeds the Critical Load. This is typical of designated sites across South Wales, where nutrient nitrogen loadings are historically high from agriculture, heavy industry and European imports. That would mean that the total deposition rate with the scheme operational would be bound to exceed the Critical Load, as it is now. However, the predicted annual-mean nitrogen dioxide concentrations in 2017 and 2032 are well below the Air Quality Standard (AQS) limits (DD557).
- 4.200 For 10 of the receptors tested, the predicted concentrations would reduce with the scheme in place because the effect of additional vehicle is more than offset by the increased separation between scheme and receptor.
- 4.201 Overall local air quality following construction of the scheme would not adversely affect the integrity of the Cwm Clydach or Usk Bat Sites SACs.

Effects of Air Pollution on Humans

- 4.202 Similarly, the predicted annual-mean PM₁₀ concentration at human receptors is well below the AQS objective. The scheme is not located within any Air Quality

Management Area and air quality within the area is generally very good (DD560, DD561, DD563, DD564).

- 4.203 The risk of dust impacts during construction is high but with the planned mitigation measures that risk would reduce to low. There would be negligible effects from construction vehicles (DD558).
- 4.204 The overall significance of effects on human health is negligible, the scheme would not be in conflict with any air pollution related policies and there would be beneficial effects in some areas.

The Effects of the Scheme on Public Rights of Way and Non-Motorised Users (WG 09)

- 4.205 The central area through which the scheme would run is covered with a complex network of public rights of way many of which are very well used by pedestrians, equestrians and cyclists who, in particular, use national cycle route 46. Permanent and temporary closure of some of these would be required where the footprint of the scheme interferes with them or construction needs, including the diversion of services, demand (ID23).
- 4.206 The majority of these routes would be diverted under the provisions of the Side Roads Order, and many physically improved. Access to Common Land would be maintained during construction, as would public access across the A465 except at Pont Harri Isaac and Clydach. When complete, new bridges and underpasses would facilitate access across the trunk road, thereby removing all surface level crossings. New footpaths would be provided by the scheme to encourage healthy lifestyles and to enable access to be gained to the countryside and to the BBNP.

Modifications to the Orders sought by The Welsh Government (ID 71)

- 4.207 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. Some are necessary to correct minor administrative errors, others to accommodate objector requests. Details of the proposed modifications and their justification are set out at ID71. Most modifications that require written acceptance have been formally confirmed (ID32, ID45). Minor typographical corrections have been requested for the Amendment (Line) Order.
- 4.208 Modifications to the Compulsory Purchase Order and Side Roads Order as recommended by me are at Annex D.

5 THE CASE FOR THE SUPPORTERS

The material points were:

Supporter who attended the Inquiry

The Blaenau-Gwent County Borough Council (S16)

- 5.1 The Council is fully supportive of the strategic aims and objectives of the Heads of the Valleys scheme and supports the Line and Side Roads Orders. The scheme would robustly help to deliver the aims of the Council's adopted UDP and the newly adopted LDP. The LDP identifies areas for employment in close proximity to the A465.
- 5.2 Ebbw Vale's recent designation as an Enterprise Zone would be enhanced by the scheme because the existing A465 is seen as a restraint on local regeneration. The Council's regeneration strategy identifies the A465 as its most important road. Its upgrading is essential if Blaenau-Gwent is to strengthen its competitive edge. The scheme is recognised by the Authority as one that would improve connectivity and reduce journey times. It aligns with the Authority's Corporate Improvement proposals. In a recent survey 89% of respondents supported making the maintenance and improvement of the highway network a priority.
- 5.3 The Council support the scheme's objectives. It would encourage regeneration of the area and improve competitiveness.

Supporters not attending the Inquiry

The Brecon Beacons National Park Authority (S13, reported as O15)

Natural Resources Wales (S19, reported as O33)

- 5.4 The scheme is supported in principle because the proposed Line Order and scheme footprint would offer the least impact on the National Park of any alternatives that were considered as part of the original Line Order. However there would need to be agreements on a number of issues in order to make it an acceptable fit into the landscape. (These are reported on these issues of detail as Objections No.36 and 36A).

The Monmouthshire County Council (S14)

- 5.5 The Council supports the principle of the scheme but, and despite discussions and improvements, still has concerns about the effects that the scheme would have on the landscape and on side roads and footpaths. (I have dealt with these concerns and the Welsh Government response to them under objections 15, 15a and 15b).

The Neath Port Talbot County Borough Council (S10)

- 5.6 The scheme is fully supported and would be an important investment in improving east-west transport links across South Wales. It would create a stimulus for increased economic growth within the South Wales communities and significantly improve the link from Swansea to the West Midlands and North of England.

Councillor Andrew Morgan - Rhondda Cynon Taf County Borough Council (S11)

- 5.7 Councillor Morgan is a Cabinet Member on the Council, which continues to support the scheme, and urges early progress on the complete improvement of

the A465. The scheme would aid long-term regeneration of the Cynon Valley where 25% of the wards lie within the worst 10% of deprived areas in Wales.

Councillor John J Hopkins - Blaenau Gwent County Borough Council (S1)

5.8 The scheme and its early construction are supported.

The Road Haulage Association (S8)

5.9 The scheme would assist the safe and efficient movement of goods with minimal impact on the environment. It would remove driver frustration, improve safety at roundabouts and enhance journey reliability. The scheme is fully supported.

Mr Gareth Jenkins - Chair of Ebbw Vale Enterprise Zone (S9)

5.10 The Board of the Ebbw Vale Enterprise Zone unanimously support the scheme, which would provide a vital logistical transport improvement along routes to the M4 and Midlands.

Sustrans Cymru (S5)

5.11 The cycling infrastructure elements of the scheme are fully supported.

Heads of the Valleys Development Ltd (S7)

5.12 The Company is the developer of the Circuit of Wales, a new automotive centred industrial development at Ebbw Vale. It strongly supports the scheme, which would provide access capacity for the Circuit when operational. A key concern of potential relocation businesses is access and connectivity between the development site and the Midlands.

Mr J R Retallick-Head Teacher Brynmawr School and Mr D L Elias-Chair of the Governors of Brynmawr School (S12, ID57)

5.13 The scheme would have a positive impact on the school by providing safer travel arrangements for pupils, parents and bus companies.

Mr Graham Williams (S2)

5.14 The scheme would incorporate brilliant solutions to massive problems and would be welcomed.

Mr Vincent Williams (S3)

5.15 The scheme would breathe new life into the nearby post-industrial towns.

Ms Kathleen Williams (S4)

5.16 The breathtaking project would be a much-needed improvement to the local business infrastructure.

Mr Ian Thomas (S6)

- 5.17 The excellent and long awaited project is completely supported and should be built as soon as possible.

Mr Mike Jakes (S15)

- 5.18 The dualling of the A465 should proceed on safety grounds alone.

(Mr Jakes has also objected to elements of the scheme - Objection 28)

Mrs G S Cooper and Mrs R W Jackson (S17)

- 5.19 The scheme would provide safer access to the A465. It meets all 14 objectives and should be supported.

Mr Anthony Flower (S18)

- 5.20 The scheme would be a lifeline from the Midlands and South West and should be built quickly.

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 18 objectors before the close of the Inquiry and I have acknowledged those agreements in Sections 8 and 10 of this Report.

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 were:

Statutory Objectors who attended the Inquiry

Natural Resources Wales (O33) and the Brecon Beacons National Park Authority (O36)

- 6.1 Although they choose not to formally present their cases (that are virtually identical) representatives of these two Statutory Bodies attended the Inquiry frequently and took part in the round table sessions.
- 6.2 The BBNP is a statutorily protected landscape and the BBNPA is responsible for:

- Conserving and enhancing the natural beauty, wildlife, and cultural heritage of it.
 - Promoting opportunities for public understanding and enjoyment of the special qualities of the Park.
 - Seeking to foster economic and social well-being of local communities within the National Park.
- 6.3 NRW and BBNPA support the principle of the scheme, and its defined footprint, which would minimise the overall environmental impact. NRW and BBNPA acknowledge that the scheme would impact less on the National Park than alternative lines considered earlier. It is appreciated that finding an acceptable solution that strikes the appropriate balance between protecting the high concentration of sensitive environmental features and achieving value for money can not be easy in this area of the National Park. However there is concern that, with such a complex scheme, in very sensitive terrain, controlling and eradicating unintentional impacts would be very difficult. There is also a concern that there remains a lack of detail regarding the finishes to the scheme and timescales for achieving acceptable detail design agreements are short, (including engagement with the Design Commission for Wales).
- 6.4 A schedule of commitments must be developed and adhered to. The crucial areas where particular care would need to be exercised would be where works are above or around the SAC and SSSI caves close to the road surface, works that are up-slope of the Tilio-Acerion woodland and where the control of site surface water would be a threat. Inadvertent removal of trees, vegetation and linear features that are necessary for bat foraging between roosts and their foraging zones could also occur.
- 6.5 It is NRW's view that a good package of mitigation measures is proposed that could counteract the significant effects of the scheme on the Lesser Horseshoe Bat in the long term, but the most significant effects would be during construction and immediately thereafter. It is probable that there would be a population drop during this period of possibly 9 years.
- 6.6 NRW is satisfied that the adverse impact on the integrity of the Tilio-Acerion woodland SAC could be avoided by rigorous on-site control of construction activities. An adverse effect on the integrity of the caves SAC could also be avoided, in this instance by substantial detailed design. NRW is also content that there would be avoidance of adverse effects on the integrity of the beech forests, watercourses, fish species and otters.
- 6.7 However, NRW holds to its objection in respect of the Brynmawr Sections SSSI even though it accepts that the current proposals for the Brynmawr Gateway Bridge and junction are significantly better than earlier proposals in that regard. The following mitigation proposals would render the threat to the SSSI acceptable:
- attempts should be made to replicate new cuttings to an extent, quality and exposure similar to the current exposure

- access should be provided to the SSSI exposures
- retaining structures or netting should not obscure the face of the SSSI exposures.

BBNPA- Concerning Landscape Effects (O36A)

6.8 Despite meetings and correspondence key issues that could have a significant effect on the landscape remain unresolved. To address these the BBNPA requests the following:

- a review of pedestrian and vehicular access to important sites along the scheme and linkages to the wider network
- integration of the main earthworks to a less engineered form of profile
- a review of retaining wall facing treatments, production of appropriate samples and guidance on how decisions would be signed off during the statutory process
- a review of fencing generally and at structures
- consultation with stakeholders on the setting of the SAMs, the proposed gateway to the WHS and the amenity facilities at Saleyard
- A detailed commitments register
- a review of landscape and visual impacts when design work has advanced
- details of plants and maintenance proposals.

BBNPA- Concerning Rights of Way (O36B)

6.9 Public footpath 333/55/1 should be upgraded to a bridleway since there is historic evidence of use and it could then connect to bridleway 49/39 at Pont Harri Isaac. From there it would be possible to link across the dual carriageway using structures proposed under the scheme and thereafter to a long-distance network.

The Llanelly Community Council (O44)

6.10 The Council supports the proposals to improve safety and efficiency on the A465 but there are opposing views on the acceptability of the scheme. The safety benefits of the scheme are acknowledged. However the scheme would benefit from the inclusion of Alternatives 1b and 2b, although 2a would also be acceptable.

6.11 As currently proposed, pedestrian safety from the footbridge to the community of Blackrock would be unsatisfactory and would require improvement. Similarly

pedestrian safety on the proposed route from Pant Glas would be a concern. Traffic control improvements near Clydach Villa and Church Road would be needed to improve safety for all users.

6.12 There are further concerns over:

- the number of structures in this area, their proposed appearance and the overbearing nature of the Dan y Coed footbridge on residences at Dan y Coed, particularly from the southern ramp which would be out of character with the area, as would the footbridge proposed for Blackrock
- access during construction for residents of Clydach North
- how construction would affect pedestrian and cyclists
- the final arrangements for pedestrians and cyclists
- the effects of the scheme on leisure and tourism
- the footbridge designs that would be out of keeping with the area
- traffic surveys undertaken in winter may have underestimated local flows
- noise and light pollution at Saleyard and Maesygartha
- the removal of the footbridge at the Lion Hotel, which would mean unacceptably long walks for pedestrians from Station Road and Old Trap Road to the village, its facilities, bus stops and school. A replacement with a ramp would be favoured.

6.13 To avoid increasing traffic in Gilwern a westbound egress from the A465 to the Gilwern Bridge should be incorporated into the scheme. This has been formally proposed as Alternative 1b.

6.14 The Council is also concerned that during construction:

- diverted traffic may burden the local communities at Maesygartha, Clydach North and South and through Blackrock
- access to B&B property in Maesygartha should be maintained
- the County Council's 7.5T weight limit on local roads should be upheld
- surface water run-off should be controlled and caution should be exercised when dealing with the old Forge Hammer tip
- heavy construction traffic should be controlled
- night-time work programmes should be published

- access for emergency services should be maintained
- Extra care should be taken when excavating the old tip north of the A465.

Black Lion Enterprises Ltd (O54)*

- 6.15 The alignment of Section 2 of the A465 Improvement was altered after the Company had spent considerable funds on a proposed extension of the former Navigation Inn and received a Welsh Government grant. The redevelopment is largely complete. A new, larger junction layout was also introduced. This, together with mitigation measures and drainage proposals, would impact upon the Company's development plan proposals. This has resulted in the development of the property being stalled with substantial financial consequences for the owners. The loss of the adjacent canal bank would have consequences for the viability of the development proposals.
- 6.16 The proposed Gilwern junction layout should be reconsidered, perhaps by reverting to the original tunnel proposal. The original design should be re-adopted or the CPO enlarged to take the whole of the site. An alternative junction layout is proposed as Alternative 4.

Mintblue Properties Ltd (O24)

- 6.17 The company is the owner of plots 1/11, 1/11a to 1/11f. Plot 1/11a is subject to letting to Thomas Waste Management Ltd.
- 6.18 About 10 acres of the site has outline planning permission for residential development. That area lay outside the original 1999 protected road line. About 5 acres lay within the protected zone and this area was omitted from the submitted planning application. The original line probably had regard to the substantial factory that then existed on the site and, had that been operational today, it is likely that the current road acquisition boundary would have skirted around it. However the site still has asset value as a potential affordable housing development and employment site, although that asset is difficult to value because the costs of clearing the site of contamination are currently uncertain. Nevertheless, the loss of this site would be a blow to the local community as well as to the owner.
- 6.19 Therefore, the objection is based on the belief that the Welsh Government should either purchase the site now or amend the design of the Brynmawr Junction so that the resultant scheme would be clear of the development area. Alternatives 3a and 3b are promoted to avoid impact on the Company's land.
- 6.20 The amended design should have regard to the disadvantage of the proposed Brynmawr junction, which would sever the school from the community, cause a circuitous round trip to the school and provide no adequate drop-off facility. Apart from that, the current scheme design for the Brynmawr area has been compromised and is flawed in that it would:
- be excessive in land-take

- demand substantial excavation and earthmoving and be unsympathetic to the landscape
- be disproportionately expensive because of the excessive engineering that would be necessary
- be ineffective as a junction generally
- be complex for drivers and because of its successive curvature and inclines be particularly vulnerable to icy conditions.

- 6.21 The scheme should revert to a much simpler and more compact design to preserve the 10-acre development site for the benefit of the community. That would obviate the need to purchase costly development land. A more compact design would cause compromises for traffic, but these would more than outweigh the disadvantages. The fact that a 50 mph speed limit has to be imposed on the dual carriageway would mean that the case for a complex junction at the top of the Gorge would be greatly reduced.
- 6.22 In carrying out their statutory duties in respect of the CPO, the Welsh Government had disregarded the advice contained in Circular NAFWC 14/2004. (Under examination it was accepted that seeking agreement to the purchase of the large numbers of plots included in the draft CPO was not a practical proposition). The delay in awaiting the outcome of the Inquiry is bound to disadvantage the company because realisation of its potential asset value has been frustrated by the scheme, yet financial burdens build up.

Mr Mike and Mrs Gillian Shepherd (O14)

- 6.23 Mr and Mrs Shepherd have lived at Hayman's cottage for 25 years and are concerned about the proposed acquisition of plot 3/16 in respect of the Clydach footbridge. This has been designed without regard to the impact on adjoining grazing land and the privacy of tenants in the nearby bungalows.
- 6.24 The proposed appearance of the Dan y Coed footbridge has had no regard for the locality and a more discreet design should be developed, by straightening the southern ramp to run parallel to the road. Because the bridge would only have steps on the northern side, there would be no need for a southern ramp to cater for disabled persons because they could not use the bridge anyway. The rusted steel appearance would be inconsistent with other bridges on the Heads of the Valleys Road.
- 6.25 The purchase of CPO plots 3/16a and 3/26 would remove grazing land that has been used primarily for horses for 25 years. There would be no alternative land available for grazing because of the steepness of the terrain.
- 6.26 The bank of trees that sit to the rear of Hayman's cottage should be preserved in its entirety because it provides the setting for the adjacent Old Clydach Ironworks. This SAM that is very popular with visitors, including caravan tourists and those using the holiday cottage business at Hayman's Cottage, as it forms the hub of the industrial heritage of the area. The construction of the road would be detrimental to this business interest.

- 6.27 Measures should be taken to ensure normal visitor business is operable during the construction period and the temporary car park at Saleyard secured at night to prevent inappropriate behaviour.
- 6.28 Tree retention would also help mitigate air pollution from the road. It is noted that the reporting of air quality has not covered some pollutants found in vehicle fuel.
- 6.29 A sound barrier should be erected at the top of the embankment to the south side of the A465 and rear of Hayman's Cottage and adjoining land. That would help protect the area including the Old Iron Works SAM from the noise that would increase appreciably in this area, but no additional trees should be felled to enable such works (ID72).
- 6.30 As a preference, the road should be widened to the north of the existing alignment, in accordance with a previous plan.

Statutory Written Objections

Monmouthshire County Council - Highways Department/ Public Rights of Way (O15)

- 6.31 The Side Roads Order (SRO) should reflect the need to stop up a short length of footpath 52/23.
- 6.32 The proposed stopping up of Public Restricted Byway 52/94 and footpath 52/35 would truncate these highways. Public access to Main Road would also be truncated because footpath 52/64 is not available on the ground unless extensive works are undertaken. An alternative is proposed which would be feasible for passage by cyclists and equestrians.
- 6.33 Currently, a footway exists along the southern side of the A465 running from the Drum and Monkey pub to a road crossing-point near restricted byway 52/94. The SRO would stop up this route leaving the only route between Cheltenham and Blackrock along Main Road: this has no footway. A footway should be installed alongside Main Road for pedestrian, cyclist and equestrian use.
- 6.34 The SRO is incomplete because no footway is proposed through the boggy area between the bus stop and the Clydach picnic site.
- 6.35 The proposed removal of the Navigation Inn footbridge would significantly inconvenience pedestrians wishing to cross the A465. A new bridge should be constructed near the existing one and a segregated cycle track/lane should be provided alongside the footway to provide off-road access across the A465 onto Station Road and beyond to the National Cycle Network at Gilwern.

Monmouthshire County Council – Landscape/ Countryside Officer (O15a)

6.36 There has been purposeful correspondence from which improvements in the proposed treatments of road related features have been made. However the Council remains of the view that the area through the Upper and Lower reaches of the Clydach Gorge are special and that the impact of the scheme may have been underestimated in the production of the ES. The BBNPA would cover landscape and legacy issues and the landscape and legacy interests on behalf of the Council. Therefore, in seeking to withdraw its landscape objection, the Council will work with the BBNPA to progress discussions and seek clarification of matters raised.

Monmouthshire County Council - Traffic and Networks Officer (O15b)

6.37 The Council is satisfied that the scheme would be constructed to appropriate standards and in accordance with national guidance and that bus services would be improved as a result of new bus-stop provision (ID73).

6.38 The proposed improvement of tourist signs is also welcomed but the new signage should be extended to cover Section 1 of the A465 Improvement. However the following would be of concern:

- forward visibility on the approach to Blackrock when heading west from Main Road
- road safety through Gilwern
- the junction proposed between Clydach Villa and Main Road
- the proposed Dan y Coed footbridge and its relationship with the alignment of the existing footpath may need realignment
- the need for a weight limit on Main Road
- the potential for completion of the Clydach cycle route and other rights of way that would be in the vicinity of the scheme.

Blaenau Gwent County Borough Council–Technical Services (O46)

6.39 The scheme would provide an ideal opportunity for the upgrading of the trunk sewer that runs between Brynmawr and the Clydach Treatment Works, thereby preventing flooding of the adjacent public right of way and improving capacity. The design of the scheme should include:

- reinstated visitor parking at Clydach
- sympathetic topographical profiles at Brynmawr
- high quality finishes to retaining walls.

National Grid (O21)

- 6.40 The Company's overhead line may be affected by the scheme and an agreement to protect the asset would need to be secured.

Dŵr Cymru Cyfyngedig (DCC) - Welsh Water (O23)

- 6.41 The assets of the Company may be adversely affected by the scheme or by the access requirements necessary to build it. To enable a satisfactory working practice for the scheme to proceed the Welsh Government should:

- liaise with DCC operational staff at the Craig Ddu and Saleyard works and provide security to the sites during construction
- provide a 5-metre clearance behind the office block at Craig Ddu
- refrain from disruption of water supplies during and from disrupting the Ffynon Gistfaen pumping station
- observe the agreed code of practice at the Brynmawr sewage works and at the Clydach caravan site and refrain from encroaching to within 3 metres of DCC'S apparatus
- liaise with DCC over surveys, during detailed design and over methods of working.

The Canal and River Trust (CRT) (O49)

- 6.42 Following the British Waterways Board Transfer Scheme 2012 all property owned by British Waterways is now vested in the Trust, a limited company by guarantee and one registered as a charity. Its charitable objectives include:

- owning, operating and managing inland waterways
- conserving heritage interests
- conservation and improvement of the natural environment associated with the waterways
- promoting sustainable development for the public.

- 6.43 The 57 km Monmouthshire and Brecon canal is a popular visitor destination that delivers £17m of visitor spending annually. There are 390 jobs supported by the canal management and 70,000 bed-nights are spent on the canal each year. Therefore maintaining the amenity and navigational safety are key priorities for the Trust.

- 6.44 The Trust supports the scheme in principle but it would have a local adverse impact on the canal at Gilwern. A number of details require clarification before the Trust could satisfy itself about the extent of the impact. These include:

- construction
- the duration of closure

- the structural impact on the canal, including risks that may arise from ground water changes
 - access for maintenance
 - traffic noise impacts
 - fencing, drainage and landscaping
- 6.45 A Register of Commitments would need to be drafted for approval on all these issues.
- 6.46 The Trust's operational land would be included in the land to be compulsory purchased, including a section of canal embankment. This land is held in Trust and requires the consent of the Secretary of State for any transfer of Title, even in the context of compulsory acquisition. Discussions are taking place with the Welsh Government to agree mutually acceptable terms for the transfer and therefore the Trust is seeking an agreement that the compulsory purchase powers would not be exercised.
- 6.47 There is concern that the proposed structural retaining wall that would be necessary to support the road would be intrusive. The Trust requires involvement in the detailed design of finishes to this wall, and in the reinstatement of vegetation that would need to be removed nearby. It also required a detailed method statement of how the works that are close to the canal would be undertaken because the canal to the west of Gilwern is regarded as structurally vulnerable to leakage.
- 6.48 The layout of Bridge 103 causes problems for those using boats on the canal and the Trust supports the requests of those who want the Welsh Government to pay for improvements to it.
- 6.49 The Trust's objection must stand because it resists compulsory purchase of its land. That would be the only issue remaining between the parties providing the Welsh Government accepts that it would:
- seek the views of CRT generally regarding design, construction and aftercare, including the lining of the canal
 - seek the views of CRT regarding details of fencing, noise barriers and transitions and advice on landscaping and maintenance
 - inform CRT about temporary works, and ecological protection
 - agree a works programme in respect of the canal and works methods and practice
 - monitor the canal embankment and undertake a canal stability analysis before construction, including ground water modelling, ground investigation and leakage assessment
 - use a "Portadam" structure to facilitate maintenance of boats

during the winter months

- clarify the terms associated with a Flood Defence Consent Form.

Mr Nick Walbyoff (O2)

- 6.50 The scheme would take essential operational land from New Garage, Intermediate Road, Brynmawr. That would frustrate existing work and expansion plans for the successful business.

Mr Phil Walbyoff (O3)

- 6.51 The scheme would take essential operational land from New Garage, Intermediate Road, Brynmawr. That would frustrate existing work and expansion plans for the successful business.

Mr Simon Hindle and Mrs Ruth Hindle (O4)

- 6.52 The area in plot 3/17 is too large and if acquired would threaten access to the adjacent common land whereon they graze a heard of Dexters. Access to the common is essential because, without this grazing facility, there would not be enough land to support the farm. The donkey and pony stabling facilities would also be lost if the southern part of the field was taken. Purchase of plots 3/17a, 3/17b and 3/17c would effectively threaten an essential access and cut the smallholding in two.

Mr and Mrs Waterhouse (O5)

- 6.53 Mr and Mrs Waterhouse live and own Lawnswood, Station Road Gilwern and adjoining land and object to the acquisition of plot 5/14 of the CPO. This Plot covers the driveway to the house from Station Road. Given the steepness of the topography vehicular access to the property, without this driveway, would be impossible, rendering the property unusable.
- 6.54 Mr and Mrs Waterhouse own part of plot 5/18e and in particular the corner of fields 5128 and 5234 but these appear to have been subscribed to another owner.

Mr Huw Lloyd (O7)

- 6.55 Mr Lloyd objects to plot 3/12 being included in the CPO. The removal of this large area would destroy the validity of the 5 ha small holding for grazing animals. Its retention as grassland would be better for feeding bats because trees already surround the area.

Mr John Meredith (O8)

- 6.56 Whilst the Contractors have adopted a professional approach to keeping Mr Meredith informed, he is concerned that the Welsh Government have used somewhat underhand methods to obtain his property, in particular in respect of

common land exchange land. The freehold title deeds show that the property does not carry any common land obligations. The land being offered in exchange would not fulfil the needs of Mr Meredith's long-standing haulage business.

- 6.57 A long-standing tenant of the company has been unsettled by the threat of compulsory purchase, and future enterprise plans that are at a critical stage have been derailed. This is disappointing in such a depressed area. These actions by the Welsh Government should be reviewed.

Mr Mark Young and Ms Meriel Robson (O10)

- 6.58 The proposed drainage outfall through CPO plot 5/7 and along the driveway could cause instability and an impact on private underground services, wildlife and the National Park. The home-based business could not tolerate any disruption to the telephone line. Alternative practicable and acceptable solutions that would avoid disruption would be:

- the installation of the drainage elsewhere.
- the diversion of water into the canal overflow run-off, which already passes underneath the property on its course to the River Clydach.

Mr W J Thomas and Mr G C Thomas (O16)

- 6.59 The acquisition of CPO plots 1/12, 1/12A-1/12K from Hafod Farm would remove the vast majority of the farm from agricultural use, leaving insufficient pasture to support the farm. The livestock shelter, which would be lost to the scheme, should be replaced. Access from Main Road would be required and fencing specified. Loss of common land rights would be a concern.

Thomas Waste Management Ltd, Trustees of the Thomas Waste Management Pension Fund, Mr Roydon Thomas, Mrs Diane Thomas, Mr Gareth Thomas (O17) (O17A)

- 6.60 Ownership is claimed over an area of land not registered in the Land Registry but which has been occupied for many years. There is no recognition of the tenancy of plot 1/11 (part) or plot 1/11 in the CPO Schedule. The loss of this land together with plot 1/11a would cause hardship to the company because 2.5 acres of storage for skips and vehicles would be lost.
- 6.61 Plot 1/11b comprises a large area formerly occupied by the Anacomp factory. The company claim ownership of it. The south-east corner of the plot has been occupied by the company's yard for over 20 years but its ownership is incorrectly shown on the CPO Schedule. Loss of this land would result in hardship and possible closure of the business. The Company occupy Plot 1/13 under a formal agreement. The land is in the middle of the yard and its loss would cause considerable hardship and possible loss of the business. Alternative land could be used for the proposed access and drainage.

Mr Dale Walters (O18)

- 6.62 The scheme, affecting plots 2/23, 2/23a and 2/23b, would result in the loss of agricultural land for grazing and shelter, and access to the remaining land that would become landlocked. The loss of plot 2/23a would also result in the loss of common grazing rights and Single Payment Entitlements. Plot 1/18 is tenanted to Mr Walters but the CPO schedule does not reflect that.

Mr Geoffrey Powell and Mrs Carol Powell (O19)

- 6.63 The trees located in plots 4/4, 4/4a and 4/20 would be felled, thereby increasing noise and exposure to road lighting. Construction may cause land instability necessitating retaining works.

Mrs Jennifer Hughes (O20)

- 6.64 The acquisition of plots 2/21, 2/21a-2/21c would cause loss of access, loss of car parking and access to it, loss of pedestrian access to the western gable of the property and significant loss of garden.

Mr and Mrs Morgan (O31)

- 6.65 Mr and Mrs Morgan have concerns about the effect of the scheme on plots 1/14, 1/14a and 1/14b and thereby on their livelihood.

Mr Roydon Thomas, Mrs Diane Thomas, Mr Barry Thomas, Mr Howard Thomas, Mr Clive Thomas, Mr Gareth Thomas, Mr Calum Graham and Trustees of the TWM Pension Scheme (O35)

- 6.66 Plot 1/13 forms part of a larger holding, which is let under tenancy to Thomas Waste Management Ltd. Its acquisition would have a significant impact on the company, possibly rendering it unviable. It would not be necessary for the scheme as alternative land may be available.

Mr Ivor Cashmore (O42)

- 6.67 Mr Cashmore is concerned about issues of land acquisition and engineering and seeks clarification in terms of plots 2/26 and 2/1r, the proposed sound barrier at Blackrock, rock blasting, property damage, rat running and low noise road surfacing.

Mrs A E McCormick (O50)

- 6.68 The inclusion of field 4407 (plot 5/18e) in the CPO is causing concern because there was no official notification.

Non-Statutory Objectors who attended the Inquiry

Councillor Simon Howarth (O58)

- 6.69 Councillor Howarth is a member of both the Monmouthshire County Council and the Llanelly Community Council but at the Inquiry, he represented submissions

made to him by individual members of the community. (His contributions have been recorded as if they were of a non-statutory objector).

- 6.70 The economic importance of the scheme and its potential for improving safety is recognised and the scheme should be delivered now, but conflicting views remain in the community. The consultation process was satisfactory and professional but some problems have yet to be addressed.
- 6.71 Of particular concern are the two pedestrian footbridges in the Clydach Gorge and local footpaths. The proposed use of weathered steel for the bridges is questioned together with:
- access from the Blackrock Bridge and from the Pant Glas Bridge
 - the overbearing nature of the proposed ramp at the Dan y Coed Bridge, which would lie adjacent to the rear of the bungalows
 - the footpaths at Saleyard, Church Road/Clydach Villa and leading to Maesygartha and links to bus stops
 - The safe carrying capacity for pedestrians and cyclists on the Gilwern Road Bridge at Navigation Inn.
- 6.72 An enhancement of the Gilwern Junction would be justifiable and Alternatives 1b and 2b would be acceptable.
- 6.73 Following the severance of Ty Gwyn Road from the A465 near Glanbaiden, as a result of Section 1 of the A465 improvement the S-bends high up on Station Road continue to be problematic. The problem should be addressed as part of the scheme.
- 6.74 Further concerns are:
- the control of traffic, noise, light, dust and material storage during construction and the unknown effect of disturbing the old tip at the Forge Hammer
 - speed control
 - access to services during construction and continual liaison when the works that might disrupt normal activities and business operations are scheduled
 - planting of trees.

Mrs Hilary and Mr Graham Lipscombe (O6)

- 6.75 Mr and Mrs Lipscombe live at Old Rectory Farmhouse, Maesygartha and run a self-catering holiday barn there. They are opposed to the principle of the scheme and consider that there are many alternative ways of making roads safer. Apart from that there would be adverse consequences for them and those staying at the holiday cottages during the 4-year construction period from blasting, noise and pollution. The concern of others about the impact on wildlife

is supported.

6.76 Their other concerns are;

- night working, which could be 25% of the contract duration
- noise absorbent surfacing should be placed at Saleyard to complement the proposed noise bund
- the prevention of rat running on the roads through Maesygartha and Clydach
- effective speed control by use of an average-speed checking system on the trunk road
- that the rusted steel appearance of the bridges would be unacceptable
- that the NMU crossing facilities being proposed for the eastbound off slip road should be reviewed.

Mr Michael and Mrs Mair Edwards (O13)

6.77 Night working should be avoided or minimised.

6.78 The existing 3-lane road is adequate providing a reduced 40mph speed limit is observed by drivers. The scheme is based on future traffic predictions that are guesswork. The area has a declining population with senior citizens using public transport and a better bus service should be sought instead of road building. The scheme would only benefit through traffic, and not financially assist locals thereby sacrificing the area, for example the Tram Way, and the interests of residents, all for the benefit of outsiders. Pedestrian access from Valley Walk to Blackrock should be retained.

6.79 The Gorge is an Area of Outstanding Natural Beauty and a national treasure. It should not be sacrificed: the scheme from Saleyard west would damage it thereby reducing its attractiveness for tourists. Dualling this stretch would have little effect on the transport problems: no regard has been had to the benefits of tourism that would be reduced should the scheme proceed.

6.80 Alternative No. 5 would retain the 2.6 miles of existing highway through the Gorge with modifications to improve any alignment or visual problems identified with a crash barrier erected between the assent and decent lanes, apart from a few overtaking sections. This would save public money for redistribution to other causes.

6.81 Dualling would not attract new businesses to the area: it would facilitate firms outside the area to compete for local trade and employment.

Ms Penelope Suff (O26-see also O51A)

6.82 Should the scheme proceed, many horse riders may not be able to cross the

A465. Horse riders have used Footpath 333/55/1 for many years, but whilst Blaenau Gwent CBC has it recorded as a restricted byway, the BBNPA does not. It should be upgraded to allow for the passage of horses. A petition from 52 people was submitted to the Inquiry as part of the objection advocating the specified equestrian facilities described in the paragraphs below.

- 6.83 The “decades-old” crossing safe points of the A465 have traditionally been at Gilwern roundabout, Station Road, Pant Glas and Pont Harri Isaac subways and Intermediate Road Bridge.
- 6.84 The demolition of Intermediate Road Bridge would cause a major diversion for equestrians with those living in Clydach Dingle having to travel twice as far to collect children from the Church School. In winter this journey would be hazardous because of the gradients that would be incurred. The downgrading of Hafod Footbridge (which would part replace Intermediate Road Bridge) from road to footpath and cycleway would mean that a horse rider would have to negotiate the twin roundabouts of the Brynmawr junctions. Horse riders have traditionally used Intermediate Road to get access to Brynmawr and the Clydach Dingle.
- 6.85 The proposed equestrian routes at Saleyard and Gilwern Junctions would appear to force equestrians to mingle with vehicular traffic and there is further confusion at Pont Harri Isaac.
- 6.86 Farmers should not lose hay fields for the mitigation of habitat loss and, should the scheme proceed, the following modifications would be necessary to make the Draft Orders acceptable:
- a change in design to allow equestrians safe passage at Gilwern junction, or a change of use of the Hopyard Farm subway for equestrian use
 - access could be dispensed with at Saleyard providing the Pant Glas subway is reassigned for equestrian use
 - the creation of a clearly identifiable equestrian route leading to Pont Harri Isaac
 - Hafod Bridge should allow for equestrian use.

Mr Jack Bland and Mr Daniel Beynon (O27)

- 6.87 A westbound slip road from Station Road, connecting to the proposed bridge, should be incorporated into the scheme. This would be a lifeline for residents on the south side of the A465. It would relieve Gilwern of unnecessary, heavy and emergency traffic by creating a more direct route from Station Road westward and to Station Road from the east.
- 6.88 The removal of the footbridge and bus stops would cause an excessively long walk for residents, especially the elderly, bound for Abergavenny or Brynmawr. The Lion Hotel Footbridge should be replaced.
- 6.89 The closure of the access from Old Trap Road at the Forge Hammer would be a

great loss and would isolate the village further. Because of this, medium-sized vehicles would have no turning facility along Old Trap Road and one should be provided as part of the scheme.

Mrs Sharon and Mr Nick Mills of Castle Narrowboats (O39)

- 6.90 Mr and Mrs Mills run Castle Narrowboats, a holiday hire business on the Monmouthshire and Brecon Canal. They are concerned that the Gilwern retaining wall that would be constructed adjacent to the canal would have a negative influence on visitors and those who rent moorings. The wall should be designed to blend in with the rural nature of the area and a noise barrier erected nearby: as proposed, it would change the current rural scene to one of an unappealing urban nature.
- 6.91 At present tree cover masks the 2-lane highway above: a closer and exposed road of 5 lanes would be dominant and noisy and off-putting for visitors.
- 6.92 Any draining of the canal for construction between March and October would have a major impact on the business and others: that should be avoided. Draining the canal during the winter would mean a costly disruption of maintenance of boats.

Mrs Joyce Smith (O43)

- 6.93 Mrs Smith lives at The Mount, Old Trap Road, the rear aspect of which overlooks the A465 corridor.
- 6.94 There should be a slip road for westbound traffic wishing to access Station Road, because that would reduce traffic along the sensitive Main Road, Gilwern and be convenient for local residents.
- 6.95 Road traffic noise and fumes would be concern, particularly for both children and adults enjoying the garden facilities of The Mount. The predicted noise levels at the property are not based on actual measurements and none have been produced for the garden, which is in frequent use, especially in summer. A noise barrier should be erected along the property boundary and evergreen trees and shrubs planted to assist noise reduction.
- 6.96 The pedestrian route to the village and school would be 250m longer, an extra distance that is too far for young school children from the area. With the early demolition of the existing footbridge the area would be isolated until the proposed road bridge was completed. For that reason, and to avoid excessive walking in perpetuity, a new footbridge should be incorporated into the scheme.

Mrs Iris Bevan and the late Mr Ron Bevan (O45)

- 6.97 The proposed bat mitigation beech tree planting on adjacent fields would obstruct the outstanding views of the Usk Valley from Windy Ridge. These have been enjoyed since Mr and Mrs Bevan built their home in 1963. The wide vista includes The Sugar Loaf and The Bloreng. Loss of the amenity would devalue

the property by perhaps £100,000. Suitable land east of Windyridge is available, and owned by Mrs Bevan. Planting the beech wood in that area would preserve the view and property value. As a preferred alternative to that a land-swap with an adjacent owner could result in an even better solution. Negotiations on the land exchange are continuing.

Mr Gareth Hall (O47)

- 6.98 Mr Hall lives in Gilwern, about 150 metres across the Clydach Gorge from the A465. Traffic noise, particularly when the trees loose foliage, is already appreciable. Because a number of trees would be removed by the scheme a sound barrier should be erected to shield the property.

Mr T M Mobey (O48)

- 6.99 The scheme as currently planned, would be inadequate because the public travelling from Abergavenny would need to leave the A465 at Glanbaiden and travel through Gilwern village in order to access Station Road. Similarly, the proposed lack of egress from Station Road westbound to Brynmawr would be disadvantageous. The Welsh Government's publicly declared scheme objective, of "maintaining the current level of service and carrying out improvements", would therefore fail in this locality, because the existing access and egress from the A465 would be removed and not re-provided by the scheme.
- 6.100 Trees and shrubs should be planted to protect properties along Old Trap Road as the existing pines are ineffective in screening out noise.
- 6.101 The bus stops that would be removed near the Lion Hotel should be replaced near the top end of Gilwern.

Mrs Tracy Hook (O51)

- 6.102 Ty Gwyn Road, leading from Aberbaiden roundabout was closed as a result of Section 1 of the Heads of the Valleys Improvement. This left Station Road as the only route to The Tyla. Its steepness, combined with the severe S-bends on it, make it virtually impassable for heavy vehicles, and dangerous for all. Damage to boundaries is frequent. This unacceptable situation should be corrected by the current scheme to right the wrongs created by Section 1.
- 6.103 The alternative providing westbound slip roads on and off the A465 should be built to reduce traffic through Gilwern and create space for a bus stop near the A465.

Ms Penny Suff, Mrs Tracey Hook and Mrs Hilary Lipscombe (O51A)

- 6.104 Ms Suff, Mrs Hook and Mrs Lipscombe appeared together to make representations about the needs of equestrians.
- 6.105 Should the scheme proceed, many horse riders may not be able to cross the A465. Horse riders have used Footpath 333/55/1 for many years, but whilst Blaenau Gwent CBC has it recorded as a restricted byway, the BBNPA does not.

It should be upgraded to allow for the passage of horses. A petition from 52 people was submitted to the Inquiry, as part of the objection, advocating the specified equestrian facilities described in the paragraphs below.

- 6.106 The "decades-old" crossing safe points of the A465 have traditionally been at Gilwern roundabout, Station Road, Pant Glas and Pont Harri Isaac subways and the Intermediate Road Bridge. During the construction phase equestrians would be content with two crossings of the A465, but the contractor should keep equestrians informed of progress. The proposals for Pont Harri Isaacs are acceptable, but the route linking to it should be upgraded.
- 6.107 The demolition of Intermediate Road Bridge would cause a major diversion for equestrians: those living in Clydach Dingle would have to travel twice as far to collect children from the Church School. In winter this journey would be hazardous because of the gradients that would be incurred. The downgrading of Hafod Footbridge (which would part replace Intermediate Road Bridge) from road to footpath and cycleway would mean that the horse rider would have to negotiate the twin roundabouts of the Brynmawr junctions. Horse riders have traditionally used Intermediate Road to get access to Brynmawr and the Clidach Dingle. The footbridge should be built to accommodate equestrians.
- 6.108 The proposed equestrian routes at Saleyard and Gilwern Junctions would appear to force equestrians to mingle with vehicular traffic and there is further confusion at Pont Harri Isaac.

Mr Nigel and Mrs Sally Curtis (O55)*

- 6.109 Mr and Mrs Curtis operate Road House Narrowboats Ltd, a narrow-boat hire company, from March to November, a gift shop, tenanted property and a bed and breakfast business in and around Main Road, Gilwern. They are concerned with:
- the speed at which traffic would enter Main Road, which should be traffic calmed and rat running along Back Road
 - traffic conflicts which would occur at the junction of Main Road and the proposed bridge, where a mini roundabout should be constructed
 - the proposed bus stop at the Bridgend Inn
 - damage to the canal from the building of the proposed retaining wall during the winter of 2014, which could have consequences for their livelihood
 - disruption to tourism from construction and construction noise
 - the proposals to spend funds on a new towpath alongside the canal between bridges 102 and 103 instead of the more worthy maintenance, drainage and surfacing of the existing towpath
 - the need to improve drainage along the proposed slip road/ Main Road to prevent surface water running off the highway into private

property.

Non-Statutory Written Objections

Mr Ian and Mrs Kay Pickering (O1)

- 6.110 The new road, being elevated by about 3 metres above the existing carriageway, would increase noise at Lleud Newydd on Station Road as it would pass within 200m and cause the existing nearby woodland, which protects the property, to be removed. It would also have an adverse visual effect on the northern outlook from the house and garden. The road lighting would cause night-time pollution. Pedestrians and equestrians would be disadvantaged by the removal of the underpass that currently connects North and South Clydach because replacement routes would be inadequate.

Ms Dianne Humphries (O9)

- 6.111 There would be a lack of safe access for horse riders crossing from one side of the Clydach Gorge to the other. Equestrian use of the Pant Glas underpass is long-standing. That should be recognised even though it may not be a formal bridleway.

Mr Barry Kriel (O11)

- 6.112 Mr Kriel has widespread concerns about the details of the proposed scheme, and objects strongly to it. He fears that it would have a major impact on his home surroundings at Vinetree Cottage and way of life. During roadworks or blockages on the A465 traffic spills onto the old Black Rock Road and obstructs residents from accessing their property. The scheme would therefore infringe his human rights because access to his property could be restricted and his property devalued. There would be no advantage for him, or others in Clydach North. He also raised concerns about the impact that the scheme would have on ecology, heritage and on the National Park and raised a succession of questions in correspondence with the Welsh Government, including the visual impact of the Dan y Coed footbridge, ground stability and property surveys.

Ms Jacqueline Peacock (O12)

- 6.113 The dual carriageway would encourage more drivers to break the 50mph speed limit and exacerbate danger because the curvature of the road would be limited to a 50mph design speed. Very close monitoring would be necessary to avert fatalities.
- 6.114 The justification of the scheme is based on outmoded traffic predictions and The Ministry of Transport (the Welsh Government in this case) should switch towards public rather than private transport investment. The A465 in the area is rarely congested, even at peak times. Speed restriction signage should be made more frequent and conspicuous and a pair of average speed cameras

established near the top and bottom of the hill.

Mr D W Tipping (O22)

- 6.115 The scheme has no advantages for the residents of Old Trap Road: it would isolate residents from village facilities, cause bus stops to be removed, fail to provide A465 access for westbound traffic towards Brynmawr and restrict access to Station Road from the A465 thereby forcing traffic, including emergency vehicles, to enter via Gilwern.
- 6.116 The Scots Pines on the southern verge should be removed in accordance with an earlier agreement with the Welsh Government.
- 6.117 There is a need for a turning head at the junction of Brunant Road and Old Trap Road to allow delivery vehicles to turn.
- 6.118 A footbridge should be added to the scheme because the proposed road bridge connecting Station Road to the village would create a long diversion and would be less safe than a footbridge.

Mr Greg Suff - Chair of the Heads of the Valleys Alliance (O25)

- 6.119 The purpose of the Alliance's campaign is to mitigate the effects of dualling, particularly in sensitive areas such as the Clydach Gorge. The main concerns would be:
- the increase in noise and air pollution during construction and during night working
 - broken promises in relation to public rights of way
 - broken promises on speed enforcement and the consequences for noise and air pollution
 - changes to the landscape and impact on special sites and wildlife.

Mr Mike Jakes (O28)

- 6.120 There would be a potential problem of traffic using the Gilwern eastbound off-slip and needing to turn right over the bridge into Station Road. When such traffic stops to give way to traffic coming along Main Road, it could be "rear-end shunted" by speeding slip-road traffic. A mini-roundabout, giving priority to slip road traffic over that emanating from Main Road would solve the issue.
- 6.121 A pair of slip roads should also be provided on the south side of the A465 to reduce the burden on Main Road, which at best operates as a single lane with passing places. Parking and shopping traffic already lead to traffic delays along this busy commercial street. There is no spare capacity.
- 6.122 Trees on the north side of the A465 should not be removed, despite some requests, because their presence would reduce noise and pollution and yet more should be planted.

Mr Leslie and Mrs Olive Thomas (O29)

- 6.123 A road linking Aberbaiden roundabout to Station Road should be constructed, or alternatively, one linking to the proposed Navigation Bridge. These proposals would reduce traffic through Gilwern and make travel between Old Trap Road and Abergavenny or Brynmawr much more expedient.

Ms S Humpage (O30)

- 6.124 The property, at School Lane Gilwern, would be badly affected by the scheme. It would suffer an increase in traffic noise from traffic using the proposed bridge, which would be elevated directly in front of the house. The mature trees at the front of the property alongside the canal provide nesting sites and should remain as they assist with noise, dust and nuisance reduction.
- 6.125 A new dual carriageway would encourage greater speed whatever speed limit is set.
- 6.126 The Gilwern junction would cause danger from drivers entering the village at speed, particularly as there would be more traffic from the proposed Station Road Bridge. It would be helpful if the pedestrian crossing some 150 metres from the proposed junction could be raised in level.

Ms Kate Ashbrook of the Open Spaces Society (O32)

- 6.127 The Society objects to the exchange of parcel BCL 033. The land to be taken is a strip out of the middle of the common, to be exchanged for an area of land off one corner of the common. It is currently considered that the exchange will sever and suburbanise the existing common and that the exchange is therefore inadequate.

Mr Andrew and Mrs Lizzie Wilson (O34)

- 6.128 At Gilwern there should be an all-directional junction between the A465 and the local road network, notwithstanding the difficulties with elevations. Without such a junction there would be a significant increase in traffic through Maesygartha and the dangerous and narrow lane to Saleyard where right turns towards Brynmawr would be catered for.

The Monmouth, Brecon and Abergavenny Canals Trust (O37)

- 6.129 The Trust has a membership of 630 and is affiliated to the Inland Waterways Association. It is a Charity but does not own the canal at Gilwern. The construction of Section 1 of the A465 Improvement scheme removed the constrictions that were caused by Bridge 101a. These constrictions, and those at Bridge 103, were a by-product of the original A465 construction in the 1960s. However, Bridge 103 still restricts the length of canal boats to 50 feet and that causes damage to the boats.
- 6.130 The scheme would incorporate works right up to the southern wall of Bridge 103 but would not include any improvement of it. One solution would be the

rebuilding of the culvert by 1 metre to the south near to the former Navigation Hotel. That would provide a better canal alignment and more height. It would assist both the local economy and health and safety.

- 6.131 A cheaper improvement option would be the removal of the footpath and its concrete support where it crosses over the canal, in order to replace it with a steel footbridge thus creating more headroom below the critical restriction.
- 6.132 A further option would be the removal of the concrete buffer that tends to deflect boats towards the pinch-point. The work involved in removing only 4.5 sq metres of concrete deck would be modest. The Welsh Government should deploy one of these options in compensation for the months of disruption to those using the canal from construction activities.
- 6.133 Traffic calming should be deployed at Main Road, Gilwern to counteract the dangers of speeding vehicles entering the village from the proposed slip road.

Mrs Elizabeth Gibbs of the Brecon Beacons Park Society (O38)

- 6.134 The Society is an independent organisation with over 700 members. It exists to further the enhancement, protection, conservation and enjoyment of the Brecon Beacons National Park. The Society has been impressed by the complex design that would provide access, whilst safeguarding sites of historic and special interest. However there are no plans to restore the current facilities of the caravan and camping site at Station Road. The former cement works adjoining the old Ironworks is now derelict and should be purchased for conversion into a car park.
- 6.135 The Clydach Gorge has great potential for tourism and an information centre should be established similar to that which is run by the BBNPA at the Waterfall Centre at Pontnedd Fechan.
- 6.136 Any lay-bys that would be removed should be replaced in order to re-establish parking and access facilities for walkers and cavers.
- 6.137 As the National Park has "Dark Skies" status, the proposed road lighting should be reconsidered (DD538, DD539).

Mr Alwyn Hughes and neighbour (O40)

- 6.138 The main access road at the proposed Brynmawr junction should not accommodate school traffic mixed with Thomas Waste HGVs and vehicles bound for Brynmawr from the west. The link road, which would be necessary because of the severance of Intermediate Road, would cause Nos. 1 and 2 Pontygof, Brynmawr to become blighted. The elevation of the dual carriageway at Brynmawr would exacerbate the impact on these properties that would be subjected to increased noise and light pollution.

Mrs Natalie Beaumont and Mr Jamie Beaumont (O41)

- 6.139 The Gorge would be subjected to massive change and that would impact on the

200 year old Hope Cottage. The road would be nearer and the trees currently shielding the cottage would be removed so that construction and traffic noise and road lighting would become a problem. During the construction period, there could be dangerous rat-running along Quarry Road.

Mrs Gayron Williams (O52)

6.140 A number of general concerns arise from a study of the scheme documentation.

Mrs Lynette Green (O53) *

6.141 The scheme would reduce journey times by only 10 minutes and therefore would not be of benefit to the economy of the Valleys. The terrain would restrict the speed of heavy vehicles even if the road was improved but the damage, which would be caused to the unique geology of the area, would be horrendous. The Clydach Gorge is home to the Lesser Horseshoe Bat, a species that is rare. Mature trees would be destroyed and a river diversion necessary. Friends of the Earth put forward a scheme to make the road safer at the 1998 Inquiry, which would cost a fraction of the cost of the current scheme.

Mr Richard Lewis of the Abergavenny Cycle Group (O56)

6.142 Mr Lewis is a member of the Abergavenny Cycle Group and is an eco-tourism operator. The Clydach Gorge with its beauty, heritage, ecology and natural environment is ripe for tourism and enjoyment despite the lack of maintenance of some of the footpaths. The existing A465 is noisy and obtrusive and damages the environment. The scheme would ruin the area for a decade and would be of little benefit, because the uphill stretch is already two-lanes and downhill traffic runs at 50 mph. It is accepted that accidents could be reduced, but the objectives of the scheme could be achieved much more cheaply and the money reinvested in other facilities like cycle route 46 and other such projects.

Campaign for the Protection of Rural Wales (O59) **

6.143 An earlier objection was lodged against the principle of dualling at the 1998 Inquiry. That objection suggested that the A465 should be left as a single carriageway because, with the rest of the Heads of the Valleys Road dualled, Section 2 would not be necessary. The dualling Section 2 would be detrimental to wildlife habitats, the landscape and heritage. The single downhill section should remain, with a climbing lane uphill through the Gorge.

Cambrian Caving Council (O60) **

6.144 The Clydach Gorge is rich in SSSIs, National Nature Reserves, SAMs, a World Heritage Site, a Landscape of Special or Historic Interest and a National Park. There are natural beech woodlands, caves and other unique geological features. Alternative Number 5 should be adopted instead of the scheme.

** These objections were all submitted after the end of the objection period.*

*** These objections were received well after the end of the objection period, during the final week of the Inquiry.*

7 THE CASE FOR THOSE MAKING REPRESENTATIONS

The material points were:

The Health and Safety Executive (R3)

- 7.1 Discussion should take place with the appropriate pipeline operators about earthworks and piling.

Brynmawr Town Council- Angela C Davies (R6)

- 7.2 The scheme should deal with the ageing and leak prone sewer that runs as an elevated pipeline between Brynmawr and Pont Harri Isaac to facilitate development opportunities in Brynmawr.

Mr Richard Moss (R4)

- 7.3 The beneficial scheme would be even better if westbound movements were catered for at Gilwern.

Mr Nicholas Beswick (R7)

- 7.4 A local woody/shrub area should be retained to provide opportunity for nesting birds.

Mr Colin Wallbank (R8)

- 7.5 The small grass area near the rear of Mr Wallbank's garden should not be planted for mitigation but kept as an open grass bank to eliminate the possibility of light obstruction should the mitigation planting grow and overhang the garden.

Gwent Police (R9)

- 7.6 During construction, a free and efficient 24-hour breakdown recovery service would be needed, pedestrians and cyclists should be prohibited, with bus-stop exemptions, and deterrent signage erected.
- 7.7 There should be no diversion of traffic onto unsuitable local roads and abnormal loads catered for during construction.
- 7.8 Automatic average speed control should be deployed during and after construction.

8 THE WELSH GOVERNMENT RESPONSE TO THOSE MAKING OBJECTIONS AND REPRESENTATIONS

The material points were:

Statutory Objectors who appeared at the Inquiry

Natural Resources Wales (O33) and the Brecon Beacons National Park Authority (O36, O36A)

- 8.1 The Welsh Government, following discussions and agreements with both NRW and BBNPA, has reached agreements in respect of the provision of additional information, protocols for managing elements of detailed design in the future and the control of construction risks. A Register of Commitments and a Protocol have been drafted and agreed (ID54, ID62).
- 8.2 The Welsh Government notes that the NRW remain firmly of the view that the nature of the location of the scheme requires its delivery to be an exemplar in design that respects its setting within the Brecon Beacons National Park and the environmental and heritage interests of the area. It also accepts that the potential timescale for completion of detailed design before the start of construction appears to be tight. However the Welsh Government is confident that sufficient design resources would be available.
- 8.3 The Welsh Government would work closely with NRW and BBNPA in order to ease the burden on the limited resources and the final composition of a Register of Environmental Commitments all in association with the Brynmawr Sections SSSI, Protected Species, landscape and visual impact on the Brecon Beacons National Park.
- 8.4 All outstanding issues on public rights of way have been settled.
- 8.5 Following discussions and undertakings further agreement has also been reached with the BBNPA on heritage, ecology, planning, rights of way, landscape and visual impacts on the National Park.

The Llanelly Community Council (O44)

- 8.6 NRW, BBNPA, Monmouthshire County Council and The Design Commission for Wales have approved the design of the footbridges. They would be partly finished in weathered steel and timber to reflect the rugged character of the Gorge and to reflect its ironworks heritage.
- 8.7 The footbridge crossings would tie into the local road and footway network at Blackrock and traffic calming measures along Main Road have been agreed with the County Council. The Dan y Coed footbridge south ramp would be modified to move it further from the properties at Dan y Coed.
- 8.8 The contractor would liaise frequently with residents during construction to keep them aware of the programme, including the need for night working.
- 8.9 With the removal of the Lion Hotel footbridge, pedestrians would use the Navigation Inn road bridge to access the village from Station Road. This should adequately cater for the low pedestrian flows that currently cross over the A465.
- 8.10 The case for westbound slip roads at Gilwern has been addressed in the analysis of Alternative 1b. The suggested imposition of a junction would cause merging traffic joining the A465 westbound at Glanbaiden to come into conflict with diverging traffic wishing to leave the A465 and enter Gilwern. That would

compromise normal standards. The site is very constrained with the canal and scheduled ancient monuments to the north and high retaining walls to the south.

- 8.11 Acceptable levels of construction noise and working hours would be agreed with the Monmouthshire County Council: all locals who would be affected would be notified. Some traffic disruption during construction would be inevitable. Works compounds would be located where there would be less residential interface and measures would be taken to minimise nuisance.
- 8.12 During construction, existing bus stops would remain in place where it is safe and practical: where that is not the case a shuttle service would be organised.
- 8.13 It is accepted that there would be some disruption to local services and businesses during the construction period, but this would be minimised.
- 8.14 The noise levels at Maesygartha and Saleyard would reduce because of the scheme and the proposed lighting system would reduce light spill compared to the existing.
- 8.15 A protocol for managing unknown land contamination would be set out in the Construction Management Plan and would be acted upon when dealing with the old tip near the Forge Hammer.
- 8.16 Rainwater run off from the site would be vigorously managed.

Black Lion Enterprises Ltd (O54)

- 8.17 The proposed junction at Gilwern evolved from the 2011 Public Consultation exercise. Following that, attempts were made to contact the owners but without success. The premises ceased trading before purchase by the current owners and it is clear that the 1999 Order would have impacted on the property to an extent similar to the current scheme. The Local Planning Authority report on planning permission makes it clear that the potential impact of the 1999 Order was raised at the time and that vehicular access to the side of the property would have been affected by the 1999 Order. It expressly stated that it could affect parking (ID56).
- 8.18 The scheme, as now designed, would not stop-up access to the rear of the property, although during construction, special arrangements would need to be made by the contractor. The plans to construct a parking area to the rear of the hotel remain feasible. On-site parking was not an essential planning consideration.
- 8.19 The scheme has not prevented completion of the development. Work stopped in 2012 and there remains an unresolved shareholder dispute which until resolved, would prevent work resuming.
- 8.20 Land at the rear of the hotel would be needed for an underground water storage tank: subject to agreement with the owners, its location could be modified to minimise the effect on any future development plans. This will be proposed as Modification T (ID71).

8.21 The case for a modified junction at Gilwern is set out at ID32.

Mintblue Properties Ltd (O24)

8.22 All the land included in the draft CPO would be required for the scheme, but it is accepted that it would be possible to redesign the Brynmawr junction to substantially avoid the land owned by Mintblue Properties Ltd. The redesign and the analysis of it are set out as Alternatives 3a and 3b at paragraphs 9.23-9.28.

8.23 The Welsh Government accepts that the advice given in advisory circular NAFWC 14/2004 has not been fully followed in respect of making efforts to agree the purchase of property. It would have been impracticable on a scheme, which involves hundreds of plots to have embarked on such an exercise. To follow the advice would have been far too much of a risk for the public purse on a controversial scheme, which has substantial opposition and may not get confirmation to proceed. The Welsh Government has complied with all the necessary statutory procedures in pursuit of the making of the CPO (ID2).

8.24 The Company has made no formal application for the advance purchase of the land, but the Welsh Government has already appointed the District Valuer to facilitate an early settlement.

Mr Mike and Mrs Gillian Shepherd (O14)

8.25 The proposed attenuation pond in plot 3/16a has been converted to an underground structure that would allow Mr and Mrs Shepherd to use the field for grazing. Easement rights across the land would still be needed. A modification of the Orders would remove the need for plot 3/26 and the stable block, which could remain. It should be possible to agree shared use of the proposed access track through plot 3/16 to plot 3/16a.

8.26 It should be possible to minimise the loss of trees to the rear of Hayman's cottage consistent with optimum earthwork profiles in the area.

8.27 It is accepted that tourism would be adversely affected during construction. Business losses would be met by compensation.

8.28 It is also accepted that trees can improve air quality and consistent with the minimisation of tree-loss the scheme would not cause significant increases in air pollution. There would be no threat to human health. The analysis of air quality accords with the requirements of the DMRB.

8.29 Whilst the noise predictions show that the property would not qualify for noise protection, a close-boarded fence could be erected alongside the property boundary as an element of accommodation works. However, this would not attenuate noise much because a direct line of sight from vehicles on the widened carriageway would cross over the top of the fence. A noise level increase in the order of 4.5 dB (A) would be expected at Hayman's cottage. A noise barrier alongside the proposed road would require a maintenance strip behind it and that would necessitate more tree removal. The construction of a solid vehicle retention barrier alongside the road instead of the necessary metal barrier, would be acceptable to all Authorities and would abate noise at Hayman's

cottage and its surrounds by about 3dB (A). That would be appreciable (ID72).

- 8.30 Any road alignment that would avoid an impact on Mr and Mrs Shepherd's land would be practicably impossible due to constraints associated with standards, residential property and infrastructure.
- 8.31 It would be possible to straighten the southern footbridge ramp, but its curved nature has arisen from the recommendations of the architect appointed to advise on structural design within the sensitive landscape of the Gorge. The ramp would be well clear of Hayman's Cottage and the proposed rusted steel appearance would be consistent with other local structures and reflect the iron heritage of the area.
- 8.32 It should be possible for a visitor's car park to be constructed adjacent to the proposed site compound and be segregated from the works. That would be subject to the same control as the existing site, which is not secure at night.

Non-Statutory Objectors who appeared at the Inquiry

Councillor Simon Howarth (O58)

- 8.33 A full explanation of the scheme details was given to members of the Monmouthshire County Council on 15 April 2013.
- 8.34 All access and egress to the footbridges and underpasses would be safe and the proposal to use weathered steel is to reflect the industrial ironworks heritage of the Gorge. Safety measures, agreed with the Monmouthshire County Council, would include traffic calming along Main Road, Blackrock. The width of Navigation Inn Bridge, coupled with the low flows on it, would make it safe for cycling, equestrians and pedestrian use (ID23).
- 8.35 The location of the ramp at Dan y Coed has been reviewed and a modification would be proposed to move it further from the bungalows. However, the curvaceous nature of the access ramp would remain so that a family appearance to the structures would ensue (ID11, ID42, ID51).
- 8.36 It would be a matter for the County Council to provide adequate links to bus stops but where practicable, footpath links would remain open throughout. Where temporary closures or permanent diversions are necessary these are set out in the Side Roads Order. Responsibility for the removal of the S-bends on Station Road should also rest with the Council, because the scheme would not have any effect on this length of road or load additional traffic onto it. The matter was raised at the 1998 Inquiry and the County Council accepted the situation then. (DD052-paragraph241, ID73).
- 8.37 The cases for Alternatives 1b and 2b have been set out at DD061.
- 8.38 Councillor Howarth's concerns about the effects of construction are recognised, but on-site procedures would control noise and dust where practicable: there are no long-term closures of the A465 planned during construction and emergency service routes would always be maintained. A public liaison officer would be on-site continuously and advance notification of road closures would be a continual

duty. Access to Gilwern from the Glanbaiden roundabout would be maintained at all times. No decision to use average speed cameras during construction has been made.

- 8.39 Note has been taken about the location of the old tip at the Forge Hammer. A protocol for the management of unknown areas of contamination will be set out within the Construction Environment Management Plan and would be rigidly followed in the event of a discovery. All compounds and material storage would be sited with the interests of local residents in mind.

Mrs Hilary and Mr Graham Lipscombe (O6)

- 8.40 The case for the scheme is fully set out in the evidence-in-chief of the Welsh Government. There could be no effective alternative measures given the substantial rise in traffic between now and the design year of 2032.
- 8.41 An earth bund would be constructed and planted in order to screen the trunk road between Gilwern and Saleyard.
- 8.42 There should be no rock-blasting from Saleyard through to Gilwern but, if it is found to be necessary, a specialist would undertake it. However, it is inevitable that there would be some noise, dust and disturbance during construction. Significant precautions would be undertaken to avoid disturbance to wildlife. It is also necessary for periods of night working when traffic on the trunk road is reduced. The public would be informed in advance.
- 8.43 Tree and shrub planting would be undertaken early to a specification set by Natural Resources Wales. This would increase the area of deciduous woodland by about 30%.
- 8.44 A walking, riding and cycling strategy has been agreed with the relevant Authorities. No horses would be allowed on the footbridges at Blackrock, Clydach and Pant Glas. The Pont Harri Bridge would be capable of carrying equestrians, but the scheme does not provide for horses through the Pant-Glas subway because the route is not officially a bridleway.
- 8.45 The proposed 50 mph speed limit would be enforced and measures would be introduced to control rat-running. Discussions are already underway with the relevant Authorities.
- 8.46 The proposed designs and finishes to structures have evolved following discussions with all key stakeholders and an expert architect has been engaged to give specific guidance on structural appearances. Weathered steel would reflect the heritage of the area and has been widely used elsewhere.
- 8.47 The road would be lit for security, safety and ecological reasons because road lights would deter the Lesser Horseshoe Bat from flight paths above the carriageway. Lower intensity lighting would replace the existing orange lights, thereby directing light more onto the carriageway to reduce glare. The scheme would also include measures to mitigate the effects on the Lesser Horseshoe Bat, including the use and extension of subways beneath the road.

- 8.48 The Non-Motorised User (NMU) holding areas on the eastbound off-slip at Gilwern would be satisfactory because traffic flows would be light and visibility good.
- 8.49 Proven loss of business, because of the construction of the scheme, may result in compensation being paid.

Mrs Mair Edwards and Mr Michael Edwards (O13)

- 8.50 The existing operational problems on the present road, which will grow over time and which cannot be addressed by maintenance of the existing 3-lane highway are:
- substandard alignment and visibility
 - slow moving vehicles with lack of overtaking opportunities
 - a high ratio of serious and fatal accidents
 - difficult maintenance and management problems
 - peak hour congestion.
- 8.51 The traffic predictions were based on standard methodology and a series of detailed analysis, having regard to current economics within the UK. The A465 is a strategic route, which has to cater for long distance and local traffic, although dualling would also offer an advantage for public transport.
- 8.52 The scheme would be of direct employment benefit to locals during the construction period and also in supporting economic growth upon completion. It is supported locally by those bodies representing local manufacturing and is regarded by them as essential.
- 8.53 About 70 metres of the former Clydach Railroad would be lost to the scheme, but enhancement of local footpaths would increase connectivity to the historic routes.
- 8.54 It is accepted that the Gorge has intrinsic beauty and that there would be a significant residual adverse effect on the Lower Clydach Gorge because of the off-line section of the Saleyard Junction. Elsewhere, it is also accepted that there would be adverse landscape effects, but they would not be significant. The natural beauty of the area has been reflected in the significant landscaping and, mitigation proposals and in the structural design proposals. These measures would offset the adverse impact of the scheme.
- 8.55 The response to Alternative 5 proposed by Mr and Mrs Edwards is at ID 48.

Ms Penelope Suff (O26)

- 8.56 Throughout the Clydach Gorge some night working would be necessary to avoid peak traffic flow disruption. This would be minimised and residents alerted in

advance. However, occasionally disturbance at night could be severe and in those circumstances, alternative night accommodation would be offered to residents.

- 8.57 Pedestrian access from Valley Walk to Black Rock Road would be maintained. The existing Drum and Monkey sub-way would be replaced by the Black Rock footbridge and the new and existing footpaths would be linked. The new footbridges at Blackrock, Clydach and Pant Glas would be for pedestrian use only. The footbridge at Pont Harri would be upgraded for equestrian use. The Pant Glas subway, a suitable crossing for bats, would not be suitable for horses, either led or ridden because of its restricted headroom of 2.1 metres, compared to 2.8 metres for a led horse and 3.4 metres for a ridden horse. A subway crossing of the A465 would be provided 250 metres to the east near Saleyard River Bridge. North of the A465, equestrians would need to cross the lightly trafficked slip road where a holding area would be provided to facilitate safe waiting.
- 8.58 The Welsh Government would not promote the upgrading of Footpath 333/55/1, which is a matter for the BBNPA. There is no apparent need for this upgrade given the difficult engineering that would be necessary to make it suitable. However, the scheme would incorporate improvements to the Pont Harri crossing which would be suitable for equestrian use should the footpath be upgraded in the future.
- 8.59 The removal of Intermediate Road Bridge would add about 40 seconds to vehicular journeys and about 830 metres. The gradients would not be excessively steep for the area and the junction would be properly maintained during adverse winter weather. However, the proposed Hafod pedestrian bridge could be converted for equestrian use subject to agreement with the Blaenau Gwent County Borough Council.
- 8.60 The scheme would allow passage by equestrians over the Gilwern (Navigation Inn) Bridge, and with light traffic flows that would be a safe route for them. The scheme would reduce vehicular traffic on the slip roads at Glanbaiden by 77%. That would be an advantage for equestrians in that area.
- 8.61 The CPO contains the minimum required for the scheme. Compensation would be payable for any land taken. It is accepted that a considerable area of land would be taken in order to mitigate the loss of wildlife habitat. These areas were based on advice from NRW. Land marked for agricultural restoration would be restored to the owner after construction.

Mr Jack Bland and Mr Daniel Beynon (O27)

- 8.62 Mr Bland's alternative suggestions of enhancement of the Gilwern Junction to provide for westbound traffic and a footbridge across the A465 are set out at DD061.
- 8.63 A turning head at the junction of Old Trap Road and Brunant Road has been proposed as a modification to the Side Roads Order (Modification U) and that would enable delivery vehicles to turn and exit Old Trap Road and Station Road (ID44).

- 8.64 A road signing strategy would be developed with the Monmouthshire County Council and that would include suitable signs indicating the limitations of Old Trap Road and Station Road.
- 8.65 During construction, the footpath adjacent to the Lion Hotel leading to the canal would need to be closed. The existing steps and right of way would be restored upon completion of the works. Because of the site constraints, land-take, passenger safety, low usage, environmental impact and the proximity of other bus stops, further bus stops would not be justifiable.

Mrs Sharon and Mr Nick Mills of Castle Narrowboats (O39)

- 8.66 In recognition of the environmental sensitivity of the retaining wall near the canal, and following widespread consultation with key stakeholders, it is proposed to dress the face of the wall with local stone. It is accepted that the scheme would, in places, adversely affect views from the canal. To partly offset that, tree planting would be installed towards the existing canal bridge. Elsewhere the scheme would be of benefit to the outlook from the canal.
- 8.67 There would be a moderately adverse visual residual effect on Mr and Mrs Mills' property.
- 8.68 At Canal Road Wharf daytime and night-time noise levels would decrease, in the order of 3dB (A), although some spots along the canal would experience a slight increase in noise.
- 8.69 The proposed 50mph speed limit extending to east of Glanbaiden would be enforced.
- 8.70 Drainage of the canal during winter would be necessary as a precautionary measure, but this should not affect the canal basin near Castle Narrowboats. If there are proven business losses as a result of such closures, compensation may be payable.

Mrs Joyce Smith (O43)

- 8.71 At The Mount, daytime and night time noise levels would decrease, in the order of 1.5 - 3.5 dB (A). The future noise level would be well below the threshold at which noise insulation of property would be considered. To off-set the visual effect of the scheme there would be an opportunity to reinforce the tree cover along the garden boundary using evergreen species planted in rows, in recognition of a moderate adverse visual impact on the property. Proposals would be drawn up. There would be no threat to health from air quality (ID35, ID36).
- 8.72 The details of the alternative junction at Gilwern are set out at DD061.

Mrs Iris Bevan and the late Mr Ron Bevan (O45)

- 8.73 The Welsh Government would be prepared to consider a land-swap, but the land on which planting is proposed is not in Mrs Bevan's ownership. Therefore there could be no certainty that agreements could be reached. The adjoining owner

has not objected to the planting of the land. There would be no immediate threat of views being blocked because the adjoining land drops away from Mrs Bevan's property by 27 metres and the tree planting would involve saplings. Contact with Mrs Bevan would continue through the public liaison officer.

Mr Gareth Hall (O47)

- 8.74 The scheme would reduce noise at the property by about 1 to 2 dB (A). A noise barrier could not be justified.

Mr T M Mobey (O48)

- 8.75 The proposed alternative junction arrangement at Gilwern is set out at DD061.
- 8.76 Some shrub planting would be carried out between the road and properties on Old Trap Road and a hedgerow planted along the boundary of properties. The existing planting in that area would not be affected (ID35, ID36).
- 8.77 At London House traffic noise would decrease by about 2 to 4 dB (A).
- 8.78 The existing bus stops at Gilwern would not be replaced because there would be insufficient space to accommodate such a facility. The nearest bus stop would be at the Post Office at Gilwern and would be accessed via the proposed overbridge from Station Road (ID73).

Mrs Tracey Hook (O51)

- 8.79 The problematic S-Bends are far from the scheme on the local road network for which Monmouthshire County Council is responsible. The Welsh Government would develop a signing strategy with the Council to warn large vehicles of the unsuitable nature of the road.
- 8.80 The case for the alternative, which would enhance the junction at Gilwern, is set out at DD061. Should this be constructed, a bus stop could be built into the junction arrangement.

Ms Penny Suff, Mrs Tracey Hook and Mrs Hilary Lipscombe (O51A)

- 8.81 The new footbridges at Blackrock, Clydach and Pant Glas would be for pedestrian use only. The footbridge at Pont Harri would be upgraded for equestrian use. The Pant Glas subway, a suitable crossing for bats, would not be suitable for horses, either led or ridden because of its restricted headroom of 2.1 metres, compared to 2.8 metres for a led horse and 3.4 metres for a ridden horse. A subway crossing of the A465 would be provided 250 metres to the east near Saleyard River Bridge. North of the A465, equestrians would need to cross the lightly trafficked slip road where a holding area would be provided to facilitate safe waiting.
- 8.82 At Glanbaiden, the flyover would remove all through traffic from the current slip roads and make conditions for equestrians there much more pleasant. Equestrians could use the carriageway across the Navigation Inn Bridge, which would carry very little vehicular traffic (ID30).

- 8.83 The Welsh Government would not promote the upgrading of Footpath 333/55/1, which is a matter for the BBNPA. There is no apparent need for this upgrade given the difficult engineering that would be necessary to make it suitable. However, the scheme would incorporate improvements to the Pont Harri crossing which would be suitable for equestrian use should the footpath be upgraded in the future.
- 8.84 The removal of Intermediate Road Bridge would add about 40 seconds to vehicular journeys and about 830 metres. The gradients would not be excessively steep for the area and the junction would be properly maintained during adverse winter weather. However the proposed Hafod pedestrian bridge at Intermediate Road could be converted for equestrian use. The Blaenau Gwent County Borough Council have agreed to the change in status to include bridleway use.

Mr Nigel and Mrs Sally Curtis (055)

- 8.85 The dual carriageway would carry a 50 mph speed limit and a Gateway feature would be agreed with the County Council for erection at the entrance to Gilwern. The scheme would therefore not cause speeds entering Gilwern to increase. Traffic restraint along Back Road is a matter for the County Council, as is general traffic management along Main Road because the scheme would not substantially increase traffic flows along that road.
- 8.86 The additional bus stop opposite the Bridgend Inn is proposed to mitigate the loss of the bus stops at The Lion Hotel, but usage would be low.
- 8.87 Generally traffic noise alongside the canal would decrease, but there may be a few minor increases at particular spots.
- 8.88 The main purpose of the pathway, which would be created along the southern edge of the canal, would be for maintenance access and it could be used to form a circular public walkway. Maintenance of the existing path is not the responsibility of the Welsh Government.
- 8.89 Access to Gilwern would be maintained during construction and extensive discussions would take place to secure the structure of the canal during construction. It is appreciated that winter maintenance of the Road House Narrowboats fleet would be difficult when the canal is drained, but a practicable cover solution may be possible. Discussions would continue with Mr and Mrs Curtis.

Statutory Written Objectors

Monmouthshire County Council- Highways Department / Public Rights of Way (015)

- 8.90 Footpath 52/23 would be stopped up because the existing underpass would be removed but its alignment between New Highway 2/D and Footpath 52/128 would remain usable. The SRO includes it as an improved highway.
- 8.91 The route of Footpath 52/128 and part of 52/23 are clear on the ground but do

not accord with the Definitive Map. The Welsh Government has no locus or powers to amend the Definitive Map. They are not affected by the scheme.

- 8.92 The alignment of New Highway 3/A could be modified and a bridleway created with "no cycling" signs erected at either end, but agreement of the landowner would be needed for the modification.
- 8.93 The provision of a footway and/or traffic calming along Main Road would be a matter for the Monmouthshire County Council. The scheme would do away with the pedestrian route behind the safety barrier. It is not a public right of way and would not be replaced.
- 8.94 On completion of the scheme the Saleyard picnic site would be returned to the Council and agreement would be sought with the Council on the details of reinstatement. Access to the picnic site paths would be provided through an opening in the planted area adjacent to the bus stop.
- 8.95 The provision of a footway and/or traffic calming along Station Road is a matter for the County Council.
- 8.96 The Navigation Inn Bridge would include a lit 2 metre wide footway and cycle provision, unless an additional footbridge was included within the scheme as a result of the Inquiry's findings.
- 8.97 Maintenance of the canal over-bridge is a matter for the Canal and Rivers Trust.

Monmouthshire County Council –Landscape and Countryside Officer (O15a)

- 8.98 Following discussions and agreements on all points of concern, the objection was withdrawn.

Monmouthshire County Council Traffic and Networks Officer (O15b)

- 8.99 Following discussions and agreements on all points of concern, one of which was the Dan y Coed footbridge southern ramp, which was seen as intrusive, the objection was withdrawn. A realignment of this ramp to reduce the overhanging nature of it, particularly on properties at Dan y Coed, would be proposed in accordance with Modification R.

Blaenau Gwent County Borough Council – Technical Services (O46)

- 8.100 The trunk sewer is not the responsibility of the Welsh Government. Following discussions, agreements were reached in respect of sympathetic ground profiles at Brynmawr, high class finishes to retaining structures and temporary and permanent parking for visitors at Clydach.

National Grid (O21)

- 8.101 The scheme would be clear and to the west of the high voltage line and would

not require any diversion of it. However, the Welsh Government confirmed on 9 April 2014 that it would be prepared to enter into an Asset Protection Agreement prior to the start of construction in order to safeguard the overhead line referenced 4YU.

Mr Nick Walbyoff (O2)

8.102 Following a redesign, Plot 1/4a would no longer be required and a modification to the CPO would be sought to reflect that. The affected land is owned by Blaenau Gwent County Borough Council, which has confirmed acceptance of the "hammer-head" turning facility and use of its land.

8.103 Plots 1/4b, 1/4c, 1/4d and 1/4e are for temporary licence use during construction and would be returned to the owner subsequently. These would be needed for the marshalling of plant, bridge fabrication, adjacent to the proposed Intermediate Road Footbridge, works access and site water management clear of congested public areas. No suitable alternative sites would be available in this area.

Mr Phil Walbyoff (O3)

8.104 Following a redesign, Plot 1/4a would no longer be required and a modification to the CPO would be sought to reflect that. The affected land is owned by Blaenau Gwent County Borough Council, which has confirmed acceptance of the "hammer-head" turning facility and use of its land.

8.105 Plots 1/4b, 1/4c, 1/4d and 1/4e are for temporary licence use during construction and would be returned to the owner subsequently. These would be needed for the marshalling of plant, bridge fabrication adjacent to the proposed Intermediate Road Footbridge, works access and site water management clear of congested public areas. No suitable alternative sites would be available in this area.

Mr Simon and Mrs Ruth Hindle (O4)

8.106 A suitable access to the Common would be established in Plot 3/17. A temporary licence rather than permanent acquisition would be required for Plots 3/17, 3/17a, 3/17b and 3/17c and a private access track constructed. This would be included in the Orders as Modification I. A modification to the CPO in respect of Plot 3/17 would also be required.

8.107 The donkey stable would be demolished and an advance of compensation made to provide a replacement.

8.108 There would be a pro-rata loss of Common rights, but compensation would offset the loss.

Mr and Mrs Waterhouse (O5)

8.109 Following agreements with the Welsh Government, the objection was withdrawn.

Mr Huw Lloyd (O7)

8.110 Plot 3/12 was included in the CPO to enable trees to be planted for replacement bat habitat. It is accepted that bats do forage over grassland, but the Lesser Horseshoe Bat prefers a broadleaf tree habitat. Woodland in the vicinity of the farm is considered to be essential as a replacement for that which would be lost to the scheme. Despite repeated attempts it has not been possible to meet Mr Lloyd in order to discuss the matters he has raised but it is accepted that the small holding is about 4 ha and appears to be used for sheep grazing. The Welsh Government would welcome the opportunity to meet Mr Lloyd should the Orders be confirmed. Any proven and material devaluation of the property as a result of the scheme, would give rise to a consideration of compensation.

Mr John Meredith (O8)

8.111 It is accepted that there is an error in the Common Land register but, even so, that register defines Common Land in Wales. Therefore the CPO for the scheme has to recognise that. Replacement land currently in the ownership of the Blaenau Gwent County Borough Council has been incorporated into the draft CPO. The Council has not objected to that. Any corrections to the area defined as common land would be through the exchange land process in order to de-register the Common Land. Following completion of construction, the claimed common land rights over Mr Meredith's land would cease, in favour of his ownership. Compensation may also be payable. The Welsh Government would continue to consider the request that, following the exchange land process, the replacement common land should not be owned by Mr Meredith. It would continue to liaise with Mr Meredith and others in an effort to reach a satisfactory solution.

8.112 Following a redesign of the scheme plot 1/4a would not be permanently required for the scheme and a modification to the CPO, which would remove the title acquisition of the plot in favour of a licence during the construction period would be sought.

8.113 Plots 1/4b, 1/4c, 1/4d and 1/4e would be required for a temporary period and not be subject to permanent acquisition. The contractor would liaise with Mr Meredith in an effort to ensure that business operations could continue during the construction period.

Mr Mark Young and Ms Meriel Robson (O10)

8.114 The CPO would be modified to reflect the concerns expressed.

Mr W J Thomas and Mr G C Thomas (O16)

8.115 Provision for a permanent replacement livestock shelter would be made, together with any associated accommodation works, with a temporary shelter provided in the intervening period if necessary. The proposed fencing around the bat roost would be stock proof and maintained at public expense. Plots 1/12j and 2/15a would only be required under a temporary licence providing agreement could be reached. A modification to the SRO and CPO would be sought to facilitate an access off Main Road to plot 2/15. Any loss of common land rights could be met by compensation.

8.116 Agreement would be sought in respect of 2/15e and 2/15j.

Thomas Waste Management Ltd, The Trustees of Thomas Waste Management Pension Scheme, Mr Roydon Thomas, Mrs Diane Thomas and Mr Gareth Thomas (O17) (O17A)

8.117 The inclusion of plots 1/11 and 1/11a in the CPO would be essential for the construction of the proposed Brynmawr interchange to National Design Standards and is generally consistent with the 1999 scheme. The CPO Schedule would be modified to reflect the claimed tenancy on the land and to reflect design changes that, overall, reduce the area of land that would be needed. The scheme could be modified to reduce the area of land required from plots 1/13, part 1/11b and part 1/11d. The scheme would require the acquisition of plot 1/19 which apparently has been subject to a tenancy agreement with Mintblue Properties Ltd.

Mr Dale Walters (O18)

8.118 The land included in the CPO is the minimum that would be necessary for the construction and maintenance of the scheme. Compensation would be payable and an assessment of Single Payment Scheme entitlements would be made.

8.119 In agreement with Mr Walters, the Welsh Government would seek to purchase fields referenced 0634, 0832 and 6245: the provision of an access to these severed areas would cost more than the purchase of the land. The Welsh Government would advise Mr Walters on the consequences of his loss of common grazing rights.

8.120 CPO plot 1/18 would be required for a temporary licence with a permanent right of access through it for maintenance purposes: the Welsh Government would ensure that Mr Walters has access and entry from this track throughout the construction period.

Mr Geoffrey Powell and Mrs Carol Powell (O19)

8.121 The scheme would result in the removal of existing vegetation adjoining the A465, which would result in a moderate adverse effect at Clydach Villa. Daytime and night-time noise levels would increase by up to 1 dB (A) in the longer term. That would be indiscernible. The proposed lighting would replace the existing bright orange lights with white LED units that would minimise light spill beyond the carriageway. The scheme would not cause ground instability near Clydach Villa.

Mrs Jennifer Hughes (O20)

8.122 CPO plot 2/21 would be necessary for the realignment of Main Road and structures on the A465, which could only be widened on its northern side. Following detailed consideration, the Welsh Government could modify the scheme, in agreement with Mrs Hughes, by extending the proposed retaining wall adjacent to the plot and thereby reducing the size of the plot necessary for permanent acquisition.

- 8.123 Plots 2/21a and 2/21b would be subject to a temporary licence only and would be returned after construction. They would be essential to enable a satisfactory realignment of Main Road to tie into the existing highway adjacent to The Old Post Office. Access during construction would be maintained, although some disruption would be experienced.
- 8.124 Plot 2/21c would be required to enable completion of minor work needed to tie-in the reinstatement to the surrounding plots.

Dŵr Cymru Cyfyngedig – Welsh Water (O23)

- 8.125 An agreement has been reached with DCC, which would enable the works to proceed at the Craig Ddu Water Treatment Works, Ffynon Gistfaen pumping station, Brynmawr Sewage Treatment, Clydach Caravan Park and at Saleyard.

The Canal and River Trust (O49)

- 8.126 The heavier engineering aspects of the scheme would affect the canal between chainage 35+100 and the A4077 (Bridge 103). From the Navigation Inn to chainage 36+100, the effect would come from drainage, footpath and landscaping works. Over both sections, the CPO only contains land that is essential for the scheme and is the minimum necessary for construction and maintenance of the highway and to reduce noise and visual intrusion on Gilwern and the canal.
- 8.127 Part of the canal west of Bridge 103 at Main Road, Gilwern, is a SAM but no land is included in the CPO within the SAM boundary, which, in part, follows the southern boundary of the waterway (ID19).
- 8.128 The canal would need to be closed from roughly November 2014 to March 2015, but not over the Christmas period, in order to clear the site and lay foundations for the proposed retaining wall. The closures have been approved by the Trust, which would be kept informed of developments on the programme for closure and other matters. Following refilling, the canal should reopen in March 2015, although fencing, footpath and wall finishing works would still be ongoing in the area. As much vegetation as possible would be retained over south side canal bank.
- 8.129 The canal embankment has already been monitored for stability and that would continue. All necessary temporary works would be discussed with the Trust.
- 8.130 CPO plots 5/15 and 5/15a would be permanently acquired as "Title" for the permanent works, which would be necessary to support the widened highway above. All other plots would be needed for access or maintenance purposes. Some of those plots abut the southern edge of the canal but the title plots are set well clear of the canal itself.
- 8.131 The land included in the CPO title plots 5/15 and 5/15a is, for all practicable purposes, already part of the structure of the existing trunk road. The land is owned by the CRT but is not necessary for the canal, as it comprises an embankment that rises from the canal and supports the highway above. As the land rises from the canal to the road, it could not be described as a canal

embankment, as indicated in the objection. It fulfils no structural purpose of support for the canal and is not used by the public. It follows that the CPO boundary would be clear of the operational area of the canal, although in places the temporary CPO plots would lie adjacent to the canal edge. It is incorrect to describe this land as operational canal land. It is beyond the periphery of the structural needs or operational zone of the canal (ID69, ID74).

- 8.132 The Welsh Government must pursue compulsory purchase of these plots and does not agree to those plots being excluded from the CPO (ID68).
- 8.133 The maintenance track running east of Bridge 103 on the southern side of the canal, would remain after construction and apart from maintenance access could be used as a footpath thereby creating a circular walk between two canal bridges.
- 8.134 The Welsh Government has no responsibility for Bridge 103, which would not be affected by the scheme.
- 8.135 A significant decrease in traffic noise would be experienced along the canal north of the A465 largely as a result of the proposed false cutting.
- 8.136 In correspondence with the Canal and River Trust, the Welsh Government made a number of commitments. These would be included in the Register of Commitments for the scheme and an agreement on the precise wording of the Register sought with the Trust. These would cover all the general concerns of the Trust.

Mr and Mrs Morgan (O31)

- 8.137 Following correspondence with the Welsh Government, the objection was withdrawn on the understanding that there would be a prompt negotiation of compensation should the scheme proceed.

Mr Roydon Thomas, Mrs Diane Thomas, Mr Barry Thomas, Mr Howard Thomas, Mr Clive Thomas, Mr Gareth Thomas, Mr Calum Graham and the Trustees of the TWM Pension Scheme (O35)

- 8.138 The acquisition of Plot 1/13 would be necessary for the scheme. However, the connection point proposed on the realigned road leading from the new Brynmawr Junction could be altered and that would limit the land that would be required from plots 1/13, 1/11b and 1/11d. The Local Authority has accepted the amendment. A modification to the Orders would be sought to rectify administrative inaccuracies in respect of land ownership and to amend the proposals described. Overall the area of land that would be included in the CPO would reduce.
- 8.139 With the modification, Plot 1/13 would be removed from the CPO. Plot 1/11d would also be removed and replaced by plot 1/11g outside the area fenced off by Thomas Waste Management. Plot 1/11b would also be removed and replaced by plots 1/11k and 1/19 which effectively would reduce the area of land needed for the scheme from within the fenced off area.

Mr Ivor Cashmore (O42)

- 8.140 Plot 2/26 would be required on a temporary basis to enable construction to proceed and would be returned to the owner later. Plot 2/1r would be required to provide a means of access to Hafod Inn flats, but a drafting error would require a small modification to the CPO to be sought.
- 8.141 There would be an acoustic fence along Blackrock to mitigate traffic noise and low noise surfacing would be laid on the A465. However, rock blasting would be required nearby and there would be construction disturbance from that. An independent surveyor would examine all properties in the vicinity of the scheme before the start of construction.
- 8.142 Any blight application would need to meet the relevant criteria in order to be considered.
- 8.143 Early and continuing traffic managements would be established to counteract the threat of village rat-running during construction.

Mrs A E McCormick (O50)

- 8.144 Following correspondence with the Welsh Government, the objection was withdrawn.

Non-Statutory Written Objectors

Mr Ian and Mrs Kay Pickering (O1)

- 8.145 At its closest point to Lleud Newydd, the proposed carriageways would be at the same level as Lleud Newydd, which would be 155 metres away. The scheme would bring traffic closer than the existing road at Saleyard, where it would be 350 metres from the property.
- 8.146 During construction, some of the works would be visible from the property and a moderate adverse impact would occur. There would be an increase in noise of about 1dB (A) at the property, which would be insignificant. The proposed lighting would reduce the light exposure at the property relative to the current position.
- 8.147 The existing network of footpaths and bridleways would be effected by the scheme: replacement routes are extensive and have been agreed with the relevant Authorities.

Ms Dianne Humphries (O9)

- 8.148 The footbridges at Blackrock, Clydach and Pantglas would be for pedestrian use only. The Pant Glas subway would not be suitable for equestrian use after completion of the scheme, because the headroom is only 2.1 metres when the required headroom of 2.8 metres for horses being led is necessary. For ridden horses 3.4 metres would be needed. However a crossing under the A465 would be constructed about 250 metres to the east under the Saleyard River Bridge. To the north of the A465, the route would have to cross the lightly trafficked slip

road before joining Main Road. A small holding-area either side of the slip road would be constructed to enable crossing of the slip road to proceed when safe.

8.149 The Welsh Government does not support the upgrading of footpath 333/55/1 to a bridleway, an action that would be beyond the scope of the Orders. However, the Pont Harri crossing would be suitable for the passage of horses should the appropriate Local Highway Authorities establish the upgrading of FP 333/55/1 in the future.

Mr B Kriel (O11)

8.150 All necessary consultations with the appropriate environmental, heritage and landscape Authorities have been undertaken and mitigation measures would be built into the scheme to reflect the results of those consultations. The case for the scheme and the extensive measures to off-set its adverse effects are set out fully in the evidence-in-chief (WG01-WG14).

8.151 The new Clydach footbridge would be at the height of the existing one, although the position and geometry has been amended to reduce its impact at Dan-y-Coed. That would have no effect on Vinetree Cottage (WG07).

8.152 Traffic management during construction would have regard to minimising rat-running past Mr Kriel's home and the need to minimise the impact on local residents. At no time would the old Black Rock Road be required under the traffic management plan, to carry all the A465 traffic. The proposals would not interfere with Mr Kriel's Human Rights: he had the opportunity to make his views known to the Inquiry, there would be no diversion of traffic past his home, there would be no physical impact on his property and if any residual impact affected the property that would be the subject of a consideration of compensation (WG05).

8.153 At Vinetree Cottage daytime and night-time noise levels would increase slightly, in the order of 1 dB (A). That would be negligible but adverse effects on the property would be considered for compensation (WG12).

8.154 Surveys of property would be undertaken before construction starts. There are no landslip features that might be triggered by the earthworks, which would be heavily supervised (WG05, WG14).

Ms Jacqueline Peacock (O12)

8.155 The proposed 50 mph speed limit would be enforced.

8.156 The traffic forecasts for the scheme are based on a national methodology having regard to local growth parameters. When complete it would be of benefit to local public transport. However as it is part of an overall long-distance trunk road improvement, its objectives could not be met by public transport alone. It is accepted that congestion is restricted to peak periods at present: longer term growth would increase pressure. Reducing congestion is only one objective of the scheme (WG03).

8.157 The speed restriction signs are currently obvious to drivers and to standards.

The collisions that take place would be eradicated by dualling, but not by enhanced speed restriction signs (WG03, WG04).

Mr D W Tipping (O22)

- 8.158 The Scheme would provide village access for motorists and pedestrians from Station Road and Old Trap Road across the proposed Navigation Inn bridge located about 250 metres east of the existing junction (WG04, ID45).
- 8.159 The proposed locations of the bus stops were confirmed following consultations with the bus companies having regard to cost, environmental impact, standards, proximity to other facilities and land-take. However, the significant physical constraints that would arise in the Gilwern area necessitated the abandonment of any bus stop at the Lion Hotel in favour of another stop by the Post Office and at Orchard Close. From Station Road, these would increase walking distance relative to the current position by about 500 metres (ID73).
- 8.160 The proposed alternative junction at Gilwern is detailed at DD061. With the scheme, vehicles from Old Trap Road bound for Brynmawr would either need to access the A465 eastbound and change direction at Glanbaiden junction or proceed via the A4077 to Glanbaiden (WG04).
- 8.161 The Welsh Government would continue to investigate options for the removal of the Scots pines, mindful of the need to ensure the integrity of the area in respect of bats (ID35).
- 8.162 It is accepted that, with the closure of the Old Trap Road junction with the A465 turning manoeuvres along Old Trap Road would be very complex and difficult. A turning facility would be built at the junction of Old Trap Road and Brunant Road and a Modification U to the Orders seeks to achieve this (ID44).
- 8.163 The case for a footbridge over the dual carriageway was set out in DD061.

Mr Greg Suff Chair of the Heads of the Valleys Alliance (O25)

- 8.164 There would be an increase in dust emissions and noise from construction. These would be minimised through compliance with the Construction Management Plan. Some night working would be necessary to satisfactorily complete the works, having regard to the need to maintain the existing operational road during periods of heavy flows. Night-time working would need to be approved by the Environmental Health Officers of both Local Authorities (WG05).
- 8.165 The proposals in respect of Public Rights of Way have emerged following discussions with the BBNPA, the two Local Authorities, Heritage Partners Advisory Group and Sustrans (WG09).
- 8.166 The proposed 50 mph speed limit would be enforced.
- 8.167 Noise barriers would be incorporated into the scheme to reduce noise at properties, but there would be local adverse effects as well as beneficial areas (WG04, WG12).

- 8.168 Air pollution concentrations would be well below relevant Air Quality Strategy objectives and there would not be any significant effects on human health (WG10).
- 8.169 The effect that the scheme would have on ecology and the landscape have been discussed in detail with all the relevant Bodies and mitigation proposals would be incorporated into the scheme to counteract adverse effects (WG13).

Mr Mike Jakes (O28)

- 8.170 The off-slip road at Gilwern has been designed to National Standards, with fully compliant visibility. Given the low traffic flows, it would operate safely and the design has passed an independent road safety audit (WG04).
- 8.171 The alternative junction proposal for a pair of westbound slip roads at Gilwern has been set out at DD061.
- 8.172 New shrub planting between the proposed retaining wall and Old Trap Road is proposed without felling the pine trees. That would provide an understorey to the pine trees and complement a new hedgerow that would be planted along existing property boundaries (ID35).

Mr and Mrs Leslie Thomas (O29)

- 8.173 The case for the alternative junction proposal for a single westbound off slip road at Gilwern has been set out at DD061.

Ms S Humpage (O30)

- 8.174 At 5 School Lane, daytime and night-time noise levels would decrease significantly by 8 to 13 dB (A) and fall well below the threshold at which noise insulation of dwellings is considered, largely because of the earth bund that would be constructed between the road and the property. The noise from low flows on the proposed Navigation Inn Bridge would be negligible (ID45).
- 8.175 The existing bright orange road lighting would be replaced with a softer white light source, which would contain light spillage within the highway. This lighting would also be screened to some extent by the earth bund.
- 8.176 Compensation may be payable for devaluation of property under the provisions of The Land Compensation Act 1973.
- 8.177 Whilst the mature trees alongside the canal would be retained, some of the trees beyond these and alongside the A465 would be removed.
- 8.178 The proposed 50 mph speed limit would be enforced.
- 8.179 Main Road, Gilwern would see an increase in traffic, in the order of 3% or 50 cars per day, because of the construction of the eastbound slip roads. Monmouthshire County Council would be responsible for any local roadworks.

Ms Kate Ashbrook of the Open Spaces Society (O32)

8.180 Following an explanation of the Exchange Land details, the objection was withdrawn.

Mr Andrew and Mrs Lizzie Wilson (O34)

8.181 The suggested enhancement of the Gilwern junction has been set out at DD061.

The Monmouth, Brecon and Abergavenny Canal Trust (O37)

8.182 Bridge 103 would not be physically affected by the Scheme. The Welsh Government has no responsibility for it. Traffic calming on Main Road would be a matter for Monmouthshire County Council (WG04)

Mrs Elizabeth Gibbs of the Brecon Beacons Park Society (O38)

8.183 Following correspondence with the Welsh Government, the Society withdrew its objection.

Mr Alwyn Hughes and neighbour (O40)

8.184 It is accepted that vehicles that currently travel to the Brynmawr Foundation School would need to divert through the proposed Brynmawr junction. Thomas Waste vehicles would have to pass in front of Mr Hughes' property rather than to the north, as is currently the case. Some waste vehicle movements would in future be filtered away from the property by the creation of the proposed junction. Overall the Brynmawr roundabout would be significantly relieved by the scheme.

8.185 It is also accepted that there would be a large adverse impact on the outlook from 1 and 2 Pontygof during the construction period and that there would be residual views of the proposed bridge and junction, although nearby traffic would decrease. Overall in the future, there would be a slight adverse residual effect.

8.186 There would be small, but indiscernible, increases in daytime and night-time noise levels. The properties may qualify for noise insulation measures.

Mrs Natalie Beaumont and Mr Jamie Beaumont (O41)

8.187 In the summer, views of the road from Hope Cottage would be shielded by the tree-cover. Winter views would be filtered by woodland, although traffic and lighting would be partially visible. The worst effects would be during construction. Fifteen years after completion of construction, the views from the property would be similar to those currently experienced (WG07).

8.188 The situation at Dan y Coed, which is in open pasture, is different: the impact of the scheme would be more severe and the Welsh Government would therefore introduce screening there as part of the scheme (WG07).

8.189 Daytime and night time noise levels at Hope Cottage would decrease in the order

of 1.7 to 2.8 dB (A): noise levels would be well below the threshold at which noise insulation of property would be considered (WG12).

8.190 The scheme would replace the bright orange lighting with a white light that would reduce light spill to within the boundary of the highway. That would improve views from Hope Cottage at night (WG04).

8.191 It is accepted that the scheme would be bound to affect the environment and heritage interests to some extent, but that would be offset by mitigation, and the scheme would bring other benefits (WG11, WG13).

8.192 Early and continual traffic management meetings would be established to counteract the potential threat of rat-running during the construction period (WG05).

Mrs Gayron Williams (O52)

8.193 Following correspondence with the Welsh Government, the objection was withdrawn.

Mrs Lynette Green (O53)

8.194 The full case in support of the scheme is set out in the evidence-in chief of the Welsh Government (WG01-WG14). The extensive measures, which would be aimed at offsetting potential harm to the Gorge, its geology and biodiversity, are set out in that evidence. Continual discussions have taken place with the Statutory Bodies who are responsible for the protection of this area of the National Park on these issues and on the landscape effects of the scheme. These have resulted in a major programme of mitigation measures and, wide of the footprint of the scheme, compensatory measures (WG07, WG08, WG14).

8.195 The alternative put forward by Mrs Green was rejected following the 1998 Inquiry. The Inspector was unable to recommend that it should be considered further because, whilst recognising that it would have a lower effect on the Gorge, it would not contribute towards economic regeneration, not provide adequate traffic capacity for the future, or significantly reduce accidents (DD52, WG01, WG14).

8.196 A recent review of the alternative for this Inquiry has confirmed the findings of the earlier Inquiry Inspector.

Mr Richard Lewis of the Abergavenny Cycle Group (O56)

8.197 It is accepted that at Saleyard, the off-line section of the scheme would cause a significant residual adverse effect, but elsewhere the effect would not be significant and sometimes neutral. Extensive woodland planting would be undertaken and the construction has been planned to mitigate its effects on the heritage of the area. It is accepted that there would be a short-term adverse effect on tourism. Public rights of way would benefit from the scheme when complete. There would be no harmful effects of air pollution and overall noise levels would decrease because of the scheme (WG01, WG02, WG03, WG04,

WG10, WG11, WG12).

8.198 An aim of the scheme is to encourage economic regeneration and with traffic growth journey time savings of up to 9 minutes would ensue on this section of road that is of local, national and international importance (WG03).

Campaign for the Protection of Rural Wales (O59)

8.199 The objection was received well-after the end of the objection period and drew attention to an objection lodged against the principle of dualling Section 2 of the A465 Improvement at the 1998 Inquiry. The Inspector rejected the argument of the CPRW and the Secretary of State also rejected it. The alternative suggested by CPRW is far too late in the process, out of accord with directions issued at the Pre-Inquiry Meeting and the requirements of The Highways Act 1980. In fairness to all others who may wish to comment on it, but have had no opportunity because deadlines have elapsed, it should be rejected from consideration. In any event, the suggested alternative is little more than the continued use of the existing carriageway (the do minimum situation), which has been exposed by the evidence in chief as being totally inadequate for the future (ID1, DD203, WG01-WG14).

The Cambrian Caving Council (O60)

8.200 The objection was received well-beyond the end of the objection period and should not be entertained. However it is basically advocating Alternative 5 as an alternative to the scheme. The criticism made by Mr Lewis of the impact that the scheme would have on the Clydach Gorge has been dealt with extensively in the evidence presented by expert witnesses in their evidence-in-chief. The Welsh Government relies on its rebuttal to Alternative 5 to counteract Mr Lewis' suggested alternative (WG06 - WG14, ID48).

8.201 In addition, the following response to Mr Lewis' specific points are made:

- traffic growth forecasts are part of Government policy (WG03)
- the scheme would aid regeneration throughout the A465 area (WG01, WG02)
- standard quantification in monetary terms is not part of standard methodology
- economics and traffic growth are based on established procedures and rely on annual data (WG03)
- journey times in the design year of 2032 need to be considered. These are accurately stated in the evidence (WG03)
- the design year traffic predictions demonstrate that significant congestion would build up even before the design year (WG03, WG04)
- the Environmental Statement and Assessment fully conforms with the DMRB.

Those making Representations:

The Health and Safety Executive (H&S) (R3)

8.202 The Welsh Government has liaised with the relevant Authority concerned with the proposed diversions of two high-pressure gas mains at Brynmawr and Pont Harri. Further liaison is planned and the H&S Executive would be kept in touch with design and construction developments.

Brynmawr Town Council - Angela C Davies (R6)

8.203 The Welsh Government has no responsibility for the ageing sewer because it largely falls outside the scope of the scheme. However, discussions with Dwr Cymru have taken place with a view to coordinating sewer replacement works with the road works.

Mr Richard Moss (R4)

8.204 The scheme would provide satisfactory access to Gilwern. Alternative 1b covers the suggested additional access to the village.

Mr Nicholas Beswick (R7).

8.205 The local woodland should not be affected.

Mr Colin Wallbank (R8)

8.206 The land behind Mr Wallbank's house would not be required for the scheme.

Gwent Police

8.207 Discussions would continue with the Police before and during construction.

9 THE ALTERNATIVES TO THE DRAFT ORDERS

Eight objectors' alternatives were advanced during the objection period and submitted by the deadline specified at the Pre-Inquiry meeting of 4 March 2014. The respective promoters confirmed seven of them as portraying an accurate interpretation of their wishes. They were analysed by the Welsh Government, compared with the published scheme and published locally as objectors' alternative proposals. The last of the alternatives was never confirmed. The alternatives are known as Objectors' Alternatives 1a, 1b, 2a, 2b, 3, 4, 5 and 6.

The material points were:

Alternative 1a - Additional westbound exit slip road at Gilwern junction (DD061)

9.1 The alternative, which has two supporters, in addition to that from The Llanelly Community Council, would provide an additional westbound exit slip road at the

Gilwern Junction, from a point about 380 metres east of the Navigation Inn Bridge, where it would join to the realigned Station Road.

- 9.2 It would cost about £2.9m and have a BCR of 1.44. No allowance has been made for the inevitable deferment of the project should it be preferred to the scheme in terms of cost or economics. The alternative would meet 12 of the scheme objectives well and two less well than the published scheme. It would provide direct access to Station Road for westbound traffic. It would double the traffic flows on the short, narrow and hazardous Main Road, Gilwern to about 4,500vpd, but reduce traffic on Abergavenny Road by about 2,200vpd. That would cause more traffic rat-running through Back Road, Gilwern.
- 9.3 The eastbound junction at Gilwern and the realigned Station Road would need to be reconfigured to accommodate the slip road and the weaving length between Glanbaiden entry slip road and the alternative would be 300 metres, which is less than the standard minimum of 1 km, requiring a departure from Standards. Some additional construction traffic would be generated. There would be little environmental impact. Traffic crossing the proposed Navigation Bridge would increase from 100vpd with the published scheme to 2,050vpd with the alternative. There would be journey time advantages with the alternative.
- 9.4 The alternative drew counter objections from the NRW, (because it would be lit), Monmouthshire County Council, in respect of rights of way and from 5 members of the public.

Alternative 1b - Westbound exit and entry slip roads at Gilwern

- 9.5 The alternative had 8 supporters together with support from the Llanelly Community Council and the local Monmouthshire County Councillor. It would provide a compact westbound exit and entry pair of slip roads at the Gilwern junction, both as additions to the Orders. The draft Orders would not need amendment because the alternative could be "tacked onto" the scheme as defined by the Orders.
- 9.6 It would cost about £ 3.7m and have a BCR of 1.45. The alternative would meet 12 of the scheme objectives as well and two less-well than the published scheme. It would enhance the achievements of the overall scheme objectives. It would achieve objectives 2, 3, 10, 12 and 14 better than the published scheme, which, without the alternative, are only partially achieved. It would provide direct access from Station Road westbound, a facility that would be otherwise severed by the scheme. It would provide a direct egress to the A465 for both Gilwern westbound traffic and westbound traffic wishing to gain access to Gilwern from the A465. It would be of major benefit to residents of the small communities of up to 100 dwellings along Station Road and Old Trap Road.
- 9.7 It would increase traffic on the narrow Main Road, Gilwern by about 4,400vpd, but decrease traffic on the much longer and more open Abergavenny Road, Gilwern by about 4,400vpd, as traffic would transfer from one local road to the other. In the design year of 2027 Main Road traffic would increase by almost 200%. Traffic on the A4077 would halve in the design year because of the transfer via the A465.

- 9.8 There would be little environmental impact but lighting may affect the canal.
- 9.9 There would be additional construction traffic relative to the published scheme. There would be increased land-take. Departures from geometric standards would be required with the alternative because weaving length would fall below standard.
- 9.10 There would be journey time advantages with the alternative.
- 9.11 The alternative drew counter objections from the NRW, (because it would be lit), Monmouthshire County Council, in respect of rights of way and from 5 members of the public.

Alternative 2a - A new footbridge with steps at Gilwern (DD061)

- 9.12 This would provide a footbridge at Gilwern with steps on its northern side and a link to the realigned Station Road on its southern side. It would be in addition to the proposed road bridge at Gilwern, which would carry a footway and carriageway, but be located well to the west of that site, about 115 metres east of the existing footbridge, which would be demolished.
- 9.13 The existing pedestrian route from the heart of Station Road to the canal bridge on Main Road is in the order of 350 metres. The route that would be provided by the draft Orders via the proposed Gilwern Road Bridge near the Navigation Inn would be about 700 metres long.
- 9.14 From the heart of Station Road, Alternative 2a would provide a pedestrian route that is very similar in distance to the existing route across the current footbridge, and therefore be a reasonably convenient alternative to the stopping up proposed by the Side Roads Order. In contrast, the road bridge route would not be convenient, particularly for the young and old, because the topography forces the alignment of it to depart from a direct "desire line" between the village and Station Road. With the removal of the local bus stop on the A465, Alternative 2a would provide a reasonable route to the replaced bus stop locations. It would shorten the walking distance relative to the road bridge by 320 metres (one way) (DD521).
- 9.15 This alternative would cost about £0.6m and have similar environmental effects to the public scheme, although there may be slight visual disadvantages from the proximity of two bridges near the canal. It would have low usage and would not cater for disabled persons, although they could use the road bridge footway, which does not have steps but a maximum gradient of 1 in 20. This complies with the requirements of the Disability Discrimination Act. The alternative would enhance the achievement of objectives 2, 8, 12 and 14 better than the scheme without the alternative.
- 9.16 The alternative drew local support from 7 individuals and from the Llanelly Community Council and the Monmouthshire County Council (Rights of Way Officer). Counter objections were received from 5 individuals and from NRW, The Canal and River Trust, and Monmouthshire County Council Traffic Network Manager (because of the visual amenity from the canal).

- 9.17 The footbridge could be incorporated into the scheme without the need for fresh Orders but the Canal and River Trust would require the Commitments Register to include reference to the need to include details of the bridge and steps. The draft Side Roads Order would need modification upon making.

Alternative 2b – A new footbridge with ramps at Gilwern

- 9.18 This would provide a footbridge with a 260 metre long ramp on its northern side. It would be in addition to the proposed road bridge at Gilwern, which would carry a footway and carriageway, but be located well to the east of the site proposed for the footbridge.
- 9.19 The existing pedestrian route from the heart of Station Road to the canal bridge on Main Road is in the order of 350 metres. The route that would be provided by the draft Orders via the proposed Gilwern Road Bridge near the Navigation Inn would be about 700 metres long.
- 9.20 Alternative 2b would cross the A465 near the existing footbridge but the ramp would then turn west before swivelling eastwards in order to accommodate the necessary slope within the confines of the site. It would cost about £1.3m and would reduce the walking distance from Gilwern to the heart of Station Road by about 300 metres (one way).
- 9.21 Alternative 2b would have an adverse effect on a broad leaf wood, which may hold bat roost potential and foraging. It would also have small disadvantages in terms of heritage and visual appearance. It would have a low level of usage. The alternative would enhance the achievement of scheme objectives 2, 8, 12 and 14 but to a degree negate objective 6.
- 9.22 The alternative drew local support from 5 individuals, the Llanelly Community Council, from Councillor Howarth, from the Monmouthshire County Council (Traffic Management Officer) and from The Ramblers Association. Counter objections were received from 5 individuals and from NRW, The Canal and River Trust, and Castle Narrowboats Ltd (because of the visual amenity from the canal). It could not be incorporated into the scheme without the need for a fresh Environmental Statement and the Canal and River Trust would require the Commitments Register to include reference to the need to include details of the bridge and ramp.

Alternative 3a – Reconfiguration of the Brynmawr junction-option 2

- 9.23 The alternative reintroduces the 1999 Line Order near Brynmawr, which would cause the main dual carriageway to be moved south of the line of the scheme and the slip roads lengthened. Intermediate Road Bridge would be retained. It has been promoted to reduce the impact on the area of the former Anacomp Factory site. The details of the scheme and its analysis are set out at ID40.
- 9.24 The alternative would meet 2 of the scheme objectives less-well than the scheme, cost an additional £25m but reap a similar economic benefit to the scheme. No allowance has been made for the inevitable deferment of the project should it be preferred. Relative to the scheme, it would cause adverse effects on the landscape, bat foraging, heritage interests, the River Clydach, National Cycle

Route 46 and the Brynmawr Sections Geological SSSI.

- 9.25 It would offer some journey time benefits over the scheme, including journeys from Brynmawr eastwards, but cause heavy lorries to continue to burden the Brynmawr schools and their surroundings. It would thwart the local Safe Routes to Schools initiative for Intermediate Road. It would preserve the site of the former Anacomp Factory, which is developable land, and attracted one expression of local support for that. Objections to the Alternative were received from 2 individuals, NRW, those charged with overseeing the schools, the Blaenau Gwent County Borough Council and Councillor John Hopkins.

Alternative 3b - Reconfiguration of the Brynmawr junction-option 2

- 9.26 The alternative would alter the alignment of the eastbound entry slip at Brynmawr, which, in turn would lower the level of the Main Road roundabout and thereby cause the access to the Brynmawr Foundation School to be steeper than that proposed in the scheme. It would retain Intermediate Road Bridge and avoid developable land. It would provide a conventional alignment of the eastbound on-slip road thereby avoiding the loop in the scheme. The details and analysis are set out at ID40.
- 9.27 It would meet 6 of the scheme's objectives less-well, cost £1.6m more than the scheme and deliver similar benefits to it. No allowance has been made for the inevitable deferment of the project should it be preferred to the scheme in terms of cost or economics. It would adversely affect heritage interests, bat habitat, the River Clydach and the Brynmawr Sections SSSI. It would present similar journey times to the scheme and fewer departures from engineering standard.
- 9.28 It has attracted one expression of support but considerable opposition including representations from the Blaenau Gwent County Borough Council and the local Councillor, those charged with overseeing the schools and NRW.

Alternative 4 – Gilwern Underbridge without any slip roads

- 9.29 This is a local proposal for a different form of junction at Gilwern and an attempt to reduce the impact that the scheme would have on the Navigation Inn. It would remove the proposed east-bound entry and exit slip roads at Gilwern and the proposed bridge linking Station Road to the village. The main carriageway would be moved closer to the village and elevated. An underpass would be provided beneath the dual carriageway to link the realigned Station Road to Main Road.
- 9.30 It would meet 8 objectives less-well than the published proposals, cost an additional £2m and have an inferior BCR. No allowance has been made for the inevitable deferment of the project should it be preferred to the scheme in terms of cost or economics. It would create additional noise in Gilwern, but generally have a similar environmental effect to the scheme. It would not provide any connection to the A465 from the village. It attracted a little support, including from the Monmouthshire Public Rights of Way Officer, but widespread local counter-objection, including from the Llanelly Community Council, Councillor Howarth and Castle Narrowboats Ltd.

Alternative 5 – At grade mixture of dual and single carriageways

- 9.31 The alternative would retain the existing single carriageway through the Clydach Gorge, with minor modifications, but provide a dual carriageway east of Saleyard and west of Brynmawr roundabout, which would be signalised and converted into an at-grade hamburger layout. Intermediate Road Bridge would remain and a conventional roundabout established at Saleyard to facilitate a change of carriageway standard. The promoter orally confirmed the details of the alternative at the Inquiry.
- 9.32 It would only meet 3 of the 14 scheme objectives but would cost in the order of £25m less than the published proposals although, with a BCR of 0.7, it would fail to represent value for money, as costs would outweigh benefits. It would be an unsatisfactory investment of public money. However, with less major engineering than the scheme, the risks of cost over-runs would be reduced. No allowance has been made for the inevitable deferment of the project should it be preferred to the scheme in terms of cost or economics.
- 9.33 Because the scale of the alternative through the Clydach Gorge would be almost identical to that of the existing road, there would be few adverse impacts arising from it over its central section in respect of landscape, nature and heritage interests, including the Brynmawr Sections SSSI, whilst elsewhere the impacts would be similar to those of the scheme. The alternative would not affect land earmarked for housing development. There would be reduced disruption and reduced annoyance during construction.
- 9.34 Road safety would be inferior to that of the scheme. It would not act as a catalyst for regeneration of the local economy. Travel times would be longer than the scheme and congestion would build up over time. The alternative, being of a lower highway standard than the scheme, would not attract so much traffic into the A465 corridor and away from other roads. However, predicted design year traffic west of Brynmawr would be in the order of 40,000 vpd and about 38,000 vpd over the Clydach Gorge section. That would be substantially in excess of the upper flow range for a single 2+1 carriageway, without having regard to the excessively steep gradients throughout the Gorge or the effects of signalisation of the altered Brynmawr roundabout, both of which would further reduce the effectiveness of such a road. (It emerged during examination that at Brynmawr heavy vehicles held at the traffic signals would be confronted with a steep westerly gradient without the advantage of momentum. That would create noise and pollution disadvantages at Brynmawr. At Saleyard, a similar problem would arise and be inferior to the current through flow position there. There would be lost momentum at the foot of the Clydach gradient and additional environmental concerns for local people. Traffic conditions over the central single carriageway section would be severe).
- 9.35 The alternative has attracted some local support, but more opposition, including those in charge of the local school at Intermediate Road.

Alternative 6 – A low standard road through the Clydach Gorge

- 9.36 This appeared to be the same proposal as that advanced at the 1998 Public Inquiry and upon which the Inspector commented unfavourably. The Secretary

of State accepted the Inspector's views. Despite correspondence from the Welsh Government to the advocate of the Alternative, its details were never confirmed before, or at the Inquiry, but I note that such a proposal was also considered by the Welsh Government in the Addendum to the SIAA as part of its consideration of alternatives for transport improvements in the Clydach Gorge. The alternative is described at ID61 (DD051, DD052 Paragraphs 815-819).

- 9.37 The alternative would have a lower impact on the landscape, geology and biodiversity of the Gorge, but it would fail to reduce accidents and fail to provide traffic capacity particularly as traffic flows grow towards the design year. It would not encourage regeneration of the area.

10 CONCLUSIONS

10.1 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.

Introduction

10.2 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 and potential adverse impacts, it is expedient and in the public interest. It also needs to be shown that, in accordance with Sections 62 and 66 of the Conservation of Habitats and Species Regulations 2010 that, as the scheme would affect designated Special Areas of Conservation, that the measures that are necessary to compensate for the effects are sufficient to ensure that the overall coherence of Natura 2000 is protected.

10.3 The purpose of the Amendment (Line) Order is to change the alignment of the road from that which was defined by the 1999 made Line Order between Gilwern and Brynmawr. It would also provide for changes to junction arrangements, and a small extent of de-trunking of the existing A465.

10.4 If I am to recommend that the Amendment (Line) Order be made, I need to be satisfied with the compatibility of this Order with the overall scheme for improving the A465 and for detrunking the existing road, and that the scheme between Gilwern and Brynmawr, as now proposed, is expedient.

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 implementation.

10.6 In relation to the Notices of Intent to Issue Certificates under Sections 19 and 26 of The Land Compensation Act 1981, it must be shown that the land to be given in exchange for the Common Land and Open Space is not less than that which would be taken and is equally advantageous to the public.

10.7 With regard to the Notice of Intent to Issue a Certificate in respect of the rights to be acquired over Open Space, in accordance with paragraph 6 of Schedule 3 of the Land Compensation Act 1981, it needs to be shown that the land, when burdened with that right, will be no less advantageous to those persons in whom it is invested, or land would be given in exchange for that right, or the land affected by the right is less than 250 sq yards (211 sq m).

10.8 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 Submission (ID68)

10.9 A legal submission was made on behalf of the Welsh Government in response to an objection of a Statutory Undertaker, (The Canal and River Trust Objector 49) which sustained its objection to parcels of land in its ownership, near the Monmouthshire and Brecon Canal, both sides of Bridge 103, being included in the made CPO [2.3, 2.4, 6.46, 6.49].

10.10 Matters of law are not for me to comment on, but my opinion on the points which are relevant to a consideration of the issue are:

- The land area in question is necessary for the construction of the road and for its maintenance.
- The draft CPO contains 13 plots in the ownership of the Trust roughly equally distributed north and south of Bridge 103 near the Navigation Inn, Gilwern.
- Long-standing convention, dictates that CPO Title plots are vested in the Highway Authority for the Trunk Road, because the earthworks and structures built on them form the foundations of the highway. At the Inquiry, it was confirmed that Welsh Ministers wish to rely on CPO powers for the scheme [8.132].
- The Trust has not challenged the need for any of the CPO plots. The objection is to the compulsory purchase of them, rather than purchase by agreement following negotiation. The Trust has not claimed that the transfer of land ownership would be a serious detriment to its duties.
- It is evident that the Trust, in responding to the formal Notice, which accompanied the publication of the CPO, did not formally object to the Welsh Ministers, as required by the CPO Notice. It responded by e-mail to a contractor's engineer, evidently in the belief that the Trust had been contacted as part of a consultation exercise.
- I am satisfied that the Welsh Government had properly complied with all the appropriate Statutory Processes leading up to the publication of the draft Orders. There is nothing ambiguous about the Notice (ID2, ID68).
- Whether or not the e-mail constituted a proper objection to the publication of draft Orders in time is a matter of law, but the Welsh Government responded to it as if it was an objection. As such it was thoroughly considered at the Inquiry, although the Trust, relying on its written statement, turned down an opportunity to attend the Inquiry (ID68).
- With the exception of the CPO issue, all other points of concern were satisfactorily resolved between the two parties before the close of

the Inquiry [6.42-6.49, 8.126-8.136].

- As the Trust is a Statutory Authority within the meaning of Acquisition of Land Act 1981, then the unresolved objection to the CPO could mean that the dispute would need to be referred to - the "appropriate Minister" for an approving certificate to be issued before the CPO was made.
- In this regard, the matter is further complicated because it appears that the "appropriate Minister", in accordance with Sections 8 and 16 of the Act, would not be one of the Welsh Ministers. Therefore, based on the Legal Opinion submitted to the Inquiry, it seems to me that in accordance with Section 16 (2) of the Act, the CPO could not be confirmed unless a UK Minister, the "appropriate Minister", certified that: "the land can be purchased without serious detriment to the carrying on of the undertaking" (that is, by the Trust).
- It is arguable whether that requirement would represent a potential impediment to the making of the CPO by the Welsh Ministers. In this case, it seems to me that the requirement of the Act would not represent an impediment to the making of the CPO because the requirement would form part of the decision making process itself, rather than the implementation process should the scheme be approved. The decision making process is subject to legal challenge following the making of the Orders. No physical or economic impediments were revealed at the Inquiry (DD204, ID68).
- The question therefore arises whether the land that forms a very steep embankment west of Bridge 103 and the slopes, some steep, some more gentle to the east all rising upwards from the canal waterway to the trunk road, can reasonably be regarded as necessary for the undertaking of the Trust's duties. ID 74 illustrates the situation to the west of Bridge 103.
- In my view, as far as passage of craft along the canal and the maintenance of the waterway are concerned, the CPO land could not be regarded as necessary for the undertaking of such activities. Much of the CPO land is inaccessible. It has no maintenance, structural or operational use for the canal. There is no track or towpath on any part of the CPO land. Therefore, it would be difficult to argue that the carrying on of the "undertaking" is materially affected in any way.
- However, I note that the Trust claim that, as a Charity, it has a wider objectives including: "the conservation of heritage interests" and "the conservation of the natural environment associated with the waterways".
- A SAM, west of Bridge 103, constitutes the formal "heritage interest" along this length of the canal. The scheme is clear of it and the CPO would not impinge upon it. Its location is illustrated on ID19. Therefore the CPO would not prejudice "the carrying on of that (particular) undertaking" [6.42].
- "Conservation of the natural environment associated with the

waterways”, is though, an extremely wide remit. In the evidence before the Inquiry, it has not been defined by the Trust. However, the Trust could claim that: “the carrying on of that undertaking” on any land owned by it in the vicinity of any waterway, could be affected by a CPO served on the Trust. However, at Gilwern, there is no evidence of conservation ever having taken place on the land earmarked for compulsory purchase. The area has been left to grow wild. No party has suggested otherwise.

- Further, the mitigation measures and natural structural finishes to the retaining wall that is necessary to support the road west of canal Bridge 103, have been discussed extensively with Natural Resources Wales and the Brecon Beacons National Park Authority. Both have been particularly vigilant on this scheme and agreement has been reached on the way forward. Therefore, it appears that in these local circumstances it would be difficult to argue that there would be serious detriment to the objectives of the Trust. A very similar situation would ensue to the east of canal Bridge 103. Overall, there was clear evidence showing that the canal would generally benefit from the road widening proposals.

10.11 I therefore conclude that, if the matter of law is correctly expressed in the Legal Submission on behalf of the Welsh Government, and if the Trust sustains its objection to Compulsory Purchase, then it follows that an “appropriate UK Minister” must be called upon to certify: “that the land can be purchased without serious detriment to the carrying on of the undertaking”. I am satisfied that it is quite clear that there would be no serious detriment to the undertaking of any of the duties of the Canal Trust that were expressed to the Inquiry.

The Scheme for Dualling Section 2 of the A465

Objections and Support

- 10.12 There were 13 sustained individual local objections to the principal need for widening the A465, some of which were from Statutory Objectors. None were from any Statutory Body [1.5].
- 10.13 Support for the principle of the scheme was received from NRW, BBNPA, the Blaenau Gwent County Borough Council, the Monmouthshire County Council, the Neath Port Talbot County Borough Council, the Rhondda Cynon Taf County Borough Council and local County Borough and County Councillors [5.1, 5.20].
- 10.14 Further support was received from the Ebbw Vale Enterprise Zone, the Road Haulage Association, Sustrans, Heads of the Valleys Development Ltd, the Head Teacher and Chairman of the Governors of the Brynmawr Foundation School and from a number of locally based individuals [5.1-5.20].
- 10.15 Natural Resources Wales and The Brecon Beacons National Park Authority confirmed their acceptance of the line of the scheme, which they recognised included a number of measures that would need to be incorporated into the project to counteract its adverse impacts on the natural environment [4.127, 4.148, 6.1-6.8, 8.1- 8.5].
- 10.16 I conclude that there is an approximate balance between local objection to and

support for the principle of the scheme. Support from Public Authorities, and from those Bodies associated with enterprise in the Heads of the Valleys Area and beyond, is unanimous and strong.

National, Regional and Local Planning Policies

- 10.17 At the Inquiry there was an abundance of evidence to show that the scheme would comply with local, regional and National Policy for Transport and the Economy. The National Transport Plan confirms the status of the scheme and its programmed start in 2014, with the necessary resource availability within a reasonable timescale for a three-year construction programme [4.15-4.41, 4.97].
- 10.18 Landscape and environmental policies would not all be advanced by the scheme, but both 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. These were essential in order to minimize the adverse impact on the Brecon Beacons National Park, in the Clydach Gorge and from the Blaenavon World Heritage Site that would otherwise occur [4.41-4.52].
- 10.19 I conclude that the preparation of the scheme has had regard to National and Local Planning policies. The scheme is supported by most of the policies and is compatible with the principles of them. On a strong balance of these policies, it is acceptable.

The Needs of Agriculture

- 10.20 The effect of the scheme on agriculture would be adverse, but I am satisfied that it would not be disproportionate. Very little land that is classified as best and most versatile would be affected and satisfactory reinstatement of soil would restore much of it. Where individual farms or holdings are affected suitable measures have been advanced to reduce the impact on these where practicable. Compensation would be considered for any losses. I conclude that the effect of the scheme on agriculture overall can be regarded as minor in national terms [4.120-4.122].

The Capacity of the Existing and Proposed Highway

- 10.21 There was compelling evidence to show that the scheme would provide a highway of sufficient capacity for the 2032 design year traffic and that, without the widening of this section of the A465, by then traffic conditions would become problematic on a daily basis and a substantial impediment to economic regeneration in the Heads of the Valleys area. Without the widening driver frustration, accidents and air pollution would increase and road travel along the corridor would be less economic [4.55-4.62, 4.66, 4.81-4.86, 4.88].

The Physical Effects of the Proposed Highway

- 10.22 Both the flooding and water pollution control measures proposed, would reduce the potential of adverse effects once the scheme is operational and would be an

improvement on the current situation. Clear proposals for the control of construction activities are already established and would safeguard the public and environment during the construction phase to an acceptable level. The incorporation in the scheme of noise absorbent surfacing material, noise bunds, a barrier and a modern road lighting system would be of significant benefit for many in the surrounding area [4.61, 4.76, 4.77, 4.108-4.110, 4.113-4.115].

Engineering and Construction

- 10.23 I recognise that the scheme has been difficult to engineer without recourse to variations from normal standards defined by the DMRB. The difficult topography and the juxtaposition between the proposed dual carriageway and existing infrastructure and development, and the need to demonstrate value for money has meant that engineering sacrifices have been made in terms of departing from unrestrained standards. There would be a succession of departures from standards, but I note that these have been formally considered and authorised. In my opinion, these departures are acceptable, having regard to the impositions of the terrain, the substantial cost of designing a scheme that would be fully compliant with Standards and the significant additional environmental impact that a fully compliant scheme would have [4.80].
- 10.24 The scheme, and in particular its construction, would have an impact on bridleways, a cycleway and footpaths, but, in my opinion, whilst the temporary construction period effects are reasonable, after construction the scheme and its supplementary effects would enhance the networks for long-term public convenience and enjoyment. I conclude that the scheme would provide long-term benefits for those using public rights of way [4.102, 4.205-4.206].

Funding, Economics and Objectives

- 10.25 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. These indicated that the scheme would represent a sound investment of public funds and that, should the remaining sections of the overall A465 widening scheme be completed, the value for money of constructing Section 2 would be further advanced. I have also taken note of the wider reaching economic benefits that could accrue to the community. These would arise from the benefits that better transport would facilitate should the scheme be built, but these additional potential community benefits, whilst material, are not crucial for the establishment of a sound economic case for the scheme [4.92-4.97].
- 10.26 The construction contract is incentive based in an effort to control costs. It is geared towards the employment of new employees, would deliver an immediate social benefit for the area, with the potential of residual longer-term benefits arising from that. Educational benefits should accrue because of the contractor's engagement with the local school at Brynmawr. I conclude that the scheme has been properly designed and has the basis of a thorough and proper construction approach [4.98].
- 10.27 In my opinion, the scheme would have 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, that funding should be made available within a reasonable timescale and that its construction should aid efforts to regenerate the Heads of the Valleys area. All objectives would be substantially achieved and the meeting of those objectives would, in my view, constitute a significant public benefit for through traffic and potentially the economy of the South Wales Valleys [4.54].

The Impact on Special Areas of Conservation, on Species and Habitats

- 10.28 In my opinion the Welsh Government have carefully undertaken studies in order to assess the impact that the scheme would have on the three Special Areas of Conservation: the Usk Bat Sites, the Cwm Clydach Woodlands and the River Usk. These have resulted in the preparation of a comprehensive Statement to Inform an Appropriate Assessment of the impact that the scheme could have on the SACs [4.132-4.143].
- 10.29 The Statement accords with the Habitats Directive 92/43/EEC, and accurately deals with the details of the environmental impact that the scheme would have on the SACs. Regulation 61 of the Habitats Regulations requires the Competent Authority (in the case of the A465, the Welsh Ministers) to make an appropriate assessment of the implications that the scheme would have on these Special European designated sites before giving consent for the scheme to proceed.
- 10.30 In this case, and after a great deal of detailed consideration and discussion between the Welsh Government and NRW, it emerged that, in regard to the conclusions of the Statement, there was not total agreement on the level of confidence that could be applied to the conclusion that the scheme's effect on the Usk Bats Site SAC would be insignificant. In other words, the negative impact on the integrity of a European designated site could not be ruled out [4.140-4.143].
- 10.31 The opinion of the Welsh Government's expert and officers of NRW convinces me that there could be some short-term adverse effect on the lesser horseshoe bat, as tree and shrub removal in the early stages of the construction would not be totally mitigated until replacement planting had matured sufficiently. However, I am satisfied that the impact should be of minor consequence for the species and that beyond the short-term, it is clear that the measures that would be introduced for mitigation, compensation planting and new bat roosts would be extensive, well maintained and targeted and eventually an enhancement of the current situation [4.140-4.143].
- 10.32 There are no priority habitats or species that would be affected by the scheme [4.145].
- 10.33 In such circumstances, and in order to convince the Welsh Ministers that the project should progress, the Welsh Government undertook a further study as required by Regulations 62 and 66 of the 2010 Habitats and Species Directive. This was aimed at demonstrating that the tests set out by Regulation 62 were met. Those tests required confirmation that: "there were Imperative Reasons of Overriding Public Interest to construct the scheme, that there were no alternative solutions that could be deployed that would remove the negative impact on the European site and that the scheme would secure sufficient

compensatory measures to ensure that the overall coherence of Natura 2000 is protected" [4.143].

10.34 In this regard, I am satisfied that the 'Statement to Inform an Appropriate Assessment' was comprehensive, but this resulted in some doubt that the scheme may adversely affect the Usk Bats Site SAC. Because of this doubt, an Addendum to the SIAA was made and a SASICOM was produced to consider whether there were alternative solutions that could have been adopted to achieve the scheme objectives, whether there are "Imperative Reasons of Overriding the Public Interest" for the scheme to proceed and whether there would be sufficient compensatory measures built into the scheme [4.144].

10.35 I conclude that it was demonstrated that:

- there are no alternatives that could reasonably deliver the objectives of the scheme
- it is clear that construction of the scheme is imperative in the public interest
- the compensatory measures are varied, widespread and extensive and these would ensure that the overall coherence of Natura 2000 is protected [4.145].

10.36 In my opinion therefore, Welsh Ministers (as the Competent Authority) can be assured that the tests imposed by the Regulations have been satisfied and consequently that the scheme may proceed [4.147].

The Environmental Statement and its Supplement

10.37 The Welsh Government's Environmental Statement was published in accordance with European and UK Directives and it is noted that all the Statutory Authorities have been consulted in the course of the scheme's development. The comments and representations by the Statutory Bodies on the Environmental Statement have been taken into account in reaching my conclusions. There were no serious challenges to the Environmental Statement that were not addressed by the Supplemental ES, and correspondence between the parties [4.124-4.310].

10.38 I am satisfied that the ES and the Supplemental ES:

- meet the requirements of the various Acts and Directives
- satisfy the concerns of the NRW, the Brecon Beacons National Park Authority, the Blaenau Gwent County Borough Council and the Monmouthshire County Council [4.130].

General Environmental Impact

10.39 As a generality, I note that by the close of the Inquiry the NRW, the BBNPA and the Local Authorities have all accepted the scheme and its environmental impact, subject to continued monitoring and the carrying out of the tasks set out in the Register of Commitments. I conclude that would be a necessary and

a satisfactory way forward [4.148].

Road Traffic Noise, Construction Noise and Vibration

- 10.40 The scheme would substantially reduce existing traffic noise alongside the A465. Significantly more properties would benefit than suffer a detriment. No property would be subject to unacceptable noise levels. The impact on sensitive open areas is balanced with some experiencing an increase but a disproportionate impact would not occur at any. I conclude that the scheme would be acceptable in traffic noise terms everywhere and, overall, would be markedly beneficial in reducing perceptible noise in residential areas. I note that the Local Environmental Health Officers would need to approve working times and that the public would be kept informed of particular constructional impacts. There would be considerable impacts during the construction period and the deployment of a Public Liaison Officer is a necessity, but with that in place, overall the impact of construction noise whilst detrimental would be acceptable [4.161-4.164, 6.63, 6.74, 6.76, 6.90, 6.95, 6.98, 6.124, 6.138, 8.14, 8.68, 8.71, 8.77, 8.153, 8.167, 8.174, 8.186, 8.189].
- 10.41 A number of individuals expressed concern about the consequences of construction activities, vibration and ground stability. There was no evidence to support these fears whilst the commitment to deploy best practice was clearly expressed and monitoring would ensue. I conclude that concerns over vibration and stability should not materialise providing appropriate monitoring is deployed [6.12, 6.29, 6.63, 6.67, 6.74, 6.76, 6.90, 6.95, 6.98, 6.111, 6.113, 6.125, 6.139, 8.11, 8.29, 8.38, 8.42, 8.146, 8.154].

Air Quality

- 10.42 I am satisfied that the effect of the scheme on air quality was assessed in accordance with the methodology stipulated by the DMRB. I note that use of the DMRB is mandatory for trunk road assessments. I am convinced that no relevant air quality thresholds or human health issues are threatened by the proposals. Air pollution would not cause the natural environment to suffer in any unacceptable way [4.194-4.204, 6.28, 6.74, 6.95, 8.28, 8.71]

Landscape

- 10.43 I am satisfied that the landscape design of the scheme has been developed in the consultation with Blaenau-Gwent County Borough Council, Monmouthshire County Council, NRW and BBNPA. It is evident that careful design of the landscaping of the scheme, to make its relationship with the National Park and local residential areas has advanced, having regard to the expert advice from the Statutory Bodies concerned with the National Park. There would be an adverse and local impact on the canal west of Bridge 103 but elsewhere the canal would benefit from the screening of the road, as would the local communities in Gilwern and Maesygartha [4.149-4.157, 6.7, 6.8, 6.12, 6.36, 6.71, 6.79, 6.97, 6.139, 6.143, 6.144, 8.6, 8.35, 8.54, 8.73, 8.98, 8.184, 8.199, 8.200].
- 10.44 There are long-distance views of the scheme corridor from a very limited part of the massive Blaenavon World Heritage site, but from there the existing road,

pylons and major electricity lines are already dominant features. In this regard I conclude that the visual impact on the World Heritage site would be minimal [4.130, 4.149, 4.157, 4.181- 4.185].

- 10.45 I therefore conclude that, overall, the landscaping proposals have been thoroughly considered. The environment through which the scheme would pass, whilst already affected by the existing road and other prominent infrastructure, is sensitive. Therefore providing discussions with the Statutory Bodies on details continue, a satisfactory outcome will ensue.

Cultural Heritage

- 10.46 Much of the scheme would run through or near areas that are rich and concentrated in terms of cultural heritage and, in so doing, it would cause some adverse impacts. However, I am convinced that these impacts, either individually or cumulative, would not be disproportionate and would be beneficial in places. Extra care would be needed whilst constructing the retaining wall near the canal at Gilwern and whilst excavating ground at the Brynmawr Sections SSSI and I draw attention to that, but I am sure that the sensitivities of these sites and the need to proceed with caution and in accordance with Commitments is well appreciated by those responsible for construction. Providing that cautionary approach is practiced the impact of the scheme on cultural heritage would be quite acceptable [4.177-4.193, 6.42, 6.97, 6.134, 6.142, 6.143, 6.144, 8.31, 8.6, 8.53, 8.127, 8.197].

Individual Objections

- 10.47 I turn now to my consideration of the individual objections to and representations about the draft Orders.

Objections withdrawn by the end of the Inquiry

- 10.48 From my study of the correspondence between the various parties I am satisfied that discussions took place and agreements were reached with 18 of the 62 objectors. Some of these agreements rested on the Welsh Government seeking modifications to the published draft Orders upon making. I have considered all such modifications. I conclude that those agreements would represent a satisfactory way forward.

Objections outstanding at the end of the Inquiry

- 10.49 The objections outstanding at the end of the Inquiry are addressed immediately below.

Statutory and Non-Statutory Objectors who appeared at the Inquiry

NRW and BBNPA (O33, O36, O36A)

- 10.50 I am conscious that both these Statutory Bodies worked with the Welsh Government over a long period in order to negate fears that the scheme would have a severe adverse effect on the environment, particularly in the Clydach Gorge and in the National Park more generally. All three parties reached

agreement on the contents of a Register of Commitments and a Protocol to be followed before and during construction and during the maintenance period. This resulted in the objections being withdrawn. I conclude that this is a satisfactory outcome enabling the scheme's development to be steered in accordance with the agreements, which must be binding [6.1-6.9, 8.1-8.5].

Councillor Simon Howarth (O58)

- 10.51 I am conscious that Councillor Howarth represented many points of concern to the local residents and frequently engaged in debate at the Inquiry and discussion with the Welsh Government. I have taken note of all the points he has raised both in writing and as a result of cross-examination.
- 10.52 However, I do share the Community Councils criticism of the southern ramp of the Dan y Coed footbridge, which would not only project out over the valley but also overlook the dwellings at Dan y Coed, in my view unnecessarily. I recognise the aesthetic benefits of consistency in designing a family of footbridges, but in my opinion, the price to pay for that would be too high. I appreciate that in recognising the local intrusive impact that the ramp would have on people's homes, the Welsh Government has proposed a modified alignment for the ramp in order to move it further from Dan y Coed. Clearly that would improve its acceptability, but in my opinion, insufficiently so, particularly when a perfectly feasible alternative would be available. I have therefore recommended a modification to that effect and that should ease the Community Council's concerns in this regard [6.71, 8.35].
- 10.53 I am satisfied that the Navigation Inn Bridge carrying little vehicular traffic would safely cater for cyclists and pedestrians as well. Equestrians could use the carriageway [6.71, 8.34].
- 10.54 I have reached conclusions in respect of Alternatives 1b and 2b at paragraphs 10.188 and 10.201 respectively.
- 10.55 I am convinced that the contractor would rigorously control construction activities to minimise any threat to the public and to contain disturbance, but it seems to me that, with a scheme of this complexity, there is bound to be a degree of disturbance on the local community in order to eventually achieve the public benefit of the project. I note the promises associated with the Public Liaison Officer whose role in such a complex scheme is, in my view, crucial [6.74, 8.38, 8.39].
- 10.56 I have dealt with the lingering issue of the S-bends on Station Road in my conclusion to Mrs Hook's case, to the effect that, as far as the Orders before me are concerned, the remedy to the disadvantages caused by the earlier closure of the Ty Gwyn Road now rests with the County Council. Nevertheless I have drawn attention to the ongoing concern. It is evident that the issues arising from the earlier closure of Ty Gwyn Road were addressed at the 1998 Inquiry and that then the County Council considered that localised works on the road network could mitigate the effects of the then closure of Ty Gwyn Road on local residents [6.73, 8.36].

The Llanelly Community Council (O44)

- 10.57 I have taken note that members of the Community Council have opposing views on the principle of dualling, but all were concerned over the local impact that it would have both during construction and thereafter [6.10].
- 10.58 In my opinion, the construction of a road scheme of this complexity in the extremely challenging environment of the Clydach Gorge is bound to cause disruption to the location over a prolonged period and I can well understand the concerns of those representing the local community. However, I am convinced that the contractor would rigorously control construction activities, to minimise any threat to the public and to contain disturbance. I note the promises associated with the Public Liaison Officer whose role in such a complex scheme is in my view crucial [6.11, 6.14, 8.11, 8.13].
- 10.59 I have also taken note of the Community Councils desire to replace the Lion Hotel Footbridge at Gilwern preferably with Alternative 2b, and its promotion of west facing slip roads-Alternative 1b. I have set out my conclusions on these at paragraphs 10.194, 10.200 and 10.204 [6.10, 6.13, 8.9]
- 10.60 I can also understand the Community Council's worry over replacement bus stops, but having regard to the level of usage, the location of bus stops within the village and the improved pedestrian routes that would arise from the draft Orders and my supplementary recommendation at paragraph 10.200, I am content that they are reasonable. During construction the existing bus stops would remain whilst safe and thereafter, the contractor would arrange for a shuttle service to be in operation for local people. In my view, that would be a satisfactory piece of contract management, which should be adopted to make local conditions acceptable during the construction period [6.12, 8.12].
- 10.61 With regard to the proposed appearances of the footbridges, I do not share the Community Council's view that they would be out of keeping with the area. On the contrary, I share the endorsement of all three Authorities who have been consulted on this matter and consider that rusted steel and timber would be most appropriate to reflect the iron-making heritage of the area [6.12, 8.6].
- 10.62 However, I do share the Community Councils criticism of the southern ramp of the Dan y Coed footbridge, which would not only project out over the valley but also overlook the dwellings at Dan y Coed, in my view unnecessarily. I recognise the aesthetic benefits of consistency in designing a family of footbridges, but in my opinion the price to pay for that would be too high. I appreciate that in recognising the local intrusive impact that the ramp would have on people's homes the Welsh Government have proposed a modified alignment for the ramp in order to move it further from Dan y Coed. Clearly that would improve its acceptability, but in my opinion insufficiently so, particularly when a perfectly feasible alternative would be available. I have therefore recommended a modification to that effect and that should ease the Community Council's concerns in this regard [6.12, 8.7].
- 10.63 I am content that the contractor would have proper control procedures in place for excavating any potentially hazardous old tip material [6.14, 8.15].
- 10.64 I am also convinced that the scheme would reduce both light pollution and road traffic noise at Saleyard and Maesygartha [6.12, 8.14].

Mr Nick Mills and Mrs Mills of Castle Narrowboats Ltd (O39)

- 10.65 I am satisfied that noise levels at the property and along the local stretch of the canal would be reduced by the scheme and consequently a wall mounted noise barrier could not be justified in this location [6.90, 8.68].
- 10.66 In my opinion, the removal of mature trees to enable a substantial retaining wall to be constructed would adversely affect the outlook from the immediate area around Castle Narrowboats, despite the Welsh Government's proposal to face the retaining wall with local or dressed stone. I accept that, because of the limited space available for road widening in this local area of Gilwern, an alternative solution would be impracticable. However, elsewhere the canal environment would benefit materially from the scheme, which, therefore, should have little lasting adverse effect on canal boat hire [6.91, 8.67].
- 10.67 I agree that it would be a wise precaution to isolate and drain the canal adjacent to the proposed retaining wall whilst construction takes place and that this work should be targeted outside the summer season. Mr and Mrs Mills should be continually contacted about the construction programme. I conclude that should this be done, and the local works kept clear of the Company's winter maintenance operations, the impact of the works on the Company would be acceptable [6.92, 8.70].

Mrs Hilary and Mr Graham Lipscombe (O6)

- 10.68 I have addressed the case for the scheme at paragraphs 10.12-10.46 but conclude that during construction, there would be an adverse impact on Mr and Mrs Lipscombe's surroundings and potentially on their business. In my view, that would arise principally because of construction noise at night, which although predictable could not be planned well in advance with the degree of precision to warn customers satisfactorily. Given the acute complexities of the scheme, I accept that significant night working would be inevitable and necessary and there would also be localised adverse construction effects during the working day and over a long period. I am, though, satisfied that site practices and protocols would restrain these adverse effects where practicable. Mr and Mrs Lipscombe should be continually contacted throughout the construction phase of the scheme [6.75, 8.42].
- 10.69 I am totally satisfied with the scheme design, including the proposed equestrian crossing at Gilwern and the footbridge design and the mitigation measures that are necessary to make the scheme satisfactory to the environment of the National Park. In my opinion, the properties of Mr and Mrs Lipscombe would benefit in the long-term. Short-term business loss could be met by compensation if appropriate [6.76, 8.42, 8.46].

Mr Michael and Mrs Mair Edwards (O13)

- 10.70 I have concluded on the case for the scheme at paragraph 10.12-10.46. In coming to those conclusions, I am convinced that the Welsh Government has recognised the uniqueness of the intrinsic beauty of the Clydach Gorge. In so doing, it has proposed extensive landscaping and mitigation works to limit the adverse effects of the scheme and in places complement the natural beauty of

the Gorge. In my opinion, those measures, together with measures to protect the heritage of the area, its visitor attractions and the rationalisation of rights of way make the scheme's effects acceptable when balanced against its public benefits. I cannot conclude that the intrinsic beauty of the Gorge would be lost for future generations because of the widening of the existing road. Although the loss of a short length of the old tramway is regrettable, the intrinsic beauty of the Gorge would remain for future enjoyment [6.78, 6.79, 8.53, 8.54].

- 10.71 The traffic evidence upon which the conclusion that the scheme should proceed were partly based was professionally presented and debated at the Inquiry. I am convinced that this evidence was in accordance with standard methodology, that the surveys were appropriate and that the growth predictions, based on the evidence, were reasonable. In my view, the traffic evidence proved to be a very sound basis for the assessment of need for improvement along Section 2 of the improvement. It also exposed the transport and economic disadvantages of doing little to add capacity to the carriageway and its junctions [6.78, 8.51].
- 10.72 I have reported on Alternative 5, as presented by the Welsh Government on the basis of discussions with Mr Edwards at paragraphs 9.31-9.35. I have concluded on its merits relative to the published scheme at paragraph 10.207.

Mr Mike and Mrs Gillian Shepherd (O14)

- 10.73 I accept that there is a need to acquire plot 3/16a in order to carry out the works, but note that the stable block would remain. That would be a necessary and satisfactory outcome of the issue. I note that shared use of the access proposed through plot 3/16 would be acceptable to the Welsh Government. Should an agreement be reached on this, that also would be a satisfactory outcome [6.23, 8.25].
- 10.74 The Welsh Government proposed a modification to the CPO to reduce the size of plot 3/26. That would enable a larger area to continue as grazing land. In my opinion the modification is most acceptable. It would prejudice no party [8.25].
- 10.75 I also accept that the scheme has been analysed correctly in terms of air quality, as required by the DMRB, and based on the evidence presented, would not threaten human health [6.28, 8.28].
- 10.76 In my opinion the prospect of widening the road on the northern side is not a practicable proposition [6.30, 8.30].
- 10.77 I note that, without any form of barrier, Hayman's Cottage would suffer from an appreciable increase in noise. Not only would the carriageway be brought closer to the property, but the important ridge that presently deflects some noise at this location would be removed by the widening of the road. It follows that areas adjacent to Hayman's cottage - the Clydach Ironworks SAM, Smart's Bridge and the relatively tranquil approach to these areas, which evidently are enjoyed by so many visitors, would also be adversely affected by noise from the dual carriageway. That adverse effect would grow as time moved on [6.29, 8.29].
- 10.78 It is clear that a close boarded fence along the boundary of Hayman's Cottage

would be ineffective at abating traffic noise, only a barrier close to the noise source would be effective and that would need to be 100m long. In my view, such a barrier would come at an unacceptable cost and would require the felling of trees, a prospect that would be opposed by Mr and Mrs Shepherd. As an alternative, I note that a solid barrier could be constructed alongside the west-bound carriageway, in place of a standard metal barrier, which would be necessary to comply with safety standards. That would abate noise by about 3dB (A) and relatively would not be excessively expensive. The relevant Authorities would not oppose it [6.29, 8.29].

- 10.79 Therefore, having regard to the uniqueness of this much-cherished public area, the protection that it would offer to Hayman's Cottage and the nearby heritage sites, I conclude that a solid barrier immediately adjacent to the west-bound carriageway is justifiable and should be provided as part of the scheme [6.29, 8.29].
- 10.80 I understand Mr and Mrs Shepherd's view that it would seem illogical to ramp the Dan y Coed footbridge on the south side, but provide steps to the north. In the strict sense of access, I would agree. However, the curvaceous design of the ramp arises from the aesthetic needs of the area and an overall visual appearance policy of such structures within the Gorge. I understand that desire for consistency, including the deployment of rusted steel. Even though the southern ramp would be curvaceous, it is obvious that it would project out into the Gorge. Local residents, the Llanelly Community Council and Councillor Howarth have also expressed strong concern about the intrusion that such a ramp would have, projecting as it would over the dwellings at Dan y Coed [6.24, 8.31].
- 10.81 At the Inquiry, the Welsh Government presented a significantly modified design of the footbridge that moved the ramp further away from Dan y Coed. I accept that would clearly have advantages for the residents, but it would still project into the Gorge when it need not and still be close to the dwellings. In my opinion, such a ramp is not justifiable on aesthetic grounds and should be replaced either by steps or a straight ramp parallel to the carriageway. I conclude that to do otherwise would be a disservice to the local community. I have therefore recommended a modification at Annex D to reflect that [6.24, 8.31].
- 10.82 I note that efforts would be made to provide a temporary car park for visitors alongside the temporary construction compound at Saleyard. That would be satisfactory but, given that the existing car park has no extraordinary security measures, I make no recommendation in that particular respect which is not a matter for the Welsh Government [6.27, 8.32].

Mintblue Properties Ltd (O24)

- 10.83 The respective cases for the published proposals for the Brynmawr junction and Alternatives 3a and 3b have been reported on at paragraphs 9.23-9.28 above and I draw my conclusions on them at paragraphs 10.202-10.205.
- 10.84 I am convinced that all the CPO land owned by the Company would be needed

for the scheme, including the developable land. That effectively freezes the asset of the company and whilst the Welsh Government has not sought to agree land purchase by agreement, the District Valuer has been appointed to seek an early resolution of compensation. In this regard, I make no criticism of the Welsh Government, because it would have been practicably impossible to have agreed all land purchase for such a complex scheme in advance of the CPO, without risking losses from the public purse if the controversial scheme did not get approval [6.17-6.19, 8.22-8.24].

- 10.85 As compensation falls outside the scope of the Inquiry, I make no apposite recommendation, but I draw attention of the apparent need for an expedient resolution of matters.

Black Lion Enterprises Ltd (O54)

- 10.86 It is unfortunate that, despite local public consultation, the current owners of the Navigation Inn did not appreciate how the scheme would affect their proposals earlier, although there was clear evidence already in the public domain that the confirmed 1999 Order would have had an impact on the site. Irrespective of that, I am satisfied that the development was halted because of factors not associated with the scheme [6.15, 8.17].
- 10.87 All the statutory procedures associated with the Orders have been undertaken properly. It is clear that all the land in the draft CPO is necessary for the construction of the scheme at the Navigation Inn, although some minor redesign would be beneficial for the development [6.15, 8.18, 8.20].
- 10.88 There would be some disruption on the surroundings of the Navigation Inn surroundings during construction, which could only partly be off-set by the contractor organising its work to facilitate entry by large vehicles to the rear of the property. Such disruption would cause little inconvenience to the Navigation Inn in its current state, but compensation could be considered to address any inconvenience that might arise should the development proceed [8.18].
- 10.89 I have reported on Alternative 4 at paragraphs 9.29 and 9.30 above and drawn my conclusions on it at paragraph 10.206 [6.16].

Ms Penelope Suff (O26)

- 10.90 It is clear that construction of a scheme of this magnitude and engineering complexity will necessitate night working. Construction processes and controls would be in place to reduce such effects to an acceptable level, although they would not be eradicated all together [6.82, 8.56].
- 10.91 I accept that the upgrading of Footpath 333/55/1 is not a matter for the Welsh Government, but I note that it proposes to upgrade the standards of the Pont Harri footbridge so that, in the event of the footpath being up graded, that change of status would not be frustrated by an inadequate structure. That

would be a proper way to proceed and I endorse it [6.83, 8.57, 8.58].

- 10.92 I also endorse equestrian use of the Gilwern and Saleyard bridges and the relieved Glanbaiden Junction. All would be suitable as crossing points of the A465 [6.83, 6.86, 8.57].
- 10.93 The need for the demolition of the Intermediate Road Bridge is well demonstrated and supported locally. Subject to the minor redesign of the Hafod Footbridge, equestrians could use that to cross the A465 and I have recommended a modification at Annex D to enable that to happen: the alternative route via the Brynmawr junction would not, in my view, be reasonably convenient or suitable for equestrians [6.84, 8.59].
- 10.94 I accept that the planting of farmland for bat foraging is undesirable from an agricultural perspective, but given the demonstrated need to replace lost bat foraging areas, it is necessary [6.86, 8.61]

Mr Jack Bland and Mr Daniel Beynon (O27)

- 10.95 I have concluded on the respective cases for the additional slip roads and additional footbridge at paragraphs 10.184-10.201[6.87, 8.62].
- 10.96 I note that the Welsh Government proposed a modification to the Side Roads Order to provide a turning facility for delivery vehicles at the junction of Old Trap Road and Brunant Road. That would be a satisfactory solution to this complex local problem, without which there would have been no reasonable alternative route to the stopping up proposed by the draft Orders [6.89, 8.63, 8.64].
- 10.97 However, I accept the Welsh Government view that the placement of bus stops on the A465 would be extremely difficult, and given my recommendation in respect of the Gilwern footbridge, I conclude that the proposals for replacement bus stops at Gilwern, whilst not ideal, are reasonable [6.88, 8.65].

Mrs Joyce Smith (O43)

- 10.98 I have concluded on the case for an enhanced junction at Gilwern and a footbridge from Station Road to the village at paragraphs 10.184-10.201 and have taken note of Mrs Smith's concern about the excessive walking distance for school children that would otherwise ensue, in coming to my conclusion on that [6.96].
- 10.99 The existing A465 already has a noticeable impact on Mrs Smiths' home and garden, which, being established high above the carriageway, already suffers from noise and visual intrusion. I note, however, that an additional moderate adverse visual impact would arise from the widening of the road. To offset that, the boundary line of the garden could be planted to reinforce the relatively sparse lower level vegetation cover. Planting closer to the road would also be beneficial. In my view, there would be a clear compensatory benefit in such planting and I conclude that this should be undertaken as soon as practicable in order to make the impact of the scheme more acceptable [6.95, 8.72].

10.100 However, as noise levels at the house and garden would reduce as a result of the scheme, I make no recommendation in respect of a noise barrier [6.95, 8.71].

10.101 I am convinced that there would be no pollution threat to human health arising from the scheme and therefore I have had no regard to this particular issue raised by Mrs Smith in reaching conclusions on the making of the Orders [6.95, 8.72].

Mrs Iris Bevan (O45)

10.102 I understand the concern of Mrs Bevan to preserve the outstanding views across the Usk Valley, but note that the owner of the land on which planting is proposed, has made no objection to the use of that land. I also note that, because of the dramatic topography of the area, views from Mrs Bevan's property are bound to continue unabated for many years. At the close of the Inquiry, no agreement in respect of a land-swop was forthcoming. However, clearly there is a need to plant trees to off-set the loss of bat foraging habitat. In the circumstances I conclude that the programme for planting the land adjacent to Mrs Bevan's property needs to continue, pending further and definite agreements for the use of alternative suitable nearby land for planting [6.97, 8.73].

Mr Gareth Hall (O47)

10.103 I am satisfied that the noise levels at Mr Hall's property would decrease as a result of the scheme and that there would be no adverse impact on his property [6.98, 8.74].

Mr Malcolm Mobey (O48)

10.104 I have concluded on the case for an enhanced junction at Gilwern at paragraphs 10.188-10.195.

10.105 I am satisfied that the noise levels at Mr Mobey's property would decrease as a result of the scheme. His visual outlook would not be significantly affected. However, I endorse the proposal that arose during the course of the Inquiry that, although the trees between the A465 and Old Trap road would not be affected by the scheme, the outlook from the properties would benefit from low level shrub planting and a hedgerow along the boundaries. Given my recommendation for a footbridge, I consider that the proposed bus stop arrangements are reasonable [6.99-6.101, 8.76-8.78].

Mrs Tracey Hook (O51)

10.106 I have much sympathy with Mrs Hook's point that the excessively steep, twisting and inconvenient stretch of local highway that joins Station Road to her access is often unfit for purpose and dangerous. It is clear that this road was little used by large vehicles before Section 1 of the A465 Improvement severed Ty Gwyn Road from the A465 at Glanbaiden. Nevertheless, the alternative of Station Road was accepted by the Monmouthshire County Council as Local Highway Authority at the time of the 1998 Public Inquiry, as clearly

recorded at paragraph 241 of the 1998 Inspector's report. It is obvious that the current scheme does not exacerbate the situation. In such circumstances, I conclude that the remedy to the problem should not burden the case for the current Orders. Straightening the bends near Mrs Hook's property, at public expense, would largely address the issue, but I refrain from concluding that responsibility should now fall to the Welsh Government [6.102, 8.79].

10.107 I have reached a conclusion on the enhanced junction at Gilwern at paragraph 10.188-10.195. Given my recommendation for a footbridge, I consider that the bus stop arrangements are reasonable [6.103, 8.80].

Ms Penny Suff, Mrs Tracy Hook, and Mrs Hilary Lipscombe (O51A)

10.108 In my opinion, the Welsh Government has proposed a comprehensive package of measures to assist equestrians. These include a structural modification to the design of the Hafod Bridge, which would allow passage by equestrians who currently use Intermediate Road Bridge. I have recommended an appropriate modification to the Orders at Annex D.

10.109 The use of the Saleyard Bridge and adjacent holding areas is perfectly satisfactory as a diversion of the Pant Glas route and, with traffic relief at Glanbaiden, and the new bridge at Gilwern those routes would be pleasant and safe equestrians crossing points of the A465 [6.106, 8.81].

10.110 The reclassification of Footpath 333/55/1 is not a matter for the Welsh Government, but the upgrading for equestrian use of the Pont Harri Bridge would enable passage by horses if the footpath status changed. I regard that as a wise and satisfactory proposal [6.105, 8.83].

10.111 I conclude that equestrian interests are well catered for by the scheme, and overall are acceptable.

Mr Nigel and Mrs Sally Curtis (O55)

10.112 I can understand the concerns of Mr and Mrs Curtis over the speed of traffic, which would enter Main Road from the west, but accept that the scheme should not exacerbate the current problem. I note that a Gateway feature would be discussed with the Monmouthshire County Council and that should alert non-local drivers to the urban nature of Main Road [6.109, 8.85].

10.113 The diversion of local rat-running traffic onto Back Road is not a matter for the Welsh Government and neither is maintenance of the canal towpath [6.109, 8.85, 8.88].

10.114 I can also understand the apprehension of Mr and Mrs Curtis to the location of a bus stop near their property, but accept that this facility would only be in use infrequently and should not present a burden on local residents. The bus stop is justified as a replacement for that lost on the A465 [6.110, 8.86].

10.115 In my view, there will be some short-term disruption in Gilwern from the construction activities, but that should be limited. However, there will be a

major disruption local to Bridge 103 arising from the draining of the canal during the winter of 2014. I fully accept that maintenance of canal boats would potentially be affected and note that the contractor has already been in discussions in an effort to offset this disruption. I conclude that providing these discussions result in reasonable practical help to Mr and Mrs Curtis, that would represent a satisfactory outcome to the problem, which I accept would be caused entirely by the scheme [6.109, 8.89].

Objectors not appearing at the Inquiry

Mr Ian and Mrs Kay Pickering (O1)

10.116 In my opinion, the scheme would cause an adverse visual effect on Mr and Mrs Pickering's property, particularly during the construction period. There would be a small increase in noise but no additional light pollution. I am satisfied that the design of the scheme properly addresses the needs of pedestrians and equestrians. I am also satisfied that the adverse effects at Lleuad Newydd would be moderate and not unacceptable [6.110, 8.145-8.147].

Mr Nick Walbyoff (O2) and Mr Phil Walbyoff (O3)

10.117 The proposed modification to the SRO, which would result in the construction of a "hammer-head" in place of the turning circle, which would otherwise be needed, is a satisfactory solution to this local problem. That would release the need for acquisition of CPO Plot 1/4a and reduce the area of land to be permanently acquired from the owners. I note that the modification is acceptable to BGCBC, the Local Highway Authority as owner of the alternative parcel of land necessary for the construction of a "hammer-head". In my opinion, no party would be prejudiced by the modification [6.50, 6.52, 8.102-8.105].

10.118 However, if the necessary agreements to the modification are not secured, then I regard the original roundabout proposal both necessary and satisfactory in the overall public interest and consider that the Orders should be made accordingly.

10.119 I am satisfied that the temporary acquisition of plots 1/4a, 1/4b, 4c, 4d, and 4e is justifiable to enable engineering works to proceed safely in this complex area adjacent to a well-used public thoroughfare and to facilitate space for preventative water pollution management in respect of the upper reaches of the River Clydach [6.50, 6.51, 8.102-8.105].

Mr Simon Hindle and Mrs Ruth Hindle (O4)

10.120 The objection of Mr and Mrs Hindle was withdrawn, but they still require a donkey and pony shelter to be in place before construction requires demolition of the existing facility. In this regard, I note the assurance given at the Inquiry that the Welsh Government would assist with the necessary application to the Planning Authority if necessary. That is a satisfactory way forward for both parties [6.52, 8.106-8.108].

Mr and Mrs Waterhouse (05)

10.121 Following correspondence with the Welsh Government, the objection was withdrawn [6.53, 6.54, 8.109].

Mr Huw Lloyd (07)

10.122 It is unfortunate that no personal contact has been made between the parties, but I accept that the Welsh Government have made a considerable effort to meet Mr Lloyd. In the circumstances, I also accept that any modification to plot 3/12 of the CPO is not feasible. Given that, the case for tree planting for bat habitat mitigation is a proven need, I conclude that it follows that the acquisition of plot 3/12 is justifiable [6.55, 8.110].

Ms Dianne Humphries (09)

10.123 In my opinion, the Welsh Government have proposed a comprehensive package of measures to assist equestrians that are safe and reasonably convenient although there would be some short-term disruption during construction, which I regard as acceptable [6.111, 8.148-8.149].

10.124 The use of the Saleyard Bridge and holding areas is a satisfactory diversion of the current Pant Glas route across the A465. With the Gilwern Bridge and traffic relief at Glanbaiden those routes would also provide equestrians with satisfactory crossings of the A465.

10.125 The reclassification of Footpath 333/55/1 is not a matter for the Welsh Government, but the upgrading for equestrian use of the Pont Harri Bridge would enable passage by horses if the footpath status changed. I regard that as a wise and satisfactory proposal [6.111, 8.148, 8.149].

10.126 I conclude that equestrian interests would be well catered for by the scheme, and, overall, are acceptable.

Mr John Meredith (08)

10.127 It seems to me that there is probably an administrative error in the Common Land register that appears to claim Mr Meredith's land as Common Land. I note that the Welsh Government has sought to address the issue, but that a due process needs to be followed in order to satisfactorily resolve it. I also note that Mr Meredith does not want to take ownership of relatively distant replacement land, set high on the moor to the west, which would be provided by the CPO. I fully understand Mr Meredith's concerns in this regard and conclude that the area proposed for replacement, whilst potentially suitable as replacement Common Land, would not be a suitable replacement for potential operational land near the business. In such complex administrative circumstances, I commend the promise made by the Welsh Government to try to resolve the matter without disadvantaging Mr Meredith. Should those efforts succeed, they would provide a satisfactory way forward [6.56, 8.111].

10.128 A vehicular turning facility near the severed portion of Intermediate Road is

necessary. However, the proposed modification to the SRO, which would result in the construction of a "hammer-head", in place of a turning circle, is a satisfactory solution to this local problem. That would release the need for outright acquisition of CPO Plot 1/4a and a reduction in the area of land to be permanently acquired from the owners. I note that the modification is acceptable to the Local Highway Authority and the BGCB, as owner of the alternative parcel of land necessary for the construction of a "hammer-head". In my opinion, no party would be prejudiced by the modification. However, I accept that plot 1/4a would still be required for a temporarily period to facilitate construction. Should agreement not be reached over the modification, then I accept the original roundabout turning facility would be necessary and acceptable [6.56, 8.112].

10.129 I am also satisfied that the temporary acquisition of plots 1/4b, 4c, 4d, and 4e is justifiable to enable engineering works to proceed safely in this complex area adjacent to a well-used public thoroughfare, and to facilitate space for preventative management of water pollution in respect of the upper reaches of the River Clydach [6.56, 6.57, 8.111-8.113].

Mr Mark Young and Meriel Robson (O10)

10.130 Following discussions and agreements with the Welsh Government, the objection was withdrawn [6.58, 8.114]

Mr Barry Kriel (O11)

10.131 I have reported my conclusions on the scheme and its adverse impacts at paragraphs 10.12-10.46 above.

10.132 In respect of Vinetree Cottage, I note that there would be a small increase in road traffic noise when the scheme is opened, but I am satisfied that, at the property, its impact would be insignificant. I am also satisfied that there would be no adverse visual impact on the cottage from the Dan y Coed footbridge [6.112, 8.153, 8.151].

10.133 There is no unstable geological feature that might result in a threat of landslip near Vinetree Cottage, the works would be continually monitored and I conclude that the risks involved would be minimal [6.112, 8.154].

10.134 It is clear from the evidence that the old Blackrock road would not be targeted as a regular diversion route during the construction phase, although I accept that should blockages occur traffic would find its own way. Mr Kriel has demonstrated that it does so now, irrespective of roadworks. In this regard, I note that Mr Kriel considers that re-directed traffic would restrict him free and easy access to his property. The Gwent Police and Local Council would be opposed to such diversions. I also note that arrangements would be in place to keep residents informed of developments as the construction progresses. I am therefore satisfied that there would be no deliberate attempt to cause diverted traffic to flow along the old road past Vinetree Cottage and thereby burden Mr Kriel [6.112, 8.152].

10.135 However, I note from Mr Kriel's e-mail submission to the Welsh Government

that he claims that his human rights would be interfered with by the scheme. I do not consider this claim to be well focussed for the reasons set out immediately above and that the proposed road and construction activities might attract compensation. Mr Kriel has taken an opportunity to raise the issue formally through the Inquiry process, although he did not attend the Inquiry itself. In my judgement, the actions of the Welsh Government would be proportionate to the achievement of the scheme, which would be of significant benefit to the wider public interest [6.112, 8.153].

Ms Jacqueline Peacock (O12)

10.136 I have concluded on the case for the scheme at paragraphs 10.12-10.46 above. The traffic evidence upon which these conclusions were partly based was professionally presented and thoroughly debated at the Inquiry. I am convinced that this evidence was in accordance with standard methodology, that the surveys were appropriate and that the growth predictions reasonable [6.113, 6.114, 8.156].

10.137 I accept that, with a dual carriageway, traffic speeds could rise above 50mph and therefore effective speed control should be a pre-requisite for the scheme, as should clear signing. I conclude that, providing there is effective speed control, traffic speeds would not increase because of the scheme [6.113, 6.114, 8.155].

Monmouthshire County Council Traffic and Networks Officer (O15B)

10.138 I accept that all material points of objection have been resolved and accepted, but that the remedy to the concern expressed by the Council over the unsatisfactory alignment of the southern ramp to the proposed Dan y Coed footbridge, relies on proposed Modification R. I have addressed the substance of issue in my conclusions at paragraphs 10.80 and 10.81. My recommended Modification set out at Annex D deals with this concern of the Council. I conclude that the southern ramp of the Dan y Coed footbridge should be modified to enable access to run parallel and adjacent to the carriageway [6.38, 8.99].

Mr W J Thomas and Mr G C Thomas (O16)

10.139 Following discussions and Agreements the objection, was withdrawn [6.59].

Thomas Waste Management Ltd, the Trustees of Thomas Waste Management Pension Scheme, Mr Roydon Thomas, Mrs Diane Thomas and Mr Gareth Thomas (O17) (O17A)

10.140 I am satisfied that the area of land proposed in the modification to the CPO is necessary [6.60, 6.61, 8.117].

Mr Dale Walters (O18)

10.141 I am satisfied that all the land included in the CPO is required for the construction and maintenance of the scheme and that any further affected rights of Mr Walters could be off-set by compensation [6.62, 8.118-8.120].

Mr G and Mrs C Powell (O19)

10.142 It is clear that the removal of existing vegetation alongside the A465 would cause Clydach Villa to become more exposed to the road and I recognise the moderate adverse visual effect predicted. I also consider that there would be a slight increase in noise levels at the property but these would not be perceptible. I am convinced that the improved lighting with the dualling would actually reduce light exposure at Clydach Villa in both winter and summer [6.63, 8.121].

10.143 Ground conditions were comprehensively covered at the Inquiry. I am also persuaded by the expert opinion in respect of land stability and conclude that the scheme would not give rise to any undue risk anywhere near Clydach Villa [6.63, 8.121].

Mrs Jennifer Hughes (O20)

10.144 I accept that the affected land interests of Mrs Hughes are required for the scheme, or its construction, including the minor works that would be necessary to connect new and existing pieces of highway along Main Road, Clydach. However, I note that the Welsh Government could marginally reduce the permanent impact of the scheme by the extension of a retaining wall adjacent to the land. That would be costly and, in my view, neutral in terms of justifying a reduction in land acquisition from Mrs Hughes. In such circumstances, I conclude that there is a compelling need for all the parcels of land included in the CPO but, as agreement has been reached with Mrs Hughes to marginally reduce the amount of permanent land-take in plot 2/21, that would be a satisfactory way forward. Accordingly, I make no recommendation that this modification to the CPO needs to be carried through to make the scheme locally acceptable, although it would prejudice no one and therefore, I endorse it because an agreement has been concluded [6.64, 8.122-8.124].

National Grid (O21)

10.145 Following receipt of the binding Asset Protection Agreement from the Welsh Government, the objection was withdrawn. I conclude that this is a satisfactory way for the Statutory Parties to proceed [6.40, 8.101].

Mr D W Tipping (O22)

10.146 In his objection and in his supplementary evidence, Mr Tipping makes a number of pertinent points, which are shared by his neighbours about the effect that the scheme would have on residents located along both Station Road and Old Trap Road, Gilwern.

10.147 In the 1960s the original Heads of the Valleys Road cut these communities away from the main body of the village. The travel inconvenience so caused was exacerbated by the more recent severance of the reasonably commodious Ty Gwyn Road under the 1999 Orders made for Section 1 of the Heads of the Valleys Road improvement. It is against this background that locals feel

aggrieved, not necessarily by the proposals in the current draft Orders, but by what is not provided by them as a means of rectifying the succession of disadvantages served on the community in the past. I can understand that [3.9, 4.1, 6.116].

- 10.148 In this regard, I note Mr Tipping's view that the proposed Navigation Inn Bridge would be a significant improvement on the current plight of residents, an opinion with which I wholly concur. However, that facility would only provide access into Station Road and Old Trap Road for relatively small vehicles because their exit onto the A465 would be severed by the scheme. I am quite satisfied that medium sized delivery vehicles would find it impossible to find a satisfactory egress from the communities concerned, unless Modification U is confirmed and I endorse it as essential to the acceptability of the Side Roads Order [6.117, 6.118, 8.162].
- 10.149 I conclude on the cases for an enhanced junction onto the A465 and the footbridge options at paragraphs 10.184-10.201 below.
- 10.150 I make no recommendation in respect of the Scots pines, which is not a matter of concern to the case for the Orders. However, during the Inquiry proposals emerged for hedge and low level planting to take place between the A465 and the rear boundaries of the properties along Old Trap Road. In my opinion, that would off-set the visual affect of the scheme and make it more acceptable in this location. I conclude that early planting should be carried out [6.116, 8.161].
- 10.151 However, I accept the Welsh Government view that the placement of bus stops on the A465 would be extremely difficult, and given my recommendation in respect of the Gilwern footbridge, I conclude that the proposals for replacement bus stops, whilst not ideal, are reasonable at Gilwern [6.115, 8.159].

Dŵr Cymru - Welsh Water (O23)

- 10.152 Following discussions that resulted in a binding signed undertaking by the Welsh Government, the objection was withdrawn. I conclude that this is a satisfactory way for the Statutory Parties to proceed [6.41, 8.125].

Mr Greg Suff (O25)

- 10.153 It is clear that the construction of a scheme of this magnitude and engineering complexity will give rise to night working, disruption, construction noise and dust. That is inevitable but the extent of these undesirable outcomes depends on the degree of control exercised by the contractor. In this regard, I am satisfied that construction processes and controls would be in place to reduce such effects to an acceptable level, although they would not be totally eradicated [6.119, 8.164].
- 10.154 I am also satisfied that the environmental and social effects of the scheme have been comprehensively studied and measures would be put in place to mitigate such effects. Speeds would be controlled on the A465 and there would be no threat to human health arising from air pollution [6.119, 8.165-8.168].

10.155 Having regard to these measures, I conclude that the scheme is acceptable and that the disruption caused during construction would not be disproportionate.

Mr Mike Jakes (O28)

10.156 I can understand Mr Jakes' concern about the prospect of rear end shunts at the Gilwern overbridge/slip road junction. In my view, the prospect of such a conflict is real, although I am persuaded that, given the very low levels of traffic, the probability of an incident would be slight. I note that the design has been the subject of a safety audit and, in view of these points, I conclude that the design is acceptable. However I also recommend that the situation should be monitored, ideally in connection with the traffic calming proposed [6.121, 8.170].

10.157 It is evident that the Scots pines that some locals want removing, would be well clear of the works and therefore untouched. Therefore, I make no recommendation in that regard [6.122, 8.172].

Mr and Mrs Leslie Thomas (O29)

10.158 I have concluded on the case for additional slip roads at Gilwern at paragraphs 10.184-10.195 above [6.124].

Ms S Humpage (O30)

10.159 I am satisfied that traffic noise levels along School Lane Gilwern would be significantly reduced as a result of the scheme and that the impact of lights from the Navigation Inn Bridge would be low. The existing nearby tree cover on the southern side of the canal would largely be unaffected by the scheme although the proposed bridge would be visible from the property. For these reasons, I do not regard the impact that the scheme would have on School Lane would be disproportionate. Any devaluation of property may be offset by compensation. I am satisfied that the design of the Gilwern junction would be safe and functional [6.125, 8.174-8.177, 8.179].

10.160 I accept that the proposed 50mph speed limit should be enforced and that there would be a small but insignificant increase in traffic using Main Road, Gilwern [6.126, 8.178].

Mr and Mrs Morgan (O31)

10.161 I note that the objection was withdrawn and that a prompt negotiation of compensation would follow. That will be a satisfactory way forward [6.65, 8.137].

Ms Kate Ashbrook of the Open Spaces Society (O32)

10.162 Following a full explanation by the Welsh Government, the concerns of the Society were all satisfied and the objection withdrawn [6.127, 8.180].

Mr Andrew and Mrs Lizzie Wilson (O34)

10.163 Mr and Mrs Wilson's objection centred on the need for westbound slip roads at Gilwern junction. I have concluded on that at paragraphs 10.189-10.196 [6.128, 8.181].

Mr Roydon Thomas, Mrs Diane Thomas, Mr Barry Thomas, Mr Howard Thomas, Mr Clive Thomas, Mr Gareth Thomas, Mr Calum Graham, the Trustees of the TWM Pension Scheme (O35)

10.164 There is no doubt that the scheme, and in particular the Brynmawr junction, would have a major impact on the land owned by the objector and there is little that can be done to avoid that. In my opinion, the layout of the junction is a justifiable part of the scheme. However, I note that the Welsh Government, in an effort to help the Company, has redrawn its plans to bring about minor changes to the land-take requirements. In my opinion, those are of equal merit to the published proposals and could be substituted without much loss to the scheme [6.66, 8.138, 8.139].

10.165 In considering such a modification the Welsh Government has demonstrated a solution to the needs of the junction and its surrounds that would, overall, marginally reduce the area of operational land required from the Company. The modification would not adversely prejudice any third party and therefore I endorse it, but that endorsement is against the background that, if the modification is unacceptable to the objector, the argument in favour of the published scheme and its local land requirements would still be compelling [6.66, 8.138, 8.139].

10.166 I therefore conclude that the needs of the Company should not override those of the scheme, but that the modification should be pursued to an agreed conclusion if possible.

The Monmouthshire, Brecon and Abergavenny Canal Trust (O37)

10.167 I accept that no part of the scheme would have an impact on Bridge 103. The Welsh Government has no responsibility for the improvement of the structure arising from Section 2 of the A465 Improvement and, accordingly, I make no recommendation in respect of it. I note that the local traffic calming on Main Road would be the responsibility of Monmouthshire County Council and, as there would be little impact on the road arising from the scheme, that seems to me to be appropriate [6.130-6.132, 8.182].

Mrs Elizabeth Gibbs of the Brecon Beacons National Park Society (O38)

10.168 Following correspondence with the Welsh Government, the objection was withdrawn [6.134-6.131, 8.183].

Mr Alwyn Hughes and neighbour (O40)

10.169 In my opinion, the impact on Pontygof would be mixed. The removal of through traffic would be considerably beneficial. There would be similar traffic noise levels to the existing situation but some adverse visual impact from the reconfigured Brynmawr junction. Overall the impact would not be disproportionate. The scheme would segregate Thomas Waste vehicles more

effectively than at present and therefore I cannot agree that the proposed junction would create an unacceptable effect in that regard. I note that the properties may qualify for noise attenuation measures [6.138, 8.184-8.186].

Mrs Natalie Beaumont and Mr Jamie Beaumont (O41)

10.170 I have concluded on the case for the scheme, and the impacts during construction at paragraphs 10.12-10.46 above.

10.171 I have observed that Hope Cottage is an appreciable distance from the highway, which would move about 7 metres closer to it should the scheme proceed. The removal of trees would expose the road to a slightly greater extent than at present, but intervening vegetation would remain. Noise levels would reduce at the property. I am convinced that the modern road lighting system would be beneficial at the property. I therefore conclude that the impact of the scheme on Hope Cottage in the longer term would not be significant. I am satisfied that measures would be taken to deter rat-running along Quarry Road but some may occur during the construction phase of the scheme. This should be monitored. [6.139, 8.187-8.192].

Mr Ivor Cashmore (O42)

10.172 In my opinion, a compelling case has been established for the compulsory purchase of Mr Cashmore's land, including the temporary licence in plot 2/26. I recognise that a minor drafting modification would be required. I am also satisfied that the Welsh Government would manage the construction activities to prevent rat-running, supervise any necessary blasting properly and survey properties in advance where necessary. It is clear that low noise surfacing would be deployed on the carriageways and, at Blackrock a noise barrier would be erected. I conclude that the proposals in respect of Mr Cashmore's property are justifiable and endorse the modifications proposed in respect of CPO plots 2/1q and 2/1r [6.67, 8.140-8.143].

Blaenau Gwent County Borough Council (O46)

10.173 Following discussions and agreements with the Welsh Government the objection was withdrawn [6.39, 8.100].

The Canal and River Trust (O49)

10.174 In my view, the proximity of a widened A465 to the canal at Gilwern, is bound to mean that some local and limited adverse effects on the surroundings of the canal would arise. However, after construction, the environment of the canal would benefit from a substantial reduction in road traffic noise, particularly east of Bridge 103. During construction, I am satisfied that the Welsh Government has plans in place to minimise direct physical disruption to the users of the canal during the winter months and, as a precaution, would drain a limited length of the canal just west of Gilwern. In my opinion, that would be a wise precaution and I endorse it. Clearly careful monitoring of ground stability would be necessary and I am also satisfied that the contractor is already aware of this responsibility [6.42-6.49, 8.126-8.136].

10.175 I note that, for all practical purposes, agreement has virtually been reached

between the Canal and River Trust and The Welsh Government, subject to precise wording of the Commitments Register. Finalisation of that would be a satisfactory way forward for the Statutory Parties [6.45, 6.49, 8.136].

10.176 However, I note that the Trust has refused to allow its land to be compulsorily purchased and, the Statutory Body, in resisting compulsory purchase of its land by the Ministers, thereby provokes a legal issue between the parties. That has been addressed in a legal submission on behalf of the Welsh Government, upon which I have commented as far as I am able in my conclusions at paragraph 10.9-10.11 above [6.46, 8.131, 8.132].

Mrs A E McCormick (O50)

10.177 The objection was satisfied and withdrawn [6.68, 8.144].

Mrs Gayron Williams (O52)

10.178 The objection was satisfied and withdrawn [6.140, 8.193].

Mrs Lynette Green (O53)

10.179 I have concluded on the alternative put forward by Mrs Green at paragraph 10.208 [6.141, 8.194, 8.195, 8.196].

Mr Richard Lewis of the Abergavenny Cycling Group (O56)

10.180 In effect Mr Lewis' objection is first, that the scheme would damage the environment of the Clydach Gorge in its widest sense and, secondly, that should the scheme be abandoned so that the saved money could be spent beneficially on minor transport schemes. I explained at the Inquiry that Government Policy, including the distribution of funding onto different modes of transport, is not a matter for Public Local Inquiries considering the Orders for a particular scheme. Setting that aside, I am quite content that the Welsh Government, in recognising that the scheme would cause an adverse effect within the Gorge has promoted a wide ranging package of mitigation measures that, in my view make the scheme environmentally acceptable. Contrary to Mr Lewis' fears there is a substantial body of support for the scheme's economic regeneration potential. In addition, there is clear evidence that doing nothing to this section of the A465 would give rise to appreciably worse traffic conditions by the design year of 2032. It seems to me that those traffic conditions would be bound to have an adverse effect on the economic regeneration prospects of the Heads of the Valleys Area and beyond. I conclude that Mr Lewis' proposals for doing little to the A465 are, in terms of the scheme's objectives, unacceptable [6.142, 8.197, 8.198].

Campaign for the Protection of Rural Wales (CPRW) (O59)

10.181 I accept that the generally worded alternative suggested by the CPRW was received well beyond the statutory deadlines and only loosely defined in a short e-mail. I also accept that it was therefore impracticable to consider the alternative and develop it in a satisfactory way for publication to and comment by the public and Authorities. In my judgement, in terms of the procedures set down for Public Local Inquiries for highway schemes, it would therefore have

been wrong to consider the late suggestion as a formal alternative to the draft Orders. However the alternative, as advocated in the e-mail of 3 April 2014 is patently little more than the do-minimum scheme against which the case for the published scheme has to be judged. I am satisfied that the case for the comparison of the do-minimum scheme against the published scheme has been thoroughly explored at the Inquiry, as has the environmental impact that the scheme would have and I have concluded on the case for the scheme at paragraphs 10.12-10.46 [6.143, 8.199].

Cambrian Caving Council (O60)

10.182 The objection was received very late and well beyond the deadline for the receipt of objections. Nevertheless, it was considered at the Inquiry. Effectively it opposes the dualling of the A465 through the Gorge, advocated support for Alternative 5 and criticised the approach of the Welsh Government in its analysis of the case for the scheme. It was responded to orally, but comprehensively, at the Inquiry, from which compelling evidence was adduced proving that a proper approach to and presentation of evidence by the Welsh Government had been taken. Therefore, I conclude the Caving Council established no substantial evidence that makes me doubt the substance of the Welsh Government's case [6.144, 8.200, 8.201].

10.183 I have concluded on the respective merits for the scheme and on Alternative 5 at paragraph 10.207 below.

Conclusions with regard to the Alternatives

Alternative 1a

10.184 The alternative was put forward by locals in the belief that the A465 off-slip road would provide a more expedient link from Abergavenny to the Station Road and Old Trap Road area of Gilwern, by diverting those flows from the A4077 Abergavenny Road and Main Road Gilwern onto the A465 trunk road and the new slip road. In that, they are right: a small volume of traffic would divert. Correspondingly, it was shown that the route would be attractive as an expedient way into Gilwern, and through it towards Crickhowell. That alternative route would cause a doubling of flows on the confined and sensitive Main Road, Gilwern. Throughout much of the Inquiry, there were calls from local people not to burden Main Road with additional traffic, and to reduce rat-running along Back Road, Gilwern, points that were easily understood from observations of the conditions along these highways [9.1, 9.2, 9.4].

10.185 In my opinion, the alternative would therefore be partly self-defeating. The question of whether the extra £2.9m could be justified as an access to serve the small communities of Station Road and Old Trap Road therefore arises, bearing in mind the severe disadvantages that would occur along Main Road and, in all probability Back Road, Gilwern with the slip road in place [9.2].

10.186 The slip road would also cause a degree of conflict of competing merging and diverging flows on the A465 west of Glanbaiden and whilst this is not a major factor, it does add weight to the argument opposing the alternative. The alternative would also delay the scheme by the need to adjust the position of

the eastbound slip roads set out in the draft Orders [9.3].

10.187 In my opinion, the alternative has little to commend it and would carry significant disadvantages. I conclude that it should not be considered further.

Alternative 1b

10.188 I note that there is roughly a balance between local people promoting the alternative and those opposing it. The stronghold of support for the alternative came from the Station Road/Old Trap Road area of Gilwern, whose westbound egress from and access to the A465 would be severed by the proposals in the draft Orders. As a generality, with the draft Orders constructed but no alternative, those residents would need to travel an extra 3 km towards Brynmawr, through Gilwern and via Glanbaiden junction, compared to the current situation. However, that journey, with the exception of Main Road, Gilwern, would be on a modern, commodious road network, rather than the extremely steep, bendy and narrow piece of highway that currently serves the communities. The extra journey time would be minimal [9.5].

10.189 Therefore, in my opinion, the vehicular route proposed by the draft Orders to compensate for the severance of the two accesses to Station Road and Old Trap Road on the south side of the A465 would, by a fine margin, constitute a reasonable alternative for motorised traffic.

10.190 However, some of the arguments in favour of Alternative 1b, including that view expressed forcefully by the Community Council, revolved around reducing traffic on Main Road, Gilwern. A number of individuals believed that Alternative 1b would achieve that, on the basis that the Old Trap Road/Station Road community would be able to avoid the village if the alternative was built. I concur with the view that limited local traffic would be diverted away from Main Road, but it is clear that the volume of that traffic would be very small [9.6, 9.7].

10.191 The counter argument indicated that, whilst that would be the case, the slip roads would, overall, draw significant traffic through Main Road. This would not happen in the absence of these west facing slip roads. At the Inquiry, there was much debate on this issue. In my opinion, it is this latter argument that is sound, simply because the Old Trap /Station Road communities are small, in the order of 100 houses, when compared with the larger "catchment area" that would be attracted to use the slip roads as part of a longer journey. Even if the Welsh Government's calculations of the volume of traffic drawn to Main Road were inaccurate, I am still convinced that an appreciable volume would be drawn to that route and that would be undesirable. I therefore find the Welsh Government's argument that the alternative would burden Main Road and Back Road with extra traffic, compelling. I accept that in the design year the alternative could cause a trebling in the volume of traffic on Main Road and correspondingly a halving of traffic on A4077 through Gilwern. That represents some disadvantage with Alternative 1b because the A4077 is a higher standard Principal Road, although it does have residential property fronting onto it, albeit well set back [9.7].

10.192 I am satisfied that the additional slip roads would cost about £3.7m and give a healthy economic return. There would be no environmental issues of substance

associated with it and it could be constructed without disturbing the scheme built to accord with the draft Orders. Despite the 50 mph speed limit on the A465, it would create an appreciable conflict of weaving traffic because the slip road noses would be about 470 metres apart whereas the standard minimum is 1km [9.6].

10.193 With all these factors in mind, I conclude that Alternative 1b does have merit, which is counterbalanced by the impact that it would have on Main Road and Back Road, Gilwern, a point on which I am certain.

10.194 Alternative 1b is not in conflict with the draft Orders because the adoption of it would not cause any part of the Orders to be amended. As mentioned above, I consider that the draft Orders would provide a reasonably convenient vehicular route without the presence of the additional slip roads. Accordingly, Alternative 1b could be advanced in the future as a freestanding scheme for which a more thorough consultation and traffic analysis had been undertaken. If so, fresh Orders would need to be published for it [9.5].

10.195 Therefore, I conclude that it need not be built as part of the scheme, but the concept of it need not be permanently dismissed.

Alternative 2a and Alternative 2b

10.196 I have considered these two similar alternatives together because the basic arguments of whether or not to recommend them are the same. They revolve around the issue of whether, in terms of the Highways Act 1980, Section 14 (6), the stopping up of the existing footbridge route, which could be fairly regarded as a pedestrian lifeline to the otherwise severed communities of Station Road and Old Trap Road, would be replaced by a reasonably convenient alternative route as defined by the Act and the provision in the draft Orders [9.12, 9.18, 10.8].

10.197 In my view, and having regard to the nature of the terrain, an additional pedestrian journey length of over 300 metres, one way, between the community of Station Road and Old Trap Road and the facilities of the village, is excessive, especially for the old and young. In other words, I consider that the draft Orders would not provide a reasonably convenient alternative for pedestrians. In coming to this opinion, I am conscious that the additional journey length that would be imposed by the provision of the Orders would be:

- on top of an appreciable journey which would need to be traversed north and south of the A465 anyway
- on top of long journeys to the local village school which is not located close by, and that
- the scheme would remove bus stops from the A465 and relocate them further from Station Road [9.13, 9.14, 9.19].

10.198 In my opinion, the lack of a footbridge would discourage walking instead of driving and public transport use, in favour of motorised travel. This would be contrary to two of the objectives of the scheme in respect of healthy lifestyles and public transport as well as some aspects of Government policy [4.27, 4.28,

9.15, 9.20].

10.199 I conclude that there is therefore a need for a footbridge across the A465 at Gilwern.

10.200 Of the options presented to the Inquiry, I am of the opinion that whilst Alternative 2b is acceptable, Alternative 2a is better. It would provide the shorter pedestrian route, be significantly less expensive, be less obtrusive and, in terms of sustainability, use substantially less steel. It could be built as part of the scheme, whilst Alternative 2b would need a further Environmental Statement. I have afforded this point some weight, because I accept that demolition of the existing bridge would need to take place early in the construction period and, with the potential delays on Alternative 2b, that could mean villagers would have no safe crossing facility of the A465 for a considerable period. The existing structure has steps so there would be no relative disadvantage to disabled persons who would be catered for by the road bridge footway to the east [9.14, 9.15, 9.19 - 9.20].

10.201 I conclude that the Orders should be modified to enable Alternative 2a to be constructed as part of the scheme. Without it, the Side Roads Order fails the test set for it by Statute.

Alternative 3a

10.202 I accept that this alternative would avoid the former Anacomp Factory site on which there is planning approval for residential development: that would represent a significant advantage over the published scheme. In my opinion, the alternative has considerable merit, principally because it would cause a smaller footprint than the scheme, a lower visual impact on residential areas in Brynmawr and free up land for development [9.23, 9.25].

10.203 However, the alternative would not provide much extra benefit for its significant extra cost and have a succession of adverse impacts on nature, heritage interests and the landscape. In particular, it would significantly harm the Brynmawr SSSI. It would be marginally inferior in achieving the objectives set for the scheme. The alternative would, on balance, offer lower journey times but would not solve the problem of heavy traffic running past the local schools, removal of which would, in my view, be an appreciable advantage of the scheme [9.24].

10.204 I conclude that the alternative, with the exception of its impact on the schools and the SSSI, would offer an acceptable highway solution to a complex junction proposal. However, I am convinced that the scheme would be even more acceptable and therefore conclude that the alternative need not be pursued further.

Alternative 3b

10.205 I accept that alternative would free up land for housing development and provide good access to the eastbound A465 from Brynmawr. In my view, it has merit as a highway solution to a complex problem. However, it would be marginally more expensive than the scheme with a similar economic return. It would have a greater impact on heritage interests and on the Brynmawr

sections SSSI, on bat foraging areas and on the River Clydach. It would provide a few journey time advantages but these and its other advantages would be insufficient to off-set its disadvantages. I conclude that overall it is not better than the scheme and need not be pursued further [9.26, 9.28].

Alternative 4

10.206 I accept that the alternative would be beneficial to the Navigation Hotel but nearby, in Gilwern, it would have a balancing adverse effect on residential property. Generally its environmental effects would be similar to the scheme. In my view, in terms of service to Gilwern, Station Road and Old Trap Road, it clearly would be significantly inferior to the scheme and would offer no connection at all to the A465. Its additional cost would reap no additional benefit relative to the scheme. I conclude that it is significantly inferior to the scheme and should not be pursued further [9.29, 9.30].

Alternative 5

10.207 This alternative, by making few adjustments to the existing carriageway, would minimise disruption to the natural environment through the Clydach Gorge. It would be substantially less expensive than the scheme, but its limited ability to cater for predicted traffic flows would mean that it would fail to give an adequate return on the investment of public funds. In my opinion, this inadequacy could render it unsupportable as a public project. Apart from that, it would not provide sufficient capacity to cater for future traffic both through the Clydach Gorge and at its junctions. It would fall well short in that regard. It would substantially fail to deliver the objectives of the scheme. I conclude that it would fail to deliver any meaningful improvement to the A465 between Glanbaiden and Section 3 and I am unable to recommend that it should be considered further [9.31-9.35].

Alternative 6

10.208 I note that, despite prompting by the Welsh Government, the alternative suggested in a late objection was subsequently not confirmed by the promoter. This prevented the Welsh Government from making the proposal public and thereby drawing comment (support and opposition) from members of the public and Statutory Authorities. As a consequence, it was impossible for the Inquiry to examine the relative merits of the suggestion as thoroughly as the other alternatives. Nevertheless, the Welsh Government, in its response to the relevant objection, Objection 53, has dealt with the matter in some detail. I also note that consideration of the suggested alternative was considered at the 1998 Inquiry and drew a definite conclusion of rejection from that Inspector [9.36, 9.37].

10.209 The alternative was also considered as a rejected alternative as part of the SASICOM. I am therefore able to conclude that, in the terms of the objectives of the scheme, and as a solution to a growing problem of the A465 as a Trans-European highway, the alternative would be inadequate and should not be considered further.

Overall Conclusions with regard to the Alternatives

10.210 In my judgement, Alternatives 1a, 3a, 4, 5 and 6 are inferior to the proposals

outlined in the draft Orders and should be dismissed from consideration. Alternative 3b, whilst having merit, is not better than the scheme.

10.211 Alternative 1b has merit and whilst it need not be constructed as part of the scheme, it should be considered in future.

10.212 Either Alternative 2a or 2b is necessary to make the Side Road Orders acceptable. Of these and having regard to the disabled facility offered by the Navigation Inn Bridge (and footway), Alternative 2a is, in my opinion, clearly better. It should be built as part of the scheme.

The Orders and Notices required for the Scheme

Conclusions with regard to the Amendment Line Order

10.213 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. I am also satisfied that the proposals for detrunking a length of the existing A465 trunk road are expedient. The tests set out at paragraphs 10.3 and 10.4 above are therefore met. The Amendment (Line) Order should be made subject to the minor drafting modification set out at Modification A in Annex C.

Conclusions with regard to the Compulsory Purchase Order

10.214 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 a relatively small plots near Dan y Coed, plots 3/11 and 3/26. The Welsh Government has recommended modifications in respect of these plots to reduce the areas or change the rights included in the CPO. Elsewhere minor modifications emerged during the Inquiry that affected isolated and minor areas included in the CPO.

10.215 I have also closely studied the Welsh Government's 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. For the most part, the parties have agreed the modifications in writing. Where that is not the case, and in recognition that the modifications have been promoted to improve the scheme for the benefit of local concerns, I am content that the particular modification need not be pursued and that the CPO reverts to its published form for that particular instance, upon the making of the Order, if no agreement is formally reached. If agreement is reached, the modification should be made.

10.216 I am further satisfied that the whole Order, as modified, addresses no more land than is necessary. Budgetary provision has been made for the scheme. I am conscious of the unresolved issue over the acceptance of compulsory purchase powers in respect of The Canal and River Trust Land, but it seems to me that such a dispute would not constitute an impediment to the making of the CPO, because the Trust could not show that the removal of such land from

its ownership would constitute a serious detriment to the undertaking of its duties. However I draw attention to this unresolved matter. If the Orders are made, work could start soon, for which reason I am satisfied that no land would be purchased ahead of time [10.9-10.11].

10.217 In coming to a view on this, I have had regard to the Compulsory Purchase Order test set down in Statute and 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

10.218 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.

10.219 With regard to highways, other convenient routes would be made available by the scheme, with the deficiency of a bridleway at Hafod Bridge in lieu of the equestrian route across the Intermediate Road Bridge and a footpath/footbridge from Station Road Gilwern to the village. I have recommended modifications to address these deficiencies in the draft Order at Annex D (Modifications V and W respectfully).

10.220 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. However, I have recommended that one of the modifications (Modification R) should not be acted upon, in favour of a better route that would cause less damage. I have recommended that alternative modification as Modification X at Annex D.

10.221 With regard to the private means of access, those reasonable replacement means of access still required, would become available before each stopping up takes place or temporary measures would be provided, with the exception of access to severed land which would be purchased by the Welsh Government in agreement with the owner. That would satisfactorily resolve that particular matter.

10.222 Therefore, with the exceptions mentioned above, I am satisfied that reasonably convenient means of passage would be provided by the scheme and that the tests set out at paragraph 10.8 above have been met. I conclude that the Side Roads Order should be modified as set out above and as modified by made.

Conclusions with regard to Notices of Intention to the issuing of Certificates under Section 19 and the Notice of Intention under paragraph 6 of Schedule 3 of the Acquisition of Land Act 1981.

10.223 I have studied the case for acquiring the area of Common Land and Open Space and establishing rights over Open Space and the Welsh Government's proposal for exchange land which has been included in the draft Compulsory Purchase Order, mindful of the tests set out at Section 19 and 28 of the Acquisition of Land Act 1981.

- 10.224 Firstly, I am satisfied that the proposed road scheme, where it would pass through the Common Land, would be a new highway not associated with any widening of an existing highway. I am also satisfied that, as the proposed acquisition of Common Land is greater than 250 square yards (211 square metres), the matters falls to be considered under Section 19 of the Act, respectively. I am further satisfied that the area earmarked for replacement land would not be less than the area to be acquired. It would be in close proximity to the area proposed for compulsory purchase and is of a similar quality and character. There were no sustained assertions to the contrary.
- 10.225 The area that would be subject to the rights that would be necessary over part of the open space at the Siloam Chapel disused burial ground would be less than 250 square yards (211 square metres) and therefore I am satisfied that no replacement land would be necessary. I am further satisfied that the exchange land in respect of the open space to be taken from the Gilwern Disused Burial Ground is acceptable.
- 10.226 I note the evidence of the Welsh Government that rights would be vested in those with an interest in the land. I made a specific visit to the existing and proposed Common Land and Open Space areas. From these observations and a study of the relevant correspondence, I conclude that it would be appropriate to issue three Section 19 Certificates and one Certificate under Paragraph 6 of Schedule 3 of the Acquisition of Land Act 1981. However, I also note that in respect of the objection of Mr J Meredith (Objection 8), further administrative work is needed to clarify whether land in his ownership was ever Common Land and the consequences that would come from that.
- 10.227 Having regard to the above, I am satisfied that the tests set out at paragraphs 10.6 and 10.7 above are met.

Overall Conclusions on the Scheme

- 10.228 In my view, there is a compelling case for the scheme to be implemented in order to improve safety along the trunk road, improve its efficiency as an international route along part of the strategic road network and potentially facilitate economic regeneration of the Heads of the Valleys area and beyond. The Scheme would achieve its objectives well and the achievement of those objectives would, in my judgement, provide a major public benefit.
- 10.229 The scheme for the construction of Section 2 of the overall A465 improvement would be compatible with the adjoining sections of the improvement and I am satisfied that the criteria set out in paragraphs 10.3 and 10.4 above have been met.
- 10.230 For the reasons I have set out above, I conclude that the modifications to the Orders proposed by the Welsh Government are needed, although Modification R has deficiencies. I have made 3 further recommended modifications to the Side Roads Order (one in replacement of Modification R). In my judgement all three would enhance the scheme and, in order to make it more locally acceptable, should be incorporated into the Order upon making.
- 10.231 The incorporation of those modifications would make the draft Amendment

Line, Side Roads and 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 to be necessary in accordance with stipulations of Schedule 1 Section 8 (3) of the Highways Act. It follows that the scheme is acceptable.

10.232 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.

10.233 In coming to this view, I have had regard to all objections and representations made in writing and the oral presentations at the Inquiry. I have also had regard to the support for alternatives and the counter objections to them made at the Inquiry and in writing, but individually or collectively, they do not outweigh the conclusions I have reached.

11. RECOMMENDATIONS

I recommend that:

THE NEATH TO ABERGAVENNY TRUNK ROAD (A465) (ABERGAVENNY TO HIRWAUN DUALLING AND SLIP ROADS) AND EAST OF ABERCYNON TO EAST OF DOWLAIS TRUNK ROAD (A4060), CARDIFF TO GLAN CONWY TRUNK ROAD (A470) (CONNECTING ROADS) ORDER 1999, (GILWERN TO BRYNMAWR) (AMENDMENT) ORDER 201-

THE NEATH TO ABERGAVENNY TRUNK ROAD (A465) (ABERGAVENNY TO HIRWAUN DUALLING AND SLIP ROADS) AND EAST OF ABERCYNON TO EAST OF DOWLAIS TRUNK ROAD (A4060) AND CARDIFF TO GLAN CONWY TRUNK ROAD (A470) (CONNECTING ROADS) (GILWERN TO BRYNMAWR) (SIDE ROADS) ORDER 201-

THE WELSH MINISTERS (THE NEATH TO ABERGAVENNY TRUNK ROAD (A465) (ABERGAVENNY TO HIRWAUN DUALLING AND SLIP ROADS) AND EAST OF ABERCYNON TO EAST OF DOWLAIS TRUNK ROAD (A4060) AND CARDIFF TO GLAN CONWY TRUNK ROAD (A470) (CONNECTING ROADS) (GILWERN TO BRYNMAWR) COMPULSORY PURCHASE ORDER 201-

are all modified and as modified be made.

I further recommend that all four Certificates under Section 19 of The Acquisition of Land Act 1981 be issued, in respect of the Common Land and Open Space that would be affected by the scheme.

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 Matthew Enoch BEng (Hons), CEng, MICE

Mr Stephen Bussell BSc (Hons), MIED

Mr Gareth James MA (Cantab), MSc, CMILT TPP

Mr David Osborn BSc (Hons), CEng, MICE

Mr Mark Young OND, MAPM

Dr Peter Ireland MA (Oxon), DPhil

Miss Jane Betts BA, DLA, CMLI

Mr Richard Green BSc (Hons) CEnv, MCIEEM

Miss Lesley Campton BSc (Hons), MSc, CEng, MIMMM
C Geol

Mrs Julia Tindale BSc (Hons), M i Soil Sci

Mrs Fiona Prismall BSc, MSc, CEng, MIAQM,MIENVSC

Mr Mick Rawlings BA (Hons), MIFA

Mr Phil Evans BSc (Hons), MSc, MIOA, FGS

Dr Keith Jones BSc (Hons), PhD, CBIol, MSB

Mr Jon Egdell MEng, MICE, I Eng

Mr Bruce Richards BSc (Hons), CEng, MICE, MCIHT

Evidence in Chief of the Welsh Government's Case

Principal Witness and Policy.

Wider Economic Benefits.

Traffic and Economics.

Engineering Design.

Construction Activities.

Environment General.

Landscape and Townscape.

Ecology and Bats.

Geotechnical and Geology

Agriculture and Rights of Way

Air Quality.

Cultural Heritage.

Noise, Blasting and Vibration.

Ecology and Conservation.

Further Evidence at Inquiry

Orders and Modifications.

Contract Construction Matters.

As a Supporter of the Scheme

Mr Clive Rogers BSc (Hons), CEng, MICE, DMS, Dip M

Blaenau Gwent County Borough
Council

As Objectors to the Scheme

Mr Adrian Edwards and Councillor Giles Howard	Llanelly Community Council
Councillor Simon Howarth	Member of Monmouthshire County and Llanelly Community Councils
Councillor John Hopkins	Blaenau Gwent County Borough Council
Mr Michael Edwards and Mrs Mair Edwards	Local residents of Brynmawr
Mr Nick Mills and Mrs Sharon Mills	Castle Narrowboats Ltd
Mr Jack Bland /Mr Daniel Beynon	Local Residents of Gilwern
Mr Malcolm Mobey	Local Resident of Gilwern
Mrs Joyce Smith	Local Resident of Gilwern
Mr David Tipping	Local Resident of Gilwern
Mr Mike and Mrs Gillian Shepherd	Local Resident of Clydach
Mr Gareth Hall	Local Resident of Gilwern
Ms P Suff, Mrs H Lipscombe, Mrs T Hook -together	Local Equestrians
Mrs Tracey Hook - on behalf of herself	Local Resident of Gilwern
Mr Graham and Mrs Hilary Lipscombe	Local Residents of Maesygartha
Mr Graham Dickenson	Representing Mintblue Properties Ltd and Black Lion Enterprises Ltd
Mr Robert Rees	Representing Mrs Iris Bevan
Ms Pamela Granna	Resident of Clydach North

As Counter Objectors to or Supporters of Alternatives

Mr Dilwyn Thomas	Local Resident
Councillor Kevin Brown	Blaenau Gwent County Borough Council
Councillor S Howarth	Monmouthshire CC
Councillor D L Elias	Member BBNPA and Chair of Brynmawr Foundation School Governors
Mr Adrian Edwards	Secretary: Llanelly Community Council
Mr Jack Bland	Local Resident of Gilwern
Mrs Tracy Hook	Local Resident of Gilwern
Mr Malcolm Mobey	Local Resident of Gilwern
Mr Stephen Marshall	Local Resident of Gilwern

ANNEX B: SUPPORTING DOCUMENTS

DOCUMENTS RELATING TO THE EVIDENCE OF THE 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 Matthew Enoch
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 Matthew Enoch
WG01/C	Appendix to Statement of Welsh Government's Reasons for Proposing that the Published Draft Orders should be made - Evidence of Mr Enoch
WG01/D	Summary Statement of Welsh Government's Reasons for Proposing that the Published Draft Orders should be made - Evidence of Mr Enoch
WG02	Wider Economic Benefits - Proof of Evidence of Mr Stephen Bussell
WG02/A	Appendix to Transport and Economic Justification - Proof of Evidence of Mr Bussell
WG02/B	Summary of Transport and Economic Justification - Proof of Evidence of Mr Bussell
WG03	Traffic and Economics - Proof of Evidence of Mr Gareth James
WG03/A	Appendix to Proof of Evidence of Mr James
WG03/B	Summary of Proof of Evidence of Mr James
WG04	Engineering Design - Proof of Evidence of Mr David Osborn
WG04/A	Appendix to Proof of Evidence of Mr Osborn
WG04/B	Summary of Proof of Evidence of Mr Osborn
WG05	Construction Management - Proof of Evidence of Mr Mark Young
WG05/A	Appendix to Proof of Evidence of Mr Young
WG05/B	Summary of Construction Management Proof of Evidence of Mr Young
WG06	Environment Matters - Proof of Evidence of Dr Peter Ireland
WG06/A	Appendix to Proof of Evidence of Dr Ireland
WG06/B	Summary of Environment Proof of Evidence Dr Ireland
WG07	Landscape, Township, Visual - Proof of Evidence of Miss Jane Betts
WG07/A	Appendix to Landscape Proof of Evidence of Miss Betts
WG07/B	Summary of Landscape Proof of Evidence of Miss Betts
WG08	Ecology and Bats - Proof of Evidence of Mr Richard Green
WG08/A	Appendix to Proof of Evidence of Mr Green
WG08/B	Summary of Proof of Evidence of Mr Green
WG09	Agriculture and Non-Motorised Users - Proof of Evidence of Mrs Julia Tindale

WG09/A	Appendix to Proof of Evidence of Mrs Tindale
WG09/B	Summary of Proof of Evidence of Mrs Tindale
WG10	Air Quality - Proof of Evidence of Mrs Fiona Prismall
WG10/A	Appendix to Air Quality Proof of Evidence of Mrs Prismall
WG10/B	Summary of Air Quality Proof of Evidence of Mrs Prismall
WG11	Cultural Heritage - Proof of Evidence of Mr Mick Rawlings
WG11/A	Appendix to Proof of Evidence of Mr Rawlings
WG11/B	Summary of Cultural Heritage Proof of Evidence of Mr Rawlings
WG12	Noise and Vibration - Proof of Evidence of Mr Philip Evans
WG12/A	Appendix to Proof of Evidence of Mr Evans
WG12/B	Summary Proof of Evidence of Mr Evans
WG13	Ecology and Nature Conservation - Proof of Evidence of Dr Keith Jones
WG13/A	Appendix to Proof of Evidence of Dr Jones
WG13/B	Summary Proof of Evidence of Dr Jones
WG14	Geology and Soils - Proof of Evidence of Miss Lesley Campton
WG 14/A	Appendix to Proof of Evidence of Miss Campton
WG14/B	Summary to Proof of Evidence of Miss Campton

GENERAL AND SPECIFIC DOCUMENTS PUT ON PUBLIC DEPOSIT

CATEGORIES

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 NEATH TO ABERGAVENNY TRUNK ROAD (A465) (ABERGAVENNY TO HIRWAUN DUALLING AND SLIP ROADS) AND EAST OF ABERCYNON TO EAST OF DOWLAIS TRUNK ROAD (A4060), CARDIFF TO GLAN CONWY TRUNK ROAD (A470) (CONNECTING ROADS) ORDER 1999, (GILWERN TO BRYNMAWR) (AMENDMENT) ORDER 201- and associated plans
DD002	THE NEATH TO ABERGAVENNY TRUNK ROAD (A465) (ABERGAVENNY TO HIRWAUN DUALLING AND SLIP ROADS) AND EAST OF ABERCYNON TO EAST OF DOWLAIS TRUNK ROAD (A4060) AND CARDIFF TO GLAN CONWY TRUNK ROAD (A470) (CONNECTING ROADS) (GILWERN TO BRYNMAWR) (SIDE ROADS) ORDER 201- and associated plans and schedules
DD003	THE WELSH MINISTERS (THE NEATH TO ABERGAVENNY TRUNK ROAD (A465) (ABERGAVENNY TO HIRWAUN DUALLING AND SLIP ROADS) AND EAST OF ABERCYNON TO EAST OF DOWLAIS TRUNK ROAD (A4060) AND CARDIFF TO GLAN CONWY TRUNK ROAD (A470) (CONNECTING ROADS) (GILWERN TO BRYNMAWR)) COMPULSORY PURCHASE ORDER 201-and associated maps and schedules

DD004	FORMAL NOTICE OF INTENTION TO ISSUE A CERTIFICATE FOR THE PROPOSED COMPULSORY ACQUISITION OF COMMON LAND KNOWN AS MYNYDD LLANGATTWG, NORTH OF BEAUFORT AND BRYMAWR TO LLANGATTOCK (BCL0018) IN THE COUNTY BOROUGH OF BLAENAU GWENT
DD005	FORMAL NOTICE OF INTENTION TO ISSUE A CERTIFICATE FOR THE PROPOSED COMPULSORY ACQUISITION OF COMMON LAND KNOWN AS MYNYDD RHEINALLT, LLANELLY HILL, SOUTH OF RAILWAY CWMNANTGARN (BCL033) IN THE COUNTY BOROUGH OF BLAENAU GWENT AND THE COUNTY OF MONMOUTHSHIRE
DD006	FORMAL NOTICE OF INTENTION TO ISSUE A CERTIFICATE UNDER SECTION 19 OF THE ACQUISITION OF LAND ACT 1981 CONCERNING PROPOSED COMPULSORY ACQUISITION OF LAND WHICH FORMS PART OF AN OPEN SPACE KNOWN AS GILWERN CHAPEL DISUSED BURIAL GROUDN IN GILWERN WITHIN THE BRECON BEACONS NATIONAL PARK AND THE COUNTY COUNCIL OF MONMOUTHSHIRE
DD007	FORMAL NOTICE OF INTENTION TO ISSUE A CERTIFICATE UNDER PARAGRAPH 6 OF SCHEDULE 3 FOR THE ACQUISITON OF RIGHTS OVER LAND WHICH FORMS PART OF AN OPEN SPACE KNOW AS SILOAM DISUSED BURIAL GROUND IN CLYDACH WITHIN THE BRECON BEACONS NATIONAL PARK IN THE COUNTY COUNCIL OF MONMOUTHSHIRE
DD008	A465 Dualling Section 2 Gilwern to Brynmawr Environmental Statement 2013 Volume 1 -Technical Assessment Report
DD009	A465 Dualling Section 2 Gilwern to Brynmawr Environmental Statement 2013 Volume 2 - Figures
DD010	A465 Dualling Section 2 Gilwern to Brynmawr Environmental Statement 2013 Volume 3 -Technical Appendix Folder 1 Appendix 1.1-10.2
DD011	A465 Dualling Section 2 Gilwern to Brynmawr Environmental Statement 2013 Volume 3 -Technical Appendix Folder 2 Appendix 10.3-11.2
DD012	A465 Dualling Section 2 Gilwern to Brynmawr Environmental Statement 2013 Volume 3 -Technical Appendix Folder3 Appendix 11.3-11.10
DD013	A465 Dualling Section 2 Gilwern to Brynmawr Environmental Statement 2013 Volume 4 -Technical Appendix 11.11-11.23
DD014	A465 Dualling Section 2 Gilwern to Brynmawr Environmental Statement 2013 Volume 3 - Appendix11.24-12.4
DD015	A465 Dualling Section 2 Gilwern to Brynmawr Environmental Statement 2013 Volume 3 Folder 6 Appendix 13.1-20.1
DD016	A465 Dualling Section 2 Gilwern to Brynmawr – Environmental Statement SIAA
DD017	A465 Dualling Section 2 Public Notice Line and Side Roads Orders publication
DD018	Public Notice announcing publication of CPO.
DD019	Public Notice announcing ES and SIAA.
DD020	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 1.0 Introduction to the Environmental Assessment.
DD021	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 1.1. Section 1: Abergavenny to Gilwern.
DD022	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 1.2 Section 2: Gilwern to Brynmawr.
DD023	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 1.3 Section 3: Brynmawr to Tredegar.
DD024	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 1.4 Section 4: Tredegar to Dowlais Top.
DD025	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 1.5 Section 5: Dowlais Top to A470 Junction.
DD026	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 1.6 Section 6: A470 Junction to Baverstock.
DD027	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 1.7 Section 7: Baverstock to Hirwaun.
DD028	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 1.8

	Summary and Overall Assessment of Proposed Scheme.
DD029	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 2.1 - Air Quality.
DD030	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 2.2 - Cultural Heritage.
DD031	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 2.3 - Ecology - 1.
DD032	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 2.3 - Ecology - 2.
DD033	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 2.3 - Part of Volume 2.3B and 2.3C (This is an environmentally sensitive document that was not put on deposit).
DD034	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 2.4 - Landscape and Visual.
DD035	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 2.4 - Visual Impact Schedules.
DD036	Abergavenny to Hirwaun Dualling 1997 Environmental Statement - Volume 2.5 - Noise.
DD037	Public Notice - unknown ownership
DD038	Outline Explanatory Statement of the Amendment Order (Line) and SRO.
DD039	Outline Explanatory Statement of the CPO.
DD040	Notice of determination re SIAA and ES
DD041	A465 stage 3 Scheme Assessment Report
DD042	ES Non-Technical Summary
DD043	Notice of Pre-Inquiry Meeting
DD044	Notice of Public Inquiry
DD045	Notice of Public Exhibitions
DD046	Notice of Interests of the CPO
DD047	ES Non -Technical Summary 1997
DD048	Principal Submissions to the Public Inquiry
DD049	1999 Line Order
DD050	1997 ES Gazeteer
DD051	Secretary of State's Decision to make the draft Line Order 199-
DD052	1998 Inspector's Report
DD053	1997 Draft Line Order
DD054	1997 Draft Side Roads Order
DD055	1997 Draft Compulsory Purchase Order
DD056	February 2004 ES Supplement
DD057	Statements about Appropriate Assessment, Alternative Solutions, Imperative Reasons of Overriding Public Interest and Compensatory Measures 2014
DD058	Public Notice of Environmental Statement Supplement
DD059	Statements about Appropriate Assessment, Alternative Solutions, Imperative Reasons of Overriding Public Interest and Compensatory Measures (SASICOM)
DD060	Notice of Objector's Alternatives 1 and 2 - 2014 Inquiry
DD061	Objector's Alternatives 1 and 2 Brochure
	<u>POLICY DOCUMENT REFERENCES</u>
DD101	Programme for Government.

DD102	The Wales Spatial Plan.
DD103	One Wales: Connecting the Nation.
DD104	Wales Investment Plan for growth and jobs
DD105	The National Transport Plan.
DD106	Trunk Road Forward Programme 2002.
DD107	Getting You There.
DD108	Reprioritisation of the Trunk Road Forward Programme.
DD109	Prioritised National Transport Plan.
DD110	SEWTA Regional Transport Plan
DD111	Turning Heads-A Strategy for the Heads of the Valleys
DD112	European Structural Funds 2007-2013-Sustainable Transport Framework
DD113	Environmental Strategy for Wales.
DD114	Vibrant and Viable Places
DD115	Climate Change Strategy for Wales
DD116	Heads of the Valleys Landscape Strategy
DD117	Driving Wales Forward.
DD118	Blaenau Gwent Regeneration Strategy
DD119	Welsh Government Sustainable Procurement Strategy
DD120	Planning Policy Wales
DD121	Air-Quality Strategy
DD122	Guidelines for Ecological Impact Assessment
DD123	European Structural Funds 2007-2013
	<u>REGULATIONS, RULES AND ACTS</u>
DD201	NAW Constitutional Law - Devolution Wales
DD202	Government of Wales Act 2006
DD203	Highways Act 1980
DD204	Acquisition of Land Act 1981
DD205	Active Travel Wales Inset, included in DD207
DD206	Transport Wales Act 2006
DD207	Active Travel (Wales) Act 2013
DD208	The Highways (Inquiries Procedure) Rules 1994
DD209	The Compulsory Purchase (Inquiries Procedure) Rules (Wales) Rules 2010
DD210	Conservation of Habitats and Species Regulations 2010
DD211	EC Council Directive 92-94
DD212	EU Council Directive 85-337
DD213	EU Directive 97-11
DD214	Public Participation Directive 2003-35
DD215	Directive 2011-92-EU
DD216	Highways Assessments of Environmental Effects
DD217	Highways (Environmental Impact Assessment) Regulations 2007
DD218	Wildlife and Countryside Act 1981
DD219	Countryside and Rights of Way Act 2000
DD220	Environmental Act 1995

DD221	Air Quality Standards (Wales) Regulations
DD222	2008-50-EC
DD223	TSRGD2002
DD224	Planning Act 1990
DD225	Ancient Monuments and Archaeological Areas Act 1997
DD226	Noise Regulations 1975
DD227	Noise Insulation Regulations 1988
DD228	Land Compensation Act 1973
DD229	Control of Pollution Act 1974
DD230	EC 2002-49-EC
DD231	Environmental Noise (Wales) Regulations 2006
DD232	EC Directive 92-43 EEC
DD233	National Parks and Access to the Countryside ACT 1949
DD234	Protection of Badgers Act 1992
DD235	Natural Environment and Rural Communities Act 2006

ENGINEERING DESIGN MANUALS

DD301	Design Manual for Roads and Bridges Volume 6 Section 1 Part 1 TD 9/93 Highway Link Design (incorporating Amendment No.1 dated Feb 2002).
DD302	Design Manual for Roads and Bridges Volume 6 Section 1 Part 2 TD 27/05 Cross-Sections and Headroom.
DD303	Design Manual for Roads and Bridges Volume 6 Section 2 Part 3 TD16/07-Geometric Design of Roundabouts.
DD304	Design Manual for Roads and Bridges TD16-07
DD305	Design Manual for Roads and Bridges TD69-07
DD306	Design Manual for Roads and Bridges TA 57-87
DD307	Design Manual for Roads and Bridges TA 90-05.
DD308	Design Manual for Roads and Bridges TA 19-06
DD309	Design Manual for Roads and Bridges HD 33-06
DD310	Design Manual for Roads and Bridges Volume 12
DD311	Design Manual for Roads and Bridges Volume 13
DD312	HD22-08.
DD313	TA46-97
DD314	Design Manual for Roads and Bridges Volume 10
DD315	Design Manual for Roads and Bridges Volume 11
DD316	Interim Advice Note (IAN) 135/10
DD317	Not used
DD318	IAN 125-09
DD319	Not used
DD320	IAN 170-12
DD321	IAN 174-13
DD322	IAN 175-13
DD323	IAN116-08
DD326	IAN130-10
DD327	TA 23-81
DD401	BS 489-12013
DD402	BS 5228 Part 1

DD403	BS 5228 Part 2
DD404	BS 7385 Part 1
DD405	BS 7385 Part 2
DD406	BSISO 4866-2010
DD407	BS6472 Part1
DD408	BS 6472 Part 2
DD501	Initial Traffic and Collisions Report
DD502	Report of Traffic Surveys
DD503	Local Model Validation Report
DD504	Traffic Forecasting Report
DD505	Economic Assessment Report
DD506	Web based Transport Appraisal Guidance
DD507	Welsh Transport Appraisal Guidance
DD508	The Importance of Transport in Business Locations Decisions
DD509	Blaenau Gwent County Borough Council Local Development Plan
DD510	Monmouthshire Local Development Plan Deposit Plan September 2011
DD511	Tech Note of Retaining Walls and Strengthened Earthworks
DD512	Preliminary Geotechnical Design Report
DD513	2013 Stage 1 RSA
DD514	2013 Stage 1 RSA Designers' Response
DD515	Alignment and Junction Strategy Report 2013
DD516	Departures from Standards Report
DD517	Specification for Highways Report
DD518	SUDS Manual
DD519	Pollution Prevention Guidelines-oil separators
DD520	Flood Consequence Assessment Report
DD521	Bus Stop Provision on the A465 Section 2 Corridor
DD522	Sensitivity Testing Report
DD523	NAFWC14-204 Revised Circular on Compulsory Purchase Orders
DD524	South Wales Area Traffic Study
DD525	Technical Appraisal report 1994
DD526	Scheme Assessment report 1994
DD527	Not used
DD528	Not used
DD529	Ebbw Vale Enterprise Zone
DD530	The Eddington Transport Study
DD531	ES Scoping Report
DD532	Visual Impact Assessment
DD533	CCW LANDMAP Info Guidance Note 3 2010
DD534	CCW LANDMAP
DD535	Not used
DD536	Not used
DD537	MCC Landscape Study
DD538	BBNP Landscape Character Supplementary Planning Guidance
DD539	BBNP Application to the International Dark Sky Reserve
DD540	LIAN 0111
DD541	BBNPA Unitary Development Plan 2007
DD542	BBNPA LDP
DD543	Monmouthshire Unitary Development Plan June 2006
DD544	BBNPA Management Plan 2010-2015
DD545	Blaenavon World Heritage Site Draft Management Plan (2011)
DD546	Tranquil Areas Map 1995
DD547	Wales Tranquil Areas Map 2009 Final Report
DD548	NRW Landscape Character Map

DD549	BBNPA Landscape Character Assessment
DD550	Community Benefits Delivering Maximum Value for the Welsh Pound
DD551	Not used
DD552	BBNPA LDP
DD553	Cave Mapping
DD554	Protocol for Action on Encountering Karst Features
DD555	Geophysical Report 2013
DD556	Availability of LHB Foraging
DD557	Defra Local Air Quality Management Technical Guidance
DD558	IAQM Assessment of the Impacts of Construction on Air Quality
DD559	Guidelines for Environmental Risk Assessment
DD560	LAQM TG Tools
DD561	Planning for Air Quality Guidance 2010 (final 2)
DD562	EA Horizontal Guidance Note H1 Annex F
DD563	DEFRA Background Air Quality Maps
DD564	DEFRA Local Air Quality Management Note on Projecting NO2 Concentrations
DD565	Welsh Office Circular 60-96
DD566	Register of Landscapes
DD567	Welsh Office Circular 61-96
DD568	Not used
DD569	Noise Action Plan for Wales
DD570	DEFRA Draft Roads Noise Action Plan
DD571	Welsh Government TAN 11
DD572	Calculation of Road Traffic Noise 1988 DfT
DD573	NNG WHO 2009
DD574	US DoT FRA HSGTNVIA 2012
DD575	TAN 5, Nature Conservation and Planning 2009
DD576	Not used
DD577	Not used
DD578	Usk Bat Sites SAC Core Management Plan
DD579	Cwm Clydach SAC Plan 8 April 2008
DD580	River Usk Core Management Plan 2008
DD581	Not used
DD582	Not used
DD583	A465 Section 2 Ecology Factual Report
DD584	A465 Section 3 Ecology Factual Report
DD585	Guidelines for Ecological Impact Assessment in the UK 2006
DD586	Not used
DD587	Ground Investigation Factual Report 1997
DD588	Ground Investigation Factual Report 2012
DD589	Canal and River Trust C o P
DD590	Bats and Light Pollution
DD591	Blaenau Gwent employment background paper (2)
DD592	Blaenau Gwent ESP Study Final Report
DD593	Technical Advice Note TAN 16 2009
DD594	Technical Advice Note TAN 6 2010
DD595	MAFF Agricultural Land Classification Guidelines 1988

DOCUMENTS SUBMITTED TO THE INQUIRY LIBRARY DURING THE INQUIRY PERIOD

INQUIRY DOCUMENTS (ID)	
ID1	Inspector's note of the Pre-Inquiry meeting.

ID2	Statutory Procedures folder
ID3	Questions from Inspector
ID4	Counsel for the Welsh Government Opening Statement
ID5	Road Safety Strategy for Wales
ID6	Errata to Mr Young's evidence
ID7	Update to Mr Osborn's evidence
ID8	Errata to Mr Young' evidence
ID9	Errata to Miss Betts' evidence
ID10	Cultural Heritage Site Visit Heritage site visit details
ID11	Outline proposals of structural finishes
ID12	Errata to Dr Jones' evidence
ID13	Maps of Ecology and Landscape Designated Sites
ID14	Additional Evidence of Mr Evans-changes to noise tables
ID15	Road traffic noise-realistic comparisons/ answers to Inspector's questions
ID16	Allowance for Risk
ID17	Cultural Heritage evidence
ID18	Boundary of Clydach Coal Level SAM
ID19	Boundary of Gilwern Canal Embankment SAM
ID20	Boundary of Clydach Ironworks and Smart's Bridge SAM
ID21	Boundary of Hafod Arch SAM
ID22	Response to NRW objections on Brynmawr SSSI
ID23	Public Rights of Way near the scheme
ID24	Existing and proposed public rights of way at Saleyard
ID25	Erratum to SIAA re bat habitat
ID26	Errata to evidence of Mr Richard Green
ID27	Revised version of Mr Green's evidence - WG08/B
ID28	Answers to Inspector's questions - bat foraging and the CPO.
ID29	Compensatory and mitigation measures for the Lesser Horseshoe bat
ID30	Cross section of Gilwern Bridge
ID31	Alternative Proposals Notice
ID32	Objector's alternative 4 - circulated brochure
ID33	Register of 18 Supporters
ID34	Location map of objectors' addresses
ID35	Photograph overlooking A465 from rear gardens of Old Trap Road
ID36	Photograph of existing tree bank at rear of Old Trap Road property
ID37	Cross section from Landau House to A465-existing and proposed planting
ID38	The Clydach Gorge Industrial Archaeology booklet
ID39	Further evidence of Mr Jack Bland
ID40	Objector's alternative 3 - circulated brochure
ID41	Further questions from Inspector- re alternatives 1a and 1b
ID42	Photomontage of earlier and amended layout for Blackrock Footbridge
ID43	Noise reading locations at Gilwern
ID44	Turning facility at Old Trap Road
ID45	Plan and long sections of Gilwern access
ID46	DMRB-TA 91/05 Provision for Non-Motorised Users
ID47	Alternative Proposals Notice
ID48	Objector's Alternative 5
ID49	Air Quality assessment requirements
ID50	Traffic count sites and dates
ID51	Photomontages of various bridges
ID52	National Cycle Network Guidelines
ID53	Comprehensive dossier of answers to miscellaneous questions
ID54	Draft Commitments Register

ID55	Mitigation and Earthworks protocol near Brynmawr SSSI
ID56	BBNPA delegated Decision Planning Report re Navigation Inn
ID57	Submission from Councillor D L Elias re Thomas Waste Management
ID58	Errors in Objector's alternative 4 booklet
ID59	CPO Plot 4/10
ID60	CPO plot 4/10 Reduced
ID61	Review of Friends of Earth Cymru late alternative proposal
ID62	Protocol for draft Commitments Register (NRW/BBNPA)
ID63	Errata to ES Chapter 1 Nature Conservation
ID64	Revised paper on Lesser Horseshoe mitigation and compensatory measures
ID65	Erratum to SIAA
ID66	Summary of Bat Mitigation Planting
ID67	Land reference plans
ID68	Legal Submission by Welsh Government - Statutory Undertakers/Canal and River Trust.
ID69	Cross section at Monmouthshire and Brecon Canal
ID70	Site Visit Programme
ID71	Register of all Modifications
ID72	Case for noise barrier at Hayman's Cottage
ID73	Bus Stop Review
ID74	Large scale cross section at canal
ID75	Closing Statement by Welsh Government

ANNEX C - MODIFICATIONS SOUGHT BY THE WELSH GOVERNMENT

Full details of all modifications proposed by the Welsh Government are set out at ID71. Where the Modifications propose an 'increase' in the area to be acquired, or 'new land', relative to the draft CPO I have indicated the agreement of the owner to the modification, at the close of the Inquiry, as *.

Modification A – AO, SRO and CPO

A number of minor typographical errors or omissions appeared in the draft Orders. The Orders should be modified on making to correct these.

Modification B – CPO

Reduce plot 5/18e from 54,755 square metres to 52,477 square metres.

Modification C – CPO*

Remove plot 2/15 and replace it with plots 2/15n, 2/15o and 2/15p. Plot 2/15o would carry an essential licence.

Increase the size of plot 2/15a by 651 square metres at the request of the owner.

Remove plot 1/12j and replace it with plots 1/12L and 1/12m. Overall the area would be the same.

Modification D – CPO

Reduce plot 3/26 from 954 square metres to 108 square metres. Introduce an easement right over 426 square metres of plot 3/26, to be referenced as plot 3/26a.

Modification E –SRO and CPO

Remove plot 1/13.

Remove plots 1/11, 1/11a, 1/11b and replace them with plots 1/11h, 1/11i, 1/11j, 1/11k, and 1/19 with an overall reduced land take area.

Remove plot 1/11d and replace it with plot 1/11g, 1/11k with an overall reduced area of land. Plot 1/11k would include 205 square metres of land owned by Mint Blue Properties Ltd which Welsh Government had previously intended to negotiate for a licence; however now intend to acquire title.

Amend the extent of the improved highway of the realigned road leading from the new Brynmawr junction to the existing Old Abergavenny Road shown on Site Plan 1.

Modification F – SRO and CPO

Remove title plots 1/2c, 1/2d, 1/2pp and replace with 1/2tt, 1/2uu, 1/2vv, 1/2ww.

Remove plots 1/4c and 1/4d and replace with 1/4f, 1/4g, 1/20 and 1/20a.

Plot 1/2v would reduce in area from 49 square metres to 37 square metres.

Create a turning "hammer-head" instead of the roundabout shown on SRO Site Plan 1/A by amending the new highway 1/1B shown on Inset A of Site Plan 1/A.

Modification G – SRO and CPO*

Correct the position of the stopping up of PMA 5/6 shown on inset C of Site Plan 5.

Create new PMA 5/6a as shown on inset D of Site Plan 5.

Remove plots 5/12a, 5/2b and 5/2d and replace them with plots 5/2k, 5/12b and 5/2L.

The overall area of land take would reduce.

Modification H – SRO and CPO*

Reduce the extent of the stopping up of PMA 4/3 shown on inset C of Site Plan 4 from 102 metres to 5 metres, create new PMA 4/3a to be included in Schedule 4 and shown on Site Plan 4 of the SRO.

Introduce new plots 4/9b of 9 square metres, and 4/1j of 7 square metres, for a licence to provide a private means of access. (Although plot 4/1j would remain as title in the CPO, the intention is to only negotiate for a licence. Ownership of plot 4/1j would remain with the landowner unless negotiations for the licence failed)

Modification I – SRO and CPO

Remove plot 3/17 and replace it with plots 3/17d, 3/17e and 3/17f. These plots would together cover the same land area as plot 3/17 but access rights would be provided through plot 3/17e.

Provide new PMA 3/2b to be included in Schedule 3 and shown on Site Plan 3 of the SRO.

Modification J – SRO and CPO*

Create a new bridleway connecting the western end of Restricted Byway 52/94 with Main Road, in place of connecting Restricted Byway 52/94 with 52/64; stop up Footpath 52/35, Footpath 52/64 and unauthorised footpath; improve Footpath 52/63 and Restricted Byway 52/94; all to be included in Schedule 3 and shown on site plan 3 of the SRO.

Renumber plot 3/7a as 3/29c. Renumber plot 3/7b as plot 3/29d, which becomes a rights plot. Add new plots 3/29, 3/29a and 3/29b. The additions to the CPO account for 1,460 square metres of land.

Modification K - SRO

Remove the temporary stopping up of a section of Footpath 52/34 and replace it with a permanent stopping up of the same section. Remove the improvement of Footpath 52/34 and create a new highway, designated as a bridleway over this extent as shown on the insert A on Site Plan 4. New highway 4/C would be created as a bridleway.

Modification L – CPO

Reduce the size of plot 5/7 from 886 square metres to 519 square metres.

Modification M – CPO

Divide plot 2/21 into plots 2/21d, 2/21e and 2/21f. The overall area remains the same as plot 2/21, although the intention would be to negotiate for only a licence to undertake essential work in plot 2/21f. (Ownership would remain with the landowner unless negotiations for the licence failed).

Modification N- SRO and CPO

Enlarge the access labelled 2/11a as shown on inset D of Site Plan 2.

Increase the size of plot 2/1r and correspondingly reduce plot 2/1q. The overall area remains unaltered.

Modification O - not used

Modification P – SRO and CPO

Stop up PMA referenced 3/3 as shown on the new inset at Site Plan 3. Provide a new PMA from Dan y Coed and referenced as 3/3a on Site Plan 3.

Remove title plot 3/11 and easement plot 3/11a and replace it with title plot 3/11b, title plot 3/11c and easement plot 3/11d. The overall area in the CPO would reduce.

Modification Q -SRO

Show a different alignment of the new highway 2/D in inset B of Site Plan 2 and include the stopping up of PMA 2/10 in Schedule 2 and on the main plan of Site Plan 2.

Modification R –SRO

Show a different alignment of the new highway 3/B in inset C on Site Plan 3.

Note: The Inspector does not recommend this Modification because of Modification X below.

Modification S – CPO*

Add the description of rights of access in plots 1/9e and 1/9f

Modification T – CPO*

Remove plots 5/17c, 5/17e, 5/17f, 5/17g, 5/17h and replace with 5/17k, 5/17L, 5/17m, 5/17p and 5/17q. Include a new_plot 5/17n. Overall the area of land would be reduced.

Modification U –SRO and CPO

Add a new highway 4/F and an improvement of Brunant Road to the west and Old Trap Road to the east- to be added to Schedule 4 and Site Plan 4 as an inset.

Remove title plot 4/6i and replace with title plot 4/6L, 4/6m and 4/6n.

Remove title plot 5/3 and replace with title plots 5/3a and 5/3b.

The overall area of land in the CPO would be the same.

ANNEX D - MODIFICATIONS TO THE ORDERS RECOMMENDED BY THE INSPECTOR

Modification V

Site Plan 1/A and Page 2 of the S R O

Re-establish an equestrian right across the A465 at Intermediate Road by including such a right on New Highway 1/C in Schedule 1 and on Site Plan 1A. The bridleway should connect to the New Highway 1/B on Site Plan 1A, as modified under Modification F above.

If Modification F is not confirmed Modification V should still proceed on the basis of the original proposals for the turning circle (rather than a hammer head) at Intermediate Road.

Modification W

Page 24 of the Side Roads Order

Consequent upon the stopping up of the footpath and footbridge described on page 24 of the Side Roads Order as: "the un-referenced footway bridge of the trunk road A465 north of Pentwyn Bungalow", create a New Highway (footpath) on the northern side of the A465 in accordance with the adoption of Alternative 2a. Add a New Highway Reference to Schedule 5 of the Side Roads Order to reflect Alternative 2a, in addition to New Highway 5/B and indicate the Alternative on Inset C of Site Plan 5.

Modification X

Site Plan 3 and Page 18 of the Side Roads Order

In lieu of proposed Modification R above amend Inset C on Site Plan 3 to reflect the removal of the curved section of southern access ramp to the Dan y Coed Footbridge (in accordance with the Conclusions of this report) and replace it with an access to the footbridge that would be parallel to the carriageway to the west of the bridge. This access footpath would connect up with Footpath 52/50 on Site Plan 3. Amend Schedule 3 of the Side Roads Order by deleting New Highway 3/B and replacing it with a New Highway reference to reflect this Modification.

