

HIGHWAYS, WALES

2009 No.45

THE HIGHWAYS ACT 1980

**THE LONDON TO FISHGUARD TRUNK
ROAD (A40) (IMPROVEMENT AT THE
KELL, TREFFGARNE SIDE ROADS)
ORDER 2009**

The Welsh Ministers in exercise of powers conferred by sections 14 and 125 of the Highways Act 1980⁽¹⁾ (“the 1980 Act”) and of all other enabling powers⁽²⁾ make the following Order: -

1. The Welsh Ministers are authorised, in relation to the trunk road at The Kell, Treffgarne in the Communities of Rudbuxton and Spittal in the County of Pembrokeshire:-

- a. to carry out the improvement of highways;
- b. to stop up highways or areas of highways;
- c. to stop up private means of access to premises, and
- d. to provide new means of access to premises.

2. The works (all of which will be at The Kell, Treffgarne in the County of Pembrokeshire) authorised by Article 1 are shown on the map that accompanies this Order and are indicated in the Schedule to this Order, in the following manner:-

- a. highways to be improved are named and are shown by cross hatching;
- b. lengths and areas of highways to be stopped up are described (all distances stated being approximate only) and are shown by zebra hatching;
- c. lengths of private means of access to be stopped up are described (all distances stated being approximate only), and are

given the reference numbers shown on the map and shown by solid black bands;

- d. new means of access to be provided are indicated by the use of reference numbers in the Schedule which are given to those new means of access on the map, and where a new means of access is to be provided in connection with the stopping up of a length of private means of access described in that schedule, its reference number is placed opposite to the description of that length. Routes of new means of access to be provided are shown by diagonal hatching.

3. It is hereby declared that the Welsh Ministers are satisfied:-

- (1) as respects each length of highway the stopping up of which is authorised by this Order, that either another reasonably convenient route is available or will be provided before that length of highway is stopped up; and
- (2) as respects each private means of access to premises the stopping up of which is authorised by this Order, that other reasonably convenient means of access to premises is available or will be provided before that private means of access is stopped up or that no access to the relevant premises is reasonably required.

4. Where immediately before a length of highway is stopped up in pursuance of this Order there is under, in, over, across or along that highway any apparatus of statutory undertakers then, subject to section 21 of the Highways Act 1980, those undertakers will continue to have the same rights as respects that apparatus after the stopping up takes place as they had immediately prior thereto.

5. In this Order:-

all measurements of distance are measured along the route of the relevant highway or means of access to premises as the case may be;

“the trunk road” (*“y gefnffordd”*) means the London to Fishguard Trunk Road (A40).

“improvement” (*“gwella”*) in relation to a highway includes raising, lowering or otherwise altering that highway and “improved” shall be construed accordingly;

“the deposited map” (*“ y map a adnewwyd”*) means the map contained in the map folio numbered HA 14/1 WAG 4 and marked “The London to Fishguard Trunk Road (A40) (Improvement at The Kell, Treffgarne Side Roads) Order 2009“ signed on behalf of the Welsh Ministers and deposited at the Welsh Assembly Government Record Storage and Retrieval Unit (RSRU), Neptune Point, Ocean Way, Cardiff;

6. This Order comes into force on 11 December 2009 and its title is The London to Fishguard Trunk Road (A40) (Improvement at The Kell, Treffgarne Side Roads) Order 2009.

Signed on behalf of the Welsh Ministers

Date 3 December 2009

J COLLINS

Deputy Director of Transport Planning and Governance
Welsh Assembly Government

(1) 1980 c.66

(2) By virtue of S.I.1999/672, article 2 and Schedule 1 and paragraph 30 of Schedule 11 to the Government of Wales Act 2006, these powers are now exercisable by the Welsh Ministers in relation to Wales.

THE HIGHWAYS ACT 1980

THE LONDON TO FISHGUARD TRUNK ROAD (A40) (IMPROVEMENT AT THE KELL, TREFFGARNE) ORDER 2009

THE LONDON TO FISHGUARD TRUNK ROAD (A40) (IMPROVEMENT AT THE KELL, TREFFGARNE SIDE ROADS) ORDER 2009

NOTICE IS HEREBY GIVEN that the Welsh Ministers have made the following Orders:-

1. an Order under section 10 of the Highways Act 1980 providing that a road 0.48 kilometres in length to be constructed at The Kell, Treffgarne in the County of Pembrokeshire commencing at a point on the trunk road approximately 622 metres south of the centreline of the junction of the A40 trunk road with the C3059 road to Spittal and extending in a generally northerly direction to a point approximately 112 metres south of the junction of the trunk road with the C3059 road to Spittal shall become a trunk road as from the date when the Order comes into force; and

2. an Order under sections 14 and 125 of the Highways Act 1980 which will authorise them:-

- i. to improve highways
- ii. to stop up highways;
- iii. to stop up private means of access to premises; and
- iv. to provide new means of access to premises

all on, or in the vicinity of, the route of the above-mentioned new trunk road, aforesaid.

Copies of the Orders and accompanying maps may be seen free of charge at all reasonable hours from 11 December 2009 until 22 January 2010 or within 6 weeks from the date of publication of this notice, whichever period expires later, at the offices of Pembrokeshire County Council, County Hall, Haverfordwest, Pembrokeshire SA61 1TP and the Welsh Assembly Government, Transport and Strategic

Regeneration, Transport Planning and Governance Division 3, Cathays Park, Cardiff CF10 3NQ.

Copies of the Order, the title of which is 'The London to Fishguard Trunk Road (A40) (Improvement at The Kell, Treffgarne) Order 2009' SI 2009 No. 3192 (W.277) can be purchased from booksellers or direct from the Stationary Office Ltd.

Copies of the Order, the title of which is 'The London to Fishguard Trunk Road (A40) (Improvement at The Kell, Treffgarne Side Roads) Order 2009' can be obtained from the Welsh Assembly Government, Transport and Strategic Regeneration, Transport Planning and Governance Division 3, Cathays Park, Cardiff CF10 3NQ.

Any person aggrieved by the making of either of the Orders and desiring to question the validity thereof, or of any provision contained therein, on the grounds that it is not within the powers of the Highways Act 1980 or on the grounds that any requirement of that Act or of regulations made thereunder has not been complied with in relation to the Orders may, within 6 weeks from the 11 December 2009, or within 6 weeks from the date of publication of this Notice if such period shall expire later, apply to the High Court for the suspension or quashing of the Orders or of any provision contained therein.

A copy of the draft Line Order and Notice can be viewed at www.wales.gov.uk (select 'Legislation' 'Subordinate legislation', 'Local Statutory Instruments', 'Highways Act Line Orders', 2009').

A copy of the draft Side Roads Order and Notice can be viewed at www.wales.gov.uk (select 'Legislation', 'Subordinate legislation', 'Non-Statutory Instruments', 'Transport, Wales', 'Highways Act Side Roads and Compulsory Purchase Orders', '2009').

A copy of this Notice in larger print can be obtained from the Welsh Assembly

Government, Transport and Strategic
Regeneration, Transport Planning and
Governance Division 3, Cathays Park, Cardiff
CF10 3NQ.

M D BURNELL

Transport Planning and Governance Division
Welsh Assembly Government