

HIGHWAYS, WALES

2009 No.47

**THE HIGHWAYS ACT 1980 and
THE ACQUISITION OF LAND ACT 1981**

**THE WELSH MINISTERS (LONDON TO
FISHGUARD TRUNK ROAD (A40)
IMPROVEMENT AT THE KELL,
TREFFGARNE) COMPULSORY
PURCHASE ORDER 2009**

The Welsh Ministers (in this Order called “the acquiring authority”) make the following Order-

1. Subject to the provisions of this Order, the acquiring authority is, under sections 239, 240, 246, 250 and 260 of the Highways Act 1980⁽¹⁾ and under section 2 of, and paragraph 1(1)(b), (3) and (4) of Part 1 of Schedule 2 to the Acquisition of Land Act 1981⁽²⁾, and all other enabling powers⁽³⁾, hereby authorised to purchase compulsorily the land and the new rights over land described in paragraph 2 for the purpose of:

- (a) the construction of the new trunk road in the Communities of Rudbaxton and Spittal in the County of Pembrokeshire, in pursuance of the Trunk Road Order;
- (b) the improvement of highways and the provision of new means of access to premises in the said Community and County, in pursuance of the Side Roads Order;
- (c) use by the Welsh Ministers in connection with such improvement of highways and the execution of other works mentioned above; and
- (d) the mitigation of any adverse effects which the existence or use of certain of the highways proposed to be improved will have on the surroundings thereof.

Copies of the Trunk Road Order and the Side Roads Order and the accompanying maps are deposited along with the map referred to in Article 6.

2. (1) The land authorised to be purchased compulsorily under this Order is the land described in the accompanying Schedule and delineated and shown coloured pink edged red on the map prepared in duplicate sealed with the common seal of the acquiring authority and marked “The Welsh Ministers (London to Fishguard Trunk Road (A40) Improvement at The Kell, Treffgarne) Compulsory Purchase Order 2009”.

(2) The new rights to be purchased compulsorily under this Order are described in the Schedule and the land is shown coloured blue edged red on the said map.

3. Parts II and III of Schedule 2 to the Acquisition of Land Act 1981 are hereby incorporated with this Order subject to the modifications that references in the said Parts of the said Schedule to the undertaking shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon.

4. For the purpose of the provisions of Schedule 2 to the Acquisition of Land Act 1981, as incorporated in this Order, the prescribed distance in relation to any seam of minerals lying under land adjoining the works to be constructed upon the land described in the Schedule to this Order shall be such a lateral distance from the said works on every side thereof as is equal at every point along the said works to one half of the depth of the seam below the natural surface of the ground at that point or 37 metres whichever is the greater.

5. In this Order:

“the map” (“*y map*”) means the map marked “The Welsh Ministers (London to Fishguard Trunk Road (A40) Improvement at The Kell, Treffgarne) Compulsory Purchase Order 2009” signed by an official of the acquiring authority,

sealed with the common seal of the acquiring authority and deposited at the Welsh Assembly Government, Record Storage And Retrieval Unit (RSRU), Neptune Point, Ocean Way, Cardiff;

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

“the Trunk Road Order” (“*y Gorchymyn Cefnffordd*”) means “The London to Fishguard Trunk Road (A40) (Improvement at The Kell, Treffgarne) Order 2009”;

“the Side Roads Order” (“*y Gorchymyn Ffyrdd Ymyl*”) means “The London to Fishguard Trunk Road (A40) (Improvement at The Kell, Treffgarne Side Roads) Order 2009”.

6. The title of this Order is The Welsh Ministers (London to Fishguard Trunk Road (A40) Improvement at The Kell, Treffgarne) Compulsory Purchase Order 2009.

THE COMMON SEAL OF THE WELSH MINISTERS hereunto affixed is authenticated by

Signed by an official of the Welsh Assembly Government.

Dated 4 December 2009

- (1) 1980 c.66
- (2) 1981 c.67
- (3) 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 WELSH MINISTERS (LONDON TO
FISHGUARD TRUNK ROAD (A40)
IMPROVEMENT AT THE KELL,
TREFFGARNE) COMPULSORY
PURCHASE ORDER 2009**

**COMPULSORY PURCHASE OF LAND
AND NEW RIGHTS AT THE KELL,
TREFFGARNE, PEMBROKESHIRE.**

NOTICE IS HEREBY GIVEN that the Welsh Ministers have on the 4 December 2009 made ‘The Welsh Ministers (London to Fishguard Trunk Road (A40) Improvement at The Kell, Treffgarne) Compulsory Purchase Order 2009’, under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and under section 2 of, and paragraph 1(1)(b), (3) and (4) of Part 1 of Schedule 2 to, the Acquisition of Land Act 1981. The Order will authorise the Welsh Ministers to purchase compulsorily the land and new rights described below for the purpose of:-

- (a) the construction of the new trunk road, in the Communities of Rudbaxton and Spittal in the County of Pembrokeshire, in pursuance of the London to Fishguard Trunk Road (A40) (Improvement at The Kell, Treffgarne) Order 2009;
- (b) the improvement of highways and the provision of new means of access to premises in the said Communities and County, in pursuance of the London to Fishguard Trunk Road (A40) (Improvement at The Kell, Treffgarne Side Roads) Order 2009;

- (c) use by the Welsh Ministers in connection with such improvement of highways and the execution of other works mentioned above; and
- (d) the mitigation of any adverse effects which the existence or use of certain of the highways proposed to be improved will have on the surroundings thereof.

A copy of the Order and accompanying map may be seen at all reasonable hours from 16 December 2009 to 27 January 2010 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.

The Order as made comes into force on the date on which this Notice is first published but a person aggrieved by the Order may, by application to the High Court within 6 weeks from the operative date, question its validity on the grounds –

- a. that the authorisation granted by the Order is not empowered to be granted, or
- b. that his/her interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the Order.

A copy of the Order and public 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.

DESCRIPTION OF THE LAND AND THE NEW RIGHTS

NOTE

- a. the land comprised in each item below is identified on the map referred to in the Order by means of the number or numbers against that item below.
- b. references to ownership are references to ownership or reputed ownership at the time of preparation of the Order and are stated only for the purpose of identification of the land.

In the Community of Rudbaxton:-

Part of the half width of the A40 Trunk Road and the roadside verge to the east of the A40 Trunk Road and part of pastureland consisting of parts of three separate fields together with boundary hedgebanks, a stock pen and vehicular field accesses to the east of the A40 Trunk Road; Part of pastureland together with boundary hedgebanks to the east of the A40 Trunk Road; The right to enter pastureland to the east of the A40 Trunk Road for all purposes connected with the construction and maintenance of a badger proof fence, badger gates, a field gate and piped land drains; The right to enter pastureland to the east of the A40 Trunk Road for all purposes connected with the construction and maintenance of boundary hedgebanks. (Plots 1, 1A, 1B, 1C, 1D and 1E).

Part of the half width of the A40 Trunk Road including a lay by and the roadside verge to the west of the A40 Trunk Road. (Plot 2).

Part of the half width of the A40 Trunk Road and the roadside verge to the west of the A40 Trunk Road. (Plots 3 and 3A).

In the Community of Spittal:-

Part of pastureland consisting of parts of two separate fields and a paddock together with boundary hedgebanks and field gates to the east of the A40 Trunk Road together with part of the half width of the A40 Trunk Road and the roadside verge to the east of the A40 Trunk Road and part of pastureland and hedgerow; Part of the half width of the A40 Trunk Road, the roadside verge, highway embankment and wooded scrubland including part of an unnamed watercourse with associated culvert and headwall, and a field access all to the west of the A40 Trunk Road; The right to enter pastureland and a paddock to the east of the A40 Trunk Road for all purposes connected with the construction and maintenance of a highway embankment, a hedgebank, badger proof fence, badger gates and underpass, piped land drains and a piped culvert and headwall, field gates and protective fencing; The right to enter scrubland to the east of the A40 Trunk Road and west of the Treffgarne Bridge Quarry SSSI for all purposes connected with the construction and maintenance of a badger proof fence, badger gates and underpass. (Plots 4, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H and 4I).

Part of the half width of the A40 Trunk Road including part of a lay by and the roadside verge and wooded highway embankment to the west of the A40 Trunk Road; Part of a wooded highway embankment to the west of the A40 Trunk Road and to the east of the Western Cleddau River. (Plots 5, 5A, 5B and 5C).

Part of the half width of the A40 Trunk Road, the roadside verge, highway embankment and wooded scrubland including a field access all to the west of the A40 Trunk Road; Part of the half width of the A40 Trunk Road, the roadside verge, highway embankment and wooded scrubland including bridge abutments to the road bridge over the Western Cleddau river all to the west of the A40 Trunk Road; Part of the

half width of the A40 Trunk Road, the roadside verge, highway embankment and wooded scrubland including part of an unnamed watercourse with associated culvert and headwall and bridge abutments to the road bridge over the Western Cleddau river all to the east of the A40 Trunk Road; The right to enter an unnamed watercourse and stream banks for all purposes connected with the construction and maintenance of a mammal proof fence and ledge and a 300mm internal diameter storm water outfall pipe and headwall; The right to enter scrubland to the east of the A40 Trunk Road and west of the Treffgarne Quarry SSSI for all purposes connected with the construction and maintenance of a badger proof fence. (Plots 6, 6A, 6B, 6C and 6D).

M D BURNELL
TRANSPORT PLANNING AND
GOVERNANCE DIVISION
WELSH ASSEMBLY GOVERNMENT