

THE WELSH MINISTERS (THE CARDIFF TO GLAN CONWY TRUNK ROAD (A470) PENLOYN TO TAN LAN IMPROVEMENT) COMPUSORY PURCHASE ORDER 200-

STATEMENT OF REASONS

BRIEF DESCRIPTION OF THE ORDER LAND

The proposed improvement scheme is located to the north of Llanrwst and consists of a partially on-line and partially off-line improvement to upgrade the existing trunk road, together with the provision of a cycleway/footway and verges. The proposed improvement scheme will generally involve the acquisition of land to the west of the existing trunk road. This land comprises of the Afon Conwy valley, which is mainly in agricultural use. The Agricultural Land Classification (ALC) concludes that the land in the area comprises generally of Grade 3a “good” quality with areas of Grade 3b “moderate” quality land associated with streams or where drainage has been impeded by the railway line.

The land is capable of producing moderate to high yields of a limited range of crops including vegetables, but there is a risk of poor yields in wet years when the ground is likely to be unworkable for long periods. The bulk of the land is in permanent grassland use and grazed by sheep and cattle, but a number of fields at Tyn Ddol are used in rotation for crops and support vegetables for human consumption at times. The productive grasslands of the floodplain are favoured for hay and silage and are also used extensively as high quality grazing.

The main area of non-agricultural private property is located at Tan Lan Crossing where there is a complex land assembly with a number of registered owners. In addition, land along the edge of Plas Madoc Park and Garden, to the east of the existing trunk road, would be affected by the proposed scheme. This land is also in private ownership.

THE CASE FOR USING COMPULSORY PURCHASE POWERS

The draft Compulsory Purchase Order (CPO) is being published in association with the draft Line Order and the draft Side Roads Order (SRO) for the A470 Penloyn to Tan Lan Improvement. In certain circumstances the Welsh Ministers try to acquire the land needed for small highway improvement schemes by agreement. This approach was not considered practical for this scheme because of the number of parties affected and the nature/purpose of the land take. The CPO is required to ensure the timely acquisition of the land required for the scheme and to enable the Welsh Ministers to fulfil their statutory duty to provide new private means of access to premises, to replace those stopped up under the SRO.

The Welsh Ministers wish to acquire the land to carry out the proposed highway improvement scheme described in this Statement of Reasons. The

proposed improvement will address the substandard features on the existing road, which include the following:

- Deficiencies in the standard of the carriageway with a significant number of substandard bends and very substandard stopping sight distances. The width of the existing carriageway is generally substandard, averaging 6.5 m but reducing to 6.2 m in proximity to Plas Madoc Historic Park and Garden.
- The lack of facilities for pedestrians, cyclists or equestrians, with the verge width varying between 0.0 m and 2.5 m.
- Deficiencies in the visibility to and from junctions and accesses.
- An accident rate of 0.572 personal injury accidents per million vehicle kilometres, which compares with a national average rate of 0.179 for older single carriageway A roads and 0.124 for modern single carriageway roads.

The CPO, if made, will enable the Welsh Ministers to acquire land from certain landowners to construct the proposed improvement and to alter the position/detail of some junctions and accesses. This will permit the construction of the proposed improvement, which will improve the situation for through and local traffic and for locals who use the existing junctions and accesses. Whilst there will be some adverse effects resulting from the proposed scheme, these will be reduced by the proposed mitigation measures. The land that is the subject of the CPO is the minimum that is necessary to construct the proposed improvement and to provide the proposed mitigation measures.

THE PROPOSED SCHEME

The proposed improvement of the A470 between Penloyn and Tan Lan starts approximately 300m to the north of Llanrwst, near the access to the property called Penloyn. The improvement continues northwards passing Plas Madoc Lodge, Plas Madoc Historic Park and Garden, Tan Lan Crossing, Tyn Ddol and Tan Lan Farm before rejoining the existing carriageway to the south of a property called Bryn-rhudd. The proposed improvement consists of a new 7.3m wide carriageway. To the north of Tan Lan Crossing the improvement is off-line and includes 1.0m hard strips and 2.5m wide grass verges. To the south of Tan Lan Crossing, the road corridor is constrained by the topography and the adjacent railway line and the hard strips widths are reduced to 0.6m with a 1.4m wide verge on the west side of the proposed carriageway. On the east side, the verge width is 3.0m, where necessary, to accommodate a cycleway/footway, but only 1.4m wide where the cycleway/footway deviates from the new alignment to follow the line of the existing trunk road. The existing trunk road will be retained, where possible/necessary, for access to properties and BT apparatus, and for use as a cycleway/footway. New hedges together with trees and shrubs will be planted as part of the proposed mitigation measures.

PLANNING PERMISSION

The Welsh Ministers do not require planning permission to construct the proposed improvement. The power required to construct the proposed improvement will be obtained through “The Cardiff to Glan Conwy Trunk Road (A470) (Penloyn to Tan Lan Improvement) Order 200-“ and “The Cardiff to Glan Conwy Trunk Road (A470) (Penloyn to Tan Lan Improvement Side Roads) Order 200-“ which were published in draft on the 14 June 2007.

OTHER ISSUES

The Gwydyr Forest Mines Special Area of Conservation (SAC) is located to the south-west of the proposed improvement and to the west of the River Conwy. The SAC is made up of a series of fragmented sites which are related to one of the following two qualifying features:

- areas containing Calaminarian grassland of the *Violetalia calaminariae*, or
- mines containing populations of Lesser Horseshoe bats (*Rhinolophus hipposideros*)

The nearest part of the SAC to the proposed improvement is an area of Calaminarian grassland approximately 1.1km from the southern extent of the proposed improvement. The nearest mine shaft entrance identified by the Countryside Council for Wales (CCW) as being used by Lesser Horseshoe bat is approximately 2.5km from the southern end of the proposed improvement. As a result an Appropriate Assessment has been prepared to assist the Welsh Ministers to determine if the A470 Penloyn to Tan Lan Improvement is likely to have a significant effect upon the integrity of the Gwydyr Forest Mines SAC. A statement to Inform the Appropriate Assessment has been prepared to provide information on:

- the ecological interest of Gwydyr Forest Mines SAC in the vicinity of the proposal.
- the likely nature and scale of the impacts on the SAC from the proposals, along with other relevant projects in the same area.
- consideration of the results to provide information to allow an Appropriate Assessment to be carried out.

The statement to Inform the Appropriate Assessment has been published as part of the draft Order process.

Various surveys have been carried out, which have concluded that, other than for the Appropriate Assessment process, there are no other operations that require special consent. If, prior to the start of construction, it is found that any protected species are likely to be adversely affected, then appropriate licences will be sought.

Consultations have been carried out with various bodies, such as CCW and the Environment Agency (EA) and the result of such consultations are

generally covered in the Environmental Statement, which was published at the same time as the draft Line and Side Roads Orders. The scheme will not have a direct impact on any ancient monument or listed building, but the Plas Madoc Historic Park and Garden, a Category B site of regional or county importance, will experience slight to moderate adverse impacts.

The proposed improvement's drainage details have been discussed with the EA. They will be consulted again at the detailed design stage to ensure that they are content with the proposed culvert and other scheme details. Any construction near to existing watercourses will be carried out in compliance with the EA's specific requirements.

Generally, the proposed improvement will involve the importation of suitable fill materials to construct the required embankments. However, any surplus material that cannot be used within the proposed improvement, arising from its construction, is likely to be disposed of at a licensed tip. Should the contractor choose to dispose of any surplus material at another location, then he will need to obtain any necessary consents.

DEPOSIT POINTS

A copy of the draft Compulsory Purchase Order, Trunk Road Order, Side Roads Order (and their associated Map or plans), Volumes 1 and 2 of the Environmental Statement (which includes a Non-Technical Summary), a Determination notice and a Statement to Inform the Appropriate Assessment will be available for inspection free of charge at all reasonable hours from the 5 July 2007 to 26 July 2007 at the following venues:

- Orders Branch, Transport Planning and Administration Division, Transport Wales, Welsh Assembly Government, Cathays Park, Cardiff;
- Transport Wales, Welsh Assembly Government, Government Buildings, Dinerth Road, Colwyn Bay; and
- Llanrwst Library, Plas yn Dre, Station Road, Llanrwst.

MAKING OBJECTIONS

Any person wishing to comment on or object to the draft Compulsory Purchase Order may do so in writing to the Welsh Assembly Government, Transport Wales, Transport Policy and Administration Division 3, Cathays Park, Cardiff, CF10 3NQ, quoting reference BZ780030-312-1 and stating the grounds of any objection. In the preparation of an objection and in stating the grounds of objection, it should be borne in mind that the substance of such an objection may be communicated to other people who may be affected by it. Letters should be dispatched to arrive no later than the 26 July 2007.

DECISION PROCESS

The decision as to whether or not to proceed to make the CPO will be made after taking account of any objections or representations made, not only to it, but to the related Line Order and SRO. If all statutory objections are not withdrawn, this may necessitate holding a Public Local Inquiry before an Independent Inspector. The appointed Inspector would then report his findings, conclusions and recommendations to the Welsh Ministers who would then reach a final decision as to whether to make the Order(s) or not.