



Our Ref: qA1433467 / qA1433466 & qA1417207
Your Ref:

Date: 10 February 2021

Dear Sir/Madam

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 (DOWLAIS TOP TO HIRWAUN) (AMENDMENT) ORDER 202-

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) (DOWLAIS TOP TO HIRWAUN) (SIDE ROADS) ORDER 2019 (VARIATION) (NO. 2) ORDER 202-

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) (DOWLAIS TOP TO HIRWAUN)) (SUPPLEMENTARY) (NO.2) COMPULSORY PURCHASE)) ORDER 202-

DELEGATION ARRANGEMENTS

1. The function of deciding whether or not to make the Amendment (Line) Order, Variation to the Side Roads (No. 2) Order and Supplementary Compulsory Purchase (No. 2) Order identified above has been transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006. The decision falls under the responsibility of Ken Skates, Minister for Economy, Transport and North Wales, ("the Minister"), one of the Welsh Ministers.



INTRODUCTION

2. The A465 Dualling Section 5 & 6 Dowlais Top to Hirwaun Orders were made by the Welsh Ministers in April 2019 and a first set of supplementary orders made in June 2020 (collectively, the made Orders) to facilitate the construction of the published scheme.
3. As a result of further design development to accommodate value engineering design changes since the original statutory process was completed, some adjustments to the published scheme have been developed that have necessitated some further minor changes to the made Orders.
4. Accordingly, on 23 July 2020 a draft Amendment (Line) Order, a Supplementary Compulsory Purchase Order (No. 2) (CPO (No. 2)) and a Variation to the Side Roads Order (No. 2) (VSRO (No. 2)) (referred to in this document as “the draft Orders”) were published to accommodate the design changes. The main changes are as follows:
 - Change to two small linked roundabouts and associated realignment of the slip roads at Hirwaun Junction;
 - Minor amendment to alignment of Swansea Road and to the westbound exit slip road at Baverstock Junction;
 - Realignment of the eastbound slip roads at A470 Junction;
 - Relocation of Pentwyn Cynon Footbridge to the east;
 - Removal of the Vale of Neath Railway Footbridge with widened A465 crossing;
 - Relocation of Nant Moel Underpass to the west with associated side road diversion;
 - Amendment to the span layouts of Nant Hir, Nant Melyn and Nant Ffrwd Viaducts;
 - Relocation of Taff Trail Footbridge to the east;
 - Diversion of footway from under Taf Fechan to cross Taff Trail Footbridge;
 - Removal of Taf Fechan Footbridge with footway provided on the widened Taf Fechan Viaduct;
 - Relocation of Bryniau Road Overbridge to the west;
 - Replacement of a retaining wall with an embankment north of Dowlais Reservoir;
 - Replacement of the syphon at Trewaun Junction with a watercourse;
 - Relocation of attenuation pond at Baverstock to the west at Ty Gwyn Farm.

THE ORDERS

5. The Amendment (Line) Order, if made, would authorise minor changes to the A465 trunk road and slip roads provided for in the made Orders.
6. The VSRO (No. 2) if made, would vary the Side Roads Order that was made by the Welsh Ministers on 16 April 2019 (and varied on 26 June 2020) would authorise the stopping up of existing highways, construction of new highways and improvement of

existing highways; the stopping up of private means of access and provision of new means of access and the inclusion of a modification agreed with affected interests.

7. The CPO (No. 2) if made would authorise the acquisition of additional land and new rights over land to make provision for the proposed changes to the published scheme.
8. The made Orders remain in place and will be subject to the amendments set out in the draft Orders, if made.

DEPOSIT LOCATIONS

9. Copies of the draft Orders were made available for inspection from 23 July 2020 for the duration of the six weeks objection period at the Public Liaison Office, The 3G Clinic Building, Chestnut Way, Merthyr Tydfil, CF47 9SB.

OBJECTIONS AND OTHER CORRESPONDENCE

10. Three objections were received in response to the draft Orders. A holding objection was received from a statutory consultee (Cadent and National Grid) in respect of the proximity of the scheme to their apparatus. This objection was subsequently withdrawn in August 2020.
11. An objection was received to the VSRO (No.2) from statutory objectors in respect of their revised private means of access (PMA) arrangement at Tower Road. This objection was withdrawn following discussions with the statutory objectors where it was agreed that the scheme would revert to the arrangement in the Side Roads Order published on 30 April 2019 and therefore a modification (included in the Annex to this Decision Letter) in respect of this PMA arrangement together with its co-existent footpath is proposed.
12. The third and only outstanding objection was non-statutory and from correspondents who questioned the effect of the amended scheme on their property and the noise and air quality impact during construction of the proposed new layout at Hirwaun Junction. Officials held discussions with the objectors on 27 August 2020 and sent a detailed response on 15 September 2020 explaining that the construction noise, vibration and air quality would be improved under the proposed scheme due to the removal of a bridge and the consequent reduction in piling activity in the vicinity of their property.

MODIFICATIONS TO THE DRAFT ORDERS

13. Modifications to the Amendment (Line) Order and to the VSRO (No.2) are included in the Annex to this Decision Letter. The modification to the Amendment (Line) Order is to correct a minor typographical error in the made Orders. The modification to the VSRO (No.2) is required, following discussions with PMA beneficiaries and landowners, and has been agreed with all persons interested and directly affected by the modification.

MINISTER'S CONSIDERATIONS

14. The Minister notes that a holding objection in respect of the proximity of the scheme to their apparatus was received in August 2020 from Cadent and National Grid and subsequently withdrawn on 22 August 2020. A further objection was received from a beneficiary of a PMA, however, the Minister notes that the PMA proposal together with its co-existent footpath has changed, following agreement between the parties, so that the original alignment in the made Orders is to be adopted; the Minister notes that this requires a modification to the VSRO (No.2), to which the Minister agrees.
15. The Minister also notes that the one outstanding non-statutory objection has been carefully considered by Officials and a response issued to the correspondents. The correspondents have objected to the impact of construction disruption on their property in relation to the revised scheme. The Minister notes that Officials have responded articulating that the proposed new layout at Hirwaun Junction, which would replace the gyratory design with two roundabouts and the A4059 link, would allow for the removal of a bridge resulting in a reduction in construction disruption in the vicinity of their property. The Minister notes that detailed consideration has been given to the mitigation measures to be taken to minimise the effects of the proposed design in the vicinity of their property. The Minister is satisfied that all the issues raised by the objectors have been carefully considered and has concluded that the proposed layout should be included in the draft Orders.
16. In considering whether to exercise his discretion to make the draft Orders, the Minister is satisfied that he has sufficient information before him to give full consideration to the issues.
17. The Minister notes that no objections have been received to the CPO (No.2) and he has carefully considered whether the purposes for which the CPO (No. 2) was prepared sufficiently justify interfering with the human rights of those with interests in the affected land and who will otherwise be affected by the amended scheme. The Minister is satisfied that such interference is justified since the Minister considers that there is a compelling need in the public interest for the land, the subject of the CPO (No. 2), to be compulsorily acquired. The Minister is satisfied that the purposes of the draft Orders could not be achieved by other means. In particular, the Minister has considered the provisions of Article 8 of, and Article 1 of the First Protocol to, the European Convention on Human Rights. In this respect the Minister is satisfied that in making the CPO (No. 2) a fair balance has been struck between the use of compulsory purchase powers and the interference with those rights.
18. The Minister considers that the modifications listed in the Annex to this Decision Letter, proposed since the draft Orders were published, are acceptable as they have been agreed with all persons interested.
19. The Minister has decided that the Amendment (Line) Order and the VSRO (No. 2) can be made incorporating the modifications detailed above and listed in the Annex, and the CPO (No. 2) be made as published. The Orders will become operative on the date on which the notices announcing their making is first published.

CONVEYANCE OF DECISION

20. This letter has been sent to all those who expressed an opinion on the draft Orders and the interests in the PMA and co-existent footpath to be modified. Copies of this letter, together with the Amendment (Line) Order, VSRO (No. 2) and CPO (No. 2), and the associated plans and Public Notices for each will be available for inspection at the Orbit Centre, c/o Future Valleys, Rhydycar Business Park, Merthyr Tydfil, CF47 1DL throughout the 6 weeks challenge period. Viewings are strictly by appointment only. For anyone unable to attend the deposit locations in person, Future Valleys will temporarily deliver the deposit documents to a convenient location for inspection and collect them. The documents will also be uploaded onto the Welsh Government webpage at <https://gov.wales/a465-section-5-and-6-dowlais-top-hirwaun#DraftsupplementaryOrders>
21. Arrangements to inspect the deposit documents should be made via the Public Liaison Officer, using the following contact information mobile phone 07762 451850, and email A465enquiries@futurevalleysconstruction.com.

RIGHT OF CHALLENGE

22. If any person aggrieved by the above Amendment (Line) Order and VSRO (No.2) desires to question their validity, or of any of the provisions contained in them, on the grounds that:
- it is not within the powers of the Highways Act 1980; or
 - that any requirement of the Act or of regulations made under it has not been complied with,
- that person may, within 6 weeks of them becoming operative, make an application for the purpose to the High Court
23. If any person aggrieved by the above CPO (No.2) desires to question the validity of the order, or of any of the provisions contained therein, on the grounds that:
- the authorisation of a compulsory purchase thereby granted is not empowered to be granted under the Acquisition of Land Act 1981 or any such enactment as is mentioned in section 1(1) of the Act; or
 - any relevant requirement has not been complied with,

that person may, within 6 weeks of it becoming operative, make an application to the High Court.

Yours faithfully



Andy Falley
Deputy Director, Strategic Roads Network