

## **THE WELSH MINISTERS**

### **The Welsh Ministers (The M4 Motorway (Junction 23 (East of Magor) to West of Junction 29 (Castleton) and Connecting Roads) and The M48 Motorway (Junction 23 (East of Magor) Connecting Road) and The London to Fishguard Trunk Road (East of Magor to Castleton)) Supplementary (No. 3) Compulsory Purchase Order 201-**

## **STATEMENT OF REASONS**

### **1 INTRODUCTION**

- 1.1 The Welsh Ministers are responsible for special roads (including motorways) and trunk roads in Wales. In addition to serving local communities, the M4 around Newport is a route of strategic importance at regional, national and international levels, linking south and west Wales to the south west of England and forms part of strategic routes to Ireland, the Midlands, the south east of England and further to continental Europe (Trans-Europe Transport Network).
- 1.2 The Welsh Ministers published draft proposals on 10th March 2016 for a new section of motorway to the south of Newport, alongside complementary measures.
- 1.3 The published proposals for the M4 Corridor around Newport project (referred to as 'the Scheme') comprise:
- a) A draft Scheme Order to provide a new length of dual 3-lane motorway between Magor and Castleton to the south of Newport, its new slip roads and connecting roads. It also provides for bridges passing over navigable waterways;
  - b) A draft Scheme Variation Order to remove the special road classification from various lengths of the existing M4 motorway between Magor and Castleton and the A48(M) motorway between Castleton and St. Mellons. Although these lengths would cease to be motorways they would continue to be trunk roads;
  - c) A draft Line Order to provide for new lengths of trunk road required for the Scheme;
  - d) A draft Side Roads Order to stop up, improve or alter some lengths of existing roads, footpaths, cycle routes, byways, bridleways and private accesses, to construct new highways and provide new private means of access;
  - e) A draft Compulsory Purchase Order (draft CPO), which provides for the acquisition of all the land and rights required for the construction, operation and maintenance of the new motorway and new trunk road and their associated side road proposals; and

- f) Draft Section 19 Certificates, which provide for replacement Common Land and allotments and extinguish existing rights.
- 1.4 A draft Supplementary Compulsory Purchase Order (draft Supplementary CPO) was published in September 2016 in order to revise the route of Bencroft Lane, Rogiet, and to revise the route of a drainage outfall pipe from Water Treatment Area 12b. A draft Supplementary Scheme Order was also published at this time to allow for the temporary closure of the navigable waters of the Rivers Usk and Ebbw for periods of 48 hours during the construction of the scheme
- 1.5 A draft Amendment Scheme Order was published in December 2016. This provided for raising the River Usk crossing by 1.54 metres over the Junction Cut at the Port of Newport.
- 1.6 A second draft Supplementary Compulsory Purchase Order (draft Supplementary (No. 2) CPO) was published in March 2017 to provide for the acquisition of land and rights required for the construction of an eastbound off-slip at Magor. A draft Supplementary (No. 2) Scheme Order was also published at this time to allow for the temporary closure of the navigable waters of the Junction Cut for periods of 48 hours during the construction of the scheme.
- 1.7 Following further scheme development, a third draft Supplementary Compulsory Purchase Order (draft Supplementary (No. 3) CPO) and is needed to address the following:
  - 1.7.1 The Welsh Ministers propose to carry out a number of works forming bridge protection measures within Newport Docks. These bridge protection measures would mitigate the risk of ships colliding with the River Usk Crossing
  - 1.7.2 The Welsh Ministers propose to update tenancy / leaseholder information within Newport Docks based on updated information provided by Associated British Ports.
  - 1.7.3 The Welsh Ministers propose to modify certain elements of the draft Compulsory Purchase Order published in March 2016. These modifications are described in greater detail within section 9 of this Statement of Reasons.
- 1.8 An Environmental Statement Supplement (April 2017) of the potential likely effects of the draft Supplementary (No. 3) CPO has been prepared in association with the above changes to the Scheme and is available for inspection.
- 1.9 The purpose of this Statement of Reasons is to:
  - a) Describe the specific elements of the proposed Scheme that are the subject of the draft Supplementary (No. 3) CPO;
  - b) Explain the reasons for producing the draft Supplementary (No. 3) CPO;

- c) Explain the consequential modifications proposed to the Draft CPO and
- d) Explain the statutory procedures that have to be completed before construction can start.

## **2 THE DRAFT COMPULSORY PURCHASE ORDER AND THE DRAFT SUPPLEMENTARY COMPULSORY PURCHASE ORDER**

- 2.1 The full title of the draft Compulsory Purchase Order published under the Highways Act 1980 and the Acquisition of Land Act 1981 on 24<sup>th</sup> March 2016 is as follows:

THE WELSH MINISTERS (THE M4 MOTORWAY (JUNCTION 23 (EAST OF MAGOR) TO WEST OF JUNCTION 29 (CASTLETON) AND CONNECTING ROADS) AND THE M48 MOTORWAY (JUNCTION 23 (EAST OF MAGOR) CONNECTING ROAD) AND THE LONDON TO FISHGUARD TRUNK ROAD (EAST OF MAGOR TO CASTLETON)) COMPULSORY PURCHASE ORDER 201-

- 2.2 The full title of the draft Supplementary Compulsory Purchase Order published under the Highways Act 1980 and the Acquisition of Land Act 1981 on 5<sup>th</sup> September 2016 is as follows:

THE WELSH MINISTERS (THE M4 MOTORWAY (JUNCTION 23 (EAST OF MAGOR) TO WEST OF JUNCTION 29 (CASTLETON) AND CONNECTING ROADS) AND THE M48 MOTORWAY (JUNCTION 23 (EAST OF MAGOR) CONNECTING ROAD) AND THE LONDON TO FISHGUARD TRUNK ROAD (EAST OF MAGOR TO CASTLETON)) (SUPPLEMENTARY) COMPULSORY PURCHASE ORDER 201-.

- 2.3 The full title of the draft Supplementary (No. 2) Compulsory Purchase Order published under the Highways Act 1980 and the Acquisition of Land Act 1981 on 21<sup>st</sup> March 2017 is as follows:

THE WELSH MINISTERS (THE M4 MOTORWAY (JUNCTION 23 (EAST OF MAGOR) TO WEST OF JUNCTION 29 (CASTLETON) AND CONNECTING ROADS) AND THE M48 MOTORWAY (JUNCTION 23 (EAST OF MAGOR) CONNECTING ROAD) AND THE LONDON TO FISHGUARD TRUNK ROAD (EAST OF MAGOR TO CASTLETON)) SUPPLEMENTARY (NO.2) COMPULSORY PURCHASE ORDER 201-.

- 2.4 The full title of the draft Supplementary (No. 3) Compulsory Purchase Order to be published by Welsh Ministers under the Highways Act 1980 and the Acquisition of Land Act 1981 is as follows:

THE WELSH MINISTERS (THE M4 MOTORWAY (JUNCTION 23 (EAST OF MAGOR) TO WEST OF JUNCTION 29 (CASTLETON) AND CONNECTING ROADS) AND THE M48 MOTORWAY (JUNCTION 23 (EAST OF MAGOR) CONNECTING ROAD) AND THE LONDON TO

FISHGUARD TRUNK ROAD (EAST OF MAGOR TO CASTLETON)  
SUPPLEMENTARY (NO. 3) COMPULSORY PURCHASE ORDER 201-

- 2.5 Subject to the provisions within the draft Supplementary (No. 3) CPO, The Welsh Ministers are authorised under sections 239, 240, 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, and all other enabling powers (3), to purchase compulsorily the land and the new rights over land described in the draft Order.

**3 BACKGROUND TO THE PROJECT**

- 3.1 The Background to the Project is given in the Statement of Reasons for the Compulsory Purchase Order, as published in draft on the 24<sup>th</sup> March 2016. See section 12 of this document for locations that the Statement of Reasons published in March 2016 can be inspected.

**4 POLICY CONTEXT**

- 4.1 The Policy Context is given in the Statement of Reasons for the Compulsory Purchase Order as published in draft on the 24<sup>th</sup> March 2016.

**5 EXISTING CONDITIONS**

- 5.1 A description of the existing conditions is given in the Statement of Reasons for the Compulsory Purchase Order as published in draft on the 24<sup>th</sup> March 2016.

**6 AIMS AND OBJECTIVES**

- 6.1 The Aims and Objectives of the proposed Scheme are given in the Statement of Reasons for the Compulsory Purchase Order as published in draft on the 24<sup>th</sup> March 2016.

**7 THE PROPOSED SCHEME**

- 7.1 A description of the proposed Scheme was outlined in the Statement of Reasons for the Compulsory Purchase Order as published on the 24<sup>th</sup> March 2016.
- 7.2 A description of the proposals contained within the draft Supplementary CPO was outlined in the Statement of Reasons for the Compulsory Purchase Order as published on the 5<sup>th</sup> September 2016.

7.3 A description of the proposals contained within the draft Supplementary (No.2) CPO was outlined in the Statement of Reasons for the Compulsory Purchase Order as published on the 21<sup>st</sup> March 2017.

7.4 A description of the proposals contained within the draft Supplementary (No. 3) CPO is given in section 9 of this Statement of Reasons.

## **8 CONSULTATIONS**

8.1 A summary of consultations leading up to the publication of the draft Orders was outlined in the Statement of Reasons for the Compulsory Purchase Order as published on the 24th March 2016. Since the publication of the draft Orders there has been further engagement with stakeholders and interested parties.

8.2 The public have been engaged on the proposals during a series of Statutory Orders Exhibitions during March 2016, supported by media including newsletters, radio advertising and the Scheme website.

8.3 The Local Planning Authorities and land owners have been consulted with during the Statutory Orders Exhibitions in March 2016, and since then during development of the proposals that relate to the draft Supplementary CPO, the draft Supplementary (No. 2) CPO, and the draft Supplementary (No. 3) CPO through meetings and correspondence.

8.4 The Welsh Government has consulted with the owner and operator of Newport Docks, Associated British Ports, on the development of the bridge protection measures.

8.5 There is a Public Local Inquiry into the proposed Scheme, which started on 28 February 2017. The draft Supplementary (No. 3) CPO will be presented to the Inspector and considered as part of that Inquiry.

## **9 DESCRIPTION OF PROPOSALS CONTAINED IN THE DRAFT SUPPLEMENTARY COMPULSORY PURCHASE ORDER**

### **Newport Docks Bridge Protection Measures**

9.1 It is proposed to construct bridge protection measures in the vicinity of the Junction Cut. These bridge protection measures would comprise the extension of the Junction Cut quay walls, both north and south, by constructing new quaysides either side of the Cut. Ship Arrestor Cables would be provided at either end of the Junction Cut, which would provide further mitigation for the River Usk Crossing from ship impact.

9.2 A new moveable bridge would be provided across the Junction Cut to the eastern and western side of the docks to facilitate crane movements around the south dock in response to the effects of the Scheme on the

existing pattern of crane movements. The Welsh Government would also have access rights over this bridge for the purposes of inspection and maintenance of the River Usk Crossing.

- 9.3 In order to undertake these works, the Welsh Government require rights of access through the southern entrance lock to Newport Docks for the construction and maintenance of the bridge protection measures.

#### **Update Tenancy & Leaseholder Information within Port of Newport**

- 9.4 The project team received ABP's Land Questionnaire response on 8 February 2016. At this point, it was deemed too late to include all the information contained therein within the draft Compulsory Purchase Order, which was published on 23 March 2016. The provided tenants and leaseholders were named in the published draft CPO
- 9.5 The inclusion of the updated tenancy / leaseholder information has resulted in a number of additional plots being introduced within the Newport Docks area. There is no change to the land take as a result of the updated information but larger plots have been split into several smaller plots to accurately record the land interests affected.

#### **Further Design Changes and Modifications**

- 9.6 Due to further design development since the publication of the draft Orders in March 2016, the western approach to the River Usk Crossing is now to be constructed as a viaduct rather than a retained earth embankment. The Welsh Government requires title for the foundations of the viaduct structure. It is also intended to acquire full title to the land beneath the viaduct structure is , with the intention to offer back suitable lesser interest in or rights to the land located between the viaduct supports, provided there is access for maintenance purposes and a restriction on uses that could present a risk of damage to the structure.
- 9.7 Due to further design development since the publication of the draft Orders in March 2016, the layout of the Docks Way Junction has been re-configured thus removing the need for the intermediate roundabout originally proposed. However, due to the amended layout of the junction, the westbound offslip has been re-aligned, and additional permanent land take is required.
- 9.8 The above two design changes were described in the September 2016 Supplement to the Environmental Statement.
- 9.9 Docks Way Link Road has been re-aligned in order to remove the need for a proposed retaining wall along the boundary with the Maesglas

Landfill Site. Removal of this retaining wall simplifies the construction process, however additional land take is required.

- 9.10 Due to the potential impact of the new motorway and link road on LDH's premises within the Port of Newport, a new retaining wall solution has been developed. This reduces the permanent land take from the rear of LDH's property. This change has been agreed by LDH.
- 9.11 The above two design changes were described in the December 2016 Supplement to the Environmental Statement.
- 9.12 In the draft CPO published in March 2016, plot 7/3av provided an easement over an existing level crossing for the purpose of the construction and maintenance of the bridge structure. This has now been removed at the request of one of ABP's tenants, the easement has been re-provided along Junction Cut road thereby utilising the existing internal road network within the port.
- 9.13 ABP requested a shortening of the Private Means of Access (PMA) labelled 7/1a on the draft Side Road Order published in March 2016. This PMA is located on the west side of North Dock. This modification is shown by plots 1/2bu and 1/2br in this draft Supplementary (No. 3) CPO. It is also shown by the PMA labelled 1/1a on the Supplementary Side Road Order.
- 9.14 ABP requested assurances that vehicles could undertake turning manoeuvres around the northern side of Shed 3 in order to access Middle Quay. A swept path analysis was undertaken, the result of which is that plot 7/3db, required as essential licence, has been reduced to allow for these turning movements.
- 9.15 The draft Supplementary (No. 3) CPO is published under the Highways Act 1980 and the Acquisition of Land Act 1981. The draft Supplementary (No.3) CPO incorporates the necessary land and rights to provide the alternative arrangement. Any land included within the published draft CPO that needs to be altered would be removed through a proposed modification to the draft CPO, and re-provided in the draft Supplementary (No. 3) CPO. Plots in the draft CPO that would be modified or removed are 7/1, 7/2, 7/2q, 7/2r, 7/2s, 7/2t, 7/2u, 7/2v, 7/2w, 7/3a, 7/3c, 7/3g, 7/3m, 7/3n, 7/3p, 7/3q, 7/3r, 7/3s, 7/3t, 7/3u, 7/3v, 7/3w, 7/3x, 7/3y, 7/3z, 7/3aa, 7/3ab, 7/3ac, 7/3ad, 7/3ae, 7/3af, 7/3ag, 7/3ah, 7/3aj, 7/3ak, 7/3am, 7/3an, 7/3ap, 7/3aq, 7/3ar, 7/3as, 7/3at, 7/3au, 7/3av, 7/3aw, 7/3ax, 7/3ay, 7/3az, 7/3ba, 7/3bb, 7/3bc, 7/3bd, 7/3be, 7/3bf, 7/3bg, 7/3bh, 7/3bj, 7/3bk, 7/3bm, 7/3bn, 7/3bp, 7/3bq, 7/3br, 7/3bs, 7/3bt, 7/3bu, 7/3bv, 7/3bw, 7/3bx, 7/3by, 7/3bz, 7/3ca, 7/3cb, 7/3cc, 7/3cd, 7/3ce, 7/3cf, 7/3cg, 7/3ch, 7/3cj, 7/3ck, 7/3cm, 7/3cp, 7/3cq, 7/3cr, 7/3cs, 7/3ct, 7/3cu, 7/3cv, 7/3cw,

7/3cx, 7/3cy, 7/3cz, 7/3da, 7/3db, 7/3dc, 7/3dd, 7/3de, 7/3df, 7/3dg, 7/3dh, 7/3dj, 7/3dk, 7/3dm, 7/3dn, 7/3dp, 7/3dq .

## **10 THE CASE FOR COMPULSORY PURCHASE**

- 10.1 The draft Supplementary (No. 3) CPO is required to ensure the timely acquisition of land and rights required for the proposed Scheme and to enable the Welsh Ministers to fulfil their statutory duty to provide new highways and private means of access to premises to replace those being stopped up under the draft Side Roads Order.
- 10.2 The draft Supplementary (No.3) CPO, if made, will also enable the position of some access points to be altered. The draft Orders taken together will, if made, enable the construction of appropriate environmental mitigation measures and alternative means of access to land affected by the proposed Scheme.
- 10.3 The amount of land identified in the draft Supplementary (No.3) CPO, together with the land identified in the draft CPO, draft Supplementary CPO and draft Supplementary (No. 2) CPO is considered to be the minimum necessary to construct and subsequently operate and maintain the proposed Scheme together with the provision and maintenance of the environmental mitigation measures.
- 10.4 In drawing up the proposals for the draft Supplementary (No. 3) CPO regard has been given to the interference with the rights of all those with interests in the draft Supplementary (No. 3) CPO and who would otherwise be affected by the proposed Scheme.
- 10.5 Further consideration has been given to the proposed Scheme, which was outlined in the Statement of Reasons for the Compulsory Purchase Order as published on the 24<sup>th</sup> March 2016 as a result of comments made in response to the draft Orders or new information being made available.
- 10.6 As set out in Section 3 (Policy Context) of the Statement of Reasons for the Compulsory Purchase Order as published in draft on the 24<sup>th</sup> March 2016, consideration has been had to the Human Rights Act 1998 and in accordance with The National Assembly for Wales Revised Circular on Compulsory Purchase Orders (NAFWC 14/2004), it is considered that there is a compelling case in the public interest for the purposes for which Welsh Ministers may decide to make a CPO, sufficiently justify interfering with the human rights of those with an interest in the land affected, having regard, in particular, to the provisions of Article 1 of The First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.



## **11 POWERS TO CONSTRUCT THE PROPOSED SCHEME**

11.1 The proposed Scheme is being promoted and would be constructed using the powers of the Welsh Ministers as Highway Authority in accordance with the Highways Act 1980.

11.2 The powers to construct the proposed new section of motorway, sections of trunk road and to reclassify parts of the existing M4 and A48(M) would be obtained through the statutory Orders, listed below:

- a) The M4 Motorway (Junction 23 (East of Magor) to West of Junction 29 (Castleton) and Connecting Roads) and The M48 Motorway (Junction 23 (East of Magor) Connecting Road) Scheme 201-
- b) The London to Fishguard Trunk Road (East of Magor to Castleton) Order 201-
- c) The M4 Motorway (West of Magor to East of Castleton) and the A48(M) Motorway (West of Castleton to St Mellons) (Variation of Various Schemes) Scheme 201-
- d) The M4 Motorway (Junction 23 (East of Magor) to West of Junction 29 (Castleton) and Connecting Roads) and The M48 Motorway (Junction 23 (East of Magor) Connecting Road) (Supplementary) Scheme 201-
- e) The M4 Motorway (Junction 23 (East of Magor) to West of Junction 29 (Castleton) and Connecting Roads) and The M48 Motorway (Junction 23 (East of Magor) Connecting Road) Amendment Scheme 201-
- f) The M4 Motorway (Junction 23 (East of Magor) to West of Junction 29 (Castleton) and Connecting Roads) and The M48 Motorway (Junction 23 (East of Magor) Connecting Road) Supplementary (No.2) Scheme 201-

11.3 The power to stop up, alter and improve highways, restricted by-ways, bridleways, footpaths and private means of access would be obtained through the Side Roads Orders, listed below:

- a) The M4 Motorway (Junction 23 (East of Magor) to West of Junction 29 (Castleton) and Connecting Roads) and The M48 Motorway (Junction 23 (East of Magor) Connecting Road) and The London to Fishguard Trunk Road (East of Magor to Castleton) (Side Roads) Order 201
- b) The M4 Motorway (Junction 23 (East of Magor) to West of Junction 29 (Castleton) and Connecting Roads) and The M48 Motorway (Junction 23 (East of Magor) Connecting Road) and The London to Fishguard Trunk Road (East of Magor to Castleton) (Side Roads) Supplementary Order 201-

## **12 DEPOSIT POINTS**

12.1 Copies of the draft Supplementary (No.3) CPO and the Environmental Statement Supplement (April 2017) along with the published draft Schemes, Orders, the Environmental Statement, and other supporting

information, may be inspected free of charge during normal working hours at any of the following deposit points:

Orders Branch, Transport,  
Department for Economy and Infrastructure,  
Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ.

Newport City Council,  
Civic Centre,  
Godfrey Road,  
Newport,  
NP20 4UR.

Monmouthshire County Council,  
County Hall,  
Rhadyr,  
Usk,  
NP15 1GA.

Monmouthshire County Council,  
Innovation House,  
Wales 1 Business Park,  
Magor,  
Monmouthshire,  
NP26 3DG.

Newport Central Library,  
John Frost Square,  
Newport,  
NP20 1PA.

- 12.2 Additional copies of the published information may be obtained from the Welsh Government, and all published documents for the scheme may be viewed at the Public Local Inquiry website - <http://m4-newport.persona-pi.com/inquiry-documents>

### **13 LODGING OBJECTIONS TO THE DRAFT SUPPLEMENTARY (NO. 3) CPO**

- 13.1 Any person wishing to object, support or submit alternatives may do so by writing to:

Orders Branch, Transport,  
Department for Economy and Infrastructure  
Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ.

- 13.2 Should you wish to object or support, your correspondence will be considered by the Project Team and we may need to consult with people and organisations outside the Welsh Government. As part of the process of consulting with the others we may pass information to them, including information you have given to us and your personal data. We will however, only disclose your personal details where it is necessary to do so to enable us to deal with issues you brought to our attention.
- 13.3 The proposed Scheme along with objections to the Supplementary (No.3) CPO will be the subject of a Public Local Inquiry (PLI) and all correspondence will be copied to the Inspector of the PLI and kept in the PLI Library and become publicly available.
- 13.4 Any objections, supports or submitted alternatives should be despatched to arrive no later than 20<sup>th</sup> June 2017.