

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) Amendment (No. 2) Scheme 201-

EXPLANATORY STATEMENT

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 An Environmental Statement and a Statement to Inform an Appropriate Assessment of the potential likely effects of the Scheme was prepared in association with the above draft Orders and was published on 10th March 2016.
- 1.5 Following further Scheme development, the Welsh Government published draft Supplementary proposals on 5th September 2016 which comprised:
- a) A draft Supplementary Scheme to enable the temporary closure of the navigable waters of River Ebbw and the River Usk during the construction of the new structures to carry the proposed motorway.
 - b) A draft Supplementary CPO which provides for the acquisition of all the land and rights required for the construction, operation and maintenance of the revised proposals at Bencroft Lane near Rogiet, and a revised layout of the outfall to Water Treatment Areas 12b.
- 1.6 An Environmental Statement Supplement of the potential likely effects of the draft Supplementary Scheme and CPO was prepared in association with the above draft Supplementary Orders and was published on the 5th September 2016.
- 1.7 Following further scheme development, the Welsh Government published a draft Amendment Scheme (Order) to address the following:
- a) the Welsh Ministers proposals to raise the height of the River Usk Crossing.
- 1.8 Following further Scheme development, the Welsh Government published draft Supplementary proposals on 21st March 2017 which comprised:
- a) A draft Supplementary (No.2) Scheme to enable the temporary closure of the navigable waters of the Junction Cut during the construction of the new structures to carry the proposed motorway.
 - b) The draft Supplementary (No. 2) Scheme also enabled the construction of a new eastbound off-slip at Magor.
 - c) A draft Supplementary (No. 2) CPO which provides for the acquisition of all the land and rights required for the construction, operation and maintenance of the new eastbound off-slip at Magor.

- 1.9 An Environmental Statement Supplement (March 2017) of the potential likely effects of the draft Supplementary (No.2) Scheme and Supplementary (No. 2) CPO was prepared in association with the draft Supplementary (No. 2) Orders and was published on 21st March 2017.
- 1.10 Following further Scheme development, the Welsh Government published a draft Supplementary (No.3) CPO on 25th May 2017 to address the following:
- a) the acquisition of all the land and rights required to construct a new quayside extension at the Port of Newport for the construction of Bridge Impact Mitigation works.
- 1.11 An Environmental Statement Supplement (May 2017) of the potential likely effects of the draft Supplementary (No. 3) CPO was prepared in association with the draft Supplementary (No.3) CPO and was published on 25th May 2017.
- 1.12 Following further Scheme development, the Welsh Government propose to publish a draft Amendment (No. 2) Scheme Order. This is required to address the following:
- 1.13 As part of the River Usk Bridge Protection Measures, the Welsh Government propose to narrow the navigable waterway known as Junction Cut within Newport Docks. The purpose of this statement is to:
- a) Describe the specific elements of the proposed Scheme that are the subject of the draft Amendment (No. 2) Scheme;
- b) To explain the reasons for producing the draft Amendment (No. 2) Scheme; and
- c) To explain the statutory procedures that have to be completed before construction can start.

2 BACKGROUND AND NEED FOR THE SCHEME

- 2.1 The Background and need for the Scheme is given in the Explanatory Statement as published in draft on the 10th March 2016.

3 POLICY CONTEXT

- 3.1 The Policy Context is given in the Explanatory Statement as published in draft on the 10th March 2016.

4 EXISTING CONDITIONS

- 4.1 A description of the existing conditions is given in the Explanatory Statement as published in draft on the 10th March 2016.

5 CONSULTATIONS

- 5.1 A summary of consultations leading up to the publication of the draft Orders was outlined in the Explanatory Statement as published on the 10th March 2016. Since the publication of the draft Orders there has been further engagement with stakeholders and interested parties.
- 5.2 The public have been engaged with the proposals during a series of Statutory Orders Exhibitions during March 2016, supported by media including newsletters, radio advertising and the Scheme website.
- 5.3 Relevant stakeholders have been consulted with since the publication of the draft Orders in March 2016 through meetings and correspondence. Consultation is continuing with Associated British Ports (ABP).
- 5.4 A Public Local Inquiry (PLI) into the proposed Scheme is currently ongoing. The PLI will re-convene on September 19th after a Summer Recess period. The draft Amendment (No. 2) Scheme will be presented to the Inspector and considered as part of that Inquiry.

6 AIMS AND OBJECTIVES

- 6.1 The Aims and objectives are described in the Explanatory Statement as published in draft on the 10th March 2016.

7 THE PROPOSED SCHEME

- 7.1 A description of the proposed Scheme was outlined in the Explanatory Statement as published on the 10th March 2016.

8 DESCRIPTION OF PROPOSALS CONTAINED IN THE DRAFT AMENDMENT (NO.2) SCHEME

- 8.1 The Supplementary (No. 3) Compulsory Purchase Order (CPO), published in May 2017, outlined the Welsh Government's proposals to carry out works forming bridge protection measures within Newport Docks. These bridge protection measures would mitigate the risk of ships colliding with the River Usk Crossing.
- 8.2 The bridge protection measures originally proposed were to extend the Junction Cut quay walls, both north and south, by constructing new quaysides either side of the cut. Ship Arrestor Cables were also proposed at either end of the cut, which would provide further mitigation for the River Usk Crossing from Ship Impact.
- 8.3 Following consultation with ABP, the proposals for the Bridge Protection Measures have changed, resulting in this Amendment (No. 2) Scheme Order.
- 8.4 The design now envisaged would comprise of extensions to the Junction Cut quaysides to the south of Junction Cut only. The eastern quayside would also extend west, into the Junction Cut, reducing the navigable width of the Junction Cut from 19.5 metres to a minimum of 11 metres. This reduction in width would limit the size of the ships that can pass from the South Dock into the North Dock and therefore protect the River Usk Crossing from ship impact.
- 8.5 A risk assessment is currently being prepared to assess whether the 11m width of navigable waterway required to mitigate the risk of ship impact to the River Usk Crossing can be increased. Any decision to increase the minimum width of the Junction Cut would be done with the agreement of Associated British Ports (ABP).

9 POWERS TO CONSTRUCT THE SCHEME

- 9.1 The proposed Scheme, Supplementary Scheme, Amendment Scheme, Supplementary (No. 2) Scheme, and Amendment (No. 2) Scheme are being promoted and would be constructed using the powers of the Welsh Ministers as Highway Authority in accordance with the Highways Act 1980, which have been transferred to them by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 and the Government of Wales Act 2006 and delegated to the relevant Assembly Minister.
- 9.2 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, which were published in draft on 10th March 2016:

- 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-
- 9.3 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 Order, which was published in draft on 10th March 2016.
- 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-
- 9.4 A draft CPO was published on 24th March 2016. A draft supplementary CPO was published on 5th September 2016. A draft Supplementary (No.2) CPO was published on 21st March 2017. A draft Supplementary (No.3) CPO was published on 25th May 2017. A draft Supplementary (No. 4) CPO will be published to acquire land to implement the details of this Amendment (No. 2) Scheme. If made, they would enable the Welsh Ministers to acquire all the land and rights over the land necessary for the construction and maintenance of the proposals.
- 9.5 In drawing up the proposals, regard has been given to the interference with the rights of all those with interests in the Order lands and who would otherwise be affected by the Scheme.

10 DEPOSIT POINTS

- 10.1 Copies of the draft Amendment (No. 2) Scheme along with the draft Supplementary (No. 4) CPO, the Environmental Statement Supplement No. 5, 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.

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

11 LODGING OBJECTIONS TO THE DRAFT AMENDMENT (No.2) SCHEME

- 11.1 The Amendment (No. 2) Scheme is published in draft and provides the opportunity for any person or organisation to object or support.

- 11.2 Any person wishing to support or object may do so by writing to:

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

- 11.3 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.

- 11.4 The proposed Scheme 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.
- 11.5 Any objections or supports should be despatched to arrive no later than the 26th September 2017.

12 DECISION PROCESS

- 12.1 As part of the legal process, the Welsh Ministers would consider all of the responses to the draft Amendment (No. 2) Scheme and would normally decide whether they should be considered by a Public Local Inquiry. As a Public Local Inquiry to consider all of the responses to the draft Schemes and Orders, which were published in March 2016, has already commenced they have decided that all of the responses to the draft Amendment (No. 2) Scheme will also be considered at that Inquiry.
- 12.2 The decision as to whether or not to proceed to make the Schemes, Orders, associated CPO's, and the Supplementary Schemes would then be taken by the Welsh Ministers after taking account the findings and recommendations of the independent Inspector.
- 12.3 Should the draft Schemes and Orders be made and the proposed Scheme proceed to construction, the Welsh Ministers would, through their valuation agent, enter into negotiation with all affected landowners regarding compensation for the land and rights needed and where appropriate the carrying out of accommodation works on their retained land to mitigate the effect of the Scheme.