

HIGHWAYS WALES

2009 No. 50

THE HIGHWAYS ACT 1980

THE CARDIFF TO GLAN CONWY TRUNK ROAD (A470) (CWM-BACH TO NEWBRIDGE-ON-WYE) (SIDE ROADS) ORDER 2009

Made 31 December 2009

Coming into force 6 January 2010

The Welsh Ministers, in exercise of powers conferred by sections 12, 14, 125 and 268 of the Highways Act 1980 (1) and of all other enabling powers (2) make this Order.

1. The Welsh Ministers are authorised in relation to the trunk road from south of Cwm-bach to Newbridge-on-Wye, in the County of Powys –
 - (a) to carry out the improvement of highways;
 - (b) to stop up highways or areas of highway;
 - (c) to construct new highways;
 - (d) to stop up private means of access to premises and
 - (e) to provide new means of access to premises.

2. (1) The works authorised by Article 1 are indicated in the Schedules numbered 1 to 4 to this Order and are shown on the site plans numbered 1 to 4 that are included in the deposited plan that accompanies this Order in the following manner:-
 - (a) highways to be improved are named and are shown by cross hatching;
 - (b) lengths and areas of highway to be stopped up are described (all distances stated being approximate only) and are shown by zebra hatching;

- (c) new highways to be constructed are indicated by the use of reference letters in the Schedule which are given to those new highways on the deposited plan. Where a new highway is to be constructed in connection with the stopping up of a length or an area of highway described in a Schedule, its reference letter is placed opposite to the description of that length or area and, where a new highway is to be a footpath or cycle track or bridleway, the word “footpath” or “cycle track” or “bridleway” (as the case may be) appears in brackets beneath the reference letter. Routes of new highways to be constructed are shown by stipple and the centre line of each new highway is shown by an unbroken black line;
- (d) lengths of private means of access to be stopped up are described (all distances stated being approximate only), and are given reference numbers shown on the deposited plan and are shown by black bands and
- (e) new means of access to be provided are indicated in the Schedule by the use of reference numbers and letters which are given to those new means of access on the deposited plan. Where a new means of access is to be provided in connection with the stopping up of a length of private means of access described in that Schedule, its reference number and letter is placed opposite to the description of that length. Routes of new private means of access are shown by diagonal hatching.

(3) The deposited plan marks the position of the trunk road and the route of the new trunk road in relation to the authorised works shown on the deposited plan.

(4) Where the area of a highway to be stopped up coincides with the route of an authorised work consisting of a new highway or a new means of access that area is not shown on the deposited plan by zebra hatching.

3. It is hereby declared that the Welsh Ministers are satisfied:-

(1) as respects each length or area of highway, the stopping up of which is authorised by this Order, that another reasonably convenient route is available or will be provided before that length of highway is stopped up; and

(2) as respects each private means of access to premises, the stopping up of which is authorised by this Order, that other reasonably convenient means of access to the relevant premises are available or will be provided before that private means of access is stopped up or that no new access to the relevant premises is reasonably required.

4. Each new highway is to be transferred to the County Council of Powys as indicated in the said Schedule, as from the date when the Welsh Assembly Government notifies the Council that it has been completed and is open for through traffic.

5. Immediately after the transfer of a new highway for which a classification is shown in the relevant Schedule opposite to the reference letter of that new highway, that highway will be classified accordingly.

6. Where provision is made in this Order:-

- a. for transferring a new highway to the County Council of Powys
or
- b. for enabling the Welsh Ministers to alter a highway vested in the County Council of Powys

then there will (subject to the provisions of section 268(3) of the 1980 Act) be transferred to the County Council of Powys on the date of transfer of the said highway or on completion of the works or alteration, or on the date of acquisition of the land by the Welsh Ministers in connection with the new highway or the alteration of a highway, if later, any property, rights or liabilities (other than loans or loan charges) vested in or incurred by the Welsh Ministers in connection with the new highway or the alteration of a highway, as the case may be.

7. Where immediately before a length or area of highway is stopped up in pursuance of this Order there is under, in, on, over, along or across that highway any apparatus of statutory undertakers then, subject to section 21 of the 1980 Act, those undertakers shall continue to have the same rights as

respects that apparatus after the stopping up takes place as they had immediately prior thereto.

8. In this Order:

(1) all measurements of distance are measured along the route of the relevant highway or means of access to premises, as the case may be;

(2) (i.) “classified road” (*“ffordd ddsbarthiadol”*) as a classification for a new highway, means that the highway is not a principal road for the purposes of enactments or instruments which refer to highways classified as principal roads but is a classified road for the purpose of every enactment and instrument which refers to highways classified by the Welsh Ministers and which does not specifically refer to their classification as principal roads;

(ii.) “improvement” (*“gwella”*) in relation to a highway includes raising, lowering or otherwise altering that highway, and “improved” shall be construed accordingly;

(iii.) “new highway” (*“priffordd newydd”*) means a highway authorised by this Order to be constructed, and “new highways” shall be construed accordingly;

(iv.) “the deposited plan” (*“y plan a adnewydd”*) means the plan containing the site plans numbered 1 to 4 contained in the plan folio numbered HA14/1 WAG 3 and marked “The Cardiff to Glan Conwy Trunk Road (A470) (Cwm-bach to Newbridge-on-Wye) (Side Roads) Order 2009” signed on behalf of the Welsh Ministers and deposited at the Welsh Assembly Government, Record Storage and Retrieval Unit (RSRU), Neptune Point, Ocean Way, Cardiff;

(v.) “the site plan” (*“y plan safle”*) means one of the site plans numbered 1 to 4 contained in the plan folio numbered HA14/1 WAG 3 and referred to as “the deposited plan” at paragraph (iv.) above of this Article;

(vi.) “the trunk road” (*“y gefnffordd”*) means the Cardiff to Glan Conwy Trunk Road (A470);

(vii.) “the new trunk road” (“*y gefnffordd newydd*”) means the trunk road to be constructed in pursuance of the Cardiff to Glan Conwy Trunk Road (A470) (Cwm-bach to Newbridge-on-Wye) Order 2009;

(viii) “unclassified road” (“*ffordd ddiddosbarth*”) means a highway that is not a classified road or a footpath or a cycle track or a bridleway and has no formal classification;

(ix) "byway open to all traffic (BOAT)" means a highway over which the public have a right of way for vehicular and all other kinds of traffic but which is used by the public mainly for the purposes for which footpaths and bridleways are so used.

9. This Order shall come into force on 6 January 2010 and its title will be ‘The Cardiff to Glan Conwy Trunk Road (A470) (Cwm-bach to Newbridge-on-Wye) (Side Roads) Order 2009’.

Signed on behalf of the Welsh Ministers.

Dated

31 December 2009

J COLLINS

Deputy Director of Transport Planning and
Governance
Welsh Assembly Government

(1) 1980 c.66

(2) 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 transferred to the Welsh Ministers in relation to Wales