

ACQUISITION OF LAND ACT 1981

NOTICE OF A PROPOSED COMPULSORY PURCHASE OF LAND FORMING PART OF A COMMON AND RIGHTS OVER LAND FORMING PART OF A COMMON, SUCH LAND BEING KNOWN AS PART OF FORESHORES OF RIVERS EBBW AND USK (PART OF REGISTER UNIT CL1) IN THE CITY OF NEWPORT

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-

1. The Welsh Ministers have published the above-named draft compulsory purchase order, which, if made, will authorise the purchase of land and acquisition of rights over land which form part of a common, as defined in section 19 of the Acquisition of Land Act 1981 (“the 1981 Act”) and paragraph 6 of schedule 3 to the 1981 Act. The areas of common land to be purchased are described in the First Schedule hereto (“the First Schedule land”) and are shown coloured pink on the plan referred to in paragraph 5 below. The areas of common land over which rights are to be acquired are described in the Second Schedule hereto and are shown coloured blue on the said plan. The areas of land to be given in exchange for the First Schedule land are described in the Third Schedule hereto and shown coloured green on the plan.

2. Section 19 of, and paragraph 6 of Schedule 3 to, the 1981 Act contain provisions to the effect that the Order shall be subject to special parliamentary procedure insofar as it authorises the purchase of land or acquisition of rights over land forming part of a common unless the Secretary of State certifies that he is satisfied

(a) as regards the purchase of land forming part of a common

“that there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased”

and

(b) as regards the acquisition of a right over land forming part of a common

“that the land when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before”

3. The Secretary of State’s functions under section 19 of, and paragraph 6 of Schedule 3 to, the 1981 Act were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672) and has subsequently been transferred to the Welsh Ministers by virtue of paragraph 30(1) of Schedule 11 to the Government of Wales Act 2006. By virtue of paragraph 33(4) of that Schedule, any instrument made in the exercise of those functions is subject to special Assembly procedure as specified by Standing Order 28 of the National Assembly for Wales,

unless the Welsh Ministers are satisfied on those matters set out in section 19(1) of and paragraph 6(1) of Schedule 3 to the 1981 Act and certify accordingly.

4. Where the Welsh Ministers propose to give a certificate under section 19(1) of, or paragraph 6(1) of Schedule 3 to, the 1981 Act, the Welsh Ministers are required to direct the acquiring authority to give public notice of the intention to give a certificate before reaching a decision, to afford opportunity to all persons interested to make representations and objections. The acquiring authority hereby give such notice. Any representations and objections in relation to this intention should be made in writing and addressed to The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff CF10 3NQ or emailed to wales@pins.gsi.gov.uk before 4 May 2016 quoting reference 516173.

5. A plan showing the areas of common land to be purchased, the areas of common land over which rights are to be acquired and the areas of land to be given in exchange will be made available on the Welsh Government website and may be seen at all reasonable hours at the following venues:-

- Orders Branch, Transport, Welsh Government, Cathays Park, Cardiff. CF10 3NQ
- Monmouthshire County Council, County Hall, Rhadyr, Usk, Monmouthshire. NP15 1GA
- Monmouthshire County Council, Innovation House, Wales1 Business Park, Magor, Monmouthshire. NP26 3DG
- Newport City Council, Civic Centre, Godfrey Rd, Newport. NP20 4UR
- Newport Central Library, John Frost Square, Newport. NP20 1PA

6. The Welsh Ministers will hold a public local inquiry into the case where it appears to them expedient to do so.

M D BURNELL
Transport
Welsh Government

**FIRST SCHEDULE
COMMON LAND TO BE PURCHASED**

7/3	1057 square metres of part of bed and banks of River Ebbw and Common Land CL1 located south of Newport Landfill Site and south west of the junction of Southern Distributor Road and Alexandra Lane. Enclosure Nos. M034, M035
7/3d	12 square metres of part of scrub land and Common Land CL1 located south of Newport Landfill Site and south west of the junction of the A48 Southern Distributor Road and Alexandra Lane. Enclosure Nos. M034
7/3e	20 square metres of part of scrub land and Common Land CL1 located south of Newport Landfill Site and south west of the junction of the A48 Southern Distributor Road and Alexandra Lane. Enclosure Nos. M034, M035
7/3f	28 square metres of part of scrub land and Common Land CL1 located south of Newport Landfill Site and south west of the junction of the A48 Southern Distributor Road and Alexandra Lane. Enclosure Nos. M034, M035
7/3g	25 square metres of part of scrub land and Common Land CL1 located south of Newport Landfill Site and south west of the junction of the A48 Southern Distributor Road and Alexandra Lane. Enclosure Nos. M034, M035
7/3h	200 square metres of part of bed and bank of River Ebbw and Common Land CL1 located south of Newport Landfill Site and south west of the junction of the A48 Southern Distributor Road and Alexandra Lane. Enclosure Nos. M034, M035

SECOND SCHEDULE
COMMON LAND OVER WHICH RIGHTS ARE TO BE ACQUIRED

7/2p	The right to enter upon 80 square metres of part of bed and bank of River Ebbw, Common Land CL1, located south of Newport Landfill Site and south west of the junction of the A48 Southern Distributor Road and Alexandra Lane for all purposes connected with the construction and maintenance of a bridge structure. Enclosure Nos. M034
7/3b	The right to enter upon 1640 square metres of part of bed and bank of River Ebbw, Common Land CL1, scrub land and track located south of Newport Landfill Site and south west of the junction of the A48 Southern Distributor Road and Alexandra Lane for all purposes connected with the construction and maintenance of a bridge structure. Enclosure Nos. M034, M035
7/3c	The right to enter upon 1177 square metres of part of bed and bank of River Ebbw, Common Land CL1, scrub land and track located south of Newport Landfill Site and south west of the junction of the A48 Southern Distributor Road and Alexandra Lane for all purposes connected with the construction and maintenance of a bridge structure. Enclosure Nos. M034, M035
7/3df	The right to enter upon 213 square metres of part of bank of River Usk, jetties, SSSI River Usk (Lower Usk) and Common Land CL1 located north east of Newport Landfill Site and south east of the junction of the A48 Southern Distributor Road and Alexandra Lane for all purposes connected with the construction and maintenance of a bridge structure. Enclosure Nos. Q039
8/2	The right to enter upon 2603 square metres of part of bed and bank of River Usk, Common Land (CL1) and SSSI River Usk (Lower Usk) located east of Newport Docks and south of Stephenson Industrial Estate for all purposes connected with the construction and maintenance of a bridge structure. Enclosure Nos. Q039

**THIRD SCHEDULE
LAND TO BE GIVEN IN EXCHANGE**

7/2a	1078 square metres of part of riverbank and Newport Landfill Site located south west of the junction of the A48 Southern Distributor Road and Alexandra Lane and adjoining the River Ebbw. Enclosure Nos. N033, N034
7/2b	4398 square metres of part of riverbank and Newport Landfill Site located south west of the junction of the A48 Southern Distributor Road and Alexandra Lane and adjoining the River Ebbw. Enclosure Nos. M034, N034
7/2j	1166 square metres of part of riverbank and Newport Landfill Site located south west of the junction of the A48 Southern Distributor Road and Alexandra Lane and adjoining the River Ebbw. Enclosure Nos. M034
7/2m	248 square metres of part of bed and bank of River Ebbw located south of Newport Landfill Site and south west of the junction of the A48 Southern Distributor Road and Alexandra Lane (Acquired for Exchange with S250 right). Enclosure Nos. M034