

# HIGHWAYS, WALES

## 201- No

### THE HIGHWAYS ACT 1980

**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-**

*Made* 201-

*Coming into force* 201-

The Welsh Ministers in exercise of powers conferred by sections 12, 14, 18, 125 and 268 of the Highways Act 1980<sup>(1)</sup> and of all other enabling powers<sup>(2)</sup> make this Order.

#### **The Authorised Works**

1. The Welsh Ministers are authorised, in relation to the motorway, the new trunk road and the new motorway:

- a. to carry out the improvement of highways;
- b. to stop up highways or areas of highways;
- c. to construct new highways;
- d. to stop up private means of access to premises;
- e. to provide new means of access to premises, and
- f. to construct temporarily lengths of highway.

2. (1) The works authorised by article 1 are indicated in the Schedules 1 to 17 to this Order and are shown on the site plans numbered 1 to 17 that are included in the deposited plan that accompanies this Order in

the following manner:-

- a. highways to be improved are named in the Schedules and are shown by cross hatching on the deposited plan;
- b. lengths of highways to be stopped up are described in the Schedules (all distances stated being approximate only) and are shown by zebra hatching on the deposited plan;
- c. new highways to be constructed are indicated by the use of reference letters in the Schedules 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 bridleway, the word 'footpath' 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 on the deposited plan;
- d. lengths of private means of access to be stopped up are described in the Schedules (all distances stated being approximate only), and are given the reference numbers shown on the deposited plan and are shown by solid black bands;
- e. new means of access to be provided are indicated by the use of reference numbers and letters in the Schedules 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 means of access to be provided are shown by diagonal hatching on the deposited plan, and

- f. lengths of highway to be provided temporarily are shown by thin chevron hatching and the centre line of the temporary highways is shown by an unbroken black line on the deposited plan and are indicated by the use of reference numbers and letters in the Schedules.

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

(3) 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.

### **Stopping Up of Highways and Private Means of Access**

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

(1) as respects each length of highway the stopping up of which is authorised by this Order, that either 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 premises is available or will be provided before that private means of access is stopped up or that no access to the relevant premises is reasonably required.

**Transfer of New Highways (to highway boundary)**

4. Each new highway is to be transferred to Newport City Council or Monmouthshire County Council as indicated in the said Schedules, as from the date when the Welsh Ministers notify either 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 Newport City Council or Monmouthshire County Council or
  - b. for enabling the Welsh Ministers to alter a highway vested in Newport City Council or Monmouthshire County Council,

then there will (subject to the provisions of section 268(3) of the Highways Act 1980) be transferred to Newport City Council or Monmouthshire County Council 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.

## **Statutory Undertakers and Providers**

7. Where immediately before a length of highway is stopped up in pursuance of this Order there is under, in, over, across or along that highway any apparatus of statutory undertakers then, subject to section 21 of the Highways Act 1980, those undertakers will continue to have the same rights as respects that apparatus after the stopping up takes place as they had immediately prior thereto.

## **Interpretation**

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 ddosbarthiadol”*) 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”* and *“gwelliant”*) in relation to a highway includes raising, lowering or otherwise altering that highway and “improved” (*“i’w gwella”*) shall be construed accordingly;

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

(iv) “principal road” (*“prif ffordd”*) as a classification for a new highway, means that the highway is a principal road for the purposes of enactments or instruments which refer to highways classified as principal roads

and is also classified for the purpose of every other enactment and instrument which refers to highways classified by the Welsh Ministers;

(v) “the deposited plan” (“*y plan a adnewydd*”) means the plan containing the site plans numbered 1 to 17 contained in the plan folio numbered HA14/1 WG13 and marked ‘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-’ signed on behalf of the Welsh Ministers and deposited (ref: qA1174612) at the Welsh Government, Information and Records Management Unit, Cathays Park, Cardiff;

(vi) “the motorway” (“*y draffordd*”) means the London to South Wales Motorway (M4);

(vii) “the new motorway” (“*y draffordd newydd*”) means the lengths of special road proposed to be constructed by the Welsh Ministers pursuant to a special road scheme between the existing M4 motorway at Magor and the existing M4 motorway at Castleton, including connecting roads, and shown on the deposited plan;

(viii) “the new trunk road” (“*y gefnffordd newydd*”) means the lengths of new trunk road proposed to be constructed by the Welsh Ministers at Magor and Castleton and Caerleon and associated new slip roads shown on the deposited plan;

(ix) “the site plan” (“*y plan safle*”) means one of the site plans numbered 1 to 17 contained in the plan folio numbered HA14/1 WG13 and referred to as “the deposited plan” at sub-paragraph (v) above of this article, and

(x) “unclassified road” (“*ffordd ddiddosbarth*”) means a highway that is not a principal road or a classified road or a footpath or a cycle track or a bridleway or a restricted

byway and has no formal classification.

### **Title and Commencement**

9. This Order comes into force on \*\*\*\*\* 201- and its title is 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-.

Signed on behalf of the Welsh Ministers

Dated: 201-

*Richard Morgan*  
Head of Asset Management and Standards  
Welsh Government

- (1) 1980 c.66
- (2) By virtue of S.I.1999/672, article 2 and section 162 of, and Schedule 1 and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006, these powers are now exercisable by the Welsh Ministers in relation to Wales.

### **THE HIGHWAYS ACT 1980**

**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-**

**AND**

**THE LONDON TO FISHGUARD TRUNK ROAD (EAST OF MAGOR TO CASTLETON) ORDER 201-**

**AND**

**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-**

The Welsh Ministers propose to make the following Scheme and Orders:-

1. A Scheme under sections 16, 17, 19 and 106 of the Highways Act 1980 which will:-

(1) authorise them to provide for the exclusive use of traffic of Classes I and II of the classes of traffic set out in Schedule 4 to the Highways Act 1980 -

(a) a special road (“the motorway”) about 17.76 kilometres in length, from a point on the M4 motorway, about 15 metres south west of St Brides Road underbridge, north of Magor in the County of Monmouthshire to a point on the M4 motorway, about 137 metres east of Pound Hill overbridge, Coedkernew in the City of Newport and

(b) special roads to connect the motorway with other highways at Rogiet and Magor, Monmouthshire and Glan Llyn, Docks Way and Castleton, Newport;

(2) authorise them to construct as part of the motorway bridges over the navigable waters of Newport Docks, the River Usk and the River Ebbw; and

(3) provide for the new special roads to become a trunk road on the date when the Scheme comes into force.

2. An Order under sections 10 and 41 of the Highways Act 1980 which will:-

(1) provide that roads which they propose to construct along the following routes shall become trunk roads from the date when the Order comes into force –

(a) a route about 2.64 kilometres in length, from a point about 14 metres south of Bencroft Lane, Llanfihangel near Rogiet, Monmouthshire and extending northwards for about 140 metres before continuing in a westerly direction to a point about 70



metres west of the St Brides Road underbridge north of Magor, Monmouthshire.

(b) a route about 74 metres east of the junction of the B4245 and Bencroft Lane, Llanfihangel near Rogiet, Monmouthshire and commencing with a new roundabout of about 130 metres in length and then continuing in a westerly direction for a distance of about 169 metres to adjoin a new gyratory of about 428 metres in length.

(c) a route about 1.66 kilometres in length starting from a point about 987 metres east of Pound Hill overbridge, Coedkernew, Newport and extending in a south-westerly direction to a point on the M4 motorway westbound off slip road leading to the A48(M) motorway about 908 metres north-east of the Coal Pit Lane overbridge, Castleton, Newport.

(d) a route about 1.55 kilometres in length starting from a point about 307 metres east of Pound Hill overbridge, Coedkernew, Newport and extending in a south-westerly direction to a point on the eastbound carriageway of the A48(M) motorway about 397 metres north-east of the Coal Pit Lane overbridge, Castleton, Newport; and

(e) a route about 431 metres in length starting at a point about 494 metres south-east of The Elms underpass north of Magor and continuing generally in a south-westerly direction to a point on the B4245 about 612 metres south-west of Bencroft Lane, Llanfihangel near Rogiet.

(f) a route about 630 metres in length starting at a point about 494 metres south-east of The Elms underpass north of Magor and continuing generally in a north-westerly direction to a point about 91 metres west of the unclassified road known as The Elms north of Magor.

(g) two routes to connect the new trunk road with the eastern side of the A4810 Queensway gyratory at Junction 23A of the M4 motorway at Magor.

(h) a route about 146 metres in length starting at a point on the westbound carriageway of the B4596 about 710 metres east of the Brynglas Tunnels to a point on the westbound carriageway of the M4 motorway about 567 metres east of the Brynglas Tunnels.

(i) a route about 130 metres in length starting at a point on the eastbound carriageway of the M4 motorway about 567 metres east of the Brynglas Tunnels to a point on the eastbound carriageway of the B4596 about 698 metres east of the Brynglas

Tunnels.

(2) provide that the following lengths of highway shall become a trunk road from the date when the Order comes into force –

(a) a 688 metre length of the B4245 from a point about 74 metres northwest of its existing junction with Bencroft Lane, Llanfihangel near Rogiet, Monmouthshire to a point about 609 metres southwest of Bencroft Lane, Llanfihangel near Rogiet, Monmouthshire.

(b) the entire B4596 gyratory at Junction 25 of the M4 motorway at Caerleon, Newport.

(c) the B4596 from its junction with the gyratory at Junction 25 of the M4 motorway at Caerleon, Newport westbound for a distance of about 485 metres.

(d) the B4596 from a point about 482 metres west of its junction with the gyratory at Junction 25 of the M4 motorway at Caerleon, Newport eastbound to its junction with the said gyratory.

3. An Order under sections 12, 14, 18, 125 and 268 of the Highways Act 1980 which will:

(1) authorise them to-

- a. to carry out the improvement of highways;
- b. to stop up highways or areas of highways;
- c. to construct new highways;
- d. to stop up private means of access to premises;
- e. to provide new means of access to premises, and
- f. to construct temporarily lengths of highway.

all on, or in the vicinity of, the route of the motorway, the M4 motorway and new trunk roads, aforesaid; and

(2) provide for the transfer of each new highway to either Monmouthshire County Council or Newport City Council as highway authority specified for it in the Order as from the date the Welsh Ministers notify the Councils that they have been completed and are open for through traffic.

Copies of the :

- draft Scheme, Orders and accompanying plans,

- explanatory statement and public notice,
- Environmental Statement and a Non-technical Summary,
- Environmental Notices,
- Statement to Inform an Appropriate Assessment
- Stage 3 Scheme Assessment Report

may be inspected free of charge at all reasonable hours from 10 March 2016 until 4 May 2016, at the following venues:

Welsh Government Offices, 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

ANY PERSON may not later than 4 May 2016 object to the making of the Scheme or either of the Orders by notice to the Orders Branch, Transport, Welsh Government, Cathays Park, Cardiff CF10 3NQ quoting reference qA1174612 and stating the grounds of objection. **Please note:** 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 of the Welsh Government. As part of the process of consulting with others we may pass information to them, including information you have given 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 have brought to our attention. Where a Motorway or Trunk Road Scheme becomes the subject of a Public Inquiry (PI), all correspondence is copied to the Inspector of the Inquiry and is kept in the PI Library and is publicly available.

A copy of the draft Scheme, Line Order and Notice can be viewed at [www.gov.wales](http://www.gov.wales) (select 'Legislation', 'Subordinate legislation', 'Draft Legislation', 'Draft Local Statutory Instruments', 'Highways Act Line Orders').

A copy of the draft Side Roads Order and Notice can be viewed at [www.gov.wales](http://www.gov.wales) (select 'Legislation', 'Subordinate legislation', 'Draft Legislation', 'Draft Non-Statutory Instruments', 'Highways Act Side

Roads and Compulsory Purchase Orders’).

**A copy of this Notice in larger print can be obtained from the Orders Branch, Transport, Welsh Government, Cathays Park, Cardiff CF10 3NQ.**

**M D BURNELL**  
Transport  
Welsh Government