

Llywodraeth Leol a Chymunedau  
Local Government and Communities



Head of Legal & Governance  
Caerphilly County Borough Council  
Penallta House  
Tredomen Park  
Ystrad Mynach  
Hengoed  
CF82 7PG

Our Ref:  
Your Ref: GRTG/CL21593/LF

Date: 1 February 2012

Dear Sir,

**THE HIGHWAYS ACT 1980**

**ACQUISITION OF LAND ACT 1981**

**THE CAERPHILLY COUNTY BOROUGH COUNCIL (YSBYTY YSTRAD FAWR  
HIGHWAY IMPROVEMENTS ROUTE A472 CLASSIFIED ROAD) (SIDE ROADS) ORDER  
2011**

**THE CAERPHILLY COUNTY BOROUGH COUNCIL (YSBYTY YSTRAD FAWR  
HIGHWAY IMPROVEMENTS ROUTE A472 CLASSIFIED ROAD) COMPULSORY  
PURCHASE ORDER 2011**

**DELEGATION ARRANGEMENTS**

1. The function of deciding whether or not to confirm these Orders has been transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. I am authorised to determine this under the authority of the Minister for Local Government and Communities, one of the Welsh Ministers.

**INTRODUCTION**

2. Caerphilly County Borough Council ("the Council") made the Side Roads Order ('the SRO') and Compulsory Purchase Order ('the CPO') on 12<sup>th</sup> and 13<sup>th</sup> April 2011 respectively in connection with the Ysbyty Ystrad Fawr Highway Improvements Scheme and has submitted them to the Welsh Ministers for confirmation.

## **THE ORDERS**

3. The CPO will enable the Council to acquire land and rights compulsorily for the construction and maintenance of the Ysbyty Ystrad Fawr Highway Improvements Scheme. The SRO would allow the Council to improve highways, stop up highways, construct new highways, stop up private means of access and provide new private means of access.

## **CONSIDERATION AND DECISION**

4. Section 14A(1) of the Acquisition of Land Act 1981 enables the confirming authority (in this case the Welsh Ministers) to delegate the power to confirm a CPO to the acquiring authority, provided they are content that the requirements of s.14A (3) of the said Act are satisfied (i.e. the notice requirements have been complied with; no objections have been received or, if received, have been withdrawn and the Order is capable of being confirmed without modification).

5. The Planning Inspectorate have confirmed that the notice requirements have been met and the objections received have been withdrawn. I am satisfied that all the requirements described in paragraph 4 have been met and have therefore decided that the confirmation of this CPO is one that can be undertaken by the Council.

6. I have considered the request for confirmation of the SRO. I am satisfied that the necessary statutory procedures have been complied with in relation to this Order and note that there are no outstanding objections. I have therefore decided that the SRO can be confirmed

## **CONVEYANCE OF DECISION**

7. Please deposit copies of this letter for public inspection at the offices of Caerphilly County Borough Council, Penallta House, Tredomen Park, Ystrad Mynach.

## **PROCEDURAL MATTERS**

### **The Side Roads Order**

8. The SRO will come into force on the date the on which the Welsh Government publishes notice of the Welsh Ministers' confirmation in the London Gazette in accordance with paragraph 1(1) of Schedule 2 to the Highways Act 1980. I enclose for your information and distribution to any parties you think fit copies of the Notice of confirmation of the SRO which is due to be published on 13 February 2012. The Welsh Government has made arrangements for the publication of the Public Notice in the Western Mail and the London Gazette. The Notice specifies the rights of challenge to the confirmation of the SRO.

9. At the coming into force stage would you please arrange for a copy of the confirmed SRO to be made available at your Council's offices.

### **The Compulsory Purchase Order**

10. The CPO will come into effect on the date when the Council first publishes the Notice of the Confirmation of the Order in the local newspaper. The notice should specify the right of challenge to the confirmation of the Order. At the coming into force stage, would you

please arrange for a copy of the confirmed Order to be made available at the deposit location listed at paragraph 7 above.

11. Please send, as soon as possible, 2 copies of the Order and map, as confirmed, to the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff CF10 3NQ.

#### **COMPENSATION ISSUES**

12. The Council is required to negotiate and pay any compensation arising as a consequence of the confirmed CPO. If parties fail to agree the amount of compensation, then they may refer the matter to the Lands Tribunal for determination under the provisions of the Lands Tribunal Act 1949 and the Land Compensation Act 1961.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G Morgan', written in a cursive style.

**G MORGAN**  
Head of Infrastructure Specialist Services

