

Trafnidiaeth • Yr Is-adran Rheoli'r Rhwydwaith
Transport • Network Management Division



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref: OC-00283-20

Mr John Jones
(Redacted personal address)

06 April 2020

Dear Mr Jones

Re: Operations at John Jones yard west of the A470 at Cwrt Gwenddwr, Builth Wells

The Welsh Government, as the highway authority in Wales, has a statutory duty under Section 130 of the Highways Act 1980 to assert and protect the rights of the public in their use and enjoyment of any highway for which the Welsh Government are the highway authority, in respect of the A470.

Serious concerns have been raised that damage or disruption may be caused on the highway (A470) as a result of the recent and ongoing earthmoving activities at the above named site together with the stockpiled material on the eastern boundary of your site and the risk it poses to the highway below.

As land owner above and abutting the A470 there is a potential risk that any alterations you make to your ground levels, slope angles or stockpiling may result in a collapse onto and subsequently damage to the highway (A470) below.

The Welsh Government have taken advice from its legal department and take this opportunity to advise you that, in the event of a collapse, and should any damage occur to the highway or cause any interruption to its users, as the owner of the land and/or operator of the site it is likely that you would have liability under provisions made in the Highways Act 1980 and may be guilty of an offence.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Welsh Government Offices
Cathays Park
Cardiff
CF10 3NQ

Furthermore, the Welsh Government wishes to make you aware that in the event of a collapse it would seek recompense for any disruption or damage incurred using provisions in the Highways Act, and/or in the alternative at common law. This would include costs associated with any ongoing temporary traffic management and protection works deemed necessary to ensure the safety of users on the trunk road.

It is therefore requested that you make every effort to ensure that the land for which you are responsible is safe and effectively managed so as to not pose a risk to the Welsh Government's highway (A470) below. The Welsh Government are aware of the planning consent conditions issued by Powys County Council and would strongly urge that you abide by these. Your future use of the land should ensure that there can be no damage or detriment to the highway below.

The Welsh Government reserves the right to bring this letter to the attention of the court should any proceedings be necessary and if you are unsure of your legal position, it is recommended that you take independent legal advice on this matter.

Yours sincerely

(Redacted name of official under Section 40, personal information)

Rheolwr cyflenwi rhaglen– Programme Delivery Manager
Is-adran Rheoli'r Rhwydwaith - Network Management Division
Trafnidiaeth - Transport
Seilwaith yr Economi - Economic Infrastructure
Llywodraeth Cymru - Welsh Government

CC: Welsh Government Legal Services
Powys County Council Planning Department