

Adran yr Economi a'r Seilwaith
Department for Economy and Infrastructure



Llywodraeth Cymru
Welsh Government

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-

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) (Amendment) Scheme 201-

The London to Fishguard Trunk Road (East of Magor to Castleton) Order 201-

The M4 Motorway (West of Magor to East of Castleton) and the A48(M) Motorway (West of Castleton to St Mellons)(Variation of Various Schemes) Scheme 201-

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 (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-

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) (Supplementary) Scheme 201-

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)) Supplementary Compulsory Purchase Order 201-

Summary of Evidence

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Planning and Sustainable Development

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Introduction

1. My name is John Davies. I currently work as a self-employed planning consultant under the title 'John Davies Planning' as a sole trader.
2. I have been a Member of the Royal Town Planning Institute since 1982. As a Member of the RTPI I must abide by the Institute's Code of Professional Conduct, which sets out the standards, ethics and professional behaviour expected of Members.
3. I am part of the project team responsible for the delivery of the M4 corridor around Newport Scheme and I am acting as an expert witness at this Public Local Inquiry dealing with sustainable development and planning policy matters. The evidence which I provide in this Proof of Evidence is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

Scope and Structure of Evidence

4. My Proof of Evidence addresses the following three main issues:
 - Whether the selection of the Plan for the M4 Corridor around Newport and the subsequent development of the Scheme to deliver that Plan was in accordance with the sustainable development principle now set out in the Well-being of Future Generation (Wales) Act 2015 (the 2015 Act) and whether the Scheme accords with the Welsh Government's well-being objectives published on 4 November 2016¹;
 - Whether the Scheme is in accordance with the Welsh Government's policies dealing with climate change and reduction of emissions of greenhouse gases, with particular reference to Part 2 of the Environment (Wales) Act 2016; and

¹ Document 5.2.5

- Whether the Scheme is in accordance with the relevant national and local planning policies for the development and use of land and whether it would meet the sustainable development principle and sustainability objectives set out in Planning Policy Wales (PPW) Edition 9, thereby contributing to the well-being goals of the 2015 Act.

Issue 1: Sustainable Development

5. I have examined the work leading to the development of the Plan for the M4 Corridor around Newport against the definition of the sustainable development principle in Section 5 of the 2015 Act. This requires a public body to take account of five ways of working:
 - Designing for the long term
 - Working collaboratively
 - Taking an integrated approach
 - Involving others, and
 - Acting to solve the identified problem.
6. I am satisfied that the actions of the Welsh Government when developing and adopting the Plan for the M4 around Newport were in line with the 5 ways of working now set out in the 2015 Act and hence in accordance with the principle of sustainable development, which was also integral to the subsequent development of the Scheme for delivery of the Plan
7. The Welsh Government's 14 well-being objectives, published on 4 November 2016 are designed to help deliver the 5-year programme for government *Taking Wales Forward 2016-21* and form the foundation for its four cross-cutting strategies. The Scheme is a key component of the '*United and Connected*' strategy, which contains a commitment to deliver an M4 relief road.
8. I conclude on the first issue that the principle of sustainable development was integral to the process of selecting the Plan and the subsequent development of the Scheme for its delivery. I also conclude, in the light of the commitment to deliver an M4 relief road in the 5-year programme for government, that the

Scheme would contribute to the Welsh Government's well-being objectives and hence to achievement of the well-being goals defined in the 2015 Act.

9. The process of examining the Plan against the 2015 Act may be seen as retrofitting and an attempt to justify an existing decision, but that would be a misinterpretation of the purpose of my Proof of Evidence. The 'decision' that is relevant here is whether or not to proceed with the construction of the new section of motorway; that will be made by the Welsh Ministers following the close of this Public Local Inquiry. My Proof of Evidence examines the extent to which the Welsh Government followed the ways of working that make up the sustainable development principle defined in the 2015 Act when testing alternatives, selecting the M4CaN Plan and developing the Scheme for its implementation, bearing in mind that most of that work took place before the current statutory definition had emerged even in draft form. I was not involved in any of the work leading to the development and adoption of the Plan and my conclusions are independent and impartial, based on the documents publicly available and discussions with those involved.

Issue 2: Climate Change and Greenhouse Gases

10. Neither the Climate Change Act 2008² nor the Environment (Wales) Act 2016³ require specific projects to be subject to emission reduction targets, but seek to establish a trajectory of overall emissions reduction, recognising that this requires a cross-cutting approach across all sectors. The Scheme has been designed to minimise construction carbon and would show a small reduction in annual user carbon emissions both in the opening and design years, potentially achieving carbon neutrality by 2066. It is therefore in accordance with the trajectory of overall emissions reductions required by legislation and policy. For these reasons I conclude on Issue 2 that the Scheme is in accordance with the Welsh Government's policies for climate change and reduction of greenhouse gas emissions as confirmed by Part 2 of the Environment (Wales) Act 2016. The reduction in greenhouse gas emissions would contribute to the final Well-being

² Document 3.1.14

³ Document 3.1.16

goal of the 2015 Act, a 'Globally Responsible' Wales and to the Welsh Government's well-being objective 6: *Support the transition to a low carbon and climate resilient society.*

Issue 3: Land-use Planning

11. Turning to Issue 3, the proposals for the M4 have been afforded safeguarded status for planning purposes since 1995 and as modified in 1997, 2006 and 2014. Current local development plan policies continue to protect the line of the new section of motorway from any development that would prevent the Scheme's implementation.
12. With regard to national planning policies, whilst consideration of planning policies is not determinative in this case, the Highways Act 1980 requires the Minister to give due consideration to the requirements of local and national planning. The Scheme would meet or be recognised as an exception to the planning policy objectives in PPW in respect of air quality, contamination, waste and materials, noise, water quality, public rights of way, agriculture, flooding and economic development. It would also satisfy the sustainability objectives in PPW paragraph 4.4.3 and so would contribute to those same Well-being goals of the 2015 Act. However, it would conflict with planning policies in respect of cultural heritage, landscape, ecology and nature conservation. It would fail to meet the fourth part of the planning policy definition of the sustainable development principle in PPW paragraph 4.3.1, '*respect for environmental limits*', although it would meet all other parts of this definition.
13. The Scheme would satisfy the sustainability objectives in PPW paragraph 4.4.3 and so would contribute to those same Well-being goals of the 2015 Act. It would be impractical for every project or action for which the Welsh Government is responsible to contribute equally to each of the seven Well-being goals. The duty under Section 3 of the 2015 Act applies to all of the Welsh Government's wide-ranging functions and the requirement to contribute to each of the Well-being goals must logically apply to the collective impact of its actions as a public body, not to the impact of individual actions. Each of the Welsh Government's decisions and actions across its wide range of functions will contribute in different amounts

to achievement of the individual Well-being goals. A balance has to be struck by the decision maker and the relevant consideration for the Welsh Government is whether the way in which it exercises its functions, when taken as a whole, contributes to the achievement of the Well-being goals. This is demonstrated by the fact that the Welsh Government's well-being objectives contribute individually to some, but in most cases not all, of the well-being goals of the 2015 Act.

14. In summary, the Scheme meets the requirements of a number of national planning policies in Planning Policy Wales, but there is conflict with several others. National policies, by definition, cover all manner and scale of development. It is for this reason that many of these policies explicitly allow for exceptions, recognising that circumstances will arise not envisaged when they were written. Although I have concluded that the need to relieve the economic, social and environmental problems caused by congestion on the existing motorway justifies an exception to individual national policies, to reach an overall conclusion on planning requirements it is necessary to weigh the cumulative impact of the identified policy conflicts against all other considerations, including the need for and benefits of the Scheme.

15. PPW paragraph 7.2.2, dealing with economic development advises as follows

Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations.

16. I attach great weight to the need to address the serious congestion and consequent problems on the M4 motorway around Newport and the significant traffic, economic, environmental and social benefits the Scheme would provide. In addition I give some weight to my conclusions, first, that the Scheme would meet all but one part of the planning policy definition of the sustainable development principle and, second, that it would satisfy the sustainability objectives defined in PPW and so would contribute to the Well-being goals in the 2015 Act.

17. Against this I give considerable weight to the impact on the SSSIs, the long term effect on the landscape and the impact on heritage assets. I also attach some weight to the impact on agriculture, including the loss of some 67 ha of the best and most versatile agricultural land. However, PPW accepts that overriding need, such as that which the evidence shows exists in this case, is capable of justifying development of the best quality agricultural land.
18. Whilst the new section of motorway would be in an area of flood hazard, it is essential highway infrastructure that meets the criteria set in PPW for it to be recognised as an exception in this particular case. The essential nature of the Scheme is confirmed by the relief it would bring to the economic, social and environmental problems currently caused by congestion on the M4. The Welsh Government's evidence demonstrates that the Scheme is the best option for addressing the problems associated with the existing motorway around Newport; it is consequently justified in this location. I do not consider that the limited short-term conflict with TAN15 test (iv) outweighs the benefits of this nationally important project. Following implementation of the identified flood defence improvements, there would be no long-term conflict with national planning policies on the basis that funding is provided for flood defence improvements to comply with the Welsh Government's 'Hold the Line' policy and recommendations in respect of tidal flooding on the Wentlooge and Caldicot Levels.
19. I recognise the potential adverse impact on businesses including ABP, Newport Docks tenants, Magor Services and those firms disrupted during construction work. I do not underestimate the potential consequences for individual firms. Nonetheless, I consider all such adverse economic effects are heavily outweighed by the cumulative economic benefits the Scheme is likely to bring to South and South West Wales described in the December 2016 Wider Economic Impact Assessment and the Proof of Evidence of other witnesses.
20. On balance I conclude that the benefits of the Scheme, by relieving the problems associated with the M4 motorway, provide a compelling case in its favour that outweighs the cumulative policy conflicts. In reaching this conclusion I have taken account of the fact that the Scheme has been developed with embedded and

additional mitigation to minimise the adverse effects of the new section of motorway, so that in time the impact on the landscape and natural heritage, and other environmental effects, would significantly reduce.

21. My conclusions on the planning requirements are, first, that the Scheme is fully in accordance with a number of national planning policies and, second, that where conflicts exist the benefits of the Scheme in relieving the existing problems on the M4 motorway are sufficient to justify an exception in this particular case. This conclusion is based on my professional knowledge and the experience gained from making such balanced judgements over 20 years with the Planning Inspectorate.

Conclusions

22. Since taking responsibility for the motorway network the Welsh Government has, in my view, ensured that sustainable development principles have been integral to the process of finding a solution to the problems associated with the M4 around Newport, for example by using the WelTAG to assess options. The 2015 Act marks a crucial step forward in requiring public bodies in Wales to do things differently. However, it should not be used to suggest that work carried out by the Welsh Government prior to the 2015 Act necessarily did not accord with the sustainable development principle. It would be misguided, in my opinion, to use the 2015 Act as a reason to delay essential infrastructure projects designed to address existing problems that threaten the well-being of the people of Wales. The Project is integral to the '*United and Connected*' strategy in the Welsh Government's 5-year programme for Government and so is vital to achievement of its well-being objectives and hence progress towards the well-being goals in the 2015 Act.

23. Having considered the ES, its Supplement and the Proof of Evidence of the other witnesses, the Scheme for the M4 around Newport is in my opinion essential to the well-being of the people of Wales and should proceed.

24. I also bring to this task my personal knowledge and experience of the problems on the M4 around Cardiff from living and working in this part of Wales for over 40

years. Two particular occasions stand out in my memory when I have been attempting to travel from Cardiff to the Bristol area and have encountered the paralysis that can grip the whole of the highway network in this part of South Wales.

25. The need to solve the problems of congestion on the M4 is widely recognised, including by those opposed to the Welsh Government's preferred option. For example Professor Cole's report⁴ on the 'Blue Route' states:

"There is a consensus that additional capacity is required to cope with peak period traffic congestion on the M4 around Newport...:

26. The internet gives numerous reports of serious traffic incidents causing hours of delay and queues stretching for many miles. Incidents of less severity regularly occur, causing delays of shorter duration but being no less frustrating for those that rely on the motorway to get to their place of work, for firms trying to run an efficient business, or people simply going about their daily life. When such incidents occur it is not just the motorway that comes to a standstill; much of the south east Wales highway network becomes gridlocked, affecting those travelling both by car and by public transport in Newport and the surrounding area. To quote a BBC Wales News article⁵ dated 8 September 2016 *"if the M4 sneezes, south Wales catches a cold"*.

27. I am therefore in no doubt, from my professional training and experience, and also from direct personal experience, that the M4CaN is necessary to solve the inadequacies of the M4 around Newport and should proceed.

⁴ Document 4.5.4

⁵ Document 5.4.1