

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



Objection Ref OBJ0103
File Ref WG/REB/OBJ0103 - Bovis

Llywodraeth Cymru
Welsh Government

Response to Objector's Evidence: Gareth Williams (Bovis Homes)

1. GROUNDS FOR OBJECTION

1.1. Details

- 1.1.1. Gareth Williams has submitted three Statements of Evidence, dated 30 January 2017, 7 February 2017 and 5 April 2017 in relation to the draft statutory Orders associated with the Welsh Government's proposals for the M4 Corridor around Newport, which have been received via the Programme Officer.
- 1.1.2. The Welsh Government understands the evidence submitted within Gareth Williams' Statements to be based on the following:
1. Concerns that the Scheme is likely to have adverse effects on Bovis Homes' development, which is allocated within the Monmouth Local Plan.
 2. States that Bovis Homes' site is allocated and key to Monmouthshire's housing land supply. Concerned regarding the uncertainty and disturbance/delay to the residential development as a result of this project.
 3. States that Bovis Homes is still awaiting a copy of the letter which has been sent to the Inspector notifying him of our client's exclusion from the Welsh Government's Statement of Case.
 4. Request for clarification over whether the Magor/Undy by-pass would be delivered if the M4 scheme is implemented.
 5. Concerns that following a review of the Environmental Statement (ES) in relation to the Vinegar Hill site that no consideration has been given to the site being allocated for residential development and that there is a commitment to the delivery of 225 new homes in this location.
 6. States that the allocated site should have been identified as part of the baseline condition of the landscape and potential effects on residential receptors within proposed housing should have been considered.
 7. Concerns that the ES focusses on the combined effects of M4 proposals, coupled with other proposals including other allocated sites, on other receptors rather than on the effect upon those allocations.

8. Concerns that the Cumulative Impact assessment within the ES describes the future residents of the site, but then fails to make reference to the effects of the Scheme on allocated sites.
9. Concerns that the future residents of Vinegar Hill will be subject to effects including noise from traffic and during construction, dust during construction, visual impact and traffic emissions.
10. States that receptors on the allocated site have not been identified in the ES as being subject to increased and significant adverse noise effects.
11. States that it is unsurprising that the proposed mitigation in the vicinity of the allocated site is minimal, given the lack of consideration of the effects of the Scheme upon the future residents of the site.
12. Concerns that the proposed landscape treatment of the modified cutting slope on the south side of the M4 will do very little to screen views from the allocated site, in particular the land parcel west of Knollbury Lane and nothing at all to screen views from the eastern land parcel.
13. States that the following additional mitigation is required to limit effects on future residents: Additional buffer planting of woodland species to the entire cutting slope; Additional buffer planting of woodland trees to a belt of land immediately south of the top of cutting slope; Creation of landscape bunds at the top of the cutting slope, south of the M4; Without such additional mitigation it is likely that visual effects (including night time light pollution) arising from the proposed M4 scheme will have an increased significant adverse effect on the amenity of the residential properties.
14. Concerns that the effects of the Scheme could potentially jeopardise the site in respect of its viability.
15. Despite the provision of further details within the ESS, there is insufficient detail to enable an informed assessment of the Scheme on Bovis' business.
16. States that the implications of the changes in traffic growth forecasts is not clearly set out in the ESS in terms of understanding specific noise impacts on the Magor / Undy area. Without this detail, the impacts upon the allocated site cannot be quantified.

17. Concerns that the location of the proposed noise barrier along part of allocated site's northern boundary appears to have been incorporated to mitigate noise impacts upon current dwellings but it stops short of the adjacent land which is allocated in the adopted LDP for residential development. The omission is not justified, and an amendment should be incorporated into the proposed scheme.
18. States that there is insufficient information within the ESS to assess the impact of the proposed additional borrow pit in the Magor and Undy area upon the allocated site.
19. States that a revised Buildability Report has now been prepared as part of the latest ESS and no change is proposed to the temporary closure period of Knollbury Lane, although alterations have been made to the wider project construction timescales.
20. States that clarification to confirm whether the proposed trunk road boundary being to the north of Grange Road is needed.
21. States that following clarification of the height of soil storage, there is the need for additional planting along the northern boundary of the allocated site in order to offer visual screening for future residents.
22. Concerns that the retention of existing trees is not considered to be an acceptable reason to not provide additional planting.
23. States that the approach for a linear belt of shrubs and trees is proposed to the west of Knollbury Lane but not to the east is not justified.
24. States that there are inconsistencies with the location of the existing highway boundary, including the position of a fence to the south of Grange Road which may impact upon the access to the allocated site.
25. Requests for further information relating to the proposed gantry sign in close proximity to the allocated site.

2. REBUTTAL

2.1. Points Raised

2.1.1. Some of the above points have already been addressed in previous correspondence. Others are dealt with by topic by the relevant witness in the following sections, in addition to their general proofs of evidence, to which readers should also make reference in their entirety for a full understanding of the Welsh Government's case. For ease of reference the places where the above points are addressed in this Rebuttal are listed in the table below:

Objector's point reference	Rebuttal paragraph reference	Objector's point reference	Rebuttal paragraph reference
1	2.2.1	14	2.2.1
2	2.2.1	15	2.1.2
3	2.2.2	16	2.1.2
4	2.2.3	17	2.1.2
5	2.3.1	18	2.4.2
6	2.3.1	19	2.4.3
7	2.3.1	20	2.1.2
8	2.3.1	21	2.1.2
9	2.4.1	22	2.1.2
10	2.3.1	23	2.1.2
11	2.3.1	24	2.1.2
12	2.1.2	25	2.1.2
13	2.1.2		

2.1.2. Some of the Objector's points have already been covered in previous correspondence and proofs of evidence as follows:

1. **Point 12** (*Concerns that the proposed landscape treatment of the modified cutting slope on the south side of the M4 will do very little to screen views from the allocated site, in particular the land parcel west of Knollbury Lane and nothing at all to screen views from the eastern land parcel*) / This matter is addressed in the Welsh Government letter of 5 April 2017 responding to NLP's letter of 24 March 2017. A copy is provided and attached for convenience. It confirms that:

“...the slope on the south side of the existing M4 opposite Strategic Site Allocation SAH6 will not be cut back and that no vegetation removal will be undertaken there as a part of the scheme, other than potentially around the new gantry position...there will be less noise from traffic, air quality improvements and a reduction in the carriageway lighting. Consequently, the environment local to your client’s land will experience an overall improvement over that existing without the Scheme. With regard to vegetation removal you should be aware that Welsh Government, as strategic highway authority has a duty to maintain roadside vegetation for safety and other reasons. This includes the section opposite SAH6 and our commitment above not to remove vegetation does not prejudice our ability to maintain the highway estate.”

2. **Point 13** *(States that the following additional mitigation is required to limit effects on future residents: Additional buffer planting of woodland species to the entire cutting slope; Additional buffer planting of woodland trees to a belt of land immediately south of the top of cutting slope; Creation of landscape bunds at the top of the cutting slope, south of the M4; Without such additional mitigation it is likely that visual effects (including night time light pollution) arising from the proposed M4 scheme will have an increased significant adverse effect on the amenity of the residential properties) / This matter is addressed in the Welsh Government letter of 28 February 2017 following the meeting between NLP and the Welsh Government on 22 February 2017. Further clarification has been provided in the Welsh Government letter of 5 April. Copies are provided and attached for convenience. In the latter the Welsh Government Project Director Martin Bates confirms:*

“My understanding is that your proposed bund at the top of the motorway embankment is predicated on the basis that the slopes will be cut back and the vegetation removed. As I have affirmed above we are not doing this and therefore no bund is required. I am also aware that there is a hedge on northern boundary of the land designated for housing adjoining Grange Road which presumably is to be retained as part of the planning condition in recognition of their important role in the environment. For your information we have reviewed the sketch cross sections that accompanied your letter...

We appreciate that they are sketches and consequently are not particularly accurate; I have therefore enclosed a cross section at ch 22000 which shows Grange Road and the correct elevations of the existing M4, the proposed dual carriageway to the north and SAH6.”

3. **Points 15 and 16** (*Despite the provision of further details within the ESS, there is insufficient detail to enable an informed assessment of the Scheme on Bovis’ business*) and (*States that the implications of the changes in traffic growth forecasts is not clearly set out in the ESS in terms of understanding specific noise impacts on the Magor / Undy area. Without this detail, the impacts upon the allocated site cannot be quantified*) / Figures and Appendices of Environmental Statement (Document 2.3.2) Chapter 13 provides information relevant to the likely noise effects on SAH6. The Revised Traffic Forecasting Report (Document 2.4.13) and its Supplement (Document 2.5.2) provides updated traffic data, whilst previous traffic forecasting data has been published to help individuals and organisations understand the likely impacts of the Scheme.

4. **Point 17** (*Concerns that the location of the proposed noise barrier along part of allocated site’s northern boundary appears to have been incorporated to mitigate noise impacts upon current dwellings but it stops short of the adjacent land which is allocated in the adopted LDP for residential development. The omission is not justified, and an amendment should be incorporated into the proposed scheme.*) / This matter is addressed in the Welsh Government letter of 7 February 2017 responding to NLP’s letter of 30 January 2017. It explains:

“The noise barrier you refer to between Newport Road and Vinegar Hill (Knollbury Lane) is specifically located to mitigate noise from the new section of motorway to the north west of Magor for properties in Magor on St Brides Road, Langley Close and Netherwent View and surrounding residential roads. Those properties would be affected by traffic noise from the new section of motorway as it rises up from being in cutting at Newport Road, on embankment to becoming level with the existing M4. In chainage terms this is between approximately chainage 20900 at Newport Road and approximately chainage 21600, that being the point the new section of motorway diverges from the existing M4. Chainages

are shown on the General Arrangement plans (Figure 2.4 of the March 2016 Environmental Statement).

The vertical and horizontal highway alignment of the existing M4 opposite SAH6 would not change with M4CaN in place, that is to say between approximately chainage 21600 and chainage 22700. Over this distance a new dual carriageway is proposed to the north of the existing M4. This dual carriageway would provide the link between the existing M4 junctions at J23 and J23a and enable vehicles to travel on the reclassified M4 to the north of Newport. With M4CaN in place the length of existing M4 between chainages 21600 and 22700 would connect with the proposed new section of motorway to the south of Newport.

With M4CaN in place the traffic forecasts predict that approximately half of private cars and light traffic would use the new dual carriageway together with approximately a quarter of HGVs. The remaining traffic would continue to use the existing M4 and the new section of motorway. In other words the source of the traffic noise would be from the two roads, not one, with one road being further away from SAH6. In those circumstances, all other things being equal, traffic noise experienced at SAH6 would go down.

Should M4CaN not proceed the same general noise characteristics that pertain now at SAH6 would pertain in the future.

In principle noise barrier would not be provided for a proposed development. However in the current proposal, from approximately chainage 21650 eastwards the existing M4 is in shallow cutting which gets progressively deeper towards Knollbury Lane where it is up to 6 metres deep. That cutting provides noise attenuation in the same way as a noise barrier. Noise fencing 2 metres high will be provided until the cutting reaches 2 metres in height.”

5. **Points 20, 21, 22, 23 and 24** (*States that clarification to confirm whether the proposed trunk road boundary being to the north of Grange Road is needed*), (*States that following clarification of the height of soil storage, there is the need for additional planting along the northern boundary of the allocated site in order to offer visual screening for future residents*), (*Concerns that the retention of existing trees is not considered to be an acceptable reason to not provide additional planting*), (*States that the approach for a linear belt of shrubs and trees is proposed to the west of Knollbury Lane but not to the east is not justified*) and (*States that there are inconsistencies with the location of the existing highway boundary, including the position of a fence to the south of Grange Road which may impact upon the access to the allocated site*) / This matter is addressed in the Welsh Government letter of 7 February 2017 responding to NLP's letter of 30 January 2017, which confirmed that a modification to the draft Orders (Modification No 57) will be submitted to the Inspector at the start of the Public Local Inquiry to realign that fence line to the north of Grange Road over the same length. This matter is addressed in the Welsh Government letter of 7 February 2017 responding to NLP's letter of 30 January 2017, which states:

"The M4Can ES published in March 2016 shows that the existing planting comprising woodland (LE 2.1) and linear belts of trees & shrubs (LE 2.4) along the southern edge of the existing M4 motorway between Grange Road at chainage 21800 and Rockfield Lane/Elms Lane at chainage 22700 to the north of Magor/Undy would be lost to the Scheme

That section of the existing M4 is not expected to be affected by works associated with M4CaN sufficiently to warrant the wholesale removal of existing verge and embankment vegetation, however the draft Orders, if made, would enable vegetation to be removed should that be required. The slope you refer to falls away from your client's land and is unlikely to be visible from their property."

The Welsh Government letter of 5 April 2017 further clarifies:

"If the inspector does not make the requested modification (MOD 57) I can confirm that Welsh Government would undertake not to exercise its rights to acquire those plots which relate to half of Grange Road. It

should be noted that there may be underlying rights that would be acquired, but those would not interfere with the highway itself. We can confirm also that we will not close Grange Road.”

The response provided to Point 12 and 13 above is also relevant.

6. **Point 25** (*Requests for further information relating to the proposed gantry sign in close proximity to the allocated site*) / This matter is addressed in the Welsh Government letter of 7 February 2017 responding to NLP’s letter of 30 January 2017 and the Welsh Government letter of 28 February 2017 following the meeting between NLP and the Welsh Government on 22 February 2017. The matter is further clarified in the Welsh Government letter of 5 April 2017, which clarifies:

“With regard to the gantry sign the localised removal of vegetation within the existing highway boundary may be required to enable the construction of the foundation pad. However should that be the case Welsh Government are committed to providing appropriate mitigation if there is any detrimental visual impact on SAH6 as a result of those works...”

It should be noted that the face of the variable message sign would face away from SAH6 and the new location is also some 30 metres further away than the existing. Consequently, if anything, it is likely to be less intrusive than the current gantry. Welsh Government is of the opinion that, from a visual point of view there will be no material change from the perspective of SAH6. We therefore don’t see any need for further consultation or agreement on the gantry, but if there is an impact (as assessed by Welsh Government) then we will keep you informed and it will be mitigated.”

- 2.1.3. The other points are responded to by specialist topic in turn in the sections following.

2.2. Matthew Jones (Chief Witness)

2.2.1. In response to **Points 1, 2 and 14** (Concerns that the Scheme is likely to have adverse effects on Bovis Homes' development, which is allocated within the Monmouth Local Plan) and (States that Bovis Homes' site is allocated and key to Monmouthshire's housing land supply. Concerned regarding the uncertainty and disturbance/delay to the residential development as a result of this project) and (Concerns that the effects of the Scheme could potentially jeopardise the site in respect of its viability):

1. There would be no impact as a result of the Scheme on the potential delivery of the land relevant to Bovis Homes' objection (as explained in the letter dated 7 February 2017, traffic noise experienced at SAH6 would go down). There would be no impact on its access or otherwise. The proposed junction arrangement east of Magor would improve access to and from the development once completed.

2.2.2. In response to **Point 3** (States that Bovis Homes is still awaiting a copy of the letter which has been sent to the Inspector notifying him of our client's exclusion from the Welsh Government's Statement of Case):

1. A copy of the requested letter was provided to Bovis representative Gareth Williams by Matthew Jones in an email of 7 February 2017 and also provided to his colleagues Davina Powell and Sian Davies by email on 8 February 2017. A copy is provided and attached for convenience.

2.2.3. In response to **Point 4** (Request for clarification over whether the Magor/Undy by-pass would be delivered if the M4 scheme is implemented.)

1. Engagement with Monmouthshire County Council has been ongoing since the early 1990s with regard to the problems, objectives and possible solutions to the M4 around Newport. Officers at Monmouthshire County Council have confirmed in discussions that the Scheme, if constructed, would remove the need for the Magot/Undy by-pass.

2.2.4. I confirm that the statement of truth and professional obligations to the inquiry from my main proof still applies.

2.3. Peter Ireland (Environment – General)

2.3.1. In response to **Points 5, 6, 7, 8, 10 and 11** (Concerns that following a review of the Environmental Statement (ES) in relation to the Vinegar Hill site that no consideration has been given to the site being allocated for residential development and that there is a commitment to the delivery of 225 new homes in this location, States that the allocated site should have been identified as part of the baseline condition of the landscape and potential effects on residential receptors within proposed housing should have been considered, Concerns that the ES focusses on the combined effects of M4 proposals, coupled with other proposals including other allocated sites, on other receptors rather than on the effect upon those allocations, Concerns that the Cumulative Impact assessment within the ES describes the future residents of the site, but then fails to make reference to the effects of the Scheme on allocated sites States that receptors on the allocated site have not been identified in the ES as being subject to increased and significant adverse noise effects and states that it is unsurprising that the proposed mitigation in the vicinity of the allocated site is minimal, given the lack of consideration of the effects of the Scheme upon the future residents of the site):

1. Local Development Plan allocation SAH6 is included in Chapter 17 (cumulative effects) of the Environmental Statement (Document 2.3.2). The purpose of EIA is to assess the likely significant effects of a development on its environment.
2. That part of the proposed Scheme likely to affect SAH6 includes a new dual carriageway being constructed and operated immediately north of the existing M4 with approximately half of the existing M4 vehicular traffic being transferred. This would result in less air pollution and lower noise levels to SAH6 than the site currently experiences. This is substantiated by reference to the March 2016 ES Chapters 7 and 13, in particular figures 7.12, 13.14 and 13.15.
3. In addition, there would be no physical changes to the existing M4 in the immediate vicinity of SAH6, in particular to the southern boundary of the existing motorway adjacent to SAH6 including the vegetation there.

2.4. Barry Woodman (Construction)

2.4.1. In response to **Point 9** (Concerns that the future residents of Vinegar Hill will be subject to effects including noise from traffic and during construction, dust during construction, visual impact and traffic emissions):

1. The existing section of the M4 just to the north of the proposed housing development will remain on the existing alignment. A new section of dual carriageway will be constructed to the north of the existing M4 within a cutting similar to the existing section of M4. This will carry the proposed new link between the M48 and the current section of the existing M4 at Junction 23 upon completion of the works.
2. It is envisaged all earthworks operations on this new section of carriageway would be undertaken during the day time. There will however be the odd occasion to undertake works at night on the existing M4 to construct some aspects of bridgeworks, highway tie -in and re-surfacing works for safety and M4 traffic disruption minimisation reasons when traffic flows are much less than during the day. On these occasions any task lighting would be positioned to direct light away from any nearby properties.
3. Sections 10.50 - 10.54 of the Proof of Evidence of Barry Woodman WG1.6.1 is also relevant to this matter.

2.4.2. In response to **Point 18** (States that there is insufficient information within the ESS to assess the impact of the proposed additional borrow pit in the Magor and Undy area upon the allocated site):

1. The various proposed borrow pits are 360m to the east of the Bovis Homes site therefore the impact during construction is expected to be negligible. The borrow pits will be in operation of the duration of the construction of the M4CaN and will be reinstated close to the existing ground levels. Those to the north of the M4 will be returned to agricultural use and those to the south will be used for scheme landscaping.
2. The depth of the borrows will be between approximately 4m and 10m. The operation within the borrow pits will be subject to best practice dust, noise and vibration control measure. Blasting may be required where rock is encountered and will be subject to best practice management and monitoring.

3. Hedgerows and trees on the land boundaries of the borrows will be retained to maintain screening from the construction activities from adjacent and nearby land.
 4. Approval of Monmouth CC EHO will be obtained for acceptance criteria for noise, dust and vibration and site working hours prior to commencing construction
- 2.4.3. In response to **Point 19** (States that a revised Buildability Report has now been prepared as part of the latest ESS and no change is proposed to the temporary closure period of Knollbury Lane, although alterations have been made to the wider project construction timescales):

1. There has been no change to the required closure period for Knollbury Lane and local diversion routes will be set out. The letter dated 5 April confirms that:

“Knollbury Lane will be closed whilst the existing bridge is extended to span the proposed dual carriageway. The current closure period reflects the anticipated time it will take to divert statutory undertakers’ plant and carry out the construction works.”

2. Section 3.1.28 of the Buildability Report (Appendix 3.1 of the Environmental Statement, Document 2.3.2) states that:

“A 12 month road closure would be required for the construction the new Knollbury Lane Overbridge to span the new M48 link to the new M48 Roundabout. A shorter duration of road closure would be required for the installation of the bridge beams to the new Rockfield Lane and Bencroft Lane Underbridges. It is expected that these could be constructed before there is a need to construct the new Knollbury Lane Overbridge so as to avoid further disruption to the local travelling public. The local north – south side road routes may require localised upgrading with the provision of temporary passing places in the lanes.”

Annex – Correspondence List

Date	In/Out	Author	Email/Post/Meeting
30/01/2017	In	NLP Planning	Letter
07/02/2017	Out	Welsh Government	Letter
22/02/2017		Bovis Homes NLP Planning Welsh Government	Meeting
28/02/2017	Out	Welsh Government	Letter
24/03/2017	In	NLP Planning	Letter
5/04/2017	Out	Welsh Government	Letter
5/04/2017	In	NLP Planning	Letter