

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



Llywodraeth Cymru
Welsh Government

FILE REF WG/REB/OBJ0203/Ann Picton

Objection Ref OBJ0203

Response to Objector's Evidence: Ann Picton

1. GROUNDS FOR OBJECTION

1.1. Details

1.1.1. Ann Picton has submitted an incomplete Statement of Evidence in relation to the draft statutory Orders associated with the Welsh Government's proposals for the M4 Corridor around Newport, which has been received via the Programme Officer.

1.1.2. The Welsh Government understands the evidence submitted within Ann Picton's Statement to be based on the following:

1. Concerned that the M4 threatens the Gwent Levels SSSI, their ecology, grazing marshes and reens.
2. Concerned that two thirds of the proposed road will traverse the SSSIs amounting to the destruction of the unique Gwent levels, its villages, its lifestyle and its peace and quiet.
3. Suggested that housing and industrial development have damaged the Levels, causing great losses of land, and that the M4 Relief Road is a further threat.
4. Concerned about adverse visual impacts and that the multiple and multi-layered national and European designations across the landscape does not guarantee protection against changes in land management or development.
5. Concerned about the impact upon the historic environment.
6. Concerned about the traffic impacts.
7. Concerned that the Scheme is environmentally, economically and socially unsustainable.

1.1.3. It should be noted that there are a series of incomplete notes within the statement of Ann Picton and this rebuttal does not seek to address the points that have not been made.

2. REBUTTAL

2.1. Points Raised

2.1.1. Some of the above points have already been addressed in previous proofs of evidence. 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	4	2.3.1
2	2.1.2	5	2.1.2
3	2.2.1	6	2.1.2
7	2.4.1		

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

1. **Point 2** (Concerned that two thirds of the proposed road will traverse the SSSIs amounting to the destruction of the unique Gwent levels, its villages, its lifestyle and its peace and quiet) / The effect of building and operating the new section of motorway on the environment is set out in the Environmental Statement (Document 2.3.2) and its Supplements (Documents 2.4.4 and 2.4.14). The Environmental Statement acknowledges the importance of the Gwent Levels and clearly identifies the magnitude and significance of effects on a wide range of environmental features and assets.
2. **Point 5** (Concerned about the impact upon the historic environment) / All impacts on the historic environment are identified in the March 2016 Environmental Statement (ES) (Document 2.3.3) and the September 2016 ES Supplement (Document 2.4.4). There would be a permanent large adverse effect resulting from the impacts on the registered Gwent Levels Landscape of Outstanding Historic Interest. This is acknowledged in the ES (section 8.8.11) and in Mick Rawling's Proof of Evidence (WG1.9.1 section 7.11). Some offsetting of these impacts would be provided by way of a programme of historic landscape study.

3. **Point 6** (Concerned about the traffic impacts) / Traffic impacts are considered in the evidence of Bryan Whittaker (1.2.1). The evidence of Matthew Jones (WG1.1.1) at section 24.17 confirms that the Scheme is considered by Welsh Government to be the long term, sustainable solution to the serious problems experienced on the M4 around Newport. In collaboration with the Welsh Government's proposals for a South Wales Metro, it forms a vital part of its vision for an efficient and integrated transport network for Wales. There is a compelling case in the public interest for the Scheme to proceed.

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

2.2. Keith Jones (Ecology)

2.2.1. Response to **Points 1 and 3** (Concerned that the M4 threatens the Gwent Levels SSSI, their ecology, grazing marshes and reens) and (Suggested that housing and industrial development have damaged the Levels, causing great losses of land, and that the M4 Relief Road is a further threat):

1. The SSSI habitat losses have been clearly set out at all stages of the assessment of the impacts of the Scheme. As stated in the September 2016 Environmental Statement Supplement (Document 2.4.4) a total of some 125 ha of land within the Gwent Levels SSSIs would be affected by the Scheme. Of this some 86 ha would be grazing marsh (measured as all grassland within the Gwent Levels SSSIs within the footprint of the proposed new section of motorway). Similarly the figures for loss of reens and ditches are from the same Document 2.4.4. The measures to mitigate for these impacts are set out in its SSSI Mitigation Strategy and the Reen Mitigation Strategy respectively.
2. The extensive planting and habitat establishment proposed as part of the scheme and shown on the Environmental Management Plan (EMP), and the habitat enhancements which would be implemented across the three SSSI mitigation areas will benefit a wide range of wildlife, not just those species specifically addressed in the Environmental Statement (Document 2.3.2).
3. The ecology surveys carried out to inform the Environmental Statement (Document 2.3.2) have been extensive and have considered those species

considered to be of most importance in the context of the Scheme, both in terms of their conservation status and susceptibility to adverse impacts as a result of the Scheme, and for which specific mitigation measures are required.

4. In my opinion, the Welsh Government has taken all steps that are reasonable with respect to maintaining and enhancing the relevant habitats and species insofar as that is consistent with the proper exercise of its functions regarding the motorway network.
5. John Davies (WG1.23.1) clarifies that proposals to develop areas of land outside of those included in the draft Compulsory Purchase Order are not a matter for the inquiry. Any future applications would be considered against the Local Development Plan and national planning policies. Allowing the Scheme to go ahead would not set any precedent for the future development of such land since the circumstances leading to a decision to construct the new section of motorway would not apply.

2.3. Nicholas Rowson (Landscape)

2.3.1. Response to **Point 4** (Concerned about adverse visual impacts and that the multiple and multi-layered national and European designations across the landscape does not guarantee protection against changes in land management or development):

1. ES paragraph 9.3.8 addresses how LANDMAP has been used to bring together the aspects of cultural landscape, geological landscape, historic landscape, landscape habitats and visual and sensory within the landscape assessment, which is in line with IAN 135/10(W) guidance. Protected landscapes are identified within Section 9.4 of the ES (Document 2.3.2).
2. The Landscape and Visual Impact Assessment (section 9 of the ES, Document 2.3.2) assessed the sensitivity of Landscape Character Areas, including the Wentlooge and Caldicot Levels.

3. The assessment of sensitivity of the Wentlooge and Caldicot Levels to the proposed development has been identified as 'High', based on their quality, condition, value and potential to accommodate the change of the type proposed.
4. The approach to mitigation and landscape design for the Scheme is set out in full in section 9.5 of ES (Document 2.3.2) and explained in section 2.8 of Nicholas Rowson's evidence (WG1.8.1).

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

2.4. John Davies (Sustainable Development)

- 2.4.1. Response to **Point 7** (Concerned that the Scheme is environmentally, economically and socially unsustainable):
 1. The Proof of Evidence of John Davies (WG1.23.1) deals with sustainable development and the Welsh Government's duties under the Well-being of Future Generations Act 2015 (the WFG Act). The Scheme is essential to the well-being of the people of Wales to address the economic, social, environmental and cultural problems caused by the existing M4 motorway.
 2. Section 2 of the WFG Act defines 'sustainable development' as;
the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
 3. Section 3 of the WFG Act requires each public body to carry out sustainable development.
 4. Section 5(1) defines doing something in accordance with the sustainable development principle as acting;
in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
 5. This definition recognises that development must take place in the present day to satisfy the needs of today's society, but that the form of that development should not preclude choices for future generations. Section 5(2) sets out five ways of working that a public body must take account of

in order to act in accordance with the sustainable development principle.

These can be summarised as:

- i. Thinking long term
 - ii. Taking an integrated approach
 - iii. Involving a diversity of population
 - iv. Working in a collaborative way
 - v. Understanding and prevention.
6. Sections 2 and 3 together stipulate that each public body must, first, take action in accordance with the sustainable development principle and, second, that such action must be aimed at achieving the well-being goals defined in Section 4 of the Act. The tests to determine whether development is sustainable are therefore two-fold. First, has action been taken in accordance with the sustainable development principle and, second, does that action contribute to achievement of the well-being goals?
7. In my proof I have analysed the Welsh Government's actions leading to its decision to adopt the Plan for the M4 Corridor around Newport and found that these did accord with the sustainable development principle. In my proof of evidence I also explain how the new section of motorway would contribute to achievement of the well-being goals.

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