

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



Llywodraeth Cymru
Welsh Government

Magor Services Objections

Objection Refs OBJ0026 (Roadchef) & OBJ0292 (Rontec)

File Refs WG/REB/OBJ0026 +OBJ0292-JD

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1. AUTHOR

- 1.1 I am John Davies. I currently work as a self-employed planning consultant under the title 'John Davies Planning' as a sole trader. My professional qualifications are set out in my main proof of evidence and are not repeated here.

- 1.2 The evidence which I have prepared and provide in this proof of evidence has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

2. SCOPE AND PURPOSE OF THIS PROOF OF EVIDENCE

- 2.1.1. Roadchef and Rontec have submitted Statements of Evidence in relation to the draft statutory Orders associated with the Welsh Government's proposals for the M4 Corridor around Newport (the Scheme), which has been received via the Programme Officer.
- 2.1.2. The evidence of Roadchef and Rontec is provided in several volumes from different witnesses as follows:
- i. Mr Simon Turl, Roadchef (OBJ0026)
 - ii. Dr Ian McKay, Roadchef (OBJ0026)
 - iii. Mr Mike Axon, Vectos, on behalf of Roadchef (OBJ0026)
 - iv. Mr Henry Church, CBRE, on behalf of Rontec (OBJ0292)
- 2.1.3. My evidence will respond to the points they raise in relation to the Scheme, that is the M4 Corridor around Newport (hereafter referred to as the published/proposed Scheme), comprising a proposed new dual three lane motorway to the south of Newport and complementary measures. I also consider the 4 alternatives put forward by Roadchef, numbered 8-11 in the Objectors' Suggested Alternatives Report (Doc 4.7.2).
- 2.1.4. In light of my expert witness role, I address the issues relating to sustainable development and planning policy; evidence on matters relating to safety, access to the motorway service area and commercial impact is given by other witnesses. However, in order to reach conclusions I rely on their rebuttal evidence, in particular that of Matthew Jones (WG1.1.1), Stephen Bussell (WG1.3.1), Ben Sibert (WG1.5.1) and Bryan Whittaker (WG1.2.1).
- 2.1.5. I limit duplication of evidence given in my own Proof of Evidence (WG1.23.1) but draw on that when appropriate to address points raised by Roadchef and Rontec in their evidence.

2.1.6. My evidence is presented in the following structure:

1. Author
2. Scope and Purpose of this Proof of evidence
3. Rebuttal
4. Alternative Route Proposals
5. Conclusions on Alternatives

3. REBUTTAL

3.1. Policy Framework

- 3.1.1. In his original and supplementary proofs Dr McKay maintains that current Government policy in England as detailed in Department for Transport Circular 02/2013 should be followed in respect of motorway service areas in Wales. Mr Mike Axon and Mr Henry Church similarly make extensive reference to this Circular.
- 3.1.2. The situation regarding relevant planning policy in Wales was confirmed in the case of *Powys County Council v Welsh Ministers* [2015] EWHC 3284. In that case the Judge held that the Welsh Ministers were correct to proceed on the basis that National Policy Statements (NPS) for Energy EN-1 and 3 were not matters that could be taken into account in determining an appeal relating to a windfarm in Powys. The appeal related to an application for planning permission for a generating station with a capacity of less than 50 megawatts, which was a matter for determination by Welsh Ministers. The Judge confirmed that the NPS were not relevant to a devolved decision under the Town and Country Planning 1990 Act. As responsibility for the strategic highway network has been devolved to the Welsh Government, policy that applies to the highway network in England similarly is not relevant in Wales. In any event, paragraph 2 of Circular 02/2013 states “*The provisions described in this policy would all have effect in England only.*”
- 3.1.3. As confirmed by Mr Ben Sibert in his rebuttal, the Welsh Government’s standards for highways, including rest areas, are contained within the Design Manual for Roads and Bridges (DMRB) (Doc. 6.1.8) and TD69/07: The Location and Layout of Lay-bys and Rest Areas. The proposed new section of motorway and the access to the Magor Services in particular are fully in accordance with TD69/07 and hence with the requirements of the DMRB regarding motorway rest and service areas in Wales.

3.2. The Implications of the Published Scheme for Magor Services

- 3.2.1. Following the inclusion of the eastbound off-slip road in the Scheme by the Welsh Government, Roadchef no longer argues that Magor Services would close. Mr Bussell in his rebuttal of Mr Turl's evidence carries out an extensive in-depth analysis of the evidence presented by Roadchef. He concludes that their financial analysis is overly pessimistic and that even under the worst scenario the Services would remain financially viable. Mr Turl confirmed at the inquiry that he no longer claims the Services would be financially unviable. This confirms the conclusion in my updated evidence (WG1.23.4) that whilst there may be a reduction in customers this would not be on a scale likely to threaten the continuation of Magor Services.
- 3.2.2. Since the Services would continue to be profitable (See Mr Bussell's rebuttal) and would therefore be available to serve the needs of those travelling on the motorway, it is difficult to understand Mr Turl's claim that the Services would not be available to westbound drivers or that there would be a 49 mile gap in the provision of services with simple and convenient access (Mr Turl's Supplementary Proof paras 4.2 and 5.5). If a driver needs to stop for a break, to refuel or use the washrooms, they would continue to be able to do so. As a result of the inclusion of the eastbound off-slip road and the west bound free flow entry onto the existing M4, the ease of access to Magor Services would be similar to the existing and no more difficult.
- 3.2.3. The exit from the Services eastbound and westbound to re-join the new section of the M4 would be less direct than currently, which may discourage some drivers from stopping. However, apart from taking longer than at present to re-join the motorway, the eastbound exit using Junction 23 is no more complex than experienced at many other motorway junctions. To exit westbound the simplest and most natural exit would be as it currently exists, onto the reclassified M4. This would remain as a strategic route in the form of a non-motorway dual

carriageway, with improved journey times as a result of traffic switching to the new section of motorway.

- 3.2.4. Roadchef claims that drivers would wish to continue their journey on the motorway and would not use the reclassified M4, but there is nothing to support this assertion. In my view drivers would take the simplest and most direct route when leaving the Services westbound, which would be on to the reclassified M4. Mr Bryan Whittaker confirms, from the results of the traffic model, that the journeys of westbound drivers continuing along the reclassified M4 after stopping at Magor Services would be quicker than the journeys of drivers who return to the new motorway because of the additional junctions. It seems likely that signage would direct traffic via this route, as would satellite navigation systems.
- 3.2.5. I have taken account of the letter from Prof Laurie Pickup appended to the Supplementary evidence of Mr Mike Axon. However, in my view it is the ease of access to the Services that is most relevant when drivers need to stop, which is the essence of the safety argument. Prof Pickup is clearly incorrect in describing the route to stop at Magor Services with the Scheme as requiring “*perceptibly abnormal effort*”. Directional signage would be provided and drivers wishing to stop at the Services would not be required to perform any unusual manoeuvres, as explained above. With regard to the exit he states “*simplicity to return to the motorway after stopping would be the preferable option*”, reinforcing my view that drivers would in all probability use the reclassified M4. I see no reason to conclude that there would be any confusion with appropriate signage; this route would be compatible with satellite navigation system directions. I do not dispute that some drivers may be discouraged from stopping but I do not accept that this would be a major proportion, as asserted by Prof Pickup but without supporting evidence. The exit from the Services westbound involving the least cognitive effort, to use his description, and the quickest and most direct, would be onto the reclassified M4.

3.2.6. Consequently, taking into account my views as expressed above and the supplementary evidence of other witnesses I reiterate that, as set out in my updated evidence, the Scheme with the inclusion of the eastbound off-slip properly provides for the needs of motorway travellers.

3.2.7. In the light of the further evidence submitted by Roadchef and the analysis of Mr Stephen Bussell, I maintain the conclusion stated in my updated evidence (WG1.23.4), that the adverse economic impacts of the Scheme, including its effect on Magor Services, are heavily outweighed by its probable cumulative economic benefits.

4. ALTERNATIVE ROUTE PROPOSALS

4.1. Environment and Sustainable Development Issues

4.1.1. I deal next with the four alternatives proposed by Roadchef and the environment and sustainable development issues they raise in comparison with the Welsh Government's proposed Scheme. I draw on the evidence of the other expert witnesses and the Welsh Government's report on Objectors' Suggested Alternatives (Doc 4.7.2); the Roadchef alternatives are numbered 8-11 in that report.

4.1.2. Comparing the Roadchef Alternatives with the proposed Scheme, the following points emerge from the responses of the other witnesses and the Report on Alternatives (*the comments apply to all Alternatives unless otherwise stated*):

- a) Additional capital cost for all Alternatives resulting from increased roadworks, earthworks and structures. Alternative 9 would be poor value for money compared with the proposed Scheme and Alternatives 8 and 10 would have a slightly lower BCR than the Scheme; Alternative 11 would offer the same BCR. However, all of the Alternatives would involve extra capital cost without being better value for money.
- b) The Alternatives are not required on highway engineering grounds to overcome any failing in the published Scheme.
- c) Alternative 8 would meet 2 objectives better than the published Scheme; whereas Alternatives 9, 10 and 11 would meet none better than the Scheme but would each meet 1 objective less well.
- d) Improved access compared with the Scheme for west Magor, the Wales One Business Park and Magor Motorway Rest Area and increased network resilience due to increase in free-flow connections at J23. However, for Alternatives 8-10 there would be reduced access for Undy, Rogiet and Caldicot.

- e) Slight adverse noise and local air quality effects from the J23A westbound on-slip, which would bring traffic slightly closer to properties in the north-west of Magor compared with the Scheme. For Alternative 11, a slight adverse noise and local air quality impact for properties in Magor due to increased traffic on the B4245.
- f) Greenhouse gas emissions would be similar to the proposed Scheme.
- g) The J23A westbound on-slip would have no significant landscape or visual impact compared with the Scheme.
- h) For Alternatives 8-10 there would be a reduction (slight for Alternatives 8 and 10) in the impact on the Llanfihangel Rogiet Conservation Area and a slight reduction in the impact on the Scheduled Standing Stone at Undy.
- i) For Alternative 9, an increase in two-way traffic on the B4245 through Magor, Undy and Caldicot and on the A48 between Langstone and Caldicot compared with the Scheme, with an adverse impact on noise experienced by properties near these roads and on local air quality.
- j) Dealing with the requirements of agriculture, in all cases there would be some loss of high quality agricultural land associated with the westbound on-slip at J23A, although in terms of significance this would be similar to the published Scheme. For Alternatives 8 and 10 there would be the potential for an adverse effect on Green Dairy Farm due to the relocation of Bencroft Lane. Alternatives 8, 10 and 11 would require a similar but slightly greater area of land compared with the Scheme, whilst Alternative 9 would require considerably less due to the removal of the M48 roundabout at Junction 23.
- k) During the development of the strategic Plan for the M4 Corridor around Newport the Welsh Government recognised the problems of

traffic congestion through Magor and Undy and the delays experienced by traffic trying to access the M4 at Junction 23A. In addition, there were opportunities to complement the proposed South Wales Metro and improve access to the park and ride facilities at Severn Tunnel Junction. Appraisal of the Junction Strategy showed that the proposed M4/M48/B4245 Junction 23 connection would provide: (i) an effective connection to the strategic road network in south Monmouthshire; (ii) a connection between the M4 and the M48 in the event of closure of the M48 Severn Bridge; and (iii) avoid traffic delays on the local road network through Magor, particularly when the M48 Bridge is closed. The Junction 23 design with the M4/M48/B4245 connection was included in the Plan because of these advantages and since it helped address the problems and achieve the Plan's objectives.

- l) Policy MV10 of the Monmouthshire Local Development Plan (LDP) 2011-21 safeguards the B4245 Magor/Undy By-pass, the B4245/M48 Link Road and the B4245/Severn Tunnel Junction Link Road schemes from development likely to prejudice their implementation. The Magor/Undy By-pass aims to relieve traffic problems in Magor and Undy. The Local Transport Plan provides evidence to support the need for these schemes on grounds of traffic; complaints; air and noise pollution; and accidents. In developing the proposed Scheme the project team worked with the local highway authority, Monmouthshire County Council. By relieving traffic congestion in Magor and Undy the Scheme overcomes the need for the By-pass proposed in the Monmouthshire LDP and for this reason has the support of the Monmouthshire County Council.
- m) Alternatives 8 and 10 contain some elements of the Scheme's complementary measure for the M48/M4/B4245 connection, although they would be less comprehensive, particularly in terms of access to the Severn Tunnel Junction. Whilst Alternative 9 would

require notably less land, the deletion of the M48 roundabout and the B4245 connection at Junction 23 removes the connection to the local highway network and the improved access to the park and ride facilities at Severn Tunnel Junction. As a consequence, Alternatives 8-10 would not relieve traffic in Magor and Undy to the same extent as the proposed Scheme and so would not avoid the need to construct the Magor/Undy By-pass. Neither would they complement the regional transport system or integrate with other transport modes, including the proposed Cardiff Capital Region Metro, to the same extent as the published Scheme.

- n) The Spatial Strategy of the Monmouthshire LDP includes development in the Severnside sub-region, which includes Magor and Undy, to take advantage of the area's strategic location. The LDP reaffirms employment allocations in the Magor area close to Junction 23A with possible regional significance, providing a range of choice for inward investors and potentially reducing the current levels of out-commuting in the Severnside area.

5. CONCLUSIONS ON ALTERNATIVES

- 5.1.1. The Roadchef alternatives would simplify egress from the Magor service area to the new motorway and improve access to areas west of Magor. Alternatives 8-10 would reduce impact on heritage assets and Alternative 9 would involve a significantly smaller loss of agricultural land at Junction 23 compared with the Scheme.
- 5.1.2. However, all alternatives would involve extra cost from roadworks, earthworks and structures, contrary to the Prosperous Wales goal of the Well-being of Future Generations (Wales) Act 2015 (the WFG Act), which seeks to use resources efficiently. Alternative 9 would be poor value for money. Alternatives 8 and 10 would have a slightly lower BCR than the published Scheme, whereas Alternative 11 would offer the same BCR. All the alternatives to the Scheme put forward by Roadchef would hence involve extra capital cost without being better value for money. In the light of the evidence of Mr Sibert there is no reason to consider these Alternatives on highway engineering grounds as they are not necessary to overcome any flaw in the published Scheme.
- 5.1.3. The J23A westbound on-slip common to all the Roadchef alternatives would have no significant landscape or visual impact compared with the published Scheme. However, there would be slight adverse noise and air quality effects, contrary to the Healthier Wales goal of the WFG Act.
- 5.1.4. With regard to agriculture, there would be some loss of high quality agricultural land due to the construction of the westbound on-slip, but this would be similar to the published Scheme in terms of significance. Alternatives 8 and 10 would have the potential to adversely affect Green Dairy Farm due to the relocation of Bencroft Lane.
- 5.1.5. The proposed Scheme would provide improved access to the strategic road network for the Magor, Undy, Rogiet, Caerwent and Caldicot areas. In particular it would improve access to the Severn Tunnel

Junction railway station, thus complementing and integrating with the existing regional transport system and the proposed Cardiff Capital Region Metro.

- 5.1.6. Furthermore, by relieving traffic congestion in Magor and Undy the Scheme would avoid the need for the Magor/Undy By-pass. This By-pass and a scheme to improve access to the Severn Tunnel Junction are both proposed in the Monmouthshire LDP as part of Policy MV10. In addition, the published Scheme would facilitate the LDPs Spatial Strategy for development in the Severnside Area to take advantage of the area's strategic location. This is an example of the WFG Act in practice, demonstrating an integrated and collaborative approach and long-term thinking by the Welsh Government that has taken account of the policies of another public body.
- 5.1.7. However, Alternatives 8-10 would not improve access to the same extent as the published Scheme for Undy, Rogiet and Caldicot or the Severn Tunnel Junction station; this is particularly true for Alternative 9. Alternatives 8-10 would therefore fail to complement the regional transport system or to integrate with other transport modes, including the proposed Cardiff Capital Region Metro, as well as the published Scheme. Nor would they relieve traffic in Magor and Undy to the same extent and so would not avoid the need to construct the Magor/Undy By-pass. Alternatives 8-10 would not complement the policies and proposals in the Monmouthshire LDP as does the Scheme.
- 5.1.8. As a consequence the Roadchef Alternatives do not accord with the sustainable development principle of the WFG Act as well as the published Scheme; this requires, amongst other things, that public bodies in Wales take an integrated approach and work in a collaborative way. Nor would they contribute to the well-being goals of the WFG Act or the Welsh Government's well-being objectives to the same extent as the proposed Scheme.
- 5.1.9. To summarise, all Roadchef's Alternatives would involve extra capital cost without providing better value for money and they are not

necessary to remedy any failings in the published Scheme. None of the Alternatives offer advantages that would justify the delay that would result from pursuing them. Alternatives 8-10 do not complement the policies and proposals of the Monmouthshire LDP. All the Alternatives would require additional survey, design and environmental assessment work and would need to go through the same statutory procedures as the published Scheme, which would inevitably delay the identification and implementation of a solution to the problems on the M4 around Newport. The additional work and delay would increase the final cost of any future new Scheme over and above that set out in the Report on Alternatives. This would be contrary to the basic sustainable development principle of taking action to address the needs of today's society, particularly in light of my conclusion that the alternatives offer no advantages to warrant a delay.

5.1.10. I conclude that the Roadchef alternatives do not accord with the sustainable development principle or the well-being duty set out in the WFG Act as well as the published Scheme. By contrast, the published Scheme is in line with the Welsh Government's duties under the WFG Act; with the *United and Connected* strategy in its 5 year programme for government, which contains a commitment to deliver an M4 relief road; and would contribute to the Welsh Government's well-being objectives and hence the goals of the WFG Act.

5.1.11. The delay that would be caused by pursuing any one of the Roadchef alternatives cannot be justified on the basis that they would involve greater cost with no better value for money; they are not necessary on highway grounds; they do not meet the requirements of the WFG Act as well as the published Scheme; and there is a pressing need to take action now to solve the identified problems on the M4 motorway around Newport. A delay to the Scheme would impose wider costs in two ways. First, by extending the adverse impact of congestion on the current M4, with its attendant environmental, economic and social problems. Second, by hindering realisation of the benefits to the wider

economy of addressing this problem; the scale of the problem is such that it demands urgent action. I am in no doubt that the public interest is best served by implementing the published Scheme at the earliest opportunity.

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