

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



Llywodraeth Cymru
Welsh Government

Objection Ref OBJ0147

File Ref WG/REB/OBJ0147 – T U Agencies Ltd.

Response to Objector's Objection: T U Agencies Ltd.

1. GROUNDS FOR OBJECTION

1.1. Details

- 1.1.1. A written objection was received from Mr Noel Challenger on behalf of T U Agencies Ltd. on 14th April 2016 in relation to the draft statutory Orders associated with the Welsh Government's proposals for the M4 Corridor around Newport.
- 1.1.2. The Welsh Government understands the objection to be based on the following:
1. The package of information received contained very little reference to Newport Docks and the economic impact on the local economy as a result of the Scheme;
 2. The proposed route will mean that the North Dock will be no longer accessible for many of the vessels which currently use the facilities of the North Dock;
 3. The proposed route will make any future development of the North Dock very unlikely;
 4. The proposed route will have a direct adverse impact on T U Agencies future business prospects;
 5. The proposed route will prevent the transfer of harbour mobile cranes from the south side of South Dock to the north side of South Dock and North Dock;
 6. The proposed route will have a negative effect on the local economy.
 7. Alternative routes should be considered.
- 1.1.3. A written response to the objection was issued on 1st August 2016 and addressed each of the points in turn (see Appendix A). No response from T U Agencies was received.
- 1.1.4. Since the written response was issued a number of developments have occurred and as such the response to a number of the points above will be revised by this rebuttal.

2. WELSH GOVERNMENT'S RESPONSE

2.1. Points Raised

2.1.1. The above points 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	5	2.2.5
2	2.2.2	6	2.2.1
3	2.2.3	7	2.2.6
4	2.2.4		

2.2. Matthew Jones (Chief Witness)

2.2.1. In response to **Point 1** (The package of information received contained very little reference to Newport Docks and the economic impact on the local economy as a result of the Scheme) and **Point 6** (The proposed route will have a negative effect on the local economy);

1. Further to the response provided on 1st August 2016 (see Appendix A), please also refer to the Revised Wider Economic Impact Assessment (WG 2.4.11) and the Revised Wider Economic Impact Assessment Supplement (WG 2.8.8) which provide updates to the associated reporting due to changes in the proposed Scheme.
2. The Wider Economic Impact Assessment assesses the likely effects of the M4CaN on the local and regional economy and identified a range of economic benefits of the proposed Scheme. It concludes that the proposed Scheme will have a substantially positive impact on the economy of South Wales.

2.2.2. In response to **Point 2** (The proposed route will mean that the North Dock will be no longer accessible for many of the vessels which currently use the facilities of the North Dock);

1. Further to the response provided on 1st August 2016 (see Appendix A), as outlined at para 6.17 of my Proof of Evidence (WG 1.1.1) a supplementary draft Scheme Order (WG 2.4.16) was published on 13th December 2016 to raise the height of the River Usk Crossing over the navigable waterways of the docks to take into account the future changes in retained water level within the docks due to climate change and a reconsideration of the navigation safety zone.
2. As outlined in the Scheme Evidence Updates which were issued on 20th December 2017, the Welsh Government (in agreement with ABP) intend to extend and narrow the Junction Cut within the South Dock and revise the entry parameters and protocols for shipping entering the North Dock. These proposals are outlined in my Scheme Evidence Update (WG 1.1.8) the Scheme Evidence Update of Mr Ben Sibert (WG 1.5.7) and Mr Jonathan Vine (WG 1.22.5).
3. At the time of writing the Scheme Evidence Updates, the final width of the narrowed Junction Cut was still to be confirmed as either 11m or 13.5m between fendering. ABP have since completed an independent Navigational Risk Assessment which corroborates the conclusions of the Welsh Government's probabilistic risk assessment. As such, the width of the narrowed Junction Cut would be 13.5m (please refer to PID 239).
4. Mr Jonathan Vine provides information on the percentage of vessels which would be impeded by a 13.5m beam restriction at the narrowed Junction Cut in his Scheme Evidence Update (WG 1.22.5) for vessels which have visited the North Dock between 2005 and 2015. For a 13.5m Junction Cut width he concludes that 54% of the vessel visits (46% of unique vessels), assuming a 2m air draft clearance, between 2005 and 2015 would have been impeded.
5. The Welsh Government have acknowledged that narrowing the Junction Cut would impede vessels from entering the North Dock and as such have offered to provide the phased creation of approximately 303m of new quay on the north side of South Dock and the refurbishment of 250m of quay on the south side of South Dock in order to increase the common user berthing facilities available within the South Dock to accommodate vessels which have been displaced from the North Dock due to the

narrowing of the Junction Cut. They are also funding a swing bridge over Junction Cut to ensure connectivity around the South Dock.

2.2.3. In response to **Point 3** (The proposed route will make any future develop of the North Dock very unlikely);

1. Further to the response provided on 1st August 2016 (see Appendix A), the consultation period for the ABP Masterplan has concluded and ABP have published a final version of the Masterplan. In his Scheme Evidence Update (WG 1.23.6), Mr John Davies notes that, whilst the Masterplan is aspirational, the proposed mitigation measures would place Newport Docks in a much better position to expand its future capacity in line with the objectives of the Masterplan and facilitate future investment and expansion.

2.2.4. In response to **Point 4** (The proposed route will have a direct adverse impact on T U Agencies future business prospects);

1. As outlined in my Scheme Evidence Update (WG 1.1.8) Mr Jonathan Vine (WG 1.22.5) and Mr Andrew Meaney (WG 1.4.7), assisted by the project development team, have undertaken shipping and economic analysis to demonstrate that the measures outlined in Section 2.2.2 above are appropriate to mitigate the impact the Scheme could have on the current and future shipping movements within Newport Docks. As such, the marine operations at Newport Docks would not be detrimentally affected and therefore the same would be true for T U Agencies business. These mitigation measures were arrived at following extensive discussions with ABP and are now agreed with ABP (refer to PID196). ABP have subsequently removed their objection to the Scheme.
2. In any event, any disruption to T U Agencies business must be balanced against the wider social economic and environmental benefits of the proposed Scheme.

2.2.5. In response to **Point 5** (The proposed route will prevent the transfer of harbour mobile cranes from the south side of South Dock to the north side of South Dock and North Dock);

1. As outlined in my Scheme Evidence Update (WG 1.1.8) the Welsh Government has proposed to provide or fund a swing bridge across the southern end of the extended Junction Cut, so as to enable mobile

harbour cranes to move around the entire perimeter of the South Dock. The Welsh Government accepts that there would need to be provision of some new mobile harbour cranes as the proposed Scheme prevent mobile harbour cranes from travelling between North Dock and South Dock and have such agreed with ABP to fund two additional mobile harbour cranes for use around North Dock. This is confirmed in in ABP's statement to the Inquiry (PID 196).

2.2.6. In response to **Point 7** (Alternative routes should be considered);

1. The evidence of Matthew Jones (WG1.1.1) at section 3 sets out the background to the Scheme and at section 3.7 clarifies how the 2010-2012 M4 Corridor Enhancement Measures (CEM) Programme considered more than 100 possible measures in packages including network improvements, travel planning, demand management and alternative modes of transport. This diverse assessment of alternatives involved a wide cross section of stakeholders including local authorities, environmental NGOs, health boards and protected groups representatives and was cited by Climate Change Wales as an exemplar engagement exercise¹.
2. Appraisal concluded that the solution to the problems associated with the existing M4 around Newport cannot be sufficiently be resolved by a package not including a highway intervention.
3. The appraisal process has identified a new road south of Newport as the Welsh Ministers' preferred solution. Alternatives considered did not sufficiently address the problems or achieve the objectives.
4. Following the identification of funding opportunities for infrastructure projects in 2013, the options were appraised once more, including the M4 CEM options, motorway options, and complementary measures. This led to the identification by the Welsh Ministers of the Plan for the M4 around Newport as the solution to be progressed based on an evaluation that took account of environmental, economic and social considerations using the Welsh Transport Planning and Appraisal (WelTAG) process.

¹ PIQ-78: Climate Change Commission in Wales (2012) - Position Paper for Transport and Climate Change for Wales

5. As part of the evidence submitted to the inquiry further extensive analysis has been carried out of the impact of other alternative measures as suggested by objectors. Please also refer to the Objectors' Suggested Alternatives Report (WG 4.7.2) along with responses to Public Inquiry Questions (PIQ), 152, 155, 156, 156a, 156b and 161. The Welsh Government's evidence has demonstrated conclusively that the new section of motorway is the only option capable of addressing the motorway congestion around Newport in a satisfactory manner.

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

Appendix A – Welsh Government Response to written objection

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



Llywodraeth Cymru
Welsh Government

Mr. N. Challenger
TU Agencies Ltd.
Port Building
Alexandra Dock
Newport
NP20 2UW

Our Ref: qA1174612/OBJ0147
Date: 1st August 2016

Dear Mr. Challenger

M4 Corridor around Newport

I refer to your recent correspondence in relation to the draft statutory Orders associated with the Welsh Government's proposals for the M4 Corridor around Newport.

All correspondence is classified as either an objection or a statement of support. Due to the contents of your correspondence, it has been classified as an objection to the draft statutory Orders. I understand your objection to be based on the following:

1. You note that the package of information you received contained very little reference to Newport Docks and the economic impact on the local economy as a result of the Scheme.
2. The proposed route will mean that the north dock will be no longer accessible for many of the vessels now using the facilities of the north dock.
3. The proposed route will make any future development of the north dock very unlikely.
4. The proposed route will have a direct adverse impact on your future business prospects.
5. The proposed route will prevent transfer of harbour mobile cranes from the south side of the south dock to the north side.
6. The proposed route will have a negative effect on the local economy.
7. You object to the proposal and suggest that an alternative is considered.

I shall address each of the above points using the above numbering, where appropriate:



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- 1. You note that the package of information you received contained very little reference to Newport Docks and the economic impact on the local economy as a result of the Scheme.**
 - 1.1 In addition to the information that you received, the Environmental Statement and Associated Reporting is available on the Welsh Government's web site at this location: <http://gov.wales/topics/transport/roads/schemes/m4/corridor-around-newport/?lang=en>
 - 1.2 The Scheme Assessment Report can be found under the heading "Associated Reporting" which describes the proposals in non-technical language, focussing on the non-environmental aspects and includes reference to Newport Docks.
 - 1.3 The Wider Economic Impact Assessment Report can be found under Associated Reporting which provide assessments of the economic impacts on the local economy as a result of the Scheme and also contains references to Newport Docks.
 - 1.4 Copies of these documents are to view also during normal office hours at the locations listed in the Scheme Assessment Report. The deposit points at Newport Central Library and Newport City Council Civic Centre are those nearest to your business address.
- 2. The proposed route will mean that the north dock will be no longer accessible for many of the vessels now using the facilities of the north dock.**
 - 2.1 The Scheme would pass over Newport Docks which are owned and operated by Associated British Ports (ABP) and over the River Usk.
 - 2.2 The River Usk Crossing would have viaducts on the approaches to the main span providing an overall length of 2.1km. These viaducts would allow access beneath for ABP's land and water based operations.
 - 2.3 Clearance would allow for the passage of ships, with a minimum clearance of 25.5m above the docks water level of 7.56m Above Ordnance Datum (AOD). Over the River Usk, a minimum clearance of 32.0m would be provided above Mean High Water Springs Level of 6.49m AOD.
 - 2.4 Many, but not all, of the vessels that now use the facilities of the north dock would be able to use them following construction of the proposed Scheme. The Welsh Government is in dialogue with ABP regarding the clearances over the docks water level and which vessels would be able to pass beneath the viaduct between the south and north docks. Those vessels that cannot pass under the viaduct will be able to use south dock, where there is capacity. Alternatively revised charter arrangements may be made for alternative ships to be used that can access north dock.
- 3. The proposed route will make any future development of the north dock very unlikely.**
 - 3.1 The scheme proposals have been developed to minimise the potential impacts on the Newport Docks by providing clearance beneath the River Usk crossing viaduct for the passage of ships, vehicles and materials. The future development potential for north dock remains and the Welsh Government is highly supportive of development initiatives. It is noted that ABP have recently consulted on a masterplan for Newport



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Docks and the Welsh Government have commented that this should respond to and take the Scheme into account.

4. The proposed route will have a direct adverse impact on your future business prospects.

4.1 Matters of land and property value and compensation are considered by the Welsh Government in line with the compensation code and various Land and Compensation Acts. Further information is available in brochures on the Welsh Government website: <http://gov.wales/topics/transport/roads/land-acquisition-compensation/?lang=en>

4.2 Should you have any queries that this information does not answer you may contact the Public Liaison Officer, Brian Greaves on 029 2069 5650 who will try to assist.

5. The proposed route will prevent transfer of harbour mobile cranes from the south side of the south dock to the north side.

5.1 The scheme proposals have been developed to minimise the potential impacts on the Newport Docks by providing clearance beneath the River Usk crossing viaduct for the passage of ships, vehicles and materials.

5.2 I acknowledge that the tall existing harbour mobile cranes would be unable to pass beneath the proposed viaduct in their current method of operation.

5.3 The Welsh Government is in dialogue with ABP regarding the transfer of harbour mobile cranes beneath the proposed viaducts to seek an agreed solution to this impact on the port operations.

6. The proposed route will have a negative effect on the local economy.

6.1 The project has been estimated to cost £1,093m excluding VAT and inflation. It would be funded through a combination of UK Government borrowing and Welsh Government Transport capital budgets.

6.2 The economic performance of the scheme has been assessed by comparing the costs with the benefits that would be achieved. The costs include both the construction costs and the future maintenance costs. The benefits considered include journey time savings, vehicle operating costs and changes in accident costs.

6.3 Economic appraisal has indicated that the economic benefits of the scheme exceed the costs, such that the scheme represents value for money. When taking into account wider economic benefits, the benefits of the scheme are expected to outweigh the costs by a ratio of almost three to one. However, importantly there are also a range of anticipated economic benefits that are not quantifiable and these must also be considered.

6.4 The Economic appraisal is provided in the reports described in section 1 of this letter.

6.5 The Wider economic impact assessment (also referenced in section 1 of this letter) considers the likely effects of the scheme on the local and regional economy. The construction of the scheme would have economic impacts in its own right. It is



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anticipated that three quarters of the costs of the project would be spent within the Welsh supply chain, with the remainder being spent on specialist products and services not currently available locally.

- 6.6 Once operational, the scheme is expected to have a positive impact on the local and regional economy by reducing transport costs for businesses, improving the functioning of the labour market, improving productivity, stimulating land use change and new investment, and by improving perceptions of South and South West Wales as a place to visit and do business.
- 6.7 Any impacts on ABP and Newport Docks must be weighed against the wider economic, social and environmental benefits that the Scheme would bring to Newport, the Cardiff area and Wales as a whole.

7. You object to the proposal and suggest that an alternative is considered.

- 7.1 Chapter 4 of the Environmental Statement describes the alternatives considered during the development of the Scheme. It can be viewed at this location <http://gov.wales/topics/transport/roads/schemes/m4/corridor-around-newport/environmental-info/development-alternatives/?lang=en> and also at the deposit points referred to in Section 1 of this letter.
- 7.2 You have suggested in your letter changes to the published proposals. Should you wish the Welsh Government to consider these proposals, please would you provide more detail.

Further information, including the Environmental Statement and other reporting, is available at www.gov.wales/m4newport. Paper copies are also available at deposit points as set out on the website.

The M4 Corridor around Newport project is considered to be the sustainable, long term solution to the social, environmental and economic problems associated with the main gateway into South Wales.

The Scheme would improve accessibility for people as well as Welsh goods and services to domestic and international markets.

The proposals for the M4 Corridor around Newport are promoted by the Welsh Government as an important part of its Wales Infrastructure Investment Plan (WIIP) which has set a clear direction for capital investment in Wales that supports growth and jobs.

In light of the above I would be grateful if you could advise me if you are now content to withdraw your objection to the draft Statutory Orders.



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Should you require clarification, or wish to discuss the above prior to responding, please do not hesitate to contact me or the project public liaison officer Brian Greaves on info@m4-can.com or 0845 600 2664.

Yours sincerely



Matthew Jones
Project Engineer



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