

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



Objection Ref OBJ0268

File Ref WG/REB/OBJ0268.6 – NRW/Purnell

Llywodraeth Cymru
Welsh Government

Response to Objector's Evidence: Gary Purnell

(Natural Resources Wales – Flood Risk)

1. GROUNDS FOR OBJECTION

1.1. Details

1.1.1. Gary Purnell on behalf of Natural resources Wales has submitted a Statement of Evidence dated 7 February 2017 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 their Statement to be based on the following:

Tidal Flooding

1. Considers that the raised embankment would compromise the dispersal of overland tidal flows.
2. Considers that if no improvement to the existing sea defences beyond 2030 is carried out the consequences of construction will put properties at greater risk.
3. Considers that SEFRMS should not be relied upon to permit future development in high flood risk areas, especially within the Caldicot and Wentlooge Levels.
4. States that it is considered in the FCA that "it is inconceivable that SEFRMS will not be implemented" [ES, Vol. 3: Appendix 16.1, para 3.1.20]. NRW's view is that this is not a satisfactory commitment and does not provide the requisite degree of confidence in the delivery of the improvements outlined in the SEFRMS.
5. Concerned that there is a lack of commitment to and funding for tidal defences beyond 2030.
6. States that the sea defences along the Caldicot Levels in their entirety do not provide a 0.1% (1 in 1000 year) AEP standard of protection to 2030.
7. Considers that if the sea defences are not improved over the next 100 years in pace with current climate change predictions, the scheme will flood during a 0.1% (1 in 1000 year) by up to 3.59 metres. This exceeds the requirements of A1.15 of TAN 15 and will result in a Danger for All (includes Emergency Services) flood hazard rating.

8. Considers that the proposed scheme would also fail the design threshold requirements of A1.14 of TAN 15.
9. Considers that the methodology applied in the DMRB to assess detriment is far more lenient compared to NRW requirements when assessing new developments against the requirements of TAN 15, and is therefore inappropriate in this instance.

Sustainable Development

10. The proposed scheme is contrary to the requirements of Section 7 and Appendix A of TAN 15.

Alternative – Blue Route

11. Observes that the proposal often referred to as the “Blue Route” – which would utilise existing infrastructure – would still be susceptible to flood risk without the improvements covered in the SEFRMS or otherwise.

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	7	2.2.7
2	2.2.2	8	2.2.8
3	2.2.3	9	2.2.9
4	2.2.4	10	2.3.1
5	2.2.5	11	2.4.1
6	2.2.6		

2.2. Paul Canning (Tidal Flooding)

2.2.1. Response to **Point 1** (Considers that the raised embankment would compromise the dispersal of overland tidal flows.):

1. This is addressed in my Proof of Evidence (WG1.16.1) at section 6.10 (pending further modelling of which results will be presented to the Inquiry in due course) and sections 6.11-6.14.

2.2.2. Response to **Point 2** (Considers that if no improvement to the existing sea defences beyond 2030 is carried out the consequences of construction will put properties at greater risk):

1. This is addressed in my Proof of Evidence (WG1.16.1) at sections 4.24-4.25, 4.34-4.35, 6.10 (pending further modelling of which results will be presented to the Inquiry in due course).

2.2.3. Response to **Point 4** (States that it is considered in the FCA that "it is inconceivable that SEFRMS will not be implemented" [ES, Vol. 3: Appendix 16.1, para 3.1.20]. NRW's view is that this is not a satisfactory commitment

and does not provide the requisite degree of confidence in the delivery of the improvements outlined in the SEFRMS):

1. This is addressed in my Proof of Evidence (WG1.16.1) at sections 6.11-6.14.
- 2.2.4. Response to **Point 5** (Concerned that there is a lack of commitment to and funding for tidal defences beyond 2030):
1. This is addressed in my Proof of Evidence (WG1.16.1) at section 5.
- 2.2.5. Response to **Point 6** (States that the sea defences along the Caldicot Levels in their entirety do not provide a 0.1% (1 in 1000 year) AEP standard of protection to 2030):
1. This is addressed in my Proof of Evidence (WG1.16.1) at sections 4.22, and 6.11-6.14.
- 2.2.6. Response to **Point 7** (Considers that if the sea defences are not improved over the next 100 years in pace with current climate change predictions, the scheme will flood during a 0.1% (1 in 1000 year) by up to 3.59 metres. This exceeds the requirements of A1.15 of TAN 15 and will result in a Danger for All (includes Emergency Services) flood hazard rating):
1. This is addressed in my Proof of Evidence (WG1.16.1) at section 6.10d, (noting further modelling is underway of which results will be presented to the Inquiry in due course).
- 2.2.7. Response to **Point 8** (Considers that the proposed scheme would also fail the design threshold requirements of A1.14 of TAN 15):
1. This is addressed in my Proof of Evidence (WG1.16.1) at section 6.10d.
- 2.2.8. Response to **Point 9** (Considers that the methodology applied in the DMRB to assess detriment is far more lenient compared to NRW requirements when assessing new developments against the requirements of TAN 15, and is therefore inappropriate in this instance):
1. The methodology in the DMRB has not been used, TAN15 has been used. This is noted in agreed in the WG-NRW Statement of Common Ground.
- 2.2.9. I confirm that the statement of truth and professional obligations to the inquiry from my main proof still applies.

2.3. John Davies (Sustainability)

2.3.1. Response to **Point 3** (Considers that SEFRMS should not be relied upon to permit future development in high flood risk areas, especially within the Caldicot and Wentlooge Levels):

1. The SEFRMs is not being relied upon to permit development. In an ideal world, the Scheme would avoid areas of flood risk, in accordance with PPW. However, in this case the Welsh Government considers that the new section of motorway needs to cross this flood risk area since it is the best option for addressing the problems associated with the M4 motorway. PPW recognises that there will be situations where exceptions to the overarching policy objective may be permitted. The Hold the Line policy in SESMP2 (not SEFRMS) is part of the reasoning for permitting the Scheme as an essential piece of highway infrastructure, which PPW recognises can be permitted as an exception.

2.3.2. Response to **Point 10** (The proposed scheme is contrary to the requirements of Section 7 and Appendix A of TAN 15):

1. This is addressed in my Proof of Evidence (WG1.23.1) at paragraphs 134-169.

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

2.4. Matthew Jones (General)

2.4.1. Response to **Point 11** (Observes that the proposal often referred to as the “Blue Route” – which would utilise existing infrastructure – would still be susceptible to flood risk without the improvements covered in the SEFRMS or otherwise.):

1. My Proof of Evidence (WG1.1.1) at section 3 and An Appraisal of Objectors’ Alternative Blue Route Proposals Report (Document 6.2.35) considers the Blue Route and confirms it would not address the problems or achieve the objectives of the M4 Corridor around Newport. The principal water environment effects which would arise from the operation of the Blue Route are provided in section 8.9.2 of that document.

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