

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



**Objection Ref OBJ0270**

**File Ref WG/REB/OBJ0270.17 – GWT/Williams**

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Llywodraeth Cymru  
Welsh Government

**Response to Objector's Evidence: Iolo Williams**

(Gwent Wildlife Trust)

## **1. GROUNDS FOR OBJECTION**

### **1.1. Details**

1.1.1. Iolo Williams has submitted a Statement of Evidence dated 4 April 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 Iolo Williams' Statement to be based on the following:

1. Suggested that the Gwent Levels is one of the jewels in the crown of Wales, this rare and complex wetland habitat is nationally important for its wildlife and is protected by national designations that encompass very rare water beetles and other aquatic bugs and wetland plants that live in and around the area's network of reens and ditches, and that there is nowhere else like this in Wales (suggesting the only place that comes close in the UK is parts of East Anglia or the Somerset Levels). Suggested that there is a very healthy population of water voles here and that the population is virtually gone now. Suggested that the Gwent Levels is also a real stronghold for otters and eels.
2. Suggested the Gwent Levels is the only place in Wales people can see magnificent cranes – breeding for the first time in 400 years – amongst other Welsh rarities such as bearded tits, avocets, bitterns and harriers.
3. Concerned that the 'mitigation' proposed is 'nothing short of a joke' (citing examples) and that there is no scientific evidence that the mitigation measures are effective to maintain and enhance wildlife.
4. Concerned about impact on the Gwent Levels in light of its history (ancient marsh).
5. Concerned about impact on the Gwent Levels in light of its impact on people (amenity value to local people including increased noise and visual impact with the Scheme).
6. Suggested that building more roads only encourages more traffic.

7. Concerned that we have already lost so much of the Gwent Levels already due to development and fragmentation will devalue the habitat on both sides of the 6 lane motorway and leave the northern part at risk of further development.
8. Suggested that there is no doubt that this scheme does not make economic, financial or environmental sense.
9. Suggested that people are not stuck in traffic, they are the traffic, and that if we want to get people happier and healthier and reduce greenhouse gases, we should invest in smarter choices such as travel planning, car-reduction policies, telecommunications, cycling schemes, local bus, rail quality and reliability enhancements etc.
10. Suggested that Wales' USP is the Well-being of Future Generations – 'let's actually do this and not pay lip service to it'.

## 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                          | 2.1.2                        | 6                          | 2.4.1                        |
| 2                          | 2.2.1                        | 7                          | 2.5.1                        |
| 3                          | 2.3.1                        | 8                          | 2.1.2                        |
| 4                          | 2.1.2                        | 9                          | 2.1.2                        |
| 5                          | 2.1.2                        | 10                         | 2.1.2                        |

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

1. **Point 1** (*Suggested that the Gwent Levels is one of the jewels in the crown of Wales, this rare and complex wetland habitat is nationally important for its wildlife and is protected by national designations that encompass very rare water beetles and other aquatic bugs and wetland plants that live in and around the area's network of reens and ditches, and that there is nowhere else like this in Wales (suggesting the only place that comes close in the UK is parts of East Anglia or the Somerset Levels). Suggested that there is a very healthy population of water voles here and that the population is virtually gone now. Suggested that the Gwent Levels is also a real stronghold for otters and eels*) / Proofs of Evidence of Keith Jones (WG1.18.1), Jon Davies (WG1.19.1), Richard Green (WG1.20.1) and Simon Zisman (WG1.21.1) considers the effect of building and operating the new section of motorway on the natural 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. The evidence of Matthew Jones (WG1.1.1) and John Davies MBE (1.23.1) consider the Scheme and the sustainable development principle, taking into account the balance between economic, social, cultural and environmental impacts of the Scheme. Matthew Jones provides a summary of the likely impacts and benefits of the Scheme at section 24 of WG1.1.1 and concludes that there is a compelling case in the public interest for the Scheme to proceed.

2. **Point 4** (*Concerned about impact on the Gwent Levels in light of its history (ancient marsh)*) / All impacts on the historic environment are identified in the March 2016 Environmental Statement (Document 2.3.2) and the September 2016 Environmental Statement Supplement (Document 2.4.4). Mick Rawlings also presents his evidence (WG1.9.1) on the cultural heritage features of and likely impacts on the Gwent Levels. Matthew Jones (WG1.1.1) and John Davies MBE (WG1.23.1) considers the assessed environmental impacts of the Scheme against social, cultural and economic impacts, concluding that the Scheme should progress.
3. **Point 5** (*Concerned about impact on the Gwent Levels in light of its impact on people (amenity value to local people including increased noise and visual impact with the Scheme)*) / 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 Environmental Statement (Document 2.3.2) at paragraph 8.8.11) and in Nicholas Rowson's Proof of Evidence (WG1.8.1) at paragraph 7.11. Some offsetting of these impacts would be provided by way of a programme of historic landscape study. Phillip Evans' Proof of Evidence WG1.14.1 at paragraph 9.1.9 sets out that the Scheme would result in a positive improvement in the noise environment surrounding the existing M4 though Newport. For the new section of motorway, the published Scheme has been designed to minimise noise effects whilst not resulting in other unacceptable environmental effects. However, it is accepted that, for some areas situated on the Newport Wetlands,

significant adverse effects on local amenity will occur and are unavoidable. On balance, however, the assessment indicates that the Scheme results in a considerably greater benefit than disbenefit. As mentioned above, Matthew Jones (WG1.1.1) and John Davies MBE (WG1.23.1) consider the assessed environmental impacts of the Scheme against social, cultural and economic impacts, concluding that the Scheme should progress.

4. **Point 8** (*Suggested that there is no doubt that this scheme does not make economic, financial or environmental sense*) / Stephen Bussell sets out the likely economic impacts of the Scheme in his evidence (WG1.3.1).
5. **Point 9** (*Suggested that people are not stuck in traffic, they are the traffic, and that if we want to get people happier and healthier and reduce greenhouse gases, we should invest in smarter choices such as travel planning, car-reduction policies, telecommunications, cycling schemes, local bus, rail quality and reliability enhancements etc.*) / Proof of Evidence of Matthew Jones WG1.1.1 in section 3 explains the background to the Scheme, including alternatives previously considered. Section 9 of Matthew Jones' evidence (WG1.1.1) goes on to explain how the Welsh Government is progressing the South Wales Metro, which he states at section 24.19 forms a vital part of the Welsh Government's vision for an efficient and integrated transport network.
6. **Point 10** (*Suggested that Wales' USP is the Well-being of Future Generations – 'let's actually do this and not pay lip service to it'*) / John Davies' Proof of Evidence 1.23.1 addresses the sustainable development principle set out in the Well-being of Future Generations Act 2015. John Davies MBE considers the Scheme and the sustainable development principle, also taking into account the balance between economic, social, cultural and environmental impacts of the Scheme. Matthew Jones also considers sustainable development and acknowledges that the Welsh Government is subject to the duties relating to sustainable development set out in the Well-being of Future Generations Act 2015 in section 16 of his evidence (WG1.1.1).

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

## **2.2. Simon Zisman (Ornithology)**

2.2.1. Response to **Point 2** (Suggested the Gwent Levels is the only place in Wales people can see magnificent cranes – breeding for the first time in 400 years – amongst other Welsh rarities such as bearded tits, avocets, bitterns and harriers):

1. In relation to cranes, one pair of these birds successfully nested near Whitson in 2016. The impact of the proposal on cranes was assessed in the December 2016 Supplement to the Environmental Statement, and additional measures are being incorporated into the Draft SSSI Mitigation Strategy in an attempt to provide replacement nesting habitat. As it is acknowledged that use of this alternative nesting site cannot be guaranteed, the Environmental Statement Supplement acknowledged there may be a residual impact on crane nesting habitat.

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

## **2.3. Jon Davies (Ecology)**

2.3.1. Response to **Point 3** (Concerned that the ‘mitigation’ proposed is ‘nothing short of a joke’ (citing examples) and that there is no scientific evidence that the mitigation measures are effective to maintain and enhance wildlife):

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 distiches 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 ratio for provision of new reens and ditches has been agreed with NRW. The reason that the ratio of new to existing reens is not greater is because NRW were concerned that the original proposals (which included 7,610 m of new reens and 11,800 m of new ditches) could have had adverse effects on the hydrology of the levels. The requirements for SSSI mitigation land have also been agreed with NRW.
3. 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).
4. 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. It is not reasonable, or cost effective, to survey specifically for all species which may be present in the area of the Scheme.
5. The duty under Section 7 of the Environment Wales Act states that without prejudice to section 6, the Welsh Ministers must—
  - a) take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section, andThe requirement under section 6 is that:
  - (1) A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.
6. As explained in the Proof of Evidence of John Davies (WG 1.23.1) the duty to seek to enhance biodiversity only came into effect this year and therefore did not apply at the time the Plan for the M4 around Newport was being prepared and the effect on biodiversity was being considered.



7. However, in my opinion, in testing options using WelTAG; selecting a route and making highway design choices that would minimise the effect on the SSSIs, the Welsh Government has taken all steps that are reasonable with respect to maintaining and enhancing the relevant habitats and species, and has sought to maintain and enhance biodiversity and promoted the resilience of ecosystems, insofar as that is consistent with the proper exercise of its functions regarding the motorway network.
8. The SSSI mitigation strategy sets out the measures proposed to convert existing arable land to grassland and to enhance exiting grassland habitats. The measures proposed are not novel and there is no reason to doubt their success. It is inevitable that management issues will arise, such as the need to eradicate invasive weed species, but these can be addressed though appropriate monitoring and management.
9. The Contractor would be responsible for implementing the Environmental, Landscape and Ecology Aftercare Plan (see March 2016 Environmental Statement (Document 2.3.2, section 18.8) and this would include monitoring the performance of the completed Environmental Design for the duration of the Aftercare Period (5 years from completion of construction). The environmental performance of the project would be monitored against the commitments, objectives and targets identified in the Environmental Management System and more specifically, the Register of Environmental Commitments (updated in Appendix SR18.1 of the December 2016 Environmental Statement Supplement (Document 2.4.14)), which would include the mitigation requirements as set out in the AIES (Document 2.2.7), Environmental Statement (Document 2.3.2), licences/consents, and other documentation.
10. Following the 5 year aftercare period responsibility for the management and maintenance of the Scheme's soft estate, including all elements of the environmental design and mitigation, would revert to Welsh Government. In common with other strategic highways that are the responsibility of the Welsh Government a specification for that ongoing management and maintenance would be produced at that time. The specification would incorporate measures to address ongoing commitments made previously with respect to the Scheme.

11. However the Environmental Statement (Document 2.3.2) acknowledges that there would be significant adverse effects on the Gwent Levels SSSIs as a result of the land take for the Scheme, even after mitigation.
  12. It can be seen that the proposed mitigation measures have been carefully considered and designed and where applicable, accord so far as practicable with accepted guidance.
  13. Mr Williams seeks to cast doubt on the effectiveness of the proposed mitigation but presents no evidence to support this view. Other parties have questioned the adequacy or effectiveness of aspects of the proposed mitigation in their objections to the Scheme and the specific points made are addressed in detail in section 7.6 of Keith Jones Proof of Evidence (WG 1.18.1). Jonathan Davies (WG 1.19.1), Richard Green (WG 1.20.1) and Simon Zisman (WG 1.21.1) have addressed concerns of objectors regarding mitigation for effects on dormouse and water vole, bats and birds respectively.
  14. Further responses on this matter are provided in the response to the evidence of James Byrne (also forming part of OBJ0270).
- 2.3.2. I confirm that the statement of truth and professional obligations to the inquiry from my main proof still applies.

#### **2.4. Bryan Whittaker (Traffic)**

- 2.4.1. Response to **Point 6** (Suggested that building more roads only encourages more traffic):
1. The scheme will increase the number of vehicle-kilometres driven within the study area. Table 9.3 of the (Revised) Traffic Forecasting Report presents the forecast extent of this increase. In the design year 2037, the increase is 0.3% in the AM peak hour, 0.0% in the average inter-peak hour, and 0.2% in the PM peak hour.
  2. Forecast traffic growth between the base year 2014 and the design year 2037 is in the order of 30%. The scale of this induced traffic is no more than around 1% of the background traffic growth is forecast to occur.
- 2.4.2. I confirm that the statement of truth and professional obligations to the inquiry from my main proof still applies.

**2.5. John Davies (Sustainable Development)**

2.5.1. Response to **Point 7** (Concerned that we have already lost so much of the Gwent Levels already due to development and fragmentation will devalue the habitat on both sides of the 6 lane motorway and leave the northern part at risk of further development):

1. 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.

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