

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



File Ref WG/REB/OBJ0297 - GOS

Llywodraeth Cymru
Welsh Government

Objection Ref OBJ0297

Response to Objector's Evidence: Gwent Ornithological Society

1. GROUNDS FOR OBJECTION

1.1. Details

1.1.1. The Gwent Ornithological Society (GOS) has submitted a Statement 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.

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

1. Stated that GOS fully supports the submissions by Gwent Wildlife Trust (GWT) and other members of the Campaign Against the Levels Motorway (CALM) Alliance. Many of GOS's concerns have already been dealt with in the submissions made by GWT and CALM members.
2. Stated that if a new motorway is to be built then GOS strongly favours the Blue Route.
3. Stated that the construction of a motorway across habitats that are rare in a Welsh context would seem to go against the principles enshrined in the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.
4. Concerned that the proposed new motorway will significantly damage a series of Sites of Special Scientific Interest (SSSIs) and nine different Sites of Importance for Nature Conservation (SINCs).
5. Concerned that the reens themselves along the route of the proposed motorway will be damaged and suffer long-term adverse effects from run-off/pollution.
6. Concerned about loss of wetland (reens), damp grassland habitat and deciduous woodland, including part of GWT's Magor Marsh reserve on Barecroft Common, with impact on birds and other wildlife and disturbance to birds from construction and post-construction noise.
7. Concerned about loss of important and scarce habitats, notably marshy grassland, deciduous woodland and hedges. Species likely to be directly affected by habitat loss include Mute Swans, Moorhens, Water Rails, Sedge and Reed Warblers, Cetti's Warblers, Tree Sparrows, Reed

Buntings and feeding Grey Herons. Stated that the Scheme would create new wildlife habitats and possibly enhance others but there will inevitably be a net loss of land under tarmac and concrete which is objectionable.

8. Concerned about the impact on Little Egrets. A nearby breeding colony of Little Egrets at Magor Marsh, discovered in 2016, is only the second known colony in Gwent and it could well be disbanded following construction work and noise nearby should the motorway go ahead.
9. Concerned about the impact on Barn Owls, which hunt over the damp grassland and will be vulnerable to road collisions, and Mute Swans, which are likely to land on the motorway, mistaking the road for a river, and be killed.
10. Stated that the damp grassland along the route, especially Barecroft Common, has the potential to attract birds such as Lawplings, Redshank Yellow Wagtails and Tree Sparrows. Lapwing is Red-listed and Redshank Amber-listed in Wales and both Yellow Wagtail and Tree Sparrow are Red-listed species in Wales and the UK as a whole.
11. Concerned about the probable impact of the proposed road on nesting Cranes. The road will bisect nesting and feeding areas.
12. Stated that the Scheme would exacerbate road traffic and will contribute negatively to climate change.

2. REBUTTAL

2.1. Points Raised

2.1.1. Some of the above points have already been addressed in previous correspondence and 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	2.1.3	7	2.4.1
2	2.1.4	8	2.4.2
3	2.2.1	9	2.4.3
4	2.1.3	10	2.4.1
5	2.3.1	11	2.4.4
6	2.1.3	12	2.5.1

2.1.2. The Objector's points below have already been covered in previous correspondence and proofs of evidence as follows:

2.1.3. **Points 1, 4 and 6** (Stated that GOS fully supports the submissions by Gwent Wildlife Trust (GWT) and other members of the Campaign Against the Levels Motorway (CALM) Alliance. Many of GOS's concerns have already been dealt with in the submissions made by GWT and CALM members), (Concerned that the proposed new motorway will significantly damage a series of Sites of Special Scientific Interest (SSSIs) and nine different Sites of Importance for Nature Conservation (SINCs) and (Concerned about loss of wetland (reens), damp grassland habitat and deciduous woodland, including part of GWT's Magor Marsh reserve on Barecroft Common, with impact on birds and other wildlife and disturbance to birds from construction and post-construction noise) / 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 clearly identifies the magnitude and significance of effects on a

wide range of environmental features and assets. In addition, Matthew Jones (WG1.1.1) clarifies that:

1. Neither the Newport Wetlands National Nature Reserve and RSPB Reserve, nor the Magor Marsh and Great Traston Meadows Gwent Wildlife Trust Nature Reserves, would be significantly affected, although a small area of land owned by the Gwent Wildlife Trust would be acquired. Views of the new section of motorway from Magor Marsh Nature Reserve would be screened by the existing woodland and vegetation within and surrounding the nature reserve and residential properties within Magor.
 2. The draft CPO (and hence the footprint of the Scheme) covers 3395 sq m (0.34 ha) at the northern corner of this land (excluding the adjacent section of road - 766 sq m) and thus only some 3% of the area (11.3 ha) of the fields Gwent Wildlife Trust purchased in 2012.
 3. Separate Rebuttals will be published to the objections made by OBJ0030 Royal Society for the Protection of Birds, OBJ125 Friends of the Earth Cymru and OBJ270 Gwent Wildlife Trust (various).
- 2.1.4. **Point 2** (Stated that if a new motorway is to be built then GOS strongly favours the Blue Route) / Proof of Evidence of Matthew Jones, WG1.1.1 section 3 “Background” and paras 23.10-23.13. In addition, Matthew Jones (WG1.1.1) clarifies that:
1. 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. As stated in WG1.1.1 paragraph 24.17, 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 our proposals for a South Wales Metro, it forms a vital part of our vision for an efficient and integrated transport network for Wales. There is a compelling case in the public interest for the Scheme to proceed.
- 2.1.5. The other points are responded to by specialist topic in turn in the sections following.

2.2. John Davies (Sustainable Development)

2.2.1. Response to **Point 3** (Stated that the construction of a motorway across habitats that are rare in a Welsh context would seem to go against the principles enshrined in the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016):

1. Paragraphs 26-44 of my proof of evidence (WG1.23.1) deal with the sustainable development principle set out in the Well-being of Future Generations Act 2015. Paragraphs 77-90 deal with ecology and nature conservation; in particular paragraph 86 deals with the duty under section 6 (1) of the Environment (Wales) Act 2016.
2. Paragraph 84 of my proof of evidence explains how the design of the Scheme has continued to evolve in ways that minimise the impact of the new section of motorway on the Gwent Levels SSSIs.

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

2.3. Richard Graham (Water Quality)

2.3.1. Response to **Point 5** (Concerned that the reens themselves along the route of the proposed motorway will be damaged and suffer long-term adverse effects from run-off/pollution):

1. The drainage system has been designed to capture all road surface water runoff via naturally cleansing grass lined channels (or conventional concrete channels where the elevation of the proposed carriageway becomes too steep). The grass lined channels are impermeably lined to prevent any seepage of highway runoff into the Gwent Levels.
2. The channels also offer an extra treatment stage to the received runoff in addition to conveying water to the dedicated water treatment areas (WTA). Only after water had passed through the multiple treatment processes within a WTA, comprising a pollution control lagoon, wet attenuation lagoon and reed bed, is the water able to discharge to the Gwent Levels via the reen system, once pollutants have been reduced to acceptable levels.

3. The discharge rate will be restricted to a green-field runoff rate to prevent flooding and also maintain a suitably long residence time within the reed bed prior to discharge. Assessment has been undertaken (Appendix 16.3 to the March 2016 Environmental Statement (Document 2.3.2) and Appendix SS16.1 to the December 2016 Environmental Statement Supplement (Document 2.4.4)) that shows the WTA are capable of treating operational run-off to levels below those likely to lead to pollution of reens receiving the discharges.

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

2.4. Simon Zisman (Ecology - Ornithology)

2.4.1. Response to **Point 7 and 10** (Concerned about loss of important and scarce habitats, notably marshy grassland, deciduous woodland and hedges. Species likely to be directly affected by habitat loss include Mute Swans, Moorhens, Water Rails, Sedge and Reed Warblers, Cetti's Warblers, Tree Sparrows, Reed Buntings and feeding Grey Herons. Stated that the Scheme would create new wildlife habitats and possibly enhance others but there will inevitably be a net loss of land under tarmac and concrete which is objectionable), (Stated that the damp grassland along the route, especially Barecroft Common, has the potential to attract birds such as Lawplings, Redshank Yellow Wagtails and Tree Sparrows. Lapwing is Red-listed and Redshank Amber-listed in Wales and both Yellow Wagtail and Tree Sparrow are Red-listed species in Wales and the UK as a whole):

1. GOS describe the proposal as resulting in loss of 'important and scarce habitats', which in turn would impact a variety of bird species, of differing importance in terms of their abundance and population trends. The value of both habitats and species has been fully taken account of in the proposal's Environmental Statement (ES) (Document 2.3.2) and its Supplements (Documents 2.4.4 and 2.4.14) by assessing predicted impacts on ecological receptors, from habitat loss, disturbance during construction and during operation. This ecological impact assessment used standard approaches to predicting impacts on habitats and species, and takes account of their conservation value using well-established standard criteria.

2. The ES acknowledges and quantifies the extent of habitat loss that would result from the proposal, in terms of SSSIs, SINCs and habitat types. Refinements to these figures have been made and published as the proposal's detailed design has progressed. To address SSSI habitat losses, the ES incorporated Draft SSSI Mitigation and Reen Strategies that have been developed in close liaison with Natural Resources Wales (NRW). These Draft Strategies continue to be progressed through further liaison with NRW, focusing on habitat provision to replace grazing marsh, reens and ditches lost as a result of the proposal, but also incorporating measures to mitigate impacts on several species, including birds highlighted by GOC (mute swan, moorhen, water rail, sedge and reed warblers, Cetti's and reed bunting, mallard, and grey heron).
3. The habitat and species recorded during the surveys carried out for the proposal's Environmental Statement, and the desk studies completed to help assemble baseline bird information, have taken note of these species GOS highlight in relation to damp grassland, as part of the assessment.
4. As noted above, and as GOS acknowledge, there are extensive habitat mitigation measures incorporated into the proposals, including through the two Strategies already mentioned and also through the Environmental Masterplan (September 2016 Environmental Statement Supplement Figure R2.6). It is acknowledged however, that there will inevitably be areas of habitat covered by the road infrastructure. Where habitats were assessed as being of value, in their own right or for the species that they support, mitigation has been put in place where reasonable and practical to do so, most notably through the Draft SSSI and Reen Mitigation Strategies, which are progressing to their final versions in liaison with NRW.
5. GOC's reference to The State of Nature (2016) Wales report is acknowledged. Fragmentation is also known to be one of the causes of decline in many species. Nonetheless, as already highlighted, embedded mitigation in the proposal has sought to minimise the fragmentation caused by the Scheme, and broader mitigation aims to avoid loss of SSSI and priority habitats. The considerable woodland planting to be carried out through the Environmental Masterplan is an example of where habitat connectivity will be increased.

6. The construction process has, by way of a further example, also been planned so as to avoid curtailment of reens during (as well as after) construction.
 7. The effects of disturbance (visual and noise) on breeding and wintering birds have been taken into consideration as part of the Environmental Assessment. In relation to noise, 2014 baseline noise levels have been considered in relation to bird distribution recorded by bird survey work, and this, as well as published literature on birds and noise, and modelled future noise levels from the construction and operational phases, has been used to help inform the assessment of impacts on birds. In terms of visual disturbance, standard guidance on disturbance sensitivity and distances was also used for the assessment.
- 2.4.2. Response to **Point 8** (Concerned about the impact on Little Egrets. A nearby breeding colony of Little Egrets at Magor Marsh, discovered in 2016, is only the second known colony in Gwent and it could well be disbanded following construction work and noise nearby should the motorway go ahead):
1. Although the exact location of the Little Egret breeding colony and roost is not provided, given the location of suitable habitat and its distance from the proposed route, there is no evidence presented to suggest that birds would be displaced, as GOS suggest.
- 2.4.3. Response to **Point 9** (Concerned about the impact on Barn Owls, which hunt over the damp grassland and will be vulnerable to road collisions, and Mute Swans, which are likely to land on the motorway, mistaking the road for a river, and be killed):
1. In relation to barn owls, it is accepted that this species is susceptible to road traffic collisions, particularly dispersing young. It is for this reason that a Barn Owl Mitigation Plan will be produced in liaison with NRW, if the development is approved. In the interim, surveys have not identified confirmed nest sites for this species in proximity to the proposed motorway, although one potential nesting hole has been recorded. If landowners willing to host barn owl nest boxes can be identified that are greater than 3km from the route, then provision of two nest boxes will be included as the key feature of the Mitigation Plan for this species. A

number of the habitat measures in the SSSI and Reen Mitigation Strategies will also provide improved foraging habitat for barn owl.

2. Whilst mute swan are widespread along the route, and whilst occurrences of this behaviour are known, they are still relatively isolated and cannot therefore be described as 'likely', as GOS assert.

2.4.4. Response to **Point 11** (Concerned about the probable impact of the proposed road on nesting Cranes. The road will bisect nesting and feeding areas):

1. In relation to cranes, as GOS note, 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.

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

2.5. Bryan Whittaker (Traffic)

2.5.1. Response to **Point 12** (Stated that the Scheme would exacerbate road traffic and will contribute negatively to climate change):

1. The scheme will increase the number of vehicle-kilometres driven within the study area. Table 9.3 of the Revised Traffic Forecasting Report (Document 2.4.13) 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 that is forecast to occur.
3. The increase in carbon emissions from those additional kilometres driven is offset by the reduction in carbon emissions that result from the improved flow of traffic and the shorter distance. Stop start conditions result in considerably more carbon emissions than a smooth flow of traffic. Further details are provided in Tim Chapman's Proof of Evidence WG1.13.1.

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

Annex – Correspondence List

Date	In/Out	Author	Email/Post/Meeting
27/04/2016	In	Gwent Ornithological Society	Letter
04/05/2016	Out	Welsh Government	Letter
03/08/2016	Out	Welsh Government	Letter
03/02/2017	In	Gwent Ornithological Society	Email