

Welsh Government

**A40 Llanddewi Velfrey to Penblewin
Improvements**

Environmental Statement Chapter 5:
Legislation and Policy Context

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5 Legislation and Policy Context

5.1 Introduction

5.1.1 The purpose of this chapter is to provide an overarching and strategic legislative and policy context for the Scheme from an environmental perspective. As such it briefly describes key legislation and the main planning policies of specific relevance to the Scheme, at European, UK and Welsh levels. In addition, it lists the development planning policies at the local level. It focuses on Pembrokeshire County Council as the planning authority through which the proposed Scheme runs, and additionally the Pembrokeshire Coast National Park policies have been included, given that it is the nearest neighbouring planning authority and would be impacted by the Scheme.

5.1.2 Specific legislation and policy is considered further on a topic by topic basis within Chapters 6 – 18 of this Environmental Statement (ES). Individual chapters also provide further detail on how the design and assessment of the Scheme has been specifically developed considering the relevant policies and legislation introduced within this context chapter.

5.2 Legislation

Environment (Wales) Act 2016

5.2.1 Enacted in 2016 by the National Assembly for Wales, the Environment (Wales) Act 2016 provides an iterative framework that ensures that managing natural resources sustainably will be a core consideration in decision-making. Natural Resources Wales are the principle organisational body to help deliver the aims of the Act and are required to prepare a number of documents, which include:

- a) State of Natural Resources Report;
- b) National Natural Resources Policy; and
- c) Area Statements.

- 5.2.2 These documents will help inform the design of road schemes so that they can be delivered in a way that manages natural resources sustainably. The Act also includes provisions to tackle climate change, through statutory emission reduction targets and carbon budgeting to support their delivery.
- 5.2.3 In particular, Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales. The S6 duty requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems. To follow the S6 duty public authorities should embed the consideration of biodiversity and ecosystems into their early thinking and business planning, including any policies, plans, programmes and projects, as well as their day to day activities.

Historic Environment (Wales) Act 2016

- 5.2.4 The Historic Environment (Wales) Act forms part of a suite of legislation, policy, advice and guidance that makes important improvements to the existing systems for the protection and sustainable management of the Welsh historic environment. In broad terms, the Act gives more effective protection to listed buildings and scheduled monuments, enhances existing mechanisms for the sustainable management of the historic environment, and introduces greater transparency and accountability into decisions taken on the historic environment.

Well-being of Future Generations Act (Wales) 2015

- 5.2.5 This 2015 Act is about improving the social, economic, environmental and cultural well-being of Wales with an overarching aim of creating a Wales we all want to live in, now and in the future. The Act puts in place seven well-being goals shown in Table 5.1.
- 5.2.6 The 2015 Act places a duty on public bodies in Wales and those listed in the Act to work to improve the economic, social, environmental and cultural well-being of Wales. To help do this they must set and publish well-being objectives and give greater consideration to the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach.

5.2.7 The WelTAG Stage 1 and 2 Reports identify the problems, objectives and consider the possible solutions, arriving at a recommendation to progress the Scheme subject to this assessment. The objectives have been considered against and are aligned to the seven well-being goals set out within the 2015 Act. In addition, appraisal against the impact areas focus on the four pillars of sustainable development, those being: economic; social; cultural; and environmental impacts.

5.2.8 Such impacts are aligned to the sustainable development principle as set out in the 2015 Act and the proposed Scheme seeks to improve a key piece of infrastructure for future generations in Pembrokeshire, the wider region and those visiting from elsewhere.

Table 5.1 Well-being Goals

Goal	Description of Goal
A prosperous Wales	An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.
A resilient Wales	A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).
A healthier Wales	A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.
A more equal Wales	A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio-economic background and circumstances).
A Wales of cohesive communities	Attractive, viable, safe and well-connected communities.
A Wales of vibrant culture and thriving Welsh Language	A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts and sports and recreation.
A globally responsible Wales	A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.

Active Travel (Wales) Act 2013

- 5.2.9 Enacted in 2013 by the National Assembly for Wales, the Active Travel (Wales) Act 2013 sets a legal requirement for local authorities in Wales to map and plan for suitable routes for active travel, and to build and improve their infrastructure for walking and cycling every year. It creates new duties for highways authorities to consider the needs of walkers and cyclists and make better provision for them.
- 5.2.10 It also requires both the Welsh Government and local authorities to promote walking and cycling as a mode of transport so that local communities rely less on cars when making short journeys.
- 5.2.11 In the context of road schemes, there is significant opportunity to reconfigure existing infrastructure so that it better meets the needs of existing and new settlements and facilitates active travel. For example, bypass road schemes can address settlement severance and in doing so provide opportunities for active travel because pedestrians and cyclists would no longer need to compete with significant volumes of vehicular traffic for short journeys in the locality.
- 5.2.12 The Act sets out that where offline improvements are proposed, the new section of road will allow for existing roads to be declassified. This will allow governments and local authorities to explore opportunities to provide benefits to Non-Motorised Users (NMUs).

Conservation of Habitats and Species Regulations 2017

- 5.2.13 Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna provides legal protection for habitats and species of European importance. The Directive is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (the ‘Habitats Regulations’).
- 5.2.14 The Habitats Regulations requires the competent authority to consider, inter alia, whether the plan or project is likely to have a significant effect on a European site. If there is a likely significant effect an ‘appropriate assessment’ of the implications of the project for that site must be undertaken. (either alone or in combination with other plans or projects).

- 5.2.15 The project can only proceed if it has been ascertained that it will not affect the integrity of the European site (unless there are no alternatives and there are imperative reasons of overriding public interest supporting the project ('IROPI')).
- 5.2.16 Given that it could not be concluded at screening stage that European sites would not be likely significantly affected by the Scheme, an appropriate assessment has been undertaken in the form of an Assessment of Implications on European Site (AIES) in accordance with the Conservation of Habitats and Species Regulations 2017. This considers the possible effects of the Scheme on European Sites. The findings of the AIES are reported separately and conclude that there would not be any likely significant effects.

Climate Change Act 2008

- 5.2.17 The Act imposes a duty on the Secretary of State to reduce UK wide greenhouse gas emissions in 2050 to a level which is at least 80% below the level of emissions in 1990. It also obliges the Secretary of State to set carbon budgets for successive five-year period and to prepare proposals and policies for meeting those carbon budgets. Part 2 of the Act establishes the Committee on Climate Change.
- 5.2.18 Parts 4 and 5 of the Act impose limited duties and confer limited powers on Welsh Ministers in terms of contributing towards meeting the UK wide carbon targets. The Environment (Wales) Act 2016, imposes specific carbon budgeting duties on Welsh Ministers similar to those to which the Secretary of State is subject.
- 5.2.19 Further information on climate change and how the Scheme would accord with the principles set out by relevant climate change policies and legislation is set out in chapter 18 of the ES.
- 5.2.20 The A40 improvements generally seek to avoid stop-start conditions and unsafe overtaking, which typically involves hard acceleration and deceleration. This will contribute to improved vehicle emissions.

Natural Environment and Rural Communities Act 2006

- 5.2.21 The Natural Environment and Rural Communities Act 2006 (NERC Act) was designed to help achieve a rich and diverse natural environment and thriving rural communities through modernised and

simplified arrangements for delivering UK Government policy. The Act implemented key elements of the (then) UK Labour Government's Rural Strategy published in July 2004 (Defra, 2004).

- 5.2.22 The NERC Act established Natural England and made amendments to both the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000. Section 40 sets out a duty to conserve biodiversity whereby 'every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', whilst Section 42 requires the National Assembly of Wales to 'publish a list of the living organisms and types of habitat which in the Assembly's opinion are of principal importance for the purpose of conserving biodiversity'. 'Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat' (Section 40(3)).

Human Rights Act 1998

- 5.2.23 The Human Rights Act 1998 is relevant where there is a need for compulsory purchase to acquire the necessary minimum land to construct the Scheme. The Act outlines that a Compulsory Purchase Order (CPO) should only be made where there is a compelling case in the public interest. An acquiring authority, including Welsh Ministers, should be sure that the purposes for which it is making a CPO sufficiently justify interfering with the human rights of those with an interest in the land affected having regard, in particular, to the provision of Article 1 of The First Protocol to the European Convention on Human Rights and, in the case of dwellings, Article 8 of the Convention.

Wildlife and Countryside Act 1981 (as amended)

- 5.2.24 For more than three decades the Wildlife and Countryside Act 1981 (as amended) (WCA) has been, and remains, the principal mechanism for the protection of wildlife in the UK. The WCA comprises four parts. Part 1 covers the protection of wildlife, including birds, their nests and eggs; wild animals, mammals and wild plants. Part 2 makes provision for the countryside, national parks, the designation of protected areas including Sites of Special Scientific Interest (SSSIs), limestone pavements, National Nature Reserves, and grants by the national nature conservation bodies in England and Wales. Part 3 covers public rights

of way, including footpaths and bridleways whilst Part IV deals with miscellaneous provisions.

Highways Act 1980

- 5.2.25 The Scheme is being promoted and would be constructed using the powers of the Welsh Ministers as Highway Authority in accordance with the Highways Act 1980. These powers were transferred to them by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 and the Government of Wales Act 2006.
- 5.2.26 The powers to construct the new section of trunk road would be obtained through the statutory Orders which will be published alongside the application in addition to a CPO which would enable Welsh Ministers to acquire all land and rights over land necessary for the construction and operation of the proposals.
- 5.2.27 As part of the legal process, the Welsh Ministers would consider all the responses to the draft Scheme and Orders and then decide whether to hold a Public Local Inquiry.

5.3 Welsh Government Plans and Strategies

- 5.3.1 Other documents published by Welsh Government of direct relevance to the development and design of the Scheme can be grouped under the general headings of transport, economics, environment, and climate change. However, all have been written within the framework of sustainable development, and as such need to be considered collectively as well as individually.

Prosperity for All: The National Strategy (2017)

- 5.3.2 The Welsh Government's National Strategy outlines its long-term aim to build a Wales that is prosperous and secure, healthy and active, ambitious and learning, and united and connected. Its Programme for Government, Taking Wales Forward, sets out the headline commitments it will deliver between now and 2021. The National Strategy takes those key commitments, places them in a long-term context, and sets out how they fit with the work of the wider Welsh public service to lay the foundations for achieving prosperity for all.

- 5.3.3 The Strategy includes the commitment to deliver a significant improvement to the M4 around Newport, as well as enhancements to the A55, the A40 in West Wales and other trunk roads.
- 5.3.4 The Strategy Prosperity for All: Economic Action Plan, which was published later in 2017, is an action plan in line with the national strategy. It contains actions that will work to grow the economy and reduce inequality. It has been developed to meet the needs of today and to prepare for the challenges and opportunities of the future.

Taking Wales Forward 2016-2021

- 5.3.5 Taking Wales Forward sets out the government's programme to drive improvement in the Welsh economy and public services, delivering a Wales which is prosperous and secure, healthy and active, ambitious and learning, united and connected.
- 5.3.6 Taking Wales Forward 2016-2021 outlines this government's priorities for delivering those improvements. They are ambitious measures, aimed at making a difference for everyone, at every stage in their lives.
- 5.3.7 The measures include for improvements to the A40 in West Wales and part of its 'United and Connected' commitments.
- 5.3.8 Alongside the programme, the Welsh Government have published well-being objectives which set out how we will use the Well-being of Future Generations Act 2015 to help deliver its programme for government and maximise its contribution to the seven shared national well-being goals.

National Transport Plan for Wales (March 2010 and 2015)

- 5.3.9 Published in 2015 by the Welsh Government, the National Transport Finance Plan followed the National Transport Plan 2010 and lists the schemes the Welsh Government will deliver across the different areas of transport policy for which it is responsible. The 2015 Plan is not a policy document in itself but provides a framework of schemes pursuant to policy aims set out in the Wales Transport Strategy 2008.
- 5.3.10 A Scheme to improve the A40 between Llanddewi Velfrey and Penblewin is detailed in the plan under reference R15. The Scheme is described as;
- a) 2km of new highway to the north of the village of Llanddewi Velfrey;
 - b) 2.5km of improved highway west of Ffynnon Wood; and
 - c) Improved facilities for non-motorised travel via new cycle tracks and new bridleway, with a means of crossing the new highway either over or beneath.
- 5.3.11 In July 2013, Edwina Hart AM CStJ MBE, then Minister for Economy, Science and Transport, published a written statement outlining her priorities for Transport. The statement included the following; *“Improving the A40 has been identified as a priority by the Haven Waterway Enterprise Zone Board and I intend to undertake further development of previously proposed improvements.”*
- 5.3.12 On 12 November 2014, in providing an update on the closure of the Murco Refinery in Milford Haven, the Minister made an oral Statement in Plenary; *“In terms of transport links, I have instructed my officials to accelerate to the fullest extent possible the programme for delivering improvements at Llanddewi Velfrey.”*
- 5.3.13 In June 2015, in a written statement on the A40 Improvement Study the Minister noted *“It is my intention to progress delivery of the A40 Llanddewi Velfrey to Penblewin Scheme as soon as possible...”*
- 5.3.14 The strategic rationale for the Scheme is that it would help address road safety issues and improve accessibility to the Haven Waterway Enterprise Zone and employment sites on a TEN-T route.

Green Corridors on the Welsh Government Trunk Road and Motorway Network 2018 and Trunk Road Estate Biodiversity Action Plan 2004-2014

- 5.3.15 The Welsh Government, as the Highway Authority for Wales, has direct responsibility for the maintenance, improvement and development of the trunk road and motorway network for Wales. Under the Countryside and Rights of Way (CRoW) Act 2000, the Welsh Government has a duty to have a regard for the conservation of biodiversity in its work.
- 5.3.16 The Welsh Government Transport Directorate is already incorporating biodiversity into its work, and the Trunk Road Estate Biodiversity Action Plan (TREBAP) (Welsh Assembly Government, 2004b) contributed to this ongoing process.
- 5.3.17 The Objectives of the TREBAP, within the constraints of recourses and road safety, were to:
- a) set practical and realistic actions and targets for the period 2004 – 2014;
 - b) link with other relevant Biodiversity Action Plan targets for habitats and species;
 - c) increase awareness of the Transport Directorate’s staff and contractors, its environmental partners, and the general public, of the biodiversity interest of the trunk road and motorway network;
 - d) encourage the use, and dissemination, of best practice for biodiversity in the management and development of the trunk road and motorway network; and
 - e) reflect the requirements of the Assembly’s Sustainable Development Scheme and Action Plan where relevant.
- 5.3.18 TREBAP set out a number of Habitat Action Plans and Species Action Plans some of which are directly relevant to the Scheme, further reference to which is provided in Chapter 8 (Ecology and Nature Conservation).
- 5.3.19 The Green Corridors on the Welsh Government Trunk Road and Motorway Network initiative will deliver against the Economic Action Plan Prosperity for All, creating a sustainable economy and promoting the economic, cultural, social and environmental well-being, and enhancing people’s quality of life in Wales.

- 5.3.20 Over a five year period the initiative will deliver a programme of work and activities such as tree planting to improve structure and age range of the planted area, and introducing wildflower areas or improving the diversity of existing areas.

Wales Infrastructure Investment Plan (2012)

- 5.3.21 The Wales Infrastructure Investment Plan for Growth and Jobs (WIIP) is designed to prioritise, scope and coordinate delivery of the Welsh Government's major infrastructure investments, whilst improving the long term economic, social and environmental well-being of people and communities in Wales.
- 5.3.22 The Plan, through Chapter 1 sets a number of high level investment priorities including: *'Improving transport links, particularly East-West transport links in both North and South Wales'*. This priority is further explored through Chapter 2 of the Plan which outlines an aim to 'secure the most out of the existing road network through well planned maintenance and upgrades to ensure the road network operates more efficiently by:
- a) Prioritising investments which contribute to economic growth – addressing urban congestion and improving access to key areas, and by improving the capacity and reliability of our key east-west corridors.
 - b) Being more agile in our approach to developing solutions to underlying problems to address problems that people face every day.
- 5.3.23 The A40 forms one of the key east-west corridors and the Plan recognises the importance of the route. Annex 2 of the Plan provides a 10 year indication of the 'direction of travel' for each sector. The A40 Llanddewi Velfrey to Penblewin is included under the transport sector with recognition of the strategic link to the first phase of improvements completed in 2011.

Economic Renewal, A New Direction (July 2010)

- 5.3.24 Economic Renewal, A New Direction was published in July 2010. It sets out the role that the Welsh Government can play in providing the best conditions and framework to enable the private sector to grow and flourish.

5.3.25 Part 3 of the document encourages investment in high quality and sustainable infrastructure to underpin economic growth. People, businesses and communities need to be well connected within and beyond Wales and to have access to the right facilities and services where they live and work. Investors and indigenous businesses must be able to count on communications, transport, energy and other infrastructure necessary for 21st century enterprise.

5.3.26 The document continues to state that people cannot work if they are not linked to their jobs, training and public services. Businesses cannot operate without access to the labour forces, materials and markets. Furthermore, faster physical connections, such as an efficient and reliable road network, increase productivity because they save time and therefore lower costs. Excellent infrastructure is also a prerequisite for creating the right conditions to enable businesses to locate and flourish.

One Wales: One Planet (May 2009)

5.3.27 One Wales: One Planet was first launched by the Welsh Government in May 2009. This document sets out the objectives to achieving the goal of sustainable development. One Wales: One Planet defines sustainable development as ‘enabling all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.’

5.3.28 In Wales this means achieving a better quality of life for this and future generations by:

- a) promoting social justice and equality of opportunity; and
- b) Enhancing the natural and cultural environment and respect its limits – using only a fair share of the earth’s resources and sustaining our cultural legacy.

5.3.29 One Wales: One Planet also sets out sustainable development as a core principle of the Welsh Government’s founding statute. The Welsh Government has a statutory duty to set out how it proposes to promote sustainable development.

- 5.3.30 Within the document, five main chapters demonstrate the actions that will be taken to deliver sustainability. They are set out under the following headings:
- a) Sustainable Resource Use;
 - b) Sustaining the Environment;
 - c) A Sustainable Economy;
 - d) A Sustainable Society; and
 - e) The Wellbeing of Wales.

One Wales: Connecting the Nation – The Wales Transport Strategy (April 2008)

- 5.3.31 One Wales: Connecting the Nation is the Wales Transport Strategy, published in April 2008. The document establishes a national framework for transport planning in Wales and is therefore pertinent to the Scheme.
- 5.3.32 The main aim of One Wales: Connecting the Nation is ‘to promote sustainable transport networks that safeguard the environment while strengthening our country’s economic and social life.’ The One Wales Programme is working towards promoting sustainable transport between communities in different parts of Wales to access services, jobs and facilities where travelling is both easy and sustainable, which will support the growth of the economy.
- 5.3.33 Connecting the Nation endorses the proposition that a good transport system is central to achieving a vibrant economy and social justice through equality of access and greater mobility. It sees transport as having a leading role to play in adapting to the impacts of climate change. Fundamentally, economic prosperity is at the forefront of Connecting the Nation in order to connect people with businesses for employment and businesses with their customers and suppliers. Chapter 4 of the strategy provides the focus for the national and regional plans. Table 5.2 sets out the long-term outcomes sought from transport within Wales.

Table 5.2 One Wales: Connecting the Nation Long-Term Outcome

One Wales: Connecting the nation long-term outcomes		
Social	Economic	Environmental
Improve access to healthcare	Improve access to employment opportunities	Increase the use of more sustainable materials
Improve access to education, training and lifelong learning	Improve connectivity within Wales and internationally	Reduce the contribution of transport to greenhouse gas emissions
Improve access to shopping and leisure facilities	Improve the efficient, reliable and sustainable movement of freight	Adapt to the impacts of climate change
Encourage healthy lifestyles	Improve access to visitor attractions	Reduce the contribution of transport to air pollution and other harmful emissions
Improve the actual and perceived safety of travel		Improve the impact of transport on the local environment
		Improve the impact of transport on our heritage
		Improve the impact of transport on biodiversity

Trunk Road Forward Programme, 2002, 2004 and 2008

- 5.3.34 The aim of the Welsh Government's 2002 Trunk Road Forward Programme was to improve the economic and social conditions in Wales, through increasing efficiency and accessibility in all areas.
- 5.3.35 The Forward programme indicated the Welsh Government's intentions for road schemes that were expected to cost £1 million or more.
- 5.3.36 The A40 St Clears to Haverfordwest was identified in the Forward Programme within the 'East – West (south) strategic corridor'. This identified two specific schemes:
- a) A40 Llanddewi Velfrey to Penblewin; and
 - b) A40 Penblewin to Slebech Park.
- 5.3.37 Both these schemes were classified as 'Phase 2' schemes, which 'could be ready to proceed by April 2010. This position remained within the 2004 supplement to the 2002 Programme.

- 5.3.38 During a reprioritisation of the Programme in 2008, the two schemes were differentiated as follows:
- a) Penblewin to Slebech Park Scheme – identified as a ‘Phase 1’ high ranking scheme (programmed ready to start between 2008 and April 2011); and
 - b) Llanddewi Velfrey to Penblewin Scheme – identified as a ‘Phase 3’ scheme meaning that further studies were needed to identify best solutions and the Scheme is unlikely to be ready to start before April 2014.
- 5.3.39 The Penblewin to Slebech Park Scheme was subsequently completed in March 2011 with a bypass of Robeston Wathen, to Slebech Park only.
- 5.3.40 Since then, the Llanddewi Velfrey to Penblewin Scheme received continued ministerial support and further desk-based work was completed.
- 5.3.41 The project team has now been asked to consider the Llanddewi Velfrey to Penblewin Scheme, and the preferred option which has emerged through WelTAG appraisal and Design Options Review forms the basis of this ES.

Environment Strategy for Wales (2006)

- 5.3.42 The Environment Strategy for Wales (Welsh Assembly Government, 2006) was published in 2006 and outlines the Welsh Government’s long-term strategy for the environment of Wales for the next 20 years. It provides a framework within which to achieve an environment, which is clean, healthy, biologically diverse and valued by the people of Wales. The Strategy is supported by a series of regularly updated action plans which detail specific actions aimed at delivering the vision and outcomes set out in the Strategy.
- 5.3.43 The last Environment Strategy annual report for 2010 – 2011 (Welsh Government, 2011b) was published at the end of 2011 which coincided with the end of the second action plan. The action plan focuses on ten themes, of which seven – biodiversity, access and recreation, flood and water management, ecosystem services, the historic environment, people and the environment, and environmental quality – are relevant to the Scheme.

- 5.3.44 In addition to annual reporting, the Welsh Government published a State of the Environment report in July 2012 (Welsh Government, 2012) which presents data on the indicators monitoring progress against its Environment Strategy. Welsh Government is currently reviewing the Environment Strategy to ensure that it reflects the relevant commitments in the Natural Resource Management Programme which was designed to deliver:
- a) new policy measures to manage the natural resources of Wales, including the setting of national priorities;
 - b) an Environment Bill for Wales (see above);
 - c) embedding the ecosystem approach;
 - d) working with Natural Resources Wales and coordinating performance management arrangements; and
 - e) communications and knowledge transfer work to help deliver the new approach.

Wales – A Vibrant Economy (November 2005)

- 5.3.45 Wales – A Vibrant Economy was published in November 2005 and is the strategic framework for economic development in Wales. The main vision of the document is to create; *‘a vibrant Welsh economy delivering strong and sustainable economic growth by providing opportunities for all.’*
- 5.3.46 As part of the aims for economic development set out in Wales – A Vibrant Economy, one important part of allowing businesses to grow and flourish is by investing in networks and other forms of economic infrastructure whilst always ensuring sustainable development.
- 5.3.47 It is the view of the policy that more and more businesses are depending on fast, safe and reliable transport networks and services. Improving the productivity of Welsh businesses through reducing journey times for individuals and goods and encouraging international trade through larger and more connected markets provides an attractive investment environment.

5.4 National Planning Policy

- 5.4.1 Current national planning policy is contained within the Wales Spatial Plan (WSP), Planning Policy Wales (PPW10) and is supplemented by various Technical Advice Notes.

Technical Advice Note 24: The Historic Environment (2017)

- 5.4.2 TAN 24 provides guidance on how the planning system considers the historic environment. The TAN recognises that archaeological remains are a finite and non-renewable resource and the conservation of such remains forms a material consideration in determining an application.
- 5.4.3 The detail of the TAN and potential impacts on the historic environment are considered further in Chapter 10 of this ES, Archaeology and Cultural Heritage.

Planning Policy Wales (Edition 10, December 2018)

- 5.4.4 Planning Policy Wales establishes the national planning policy framework for guiding development throughout Wales and Edition 10 of the document (herein referred to as PPW10) was most recently updated in December 2018.
- 5.4.5 PPW10 provides out a planning framework linked to the Well-being of Future Generations Act and has been specifically structured to deliver the vision for Wales outlined by the goals within the Act. The principles of the 2015 Act have been set out earlier and will not be repeated here but in essence PPW10 reaffirms the importance of sustainable development in the context of the wellbeing of future generations. For further information as to how the Scheme has been designed in accordance with the Act and PPW10 please see the Scheme's WelTAG stage reports and the Sustainable Development Report.
- 5.4.6 In the context of transport schemes, PPW10 recognises that a prosperous Wales can be promoted through the development of modern and connected infrastructure and that in order for cohesive communities to be created they need to be well-connected.

- 5.4.7 Chapter 5 of PPW states that ‘development plans should identify and include policies and proposals relating to the development of transport infrastructure and related services including areas safeguarded for future transport infrastructure/routes. Where possible, the route of the proposed new or improved infrastructure should be shown in the development plan’. This is the case with the A40 around Llanddewi Velfrey.

Technical Advice Note 23: Economic Development 2014

- 5.4.8 TAN 23 provides guidance on economic development, it states that the planning system should recognise the economic aspects of all development and that planning decisions be made in a sustainable way which balance social, environmental and economic considerations. PPW10 defines economic development broadly so that it can include any form of development which is necessary for economic activity.
- 5.4.9 Chapter 2 of TAN 23 covers the weighting of economic benefit. This states that where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. The decision will depend on the specific circumstances and the local planning authority’s priorities.

Technical Advice Note 5: Nature Conservation and Planning 2009

- 5.4.10 TAN 5 provides advice on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. TAN 5 brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by local planning authorities. The key principles of planning for nature conservation include:
- a) Work to achieve nature conservation through partnerships;
 - b) Integrate nature conservation into all planning decisions;
 - c) Ensure the UKs international and national obligations for site, species and habitat protection are fully met in all planning decisions;
 - d) Encourage development that provides a net benefit for biodiversity conservation;

- e) Development should not damage or restrict access to or the study of geological sites and features or impede the evolution of natural processes and systems;
- f) Forge and strengthen links between the planning system and biodiversity action planning; and
- g) Plan to accommodate and reduce the effects of climate change.

5.4.11 These points are explored in more detail through Chapter 8 of this ES, Ecology and Nature Conservation.

The Wales Spatial Plan (Update 2008)

5.4.12 Ultimately, through provisions in the Planning (Wales) Act 2015 the Wales Spatial Plan (WSP) will be replaced by the National Development Framework (NDF) when published, however the current programme suggests publication in 2020 and therefore the WSP remains relevant to this assessment.

5.4.13 The WSP was originally adopted by the Welsh Government in November 2004 and was updated in July 2008 (Welsh Assembly Government, 2008a). The overall role, purpose and principles of the WSP are set out at paragraph 1.2. They include the following.

- a) Making sure that decisions are taken with regard to their impact beyond the immediate sectoral or administrative boundaries and that the core values of sustainable development govern everything the Welsh Government does.
- b) Setting the context for local and community planning.
- c) Influencing where money is spent by the Welsh Government through an understanding of the roles of and interactions between places.
- d) Providing a clear evidence base for the public, private and third sectors to develop policy and action.

5.4.14 It is a principle of the WSP that development should be sustainable. Sustainable development is about improving well-being and quality of life by integrating social, economic and environmental objectives in the context of more efficient use of natural resources.

- 5.4.15 The Scheme is located in ‘Pembrokeshire – The Haven’ as defined by Chapter 18 of the WSP. The vision for this area is ‘a network of strong communities supported by a robust, sustainable, diverse high value-adding economy underpinned by the Area’s unique environment, maritime access and internationally important energy and tourism opportunities’.
- 5.4.16 Improvements to transport links and economic infrastructure is identified as a key strategic priority which will contribute to achieving the above vision. Furthermore, the WSP recognises that ‘the A40 road link between the M4 and the Area’s port is designated in the Assembly Government’s forward trunk road programme. Improvements to the A40 are being made with the current scheme of bypasses. The need for further investment will be kept under review.’

Technical Advice Note 18: Transport (March 2007)

- 5.4.17 TAN 18 (Welsh Assembly Government, 2007) encourages an efficient and sustainable transport system as a requirement for modern society. It states that to achieve a more sustainable pattern of development it is necessary to understand the interactions and linkages between land use and transport and devise integrated strategies, objectives and policies at the national, regional and local levels.
- 5.4.18 PPW10 and the Wales Transport Strategy both aim to secure the provision of transport infrastructure and services, which improve accessibility, build a stronger economy, improve road safety and foster more sustainable communities. This will be achieved through:
- a) integration of transport and land use planning;
 - b) integration between different types of transport;
 - c) integration of transport policy with policies for the environment, education, social justice, health, economic development and wealth creation.

Technical Advice Note 15: Development and Flood Risk (2004)

- 5.4.19 TAN 15 (Welsh Assembly Government, 2004a) provides technical guidance which supplements the policy set out in Planning Policy Wales in relation to development and flooding. It advises on development and flood risk as this relates to sustainability principles and provides a framework within which risks arising from both river and coastal flooding, and from additional run-off from development in any location, can be assessed (section 1.2).
- 5.4.20 Key to the assessment of impact for the A40 will be the surface water run-off generated by the new road and this is considered in further detail in Chapter 7 of this ES, Road Drainage and Water Environment.

Technical Advice Note 11: Noise 1997

- 5.4.21 TAN 11 provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development. It offers measures that may be used to mitigate the impact of noise, these briefly include:
- a) Engineering;
 - b) Layout; and
 - c) Administrative.
- 5.4.22 These points will be explored further through Chapter 14 of this ES, Noise and Vibration.

5.5 Regional Policy & Strategies

Joint Transport Plan for South West Wales 2015-2020

- 5.5.1 Published in 2015, the Joint Transport Plan for South West Wales is the culmination of collaborative working between Carmarthenshire County Council, Neath Port Talbot County Borough Council, Pembrokeshire County Council and the City and County of Swansea. This collaborative working is closely linked with wider initiatives under the Swansea Bay City Region concept.
- 5.5.2 The plan will provide the framework for improving connectivity to, from and within the region for the period 2015 – 2020.
- 5.5.3 The plan is targeted at addressing;
- a) Economic growth: Supporting and Safeguarding jobs in the City Region;
 - b) Access to employment: Reducing economic inactivity by delivering safe access to major employment sites in the City Region;
 - c) Tackling poverty: Maximising the contribution that transport services can make to targeting improvements to tackling poverty and target improvements at the most disadvantaged communities;
 - d) Sustainable travel and safety: Encouraging safer, healthier and more sustainable travel; and
 - e) Access to services: Connecting communities and enabling access to key services.
- 5.5.4 The plan acknowledges the strategic road network, including the Trans-European Network which links Europe to the Republic of Ireland, as vital gateways to the region for freight and passenger movements and as the most commonly used entry/exit routes to South West Wales.
- 5.5.5 This is an important driver for the regional economy and supports growth at Haven Waterway Enterprise Zone in Pembrokeshire and other strategic growth zones such as that of Cross Hands in Carmarthenshire.

- 5.5.6 Key policies within the plan, in the context of this Scheme, include;
- a) Policy KS1 - work collaboratively to develop improved public transport services, to link key settlements and their hinterlands with strategic corridors and employment sites.
 - b) Policy KS2 - seek to improve the journey time reliability between key settlements and strategic and local employment sites.
 - c) Policy KS3 - improve walking and cycling links within and between key settlements.
 - d) Policy IC1 - work with the WG through the NTP programme to improve the TENs and the Trunk Road network to facilitate journey time reliability and support the economic regeneration of the region.
 - e) Policy IC3 - work collaboratively to facilitate more reliable, effective and sustainable movement of people and freight to, from and through our ports. Also, to improve access to our ports.
 - f) Policy IC4 - work with the WG and other parties, to support the development of good access to regional and national airports in the UK, especially by public transport.
 - g) Policy SS1 - seek to reduce the number of road casualties and collisions through improvements to highways and traffic management.
- 5.5.7 The plan specifically addresses trunk road priorities setting out that; ‘They are the life blood of the region and essential to connect, sustain and grow local and regional economies. Trunk roads also provide national and international connectivity and support road based public transport connections to and from communities, settlements and employment, training, health care and leisure facilities.’
- 5.5.8 Along with the M4, the A477 and the A48, the A40 in West Wales forms part of the Trans-European Road Network (TEN-T), an important strategic link between Europe, the rest of the UK and Ireland via the ferry ports of Fishguard and Pembroke Dock.

South West Wales Tourism Strategy, 2004 – 2008

- 5.5.9 Published in 2004 by the South West Wales Tourism Partnership, the South West Wales Tourism Strategy presents a plan to provide an inclusive and common focus along with a set of shared objectives which can help guide the future development and promotion of tourism throughout the region.

- 5.5.10 The overarching requirement of the Strategic Plan is the ongoing need to become ‘less competitive internally and more competitive externally’. A key component of this is connectivity.
- 5.5.11 The countryside and coastal location is an important characteristic of the region and the remoteness of some areas in the region is a draw for many visitors. It is recognised in the tourism strategy that road links to and from South West Wales are generally excellent with high speed access as far west as St. Clears.
- 5.5.12 However, west of this point slow progress on the A40(T) and the A477(T) can lead to visitor frustration and presents a limiting factor when seeking to attract the competitive short break market. One of the key objectives of the tourism strategy is to create a year round quality experience and important in delivering this objective is to improve the ease of access to some of the region’s more remote and less accessible attractions.

5.6 Local Planning Policy

- 5.6.1 The local planning context which the Scheme has regard to is set out within the Local Development Plan (LDP) for Pembrokeshire County Council. The Scheme is being taken forward via the Highways Act (1980) as amended and consequently the Scheme is not governed by local planning policy but does have regard to it.
- 5.6.2 In addition to the LDP, this section also considers other policy and guidance at the local level considered to be of relevance to the ES.

Pembrokeshire County Council Local Development Plan, 2013

- 5.6.3 The Pembrokeshire County Council LDP was adopted in 2013 and establishes the local policy framework to guide development in the area.
- 5.6.4 Llanddewi Velfrey to Penblewin Improvement Scheme is identified under Policy GN.39 ‘Transport Routes and Improvements’. The proposals map has identified sufficient land in order to safeguard a possible route for the Scheme to avoid potential land use conflicts over the plan period.

- 5.6.5 The plan identifies three key trunk roads whose routes run into Pembrokeshire, namely the A40 (T), A477 (T) and A487 (T). They link to the two ferry terminals, at Pembroke Dock (A477 (T)) and Fishguard Harbour (A40 (T) and A487(T)). The A4076 (T) is a further important Trunk Road, linking Haverfordwest with Milford Haven.
- 5.6.6 Pembrokeshire County Council identified a need for significant investment in transport infrastructure, for example dualling the A40 and improving the A477.
- 5.6.7 The LDP identifies a number of strategic economic priorities citing the tourist industry as the County's largest industry and employer alongside industrial and energy development at the Port of Milford Haven. Improving access to both tourist destinations and employment growth hubs will be important for the future prosperity of the area.
- 5.6.8 In terms of future growth, within Llanddewi Velfrey, the plan identifies a housing allocation to the north of the village hall for a minimum of 12 units and an area of open space which is afforded protection through the plan. The plan identifies a number of housing and employment allocations within and around Narberth, Clarbeston Road and Haverfordwest. The main strategic areas for growth are located within the settlements of Haverfordwest, Milford Haven, Pembroke and Fishguard. When these sites come forward and development is realised they will contribute to flows along the A40 corridor.
- 5.6.9 Wider strategic and general policies of relevance to the Scheme are listed below, further details of which are provided in the relevant technical assessment chapters (Chapters 6-18).

Strategic Policies

- a) SP1 Sustainable Development
- b) SP5 Visitor Economy
- c) SP10 Transport Infrastructure and Accessibility
- d) SP16 The Countryside

General Policies

- a) GN.1 General Development Policy
- b) GN.2 Sustainable Design
- c) GN.3 Infrastructure and New Development
- d) GN.37 Protection and Enhancement of Biodiversity
- e) GN.38 Protection and Enhancement of the Historic Environment
- f) GN.39 Transport Routes and Improvements

Pembrokeshire Coast National Park Local Development Plan, 2010

- 5.6.10 The Plan was adopted in 2010 and provides the framework for town and country planning decisions to be made up until 2021 on how land is used and developed in the National Park. In general, although not promoting large scale growth in the same way as the Pembrokeshire County LDP, the Plan is supportive of wider growth outside of the National Park and in turn recognises the importance of the A40 as a key east-west link.

Pembrokeshire Destination Management Plan 2013-2018

- 5.6.11 Published in 2013 by the Destination Pembrokeshire Partnership, the Pembrokeshire Destination Management Plan is designed to act as a development guide for all Pembrokeshire based organisations, businesses and employees in tourism related roles. The plan aims to improve the tourist offer in the region in order to stave off competition from elsewhere in the UK.
- 5.6.12 A key objective of the plan is to develop and sustain the tourism infrastructure, environment and cultural resources. A component of this is the improvement of countryside access and access to remote locations as well as transport options. The plan specifically identifies a geography and connectivity related barrier:

'Pembrokeshire's relative isolation and distance from visitor markets is a significant limiting factor, especially for encouraging short breaks outside peak summer months. Improved road and rail networks linking other destinations, especially those in south west England, will have a displacement effect on visits to Pembrokeshire.'