

# A40 Llanddewi Velfrey to Penblewin

## PUBLIC LOCAL INQUIRY

[www.A40lvp-publicinquiry.co.uk](http://www.A40lvp-publicinquiry.co.uk)

### PUBLIC LOCAL INQUIRY INTO

#### THE LONDON TO FISHGUARD TRUNK ROAD (A40) (LLANDDEWI VELFREY TO PEMBLEWIN IMPROVEMENT) SCHEME AND ASSOCIATED SIDE ROADS & COMPULSORY PURCHASE ORDERS

Note of the Pre-Inquiry Meeting held on 15 January 2020 in Llanddewi Velfrey Village Hall

### 1. Introductions and Preliminary Matters

The Inspector opened the pre-inquiry meeting by explaining that its purpose was to discuss the arrangements to be made for the forthcoming public local inquiry into Orders proposed by the Welsh Government under the Highways Act 1980 and the Acquisition of Land Act 1981. These are the Trunk Roads, Side Roads and Compulsory Purchase Orders relating to the A40 Llanddewi Velfrey to Penblewin Improvement. Three draft Orders have been published for consideration.

The Inspector introduced himself as Aidan McCooey, a chartered town planner and an Inspector with the Planning Inspectorate. He has been appointed by the Welsh Ministers to hold the Inquiry, consider the evidence and prepare an independent report with recommendations concerning the Orders. The Inquiry is proceeding in accordance with the Highways (Inquiries Procedure) Rules 1994 and the Compulsory Purchase (Inquiries Procedure) (Wales) Rules 2010.

The Inquiry will commence on 10 March 2020 in Llanddewi Velfrey Village Hall and is scheduled to run for 3 weeks. He explained that the purpose of this meeting is to discuss the arrangements for the Inquiry and not to discuss the merits of the proposal, which will be for the Inquiry itself to examine.

The Inspector also introduced the Programme Officer – Tracey Smith. She can be contacted via email on [po.traceysmith@outlook.com](mailto:po.traceysmith@outlook.com) or telephone 07891 412761. She will be working to organise the Inquiry programme and ensure that the Inquiry proceeds in a smooth and timely manner. The Programme Officer is the point of contact for Inquiry participants and will liaise with the Inspector as necessary over any procedural matters that may arise. However, the Programme Officer will play no part in the consideration of the evidence or the content of the report.

An Inquiry website has now been established, [www.A40lvp-publicinquiry.co.uk](http://www.A40lvp-publicinquiry.co.uk) which participants should use to keep themselves updated as to documentation, progress of the Inquiry, timetabling and so on.

### 2. The Draft Orders and Scope of the Inquiry

The draft orders made by Welsh Government are:

Line Order – The London to Fishguard Trunk Road (A40) (Llanddewi Velfrey to Penblewin Improvement and De-Trunking) Order

Side Roads Order – The London to Fishguard Trunk Road (A40) (Llanddewi Velfrey to Penblewin Improvement) (Side Roads) Order

## Compulsory Purchase Order – The London to Fishguard Trunk Road (A40) (Llanddewi Velfrey to Penblewin Improvement) Compulsory Purchase Order

The Inspector indicated that the purpose of the Roads Orders sought is to give powers to: construct new sections of trunk road in order to improve the A40 by-passing Llanddewi Velfrey and improving the road as far as Penblewin, together with the associated construction of connecting roads and side roads; de-trunk existing lengths of trunk road and slip roads; and stop up lengths of superseded trunk road and stop up, improve, alter or create other roads, rights of way and private accesses.

The purpose of the proposed Compulsory Purchase Order is to give the power to acquire the land and rights required for the construction and maintenance of the roads scheme.

Planning permission is not needed in order for the Welsh Ministers to carry out the Scheme; nonetheless, due regard is required to national and local policy considerations. Development of the Scheme has included consultation with local planning authorities, statutory bodies, other relevant stakeholders and affected individuals. The proposed Scheme has been subject to Environmental Impact Assessment and an Environmental Statement produced in respect of the Scheme. A Statement to Inform an Appropriate Assessment of possible impacts on the various Special Areas of Conservation within 10km of the Scheme is also provided.

The Inspector set out the matters that are not for debate at Local Inquiries, and explained why. These included:

- The merits of Government Policy including national forecasts, the distribution of Government funding, national design standards etc, all of which are for National Parliaments and not local inquiries into individual local schemes.
- Matters of Law. If any arise they must be submitted in writing. They would be appended to the Inspector's Report.
- Matters of Compensation, which are not for local inquiries but for agreement between those representing the parties or for referral to the Lands Tribunal in default of agreement.

### **3. Procedure at the Inquiry**

The Inquiry will first hear the case for the Scheme, as put by the Welsh Government. The Inspector indicated that he anticipated that the evidence presented in support of the Scheme and Orders will cover matters such as:

- The need for, and aims of, the Scheme;
- Details of proposed design, alternatives considered and rationale for preferred option;
- Consistency with policy objectives;
- The construction process, impacts on land/property owners and others affected and measures to control and mitigate adverse impacts;
- Any significant environmental impacts arising from the completed scheme and measures proposed to minimise these;
- Likelihood of the Scheme proceeding, including funding, if the Orders are confirmed;
- Evidence concerning those matters raised as objections to the Scheme.

Following the presentation of the case for the Orders the Inquiry will then hear in turn from supporters of the Scheme and finally from objectors who wish to appear in person at the Inquiry. The promoter's response to the matters raised in objections will also be heard if necessary. Each party will have the opportunity to cross-examine the other; Welsh Government's representatives confirmed that its witnesses will be available to reappear for this purpose where needed.

#### **4. Participation at the Inquiry**

For Welsh Government Mr Anthony Vines of Counsel confirmed that he will call as witnesses:

Mark Dixon (Welsh Government) – Chief Witness on behalf of the Promoter  
Andrew Bamforth (Arup) – Witness for Traffic & Economics  
Tom Edwards (Arup) – Engineering Witness  
Andrew Sumner (RML) – Environmental Witness  
Pete Wells (Arup) – Ecology Witness  
David Hiller (Arup) – Noise Witness  
John Davies (Self-employed) – Planning & Sustainable Development Witness

Mr Vines provided an initial estimate of the time required to present the case for the Welsh Government.

No supporters indicated an intention to appear at the Inquiry at the meeting.

The objectors who wished to appear were:

Eleanor Clegg on behalf of Pembrokeshire Friends of the Earth  
Lloyd James on behalf of Mr Rayner Peett and Mrs Carol Peett

A letter will be sent from the Programme Officer to all who have responded to the publication of the draft Orders, and those attending this meeting, asking whether you wish to appear and other relevant details to enable a programme to be drawn up before the Inquiry starts. The Inspector confirmed that anyone who wishes to participate may speak at the Inquiry, subject to compliance with the Inquiry Rules and the procedures set out in this note.

All those wishing to appear in person are asked to confirm this to the Programme Officer without delay if they have not already done so, so that the Inquiry programme can be drawn up.

It was confirmed that no party had suggested any Alternative Routes for the Scheme. If anyone does wish to do so then details should be submitted to Welsh Government as soon as possible and in any event by 14 days before the Inquiry. This is so the Alternative can be worked up and publicised in line with the Inquiry Rules.

#### **5. Inquiry procedures**

The Inspector outlined the procedure to be followed at the Inquiry, which is outlined in the information booklet (a link to this booklet is on the website).

Any questions of clarification of the Welsh Government witnesses' Proofs of Evidence are to be submitted in writing one week before the Inquiry (by 3 March) and Welsh Government to respond in writing by the start of the Inquiry (if possible).

All of the Welsh Government case will be presented first in the Inquiry. The advantage of that is that objectors will have heard the full evidence of the WG team and an understanding of it up front for consideration before they give evidence.

Supporters will appear next and objectors may ask questions of them if they wish.

Objectors have an opportunity to cross-examine (ask questions of) the Welsh Government witnesses and will present their own cases. Objectors may in turn be asked questions by Counsel for Welsh Government. There will also be an opportunity to repeat this process for any rebuttal proofs produced by Welsh Government in response to the objections being heard. Or the objector can choose to combine this into one session considering the Welsh Government evidence in chief and its rebuttal together.

All parties will have the opportunity to round their case up in a final statement or speech and Welsh Government will provide closing submissions.

The Inquiry will be conducted in line with the principles of openness, fairness and impartiality.

## **6. Timetable for Submission of Evidence and The Inquiry**

The Public Inquiry Rules impose some requirements on the parties to the Inquiry to submit any evidence to be given at the Inquiry in writing well before the start. This enables everybody involved to have a clear idea of the cases that all parties intend to put.

Welsh Government confirmed that its main Statement of Case would be submitted by 4 February 2020, this will assist parties in preparing their submissions to the Inquiry.

All proofs of evidence and statements should be submitted to the Programme Officer by Wednesday 12 February.

Welsh Government rebuttal proofs should be submitted as soon as is possible and no later than 1 week before the objection is due to be heard.

Where proofs/statements exceed 1500 words, these must be accompanied by a summary not exceeding 1500 words. In such cases, summaries rather than full proofs will be read out at the Inquiry (but any cross-examination will be on the full proof).

The Inquiry opens at 10:00 on 10 March 2020 in the Village Hall and is scheduled to last for 3 weeks. It will sit on Tuesdays to Friday each week from 10 until around 5 pm (with an earlier finish on Fridays).

The Inquiry room will be equipped with a public address system, visual display facilities and a library of Inquiry documents. Side rooms will be provided for parties to conduct private discussions as the Inquiry proceeds.

## **7. Documents**

All documents submitted to the Inquiry will be given a number and added to the website and library. Similarly any written replies to questions by Welsh Government will be treated in the same way. I would appreciate opening and closing submissions in writing (and electronically) to assist my note taking and reporting of evidence. These too will be added to the website and library.

## **8. The Tests for Each Order**

The Inspector set out the tests for the three draft Orders that must be satisfied.

### **The Line and Detrunking Order**

It must be expedient in public interest i.e. a proven need now - having regard to effect on agriculture, its relationship with both local and national policy and its relativity to the needs of statutory undertakers. The de-trunking order must be compatible with the line order and the County Council's views on it made known.

### **The Compulsory Purchase Order**

The Inspector shall need to be convinced of a compelling case for the Compulsory Purchase of land in the public interest, and that there are no impediments to the progress of the scheme, that the necessary resources would be available within a reasonable time scale and that the Welsh Government has a thorough idea of what it needs the land for.

### **THE SRO**

The Inspector shall need to be satisfied that alternative routes to highways to be stopped up are reasonably convenient, (either existing or proposed), and where Private Means of Access are proposed for closure that, if needed, another reasonably convenient one is available or would be provided.

## **9. Other Matters**

Any party who wishes to suggest that the Inspector should recommend that any Order should be confirmed in a modified form, they should also produce in writing the detailed drafting amendments they seek to all or any of the Orders and do so as early as practicable at the Inquiry.

Welsh Government may propose modifications during the course of the Inquiry - it's essential that such Modifications proposed are geographically and technically explicit.

It would be very helpful if both objectors to and supporters of the various Orders would make it clear in their submissions to the Inquiry precisely which Orders they object to or support.

The Inspector noted that Natural Resources Wales and the Woodland Trust have several concerns with the proposal and the environmental information. The Inquiry will need to be fully informed of progress on these issues and the outcome of discussions. It is essential that environmental and ecology information is correct for the Inspector's report.

The Inspector referred to objections from Statutory Undertakers and the need to be assured in writing that objections have been withdrawn.

The Inspector clarified that he had visited the area of the Scheme unaccompanied and would continue to make unaccompanied site visits as the Inquiry progresses. The intention is to carry out a site visit to appropriate locations towards the end of the Inquiry. The Inspector shall be accompanied by representatives of Welsh Government and the objectors.

There being no other matters raised the meeting concluded with the following reminders of key issues and dates.

### **Reminders**

1. At start of Inquiry the promoters will need to confirm that all the statutory formalities have been complied with.
2. The Deadline target date for proofs of evidence is **12 February 2020**. These should be sent to PO who will distribute them to the WG team and to me.
3. Any suggested alternatives for the scheme should be submitted to Welsh Government without delay with a final Deadline of **25 February**. Lateness of submission can cause serious problems so please avoid that.
4. Questions of clarification for WG witnesses to be submitted by **3 March** with responses from Welsh Government by the start of the Inquiry (if possible).