

Adran Seilwaith yr Economi
Department for Economic Infrastructure



Llywodraeth Cymru
Welsh Government

**THE LONDON TO FISHGUARD TRUNK ROAD (A40) (LLANDDEWI
VELFREY TO PENBLEWIN IMPROVEMENT AND DE-TRUNKING) ORDER
201-**

**THE LONDON TO FISHGUARD TRUNK ROAD (A40) (LLANDDEWI
VELFREY TO PENBLEWIN IMPROVEMENT) (SIDE ROADS) ORDER 201-**

**THE WELSH MINISTERS (THE LONDON TO FISHGUARD TRUNK ROAD
(A40) (LLANDDEWI VELFREY TO PENBLEWIN IMPROVEMENT))
COMPULSORY PURCHASE ORDER 201-**

STATEMENT OF CASE – PART A – POLICY STATEMENT

MARK DIXON, BEng (Hons) CEng CEnv MICE

WELSH GOVERNMENT, CHIEF WITNESS

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1. Personal Statement

- 1.1 I am Mark Dixon. I have an Honours Degree in Civil Engineering gained in 1991 at the University of Wales, Cardiff. I am a Chartered Civil Engineer, becoming a Chartered Member of the Institution of Civil Engineers in 1998.
- 1.2 Following graduation, I spent the first five years of my career working for Mid-Glamorgan County Council as a Graduate and Assistant Engineer on the A4119 Dualling scheme.
- 1.3 Following Local Government reorganisation in 1996, I was appointed Senior Engineer within Glamorgan Engineering Consultancy, a public private partnership set up to provide highway design services for local authorities in South Wales. I predominantly worked within the bridges section, undertaking bridge design, strengthening and replacement schemes, together with general highway improvement schemes on trunk roads and county roads.
- 1.4 In the following years, I was Senior Engineer on the Church Village Bypass and Senior Design Reviewer for the Rhondda Relief Road structures.
- 1.5 In 2007, I joined the (then) Rail and New Roads Division of Transport Wales at the (then) Welsh Assembly Government. As a Project Engineer, I was responsible for a number of major trunk road projects in south and mid Wales, in particular the M4 Widening between J29 and J32 and delivered the study recommending improved surface access to Cardiff Airport.
- 1.6 In 2012, I was the Project Engineer promoting the new M4 Project in Newport and led the delivery of the M4 Corridor Enhancement Measures, one such project being the M4 J28 Improvements which was opened in November 2018. In this role, I was and continue to be

responsible for the delivery of transport improvement schemes on behalf of the Welsh Ministers identified in the National Transport Plan.

- 1.7 In 2018, I was Chief Witness in the Public Local Inquiry for the A465 Heads of the Valleys Dualling, Sections 5 and 6 from Dowlais Top to Hirwaun. The Public Inquiry was concluded successfully and the Made Orders published in 2019 to progress the scheme.

2. Foreword

- 2.1 Numerous functions formerly exercisable by Ministers of the Crown are now exercisable by the Welsh Ministers by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (Doc. 4.01.01) and the Government of Wales Act 2006 (Doc. 4.01.02). These include functions under highways and compulsory purchase legislation. In particular, the Welsh Ministers are the highway authority for trunk roads in Wales and may be authorised by an Order made by them to acquire land for highway purposes under the Highways Act 1980 (Doc. 4.01.03) and the Acquisition of Land Act 1981 (Doc. 4.01.04).
- 2.2 The Welsh Government consists of the First Minister, the Welsh Ministers, the Counsel General and the Deputy Welsh Ministers. The role of the Welsh Government is to exercise the powers conferred on it, to develop and implement policy and to pass legislation on devolved subjects. The Welsh Government is subject to democratic scrutiny by the National Assembly for Wales.
- 2.3 For the purposes of these Inquiries the formal functions in respect of highways as provided in the draft Orders are vested in the Welsh Ministers: these are promoted in accordance with Welsh Government policies and objectives and are advanced by witnesses in evidence on behalf of the Welsh Government.
- 2.4 This statement primarily addresses legislation, policies, strategies and plans that are focused on transport issues, given my role as Project

Engineer. Policies that impact indirectly on transport have not generally been referred to as part of this Statement, unless a specific element such as well-being or climate change is particularly relevant to the published Scheme.

- 2.5 Wider policy matters and planning and sustainable development issues pertinent to the published Scheme are addressed expressly by the expert evidence of John Davies (WG 1.7.2).
- 2.6 The remainder of this Statement is thus structured as follows:
- a) Legislation and National Policy Position;
 - b) Regional Policy and Strategies; and
 - c) Local Policy and Plans.
- 2.7 Information and evidence pertinent to the published A40 Llanddewi Velfrey to Penblewin Improvements Scheme (hereby referred to as “the Scheme”) is provided in summary throughout, in order to help consider how the Scheme would align or contribute to the relevant legislation, policies, strategies and plans. It is unavoidable that there will be some duplication where information and evidence is relevant to more than one piece of legislation, policy, strategy and plan being considered. However, this Statement has tried to avoid unnecessary duplication where possible and thus it is important that all sections of this Statement are read together and not in isolation.

Legislation and National Policy Position

3. Environment (Wales) Act 2016

- 3.1 Enacted in 2016 by the National Assembly for Wales, the Environment (Wales) Act 2016 (Doc. 4.01.05) replaces the Natural Environment and Rural Communities Act 2006 (NERC Act) (Doc. 4.01.18) in Wales. It provides an iterative framework that ensures that managing natural resources sustainably will be a core consideration in decision-making. Natural Resources Wales is 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 (Doc. 4.01.06);
 - b) National Natural Resources Policy (Doc. 4.01.07); and
 - c) Area Statements [Area Statements are currently under development] (Doc. 4.01.08).
- 3.2 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.
- 3.3 In particular, Section 6 under Part 1 of the Environment (Wales) Act 2016 (Doc. 4.01.05) 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.

- 3.4 The Scheme would be within 10km of five Special Areas of Conservation (SAC) and one Special Protection Area (SPA). It would also be within 30km of two SACs which have been designated for bat species. There are also extensive hedgerows and areas of woodland considered of value to wildlife. Surveys identified that dormice, badgers and several species of bat were present, or considered likely to be using the habitat areas to be affected by the Scheme. Otter and barn owl were also previously identified in the study area. During construction, protected species licences (obtained from NRW) would be required for bats, dormice and badgers prior to the commencement of works.
- 3.5 The Scheme has been developed with the aim of mitigating and enhancing biodiversity impacts where possible both during construction and operation.
- 3.6 Further information is presented within the Environmental Statement (Doc. 3.01.01) and expert evidence is presented within the Statement of Pete Wells (Ecology) (WG 1.5.2) and Andrew Sumner (Environment) (WG 1.4.2).
- 3.7 John Davies concludes in his proof of evidence (WG 1.7.2) that as a consequence of the Scheme's design and the mitigation proposals, the Welsh Government has met the requirements of the Environment (Wales) Act 2016 (Doc. 4.01.05)

4. Historic Environment (Wales) Act 2016

- 4.1 The Historic Environment (Wales) Act (Doc. 4.01.09) 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.

- 4.2 These impacts are covered in further detail in Chapter 10: Archaeology and Cultural Heritage of the Environmental Statement (Doc. 3.10.01 will be covered in further detail by the expert evidence of Andrew Sumner (Environment) (WG 1.4.2).
- 4.3 In addition to desk-based studies and geophysical studies, CADW and Dyfed Architectural Trust have been consulted with regarding the design and development of the Scheme. It is considered that the Scheme complies with the Historic (Environment (Wales) Act 2015 (Doc. 4.01.09).

5. Well-being of Future Generations (Wales) Act 2015

- 5.1 The 2015 Act (Doc. 4.01.10) 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 1.
- 5.2 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.
- 5.3 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.
- 5.4 A study into the A40 Llanddewi Velfrey to Penblewin has been undertaken in accordance with Welsh Transport Appraisal Guidance 2017 (WelTAG) (Doc. 4.01.11). The WelTAG Stage 1 and 2 Reports (Doc. 4.03.03, 4.03.04, 4.03.05, 4.03.06) identify the problems, objectives and consider the possible solutions, arriving at a recommendation at WelTAG Stage 3 (Doc. 4.03.07) to progress the

Scheme. The Scheme objectives have been considered against, and are aligned to, the seven well-being goals set out within the 2015 Act.

- 5.5 It is considered that the Scheme would perform positively against all but two of the Scheme objectives, and as such is expected to contribute positively to the well-being goals overall.
- 5.6 The WeITAG Stage 3 Impact Assessment (Doc. 4.03.08) and Stage Report (WeITAG Stage 3 reports) confirm that the Scheme would contribute positively to the following objectives:
- a) To enhance network resilience and improve accessibility along the east-west transport corridor to key employment, community and tourism destinations.
 - b) To improve prosperity and provide better access to the county town of Haverfordwest, the Haven Enterprise Zone and the West Wales ports at Fishguard, Milford Haven and Pembroke Dock.
 - c) To reduce community severance and provide health and amenity benefits.
 - d) To reduce the number and severity of collisions.
 - e) To promote active travel by cycling, horse riding and walking to provide opportunities for healthy lifestyles.
 - f) To deliver a scheme that promotes social inclusion and integrates with the local transport network to better connect local communities to key transport hubs.
- 5.7 The two objectives that the Scheme would not contribute positively to relate to reducing or offsetting waste and carbon, and the environmental impact of the Scheme. This is largely because of the operational vehicle emissions as well as the environmental impacts associated with the construction of the Scheme such as the impacts on landscape.
- 5.8 The WeITAG Stage 3 report also provides an assessment considering how the Scheme aligns with the Welsh Government's well-being objectives, as set out within its latest Well-being Statement. It is

considered that the Scheme would result in opportunities to help achieve the well-being objectives, thus aligning positively to its cross-cutting strategies, contributing to the well-being goals, and helping Welsh Ministers satisfy their duties and obligations under the 2015 Act.

- 5.9 For example, it is considered that the Scheme would provide a high-quality road built to modern standards, which would replace what is considered to be the lowest standard section of TEN-T in the UK, thus contributing to delivering modern and connected infrastructure; one of the well-being objectives.
- 5.10 The Scheme would also improve journey time reliability, particularly at times of incidents and delays, and seeks to improve a key piece of infrastructure for future generations in Pembrokeshire, the wider region and those visiting from elsewhere.
- 5.11 It is considered that the overall improvement in active travel connectivity through the Scheme could lead to an increase in physical activity within the local area. The Scheme proposes complementary active travel measures and would help improve conditions for local bus services and connections by car to railway stations via the A40.
- 5.12 These improvements would help contribute to the well-being objectives: support people and businesses to drive prosperity; and tackle regional inequality; and promote fair work.
- 5.13 The Scheme would provide improvements to safety, helping contribute to a healthier Wales. Historical accident data between 2011 and 2015 shows that the observed proportion of accidents on the A40 in the 'killed or seriously injured' category (35.0%) is higher than the WebTAG average default proportion (17.6%). This is presented within the Initial Traffic and Accident Data Report (Doc. 4.05.01). The majority of non-cluster incidents (43%) occurred due to vehicles veering onto the opposite side of the carriageway. It is also important to note that both fatal incidents, which are classified as being at non-cluster locations, are

also categorised within this accident type. These fatal incidents happened in 2011 and 2012. This indicates that issues may exist with the existing road layout, resulting in drivers veering into opposing traffic. This type of movement and associated accident is often associated with a lack of safe overtaking opportunities, driver frustration and risk taking.

- 5.14 Accident reduction and consequential savings would be achieved through the transfer of the great majority of through traffic from the existing A40 through Llanddewi Velfrey to a higher standard road designed to modern design standards. The Traffic Forecasting Report (Doc. 5.05.03) records that in the design year (2036) annual average daily traffic passing through Llanddewi Velfrey is forecast to reduce by 96% from 13,780 to 520 vehicles. The reduction of access points along the strategic route from 74 to 3 would also provide highway safety benefits. The total number of all accidents saved over the 60-year assessment period is predicted to be 41 with 51 fewer casualties. This was forecasted by CoBALT software and will be covered in further detail by the expert evidence of Philip Thiele (Traffic & Economics) (WG 1.2.2).
- 5.15 In addition, appraisal against the WelTAG impact areas focus on the four pillars of sustainable development, those being: economic; social; cultural; and environmental impacts. Overall, assessment carried out within the WelTAG Stage 3 reports demonstrates that the Scheme would perform well against the majority of social, cultural and economic criteria. This includes providing benefits to commuting, journey quality and access to services.
- 5.16 Whilst the Scheme is considered to contribute to improved noise levels, air quality and provide benefits to townscape, it is acknowledged that there would be some adverse impacts including upon archaeology and cultural heritage and a minor adverse impact upon agricultural land.

- 5.17 A full environmental impact assessment of the Scheme is provided within the Environmental Statement, and further expert evidence is presented within the statement of Andrew Summer. The Environmental Statement has informed the WelTAG Stage 3 reports.
- 5.18 The Environmental Statement has informed the WelTAG Stage 3 reports and the Sustainable Development Report for the published Scheme. That document considers how the Scheme aligns with the Well-being of Future Generations (Wales) Act (2015) (WFG Act) (Doc. 4.01.10) and its sustainable development principle. That documents concludes that the Scheme has been designed and developed considering the five ways of working advocated in the WFG Act, whilst its outcomes would help the Welsh Government contribute positively to most of its well-being goals.
- 5.19 John Davies builds on the Sustainable Development Report in his evidence (WG 1.7.2) to examine further the extent to which the Scheme has been developed in accordance with the sustainable development principle and its contribution to the well-being goals in the WFG Act.
- 5.20 John Davies concludes in his proof of evidence (WG 1.7.2) that the Scheme has been identified and developed in accordance with the 5 ways of working set out in Section 5(2) of the WFG Act and hence the Welsh Government has acted in accordance with the sustainable development principle as defined in the Act.

Table 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.

6. Active Travel (Wales) Act 2013

6.1 Enacted in 2013 by the National Assembly for Wales, the Active Travel (Wales) Act 2013 (Doc. 4.01.13) 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.

- 6.2 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.
- 6.3 An Active Travel Action Plan for Wales was published in 2016 (Doc. 4.01.14) to set out the actions Welsh Government will take in light of the Active Travel (Wales) Act (Doc. 4.01.13). The Plan acknowledges that the Act focuses upon walking and cycling as a mode of transport for purposeful journeys and that the Plan goes on to also focus upon walking and cycling in a recreational or competitive sense.
- 6.4 The Plan's vision is for walking and cycling to become the preferred travel choice for shorter distances for people in Wales. The Plan states how there is a need to enable people to choose to walk or cycle by making it easy, safe, convenient and desirable to. The Plan states that investments in infrastructure need to ensure the green environment is considered and that the Act requires the Welsh Government to take reasonable steps to enhance the provision for walkers and cyclists whenever investment is made in highway infrastructure.
- 6.5 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.
- 6.6 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.
- 6.7 In bypassing Llanddewi Velfrey the Scheme would reduce traffic through the village and would therefore reduce conflict between traffic on the A40 and residents and pedestrians in the village. This would help create a safer and more pleasant village environment and reduce the potential for road accidents. It would also improve air quality and severance in the village.

- 6.8 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 further opportunities to provide benefits to Walkers, Cyclers and Horse Riders (WCHRs). This could include the provision of additional pedestrian crossings in the village to tie in to the existing Public Right of Way (PRoW) network.
- 6.9 The Scheme would sever a number of PRoW but it is considered that associated impacts would be mitigated through the planned diversions and reinstatements that would result in an overall improvement of the walking, cycling and horse-riding network compared to the existing situation. For example, the existing section of A40 that would be bypassed by the Scheme is intended to be detrunked and re-purposed as a pedestrian friendly environment. The Scheme would also provide a number of new routes that would improve the network for all WCHRs, including horse riders and cyclists.
- 6.10 One public footpath (SP19/4/5) would be stopped up in its entirety, however, it is considered that the existing network and proposed network already provides alternative, equally advantageous routes.
- 6.11 Furthermore, the Scheme has provided the opportunity to improve and enhance walking, cycling and horse-riding links from the settlement of Llanddewi Velfrey and would seek to establish a number of new routes for pedestrians, cyclists and horse riders. Details are provided within the Environmental Statement in Chapter 15: All Travellers (Doc. 3.15.01.
- 6.12 It is considered that the Scheme aligns with the Active Travel (Wales) Act 2013 (Doc. 4.01.13).

7. Climate Change Act 2008

- 7.1 The Climate Change Act 2008 (Doc. 4.01.15) 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.
- 7.2 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 (Doc. 4.01.05), imposes specific carbon budgeting duties on Welsh Ministers similar to those to which the Secretary of State is subject.
- 7.3 The Greenhouse Gas Emissions Assessment for the Scheme, which is reported in the Environmental Statement Chapter 18 (Doc. 3.18.01, has identified that over the whole life of the Scheme there would be an increase in emissions associated with the Scheme. Other relevant assessments undertaken and reported within the same Chapter 18 of the Environmental Statement include the Climate Change Resilience assessment and the In-combination Climate Change Impact assessment. Together, they did not identify any significant risks associated with climate change.
- 7.4 There would be emissions associated with the construction and operation of the Scheme, and it is expected that over the 60-year appraisal period, the total emissions from the construction, operation and use of the road are expected to increase by 8.4% compared to the Do Minimum scenario (doing nothing above what is already planned and committed).

- 7.5 This is largely due to vehicles using the road during operation with an increase in user emissions due to an increase in average speeds owing to improved travel conditions, and a slight increase in distance travelled as a result of the new bypass.
- 7.6 Where possible, mitigation measures would be put in place as part of the Scheme to reduce emissions and carbon. For example, the highway alignment has been developed to minimise the need for the export of waste. The majority of the excavated material would be reused in the construction of embankments, landscaping and in the road build-up, therefore reducing the carbon impact. The pavement design has also considered the traffic forecast data, with a view to minimise the thickness of material required. Pavement materials are carbon intensive, so the pavement thicknesses were minimised as far as practicable without impacting durability.
- 7.7 Whilst the Scheme would not significantly influence a modal shift away from the private car to more sustainable transport modes, the Scheme would provide benefits to the local community of Llanddewi Velfrey in terms of active travel connectivity and would also improve access to the bus stop connection in the village, encouraging other forms of travel.
- 7.8 Every construction project will involve some expenditure of carbon but the well-being of the people of Wales requires that development takes place, in accordance with the sustainable development principle. The important point is that there is a trajectory of overall emissions reduction, as established for the UK by the Climate Change Act 2008 (Doc. 4.01.15) and most recently for Wales by the Environment (Wales) Act 2016 (Doc. 4.01.05). Neither Act requires specific projects to be subject to these targets, recognising that the response to climate change requires a cross-cutting approach across all sectors.
- 7.9 The Explanatory Memorandum for the Environment (Wales) Act (Doc. 4.01.16) explains (paragraph 162) that the intended effect of the

legislation includes flexibility, so that slower transition in one area can be balanced by more rapid progress elsewhere.

7.10 It is important to note that the user emissions are based on conservative projections of improvements in vehicle fuel efficiency, and do not allow for the emissions reductions that could be achieved with increased penetration of electric vehicles in the fleet. The Welsh Government is making practical efforts to ensure this transition to a low carbon transport system in Wales including committing £30 million on improving active travel and allocating more than £500,000 for electric vehicle charging infrastructure¹.

7.11 Therefore, whilst this specific project would lead to an increase in emissions, this does not mean that the Scheme conflicts with the Climate Change Act 2008 (Doc. 4.01.15) as this does not require every infrastructure project to reduce emissions, The Welsh Government is taking action across all of its areas of responsibility in order to meet its obligations under this Act. Further details are included within the Environmental Statement Chapter 18: Climate Change (Doc. 3.18.01) and the evidence of John Davies also deals with the topic of emissions and climate change in his evidence (WG 1.7.2).

8. Natural Environment and Rural Communities Act 2006

8.1 The Natural Environment and Rural Communities Act 2006 (NERC Act) (Doc. 4.01.18) 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) (Doc. 4.01.19).

¹ Welsh Government (2019) What is the Welsh Government doing to tackle climate change? (Doc. 4.01.17) - <https://gov.wales/what-is-the-welsh-government-doing-to-tackle-climate-change>

8.2 In Wales the functions and obligations of the NERC Act have been replaced by the Environment (Wales) Act 2016 (Doc. 4.01.05).

9. Human Rights Act 1998

9.1 The Human Rights Act 1998 (Doc. 4.01.22) 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.

9.2 The Statement of Case Part B – Statement of Need (WG 1.1.2) will set out that there is a compelling case in the public interest for the Scheme and thus a Compulsory Purchase Order (CPO) is justified.

9.3 It is considered that the Scheme aligns with the Human Rights Act 1998. (Doc. 4.01.22).

10. Wildlife and Countryside Act 1981

10.1 For more than three decades the Wildlife and Countryside Act 1981 (WCA) (Doc. 4.01.20) 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.

10.2 The Scheme would be within 10km of five Special Areas of Conservation (SAC) and one Special Protection Area (SPA). It would also be within 30km of two SACs which have been designated for bat species. . There are also extensive hedgerows and areas of woodland considered of value to wildlife. Surveys identified that dormice, badgers and several species of bat were present, or considered likely to be using the habitat areas to be affected by the Scheme. Otter and barn owl were also previously identified in the study area. During construction, protected species licences (obtained from NRW) would be required for bats, dormice and badgers prior to the commencement of works.

10.3 The Scheme has been developed with the aim of mitigating and enhancing biodiversity impacts where possible both during construction and operation.

10.4 The Scheme would sever a number of PRoW but it is considered that associated impacts would be mitigated through the planned diversions and reinstatements that would result in an overall improvement of the WCHR network compared to the existing situation.

10.5 Further information is presented within the Environmental Statement and expert evidence is presented within the Statement of Pete Wells (Ecology) (WG 1.5.2), Andrew Sumner (Environment) (WG 1.4.2) and John Davies (WG 1.7.2).

10.6 It is considered that, overall, the Scheme aligns with the Wildlife and Countryside Act 1981 (Doc. 4.01.20).

11. Highways Act 1980

11.1 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 (Doc. 4.01.03). These powers were transferred to them by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (Doc. 4.01.01) and the Government of Wales Act 2006 (Doc. 4.01.02).

11.2 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 Compulsory Purchase Order which would enable Welsh Ministers to acquire all land and rights over land necessary for the construction and operation of the proposals.

11.3 As part of the legal process, the Welsh Ministers have considered the responses to the draft Scheme and Orders and have decided to hold a Public Local Inquiry.

11.4 It is considered that the Scheme aligns with the Highways Act 1980 (Doc. 4.01.03).

12. Prosperity for All: A Climate Conscious Wales 2019

12.1 Prosperity for All: A Climate Conscious Wales (Doc. 4.01.23) sets out Welsh Government's climate change adaption plan for Wales between the years of 2020 and 2025. The Plan sets out how Welsh Government is taking action to address the areas of greatest risk by:

- a) protecting people, communities, buildings and infrastructure from flooding,
- b) protecting water supplies from drought and low river flows,
- c) tackling land management practices that exacerbate climate risks,
- d) managing risks to ecosystems and agricultural businesses.

- 12.2 The purpose of the Plan is to take steps to prepare for and adapt to climate-change related changes and to communicate what action the Welsh Government is currently taking under the theme of climate change adaption. For example, the Welsh Government want to ensure that new developments, homes and communities are protected from flood risk, taking climate risks into account and encouraging climate change adaption.
- 12.3 The Plan explicitly states that the focus of the plan is adaption and does not focus upon mitigation and prevention measures.
- 12.4 Chapter 18: Climate Change (Doc.3.18.1) of the Environmental Statement details the results of the greenhouse gas emissions statement, the climate change resilience assessment and the in-combination climate change impact assessment. The GHG assessment has identified that over the whole life of the Scheme there would be an increase in emissions associated with the Scheme. Other relevant assessments undertaken and reported within the same Chapter 18 of the Environmental Statement (Doc. 4.01.03) include the Climate Change Resilience assessment and the In-combination Climate Change Impact assessment. Together, they did not identify any significant risks associated with climate change.

13. Prosperity for All: A Low Carbon Wales 2019

- 13.1 Pertinent to the Climate Change Act 2008 (Doc 4.01.15), Prosperity for All: A Low Carbon Wales (Doc. 4.01.24) sets the foundations for Wales to transition to a low carbon nation and works within the context of the Environment (Wales) Act 2016 (Doc. 4.01.05) of which requires Welsh Government to reduce emissions of greenhouse gases in Wales by at least 80% for the year 2050.

- 13.2 The Plan notes how in 2017, Welsh Government set the ambition of achieving a carbon neutral public sector by 2030. This Plan identifies measures for how Welsh Government plans to meet the first carbon budget (2016-20).
- 13.3 The Welsh Government is taking action across all areas for which it has responsibility in order to meet its ambitions to tackle climate change. Prosperity for All: A Low Carbon Wales (Doc. 4.01.24) published in March 2019 contains 100 policies and proposals across all ministerial portfolios. It recognises the serious challenge of decarbonising transport but contains a range of policies and initiatives encouraging a shift to active travel plus an ambitious aim for a zero-emission bus, taxi and private hire vehicle fleet by 2028. The Government's 2020-21 Budget, the first since the declaration of a climate emergency, provides more than £140m of capital funding to support decarbonisation including investment in active travel and an electric bus fleet. Therefore, whilst this Scheme would result in some small increase in GHG emissions, this must not be seen in isolation but in the context of the Welsh Government's wider initiatives aimed at decarbonising transport, including encouraging zero and low emission vehicles and investing in charging infrastructure.
- 13.4 On 29 April 2019, the Welsh Government declared a climate emergency in Wales to draw attention to the magnitude and significance of the latest evidence from the Intergovernmental Panel on Climate Change and highlighting the recent climate protests across the UK.
- 13.5 The Welsh Government expressed their hope that the declaration could help to trigger a wave of action at all levels, that tackling climate change requires collective action and that the government has a central role to making collective action possible.
- 13.6 The announcement referred to Prosperity for All: A Low Carbon Wales (published the previous month) and stated that its associated Action Plan sets the policies and proposals intended to meet the 2020 carbon

emission targets. The statement referred to the Welsh Government's previously set targets in 2017, reaffirming the commitment to achieving a carbon neutral public sector by 2030.

- 13.7 The Welsh Government stated that the next plan, of which will set measures to meet emissions reduction targets by 2021-26, was being prepared and must go further and faster.
- 13.8 The Scheme would contribute to additional greenhouse gas emissions, as detailed within the Environmental Statement Chapter 18: Climate Change. Every construction project will involve some expenditure of carbon but the well-being of the people of Wales requires that development takes place, in accordance with sustainable development principle. The important point is that there is a trajectory of overall emissions reduction, as established for the UK by the Climate Change Act 2008 (and most recently for Wales by the Environment (Wales) Act 2016. Neither Act requires specific projects to be subject to these targets, recognising that the response to climate change requires a cross-cutting approach across all sectors.
- 13.9 The Explanatory Memorandum for the Environment (Wales) Act explains (paragraph 162) that the intended effect of the legislation includes flexibility, so that slower transition in one area can be balanced by more rapid progress elsewhere.
- 13.10 It is important to note that the user emissions are based on conservative projections of improvements in vehicle fuel efficiency, and do not allow for the emissions reductions that could be achieved with increased penetration of electric vehicles in the fleet. The Welsh Government is making practical efforts to ensure this transition to a low carbon transport system in Wales including committing £30 million on improving active travel and allocating more than £500,000 for electric vehicle charging infrastructure

13.11 Section 3(2)(a) of the WFG Act requires that a public body's well-being objectives should maximise 'its' contribution to achieving the well-being goals, clearly implying that it is the actions of the body as a whole rather than individual schemes that should be considered. As expressed within the expert evidence of John Davies (WG 1.7.2), this confirms that any assessment of a project against the WFG Act should therefore be made in the round and in the light of all of the Welsh Government's actions across its wide range of functions.

13.12 In this case the Scheme's impact on GHG emissions, considered in isolation, would be balanced by the Welsh Government's actions across all its areas of responsibility, including transport, aimed at reducing GHG emissions in Wales and tackling climate change. Also against GHG emissions must be balanced the positive contributions the Scheme would make to national well-being objectives and goals through improved road safety; increased network resilience; reduced community severance and noise impact, and improved air quality. As expressed within the expert evidence of John Davies (WG 1.7.2), it is considered that the Scheme would overall make a significant contribution to achievement of the national well-being goals and would hence be part of the 'process' of improving well-being that amounts to sustainable development as defined in the WFG Act.

14. Green Corridors on the Welsh Government Trunk Road and Motorway Network 2018 (Doc. 4.01.25) and Trunk Road Estate Biodiversity Action Plan 2004-2014

14.1 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 (Doc. 4.01.21), the Welsh Government has a duty to have a regard for the conservation of biodiversity in its work.

- 14.2 The Welsh Government Transport Directorate is already incorporating biodiversity into its work, and the Trunk Road Estate Biodiversity Action Plan (TREBAP) (Welsh Assembly Government, 2004) (Doc. 4.01.26) contributed to this ongoing process.
- 14.3 The Objectives of the TREBAP, within the constraints of recourses and road safety include encouraging the use and dissemination, of best practice for biodiversity in the management and development of the trunk road and motorway network.
- 14.4 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) (Doc. 3.08.01).
- 14.5 The Green Corridors on the Welsh Government Trunk Road (Doc. 4.01.25) and Motorway Network initiative will deliver against the Economic Action Plan Prosperity for All (Doc. 4.01.35), creating a sustainable economy and promoting the economic, cultural, social and environmental well-being, and enhancing people's quality of life in Wales.
- 14.6 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.
- 14.7 The Scheme has been developed with the aim of mitigating and enhancing biodiversity impacts where possible both during construction and operation.
- 14.8 Further information is presented within the Environmental Statement and expert evidence is presented within the Statement of Pete Wells (Ecology) (WG 1.5.2) and Andrew Sumner (Environment) (WG 1.4.2).

15. National Transport Finance Plan for Wales 2018

15.1 Published in 2015 by the Welsh Government, the National Transport Finance Plan (Doc. 4.01.27) followed the National Transport Plan 2010 (Doc. 4.01.28) 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 (Doc. 4.01.29). The Plan has since been updated in 2017 and 2018.

15.2 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.

15.3 In July 2013, Edwina Hart AM CStJ MBE, then Minister for Economy, Science and Transport, published a written statement outlining her priorities for Transport.

15.4 Her 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.”*

15.5 On 12 November 2014, in providing an update on the closure of the Murco Refinery in Milford Haven, the then Minister also 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.”*

15.6 In June 2015, in a written statement on the A40 Improvement Study the then Minister noted “*It is my intention to progress delivery of the A40 Llanddewi Velfrey to Penblewin Scheme as soon as possible...*”

16. Planning Policy Wales (Edition 10) 2018

16.1 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 (Doc. 4.01.30).

16.2 PPW10 provides a planning framework linked to the Well-being of Future Generations (Wales) Act 2015 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 PPW10 reaffirms the importance of sustainable development in the context of the well-being of future generations. Further information as to how the Scheme has been designed in accordance with the sustainable development principle and thus the Act and PPW10, is provided within the Stage 3 WelTAG reports and the Sustainable Development Report. The evidence of John Davies (WG 1.7.2) also examines the requirements of national and local planning policy in his evidence.

16.3 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.

16.4 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 for Pembrokeshire County Council as the relevant local authority.

- 16.5 PPW includes a sustainable transport hierarchy. It is recognised that rural areas may require different approaches to sustainable transport. However, this is not to be established in contrast to the transport hierarchy, with emphasis on reducing reliance on the private car continuing to play a key factor.
- 16.6 The Scheme would provide benefits to active travel connectivity and would reduce community severance within Llanddewi Velfrey by the removal of through traffic. The Scheme would affect a number of PRow but it is considered that associated impacts would be mitigated through diversions and reinstatements, improving the existing situation.
- 16.7 Improvements to active travel alone would not provide a solution to all the problems identified, such as slow-moving vehicular traffic including agricultural vehicles and caravans and the limited overtaking opportunities, which can lead to dangerous overtaking manoeuvres and driver frustration.
- 16.8 Improvements to public transport services were considered as part of the WelTAG study by increasing frequency and operating hours. The study area is characterised by a dispersed settlement pattern and low population density, which means that bus stops will service a small amount of people who are able to walk to them. This option would be dependent on an operator who is willing to commit additional resources to existing bus routes as well as the availability of increased subsidy and revenue support. The WelTAG Stage 1 reports (Doc. 4.03.03) demonstrated that public transport improvements would best be targeted at ongoing regional investment and would not address the problems along the A40.

16.9 The WeITAG study concluded Stage 3 (Doc. 4.03.07) with the recommendation to proceed with the published Scheme. The Scheme would best address the problems identified, best meet the objectives and performs best against a wide range of appraisal criteria as assessed within the WeITAG Stage reports.

16.10 PPW further states that access to jobs and services through shorter, more efficient and sustainable journeys should be enabled through the planning system. Targeted new infrastructure is shown as an example of how we can achieve more efficient movement of people. The Scheme would provide journey time savings of up to 20 seconds on average. This is based on averages and does not take into account when there are incidents or delays, which would increase the journey time savings significantly. This would benefit all vehicle types including public transport services using the existing A40.

16.11 In this section, only the policies in PPW10 directly relevant to transport have been considered. A full examination of the Scheme against all the relevant policies in PPW10 is contained in the evidence of John Davies (WG 1.7.2), who concludes that on overall balance the Scheme accords with national planning policies in PPW10.

17. Review of the Road Safety Framework for Wales 2018

17.1 The Road Safety Framework for Wales was originally published in 2013 (Doc. 4.01.31) and set targets for casualty reduction to be achieved by 2020 and 98 actions for the Welsh Government and partners to take. The Framework included a requirement to review progress against the targets; Review of the Road Safety Framework for Wales 2018 (Doc. 4.01.32).

17.2 Three targets have been set against a 2004-08 baseline, as follows:

- a) A 40% reduction in the number of people killed or seriously injured on Welsh roads;
- b) A 25% reduction in the number of motorcyclists killed or seriously injured on Welsh Road;
- c) A 40% reduction in the number of young people killed or seriously injured on Welsh roads.

17.3 In 2018, the review stated that there has been good progress made against the targets for the whole population and amongst young people however the target for casualty reduction amongst motorcyclists is currently not on track. Table 2 sets out the changes.

Table 2 Percentage change in the number of people killed or seriously injured

	All KSIs	Motorcyclists	Young People
2004-08 average	1406	257	396
2012-16 average	1147	253.6	259
% change	-18.42%	-1.32%	-34.6%

17.4 Over a 60-year period, the Scheme would result in 41 accident savings and 51 less casualties. The Scheme's offline nature, lack of direct access onto the trunk road and provision of improved overtaking opportunities, would reduce the likelihood of collisions through risky manoeuvres. The types of severe accidents that are associated with the current road conditions would be mitigated. The Scheme would also provide a bypass of Llanddewi Velfrey, removing potential conflict between vehicles and WCHRs (walkers, cyclists, horse riders) within the village.

18. Prosperity for All: The National Strategy 2017

18.1 The Welsh Government's National Strategy (Doc. 4.01.33) outlines its long-term aim to build a Wales that is prosperous and secure, healthy and active, ambitious and learning, and united and connected. It's Programme for Government, Taking Wales Forward, sets out the headline commitments it will deliver between now and 2021.

18.2 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.

18.3 Prosperity for All: The National Strategy, along with Prosperity for All: the national strategy (well-being statement) 2017 (Doc. 4.01.34), set out the Welsh Government's 12 well-being objectives of which are underpinned by four key themes, as set out below:

Prosperous and Secure

- a) Support people and businesses to drive prosperity;
- b) Tackle regional inequality and promote fair work;
- c) Drive sustainable growth and combat climate change.

Healthy and Active

- d) Deliver quality health and care services fit for the future;
- e) Promote good health and well-being for everyone;
- f) Build healthier communities and better environments.

Ambitious and Learning

- g) Support young people to make the most of their potential;
- h) Build ambition and encourage learning for life;
- i) Equip everyone with the right skills for a changing world;

United and Connected

- j) Build resilient communities, culture and language;
- k) Deliver modern and connected infrastructure;
- l) Promote and protect Wales' place in the world.

18.4 It is considered that the Scheme would contribute positively to improving prosperity within the region by improving accessibility along the A40 to key towns and employment areas such as Haverfordwest and Carmarthen.

18.5 It is acknowledged that there is a low Benefit to Cost Ratio (BCR) for the Scheme as addressed expressly by the expert evidence of Philip Thiele (WG 1.2.2). The transport user benefits of the Scheme that are captured by the BCR are limited because the Scheme does not seek to contribute significantly to improving journey times during average conditions, with the identified problems relating more to resilience and safety. The Scheme would add resilience to the trunk and local road networks and provide a more reliable east-west connection, which would improve accessibility to markets and the movement of goods and people. These impacts are not captured by the BCR methodology.

18.6 Furthermore, many of the problems relate to temporary problems such as when there is a ferry arrival at either Milford Haven or Fishguard, when agricultural vehicles are travelling along the A40, and / or when there are slow moving vehicles such as caravans travelling along the trunk road typically in summer months. These instances do not reflect the average traffic conditions. However, this does not mean that a temporary problem cannot have significant effects. It is important to recognise that perceptions of problems with the transport system by users, operators, the public at large and politicians can be equally as important as problems that can be quantified through analysis of data.

- 18.7 The Scheme would provide a new and attractive alternative route, forming a key part of the wider highway network serving the local economy and wider regional centres including the Haven Waterway Enterprise Zone and Swansea Bay City Region. The Scheme would provide a fit for purpose strategic access to the key communities and employment areas in the region and beyond.
- 18.8 The Scheme would enable improved access to education institutions through improved accessibility along the trunk road, contributing positively to building a Wales that is ambitious and learning.
- 18.9 The Scheme would improve connections to, within and from Pembrokeshire through the delivery of a to-standard road providing enhanced overtaking opportunities. The A40 between St Clears and Haverfordwest currently has limited overtaking opportunities, amounting to 13% of the total length, compared to an advised 30% for this type of route. This would help build a Wales that is united and connected. The Scheme would also improve the unity of and connectivity within Llanddewi Velfrey due to the reduced severance experienced through the village and the enhanced active travel opportunities.
- 18.10 The Scheme would also contribute positively to promoting a healthy and active Wales through enhanced active travel provision, reduced severance through Llanddewi Velfrey and accident savings.
- 18.11 The National Strategy includes the commitment to deliver a significant improvement to the A40 in West Wales and the published Scheme therefore sits within the Welsh Government's plans to deliver those improvements.
- 18.12 Prosperity for All: Economic Action Plan (Doc. 4.01.35), 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. The Action

Plan supports the delivery of seven of the twelve well-being objectives including:

- a) Support people and businesses to drive prosperity;
- b) Tackle regional inequality and promote fair work;
- c) Drive sustainable growth and combat climate change;
- d) Build ambition and encourage learning for life;
- e) Equip everyone with the right skills for a changing world;
- f) Deliver modern and connected infrastructure; and
- g) Promote and protect Wales' place in the world.

18.13 In particular, the Strategy's objective to deliver modern and connected infrastructure directly links to the published Scheme. It would provide enhanced overtaking opportunities through maximising the extent of 2+1 carriageway (with associated reduced risk of incident and delay). This would result in a slight benefit to journey times under average operational conditions. The benefits to journey times would be more significant at times where platooning occurs from port traffic and slow-moving agricultural vehicles for example. This would benefit all vehicle types including commuters and those travelling by public transport services using the existing A40.

18.14 The A40 is a strategic east-west link between Pembrokeshire and the wider Swansea Bay City Region and the resilience of the A40 is key to creating a successful economy and encouraging investment to main employment sites such as the Haven Waterway Enterprise Zone. Overall it is therefore considered that the Scheme aligns with Prosperity for All: The National Strategy (2017) (Doc. 4.01.12).

19. Technical Advice Note 24: The Historic Environment 2017

19.1 TAN 24 (Doc. 4.01.36) 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.

19.2 These impacts are covered in further detail in Chapter 10: Archaeology and Cultural Heritage of the Environmental Statement (Doc. 3.10.01 will be covered in further detail by the expert evidence of Andrew Sumner (Environment).

19.3 In addition to desk-based studies and geophysical studies, CADW and Dyfed Architectural Trust have been consulted with regarding the design and development of the Scheme. It is considered that the Scheme complies with the Historic (Environment (Wales) Act 2015.

20. Taking Wales Forward 2016-2021

20.1 Taking Wales Forward (Doc. 4.01.37) 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. It is considered that the Scheme would contribute positively to these goals.

20.2 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.

20.3 The measures include improvements to the A40 in West Wales as part of its 'United and Connected' commitments. The Scheme forms part of the A40 in West Wales and would improve connectivity within the region through enhanced overtaking opportunities and increased journey time reliability particularly under traffic conditions such as platooning.

20.4 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.

20.5 The key objectives relevant to this Scheme include:

- a) Support people and businesses to drive prosperity.
- b) Promote good health and well-being for everyone.
- c) Build healthier communities and better environments.
- d) Build resilient communities, culture and language.
- e) Deliver modern and connected infrastructure.
- f) Promote and protect Wales' place in the world.

20.6 It is considered that the Scheme would provide benefits to active travel within the local area and thus contribute to promoting good health and well-being for everyone and building healthier communities and better environments.

20.7 The reduced traffic flow through Llanddewi Velfrey would also improve the amenity of the village for local residents, reduce severance and provide an enhanced pedestrian environment. This would provide a more attractive place to live and enjoy and thus build healthier and resilient communities and better environments.

20.8 It is however acknowledged that the Scheme could impact on local businesses within the village due to the reduced traffic and associated 'passing-trade' along the de-trunked route.

20.9 As identified previously, this section of the A40 is not designed to modern highway standards and the lack of overtaking opportunities can be frustrating for drivers during times of platooning of which can lead to risky manoeuvres taking place along the strategic network.

20.10 By improving connectivity through increased journey time reliability and improving the perception of Pembrokeshire as more accessible to businesses, investors and tourists alike, the Scheme would contribute to delivering modern and connected infrastructure, supporting people and businesses to drive prosperity and promoting and protecting Wales' place in the world.

21. Technical Advice Note 23: Economic Development 2014

21.1 TAN 23 (Doc. 4.01.38) 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.

21.2 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.

21.3 It is acknowledged that there is a low Benefit to Cost Ratio (BCR) for the Scheme as addressed expressly by the expert evidence of Philip Thiele (WG 1.2.2). The transport user benefits of the Scheme that are captured by the BCR are limited because the Scheme does not seek to contribute significantly to improving journey times during average conditions, with the identified problems relating more to resilience and safety. The Scheme would add resilience to the trunk and local road networks and provide a more reliable east-west connection, which would improve accessibility to markets and the movement of goods and people. These impacts are not captured by the BCR methodology.

- 21.4 Furthermore, many of the problems relate to temporary problems such as when there is a ferry arrival at either Milford Haven or Fishguard, when agricultural vehicles are travelling along the A40, and / or when there are slow moving vehicles such as caravans travelling along the trunk road typically in summer months. These instances do not reflect the average traffic conditions. However, this does not mean that a temporary problem cannot have significant effects. It is important to recognise that perceptions of problems with the transport system by users, operators, the public at large and politicians can be equally as important as problems that can be quantified through analysis of data.
- 21.5 The Scheme would provide a new and attractive alternative route, forming a key part of the wider highway network serving the local economy and wider regional centres including the Haven Waterway Enterprise Zone and Swansea Bay City Region. The Scheme would provide a fit for purpose strategic access to the key communities and employment areas in the region and beyond.
- 21.6 The Scheme would result in some adverse environmental impacts such as an increase in greenhouse gases, however, consideration must also be given to the economic, social and cultural indicators, in line with the sustainable development principle. It is viewed that the Scheme would contribute to achieving sustainable development overall, whilst recognising that some adverse environmental impacts cannot be fully mitigated through the Scheme. This is expressed in further detail within the Sustainable Development Report and within the expert evidence of John Davies (WG 1.7.2).
- 21.7 It is considered that the Scheme complies with TAN 23: Economic Development 2014.

22. Wales Infrastructure Investment Plan 2012

22.1 The Wales Infrastructure Investment Plan for Growth and Jobs (WIIP) (Doc. 4.01.39) 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.

22.2 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.

22.3 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.

22.4 In 2019, the Wales Infrastructure Investment Plan – Project Pipeline Update (Doc. 4.01.40) was published.

22.5 Within the Plan, Rebecca Evans AM Minister for Finance and Trefnydd announced £19m for active travel and addressing pinch points on roads in Wales; £53m to support businesses in the face of Brexit; and £7mn to support the environment.

22.6 The Plan identifies the A40 West of St Clears Improvement – Llanddewi Velfrey to Penblewin within the list of transport programmes and projects.

23. Economic Renewal, A New Direction 2010

23.1 Economic Renewal, A New Direction (Doc. 4.01.41) 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.

23.2 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.

23.3 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.

23.4 The Scheme would provide enhanced overtaking opportunities through the provision of 2+1 carriageway, positively contributing to journey time reliability and the resilience of the highway network. Whilst the journey

time savings under average conditions would be slight, the journey time reliability benefits would be significant given the problems of platooning would be avoided.

23.5 The A40 is a key strategic route and the Scheme would also contribute to improving perceptions of journey time reliability along the A40 to key employment, community and tourism destinations.

24. One Wales: One Planet 2009

24.1 One Wales: One Planet (Doc. 4.01.43) 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.’

24.2 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.

24.3 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.

24.4 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.

24.5 The Sustainable Development Report has been prepared to consider how the Scheme has been designed and developed by taking into account the Welsh Government's sustainable development principle and in the context of the national well-being goals and local well-being objectives. The Scheme has been development in accordance with the five ways of working and the development would help secure the long-term prosperity, resilience, health and cohesion of the local communities, benefiting both current and future generations.

24.6 John Davies (WG 1.7.2) will be covering sustainable development by examining the Scheme's alignment with the sustainable development principle.

25. Trunk Road Forward Programme, 2002, 2004 and 2008

25.1 The aim of the Welsh Government's 2002 Trunk Road Forward Programme (Doc. 4.01.44) was to improve the economic and social conditions in Wales, through increasing efficiency and accessibility in all areas.

25.2 The Forward programme indicated the Welsh Government's intentions for road schemes that were expected to cost £1 million or more.

- 25.3 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.
- 25.4 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.
- 25.5 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.
- 25.6 The Penblewin to Slebech Park Scheme was subsequently completed in March 2011 with a bypass of Robeston Wathen, to Slebech Park only.
- 25.7 Since then, the Llanddewi Velfrey to Penblewin Scheme received continued ministerial support and design and development work has now been completed for the published Scheme.

26. The Wales Spatial Plan Update 2008

26.1 Ultimately, through provisions in the Planning (Wales) Act 2015 (Doc. 4.01.46) the Wales Spatial Plan (WSP) will be replaced by the National Development Framework (NDF) (Doc. 4.01.63) when published. A draft National Development Plan (Doc. 4.01.47) has been published with a public consultation concluding on 15 November 2019. The current programme suggests publication in 2020 and therefore the WSP Update 2008 (Doc. 4.01.45) remains relevant to this assessment.

26.2 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.

26.3 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.

26.4 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’.

26.5 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.’

26.6 The Scheme would contribute to achieving this key strategic priority and thus contributing to the vision for ‘Pembrokeshire – The Haven’ by improving accessibility to the region. The Scheme would provide maximum overtaking opportunities and improve resilience and journey time reliability; improving accessibility along the A40, a key east-west route.

27. One Wales: Connecting the Nation – The Wales Transport Strategy 2008

27.1 One Wales: Connecting the Nation (Doc. 4.01.48) 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.

27.2 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.

27.3 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.

27.4 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.

27.5 Chapter 4 of the strategy provides the focus for the national and regional plans. Table 3 sets out the long-term outcomes sought from transport within Wales.

Table 3 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

27.6 The Scheme has been developed with the principle of sustainable development at the core of the study and Scheme design, as reported within its Sustainable Development Report. The Scheme has been developed with consideration for the economic, social, cultural and environmental well-being of Wales. It is considered that the Scheme would provide positive economic, social and cultural impacts however,

there would be some adverse impacts on the environment, as summarised below.

- 27.7 The positive economic impacts would include improved overtaking opportunities, journey times and journey time reliability. This would provide benefits to business users and transport providers. The Scheme would help reduce the perceived remoteness of the region with improved road conditions which would help benefit perceptions of the region in terms of investment and could help stimulate economic activity and job creation.
- 27.8 There would be a number of social and cultural benefits afforded through the Scheme including for commuters and other users, physical activity, journey quality, safety, accessibility to services and reduced severance through Llanddewi Velfrey. The Scheme would provide benefits to physical activity through overall enhancements to public rights of way within the local area and would contribute to improved journey quality by providing overtaking opportunities for a prolonged stretch, reducing driver stress.
- 27.9 Whilst the Scheme is considered to overall contribute to improved noise levels, air quality and provide benefits to townscape, it is acknowledged that there would be some adverse impacts including upon archaeology, cultural heritage and agricultural land. The environmental impacts of the Scheme will be expressly addressed by the expert evidence of Andrew Sumner (Environment) (WG 1.4.2).
- 27.10 One objective of the Scheme is to give due consideration to the impact of transport on the environment and provide enhancement where practicable. Measures have therefore been incorporated to reduce the impacts of the Scheme on the environment including the proposed creation of a species rich grassland to provide habitat enhancement for a range of species including foraging bats.

27.11 Further detail of the impacts of the Scheme are set out within the Environmental Statement and the WelTAG Stage 3 reports (Doc. 4.03.07).

28. Technical Advice Note 18: Transport 2007

28.1 TAN 18 (Welsh Assembly Government, 2007) (Doc. 4.01.49) 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.

28.2 The Scheme would improve accessibility by providing the maximum extent of 2+1 carriageway. Enhanced overtaking opportunities would provide benefits including reduced likelihood of risky manoeuvres taking place, improved journey times and journey time reliability. These benefits would in turn provide benefits to the economy and society.

28.3 The benefits to Llanddewi Velfrey would also help to foster a more sustainable community. The Scheme would reduce severance from through traffic and improve active travel connectivity within the locality.

28.4 It is considered that the Scheme complies with the TAN 18: Transport.

29. Environment Strategy for Wales 2006

29.1 The Environment Strategy for Wales (Welsh Assembly Government, 2006) (Doc. 4.01.50) 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.

29.2 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.

29.3 In addition to annual reporting, the Welsh Government published a State of the Environment report in July 2012 (Welsh Government, 2012) (Doc. 4.01.51) 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.

29.4 The Scheme has been developed in alignment with the objectives of the Environment Strategy for Wales 2006.

29.5 Further information is presented within the Environmental Statement and expert evidence is presented within the Statement of Pete Wells (Ecology) (WG 1.5.2) and Andrew Sumner (Environment) (WG 1.4.2).

30. Wales – A Vibrant Economy 2005

30.1 Wales – A Vibrant Economy (Doc. 4.01.52) 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.’

30.2 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.

30.3 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.

30.4 The Scheme would provide enhanced overtaking opportunities through the provision of 2+1 carriageway, positively contributing to journey time reliability and the resilience of the highway network. Whilst the journey time savings under average conditions would be slight, the journey time reliability benefits would be significant given the problems of platooning would be avoided.

30.5 The A40 is a key strategic route and the Scheme would also contribute to improving perceptions of journey time reliability along the A40 to key employment, community and tourism destinations.

31. Technical Advice Note 15: Development and Flood Risk 2004

31.1 TAN 15 (Welsh Assembly Government, 2004a) (Doc. 4.01.53) 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).

31.2 As stated within Chapter 7: Road Drainage and Water Environment of the ES (Doc. 3.07.01 states that no impacts to flood risk are expected as a result of the Scheme and there are no designated areas for the protection of water reserves near to the Scheme. It is considered that the Scheme aligns with TAN 15: Development and Flood Risk.

31.3 A replacement TAN 15: Development, flooding and coastal erosion is currently underway. A consultation was recently carried out of which ended on 17 January 2020. The responses to the consultation are currently being reviewed.

31.4 It is considered that the Scheme complies with TAN 15: Development and Flood Risk 2004.

32. Technical Advice Note 11: Noise 1997

32.1 TAN 11 (Doc. 4.01.54) 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.

32.2 The impacts during construction on all identified ecological receptors are not considered significant. As a result of the mitigation measures to be implemented and incorporated into the design, impacts during operation would not be significant. Mitigation measures to reduce the effects during construction would include sensitive timing of works.

32.3 Overall the assessment showed that there are predicted to be significant permanent direct beneficial effects for the community of Llanddewi Velfrey as a result of the Scheme in the short and long term, although some properties close to the proposed bypass would experience increased noise.

32.4 It is considered that the Scheme complies with TAN 11: Noise 1997.

Regional Policy and Strategies

33. Joint Transport Plan for South West Wales 2015-2020

33.1 Published in 2015, the Joint Transport Plan for South West Wales (Doc. 4.01.55) 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.

33.2 The plan will provide the framework for improving connectivity to, from and within the region for the period 2015 – 2020.

33.3 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.

33.4 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.

33.5 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.

33.6 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.

33.7 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.'

33.8 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.

33.9 By improving accessibility through enhanced overtaking opportunities, the Scheme provides benefits to commuters and other users by reducing journey times and improving journey time reliability. This in turn will provide positive impacts for the economy. The provision of safer overtaking opportunities would also reduce the likelihood of dangerous manoeuvres along the A40 by providing an overtaking lane and would reduce driver frustration given the reduced likelihood of experiencing platooning.

33.10 Whilst the Scheme would not promote a significant shift towards public transport or active travel, it is considered that the Scheme would provide enhancements to active travel connectivity locally and would also improve access to the local bus stop for pedestrians, given the reduced severance following the removal of through traffic from Llanddewi Velfrey.

33.11 It is considered that, overall, the Scheme aligns with the Joint Transport Plan for South West Wales 2015-2020.

34. South West Wales Tourism Strategy, 2004-2008

- 34.1 Published in 2004 by the South West Wales Tourism Partnership, the South West Wales Tourism Strategy (Doc. 4.01.56) 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.
- 34.2 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.
- 34.3 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.
- 34.4 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.
- 34.5 The Scheme would improve the accessibility along the A40 by improving journey times and journey time reliability. The Scheme would improve the standard of the highway network and enhance overtaking opportunities. Currently, overtaking opportunities are limited along the A40 to the west of St Clears.
- 34.6 It is considered that the problems such as safety and driver frustration are exacerbated at periods of platooning, which are more likely to be experienced during the seasonal spikes during the summer. By

improving accessibility, particularly during the summer months, the Scheme would bring benefits to travel by tourists to the region.

34.7 Furthermore, the WelTAG Stage 3 report identifies evidence to indicate that the travel time to Pembrokeshire and the perception that the area is remote is acting as a barrier to growing the tourism market. There was a strong view amongst a number of consultees from the A40 St Clears to Haverfordwest Economics Activity and Location Impacts Study (2015) that an improvement would help to tackle the perception that Pembrokeshire is ‘far away’, thus attracting more visitors.

34.8 It is considered that the Scheme aligns with the South West Wales Tourism Strategy, 2004-2008.

Local Policy and Plans

34.9 The local planning context for the Scheme 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. In addition to the LDP, this section also considers other relevant policy and guidance at the local level.

35. Pembrokeshire Destination Management Plan 2013-2018

35.1 Published in 2013 by the Destination Pembrokeshire Partnership, the Pembrokeshire Destination Management Plan (Doc. 4.01.57) 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.

35.2 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.’

- 35.3 It is considered that the Scheme would provide improvements to road travel for visitors and potential visitors by providing a 2+1 carriageway that would provide enhanced, safer overtaking opportunities. This would therefore help to address the identified issue of Pembrokeshire’s relative isolation.
- 35.4 Currently, journey time reliability is identified as a key problem associated with the A40 between St Clears and Haverfordwest. The long stretches of single carriageway and the alignment of the road currently limits overtaking opportunities and causes platooning which can lead to driver frustration and longer journey times.
- 35.5 Completed improvements between Penblewin and Slebech Park have helped to relieve this problem to an extent. However there continue to be long stretches to the east of Penblewin where overtaking opportunities are limited, including around Llanddewi Velfrey. For instance, there is no opportunity for vehicles travelling east to overtake for at least 19km from Robeston Wathen towards St. Clears roundabout. Similarly, for vehicles travelling west there is no opportunity for vehicles to overtake for at least 9.5km from Canaston Bridge to Haverfordwest roundabout.
- 35.6 It is considered that the Scheme would provide benefits for travel to Pembrokeshire for tourists through improved journey time reliability and reduced likelihood of driver frustration given the improved overtaking opportunities provided as part of the Scheme.

36. Pembrokeshire County Council Local Development Plan 2013

36.1 The Pembrokeshire County Council LDP (Doc. 4.01.58) was adopted in 2013 and establishes the local policy framework to guide development in the area.

36.2 The 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.

36.3 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.

36.4 Pembrokeshire County Council identified a need for significant investment in transport infrastructure, for example dualling the A40 and improving the A477.

36.5 The existing stretch between Penblewin roundabout and Llanddewi Velfrey is substandard and there are limited overtaking opportunities to the west of St Clears. This stretch forms a section of the A40, a key east-west route and part of the TEN-T network. It is considered that its performance is integral to connecting Wales, and West Wales in particular, to the wider European community and the rest of the country.

36.6 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.

- 36.7 It is considered that the Scheme would provide the maximum extent of 2+1 carriageway and therefore would maximise safe overtaking opportunities at this section of the trunk road, which in turn would positively contribute to improved resilience and journey time reliability. As previously noted, the Scheme would also improve the perception of Pembrokeshire in terms of connectivity.
- 36.8 As a key east-west route, the Scheme would improve accessibility along the A40 to key towns such as Haverfordwest and Carmarthen. This would provide associated benefits for car-based journeys as well as accessibility for those using public transport. Enhanced provision for pedestrians would improve access to the bus stop connection in the village, serving key employment, community and tourism destinations by public transport. It is nonetheless acknowledged that the Scheme would be unlikely to contribute significantly to a modal shift to public transport.
- 36.9 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. The Scheme would provide additional capacity for these flows although it is considered that a Do Minimum scenario would be sufficient if capacity were the only consideration.
- 36.10 Policy SP 1 Sustainable Development states that all development proposals must demonstrate how positive economic, social and environmental impacts will be achieved and adverse impacts minimised. The Environmental Statement sets out the positive impacts that would

be achieved by the Scheme as well as the mitigation measures for adverse environmental impacts.

36.11 Policy SP 5 Visitor Economy sets out how proposals for development relating to the visitor economy will be supported: proposals will be supported provided that they are in sustainable locations, contribute to the diversity and quality of accommodation and attractions, respect and protect the environment and benefit local communities. As discussed in more detail in section 34.7, a key barrier for Pembrokeshire is its isolated location. By improving the transport infrastructure, accessibility along the A40 would be improved to key tourist destinations within Pembrokeshire and would positively contribute to perceptions regarding travel to this region and also improve journey time reliability and reduce likelihood of driver frustration being experienced.

36.12 Policy SP 19 Transport Infrastructure and Accessibility states that Pembrokeshire County Council will approve improvements to the existing transport infrastructure that will increase accessibility to employment, services and facilities, particularly by sustainable means. The policy further states that identified improvements to the existing transport infrastructure will be safeguarded. This is the case with this Scheme, as noted within section 36.2.

36.13 Policy SP16 The Countryside states that the essential requirements of people who live and work in the countryside will be met whilst protecting the landscape and natural and built environment of Pembrokeshire and adjoining areas. The rural nature of the study area means that there is a high reliance on travel by the private car with high levels of car ownership. The Scheme would provide average journey time savings of up to 20 seconds. This refers to the average time savings and does not take into account when there are incidents or delays, which would increase the journey time savings further. It is considered that the Scheme would have an adverse impact on the landscape. However mitigation measures have been developed to reduce this adverse impact

such as natural screening. The impact on the built environment is considered to be positive given the reduced traffic travelling through Llanddewi Velfrey.

36.14 It is considered that, overall, the Scheme aligns with the Pembrokeshire County Council Local Development Plan 2013.

36.15 Pembrokeshire County Council is currently preparing a replacement Local Development Plan (LDP2) 2021-2033. A consultation is being held on the Deposit Plan between 15th January and 11th March 2020 and it is anticipated that the LDP2 would be adopted in late summer or autumn 2021 (indicative timescale). The Deposit LDP2 includes 'A40 Llanddewi Velfrey to Penblewin Bypass – new section of road' (reference: TS/LDP2/O1) within Policy GN 30 Transport Routes and Improvements.

37. Pembrokeshire Coast National Park Local Development Plan 2010

37.1 The Pembrokeshire Coast National Park Local Development Plan (Doc. 4.01.59) 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.

37.2 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 strategic road routes as a fundamental means of access to the Park. The A40 functions as a key east-west strategic link and provides a key connection to Pembrokeshire Coast National Park.

37.3 The Scheme would improve overtaking opportunities and thus improve journey times and journey time reliability. This in turn would help to reduce the perceived remoteness of the region, helping to improve perceptions of the region in terms of accessibility for visitors to the National Park.

37.4 It is considered that the Scheme aligns with the Pembrokeshire Coast National Park Local Development Plan 2010.

37.5 Pembrokeshire Coast National Park Authority is currently preparing a replacement Local Development Plan (2018-2031). A consultation is being held on the Matters Arising Changes until 13 March 2020. The Deposit LDP states that the strategy for the National Park is to improve accessibility and promote it by appropriate means for the people who work, live, rest and play in the National Park whilst reducing the need to travel by car. It is considered that the Scheme would have a variety of impacts and benefits on all users of roads. Whilst it is considered that the Scheme would not significantly influence a modal shift away from the private car, the Scheme would provide enhanced provision for active travel within the local community and would improve access to the bus connection in the village. The provision of an alternative route would also enhance the resilience of the highway network for bus travel, providing benefits for those accessing the National Park.

38. Environmental Statement

38.1 The Environmental Statement (ES) (Doc. 3.01.01) should be read in conjunction with the Proofs of Evidence. The ES reports the findings of the Environmental Impact Assessment (EIA) process. EIA is a means of identifying and collating information to inform an assessment of the likely significant environmental effects of a project. The findings of the EIA process are reported in an ES in order to ensure that, when deciding whether to grant consent for a project, the decision-maker has access to information regarding the likely significant effects on the environment. This allows these effects to be considered in the decision-making process.

38.2 For highways schemes, the requirements of the EIA Directive are currently transposed by the Highways Act 1980, as amended by The Highways (Assessment of Environmental Effects) Regulations 1999 and The Highways (Environmental Impact Assessment) Regulations 2007

and more recently by the Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017. The latter came into effect on 5 December 2017.

38.3 The ES is structured into the following chapters:

- a) Chapter 1 – Introduction (Doc. 3.01.01)
- b) Chapter 2 – The Project (Doc. 3.02.01)
- c) Chapter 3 – Alternatives Considered (Doc. 3.03.01)
- d) Chapter 4 – EIA Methodology (Doc. 3.04.01)
- e) Chapter 5 – Legislation & Policy Context (Doc. 3.05.01)
- f) Chapter 6 – Geology & Soils (Doc. 3.06.01)
- g) Chapter 7 – Road Drainage & Water Environment (Doc. 3.07.01)
- h) Chapter 8 – Ecology & Nature Conservation (Doc. 3.08.01)
- i) Chapter 9 – Landscape & Visual Effects (Doc. 3.09.01)
- j) Chapter 10 – Archaeology & Cultural Heritage (Doc. 3.10.01)
- k) Chapter 11 – Community & Private Assets (Doc. 3.11.01)
- l) Chapter 12 – Community & Private Assets: Agriculture (Doc. 3.12.01)
- m) Chapter 13 – Air Quality (Doc. 3.13.01)
- n) Chapter 14 – Noise & Vibration (Doc. 3.14.01)
- o) Chapter 15 – All Travellers (Doc. 3.15.01)
- p) Chapter 16 – Materials (Doc. 3.16.01)
- q) Chapter 17 – Population & Human Health (Doc. 3.17.01)
- r) Chapter 18 – Climate Change (Doc. 3.18.01)
- s) Chapters 19, 20 and 21 – Cumulative Effects (Doc. 3.19.01)
- t) Chapter 22 – Management of Environmental Effects (Doc. 3.20.01)

39. Land Acquisition and Compensation

39.1 The Welsh Government (through the Welsh Ministers) acquires and manages land for the trunk road network in Wales. It is normally acquired by means of compulsory purchase procedures under the Acquisition of Land Act 1981, but on smaller schemes where only a small number of landowners would be affected, land can be acquired by agreement.

39.2 The Welsh Government's main concerns relating to acquisition of land are:

- a) to apply the relevant legislation and policy consistently and fairly;
and
- b) to protect, as far as is reasonably possible, the rights of those affected.

39.3 The National Assembly for Wales Revised Circular on Compulsory Purchase Orders NAFWC14/2004 (Doc. 4.01.60) provides advice to acquiring authorities in Wales that make compulsory purchase orders (CPO) to which the Acquisition of Land Act 1981 applies. It is aimed primarily at local authorities. The Welsh Ministers' CPO powers differ from those of local authorities. Nevertheless, the Welsh Government follows the advice in Circular 14/2004 with the qualifications below:

Paragraph 14

39.4 In drawing up proposals, regard is given to the interference with the rights of all those with interest in the orders land and who will otherwise be affected by the scheme. Land that is subject to a CPO is considered to be the minimum necessary to construct a proposed scheme and provide the necessary mitigation measures.

Paragraph 22

39.5 The Welsh Government negotiates acquisition by agreement (often in parallel with CPO procedures) for smaller schemes that involve the acquisition of land/rights from normally no more than four interests, although consideration will be given to enter into negotiations in excess of this number should the situation warrant it. It uses compulsory powers for all other schemes and for those smaller schemes where it has not reached agreement with all interests after a period of three months.

Paragraph 24

39.6 The Welsh Government is mindful of the recommended use of Alternative Dispute Resolution (ADR) techniques wherever this would be appropriate. Such techniques are not considered appropriate by the Welsh Government when progressing its highways schemes, as it seeks to address issues of concern with individuals/bodies throughout the whole compulsory purchase order process. This can involve considering and advising of any feasible options to overcome individuals concerns/objections and if possible involve the appointed Valuer at an early stage in concerns about potential levels of compensation. Where objections cannot be resolved, statutory objectors have the right to be heard at a Public Inquiry. If the level of statutory compensation cannot be agreed during formal land acquisition, the Welsh Government advises claimants of their right to refer the dispute to the Upper Tribunal (Lands Chamber).

Explanation

39.7 Negotiating acquisition of land/rights is feasible for smaller scale developments, but not for many of the Welsh Government's transport schemes. Large transport infrastructure schemes usually involve numerous land interests and the scale of negotiations and level of uncertainty going to contract makes it impractical to acquire land/rights by agreement.

39.8 The Welsh Government considers that the CPO process is an open one, providing people with the opportunity to enter into dialogue. For larger more complicated schemes, it is common practice for the Welsh Government to hold an order publication exhibition. Two exhibitions were held for the published scheme at Llanddewi Velfrey Village Hall on 15 August 2019 and 5 September 2019. Throughout the process, project teams seek to address the concerns of those affected and, where objections remain to hold a public local inquiry into the proposals.

39.9 The Welsh Government also puts out comprehensive information on its website and in leaflet form to those affected. This includes information about claiming compensation and the role of the Upper Lands Chamber in resolving disagreements.

39.10 The Welsh Government has published a number of information booklets on related compensation issues and these will be available at the Public Local Inquiry, obtained from the address below or can be downloaded from the Welsh Government's website at:

<https://beta.gov.wales/roads-driving>

Booklets available from:

Orders Branch
Transport
Welsh Government
Cathays Park
Cardiff
CF10 3NQ.

39.11 The Welsh Government applies a statutory test in order to purchase land or acquire rights over land forming part of a common under Section 19 of the Acquisition of Land Act 1981. This function is transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672) and to the Welsh

Ministers pursuant to Schedule 11 of the Government of Wales Act 2006.

40. Statutory Orders

40.1 The Welsh Government publishes the draft Line and De-trunking Order and draft Side Roads Order (Doc. 2.01.01 and 2.02.01) under the Highways Act 1980 and the draft Compulsory Purchase Order (Doc. 2.03.01) under the Highways Act 1980 and the Acquisition of Land Act 1981.

40.2 Line and De-trunking Order - this establishes the line or route of the new trunk road and the sections of road that will cease to be trunk road.

40.3 Side Roads Order - this identifies the local highways and private accesses that need to be improved or stopped-up, and the new highways and accesses needed to replace them or that they replace.

40.4 Compulsory Purchase Order - identifies all the plots of land and rights over land required to construct the scheme, allowing it to be operational and maintained.

40.5 Draft Orders - are open to objection, which, if unresolved, may lead to a Public Local Inquiry. It is customary for the Welsh Government to publish the draft Orders concurrently so that these can be dealt with at concurrent Inquiries, as necessary.