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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-**

PROOF OF EVIDENCE

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WELSH GOVERNMENT: PLANNING AND SUSTAINABLE DEVELOPMENT

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1. Author

- 1.1 My name is John Davies. I am currently employed by MG Consulting Ltd.
- 1.2 I have a BSc Honours degree in Applied Mathematics from Swansea University. I have been a Member of the Royal Town Planning Institute since 1982, having passed the Institute's External Examinations.
- 1.3 The first 5 years of my working life were spent as a computer systems analyst, first with Rolls Royce and then with Glamorgan and Mid-Glamorgan County Councils. I joined Cardiff City Council in 1975, working in regeneration, local planning and development management until 1990 when I joined the Planning Inspectorate.
- 1.4 In the Planning Inspectorate I dealt with a wide variety of appeal casework, in England and Wales, specialising in retail, renewable energy, telecommunications, gypsy cases and enforcement and was a specialist adviser on gypsy and enforcement casework. I undertook several development plan examinations and was for 2 years part of a team recruiting and training Inspectors. Part of my role as a trainer was to inform Inspectors of new Government policy and provide advice on policy issues, and highlight the implications of High Court judgements.
- 1.5 In July 2002 I became a Principal Inspector, conducting major casework and managing a group of Inspectors in Wales and in 2005 was given responsibility for all Welsh casework and Inspectors in Wales. In 2006 I was appointed Director of the Planning Inspectorate. As Director for Wales I advised Inspectors on casework issues, including the application of Welsh Government policy. I worked closely with the Welsh Government's Planning Division when new policy was being prepared in view of the Inspectorate's experience in applying policy to appeal casework. I attended meetings with Welsh Ministers and appeared before Welsh Assembly Committees to answer questions on the work of the Planning Inspectorate in Wales. I retired from the Inspectorate in

2011 and was awarded the MBE in the same year for my work as Director of the Planning Inspectorate Wales.

- 1.6 Since leaving the Planning Inspectorate I have acted as a planning consultant advising clients on applications and appeals and submitting appeals. I have also carried out work for the Welsh Government and for the Department of the Environment Northern Ireland. In October 2011 I was asked by the Welsh Government Minister for Environment and Sustainable Development to chair the Independent Advisory Group (IAG) to advise on options for future delivery of the planning system in Wales. The IAG report 'Towards a Welsh Planning Act' was delivered to the Minister in June 2012.
- 1.7 In May 2016 I was asked to act as expert witness for the Welsh Government on matters relating to planning and sustainable development at the public inquiry into the proposal for an M4 Relief Road around Newport. I was involved as an expert witness until the close of the inquiry in March 2018.
- 1.8 As a Member of the RTPI I must abide by the Institute's Code of Professional Conduct, which sets out the standards, ethics and professional behaviour expected of Members.
- 1.9 I am part of the team responsible for the delivery of the A40 Llanddewi Velfrey to Penblewin Improvement Scheme (subsequently described in my evidence as 'the Project' or 'the Scheme') and I am acting as an expert witness on matters relating to planning and sustainable development at this inquiry. The evidence which I have prepared and provide in this proof is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

2. Scope and Purpose of this Proof of evidence

2.1 My evidence deals with sustainable development and planning policy matters. Sustainable development is defined by the Well-being of Future Generations (Wales) Act 2015¹ (the WFG Act) as the process of improving the economic, social, environmental and cultural well-being of Wales by taking action in accordance with the sustainable development principle aimed at achieving the 7 well-being goals set out in Section 4 of the Act. Section 3(1) of the WFG Act requires all public bodies in Wales, including the Welsh Government, to carry out sustainable development. Section 5 sets out 5 ways of working to guide public bodies to act in accordance with the sustainable development principle. My proof of evidence therefore begins by examining whether the Scheme has been developed in accordance with the sustainable development principle and the extent to which it would contribute to the 7 well-being goals in the WFG Act (subsequently referred to as the ‘national well-being goals’). The Welsh Government has also produced a Sustainable Development Report², which also analyses the contributions the Scheme would make to the national and local well-being objectives and hence to the national well-being goals.

2.2 Whilst this is not a planning inquiry, Section 10(2) of the Highways Act 1980³ requires the Welsh Ministers, when considering proposals to construct a new trunk road, to give due consideration to the requirements of local and national planning, including the requirements of agriculture. Some of the representations regarding the draft Orders also raise planning issues. Therefore, after dealing with issues relating to sustainable development I examine the Scheme and its impact in the light of planning policy, including that relating to agriculture. The wider impact on agriculture and measures to mitigate the impact on individual

¹ Doc 4.01.10

² Doc 4.03.09

³ Doc 4.01.03

farm holdings are considered in the evidence of Tom Edwards and Andrew Sumner⁴.

3. Sustainable Development

3.1 Although the context for assessing the Scheme for the purposes of this public inquiry is set by the WFG Act 2015, the history of the Scheme dates back to well before this Act came into force. The 2004 Addendum to the 2002 Trunk Road Forward Programme⁵ (TRFP) included two major single carriageway improvement schemes for the A40 west of St Clears. The first of these, Penblewin - Slebech Park, was completed in March 2011. The second, A40 Llanddewi Velfrey – Penblewin, is the Scheme subject of this inquiry⁶.

3.2 However, whilst the Scheme became part of Government policy in Wales prior to the WFG Act coming into force, it must be remembered that sustainable development has been embedded in the actions of successive Welsh Governments since devolution:

- i. Section 121 of the Government of Wales Act 1998⁷ set a legal duty on the National Assembly for Wales to make a scheme setting out how it proposed to promote sustainable development
- ii. the first sustainable development scheme, Learning to Live Differently⁸, was adopted by the Welsh Government in 2000
- iii. the Government of Wales Act 2006⁹ set a legal duty on Welsh Ministers to make a scheme setting out how they propose to promote sustainable development

⁴ Docs 1.3.2, 1.4.2

⁵ Doc 4.01.44

⁶ I do not explain the history of the Scheme in any detail as it can be found in the evidence of the other witnesses, in particular that of Mark Dixon (Doc 1.1.2), in the Environmental Statement (ES) Chapter 3 (Doc 3.03.01) and in the SDR (Doc 4.03.09)

⁷ Doc 4.01.73

⁸ Doc 4.01.64

⁹ Doc 4.01.02

- iv. 'One Wales: One Planet'¹⁰ published in 2009 confirmed sustainable development as the central organising principle of the then Welsh Assembly Government.

3.3 Although the preparatory work leading to the identification of the Scheme in 2004 pre-dates the WFG Act, because of its commitment to carrying out sustainable development, the working practices of the Welsh Government had therefore evolved in accordance with sustainable development principles. In particular, the Welsh Government introduced the Welsh Transport Planning Appraisal Guidance (WelTAG)¹¹ in 2008 to assess transport schemes in terms of Welsh Impact Areas corresponding to the three elements of sustainability underlying policy at that time in Wales - the economy, society and the environment. WelTAG 2008 was used in the early stages of identifying and developing the Scheme, thus embedding considerations of sustainability into work carried out at the time. Paragraph 2.4.4 of WelTAG 2008 stated

The Welsh Assembly Government has a statutory duty under the Government of Wales Act to promote sustainable development and is, therefore, committed to making decisions which are consistent with this aim.

3.4 WelTAG 2017 published in December 2017 revised and updated WelTAG 2008 to embed the principles of sustainable development contained in the WFG Act; it was endorsed by the Future Generations Commissioner for Wales. The introduction to WelTAG 2017 states

WelTAG is a framework for thinking about proposed changes to the transport system. It contains best practice for the development, appraisal and evaluation of proposed transport interventions in Wales. It has been developed by the Welsh Government to ensure that public funds are invested in a way that ensures they maximise contribution to the well-being of Wales, as set out in the Well-being of Future Generations (Wales) Act 2015.....

¹⁰ Doc 4.01.43

¹¹ Doc 4.01.29

- 3.5 WeITAG 2017 was used to identify the issues and problems associated with this section of the A40, to develop the objectives for possible solutions, and to assess the options for addressing the identified problems. As part of the WeITAG process, the objectives were reviewed against the 7 wellbeing goals in Section 4 of the WFG Act to ensure these were aligned to the wider sustainable development principle. This process is set out in Section 2.8 of the WeITAG Stages 1 and 2 Reports, and Section 3.11 of the Stage 3 Report¹². In addition, Section 4.8 of the Stage 3 Report sets out an assessment of the preferred option against the Welsh Government's well-being objectives set out in its Well-being Statement 2017. This exercise demonstrated that the preferred option would address the problems and objectives identified for the scheme, and how it would contribute to a number of the national well-being objectives and hence achievement of one or more of the well-being goals.
- 3.6 The WeITAG process led to certain highway options being recommended as the best means to address the identified problems and meet the objectives. Following a consultation process the Scheme subject of this inquiry was identified as the preferred solution. On the basis that WeITAG 2017 incorporates the principles of the WFG Act my initial conclusion is that the Scheme has been selected and developed in accordance with sustainable development principles.
- 3.7 Nevertheless, the WFG Act defines clearly what a body must take into account in order for it to act in accordance with the sustainable development principle. This is set out in Section 5 of the Act which sets out 5 'ways of working' with the aim of making all public bodies in Wales think more about the **long term**; take an **integrated** approach by considering all the well-being goals when deciding their well-being objectives; work with people to **involve** them in decisions that affect them; **collaborate** with others to find shared solutions that assist in

¹² Docs 4.03.03, 4.03.05, 4.03.07

meeting well-being objectives; and look to **prevent** problems and take a more joined-up approach. I therefore now examine the development of the Scheme against each of these ways of working. (Further detail can also be found in Section 5.13 of the WeITAG Stage 3 Impact Assessment Report¹³.)

Thinking Long-term

- 3.8 The problems on the A40 are described in detail by other witnesses including Mark Dixon and Philip Thiele¹⁴. They include limited overtaking opportunities; platooning of heavy goods and agricultural vehicles; summer tourist traffic; community severance; direct access to properties, fields and side roads; journey time unreliability; and car dependence - are immediate and can be classed as short-term. However, the Scheme would address these problems in the longer term and the traffic modelling has tested the Scheme for the Design Year of 2036 and the Horizon Year of 2051¹⁵. The Scheme would deal with projected traffic growth well beyond the Design Year.
- 3.9 Section 5(2)(a) of the WFG Act makes clear that thinking long term also means considering whether things done to meet short term needs may have detrimental long term effects. The Environmental Statement (ES)¹⁶ performs this task by considering in detail the various impacts that the Scheme would have, proposing mitigation where necessary to overcome or reduce adverse effects. The ES considers the impact of the Scheme in the short and long term; the effects on noise, air quality, the landscape, ecology and all other possible impacts have been projected to the 2036 Design Year.
- 3.10 Extensive mitigation has been incorporated into the design of the Scheme to avoid where possible or to minimise the adverse impacts of

¹³ Doc 4.03.08

¹⁴ Docs WG 1.1.2, WG 1.2.2

¹⁵ Doc WG1.2.2

¹⁶ Doc 3.01.01

the Scheme in the short and long term. These measures are described in the ES and the evidence of Tom Edwards, Andrew Sumner and Peter Wells¹⁷. The ES identifies a long term impact on the landscape that would remain after mitigation (see also paras 4.34-4.37 and 5.19 below). Nonetheless, it is important to note here that thinking long term for the purposes of Section 5(2)(a) of the WFG Act means balancing short term needs against the ability to meet long term needs. The WFG Act does not preclude actions that would have adverse long term impacts but requires that those impacts are taken into account so that the ability to meet long term needs is safeguarded. It is clear that the correct approach required by the WFG Act was taken to identifying and developing this Scheme bearing in mind that the design and mitigation measures proposed would either overcome or effectively minimise any adverse consequences in the long term.

Integrated Approach

3.11 Section 5(2)(b) of the WFG Act that deals with integration stresses the need to link objectives with the well-being goals, to consider the interaction between the objectives and the objectives of other bodies, and whether action to meet one objective may be detrimental to meeting another.

3.12 The best evidence can again be found in the WelTAG 2017 Reports¹⁸, which explain that the objectives for the Scheme were agreed by a Review Group that included the Welsh Government and Pembrokeshire County Council. Further, as part of the development of the objectives a review was carried out against the national well-being goals, following the principle of integration. The WelTAG process linked the Scheme objectives both with the problems identified and the national well-being goals, so that any option appraised to perform positively against the objectives would both address the identified problems and contribute to

¹⁷ Docs WG 1.3.2, WG 1.4.2, WG 1.5.2

¹⁸ Docs 4.03.03-4.03.08

the goals. The WeITAG assessment identified the relative performance of each option in meeting the objectives and in relation to key social, cultural, environmental and economic considerations, enabling the performance of the options against each objective to be identified and compared. This demonstrates that an integrated approach was taken to identifying and developing this Scheme.

Involving Others

3.13 In order to demonstrate that the process of involving other persons in the identification and development of this Scheme accords with the principles of the WFG Act, evidence is required that they have been able to influence decisions. The SDR, ES Chapter 11 and WeITAG 2017 Reports¹⁹ contain many examples of changes to the Scheme as a result of requests from the community and others or the provision of information through consultation. Requests from the community following the Public Exhibitions have resulted in a number of significant changes, such as from a T-junction to a roundabout at the eastern end of the Scheme; new walking, cycling and horse-riding routes; moving the equestrian underpass from Henllan to Ffynnon Wood; and providing access to properties. The evidence of Tom Edwards²⁰ describes these measures in detail including alterations to overcome difficulties that otherwise would be caused to individual farm holdings. The SDR describes the outcome of consultations with technical consultees including Natural Resources Wales (NRW), Design Commission for Wales (DCfW), Dwr Cymru Welsh Water and Pembrokeshire County Council. It is evident that the community affected by this Scheme together with many other persons and public bodies have been involved in its development, and that its current form reflects the views expressed.

¹⁹ Docs 4.03.09, 3.11.01, 4.03.03, 4.03.05, 4.03.07

²⁰ Doc 1.3.2

Collaborating with Others

3.14 This way of working encourages public bodies to work with others to meet their well-being objectives and the objectives of other public bodies. The SDR sets out a number of examples of meaningful collaborative working during the development of this Scheme. Although the Early Contractor Involvement ceased following Carillion entering liquidation, collaboration with the contractor was important in the early stages to deal with construction issues, environmental impacts, costs, programming and risk management. The WelTAG 2017 Review Group involved the Welsh Government, Pembrokeshire County Council and the Arup Design Team. The Environmental Liaison Group²¹ involved the Welsh Government and a number of public bodies, enabling the objectives of those bodies to be taken into account as part of the development of the Scheme and decisions to be made in a collaborative manner. Table 1 in the SDR provides detail of the engagement with technical consultees and public bodies together with subsequent actions. The appointment of a Public Liaison Officer has been crucial to keep all interested parties informed and involved in the Scheme. It is clear that a collaborative way of working was adopted for the Scheme.

Prevention

3.15 As described in the evidence of Mark Dixon and Tom Edwards²², the Scheme would provide extra opportunities for overtaking; ease platooning problems; reduce driver frustration; improve safety; and reduce community severance. It would improve air quality and reduce traffic noise in Llanddewi Velfrey²³. Conversely, there would be reduced air quality and increased noise along the new A40. Such adverse effects are identified and quantified in the ES together with mitigation measures where necessary to avoid or minimise future impacts, exemplifying

²¹ Doc 4.03.09

²² Docs WG 1.1.2, WG 1.3.2

²³ Docs 3.13.01, 3.14.01 - ES Chapters 13 & 14

efforts aimed at prevention. As stated above under the heading of integration, the WelTAG 2017 process linked the Scheme objectives with the problems identified, the national objectives and the well-being goals, so that any option appraised to perform positively against the Scheme objectives would both address the identified problems and contribute to the well-being goals. This Scheme was the outcome of the WelTAG 2017 process and in my view there is clear evidence that it was developed in accordance with the underlying principles of the WFG Act, to address the identified problems on the A40 and prevent them from getting worse.

3.16 I conclude 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. I turn next to consider whether the Scheme would contribute to the national well-being goals set out in Section 4 of the WFG Act.

The Well-being Goals

3.17 Table 1 in Section 4 of the WFG Act sets out the 7 national well-being goals. Section 3 requires all public bodies in Wales to publish well-being objectives that are designed to maximise its contribution to achieving each of the national well-being goals. The Welsh Government's 12 well-being objectives are set out in the Well-being Statement 2017²⁴ and Table 1 of that Statement explicitly links each well-being objective to one or more of the national well-being goals.

3.18 The WFG Act also establishes Public Service Boards (PSB), which are required to publish a Well-being Plan containing the body's well-being objectives (also referred to as 'local' well-being objectives). The Pembrokeshire Well-being Plan 2018²⁵ published by the Pembrokeshire

²⁴ Doc 4.01.12

²⁵ Doc 4.01.62

PSB sets out 2 well-being objectives. The Pembrokeshire Coast National Park Authority's 2017/18 Corporate Plan²⁶ contains 7 well-being objectives and the Natural Resources Wales Well-being Statement²⁷ also contains 7 well-being objectives.

3.19 The SDR²⁸ analyses the contributions the Scheme would make to the national and local well-being objectives and hence to the national well-being goals. It demonstrates positive contributions to 9 of the national well-being objectives and to several local objectives. As a consequence this Scheme would contribute to the achievement of a number of the national well-being goals.

3.20 However, with regard to the first well-being goal '*A prosperous Wales*' and national well-being Objective 3: *Drive sustainable growth and combat climate change* the SDR identifies a positive impact in respect of sustainable growth, but the potential for an adverse impact in the area of carbon emissions and climate change. I therefore examine next the impact of the Scheme in respect of carbon emissions and climate change.

Carbon Emissions and Climate Change

3.21 As set out in the ES Chapter 18²⁹, the carbon footprint of the Scheme is 486 ktCO₂e over the 60 year appraisal period compared with 448 ktCO₂e without the Scheme. The capital carbon emissions represent 2.1% of the total for the appraisal period. Emissions during construction are mainly from the embodied carbon in construction materials and emissions on site from plant, equipment and vehicles.

3.22 Emissions from vehicles account for the majority of user Greenhouse Gas (GHG) emissions (97.3%). Based on the traffic models, in the opening year of the Scheme (2021) user emissions would contribute 6.7

²⁶ Doc 4.01.74

²⁷ Doc 4.01.71

²⁸ Doc 4.03.09

²⁹ Doc 3.18.01

ktCO_{2e}, increasing to 8.2 ktCO_{2e} per year by 2051. Annual user emissions would be 5-6% greater each year with the Scheme in place compared with the Do Minimum. Consequently, the Scheme would increase user emissions by 27 ktCO_{2e} over the appraisal period due to an increase in average speeds and the length of the Scheme compared with the existing A40 section. Over the 60-year appraisal period, there would be an 8.4% increase in total emissions from the construction, operation and use of the road compared with the Do Minimum.

3.23 The ES explains the steps taken to reduce carbon emissions including lighting strategy, highway alignment to achieve an earthworks balance and pavement thickness. These design measures are included in the carbon footprint assessment in the ES. The eastern roundabout has an impact on emissions by introducing stop-start conditions. However a staggered T-junction design that would improve journey time and would not require street lighting, thus reducing the whole life cost and carbon footprint, was changed following the public engagement exercise in April 2017. More details of the junction design and measures to minimise/reduce emissions are set out in the evidence of Tom Edwards³⁰. However, it is clear that there would be an increase in emissions as a consequence of the Scheme, resulting in a potentially negative impact in respect of national well-being Objective 3: *Drive sustainable growth and combat climate change*.

3.24 The Welsh Government declared a climate change emergency on 29 April 2019³¹ and subsequently adopted the advice of the UK Committee on Climate Change by committing to reduce GHG emissions in Wales by 95% by 2050 from a 1990 baseline. Welsh Government also has an aspiration to reach net zero emissions by 2050 (see para 3.26 below). However, the declaration of a climate change emergency by the Welsh Government and its commitment to reduce GHG emissions have not resulted in a ban on all new road building in Wales. The evidence of

³⁰ Doc WG 1.3.2

³¹ Doc 4.01.65

Mark Dixon³² and others clearly sets out the transport policy context for this Scheme, which is included in the National Transport Plan³³ and reaffirmed in the 2017 strategy document Prosperity for All³⁴. The key theme '*United and Connected*' in this strategy contains a commitment to deliver enhancements to the A40 in West Wales; this strategy has not changed.

3.25 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 Wales³⁵ 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 Budget³⁶, 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.

3.26 The Welsh Government's web site lists the top 8 actions³⁷ it is taking to tackle the issue in Wales:

- Setting targets to cut carbon emissions: raising carbon reduction targets to 95% with an ambition to get to net zero by 2050.
- Making it easier for people to use their car less: investing £30 million on improving active travel, making it easier for people to walk, cycle and use public transport.

³² Doc WG 1.1.2

³³ Doc 4.01.28

³⁴ Doc 4.01.12

³⁵ Doc 4.01.24

³⁶ Doc 4.01.67 & 68

³⁷ <https://gov.wales/what-is-the-welsh-government-doing-to-tackle-climate-change>

- Banning some single use plastics: banning and restricting 10 common single use plastics including straws, stirrers and cotton buds, plastic cutlery, polystyrene food packaging and drinks containers.
- Tackling the nature emergency: addressing diversity loss and increasing ecosystem resilience by creating a National Forest and investing £500,000 in community-led projects to improve biodiversity and minimise waste.
- Investing in the circular economy: supporting businesses in Wales to reuse existing materials and minimise waste.
- More electric vehicle charging points: developing an Electric Vehicle charging strategy and allocating more than £500,000 for charging infrastructure; introducing electric buses into public transport.
- Establishing renewable industries: securing nearly £20 million in EU investment to establish a marine energy sector in Wales.
- Establishing a permanent Cabinet Sub-Committee to keep climate emergency a priority: keeping conversations going, especially with young people through the eco-schools and Size of Wales programmes, and the new curriculum.

3.27 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.

3.28 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. In my view 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.

3.29 Furthermore, in my view it would be wrong and impractical to conclude that a project did not amount to sustainable development as defined in the WFG Act on the basis of a potential adverse impact in respect of one well-being objective or goal, without taking its positive contributions to other well-being objectives and goals into account. An example would be the benefits of providing new housing to meet the needs of population growth compared with the visual, landscape and other impacts of building on a greenfield site. To decide whether such development should proceed requires a balanced decision that weighs the likely impacts against the benefits to well-being.

3.30 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. In my view 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.

4. The Requirements of Planning

4.1 Up to date national planning policies are set out in Planning Policy Wales Edition 10 (PPW10)³⁸, published in December 2018, together with a series of Technical Advice Notes (TAN). Also relevant is the Wales Spatial Plan (WSP)³⁹, last updated in July 2008. This is considered by Mark Dixon⁴⁰ who sets out the relevant policies and explains how this

³⁸ Doc 4.01.30

³⁹ Doc 4.01.45

⁴⁰ Doc WG 1.1.2

Scheme would align with the WSP. This document will be replaced by the National Development Framework⁴¹, which was published in draft for consultation in 2019. The current timetable envisages publication of the final version in Autumn 2020. Relevant local planning policies are contained in the Local Development Plans (LDP) for Pembrokeshire County Council and the Pembrokeshire Coast National Park⁴². The Statement of Case for the Welsh Government explains how the Scheme aligns with both the LDPs. I therefore deal with the relationship with national policies in PPW10, TANs and the draft NDF.

National Planning Policy – PPW10 & TANs

- 4.2 Paragraph 1.11 of PPW10 explains that whilst the principles of sustainable development have been at the heart of planning policy in Wales since PPW was first published in 2002, the concept has been expanded by the WFG Act. PPW 10 therefore embeds the principles of the WFG Act in national planning policy. It stresses the concept of placemaking in order to achieve the creation of sustainable places and improve the well-being of communities. PPW10 sets out key planning principles, one of which is ‘creating and sustaining communities’; the planning system can maximise its contribution to well-being by creating well-designed places and cohesive rural and urban communities. One of the key benefits of this road Scheme is the removal of through traffic from Llanddewi Velfrey, reducing the current severance of the community and reducing air and noise pollution, thus making this village safer, more cohesive and accessible, and more attractive as a place to live. The evidence of Philip Thiele⁴³ confirms that a 96% reduction is forecast in daily traffic through the village in 2036.
- 4.3 PPW10 sets out National Sustainable Placemaking Outcomes, paragraph 2.17 stating that proposals must seek to deliver developments

⁴¹ Doc 4.01.63

⁴² Docs 4.01.58, 4.01.59

⁴³ Doc WG 1.2.2

that address these sustainable placemaking outcomes. The outcomes, listed in Figure 4, provide a framework of factors considered to be the optimal outcome of development plans and individual developments; they should be the starting point for plan makers and decision takers⁴⁴.

- 4.4 This Scheme addresses a number of the sustainable placemaking outcomes, including making best use of resources by designing so as to minimise the import of aggregates and the export of waste⁴⁵, and produce a high quality road built to last. It would promote several of the economic outcomes by fostering economic activity and enabling easy communication, as explained in the evidence of Mark Dixon⁴⁶.
- 4.5 The Benefit Cost Ratio (BCR) for the Scheme is low but, as explained in the evidence of Philip Thiele⁴⁷, the economic appraisal is focussed on the impact upon the economic efficiency of the transport sector. Because the transport model for the Scheme does not take account of the impact of incidents, the economic benefits of improved network resilience and less disruption when an incident occurs do not form part of the economic appraisal. Phillip Thiele sets out a number of other impacts that are not included in the economic appraisal as they cannot be monetised. They include improved journey time reliability; benefits during periods of high demand such as in summer when tourist traffic increases, and reduced driver frustration.
- 4.6 Philip Thiele also refers to the 2015 'Economic Activity and Location Impact'⁴⁸ study by Peter Brett Associates that identified a number of ways in which improvements to the A40 could deliver economic benefits. Most of these are potential benefits to the local and Welsh economy and so are not included in the economic appraisal, which only considers economic benefits at a UK level. The economic appraisal takes account

⁴⁴ Doc 4.01.30, PPW10, para 2.15

⁴⁵ Doc WG 1.3.2 - evidence of Tom Edwards

⁴⁶ Doc WG 1.1.2

⁴⁷ Doc WG 1.2.2

⁴⁸ Doc 4.02.11

of the Scheme's impact on noise, air quality and greenhouse gas emissions. However, it does not include other environmental and social benefits of the Scheme such as improvements in journey quality, community severance, health and amenity that cannot be quantified in monetary terms. Such benefits apply particularly to Llanddewi Velfrey and need to be taken into account in evaluating the Scheme.

- 4.7 Although the Scheme would not minimise the need to travel, it would address several outcomes that would facilitate accessible and healthy environments, in particular by promoting a safe and inclusive environment in Llanddewi Velfrey; promoting physical and mental health and well-being by removing through traffic; and creating better conditions for active travel, as explained by Mark Dixon and Tom Edwards in their evidence⁴⁹.
- 4.8 In terms of environmental protection extensive mitigation measures are proposed as part of the Scheme that have been developed and amended following comments from Natural Resources Wales to minimise its impact (see para 4.44 below). The Scheme would positively address outcomes related to clean air and noise.
- 4.9 PPW10 paragraph 2.20 recognises that not every development will be able to demonstrate it can meet all of these outcomes but advises that they should still be considered. From the above it is clear that whilst this Scheme would not address certain of the sustainable placemaking outcomes it would positively address a wide range of these outcomes.
- 4.10 Paragraph 3.34 deals with placemaking in rural areas, pointing out that the countryside must be conserved where possible for, amongst other things, its landscape. However, PPW10 also states that the need to conserve the countryside should be balanced against the economic, social and recreational needs of local communities and visitors. This Scheme will have an impact on the landscape but this must be balanced

⁴⁹ Docs WG 1.1.2, WG 1.3.2

against the benefits for the community of Llanddewi Velfrey, the economic benefits of improvements to the A40 trunk road and the benefits to tourists both in moving about the area and being attracted to Pembrokeshire.

4.11 PPW10 paragraph 3.35 states that the opportunities for reducing car use and increasing walking, cycling and use of public transport are more limited in rural areas. This Scheme offers the prospect of increased opportunities for safe walking and cycling, and use of public transport, as a result of the reduction in severance in Llanddewi Velfrey and the de-trunking of the section of the A40 currently passing through the village. This would enable a complete re-design of the current A40 to provide a safe and attractive environment for pedestrians and cyclists along the lines suggested in the December 2019 Report by the Design Commission for Wales (DCFW)⁵⁰.

Active and Social Places

4.12 PPW10 Chapter 4 describes Active and Social Places as *those which promote our social, economic, environmental and cultural well-being by providing well-connected cohesive communities*. This chapter stresses the importance of modern and connected infrastructure, and of creating the right conditions for better health, well-being and greater physical activity, all beneficial outcomes of this Scheme.

4.13 In particular, the Scheme would address the existing severance problem by reducing traffic through the village by 96% in 2036, the design year (see para 4.2 above). The village is presently divided into 2 distinct parts by the existing A40. The amount and speed of traffic and inadequate footpaths along the main road makes access on foot or by bicycle between the 2 parts difficult. The area north of the village contains the Village Hall and an area designated as recreational open space in the Pembrokeshire County Council LDP, protected by Policy

⁵⁰ Doc 4.03.12

GN34. Immediately north of the Village Hall is a site allocated for residential development for a minimum of 12 units by LDP Policy GN27. South of the A40 is the Preseli Service Station, which contains the only shop and the village post office. Removing the majority of traffic and detrunking the section of the A40 through the village would allow the creation of a safe and attractive environment for pedestrians and cyclists in the heart of the village, re-connecting its 2 parts and enabling all residents to access their local services irrespective of which side of the main road they live.

4.14 PPW10 paragraphs 4.1.2-3 deal with the Welsh Government's transport strategies and plans, and Local Transport Plans. Paragraph 4.1.7 states that development plan strategies and policies need to be consistent and integrated with the strategies and policies contained in Local Transport Plans, the Wales Transport Strategy and the National Transport Finance Plan. The evidence of Mark Dixon⁵¹ explains how the Scheme sits within the national transport policy framework. The Llanddewi Velfrey to Penblewin Improvement Scheme is identified under Policy GN.39 'Transport Routes and Improvements' of the Pembrokeshire County Council LDP.

4.15 PPW10 paragraph 4.1.11 states that it is Welsh Government policy to require the use of a sustainable transport hierarchy, which places private motor vehicles at the bottom; the intention is to reduce the need to travel and prevent car-dependent developments in unsustainable locations. However this Scheme seeks to address a number of existing transport problems and would not generate additional private motor vehicle trips in the same way as would a new housing, retail or business development. The transport hierarchy hence has no direct application to road schemes of this nature. In view of the Scheme's acknowledged importance as part of the Welsh Government's national transport programme, its inclusion in the Pembroke LDP and the benefits to the village of

⁵¹ Doc WG 1.1.2

Llanddewi Velfrey I am satisfied that it is in accordance with national planning policies that seek to achieve active and social places.

Productive and Enterprising Places

- 4.16 PPW10 Chapter 5 covers the economic elements of placemaking. It explains (PPW10 page 74) how productive and enterprising places contribute to the 7 well-being goals including: reliable communication networks contribute to ‘a prosperous Wales’; a reduction in air pollution contributes to ‘a healthier Wales; ‘a Wales of cohesive communities’ is one where people can communicate effectively and safely with their friends and neighbours. The Scheme would contribute to these goals by addressing the issues of reliability, safety and resilience on the A40. Philip Thiele provides evidence on the benefits to highway safety. Using observed accident rates and Department of Transport modelling software, a saving of 41 accidents resulting in 51 less casualties is forecast over the 60-year appraisal period.
- 4.17 The Scheme would also contribute to well-being goals by reducing air pollution in Llanddewi Velfrey and community severance in the village, and making it a better and safer place to live and move around.
- 4.18 One of the key issues identified in Chapter 5 (page 75) is *capitalising on our distinctive tourism offer to promote Wales to the world*. This would be a key benefit of the Scheme by improving the A40 and the perceptions of Pembrokeshire as a visitor destination.
- 4.19 PPW10 paragraph 5.1.1 emphasises the pivotal role of infrastructure in maintaining the economic well-being of Wales and states:
- Poor infrastructure can be both a disincentive to investment and growth, and have a detrimental impact on quality of life, prosperity and the well-being of communities.*
- 4.20 PPW10 paragraph 5.3.1 highlights transport infrastructure thus
- The provision of sustainable transport infrastructure is essential in order to build prosperity, tackle climate change, reduce airborne pollution and*

to improve the social, economic, environmental and cultural well-being of Wales.

4.21 I have referred above (para 4.6) to the evidence of Philip Thiele and the 2015 'Economic Activity and Location Impact' study that identified potential wider economic benefits from improvements to the A40. These included

- Widening the labour market;
- Population retention and immigration;
- Improved business performance
- Scheduling benefits
- Perceptions of remoteness
- Inward investment
- Enhanced prospects for the Enterprise Zone
- Increased residential development
- Increased trade

4.22 PPW10 also recognises the potential adverse impacts of new transport infrastructure stating in paragraph 5.3.4 -

Great care must be taken to minimise the adverse impacts of new or improved transport infrastructure on the natural, historic and built environment and on local communities, including on public health resulting from community severance and airborne pollution.

4.23 However, far from being adverse impacts there would in the case of this particular Scheme be considerable benefits to the local community in Llanddewi Velfrey, since one of the key aspects is removing severance, improving air quality and reducing noise in the village. I deal with the potential adverse impacts on the natural and historic environments in the next section (para 4.29) where I consider the advice in PPW10 on 'Distinctive and Natural Places'.

- 4.24 PPW10 paragraph 5.3.5 stresses the importance of WelTAG, particularly in the planning of strategic transport infrastructure projects to ensure account is taken of the full range of impacts of transport options and identify solutions which maximise contributions to national well-being goals. WelTAG 2017 has been used to analyse the problems on this section of the A40, develop and appraise options and identify this Scheme as the preferred solution.
- 4.25 PPW10 paragraph 5.3.13 advises that road schemes and improvements should take into account the transport hierarchy, whereby active and sustainable transport is considered before private motor vehicles, pointing out that this will help to minimise community severance and adverse impacts on journeys on foot, bicycle and public transport. Although I have explained above why the transport hierarchy has limited direct relevance, this Scheme would be in line with the objectives of PPW10 as it would address community severance and provide better facilities for active travel.
- 4.26 PPW10 paragraph 5.4.17 emphasises the importance of Enterprise Zones. The strategic need for the Scheme includes improving access to the Haven Waterway Enterprise Zone⁵² and PPW10 paragraph 5.4.18 draws attention to the importance of the transport links that support such business clusters.
- 4.27 PPW10 Sections 11 and 12 deal with the use of material resources and design choices to prevent waste. Paragraphs 5.12.3-5.12.4 deal with earthworks and advise that proposals should be designed to achieve an earthworks balance. This is precisely the objective that has been applied in the design of this Scheme. Table 16.5 in Chapter 16 of the ES⁵³ indicates that the earthworks are anticipated to be in balance; paragraph 16.10.12 provides more detail. Surplus topsoil would be used in landscaping as far as possible. The evidence of Tom Edwards

⁵² Doc WG 1.1.2

⁵³ Doc 3.16.01

confirms that the engineering design of the Scheme has been optimised to achieve a balance of earthworks cut and fill.

4.28 The Scheme would therefore bring a number of benefits including to highway safety and journey reliability; reduced air pollution, noise and community severance, and improved opportunities for active travel in Llanddewi Velfrey; to the local economy and for tourism. It also accords with the policies of PPW10 for the use of material resources. I conclude that the Scheme meets the objectives of PPW10 that seek to achieve active and social places.

Distinctive and Natural Places

4.29 PPW10 Chapter 6 covers distinctive and natural places, dealing with the environmental and cultural components of placemaking; desired outcomes include avoiding habitat fragmentation and taking opportunities to improve health and wellbeing, in particular to reduce average levels of airborne pollution and protect soundscapes. The chapter deals with a number of topics including the historic environment, landscape, biodiversity, air borne pollution and lighting.

4.30 Chapter 6 describes (pages 118-120) how places that are distinctive and natural can contribute to the 7 well-being goals. It states that 'A Globally Responsible Wales' will be promoted by reducing carbon emissions, addressing airborne pollution and managing environmental risks. I have acknowledged above (paras 3.21-3.30) that the Scheme would increase emissions. I have also explained that the Welsh Government has set a carbon reduction target of 95% with an ambition to get to net zero by 2050 (para 3.26 above) and is taking action across all the areas for which it has responsibility to ensure an overall reduction in GHG emissions. Therefore, although this Scheme would increase emissions, this does not undermine the overall thrust of Welsh Government policies, since the Scheme must be seen in the overall context of Government action aimed at reducing emissions.

4.31 PPW10 paragraph 6.1.5 sets out the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. It states that the historic environment can only be maintained as a resource for future generations if individual historic assets are protected and conserved. Paragraph 6.1.7 emphasises the importance of protecting, conserving and enhancing the significance of historic assets, which includes considering the impact on their setting. Chapter 10 of the ES⁵⁴ deals with the historic environment. There would be no physical impact on any listed buildings or scheduled ancient monuments (SAM). With regard to their settings, there would be minor beneficial effects for Llanddewi Velfrey War Memorial and Ffynnon Baptist Chapel. There would be no significant impact on the setting of 2 SAMs and 5 other listed buildings.

4.32 PPW10 Paragraph 6.23 emphasises the need to conserve archaeological remains and their settings and paragraph 6.27 deals with the recording and investigation of archaeological remains. Similar advice is given in Technical Advice Note 24⁵⁵. Detailed survey work has identified 23 heritage assets where the Scheme would result in physical damage; none of these are nationally or locally designated. The Dyfed Archaeological Trust was closely involved during the design and development of the Scheme and Cadw were also consulted. The ES proposes a programme of archaeological recording and evaluation of buried remains to offset the impact of the Scheme. No objections have been received from Cadw. In my view the Scheme meets the policy objectives of PPW10 in respect of the historic environment.

4.33 PPW10 paragraph 6.3.3 emphasises the value of all the landscapes of Wales for their intrinsic contribution to a sense of place, stating the need to protect and enhance their special characteristics. It stresses the importance of collaboration and engagement with adjacent planning

⁵⁴ Doc 3.10.01

⁵⁵ Doc 4.01.36

authorities, Natural Resources Wales (NRW), Cadw and the third sector. Pembrokeshire County Council has been closely involved in the development of the Scheme from the start, having been part of the WeITAG Review Group. Likewise NRW and Cadw have been consulted and it is noteworthy that neither has objected to the Scheme on grounds of landscape impact.

4.34 ES Chapter 9 deals with the impact of the Scheme on the landscape. The Scheme would cross a landscape of ridges and valleys to the north of Llanddewi Velfrey requiring cuttings and road embankments. The Scheme would be located in the Templeton Landscape Character Area (LCA) and would be visible from the Mid Taf Vale LCA. Only two of the 16 Landscape Character Areas (LCA) would experience a significant landscape impact; 14 LCAs would experience a neutral impact during construction and in the winter of the first year after opening of the Scheme, and in the summer of the design year, 15 years after opening. A large adverse effect is predicted on the Templeton and Mid Taf Vale LCAs during construction and in the winter of the first year following completion. However, this would be reduced by the landscaping and hedge planting works to a moderate adverse effect by the summer of the design year.

4.35 Andrew Sumner in his evidence⁵⁶ sets out the key environmental considerations that were applied when the initial preferred route was refined, including

- Optimising the cut and fill balance to minimise surplus and the import of fill;
- Minimising adverse effects on areas of woodland, in particular on designated Ancient Woodland;
- Minimising the adverse effects on watercourses;

⁵⁶ Doc WG 1.4.2 – paragraph 3.4.4

- Reducing traffic noise, visual impact and community severance and incorporating Active Travel measures wherever possible;
- Minimising adverse effects on biodiversity by avoiding important habitat; providing mitigation for adverse effects on these habitats and on protected species;
- Minimising the height of embankments and using cuttings for the maximum beneficial effect on traffic noise and visual impact;
- Using tree and shrub planting to integrate the earthworks and carriageway with the existing landscape and screen traffic to reduce or avoid visual impact;
- Retaining some views from the road to provide visual diversity for travellers;
- Providing links across the road to maintain or mitigate loss of connectivity for habitats, species, farms, walkers, horse-riders and cyclists.

4.36 Andrew Sumner⁵⁷ describes in detail how these environmental considerations have influenced the design of the Scheme so as to minimise the impact of the new road on the landscape. For example, between Penblewin Roundabout and Henllan Lodge the Scheme is designed to be as low as possible to better integrate the carriageway in the landscape. Along the length of the new road, landscaping including hedge planting is used to screen the road from the surrounding area and from properties, for example between the new A40 and the access road to the north. Between Ffynnon Wood and the staggered junction to the east redundant land would be planted with woodland species to complete landscape integration of the road and the junction. The embankment north of Llanddewi Velfrey, with long northern slopes reaching a height up to 18 metres, would be planted with a pattern of woodland and hedges to break up the embankment slope and integrate

⁵⁷ Doc WG 1.4.2

it within the hedged agricultural landscape to the north. Woodland species planted on the embankment's southern slopes would integrate with existing woodland and provide a biodiversity corridor. This would screen the new road and traffic from the south and provide a backdrop to traffic on the new road from the north.

4.37 As a result of this comprehensive landscaping and hedge planting work the ES predicts that by the winter of year 15 following the opening of the Scheme the effect on the 2 affected LCAs would be reduced to moderate adverse; 14 LCAs would experience a neutral effect. Out of the 122 dwellings and rural businesses predicted to experience a change in view, 110 would experience a neutral or slight effect by Year 15. There would be a moderate adverse effect remaining for 7 properties and a large adverse effect for 1, but 4 properties would experience a significant beneficial effect. Of the 26 rights of way predicted to experience a change of view, 2 would experience a moderate visual benefit whereas 13 would experience an adverse visual effect ranging from moderate (for 8 rights of way) to large or very large. Therefore, whilst the extensive mitigation included in the Scheme would effectively reduce the impact of the new road and there would be benefits particularly for properties and footpaths to the south, a significant residual adverse impact on the landscape would remain in the long term, in conflict with the objectives of PPW10.

4.38 PPW10 paragraph 6.4.4 states that all reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems, balanced with the wider economic and social needs of business and local communities. Paragraph 6.4.8 emphasises the duties and requirements of Section 6 of the Environment (Wales) Act 2016. This states that *a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.*

- 4.39 TAN5: Nature Conservation and Planning states that biodiversity conservation and enhancement is an integral part of planning for sustainable development. However TAN5 was issued in 2009 and therefore has been largely overtaken by PPW10 and the requirements of the Environment (Wales) Act 2016.
- 4.40 Chapter 8 of the ES deals with ecology and nature conservation. Due to the proximity of a number of Special Areas of Conservation and Special Protection Areas, a Statement to Inform an Appropriate Assessment (SIAA) was prepared⁵⁸. This concluded that there would not be an adverse effect on the integrity of the European Sites considered.
- 4.41 There are extensive areas of hedgerow and woodland important to wildlife that would be affected by the Scheme. Surveys have identified a number of protected species that could be directly affected and therefore protected species licences will be required from NRW for bats, dormice and badgers during the construction period. The ES details extensive mitigation to reduce the effect of construction including the timing of work, restriction on working hours and pollution control. Design and operational mitigation includes maintaining bat flight lines; woodland and hedgerow planting to replace dormice habitat; replacement setts; mammal underpasses including enlarged culverts; and biodiversity enhancements including wildflower seeding of large areas of grassland.
- 4.42 Table 23.1 on page 875 of the ES lists the enhancements proposed as part of the Scheme including 5.03ha of additional woodland and scrub habitat; 3.75ha of additional species rich grassland; 3.9ha of rock and scree habitat; 3.9km of additional watercourses and ditches; and 4km of hedges and Pembrokeshire hedge banks. As a result of the mitigation measures the ES concludes that there would be no significant impact on the identified species as a result of the construction or operation of the Scheme.

⁵⁸ Doc 4.6.12

4.43 A considerable length of hedgerow would be removed to construct the Scheme and PPW10 paragraph 6.4.24 stresses the importance of hedgerows for biodiversity. The evidence of Andrew Sumner and Peter Wells⁵⁹ describes how the mitigation and landscape design including the provision of culverts, woodland and hedges pays special attention to the need to provide replacement habitat and maintain connectivity for dormice and bat flight routes.

4.44 Natural Resources Wales (NRW) expressed a number of concerns in their letter dated 20 September 2019 over the effectiveness of some of the measures proposed to mitigate the impact on protected species. In response a number of changes have been made to the mitigation proposals and a Protected Species Conservation Strategy⁶⁰ has been produced, which describes additional survey work carried out subsequent to the ES and sets out the proposed changes to the mitigation in response to the concerns raised by NRW. These are described in the evidence of Peter Wells and include enlarged culverts; relocation of one culvert; revised landscape planting; and dormouse crossing structures incorporated within enlarged underpasses. Peter Wells confirms that in his view the culverts proposed in the revised mitigation would be of sufficient size to provide safe crossing points for all bat species and that the proposals would replace lost dormice habitat and maintain connectivity along the length of the Scheme.

4.45 PPW10 paragraph 6.8.1 sets out the need to balance the provision of lighting to enhance safety and security with the need to, amongst other things, protect the natural and historic environment including wildlife and NRW has expressed concern over the lighting proposals. Lighting for the Scheme would be restricted to the two roundabout junctions at Penblewin and Bethel Chapel, in order to limit the impact on bats, badgers and dormice. The Protected Species Conservation Strategy confirms the lighting proposals. Peter Wells indicates that lighting at the

⁵⁹ Docs WG 1.4.2, WG 1.5.2

⁶⁰ Doc WG 1.5.3

Penblewin roundabout is likely to be reduced as a result of the Scheme since lighting currently extends along the existing A40 almost to the rest area.

4.46 As a consequence of the Scheme's design and the revised mitigation proposals I am satisfied that the Welsh Government has met the requirements of Section 6 of the Environment (Wales) Act 2016 to maintain and enhance biodiversity consistent with its functions in respect of the trunk road network. Further, I consider that the Scheme meets the requirements of national planning policy in PPW10 paragraph 6.4.4 by taking all reasonable steps to maintain and enhance biodiversity and promote the resilience of ecosystems.

4.47 PPW10 paragraph 6.4.26 emphasises the importance of ancient and semi-natural woodlands for their significant landscape, biodiversity and cultural value. It states that they should be protected from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits. The route of the proposed Scheme through Ffynnon Wood was designed to closely follow the existing A40 and utilise the existing road embankment as far as practically possible, whilst meeting required highway standards. Some of the trees to be removed are on the road embankment and were planted as part of previous improvements to this section of the A40. Through the area of Blaen-Pen-troydin Wood the Scheme was designed to minimise the area of the woodland to be cleared by choosing a route as far north as practically possible that would meet highway standards and minimise impact on habitats and on farm businesses.

4.48 The important feature of the affected areas of Restored Ancient Woodland lies in the soil, which would be reused in the proposed areas of landscaping. Further, the loss of these small areas of woodland needs to be balanced against the significant public benefits including highway safety, network resilience, reduction in community severance, noise and air pollution in Llanddewi Velfrey. PPW10 advises that the

advice of NRW should be considered; there is no objection from NRW in respect of loss of woodland. I consider the Scheme accords with national planning policy regarding woodland.

- 4.49 PPW10 paragraph 6.7.2 states that the lower the concentration of nitrogen dioxide and particulates in air, the lower the risks of adverse health effects. Paragraph 6.7.4 advises that the planning system should maximise its contribution to achieving the well-being goals, and in particular a healthier Wales, by aiming to reduce average population exposure to air and noise pollution. Chapters 13 and 14 of the ES deal, respectively, with air quality and noise.
- 4.50 Dealing first with air quality, whilst the predicted NO₂ levels would not exceed the objective levels, the majority of residents would experience a large decrease as the Scheme would move traffic away from Llanddewi Velfrey. The impact on NO₂ as a result of the Scheme ranges from minor adverse to major beneficial, in both the opening and future years, with the majority of people experiencing a beneficial impact. With regard to particulate PM₁₀ concentrations, the predicted levels would not exceed the annual objective. The majority of residents would experience a decrease although the magnitude would be negligible apart from 2 receptors in the opening year and 3 in the design year, where there would be a minor benefit. Therefore, whilst existing pollutant concentrations in the study area are low and air quality objectives are currently met, the Scheme would improve air quality for the majority of residents in the area who would experience a beneficial impact as a result.
- 4.51 Turning to noise, Llanddewi Velfrey is in a Noise Action Plan Priority Area. The noise levels are predicted to fall at most dwellings in the short and long term, with 43 experiencing major reductions in the opening year, including several currently experiencing very high noise levels; 14 would have major reductions in the design year. In the opening year 92 properties would have a minor to major noise level decrease (3 to +10

LA_{10,18h} dB decrease) and 54 in the design year. Conversely, 3 isolated residential properties and one sensitive receptor would experience a major noise increase in the opening year, with one major impact remaining in the design year. However, 2 of these would still experience relatively low absolute noise levels, below World Health Organisation thresholds even with windows open. An increase would be experienced at 13 residential properties ranging from minor to major in the opening year and 8 in the design year. One other non-residential sensitive receptor would experience a major adverse noise impact in the opening year and a moderate increase in the design year. These impacts were assessed as not causing a significant effect when considering the other factors set out in paragraph 14.3.78 of the ES.

4.52 The noise modelling thus indicates that the Scheme would have significant permanent direct benefits from reduced noise levels for the community of Llanddewi Velfrey, with no significant adverse operational noise effect. In addition many properties close to the existing A40 are currently exposed to night-time noise above guidance thresholds associated with the onset of nuisance, and would see reduced night-time noise levels as a result of the Scheme.

4.53 Consequently, in view of the considerable number of dwellings and people that would benefit, the Scheme is entirely in line with the PPW10 objective of reducing average population exposure to air and noise pollution and would hence contribute to the national well-being goals, in particular 'A healthier Wales'.

Draft National Development Framework

4.54 The draft NDF was published for consultation in August 2019. It complements PPW10 and should be read alongside it. It is a strategic document that provides direction and sets the policies and key issues that the Welsh Government requires the regions to take forward in Regional Development Plans. The draft NDF divides Wales into 3 regions; the Scheme is located in Mid and South West Wales,

comprising comprises Carmarthenshire, Ceredigion, Neath Port Talbot, Pembrokeshire, Powys and Swansea. The draft NDF identifies 11 overarching Outcomes based on the national planning principles and national sustainable placemaking outcomes in PPW10; the NDF is concerned with achieving these outcomes. The first Outcome is ‘A Wales where people live and work in connected, inclusive and healthy places’.

4.55 Policy 24 identifies the towns of Carmarthen, Llandrindod Wells, Newtown, Aberystwyth and the four Haven Towns as the focus for managed growth, reflecting their important sub-regional functions. The four Haven Towns are Milford Haven, Haverfordwest, Pembroke and Pembroke Dock. Policy 25 supports continued operations and future development at Haven Waterway. The supporting text stresses the importance of accessibility and inter-linkages between settlements, based on an understanding of their roles and functions.

4.56 The A40 is a route of national and international strategic importance forming part of the Trans-European Transport Network (T-ENT). At a regional and local level, it serves the county town of Haverfordwest, the tourist economy of central and north Pembrokeshire, the port of Fishguard, the industrial town of Milford Haven and the Haven Waterway Enterprise Zone. The Scheme would improve part of the poorest quality section of the A40 that has been described as one of the lowest standard sections of the Trans European Road Network in the United Kingdom. By improving access to the Haven Towns the Scheme would be in line with the strategic objectives of the emerging NDF, in particular Policies 24 and 25, and would contribute to achievement of the first overarching Outcome: *A Wales where people live and work in connected, inclusive and healthy places*. The reduction in community severance and benefits of reduced traffic noise and improved air quality in Llanddewi Velfrey would also contribute to this Outcome. The Scheme is therefore in accordance with the strategic policies and objectives of the emerging NDF.

Requirements of Agriculture

- 4.57 PPW10 paragraph 3.54 states that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system is the best and most versatile, and should be conserved as a finite resource for the future. The ES⁶¹ deals with the effect on agricultural land and businesses. Andrew Sumner⁶² confirms that the Scheme has been designed to minimise the impact on agricultural land wherever possible by avoiding unnecessary severing and isolation of land parcels. Approximately 27.4ha of agricultural land would be lost permanently to the Scheme, all of which falls within grades 3b and 4; none of the land lost to the Scheme is therefore in the best and most versatile category.
- 4.58 Seven farms affected by the Scheme would experience significant changes in day-to-day operations, but their viability would not be threatened. The evidence of Andrew Sumner and Tom Edwards⁶³ describe the measures that would be taken to ensure that access to farms and fields would be maintained in the short term by temporary means during construction and in the long term by the provision of underpasses or new permanent means of access. Bearing in mind that the Scheme would not affect any land classed as the best and most versatile and the viability of no farm holding would be threatened I consider the Scheme is in line with PPW10.

5. Conclusions

- 5.1 Dealing first with the issue of sustainable development, this is defined in the WFG Act 2015 and I have therefore assessed the Scheme in accordance with the requirements of that Act. I have explained in paragraphs 3.5-3.6 above how WelTAG 2017 incorporates the principles of the WFG Act, which leads me to my initial conclusion that the Scheme was selected and developed in accordance with sustainable

⁶¹ Doc 3.12.01

⁶² Doc WG 1.4.2

⁶³ Docs WG 1.4.2, WG 1.3.2

development principles. In paragraphs 3.8-3.16 I examine the Scheme against the 5 ways of working contained in Section 5(2) of the WFG Act, concluding that it was identified and developed following the principles of thinking long term, integration, involvement, collaboration and prevention. The Welsh Government hence has acted in accordance with the sustainable development principle.

5.2 The WFG Act requires public bodies to take action in accordance with the sustainable development principle aimed at achieving the 7 well-being goals in section 4 of the Act. The Welsh Government has published 12 well-being objectives designed to maximise its contribution to achieving each of the well-being goals. I have explained in paragraph 3.19 above that the Scheme would make positive contributions to 9 of the national well-being objectives and to several local objectives. However, with regard to national well-being Objective 3: *Drive sustainable growth and combat climate change* there would be the potential for an adverse impact in respect of carbon emissions and climate change.

5.3 I have examined carbon emissions and climate change in paragraphs 3.21-3.30. The Scheme would result in an 8.4% increase in total emissions from construction and operation compared with the Do Minimum scenario. However it would be wrong in my view to conclude that a project did not amount to sustainable development based on a potential adverse impact in respect of one well-being objective. Its positive contributions to other well-being objectives and goals must be considered. This Scheme would make positive contributions to the Welsh Government's well-being objectives and hence national goals through improved road safety; increased network resilience; reduced community severance and noise impact, and improved air quality. I conclude 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 Ac.

- 5.4 Turning to the requirements of planning, the relevant statements of national planning policy are contained in PPW10⁶⁴, published in December 2018. PPW10 stresses the concept of placemaking in order to achieve the creation of sustainable places and improve the well-being of communities. The Scheme would deliver a number of the National Sustainable Placemaking Outcomes defined in PPW 10 (see paragraphs 4.3-4.10). These include making best use of resources; fostering economic activity; enabling easy communication; producing a safe and inclusive environment in Llanddewi Velfrey; promoting physical and mental health and well-being; and better conditions for active travel.
- 5.5 PPW10 defines 3 place-related themes aimed at sustaining or creating sustainable places and delivering the national sustainable placemaking outcomes. The first of these is ‘active and social places’ and I conclude (para 4.15) that because of the Scheme’s importance as part of the Welsh Government’s national transport programme, its inclusion in the Pembroke LDP and the benefits to the village of Llanddewi Velfrey, it accords with national planning policies.
- 5.6 The second theme is ‘productive and enterprising places’. The Scheme accords with the objectives of PPW10 for the use of material resources, particularly an earthworks balance. It would produce several benefits including highway safety and journey reliability; for the local economy and tourism; reduced air pollution, noise and community severance, and improved opportunities for active travel in Llanddewi Velfrey (paras 4.16-4.28). I conclude that the Scheme meets the objectives of PPW10 that seek to achieve active and social places.
- 5.7 The third theme is ‘distinctive and natural places’, which includes the historic environment, landscape, biodiversity and airborne pollution. It seeks to achieve ‘A Globally Responsible Wales’ by reducing carbon emissions, addressing airborne pollution and managing environmental

⁶⁴ Doc 4.01.30

risks. This Scheme would increase emissions (paras 3.21-3.30 above), but this does not undermine the overall thrust of Welsh Government policy, since emissions on this single infrastructure project must be seen in the overall context of Government action aimed at reducing emissions (para 4.30 above).

- 5.8 There would be no physical impact on any listed buildings or scheduled ancient monuments (SAM). There would be minor beneficial effects for 2 SAMs and no significant impact on the setting of 2 SAMs and 5 other listed buildings. I therefore conclude (para 4.32) that the Scheme meets the policy objectives of PPW10 in respect of the historic environment.
- 5.9 With regard to landscape (paras 4.34-4.37), there would be no significant effect on 14 of the LCAs. The extensive landscaping and hedge planting included in the Scheme would reduce the impact on the 2 affected LCAs to moderate by the summer of the design year. There would be an adverse effect on some rights of way and properties, whilst others would benefit, particularly to the south of the new road. However, significant residual adverse visual effects would remain. I therefore conclude that the landscape impact of the Scheme is in conflict with the objectives of PPW10.
- 5.10 Turning to biodiversity and protected species (paras 4.38-4.46), the SIAA concluded that there would not be an adverse effect on the integrity of the European Sites considered. The Protected Species Conservation Strategy sets out modifications to the mitigation proposals to address the concerns of NRW. I conclude that the Scheme's design and revised mitigation proposals meet the requirements of Section 6 of the Environment (Wales) Act 2016 and the requirements of PPW10 paragraph 6.4.4 by taking all reasonable steps to maintain and enhance biodiversity and promote the resilience of ecosystems.
- 5.11 With regard to Ancient Woodland (para 4.48), there is no objection from NRW and the loss of woodland needs to be balanced against the significant public benefits including highway safety, network resilience,

reduction in community severance, noise and air pollution in Llanddewi Velfrey. I conclude that the Scheme accords with national planning policy regarding woodland.

5.12 Turning to air and noise pollution, a considerable number of dwellings and people living close to the existing A40 would benefit from the Scheme. I conclude that it is entirely in line with the PPW10 objective of reducing average population exposure to air and noise pollution (para 4.53).

5.13 With regard to transport PPW10 states (para 5.3.4)

Where no other alternative routes or options are practicable, transport infrastructure schemes should provide mitigation measures to minimise the negative impacts and enhance the positive ones caused by their construction and operation, including reducing exposure to airborne pollution.

5.14 All options were considered as part of the investigation of possible solutions to the identified problems on this section of the A40, including the full WeITAG 2017 assessment, leading to the identification of this Scheme as the preferred solution. The route has been refined and developed to avoid its adverse effects and mitigation has been designed to minimise the Scheme's negative impacts where avoidance is not possible. The Scheme would enhance living conditions for people living in Llanddewi Velfrey, reducing community severance, air and noise pollution. I therefore conclude that the Scheme accords with national planning policies for transport infrastructure projects.

5.15 With regard to the emerging NDF, I conclude that the Scheme accords with its strategic policies and objectives (paras 4.54-4.56 above).

5.16 I consider that because it would not affect any land classed as the best and most versatile, and the viability of no farm holding would be threatened, the Scheme is in line with PPW10 (paras 4.57-4.58 above).

5.17 PPW10 contains a wide range of policies covering all types of development. There will inevitably be developments that satisfy some policies but conflict with others. That is the case here and it is necessary to come to a balanced view, weighing the benefits against any adverse impacts. PPW10 states (para 2.24)

Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle. There may be occasions when one benefit of a development proposal or site allocation outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.

5.18 In this case there are benefits to highway safety and journey reliability, and potential benefits to the local economy and to tourism, all of which attract considerable weight. I attach great weight to the benefits to the residents of Llanddewi Velfrey though reduced community severance, air pollution and traffic noise, improved opportunities for active travel and the opportunity to create a safer environment in the village.

5.19 Against these benefits must be set the long term impact on the landscape, the issues raised by NRW regarding the effectiveness of mitigation for protected species, and the increased emissions. The extensive landscaping measures would reduce the long term impact on the 2 affected LCAs to moderate, whilst 14 LCAs would not be significantly affected. The mitigation measures for protected species have been carefully designed to respond to the concerns of NRW and to overcome those concerns wherever possible. For these reasons I attach some but limited weight to the landscape and potential biodiversity impacts. The increase in emissions must be weighed in the context of the Welsh Government's actions across all its areas of responsibility

including transport aimed at reducing emissions in Wales and tackling climate change.

5.20 As a consequence, on balance I conclude that the social, economic, environmental and cultural benefits resulting from this Scheme, which are supported by robust evidence, outweigh its limited adverse impacts. I conclude overall on the requirements of planning that the Scheme accords with national planning policies in PPW10 and the emerging policies of the NDF.

6. Objections

6.1 I deal here with those grounds of objection that relate to my evidence. I have grouped common themes together to avoid repetition.

Greenhouse Gas Emissions and Climate Change

6.2 Thomas Wheeler, Moira Rowlands, James Cullingford and John and Linda Smith have objected on grounds relating to greenhouse gas emissions and climate change. I deal with these issues in paragraphs 3.21-3.30 of this proof. Over the 60-year appraisal period total emissions would increase by 8.4% compared with the Do Minimum scenario as a result of the construction, operation and use of the new section of trunk road. However, the Scheme needs to be evaluated in the context of the actions the Welsh Government is taking across all of its wide-ranging areas of responsibility, including transport, to reduce GHG emissions in Wales and tackle climate change. Prosperity for All: A Low Carbon Wales⁶⁵ published in March 2019 contains 100 policies and proposals across all ministerial portfolios and the Government's 2020-21 Budget⁶⁶ provides funding to support decarbonisation including investment in active travel and an electric bus fleet.

⁶⁵ Doc 4.01.24

⁶⁶ Doc 4.01.67 & 68

Well-being of Future Generations (Wales) Act 2015

6.3 Thomas Wheeler and Pembrokeshire Friends of the Earth object on grounds related to the WFG Act and sustainable development. I examine this Scheme in relation to the Act, which defines sustainable development, in paragraphs 3.1-3.30 of this proof. I explain that WelTAG 2107, which incorporates the principles of the WFG Act, was used to identify the Scheme. I examine the 5 ways of working and explain that the Scheme was developed in accordance with the principle of sustainable development as defined in the Act. I examine the implications of the increase in emissions as a result of the Scheme, which would result in a potentially negative impact in respect of national well-being Objective 3: *Drive sustainable growth and combat climate change*.

6.4 However, to decide whether the Scheme amounts to sustainable development as defined in the WFG Act it is necessary to consider not simply its potential adverse impact in respect of one well-being objective or goal, but all its positive contributions to other well-being objectives and goals. In this case the Scheme would make positive contributions to national well-being objectives and goals through improved road safety; increased network resilience; reduced community severance and noise impact, and improved air quality. The Sustainable Development Report provides further detail. The Scheme's significant overall contribution to achievement of the national well-being objectives and goals would be part of the '*process*' of improving well-being that amounts to sustainable development as defined in the WFG Act.

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6.5 Thomas Wheeler and Pembrokeshire Friends of the Earth refer to the advice in PPW10 regarding the sustainable transport hierarchy, claiming that the Scheme is contrary to this policy. PPW paragraph 4.1.11 states that it is Welsh Government policy to require the use of a sustainable transport hierarchy in relation to new development, which prioritises

walking, cycling and public transport ahead of private motor vehicles. Private motor vehicles other than ultra low emission vehicles are at the bottom of the hierarchy. I deal with the transport hierarchy in paragraph 4.15 of this proof where I explain that the intention is to reduce the need to travel and prevent car-dependent developments in unsustainable locations. However this Scheme seeks to address existing transport problems and would not generate additional private motor vehicle trips as would a new housing, retail or business development. I therefore do not consider that the transport hierarchy hence has any direct application to road schemes of this nature.

- 6.6 Nonetheless, as I point out in paragraph 4.25 of this proof, PPW10 paragraph 5.3.13 advises that road schemes and improvements should take into account the transport hierarchy, whereby active and sustainable transport is considered before private motor vehicles, as this will help minimise community severance and adverse impacts on journeys on foot, bicycle and public transport. Whilst the transport hierarchy has limited direct relevance to this Scheme, it would fulfil the objectives of PPW10 by reducing community severance and improving opportunities for active travel.

Landscape and Environmental Damage

- 6.7 Moira Rowlands and James Cullingford object on grounds related to environmental damage, include harm to the landscape and scenery. I deal with these aspects of the Scheme in paragraphs 4.33-4.37 of this proof. I explain the environmental considerations that influenced the design of the Scheme to minimise its landscape impact and the landscape measures that would be implemented to integrate the new road into the landscape and mitigate its impact. Nonetheless, whilst the extensive mitigation forming part of the Scheme would reduce its impact and there would be benefits for properties and footpaths south of the new road, a significant residual adverse impact on the landscape would remain, which would conflict with PPW10. However, as I explain in

paragraph 5.19 of this proof, the extensive landscaping measures would reduce the long term impact on the landscape to moderate and so I attach some but limited weight to the landscape impact. I consider the significant benefits of the Scheme outweigh its limited adverse impacts.

Ancient Woodland

6.8 Thomas Wheeler, Pembrokeshire Friends of the Earth and the Woodland Trust refer to the policy in paragraph 6.4.26 of PPW10 that ancient woodland should be protected from development. I deal with this issue in paragraphs 4.47-4.48 of this proof. The route of the proposed Scheme through Ffynnon Wood closely follows the existing A40 road embankment as far as possible to minimise tree loss. The route through Blaen-Pen-troydin Wood was moved as far north as possible whilst minimising impact on habitats and farm businesses. The same paragraph of PPW10 advises that such woodland areas should be protected from development unless there are significant public benefits. In this case the loss of these small areas of woodland needs to be balanced against the recognised significant public benefits of the Scheme. I therefore consider the Scheme accords with national planning policy regarding ancient woodland in PPW10.