

IN THE MATTER OF THE HIGHWAYS ACT 1980 AND THE ACQUISITION OF LAND ACT 1981

BEFORE Inspector Aidan McCOOEY BA MSc MRTPI, an Inspector appointed by the Welsh Ministers

Tuesday 10 March 2020

THE PUBLIC LOCAL INQUIRY INTO

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

OPENING STATEMENT OF THE WELSH GOVERNMENT

1. The Welsh Government wishes to carry out improvements to the A40 road by providing a new and upgraded section of highway in broad terms from Llandewi Velfrey to Penblewin. This implements a key element of its transport policy to improve east-west links within Wales.
2. The Welsh Ministers are responsible for the trunk road network in Wales and the Highways Act 1980 and the Acquisition of Land Act 1981 defines the procedures to be followed when the Welsh Ministers propose to carry out improvements to a road within the trunk road network and to make use of the process of a compulsory purchase order, CPO.
3. Accordingly, the Welsh Ministers have published three draft Orders, the Orders, to enable the improvement to be implemented, subject to approval. The object of this Inquiry is to enable the Welsh Government to present the proposed improvement for consideration in public and to be subjected to examination and then report by the independent Inspector before a final ministerial decision is taken.
4. Circular 14/2004 "Revised Circular on Compulsory Purchase Orders" sets out the principles to be applied when considering a CPO. In order to confirm a CPO, the decision maker has to be satisfied that:
 - 4.1. there is a compelling case for acquisition in the public interest;
 - 4.2. this justifies interfering with the human rights of those with an interest in the land affected;
 - 4.3. the acquiring authority has a clear idea of how it is intending to use the land it seeks to acquire;
 - 4.4. the acquiring authority can show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale; and
 - 4.5. the scheme is unlikely to be blocked by an impediment to implementation.
5. If I may, can I add that this is the opportunity for individuals to challenge any facts and put facts forward so they can be considered. The Welsh Government has undertaken very extensive consultation and weighed many factors. It

advances the Scheme as being in the public interest and a fair balance where interests do not coincide. Public participation means that relevant matters are put before an independent person to weigh up and make recommendations. The Ministers then decide; and the fact that the Welsh Government promotes the Scheme does not mean that the Minister has already decided: the Inquiry report will make recommendations but the opportunity to raise any matter is at this Inquiry.

2.01.01

6. The Scheme the subject of the Orders, is partially online with the current A40. It is to provide a northern bypass for the village of Llanddewi Velfrey from Bethel Chapel to Ffynnon Wood and it then incorporates a mixture of offline and online improvement to the A40 west of Ffynnon Wood to Penblewin Roundabout. This Scheme forms part of a wider A40 corridor of enhancements. The proposed 4.3km long Scheme comprises a Wide Single 2+1 Road providing two lanes in one direction and one lane in the opposite direction. Penblewin Roundabout to the west would be enlarged to accommodate the proposed trunk road and then the A40 would tie-in with the new Llanddewi Velfrey East Roundabout to the east. 2.02.01
7. The three Orders are: 2.03.01
 - 7.1. The London To Fishguard Trunk Road (A40) (Llanddewi Velfrey To Penblewin Improvement And De-Trunking) Order 201-. This will be referred to as the Line Order since this establishes the line or route of the new trunk road and the sections of road that will cease to be trunk road.
 - 7.2. The London To Fishguard Trunk Road (A40) (Llanddewi Velfrey To Penblewin Improvement) (Side Roads) Order 201-. This, the Side Roads Order or SRO, identifies the local highways, public rights of way and private means of access that need to be improved, diverted or stopped-up and the new highways and accesses needed to replace them or that they replace.
 - 7.3. The Welsh Ministers (The London To Fishguard Trunk Road (A40) (Llanddewi Velfrey To Penblewin Improvement)) Compulsory Purchase Order 201-. This, the Compulsory Purchase Order or CPO, identifies all the plots of land and rights over land required to construct the scheme and operate and maintain it, with all necessary mitigation.
8. The Scheme insofar as it is offline, is proposed to run through mainly agricultural land and a small amount of woodland. It would require approximately 35.9 hectares of land in total. Approximately 0.4 hectares of land would be required temporarily to undertake construction works and temporary traffic management operations. One residential property, known as Trefangor Cottage, would be demolished as a result of the Scheme and this has already been acquired by the Welsh Government under blight.
9. The amount of land and rights to be acquired as shown in the draft CPO are the minimum necessary to construct, mitigate, operate and maintain the proposed Scheme. The land required only during the construction period for temporary works such as traffic diversions has been identified separately as part of the publication of the draft CPO.

10. The Inquiry is into the three Orders, all of which together are required to effect the Scheme, but the evidence generally relates to them without distinction and it is unnecessary in opening to distinguish any further between the Orders. In opening, I simply seek to explain the Scheme briefly giving the background, the why and the how involved and introduce the process which will be followed using the following headings – The Policies, the Problem, the Process and the Proposal. This opening does not seek to list all of the evidence but should give many of the flavours and factors involved in this process of consideration.
- The Policies**
11. The Scheme accords with national and local policy statements. Some of the key documents are:
- 11.1. The Welsh Government’s Programme for Government: *‘Taking Wales Forward 2016-2021’*;
- 11.2. *the Wales Transport Strategy ‘One Wales: Connecting the Nation’*;
- 11.3. *the Wales Infrastructure Investment Plan for Growth and Jobs*;
- 11.4. *the National Transport Plan*;
- 11.5. *‘Prosperity for All: the national strategy’* along with an associated Well-being statement and economic action plan;
- 11.6. *Prosperity for All: A Low Carbon Wales* which was published in 2019 and sets out the Welsh Government’s approach to cutting emissions; and
- 11.7. *Planning Policy Wales Edition 10 (2018)*.
12. The Welsh Government’s transport policy is set out in the Wales Transport Strategy *‘One Wales: Connecting the Nation’* which was published in 2008. The main aim of this policy 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.
13. *One Wales: ‘Connecting the Nation’* endorses the proposition that a good transport system is central to achieving a vibrant economy and social justice through equality of access and greater mobility. It sees transport as having a leading role to play in adapting to the impacts of climate change. Fundamentally, economic prosperity is at the forefront of this policy in order to connect people with businesses for employment and businesses with their customers and suppliers.
14. The document contains a number of long-term outcomes falling within three main themes: social, economic and environmental. The priorities set out in the document include:
- 14.1. improving access to employment opportunities,
- 14.2. improving accessibility within Wales and internationally,
- 14.3. improving the actual and perceived safety of travel,
- 14.4. encouraging healthy lifestyles,
- 14.5. minimizing and alleviating the impact of transport on the local environment; and
- 14.6. adapting to the impacts of climate change.

15. In November 2001, the National Assembly for Wales had previously published *The Transport Framework for Wales*. This outlined that the east-west transport corridor in West Wales had been the subject of a multi-modal study, which concluded that the A40 west of St Clears was in need of improvements.
16. The *Trunk Road Forward Programme* was originally published in 2002 with subsequent updates in 2004 and 2008. The aim of the programme was to improve the economic and social conditions in Wales, through increasing efficiency and accessibility in all areas. The A40 St Clears to Haverfordwest was identified within the programme, within which included two specific Schemes:
- 16.1. A40 Llanddewi Velfrey to Penblewin; and
- 16.2. A40 Penblewin to Slebech Park.
17. During a reprioritisation of the Programme in 2008, the two Schemes were differentiated as follows: 4.01.39
4.01.40
- 17.1. Penblewin to Slebech Park Scheme – identified as a ‘Phase 1’ high ranking scheme (programmed ready to start between 2008 and April 2011); and
- 17.2. Llanddewi Velfrey to Penblewin Scheme – identified as a ‘Phase 3’ scheme meaning that further studies were needed to identify best solutions and the scheme was unlikely to be ready to start before April 2014.
18. The Penblewin to Slebech Park Scheme was subsequently completed in March 2011 with a bypass of Robeston Wathen, to Slebech Park only.
19. In 2012, the *Wales Infrastructure Investment Plan*, the WIIP, identified that improvements to east-west transport links in Wales were high-level investment priorities, with specific reference being made to the continuing improvements to the A40. The A40 from Llanddewi Velfrey to Penblewin was included under the transport sector with recognition of the strategic link to the first phase of improvements to be completed in 2011.
20. In July 2013, Edwina Hart AM CStJ MBE, then Minister for Economy, Science and Transport, published a written statement outlining her priorities for transport. The statement included the following:
- “Improving the A40 has been identified as a priority by the Haven Waterway Enterprise Zone Board and I intend to undertake further development of previously proposed improvements.”
21. On 12 November 2014, in providing an update on the closure of the Murco Refinery in Milford Haven, the Minister made an oral statement in Plenary: 4.01.28
- “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.”
22. In June 2015, in a written statement on the A40 Improvement Study, the Minister noted:

“It is my intention to progress delivery of the A40 Llanddewi Velfrey to Penblewin Scheme as soon as possible...”

23. The *National Transport Plan for Wales (2015)* provides a framework of schemes pursuant to policy aims set out in *the Wales Transport Strategy (2008)*. A scheme to improve the A40 between Llanddewi Velfrey and Penblewin is detailed in the plan under reference R15. The Scheme is described as: 4.01.37
- 23.1. 2km of new highway to the north of the village of Llanddewi Velfrey;
- 23.2. 2.5km of improved highway west of Ffynnon Wood; and
- 23.3. 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. 4.01.33
24. The strategic rationale for the Scheme is that it would help address road safety issues and improve accessibility to the Haven Waterway Enterprise Zone and employment sites on a Trans-European Transport Network (TEN-T) route. 4.01.34
25. In 2016, the Welsh Government published *‘Taking Wales Forward 2016-2021’*. This contained a commitment under the heading “United and Connected” to deliver improvements to trunk roads. This document set out 14 Well-being objectives, which included ‘connect communities through sustainable and resilient infrastructure’ and ‘support safe, cohesive and resilient communities’. 4.01.24
4.01.05
Improvements to the A40 in West Wales is part of the commitments under the ‘United and Connected’ theme.
26. In 2017, the Welsh Government published *‘Prosperity for All: the national strategy’* along with an associated *Well-being statement and economic action plan*. These documents set out 12 revised Well-being objectives, including ‘build resilient communities, culture and language’ and ‘deliver modern and connected infrastructure’. Under the ‘deliver modern and connected infrastructure’ heading, there is a specific commitment to deliver significant improvements to the A40 in West Wales. 4.01.65
4.01.66
4.01.24
27. In 2019, *Prosperity for All: A Low Carbon Wales* was published, setting out the Welsh Government’s approach to cutting emissions. Under the Environment (Wales) Act 2016, Welsh Government is required to reduce green house gas (GHG) emissions in Wales by at least 80% for the year 2050. Under Section 39 of the Act, Welsh Ministers must prepare and publish a report for each budgetary period. This Plan sets out how Wales aims to meet the first carbon budget of a 27% reduction (2016-2020).
28. In 2019, 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. The declaration refers to *Prosperity for All: A Low Carbon Wales* and stated that this Plan sets the policies and proposals intended to meet the 2020 carbon emission targets. 4.01.03
4.01.04
4.06.12

29. There is a continuing policy commitment for improving the section between Llanddewi Velfrey and Penblewin and along the wider A40 corridor. Within the context of wider Welsh Government and local policies, there is commitment to enhance the delivery of modern and connected infrastructure through improvement to the trunk road network.
30. At a legal level, the draft Orders are under powers in the Highways Act 1980 and Acquisition of Land Act 1981 and are supported by an Environmental Statement and a Statement to Inform an Appropriate Assessment in accordance with EU and UK requirements. I will return to the Habitats Regulations below.

The Problem

31. The A40 is a route of national and international strategic importance, forming part of the TEN-T, the Trans-European Transport Network. 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 and the industrial town of Milford Haven to the south.

32. Despite this, the section of the A40 between St Clears and Haverfordwest is a relatively poor-quality route. It has been described as:
 “one of the lowest standard sections of the Trans-European Road Network in the United Kingdom.”

33. WelTAG is the Welsh Transport Appraisal Guidance which has been developed by the Welsh Assembly Government with the intention that it is applied to all transport strategies, plans and schemes being promoted or requiring funding from the Welsh Assembly Government.

4.03.03

34. The two primary purposes of WelTAG are

4.03.05.

- 34.1. To assist in the development of proposals to enable the most appropriate scheme to be identified and progressed – one that is focused on objectives, maximises the benefits and minimises the impacts; and
- 34.2. To allow the comparison of competing schemes on a like-for-like basis, so decision-makers can make difficult funding decisions.

4.03.07

35. In achieving these purposes WelTAG aims to:

- 35.1. ensure appraisal requirements are of a scale that is appropriate to the value to the scheme;
- 35.2. focus on those areas of most concern; and/or
- 35.3. focus on those areas that differentiate options.

36. A 2017 WelTAG study identified problems to be addressed on the A40 between Llanddewi Velfrey and Penblewin, which comprised a range of actual and perceived problems including the following 8 issues:

- 36.1. Limited and inconsistent overtaking opportunities, which lead to journey time unreliability, driver frustration and associated risky manoeuvres with severe collision incidents;
- 36.2. Platooning (when there are convoys of heavy goods vehicles from the ferry ports and slow-moving agricultural vehicles accessing the many side roads and farm accesses along the A40) contributes to journey time

- unreliability when combined with the limited overtaking opportunities and mix of local and HGV traffic;
- 36.3. The route of the A40 passes through the populated area, creating severance and air and noise pollution problems within the local community at Llanddewi Velfrey;
 - 36.4. Slow-moving traffic during the summer months exacerbate the problems with tourists causing a significant increase in traffic and slow-moving vehicles including caravans;
 - 36.5. The region has lower than national average productivity levels and was disproportionately impacted by the recession in light of its reliance (compared to the national averages) on tourism, public administration, wholesale and retail (including agriculture), manufacturing and construction industries;
 - 36.6. Unemployment in the region is highest in the main industrial areas of Milford Haven and Pembroke Dock, which have the lowest levels of attainment reflecting the wider socio-economic profiles of these areas;
 - 36.7. The absence of higher education establishments in Pembrokeshire means that prospective students have to leave the County to study; and
 - 36.8. Pembrokeshire is perceived to be remote and that this is deterring inward investment, tourism and the development of the travel-to work market within the Swansea Bay City Region.
37. Evidence includes that there is a general problem with forward visibility on this portion of the A40. The existing section of the A40 through Llanddewi Velfrey is subject to a 40mph speed limit and some sections do not meet current design standards. The horizontal alignment is generally poor, and the road narrows to 6.5m in places. No hard strips exist, and footways are narrow, thus creating difficulties for pedestrians. As you will hear, current standards for a trunk road require that the cross-section for a single carriageway road should be a total of 9.3m wide, comprising 3.65m lane widths and 1m hard strips; therefore, the existing carriageway is up to 2.8m narrower than the standards require. 1.1.2
38. A further point is that the existing A40 Trunk Road between Penblewin Roundabout and the top of Fron Hill (the extents of the Scheme) has 74 points of direct access onto the carriageway (8 from side roads, 34 from private access to property, 25 field access and 7 others including the petrol station and the rest area).
39. The 8 overarching Scheme objectives (p.16) therefore are:
- 39.1. To enhance network resilience and improve accessibility along the east-west transport corridor to key employment, community and tourism destinations;
 - 39.2. 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;
 - 39.3. To reduce community severance and provide health and amenity benefits;
 - 39.4. To reduce the number and severity of collisions;
 - 39.5. To promote active travel by cycling, horse riding and walking to provide opportunities for healthy lifestyles;

- 39.6. To deliver a Scheme that promotes social inclusion and integrates with the local transport network to better connect local communities to key transport hubs;
- 39.7. To deliver a project that is sustainable in a globally responsible Wales, taking steps to reduce or offset waste and carbon; and
- 39.8. To give due consideration to the impact of transport on the environment and provide enhancement when practicable.

The Process

- 40. I will next give a brief historical account including confirmation of statutory procedures and then set out the proposal in general terms. I shall follow that by describing a little of the evidence to be called by the Welsh Government and identifying what each witness deals with. I will finish by making brief reference to the supporters and objectors and suggested alternatives to parts of the Scheme.

- 41. A great deal of development work has previously been undertaken which has informed both the location of planned improvements and the preferred route of any highway improvements along the A40 between St Clears and Haverfordwest. This has also identified that improvements to public transport would not address the identified transport problems on the A40 trunk road. Early work, therefore, steered the decision to pursue highway-led enhancements on the A40 and a route options study explored single and dual carriageway options. 4.01.44
Fig 1

- 42. I have already set out the announcement in 2004 of the improvement scheme for the A40 west of St Clears and then the review in 2008 of the 'A40 West of St Clears Study' which resulted in the Preferred Route being announced by the Welsh Government for the Penblewin-Slebech Park Improvement and then completed in March 2011.

- 43. Further development work was also undertaken for the A40 Llanddewi Velfrey - Penblewin project. This resulted in several proposed route options:
 - 43.1. Blue route – a bypass option to the north of Llanddewi Velfrey from Gwyndy Farm to Ffynnon Wood;
 - 43.2. Red route – an option which closely follows the existing trunk road;
 - 43.3. Orange route – an online improvement of the existing trunk road between Ffynnon Wood and Penblewin Roundabout; and
 - 43.4. Purple route – an offline improvement between Ffynnon Wood and Penblewin Roundabout.

- 44. During a period of public consultation, there was clear public support for the blue route, along with support for improvements between Ffynnon Wood and Penblewin Roundabout. A preferred route for the Llanddewi Velfrey to Penblewin Improvements was announced in March 2010.

- 45. Further studies were undertaken and reviewed in 2015, which concluded that there remained a good case for proceeding with the A40 Llanddewi Velfrey to Penblewin Improvement Scheme.

46. Ongoing ministerial support of the Scheme led to a decision in January 2017 to undertake further design development, with the Welsh Government appointing Carillion, with Arup and Richards Moorehead and Laing Limited, RML, as their technical and environmental advisors. Carillion entered liquidation in January 2018. The Welsh Government subsequently appointed Arup, supported by RML, to continue the development of the design up to the publication of draft Orders and to support the Welsh Government through the Statutory Process. 4.06.12
4.06.13
47. An Environmental Impact Assessment has been undertaken in relation to the Scheme and the findings of this are given in the Environmental Statement. 2.04.02
48. There are five Special Areas of Conservation (SAC) within 10km of the Scheme (Afonydd Cleddau; Yerboston Tops; Pembrokeshire Bat Sites and Bosherton Lakes; Pembrokeshire Marine; and Carmarthen Bays and Estuaries) and a Special Protection Area (SPA) within 30km (Carmarthen Bay). As a result of the proximity of these sites, an Assessment of Implications on European Sites (AIES) has been undertaken and a Statement to Inform and Appropriate Assessment (SIAA) prepared. There is an obligation to take account of the views of the relevant nature conservation body - here Natural Resources Wales. 2.04.03
49. On 31 July 2019 the Welsh Ministers gave Notice of their Determination that the proposal to consider the construction the road was to be the subject to Environmental Impact Assessment and that there was a requirement for an Assessment for Implications for European Sites under Section 63 of the Conservation of Habitats and Species Regulations 2017 and Article 6(3) of the Habitats Directive 92/43/EC. 2.01.01
50. On that same date, the Welsh Ministers announced that they were considering implementing a project for the construction of a new section of A40 trunk road to the north of Llanddewi Velfrey to include online and off line works and side road improvements. The project was subject to an Environmental Impact Assessment in accordance with Part VA of the Highways Act 1980 (as amended) and EC Directive 2014/52/EU. Therefore the Welsh Ministers gave notice that they had published an Environmental Statement (ES). Likewise the Welsh Ministers also gave notice that they were publishing a Statement to Inform an Appropriate Assessment (SIAA). 2.02.01
2.03.01
2.04.01
51. On that same day, the Welsh Government published the draft Line Order and the draft Side Roads Order. On 7 August 2019, the draft Compulsory Purchase Order was published.
52. In compliance with the requirements, all required steps have been taken to publicise the draft proposals including the documentation being made available for public inspection until 20 September 2019. In fact, in the public notice of the draft Line Order and the draft Side Order, the Welsh Government gave additional period of 10 days until 30 September 2019 to the public to lodge any objections to the Order. All such objections have been properly acknowledged and considered.

53. Accordingly, all relevant information that can be before the Inquiry is before the Inquiry and the statutory duties of the promoters have been discharged. The dossier setting out this detail is now Inspector before you.
54. The Welsh Government submission is that the Minister will be able to conclude that the Scheme can proceed on the basis of their information demonstrating compliance with the Habitats Regulations and the underlying EC Directives.

The Proposal

55. The Scheme as it is proposed for the purposes of this Inquiry is as follows.
56. Over a length of 4.3km, there is proposed to be what is called WS or Wide Single 2+1 single carriageway from east of Llanddewi Velfrey to Penblewin Roundabout which would bypass the village of Llanddewi Velfrey. This would provide two lanes in one direction and one lane in the opposite direction throughout the Scheme. The Scheme would provide a total of 2.94km overtaking length in the eastbound direction and 1.05km overtaking length in the westbound direction. The Scheme would consist of three sections of WS 2+1 standard carriageway which would be the subject of the UK national speed limit of 60mph for single carriageway trunk roads. Side roads would be subject to a 30mph speed limit as outlined in the Traffic Sign and Road Marking Strategy.
57. Most of the Scheme would be built offline, with a section between Henllan Lodge and Ffynnon being on the line of the existing road (with road widening). Opportunities for overtaking are provided on the proposed A40 Trunk Road in four sections; two westbound and two eastbound.
58. There will in total be 3 junctions:
- 58.1. an enlarged Penblewin roundabout with five points of entry and exit;
 - 58.2. a new West Llanddewi Velfrey Junction which would be a staggered priority junction providing access to the village and to the south and properties, farms and a Ffynnon chapel to the north; and
 - 58.3. a new East Llanddewi Velfrey Junction which would be a roundabout junction providing eastern access to the village of Llanddewi Velfrey and access to properties, farms and Bethel Chapel. This was originally to have been a staggered t-junction but this was changed to a roundabout following public engagement and detailed appraisal of the options.
59. There would be an overbridge for Llanfallteg Road which would cross over the new trunk road. The design of the overbridge will be suitable for equestrian users. There will be an underpass providing farm access, a route for a public footpath and for protected species and a watercourse.
60. Under the Scheme which is proposed, there will also be new Trefangor Burial Ground side road which would run parallel to the proposed A40 Trunk Road to connect the A478 north of the proposed Penblewin Roundabout to farms, properties and the Trefangor Burial Ground.

61. There would be a new Henllan Farm/Llanddewi Velfrey Lane providing a connection between the detrunked A40 and the existing unclassified road leading to Henllan Farm and Llanddewi Velfrey village.
62. In addition to the works at the roundabouts, the design of the earthworks would comprise embankments and cuttings and the effect of which has been that there is intended to be a balance of bulk cut and fill earthworks therefore reducing the greenhouse gases emissions impact. Engineered materials of some 50,000 m³ such as capping and subbase would need to be imported. The road surface will be a low noise surface.
63. There will be a highway drainage scheme provided which would ensure that there is no surface water flooding for a 1 in 5-year return period event. The collection of surface water from embankments and cuttings will be conveyed to attenuation facilities. These are provided by way of 4 basins/ponds sized to accommodate the 1 in 100-year event plus 30% to allow for climate change. Flow control devices located adjacent to the proposed attenuation basins/ponds will restrict surface water run-off to the Greenfield Runoff Rate.
64. Road lighting of the scheme would only be provided at roundabouts and on their immediate approaches. Two departures from standards have been approved relating to the reduced length of street lighting the effect of which has been to reduce operation and maintenance costs, ecological and landscape impacts and to reduce carbon.
65. There would be signage at the Llandewi East and West junctions informing road users of local facilities within the village. Safety barriers, road markings and traffic signs would all be provided in accordance with current design standards.
66. The needs of Walkers, Cyclists and Horse-riders, WCHRs, have been accommodated in the Scheme with all diversions and re-provision being equally advantageous. New or diverted Public Rights of Way (PRoWs) and Private Means of Access (PMAs) would be provided to mitigate those affected by the Scheme. WG 1.1.1/2
1.1.3
1.2.1/2
1.3.1/2
1.4.1/2
67. The existing bus stops are located on the section of existing road that would be detrunked. It is envisaged that the bus services would continue to function as they do presently and therefore there would be no effects arising from the operation of the proposed Scheme. 1.5.1/2
1.6.1/2
1.7.1/2
68. In support of its case, the Welsh Government will call 7 live witnesses: 1.4.3
- 68.1. Mr Mark Dixon BEng(Hons) CEng CEnv MICE - Welsh Government, Chief Witness
- 68.2. Mr Philip Thiele BEng(Hons) MRes CEng MICE (Traffic and Economics)
- 68.3. Mr Tom Edwards MEng CEng MICE MCIHT (Engineering)
- 68.4. Mr Andrew Sumner CMLI (Environment)
- 68.5. Mr Pete Wells BSc MSc MCIEEM CEnv (Ecology)
- 68.6. Mr David Hiller BSc MSc PhD CEng MIOA MIMMM FGS (Noise)
- 68.7. Mr John Davies MBE BSc MRTPI (Planning & Sustainable Development).

69. The Welsh Government will also rely on the written evidence of Mr Tony Kernon BSc (Hons), MRICS, FBIAC on the issue of Agriculture
70. The key points of the evidence are as follows:
- 70.1. Policy supports the scheme;
 - 70.2. The Scheme is an important element in the upgrading of the highway network;
 - 70.3. The scheme delivers improvements in reliability and road safety;
 - 70.4. The need to protect environmental features is highly material: the design has evolved to give recognition to the local constraints, local views and underlying objectives so that the result in an acceptable balance;
 - 70.5. The Scheme is a strategic route and reflects this but local traffic issues and connectivity are properly protected – detailed evidence is available to explain how reasonable alternatives are provided for all categories of highway users; WG 1.1.1/2
1.1.3
 - 70.6. General environmental sensitivity has been respected throughout design so that appropriate measures have been incorporated and, where land has been taken, this has been justified;
 - 70.7. The Scheme is consistent with the requirements of planning and of the Well-being of Future Generations (Wales) 2015 as well as observing the principles of sustainable development and minimizing the impact of climate change. 1.2.1/2
71. **Mr Mark Dixon** is the Chief Witness. He will deal with the policy and state why the Scheme is needed and what it is intended to achieve. 4.01.69
72. I have referred above to the policies and objectives and the benefits that will result from the Improvement. He is the witness who will deal with these issues and represent the conclusions advanced to the Inquiry including in relation to need.
73. **Mr Philip Thiele** presents a traffic and an economic appraisal.
74. He will explain the analysis undertaken on traffic flows. A set of scenarios has been developed on the footings of Do Minimum (without the Scheme) and Do Something (with the Scheme) traffic forecast for three future years in accordance with WebTAG. The three future years are the year of Scheme opening, 2021, a design year of 2036, and a ‘horizon year’ of 2051. Traffic growth data shows that, relative to 2016, traffic levels are expected to be broadly 22% higher by 2036 and 34 to 35% higher by 2051. In the design year (2036) the Annual Average Daily Traffic, AADT, passing through Llanddewi Velfrey is forecast to reduce by 96% from 13,780 to 520 vehicles as a result of the Scheme.
75. Operational analysis in future years shows that the A40 through Llanddewi Velfrey would reach a ‘stress factor’ of 0.74 by 2051. Based on this, the road would be expected to operate under free-flow conditions and journey time reliability issues are expected to be marginal.

76. However, the Congestion Reference Flow analysis does not capture the impact of slow-moving HGVs, agricultural vehicles, campervans or towing vehicles on other road users. Observations in the base year confirm that road users are, at times, held up behind slow-moving vehicles and the occurrence of this would become more frequent as travel demand rises in future.
77. Car journey time savings resulting from the Scheme when calculated upon this basis would be very modest in the order of approximately 20 seconds in the eastbound direction and approximately 10 seconds in the westbound direction.
78. The economic appraisal of the Scheme includes the undertaking of a cost benefit analysis using the relevant software to quantify user time and vehicle operating cost savings. 4.05.05
79. Furthermore, an accident analysis using relevant software forms part of the economic appraisal. WS2+1 roads are safer than S2 or single carriageway roads, which means the Scheme would result in a reduction in the number of accidents. Under central growth assumptions the accident analysis forecasts a saving of 41 personal injury accidents resulting in 51 fewer casualties over the 60-year appraisal period. 4.05.05
1.2.3
80. The economic appraisal also captures benefits and disbenefits associated with user greenhouse gas emissions, air quality impacts and noise impacts.
81. The costs of the Scheme come to a total of £39.5m in 2018 prices. The scheme costs include a risk allowance and Optimism Bias at 15.2%.
82. The Benefit to Cost Ratio, or BCR, for the scheme is 0.13 and there is a small variation to this value under low and high growth assumptions, with the BCR ranging from 0.10 to 0.16. A detailed breakdown of economic appraisal results is given in Appendix D.
83. In addition to this, two further sensitivity tests were undertaken in order to assess the impact of alternative future road network configurations. The effect of these tests is very important: these demonstrate that the BCR is very sensitive to small changes in assumptions, with the BCR of the Scheme increasing to around 0.6 when lower speed limits are assumed in the Do Minimum scenario.
84. It should be noted that the economic appraisal upon that basis can only include those impacts which can be feasibly monetised. There are a range of impacts which are not captured in the economic appraisal. These include:
- 84.1. journey time reliability;
 - 84.2. the detailed impact of additional overtaking opportunities (i.e. the full interaction between slower and faster moving vehicles on a vehicle by vehicle basis);
 - 84.3. seasonality and periods of high traffic demand;
 - 84.4. driver stress and frustration;
 - 84.5. freight;
 - 84.6. wider economic benefits; and

- 84.7. other environmental and social impacts, such as journey quality, community severance, health and amenity benefits.
85. Mr Thiele concludes that the Scheme is one part of a wider set of improvements along the A40 Trunk Road between St Clears and Haverfordwest, which forms part of the Trans European Road Network (TEN-T). It would remove 96% of traffic from Llanddewi Velfrey, which would bring safety, health and amenity benefits to the community as a result of reduced severance.
86. Strategic traffic travelling along the A40 would benefit from faster journey times and better journey time reliability. Additional overtaking opportunities would provide a more consistent driver experience along the A40. The Scheme would therefore improve journey quality and reduce driver frustration and stress. 1.3.1/2
87. A key consideration is that the economic appraisal is only one aspect of the overall case for investment, which is why it needs to be balanced against other environmental and social costs and benefits. The economic case should therefore be considered in the context of the overall scheme objectives. 3.01.01
88. Notwithstanding the result of the technicalities and what he regards as a conservative cost-benefit calculation and its conclusion of a low figure for value for money, Mr Thiele concludes that on balance there is a good overall case for the Scheme, once the several additional benefits that would be likely to arise are taken into account.
89. **Mr Tom Edwards** deals with the engineering and construction issues in detail.
90. Mr Edwards' evidence shows that due regard has been taken of the physical characteristics and constraints imposed by the topography and local features and that the proposed alignment accords with the relevant standards and meets the relevant objectives of the Scheme covered by his area of expertise. In addition, the environmental issues and proposed mitigation as detailed in the ES have been taken into account in the engineering design.
91. Minimising the number of direct accesses onto the A40 will help achieve the Scheme objectives to enhance network resilience and improve accessibility along the east -west transport corridor to key employment, community and tourism destinations (O1) and to reduce the number and severity of collisions (O4).
92. In depth and detailed discussions with objectors, affected stakeholders, and the County Council have been held following draft Orders. Subsequent amendments to the draft Orders have been proposed and are presented as modifications to the draft Orders. 4.04.03
93. He concludes that the provision of side roads crossings, junctions and new links are appropriate and achieve a balance of the factors of environment, local communities, land interest and the travelling public.

94. The footprint of the Scheme which requires title land for permanent works in the CPO is appropriate and also achieves a balance between the factors of environment, land interests, construction risk, programme and Scheme cost.
95. The CPO also includes provision for the rights of access for the Welsh Government to inspect and maintain the highway infrastructure. It includes for essential licence for construction operations and for essential mitigation
96. Several relaxations from the relevant design standards are proposed that would benefit the Scheme holistically. These are listed within the Departures from Standards Report. Three Departures from Standard have been proposed for the Scheme; all have been approved by the Welsh Government. These are in relation to the staggered layout of the Llanddewi Velfrey West Junction and two in relation to extent of lighting at the proposed Penblewin Roundabout and Llanddewi Velfrey East Roundabout. 1.1.2
4.04.07
97. Mr Edwards will also be able to confirm that following a meeting in late October 2019, Pembrokeshire County Council, PCC, agreed to adopt both the length of Bethel Lane from the proposed roundabout to Bethel Chapel and to adopt the entire length of Ffynnon Lane up to and including the turning head at the western end. 4.04.07
98. The Welsh Government sees there to be an opportunity for improvements enabled by the detrunking of the existing A40 to be complementary to the Scheme and draft Orders as described in Mark Dixon's evidence. The proposals are summarised in the following paragraphs and shown on drawings contained within the Active Travel and Detrunking Proposals Report. 1.4.1/2
99. The Line Order shows the extents of the existing A40 trunk road that would be detrunked. The detrunked carriageway would become the responsibility of Pembrokeshire County Council (the Local Highway Authority).
100. Proposals for the existing road have been considered as part of the development of the preliminary design. The Active Travel and Detrunking Proposal Report describes the measures considered. PCC provided their broad agreement to the Detrunking and Active Travel proposals at a meeting at 21 October 2019 although it is correct to state that dialogue continues with PCC regarding those aspects of development.
101. **Mr Andrew Sumner** gives evidence both as to the generality of the environment and also considers the landscape, townscape and visual effects of the published scheme. He will speak as to the Environmental Statement in general and the Pre-Construction Environmental Management Plan (Pre-CEMP) which includes the Environmental Masterplan and the latest draft of the Register of Environmental actions and Commitments, the REAC.
102. Mr Sumner is able to describe the physical and human geography of the area. In terms of the archaeology and cultural heritage, the conclusion of the research to date has identified that the Scheme would result in a direct major impact upon 23 non-designated heritage features including 3 cottages, a possible leat and 19 other sites identified in the geophysical survey. There

would be a moderate impact upon 2 burnt mounts and site of a cottage near Henllan and the line of the former Turnpike Road.

103. There would be negligible adverse impacts to two Scheduled Ancient Monuments but there may also be positive effects upon two Grade II listed buildings and the Llandewi Velfrey War Memorial as a result of the reduction of traffic on the existing A40.
104. It is also recognised that the routing of traffic away from the village may reduce the volume of passing trade to local businesses although there may be the opportunity for positive effects too for those non-motorised users seeking access to local facilities and businesses.
105. The assessment of the effect of the Scheme upon the local landscape and its visual effect was carried out in accordance with the methodology described in the Welsh Government's Interim Advice Notice 135/10 which refers to the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3) together with other relevant guidance. The assessment was carried out from publicly accessible viewpoints and having reference to LANDMAP.
106. Further fieldwork was carried out during 2017 with various viewpoints in order to create a Zone of Theoretical Visibility (ZTV) which was analysed and enabled simple visualisations to be created to show areas of cut, fill and road surface. You will hear the evidence demonstrating the impact upon two particular Landscape Character Areas (LCAs). Those assessments look at the visual effect at 3 particular moments, the construction effect on landscape, the winter of Year 1 of the operation and the summer of Year 15. A Landscape and Visual Impact Assessment was carried out.
107. The assessment of the impact takes mitigation into account to indicate the residual effects of the Scheme upon visual receptors. Of the 258 properties assessed, there were found to be moderate adverse impacts during the winter of year 1 at 13 of them. By the summer of Year 15, such effects have reduced to 7 with a single property sustaining a large adverse effect. On the other hand, some properties were to receive residual beneficial effects by the removal of direct and uninterrupted views of road and traffic.
108. The effect of the Scheme has been assessed in respect of the views from the local public rights of way some of which will be adversely affected. Some will benefit from native species planting to screen views of the Scheme.
109. Mr Sumner, together with Mr Edwards, will also give evidence as to the fact that the Scheme would pass through two areas of restored (replanted) Ancient Woodland being one portion of Ffynnon Wood and a portion of Blaen-Pen-Troydin Wood. Both aspects of this case have been the subject of careful review seeking to avoid and reduce this impact. As to the first, the proposed alignment through the Ffynnon Wood has been designed to follow closely the existing A40 alignment and use the existing road embankment as far as practically possible whilst meeting highway standards. This minimises the area of the woodland to the north and south that would need to be cleared for the Scheme. As to Blaen-Pen-Troydin wood, the alignment there has been in order

to limit the area of woodland whilst meeting required highway standards, the impact upon habitat and upon farm business.

110. Mr Sumner also explains that the Scheme is intended to include the creation of more than 6.66 hectares of new/replacement woodland all created on land taken within the proposed Compulsory Purchase Order, this being upon the basis of a ratio of 2.15 hectares for each one lost. 4.01.25
4.06.38
4.01.05
111. Other mitigation includes:
- 111.1. the fact that those soils located in woodland which is to be the subject of development would be stripped and used in areas of proposed woodland planting;
 - 111.2. the seeding of all verges, ditches, cuttings and embankment slopes and enclosures around attenuation ponds with new species-rich grassland, ditches.
 - 111.3. the seeding of all areas with a range of native species of grasses and wildflowers would replace agricultural species poor grassland. This
 - 111.4. reflects the purposes of the Welsh Government Green Corridors Initiative, and 'The State of Roads in Wales' Welsh Government, October 2018 and would also be an enhancement as defined in the Environment (Wales) Act 2016.
112. Mr Sumner explains the use of a hop-over for the mitigation of the effect of the Scheme upon bats. A hop-over comprises:
- 112.1. the planting of advanced nursery stock trees of long lived species such as oak, planted and kept alive in sufficient numbers to form a long term canopy over 4 to 5m above road level, to guide bats from existing flight line vegetation to the back of the verge so that they can fly across the proposed road above vehicles. The same planting arrangement would be provided on the opposite side of the road;
 - 112.2. the planting of willow, or other fast-growing native species, among and around the advanced nursery stock trees to provide a short-term fast-growing dense canopy 4 to 5m high in the early years after planting. These would be progressively removed from the mix as the long-term species develop a dense canopy.
113. As to air quality, Mr Sumner relies upon a baseline assessment of air quality conditions in the vicinity of the Scheme which shows that there are no areas where air quality is poor and existing pollutant concentrations in the study area are low.
114. During construction, appropriate mitigation to control dust will result in no significant effect from the dust-generating activities. There are no designated ecological receptors sensitive to dust within 50m of the Scheme boundary and therefore the sensitivity of the area to ecological impacts is negligible. It is estimated that there will be no residual effects from construction upon air quality. By reason of the moving of the main A40 traffic away from existing road alignment, many receptors would experience a benefit impact as a result of the Scheme. 1.4.3

115. As to public rights of way, it is correct that there will be some temporary stopping up or such to traffic management during the construction phase. Consultation however has been undertaken with the County Council and the local community and measures have been incorporated into the Scheme to minimize the impacts on them. Taking this into account, no significant adverse effects upon Public Rights of Way or other routes are predicted. 1.5.1/2
116. **Mr Tony Kernon** has considered the effects of the published scheme on agricultural land use.
117. The operation of the Scheme would involve the permanent loss of approximately 27.4ha of agricultural land. The Scheme has been designed to minimize the impact on such land by avoiding unnecessary severing and isolation of land parcels where possible none of this land is of the best and most versatile agricultural quality. The loss of this land it is suggested would be of minor adverse significance. Seven farms would be affected by the Scheme. All will experience significant changes in day-to-day operations but the viability and continued "farmability" of the holdings is not threatened. Routes will be provided to ensure continued access to farms and fields.
118. **Mr Peter Wells** presents evidence concerned with ecological issues including specific consideration of the impact on statutory designated sites, particular habitats and many specified species.
119. The construction of the Scheme will result in the loss of grassland, woodland and hedgerow habitats beneath the footprint of the Scheme. Mr Wells concludes that the loss of the habitats from the construction of the Scheme is not considered to be significant due to the low value of the habitats.
120. He identified that there will be the disturbance of the bat roosts within buildings adjacent to the Scheme from the noise and vibration caused during the construction period and that the clearance of vegetation along the route of the proposed Scheme has the potential to lead to fragmentation of habitats for bat species and may prevent certain species, such as the horseshoe bat species, from crossing the Scheme to access foraging areas.
121. The potential effect of the construction of the Scheme on bat populations is considered to be an impact of large magnitude which is considered to be significant.
122. The issues which he identified with the Scheme relates to the residual effects of the scheme upon bat species, dormice, otters and wildlife and biodiversity. The Scheme design as it currently stands including mitigation measures are put forward having had the detailed input and careful consideration of the Protected Species Team at Natural Resources Wales which has been incorporated into the draft Register of Environmental Actions and Commitments.
123. Mr Wells' view is that the culverts included within the Scheme are suitably located to maximize the potential for them to be used by bats to provide safe crossing points.

124. The measures now incorporated within the Scheme include:
- 124.1. The control on working hours and the times of the year when particular work is to be undertaken;
 - 124.2. The retention of existing trees and the use of “hop over” crossings planting as a way of improving and providing crossing points for bats;
 - 124.3. The use of mammal fencing to prevent mammals from accessing the carriageway and to guide them to underpasses and culverts;
 - 124.4. A total of 14 different crossing-points along the scheme where mitigation measures are proposed to assist in the safe crossing of the various species of bats, dormice and/or otter. These include culverts which are intended to be safe crossing points for bats are now to be 3m wide by 3 high and a drainage culvert having been increased in size to 2m high by 3m wide. A pedestrian underpass which will combine with a bat crossing point;
 - 124.5. Planting proposals to assist with safe crossing and also which will compensate dormouse habitat at a ratio of 2.15:1;
 - 124.6. Dormouse crossing structures incorporated within underpasses at five locations;
 - 124.7. Improved proposals for habitat creation and lighting.
125. Mr Wells concludes that 1.6.1/2
- 125.1. the proposed habitat planting will provide suitable habitat for use by dormice and provide effective connectivity of habitats along the length of the Scheme; 1.6.3
 - 125.2. the proposed mitigation measures will be effective to prevent mammal species from accessing the carriageway;
 - 125.3. the residual effects of the scheme on wildlife and biodiversity will not be significant within the terms of the Environmental Impact Assessment process;
 - 125.4. that the Scheme as currently proposed would not give rise to adverse effects on the integrity of European sites within the terms of the requirements of an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.
126. **Mr David Hiller**, by reference to the work carried out in the Environmental Statement (appendix), provides an assessment of the noise and vibration effects associated with the construction and operation (use) of the Published Scheme on noise and vibration sensitive receptors.
127. Llandewi Velfrey is a Noise Action Plan Priority Area (NAPPA).
128. Mr Hiller concludes that the modelling undertaken was robust and appropriate for this assessment and that the assessment of noise was in accordance with legislation, policy and guidance.
129. It is right to say that the range of noise changes identified was between major beneficial or major adverse although many more receptors are likely to experience a noise decrease rather than a noise increase. There is therefore an overall net benefit and that this is a positive outcome over and above other non-noise related benefits.

130. Mr Hiller states that the Environmental Impact Assessment demonstrates that: 1.7.1/2
- 130.1. during construction, and ensuring that best practicable means of working are following and appropriate mitigation is concluded, no significant effects of construction noise or vibration would arise; and
 - 130.2. the community of Llandewi Velfrey would experience significant permanent beneficial effects through a reduction in traffic noise as a result of the Scheme. 3.19.01
 - 130.3. no significant adverse effect of traffic noise was indicated from the assessment.
131. The conclusion therefore is that the noise and vibration effects of the Scheme as proposed are acceptable.
132. **Mr John Davies** will finally address the issues of sustainable development, climate change and observance of planning policy.
133. The Scheme naturally has the potential to influence the climate and so an assessment of climate change has been completed as part of the ES (Chapter 19).
134. The conclusion of the assessment is that there will be an increase in GHG emissions as a result of the Scheme. In the first year of Scheme operation, user GHG emissions would be equivalent to approximately 0.1% of the current annual emissions from the transport sector in Wales.
135. User GHG (emissions from vehicles using the road) accounts for the vast majority (over 97%) of emissions over the lifetime of the Scheme. Annual user emissions have been assessed to be between 5% and 6% greater with the Scheme in place when compared to the Do Minimum scenario (without Scheme) in all years covered by the 60-year appraisal period. This rise is due to an increase in average speeds and a very slight increase in vehicle-kilometres travelled due to the alignment of the proposed road.
136. The assessment of climate change has addressed the potential effects of the Scheme on GHG emissions; the resilience to the consequences of climate change (CCR); and the in-combination climate change impact (ICCI), which evaluates the combined effect of the proposed development and potential climate change impacts on the receiving environment during construction and operation.
137. The GHG assessment identified that over the whole life of the Scheme there will be an increase in emissions associated with the Scheme, with the majority (97.6%) due to vehicles using the road during operation.
138. There are also emissions associated with the construction and operation of the Scheme. 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 if the Scheme was not constructed.

139. The CCR and ICCI assessments did not identify any significant risks associated with climate change. Potential risks associated with flooding are addressed by mitigation measures in design. 4.03.09
140. Steps however have been taken to seek to reduce the quantities of construction and operational greenhouse gas emissions resulting from the Scheme:
- 140.1. The extents of road lighting have been minimised;
 - 140.2. The highway alignment has been developed to minimise earthworks volumes and create an earthworks balance;
 - 140.3. The reliance upon as minimal a pavement as far as reasonably practicable.
141. Mr Davies will give evidence as to the central role of sustainable development principles within not only the WelTAG 2017 report but also as a result of its reliance upon the principles of the Well-being of Future Generations (Wales) Act 2015, the WFG Act. A report on this aspect of the Scheme has been prepared and this will be reviewed within his evidence. It is his view that the proposed Scheme would 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.
142. The Welsh Government made the declaration of a climate change emergency on 29 April 2019 and its subsequently adopted the advice on the UK Committee on Climate Change by committing to reduce greenhouse gas emissions in Wales by 95% by 2050 from a 1990 baseline. That said, the declaration however has not resulted in a ban of all new road-building in Wales. The transport policy context for this scheme is set out in existing policy documents. The key strategy is a commitment to deliver enhancements to the A40 in West Wales and this has not changed.
143. Central to his thinking however is the conclusion that 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.
144. He will review the extent to which the Scheme meets the requirements of planning and in particular how it satisfies some of the wide range of policies in *Planning Policy Wales 10*, PPW10, but conflicts with others. It is therefore necessary to come to a balanced view, weighing the benefits against adverse impacts. Paragraph 2.24 of PPW10 advises that the social, economic, environmental and cultural benefits are considered in the decision-making process.
145. 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. Mr Davies attaches 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.

146. Against these benefits must be set the long-term impact on the landscape, NRW's concerns 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. Mr Davies attaches limited weight to the landscape and potential biodiversity impacts.

147. Mr Davies' views therefore in summary are as follows:

147.1. the social, economic, environmental and cultural benefits resulting from this Scheme, which are supported by robust evidence, outweigh its limited adverse impacts.

147.2. overall on the requirements of planning that the Scheme accords with national planning policies in PPW10 and the emerging policies of the National Development Framework.

Alternatives, objections, representations and support

R0052-POE

148. That deals with the positive case advanced by the Welsh Government in evidence. There are supporters and objectors. Of these, some will be giving evidence whilst others will give their views by written statements, including where there is an objection, the written responses of the Welsh Government. Rebuttal evidence has also been served in response to those objectors who submitted proofs.

149. The list of persons in each category is to be found online in the register of supporters and of objectors which sets out the position at the start of the inquiry. The Welsh Government however notes in particular the support of the following:

149.1. Pembrokeshire County Council (R0052)

149.2. Fire and Rescue Service (R0018)

149.3. Llandewi Velfrey Community Council (R0083)

150. It will be recalled by those present at the pre-Inquiry Meeting that the Inspector did invite members of the public to submit any alternative routes for consideration. As a result of the submission of a notice of objection shortly before the start of this Inquiry, the Inspector determined as including proposals amounting to an alternative, the Welsh Government has published a brochure reviewing the two alternative proposals 1a and 1b suggested by the objector and inviting replies as to them to be submitted to the Programme Officer by 18 March 2020.

151. Trefangor Side Road Alternative comprises an alternative access arrangement to Bounty Farm and Pencaermaenau Farm in comparison to the Published Scheme. Trefangor Side Road Alternative includes proposals for a proposed entrance from the existing A40 via an underpass underneath the new A40 mainline. The Trefangor Side Road Alternative has been considered and appraised as two sub-options, namely 1a and 1b.

152. The Published Scheme would provide access to Bounty Farm and Pencaermaenau Farm (as well as field/land access and access to an attenuation pond) via a proposed side road (Trefangor Side Road), provided to the north of the proposed A40. This route would be accessed via a proposed access off the A478 to the north of Penblewin Roundabout.
153. The alternative proposed would comprise an underpass of the proposed A40 to connect the properties to the north, namely Bounty Farm and Pencaermaenau Farm with the detrunked A40 to the south.
154. The proposal would maintain access to the fields to the west of Bounty Farm via a side road which would be stopped up to the west. There would be no connection with the A478 (i.e. no through road would be provided to the west). Pencaermaenau Farm would be accessible via the proposed underpass and the proposed access road to the north of the proposed A40. The suggested alternative would require additional land take.
155. The alternative has been considered and appraised as two sub-options:
- 155.1. Option 1a: The proposed A40 retains the same horizontal and vertical alignments to that of the published draft Orders. The alternative underpass passes beneath the proposed A40, which would require the approaches to be in cutting and would result in significant drainage complications of which would have associated adverse environmental impacts. A side road would enable retained access to the fields to the north of the proposed A40. There would be no connection from the side road to the A478 to the west.
- 155.2. Option 1b: The proposed A40 alignment is raised to allow the alternative underpass to pass beneath the proposed A40 close to the existing ground level, which negates the need for the alternative side road to be in cutting. Option 1b would result in significant drainage complications which would have associated adverse environmental impacts. A side road would enable retained access to the fields to the north of the proposed A40. There would be no connection from the side road to the A478 to the west.
156. The Welsh Government makes clear that it does not promote or support the alternatives but it must give everybody the opportunity to consider the extent to which it meets the schemes objectives and the criteria set out in the WelTAG study report. Support and opposition will therefore be a matter of evidence.
157. I must of course reiterate two points made at the Pre-Inquiry Meeting with regard to the extent of this procedure: The first is that the levels of compensation are not matter for consideration at this inquiry. That would be dealt with if the Welsh Ministers, after considering the Inspector's Report, decide to make the Orders and Notices to Treat and Enter onto land are served. Compensation would then be negotiated by the Valuation Office Agency, which acts on behalf of the Welsh Government. If agreement cannot be reached, affected parties could refer their case to the Upper Tribunal (Lands Chamber) for determination.

158. The second is that this is not an occasion for the determination of whether policy is as it could or as it should be. The merits of policies and methodologies adopted by the Welsh Government or UK Governments are not in issue here. This principle called the Bushell principle from the 1980 case of that name has resulted in the following passage in the Planning Inspectorate's 2012 Guide on Transport Orders. Paragraph 2.28 states

"In general terms, the policy issues which are not matters for debate at inquiries are:

The allocation of resources to each of the different transport modes
The combination of investment, subsidy, taxation and regulation by means of which the Government seeks to create the most efficient transport system

The general assumptions that Government makes about the availability and price of fuels and other economic factors which influence traffic growth

The objectives of the Government Road Programme; and

The general methodologies and the adoption of design standards used in the preparation of schemes and orders – as opposed to their application to particular schemes and orders"

159. The liaison with those affected by the draft CPO is ongoing and will continue. Matters of accommodation works would be discussed with affected parties during the detailed design stage.

Conclusion

160. The Welsh Government submits that all relevant issues are dealt with in evidence and that the Scheme should be approved.

161. Without prejudice to that or to any other view and matter that the Inspector or attendee wishes to raise, the following may be identified as issues suitable for particular attention:

161.1. The key role of the A40 as an east - west route leading to improved connectivity and accessibility through Wales and beyond.

161.2. The more localised benefit deriving from the reduction in traffic levels within Llandewi Velfrey to pedestrians as well as the benefits to travellers as well as to those cyclists, walkers and equestrians coming into and around the village.

161.3. The safety implications of the engineering design and the justification for departures from standards.

161.4. The detailed justification for the land take taking into account the engineering design, environmental features and mitigation, and its impact on individual landholdings.

161.5. The improved carriageway designed and built to current standards with good overtaking opportunities.

161.6. The measures of mitigation which have been developed in collaboration with the statutory environmental bodies, landowners, members of the public and other key stakeholders and which seek to uphold and reflect the landscape character of the area, to provide some visual screening, ecological mitigation and enhancement.

161.7. The attempts to observe in the development of the Scheme sustainability, the requirements of planning, the minimisation of impact upon the environment particularly within the context of climate change.

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