



**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 – ERRATA

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WELSH GOVERNMENT, ENVIRONMENT

DOCUMENT REFERENCE: WG 1.4.4

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1. Introduction

1.1 This document provides corrections to the information presented in the Environmental Proof of Evidence (WG 1.4.2).

1.2 The contents of this evidence update are as follows:

1. Introduction
2. Errata

2. Errata

Consultation with Cadw

2.1 The Inspector requested clarification on consultation held with Cadw. I would like to provide the following statement explaining the consultation undertaken with Cadw. Cadw have been involved in the development of the Scheme from the commencement of the Early Contractor Involvement contract. The main form of consultation has been through the Environmental Liaison Group meetings. A Cadw representative has attended these and provided comment on the development of the design and proposed environmental mitigation. A potential conflict of interest was identified as Cadw is a a Welsh Government organisation which is organisationally close to the Welsh Government's Transport division. As a result, Cadw requested that an independent Curator be appointed. Dyfed Archaeological Trust (DAT) have been appointed by Welsh Government to act as Curator. DAT has provided data from the Historic Environment Record, commented upon draft documents and advised on the following archaeological matters:

1. Review and approval of the desk-based assessment;
2. Review and approval of the geophysical survey specification;
3. Approval of specification of trial trenching (if required);
4. Visit to site (if required);

5. Review and approval of the geophysics report;
6. Review and approval of mitigation recommendations;
7. Review and comment on the Cultural Heritage Assessment (chapter 10 of the ES);
8. Overall consultation on the Scheme.

2.2 Cadw have been consulted on the following:

1. The EIA Screening Report;
2. The EIA Scoping Report;
3. The consultation draft Environmental Statement;
4. The final published Environmental Statement.

2.3 The Project Team have received no comments on the documents and no objections on the published Environmental Statement and the draft Orders. From previous experience of working with Cadw, Cadw tend to respond to Schemes that have an impact on a Scheduled site. Otherwise, Cadw appear content with attending Environmental Liaison Group meetings and receiving minutes, while allowing the appointed Curator to address the matters listed 1 to 8 above.

Consultation with Pembrokeshire County Council regarding Climate Change Allowance

2.4 In section 4.28 of my Proof, I state that a climate change allowance has been agreed with Pembrokeshire County Council (PCC). The Inspector requested further detail regarding this consultation.

2.5 Surface water drainage overland flow analysis has been carried out for the proposed A40 Llanddewi Velfrey to Penblewin Improvements highway drainage system. PCC requested that the analysis be carried out to ensure that there was no flooding of third-party land for storm events up to and including the 1 in 100-year return period event plus a

30% allowance for climate change. This was requested by Pembrokeshire County Council in relation to comments regarding the Drainage Strategy Report via a phone call with David Leak (Arup) on 8 September 2017. Following the call, David Leak emailed Pembrokeshire County Council to confirm the key points of the call. Pembrokeshire County Council confirmed the climate change allowance back to David Leake via email upon the same date.

- 2.6 The analysis results were used to determine any amendments that were required to avoid such impacts. The amendments were then included in the design.

Chainages of proposed pedestrian underpass

- 2.7 In section 6.44 and 6.45 of my Proof of Evidence, there is a discrepancy between chainages of a proposed pedestrian underpass. The chainage reference in paragraph 6.44 line 5 should be amended from 3+290 to 3+250. The chainage reference in paragraph 6.44 line 7 should be amended from 3+260 to 3+270. The chainage reference in paragraph 6.45 last line should be amended from 3+280 to 3+270.

Environmental Objectives

- 2.8 In section 6.5 (2) of my Proof of Evidence, I set out the Environmental Objectives (2 - Benefits of the Scheme). There is an error in the wording of objective (vi). The sentence should be amended to 'Reduce the impact of road drainage on water quality'.
- 2.9 In section 6.5 (2) of my Proof of Evidence, I provide a list of points referenced by roman numerals. I acknowledge that repetition has occurred under '2 - Benefits of the Scheme:' where objectives (ii) and (iii) have been repeated in (x) and (xi). The latter objectives should be deleted.

Impact of the Scheme upon Ancient Woodland

2.10 The areas quoted in section 8.6 of my evidence are stated in the incorrect order. Paragraph 8.6 should read as follows:

“We have measured the extent to which the proposed Scheme would affect the ancient woodland designation. An area of 2,085m² is included within the permanent land take of the Scheme. Of this, an area of 1,387m² is already within the existing A40 highway boundary and has therefore been cleared of trees and woodland soil and replanted with coniferous trees. In other words, the trees and the embankment on which they grow no longer have the characteristics of ancient woodland. That means that an area of only 542m² would be taken from the ancient woodland. The areas, shown in blue in the drawings attached to our response to the Woodland Trust objection, would not be affected by construction. The blue tone indicated land where a licence to enter and maintain would be obtained.”

2.11 Further information regarding areas of Ancient Woodland and affected Ancient Woodland is provided within Table 1 below.

Table 1 Areas of Ancient Woodland

Ffynnon Wood (Unique ID 4537)	
Total Area of the Restored Ancient Woodland	31,294m ²
Total area included within the scheme (as shown on coloured areas on the land reference plans)	3,577m ²
Of which is within existing A40 Highway boundary	2,084m ²
Area of Ancient Woodland outside the existing A40 that is affected by the Scheme	1,492m ²
Blaenpentyrdin Wood (Unique ID 4537)	
Restored Ancient Woodland Area	17,330m ²
Area affected by the Scheme (excluding Title Mitigation)	3,266m ²
Total Area in both Ancient Woodlands	
Ancient Woodland affected by the Scheme	6,843m ²
Of which is within existing A40 highway boundary	2,084m ²
Area of actual Ancient Woodland affected	4,759m ²

Response to Woodland Trust concerns regarding construction dust

2.12 I state in point c of paragraph 8.15 of my Proof that Woodland Trust raised concerns about construction dust, however my proof of evidence does not provide any response to this point of objection. The following paragraphs should be used in response to this point of objection.

“The Environmental Statement Volume 1 Technical Assessment Report Chapter 13 Air Quality Section 13.11 sets out proposed mitigation to control the generation of dust during construction. Paragraphs 13.11.9 to 13.11.12 describe the requirements to monitor dust during construction so that appropriate mitigation can be implemented as required.

The Environmental Statement Volume 1 Technical Assessment Report Chapter 22 Management of Environmental Effects deals with Matters related to environmental management including dust control during construction. This chapter is supported by the Pre-Construction Environmental Management Plan (PreCEMP) in Appendix 2.2. There are several pre-construction drafts of construction method statements that also address dust that form annexes to the PreCEMP, including the Outline Pollution Control and Prevention Plan and the Outline Materials Management Plan. The Register of Environmental Actions and Commitments (REAC) lists all requirements in relation to dust control on the construction site. Through the application of the proposed construction stage dust monitoring and the proposed dust control measures, I consider that dust will not result in harm to trees and woodland.”

Woodland coverage

2.13 The Inspector requested clarification upon the proposed loss of and creation of woodland.

2.14 The total area of woodland, scrub woodland and hedgerows to be cleared would be approximately 4.59 ha, as measured from canopy spread. The total area of proposed woodland, scrub woodland and

hedge, in planting areas, would be approximately 9.51 ha, as shown on the Environmental Masterplans. This would comprise of 4.24 ha that could be planted in advance of the earthworks, and 5.27 ha that could only be planted following completion of the earthworks. In addition to this, the Scheme proposed a total length of planted linear features, measuring approximately 3.39km in length. It is anticipated that this would provide an area of 0.339 ha, assuming that the features would be kept trimmed to no more than 1m in width.

Number of archaeological sites

- 2.15 The Environmental Statement Chapter 10 and Appendix 10.2 Gazetteer both list a total of 86 sites while the Environmental Statement Figures 10.2 A-C 'Effects on Cultural Heritage' show the location of 125 sites.
- 2.16 The discrepancy has arisen because the Environmental Statement and the Desk-Based Assessment were developed based on the list of 86 sites initially obtained from the online version of the Historic Environment Record (HER) in 2017. In 2017, Carillion carried out the geophysical surveys and the sites found within this work were included in the Environmental Statement assessment. Initially Dyfed Archaeological Trust (DAT) were commissioned under a contract with Carillion however this agreement, amongst others for the Scheme, were cancelled when Carillion went into liquidation.
- 2.17 Arup and RML were then commissioned directly by Welsh Government and work on the Scheme recommenced, with the work on the Environmental Statement recommenced based on the first draft completed pre-liquidation. Under a new contract between Welsh Government and DAT, set up in January 2019, DAT were once again able to provide a Curatorial service for the project.
- 2.18 The specification for the Desk-based Assessment was agreed with DAT in March 2019 and the full data set (125 sites) could then be issued to the project team. The new HER data showed additional sites along the margins of the 500m corridor, mostly resulting from work associated with

the earlier surveys and desk studies around the A40 corridor that were not previously available on the public resource. This took the total number of sites to 125. The Gazetteer was updated to include all of these 125 sites however the Environmental Statement chapter was not updated. However, the additional sites are situated far from the Scheme boundary and none would be affected by construction. I therefore conclude that the conclusions of the Environmental Impact Assessment chapter would not change as a result.

Water pollution and maintenance of polluted sediments

- 2.19 The 'Design Manual for Roads and Bridges: maintenance of balancing ponds'¹ and the 'Welsh Government Trunk Roads Maintenance Manual maintenance and dredging of balancing ponds' provide guidance regarding the maintenance and dredging of balancing ponds.
- 2.20 The maintenance of ponds is addressed in three key areas of the Design Manual for Roads and Bridges including:
1. Health and Safety Considerations (para 5.45 and 5.47).
 2. Establishment Aftercare (para 4.48 onwards)
 3. Maintenance and Management of Vegetated Drainage Systems.
- 2.21 The 'Maintenance and Management of Vegetated Drainage Systems' provides the main guidance on pond maintenance. Paragraph 6.3 states how sediment and plant materials can accumulate and the implications in terms of contamination and disposal of arisings when a pond is dredged. Paragraph 6.6 sets out the requirement for a Management Plan / Manual to be prepared, setting out the drainage systems objectives and the programme of annual operations and inspection.

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<http://www.standardsforhighways.co.uk/ha/standards/dmrb/vol4/section2/ha10306.pdf>

Table 6.1 sets out the Inspection and maintenance requirements for vegetated systems.

2.22 Welsh Government Trunk Roads in South Wales are maintained by the South Wales Trunk Road Agency. Maintenance in Wales is set out in Welsh Government's Trunk Roads Maintenance Manual (WGTRM). Based on the DMRB requirements, WGTRM sets out the frequency and purpose of individual maintenance tasks. Current practice for the dredging of balancing ponds includes:

1. Inspection of each pond annually.
2. Following inspection, a decision to dredge a balancing pond or attenuation basin is made to ensure that the pond retains the original designed capacity.
3. Sampling of sediment is collected for testing for a suite of heavy metals and other potential contaminants.
4. Protected species surveys undertaken as necessary to determine whether a protected species licence is required, and suitable mitigation measures considered. No protected species have been identified as present in or around the pond.
5. Access to the pond is opened up to allow any preparatory vegetation clearance to take place in the correct season to avoid impacts on nesting birds.
6. Based on the results of the chemical tests, a decision is made regarding the waste status of the sediment.

2.23 The dredged material could fall into the following waste types. The waste codes are those listed in the List of Wastes (LoW) Regulations:

1. Waste Code 17-05-05 – Dredging spoil containing hazardous substances – Hazardous.

2. Waste Code 17-05-06 – Dredging spoil not containing hazardous substances – Non hazardous.

2.24 The difference between spoil containing or not containing hazardous substances will be determined by the testing of the samples. The test results will indicate if a range of contaminants are present above or below trigger concentrations. If the material is considered to be below trigger concentrations, the arisings from dredging would be treated under a waste exemption (D1 - details provided below) which allows it to be placed and retained within the curtilage of the pond. If contamination is above the trigger concentrations, the dredgings are considered hazardous and so cannot be deposited on the banks. Instead, the waste must be removed to a licenced landfill.

2.25 The D1 waste exemption for depositing waste from dredging inland waters allows the deposit of dredging spoil on the banks of the waters it was dredged from and treatment by screening and removing water. There are certain conditions that apply to the D1 waste exemption, as follows:

2.26 Over any 12-month period, the exemption allows the deposit or treatment of up to 50 cubic metres of dredgings for each metre length of land on which waste is deposited. The waste must be deposited either on the bank of the waters from where it was dredged, or on land next to the water it was dredged from (the dredgings must be removed from the waterway and deposited mechanically in one operation). The waste cannot be deposited and then moved further away by the same or a different machine.

Updated Environmental Masterplans (EMP)

2.27 The Environmental Masterplans have been updated and are being submitted as a separate Inquiry Document.

Arboriculture Survey Plan

2.28 The Inspector requested for arboriculture survey plans to be presented.
The arboriculture survey plans are being submitted as a separate Inquiry document.