

**Public Local Inquiry into the
Draft Scheme and Draft Orders
for the proposed
M4 Corridor around Newport

Proof of Evidence**



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Introduction

1. This statement of evidence is prepared by Peter A. Ogden BSc. MRTPI, on behalf of the Campaign for the Protection of Rural Wales (CPRW).
2. I am the Charity's Director and have been for the last 13 years. I graduated with a Class 11(i) BSc (Hons) degree in Geography from the University of Leeds and have been a member of the Royal Town Planning Institute for over 20 years. Prior to becoming CPRW's Director, I worked for the Snowdonia National Park Authority as its Planning Policy Manager.
3. I am a member of the International Union for the Conservation of Nature's (IUCN) World Commission on Protected Areas (WCPA) and have been a Technical Advisor to IUCN on World Heritage matters for 17 years. During my career I have worked throughout Wales and extensively in Europe, the Far East and the Caribbean.
4. In total I have over 40 years' experience in environmental planning and landscape management, advising on and appraising the importance of landscapes and their scope to accommodate different types of development.
5. I represent the interests of CPRW, one of Wales' leading landscape charities. CPRW actively advocates and campaigns to protect, conserve and enhance the landscapes and seascapes of rural Wales' and the interests of those who live in, depend upon or enjoy the quality and diversity these rural environments offer.
6. This Proof of Evidence is one of two complimentary statements, which collectively present the Campaign for the Protection of Rural Wales' evidence justifying the objection¹ submitted in the name of Mr Vic Warren, Chairman of CPRW's Newport and Valleys Branch, to the Welsh Government's proposed M4 Relief road.

¹ CPRW Objection, Core document: Ref OBJ0144, 3rd May 2016

7. We believe this proposal will be highly damaging because of the major adverse, long term and irreversibly impacts it will have on the character of those distinctive landscapes through which the proposed road passes, in particular the Gwent levels and its surrounding landscapes. We note this is a view accepted by Welsh Government. Similar concerns have been expressed by Natural Resources Wales and CADW, the Government's statutory natural resources, landscape and heritage advisors and many others who object to this scheme.
8. The evidence in this submission focuses on
- The extent to which the Welsh Government has adequately assessed the full impacts of the proposed road scheme on the landscape of the Gwent Levels, its surroundings and their associated qualities and public values.
 - The extent to which the Welsh Government's Environmental Statement addresses and its conclusions reflect, the obligations of the Environment (Wales) Act 2016, in particular how the proposed scheme would affect the ecosystems services and the associated values, the Gwent levels and its surroundings provide.
9. This evidence is based in part, on my interpretation of professional advice provided to CPRW by Mr Simon White, DipLA DipUD (Dist) MA. CMLI (Chartered Member of the Landscape Institute), of White Consultants, Cardiff
10. Notwithstanding the fact that CPRW objects to this scheme because of its significant landscape and visual impacts, we also support the position expressed by those environmental NGOs who are co signatories to the Joint Statement submitted to the Inquiry in the name of the M4 NGO Environmental Group.
11. We support the contention in this Joint Statement that
- The scheme is not needed nor justified given that its stated objectives can be achieved by an alternative and less environmentally damaging means.

- the proposed scheme would have significant and unacceptable impacts on the nationally important habitats and biodiversity resources of the Gwent Levels and its surroundings and their associated ecosystems values and services.

12. This evidence does not seek to replicate the submissions of these partner environmental NGOs.

The importance of all Welsh landscapes

13 CPRW views the landscapes of Wales as finite resources which when used and managed sensitively and responsibly can provide significant environmental, social and economic benefits.

14. As the European Landscape Convention² recognises, “**All landscapes matter**” and every one of them plays its particular role in defining the individuality and significance of a location’s sense of place and the quality of life it offers to those who live in, depend on or visit it. The Convention makes it very clear that although a landscape may not be designated, that does not in any way devalue its importance locally.

15. Retaining and enhancing the quality, diversity and resilience of Wales’ natural environment through safeguarding those characteristics which define its distinctiveness and collectively create its integrity, is specifically recognised by one of the Goals of Wellbeing of Future Generations Act (2015)³ as a fundamental dimension of public wellbeing.

16. The importance of safeguarding the nation’s landscapes and their associated ecosystems is likewise acknowledged in the Welsh Government’s recently published Draft Natural Resources Policy document⁴, as an important challenge, if approaches to planning, land and resource use are to be achieved in a manner which are sustainable and social and economically equitable.

² European Landscape Convention: Council of Europe, 2000

³ Well Being of Future Generations Act Goal

⁴ Consultation to inform the development of the Natural Resources Policy statement, Welsh Government Nov 2016

- 17 Annex 2 of that document recognises two **Key Challenges** which need to be addressed if the sustainable use of natural resources is to succeed.

Improving the quality and connectivity of our habitats

Changing land management practices, urbanisation, pollution and invasive non-native species have led to habitat loss and fragmentation, which, coupled with acidification and eutrophication have changes the quality and quantity of wildlife they can support.

Retaining the distinctiveness of our places and historic landscapes

Wales is renowned for its attractive and historic landscapes was impacted by developments relating to energy, transport and tourism through forest design

- 18 This quest for sustainable land use clearly requires careful judgements to be made to guide change in a responsible manner. Only by doing so can it be ensured that both a landscape's existing character is sympathetically retained and also that any change respects the role a landscape plays as both an important environmental asset in its own right and a provider of a diverse range of invaluable goods, services and public benefits.

The landscape and cultural resources of the proposed M4 (Black) route

- 19 CPRW notes that Welsh Government Interim Advice note 135/10 (W)⁵, at Para 2.4 describes a "Landscape resource" as

" resulting from the interplay of the physical, natural and cultural components of our surroundings. Different combinations of these elements and their spatial distribution create the distinctive character of landscapes in different places, allowing different landscapes to be mapped, analysed and described. Character is not just about the physical elements and features that make up a landscape, but also embraces the aesthetic, perceptual experiential aspects of the landscape that make different places distinctive' (GLVIA para 2.19),

⁵ Interim advice note 135/10 (W) Landscape and Visual Effects Assessment (Wales only), 2014

20 The same Advice Note at para 2.17 thereafter states

“ that whilst designated areas will tend to be highly valued, the majority of the country comprises undesignated areas which can still be of high quality and/or of great local importance. The local landscape is usually intimately understood by the people who live and work there, but its value is often overlooked or underestimated in landscape assessments. The character assessment should therefore take account of local public perception.”

21. It is clear from the above, that no matter what their size, condition or status, the acceptability of any development or change to a landscape must take into account not only the inherent values of that landscape, its natural habitats and associated ecosystems but also the added value which local people attribute to the distinctiveness of the human imprint and the cultural identity the “*perceptual experiential aspects of the landscape*” add to its character.

22. CADW’s recent Draft Consultation document “*Managing Historic Character*”⁶ 2016 succinctly summarises the importance of these relationships as follows;

“The historic character of a place has been shaped by the activities of people over tens, hundreds, or even thousands of years. Many of the distinctive qualities of a place result from its history in the same way that the character of a person is formed over time. These can include its origins and significant periods in its history — how and why it developed and changed. It can also include particular activities and traditions, communities and people, or events associated with a place. These elements all contribute to historic character: They have both a tangible legacy in the form and fabric of a place and an intangible legacy in the names, stories, art and culture associated with it. “

Historic character makes every place unique and contributes to its significance, especially for local people. “

23. The value of the inter relationship between the more obvious physical features of a landscape and its less tangible associative values, is in our view crucial and

⁶ “Managing Historic Character” CADW, October 2016

as CADW notes, defines that location's distinctiveness and its individual sense of place.

24. The overall value of the relationships between a landscape's natural, historic and cultural qualities is therefore by implication far greater than simply the sum of their individual values.
25. It those aspects of a landscape's character which reflect the relationship between man and nature, people and place and past and present are therefore considered separately rather than as one, there is a risk that the overall distinctiveness and hence the importance of that location will be undervalued.
26. Equally it therefore follows that if these qualities are not evaluated as one, any assessment of a development's impacts on a landscape's character, values and sensitivity, may underestimate the degree and significance those impacts have on that landscape.
27. The enactment of the Welsh Government's overarching Wellbeing of Future Generations (Wales) Act 2015, the Environment (Wales) Act 2016 and the Historic Environment (Wales) Act, all give credence to this view, each recognising the significance that the landscape should be considered as a whole and not just a series of individual and independent elements.
28. The implications of this trilogy of legislation therefore means that maintaining the integrity and resilience of Wales' natural resources and all aspects of the "ecosystems services"⁷ and wellbeing benefits they provide, as well as the need to recognise the importance that human history and the associative public

⁷ The UN Millennium Ecosystem Assessment (2005), defines an ecosystem services classification scheme as follows

Provisioning services	Those goods the area's ecosystems provide to support human needs including fresh water, food, fibre and fuel.
Regulatory services	The processes the area provides which regulate the natural environment such as the natural regulation of air quality, climate, water flows, erosion and pests
Supporting services	Those processes which are essential for the maintenance of the integrity, resilience and functioning of the area's ecosystems (such as soil formation, photosynthesis and water recycling).
Cultural services	Those aesthetic, spiritual, recreational and other cultural values of the area which are appreciated by people for varying reasons

values which contribute to the qualities and distinctiveness of every place, now assume far greater relevance in those decision making processes which determine the acceptability of change..

29. Because this shift recognises the natural and cultural worlds as one and the landscape and their associated ecosystems services as a combination of value-added resources, providing public goods and services, it follows that the diversity and significance of these value systems, must be properly expressed and the range of benefits their characteristic features provide, fully assessed. Only by so doing can the repercussions of a development on any of these values and their associated beneficiaries, including future generations, be fully understood and taken into account in the relevant decision making process.
30. CPRW does not believe the Welsh Government's Environment Statement of the impacts its road proposal will have on the landscapes of the Gwent Levels and its surroundings, has addressed nor evaluated these issues in the manner now required by these relevant Acts.

The effects of the preferred route on the landscape

31. CPRW notes the Welsh Government Environmental Statement at Chapter 9 (Landscape and Visual effects) and Chapter 8 (Cultural Heritage) both admit the proposal would result in significant major long term detrimental impacts to the landscape character and heritage value of certain Local Landscape Character Areas (LLCAS) of the Gwent Levels and their surroundings and to designated Gwent Levels Historic Landscape.
32. The impacts on these important resources are likewise the subject of the significant concern to Natural Resources Wales (NRW) the Government's statutory natural resource and landscape advisor. As expressed in its submissions⁸ in respect of Chapter 9 of the Welsh Government's Environment Statement, Landscape and Visual Effects it states;

⁸ Representation to Draft M4Orders by Natural Resources Wales 4th May 2016

“We consider that there would be significant adverse landscape and visual effects on the landscape, including the highly sensitive landscape of the Gwent Levels. Mitigation would reduce the impacts in a number of cases after 15 years, but significant adverse effects on landscape character would remain on LCA2-Wentlooge Levels (large), LCA7-Caldicot Levels (large), LCA1-Michaelston-y-Fedw (moderate) and LCA9-Magor & Undy (moderate).”

33. Likewise the Welsh Government’s statutory Historic Environment and Heritage advisor, CADW in its response to the Draft Orders⁹ similarly expresses their serious concerns, regarding the major adverse and long term impacts the proposed scheme would have on the historic landscape and cultural heritage values of a number of areas through which the proposed route passes.

34. CADW’s representation states;

“By routing the proposed M4 road south of Newport through the northern part of the Gwent Levels, the proposed motorway would cross an area that is known to be remarkably rich, diverse and extensive in terms of archaeological evidence, both buried and visible. This area comprises the fen edge which would have been a focus for human activity for millennia where the lower lying levels interface with higher ground less prone to flooding. The crossing points on and off the higher ground and the route across the interface are potentially very rich in archaeological remains.”

35. Their response continues;

“The route would also cross or be located in close proximity to the northern part of the Gwent Levels Registered Historic Landscape of Outstanding Importance.

Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology sets out advice on legislation and procedures relating to

⁹ Representation to Draft M4 Orders by CADW

archaeological remains. It states the importance of archaeology and that archaeological remains are a finite, and non- renewable resource, in many cases highly fragile and vulnerable to damage and destruction. In contrast to much of the natural environment resource, archaeology is typically immobile and cannot recover. As such, the complex evidence cannot usually be mitigated through relocation or recreation.”

36. CADW’s representation finally concludes;

“The consultation document contains an appraisal for each of the routes and the Do Minimum scenario. The significance of the impact for the heritage criterion is assessed as Moderate adverse for each of the three motorway routes.

Cadw agrees with this assessment and appraisal which is based on the current information base, but the risk of the significance of the impact changing to Large adverse as either further investigation or the scheme itself advances is considered by Cadw to be likely.”

37. CPRW deduces from both these influential representations that the Government’s statutory advisors on landscapes, historic and cultural issues, believe there would be a strong likelihood that significant, long term and detrimental impacts to the character and integrity of the distinctive landscape of the Gwent Levels and its surroundings, would occur should proposed scheme proceed.

The Landscape Visual Impact Assessment (LVIA) method

38. Whilst acknowledging that the Landscape Visual Impact Assessment (LVIA) is broadly in line with the current IAN 135/10 Wales Update guidance¹⁰ and uses its landscape sensitivity, magnitude of change definitions, significance of effects categories and derivations, CPRW notes this guidance and therefore

¹⁰ Interim Advice Note 135/10 (W) Landscape and Visual Effects Assessment, Welsh Government, 2014

the LVIA (Para 9.3.36) has only three categories of adverse magnitude of change¹¹

Major - Total loss or large scale damage to existing character or distinctive features and elements, and/or the addition of new but uncharacteristic conspicuous features and elements.

Moderate -Partial loss or noticeable damage to existing character or distinctive features and elements, and/or the addition of new but uncharacteristic noticeable features and elements.

Minor - Slight loss or damage to existing character or features and elements, and/or the addition of new but uncharacteristic features and elements.

39. This we contend means the effects of the road on the landscape can be understated as there is a marked difference between “*major adverse*” i.e. total loss or large-scale damage, and “*moderate adverse*” i.e. partial loss or noticeable damage.
40. Although the Welsh Government’s LVIA recognises that the overall significance of effects on the Gwent Levels landscapes, (Local Landscape Character Areas (LLCAs) 2 and 7) are large adverse, CPRW believes the overall scale of proposed road impacts are likely to be at the top end of that level of significance.
41. We therefore contend the overall effect of the proposed road could be justified as being major/moderate as it is likely to be a prominent feature, very noticeably and significantly out of character with the Gwent Levels’ landscapes both in terms of its physical appearance and also as importantly, for two further reasons;
- The operational effects of the proposed road on a crucial landscape value of this area, its tranquillity / undisturbed character.
 - The considerable increase in clutter in the landscape resulting from the construction of the road.

¹¹ Op cit, Annex 1 Para 3.8 Table 1

42. We therefore now consider the implications of each of these matters.

The effects of the road on the undisturbed character and tranquillity of the Gwent Levels.

43. A key issue which has not been properly accounted for in the Welsh Government's Environment Statement is the effect the construction of the road would have on the undisturbed character and tranquil nature of the Gwent Levels.

44. As Figure 1¹² and 2¹³ on Pages 15 and 16 demonstrate, the Gwent Levels has intangible qualities associated with its tranquillity and darkness, both of which add value to its undisturbed character. Others I anticipate will indicate the benefits and importance of these same qualities to the area's biodiversity interests.

45. Although CPRW accepts the Gwent levels and the adjoining areas cannot be considered as being in the highest category of "undisturbed area" in Wales, in the local context of the Newport area and its hinterland, the Gwent Levels and its surroundings, are nationally classified as Zone C in terms of their undisturbed character. This category of undisturbed land is defined in Table 15 at Page 53 of the CCW report as

"This land would fit within the broad English definition of Tranquillity, but is not deemed fully tranquil by Wales' standards. Countryside somewhat disturbed by light traffic noise, small settlements, etc."

46. These locally important qualities of relative tranquillity and darkness are therefore important characteristics which contribute to the distinctiveness of the Gwent Levels area. These we believe must therefore be taken fully into account in any judgement of the effects the proposed road would have on the landscape character of those areas through which it passes. Should these

¹² Wales Tranquil Areas Map, Land Use consultants for the Countryside Council for Wales, March 2009

¹³ Night Blight Interactive maps <http://nightblight.cpre.org.uk/how-to-use-the-interactive-maps>
Campaign to Protect Rural England, Sept 2015

qualities disappear for whatever reason, the integrity of this area's current landscape character would be further devalued.

Figure 1

Extract from “Wales Tranquil Areas Map” (South Wales area), Countryside Council for Wales, 2009

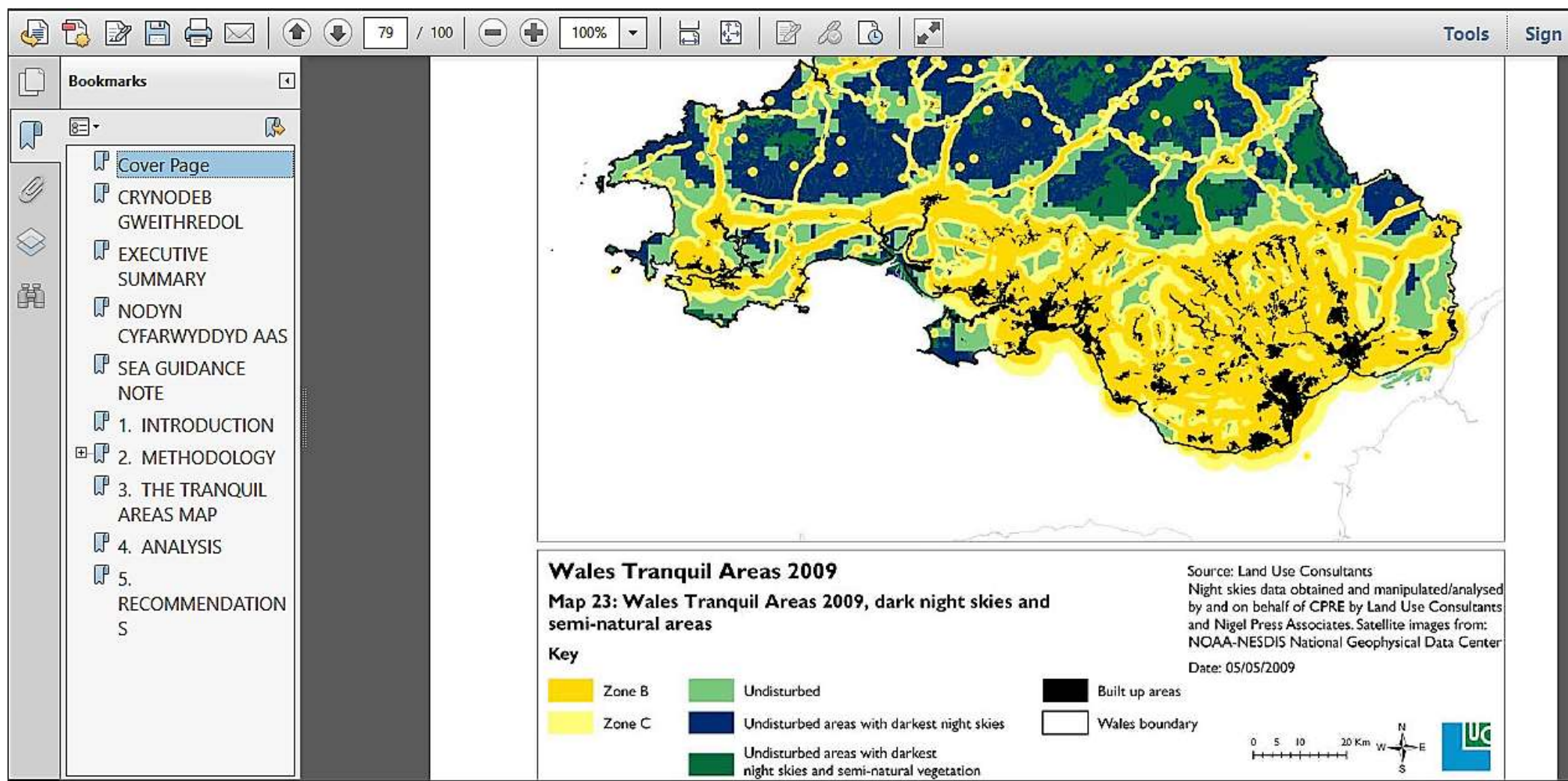
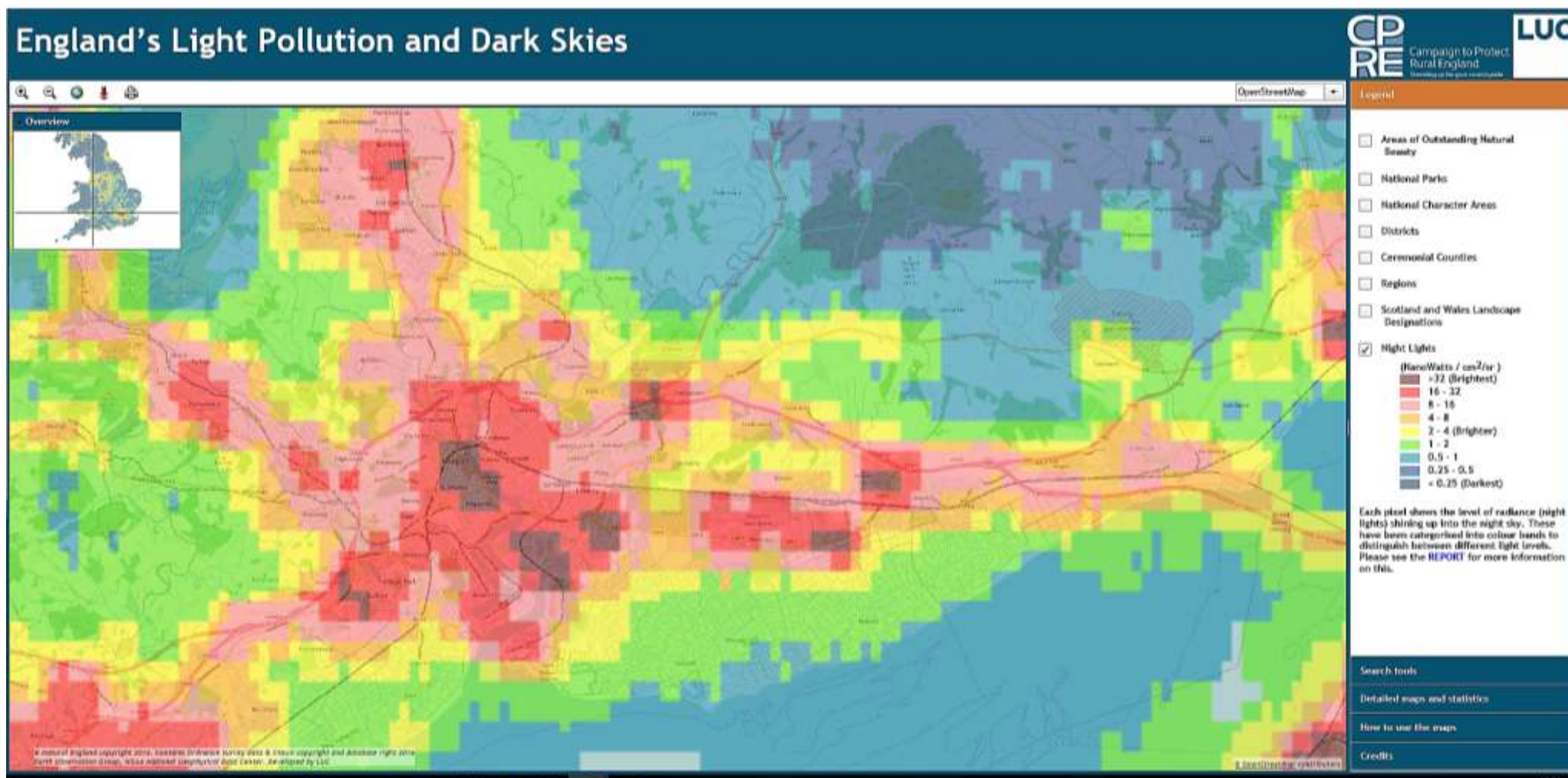


Figure 2 Extract from Dark skies Interactive mapping, Newport Area, Campaign to Protect Rural England, (Sept 2015).



47. Given this context, when one considers the Welsh Government's assessment of how the proposed road would impact on the tranquil qualities of the Gwent Levels, the Landscape Visual Impact Assessment (LVIA)¹⁴ appears to understate the degree of the impact the road would have on this quality. The use of neutral language in the relevant extract of the Welsh Government's landscape assessment statement illustrates its failure to qualify the effect.
48. In respect of LLCA 2 Wentlooge Levels, instead of assessing the actual magnitude of the affect, (Para 9.8.15)¹⁵ the text merely states in respect of the potential effects on the perceptual aspects;

"As a result of the new large scale infrastructure feature within the area, the perception of the feeling of isolation and tranquillity within the landscape would reduce. During the hours of darkness, lighting along the new section of motorway to the east of Lighthouse Road Overbridge and lighting from vehicles moving along the motorway would be a noticeable lit linear feature within a generally dark landscape. "

49. Similarly with respect to the equivalent assessment of the impacts of the road on LLCA 7¹⁶, Caldicott Levels, there is no mention at all in the Welsh Government's assessment of the effect of the road on the tranquillity of this landscape area.

The current Baseline landscape situation

50. Reviewing the manner in which the current baseline landscape situation of proposed road route is expressed, CPRW notes that Chapter 9, the Landscape and Visual Effects section of the Environmental Statement includes a 248 page supplement¹⁷ containing a number of illustrations of the Zones of Theoretical Visibility (ZTVs). These rightly and fairly show what other developments apart

¹⁴ Environmental Statement Volume 1 Chapter 9: Landscape and Visual Effects, Welsh Government 2016

¹⁵ Environmental Statement Volume 1 Chapter 9: Landscape and Visual Effects Page 121, Welsh Government 2016

¹⁶ Op cit

¹⁷ <http://gov.wales/docs/det/policy/160310-m4-es-c9-figures.pdf>

from the proposed Motorway are currently visible from the Gwent Levels and other areas.

51. Whilst this assists in illustrating the baseline situation, it is clear there is a fundamental difference between the character of existing developments and the circumstances which will prevail should the proposed M4 motorway be constructed.
52. The particular aspect which will be different and of significance, is the fact that the range of existing developments are static and emit relatively small levels of noise. This however would not be the case with the proposed motorway which would have constant flows of traffic moving along it day and night, all of which would emit significantly different and additional levels of noise. The level of these additional effects would therefore be significant in relation to the comparatively undisturbed circumstances which currently prevail across the Gwent Levels and its surrounding areas.
53. We further note that Page 64, Para 8.8.6 onwards of the Cultural Heritage (Chapter 8) section of the Environmental Statement¹⁸ also draws attention to this issue even though this is not part of the ASIDOHL2¹⁹ Method. This assessment highlights in particular the implications of this additional road noise on “a person’s ability to appreciate the historic landscape”,
54. The relevant section of the Environmental Statement states
“However it should be noted that the assessment of direct non-physical impacts undertaken through the ASIDOHL2 process is mainly focused on visual changes. For the purposes of the current assessment it is also necessary to consider impacts relating to traffic noise, as the operation of the new section of motorway would result in an increase in traffic noise across much of the registered historic landscape. In some places this would

¹⁸ Environmental Statement: Volume 1 Chapter 8: Cultural Heritage, Welsh Government, 2016

¹⁹ ASIDOHL 2 -Guide to good practice on using the register of landscapes of Historic interest in Wales in the Planning and development process, CADW, 2007

represent the introduction of traffic noise into locations where there is currently a low level of such noise”

55. Para 8.8,8 then continues

“There is no specific guidance or approved methodology for the assessment of the impact of noise on historic landscapes, although some work has been undertaken with regard to aircraft noise (Temple Group, 2014). However it must be assumed that anything more than a negligible increase in traffic noise (in areas where this is currently low) would have some appreciable impact on a person’s ability to appreciate the historic landscape”

56. In conclusion at para 8.8.11, the assessment states

“Based on the above consideration of both visual and noise impacts, the operation of the proposed new section of motorway would have a moderate magnitude of impact on the registered historic landscape. This is a high value heritage asset and the consequent significance of effect has therefore been assessed as large.”

57. This weakness we suggest arises from the ASIDOHL2 assessment process only using a three point scale for assessing the magnitude of effect.

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58. Notwithstanding this, it is not clear however whether this issue has been taken into consideration in the Welsh Government’s overall assessment of the effects of the road on the landscapes of its proposed route corridor. If it has not, the current assessment underestimates the impact of the road on these particular qualities of the Gwent Levels and a person’s ability to experience and appreciate the character of its historic landscapes

The addition of further clutter in the landscape

59. In addition to the major adverse visual effects of the proposed road on the landscape of the Gwent Levels and its implications on the relative tranquillity

and undisturbed nature of this area, CPRW believes these factors will be further compounded and accentuated by the additional clutter associated with road's construction and ongoing operation.

60. Although the proposed route passes along the northern boundary of the Levels (LLCAs 2 and 7) it cuts off some of the Levels to the north and is at a higher level, particularly where it passes over the mainline railway at an elevation of 10 metres.
61. That being the case not only will the road's ancillary features such as gantries and lighting be apparent and very noticeable, so will the movement of high sided vehicles across what was previously an essentially a static landscape.
62. In addition, the proposed road bridge crossing of the River Usk will further add to the cluttered view of vertical elements along the river, when viewed in conjunction with the Transporter Bridge, pylons and power lines and other such structures.
63. Taking all these contributory factors into account the cumulative effect on the landscape of the route, CPRW believes its impact will be even more significant and more unacceptable than suggested by the Welsh Government's Environmental Statement and result in a permanent and unacceptable change to the character of this landscape when viewed from the North.

The sustainability credentials of the proposed M4 road scheme

64. As indicated previously, whilst CPRW accepts that the Landscape and Visual Impact Assessment element of the Welsh Government's Environmental Statement appears to be substantially in line with current guidance, its associated Sustainability Assessment, as pointed out by the Future Generation's Commissioner in her letter to Ken Skates AM, Cabinet Secretary for Economy and Infrastructure²⁰ has not been properly undertaken in a manner which enables a comprehensive judgement to be made, as to whether

²⁰ Letter from the Future Generations Commissioner to Mr Ken Skates AM, Cabinet Secretary for Economy and Infrastructure, 8th June 2016

and how the road proposal performs in respect of the Principles of the Wellbeing of Future Generation's Act (2015).

65. As the Commissioner notes in her letter to the Cabinet Secretary on June 8th 2016;

“Although the Report refers to an assessment against the principles, it actually refers to the Wellbeing Goals and not the five sustainable development principles set out in the Act. It is the SD principles that specify how decisions should be taken (considering long term, integration, prevention, involvement and collaboration), and these have not been assessed in relation to the delivery of the Plan. There is no information included in the Report on how the Scheme looks at preventing travel/congestion, how you are considering the long-term impacts of extending the road, seeking a more integrated solution that encompasses other projects such as the Metro or the requirements of the Active Travel (Wales) Act, collaborating and engaging with a wide range of service providers/users;...

Further to the above, the principles have been retro-fitted after the decision to proceed with the Scheme had been taken, rather than forming part of the evidence base to inform the decision in the first place. The use of the Act to retrofit the goals onto a decision that has already been made is at odds with the intention of the Act which is to change the way decisions are made to ensure more sustainable outcomes”

66. It is clearly her view that the Sustainability Appraisal relating to the road proposal has not been undertaken in the manner expected by the Act
67. We note the Welsh Government's Proof of Evidence “*Planning and Sustainable Development*”²¹ prepared by Mr John Davies MBE, the former Chief Planning

²¹ Core document Ref WG 1.23.

Inspector for Wales, has reviewed these issues since this letter was sent to the Cabinet Secretary in June 2016.

68. We defer to the evidence of others and to the Inspector's eventual judgement as to whether his revised Sustainability Appraisal satisfies the concerns of the Future Generation's Commissioner.

69. Irrespective of that, CPRW notes at Para 72 of Mr Davies' Proof of Evidence²², when considering the road's long term sustainability credentials from a landscape perspective, he judges in respect of its impacts;

"Nevertheless, the landscape impact associated with the physical presence of this new section of motorway, in a landscape currently lacking such infrastructure, would remain by 2037 in a number of Landscape Character Areas of very large, large or moderate adverse significance."

70. He continues in subsequent text, that despite the mitigation proposed;

"Nonetheless, there would still be effects of very large, large or moderate adverse significance when viewed from a number of residential areas and properties, and from public rights of way and other areas with public access."

71. With respect to the road's impact on the historic importance of the landscape, Mr Davies' judgement at Para 105 of his Proof of Evidence²³ states;

"However, with this mitigation in place the ES and the Proof of Evidence of Mr Mick Rawlings assess the effect on the Gwent Levels Landscape of Outstanding Historic Interest as 'large adverse'."

72. It is abundantly clear from the above that he therefore recognises not only the degree of significance but also the longevity of the effects the proposed road would

²² Op cit

²³ Op cit

have on the qualities and values of the landscape of the Gwent Levels and its surroundings.

How the proposed road scheme reflects the statutory requirements of the Environment (Wales) Act 2016

73. The Environment (Wales) Act 2016²⁴ places a legal duty on Welsh Ministers and all public bodies to further the Principles of Sustainable Management of natural resources in Wales.

74. Section 3(1) explains that

The sustainable management of natural resources means.

a) using natural resources in a way and at a rate that promotes achievement of the objective in subsection (2),

(b) taking other action that promotes achievement of that objective, and

*(c) **not taking action that hinders achievement of that objective***

(emphasis added)

75. Section 3(2) of this Act then sets out as an Objective to achieve this, namely the need

“..to maintain and enhance the resilience of ecosystems and the benefits they provide and in doing so,

(a) meet the needs of present generations of people without compromising the ability of future generations to meet their needs

(b) contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015

76. Section (4) of the Act thereafter sets out the Principles of the Sustainable Management of Natural Resources and notes in particular at 4(e) and 4(f) the following

Section 4(e)

take account of the benefits and the intrinsic value of natural resources

²⁴ Part 1 Section 2, Environment (Wales) Act, 2016,

Section 4 (g)

take account of the resilience of ecosystems in particular the following aspects

- (i) diversity between and within ecosystems*
- (ii) The connections between and within ecosystems*
- (iii) The scale of ecosystems*
- (iv) The condition of ecosystems*
- (v) The adaptability of ecosystems*

77. Despite the enactment of this legislation in early 2016, having reviewed the Welsh Government's Environment Statement, we note that it includes no reference to;

- the full range of the ecosystems services associated with the route of the proposed road and any adjacent land affected by it.
- the existing status and capacity of the various natural and cultural resources of these areas and the services they provide to support human wellbeing.
- the impact the construction of the proposed road would have on these ecosystems services and hence the value of the public wellbeing benefits they currently provide.
- the social and economic costs implicit in any trade-offs which would arise or result from the integrity or resilience of these existing ecosystems services being altered or compromised.

78. We therefore contend the Welsh Government's current assessment of the impacts of the proposed road, is neither complete nor comprehensive, as it does not include an objective assessment of how the scheme would perform in respect of fulfilling the requirements of Part 1 of the Environment (Wales) Act 2016 and in particular furthering the Principles of Sustainable Management of Natural Resources, as set out in Sections (3) and (4) of the Act and their associated sub sections.

79. We contend this wider scrutiny of the implications of the proposed road across the spectrum of the area's ecosystem services, is now legally required to

ensure that all aspects of public welfare are fully considered and accounted for when judging the overall impacts of the road scheme on the public's wellbeing.

80. In the light of this lack of information, no matter what the overall extent of mitigation, the construction of the proposed road has not addressed a series of key issues directly related to the effects this road would have on the range of public wellbeing interests.
81. That being the case Welsh Government has not demonstrated whether the construction of the road would affect the range, quality and resilience of the current services provided by the ecosystems of the Gwent Levels and its surroundings.
82. Mr John Davies makes no comment in his Proof of Evidence about the sustainability credential of the scheme in respect these important matters.
83. He does however confirm in his concluding statements at Para 216 of his Proof of Evidence²⁵ that from a Sustainable Land use Planning point of view,(his reference to Issue 3)

*“To summarise on Issue 3, there are conflicts with national planning policy but other instances where policy objectives would be met. It would conflict with planning policies in respect of cultural heritage, landscape, ecology and nature conservation. **Because of this conflict it would not comply with the fourth part of the planning policy definition of the sustainable development principle in PPW paragraph 4.3.1**” (emphasis added)*

84. Sub section of paragraph 4.3.1 of Planning Policy Wales reads as follows

- *respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change,*

²⁵ Op cit

protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;

84. In his concluding paragraphs 244 and 245²⁶, and based on Mr Davies' long and distinguished experience as the Head of the Planning Inspectorate in Wales, he finally judges that having taken all the relevant matters into consideration

“ I give some weight to my conclusions, first, that the Scheme would meet all but one part of the planning policy definition of the sustainable development principle and, second, that it would satisfy the sustainability objectives defined in PPW and so would contribute to the Well-being goals in the 2015 Act.

Against this I give considerable weight to the impact on the SSSIs, the long term effect on the landscape and the impact on heritage assets” (emphasis added)

- 85.. It is therefore clear that the Welsh Government accepts that if the construction of the M4 Relief road across the Gwent levels were to proceed it would fail this fundamental sustainability test, one which all public bodies in Wales including Welsh Government are legally obliged to fulfil and which underpins the manner in which they are now required to discharge their functions.

Conclusion

86. CPRW contends the Welsh Government's Environmental Statement has overlooked and therefore underestimated the importance of four fundamental issues;
- The overall significance of the impact of the scheme on the landscapes of the areas through which it passes.
 - The increased magnitude of these impacts when its visual, sensory and cultural heritage impacts are treated as one

²⁶ Op cit

- The lack of any realistic assessment of the ecosystems services of the areas through which the road passes and their associated values, as required under current legislation
- The impacts the scheme would have on the public benefits these services and values currently provide.

87. CPRW believes the evidence it has presented in this submission, demonstrates that the Welsh Government's assessment of the impacts its proposed road scheme would have on the landscape and heritage value of the Gwent Levels and its surroundings, is not only incomplete but also underestimates the extent and significance of the road's impacts on the area's values.

88. We therefore confirm our opposition to the proposed road scheme on the grounds that it will cause major and long term damage to both the area's landscape and heritage values and therefore this aspect of the scheme's sustainability credentials cannot be satisfactorily substantiated.

89. Should the Inspector agree with our conclusions, we respectfully request that significantly greater weight is ascribed to the importance of the landscapes of the Gwent Levels and its surroundings and hence the consequences of this scheme on their values and benefits, when he judges the overall significance of the scheme's environmental impacts against its unconvincing merits.