

Summary Proof of Evidence
of the
Future Generations Commissioner for
Wales

For the
Public Local Inquiry into the
M4 Corridor around Newport

February 2017

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1. Introduction
 - i. Witness introduction

Sophie Howe – Future Generations Commissioner for Wales

I was appointed as the first Future Generations Commissioner for Wales in February 2016. Prior to this I was the Deputy Police and Crime Commissioner for South Wales, and have served as a Special Adviser to two First Ministers in the Welsh Government (providing advice on communities, local government, regeneration and equality) and a Cardiff County councillor for 9 years. I am also a member of the Wales Committee of the Equality and Human Rights Commission.

The **Well-being of Future Generations (Wales) Act**¹ (2015) came into force on the 1st April 2016 and my statutory role as **Future Generations Commissioner for Wales** is to promote sustainable development by acting as guardian of the ability of future generations to meet their needs and to encourage public bodies, including the Welsh Government, to take greater account of the long term impact of the things that they do.

Large scale infrastructure proposals such as the M4 relief road are significant given the proposed level of expenditure, the need to balance economic, environmental and social considerations, and their impact on future generations.

Under the new legislation there is a clear expectation that proposals, including the decision-making process itself, will use the **five ways of working** to maximise contribution to all of the **seven well-being goals**.

ii. Scope of evidence

I would like to offer evidence, within the framework of the Well-being of Future Generations Act, on the following elements of the public inquiry, building on initial concerns raised with the Cabinet Secretary (in a letter dated 8th June 2016²):

- The need for the scheme,
- Potential social and environmental impacts
- The cost and business case

¹ <http://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

² <http://futuregenerations.wales/wp/2016/06/08/sophie-howe-writes-ken-skates-regarding-m4-scheme/>

2. Building a new road is not in the best interests of future generations

The proposed scheme is not consistent with Wales' commitment to future generations – building roads is what we have been doing for the last 50 years and is not the solution we should be seeking in 2017 and beyond.

The rationale for a new road was conceived over 25 years ago with the main purpose of addressing congestion in the area. I do not agree with the basic premise that this is the “most sustainable, long-term solution to current social, environmental and economic problems associated with this route”. Whilst recognising the congestion issues on this road (which also exist on other roads across south Wales), I believe, and in fact the Well-being of Future Generations Act arguably requires, the Government to explore other ways to address the problem giving greater consideration to the aspirations contained within the National well-being goals, their own well-being objectives and the five sustainable development principles. Consideration of long-term trends, for instance in technology, car usage and working patterns, are particularly important in ensuring that the solution they develop is fit for current and future generations.

3. The decision making process has not adequately taken into account the five ways of working (SD principle)

The Well-being of Future Generations Act puts in place a **statutory duty to carry out sustainable development** when making decisions. To assess whether the adoption of the (then draft) Plan is the most sustainable solution to traffic congestion and capacity issues on the M4 around Newport, the application of the sustainable development principle (the five ways of working, see Appendix 1 for detail) is intended to help public bodies, in this case the Minister, to take better decisions when considering potential alternative solutions.

In Welsh Government's Proof of Evidence on Sustainable Development³ the witness states *“I am satisfied that the actions of the Welsh Government when developing and adopting the Plan for the M4 around Newport were in line with the 5 ways of working now set out in the 2015 Act and hence in accordance with the principle of sustainable development, which was also integral to the subsequent development of the Scheme for delivery of the Plan”*.

Whilst the Scheme has been developed in consultation with various interest groups I don't feel this amounts to sufficient **collaboration**, nor that it adequately considers the **long-term**, or has properly applied the principles of **integration** and **involvement**. I am not convinced that the Welsh Government evidence does not adequately reflect the requirements of the Act and I would like to see detailed evidence of how the five ways of working have been applied at the outset of the decision making process rather than being retrofitted to justify a decision already taken.

4. The proposed scheme does not adequately support the seven well-being goals

The Well-being of Future Generations Act puts in place seven well-being goals (Appendix 2) and together they provide a shared vision for public bodies in Wales to work towards.

³ <http://bailey.persona-pi.com/Public-Inquiries/M4-Newport/C%20-%20Core%20Documents/1.%20Proofs/1.23.1%20John%20Davies%20PoE.pdf>

Public bodies across Wales, including Welsh Government, are required to maximise their contribution to all seven goals, to ensure we are moving towards becoming a more prosperous, resilient and equal Wales, with healthier, more cohesive communities and a vibrant culture that is globally responsible.

The Sustainable Development (SD) Report⁴ published by Welsh Government considers how the proposed scheme aligns to the seven well-being goals, concluding that the *“Scheme is considered to align with the Welsh Government’s principles of sustainable development”*.

I disagree with analysis and do not believe that the evidence sufficiently demonstrates how the scheme will contribute to a more resilient or healthier Wales, supporting cohesive communities or being globally responsible. There is no evidence to suggest that the M4 is likely to contribute to inequality as it will not benefit the quarter of mostly poorer households (in the south east of Wales) who do not even have access to a car⁵.

The definition of a more Prosperous Wales is quite distinctive, specifying ‘an **innovative, productive, low carbon society which recognises the limits of the global environment**, using **resources efficiently** and proportionately including **acting on climate change**’. It also refers to developing a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work. Again I do not believe that the economic assessments have taken this wider definition into consideration. They also fail to incorporate the Government’s own objectives on Green Growth (Well-being Objectives⁶ published in November 2016) and I am not clear how the proposals will support their Decarbonisation agenda (as required in the Environment Act).

To support public bodies in using the Act as a framework for better decision making, we have worked with the New Economics Foundation (NEF) to develop a framework which can be used to assess infrastructure projects (using the five ways of working and seven well-being goals). Along with NEF we have has used this framework to assess the proposed M4 relief road, and the key findings conclude that **the Scheme does not appear likely to deliver well-being for future generations in Wales, when considered in relation to the goals and ways of working set out in the Act**. There is insufficient evidence and inadequate analysis of the actual long term impact of the Scheme as proposed, particularly with regards to critical concerns such as:

- Ecological resilience
- Sustainable and appropriate economic growth (in line with the definition of a “Prosperous Wales” in the Act, given above)
- Infrastructure that supports improved public health
- Proportionate and responsible resource use
- Wales’ ecological footprint and carbon emissions

⁴ <http://gov.wales/docs/det/report/160310-m4-sustainable-development-report.pdf>

⁵ <http://poverty.org.uk/w75/index.shtml?2>

⁶ <http://gov.wales/docs/caecd/publications/161104-well-being-a-en.pdf> - Support the transition to a low carbon and climate resilient society; Foster conditions for sustainable economic development and employment, whilst stimulating innovation and growth for a modern low carbon economy

In their view the potential risks and harms of the Scheme have been understated, while the potential benefits are both narrower than the Act demands and are unlikely to be progressively distributed (see Report for full analysis⁷).

5. I believe there are alternative ways to spend £1bn that would have greater benefits for future generations

Following on from point (2) there is little evidence within the Sustainable Development report⁸ of proper consideration of a comprehensive range of alternative options for addressing the congestion problems such as introducing new technology to better control traffic flows, or investing in more integrated public transport solutions alongside the M4 corridor to reduce demand at peak times. Although I understand that the scope of the Public Inquiry is focussed on the scheme and regulations, and alternative road schemes, it is my view that in meeting the Well-being of Future Generations Act there is an expectation that the Government should be able to demonstrate comprehensive consideration of alternative schemes which would have a greater impact on meeting the National well-being goals and their own well-being objectives (as covered in Full Evidence).

I believe that using the Welsh Government's borrowing powers to finance one scheme that will, at best, result in geographically, economically and socially disproportionate benefits to one part of Wales is ill conceived. In 2009 it was stated that the scheme was not affordable, whilst by 2013 it had been deemed affordable due to the introduction of Borrowing powers. Whilst decisions on investment are a matter for politicians, the legislation requires me to be an advocate for future generation. As future generations will be repaying the debt it is essential that the investment demonstrates robustly that it is the most sustainable solution in the long term and that it is the most effective way of maximising the contribution to tackling long term intergenerational challenges such as climate change and the shift to a low carbon economy, poverty and ill health. It is my view that the case has not been made.

6. Conclusions

My legal duty as Future Generations Commissioner for Wales is to promote sustainable development and act as guardian of future generations. The Well-being of Future Generations (Wales) Act came into force in April 2015 and any new decisions about the scheme must demonstrate how they have complied with the Act.

I do not believe that the proposed scheme appropriately applies the principle of taking decisions in a way which meets today's need without compromising the ability of future generations to meet their own needs. It does not adequately take into account future trends, it is not a good example of how the five ways of working should be applied and the case for investing in this scheme from the perspective of future generations has not been made.

⁷ <http://www.nefconsulting.com/well-future-generations-wales-act-2015-review-proposed-m4-relief-road/> This report provides a high level interpretation of the Scheme in relation to the Well-being of Future Generations (Wales) Act. It highlights areas where the traditional approach to infrastructure projects could better support the well-being of future generations, and provide a useful example of how the Well-being of Future Generations (Wales) Act could be applied in practice.

⁸ <http://gov.wales/docs/det/report/160310-m4-sustainable-development-report.pdf>