

# Gwent Wildlife Trust

## *Ymddiriedolaeth Natur Gwent*



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### **Response to the Welsh Government Consultation Document M4 Corridor Enhancement Measures (CEM Strategic Environmental Assessment (SEA) Environmental Report**

**About:** Gwent Wildlife Trust is a registered charity and a member of the [Wildlife Trusts Partnership](#), the largest voluntary organisation concerned with wildlife conservation. The vision of The Wildlife Trusts is 'an environment rich in wildlife for everyone'. Our mission is to 'rebuild biodiversity and engage people with their environment'. Gwent Wildlife Trust covers the area from the lower Wye to the Rhymney river valley in South East Wales. The Trust was set up in 1963 to purchase its first nature reserve, [Magor Marsh](#), and now has 29 nature reserves.

#### **Summary:**

Gwent Wildlife Trust believes the SEA is inadequate.

There are significant issues regarding the SEA process, principally that:

1. It has not been carried out alongside the M4 CEM programme, and cannot therefore fully inform it.
2. It does not consider reasonable alternatives.
3. The consultation period was too short, and the consultation was not well publicised.

Within the SEA Environmental report, there are issues regarding:

1. The false assertion that traffic will continue to rise.
2. Avoidance of the fact that increasing capacity will cause increased numbers of cars on the roads.
3. Errors and omissions, particularly regarding biodiversity.
4. Inappropriate scope, and a lack of regard for rural communities and the rural economy

Gwent Wildlife Trust maintains its objection to Option A, on the basis of major negative impacts to biodiversity, soil, water, material assets, cultural heritage and landscape. We disagree with the evaluation of Option A, and assert that impacts on greenhouse gas emissions and climate change adaptation would also be negative. We also have serious concerns regarding the impact of Option D on biodiversity and water quality.

## Comments regarding the SEA process

### Timing

Gwent Wildlife Trust believes that the SEA should have been carried out alongside the M4 CEM options consultation carried out in March to July 2012. This would have enabled the findings of the SEA to inform the options put forward, and for any recommendations of the SEA to be incorporated. Because this Environmental Report has been produced retrospectively, it is restricted in its effectiveness – it cannot amend any of the options because they have already been presented to the public.

It also would have meant that respondents to the M4 CEM options consultation would have been better informed about the possible impacts on the environment, and may have resulted in different feedback.

Guidance on the timing of SEA is clear:

- The objective on the SEA Directive (2001/42/EC) is to provide for a high level of protection of the environment and to contribute to the **integration** of environmental considerations into the preparation and adoption of plans, with a view to promoting sustainable development (Article 1). (emphasis added).
- The Environmental Assessment of Plans and Programmes (Wales) Regulations (2004) state that, where a plan or program meets the requirements for SEA, *'the responsible authority must carry out, or secure the carrying out of, an environmental assessment... **during** the preparation of that plan or programme and before its adoption or submission to the legislative procedure.'* (emphasis added).
- The Welsh Transport Planning and Appraisal Guidance (WelTAG) (2008) states that *'The SEA should be **started early in the process and aligned to the preparation of the plan.** SEA should be an iterative process of collecting information, defining alternatives, identifying environmental effects, considering ways of mitigating adverse effects and **revising proposals** in the light of predicted environmental effects'.* WelTAG shows a timetable of stages in the SEA process in which the draft plan or programme and Environmental Report are published simultaneously for consultation. (emphasis added).

## Consideration of Reasonable Alternatives

Gwent Wildlife Trust believes that the SEA (and the preceding M4 CEM options consultation) should have considered further alternatives, including 'soft measures', 'public transport only' and a 'do-nothing' scenario. This would have provided consultees with a baseline for comparison, and one of these options prove to be a more sustainable option than highway construction.

The Environmental Assessment of Plans and Programmes (Wales) Regulations (2004) state that *'The report must identify, describe and evaluate the likely significant effects on the environment of –*

- a) implementing the plan or program; and*
- b) reasonable alternatives, taking into account the objectives and geographical scope of the plan or program.'*

Guidance issued by the Office of the Deputy Prime Minister (A Practical Guide to the Strategic Environmental Assessment Directive, 2005) recommends a hierarchy of options, where at the first consideration is whether the need or demand can be met without implementing the plan or programme at all. It states that *'Obviation of demand is often environmentally and socially better than providing for demand or rationing consumption through price or limited capacity. For example, better local amenities or services might make some journeys unnecessary... Obviation is not the same thing as restricting or thwarting demands which may simply lead to the displacement of a problem: it is better seen as looking for different, more sustainable, means to achieve human quality of life ends.'*

Traffic levels on the existing M4 are falling<sup>1</sup>. Taking this and the impacts of existing and committed schemes into consideration, a combination of public transport measures and other soft measures becomes a viable and reasonable option.

The reasoning given in the SEA for the omission of reasonable alternatives is that

- a) The M4 CEM sits within a 'planning hierarchy' where there is no scope for consideration of alternative high level strategies.
- b) The Welsh Government is committed (via the National Transport Plan) to delivering an M4 CEM package of measures.

We believe these suggested alternatives are reasonable, and do not constitute high level strategies. They fit within the Welsh Governments NTP commitment to *'Deliver a package of measures designed to improve the efficiency of the M4 in south-east Wales, including public transport enhancements, making the best possible use of the motorway and improving the resilience of the network.'* In fact Options A and D could well be considered to be significant

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<sup>1</sup> Department for Transport, 2012, *Road traffic estimates for 2010 (revised)*

departures from the plan, which by the argument of adherence to the NTP, means that they should not be considered.

The do-nothing scenario is required, as a baseline for comparison, but also to ensure that development really is justified. It would be inappropriate (and a waste of taxpayer money) to adhere rigidly to a commitment if current information demonstrated that it actually wasn't needed. Note that the aim of the targeted proposals for South East Wales is *'To continue to develop the most appropriate, and sustainable, solutions to transport issues in south-east Wales.'*

It should be noted that 'alternative solutions' are also required for the Appropriate Assessment recommended by the HRAS report.

## **Consultation**

We would like to state that we feel the consultation period for this Environmental Report is inadequate. The Environmental Assessment of Plans and Programmes (Wales) Regulations (2004) state that the consultation period should be *'of such length as will ensure that the consultation bodies and public consultees are given an effective opportunity to express their opinion on the relevant documents.'* As a small voluntary organisation, we have been under considerable strain to produce this response. Given that many bodies that have an interest in the M4 CEM process, such as community councils, are voluntary bodies who meet only once in a month, it is likely that many will be unable to respond.

We also feel that the consultation has not been publicised enough. Under The Environmental Assessment of Plans and Programmes (Wales) Regulations (2004), the responsible authority must *'take such steps as it considers appropriate to bring the preparation of the relevant documents to the attention of the persons who, in the authority's opinion, are affected or likely to be affected by, or have an interest in the decision involved in the assessment and adoption of the plan or programme concerned.'*

Given that the M4 CEM options consultation was publicised through the local media and public exhibitions in order to bring it to the attention of local people, it is concerning that this process was not repeated. The fact that this is a more technical document is not a valid reason for this lack of publicity. Rather, more information and support is required to accompany the consultation to enable people to respond.

It is also clear that the Environmental Report has been rushed. It states that *The relatively short time scale to undertake the SEA has made it challenging to complete the work to the agreed programme, particularly relating to consultation timescales (scoping consultation responses were only received in full the week before).* How the responses from consultation bodies could be fully analysed and incorporated into the document within a week is questionable. This commitment to a timetable that overrides careful consideration of the environment and sustainable development is deeply concerning.

## Comments regarding the Environmental Report

### The assumption of increasing traffic

We **object** to the assumption of increasing traffic within the SEA, as within the M4 CEM options consultation. Put simply, this is unfounded. As we stated in our response to the M4 CEM options consultation *'ongoing analysis of highway usage demonstrates a declining trend in motorway traffic using the original M4 and there are no indications that this declining trend will reverse in the near future, especially in the light of measures (planned or implemented) designed to reduce traffic flows yet further, which have not been taken into account by the document.'* Given that the SEA only references the M4 CEM options consultation as the source for many of these assertions, and at times makes statements regarding 'worsening issues' without any reference to data at all, they cannot be credited.

Several of the key issues and predicted trends (air quality, climate change and noise) are also set against this false assumption, meaning that much of the presented baseline is skewed. For example, noise levels are currently improving in Newport, and safety is also improving on the existing M4. Again, this supports the argument for a 'do nothing' scenario using the most recent data for comparison.

### The issue of increased capacity

Repeatedly, the likelihood of a new road increasing the number of cars on the roads is suggested as a possibility, where in reality it is almost certain. There is no evidence presented that demonstrates that capacity increase leads to a reduction in congestion. In fact, the opposite is stated in the M4 CEM options consultation itself: *'traffic congestion will not simply disappear as a result of capacity increase. This is because the development of new or up-graded, convenient and reliable roads tends to encourage more people on to them. This results in additional vehicles using additional road capacity (not a stable volume of vehicles using more / emptier roads).'*

We **object** to this inclusion of this incorrect assertion, that increased capacity would reduce congestion, is used in the evaluation of air quality, climatic factors (emissions), accessibility, and health. That the number of cars on the roads is likely to increase is only admitted as a possibility rather than a certainty in the evaluation of noise disturbance. The evaluation against these objectives is therefore flawed.

### Scope

Much of the SEA is focussed on the issues around the existing M4, and the predicted impacts of the options on them. We **object** to three of the SEA Objectives that are focussed exclusively on

the M4 corridor – as if air pollution, GHG emissions and noise would not affect people living on the Gwent levels if Option A were to be pursued.

Welsh Government targets for reducing greenhouse gas emissions, as listed in the baseline, apply to the whole of Wales. The benefits of encouraging modal shift associated with the public transport measures should not be dismissed, just because they will not significantly affect the emissions associated with the M4. Surely any measure that contributes to the achievement of climate change targets should be encouraged, just as damaging options should be rejected, regardless of where they occur.

There is also a lack of understanding that Option A would have an impact beyond the county of Newport, as the dual carriageway would pass into Monmouthshire. The policies put forward by Monmouthshire County Council – namely the UDP, emerging LDP and Community Strategy, have not been taken into account. Considering the importance of the route regionally, and the impact that any major construction project is likely to have in the short term, policies and plans of other neighbouring authorities should also be taken into account.

### **Impacts on rural areas**

People living in the rural areas, especially on the Gwent Levels appear to be less of a concern, simply because the population is lower. Air quality, noise, population, and health issues all appear to be skewed simply because of the numbers of residents affected. These issues are important to all local people, so to evaluate impacts on the basis of numbers seems to be playing to the crowd.

We **object** to the lack of consideration of the possible impact on the rural economy. Tourism and agriculture are dependent on the quality of the environment, and whilst the impact of enhanced accessibility to employment centres is mentioned, the impact of potential degradation on rural businesses is not.

### **Compatibility of Objectives**

We are disappointed that the SEA objectives have not been compared to the M4 CEM programme goals for compatibility. This is common practice in other SEA reports, such as for an LDP. This would have demonstrated the sustainability of the M4 CEM goals (or otherwise) and, had the SEA been carried out concurrently, the M4 CEM goals could have been adjusted accordingly.

## Risks of associated with unknown significance

Because of the various limitations of the SEA, some impacts are unknown. For air quality, noise and greenhouse gas emissions, this makes comparison between options impossible. It also introduces a large element of risk into the decision making process, as an option could be chosen that has major negative effects.

## Mitigation and Monitoring

We **object** to the mitigation options presented in Chapter 7 as they are overly simplistic, too generalised and therefore of little use. The SEA states that *'The likely adverse environmental effects of the M4 CEM Programme can be mitigated through interventions at various scales and decision points.'* This is completely incorrect as many likely adverse impacts **cannot** be mitigated, or even compensated.

The SEA states that *'in addition to mitigating adverse effects, the SEA will also seek to promote changes and additions to the programme which will help to achieve enhancements in relation to the SEA objectives.'* However, the mitigation chapter suggests no changes or additions to the existing four options. Instead there are weak and vague suggestions of little constructive use, such as *'Measures should minimise the negative effects on biodiversity and deliver environmental gains during construction, maintenance and operation phases.'*

An SEA at this level should be able to provide specific and detailed mitigation, rather than transferring the general measures that apply to the NTP. There are gross assumptions - *'Removal of protected species from scheme footprints and relocation to alternative areas prior to construction of highway infrastructure'* assumes that suitable receptor areas exist.

Regarding Option A, we believe there is no possible way that the scheme could be mitigated or compensated.

Likewise, monitoring is treated in an overly simplified way. Monitoring is a key requirement of the SEA process, but there are no specific details. Most of the monitoring is dismissed as "project level effects", which reveals nothing what is to be monitored and how. For example, 'changes in air quality' can be monitored through existing schemes, but 'changes in air quality in areas directly affected by transport measures' may require additional resources, and this is not highlighted.

Monitoring for biodiversity is significantly lacking and too vague. It should include disturbance of protected and BAP species, habitat losses (protected sites and BAP habitats), and a measure of loss of connectivity.

## Omissions and inconsistencies

Trends and baselines are often taken from data relating exclusively to Newport, when the impacts could reach further, particularly into the neighbouring counties of Monmouthshire and Cardiff. As stated earlier, neighbouring local authority policies have not been taken into account, when the M4 CEM Programme is predicted to have impacts at a regional level at least.

Sometimes, national trends are presented, without reference to local trends. Sometimes it isn't clear at what level trends are happening: '*Despite the overall national decline, emissions of carbon dioxide (CO<sub>2</sub>) from road transport is increasing*' - does this mean that road transport emissions are decreasing nationally, but increasing locally, or that overall emissions are declining, but emissions from road transport are increasing nationally?

Sometimes information is presented in a misleading manner, '*Emissions from buses, particularly emissions of NO<sub>x</sub> and PM, are significantly higher than those from petrol and diesel cars*' - this is true per vehicle, but not per person travelling.

All but one impact is predicted to be long term – above 10 years, as defined in Table 5. As impacts from construction such as noise and dust will arise immediately, it is more correct to state that impacts will be short, medium and long term in their effects.

We **object** to missing information within the baseline for biodiversity. Figure 2 shows Gwent Wildlife Trust nature reserves as Local Nature Reserves, when only one, Allt yr Yn, is designated as such. Magor Marsh is a SSSI (not mentioned within the baseline section) and the Solutia Reserve at Great Traston Meadows is a SINC. The nine LNRs mentioned in the baseline text are not shown on Figure 2, and it is uncertain where this data is sourced from, as Newport Council has only designated one LNR to date.

We object to the omission of protected species other than those associated with the European protected sites. Otters, bats, great crested newts, dormice, water voles and barn owls are all found within the study area (beyond the European protected sites), and should be taken into consideration. We have included a data search for European Protected Species within the study area from the South East Wales Biological Records Centre (SEWBReC) which shows almost 1000 records of bats, otters, dormice and great crested newts.

SINCs are referred to, but the number of SINCs within the study area is not. UKBAP and LBAP species and habitats are not mentioned (LBAPs were not even listed in the relevant plans and policies in Table 1), neither is the Section 42 list. As the Welsh Government has a legal obligation to further the conservation of these species and habitats under the NERC Act (2005), they should be taken into consideration.



It is unclear as to how stable BAP species are increasing when the percentage of species increasing/declining remains the same.

The impact of climate change on biodiversity is also a key issue for consideration, especially as habitat loss and fragmentation will compromise some species ability to adapt to climate change.

Given that the Welsh Government is adopting an 'ecosystem approach' through the Living Wales program, we are disappointed that impacts on ecosystem function and services are not considered.

## Comments regarding Option A

Regarding the evaluation of the options, we **concur** that impacts on biodiversity, soil, water, material assets, cultural heritage and landscape arising from Option A would be *'Likely to affect the whole, or large part of the M4 CEM Programme area. Also applies to effects on nationally important assets. The effects are likely to be direct, irreversible and permanent. The magnitude of the predicted effects will also be major.'* (Table 6 – SEA Significance Criteria).

Regarding biodiversity, we consider that the scale, nature and location of the land take required would be certain to contribute to habitat fragmentation, degradation and loss. Given the uniqueness and importance of the Gwent Levels within Wales, and the scale of the potential damage we argue that the impacts are at least at a regional level, and most will be permanent.

As the increase in capacity as a result of the additional road will lead to increased car use, it is clear that air quality, noise and greenhouse gas emissions will be negatively affected by Option A. Although impacts may be moved away from the existing M4 corridor, they will still exist, and if the objectives were at an appropriate scale, the overall impact would be seen to be negative.

When considering greenhouse gas emissions the evaluation also fails to take into account the fact that vehicles travelling at higher speeds produce more emissions than those travelling at slower, steadier speeds. It is therefore clear that options that significantly increase capacity, and encourage higher speeds will result in increased greenhouse gas emissions. These are also the options that will have significant emissions arising from construction. It is therefore clear that Options A will have **major negative** impacts on greenhouse gas emissions.

We **object** to the evaluation of Option A as having a major positive impact on climate change adaptation. Whilst new infrastructure may well be built to withstand flooding, this is not the only consideration that should be taken into account. The Gwent Levels are a network of drainage ditches and wet habitats that currently absorb surface water, and help to channel it away from Newport to the Severn Estuary. Placing damaging infrastructure within this system is likely to compromise its regulatory function. Although a new road will be designed to permit water flows these are likely to be limited, and replacing a significant area of permeable surface with an impermeable one is likely to have impacts on flood risks in the surrounding area of the Gwent Levels. When compared to the predicted impact of option A on water quality, flood plains and flood risk, this evaluation makes no sense. The SEA itself advises that *'new transport infrastructure should be located away from areas at risk of flooding'*.

We fail to see how a new road to the south of Newport would improve accessibility to local services and community facilities more than any other highway option. As the road is primarily designed for non local traffic (there being few junctions intended between Magor and Castleton), it is likely to be of little benefit to local people living in Newport. As stated, the

proposal would cause significant severance for communities on the Gwent Levels. As stated, improving matters for private cars and freight will not provide inclusive access.

## **Comments regarding Option D**

We also consider that Option D would have direct and indirect, irreversible and permanent impacts on biodiversity. Although there are less protected areas along the route, construction and land take would be on a much larger scale than Options B and C, constituting a major negative impact. It is known that there are populations of bats and dormice in close proximity to the existing M4 and these would be likely to be affected.

In considering water quality and flood risk, the evaluation fails to mention that the existing M4 crosses the River Usk SAC and SSSI, and the River Ebbw SINC and Monmouthshire and Brecon Canal SINC. Water pollution (through construction and as a result of increased traffic) would be a significant adverse impact due to the sensitivity of the receptors.

## **Conclusions**

Gwent Wildlife Trust believes that the current SEA does not safeguard the Welsh Government's aspirations of placing sustainable development as its central organising principle, and to its ability to deliver its Living Wales programme.

We therefore urge the Welsh Government to carry out a completely new consultation on the M4 corridor, incorporating all reasonable alternatives. This must include 'no highway construction' options as well as construction models. This new consultation must be based on up to date, accurate traffic data. The goals of the new consultation should be broadened to include environmental and wildlife goals.

All options must then be subject to an effective SEA – an important test of environmental effects of the alternative options – which is prepared and run in parallel to the new M4 options consultation and is subject to a 3 month public consultation.



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