

Response to the Environment & Sustainability Committee request for evidence on the M4 proposals around Newport

October 2013

RSPB Cymru is part of the RSPB, the country's largest nature conservation charity. The RSPB works together with our partners, to protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations. The RSPB has over 1 million members, including more than 51,000 living in Wales.

We welcome the opportunity to respond to the Environment and Sustainability Committee's examination of the Welsh Government's proposal for an M4 motorway across the Gwent Levels. RSPB Cymru highly values the Gwent Levels due to its importance for wildlife and has identified the Levels as a Futurescape - an area for pursuing landscape scale conservation with multiple partners to deliver for wildlife on a large scale. We are therefore highly concerned by the Welsh Government's proposal to build a new section of the M4 motorway through this highly valued area.

In summary, we do not believe the Welsh Government has proven the need for a new road and advocate that in line with the Welsh Government's own Climate Change Strategy and commitment to sustainable development it should invest in low carbon sustainable transport solutions to address congestion and, allow time for the measures already taken to take effect.

If the Welsh Government is convinced a road solution is needed we advocate that the Welsh Government consider a reasonable alternative such as upgrading the current road infrastructure, ensuring no significant impact on the SSSIs.

RSPB Cymru urge the Welsh Government to drop plans for a new road across the Gwent Levels and to realise the full value of the Levels to the wildlife and the people of Wales.

1. Introduction

The primary focus of this paper is on the 'Consultation on a draft plan to improve the M4 around Newport' launched on 20th September 2013 along with the Strategic Environmental Assessment (SEA) Environmental Report 2013 and previous recent consultations. We are concerned that the consultations¹ have been framed in a manner as that the outcome is preferable for the Black Route (the traditional M4 Relief Road), a new three lane motorway between junctions 23-29 of the M4.

We are very concerned that there is no consideration within the Consultation document and SEA Environmental Report of low carbon sustainable alternatives. This approach is not consistent with Welsh Government policy or wider thinking on climate change or sustainable development.

In this paper we bring to the attention of the Committee the deficiencies in the consultation documentation itself and highlight our concerns around the consultation process.

2. Wildlife on the Gwent Levels

The Gwent Levels is a fragile wetland ecosystem. It is statutorily-designated, consisting of seven SSSIs

¹ M4 Corridor Enhancement Measures Consultation (2012), SEA to the M4 Corridor Enhancement Measures Consultation (2012), SEA Scoping Consultation (2013), Draft Plan and SEA Environmental Report (2013)

(Sites of Special Scientific Interest²). The area is designated for its scarce aquatic flora and fauna that live in the unique drainage ditches, known as reens, and grazing marsh habitat. The River Usk is also designated as a Special Area of Conservation (SAC) under European legislation for its migratory and resident fish species.

The Levels are Wales' largest and most important coastal and floodplain grazing marsh, a UK BAP Priority Habitat of acknowledged nature conservation concern³. The Levels are also important for landscape-scale nature conservation, being identified at a UK level as a "Futurescape"⁴ area for RSPB Cymru, and a "Living Landscape" area for the Wildlife Trusts.

Stretching from east Cardiff to Chepstow the Levels are home to an astonishing array of special birds and other wildlife including lapwings, otters, water voles and one of the UK's rarest bumblebees, the shrill carder bee. The area also hosts a number of specialist plants including frogbit, arrowhead and Wolffia – the smallest flowering plant in the world.

Damage caused by a new road would not be limited to the direct loss of habitat where the road would be built. The new motorway would effectively cut the Levels in half, fragmenting habitat and creating a lethal barrier for wildlife. The lack of water movement between two sides and increased pollution from traffic runoff would dramatically affect these fragile wetlands over a large area.

Furthermore, a new road through this nationally important area would make the land between it and Newport vulnerable to further development.

All three road options considered in the consultation would cause major irreversible damage to the wildlife of the Gwent Levels. The path of both the preferred route and the 'reasonable alternatives' (purple and red routes) within the consultation would run directly through a number of protected areas, which are nationally important for their wildlife (including five SSSIs.)

3. Consistency with Wider Welsh Government policy

3.1. Sustainable Development

We are very disappointed that the Welsh Government is proposing such an environmentally damaging project. We would expect a Government with sustainable development as its central organising principle to actively search for the least environmentally damaging way to address the issue it has identified. Sustainable development involves searching for creative solutions which enhance environmental, social and economic objectives, and we see no evidence of this approach being taken. Indeed the 'goals' of the consultation itself are all transport-related, there is no inclusion of sustainable development or environmental protection despite this being a highly designated area.

Furthermore, we can see no evidence of the true value of the area that would be damaged by the options in the consultation being included in any assessment. In addition to its importance to wildlife - as recognised by national designations - the Gwent Levels provides valuable 'ecosystem services'. Under the Natural Resources Management Programme the Welsh Government has been developing tools that should support better consideration of ecosystems in decision making; we can see no evidence that this work has been considered in developing the current consultation.

3.2. Climate Change Strategy

Climate change is the biggest mid to long term threat to biodiversity. We are therefore surprised and disappointed that the Consultation document does not make reference to the 2010 Climate Change Strategy for Wales. We would expect any proposal which includes the possibility of major new road

² SSSIs - Magor Marsh SSSI, Redwick and Llandeenny SSSI, Whitson SSSI, Nash and Goldcliff SSSI, Gwent Levels St Brides SSSI, Rumney & Peterstone SSSI, Newport Wetlands SSSI

³ UK BAP priority habitats were those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP).

⁴ Futurescapes is the RSPB's contribution to landscape-scale conservation, a growing movement among UK conservation groups to provide rich spaces for wildlife and people working in partnership with others beyond the boundaries of nature reserves.

development to be considered within the context of the Climate Change Strategy, given the continuing problem of greenhouse gas (GHG) emissions from road transport contributing to climate change.

Transport emissions in Wales, predominantly from road use, were 13% of total Welsh GHG emissions in 2011. Whilst transport emissions have fallen by 4% from the level in the 1990 base year, emissions from all Welsh sources over the same time period have fallen considerably more - by 21%. Any proposal effecting transport policy which is likely to either hold transport emissions at their current level or increase them should therefore be subject to a careful appraisal with reference to the Climate Change Strategy.

The Consultation document projects increasing vehicle usage along the current M4 past Newport, but has no regard either to the resulting emissions impact or to the likelihood of such growth in traffic volume actually taking place.

In the Climate Change Strategy one of the principal emissions targets is that, by 2020, the number of annual motor vehicle kilometres travelled in Wales has been reduced. This target does not appear to have been considered within the proposal for this major new road infrastructure. Within the Strategy the target is coupled with a commitment towards 'low carbon modes' of transport – yet this is only touched upon but not explored in the consultation document.

The Climate Change Strategy recommends measures to encourage eco-driving, together with enhanced use of rail and bus services, to cut GHG emissions. The Consultation document references these options, but with no detail and no consideration about how best to implement them as alternatives to new road development.

From a climate change perspective, a new road scheme should always be very much a last resort, and then only in circumstances where all other possibilities have been considered and shown not to meet future need. We do not believe this is the case with this proposal.

The consultation documentation shows that much of the vehicle usage on this stretch of the M4 is short distance traffic, for which lower carbon alternatives – bus, bicycle and walking – should be identified and provided for. There is evidence to show that good public transport leads to a fall in car usage. Following an investment in low carbon transport solutions in London car use in the city has fallen by 35% over the past 15 years.

In summary, the Consultation document shows a total and irresponsible disregard to the contribution of road transport to climate change. We must look to invest in low carbon sustainable alternatives to reduce road use and our emissions across Wales. There is recognition of this within the Climate Change Strategy but it is given no consideration within this Consultation document which is inconsistent with the Welsh Government's policy on Climate Change.

4. Consultation documentation

4.1. Use of Data

We question some of the data which has been used in the consultation document to justify the need for a new motorway.

For example, one of the main justifications for the new road has been that traffic numbers on the existing M4 have been increasing⁵. The traffic modelling which has been carried out in relation to the new motorway has been based on out of date data and assumptions we believe are incorrect. The Welsh Government's own traffic figures show that the M4 traffic volume (having fallen after 2007) has now stabilised, and there is no robust evidence to support a significant rise in the future. In addition the SATURN model used for traffic forecasting also fails to factor into its calculations the long term trend in increasing costs of car use, including rising fuel prices, which it is widely acknowledged will inevitably effect future traffic levels.

⁵ M4 Corridor Enhancement Measures Consultation (March 2012)

The consultation documentation also uses out of date population predictions (based on data from 2008) to predict the levels of car ownership and use. The need for the new motorway is predicated upon a very rapidly-increasing population. However, the release of 2011 Census data has shown that these population predictions were overestimates.

4.2. **Consideration of Alternatives**

We are concerned that the consultations⁶ have been skewed in favour of the Welsh Government's favoured M4 Relief Road across the Gwent Levels and have not taken account of reasonable alternatives to a new road across the Levels. Low carbon sustainable transport alternatives are not included within the Consultation document and therefore no assessment can be made of the costs - environmental or economic - compared with other more sustainable alternatives. Less environmentally damaging and cheaper road upgrade alternatives are also not included within the document, such as the A48 upgrade. The three road options presented are three variations of in the main the same route.

The decision to discard the two less intrusive and less costly highway upgrade options was not consulted upon but decided between the M4 CEM consultation and the current consultation. Little justification for this decision as been provided and this process did not offer opportunity for the public or organisations to comment on the decision of Government to discard these options.

We do not believe the Government have allowed sufficient time for the measures which have been implemented in recent years to ease congestion on the M4 to have taken effect.

The Consultation document does not take full account of:

- a. The plethora of additional measures, either constructed or programmed, such as the duelling of the A465, the making public of the Steelworks Road, and a wide range of public transport and "smarter choice" measures, have not yet been in place long enough to exert downward pressure on traffic levels on the existing M4.
- b. The introduction of variable speed limits on the existing M4 has reduced accidents and other major congestion-triggering incidents.

Together with our views on the current and projected traffic numbers presented above, this leads us to believe there is no need for a new motorway across the Gwent Levels.

In addition, although within the consultation it is made clear that the Welsh Government believes the new road would bring significant economic benefit to South Wales⁷. we can see no evidence within the consultation, or in any other documentation produced by it, to back up this assertion.

4.3. **Strategic Environmental Assessment (SEA)**

In line with European legislative requirements the SEA must identify "reasonable alternatives" to the new motorway, the preferred option of Government. We are very disappointed that, besides the 'do nothing' option the only alternatives presented are the Purple and Red Routes (which are very slight variations on the M4 Relief Road itself, all of which cut through the Gwent Levels of Sites of Special Scientific Interest). The SEA fails to consider alternatives that avoid the very significant damage to the SSSIs, in spite of the existence of a number of alternatives which many be viewed as reasonable. An example of this is an alternative consisting of the combination of the upgrade to the A48 and the former steel works road. If the Welsh Government is determined that further road building is a necessary part of the solution then we strongly believe such less damaging options should be considered.

The SEA is further deficient because it attempts to downplay the adverse impacts on the environment from all of the alternatives set out in the draft Plan. There is a marked difference between the severity, scale and longevity of impacts set out in the previous SEA Environmental Report (November 2012) and

⁶ M4 Corridor Enhancement Measures Consultation (2012), SEA to the M4 Corridor Enhancement Measures Consultation (2012), SEA Scoping Consultation (2013), Draft Plan and SEA Environmental Report (2013)

⁷ "Congestion on the M4, particularly around Cardiff and Newport is sighted (sic) by the business community in South Wales as a barrier to economic growth" SEA Scoping Document, July 2013

those set out in the current SEA Environmental Report. No attempt is made to provide a rationale for these changes.

5. Consultation Process

5.1. Analysis of Consultation Responses

In the analysis of consultation responses to the previous M4 CEM consultation held over the summer of 2012 it states that the consultation “*resulted in public support for the provision of an additional high quality road to the south of Newport*”⁸. However, from the summary of responses of the 437 people or groups who responded to the consultation question related to the M4RR, 128 supported it or a variation of it, plus 32 who afforded “qualified support”. We are also disappointed that a number of responses have apparently been afforded very little consideration within the summary because they were submitted in response to a campaign.

5.2. Accessibility

We consider that every effort should be made to make consultations as accessible to the public as possible. We are concerned that the current consultation is not easily accessible. To respond to the formal consultation questions there is a requirement to register online at www.m4newport.com or request/ download a paper form. The formal consultation is comprised of nine detailed questions relating to the technical documentation of the draft plan, with only one opportunity for additional comments. We are concerned that the registration requirement and the detailed nature of the questions creates a barrier to public participation.

We welcome the initiative to hold public drop-in sessions to provide the public with information on the draft plan. Nevertheless are disappointed that the public are unable to verbally register their opinion at these events. We believe any representations the Welsh Government or the consultant Arup receive during the consultation period should be fully considered by Government as part of the consultation and be analysed as a formal response.

5.3. Minimum Consultation on previous SEA (2012)

RSPB Cymru are disappointed the Welsh Government did not seek to consult for any longer than the minimum requirement (28 days) on the previous SEA Environmental Report (2012) in order to allow a wider response to the report. The Government’s own Good Practice Guide⁹ states that consultation should give appropriate timeframes for the public to express views. The SEA Regulations themselves state (Reg 13 (3)) that an effective opportunity must be given to the public to express their opinion. Given the overall time frame of the M4 Relief Road (construction to be completed in 2033) enabling a longer consultation period on the previous SEA would have had no impact on the timescales of the evolution of this project, but would have given organisations a better opportunity to respond.

⁸ M4 Corridor Enhancement Measures CEM Participation Report (August 2013)

⁹ A Practical Guide to the Strategic Environmental Assessment Directive, WAG et al (2005)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf