

**PRE-INQUIRY MEETING (2) FOR THE
PUBLIC LOCAL INQUIRY INTO THE CASE FOR THE DRAFT SCHEME AND
DRAFT ORDERS, ALTERNATIVES PROPOSED AND OBJECTIONS AND
REPRESENTATIONS.**

M4CAN NOTES OF SECOND PIM

The Inspector William Wadrup opened the second pre-inquiry meeting (PIM) at 10 am and introduced himself, Aidan McCooey, the Assistant Inspector and Mrs Joanna Vincent the Programme Officer. Approximately 100 people attended.

The purpose of the second PIM was explained. It was thought necessary because of concerns which had been expressed by some members of the public about the delays and how that would affect their preparation for the deferred Inquiry, the status of the evidence already submitted and their limited understanding of changes that were emerging.

Reason for the Postponement of the original Inquiry

The Inspector outlined his understanding of the reasons for the postponing of the Inquiry. This was mainly down to changes to national traffic predictions issued by the Department for Transport, which bind the Welsh Government (WG) in terms of methodology and parameters. Revised traffic forecasts were produced, taking account of the latest requirements and an announcement that the Seven Crossing tolls would be reduced by half after the concession period ended. These changes affected the published traffic predictions and the economic case for the scheme and, potentially, the effects of the scheme in terms of road traffic noise and air pollution. The latest approach reduced traffic flows by about 5% but had insignificant effects on noise and air pollution. Following completion of this work the revised start date for the inquiry was set at 28th of February 2017 and an appropriate supplement to the Environmental Statement published.

New Instructions to Inspectors

In the meantime, the inspectors had received two further instructions. First the Secretary of State for Transport had appointed them to produce a second and separate report to him, rather than to Welsh Ministers, on the question of whether the Compulsory Purchase Order (CPO) for the scheme could be exercised without causing serious detriment to the carrying on of the Port of Newport's undertaking. The Secretary of State is the Appropriate Minister for docks, in accordance with the Acquisition of Land Act 1981, rather than the Welsh Ministers.

Also, consequent upon the "calling in" of the proposal to demolish a Grade II Listed Building, Woodland House (locally known as Magor Vicarage) Mr McCooey was being appointed to conduct a separate inquiry, within the overall timeframe of the proposed M4 inquiry, into that matter.

Mr McCooey noted the application was made to Monmouthshire CC, who resolved to request that the application be called-in by the Welsh Ministers to be considered as part of the M4 Corridor around Newport scheme. The proposed demolition is inextricably linked with the roads scheme, which is its only justification. For this reason, the application has now been called-in by the Welsh Ministers. Consideration of the application will therefore take the form of a concurrent but separate Public Inquiry, which he will conduct. This will be programmed to be later in the inquiry when evidence, as to the merits of the M4 scheme, has been heard. Mr McCooey will then prepare a report for the consideration of Welsh Ministers. This report will be presented to Welsh Ministers at the same time as the main report.

The Inspectors are aware that The Planning Inspectorate has written to the Welsh Government and Monmouthshire CC with a deadline for statements of case and comments. It is the Council's responsibility to write to all those consulted when the application was made and those who made

comments, informing them of the deadline for any further representations. All parties need to adhere to these deadlines. There is no need for a specific pre-inquiry meeting for the listed building inquiry. The date for the listed building inquiry will be confirmed when the main inquiry programme is finalised. Interested parties will be informed and the information will be available on the M4 Inquiry Website. Once the date is set then it will not be changed.

Earlier Statements

The inspectors confirmed to those who have already submitted statements of evidence that these statements still stand and will be heard at the rearranged Inquiry. There is no need to re-submit them. However, if anyone wishes to update or add to them in the light of the new information, amendments to the scheme and new Orders, they may do so. You can do this by submitting an addendum or additional statement. Please make sure to comply with the deadlines for submissions that were explained at this meeting.

Further changes

Relative to the position that existed at the first PIM further changes to the scheme have been proposed by the WG (in an amendment to the published Scheme) in respect of the height of the proposed viaduct across the Rivers Ebbw and Usk and Newport Docks, as well as changes to the alignment and precise engineering in the Bencroft Lane area of Magor. These changes and ecological survey work that was undertaken in the summer led to the publication of two supplements to the original Environmental Statement. Supplement 1 was published in September with the further Supplement necessary to reflect the traffic changes published in December. An additional supplementary CPO was also published in respect of allotments at the eastern end of the scheme and the need for replacement land. If there are further objections emerging in respect of the Amendment Scheme and the supplementary CPO these would be taken into account in the Public Inquiry.

Deadlines for Evidence and Alternatives

With the PI starting on 28 February the deadline for the submission of proof of evidence was set at 7 February (3 weeks before in accordance with the regulations) and any alternatives to the published scheme should be submitted by 14 February in accordance with the Highways Act requirement. The Inspector confirmed that nine statements of evidence had already been received and the WG confirmed that 13 alternatives to the published scheme had been received with further considerations being given to modifications in respect of the Magor Services access.

The WG confirmed that brochures detailing these alternatives would be published in due course so that those who were potentially affected by them would become aware of the potential impact upon their interests. A widespread letter drop was being arranged. Details would appear on the Scheme/Inquiry web site. It was recommended that interested parties visited this site frequently.

One alternative, known as the Blue Route, was discussed. It emerged that Professor Stuart Cole, acting on behalf of Cycling UK, would attend the Inquiry to present the case for the alternative which he agreed was well defined in the recent Blue Route report issued by the WG. Prof Cole would also raise matters in respect of traffic. An agreed date for the introduction of that particular alternative was established.

Evidence in Chief

The WG also confirmed that its 23 statements of evidence (evidence in chief) was being published imminently and would be available on the Inquiry website within a day or so.

Equality of Arms

Following a point raised, the inspector gave an assurance that in the spirit of “Equality of Arms” lay people would be assisted at the inquiry, if need be, by the Inspectors. In other words, the Inspectors would help them to understand complex matters, either technical or procedural, so that their evidence could be delivered in a relaxed way.

Questions of Elucidation

The Inspector also proposed that because the WG were calling 23 witnesses/statements it would be helpful to all concerned, particularly objectors, if questions of elucidation (that is clarification of points rather than cross-examination) could be put direct, in writing, to the WG in advance of the Inquiry. That would have the advantage of objectors knowing the precise meaning of the statements early on so that they could prepare accordingly. Miss Morag Ellis QC for the WG confirmed that the suggestion was most welcome. It would significantly reduce the time allocated after each witness at the Inquiry itself.

Modifications

Modifications to the proposed draft Orders, perhaps of a minor nature, would be explained to the inquiry in accordance with the Modifications Report which has already been published by the WG. Ms Ellis and Mr Rhodri Price-Lewis explained that discussions were continuing with Roadchef in respect of the Magor service area. These may lead to a further modification of the scheme and possibly publication of further Orders, although it was appreciated that time is tight.

Inspection of Docks

Because it's a restricted area the Inspectors requested that an accompanied site inspection to Newport docks be organised before the case for the docks was heard. This was accepted by Mr Tait QC for ABP. The WG, ABP and Programme Officer would liaise on this matter. Other areas of the proposed site were more open for inspection and the Inspectors were familiar with most parts already.

Inquiry Programme

The inspector introduced the programme officer's first draft programme. Ms Ellis considered that the allocation for the Welsh government's delivery of evidence was extremely challenging (that will be reflected upon) and further details of availability were submitted by parties. These will all be taken into account in drafting a second programme which would be available at the start of the inquiry when it was anticipated that there may be a few additional requests. Dates which were not acceptable to certain parties were noted, as were the dates when the inquiry venue was not available or breaks in the inquiry program were necessary (holiday periods will demand short adjournments).

The inspector thanked everyone present for the useful and constructive approach to this second PIM and hoped that the explanation given by all were of assistance.

W Wadrup
INSPECTOR