

A40 Penblewin to Redstone Cross

PUBLIC LOCAL INQUIRY

www.A40prc-publicinquiry.co.uk

PUBLIC LOCAL INQUIRY INTO:

THE LONDON TO FISHGUARD TRUNK ROAD (A40) (PENBLEWIN TO REDSTONE CROSS IMPROVEMENT AND DE-TRUNKING) ORDER 202- [this is the Line Order].

THE LONDON TO FISHGUARD TRUNK ROAD (A40) (PENBLEWIN TO REDSTONE CROSS IMPROVEMENT) (SIDE ROADS) ORDER 202-

**THE WELSH MINISTERS (THE LONDON TO FISHGUARD TRUNK ROAD (A40) (PENBLEWIN TO REDSTONE CROSS IMPROVEMENT))
COMPULSORY PURCHASE ORDER 202-**

Pre-Inquiry Procedural Note

1. Introductions and Preliminary Matters

This note sets out the arrangements for the forthcoming public local inquiry into the above three draft Orders proposed by the Welsh Government under the Highways Act 1980 and the Acquisition of Land Act 1981. These are the Trunk Road, Side Roads and Compulsory Purchase Orders relating to the A40 Penblewin to Redstone Cross Improvement. The three draft Orders together form the Scheme and will all be considered collectively at the Inquiry.

The Inspector is Mr Aidan McCooey, a chartered town planner and an Inspector with the Planning Inspectorate. He has been appointed by the Welsh Ministers to hold the Inquiry, consider the evidence and prepare an independent report with recommendations concerning the Orders. The Inquiry is proceeding in accordance with the Highways (Inquiries Procedure) Rules 1994 and the Compulsory Purchase (Inquiries Procedure) (Wales) Rules 2010.

The Inquiry will commence on 10 November 2020 in the Queens Hall, Narbeth and is scheduled to run for 2 weeks. The Inquiry is necessary because there are statutory and other objections to the draft Orders.

The Programme Officer is Tracey Smith and she can be contacted via email: po.traceysmith@outlook.com or telephone: 07891412761. She will be working to organise the Inquiry programme and ensure that the Inquiry proceeds in a smooth and timely manner. The Programme Officer is the point of contact for inquiry participants and will liaise with the Inspector as necessary over any procedural matters that may arise. However, the Programme Officer will play no part in the consideration of the evidence or the content of the report.

An Inquiry website has now been established www.a40prc-publicinquiry.co.uk, which participants should use to keep themselves updated as to procedures, submission of documents, progress of the Inquiry, timetabling and so on.

2. The Draft Orders and Scope of the Inquiry

The draft Orders made by Welsh Government are set out in the above headings and comprise a Line Order, a Side Roads Order and a Compulsory Purchase Order.

The purpose of the Roads Orders sought is to give powers to: construct new sections of trunk road in order to improve the A40 from the junction with Jacobs Park (550m west of Redstone Cross) to Penblewin roundabout, together with the associated construction of connecting roads and side roads; de-trunk existing lengths of trunk road and slip roads; and stop up lengths of superseded trunk road and stop up, improve, alter or create other roads, rights of way and private accesses.

The purpose of the proposed Compulsory Purchase Order is to give the power to acquire the land and rights required for the construction and maintenance of the roads scheme.

Planning permission is not needed in order for the Welsh Ministers to carry out the Scheme; nonetheless, due regard is required to national and local policy considerations. Development of the Scheme has included consultation with local planning authorities, statutory bodies, other relevant stakeholders and affected individuals. The proposed Scheme has been subject to Environmental Impact Assessment and an Environmental Statement has been produced in respect of the Scheme. A Statement to Inform an Appropriate Assessment of possible impacts on the various Special Areas of Conservation within 10km of the Scheme is also provided.

The following matters are not for debate at Local Inquiries:

- The merits of Government Policy including national forecasts, the distribution of Government funding, national design standards etc, all of which are for National Parliaments and not local inquiries into individual local schemes. The application of such standards and forecasts as they apply to the Scheme are relevant.
- The appointed Inspector may not determine matters of Law. If any arise, they must be submitted in writing. They would be appended to the Inspector's Report.
- Matters of compensation are not for local inquiries; rather they are matters for negotiation with Valuers representing Welsh Government if and when the Orders are ultimately made. Should there be no agreement between those representing the parties the issue would be referred to the Upper Tribunal (Lands Chamber) for determination.

3. Procedure at the Inquiry

The inquiry will first hear the case for the Scheme, as put by the Welsh Government. The evidence presented in support of the Scheme and Orders will cover matters such as:

- The need for, and aims of, the Scheme;
- Details of proposed design, alternatives considered and rationale for preferred option;

- Consistency with policy objectives;
- The construction process, impacts on land/property owners and others affected and measures to control and mitigate adverse impacts;
- Any significant environmental impacts arising from the completed Scheme and measures proposed to minimise these;
- Likelihood of the Scheme proceeding, including funding, if the Orders are confirmed;
- Evidence concerning those matters raised as objections to the Scheme.

4. Participation at the Inquiry

For Welsh Government Mr Anthony Vines of Counsel will call as witnesses:

Nathan Duke (Welsh Government) – Chief Witness on behalf of the Promoter
 Philip Thiele (Arup) – Witness for Traffic & Economics
 Geraint Jones (Arup) – Engineering Witness
 Andrew Sumner (RML) – Environmental Witness
 Chloe Delgery (Arup) – Ecology Witness
 Peter Mumford (Arup) – Noise Witness
 James Bellinger (Arup) – Air Quality Witness
 John Davies – Planning & Sustainable Development Witness

A letter from the Programme Officer to all who have responded to the publication of the draft Orders accompanies this note. It asks whether you wish to appear and other relevant details to enable a programme to be drawn up before the Inquiry starts. The Inspector confirms that anyone who wishes to participate may speak at the Inquiry, subject to compliance with the Inquiry Rules and the procedures set out in this note.

Given the current COVID-19 situation, the Inquiry sessions will also be conducted virtually online. It is anticipated that, subject to technological and procedural constraints, anyone who wishes to take part may do so online. Sessions may be recorded as part of the Inquiry process (for internal training purposes only). The Inquiry proceedings may not otherwise be recorded. The Programme Officer will set out the arrangements and protocols for those who wish to take part nearer the time. It is anticipated that attendance in person may be accommodated if requested (in line with social distancing measures), subject to Welsh Government rules at the time of the Inquiry. The Programme Officer will confirm the arrangements with Respondents.

Anyone wishing to observe the Inquiry will only be able to do so virtually and details of how to do so will be available on the website and from the Programme Officer.

All those wishing to appear at the Inquiry are asked to confirm this to the Programme Officer without delay if they have not already done so, so that the Inquiry programme can be drawn up.

Of course, you may rely on your original representation or submit a written statement by the deadlines indicated below. Welsh Government will respond to any written submissions in writing in accordance with the deadlines. If you do

not appear at the Inquiry your written representations will be considered by the Inspector and the Welsh Ministers.

If anyone wishes to suggest any Alternative Routes for the Scheme, then details should be submitted to Welsh Government as soon as possible and in any event by 23 October. This is so the Alternative can be worked up and publicised in line with the Inquiry Rules.

5. Inquiry procedures

The procedure provides for the opportunity for objectors or landowners to ask questions of clarification of the Welsh Government witnesses' Proofs of Evidence. Any such questions should be submitted in writing by 30 October and Welsh Government will respond in writing by the start of the Inquiry (if possible).

The procedure at the Inquiry is then as follows:

The Inspector will open the Inquiry and make some preliminary remarks.

Mr Vines will then open the case for Welsh Government. All of the Welsh Government case will be presented. The advantage of that is that objectors will have heard the full evidence of the WG team and an understanding of it up front for consideration before they give evidence.

Supporters will appear next and objectors and the Inspector may ask questions of them if they so wish.

Objectors have an opportunity to cross-examine (ask questions) any of the Welsh Government witnesses and then present their own cases. Objectors may in turn be asked questions by Counsel for Welsh Government and the Inspector. There will also be an opportunity to repeat this process for any rebuttal proofs produced by Welsh Government in response to the objections being heard. Or the objector can choose to combine this into one session considering the Welsh Government evidence in chief and its rebuttal together.

All parties will have the opportunity to round their case up in a final statement or speech and Welsh Government will provide closing submissions.

The Inquiry will be conducted in line with the principles of openness, fairness and impartiality. Further guidance is available in an information booklet. A link to view this booklet is in the accompanying letter and on the website. Copies are also available from the Programme Officer.

6. Timetable for Submission of Evidence and The Inquiry

The Public Inquiry Rules impose some requirements on the parties to the Inquiry to submit any evidence to be given at the inquiry in writing well before the start. This enables everybody involved to have a clear idea of the cases that all parties intend to put.

Welsh Government confirmed that its outline Statement of Case has been published, this will assist parties in preparing their submissions to the Inquiry.

The Welsh Government's main Statement of Case and the witness proofs of evidence will be submitted by 12 October 2020. These documents, the Environmental Statement and other supporting documents will comprise the Welsh Government evidence in support of the Scheme. Respondents and objectors should consider the Welsh Government evidence in preparation for the submission of their own evidence. All these documents will be made available on the website.

All the respondents' (objecting or in support) proofs of evidence and written statements should be submitted to the Programme Officer by Monday 19 October 2020. Where proofs/statements exceed 1500 words, these must be accompanied by a summary not exceeding 1500 words. In such cases, summaries rather than full proofs may be read out at the Inquiry (but any cross-examination will be on the full proof).

Welsh Government rebuttal proofs should be submitted as soon as is possible and by 2 November 2020.

In the case of written submissions only, objectors may comment solely on the Welsh Government rebuttal with a deadline of 10 November 2020. Comments cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be disregarded.

The Inquiry opens at 10:00 on 10 November 2020 in the Queens Hall, Narbeth for up to 2 weeks. It will sit on Tuesdays to Friday each week from 10am until around 5pm (with an earlier finish on Fridays).

7. Documents

All documents and rebuttals submitted to the Inquiry will be given a number and added to the website and library. Any written replies to questions (from the Inspector or objectors) submitted by Welsh Government will be treated in the same way. The Inspector would appreciate opening and closing submissions in writing (and electronically) to assist with note taking and the reporting of evidence. These too will be added to the website and library.

8. The Tests for Each Order

The tests that must be satisfied for the three draft Orders are:

The Line and De-trunking Order

It must be expedient in public interest i.e. a proven need now – having regard to effect on agriculture, its relationship with both local and national policy and its relativity to the needs of statutory undertakers. The de-trunking order must be compatible with the line order and the County Council's views on it made known.

The Compulsory Purchase Order

The Inspector shall need to be convinced of a compelling case for the Compulsory Purchase of land in the public interest, and that there are no impediments to the progress of the Scheme, that the necessary resources would

be available within a reasonable time scale and that the Welsh Government has a thorough idea of what it needs the land for.

The Side Roads Order

The Inspector shall need to be satisfied that alternative routes to highways to be stopped up are reasonably convenient, (either existing or proposed), and where Private Means of Access are proposed for closure that, if needed, another reasonably convenient one is available or would be provided.

9. Other Matters

Any party who wishes to suggest that the Inspector should recommend that any Order should be confirmed in a modified form, should also produce in writing the detailed drafting amendments they seek to all or any of the Orders and do so as early as practicable at the inquiry.

Welsh Government may propose modifications during the course of the Inquiry – it's essential that such Modifications proposed are geographically and technically explicit.

It would be very helpful if both objectors to and supporters of the various Orders would make it clear in their submissions to the Inquiry precisely which Orders they object to or support.

The Inspector reminds Welsh Government that it is essential that environmental and ecology information is correct for the Inspector's report.

The Inspector needs to be assured objections from Statutory Undertakers have been addressed.

The Inspector will visit the area of the Scheme unaccompanied in preparation for the Inquiry. Due to the current COVID-19 restrictions, the Inspector intends to carry out unaccompanied site visits to appropriate locations towards the end of the Inquiry, with the consent of the relevant landowner if necessary. The Inspector shall only be accompanied by representatives of Welsh Government and the objectors if this is essential. The Programme Officer is again the main point of contact for site visit requests.

Mr A McCooey

Appointed Inspector

30 September 2020