

October 2013

**Submission to the
Environment & Sustainability
Committee**

in response to

Call for Written Evidence: M4



**cyfeillion
y ddaear
cymru
friends of
the earth
cymru**

Summary

By any yardstick, the answer to the consultation question “*whether current Welsh Government proposals in relation to the M4, and the process to date, have effectively balanced economic and environmental needs and interests*” can only be “no”.

Economic needs and interests

1. A new motorway south of Newport was first proposed by Secretary of State for Wales in 1991¹.
2. In whatever guise, the Wales Office or the Welsh Government have therefore had 22 years in which to develop a robust economic case for building a motorway bypass of Newport.
3. On 19 April 2013, Friends of the Earth Cymru submitted a Freedom of Information request to the Welsh Government asking for:
“All economic analyses (including cost-benefit analyses) relating to various options for modifications/improvements to the M4 around Newport”.
4. On 21 May 2013, in appealing the Welsh Government’s deficient response, we asked:
“I would be grateful if you could tell me if I am correct in assuming that the only publicly available information on [Benefit:Cost Ratio] relates to work packages that were not part of public consultation and were themselves incomplete”.
5. On 18 June 2013 we received this response from Andy Falley, Deputy Director of Transport:
“I have reviewed the additional economic analyses and cost-benefit information that we hold and which has been exempted under this section and can confirm that this information is a necessary part of our work to fully explore the options being considered for modifications and/or improvements to the M4 around Newport. The information is not complete and is subject to further amendment”.
6. No analysis has ever been published – or, apparently, completed – by the Welsh Government or its predecessors to demonstrate whether or not there would be any economic benefit from a new M4.
7. The Committee is seeking views on:
“whether current Welsh Government proposals in relation to the M4, and the process to date, have effectively balanced economic and environmental needs and interests”.
8. Clearly, based on the Welsh Government’s failure to publish an economic analysis the answer to this question can only be “no”.
9. The Welsh Government’s failure to publish an economic analysis subverts proper scrutiny of the proposal and therefore subverts due democratic process.

¹ http://www.southwalesargus.co.uk/news/gwentnews/4496647.M4_RELIEF_ROAD_Timeline/

Environmental needs and interests

10. The environmental case has been examined to some degree. The Welsh Government was forced to abandon its Strategic Environmental Assessment published in November 2012 following legal challenge by Friends of the Earth Cymru and Gwent Wildlife Trust, because it was so flawed².
11. Despite its flaws rendering it unlawful, even that consultation determined that the environmental impacts of a 'high quality road to the south of Newport' as having 'major negative' impacts on:
- Biodiversity (worse than any of the alternatives)
 - Soil (worse than any of the alternatives)
 - Water (worse than any of the alternatives)
 - Material assets (only widening the motorway through the Brynglas tunnels was as bad)
 - Cultural heritage (only widening the motorway through the Brynglas tunnels was as bad)
 - Landscape and townscape (two of the alternatives were equally bad)
12. Major negative impacts are defined as being:
*"direct, irreversible and permanent. The magnitude of the predicted effects will also be major"*³.
13. Our legal challenge did not contest the consultation's conclusions on the scale of impacts; this was not one of the grounds on which it was unlawful.
14. An objective analysis of the environmental impacts could only have concluded that the former Highway Option A (an additional high quality road south of Newport) was substantially the worst performing option in terms of environmental impact.
15. Any alternative analysis would clearly have been irrational and subject to challenge in the courts.
16. The current Strategic Environmental Assessment considers only three 'high quality roads south of Newport', and 'do minimum'⁴. In these circumstances it is hardly surprising that there is a high degree of similarity between the three motorway options.
17. What it difficult to comprehend is that the impact on several factors has been downgraded from 'major negative' to 'minor negative' since the previous iteration:
- Biodiversity – now only minor negative impact
 - Soil – now only minor negative impact
 - Water – now only minor negative impact
 - Material assets – now only minor negative impact
18. It is not clear that there is any justification for this significant shift in reducing the impact of a high quality road to the south of Newport. A dispassionate observer might conclude that a degree of

² http://www.foe.co.uk/cymru/english/press_releases/m4_consultation_failure_060213.html

³ <http://www.m4cem.com/downloads/reports/M4%20CEM%20SEA%20Environmental%20Report%20&%20Appendices.pdf> page 81

⁴ <http://m4newport.com/assets/issue-m4-sea-environment-report---publication---c2.pdf> page 91

massaging the criteria or boundaries has taken place in order to make a motorway seem environmentally acceptable.

19. We have serious concerns that this Strategic Environmental Assessment could be challenged in the courts for the following reasons:
- The apparent ‘downgrading’ of impacts since the previous iteration, with no apparent justification
 - The failure to include any alternatives other than a high quality road to the south of Newport, and ‘do minimum’, rendering the consultation redundant
 - The inclusion of substantive options only that relate to the option with the worst environmental performance in the previous iteration. This would appear to indicate that the Welsh Government is determined to press ahead with an option with poor environmental credentials, and is therefore the outcome of the consultation has been pre-determined.
20. The Committee is seeking views on:
“whether current Welsh Government proposals in relation to the M4, and the process to date, have effectively balanced economic and environmental needs and interests”.
21. Clearly, based on the Welsh Government’s multiple failures to either assess reasonable alternatives or to fairly assess those alternatives subject to assessment the answer to this question can only be “no”

Conclusion

22. By any yardstick, the answer to the consultation question *“whether current Welsh Government proposals in relation to the M4, and the process to date, have effectively balanced economic and environmental needs and interests”* can only be “no”.
23. We are concerned that given the Welsh Government’s apparent pre-determination in favour of a motorway to the south of Newport, that redress may only be found through the courts.