



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Standing Order 25: Special Assembly Procedure Committee

The London to Fishguard Trunk Road (A40)
(Penblewin to Slebech Park Improvement) Order 200-

December 2008

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Standing Order 25: Special Assembly Procedure

Special Assembly Procedure Committee Report under Standing Order 25.21 on "THE DRAFT LONDON TO FISHGUARD TRUNK ROAD (A40) (PENBLEWIN TO SLEBECH PARK IMPROVEMENT) ORDER 200-"

Contents

| | Page |
|---|------|
| Committee Members | 2 |
| 1. Introduction | 3 |
| 2. Background | 5 |
| 3. The petitions: background and the Committee's approach to the evidence | 7 |
| 4. Consideration of issues and findings | 10 |
| 5. Conclusions and recommendation | 18 |
| Annexes | |
| Annex 1: Minutes of the Committee hearing | 20 |
| Annex 2: Index of evidence submitted to the Committee | 26 |
| Annex 3: List of additional papers introduced by the parties during the Committee hearing (7 October 2008 - 24 November 2008) | 32 |
| Annex 4: List of Representatives and Witnesses | 35 |

Committee Membership

The current membership of the Committee is:

Christine Chapman AM (Chair)

Mike German AM

Irene James AM

Chris Franks AM

Nick Ramsay AM

1. Introduction

The Committee

1.1 The Committee was established by resolution of the Assembly on Wednesday 16th July 2008 in accordance with Standing Order 25.19.

The Committee's Remit

1.2 The Committee's remit is to consider petitions in relation to the draft London to Fishguard Trunk Road (A40) (Penblewin to Slebech Park Improvement) Order 200- ("the draft Order") and to report to the Assembly in accordance with Standing Order 25.21.

Membership

1.3 The Committee, as established, comprised:

Christine Chapman AM (Chair)
Mohammad Ashgar AM
Michael German AM
Irene James AM
Nick Ramsay AM

1.4 On the 8th October 2008 Mohammad Ashgar AM withdrew from the Committee and was replaced (by resolution of the Assembly of the same date) by:

Chris Franks AM

Meetings

1.5 The Committee met to plan its work on the 17th July 2008 and heard evidence and submissions on behalf of petitioners and of the Welsh Assembly Government on the 7th, 8th, 9th, 10th and 15th October 2008 and the 11th and 24th November 2008. The Committee visited the area which would be affected by the draft Order on the 22nd October. It met in private to consider its report on the 25th November. It finally met to agree its report on the 2nd December 2008. A minute of the Committee hearing can be found at **Annex 1**. Copies of the transcripts are available on the Committee's webpages on the website of the National Assembly for Wales:

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-so25-home.htm>

Evidence

1.6 The index of documents submitted to the Committee as evidence by the petitioners and the Welsh Assembly Government can be found at **Annex 2**. All documents are available on the Committee's website other than those noted as being hard copy only. Additional documents were submitted to the Committee in hard copy during the course of the hearing, a list of these can be found at **Annex 3**. The list of witnesses who gave evidence to the Committee can be found at **Annex 4**. (See further details below in paragraphs 3.6 - 3.10 below on Representation and Evidence).

Expert Adviser

1.7 The Committee agreed, in accordance with Standing Order 10.49, to appoint an expert adviser, David Hughes of Scott Wilson, to provide technical advice to the Committee so as to assist the Committee in its consideration of any conflicting technical evidence received by the Committee. The Committee would like to thank Mr Hughes for his valuable support to the Members of the Committee.

2. Background

Legislative Background

2.1 The draft Order is proposed to be made by the Welsh Ministers under section 10(2) of the Highways Act 1980. The powers in question were conferred by Parliament on the Secretary of State but are now vested in the Welsh Ministers, in relation to Wales, by a combination of the provisions of the National Assembly of Wales (Transfer of Functions) Order 1999 (SI 1999 No 672) and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

2.2 When Parliament conferred the powers in question on the Secretary of State it provided (by section 10(6)) that in certain circumstances an order made under section 10(2) would be subject to special parliamentary procedure. By paragraph 33(4) of Schedule 11 to the Government of Wales Act 2006 Parliament further provided that where the power to make an order under section 10(2) is vested in the Welsh Ministers then, if the exercise of that power by the Secretary of State would have been subject to special parliamentary procedure, its exercise by the Welsh Ministers is to be subject to a procedure in the Assembly specified in the Assembly's Standing Orders.

2.3 Standing Order 25 (Special Assembly Procedure) specifies the Assembly procedure which applies in such cases.

2.4 The requirement (where it arises) that a draft order is to be subject to Special Assembly Procedure is distinct from, and additional to, the statutory procedures set out in Schedule 1 to the Highways Act 1980, which the Welsh Ministers must also have followed before they can make the draft Order.

2.5 Although consideration of petitions against a draft order by a Special Assembly Committee may involve consideration of issues which were also considered at a public inquiry conducted on behalf of the Welsh Ministers under Schedule 1 to the Highways Act 1980, the two procedures are separate. The remit of a Special Assembly Procedure Committee under Standing Order 25.19 is to consider the issues raised by the petitions on the basis of the evidence and arguments placed before it and to report on them to the Assembly in accordance with Standing Order 25.21.

The Background to the draft Order

2.6 The draft Order is necessary if the Welsh Ministers are to put into effect their proposal to construct a new length of road by-passing the village of Robeston Wathen in Pembrokeshire, through the centre of which the A40 trunk road at present passes, as well as improving lengths of existing road at either end. The overall length of road to which the draft Order relates is approximately 4.6 km.

2.7 In order to implement the proposed scheme the Welsh Ministers are also proposing to make two associated orders, the proposed London to Fishguard Trunk Road (A40) (Penblewin to Slebech Park Improvement Side Roads) Order 200- ("the Side Roads Order") and the proposed National Assembly for Wales (The London to Fishguard Trunk Road (A40) Penblewin to Slebech Park Improvement) Compulsory Purchase Order 200- ("the Compulsory Purchase Order"). Neither of these proposed orders is subject to Special Assembly Procedure and they were not therefore directly under consideration by the Committee. Their only purpose is to give effect to the scheme which would be authorised by the draft Order if made.

2.8 All three proposed Orders were the subject of a public inquiry held in July 2007 under the procedures laid down in Schedule 1 to the Highways Act 1980 and Schedule 13 to the Acquisition of Land Act 1981 by an Inspector, Mr W.S.C.Wardrup. The Inspector reported to the Welsh Ministers on 5th September 2007, recommending that all three orders be made, subject, in the case of the Side Roads Order and the Compulsory Purchase Order, to certain modifications.

2.9 By letter dated the 2nd May 2008 the Welsh Assembly Government's Director of Transport Planning and Administration announced the decision of the Deputy First Minister and Minister for the Economy and Transport (one of the Welsh Ministers) to make all three orders.

Special Assembly Procedure

2.10 Section 10(6) of the Highways Act 1980 provides that the making of an order under section 10(2) is to be subject to special parliamentary procedure (or in the case of an order to be made by the Welsh Ministers Special Assembly Procedure) if an objection is made to the proposed order by a council who are responsible for the maintenance of a highway to which the order relates, or who will become so responsible by virtue of the order, and is not withdrawn. The draft Order (which includes provision which would de-trunk the current A40 through Robeston Wathen and transfer responsibility for its maintenance from the Welsh Ministers to the local highway authority, Pembrokeshire County Council) was subject to a sustained objection by that County Council, thereby triggering Special Assembly Procedure.

2.11 The effect of Standing Order 25 is that if Special Assembly Procedure applies to the making of a draft order it is open to anyone who has a substantial ground of objection (as defined in Standing Order 25.11) to petition the Assembly against the making of the draft Order.

3. The Petitions: background and the Committee's approach to the evidence

Petitions

3.1 Two petitions disclosing a substantial ground of objection were received by the Assembly in accordance with the provisions of Standing Order 25, namely from Pembrokeshire County Council ("PCC") and from Mr K. Jones of Sunnyside Farm, Robeston Wathen. The Presiding Officer's report to this effect to the Assembly was laid on 9 June 2008 in accordance with Standing Order 25.10 and 25.13.

The Petition of Pembrokeshire County Council

3.2 The petition of Pembrokeshire County Council is dated 3rd June 2008. The Committee fully considered all matters referred to in the petition.

3.3 PCC's objection to the making of the draft Order arises from the intention of the Welsh Ministers to make use of the powers which the draft Order would grant them in order to construct a length of new and improved road which would be of three lane single carriageway road (but taking account of the likely need to upgrade to a dual carriageway at a future date) whereas PCC contend that the public interest demands that it should be designed from the outset as dual carriageway.

3.4 PCC's petition argues that a dual carriageway would be better value for money, alternatively that the Welsh Ministers, on whom the onus of justifying the making of the draft Order falls, have not demonstrated that a dual carriageway would *not* be better value for money. PCC's petition also argues that a single carriageway scheme would be contrary to the Welsh Assembly Government's own policy on sustainability and that it would be contrary to the aim of stimulating the economic growth of Pembrokeshire by providing an adequate transport network, including a strategic dual carriageway route from St. Clears to Haverfordwest of which the length of road under consideration would form part. Thirdly, PCC argue that it would be financially and economically undesirable, and contrary to the principle of sustainability, for the design of the scheme to require a further up-grading to a dual carriageway at a future date when the single carriageway design reaches its capacity.

The petition of Mr K. Jones

3.5 The petition of Mr K. Jones, which the Committee has also considered in full, opposes the construction of the new length of road unless its design incorporates improved provision for maintaining vehicular access between the two parts of Sunnyside farm which the line of the new road would separate. Although the Welsh Ministers have agreed to incorporate into the design an underpass suitable for cattle and small vehicles such as quad bikes, they are not willing to make it large enough to accommodate tractors and trailers such as those needed to transport grass for making silage. In the

circumstances, Mr Jones claims that the long-term viability of his farm will be adversely affected and that therefore the scheme should not be permitted to proceed.

Representation and Evidence

3.6 PCC were represented before the Committee by Mr Winston Roddick QC and Mr Emyr Jones of Counsel. They called as witnesses Mr Ian Westley, Pembrokeshire County Council, Mr Darren Thomas, Pembrokeshire County Council, Mr David White, Capita Symonds, and Professor Stephen Hill, University of Glamorgan and cross-examined witnesses called by the Welsh Assembly Government.

3.7 The Welsh Assembly Government were represented before the Committee by Mr Graham Walters of Counsel, who called as witnesses, in response to the petition of PCC, Mr Andrew Falley, Welsh Assembly Government, Mr Jonathan Price, Welsh Assembly Government, Mr Martin Shenfield, Berkeley Hanover Consulting and Mr Patrick Kerr, Atkins, and cross-examined the witnesses called by PCC.

3.8 After Mr White had been re-called by PCC on the 11th November to provide further evidence relating to the CoBA assessment of one of the proposals which PCC were inviting the Committee to consider ("Test C") a discussion took place between Mr White and his opposite number on behalf of the Assembly Government, Mr Kerr, which resulted in an agreed statement being put before the Committee which considerably narrowed the area of disagreement between the parties in relation to this issue (paper SO25(3)-02-2008(p43)). (A joint paper on traffic growth had earlier been prepared for the Committee, again by Mr White and Mr Kerr, 10 October 2008.)

3.9 Mr Walters, on behalf of the Welsh Assembly Government, called as witnesses, in relation to the petition of Mr Jones, Mr Andrew Falley and Mr Anthony Kernon, Kernon Countryside Consultants, and cross-examined Mr Nicholas.

3.10 Mr K. Jones was represented by J.C.E. Nicholas, a Chartered Surveyor, who also gave evidence on behalf of Mr Jones and had the opportunity of cross-examining witnesses called by the Welsh Assembly Government.

The general nature of the Committee's task

3.11 The Committee's remit is to consider the petitions and to report to the Assembly as to whether the draft Order should be made or not. It is not required to consider issues which are not raised by the petitions. Unless the Committee were to be persuaded by the arguments raised by the petitions there would be no ground on which the Committee could report to the Assembly that the draft Order should not be made.

3.12 On the other hand, both PCC and the Welsh Assembly Government agree that the statutory powers which would be conferred on the Welsh Ministers if the draft Order were made should only be conferred on them if the proposed scheme is expedient and in the public interest.

3.13 In reaching its decisions on the petitions the Committee has therefore had to consider whether, on the totality of the evidence and submissions which it has heard, it should conclude that the proposed scheme satisfies the test of being expedient and in the public interest.

4. Consideration of the issues and findings

The issues

4.1 The main issues in dispute between the petitioners and the Welsh Assembly Government are as follows.

4.2 Pembrokeshire County Council's Petition:

- The likely rate of future growth of traffic along the length of road in question;
- The effective maximum capacity of the proposed three lane single carriageway (WS2+1) design:
- The date at which it will be necessary or desirable to upgrade any new three lane single carriageway road which the Welsh Ministers intend constructing to a dual carriageway (D2AP) design;
- The likely comparative costs of the Welsh Ministers' proposed three lane single carriageway design and of an alternative dual carriageway design;
- Whether, in the light of the above, construction of the new road to a dual carriageway design from the outset would be better value for money (taking affordability into account) than constructing a three lane single carriageway road which would need, at a future date, to be upgraded to a dual carriageway;
- The wider economic impact: the relative effects on the economic growth of the area of the alternative proposals;
- The relative merits of the two options from the point of view of sustainability.

4.3 Mr Jones's Petition:

- The practical effects on Mr Jones's farming methods of the severance of his farm, bearing in mind the provisions made in the scheme for access: the "cattle creep" underpass and alternative vehicular access via the A4075;
- The road safety implications of use of the alternative vehicular access via the A4075;
- Any benefits from the removal of through traffic from the current A40 (which at present severs part of Sunnyside Farm);
- The net effects of the scheme on the future viability of Sunnyside Farm;

- The cost of providing a vehicular underpass between the two severed parts of Sunnyside Farm;
- Whether any net effect on Sunnyside Farm is sufficient to outweigh the public benefit of constructing the new length of road and therefore to call for authorisation for doing so to be refused (unless the Welsh Assembly Government were to agree to incorporate a vehicular underpass).

The Committee's findings: the petition of Pembrokeshire County Council

The objectives of the scheme

4.4 The objectives of the scheme, as identified by the Assembly Government, are to resolve a number of existing problems associated with the present A40 between Penblewin and Slebech Park, namely community severance of Robeston Wathen, substandard alignment, a large number of accesses and junctions, a lack of safe overtaking opportunities, a poor accident record and a lack of crossing facilities.

4.5 PCC does not challenge the desirability of these objectives and accepts that the Assembly Government's published WS2+1 scheme, as modified following the public local inquiry, would meet these objectives.

4.6 The Committee finds that the Assembly Government's objectives for the scheme are in the public interest and that in principle the Welsh Ministers should be provided with the statutory powers to achieve them. Its consideration is therefore focused, in relation to PCC's petition, to the issue of whether it is satisfied that it is expedient and in the public interest that the powers in question should be used to enable the Assembly Government's modified WS2+1 scheme to be constructed or whether, as PCC argue, those powers should be denied to the Assembly Government because dual carriageway design would represent better value for money as well as being preferable for the other reasons set out in PCC's petition.

4.7 In order to assess the respective merits of the WS2+1 and dual carriageway approaches the Committee has had to give careful consideration to conflicting expert evidence as to future levels of traffic growth on the proposed stretch of the A40, as to the date at which such traffic growth may in any event require an up-grading of the Assembly Government's WS2+1 design to dual carriageway standard and as to the relative construction costs of the two alternative approaches under consideration.

4.8 Based upon its findings on these matters the Committee has then gone on to consider what are the implications of those findings in terms of value for money of the rival approaches, as well as considering all other relevant factors.

Alternative to the Assembly Government's WS2+1 scheme

4.9 PCC put forward for consideration 3 outlines of schemes which they asked the Committee to consider and compare with the Assembly Government's scheme ("Tests A, B and C").

4.10 It was common ground that Test B is not in fact a practical alternative to the Assembly Government's proposal. It could not be constructed as a free-standing improvement to this part of the A40. The Committee did not regard it as providing a useful basis for comparison and did not therefore have to consider it in detail.

4.11 Test A would substitute dual carriageway for the proposed WS2+1 design over effectively the whole length of the proposed improvement and is therefore closely comparable with the Assembly Government's proposal.

4.12 Test C would substitute dual carriageway for the proposed WS2+1 design only over the 2 km length bypassing Robeston Wathen (i.e. between the proposed roundabout junctions with the B4314 and the re-aligned A4075, respectively). It would not provide the improved alignment and overtaking opportunities which the Assembly Government's scheme would provide to other parts of the existing A40, in particular to the length between Canaston Bridge and Slebech Park which is currently the most heavily trafficked section of the proposed improvement.

4.13 The Committee finds that Test C only provides a limited basis for comparison against which to test whether the Assembly Government's scheme is expedient and in the public interest. Although it meets the most pressing of the scheme objectives, that of dealing with community severance and associated safety and other issues at Robeston Wathen, it only meets the scheme objectives as a whole for less than a half of the length of the proposed improvement. The Committee's view of the usefulness of Test C is dealt with further, below.

Evidence of relative costs

4.14 The Committee finds that the Assembly Government's evidence as to the relative costs of constructing its preferred WS2+1 scheme and a dual carriageway alternative (equivalent to PCC's Test A) is more reliable than that put forward by PCC. The Committee is satisfied that the former reflects a careful and detailed consideration of the practical requirements of each kind of design. It does not regard the fact that Mr Kerr, when putting forward the figures in question, had to rely on work done by others as materially undermining their reliability. PCC's evidence, given by Mr White, was based on a less accurate methodology appropriate only to an initial broad assessment.

4.15 Based on the above finding the Committee accepts that at 2002 prices (which is the common basis for comparison) the most reliable assessments of the comparative costs of the alternatives are £25.6 million (Assembly

Government WS2+1 scheme) and £38.1 million (dual carriageway throughout / Test A) a difference of £12.5 million. The Committee also finds that, insofar as it is useful to consider the cost of Test C, that cost falls within the range £18.3 million (Assembly Government assessment) to £19.7 million (PCC assessment).

Comparative Transport Efficiency Economics

4.16 Based on these findings and on the Assembly Government's evidence of the results of a standard CoBA (Cost Benefit Analysis) using these costs and their other assumptions (all of which the Committee accepts as being reliable) the Committee further finds that the respective Benefit to Cost Ratios (BCR) are both 1.1.

4.17 The Committee accepts the argument of the Assembly Government that Cost Benefit Analysis cannot be an exact exercise and that results can be sensitive to relatively small changes in data inputted. It therefore finds that it is not useful to attempt to compare BCR figures taken to further decimal places.

4.18 The Committee therefore finds that in terms of value for money there is no ground for believing that the construction, at the outset, of the Assembly Government's WS2+1 proposal would be worse value for money than a comparable dual carriageway alternative.

4.19 PCC's Test C would provide a somewhat better Benefit Cost Ratio (1.4) and would cost up to £7.3 million less. However it would only meet the scheme objectives to a limited extent. Its lower cost and consequent higher BCR results from concentrating the improvements to this stretch of the A40 almost exclusively on the new section bypassing Robeston Wathen. Whilst the Committee accepts that the provision of a bypass to Robeston Wathen is a high priority, it does not believe that it would be in the public interest to abandon the important benefits associated with improving those lengths of the A40, representing over half the total length of A40 affected by the scheme, which lie to the East and West of the bypass. This is what Test C would do.

Future levels of traffic and the capacity of the Assembly Government's proposal to accommodate them

4.20 The Committee considered what findings it should make as to likely future levels of traffic and the capacity of the Assembly Government's proposed WS2+1 design to cope with them.

4.21 The Committee finds that the Assembly Government's evidence as to likely future traffic growth, which is based on standard methodology including use of the National Road Traffic Forecast (NRTF) and is generally impressive and convincing, is the evidence on which the future growth of traffic can most reliably be predicted. The Committee prefers it to PCC's

predictions which are based on extrapolating, many years into the future, a rate of traffic growth measured over a relatively short period of time.

4.22 The Committee's only qualification to its acceptance of the Assembly Government's evidence on future traffic growth is that it is prepared to take account of the fact that the Assembly Government's base figure is derived from levels of traffic recorded in 2005. Were it to have been revised to take account of actual growth of traffic levels since then, the level of traffic at any given year would be about 3% higher. The Committee, stressing that it accepts the Assembly Government's approach to the rate of growth, has therefore tested its findings against this small further uplift in future traffic levels.

4.23 The Committee considered the evidence as to the "capacity" of the proposed WS2+1 design. The standard of design in question is relatively new. A number of ways of predicting when it would reach its effective capacity were discussed. The Committee has adopted a cautious approach in that it finds that its assessment should be based on the lowest of those which were considered, namely an Annual Average Daily Total of 22,300 vehicles per day.

4.24 Based on the above findings, the Committee finds that a road constructed to WS2+1 standard is not likely to reach its effective capacity (and hence is not likely to require up-grading to dual carriageway standard) until about 2039. Even if the 3% uplift in traffic levels referred to in paragraph 4.22 is applied, this date would only be brought forward by a few years.

Other considerations

4.25 The Committee accepts that from the point of view of transport efficiency economics construction to a dual carriageway at the outset would, if it is justified, provide better value for money than constructing to WS2+1 standard and then incurring the added cost of upgrading to dual carriageway at a future date. The Committee further accepts that a future up-grading, which would inevitably take place when the road was approaching its capacity would give rise to significant temporary disruption to traffic flow which would not be experienced if the road were built as a dual carriageway at the outset. The Committee accepts that the Assembly Government's design of the improvement will do what can be done to facilitate future up-grading to dual carriageway but nevertheless finds that these factors must still be weighed in the balance as arguments in favour of construction as dual carriageway at this stage.

4.26 The Committee also accepts that if the making of the proposed Order is not approved there is likely to be delay, the extent of which cannot be quantified precisely on the evidence, in improving this part of the A40 and therefore in providing a bypass to Robeston Wathen. Bearing in mind the desirability of achieving the scheme objectives as soon as possible this is

also a factor which would have to be borne in mind if other considerations pointed towards refusing the proposed Order.

4.27 The Committee does not find that there are any significant differences between the environmental impact of a WS2+1 scheme and a dual carriageway scheme.

4.28 Both approaches would be equally beneficial to the inhabitants of Robeston Wathen. Both the proposed WS2+1 design and a dual carriageway design would be much safer for road users than the current single carriageway A40. The Committee accepts that as far as road users are concerned, a dual carriageway provides a small added safety benefit and takes this into account.

Economic development

4.29 The Committee is unable to find that the provision of a dual carriageway rather than a WS2+1 design over this relatively short stretch of the A40 would in itself have any significant impact on the future economic development of Pembrokeshire or of Wales as a whole. Given the relatively short length of road involved, any difference in journey time etc. as between these two alternative design standards would be insignificant.

4.30 The Committee has however given careful consideration to PCC's argument that the standard adopted for a general upgrading of the A40 between St. Clears and Haverfordwest would have a significant impact on the prospects for economic development of the county. In doing so, the Committee has fully taken into account the evidence presented by the parties, including the recommendations of Sir Rod Eddington's December 2006 Transport Study for the UK Government ("the Eddington Report".)

4.31 The Committee accepts the general proposition (supported by the recommendations of the Eddington Report) that as a road serving the ports of Fishguard and Milford Haven (and as part of the strategic Trans European Network), the A40 should, in order to avoid hindrance to economic development, be given a relatively high priority for improvement, particularly where it is congested, as is presently the case along the length under consideration.

4.32 The Committee also accepts the general proposition that the economic development of Pembrokeshire is likely to be fostered by any improvements to the roads serving the county, in particular the A40.

4.33 However, the evidence placed before the Committee did not enable the Committee to quantify the impact on the economic development of such improvements generally. Still less did it enable the Committee to make any finding as to whether a dual carriageway design would be significantly more beneficial in terms of economic development than the Assembly Government's proposed WS2+1 standard were that to be adopted over further lengths of the A40. The Eddington Report, whilst supporting the

economic benefits of communications improvements at particular kinds of locations does not seek to prescribe the particular form that such improvements should take.

4.34 A separate issue which the Committee has considered is what effect, if any, decisions about the design of the improvement of this stretch of the A40 would have on future proposals to improve the A40 West of St. Clears generally. Would the construction of this section to WS2+1 standard make it less likely that arguments in favour of improving other sections to dual carriageway standard would succeed?

4.35 PCC argued that construction of this part of the A40 to WS2+1 standard would, for technical reasons, inhibit the construction of contiguous sections of dual carriageway. This argument was based on design standard TD 70/08 which states that: "Where a WS2+1 road occurs in close proximity to a dual carriageway road it must be separated by a minimum of 2 kilometres of single carriageway road." However, the next sentence reads "Direct interfaces between WS2+1 roads and dual carriageways are only permitted at roundabouts." There would therefore be no technical objection to constructing dual carriageways on either side of this improvement, separated from it by roundabouts, if this were desirable.

4.36 The Committee nevertheless feels that since improvements to the A40 are proceeding in sections, there will be a tendency for the adoption of a WS2+1 standard for this section to set a precedent for other, later, sections. Had the Committee concluded, on the evidence, that the adoption of the WS2+1 standard for adjacent lengths would have a less beneficial impact on economic development than dual carriageway standard, it would be prepared to give this precedent argument some weight. On the evidence it has heard the Committee is not however able to reach such a conclusion.

The Committee's findings: the petition of Mr K. Jones

4.37 The Committee finds that the severance of Sunnyside Farm by the new road will, even taking into account the "cattle creep" and the alternative vehicular access via the A4075, have a significant effect on the way in which he farms in that when transporting silage material from the fields south of the new road (spread over several days about four times a year) vehicles will have to take a significantly longer route.

4.38 On the other hand, the Committee notes that the effect will be mitigated to some extent by the fact that farming movements across the current A40 (which also divides the farm) will be made much easier.

4.39 The Committee is not able to find that the net effect will be such as to undermine the viability of the farm. Indeed no evidence was presented to the Committee to suggest that it would.

4.40 The Committee notes that were the Assembly Government to provide the kind of underpass which Mr Jones would like, and which would reduce

still further the net effect on his farming business, it would cost approximately £200,000. The Committee does not find that there is anything obviously unreasonable about the Assembly Government's decision that it does not regard that further expenditure as being justified under the circumstances.

4.41 The Committee notes concerns raised on behalf of Mr Jones as to the safety of the proposed new access to the A4075 immediately adjacent to the new Canaston Bridge roundabout. It notes that access at or near this point would still be needed for others even if Mr Jones were provided with a vehicular underpass. Whilst the Committee is confident that proper consideration has been given to road safety considerations at this point it urges the Assembly Government to look at this issue again in order to make sure that the creation of an access for agricultural traffic at this point does not prejudice road safety in a way which could be avoided.

5. Conclusions and Recommendation

The petition of Pembrokeshire County Council

5.1 The Committee concludes, based on its findings set out above, that the Assembly Government's proposal to use the powers under the proposed Order to construct an improvement to the A40 to a WS2+1 design would achieve a number of highly desirable objectives including, but not limited to, the bypassing of Robeston Wathen.

5.2 The Committee further concludes that such a proposal represents value for money in that the benefits which it would confer exceed its costs.

5.3 The Committee concludes from its consideration of the transport efficiency economics of the Assembly Government's proposed scheme that the construction of the whole of the improvement to dual carriageway standard would not represent better value for money than the proposed WS2+1 scheme. Although the construction of a dual carriageway bypass to Robeston Wathen only (Test C) gives, at first sight, the appearance of being better value for money this is because it does not in fact deliver the full objectives of the scheme. In view of the important differences between the scope of Test C and the Assembly Government's proposed scheme, the Committee does not regard Test C as undermining the case for the improvement of the whole of the length of the A40 to which the order relates to WS2+1 standard proposed by the Assembly Government.

5.4 Even were the construction of the entire length of the improvement to the A40 to dual carriageway standard from the outset be better value for money, in the narrow sense, it would require additional initial expenditure (at 2002 prices) of some £12.5 million. This very large extra cost would be incurred to achieve a highway capacity which will not be required until about 2039. Bearing in mind the many other competing demands on public expenditure the Committee would not regard it as a prudent use of funds, nor consistent with the principle of sustainability, to expend such a large sum of money to achieve a standard of road for which no traffic need can be demonstrated for over 30 years into the future unless there is some other compelling justification for doing so.

5.5 The Committee has taken into account the fact that it would eventually cost more in total to construct a WS2+1 road initially and then to upgrade it at some future date to a dual carriageway than to construct a dual carriageway from the outset. The Committee also takes into account the temporary disruption to traffic which a future up-grading will entail.

5.6 The Committee, whilst accepting that there will be a tendency for the standard adopted for the improvement to this length of the A40 to set a precedent for other sections, has not been persuaded that there is any reason for concluding that WS2+1 and dual carriageway standards would have differing effects on the future pace of economic development if adopted for those other sections, let alone if adopted for this particular

improvement. Stressing that its conclusions are based strictly on the evidence placed before it, and that it cannot prejudge what evidence and arguments may be put forward on other occasions, the Committee cannot conclude that there are economic development grounds for preferring a dual carriageway design to a WS2+1 design for this improvement.

5.7 In the absence of any reliable evidence as to how long the construction of the scheme would be delayed if the Order is not made at this stage, the Committee has not given any weight to this factor in reaching its decision.

5.8 The Committee accepts, and takes into account, the fact that a dual carriageway would provide a small additional road safety benefit when compared with the WS2+1 standard.

5.9 In the light of the Committee's findings that constructing the length of the A40 to which the order relates to dual carriageway standard would not represent better value for money than the Assembly Government's preferred WS2+1 option, that the option in question avoids expending a very significant amount of public money to provide a standard of road which will not be justified on capacity grounds for over 30 years and also taking into account all other relevant factors, in particular those referred to above, the Committee concludes that the Assembly Government has demonstrated that the Order which the Welsh Ministers propose to make is expedient and in the public interest.

The petition of Mr K. Jones

5.10 The Committee, whilst sympathising with the effect which the construction of the proposed new length of road will have on Sunnyside Farm nevertheless conclude that the net effect on the operation of that farm will not be such as to undermine its viability and is clearly insufficient to outweigh the overwhelming public interest in favour of constructing the new road.

Recommendation

5.11 The Committee therefore recommends that the draft London to Fishguard Trunk Road (A40) (Penblewin to Slebech Park Improvement)) Order 200- be made and hereby reports to the Assembly under Standing Order 25.21 accordingly.

SO25: Special Assembly Procedure Committee

SAP Committee on the draft A40 Penblewin Order

Minutes (SO25(3)-02-08)

Minutes for the Committee Hearing: 7-10 October, 15 October, 11 November, 24 November 2008

Assembly Members in Attendance:

Christine Chapman AM (Chair)
Mohammad Asghar AM (7, 8 October 2008)
Chris Franks AM (replacing Mohammed Ashgar, from 9 October)
Mike German AM
Irene James AM
Nick Ramsay AM

Assembly Parliamentary Service officials:

Anna Daniel, Clerk
Olga Lewis, Deputy Clerk
Elizabeth Wilkinson, Deputy Clerk (9 October 2008)
Keith Bush, Chief Legal Adviser and Director of Legal Services (except for 24 November 2008)
Joanest Jackson, Legal Adviser

Others in attendance

David Hughes, Scott Wilson, Expert Adviser to the Committee
Winston Roddick, CB QC, Leading Counsel, representing Pembrokeshire County Council
Emyr Jones, Counsel, representing Pembrokeshire County Council
Graham Walters, Counsel, representing Welsh Assembly Government
Mr John Nicholas, Chartered Surveyor, J.J.Morris, representing MrK.Jones (9 October 2008 only, via video conference)

Witnesses for the petitioners and Welsh Assembly Government attended as noted in the minutes below.

1: Introduction, Apologies and Declaration of Interest

1.1 The Committee hearing opened at 9.30 am, 7 October 2008.

1.2 The Chair noted that no apologies had been received. The Chair declared that she was a Visiting Fellow at the University of Glamorgan where Professor Stephen Hill, one of the witnesses to be called by Pembrokeshire County Council, works. No other member declared an interest.

2: Petition of Pembrokeshire County Council against “The London to Fishguard Trunk Road (A40) (Penblewin to Slebech Park Improvement) Order 200-”

2.1: Evidence of Pembrokeshire County Council – 7 October 2008

2.1.1. Mr Roddick made an opening statement on behalf of Pembrokeshire County Council.

2.1.2 Mr Roddick called Mr Ian Westley Director of Transportation and Environment at Pembrokeshire County Council to give evidence on strategy and policy. Mr Roddick asked supplementary questions of Mr Westley, followed by cross examination by Mr Walters, re-examination by Mr Roddick, questions from the Committee Members and, finally, further examination by Mr Roddick.

2.1.3. Mr Roddick called Mr Darren Thomas, Head of Highways and Construction at Pembrokeshire County Council to give evidence on traffic analysis. Mr Roddick asked supplementary questions, followed by cross examination by Mr Walters and questions from the Committee Members.

2.1.4 Mr Roddick called Mr David White, Transport Engineer and Associate Director (Transportation) Capita Symonds to give evidence on Scheme Economics and CoBA Analysis.

2.1.5 Mr White presented a supplementary statement to the Committee. The Committee agreed that the Welsh Assembly Government should be allowed the opportunity to re-examine Mr White for cross-examination on the supplementary evidence. Mr Roddick asked supplementary questions of Mr White, followed by cross examination by Mr Walters and questions from Committee Members.

2.1.6 The meeting was adjourned at 5.00 pm, 7 October 2008.

2.1.7 The Committee hearing resumed at 10.00 am, 8 October 2008.

2.1.8 Mr Roddick made an application to the Chair that Mohammed Ashgar AM should withdraw from the Committee following comments made by him on 7 October 2008 in response to evidence given by Mr David White. The meeting was adjourned at 10.09 am, 8 October 2008.

2.1.9. The meeting resumed at 2.18 pm. The Chair announced that Mohammad Ashgar AM had voluntarily withdrawn from the Committee and would be replaced by Chris Franks AM (this occurred by resolution of the Assembly of the 8 October 2008).

2.1.10 The meeting was adjourned at 2.30 pm until 9 October 2008.

3: Petition of Mr K. Jones against “The London to Fishguard Trunk Road (A40) (Penblewin to Slebech Park Improvement) Order 200-”

3.1: Evidence of Mr K Jones: Opening Statement by Mr J.C.E.Nicholas, M.R.I.C.S., J.J.Morris Chartered Surveyors

3.1.1 The Committee hearing resumed at 9.00 am on 9 October 2008 to consider the petition of Mr K.Jones.

3.1.2 Mr J.C.E.Nicholas participated via video conference. Mr Nicholas made an opening statement and gave evidence on Impact of “The London to Fishguard Trunk Road (A40) (Penblewin to Slebech Park Improvement) Order 200-” on Sunnyside Farm. His evidence was followed by cross examination by Mr Walters and questions from the Committee Members.

3.2: Evidence of the Welsh Assembly Government against the petition of Mr K. Jones

3.2.1 Mr Walters called Mr Andrew Falley, Project Director, Transport & Strategic Regeneration, Welsh Assembly Government to give evidence against the petition of Mr K. Jones. Mr Walters asked supplementary questions of Mr Falley, followed by questions from the Committee Members, cross-examination by Mr Nicholas, re-examination by Mr Walters.

3.2.2 Mr Walters called Mr Anthony Kernon, Kernon Countryside Consultants to give agricultural evidence against the petition of Mr K. Jones. His evidence was followed by questions from the Committee Members and cross-examination by Mr Nicholas.

3.3: Closing Statements

3.3.1 Mr Walters made a closing statement on behalf of the Welsh Assembly Government.

3.3.2 Mr J.C.E.Nicholas made a closing statement on behalf of Mr K.Jones.

3.3.3 The meeting was adjourned at 10.34 am, 9 November 2008.

2: Petition of Pembrokeshire County Council against “The London to Fishguard Trunk Road (A40) (Penblewin to Slebech Park Improvement) Order 200-” (resumed)

2.1.11 The Committee hearing resumed at 1.30pm on 9 October 2008. At the request of the Chair, Pembrokeshire County Council and the Welsh Assembly Government agreed to provide a joint note clarifying issues relating to traffic data and CoBA analyses, and further information on the Trans European Network.

2.1: Evidence of Pembrokeshire County Council (continued)

2.1.12 Mr Roddick re-called Mr David White to continue to give evidence on the Scheme Economics and CoBA Analysis and on his supplementary statement introduced to the Committee on 7 October 2008. His evidence was

followed by cross examination by Mr Walters, re-examination by Mr Roddick, questions from the Committee Members and re- examination by Mr Roddick.

2.1.13 Mr Roddick called Professor Stephen Hill, Professor of Economic Development and Head of Staff Development and Research at Glamorgan Business School, University of Glamorgan

2.1.14 Professor Hill gave evidence on the Economic issues. Mr Roddick asked supplementary questions of Professor Hill, this was followed by cross examination by Mr Walters, re-examination by Mr Roddick, questions from the Committee Members, further re-examination by Mr Roddick.

2.1.15 The Committee agreed that Professor Hill should provide a supplementary statement on Sir Rod Eddington's December 2006 Transport Study for the UK Government, and that he should be re-called for further examination on this statement.

2.1.16 The meeting adjourned at 5.00 pm, 9 October 2008.

2.2: Evidence of the Welsh Assembly Government against the petition of Pembrokeshire County Council: Opening Statement by Mr Graham Walters, Counsel

2.2.1 The Committee hearing resumed at 9.30 am, 10 October 2008.

2.2.2 Mr Walters made an opening statement on behalf of the Welsh Assembly Government.

2.2.3 Mr Walters called Mr Andrew Falleyn, Project Director, Transport & Strategic Regeneration, Welsh Assembly Government to give evidence to the Committee. Mr Walters asked supplementary questions of Mr Falleyn, this was followed by cross-examination by Mr Roddick, re-examination by Mr Walters, questions from the Committee Members and, finally, further re-examination by Mr Roddick and by Mr Walters.

2.2.4 Mr Roddick re-called Professor Hill, witness for Pembrokeshire County Council, to give evidence on his supplementary statement. His evidence was followed by further examination by Mr Roddick, cross examination by Mr Walters, questions from the Committee Members.

2.2.5 Mr Walters called Mr Jonathan Price, Chief Economist, Department of the First Minister, Welsh Assembly Government to give evidence to the Committee. Mr Walters asked supplementary questions of Mr Price, this was followed by cross-examination by Mr Roddick, re-examination by Mr Walters, questions from the Committee Members, further cross examination by Mr Roddick and, finally, further re-examination by Mr Walters.

2.2.6 The meeting was adjourned at 4.20 pm, 10 October 2008.

2.2.7 The Committee hearing resumed at 10.00 am on Wednesday 15 October 2008.

2.2.8 Martin Shenfield, Managing Director, of Berkeley Hanover Consulting gave evidence on wider economic matters to the Committee. Mr Walters asked supplementary questions of Mr Shenfield, followed by cross-examination by Mr Jones, re-examination by Mr Walters, questions from the Committee Members.

2.2.9 Mr Patrick Kerr, Director, Atkins, gave evidence to the Committee on Traffic and Cost Benefit Analyses (CoBA) issues. Mr Walters asked supplementary questions of Mr Kerr, this was followed by cross-examination by Mr Jones, re-examination by Mr Walters, questions from the Committee Members, and further cross-examination by Mr Jones.

2.2.10 At the request of the Committee, Mr Kerr agreed to provide a further note on the Transport Economy and Efficiency Tables included in his evidence to the Committee.

2.2.11 The meeting was adjourned at 6.30 pm, 15 October 2008.

2.3: Petition of Pembrokeshire County Council against “The London to Fishguard Trunk Road (A40) (Penblewin to Slebech Park Improvement) Order 200-”: Closing Statements

2.3.1 The Committee hearing resumed at 2.00pm on 11 November 2008.

2.3.2 The Chair announced that the Committee had visited the area around Robeston Wathen and the area which would be affected by the draft Order, including Sunnyside Farm on 22 October 2008.

2.3.3 As Pembrokeshire County Council had adduced new evidence in the closing statement submitted by them to the Committee on the Present Value Benefits presented by Pembrokeshire County Council in their Test C, the Committee agreed that both sides should have the opportunity to re-call their witnesses on traffic data for cross-examination on this limited point, before the closing statements were heard.

2.3.4 Mr Roddick re-called Mr White to give evidence to the Committee. Mr Jones asked supplementary questions of Mr White, followed by cross-examination by Mr Walters.

2.3.5 At Mr Walters' request, Mr White presented a copy of the CoBA data he had used as a basis for his new evidence. The Committee agreed that the Welsh Assembly Government and Pembrokeshire County Council should compare datasets and seek to reach an agreement on the BCR figure for Test C and, if not, to identify where the differences arise and why. The Committee requested that a joint note be produced on this issue.

2.3.6 The meeting was adjourned at 4.00 pm, 11 November 2008.

2.3.7 The Committee hearing resumed at 2.30 pm on 24 November. The Chair noted that the joint note requested had been received by the Committee and as both sides had agreed the note, there was no need for further cross-examination on the new evidence provided to the Committee in the note.

2.3.8 Mr Walters made a closing statement on behalf of the Welsh Assembly Government.

2.3.9 Mr Roddick made a closing statement on behalf of the Pembrokeshire County Council.

2.3.10 The Chair thanked Mr David Hughes of Scott Wilson for his valuable technical advice as the Committee's expert adviser and Merrill Legal for their transcript services.

2.3.11 The Committee resolved to exclude the public for item 4 of the agenda and any future meetings when the Committee will be reviewing the evidence heard by the Committee and considering the Committee's recommendations, in accordance with Standing Order 10.37(vi).

2.3.12 The meeting closed at 5.00 pm, 24 November 2008.

Index of evidence submitted to the Committee

The Welsh Assembly Government has referenced its papers "Doc A", "Doc B" etc. These are noted in brackets following the title.

| Paper No. | Committee Reference | Title |
|---|----------------------------|---|
| Paper 1 (a) | SO25(3)-01-08 (p1)(a) | Draft Order |
| Paper 1 (b) | SO25(3)-01-08 (p1)(b) | Explanatory Statement for the draft Order (Doc J 1) |
| Paper 2 | SO25(3)-02-08 (p2) | The Public Inquiry Inspector's Report (Doc H) |
| Paper 3 | SO25(3)-02-08 (p3) | The draft Line Order - The London to Fishguard trunk Road (A40) (Penblewin to Slebech Park Improvement) Order 200- Site Plan Key, Site Plan and Plan No. HA10/2 NAFW 20 (Doc J 2) |
| Evidence of Pembrokeshire County Council | | |
| Paper 4 | SO25(3)-02-08 (p4) | Petition of Pembrokeshire County Council against "The London to Fishguard Trunk Road (A40) (Penblewin to Slebech Park Improvement) Order 200-" - |
| Paper 5 | SO25(3)-02-08 (p5) | Proof of Evidence on Economic Assessment and CoBA, David White BSc, MSc, C Eng, MICE, MIHT |
| Paper 6 | SO25(3)-02-08 (p6) | Statement of Evidence, Ian Westley, M.A., B.Eng.(Hons), C.Eng., M.I.Mech.E., M.C.I.B.S.E. |
| Paper 7 | SO25(3)-02-08 (p7) | Statement of Evidence, Darren Thomas, Head Of Highways & Construction, Pembrokeshire County Council |

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| Paper 8 | SO25(3)-02-08 (p8) | Statement of Evidence, Professor Stephen Hill, Professor of Economic Development and Head of Staff Development and Research at Glamorgan Business School, University of Glamorgan |
| Paper 45 | SO25(3)-02-08 (p45) | CoBA and QUADRO TEE Tables PVC |
| Paper 50 | SO25(3)-02-08(p50) | Pembrokeshire County Council's Supplemental Submissions Following the Joint Statement of David White and Patrick Kerr |
| Welsh Assembly Government evidence in relation to the petition of Pembrokeshire County Council | | |
| Paper 9 | SO25(3)-02-08 (p9) | Welsh Assembly Government Response to A40 Penblewin - Slebech Park Improvement Scheme Special Procedure Order Standing Order 25 Petition by Pembrokeshire County Council (Doc Ro2) |
| Paper 10 | SO25(3)-02-08 (p10) | Witness Statement on wider economic benefits of A40 improvements by Jonathan Price, Welsh Assembly Government Chief Economist (Doc P) |
| Paper 11 | SO25(3)-02-08 (p11) | Witness Statement on the wider economic impacts of transport infrastructure improvements by Martin Shenfield, Director, Berkeley Hanover Consultants (Doc O) |
| Paper 12 | SO25(3)-02-08 (p12) | The Berkeley Hanover Report 2003 and the Addendum Report 2007, on the wider economic benefits of the options being considered. (Doc M) |
| Paper 13 | SO25(3)-02-08 (p13) | Addendum Report 2007, on the wider economic benefits of the options being considered. (Doc M) |
| Paper 14 | SO25(3)-02- | A Witness Statement on Traffic, Road |

| | | |
|---|---------------------|---|
| | 08 (p14) | Capacity and Transport Economics by Patrick Kerr, Principal Consultant, Atkins. (Doc N) |
| Paper 15 | SO25(3)-02-08 (p15) | Enlarged Figure 1 of Document N - Witness Statement on Traffic, Road Capacity and Transport Economics (Plan 3) |
| Paper 16 | SO25(3)-02-08 (p16) | An explanatory statement on Traffic Economics from the Assembly Government (Doc Q) |
| Paper 17 | SO25(3)-02-08 (p17) | Preliminary Response Statement (PR2) to Petition PET 02 of Pembrokeshire County Council submitted to the Committee on 8 August 2008 (Doc G) |
| Paper 18 | SO25(3)-02-08 (p18) | The Welsh Assembly Government's Rebuttal Statement to the Objection from Pembrokeshire County Council on traffic growth and capacity, as presented to the public inquiry. (Doc E) |
| Welsh Assembly Government Supporting documents | | |
| Paper 19 | SO25(3)-02-08 (p19) | The Statement of Case of the Welsh Assembly Government. (Doc A) |
| Paper 20 | SO25(3)-02-08 (p20) | The Evidence of the Chief Witness for the Welsh Assembly Government (Doc B) |
| Paper 21 | SO25(3)-02-08 (p21) | Addendum to the Evidence of the Chief Witness (Doc B) |
| Paper 22 | SO25(3)-02-08 (p22) | Evidence of the Expert Witness on Highway and Traffic Engineering (Doc C) |
| Paper 23 | SO25(3)-02-08 (p23) | Addendum to the Evidence of the Expert Witness on Highway and Traffic Engineering (Doc C) |
| Paper 24 | SO25(3)-02-08 (p24) | The Minister's Decision Letter (Doc I) |

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| Paper 25 | SO25(3)-02-08 (p25) | The Stage 1 Scheme Assessment Report (Doc K) |
| Paper 26 | SO25(3)-02-08 (p26) | The Executive Summary of the 2004 Welsh Assembly Government's Business Case (Doc L) |
| Paper 27 | SO25(3)-02-08 (p27) | An explanatory statement on Traffic Forecasting and Traffic Growth (Doc R) |
| Paper 28 | SO25(3)-02-08 (p28) | An explanatory statement on the Business Case and the Statutory Procedures (Doc S) |
| Paper 29 | SO25(3)-02-08 (p29) | A40 Penblewin to Slebech Park Improvement Environmental Statement Non-Technical Summary with Route Plan of Original Published Scheme (Plan 1) |
| Evidence of MrK.Jones | | |
| Paper 30 | SO25(3)-02-08 (p30) | Petition of Mr K. Jones against "The London to Fishguard Trunk Road (A40) (Penblewin to Slebech Park Improvement) Order 200-" - |
| Paper 31(a) | SO25(3)-02-08 (p31)(a) | Statement on behalf of Mr K.Jones, Tenant of Sunnyside Farm, Robeston Wathen |
| Paper 31(b) | SO25(3)-02-08 (p31)(b) | Appendix 1 - Copy of plan attached to the Statement on behalf of Mr K.Jones, Tenant of Sunnyside Farm, Robeston Wathen |
| Paper 31(c) | SO25(3)-02-08 (p31)(c) | Annex 2 - Colour photographs attached to the Statement on behalf of Mr K.Jones, Tenant of Sunnyside Farm, Robeston Wathen |
| Welsh Assembly Government evidence in relation to the petition of MrK.Jones | | |
| Paper 32 | SO25(3)-02-08 (p32) | Welsh Assembly Government Response to A40 Penblewin - Slebech Park |

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| | | Improvement Special Procedure Order Standing Order 25 Petition by Mr Ken Jones, Sunnyside Farm (RO1) |
| Paper 33 | SO25(3)-02-08 (p33) | A Witness statement on agricultural issues (Doc T) |
| Paper 34 | SO25(3)-02-08 (p34) | Preliminary Response Statement (PR1) to petition PET 01 of Mr K Jones Sunnyside Farm (Doc F) |
| Paper 35 | SO25(3)-02-08 (p35) | The Welsh Assembly Government's Rebuttal Statement to the Objection from Mr K Jones (Doc D) |
| Paper 36 | SO25(3)-02-08 (p36) | Objection OB4 - Plan attached to document D - Rebuttal Statement of the Objection from Mr K Jones, Sunnyside Farm presented to the Public Inquiry |
| Paper 37 | SO25(3)-02-08 (p37) | Plan showing proposed access provision for Sunnyside Farm including the animal underpass provided by Modification 12 presented to the Public Inquiry |
| Closing Statements from Pembrokeshire County Council and Welsh Assembly Government | | |
| Paper 38 | SO25(3)-02-08 (p38) | Pembrokeshire County Council : Closing Statement |
| Paper 39 | SO25(3)-02-08 (p39) | Welsh Assembly Government : Closing Statement |
| Paper 40 | SO25(3)-02-08 (p39) | Special Report from the Joint Committee 1984/85 H322 (submitted by Pembrokeshire CC) |
| Paper 41 | SO25(3)-02-08 (p39) | Welsh Assembly Government response to Pembrokeshire CC legal submissions |
| Paper 42 | SO25(3)-02-08 (p39) | De Rothschild and Another v Secretary of State for Transport (1989) 57 P. & C.R. 330 (submitted by the Welsh Assembly Government) |

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| Paper 43 | SO25(3)-02-08 (p43) | Joint Statement on Test C CoBAs by Patrick Kerr (of Atkins acting on behalf of the Welsh Assembly Government) and David White (of Capita Symonds acting on behalf of Pembrokeshire County Council) |
| Paper 44 | SO25(3)-02-08 (p44) | Welsh Assembly Government supplementary closing submissions |
| Paper 45 | SO25(3)-02-2008(p45) | CoBA and QUADRO TEE Tables PVC by Patrick Kerr (of Atkins acting on behalf of the Welsh Assembly Government) |
| Paper 46 | SO25(3)-02-08 (p46) | Extract from Stephen Sauvain QC's Highway Law at 15-26 (hard copy only) (submitted by Pembrokeshire CC) |
| Paper 47 | SO25(3)-02-08 (p47) | Extract from R v Secretary of State for the Environment, ex p Melton Borough Council 52 P & CR 318 (hard copy only) (submitted by Pembrokeshire CC) |
| Paper 49 | SO25(3)-02-08 (p49) | Further Submissions on behalf of the Welsh Assembly Government (re Joint statement on Test C CoBAs dated 14 November 2008) |
| Paper 50 | SO25(3)-02-08 (p50) | Pembrokeshire County Council's Supplemental Submissions Following the Joint Statement of David White and Patrick Kerr |

List of additional papers introduced by the parties during the Committee hearing (7 October 2008 – 24 November 2008)

Pembrokeshire County Council (PCC)

Draft Opening on behalf of PCC, Winston Roddick QC, Emyr Jones, October 2008

Paper 15 with annotations by Pembrokeshire County Council (Figure 1 – Location of Permanent ATCs)

List of acronyms, prepared by PCC

Evidence Base Review on Mobility: Choices and Barriers for Different Social Groups, Centre for Research in Social Policy, Loughborough University, September 2006

SWITCH Regional Freight Study, Phase One Report, MDS Transmodal Ltd and WS Atkins Ltd, May 2002

Determinants of car ownership in rural and urban areas: a pseudo-panel analysis, Joyce M Dargay, Centre for Transport Studies, University College London, June 2001

Welsh Transport Planning and Appraisal Guidance (WelTAG), Welsh Assembly Government, June 2008

The Eddington Transport Study, Main Report: Transport's role in sustaining the UK's productivity and competitiveness, Sir Rod Eddington, December 2006

A40 PCC: Chronology, Pembrokeshire County Council?

Dualling the A40: Moving Prosperity Westward? Welsh Economy Research Unit, Cardiff Business School, October 1998

Starting to Live Differently – the Sustainable Development Scheme of the National Assembly for Wales, Welsh Assembly Government, 2 July 2007

Supplemental Correspondence:

- Andrew Davies AM, Minister for Economic Development and Transport, Welsh Assembly Government to Councillor John T Davies, Leader, Pembrokeshire County Council, 14 December 2004
- M A Leech, Project Engineer, Welsh Assembly Government to Darren Thomas, Head of Highways and Construction, Pembrokeshire County Council, (including copy of letter dated 01 02 2007 from Mr M A Leech to

MR R W Lewis, Clerkenhill Farm, Slebech referred to attached), 27 February 2007

- R J Bennett, Head of New Roads Unit, Welsh Assembly Government to Ian Westley, Director of Transportation and Environment, Pembrokeshire County Council, 15 June 2007

Supplementary Proof of Evidence on Economic Assessment and CoBA, David White, Capita Symonds, 6 October 2008

Supplementary Statement of Evidence, Professor Stephen Hill, Glamorgan Business School, 9 October 2008

Welsh Transport Planning and Appraisal Guidance – WelTAG, Welsh Assembly Government, (pages 12-13, Appendix D.4)

Transeuropean Transport Network Outline Plan, Sea Ports Category A, European Commission (Map)

Trans-European Transport network Outline Plan, Roads, European Commission (Map)

A40 West of St Clears, Technical Appraisal Report, Welsh Assembly Government (pages 59-61)

Document A: Script for Submissions on Tuesday 11 November hearing (amended for Monday 24 November 2.30pm), Winston Roddick QC, Emyr Jones

Document B: Specific points in relation to the remainder of the submissions of WAG, Winston Roddick QC, Emyr Jones

Document C: Re WAG's Supplemental Submission Arising out of Joint Statement, Winston Roddick QC, Emyr Jones

Document D: Conclusion by Mr Winston Roddick CB QC, Leading Counsel and Mr Emyr Jones, Counsel

Welsh Assembly Government

A40 Penblewin to Slebech Park Improvement, WAG's Opening Submissions-Pembrokeshire CC Petition, Graham Walters, Civitas Law, 9 October 2008.

Wider Economic Benefits and Productivity, Department for Transport (1 page diagram)

Some Indicative Figures, Department for Transport

The Eddington Transport Study, The case for action: Sir Rod Eddington's advice to the Government, Sir Rod Eddington, December 2006

A40 Penblewin to Slebech Park Improvement, WAG's Submissions K Jones (Sunnyside Farm) Petition, Closing Statement by Mr Graham Walters, Civitas Law, 8 October 2008

A40 St Clears to Haverfordwest Study, letter to Owen G Thomas, Kennedy and Donkin, from Professor Stephen Hill, 21 October 1998

At the request of the Committee

Trans-European Transport Network (TEN-T) and the E30 European Route, Welsh Assembly Government (briefing note)

Note on Committee's Report for Clarification 9 October 2008: Joint Statement by Patrick Kerr and David White, 10 October 2008

List of Representatives and Witnesses

For Pembrokeshire County Council:

Winston Roddick CB QC, Leading Counsel
Emyr Gweirydd Jones, Counsel

Ian Westley, M.A., B.Eng (Hons), C.Eng. M1.Mech.E, MCIBSE, Director of
Transportation and Environment at Pembrokeshire County Council

Darren Thomas, C, Eng, MICE, MI.Struct.E, B.Eng. (Hons), MBA, Head of
Highways and Construction at Pembrokeshire County Council

David White, BSc (Hons), MSc, C.Eng, MICE, MIHT, Transport Engineer and
Associate Director (Transportation) Capita Symonds

Professor Stephen Hill, Professor of Economic Development and Head of
Staff Development and Research at Glamorgan Business School, University
of Glamorgan

For the Welsh Assembly Government:

Graham Walters, Counsel

Andrew Falley, Project Director, Transport & Strategic Regeneration, Welsh
Assembly Government

Jonathan Price, Chief Economist, Department of the First Minister, Welsh
Assembly Government

Martin Shenfield, Managing Director, Berkeley Hanover Consulting

Patrick Kerr, Director, Atkins

Anthony Kernon, Kernon Countryside Consultants

For Mr K Jones:

Mr J.C.E.Nicholas, M.R.I.C.S., J.J.Morris Chartered Surveyors