



**THE CHESTER TO BANGOR TRUNK ROAD (A55) (JUNCTIONS 16 AND 16A
IMPROVEMENT REALIGNMENT AND SLIP ROADS) ORDER 202-**

**THE CHESTER TO BANGOR TRUNK ROAD (A55) (JUNCTIONS 16 AND 16A
IMPROVEMENT REALIGNMENT AND SLIP ROADS) (SIDE ROADS) ORDER 202-**

**THE WELSH MINISTERS (THE CHESTER TO BANGOR TRUNK ROAD (A55)
(JUNCTIONS 16 AND 16A IMPROVEMENT REALIGNMENT AND SLIP ROADS))
COMPULSORY PURCHASE ORDER 202-**

PROOF OF EVIDENCE

JAMES HEALEY BEng, CEng, MHKIE, MICE

WELSH GOVERNMENT, STATEMENT OF CASE - PART A POLICY STATEMENT

DOCUMENT REFERENCE: WG 1.01.01

Contents

| | |
|---|-----------|
| 1. Personal Statement | 1 |
| Relevant Experience Relating to the Delivery of this Project | 1 |
| 2. Foreword | 2 |
| 3. Legislation and National Policy Position | 4 |
| Transport (Wales) Act 2006..... | 4 |
| Environment (Wales) Act 2016..... | 4 |
| Historic Environment (Wales) Act 2016..... | 5 |
| Well-being of Future Generations (Wales) Act 2015 | 6 |
| Active Travel (Wales) Act 2013 | 11 |
| Climate Change Act 2008..... | 12 |
| Human Rights Act 1998..... | 13 |
| Wildlife and Countryside Act 1981..... | 13 |
| Highways Act 1980..... | 14 |
| Prosperity for All: A Climate Conscious Wales 2019..... | 14 |
| Prosperity for All: A Low Carbon Wales 2019 | 15 |
| Green Corridors on the Welsh Government Trunk Road and Motorway Network 2018 and Trunk Road Estate Biodiversity Action Plan 2004 to 2014 | 16 |
| National Transport Finance Plan for Wales 2018..... | 16 |
| Planning Policy Wales (Edition 11) 2021..... | 17 |
| Review of the Road Safety Framework for Wales 2018..... | 17 |
| Technical Advice Note 24: The Historic Environment 2017 | 19 |
| Programme for Government 2021-2026..... | 20 |
| Wales Infrastructure Investment Plan 2021 | 20 |
| One Wales: One Planet 2009..... | 21 |
| Future Wales: The National Plan 2040..... | 22 |
| Llwybr Newydd: The Wales Transport Strategy 2021 | 24 |
| Technical Advice Note 18: Transport 2007 | 24 |
| Environment Strategy for Wales 2006..... | 25 |
| Technical Advice Note 15: Development and Flood Risk 2004..... | 26 |
| Technical Advice Note 11: Noise 1997..... | 26 |
| 4. Local Policy and Plans | 27 |
| Destination Conwy Management Plan 2019-2029 | 27 |
| Conwy County Borough Council Local Development Plan 2013 and Draft Deposit Plan 2020 | 28 |
| 5. Environmental Statement..... | 30 |
| 6. Land Acquisition and Compensation..... | 32 |
| 7. Statutory Orders | 34 |

1. Personal Statement

- 1.1 I am James Healey. I am a Project Engineer within the Infrastructure Delivery Division of the Welsh Government where I am responsible, on behalf of the Welsh Ministers, for the delivery of the transport improvement schemes identified in the Wales Transport Strategy.
- 1.2 After studying civil engineering at the University of Swansea, Wales, I graduated in 1989.
- 1.3 I am a Chartered Civil Engineer having been elected to the Engineering Council in 2001.

Relevant Experience Relating to the Delivery of this Project

- 1.4 Prior to graduating in civil engineering I worked as a trainee technician for four years and following graduation held a number of graduate and site engineering roles as well as spending two years working in a design office responsible for the preparation of bridge design projects.
- 1.5 Following a number of years working overseas as a senior site engineer on major transport related infrastructure projects I returned to the UK where I qualified as a Chartered Engineer.
- 1.6 Following my attainment of professional qualifications I worked as a senior project engineer on a number of railway upgrade projects for Network Rail before joining the Welsh Government in 2013
- 1.7 Since 2013 I have been involved in the development and delivery of a number of road schemes. This has included the sifting of scheme options from long list to short lists, the selection of preferred routes and the subsequent completion of statutory processes, including in the case of one project, the delivery a Public Inquiry. Subsequent to the completion of the statutory process I managed the delivery of the construction element of the scheme delivery.

2. Foreword

- 2.1 Numerous functions formerly exercisable by Ministers of the Crown are now exercisable by the Welsh Ministers by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999¹ (Document Reference WG 4.01.86) and the Government of Wales Act 2006² (Document Reference WG 4.01.85). These include functions under highways and compulsory purchase legislation. In particular, the Welsh Ministers are the highway authority for Trunk Roads in Wales and may be authorised by an Order made by them to acquire land for highway purposes under the Highways Act 1980³ (Document Reference WG 4.01.10) and the Acquisition of Land Act 1981⁴ (Document Reference WG 4.01.79).
- 2.2 The Welsh Government consists of the First Minister, the Welsh Ministers, the Counsel General and the Deputy Welsh Ministers. The role of the Welsh Government is to exercise the powers conferred on it, to develop and implement policy and to pass legislation on devolved subjects. The Welsh Government is subject to democratic scrutiny by the Senedd Cymru.
- 2.3 For the purposes of this Inquiry, the formal functions in respect of highways as provided in the draft Orders are vested in the Welsh Ministers: these are promoted in accordance with the Welsh Government policies and objectives and are advanced by witnesses in evidence on behalf of the Welsh Government.
- 2.4 This statement primarily addresses legislation, policies, strategies and plans that are focused on transport issues, given my role as Project Engineer. Policies that impact indirectly on transport have not generally been referred to as part of this Statement unless a specific element such as well-being or climate change is particularly relevant to the published Scheme.
- 2.5 Wider planning policy matters pertinent to the published Scheme are addressed expressly by the expert evidence of Shân Wyn Jones (Document Reference WG 1.04.02).

¹ [The National Assembly for Wales \(Transfer of Functions\) Order 1999 \(legislation.gov.uk\)](#)

² [Government of Wales Act 2006 c. 32 \(legislation.gov.uk\)](#)

³ [Highways Act 1980 c.66 \(legislation.gov.uk\)](#)

⁴ [Acquisition of Land Act 1981 c.67 \(legislation.gov.uk\)](#)

- 2.6 The remainder of this Statement is thus structured as follows:
- a) Legislation and National Policy Position;
 - b) Regional Policy and Strategies; and
 - c) Local Policy and Plans.
- 2.7 Information and evidence pertinent to the published A55 Junctions 16 and 16A Improvements Scheme (hereby referred to as “the Scheme”) is provided in summary throughout, in order to help consider how the Scheme would align or contribute to the relevant legislation, policies, strategies and plans. It is unavoidable that there will be some duplication where information and evidence is relevant to more than one piece of legislation, policy, strategy and plan being considered. However, this Statement has tried to avoid unnecessary duplication where possible, and thus it is important that all sections of this Statement are read together and not in isolation.
- 2.8 It is also noted that a separate scheme, from a statutory point of view, is being delivered at the same time by the same project team. This separate scheme is similar in design to this scheme proposal in that it is proposing to replace the roundabout at Junction 15 with a similar grade separated junction arrangement to that which is being proposed in this particular statement of case for Junction 16.

3. Legislation and National Policy Position

Transport (Wales) Act 2006

- 3.1 The Transport (Wales) Act 2006⁵ (Document Reference WG 4.01.92) places a duty on the Welsh Ministers to prepare, publish and review a strategy setting out its policies and how they will be discharged. It covers all modes and sets out strategic priorities and desired outcomes including for plans at the local authority level.
- 3.2 The current strategy is Llwybr Newydd: the Wales Transport Strategy 2021 (Document Reference WG 4.01.39) which sets out a 20-year long-term vision for transport in Wales and aligns with Future Wales using the five ways of working as set out in the Well-being of Future Generations (Wales) Act 2015⁶ (Document Reference WG 4.01.04). People and climate change are at the forefront and specific capital transport expenditure is aligned with the Wales Infrastructure Investment Plan (Document Reference WG 4.01.18). This Investment Plan includes the Scheme (as A55 Junctions 16 and 16A) for work to start in 2022.

Environment (Wales) Act 2016

- 3.3 Enacted in 2016 by the National Assembly for Wales, the Environment (Wales) Act 2016⁷ (Document Reference WG 4.01.01) replaces a number of the duties set out in the Natural Environment and Rural Communities Act 2006⁸ (NERC Act) (Document Reference WG 4.01.168) in Wales. It provides an iterative framework that ensures that managing natural resources sustainably will be a core consideration in decision-making. Natural Resources Wales is the Statutory Body that delivers the aims of the Act and are required to prepare a number of documents.
- 3.4 These documents will help inform the design of road schemes so that they can be delivered in a way that manages natural resources sustainably. The Act also includes provisions to tackle climate change, through statutory emission reduction targets and carbon budgeting to support their delivery.
- 3.5 In particular, Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced duty (the Section 6 duty) for public authorities in the exercise of functions in relation to Wales. The Section 6 duty requires that public authorities seek to maintain and enhance biodiversity so far as

⁵ [Transport \(Wales\) Act 2006 c.5 \(legislation.gov.uk\)](#)

⁶ [Well-being of Future Generations \(Wales\) Act 2015 anaw 2 \(legislation.gov.uk\)](#)

⁷ [Environment \(Wales\) Act 2016 anaw 3 \(legislation.gov.uk\)](#)

⁸ [Natural Environment and Rural Communities Act 2006 c.16 \(legislation.gov.uk\)](#)

consistent with the proper exercise of their functions and in so doing, promote the resilience of ecosystems. To follow the Section 6 duty public authorities should embed the consideration of biodiversity and ecosystems into their early thinking and business planning, including any policies, plans, programmes and projects, as well as their day to day activities.

- 3.6 The Scheme has been developed with the aim of mitigating and enhancing impacts where possible both during construction and operation. An Environmental Statement (ES) (Document Reference WG 3.01.01) has been prepared to report the findings of the Environmental Impact Assessment (EIA) process.
- 3.7 The evidence of Andrew Sumner (Document Reference WG 1.06.02) provides an overview of the environmental aspects of the Scheme and sets out the reasons for the proposed environmental mitigation and associated requirement for the compulsory purchase of land for that purpose. Andrew Sumner concludes in his proof of evidence that the Environmental Impact Assessment and the Appropriate Assessment have been carried out and published in accordance with legislation and published professional guidance.
- 3.8 Some of the specific environmental aspects of the Scheme are covered in more detail by the expert evidence of:
- Donna Hall (Nature Conservation) (WG 1.08)
 - Jon Stoddard (Landscape) (WG 1.07)
 - Graham Harker (Air Quality) (WG 1.10)
 - Craig Barson (Noise) (WG 1.09)
 - Philip Studds (Geology and Soils) (WG 1.12)
 - Simon Price (Climate and Carbon) (1.02)
 - Steve Cox (Road Drainage and Water Environment) (WG 1.11)

Historic Environment (Wales) Act 2016

- 3.9 The Historic Environment (Wales) Act 2016⁹ (Document Reference WG 4.01.02) forms part of a suite of legislation, policy, advice and guidance that makes important improvements to the existing systems for the protection and sustainable management of the Welsh historic environment. In broad terms, the Act gives more effective protection to listed buildings and scheduled monuments, enhances existing mechanisms for the sustainable management of the historic environment, and introduces greater transparency and accountability into decisions taken on the historic environment.

⁹ [Historic Environment \(Wales\) Act 2016 anaw 4 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2016/4)

3.10 These impacts are covered in Chapter 10 of the ES (Document Reference WG 3.01.01) and in the evidence of Andrew Sumner (Environment) (Document Reference WG 1.06.02).

3.11 In addition to desk-based studies and geophysical studies, Cadw and Gwynedd Architectural Trust have been consulted regarding the design and development of the Scheme. It is considered that the Scheme complies with the Historic Environment (Wales) Act 2016.

3.12 Cadw (Respondent Reference J15-R008¹⁰) have confirmed that they do not object to the Scheme.

Well-being of Future Generations (Wales) Act 2015

3.13 The Well-being of Future Generations (Wales) (WFG) Act 2015 (Document Reference WG 4.01.04) places a duty on public bodies in Wales and those listed in the Act to improve the social, economic, environmental and cultural well-being of Wales with an overarching aim of creating a Wales we all want to live in, now and in the future. Table 1 of the Act puts in place seven national well-being goals.

Table 1: Well-being Goals

| Goal | Description of Goal |
|--------------------|---|
| A prosperous Wales | An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work. |
| A resilient Wales | A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change). |
| A healthier Wales | A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood. |
| A more equal Wales | A society that enables people to fulfil their potential no matter what their background or circumstances |

¹⁰ For copies of the correspondence see A55 J14 & J15 Public Local Inquiry (PLI) website Inquiry Library, Respondents to Published Draft Statutory Orders <https://a55j14j15-publicinquiry.co.uk/inquiry-library/respondents-to-published-draft-statutory-orders/> [accessed 21.08.2021]

| Goal | Description of Goal |
|--|---|
| | (including their socio-economic background and circumstances). |
| A Wales of cohesive communities | Attractive, viable, safe and well-connected communities. |
| A Wales of vibrant culture and thriving Welsh Language | A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts and sports and recreation. |
| A globally responsible Wales | A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being. |

- 3.14 To help do this, those bound by the duty must set and publish well-being objectives and give greater consideration to the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach.
- 3.15 A study into the A55 Junction 16 and 16A Improvements has been undertaken in accordance with Welsh Transport Appraisal Guidance 2017 (WelTAG (Document Reference WG 4.01.36). The combined WelTAG Stage 1 and 2 Reports (Document Reference WG 4.03.04, 4.03.05) identify the problems and objectives and consider the possible solutions. The Scheme objectives have been considered against, and are aligned to, the seven well-being goals set out within the WFG Act.
- 3.16 The Sustainable Development Report (SDR) (Document Reference WG 4.03.03) has specifically looked at the contribution of the Scheme to the Welsh Government's well-being objectives, as set out within the Well-being Statement, 2017 – Well Being Objectives (Document Reference WG 4.01.94). The SDR concludes that the Scheme would contribute positively to the well-being objectives overall, and by extension, the well-being goals. It is considered that the Scheme would result in opportunities to help achieve the well-being objectives, thus aligning positively to its cross-cutting strategies, contributing to the well-being goals, and helping Welsh Ministers satisfy their duties and obligations under the WFG Act.
- 3.17 Specifically, it is considered that the Scheme would have direct contributions to all but one of the seven well-being goals.

- 3.18 It is further considered that the Scheme would perform positively against all but 3 of the Scheme-specific objectives, and as such, is expected to contribute positively to the well-being goals overall.
- 3.19 The Scheme would also improve journey time reliability, particularly at times of incidents and delays, and seeks to improve a key piece of infrastructure for future generations. This would improve the accessibility of the region which would, for example, provide benefits for the economy including tourism.
- 3.20 This would help to build resilient communities and help to promote and protect Wales' place in the world. The Scheme would also contribute to improving access to health and care facilities, thus contributing to the delivery of quality health and care services fit for the future. These improvements would also help contribute to the well-being objectives: support people and businesses to deliver prosperity and tackle regional inequality.
- 3.21 The scheme incorporates a range of active travel measures to enhance the provision made for walkers and cyclists. It is anticipated that these would improve the quality and connectivity of the existing walking and cycling routes, including:
- a) Active travel route alongside the link road – A shared cycleway and footpath route alongside the link road, intercepting existing footpaths
 - b) New Puffin services footbridge and ramps – Replacement multi-span truss footbridge with ramps that are compliant with the requirements of the Equality Act 2010¹¹ (Document Reference WG 4.01.74) and enhanced access between Dwygyfylchi, NCNR5 cycleway and the coast
 - c) Improvements to Glan-Yr-Afon Road – A new 160 m cycle/footway along Glan-Yr-Afon Road to provide improved connectivity to Dwygyfylchi from the east and to the proposed new segregated route along the new link road
 - d) Improvements to Conway Road – A 400 m segregated cycle/footway along the north side of Conway Road, providing a link between the residential area of Penmaenmawr, the existing Footpath 29/06 and local amenities such as the Penmaenmawr Phoenix Football Club ground.
- 3.22 It is considered that the overall improvement in active travel connectivity through the Scheme could lead to an increase in physical activity within the local area. The Scheme proposes complementary active travel measures and it is anticipated would also help improve conditions for local bus services. These

¹¹ [Equality Act 2010 c.15 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2010/15)

improvements for active travel and connectivity to and for public transport would provide benefits to several of the well-being objectives, most specifically, a prosperous Wales, a more equal Wales, a healthier Wales and a Wales of cohesive communities.

- 3.23 The Scheme would provide improvements to safety, helping contribute to promoting good health and well-being as well as building healthier communities. During public information events consultations during December 2017, June 2018 and June 2019 members of the public stated that they or someone they knew had experienced a near miss or accident on the roundabouts, and that some people avoided the junctions due to safety concerns.
- 3.24 Over a 60-year period, the Scheme would result in a saving of 34 accidents with 47 less casualties. Of these 47 casualties, forecasts indicate that there would be one less fatality, four less casualties with serious injuries and a reduction of 42 casualties with slight injury severity. Further details of this evidence is covered in the proof of evidence of Nigel Roberts. (Traffic & Economics - Document Reference WG 1.03.02).
- 3.25 The Traffic Forecasting Report (Document Reference WG 4.05.02) states that there is a reduction in queuing delay and journey travel time for all options assessed. Average vehicle speeds throughout the study area are therefore slightly increased by the adoption of the highway improvements.
- 3.26 The WeITAG Stage 2 Impact Assessment (Document Reference WG 4.03.06) and Stage 2 Outline Business Case Report (Document Reference WG 4.03.05) confirms that the Scheme would contribute positively to the following Scheme objectives, however it should be noted that from the list below objectives 3 scheme specific objectives either have a neutral (Tech OBJ9 and Tech OBJ10) or slight adverse (Tech OBJ11) score, recognising for example the impact on the community during construction. Details how the Scheme scores against the Objectives are summarised in Section 5 of the Statement of Case Part B (Document Reference WG 1.02.02).

| | |
|------|---|
| OBJ1 | Improve access to regional, national and international markets and improve access to employment opportunities. |
| OBJ2 | Improve road safety on the A55 from Junction 14 to Junction 16A (although this Statement of Reasons and the associated draft Orders relate solely to Junctions 14 and 15). |
| OBJ3 | Improve journey times and journey time reliability on the A55 from Junction 14 to Junction 16A (although this Statement of Reasons and the associated draft Orders relate solely to Junctions 14 and 15). |
| OBJ4 | Improve resilience on the A55 for strategic and local traffic. |

- OBJ5 Improve journey times, journey time reliability and safety for access onto the A55 from Llanfairfechan and Penmaenmawr (note that this is a combined objective for the Junction 15 and 16 schemes).
- OBJ6 Reduce severance with coastal areas for the non-motorised users and enhance provision made for walkers and cyclists.
- OBJ7 To take reasonable steps to build healthier communities and better environments.
- OBJ8 Increase opportunities to provide integrated transport.
- TECH OBJ9 Minimising technical departures from standards.
- TECH OBJ10 Minimising need to reduce speed limits.
- TECH OBJ11 Minimising disruption during construction.

- 3.27 Appraisal against the WeITAG impact areas focus on the four pillars of sustainable development, those being: economic; social; cultural; and environmental impacts. Overall, an assessment carried out within the WeITAG Stage 2 reports demonstrates that the Scheme would perform well against the majority of social, cultural and economic criteria. This includes providing benefits to safety, commuting, journey quality and access to services.
- 3.28 An environmental impact assessment of the Scheme is provided within the ES, and further expert evidence is presented within the evidence of Andrew Summer (Document Reference WG 1.06.02).
- 3.29 The ES has informed the WeITAG Stage 2 report and the Sustainable Development Report (SDR) for the published Scheme. The SDR considers how the Scheme aligns with the Well-being of Future Generations (Wales) Act (2015) and its sustainable development principle. The SDR concludes that the Scheme has been designed and developed considering the five ways of working advocated in the WFG Act, whilst its outcomes would help the Welsh Government contribute positively to most of its well-being objectives, and by extension contribute positively overall to the well-being goals.
- 3.30 The SDR examines further the extent to which the Scheme has been developed in accordance with the sustainable development principle and its contribution to the well-being objectives.
- 3.31 Shân Wyn Jones concludes in her proof of evidence (Document Reference WG 1.04.02) that the Scheme has been identified and developed in accordance with the 5 ways of working set out in Section 5(2) of the WFG Act and hence the Welsh Government has acted in accordance with the sustainable development principle as defined in the Act.

Active Travel (Wales) Act 2013

- 3.32 Enacted in 2013 by the National Assembly for Wales, the Active Travel (Wales) Act 2013¹² (Document Reference WG 4.01.05) sets a legal requirement for local authorities in Wales to map and plan for suitable routes for active travel and to build and improve their infrastructure for walking and cycling every year. It creates new duties for highways authorities to consider the needs of walkers and cyclists and make better provision for them.
- 3.33 It also requires both the Welsh Government and local authorities to promote walking and cycling as a mode of transport so that local communities rely less on cars when making short journeys.
- 3.34 An Active Travel Action Plan for Wales was published in 2016 (Document Reference WG 4.01.80) to set out the actions the Welsh Government will take in light of the Active Travel (Wales) Act 2013. The Plan acknowledges that the Act focuses upon walking and cycling as a mode of transport for purposeful journeys but within the Plan there is also content that covers walking and cycling in a recreational sense.
- 3.35 The Plan's vision is for walking and cycling to become the preferred travel choice for shorter distances for people in Wales. The Plan states how there is a need to enable people to choose to walk or cycle by making it easy, safe, convenient and desirable to do so. The Plan states that investments in infrastructure need to ensure the green environment is considered and that the Act requires the Welsh Government to take reasonable steps to enhance the provision for walkers and cyclists whenever investment is made in highway infrastructure.
- 3.36 In the context of road schemes, there is significant opportunity to reconfigure existing infrastructure so that it better meets the needs of existing and new settlements and facilitates active travel.
- 3.37 The Scheme would include the provision for improving footpaths, access to the coast, and links to the North Wales Coast Path and National Cycle Network Route 5 (NCNR5).
- 3.38 The Scheme would impact directly on Conwy County Borough Council's Public Rights of Way, Penmaenmawr Footpath 29/08, with a local diversion being required in the vicinity of the Link Road.
- 3.39 It is considered that the Scheme aligns with the Active Travel (Wales) Act 2013.

¹² [Active Travel \(Wales\) Act 2013 anaw 7 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2013/7)

Climate Change Act 2008

- 3.40 The Climate Change Act 2008¹³ (Document Reference WG 4.01.07) is the basis for the UK's approach to tackling and responding to climate change. The 2050 Target Amendment Order¹⁴ (Document Reference WG 4.01.30) imposes a duty on the UK Environment Secretary of State to reduce UK wide greenhouse gas emissions to net zero by 2050 (reductions of least 100% from the 1990 baseline by 2050).
- 3.41 Parts 4 and 5 of the Act impose limited duties and confer limited powers on Welsh Ministers in terms of contributing towards meeting the UK wide carbon targets. The Environment (Wales) Act 2016 imposes specific carbon budgeting duties on Welsh Ministers like those to which the Secretary of State is subject.
- 3.42 On 29 April 2019, the Welsh Government declared a climate emergency¹⁵, being the first country in the world to do so.
- 3.43 On 9th February 2021 following a recommendation report from the independent Climate Change Committee (CCC) the Welsh Government set out its legal commitment to achieve net zero emissions by 2050 and in March 2021 the Senedd agreed to revise Wales's statutory climate targets in line with all of the CCC's recommendations in the December 2020 advice.
- 3.44 Every construction project will involve some expenditure of carbon, but the well-being of the people of Wales requires that development takes place, in accordance with the sustainable development principle. The important point is that there is a trajectory of overall emissions reduction, established towards net zero by 2050.
- 3.45 Neither the Climate Change Act 2008 or the Environment (Wales) Act 2016 require specific projects to be subject to these targets, recognising that the response to climate change requires a cross-cutting approach across all sectors.
- 3.46 Whilst this specific project would lead to an increase in emissions, this does not mean that the Scheme conflicts with the Climate Change Act 2008 as this does not require every infrastructure project to reduce emissions. The Welsh Government is taking action across all of its areas of responsibility in order to meet its obligations under this Act. Further details are included within Chapter 16 of the ES (Document Reference WG 3.01.01) and Simon Price also deals with

¹³ [Climate Change Act 2008 c. 27 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2008/27)

¹⁴ [The Climate Change Act 2008 \(2050 Target Amendment\) Order 2019, SI 2019/1056 \(legislation.gov.uk\)](https://www.legislation.gov.uk/si/2019/1056).

¹⁵ Welsh Government. Climate Emergency Declaration. Available online: <https://gov.wales/welsh-government-makes-climate-emergency-declaration>

the topic of emissions and climate change in his evidence (Document Reference WG 1.02.02).

Human Rights Act 1998

- 3.47 The Human Rights Act 1998¹⁶ (Document Reference WG 4.01.08) is relevant where there is a need for compulsory purchase to acquire the necessary minimum land to construct the Scheme and only be made where there is a compelling case in the public interest. An acquiring authority, including Welsh Ministers, should be sure that the purposes for which it is making a CPO sufficiently justify interfering with the human rights of those with an interest in the land affected having regard, in particular, to the provision of Article 1 of The First Protocol to the European Convention on Human Rights¹⁷ and, in the case of dwellings, Article 8 of the Convention.
- 3.48 The Statement of Case Part B – Statement of Need (Document Reference WG 1.01.02) will set out that there is a compelling case in the public interest for the Scheme and thus the Compulsory Purchase Order (CPO) is justified.
- 3.49 It is considered that the Scheme is compatible with the Human Rights Act 1998 (Document Reference WG 4.01.08).

Wildlife and Countryside Act 1981

- 3.50 For more than three decades the Wildlife and Countryside Act (WCA) 1981¹⁸ (Document Reference WG 4.01.09) has been, and remains, the principal mechanism for the protection of wildlife in the UK. The WCA comprises four parts. Part 1 covers the protection of wildlife, including birds, their nests and eggs; wild animals, mammals and wild plants. Part 2 makes provision for the countryside, national parks, the designation of protected areas including Sites of Special Scientific Interest (SSSIs), limestone pavements, National Nature Reserves, and grants by the national nature conservation bodies in England and Wales. Part 3 covers public rights of way, including footpaths and bridleways whilst Part 4 deals with miscellaneous provisions.
- 3.51 Further information is presented within the ES and expert evidence is presented within the Statement of Donna Hall (Nature Conservation) (Document Reference WG 1.08.02) and Andrew Sumner (Environment) (Document Reference WG 1.06.02).
- 3.52 It is considered that, overall, the Scheme aligns with the Wildlife and Countryside Act 1981.

¹⁶ [Human Rights Act 1998 c. 42 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1998/42)

¹⁷ See https://www.echr.coe.int/Documents/Convention_ENG.pdf [accessed 21.08.21]

¹⁸ [Wildlife and Countryside Act 1981 c.69 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1981/69)

Highways Act 1980

- 3.53 The Scheme is being promoted and would be constructed using the powers of the Welsh Ministers as Highway Authority in accordance with the Highways Act 1980¹⁹ (Document Reference WG 4.01.10). These powers were transferred to them by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999²⁰ (Document Reference WG 4.01.86) and the Government of Wales Act 2006 (Document Reference WG 4.01.85).
- 3.54 The Welsh Ministers derive statutory authority to construct a new highway or improve an existing highway under Sections 24 and 62 of the Highways Act 1980 respectively. All other ancillary powers required to construct the new section of trunk road, stopping up parts of the existing trunk road and stop up, alter, improve and construct highways, public rights of way and private means of access etc would be exercised through the making of statutory orders. The powers relied on by the Welsh Ministers are cited in these statutory orders and are to be published in draft alongside a draft compulsory purchase order which, if made, would enable Welsh Ministers to acquire all land and rights over land necessary for the construction and operation of the proposals.
- 3.55 As part of the statutory process the Welsh Ministers have considered the responses and objections to the draft Scheme and Orders and have decided to hold a Public Local Inquiry.
- 3.56 It is considered that the Scheme satisfies the relevant requirements of the Highways Act 1980.

Prosperity for All: A Climate Conscious Wales 2019

- 3.57 Prosperity for All: A Climate Conscious Wales (Document Reference WG 4.01.42) sets out the Welsh Government's climate change adaption plan for Wales between the years of 2020 and 2025. The Plan sets out how the Welsh Government is taking action to address the areas of greatest risk by:
- a) protecting people, communities, buildings and infrastructure from flooding,
 - b) protecting water supplies from drought and low river flows,
 - c) tackling land management practices that exacerbate climate risks,
 - d) managing risks to ecosystems and agricultural businesses.

¹⁹ [Highways Act 1980 c.66 \(legislation.gov.uk\)](#)

²⁰ [The National Assembly for Wales \(Transfer of Functions\) Order 1999, SI 1996/672 \(legislation.gov.uk\)](#)

- 3.58 The purpose of the Plan is to take steps to prepare for and adapt to climate-change related changes and to communicate what action the Welsh Government is currently taking under the theme of climate change adaption. For example, the Welsh Government want to ensure that new developments, homes and communities are protected from flood risk, taking climate risks into account and encouraging climate change adaption.
- 3.59 The Plan explicitly states that the focus of the plan is adaption and does not focus on mitigation and prevention measures.
- 3.60 The scheme has been assessed for resilience to climate change impacts and potential risks identified would be addressed through mitigation measures embedded within the design.

Prosperity for All: A Low Carbon Wales 2019

- 3.61 The Welsh Government is taking action across all areas for which it has responsibility in order to meet its ambitions to tackle climate change. Prosperity for All: A Low Carbon Wales 2019 (Document Reference WG 4.01.12) contains 100 policies and proposals across all ministerial portfolios. It recognises the serious challenge of decarbonising transport but contains a range of policies and initiatives encouraging a shift to active travel plus an ambitious aim for a zero-emission bus, taxi and private hire vehicle fleet by 2028. The Government's 2020 to 2021 Budget, the first since the declaration of a climate emergency, provides more than £140m of capital funding to support decarbonisation including investment in active travel and an electric bus fleet. Therefore, whilst this Scheme would result in some small increase in GHG emissions, this must not be seen in isolation but in the context of the Welsh Government's wider initiatives aimed at decarbonising transport, including encouraging zero and low emission vehicles and investing in charging infrastructure.
- 3.62 Section 3(2)(a) of the WFG Act requires that a public body's well-being objectives should maximise 'its' contribution to achieving the well-being goals', clearly implying that it is the actions of the body as a whole rather than individual schemes that should be considered.
- 3.63 In this case, the Scheme's impact on GHG emissions, considered in isolation, would be balanced by the Welsh Government's actions across all its areas of responsibility, including transport, aimed at reducing GHG emissions in Wales and tackling climate change. Also, against GHG emissions must be balanced the positive contributions the Scheme would make to national well-being objectives and goals through improved road safety; increased network resilience; enhanced community connectivity, and improved air quality.

Green Corridors on the Welsh Government Trunk Road and Motorway Network 2018 and Trunk Road Estate Biodiversity Action Plan 2004 to 2014

- 3.64 The Welsh Government, as the Highway Authority for Wales, has direct responsibility for the maintenance, improvement and development of the Trunk Road and motorway network for Wales. Under the Countryside and Rights of Way (CROW) Act 2000²¹ (Document Reference WG 4.01.82), the Welsh Government has a duty to have a regard for the conservation of biodiversity in its work.
- 3.65 The Welsh Government Transport Directorate is already incorporating biodiversity into its work, and the Trunk Road Estate Biodiversity Action Plan (TREBAP) (Welsh Assembly Government, 2004) (Document Reference WG 4.01.17) contributed to this ongoing process.
- 3.66 The Objectives of the TREBAP include encouraging the use and dissemination of best practice for biodiversity in the management and development of the Trunk Road and motorway network.
- 3.67 TREBAP set out a number of Habitat Action Plans and Species Action Plans some of which are directly relevant to the Scheme, further reference to which is provided in Chapter 8 of the ES (Document Reference WG 3.01.01).
- 3.68 The Green Corridors on the Welsh Government Trunk Road (Document Reference WG 4.01.16) and Motorway Network initiative will deliver against the Prosperity for All: Economic Action Plan (Document Reference WG 4.01.20), creating a sustainable economy and promoting economic, cultural, social and environmental well-being, and enhancing people's quality of life in Wales.
- 3.69 Over a five-year period, the initiative will deliver a programme of work and activities such as tree planting to improve structure and age range of the planted area and introducing wildflower areas or improving the diversity of existing areas.
- 3.70 Further information is presented within the ES and expert evidence is presented within the Statement of Donna Hall (Nature Conservation) (Document Reference WG 1.08.02) and Andrew Sumner (Environment) (Document Reference WG 1.06.02).

National Transport Finance Plan for Wales 2018

- 3.71 Published in 2015 by the Welsh Government, the National Transport Finance Plan (Document Reference WG 4.01.15) followed the National Transport Plan 2010 (Document Reference WG 4.01.14) and lists the schemes the Welsh Government will deliver across the different areas of transport policy for which it is responsible. The 2015 Plan is not a policy document in itself but provides a

²¹ [Countryside and Rights of Way Act 2000 c.37 \(legislation.gov.uk\)](http://legislation.gov.uk)

framework of schemes pursuant to policy aims set out in the Wales Transport Strategy 2008 (Document Reference WG 4.01.93). The Plan has since been updated in 2017 (Document Reference WG 4.01.169) and 2018 (Document Reference 4.01.15).

Planning Policy Wales (Edition 11) 2021

- 3.72 Planning Policy Wales establishes the national planning policy framework for guiding development throughout Wales and Edition 11 of the document (herein referred to as PPW11) was most recently updated in February 2021 (Document Reference WG 4.01.51).
- 3.73 PPW11 provides a planning framework linked to the Well-being of Future Generations (Wales) Act 2015 (Document Reference WG 4.01.04) and has been specifically structured to deliver the vision for Wales outlined by the goals within the Act. The principles of the 2015 Act have been set out earlier and will not be repeated here, but PPW11 reaffirms the importance of sustainable development in the context of the well-being of future generations. Further information as to how the Scheme has been designed in accordance with the sustainable development principle and thus the Act and PPW11, is provided within the SDR (Document Reference WG 4.03.03). The evidence of Shân Wyn Jones (Document Reference WG 1.04.02) also examines the requirements of national and local planning policy in her evidence.
- 3.74 In the context of transport schemes, PPW11 recognises that a prosperous Wales can be promoted through the development of modern and connected infrastructure and that in order for cohesive communities to be created they need to be well-connected.
- 3.75 The Scheme would provide benefits to active travel connectivity
- 3.76 PPW further states that access to jobs and services through shorter, more efficient and sustainable journeys should be enabled through the planning system. Targeted new infrastructure is shown as an example of how we can achieve more efficient movement of people.
- 3.77 In this section, only the policies in PPW11 are directly relevant to transport have been considered. A full examination of the Scheme against all the relevant policies in PPW11 is contained in the evidence of Shân Wyn Jones, who concludes that on overall balance the Scheme accords with national planning policies in PPW11.

Review of the Road Safety Framework for Wales 2018

- 3.78 The Road Safety Framework for Wales was originally published in 2013 (Document Reference WG 4.01.170) and set targets for casualty reduction to be achieved by 2020 and 98 actions for the Welsh Government and partners to

take. The Framework included a requirement to review progress against the targets; Review of the Road Safety Framework for Wales 2018 (Document Reference WG 4.01.88).

3.79 Three targets have been set against a 2004 to 2008 baseline, as follows:

1. A 40% reduction in the number of people killed or seriously injured on Welsh roads;
2. A 25% reduction in the number of motorcyclists killed or seriously injured on Welsh Road; and
3. A 40% reduction in the number of young people killed or seriously injured on Welsh roads.

3.80 In 2018, the review stated that there had been good progress made against the targets for the whole population and amongst young people. However, the target for casualty reduction amongst motorcyclists is currently not on track. Table 2 sets out the changes.

Table 2: Percentage Change in the Number of People Killed or Seriously Injured

| | All KSIs | Motorcyclists | Young People |
|--------------------------|-----------------|----------------------|---------------------|
| 2004-2008 average | 1406 | 257 | 396 |
| 2012-2016 average | 1147 | 253.6 | 259 |
| % change | -18.42% | -1.32% | -34.6% |

3.81 The scheme would result in a saving of 34 accidents with 47 less casualties in over a 60-year period. Of these 47 casualties, forecasts indicate that there would be one less fatality, four less casualties with serious injuries and a reduction of 42 casualties with slight injury severity.

Prosperity for All: The National Strategy 2017

3.82 The Welsh Government's National Strategy (Document Reference WG 4.01.11) outlines its long-term aim to build a Wales that is prosperous and secure, healthy and active, ambitious and learning, and united and connected. It's Programme for Government, sets out the headline commitments it will deliver between 2021 and 2026.

3.83 The National Strategy takes those key commitments, places them in along-term context, and sets out how they fit with the work of the wider Welsh public service to lay the foundations for achieving prosperity for all.

3.84 It is acknowledged that there is a low Benefit to Cost Ratio (BCR) of 1.184 for the Scheme as addressed expressly by the expert evidence of Nigel Roberts (Document Reference WG 1.03.02). The transport user benefits of the Scheme that are captured by the BCR are limited because the Scheme does not seek to

contribute significantly to improving journey times during average conditions, with the identified problems relating more to resilience and safety. The Scheme would add resilience to the trunk and local road networks and provide a more reliable east-west connection, which would improve accessibility to markets and the movement of goods and people. These impacts are not captured by the economic appraisal methodology.

- 3.85 The Scheme would provide an enhanced route, forming a key part of the wider highway network serving the local economy and wider regional centres through the delivery of a to-standard road that would maintain the free flow of traffic along the A55. The Scheme would contribute to the provision of a fit for purpose strategic access to the key communities and employment areas in the region and beyond, while providing safe access on and off the dual carriageway. The Scheme would also contribute positively to promoting a healthy and active Wales through enhanced active travel provision, enhanced community connectivity and safety and accident savings. The Scheme would improve access to and from the A55 through the provision of an alternative junction arrangement.
- 3.86 The Scheme would enable improved access to educational institutions through improved accessibility along the Trunk Road, contributing positively to building a Wales that is ambitious and learning.
- 3.87 Details regarding accident savings as a result of the Scheme are provided and Public engagement has underlined that safety is considered to be a key concern at Junction 15, as set out within the WelTAG reports (Document References WG 4.03.04 - 4.03.07).
- 3.88 Prosperity for All: Economic Action Plan (Document Reference WG 4.01.20), which was published later in 2017, is an action plan in line with the National Strategy. It contains actions that will work to grow the economy and reduce inequality. It has been developed to meet the needs of today and to prepare for the challenges and opportunities of the future.

Technical Advice Note 24: The Historic Environment 2017

- 3.89 TAN 24 (Document Reference WG 4.01.29) provides guidance on how the planning system considers the historic environment. The TAN recognises that archaeological remains are a finite and non-renewable resource and the conservation of such remains forms a material consideration in determining an application.
- 3.90 These impacts are covered in further detail in Chapter 10 of the ES (Document Reference WG 3.01.01) and by the expert evidence of Andrew Sumner (Environment) (Document Reference WG 1.06.02).

3.91 In addition to desk-based studies and geophysical studies, Cadw and Gwynedd Archaeological Trust have been consulted with regarding the design and development of the Scheme. It is considered that the Scheme complies with the Historic (Environment (Wales) Act 2015.

Programme for Government 2021-2026

3.92 The Welsh Government, Programme for Government (Document Reference WG 4.01.87) sets out the government's programme to drive improvement in the Welsh economy and public services, delivering a Wales which is prosperous and secure, healthy and active, ambitious and learning, united and connected. It is considered that the Scheme would contribute positively to these goals.

3.93 Alongside the programme, the Welsh Government refer to the well-being objectives which set out how we will use the Well-being of Future Generations Act 2015 to help deliver its programme for government and maximise its contribution to the seven shared national well-being goals.

- a) A prosperous Wales
- b) A resilient Wales
- c) A healthier Wales
- d) A more equal Wales
- e) A Wales of cohesive communities
- f) A Wales of vibrant culture and thriving Welsh language
- g) A globally responsible Wales

3.94 It is considered that the Scheme would provide benefits to active travel within the local area and thus contribute to promoting good health and well-being for everyone and building healthier communities and better environments.

Wales Infrastructure Investment Plan 2021

3.95 The Wales Infrastructure Investment Plan for Growth and Jobs (WIIP) (Document Reference WG 4.01.171) is designed to prioritise, scope and coordinate delivery of the Welsh Government's major infrastructure investments, whilst improving the long term economic, social and environmental well-being of people and communities in Wales.

3.96 The Plan, through Chapter 1, sets a number of high-level investment priorities including: '*Improving transport links, particularly East-West transport links in both North and South Wales*'. This priority is further explored through Chapter 2 of the Plan which outlines an aim to 'secure the most out of the existing road network through well planned maintenance and upgrades to ensure the road network operates more efficiently by:

3.97 Prioritising investments which contribute to economic growth – addressing urban congestion and improving access to key areas and by improving the capacity and reliability of our key east-west corridors.

3.98 Being more agile in our approach to developing solutions to underlying problems to address problems that people face every day.

3.99 The A55 forms one of the key east-west corridors and the Plan recognises the importance of the route. Annex 2 of the Plan provides a 10-year indication of the 'direction of travel' for each sector.

3.100 In 2021, the Wales Infrastructure Investment Plan – Project Pipeline Update (Document Reference WG 4.01.18) was published.

3.101 Within the Plan, Rebecca Evans AM Minister for Finance and Trefnydd announced £93m for active travel and addressing pinch points on roads in Wales.

One Wales: One Planet 2009

3.102 One Wales: One Planet (Document Reference WG 4.01.21) was first launched by the Welsh Government in May 2009. This document sets out the objectives to achieving the goal of sustainable development. One Wales: One Planet defines sustainable development as 'enabling all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.'

3.103 In Wales, this means achieving a better quality of life for this and future generations by:

- a) promoting social justice and equality of opportunity; and
- b) enhancing the natural and cultural environment and respect its limits using only a fair share of the earth's resources and sustaining our cultural legacy.

3.104 One Wales: One Planet also sets out sustainable development as a core principle of the Welsh Government's founding statute. The Welsh Government has a statutory duty to set out how it proposes to promote sustainable development.

3.105 Within the document, five main chapters demonstrate the actions that will be taken to deliver sustainability. They are set out under the following headings:

- a) Sustainable Resource Use;
- b) Sustaining the Environment;
- c) A Sustainable Economy;
- d) A Sustainable Society; and

e) The Wellbeing of Wales.

3.106 The SDR has been prepared to consider how the Scheme has been designed and developed by taking into account the Welsh Government's sustainable development principle and in the context of the national well-being goals and local well-being objectives. The Scheme has been developed in accordance with the five ways of working and the development would help secure the long-term prosperity, resilience, health and cohesion of the local communities, benefiting both current and future generations.

3.107 The SDR will cover the examine the Scheme's alignment with the sustainable development principle.

Future Wales: The National Plan 2040

3.108 The Wales Spatial Plan 2008 update has now been replaced by the National Development Framework (NDF): "Future Wales – The National Plan 2040", which was published in March 2021.

3.109 The NDF will be used to guide both public and private investment. Welsh Government's aim is to ensure investments and developments – whether large or small in scale - contribute to the broader ambitions of the Welsh Government and to the well-being of communities. Therefore, the NDF will influence how communities develop over the next 20 years. The NDF should be read alongside Planning Policy Wales 11 (PPW 11) which provides planning policy on an all-Wales basis.

3.110 The NDF 'address[es] key national priorities through the planning system, including sustaining and developing a vibrant economy, supporting our town and city centres, achieving decarbonisation and climate-resilience, developing strong ecosystems, and improving the health and well-being of our communities. Future Wales reflects the lessons being learnt from the Covid-19 pandemic.' Several Welsh Government strategies and policies, including the Transport Strategy, and the Low Carbon Wales plan forms the basis for Future Wales, as do the main themes highlighted by the first annual report (2019) of the National Infrastructure Commission for Wales.

3.111 For 'Transport Infrastructure', Future Wales highlights that we 'visit and trade with Ireland, Europe and beyond, and our ports, roads and rail lines are key connections into wider European network'. Holyhead Port in North Wales 'is the main port for freight and sea passenger transport with Ireland'.

3.112 'People and Places' reflects the focus of the majority of the 11 NDF outcomes. 'All methods of travel will have low environmental impact and low emissions, with increased use of public transport and ultra-low emission vehicles replacing today's petrol and diesel vehicles. Sustainable transport infrastructure will be

embedded within development to enable easy and convenient access from one place to another for commuting, business, tourism, and leisure purposes. Development will focus on active travel and public transport, allied with a reduced reliance on private vehicles.’

- 3.113 The NDF’s integrated sustainability appraisal sets out the relevance of several factors and includes transport: ‘The development of transportation links within Wales are both important for Wales and have strong links with supporting the economy. The NDF has a key role to play in helping to guide decisions through the planning process relating to transportation.’
- 3.114 The NDF includes key outcomes and, with effect from February 2022, mandates Strategic Development Plans (SDPs) for each region (here, the North Region) which shall address issues such as ‘regional housing markets, travel to work patterns and economic opportunity areas’ and which shall focus on ‘the movement of people across the region and support an integrated approach to strategic land-use and transport planning’. Decisions 21 shall focus ‘on the most sustainable and accessible locations, address congestion, reduce car-based commuting and improve air quality.’
- 3.115 NDF Policies 11 and 12 highlight support and investment in improving national and regional connectivity, for example, for Strategic Road Network: Invest in road improvements to reduce journey times, deliver a safer and more resilient road network, and improve air and noise quality; Create a network of rapid-charging points to enable longer distance travel by electric vehicles throughout Wales; Develop the regional metros, including plans for the North Wales Metro. WG will create new integrated transport systems that provide faster, more frequent and joined-up services using trains, buses and light rail.
- 3.116 The North Region should work ‘together to consider the connections with Mid Wales, Ireland, Cheshire West and Chester and the North West of England. Promoting accessibility and inter-linkages between these areas, based on an understanding of their roles and functions, will ensure these areas operate as a cohesive whole, and do not compete against each other or take strategic decisions in isolation’.
- 3.117 The North Region includes the following Regional Growth Areas: Holyhead; Caernarfon and Bangor; Llandudno and Colwyn Bay; and Rhyl and Prestatyn. Holyhead Port is recognised as important to Anglesey and the region and as a ‘major national asset and an important international gateway’. In the North Region, Wrexham and Deeside are identified as ‘nationally significant areas for growth’.
- 3.118 The NDF highlights the strategic significance of the A55 Trunk Road as a major transport route through several North Wales Local Planning Authorities. It also

highlights the need for the North Wales SDP to ‘be informed by and, facilitate the delivery of the North Wales Growth Deal and ensure support for a smart, resilient and connected region. The SDP is intended to provide a framework to take the strategic locational decisions that will support the long-term ambitions of the Growth Deal in relation to housing, economic growth, key services and essential infrastructure.’

3.119 Several of the Growth Deal priorities relate to the benefits and impacts of transport infrastructure upgrades and improvements and significantly, relies on commitments by the Welsh Government to deliver the forward work programme for Trunk Roads (£600m). This includes the Scheme.

Llwybr Newydd: The Wales Transport Strategy 2021

3.120 The Transport (Wales) Act 2006 places a duty on Welsh Ministers to prepare, publish and review a strategy setting out its policies and how they will be discharged’ It covers all mode and sets out strategic priorities and desired outcomes including for plans at the local authority level.

3.121 This is the new Wales Transport Strategy, Llwybr Newydd (Document Reference WG 4.01.21), which sets out a 20-year long-term vision for transport in Wales and aligns with Future Wales. People and climate change are at the forefront and specific capital transport expenditure is aligned with the Wales Infrastructure Investment Plan. This Investment Plan includes the Scheme (as A55 Junctions 15 and 16) for work to start on 2022.

3.122 Llwybr Newydd focuses on three main, strategic priorities; bring services to people in order to reduce the need to travel; allow people and goods to move easily from door to door by accessible, sustainable transport and, encourage people to make the change to more sustainable transport. Delivering these priorities will include a ‘detailed five – year National Transport Delivery Plan and Regional Transport Plan’.

3.123 The environmental impacts of the Scheme will be expressly addressed by the expert evidence of Andrew Sumner (Environment) (Document Reference WG 1.06.02).

3.124 Further detail of the impacts of the Scheme are set out within the ES.

Technical Advice Note 18: Transport 2007

3.125 TAN 18 (Welsh Assembly Government, 2007) (Document Reference WG 4.01.28) encourages an efficient and sustainable transport system as a requirement for modern society. It states that to achieve a more sustainable pattern of development, it is necessary to understand the interactions and linkages between land use and transport and devise integrated strategies, objectives and policies at the national, regional and local levels.

- 3.126 The Scheme would improve accessibility by provision of a height separated junction. These benefits would, in turn, provide benefits to the economy and society.
- 3.127 Paragraphs 3.78 to 3.81 provides details of the accident savings and safety benefits of the Scheme. It concludes that over a 60-year period, the Scheme would result in a saving of 34 accidents with 47 less casualties. Of these 47 casualties, forecasts indicate that there would be one less fatality, four less casualties with serious injuries and a reduction of 42 casualties with slight injury severity.
- 3.128 The Scheme would also enhance active travel connectivity in Dwygyfylchi and on the National Cycling Network Route 5. Details of the proposed active travel enhancements are provided within Paragraph 3.21.
- 3.129 It is considered that the Scheme complies with TAN 18: Transport.

Environment Strategy for Wales 2006

- 3.130 The Environment Strategy for Wales (Welsh Assembly Government, 2006) (Document Reference WG 4.01.24) was published in 2006 and outlines the Welsh Government's long-term strategy for the environment of Wales for the next 20 years. It provides a framework within which to achieve an environment, which is clean, healthy, biologically diverse and valued by the people of Wales. The Strategy is supported by a series of regularly updated action plans which detail specific actions aimed at delivering the vision and outcomes set out in the Strategy.
- 3.131 The last Environment Strategy annual report for 2010 to 2011 was published at the end of 2011, which coincided with the end of the second action plan. The action plan focuses on ten themes, of which seven – biodiversity, access and recreation, flood and water management, ecosystem services, the historic environment, people and the environment, and environmental quality – are relevant to the Scheme.
- 3.132 Welsh Government is currently reviewing the Environment Strategy to ensure that it reflects the relevant commitments the Natural Resource Management Programme was designed to deliver:
- a) new policy measures to manage the natural resources of Wales, including the setting of national priorities;
 - b) an Environment Bill for Wales (see above);
 - c) embedding the ecosystem approach;
 - d) working with Natural Resources Wales and coordinating performance management arrangements; and

- e) communications and knowledge transfer work to help deliver the new approach.

3.133 The Scheme has been developed in alignment with the objectives of the Environment Strategy for Wales 2006.

Technical Advice Note 15: Development and Flood Risk 2004

3.134 TAN 15 (Welsh Assembly Government, 2004a) (Document Reference WG 4.01.32) provides technical guidance which supplements the policy set out in Planning Policy Wales in relation to development and flooding. It advises on development and flood risk as this relates to sustainability principles and provides a framework within which risks arising from both river and coastal flooding, and from additional run-off from development in any location, can be assessed (Section 1.2).

3.135 A revised draft TAN 15 was issued for consultation in October 2019. This states that development plans and planning decisions should continue to refer to the TAN 15 published in 2004 until such time as an updated TAN 15 is published by the Welsh Government. The consultation ended in January 2020, but a publication date for the revised TAN 15 is not known.

3.136 It is considered that the Scheme complies with TAN 15: Development and Flood Risk 2004.

Technical Advice Note 11: Noise 1997

3.137 TAN 11 (Document Reference WG 4.01.33) provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development. It offers measures that may be used to mitigate the impact of noise, these briefly include:

- a) Engineering;
- b) Layout; and
- c) Administrative.

3.138 A summary of the impacts on noise is provided within the ES (Document Reference WG 3.01.01) and concludes that during operation, there would be no significant adverse effects. During construction, it is anticipated that there would be some significant adverse effects, however, it is noted that in some cases, the effects could be reduced to not significant for some receptors.

3.139 It is considered that the Scheme complies with TAN 11: Noise 1997.

4. Local Policy and Plans

Destination Conwy Management Plan 2019-2029

- 4.1 The local planning context for the Scheme is set out within the Local Development Plan (LDP) for Conwy County Borough Council. The Scheme is being taken forward via the Highways Act (1980) as amended and consequently the Scheme is not governed by local planning policy but does have regard to it. In addition to the LDP, this section also considers other relevant policy and guidance at the local level.
- 4.2 The Destination Conwy Management Plan (DMP) (Document Reference WG 4.01.83) has been produced by the Conwy's Destination Partnership. The Partnership works together to deliver a broad range of tourism services and support to the wider tourism sector.
- 4.3 The ambition of the DMP is to grow tourism for the good of Conwy and achieve the following:
- a) increase the economic impact of tourism to Conwy County to £1 billion by 2027;
 - b) increase the economic impact per visitor by an average of 3% above inflation for the next five years;
 - c) support increasing the overall proportion of full-time jobs from 59% to 70%;
 - d) open opportunities to support a year-round tourism offering across the county and for businesses in less visited areas; and
 - e) encourage investment, innovation and entrepreneurship across the tourism sector.
- 4.4 The DMP identifies a number of challenges for Conwy's tourism industry. Including a need to address skills and workforce issues.
- 4.5 It is considered that the Scheme would provide improvements to road travel for visitors and potential visitors by providing a height separated junction.
- 4.6 Currently, journey time reliability is identified as a key problem associated with the A55 between Junction 16 and 16A. The roundabouts cause queues, which can lead to driver frustration and longer journey times.
- 4.7 It is considered that the Scheme would provide benefits for travel to Conwy County Borough for tourists through improved journey time reliability and reduced likelihood of driver frustration given the removal of the roundabout as part of the Scheme.

Conwy County Borough Council Local Development Plan 2013 and Draft Deposit Plan 2020

- 4.8 The Conwy County Borough Council Local Development Plan (LDP) (Document Reference WG 4.01.34) was adopted in 2013 and establishes the local policy framework to guide development in the area.
- 4.9 The plan identifies one key Trunk Road whose routes run into Conwy, namely the A55 (T). It links to the ferry terminal, at the Port of Holyhead.
- 4.10 This section of the A55 is a key east-west route. It is considered that its performance is integral to connecting Wales, and North Wales in particular, to the wider European community and the rest of the country.
- 4.11 The LDP identifies a number of strategic economic priorities citing the tourist industry as one of the County's largest industries and employers alongside industrial. Improving access to both tourist destinations and employment growth hubs will be important for the future prosperity of the area.
- 4.12 It is considered that the Scheme would provide a height separated junction, which would positively contribute to improved resilience and journey time reliability. As previously noted, the Scheme would also improve the perception of Conwy in terms of connectivity.
- 4.13 As a key east-west route, the Scheme would improve accessibility along the A55 to key towns such as Llanfairfechan, Penmaenmawr, Dwygyfylchi and Llandudno. This would provide associated benefits for journeys by motorised vehicles, whilst the Scheme's active travel enhancements would improve the local environment for WCHRs.
- 4.14 In terms of future growth, the plan identifies a number of allocations within proximity of the study area.. The main strategic areas for growth are located within the settlements of Llanfairfechan and Penmaenmawr. When these sites come forward and development is realised, they will contribute to flows along the A55. The Scheme would provide additional capacity for these flows.
- 4.15 Policy STR/1 Sustainable Development states that all development proposals must demonstrate how positive economic, social and environmental impacts will be achieved and adverse impacts minimised. The ES sets out the positive impacts that would be achieved by the Scheme as well as the mitigation measures for adverse environmental impacts.
- 4.16 Policy STR/4 Non-Motorised Travel states that Conwy Borough Council will support increased levels of non-motorised travel, including cycle use and walking. Paragraph 3.21 provides a summary of the Active Travel work undertaken as part of the scheme.

- 4.17 Policy STR/5 Integrated Sustainable Transport System states that Conwy Borough Council will approve improvements to the existing transport infrastructure that will increase accessibility to employment, services and facilities, particularly by sustainable means. The Scheme would provide enhanced journey time reliability as well as improve the connectivity to the A55.
- 4.18 It is considered that, overall, the Scheme aligns with the Conwy Borough Council Local Development Plan 2013.

5. Environmental Statement

- 5.1 The ES (Document Reference WG 3.01.01) should be read in conjunction with the Proofs of Evidence. The ES reports the findings of the Environmental Impact Assessment (EIA) process. EIA is a means of identifying and collating information to inform an assessment of the likely significant environmental effects of a project. The findings of the EIA process are reported in an ES in order to ensure that, when deciding whether to grant consent for a project, the decision-maker has access to information regarding the likely significant effects on the environment. This allows these effects to be considered in the decision-making process.
- 5.2 For highways schemes, the requirements of the EIA Directive are currently transposed in the Highways Act 1980 (Document Reference WG 4.01.10), as amended by The Highways (Assessment of Environmental Effects) Regulations 1999 (Document Reference WG 4.01.89) and The Highways (Environmental Impact Assessment) Regulations 2007 (Document Reference WG 4.01.90) and more recently by the Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (Document Reference WG 4.01.84) and the, Harbours and Highways (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2020 (Document Reference WG 4.01.172).
- 5.3 The ES (Document Reference WG 3.01.01) is structured into the following chapters:
- Chapter 1 – Introduction
 - Chapter 2 – Description of the Scheme
 - Chapter 3 – Alternatives Considered
 - Chapter 4 – Methodology
 - Chapter 5 – Policy and Plans
 - Chapter 6 – Geology and Soils
 - Chapter 7 – Drainage and Water
 - Chapter 8 – Nature Conservation
 - Chapter 9 – Landscape
 - Chapter 10 – Cultural Heritage
 - Chapter 11 – Community Assets
 - Chapter 12 – Air Quality
 - Chapter 13 – Noise and Vibration

Chapter 14 – All Travellers

Chapter 15 – Material Assets and Waste

Chapter 16 – Climate Change

Chapter 17 – Risk of Major Accident & Disaster

Chapter 18 – Population and Health

Chapter 19 – Cumulative Impact Assessment

Chapter 20 – Management of Environmental Effects

Chapter 21 – Conclusions

Chapter 22 – Glossary and Abbreviations

6. Land Acquisition and Compensation

- 6.1 The Welsh Ministers will acquire the land, where agreements with landowners cannot be reached, by exercising their powers of compulsory purchase pursuant to the Highways Act 1980 and the Acquisition of Land Act 1981.
- 6.2 The acquisition of land and rights as shown in the draft CPO are considered the minimum necessary to construct, mitigate, operate and maintain the proposed Scheme. Land required only during the construction period, for temporary works such as traffic diversions, has been identified separately as part of the publication of the draft CPO
- 6.3 The National Assembly for Wales Revised Circular on Compulsory Purchase Orders – Circular 003/2019:Compulsory Purchase In Wales²² and ‘The Criche! Down Rules (Wales Version 2020) (Document Reference WG 4.01.173) provides advice to acquiring authorities in Wales that make compulsory purchase orders(CPO) to which the Acquisition of Land Act 1981 (Document Reference WG 19.08.21) applies. It is aimed primarily at local authorities. The Welsh Ministers’ CPO powers differ from those of local authorities. Nevertheless, the Welsh Government follows the advice in Circular 14/2004²³ with the qualifications below:
- 6.4 The Welsh Government considers that the CPO process is an open one, providing people with the opportunity to enter into dialogue. For larger more complicated schemes, it is common practice for the Welsh Government to hold a draft orders publication exhibition. In response to the social distancing guidance and Welsh Government Coronavirus (COVID-19) advice at the time, an online exhibition (which remains live) was available from 12 April 2021 at: <https://a55engagement.gov.wales/exhibition.html> as we did not consider it is in the interest of both the public and the team’s safety to hold face to face exhibitions or meetings that are open to the general public. In addition, two webinars were held on the evening of 5 May 2021 via Teams meetings with questions asked during the webinars responded to in Q&A documents published afterwards:https://a55engagement.gov.wales/1.A55J15J16_Penmaenmawr_WebinarQ&A%2005.05.21.pdf
https://a55engagement.gov.wales/3.A55J15J16_Dwygyfylchi_WebinarQ&A%2005.05.21.pdf

²² Accessed online at <https://gov.wales/compulsory-purchase-wales-and-criche!-down-rules-wales-version-2020-circular-0032019> [accessed 21.08.2021]

²³ Accessed online at [https://webarchive.nationalarchives.gov.uk/ukgwa/20140413201216/http://wales.gov.uk/about/foi/publications-catalogue/circular/circulars04/NAFWC14\(2\)2004?lang=en](https://webarchive.nationalarchives.gov.uk/ukgwa/20140413201216/http://wales.gov.uk/about/foi/publications-catalogue/circular/circulars04/NAFWC14(2)2004?lang=en)

- 6.5 The Welsh Government also puts out comprehensive information on its website and in leaflet form to those affected. This includes information about claiming compensation and the role of the Upper Lands Chamber in resolving disagreements.
- 6.6 The Welsh Government has published a number of information booklets on related compensation issues and these will be available at the Public Local Inquiry, obtained from the address below:

Orders Branch Transport

Welsh Government, Cathays Park, Cardiff CF10 3NQ

7. Statutory Orders

- 7.1 The Welsh Government publishes the draft Line and Slip Road Order (Document Reference WG 2.01.01) and draft Side Roads Order (Document References WG 2.01.08 and 2.01.09) under the Highways Act 1980 and the draft Compulsory Purchase Order (Document Reference WG 2.01.15) under the Highways Act 1980 and the Acquisition of Land Act 1981.
- 7.2 Line and Slip Road Order - To provide for the new length of trunk road required for the project.
- 7.3 Side Road Order - To stop up, improve or alter some lengths of existing roads, footpaths, cycle routes, byways, bridleways and private accesses, to construct new highway and provide new private means of access.
- 7.4 Compulsory Purchase Order - These set out the land that would be required to build, maintain and provide the environmental mitigation that would be required for the Scheme.
- 7.5 Draft Orders - are open to objection, which, if unresolved, may lead to a Public Local Inquiry. It is customary for the Welsh Government to publish the draft Orders concurrently so that these can be dealt with at concurrent Inquiries, as necessary.