

ORR RIS3 Consultation Response

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Introduction

Thames Crossing Action Group represent thousands of people who are strongly opposed to the proposed Lower Thames Crossing (LTC). The £8.2bn LTC would be hugely destructive and harmful, it would not meet the project objectives, and is not fit for purpose.

Due to ongoing inadequacies of the project and the associated consultation process, the LTC is moving further and further into the RIS3 period, hence our response to this consultation, along with comments on our ongoing experience of dealing with National Highways.

We understand that the Office of Rail and Road are independent monitors of National Highways, and that you do not set policies or determine investment priorities.

However, we do hope that you will find our comments helpful in regard to first hand experiences from our dealings with National Highways in regard to the proposed LTC/RIS programme, when you are making considerations in regard to the RIS programme moving forward.

As a point of reference, we have already responded to National Highways Route Strategies RIS3 Consultation¹, and we will take part in the Department for Transport RIS3 Consultation which we understand will take place in 2022.

It goes without saying that should you wish to discuss these comments or any other aspects of the proposed LTC and our experiences of dealing with National Highways and the RIS programme we would be more than happy to discuss further with you.

We thank you for the opportunity to respond to this consultation, which we hope will be helpful in how things are shaped and monitored moving forward.

¹ <https://www.thamescrossingactiongroup.com/route-strategies-ris3-consultation/>

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The move from RIS2 to RIS3

We are obviously pleased to read that you have considered aspects of the process that worked well, and less well, during the development of RIS2.

For us it is quite clear that many things have not been working well at all in RIS2.

We respectfully point out that a large percentage of RIS2 projects have suffered great delays and issues, to the extent many are being pushed towards and into the RIS3 period.

We believe that any outstanding RIS2 project should be subject to reassessment rather than automatically being moved into the RIS3 period.

Oversight and scrutiny

The need for transparency

There is evidence of a distinct cover up culture within National Highways (including LTC).² We would ask that this is investigated and necessary actions taken immediately and that monitoring is ongoing to avoid future occurrences.

We also believe there to be a lack of transparency in general between National Highways (inc LTC) and not only the general public, but also Local Authorities, MPs, and other stakeholders. This aspect covers not only general information, but lack of meaningful engagement, and biased representations, some of which we will cover further in this paper. We again ask that this be addressed, both now and moving forward into RIS3.

National Highways have previously stated the LTC would generate 22,000 jobs, yet to date have failed to provide any evidence to back this figure up. Same with their claims that £1 in every £3 would be spent with small or medium sized businesses. Where is the evidence?

Further monitoring should also be carried out on National Highways' attempt to manipulate the costs of projects. For instance with LTC they added the Tilbury Link Road to garner support from the Port of Tilbury, who said they would only support Option C3 if they got their own junction³. National Highways then removed the Link

² <https://www.newcivilengineer.com/latest/calls-for-investigation-into-insidious-cover-up-culture-at-highways-england-28-04-2021/>

³ <https://www.forthports.co.uk/wp-content/uploads/2018/03/3661.pdf>

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Rd from LTC, and it is now being progressed as a separate stand-alone project in RIS3.

Why was the Tilbury Link Road removed from the LTC? How can it be considered acceptable to remove it from LTC with all its associated cost, only to progress it as a separate project? This is perceived as an attempt to try and make the benefit cost ratio of LTC look better than it really is. We also question how a link road can be progressed as a separate project, especially since the LTC has not been granted DCO as yet, as the link road is completely reliant on the LTC, because without the LTC there is nothing for the link road to link to.

Issues of biased representation

We have noted from experience that National Highways press releases seem to also be published directly to the government website, We feel more monitoring on the content of these press releases is needed to ensure that information shared on the government site, and by National Highways in press releases is factually accurate, and in no way misleading.

There is evidence that National Highways have failed to deliver what was signed off on in regard to Smart Motorways. This is just one example of National Highways misleading the government and public, and not delivering on what was required and signed off.

For us this shows that National Highways should most definitely not simply be trusted, and that they need close monitoring.

We also point out that National Highways have a terrible habit of only providing information/detail on things that is in the favour of their wants and needs.

There are plenty of examples of this. For instance how can it be at all realistic that a project as huge as the proposed LTC does not have a single negative aspect? Yet in consultations, you could attend the public consultation events and read the consultation materials, without witnessing a single negative aspect to the project. This is biased presentation in favour of National Highways wants and needs for the project.

Another very simple yet very important example, they detail how many trees, hedges etc would be planted as part of the LTC project. Yet they refuse to share detail with anyone as to how many trees, hedges etc would be destroyed/impacted if the LTC goes ahead.

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They state how many jobs and business would benefit if LTC goes ahead, yet refuse to share how many business and jobs would be lost/negatively impacted if the proposed LTC goes ahead.

On the topic of air pollution, NH have been publicly stating that the proposed LTC would improve air quality, when yet again their own data shows that air pollution would actually worsen in some areas. They continually present biased information in regard to the project to suit their own needs and wants.

Their video update on Dec 22nd was shared as a video about what an exciting year it had been for LTC! Not a single mention of the fact that they have failed to deliver on any of the self-set targets to resubmit the LTC Development Consent Order (DCO) application.

The list goes on, but the theme is the same, the presentation of the LTC project (and other projects) are always in favour of what National Highways need and want it to be, rather than an honest, realistic, and balanced representation. This is biased representation, and it needs to be monitored and appropriate action taken to put a stop to it immediately and moving forward.

Effective and efficient use of taxpayers money

Highways England rebranding

There is one question that we feel should be asked in regard to National Highways before we even start commenting on the effective and efficient use of public money in particular to the RIS programme.

National Highways are the government company who design, build, manage, and maintain the RIS programme and Strategic Road Network in England.

Why was there was a need for rebranding from Highways England to National Highways, and at what considerable cost was that to taxpayers?

We are not aware that any reasoning for the expensive rebrand has ever been disclosed. We are therefore left to make our own assumptions, and in this case this has to be that it was felt the rebrand was needed to disassociate the negative reputation that Highways England had earned itself.

We have to share that from the public's point of view, far from improving the reputation of Highways England/National Highways, this expensive rebranding

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simply leads to further negativity towards HE/NH due to further inadequacies and wastage of public money.

RIS Programme efficiency and cost

Legal Challenges

We understand that the ORR do not require National Highways to report on legal costs.⁴

We would respectfully ask that this be changed, and that National Highways' legal costs should most definitely be reported and monitored.

We are not aware of a time when so many legal challenges have been made against National Highways projects, especially so many during a relatively short time frame, or along the same themes.

When public money is being spent, or wasted as many would suggest, on legal costs due to National Highways inadequacies and poor practices and performance, serious questions need to be asked.

There are common themes with these legal challenges. There is public perception that National Highways believe they are above the law, or that they simply have got away with things for so long they are not willing to identify that times are changing.

With more and more of us aware of and willing to stand up and question and fight the threats to the environment, our health and wellbeing, and more; there are also more and more of us willing to take and support legal challenges when needed.

This is something that National Highways, and the Government, should now be more than aware of, and thus we ask that the ORR require National Highways report their legal costs, so that they can be appropriately monitored and action taken when needed.

⁴ <https://www.newcivilengineer.com/latest/revealed-the-millions-spent-by-dft-and-national-highways-fighting-legal-challenges-31-08-2021/#:~:text=A%20spokesperson%20for%20the%20Office%20of%20Rail%20%26%20Road>

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Projects not being fit for purpose **Inadequacy of Consultations**

In addition and tying in with the common theme of legal challenges, there is more and more evidence that shows that National Highways projects are simply not fit for purpose. Also that the consultation and Development Consent Order(DCO) process, and engagement for their projects is inadequate too.

Because of these aspects National Highways efficiency is questionable to say the least. The issues are also reflected in the ever increasing costs of projects such as LTC.

We highlighted to National Highways (or Highways England as they were of course known at the time) that we did not feel the consultation process was adequate, as did others including Local Authorities. Yet the response we got was that they were confident that their consultation was adequate. Reports of consultation seem to focus on the amount of events and how long they have been consulting on rather than the genuine quality of the consultations.

It was again brought to National Highways attention during their first attempt to submit the LTC Development Consent Order (DCO) application in Oct/Nov 2020. This time by not only us, others, and Local Authorities, but also the Planning Inspectorate (PINS). National Highways were asked on numerous occasions to provide certain information, or signposting to where said information could be found within the DCO application. Yet they failed to provide adequate information to PINS, and as a result PINS were due to refuse the application, and National Highways instead chose to withdraw the application at the eleventh hour.⁵

At no point have we seen any indication from National Highways that they recognize that the first attempt of the DCO application was not adequate, instead they prefer to present it that PINS wanted additional information. If it is information that PINS feel necessary then surely this must be considered that the application was not adequate. It is one thing to attempt to submit an inadequate application, it is yet another to fail to recognize and admit that it was not adequate.

At the time of withdrawal, National Highways stated they would resubmit the LTC DCO application in early 2021.

⁵ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-Advice-00029-1-201126%20LTC%20Project%20Update%20Meeting.pdf>

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This time frame came and went, and we actually ended up with another round of LTC consultation between July and September 2021.⁶ The Community Impacts Consultation.

National Highways then stated that they would be resubmitting the LTC DCO application by the end of 2021. Again this did not happen, and the aim to resubmit was moved back to 2022.

We are now aware that National Highways will be holding yet another round of consultation before attempting to resubmit the DCO application.

We would also highlight that in spite of the fact that the Adequacy of Consultation Reports at the time of the first attempt to submit the LTC DCO application were not favourable towards National Highways, and highlighted numerous inadequacies of consultation, the consultations that have followed have remained inadequate in our opinion and the opinions of the Local Authorities.

We draw to your attention this latest consultation which National Highways are currently planning is currently being proposed to be carried out during purdah for Thurrock Council and Havering Council. It would also be 4 weeks duration of which 2 weeks are Easter Holidays and include bank holidays.

It is most definitely the case that the LTC consultation process to date has been inadequate, and we deserve to be consulted in an adequate manner. Yet with further consultations comes further inadequacies. Not to mention that each and every consultation that takes place increases the level of consultation fatigue. Plus of course it adds to the ever increasing costs for the LTC project.

Inadequacies of projects

The original reason for a new crossing was because of the problems we all suffer with due to the Dartford Crossing. Yet National Highways own data shows that the current crossing would still remain over capacity even if the LTC goes ahead.⁷

Not only that, but National Highways are failing to consider how traffic would migrate between the two crossings when there are incidents. Let's face it there will still be incidents, especially since the Dartford Crossing will still be over capacity.

There are not adequate connections between the proposed LTC and the existing road network for general use, let alone at times when there are incidents. This will

⁶ <https://ltcconsultation.highwaysengland.co.uk/>

⁷ <https://www.thamescrossingactiongroup.com/ltc-not-fit-for-purpose/>

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result in yet more chaos, congestion, and pollution. When you are talking about spending £8.2bn of public money, and such environmental destruction, and harm to health and well-being, surely we deserve better.

Cost

National Highways fail to keep the public, media, etc advised on the ever increasing cost of the proposed LTC, and other projects.

We feel that it is in everyone's best interest that this kind of information should be compulsory for National Highways to share and be completely transparent on.

After all how can people be expected to give meaningful opinions and make decisions in regard to projects like LTC without such essential details like this?

In addition no details have been released about the ever rising cost specifically due to the delays of the project. We feel National Highways should be held more accountable for their actions. Currently they can do whatever they feel like, and there are no consequences. In fact despite their inadequacies during the LTC consultation and DCO process, they are allowed to just carry on as if it is business as usual and more money is provided to cover the fall out of their inadequacies to date. There doesn't appear to be any recognition or lessons learnt, let alone any changes as a result.

Cost to Environment and Health and wellbeing

It should not just be purely based on financial economy, it should also factor in environmental costs, and health and well-being economy.

Now more than ever we are living in uncertain times on so many levels. We are in a climate emergency, and we feel that the Climate Change Commission should have a bigger role in the decision making process, especially for such hugely destructive and harmful projects such as the roads programme.

It is a false economy to move forward without considering the environment and the health and well-being of people. Without a healthy environment that can support our existence on the planet, along with healthy (both physically and mentally) and happy society, the economic growth is irrelevant and meaningless.

Our health and well-being also obviously has an impact on the financial economy. For instance walks taken by people in UK woodlands save £185m a year in mental health costs, as per the evidence presented in the Forest Research report.⁸ In

⁸ www.forestresearch.gov.uk/research/valuing-the-mental-health-benefits-of-woodlands/

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In addition to this there are the associated costs of air, noise, and light pollution impacts to our health and well-being too. Not to mention the associated costs of impacts to industry when people need to take time off due to sickness and mental health issues.

In this day and age, we should not predominantly be relying on National Highways for our countries travel requirements. Rather we should have National Transport or National Travel. We should have joined up thinking, rather than focusing on purely roads.

With projects like LTC there has been no serious consideration given to other means of travel, and this needs to be addressed as a matter of urgency.

We would ask that more monitoring is done in regard to NH greenwashing of projects too please.

One example in regard to LTC is NH's attempt to claim that a community woodland at Hole Farm, near Great Warley is alongside the LTC and part of the LTC project⁹. The reality is that the woodland would be alongside the M25 not the LTC. NH have also admitted that the woodland will go ahead regardless of whether LTC does or not. It is not part of the LTC project, yet NH continue to promote it as if it is in attempts to greenwash the LTC.

Ethics

For RIS programmes to be efficient procedures need to be in place to ensure the democratic process is being carried out ethically and adequately. How can that be expected when roads programmes are simply pushed through when the policies that govern them fail to consider legal commitments of our country? How can people be expected to sit back silently and allow hugely destructive and harmful projects to negatively impact their lives and health?

We are also aware of National Highways contracts for Specialist Security Services. Whilst we understand and appreciate there may be a need for some level of security during the development stage, for things like investigative works sites. However, we are aware that National Highways are using these contracts to monitor groups like ours and others. How can this be considered acceptable that we are being monitored whilst we participate in the democratic process? We are members of the public, we have a right to take part in the democratic process, and nobody should be made to feel that they are being spied on by National Highways during that process. We do not find this acceptable or ethical, or an efficient way to encourage members of the public to take part in the democratic process.

⁹ <https://www.thamescrossingactiongroup.com/he-community-woodland-nothing-to-do-with-ltc/>

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Seven Steps in your Consultation Document

We note that section 1.17 in your consultation document states that one of your key priorities is to ensure that National Highways has sufficient time in the decision phase (steps 2-5) to consider and reflect your advice as it develops its plans.

We would comment that in our experience we have witnessed time and time again that National Highways very rarely give due care and attention to any advice or feedback from anyone.

We would therefore ask that rather than just ensuring that they have sufficient time, some kind of process should be included to monitor that they are actually adequately considering your advice, and indeed advice/feedback from all involved in RIS programmes and projects.

We are pleased to see that section 1.18 states the importance of continued engagement between the key parties throughout the process. Also that information should not be restricted by programme milestones.

In our experience there is a distinct lack of adequate engagement between National Highways and key parties, whether that be Local Authorities or organisations and members of the public.

We also point out that National Highways constantly withhold key information from parties, using the excuse that the information will not be available until after the DCO application has been accepted and the associated application documentation is released.

They also withhold very important and relevant info from parties.

More transparency is needed on things like the increasing cost of projects. We feel that the current estimated cost of the RIS projects should always have to be disclosed publicly within all consultation materials and press releases etc, to ensure members of the public/press etc are kept up to date on how much public money is being proposed to be spent on these projects.

We know that National Highways are currently carrying out updated surveys on traffic data and also air and noise pollution, this kind of information is important and this information should be included in consultation, allowing for a chance for the public and other parties to respond. Yet National Highways attempt to push ahead before these further surveys have been completed, let alone share the info with us.

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We have been asking for things like details of how much woodland, including ancient woodland would be destroyed/impacted by the proposed LTC for years now. The same with things like how much agricultural land (including grade 1 listed land) would be lost/impacted. Yet we keep being told such info will be available in the Environment Statement when released once the DCO application is accepted.

These are just a couple of examples of the many issues we have been and are facing in regard to the proposed LTC. We believe more monitoring of National Highways actions in this aspect of the RIS programme would be beneficial. The lack of meaningful and adequate consultation and engagement just adds to the issues, and increases the likelihood of possible legal challenges, and delays during the DCO stage of the process.

In keeping with this, we also draw attention to the fact that National Highways lack of ability to share requested information with the Planning Inspectorate (PINS) during their first attempt to submit the LTC DCO application in Oct/Nov 2020, along with serious concerns over the adequacy of consultation, resulted in National Highways withdrawing the DCO application to avoid PINS refusing it.

ORR aims and ways of working

We welcome ORR providing high quality advice to National Highways that has a positive impact on outcomes for users, communities, the economy, and the environment.

For us this should also mean taking an approach to efficiency that takes account of the balance of financial and non-financial considerations, such as environmental impacts and the need to manage disruption to traffic.

Adequate and meaningful engagement and consultation is essential, and from our own experience and learning of others experiences from the ever growing network of campaign groups, we know this is a major issue, not only for us, but also NGOs, Local Authorities etc.

We ask that the adequacy of consultations and engagement is closely monitored and relevant advice is given, and action is taken.

We actually submitted a response to National Highways Route Strategies RIS3 Consultation in December. At the time of sending our submission we requested confirmation of receipt and acceptance.

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The email reply that we have had did not include confirmation of acceptance, and actually suggested we should direct our comments to the relevant Ministers.

We have since responded and again asked for confirmation that our consultation response has been accepted and will be logged and analysed. We are still waiting for further response.

For us this shows that it is not just with the LTC consultations that we have issues with dealing with National Highways, they also appear to have issue with us trying to take part in other consultations too.

It is essential that moving forward the RIS programme has to be aware of and take into account things like legal commitments to things like carbon net zero and air pollution levels. These aspects should not be overlooked simply because they have yet to be written into policy, when it is apparent these things are imminent. It should be a requirement for National Highways to actively incorporate such things and plan and share the associated plans and information of how they will deal with these issues. Currently they just ignore such issues, and say that they are not currently relevant.

The proposed LTC is predicted to emit over 5 million tonnes of carbon emissions, if it goes ahead. When you add the emissions for the rest of the RIS programmes on top, that is a huge amount of carbon emissions. Safeguards need to be put in place so that things like this cannot be allowed to be pushed through, just because the relevant policy is out of date and being reviewed. Suspending the policy whilst it is reviewed and updated would be the obvious choice.

There is also an issue that National Highways simply ignore anything that is not covered by industry standards and guidelines. In addition National Highways should flag up/report any outdated or inadequate standards, guidelines, policies that may arise during RIS project planning and design.

The fact they are not considering and planning how traffic would migrate between the Dartford Crossing and proposed LTC (if it goes ahead) is questionable to say the least. We are told this is because industry standards and guidelines do not require them to do so.

It is quite clear to see the major issues that will arise because of this, yet they seem determined to simply ignore it. We can only assume they have no concern as it will also lead to further work for them to fix the problems that they would create by ignoring it. We would call on further monitoring of these kind of things, and

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procedure be put in place to require National Highways to raise such issues as soon as they are identified so that discussions can take place and appropriate instructions/action taken. We suggest it may be helpful for the ORR to have a means whereby members of the public could also report such concerns, as obviously those of us in the local communities that are being impacted by such projects have a good understanding on potential issues.

We should be able to have confidence that National Highways as a government company will endeavour to do the right things, not hide behind outdated policies because it suits their wants and needs.

We need National Highways to realistically take into account the risks both financially, environmentally, and to our health and well-being, and ensure that they secure the best outcome for everyone.

With public money being invested in National Highways work/projects it is only right that there is transparency on how the money is spent, and our opinions and feedback of how it is being spent are taken into account and respected. Currently it feels like the whole consultation process is a tick box exercise that National Highways treat as an inconvenience, and that we the people are not being provided adequate information, consulted adequately, or respected.

The end result of improving communications, consultation, meaningful engagement, and better planning would also result in better and more efficient outcomes for all.

We stress that public perception is that National Highways need closer monitoring and need to be held accountable for their actions.

We need National Highways to ensure proposals are supported by robust analysis and evidence. That there is full transparency and sharing of the analysis and evidence, as well as meaningful engagement, and adequate consultation that shares clear and informative materials, with communities being genuinely listened to and respected, rather than treated as a problem and inconvenience.

Your approach

Section 3.3 refers to the review of the NPS NN roads policy. It is very apparent that this policy will need to be updated following the review, as it is no longer compliant with UK law.

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Because of this fact, we strongly believe and call for the policy to be suspended whilst this review and update takes place, to avoid projects being the subject of legal challenges since the policy is so outdated, and no longer compliant with UK law. The policy needs to be suspended to avoid the risks of further legal challenges.

Four key policy issues for RIS3

(a) Environmental impact and the net zero challenge

In addition to our previous comments on this aspect, we believe a lot more needs to be done to address the fact there is a climate emergency.

When assessing this aspect of the RIS programme, we feel that the Climate Change Committee should have a lot more involvement and weight in regard to decision making with regard to environmental aspects.

As already stated, we strongly believe that the National Policy Statement for roads should be suspended with immediate effect, until the policy has been reviewed and updated.

How can anyone be expected to trust or have faith in any road projects that are pushed through on an outdated policy that is not compliant with UK law?

As the ORR you are responsible for monitoring rail and roads, please consider the consequence of not monitoring and reporting this very important aspect of all current and future road projects. We see a very definite need for the policy to be suspended with immediate effect.

(b) Road safety

National Highways have already failed to deliver what was signed off in regard to 'Smart' Motorways. Thorough investigation is needed and action taken urgently.

National Highways ambition to have zero fatalities and serious injuries on the SRN by 2040 (as quoted in the consultation document pages 14/15) is unrealistic and shows how they like to attempt to portray things that simply cannot be true.

We have very serious concerns on the aspect of road safety with regard to the proposed LTC and RIS programme project in general. We call on the ORR to please do all you can to ensure that road safety is strictly monitored and actions taken.

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We note a lot of investigations and reports seem to happen, but to date very little seems to be done to actually take actions to reduce risk to road users. This has to change.

With particular reference to LTC and as an example of the kind of thing we feel needs more monitoring, is the fact that the proposed LTC whilst having been given all-purpose trunk road classification, is actually being designed to Smart Motorway standards, with smart technology, and would only be able to be used by vehicles that can use motorways. We question what is the difference between this and a Smart Motorway? The risks are the same. Hence our recent calls for the proposed LTC to be paused in line with the pause on Smart Motorways. We have evidence to back up these claims, but feel it best to share such evidence confidentially with the ORR, if required, since it has been provided to us via email.

(c) Digital technology and customer

We cannot simply turn to technology to attempt to improve traffic flows. What is needed is a change in priorities and we need to move away from blind focus on roads and make investment into other more sustainable means of travel to reduce road traffic flows. Evidence shows more roads is more traffic, more traffic is more congestion and pollution, and increases the likelihood of accidents/incidents. We have to move away from the outdated and unsustainable road focused attitude.

We again refer to the very genuine and serious concerns over the dangers of Smart Motorways. National Highways are failing to manage, maintain, and operate the existing technology on the road network, and that needs to be addressed before anything else is bought in.

(d) Managing the asset for the long term

In a BBC Essex Radio interview, LTC Project Director, Matt Palmer admitted that they are creating the LTC to cope for at least 30 years. Surely when you are talking about such a huge and expensive project (both financially and environmentally) we should be looking at ensuring projects are able to cope longer than 30 years? If projects are going to be taken forward the need to be better planned, designed, and delivered to ensure the most efficient outcomes, and the best value for public money.

Even if you remove the 30 year prediction, at a cost of £8.2bn the proposed LTC would cost nearly £573.5 million per mile. We understand that HS2, which has been

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hugely scrutinized on cost, is sitting at around £307 million per mile of track. Again we ask can this truly be considered good value for money?

We also again highlight that the ever rising cost of projects like LTC is not kept up to date in project presentations and consultations. As part of the efficiency and adequacies of consultations and the process of these projects, surely updated costs should be compulsory information as projects progress, and with complete transparency.

We question whether National Highways can manage and maintain the existing road network in an adequate manner.

We also question why in cases like with the proposed LTC more consideration was not given to actually improving the current Dartford Crossing.

The M25 was never truly completed, since it is supposed to be a motorway orbital, yet the Dartford Crossing section is actually the A282, not the M25. Many of the issues that cause the problems associated with the Dartford Crossing are due to poor design, aging infrastructure, and in our opinion poor management and maintenance.

The very people responsible for many of the issues at the Dartford Crossing are the ones being tasked to fix the problem. Again National Highways do not appear to have learnt from what they have done previously.

Junctions too close the Dartford Crossing cause many issues and incidents, yet at one point it was proposed that the LTC would have a junction for the Tilbury Link Road and Rest and Service Area in very close proximity to the LTC tunnel portals. Whilst this has been removed at the moment, the Tilbury Link Road is of course still being progressed as a separate stand-alone project, which would still need to join the LTC close to the tunnel portals.

The complexity of the LTC junction design will lead to a lot of signage and confusion, which in turn heightens the risks of incidents, which then add to further traffic flow issues.

We also draw attention to the fact that when road projects are being planned there is often reference to how it will allow growth as a benefit to the impacted area. However, that creates a vicious circle as further growth usually results in a growth in traffic too, which then leads to more congestion, which then leads to calls for more roads/lanes, and so the destructive cycle continues and spirals out of control.

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The Dartford Tunnels at the existing crossing in particular are ageing and are already experiencing regular closures for works.

National Highways had a route option, Option A14 that would have seen a long tunnel from around junction 2 through to between junctions 30/29 on the M25. It could finally complete the M25 as a true motorway orbital, bypassing the problem areas and issues. It would be less destructive and provide a solution to the current congestion issues and also address the issue of the existing ageing infrastructure. Yet National Highways failed to progress this route alternative, because they claimed traffic data showed not enough traffic would use it! How can this possibly be the case or be believed, when it would complete the final piece of the M25 as a motorway orbital?

That option of a long tunnel would also allow for air to be filtered and thus improve air pollution issues. The proposed LTC obviously incorporates a tunnel section, yet National Highways have stated that the air in the tunnels will not be filtered, it will simply flow out polluting our local environment and communities.

This again cannot be considered good long term planning. Firstly, government are set to enshrine 2 new air pollution levels into UK law by the end of Oct 2022. We know the whole proposed LTC route would fail against World Health Organization standards even before they were recently updated. We know the associated cost of air pollution related illness is huge, so it would also have a negative impact long term on the cost of health care that would be needed as a result of the associated air pollution.

We again reiterate our comments about the need to move away from purely focusing on roads and invest in more sustainable travel. We also draw attention to the fact that we cannot simply turn to technology to attempt to improve traffic flows. What is needed is a change in priorities and we need to move away from blind focus on roads and make investment into other more sustainable means of travel to reduce road traffic flows. Evidence shows more roads is more traffic, more traffic is more congestion and pollution, and more accidents/incidents. We have to move away from the outdated and unsustainable road focused attitude.

We need a move away from the never ending spiral of destructive and harmful road projects. Planning needs to be in everyone's best interest, and not focus on keeping National Highways and construction companies in future work.

The real assets that need taking care of for the long term should be our environment, health and well-being. We should not be pushing ahead with projects like the LTC and others that have a huge financial cost, and are hugely destructive and harmful, especially when on top of that you consider National

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Highways are only designing it to be able to cope for 30 years, the false economy aspect, and that they are failing to ensure it is designed to be fit for purpose.

Stages of activity

Whilst reviewing the planning of RIS3 period we would ask the ORR to consider the fact – National Highways apparently have a lack of willingness to accept our Route Strategies Consultation response. How can NH plans be considered fair if they are not having meaningful engagement with everyone who attempts to respond to the consultation that they base their plans upon?

It would also be helpful and avoid confusion if National Highways, the ORR, and DfT were able to hold a joint consultation on RIS3. We appreciate that you may each have different roles, but many of the comments made will be relevant to all of you. It is extremely time consuming for members of the public and others to take part in these consultations. Therefore if there is a genuine wish for participation it would be helpful if things could in any way be simplified to allow us to respond to you all with one response, instead of having to prepare and submit three different responses on the same topic.

We also feel it would be beneficial for all if you were all privy to the responses being made. Obviously National Highways have their plans, the DfT make the decisions, and you (the ORR) monitor what is going on, so ultimately it is all connected.

Fulfilling your duties themes

Cost and efficiency

We feel there is a need for National Highways to take the real whole life costs of the project and its impacts into account. For example the associated health care costs in regard to air pollution created by road projects. Or the fact government are spending millions planting trees only for National Highways to be spending billions on projects that destroy irreplaceable trees. Or the cost to the environment in regard to carbon emissions.

Also that NH should take into account all eventualities, for instance with LTC when questioned about carbon emissions etc they just go with the fact that there should be more green vehicles on the road so they don't need to really be too bothered.

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There are no guarantees of their claim, and regardless they should be taking climate emergency more seriously and the best way to ensure the amount of carbon emissions would be to not push ahead with such a huge carbon emission releasing project like LTC.

On the topic of Electric vehicles we would add that National Highways also often attempt to use this like a get out of jail free card, without any consideration of the associated PM2.5 from EVs.

In regard to cost and efficiency we do not wish to duplicate what is said elsewhere in our response, so would ask that the relevant content is considered in this aspect.

Cost and efficiency has to take all aspects into account and not just cherry pick the aspects that suit the needs and wants of National Highways.

Section 3.25

We note that it is not within the ORRs remit to comment on government's proposed scheme selection.

However, we would respectfully comment that we do feel it should be within the ORRs remit to comment on whether National Highways are being transparent and sharing adequate info, including information of negative aspect to the projects, and opposition to the projects, both to government and the general public.

Currently we feel that National Highways all too often present their projects in a biased way in favour of the projects, and without representation of the negatives which are inevitable with these kind of projects.

Again we do not wish to duplicate our comments on things like National Highways biased presentation of LTC and other projects, or our belief that it would be beneficial for ORR to monitor National Highways legal costs etc.

We also believe it would be beneficial for ORR to monitor if/how National Highways take into account and co-ordinate the cumulative impacts of their projects.

An example, if LTC goes ahead, then road users and communities would also have to be subjected to further works for the proposed Tilbury Link Rd, A2 and Blue Bell Hill improvements, and likely others inc A13 (due to the lack of adequate connections especially for migrations between the two crossings etc, and as a direct result of the LTC).

Tilbury Link Road being a prime example of NH attempting to manipulate the cost of the LTC project since the TLR was part of the LTC project and then removed and

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now being progressed as separate stand-alone project. This will result in additional cost, as well as disruption for road users and communities on top of years of LTC consultation and construction if it goes ahead.

We welcome your comments about your intentions to undertake a more in-depth review of a sample of major projects, with a focus on larger projects and those projects that are likely to pose the greatest risk of cost escalation, schedule risk or non-delivery. However, we would ask that this be done immediately since you have such a huge project with the proposed LTC that is already suffering from ever increasing costs and delays, with growing evidence of just how inadequate the consultation for this project has been, and how unfit for purpose it would actually be. Please do not allow this project to keep being pushed ahead without further and full review.

Section 3.50 – In our experience we do not believe that National Highways has learnt anything from its recent experience with DCOs, and is showing no sign that they even acknowledge there are lessons to be learnt, let alone how they intend to apply changes from the lessons they should have learnt.

The same can be said in regard to inadequate consultations, as we have already experienced another inadequate consultation since the Adequacy of Consultations were submitted as part of the first DCO attempt. And now we are waiting for official notification of yet another round of consultation, which currently looks set to be inadequate again, based purely on the proposed timing (purdah/Easter) at this stage of the next consultation.

We have experienced no real improvement in regard to meaningful engagement either. We know there are new surveys relating to important aspects of the project such as traffic data, air and noise pollution etc, but National Highways seem intent on progressing with the next consultation before these surveys are complete. This means that yet again it is more important information that is being held back until the project reaches DCO stage, instead of being adequately consulted upon prior to DCO submissions. We are aware from our communications and seat on Thurrock Council's LTC Task Force committee, that National Highways are still avoiding meaningful engagement with Local Authorities too.

Challenge and deliverability: performance requirements

Section 3.57 – *“More broadly, we want to ensure that the way in which National Highways' performance is measured and monitored provides the company with the right incentives.”*

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We would comment that we believe that National Highways should also be held accountable for their actions and performance. Currently it appears there are never any consequences for National Highways regardless of their behaviour, actions, performance.

An example of this would be how they failed to deliver what the government signed off on in regard to Smart Motorways, yet there have been no consequences for this. They are just being allowed to continue as they have done nothing wrong and that it is business as usual.

We and other campaign groups see repeated bad behaviour from National Highways, but without anyone monitoring them and then holding them accountable there is no reason for them to change their bad behaviour because they can repeatedly get away with whatever they like it seems.

Please consider taking this into account when considering your monitoring of National Highways ongoing performance.

Statutory duties and licence compliance

In response to comments about monitoring National Highways licence, we would ask whether there is actually a licence for National Highways, as our search online appears to show that the government licence still refers to Highways England, as it is dated 2015. We would ask when the licence will be updated, and also how often it is reviewed to reflect changes, as per serious concerns about National Policy Statements etc.

We also note that we were unable to find any reference to any duty of care in regard to air pollution levels in said licence. Surely statutory duties and licence should cover something as important as duty of care when it comes to pollution.

We find that many of these official documents are put in place and then seem to be forgotten about, again the National Policy Statements are another perfect example of this. We would ask that the ORR kindly ensure that they or someone is responsible for monitoring such aspects and ensuring they are kept up to date.

Mobilisation and future monitoring

We welcome any and all strengthening of the monitoring of National Highways. The general public's current perception is that National Highways believe they are a law unto themselves, and continue to push ahead simply doing what suits their wants and needs.

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We respectfully ask that the ORR do all they can to strengthen and increase their monitoring of National Highways, and are more active in promoting your findings to the public to show the outcome of the monitoring and the actions that have been taken to hold National Highways accountable for their actions when needed. After all there is little point in monitoring anything unless lessons are learnt and actions taken as a consequence of wrong doings, bad behaviour, poor performance.

More public awareness of the ORR and your work would be much appreciated. We only discovered you after much research as part of our campaigning, we were not aware of you prior to that I'm afraid. Your job is to monitor Rail and Road, so it is important that we the public are aware of your position and your work on everyone's behalf!

Feedback on your approach

We hope that you will find our comments helpful in providing more insight into how members of the public are experiencing the RIS programme and our thoughts on what would be beneficial and is needed moving forward.

We agree with many of your proposals, but respectfully ask that in general stricter and more frequent and in depth monitoring of National Highways and the RIS programme is carried out.

We think National Highways need to do far more for everyone who uses or is impacted by their work. We need to see genuine actions to back up talk, we need more transparency and honesty, better meaningful engagement, adequate consultation, and better ethics and respect from National Highways towards those they are dealing with on all levels. Anything and everything the ORR can do to help this happen is very much welcomed.

Additional Comments

Again when stating the above it is to give examples of our experiences and highlight why we believe these issues should be monitored and we understand the ORRs role as monitor.

We again thank you for the opportunity to take part in this consultation. We hope that the info and comments we have provided are helpful. Please do not hesitate to contact us should you wish to discuss our experiences of National Highways further. We can be contacted via admin@thamescrossingactiongroup.com