

Designation of National Highways as a “Relevant Public Authority” Consultation

Introduction

Thames Crossing Action Group (TCAG) represent thousands of people who are opposed to the hugely destructive and harmful, not fit for purpose £8.2bn proposed Lower Thames Crossing (LTC). More info on us and our concerns and issues with the proposed LTC can be found on our website www.thamescrossingactiongroup.com.

Please consider the following our official response to the Designation of National Highways as a “Relevant Public Authority” Consultation¹. We are replying as a community action group. We do not need our response to be considered confidential.

Responses to consultation questions

Q5. Do you agree or disagree with the proposal to designate National Highways as a “Relevant Public Authority”?

Somewhat agree

Please set out any evidence you wish to provide in support of your answer to question 1). (optional)

We certainly believe that National Highways should have to take more responsibility in regards to air quality/pollution.

We identify that often air quality issues are caused by the Strategic Road Network, for which NH are responsible. This can bring complications and additional issues, work, and cost to Local Authorities that should not be their problem to solve.

We therefore believe that it would be a good idea to designate National Highways a Relevant Public Authority. However, it must be carried out in a way to ensure that NH are accountable, and don't just use their position to do as they wish and not engage in a meaningful manner with Local Authorities.

¹ <https://www.gov.uk/government/consultations/designation-of-national-highways-as-a-relevant-public-authority>

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We believe it should be seen as a situation whereby NH are responsible for the roads that run through or adjacent to LA areas, and therefore as 'guests' who are inflicting impacts to someone else's 'home' ie the Local Authority and the people they represent in their area, National Highways must be respectful and co-operative, taking their responsibility seriously and with due care to those their roads are impacting. Under no circumstances should NH be given any position whereby they have an upper hand in these situations.

Q6. Would you agree or disagree that designating National Highways as a “Relevant Air Public Authority” would increase the effectiveness of local air quality management?

Somewhat agree

If things go as they should in these matters then there is hopefully a good chance that it should increase the effectiveness of local air quality management. However, we believe it is a big 'if' when talking about NH. From experience of our dealings with NH on the matter of the proposed Lower Thames Crossing project we know they can be arrogant and fail to engage in a meaningful manner with LAs and the public.

This designation will only work if NH are willing to take their responsibility seriously, are willing to engage in a meaningful manner, and show due care and respect to the LAs and communities they represent.

Q7. What do you think of the draft statutory guidance “working with National Highways” (please see Annex A)²?

Please set out any comments or suggested improvements you think we should consider.

We would like to see National Highways have to take responsibility for the impacts of the air pollution generated by the Strategic Road Network, as well as taking more responsibility in regard to air pollution when it comes to their proposals for new roads too.

² https://consult.defra.gov.uk/industrial-pollution-control/consultation-on-designation-of-national-highways/supporting_documents/AQPs%20and%20NH%20Guidance%20Final.pdf

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From experience of dealing with National Highways in regard to the proposed Lower Thames Crossing, sadly we don't have much, if any, confidence in NH's ability or willingness to take responsibility, or to take part in meaningful engagement with LAs.

We do not feel that when issues arise in the process that matters should be reported to the Secretary of State. We feel instead that an independent body, such as the Office of Environmental Protection may be better placed to deal with such issues.

Air pollution is after all an environmental issue, and it would be preferable to have an independent body monitoring and dealing with such issues, rather than a Secretary of State.

With respect this also sidesteps the issue of political bias when dealing with matters from different political standing, and also distances the association of NH being a Government company to avoid any potential vested interests.

Air pollution is such an important and emotive issue, it is essential that responsibilities are taken seriously, and that when mediation is needed it is done efficiently and effectively.

We particularly note with much interest the statement in Annex A – *“Avoiding problem areas arising in the first place will always be preferable to responding to exceedances of air quality objectives once these have occurred.”*

This is something we know would be an issue in regard to NH and LAs trying to work together. We know from experience that NH are not willing to do this.

The proposed LTC would create air quality issues. There is and has been for some time now evidence that the whole proposed LTC route would fail against WHO-10 standards for PM_{2.5}³.

National Highways have not been participating in meaningful engagement with LAs in regard to air pollution concerns. They avoid sharing adequate air assessment data in regard to the proposed project whenever they can.

They are not proposing to include air filtration in the proposed LTC tunnel section. They say instead that the traffic flow will push the air through the tunnel and out the ends, complete with the associated pollution. Fans would only be turned on when traffic is stationary, but still no filtration of air pollution at all.

³ <https://www.thamescrossingactiongroup.com/lower-thames-crossing-pm2-5/>

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They state that any pollution will disperse within 200m of the tunnel portals, areas where NH propose to dump the spoil from tunnelling to create new 'parks' supposedly for the benefit of the local communities. As to be expected we the people of the local communities are extremely concerned about this proposal and risk to our health and wellbeing.

We do not trust or believe statements about air pollution dispersing within 200m. After all how do you explain the air pollution that comes in from the Sahara complete with sand? Much further than 200m. Plus where exactly do they think the pollution particles go when they 'disperse'? Do they vanish into thin air?

Also NH are not proposing to have air quality monitors once the proposed LTC opens, if it goes ahead. They are only proposing monitoring the air during the construction stage. How they propose to monitor the air quality levels during operation to judge the impacts is beyond us, as it is impossible without monitors that they have so far refused to guarantee.

These are just a few examples of why we have no faith that NH would be agreeable to *"Avoiding problem areas arising in the first place will always be preferable to responding to exceedances of air quality objectives once these have occurred."*

We also note that Annex A states – *"The majority of current AQMAs have been declared for NO2 because of road transport emissions"*

We highlight that with the introduction of the new air pollution targets, including PM2.5, and the increase levels of awareness and concerns about just how bad air pollution is in the UK, this will likely be reflected in increased need for more AQMAs on pollutants other than NO2.

We also question how in some circumstances it would be decided who is responsible for the traffic/pollution. For example, the proposed LTC would utilise the local road network. So chunks of traffic using LA roads would be a direct result of the poor planning of the proposed LTC to include use of local roads.

Also in some cases SRN and local road network run literally side by side, or incidents on SRN see traffic migrating to local roads as alternative routes.

In regard to the Secretary of State for Transport having authority in this process we again question whether it would be preferable for an independent body to be responsible.

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With due respect, sadly history shows that there can be conflict of interests when it comes to the Secretary of State and NH. NH, or HE as they were then, failed to deliver what was signed off on in relation to 'Smart' Motorways. There have also been issues with legal challenges, including resulting quashing of DCOs, which have left the public with very little faith in the Secretary of State for Transport currently.

We also feel from experience that NH often mislead, and present info in a biased manner to Government. We would prefer that NH be held more accountable by an independent body

We again comment that it should not only be NO₂ that is referenced, but all air pollutants, especially PM_{2.5}.

We also note that there is an issue with the fact that NH are National Highways, so have a vested interest in roads. When it comes to air pollution we need Government to start addressing the issue of cleaner alternatives.

We would also point out that Electric Vehicles should not be seen as a panacea for clear air either. PM_{2.5} is a serious issue with EVs. EVs also won't prevent the issue of congestion, and congestion is also an issue when you start playing with speed limits, as can often be witnessed with variable speed limits on motorways etc. More congestion then leads to calls for more roads, and so the destructive and harmful spiral continues. New roads destroying more and more green space, more trees, woodlands. Less trees to help clean up our air.

We need to see investment into cleaner travel options, and when we are talking about designating more responsibility onto NH to help clean up air pollution, whilst needed, we also need to be fully aware that their focus is purely roads which will never be a viable way to cleaning up our air.

We'd also like to comment that 'NH working with LAs' would be preferable to 'Working with NH' which could imply that the LAs have to work with NH, when the reality is that NH should be working with the LAs, because NH and their roads are 'guests' in our communities, and in many cases these days unwelcome 'guests' we're afraid.

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**Q8. Do you agree or disagree with our assessment of impacts set out in the Regulatory Triage Assessment document (please see Annex B)⁴?
Please set out your reasons for agreement/disagreement.**

We would like to begin by stating we are pleased to see mention of PM2.5 in Annex B. It is essential that PM2.5 is deadly and that ambitious targets need to be set, and action taken to enforce compliance.

We appreciate the reference to "Local authorities have a central role to play in achieving improvements in air quality. Their local knowledge and interaction with the communities they serve mean that they are better able to know the issues on the ground and identify the solutions that may be necessary or appropriate to the locality."

Again we are sadly very aware that NH do not have good local knowledge, and give the impression they couldn't care less about local communities. It is important in the fight against air pollution that local communities are listened to.

We note "Local authorities have identified the absence of a legislative requirement to ensure co-operation from partners as often being a barrier to securing meaningful local action to improve ambient air quality"

We can fully understand and appreciate that LAs have likely faced issues when trying to deal with NH. This is based on our own experiences of dealing with and observing our LAs attempt to deal with NH.

It is essential that there is legislative requirement to ensure NH co-operate with LAs in regard to air pollution.

Whilst we have no issue with the Environment Agency also being required to act as Air Quality Partners, we do point out that it seems they have experienced a marked reduction in support from Government, and that you cannot make cut backs and expect bodies such as the EA to be able to work effectively and efficiently. We therefore hope that appropriate support and funds would be issued to the EA.

On the topic of cost and support, and knowing how NH can be, we'd also suggest that provision needs to be installed to ensure that if NH are not behaving in an acceptable and efficient manner that LAs are not lumped with extra costs to have to spend time and effort disputing and negotiating with NH.

⁴ https://consult.defra.gov.uk/industrial-pollution-control/consultation-on-designation-of-national-highways/supporting_documents/RTA%20NH.pdf

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If NH are to be designated a Relevant Public Authority for the purpose of air quality compliance, then we would also request that they are better briefed and educated on air pollution, because in our experience they do not appear to believe they have much responsibility, so they don't really care.

We have lost count of the times we try to discuss air pollution with them in regard to the proposed LTC and they respond that EVs will be common place by the time LTC opens, if it goes ahead. This clearly indicated that they have very little understanding of PM2.5, or the realities of how long it could take for all vehicles to become EVs, and ultimately the seriousness of air pollution and just how deadly it can be.

We are unsure what 'Assessment of impacts on Business' means. Does this refer to impacts to NH as a business, or the assessment of impacts on other businesses which could be deemed the source of air pollution?

We think it is in regard to NH, but would like to take this opportunity to comment on the fact that in many areas large businesses are of course the cause of much of the traffic air pollution. In some instances we question whether it would be also relevant to consider the larger companies that cause the air pollution be responsible for the associated costs to work on and improve air quality.

We also note that many of the proposed new road projects that NH are responsible for, are predominantly to benefit companies. This is another reason why we question whether these large companies should also be responsible for their share of the air pollution. This may also help with the shift to cleaner and more sustainable choices being made.

We give the proposed LTC as an example. The original task was to find a solution to the congestion and pollution issues suffered due to the Dartford Crossing. However, this has now morphed into being about new routes for the ports and road haulage between the South East to the Midlands and beyond.

We again point out that National Highways are only interested in roads, yet there are other alternatives⁵ that could negate the need for the proposed LTC and clean up our air. Imagine what the £8.2bn for the LTC could be spent on instead to help clean up our air and do so much else.

In regard to impacts on small businesses, we would just highlight that if Action Plans for air pollution potentially result in congestion charges to vehicles or roads being

⁵ <https://www.thamescrossingactiongroup.com/rail-and-tram-alternatives/>

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shut to reduce air pollution this can have a very detrimental impact on businesses and residents. It is essential that investment is made into improving cleaner means of reliable affordable travel for all.

In regards to wider impacts and NH already engaging with LAs, we again point out that whilst there may be engagement it is often not meaningful, which is essential, so this needs to be addressed with NH.

When talking about reduction in air pollution with NHs involvement assisting LAs, we also feel the need to again point out that something will need to be done in regard to NHs vested interest in road building and the associated impacts and harm that has on air quality.

For instance if this all came into effect immediately would NH be taking concerns about the proposed LTC in regard to air pollution more seriously? Would they be *"Avoiding problem areas arising in the first place will always be preferable to responding to exceedances of air quality objectives once these have occurred"*?

From experience we seriously doubt it, so we would call upon you to give serious consideration to this aspect to ensure there is not conflict before progress is even attempted. You can lead a horse to water but you can't make it drink!

It should be compulsory that NH do everything they possibly can to improve air quality. Any opportunity whereby air filtration can be installed to help clean up air it should be compulsory. Air pollution is ultimately a matter of life or death, and it needs to be considered and addressed as the important issue that it is.

Toxic air contributes to 36,000 premature deaths every year. It can trigger flare ups and make the symptoms of people in the UK living with lung conditions, such as asthma and COPD, worse. The impact of air pollution costs the NHS up to £20 billion per year.

When considering 'cost' of improving air quality, it should actually be considered an investment into a healthier sustainable future for all. What price do you put on people's lives, health and wellbeing?

When considering the percentages of AQMA locations we again remind that it is often the case that the SRN incidents impact local road networks too, so whilst pollution may be recorded in LA roads, it can often be as a direct result of NH roads and issues that the traffic is using the LA roads.

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We also note that it is public perception that incidents on NH roads often seem to take a considerable time to be dealt with and cleared.

We are unsure how NH potentially reducing speed limits would be beneficial in our local areas, as often the pollution is a result of congestion due to poorly designed roads, and over development in areas that already suffer with congestion and pollution.

We understand that Government previously gave NH the task of finding ways to reduce air pollution, and the results were not great.

We again stress that cleaner alternatives need to be considered and invested in if we are to improve air quality, and NH are not best placed to support such considerations because of the conflict of interest.

We would also point out that the public in general, in our experience, do not look favourably on charging for Clean Air Zones, as there is very little evidence of the monies raised actually being invested into solutions to clean the air, they just push the pollution into different areas.

Provisions for improving air quality must see actual improvements and not just relocate the problem to a different area.

We believe that out of the policy options considered this is probably the best option, our hesitancy is based more upon our experience of dealing with NH and concerns on whether they will own their responsibility and act accordingly in an efficient and effective manner.

Q9. Do you have any further comments or views on the designation of National Highways as a Relevant Public Authority?

We note that Environment minister Jo Churchill has said: *"Air quality is our priority, and these consultations will build on a swathe of other actions that we are already taking to help local authorities clean up our air."*

We would again point out that if Government truly mean that air quality is their priority, as it rightly should be then we need to see them back up the talk with actions, and put a stop to hugely destructive and harmful projects like the proposed LTC as a matter of urgency.

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How are ever going to improve air quality if Government continue to push ahead with such projects? We also need NH to start being more honest about the negative impacts to air quality from such projects. They attempt to make sweeping claims of things like the proposed LTC would improve air quality throughout the region, then in reality that is simply not true. Evidence shows that the whole proposed route would fail against WHO-10.

We also note that National Highways director of environmental sustainability Stephen Elderkin has said: "... *Ultimately the solution to improving air quality lies with the ongoing change and increased numbers of electric vehicles and phasing out of petrol and diesel vehicles.*" As detailed previously this goes to show that NH do not understand the realities and dangers of PM2.5 which EVs emit.

We desperately need WHO-10 standards for PM2.5 by 2030 at the latest enshrined into UK law. It is important to remember that whether these new standards are enshrined, or whether Government choose to stick with the unacceptable WHO-10 for PM2.5 by 2040, these tiny deadly particles exist and they pose a very serious threat to our lives, health and wellbeing.

Whilst you consider this proposal using the current amount of AQMAs as that is the only data you currently have, it should be expected that the amount of AQMAs is likely to rise considerably due to how bad our air quality is in the UK.

It is important to note that 'zero tailpipe emissions' vehicles does not automatically equate to cleaner air. There will still be associated pollutants at the source of the energy needed to power such vehicles, as well as those associated with manufacturing the vehicles. Not to mention the PM2.5 emissions that they create, which are deadly.

To conclude, whilst we agree that National Highways should be held accountable for the air pollution from the roads for which NH are responsible, it is essential that this is done in a way that holds them accountable but leaves the Local Authorities and their communities in a position of authority. This can in no way be another opportunity for NH to attempt to run rough shod over LAs and communities.

Any disputes in regards to this proposal should be addressed by an independent body, such as the Office for Environmental Protection to avoid any conflicts of interest such as political conflicts.

This proposal must ensure that NH can be held accountable, and that they must engage with LAs in a meaningful and respectful manner.

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We support actions to ensure a healthier sustainable future with clean air for all.

We hope that Government will begin acting in a way that shows they truly understand and acknowledge the importance of trees and woodland, and the natural environment in regards to clean air. We hear a lot of talk on the topic of planting trees, but little action to back it up, and completely contradictory behaviour with proposals such as the LTC and other destructive and harmful projects.

We hope that Government will enshrine WHO-10 standards for PM2.5 into UK law by 2030 as a matter of urgency.

We hope that if Government truly mean that they want to reduce carbon and improve air quality that you will put a halt to hugely destructive and harmful⁶ projects that are not fit for purpose⁷ like the proposed Lower Thames Crossing immediately.

We would like to thank you for the opportunity to take part in the consultation, and hope you will find our responses helpful. Should you wish to discuss any of our comments, or indeed our opposition to the proposed Lower Thames Crossing, please do not hesitate to contact us – admin@thamescrossingactiongroup.com

⁶ <https://www.thamescrossingactiongroup.com/the-facts/>

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