

Additional Evidence for the Strategic Road Investment Inquiry

Introduction

Thames Crossing Action Group (TCAG) represent thousands of people who are opposed to the hugely destructive and harmful, not fit for purpose £10bn+++ 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.

This paper was prepared and submitted by Laura Blake, Chair of TCAG on behalf of the group and submitted as additional evidence for the Strategic Road Investment Inquiry¹ in March 2023. TCAG can be contacted via email – admin@thamescrossingactiongroup.com.

Reason for submitting evidence

We appreciate your acceptance and publication of our original evidence SRI0049 to this inquiry.

In light of the Statement² made by the Secretary of State for Transport, Mark Harper MP on Thursday 9th March 2023, we would appreciate your kind consideration for accepting our additional evidence. Mr Harper's statement relates to further delays to the proposed Lower Thames Crossing road project:

“To date we have spent over £800m on planning the Lower Thames Crossing. It is one of the largest planning applications ever, and it is important we get this right. We remain committed to the Lower Thames Crossing and the Development Consent Order process will be an important opportunity to consult further to ensure there is an effective and deliverable plan. In order to allow time for this process, and given wider pressures on RIS, we will look to rephrase construction by 2 years.”

We therefore now feel we have new additional important evidence that may be of help to the committee in this inquiry. We thank you for your consideration, and hope this new evidence will be considered and accepted in addition to our original evidence.

Thank you for your consideration of our evidence to you in relation to this inquiry. We hope you will find this additional evidence of interest and helpful to all aspects on which you were seeking evidence. Please don't hesitate to contact us should you wish to discuss further.

¹ <https://committees.parliament.uk/work/7088/>

² <https://questions-statements.parliament.uk/written-statements/detail/2023-03-09/hcws625>

Additional Evidence

Your original call for evidence asked how effectively RIS2 has been managed to date, risks for the remainder of the RIS2 period, associated impacts of delays and cost overruns, and progress on planning for RIS3. What lessons have been learnt and need to be considered moving forward, and whether the needs of consumers and businesses are being met. Whether the government's plans for RIS align with other policy priorities.

The news that broke on 9th March 2023 included construction of the proposed £10bn+++ Lower Thames Crossing being delayed by two years, if granted permission.

National Highways had previously been stating that they anticipated starting construction on the LTC in 2025, if permission was granted. A two-year delay would take this into 2027.

This now means that rather than construction possibly beginning within RIS2, if permission is granted, it now definitely falls back into RIS3, with the project not being completed well into RIS4. The preferred route for this project was announced during RIS1. This is hardly efficient or well managed. It is now time for this project to be scrapped, or at very least reviewed, since so much has changed since the route was chosen.

In his statement on 9th March, the Transport Secretary, stated of the proposed LTC, *"It is one of the largest planning applications ever, and it is important we get this right."* and *"the Development Consent Order process will be an important opportunity to consult further to ensure there is an effective and deliverable plan"*.

This again shows that a review of the proposed LTC is necessary to ensure that the decision made back in 2017 is still considered the best option now. We feel so much has changed and so much new evidence, policy, and legislation has come in since then that a review is essential.

A Development Consent Order (DCO) process should not be an opportunity to consult further to any extent, consultation should come prior to the DCO. Comment that further consultation is important suggests that consultation to date may not have been adequate, something we have highlighted for some time.

There is also the question of whether it is efficient to progress with the current LTC DCO knowing that construction has been delayed by two years.

There will need to be updates to traffic modelling, carbon, air quality, environmental surveys and more to enable the project to be adequately considered and examined.

The LTC DCO application is already outdated, without taking the two-year delay into account. National Highways have admitted to us that they are now analyzing the project against the new Environment Act targets. This is important information that should be included in the DCO for examination, especially as there is evidence that the whole proposed route would fail against these new legal levels.

Since there would be at least a two-year delay in the start of construction, and the National Policy Statement for National Networks is being reviewed and updated, we also believe that the project should be examined against the new policy. The LTC is currently knowingly being judged and examined against a policy that is known to be out of date and in need of updating to ensure it is compliant with other legislation such as Net Zero.

Biodiversity Net Gain (BNG) requirements for NSIPs are also due to begin in Nov 2025³. Again, this will be prior to the start of LTC construction if granted is permission. At a time when the UK is one of the most nature depleted countries in the world, surely the new requirements should be considered?

The expected requirement will be at least 10% BNG⁴, and the current relevant section of the Environment Statement⁵ shows this would not be attained.

There is also the aspect that National Highways refuse to identify The Wilderness in South Ockendon as an ancient woodland. Through our own research we have managed to find maps showing The Wilderness dating back to 1767, which is not bad going considering maps were very rare in those days, so producing evidence can be hard.

We raise this also because government are introducing another designation of 'Long Established Woodland', to offer protection for woodlands that are extremely old but may not be identified as Ancient Woodland for various reasons. We have enquired with Natural England about how soon we can register The Wilderness for this status, but so far are still waiting on a response. From what we have been told The Wilderness should meet the standards for this new status, it is just a case of how quickly it can be applied for and issued. With the further two -year delay this is another example of why the whole project should be reviewed at very least, since there are so many policies and legislation that is relevant to the LTC that are being introduced.

We believe the above clearly highlights why the LTC DCO should be withdrawn immediately, and a full review take place. The project should be scrapped since there is evidence that it would not be an effective or deliverable plan.

In addition, the Planning Inspectorate has written to ask whether Thurrock Council are or will be in a position to make representation for the DCO⁶. We are still waiting to learn of the council's response, which had to be made by 10th March.

However, even if they are now in a position to make representations, they are now behind on work on reviewing the DCO application and necessary representations due to funding issues to this point. How can it be a fair and adequate DCO if the host authority that would suffer the largest impact has been limited on their ability to make representation?

The next representation they are due to make in the process will be the Local Impacts Report. This is an important document that the Examining Authority and Secretary of State for Transport are supposed to consider during the decision-making process. We believe it is unprecedented for a host authority to find themselves in the position of not being able to fund a representation

We are also soon to go into purdah, which limits the council making it harder for them to get back up to speed on representations too.

³ <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-nsip-reforms-action-plan/nationally-significant-infrastructure-action-plan-for-reforms-to-the-planning-process#annex-a-nsip-reform-actions>

⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-001529-6.3%20Environmental%20Statement%20Appendix%208.23%20-%20Terrestrial%20Biodiversity%20Legislation%20and%20Policy.pdf>

⁵ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-001531-6.3%20Environmental%20Statement%20Appendix%208.21%20-%20Biodiversity%20Metric%20Calculations.pdf>

⁶ https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-001986-Procedural_Decision_Thurrock_C.pdf

The two-year delay also draws out the whole thing, worsening the impacts. Businesses and residents that have been facing uncertainty for years now have to face two more years of issues and concerns.

We are still unsure how delaying the project can help government in the ever-rising cost.

In 2016 the estimated cost of the proposed LTC was £4.1bn, and as at August 2020 the estimated cost was up to £9-10bn. The adjusted benefit cost ratio has dropped from 3.1 down to 1.22.

Those figures are already outdated and with an extra 2-year delay how can the cost do anything other than rise further and the BCR drop again?

As we raised in our original representation, we also have concerns over the false economy of works that would be needed as a direct result of the proposed LTC being progressed as separate stand-alone projects.

This includes for instance the Tilbury Link Road, which to date has been listed as a RIS3 pipeline project. What impact if any the recent news will have on this is as yet unknown. We believe there may be plans to shift RIS3 pipeline projects into RIS4, but this has not been made clear in the Statement.

If changes and delays continue, and costs keep rising what guarantees are there that the proposed stand-alone projects would even end up being progressed? We strongly believe this is another reason why such works should have to form part of the LTC project. Anything that is needed as a direct result of the proposed LTC should be included in the project to ensure there are no false economies or increased risks of aspects potentially being undeliverable due to uncertainties, if the LTC goes ahead and other works fail.

We know that there are issues and concerns over the fact the contingency fund has already been spent, so what safeguards are there in place for unforeseen issues? None that we are aware of. This is no way to operate, particularly on such huge projects with such high risk.

We would also highlight that it has previously been stated that RIS3 was going to focus on much needed and wanted road maintenance, not new roads. We therefore seriously question the fallout of the decision to move so much from RIS2 into RIS3 now.

It has been explained that much of the existing road network is at or approaching the end of its shelf life and very much in need of maintenance. We are not aware that Government has committed to any additional funding, since they previously stated there would be no increases in the budget for the RIS, and the latest Statement is supposed to be about spreading out the outlay for the RIS.

We would also like to draw your attention to the fact we have recently had to instruct Leigh Day, due to The Cabinet refusing our Freedom of Information request⁷ to try and obtain copies of the Infrastructure and Projects Authority's (IPA) reviews of the proposed LTC as detailed in the LTC Accounting Officer Assessment.

As you will see from the Leigh Day letter⁸, we question the lack of transparency by their refusal to share information which is clearly in the public interest.

⁷ https://www.whatdotheyknow.com/request/ipa_stage_gate_assessment_nov_20

⁸ <https://www.thamescrossingactiongroup.com/wp-content/uploads/2023/03/Redacted-Letter-to-Cabinet-Office-dated-9-March-2023.pdf>

We have also written to the Public Accounts Committee about this matter, since we have already had communications with them regarding the much delayed LTC Accounting Officer Assessment, and the fact we are also aware of their own concerns about the IPA⁹ ¹⁰.

Conclusion

The reasoning for our request to submit this late evidence is due to the Transport Secretary's Statement of 9th March 2023, with particular reference to the proposed Lower Thames Crossing.

There is very strong evidence of the complete lack of effective management of the RIS and projects it covers. It is not efficient or effective to have a project that has been part of the RIS from the RIS1 and is now included in RIS4.

This latest decision just appears to expand the issues and concerns, rather than facing the reality that there are serious problems that need to be reviewed and addressed within the RIS, LTC particularly. This gives no confidence that lessons have been learnt previously, so will not be carried into RIS3 or indeed RIS4, which we are now having to discuss already, due to the latest news.

It is apparent that plans for the RIS are not in keeping with government policy, or legislation even when trying to knowingly progress projects through DCO examined against an outdated policy that isn't compliant with Net Zero for example. The evidence¹¹ of the proposed LTC being a 'Smart' Motorway by stealth, and all of the other aspects, like the new Environment Act targets, that would need to be reviewed and addressed if government continues to push ahead with the proposed LTC.

The Transport Secretary stated the importance of getting things right. Clearly there are many factors that prove that the proposed LTC DCO should be withdrawn and the whole project be reviewed, if not completely scrapped.

We know that failure to deliver the proposed LTC is considered an existential threat to National Highways as an organization¹². This again shows the level of risk that the project is considered to carry, and again shows why the Transport Secretary is right to voice this importance. Now we need to see actions to reflect this level of importance, not just a delay that pushes the problem further into the long grass.

We and others, including MPs, believe that there is evidence to show the proposed LTC fails to meet scheme objectives and would not solve the problems at the Dartford Crossing. This again shows the importance of putting the LTC project out of its misery sooner rather than later to enable work to begin on a real and sustainable option to fix those problems at the Dartford Crossing for the benefit of all and the environment, to ensure a healthy sustainable future for us all.

We would also respectfully ask the committee, if you are not already doing so, to please kindly consider holding additional oral evidence hearings in light of the Statement from the Transport Secretary, as we feel that a large portion of the evidence given by National Highways and the DfT at the first oral evidence hearing will be obsolete due to the latest news.

⁹ <https://www.civilserviceworld.com/professions/article/public-accounts-committee-unconvinced-by-new-infrastructure-and-projects-authority-and-urges-focus-on-civil-service-specialists>

¹⁰ <https://committees.parliament.uk/committee/127/public-accounts-committee/news/138843/governments-perennial-inability-to-manage-and-deliver-projects-on-time-and-budget-must-be-addressed-to-navigate-through-end-of-pandemic-and-beyond/>

¹¹ <https://www.thamescrossingactiongroup.com/ltc-smart-motorway-by-stealth/>

¹² https://nationalhighways.co.uk/media/baphtjxv/national_highways_ar22_interactive_final.pdf