

National Networks National Policy Statement Consultation

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 in response to the Department for Transport National Networks National Policy Statement Consultation¹ in June 2023. As Thames Crossing Action Group represents those opposed to the proposed LTC our consultation response will be in that regard. Our response is not confidential. TCAG can be contacted via email – admin@thamescrossingactiongroup.com.

Reason for responding

Prior to our campaigning most of us would not have been aware of the National Networks National Policy Statement (NN NPS). However, it didn't take long for us to learn the relevance and importance of the NN NPS. Nationally Significant Infrastructure Projects (NSIPs) are generally considered to be significant in a positive way by Government, and at one time that may well have been true. However, with so many NSIPs and development in general in our country more and more of us can see the destruction and harm these projects cause, often with very little or no benefit to most.

We were amongst those calling for the outdated NN NPS to be reviewed and updated, because it was no longer compliant with UK legislation and other policies, advice and evidence. We also called for the policy to be suspended whilst the review and update take place. We were disgusted that the Government instead feel it acceptable to push ahead regardless, knowing the policy by which such a huge, destructive and harmful project is judged, is outdated and not in keeping with UK law.

For these reasons we wanted to take part in this consultation, because if it is policy for the national network of road and rail that is considered nationally significant then the nation (the people) need and deserve the right to have their say in the policy.

We hope our response is helpful.

¹ <https://www.gov.uk/government/consultations/draft-revised-national-networks-national-policy-statement>

Response

We strongly disagree that the draft National Network National Policy Statement provides suitable information for those engaging in the process of submitting, examining, and determining applications for development consent for nationally significant infrastructure projects, in regard to the strategic road network, rail network, and the strategic rail freight interchanges.

The NNNPS and DCO process should be about more than presumption in favour of granting the DCO. It should be identified that Nationally Significant Infrastructure Projects (NSIPs) are supposed to be for the benefit of the nation. It should be noted that this should not be at the expense of others by way of infliction of negative impacts.

It should also be noted that the nation, ie the public should be very much involved in the process. It's not just about the applicant, Examining Authority and Secretary of State for Transport/Government. Whilst policy and legislation is by nature complex and technical, there needs to be ways to make this information and process more accessible to the people also.

The current public perception is that the Development Consent Order (DCO) process which the policy is used for is most definitely and wrongly in favour of the applicant, this needs to be changed.

At a time of climate emergency, we need a policy that looks at more than roads and rail, we need joined up thinking and actions, for a policy that focuses on sustainable transport and travel.

We need a policy that does not presume in favour of roads, rather there should be a presumption against road building because of the hugely destructive and harmful nature of roads, and the fact they have proven not to solve the problems they are supposed to solve.

We need a policy that requires modal shift to more sustainable transport/travel.

Protection for the natural environment is essential, and the policy should never overlook environmental impacts in favour of economy or growth, because without a healthy environment there can be no sustainable future for anyone or anything.

It should also require that all alternatives are considered within the planning stages. For example, there has not been adequate consideration of alternatives for the proposed Lower Thames Crossing, and the policy does nothing to secure the level of assessment of alternatives that is needed.

With a Government company/organisation with the title of National Highways their priority is purely highways, and not alternative means of travel/transport. This has to change, and needs policy to encourage and ensure this change.

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The DfT were assessing a new river crossing to the east of London in 2009.² In a 2011 Government statement³, it was stated in regard to strategic rail freight interchanges that:

“Rail can deliver goods quickly, efficiently and reliably and help reduce both congestion on our roads and levels of carbon emissions. To secure this longer-term growth and modal shift, rail needs to be able to compete effectively with the use of road by heavy goods vehicles, and it is significant that in recent years our major retailers have been keen to choose rail over road for the long distance carriage of goods to market.

However, this expansion in rail freight will be very difficult to deliver unless the industry is able to develop modern distribution centres linked into both the rail and trunk road system - ‘Strategic Rail Freight Interchanges’ (SRFI) - in appropriate locations to serve our major conurbations. To date, this has proved extremely problematical, especially in the south east where growing demand and increasing congestion on the road network are creating serious logistical challenges.”

Yet there hasn’t been adequate consideration of rail alternatives to the proposed LTC road project, despite there being rail improvements between Ashford and Reading that would negate the need for the proposed LTC⁴.

So long as more roads are built, induced demand will see congestion continue to rise. We need safeguards and requirements in the policy to ensure that modal shift and alternatives are properly and fully considered.

There should also be a requirement within the policy for air quality to be improved, and prioritised over the ‘need’ for new roads. The ‘need’ for new roads is largely a myth, whereas the need for breathing clean air is proven and essential.

Similarly, with carbon emissions and the protection of our natural environment, a healthy sustainable future for all is essential, again the ‘need’ for new roads is not.

RIS2 is currently proving what poor value new roads are, and that has to lead the very important question of how these new road projects can be considered of any real benefit.

Levelling up should not be purely based on financial growth and benefits, the right to breath clean air and live a sustainable life with access to the natural environment, without having hugely destructive and harmful road projects should also be a consideration and included in the policy.

There shouldn’t be a need for an increase in road freight facilities, rather we should be requiring modal shift to rail freight to take more traffic off the roads and transport things more sustainably. There is a growing amount of opposition for roads and road freight facilities such as rest and service areas as part of

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<https://webarchive.nationalarchives.gov.uk/20100513123749/http://www.dft.gov.uk/about/strategy/capacityrequirements/dar/tfordrivercrossing/>

³ <https://www.gov.uk/government/speeches/strategic-rail-freight-interchanges>

⁴ <https://www.thamescrossingactiongroup.com/rail-and-tram-alternatives/>

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new road projects. We believe this is why National Highways removed the rest and service area from the proposed Lower Thames Crossing project, in an attempt to make it easier to push the project ahead.

The proposed Lower Thames Crossing shows that Government are avoiding a true commitment to modal shift. Pushing ahead with such hugely destructive and harmful projects that are not fit for purpose and likely to create around 50% in traffic growth at a cost of £10bn+++, when a better and more sustainable option would be to invest in rail improvements, and get more freight off the roads and onto rail. It is ludicrous in this day and age that a major port like Dover isn't connected by rail for freight.

Cumulative effects of transport also need to be considered. Road projects need to cumulatively consider impacts of things like carbon, environmental impacts, and loss of agricultural land (food security).

Whilst we agree that environmental impacts need to be given more weight, we do not feel that the proposed assessments would be adequate and strong enough at a time of climate emergency. The Climate Change Commission state new roads should only be built if they can be shown not to increase emissions. This needs to be a requirement within the policy.

Ancient woodland, long established woodland, ancient and veteran trees need to be fully protected in keeping with Government commitments.

More inclusion and weight should be given to the people and communities whom the NSIPs would impact, instead of policy favouring the applicant.

Biodiversity Net Gain and Carbon Emissions should not be traded and offset, as there is not an infinite supply, so should be valued more than something to simply be traded and offset by applicants purely so they can push ahead with hugely destructive and harmful projects. Policy needs to address this fact.

There should be no acceleration of NSIPs, better planning and consultation is what is required for any projects that are still considered essential and can be proven not to be destructive and harmful. Delays in the system have been largely to do with the applicant and Government not assessing and updating the policy soon enough, and the inadequacies of consultation, and planning and design of projects.

In our experience of DCO for NN NPS NSIPs, in regards to the proposed Lower Thames Crossing, it seems that the maximum six month period for examination puts undue pressure on all parties and the Examining Authority. We therefore suggest that policy should require that the length of project examination period should be at least six months and can be extended longer proportionally to the scale of the project.

The policy should also cover the fact that the applicant should have to include an acceptable level of detail on design, rather than as is now, whereby much is left for the contractor to decide without any consultation. For example, with the proposed Lower Thames Crossing, noise barriers, bridges, and how many tunnel boring machines would be used.

It should be a requirement that Accounting Officer Assessments and Outline Business Cases should be transparent, up to date, and published in a timely manner.

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It should be a requirement that up to date estimated costs for Government NSIPs are shared throughout the consultation and DCO process, to enable the public to be consulted on how much public money is being proposed to be spent.

It should be a requirement that any claimed economic benefits be quantified and estimated values be shared publicly.

It should be a requirement that all associated data and methodology should be disclosed publicly in a timely manner.

It should be a requirement that independent reviews of all Government NSIPs is essential, and that they are shared publicly in a timely manner.

It should be a requirement that it is essential for Government NSIPs to be reassessed when there are delays.

The policy should include requirements to ensure there is no greenwashing of NSIPs.

It should be a requirement that data on predicted induced demand is disclosed publicly as part of consultation and at DCO stage.

The policy should include requirement that there is no misleading information used within projects at consultation, DCO stage, or general promotion of NSIPs.

There should be safeguarding to ensure that National Highways as the applicant are not given power to set targets and guidelines and standards that allow them too much control and power over projects. Also that they have to be completely transparent. For example, with the proposed Lower Thames Crossing it has been given All Purpose Trunk Road designation, but is being designed to 'smart' motorway standards, it is therefore a 'smart' motorway by stealth and should be scrapped⁵.

It should be essential that there is no creative accounting, and that all associated aspects of a project are included in the main project/ DCO application, not broken off to separate stand-alone projects.

The policy should ensure that it does not conflict with other policies and commitments made by Government, as this would be counterproductive. For example, investing millions on tree planting, but pushing ahead with hugely destructive and harmful projects that destroy trees and ancient woodland.

The policy needs to ensure that it is future proofed to cover climate change aspects like food security, flooding etc.

The policy should also require that NSIPs do not add to congestion on other areas of the existing road network.

⁵ <https://www.thamescrossingactiongroup.com/ltc-smart-motorway-by-stealth/>

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All NSIPs should be required to include active travel and public transport in a way that adds real benefit and connectivity, not just token and realigned public rights of way, and/or a lack of adequate connections to make public transport routes viable.

The policy should require that the applicant cover costs of Local Authorities and statutory consultees to make representations both during consultation and throughout the DCO process, to ensure fair and adequate representation can be made.

The policy needs to stipulate that it should be reviewed and updated at least every 5-10 years and/or when needed, due to changes in other Government policy and commitments.

There should be a requirement that if the policy can be proven to be outdated it is immediately suspended until a review and update is completed. This would avoid delays and legal challenges, and ensure that projects are not knowingly being progressed being judged against outdated policy.

We do not agree with the proposed transitional period and call for the policy to be suspended until it has been updated, as current projects are being progressed knowingly against a policy that is known to not be compliant with other policy and legally binding commitments.

Conclusion

Whilst we accept that some of the proposed changes appear to be good, the draft policy is not anywhere near as good and strong as it should be, and further review and updates should be made.

The policy doesn't make sufficient justification that there is a need for new roads, and more and more evidence shows that building more roads goes against everything we should be doing. We need a policy that reflects this fact, not just a business as usual approach.

Considering the current policy is so outdated and clearly is not in keeping with policy and legal commitments, Government would be progressing with current NSIPs knowingly being judged against a policy that is not legally compliant and should therefore be suspended with immediate effect.

The policy should be strengthened to ensure that presumption is not in favour of granting DCOs, rather that it be fairly and adequately assessed on its merits to ensure a sustainable and healthy future for all, with the natural environment being at least equal to if not prioritised over economic growth.

Now more than ever we need a strong policy to ensure that Government back up all the talk with real actions, and that DCO applicants have to prove that there is a genuine need for the project and that it can be delivered in a sustainable and healthy manner, otherwise it should not be progressed.

We need and deserve better than the current policy and what is being proposed in the draft NN NPS as presented for this consultation.

We thank you for the opportunity to comment in response to this consultation. Should you wish to discuss our comments, or the topic with us further, please do not hesitate to contact us.