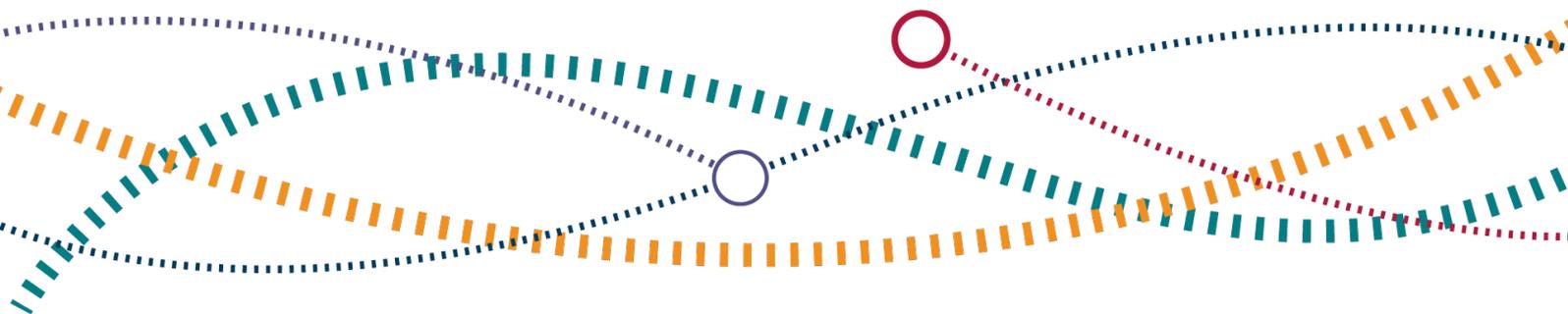




# RIS3 Our Role and Approach

## Consultation responses

May 2022



## Responses to ORR’s consultation on its proposed approach in the development of the third road investment strategy

### Contents

Response from member of the public A .....	3
Response from member of the public B .....	4
Response from member of the public C .....	5
Response from member of the public D .....	6
Response from member of the public E .....	7
Response from member of the public F .....	8
Response from member of the public G .....	9
Cycling UK .....	12
National Highways.....	16
Transport East.....	18
Logistics UK .....	21
Transport for the South East .....	24
Midlands Connect .....	26
British Horse Society .....	35
Transport for the North .....	36
England’s Economic Heartland .....	44
Transport Focus .....	52
Mineral Products Association .....	54
Thames Crossing Action Group .....	57
Transport Action Network.....	78
Transport Planning Society .....	91

## Response from member of the public A

I am responding to the consultation on your proposed approach to assessing the challenge and deliverability of plans for the third road investment strategy - RIS3.

RIS3 needs to reflect the radical change required for:

- Rapid decarbonisation, to avoid contributing to devastating climate breakdown
- Rapid reversal of biodiversity loss and contribute to ecosystem recovery
- Rapid reduction in air pollution (including particles from tires and brakes)
- Adaptation to a climate with more weather extremes
- Improved quality of life

RIS3 also must take into account that decarbonisation requires that the total number of vehicles (and road miles) must reduce. RIS3 needs to be instrumental in facilitating the transition to public and active travel, by making these alternatives highly attractive. RIS3 may even be able to play a part in facilitating a shift from personal car ownership to shared ownership models.

It is intrinsically difficult for any society to undertake a paradigm shift in vision and behaviours, but it is not impossible. Today it is vital that we undertake such a shift to avoid catastrophe. Like turning the proverbial oil tanker, it will be hard for RIS3 to pivot away from business-as-usual (which is killing us), but if we have the vision we can make the necessary change.

RIS3 needs to incorporate:

- No new major road construction or expansion, with an absolute prohibition on further destruction of ecosystems and mature trees.
- A wholesale shift towards investment in public transport and active travel (including reallocation of road space).
- Adaption of the network to prepare for extreme climate impacts (for example heat). An example of this would be the construction of a network of strategic cycle routes lined with trees to give shade.

I urge the team considering RIS3 to be bold in vision and delivery to create a people-centric network. I urge the team to consider with great care the intense harms that will come from climate and biodiversity breakdown.

Yours sincerely,

## Response from member of the public B

Dear Sirs,

Please accept my response to the consultation on your proposed approach to assessing the challenge and deliverability of plans for the third road investment strategy - RIS3.

I am very concerned that the Department for Transport seem to be totally ignoring its own government's reports on climate change. It is well known that surface transport is one of the largest sources of carbon emissions in the UK and needs to urgently reduce emissions. It is also well reported that this cannot be achieved through conversion to EVs alone - A report by the Green Alliance evidences how at the same time as accelerating the switch to electric vehicles, we need to cut traffic to meet UK climate targets.

The 2022 UK Climate Change Risk Assessment

- <https://www.gov.uk/government/publications/uk-climate-change-risk-assessment-2022>  
- states 'climate change must be built into all long-term decisions, such as new housing or infrastructure.'

The Local Government Association stated in their decarbonising transport paper...."There is an urgent need to review and stop doing some of the things which councils and highways and planning departments have always done which are not consistent with climate emergency. If the future depends on reducing travel demand and reducing the dominance of car mode share then the case for expanding roads is, at best, short-term.

So with all of this evidence how then can the Department for Transport be planning huge investment in new roads?

It is obvious to me that the only investment in roads should be for maintenance or repair of existing roads and for re-allocation of road space to active travel and public transport.

It is time for the government to not only talk the talk but walk the walk - it is only when all departments start to act seriously with a view to avoiding the worst effects of the climate and ecological crises that there will be any hope for the future of our species! (If that sounds extreme please listen to what the PM was saying on the run-up to and during COP26).

A government is supposed to act in the interests of the people and for their protection - building more road capacity and therefore encouraging more cars with their related carbon emissions is doing the opposite.

Kind regards

## Response from member of the public C

I think there is a fundamental strategic error in your thinking. Please read carefully the attached. I wrote this about tfl but it is applicable generally.

I expect these comments to be formally replied to in your final report

## Response from member of the public D

The consultation document states that it is not the role of the ORR to set roads policy or determine investment priorities. However, it is a shortcoming of the ORR's approach that it does not consider to what extent the investments agreed by government achieve the benefits to road users that are expected. This is a major gap in public oversight.

The National Audit Office from time to time evaluates benefits to users of road investment, for instance its 2019 report on improvements to the A303

<https://www.nao.org.uk/report/south-west-road-improvements-and-the-stonehenge-tunnel/> But NAO oversight is occasional, not systematic.

Detailed analysis of the outcomes of road investment may show major discrepancy between forecast and outturn, for instance for widening the M25 between junctions 23 and 27 <http://drivingchange.org.uk/disappointing-economic-benefits-from-widening-the-m25/> One general explanation is the underestimation of the scale of induced traffic <http://drivingchange.org.uk/induced-traffic-after-all-these-years/>. Induced traffic reduces travel time savings, supposed main economic benefits of investment, which is why transport models tend to underestimate its magnitude.

One source of induced traffic is the rerouting of local trips, such as commuting, to take advantage of faster travel on widened motorways, pre-empting capacity intended for business users and so undermining the economic case for widening. This is likely to be a general phenomenon in or near areas of high population density, where the strategic road network comes under greatest stress, and where the case for additional capacity seems strongest.

More generally, average travel time, as determined in the National Travel Survey, has remained essentially unchanged for half a century, during which time huge sums have been invested in road infrastructure justified by the saving of travel time. Travel time savings are short-run. In the longer run, over the greater part of the life of the assets, the main benefit of investment that allows faster travel takes the form of increased access to people and places, opportunities and choices.

All in all, there is reason to suppose that the outcomes of road investments may be substantially different from that forecast by the traffic and economic models in use, and that road users are not benefiting from investment in new capacity to the extent intended. The ORR should take on the task of ensuring that road investment appraisal methodologies are fit for purpose.

1 February 2022

## Response from member of the public E

Dear ORR

I am responding to your consultation about RIS3.

I would like to point out that the system as it is, with National Highways as an arms-length body whose only purpose is to build roads, is horribly flawed.

It means that it aims to build as many and the most expensive roads possible (this has been admitted to me by a project leader in person).

In pursuit of this aim it uses underhand, unacceptable methods such as untruths, slanted language, unfair treatment of communities who might protest at its plans, etc. I am attaching a summary (sorry it is so long) of the bad behaviour of Highways England (as it was then) in the Arundel Bypass consultations of 2017 and 2019. We have another consultation going on at the moment – the Statutory Consultation – and the same methods are being employed.

This document has not been published or submitted to the Planning Inspectorate.

The chosen route for the scheme goes through three villages and fantastic countryside. Only 7 per cent of respondents chose it as their favoured option in 2019.

Please reconsider the present system and ask Transport Ministers to abolish National Highways and replace it with a new body, Active Travel England, which should put road building at the bottom of its hierarchy of interventions, both because of climate change, and because the road schemes it promotes are so destructive.

## Response from member of the public F

Hi,

The proposed approach to monitoring doesn't mention climate change or active travel.

Where I live in Northants the SRN has taken over historic road alignments - the A5 and A43 near Towcester, and the A45 between M1 Junction 15 and the Queen Eleanor Roundabout for instance.

These are routes that would provide obvious commuting and shopping routes (especially using e-bikes), but the cycling infrastructure varies between non-existent and poor (on the A45 the shared walking and cycling path is less than 1 metre wide). Whatever standard is used, this doesn't meet it - they should be held to LTN 01/20 as a minimum.

The same applies to the management of heritage railway infrastructure where National Highways seem to be determined to prevent a route being made usable for low-carbon travel even where that costs more money than enabling it.

Given how much transport contributes to the nation's carbon footprint and the DfT's stated aims for transport modal shift, this all seems missing.

## Response from member of the public G

Hello

I am responding to the consultation on your proposed approach to assessing the challenge and deliverability of plans for the third road investment strategy - RIS3.

Below are the main concerns. Basically RIS3 should only involve highway maintenance / repair of existing roads and reallocation of road space to public transport and active travel. No new roads or road expansions should happen as these are incompatible with net zero and the climate emergency.

1. Road building increases carbon emissions both through construction and operational emissions. Surface transport is one of the largest sources of carbon emissions in the UK and needs to urgently reduce emissions. Research by Transport for Quality of Life shows that road investment strategy (RIS2) threatens the UK's commitments on climate change. The report shows the roads programme will add 20 million tonnes of carbon dioxide to UK emissions from the Strategic Road Network (SRN) between now and 2032 whereas those emissions need to be cut by 167 million tonnes to meet climate targets. <https://www.transportforqualityoflife.com/policyresearch/roadsandtraffic/>
2. Recently the Department for Transport released a decarbonising transport paper which made several references to reducing the number of cars on the roads (thus reducing carbon emissions and air pollution ) by encouraging people to switch to walking, cycling and public transport where possible. This is the number one strategic goal as well. <https://www.gov.uk/government/publications/transport-decarbonisation-plan>
3. The Department for Transport in their Decarbonising Transport paper say "Public transport and active travel will be the natural first choice for our daily activities. We will use our cars less and be able to rely on a convenient, cost-effective and coherent public transport network." So why use billions of public money building new roads?
4. The Welsh Government has frozen all new road building plans to help them meet net zero targets. As part of the plans the Welsh government wants to shift money from new roads to maintaining existing routes and investing in public transport. Why is the English Government not doing this? <https://www.bbc.co.uk/news/uk-wales-politics-57552390>

5. Scotland plans to a 20% reduction in the number kKM driven in car miles. Why has the English Government not done the same?

<https://www.transport.gov.scot/media/50872/a-route-map-to-achieve-a-20-percent-reduction-in-car-kms-by-2030.pdf>

6. "The Government's current approach to transport decarbonisation relies heavily on a consumer switch to the purchase of electric passenger cars and vans as a consequence of banning the sale of certain petrol- and diesel-fuelled vehicles by 2030. Such heavy reliance on a single policy lever to deliver such a substantial policy outcome appears unwise. " From The Commons Environmental Audit Committee report on a green recovery: <https://committees.parliament.uk/publications/4712/documents/47430/default/>
7. A report by the Green Alliance evidences how at the same time as accelerating the switch to electric vehicles, we need to cut traffic to meet UK climate targets. If road traffic must be reduced to meet climate targets, why build roads for extra traffic capacity? The uptake of electric vehicles to 100% by 2030 is less achievable than transport modal shift. [https://green-alliance.org.uk/Not\\_going\\_the\\_extra\\_mile.php](https://green-alliance.org.uk/Not_going_the_extra_mile.php)
8. The Local Government Association stated in their decarbonising transport paper...."There is an urgent need to review and stop doing some of the things which councils and highways and planning departments have always done which are not consistent with climate emergency. If the future depends on reducing travel demand and reducing the dominance of car mode share then the case for expanding roads is, at best, short-term. Similarly, building new car dependent housing simply adds to the scale of the challenge."  
<https://www.local.gov.uk/publications/decarbonising-transport-getting-carbon-ambition-right>

### **Co-benefits of reducing the number of private vehicles on the roads**

Failure to stay below 1.5°C of global heating will have enormous social and economic costs. In contrast, the health and economic benefits of fewer and cleaner vehicles are sufficient to justify road traffic reduction policies in their own right, regardless of carbon reduction. The benefits include:

Better air quality: air pollution leads to around 28,000 to 36,000 early deaths per year at a cost of £20 billion or more , and road traffic is a major source of pollution. Meeting the

Climate Change Act targets could cut NO<sub>2</sub> and particulate matter (PM<sub>2.5</sub>) significantly, with significant public health benefits.

Safer roads: less traffic and lower speeds would reduce road deaths and injuries, estimated to cost society £31 billion a year.

Healthier population: more active travel would reduce levels of obesity-related diseases. Shifting less than 2% of car miles to walking and cycling has been estimated to provide health benefits worth over £2.5 billion per year in 2030.

Quieter neighbourhoods: less traffic would reduce noise. At low speeds (<20 mph), electric vehicles are quieter than petrol and diesel vehicles.

More convivial public spaces: demand management would reduce the space needed for parking and multi-lane roads in towns and cities, enabling creation of high-quality public realm. This means more space for outdoor seating, recreational areas and more footfall for shops and restaurants.

A fairer transport system: nearly a quarter of households (and nearly half of low income households) don't have access to a car. These low-income households would benefit the most from measures to provide affordable good quality alternatives to driving.

Benefits to drivers: less traffic would mean fewer delays from congestion for essential road users. Nearly half of motorists find driving stressful, and more than half would like to reduce their car use, but feel constrained by the lack of alternative ways to meet their transport needs. An RAC survey found the majority of drivers would swap to public transport if the services were better.

Kind regards,

## Cycling UK

### About Cycling UK

Cycling UK was founded in 1878 and has over 70,000 members. Historically known as 'CTC' or the 'Cyclists' Touring Club', Cycling UK's central charitable mission is to make cycling a safe, accessible, enjoyable and 'normal' activity for people of all ages and abilities. Our interests cover cycling both as a form of day-to-day transport and as a leisure activity, which can deliver health, economic, environmental, safety and quality of life benefits, both for individuals and society.

### Background

Cycling UK recognises the work that National Highways (formerly Highways England) has done in the past 6 years to develop new [audit procedures](#) and [design standards](#) which should, in theory, ensure consideration of opportunities to improve conditions for walking, cycling and horse-riding when planning and designing all National Highways schemes, and that all such provision is well designed to meet cycle users' needs.

However we are dismayed that National Highways has completely failed to put in place indicators or monitoring arrangements to determine whether its efforts to improve provision for pedestrians, cyclists and equestrians are achieving the desired outcomes of increasing walking, cycling and equestrian movement along and across the corridors of the Strategic Road Network (SRN), or improving the safety of doing so. Hence neither we nor anyone else has any evidence to enable us to assess whether National Highways' investment in walking, cycling or equestrian provision has been effective or cost-effective.

We are further concerned that ORR has not held National Highways to account for this failure. This is despite a specific requirement, made by the Department for Transport (DfT) in 2015, in its Performance Specification for the 1<sup>st</sup> Roads Investment Strategy (RIS1), that National Highways should *“develop new metrics for future Road Periods, to help demonstrate that it is supporting the government's aspiration for improving provision for cyclists, walkers, and other vulnerable users more generally on and around the SRN”* (see [RIS1 Performance Specification](#) p25, or p26 of the PDF).

National Highways also failed to put in place performance indicators to measure whatever outcomes were meant to be achieved by the £675m invested in its [RIS1 Designated Funds programme](#), let alone monitoring arrangements to show whether these outcomes were actually achieved. It was over a year after the Designated Funds started operating before National Highways even enlisted consultants to advise on what performance metrics and monitoring arrangements it should put in place to measure the impact of its £175m Designated Fund for Cycling, Safety and Integration (CSI).

National Highways later [reported](#) that it delivered 160 cycling schemes through its CSI Fund. However we have no evidence on whether or not these schemes have ‘worked’ in terms of either boosting cycle use or improving safety for cycle users. There is a similar lack of outcome monitoring data for the other Designated Funds.

Here too, ORR has not acted to hold National Highways to account for this failure.

As a consequence, we have entered 2<sup>nd</sup> Roads Investment Strategy (RIS2) period, still without any arrangements for monitoring whether or not National Highways is successfully increasing cycling and other non-motorised travel, or the safety of such travel, either through its overall RIS2 programme or specifically through its Designated Funds programmes.

We raised our concerns about this many times during the RIS2 period, both with DfT, with National Highways themselves, and at meetings of Passenger Focus which were attended by representatives of ORR, and at meetings held by ORR itself (though these have been a lot less frequent than meetings arranged by Passenger Focus). We repeatedly argued that it was completely inappropriate that National Highways was (and still is) simply using the number of pedestrian, cyclist or equestrian casualties on the SRN as a metric of pedestrian, cyclist or equestrian safety. This metric provides no information on whether (for instance) a reduction in cyclist casualties amounts to an improvement in cycle safety or simply a reduction in cycle use (which would be undesirable). Conversely, an increase in cyclist casualties should not necessarily be seen as bad news. If that increase in cyclist casualties had coincided with a greater percentage increase in cycle use, that would still amount to a reduction in the risk of cycling (e.g. the risk of a cyclist casualty per mile or per trip cycled).

DfT recognised as long ago as 2009 (in its document “[A safer way: consultation on making Britain’s roads the safest in the world](#)”) that such indicators could create a “perverse incentive to improve our casualty record by limiting walking and cycling”. Instead, it proposed a new target (which was subsequently adopted) to be measured in terms of “the rate of KSI per distance travelled by pedestrians and cyclists”. It is wholly unacceptable that, 13 years later, National Highways has not managed to do likewise.

We recognise, of course, that adopting a similar rate-based indicator for National Highways’ performance would require good data on cycle, pedestrian and equestrian movement along and across the corridors of the SRN. However these data were also necessary to provide a direct measure of whether National Highways was managing to increase cycling, walking and equestrian travel along and across SRN corridors. Without it, it was (and still is) impossible for National Highways and its stakeholders (including DfT and ORR, as well as bodies like Cycling UK), to tell whether National Highways is successfully boosting walking, cycling and equestrian travel, or whether it is improving the safety of travel by these modes.

Throughout the period of RIS2, we repeatedly urged National Highways to invest in the capacity to measure cycling, walking and equestrian movement along and across the SRN. We also repeatedly urged ORR, Transport Focus and DfT itself to ensure that National Highways did so. Yet, when it came to finalising RIS2 (in January 2021), National Highways was still pleading that it was unable to adopt new cycle safety indicators, as it did not have adequate data on cycle use.

It is vital that ORR now steps in to ensure that this situation does not persist any longer.

### **What next?**

Although the lack of data on pedestrian, cycle and equestrian use made it impossible to include appropriate metrics for the usage and safety of travel by these modes in RIS2, we understood that Highways England was putting in place to build up its capacity to monitor walking, cycling and equestrian activity, with a particular focus on measuring whether these increased in locations where improved provision was being made.

We urge ORR to ensure that National Highways makes sufficient progress on this programme during the RIS2 period, so that it will be able to adopt meaningful indicators of pedestrian, cyclist and equestrian usage and safety when it comes to RIS3.

We also urge ORR to challenge National Highways to set clear performance indicators and monitoring arrangements to clarify the objectives of its Designated Funds programmes. Given the Government's 'Net Zero' test, it seems likely that new road schemes will form a reduced proportion of the overall RIS3 budget, and that RIS3 will instead place greater emphasis on (a) operating and maintaining the network and (b) overcoming the legacy of environmental, safety and community severance problems caused by the SRN (this being effectively the purpose of the Designated Funds programmes). It follows that monitoring the outcomes of the Designated Funds (or any similar programmes adopted in RIS3) is likely to be of much greater importance in RIS3 than it was in RIS1 and RIS2.

We urge ORR to pay much greater attention to these issues. It needs to have in mind the following questions:

- What action is National Highways taking during the RIS2 period to build up its capacity to monitor pedestrian, cycle and equestrian movement along and across the corridors of the SRN?
- What performance indicators and monitoring arrangements does National Highways have, or is it developing, to enable it and its stakeholders to assess whether it is managing to increase walking, cycling and horse-riding along and across SRN corridors, and the safety of doing so: (a) through its Designated

Funds programmes and (b) through its overall programmes (both RIS2 and RIS3)?

- What performance indicators and monitoring arrangements does National Highways have, or is it developing, to enable it and its stakeholders to assess the overall impact of its Designated Funds programmes (both RIS2 and RIS3)?

Policy Director

## National Highways

Dear ,

### **ORR consultation on its proposed approach to assessing the challenge and deliverability of plans for the third Road Investment Strategy (RIS3)**

Thank you for the letter from John Larkinson dated 8th December 2021. We welcome the opportunity to respond to ORR's consultation. National Highways values the independent role the Highways Monitor plays in assessing plans for the next Road Investment Strategy and in ensuring that decision makers consider the long-term implications of their choices. We agree with the view of the broader context in which the RIS sits and welcome ORR's pragmatic approach to assessment, focusing resource on areas of highest impact.

We strongly agree with the importance of continued engagement between the key parties and will work constructively with ORR and other stakeholders throughout the RIS3 planning process, to secure the best outcomes for road users, customers, the environment and taxpayers within the funds available. We will continue to engage in an open and transparent way with ORR, sharing information throughout and developing the plans in accordance with our licence obligations.

We agree that a clearly defined programme is essential, and we will continue to work closely with DfT and ORR to finalise and agree this. The setting of a RIS and Strategic Business Plan (SBP) is a highly complex process and we need to ensure that we continue to be agile and flexible in the way that we work, to accommodate the evolution of the programme over time.

We agree that the RIS process should provide a clear and agreed baseline against which to monitor performance and propose that we consider agreement of controlled "freeze" points through the programme to allow for the alignment of financial models and our analytical supporting evidence. These control points would assist with a structured approach for the formal assessment of plans and enable National Highways to set and agree a baseline position from which to finalise the RIS and SBP. This will be particularly important after the finalisation of the Efficiency Review

We have considered your proposals to align the capability reviews to the 'key pillars' of the Draft SBP – enhancements, renewals and operations and maintenance – rather than basing them on cross-cutting themes. We have already discussed our concerns with your team and consider that cross-cutting capability reviews of Asset Management, Procurement and Project Portfolio Management would offer better opportunities to understanding the capability of National Highways which would be missed by focusing solely on the areas described in your consultation. A key driver of Roads Reform was to enable the Strategic Highways Company to develop and improve cross-cutting

capabilities to deliver long-term benefits and organisational efficiencies. We consider that alignment of the capability reviews to the 'key pillars' would be a duplication and acceleration of the 'Efficiency Review', which is a separate and clearly defined step in the RIS planning process. This would not represent additional value in the process and leave a gap in understanding of the benefits derived from cross-cutting enabling activities and approaches. From our perspective, your proposed approach focuses solely on capital delivery and would miss looking at how performance can be delivered through other means.

With respect to the relative merits of portfolio level and project level assessment, we recommend that different levels of assessment are appropriate for different investment types. For Operations, Maintenance and Renewals, investment planning is primarily carried out at a portfolio level presenting fewer opportunities to assess sample schemes. However, for the enhancement programme we believe it is pragmatic to look at both portfolio and project level assessments.

Finally, the Performance Framework containing DfT's Performance Specification is a key output of the RIS planning process. We agree with the expectation of maintaining a high degree of consistency between the RIS2 and RIS3 Performance Specifications. The continuity of performance measures assists with understanding and driving performance improvements. We also agree that the Performance Framework and Specification should evolve where necessary to continue to remain fit for purpose.

In conclusion, we look forward to working with you to achieve the best outcome for the next RIS and beyond and would welcome further discussion on any of the points raised in this response.

Yours sincerely

Executive Director, Strategy and Planning

## Transport East

We welcome the opportunity to provide comment on the proposed ORR approach to the RIS3 development process.

Transport East is the Sub-national Transport Body for Norfolk, Suffolk, Essex, Southend-on-Sea, and Thurrock. The partnership provides a single voice for our councils, business leaders and partners on our region's transport strategy and strategic transport investment priorities, working in close collaboration with the government and the rest of the UK.

We have developed our draft Transport Strategy and draft Investment and Delivery Programme, which is currently out for consultation. These documents set out a vision for the future of transport in the East and a set of strategic priorities to deliver that vision. We recommend that ORR require National Highways to have due regard to STB's Transport Strategies and Investment Priorities when developing future RIS programmes.

### **Our vision and priorities**

We seek a thriving economy for the East, with fast, reliable, safe, and resilient transport infrastructure driving forward a future of inclusive and sustainable growth for decades to come.

To deliver the transport network to support this, the draft Strategy identifies four core priorities for the region. Setting out a pathway of activities to address challenges and improve transport provision.

- Decarbonisation to net zero – Transport creates 42% of carbon emissions across the region, more than any other source. We aim to achieve net zero carbon emissions from transport by 2040. Our decarbonisation pathway underpins the other three pathways in the Strategy.
- Connecting growing towns and cities - With 75 towns and cities, the East has a strong economy, but our growing places are spread out and our towns are congested. We want enhanced links between our fastest growing places and business clusters.
- Energising rural and coastal communities – Much of our population lives in rural areas or on the coast. Transport links in these areas are historically poor and this is exacerbated by poor digital connections. We want everyone in rural and coastal areas to be able to do more, more easily and more sustainably.
- Unlocking international gateways – With 13 ports and 3 international airports, we are the UK's gateway to the world for trade. The new Freeport at Felixstowe /

Harwich will increase the role of logistics and distribution within the region. We want better connected ports and airports to help UK businesses thrive.

The ORR consultation document makes reference to working collaboratively with key parties and stakeholders and considering the relevant local plans and priorities to ensure effective integration of the transport system. We welcome recent improvements in the approach to engagement with National Highways, set out in the Joint Engagement and Action Plan, and we will shortly be conducting a six-month review with National Highways to understand where this has worked well and where this has been less effective, with a view to making further improvements. We have also received feedback from our local authority partners where engagement could be improved, for example relating to the Copdock project and the RIS3 route strategy work. To ensure ongoing effective engagement, particularly with Local Transport Authorities and Transport East, as key partners in ensuring an integrated approach to transport; it is our view that in monitoring effective and collaborative engagement, that ORR should undertake stakeholder surveys. In addition, we request that STB's, who provide a regional voice for transport, are added ORR's list of key stakeholders.

At the Transport East Forum meeting in December 2021, some of the members raised concerns over the opportunity for local political leaders to understand and influence decisions taken on schemes in the RIS3 programme in their local constituencies, and across the region. Transport East has subsequently written Nick Harris to invite NH to share the early findings of the Route Strategies with the Transport East Forum. The National Highways process has a single decision phase, this corresponds with 4 phases within the ORR process. It is our view that effective engagement should continue throughout the four ORR decision phases, to enable political influence in strategic decision making and ensure strategic coordination across our region.

The consultation document emphasises the need for achieving efficiencies in delivering RIS3 and maintaining existing assets. Naturally, this is an ambition that Transport East supports. However, there is a need to be mindful that this process does not result in "value engineering" to an extent that projects do not achieve their wider aims. It is recommended that active travel measures and the impact on the wider transport network, are fully considered as part of construction, operation, and maintenance.

Consideration should also be given to the adaptability of the agreed RIS programme, which by its nature has a long development period. This can result in project proposals being "out of date" with regards to changing guidance and emerging government policy direction, particularly with respect to active travel, decarbonisation, and the future use of roads for passenger transport, including mass rapid transit and buses; an example of this is compliance of active travel measures with the recently published LTN1/20 guidance. To ensure a fully integrated network, the development and monitoring

processes should include the ability to be agile in its response to changes that are made to accelerate delivery of the ORR's key policies.

We look forward to building on our relationship with National Highways and working with you on the ongoing development of the third Road Investment Strategy.

## Logistics UK

### Summary

- We support the role of the ORR in advising the Government on the extent to which plans for the next road period achieve the right balance of being both challenging and deliverable.
- We welcome the general approach of the ORR to involve stakeholders to a greater extent, helping shed more light on the Road Investment Strategy process.

### About Logistics UK

Logistics UK is one of Britain's largest business groups and the only one providing a voice for the entirety of the UK's logistics sector. Our role, on behalf of over 19,000 members, is to enhance the safety, efficiency and sustainability of freight movement throughout the supply chain, across all transport modes. Logistics UK members operate over 200,000 goods vehicles - almost half the UK fleet - and some one million liveried vans. In addition, they consign over 90 per cent of the freight moved by rail and over 70 per cent of sea and air freight.

### Overview

Logistics UK welcomes the opportunity to respond to the Office of Rail and Road's (ORR) consultation on its role and approach to the Road Investment Strategy 3 (RIS3).

For an efficient logistics industry, free flowing roads with minimal delays are crucial. Road freight is an essential enabler of all business activity: in 2020, road accounted for 77% of freight tonne kilometres, playing a crucial part in the UK's supply chain ([tsqb0401.ods](#)). It also plays a key role in facilitating and supporting other freight modes. Transport infrastructure spending continues to be needed to improve roads across the UK, nationally and locally, to enhance capacity and reduce unreliability. Appropriate policies and funding are also needed to help provide facilities for drivers to attract sufficient resource to the industry.

We support the role of the ORR in advising the Government on the extent to which plans for the next road period achieve the right balance of being challenging and deliverable. We also welcome the general approach of the ORR to involve stakeholders to a greater extent, helping shed more light on the RIS process.

### Response to consultation

*1. Your views on the key issues and risks that could impact on National Highways' performance and efficiency during road period 3 and how we should address them.*

Given the recent decision to pause plans to convert dynamic hard shoulder motorways to all lane running (ALR) until the next Road Investment Strategy, this presents a risk for National Highways as it is now unknown what alternative processes may be implemented to operate dynamic hard shoulders, as well as the long-term future of the use of smart motorways more generally. While further decisions will no doubt be reached before the start of RIS3 in 2025, the uncertainty will remain during these planning years and could still impact during RIS3, depending on what the evidence and data shows and subsequent decisions by the Government.

A further risk is the 40-year high cost of construction materials ([Construction materials cost increases reach 40-year high \(rics.org\)](#)), which is likely to impact on cost scenarios for RIS3. It is unknown if and when this trend may start to reverse, or if these higher costs will continue.

From a logistics perspective, a key issue is the shortfall of overnight lorry parking spaces identified back in 2018. Failure to address this would mean a continued negative impact on drivers in the logistics industry and in turn, would impact on National Highways' performance in supporting the industry. ORR should require National Highways to dedicate budget to address this issue.

These challenges should be factored in when assessing potential uncertainties for National Highways performance.

*2. Whether you agree with our approach to cost and efficiency and, in particular, our proposed focus on National Highways' 'pre-efficient' estimates and how we might provide assurance that these have been robustly derived.*

As our members are users of road infrastructure, we support the ORR's role as an economic regulator with responsibility to devise the most robust processes to conduct a cost and efficiency assessment of National Highways. We support the proposed focus on 'pre-efficient' estimates and the types of questions that will be asked of National Highways to evidence its plans, as outlined in the consultation.

*3. Your views on an efficiency challenge based on National Highways' capabilities and advantages and disadvantages of the proposal to undertake capability reviews aligned to key areas of delivery.*

No comment.

*4. Whether you agree with our proposed approach to assessing the costs and deliverability of the RIS3 enhancement portfolio. In particular we would appreciate your views on the relative merits of portfolio level and project level assessment.*

No comment.

*5. Whether you agree with our proposed approach to assessing plans for operations, maintenance and renewals. In particular, whether you agree with our planned focus on the quality of National Highways plans for maintaining and renewing the network.*

We support the ORR's focus on the quality of National Highways' plans in relation to maintenance and renewals, and the expectation that benchmarks will be developed to inform planning for RIS3. Maintenance and renewals of the network is crucial to the logistics industry to ensure free-flowing roads, so it is right this area is given equal focus.

Head of Public Policy

## Transport for the South East

To whom it may concern,

### **Transport for the South East (TfSE) response to Office of Rail and Road (ORR) consultation on their role and approach to Road Investment Strategy 3**

I am writing to you in my role as Chair of Transport for the South East (TfSE) in response to your consultation on your role and approach to your assessment of the government's and National Highways' plans for the development of Road Investment Strategy 3.

This response was considered and agreed by the TfSE Board at their meeting on 24 January 2022.

TfSE is a sub-national transport body (STB) representing sixteen local transport authorities in the South East of England. These are Brighton and Hove, East Sussex, Hampshire, Kent, Medway, Surrey, West Sussex, the Isle of Wight, Portsmouth and Southampton, and the six Berkshire unitary authorities. These authorities are represented on the Partnership Board, which is TfSE's decision-making body, along with representatives from the region's five Local Enterprise Partnerships, district and borough authorities, protected landscapes, Highways England, Network Rail and Transport for London.

TfSE provides a mechanism for its constituent authorities to speak with one voice about the transport investment needed to support sustainable economic growth across its geography.

In 2020 TfSE published a thirty-year transport strategy for the South East that sets out an ambitious 2050 vision for the area. We are currently undertaking a programme of area studies to identify multimodal packages of interventions that will be needed to deliver the transport strategy. These packages are likely to include a number of highway improvement schemes on the Strategic Road Network that would need to be delivered through future Road Investment Strategies. The outputs from the area studies will be brought together in a draft Strategic Investment Plan (SIP) that we are planning to publish for consultation in June 2022.

We are familiar with the important role that ORR plays in monitoring the costs, efficiency and performance of National Highways in accordance with the 2015 Highways England Licence. Your attendance at the bi-monthly joint STB meetings has provided a mechanism for keeping all the STBs up to date with the progress of your work.

Overall, your proposed approach to executing the duties of your role, as set out in your December 2021 consultation document is both coherent and comprehensive. We do not

have any specific comments on the way in which you propose to 'check and challenge' the cost, efficiency and deliverability of the emerging roads investment plan.

A key aspect of your consideration about whether National Highways have met the requirements of their licence is to determine the extent to which they have exercised their duties in a manner that is 'open and transparent', 'positive and responsive', and 'collaborative'. You set out in paragraph 3.61 of your consultation document how you propose to assess this specifically in relation to the development of the route strategies. Your approach will involve monitoring the extent and quality of the stakeholder engagement process, attending a sample of stakeholder events and look for evidence of how National Highways has taken account of stakeholder's views. It is our view that you should undertake a stakeholder survey to establish their views on the way in which National Highways has engaged with them both on the route strategies and more generally throughout the RIS process. It would also provide you with the opportunity to ask them to identify ways in which this engagement activity could be improved.

We look forward to continuing to work with you on the ongoing development of the third Road Investment Strategy.

Yours sincerely,

## Midlands Connect

### Introduction 1.1

Midlands Connect, on behalf of Sub-national Transport Bodies (STBs) is pleased to respond to the consultation from the Office of Road and Rail (ORR) and consider the role and approach to RIS3.

1.2 We recognise that the RIS process is one that is continually developing and improving and hope that STBs will be able to continue their positive engagement with National Highways (NH) and ORR to support this going forward. The response below is based on our experience to date of the RIS planning process and recommends ways in which ORR could ensure that the process can be strengthened moving forward. With the aim being to ensure we have a strategic road network that meets the connectivity needs across the country and is developed in a way that supports and works towards the needs of an integrated transport system.

1.3 The consultation sets out four key policy issues which are: environmental impact and net zero, road safety, digital technology and customers, and managing the asset for the long-term. These are all policy issues that we agree with and support.

1.4 *Environmental impact and net zero.* Decarbonisation of transport is of course the critical challenge that we are all working towards and we support NH's creation of a department which will be focused on environmental sustainability. Whilst there may be a significant focus within this on increasing usage of public transport, we all recognise that the road network will continue to be of strategic importance for both private vehicles and freight and logistics. Therefore, we need to ensure that it is being developed in a way that minimises the environmental aspects and ensures it is as resilient as possible to climate change. It also needs to recognise the importance of the road network for developing an integrated system that allows users to switch between transport modes as effectively as possible and will meet the developing needs of an EV (and other alternative fuels) fleet.

We note with interest that though this policy issue refers to the impact of the SRN on the 'environment, health and communities' there is not a more explicit link to the Levelling Up agenda and the how the SRN contributes to both the economic and social prosperity of an area.

In developing our Strategic Transport Plans (STBs) have been explicit about the importance of transport and connectivity to supporting this agenda and the development of our regions. It is vital that consideration is given by National Highways to the impact of their work on distribution of economic benefits, and areas such as access to work, education, health and leisure. We would ask that ORR ensure that NH have taken due regard of the evidence and recommendations contained in STBs Plans/Strategies.

1.5 *Road safety*. We of course support a continued focus on road safety and would welcome ORR and NH working and collaborating with all stakeholders to ensure that road casualties are reduced.

1.6 *Digital technology and customers*. There are significant opportunities for NH to ensure that digital technology is used to ensure efficient operation of the SRN and improve the experience for users. We would like to see ORR ensure that opportunities for digital technology have been fully considered by NH both for development now, and future-proofing.

1.7 Managing the asset for the long-term. Effective management of the SRN is of course a priority and we would like to see ORR ensuring that NH has a rigorous process for assessing where the network is vulnerable to severe weather and how this will be managed.

1.8 In addition, there should be a more explicit plan for working with Local Highway Authorities (LHAs) to manage and potentially improve the diversion network. With increasing impacts of construction and maintenance, accidents diversion routes are being utilised more and more. ORR should ensure that RIS3 planning accounts for major deficiencies in the diversion network and that NH works with LHAs to manage and mitigate this network too.

1.9 The response below focuses on two of the key themes: cost and efficiency and challenge and deliverability. Within this it is noticeable that the response focuses around:

- Timeliness of scheme delivery;
- Partnership working with STBs and other key stakeholders; and
- Allocation of the RIS funding pot.

1.10 One of the concerns we do have is whether the current RIS funding allocation could be applied more holistically to meet differing needs across the country. Whilst we recognise that this may be outside of the focus of the current consultation, we would welcome the opportunity to discuss with ORR and NH whether:

- The current makeup of the RIS funding pot supports regional planning and development; and if
- ORR's dual role for road and rail could support an integrated approach to identifying the key improvements for economic corridors even if they are funded and managed separately by NH and Network Rail.

1.11 Finally, we would note that the approach outlined in the consultation does not mention engagement with STBs, or wider stakeholders, and we consider that this is an oversight. STBs role is to provide the regional knowledge and strategic perspective in order to support wider decision making and therefore it is vital that we are integrated into the process.

## **2. Risks and challenges for the RIS3 period**

### **2.1 Timescales for delivery.**

We are concerned about the overall length of time it takes to deliver schemes from the initial planning through to implementation, which risks both the ability of NH to deliver its priorities and the ability to deliver local and regional level growth plans. There is a particular risk that limited local resources are being used support the development of plans that may not be delivered. Whilst projects are technically delivered within the five-year RIS period, pre-planning work means that this can be more like five to ten years.

2.2 Whilst we understand the need for careful planning, assessment, oversight and engagement with stakeholders, a lengthy process means that the:

- Context and needs can have changed significantly during this time, requiring re-consideration of elements of proposals (and therefore costs).
- Ability to be responsive to local and regional development needs is affected (see point in 4.4).
- There is a risk that the RIS cycle itself is less efficient if it does not support local and regional priorities.
- Standards for elements of the design, for example active travel measures, are often outdated compared to updated government guidance before the scheme has even left the drawing board.

**2.3 *Recommendation:*** *We would like to see ORR set some measurable targets for NH to meet for different stages of project development and delivery. We would welcome the opportunity to explore this with both ORR and NH and identify whether there are time efficiencies can be built into the process, or if a different approach such as a longer-term investment programme with rolling delivery plans could work more effectively for all, and greater collaboration within the supply chain to share best practice.*

2.4 Working with uncertainty. In considering our own submissions for RIS3 many of us have been conscious of the uncertainty in terms of planning at the moment. In particular those have been generated as a result of Covid and our exit from the EU, which between them have impacted on areas such as work and travel patterns, imports and

exports and availability / supply of materials and affect on infrastructure projects. It would be helpful for ORR to provide assurance that NH is taking this uncertainty into account in its planning for RIS and particularly whether this has an impact on the timescales.

### **3. Theme: cost and efficiency**

3.1 In the consultation document ORR propose to work with NH and move towards building a consistent and disaggregated data set in order to build a long-term understanding of efficiencies. We would support this approach as a way to build sector wide data and understanding.

3.2 The policy issues which the ORR want to address have been highlighted in point 1.3 above , however it is not clear from the approach to RIS3 as to how NH will be accountable for some of these areas, or how they will be considered in the decision-making process. It is important, given the wide range of challenges for the transport network and wider challenges for the country, that these elements are considered as part of the efficiency of NH's work.

3.3 We support an increased focus on decarbonisation, the environment and working towards net zero. All STBs acknowledge and understand the role that transport must play and it is a key driver in our strategic transport plans.

3.4 **Recommendation:** *We would like to see transport decarbonisation, biodiversity and climate resilience embedded in the approach taken by ORR and by NH themselves. There is an opportunity to ensure that all proposals demonstrate carbon efficiency in both maintenance and renewal schemes as well as planning and delivery stages (for example construction materials, use of new technologies in construction and operations, and consideration of alternative solutions to minimise infrastructure requirements during planning stages). The approach should also take account of the need to reduce user-based carbon emissions on the SRN. Further there is an opportunity to ensure biodiversity net gains and network resilience to climate change is demonstrated (as highlighted further below). ORR should include measurable KPIs on these elements for the design and delivery of RIS3.*

3.5 We also support the focus on digital technology and connectivity. There should be opportunities for early engagement with STBs and local authorities in the planning stages to understand any future plans for enabling routes with 5G, charging points, alternative fuels provisions, incidence detection and management provisions. This understanding will allow for future proofing and efficiencies further down the line and support integration of planning and services in addition.

3.6 **Recommendation:** *We would like to see ORR set requirements for NH to demonstrate how new schemes minimise the amount of new/additional infrastructure*

*required to deliver the maximum outcome at each location on the network in need of intervention. To do so this may require NH to work more directly with Local Authorities to develop and put in place measures which change the demand for movement in specific areas; in order that any new scheme on the SRN is as small as possible. This could require NH funds to be spent on items away from directly the SRN, but it would be a good start towards a more integrated approach to planning and delivering major infrastructure.*

3.7 Effective management of SRN assets is of course a priority. There are two key areas where NH approach should be scrutinised. Firstly, we need to ensure that the network is resilient to climate change, and that both the existing and future network schemes are being considered in light of up to date climate projections and data.

3.8 Secondly, and as already noted, it would be helpful to understand how NH will take account of future uncertainty around demand in the RIS3 decision round in the light of Covid, changing travel patterns and the recognition of the need for a more integrated transport system which supports decarbonisation and allows for multi-modal transport. All of these aspects raise questions for asset management.

3.9 Looking beyond the specific policy issues set out by ORR there are questions about both the timescales of NH work and the measurement of outcomes and outputs.

3.10 Corridor studies can often take up to ten years to develop and during this time NH does not have the ability to object to any developments until a preferred route is formally announced. This means that developments can take place which will impact a route or preferred options. For example, at the moment NH is undertaking a study on the A5 between Hinckley and Tamworth as part of the RIS3 pipeline development. Midlands Connect and partners are aware of a number of planning applications which would affect the preferred route and could ultimately lead to additional re-work and costs if different routes are needed; indeed if some of these developments happen then they could scupper what is likely to be the most cost effective and least disruptive (in terms of property requirements) option for the A5 in this area. Thought needs to be given as to how this process can be managed more effectively and addressed within the planning system to strike a balance between safeguarding potential road schemes and not holding up the process for other development, commercial or otherwise, and safeguarding land unnecessarily (which can also have an impact for regional economic development).

3.11 **Recommendation:** *ORR should consider how to NH could be provided with legal powers to raise concerns, if not objections, to development applications which are being considered in areas which they have live feasibility studies. This could help to ensure that the overall planned RIS programme is the most efficient and has the least impact on communities based on the best information available to NH at the time.*

3.12 The consultation highlights the need to measure the outcomes and outputs for schemes, however this should not be limited to the specific geographical location as outcomes can be over a wider location than the initial intervention; including the wider road network beyond the SRN. We would support a process which looks at the intended benefits and outcomes of a scheme over the short to longer term, and again this should bring in some of the aspects referred to earlier such as the social benefit, carbon emissions, climate resilience and biodiversity.

#### **4. Theme: Challenge and deliverability**

4.1 In the introduction we highlighted that long-term consideration may need to be given to how the RIS funding pot is allocated. This view is based on the following understanding and experience of the programme to date.

##### **4.2 Availability of funding.**

Our understanding is that the RIS3 funding pot is to a large degree allocated for RIS2 legacy/'tail' schemes and major maintenance of the assets, which means there are potentially minimal opportunities for further improvement of the SRN in the foreseeable future. On this basis STBs recognise that we have to work hard to be proportionate in our regional asks for additional RIS3 schemes and that our prioritisation process within our partnerships is vitally important.

**4.3 *Recommendation:*** *ORR should bolster its requirements for NH to undertake robust risk assessments on all schemes early and regularly to identify any potential for overrun and allow this to be managed effectively. A phased approach should be made compulsory for high cost schemes and in case of any cost over-runs, the scheme should be delivered in phases rather than drawing on the budget from other schemes or regions.*

4.4 Mismatch between local development and RIS planning timescales. Our experience has identified missed opportunities for development of the SRN when commercial development is taking place and contributory funding is available.

4.5 The missed opportunities take place because the RIS timescales are too long and unworkable from a commercial development perspective which needs to proceed at a relatively quick pace. This means that a minimum product will often be delivered with the contributory funding rather than a project which meets a more strategic need. It also means that the minor improvement that has taken place dilutes the business case for strategic intervention and pushes any strategic work further down the line.

4.6 Two examples where this has happened are:

- A1/A52 junction at Grantham. Improvements at the A1/A52 junction at Grantham have been identified as a priority for RIS3 by Midlands Connect. The improvements will support local growth as well as maintain the strategic performance of the A1 and A52. These improvements are also needed to support commercial developments in the vicinity of the junction which the developers are likely to contribute to. This means there is an opportunity here to use the developers contribution along with RIS funding to deliver a more strategic scheme for the A1/A52 junction that caters to the longer-term needs, as well as delivering safety improvements for both the A1 and A52 corridors would be ideal for this important interchange. However, there seems to be a mis-match between the timescales of when the scheme becomes crucial from development purposes and when at the earliest can it be delivered through RIS funding. This may result in a small mitigation scheme being delivered at this location that would then weaken the case for a strategic scheme in the future.

A similar scenario has taken place with the A5/A426 Gibbet Hill Junction. As well as being inefficient this type causes a lot of dissatisfaction and frustrations amongst the stakeholders.

**4.7 Recommendation:** *ORR should ask NH to demonstrate how they can work more nimbly to take advantage of opportunities afforded by third parties' interest in a particular location on the network. Bringing public and private funding together will result in a much better outcome for customers and the tax-payer but there are currently many barriers to that happening. Consideration should be given to developing a process which allows RIS funding to be fast-tracked, for example potentially reserving a percentage of the RIS funding pot for more responsive development.*

4.8 Accounting for local need and value in decision making. RIS is a national funding pot with a primary focus on the value for money (almost exclusively measured through the benefit-cost ratio (BCR) of a scheme. Whilst this is of course important it does mean that there is a challenge for schemes which are less able to demonstrate an economic benefit but are still of strategic and local importance. This may be even more so in rural areas where the business case may be less able to demonstrate value for money but has the potential to deliver a wider range of benefits such as distribution of economic benefits, and areas such as access to work, education, health and leisure. As highlighted earlier in the response these are all important benefits which are an integral part of addressing the Levelling Up agenda. Development may also be important, as we all work towards net zero, to support intermodal transport options.

4.9 The approach which is currently taken means that there is a huge level of uncertainty for local and regional planning where development of the SRN may be needed but a focus on the BCR means there are lower chances of success. and particularly links to the levelling up agenda.

**4.10 Recommendation:** *The RIS 3 process should provide challenge as to how schemes have been valued and whether they have taken account of the wide range of benefits and taken into account and the different economic thresholds which may exist between regions and between urban and rural areas. Consideration should be given to reserving a proportion for regions and providing certainty for development and enable integrated approaches.*

#### 4.11 Relationship between NH and STBs.

Many STBs work closely with NH and have a positive relationship. However, it is interesting to note that the approach set out by ORR does not refer to this working relationship, or other stakeholder relationships, or acknowledge the important role that STBs have in setting the strategic priorities at a regional level.

4.12 There are practical examples of where this relationship could be reconsidered to ensure that we are making the correct use of each other's skills and knowledge, in order to deliver the best outcomes for all.

4.13 The work of STBs provides the basis for NH to consider and progress interventions. However, in our experience once the scheme is with NH we are not involved in developing the studies further, other than occasional progress updates, which we believe leads to inefficiencies. We are aware of occasions where NH have simply repeated technical work which an STB has already undertaken as part of their strategy development and prioritisation. A different working relationship could mean that next stage of studies could add value to the existing work, with better use of regional knowledge and relationships and less wasted money on repeating work in order to prevent duplication and possibly speed up the process.

**4.14 Recommendation:** *We would like ORR to consider the value of requiring NH to consider formal roles for STBs in the development of new schemes on the SRN. A model being used with DfT and Midlands Connect on rail scheme development is the STB taking the role of a 'clienting partner' to take the projects through to the next stage. We believe that STBs can add value to the process to ensure better outcomes for regional economies and local communities.*

#### 4.15 Decision-making process for schemes.

We have experienced situations where STBS and other stakeholders have been outside of the decision-making process and therefore found out about the cancellation schemes with no opportunity to address any issues or help look at alternatives. A different approach, with engagement earlier in the process could allow for problems to be addressed, alternatives to be developed and to promote partnership working with a wide range of stakeholders.

**4.16 Recommendation:** *We would like ORR require STBs to be brought into decision-making process, potentially with a requirement to consult and problem-solve with partners before cancelling projects which have been committed. Summary 5. Thank you for the opportunity to contribute to the development of the ORR approach to the RIS process. We hope the experience and expertise of the STBs will hope this process continue to progress in the future and will be pleased to respond to any further questions.*

## British Horse Society

The British Horse Society represents the interests of 117,000 equestrian members, and the 3 million people in the UK who ride, or who drive horse-drawn vehicles.

The British Horse Society welcomes the opportunity to comment on the Office of Road and Rail's role and approach to the road investment strategy 3.

The main point that the Society would like to make is that RIS3 must not forget the vulnerable users of the network, especially equestrians. Equestrians, like walkers and cyclists need to be provided with safe passage, and safe crossings across the strategic network so that communities and public rights of way networks are not segregated from other communities and public rights of way networks, by the construction of new motorways and roads.

Where safe routes are provided for walkers and cyclists as part of the strategic road network these should also provide for equestrians.

Director of Access

## Transport for the North

### **General points:**

Transport for the North (TfN) welcomes the opportunity to respond to consultation on the ORR's role and approach to Road Investment Strategy 3 (RIS3).

TfN supports the development of the third Road Investment Strategy and welcomes National Highways (NH) approach to achieving meaningful collaboration with TfN and our partner local authorities as the work on Route Strategies progresses. We view this as critical work, providing the evidence to underpin development of the RIS3 programme.

TfN strongly supports the need for the ORR to have a constructive role in the development of the RIS Programme, focusing on the key areas of value summarised in figure 1.1 of the consultation document. We would like to see ORR play a greater role in ensuring key decision makers are guided by evidence on how best to achieve long term strategic goals.

Further engagement and data sharing between TfN and NH (both ways) will deliver significant efficiencies and support better opportunities for finding the right solutions. Examples include sharing of TfN's Strategic Development Corridors Studies and supporting evidence, sharing evidence on spatial plans (Housing and Jobs growth) and collaboration on development and use of strategic highway assignment models (Northern Highway Assignment Model – where appropriate shared for use on National Highways studies). Both the ORR and TfN have a role in facilitating a more joined up approach to transport investment across all modes to support modal shift in line with national and regional carbon reduction objectives.

There is no reference to engagement and collaboration with Sub-National Transport Bodies within the ORR consultation document, which if not undertaken would be a significant detriment to RIS3 delivery and general stakeholder relations. TfN and NH have agreed a 'Joint Engagement Action Plan' (JEAP) and are already engaged with NH at the strategy planning level, and through this are providing opportunities for efficiencies, such as sharing the strategic evidence underpinning TfN's recommended Investment Programme, our pan-northern spatial planning database and evidence detailing requirements for Electric Vehicle Rapid Charging infrastructure on the road network, including on the Strategic Road Network (SRN).

It is important that information sharing, and collaboration should not be restricted to the development of the Route Strategies and RIS3, rather that there will be opportunities for collaboration throughout the RIS3 programme's lifecycle to support better outcomes, for example including, improved benefits mapping and appraisal, better stakeholder engagement and communications. More emphasis on cooperation and collaboration at

both strategic and operational levels will also ensure more efficient use of public resource.

It is important to ensure that National Highways planning takes account of adopted Local Plan land allocations and associated regeneration proposals. This would support greater consistency and efficiencies in terms of highway requirements for new development.

The SRN is a significant barrier to active travel in many places. It is important to ensure that National Highways support local priorities for improved active travel infrastructure and facilities meet best practise standards. This will help to create a comprehensive network and prevent potential adverse impacts on the active travel and other vulnerable road users. TfN would also like to see National Highways work with local transport authorities and bus operators on the delivery of enhancements on the SRN, where identified in bus service improvement plans.

## **Response to consultation questions**

### **a) Your views on the key issues and risks that could impact on National Highways' performance and efficiency during road period 3 and how we should address them.**

TfN recognises the improvement in RIS delivery since 2015, such as a more critical review of the number of schemes that can be constructed in a 5-year programme, and we hope this trend of applying lessons learnt continues into RIS3. Communication and application of lessons learnt should be a key outcome for National Highways internally but also with delivery partners and stakeholders. As part of this process, TfN would expect that the outputs of Project Speed will feed into the development of RIS3. In terms of key risks and issues that could impact NH's RIS3 performance, please see below:

- We agree with the statement (section 3.3) that 'During the RIS3 development process we need to be able to respond flexibly to changing circumstances and government priorities. In many respects, RIS3 will be developed in a more uncertain policy context than was the case for RIS1 and RIS2.' ORR should ensure that NH have the evidence and tools in place to respond to changing priorities, whilst ensuring that the RIS3 programme supports the delivery of long-term strategic goals.
- As stated in the consultation document Government has announced its intention to review the National Policy for National Networks over the next two years'. To support development and delivery of a successful RIS3 programme NH need a clear and timely steer from Government on the future policy priorities for the SRN. Without this there are significant risks that the RIS3 programme as whole and/or specific schemes going through statutory planning processes could be open to challenge, potential delay or are stopped from proceeding. ORR should ensure that

Government are fully aware of the risks of a failure to fully engage with NH and other key stakeholders on the review, and of any delay to updating the National Policy for National Networks.

- The ORR consultation document makes no mention of the uncertainty on future fiscal arrangements for raising revenue from motorists. By the start of RIS3 the uptake of electric vehicles and phasing out of Internal Combustion Engine vehicles will have had a substantial impact on fuel duty revenue to the exchequer. Future plans for taxing driving could have a dramatic impact on travel patterns and therefore the need to reconsider investment plans. That is why as RIS3 develops TfN strongly advocates the need for appraising the emerging programme within a range of future travel scenarios and can share transport demand matrices for the North developed to reflect TfN future scenarios<sup>1</sup> .
- We are concerned that the planning and delivery process takes too long, and although we understand that ORR is consulting on the 5-year RIS3 period, pre-planning work means that schemes usually take 5-10 years or sometimes longer from initial development to completion. Whilst we understand need for careful planning, assessment, oversight and engagement with stakeholders, a lengthy process means that:
  - The policy context and need for an intervention can have changed significantly during this time, requiring re-consideration of elements of proposals (and therefore costs).
  - This hinders the ability to be responsiveness to local and regional development (leading to a potential mismatch between commercial development needs and ability of NH to respond within their planning framework).
  - There is a risk that whilst the RIS Programme life cycle itself be efficient it does not support local/regional efficiency.
  - TfN would welcome the opportunity to explore this with ORR and NH to determine where efficiencies can be built into the process.
- We strongly support NH's approach to developing the Route Strategies and welcome the current engagement NH that although focused on the SRN, looks to be taking a more holistic approach to integration of the SRN with the Major Road Network (MRN) and the wider local transport network including consideration of the requirement to improve facilities for public transport and active travel. However, we still feel there is a risk that a siloed approach to Government funding within the RIS Programme undermines the ability to deliver a whole system 'Place based' approach working collaboratively with local stakeholders to

achieve regional and local objectives. For example, integration with spatial planning priorities, plans for reducing carbon emissions and improving local quality of life for local communities.

- TfN believes the ORR is right to identify the key policy areas in section 3.4, and we see both risks and opportunities in how the RIS3 programme is developed to tackle the four policy areas – see below.
- **TfN supports the increased focus on achieving positive outcomes for the environment, and the net zero challenge**

Decarbonisation of road transport is a critical challenge and TfN has developed and agreed a transport decarbonisation strategy for the North. We welcome NH's Net zero highways publication and are keen to work collaboratively with NH on bringing forward measures to reduce carbon emissions from road users and from the maintenance and operation of the SRN.

ORR should ensure that the approach to transport decarbonisation is embedded within development and delivery of the RIS3 programme, and that NH is able to deliver evidence-based actions to reduce carbon emissions from operational activities, maintenance & renewal, and delivery of new schemes. Planning for RIS3 should account for appraisal of measures to reduce user-based carbon emissions on the SRN. TfN also recommends that the ORR and DfT should ensure the approach to decarbonisation is considered strategically, across all transport modes (including rail) to reduce the risk of siloed delivery, and drive innovation in the supply chain.

- **Recognising the impact of RIS 3 on social value should also be a priority at the early stages of development.**

ORR should ensure that in developing RIS3 NH have clear strategy and robust performance indicators (KPI's) focused on delivering improved environment, health and community outcomes. This should consider how the RIS3 programme will support the Government's 'Levelling Up' agenda. This is an important issue for the North and other regions such as the Midlands, where the standard approach to economic appraisal focused on the benefits from user time savings, takes little or minimal account of the distribution of economic benefits. To deliver 'Levelling Up' NH and the DfT will need to take a more holistic approach to appraising the benefits of improved transport connectivity. E.g., Enabling people to access a wider range of jobs, business and leisure opportunities. ORR should ensure that NH's approach to RIS3 doesn't widen regional inequality and inequality within the North.

- **TfN supports a continued focus on road casualty reduction** and advocate a systems wide approach to reducing road casualties, here we would like to see Government's upcoming 'Road Safety Strategic Framework' set out the key

steps, roles and responsibilities and resourcing (across Government, national and local organisations) aimed at improving road safety for all transport users. We expect to see ORR to hold NH to account for its role in reducing road casualties, through actions on the SRN and through collaboration with local highway authorities, the Police and other key stakeholders.

- **New digital technology and what that means for customer interaction** should be seen as a significant opportunity for NH to deliver efficiencies, and improved customer experience. TfN welcomed NH's digital, data and technology strategy published in May 2021 and as the National agency responsible for the SRN would like to see NH take a leading role in investing in digital technology and in sharing knowledge across the transport industry. We would like to see ORR's review of the emerging RIS3 Programme take account of NH's approach to digital technology both on the SRN and on how plans for digital technology integrate with and complement the management of traffic and travel information on wider transport networks. Particularly the Major Road Network and other key parts of the local road network operated by local highway authorities.
- **Effective management of the SRN asset** is critical, and we support ORR in identifying this as a key issue. We would like ORR to scrutinise NH's future plans for ensuring the SRN is resilient to the impacts of climate change, particularly to severe rainfall events and increased/prolonged summer temperatures. To ensure that asset management plans encompass a whole life financial and carbon emissions cost appraisal of planned works and that RIS3 asset management planning seeks to minimise user disruption on the SRN and on the wider transport network.
- It is likely that the impact of the Covid 19 pandemic and uncertainty on future travel demand will be a major issue for the development of the RIS3 Programme. To address this, NH will need to include future uncertainty in assessing future demand and appraising value for money, including consideration of investment and demand across other transport modes (see previous comments on scenarios). NH should also account for the 2021 revision of the Treasury Green Book and place a greater focus on the strategic case at both a project and programme level.
- Public perceptions of delivery and outcomes will continue to be a critical risk for RIS 3 delivery and stakeholders need to have a higher level of confidence in programme delivery and its outputs. For instance, the public messaging on Smart Motorways should be a key lesson for NH; not only was there a lack of early communication/ education in terms of changes to highways management but there has been limited communication over the cost of retrofitting.

- The recovery from impacts of Covid on supplier and material availability could be a substantial risk for RIS3 delivery and could affect the number of schemes that can be realistically constructed during the 5 yr Programme. ORR should support NH in assessing the potential impacts on the supply chain.
- Finally, ORR is in a unique position of working in both the road and rail industries, and there should be opportunities for ORR to play a bigger role in encouraging better collaboration between the industries and applying lessons learnt from rail delivery to RIS3 and vice versa.

**(b) Whether you agree with our approach to cost and efficiency and, in particular, our proposed focus on National Highways’ ‘pre-efficient’ (baseline) estimates and how we might provide assurance that these have been robustly derived.**

- TfN strongly supports the need to consider whole life costs, which should include financial costs and carbon costs as well as the cost to the user and taxpayer. We also agree that a focus on baseline costs is needed more at this time, to ensure that efficiencies are genuine and to give a better baseline for future improvements. The review of external benchmarking for cost estimation should help with this and both Sub-National Transport Bodies (STBs) and Local Transport Authorities can provide useful data during the review.
- It will be important to ensure that quality and whole life performance is still held above the pressure of delivering short term efficiencies; The spot-check proposal is a pragmatic means of monitoring NH’s approach to delivering efficiencies and we would like to see ORR reporting on and disseminating good practice as well as identifying the need for improvements. It will be important to provide sufficient notice to Project Managers so they can allow time to programme this in without impacting overall SOW or OFT dates.
- Greater long-term certainty on funding (over 2 or more RIS periods) and early engagement with the supply chain on development of RIS programmes would support innovation and underpinned by a clear set of procurement policies enable contractors to strengthen their approach to delivering improved social value, reduced carbon emissions and more cost-efficient delivery.
- The consultation document makes reference to the ‘right incentives’ ORR can provide to NH – it would be helpful to understand this further.

**(c) Your views on an efficiency challenge based on National Highways’ capabilities and advantages and disadvantages of the proposal to undertake capability reviews aligned to key areas of delivery.**

ORR's suggested approach to consider enhancements, renewals and operations and maintenance individually seems reasonable, but a 'read across' will be required to ensure cost cutting in one area doesn't lead to cost increases in another area. It will also be important to ensure cross-cutting measures are picked up in each department such as the use of digital technologies. Alternatively, ORR could adopt a hybrid approach by looking at each area and feeding back on both the specific area focused and the common issues/ options for improvement. This will allow for better application of lessons learnt across the organisation.

**(d) Whether you agree with our proposed approach to assessing the costs and deliverability of the RIS3 enhancement portfolio. In particular, we would appreciate your views on the relative merits of portfolio level and project level assessment.**

- TfN agrees in ORR placing a greater emphasis on project level risks for RIS 3 and the 2022 study to understand factors that determine project timescales and project risks should be useful in achieving this. However, we support the need to still consider portfolio level risks, including supply chain deliverability, portfolio cost inflation, user impacts and environmental challenge on carbon emissions. It would be useful to undertake an assessment of the need for contingency – e.g., Risk based over-programming of the portfolio, as it is inevitable there will be slippage, particularly with more complex/ challenging schemes.
- It would be useful to review the management of strategic road studies and understand how many of these have experienced slippages, extended PCF0 work and other common issues. A number of complex and transformational studies have experienced significant delays, which has led to significant expenditure with limited or no progress on identifying acceptable schemes. e.g. Manchester North West Quadrant. M6-A1(M) study and the TransPennine Tunnel. One common lesson has been the impact of narrowing the scope of potential delivery options too early in what should include a wide-ranging initial options assessment phase.
- Considering the capacity of the supply chain for delivering the portfolio is a sensible approach as this has been a challenge for RIS1 and RIS2 and supply chain capacity is a growing concern. There could be an opportunity to incorporate supply chain capacity into the regional benchmarking exercise (referenced 3.36).
- TfN agrees that understanding and mitigating the impact on road users is essential for successful delivery; to do this better engagement is required with external project deliverers. This would cover a wider range of stakeholders, not just major projects like HS2. The impacts of the Integrated Rail Programme need to be considered as well as local partner schemes on MRN and Local networks.

For instance, NH will need to work closely with Network Rail and HS2 to minimise the potential for combined impacts of work on key travel corridors during the same period of time. One example being the interface between the Trans-Pennine Route upgrade and any proposed works on the M62 corridor.

- We agree that ORR approach to reviewing projects should focus on the 'riskier' projects rather than random spot checks but also stress the need to consider impacts on quality, not just cost and time.

**(e) Whether you agree with our proposed approach to assessing plans for operations, maintenance and renewals. In particular, whether you agree with our planned focus on the quality of National Highways plans for maintaining and renewing the network.**

- TfN agree that ensuring there is sufficient data of high quality available will be key in supporting the delivery of RIS3 as well as the long-term pipeline of future investment and this is an area where STBs could provide support to NH. STB's could also provide support in the planned regional level benchmarking activities.
- As part of the planned activities (3.19), we would recommend including a check and challenge on how the RIS delivery plans take account of existing policies, uncertainty and developing technologies.

**(f) ensuring the plans and performance requirements provide a clear and agreed baseline for future monitoring.**

- We strongly support the need for robust baseline and future monitoring of both programme delivery and of the expected programme outputs and outcomes, which may be over a wider geography than the immediate location of the intervention, the wider benefits may be greater than those traditionally measured. To support this, we would like to see greater transparency on monitoring and reporting of a benefits realisation plan, which should include processes to communicate short-, medium- and long-term benefits of RIS investment.
- ORR should ensure that NH have robust and transparent baseline and monitoring data, and accounting for issues of confidentiality that wherever possible data is shared and publicly available.
- We support plans for ORR to monitor both delivery of enhancement scheme commitments and asset renewals and secondary 'activity metrics'.

## England's Economic Heartland

As the Sub-national Transport Body (STB) for the England's Economic Heartland (EEH) region we welcome the opportunity to participate in ORR's consultation on the Road Investment Strategy 3 (RIS3) process consultation.

STBs play a key role in setting the ambitions for strategic transport connectivity in regions across England and have growing profile within central and local government for the significant role we play. EEH covers the area from Swindon and Oxfordshire in the west to Cambridgeshire in the east, and Hertfordshire up to Northamptonshire.

In February 2021 EEH published our transport strategy outlining the connectivity priorities for the region, underpinned by 4 principles;

- Achieving net zero carbon emissions from transport no later than 2050, with an ambition to reach this by 2040
- Improving quality of life and wellbeing through a safe and inclusive transport system accessible to all which emphasises sustainable and active travel
- Supporting the regional economy by connecting people and businesses to markets and opportunities
- Ensuring the Heartland works for the UK by enabling the efficient movement of people and goods through the region and to/from international gateways, in a way which lessens its environmental impact

EEH welcomes the opportunity for early consultation on ORR's proposals for the process for assessing the costs and deliverability of the RIS3 enhancement portfolio and plans for operations, maintenance and renewals. EEH's focus is on delivering a user-centred transport system in our region, bringing better outcomes for all users. This is a focus that is shared with ORR in its role as Monitor.

The Strategic Road Network (SRN) plays an important role in the transport system in the Heartland region, supporting economic growth and connecting people and places. It provides key links between our region and the rest of the UK and provides a vital role in supporting the freight and logistics sector.

Transparency and a clear process for assessing developing, assessing, and delivering the RIS and increased engagement is key to ensuring partner 'buy in' for Road Investment Strategies. This response takes each consultation question in turn giving views and, where relevant, examples to illustrate a need for clear process to ultimately deliver priorities identified through the RIS process.

We understand the role of the ORR is not to set investment priorities, responses are provided on that basis. We will continue to engage with National Highways in the development of RIS3.

Yours sincerely,

Interim Director, England's Economic Heartland

Annex 1: Consultation response (please note question b has not feature in this response, we do not feel that a response is required from STBs to this question)

### **Key issues and risks that could impact on National Highways' performance and efficiency during road period 3 and how we should address them**

RIS3 is being developed in a more uncertain world and policy context. The impact of COVID on transport is yet to be fully understood on a long-term basis, leading to the need to plan for future uncertainty.

The Government's legal target for net zero carbon emissions also leads to uncertainty for National Highways, who will have to plan and meet the target. EEH's transport strategy sets out a clear ambition for net zero ahead for 2040 and is working to develop pathways to meet the decarbonisation ambitions. The transport decarbonisation plan represents a step towards achieving net zero, with strong ambitions and targets, around the fleet transition to electric vehicles (EVs) and innovation in mobility. However, this alone will not be enough to reach net zero.

EEH, working with our partners, have developed a series of 'uncertain futures', which consider which drivers of change are uncertain and how important they will be on the future of transport in the EEH region. The outputs are a series of futures which the region could face and is being utilised to assess resilience of our future connectivity priorities. We would encourage the requirement for a consistent approach for National Highways working with STBs, many of whom have been developing narratives for alternative futures for their regions, to help consider assessment of the resilience of RIS interventions. More information on EEH's alternative futures can be found here. The DfT's Uncertainty Toolkit should also provide some clarity about how to plan to future unknowns.

Across the sector the level of ambition and expectation amongst users and wider communities when it comes to planning for net zero is growing, with the legal target by 2050. EEH has set an ambition to meet net zero by 2040. EEH's own transport strategy outlines key policies in relation to decarbonisation of the transport system:

- In identifying future investment requirements we will prioritise those which contribute to a reduction in car journeys in line with the recommendations

delivered by the UK Climate Assembly: to facilitate a reduction in the number of private car journeys by a minimum of 5% per decade (of total traffic flow compared with 2019).

- We will support and plan for the decarbonisation of the road fleet, working with the private sector, the energy sector, local authorities and Highways England to ensure the infrastructure required to support a zero-emission fleet (including buses, public transport and freight) is available
- In identifying future investment requirements, we will prioritise proposals on the basis of value for money, their contribution towards achieving net zero carbon targets, and their contribution to wider sustainability, environmental net gains and health outcomes

STBs collectively are collaborating on their work to develop pathways to net zero. The pathway to net zero cannot wait for future RIS periods and the ORR needs to ensure that National Highways actively responds to changing policy directions and priorities during individual RIS periods. RIS3 should be viewed as an opportunity to plan and assess schemes differently to meet the decarbonisation challenge and provides the opportunity to think more widely about the whole transport system.

We would support the ORR, through assessment or test, to ensure that RIS3 is compliant with the UK's legal requirement for net zero greenhouse gas emissions by 2050 and by default with the DfT's Transport Decarbonisation Plan.

The complexity of large-scale infrastructure projects remains challenging. Development and delivery take several years, leading to potential for increased costs and pressures on programme timelines. Sector skills in planning, managing construction costs will be important to ensure the programme is deliverable.

Certainty in delivery will also be important for the supply chain, and contractors who will ultimately deliver the work. In other sectors we have seen the effects of supply chain uncertainty. To ensure smooth delivery of RIS3, while balancing the needs of other infrastructure sectors (including rail, major road network), the supply chain would benefit from a need clear communication of schemes, allowing a sector wide approach to ensuring we have the skills available to match the scale of delivery.

It is important that National Highways, and ORR in its assessment of schemes, learn lessons from successfully delivered schemes such as the A14, which was opened ahead of schedule. Certainty for users and planning for minimal disruption for communities is important. To this end we are keen to ensure certainty of delivery of the RIS programme and therefore support a forward-looking approach to identify and resolve issues early.

Setting and meeting expectations will be challenging with many competing priorities. Continued engagement with partners will be key to ensure that processes and decisions resulting in the RIS document are communicated with clarity. Historically, input has been provided into the RIS development process but feedback has been limited until the publication of the RIS. This has led to uncertainty about how decisions on interventions have been made. Engagement will continue to be important to all stakeholders.

**Efficiency challenge based on National Highways' capabilities and advantages and disadvantages of the proposal to undertake capability reviews aligned to key areas of delivery.**

EEH agrees that ORR should take a pragmatic approach to assessment and issues advice on where the biggest impact can be made. Key areas of delivery should be assessed but ORR should also ensure that National Highways deliver towards policy aspects such as new technology, planning for net zero and the environment. For example, the implications of new technologies and processes should be assessed. In its role of monitor the ORR must ensure that changes and progress is being made, rather than just assessing progress ie. there is a role for ORR to ensure delivery. We strongly agree with the necessity to assess the impact of changes and learn lessons to ensure delivery can be efficient and impactful.

Ensuring there is capability within the National Highways organisation to effectively identify efficiencies as well as take forward the 'pre-efficient' costings, bringing in knowledge and evidence from lessons learned on previous schemes. As an STB considering the transport system as a whole we would like to see that the core scheme costs includes active travel links (compliant with LTN 1/20) and opportunities for shared transport, rather than these being outside the core scheme costings (they should not be an 'add on' but embedded within).

National Highways capability and approach in wider elements such as engagement should also be considered. An important element of this is playing back to partners the outcomes of engagement sessions and having ongoing conversations with STBs and Local Authorities. The STB Joint Engagement Action Plans between National Highways and STBs could be used as a base for information share and lessons learned.

**Proposed approach to assessing the costs and deliverability of the RIS3 enhancement portfolio. In particular we would appreciate your views on the relative merits of portfolio level and project level assessment**

Assessing the costs and deliverability of RIS 3

ORR should consider previous lessons learned in the assessment of cost and deliverability of the RIS3 enhancement portfolio. This should include delivery in previous RIS periods where enhancements listed in the RIS programme, where it has been

challenging for National Highways to deliver the programme on enhancements. Certainty of delivery is critical for increasing confidence in the programme and future RIS cycles.

A RIS which also remains flexible and 'live' to the changing challenges and uncertainties is also welcomed, an approach which we understand National Highways are adopting for the RIS 3 process and beyond. To this email the ORR process should consider the effectiveness of delivery of the current RIS period, particularly assessing whether the schemes that form part of the 'tail' into 2025 – 2030 remain priorities and if and how this has been assessed.

Increasingly important in the development and assessment of interventions is the strategic case and overarching narrative. The importance on the strategic narrative during assessment should be considered by the ORR, as well as the deliverability and cost effectiveness of project – financial assessment should not be the sole consideration in assessment, particularly in the context of the future uncertainties faced by the sector and set out in the opening section of our response.

National Highways has a key role to play in ensuring the wider quality of life for communities is improved and enhancements should be assessed against this backdrop. EEH's transport strategy sets out the policy that: 'In identifying future investment requirements, we will prioritise proposals on the basis of value for money, their contribution towards achieving net zero carbon targets, and their contribution to wider sustainability, environmental net gain and health outcomes.' This is a significant shift in the way we see roads investment in the future: for all sectors of society, not just road users. ORR should ensure its approach to monitoring and assessment of National Highways' performance consider this.

The Oxford Cambridge Arc Environment Group has collectively set a series of environment principles, encompassing ambitious and aspirational targets for doubling nature, sustainable living and working and innovative solutions to energy and water. Where National Highways is delivering enhancements, they should be cognisant of locally or regionally set ambitions. For example, the current National Highways net biodiversity targets are below that of the Arc Environment Principles which aim for the delivery of 20% biodiversity net gain for all developments with a minimum requirement of 10% including Nationally Significant Infrastructure. Where the SRN currently causes issues such as poor air quality, National Highways should demonstrate that it had plans to address the issue, with the ORR ensuring plans are set and adhered to.

#### Good use of public money

The RIS should represent a considered programme which can hold up to scrutiny as being good value for money. Schemes that are good use of public money should

enhance the end-to-end journey for users and ensure benefits for local communities, agreed at the time by those communities most affected. Alignment and a joined-up approach to enhancements and renewals would be beneficial, as would consideration of the whole life costing of infrastructure from the beginning of each project.

Future proofing the transport network through rapid and widespread adoption of new and emerging technologies, together with investment in digital infrastructure that is available to users beyond the highway network, need to be critical components of future investment programme. ORR, in its role as Monitor, must ensure that National highways actively invest in new technologies and facilitate innovation and foster a good use of public money.

### Stakeholder engagement

Clear and transparent stakeholder engagement is of key importance in the development of any investment pipeline such as the RIS. ORR's role should be to monitor how National Highways are engaging and the stakeholder satisfaction with the engagement activities. ORR's monitoring of stakeholder engagement needs to go beyond monitoring a plan and focus on the approach to engagement – collaborative, responsive, open and transparent.

Important in this engagement is a clear communication of the process of how a final RIS process is set. Historically, schemes or interventions have been put forward but have not appeared in a RIS document without clear understanding of the interim period between initial engagement exercises and the final document.

National Highways Licence was published prior to the formation of STBs: the implications of which can be significant. There is currently no specific reference to STBs relating to engagement in the development of the RIS, although we do note that RIS2 outlined the importance of STBs playing an active role in articulating the benefits of proposals in their areas and the continued commitment to working with STBs and utilising a shared evidence base as outlined in the 'Planning Ahead for the Strategic Road Network' publication. In holding National Highways accountable to the licence, it is also important that engagement with STBs continues in the development of RIS3. This includes aligning RIS 3 principles with strategic regional priorities as set out in each of the STBs transport strategies, both on an investment and policy basis and throughout each of the stages of the RIS development process.

There are further process challenges relating to National Highways Licence. National Highways are required to provide options to the DfT for a scheme but lack the flexibility to amend the project specification – they are licenced to deliver what is commissioned. In turn, the DfT's structure does not encompass an opportunity to analyse situations where the commission is incorrect or needs to be flexible to changing circumstances.

### Monitoring commitments set out in the delivery plan

Monitoring and evaluating by the ORR of National Highways' compliance against the objective to support all road users (including active travel, public transport and freight) is essential as we move towards a more tailored people-centred approach to transport planning in the future.

More emphasis should be given on how the predicted benefits of their proposals are measured and the outcomes of enhancements should be monitored. The impact of enhancements to the SRN may be felt across other routes, modes, and a wider geography than the location of the intervention.

The consultation document notes that ORR's ability to perform their assessment of National Highways is largely dictated by the quality of data provided by National Highways itself. EEH would support benchmarking of information provided against other schemes similar in nature, potentially from overseas or other large scale roads programmes.

### Project and portfolio assessment

Undeniably, assessing projects at an individual level is important to ensure they are delivered to time, quality and budget. However, from a regional perspective, there is huge benefits to taking a portfolio assessment approach.

The combined benefits and implications of enhancements (or operations, renewals and maintenance) can have considerable impact on a local area. Viewing these as a whole as part of the entire transport system is crucial to the development of a well-planned, designed and co-ordinated approach ensuring a journey from A to B is as seamless as possible for the user. As part of the Route Strategies process, National Highways are considering where the Major Road Network impacts the SRN. Investment in the region's Major Road network will be key to the strategically important road network, consisting of the SRN and MRN and the ORR should ensure that funding for the combined road network is assessed and allocated to where intervention is required.

At a delivery level, viewing the impact of a programme of works would be beneficial. The Heartland region has many major projects such as HS2 and East West Rail in construction phases, leading to increased construction vehicles impacting local roads and communities. Phasing of the works will need to be considered to minimise disruption. In addition, maintaining a long-distance travel option for users will be key if one journey mode is impacted during delivery phases.

**Proposed approach to assessing plans for operations, maintenance and renewals. In particular, whether you agree with our planned focus on the quality of National Highways plans for maintaining and renewing the network**

EEH's transport strategy supports a whole system approach to transport – a co-ordinated approach to shaping connectivity and place making.

The whole system approach is extended to a recognition to invest in maintaining our existing infrastructure assets and deliver planned investment in a co-ordinated manner which encompasses the whole life costing on the asset. We are supportive of assessing the asset maintenance plans on an evidential basis, particularly noting that a significant proportion of the network is reaching its end of design life.

A focus on quality is supported to ensure that maintenance and renewals are fit for long term purpose, rather than a 'quick fix'. A long-lasting maintenance or renewal activity brings benefits for long term cost savings, reduced disruption and potential reduction in associated carbon emissions through undertaking work once rather than multiple times.

Managing and planning the SRN for the future is one of the Government's objectives provisionally identified for RIS3. Ensuring the opportunity to future proof the network during renewals is an opportunity that should be harnessed where possible, rather than retrofitting in future years (for example, digital provision).

We would also support planning operations, maintenance and renewals against a number of policy areas, such as flood risk management and climate change adaption, facilitating a joined-up approach between transport, utilities and environmental management.

## Transport Focus

Dear Sir/Madam

### **Transport Focus response to ORR's consultation "Road Investment Strategy 3 Our Role and Approach"**

Thank you for inviting comments on ORR's proposed approach to its role in the development of the third Road Investment Strategy (RIS). We are responding as the Watchdog representing the interests of users of the roads managed by National Highways.

While acknowledging that ORR's role as Highways Monitor is different to that of a conventional utility regulator, our overarching comment is that the road user interest in the process feels secondary to efficiency and whole life cost considerations. In our view ORR should place greater emphasis in its approach on the end user of National Highways' product, alongside ensuring that Government is getting good value for its money.

For example, in determining whether National Highways' draft Strategic Business Plan is challenging and deliverable, we encourage ORR to take a close interest in:

- whether road surface renewal and maintenance plans will meet both the requirements of the performance specification in the draft RIS and the reasonable expectations of those using individual National Highways roads. In particular, being alert to plans that look OK at an overall national level but risk providing an unacceptably poor user experience on particular roads.
- whether maintenance plans are adequate to achieve performance specification requirements and those of National Highways' own published standards. In this category we include things like lighting maintenance, signs maintenance, vegetation maintenance and litter clearance.

Paragraphs 3.18 on asset maintenance is an example of where the user interest should be more strongly reflected. How National Highways delivers asset maintenance is crucial to the road user experience, both in terms of journey quality and disruption experienced while it takes place. Yet these links are not mentioned.

On efficiency generally, we would welcome a greater sense that ORR will be 'on guard' for efficiency proposals that actually amount to 'doing less', with a detrimental impact on the road user experience. For example, a more efficient way to manage vegetation at the roadside must not compromise drivers' line of sight to road signs.

We are pleased to see that ORR will consider the impact on road users of delivery of enhancement schemes, paragraph 3.47(c). We encourage you to have broader

coordination expectations: for example, how maintenance is coordinated so key routes are not closed simultaneously, how renewals projects fit in with maintenance etc. As well as minimising road user disruption through greater coordination, we encourage ORR to have high expectations of National Highways when it comes to taking full advantage of having a road closed for one purpose in order to carry out other work that would not, in itself, justify closing the road.

I hope these observations are helpful. We would be happy to explore them with you further.

Yours faithfully

Head of Strategy

## Mineral Products Association

### Key points:

- MPA members are the largest supplier of materials to the UK economy and the construction industry at typically 1 million tonnes per day and both road building and road maintenance rely upon the efficient supply of these essential products by road
- A robust, thriving supply chain is important for delivering RIS3 efficiently
- Stated plans and the timing of investment must be adhered to as the industry invests significant capital to ensure capacity is available to meet demand
- Aggregate, concrete and asphalt suppliers and the mineral planning authorities and regulators that allow extraction and production have minimal foresight of market demand and this should be addressed.
  - **Solution:** Material supply audits would substantially improve this situation
- Delivery against plan is essential for confidence in the supply chain and National Highways, in common with other public agencies, has a relatively poor track record here so we urge scepticism on delivery assumptions from the ORR.
  - **Solution:** Greater transparency and granularity on the pipeline of projects as they progress would be helpful to enable supply chain to accurately gauge progress

### About MPA

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries. With the affiliation of British Precast, the British Association of Reinforcement (BAR), Eurobitume, MPA Northern Ireland, MPA Scotland and the British Calcium Carbonate Federation, it has a growing membership of 530 companies and is the sectoral voice for mineral products. MPA membership is made up of the vast majority of independent SME quarrying companies throughout the UK, as well as the 9 major international and global companies. It covers 100% of UK cement and lime production, 90% of GB aggregates production, 95% of asphalt and over 70% of ready-mixed concrete and precast concrete production. In 2018, the industry supplied £16 billion worth of materials and services and was the largest supplier to the construction industry, which had annual output valued at £172 billion. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors.

## Overview

MPA's members are the main suppliers of UK aggregates, asphalt, cement and concrete that are essential for delivering the National Highways Road Investment Strategy 3. We welcome the theme of "a transparent and collaborative process with meaningful engagement between the key parties" and would hope that the supply chain would be involved. A thriving supply chain investing on the basis of clear, reliable information would be of benefit to National Highways and the wider UK economy but at present there are some significant missed opportunities in how NH operates that should be resolved for RIS3.

There are two key concerns from the supply chain that ORR is uniquely well placed to force significant improvements upon, both of which reflect ORR's second theme of NH's maturity and data. **We have consistently asked for more timely, accurate and detailed information on projects and the regulator is well placed to require this.**

Firstly, information before projects start could be substantially improved. This would better inform the planning, permitting and investment processes around production and would enable the supply chain to plan with more confidence.

Secondly, improved information during delivery is essential to enable the supply chain to know when projects are ahead or behind schedule, being descope, or at risk of being delayed or cancelled.

### **Proposal for compulsory Mineral Supply Assessments**

Quarries can take up to fifteen years to move from site identification, through the necessary planning and permitting processes and into production, and then will operate for decades. Likewise, the investment cycle on a cement kiln or asphalt plant is decades. The industry is heavily regulated, inevitably leading to many planning and permitting hurdles that each site will have to overcome. As a result, investment into any new site will require a significant amount of time, work and capital before any material can be produced, followed by a lengthy payback period.

The RIS process should help with this, and it is extremely helpful to have foresight of projects into the latter half of this decade, but the total lack of information about material requirements is a missed opportunity to get the most valuable information out of this process.

All major construction projects should undertake and publish a thorough audit and assessment of the amount of material required allowing for a clear picture to be created of the resulting impacts on wider availability and supply chains. This will help mitigate risks for the suppliers, other customers as well as the project itself. While these processes are undertaken as part of the commercial process of delivering a project,

there is rarely any public transparency or visibility of these requirements - meaning the mineral planning system is blind to these needs.

Such assessments would provide visibility to allow both industry and mineral planning authorities the time to plan for new and replacement reserves and to consider capacity and provision of supply. Similar arrangements are already in place for managing waste arising associated major projects, but not the mineral requirements.

### **Delivery and Transparency**

RIS1 and 2 had poor delivery that led to disappointment among our membership, with RIS1 seeing 37 out of 112 announced schemes either delayed or cancelled. This level of delivery was extremely disappointing to our members who invest on the basis of published plans and now have to factor in an uncertain level of delivery when using RIS to plan their investments.

Adhering to stated delivery plans is essential, especially for ensuring confidence to invest in the supply chain. We have repeatedly called for a laser-like focus on delivery of major projects. Increased ambition is welcome, but it only matters if it is realised. Timely delivery of projects is important, both for their economic impact and for the businesses that supply their construction. The transparency of delivery for projects is not what it should be, and could easily be improved with ORR being well placed to require this.

Improving information around major projects to enable the supply chain to plan should be deliverable and would greatly reduce uncertainty around investment .MPA has called for the Government to publish the National Infrastructure and Construction Pipeline (NICP) annually in advance of the year being reported on. It should also seek to be realistic about what is definitely going to happen and what is a less certain ambition. With an annual publication we should see projects move through the pipeline with increasing certainty that they will happen.

Within the RIS process, ORR should require regular updating of the project pipeline in detail, so that projects can be seen to progress or, even more importantly, where they are not making the progress they should.

# Thames Crossing Action Group

## 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 Consultation<sup>1</sup>, 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.

## 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.

---

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

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).<sup>2</sup> 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 junction<sup>3</sup>. National Highways then removed the Link 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.

---

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

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

## **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.

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 22<sup>nd</sup> 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 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.<sup>4</sup>

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

---

<sup>4</sup> <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>

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.

## **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.<sup>5</sup>

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.

This time frame came and went, and we actually ended up with another round of LTC consultation between July and September 2021.<sup>6</sup> 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

---

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

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

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.<sup>7</sup>

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 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

---

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

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.<sup>8</sup> 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 project<sup>9</sup>. 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

---

<sup>8</sup> [www.forestresearch.gov.uk/research/valuing-the-mental-health-benefits-of-woodlands/](http://www.forestresearch.gov.uk/research/valuing-the-mental-health-benefits-of-woodlands/)

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

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.

### **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.

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.

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 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.

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. 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 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.

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 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.

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 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.”*

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.

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](mailto:admin@thamescrossingactiongroup.com)

## Transport Action Network

Response to: Consultation on ORR's role and approach to Road Investment Strategy 3 (RIS3)

### 1 Introduction

1.1 Transport Action Network is an organisation supporting communities and groups pressing for sustainable travel in England and Wales. Its work includes addressing the causes of problems, such as through securing a review of all of the National Networks National Policy Statement. We very much welcome this opportunity to comment on the Office of Rail and Road's (ORR) consultation on its role and approach to Road Investment Strategy 3 (RIS3), which covers 2025 to 2030.

1.2 Despite criticism from the National Audit Office (NAO) about its failures in the rail sector to consider wider public value, the ORR seems to be making the same mistake on roads. This is all the more significant given the rapidly changing external context, which the consultation ignores, instead preferring to emphasise the need for stability in road expansion.

1.3 The consultation makes no reference to the challenging targets across climate and natural environment set for 2030, the end of road period 3, both of which require motor traffic reduction not growth. Expert national bodies, such as the National Infrastructure Commission and Climate Change Committee, have recommended a shift from spending on road-building to investing in public and active transport. Devolved administrations are likewise shifting funding from road schemes to mass transit, such as Scotland's new transport strategy and the Welsh roads review. These ambitions are shared by England's cities and regions but are hampered by investment being ring-fenced for the strategic road network (SRN). The inevitable replacement of fuel duty with some form of road pricing in this decade has major implications for traffic levels, hence for renewals and maintenance as well as enhancements.

1.4 In these circumstances, planning for ever greater spending on RIS3 and then RIS4 is simply not credible. For an oversight body entrusted to protect the public, this failure to be honest about these challenges is surely a major omission. We believe a better approach to RIS3 would involve: • Fostering an honest conversation about the challenges schemes proposed in a different past face in an uncertain future; • Focusing on effectiveness not simply efficiency, in particular regarding wider government objectives; • Ensuring compliance with all parts of National Highways' licence, rather than simply those covering the process for setting a RIS, and • Requiring National Highways to publish long-delayed strategic plans, to inform its portfolio and priorities.

1.5 We would very much welcome the opportunity to meet and discuss the issues raised by this response before further work is carried out on RIS3.

## 2 Key consultation questions

### 2.1 Preamble

2.1.1 In answering the five issues suggested for feedback in section 4 of the consultation, we need to first flag what could be termed an overarching issue, namely whether the ORR's view of its role generally, and in particular in relation to the preparation of a RIS, is correct.

2.1.2 The consultation asserts that ORR's role is "not to set roads policy or determine investment priorities", simply to get "the right balance of [a RIS] being challenging and deliverable", drawing on paragraph 6.12 of the National Highways' (National Highways) Licence. This neither conforms with section 12 of the Infrastructure Act 2015, which requires explicit consideration of wider interests and impacts, nor ORR's similar role in the rail sector, where value for money is considered. In line with NAO guidance, this has to go beyond efficiency to effectiveness.

2.1.3 While TAN accepts that the ORR's role is not to set policy, if ORR's desire to offer "high quality advice" is to mean anything, this must include highlighting where elements of a RIS might conflict with legislation and other governmental priorities, such that value for the public is missed or compromised. This includes where road building would conflict with environmental legislation or goals, making it more costly or challenging to secure them, or indeed where it would simply fail to deliver congestion savings beyond the short term.

2.1.4 In *Efficiency in government (2021)*, the National Audit Office noted that: "*Many government objectives, from overseas aid to children's mental health services, cut across multiple departments and public bodies...Efficiency plans need, wherever possible, to be based on the expected impact on the whole of government, both central and local, recognising that changes made in one part of government can often have knock-on impacts somewhere else...Managing Public Money sets expectations of a joined-up approach: good value is judged for the Exchequer as a whole, not just for an individual organisation*".

2.1.5 Although parts of the Licence relating to the processes for preparing a RIS make explicit reference to efficiency, this does not preclude ORR from considering effectiveness. Indeed, read as a whole, the licence clearly requires consideration of a wide range of issues (not least given the statutory steer of the 2015 Act), so it is disappointing that this consultation fails to consider them. To address this, the ORR's guiding principles need to include:

- **High quality advice:** to avoid wasting public funds, this will need to be challenging at times, to DfT as well as National Highways.

- Scrutinise plans for road period 3 for **adaptability (including least regrets options) and wider effectiveness**, in addition to being challenging and deliverable: this does not require ORR to become an expert in wider issues but to build relationships and intelligence gathering so it is able to ask the right questions at the right time.
- **Drive effective behaviours as well as efficient ones**: this requires challenging silo working; a focus on transformative not simply incremental innovation, and a shift from hierarchical working (given the military influence on civil engineering) to partnership to foster best practice in stakeholder relationships.
- **Maximise long term value for the Exchequer from capital investment and the assets**: not simply reducing long term costs for National Highways.

2.1.6 While the Licence is overdue for updating, and in particular the process for setting and varying a RIS, our suggestions here do not require changes to it. Nonetheless such changes would be beneficial to ensure there is sufficient resourcing and time to address the wider issues raised in the process of preparing the next RIS.

## 2.2 Question 4.1a

*Your views on the key issues and risks that could impact on National Highways' performance and efficiency during road period 3 and how we should address them.*

2.2.1 There are three types of issues here. The first relates to uncertainty about traffic levels, the second, wider government objectives and how they may impact on value for money, standards and deliverability of schemes and activities. The final set is internal, relating to how National Highways' capabilities and culture equip it to deal with complexity and change.

### Future traffic levels

2.2.2 The suggestion that we just need to wait a bit longer to understand the impacts of the pandemic on traffic levels misses the point that to meet many new environmental targets, traffic needs to be reduced using fiscal and other policy levers. Future traffic levels not only have major impacts on the value for money of schemes, which are currently predicated on ever increasing traffic, they influence the need for maintenance and many renewals.

2.2.3 A growing number of expert studies (The last chance saloon: TfQL, 2021) confirm that motor traffic levels will need to be cut by at least 20% if we are to meet climate targets, even if uptake of electric vehicles accelerates further. In any event the switch away from fossil fuels will make motoring cheaper, leading to more traffic and more

congestion. Road Traffic Forecasts 2018 predict a doubling of congestion within two decades of ending sales of petrol and diesel cars, with the SRN particularly affected.

2.2.4 The challenge for ORR as promoter of an evidence-based approach to asset management are the mixed messages from politicians grappling with these issues. By way of example, Ministers secretly told officials to keep emissions stable the day before publishing the Transport Decarbonisation Plan promising to reduce them (Shapps 'agreed to avoid cutting CO2 from roads': The Transport Network, 2021).

### **Changing external context**

2.2.5 The days of simply thinking about infrastructure getting from A to B are long gone. The delays opening Crossrail due to failing to integrate its software with the existing rail network is totemic of the challenges of 21st century engineering of integration with other skills and sectors. Indeed the challenge of integrating transport infrastructure with environmental net gain requirements is even greater, as the climate and nature do not run as predictably like a computer program.

2.2.6 The consequences of the new carbon targets for 2030 and 2035, which are far more challenging for the RIS process than the net zero target, a generation away, have barely been calculated let alone felt. We are at an even earlier stage regarding the Environment Act 2021, for which its requirements to set wide-ranging targets have not even been met yet. In this context, the consultation's proposal to follow in RIS3 the approach that the ORR applied in RIS2 is seriously inappropriate. Spending Review 21 confirmed a decrease in the enhancements budget for RIS2 by a third. Subsequent delays for other schemes and the freeze of smart motorways will inevitably mean even greater change.

### **Internal capabilities and culture**

2.2.7 As evidenced by the Planning Inspectorate's refusal to accept the Lower Thames Crossing (LTC) application and its recommendations against approval of a growing number of schemes, there are now major portfolio level risks. This is even before the impact of new environmental laws and targets have fed through to decision-taking.

2.2.8 While the Inspectorate rightly has highlighted poor consultation, in the experience of TAN and the local groups it works closely with, there are deeper seated issues at play here.

2.2.9 In Principles for project success (2020), the Infrastructure and Projects Authority drew on a broad range of review findings to explain how to deliver success. Its fourth principle, "Tell it like it is", includes advice to:

*“Foster open project culture, where people feel safe to challenge and raise risks and issues, and where assurance is valued as a key element of successful delivery.*

*“... challenge optimistic assumptions and inaccurate data...”*

*“Encourage honest conversations within the project team, with sponsors, stakeholders and suppliers, and as a fundamental principle for assurance.”*

2.2.10 The problem here is not simply pressure on National Highways staff and its supply chain to meet unrealistic milestones, it is the elephant in the room of continuing to claim that major road schemes cut congestion and can be compatible with tackling climate change. Without a culture that enables frank discussion whether schemes remain viable in a changing external context let alone alternative solutions, it will become ever harder to converse honestly about minor details. The ORR has viewed its role as pressing for schemes to meet RIS deadlines and ensure stability, rather than enabling an open culture. Unless it takes a different approach to RIS3, the degree of risk will only deepen.

### **2.3 Question 4.1b**

*Whether you agree with our approach to cost and efficiency and, in particular, our proposed focus on National Highways’ ‘pre-efficient’ estimates and how we might provide assurance that these have been robustly derived.*

2.3.1 By focusing the whole-life cost to National Highways rather than the Exchequer, the proposed review conflicts with established principles of delivering public value, despite the RISs being one of the biggest government spending programmes.

3.2 As the NAO highlights, value for money is made up by economy, efficiency and effectiveness, noting that public bodies should be “aware of the links between different parts of government and the risk that attempted efficiencies in one area inadvertently increase costs somewhere else” (NAO, 2021). The ORR’s proposed role for RIS3 focuses only on cost, solely in terms of National Highways. This ignores costs where other public bodies have to pay more to achieve decarbonisation and other objectives, thereby ignoring wider issues of effectiveness.

2.3.3 This is far from the first time the ORR has failed in its responsibility to the public purse. In Network Rail's sale of railway arches (2019), the NAO criticised how the ORR only considered access requirements for maintenance, “at the expense of wider government objectives such as business support, tenant protection or community cohesion”.

### **2.4 Question 4.1c**

*Your views on an efficiency challenge based on National Highways' capabilities and advantages and disadvantages of the proposal to undertake capability reviews aligned to key areas of delivery.*

2.4.1 A focus on efficiencies in what has been and can easily be measured will inevitably hinder improved wider outcomes or indeed developing wider capabilities necessary to secure them.

2.4.2 While efficiencies may be secured in the short-term from specialising in “more of the same”, namely trying to build similar types of road schemes cheaper, the longer-term costs to the Exchequer from increasing car dependence leading to greater congestion, sedentary lifestyles and environmental damage will grow.

2.4.3 The proposed capability reviews are focused on easily measurable things rather than the strategic plans needed to step change outcomes to deliver wider value, whether getting on a credible pathway for near zero casualties or near zero emissions. The proposal in 3.23 to shift reviews from cross-cutting themes to pillars such as enhancements and renewals would exacerbate this.

2.4.4 The approaches to capabilities and benchmarking are inward looking, focused on existing data and metrics rather than the new challenges National Highways needs to engage in and new metrics required to measure effectiveness. This ignores wider changes in society, not least waves of change reverberating after the pandemic, and the dual climate and ecological emergencies. Road infrastructure has far greater impacts on the environment than any other form of infrastructure. Simply benchmarking against other utilities misses this tension and the need for radical change in roads policy and delivery if 2030 environmental targets are to be met. Likewise, the risk based approach suggested in paragraph 3.37 focuses only on cost or strategic importance to National Highways, rather than the country as a whole.

2.4.5 Questions here should include:

- Planned activities and expected outcomes: are the plans National Highways has set out aligned to and credible ways to address licence and legal requirements as well as wider government objectives?
- Effectiveness challenge: is National Highways ambitious enough regarding improving outcomes against its objectives as well as wider government objectives, and does it demonstrate how it will evolve its culture and capabilities to credibly deliver this?

## **2.5 Question 4.1d**

*Whether you agree with our proposed approach to assessing the costs and deliverability of the RIS3 enhancement portfolio. In particular we would appreciate your views on the relative merits of portfolio level and project level assessment.*

2.5.1 The consultation's focus here is on a long list of discrete projects, rather than the strategic plans required in the licence to improve outcomes. In its Transforming Infrastructure Performance: Roadmap to 2030 (2021), the Infrastructure and Projects Authority comments that:

*“Too often when investing in new infrastructure, completion of the project is perceived as an end in itself. The built environment is seen as a series of unconnected construction projects, divorced from the wider system and their explicit purpose to deliver services that improve the lives of people and the natural environment in which we all live.”*

2.5.2 Rather than recognise the changed context, it is concerning that the ORR proposes “the same approach that we took during RIS2”. The exception regarding the investment plan relates to the proposed review of factors that have impacted on schemes delivered since 2015. The risk here is that this will not pick up emerging issues from new legislation, policy and supply chain constraints, creating a false sense of assurance.

2.5.3 It is disappointing there is no mention of Designated Funds, despite the continued issues with avoiding underspends, let alone securing improved outcomes, including addressing the impacts of parts of the SRN built to lower environmental standards. A key justification for the Designated Funds was to help deliver wider capability and maturity: by enabling spending beyond National Highways assets (e.g. neighbouring habitats and local transport networks) and beyond traditional highways objectives, it was hoped they would develop capability to integrate wider outcomes into programmes and to develop deeper partnerships with stakeholders. This approach of allocating some funding “outside the box” is frequently taken by high performing companies seeking to evolve. Instead, the funds appear increasingly used to cover cost overruns on major schemes through paying for their mitigation after they have been removed through value engineering.

## **2.6 Question 4.1e**

*Whether you agree with our proposed approach to assessing plans for operations, maintenance and renewals. In particular, whether you agree with our planned focus on the quality of National Highways plans for maintaining and renewing the network.*

2.6.1 As set out above, future traffic levels have major impacts on asset management and the funding required for operations, maintenance and renewals. The ORR should

require National Highways to triage its plans into no regrets activities (required even if traffic is cut), high traffic scenarios and those that fall in between.

2.6.2 To maximise value and connectivity (whether for nature or active travel), assessments need to consider National Highways' non-carriageway assets better and consider their integration with neighbouring facilities and habitats, such as those controlled by local authorities and land owners. Post-opening project evaluations have consistently highlighted failures to adequately maintain mitigation habitats or integrate into active travel routes for instance the A3 Devil's Punchbowl and A556(M) scheme respectively. Active travel routes are left overgrown for long periods, with surfaces that are poorly maintained and ecological features that are similarly blocked up. With policy frameworks now requiring environmental net gain rather than simply mitigation, the continuing lack of developed metrics let alone monitoring and management requires urgent action.

### **3 Wider Issues**

#### **3.1 Challenge and deliverability: performance requirements**

3.1.1 The consultation assumes a "high degree of consistency across" metrics for RIS2 and RIS3. This shows a major lack of awareness of wider changes in the external context, as discussed in the next section.

3.1.2 In particular the assertion that "[s]etting overly ambitious targets is likely to be self defeating" raises concerns that the ORR's relationship with National Highways has become too comfortable. In the private sector, commercial pressures and changing external factors can compel incumbents to rethink operations and business models to step change performance. By contrast, the ORR's focus on RIS stability discourages dynamic mindsets.

3.1.3 As further discussed in the final section below, National Highways has failed to meet many targets or even set others it was supposed to. The impression given is that ORR has focused on National Highways delivering schemes over delivering outcomes: it is easier to monitor scheme delivery, being a time-bound, repeated activity with a ribbon cutting opportunity at the end, than a strategic plan containing actions of uncertain scope and duration that potentially require linkages across silos and organisations.

3.1.4 Major change to the suite of KPIs, PIs and Requirements in the Performance Specification is needed, both to the indicators themselves and their levels.

#### **3.2 Statutory duties and licence compliance**

3.2.1 This consultation focuses on process in the licence, rather than its requirements in substantive areas, or the wider legislative landscape that has changed dramatically since the equivalent stage in preparing RIS2. There is a particular disjoint here with the ORR's draft sustainability policy, despite it promising that:

*“We will seek to exercise our regulatory powers to be consistent with, and supportive of, governments’ sustainable development policies and objectives. In particular, we will focus our efforts on areas where there are clear legislative requirements and policy direction and funding from governments.”*

3.2.2 Although it seeks “a step change in sustainable development outcomes”, it should be obvious that only disruptive change will achieve key legislative sustainability targets by 2030.

### **3.3 Route strategies**

3.3.1 The first two editions of route strategies have been a major disappointment, failing to capture a wide range of data, let alone planning to deliver transformative change across multiple outcomes.

3.3.2 To ensure value for money, the new strategies require integration with:

- The plans and ambitions of devolved, regional as well as local bodies, some of which are setting net zero targets well before 2050 alongside motor traffic reduction targets;
- Local Cycling & Walking Infrastructure Plans and Bus Service Improvement Plans, and
- Natural environment issues and opportunities for coherent environmental net gain (rather than simply biodiversity units), such as in National Character Area profiles.

3.3.3 There is a strong case for a radical reshaping of the route strategy process, its geography to reflect regions and the majority of journeys that fall within them: Birmingham's SRN, for instance, is carved up between five different route strategies. This would better align with spatial planning and natural environment issues too.

### **3.4 Climate**

3.4.1 Despite 10% of UK CO2 emissions in 2019 coming from use of the SRN, the consultation fails to identify the key targets of 68% cut by 2030 and 78% by 2035, set into law by the UK's Nationally Determined Contribution and Sixth Carbon Budget respectively. The CCC has called for a net zero trajectory test for all major policy decisions and, given the SRN has greater impacts than any other single asset, the

decision-making on RIS3 is of utmost importance to the credibility of the UK's green ambitions.

3.4.2 The consultation instead makes a brief reference to the Transport Decarbonisation Plan. Although this refers to using cars less and shifting freight to rail, it lacks targets for modal shift or clear estimates of how much transport emissions need to fall for interim carbon budgets, let alone detailed measures to deliver this. Experts agree that substantial traffic cuts rather than further growth is needed by 2030 to meet climate targets, with Scotland aiming for a 20% cut and London a 27% one.

3.4.3 In its review of the TDP and Net Zero Strategy, the CCC noted that:

*“policies to reduce or reverse traffic growth are underdeveloped. These options must be explored further to minimise delivery risks from an increased reliance on technology and to unlock wider co-benefits for improved health, reduced congestion and increased well-being” (page 4) then that “clear targets and credible policy to reduce traffic...as important areas remain to be resolved”.*

3.4.4 The consultation also refers to National Highways' Net Zero Highways plan. While this sets targets to seek to reduce emissions from construction and maintenance, in terms of user emissions it only commits to supporting the 2050 net zero target, plus a few mentions of supporting charging initiatives. Besides being about as credible as airport climate pledges that ignore emissions from the planes that use them, this is in breach of licence conditions in paragraph 5.23 regarding cumulative impact (c) and user emissions from “their journey choices” (h). Growing congestion has already caused coach and bus use of the SRN to plummet. This congestion is forecast to increase dramatically, so without radical action, such as motorway bus lanes, that trend would continue. National Highways' promise to publish a public transport plan in 2023 and deliver measures like better lighting for bus facilities are unlikely to change this trend.

3.4.5 Ever since gaining its highways role, the ORR has shied away from climate issues, never even progressing the RIS1 commitment made in 2014 to monitor emissions from use of the SRN. With decision-making on many schemes delayed due to their climate impacts, this is not simply an economic and environmental issue but has become one for deliverability too.

### **3.5 Active travel**

3.5.1 We share Cycling UK's long expressed concerns about ORR's failings in holding National Highways to account on monitoring cycling outcomes of its schemes. Many recently constructed facilities involve four or more separately signalled crossings that are not convenient, attractive or well integrated with the surrounding active travel network, so fail to deliver modal shift. The lack of post-opening evaluation of active

travel facilities has meant lessons are failing to be learnt, in turn has impacted on the scale and quality of future schemes.

3.5.2 While the Historic Railway Estate is funded via a protocol to the RISs, the potential for modal shift from protecting these assets for future reuse and the controversy over National Highways' poor management of these assets and related stakeholder engagement (Letter from Transport Committee, June 2021) are such that this has become totemic of wider National Highways failings. We would welcome clarification how ORR plans to improve oversight of this protocol

3.5.3 Although currently non-statutory, the target for half of all urban journeys to be walked or cycled by 2030 set by Gear Change (DfT, 2020) is game changing. In any event it is expected to be written into the second Cycling and Walking Investment Strategy (CWIS2) this year. While the ORR has no role in relation to CWIS2, since it, like RIS3, is underpinned by the Infrastructure Act 2015, such objectives are clearly extremely relevant.

3.5.4 The ambition of this target is such that it requires both rapid roll out of world class facilities but also cancelling schemes that make driving easier, such as the A38 Derby junctions. ORR should quickly set out how it intends to work jointly with Active Travel England to provide an adequate level of challenge so that National Highways helps rather than hinders achievement of this target.

### **3.6 Natural Environment**

3.6.1 Despite the landmark Environment Act 2021 or the 25 Year Environment Plan (Defra, 2018) before it, the consultation makes minimal reference to these issues, simply touching on "increasing focus on how the impacts of the SRN on the environment, health and communities can be improved". This is despite the NAO highlighting in Achieving government's long-term environmental goals (2020), the serious impact of transport infrastructure construction and operation on the environment and a severe lack of joint working between DfT and Defra. Even on air quality, for which there were joint arrangements, the NAO noted that their effectiveness was poor.

3.6.2 Given the lack of interest shown by ORR, National Highways has been able to freewheel on issues of great importance to the public as well as the Government. National Highways has not had an Air Quality plan since the previous one was withdrawn in November 2021. In March, Defra data was published suggesting the UK is set to exceed the targets set under National Emission Ceilings Regulations 2018 for four out of the five pollutants in 2030. Replacement targets to be set by October 2022, as required by the 2021 Act, are expected to become far stricter. Transport is one of the biggest contributors. Although the ORR has highlighted National Highways' failure to

spend air quality funding, it is yet to take any enforcement action, let alone recommend a shift in investment priorities to address this.

3.6.3 The National Highways Biodiversity Strategy dates from 2015 and is little more than photos of roadside flowers, while the last of the promised annual updates is for 2018/19, so nearly three years old. In response to the natural capital approach the government committed to in 2018, National Highways promised a feasibility study on new environmental metrics by 2025. This is another area where the 2021 Act proposes radical change: the species recovery target will be far harder to deliver than biodiversity net gain (on which National Highways is already falling short of commitments), due to the spatial implications of enhancing ecological connectivity, a particular challenge for linear infrastructure.

3.6.4 In relation to landscape and visual impacts, National Highways has only published a set of principles in 2018, with no signs of progress since. Contrary to the requirements set out seven years ago in the licence (paragraph 5.28), National Highways still has no strategic plan for design, to put the “principles of good design” into practice. This strategic plan was first requested by members of its design panel in 2015 and was still being requested in the panel’s fourth report in 2021.

3.6.5 As if the slow progress for long known issues was not bad enough, there are many new emerging challenges, for which current transport patterns have overwhelming impacts. The Environmental Audit Committee has highlighted that 40% of microplastics in watercourses come from road run-off (page 88 in Water quality in rivers, 2022). Even on the latest increased rates of remediation, it would take over 1,000 years to tackle all outfalls from the SRN. New schemes continue to degrade the aquatic environment: the M27 smart motorway is set to increase run-off in the River Hamble, a designated Special Area of Conservation.

3.6.6 The natural environment is clearly an area where the ORR needs to radically change its capability and credibility, whether for RISs to secure wider outcomes let alone be deliverable. Joint working arrangements with the new Office for Environmental Protection should be urgently developed so as to provide the necessary input to RIS3. A further focused consultation on the approach to the natural environment in RIS3 will be necessary.

## **3.7 Safety**

3.7.1 The ORR has rightly flagged that National Highways is not on track to meet its Killed or Seriously Injured targets, once the pandemic’s effects on traffic levels are disregarded. The consultation only refers to a “continued focus on road casualty reduction”, despite fundamental change being required if casualty levels are to reach zero by 2040, rather than continue to plateau. This is yet another example of the ORR

failing to enforce effectively the licence requirements on National Highways, in this case the obligation in paragraph 5.15 (b) “to achieve the best possible safety outcomes across its activities” as well as the requirement to have a strategic plan in place.

3.7.2 If RIS3 is to address safety, it will require a radical change in resources and investment portfolio, favouring small schemes (given how collisions are spread across the SRN, especially single carriageway roads) and better management, such as average speed cameras and modal shift to reduce traffic levels as opposed to letting them continue to increase.

### **3.8 Fostering system-wide innovation**

3.8.1 Last but certainly not least, the consultation proposals miss the opportunity to create wider social value. Ofgem’s innovation vision, for instance, recognises its role as regulator to stimulate innovation, aligning the opportunities of net zero and digitalisation. Innovation not only enables the UK to build on its technological strengths but also can cut demand for infrastructure, such as through Time of Use Tariffs to manage peak demand, reducing consumer costs.

3.8.2 By contrast to the energy sector or indeed urban transport, there is a lack of disruptive innovation in interurban transport, despite growing inefficiencies in both passenger and freight vehicle occupancy. The ORR should rethink its approach to RIS3, asking how through its actions it can orchestrate innovation.

# Transport Planning Society

## Introduction

In “Planning ahead for the Strategic Road Network”, published late 2021, the Government sets out its plans to develop the third Road Investment Strategy (RIS3), covering the period from 2025 to 2030.<sup>10</sup> In 2023, the Department for Transport (DfT) will publish a Draft RIS setting out its intentions for RIS3, which is preceded by a research phase.

The aim of the research phase is finding out:

**a) What people think should be the main objectives for National Highways and the SRN, both for RIS3 and beyond**

b) Which locations on the SRN are most in need of improvement

**c) The opportunities to unlock wider benefits from investment in the SRN**

d) If there should be any changes in the roads that make up the SRN

This document is the response of the Transport Planning Society (TPS) to the research phase, focused on issues a) and c). We will share our responses with the key stakeholders identified in the reports as active in the research phase: National Highways, the Office of Rail and Road, and Transport Focus.

The Transport Planning Society is the only professional body focusing entirely on Transport Planning in the UK.<sup>11</sup> With almost 1500 members, we aim to facilitate, develop and promote best practice in transport planning and provide a focus for dialogue between all those engaged in it, whatever their background or other professional affiliation.

## What should be the main objectives for National Highways and the SRN

We are encouraged by the opening statement in the document that confirms that the highway network supports all modes of travel, and not just mechanised modes, or private vehicles. This consideration must be extended across purposes of trips made

---

<sup>10</sup> Department for Transport. (2021) *Planning ahead for the Strategic Road Network Developing the third Road Investment Strategy*. Department for Transport. [[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1045938/planning-ahead-for-the-strategic-road-network-developing-the-third-road-investment-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1045938/planning-ahead-for-the-strategic-road-network-developing-the-third-road-investment-strategy.pdf)].

<sup>11</sup> Transport Planning Society. (2022) [<https://tps.org.uk/>].

using the network. Utility trips (commuting and work journeys) on the SRN have historically dominated cost-benefit analyses of the value derived from investment. It is pleasing to see that leisure trips will also be taken into consideration with regards to network performance. This is pertinent as almost half of transport professionals expect the number of leisure and social trips to increase in the next five to ten years compared to pre-Covid levels.<sup>12</sup>

The government should be cognisant of the Transport Focus research that which highlights that users mostly value improved quality of road surfaces, safer design and upkeep of roads.<sup>13</sup> RIS3 should not just be about expansion of the SRN – greater value could be achieved by maintaining and improving the existing road assets, also considering the climate change threat and the responsibility to ensure resilience of the strategic road network in the face of climate events. Resilience of digital infrastructure should also be part of this.

TPS welcomes the statement that RIS3 could also intervene to improve other transport networks which can support different ways of making local journeys off the SRN. We recommend the work done by (then) Highways England in the M25 South West Quadrant Strategic Study, concluding:

*“This study recommends that the focus of future work should not be on widening the existing (M25) road. Instead, attention should be given to how to reduce pressures and provide parallel capacity to relieve the motorway network. This should work first to find alternatives to travel, or to move traffic to more sustainable modes. But the volume of travel means that road enhancements are also likely to be needed”.*<sup>14</sup>

Switching existing driven trips to another mode, including car passenger (increased car occupancy is also Government policy) can be supported by land use and planning interventions. If a car trip changes from a distant destination poorly served by public transport (PT) to a destination within walking or cycling distance (or with good PT links) it not only reduces car mileage, but it also brings new modes into play – both effects reducing the need to invest in further SRN expansion.

Accessibility mapping across all modes is a key tool to analyse this opportunity across the country. It requires different, better integrated policies, (linked to Local

---

<sup>12</sup> Woodhouse, I., Cowling, E., and Wain, C. (2020) *Long-term implications of Covid-19 on transport planning and policy: a perspective from the transport sector*. Rees Jeffrey Road Fund. [[www.reesjeffreys.co.uk/wp-content/uploads/2021/05/FTVG\\_Group1\\_Report.pdf](http://www.reesjeffreys.co.uk/wp-content/uploads/2021/05/FTVG_Group1_Report.pdf)].

<sup>13</sup> Transport Focus. (2021) *Check how road user priorities for improvement vary by type of user and journey*. Transport Focus. [<https://www.transportfocus.org.uk/publication/check-how-road-user-priorities-for-improvement-vary-by-type-of-user-and-journey/>].

<sup>14</sup> National Highways. (2017) *M25 South West quadrant: strategic study: stage 3 report*. Department for Transport.

[[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/600047/m25-south-west-quadrant-strategic-study-stage-3.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/600047/m25-south-west-quadrant-strategic-study-stage-3.pdf)].

Transport and Development Plans) instead of those which simply try to make individual modes more attractive. Working in closer co-operation with local transport and planning authorities could mean a break from capacity increases to demand management, mode and destination switching, on grounds of congestion and climate considerations that are better served that way.

Throughout the report there is too strong a focus on alternative fuels (biofuels, electricity and hydrogen) rather than increasing modal shift. For the government and National Highways to reach their respective net zero targets by 2050, a significant reduction in total car mileage is required (it has been estimated that a 20% to 30% reduction is needed by 2030, relative to 2019 levels)<sup>15</sup>, with the additional potential benefit of also freeing up road-space to other users.

In appraisal of the RIS3 programme, we recommend that a separate objective related solely to carbon should be considered by the DfT, rather than the topic being merged (as it is currently) with the 'Improved Environmental Outcomes' objective. As a minimum, the RIS3 appraisal process should ensure that every individual scheme and the overall programme is tested against the government's Transport Decarbonisation Plan objectives.<sup>16</sup>

The appraisal process must reflect the now well-recognised uncertainty around future travel demand growth, be that because of a continuation of the trends emerging from Covid 19 lockdowns, or as exemplified by the two climate change scenarios presented by Prof Phil Goodwin,<sup>17</sup> rather than the current DfT traffic growth forecasts. The latest DfT forecasts are now more than 3 years old, and reflect pre-pandemic assumptions about the economy and associated future travel demand.<sup>18</sup> We disagree with the statement that changes in the forecast of future travel demand "are highly unlikely to overturn the importance of the SRN". The modelling of alternative scenarios needs to prove that, and all such scenarios must

---

<sup>15</sup> Hopkinson, L., Anable, J., Cairns, S., Goodman, A., Goodwin, P., Hiblin, B., Kirkbride, A., Newson, C., and Sloman, L. (2021) *The last chance saloon: we need to cut car mileage by at least 20%*. Transport for Quality of Life. [[www.transportforqualityoflife.com](http://www.transportforqualityoflife.com)].

<sup>16</sup> Department for Transport. (2021) *Decarbonising Transport a Better, Greener Britain*. Department for Transport.

[[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1009448/decarbonising-transport-a-better-greener-britain.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1009448/decarbonising-transport-a-better-greener-britain.pdf)].

<sup>17</sup> Anable, J., and Goodwin, P. (2021) *We are now facing two alternative futures (plus an untenable one)*. Local Transport Today.

[<https://www.transportxtra.com/publications/evolution/news/69570/we-are-now-facing-two-alternative-futures-plus-an-untenable-one>].

<sup>18</sup> Department for Transport. (2018) *Road Traffic Forecasts 2018 Moving Britain Ahead*. Department for Transport.

[[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/873929/road-traffic-forecasts-2018-document.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/873929/road-traffic-forecasts-2018-document.pdf)].

reflect unintended consequences, such as induced demand occurring where congestion is (temporarily) resolved.

Any assessment of the RIS3 programme and any of its component schemes must build on the Uncertainty Toolkit and Common Analytical Scenarios developed by the Department itself,<sup>19</sup> and learn from similar scenario development activities by, for example, Transport Scotland and Transport for the North.<sup>20 21</sup>

By incentivising driving, through lowering the driver's time and hence generalised cost, any sustainability package aimed at decarbonisation will have to first make up for this disincentive – at least to the predicted car travel time value. The logical way to achieve this is by reallocating road space at the same time but that also reduces benefits as they are currently calculated. RIS3 needs to consider if the current approach to appraisal needs overhauling, to overcome this conundrum. Currently, the underlying justification for SRN schemes which influence urban/suburban traffic is the very thing which undermines other Government policy. Strategic schemes do interact with urban and suburban areas and policies: it's where most of the people and cars are located.

The government's own Transport Decarbonisation Plan raises increasing car occupancy and encouraging public transport use as two measures that can immediately cut transport's carbon emissions. RIS3 needs to embrace this point and facilitate where possible. The government should investigate, and possibly trial the use of High Occupancy Toll lanes to support increasing car occupancy and provide complementary funding to enhance public transport provision. Recent press suggestions that the Bus Back Better funds have been halved from £3Bn to £1.4Bn are worrying.<sup>22</sup>

The Society welcomes the statement that “Action on the SRN will support the use of a decarbonised vehicle fleet and make active travel and public transport easier and more attractive to use”, and would seek assurances that these actions are embedded in the designs, monitored and evaluated.

---

<sup>19</sup> Department for Transport. (2021) *Uncertainty Toolkit TAG Supplementary Guidance*. Department for Transport. [[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/983766/tag-uncertainty-toolkit.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/983766/tag-uncertainty-toolkit.pdf)].

<sup>20</sup> Transport Scotland. (2019) *Scenario Planning Process Report*. Transport Scotland. [<https://www.transport.gov.scot/media/45142/scenario-planning-process-report.pdf>].

<sup>21</sup> Transport for the North. (2020) *Future Travel Scenarios Adaptive planning to deliver our strategic vision in an uncertain future*. Transport for the North. [<https://transportforthenorth.com/future-travel-scenarios/>].

<sup>22</sup> Helm, T. (2022) *Boris Johnson's 'bus back better' plan in tatters as Treasury cuts funding by half*. The Guardian. [<https://www.theguardian.com/politics/2022/jan/23/boris-johnsons-bus-back-better-red-wall-levelling-up-treasury-cuts-funding>].

It is positive to see that the SRN is one of the safest networks in the world and that safety is, and will continue to be, the Department's top priority in RIS3. Despite this, an omission from this particular objective, and the publication as a whole, is any reference to Smart Motorways. A government statement on delaying the further the rollout of was recently published,<sup>23</sup> and RIS3 should reflect not only the stated intention to halt the construction of new Smart Motorways, but also assess if the completion of the 100 or so miles of Smart Motorways under construction should be paused until a full 5 years' worth of safety data is available.

The Society disagrees with the intention in the report, that enhancement schemes that had funding approved in an earlier RIS, and where construction has not concluded by March 2025, will continue to be funded in RIS3. We are of the opinion that all schemes should be reassessed, in line with the proposed review of National Policy Statement for National Networks.

Given the increase in cycle usage, and the reported 40% increase in cyclist deaths in 2020, we urge the government to ensure that all RIS3 projects have measures in place to improve cyclist safety.<sup>24</sup>

In terms of catering for freight, more is possible to optimise road haulage (e.g. through consolidation). Rather than simply predicting and providing for ongoing growth; the government can play a role in this. The SRN does not need to be the only network catering for the movement of goods, or investment in RIS3 be the only way to address the congestion costs experienced by road freight. Better use can be made of rail freight alternatives, not just for access to global markets but as a realistic mode that deserves consideration for investment. A more effective rail freight offering may be preferable over expansion of the strategic road network in RIS3. The involvement of the Office of Rail and Road is a positive step towards this.

Meaningful engagement with bus and other mass transit operators should also occur ahead of the RIS3 final publication. We recommend that RIS3 ensures it takes note of, and aligns with, the National Infrastructure Commission's *Second National Infrastructure Assessment: Baseline Report*, recently published.<sup>25</sup>

---

<sup>23</sup> National Highways. (2022) *Smart motorway rollout to be paused as government responds to Transport Committee report*. Department for Transport.

[<https://www.gov.uk/government/news/smart-motorway-rollout-to-be-paused-as-government-responds-to-transport-committee-report>].

<sup>24</sup> Department for Transport. (2022) *Reported Road casualties in Great Britain: pedal cycle factsheet, 2020*. Department for Transport.

[<https://www.gov.uk/government/statistics/reported-road-casualties-great-britain-pedal-cyclist-factsheet-2020/reported-road-casualties-in-great-britain-pedal-cycle-factsheet-2020>].

<sup>25</sup> National Infrastructure Commission. (2021) *Second National Infrastructure Assessment: Baseline Report*. National Infrastructure Commission. [<https://nic.org.uk/studies-reports/national-infrastructure-assessment/baseline-report/>].

## **The opportunities to unlock wider benefits from investment in the SRN**

We are encouraged that according to the report, SRN investment has also unlocked 160 new and improved cycleways and footpaths, and urge the government to look for greater opportunity to seek wider benefits for non-motorised travellers from the significant investment in RIS3. Ideally, we would like to see a percentage of the overall spend committed to active mode improvements; and a mandate that every RIS scheme has an explicit walking and cycling component, scrutinised by Active Travel England. The improvement of roads should be for all rather than private car / freight users alone.

The SRN interacts, inevitably, with roads lower down the hierarchy, where many of the trips visible on and benefiting from investment in the SRN, will originate.

Unlocking benefits needs to recognise this interplay, for at least the following three reasons:

- Strategic roads, with a movement rather than place function, can support the creation and success of Low Traffic Neighbourhoods and other place-making initiatives
- However, unlocking congestion on the strategic road network, making car-based travel faster and easier, can induce further car-based demand, negating some of the intended local road benefits, and even increase traffic in mainly residential streets as end destinations of such trips
- And in any case, investment in the SRN also needs to reflect the needs of those who live and work along the strategic road network, and who are already concerned about the redistribution of road traffic towards this network, and its externalities to their environment

The designated funds for dealing with severance and noise impacts have been well received and are a valuable potential funding source for local communities to make improvements to reduce negative impacts of road schemes on their quality of life. In RIS3, this funding pot should be increased, and National Highways should be more proactive in exploring options for using this funding and reduce the administration necessary for local highway authorities to access this. This could include earmarked allocations against local authorities with clear eligibility criteria and a 'use it or lose it' approach – perhaps linked to schemes identified in a new round of LTPs. It is essential that these LTPs and RIS3 are aligned.

The SRN's creation of jobs is welcomed but a commitment (ideally in the form of a measurable target) to the creation of long-term employment opportunities for those

from typically underrepresented groups should be provided in RIS3. This action would reduce employment gaps in road and would assist both the government's commitment to 'build back better' and to 'level up'.<sup>26</sup>

In a similar vein, the trial and rollout of new digital technologies is expected to improve safety and create efficiencies on the SRN. However, they must not exclude nor prohibit users that cannot adopt them. The involvement of Transport Focus is encouraging to see, but the Department and its partners must consider an SRN technology strategy for the network, with a heavy focus on engagement and consultation with users. Technology can also have unintended negative consequences – for example the reported increase in usage of C- and unclassified roads over the past ten years, most likely encouraged by navigational systems now commonly available in cars and on smart phones.<sup>27</sup>

## Summary

The Transport Planning Society recognises the opportunity that RIS3 offers to improve travel conditions not just for private car and freight traffic, but across all modes of travel that make use of roads. The road investment strategy should recognise the interplay between levels of hierarchy and between travel modes, ensuring that all benefit.

In a previous study on the M25 it was found by National Highways itself that investments off the strategic road network may deliver the intended outcomes easier and cheaper than by expanding the SRN. It would be refreshing to see the funds available in RIS3 for such alternative interventions, be that the lower tier network, or other modes, such as active travel for personal trips or rail for freight movement. Climate resilience and maintenance of existing assets should be prioritised.

In any case, the strategy needs to align with strategies at the local level (such as emerging Local Transport Plans) and other national policies, such as decarbonisation. Reducing the need to travel, rather than providing for predicted traffic growth is one way of doing so.

---

<sup>26</sup> De Henau, J., and Himmelweit, S. (2020) *The gendered employment gains of investing in social vs. physical infrastructure: evidence from simulations across seven OECD countries*. The Open University. [[www.open.ac.uk/ikd/sites/www.open.ac.uk.ikd/files/files/working-papers/DeHenauApril2020v3.pdf](http://www.open.ac.uk/ikd/sites/www.open.ac.uk.ikd/files/files/working-papers/DeHenauApril2020v3.pdf)].

<sup>27</sup> Reid, C. (2020) 'Rat-running' increases on residential UK streets as experts blame satnav apps. The Guardian. [<https://www.theguardian.com/world/2020/sep/25/rat-running-residential-uk-streets-satnav-apps>].

The latest DfT Road Traffic Forecasts are now more than 3 years old, and uncertainty should be at the heart of road investment related decision-making. TPS believes that this implies a review of all schemes approved in the previous RIS.

## Contact

Director of Policy

## Bibliography

1. Department for Transport. (2021) *Planning ahead for the Strategic Road Network Developing the third Road Investment Strategy*. Department for Transport.
2. Transport Planning Society. (2022) [<https://tps.org.uk/>].
3. Woodhouse, I., Cowling, E., and Wain, C. (2020) *Long-term implications of Covid-19 on transport planning and policy: a perspective from the transport sector*. Rees Jeffrey Road Fund.
4. Transport Focus. (2021) *Check how road user priorities for improvement vary by type of user and journey*. Transport Focus.
5. National Highways. (2017) *M25 South West quadrant: strategic study: stage 3 report*. Department for Transport.
6. Hopkinson, L., Anable, J., Cairns, S., Goodman, A., Goodwin, P., Hiblin, B., Kirkbride, A., Newson, C., and Sloman, L. (2021) *The last chance saloon: we need to cut car mileage by at least 20%*. Transport for Quality of Life.
7. Department for Transport. (2021) *Decarbonising Transport a Better, Greener Britain*. Department for Transport.
8. Anable, J., and Goodwin, P. (2021) *We are now facing two alternative futures (plus an untenable one)*. Local Transport Today.
9. Department for Transport. (2018) *Road Traffic Forecasts 2018 Moving Britain Ahead*. Department for Transport.
10. Department for Transport. (2021) *Uncertainty Toolkit TAG Supplementary Guidance*. Department for Transport.

11. Transport Scotland. (2019) *Scenario Planning Process Report*. Transport Scotland.
12. Transport for the North. (2020) *Future Travel Scenarios Adaptive planning to deliver our strategic vision in an uncertain future*. Transport for the North.
13. Helm, T. (2022) *Boris Johnson's 'bus back better' plan in tatters as Treasury cuts funding by half*. The Guardian.
14. National Highways. (2022) *Smart motorway rollout to be paused as government responds to Transport Committee report*. Department for Transport.
15. Department for Transport. (2022) *Reported Road casualties in Great Britain: pedal cycle factsheet, 2020*. Department for Transport.
16. National Infrastructure Commission. (2021) *Second National Infrastructure Assessment: Baseline Report*. National Infrastructure Commission.
17. De Henau, J., and Himmelweit, S. (2020) *The gendered employment gains of investing in social vs. physical infrastructure: evidence from simulations across seven OECD countries*. The Open University.
18. Reid, C. (2020) *'Rat-running' increases on residential UK streets as experts*



© Office of Rail & Road 2022

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3)

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [orr.gov.uk](https://orr.gov.uk)

Any enquiries regarding this publication should be sent to us at [orr.gov.uk/contact-us](https://orr.gov.uk/contact-us)

