

The Planning Act 2008 enables consultees (e.g., public) to comment on the adequacy of any statutory consultation carried out by National Highways for all new road schemes. Following the A27 Arundel Bypass 2022 statutory consultation, I wrote to National Highways detailing why I felt this consultation was so inadequate. I summarised my report with 20 points/questions on why this consultation was inadequate in my Executive summary. National Highways responded to these 20 points in June 2022 (their ref: A5067.)

This document shows those National Highways responses and my subsequent follow up replies in [blue text](#) back to them.

Our ref: A5067

Peter Hammond [REDACTED]

Miss K. Jackson [REDACTED]  
[REDACTED] [REDACTED]

22 June 2022

Dear Mr Hammond

A27 Arundel Bypass Consultation

Thank you for your email of 22 April 2022 regarding 'A27 Arundel Bypass Adequacy of Consultation'. To take your questions in turn:

[Thank you for responding to me.](#)

1. How adequate is it to select a preferred route without having a full understanding of the impact on the environment, mitigation plans and any business case to support its selection?

National Highways response:

While there are no easy answers to the challenges of improving the A27 around Arundel, the outputs of the options assessment work clearly identified Grey as the best long-term solution. Please see question 16 for more information about why the Grey route was selected.

The outputs of the options assessment work **clearly did not** identify Grey as the best long-term solution. In the embedded Word document – using your own words – this shows that you clearly did not differentiate Grey as the most appropriate route against the Client Scheme Requirements.



An example of  
National Highways r

I have also attached a copy of this document in my covering email just in case you are unable to open the embedded document.

On your point about there being no easy answers, there really are if you follow the rules. These rules include, for example, designing a solution to the budget you should be working to. Addressing the issues and meeting the objectives in a cost-effective manner without moving the existing issues to different locations. Adhering to government guidelines with respect to the criteria laid down for making good investment decisions. Minimising any community risks and environmental impacts that are commensurate with the problem to be solved. And, taking into account all National (not some) Policy Statements as well as the wishes of the public. This, of course, has to be underpinned by in-depth and validated data. Something that was not apparent when the Grey route decision was taken – and now some 18 months on – is still missing.

It only becomes a challenge when you ignore the above and when you are trying to reverse engineer and fit a pre-ordained solution – in this case the Grey route - to all the criteria above and on poor data. It is also quite incredible to think (worrying in fact) that a National Agency of our Government is making key strategic decisions – such as the selection of the preferred route - when it is clearly at odds with most of the decision-making criteria set out in the Governments ‘Green book’ and it is based on massively incomplete and inaccurate data.

But all this does not matter. Why? Because, National Highways would have us all believe that the only aspect that matters is that the Grey route is the only route that sits outside the SDNP and this outweighs everything else. How foolish of us all to think that communities, people, the environment, and money matters. So, the National Highways team challenge is now to get the Grey route (a square plug) to fit the approval criteria (a round hole) and get it approved. As you say (National Highways) there is no easy answers to this challenge.

If the DfT is as you say are fully supportive of your proposals, then jointly you are both culpable of misleading the public. There is nothing adequate, acceptable, ethical or professional about the whole process surrounding this scheme for some time now that has clearly got worse since those clandestine meetings with two QCs. More on this to come.

2. How adequate is it to provide no updated costs, BCR or VfM for the Grey route and operate in an information black out mode for some 18 months after announcing the preferred route?

National Highways response:

The project is progressing through Project Control Framework (PCF) Stage 3 – Preliminary Design and Statutory Consultation. The preliminary design had been developed sufficiently to commence statutory consultation pursuant to the Planning Act 2008.

It is clear that at the start of the 2022 statutory consultation you believe that your proposition was firm enough with sufficient information to commence the consultation and its authenticity was adequate for consultees to make informed decisions. It was not. It was far from sufficient and reasonable. It was a charade of a consultation.

But you pressed ahead, in full knowledge that there were major gaps in your proposition. At a high-level, these included the following:

1. There was/is still no validated traffic model: traffic volume predictions change from one scheme to another and within schemes.
2. There was/is still such a scant level of environment and community data/information available that this has in turn generated many, many more questions than answers. Far too many for you to be able to say the proposal was sufficiently developed to allow consultees to make informed decisions.
3. Basic design omissions were missed from the proposition. For example, Access onto the A27 from the Ford road. Traffic implications at the Western end of the scheme.
4. National Highways misrepresented scheme benefits (more on this in the responses to come.)

No doubt you would still argue that what was provided was reasonable as we are at the preliminary design stage. Hiding behind the word preliminary is not

acceptable because what sparse data you did provide was also all too often inaccurate and misleading.

2 continued, National Highways response: The calculation of a BCR is a complex process which brings together a number of different workstreams. It has not been recalculated since the Preferred Route Announcement and together with the value for money (VfM) statement will be updated towards the end of PCF Stage 3 prior to submitting the DCO application when the output of the various workstreams are completed. This is not unusual and follows National Highway's normal approach to an application for development consent.

Are you seriously telling me that a scheme with a BCR of just 1.37, and with a low 'value for money' outlook expressed in 2020, that not one Senior Manager and/or Executive at National Highways or the DfT have not insisted on regular financial/economic updates for 18 months now? If that is the case and given there is a total of £24billion of RIS2 funds under management, this needs to be raised as a process/VfM Red Flag concern. This level of scrutiny is appalling.

It may well be complex, but it is not impossible and nor should the finances of this scheme be set to one side for such a long period only to be considered again just before or at the DCO submission. As new information filters through along with assumptions and sensitivity factors applied you can still assess the financial business case of the scheme on a regular basis without waiting for all workstreams to complete their work.

I cannot believe that after 18 months any professional organisation would not update its Management team without also providing updates on the financial business case. I would have to say that on the evidence of this scheme, there is quite a lot that is 'unusual' in the way National Highways approach scheme development. Time maybe for the 'Regulator' to conduct a process review and complete overhaul.

2 continued, National Highways response: When submitting the DCO application, not only will the scheme need to demonstrate value for money and its benefits, the DCO application will also be accompanied by a statement explaining how it will be funded.

Yes, it will need to clearly demonstrate all its benefits given you are unable to do this now. I look forward to this. But can we trust in the numbers you provide along with any supporting business statements you may make? I ask because the numbers you last provided in 2020 are highly questionable.

But back then you managed to convince the DfT to continue to support this scheme even though the numbers you presented fell well short of what is required to approve any scheme. You probably gained this support by overstating the scheme and strategic benefits with some high-level headlines when in reality the benefits are few in number and low in value.

While on the cost side of the equation, you probably made promises of introducing further scheme efficiencies (many of which you probably didn't actually specify) that you would insist will drive down the costs and in doing so improve the BCR number and VfM outlook.

I look forward to reading about these 'cost-efficiencies' and their impact along with supporting guarantees you have to underpin all your financial claims such as, for example, ensuring there is no cost slippage during the years of construction.

Lastly, but by no means least, a few comments on funding.

Only in the public sector would you see a set budget – in this case of £250M – be so easily cast aside by those who should have designed a solution to meet it and be backed up by their Managers. Seeking additional funding for such a bad proposition is unbelievable. How on earth is this spending public money wisely when we all know that there are other good solutions that deliver what is required and these solutions will meet the £250M budget.

I do not want to hear as a taxpayer that you looking for extra funds to support an unnecessary expensive solution – wanted by no-one - by either offsetting costs to other designated funds such as National Highways 'Central Risk Reserve' fund or the Environment and Wellbeing fund, the Users and Communities fund and/or the Safety and Congestion fund. Or coming to some kind of future budget agreements with the Department for Transport for the RP3 and RP4 periods (i.e., 2025 to 2035.)

All of which tantamount to finding ways to hide the costs that ultimately will have to be picked up by you and me, the tax payers. Especially when 93% of the tax payers do not want this route. This whole process has become a sham ever since those secret meetings with the two QCs.

3. How adequate is it for NH to let stakeholders wrongly believe that the preferred route would not cause rat running in the western villages, only to later state that there will be an additional 1,300 vehicles in The Street at Walberton and provide a forecast for the opening year only. Along with no mitigation.

National Highways response:

We are assessing in more detail the traffic impacts of the scheme on the wider network. A detailed Traffic Assessment Report will be prepared as part of the DCO submission and these issues of rat-running in the wider network will be addressed as part of this report.

It is quite unacceptable that you keep-on referring the development of critical data to a later stage in the process. Make no mistake about it, you should have done this assessment – a detailed assessment on all aspects of the scheme - before briefing ministers in 2020 and announcing the preferred route. Or at the very latest after the announcement but before the 2022 consultation.

The truth is – by the lack of qualitative information made available on this matter to the public - that you paid little attention to the whole western end of the scheme as you considered it not in-scope. Your words.

Therefore, the traffic volumes you shared with the public in the 2022 consultation on, for example, The Street in Walberton, have to be considered so high-level and inaccurate, by definition they are misleading and far from informative.

Other far more qualified assessments by the members of the public – and shared with you - have shown your numbers to be a misrepresentation of the impact of the Grey route. It is not good enough to say more accurate numbers will be shared at the DCO submission. You have already misinformed and misled ministers and the public in getting this far.

Inaccurate traffic numbers will also have a negative effect on your wildly exaggerated road safety claims as they will have on increasing the costs and reducing the overall value for money.

In summary: The information you provided for the western end of the scheme was scarce (pretty much non-existing if the truth be told) so in no way can you consider it to be sufficient and reasonable nor is it adequate or acceptable to mislead and misinform the public at any stage in the process. Be that deliberately or otherwise.

4. How adequate is it for claims of reduced travel time over NH's chosen journey, Brighton - Portsmouth, when it is not based on any evidence especially when you also consider that NH confirms under FoI that it has not measured or forecasted these A27 journey times.

National Highways response:

Overall journey times would improve as congestion in Arundel is relieved by the extra capacity created by the Scheme.

Most options considered would improve congestion and meet the scheme objectives for today and into the future. But only Grey comes with extra baggage that includes the following:

- A price tag for the taxpayer that is excessive as it is disproportionate to the peak time congestion waits being experienced.
- Significant destruction of the environment and communities it dissects. This destruction far exceeds other good options and is a price too high to pay for any minimal additional traffic capacity it delivers over other options.
- Its design (e.g., extra speed, extra capacity) will simply move a very large percentage of the wait times (3 minutes according to your modelling) and shunts (not yet factored in) 2.5 miles west to Fontwell. Another dis-benefit of the Grey route not factored into your benefits.

Your high-level statements on journey time savings – as frequently read in publications such as the 2022 Statutory consultation – are deliberately misleading as they are simply not the real net savings most travellers will experience. More on this next.

4 continued, National Highways response: The journey time from Fontwell East Roundabout to Crossbush Junction would reduce by an average of 9.3 minutes at morning and evening peak periods and the dis-benefits of any increased delay in locations outside the scheme are taken into account when the Scheme appraisal is conducted.

Just as you did in the 2022 statutory consultation, you still in this response insist on headlining a journey time savings of 9.3 minutes and sliding to one side the dis-benefits of the scheme.

Please stop misleading people with ridiculous claims of journey time savings of 9.3 mins. I appreciate it is a key factor in building an economic financial and strategic case for the Grey route, but you are grossly misrepresenting reality.

Very few people and even fewer businesses will gain any real benefit from reduced journey times even if the average journey time was 9.3 minutes. But it is not. The actual journey time savings could be as low as 2.5 minutes (when opened) and only 3.3 minutes by 2041.

The document embedded below provides the basis for my assertion on journey time savings. If after reading it you still disagree with me, lets then either get together to discuss it further or bring in an independent analyst to act as referee.



ArundelA27BypassJ  
ourney Times Saving

I have also attached a copy of this document in my covering email just in case you are unable to open the embedded document.

It is not good enough for you to simply disregard ‘dis-benefits’ of your chosen scheme in the manner that you do at any stage in the process. These dis-benefits should be taken into account when briefing ministers in the past and when passing information to the public/statutory stakeholders during the 2022 Consultation. In doing so you have again misled the public (and for me in this case deliberately so) to paint a more favourable picture for a bad route/proposition.

I cannot believe you have told me that the implications of the scheme on a location just 2.5 miles west is of no concern in your assessment as this location is outside the scheme. If that wasn’t bad enough, when answering question 7 below about misleading road safety claims by National Highways, your response is the polar opposite. You wrote the following:

*“The assessments undertaken for safety cover the wider model and will include safety benefits off the bypass link at Arundel.”*



Phrases like ‘When-it-suits’ and ‘Double-Standards’ come instantly to mind. Come on National Highways is it not time for some honesty!

4 continued, National Highways response: The A27 Arundel traffic model covers the road network between Chichester in the West to Shoreham-by-Sea in the east and as far north as Storrington. All network effects (both negative and positive) of the Scheme in this area are included in the Scheme appraisal.

Ok, so the model does not cover Brighton to Portsmouth. Can you therefore also confirm that any economic benefits associated with these locations are also not included in any of the National Highways financial models?

Given my corrected understanding of the traffic model, will you please tell me what the new ‘real’ journey time savings (day 1 and in 2041) will be against the existing times when using the A27 with Grey operational for the following:

- (a) Chichester to Shoreham and Shoreham to Chichester
- (b) Chichester to Storrington and Storrington to Chichester
- (c) Chichester to Worthing and Worthing to Chichester

I know, wait for the DCO submission. Yet, my, how quick you are on misleading the public with savings of 9.3 minutes for a small stretch of road that will have minimum impact (if any) on economic growth locally and regionally and that will only benefit a very small and specific number of localised journeys.

5. How adequate is it to claim the preferred route helps road users to use the A27 rather than local routes when the design reduces the number of access routes and thereby increasing the use of local roads.

National Highways response:

The recent Statutory Consultation gave the latest iteration of the design of the proposed bypass route and we will take all feedback received through this process onboard. Further information will be available at submission of the DCO.

An example of where access will be improved is Binsted Lane would be realigned so that it runs from west to east on the north side of the new dual carriageway. A T-junction, lined with native hedgerows and woodland for screening and habitat creation, would provide a link to a bridge over the new

dual carriageway (Binsted Lane Overbridge) to connect with the existing Binsted Lane south of the new dual carriageway.

You have briefed ministers and went out to stakeholders at the 2022 consultation based on a design that is fundamentally flawed and not aligned with the benefits you were selling. Knowing your design had less access than there is today, you misleadingly told us all how this latest design will take more traffic off of local roads and deliver benefits all around the region.

If you cannot get the basic design right, how on earth can anyone trust you on any other aspect of this scheme?

Given your agenda is – we must make the Grey route viable - no doubt the Ford road access was left out to keep the costs under control. But, no doubt, you would have still kept in your fantasy benefits based on a design with unfettered A27 access. Which your latest design clearly did not provide.

It is no wonder your traffic numbers are all over the place. When will the public ever be assured - or can feel confident - that your traffic model will be aligned with your road design and in turn your financial models? I know, at DCO submission!

To make things worse - if they ever could be any worse - you go onto say that, “An example of where access will be improved is Binsted Lane.” The community at Binsted do not need a 4-lane carriageway cutting through their back-gardens to make access any better than it already is. To reply by using Binsted as an example of how Grey improves access onto the A27 shows again how you are struggling to find anything positive to say about this route.

Furthermore, you are again misleading the wider public and ministers not familiar with the details of your design or geographic layout of Binsted. The truth of your latest design is that access in the village would be made worse by the new road. While access to the part of the village cut off by the new road would be restored by the proposed bridge – but this would not be ‘improving-access’. The new road itself, and the bridge and its access road, would be a terrible imposition on the village, splitting it in two, bringing noise and pollution very close to houses including listed houses and the II\* listed church.

You may want to revisit this ahead of the DCO submission

6. How adequate is it for NH to change the methodology for modelling traffic (i.e., from 2017 consultation, on a fixed demand basis, to the 2019 consultation, on a 3 variable demand basis) and not declaring this or its impacts and reasons for doing so?

National Highways response:

It is a normal aspect of our scheme development that we update our analysis, of which traffic modelling is a significant part, from one Project Control Framework (PCF) Stage to the next. It invariably takes many years to develop a scheme from initial concept through to completion. Therefore, it is only to be expected that we update our traffic modelling to take account of changes that occur during that time, such as newly available data, updated software packages, changes in guidance, updated forecasts, and so on.

Evolving analytical methods throughout a scheme's development are also driven by the need for us to be proportionate. Whilst typically constituting a relatively small proportion of the overall scheme budget, the cost (financial and time) of undertaking the analysis and appraisal at each stage is not insignificant and we have a duty to use public funds responsibly. The analysis at each stage must therefore be tailored to the requirements of that current stage.

During the earlier PCF Stages there are typically multiple scheme options / designs under consideration (meaning more work is required to assess each one) and there is less certainty that a scheme will progress right the way through to construction. Furthermore, the 'need' for these early stages is to provide a fair comparison between options to identify their performance relative to one another.

In later PCF Stages, as the confidence in the business case and level of certainty increases, and as the number of options decreases, particularly once a single preferred option has been identified, the 'need' shifts more towards a requirement to know the absolute impact of the scheme to ensure that the business case (and hence decision makers) have the most complete picture possible. This need and the reduced number of options makes it more proportionate to undertake more detailed analysis than would have been the case in earlier PCF Stages.

[This question is really about trust and transparency.](#)

While I can accept the evolutionary nature of ever improving traffic modelling techniques, there are a few things that are unacceptable. These include the following:

1. The traffic numbers you provide vary so much it is hard to know if any of them have any merits.
2. The difference in traffic numbers from update to update is not supported by clear reasons as to why they have changed. There is no audit trail.
3. Members of the public have to seek clarification on many traffic predictions made by National Highways – often via FoI Act – that are still not fully answered. This suggests you have something to hide.
4. Even today via members on the ERF, we are told the traffic figures are still to be completed and validated, but this will not be ready until DCO submission.

The position with the traffic modelling is not adequate, it is worse than this. It is unprofessional for National Highways to be treating the public as some kind of secret agent for the other side. By keeping the public at arms-length and drip feeding them with snippets of data strongly suggest National Highways is struggling to construct a realistic traffic model.

I look forward to an updated traffic model that you will be happy to hang your careers on.

7. How adequate is it to claim road safety improvements on the basis of ‘doing nothing’ would result in 55,484 accidents over a 60-year period (or 18 accidents per week) resulting in £35M of benefit, when DfT data shows it is more likely to be 0.25 accidents per week. A number that aligns with historical data for at least the past twenty years?

National Highways response:

The assessments undertaken for safety cover the wider model and will include safety benefits off the bypass link at Arundel.

Let me help you with the answer as you have not answered the question.

It is inadequate, no, it is wrong for us (National Highways) to make such claims without providing the data to support such a claim and nor can we provide any further data now (as we are unwilling to do so) having been once again asked to further qualify the road safety benefits.

Quite frankly, yours is an embarrassing reply that does nothing for National Highways credibility.

To add to this weak and less than frank reply, in August 2020, you told ministers that *“Grey (the preferred route) delivers the most safety and journey time reduction benefits since it is the option that provides the longest length of new road.”*

This longest length of road – the Grey route - is 8.5Kms long. The existing in-scope road is c. 5 miles long that consists of 2.5 miles of dual carriage way and 2.5 miles of single carriageway. The majority of accidents occurs leading up to and on the 2.5 miles of single carriageway between the dual-carriageways to the east and west of Arundel. The existing dual-carriageway has a good safety record when compared to other similar A-roads.

You also stated to ministers in 2020 the following:

*“The accident rate for the A27 through Arundel is higher than the national average for this type of road. This scheme will provide casualty savings relating to fatal, serious or slight injuries of between 588 -939 people along with accident benefits of between £23.3 – £35.6 million over a 60-year appraisal period.”*

So quite clearly your numbers are based on the road through Arundel and not any other roads. Even if it was not, it is simply not plausible to claim increased safety benefits on other roads. Nor is it plausible to claim that the baseline for the road to be replaced or even roads close to it is based on avoiding 18 accidents per week for every week of the year and over a 60-year period. I repeat, this is absurd.

Your reply has just made your position on this aspect far worse and gives credibility to those that believe a lot what you are claiming is not just misleading but fraudulent.

If you are not prepared to be open and honest, we will have to wait and see what the Planning Inspectorate has to say on this matter as well as the Secretary of State.

8. How adequate is it for NH to state to Transport ministers in August 2020 that the preferred route delivers the most safety benefits of all options and also state in different documents that there is no safety benefits difference when compared with other options?

## National Highways response:

During the route selection stage safety was a key consideration when the options were assessed. More information about route selection can be found in the Preferred Route Announcement documentation.

I am not going to repeat my reply to your response in the above question. But what I do want to emphasise is this constant underlying theme of misinforming ministers and the public to garner support for the Grey route. For example, consider the following:

- In 2020, when comparing different options, National Highways are on record as saying the following: *“Both options (5Bv1 and 1v5) would make a significant contribution in meeting the Scheme objectives for improving capacity and improving safety. (Section 17.7.6.1, A27 Arundel Bypass Scheme Assessment Report, Oct 2020.)* **So why favour the ‘Grey’ option?**
- Also, in the same report (section 17.7.1 of the same document) National Highways stated the following: *“Both options reduce the number of accidents on the A27 and wider road network and make a contribution to meeting this objective. Both options perform better than the other for one safety criteria but in both cases the difference in performance was considered not to be significant. Therefore, neither of these two options are considered to have a higher preference in respect of this Scheme objective.”* **Again, why favour the ‘Grey’ option?**
- Notwithstanding the fact, that National Highways are working with fantasy accident numbers, then once again, if just one other option – in this case option 1v5 – is considered as good as option 5Bv1 (preferred route) then it is **wrong to assert ‘Grey’ is so much better without clear differentiating evidence.** None has been provided.
- Plus, National Highways, you failed to mention the expected rat runs and road safety implications at the western end of the scheme that would make the preferred ‘Grey’ route a less attractive option against all the others.

On this subject matter, there can be little doubt that you (National Highways) - up to this point in the process - have misled ministers and the public. Here was a

good opportunity for you to substantiate your fantasy safety claims in your response to this question, but you failed to do so. This only serves to support this claim of misleading stakeholders and many will conclude that this is a deliberate action to give the preferred route greater differentiation and credence given it has no compelling merits (especially on road safety) even if it came in at half the current costs.

9. How adequate is it for the content used to brief Transport Ministers in August 2020 was misleading in so many ways (e.g., costs, VfM today and outlook, wildlife surveys, other options, NNNPS position, benefits, etc.,) in order to get continued ministerial backing for NH's latest preferred route?

National Highways response:

National Highways are working closely with the Department for Transport and they are fully aware of the Scheme proposals. We disagree that information we provided through Stage 2, to the public and stakeholders, was misleading.

I had thought that I would reply to your last sentence by providing you with a long list of examples of where you have misled, misinformed, hidden information and made false statements. But I then decided that this would be a pointless exercise, as you would just bat them straight back to me with, "we disagree."

Plus, there are already enough examples of where and how you have mis-led the public in my replies to your responses in this document.

It maybe that you have not misled ministers if they too are working to the same agenda as you are. I like to think that the DfT is not trying to get the Grey route approved by any means. Rather, they have been misinformed and/or they have not been given sufficient detail to fully assess this proposal. Otherwise, it is a real concern that the DfT would be party to such a sham of a process and supporting such a bad proposition.

Therefore, I will resist the temptation to send you my list today and save it for the Planning Inspectorate and other reviews to come.

10. How adequate is it for NH to state cost (investment) savings of between 10% & 15% will be realised through 'Value Engineering' yet 2 years on NH have still not provided any evidence to support this?

National Highways response:

Please see question two.

Firstly, you have not addressed the specifics of this question, so again you have failed to answer the question.

Secondly, your referral to your response to my question 2 also does not answer this question. By referring to your response in question 2, you are falling back on your stock answer and safety net which is “All will be revealed at the DCO submission.”

Since 2020, you (National Highways) have been looking at ways to bridge the budget (£250M) overspend of £134M based on the number (£384M) used as the cost baseline.

You led ministers to believe that the central estimate cost of £384M is expected to be reduced through Value Engineering and RDP efficiencies. You claim this may reduce costs by 10% to 15%. At the top end, this will reduce the Central estimated costs by only £58M to £326M. Still over-budget.

Given the £384M is a low-estimate when in reality the costs will far exceed this estimate, it is reasonable for the public – and National Highways and DfT Executives – to want to know how things are progressing with reducing the costs. Well, I would want to know if I was Head of Scheme Developments!

Why wait many more months for the DCO submission if you cannot get anywhere near your 15% reduction target on the low-end estimate of £384M. And if the costs are closer to £700M, you may as well pack your bags now as a 15% efficiency reduction simply will not cut it.

11. How adequate is for NH to state (investment) costs of £384M (pre-2020 costs) without providing any breakdown for these costs or making public the cost estimates from preferred contractor Bam Nuttall. And not updating these costs some 2 years on?

National Highways response:

More information about the cost of the Scheme can be found in question two.

Once again, I repeat: Firstly, you have not addressed the specifics of this question, so again you have failed to answer the question.

Secondly, your response to question 2 again falls back to your stock answer and safety net which is “All will be revealed at the DCO submission.”



Back in 2017, the costs were estimated at over £700M. In 2020, you have used the figure of £384M (central estimate cost) as the cost baseline for the Grey scheme. The viaduct costs alone were estimated at c. £300M. Has the viaduct been removed from the design?

Until such time you open up and provide a breakdown of the make-up of the £384M cost baseline no one can believe a word you are telling them. Surely, Senior Managers have sought reassurances on the credibility of your cost claims? If not, why not? And, if they have and you have provided them with a cost-breakdown why not share this information with the public?

But as you wrote – or should I say as Highways England wrote in an August 2020 report, “*HE has a general policy of not consulting on unaffordable options.*” Obviously, you never got the email from Lord Nolan.

Or perhaps you did and you have decided that the cost information should be withheld from the public because there are clear and lawful reasons for doing so. If this is the case, and while we wait for your DCO submission, please will you write to me and clearly articulate what these lawful reasons are?

12. How adequate is it to ignore consultee and public requests for various additional clarification on a wide range of subjects from Bat surveys, to journey times and to Client scheme objectives benefits?

National Highways response:

National Highways are sharing specific information upon request and will take on board feedback received from the recent Statutory Consultation; numbering over 3,500 individual responses. We have provided information on a range of subjects including those provided above.

What you do is drip-feed people with scant information at a time when it is convenient for you that is often months after the initial request. You also do not respond to people on aspects of the scheme that would cause you embarrassment or if you do it is a reply that is so high-level, it is meaningless. Such as, for example, your responses to my road safety questions.

Nor do you really listen to the public on any consultation going back to 2017 hence why the public and others took you to a Judicial Review. The result of which forced you to carry out another charade, sorry, consultation.

Worse still is that you ignore all stakeholder input on what route they would prefer. The people at National Highways must grow pretty thick skins to ignore feedback that tells them 93% of the public do not want the Grey route.

Requests to National Highways for additional data and information before, during and after the last 2022 consultation is either ignored, partially answered (often redacted), forced to go via the lengthy FOI Act route or answered in such general terms that it adds no value (e.g., when NH were asked about Air quality, the answer received: “Data on specific receptors will be provided as forecasts in the Environmental Statement as part of the DCO application”.) There are many more examples, but I will save these for the Planning Inspectorate and/or future ‘watchdog’ interventions who will also no doubt want to see how you have responded to the 3,500 people who wrote to you.

In closing on this question, very few people believe that National Highways will give any ‘conscientious consideration’ to the views of consultees and the public as you have evidently not done so in the past. The 2022 ‘Statutory Consultation’ as with other consultations will be seen as yet another ‘tick-in-the-box’ exercise for National Highways who will continue on with their own agenda regardless of feedback from consultees.

13. How adequate is it to omit the output of Bat and other wildlife surveys perform routed but to then misleadingly state the damage the route would do to wildlife will only be ‘temporary’ without sharing the evidence?

National Highways response:

Detailed surveys of many species and habitats have been carried out in order to understand how they might be affected by the Scheme. A summary of the important species and habitats present (and the potential for impacts on these) is available in the PIER and full survey reports will be appended to the Environmental Statement (ES), submitted with the application.

The bat survey data will be made available as part of the Environmental Statement that will accompany the Development Consent Order (DCO) application.

Why not make the Bat survey available today? Is it available? Or is it not? Or is this restricted information for lawful reasons?

With your response, I am none the wiser as to how you can claim the impact to wildlife and Bats, in particular, will only be temporary. As once again your reply is so generic to be of any use. Nor is it adequate to refer to responses in

the PEIR without stating the specific sections that answer and support your insistence that the situation will only be temporary.

So, without additional specific statements to support this ‘temporary’ claim this is yet another example of misleading/misinforming ministers and the public. Like many others in the public, I suspect you do not have the answers/Bat surveys, hence why you fall back to your DCO ‘safety-net’ answer.

Again, you say you answer questions, and you do not mislead anyone, here again the evidence points to the contrary.

14. How adequate is it to state that the Grey route is ‘south of’ or ‘passes’ villages when it goes through them as it does at Binsted, dividing 16 houses from the other 23?

National Highways response:

We have made every effort to achieve an alignment which causes the least amount of disruption to local communities and we will continue to develop the scheme proposals leading to submission of our application. We will continue to engage with those potentially impacted by the Scheme to ensure that we address community concerns and identify ways to generate benefits and mitigate impacts.

In previous assessments you (National Highways) took great pride in pointing out how the Grey route fixed the severance issue in Arundel. In fact, to your shame, you used it as a differentiator to sell the grey route over other options.

Many people – including Arundel people – do not even feel that there is a significant severance issue in Arundel and if there is, it can be fixed by much cheaper and local solutions.

Now with the Grey route you are quite happy to compromise – no, worse than compromise - you are happy to negatively change the way of life for Binsted and its residents in the knowledge that this is completely unnecessary and avoidable. This is quite distasteful. It is shameful how you have, in part, sold the Grey route as the fix for the minor concern of severance at Arundel to the detriment and at the expense of the Binsted community.

You then went onto utterly mislead the public in an attempt to hide the truth of this route by stating that “the Grey route is “‘south of’ or ‘passes’ villages” when it does not at Binsted. It cuts right through the middle of this community.

No amount of mitigation will undo the damage you will be unnecessary imposing on this community. It will probably only serve to make it worse.

So, another example of false evidence to try to support the indefensible.

15. How adequate is it to present a preliminary EIR document that throws up more questions than it provides answers when NH have had a number of years to prepare their report after first announcing the Grey route?

National Highways response:

We continue to gather environmental information that enables us to identify the potential impacts of the Scheme and develop measures to avoid or reduce them.

As part of this consultation, our PEI Report sets out our preliminary findings from our environmental assessment of the Scheme.

The preliminary findings detailed in the PEI Report will be developed further in the Environmental Statement (ES) to reflect the evolution of the Scheme's design, informed by feedback from the consultation, and the ongoing Environmental Impact Assessment (EIA) process.

The ES, which will present the full results of the EIA, will be submitted with our DCO application.

There are a few points that I would like to raise in my reply to your response.

1. I do not understand how you can expect anyone to make an informed decision – as defined by Gunning – based on such scant and poorly prepared and unvalidated information. This is why you have had so many questions from all the statutory authorities who still cannot support this proposition because they still do not understand it.
2. To then not include a solution iteration that responds back to the statutory consultees before DCO submission for further feedback is for me far from being good solution-development best practises. The Planning Act may allow this jump to be made as probably does your own Project Control handbook, but for me this is a flaw in the process and is not in the public interest. We are talking about serving the public interests, right?
3. The supplementary consultation is not the plug for this gap in the process as it gives you alone total control as to what is considered to be reasonable and satisfactory with respect to the information provided. Again, a process that is

designed not to be in the public's interest.

4. Given the Grey route was announced 18 months ago, and given the 2022 consultation has shown itself to be significantly lacking in trust-worthy data, accurate information and solutions/designs fit-for-purpose, it beggars-belief that some 18-months ago such a key strategic decision to go with Grey was made when it is abundantly clear that even today there is still such little qualified data and validated information on which to make such key decisions.

The bottom line is that sadly, for the public, the Planning Act 2008, effectively allows you (National Highways) to call all the shots allowing you to 'manage' the statutory consultations to suit your agenda. Without recourse to an immediate Judicial Review there is little the public can do to have their concerns heard. These consultations provide little to no value for the general public on aspects that matter.

16. How adequate is it that when asked, close to 100% of consultees rejected the Grey route and still do, but this feedback is completely ignored?

National Highways response:

Option 5BV1 (the grey option), was announced as the preferred route at our Preferred Route Announcement. This was based on several considerations including:

- How well the proposed design would meet the Scheme objectives
- Potential impacts on local communities and the environment, including the South Downs National Park
  - The extent to which the proposals would comply with planning policy
  - Feedback received during the public consultation process
  - The cost of delivering the Scheme and the value-for-money that would be achieved by doing so

As well as removing high traffic flows from Arundel town centre, the route will cater for forecast traffic volumes while also offering the greatest time savings compared to 6 today's travel times. The route is outside the South Downs National Park, which is significant in planning policy terms, and outside of woodland designated as ancient by Natural England.

Community consultation was one of a number of factors taken in to consideration when different routes were assessed during the route selection stage; these are further expanded on in the Preferred Route Announcement literature. As above, we see the proposed route as the best long-term solution for the area.

Wow. I think I touched a nerve here as 80% of your answer has nothing to do with the question. The only parts of your answer that relates to my question was this:

The preferred route was announced based on “Feedback received during the public consultation process” and that “Community consultation was one of a number of factors taken in to consideration when different routes were assessed” at route selection.

This is a clever response, clearly designed to mislead ministers and the public who may not be privy to the details and truth of the consultations. The Poll that you carried to gather the feedback from the public on their favoured route option clearly did not favour the Grey route. What part of ‘93% of the public who rejected the Grey route did you not understand at route selection? And what element of public feedback did you therefore take into account?

Let’s take a trip down memory lane to answer this last question and consider the 477-page assessment report of 2020 - that you often refer to - with some extracts from your own report. Your statements are in italic.

- A. *“Environmental bodies expressed concerns about all six options. Though suggested that either Option 1V5 or Option 1V9 would be least damaging.”*
- B. *“The level of uncertainty regarding protected species licences was considered to be slightly lower for Option 1V5 than Option 5BV1.”*
- C. *“The SDNP Authority have issued a holding objection to all six options.” They also said Options 1v5 or 9 (online options) would be the least damaging to the SDNPA.”*

In addition to these anti-Grey statements, 93% of the public rejected Grey. So, here is where we now start to see how you managed the process to help you overcome the total rejection of the Grey route. You introduced a sneaky piece of additional polling called ‘The Least Preferred Poll.’ So now you were able to say the following:

*D. “Overall, both options have a high delivery risk due to the polarised views of stakeholders/public.”*

And this is the bit of public feedback you ‘listened-to’. Let’s dive down a bit deeper.

You made the ‘stakeholders polarised view’ comment to ministers in August 2020, which to put it mildly is at best misleading. Let me remind you, here are the results from the preferred poll: 27% voted 1v9. 25% Do Nothing. 22% Magenta, 12% Cyan (1v5) and 7% for 5Bv1 Grey. That is pretty clear and obvious what the public feedback was to you.

But, as this was not the answer you wanted, you then deliberately muddied-the-waters by adding as I mentioned above the ‘Least Preferred’ Poll. And this gave you a mixed message that you instantly jumped upon as it better served your ‘it-must-be’ Grey solution agenda.

If our democratic system tried to function on two polarising voting-systems we would never see any Prime Minister take office. This approach will always result in a set of mixed and ambiguous results. But the one thing that is not ambiguous and that is very few people want Grey.

Just in case you have forgot, both WSCC and ADC also rejected the Grey route. As did both Slindon and Walberton Parish councils to name but two.

Do you also remember the following statement you made?

*“There is an underlying preference for the wide single carriageway ‘Arundel Alternative’: 56% of those who selected Beige (1v9) indicated a preference for the ‘Arundel Alternative’. The same was true for 2/3rds of those who selected ‘Do nothing’*

So, in the feedback from the consultations there were three very loud and clear messages from the public and that was (1) we do not the Grey route; (2) we would prefer an online route, and if you are not going to do 2 then we would (3) prefer you to do nothing. But, of course, you never relayed this to ministers.

I struggle to understand how a public agency, paid for by the public, acting on behalf of the public, and managing public money can so blatantly ignore the wishes of the public, twist the truth and ultimately misrepresent them.

17. How adequate is it for NH to select the Grey route on the advice of QCs, but are unprepared to fully share the evidence submitted for this QC review and the QCs exact assessment wording given to NH?

National Highways response:

Option 5BV1 (the grey option), was announced as the preferred route at our Preferred Route Announcement. This was based on several considerations including:

- How well the proposed design would meet the Scheme objectives
- Potential impacts on local communities and the environment, including the South Downs National Park
- The extent to which the proposals would comply with planning policy
- Feedback received during the public consultation process
- The cost of delivering the Scheme and the value-for-money that would be achieved by doing so

The Stage 2 Scheme Assessment Report (in particular sections 17 and 18) provides additional detail on the option comparison and preferred route selection process

Your response is a total disregard of the question put to you. So, again – it gets boring after a while to keep on saying – but once again you haven't answered the question.

I think it is perfectly reasonable to ask for – and for you to share – the exact details of the meetings with the QCs. You are withholding this information for some reason that thousands of people cannot understand why.

If it is because it fails to meet the public interest test. Then as a minimum you should at least try to explain why you as the authority are withholding the information from the public because 6000 petitioners and more are struggling to understand how such suppression of key data is good for us the public.

The general consensus is one of bewilderment, shock and anger that something so fundamental is not shared with the public especially when the whole proposition since the QC meetings is built on a foundation of false evidence, half-truths and misleading benefits claims. Despite all of this, there is still no compelling business case for Grey, and yet you plough on regardless.



18. How adequate is it that other options that would get SDNP Authority approval have been rejected by NH without any detailed analysis and comparisons against the preferred route being carried out?

National Highways response:

Please see responses above in relation to the Preferred route announcement in 2020.

All options for the route were assessed at that stage and those which did not deliver against the project objectives were discounted.

I have not responded to your five false claims as to why the preferred route was selected because I have already written to the DfT about these. No doubt at some point, they will pass this onto you.

What I would say is that if you manage somehow to get so many untruths passed the Planning Inspectorate, you will be heading for a Judicial Review, maybe even a public inquiry. At some point – just like Boris – you will be found out.

In reply to your response all route options were assessed, you never fully considered the Arundel Alternative or sought new designs for the other Online options that could have been negotiated to acceptance with SDNPA and Natural England. Again, this comes down to either what the QCs told you and/or some other political influences (e.g., the local MP, WSCC and ADC councils) that are managing/driving you to take this scheme down the wrong route.

Whatever it is, you are unwilling to share this with the public for the good of us! You should let the public decide what is good for them and not what is not.

19. How adequate is it for public opinion to be considered for the Worthing and Chichester road traffic improvements but be dismissed for Arundel?

National Highways response:

The recent Statutory Consultation provided members of the community an opportunity to share their views and provide feedback for the Scheme. Over 3,500 responses were received for the recent Statutory Consultation which are currently being assessed by the project team.

National Highways will take on board public opinion and make changes to the design where appropriate.

Our consultation report will summarise all feedback received along with our responses; this will be submitted with our DCO application.

More blah, blah, blah from National Highways. It really doesn't wash.

You stopped the Chichester scheme based on feedback from the public and local authorities who said they didn't want it. Yet this scheme had a BCR in excess of 4.

When the public and local authorities rejected Grey with at best a BCR of 1.37, you ignore it and press-on regardless.

This is more than double-standards, it suggests something really 'iffy' is going on here. There is more going on behind the scenes than just your insistence it can only be Grey as this does not enter the SDNP. Because there are conditions that would allow development in National Parks. But whatever it is, we are witnessing a real master-class by National Highways in the black-arts of how to get a bad and unwanted proposal approved.

Maybe with Boris going, we will now hopefully see greater transparency, openness, integrity, accountability and honesty cascading down from the top spreading right throughout National Highways and at some point, eventually being applied to this scheme.

20. How adequate is it that after more than 4 years, NH have still not presented a more proven proposition and to defend its position by constantly deferring clarification questions and answers to the next stage?

National Highways response:

National Highways are satisfied that the information presented at Statutory Consultation was sufficient for this stage of the DCO process.

We will continue to develop proposals over the coming months and further information will be available at submission of the DCO.

After many years in development and after a lot of public money spent, at some point two QCs have advised there can only be one solution rendering all other options non-runners. I believe this statement to be nonsense. But without National Highways being open, honest and sharing with us the evidence presented to the QCs along with what they actually said, we will remain

unconvinced. And the other question that has still to be answered is, why has it taken all this time and expense to find out the only answer can be Grey?

The selection of the Grey route has mystified many as it is the preferred route of only one group, National Highways. It has few positives but has numerous significant negatives and has not been differentiated as the best option against any key categories be that costs, benefits, scheme objectives, environmental and community impacts and other wider Government SRN objectives and policies.

Driven by the QC advice, the agenda is now - it can only be Grey – so National Highways have set out their stall to get this bad proposition approved by all and any means. For some time now, NH have been economic with the data that they have provided as well as the truth, and they have often resorted to publishing misleading and wrong statements in order to give credibility to their preferred route and to gain acceptance/continued support from the schemes sponsors at the Department for Transport (DfT).

They continue to side step questions, provide answers to questions that were not asked of them; defer answers and/or reply in such a general manner to render the answer worthless, and of course they often do not answer some questions at all. National Highways responses to the 20 questions above are all good examples of this.

Why National Highways are acting in such a secretive and unresponsive manner is unknown as is the question why National Highways continue to drive such an inappropriate solution when much better options exist. Perhaps – when I think about it - the second question does in fact answer the first question! One thing is for sure and that is National Highways are not acting in the public interest. The public will never be supportive of a solution that comes with a price tag that is significantly disproportionate to the traffic challenges to be addressed.

A solution that does not have any significant and substantiated benefits, so there can be no justification for proceeding with such a costly and destructive solution to our environment and communities. On top of which, the outlook for this proposal strongly suggests that current identified costs can only increase while anticipated benefits (that are already low) can only decrease. Therefore, unless National Highways can provide a more favourable and honest outlook (sooner rather than later) this proposal should be stopped in favour of a more appropriate proposition that would get approved.

As a minimum, National Highways should come clean or be instructed to make available all the details surrounding the QCs advice with nothing redacted. To

not do this, will be considered scandalous. The truth will come out, just ask Boris.

If you require any further information on the project, please contact us via email at [A27ArundelBypass@nationalhighways.co.uk](mailto:A27ArundelBypass@nationalhighways.co.uk).

Alternatively, you can contact our Customer Contact Centre. They are available 24 hours a day by phone: 0300 123 5000 or by email:

[Info@nationalhighways.co.uk](mailto:Info@nationalhighways.co.uk).

To help us identify and make improvements to our responses, we would be very grateful if you could please take our feedback survey by clicking here.

Yours sincerely K Jackson

K. Jackson Project Support Officer, A27 Arundel Bypass

[A27ArundelBypass@nationalhighways.co.uk](mailto:A27ArundelBypass@nationalhighways.co.uk)