

Joint Statement to the Examining Authority and Planning Inspectorate

Closing date of enquiry 12th July, 2023

Messing and Inworth Action Group Ltd

'MIAG'

and

Messing-cum-Inworth Parish Council

'McIPC'

A12/A120 Widening Scheme

Junction 24

The original 'Statement of Position' from MIAG and McIPC which was submitted to the Examining Authority (ExA) on 12th June remains unaltered and definitive. This was further detailed and emphasised in the supplementary note following the Issue Specific hearings of 26th and 27th June.

The intention of this final brief document is to draw to the attention of the Planning Inspectors (PI) and the Examining Authority (ExA), for the above designated Draft Development Consent Order (dDCO) enquiry, submitted by National Highways (NH), that NH have **failed** to detail, explain and justify the current and anticipated costings associated with the proposed scheme.

NH are using costings and calculations that are at least three years old. NH has offered no update or explanation, during the entire period of the Examination, on its ability to have sufficient funds for the proposed scheme. It has failed to demonstrate how it can absorb the costs of the extensive and excessive compulsory acquisitions made for the scheme, including those purchases for land no longer required. Clearly borrowing costs, energy costs, construction costs, material costs and all other related costs and charges have risen exponentially since NH put forward their original proposal. The development environment is also now very different from when the dDCO was placed before the ExA.

The ExA has a duty to understand the veracity of the 'Funding Statement' from NH and needs to be satisfied that NH has sufficient funds to proceed with the scheme. NH had costed approximately £1.2bn to deliver the entire scheme. It is now abundantly clear NH will not be able to deliver the entire proposal from this budget, which is evidently insufficient. MIAG and McIPC are additionally concerned that a consequence of this is likely to be that only certain aspects of the original proposal will be brought forward. This 'cherry picking' adds to the inherent uncertainty and affordability associated with the entire A12/A120 Widening Scheme. NH budget and costings are clearly and irrefutably out of date and inaccurate. Such numbers as have been put forward are - in our view - false and misleading.

It is noted, and for the special attention of the Inspectors, that various excuses to hide and withhold this information on the grounds of 'commercial sensitivity' (and other invalid and spurious excuses), have been consistently challenged by Ms Priti Patel, MP, Cllr K Bentley, leader of ECC and all other borough and local councillors, transportation experts and MIAG and McIPC.

It is too late for NH to provide up to date costings and explanations to the ExA for proper scrutiny.

MIAG and McIPC believe NH should be compelled to produce these costings and explanations for the Secretary of State in order to assist in the deliberations following the submission of the recommendations from the Inspectors.

MIAG and McIPC continue to believe;

- National Highways have ignored and marginalised McIPC and MIAG. The approach taken to the presentations made by Ashfords, concerning the legal validity of the *d*DCO, remain unaddressed and have not been satisfactorily explained. The position taken by McIPC and MIAG continues to be that the *d*DCO should be sent back as it is both invalid and illegal;
- NH continue to fail in their duty to consult in any reasonable form or manner with MIAG and McIPC, and are operating in a manner that is obdurate, untruthful and myopic;
- NH are using false, out of date and inaccurate costings and have failed to justify or explain those either at any of the public hearings or by ignoring written requests to reveal these costings. In so behaving they have ignored their legal obligation to be open and truthful about the real cost of the **Main Alternative**. This has been recently costed and is viable, affordable and reasonable.

In making their recommendations following the end of the examination period, MIAG and McIPC once again urge the ExA to return the *d*DCO as invalid and illegal.

In the alternative, MIAG and McIPC urge the ExA to recommend that NH must revisit their entire plan for Junction 24 and make the **Main Alternative** the chosen plan for this junction.

MIAG and McIPC would like to record their thanks and appreciation of the time and effort the Panel of Inspectors have taken to conduct the examination. We are especially grateful for the extended site visit, and for the care and attention to our oral presentations at the Open Floor Hearings and subsequent Issue Specific Hearings. We also acknowledge that all our reports and statements have been submitted to the examination library for reference.

We are grateful also that the Panel have held NH to account. We hope and trust that this will continue into the recommendations to be made to the Secretary of State.