

Transport Committee

Oral evidence: [Work of the National Highways](#), HC 418

Wednesday 24 January 2024

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Members present: Iain Stewart (Chair); Jack Brereton; Fabian Hamilton; Paul Howell; Grahame Morris; Gavin Newlands; Greg Smith.

Questions 84–107

Witnesses

[II](#): Guy Opperman MP, Parliamentary Under-Secretary of State for Roads and Local Transport, Department for Transport; and Kate Cohen, Director for Roads and Project Delivery Infrastructure, Department for Transport.

Examination of witnesses

Witnesses: Guy Opperman MP and Kate Cohen.

Q84 **Chair:** Welcome, Minister. For the purposes of our record, could you introduce yourself and your colleague, please?

Guy Opperman: My name is Guy Opperman. I am the MP for Hexham, and for the last 71 days I have been a Transport Minister. I am looking forward to my second appearance in barely a month before your august body.

Kate Cohen: Good morning. I am Kate Cohen, one of the roads directors in the Department for Transport, and I sponsor National Highways.

Q85 **Chair:** Thank you. Welcome back, Minister; your performance ratio is very high.

Guy Opperman: Ask that at the end of the session, if you don't mind.

Q86 **Chair:** As you say, you have been in post for 71 days. In that period, what assessment have you made of the roads in your portfolio generally, and the performance of National Highways in particular? What are they doing well, and where are there still areas to improve on?

Guy Opperman: I am conscious of time. I could give a 20-minute answer to that, which, frankly, is a whole Adjournment debate, let alone a one-and-a-half-hour debate, but I will try to be concise and succinct because I know you have a number of issues.

Broadly, they are doing very well. If you look at the whole direction of travel and the creation of the RIS programme—RIS1 and RIS2—having a set period of time makes total sense. Delivery on that is always complicated, and there are always issues. As an outsider who is passionately interested in transport and has lobbied DFT for a very long time on a lot of projects, it is patently clear to me that the DCO process and the litigation around it has severely impeded the ability to deliver RIS2 in particular. A large number of projects are subject to DCO delays, as well as litigation that was not there at the start and has not been a traditional problem in relation to what they are doing.

That has been a dramatic change over the last five years, and largely it is the biggest form of hindrance to the delivery of projects. Clearly, you want to measure it by the end of the five-year period and look at what started within that period, but my interpretation is that it is a very significant organisation doing the best it can in very difficult circumstances. Unlike much of the public sector, which really struggled, it continued during covid, and continued to deliver. That is my short answer.

Q87 **Chair:** On the DCO process, this Committee did quite a bit of scrutiny work on the draft NNNPS, the snappily titled national networks national



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policy statement, which is partly designed to improve the time process for litigation, appeals and the like. Have you been able to make any assessment of the impact that the new policy statement might have?

Guy Opperman: As someone who did 21 years as a lawyer, whose last client was Ed Balls and who spent a lot of time defending him and robustly attacking Government under the last Labour Government, my take is that the recommendations to this Committee and the Government guidance have to be interpreted by the courts.

You will be aware that at present the Department is facing litigation in respect of the A47. The appeal hearing took place on 17 January, in court 70 of the Court of Appeal. That is linked to the A57, and other litigation is ongoing. As that works its way through, my hope—please, your Lordships, do this—is that there will be definitive guidance on where we stand on those particular points. In other words, I cannot comment on live litigation, obviously, but my point is that the Government give guidance, Committees make recommendations and so on, and that is then interpreted by the courts to find the appropriate procedure.

Chair: Thank you.

Q88 **Greg Smith:** First, I put on record that it is very rare for a Minister to sit in the gallery through the evidence session prior to their appearance. That is very commendable.

When it comes to roads, it is very common for colleagues across the House to pop up and down demanding things be built in their constituency. I have been slightly different, in that one of my biggest campaigns was to get the Oxford to Cambridge expressway cancelled, which, happily, Grant Shapps did when he was Transport Secretary. But there are always rumours of these projects re-emerging. Can you confirm, on the record, that the Oxford to Cambridge expressway, certainly from Oxford to Milton Keynes through Buckinghamshire, is indeed an ex-project and that it has ceased to be?

Guy Opperman: Yes, I can. I take the compliment as well. The criticism is that I don't have much else to do; no, I'm joking. I wanted to listen because, like the Chair and all of you, I want to assess and appraise and then have a debrief session with NH in the usual way, as any performance organisation would do. Now is not the time to do a real-time critique, but I want to have a read of your transcript and report and have a proper sit-down with them.

Q89 **Greg Smith:** That is very commendable, thank you, and thank you for your clarity on the Oxford to Cambridge expressway. I have a couple of questions on smart motorways, which I focused on in the previous session. The Government have clearly listened to public concern and have rowed back heavily on the smart motorway programme. We are not building any more of them, but we still have an analysis problem with the data, which you can argue about in a thousand different ways, as we did in the previous session. There is data to suggest that having stopped



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vehicles, whether it is a tyre blow-out, breakdown or whatever, on an all-lane running motorway is more dangerous. Are you satisfied that National Highways is doing everything at the pace required to ensure that we have enough emergency areas, and that, on the 345 miles of smart motorway that exist, enough is happening to ensure that the public can have confidence in them?

Guy Opperman: I am acutely conscious that successive Ministers and Secretaries of State, and this Committee, have spent a lot of time addressing this. To be fair to NH, they have spent a lot of time trying to deal with it. It would be wrong of me to be so presumptive as to say that I have a definitive view at this stage. I really think that everyone is live to the issue; there is no question whatsoever but that attempts are genuinely being made to address the issues that you highlighted. Kate has spent a lot of time on this and may want to come in, but, bluntly, it is very important that we ensure that all the extra safety measures, some of which they went through and there are a lot more, are being delivered at pace, and that we are ensuring the safety of those roads.

Kate Cohen: I agree with you, Minister. We spend a lot of time looking at the data, and that is why we have the ORR look at it, as our independent monitor. There are a number of different ways of collecting safety data. You want to look at leading indicators, not just fatalities, for example. They are a terrible tragedy for those involved and their families, and because they are relatively small in number, to collect data on what is important you need to look at a wide range of leading indicators, such as injuries, both serious and minor, and the causes of the accident. We look at a whole range of data. It is a very complicated area, and we need to keep it under review. I strongly believe that data-led policy is the best way to look at how we evolve what is best.

Guy Opperman: Can I make a suggestion? I have a lot of notes, and I know National Highways will have an awful lot of notes, and I am conscious of time. I don't think it was prompted during the session, but I suggest that National Highways write to you, addressing the points that you raised collectively during the earlier session, as well as these points, so that you have something in writing on the record in a bit more detail. Frankly, I would encourage National Highways to set it out chapter and verse, because this is not a small issue. Kate is right: it is complex, and there are various ways to look at the metrics. I genuinely think that would be a good thing to do.

Greg Smith: That is helpful, thank you.

Q90

Paul Howell: Minister, I would like to follow on from the questions that I asked National Highways earlier. Even their delivery plan says that new metrics are to be developed. You have come into a new world order, with the significance of inflation, the impact of the DCOs and so on. Are you confident that there is, or can you work towards making sure that there is, a clearer understanding of the efficiency of their work versus the impact of inflation and DCOs that are outside their control?



Guy Opperman: There are two distinct issues. On the one hand, there are a large number of key performance indicators for an organisation that runs the key network. Those are what I would call business-as-usual assessments. They are not really affected by planning decisions, litter, safety and so on; there are a number of different issues, and the key performance indicators are many. I don't think they are affected as much by the ongoing difficulties of DCOs or inflation.

What is affected, quite clearly, is delivery of new projects. You have an organisation that is running a network but also delivering new projects. In the latter part, there is an appropriate assessment of where we are, following comments by Committees like this and reviews by ministerial Departments, the Secretary of State, myself as Minister and key civil servants who deal with this day in, day out, and, finally, the ORR, which is also doing ongoing assessment.

I start with the 38-page delivery plan, and the reports that we have in terms of those things. We are all waiting on certain court cases that will then determine certain things on certain projects, without the shadow of a doubt. But the world has changed significantly since the 2015 times, and we need to change with that. The answer is yes, in a long way.

Q91 **Paul Howell:** I agree with the Minister. As I said earlier, my life was about managing metrics for an organisation, and the only metrics that matter are the ones that affect the decision making going forward. I encourage you to make sure that that focus is there.

Kate Cohen: May I add one thing? On efficiency, we are interested in all of the National Highways spend, not just on projects but on operations and all the rest. It is all taxpayers' money, and we want to make sure that they spend it wisely and well. That is within the scope of our efficiency review that the ORR monitors on our behalf.

Paul Howell: I thank you for that clarity, but I reinforce the point that there is a difference between the efficiency of operations and the cost impact that you get from inflation, DCOs and so on.

Q92 **Fabian Hamilton:** Hello, Guy, it is good to see you here again. I know how committed you are to cycling. I am very concerned that cycling infrastructure investment is reducing as a proportion of investment in our roads network. Obviously, we are here to discuss National Highways and I know people hate to talk about Europe, but the cycling infrastructure on major roads in other countries in Europe is so much better than ours. If we are going to decarbonise more, it is not just the vehicles that need decarbonising. They are the vast majority of journeys—I am a cyclist, a motorcyclist and a car driver so I have an investment in all those—but if we are to encourage more active travel, shouldn't our highways network be there for active travel as well, namely cycling? What can you see being done to build more and separate cycling infrastructure next to our national highway network?



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Guy Opperman: I endorse virtually everything you just said. Like you, I am a passionate cyclist. I fought tooth and nail to get the cycling active travel brief to be coupled with the roads brief, because I utterly endorse it. We are not pro-driver and anti-cyclist or pro-cyclist and anti-driver; the two have to co-exist, and Government infrastructure spend has to address both of them. When we do that, we save money. In my humble opinion, it is the right thing in the longer term.

I believe that we are on a journey. I look at what we used to do, at successive Governments over the last five, 10, 15, 20 and 25 years, and at what we are doing now and our aspirations. It is totally different. I totally get the point that we are not Holland—we all understand that; but I have been to York and spent a lot of time with Danny Williams and the ATE team. We are backing them 100%. There is a genuine desire to integrate what they are doing in relation to what National Highways is doing.

National Highways have a budget. I tried to find the stats, but I think National Highways would tell me that they have built approximately 160 cycle paths and paths alongside the highways. A lot of money is being spent. Can we do it better? Yes, we definitely can. I genuinely take the point of this Committee, and your advocacy of the point. It is something that we are going to do. Trying to bring the two briefs together and integrating them is one of the big challenges for me. I had a recent meeting with National Highways, and there is a real desire for them to do that. For example, there is a seven-mile stretch of the upgrade outside Lewes—I forget the name of the road—that you should look at. It has amazing cycling infrastructure, constructed by National Highways in circumstances that are just as you and I would like to see. I would like more of that going forward, and that is what we are trying to do.

I will quickly answer a further point about the delays and going backwards and forwards. As you know, in the planning process we do an outline business case and then a full business case, and then we hand over the cash. Part of that now is that Active Travel England is effectively a statutory consultee, as you and I know. It is involved in the process. It was not involved before. It is making contributions and recommendations and, sometimes, not so much making objections but asking, “Do you really want to do it like this?” That is a good thing, and it is one of the reasons why everyone is coming to terms with this. The process is unquestionably better going forward.

Q93 **Fabian Hamilton:** Are we learning from other countries, not just Holland, where they are way ahead of everybody else, but from Germany, France and Belgium, for example—

Guy Opperman: Japan, as well.

Q94 **Fabian Hamilton:** Japan, where we are going soon. We don’t have to reinvent the wheel.



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Guy Opperman: No, we don't.

Q95 **Fabian Hamilton:** There is plenty of good practice we can learn from. Are we doing that?

Guy Opperman: Yes, we are, without the shadow of a doubt.

Fabian Hamilton: Good.

Guy Opperman: Again, we are on a journey. Are we perfect? Of course not, but that is absolutely our driving mission. As we draft and then progress RIS3 and RIS4, that has to be an integral part. That is the key.

Q96 **Fabian Hamilton:** Could we have cross-party consensus on this?

Guy Opperman: Yes, utterly.

Q97 **Fabian Hamilton:** The public out there understand the political to-ing and fro-ing and all the politics at the moment, but they quite like to see parties working together on something that is for the general common good, that everybody believes in.

Guy Opperman: I do not think this is a case of "He said, she said" or either/or. We can co-create schemes in a way that, frankly, successive Governments have not done in the past. We just need to get better at it.

Fabian Hamilton: Thank you.

Q98 **Grahame Morris:** Good morning, Minister, and good morning, Kate. I have a couple of questions. The first is in relation to levelling up and the role that the Department plays in ensuring that transport infrastructure spend and commitment address that agenda. My particular concern, as you might imagine, is in relation to the upgrade of the A1 north of Newcastle and Morpeth.

In the previous panel, I asked Mr Harris about the number of schemes that were originally identified in RIS2, the number that were being completed and the number that were being carried over into subsequent RIS periods. The Minister mentioned development consent orders and the complexity; he is a lawyer and is far more familiar with them than I am. Given the length of time of the campaign, which included the Minister's neighbour, who was very vociferous in relation to the merits of upgrading that stretch of road, I still cannot quite comprehend what the environmental factors are that have caused the delay to that very important scheme.

Guy Opperman: I will refer to Kate for some of this because, as I am materially affected, I am not the Minister making that decision. There is a process in the Department for Transport where planning decisions—DCOs—are deliberately kept distinct from individual Ministers who are driving forward projects on an ongoing basis. That is a bit complicated, but Kate can give the civil servant answer.



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May I just talk about the DCO point and the changes? The moment we sign up to things such as the Paris agreement on climate change, there is considerable change in terms of the environmental impacts of road building that we are now considering and dealing with. This applies—

Q99 Grahame Morris: I am sorry, but I don't understand that. Can you explain specifically what has changed? Goodness me, the campaign to upgrade that road has been going on more than 15 years, probably 20. Surely all the environmental impacts, including the impact on the waterways, must be clearly identified by now.

Guy Opperman: No disrespect, but that is not the case. The Paris agreement utterly changed things, including the approach that we take in terms of environmental management and a whole bunch of things. Have a look at the A595 at Moresby, a scheme that I opened. The scheme improves the water quality and ensures that you do run-offs and catch-off of the water off the road. It makes sure that the water that subsequently goes into the river and the sea off Cumbria is better quality than it previously was. There is a whole bunch of stuff.

With respect, it may help you if either Kate or National Highways set out some of the difficulties and complications with DCOs. Because I am not the Minister involved, I cannot give you the specific examples, but I know that environmental assessments are ongoing in relation to that scheme and a whole bunch of other schemes, some of which feature in, for example, the A47 case and the A57 case. Kate, do you want to add anything?

Kate Cohen: The Government recommitted to that scheme as part of the Network North statement. It is in DCO at the moment, awaiting consent. You will see on the website of the infrastructure PINS committee the further questions that have been asked. We can forward you the link. It is to update the evidence. Because it has taken such a time for that scheme to be consented, when you consent you have to check that the evidence is still up to date, so they have asked for further environmental data relating to the amount of time.

Guy Opperman: You asked about levelling up and finances—

Q100 Grahame Morris: I want to come on to that, and to ask you about the total cost of the lower Thames crossing. The previous panel said—

Guy Opperman: That is also subject to a DCO.

Q101 Grahame Morris: Many, presumably. I had never heard of the concept of scope creep before, in relation to the ORR. What is the latest estimate of the cost of the lower Thames crossing, and how does that square with the Government's commitment to levelling up and addressing the transport disparities and lack of investment in the north in particular?

Guy Opperman: With respect, I am going to push back. I will give you an example. I was outside Darlington on about 4 January with Mayor Ben



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Houchen, who was able to announce the investment of £250 million in the Darlington relief road. That would never have been possible without CRSTS1 and CRSTS2. That is devolved budget by national Government to Mayors, to drive forward local infrastructure projects. There is a whole host of others.

Q102 **Grahame Morris:** You said £260 million. Can you just tell me what the estimate is for the lower Thames crossing?

Guy Opperman: Grahame, with great respect, you have asked me two questions—

Q103 **Grahame Morris:** It is £2.7 billion.

Guy Opperman: You're not really interested in asking me questions, are you?

Q104 **Chair:** Can we not talk over each other? Minister, can you answer the question that Grahame put? Grahame, I will then give you the right of reply.

Guy Opperman: On the levelling up, there is a whole host of funding. There is the Mayor's funding on CRSTS1 and CRSTS2—transformational funding for the north, examples of which there are a plethora, and you can be given copies of those. At the same stage, there is no doubt that we are doing other projects as part of RIS2, supported, I should say, on a cross-party basis. The lower Thames crossing is supported by the Labour party in a whole host of ways. It is subject to a DCO. It is unquestionably going to cost a lot of money but, without the shadow of a doubt, these were all projects supported on a cross-party basis when I last checked.

Q105 **Chair:** Do you wish to ask a supplementary, Grahame?

Grahame Morris: It is on a different subject.

Chair: Ask it quickly, please, because we are running out of time.

Q106 **Grahame Morris:** What are your reflections on the separation of functions, particularly in relation to the initial recommendations of the Cook report? Do you feel that they have come to fruition in the way National Highways is operating currently?

Guy Opperman: I will write to you.

Q107 **Chair:** Thank you. As my colleague alluded to, you sat through the evidence session from Mr Harris and his team. To conclude this panel, is there anything else that you wish to add to the various topics that we have covered? Are there additional areas that we as a Committee could look into?

Guy Opperman: I suggest that Kate and I go away and have a think, because obviously we are doing this in real time. We have identified the one specific point to Greg, but we will have a think and if there is anything we will add to it quite happily.



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Chair: Thank you. That concludes this short session. Thank you both for your time and evidence. We look forward to hearing from you.