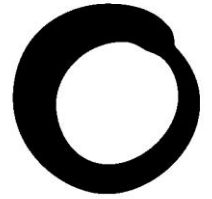


May 2011



**Friends of
the Earth**
Northern Ireland

A5WTC Strategic Inquiry

Submission by Friends of the Earth Northern Ireland

Introduction

1. Friends of the Earth is a leading non-governmental organisation promoting sustainable development and environmental justice in Northern Ireland. We want a healthy planet and a good quality of life for all those who live on it.
2. The objections made in this submission elaborate on the submission made in an earlier letter to the Department on 21 January 2011. Our objections in this submission specifically relate to five key areas of concern – traffic forecasts and peak oil; traffic and economics; economics, carbon and climate change; unsustainable development and skewed transport investment; structural bias in the Inquiry process. Friends of the Earth also wish to record their support for many other objections to the scheme, particularly those of the Alternative A5 Alliance, An Taisce and Plan Better.

Traffic Forecasts and Peak Oil

3. The traffic forecasts have no doubt been prepared in line with standard technical guidance. However the A5WTC is a non-standard scheme.
4. The attraction of the new route over the existing route is not the avoidance of congestion but simply the provision of a faster parallel road. The consultants have assumed that drivers will switch from the old more direct route and be content to drive at the speed limit, ie 70mph on the new road. However, we estimate that this will increase their fuel consumption by almost 20% and do not believe that drivers will continue to make the same choices as fuel prices continue to rise. In the absence of any detail or confirmation from the consultants we believe that the traffic forecasts for the scheme, especially in later years, are overstated and hence the benefits overstated.
5. Peak Oil refers to the situation when global oil supplies reach a peak, following which oil supplies decrease and never rise again. Leading geophysicists predict that the peak is either occurring or will occur by 2014. Meanwhile demand for oil is still increasing. In simple terms, Peak Oil forces us to look at the world differently.

6. The UK's Energy Research Centre Report on Global Oil Depletion states:(1) <http://www.ukerc.ac.uk/support/tiki-index.php?page=Home> "A peak in conventional oil production before 2030 appears likely and there is a significant risk of a peak before 2020. Given the lead times required to both develop substitute fuels and improve energy efficiency, this risk needs to be given serious consideration". The International Monetary Fund's World Economic Outlook report in April 2011; (2) <http://www.imf.org/external/ns/cs.aspx?id=29> addresses this issue in chapter three entitled "Oil Scarcity, Growth, and Global Imbalances". The report considers the policy implications of peak oil: "Fundamentally, there are two broad areas for action. First, given the potential for unexpected increases in the scarcity of oil and other resources, policymakers should review whether current policy frameworks facilitate adjustment to unexpected changes in oil scarcity. Second, consideration should be given to policies aimed at lowering the risk of oil scarcity, including through the development of sustainable alternative sources of energy."
7. Friends of the Earth consider it irresponsible in the extreme of the Department for Regional Development to fail to address the issue of Peak Oil and to fail to plan for a transition away from cheap oil. In attempting to calculate 60 year economic benefits for the scheme, the Department must review its assessments for Northern Ireland based on the likelihood of energy resources available to Northern Ireland.

Traffic and Economics

8. The Department states that the scheme will assist the economic development of the north-west yet its consultants have confirmed that their analyses have assumed no additional growth in traffic due to the scheme. These two views are in direct conflict and represent a 'cherry-picking' approach in highlighting the advantages whilst ignoring the disadvantages.
9. If the scheme is a 'success' and travel time is saved, then existing companies located in the corridor will work more profitably. We do not believe that it is the government's intention that these companies simply pocket the gain in profitability – rather it is the intention that they will re-invest their profits in creating more jobs or doing more business. It is inconceivable that this increase in business will not lead to an increase in traffic. However, this is what has been assumed by the consultants - presumably to ensure that the economic time savings of the scheme are maximised and the environmental disbenefits minimised.
10. The consultants conclude that the total road user benefits of the scheme, totalled over 60 years, are over £850million. But again this calculation is selective and does not take account of the loss of productivity in the farms whose businesses will be affected.

Economics, Carbon and Climate Change

11. The consultants have estimated the value of the additional carbon due to CO₂ emissions as a disbenefit of £10 million over 60 years. We can find no estimates of carbon emissions in the published reports but have back-calculated (from the Department for Transport's value methodology) that this equates to 4,000 tonnes of carbon emitted per year. The consultants have confirmed that they are not using the most up to date valuation for carbon. We have used the latest valuation and estimate that the disbenefit will more than double to almost £26 million. Whilst the consultants

consider this to be a small sum in the calculation of total benefits, it is a substantial sum in the eyes of Northern Ireland taxpayers in general and opponents of the scheme in particular.

12. The consultants argue that whilst the scheme is a 'net contributor' to carbon emissions that it should still be progressed, as other plans, strategies and development projects can contribute the required carbon reductions. However, this argument fails to take account the *substantial* scale of the additional carbon emissions created by the scheme and the high level aim of the draft Regional Transportation Strategy which is "to reduce the environmental impact of transport" and the strategic objectives "reduce greenhouse gas emissions from transport".
13. The NI Executive is committed to reducing carbon emissions by 25 per cent on 1990 levels by 2025. Assuming transport was to share the load it would have to reduce from approximately 4.5 million tonnes of CO₂ in 2008 to 2.4 million tonnes CO₂ in 2025. This is a tall order and the scheme's additional annual 15,000 tonnes CO₂¹ will clearly not assist.
14. Or to put it another way, the scheme will generate an additional 4,000 tonnes of carbon approximately each year. Yet this is almost four times the saving in carbon (1.1168 ktC) generated by the Department's NI-wide Travelwise scheme in 2005 as reported in the NI Greenhouse Gas Emissions Reduction Action Plan.
15. I wish to repeat the statement in our earlier submission: "Northern Ireland faces a significant transport challenge with regard to surface transport being responsible for a higher proportion of emissions than other parts of the UK. The main source of greenhouse gas emissions is transport and transport emissions have increased by 38.8% since the 1990 base year, whereas all other sectors have seen a decreasing trend in emissions since the 1990 base year. This road proposal will further contribute to this significant adverse trend, contrary to government policy to reduce greenhouse gas emissions".

Unsustainable Development and Skewed Transport Investment

16. Investment in the A5WTC can only be made at the expense of essential investment elsewhere in our transport infrastructure. This fact has been borne out in the consultation responses prepared in response to the Draft Budget released in January 2011². This scheme discriminates against the old, the young, disabled and the disadvantaged by prejudicing public transport options for these section 75 groups.
17. Whilst many of the consultation respondents welcomed investment in transport infrastructure in general they spoke out against the current investment in the A5 WTC. That was because expenditure on the A5 would cut essential spending on:
 - a. Roads Service's road maintenance;

¹ 1.0 tonne of carbon is equivalent to approximately 3.7 tonne of CO₂

² Responses available at <http://www.drdni.gov.uk/index/responses-to-drd-draft-budget-2011-15-consultation-and-equality-impact-assessment.htm>

- b. Roads Service's local transport and safety measures including improved walking and cycling facilities;
 - c. Translink's support for local bus services;
 - d. Support for rural transport, community transport and transport for people with disabilities; and
 - e. Roads Service's schemes which have passed all statutory processes including Public Inquiry such as A2 Greenisland.
18. If the A5WTC is constructed it will clearly devastate Roads Service's maintenance, cycling and local transport and safety measures. This is simply not acceptable and flies in the face of an objective of sustainable development. Indeed it is in direct conflict with the recommendations of the Chartered Institution of Highways and Transportation (CIHT)³ – a learned society concerned specifically with the planning, design, construction, maintenance and operation of land-based transport systems and infrastructure.
19. The government's commitment to sustainable development is contained within the draft Regional Transportation Strategy, the draft Regional Development Strategy and is one of two over arching themes in the Programme for Government. This is interpreted in a suite of statements by the previous Ministers for Regional Development and government policy as requiring greater investment in public transport. Against a backdrop where 35% of spending was to be spent on public transport, according to the Regional Transportation Strategy (2002 – 2012), and yet only 19% materialised, the Department is already failing in its commitments. Sustainable development requires the balancing of social, economic and environmental considerations. Yet the proposed A5WTC will create significant social exclusion, environmental damage and economic stagnation.
20. Under the Northern Ireland (Miscellaneous Provisions) Act 2005 a legal public duty is placed on government departments to pursue sustainable development, namely, "a public authority must, in exercising its functions act in a way it considers best calculated to contribute to the achievement of sustainable development in Northern Ireland." By contravening this legislative duty it is submitted that the Department is acting unlawfully in pursuing this scheme.

Structural Bias in the Inquiry Process

21. There is an inherent structural bias within this Inquiry process because it may fail to take into account wider strategic legal and policy imperatives and is weighted heavily against objectors. (I wish to emphasise that these comments are not related to the bona fides of the inspectors.)
22. Traditionally road inquiries in Northern Ireland have failed to give due weight to what may be described as wider planning matters and focussed instead on narrow 'road' matters deemed to be of relevance to Roads Service. The legislation which contains the provisions enabling the Department to hold an Inquiry in connection with the exercise of its functions is the Roads (NI) Order 1993 which was enacted before the emergence of modern policy challenges and legislative changes. Friends of the Earth

³ CIHT Response available at http://www.drdni.gov.uk/the_chartered_institution_of_highways___transportation.pdf

is seeking an assurance that European legislation transposed into Northern Ireland (for example, Directive 92/43/EEC - the Habitats Directive; Directive 2009/147 and Directive 79/409/EEC as amended - the Birds Directive; Directive 2001/42/EC - the SEA Directive; Directive 85/337/EEC the EIA Directive) are given proper standing. Furthermore, we contend that government policies and relevant legislation relating to climate change, environmental protection, floodplain management and the strategic balance between public and private transport are important material considerations in the determination of this inquiry.

23. The lack of parity in resources is disturbing. Best practice and rules of fairness, for example under the Aarhus convention, are not served in an Inquiry with such a dramatic resource bias in favour of the Department. In the Inspector's report in the North West Transport Corridor Toome to Castledawson Inquiry in 2007, Inspector Robb referred to the feeling of intimidation, the considerable financial burden on objectors and that residents affected by a road scheme can feel "their identify is under threat". He stated that it was valid that when Departmental lawyers are paid by public taxes that this imbalance should be redressed by having resources extended to objectors. He recommended that all objectors should have access to legal representation funded by the taxpayer and that the Department funds appropriate professional support. The fact that this has not happened confirms a sense of unfairness, predetermination and bias in this Inquiry

Conclusion

24. I wish to repeat comments in our earlier submission: "Alternatives to the scheme exist and have not been adequately assessed in the Environmental Statement. These alternatives include strengthening bus services, improving the existing road and the strengthening of the rail industry....any sustainable transport plan within current government priorities must attempt to resolve and address current government priorities of: reducing carbon emissions; supporting economic development; promoting equality of opportunity; contributing to improved safety and health; improving the quality of life and delivering a healthy natural environment. An assessment of the policy and legislative context for this proposal must therefore conclude that there are overwhelming reasons for refusing to give consent for this scheme."
25. The A5WTC is an unaffordable vainglorious scheme, devoid of any rational justification. If consented, its legacy will be to push the whole of Northern Ireland on a road towards economic decline, climate irresponsibility, Peak Oil denial and social injustice.