

**COMPLAINT AGAINST HIGHWAYS ENGLAND
BY CHIDECK PARISH COUNCIL**

**REPORT BY THE INDEPENDENT COMPLAINTS ASSESSOR
STEPHEN SHAW**

Case number 193 (20/21)

December 2020

Independent Complaints Assessor c/o ICA Administration, Department for Transport, LONDON SW1P 4DR. (During the period of Covid-19 lockdown, it is regretted that postal communication is not possible, and all contact should be made by email to ica.stephen-shaw@dft.gov.uk or by text or voicemail to 07585 997505.)

CHIDEOCK PARISH COUNCIL: COMPLAINT AGAINST HIGHWAYS ENGLAND

Background

1. This is my report into a complaint by Chideock Parish Council against Highways England. Chideock is a village in Dorset that sits on the A35 trunk road.
2. The Parish Council's complaint has a number of elements: village flooding, a 30mph speed limit trial, implementation of a report on safety and severance, air quality, and liaison meetings. The Parish Council remain dissatisfied with the responses they have received from Highways England.
3. I should say at the outset that an Independent Complaints Assessor (ICA) review is not designed to solve technical issues, much less to determine how Highways England or any other part of the Department for Transport should use the resources at its disposal. It is also ill-equipped to mediate between two public bodies. The purpose of an ICA review is to assess customer service and whether there has been unfairness or maladministration.

Jurisdiction

4. The Introduction to the ICA terms of reference reads as follows:

“The overall aims of the independent complaints assessor (ICA) process are to put right any injustice or unfairness suffered by customers, to improve services delivered through the DfT, and/or to provide assurance that proper procedures have been followed and that maladministration has not occurred.”

5. Paragraphs 12 and 13 read:

“12. The ICA will decide whether and how much of a complaint is in scope. They will do this after considering the information and documents the Department and/or DfT Body gives them and any other information they judge relevant. The ICA needs to keep in mind the public interest while doing this. Factors relevant here include:

For a detailed review

- the complainant has, or might have, suffered significant injustice, loss or hardship
- the Department and/or DfT Body's handling of the complaint has been poor. For example, it has failed to conduct a proportionate and reasonable investigation, and/or has failed to apply an appropriate remedy

- the Department and/or DfT Body has asked the ICA to review the case
- an ICA review may assist in a wider process of organisational learning from the complaint and/or of promoting consistency and fairness.

Against a detailed review

- the Department and/or DfT Body has investigated the complaint properly and has found no administrative failure or mistake
- the complainant objects to the Department and/or DfT Body's policy or legislation
- a full review would be disproportionate.

13. Having considered the factors set out in paragraph 12, the ICA may decide that subjecting the complaint to a detailed review would not meet the overall aims of the ICA review process set out in the introduction.

6. The protocol to the terms of reference includes amongst the list of exclusions upon which an ICA cannot make determinations:
 - Government, departmental or delivery body policy
 - matters where only a court, tribunal or other body can decide the outcome
 - ...
 - the exercise of professional judgment by a specialist ..."
7. The latest iteration of the terms of reference can be found in full in the 2019-20 ICA Annual Report:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/917998/dft-independent-complaints-assessor-report-2019-2020.pdf.
8. I have borne my terms of reference in mind when considering the extent of the review I should conduct, and the fact that I am a layperson with no specialist knowledge of road engineering or traffic management. My focus is on the administrative aspects of a particular matter, not on the technical merits of road infrastructure and related issues.

Review

9. To assist my review, Highways England has provided me with a very helpful timeline which, in the interests of openness, I have reproduced in as Annex A to this report. I have seen all the items to which the timeline refers from 10 August 2020 onwards.
10. Conscious that my reviews are conducted at public expense, and the need for proportion and concision, I have not judged it necessary to ask to see the items listed in Annex A from 27 April to 5 August.

11. I also do not think I need to reproduce every exchange I have seen between the Parish Council and Highways England. However, for the avoidance of any doubt, I have read and considered the whole file. I think it sufficient to set out the following chronology of events.
12. On 30 June 2020, the Parish Council wrote to Highways England.¹ The letter was headed: General dissatisfaction with HE's performance on the A35 through Chideock. The letter began by saying that the Council felt that Highways England generally did a good job in difficult circumstances, but the Council had had frequent cause to complain about the operation of the A35 through the village and had often been less than satisfied with the response from Highways England. It then went on to say that the Council wished to make a formal complaint to provide constructive feedback and to help the company provide a better service.
13. The letter went on to list concerns about
- village flooding (clearing out the gullies once or twice a year was insufficient)
 - the frequent need to replace utility covers (Highways England should insist on heavy duty covers)
 - the lack of utility of the 30mph speed trial (the Vehicle Activated Warning Sign had not worked for months, and the police would not enforce the speed limit)
 - the limited outcomes of a Safety and Severance Report² (the discounted recommendations including one to remove adverse pavement cambers which the Parish Council believed breached the Equality Act)
 - the absence of average speed cameras,
 - illegal levels of pollution
 - Highways England's withdrawal from quarterly liaison meetings.

¹ The Parish Council also wrote in identical terms to the relevant Minister, Baroness Vere. The Minister's short reply of 9 July referred to the extensive engagement that Highways England had had with the Parish Council in recent years, and suggested that a more comprehensive response would be forthcoming by raising the concerns directly with the chief executive of Highways England. The Parish Council replied in turn on 15 July to say that it was not helpful to redirect them to the chief executive "because all communication has been withdrawn by HE". They again asked for the Minister's support. In response on 24 August, the Minister once more urged the Parish Council to continue its engagement with Highways England, saying she would discuss progress at her next bilateral meeting with the chief executive in September. On 29 July, the Parish Council also wrote at length to the Secretary of State for Transport, the Rt Hon Grant Shapps. This received a lengthy reply from the Department of Transport on 17 August from which I do not need to quote.

² Commissioned by Highways England and conducted by the consultants WSP Safety Ltd.

14. The letter said that nearly 20,000 vehicles now used the A35 each day but nothing had been done to improve the section running through Chideock. It added that, in the view of the Parish Council, Highways England was failing to deliver for the local community.
15. I am not sure what happened to the email, as the Parish Clerk emailed again on 6 August to say that there had been no reply or acknowledgement. An internal Highways England email reads in part: "I fear there is a dropped ball here and to do so with CPC is very frustrating."
16. Be that as it may, Mr Andrew Roberts, Route Manager, South West Operations, replied on behalf of Highways England on 20 August.³
17. On the issue of flooding, Mr Roberts said that gullies and drains were cleaned, cleared and emptied in line with the company's Maintenance Requirements Plan. Contractors would also respond to reports of blocked drains and gullies in the village. Mr Roberts also gave details of actions taken by Highways England with a local tenant farmer to reduce the agricultural field water run-off.
18. Mr Roberts said that responsibility for maintenance of service covers rested with the utility providers. Although Highways England would notify the utility provider of any defective cover, it had no control as to the repairs carried out.
19. So far as the speed trial was concerned, Mr Roberts said it was not being enforced because it was being undertaken under a Temporary Traffic Regulation Order for environmental purposes. The vehicle activated sign battery had run out of charge and it could not be removed during lockdown. It had now been removed and the police had agreed to provide a mobile camera van at times to monitor the situation.
20. Mr Roberts said he had met with the Parish Council in May 2019 to discuss the Safety and Severance report, and a copy had been provided. The four options that had not been rejected were in the process of being explored.
21. Mr Roberts acknowledged that the A35 Working Group had not met since September 2019 because of Covid-19 restrictions, but a virtual meeting was being planned.
22. So far as average speed cameras were concerned, Mr Roberts reported that a recommendation for such cameras in Chideock had been made. A feasibility study would be carried out, alongside other improvement

³ This was outside the time target if counted from the time the original complaint was identified, let alone from 30 June. However, I can see from the file that Highways England was understandably keen to ensure that its reply was in line with that from the Minister.

measures for the A35 in Dorset. The improvement scheme was included in the current Regional Capital Forward Programme.

23. Addressing the levels of pollution in Chideock, Mr Roberts noted that the village had been as an Air Quality Management Area in 2007. Exhaust emissions from vehicles travelling along the A35 were the main source of the levels of NO₂. He continued:

“You will, no doubt be aware that members of the Parish Council have been present at meetings where the issues that drive the air quality problems have been discussed, including the physical constraints that are a significant factor in the issue.

“We remain engaged with the Parish Council around to [sic] the various initiatives that have been explored to tackle the air quality problems. You will note our correspondence regarding the planning and delivery of the speed reduction trial ... the trial is still in progress and we will be in a position to provide an update once the data has been assessed and a view on the outcomes made.”

24. Finally, Mr Roberts said that the Parish Council was aware that Highways England had had to review its engagement with all regional stakeholders bearing in mind the constraints on resources. It was appropriate to use those resources with the A35 Working Group, on which Chideock Parish Council had a representative: “We would like to assure you that we continue to take the issues in Chideock seriously.”
25. On 13 September, the Parish Council asked for its complaint to be escalated. Its letter said that the primary complaint was that none of the problems faced by Chideock residents had improved in recent years; indeed, pollution, village severance, noise and vibration had all worsened. The Parish Council said that Highways England’s stage 1 letter appeared to be repeating why the company would not be resolving the problems and offering “excuses for failing to act”.
26. The Parish Council again set out specific grievances relating to flooding, the speed trial, implementation of the Safety and Severance report, the use of average speed cameras, levels of pollution and withdrawal from the quarterly liaison meetings. The Council’s letter said it had the distinct feeling of being ignored.
27. In respect of pollution, the Parish Council said that Chideock Hill had the highest level of NO₂ pollution in the country and particulate pollution (PM_{2.5}/PM₁₀) was not even being monitored: “will you please explain what precisely HE will do to reduce these illegal levels of traffic related NO₂ pollution. Also, why HE as the polluter responsible, is not addressing and monitoring PM_{2.5}/PM₁₀.”

28. Internal Highways England emails demonstrate that the company sought to provide as comprehensive a reply as possible at stage 2. One asks for a “forensic” review of the stage 1 reply and the escalated complaint from the Parish Council. Another reads in part:

“We need to be pragmatic about new matters being introduced at Stage 2. If these new concerns were entirely unconnected to the initial complaint then we’d be within our rights to deal with those at Stage 1. However, I suspect in this case the new concerns are at least related to the original complaint. If we try and separate them out we’ll tie ourselves up in knots and come across to the complainant – and potentially the Independent Complaints Assessor – as needlessly bureaucratic if we could reasonably have responded to them as part of the Stage 2. The ICAs have voiced some unhappiness at receiving cases which HE could have dealt with more thoroughly. I’d take this Stage 2 as the opportunity for [the Regional Director] to fully answer all their concerns, referring back to previous answers/correspondence where necessary.”

29. On 19 October, Mr Andrew Page-Dove, Regional Director (SW), replied to the Parish Council at stage 2 of the Highways England complaint process. This was somewhat outside the time target of 15 working days.

30. Like Mr Roberts, Mr Page-Dove addressed each of the specific issues raised in the Parish Council’s escalation letter.

31. I do not need to reproduce his letter as the contents are well known to the parties. However, I observe that he gave details of when the gullies had been checked on five occasions between September 2019 and July 2020, and gave details of how any future problems could be reported.

32. Mr Page-Dove repeated why the 30mph speed limit was not being enforced (“it is in place for environmental reasons rather than safety”).

33. Mr Page-Dove said he sympathised with those affected by the adverse pavement cambers, and a detailed assessment had been carried out. He attached a copy of the report ‘A35 Chideock Crossfall Footway Assessment’.⁴ Mr Page-Dove said that the Council had already been told that a viable solution could not be identified within the existing highway boundary. He said that other solutions would require measures going beyond what was reasonably practicable, and were not therefore ‘reasonable adjustments’ under the Equality Act.

⁴ I have seen and read this document. It concludes that the footway in question is significantly below the standard requirement for crossfall [camber]: “Accordingly, the crossfall will have a detrimental impact upon a wheelchair user which will hamper the ability to travel through the village at the 25 metre section identified.” The document sets out the advantages and disadvantages of six options for improvement.

34. On air quality, Mr Page-Dove acknowledged that the nitrous oxide levels found in Chideock exceeded the objectives set out in the government's Air Quality Strategy. The only option for reducing emissions yet identified was the reduced speed limit. Mr Page-Dove added:

"While we are responsible for managing the Strategic Road Network, including the A35, we are not the polluter directly responsible for the air quality in Chideock. It is the individual road users who are ultimately the polluters. Highways England can only affect changes within our remit."

35. Mr Page-Dove added that Dorset Council did not monitor for either PM_{2.5} or PM₁₀ within their Air Quality Management Areas:

"Additionally, we have no exceedances of PM₁₀ or PM_{2.5} alongside the SRN in England and measured roadside concentrations elsewhere in the UK of both PM₁₀ and PM_{2.5} are below the UK Air Quality thresholds. Neither we nor Dorset have any plans to undertake monitoring of either PM₁₀ or PM_{2.5} alongside the A35 in Chideock."

36. In respect of liaison meetings, Mr Page-Dove said he had a small team that liaised with 15 local highway authorities, 28 planning authorities and hundreds of parish councils. It was not possible to provide the arrangements sought by Chideock Parish Council. However, Mr Page-Dove said he was willing to speak with the chair of the Parish Council by phone to discuss their concerns, if this would be helpful.

37. On 3 November, the Parish Council asked for their complaint to be escalated for ICA review. Their letter said that it would be "wrong for one member of the Parish Council to speak privately on behalf of the whole council on these issues". I have attached the full terms of their request for an ICA review as Annex B.

38. In making the ICA referral, Highways England provided me with a list of its correspondence and engagement with Chideock Parish Council since September 2019. I have reproduced the list as annex C to this report.⁵

⁵ The referral paperwork also included a list of correspondence between Chideock Parish Council and Highways England between April 2019 and March 2020. This included eight exchanges pre-dating the list in Annex C. In the interests of concision, I do not need to detail the subject matter in this report.

Consideration

39. No one reading this report could be other than sympathetic to the Parish Council and the residents of Chideock for the road traffic and associated inconvenience which they experience on a daily basis. And the Parish Council is clearly very energetic in its representations to Highways England and others in respect of the impact of the A35 on village life.
40. However, as I indicated at the opening of this report, I am not persuaded that an ICA review is best designed to deliver the improvements the Council seeks. I am a layperson who conducts administrative complaint reviews based on the paperwork before me; it is difficult if not impossible for me to offer any views on the core elements of the Council's grievance.
41. Taking the issues raised in the Council's request for a stage 3 (independent) review in turn, I cannot help in their request for an upgrade in the drainage to help prevent future flooding. Highways England is entitled to balance that request against all other demands upon its resources.
42. Likewise, I cannot mandate how Highways England should use its funding in regard to the 30mph speed limit.
43. On safety and severance, I can see nothing maladministrative in Highways England's approach to this issue. My reading of the 'A35 Chideock Crossfall Footway Assessment' (footnote 4 refers) is that none of the options was without drawbacks, and the more radical the proposal the greater the knock-on effects would be. An ICA cannot provide definitive legal judgments, and I can simply observe that Highways England's view that the more radical proposals went beyond a 'reasonable adjustment' under the Equality Act 2010 appears well-grounded. Should the Parish Council continue to take a contrary view, they would need to take their own legal advice or consult the Equality and Human Rights Commission.
44. It is on the issue of air quality that I have the very greatest sympathy for the Parish Council, as evidence grows of the impact that both nitrous oxide and traffic particulates (especially the fine particulate, PM_{2.5}) can have upon health.
45. Mr Page-Dove argued that there are no exceedances of PM₁₀ or PM_{2.5} alongside the Strategic Road Network in England and that *measured* [my italics] roadside concentrations elsewhere in the UK of both PM₁₀ and PM_{2.5} are below the UK Air Quality thresholds (paragraph 35 refers), and I have no reason to doubt what he says. However, for its part the Council has drawn upon evidence broadcast on the BBC Countryfile programme that suggests that PM_{2.5} levels in the Chideock area may indeed be at worrying levels.

46. Again, I cannot instruct Highways England to monitor for particulates in and around Chideock. Much less can I tell Dorset Council how to respond. **However, I can properly recommend that Highways England discusses this section of my report both internally and with Dorset Council to consider if the grounds for declining to monitor PM_{2.5} levels remain persuasive in light of the findings broadcast by BBC Countryfile.**
47. The final issue raised in Annex B is the question of liaison meetings. I entirely understand why the Parish Council would welcome such meetings, but the approach taken by Highways England is again not maladministrative. The company is entitled to use its limited staff time as it sees best. There is an alternative forum (the A35 Working Group), and Highways England also offered a one-to-one telephone call between its Regional Director and the chair of the Parish Council. Bearing in mind the other engagement listed in Annex C and footnote 5, I do not think it could be said that Highways England has not responded actively and comprehensively to the Council's concerns. That it has not done so to the Council's satisfaction also goes without saying, but that does not constitute maladministration either.
48. So far as Highways England's handling of the complaint from Chideock Parish Council is concerned, I have noted that both the stage 1 and stage 2 replies were outside the time targets in the company's complaints procedure. I cannot say what happened at stage 1 (whether the ball was indeed dropped – paragraph 15 refers), but at both stages 1 and 2 I am content that Highways England was anxious to ensure that it replied authoritatively to all the matters the Parish Council had raised. I am therefore forgiving of the slight delays. Indeed, I note that in its stage 3 escalation letter, the Parish Council itself acknowledged that the stage 2 response had "explained HE's position very clearly". In other words, Highways England had engaged – as one would expect – in a thorough and professional manner.

Conclusions

49. Many parts of the Strategic Road Network mirror the situation at Chideock in that at this point the A35 is a trunk road in name rather than in nature. From personal experience, I know this is a feature of many parts of the Folkestone to Honiton trunk route (the A27 at Worthing and the A259 at Little Common to the west of Bexhill are two sections that come to mind). For local residents, the presence of the route and the traffic that it carries is an ever present concern. Although the Parish Council would probably be wise not to send identical letters to Ministers and to Highways England, there can be no criticism whatsoever of their activism on behalf of the local residents they represent.
50. Within the limits of an ICA review, I hope my findings and recommendation are helpful to all parties. I echo the views of the Roads

Minister, Baroness Vere, that the Parish Council should continue to focus on its constructive engagement with Highways England. In particular, the Council may wish to re-visit the question of a conversation between its chair and Highways England's Regional Director.

51. I am not sure that the conventional recording of a complaint investigation into uphold, part uphold and not uphold has any relevance in this instance. But since I am required to record such an outcome, and summarising what I have written above and bearing in mind my jurisdiction, I do not uphold the Parish Council's complaint.
52. This report now completes my review of the matters Chideock Parish Council has raised, and all stages of the Department for Transport complaints process. I obviously hope this review can assist in bringing the Council's complaint to a close. However, if the Parish Council so wish, they can now ask an MP to refer their complaint to the Parliamentary and Health Service Ombudsman (PHSO). The Ombudsman would then consider the extent of any further review he considered necessary in light in part of this ICA review.
53. A copy of this report goes to Highways England and to the chair and parish clerk of Chideock Parish Council.

Stephen Shaw
Independent Complaints Assessor

December 2020

Annex A: Timeline provided by Highways England

10/08/2020	Email between Andy Roberts/Kat Liddington	On realisation of late receipt of stage 1 complaint – Andy Roberts confirms the Response sent to DfT – our awareness of the identical letter meant that it was not answered separately by Highways England
10/08/2020	Email from SW enquiries to Rebecca Edmond and Kat Liddington	Email containing details of complaint and deadlines and explaining that it was being dealt with separately by DfT
10/08/2020	Email from Rebecca Edmond to South West Enquiries	Email questioning why we are responding separately/again when a full response was already provided to DfT for an identical complaint
10/08/2020	Email from SW enquiries to Ministerial & Parliamentary Affairs Team	Email chasing follow-up response details in order to cross-refer the responses provided from DfT Baroness Vere and Highways England
10/08/2020	Email from Ministerial & Parliamentary Affairs to SW Enquiries	Attaching copy of response from DfT Baroness Vere
12/08/2020	Email from Teresa Williams (SW Enquiries) to Andrew Roberts	With suggested first draft response which was from lines he had provided
18/08/2020	Email chain involving Rebecca Edmond/Thom as Barlow (DfT)/Emma Bandey (DfT) and Andrew Roberts	Explaining thinking around providing aligned response to the stage 1 complaint as both the letter to Baroness Vere and Highways England are identical
19/08/2020	Email from Andrew Roberts to South West Enquiries	Explaining progress of Baroness Vere's response and giving go ahead to progress/gain approval from Rebecca Edmond
20/08/2020	Email from Rebecca Edmond to Teresa Williams (SW Enquiries)	Providing adjusted draft approved to go to Chideock Parish Council
20/08/2020	Email from Teresa Williams (SW Enquiries) to Chideock Parish Council	Response to Stage 1 complaint
27/08/2020	Email from Ministerial & Parliamentary Affairs to South	Containing copies of the last 2 letters from DfT to Chideock Parish Council which were sent on 24 th August (final response from Baroness Vere and 26 th August (response to letter sent to Grant Shapps)

	West Enquiries	
13/09/2020	Emailed letter from Chideock Parish Council to South West Enquiries	Stage 2 Complaint expressing their dissatisfaction with the stage 1 response of 20 th August and detailing exactly why on each of the points
14/09/2020	Email from South West Enquiries to HLC complaints	Ensuring the complaint is logged appropriately, as per process
14/09/2020	Email from HLC complaints to South West Enquiries	Logged Stage 2 complaint and deadlines
14/09/2020	Email chain ending South West Enquiries to Tim Ashton	Forwarding him the stage 1 complaint and stage 1 response, as he is picking up the stage 2 complaint in TWs absence
16/09/2020	Email from Tim Ashton to Rebecca Edmond, Kat Liddington and Andrew Roberts	Forwarding the details of the stage 2 complaint to the team needed to contribute to the response and with some instructions/guidance around the process
17/09/2020	Email from Andrew Roberts to Tim Ashton	Requesting assistance with the Stage 2 process and help from the SW Enquiries team to forensically examine the complaint at stage 1 to ensure we have answered the questions. Also references the previous correspondence and how that may have answered things outside of the stage 1 process
18/09/2020	Email from Tim Ashton to Andrew Roberts	In response to above email and giving full details of process and requirements
18/09/2020	Email from Andrew Roberts to Tim Ashton	Response to above and confirming understanding of requirements from him
18/09/2020	Email from Tim Ashton to Operations CEO	Courtesy email informing them of the Stage 2 complaint, as they were involved with their own complaints to related/identical matters at the Stage 1 complaint stage.
18/09/2020	Correspondence and Ministerial and Parliamentary Affairs	
18/09/2020	Email from Tim Ashton to South West Enquiries	Forwarding an important email from Andrew Roberts to Tim giving important information in relation to the complaint and an email chain involving several subject matter experts
18/09/2020	Email from Steve Potts to Tim Ashton	Offering his response to stage 2 complaint
21/09/2020	Email from South West Enquiries to Tim Ashton	Forwarding an attachment which contains links to all the correspondence between HE (South West) and Chideock Parish Council between April 2019 and March 2020
21/09/2020	Email from Andrew Roberts to Andrew Kirby, Steve Potts and South West Enquiries	Requesting specific information about previous correspondence to Chideock Parish Council

21/09/2020	Email from Andrew Kirby to Andrew Roberts	Responding to the above email in the negative
22/09/2020	Email from Steve Potts to Andrew Roberts	Responding to Andrew Roberts' email in the negative
19/10/2020	Emailed letter from Teresa Williams (SW Enquiries) to Chideock Parish Council	Final response to stage 2 complaint

Annex B: Chideock Parish Council's ICA request letter of 3 November 2020

Thank you for your letter dated 19 October 2020 in reply to Chideock Parish Council's Stage 2 Complaint Letter (dated 13 September 2020).

Unfortunately, the Parish Council remains unhappy and asks that you refer the complaint to an Independent Complaints Assessor (ICA) as outlined in your final paragraph. The council is aware that the ICA cannot consider matters of policy or legislation.

Chideock Parish Council appreciates that you have completed a more thorough review of the Stage 1 complaint and have explained HE's position very clearly. However the council cannot accept that HE has fulfilled its obligations to the residents of and visitors to Chideock - every matter of concern identified over 27 years ago (and certainly within the period since HE took over the SRN in 2015) has progressively worsened. Indeed, pollution has only been considered seriously since Chideock was designated as an AQMA in May 2007 and is now considerably worse, with Chideock being identified as the most polluted location for NO₂ in the UK, and now BBC Countryfile has proven that Chideock also has excessive levels of PM_{2.5}, a pollutant that you will not even measure.

Indeed, in your letter you maintain that there is no PM_{2.5} alongside any Strategic Road in the UK. This is clearly a miscalculation since Countryfile has now proved that PM_{2.5} does exist in Chideock at remarkably excessive levels!!

All experts and the World Health Organisation say that any PM_{2.5} is a danger to health and that there is no safe level.

The fundamental reason for our very serious complaint is because NOTHING has improved for the village since 1993 when the Inspector for the Enquiry for the Bypass proposal stated that this section was not fit for purpose.

- Not the level of traffic congestion
- Not the many safety and severance issues (many neatly identified in your WSP Report of 2019, but NONE addressed)
- Not the excessive noise and vibration damaging many village properties on a daily basis
- Not the illegal levels of traffic related pollution
- The list is extensive and goes on!!

"So NO, the Parish Council is not satisfied with HE's achievements on any of these matters. In reply to the specific items in the Stage 2 Complaint letter and your response, the Parish Council elaborates as follows:

Village Flooding

The Parish Councils appreciate the scheduled gully clearing and the speed with which HE attends to specific reports of blocked gullies. However the complaint is that surely the long term solution must be for HE to upgrade what you admit to being an old and inadequate drainage system rather than cause distress to villagers who regularly find themselves fearing flooding inside their homes.

30mph Speed Limit Trial

Thank you for elaborating on this trial, however the Parish Council still fails to understand exactly how the pollution readings will be indicative of all traffic complying with the 30mph limit if this is not enforced e.g. by average speed cameras. How will HE know that in the period in between your “before and after” speed monitoring the traffic did comply with the reduced limit and that NO₂ readings taken are not worthless?

You state that the above trial is the only proposition available to reduce pollution. May we remind you that you have you have £27billion at your disposal and yet you cannot find enough money to come up with a solution to the Chideock problem. Under RIS2 HE can solve Chideock’s problem under the small projects scheme. The money is there, use it.

A35 Chideock Safety & Severance 2019 report

Firstly, the Parish Council reminds you that HE’s Safety and Severance Report identified 16 issues only 4 of which were to be considered for further action and those 4 did not include the adverse footway cambers.

However, regarding the footways, the council thanks you for the additional report which you attached to your letter, which clearly shows that the footways do not meet the safety standards particularly for disabled users. Therefore, the council suggests that your “obligations under the Equalities Act” are NOT met simply because the solutions “go beyond what is reasonably practicable”. The Parish Council is not sure that the many disabled users of the village footways would derive much comfort from your assertion nor would the village mobility scooter users who are forced to drive on the carriageway of a Strategic Highway carrying 16,000 vehicles per day on average.

It was HE’s predecessors who constructed the “not fit for purpose” pavements and carriageway, to increase the traffic flow, which is now causing all the problems.

Clearly the logo at the bottom of your pages “Disability confident committed” has severe limitations!! The Parish Council simply asks that you follow your own statement and resolve this awful problem for those already disadvantaged users.

Air Quality

Thank you for acknowledging the illegal levels of NO₂ found in Chideock. You may also have seen BBC Countryfile (broadcast Sunday 4th October 2020) in which Dr Ben Barrett (Imperial College London) revealed, in a few moments with a hand held monitor, that the levels of PM_{2.5} taken in the centre of the village also exceed (by five times) the Government guidelines for this pollutant, which apparently has even greater potential health risks than NO₂.

So even though you say that there are no PM_{2.5} or PM₁₀ exceedances alongside the SRN in England it appears that you definitely have an exceedance here in Chideock. In the light of Dr Barrett's findings, the Parish Council hopes that you will now review your refusal to measure PM_{2.5} and PM₁₀ and will immediately start to monitor for these alongside the A35 in Chideock.

Therefore, the Parish Council remains sceptical of the current trial which you state is the "only feasible measure within the constraints of the village and existing highway so far identified". The council sincerely hopes that this trial will prove that the speed limit reduction does reduce the NO₂ pollution to within Government statutory limits but remain frustrated at the continuing reluctance to even monitor for PM_{2.5} and PM₁₀.

The Parish Council does find it a little ironic that you blame individual road users for the pollution. Surely this can have no factual basis because if only one polluting vehicle per day was passing through the village there would be no excessive pollution. No, the problem is the sheer volume of traffic passing through the village on HE's road which is simply no longer fit for purpose. Therefore, the Parish Council contends that the solution to these pollution problems is most definitely with HE.

Liaison meetings

The Parish Council remains disappointed that you will not re-engage in a quarterly meeting specifically for Chideock's problems. The workload within your "small team" appears to be heavy but the council remains surprised that you cannot commit even one team member for a half-day meeting four times a year here in Chideock, which must surely rank as one of your most problematic pinch points on the SRN in the south-west.

The Parish Council maintains that the forum of the Bridport A35 Working Group with Chris Loder MP is just too big a group for the specific Chideock problems to be properly dealt with and sincerely hopes that you will agree to reintroduce the Chideock only meetings.

In conclusion, thank you for offering a telephone conversation between your Route Manager, Andy Roberts, and the Parish Council Chair. Andy has always been courteous and most helpful but it would be wrong for one member of the Parish Council to speak privately on behalf of the whole council on these issues and the council believes that these complaints have gone beyond that point.

Therefore, we now ask you to please elevate our complaint to your Stage 3 Independent Complaints Assessor and we look forward to your acknowledgment of our request and contact from the ICA in due course.

Photograph of Main Street Chideock taken approximately 100 years ago. Apart from the addition of footways the road is the same now but with a traffic flow of 16,000 - 20,000 vehicles per day.



Annex C: Highways England's list of correspondence and engagement with Chideock Parish Council

1.	20 September 2019	Quarterly CPC/ HE meeting.	We cancelled this quarterly meeting at late notice due to conflict with another meeting and fact that we were due to meet the following week (27 Sept).
2.	27 September 2019	Quarterly A35 Working Group meeting.	Chaired by Sir Oliver Letwin ⁶ . Attended by us and Chideock Parish Council.
3.	4 October 2019	Correspondence re adverse pavement camber.	Nick Harris responded.
4.	14 October 2019	Correspondence on several issues.	South West OD responded.
5.	21 November 2019	Correspondence regarding vehicle activated sign not working	South West OD responded.
6.	25 November 2019	Correspondence on several issues	South West OD responded
7.	17 January 2020	Quarterly A35 Working Group meeting.	Cancelled by Bridport TC Clerk, due to General Election.
8.	9 February 2020	Correspondence re adverse pavement camber.	Nick Harris responded.
9.	27 March 2020	Rescheduled Quarterly A35 Working Group meeting.	Cancelled by Chris Loder MP ⁷ due to social distancing impacts of COVID-19.
10.	30 March 2020	Chideock flooding correspondence	South West OD responded. Steve Potts responded – email string.
11.	27 April 2020	A35 Route Study update correspondence	South West OD responded. 12107027
12.	15 May 2020	Air quality diffusion tubes correspondence	South West OD responded. 12107205
13.	27 May 2020	A35 Speed Limit Reduction Trial correspondence	South West OD responded by email. 12107312

⁶ The former Member of Parliament for the area including Chideock.

⁷ The current Member of Parliament.

14.	3 June 2020	A35 Traffic data correspondence	South West OD responded. 12107392
15.	30 June 2020	Letter to Baroness Vere re general dissatisfaction with Highways England	Baroness Vere responded. OD SW provided full briefing.
16.	30 June 2020	Letter to Highways England re general dissatisfaction with Highways England. (identical to letter sent to Baroness Vere above)	South West OD responded, after liaison with Baroness Vere's office. Managed as a Stage 1 Complaint. 12108513
17.	15 July 2020	Follow up letter to Baroness Vere's response to 30 June letter (not content with Ministers first response correspondence	Baroness Vere responded.
18.	29 July 2020	Letter to Grant Shapps regarding omission of Chideock from RIS2	DfT responded. OD SW provided full briefing & contribution.
19.	13 Sept 2020	Letter - CPC Stage 2 Complaint re general dissatisfaction with Highways England.	Reply from Regional Director 19 Oct 2020. Included copy of footway crossfall report. 21728804
20.	22 Oct 2020	Letter to DfT – Grant Shapps re RIS2 asks for short and long term	
21.	30 Oct 2020	A35 Working Group	Cancelled by meeting secretariat. To be re-scheduled.
22.	11 Nov 2020	Email request from CPC via DBFO for ped crossing signs at Quarr Cross	
23.	13 Nov 2020	Email request from CPC for information regarding sensors and air quality monitoring to HE and Dorset Council	