

# Complaint Against the Welsh Government

Under the CAP (Edition 12), the following is regulated:

- “Posters and other promotional material in public places”<sup>1</sup>

The subject of this complaint is marketing publicity. It is not statutory information (indeed, the Welsh Government explains the statutory process in a special section in one of the documents<sup>2</sup>). The Welsh Government clarifies as follows:

- “Between 7 September and 26 September we will be holding public information exhibitions so that you can find out more about our proposals”<sup>3</sup>.
- “We are holding a series of exhibitions to update you on our proposals for the M4 Corridor around Newport. The exhibitions will be interactive and open to all, including children”<sup>4</sup>.

Rule 7.1 of the CAP states: “Marketing communications by central or local Government, as distinct from those concerning party policy, are subject to the Code”. The information was made available in places that were hired specifically for the purpose of informing the public (“paid-for space”<sup>5</sup>).

I claim that some of the information presented by the Welsh Government goes against the following CAP rules, and hereby **request a review of the claims by the ASA**:

1.1 Marketing communications should be legal, decent, honest and truthful

3.1 Marketing communications must not materially mislead or be likely to do so

3.7 Before distributing or submitting a marketing communication for publication, marketers must hold documentary evidence to prove claims that consumers are likely to regard as objective and that are capable of objective substantiation.

3.9 Marketing communications must state significant limitations and qualifications.

3.11 Marketing communications must not mislead consumers by exaggerating the capability or performance of a product.

3.13; 11.5 Marketing communications must not suggest that their claims are universally accepted if a significant division of informed or scientific opinion exists.

11.1 The basis of environmental claims must be clear. Unqualified claims could mislead if they omit significant information.

11.2 The meaning of all terms used in marketing communications must be clear to consumers.

11.3 Absolute claims must be supported by a high level of substantiation.

11.7 Marketing communications must not mislead consumers about the environmental benefit that a product offers

19.5 [Motoring] Safety claims must not exaggerate the benefit to consumers. Marketers must not make absolute claims about safety unless they hold evidence to substantiate them.

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<sup>1</sup> <https://www.cap.org.uk/~media/Files/CAP/New%20Codes/New%20CAP%20Code.ashx> p6

<sup>2</sup> <http://gov.wales/docs/det/publications/150903-m4-can-information-brochure-en.pdf> p15

<sup>3</sup> <http://gov.wales/topics/transport/roads/schemes/m4-road/m4/?lang=en>

<sup>4</sup> <http://gov.wales/docs/det/events/150728-m4newport-public-exhibitions-leaflet-en.pdf>

<sup>5</sup> <https://www.cap.org.uk/~media/Files/CAP/New%20Codes/New%20CAP%20Code.ashx> p8

Assertion	Response	Rules broken
<p>“The M4 Corridor around Newport project is the sustainable, long term solution to the social, environmental and economic problems associated with the main gateway into South Wales”<sup>6</sup>.</p>	<p>The project is not sustainable, nor is this term clearly explained to the public. In terms of climate change alone, one of the foremost climate change experts (Professor Kevin Anderson) commented: “Concerning the proposed M4 relief road, it is evident that insufficiently rigorous analysis has been presented to appropriately address the implications of the proposal for the total level of greenhouse gas emissions... it is troubling that a government claiming an evidence-base framing to its policies is proposing the M4 relief road; a development that will almost certainly lead to an increase in total carbon emissions... If the Welsh Government is to uphold its repeated Climate change commitments and develop evidence-based policies informed by science it difficult to envisage how the M4 relief road can be justified”<sup>7</sup></p>	<p>1.1, 3.1, 3.7, 3.9, 3.13, 11.1, 11.2, 11.3, 11.5, 11.7</p>
<p>“In 2014 the road was 95% full”<sup>8</sup></p>	<p>According to the Welsh Government’s consultation document: “The highest base model flow is in the morning, westbound, junctions 27-28, which is 95% of the capacity for...[an] urban motorway”<sup>9</sup>. The Welsh Government has taken the highest possible figure for flow capacity, relating to morning rush hour, in one direction only, for one junction of the seven-junction stretch only, to attempt to paint the picture that the motorway is almost at full capacity, and that it is busier than it actually is. For the huge majority of any 24-hour period, the motorway is much less busy than 95% capacity. This is a clear manipulation and misuse of statistics.</p>	<p>1.1, 3.1, 3.7, 3.9, 11.3</p>
<p>“Scheme cost £1 billion”<sup>10</sup></p>	<p>The Welsh Government cannot make this claim with any certainty. The First Minister of Wales has said that the cost will be “a long, long way underneath £1 billion”<sup>11</sup>. Meanwhile, the cost was estimated to be £998 million in 2013<sup>12</sup>, but excluding VAT. It also ignores the £613 million maintenance costs, again excluding VAT<sup>13</sup>. This brings the grand total to nearly £2 billion, or double the costs estimated by the Welsh Government. On top of that we need to add inflation. Many</p>	<p>1.1, 3.1, 3.7, 3.9, 11.3</p>

<sup>6</sup> <http://gov.wales/docs/det/publications/150903-m4-can-summary-brochure-bl.pdf>

<sup>7</sup> [http://www.wtwales.org/sites/default/files/tyndall\\_centre\\_-\\_the\\_potential\\_impact\\_of\\_the\\_proposed\\_m4\\_relief\\_road\\_on\\_greenhouse\\_gas\\_emissions.pdf](http://www.wtwales.org/sites/default/files/tyndall_centre_-_the_potential_impact_of_the_proposed_m4_relief_road_on_greenhouse_gas_emissions.pdf)

<sup>8</sup> <http://gov.wales/docs/det/publications/150903-m4-can-summary-brochure-bl.pdf>

<sup>9</sup> <http://gov.wales/docs/det/publications/150903-m4-can-information-brochure-en.pdf> p16

<sup>10</sup> <http://gov.wales/docs/det/publications/150903-m4-can-summary-brochure-bl.pdf>

<sup>11</sup>

[http://www.southwalesargus.co.uk/news/12945931.M4\\_relief\\_road\\_will\\_cost\\_less\\_than\\_1billion\\_vows\\_First\\_Minister/](http://www.southwalesargus.co.uk/news/12945931.M4_relief_road_will_cost_less_than_1billion_vows_First_Minister/)

<sup>12</sup> <http://www.m4newport.com/assets/weltag-s1-2-report.pdf> p94

<sup>13</sup> <http://www.m4newport.com/assets/weltag-s1-2-report.pdf> p95

	<p>scientific and professional articles<sup>14</sup> have noted the importance of calculating inflation of construction costs in project planning, with most of them estimating around 5% inflation per year.</p> <p>It is abundantly clear that no fixed price can be put on this project, and it is also quite clear – using the Welsh Government’s own figures - that the project is highly likely to be significantly greater than £1 billion. The Welsh Government should certainly not be excluding VAT costs from the total it publishes.</p>	
<p>“Every £1 spent on the motorway = £2 in benefit”<sup>15</sup></p>	<p>If the cost of the project is double that stated by the Welsh Government (see above), it stands to reason that the benefits will be halved, so every £1 spent would deliver £1 in benefits. But even simply including VAT to the £1 billion price tag would mean a cost-benefit ratio of 1.2:2, or 1:1.67. That would mean a benefit of £1.67 for every pound spent. Notwithstanding the (lack of) veracity of the actual figure, until the Welsh Government can give a clear figure for expenditure it cannot possibly give a robust cost benefit analysis.</p> <p>Additionally, the alleged £2 billion economic benefits are accrued over a 60-year period<sup>16</sup>. This is not made clear anywhere in the exhibition materials.</p>	<p>1.1, 3.1, 3.7, 3.9, 3.11, 3.13</p>
<p>“Vehicles use the road every day 100,000”<sup>17</sup></p>	<p>According to the Welsh Government, 100,000 vehicles use the motorway every day. But that is an average of the traffic using 5 junctions of the M4<sup>18</sup> (junctions 24-25, 26-27, 27-28, 28-29 and Brynglas Tunnel). The stretch of motorway under question includes these junctions plus junction 23A-24. The number of vehicles using junction 23A-24 is shown to be around 78,000<sup>19</sup>. If this is added to the formula, the average drops significantly below 100,000, perhaps as low as 90,000.</p>	<p>1.1, 3.1, 3.7, 3.9, 3.11</p>
<p>“Cost of delays to road users every year £78 million”<sup>20</sup></p>	<p>These costs are projections of costs to road users in 2037<sup>21</sup> assuming that there are no improvements to the transport network and/or changes in the way people use transport in Wales in the intervening 22 years.</p> <p>Firstly, government projections of road traffic have been hopeless over the past 20 years (Welsh Government uses the same forecasting methodology as the DfT)<sup>22</sup>.</p>	<p>1.1, 3.1, 3.7, 3.9</p>

<sup>14</sup> Gweler, er enghraifft [https://www.isurv.com/site/scripts/documents\\_info.aspx?documentID=7913](https://www.isurv.com/site/scripts/documents_info.aspx?documentID=7913); <https://www.fgould.com/uk-europe/articles/construction-inflation-report-november-2014/>

<sup>15</sup> <http://gov.wales/docs/det/publications/150903-m4-can-summary-brochure-bl.pdf>

<sup>16</sup> <http://www.m4newport.com/assets/weltaq-s1-2-report.pdf> p96

<sup>17</sup> <http://gov.wales/docs/det/publications/150903-m4-can-summary-brochure-bl.pdf>

<sup>18</sup> <http://gov.wales/docs/det/publications/150903-m4-can-information-brochure-en.pdf> p16

<sup>19</sup> Graph on page 5 of <http://gov.wales/docs/det/publications/150903-m4-can-information-brochure-en.pdf>

<sup>20</sup> <http://gov.wales/docs/det/publications/150903-m4-can-summary-brochure-bl.pdf>

<sup>21</sup> <http://gov.wales/docs/det/publications/150903-m4-can-information-brochure-en.pdf> p17

<sup>22</sup> <http://www.bettertransport.org.uk/blogs/roads/170412-phil-goodwin-ltt>

	<p>Secondly, the alleged costs are costs envisaged 22 years hence, not at the moment (which is the impression given by the exhibition materials).</p> <p>Thirdly, major changes to the way people work and travel that have taken place over the last 22 years are likely to be further reinforced over the next 22 years.</p> <p>And fourthly, the figure itself is disputed by a Welsh Government analysis that predicts costs of £70.7 million by 2037<sup>23</sup>.</p>	
<p>“New jobs created 6,500+”<sup>24</sup></p>	<p>The source for this figure is given as “EALI, Table 9.2, M4 CaN WelTAG Stage 1 &amp; 2 Report (July 2014)”. However, in that report, Table 9.2 shows nothing of the sort. Table 6.22, on page 150, does, however, show numbers of additional jobs created by the development<sup>25</sup>. The “high jobs” scenario is 6,750 additional jobs. The middle scenario is 2,800, and the low scenario is 750 jobs. The Welsh Government has:</p> <ul style="list-style-type: none"> <li>- Given the incorrect reference to the documentation that someone would need to verify its claims; and</li> <li>- taken only the highest-possible scenario of new jobs created in order to overstate the job creation potential of the scheme.</li> </ul>	<p>1.1, 3.1, 3.7, 3.9, 3.13</p>
<p>“Air quality will improve by up to 15% around the existing M4”<sup>26</sup></p>	<p>There is no information available to explain that air quality will considerably worsen around the new M4. The assertion is therefore misleading because it doesn’t give full information to the public. The design of the graphic also makes it difficult to note that the Welsh Government is referring to improved air quality only around the existing M4 because the writing that explains the limited nature of air quality improvements is upside-down. There is no information to explain whether or not there will be a net improvement (overall, across both stretches of motorway) in air quality.</p>	<p>1.1, 3.1, 3.7, 3.9, 3.11, 3.13, 11.1, 11.3, 11.5, 11.7</p>

<sup>23</sup> <http://www.m4newport.com/assets/weltag-s1-2-report.pdf> p134

<sup>24</sup> <http://gov.wales/docs/det/publications/150903-m4-can-summary-brochure-bl.pdf>

<sup>25</sup> <http://www.m4newport.com/assets/weltag-s1-2-report.pdf> t150

<sup>26</sup> <http://gov.wales/docs/det/publications/150903-m4-can-summary-brochure-bl.pdf>