

A417 Missing Link DCO

Written Representations

Gloucestershire County Council, Cotswold District Council,
Tewkesbury Borough Council

14 December 2021



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1. Introduction

1.1. Terms of reference

- 1.1.1. Gloucestershire County Council (GCC), Cotswold District Council (CDC), and Tewkesbury Borough Council (TBC) 'the Joint Councils' are the three host authorities for the National Highways' (NH) A417 Missing Link DCO Scheme 'the Scheme'.
- 1.1.2. The Order Limits are situated largely within the local planning authority area of Cotswold District Council however, to the west of the existing Air Balloon Roundabout the existing A417 is situated within the local planning authority area of Tewkesbury Borough Council. GCC is the local highway authority for the entire Scheme.
- 1.1.3. Since 2019 the three host authorities have engaged with NH as the Joint Councils; issuing comments at two rounds of public consultation, attending technical workshops, engaging in a Statement of Common Ground (SoCG) with NH and submitting a Relevant Representation [RR-004] as the Joint Councils.
- 1.1.4. This document is the Joint Councils Written Representation, submitted at Deadline 1 of the examination. Throughout it refers to the SoCG with NH as set out in Appendix A of the Statement of Commonality [APP-419], which will be updated at Deadline 1. At Deadline 1, the Joint Councils have also submitted the Local Impact Report and responses to the Examining Authority's First Written Questions.
- 1.1.5. A summary of the Joint Councils Written Representation and all of the suggested changes and requests in the Joint Councils Deadline 1 submissions is provided in Section 3 'Summary' of this report.

1.2. Joint Councils' position

- 1.2.1. For more than 20 years, Gloucestershire and the surrounding counties have been looking for a solution to the 'missing link' on the A417, the only section of single carriageway along the strategic 50km route between the M4 and M5. The route is a key link between the West Midlands and London, yet the missing link is often very heavily congested and there is an unacceptably poor safety record. The Joint Councils have campaigned and lobbied Government for a solution and they are strongly in favour of completing the missing link with a new section of offline dual carriageway.
- 1.2.2. The Joint Councils recognise the sensitivity of the landscape in which the road sits. It is considered essential that the Cotswolds Area of Outstanding Natural Beauty, its special qualities and the public's ability to enjoy it are protected and enhanced by all developments proposed within it, regardless of the size and significance of the Scheme.
- 1.2.3. The Councils were supportive of the Preferred Route Announcement in March 2019 and consider the optioneering process carried out to be robust. On this basis Option 30 is considered the most appropriate solution to deliver the required highway solution within the sensitive environmental context.
- 1.2.4. Two stages of public consultation have been carried out during the pre-application stage. Discussions with NH have increased as the design, modelling and environmental assessment work has progressed. The Joint Councils have attended technical working groups hosted by NH covering landscape, heritage, environment, walking cycling and horse riding. In addition, highways officers have been engaged over the design of local roads associated with the Scheme and the traffic modelling.

- 1.2.5. With regard to the preliminary design, the Joint Councils are broadly supportive of the location, alignment, extent and layout of the new and altered strategic road, local roads and junctions. A specification for local roads to be adopted by GCC have been agreed and are based on High Speed 2 Rural Road Design Criteria.
- 1.2.6. The Joint Councils note that the gradient of the A417 up Crickley Hill changed during the pre-application stage and have raised no concerns about this. However, numerous changes to the design have been incorporated by NH into the Scheme following comments made by the Joint Councils at the pre-application stage due to safety concerns.
- 1.2.7. The classifications of new, altered and stopped up rights of way are accepted, so too are the number and locations of crossing points over and under the A417 and the proposed solution for the section of existing A417 to be detrunked. The proposals will greatly benefit the user experience for walkers, cyclists and horse-riders using the public rights of way network that interact with the Scheme.
- 1.2.8. The decision not to light the mainline highway is fully supported. So too are the commitments to create new areas of calcareous grassland. The Joint Councils are broadly supportive of the embedded mitigation proposed as part of the Scheme design and recognise that in most cases where adverse environmental impacts have been identified through environmental assessment, appropriate measures are proposed to avoid impacts or reduce them as far as practicable. The exceptions to this are limited and described in this Written Representation, as well as in the SoCG.
- 1.2.9. The approach taken to the environmental impact assessment is recognised as broadly following the Design Manual for Roads and Bridges (DMRB) guidance for assessing the environmental impacts of highways schemes. In general, the Joint Councils are satisfied with the approach to and contents of the Environmental Statement (ES) Chapters, including the assessment methodologies used, study areas and baseline conditions identified and assessments of the likely significant effects. Again, where exceptions to this exist, these are detailed in the following sections of this Written Representation and in the SoCG.
- 1.2.10. On the whole, the Joint Councils are supportive of the Scheme. The Joint Councils consider that the needs case is significant and well documented, optioneering has been robust, the preliminary design and environmental assessment are generally supported and there is overarching support for the Scheme. In its discussions with NH and following a review of the details submitted with the application, the Joint Councils have expressed some concerns about issues which require attention during the Examination and ultimately with changes to the draft DCO (dDCO) [APP-022]. These concerns are expressed in the following sections of the Written Representation.

2. Written Representation

2.1. Traffic, Transport and Highways

Modelling of transport impacts

- 2.1.1. The Joint Councils have been in continual dialogue with NH and their traffic consultants over a number of years and agree with the modelling approach and iterative process for testing the overall impact of the Scheme. As the Scheme has developed and new factors have become evident (such as the impact of COVID-19 and long-term traffic forecasts), the approach to modelling has been logical and robust. The SoCG [APP-419] has recorded ongoing issues regarding traffic and highways.
- 2.1.2. NH has provided supporting evidence to show that the predicted modelling will not create unacceptable through traffic in Cheltenham or Gloucester. However, NH need to provide more information to demonstrate how the impacts associated with the modelled traffic increases on Leckhampton Hill, Gloucester Road at Stratton, the B4070 south of Birdlip and the unclassified road leading to Brimpsfield, can be mitigated. The Joint Councils consider that mitigation measures for these impacts (which are directly attributable to the Scheme) will be required in these locations, for which there are currently no schemes or funding identified. A side agreement or the DCO should secure a mechanism for funding local highway authority schemes, and specifically to address the identified traffic increases on the specified local roads.

Construction Traffic Management Plan

- 2.1.3. The Construction Traffic Management Plan (Annex B of the EMP [APP-319]) does not include any details of monitoring of construction traffic and the impact of that traffic on the existing road network. There is no reference to a legal agreement to be entered into with GCC in relation to the damage caused by extraordinary traffic in accordance with section 59 of the Highways Act 1980. The Joint Councils would expect to see a survey of the affected highway undertaken before construction begins and another survey once the work has been completed. Any extraordinary damage caused to the highway would need to be addressed/ rectified at the expense of NH and GCC would require NH to enter into the section 59 Agreement to secure payment to rectify the damage (if any).
- 2.1.4. Temporary signage is required in order to deter diverted traffic on the A435 from using High Cross and the lanes through Cowley and Stockwell to access the A417. The details of temporary signage to be displayed along the A435 throughout construction should be included in the CTMP.

2.2. Air Quality

- 2.2.1. The Joint Councils note that additional heavy goods vehicles (HGVs) during construction are expected to lead to increases in the annual mean nitrogen dioxide concentrations of 0.5 µg/m³ at Air Balloon Cottages, and that the concentrations at these two receptors (50 and 51) are already above the air quality objective (paragraph 5.10.12 of the ES Chapter 5 Air Quality [APP-036]). The Joint Councils therefore consider additional measures should be put in place to mitigate the effects during construction at these receptors, particularly as it is understood that the construction phase is expected to be at least 33 months (paragraph 2.9.20 of Chapter 2 of the ES [APP-033]). The Joint Councils would also recommend that monitoring is carried out at these receptors throughout construction. This should be set out in the design stage Environmental Management Plan (EMP) [APP-317] so that it is secured through Schedule 2 Requirement 3 of the dDCO.
- 2.2.2. The Joint Councils also note that there is expected to be a significant adverse effect from nitrogen deposition on Ullen Wood Ancient Woodland and the veteran trees VT13, VT21, VT42 and VT98 (paragraphs 5.10.61 and 5.12.8 of ES Chapter 5 Air Quality [APP-036], referencing evaluation of their significance within the ES Chapter 8 Biodiversity [APP-039]), during operation of the Scheme. The Joint Councils consider that monitoring should be undertaken at these locations, ideally prior to operation to confirm the baseline and post operation. Monitoring during construction should be set

out in the EMP [APP-317] and secured through Schedule 2 Requirement 3 of the dDCO. A new requirement in Schedule 2 of the dDCO should secure monitoring at these locations.

2.3. Cultural Heritage

Introduction

- 2.3.1. The Joint Councils representation for Cultural Heritage focusses on the potential archaeological impact of the Scheme. Historic England will be addressing potential setting effects on designated heritage assets and maintenance of the Scheduled Monument of Emma's Grove. It is expected that the National Trust and Cotswold Conservation Board will address historic landscape concerns in their written representations.
- 2.3.2. The Joint Councils are of the opinion that the scale and methodology of assessment and evaluation undertaken to date in support of the Scheme is insufficient for a project of this complexity and sensitivity.
- 2.3.3. This introduces considerable risk on heritage grounds, particularly regarding the potential for as yet unidentified buried and significant archaeological remains.

Evaluation in support of DCO

- 2.3.4. The scale and methodology of the assessment and evaluation techniques used remain inadequate to properly identify potential, character, and significance of the archaeological resource across the Scheme.
- 2.3.5. The Joint Councils views are that the undertaken evaluation trenching is inadequate in terms of both coverage and methodology. There therefore remains a considerable risk of unexpected and significant archaeological discoveries becoming known during construction which adds substantial risk to the programme.
- 2.3.6. Although geophysics followed by trial trenching is the standard approach delivered on similar schemes, the Joint Councils would nevertheless expect to see at least twice the current percentage of trenching (1% sample) being undertaken within an archaeological landscape of this sensitivity, and very possibly more. The land parcels between Birdlip Radio Station and Shab Hill Farm have not yet been subject to any archaeological field survey techniques due to ecological constraints. It is also recognised that geophysical survey followed by trial trenching can deliver very good identification of significant later prehistoric and Roman archaeology however, it is not a reliable combination of techniques in identifying more ephemeral archaeological sensitivities, such as those of Palaeolithic, Mesolithic, Neolithic, Early Bronze Age and early medieval date. Potentially significant Mesolithic to early Bronze Age and early medieval evidence can be expected to be present in this location, but may not have been identified through the evaluative programme implemented.
- 2.3.7. In order to address this weakness in method, a linked geoarchaeological strategy was also requested, but not delivered as a further informative to allow a more predictive assessment to be made, particularly in the Shab Hill dry valley area and other parts of the Scheme where colluvium is present. Colluvium can both contain potentially significant archaeological evidence in the form of artefact scatters and mask underlying archaeology. Test pitting and sieving based on predictive topographic and geoarchaeological modelling to attempt to better identify ephemeral concentrations of earlier prehistoric and early medieval activity was therefore requested, but not delivered. Other innovative options, including landscape scale geochemical prospection (as very successfully used on the HS2 corridor) could also have been deployed.

- 2.3.8. It can be noted that the reporting on the evaluation does identify the area around Shab Hill and other parts of the Scheme where prehistoric flint was recovered from within and under colluvium. At the extreme south eastern end of the Scheme, it was also clearly indicated that colluvium overlay archaeology of Roman (and consequently potentially earlier) date. The reporting on the flint finds also made it clear that the flints that were found were in good condition and had evidently not moved far from where they were originally deposited. In some cases, hazelnuts and Middle Neolithic (Fengate) pottery sherds were also identified alongside the flints, another indicator of potential Neolithic settlement or ritual activity.
- 2.3.9. The Joint Councils also note that it is surprising that from a 323 trench evaluation, only a total of 43 environmental samples were actually processed. There was also no scientific dating (such as Radio Carbon assay) undertaken as part of the evaluative process resulting in current understanding of possible phasing being entirely reliant on artefactual typologies. If no material capable of being scientifically dated was recovered, this should have been clearly communicated in the reporting. This is particularly the case for Trench 64 where significant amounts of charcoal and burnt grain were identified, including pieces of charcoal large enough to be identifiable as oak.
- 2.3.10. The evaluation reporting largely fails to place the results into a landscape or topographic context either in contrast to the location on the Cotswold edge (including Churn head valley) or wider regional and thematic studies. Understanding how the results link to such studies and the wider known archaeological resource is key to developing a mature research framework from which to target further archaeological evaluation and mitigation for the Scheme.

Historic landscape synthesis

- 2.3.11. The Joint Councils are also concerned with the methodology utilised for historic landscape characterisation (HLC). The assessment fails to be driven by a landscape led approach and instead utilises a broad brush HLC where a much more holistic understanding of how the landscape crossed by the Scheme has developed over time is appropriate. The assessment draws very heavily on Gloucestershire's HLC, which itself is one of the earliest in the country and suffers for that. The division into five massive land parcels drawn from the county's HLC means that the assessment fails to dissect the landscape at a suitably finer grain. Assessment really needs to be able to apply the unit, parcel, and element scale of approach with individual boundaries, routeways and topographic features being identified, and their potential origin assessed. It is for instance apparent from the evaluation that was undertaken, that in at least one instance, a pair of ditches flanking an existing trackway (Muddy Lane at Shab Hill) were established in the prehistoric period. No detailed historic mapping analysis has been provided in support of the ES, although apparently undertaken. The Joint Councils would expect a detailed synthesis of this to be available for review on a scheme of this scale and sensitivity. It is expected that the Written Representations of The National Trust and Cotswolds AONB will cover the historic landscape approach utilised in more detail.

Detailed Archaeological Mitigation Strategy (DAMS)

- 2.3.12. The Joint Councils recognise that the DAMS [APP-320] is by its very nature a relatively generic and iterative document that will develop further as detailed design progresses. The Joint Councils are also pleased to note that the DAMS identifies a period of at least nine months prior to commencement of construction to be made available for an archaeological programme to be delivered. In addition, the DAMS identifies areas in which significant later prehistoric and Roman archaeology has been identified through the evaluative works and proposes a programme of targeted detailed excavation on possible settlement, ritual and funerary remains coupled with a less intensive Strip Map and Sample approach for areas posited as being the location of less significant archaeology, such as potential field systems.
- 2.3.13. Notwithstanding this, the Joint Councils believe that weaknesses are built into the methodology adopted by the DAMS [APP-320] that pose considerable risk to eventual programme and cost. Foremost of these concerns is the recommendation for watching brief during construction across most of the Scheme, with a proviso of this being scaled up to as much as full excavation should significant archaeology be encountered. Not only does this introduce considerable uncertainty and possible overrun risk to the construction programme, it is also unclear how such a watching brief

could be practicably and successfully undertaken alongside the suite of potential construction methodologies (i.e., bull-dozers, box scrapers, mass excavators etc.). It is particularly concerning that at paragraph 3.8.7 in the DAMS [APP-320], it is identified that the only significant remains to warrant escalation to full excavation will be burials, remains notifiable under the Treasure Act and “potentially schedulable” archaeology. It is not clear how the latter can even be quickly determined without investigation. Nor does this approach allow for the proper treatment of non-schedulable, but still significant archaeological remains, with a potential to address key research questions.

- 2.3.14. The Joint Councils concerns regarding the method and results of the preceding archaeological evaluation are also directly carried on to concerns regarding what can be delivered successfully by the DAMS [APP-320]. The DAMS does not identify any requirement to undertake further evaluative works ahead of the main archaeological mitigation programme. The Joint Councils believe that relatively extensive further evaluative works will be required to properly inform design of the DAMS and associated subsequent mitigation. Particular knowledge gaps remain:
- Geoarchaeological prospection and deposit modelling, particularly in Shab Hill dry valley (Churn head valley) area and where colluvium has been identified;
 - Geophysical survey and trial trenching in areas not yet subject to any archaeological evaluation;
 - Linking of archaeological results at a landscape scale to known archaeology close to the Scheme and current regional and thematic studies; and
 - Application of suitable methodologies that can reliably identify ephemeral and dispersed, but potentially significant archaeology of earlier prehistoric (Mesolithic to early Bronze Age) and early medieval date.
- 2.3.15. The Joint Councils note that research themes and research questions are identified within the DAMS [APP-320], seeking to clarify these gaps (Themes A, D and E and RQ P11 and EM4), but no suitable methodologies are developed to address them.

Further archaeological work recommended before construction

- 2.3.16. The definition of ‘commence’ in the dDCO [APP-022] excludes archaeological investigations. As such the construction-stage DAMS and Overarching Written Schemes of Investigation secured under Requirement 3(2)(e)(ii) would not have been agreed and discharged in advance of the investigations commencing.
- 2.3.17. As such, the design-stage EMP will need to provide certainty that adequate additional assessment and evaluation work is undertaken to inform any final archaeological mitigation design for the Scheme. This will need to be undertaken well ahead of construction commencing in order to fit the archaeological mitigation programme. The final archaeological mitigation design must then be further developed to appropriately and proportionately deliver a targeted, research and landscape-led approach to the archaeological potential along the Scheme during examination.
- 2.3.18. Not to do so will introduce considerable uncertainty and a very real risk of unexpected and potentially important archaeological discoveries during construction impacting significantly on programme and budget. Currently proposed timescales for archaeological mitigation are also based on a limited understanding of the resource and therefore may prove inadequate.
- 2.3.19. The design-stage EMP should also include details of the process that NH will follow for agreeing with the ‘County Archaeologist’ (as defined in Schedule 2 of the dDCO) any changes to the DAMS during archaeological fieldwork.
- 2.3.20. To ensure the design-stage DAMS and its contents are appropriately secured and adhered to when carrying out pre-construction archaeological investigations, the following changes are sought:
- Update Schedule 2 Requirement 9 to make reference to compliance with the design-stage DAMS;
 - Amend Schedule 2 Requirement 3(2)(e)(ii) to refer to compliance with Requirement 9; and
 - Include a clarifying statement in the design-stage DAMS confirming that pre-construction investigations will be carried out in accordance with the design-stage DAMS.

Requirement 9(5) - Archaeological remains not previously identified

- 2.3.21. Should NH or its contractors uncover any previously unidentified archaeology the appropriate mitigation shall be agreed with the County Archaeologist following a process to be agreed in the DAMS. As the design-stage DAMS will be secured within the DCO there is no requirement for Requirement 9(5) and it should be removed from the dDCO.

Requirement 9(6) – Archiving

- 2.3.22. Requirement 9(6) is inadequate. Provisions for long term storage of the archaeological archive needs to be agreed in advance and Corinium Museum should be notified before commencement of the archaeological works in accordance with the Gloucestershire Archaeological Archives Standards.

2.4. Biodiversity

Use of Biodiversity Net Gain metric by the Scheme

- 2.4.1. The Joint Councils are in broad agreement with NH that the ecological design and mitigation for the Scheme (as summarised and assessed in the ES Chapter 8 Biodiversity [APP-039]) is sufficient. The Joint Councils have consistently encouraged NH to strive for the project to achieve a positive ecological outcome as part of the design.
- 2.4.2. The Joint Councils welcomed NH vision to bring about wildlife benefits as set out in Table 2-1 of ES Chapter 2 [APP-033] and welcome the various planting and habitat creation works included within the submitted Scheme design including net increases in certain key habitats such as calcareous grassland.
- 2.4.3. In order to assess whether there will indeed be a positive outcome for biodiversity, the Joint Councils feel that a calculated biodiversity change score would help to provide a comparable measure of the net biodiversity change achieved by the Scheme. The Joint Councils therefore welcomed NH stated intent in the Preliminary Environmental Impact Report¹ Chapter 8 where it indicated (at paragraph 8.12.2) ‘next steps’ including: ‘*Complete a calculation of the losses and gains associated with the proposed scheme using the biodiversity net gain Defra 2.0 metric.*’
- 2.4.4. However, the Joint Councils note that the DCO application does not contain any biodiversity change metric calculations either within Chapter 8 of the ES [APP-039] or elsewhere.
- 2.4.5. The Joint Councils recognise that at the time of the DCO submission, there was no legal mandate for NSIP projects to meet any biodiversity net gain targets. However, since the submission, the Environment Act 2021 has received Royal Assent and Section 99 and Schedule 15 mandates 10% net gain for projects including NSIP projects. The Joint Councils would welcome NH assessment as to whether these requirements apply to this project. Furthermore, even if there is no mandate in this respect, the Joint Councils would encourage NH to consider whether this clear direction of travel in policy and legislation puts any expectation on NH to achieve some form of biodiversity net gain or at least report the outcomes of a biodiversity metric assessment.
- 2.4.6. Notwithstanding any mandate from the Environment Act 2021, NH has internal policy commitments in respect of biodiversity net gain.
- 2.4.7. Highways England, Highways England Delivery Plan 2020-2025², (2020) includes the following commitments (p44):

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

'We will work to ensure there is no net loss of biodiversity across our activities by 2025, progressing towards our target of delivering a net gain in biodiversity by 2040. We will use our fund to maximise our delivery of biodiversity, for example by creating new or enhancing existing habitats'

- 2.4.8. Department for Transport, Road Investment Strategy: for the 2020 – 2025 Road Period³, (2020). Includes the following commitments (p29):

'On biodiversity, ensure no net loss across Highways England's activities in RP2 and continue progress towards the target of delivering a net gain in biodiversity by 2040. New planting will be appropriate to local habitats.'

- 2.4.9. The Joint Councils would welcome NH views on how the above commitments relate to this Scheme and how this Scheme contributes to the overall targets.
- 2.4.10. In summary, the Joint Councils would therefore welcome NH opinion on the value in providing the metric for the Scheme and a clear position as to whether this will be submitted. The Joint Councils would encourage NH to share biodiversity change metric results as part of the Application.
- 2.4.11. The Joint Councils would consider it a matter of regret if biodiversity net gain of 10% cannot be achieved within the DCO boundary. However, as noted above, the Scheme includes a significant increase of the coverage of calcareous grassland which is a local priority compared to other habitats and this is very welcome.

Technical points on application of the metric

- 2.4.12. Should NH progress biodiversity metric calculations, the Joint Councils would ask to discuss any metric and interpretation prior to submission into the Examination.
- 2.4.13. This may include:
- The relative merits of the use of Defra 2.0 metric or the subsequent 3.0 version;
 - Whether the metric takes adequate account of habitat areas on steep slopes (such as steep calcareous grassland of the Cotswold scarp). Extreme slopes on a flat 2D map will be recorded as being of much smaller area of habitat than is the case in reality. The Joint Councils would be happy to discuss whether surface area mapping rather than plan area mapping would be more appropriate for the Scheme; and
 - Whether the metric adequately weighs the importance of calcareous grassland versus other habitats/features.

Wider habitat improvement works

- 2.4.14. The Joint Councils understand that there is no link to be made between the determination of the DCO and the parallel process of distributing NH Designated Funds locally. A number of projects that will result in biodiversity net gain for the surrounding area are expected for come forward for consideration for funding by NH Designated Funds. GCC, TBC and CDC are all represented on a local panel. The Joint Councils are pleased to be involved in considering the best projects (which will deliver biodiversity net gain and other environmental/ cultural/ community benefits) to be put forward as recommendations for NH Designated Funds support.

Addressing any shortfall in achieving biodiversity net gain within the site

- 2.4.15. If there is any shortfall in achieving biodiversity net gain within the Scheme, measures such as the Designated Funds will be important practical contributors to the biodiversity loss / gain balance. As a final option NH could seek to purchase biodiversity credits from the newly formed Gloucestershire

3 [REDACTED]

Nature and Climate Fund⁴. However, the Joint Councils recognise that where these potential measures are not part of the formal Scheme it may not be possible to include them in any biodiversity accounting.

2.5. Material Assets and Waste

- 2.5.1. NH have not included material currently known to be surplus to the cut/fill balance in the waste assessment presented in Chapter 10 of the ES [APP-041]. The Joint Councils expect this should be done for the assessment to evaluate the worst case scenario.
- 2.5.2. The current assessment gives a misleading impression of the quantities of waste arising from the Scheme that may require disposal to landfill (information which is required under section 3.12 of DMRB LA 110).

2.6. Climate Change

Assessment methodology

- 2.6.1. The Joint Councils are in broad agreement that NH has adequately assessed the construction and operational impacts of the Scheme in relation to carbon and climate and how they impact the UK government's ability to meet Net Zero by 2050 (as outlined in Chapter 14 of the ES [APP-045]). The exception to this is the assessment of operational emissions resulting from the Scheme associated with maintaining the asset during operation.
- 2.6.2. The Joint Councils believe that the methodology (section 14.4) outlined Chapter 14 of the ES [APP-045] does not describe an assessment of energy consumption associated with the maintenance of the asset once operational, which is a requirement of DMRB LA 114.
- 2.6.3. The Joint Councils would expect to see more evidence provided to prove that the operational energy consumption of the new Scheme has a negligible difference from the existing scheme and therefore, operational energy consumption can be scoped out of the assessment. Operational energy consumption is a requirement of DMRB LA114 and so should be included in the methodology.
- 2.6.4. References to 'reduce where possible' outlined in Chapter 14 [APP-045], and similar, do not offer confidence to the Joint Councils that the extent of energy usage would be almost equivalent in the Do Something scenario compared with the Do Minimum, and so the argument itself is undermined within the rationale to scope it out.
- 2.6.5. The Joint Councils do agree however, that the level of operational emissions is likely to be low and therefore unlikely to have a significant impact on the findings found in Chapter 14 of the ES [APP-045] in its current form.

Mitigation proposals

- 2.6.6. The Joint Councils believe that whilst the ability to mitigate against all of the carbon emissions that will be emitted by the Scheme during construction (as outlined in Chapter 14 of the ES [APP-045]) may be challenging and require considerable discussion, this does not mean that no mitigation should be implemented into the Scheme.
- 2.6.7. The Joint Councils believe that significant level of carbon mitigation should take place as part of wider action related to the Scheme and that NH should be more ambitious and innovative in its approach to implementing or funding carbon mitigation measures, even if it does not undertake the mitigation measures itself. For example, GCC has an ambitious 'Million Trees Challenge' as part of its Climate Strategy to plant a million trees by 2030. Additionally, in the emerging GCC Climate

Strategy 2nd Annual Report due to be published imminently, renewable energy generation and electric vehicle charging infrastructure will be identified as priority actions for carbon reduction. Furthermore, NH has its own commitment to plant three million trees on or near its land by 2030 (Net Zero Highways Plan published in July 2021). The Joint Councils believe that this Scheme provides a good opportunity to both work towards this goal whilst offsetting the embodied carbon emissions from the construction phase and mitigating the carbon impact of the Scheme, and as such, should be considered by NH.

- 2.6.8. The Joint Councils also agree that the mitigation measures, in whichever form they come, do not need to take place simultaneously during the construction phase of the Scheme. The Joint Councils recognise that the sequestered emissions from tree planting, for example, take place over a longer timescale than the construction phase of the Scheme.
- 2.6.9. The Joint Councils agree that a full quantitative assessment of any proposed carbon mitigation measures is not required by NH but that a qualitative assessment for each proposed measure should be undertaken to evidence that the proposed measures would provide a significant carbon reduction by 2045 (Net Zero target year for GCC).

2.7. Community Engagement

- 2.7.1. The Joint Councils note that the EMP [APP-317] provides no detail as to the methodology for carrying out engagement with the public during construction. For example, there is no reference to a Community Engagement Plan or Stakeholder Engagement Plan that would outline the communication methods and approach which would be expected within an EMP. The Joint Councils would expect, prior to commencement of any works, to be consulted on a Community Engagement Plan that would then be approved by the Secretary of State and this would set out in more detail than what is provided in the EMP and REAC [APP-317]. The Joint Councils would expect to see this plan secured through Schedule 2 Requirement 3 of the dDCO.

2.8. Highway Lighting

- 2.8.1. The Scheme is located within the Cotswolds AONB and the vision is to deliver a landscape led improvement Scheme whilst also delivering a safe and reliable road that sits comfortably within the Cotswolds AONB. Whilst the Cotswolds AONB is not a designated International Dark Sky Reserve it is well known for its dark sky environment and can be considered to be a Special Feature of the AONB. In order to maintain the integrity of the Dark Skies, NH has designed the Scheme with no street lighting, including at any of the junctions or Conflict Zones.
- 2.8.2. There are four side road junctions in the Scheme which feature a roundabout, normally these would be lit with 6 to 8m high lighting columns, this lighting could have an adverse impact on nocturnal species such as bats.

Gloucestershire County Council's position

- 2.8.3. GCC is supportive of the Dark Skies initiative and recognises the need to protect landscape character and ecological assets. However, GCC has raised safety concerns about the lack of lighting at the Conflict Zones that GCC would be inheriting and maintaining once the Scheme is constructed and handed over. GCC's view is that the following locations should be lit in accordance with BS 5489 and BS/EN 13201:
- Cowley Junction
 - Shab Hill Junction
 - Barrow Wake Roundabout
 - Ullenwood Junction
- 2.8.4. NH have provided to GCC all the relevant information that supports their continued stance on not lighting the Scheme, all of which has been pulled together in a Lighting Technical Note dated 4th August 2021. This document includes relevant Lighting Assessments to TA49 (February 2019) and

TA501 (April 2021) that were undertaken at various stages during the Scheme development process. Also, included is the Road Safety Audit Designers Response, a GG104 Risk Assessment and a look at innovative solutions such as different height lighting columns, bollards, vehicle activated signs and LED road studs. It is interesting to note that the Road Safety Audit Stage 1 noted the following Problems:

- RSA Ref 2.9 - Risk of collisions at roundabouts if they are not illuminated at night. It is understood that street lighting is unlikely to be provided throughout the Scheme. The absence of lighting could make the road layout and position of roundabouts unclear to road users, which could result in overshoot or loss of control type accidents. Vulnerable road users, such as two-wheelers and pedestrians would also be vulnerable to being struck if they are not visible to drivers.
- RSA Ref 2.12 - Risk of loss of control along slip-roads if road users do not anticipate sharpness of bends”.
- The recommendations in both cases were - “It is recommended that (roundabouts and approaches) (slip roads) are illuminated by a system of street lighting”.

- 2.8.5. The Designers Response was to disagree with this recommendation citing the following mitigations for not lighting the Scheme:
- TA49 lighting assessment had been undertaken and this concludes that lighting is not justified.
 - A GG104 Risk Assessment has been undertaken to justify not accepting the RSA 1 recommendation. However, it does recommend that vehicle activated LED junction warning signage should be considered alongside the standard high quality retroreflective signage, road studs and road markings.
- 2.8.6. NH response was to agree with the designer and conclude that no lighting would be provided.
- 2.8.7. GCC has not formally replied to the Lighting Technical Note. GCC’s general stance is that street lighting should be required at the proposed junctions in line with BS/EN 5849 and BS/EN 13201. However, on reflection and after a series of internal discussions, GCC is willing to come to a compromised position and accept that all the main local road junctions would not be lit in the interest of protecting the AONB. However, the exception to this is the proposed Ullenwood Junction, this roundabout effectively replaces the existing Air Balloon Roundabout, albeit is a slightly different location (approximately 100m north east). The existing Air Balloon Roundabout is lit. Due to its location, the surrounding road conditions and volume of traffic using it, the existing roundabout is a known accident hotspot. The proposed Ullenwood Junction would experience similar conditions and GCC believes that this roundabout should be lit. GCC is prepared to accept a trial period where the proposed junction would be unlit however, it considers that the DCO should secure the provision of the necessary below-ground infrastructure to allow for a fully designed lighting scheme, so that if it is proved to be needed, the remaining above ground infrastructure (columns and lanterns), can be easily installed at a later date.
- 2.8.8. GCC wrote to NH on the 18th October 2021 stating their revised position regarding the proposals at the Ullenwood Junction as described in the paragraph above. On the 15th November 2021 NH replied stating that they think that GCC’s proposal is a pragmatic approach and that NH will undertake a full assessment of environmental impacts on the landscape and the ecology as submitted at DCO Examination and would look to agree a future lighting solution subject to the outcome of the assessment.
- 2.8.9. The highway lighting design must be sensitive to the Dark Skies initiative and the special qualities of the AONB.
- [Tewkesbury Borough Council's position](#)
- 2.8.10. TBC have not commented on the street lighting / Dark Skies proposals submitted by NH as none of the proposed junctions are situated within TBC’s boundary.

Cotswold District Council's position

- 2.8.11. CDC, within whose boundary the majority of the Scheme sits, including all the junctions listed above, have set out their position on highway lighting separately to GCC, as detailed in Matter 19.19 of Table 4.1 of the SoCG [APP-419].
- 2.8.12. CDC are in support of the proposal by NH to provide no street lighting within the Scheme. CDC consider this is key in reducing the potential landscape impacts as dark skies are an important component of the character of the Cotswolds AONB and the Dark Skies initiative. CDC support the Dark Skies policy and the conclusions of the TA49 Lighting Assessment Report which states that lighting is not justified.
- 2.8.13. CDC has not undertaken a safety assessment of the impacts of lighting (or lack of lighting) on highway safety, as this is outside their remit. CDC consider that additional landscape assessment will be required if lighting is to be installed and that this may lead to the need for further changes to the design to minimise the need for lighting, or for additional landscape/biodiversity mitigation proposals to minimise the impacts of any lighting on the wider landscape and biodiversity.

2.9. Assets to be handed over to the Local Highway Authority

Asset handover - general

- 2.9.1. De-trunking of sections of the existing A417 is necessary as NH are providing a higher standard of road and the existing A417 will diminish in its importance. De-trunking is the process, by legal order, of transferring ownership of the de-trunked highway to the Local Highway Authority.
- 2.9.2. De-trunking discussions have been ongoing with NH since 2019. NH have written a De-trunking Report. Following recent discussions, NH have superseded the De-trunking Report and issued a Technical Note: Gloucestershire County Council Detrunking and Asset Handover Approach along with an Asset Adoption Plan. These documents provide details of NH outline strategy of the Technical Approval and Handover process of new altered and de-trunked assets, and includes: -
- A non-exhaustive list of the assets that will be removed in the de-trunked section;
 - A non-exhaustive list of assets to be adopted and or retained;
 - A high-level Technical Approval process;
 - A High-level asset Handover process for de-trunked and new asset section of carriageway;
 - A marked up large-scale drawing showing the proposed extent of NH and GCC ownership and maintenance responsibilities; and
 - GCC is in the process of carrying out a review of these documents. It is felt that the Technical Note is a positive start to discussions and that more detail needs to be included, particularly on the subject of commuted sums as mentioned in paragraph 2.9.12 below. Comments on the Asset Adoption Plan GCC have been issued to NH.
- 2.9.3. It will be important for the linear and cross-sectional extent of the assets that GCC will inherit are agreed. It is also important to establish which off-highway assets should be maintained and by whom.
- 2.9.4. Once constructed there will be a number of assets and sections of new and existing road that will be handed over to GCC to maintain. These fall into three categories:
- 1.Existing Strategic Road Network (SRN) to be de-trunked that will be retained as highway;
 - 2.Existing SRN to be de-trunked that will be re-purposed into a Walking, Cycling and Horse-riding (WCH) route; and
 - 3.Newly constructed highway or upgraded existing highway that will be handed over for GCC to maintain.
- 2.9.5. These three categories are discussed under the following headings.

Extent of existing SRN to be de-trunked and retained as highway

- 2.9.6. GCC agree with the proposals in principle to de-trunk and downgrade the approximately 1km section of existing A417 between Cowley roundabout and the junction with Stockwell Lane through the Nettleton Bottom area. However, further detail and information from NH is needed and this is expected to be provided during Examination.
- 2.9.7. The Scheme proposes to narrow the road down to a width of 6m between the Cowley roundabout to the Golden Heart Pub and a width of 4.5m up to Stockwell Lane. This would become an unclassified road. Details of all the de-trunked section are shown on the Traffic Regulation Measures - De-trunking Plans [APP-015]. GCC will expect that all assets associated with the trunk road will be removed including signing, safety barrier, CCTV installations etc. such that the carriageway is in-keeping with a lower-class road, and it reduces future maintenance liabilities.

Extent of Existing SRN to be De-trunking and Re-Purposed as a WCH Route

- 2.9.8. Approximately 2.7km of existing A417 between Stockwell Lane and the connection to the new Cotswold Way overbridge will be converted into a 'purpose built' route for walking, cycling and horse riding. GCC agree with these proposals in principle and will accept this section into their inventory to be maintained. GCC are expecting that most above ground road assets along the WCH route will be removed e.g., signs, bollards, safety barrier, white lining, kerbing, reflective road studs, surfacing in areas being returned to grassland etc.

Newly constructed or existing highway

- 2.9.9. In general, GCC agrees with the principle of receiving into ownership and maintenance approximately 5.9km of new highway that will not form part of the SRN. These sections of road are listed out in the Local Roads Technical Note, dated April 2021 and in Schedule 3 Parts 3 and 4 of the dDCO [APP-022]. The Technical Note document was compiled in conjunction with NH and sets out various design parameters local roads will be designed to. Design standards set out in DMRB and the Gloucestershire Manual for Streets are not a suitable design standard for the rural local roads in the Scheme and so the design parameters are based on those used on High Speed 2 (HS2).
- 2.9.10. GCC require a process either through protective provisions/ amendments to the DCO and/or a legal agreement with NH whereby GCC will undertake a Technical Approval and sign-off of the local roads designs as well as a sign off once the works have been constructed through the issuing of a provisional certificate. NH would also be expected to provide all information which would be required under a highways agreement. There also need to be an agreement relating to when GCC will be responsible for the maintenance of the new highway which appears to be on 'completion' (which is not defined) whereas GCC would expect that a standard 12-month maintenance period is included during which NH/ Contractor would address any defects until a final certificate has been issued by GCC. Article 13(3) includes a maintenance provision for private streets and GCC would expect the same to be applied to the newly constructed road. Similarly, a 5-year maintenance period should be applied for any landscaping works required under the DCO. This expectation is set out further in Section 2.9.13 below.

Asset information, information required, commuted sums and fees

- 2.9.11. To ensure that GCC's maintenance burden is minimised and mitigated all the available asset information for the de-trunked sections must be provided by NH. The existing asset information has been requested from NH who are in the process of gathering this information from the Design Build Finance Operate company. This should include the following:
- To what maintenance standard has the road been maintained;
 - Road lengths;
 - Provision of all asset inventory, Health and Safety file information and maintenance records;
 - Maintenance interventions undertaken over the last 5 years, including any sections where there are regular interventions are required for flooding, for example; and

- Structure's inspection records for Barrow Wake bridge and Four Winds Retaining Wall.

2.9.12. Once received GCC will assess the quality of the data available, the condition of said assets and where necessary undertake their own independent inspection. GCC will require commuted sums to be paid as the length of maintainable network will increase and this information would inform such negotiations, so far no discussions have been held with NH over the quantum of commuted sums to cover an agreed period of maintenance for the sections to be de-trunked or the newly constructed highway although GCC has raised the issue since 2019 and whilst negotiating the SoCG. GCC will require that the commuted sums (for the maintenance of the new highway and de-trunked highway) are secured through a legal agreement which will also deal with asset condition, design checks and inspection and testing by GCC as well as the payment of all fees incurred. The need for collateral warranties/ interaction with DBFO to be provided will also be discussed between NH, GCC and NH contractor This issue remains as a Matter Outstanding in Table 5-1 (ref 16.1) of the SoCG [APP-419].

Technical approval

2.9.13. GCC has requested that NH propose for GCC's approval, a Technical Approval process for all works associated with de-trunked, new or upgraded assets including but not limited to:

- All relevant design documentation used in the design process including:
 - Proposed departures from standard
 - Detailed design drawings, specifications and schedules
 - Approval in principle for structures
 - Design and check certificates for structures
 - Road safety audit reports and associated designers' responses
- Payment of reasonable Technical Approval fees; and
- Agreement of maintenance and asset boundaries, including all off-site assets such as ponds, soakaways and highway trees. Including plans showing said boundaries.

Handover of assets to GCC

2.9.14. Once construction is completed handover of de-trunked, new and improved assets to GCC will commence. A process for how this is implemented should be proposed by NH for GCC's approval. The process should include the following:

- NH to facilitate a handover inspection of the road section and/or asset;
- Agreement that NH will continue to maintain until the handover date;
- GCC to be involved in Road Safety Audit process;
- For the de-trunking handover an agreement that handover will happen at a mutually agreed date and not at a date set by the undertaker as stated in the dDCO [APP-022];
- For new and upgraded assets an agreement that handover will happen on a mutually agreed date following completion of:
 - Road Safety Audit
 - Appropriate Inspections
 - Completion of remedial works
- GCC must be satisfied that all asset records, defects and Health and Safety files have been collated and provided in a form specified by GCC;
- Process for agreement of completion to the satisfaction of GCC any works associated with the de-trunking process, including removal of assets and provision of new assets;
- Inclusion of contractor's warranties, defects liability and/or maintenance periods for any works associated with de-trunking. Including maintenance periods of landscaping assets (5 years); and
- NH to facilitate a post defect liability period inspection.

2.10. Draft Development Consent Order

Detailed design

- 2.10.1. Requirement 11 of the dDCO [APP-022] would require NH to design and carry out the Scheme so that *'it is compatible with the preliminary scheme design shown on the works plans and the general arrangement plans'*. This is considered reasonable in instances where design detail is shown on the Work Plans [AS-038] and General Arrangement Plans [AS-040].
- 2.10.2. However, neither the Work Plans nor General Arrangement Plans provide any preliminary design detail for the proposed structures, public rights of way and permissive paths, meaning there is a lack of preliminary design on which the ExA can assess the Scheme against. If further preliminary design is not made available (and consulted on) during the examination process, then the Joint Councils would expect to see new Requirements under which further detailed design is to be submitted for consultation with the relevant authorities and approved by Secretary of State.
- 2.10.3. Notwithstanding this, the Joint Councils would expect Requirement 11 to stipulate that detailed designs are consulted on with prescribed consultees including the relevant planning authority and local highway authority.
- 2.10.4. Of principal concern are the Cotswold Way National Trail bridge and the Gloucestershire Way long distance path bridge. However, the Joint Councils note that this relates to all other structures shown on the Works Plans [AS-038], General Arrangement Plans [AS-040] or listed in Schedule 1 of the dDCO [APP-022].
- 2.10.5. The Scheme intends to be landscape-led; this is in recognition to special qualities of the Cotswolds AONB. The proposed bridges carrying the Cotswold Way and Gloucestershire Way across the A417 will become prominent features in the AONB. It is essential that both structures are designed sensitively and to very high standards that are reflective of their context. This process should involve consultation with all relevant stakeholders, including the local planning authority and local highway authority. A requirement for the submission of detailed design of structures for approval by the Secretary of State following a consultation process with prescribed consultees is appropriate.

Discharge of requirements

- 2.10.6. The Joint Councils agree that the Secretary of State will be the responsible organisation for the discharge of DCO Requirements [APP-022] however, the Joint Councils require greater involvement in the consultation process prior to the discharge of requirements.
- 2.10.7. The Joint Councils question why the process for consultation is set out in Requirement 4 rather than Part 2 of the dDCO – Procedures to Discharge Development.
- 2.10.8. The Joint Councils recognise that they are prescribed consultees on relevant Requirements and would be consulted prior to NH submitting applications to the Secretary of State however, the Joint Councils would expect that Requirement 4 or Part 2 of Schedule 2 of the dDCO [APP-022] stipulate:
- A minimum consultation period of 21 business days to respond to consultation requests;
 - A mechanism for extending this period if further issues arise or insufficient information is made available; and
 - That the information issued for consultation should represent a draft version of the application to be submitted to the Secretary of State to discharge the Requirement.
- 2.10.9. The Joint Councils would expect Requirement 15 in the dDCO [APP-022] to include provision for prescribed consultees to be reconsulted on any alterations to submitted information or further information submitted to the Secretary of State after the application has been made. An appropriate consultation period for re-consultation should be set out in the Requirement and this should be proportionate to the nature of altered / new information to be submitted.
- 2.10.10. In addition, there is no mechanism for recouping costs related to reviewing and advising on the

discharge of Requirements within the dDCO [APP-022]; or any monitoring required to be undertaken by the Joint Councils set out in the dDCO. The Joint Councils would expect a service level agreement to be set out in the dDCO or a mechanism for agreeing such agreement.

Article 14(2) - Handover procedure

- 2.10.11. Article 14(2) of the dDCO [APP-022] refers to a date of de-trunking to be set by NH on “such date as the undertaker may determine”. It is unacceptable to GCC that a date for de-trunking can unilaterally be set by NH when it is GCC who will be taking on additional liability at that handover date. GCC will only agree a handover date for the de-trunked sections of road when all due diligence has been undertaken, remedial repairs, alteration, conversion and improvements works have been completed to the reasonable satisfaction of GCC which would also include the removal of all redundant assets (cables, services, plant and equipment). The dDCO needs to be amended accordingly and the above process and detail secured through the legal agreement. Unless and until further details have been provided in relation to the proposed areas of the existing A417 to be de-trunked and GCC has been able to adequately evaluate the current condition, remedial works agreed and a legal agreement has been entered into with NH, GCC does not agree to the de-trunking provisions in the dDCO.

Article 3(1)(f) - Disapplication of Land Drainage Act

- 2.10.12. The application does not include the design details of watercourse crossings as discussed with the Joint Councils and agreed informally during pre-application consultation. Without this detail within the dDCO there is no means to secure the designs of watercourse crossings in the DCO. The Joint Councils cannot agree to the disapplication of the Land Drainage Act consent process (a prescribed consent) unless this detail is included in the application or a Requirement for approval of details is secured in the DCO. Article 3(1)(f) should be removed or alternatively, and in accordance with the Explanatory Memorandum to the dDCO, Protective Provisions are agreed with the Joint Councils.

Article 20 - Cotswold Way National Trail diversion

- 2.10.13. Article 20 in the dDCO [APP-022] as currently drafted refers to the Cotswold Way national trail diversion report being laid out and provided in accordance with the Cotswold Way national trail diversion report. The report is extremely high level with no detail included as to what is actually being provided. There is no process for GCC to be consulted on, comment or approve the detail which is needed and moreover for those comments to be considered. There needs to be a mechanism in the DCO for approval of design by GCC as a prescribed consultee. NH have confirmed that they will continue to consult with GCC throughout the examination.

Article 13(5) - Non-trunk road bridges over trunk roads

- 2.10.14. The Joint Council's support the principle of NH taking maintenance responsibility for bridges constructed to carry non-trunk roads over the trunk road following 'completion' together with the highway surface. However, this needs to be extended to:
- Maintenance responsibility for the earthworks connected with the structure;
 - Maintenance responsibility for these assets to be properly recorded in NH maintenance structures; and
 - Structures with public rights of way (GCC is aware of 2 such structures).

- 2.10.15. GCC is aware that there is some conflict between plans and details provided and will continue to engage with NH to resolve this through the SoCG.

[Article 16\(2\) and 16\(6\) - Stopping up \(streets and private means of access\)](#)

- 2.10.16. Article 16(2) in the dDCO [APP-022] does not include any approval of the newly constructed private means of access by GCC nor deals with the maintenance period following 'completion'. Article 16(6) needs to be re-drafted to make it clear that any compensation is against the undertaker, NH.

[Article 24\(5\) - CPO](#)

- 2.10.17. Article 24 onwards – Part 5 of the dDCO [APP-022] deals with compulsory acquisition. In relation to land and rights required of the Joint Councils, the Joint Councils would expect both protective provisions to be included in the DCO and a legal agreement with NH to deal with voluntary acquisition of land and rights.

[Article 15 and 19 – Deemed consent](#)

- 2.10.18. Articles 15(6) and 19(11) in the dDCO [APP-022] makes provision for consent to be deemed granted if the highway authority does not notify NH of a decision within 28 days. The provision for deemed consent should be removed from Articles 15 and 19. The arrangements in relation to Article 15 and 19 have not been discussed with the Joint Councils. The Joint Councils would expect that NH will discuss and agree the details with the relevant departments within GCC prior to submitting applications or requests under Article 15 and 19.

3. Summary of Written Representation

3.1.1. A summary of the suggested changes and requests set out in this Written Representation and the Joint Councils other Deadline 1 submissions is provided in the following table.

Table 3-1 - Summary of suggested changes and requests

Topic	Summary of suggested changes and requests
Traffic, Transport and Highways	Provide more information to demonstrate how the impacts associated with the modelled traffic increases on Leckhampton Hill, Gloucester Road at Stratton, the B4070 south of Birdlip and the unclassified road leading to Brimpsfield, can be mitigated. A side agreement or the DCO should secure a mechanism for funding local highway authority schemes, and specifically to address the identified traffic increases on the specified local roads.
	Details of monitoring of construction traffic and the impact of that traffic on the existing road network should be included in the Construction Traffic Management Plan (CTMP) [APP-319].
	In the CTMP, set out the details of temporary signage to be installed along the A435 to deter traffic from using High Cross and the lanes through Cowley and Stockwell to access the A417/A435.
Air Quality	Carry out monitoring at Air Balloon Cottages during construction and include details in the Environmental Management Plan (EMP) [APP-317] so that it is secured through Schedule 2 Requirement 3 of the dDCO.
	Carry out additional monitoring at Ullen Wood Ancient Woodland and the veteran trees VT13, VT21, VT42 and VT98 throughout construction and include details in the EMP [APP-317] so that it is secured through Schedule 2 Requirement 3 of the dDCO.
	Carry out monitoring at Ullen Wood Ancient Woodland and the veteran trees VT13, VT21, VT42 and VT98 prior to operation to confirm the baseline and carry out further monitoring at these locations during operation. Monitoring and any necessary remedial work should be secured in the dDCO via a Requirement, with the relevant authority consulted prior to approval.
Cultural Heritage	The Detailed Archaeological Mitigation Strategy (DAMS) does not identify any requirement to undertake further evaluative works ahead of the main archaeological mitigation programme. Extensive further evaluative works will be required to properly inform design of the DAMS and associated subsequent mitigation. Noting that archaeological investigations could be undertaken prior to the discharge of Requirement 3 of the dDCO. This additional detail must be provided in the design-stage EMP.
	Update Schedule 2 Requirement 9 to make reference to compliance with the design-stage DAMS.
	Amend Schedule 2 Requirement 3(2)(e)(ii) to refer to compliance with Requirement 9.
	Include clarifying statement in design-stage DAMS that pre-construction investigations will be carried out in accordance with the design-stage DAMS.
	Include in the design-stage DAMS details of the process that NH will follow when agreeing with the County Archaeologist any changes to the DAMS during archaeological fieldwork.
	Remove Schedule 2 Requirement 9(5) from dDCO as all investigations must comply with the details set out in the DAMS secured under Requirement 3(2)(3)(ii).
	Requirement 9(6) is inadequate. Provisions for long term storage of the archaeological archive needs to be agreed in advance and Corinium Museum should be notified before commencement of the archaeological works in accordance with the Gloucestershire Archaeological Archives Standards.

Topic	Summary of suggested changes and requests
Biodiversity	A calculated biodiversity change score using the biodiversity metric is required to help provide a comparable measure of the net biodiversity change achieved by the Scheme and to inform what measures are required to offset any loss.
Materials Assets and Waste	An assessment of the material that is surplus to the cut/fill balance in the waste assessment presented in Chapter 10 of the Environmental Statement (ES) [APP-041] needs to be undertaken.
Climate Change	An assessment of operational emissions resulting from the Scheme associated with maintaining the asset during operation is required to inform the Chapter 14 of the ES [APP-045].
	Mitigation measures to offset the carbon emissions should be provided as part of the Scheme. A qualitative assessment for each proposed measure should be undertaken to evidence that the proposed measures would provide a significant carbon reduction.
Community Engagement	Prior to commencement of any works, the Joint Councils would expect to be consulted on a Community Engagement Plan which should be secured via Schedule 2 Requirement 3 of the dDCO.
Highway Lighting	GCC requests that the approved design should include the below-ground infrastructure required for a future lighting scheme at the proposed Ullenwood Junction should it be required on the grounds of safety in the future. The Joint Councils request that any potential lighting scheme at the proposed junction is fully designed and assessed during Examination.
Asset Handover to Local Highway Authority	The handover of the assets in Article 14(2) of the draft DCO must be agreed. The handover of de-trunked sections of road will only be agreed once all due diligence has been undertaken, remedial repairs, alteration, conversion and improvements works have been completed to the reasonable satisfaction of GCC which would also include the removal of all redundant assets (cables, services, plant and equipment).
Article 13(3) Private Streets	As there are no private streets within the Order Limits, this article should be removed.
Approval of detailed design of structures	Revoke or amend Requirement 11 and include a new Requirement in the dDCO stipulating the submission of the detailed design of structures for approval by Secretary of State following consultation with the relevant planning authority and local highway authority.
Approval of detailed design of public rights of way and permissive paths	Revoke or amend Requirement 11 in the dDCO and include a new Requirement which stipulates the submission of the detailed design of new sections of PRow and permissive path for approval by Secretary of State following consultation with the relevant planning authority and local highway authority.
Handover procedure for PRow	The Public Rights of Way set out in Part 8 of Schedule 3 needs to be transferred to and maintained by GCC at a date to be agreed between GCC and NH. This is currently missing from the dDCO.
Consultation process prior to discharge of Requirement applications	Requirement 4 in the dDCO should stipulate: <ul style="list-style-type: none"> • A minimum consultation period of 21 business days to respond to consultation requests; • A mechanism for extending this period if further issues arise or insufficient information is made available; and • That the information issued for consultation should represent a draft version of the application to be submitted to the Secretary of State to discharge the Requirement.

Topic	Summary of suggested changes and requests
Re-consultation process during discharge of Requirement applications	<p>Requirement 15 in the dDCO should include provision for prescribed consultees to be reconsulted on any amendments to submitted information or further information submitted to the Secretary of State after the application has been made to discharge a requirement but prior to determination.</p> <p>An appropriate consultation period for re-consultation should be set out in the Requirement and this should be proportionate to the nature of altered / new information to be submitted.</p>
Disapplication of Land Drainage Consent	<p>Article 3(1)(f) in the dDCO should be removed and:</p> <ul style="list-style-type: none"> A new requirement stipulating the submission of design of watercourse crossings for approval, or in accordance with the Explanatory Memorandum to the dDCO, Protective Provisions should be agreed with the Joint Councils.
Cotswold Way national trail diversion	<p>Article 20 in the dDCO needs to be updated to ensure that GCC are consulted on and approve the detailed design as a prescribed consultee.</p>
Non-trunk road bridges over trunk road	<p>Article 13(5) in the dDCO needs to be extended to cover maintenance for earthworks related to the structure, maintenance responsibility is properly recorded by NH and that structures with public rights of way are also included.</p>
Streets and private means of access	<p>Article 16(2) in the dDCO needs to be updated to cover approval of the newly constructed private means of access by GCC and it needs to deal with the maintenance period following 'completion'.</p> <p>Article 16(6) in the dDCO needs to be amended to make clear that any compensation is payable by the undertaker.</p>
Compulsory Acquisition	<p>Within Articles 24 onwards – Part 5 – in the dDCO the Joint Councils would expect to have protection under protective provisions and legal agreements secured to deal with compulsory acquisition of land and rights.</p>
Protective Provisions	<p>The Joint Councils would expect to secure protective provisions within the dDCO pending more detailed agreements being reached on matters including de-trunking, land acquisition, handover of highway and future maintenance, general collaboration, monitoring and enforcement roles.</p>
Deemed Consent	<p>The provision for deemed consent should be removed from Articles 15 and 19. The arrangements have not been discussed with the Joint Councils at this stage, but they would expect that NH will discuss and agree the details with the relevant departments within GCC prior to submitting applications or requests under Article 15 and 19.</p>

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