

Planning Act 2008
The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009

A417 'Missing Link' Improvements

Council for British Archaeology Summary Submission Statement

December 2021

A Introduction

The CBA and the A417 Missing Link

1. The Council for British Archaeology was founded in 1944. Its role is to champion archaeology, public participation in archaeology and appreciation and understating of the historic environment and heritage. Its membership spans the full range of academic, cultural, professional public and private bodies engaged with archaeology and conservation of the historic environment at national, regional and local levels.
2. The A417 'Missing Link' scheme lies wholly within the Cotswolds National Landscape (AONB) and the contribution that the historic environment and cultural heritage make to the Areas' natural beauty is a key consideration. This submission sets out the CBA's reasons for its OBJECTIONS to the scheme.

Content and Authorship

3. Our concerns relate to flaws in the Applicant's approach to relevant policy and legal framework for decision-making; effects of the scheme on landscape, natural beauty and cultural heritage; and overarching issues of cumulative effects, landscape-led development, needs and alternatives.
4. We set this within the *prima facie* strong presumption against the development (NPSNN para 5.151) and whether the tests for exceptional circumstances are met.
5. This evidence has been prepared by CBA Hon Vice-President George Lambrick MA FSA MIFA and approved by the current Chair, Ken Smith FSA MCIfA and Executive Director Neil Redfern FSA ACIfA on behalf of the CBA's Board of Trustees.

B Key statutory requirements policy tests and caselaw:

6. The Applicant's approach to the terms 'preserve', 'conserve' and 'enhance' is questionable in relation to statute, policy, caselaw and established technical standards. This is evident in a wide range of specific ways that requirements of statute, policy caselaw and policy are not properly met.
7. This has significant implications for whether the tests for 'exceptional circumstances' are met, both in terms of need and presumptions in favour environmental conservation, and whether they could be better achieved by other means?

C Historic character aspects of natural beauty

8. The approach to historic landscape effects in ES Ch6 is too broad-brush to establish what particular features and aspects that contribute to natural beauty would be lost or damaged, or assist other specific issues, including loss landscape features and attributes that would be impacted (ES Ch7 para 7.8.10 pp. 42-4)

D Effects on heritage assets and their settings

9. The assessment of setting impacts focusses largely on visual and noise intrusion, not the loss of physical surroundings that contribute to significance (which is the actual basis of how the contribution of surroundings can be experienced). This approach does not properly fit Historic England's advice on Setting (Advice Note 3) or relevant caselaw.
10. In all these cases, the assessment of harm is defined in DMRB EIA terms, not policy tests, notably the test of 'substantial harm' and sliding scale between importance and harm (NPSNN para 5.131).
11. This applies especially to the Crickley Hill and Emma's Grove scheduled monuments, Shab Hill Barn, but also set within the general policies favouring conservation of non-designated heritage assets (such as the Air Balloon) that make a significant contribution to the environment (NPSNN Para 5.121, 5.122, 5.125).
12. We consider these impacts to be more serious than assessed by the Applicant.

E Effects on archaeological remains

13. The ES Ch 6 says, '*The scheme would result in the total loss of any buried archaeological remains that lie entirely within its footprint, which would be a major magnitude of impact.*' This is reasonable given the commitment to apply DEFRA soil

handling standards, which effectively preclude archaeological preservation *in situ* for any areas subject to soil stripping.

14. A serious problem for decision-making is the gap between the likely significance of what has been identified so far, and the potential occurrence of as-yet unidentified remains and deposits. Further complications of forecasting the archaeological baseline relates to techniques used, sampling strategies, and whether results are correlated to test reliability, all compound the uncertainty.
15. Gaps in these areas highlighted in scoping responses remain largely unfilled, and the the draft DAMS demonstrates a significant mis-match between identified research objectives and relevant investigative methods needed to address them – both for identifying and locating areas of potential and proposals in the draft DAMS to offset their loss.
16. Overall, the loss of archaeology is likely to be significantly greater than has been identified so far, risking potential consequential loss of archaeology without adequate record, and/or risks to programmes.

F Other cultural heritage aspects of natural beauty and recreational values

17. The AONB Management Plan policy CC4 and supporting Position Statement sets out the Cotswold Conservation Board's current advice on 'cultural capital' which is relevant to cultural associations of Crickley Hill with the poet and composer Ivor Gurney, and the reputed association of the Air Balloon pub with the earliest days of ballooning in Britain (as much commemorative as historically specific).
18. These issues add weight to issues of heritage significance and natural beauty attributes sensitive to intrusion and tranquillity issues – but they do not seem to be assessed in the ES.
19. Any gains in recreational heritage access of the proposed Cotswold Way crossing would be substantially outweighed in the vicinity by loss of the Air Balloon pub and harm to the setting of the Emma's Grove and Crickley Hill monuments and intangible heritage values of the area. The wider potential to enhance public access and heritage interpretation is only minimally addressed in ES Ch 6.

G Whether the proposals represent landscape-led development

20. The AONB Management Plan policy CE11 and supporting Position Statement sets out the CCB's statutory advice on 'landscape-led' development, which applies to all stages of development of any scheme (in line with wide-ranging duties in the Infrastructure

and CROW Acts, the applicability of NPSNN to strategic planning and project development, and DMRB guidance (GG103 para 2.2). But the scheme proposed is not landscape-led development but based on environmentally sympathetic redesign of landscape to suit the scheme and disposal of surplus materials: seeking to mitigate adverse effects, but not by conserving the physical manifestations of landscape, natural beauty or heritage settings that the scheme would replace.

H Identification and consideration of cumulative effects

21. Despite the main national need for the proposals being to complete a 'Missing Link' in a strategic highway, the cumulative (additive) contribution of the proposed scheme to the overall environmental effects of the whole route are not considered.

I Need for the scheme and identification and consideration of alternatives

22. The starting point for considering 'need' NPSNN para 4.2 is not the normal presumption in favour of the scheme, but a 'strong presumption' against it under paras 5.151 to 5.153. The documentation on alternatives does not show fully show the pros and cons of different alternatives identified or proposed by others, or of key design choices such as disposing of surplus by extensively redesigning the landscape at the expense of conserving it physically.

J Conclusion

23. There are identified needs to improve transport capacity between Swindon and Gloucester, and resolve significant road-related problems of the Air Balloon junction. The scheme proposed would meet those needs but not key policy presumptions in favour of conservation of landscape, heritage and archaeology and their contributions to natural beauty and recreational enjoyment.
24. Other options that have been before the Applicant may have the potential to do so better, but have not been fully examined.
25. It is unfortunate the Applicant has only offered a Do Nothing alternative in the event of refusal, not a realistic Do Minimum option that would at least address the long-standing problems at the Air Balloon.