

A417 Missing Link  
TR010056

8.13 Comments on Responses to the  
Examining Authority's Written  
Questions (ExQ1)

Planning Act 2008

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

**A417 Missing Link**

Development Consent Order 202[x]

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**Comments on Responses to the Examining Authority's Written  
Questions (ExQ1)**

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# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 The purpose of this document is to set out National Highways' comments on third party responses to the Examining Authority's first written questions (ExQ1) (PD-009) which were issued on 16 November 2021, relating to the A417 Missing Link scheme. These can be found in Table 2-1.
- 1.1.2 National Highways has made comments where we have identified matters that require clarification or correction where it may assist the Examining Authority (ExA). The absence of commentary should not be taken to indicate acceptance of a point expressed by a third party. To assist the ExA, where appropriate we state either that we have no further comments than those provided previously in a referenced document, or that we agree with the point(s) being made.
- 1.1.3 National Highways has also used this opportunity to provide a further response to questions 1.1.6 (Options Appraisal) and 1.11.5 (Journey Saving Times), as set out in National Highways' response to the Examining Authority's first written questions (Document Reference 8.4, REP1-009).
- 1.1.4 National Highways has not commented on responses made by third parties where that third party was not directed to respond by the ExA.
- 1.1.5 The comments are therefore not exhaustive and National Highways would be very willing to respond to any additional questions from the ExA, where they consider it would be helpful for National Highways to further comment.
- 1.1.6 To assist, we have provided the responses made by third parties (as indicated and where reasonable to do so) in verbatim where responses are concise, extracts where helpful, or summaries where appropriate, to which National Highways are offering comments. For example, where some responses made by third parties are lengthy, National Highways has directed to the full submission, provided an extract of relevance or summarised the submission so to aid legibility, rather than duplicating significant amounts of text unnecessarily where it would not assist the ExA.
- 1.1.7 To help avoid duplication, National Highways has focused on addressing matters not previously addressed in its Response to Relevant Representations (Document Reference 8.3, REP1-008), where a third party's response to the written questions makes the same points as its Relevant Representation.
- 1.1.8 To help avoid duplication, National Highways has also sought not to resubmit information provided in its Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009) unless we consider additional points of clarification are required after taking into account any third party responses.

## 2 Responses to the Examining Authority's First Written Questions

Table 2-1 National Highway's Response to the Examining Authority's First Written Questions

Number	Directed to	Question	Third Party Responses	National Highway's Response
<b>1.1 Miscellaneous and General</b>				
1.1.2	GCC, TBC, CDC	<p><b>NPSNN</b></p> <p>a) Do you agree with the Applicant's assessment of the Proposed Development's performance against the strategic objectives of the National Policy Statement for National Networks (NPSNN)?</p> <p>b) If not, where do you consider the Proposed Development would conflict with the NPSNN?</p> <p>c) Provide a high-level summary of the Council's position with regards to the three tests set out in paragraph 5.151 of the National Policy Statement for National Networks (if not forming a part of the Local Impact Report).</p>	<p><i>GCC, TBC, CDC Response:</i></p> <p>a) The Joint Councils consider Table 3-3 of the Case for the Scheme [APP-417] demonstrates conformity with that the strategic objectives of the National Policy Statement for National Networks (NPSNN).</p> <p>b) No response.</p> <p>c) The Examining Authority (ExA) is directed to the Joint Councils' response to Question 1.8.8</p>	National Highways acknowledges the response and has no further comments to make.
1.1.3	GCC, TBC, CDC	<p><b>Development Plan</b></p> <p>Could each of the local planning authorities please provide comments and any updates in relation to the Applicant's summary of the Development Plan position, including any emerging plans</p>	<p><i>GCC, TBC and CDC provide comments and updates in relation to their Development Plan positions, including any emerging plans and documents.</i></p>	National Highways acknowledges the response and has no further comments to make.

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		and plan documents set out in section 12 of the 'Case for the Scheme' [APP-417]?		
1.1.4	GCC, TBC, CDC	<b>Infrastructure Delivery Plans</b> In paragraph 13.1.33 of the Case for the Scheme [APP-417], there is reference to the Proposed Development being within three Infrastructure Delivery Plans. Have CIL receipts already been received and specifically set aside for the project?	GCC confirm it is not a CIL charging authority and does not have a CIL charging schedule. The CDC and TBC responses confirm no CIL receipts have been set aside for the Scheme.	National Highways acknowledges the response and has no further comments to make.
1.1.5	GCC, TBC, CDC	<b>Planning Permissions</b> With reference to paragraph 4.3.4 of the Statement of Reasons [APP-024] and Table 15-7 in ES Chapter 15 [APP-046], could each of the local planning authorities update as to whether any new planning permissions have been granted or existing permissions/ allocations progressed within the Order limits and within 500m of the Order limits since the DCO application was submitted?	GCC, TBC, CDC confirm that on review of the recent planning permissions within 500m of the Scheme, all are minor householder permissions related to existing properties and none are of a nature to be relevant to paragraph 4.3.4 of the Statement of Reasons nor of a scale to be relevant to Table 15-7 of ES Chapter 15.	National Highways acknowledges the response and has no further comments to make.
1.1.6	Applicant	<b>Options Appraisal</b> a) Did the A417 Missing Link scheme receive full options appraisal prior to inclusion in the Road Investment Strategy?	N/A	National Highways provided a detailed response to question 1.1.6(a) in its Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009), to which it would like to add the following to assist the ExA:  The scheme was included in RIS1 as a scheme to be developed for the next roads

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				<p>period. It was subsequently committed to in RIS2 as a project for the second road period (referred to as "RP2" in RIS2). It does not fall within the category of projects which are subject to a full options appraisal, in respect of which NPSNN paragraph 4.27 indicates no further consideration of option testing need be carried out by the examining authority or decision maker. The final two sentences of NPSNN paragraph 4.27 indicate that – where a scheme is not subject to a full options appraisal – it will nonetheless be subject to the usual proportionate option consideration as part of investment decisions made concerning the project.</p> <p>National Highways uses the Project Control Framework (the PCF) to manage and deliver major road improvement projects. That includes how investment decisions in those projects are reached. The PCF is a joint Department for Transport (DfT) and National Highways approach to managing major projects through a series of "products". These products are developed by the project to set out and record all aspects of the project, in respect of different stages numbered 0 to 7. The scheme project is currently in Stage 4 - Statutory procedures and powers. In this stage National Highways England seeks consent (in this case a DCO) for the preliminary design produced and consulted upon in Stage 3.</p> <p>The A417 scheme has been subject to the usual proportionate option consideration as part of the past investment decisions, which</p>

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				<p>take place at the end of PCF stages 0 and 2. In the case of the A417 scheme:</p> <p>(a) A Strategic Outline Business Case and accompanying Options Appraisal Report were prepared by the Highways Agency at the end of PCF stage 0 in August 2014; and</p> <p>(b) An Outline Business Case was prepared by Highways England at the end of PCF stage 2 in January 2019.</p> <p>All of those documents informed the stage gate assessment review (SGAR) at the end of the respective PCF stage, and the subsequent investment authorisation to proceed with the project in accordance with the PCF.</p> <p>Paragraph 4.27 of the NPSNN concludes by confirming that it is not necessary to reconsider this process, where the Examining Authority and decision maker are satisfied that it has taken place.</p> <p>National Highways' previous response to ExA Question 1.1.6 at Deadline 1 (see Document Reference 8.4, REP1-009) provided an explanation of the proportionate option consideration which has been carried out to inform the investment decisions taken in accordance with the PCF.</p>
1.1.8	Applicant, CCB	<p><b>Options Appraisal</b></p> <p>a) In its Relevant Representation (RR) [RR-021] CCB at Key question 3 refer to two detailed reports on suggested alternatives. Could the Applicant/CCB please confirm the title and</p>	<p>CCB confirms it will submit:</p> <ul style="list-style-type: none"> <li>• Confidential: Cut and cover tunnel feasibility study*</li> <li>• Cotswolds Conservation Board – Options Report (Document Reference REP1-029)</li> </ul>	<p>National Highways has no further comments to make, in light of our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009). The documents can be found at Document Reference 8.6, REP1-011 (Cut and cover tunnel feasibility study) and 8.5, REP1-010 (CCB Options Report).</p>



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		<p>references of these reports and whether they have been submitted into the Examination?</p> <p>b) If they have not could the Applicant please submit these or explain why it is not necessary or appropriate to do so?</p>	<p>*The document entitled 'Confidential: Cut and cover tunnel feasibility study' referred to in this submission has not been accepted into the Examination. The Applicant has submitted a version of this document at Deadline 1 which is available to view. See REP1-011.</p>	
1.1.11	GCC, TBC, CDC	<p><b>Environmental Statement Methodology</b> Are there any concerns about the approach to EIA or the EIA methodology, with particular reference to paragraph 4.5.18 of ES Chapter 4 [APP-035]?</p>	<p>GCC, TBC, CDC confirm the Joint Councils are generally satisfied with the approach to EIA and the EIA methodology that is outlined within the Environmental Statement (ES). With regard to paragraph 4.5.18 of ES Chapter 4 [APP-035], the Joint Councils are satisfied with the assessment of impacts and significant effects in the air quality and noise and vibration chapters and that they have followed the relevant DMRB guidance. The Joint Councils do express some concerns about the approach to the EIA/ EIA methodology for Cultural Heritage, Climate and Materials and Waste.</p>	<p>National Highways has provided its latest position in relation to cultural heritage concerns in its Response to Cultural Heritage Issues Raised (Document Reference 8.14).</p> <p>National Highways has provided its latest position in response to matter outstanding 14.1 (Assessment Methodology (GHG emissions assessment)) in Table 5.1 in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006).</p> <p>National Highways has provided its latest position in response to matter outstanding 10.1 (surplus material) in Table 5.1 in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006).</p>
1.1.19	GCC, TBC, CDC	<p><b>Community Engagement</b> The ExA is concerned that the EMP, and REAC, [APP-317] do not provide adequate and clear instructions on how the Applicant intends to liaise with the local community during construction. This comment is based on the Applicant's approach to community engagement during</p>	<p><i>GCC, TBC, CDC Response:</i> The Joint Councils note that the EMP [APP-317] refers to a Contractor Community Relations Manager (Table 2-1, EMP) who will be responsible for communications with the public, non-agricultural landowners, stakeholders and other interested parties, outreach and education during construction. There is no detail as to the methodology for carrying out the engagement with the</p>	<p>The methodology for carrying out the engagement with the public as part of the future update of ES Appendix 2.1 Environmental Management Plan (EMP) (Document Reference 6.4 Rev 1) will be discussed and communicated by National Highways with the Joint Councils, and other stakeholders as appropriate, following its appointment of a contractor which is required to help inform the detailed design stage of</p>

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		<p>construction of the Proposed Development, should the SoS decide to make the Order, and whether this is adequately secured in the draft DCO.</p>	<p>public. For example, there is no reference to a Community Engagement Plan that would outline the communication methods and approach. 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 SoS and this would set out in more detail than what is provided in the EMP and REAC.</p>	<p>planning (should the scheme be approved to proceed to construction).</p> <p>Table 2-1 of the EMP defines the responsibilities associated with construction that the contractor must establish and maintain. We will work with stakeholders, including the Joint Councils, to inform the activities of the Contractor Community Relations Manager (CRM) (Table 2-1, EMP) through the project's long-standing Communications Technical Working Group.</p>
<p>1.1.21</p>	<p>GCC, TBC, CDC</p>	<p><b>Management Plans</b>                      a) Are the respective Councils content with their roles and responsibilities in reviewing management plans produced under the umbrella of the EMP?                      b) If not, why not?</p>	<p><i>GCC, TBC, CDC Response:</i>                      The Joint Councils note a series of management plans are identified in Requirement 3 of the dDCO [APP-022] and the process on which the Joint Councils are consulted on this and other Requirements is set out in Requirement 4. This process is generally acceptable to the Joint Councils with the following clarifications.                      The Joint Councils would question why the process for consultation is set out in Requirement 4 rather than in Schedule 2; Part 2 of the dDCO – Procedures to Discharge Development.                      No statutory period for consultation with the Joint Councils is identified in Requirement 4 or Part 2 of the dDCO.                      The Joint Councils would expect to see a minimum of 21 days of consultation with a mechanism for extending this period if further issues are raised or the full information to be submitted to the Secretary of State is not made available to the Joint Councils.</p>	<p>National Highways considers that the placement of Requirement 4 (Details of consultation) within the draft Development Consent Order (dDCO) (Document Reference 3.1 Rev 1, REP1-003) is appropriate. The Secretary of State (SoS) will be the responsible organisation for the discharge of dDCO requirements, and Part 2 of Schedule 2 to the dDCO sets out the procedure for such discharges. Consultation prior to submission of details to the SoS for approval is included within specific requirements, as appropriate, within Part 1 of Schedule 2. Details of prescribed consultation has therefore been included within Part 1 in accordance with National Highways' standard dDCO drafting.</p> <p>The function of Requirement 4 is to control the subsequent submission of details by National Highways to the SoS. Where consultation is prescribed in relation to a requirement, National Highways must submit a report on the consultation carried out and the manner in which such consultation has been taken into account, where appropriate, reasonable, and</p>

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			<p>The Joint Councils would also expect to see a Community Engagement Plan on the list of Management Plans to be consulted on and discharged by the Secretary of State (see Question 1.1.19). There is no mechanism for recouping costs related to reviewing and advising on the discharge of Requirements; 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.</p>	<p>feasible to do so. A copy of the report must be provided to the relevant consultees at the time of submission. The SoS has the right to request further information under Requirement 16 (Further information), if necessary.</p> <p>National Highways has committed to engaging with the Joint Councils throughout the detailed design process, as further detailed within the ES Appendix 2.1 EMP (Document Reference 6.4 Rev 1). National Highways does not consider that a prescribed consultation period under Requirement 4 is necessary or appropriate, and that the introduction of such a requirement could cause undue delay.</p> <p>National Highways therefore respectfully suggests that the changes sought by the Joint Councils are unnecessary. They would also significantly extend the administrative period required to discharge these Requirements, which in the context of a Nationally Significant Infrastructure Project for much-needed highway improvements, is not therefore justified. The controls which appear in these two Requirements have been sufficient to safeguard the discharge process on a number of other approved National Highways dDCOs. Please refer to the further response to Q1.1.19 above for National Highways' comments on the proposed Community Engagement Plan.</p> <p>No service level agreement (or other funding mechanism) is currently proposed for the discharge of post-consent activities.</p>

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1.1.25	Applicant, GCC	<b>Legal Agreement</b> With regards to measure PH3 in the EMP [APP-317], what progress has been made on any legal agreement between the parties and will a completed obligation be presented to the ExA before the close of the Examination?	GCC believe that there is no requirement for National Highways to enter into a legal agreement.	National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009)
1.1.29	Applicant, CDC, CCB	<b>Cotswold National Park</b> A few relevant representations have raised the prospect of the creation of the Cotswold National Park. Provide any information on any intentions or workings undertaken on any such creation to date and what, if any, the implications of the Proposed Development would have on achieving any National Park status.	<i>CDC Response [Extract]:</i> CDC has not undertaken any workings towards changing the designation of the Area of Outstanding Natural Beauty (AONB) to a National Park and is not aware of any plans in place to do so by others. GCC has written to Natural England and Ministers in response to the Glover Report, to oppose the notion of a National Park designation  <i>CCB Response [Extract]:</i> The Conservation Board has advocated the case for the Cotswolds becoming a National Park in the Cotswolds AONB Management Plan 2018-2023. If the A417 Missing Link scheme is permitted, it is highly likely that the scheme would be implemented before significant progress has been made on consideration of National Park status and well before National Park status is actually achieved.	National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).
1.1.30	Applicant, Western Gateway Sub-National Transport Body	<b>Strategic Transport Plan</b> Explain the relevance and importance of the Strategic Transport Plan with regards to the Proposed Development,	None received	National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009)

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		referencing the NPSNN and PA2008 where appropriate.		
<b>1.2 Air Quality and Emissions</b>				
1.2.4	GCC, TBC, CDC	<p><b>Air Quality Management Areas (AQMAs)</b></p> <p>a) Are the Applicant's identification and description of AQMAs within the Order limits correct and representative of the challenges faced in the respective AQMA?</p> <p>b) Do concerns remain about the prospect of the objectives within the AQMAs being prejudiced by the Proposed Development and, if so, what reassurances are required?</p>	<p><i>GCC, TBC, CDC Response:</i></p> <p>a) Yes, NH has correctly identified that within the Order limits, there is one AQMA, the Birdlip AQMA, declared by CDC for exceedances of the national annual mean nitrogen dioxide (NO<sub>2</sub>) objective at the Air Balloon Roundabout. However, outside of the Order limits, but within the air quality study area, there is an additional AQMA, the Cheltenham AQMA, which is not correctly described in the air quality chapter of the ES [APP-036]. Cheltenham Borough Council revised this AQMA in 2020 from covering the whole borough to covering a limited number of properties in the town centre due to a general reduction in pollutant concentrations.</p> <p>b) It is accepted that the Scheme should reduce annual mean NO<sub>2</sub> concentrations within the Birdlip AQMA as a result of the relocation of the road. It is however, recommended that monitoring should be continued at this location once the Scheme is operational to ensure concentrations will actually reduce below the national objective with the Scheme and allow a revocation of the AQMA.</p>	<p>The latest Cheltenham Annual Status Report was published in August 2021 identifying the revised Cheltenham AQMA area around Poole Way and Swindon Road. The AQMA has still not been updated on national databases so it is reasonable that the air quality assessment would not have identified the revised AQMA. This revised AQMA is not on the Affected Road Network (ARN) for the air quality assessment, therefore it is considered there would be no impact on air quality in this AQMA as a result of the scheme.</p> <p>National Highways is not presently undertaking monitoring at the Birdlip AQMA. The local authority undertakes monitoring at the Birdlip AQMA as they are required to as part of their Local Air Quality Management process. The local authority should continue monitoring at the Birdlip AQMA until there is no longer an air quality concern.</p>
1.2.10	GCC, TBC, CDC	<p><b>Mitigation</b></p> <p>a) Do you agree with the Applicant's position that any adverse impacts would be reduced to a negligible level by virtue of mitigation in the</p>	<p><i>GCC, TBC, CDC Response:</i></p> <p>a) Yes, the Joint Councils accept that adverse impacts from construction dust would be reduced provided that appropriate mitigation measures are in place and are secured in an EMP. The</p>	<p>National Highways has taken this response into account and Commitment AQ3 has been strengthened, see ES Appendix 2.1 EMP (Document Reference 6.4 Rev 1) submitted at Deadline 2.</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
		<p>Environmental Management Plan?</p> <p>b) If not, why not and what level of impact would be experienced?</p>	<p>measures currently within the EMP [APP-317] appear appropriate, although we would suggest that point AQ3 is strengthened to ensure all temporary roads are hard surfaced. We do not however agree that the impacts from construction traffic would be negligible, as discussed in the response to written question 1.2.11 (below).</p> <p>b) No response required.</p>	
1.2.11	Applicant, GCC, TBC, CDC	<p><b>Mitigation</b></p> <p>a) Whilst paragraph 5.10.12 of ES Chapter 5 [APP-036] predicts no new exceedances of annual mean NO<sub>2</sub>, receptors 50 and 51 would see a 0.5yg/m<sup>3</sup> increase on top of the existing exceedance of 43.7yg/m<sup>3</sup>. What bespoke mitigation measures could be implemented to reduce the worsening of air quality for these residents?</p> <p>b) For what duration is construction predicted in the locality of these receptors?</p>	<p><i>GCC, TBC, CDC Response:</i></p> <p>a) The increase in annual mean NO<sub>2</sub> concentrations at receptors 50 and 51 during construction is expected to arise as a result of the increase in HGVs along the A417. The Joint Councils would welcome additional mitigation measures to reduce emissions in this area. These could include such measures as traffic management measures to reduce flows along this section at peak periods, or to reduce queuing outside Air Balloon Cottages</p>	National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).
1.2.13	Natural England	<p><b>Ancient Woodland and Veteran Trees</b></p> <p>Are there concerns remaining with regards to the operational phase effects of the Proposed Development upon Ancient Woodland and Veteran Trees?</p>	<p><i>Natural England Response [Extracts]:</i></p> <p><b>Ancient Woodland</b></p> <p>Natural England accepts that the scheme impacts are unavoidable with this route, that mitigation is not possible, and we therefore accept the principle of compensation, in this specific case. We are satisfied that the compensation proposed is appropriate in the</p>	National Highways has provided further comments to help address concerns about Veteran Trees and Ancient Woodland in section 2.11 of its Response to Written Representations (Document Reference 8.11) submitted at Deadline 2.

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			<p>circumstances. This subject is included in our Statement of Common Ground with National Highways, in the 'matters agreed' section.</p> <p><b>Veteran Trees</b>                      A veteran beech tree within the scheme boundary will experience an increase of 1.04kg N/ha/yr. This represents a 10.4% increase against the lower critical load (for broadleaved woodland) at 10kg N/ha/yr. This is stated in paragraph 8.10.268 of the Chapter 8 – Biodiversity. Permanent degradation of this habitat feature is expected.                      Paragraph 8.10.271 of Chapter 8 – Biodiversity states that mitigation measures will be undertaken to improve the health of the trees, but that the degree to which these measures will counteract degradation from nitrogen deposition are not quantifiable. There is therefore considered to be a permanent affect to the integrity of this veteran beech tree. The residual effect associated with the scheme is considered to be large adverse at the national level, and significant.</p>	
1.2.15	Climate Emergency Policy and Planning	<p><b>EIA Regulation 20</b>                      In your Relevant Representation [RR-018], you state the Proposed Development is not compliant with EIA Regulation 20. Please expand fully on where and why you believe this is the case.</p>	<p><i>CEPP Response [Extract]:</i>                      It is clear that the Environmental Statement does not comply with the requirements of the NPS NN and the EIA Regs, and it therefore is unlawful.</p>	<p>National Highways disagrees with this conclusion and provides a response to Climate Emergency Policy and Planning's Written Representation in its Response to Written Representations (Document Reference 8.11).</p>
<p><b>1.3 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))</b></p>				

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1.3.1	Applicant, GCC	<p><b>Biodiversity Metric</b> The ExA cannot locate a figure or appendix setting out the Applicant's assessment against the Biodiversity Metric 2.0 calculations. In this regard, can the Applicant:</p> <ul style="list-style-type: none"> <li>a) Present the calculation in full and set out the results (or direct the ExA to where the calculation exists).</li> <li>b) Detail how the results have influenced the approach to biodiversity net gain and mitigation.</li> <li>c) What effect, if any, would the re-purposing of the car park at the Barrow Wake viewpoint have on the Biodiversity Metric 2.0 calculations and, as a result, would that justify compulsory acquisition of the car park or would CA be necessary if retained by GCC and alternative management secured?</li> <li>d) Natural England released Biodiversity Metric 3.0 on 7 July 2021. Explain whether or not a calculation using this new metric should (or should not) be provided for this DCO application and, if so, how the Proposed Development performs against it.</li> </ul>	<p><i>GCC Response [Extract]:</i> Whichever Metric is used (if any), GCC would encourage NH and the ExA to consider the key importance of calcareous grassland to the area and ensure that it is adequately valued in any calculations and to consider whether the steep topography in parts of the DCO boundary is adequately considered (taking note of that steep faces may be under counted in 2D plan view).</p>	<p>National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009)</p> <p>However, further information is provided to help address concerns about biodiversity net gain in section 2.16 of the Response to Written Representations (Document Reference 8.11).</p> <p>National Highways note in the current "Consultation on Biodiversity Net Gain Regulations and Implementation" launched by Defra on 11 January 2022, that the biodiversity net gain requirement for NSIPs will be brought forward by November 2025 through a 'biodiversity gain statement' or statements. Projects which have been accepted for examination by the Planning Inspectorate before the specified commencement date will not be required to deliver mandatory biodiversity net gain.</p>



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1.3.4	Applicant, Natural England, Gloucestershire Wildlife Trust	<p><b>Calcareous Grassland</b></p> <p>a) Chapter 15 of the ES [APP-046] purports to provide a gain of 72.5 hectares of calcareous grassland habitat. Is this expected delivery robust and is there evidence to suggest the full quantum stated would be successfully delivered?</p> <p>b) With reference to paragraph 2.8.48 of Chapter 2 to the ES [APP-033], is the creation of calcareous grassland possible on a bridge?</p> <p>c) Would the habitat be able to survive with potential nitrogen deposition and air pollutants emanating from the road below, given the summary in paragraph 8.8.8 of ES Chapter 8 [APP-039]?</p>	<p><i>Natural England Response [Extract]:</i> Natural England considers the scale and design of the green bridge to be acceptable, if not quite meeting our initial advice.</p> <p>The Gloucestershire Wildlife Trust (GWT) provide a detailed response including recommendations for additional information to be provided.</p>	<p>National Highways has no further comments to make in response to Natural England's response, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009)</p> <p>GWT offers many recommendations for additional information to be provided and it is intended that these matters continue to be discussed as part of the ongoing Statement of Common Ground (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006). However, we consider that all necessary and appropriate information in support of the DCO application has already been provided for the purposes of preliminary design and examination. Where appropriate we will carefully consider updates to the EMP and LEMP at the detailed design stage in collaboration with GWT.</p> <p>During operation of the scheme, habitat will be managed and maintained on an ongoing basis, in line with the LEMP (end of construction), to ensure target condition is reached and the habitat achieves its function as mitigation for the scheme. This management will be committed for the design life of the development (as a minimum) either through the ongoing activities of the National Highways estates' function (for permanent land take) or through agreement with</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
				landowners. National Highways' response to Q1.3.2 is also of relevance.
1.3.5	Applicant, Natural England, Gloucestershire Wildlife Trust	<p><b>Wildlife Crossings</b></p> <p>a) What evidence is there to demonstrate the success/ effectiveness of wildlife crossings, such as the one proposed here for the Gloucestershire Way, from other road schemes?</p> <p>b) Is it a robust solution to protect or provide for biodiversity in this manner?</p>	GWT provide a detailed response including recommendations for additional information to be provided.	<p>National Highways has no further comments to make in response to Natural England's response, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).</p> <p>GWT offers many recommendations for additional information to be provided and it is intended that these matters continue to be discussed as part of the ongoing Statement of Common Ground (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006). However, we consider that all necessary and appropriate information in support of the DCO application has already been provided for the purposes of preliminary design and examination. Where appropriate we will carefully consider updates to the EMP and LEMP at the detailed design stage in collaboration with GWT.</p>
1.3.14	Applicant, Natural England, GCC, TBC, CDC and CCB	<p><b>Barrow Wake Car Park</b></p> <p>What would be the effects of closing the Barrow Wake car park, taking into account the need to manage recreational pressure within the Crickley Hill and Barrow Wake SSSI and for recreational use in the area generally?</p>	<p><i>Natural England Response [Extract]:</i></p> <p>The removal of the car park at Barrow Wake would mean that it would not become a focal point for visitors to the area. The reversion of the car park to calcareous grassland could help to offset the biodiversity losses of this scheme. This would buffer the SSSI and contribute towards the aspirations of the Nature Recovery Network.</p>	National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).

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			<p><i>GCC, TBC, CDC Response [Extract]:</i> The Joint Councils advise the ExA that the Barrow Wake car park should not form part of the DCO.</p> <p><i>CCB Response [Extract]:</i> It was our understanding that this was not to be part of the DCO/ examination process. We are involved in the review of Barrow Wake Car Park (which is being led by Gloucestershire County Council).</p>	
1.3.15	Natural England	<p><b>SAMM for Crickley Hill and Barrow Wake SSSI</b></p> <p>a) Would a contribution towards Strategic Access Management and Monitoring be required to manage and mitigate the increased recreational pressure on the Crickley Hill and Barrow Wake SSSI?</p> <p>b) If yes how would this be secured?</p>	<p><i>Natural England Response [Extract]:</i> alongside SAMM, there is a need to deflect access away from the designated sites in this part of the world by providing alternative countryside destinations for people to visit for recreation.</p>	National Highways has provided further comments to help address concerns about recreational pressure in section 2.15 of its Response to Written Representations (Document Reference 8.11).
1.3.16	Applicant, Natural England	<p><b>Great Crested Newt Licence</b></p> <p>a) Based upon the findings of the Environmental Statement and the studies thereto, is it likely that there will be a requirement for a great crested newt license to be sought and obtained by the Applicant prior to construction?</p> <p>a) Has the Applicant sought a letter of no impediment?</p>	<p><i>Natural England Response:</i> Natural England met with the consultants to discuss the potential impacts of the scheme on great crested newts on 19 August 2021. We can confirm that there is no licence required at present and therefore no Letter of No Impediment is necessary.</p>	National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).

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1.3.21	Applicant, Natural England	<p><b>Water Features – Harm to Wildlife</b></p> <p>a) Would the introduction of attenuation ponds and drainage basins in close proximity to the Proposed Development encourage wildlife into areas where the potential for harm or strike increases?</p> <p>b) Would it be likely species might cross the A417 in new locations to access the water features, altering the foraging and distribution habits?</p>	<p><i>Natural England Response:</i></p> <p>Broadly speaking attenuation ponds and drainage basins are useful for a range of species. Whilst there may be a level of mortality due to collisions this will not offset the overall benefits of these features.</p> <p>Wildlife crossing points have been located at the points where species movements were highest, in order to enable species to cross safely. This includes bat and badger underpasses and the green bridge. In addition, in order to reduce risks as far as possible the Environmental Management Plan 8D41 requires the planting of woody species of a height of at least 3m to be undertaken in areas considered to be of high collision risk for wildlife with particular regard to bats and barn owls.</p>	<p>National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).</p>
1.3.23	Applicant, Natural England, Wildlife Trust	<p><b>Edge Habitat</b></p> <p>a) Is a 2m buffer between works compounds and hedgerows sufficient to maintain 'edge habitat' for wildlife as stated in ES Chapter 8 paragraph 8.9.47?</p> <p>b) Should this separation distance be wider to avoid noise, vibration, dust and disturbance through human activity?</p>	<p><i>Natural England Response [Extract]:</i></p> <p>Natural England has no standard guidance on this matter. Our standing advice on Ancient woodland and veteran trees may be of some use.</p> <p><i>GWT Response [Extracts]:</i></p> <p>a) current Government agricultural payment schemes (Countryside Stewardship) recommend minimum buffer strips of 4-6 m for barn owls.</p> <p>b) GWT understands that the 2m minimum buffer is based on the cross-compliance guidance designed to protect hedgerows from agricultural activities. This is a sensible starting place, but</p>	<p>National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
			some road construction activities will have different impacts compared to agricultural activities and may require a larger buffer.	
1.3.27	Applicant, Natural England	<b>Construction Noise Effects</b> Are the species of fish identified in paragraph 8.9.102 of ES Chapter 8 sensitive to noise and vibration (are they able to 'hear') and if so, would construction activities cause harm to or early displacement of these fish?	<i>Natural England Response [Extract]:</i> In-river construction would avoid sensitive fish breeding seasons. Fish would be relocated to an unaffected reach of Norman's Brook downstream of the new channel (as opposed to the new channel section itself). Consultation with the Environment Agency would be undertaken in advance of any works. The realignment of Norman's Brook would be conducted under the relevant guidance in this LEMP and EA permits.	National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).
1.3.29	Natural England	<b>Translocation</b> It is proposed (with reference to measure BD19 in the EMP) to translocate reptiles to suitable receptor sites. Would Natural England be supportive of this or could keeping populations local to the area (i.e. provision of suitable nearby compensatory habitat, perhaps with one of the attenuation ponds as a focus) be achievable?	<i>Natural England Response [Extract]:</i> We are satisfied that this is an appropriate approach. Equally if a suitable site were to be created as a part of the scheme then that would be equally welcome. Ultimately we would support the translocation of reptiles to whatever site was deemed to be the most suitable to securing the long-term health of reptile populations.	National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).
1.3.31	Stroud District Council	<b>Beechwood SAC</b> What measures would the Council require, or request be provided with regards to controlling recreational use of the Beechwood SAC, and in what form (Development	None received	National Highways has no further comments to make, further to our submission in response to question 1.3.41 a) in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009). This is based on the understanding that there has

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		Consent Obligation or a Requirement of the dDCO) should such provision be made?		been no response from Stroud District Council.
1.3.32	Applicant, Natural England	<p><b>Land Surveys</b> The ES reports some difficulties gaining access to land for surveys. To what extent does this mean that the knowledge of local ecology is not comprehensive, and are the assumptions that have been made in lieu of full survey results fair and reasonable for an informed assessment?</p>	<p><i>Natural England Response:</i> Section 8.5 of the ES Chapter 8 - Biodiversity describes the assessment assumptions and limitations. It is our understanding that all outstanding surveys were carried out in 2021 and that information gathered would not materially affect the decisions that had been taken. We therefore agree that the Environmental Statement is still valid.</p>	National Highways has no further comments to make,
1.3.34	Applicant, Natural England	<p><b>Scope of HRA</b> The Applicant explains that it has consulted Natural England throughout the process. Point 6.16 of Table 4-1 in the Statement of Commonality [APP-419] states that in an email dated April 2021, Natural England stated it is "satisfied about the approach and conclusions of the draft HRA".</p> <p>a) A copy of this email has not been provided in the HRA Screening Report; can a copy of the e-mail be provided for completeness?</p> <p>b) Could Natural England confirm that they are satisfied with the scope of</p>	<p><i>Natural England Response [Extract]:</i> Natural England is satisfied with the Habitat Regulations Assessment on all counts, with the exception of the consideration of European eel, which is a listed interest feature of the River Severn Ramsar site. We are asking that the Severn Estuary Ramsar site is progressed through to the Statement to Inform Appropriate Assessment stage of the Habitat Regulations process.</p>	<p>National Highways has provided further comments to help address this change, in Table 4-1 of its Response to Written Representations (Document Reference 8.11). In light of Natural England's revised position, National Highways agrees that the competent authority should undertake an appropriate assessment of the potential impacts of the scheme upon the European eel population of the Severn Estuary Ramsar site. National Highways agrees with Natural England that the change is not material and that the mitigation within the scheme for fish, including European eel, would ensure no adverse effect on the integrity of the Ramsar site.</p> <p>National Highways considers that existing submitted application documents provide the information that the competent authority</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
		<p>the Applicant's assessment of effects on European sites?</p> <p>c) Is NE content with the Applicant's approach to the in-combination assessment?</p> <p>a) Are there any other sites or site features that could be affected by the Proposed Development?</p>		requires to carry out the appropriate assessment of Severn Estuary Ramsar site.
1.3.35	Applicant, Natural England	<p><b>Habitats Regulation Assessment</b></p> <p>The Department of the Environment, Food and Rural Affairs (DEFRA) published a policy paper on 1 January 2021 relating to changes to the Habitats Regulations 2017 following the United Kingdom's (UK) departure from the European Union. Explain whether this paper has any bearing on, or implications for the Proposed Development.</p>	<p><i>Natural England Response [Extract]:</i></p> <p>The obligations of a competent authority in the 2017 Regulations for the protection of sites or species have not changed. Natural England advises that there are no changes relevant to the consideration of this scheme.</p>	National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).
1.3.36	Natural England	<p><b>Reptile Surveys</b></p> <p>Paragraph 2.5.8 of the Reptile Survey states that a number of surveys were undertaken in July 2019, outside of the optimal survey season and other access restrictions impacted on obtaining survey data. Provide a response as to the accuracy and acceptability of the Applicant's assessment.</p>	<p><i>Natural England Response [Extract]:</i></p> <p>On the basis of the information shared to date, Natural England is satisfied with this proposed mitigation and has no objections to the scheme in relation to impacts on reptiles. As a licence is not required, there is no need for a Letter of No Impediment. This is covered paragraph 6.20 of our Statement of Common Ground.</p>	National Highways has no further comments to make, further to our matter agreed in Appendix C of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006).

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1.3.37	Gloucestershire Wildlife Trust	<p><b>Nature Recovery Network</b></p> <p>With reference to your Relevant Representation [RR-042], provide a high-level summary of what the Nature Recovery Network comprises and what its objectives are. How important are the identified nature reserves to the overall integrity of the network?</p>	<p><i>GWT Response (Extract):</i></p> <p>At present, the NRN is the most comprehensive representation of Gloucestershire's ecological networks.</p>	<p>National Highways has no further comments to make, acknowledging the response.</p>
1.3.41	Applicant, Natural England	<p><b>Beechwoods SPA</b></p> <p>In the Habitats Regulation Assessment Statement to inform Appropriate Assessment [APP-415] the conclusions section includes: Paragraph 10.1.2 which states that there is uncertainty of the efficacy of integral mitigation measures “and it would therefore not be robust to draw a conclusion of no adverse effect on integrity based on those measures. Therefore, additional precautionary mitigation will be provided in the form of measures to control recreational use of the SAC to address this uncertainty; and 10.1.3 which states In conclusion, there will be no significant adverse effect upon the integrity of Cotswold Beechwoods SAC as a result of the scheme, either alone or</p>	<p><i>Natural England Response [Extract]:</i></p> <p>The A417 Missing Link scheme includes the Cotswold Way crossing, the Gloucestershire Way green bridge, the Air Balloon Way, and parking provision near to the Golden Heart. These new assets could potentially significantly alter the way people utilise this landscape, and the interrelationship between these assets and the Cotswold Beechwoods is difficult to predict. The Beechwoods are only a 2.3km walk from the new Cotswold Way crossing. The additional precautionary mitigation proposed is therefore considered to be necessary to the conclusion of no adverse effects on the integrity of the Cotswold Beechwoods SAC.</p>	<p>National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).</p>



Number	Directed to	Question	Third Party Responses	National Highway's Response
		<p>in combination with other plans or projects.”</p> <p>a) Can the Applicant confirm what the 'additional precautionary mitigation' measures are which are proposed for the Cotswold Beechwoods SAC? The Applicant is requested to identify any factors that might affect the certainty of the implementation of the additional precautionary mitigation measures.</p> <p>b) Can Natural England confirm if they agree that there will be no adverse effects on the integrity of the Cotswold Beechwoods SAC without the additional precautionary mitigation measures?</p>		
<p><b>1.4 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b></p>				
<p>1.4.8</p>	<p>National Trust</p>	<p>Statement of Reasons With reference to paragraph 7.6.6 of the Statement of Reasons [APP-024] and its RR [RR-079] can the National Trust confirm whether it has any objection to the compulsory acquisition of any land it holds inalienably?</p>	<p><i>National Trust Response [Extract]:</i> The National Trust has no objection to compulsory acquisition of the parcels of land identified on 'LAND PLANS APFP REGULATION 5(2)(i)(I), (II), (III) SHEET 2 OF 6 Drawing Number HE551505 Revision C01' as 2/14, 2/14a, 2/14b and 2/14c. These parcels of inalienable land were dedicated for highways use and are covered by Deeds of Dedication, 1961 and 1963.</p>	<p>National Highways has provided an update on discussions with Affected Parties including the National Trust in Chapter 3 of its Response to Written Representations (Document Reference 8.11).</p>

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1.4.20	Environment Agency	Watercourse Rights What are the current positions of the Applicant and the Environment Agency in terms of its rights relating to watercourses?	<i>Environment Agency Response:</i> The Environment Agency (EA) has rights in relation to Main Rivers. There are no designated Main Rivers within the red line boundary.	National Highways has no further comments to make, in agreement with the response from the EA.
1.4.22	Environment Agency, Natural England, GCC, CDC, TBC	<b>Other Consents</b> The ES notes that the contractor appointed to undertake the construction works would need to apply for various environmental permits, discharge and other consents once detailed design is complete. Given that such applications have not been made, the Examining Authority and Secretary of State cannot be sure from the information provided if adequate avoidance or mitigation of environmental effects are possible, and therefore if all of these consents are achievable. Could the Environment Agency and the relevant local authorities with responsibilities in this area please provide an opinion on the likelihood of all such permits and consents being achieved?	<i>Environment Agency Response [Extract]:</i> whilst we cannot absolutely predetermine the Permit situation, we have confidence that it will be possible to secure the necessary Permits and Licences.  <i>Natural England Response:</i> Natural England has provided Letters of No Impediment for all protected species which require licences, namely bats, badgers and Roman snail.  <i>GCC, CDC, TBC Response [Extract]:</i> In relation to the other consents that the Joint Councils are the relevant authority for, as listed below, it is considered that consents and permits could realistically be achieved. It should be noted however, that NH seeks to disapply Land Drainage Consent in the Order. The Joint Councils consider this is not acceptable because details and drawings of the watercourse designs are not included in the application and there are no means of securing the informally agreed design in the Order.	National Highways has no further comments to made in response to the Environment Agency or Natural England's submission. Relevant matters are agreed in the Statements of Common Ground with the Environment Agency and Natural England, with further updates planned for Deadline 3 (Statement of Commonality, Document Reference 7.3 Rev 1, REP1-006).  In response to the Joint Councils, National Highways are engaged with ongoing discussions to help address any concerns and positively progress the other consents. An update will be provided in the Statement of Common Ground with the Joint Councils planned for Deadline 3 (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006).
1.4.23	Applicant, Gloucestershire Wildlife Trust	<b>Replacement Common Land</b> Paragraph 12.10.41 in reference to the replacement common land repurposed from the A417 states it is to be	<i>GWT Response:</i> GWT supports the principle of the replacement common land being used to buffer the Barrow Wake unit of the SSSI	National Highways provides the following response to address the query raised by GWT (and will write to confirm this with their agent accordingly as set out in our Response to Written Representations, Document

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		<p>planted as Calcareous Grassland Habitat, in co-ordination with Gloucestershire Wildlife Trust, who would become owner of the replacement land. Is there a written agreement or obligation to this effect and, if so, can it be provided?</p>	<p>and would be interested in becoming the owner of this land. At present there is no written agreement in place because National Highways has only recently engaged GWT's land agent. One point for clarification is whether there is overlap between the proposed replacement common land, and land already under GWT ownership. Based on the maps provided in the DCO submission (chapter 2.3, sheets 2 and 3), GWT cannot confidently answer this question, however, they appear to show an overlap.</p>	<p>Reference 8.11) in relation to the ownership of the proposed replacement common land: As shown on the Special Category Land Plans (Document Reference 2.3 Rev 1, AS-037) plots 2/1q, 2/1r, 2/1n, 3/1s and 3/1p are identified as Replacement Common Land. Some of these plots lie adjacent to land owned by GWT but are all in the ownership of Highways England, as identified within Part 5 of the Book of Reference (Document Reference 4.3, APP-026).</p>
<p><b>1.5 Draft Development Consent Order (DCO) [APP-022]</b></p>				
<p>1.5.3</p>	<p>Applicant, GCC, TBC, CDC, CCB</p>	<p><b>Interpretation</b> a) Is the definition of 'commence' within the dDCO, including those elements that are excluded from that description, acceptable to the Local Planning Authorities? b) Similarly, is the definition of 'maintain' acceptable to the appropriate Authorities? c) In both cases, if not, why not? d) Is the Applicant satisfied that the definition of 'maintain' is consistent with other Development Consent orders?</p>	<p><i>GCC, TBC, CDC Response [Extracts]:</i> a) The Joint Councils have raised concerns about the adequacy of archaeological investigations carried out thus far and consider that a significant program of investigation is still required prior to construction commencing. Given the need to carry this investigation out without delay to construction it is accepted that archaeological investigations should be excluded from the definition of 'commence' in the DCO. However, this would require that the detail in the Detailed Archaeological Mitigation Strategy and Overarching Written Schemes of Investigation must be confirmed in the design-stage EMP [APP-317] to ensure it is appropriately secured in time for investigations to commence.  <i>CCB Response [Extract]:</i></p>	<p>National Highways has made its own submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).  National Highways does however provide further evidence to help address concerns raised about these matters in its Response to Cultural Heritage Issues Raised (Document Reference 8.14).</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
			<p>a) The definition of 'commence' seems reasonable. However, some consideration could be given to whether soil-stripping might constitute a 'material operation' and / or a 'material development' and should, therefore, not be exempted from this definition.</p> <p>b) In particular, there needs to be certainty that the new habitat will be managed, monitored and maintained over the 30+ years of after-care that are required, to enable all of this new habitat to achieve the desired quality. Without this, the potential biodiversity benefits of the scheme will not be realised. We are not sure that the definition of 'maintain' is sufficient to address this issue.</p>	
1.5.5	Applicant, consenting Authorities	<p><b>Article 3</b></p> <p>a) Confirm whether consent has been given in accordance with section 150 of the PA2008 for the disapplication of the consent provisions in 3(a),(b),(c),(d),(i)?</p> <p>b) If not, which provisions need to be removed and why?</p>	<p><i>GCC Response:</i></p> <p>a) See response above in question 1.4.22 with regard to the disapplication of Land Drainage Act consents.</p> <p>b) Discussions are ongoing with NH. It may become necessary to remove provision for the disapplication of Land Drainage Act consents or for the parties to agree Protective Provisions (in the Explanatory Memorandum for the justification of Article 3, the Applicant has stated that it is discussing the need for protective provisions with the relevant regulators, but these discussions have not yet taken place with the Joint Councils.</p>	<p>National Highways has made its own submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).</p> <p>In response to the Joint Councils, National Highways are engaged with ongoing discussions to help address any concerns and positively progress the other consents. An update will be provided in the Statement of Common Ground with the Joint Councils planned for Deadline 3 (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006).</p>
1.5.15	GCC, TBC, CDC, CCB	<p><b>Articles 15, 19, 21, 23 – Deemed Consent</b></p>	<p><i>GCC, TBC, CDC Response:</i></p>	<p>As set out in paragraph 4.61 of the Explanatory Memorandum (Document</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
		<p>There are a number of articles which contain deemed consent provisions, i.e. if the consenting authority does not respond within a certain time consent is deemed to be granted. Are the consenting departments happy with these provisions and the timescales set out?</p>	<p>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.</p> <p><i>CCB Response:</i> The Cotswolds Conservation Board is not the 'consenting authority' with regards to Articles 15, 19, 21 or 23 of the draft Development Consent Order. As such, we do not consider that this questions relates directly to the Board. It is worth noting that the Cotswolds Conservation Board does not own any land, building or infrastructure.</p>	<p>Reference 3.2, APP-023), the deemed consent mechanism in Requirements 15 and 19 is considered necessary to remove the possibility for delay and to provide certainty that the authorised development can be delivered by National Highways in a timely fashion.</p> <p>In practice, the relevant planning authority and the local highway authority will be consulted on any traffic measures required in connection with the Construction Traffic Management Plan prior to commencement of the scheme under Requirement 3 (Environmental Management Plan (Construction Stage).</p> <p>As an NSIP, the scheme should therefore not be at risk of being held up due to a failure to respond to an application for consent within a reasonable period. This provision has been included in previous National Highways orders and the time limit proposed is consistent with those orders.</p>
1.5.34	Applicant, GCC, TBC, CDC	<p><b>Requirements – General</b></p> <p>a) Many of the requirements state that “no part” of the development is to commence until... Can the Applicant clarify what “a part” might be and whether this should be defined somewhere?</p> <p>b) In the absence of any explanation, it seems to the ExA that the development could be commenced in many different “parts” and that</p>	None received	National Highways has made its own submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009). We understand there are no further comments from the Joint Councils.

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		<p>these “parts” could vary from requirement to requirement. This could generate uncertainty about what is approved. Can the LPAs also comment on the acceptability of this?</p>		
1.5.36	GCC, TBC, CDC	<p><b>Requirement 3</b> Are there any concerns regarding the ability of the Applicant to undertake potential noise generating activity outside of normal working hours, as listed in Requirement 3(2)(d)?</p>	<p><i>GCC, TBC, CDC Response [Extract]:</i> With respect to noise, there are no concerns regarding the ability of NH to undertake works outside of normal working hours.</p>	<p>National Highways acknowledges the response and has no further comments to make.</p>
1.5.48	Local Planning Authorities and Statutory Consultees	<p><b>Explanatory Memorandum [APP-023]</b> With regards to the justification of Article 5(2) given in the Explanatory Memorandum, are there any known local acts or legislative provisions that may be implicated by the Proposed Development?</p>	<p><i>GCC Response:</i> The Joint Councils can confirm that to the best of their knowledge, there is no other legislation that may affect land in the proximity of the Scheme.</p>	<p>National Highways acknowledges the response and has no further comments to make.</p>
<b>1.6 Geology and Soils</b>				
1.6.1	Applicant, Environment Agency	<p><b>Hydrology</b> a) With reference to paragraph 9.7.24 in ES Chapter 9 [APP-040], can any more certainty be given as to the relationship between the stream south of the Birdlip junction and the Churn valley? b) What conditions exist that makes its hydrological</p>	<p><i>Environment Agency Response [Extract]:</i> A comprehensive water features survey has been undertaken by NH via their consultants and we are satisfied that all the relevant water features have been located on the ground. Many water features are not flowing all of the time which has been factored into ongoing risk assessments undertaken.</p>	<p>National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
		relationship difficult to ascertain?		
1.6.3	Environment Agency	<p><b>Contamination</b></p> <p>a) Are there any areas of outstanding disagreement regarding the identification, management and mitigation of contamination?</p> <p>b) If so, what are these and what is needed to reassure that adequate protection is in place?</p>	<p><i>Environment Agency Response:</i></p> <p>a) There are no outstanding issues on contamination. All the appropriate assessments have been undertaken regarding the identification and mitigation (where required) for land contamination matters. We are satisfied that this has been adequately addressed.</p> <p>b) n/a</p>	National Highways acknowledges the response and has no further comments to make.
<b>1.7 Heritage</b>				
1.7.1	Historic England	<p><b>Statement of Common Ground</b></p> <p>It is noted that matters within the Statement of Common Ground as relate to Cultural Heritage are marked as 'not agreed' in Table 5-1 of the Statement of Commonality [APP-419]. Is the position reconcilable or are there fundamental matters of dispute that are unlikely to be resolved through Examination?</p>	Historic England set out matters that are not currently in agreement and confirm they working collaboratively with National Highways and other parties and set out a series of matters to help address ongoing concerns. It is hoped that the agreement of the DAMS/OWSI will resolve Historic England's concerns in respect of the issues listed in Table 5-1 of the Statement of Commonality.	<p>National Highways provide further evidence to help address concerns raised about these matters in its Response to Cultural Heritage Issues Raised (Document Reference 8.14).</p> <p>National Highways are engaged in ongoing discussions with Historic England to help address concerns and an update will be provided in their Statement of Common Ground planned for Deadline 3 (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006).</p>
1.7.3	Historic England	<p><b>Assessment Criteria</b></p> <p>a) Do Historic England agree with the assessment criteria as listed in Table 6-4 of ES Chapter 6 [APP-037]?</p> <p>b) Does this represent a proportionate and appropriate approach?</p>	Generally, Historic England agrees with the approach taken but lists exceptions.	<p>National Highways are engaged in ongoing discussions with Historic England to help address concerns and the latest position is set out in their Statement of Common Ground (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006). An update is planned for that document at Deadline 3.</p> <p>National Highways provide further evidence to help address concerns raised about these</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
				<p>matters in its Response to Cultural Heritage Issues Raised (Document Reference 8.14).</p>
1.7.8	Applicant, Historic England	<p><b>Paleoenvironmental Deposits</b>                      In paragraph 6.8.7 of ES Chapter 6 [APP-037] there is reference to paleoenvironmental deposits being affected by hydrological changes. There are however no further references to this within the context of this ES Chapter (other than a brief mention at 6.10.17 discounting any effect). Why is this considered sufficient consideration of the matter and please explain any effects?</p>	<p><i>Historic England Response [Extract]:</i>                      We are seeking through our comments on the DAMS sent 8 December to NH to ensure suitable Paleoenvironmental Assessment, through geo-archaeological surveys, is undertaken pre-construction to inform the hydrological and drainage strategy post-construction. If deposits are identified that will be impacted by dewatering these will be investigate accordingly so there is no loss of knowledge.</p>	<p>National Highways are engaged in ongoing discussions with Historic England to help address concerns and the latest position is set out in their Statement of Common Ground (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006). An update is planned for that document at Deadline 3.</p> <p>National Highways provide further evidence to help address concerns raised about these matters in its Response to Cultural Heritage Issues Raised (Document Reference 8.14).</p>
1.7.9	Historic England, Conservation Officers/ County Archaeologist in GCC, TBC, CDC	<p><b>Impacts on Heritage Assets</b>                      a) Do you agree with the summaries contained in Tables 6-6 and 6-8 of ES Chapter 6 [APP-037]?                      b) Are there any specific entries into that table where either the setting, the nature of the impact, magnitude of impact or significance of effect are disputed?                      c) If so, which entries and why?</p>	<p><i>Historic England Response [Extract]:</i>                      An assessment of the development on the heritage assets should be part of the monitoring of effects through any Management Plans submitted post-construction. This could be secured through a requirement in the DCO or as part of any post construction CEMPS. We can agree with National Highways the best way to secure this through the EMP. HE have identified issues with some of the setting descriptions and nature of impacts, but agree with the magnitude of effects and significance of effects.</p> <p><i>GCC Response [Extracts]:</i></p>	<p>National Highways are engaged in ongoing discussions with Historic England to help address concerns and the latest position is set out in their Statement of Common Ground (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006). An update is planned for that document at Deadline 3.</p> <p>National Highways provide further evidence to help address concerns raised about these matters in its Response to Cultural Heritage Issues Raised (Document Reference 8.14).</p>



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			<p>a) The Joint Council have identified no issues in Table 6-6 of ES Chapter 6 [APP-037] with possible exception of Leckhampton hillfort, which has long, open (albeit relatively long) view towards and along the Scheme as it climbs Shab Hill. Further understanding of detailed design of the cutting and junction in this location will be required. No issues have been identified in Table 6-8, although it could do with updating to reflect results of the archaeological evaluation which identified further non-designated archaeological remains.</p>	
1.7.10	Historic England	<p><b>Assets Affected</b>                      The Applicant states that of the 36 resources that lie within the DCO Boundary described in ES Appendix 6.2 Archaeological assessment [APP-341], 18 would be directly impacted by the scheme. Of the 219 non-designated resources that lie outside of the DCO Boundary, an adverse effect would occur at two assets. Do you consider that any assets have been mis-graded by the Applicant or should be included as being either directly or adversely affected?</p>	<p>Historic England identify some errors and perceived deficiencies as part of their response.</p>	<p>National Highways have corrected the following errors within the updated ES Updates and Errata document (Document Reference 6.7, Rev 1):                      The correct number of non-designated sites listed in Table 6-8 should be 12, as Prehistoric enclosure north east of Emma's Grove was erroneously omitted.                      The correct number of non-designated sites that lie within the DCO boundary for the scheme is 36, not 116.                      Although it is not scheduled, National Highways has agreed for Peak Camp to be upgraded to 'high' value, as amended in the ES Updates and Errata document (Document Reference 6.7, Rev 1).</p> <p>National Highways provide further evidence to help address the concerns raised in its Response to Cultural Heritage Issues Raised (Document Reference 8.14).</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
				<p>National Highways are engaged in ongoing discussions with Historic England to help address concerns and an update will be provided in their Statement of Common Ground planned for Deadline 3 (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006).</p>
1.7.13	GCC	<p><b>Archaeological Works</b>                      What is the County Archaeologist's view on the findings on the construction impacts and effects on known archaeological assets set out in Chapter 6 of the ES [APP-037]?</p>	<p><i>GCC Response [Extracts]:</i>                      The definition of 'commence' in the dDCO [APP-022] excludes archaeological investigations. As such the Detailed Archaeological Mitigation Strategy and Overarching Written Schemes of Investigation secured under Requirement 3 would not have been agreed and discharged in advance of the investigations commencing.                      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.                      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</p>	<p>National Highways provide further evidence to help address concerns raised about these matters in its Response to Cultural Heritage Issues Raised (Document Reference 8.14).</p> <p>In National Highways' Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009), question 1.5.42 responds to the query on the definition of 'commence' in the dDCO.</p> <p>National Highways are engaged in ongoing discussions with Historic England and the County Archaeologist to help address concerns and the latest position is set out in their Statement of Common Ground (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006). An update is planned for that document at Deadline 3.</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
			programme and budget. Currently proposed timescales for archaeological mitigation are also based on a limited understanding of the resource and therefore may prove inadequate.	
1.7.15	Historic England	<p><b>Group Value</b></p> <p>a) To understand your Relevant Representation [RR-047], explain what is meant by: “the harm caused should be assessed within the holistic historic landscape not just as individual assets.”</p> <p>b) Is there a case for assigning a ‘Group Value’ to the assets because they share a communal wider setting?</p>	<p><i>Historic England Response [Extract]:</i></p> <p>(a) Within the ES, some of the resources were assessed as individual resources; but if they were taken as a group and their location within the landscape and relationship to other sites factored into account they would have been of higher value.</p> <p>(b) HE's view is that there is a case to be made for assigning Group Value to associated monuments for the following, as per the above explanation:</p> <ul style="list-style-type: none"> <li>• long barrows and the Neolithic Camps; and</li> <li>• round barrows and Bronze Age settlement at Crickley Hill Camp.</li> </ul>	<p>National Highways are engaged in ongoing discussions with Historic England to help address concerns and the latest position is set out in their Statement of Common Ground (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006). An update is planned for that document at Deadline 3.</p> <p>National Highways provide further evidence to help address concerns raised about these matters in its Response to Cultural Heritage Issues Raised (Document Reference 8.14).</p>
1.7.17	Historic England	<p><b>Trial Trenching</b></p> <p>a) Are Historic England satisfied with the Applicant's conclusions and confidence derived from the trial trenching as stated at paragraph 6.7.42 of Chapter 6 [APP-037] such that they conclude ‘there is a high degree of confidence that the archaeological potential within the DCO Boundary is understood to the degree required for an appropriate impact assessment to be carried</p>	<p><i>Historic England Response [Extract]:</i></p> <p>Historic England are not satisfied that this is the case. To be able to have a high degree of confidence that the archaeological potential is understood this needs to be supported with a range of baseline information, not just the Trial Trenching.</p>	<p>National Highways are engaged in ongoing discussions with Historic England to help address concerns and the latest position is set out in their Statement of Common Ground (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006). An update is planned for that document at Deadline 3. National Highways provide further evidence to help address concerns raised about these matters in its Response to Cultural Heritage Issues Raised (Document Reference 8.14).</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
		out, and for comprehensive mitigation to be designed'? b) If not please explain why and set out your position.		
<b>1.8 Landscape and Visual</b>				
1.8.6	National Trust, CCB	<b>Attenuation Features</b> a) A number of attenuation features are proposed in the Order land. Do you consider the number, design and layout of these to be compatible with the special qualities of the AONB? b) If yes, how and why? c) If not, why not and what are the implications?	<i>National Trust Response [Extract]:</i> We would want the design and layout of the basins to be appropriate within the AONB landscape, and to provide ecological benefits where possible. In this regard, we do have some concerns in relation to the size and appearance of the basin proposed to the south of the Ullenwood roundabout – see our written representation (landscape and visual).  <i>CCB Response [Extract]:</i> It is worth noting that, in all cases, the drainage ponds will be directly adjacent to the A417 (and, in some cases, adjacent to additional infrastructure). In the context of the overall road scheme, the drainage basins are likely to have a relatively minor adverse landscape and visual impact in the long term. As such, they are a relatively minor issue with regards to the effects of the scheme on the natural beauty of the Cotswolds AONB.  CCB also make a number of comments or suggestions in relation to the design of the drainage basins.	Environmental Statement - Chapter 7 Landscape and Visual Effects (Document Reference 6.2, APP-038) assesses likely effects of drainage basin on the landscape character and views, considering the design intention that drainage basins would only contain water after period of rainfall. The shape, size and location of drainage basins have been designed to integrate them into the landscape, with tree planting to help screen them in sensitive views.
1.8.7	GCC, TBC, CDC, CCB	<b>Landscape Mitigation</b> a) Does the Applicant's landscape-led approach go far enough to secure	<i>GCC, TBC, CDC Response [Extract]:</i> a) The Joint Councils consider that NH's landscape-led approach does broadly provide adequate mitigation for the	National Highways provide further evidence to help address concerns raised about assessment of historic landscape matters in

Number	Directed to	Question	Third Party Responses	National Highway's Response
		<p>adequate mitigation for the Proposed Development?                      b) If not, which aspects of the proposed landscaping mitigation are deemed insufficient or requiring work and why?</p>	<p>adverse effects of the Scheme on the majority of environmental aspects affected.                      b) The Joint Councils do however have some concerns with the methodology for assessment of historic landscape (outlined within Chapter 6 of the ES [APP-037]).</p> <p><i>CCB provide comments about the likely impacts on the AONB and its characteristics. Notwithstanding their comments they express that: "the landscape-led approach that National Highways has followed (i.e. considering landscape in every design decision) has resulted in a considerably better scheme than might have otherwise been the case."</i></p>	<p>its Response to Cultural Heritage Issues Raised (Document Reference 8.14). These matters are being discussed as part of the ongoing Statements of Common Ground (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006).</p> <p>National Highways provided details on how the landscaping scheme will be approved and delivered in its response to Q.1.1.28, and how the details of the Cotswold Way and Gloucestershire Way crossings are secured within the dDCO in response to Q 1.5.43 of the Examining Authority's Written Questions (Document Reference 8.4, REP1-009). The relevant planning authority and local highway authority are prescribed consultees under Requirement 3 (Environmental Management Plan (Construction Stage), Requirement 5 (Landscaping), and Requirement 11 (Detailed design).</p>
1.8.8	National Trust, Natural England, GCC, TBC, CDC, CCB	<p><b>Compliance with NPSNN</b>                      Notwithstanding any disputes over landscaping and the effectiveness thereof, what are the parties' views of how the Proposed Development complies with the National Policy Statement for National Networks specifically in regard to development within an AONB?</p>	<p><i>National Trust Response [Extract]:</i>                      We support the scheme's landscape-led vision but do question whether 'landscape led' has underpinned every design decision as suggested by the Applicant. We will continue to review the Applicant's submitted scheme as the examination progresses.</p> <p><i>Natural England Response [Extract]:</i>                      Natural England's view is that the design of the Proposed Development provides for the project to be carried out to high environmental standards in respect of landscape and visual amenity and does include measures to enhance other</p>	<p>National Highways has provided further comments about impacts on the AONB and policy compliance in section 2.12 of its Response to Written Representations (Document Reference 8.11).</p> <p>National Highways provided details on how the landscaping scheme will be approved and delivered in its response to Q.1.1.28, and how the details of the Cotswold Way and Gloucestershire Way crossings are secured within the dDCO in response to Q 1.5.43 of the Examining Authority's first round of Written Questions (Document Reference 8.4, REP1-009). The relevant planning authority and local highway authority are prescribed consultees</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
			<p>aspects of the environment. The applicant has therefore presented a scheme design which responds to its designated landscape location, and by comparison goes beyond what would be expected of a major road scheme located outside of a designated landscape.</p> <p><i>CCB Response [Extract]:</i> We consider that exceptional circumstances do apply and that the scheme would be in the public interest. We consider that the scheme does comply with the requirements of the NPSNN, with regards to development in an AONB.</p> <p><i>GCC, TBC, CDC Response [Extract]:</i> The Joint Councils consider that the assessment of the Scheme against the NPSNN policy tests for developments in AONBs, as set out in Chapter 7 of the Case for the Scheme [APP-417], is fair, thorough and demonstrates compliance.</p>	<p>under Requirement 3 (Environmental Management Plan (Construction Stage), Requirement 5 (Landscaping), and Requirement 11 (Detailed design).</p>
1.8.10	Applicant, Natural England, CCB, GCC, TBC, CDC	<p><b>Viewpoints</b></p> <p>a) Clarify what consultation was undertaken with stakeholders on the locations of viewpoints used for photomontages and whether agreement was reached. If agreement was not reached, provide details of the differences between parties.</p> <p>b) Do you have any comments on the</p>	<p>Natural England confirm in their response that a number of consultations were held as to the location and nature of the viewpoints and it is satisfied that the number, location, quality and nature of the photographs and visualisations used in the Environmental Statement is sufficient, and that no further viewpoints are required.</p> <p><i>CCB</i> acknowledges in their response that there has been some consultation on the location of suitable viewpoints but in</p>	<p>National Highways has no further comments to make in response to Natural England or the Joint Councils, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).</p> <p>These matters are set out in the Statements of Common Ground (Statement of Commonality, Document Reference 7.3 Rev 1, REP1-006) including a comprehensive list of engagement which included opportunities facilitate to discuss and agree viewpoints. National</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
		<p>presentation of baseline photographs and visualisations?</p> <p>c) Are additional viewpoints required and, if so, show these using maps and explain the rationale as to why such viewpoints need evidencing?</p>	<p>retrospect, it would have been useful to have at least one more photomontage e.g., at Shab Hill Junction, Cowley Lane overbridge and / or Stockwell Farm overbridge because this would help to provide an understanding of the visual impact of the scheme for users of public rights of way in these locations. Equally, it may have been useful to provide a photomontage of a viewpoint where the current A417 would be replaced by the proposed re-purposed A417 to show the reduction in visual impact.</p> <p><i>GCC, TBC, CDC Response:</i></p> <p>a) The Joint Councils raised a request at the 2019 Public Consultation that more viewpoint locations should be included. Additional viewpoints were added to the Preliminary Environmental Information accompanying the 2020 Supplementary Consultation and are described within ES Chapter 7 [APP-038]</p> <p>b) The baseline photographs and visualisations could be better annotated to aid the reader however, otherwise they are considered appropriate. The photomontages are a reasonable representation of predicted visual effects of the Scheme.</p> <p>c) It is not considered that additional viewpoints are required.</p>	<p>Highways made all reasonable efforts to consult CCB and other organisations on the locations of viewpoints and baseline information informing the assessment of landscape and visual effects. This included focused meetings at Technical Working Groups, exchanges of correspondence, one-to-one meetings and consultation on the Preliminary Environmental Information Report, in advance of consultation on the ES. This is all set out Table 2-1 of the Statement of Common Ground with CCB (Appendix E to the Statement of Commonality, Document Reference 7.3 Rev 1, REP1-006)</p>
1.8.15	GCC, TBC, CDC, CCB	<p><b>Adverse and Beneficial Effects</b></p> <p>a) Is there agreement on the scope of adverse and</p>	<p><i>GCC, TBC, CDC Response [Extract]:</i></p> <p>a) The Joint Councils broadly agree with the scope of adverse and beneficial effects as listed in paragraphs 7.12.13</p>	<p>National Highways acknowledges the response and has no further comments to make.</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
		<p>beneficial effects listed in paragraph 7.12.13 and 7.12.14 of ES Chapter 7 [APP-038]?</p> <p>b) Are there any areas of dispute?</p> <p>c) Would the benefits, taken as a whole, outweigh the purported adverse effects, or how do the authorities suggest these effects are balanced?</p>	<p>and 7.12.14 of ES Chapter 7 [APP-038]. It should be noted that these effects are overall assessments and the detailed effects described within Table 7-13 of ES Chapter 7 [APP038] should be considered.</p> <p>b) There are no areas of dispute.</p> <p>c) The Scheme would cause adverse effects on each of the Special Qualities of the AONB to some degree, changing the views and landscape character during construction and, for the most part at year 1. However, given the proposed landscape mitigation measures, taken as whole, the benefits would outweigh the adverse effects on the Special Qualities of the AONB.</p> <p><i>CCB refer to their responses to 1.8.7 and 1.8.8.</i></p>	
<b>1.9 Noise and Vibration</b>				
1.9.1	GCC, TBC, CDC	<p><b>Methodology</b></p> <p>a) Are there any concerns about the assessment methodology set out in section 11.4 of ES Chapter 11 [APP-042], or is it accepted to be appropriate and proportionate to the Proposed Development?</p> <p>b) Are you satisfied with the thresholds and criteria in respect of National Star College given its sensitive occupation?</p>	<p><i>GCC, TBC, CDC Response [Extract]:</i></p> <p>a) The Joint Councils have no concerns regarding the assessment methodology for construction noise, construction vibration or operational noise, as provided in Section 11.4 of Chapter 11 of the ES [APP-042]. The methodology is appropriate and proportionate to the Scheme, and in line with LA 111.</p> <p>b) The thresholds and criteria for the National Star College, which is an educational facility for young people with complex disabilities, are considered to be appropriate.</p>	National Highways acknowledges the response and has no further comments to make.



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<b>1.10 Socio-economic effects</b>				
1.10.9	FlyUp Limited	<p><b>Loss of Business</b> In your Relevant Representation [RR-037], you refer to the viability of the business being prejudiced by the Proposed Development. Are you able to quantify the % of business lost/ revenue not taken as a likely potential effect of the Proposed Development if no mitigation is put in place?</p>	FlyUp Limited provide details of income and offers comments and calculations of the potential impact of the scheme on the business.	Since the submission of their Relevant Representation, National Highways has met with Flyup Limited (8 December 2021) in order to discuss the submission and potential solutions to ongoing concerns. Following consideration of potential design solutions and receipt of the Written Representation, National Highways held a further meeting with Flyup Limited on 12 January 2022 in order to present a revised design solution which considers concerns and recent feedback. This was welcomed by FlyUp Limited. National Highways will be updating the relevant draft Position Statement following this meeting and would be happy to provide an update to the Examining Authority in advance of the Compulsory Acquisition Hearing.
<b>1.11 Traffic and Transport</b>				
1.11.2	Applicant, GCC, TBC, CDC	<p><b>General</b> a) Are you satisfied that the traffic modelling and underlying assumptions remain valid and reasonable in the light of the Covid pandemic? b) Please justify and explain your reasoning.</p>	The GCC, TBC, CDC Response confirms the Joint Councils are satisfied that the traffic modelling and underlying assumptions remain valid and reasonable in the post-Covid situation. Reasons are provided including but not limited to recent data showing that daily traffic flows are now back to 97% of pre-pandemic levels.	National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).
1.11.5	Applicant	<p><b>Journey Saving Times</b> a) It says in paragraph 2.2.2 of ES Chapter 2 [APP-033] that delays of 20 minutes or more are being experienced. Where is the proof of this? b) Tables 7-1, 7-2, 7-3 and 7-4 in the Transport Report</p>	N/A	<p>National Highways provided an initial response to Question 1.11.5 of the Examining Authority's first round of Written Questions (Document Reference 8.4, REP1-009) at Deadline 1.</p> <p>National Highways has undertaken a review regarding the basis of the reference to 20-</p>

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		<p>indicate that journey time savings may be in the region of 3-4 minutes and, in some cases, there may not be any savings at all resulting in a journey time increase. Given the delays of 20 minutes currently being experienced, what benefit would truly come from the scheme?</p>		<p>minute delays in paragraph 2.2.2 of ES Chapter 2 The Project (Document Reference 6.2, APP-033). National Highways can confirm this is taken from a 2012 report, 'A417 Air Balloon Roundabout Restricted Movements Improvement Option', prepared by WSP on behalf of Highways Agency (now National Highways) that investigated methods for improving traffic flow at the Air Balloon roundabout.</p> <p>National Highways has undertaken an assessment of journey times based on data taken from Google journey time data (a data source used in traffic modelling usually for the purposes of benchmarking other datasets and also in the early-stage assessment of schemes). This data confirms that for journeys between Cirencester and the M5 during the period of November 2021 there are times during the peak hour where delays reach around 20 minutes. For example, in the AM peak period westbound between Cirencester and the M5 between 08:15 and 08:30 the journey time varies between 18 and 35 minutes, where free flow travel times are approximately 15 minutes.</p> <p>As indicated in response to Q1.11.5(b), it should be kept in mind that the journey times (and delays) represented in the scheme traffic model are based on an average peak period (average of 07:00 to 10:00 for the AM and 16:00 to 19:00 for the PM peak), rather than a peak hour model. Delays over an average peak period of that length will be represented differently to those which arise at shorter peak</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
				<p>periods, such as those to which the 20 minute delays refer to at peak times within such periods.</p>
1.11.6	GCC	<p><b>South West Regional Traffic Model</b>                      a) Is the South West Regional Traffic Model the appropriate traffic model for this Proposed Development?                      b) What, if any, are the shortcomings of the model that the ExA should be aware of and how would these affect or influence interpretation of the results obtained by the Applicant?</p>	<p>GCC in their response confirm they are satisfied that the South West Regional Traffic Model (SWRTM) was the most appropriate tool to be used as the initial basis for developing the A417 Missing Link at Air Balloon traffic model, and to test the Scheme. They go on to identify potential weaknesses, however, clarify they are not considered material.</p>	<p>National Highways acknowledges the response and has no further comments to make.</p>
1.11.7	GCC	<p><b>'Do Something' Scenarios</b>                      a) With reference to Tables 4-3 to 4-6 in The Case for the Scheme [APP-417], do you consider the 'Do-Something' scenarios (with the Proposed Development in place) to be realistic projections?                      b) Given that some journey times would reduce (in the region of 3-4 minutes in general) but others might increase (in the region of 1 minute), what are your conclusions on the overall benefits of the Proposed Development?                      c) Given the reduction in journey times by 3-4</p>	<p><i>GCC Response [Extracts]:</i>                      a) GCC are of the opinion that the Do Something scenarios are still realistic projections for the currently estimated 2026 Scheme opening year and the 2041 Scheme design year and have not been significantly changed since the modelling was completed by NH.                      b) Overall, it is the view that journey times are reduced by the removal of congestion at the key junctions, and where there may be longer distances to travel, the new links are safer than previously.                      c) In so far as any traffic assignment model is a mathematical logical interpretation of predicted vehicle trip movements across a defined highway network, the results of the future year forecasts are realistic and sound in terms of traffic re-routeing away from local rat-</p>	<p>National Highways acknowledges the response and has no further comments to make.</p>

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		minutes, how likely is it that (as the Applicant asserts in the Transport Report [APP-426], paragraph 7.3.19): "At the local level, traffic is forecast to re-route away from existing known rat runs including via Elkstone towards Cheltenham and also via Birdlip Hill towards Gloucester"?	runs on account of the introduction of the Do Something network improvements.	
1.11.20	Applicant, GCC	<p><b>Leckhampton Hill</b> Paragraph 7.3.27 of the Transport Report [APP-426] states that Leckhampton Hill would experience an increase in traffic as a result of the Proposed Development. Appendix J to the ComMA report does not provide great detail on this. Provide a Technical Note describing the effects upon traffic flow, queue, delay and overall performance of Leckhampton Hill as a result of the proposed new Ullenwood roundabout junction and whether any effects are considered to be adverse or severe in nature compared to the current baseline.</p>	<p><i>GCC Response [Extract]:</i> GCC are still of the view that remedial works will be required on Leckhampton Hill to reduce the potential scale of traffic reassignment / mitigate the resultant effects for the Scheme to be acceptable, and that GCC do not have funds for these works and GCC will be looking to NH to provide funding. At present it is not fully understood what works will be required and further work is needed to present a suitable solution (therefore, is required to be funded by NH).</p>	<p>National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).</p> <p>National Highways has provided further information in its response to concerns raised about impacts on Leckhampton Hill in the Leckhampton Hill Technical Note (Document Reference 8.15) submitted at Deadline 2.</p>
1.11.21	Cheltenham and Tewkesbury Cycling Campaign	<p><b>Public Rights of Way</b> a) Whilst you may wish to prepare a Written Representation, following your initial Relevant</p>	None received	National Highways do not make any comments on the understanding that there has been no response from the Cheltenham and Tewkesbury Cycling Campaign.

Number	Directed to	Question	Third Party Responses	National Highway's Response
		<p>Representation [RR-015], the ExA are unclear as to the case put in the RR. Are you supporting or objecting?</p> <p>b) Are the mitigation measures proposed by the Applicant with respect of public rights of way acceptable?</p> <p>c) If not, why not?</p>		
1.11.22	GCC	<p><b>Road Safety Audit</b></p> <p>Has the road safety audit adequately considered the impacts on local country roads in terms of the nature of their speed, usage and the type of traffic that actively uses them?</p>	<p><i>GCC sets out the relevant documents that National Highways has shared and confirms in their response [Extract]:</i></p> <p>At this early stage during the design process, GCC considers that the audit(s) carried out have adequately considered all possible safety concerns that can be identified from an office-based desktop audit. Some of the problems identified by these RSA(s) have been addressed by changes to the Scheme, the other remaining problems will be further considered by NH during detailed design and during a RSA Stage 2 a copy of which will be provided to GCC during the subsequent Technical Approval check process that will take place once the detailed designs have been completed and passed to GCC for approval. The design speed and posted speed limit of the local roads have been agreed with NH.</p>	<p>National Highways acknowledges the response and has no further comments to make.</p>
1.11.24	Gloucestershire Ramblers	<p><b>Rights of Way</b></p> <p>a) Please provide a table listing all those rights of way and footpaths where you consider the proposed</p>	<p>The Gloucestershire Ramblers sets out in detail the routes, and points of difference with the proposed design.</p>	<p>The Gloucestershire Ramblers offer many recommendations for design changes that have previously been discussed as part of the ongoing Statement of Common Ground with the Walking, Cycling and Horse</p>

Number	Directed to	Question	Third Party Responses	National Highway's Response
		<p>changes would not be beneficial and, where relevant, provide reference to any related conflict with the DMRB.</p> <p>b) If there are elements of improvements of betterment, these can be drawn to the ExA's attention.</p>		<p>riding Technical Working Group. (Statement of Commonality) (Document Reference 7.3 Rev 1, REP1-006) where the latest position of National Highways in response is made clear. Relevant responses have also been provided in the Consultation Report (Document Reference 5.1, APP-027) and related appendices (Document Reference 5.2, APP-028-029).</p> <p>National Highways has provided previous and additional comments in relation to options appraisal in response to Q1.1.7.</p>
1.11.26	Birdlip and Cowley Parish Council, Daglingworth Parish Council	<p><b>Local Roads</b></p> <p>The ExA had the opportunity, on its USI, to travel local roads surrounding the A417. Please describe your experiences of the routes along these roads that drivers have been using to circumvent the current traffic issues faced on the A417 (with maps if necessary), the type of vehicles using the local roads and their frequency. Provide any evidence to support such assertions.</p>	National Highways notes the responses from the Parish Councils. Please refer to the submission in full.	National Highways acknowledges the response and has no further comments to make.
<b>1.12 Water Environment and Flood risk</b>				
1.12.1	Environment Agency	<p><b>Hydrology</b></p> <p>a) Explain fully the concerns regarding hydrology in relation to the crossover of the principal aquifers of the Cotswold Jurassic Limestone.</p> <p>b) What potential effects on the Bushley Buzzard SSSI could occur?</p>	<p><i>Environment Agency Response</i></p> <p><i>[Extracts]:</i></p> <p>a) The activity of building a new road on the surface across these principal Cotswold Jurassic Limestone aquifers could have an influence on these hydrogeological mechanisms, but the Hydrogeological Impact Assessment combined with a sound conceptual understanding of the groundwater regime</p>	National Highways acknowledges the response and has no further comments to make.

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		<p>c) Should different modelling have been used to evidence the Applicant's conclusion and why would such modelling be more appropriate than that carried out to date?</p>	<p>in the underlying aquifers and ongoing groundwater and surface water monitoring will provide the necessary protection to all of these important water features.</p> <p>b) The conceptual model demonstrates there is no linkage between the potential impacts from the road to groundwater levels and the GWDTE and the Hydrogeological Impact Assessment also supported this conclusion. Surface and groundwater monitoring will still be used to validate the conclusions of this assessment and we are satisfied with this approach.</p> <p>c) We are satisfied with the modelling approach undertaken and after full consultation with NH and their consultants we all agreed to the approach adopted as detailed within the Hydrogeological Impact Assessment</p>	
1.12.3	Applicant, Environment Agency	<p><b>Scope of Assessment</b></p> <p>a) Provide an overview of the 'complexities' of the hydrogeological regime in the study area and why these complexities present conditions that are 'beyond the scope' of the EIA, as referred to by the Applicant in paragraph 13.4.49 of ES Chapter 13 [APP-044].</p> <p>b) Are the effects of the Proposed Development on the hydrogeological regime unquantifiable or unknown as a result?</p>	<p><i>Environment Agency Response</i>  <i>[Extracts]:</i></p> <p>a) The conceptual modelling approach taken in our view is sound and uses real on the ground data for this purpose to validate any assumptions made.</p> <p>b) With any assessment of this nature on any scheme, there will always be some uncertainties, but these have been reduced here on this road scheme by undertaking a more conservative approach to the HIA and we are satisfied that the approach which has been adopted considers all of the risks appropriate to this road scheme and local hydrogeological setting.</p>	<p>National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).</p>

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1.12.5	Environment Agency	<p><b>Assessment Limitations</b> Is it appropriate for the Applicant to have referred to the Environment Agency's "PPGs" that were withdrawn in 2015?</p>	<p><i>Environment Agency Response:</i> Yes the EA's Pollution Prevention Guidance documents (PPGs) were previously withdrawn and not replaced. However, the PPGs do still have a practical use and are well regarded in industry. The PPGs contained a mix of regulatory guidance and useful/practical advice. The advice therefore still has a purpose and we do not consider their use to be inappropriate in this instance, especially if there is no other new guidance available to the applicant for this purpose. Ultimately the PPGs are useful guidance documents; they are not policy or legislation.</p>	National Highways acknowledges the response and has no further comments to make.
1.12.7	Environment Agency	<p><b>Karst Features</b> Are there any concerns regarding karstic features within the Order Land or adjacent land that are known to the EA, or any specific mitigation measures (other than grouting of voids and fissures) that should be employed by the Applicant?</p>	Environment Agency Response provides a detailed explanation and offers approaches to construction to limit the potential risks.	National Highways acknowledges the response and has no further comments to make.
1.12.8	Environment Agency	<p><b>Nitrate Vulnerable Zones (NVZ)</b> For clarity, is there any need for the Proposed Development to achieve 'nutrient neutrality' in respect of potential effects upon NVZ designations?</p>	<p><i>Environment Agency Response:</i> For context, Nitrate Vulnerable Zones (NVZs) are areas designated as being particularly at risk from agricultural nitrate pollution, so these are usually diffuse nitrate pollutants from the application of fertilisers which are applied to land for increased crop production. NVZs include about 55% of land in England. We understand that nutrient neutrality relates to not adding excess nutrients</p>	National Highways acknowledges the response and has no further comments to make.



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			<p>such as phosphate and nitrogen to the surrounding ecosystem, especially the water environment as this can lead to eutrophication and the disturbance of the natural mineral levels in the environment leading to ecological degradation. We would not anticipate that the road development will be adding any excess nutrients of phosphate and nitrogen during its development and operation.</p>	
1.12.9	Environment Agency, Severn Trent Water	<p><b>Water Quality</b></p> <p>a) Are you satisfied that all measures to protect the Source Protection Zones for drinking water will be undertaken and that there is no risk to the water quality?</p> <p>b) Are there any abstraction companies operating in the area and have they been engaged?</p> <p>c) If not, why not?</p>	<p><i>Environment Agency Response [Extracts]:</i></p> <p>a) We are satisfied that the Hydrogeological Impact Assessment undertaken and the measures being adopted address any risks to Source Protection Zones as ultimately the groundwater resource is being protected from the road scheme and this is the same water used for drinking water supplies. It is crucial as we said previously, that surveillance monitoring will need to be undertaken by NH to measure any changes within the water environment (surface and groundwater receptors) during the construction and post construction of the road scheme.</p> <p>b) We are aware that Thames Water has an SPZ for the groundwater Baunton Public Water Supply Source with the boreholes located north of Cirencester. SPZ 3 comes within the DCO boundary. We have discussed this with NH in light of this question. We understand that NH has consulted with relevant stakeholders including Thames Water and Severn Trent Water. We understand that NH will</p>	<p>National Highways has undertaken consultation with relevant regulatory bodies such as Gloucestershire County Council, Environment Agency, as well as relevant water companies such as Severn Trent Water and Thames Water to obtain details on abstractions within the study area.</p> <p>These consultations were undertaken to inform the preliminary design. Except for the outer Source Protection Zone for the Thames Water operated by Baunton Public Water Supply, no licenced abstractions have been identified within the study area.</p> <p>The consultations were supplemented by a survey of water features, which identified a number of unlicenced or unrecorded abstractions, as presented in ES Appendix 13.11 Water Features Survey (Document Reference 6.4, APP-407).</p> <p>Information obtained through these consultations and surveys has been incorporated into the baseline conditions studies and considered in the subsequent impact assessments as presented in ES</p>

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			<p>likely be providing information on this question at deadline 2.</p> <p><i>Severn Trent Water Response:</i> No response received</p>	<p>Chapter 13 Road Drainage and the Water Environment (Document Reference 6.2, APP-044) and ES Appendix 13.7 Hydrogeological Impact Assessment (HIA) (Document Reference 6.4, APP-403).</p>
1.12.12	GCC	<p><b>Drainage Adoption</b> Are GCC in agreement to adopt all highway drainage except for the mainline and junction slip road aspects, as proposed in paragraph 4.2.1 of Appendix 13.10 [APP406]?</p>	<p><i>GCC Response:</i> In principle GCC agrees to adopt all local road highway drainage assets. Where possible GCC are keen to ensure that the drainage systems for GCC adoption are kept separate so that identification of any issues can be easily identified. GCC is working with NH to identify the boundaries between local roads and the Strategic Road Network.</p>	<p>National Highways acknowledges the response and has no further comments to make.</p>
1.12.13	Applicant, GCC	<p><b>Existing A417</b> Would there be any benefit, considering climate change, in retaining the existing drainage features under the repurposed A417 in assisting with land drainage or surface water attenuation?</p>	<p><i>GCC Response:</i> There would be a great benefit in retaining the existing above and below ground drainage features within the 5m wide footprint of the de-trunked and repurposed A417. These drainage features will become the maintenance responsibility of GCC. All above ground highway assets beyond the 5m footprint to be repurposed will be removed and replaced with calcareous grassland, native hedgerow, dry-stone walling and trees. A more detailed review of what would be best to retain and what can be removed will be carried out and agreed with NH during detailed design stage.</p>	<p>National Highways has no further comments to make, further to our submission in r Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009). We will consider the opportunity to retain the existing drainage features under the repurposed A417 at detailed design.</p>

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1.12.14	Applicant, GCC	<p><b>Finished Road Surface</b>            Would any part of the Proposed Development be at risk from the pooling or puddling of surface water and, if so, how would the drainage of these areas be managed so as to lower the risk of aqua-planing based accidents?</p>	<p><i>GCC Response [Extract]:</i>            GCC expects that there will not be any such occurrences of pooling or puddling of surface water on the local roads it inherits on the basis that NH is competent following well established industry design standards and processes during the detailed design and construction stages...            GCC are confident that with all the checks, balances and processes in place as described above there will be a very reduced risk to the travelling public of aqua-planing type accidents.</p>	<p>National Highways has no further comments to make, further to our submission in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009).</p>