

A417 Missing Link
TR010056

8.12 Comments on Local Impact
Report

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and Procedure) Regulations 2009**

A417 Missing Link

Development Consent Order 202[x]

Comments on Local Impact Report

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Table of contents

	Pages	
1	Introduction	1
1.1	Purpose of this document	1
1.2	Structure of this document	1
2	LIR Introduction and Terms of Reference	2
2.1	Terms of Reference	2
3	The Scheme Context	3
3.1	Description of the scheme	3
3.2	Need for the scheme	3
3.3	Statutory Development Plan	3
4	Review of Impacts	4
4.1	Traffic, Transport and Highways	4
4.2	Air Quality	6
4.3	Cultural Heritage	6
4.4	Landscape and Visual Effects	8
4.5	Biodiversity	8
4.6	Geology and Soils	10
4.7	Material Assets and Waste	11
4.8	Noise and Vibration	12
4.9	Population and Human Health	12
4.10	Water Environment	13
4.11	Climate Change	13
4.12	Draft Development Consent Order	14
5	Conclusion	17

1 Introduction

1.1 Purpose of this document

- 1.1.1 This document sets out the comments of National Highways (the Applicant) on the Local Impact Report (LIR) (REP1-133) submitted jointly by Gloucestershire County Council (GCC), Cotswold District Council (CDC) and Tewkesbury Borough Council (TBC) – known as the ‘Joint Councils’ – to the Examination of the A417 Missing Link scheme (the scheme).
- 1.1.2 The LIR was submitted to the Examining Authority (ExA) at Deadline 1 of the Examination on 14 December 2021. This document does not seek to respond to every element of the LIR but rather to focus on the pertinent points cited by the Joint Councils, and respond to any important and relevant matters raised. It also seeks to comment on any matters that may require clarification or correction where it may assist the ExA.

1.2 Structure of this document

- 1.2.1 For ease of reference, this document is structured to replicate that of the LIR.
- 1.2.2 Chapter 2 of this document provides comments on the Introduction and Terms of Reference of the Joint Councils’ LIR.
- 1.2.3 Chapter 3 of this document provides comments on the Joint Councils’ consideration of Scheme Context, under the following subheadings:
- Description of the area
 - Need for the Scheme
 - Statutory Development Plan
- 1.2.4 Chapter 4 of this documents provides comments on the Joint Councils’ Review of Impacts, under the following subheadings:
- Traffic, Transport and Highways
 - Air Quality
 - Cultural Heritage
 - Landscape and Visual Effects
 - Biodiversity
 - Geology and Soils
 - Material Assets and Waste
 - Noise and Vibration
 - Population and Human Health
 - Water Environment
 - Climate Change
 - Draft Development Consent Order
- 1.2.5 This document makes reference to matters which are already set out in the DCO Application documents and the documents submitted at Deadline 1 of the Examination, including the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006).

2 LIR Introduction and Terms of Reference

2.1 Terms of Reference

Overview

- 2.1.1 National Highways notes that whilst the LIR highlights key issues arising from the scheme, it does not provide the detail of the Joint Councils' positions on the merits of the application.

Specific comments

- 2.1.2 Paragraph 1.1.4 of the LIR states that the detail of the Joint Councils' positions on the merits of the application is provided in their response to the ExA's Written Questions (ExQ1) (REP1-134) and their Written Representation (REP1-135) as submitted at Deadline 1.
- 2.1.3 National Highways has reviewed these documents and provides comments on the Joint Councils' responses to ExQ1 (REP1-134), where deemed appropriate or necessary, in the Comments on responses to Examining Authority's Written Questions (ExQ1) (Document Reference 8.13) submitted at Deadline 2.
- 2.1.4 National Highways has not provided a detailed comment on the Written Representation submitted by the Joint Councils, as any points raised in that document will be reflected in the next iteration of the Statement of Common Ground with the Joint Councils, intended to be submitted at Deadline 3. Some of the points raised by the Joint Councils have also already been addressed by National Highways in the Applicant's Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009) submitted at Deadline 1. However, in some instances, a topic or matter mentioned in the Joint Councils' Written Representation is also included in the LIR. Where National Highways provides comments in this document that are applicable to both submissions by the Joint Councils (Written Representation and Local Impact Report), this will be stated to assist the ExA.
- 2.1.5 It is noted that within the LIR and the Written Representation submitted by the Joint Councils, a number of requests and queries are made regarding the draft Development Consent Order (dDCO) (Document Reference 3.1 Rev 1, REP1-003). Whilst a comment on these matters is provided in this document, it should be noted that National Highways is continuing to engage with the legal representatives of the Joint Councils and subsequently, it is intended that a further update will be provided to the ExA at Deadline 3 through an updated Statement of Common Ground with the Joint Councils.

3 The Scheme Context

3.1 Description of the scheme

Overview

- 3.1.1 National Highways considers that Section 2.1 of the LIR provides an appropriate summary of the site description and surroundings.

3.2 Need for the scheme

Overview

- 3.2.1 National Highways considers that Section 2.2 of the LIR provides an appropriate high-level summary of the need for the scheme and refers to the Case for the Scheme (Document Reference 7.1, APP-417) as providing the detailed description of this need.

3.3 Statutory Development Plan

Overview

- 3.3.1 National Highways considers that Section 2.3 of the LIR provides an appropriate summary of the Statutory Development Plan and a useful account of updates to the preparation of new Local Plans since submission of the DCO Application on 31 May 2021.

Specific comments

- 3.3.2 National Highways notes that in addition to the summary of the Statutory Development Plan for the three authorities at Section 2.3, each sub-section of Section 3 of the LIR sets out Development Plan policies relevant to the topic being considered. Local plans are not the policy basis against which Nationally Significant Infrastructure Projects (NSIPs) are considered but may contain policies which are material to decision making. National Highways has set out an assessment of the scheme against relevant local planning policy in Appendix B Local Policy Assessment of the Case for the Scheme (Document Reference 7.1, APP-417).

4 Review of Impacts

4.1 Traffic, Transport and Highways

Overview

- 4.1.1 National Highways and GCC, as local highway authority, have been in continued dialogue during the development of the scheme design regarding the approach to traffic modelling and its findings. This is reflected in the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006). This engagement is also noted within the Joint Councils Written Representation (REP1-135).
- 4.1.2 National Highways continues to engage with GCC on behalf of the Joint Councils regarding the impacts identified in Section 3.1 of the LIR.

Specific comments

- 4.1.3 National Highways has particular comment on the 'Illumination of the highway' matter within Section 3.1 of the LIR. It should be noted that the following comments and clarifications are also relevant to section 2.8 of the Joint Councils' Written Representation (REP1-135).

Paragraph 3.1.10

- 4.1.4 In relation to the illumination of the highway, paragraph 3.1.10 of the LIR states:
- “The existing Air Balloon Roundabout is a known accident hotspot due to a combination of high traffic volumes, high speed that traffic enters the junction and the complexity of its layout. The existing junction is lit in the interests of highway safety. The proposed Ullenwood Junction would carry a similar volume and speed of traffic and the proposal not to illuminate the junction would exacerbate the risk of accidents during night-time hours.”*
- 4.1.5 National Highways considers that a clarification is required on this statement. The Ullenwood junction would no longer have A417 mainline traffic passing through it and therefore traffic flows would not be similar to those passing through the existing Air Balloon roundabout without the scheme. In addition, the Ullenwood junction would be more free-flowing compared to the existing Air Balloon roundabout, further reducing the risk of incidents.
- 4.1.6 Figure 7-1 in the Transport Report (Document Reference 7.10, APP-426), provides two-way Annual Average Daily Traffic (AADT) flows for the base year, and Do-Minimum (DM) and Do-Something (DS) for 2026 and 2041. This figure shows that in a DS scenario with the scheme, only Leckhampton Hill, A436 and the A436 link road traffic would pass through Ullenwood junction. This is in comparison to a DM scenario without the scheme, in which Leckhampton Hill and A436 traffic would pass through the Air Balloon roundabout in addition to the A417 mainline traffic (which is the majority).
- 4.1.7 In the DM 2026 scenario the traffic passing through Air Balloon roundabout would be approximately 96,600 vehicles and in the DS scenario there would be 40,400 vehicles passing through Ullenwood junction. In the DM 2041 scenario the traffic passing through Air Balloon roundabout would be 109,000 vehicles and in the DS scenario there would be 50,100 vehicles passing through Ullenwood junction. Therefore, in the DS scenario for both 2026 and 2041 there would be a significant

decrease of between 50% to 60% in traffic passing through and therefore traffic flows passing through the Ullenwood junction are not similar to those passing through the Air Balloon roundabout.

Paragraph 3.1.11

- 4.1.8 It is noted that in Paragraphs 3.1.8 and 3.1.9 of the LIR, the Joint Councils set out their overall agreement with National Highways' proposal that the main carriageway of the scheme would not be lit, including at Cowley junction, Shab Hill junction and Barrow Wake roundabout. However, the Joint Councils' concerns regarding Ullenwood junction are set out at Paragraphs 3.1.10 – 3.1.11.
- 4.1.9 Paragraph 3.1.11 of the LIR states (emphasis added):
- “Recognising the need to balance highway safety concerns and protect the Cotswold AONB, GCC has agreed with NH to not light the proposed junction on a trial basis; however, the below ground infrastructure required for a future lighting scheme should be installed by NH as part of the Scheme so that it may install lighting without delay if the highway safety case arises in the future. **NH has agreed to this and the details should be submitted into Examination and secured in the DCO.**”*
- 4.1.10 National Highways would like to clarify to the ExA that it has not agreed to install the below ground infrastructure required for a future lighting scheme and submit this into the Examination or secure it in the dDCO.
- 4.1.11 As set out in Matter 19.1 of Table 5-1 in the latest Statement of Common Ground with the Joint Councils (see Appendix A of the Statement of Commonality, Document Reference 7.3 Rev 1, REP1-006) submitted at Deadline 1, National Highways wrote to GCC on 15 November 2021 to confirm that it will undertake an assessment of the approach proposed by GCC, and subject to the outcome of that assessment would look to agree a future lighting solution with GCC for Ullenwood junction.
- 4.1.12 Therefore, whilst the Joint Councils and National Highways have agreed that an assessment will be undertaken, the outcome of this assessment is not yet known and National Highways has not, as of this time, agreed with the Joint Councils to provide the lighting infrastructure at Ullenwood junction. National Highways notes that this position is set out more accurately in section 2.8 of the Joint Councils' Written Representation (REP1-135).
- 4.1.13 National Highways would also like to clarify that the position regarding Ullenwood junction is that of GCC only, as local highway authority. TBC have not provided specific comment, whilst CDC support wholly the proposal for no lighting on the scheme on the basis of potential impacts of lighting on the Cotswolds Area of Outstanding Natural Beauty (AONB), although they have not undertaken a safety assessment to inform that conclusion. This is also set out clearly in the Joint Councils Written Representation (REP1-135) and in Matter 19.19 of Table 4-1 in the Statement of Statement of Common Ground with the Joint Councils (see Appendix A of the Statement of Commonality, Document Reference 7.3 Rev 1, REP1-006).

Paragraph 3.1.13

- 4.1.14 The Joint Councils highlight in Paragraph 3.1.13 of the LIR that the local community has concerns over the potential impact of the construction of the

scheme on the local road network and the suitability for narrow local roads to accommodate traffic diverting away from construction works.

- 4.1.15 National Highways recognises the concerns of the local community and will seek to reduce disruption whilst maintaining highway safety. As set out in section 2.13 of the Response to Relevant Representations (Document Reference 8.3, REP1-008) submitted at Deadline 1, National Highways has produced documentation as part of the DCO Application which outlines how the impact of construction on the environment, the road network and local communities will be managed. National Highways will continue to engage with GCC and other relevant authorities on this matter throughout construction of the scheme.

4.2 Air Quality

Overview

- 4.2.1 National Highways notes that the Joint Councils are satisfied that that the scheme would not have significant adverse effects on human health through impacts to air quality during operation of the scheme. It is also noted that the Joint Councils consider the scheme would improve air quality within the Birdlip Air Quality Management Area (AQMA). The Joint Councils' remaining concerns therefore relate to the construction phase of the scheme in relation to human health and the operational phase of the scheme in relation to Ullen Wood only. This is reflected in the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006).

Specific comments

- 4.2.2 National Highways continues to engage with the Joint Councils on their remaining concerns relating to air quality. National Highways considers that it has provided information relevant to the points raised in Section 3.2 of the LIR in the Response to the Examining Authority's Written Questions (ExQ1) (Document Reference 8.4, REP1-009).
- 4.2.3 Paragraph 3.2.3 and Paragraph 3.2.6 of the LIR refer to the Joint Councils' concerns regarding air quality impacts during construction on Air Balloon Cottages. Please refer to the National Highways response to ExQ1 Questions 1.2.9 and 1.2.11 (Document Reference 8.4, REP1-009) for further information on this.
- 4.2.4 Paragraph 3.2.5 of the LIR refers to the Joint Councils' concerns regarding air quality impacts during operation on Ullen Wood. Please refer to the National Highways response to ExQ1 Question 1.3.7 (Document Reference 8.4, REP1-009) for further information on this.
- 4.2.5 Ongoing discussion on these matters is also reflected in Matters 5.1 and 5.2 of Table 5-1 in the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006).

4.3 Cultural Heritage

Overview

- 4.3.1 National Highways has engaged with the GCC County Archaeologist on behalf of the Joint Councils, as part of joint discussions with Historic England. These

discussions are reflected in the respective Statements of Common Ground in Appendix A (Joint Councils) and Appendix D (Historic England) of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006). It is acknowledged that many matters on this topic remain outstanding.

- 4.3.2 National Highways recognises that the LIR highlights that the principal heritage concern of the Joint Councils relates to the potential for impacts on archaeology. The Joint Council's Written Representation clarifies that comments on other aspects of the cultural heritage topic are expected to be addressed in submissions by Historic England, National Trust and Cotswolds Conservation Board.

Specific comments

- 4.3.3 Paragraph 3.3.6 of the LIR states:

“The principal heritage concern relates to the potential for impacts on archaeology. The area has very high archaeological sensitivity which has not been adequately assessed by the ES.”

- 4.3.4 National Highways does not agree with this statement. National Highways considers that the area has a high archaeological sensitivity, which has been adequately assessed in the ES. Further information on how National Highways considers that the assessment within the ES is sufficient is provided in its Response to Cultural Heritage Matters Raised (Document Reference 8.14) submitted at Deadline 2.
- 4.3.5 Paragraphs 3.3.9 to 3.3.13 of the LIR provide some detail on the Joint Councils views regarding the archaeological trial trenching and assessment methodology, directing the ExA to the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006) and the National Trust Written Representation for further detail. National Highways also notes that a more detailed account of the concerns is also provided in the Joint Councils Written Representation (REP1-135).
- 4.3.6 To avoid duplication, National Highways therefore does not have specific comment to make on this matter within this document and would also direct the ExA to the positions in the matters 6.1 – 6.8 of Table 5-1 in the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006).
- 4.3.7 Furthermore, on 17 December 2021, the ExA published a request under Rule 17 of the of the Infrastructure Planning (Examination Procedures) Rules 2010, in which it asked the Applicant to respond to a number of points specifically in relation to the Historic England Written Representation.
- 4.3.8 In response to this, National Highways has produced a Response to Cultural Heritage Matters Raised (Document Reference 8.14), which is submitted at Deadline 2. It is considered that this document will also assist the ExA in providing further detail on the position of National Highways on matters raised by both Historic England and the GCC County Archaeologist.

4.4 Landscape and Visual Effects

Overview

- 4.4.1 National Highways notes that the Joint Councils are satisfied that whilst there would be significant residual adverse effects resulting from the scheme, they support that landscape-led approach to design and are satisfied that the national policy exceptions for development in the AONB are demonstrated in the Case for the Scheme (Document Reference 7.1, APP-417).

Specific comments

- 4.4.2 In response to paragraph 3.4.12 of the LIR, National Highways would point to its response to ExQs 1.5.31, 1.5.32 and 1.1.43 (Document Reference 8.4, REP1-009) where it explained the role of the Design Summary Report (Document Reference 7.7, APP-423) in informing a number of commitments within the ES Appendix 2.1 Environmental Management Plan (Document Reference 6.4, APP-317), and how these commitments are secured in the dDCO (Document Reference 4.1, REP1-003). Those commitments secure the high architectural quality required at detailed design of the crossings.
- 4.4.3 National Highways has no other specific comments to make on section 3.4 of the LIR.

4.5 Biodiversity

Overview

- 4.5.1 National Highways notes that the Joint Councils are satisfied with the scope and detail of ecology surveys and accepts that where habitat loss is proposed it is unavoidable in the context of delivering the scheme. It is also noted that Joint Councils support the mitigation and enhancement measures as detailed in ES Appendix 2.1 Environmental Management Plan (Document Reference 6.4, Rev 1), identifying that there would be significant benefits to biodiversity through the habitat creation proposed in the scheme.

Specific comments

Biodiversity Net Gain

- 4.5.2 Paragraphs 3.5.8 and 3.5.12 of the LIR refer to the matter of Biodiversity Net Gain (BNG).
- 4.5.3 Paragraph 3.5.8 of the LIR states:
- “The Joint Councils accept that at the time of submission, there was no legislative requirement on NH to deliver Biodiversity Net Gain (BNG); however, it is noted by the Joint Councils that NH has its own policies on achieving BNG. Further, NH advised during pre-application discussions that it would use the DEFRA Biodiversity Metric 2.0 or 3.0 to calculate the performance of the proposed development, but this has not materialised.”*
- 4.5.4 National Highways has a national target at programme level for no net loss of biodiversity across its activities by 2025, progressing towards delivering a net gain in biodiversity by 2040. The Department for Transport (DfT) has advised that National Highways use the Defra Metric 2.0 in measuring and reporting against its

internal objectives. This scheme adheres to this approach for reasons of consistency and comparability between National Highways projects, which allows reporting at this programme level.

- 4.5.5 A BNG calculation was not provided at submission of the DCO application because there is no legal or policy requirement for the scheme to deliver BNG. Nonetheless, BNG calculations using the Defra Metric 2.0 have been produced for this scheme since March 2020 for National Highways internal reporting purposes, and to inform ongoing discussions with stakeholders and to maximise biodiversity opportunities. These calculations have been submitted by National Highways at Deadline 1 in the Biodiversity Net Gain Calculation (Document Reference 8.10, REP1-015).
- 4.5.6 Natural England (NE) provided the following advice at publication of Defra 3.0 in July 2021 (source: Natural England website): *“Users of the previous Biodiversity Metric 2.0 should continue to use that metric (unless requested to do otherwise by their client or consenting body) for the duration of the project it is being used for as they may find that the biodiversity unit values metric 2.0 generates will differ from those generated by Biodiversity Metric 3.0”*
- 4.5.7 It is not proposed to provide a calculation in Defra Metric 3.0 for this DCO application for the following reasons:
- Defra Metric 3.0 has not been adopted as the standard by DfT for National Highway projects.
 - Defra Metric 3.0 was published by Natural England on 07 July 2021, after the DCO application was submitted (on 01 June 2021).
 - The scheme has been assessed using Defra Metric 2.0 since early 2020 and NE general advice upon publication of Metric 3.0 was that projects that were using Defra Metric 2.0 should continue to do so for the duration of the project.
 - Defra Metric 3.0 is unlikely to be the version used for mandatory calculation of BNG to meet the requirements of the Environment Act. NE have suggested in recent presentations that there is likely to be a further interim Defra Metric 3.1, before publication of Defra Metric 4.0 to be used for the first projects to require mandatory BNG under the Town and Country Planning Act in late 2023.
 - NE’s presented a draft timetable at a conference on Environmental Impact Assessment for Infrastructure in December 2021 that also shows that BNG will not become a legal requirement for NSIPs until the end of 2025. In addition, National Highways note in the current “Consultation on Biodiversity Net Gain Regulations and Implementation” launched by Defra on Tuesday 11/01/2022, 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 would not be required to deliver mandatory biodiversity net gain.
- 4.5.8 Paragraph 3.5.1 of the LIR requests that the scheme targets better or neutral BNG scoring calculated via the biodiversity metric. It suggests that any commitments to achieving BNG should be clearly set out by National Highways and secured through the dDCO or another legal agreement.
- 4.5.9 In response to Paragraph 3.5.1, the ExA is directed both to the comments of National Highways (on Paragraph 3.5.8 of the LIR) and to the National Highways response to ExQ1 Questions 1.3.1 to 1.3.3 (Document Reference 8.4, REP1-009).

- 4.5.10 It should be noted that the Joint Councils' Written Representation (REP1-135) also provides a more detailed account of the position of the Councils on the matter of BNG. It is considered by National Highways that the above information provides sufficient comment on those matters to assist the ExA.

Loss of Emma's Grove woodland

- 4.5.11 Paragraph 3.5.10 of the LIR states that:

"The loss of part of Emma's Grove is considered unavoidable; however, further information is requested from NH to justify that it is not ancient woodland."

- 4.5.12 As stated in the Applicant's response to ExQ1 Question 1.3.9 (Document Reference 8.4, REP1-009) at Deadline 1, further National Vegetation Classification (NVC) survey was undertaken within Emma's Grove woodland on 5 May 2021 to classify the woodland communities in order to complete the baseline information. However, this further work was not required to determine whether Emma's Grove is ancient woodland or not.
- 4.5.13 Numerous cartographic sources dating between 1577 and 1800 were consulted in order to investigate whether the woodland surrounding the barrows would qualify as ancient woodland. Historical mapping does not show woodland at this location prior to 1600AD which is the date from which a continuously wooded area is considered ancient, in accordance with the Woodland Trust's guidance and the standing advice on ancient woodland, ancient trees and veteran trees: protecting them from development from Natural England and the Forestry Commission. Specifically, the woodland is not present on a Saxton map of 1577 and a Walpole map of 1794 which identify the presence of the barrows but with no woodland surrounding them. The northern half of the woodland first appears on the Ordnance Survey 25 inch first edition map, produced between 1844 and 1888. The southern half of the woodland is younger beech plantation woodland appearing on mapping from 1900. Whilst the woodland does contain ancient woodland indicator species, it is not considered 'ancient' as per the definition based on historical records.
- 4.5.14 The northern half of the woodland affected by the scheme is classified as the ramsons (*Allium ursinum*) sub-community of the ash (*Fraxinus excelsior*)- field maple (*Acer campestre*)-dog's mercury (*Mercurialis perennis*) woodland (NVC classification W8f). Emma's Grove woodland is assessed as priority habitat 'lowland mixed deciduous woodland' of national importance. Construction mitigation is proposed on that basis with the same protective measures being applied for the retained woodland at Emma's Grove as for ancient woodland and veteran trees as stated in paragraphs 8.9.30 – 8.9.33 of the ES Chapter 8 Biodiversity (Document Reference 6.2, APP-039).
- 4.5.15 The above position on this matter is recorded in Matters 8.2 of Table 5-1 in the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006).

4.6 Geology and Soils

Overview

- 4.6.1 National Highways notes that the Joint Councils have not identified any key local impacts on geology and support the mitigation outlined in ES Appendix 2.1 EMP

(Document Reference 6.4, Rev 1). There are no geology and soils matters outstanding between National Highways and the Joint Councils in the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006).

Specific comments

4.6.2 National Highways has no specific comments to make on section 3.6 of the LIR.

4.7 Material Assets and Waste

Overview

4.7.1 National Highways notes that the Joint Councils agree with the conclusions of the assessment in ES Chapter 10 Material Assets and Waste (Document Reference 6.2, APP-041) regarding construction and operational impacts. The efforts of National Highways to reduce surplus material through amendments to the scheme design have also been recognised by the Joint Councils.

Specific comments

4.7.2 Paragraph 3.7.3 of the LIR identifies a concern that ES Chapter 10 Material Assets and Waste (Document Reference 6.2, APP-041) does not include the volume of material currently known to be surplus to the cut/fill balance in the waste assessment.

4.7.3 Paragraph 10.9.10 of ES Chapter 10 Material Assets and Waste (Document Reference 6.2, APP-041) sets out the measures proposed to reduce excess material to the point that no surplus material will remain, including:

- Highway alignment changes to reduce cut volumes.
- Changes to landscape earthworks cross section and slope design to increase placed fill volumes.
- Changes to cut slope design and cross sections at locations in deep cutting to reduce cut volumes.
- Utilisation of excavated limestone materials in pavement construction.

4.7.4 The concern raised in paragraph 3.7.3 of the LIR is one that the Joint Councils have also raised in their Written Representation (REP1-135) and through matter 10.1 in Table 5-1 of in the most recent iteration of the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006). National Highways has provided a response to that concern in the Statement of Common Ground, provided below for convenience:

“In line with DMRB LA104 Environmental assessment and monitoring, the environmental assessment incorporates mitigation measures to lessen the magnitude or significance of effects (para 3.23 of LA104). The proposed mitigation measures recorded in Environmental Statement (ES) Chapter 10 Material Assets and Waste (Document Reference 6.2, APP-041) para 10.9.10 (Earthworks) have been taken into account when determining significance and these are identified in ES Appendix 2.1 Environmental Management Plan (EMP) (Document Reference 6.4, APP-317) by commitment MAW7. The EMP provides the legal mechanism for implementing the measures (which aligns with the requirement in para 3.26 of LA104), as this is secured by Requirement 3

Environmental Management Plan (Construction Stage) of the draft Development Consent Order (Document Reference 3.1, APP-022). EMP Annex E: Outline Materials Management Plan (MMP) further strengthens this commitment, and is documented as being the responsibility of the “Contractor Site Materials and Waste Manager” in Table 2-1 of the EMP. This person would ultimately be responsible for updating and implementing the MMP.

It should be noted that the earthworks balance presented in the ES is part of the preliminary design, which had to be frozen at a point in time to enable the Environmental Impact Assessment to be undertaken. A contractor provided buildability support and endorsed the approach to mitigation taken.”

4.8 Noise and Vibration

Overview

- 4.8.1 National Highways notes that construction effects of the scheme in relation to noise are not considered to be a key issue by the Joint Councils. The Joint Councils’ summary of operational effects is considered accurate by National Highways and reflects engagement that has been undertaken with the Joint Councils on noise matters. There are no noise and vibration matters outstanding between National Highways and the Joint Councils in the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006).

Specific comments

- 4.8.2 National Highways has no specific comments to make on section 3.8 of the LIR, other than to welcome the Councils’ agreement with the mitigation proposed by National Highways for 17 properties along Leckhampton Hill and Gloucester Road at Stratton.

4.9 Population and Human Health

Overview

- 4.9.1 National Highways agrees with the summary of impacts provided by the Joint Councils in relation to population and human health. There are no population and human health matters outstanding between National Highways and the Joint Councils in the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006).

Specific comments

- 4.9.2 Paragraph 3.9.21 of the LIR states:

“NH has made a commitment to agree the design details of new sections of PRoW and permissive paths to be created, including surface treatments, signage and fencing with the local highway authority; however, there appears to be no securing mechanism in the dDCO [APP-022] for any such arrangements relating to the structures required to carry paths over the A417. The Joint Councils recommend the dDCO include a requirement on NH to consult with prescribed consultees prior to submission for written approval from the Secretary of State of the details of design of new sections of PRoW and permissive path, including any structures required to carry those ways across the A417 carriageway.”

- 4.9.3 In response to this point, National Highways refers to commitment PH1 in Table 3-2 Register of Environmental Actions and Commitments (REAC) in ES Appendix 2.1 EMP (Document Reference 6.4 Rev 1), which commits to the implementation of the mitigation and enhancement measures detailed in ES Appendix 2.1 Annex F Public Rights of Way (PRoW) Management Plan (Document Reference 6.4, APP-323). The PRoW Management Plan sets out that details of surfacing, signage and enclosures are for the detailed design stage of the scheme.
- 4.9.4 National Highways has no other specific comments to make on section 3.9 of the LIR.

4.10 Water Environment

Overview

- 4.10.1 National Highways has engaged with GCC on behalf of the Joint Councils in relation to matters of flood risk modelling and drainage/mitigation design. National Highways agrees with the summary of impacts provided by the Joint Councils in relation to the water environment. There are no road drainage and water environment matters outstanding between National Highways and the Joint Councils in the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006).

Specific comments

- 4.10.2 In response to paragraph 3.10.10 of the LIR the Applicant would note that the disapplication of section 32 of the Land Drainage Act 1991 – to which Article 3(1)(f) of the dDCO refers – it is not a “prescribed consent” which requires the relevant authority’s agreement for it to be disapplied pursuant to section 150 of the Planning Act 2008. Section 23 of the Land Drainage Act 1991 – to which Article 3(1)(e) of the dDCO refers is a prescribed consent for such purposes. It is thought that the Council’s comment at 3.10.10 of the LIR may be intended to refer to that latter consent referred to at 3(1)(e) of the dDCO.
- 4.10.3 The Applicant has met with GCC and requested that it provide a list of details that it anticipates may be required for its approval to the disapplication of section 23 Land Drainage Act 1991. The Applicant is committed to securing GCC’s consent to the disapplication of that provision, and will provide the Examining Authority with an update in due course.
- 4.10.4 National Highways has no other specific comments to make on section 3.10 of the LIR.

4.11 Climate Change

Overview

- 4.11.1 National Highways considers that the Joint Councils’ summary of the findings of ES Chapter 14 Climate (Document Reference 6.2, APP-045) is accurate. National Highways recognises that the Joint Councils continue to raise concerns regarding the scope of the assessment reported in ES Chapter 14 (Document Reference 6.2, APP-045) and the level of mitigation proposed to mitigate carbon emissions.

Specific comments

- 4.11.2 Paragraphs 3.11.7 to 3.11.9 of the LIR set out the Joint Councils' concerns relating to the assessment and mitigation of effects of the scheme on climate. These matters are also raised in the Joint Councils' Written Representation (REP1-135).
- 4.11.3 National Highways directs the ExA to Matters 14.1 and 14.2 in Table 5-1 of the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006), where the position of National Highways on these matters is set out.
- 4.11.4 Paragraph 3.11.7 of the LIR states:
- “The Joint Councils consider that more evidence should be provided to prove that the operational energy consumption of the Scheme has a negligible difference from the existing A417 and therefore can be scoped out of the assessment presented in Chapter 14 of the ES [APP-045]. Although the Joint Councils agree that the level of emissions associated with maintaining the operational Scheme is likely to be low and therefore unlikely to have a significant impact on the findings set out in Chapter 14 of the ES, assessing energy consumption associated with the maintenance of the asset once operational is a requirement of DMRB LA114 and so should be included in the methodology.”*
- 4.11.5 In response to the comment regarding B6 Operational energy use, the Applicant has scoped these out as the scheme has been designed to reduce the requirement for energy consuming operational equipment such as street lighting or intelligent transport systems, by removing all permanent road lighting which includes lighting at the existing Cowley junction and the existing Air Balloon roundabout.
- 4.11.6 In response to the comment that the energy consumption associated with the maintenance of the asset once operational should be included, the Applicant would like to highlight that this has been undertaken in line with PAS 2080 and DMRB LA104. Table 14-16 of ES Chapter 14 Climate (Document Reference 6.2, APP-045) includes all operational phase emissions for the modelled opening and design years and total over the modelled 60-year operational period. This includes the sub-stage of life cycle entitled “Maintenance and refurbishment (B2-B5).”
- 4.11.7 National Highways will continue to engage with the Joint Councils on these matters and provide any updates to the position in a future iteration of the Statement of Common Ground.

4.12 Draft Development Consent Order

Overview

- 4.12.1 National Highways notes that in section 3.12 of the LIR, the Joint Councils has provided a number of recommendations for changes on the dDCO (Document Reference 3.1 Rev 1, REP1-003). These matters are also raised in the Joint Councils' Written Representation (REP1-135).
- 4.12.2 National Highways has received direct communication from the legal representatives of the Joint Councils on dDCO matters. Discussions are ongoing with the Joint Councils, and work to reach agreement on all outstanding matters is

positively progressing. It is anticipated that an update on these discussions will be reflected in an updated version of their Statement of Common Ground intended to be submitted at Deadline 3.

Specific comments

- 4.12.3 National Highways has commented on a number of the specific points made in part 3.12 of the LIR in its earlier comments on other parts of the LIR.
- 4.12.4 Comments on the Land Drainage Act (LIR paragraph 3.12.2) are addressed under comments on the Water Environment above (part 4.10 of this document).
- 4.12.5 Comments on detailed design (LIR paragraph 3.12.4) are addressed under comments on the Landscape and Visual Effects above (part 4.4 of this document).
- 4.12.6 In response to those comments made on consultation on the discharge of Requirements (LIR paragraph 3.12.3), the Applicant would note that GCC is listed as a prescribed consultee in relation to dDCO requirements, where relevant. The first bullet point is therefore already reflected in the dDCO (Document Reference 3.1 Rev 1, REP1-003).
- 4.12.7 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 (Document Reference 3.1 Rev 1, REP1-003) 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 DCO drafting.
- 4.12.8 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 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. National Highways has committed to engaging with the Joint Councils throughout the detailed design process, as further detailed within ES Appendix 2.1 EMP (Document Reference 6.2 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 would cause undue delay.
- 4.12.9 The Applicant 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 NSIP 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.
- 4.12.10 In response to those comments made on consultation on the EMP (LIR paragraph 3.12.5), the Applicant would note that commitment GP8 (Stakeholder engagement) has been added to ES Appendix 2.1 EMP (Document Reference 6.2 Rev 1) which commits National Highways to engage with all key

environmental stakeholders prior to and during the detailed design process, as well as during construction of the scheme.

5 Conclusion

- 5.1.1 Through this document, National Highways has provided comment on the LIR produced by the Joint Councils and has responded to specific matters where it is considered it would assist the ExA.
- 5.1.2 National Highways will continue to engage positively with the Joint Councils on all matters that are still subject to discussion throughout the Examination process. This will be reflected in updates to the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 1, REP1-006) at future deadlines of the Examination.