

A417 Missing Link DCO

Joint Councils Written Submission of case put orally at the Hearings held the week commencing 24 January 2022

Gloucestershire County Council, Cotswold District Council,
Tewkesbury Borough Council

2 February 2022

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1. Introduction

- 1.1.1. This document summarises the case made orally by Gloucestershire County Council (GCC), Cotswold District Council (CDC), and Tewkesbury Borough Council (TBC) together 'the Joint Councils' who are the three host authorities for the National Highways' (NH) A417 Missing Link DCO Scheme 'the Scheme' at the Hearings which commenced on 24 January 2022.
- 1.1.2. Michelle Spark (MS), Partner at Weightmans LLP represented the Joint Councils and was assisted by Ben Nouch (BN) - Senior Planner at Atkins, Richard Pitts (RP) – Surveyor at GCC, Alan Ford (AF) - Heritage Lead at GCC, Gary Kennison (GF) – County Ecologist at GCC, Andrew Padden (AP) Project Manager and Highways Lead at Atkins and Ian Sanders (IS) - Transportation Lead at Atkins.

2. Open Floor Hearing 1 (OFH1)

- 2.1.1. The Joint Councils offered no comments during the OFH1. Following a review of the evidence presented during the OFH1, the Joint Councils have no further comments to make.

3. Issue Specific Hearing 1 (ISH1)

3.1. Agenda item 1 - Examining Authority's opening remarks

- 3.1.1. No questions of an introductory or preliminary nature were raised by the Joint Councils on this item.

3.2. Agenda item 2 - Purpose of the Hearing and speakers' introductions

- 3.2.1. No questions of an introductory or preliminary nature were raised by the Joint Councils on this item.

3.3. Agenda item 3 - Draft DCO Articles and Schedules

3.1 The Applicant will be asked to briefly explain the general structure of the draft Development Consent Order (dDCO), the purpose of each of the Parts 1 to 7 of the dDCO and the general thrust of the Articles within each.

- 3.3.1. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH1, the Joint Councils have no further comments to make.

3.2 The Applicant will be asked to briefly highlight any changes which have been made to the dDCO since the original submission version.

- 3.3.2. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH1, the Joint Councils have no further comments to make.

3.3 The Applicant will be asked to briefly explain the relationship between the dDCO and the Environmental Management Plan and associated Record of Environmental Actions and Commitments (and the associated annexes) in securing mitigation.

- 3.3.3. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH1, the Joint Councils have no further comments to make.

3.4 The Examining Authority (ExA) will ask questions in respect of Articles and Schedules of the dDCO, including highlighting drafting errors and/or inconsistencies within the dDCO.

Highway illumination

- 3.3.4. The ExA asked National Highways to clarify their position regarding highway lighting at the Ullen Wood junction. In response National Highways clarified that it is assessing a highway lighting scheme and if the assessment demonstrates no unacceptable impacts, NH intends to present this assessment into examination at Deadline 4. National Highways also clarified that the works would be minimal and the current drafting of Schedule 1 of the DCO is sufficient to cover additional works without requiring any amendments.
- 3.3.5. MS acknowledged a shared understanding of the position set out by National Highways. Having reviewed the evidence presented during ISH1 the Joint Councils welcome the work being carried out and the timeframes described.
- 3.3.6. During the discussion on highway lighting at the Ullen Wood junction, the ExA asked National Highways to clarify whether the proposed junction had been designed to operate safely without being lit. National Highways responded to confirm this was the case, and explained that a road safety audit stage 1 has been carried out and concludes that lighting is unnecessary. Having reviewed the evidence presented during the ISH1, the Joint Councils wish to clarify to the Examining Authority that the Joint Councils has reviewed a copy of the Applicant's Road Safety Audit Stage 1 Designers Response, which identifies a risk of collisions at roundabouts if they are not illuminated at night. The recommendation in the report was for roundabouts to be illuminated by a system of street lighting. The designer's response to this recommendation was to disagree and cite a TA49 lighting assessment which concludes that lighting is not justified. The overseeing organisation (national Highways) response was to agree with the designer. The Joint Councils would seek clarification as to why the TA49 lighting assessment has taken precedent over the road safety audit. It is noted that neither document referred to above have been submitted into examination.
- 3.3.7. The ExA asked the Joint Councils if it has concerns about lighting beneath the Gloucestershire Way bridge. BN took an action to provide a response at Deadline 3. Having reviewed its position following the hearing, the Joint Councils wish to make some additional comments:
- Gloucestershire County Council is the highway authority responsible for local roads, and has commented on the need for lighting at the proposed junctions which would become maintainable by GCC following the handover of assets.
 - The Gloucestershire Way Bridge would cross the A417 carriageway, which will not form part of the local road network and will be maintainable by National Highways upon completion, therefore GCC has not considered the need for highway lighting in this location and does not wish to form a position.

Articles 15 and 19 – Deemed consent

- 3.3.8. The ExA raised the Joint Councils request at Deadline 1 for deemed consent to be removed from Articles 15 and 19. MS confirmed that the matter was resolved by assurances received from NH that consultation would be ongoing and that the Joint Councils would be consulted before the applications were made.

Article 16

- 3.3.9. In respect of Article 16(2) of the draft DCO, the ExA asked the Joint Councils thoughts on the lack of provision for private means of access. MS stated that she was unaware of discussions with NH on this matter but hoped it would form part of future positive discussions ongoing with NH.
- 3.3.10. In respect of Article 16(6) of the draft DCO, the ExA noted the Joint Councils request for reference to compensation for undertakers. NH stated that clarification is not required and that the issue is not disputed. MS confirmed that the Joint Councils do not seek any rewording of the DCO as this was needed for clarification purposes only.

Article 20

- 3.3.11. The ExA referred to the Rule 17 request in relation to Article 20 and moved on to the Joint Councils concern over a lack of preliminary design detail and approval process in relation to Article 20. NH stated that there is significant amount of detail regarding the diversion in the Cotswold Way Diversion Report.
- 3.3.12. The ExA highlighted that the Joint Councils Deadline 1 submission considered there to be a lack of preliminary design detail in the document.
- 3.3.13. BN referred to the Joint Councils detailed position on the matter set out at Deadline 1 and 2. NH responded that details of design of the national trail is not a matter for the Joint Councils to approve in the DCO.
- 3.3.14. The ExA requested that NH provide in its Rule 17 response more detail on the review process, level of control and level of detail.
- 3.3.15. Following a review of the evidence presented during the ISH1, the Joint Councils wish to make several additional points on this matter.
- The Joint Councils are not seeking to be the approving body for detailed design of the National Trail; however, the Secretary of State should be.
 - The design of the National Trail is a matter for GCC (as the local highway authority who will have responsibility for maintaining the public rights of way that form parts of the National Trail) to be consulted on as part of the approval process.
 - There is a lack of preliminary design information for the proposed National Trail included on the general arrangement plans and works plans to be secured under Requirement 11 Detailed Design and a lack of design detail in the National Trail Diversion Report secured under Article 20.

Protective Provisions

- 3.3.16. The ExA raised the Joint Councils request for protective provisions to deal with voluntary acquisition and asked for the NH's thoughts. NH stated that it considered PPs inappropriate and confirmed it was in productive conversations with the Joint Councils on the matter.
- 3.3.17. MS agreed that this would be discussed further in ongoing discussions with NH.

3.5 Interested Parties (IP) will be invited to ask questions of clarification in relation to dDCO Articles and Schedules.

- 3.3.18. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH1, the Joint Councils have no further comments to make.

3.4. Agenda item 4 - Schedule 2, Requirements

4.1 The Applicant will be asked to provide a brief overview of the background to, and purpose of each of the draft Requirements.

Requirement 4 – Consultation period

- 3.4.1. The ExA asked NH to comment on the Joint Councils request for a 21 day consultation period to consult on pre-submission requirement documents. NH advised that a consultation period was not necessary and referred to other NH projects where a project page provides details of documents to be included in applications to discharge requirements.
- 3.4.2. MS advised that the Joint Councils would benefit from further details from NH on this at Deadline 3 on the practicalities of consultation and how this would work in practice.

Requirement 3 – Community Engagement Plan

- 3.4.3. The ExA asked NH to comment on the need for a Community Engagement Plan. NH advised that the Register of Environmental Actions and Commitments includes a commitment on this.
- 3.4.4. MS advised the Joint Councils would provide a response at Deadline 3.
- 3.4.5. Having reviewed the evidence presented during ISH1, the Joint Councils wish to make additional points on this matter:
- The REAC includes a commitment to stakeholder engagement which is not the same as preparing, consulting on and seeking the Secretary of State's (SoS) approval for a plan which sets out the approach National Highways proposes to take to carry out consultation.
 - The commitment in the REAC is to stakeholder engagement, this is not the same as community engagement and will require differing approaches to consultation
 - A recurring theme in written representations and during the open floor hearing, compulsory acquisition hearing and issue specific hearing on environmental matters has been a feeling from members of the local community, that consultation with NH has been lacking.
- 3.4.6. The ExA stated the Joint Councils query over the approach to detailed design and that it wished to be consulted on details pursuant to Requirement 11. NH responded that this was unnecessary and referred to its responses to ExQ1.
- 3.4.7. MS confirmed that the Joint Councils position is as set out at Deadline 2.
- 3.4.8. The ExA asked NH when design details would emerge, before or after grant of DCO. NH confirmed it would be after. The ExA stated that the approach to detailed design would be discussed at the Issue Specific Hearing 2 on Environmental Matters.

Requirement 15 – Re-consultation

- 3.4.9. The ExA raised the Joint Councils request to be reconsulted on amendments or additional information submitted to SoS to discharge a requirement.
- 3.4.10. NH stated that it considered this to be inappropriate.
- 3.4.11. MS stated that the origins of this request come from concerns over the lack of detailed design and ensuring sufficient opportunities to see and comment on design detail.
- 3.4.12. In response NH stated it did not accept that there was a lack of detail and that a standard amount of engagement has been carried out. NH also states that there is more control over design detail than is standard in DCOs.

- 3.4.13. Having reviewed the evidence presented at the hearing the Joint Councils would wish to make additional points on this matter:
- The case studies set out in *Appendix A Detailed Design in DCOs Case Studies* demonstrate that there is not a standard amount of preliminary design detail submitted in the A417 Missing Link DCO application or secured within the proposed Requirement 11.
 - There is a clear lack of preliminary design detail compared with National Highways recent DCOs – none of which are located in an Area of Outstanding Natural Beauty (AONB).
 - There is a clear lack of preliminary design detail and securing mechanism for approval of detailed design within the application compared to other DCOs for Nationally Significant Infrastructure Projects in AONBs – as made by other Applicants.

Schedule 2 Part 2

- 3.4.14. The ExA asked the Joint Council for clarification on comments made in the Local Impact Report on Schedule 2 Part 2 of the order.
- 3.4.15. BN responded to confirm that the matter is settled following NH comments at Deadline 2.

Recovery of costs in consulting on discharge of requirements

- 3.4.16. The ExA asked NH for comment on Joint Councils request for a mechanism to recoup costs in discharging requirements through a having a service level agreement?
- 3.4.17. NH stated that it was considered inappropriate to include.
- 3.4.18. MS stated that the rationale for the request is that a significant resource required to consult on the discharge of requirements and would leave the Joint Councils in a difficult position. MS clarified that the Joint Councils would work hard to achieve commitments but note the resourcing issues local authorities are facing. MS explained that a service level agreement has not been discussed with NH, but Joint Councils would be happy to do so.
- 3.4.19. NH concluded that the need to consult is a function of the way the DCO regime is set up and that it would not be providing any funding to cover any additional resources.

4.2 The ExA will ask questions seeking responses where appropriate from the Applicant, the Joint Councils, the Cotswold Conservation Board, the Environment Agency, Natural England, Historic England, the National Trust and the Woodland Trust and other IPs. IPs may also be invited to ask questions of clarification in relation to DCO requirements.

- 3.4.20. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH1, the Joint Councils have no further comments to make.

3.5. Agenda item 5 - Schedule 8, Protective provisions

- 3.5.1. The ExA sought clarity on the Joint Councils request for Protective Provisions (PPs) for the local highway authority.
- 3.5.2. NH stated that there will be no PPs, and productive conversations are ongoing to provide assurance via a legal agreement which would be completed before the end of the examination
- 3.5.3. MS confirmed that PPs would not be required if the contents of the legal agreement are acceptable, although confirmed that it had not reviewed the draft legal agreement yet as this was only received last week.

3.6. Agenda item 6 - Planning Obligations and any other Consents, Licences or agreements

- 3.6.1. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH1, the Joint Councils have no further comments to make.

4. Compulsory Acquisition Hearing 1 (CAH1)

7.1 Affected Persons who requested a Compulsory Acquisition Hearing and wish to make oral representations

- 4.1.1. MS confirmed that Gloucestershire County Council is in constructive discussions with National Highways over the acquisition of its freehold land interest and that these discussions are ongoing.

5. Issue Specific Hearing 2 (ISH2)

5.1. Agenda item 1 - Welcome, preliminary matters and introductions

5.1.1. No questions of an introductory or preliminary nature were raised by the Joint Councils on this item.

5.2. Agenda item 2 - Arrangements for the Issue Specific Hearing

5.2.1. No questions of an introductory or preliminary nature were raised by the Joint Councils on this item.

5.3. Agenda item 3 - Assessment of Alternatives

3.1 Do options need revisiting; has there been substantial change in circumstances?

5.3.1. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

3.2 Option 12: Explain why chosen over option 30 if this is 'landscape-led' scheme, and factors used appear to focus on cost and benefits?

5.3.2. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

3.3 Tunnelling options refer to bored twin tunnels. Were other cheaper options explored and discounted, and have circumstances changed that makes those assessments invalid?

5.3.3. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

5.4. Agenda item 4 - Biodiversity, ecology and the natural environment

4.1 Biodiversity Net Gain clarification

5.4.1. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

4.2 Crickley Hill and Barrow Wake

5.4.2. The ExA outlined that there have been comments from the National Trust (NT) and GWT on the Barrow Wake Parking Area (BWPA) asking for the closure of the BWPA to provide ecological mitigation. The ExA also notes that closing the BWPA does not form part of the scheme and is being dealt with outside of the DCO process.

5.4.3. MS introduced Andrew Padden (AP) to explain the complex nature of the BWPA and what conversations have taken place.

- 5.4.4. AP explained that he is project manager of the Barrow Wake Parking Area study, funded by GCC. AP gave an overview of the setting of the BWPA and explained that the BWPA and viewpoint at Barrow Wake makes use of the former line of the A417. The old line of the road was superseded when the current line was constructed in the 1980s and became a cul-de-sac and is still a public highway. AP explained that GCC as highway authority manage the BWPA and that GWT own the subsoil and the land either side, which is a SSSI.
- 5.4.5. AP explained that it is currently a free car park accommodating approximately 60 cars. It affords panoramic views of the Severn Vale, the Forest of Dean and beyond into Wales and is well used and the Cotswold National Trail passes through this area. The BWPA suffers from fly-tipping and anti-social behaviour during the day and at night and there is no CCTV. The BWPA is not closed off at night due to being a public highway.
- 5.4.6. AP explained that GCC is undertaking a study which has a number of objectives including assessing usage and demand; developing a range of options about potential solutions and appraising and assessing options such as do-nothing, better management of security and to relocate BWPA.
- 5.4.7. AP explained that the options assessment process is underway. The study comprises of a working group of a wide range of organisations who have very differing opinions of what the potential solution is. Many of the organisations in that working group are present at the ISH2. The solutions range from full closure and reinstatement to grassland to enhancing the facilities within the site e.g. toilets and café. The project team will compile a weighted matrix process, which will be agreed with the Working Group and then all options will be assessed using this weighted matrix process and further discussions with the Working Group will take place and a final short list of 4 or 5 options agreed. The short list will then be taken to public consultation. The Working Group are having bi-monthly meetings and will discuss options up to the public consultation.

4.3 Ancient Woodland

- 5.4.8. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

4.4 Habitats Regulation Assessment (HRA) and clarification relating to mitigation

- 5.4.9. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

4.5 Other clarifications on HRA matters

- 5.4.10. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

5.5. Agenda item 5 - Climate change

5.1 Quantification and Cumulative effects, Applicant's approach and compliance with EIA regs

- 5.5.1. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

5.2 Effects of Greenhouse Gas emissions from the scheme with other existing and/or approved projects on a local, regional and national level on a consistent geographical scale (for example an assessment of the cumulative effects of the Road Investment Strategy RIS 1 and RIS 2 at a national level)

- 5.5.2. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

5.3 Implications of a recent High Court decision on a legal challenge to the Government's Road Investment Strategy 2 (RIS2)

- 5.5.3. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

5.6. Agenda item 6 - Cultural Heritage

6.1 Effects on archaeology and adequacy of surveys/ assessment

- 5.6.1. The ExA asked NH to provide an overview of the principle matters they raised in their response to the Rule 17 letter regarding cultural heritage matters (REP2-015). Following NH overview, the ExA invited the stakeholders to comment on whether they agree with the reasoning and information provided by NH.
- 5.6.2. MS introduced Alan Ford (AF). AF stated that the Joint Councils agree with Historic England (HE) statements and are looking forward to further negotiations with NH regarding the updated Detailed Archaeology Mitigation Strategy (DAMS) and Overarching Written Scheme of Investigation (OWSI). AF explained that the Joint Councils have put a response together in response to the D2 submission from NH cultural heritage response (REP2-015) which will be submitted at Deadline 3.
- 5.6.3. AF advised that the Joint Councils position has not changed and we still feel that there has been an inadequate response in relation to archaeology. Throughout the process, the Joint Councils have asked for things to be added into the evaluation programme including geo-archaeological prospection, also including a look at approximately 11,000 years of human history that does not show up on geophysical survey and we feel that these things need to be resolved.
- 5.6.4. AF explained that the Joint Councils look forward to these points being resolved through the DAMS and OWSI in the future.
- 5.6.5. NH responded and explained that there is a programme of ground investigation proposed to be undertaken in June 2022 including a programme of geo-archaeological and paleo-environmental monitoring which will focus the DAMS and OWSI further. NH confirmed that the extra surveys are not necessary for the adequacy of the application but due to stakeholders' requests NH have committed to undertake further surveys, although the surveys will be outside of the DCO examination period.
- 5.6.6. Steve Mendel (SM) from Shab Hill Farm explained that he was surprised no archaeological dig was undertaken at his farm due to the natural spring at the bottom of the valley and the slopes which provide shelter from the elements which may lead to possible human activity being undertaken in this area. NH responded and explained that although humans may have been in this area, they are unlikely to have left remains that were easily identifiable and anything of significance.
- 5.6.7. AF commented that Mr Mendel's point is very accurate and that a little bit of predictive modelling in the first instance can go a long way in targeting your evaluation strategy to acquire the information you need. AF explained that a simple look at landform, which is what we will discuss at the next agenda item on landscape, will probably show that there is likely to be a fairly major routeway going up past Crickley Hill, over a lip where Emma's Grove is located and then down the hill into Caldwell bottom to the Churn, a tributary of the River Thames.

6.2 Effects on designated and non-designated heritage assets (including Emma's Grove and Peak Camp)

- 5.6.8. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

5.7. Agenda item 7 - Landscape

7.1 Holistic approach to Historic Landscape and Group Value

- 5.7.1. The ExA asked NH to explain the historic landscape and whether or not cultural heritage has been given enough weight for this scheme. NH explained the process they had taken.
- 5.7.2. MS introduced AF. AF explained that he is surprised that NH's archaeologist has not done a historic characterisation assessment before as he has done this on other large infrastructure projects such as HS2. Historic characterisation is first principles, you firstly look at geology, geography topography and hydrology to predict where archaeology remains may be to help design the archaeology evaluation which will give you confidence on how to proceed with your mitigation strategy. In this case, for example, the barrows in the Cotswolds are both Neolithic and Bronze Age and are clustered together usually overlooking water sources.

7.2 Landscape strategy

- 5.7.3. The ExA referred to the to WQ 1.1.9 and the reserve of details on bridges and structures within the application documents and asked NH what other DCOs have also taken this approach. NH referred to the design summary report and landscape-led scheme. NH referred to requirement 11 of the DCO. The ExA challenged NH on the lack of details on the aesthetics of the bridges and structures in the DCO application. NH pointed to a paragraph in the LEMP about the structures will be finished using locally sourced materials etc.
- 5.7.4. The ExA invited the Joint Councils to speak. MS introduced Ben Nutch (BN). BN started by firstly, reiterating that the Joint Councils are supportive of the Scheme and the need for it which is well set out in the NHs Case for the Scheme. BN stated that the Joint Councils role in this examination is to push NH to achieve the highest environmental standards in design and construction of the Scheme, and that it was on this basis that the Councils were raising the concern about the availability of preliminary design detail in relation to proposed structures.
- 5.7.5. BN stated that the Joint Councils recognise that variations of requirement 11 have been used successfully on other NSIPs, but in the cases of those schemes, the requirement is supported by preliminary design detail shown on section or elevation drawings. BN stated that in the case of this scheme, requirement 11 is not supported by such drawings and is not an acceptable requirement as it would require detailed design to be compatible with the preliminary design details shown only on the general arrangement and works plans unless otherwise agreed. BN explained that there is no preliminary design detail in relation to structures on those works plans and general arrangement plans, and a general lack of preliminary design detail in relation to structures elsewhere in the application. The Joint Councils consider that the Design Summary Report sets out design principles and this is not the same as illustrating a preliminary design.
- 5.7.6. This applies most prominently to the Cotswold Way National Trail Bridge and Gloucestershire Way Bridge, but that the full list of structures the Joint Councils have this concern about is set out in the deadline 2 representation (REP2-034) in row 2.1.2.
- 5.7.7. The Joint Councils requested that National Highways clarify when it came to the detailed design stage, what preliminary design information for structures, submitted before examination it proposed to ensure compatibility with under requirement 11.
- 5.7.8. BN offered two possible remedies that would settle the Joint Councils concerns:

- Option 1, National Highways submit sections and elevation drawings which illustrate the preliminary design detail of structures into examination; Advise whether or not the Environmental Statement should be amended to reflect this new information; if it does, carry out that assessment and submit it into examination; and then amend Requirement 11 to include specific reference to those submitted plans in addition to the general arrangement and works plans
- Option 2 to remedy this matter, requirement 11 should be redrafted in a manner that ensures it is specific to the design of the carriageway; and then add a new requirement into Schedule 2 which secure the submission of detailed design of structures for written approval of the SoS following consultation with the relevant planning authority and highway authority and other very key consultees including the conservation board, and In the case of the Gloucestershire way crossing which will integrate an ecology corridor, GWT and Natural England.

- 5.7.9. BN advised that either options would ensure that the design of the scheme is adequately assessed, aligns with the NPS requirements for developments in designated areas, and would resolve the Councils concern that the correct controls are in place to ensure the scheme is delivered to a high standard that reflects the sensitive setting.
- 5.7.10. Following a review of the evidence presented during the ISH2, the Joint Councils have carried out further research into how National Highways and other developers have approached the securing of preliminary design information in DCOs. Appendix A of this document provides case studies which demonstrate that the approach taken by National Highways on the A417 Missing Link is not a standard approach.

5.8. Agenda item 8 - Transport

8.1 Whether assumptions and assessments are robust

- 5.8.1. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

8.2 Transport management measures

- 5.8.2. The ExA directed a question to the Joint Councils and referred to various WQs (1.1.11, 1.11.17 and 1.1.23) and asked whether the Joint Councils have concerns on these matters being left at the detailed design and post consent stage including the provision of condition surveys for local roads.
- 5.8.3. MS introduced AP to speak. AP advised that the Joint Councils have no issues on the points referred to in the ExA's questions.
- 5.8.4. The ExA then noted a request for a legal agreement to be drawn up for any extra ordinary damage to the local highway network is addressed under Section 59 of the Highway Act at the expense of the applicant. The ExA asked the Joint Councils to elaborate on this, particularly with reference to the condition surveys of the local roads and the concerns of interested parties in respect that those local roads aren't capable at the moment of accommodating that traffic.
- 5.8.5. MS introduced AP. AP notes that there have been many written representations from residents of Cowley Village which contain concerns regarding construction traffic and traffic resulting from construction of the road which might cause impacts or delays on the village and local roads. The Joint Councils have requested through the CTMP, that we would undertake any pre-start surveys jointly with the applicant of these roads to undertake an inspection survey to determine the condition of it. We would then also like to work with the applicant to agree some signage to prevent construction traffic from using the unsuitable to ensure the issues are mitigated on those roads. AP advised that following construction a post-construction survey would be undertaken to understand the damage from construction vehicles and then the Joint Councils would implement an agreement through section 59 of the Highways Act to get some recompense, to be able to repair and replace any of the roads that have been damaged from the works.

- 5.8.6. NH commented that construction traffic and management will be covered in the CTMP which is secured through the EMP. NH also stated that they are of the view that a section 59 is not necessary and it is not clear that any extra ordinary expenses will arise following construction. NH confirmed that they are in discussions with the Joint Councils and are happy to continue discussions on this matter.
- 5.8.7. AP confirmed that he had no further comments to make and the Joint Councils will continue to work with the applicant.

8.3 Effects on the local road network

- 5.8.8. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

5.9. Agenda item 9 - Any other matters

- 5.9.1. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

5.10. Agenda item 10 - Review of issues and actions arising

10.1 The Examining Authority will address how any actions placed on the Applicant are to be met

- 5.10.1. One agenda item was related to the Joint Councils to provide further details to their oral submissions which is provided in section 7.2 above.

5.11. Agenda item 11 - Close of the Hearing

- 5.11.1. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH2, the Joint Councils have no further comments to make.

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