

A417 Missing Link  
TR010056

8.16 Summary of Applicant's  
Oral Submissions at Open Floor  
Hearing 1 (OFH1)

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Infrastructure Planning

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

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Development Consent Order 202[x]

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# 1 Introduction

- 1.1.1 This note summarises the submissions made by National Highways ("the Applicant") at the Open Floor Hearing ("OFH") on Monday 24 January 2022 ("the Hearing") in relation to the Applicant's application for development consent for the A417 Missing Link ("the Scheme").
- 1.1.2 This document does not purport to summarise the oral submissions of parties other than the Applicant, and summaries of submissions made by other parties are only included where necessary in order to give context to the Applicant's submissions in response.
- 1.1.3 The structure of this document follows the order of items published by the ExA on 10 January 2022 (the "Agenda"). Numbered agenda items referred to are references to the numbered items in the Agenda. The Applicant's substantive oral submissions commenced at item 5 of the agenda, therefore this note does not cover items 1 to 4 in the agenda.

## 2 Appearances

- 2.1.1 Julian Boswall of Burges Salmon LLP confirmed that he represents the Applicant. He also introduced Alex Minhinick of Burges Salmon LLP and Richard Hewitt (Regional Sponsor) of National Highways.

## 3 ITEM 5 - responses by Applicant

- 3.1.1 Mr Boswall acknowledged the wide range of points made by third parties. The Applicant has already provided the Examining Authority ("ExA") with responses to a large percentage of the points made in its previous written submissions. Accordingly, Mr Boswall confirmed that the Applicant did not propose to respond orally to every point made by third parties in the Hearing. However, Mr Boswall proposed that the Applicant could signpost to where it has addressed specific issues in its summary of oral submissions, and elaborate on any additional points as necessary. The ExA accepted this approach.
- 3.1.2 Where the Applicant addressed comments made by a third party during this Hearing at a subsequent hearing, the Applicant has not repeated its response to that comment within this summary.

### 3.2 Gloucestershire Wildlife Trust (GWT)

- 3.2.1 In response to the comments made by GWT in relation to biodiversity net gain, the Applicant would refer GWT and the ExA to the following submissions:
  - a. Section 8.5 of the Case for the Scheme (Document Reference 7.1, APP-417) describes the approach taken by the Applicant to maximise opportunities for biodiversity delivery within the land needed for the Scheme. As stated in paragraph 2.17.8 of the Applicant's Responses to Relevant Representations (Document Reference 8.3, REP1-008), National Highways is continuing to investigate further opportunities to improve biodiversity delivery outside of the Scheme boundary.
- 3.2.2 In response to the comments made by GWT in relation to the mitigation measures secured under the EMP and Requirement 3, the Applicant would refer GWT and the ExA to the following submissions:

- a. Section 2.10 of the Applicant's Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012) explains the habitat mitigation strategy for the Scheme and addresses GWT'S concerns about the length of time needed to establish compensatory habitats.
- b. Paragraph 2.10.4 of the Applicant's Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012) confirms that '*Annex D LEMP of the EMP (end of construction stage) shall detail the accountability, funding, monitoring, management, triggers for remediation and remediation works*'. The Landscape and Ecological Management Plan (Document Reference 6.4, APP-321) submitted with the application provides detail on post-construction monitoring including, for example, measures in relation to barn owls and habitat creation or enhancement.
- c. The Applicant will continue to work with key stakeholders including GWT during the construction and operational stages of the Scheme. The LEMP provides for ongoing engagement with key stakeholders on a wide range of issues during construction, and is required to be updated at the end of construction stage in relation to the long-term operation of the Scheme.
- d. As indicated in Section 2.18 of the Applicant's Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012), the Applicant is open to considering any specific amendments to the EMP and its annexes that are suggested by stakeholders, including GWT.

3.2.3 In response to the comments made by GWT in relation to protected habitats, the Applicant would refer GWT and the ExA to the following submissions:

- a. Section 2.11 of the Applicant's Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012) describes the approach that has been taken by the Applicant in relation to minimising impacts on veteran trees and ancient woodland. In particular, paragraphs 2.11.5-2.11.6 set out the Applicant's position on protective buffers for trees.
- b. Section 2.15 of the Applicant's Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012) sets out the Applicant's response to concerns raised about the assessment of the ecological impacts of recreational visitor pressure on the Crickley Hill and Barrow Wake SSSI.

3.2.4 GWT queries whether the route of the scheme should be closer to Emma's Grove, rather than Ullenwood. An explanation of the wide range of factors (beyond just ecological) receptors informing scheme design was provided by the Applicant in Issue Specific Hearing 2 ("ISH2").

### **3.3 Ian Myles on behalf of National Star Foundation**

3.3.1 In response to the comments made by Mr Myles (and other affected landowners) in relation to stakeholder engagement, the Applicant would refer the ExA to section 2.11 of the Applicant's Responses to Relevant Representations (Document Reference 8.3, REP1-008).

3.3.2 As confirmed in the draft position statement between the Applicant and the National Star Foundation provided to the ExA at Appendix A to the Applicant's Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012), the Applicant has explained to the National Star Foundation that financial support is available for land agents' fees. The Applicant will consider

applications for reasonable professional fees incurred, but is not able to fund all professional fees that may be incurred.

- 3.3.3 In response to the comments made by Mr Myles on the Applicant's Equality Impact Assessment (EqIA) (Document Reference 7.8, APP-424), the Applicant would refer the National Star Foundation and the ExA to its comments at paragraphs 2.13.4 to 2.13.6 of the Applicant's Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012). This was also addressed by the Applicant orally in submissions at the Compulsory Acquisition Hearing.
- 3.3.4 Further to Action Point OFH1-AP1, the Applicant has provided an updated version of the EqIA alongside this document at Deadline 3.

### **3.4 Stuart Milson on behalf of BJ Ford and CE Ford**

- 3.4.1 In respect of the concerns raised by Mr Milson concerning access to the Fords' property, the Applicant would refer the ExA to commitment PH2 of the Environmental Management Plan (Document Reference 6.4, APP-317] which states:
- 3.4.2 *Where the construction works would affect access to any of the existing receptors identified in ES Chapter 12 Population and Human Health (Document Reference 6.2, APP-043), temporary alternative access arrangements would be provided in agreement with the receptor, landowner and/or tenant(s). This is to be detailed within the Construction Traffic Management Plan to be refined at detailed design.*
- 3.4.3 In response to the comments made by Mr Milson on the proposed private means of access along Cowley Wood Lane, the Applicant would refer affected landowners and the ExA to paragraphs 2.15.16 to 2.15.20 of the Applicant's Responses to Relevant Representations (Document Reference 8.3, REP1-008).
- 3.4.4 The Applicant notes that BJ Ford and CE Ford have requested an accompanied site inspection of their property by the ExA. The Applicant confirms that it has no objection to this and is liaising with the Case Officer in relation to an itinerary for an accompanied site visit.

### **3.5 Martin Horwood on behalf of Leckhampton with Warden Hill Parish Council**

- 3.5.1 In response to comments made by Mr Horwood on safety and traffic accident data, the Applicant would refer the Parish Council and the ExA to section 2.8 of the Applicant's Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012) and paragraphs 2.8.7 to 2.8.12, in particular.
- 3.5.2 In response to concerns raised by Mr Horwood in connection with traffic impacts at Leckhampton Hill, the Applicant would refer the Parish Council and the ExA to the Applicant's Leckhampton Hill Technical Note submitted at Deadline 2 (Document Reference 8.15, REP2-016). National Highways has worked with the local highways authority, Gloucestershire County Council, to identify all necessary mitigation measures required for the local road network as a result of the Scheme.
- 3.5.3 The Applicant was specifically asked to confirm whether an application for c.300 homes in Leckhampton Hill (planning reference 20/01788/FUL) has been taken

into account in the cumulative traffic assessment for the Scheme. The developments included within the traffic modelling are set out in Table 10-8 and Figure 10-6 of the Combined Modelling and Appraisal Report (“ComMA Report”) (Document Reference 7.6, APP-422).

- 3.5.4 The Applicant confirms that this development was not included specifically in the development of the forecast matrices used in the traffic model. At the time the forecast matrices were developed (September 2020) for the DCO submission the planning application had not been submitted and therefore based on the definitions of uncertainty contained in TAG unit M4, and provided in Table 10-7 of the ComMA Report, this development was not considered to be ‘More than Likely’ or ‘Near Certain’.
- 3.5.5 However, although this development was not included specifically within the traffic model matrices, the development would have been included in the Department for Transport’s National Trip End Model (“NTEM”) dataset. The NTEM dataset is the forecasting model for traffic generation based on local authority planning data and used for deriving trip end growth factors for background traffic growth in the traffic model as this site, for 350 houses, is included in Cheltenham Plan Policy MD4. Therefore, the traffic from this development would be included within the background traffic growth for Gloucestershire within the traffic model. Details on the use of NTEM in developing the forecast matrices is provided in Section 10.5 of the ComMA Report (Document Reference 7.6, APP-422).
- 3.5.6 The development was in the cumulative assessment for the Environmental Statement as shown in Table 15-7 in Chapter 15 of the Environmental Statement (Document Reference 6.2, APP-046).
- 3.5.7 In response to comments made by Mr Horwood on its independent air quality assessments, the Applicant would refer the Parish Council and the ExA to section 2.8 of the Applicant’s Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012) and paragraphs 2.8.13 to 2.8.18, in particular.
- 3.5.8 In response to comments made by Mr Horwood on carbon emissions, the Applicant would refer the Parish Council and the ExA to section 2.2 of the Applicant’s Responses to Relevant Representations (Document Reference 8.3, REP1-008) and section 2.3 of the Applicant’s Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012).

### **3.6 Tim Broomhead on behalf of Alison Besterman**

- 3.6.1 In response to Mrs Besterman’s objection to the use of option 30 rather than option 12, the Applicant would refer Mrs Besterman and the ExA to section 2.8 the Applicant’s Responses to Relevant Representations (Document Reference 8.3, REP1-008).
- 3.6.2 In response to comments made by Mr Broomhead in relation to impacts on the Cotswold AONB, the Applicant would refer Mr Broomhead and the ExA to section 2.12 of Applicant’s Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012).
- 3.6.3 In respect of access along Cowley Wood Lane, that was addressed by the Applicant in its oral submissions at ISH2.