



**POST HEARING SUBMISSION INCLUDING ORAL SUBMISSIONS AT ISSUE SPECIFIC HEARING 1 ON 25
JANUARY 2022 AND ISSUE SPECIFIC HEARING 2 ON 27 JANUARY 2022**

ON BEHALF OF THE

**HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND
(HBMCE)**

(HISTORIC ENGLAND)

Application by

National Highways for an Order granting Development Consent for the A417 Missing Link Scheme

PINS Reference No. TR010056

HBMCE Reference NO. PL620663

Deadline 3: 02 February 2022

ISSUE SPECIFIC HEARING 1

- 1.1 Below is a written summary of the oral submissions of Historic England (**HE**) following the Issue Specific Hearing 1 (**ISH1**) in respect of the A417 Missing Link Scheme (the **Scheme**) (which includes matters discussed in respect of draft development consent order (**dDCO**)).
- 1.2 The Applicant summarised that discussions in respect of requirement 9 of the dDCO are ongoing with HE and that HE has suggested drafting amendments to which the Applicant had responded, but that agreement had not yet been reached on these amendments. It was said that the Applicant hoped it would reach an agreed position with HE (and the Joint Councils) shortly. HE had nothing further to add and agreed this was an accurate summary of the position and added that HE looked forward to further discussions with the Applicant and the Joint Councils on this.

ISSUE SPECIFIC HEARING 2

- 2.1 Below is a written summary of the oral submissions of HE following the Issue Specific Hearing 2 (**ISH2**) in respect of the Scheme (which includes matters discussed such as the effects on archaeology and adequacy of surveys/assessment and the effects on designated and non-designated heritage assets; raised in response to agenda item 8).
- 2.2 HE informed the Examining Authority (**ExA**) that the responses by the Applicant to the written questions [REP2-015] submitted at Deadline 2 of the Examination were useful to HE as an explanation of the approach taken to the surveys and assessment of archaeology.
- 2.3 HE added, for the benefit of the ExA, that HE and the Applicant are continuing discussions in respect of the Detailed Archaeological Mitigation Strategy (**DAMS**) and Overarching Written Schemes of Investigation (**OWSI**).
- 2.4 HE stated that they are yet to receive a revised version of the DAMS and the OWSI, which they expected to receive by Deadline 2 and therefore it was difficult to provide an update to the ExA until HE had sight of these documents and had been able to consider further to ensure they were adequate for the provision of required archaeological mitigation.
- 2.5 HE added that they looked forward to receiving the revised DAMS and OWSI and reserved their position until they had sight of these revised documents.
- 2.6 It was also explained by HE that a separate meeting was to be held with the Applicant on Monday 1 February to discuss the Statement of Common Ground (**SoCG**).
- 2.7 In respect of the Emma's Grove scheduled monument, HE informed the ExA that this monument is on the HE heritage at risk register due to scrub growth and burrowing animals within it.
- 2.8 HE added that in respect of Emma's Grove, HE are hoping to secure enhancement and mitigation to remove this monument from the risk register and that this would tie in with what the Scheme was attempting to do by improving the landscape.
- 2.9 HE stated that, as mentioned by the Applicant, HE realise that engagement is needed with the landowner but that HE are seeking the best they can from the Applicant in respect of

enhancement and mitigation at this monument as it is within the red line boundary of the DCO and impacted by the Scheme.

- 2.10 In response to the ExA's questions around what further mitigation could be provided at Crickley Hill, HE did not have anything further to add other than what was previously submitted in their written representation at Deadline 1 of the Examination and wished to defer to the National Trust (not present at the hearing) to respond on what could be done in relation to improving visitor experience.
- 2.11 HE added that the noise of the A417 is currently very loud at Crickley Hill and surfacing mitigation and additional planting could be utilised to reduce this impact.
- 2.12 In response to the Applicant's submission that mitigation at Crickley Hill would be more harmful to the setting of the asset; HE stated that they would need to be provided with potential screening options to comment on the impact.
- 2.13 HE stated that the current visual impact screening at Crickley Hill is the trees and that you rarely see vehicles going up the road, but by the Applicant increasing the elevation and widening the road this will make this impact more dominant. HE further suggested that planting could be moved to bulk out and screen the road and the noise reduced via consideration of different road surfacing options.
- 2.14 In respect of questions raised around the holistic landscape and group value (agenda item 7), HE supported the submissions made by the Joint Councils.

POST HEARING SUBMISSIONS

- 3.1 Further to the above submissions made at ISH1 and ISH2, HE wishes to make the following post-hearing submissions in writing.

Emma's Grove

- 3.2 In addition to the submissions made by both the Applicant and HE at ISH2, HE would like to direct the ExA to commitments made by the Applicant within the Environmental Management Plan (**EMP**) in respect of this scheduled monument.
- 3.3 Firstly, there is a commitment within the EMP from the Applicant that Emma's Grove scheduled monument will be fenced off clearly during construction to ensure that no accidental damage occurs during the construction period; which will be secured via the DAMS and OWSI. HE is in agreement with this commitment, particularly as the fencing proposals are to be approved by HE. However, there is also a monitoring requirement in respect of this fencing which requires photos of the condition of the fencing to be sent to HE weekly. Whilst HE welcome this principle, HE consider a bi-weekly email update to confirm there are no issues with the fencing to be sufficient, and photos to be only provided to HE if there is an issue with the fencing.
- 3.4 Secondly, there is a commitment by the Applicant within the EMP that Emma's Grove scheduled monument will have "selective vegetation clearance" to remove it from HE's heritage at risk register. HE are concerned with the submissions made by the Applicant at ISH2 around only providing such clearance if landowner consent is provided; this has not been raised with HE and

is contrary to the current commitment within the EMP. HE understands that agreement would be required with the landowner in respect of future maintenance of Emma's Grove, however, as it is within the red line boundary of the DCO, were not of the understanding that such consent would be required in order to carry out the works committed in the EMP. HE seeks clarification from the Applicant as to how they are intending to seek landowner consent, what maintenance consent will be required for (given Emma's Grove is within the DCO red line boundary) and updates as to the progress on any consent the Applicant deems is required.

- 3.5 Furthermore, HE seeks clarification from the Applicant as to what is meant as 'selective' vegetation clearance. HE requires the barrows to be cleared at the start of the Scheme and regularly monitored throughout the construction of the Scheme alongside the fencing at the monument. In order to remove Emma's Grove from the heritage at risk register (which HE have committed to) the monument will also require a long term management regime to be in place and any animal burrows at the monument dealt with. It is HE's view that as the works proposed for Emma's Grove align with the proposed ecology work, it would be sensible that they are to be carried out to the same time table.

DCO Requirements

- 3.6 Whilst HE, the Joint Councils and the Applicant are in discussions as to the wording of Requirement 9 within the DCO, HE would like to make the ExA aware of the amendments that HE currently require in respect of Requirement 9 (as outlined in track change below). The below amended wording was provided by HE to the Applicant via email on 25 January 2022:

Archaeology

9. —(1) No part of the authorised development is to commence until for that part a scheme for the investigation and mitigation of areas of archaeological interest, reflecting the mitigation measures included ~~in Chapter 6 of the Environmental Statement in in the chapter 6 (Cultural Heritage) of the environmental statement, EMP and in accordance with the DAMS and OWSI,~~ with provision for site specific written ~~scheme of investigation sub-written schemes of investigation~~ for each area and each phase (evaluation or detailed excavation or watching brief), has been prepared in consultation with the relevant planning authority and the local highway authority, agreed with the County Archaeologist ~~in consultation with Historic England~~ and submitted to and approved in writing by the Secretary of State.

(2) The authorised development must be carried out in accordance with ~~the EMP archaeological framework strategy and sub-written schemes of investigation~~ referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State.

(3) A programme of archaeological reporting, post excavation and publication required as part of the ~~DAMS/OWSI and site specific written scheme of investigation archaeological framework strategy and sub-written schemes of investigation~~ referred to in sub-paragraph (1) must be agreed with the County Archaeologist ~~in consultation with Historic England~~ and implemented within a timescale agreed with the County Archaeologist and deposited with the Historic Environment Record of the relevant planning authority within two years of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.

(4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be—

(a) retained in situ and reported to the County Archaeologist as soon as reasonably practicable; and

(b) ~~subject to appropriate mitigation as set out in the DAMS/OWSI and site specific written scheme of investigation archaeological framework strategy and mitigation~~ agreed with the County Archaeologist ~~in consultation with Historic England.~~

(5) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (4) for a period of 14 days from the date the remains are reported to the County Archaeologist under sub-paragraph (4) unless otherwise agreed in writing by the Secretary of State.

(6) Prior to commencement of ~~On completion of~~ the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be agreed with the County Archaeologist and the receiving museum(s).

Schedule 9: Documents to be Certified

(1) Documents	(2) Document Reference	(3) Revision
Book of reference	Volume 4, Document 4.3	
Works plans	Volume 2, Document 2.4	
Land plans	Volume 2, Document 2.2	
Rights of way and access plans	Volume 2, Document 2.5	
Classification of roads plans	Volume 2, Document 2.7c	
Special category land plans	Volume 2, Document 2.3	
Clearways and prohibitions plans	Volume 2, Document 2.7b	
De-trunking plans	Volume 2, Document 2.8	
Speed limits plans	Volume 2, Document 2.7a	
Environmental masterplan	Volume 2, Document 6.3, Figure 7.11	
General arrangement plans	Volume 2, Document 2.6a	
Engineering drawings and sections	Volume 2, Document 2.6b	
Environmental statement	Volume 6, Documents 6.2 to 6.4	
Environmental management plan (design stage)	Volume 2, Document 6.4, Appendix 2.1	
<u>Detailed Archaeological Mitigation Strategy and the Overarching Written Schemes of Investigation</u>	<u>Volume 2, Document 6.4, Appendix 2.1</u>	

Group Value

HE have reviewed the Applicant's Deadline 2 Submission against what HE said in response to question 1.7.15(b) and take this opportunity to clarify HE's position to avoid possible misinterpretation of it's response.

Applicant D2 submission

3.7 At para 3.4.9 in the Applicant's D2 response (Doc 8.14) the Applicant states;

3.7.1 *"National Highways disagrees that the grouping of The Peak, Emma's Grove and Crickley Hill are of national significance. The Peak was excavated between 1980 and 1981, which confirmed that it was a Neolithic enclosure and contemporary with the earliest phase of activity at Crickley Hill. The excavation found no evidence of Bronze Age activity. As a result, while the monument would have been known to the builders of Emma's Grove, there is no evidence that they are related, save for their topographical location."*

HE D1 response

3.8 In response to the ExA's first written questions (question 1.7.15 in respect of Group Value) HE said the following;

3.8.1 *"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."*

3.8.2 *Another example are that the Barrows (Crippets Long Barrow, Coberley Long Barrow, West Tump Long Barrow and the bowl barrows at Emma's Grove and Crippets) should be looked at as a group associated with the Neolithic and Bronze Age settlement in the camps. Although we have lost barrows here through quarrying; the Emma's*

Grove Barrows (EGB) have survived and we have a Roman cremation close by (Appendix 6.5 Area 2 Field A p31). So there is a continuation of usage for burial in this area, on the edge of the scarp overlooking the valley and vale.

- 3.8.3 *The Neolithic and Iron Age activity recorded in the area will relate back to the landscape and Crickley Hill and The Peak. Their significance is raised due to this association.*
- 3.8.4 *When being assessed for scheduling the group value of sites is one of the Principles of Selection for Scheduled Monuments (DCMS 2013 Annex 1). Under Group Value it states that 'The significance of a single monument may be greatly enhanced by its association with related contemporary monuments and /or those of different periods'. In Historic England's Scheduling Selection Guides there is always a section on Group Value and how this contribute to the significance of an asset (for example paragraph 3.4, Settlements to 1500, 2018). When we assess a site for scheduling one of the principles we look at is the group value and if this contributes to the significance of the asset."*
- 3.8.5 *"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:*
- long barrows and the Neolithic Camps; and*
 - round barrows and Bronze Age settlement at Crickley Hill."*