



**National
Trust**

Your ref: TR010056 - A417 Missing Link
Our ref: A417-AP048 / A417-AP049
Registration ID: 20028972

14th February 2022

The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Submitted through PINS A417 portal and emailed to:
A417MissingLink@planninginspectorate.gov.uk

Dear Sir/ Madam,

TR010056: Application by National Highways (formerly Highways England) for an Order Granting Development Consent for the A417 Missing Link

Re: Deadline 4 (14th February 2022)

Please find enclosed our submission in response to specific matters raised in Deadline 3, in relation to the examination hearings held week commencing 24th January for your consideration.

Yours faithfully,

Sarah Cook
Project Manager, Crickley Hill
South West Landscapes and Infrastructure

National Trust
South West Region
Unit 3, Hubbard Wing
Leigh Court Business Centre
Pill Road
Abbots Leigh
Bristol BS8 3RJ

President: HRH The Prince of Wales
Regional Director: Rebecca Burton

Registered office:
Heelis, Kemble Drive, Swindon
Wiltshire SN2 2NA
Registered charity number 205846





National Trust

Unique Ref: A417-AP048 / A417-AP049
Registration ID: 20028972

Deadline 4 submission (14th February 2022)

Matter raised	National Trust response
<p>1. Limits of deviation and National Trust inalienable land</p> <p>National Highways D3 document 8.17 Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1)</p> <p><i>“The ExA noted that the National Trust has asked for the limits of deviation under the dDCO to be reduced to zero where it is an affected landowner and asked the Applicant to confirm if this is a reasonable and feasible request. Mr Minhinick suggested that the National Trust has misunderstood how the limits of deviation apply to the authorised development alongside compulsory purchase proposals within the dDCO. The limits of deviation cannot extend beyond the Order limits and will not have a direct impact on the boundaries of the land that could be acquired if the dDCO is made”.</i></p>	<p>The National Trust raised this matter in our D1 Written Representation (section 5.5). We are seeking assurance by the applicant that no overspill of work would take place on National Trust inalienable land that lies on the other side of the land holding fence line / red line application boundary.</p> <p>We note the applicant’s position, and if this is the case that the limits of deviation are within the scheme redline boundary, then the scheme should not involve any further land take of National Trust inalienable land beyond that which is due to be compulsorily acquired and therefore, the contractor should carry out all construction works from Highways soft estate. We would appreciate being referred to the specific parts of the dDCO that ensure that this outcome would be secured / assured.</p>
<p>2. GHG emissions and low carbon construction</p> <p>National Highways’ D3 document 8.17 Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1)</p> <p><i>“4.2.1 The ExA asked the Applicant to confirm its position on the request from the National Trust for the Applicant to be subject to an express requirement to provide a low carbon construction plan”.</i></p> <p><i>“4.2.2 The Applicant confirmed that Commitment CC7 under the EMP requires the contractor to develop and implement a plan to reduce energy consumption and associated carbon emissions. This commitment is</i></p>	<p>The National Trust referred to this matter in our D1 Written Representation (section 5.1.6). We would support the applicant’s Commitment CC7 to develop and implement a plan to reduce energy consumption and associated carbon emissions. Our Written Representation also referred to Commitment CC9 (managing material resource use during construction), which is also welcomed, although the phrase “where practicable” requires further clarification to ensure meaningful emissions reductions are secured.</p>

Matter raised	National Trust response
<p><i>secured by way of Requirement 3 of the dDCO. The Applicant considers that this addresses action ISH1-AP7”.</i></p>	
<p>3. Scheme design</p> <p><i>National Highways’ D3 document 8.17 Summary of Applicant’s Oral Submissions at Issue Specific Hearing 1 (ISH1) – Appendix B Submissions on discharge of requirements and mechanisms to control detailed design</i></p> <p><i>“B.2.1.1 The dDCO requirements effectively limit the ability of the applicant to depart from those preliminary details that are present within the application documents as a whole, which have been the subject of detailed assessment and are now being examined”.</i></p> <p><i>“B.2.1.2 The detailed design is principally controlled under Requirement 11...”</i></p> <p><i>“B.2.1.16 Additionally, the draft DCO for the A303 Stonehenge scheme, which is currently being re-determined, would also reserve details that could impact a sensitive landscape”.</i></p> <p><i>National Highways D3 document 8.19 Summary of Applicant’s Oral Submissions at ISH2 [Environmental matters]</i></p> <p><i>7.1.3 “Given the amount of information within the examination documents which are informing the design of the Scheme, the Applicant suggests that the flexibility available to it under the detailed design requirements is limited. Requirement 11 of the DCO provides that the authorised development is to be carried out, so it is compatible with the preliminary design shown on the Works and General Arrangement Plans...”</i></p> <p><i>“The Applicant’s position remains that the Design Summary Report (Document Reference 7.7, APP-423) provides indirect control...”</i></p> <p><i>“...These controls are secured in the DCO through Requirement 3 which ought to provide sufficient comfort that the detailed design of the crossing structures would be adequately and appropriately designed”</i></p> <p><i>7.1.5 “...the Applicant is considering the suggestion of a Design Code for the crossing structures forming part of the Scheme and will update the ExA once it has been able to do so”</i></p>	<p>The National Trust raised scheme design and detailed design in our D1 Written Representation (Part C Scheme Design – additional points). This matter was discussed at the hearings and featured in the Deadline 3 written submissions of National Highways and other parties, including the Joint Councils and Cotswolds Conservation Board.</p> <p>In response to National Highways’ reference to the A303 Stonehenge, scheme, we understand that this scheme did include ‘Structures Drawings’ with basic plans, elevations and sections. We are not aware such drawings have been provided as part of the DCO application for the A417 Missing Link Road scheme.</p> <p>We also note the Joint Council’s assessment that the applicant’s approach to the A417 road scheme is a departure from the approach taken to other road schemes, especially given the AONB context of the A417.</p> <p>We remain concerned that sufficient detail should be available during the DCO examinations stage, and that – now and post-consent – there is the opportunity for meaningful consultation and engagement regarding the aesthetics of the scheme, in particular the Cotswold Way and Gloucestershire Way crossings and have made reference to a working group being established in our written representation. To date, we have not seen evidence that the 2020 collaborative briefing note regarding bridge structures in an AONB that was re-submitted as evidence by CCB in their Deadline 3 submission, Appendix A has been considered. The Trust would want to ensure that, as much as possible, the structures are in keeping with the characteristics of the Cotswolds AONB and help incorporate the scheme into the landscape, whilst fulfilling their nature and people objectives as appropriate.</p> <p>This particular point helps illustrates our concern whether 'landscape-led' has underpinned every design decision.</p>

Matter raised	National Trust response
<p>Joint Council's D3 document – Comments on NH Deadline 2 submission</p> <p>2.1.4 <i>"The response provided by National Highways does not address the point of concern raised by the Joint Councils. The detailed position of the Joint Councils on the lack of preliminary design information for key elements of the Scheme within the application and the lack of any Requirements securing the Secretary of State's written approval for detailed design of structures".</i></p> <p>Joint Council's D3 document – Written submission of case put orally at hearings</p> <p>5.7.4 <i>"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"</i></p> <p>5.7.5 <i>"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".</i></p> <p>Joint Council's D3 document – Summary of Oral Case Appendix A – Detailed Design in DCOs Case Studies</p>	

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<p><i>“1.4.1 2 All of the case studies reviewed in section 1.2 demonstrate that the approach proposed by National Highways for the A417 Missing Link is a departure from the standard approach it has taken on its recently made and currently proposed DCOs. The Joint Councils consider and that this is particularly unacceptable for this Scheme as it is located within the Cotswold AONB”.</i></p> <p>CCB D3 submission – post-Hearing submission, including written summary of oral submissions to Issue Specific Hearing 2 (ISH2)</p> <p><i>“To support National Highways’ thinking on this subject [aesthetics of the crossings], the Board, GWT and the National Trust produced an ‘A417 Briefing note for bridges in scheme. The Board suggests that this document will provide a very good basis on which National Highways can develop a Design Code for the crossings (as recommended by the ExA)”. The Board encourages National Highways to ensure the production of this code is a collaborative process. Following on from the discussion of detailed design, the Board asks that the ExA considers making it a requirement that National Highways will be committed to continuing its collaborative approach to key environmental matters under discussion, should the DCO be granted (please see examples in the next section).</i></p>	
<p>4. Recreational pressures on SSSI</p> <p>National Highways D3 submission – 8.19 Summary of Applicant's Oral Submissions at ISH2 [Environmental matters]</p> <p><i>“4.1.5 Crickley Hill Country Park is currently used for recreation, as evidenced in the insight study provided by National Trust as part of its Written Representation (REP1-098). The majority of visitors to the Crickley Hill Country Park visit all parts of that site, including away from the viewpoints. Given the difficulty of doing so, very few visitors cross the A417 at present. The new crossing and the Air Balloon Way would provide a range of attractive circular routes of different lengths that would be used by visitors. In doing so, there would be a redistribution of visitors that would reduce recreational pressures of those on the existing Crickley Hill site”</i></p>	<p>The National Trust raised the recreational impacts on the scheme on the SSSI at Crickley Hill as a principal matter outstanding – see our D1 Written Representation (section 4.4.1). We concur with the concerns raised by Gloucestershire Wildlife Trust and Natural England.</p> <p>We would also note that the Barrow Wake Parking Area (BWPA) is excluded from the DCO scheme and whilst there is a separate consultation looking at the future of the parking area, for the purposes of the current DCO the parking area remains in place. Because the BWPA is free to park in, and Crickley Hill Country Park has car park charging, the provision of the Cotswold Way crossing would allow (and potentially encourage) people to park at Barrow Wake and walk across to Crickley Hill Country Park without having to negotiate the traffic on the A417 (as</p>

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<p>Natural England position taken from National Highways document 7.3 Statement of Commonality – Rev 2</p> <p><i>Natural England is concerned that the proposals will increase recreational pressure on the Crickley Hill and Barrow Wake SSSI. The improved access to the car park and the appeal of the Air Balloon Way would lead to increased footfall in the SSSI, as visitors utilise the car park to access the Air Balloon Way trail and Crickley Hill Country Park via the new Cotswold Way crossing. This is likely to lead to increased trampling and erosion within the SSSI, damaging the calcareous grassland, particularly as people move to the ridgeline to enjoy the views. In addition, more people could impact on the ability to graze the site safely, which is essential for its management. Recreational pressure is assessed within the ES Chapter 8 and with the implementation of the major alternative recreational routes provided by the scheme and the provision of segregated routes, signage, and other measures to deter public access from sensitive features, any damage to habitats from impacts such as increased trampling and degradation of vegetation would not affect the integrity or key characteristics of the SSSI. Habitat degradation from increased recreational pressure would represent a minor adverse impact upon Crickley Hill and Barrow Wake SSSI. ES Chapter 8 Biodiversity has taken into account the proposals for walking, cycling and horse riding set out in ES Chapter 12 Population and Human Health and Annex F of the Environmental Management Plan (Public Rights of Way Management Plan). In response to the concerns expressed, a previously proposed footpath from the Air Balloon Way and Barrow Wake car park has been removed to reduce impact on SSSI habitat where musk orchids are known to be. The proposed Air Balloon Way has been revised to help reduce recreational activity through people navigating through the car park and SSSI. A further footpath (89) has been removed from the SSSI to reduce recreational activity within the SSSI. Signage, enclosures and interpretation boards to promote routes away from areas of SSSI would be provided to educate people of the sensitivity Response to Supplementary Consultation on the 2020 PEI report (11 November 2020) Relevant Representation, 2 September 2021 A417 Missing Link HE551505 Highways England HE551505-ARP-LSI-</i></p>	<p>they currently would have to). One person crossing the Cotswold Way bridge, will be one more that currently does not because of the road.</p> <p>Whilst we note the applicant’s contention that there would be a general redistribution of recreational pressures, Crickley Hill will be a focus point that people will want to reach to enjoy the views and facilities. As evidenced in our written representation, such pressures are already high at Crickley Hill, and we consider that a precautionary approach should be taken, entertaining the real possibility that the scheme would lead to a material increase in recreational pressures on the SSSI.</p> <p>We would therefore support post-construction monitoring of recreational impacts on the SSSI, and appropriate measures being put in place to address any such material increase.</p> <p>These measures may include but are not limited to all weather surfacing of footpaths within Crickley Hill and fencing within the Scrubbs ancient woodland to allow for regeneration of sensitive habitats. Measures such as these would reduce the risk of additional visitors leaving the PRow and creating additional desire lines on the site, help the long-term management of increased visitor pressure across sensitive areas, damaging SSSI notification features and impacting the Scheduled Monument</p>

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<p><i>X_XX_XXXX_X-RP-ZL-000004 P15, S4 02/02/22 Page 42 of 44 Ref. Matter Natural England position Highways England position Date of the position Paragraph 8.10.228 of Environmental Statement Chapter 8 – Biodiversity acknowledges that the viewpoint close to the car park will be a particular draw for visitors walking the Air Balloon Way, and that the grassland habitat in closer proximity to this location is more likely to be impacted by increased visitor numbers. It states that:</i></p> <p><i>“Segregated routes, signage and other measures to deter public access from sensitive features would be discussed and agreed at detailed design stage, to help reduce and avoid adverse impacts on SSSI habitats that could arise from additional visitors attracted to the viewpoint and immediate surrounds”. Natural England would not consider additional infrastructure in the SSSI to be suitable or effective mitigation.</i></p> <p>Gloucestershire Wildlife Trust position taken from National Highways document 7.3 Statement of Commonality – Rev 2</p> <p><i>“There are particular concerns about increased access for horse riders and cyclists to Crickley Hill via the Cotswold Way crossing and an overreliance on signage to divert users. GWT consider that the residual impact should be described as adverse, moderate and nationally significant”</i></p> <p>Gloucestershire Wildlife Trust D3 submission – Written summaries of oral submissions to Open Floor Hearing 1 (OFH1) and Issue Specific Hearing 1 (ISH1) and Response to Action Points</p> <p><i>“Suitable new accessible greenspace is sought to mitigate increased recreational pressure on the Crickley Hill and Barrow Wake SSSI, and the Cotswold Beechwoods SAC if applicable”.</i></p>	

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<p>5. Holistic approach to scheme mitigation</p> <p>National Highways D3 submission – 8.19 Summary of Applicant's Oral Submissions at ISH2 [Environmental matters]</p> <p><i>7.1.2 The Applicant rejects the assertion that the grouping of Peak Camp, Emma's Grove and Crickley Hill are of national significance.</i></p> <p>National Highways D2 document 8.14 Response to Cultural Heritage Issues Raised</p> <p><i>2.5 Holistic approach. "National Highways consider that the approach taken within the EIA is entirely compliant with LA106 and established professional practice. We are not aware of any previous scheme for which 'holistic' assessment has been requested by Historic England, or where this has been undertaken. We note that there is also no published Historic England guidance for 'holistic' assessment".</i></p> <p>National Highways document 8.14 Response to Cultural Heritage Issues Raised</p> <p><i>3.4.19 NHs has considered further the wider potential to enhance public recreational heritage access (through the proposed Cotswold Way crossing) and heritage interpretation. A new commitment, reference CH9, has been added to ES Appendix 2.1 EMP (Document Reference 6.4, APP-317 Rev 1). Signage and interpretation boards (as noted in BD53 and L27) would be situated in areas along the PROW network such on the Air Balloon Way entrances to the Cotswold Way crossing, and Gloucestershire Way crossing to educate the public regarding the heritage of the area.</i></p> <p>Joint Councils D3 submission – Comments on NH Deadline 2 submission – table 2.2 – response to cultural heritage issues raised</p> <p><i>"The Joint Councils note and, have seen both the HLC provided in support of the DCO for heritage and the LVIA chapter and have concerns that even these appear to have been 'siloe'd'. Between them these</i></p>	<p>The National Trust raised the need for a holistic approach to scheme mitigation that overlays cultural heritage, historic environment, and natural environment to understand the significance of the AONB landscape as a principal issue in our D1 Written Representation (section 4.1.2). Having commissioned and submitted the report from the University of Gloucestershire as evidence in Annex B of our written representation, this depth of local understanding of the landscape should not be ignored but welcomed by the applicant. The report infills current gaps in the assessment and thereby provides a more thorough understanding of the mitigation that should be proposed.</p> <p>We note and welcome the comments by the Joint Councils and the supporting comment from Historic England on this matter. We are however aware that the applicant has taken a different position and that this may not change between now and the end of the examination. For a landscape-led scheme, this is a fundamental principle to ensure the mitigation reflects the significance of the landscape – which also links into the visual settings impact. An example is the settings impact between Crickley Hill and Barrow Wake, where the current three lanes would be expanded to five at the base of Crickley Hill and visible from the Cotswold Way on the top of Crickley Hill and also over at Barrow Wake car park looking back across to Crickley. The right mitigation here is crucial and we would welcome further dialogue with the applicant to resolve this.</p> <p>We do however note the applicant's new commitment for signage and interpretation boards along the PRoW network including Air Balloon Way, 'to educate the public regarding the heritage of the area'. This aligns well with one of the recommendations of the University of Gloucestershire report about 'celebration and interpretation of the landscape' and 'communicating its remarkable time-depth'. Whilst we welcome this commitment, there is little detail of what it would involve, and care would need to be taken in respect of the type, content, and location, from both a historic and natural environment perspective. There would be benefit in interested parties such as Cotswolds Conservation Board, Gloucestershire</p>

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<p><i>assessments still do not deliver the required level of analysis linking archaeology to features that still exist within the modern landscape such as trackways, parish boundaries, ancient woodland/wood pasture (how old for instance are the local beechwoods as human developed wood pasture/hunting and gathering resources?), possible ancient field systems, standing monuments (barrows, hillforts etc) and potential drovers' routes (the latter briefly mentioned in the LVIA but NOT in the Historic Landscape Assessment for heritage). Again, the National Trust submission for Deadline 1 is referred to as an example of what might have been achieved".</i></p> <p><i>"In a 'landscape led' scheme within an area of such archaeological and historic landscape sensitivity a much more joined up approach might have been expected. The National Trust submission on historic landscape at Deadline 1 is an exemplar of this approach properly applied".</i></p> <p><i>"The Joint Councils point again to the characterisation developed by the National Trust as an exemplar of the historic landscape characterisation methodology that could have been used in support of the DCO. The methodologies utilised by HS2 despite being a much larger linear scheme still developed more nuance than is apparent in the characterisation delivered in support of the DCO".</i></p> <p>Historic England D3 submission - Written summary of oral submissions to Issue Specific Hearing 1 (ISH1) and Issue Specific Hearing 2 (ISH2)</p> <p><i>2.4 In respect of questions raised around the holistic landscape and group value (agenda item 7), HE supported the submissions made by the Joint Councils.</i></p> <p><i>"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:</i></p> <ul style="list-style-type: none"> <i>• long barrows and the Neolithic Camps; and</i> <i>• round barrows and Bronze Age settlement at Crickley Hill"</i> 	<p>County Council, Historic England and Natural England being consulted on the detail of this interpretation before it is installed.</p> <p>In respect of the Peak, we note that the applicant agrees that a case could be made that it is of national significance because of its relationship with Crickley Hill, both of them being Neolithic sites. In respect of group value, we note Historic England's response to the first round of Inspectors' questions, that there is a case to be made for assigning Group Value to associated monuments (i.e., Neolithic monuments and Bronze Age monuments respectively).</p> <p>Overall, the National Trust is not objecting to the scheme but continues to feel there is inherent value in an approach which takes an overview across more than one discipline, and we would want to see a high-quality 'landscape-led' road scheme with robust mitigation and enhancement measures that equal the significance of the Cotswolds AONB</p>

Matter raised	National Trust response
<p>6. Scheme impacts at Crickley Hill</p> <p>National Highways D2 Submission – 8.14 Response to Cultural Heritage Issues Raised</p> <p><i>Historic England Written Representation statement: Crickley Hill “will still be impacted by a high level of noise from the road. This means there is no enhancement or reduction in the harm caused by the noise.”</i></p> <p><i>Applicant response: “National Highways notes Historic England’s position and agrees that the improved A417 will be unlikely to provide an improvement in noise or enhancement to Crickley Hill.”</i></p> <p>Historic England D3 Submission - Written summary of oral submissions to Issue Specific Hearing 1 (ISH1) and Issue Specific Hearing 2 (ISH2)</p> <p><i>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 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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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</i></p>	<p>The National Trust stated in its D1 Written Representation that: “we note that Crickley Hill camp (Scheduled Monument) would experience a ‘slight adverse’ significant of effect according to the Environmental Statement. We question whether, in light of the conclusions of the University of Gloucestershire report as evidenced in our written representation that included the visual and (pre)historic relationship between Crickley Hill and the Peak, this fully acknowledges the effects of the scheme on the setting and significance of Crickley Hill camp.</p> <p>The Trust remains concerned about the visual and noise impacts on Crickley Hill from the road scheme and it relates to our point above regarding the visual impact when standing at the top of Crickley Hill, looking across to Barrow Wake. The expansion of current lanes at the base of Crickley Hill towards Barrow Wake will clear the entire tree line and habitat along the side of Barrow Wake. We consider the current mitigation being proposed is not sufficient, or the proposed landscaping and the Trust would welcome a discussion to resolve this issue with the applicant.</p> <p>In respect to noise, we understand that noise levels during scheme operation would increase compared to the current situation. As Historic England states “the noise of the A417 is currently very loud at Crickley Hill”. Historic England also suggest surfacing mitigation and additional planting could be utilised to reduce this impact. Our understanding is that the predicted impacts of the scheme already take into account use of lower noise surfacing, which would be secured through the DCO and would be maintained as such in perpetuity. We would like to understand what further measures the applicant could put in place to ameliorate the increase in noise that would be experienced by visitors to Crickley Hill and the scheduled monument as a result of the road scheme.</p>

Matter raised	National Trust response
<i>moved to bulk out and screen the road and the noise reduced via consideration of different road surfacing options.</i>	
<p>7. Possible lighting of the scheme</p> <p><i>National Highways document 8.17 Summary of Applicant’s Oral Submissions at Issue Specific Hearing 1 (ISH1)</i></p> <p><i>3.4.26 “The Applicant is carrying out assessments to confirm the consequential impacts, if any, of putting in place infrastructure that would facilitate the future lighting of the Ullenwood roundabout. The Applicant confirmed that these assessments are anticipated to be completed on or around Deadline 4, with a view to any changes emerging from assessments to be agreed with GCC and submitted by Deadline 6”.</i></p>	<p>The National Trust made comments on this matter in our D1 Written Representation (sections 5.6.1, 5.6.2, 5.6.4) and the subject of lighting is also briefly covered in the study we commissioned from University of Gloucestershire. We note the assessments being undertaken by National Highways and, alongside other interested parties, we intend to review the outcomes and way forward that emerges from this process.</p>