

A417 Missing Link
TR010056

8.25 Comments on Responses
received by Deadline 3

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

A417 Missing Link

Development Consent Order 202[x]

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This document has been prepared by National Highways (the Applicant) for submission to the Examining Authority (ExA) under Deadline 4 of the Examination of the A417 Missing Link Development Consent Order (DCO) application.
- 1.1.2 This document provides the Applicant's comments on the submissions made to the ExA by Interested Parties at Deadline 3. The submissions made by Interested Parties at Deadline 3 included information requested following the hearings held in the week commencing 24 January 2022, as well as comments made in response to the Applicant or other Interested Parties' previous submissions at Deadline 2.
- 1.1.3 In total, 38 Interested Parties made submissions at Deadline 3. Several Interested Parties submitted more than one document at Deadline 3. The Applicant has reviewed and considered these submissions.

1.2 Structure of this document

- 1.2.1 In reviewing the submissions made by Interested Parties at Deadline 3, National Highways has determined that in some instances, the matters raised are similar to those already raised in previous submissions by Interested Parties and to which National Highways has provided comment at Deadline 1, Deadline 2 and Deadline 3. In particular, the ExA is directed to the following documents which have responded to key themes raised by Interested Parties at the previous deadlines:
- Responses to Relevant Representations (Document Reference 8.3, REP1-008)
 - Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012)
 - Comments on Responses to the Examining Authority's Written Questions (ExQ1) (Document Reference 8.13, REP2-014)
 - Summary of Applicant's Oral Submissions of Hearings (Document Reference 8.16 to 8.19, REP3-008 to REP3-011).
- 1.2.2 In light of the above and to avoid unnecessary duplication, in this document National Highways has sought to respond only where it has identified matters that may benefit from new or further points of clarification or correction, where it may assist a stakeholder and/or the ExA. It also seeks to provide further information where necessary or requested by the ExA, for example through a Hearing Action Point, or as a follow up to its own Deadline 3 submissions.
- 1.2.3 The first part of this document provides a response to matters that are of relevance to multiple Interested Parties. This includes providing information to respond to a Hearing Action Point, or providing comment on a matter that has been raised by several Interested Parties (a 'theme' of submissions).
- 1.2.4 The second part of this document provides a direct response or comment on specific submissions made at Deadline 3. As set out above, this is not an exhaustive list and National Highways has responded only where it is considered necessary or helpful to do so. This format has been considered necessary at this Deadline due to the specific nature of some of the Deadline 3 submissions.

- 1.2.5 In summary, this document does not provide a detailed response to each individual submission made at Deadline 3 where National Highways considers that its existing submissions to the Examination address the matter in question.
- 1.2.6 Failure to respond to a particular point should not therefore be inferred as National Highways accepting a matter on which its position is already clearly identified. National Highways would, however, be very willing to respond to any additional questions from the ExA arising from the submissions made at Deadline 3, where they consider it would be helpful for National Highways to further comment.

2 Comments on Deadline 3 submissions

2.1 Introduction

2.1.1 This chapter provides National Highways' comments on matters that are of relevance to multiple Interested Parties, including where this relates to a Hearing Action Point, or matters that have been raised by several Interested Parties (a 'theme' of submissions). National Highways considers the following matters that require comment for the benefit of the ExA:

- a. Ullenwood junction lighting assessment update (ISH1-AP3)
- b. Designated Funds update (ISH1-AP12)
- c. Design evolution at Alexander and Angell property (CAH1-AP8)
- d. Need for mitigation for impacts to local road network
- e. Traffic modelling at Cowley Lane
- f. Historic bridge over the River Churn
- g. Controls of detailed design
- h. Commitments in the EMP

2.1.2 In addition, Table 2-2 provides a comment on specific submissions made at Deadline 3, where considered necessary by National Highways.

2.2 Ullenwood junction lighting assessment update

Summary of matter

2.2.1 At Issue Specific Hearing 1 (ISH1) on the draft DCO, held 25 January 2022, National Highways was assigned Hearing Action Point ISH1-AP3 which stated:

"Provide outcome of on-going lighting assessment by D4 with a view to any changes agreed with the Joint Councils to be finalised and submitted by D6" [EV-036]

National Highways response

2.2.2 National Highways has completed its assessment of the potential for lighting at Ullenwood junction. The findings of this assessment were presented to a number of relevant stakeholders at a meeting held 10 February 2022, including Cotswolds Conservation Board (CCB), Gloucestershire County Council (on behalf of the Joint Councils), Natural England, Gloucestershire Wildlife Trust and National Trust. National Highways is continuing to consider the findings of the assessment and the feedback from that meeting and will provide an update to the ExA as soon as possible.

2.3 Designated Funds update

Summary of matter

2.3.1 At Issue Specific Hearing 1 (ISH1) on the draft DCO, held 25 January 2022, National Highways was assigned Hearing Action Point ISH1-AP12 which stated:

"Written update and representation in relation to explaining the use of 'Designated Funds' and the interaction with the Proposed Development and the DCO." [EV-036]

National Highways response

- 2.3.2 National Highways' Designated Funds programme is separate to the core work of operating, maintaining and improving England's strategic road network. They provide ring-fenced funding that is used to invest in and support initiatives that deliver lasting benefits for road users, the environment and communities across England.
- 2.3.3 Through four designated funding streams, focus is on making improvements that make the biggest difference and National Highways works flexibly with customers and stakeholders to invest the funds where they are needed most over the course of the road period. From 2020 to 2025 National Highways will be investing £936 million in designated funds across the country.
- 2.3.4 The four funding streams for this period are:
- Safety and congestion
 - Environment and wellbeing
 - Users and communities
 - Innovation and modernization
- 2.3.5 In relation to the A417 Missing Link scheme a multi-stakeholder partnership panel (DF Partnership Panel) has been established through local stakeholders, including Cotswolds Conservation Board, Gloucestershire Wildlife Trust, Gloucestershire County Council, Cotswold District Council, Tewkesbury Borough Council and the National Trust, with National Highways facilitating and guiding the group to bring forward successful and impactful Designated Funds applications, focussed in the area around the A417 scheme.
- 2.3.6 The group has developed a vision around which to base future funding applications; these applications collectively seek to build the resilience of the unique Cotswolds landscape, enhance biodiversity, cultural heritage including archaeology, environmental legacy and benefit local communities. The intention is that projects seeking funding will:
- Restore and re-connect ecological networks increasing calcareous grassland, re-connecting the National Trails and improving access for people in the wider Cotswolds AONB to the A417 scheme
 - Build the resilience of the landscape and biodiversity to the impacts of climate change, by reconnecting green and blue infrastructure and creating woodlands that can withstand predicted meteorological changes
 - Protect and enhance this special landscape for people to enjoy this significantly important landscape and for future generations
 - Deliver initiatives that will provide benefits for local communities
- 2.3.7 Project proposals will also align with the wider aspirations and objectives of the Cotswolds Conservation Board and partners:
- Nature – focusing on the biodiversity crisis, nature's recovery and the government's 30x30 commitment.
 - Climate – accelerating our progress towards net zero and helping communities and ecosystems adapt to the unavoidable effects of climate change.

- People – improving people’s physical and mental health and wellbeing and contributing to our green recovery through increased access to nature-rich places by all parts of society.
- Place – flourishing places to live and work for vibrant communities, each with a strong identity and heritage. Greater recognition of the special qualities of our AONBs.

2.3.8 So far, a long list of 147 potential projects has been developed through workshop sessions with 27 different interested parties, mostly relating to the “Users and Communities” and “Environment and Wellbeing” funding themes.

2.3.9 Of these, 6 applications (each with multiple projects) have been submitted to National Highways Investment Decision Committee seeking feasibility stage funding, and work is underway to bring forward further applications in early 2022 through the DF Partnership Panel. The status of these is listed below.

2.3.10 A separate proposal is also underway focussed entirely on Biodiversity Net Gain (BNG), seeking to deliver around 440 BNG units to help National Highways achieve its strategic target in the areas around the A417 scheme and more widely. This overarching BNG project will be delivered across many sites, over several years, and will utilise the expertise and practical capabilities of the partnership panel organisations.

2.3.11 A summary of current designated funds project proposals submitted is provided below:

Dry Stone Walls: Status- Feasibility approved for £9,000

2.3.12 Dry stone walls are a key historic, landscape, boundary and habitat feature of the Cotswolds natural character, and are prominent within the AONB. This proposal will restore sections of this unique feature, re-instating boundaries from the highway, the local road network and help improve the visual impact of the Strategic Road Network (SRN).

2.3.13 The main objective for this project is restoring, replacing, and reconnecting dry stone walls and historic boundaries that will remain part of the Cotswolds landscape for 100-200 years. This would restore and improve the quality of the landscape around the existing roads, softening boundaries between infrastructure and the natural landscape, conserving and enhancing the setting/condition of cultural heritage and historic features in proximity to the SRN.

2.3.14 Included in scope of this feasibility funding is to look at the restoration and rebuilding of 300m dry stone wall along the Cotswold Way on the Crickley Hill escarpment. This would be the last section of dry stone wall to be repaired and completes the historic boundary, to be of the same standards as the rest of the site.

Environmental Heritage and Landscape Legacy: Status- Feasibility approved for £359,000

2.3.15 This proposal is for a suite of works to restore heritage sites, improve public access to them and help bring their history to life through the use of innovative interpretation tools. It includes a set of three circular “heritage” walks to pass important heritage assets surrounding the A417 SRN. To accompany the walks, interpretation and information boards (connected to a smartphone application)

would be put up to engage and educate users and to ensure that the assets and surroundings are not damaged by visitors.

2.3.16 The provision of three different carefully planned heritage trails will mean the impact on the heritage assets will be reduced as the trails will encourage people to stay on the paths, numbers of visitors will be distributed between them, and interpretation boards will educate users about the importance of the assets.

2.3.17 In scope is feasibility for:

- Heritage trail using existing/new public rights of way (PRoW) of varying lengths – passing important heritage assets.
- Developing a virtual app to be used along trails as an education/cultural heritage tool
- A Light Detection and Ranging (LiDAR) survey, which would assist in interpreting heritage assets along the trails, inform future management of the area and help to tell the story of the cultural landscape, and be used as an interactive interpretation tool
- Improved facilities at Crickley Hill ramparts
- Works to conserve and restore cultural heritage assets at several properties and estates that are in the care of the National Trust.

Biodiversity Net Gain: Status- pending

2.3.18 The A417 Missing Link project requires around 440 Biodiversity Units to reach its total performance level target. The collaborative approach proposed provides a path to delivery of these units, along with providing landscape scale biodiversity benefits, aligned with the local Nature Recovery Network, and providing a host of other ecosystem services and natural capital benefits.

2.3.19 The key organisations in this area are the Cotswolds Conservation Board, the National Trust, Gloucestershire Wildlife Trust, local authorities (Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council) and statutory bodies (Environment Agency and Natural England).

2.3.20 For this project, a collaborative working group has been formed, which will source the land, calculate BNG units available, deliver the habitat improvement works and manage the long-term maintenance and monitoring of the project.

2.3.21 This work will be focussed on land acquired by National Highways through blight claims and third-party land identified through an extension to existing, successful biodiversity improvement projects run by members of the stakeholder panel (such as the Cotswold AONB Glorious Grasslands project or the National Trust's Stroud Landscape project). Recent performance of these projects suggests that sufficient new land will come forward for improvement work, to deliver the number of BNG units required.

Landscapes for Everyone & Mobility Routes: Status- pending

2.3.22 There are three discrete projects within this application. The over-arching aim is to remove barriers to access for mobility scooter users, encouraging and promoting greater use of the trail for people of all abilities – enabling multi-generational families to enjoy the countryside together.

1) *PRoW Improvements, circular walks and reconnections*: **Status- pending**

2.3.23 This application comprises a suite of projects designed to enhance the accessibility and connectivity of National Trust properties, improving the existing PRoW around the local strategic road network, reconnecting parts of the Cotswold landscape that are currently segregated.

2) *Community Facilities at Birdlip*: **Status- pending**

2.3.24 The village of Birdlip wants to improve its community facilities and the capacity of the village to meet the needs of visitors. Projects include:

- Birdlip/Brimpsfield Cricket Club - New facilities to support inclusive sport for all ages and reduce the carbon footprint
- Birdlip Village Hall - Enlargement and improvement project
- Parking at the Church of St Mary's in Hamlet - resurface with a resilient and permeable surface and maintain the entrance and boundary walls.

3) *Nature based solutions and natural flood management*: **Status- pending**

2.3.25 Implementation of a range of natural flood management, blue-green infrastructure and river/wetland restoration options across the Cotswolds Escarpment and the wider Cotswolds AONB, joining up existing natural flood management projects to provide a comprehensive and strategic approach to flood management at landscape scale.

2.3.26 The ExA will be aware that the manner in which improvements are delivered by National Highways through its designated funds programme means that the update provided within this submission is not considered to be material to the ExA's consideration of the planning merits of the scheme. It is provided as an update to all parties to the examination of the work which the Applicant is carrying out in that regard outside of the Planning Act 2008 process.

2.4 Design evolution at Alexander and Angell property

Summary of matter

2.4.1 At Compulsory Acquisition Hearing 1 (CAH1) on the draft DCO, held 26 January 2022, National Highways was assigned Hearing Action Point CAH1-AP8 which stated:

“Explain how design iterations/ changes evolved and justification in respect of those parts of the Proposed Development affecting Alexander & Angell land including consideration of the suitability of land” [EV-036]

2.4.2 Since the hearing on 26 January 2022, National Highways has also had a request from the land agent acting on behalf of Alexander and Angell to justify the use of some of the acquired land for grassland planting.

National Highways response

2.4.3 At Deadline 3, in Appendix A of its Summary of Applicant's Oral Submissions at Compulsory Acquisition Hearing 1 (CAH1) (Document Reference 8.19, REP3-011) National Highways set out the rationale for locating essential ecological mitigation on Alexander and Angell's land and the suitability of the land for this purpose.

- 2.4.4 Essential ecological mitigation in this location includes the provision of a wooded belt between the A417, the access track and the field to ensure continuity of woodland habitat along this section of the scheme to provide a sheltered corridor for bats. This is required as essential mitigation because bats were identified using the existing wooded corridor along this section of the A417 as a commuting route and foraging area.
- 2.4.5 Ecological mitigation in this location also includes calcareous grassland which provides a scheme wide and site-specific function. It provides scheme-wide replacement grassland for habitat lost during construction within the DCO boundary to ensure no net loss of this habitat. In addition to this scheme-wide benefit, the location was chosen because it provides site specific foraging habitat in a location where bats are known to be, based on ecological surveys completed, and creating grassland habitat adjacent to the proposed attenuation basin maximises foraging habitat for a variety of species and biodiversity delivery within the DCO boundary. Having considered scheme-wide and site-specific factors, National Highways determined that this was the appropriate location for the essential mitigation required.
- 2.4.6 National Highways recognises that Alexander and Angell have raised concern over the loss of this land for agricultural use and has therefore offered to enter into a Section 253 Agreement in order that Alexander and Angell maintain ownership of the land and are able to undertake some managed agricultural practices. This is set out in their Position Statement in Appendix A of Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012).
- 2.4.7 Wider design iterations and evolution affecting Alexander and Angell's land is set out in Appendix A of this document. This includes:
- Relocation of the attenuation basin, including in response to feedback from Alexander and Angell;
 - Design evolution of bunding;
 - Evolution of woodland and hedgerow planting as part of the scheme's proposals for essential mitigation;
 - Evolution of calcareous grassland proposals in response to ecology survey information and scheme-wide approach to essential mitigation; and
 - Amendments to the design of the access track which were driven by buildability advice and landowner and business requirements.

2.5 Need for mitigation for impacts to local road network

Summary of matters raised in Deadline 3 submissions

- 2.5.1 Some submissions made at Deadline 3 refer to concerns raised over the impact of the scheme on the local road network. These matters were also discussed at the hearings held on the week commencing 24 January 2022 and have been raised in submissions at previous deadlines, including in the Local Impact Report prepared by the Joint Councils (REP1-133).
- 2.5.2 Concerns have been raised that the scheme would result in increased traffic on the road. In particular, the Joint Councils have raised concerns in relation to four roads where there would be increases in traffic as a result of the scheme and

have subsequently requested that National Highways provide funding for mitigation measures to be implemented. These roads are:

- Leckhampton Hill
- Gloucester Road at Stratton
- The B4070 south of Birdlip
- Unclassified road leading to Brimpsfield

2.5.3 This is a matter outstanding (reference 17.1) in Table 5-1 of the Statement of Common Ground with the Joint Councils (Appendix A of the Statement of Commonality Rev 2, REP3-020).

2.5.4 In addition, submissions from Councillor Martin Horwood on behalf of Leckhampton with Warden Hill Parish Council, most recently at Deadline 3 (Document Reference REP3-025), have also raised concern over the impact of increased traffic at Leckhampton Hill specifically.

National Highways response

2.5.5 National Highways submitted a technical note at Deadline 2, Leckhampton Hill Technical Note (Document Reference 8.15, REP2-016), in response to the Examining Authority's Written Questions (ExQ1) (Document Reference PD-008) question 1.11.20. This technical note outlined the impact of Ullenwood junction on Leckhampton Hill.

2.5.6 For each of these roads cited by the Joint Councils, National Highways has extracted the Volume/Capacity (V/C) ratio from the scheme traffic models for the Do-Minimum (DM) ('without scheme') and Do-Something (DS) ('with scheme') scenarios for the forecast design year of 2041.

2.5.7 V/C is a measure used within traffic modelling to assess whether a road is able to carry a level of traffic without causing delays. Within the traffic model the effective capacity of the road is used in the calculation of the V/C. The effective capacity of a road is dependent on a number of factors, these being: lane width; speed; and junctions.

2.5.8 In modelling terms, a V/C of more than 85% is the point at which a road or junction is said to be over capacity and flow would start to breakdown, causing an increase to journey times, and therefore potential improvements or mitigation measures may be considered as being required.

2.5.9 The traffic model results in the 2041 DM scenario (i.e. **without the scheme in place**) show that out of the roads noted above, the only one that would have a V/C in excess of 85% is Leckhampton Hill (between the A436 and Ullenwood Manor Road) in the southbound direction in the AM and PM average hour. In the AM average hour the maximum V/C is 86%, in the PM average hour the V/C is 96%. These V/Cs in excess of 85% would indicate that this section of Leckhampton Hill in both the AM and PM average hour exceeds the capacity threshold. This is likely to occur due to congestion issues and queues at the existing Air Balloon roundabout impacting on the ability of vehicles to exit Leckhampton Hill onto the A436.

2.5.10 In contrast, under a 2041 DS scenario with the scheme in place, none of the roads highlighted above have a V/C in excess of 85% in 2041. The highest V/C is 79% in the AM average hour for the northbound section of the B4070 as it enters Birdlip village.

- 2.5.11 The traffic modelling for the DS scenario forecasts that there would be an increase in traffic on Leckhampton Hill with the scheme in place. However, even though there is an increase in traffic compared with the DM scenario on Leckhampton Hill (A436 to Ullenwood Manor Road section), the V/Cs in both the AM and PM average hours decrease in the DS scenario. This is due to the new Ullenwood junction replacing the existing Air Balloon roundabout and therefore relieving congestion that would occur at the A436/Leckhampton Hill junction in the DM scenario. As discussed in the Leckhampton Hill Technical Note (Document Reference 8.15, REP2-016) the Ullenwood junction reduces congestion and delay. This then provides additional capacity on Leckhampton Hill.
- 2.5.12 In summary, an analysis of the V/C ratio under both scenarios demonstrates that Leckhampton Hill would only have a V/C above 85% in a scenario where the scheme is not delivered. Under both scenarios, the three other roads cited by the Joint Councils would have a V/C under 85%.
- 2.5.13 As none of the roads noted have a V/C of more than 85% in the DS scenario and therefore will operate within the link capacity, National Highways is of the view that no mitigation from the perspective of a capacity issue would be required on these roads. Furthermore, National Highways considers that the implementation of mitigation on some of these routes may result in traffic reassigning to alternative routes where an increase in traffic would be undesirable. Any reassignment of traffic to alternative routes would also potentially impact on the Value for Money of the scheme.

2.6 Traffic modelling at Cowley Lane

Summary of matters raised in Deadline 3 submissions

- 2.6.1 A number of submissions made by local residents of Cowley village during the Examination have expressed concern at the increase in traffic projected on Cowley Lane as a result of the scheme. Whilst National Highways has sought to respond to these concerns in previous submissions, there remains a concern amongst some residents of Cowley that the projected traffic increases are too high and would have harmful impacts in relation to road safety and the amenity of the village and other road users. Some Interested Parties have questioned the validity of the modelling carried out for Cowley Lane, considering that the baseline data does not accurately represent current usage of the lane, with some parties referring to recent data collected locally.

National Highways response

- 2.6.2 National Highways submitted information in relation to the data behind the traffic modelling for Cowley Lane in Comments on Responses Received by Deadline 2 (Document Reference 8.21, REP3-013). National Highways provided the observed traffic data for Cowley Lane and Cowley Wood Lane (Daisy Bank Road) due to the interaction of these two routes for accessing Cowley. It is proposed in the scheme that Cowley Wood Lane is closed and therefore Cowley Lane becomes the access route into the village from the A417.
- 2.6.3 In Table B-1 of Comments on Responses received by Deadline 2 (Document Reference 8.21, REP3-013), National Highways sets out the Annual Average Daily Traffic (AADT) Flows for the base year (observed and modelled) and the forecast years. The traffic data from Table B-1 shows that the combined flow across both Cowley Lane and Cowley Wood Lane is 197 vehicles for the

observed traffic and 206 vehicles for the modelled traffic flows. Therefore, the observed total traffic travelling between Cowley village and the A417 via these two routes is 197 vehicles and the modelled is 206 vehicles. This demonstrates that overall the modelled traffic travelling between Cowley village and the A417 is close to the observed data. Having the modelled traffic flows close to the observed traffic flows is an important aspect of the development of the base scheme traffic model, as it ensures that the distribution of traffic in the model is representative of the real world.

- 2.6.4 At Deadline 3 there were written submissions from a number of Cowley residents (e.g. REP3-047 and REP3-062) which refer to residents of Cowley counting traffic on Cowley Lane for a four-day period between Friday 28 January and Monday 31 January 2022. This four-day count showed an average of 171 vehicles using Cowley Lane (between the period of 8am to 8pm). This figure is higher than the figures National Highways provided in Comments on Responses Received by Deadline 2 (Document Reference 8.21, REP3-013) which for Cowley Lane provided an AADT figure of 125 vehicles on Cowley Lane. The National Highways data is 2015 observed data for a two-week period in October 2015 and it is therefore like that there would have been an increase in traffic between October 2015 and January 2022. The modelling undertaken for the scheme is based on National Highways South West Regional Traffic Model and has a base year of 2015. This is explained further in the Combined Modelling and Appraisal Report (ComMA) (Document Reference 7.6, APP-422).
- 2.6.5 In the Response to Written Representations (Document Reference 8.4, REP1-009) paragraph 2.9.4, a comparison is made between the Do-Minimum (DM) and Do-Something (DS) traffic flows for Cowley Lane for the forecast year of 2041. A more accurate comparison would be the total traffic across both Cowley Lane and Cowley Wood Lane as closing Cowley Wood Lane would impact on vehicle route choice.
- 2.6.6 Table B-1 in Comments on Responses received by Deadline 2 (Document Reference 8.21, REP3-013) shows that the total AADT across both Cowley Lane and Cowley Wood Lane in the 2041 DM would be 322 and in the 2041 DS scenario this would be 118 vehicles. This shows that overall the traffic travelling to and through Cowley village is decreasing with the scheme in-situ. This is due to the scheme removing the congestion at the existing Air Balloon roundabout and thus improving journey times and removing the desire for traffic to travel through Cowley village. The DS model indicates that traffic travelling on Cowley Lane would be travelling to/from Cowley village and therefore through-traffic would be removed from the village.
- 2.6.7 In conclusion the DS traffic in 2041 is reduced when compared to the observed base year traffic on Cowley Lane. The scheme traffic model indicates that through-traffic is removed from Cowley village and that given the forecast reduction in traffic, the safety performance would not deteriorate. Along with those roads discussed in the section above, National Highways has reviewed Cowley Lane in relation to V/C and this shows that in the DS scenario Cowley Lane would operate with a V/C of approximately 5%, which would be within capacity with the DS forecast traffic flows.

2.7 Historic bridge over the River Churn

Summary of matter raised in Deadline 3 submissions

- 2.7.1 Some submissions made at Deadline 3 have raised concern that the scheme may have a detrimental impact on a historic bridge which crosses the River Churn near Cowley village. There is concern that the bridge may not be able to accommodate increased traffic resulting from the scheme.

National Highways response

- 2.7.2 The historic bridge which crosses the River Churn near Cowley village is not recorded as listed on the National Heritage List for England (NHLE), the official, up to date, register of all nationally protected historic buildings and sites in England¹.
- 2.7.3 As outlined above in section 2.6 in relation to Cowley, during operation the scheme would result in the removal of through-traffic for Cowley and therefore traffic passing over this bridge would be traffic traveling to/from the Cowley village and surrounding area only. Annex H Construction Traffic Management Plan (CTMP) of ES Appendix 2.1 EMP (Document Reference 6.4, Rev 2) outlines how traffic would be managed during construction and would be developed further at the detailed design stage of the scheme. As such, the assessment undertaken for the scheme to date does not identify whether there would be a change in traffic flows crossing the bridge during construction. However, as set out in the CTMP, appropriate diversion routes would be agreed with the local highways authority and monitoring of the impact on the existing road network would be carried out, with video surveys of affected highways undertaken prior to construction and upon completion.

2.8 Controls of detailed design

Summary of matter

- 2.8.1 This part of the Applicant's comments deals with the question of controls on the detailed design of the scheme. It responds to the Joint Councils' Deadline 3 submissions [REP3-018 to REP3-020]. It also expands on matters the Applicant indicated it would consider in its own Deadline 3 responses in respect of actions:
- Hearing Action Point ISH2-AP2: Provide references to other specific DCOs where a similar approach to design detail has been adopted in sensitive landscapes (AONBs/National Parks). The Applicant provided its initial response in Appendix B of its Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) (Document Reference 8.17, REP3-009).
 - Hearing Action Point ISH2-AP13: Consider design code for bridges and structures and respond in The Applicant provided its initial response in its Summary of Applicant's Oral Submissions at Issue Specific Hearing 2 (ISH2) (Document Reference 8.19, REP3-010).

National Highways response

Overall approach to detailed design

- 2.8.2 The Applicant explained in its Deadline 3 Submission, Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) (Document Reference 8.17, REP3-009), the manner in which the discharge of requirements on National Highways DCOs has emerged over time, and from the Highways Act regime.
- 2.8.3 The design used to develop the application and to create an envelope to allow environmental assessment to be carried out is preliminary – the application does not include a final, detailed design. That is clear from the inclusion of limits of deviation, and the drafting of the requirements. Requirement 11 of the draft DCO (dDCO) (Document Reference 3.1, Rev 2) requires the detailed design to be compatible with the preliminary scheme design shown on the works plans and the general arrangement drawings. The Applicant has also indicated in its updated dDCO submitted at Deadline 4 (Document Reference 3.1, Rev 2) that it will add to that Requirement 11 an express need for the detailed design to be consistent with the Engineering Drawings and Sections (Document 2.6b, APP-011].
- 2.8.4 The Engineering Drawings and Sections contain the level of information prescribed for the DCO process for highway projects by Regulation 6(2) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Those Drawings and Sections would already have controlled the design of the scheme by virtue of being certified documents, and the Applicant is content for them to be expressly referred to in the detailed design process.
- 2.8.5 Under Requirement 11, if any departures are proposed from the preliminary scheme design, these must be approved by the Secretary of State, in consultation with the relevant planning and highway authorities (on matters relating to their functions). The Secretary of State must be satisfied that any departures will not result in any materially new or materially worse adverse environmental effects in comparison with those reported in the Environmental Statement (ES).
- 2.8.6 The role of the Secretary of State in that process is vitally important. They are the party responsible for the decision to grant (or not) development consent for the scheme. It is also therefore appropriate for that same party to be the gatekeeper of the final decision on the detailed design of the scheme. As was explained in Appendix B to the Applicant's Deadline 3 Submission (Document Reference 8.17, REP3-009), it is the Department for Transport which has the resources and the necessary expertise to perform that function.
- 2.8.7 The manner in which National Highways delivers its road projects on a value for money basis also means that it is important that the detailed design is not fixed until a later stage in its design life. This approach is in line with general DCO practice which consents design parameters based on a general arrangement within which the final design of the scheme can be developed post consent.
- 2.8.8 It is premature at this time to bring forward detailed proposals for all aspects of the scheme.
- 2.8.9 The design of the scheme at DCO should create an acceptable envelope, within which that detailed design can emerge. Provided the Secretary of State is satisfied that the necessary control measures are present within the dDCO as a whole, those can be relied on to ensure the scheme which is brought forward at

detailed design is within that acceptable envelope of environmental impacts. To the extent a proposed detailed design is not within that envelope, under Requirement 11, there would be a need to consult with the local planning authority and the local highway authority in respect of those materially new or different environmental effects.

Specific controls on detailed design of structures

- 2.8.10 The Applicant has provided a detailed list within Appendix B of its Deadline 3 submission (Document Reference 8.17, REP3-009) of the controls which have emerged to control the design of this scheme with particular reference to the design of the structures which will cross the new A417. They are secured on the dDCO through the Environmental Management Plan and Requirement 3. The ExA can therefore be satisfied that there are adequate controls on the eventual design of those structures.
- 2.8.11 Of further relevance is the landscaping scheme which is secured under Requirement 5 of the dDCO. That states that *“No part of the authorised development is to commence until a written landscaping scheme for that part has been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority”*. This is to include (amongst many other matters) hard surfacing materials. The landscaping scheme is to be based on the Environmental Masterplan (Document 6.3, APP-166 to 192).
- 2.8.12 The primary function of those detailed controls is to mitigate the impact of the scheme on its sensitive landscape setting. The ExA can be satisfied that the requirements of the National Policy Statement for National Networks (NPSNN) and in particular paragraph 5.160, have been met in that regard.

Comparable DCOs

- 2.8.13 The Applicant has had a chance to consider other relevant comparable DCOs.
- 2.8.14 There are a number of schemes which have been consented in protected areas. None of those which have been identified (by the Applicant, or the Joint Councils in their Deadline 3 Submissions) are National Highways projects. For the reasons explained in Appendix B to its Deadline 3 Submission (Document Reference 8.17, REP3-009), the Applicant would suggest that it is inappropriate to compare the role of a local planning authority for a non-highways scheme, and a project promoted by the national strategic highway company under the oversight (through the discharge of requirements) of the Secretary of State.
- 2.8.15 With the amendment to Requirement 11 identified above, the Applicant considers its proposed requirements to be consistent with the other National Highways schemes identified by the Joint Councils in their Deadline 3 submissions. It is acknowledged that the A428 Black Cat scheme has included express reference to the principles of its environmental masterplan, and its design principles documents. For reasons which the Applicant has explained above, it is not considered necessary to duplicate the outcomes of those processes (environmental masterplanning and the Applicant’s Design Summary Report (Document Reference 7.7, APP-423), for this project) for this scheme.

Design Code

- 2.8.16 The Applicant has given consideration to the ExA's suggestion of a design code, but does not consider one necessary, for the reasons described above.

Detailed design of Cotswold Way National Trail and Air Balloon Way

- 2.8.17 The Joint Councils have conflated the detailed design of structures crossing the A417, with the layout of two specific public rights of way; the Cotswold Way National Trail and Air Balloon Way, in their Deadline 3 submissions (1.4.10 of REP3-019).
- 2.8.18 The public rights of way in question are fixed by the Rights of Way and Access Plans (Document Reference 2.5, Rev 2) which will be a certified document under the dDCO, and controlled by Schedules 3 and 4 of the dDCO itself. It is not clear what ambiguity the Council are concerned there might be with the location of those rights of way, which are to be specified by a Statutory Instrument and detailed drawings.
- 2.8.19 The Cotswold Way National Trail is addressed in further detail in the Cotswold Way National Trail Diversion Report (Document 7.11, APP-427).
- 2.8.20 The other matters identified expressly in relation to these public rights of way are (1.4.7 of REP3-019) "*the specification of new structures such as gates, bridges or steps to be installed, surface finishes and compliance with British Standards BS5709 (2016)*".
- 2.8.21 Those are matters which are more appropriately addressed at the detailed design of the scheme, pursuant to the controls in place in that regard. For example, commitment PH1 of ES Appendix 2.1 EMP (Document Reference 6.4, Rev 2) requires that suitable surfacing, signage and enclosures are agreed between Gloucestershire County Council and National Highways at the detailed design stage. The controls sought by the Council would already be secured by the dDCO.

2.9 Commitments in the EMP

Summary of matter

- 2.9.1 At Deadline 2, in section 2.18 of the Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012), National Highways provided a summary of additional commitments which had been included in ES Appendix 2.1 EMP (Document Reference 6.4 Rev 1, REP2-006/7) submitted at Deadline 2, in response to requests made by stakeholders. In that document, National Highways identified that there remained some requests that were still pending consideration and stated that a further update would be provided at a future deadline.

National Highways response

- 2.9.2 At this deadline (Deadline 4), National Highways has submitted a further iteration of ES Appendix 2.1 EMP (Document Reference 6.4, Rev 2) and therefore provides an updated summary of all additional comments secured in the EMP since the start of Examination, in Table 2-1. **Red text** denotes a new addition or a change to previous text in the EMP since the start of Examination. The specific Deadline at which that change was submitted is provided.

Table 2-1 Updates to the Environmental Management Plan during Examination

Ref	Environmental action/commitment	Change or update	Reason for change or update	Deadline submitted
GP8	Stakeholder engagement Highways England would engage with all key environmental stakeholders prior to and during the detailed design process, as well as during construction of the scheme. These are listed in section 2.2 of the EMP.	New Environmental commitment added to ensure engagement with all key environmental stakeholders throughout the design and construction stages.	Request from various stakeholders within the Written Representations received at Deadline 1. See Table 2-1 of the Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012).	2
AQ3	As far as possible temporary roads should be hard surfaced to reduce dust generation. The location regarding proximity to receptors should be assessed at detailed design phase along with consideration for the duration of use, and if high risks are identified the road would be hard surfaced.	Additional text added to ensure the consideration of hard surfaces for temporary roads.	Request from the Joint Councils within the Written Representations received at Deadline 1. See Table 2-1 of the Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012).	2
AQ13	Air quality monitoring would be undertaken at appropriate locations at National Star College during construction of the scheme.	New Environmental commitment added for air quality monitoring at National Star College.	Request from National Star College within the Written Representations received at Deadline 1. See Table 2-1 of the Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012).	2
AQ14	Air quality monitoring would be undertaken at appropriate locations to determine emissions during operation of the scheme and confirm the impact on Ullen Wood Ancient Woodland and veteran trees. Monitoring would be undertaken for 1 year from the first full year of operation. Should monitoring identify poorer air quality, remedial action would be required.	New Environmental commitment added for air quality monitoring at Ullen Wood ancient woodland and veteran trees.	Request from the Joint Councils within the Written Representations received at Deadline 1. See Table 2-1 of the Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012).	2

Ref	Environmental action/commitment	Change or update	Reason for change or update	Deadline submitted
CH6	<p>Emma's Grove scheduled monument will have selective vegetation clearance carried out following arboricultural and ecological inspection. The method statement will be agreed with Historic England.</p> <p>Highways England would continue to engage with Historic England on the enhancement and management of Emma's Grove Barrows.</p>	<p>Additional text added to include reference to continued engagement with Historic England on the enhancement and management of Emma's Grove Barrows.</p>	<p>Request from Historic England for a commitment to be in the EMP to be secured by the DCO. See Historic England SoCG (Document Reference 7.3, REP3-005).</p>	2
CH8	<p>The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (GPA3) (2nd Edition) December 2017 published by Historic England, recommends "<i>It is good practice to document each stage of the decision-making process in a non-technical and proportionate way, accessible to non-specialists .</i>"</p> <p>Highways England would submit all settings assessments to the local Historic Environment Record, in accordance with Step 5 (Make and document the decision and monitor outcomes) of GPA3.</p>	<p>New Environmental commitment added to ensure compliance with Step 5 of GPA.</p>	<p>Request from Historic England within the Written Representations received at Deadline 1. See Table 2-1 of the Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012).</p>	2
CH9	<p>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.</p>	<p>New Environmental commitment added to ensure signage and interpretation boards include heritage.</p>	<p>Request from Historic England within the Written Representations received at Deadline 1. See Table 2-1 of the Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012).</p>	2

Ref	Environmental action/commitment	Change or update	Reason for change or update	Deadline submitted
L27	Signage and interpretation boards (as noted in BD53 and CH9) 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 cultural heritage aspects of natural beauty and recreational values.	New Environmental commitment added to ensure signage and interpretation boards include heritage aspects of natural beauty and recreational value.	Request from the Council for British Archaeology within the Written Representations received at Deadline 1. See Table 2-1 of the Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012).	2
NV10	Noise monitoring would be undertaken at appropriate locations at National Star College during construction of the scheme.	New Environmental commitment added for noise monitoring at National Star College.	Request from National Star College within the Written Representations received at Deadline 1. See Table 2-1 of the Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012).	2
PH7	Access to National Star College premises would be unimpeded throughout the construction of the scheme. A clear plan of access would be detailed within the Construction Traffic Management Plan to be refined at detailed design.	New Environmental commitment added to secure ongoing access to National Star college throughout the Construction stage.	Request from National Star College within the Written Representations received at Deadline 1. See Table 2-1 of the Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012).	2
PH8	The contractor would prepare a Construction Worker Travel Plan (or similar)	New Environmental commitment added for the production of a Construction Worker Travel Plan	Request from the Examining Authority within the Examining Authority's Written Questions received at Deadline 1. See ExQ 1.11.15 in the Response to the Examining Authority's Written Questions (ExQ1) (Document Reference 8.4, REP1-009).	2

Ref	Environmental action/commitment	Change or update	Reason for change or update	Deadline submitted
CC8	Energy consumption and materials use will be recorded and reported on an ongoing basis during the construction phase of the scheme using the Highways England Carbon Tool.	Removal of the word 'Reporting' from the name Highways England Carbon Reporting Tool.	The addition of 'Reporting' was erroneous; therefore this has been removed.	2
GP5	<p>Management Plans:</p> <p>The contractor shall prepare Management Plans for certain environmental topic areas as the detailed design is developed, to include at least developing the plans Annexed to this EMP, and the following plans:</p> <ul style="list-style-type: none"> • Emergency Preparedness and Response Plan. • Pollution Prevention and Control. • Air Quality Management Plan. (including dust) • Noise and Vibration Management Plan. • Soils Management Plan. • Woodland Management Plan. • Construction Worker Travel Plan. • Carbon Management Plan. • Community Engagement Plan <p>These plans shall be appended to the EMP as appropriate. The plans shall be prepared in consultation with the relevant regulatory organisation, relevant planning authority and the local highway authority and submitted to and approved in writing by the Secretary of State.</p>	<p>Additional management plans added as annexes to the EMP, including:</p> <ul style="list-style-type: none"> • Construction Worker Travel Plan. • Carbon Management Plan. • Community Engagement Plan 	<p>Inclusion of the Construction Worker Travel Plan following a request from the Examining Authority within the Examining Authority's Written Questions received at Deadline 1. See ExQ 1.11.15 in the Response to the Examining Authority's Written Questions (ExQ1) (Document Reference 8.4, REP1-009).</p> <p>Inclusion of the Carbon Management Plan following a request from National Trust. See National Trust's SoCG (Document Reference 7.3, REP3-005).</p> <p>Inclusion of the Community Engagement Plan following a request from GCC (REP3-018 to REP3-021). See Table 2-1 of this document.</p>	4

Ref	Environmental action/commitment	Change or update	Reason for change or update	Deadline submitted
BD67	The EMP (end of construction stage) would be developed towards the end of the construction of the scheme, to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the scheme. The EMP (end of construction stage) would contain trigger points and remediation measures.	New Environmental commitment added to ensure continued long-term effectiveness of the environmental mitigation measures and prevention of unexpected environmental impacts during the operation of the scheme.	Request from Gloucestershire Wildlife Trust within the submission received at Deadline 3 (REP3-040). See Table 2-1 of this document.	4
PH7	Access to National Star College premises would be unimpeded throughout the construction of the scheme. A clear plan of access would be detailed within the Construction Traffic Management Plan (CTMP) to be refined at detailed design. The Contractor Traffic Control Officer and Contractor Community Relations Manager would work together to engage with National Star College on that CTMP.	Additional text added to include reference to continued engagement with National Star College on the CTMP.	Request from National Star Foundation within the submissions received at Deadline 3 (REP3-054 to REP3-056). See Table 2-1 of this document.	4
PH9	The contractor would prepare a Community Engagement Plan, to outline how National Highways would liaise with the local community during construction.	New Environmental commitment added to ensure a Community Engagement Plan is prepared by the contractor, outlining proposed liaison with the local community during the construction.	Inclusion of the Community Engagement Plan following a request from GCC (REP3-018 to REP3-021). See Table 2-1 of this document.	4
RDWE6	A water flow/level and quality monitoring programme prior to and during construction works would be agreed with EA. This would be conducted by the contractor to ensure that the scheme does not cause detrimental impact on controlled water receptors during construction. Details are provided in EMP	Specific reference added to the monitoring programme to monitor water flow/level, with specific reference to details contained in Annex G of the EMP.	To clarify link between commitment and Annex G of the EMP, as discussed with EA.	4

Ref	Environmental action/commitment	Change or update	Reason for change or update	Deadline submitted
	Annex G Ground and Surface Water Management Plan.			

2.10 Response to specific submissions

2.10.1 In some instances, National Highways considers that it is useful to the ExA or to an Interested Party to provide a direct comment on a matter raised in a submission made at Deadline 3. This is set out in Table 2-2.

Table 2-2 Responses to specific Deadline 3 submissions

Interested Party / Affected Person	Examination Library Reference	National Highways Comment
Tim Broomhead obo Alison Besterman	REP3-027	National Highways notes the comments in the submission made on behalf of Mrs Besterman regarding the stopping up of Cowley Wood Lane. National Highways understands that in the existing case, access to Mrs Besterman's fields is not from Cowley Wood Lane. As such, no access from Cowley Wood Lane is provided in the DCO Application. Stockwell overbridge is situated to provide access to the fields severed by the A417 mainline.
Alistair Miller	REP3-028	<p>This submission makes reference to an amendment to the horizontal alignment of the scheme, which the Interested Party considers should have triggered a new consultation. Whilst the submission does not identify a specific time period that this change occurred, National Highways believes that this refers to an amendment made to the design following the non-statutory route options consultation in 2018, in which the preferred route, Option 30, was amended near Stockwell to provide a better landscape fit, in line with the landscape-led approach to the scheme. In addition to providing a better alignment through the landscape, the amendment enables Cowley Lane bridge to be provided without significant realignment of Cowley Lane, which would adversely impact Stockwell Farm.</p> <p>That alignment has been part of the scheme design since, and was subject to two rounds of statutory consultation in 2019 and 2020.</p> <p>It is noted that the amended alignment was commented on in feedback received to the 2019 consultation and National Highways explained the justification for this (as set out above) in the Consultation Report – see Row ID 72 of Table 7.1B and Row ID 273 of Table 7.4 of the Consultation Report Appendices - Part 2 of 2 (Document Reference 5.2, APP-029).</p>
Cotswolds Conservation Board (CCB)	REP3-034 to REP3-036	National Highways notes in its Deadline 3 submissions, CCB has expressed agreement with the proposals for the National Trail diversion as proposed by National Highways, subject to the continued engagement of CCB and other stakeholders in the procedures.

Interested Party / Affected Person	Examination Library Reference	National Highways Comment
		<p>National Highways notes the comments of CCB regarding consultation on detailed design of the scheme and the related matters discussed at the hearings held during the week commencing 24 January 2022. Further information on this matter is provided in section 2.8 of this document.</p> <p>In relation to the lighting assessment being carried out for Ullenwood junction, National Highways has met with CCB and other stakeholders on 10 February 2022 and provides an update on this matter at section 2.2 of this document.</p>
Gloucestershire Wildlife Trust (GWT)	REP3-040	<p>In relation to point 4.3 of their submission, National Highways agrees with GWT regarding the removal of woodland and scrub on the Emma's Grove scheduled ancient monument (SAM). As per commitment CH5 of ES Appendix 2.1 Environmental Management Plan (EMP) (Document Reference 6.4, Rev 2), National Highways will ensure no adverse impacts on bat populations or ecological networks, through arboricultural and ecological inspections.</p> <p>GWT raises a number of points in relation to the EMP, with three specific points identified at paragraph 3.1.4 of their submission. These have been considered and are responded to below:</p> <ol style="list-style-type: none"> 1) With respect to calcareous grassland management, ES Appendix 2.1 EMP Annex D Landscape and Ecological Management Plan (LEMP) (Document Reference 6.4, APP-321) states in section 4.3 Post construction bullet lxiii, that habitat enhancement and compensatory habitat planting would be monitored, and maintenance regimes implemented, to ensure establishment to high quality habitat and intended functionality is being delivered. This would include new calcareous grassland creation. Calcareous grassland monitoring for a target NVC community will inform ongoing management of the habitat. Similarly, woodland will be monitored annually during the growing season until it reaches target condition. Detailed frequency and duration of monitoring would be confirmed for the final iteration of the LEMP. 2) With respect to the monitoring and remediation options of Barn owl (<i>Tyto alba</i>) populations in commitment BD46 of ES Appendix 2.1 EMP (Document Reference 6.4, Rev 2) commits to monitoring of the new road for any barn owl mortalities once a month during the first three years of the new road being operational. Monitoring would be undertaken to assess the effectiveness of mitigation measures implemented such as tree planting and verge management. 3) With respect to the monitoring of impacted areas of Ullen Wood (commitment BD51 of ES Appendix 2.1 EMP (Document Reference 6.4, Rev 2), surveys would be undertaken by a botanical specialist, to ensure the efficacy of conservation management techniques in preventing degradation of woodland habitat from increased nitrogen deposition. A comparison with baseline surveys would be undertaken to ensure target habitat conditions are achieved, and monitoring reports produced.

Interested Party / Affected Person	Examination Library Reference	National Highways Comment
		<p>As per Requirement 3 (4) of the draft DCO (dDCO) (Document Reference 3.1, Rev 2), the EMP (end of construction stage) would be developed towards the end of the construction of the scheme and secures the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the scheme.</p> <p>To ensure the long term success of mitigation is secured in the EMP, a new commitment has been added: BD67 The EMP (end of construction stage) would be developed towards the end of the construction of the scheme, to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the scheme. The EMP (end of construction stage) would contain trigger points and remediation measures.</p>
Historic England	REP3-043	<p>National Highways notes at paragraph 3.4 of the Historic England submission that concern is raised that selective vegetation clearance at Emma's Grove scheduled monument would only occur if landowner consent has been provided. National Highways would like to clarify that, as set out in Item 6 of the Summary of Applicant's Oral Submissions at Issue Specific Hearing 2 (ISH2) (Document Reference 8.19, REP3-001), landowner consent is only required for <u>permanent</u> maintenance works at Emma's Grove scheduled monument. As part of the DCO, National Highways is seeking temporary possession powers to enable this enhancement to Emma's Grove as a part of the <u>construction</u> activities taking place around it.</p> <p>In relation to paragraph 3.6 of the Historic England submission, National Highways has now amended the wording of Requirement 9 and made associated amendments to Requirement 1 and 3. National Highways has shared this with Historic England on 10 February 2022 and these changes are reflected in the updated draft DCO submitted at Deadline 4 (Document Reference 3.1, Rev 2). It is expected that the parties will continue to discuss those changes.</p>
Joanna Pearce	REP3-047	<p>The submission made by Joanna Pearce queries whether the forecast reduction of killed and seriously injured (KSI) casualties is adequate to support the case for the scheme on safety grounds.</p> <p>In relation to the accident assessment of the scheme, Table 8-4 of the Transport Report (Document Reference 7.6, APP-426) provides the summary of the accident benefit results. National Highways notes the comment made by Joanna Pearce that the number of fatalities being saved (66) over the 60-year appraisal period averages out at approximately one per year. However, in addition to a reduction in fatalities, there would be a decrease in the number of accidents resulting in seriously injured casualties (a reduction of 201 seriously injured casualties) and overall accident benefits of £65 million. The assessment undertaken by National Highways forecasts that there</p>

Interested Party / Affected Person	Examination Library Reference	National Highways Comment
		<p>would be an increase in the number of accidents resulting in slight injuries and this would be due to the increase of traffic on the A417.</p> <p>National Highways highlights that it has a duty under section 5.15 of its license² to have regard to the need to protect and improve the safety of the road network as a whole for all road users. The accident savings of the scheme are a key objective for National Highways, as set out in section 1 of the Combined Modelling and Appraisal (ComMA) Report (Document Reference 7.6, APP-422). National Highways believes that the scheme meets this objective with the reduction of 267 in the number of KSI casualties. The majority of accident benefits from the scheme are a result of the scheme providing a dual carriageway section that is designed to the latest design standards, provides a central barrier to separate traffic streams, the removal of minor junctions and with the removal of junctions on the A417 stopping vehicles from crossing traffic streams.</p> <p>As set out in Chapter 6 of the Case for the Scheme (Document Reference 7.1, APP-417), National Highways considers that the very large accident benefits provided by the scheme aligns with paragraphs 4.60-4.66 of the National Policy Statement for National Networks (NPSNN), which states that the opportunity to improve safety should be taken and that significant accident reduction benefits can be generated in well-designed schemes. Furthermore, the poor safety record of this section of the existing A417 is considered to contribute to the demonstrable need for the scheme and the compelling reasons for developing in an AONB, as summarised in Chapter 7 of the Case for the Scheme (Document Reference 7.1, APP-417).</p> <p>The submission made by Joanna Pearce also queries whether there was a comparable forecast accident analysis for Option 12 and Option 30. Table 0.4 of the Scheme Assessment Report (SAR) (Document Reference 7.4, APP-420) provides the Analysis of Monetised Cost Benefits (AMCB) for Option 12 and Option 30 at the option selection stage of the project. The accident benefits reported in this table for Option 12 and Option 30 are £67.9m and £65.3m respectively. The accident assessment undertaken during the option selection stage of the project were similar in terms of the accident benefits raised by the two options.</p> <p>The submission made by Joanna Pearce queries whether the potential for increased accidents in bad weather has been taken into account when scenario testing. National Highways can confirm that the accident assessment for the scheme is based on observed accident data for the A417 and the wider network covering the entire year and therefore periods when adverse weather occurs. Therefore, the accident assessment would include this data in its baseline.</p> <p>The scheme traffic model is representative of an annual average weekday within the year as required to the support the design, environmental assessment and the business case for the scheme. The scheme benefits</p>

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/431389/strategic-highways-licence.pdf

Interested Party / Affected Person	Examination Library Reference	National Highways Comment
		<p>therefore are representative of the average conditions and this is the basis of the design and the business case. The management of periods that are not average would be dealt with via the operational mechanism for the scheme and appropriate planning/maintenance will be undertaken by National Highways.</p> <p>Finally, National Highways notes that Joanna Pearce raises concern about the effect of a major incident at Shab Hill junction and the potential requirement for diversion routes, including how this may impact local communities. National Highways has set out the existing strategic diversion routes that are currently used by the Design, Build, Finance & Operator (DBFO) Contractor in Appendix F of ES Appendix 2.1. EMP Annex B CTMP (Document Reference 6.4, Rev 2).</p>
<p>Cllr Martin Horwood obo Leckhampton with Warden Hill Parish Council</p>	<p>REP3-025 REP3-023</p>	<p>National Highways provided a response in Summary of Applicant's Oral Submissions at Open Floor Hearing 1 (OFH1) (Document Reference 8.16, REP3-008) as to whether the development for 350 dwellings was included in the traffic model, as raised by Councillor Martin Horwood on behalf of Leckhampton with Warden Hill Parish Council. This response confirmed that the development forms part of the strategic allocation MD4 in the adopted Cheltenham Plan, and has therefore been included within the background traffic growth for Gloucestershire in the traffic model.</p> <p>At Deadline 3, Councillor Horwood on behalf of Leckhampton with Warden Hill Parish Council submitted a map (REP3-023) which indicates the area north of Kidnappers Lane would be expecting 794 new houses, which is higher than the 350 he cited at the Open Floor Hearing. National Highways has reviewed planning applications and the Local Development Plan and understands this figure to be comprised of a combination of applications. The details of these applications and the position in relation to their inclusion in the traffic model is summarised below:</p> <ul style="list-style-type: none"> A) Planning Application Number: 14/00838/FUL for 377 homes on land to the west of Farm Lane. National Highways understands that this development has been approved and is nearing construction completion. Whilst this development is not part of the strategic allocation MD4 in the adopted Cheltenham Plan, National Highways can confirm that the development has been included in the traffic model. B) Planning Application Number: 20/01788/FUL for 350 homes off Shurdington Road. National Highways understands that this development has been approved and is part of Policy Allocation MD4 in The Cheltenham Plan. As set out at Deadline 3 in the Summary of Applicant's Oral Submissions at Open Floor Hearing 1 (OFH1) (Document Reference 8.16, REP3-008), this development has been included in the traffic model as part of the wider growth in the Gloucestershire County Council area. C) Planning Application Number: 21/02750/FUL for 30 homes between Church Road and Farm Lane. National Highways understands that this application is awaiting a decision by Cheltenham Borough

Interested Party / Affected Person	Examination Library Reference	National Highways Comment
		<p>Council. This application was submitted on 13 December 2021 and therefore has not been included in the traffic model. National Highways notes that this application relates to a relatively small number of dwellings.</p> <p>D) Planning Application Number: 21/00847/REM for 25 homes off Kidnappers Lane. National Highways understands that this application has been approved. This development is not part of the strategic allocation MD4 in the adopted Cheltenham Plan. This application was submitted on 13 December 2021 and therefore has not been included in the traffic model. National Highways notes that this application relates to a relatively small number of dwellings.</p> <p>E) Planning Application Number: 19/02303/OUT for 12 homes on land at Shurdington Road. National Highways understands that this application has been approved. Whilst the scale of this proposed development is below the threshold which would result in it being specifically included in the traffic model, National Highways understands it to be part of the area allocated under MD4 in the adopted Cheltenham Plan, which has been included in the traffic model as part of the wider growth in the Gloucestershire County Council area.</p>
Linda Dawson	REP3-048	<p>National Highways notes that this submission raises concerns over the adequacy of consultation undertaken with residents of Cowley. This has been responded to in previous submissions, most notably at Deadline 2 in section 2.2 of Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012).</p> <p>National Highways notes that this submission refers to the matter of lighting as discussed at ISH1 on 25 February 2022, in which the Interested Party understood there to be reference to lighting on the Gloucestershire Way crossing. National Highways would like to clarify that there is not lighting proposed on any of the bridges proposed in the scheme, including the Gloucestershire Way crossing, and it is possible that the Interested Party may have misheard this point at the hearing. For an update on the lighting assessment being carried out for Ullenwood junction, please refer to section 2.2 of this document.</p>
Linda Turner	REP3-050	<p>National Highways notes that this submission requests an environmental assessment to be carried out in line with the Institute of Environmental Management & Assessment (IEMA) (1993) Guidelines for the Environmental Assessment of Road Traffic, in relation to the effects of the scheme on Cowley.</p> <p>The Guidelines for the Environmental Assessment of Road Traffic were produced by the Institute of IEMA in 1993 and were intended to guide the assessment of the environmental effect of road traffic associated with major new developments. Since then, the Design Manual for Roads and Bridges (DMRB) has been published which provide standards, advice notes and other documents relating to the design, assessment and operation of trunk roads,</p>

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		including motorways. DMRB was updated in 2020 and the Environmental Statement submitted with the DCO application has been prepared in accordance with the DMRB.
Lisa Field	REP3-051	The submission made by Lisa Field sets out an objection to the acquisition of land for a lay-by. National Highways would like to clarify that it is not proposed to acquire the land from the Fields for the purpose of installing a lay-by. The proposed lay-by would be sited on land owned by National Highways and is adjacent to the land owned by the Fields. The land proposed to be acquired from the Fields for the scheme is required for essential mitigation in the form of planting
National Star Foundation	REP3-054 to REP3-056	National Highways has added to commitment PH7 of ES Appendix 2.1 Environmental Management Plan (EMP) (Document Reference 6.4, REP2-006), to ensure ongoing engagement on the Construction Traffic Management Plan.
Natural England	REP3-058	National Highways welcomes Natural England's agreement with the assessment undertaken in the Environmental Statement regarding nitrogen deposition on Ullen Wood. Natural England is satisfied that the compensation proposed is appropriate in the circumstances.
Steve Mendel	REP3-068 & REP3-069	<p>The submission by Mr Mendel raises objection to the proposals for a Byway Open to All Traffic (BOAT) and the associated land acquisition. As set out in paragraph 9.12 of the Summary of Applicant's Oral Submissions at Compulsory Acquisition Hearing 1 (CAH1) (Document Reference 8.19, REP3-011), the provision of the BOAT is intended to provide reconnection for a public highway severed by the A417 mainline and it is required as essential mitigation. The type of users of the BOAT would be consistent with the current use of the route.</p> <p>The submission by Mr Mendel raises objection to the proposals of ecological mitigation. Detail of the proposed ecological mitigation is shown on Sheet 10, and 25 of the ES Figure 7.11 Environmental Masterplan (Document Reference 6.3, APP-177 and APP-192). Further detail can be found in ES Chapter 8 Biodiversity (Document Reference 6.2, APP-039) and the landowner position statement (Document Reference 8.22, REP3-014).</p> <p>Two land parcels owned by Mr Mendel are affected:</p> <p>Plot 2/32 as shown on Sheet 2 of the Land Plans (Document Reference 2.2, Rev 2) and Book of Reference (Document Reference 4.3, Rev 1) will be utilised for the construction of the Gloucestershire Way crossing and the field will be restored to woodland and calcareous grassland meadow planting to connect to habitat on the crossing, which provides essential mitigation for bats.</p>

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		<p>Plot 4/7k is shown on Sheet 4 of the Land Plans (Document Reference 2.2, Rev 2) and Book of Reference (Document Reference 4.3, Rev 1). Grassland restoration or creation following construction is required as essential mitigation to ensure continued provision of a grassland corridor for the benefit of wildlife such as bats, barn owls and badger and to replace foraging resource lost at Shab Hill Valley. A small area of this land parcel which will remain to the north of the proposed B4070 will be enhanced to a more species rich neutral grassland. The larger field south of Shab Hill junction will form calcareous grassland in accordance with the stakeholder scheme vision to provide priority habitats that are appropriate for the Cotswold AONB. The nature of the grassland creation will be further informed by detailed soil surveys.</p> <p>The submission by Mr Mendel sets out an objection to the loss of beech trees in Shab Hill Valley. The ecological benefit and arboricultural interest of the Shab Hill beech trees is appreciated and every effort has been made to retain as many of the trees as possible throughout the design process of this landscape-led highways scheme. The woodland has been assessed as the priority habitat lowland mixed deciduous woodland valued as nationally important. The loss of this habitat across the scheme is stated as a significant adverse effect within ES Chapter 8 Biodiversity (Document Reference 6.2, APP-039). A veteran oak tree recorded within the western end of woodland will be retained and protected. Woodland planting across the scheme will result in approximately a 9.5 ha gain of woodland habitat compared with the existing baseline. Beech trees will be prominent within the planting mix and species compositions for different locations will be agreed with stakeholders such as the Cotswold National Landscape.</p>
Joint Councils	REP3-018 to REP3-021	<p>National Highways notes that the Joint Councils have referred in its Deadline 3 submissions to a concern that there is insufficient design detail for the diversion of the Cotswold Way National Trail (REP3-021) and other public rights of way (Table Reference 2.1.4 REP3-2020). As set out in its previous submissions, National Highways refers to commitment PH1 in Table 3-2 Register of Environmental Actions and Commitments (REAC) in ES Appendix 2.1 EMP (Document Reference 6.4 Rev 2), which commits to the implementation of the mitigation and enhancement measures detailed in ES Appendix 2.1 Annex F Public Rights of Way (PRoW) Management Plan (Document Reference 6.4, APP-323). It is set out in the PRoW Management Plan that details of surfacing, signage and enclosures are for the detailed design stage of the scheme. National Highways has also commented on this point in section 2.8 of this document,. National Highways was of the understanding that this matter is agreed with the Joint Councils, as set out in matter 3.2 of Table 4-1 in the Statement of Common Ground (SoCG) with the Walking, Cycling and Horse Riding Technical Working Group (WCH TWG) (Appendix H of the Statement of Commonality Rev 2, REP3-020).</p> <p>National Highways notes that some of the responses of previous submissions provided by the Joint Councils at Deadline 3 relate to matters that remain under discussion in the Statement of Common Ground with the Joint Councils, most recently submitted at Deadline 3 also (see Appendix A of the Statement of Commonality Rev 2,</p>

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		<p>REP3-020). It is intended that discussions on these matters will enable a further updated SoCG to be submitted at Deadline 5. However, at this point it is possible to provide the following updates in advance of Deadline 5:</p> <p>In relation to the comments provided by the Joint Councils at Table Reference 2.1.1, 2.1.2, 2.1.3, 2.1.11 and 2.1.16 of their Comments on National Highways Deadline 2 Submissions (REP3-020), National Highways has provided an updated position on these points in matters 5.1 and 5.2 (air quality) and 10.1 (material assets and waste) of the Joint Councils SoCG (Appendix A of the Statement of Commonality Rev 2, REP3-020). National Highways will continue to engage with the Joint Councils on these points prior to Deadline 5, however it is anticipated at this stage that they may be unlikely to be resolved if the most recent position of National Highways does not alleviate the concerns of the Joint Councils.</p> <p>At Table Reference 2.1.4 of their Comments on National Highways Deadline 2 Submissions (REP3-020), the Joint Councils refer to the need for more detailed design information on structures. An updated position on this matter is provided at Deadline 4 by National Highways in section 2.8 of this document. Please see above for the National Highways response to this matter specifically in relation to PRow, also mentioned at Table Reference 2.1.4.</p> <p>At Table Reference 2.1.6 of their Comments on National Highways Deadline 2 Submissions (REP3-020), the Joint Councils state that National Highways has not responded to Paragraph 3.11.8 of the Local Impact Report (REP1-133) regarding the Councils' view on carbon mitigation. National Highways has previously responded to this point through the SoCG process, where the respective positions of the Councils and National Highways are set out at matter 14.1 of Table 5-1 of the document (Appendix A of the Statement of Commonality Rev 2, REP3-020). That matter is recorded in the SoCG as one that is unlikely for the two parties to resolve. National Highways does however highlight that a commitment to a Carbon Management Plan has now been added to ES Appendix 2.1 EMP (Document Reference 6.4, Rev 2) and is submitted at Deadline 4. National Highways seek confirmation from the Councils whether this amendment impacts their position on this matter.</p> <p>At Table Reference 2.1.8 of their Comments on National Highways Deadline 2 Submissions (REP3-020), the Joint Councils refer to the need for a reference to a Community Engagement Plan in the EMP. This has now been provided in the updated version of ES Appendix 2.1 EMP (Document Reference 6.4, Rev 2) submitted at Deadline 4.</p> <p>At Table Reference 2.1.10 of their Comments on National Highways Deadline 2 Submissions (REP3-020), the Joint Councils comment on the Leckhampton Hill Technical Note (Document Reference 8.15, REP2-) submitted at Deadline 2 by National Highways. National Highways recognise that the Joint Councils continue to be of the view that mitigation measures are required where the scheme would result in increased traffic on some local roads, in particular on Leckhampton Hill. This is reflected in matter 17.1 of Table 5-1 of the Joint Councils SoCG (Appendix A of the Statement of Commonality Rev 2, REP3-020). National Highways recognises that this matter</p>

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		<p>continues to be raised by the Joint Councils and more recently by Leckhampton and Warden Hill Parish Council and therefore, further information is provided at section 2.5 of this document to set out why National Highways considers that mitigation is not required. This matter will be discussed further with the Councils in order to provide an update at Deadline 5.</p> <p>National Highways notes the points made by the Joint Councils regarding the CTMP in Table Reference 2.1.14 of their Comments on National Highways Deadline 2 Submissions (REP3-020). National Highways has provided a response to this point in matter 23.2 of Table 5-1 of the latest version of the Joint Councils SoCG submitted at Deadline 3, (Appendix A of the Statement of Commonality Rev 2, REP3-020). National Highways will continue to engage with the Joint Councils on these points prior to Deadline 5, however it is anticipated at this stage that they may be unlikely to be resolved if the most recent position of National Highways does not alleviate the concerns of the Joint Councils.</p> <p>At Table Reference 2.1.15 of their Comments on National Highways Deadline 2 Submissions (REP3-020), the Joint Councils refer to the need for a correction that is required in the CTMP in relation to local events, Cheltenham Gold Cup and Paddy Power Race Weeks. This has now been updated in ES Appendix 2.1. EMP Annex B CTMP (Document Reference 6.4, Rev 2) submitted at Deadline 4.</p> <p>National Highways notes the comments provided by the Joint Councils in Table 2.2 of their Comments on National Highways Deadline 2 Submissions (REP3-020), which are in relation to cultural heritage. National Highways has no further comment to make on these points beyond that already provided in the Response to Cultural Heritage Issues Raised (Document Reference 8.14, REP2-015) and in matters 6.1 to 6.8 of Table 5-1 of the latest version of the Joint Councils SoCG submitted at Deadline 3, (Appendix A of the Statement of Commonality Rev 2, REP3-020). As set out in the SoCG, it is anticipated that the matters not agreed in relation to cultural heritage are unlikely to be resolved during Examination.</p>

Appendix A Design evolution at Alexander and Angell property

Table 2-3 Detailed timeline of design evolution at Alexander & Angell property

Timeline / Design Feature	Compound	Attenuation basin	Land bunds	Woodland planting	Calcareous grassland	Access track
Statutory Consultation September – November 2019	Preliminary Environmental Information Report (PEIR) states that the construction compound will be situated in this field.	Basin was on Alexander & Angell's land. It was located in the middle of the field as shown on consultation material Alexander & Angell raised concerns about location and asked for it to be moved to one side of the plot.	No proposal	Woodland planting was proposed as part of the mitigation proposals for connectivity purposes.	No proposal - no planting shown on consultation plans. PEIR refers to compound areas with the habitat reinstated or in most cases enhanced post-construction. It states that locations of grassland habitat creation are proposed to be a previously arable field used as the western compound. It does not specifically state that this compound will be calcareous grassland, but as a scheme all grassland habitat will either be calcareous or neutral species rich.	Existing arrangement to be left in-situ with access track to the north of the plot retained and extended to provide access for FlyUp 417 Bike Park.
<i>Design change</i>	N/A	Following consultation the basin was moved as far east as possible to respond to the landowner request. However, the movement east was limited by archaeological constraints i.e. the identification of an Iron Age Settlement. Moving the basin west wasn't possible at this time due to limited information about existing A417 drainage system meaning it had to connect into Dog Lane culvert.	N/A	N/A	N/A	N/A
Statutory Targeted Landowner Consultation 1 – 13 January 2020 to 11 February 2020	No change	Amended location of the basin was presented.	No proposal	Woodland planting proposal unchanged at this time. Land acquisition proposal was temporary possession with a permanent right to maintain planting.	No change	Access track to Flyup was to the north of the field and taken as temporary possession with permanent rights. Access track agreement reached according to Position Statement.
<i>Design change</i>	N/A	N/A	N/A	N/A	Calcareous grassland proposed in this area in response to the scheme vision. This forms essential mitigation for scheme wide replacement of grassland habitat in its own right and provides foraging habitat at the western end of scheme for bats (based on results of radio tracking surveys in summer season of 2019 which shows this area as a home range of several rare species) and barn owl, less so (based on evidence of roost site nearby).	N/A
Statutory Targeted Landowner Consultation 3 (19 March 2020 to 16 April 2020)	No change	No change	No proposal	No change	Informed Alexander & Angell of the proposal to plant calcareous grassland and change in land acquisition from temporary possession to permanent acquisition.	No change
<i>Design change</i>	N/A	N/A	N/A	Hedgerows introduced at the time of the southern track design to maximise connectivity of habitats for wildlife by creating a corridor between existing habitat.	N/A	Track was amended to run along the south of the plot instead of the north. This change was driven by a number of factors related to providing an access that allowed for all land use to continue unaffected by the construction

Timeline / Design Feature	Compound	Attenuation basin	Land bunds	Woodland planting	Calcareous grassland	Access track
				Changed woodland planting from temporary to permanent possession as decision was taken to acquire all essential mitigation permanently to assure the integrity in perpetuity through the DCO process. Section 253 agreements to be dealt with separately.		<p>phase and left in place during operation of the scheme to minimise impact on proposed woodland planting to the north.</p> <ul style="list-style-type: none"> • Buildability advice suggested that the proposed track to the north would be affected by the mainline works and was not possible in the temporary case. Therefore a track to the south of the plot was required during construction to provide access for several landowners • Mr Pither required access to the field to the south, therefore a temporary track was required along the south of the plot, away from the compound. • A track to the south could provide access for Flyup 417 Bike Park during construction phase
Supplementary Statutory Consultation October – November 2020	No change	The basin was located to the east, as it couldn't be moved due to unknown levels information. It was explained to Alexander & Angell that the alternative locations for the attenuation basin had been considered and were not viable due to the lack of information about existing drainage system.	No proposal	Land Interest Plan presented showing permanent land take for the woodland planting.	No change	Informed Alexander & Angell of the track being moved to the south of the plot. The track was proposed to be taken temporarily with permanent rights applied.
<i>Design change</i>	N/A	<p>NH received information regarding the levels of the existing A417 drainage system to the west. This information confirmed that the outfall could be changed from connecting to the culvert along Dog Lane, to the existing A417 drainage system.</p> <p>The change was implemented at this stage to respond to the landowner request. Benefits also included the removal of a right across Mr and Mrs Field's land that clashed with their cesspit. The new outfall route provided an opportunity to move the right to the west of their field and follow their boundary.</p>	<p>Land bunds were introduced to provide environmental enhancement. The bunds could offer benefit as a sloped south facing bank of calc grassland for invertebrates.</p> <p>Enhancement was deemed suitable at this location since permanent compulsory acquisition required for essential mitigation calcareous grassland.</p>	Woodland planting increased to increase the gain in woodland planting compared to that lost through design iteration and concurrently with new attenuation pond design.	N/A	Land acquisition of the track was amended to permanent. This land acquisition change was driven by the need for multiple users of the track. NH deem it sensible to compulsorily acquire this track to provide rights to the various interested parties through the DCO process.
Statutory Targeted Landowner Consultation 5 (8 February 2021 – 9 March 2021)	No change	Alexander & Angell informed that the basin could now be moved west. This was preferred by the landowner.	Alexander & Angell were informed of the proposal to include land bunds.	No change	No change	Alexander & Angell informed that no change proposed to the track but land amended to permanent acquisition.
<i>Design change</i>	N/A	N/A	Design team reviewed and confirmed that land bunds are not essential mitigation and can be removed at detailed design if landowner agrees under Section 253 and has use of the land (land bunds to be a gradient suitable for agricultural practice/ management).	N/A	N/A	N/A

Timeline / Design Feature	Compound	Attenuation basin	Land bunds	Woodland planting	Calcareous grassland	Access track
19th March 2021 meeting	No change	No change	NH confirmed that the land bunds would be remodelled or removed at detailed design if agricultural use to continue.	No change	No change	No change