



## Planning Act 2008 – section 91

### Application by National Highways (formerly Highways England) for an Order granting Development Consent for the A417 Missing Link project

#### Agenda for Issue Specific Hearing 4 (ISH4) on Environmental Matters

In its letter dated 31 January 2022, the Examining Authority (ExA) notified Interested Parties (IP) of its decision to hold an Issue Specific Hearing into the above matters on the following date:

Hearing	Date and time	Location
<b>Issue Specific Hearing 4 (ISH4)</b> Environmental Matters	<b>Thursday 3 March 2022 (and Friday 4 March 2022, if required)</b> <b>10.00am</b> (Arrangements Conference starts at 09.30am*)	Virtually via Microsoft Teams <sup>1</sup>

\*Participants must join the Arrangements Conference in order to register and be permitted access to the Hearing.

#### About ISH4 on Environmental Matters

The main purpose of ISH4 is to undertake an examination of various environmental matters to review environmental impact considerations, including matters arising from the application documentation and representations relating to:

- Transport
- Geology and Soils

The ExA will endeavour to hear all participants. If the ISH4, or parts of it, is unable to complete or proceed, for example for technical reasons, then the ExA may adjourn incomplete business to reserved hearings later in the Examination Timetable. Friday 4 March 2022 is already preliminarily programmed. Notice of any further adjournments will be provided on the [project webpage of the Planning Inspectorate's National Infrastructure Planning website](#).

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<sup>1</sup> Further information is available in Advice Note 8.6, available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>



## Attendance at the Hearing

The ExA is conducting this Hearing virtually in light of Government restrictions relating to Coronavirus (COVID-19), in particular the Omicron variant, using digital and telephone technology only.

Anyone wishing to attend the Hearing who has not already advised the Case Team of this should do so as soon as possible (and by **Wednesday 23 February 2022 at the latest**), as you will need to be issued with joining instructions to access the Hearing virtually. Please email: [A417MissingLink@planninginspectorate.gov.uk](mailto:A417MissingLink@planninginspectorate.gov.uk).

Parties can join using a computer, laptop, tablet, mobile phone or landline telephone. Invitees will receive full instructions on how to join online or by phone in a separate email shortly before the Hearing, including a joining link or telephone number through which you can join the Arrangements Conference. The joining link and telephone number are for your own personal use and **should not be shared with any other party**.

Please join the Arrangements Conference at the appointed time for the Hearing you have been invited to. The Case Team will admit you from the lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

It is the Applicant's intention to livestream the Hearing, and a link to watch the livestream will be posted on the [project webpage of the National Infrastructure Planning website](#) closer to the event date. A recording of the Hearing will also be made available on the project webpage shortly after the event.

## Participation, conduct and management of Hearing

The ExA invites all IPs, who are entitled to make oral representations at the Hearing, subject to the ExA's power to control the Hearing. The ExA would particularly like to hear from the following IPs during this Hearing:

- The Applicant;
- The Joint Councils (Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council);
- Natural England; and
- Richard Hamilton (on behalf of Cowley residents).

The named parties have been invited because they are:



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- public bodies or other parties that are named in the draft provisions in the draft DCO;
- public bodies with policy and regulatory responsibilities associated with the subject matter;
- national and local authorities for the affected area; or
- persons or organisations with another related and relevant special interest.

Participation in the Hearing is subject to the ExA's power to control the Hearing. IPs may be invited to make oral representations at the Hearing<sup>2</sup> (subject to the ExA's power to control the Hearing). Oral representations should be informed by the Relevant Representations and Written Representations made by the person by whom (or on whose behalf) the oral representations are made.

However, representations made at the Hearing should not simply repeat matters previously covered in a written submission. Rather, they should draw attention to those submissions in summary form and provide further detail, explanation and evidential corroboration to help inform the ExA.

The ExA may ask questions about representations or ask the Applicant or other parties to comment or respond. The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will therefore be led by a member of the Panel, supported by other Panel members.

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration. In particular, it is noted that this agenda has been compiled in advance of written submissions for Deadline 4. As such, matters may have progressed in the interim and any other information or updates provided at those Deadlines has not been taken into account. The detail of the agenda may be changed once these documents have been received.

Any lack of discussion of a particular issue at a Hearing does not preclude further examination of that issue, including through the inclusion of questions in the ExA's Further Written Questions (ExQ2) (if issued).

Should the consideration of the issues take less time than anticipated, the ExA may conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to. Some of the issues identified in the agenda are by their nature overlapping. It may be the case therefore that certain questions later on

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<sup>2</sup> s91 Planning Act 2008



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in the agenda are answered by earlier questions. If this is the case the ExA will acknowledge this at the time.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day or at a subsequent sitting. Friday 4 March has also been set aside for the continuation of this Hearing should it be necessary.

Breaks will be taken during the Hearing as directed by the ExA.

All parties should note that the agenda given below is to provide a framework for this Hearing and offer discussion points; it does not constrain the ExA to specific topics. The ExA may wish to raise other matters arising from submissions and pursue lines of inquiry in the course of the discussions which are not included in this agenda.

References in square brackets [] are to the unique document identification number in the Examination Library. This document is regularly updated and can be found on the project webpage of the National Infrastructure Planning website at:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20West/A417-Missing-Link/>

May we draw your attention to **Deadline 5** on the Examination Timetable (**Wednesday 9 March 2022**) and our request to receive full summaries of all oral submissions given at this Hearing by that date by those who made them. Note that any additional illustrative or supporting material that you wish to share must be submitted at Deadline 5, as it will not be possible for you to show it on screen during your contribution to the Hearing.

Please contact the Case Team if you have any questions regarding the arrangements for the Hearing: [A417MissingLink@planninginspectorate.gov.uk](mailto:A417MissingLink@planninginspectorate.gov.uk)



# Agenda

<b>Project</b>	A417 Missing Link [TR010056]
<b>Title of meeting</b>	Issue Specific Hearing 4 (ISH4) on Environmental Matters
<b>Date</b>	Thursday 3 March 2022 (continued on Friday 4 March, if required)
<b>Time</b>	10.00am
<b>Venue</b>	Virtually via Microsoft Teams
<b>Attendees</b>	Invitees

- 1. Examining Authority's opening remarks**
- 2. Arrangements for the Issue Specific Hearing**
- 3. Transport**

## Cowley Lane

- 3.1 In responses to Deadline 3 [REP3-013] at paragraph 2.2.5 the Applicant acknowledges that Cowley Lane 'would provide the primary vehicular access between Cowley and the A417.'
  - a. Does that mean that, with the Proposed Development in place, Cowley Lane would remain the main route to and from Cowley village and the A417?
  - b. Can you confirm that the likely route from Cowley to the A417 would be along Cowley Lane (westbound) via Stockwell, onto the de-trunked section of the old A417, then via the new Cowley junction?
  - c. If that is the case, the tables in [REP3-013] labelled B1 to B5 all indicate '0' eastbound movements on Cowley Lane (1 movement recorded in table B1). Why is this? If there are no eastbound movements, how would a vehicle travelling on the A417 seek to gain access to Cowley if not via the reverse route outlined in b) above?
- 3.2 There has been concern expressed by residents about the increase in vehicles using Cowley Lane from 18 to 118, as reported in paragraphs 2.2.12 and 2.2.13 [REP3-013]. However, this does not appear to be expressed clearly in table B-1. It would appear from Table B-1 that the baseline is 125 vehicles movements at present, which is a lot closer to the vehicle movements reported as being observed by residents (Richard Hamilton [REP3-062]) at the current time.
  - a. Is that a reasonable interpretation of the data?
  - b. The 18 appears in the do-minimum scenario for 2041, which implies that (when compared with the baseline) without the Proposed Development the rat-running on Cowley Lane would reduce (notwithstanding the forecast increase on Cowley Wood Lane). But with the Proposed Development it would increase to 118 principally due



to the closure of Cowley Wood Lane and consequent reassignment. Is that a reasonable interpretation of the data?

- c. When reviewing the paragraph in the Transport Report (as corrected in paragraph 2.2.13 of [REP3-013]), should the effects of the Proposed Development reflect the 'observed' figure (125), take into account the additional traffic diverting from Cowley Wood Lane (72) (cumulatively = 197) and then saying what would happen in the do-minimum (322) or the do-something (118) scenarios?
- d. Taking all the above into account will there be an increase or a decrease in the amount of traffic using Cowley Lane with the Proposed Development in place?

- 3.3 The representation from Richard Hamilton [REP3-062] raises the DfT Manual for Streets and the classification of Cowley Lane as a rural road (as would likely apply to all roads into and out of Cowley). Given the predicted increase in traffic (from 18 to 118 vehicles as reported by the Applicant), can comments / evidence be provided on the following:
- a. Any assessments taken to justify or demonstrate that Cowley Lane is capable of accommodating the increase in traffic (+30% increase) arising from the closure of Cowley Wood Lane;
  - b. any qualitative assessment done to assess the suitability of Cowley Lane;
  - c. any road safety audits undertaken to demonstrate all users would be safe with the increased vehicular use of Cowley Lane;
  - d. any consideration of amendments, alterations, upgrades or improvements needed on Cowley Lane in order to accommodate the increased traffic usage;
  - e. whether reliance on Cowley Lane as a mitigation measure (mitigating for the closure of Cowley Wood Lane) is effective taking into account its condition.
- 3.4 Question for Richard Hamilton. The ExA thank you for the time taken to undertake survey work between 28 and 31 January inclusive [REP3-062]. The ExA notes the evidence of traffic counts presented in the tables.
- a. Was any observation made, regarding the traffic numbers observed, on the direction that users were going (i.e. the numbers going westbound versus the numbers going eastbound)?
  - b. The tables show figures for cars, horses, cyclists and pedestrians. Are the ExA to interpret, from the data, that no larger vehicles (vans, delivery vans, lorries, tractors etc) were recorded on Cowley Lane during the time periods the survey was undertaken?
  - c. In relation to b), if that is indeed the case, do you consider such vehicles currently use Cowley Wood Lane as a means to travel to and from the village, to and from the A417 and is there evidence to support that assumption?
- 3.5 Question for Richard Hamilton. There appears to be two bridges that cross the River Churn in proximity to Cowley village. One is to northeast of Cowley Manor (the 'historic bridge') and the other being north of the Green Dragon. Photographs under your submission [REP3-062] show that bridge to the northeast. Can you describe the level of vehicle usage at present on these bridges and whether large vehicles (refuse trucks, tankers etc) use these routes as the entrance / exit from Cowley village already?



Other matters

- 3.6 In the representation of Carol Gilbert [REP3-031] there is reference to other junctions on the A417 (Barnwood and Longlevens particularly) and that traffic would reach these junctions quicker with the Proposed Development, causing queueing and congestion there. What response do you have for this?
- 3.7 In the SoCG with the Joint Councils [REP3-005], GCC identify 4 locations where the impact on the local highway is of concern (Leckhampton Hill, Gloucester Road in Stratton, B4070 south of Birdlip and road leading to Brimpsfield). The Applicant has responded to this at section 2.5 of their '8.25 Comments on responses received by Deadline 3' document [REP4-035] to indicate that no mitigation is required. What is GCC's position in respect of:
- the Councils outstanding concerns (if any) about those locations and
  - what mitigation do they consider would be necessary to address those concerns?
- 3.8 With reference to paragraph 2.3.14 of the CTMP [REP2-009], have any other events been identified as requiring specific traffic management exceptions? If so, what are they and what measures should be put in place?
- 3.9 The Statement of Common Ground with the Joint Councils [REP3-005] refers to a technical note that has been produced and shared on de-trunking part of the original A417. Can the applicant confirm how any agreements reached on de-trunking are to be secured in the DCO?

#### **4. Geology and Soils**

- 4.1 In the Statement of Common Ground, The Joint Councils [REP3-005] have a remaining concern regarding ES Chapter 10 regarding waste and surplus materials arising. Can this issue, and the outcomes to it, be explained and what resolution is in place that the ExA need to take into account?
- 4.2 The LIR [REP1-133] confirms in sections 3.6 and 3.7 that there are no outstanding concerns regarding geology. Could it be confirmed, for the record, whether the Council are satisfied with regards to safeguarding of mineral deposits in the areas said to be affected in ES Chapter 10 [APP-041].
- 4.3 At deadline 3 [REP3-010] it was stated that the Proposed Development would give rise to surplus of limestone, which would be used to form an imported substrate to enable calcareous grassland to be formed at the site of Alexander and Angell Ltd.
- How much other land has been identified as needing to receive extracted limestone in order to facilitate the calcareous grassland and where?
  - What percentage of limestone recovered from the construction process would be diverted away from the waste stream to be deposited on this other land?



- c. Would there be any dependency upon limestone reserves from outside the local area being required to establish or sustain the intended grassland?

4.4 The Environmental Statement refers to the provision of calcareous grassland in excess of that being lost as a mitigation. However, in relation to the land at Alexander and Angell Ltd, it is stated that if a limestone substrate cannot be imported, then the land would be put to wildflower grassland instead [REP3-010]. Could this undermine the amount of calcareous grassland being provided and the mitigation strategy as a whole. In this respect can the Applicant confirm:

- a. What factors would prevent a limestone substrate being effective?
- b. If the current mitigation strategy is dependent upon the provision of calcareous grassland, what has been done to ensure such could be established?
- c. If calcareous grassland cannot be provided at Alexander and Angell Ltd, set out the amount of Calcareous grassland that would not be provided and the remaining total of calcareous grassland across the whole DCO land, in the context of that lost to demonstrate whether there is still a net positive increase in this habitat and what that would be?
- d. If the ability/feasibility to create calcareous grassland (both at Alexander and Angell Ltd, and across the whole DCO boundary) is dependent upon investigations at detailed design post-consent, what confidence can the ExA have that the environmental mitigation strategy is credible and sound?
- e. Would clay-based substrate have impacts for hydrology and drainage that have not been considered in the ES?
- f. Does the compelling case in the public interest to acquire the land still apply if the intended calcareous grassland cannot be provided?

## **5. Any other matters**

## **6. Review of issues and actions arising:**

6.1 The ExA will address how any actions placed on the Applicant are to be met.

## **7. Close of the Hearing**