

# A417 Missing Link DCO

Joint Councils Deadline 5 submission

Gloucestershire County Council, Cotswold District Council,  
Tewkesbury Borough Council

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# 1. Introduction

- 1.1.1. This document sets out the case made orally by Gloucestershire County Council (GCC), Cotswold District Council (CDC), and Tewkesbury Borough Council (TBC) together 'the Joint Councils' who are the three host authorities for the National Highways' (NH) A417 Missing Link DCO Scheme 'the Scheme' at the Issue Specific Hearing 4 on 03 March 2022. It also provides the Joint Councils response to the proposed change to the application.

# 2. Proposed change to the application

- 2.1.1. The Joint Councils have reviewed the proposed changes to the application and have no comments to make.

# 3. Issue Specific Hearing 4 (ISH4)

## 3.1. Agenda item 1 - Examining Authority's opening remarks

- 3.1.1. No questions of an introductory or preliminary nature were raised by the Joint Councils on this item.

## 3.2. Agenda item 2 - Arrangements for the Issue Specific Hearing

- 3.2.1. No questions of an introductory or preliminary nature were raised by the Joint Councils on this item.

## 3.3. Agenda item 3 - Transport

- 3.3.1. The Joint Councils offered no comments on agenda items 3.1 to 3.6. Following a review of the evidence presented during the ISH4, the Joint Councils have no further comments to make.

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:

- a. the Councils outstanding concerns (if any) about those locations and
- b. what mitigation do they consider would be necessary to address those concerns?

- 3.3.2. Michelle Spark (MS), Partner at Weightmans LLP, introduced Ian Sanders (IS), Transportation Lead at Atkins, and Andy Padden (AP), Project Manager and Highways Lead at Atkins.

- 3.3.3. In regards to point a), IS outlined that the Joint Councils view is that the V/C (Volume / Capacity) ratio is not the key issue with the four local road links identified. NH have only considered AM and PM average hour flow comparisons in their analysis rather than AM and PM peak hour flows, for which use of the V/C measurement would be a more appropriate analytical tool for determining network operational performance, however V/C is still not the key issue on these roads.

- 3.3.4. IS explained that as set out in the Joint Councils representations (LIR – REP1-133 and Table 5-1 of the SoCG – Appendix A), it is the quantum of additional traffic which is the key concern. Rural 'C' class and minor road links normally would not be expected to record AM or PM weekday peak hour V/C rates above 85%, so this is not the best measure of Scheme impact in this case.

- 3.3.5. IS explained that by implementing the main scheme (DS), flows on local links should not be adversely affected, compared to the case without mitigation (DM). However, the results from the model forecasts have indicated that traffic on Leckhampton Hill is predicted to increase from an annual average daily traffic (AADT) flow of 7,600 vehicles for the 2041 DM to 11,500 for the 2041 DS, resulting in a significant increase of +51%, and when compared to the 2015 base model AADT flow of 7,000, the 2041 DS flow of 11,500 shows an increase of 64%.
- 3.3.6. IS explained that on the B4070 link south of Birdlip, the predicted flows increase by 22%, up from 6,000 in the 2041 DM to 7,300 in the 2041 DS, and with a resultant 40% increase on the 2015 base flow of 5,200.
- 3.3.7. IS explained that no AADT information or analysis for the other two local roads has been presented in NH's comments on responses received by Deadline 3 document [REP4-035].
- 3.3.8. IS went on to explain that when looking specifically at weekday AM and PM average hour flow comparisons, and based on information provided in Table 2-2 of the Leckhampton Hill Technical Note [REP2-8.15], 2041 future year two-way vehicle flows on Leckhampton Hill are predicted to increase by +90% in the AM peak period (from 536 in the DM, up to 1,022 in the DS), and by +129% in the PM peak (from 460 in the DM, up to 1,052 in the DS).
- 3.3.9. IS stated that as with the AADT analysis, these AM and PM peak period increases in local road traffic volumes are significant compared to the DM situation and would give rise to potential safety issues – with increased link flows resulting in additional personal injury collisions.
- 3.3.10. IS explained that the Joint Councils acknowledge that the Scheme should look to keep traffic to the main A417 route as much as possible. However we would not agree that appropriate mitigation for the local routes identified should not be implemented because it could result in a reassignment of traffic on to other alternative minor routes – but rather that the Joint Councils reiterate the view (as set out in the REP3-020 document) that NH investigate potential options for achieving a reduction in the predicted increase in Cheltenham-bound traffic travelling via Leckhampton Hill, in favour of such traffic using the more appropriate alternative 'A' class roads, namely the A436 (Ullenwood) – A435 route.
- 3.3.11. In regards to point b), AP explained that this issue has been on the table for a number of years, and the Joint Councils continue to wait for mitigation proposals from NH. AP explained that while the other three parts of the network show reasonably lower increases in traffic the Joint Councils main concern relates to Leckhampton Hill. The Joint Councils have not undertaken any meaningful work as yet to identify mitigation measures that would address the increase in traffic. To do this would likely require extensive assessment and consultation with local residents and businesses and could not now be completed before the end of the Examination.
- 3.3.12. AP outlined that NH have explained in their Deadline 4 submission [REP4-035] that the roads operate within capacity and therefore are stating that no capacity mitigation is required, this is understood, but the argument is not related to capacity but, in the case of Leckhampton Hill, is related to an over 50% increase in traffic and the resultant issues that this will cause to road condition, safety, noise and air quality. AP explained that the Joint Councils require proposals from NH to deal with these increases. The Joint Councils are keen to collaboratively work alongside NH to identify potential solutions. Initially, our view is that a Feasibility Study should be carried out, funded and undertaken by NH- in conjunction with the Joint Councils. This study should work with relevant stakeholders to come up with schemes that will reduce the traffic increases down to more acceptable levels. The study should also identify the resultant detrimental effects on these routes (such as increases in accidents, noise and decreases in air quality etc.) and make recommendations as to other measures that could be implemented to mitigate such issues.
- 3.3.13. AP explained that GCC requests that NH commits to funding and leading a feasibility study to identify and fund options which would either reduce traffic volumes closer to current levels or measures to prepare the roads for the forecast increases.
- 3.3.14. In response to comments made by Julian Lavington of Birdlip and Cowley Parish Council about

concerns requesting confirmation that the Applicant and Joint Councils will work together to resolve existing inadequate pedestrian crossing facilities on the B4060 into Birdlip, AP explained that the Joint Councils and Applicant have agreed through the SoCG to develop a suitable pedestrian crossing at the detailed design stage.

#### ISH4-Action Point 4 Response

- 3.3.15. In response to the ISH4-AP4, the Joint Councils have provided written details of the points made under question 3.7 parts a and b above in paragraphs 2.3.8 to 2.3.10.

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?

- 3.3.16. AP confirmed that GCC was content with the list of events already listed in the CTMP.

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?

- 3.3.17. MS confirmed that the Joint Councils agree with the Applicant's position on this point and will continue to work with them on this matter.

#### 3.4. Agenda item 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?

- 3.4.1. MS introduced Alex Evans (AE), Principal Waste Consultant at Atkins. AE explained that in summary, the assessment in the ES Chapter 10 does not represent the quantity of waste that will require managing offsite. The assessment is based on potential future mitigations and not current known mitigations. The assessment should include the current known surplus in the waste assessment. AE explained that the consequences of not assessing the known surplus could be that landfill capacity in the region could be used up to a greater extent than currently reported in the ES Assessment.
- 3.4.2. AE clarified that known surplus of waste should still form part of the assessment and that the appropriate section of Design Manual for Roads and Bridges for the assessment to follow is DMRB Section LA 110 not LA 104.

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].

- 3.4.3. MS read out a statement from the Mineral Safeguarding Officer at GCC which stated, the percentage of the mineral safeguarding area that the Scheme encroaches into, as reported in ES Chapter 10, would not be significant. Based on the information presented in the ES the Scheme would not sterilise a mineral safeguarding area. However, GCC has not been presented with any technical evidence to indicate whether this is the case.

#### ISH4-Action Point 7 Response

- 3.4.4. ISH4-AP7 asks the Councils to provide details of what they consider is missing from the Applicant's assessments with regards to mineral safeguarding areas to give reassurance no such areas would be sterilised.
- 3.4.5. GCC's policy position on mineral resource safeguarding is set out under policy MS01 of the adopted

Minerals Local Plan (MLP) for Gloucestershire (2018 – 2032). The A417 Missing Link is not an exempt development-type listed in Table 2 of the MLP, therefore National Highways should demonstrate that:

- needless sterilisation of mineral resources will not occur; or
- mineral resources of concern are not economically valuable; or
- it is appropriate and practicable to extract minerals prior to development; or
- the overriding need for development outweighs the desirability to safeguard mineral resources.

3.4.6. It is understood how the initial judgement on mineral safeguarding with the Scheme may have been reached – i.e. that the proposed Scheme is likely to only impact on a very small part of the designated Mineral Safeguarding Areas (MSAs) and that this fact is materially significant. However, Officers are not aware of whether this initial judgement is based on any specific mineral resource review of the MSA areas affected.

3.4.7. As a minimum, consideration should be given to whether the proposal falls over land which has been designated due to the presence of potentially economically viable mineral resources and / or whether it is because the land forms part of a buffer / stand-off zone. It is usual local practice that land within an MSA that is made up exclusively of a buffer / stand-off zone will not require further assessment, particularly where no nearby and relatable mineral working is taking place or is envisaged to take place in the foreseeable future. The next stage, is to establish the realistic prospect that any identified underlying mineral resources are economically valuable and feasibly workable. This sort of analysis is known as a Mineral Resource Assessment (MRA). The present strategic mineral resource assessment, which informed the designations of local MSAs, is drawn from BGS datasets. It is understood to be a very broad review of economic potential and not the full picture, especially at the local level. A competent geo-technical professional would be advisable for supporting any work that is carried out in this regard, and it is likely that much of the core data to inform the local-level assessment will already exist as part of the Scheme's wider geo-technical assessments. The last element of assessing mineral safeguarding is focused on the land-use planning balance – and the need for surface development ahead of the desirability of safeguarding underlying mineral resources. If it is determined that after looking into mineral safeguarding more closely, it still presents a land-use planning matter of concern, then a specific narrative should be produced to outline what the overriding benefits of the Scheme are over mineral resource safeguarding. The supporting text to policy MS01 of the MLP might be helpful in understanding the standard of assessment that might be required (see MLP paragraphs 119 to 125).

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.

a. How much other land has been identified as needing to receive extracted limestone in order to facilitate the calcareous grassland and where?

b. 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?

3.4.8. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH4, the Joint Councils have no further comments to make.

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?

3.4.9. The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during the ISH4, the Joint Councils have no further comments to make.

## 3.5. Agenda item 5 – Any other matters

### Carbon

- 3.5.1. MS introduced Pete Wiggins (PW), Outcome Manager, Sustainability at GCC. PW explained that the Joint Councils welcome the inclusion of the Carbon Management Plan (CMP) and that NH will consult the Joint Councils on the contents of it under the EMP.
- 3.5.2. We have reviewed the proposed scope of the Carbon Management Plan, as described at paragraph 4.3.12 of the Environmental Management Plan (document reference REP4-028). The scope is presented as an inexhaustive list.
- 3.5.3. Can National Highways clarify whether the scope of the Carbon Management Plan will include the details of schemes to offset / compensate for the construction-related carbon emissions reported in the Environmental Statement?
- 3.5.4. There is no mention in the DCO application of any measures to offset / compensate for the forecast carbon emissions that will be generated during the construction of the Scheme. In the latest version of the Statement of Common Ground with the Joint Councils (document reference REP3-005), National Highways states that it does not propose to even partly offset or compensate for the forecast carbon emissions generated by the construction of the scheme, because to fully-offset these emissions would not be feasible. The Joint Councils don't consider this is an acceptable justification to do nothing.
- 3.5.5. The Joint Councils believe that a significant level of carbon mitigation should take place as part of wider action related to the scheme and that National Highways should be more ambitious and innovative in its approach to implementing or funding carbon mitigation measures, even if it does not undertake the mitigation measures itself.
- 3.5.6. We would request that such commitments are defined as being within the scope of the Carbon Management Plan, or secured by other means in the DCO.
- [ISH4-Action Point 10 Response](#)
- 3.5.7. The Joint Councils position, as presented by PW during the ISH4, is fully set out in writing as Matter Outstanding 14.1 in Table 5-1 of Appendix A of the Statement of Commonality [REP3-005].



## Design

- 3.5.8. MS clarified that NH had made a commitment to submitting new design information for structures on drawings at Deadline 6 and welcomed this.
- 3.5.9. Following a review of the evidence presented during the ISH4, the Joint Councils have the following comments to make.
- 3.5.10. National Highways has committed to submitting new engineering drawings and sections of proposed structures by Deadline 6. This is welcomed. Cotswold Conservation Board, National Trust, Gloucestershire Wildlife Trust and the Joint Councils comprising GCC, TBC and CDC have jointly compiled the following shortlist of key concerns, all expressed at previous deadlines, which should be addressed on the new drawings. The new drawings should be accompanied by a Design Code style document, reflective of a landscape-led solution that fulfils the criteria outlined in the collaborative Bridges Brief that was submitted by the key partners to the applicant in October 2020. These drawings and documents should be secured directly under Requirement 11 of the dDCO in order to provide assurances that the highest quality of design is achieved, in consultation with the identified partners, noting that National Highways would require no further independent third-party approvals of its detailed design of structures following grant of the DCO.
- Existing commitments to the design of structures set out in the Environmental Management Plan are incomplete.
  - There should be clear evidence that the design, form and appearance of all bridge structures will respond to the natural and built character of this part of the Cotswolds and that best practice from other schemes (as previously shared with the applicant), have been incorporated
  - There should be clear evidence that the structures will make a positive contribution to sense of place
  - There should clear commitments to ensure the Gloucestershire Way Bridge will be engineered to successfully sustain calcareous grassland and hedgerow habitats and that there is a clear long-term management plan for this structure
  - There should be clear evidence that the suite of bridges – Gloucestershire Way bridge, Stockwell bridge and Cowley bridge will provide both human and wildlife connectivity. We are still concerned that these structures will not provide the necessary landscape connectivity nor be engineered to sustain habitats (whether hedgerows and trees on Stockwell and Cowley, or full habitat creation on Gloucestershire Way bridge).
  - There should be clear evidence that the Cotswold Way crossing will sympathetically and visually, reflect its position between Crickley Hill and Barrow Wake, drawing from the aesthetics, settings (situated amongst geological exposures) and woodland surroundings
  - There should be a commitment to the use of locally sourced materials for all structures
  - There should be evidence that an options appraisal has been carried out and/or commitment that an options appraisal will be carried out in detailed design
- 3.5.11. If this additional information is not submitted into examination and these concerns are not fully addressed to the satisfaction of the stakeholders, we would request that Requirement 11 is redrafted to ensure that the stakeholders are named consultees at the pre-submission stage and that the detailed designs of structures is submitted to the Secretary of State for written approval prior to the commencement of those parts of the development.

## Lighting

- 3.5.12. MS began by clarifying that the following representation on highway lighting was a Gloucestershire County Council position and not made on behalf of the Joint Councils.
- 3.5.13. MS updated the Examining Authority on a recent meeting held with National Highways and other stakeholders on the assessment of lighting.

- 3.5.14. In response to Mr Minhinnick's clarification that the below ground infrastructure for a potential future lighting scheme at Ullenwood Roundabout would not be included in the DCO. MS reiterated that GCC continues to have concerns about the lack of lighting proposed at the Proposed Ullenwood Junction.
- 3.5.15. MS and Mr Minhinnick confirmed that National Highways will submit the summary of assessment into examination and would share the full assessment with the Joint Councils separately.

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