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Registered charity number: 232580
Registered in England number: 708575

Case reference: TR010056

Interested party number: 200028970

Document reference: GWT response to ISH4: Deadline 5

09/03/2022

Dear Sirs,

I am writing to outline Gloucestershire Wildlife Trust's (GWT) response to matters that arose during the ISH4.

GWT shares the concerns of other stakeholders regarding the detailed design of key structures. This concerns is detailed in the collaborative statement submitted by the Joint Councils, which GWT supports. From an ecological perspective, there are particular concerns about the design of the Green Bridge at the Gloucestershire Way crossing and design assurances are needed to ensure the design fulfills the essential mitigation functions.

It is acknowledged that GP8 in the Register of Environmental Actions and Commitments (Table 3-2, document 6.4, appendix 2.1 Environmental Management Plan) adds a commitment to consulting stakeholders on detailed design and this is welcomed. However, some information that is critical to judging the likely success of ecological mitigation measures has not yet been submitted for examination. Without this information, GWT's feels that there is insufficient evidence to assure that the stated residual levels of impacts on biodiversity receptors are achievable and accurate. The information required is

- A comprehensive map of all compensatory habitat provision, indicating where land has been secured and where it hasn't. This is required to assess whether the compensatory habitat targets are realistic and comply with NPSNN requirement 5.24.
- The methodology for creating compensatory habitat and a realistic assessment of likely success rates. GWT' view is that no evidence has been provided to support the current assumption of 100% success.
- A clear Governance structure and process for triggering remediation action should the proposed ecological enhancements fail.
- Detailed design of the Gloucestershire Way crossing, assuring that the bridge would be engineered to successfully sustain calcareous grassland and hedgerow habitats.

- Production of a recreational pressure mitigation strategy for Crickley Hill and Barrow Wake SSSI, with a commitment to producing this in consultation with GWT, the National Trust and Natural England.

This information should be provided for examination ahead of its conclusion. If this will not be the case the requirement should be secured as an expansion of GP8 of the or integrated into requirement 11.

GWT's response to submissions made at deadline 4 are provided in table 1

Your Sincerely

A handwritten signature in black ink, appearing to read 'Gareth Parry', is centered on a light yellow rectangular background.

Dr Gareth Parry

Director for Nature's Recovery

Gloucestershire Wildlife Trust

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Table 1: GWT response to comments submitted at deadlines 3 and 4

GWT response reference	Document reference	Table/Page reference	Interested Party comment at deadline 3 or 4	GWT response at deadline 5
1.2	Doc 7.3: Statement of Commonality Rev 2	Table 4.1, page 11, point 7.3.6	The table records no material changes at deadlines 2 or 3	It was not possible to update the draft SoCG at deadline two due to the very short notice provided by the applicant for a meeting. As such, the SoCG does not accurately reflect GWT's current position and an updated version of the SoCG will be provided at deadline 5, as agreed with the applicant.
1.2	Joint Councils response to Interested Parties Deadline 3 submissions	Table 2.2, point 2.1, page 5	It is the Joint Councils position that in the absence of preliminary design information in the application, the DCO should include a Requirement which secures the Secretary of State's written approval of detailed design of key elements of the scheme prior to construction and that the relevant local planning authority and the highway authority should be prescribed consultees for the purposes of this requirement	GWT supports this position and requests that it is expanded to key environmental stakeholders.

1.4	TR010056-001452- Natural England - Deadline 4 Submission	Page 1	<p>Natural England's response to the National Highways position outlined by the joint advice note prepared by Burges Salmon LLP,</p> <p>dated 19 January 2022 regarding disapplying SSSI consent.</p> <p>Disapplying SSSI Consent is listed as a 'matter outstanding' in Natural England's Statement of Common Ground (SoCG) with National Highways. Section 1.1 of the SoCG contains an accurate summary of</p> <p>NE's advice on the legal position. This is repeated below for ease of reference: Since Highways England is a body to which s.28G of the Wildlife and Countryside Act 1981 (WCA 1981) applies (a s.28G authority), this situation would not be governed by s.28E WCA 1981. Even if s.28E WCA 1981 did apply, it is not legally possible to disapply a requirement to obtain consent</p>	<p>As a landowner of a SSSI affected by the scheme, GWT is concerned that the approach proposed by National Highways, which could displace legal responsibilities for infringements of the WCA resulting from the scheme onto landowners.</p> <p>Landowners affected by this proposal have not been engaged on this matter by National Highways, and therefore, have not had the opportunity to seek legal advice.</p> <p>GWT wishes to see consultation with affected landowners with the approach and connotations clearly outlined.</p>
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			under s.28E in a DCO in England	
1.5	TR010056-001452- Natural England - Deadline 4 Submission	Page 3	Natural England outlined the need to understand the mechanism for making the decision about lighting the Ullenwood roundabout in future and would like to be assured that environmental impacts relating to bats will be properly considered	GWT supports this position, as outlined in 1.3
1.6	TR010056-001456- National Trust - Comments on responses received by D3	Point 4, page 4	The National Trust notes that the provision of the Cotswold Way Crossing would allow and potentially encourage people to park at Barrow Wake and access Crickley Hill without having to negotiate traffic on the A417. The NT considers that a precautionary approach should be taken, considering the real possibility of a material increase in recreational pressure on the SSSI.	GWT supports this position and reiterates the need for a funded strategy to mitigate the increased recreational pressure including new off-site provision. GWT also supports post-construction monitoring of recreational impacts with appropriate remediation measures.