



**National
Trust**

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

29th March 2022

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

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

Dear Sir/ Madam,

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

Re: Deadline 6 - Examining Authority's further written questions (ExQ2) (30th March 2022)

Please find enclosed our submission in response to the ExQ2 questions raised directly to the National Trust for your consideration.

Yours faithfully,

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

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Response to ExA Questions – Deadline 6 (30th March 2022)

ExQ2	Question to:	Question:	National Trust Response:
2.2.2	Environment Agency, Natural England, National Trust, GWT, Cotswolds Conservation Board	<p>Carbon emissions</p> <p>Do any of the named organizations have any comments they wish to make with regards to the Applicant’s assessments and forecasts of carbon emissions, with direct reference to the NPSNN?</p>	<p>The National Trust has no further comments to make with regards to the Applicant’s assessments and forecasts of carbon emissions other than that set out in our written representation (REP1-098): <i>“The Trust would expect the Applicant to demonstrate that the proposed road scheme is compatible with the government’s commitments to combat climate change, and that it conforms with all relevant legislation, policy and guidance on climate change, including on carbon reduction plans and targets.”</i></p> <p>The National Trust is pleased to see the following commitments from the applicant in relation to the Construction Management Plan as set out in the latest SoCG:</p> <ol style="list-style-type: none"> 1. National Highways requires the contractor to reduce the carbon footprint of the scheme through commitment CC2 of the Environmental Management Plan. 2. Commitment CC7 has been amended to the following, to be more explicit: “The contractor would develop and implement a Carbon Management Plan to reduce energy consumption and associated carbon emissions.” The high-level content of this is set out in section 4.3 EMP (Construction) Management Plans, under a new heading “Carbon Management Plan”.

ExQ2**Question to:****Question:****National Trust Response:**

2.3.6

GWT, Natural England, National Trust, Joint Councils

Position statement

Produce a detailed position statement setting out the respective positions regarding the potential effects of increased recreational pressure upon the Crickley Hill and Barrow Wake units of SSSI. Each party's views on the likelihood of increased recreational pressure and the areas this would be experienced should be clear, alongside views on potential mitigations setting out areas of agreement and disagreement accordingly. Include, where necessary, references to the NPSNN and any disputes with the Applicant's position set out at Deadline 5 [REP5-008]. Since this is an 'operation effect' please confirm what, if any, concerns remain about construction effects either as a separate statement or chapter in your response

Potential effects and locations of increased recreational pressure:

The SSSI is notified for two broad habitat types: lowland calcareous grassland and lowland mixed deciduous/beech-yew woodland. Both notified habitats are at risk from increased recreational pressure. Details are given below:

Lowland calcareous grassland

Deterioration of lowland calcareous grassland due to high visitor pressure has already occurred at the site, most visibly on the hillfort within SSSI Unit 1 (see GWT D1 Submission REP1-065: Written Representation, Appendix 3). Compaction has resulted in a loss of notified grassland communities, which are sensitive to compaction, and the area is no longer considered a SSSI interest feature (see Natural England 2015 Condition Assessment).

Additional visitors will likely exacerbate this issue by causing additional compaction, both around the hillfort and across the site. Barrow Wake is a particularly at-risk area due to the viewpoint, relatively low current visitor levels and highly sensitive species such as musk orchid *Herminium monorchis*. Increased visitors have the potential to lead to further degradation and loss of notified grassland communities.

Lowland mixed deciduous/beech-yew woodland

Two woodland areas are included in the SSSI notification: Short Wood (on the plateau in the north of the site) and The Scrubbs (located north of the proposed Cotswolds Way crossing). These are in markedly different condition due to differences in existing visitor pressure. The National Trust excluded visitors to Short Wood in the early 2000s due to a decline in quality caused by compaction and disturbance from visitors. The site condition has now improved and the woodland ground flora, tree health and decay wood features are now considered in favourable condition (See Natural England 2011 Condition Assessment). This proves the benefits of reducing and managing visitor access within the SSSI woodlands.

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Question to: Question:

National Trust Response:

Only small exclosures have been built in the Scrubbs, where public use remains high. An increase in recreational pressure here will lead to compaction and tree management issues. Compaction is likely to occur around tree roots (leading to a decline in tree health) and widely across the woodland, damaging important mycorrhizal communities which are vital for tree health and ecosystem function. These issues are likely to occur due to the Scrubbs proximity to the Cotswolds Way crossing and Air Balloon Way and will result in damage to SSSI notification features.

Furthermore, increased recreational pressure raises the health and safety (H&S) requirement within woodlands. In areas of high visitor use there is an obligation to manage trees to reduce the risk of falling limbs. This includes veteran trees, which are of high biodiversity value and support saproxylic (decay wood) invertebrate communities, which are one of the site's interest features. This problem is exacerbated by ash die back (ADB) disease which further increases the requirement to manage high risk trees.

Although there is only one PRoW in the Scrubbs, visitors regularly stray from this and there is a well-established network of footpaths throughout the woodland (as provided as evidence in our written representation REP1-098, pgs 6-8). Without additional mitigation, an increase in visitor pressure will likely push the whole woodland into a high-risk category, requiring H&S related management, leading to a decline in SSSI condition.

Likelihood of increased recreational pressure

There are three key reasons why we believe there is likely to be an increase in recreational pressure:

Increased visitor numbers. Although the scheme does not increase the local population (in the way a housing development does) improved access across the A417 is likely to encourage more people to visit the SSSI. Furthermore, by reducing journey times the site becomes accessible to a greater number of people living in Cheltenham and Gloucester.

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Destination locations. The Crickley Hill and Barrow Wake SSSI units will remain destinations for visitors regardless of additional routes in the landscape. They offer views across the Severn Vale, which are not replicated elsewhere in the area, and the innate attraction of (ancient) semi-natural habitats. The views are especially attractive to people living in Cheltenham and Gloucester (see above).

Efficacy of proposed mitigation. The current mitigation is unlikely to deter increased visitors. Our extensive experience of managing sensitive sites tells us signage alone is not an effective deterrent. We also acknowledge National Highways position that an increased offer of visitor routes will potentially re-distribute visitors across the landscape and alleviate pressure on the SSSI. However, we do not believe there is sufficient evidence to assume this will be the case. The Applicants DCO submission acknowledges the potential issues with this strategy with respect to the Cotswolds Beechwoods SAC (see Habitats Regulations Statement, paragraph 7.1.1). The same limitations apply in this case.

Impacts on landowners (National Trust and GWT)

As outlined above, we believe there is likely to be an increase in recreational pressure on the SSSI. Without additional mitigation this will result in an increased management burden for the SSSI owners, GWT and the National Trust. This will include resource and capital costs to manage visitor access and resulting impacts, increased H&S tree management costs and compaction and erosion damage on the hillfort. There is currently no recognition of these impacts by the Applicant, nor any provision to resolve them. As these impacts will be a direct result of the scheme, we believe the Applicant has a responsibility to reduce them through additional mitigation.

Potential mitigation

As outlined in our previous responses, our minimum request is for post-construction monitoring of recreational impacts on the SSSI, and appropriate measures being put in place to address any such material increase. These measures may include, but are not limited

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Question to: Question:

National Trust Response:

to, all weather surfacing of footpaths within Crickley Hill and fencing within the Scrubbs ancient woodland to allow for regeneration of sensitive habitats.

Additionally, we welcome the opportunity to develop an innovative Strategic Access Monitoring and Management (SAMM) plan which incorporates NSIPs, growth proposals, SSSI & SAC impacts. This would create a much-needed landscape-wide access and recreation strategy.

Disputes with the Applicant's position

We have two main areas of disagreement:

- The Applicant's conclusion of a slight adverse effect, which is not significant. Based on our reasoning above, we believe the impact to be adverse, moderate to major and nationally significant.
- The proposed mitigation is inadequate. As outlined above, additional mitigation is required to reduce the residual effects

Statement on construction effects

We are confident our outstanding concerns regarding construction effects will be resolved at detailed design by the Construction Management Plan (CMP) document.

To conclude: As site owners and managers, Gloucestershire Wildlife Trust and the National Trust have extensive first-hand experience of managing the Crickley Hill and Barrow Wake SSSI. No-one else has greater knowledge of balancing stewardship of the cited biodiversity features alongside managing access for people at these sites. We have jointly presented evidence to support our concerns regarding increased recreational pressure, which includes both empirical data and our considerable on-the-ground knowledge. The Crickley Hill and Barrow Wake SSSI is a nationally important biodiversity site, which forms an important core area of the Gloucestershire Nature Recovery Network. We strongly encourage

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			use of the precautionary principle in matters relating to the SSSI because the consequences of underestimating the impact of recreational pressure are very significant and will be felt long after the road scheme is opened to traffic.
2.3.10.	Natural England, National Trust, GWT	Watercourses Are there any remaining concerns regarding the Applicant's approach towards aquatic wildlife or the management of habitats within watercourses?	The National Trust has no outstanding concerns regarding watercourses and defers to Natural England and Environment Agency on this subject.
2.4.3.	The National Trust	Farm Business Tenancies a) Can you explain fully the nature of the Farm Business Tenancies that the trust owns and operates within the Order limits and what rights are currently enjoyed over it? b) Are any of those Farm Business Tenancies on land that is deemed BMV? c) Which plots in the BoR are implicated by this and could the landholdings you have tenancies on continue to operate viably if any or all of those plots were to be used by the Applicant in the manner proposed?	a) The National Trust has a periodic statutory Farm Business Tenancy over land at Crickley Hill and Barrow Wake from GWT, the contract was originally with GCC until ownership was transferred from GCC to GWT in 2016. National Trust and GWT are currently in the process of negotiating a new fixed term contract. b) The land is not BMV c) Possibly 2/13d. 2/13g. 2/13j. 2/13e. 2/10e are implicated, but certainly does affect 2/13f. 2/13h. 3/12e. 3/12b. Our concern is the access to all the parcels and that the environmental stewardship agreement is not breached by the works. This means being clear on construction operations so that permission can be given by the Rural Payments Agency (RPA). The National Trust manages the tenancy area for conservation. Difficulties in access are an operational problem for our staff who manage our in-hand herd of cattle. Issue 7 in the Matters Agreed Landowner Position Statement, National Highways have stated <i>"National Highways is committed to ensuring continued access to the Country Park throughout the construction phase of the scheme. The works at the access to Crickley Hill Country Park relate to tying in the access to the realigned Leckhampton Hill. It is likely that works to tie in the access would be completed overnight in order to minimize the impact of works on this access. Where works are required during the daytime, access would</i>

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			<p><i>be maintained to the Country Park at all times and this commitment is provided through commitment PH2 of the Register of Environmental Actions and Commitments within the EMP (Document Reference 6.4 Appendix 2.1 Environmental Management Plan Rev1, REP-006)."</i></p> <p>Issue 6 of Matters Outstanding in the Landowner Position Statement, states that <i>National Highways have advised the National Trust that there should be ways in which construction can be managed in order that they can continue to meet their commitments. The National Trust should continue in its normal operation and planned works. Should any commercial loss occur due to the scheme there is a right to compensation from a business disturbance claim. This is satisfactory.</i></p>
2.4.4.	The National Trust	<p>Crickley Hill facilities</p> <p>a) Can you provide an indication of the annual turnover and revenue for the visitor café and car park at the Crickley Hill site?</p> <p>b) Broadly, in which months is the greatest revenue to be earned?</p> <p>c) Could the construction programme be revised/ accommodated so that access to the Crickley Hill site could be sustained during the most profitable seasons?</p> <p>d) At Deadline 5 [REP5-005] it is stated that agreement has been reached to keep access to the country park open at all times. Would the construction programme be affected by this and/ or would additional traffic management measures need to be implemented on Leckhampton Hill to achieve the continuous access?</p>	<p>The Crickley Hill visitor facilities which include the visitor centre, café and car park are in GWT ownership and we would therefore defer to GWT in answering this question for parts a), b) and c). In respect of d), the Applicant could comment on its construction programme and traffic management. We have set out our position below.</p> <p>d) The National Trust is satisfied with the Applicant's proposed programme of works to address our concern on maintaining access to the site as outlined in Issue 7 in the Matters Agreed Landowner Position Statement, stating that <i>"National Highways is committed to ensuring continued access to the Country Park throughout the construction phase of the scheme. The works at the access to Crickley Hill Country Park relate to tying in the access to the realigned Leckhampton Hill. It is likely that works to tie in the access would be completed overnight in order to minimise the impact of works on this access. Where works are required during the daytime, access would be maintained to the Country Park at all times and this commitment is provided through commitment PH2 of the Register of Environmental Actions and Commitments within the EMP (Document Reference 6.4 Appendix 2.1 Environmental Management Plan Rev1, REP-006)."</i></p>

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			<p>We would expect early dialogue with the Applicant and contractor ahead of any works that may affect the entrance / access to Crickley Hill and that it would be the Applicant's responsibility to ensure safety measures are in place for traffic management for this phase of construction works</p>
2.4.5.	All APs that deem such provision relevant to their land holding	<p>Environmental stewardship At CAH1 and ISH2 a number of APs alluded to their land, which is subject of Compulsory Acquisition, being currently maintained and managed for the benefit of the environment or under specific environmental stewardship schemes. Please provide details of how land is currently managed for environmental purposes and why it is felt that the Applicant's proposals would neither add to nor enhance the current management processes. Also set out the longevity of any such stewardships and if the land is secured in perpetuity for wildlife.</p>	<p>The National Trust holds a Higher-Level Stewardship (HLS) agreement over land at Crickley Hill and Barrow Wake. The end date is 30/11/2023. The Rural Payments Agency in conjunction with Natural England offer extensions to the agreements, but it may be that by 2023 ELMS is the environmental stewardship scheme of choice.</p> <p>The land is managed extensively to meet a variety of environmental benefits, namely:</p> <ul style="list-style-type: none"> • Maintenance of woodland • Maintenance of high value traditional orchards • Maintenance of species-rich, semi-natural grassland • Restoration of species-rich, semi-natural grassland • Grazing with native breeds at risk <p>The National Trust as a conservation organisation owns parts of Crickley Hill which have been declared inalienable, meaning we will manage it in perpetuity.</p> <p>National Highways has been provided with the HLS agreement. We do not believe that any of this land has been included in the LEMP for habitat creation/mitigation.</p>