

A417 Missing Link
TR010056

8.29 Responses to the Examining
Authority's Written Questions (ExQ2)

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A417 Missing Link

Development Consent Order 202[x]

Responses to the Examining Authority's Written Questions (ExQ2)

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1 Introduction

1.1 Purpose of this document

- 1.1.1 The purpose of this document is to set out the National Highways (the Applicant) written responses to the Examining Authority's second written questions issued on 17 March 2022, relating to the A417 Missing Link scheme. These can be found in Table 2-1.

2 Responses to the Examining Authority's Second Written Questions

Table 2-1 Applicant's Response to the Examining Authority's Second Written Questions

Number	Directed to	Question	National Highway's Response
2.1 Miscellaneous and General			
2.1.1	Applicant	<p>Bristol Airport You will have seen Bristol Airport expansion has recently been granted consent. Does this have any implications for the traffic modelling in the context of the A417 Missing Link?</p>	<p>National Highways is of the view that the Bristol Airport expansion would not have any implications for the traffic modelling of the scheme. This is due to the distance of Bristol Airport, approximately 51 miles from the scheme, and because there are very few origins/destinations where vehicles would utilise the scheme to travel to/from Bristol Airport.</p> <p>National Highways considers that the number of additional trips travelling to/from Bristol Airport via the A417 should the expansion scheme be implemented would be low and therefore the expansion of Bristol Airport would not impact on the A417 scheme and its traffic modelling.</p>
2.1.2	Applicant	<p>Clarification At paragraph 5.2.6 of the Case for the Scheme (APP-417) it states the scheme is in the medium category based on the DFT's Value for Money Framework having identified an initial BCR of 1.49 and an adjusted BCR of 2.51. However, the value for money categories in the DFT's Framework include 'low' having a BCR between 1 and 1.5, 'Medium' between 1.5 and 2 and 'High' between 2 and 4. Please clarify</p> <p>a) why you concluded it is within the medium category, and</p> <p>b) what effect the most up to date Carbon Values have on the GHG sensitivity test in the</p>	<p>a) 'The Green Book' (Central Government Guidance on Appraisal and Evaluation, 2020) ("the Green Book") stipulates that policies should be appraised in terms of all of the impacts that they create and that this should not be narrowly focused on economic impacts. The Guidance also stipulates that all impacts should be valued in monetary terms to the greatest extent possible but recognises that some impacts cannot be monetised.</p> <p>The merits of this scheme are not based just on a limited set of monetised impacts, but on a comprehensive set of monetised and non-monetised assessments. To demonstrate the Value for Money (VfM) that the scheme offers, the costs of the scheme must be compared with the expected positive and negative impacts. The appraisal approach has been designed to capture these impacts as fully as possible, in a way that is proportional. In some cases this approach involves assigning monetary values to the benefits. However, there are some impacts where there is no reliable approach to assigning monetary values, or indeed to assigning any form of quantifiable value, these are still included in the appraisal process.</p> <p>When National Highways undertook the VfM assessment of the scheme, the decision was taken to account for non-monetised benefits/disbenefits of the scheme that are not accounted for in the Benefit Cost Ratio (BCR) as set out in Section 6 of The Green Book. Due to the scheme being situated in the Cotswolds Area of Outstanding</p>

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		<p>Combined Modelling and Appraisal report, section 15.3 (APP-422)?</p>	<p>Natural Beauty (AONB) the impact of the scheme on the landscape would be significantly higher than if the scheme was outside the Cotswold AONB.</p> <p>Although the adjusted BCR for the scheme (of 2.51) reported in the Transport Report (Document Reference 7.10, APP-426) and the Case for the Scheme (Document Reference 7.1, APP-417) would indicate that the scheme would be classed as a high VfM scheme (between 2 and 4 in the DfT Framework categorisation), this does not account for non-monetised benefits/disbenefits of the scheme. When these are factored into the VfM assessment, the large non-monetised disbenefits (landscape) reduces the overall value for money of the scheme to medium.</p> <p>b) As stated in the ComMA in Section 13.5 (Document Reference 7.6, APP-422) a sensitivity test using the higher carbon values was included to assess the likely impact of these changes on the BCR.</p> <p>As part of the assessment undertaken during the detailed design stage of the scheme, the carbon assessment will be updated based on the latest Emissions Factor Toolkit and carbon values in the Greenhouse Gases Transport Analysis Guidance workbook. This updated carbon assessment will be part of the data provided to the Department of Transport for the final decision in relation to scheme funding and approving start of works on site.</p>
2.2 Air Quality and Emissions			
2.2.3	Applicant	<p>Carbon emissions Explain why you consider a carbon budget (for any period) is the sum total of carbon emissions across all sectors as opposed to being a cap that the sum total of carbon emissions across all sectors cannot go above?</p>	<p>The Applicant understands the ExA to be referring to the discussion which took place under agenda item 5 – climate change – during Issue Specific Hearing 2 (ISH2) on 27 January 2022. During that hearing, the Applicant explained that the carbon budgets are the sum of the carbon emissions from a range of sectors. Overall compliance with carbon budgets are the responsibility of Government. In this instance, Government has indicated in its National Policy Statement for National Networks (NPSNN), at paragraph 5.18, that:</p> <p>“any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets.”</p>

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			<p>It is in that context that the Applicant referred to the carbon budgets being the sum of the carbon emission from a range of sectors. The role of the budget in decision making is that outlined above in NPSNN paragraph 5.18.</p> <p>The reference was not intended to indicate that that carbon budgets are not a cap. The Applicant would note that the explanatory note to the latest Carbon Budget Order 2021 states that (emphasis added):</p> <p>“This Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. Carbon budgets set a cap on the maximum level of the net UK carbon account for each five-year budgetary period. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.”</p> <p>The Applicant’s submissions at ISH2 highlighted the economy-wide nature of the carbon budgets, and the absence of any sector-specific budgets.</p> <p>National Highways has set out its route to achieve net zero carbon emissions within the document “Net Zero Highways: our 2030 / 2040 / 2050 plan”. That is in keeping with the wider sector movement towards decarbonisation and net zero.</p>
2.2.4	Applicant	<p>Other sought Development Consent Orders (DCO) Other DCOs have been referenced in the Examination (for example, A38 Derby Junctions, M54-M6 link Road, M25 Junctions 10 and 28). National Highways provided a response to the Secretary of State’s questioning on carbon emissions for all those other schemes. The SoS invited comments from Interested Parties (IP) on those respective projects by 4 March 2022. Are there any additional points, having regard to National Highways’ responses on those schemes and having seen those responses, that you feel are</p>	<p>The Applicant does not consider there to be any additional points to add to the submissions which have been made in respect of those other DCOs.</p>

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		important or relevant for the current Examination into the A417 Missing Link?	
2.2.5	Applicant	<p>Register of Environmental Actions and Commitments (REAC) Reference AQ13 in the REAC provides for Air Quality monitoring to be undertaken at National Star but does not specify any thresholds or actions/ commitments to be undertaken should those thresholds be breached. Can the Applicant explain how monitoring by itself could provide mitigation and how any such mitigation would be secured?</p>	<p>National Highways would provide continuous ambient dust monitoring at the National Star College site, commitment AQ13 has been amended to include this provision and is set out in Appendix 2.1 Environmental Management Plan (EMP) (Document Reference 6.4, Rev 3) submitted at Deadline 6. This would provide real time information regarding air quality and allow trigger levels to be set to warn of any peaks in fine particulate matter concentrations during the works.</p> <p>The typical use for this type of equipment is to record particulate concentrations and send an alert when those concentrations breach a pre-agreed threshold. This threshold is known as a site-specific Site Action Level, which would act as a mechanism to ensure that dust mitigation measures are both adequate and are being applied correctly. This will form part of the Air Quality Management Plan which is secured in commitment GP5 and further detailed in Section 4.3 EMP (Construction) Management Plans of the EMP (Document Reference 6.4, Rev 3).</p>
2.3 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))			
2.3.1	Applicant, Natural England, GWT	<p>Interface between Byways Open to All Traffic (BOAT) and improved Public Rights of Way with nature objectives</p> <p>a) How have improvements to connectivity for path users been assessed with regards to their impact on biodiversity and essential mitigation provision?</p> <p>b) Would any increased usage, combined with alternate methods of access and travel, on the improved or altered rights of way conflict or hinder the delivery ExQ2: 17 March 2022 - 5 - ExQ2 Question to: Question: of essential</p>	<p>a) The potential for impacts on biodiversity features from changes to Public Rights of Way (PRoW) was considered as part of the design process for the scheme. Design measures have been implemented to minimise impacts on existing sensitive ecological receptors and habitat created as mitigation. For example:</p> <ul style="list-style-type: none"> • Segregation of the PRoW on the Gloucestershire Way crossing was designed to avoid degradation of calcareous grassland. • Measures have been taken to reduce existing threats and pressures on a veteran tree by fencing it off from an existing PRoW. • Removal of an existing PRoW from Barrow Wake SSSI to reduce recreational pressure. • Initial designs included a footpath from the Air Balloon Way down the chalk grassland slope to the Barrow Wake car park. In consultation with stakeholders, this was removed and rerouted along an existing path from the A417 to the car park. • Realignment of the footpath on the Air Balloon Way in the vicinity of Barrow Wake to prevent degradation of calcareous grassland created as replacement common land.

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		<p>mitigation objectives (for example, noise and disturbance upon new wildlife areas)?</p>	<p>Where potential for a significant effect upon biodiversity features from changes to PRow was identified, this is reported within ES Chapter 8 Biodiversity (Document Reference 6.2, APP-039). This includes assessment of potential impacts upon Leckhampton Hill and Charlton Kings Common SSSI (para 8.10.245), Ullen Wood (para 8.10.264) and Emma's Grove (para 8.10.272); in addition to the detailed consideration of recreational pressure on Crickley Hill and Barrow Wake SSSI, and Cotswold Beechwoods SAC.</p> <p>b) No proposed changes to the PRow network are considered to conflict with the function of essential mitigation within new wildlife areas.</p> <p>The majority of the new habitat creation in essential mitigation areas are distant from of any PRow, such as the grassland creation area on Alexander & Angell Ltd land in the west of the scheme, the calcareous grassland 'stepping stone' to the east of Emma's Grove, and the reptile and Roman snail receptor area to the north of Birdlip Quarry.</p> <p>The new calcareous grassland habitat 'stepping stone' adjacent to Ullen Wood is crossed by the PRow that links the Gloucestershire Way crossing to Crickley Hill Country Park. Whilst the presence of dog walkers will result in localised nutrient enrichment, this is not considered to prevent the objective of establishing this habitat across this area. This is supported by the existence of such habitat within nearby publicly accessible areas of Crickley Hill and Barrow Wake SSSI. Within this calcareous grassland stepping stone, the PRow are routed close to the periphery to minimise public disturbance to wildlife using the central open areas.</p> <p>Many of the species for which habitat creation occurs are nocturnal, such as new foraging habitat for bats, badgers and barn owl. Use of PRow associated with the scheme is likely to be largely within the daytime. No significant disturbance to nocturnal species is anticipated from users of the PRow, either on the new crossing points for wildlife over the scheme or within new habitat creation areas.</p> <p>For convenience, wider responses from National Highways on the associated matter of recreational pressure can be found in:</p> <ul style="list-style-type: none"> • Responses to the Examining Authority's Written Questions (ExQ1) 1.3.12, 1.3.14, 1.3.33 and 1.3.41 (Document Reference 8.4, REP1-009);

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			<ul style="list-style-type: none"> • Summary of Applicant's Oral Submissions at Issue Specific Hearing 2 (Document Reference 8.19, REP3-011); and • Table 2-3 Responses to specific Deadline 4 submissions, comments in response to National Trust submission REP4-051 (Document 8.26, REP5-008).
2.3.2	Applicant	<p>Beech trees at Shab Hill At CAH1, Mr Mendel raised the potential for a copse of beech trees at Shab Hill Farm to be of an age close to the category of ancient woodland. Is the Applicant able to confirm the exact position on this and comment upon whether any ancient woodland 'indicator species' are present, such as what was described at Emma's Grove?</p>	<p>The Applicant does not consider this woodland to be ancient. A review of mapping with historic environment specialists identified that this area of woodland is not recorded on the 1840s Gloucestershire Tithe mapping for the Cowley parish (available on the webhosted GIS viewer for local heritage data in the southwest via bristol.gov.uk).</p> <p>Whilst it is possible that maps of this age do not comprehensively include accurate mapping of woodland, it is notable that this specific map does include details of other areas of woodland within the parish, including several woodland copses smaller than that at Shab Hill Farm. Also, the 1840s Gloucestershire Tithe mapping includes the nearby ancient woodland at Ullen Wood.</p> <p>The ground flora of the copse at Shab Hill is poorer than that described for Emma's Grove and does not support most of the ancient woodland indicator species described for Emma's Grove. The only ancient woodland indicator species identified at the copse at Shab hill is an area of dog's mercury present under a stand of hawthorn at the edge of the woodland. This species frequently occurs in situations other than within ancient woodland, and a species-poor woodland ground flora only containing this ancient woodland indicator is consistent with the conclusion from the mapping review that this woodland is unlikely to be ancient.</p>
2.3.3	Applicant	<p>Biodiversity Net Gain The Applicant has suggested that it is seeking to investigate further opportunities to improve the Biodiversity Net Gain score with neighbouring landowners and through other off-site measures.</p> <p>Can the Applicant set these out in detail, identify the locations and confirm how they would be secured?</p>	<p>The Applicant is seeking to use designated funds to deliver around 440 Biodiversity Net Gain (BNG) units to help National Highways achieve its strategic target in the areas around the A417 scheme and more widely. The Applicant's contribution towards BNG will be delivered across many sites, over several years, and will utilise the expertise and practical capabilities of the partnership panel organisations.</p> <p>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).</p> <p>For this project, a collaborative working group has been formed, which will source the land, calculate BNG units available, deliver the habitat improvement works</p>

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		<p>If through s253 agreements, see 2.4.12 below. If additional agreements, what progress has been made?</p> <p>Will these be completed within the Examination and to what extent should the ExA have regard to these in the decision-making process?</p>	<p>and manage the long-term maintenance and monitoring of the project. 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.</p> <p>These Designated Fund projects are being progressed separately from the scheme and the ExA should not have regard to these in the decision-making process. The explanation provided above is for information purposes only in response to the ExA's question. National Highways maintain the position articulated in response to EXQ1 question 1.3.1 (Document Reference 8.4, REP1-009) that the A417 project is not required to achieve BNG. NH have adopted BNG targets at an organisational level, that are to be attained through measures including the use of designated funds.</p>
2.3.4	Applicant	<p>Biodiversity Net Gain The ExA notes from the Statement of Commonality that agreement has been reached between the Applicant and the Joint Councils that Biodiversity Net Gain would be assured with schemes and incentives outside of the DCO process.</p> <p>a) Has any other Interested Party been made aware of these schemes?</p> <p>b) How much weight can the ExA give to such out-of-process agreements, considering that the ES is categoric in the extent of biodiversity net loss?</p>	<p>a) As explained in the National Highways response at 2.3.3, a collaborative working group has been formed including Cotswolds Conservation Board, the National Trust, Gloucestershire Wildlife Trust and the Joint Councils. Furthermore, organisations including Natural England, Parish Councils, and the Walking, Cycling and Horse Riding Technical Working Group have been kept updated through Statement of Common Ground meetings about the progress of Designated Funds, and had representatives involved in putting forward ideas to the collaborative working group and/or National Highways. As set out in Matter Agreed 8.6 of Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 3, REP5-005), the Joint Councils now agree that BNG can be achieved overall through factoring in initiatives separate to the DCO process, such as the National Highways designated funds scheme. In addition, the Environment Agency, Natural England and the National Trust acknowledge in their SoCGs that off-site measures are an opportunity to deliver BNG (Appendix B, C and G of the aforementioned Statement of Commonality, respectively).</p> <p>b) The agreements sit outside of the DCO process and therefore the ExA should not have regard to these in the decision-making process.</p>
2.3.5	Applicant	<p>Environmental compensation Tufa compensation is proposed and suggested that it would</p>	<p>As stated in paragraph 8.10.108 of ES Chapter 8 Biodiversity (Document Reference 6.2, APP-039), the loss of the tuffaceous vegetation feature (G231) would result in</p>

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		<p>require agreements outside of the DCO boundary with landowners. How would this be secured?</p> <p>Is it necessary mitigation? To what extent can this be taken into account in the decision-making process?</p>	<p>permanent/irreversible damage that would negatively affect the integrity of the resource. Compensation is therefore necessary to address this loss.</p> <p>As stated in paragraphs 8.10.112 and 8.10.113 of ES Chapter 8 Biodiversity (Document Reference 6.2, APP-039), since tufa habitat would be subject to a major adverse impact due to loss of tufa habitat from construction activities, the residual effect of habitat loss associated with the scheme is considered to be large adverse at the regional level and significant, with or without compensation in place.</p> <p>However, in addition, tufa habitat would be subject to a major beneficial impact due to the offsite enhancement measures to compensate for the tufa habitat loss. The residual effect of habitat enhancement associated with the scheme is considered to be moderate beneficial at the regional level, and significant.</p> <p>If the compensation sites cannot be secured, whilst this would not affect the conclusion of a large adverse significant residual effect, it would negate the moderate beneficial effect.</p> <p>National Highways has acquired land for one of the compensation sites. For the other two locations, National Highways met with the landowner with a freehold of the land on 21 February 2022. Discussions were very positive and next steps are being taken to help secure the long-term management of these sites in the future, through a separate agreement which would enable National Highways to do so. To assist, National Highways intends to produce a Tufa Management Plan for the three sites.</p> <p>The ExA will also need to take into account the ability of the Applicant to deliver the mitigation required by this commitment. The narrative outlined above demonstrates that the Applicant will shortly have obtained the necessary land rights to deliver the compensation sites. In a worst case scenario, in the unlikely event those sites are not forthcoming, the EMP commitment BD9 is sufficiently broad to enable the Applicant to identify and deliver an alternative site, in consultation with the relevant stakeholders. There are multiple potential compensation sites within the vicinity of the scheme which could be used for this purpose, which can increase the confidence the ExA can have in the Applicant's ability to deliver these compensation sites. The ExA can therefore be assured that this necessary mitigation can be delivered and is secured on the proposed DCO. It can (and should) be taken into account in the decision making process.</p>

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2.3.8	Applicant	<p>Essential mitigation It has been raised by both Alison Besterman and Stephen Mendel that land subject to Compulsory Acquisition powers in order to deliver essential mitigation (calcareous grassland) is already in a grassland state, with some under environmental stewardship. Can the Applicant address the following:</p> <p>a) Confirm what the Applicant knows of the stewardship programmes in place on the land.</p> <p>b) Explain what specifically the Applicant would have to do with the condition of the land to change it into calcareous grassland.</p> <p>c) Set out what benefits or enhancements the change to calcareous grassland would have over and above retention of the current grassland state.</p> <p>d) It was said in relation to calcareous grassland provision at Alexander and Angell that, if such grassland could not be provided there, wildflower grassland would be provided to mitigate losses at Shab Hill</p>	<p>An update can be provided prior to the conclusion of the Examination.</p> <p>a) The Applicant is aware that there is an Environmental Stewardship Agreement (ESA) within the Mendel land ownership. There is a current Higher Level Stewardship agreement that runs from 2013 to 2023 and the land covered by this agreement can be viewed as open data online on the Natural England Open Data Geoportal. There is approximately 2.1ha of existing species-poor grassland within the ESA area that is proposed for enhancement directly from the baseline habitat to the target habitat of species-rich calcareous grassland. All other creation of species-rich grassland that is proposed on land which currently falls within the ESA area, would occur after the clearance of existing grassland as required to construct the scheme. The Applicant has details of the previous ESA for this land (2002 – 2012) which included the conversion of the c.2.1ha grassland areas in question from arable land to their current state of species-poor grassland that is cut for silage.</p> <p>The Applicant is not aware of any ESA covering any of the Besterman land holding either within or adjacent to the scheme boundary. No such agreements are mapped on the Natural England Open Data Geoportal.</p> <p>b) The target habitat proposed for this land is lowland calcareous grassland priority habitat, which is species-rich grassland on a calcareous substrate. The underlying geology for this area is limestone and therefore suitable for such habitat creation. The specific methodology for the creation of this habitat type from the existing species-poor grassland will be developed at detailed design utilising a specialist contractor in such habitat creation, as per EMP Annex D Landscape and Ecological Management Plan (LEMP) (Document Reference 6.4, APP-321) This will include further assessment of the soil nutrient status to determine the steps required to create the habitat. A key factor will be the degree to which any nutrient inputs to this former arable land persist within the soil. Soil nutrients should have been reduced by regular cutting for silage since reversion from arable (assuming no fertiliser has been added). If low fertility conditions occur then the method for creation of species-rich grassland will comprise part-cultivation of the grassland and over-sowing with native calcareous grassland wildflower seed of local provenance. If soil nutrients (particularly phosphorus) are deemed by the specialist contractor to remain at too high a level to provide suitable conditions for creation of species-rich grassland, then soil stripping would be undertaken to reduce nutrient levels, followed by preparation and sowing with native calcareous grassland wildflower seed of local provenance. In either scenario, regular monitoring would be required to inform further habitat</p>

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		<p>(Appendix A (REP3-010)). Are any of those losses requiring mitigation directly arising from the proposed change from wildflower grassland to calcareous grassland at Shab Hill Farm?</p> <p>e) Explain how the Applicant's overall and longer-term management of the grassland, whether under s253 agreements or not, would represent betterment over the existing stewardship programmes.</p>	<p>management actions to ensure establishment of a species-rich calcareous grassland sward, as per the outline requirements in Table 2-4 of the LEMP (Document Reference 6.4, APP-321).</p> <p>c) The existing species-poor grassland to be enhanced is a common and widespread habitat type of local importance, the loss of which is not significant as reported in ES Chapter 8 (Document Reference 6.2, APP-039). The enhancement of this habitat to species-rich calcareous grassland contributes to a significant beneficial effect of the scheme. This is because the habitat type to be created is a Habitat of Principal Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (i.e. a priority habitat) and has therefore been identified by the Secretary of State as a habitat of principal importance for the conservation of biodiversity in England. Furthermore, the proposed enhancement to species-rich calcareous grassland aligns with Gloucestershire's Nature Recovery Network which identifies these locations as a high priority for creation of open habitats, such as species-rich grassland. The key priority for biodiversity enhancement of the Cotswolds AONB for this scheme that has been established through extensive stakeholder consultation, including Natural England, National Trust, Gloucestershire Wildlife Trust and Cotswold Conservation Board, is the restoration and creation of calcareous grassland. This is because this habitat has seen sharp declines from around 40% of the Cotswolds in the 1930s to less than 1.5% today. The existing grassland to be enhanced within the ESA area has not been restored to species-rich calcareous grassland under the ESA, and there is therefore an opportunity to undertake this measure to mitigate the impacts of the scheme and to provide biodiversity benefits.</p> <p>d) No, the loss of species-rich neutral grassland in the field to the north of Shab Hill relates to the construction of the road and the Gloucestershire Way crossing. No losses of existing grassland of significant value would directly arise from the proposed changes to the areas within the ESA to a different grassland habitat type. This would not be considered an appropriate ecological enhancement.</p> <p>e) The scheme would result in enhancement of these grassland areas within the ESA to a habitat type of significantly higher value for biodiversity. Therefore, the long-term maintenance of this habitat type would represent betterment over the ESA options that are being implemented on this land at present which are maintaining species-poor grassland. The existing grassland present is better for biodiversity than the</p>

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			<p>arable land that occurred in these locations prior to the ESA. The creation of priority calcareous grassland as part of the scheme would be a substantial further improvement in terms of the botanical diversity of the grassland, and therefore the faunal species this would support.</p>
2.3.9	Applicant	<p>Overbridges In the representation from Carol Gilbert (REP3-031) the efficacy of the establishment of hedges and habitat on the crossings is questioned with regard the likelihood of the bridges being used by large machinery and vehicles. The balance between human and natural environments is also a concern of bridge design for a consortium of IPs (REP5-011). What is your response?</p>	<p>The design of Cowley and Stockwell overbridges was determined by taking into account the width of the vehicles that would be using the bridges. Hedgerow planting forms a dedicated part of the bridges, and the establishment and maintenance aspects have both been taken into account during the design process. Both bridges would have a 4m wide carriageway and 3m wide soft verges (one on Cowley overbridge and two on Stockwell overbridge), with hedgerow planting set back by approx. 500 - 600mm from the kerb in order to allow space for future maintenance and overhang of vehicular traffic.</p> <p>With regards to the balance between human and natural environment, it should be acknowledged that there are no definitive standards for the design of multi-purpose crossings, especially regarding mixed use, and there is a large variation in resulting build examples around the world (e.g. 4m -100m+ widths). Design arrangements, widths and lengths are all driven by functional requirements and context. With this in mind, and by reference to the Landscape Institute Green Brides Technical Guidance Note 09/2015 (December 2015), as well as through consultation with stakeholders, the Applicant believes that the right balance between human and the natural environment has been struck regarding the design of all three bridges incorporating receptor habitats on this scheme.</p> <p>National Highways has also committed to the monitoring of all wildlife crossing structures once the scheme is in operation in order to assess their effectiveness, and to implement remedial measures should any be necessary. This monitoring is secured through commitment BD44 within the ES Appendix 2.1 Environmental Management Plan (EMP) (Document Reference 2.4, Rev 3).</p>
2.3.11	Applicant	<p>Bus shelter Cowley and Birdlip Parish Council (C&BPC) contend, contrary to NH's previous comments (REP3-011), that it has a substantial and material interest in the bus shelter. This shelter is promoted as mitigation/ compensation for</p>	<p>The Parish Council have confirmed that they own and maintain the bus shelter itself and it is listed on their asset register. National Highways provided an updated Book of Reference at Deadline 4 in order to recognise this interest (Document Reference 4.3 Rev 1, REP4-022).</p> <p>Following the above, National Highways has discussed the acquisition of the bus shelter from the Parish Council and it is the Applicant's understanding that the Parish</p>

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		<p>the effects on bats as an artificial roost to address the cumulative loss of bat roosting features (BD38 in REAC). What is the Applicant's position and how can the ExA be satisfied that the mitigation/ compensation will be secured?</p> <p>Reference has been made by C&BPC to alternative provision or compensation through Compulsory Acquisition. Would this be necessary, and would it require a change request?</p>	<p>agreed to the acquisition of the bus shelter for the purposes of the scheme at a meeting on 16 March 2022.</p> <p>National Highways will continue to liaise with the Parish Council and agree a suitable value for the asset through formal Heads of Terms.</p>
2.3.12	Applicant	<p>Recreational pressure on SSSI In (REP4-051) NT notes that it would support post-construction monitoring of recreational impacts on the SSSI with measures being put in place to address any such material increase should it occur. Is the Applicant prepared to secure such monitoring and mitigation and if so how can this best be secured?</p>	<p>As per DMRB LA104 Environmental assessment and monitoring, proportionate monitoring is only undertaken where the ES concludes that there are significant adverse environmental effects after mitigation. As no significant adverse environmental effects are predicted for recreational pressure on the SSSI, no monitoring is proposed.</p>
2.4 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations			
2.4.2	Applicant	<p>Layby location During CAH1 (EV-023) (EV-027) it was stated that the Fields are impacted by essential mitigation only and not impacted by the layby in terms of Compulsory Acquisition.</p>	<p>a) Paragraph 6.2.8 in the Statement of Reasons (Document Reference 4.1 Rev 1, REP4-020) is incorrect. The land is required for essential mitigation only as set out in Appendix A of the Statement of Reasons and as stated at CAH1.</p> <p>b) As above, land is not to be acquired for the layby. The layby will be situated on land currently owned by National Highways.</p> <p>c) The Applicant does not consider it necessary to amend Schedule 1 of the draft DCO (Document Reference 3.1, Rev 3) to reflect the potential amendments to the layby</p>

Number	Directed to	Question	National Highway's Response
		<p>a) Can this be clarified, as plot 1/3d is proposed to be acquired from the Fields and the Statement of Reasons at Deadline 4 (REP4-020) describes this as being for the layby?</p> <p>b) How does the Applicant balance the compelling public interest in acquiring the land, the length or type of layby being provided, and the interference with rights?</p> <p>c) The Deadline 5 submission (REP5-007) suggests that the layby may either be an emergency area only layby or may be removed altogether. How does the Applicant intend to reflect this in Schedule 1 Work no.1(d) of the dDCO?</p>	<p>proposals since the amendments would not affect the scheme assessments. The design includes a public layby and will be considered at detailed design. The amendment will require engagement with Overseeing Organisation safety and operation specialists to ensure any amendments to the proposed design at application are approved by all relevant parties.</p>
2.4.7	Applicant	<p>Essential mitigation Following on from question 2.3.8 above regarding land already managed for environmental purposes, do you consider that the status of those plots within those stewardships has any effect on the case for Compulsory Acquisition?</p>	<p>National Highways is committed to deliver this mitigation as part of this DCO and it is therefore necessary to compulsorily acquire interests where it has not otherwise been able to acquire them by agreement. National Highways is continuing to negotiate s253 agreements to address areas where there are necessary land interests or right can be acquired by agreement with landowners. The existing management of the areas of land in question under environmental stewardship regimes does not affect the need for National Highways to acquire the land to deliver mitigation, and there is therefore no impact on its case for the compulsory acquisition of such areas of land.</p>
2.4.8	Applicant	<p>Compulsory Acquisition Schedule (document 8.9 (REP1-014))</p>	<p>National Highways has reviewed the Compulsory Acquisition Schedule. Plot 2/32 is owned by Mr Mendel as a Category 1 landowner. Mr Medlock has a category 2 interest in relation to right of access.</p>

Number	Directed to	Question	National Highway's Response
		<p>Can the Applicant confirm that the interests of owners in the CA Schedule are correct?</p> <p>All are specified as 'part 1 (Category 1 – owners)' but there appears to be examples where plots are identified with two owners eg Plot 2/32 where Mr Medlock and Mr Mendel both include this plot in the list of interest. It is noted in the BoR that Mr Medlock is a category 2 interest in respect of this plot.</p> <p>Could you explain the discrepancy or amend, and ensure there are no other occurrences?</p>	<p>The plot was unregistered land. The plot has now been registered. This entry will be amended to be in line with the BoR in an updated Compulsory Acquisition Schedule, to be submitted at a later deadline.</p>
2.4.9	Applicant	<p>Bus stop Cowley and Birdlip Parish Council has stated (REP4-040) that it has had a material interest in a bus shelter for over 70 years and has maintained it at its own expense. How do you respond and would rights need to be acquired?</p>	<p>The Parish Council have confirmed that they own and maintain the bus shelter itself and it is listed on their asset register. National Highways provided an updated Book of Reference at Deadline 4 in order to recognise this interest (Document Reference 4.3 Rev 1, REP4-022).</p> <p>Following the above, National Highways has discussed the acquisition of the bus shelter from the Parish Council and it is the Applicant's understanding that the Parish agreed to the acquisition of the bus shelter for the purposes of the scheme at a meeting on 16 March 2022.</p> <p>National Highways will continue to liaise with the Parish Council and agree a suitable value for the asset through formal Heads of Terms.</p>
2.4.10	Applicant	<p>Quarry Please provide a detailed response in respect of the Additional Submission from Carter Jonas LLP on behalf of Hanson Quarry Products Europe</p>	<p>Please see below a response to the points raised through the submission made by Carter Jonas LLP on behalf of Hanson Quarry Products Europe Ltd (AS-063). National Highways would also direct the ExA to the positions within Appendix K of the Landowner Position Statements submitted at Deadline 5 (Document Reference 8.22 Rev 1, REP5-006), which provides a Position Statement with Hanson Quarry Products Europe Limited:</p>

Number	Directed to	Question	National Highway's Response
		<p>Limited (AS-063), and set out what matters are outstanding between the parties, what work is being done to resolve those matters and whether agreement will be reached prior to the end of the Examination.</p>	<ol style="list-style-type: none"> 1. The Book of Reference does show plot 6/5c as being owned by the incorrect land owner. This will be amended in an updated BoR to be submitted before the end of Examination, to correctly list Hanson Quarry Products Europe Ltd as the owner. Hanson Quarry Products Europe Ltd are already listed in the BoR in respect of other plots. The plot also has three small sections that cross land owned by Mrs Besterman and National Highways. New plots references will need to be created and the BoR updated to reflect this. 2. The water main utility is being stopped up as part of the diversion for the scheme by Severn Trent Water (plot 6/7a, 6/5c, 6/5a, 5/3z). The stopping up works are not likely to require a permanent right. A permanent right is being sought so that the right is secured through the DCO should any unforeseen matters arise during the works that result in the need to access in future for future monitoring or maintenance. If this is not required a permanent right will not be taken up. 3. National Highways has confirmed to Hanson Quarry Products Europe Ltd that the ditch intercepts surface water flows from the north. Attenuation basin 11a does not drain onto the land owned by Hanson Quarry Products Europe Ltd and instead drains southeast towards basin 11b.
2.4.11	Applicant	<p>National Trust land In the Statement of Commonality (REP5-005) Appendix G is a Draft Statement of Common Ground with the National Trust and Appendix B of that document is 'National trust's Landowner Position Statement'. Within that document on a number of occasions it is stated that '... provisions are to be documented in a separate agreement with National Highways'. Can you confirm: a) the status this document will have;</p>	<ol style="list-style-type: none"> a) The agreement will be a private agreement between the parties, addressing matters ancillary to the compulsory acquisition of National Trust's inalienable land through the DCO. b) The agreement is ancillary to the DCO process and will not be submitted to the Examination. c) The Applicant intends to complete the agreement prior to the conclusion of the Examination. d) The agreement provides for matters ancillary to the compulsory acquisition of National Trust's inalienable land through the DCO. The agreement need not be given any weight by the ExA as it relates to areas of private agreement between the parties. The National Trust's position on the compulsory acquisition of its land has been outlined in its submissions to the Examination.

Number	Directed to	Question	National Highway's Response																			
		b) will it be submitted into the Examination; c) will it be concluded before the conclusion of the Examination; and d) if it is not to be submitted or concluded, how will the matters it is to cover be secured in the DCO and what weight can the intention be given?																				
2.4.12	Applicant	<p>Section 253 agreements</p> a) Can the Applicant set out what s253 agreements are currently being negotiated, with which parties and in respect of what land and for what purposes? And provide an update/ assessment of the likelihood of whether these will be concluded by the close of the Examination. b) What confidence can the ExA have that s253 agreements would be entered into post-Examination? c) Should these appear in the 'Consents and Agreements Position Statement'? d) Do you consider the obtaining or negotiation of s253 agreements to be an	a) The current position on s253 agreements and discussions is provided in the table below: <table border="1" data-bbox="994 727 2092 1350"> <thead> <tr> <th data-bbox="994 727 1178 791">Landowner</th> <th data-bbox="1178 727 1375 791">Land Plot Ref</th> <th data-bbox="1375 727 1715 791">Purpose</th> <th data-bbox="1715 727 2092 791">Status</th> </tr> </thead> <tbody> <tr> <td data-bbox="994 791 1178 959">Flyup</td> <td data-bbox="1178 791 1375 959">1/19q, 1/19c, 1/19r</td> <td data-bbox="1375 791 1715 959">For ongoing management of essential mitigation.</td> <td data-bbox="1715 791 2092 959">Discussions progressing. Landowner to undertake work and maintenance. Likely to be agreed before the end of Examination.</td> </tr> <tr> <td data-bbox="994 959 1178 1054">Alexander & Angell</td> <td data-bbox="1178 959 1375 1054">1/15a</td> <td data-bbox="1375 959 1715 1054">For ongoing management of essential mitigation.</td> <td data-bbox="1715 959 2092 1054">S253 offered to enable retain ownership of land.</td> </tr> <tr> <td data-bbox="994 1054 1178 1350">Mr Dick</td> <td data-bbox="1178 1054 1375 1350">4/9c</td> <td data-bbox="1375 1054 1715 1350">For ongoing management of essential mitigation.</td> <td data-bbox="1715 1054 2092 1350">Landowner has requested more detail around the management requirements of the habitat. National Highways is seeking provide as far as it can, though complete management requirements will not be available until after the completion of Examination.</td> </tr> </tbody> </table>				Landowner	Land Plot Ref	Purpose	Status	Flyup	1/19q, 1/19c, 1/19r	For ongoing management of essential mitigation.	Discussions progressing. Landowner to undertake work and maintenance. Likely to be agreed before the end of Examination.	Alexander & Angell	1/15a	For ongoing management of essential mitigation.	S253 offered to enable retain ownership of land.	Mr Dick	4/9c	For ongoing management of essential mitigation.	Landowner has requested more detail around the management requirements of the habitat. National Highways is seeking provide as far as it can, though complete management requirements will not be available until after the completion of Examination.
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Number	Directed to	Question	National Highway's Response			
		<p>impediment to the delivery of the project?</p> <p>e) What is the fallback position if landowners do not agree to s253 terms?</p> <p>f) It was stated at Deadline 3 (REP3-009) that in the event of non-compliance with a s253 agreement by a landowner, that National Highways can enforce as if there had been a breach of contractual terms. What happens if the landowner considers that National Highways has not complied with the agreement?</p>	Mr Medlock	2/21f, 2/21j, 2/21q, 2/21c, 2/21m, 2/21k	For ongoing management of essential mitigation.	Discussions are continuing. The scope of the likely management obligations are being explored. If these are considered too extensive then an agreement may not be reached.
			<p>b) Please see response to part (a) which sets out the current status and National Highways current view on the likelihood of agreements progressing. There is a general consideration that alternatives to compulsory acquisition should be explored by the applicant. Where landowners have expressed that they wish to retain the freehold ownership of land which is to be used for essential mitigation for the scheme National Highways are seeking to reach an agreement where the land will be managed appropriately to deliver the mitigation required.</p> <p>c) National Highways does not consider it necessary that s253 Agreements appear in the Consents and Agreements Position Statement (Document Reference 7.2 Rev 1) as they are not agreements necessary for implementing the scheme, rather they seek to avoid land acquisition where an agreement can be reached outside of the DCO process with the landowner in question.</p> <p>d) National Highways is confident that obtaining or negotiation of s253 agreements is in no way an impediment to the delivery of the project. The application, as made, seeks permanent acquisition of the land in question in order that National Highways can confidently deliver and maintain essential mitigation which, in our view is required to make the scheme acceptable. S253 agreements are being discussed in order that landowners can retain ownership of land where appropriate management regimes can be agreed.</p> <p>e) Please see the response to part (d) – should landowners not agree, the land will be acquired for the delivery of essential mitigation.</p> <p>f) If the landowner does not consider National Highways to have complied with its contractual obligations, it would have the usual enforcement remedies available to it for breach of contract.</p>			

Number	Directed to	Question	National Highway's Response
2.5 Draft Development Consent Order (DCO) (REP4-014)			
2.5.1	Applicant	<p>Alterations to Application Within the Deadline 5 submissions there is reference to:</p> <p>a) amended Book of Reference to reflect parish council interests;</p> <p>b) provision of a bat barn and cooling tower for bat habitat enhancement;</p> <p>c) abandoning the type A layby at plot 1/3d altogether for either an emergency area or no lay-by at all; and</p> <p>d) potential future Temporary Possession on Hanson land if it was deemed there was no need for permanent acquisition.</p> <p>Do these items, either individually or cumulatively, give rise to any changes to the Application for which development consent is sought?</p> <p>Can you confirm how each will be addressed in the Application documentation?</p>	<p>Please see below a summary of the latest position on the points raised:</p> <p>a) Since Deadline 5, National Highways has continued to discuss the bus shelter with the Parish Council to confirm if any updates to the Book of Reference are necessary. Based on these discussions which are summarised through its response to Questions 2.3.11 and 2.4.9, National Highways no longer believes an update to the Book of Reference will be necessary.</p> <p>b) The provision of a bat barn is mitigation for the lost roost in the existing barn at Crickley Tractors, which is to be demolished as part of the scheme. The inclusion of a cooling tower is an enhancement to provide conditions suitable for a hibernation roost. The bat barn and cooling tower have been part of the scheme since submission of the application and are referred to at Paragraph 8.9.53 of Chapter 8 of the Environmental Statement (Document Reference 6.2, APP-039).</p> <p>c) In relation to the layby at plot 1/3d, National Highways has committed to reviewing this at the detailed design stage of the project and it is likely that it will either be altered to an emergency layby or could be removed from the scheme. However, National Highways is not looking to make any change to the layby in advance of a decision on the current application.</p> <p>d) Please see our response to 2.4.10.</p> <p>It is not considered that any of the matters above represent a change to the scheme, in isolation or cumulatively.</p>
2.5.2	Applicant	<p>National Air Traffic Services (NATS) What control measures are proposed to address NATS' request for some control over the construction methodology around</p>	<p>The National Air Transport Service (NATS) have a receiver station adjacent to Birdlip Radio Station. They required a minimum of two weeks' notice of any plant/machinery higher than 9 metres operating within 400 metres of their equipment. They have also requested the timing of works within this radius when available.</p>

Number	Directed to	Question	National Highway's Response
2.5.3	Applicant, Environment Agency	<p>the raised portion of Shab Hill to ensure there is no interference with its communications systems?</p> <p>Article 3 Article 3 (a), (b) and (c) seek the disapplication of certain statutory provisions which relate to matters controlled by the EA and which are prescribed consents. In its Deadline 4 submissions (REP4-047) the EA provided an update on the disapplication of these matters and noted that it still had reservations about agreeing to these matters being disapplied. Can the parties provide a position on this matter for Deadline 6 with the appropriate amendment to the dDCO to be provided if required?</p>	<p>As part of the Deadline 6 submission, National Highways has updated the Consents and Agreements Position Statement (Document Reference 7.2, Rev 1).</p> <p>In relation to Article 3 (a), (b) and (c), it is our understanding from recent conversations (March 2022) that the Environment Agency do not agree to the disapplication of any of the following and we expect this to be confirmed within their response to question 2.5.3:</p> <ul style="list-style-type: none"> a) Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016; b) Section 24 of the Water Resources Act 1991; c) Section 25 of the Water Resources Act 1991; and d) Provisions of any flood defence byelaws within the Water Resources Act 2991. <p>This understanding is now reflected in the Consents and Agreements Position Statement and the draft DCO will be updated at a future Deadline, following written confirmation from the Environment Agency. National Highways will therefore no longer seek to disapply these provisions through the draft DCO and will instead seek the necessary consents and agreements in the normal way when further details in relation to construction and requirements are known.</p> <p>Based on the Environment Agency's response to ExQ1 question 1.4.22 we do not see there being any impediment to obtaining the above consents, with the principles having already been included / established and a position of confidence from the Environment Agency communicated, that it will be possible to secure the necessary permits and licenses.</p>
2.5.4	Applicant	<p>Article 8 – Limits of deviation Can the Applicant confirm that no National Trust land that is held inalienably, other than that presently identified in the Book of Reference, would be potentially required (including within the limits of deviation), and therefore</p>	<p>The Applicant can confirm that no National Trust land outside of the Order Limits, or beyond that which is due to be acquired from the National Trust as shown on the Land Plans (Document Reference 2.2 Rev 2, REP4-006), Special Category Lands Plans (Document Reference 2.3 Rev 1, AS-037), or listed in the Book of Reference (Document Reference 4.3 Rev 1, REP4-022), could be compulsorily acquired by the DCO.</p>

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		all land within the DCO boundary and within the limits of deviation does not affect any other inalienably held National Trust land?	The DCO could not authorise the compulsory acquisition of other National Trust inalienable land beyond the Order Limits.
2.5.5	Applicant	Article 13(4)(b) Should a date/ trigger point be inserted for service of a 'notice' to confirm that de-trunking has been completed?	National Highways does not consider there to be a need to include a date/trigger point for service. As set out in the Explanatory Memorandum to the DCO, Article 13 was not included in the model provisions, but has been included in all National Highways orders made to date. The Applicant has not found this to be an issue in practice.
2.5.6	Applicant	Article 14 Should a date/ trigger point be inserted for service of a 'notice' to confirm that the undertaker has 'determined'?	National Highways does not consider there to be a need to include a date/trigger point for service. As set out in the Explanatory Memorandum to the DCO, Article 14 was not included in the model provisions, but has been included in all National Highways orders made to date. The Applicant has not found this to be an issue in practice.
2.5.8	Applicant, Natural England	Article 20 Can the Applicant and Natural England provide, either jointly or individually, the following items: a) Evidence that the landowners/ occupiers affected by the diversion have been fully consulted, as it is not wholly clear from the Cotswold Way National Trail Diversion Report that this has been undertaken. b) Confirmation of how the continued engagement of Natural England and the Cotswold Way Trail Partnership would be facilitated and secured, along with any evidence of such engagement to date.	a) Details regarding the Cotswold Way National Trail are contained within the Consultation Report (Document Reference 5.2, APP-027). Landowners/occupiers affected by the diversion have been consulted in the usual way. b) The Applicant is committed to engaging with key stakeholders throughout the DCO process. Evidence of engagement with Natural England about the National Trail is recorded in the Statement of Common Ground with Natural England in Table 2-1 of Appendix C of the Statement of Commonality (Document Reference 7.3 Rev 3, REP5-005). National Highways is committed to ongoing engagement with Natural England and all key environmental stakeholders prior to and during the detailed design process, as well as during construction of the scheme, as set out in GP8 Stakeholder engagement of the EMP (Document Reference 6.4 Rev 3). The stakeholders, including Natural England, are listed in Section 2.2 of the EMP. c) The Applicant has very recently received details of the appropriate party within DEFRA to contact in relation to this manner, and has done so immediately prior to D6. An update and any response can be provided at future deadline.

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		c) Evidence that DEFRA has been contacted and are content with the proposed approach to this matter.	
2.5.10	Applicant	<p>Article 39 Special Category Land Can the Applicant respond to National Trust's concern at page 23 of (REP1-098) that this Article may need to be amended when it is determined how National Trust's parcels of land will vest in National Highways</p>	<p>National Highways does not consider there is a need for this Article to be amended. Article 39 does not apply to the acquisition of National Trust's inalienable land.</p> <p>The scope of Article 39 is to control the acquisition of, and provision of replacement land for, common land which would be compulsorily acquired as part of the scheme. None of that land (existing common land, or replacement land) is within the National Trust's ownership.</p> <p>The National Trust land is shown on the Special Category Land Plans (Document Reference 2.3 Rev 1, AS-037); but its acquisition is governed by the remaining Articles of Part 5 of the dDCO (Document Reference 3.1 Rev 3). Article 39 is not relevant to the compulsory acquisition of National Trust land.</p>
2.5.11	Applicant	<p>Section 28E (H, G) PINS advice note 11 states: 'Natural England's advice should be sought by developers prior to them carrying out works on or affecting a SSSI and in the case of owners and occupiers there is a requirement to notify and gain consent, prior to carrying out, or allowing to be carried out, works on or affecting a SSSI.' In light of this, can the Applicant:</p> <p>a) provide its views on the non-compliance with Advice Note 11 that would arise from disapplying the aforementioned sections of WCA 1981;</p> <p>b) explain how, in view of the disapplication, future SSSIs</p>	<p>The Applicant believes it has addressed these queries as part of its previous submission at Deadline 5 (Document Reference 8.26, REP5-008). Part of those responses have been restated here for ease of reference, with some additional contextual statements in light of these questions.</p> <p>In respect of part (a): Annex C of PINS advice note 11 sets out Natural England's main roles and responsibilities insofar as they are relevant to NSIP regime. The paragraph highlighted in the ExA's question refers to the duty on owners and occupiers of land within a SSSI to notify and obtain consent from Natural England before undertaking operations on that land under section s.28E of the WCA 1981. That paragraph is included within the section headed "Environmental opportunities", which sets out how Natural England will input into the NSIP process as required. Under the section headed "Sites of Special Scientific Interest (SSSIs)", the advice note rehearses the provisions of s.28I and the SoS's duty to notify Natural England before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Advice note 11 does not refer to or address the implications of the ability to disapply legislation and incorporate consents within a DCO, which is key to ensuring that a proportionate approach to regulatory control is available to developers of NSIPs. In this context, the Applicant does not consider that the approach being suggested amounts to non-compliance with advice note 11.</p>

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		<p>within the Order limits could and would be implicated;</p> <p>c) explain how the impact of continued works within or adjacent to any new SSSIs would be considered, mitigated and legally secured at the DCO consenting stage; and</p> <p>d) confirm whether there any other forms of resolution to this matter that the Applicant considers important and relevant, other than complete inclusion of the disapplication in Article 3 of the dDCO?</p>	<p>For completeness, the Applicant also notes that advice note 11 does not refer to the duties that apply to statutory undertakers under ss.28G and 28H of the WCA 1981.</p> <p>In respect of (b) and (c); the Applicant maintains that there are sufficient controls within the DCO to protect SSSIs (existing or prospective) where operations forming part of the authorised development are carried out, as secured by the requirements. Specifically, commitment BD63 of the EMP requires all works within a SSSI to be subject to a method statement to be agreed and signed off by Natural England. Those controls would ensure the appropriate protection of any future SSSIs to be notified within, or adjacent to, the Order Limits. To help strengthen those controls, BD63 has been revised in the EMP update (Document Reference 6.4 Rev 3) where we have extended this to cover the operation stage as well as the construction stage.</p> <p>In respect of point (d), and as highlighted previously, to the extent s.28I is a particular concern to the ExA or SoS having considered the Natural England submissions, it would be open to the SoS to disapply that provision as well. The Applicant does not consider it necessary to do so, for the reasons outlined in response to query (a) above.</p>
2.5.13	Historic England, Joint Councils, Cotswolds Conservation Board	<p>Requirement 9 The Applicant has made changes to the wording of Requirement 9 to include specific reference to the OWSI and DAMS and included a definition of these and identified these as certified documents. Are the parties satisfied that these amendments address the concerns previously raised?</p>	<p>Question 2.5.13 is not targeted at the Applicant but National Highways can confirm that amendments have been made to DCO Requirement 9 and are included within the draft DCO (Document Reference 3.1 Rev 3) submitted at Deadline 6.</p> <p>These amendments are the subject of ongoing discussions between National Highways and Historic England.</p>
2.5.14	Applicant	<p>Requirement 11 The Joint Councils (REP3-018) have proposed limiting R11 to solely relate to the carriageway, with a separate requirement for designs of crossings. Will that be a change you are willing or going to make?</p>	<p>The Applicant does not intend to provide a separate requirement, as referred to in the question, for the design of crossings. That approach was "Option 2" as suggested by the Joint Councils during the ISH1 and in their Appendix A representations at Deadline 3 (REP3-019).</p> <p>Having considered the matter at length, the Applicant is now proposing to amend Requirement 11 to comply (in substance) with the Councils' "Option 1" in that Appendix A representation at Deadline 3 (REP3-019).</p>

Number	Directed to	Question	National Highway's Response
		<p>Following Issue Specific Hearing 4, it is understood that the Applicant is proposing to provide additional plans/ drawings which may require changes to R11 or additional requirements and this may impact on how you respond to this question.</p>	<p>Accordingly, the updated dDCO (Document Reference 3.1, Rev 3) being submitted by the Applicant at this Deadline 6 amends Requirement 11 to ensure that it:</p> <ul style="list-style-type: none"> a) includes reference to the Structures Engineering Drawings and Sections which have also been submitted at this D6 following consultation with key stakeholders; and b) includes reference to the detailed design being brought forward in a manner compatible with the design principles of the Design Summary Report [APP-423]. <p>For reasons explained in its submission at paragraph 2.8 of its Deadline 4 submission - 8.25 Comments on responses [REP4-035], the Applicant has not considered it necessary to reflect those elements of "Option 1" which refer to the Air Balloon Way, National Trail, or Environmental Masterplans. The respective paragraphs of the Applicant's aforementioned Deadline 4 submissions are 2.8.17 – 2.8.21 and 2.8.11.</p> <p>Whilst the changes which have been made are also considered to be unnecessary by the Applicant, the Applicant has agreed to make these concessions in order to provide all parties with reassurances that the detailed design will emerge in an acceptable fashion.</p>
2.5.15	Applicant	<p>Requirements 3 and 13 Is there a duplication of process in respect of noise mitigation?</p> <p>A Noise and Vibration Management Plan is said to be secured by commitment GP5 Management Plans in the EMP (APP-317). This is also reflected by commitment NV3, which provides that the plan must include the management and monitoring measures detailed in Section 4.3 EMP (construction) Management Plans of ES Appendix 2.1 EMP. However, Requirement 13 seems to require</p>	<p>The Noise and Vibration Management Plan to be provided under Requirement 3 and included in the EMP (construction) relates to the <u>construction</u> of the project. That will be converted into the EMP (end of construction stage) on the opening of the scheme to public use.</p> <p>In contrast, Requirement 13 is aimed at ensuring details of <u>operational</u> noise mitigation are approved by the Secretary of State prior to the commencement (of construction) of the authorised development. It will provide reassurance, prior to construction commencing, that the relevant operational noise mitigation can and will be provided.</p>

Number	Directed to	Question	National Highway's Response
		separate submissions for noise mitigation. Explain?	
2.5.16	Applicant	<p>National Trail diversion Given the Applicant's stated intention to alter Article 3 to include the disapplication of s55 of the National Parks and Access to the Countryside Act 1949 and changes to Article 20 (REP3-012), please ensure that any consequential changes to reflect this position in the Explanatory Memorandum, Cotswold Way National Trail Diversion Report and any other documents are made when the dDCO is submitted.</p>	<p>The Applicant notes the ExA's request. An updated Explanatory Memorandum was provided at Deadline 4 (Document Reference 3.2 Rev 1, REP4-017) and to the extent any further changes are made to Article 3, National Highways will provide a further update the Explanatory Memorandum, if required. However, it presently considers the latest updated Explanatory Memorandum to be in a suitable form.</p> <p>National Highways is in the process of updating the National Trail Diversion Report to reflect the amended approach to the 1949 Act now being taken within the dDCO. That update will be provided at the earliest opportunity.</p>
2.7 Heritage			
2.7.1	Applicant, HE, Joint Councils	<p>Archaeological investigation Is the current method to secure the DAMS/ OWSI sufficiently robust? Some parties have suggested changes to the dDCO Requirement 9 to which the Applicant has responded by making changes to Requirement 9 in the latest draft of the DCO (REP4-014). Do these changes address the previous concerns?</p>	<p>Yes, the method of securing the Detailed Archaeological Mitigation Strategy (DAMS) and Overarching Written Schemes of Investigation (OWSI) is sufficiently robust. It would be a certified document, which will inform the future control schemes which are to be submitted pursuant to Requirement 9.</p> <p>As identified in response to question 2.5.13 above, the Applicant has continued to engage with the relevant stakeholders interested in Requirement 9 and has provided a revised version of that Requirement at this deadline (D6), which it believes addresses all outstanding concerns which have been raised to date.</p>
2.7.2	Applicant, HE, CCB, Joint Councils	<p>Archaeological investigation If significant undiscovered remains are revealed, what are the consequences for the scheme and what are the remedies?</p>	<p>Section 3.3 Notification of the discovery of significant archaeological remains of ES Appendix 2.1 EMP Annex C Detailed Archaeological Mitigation Strategy and Overarching Written Schemes of Investigation (DAMS and OWSI) (Document Reference 6.4, APP-320) details the procedures that should be followed should significant archaeological remains be discovered.</p>

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		<p>Are they sufficiently clear and appropriately secured? Are all parties happy with these?</p>	<p>The Applicant considers those to be sufficiently clear and appropriately secured. The DAMS and OWSI would be a certified document, which will inform the future control schemes which are to be submitted pursuant to Requirement 9.</p> <p>As detailed in the Statement of Common Ground with Historic England, in Appendix D of the Statement of Commonality submitted at Deadline 5 (Document Reference 7.3 Rev 3, REP5-005):</p> <ul style="list-style-type: none"> • Point 6.3 of Table 5-1: "The construction will allow at least 9 months ahead of construction for the detailed excavation of significant archaeological sites. Highways England accepts the reality that the presence of unexpected archaeological remains cannot be excluded. In order to mitigate this all areas of soil strip outside of specific areas of excavation will be subject to strip-map-sample, and all archaeological remains identified by this process will be excavated and recorded." • As noted in point 6.2 of Table 5-1, National Highways had a workshop with Historic England and the County Archaeologist to finalise the DAMS and OWSI on 22 March 2022. This is currently being updated following these discussions and once agreed with all parties, will be submitted at a future Examination deadline.
2.7.3	Applicant, HE, Joint Councils	<p>Archaeological investigation It has been suggested that ongoing geophysical and geotechnical surveys would be fed into consultees; has any further work been done and are there any results to update?</p> <p>At the hearings it was suggested this may happen, potentially, after the Examination is concluded; are there any further details on when these are to take place?</p> <p>Are the parties happy with this approach?</p>	<p>The additional geophysical survey raw data was presented to Historic England and the Joint Councils County Archaeologist at a workshop on 22 March 2022, and shared digitally on 25 March 2022. Both parties were happy with the approach taken and this will be reflected in the updated SOCG submitted at a future deadline. The additional geophysical survey data report will be submitted upon receipt from the supplier at a future Examination deadline.</p>

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2.7.4	Applicant, HE, Joint Councils	<p>Archaeological investigation In respect of the Roman settlement at Cowley Junction, have parties agreed the appropriate mitigation measures, recording, etc?</p> <p>Is this adequately addressed/ secured in the appropriate Requirement (3 or 9) and details of the DAMS/ OWSI, or do these need further amending?</p>	<p>The mitigation measures for the Roman settlement at Cowley Junction were agreed verbally at the workshop with Historic England and the Joint Councils on 22 March 2022. This will be formalised in the updated ES Appendix 2.1 EMP Annex C Detailed Archaeological Mitigation Strategy and Overarching Written Scheme of Investigation (DAMS/OWSI) (Document Reference 6.4, APP-320). This is secured in Requirement 9 of the draft DCO (Document Reference 3.1, Rev 3).</p>
2.7.5	Applicant	<p>Emma's Grove What does 'selective vegetation clearance' mean in the Environmental Management Plan and how is such clearance dependent upon landowner agreement when Historic England require full clearance to preserve the heritage asset?</p>	<p>The selective clearance proposed at Emma's Grove is the removal of understory scrub such as elder, hawthorn and young or semi-mature trees on the three barrows to minimise future damage to the barrows themselves and enhance the setting of the heritage features. Mature trees of higher biodiversity value will be avoided. The selection of vegetation to be cleared will be undertaken in agreement with Historic England, the project ecologist and arboriculturist. National Highways seeks temporary acquisition of the land to undertake the selective clearance during construction, as reflected in the draft DCO (Document Reference 3.1 Rev 3) and Statement of Reasons (Document Reference 4.1 Rev1, REP4-020). This clearance is <u>not</u> dependent upon landowner agreement.</p>
2.7.6	Applicant, HE	<p>Emma's Grove Emma's Grove ancient monument is subject to Temporary Possession to enable selective vegetation clearance. HE has suggested this should be more extensive and is concerned about long-term maintenance. How would ongoing maintenance of the cleared area be secured?</p> <p>Is this being progressed?</p>	<p>As per para 6.9.14 of ES Chapter 6 Cultural heritage (Document Reference 6.2, APP-037), the removal of vegetation from the Emma's Grove barrows is an enhancement measure to improve their interpretation and facilitate them being removed from the Historic England Heritage at Risk Register. As this is an enhancement measure and not essential mitigation (i.e. mitigation critical for the delivery of the scheme which can be acquired through statutory powers), temporary possession has been applied.</p> <p>Discussion with Historic England has established that they would like the clearance of the Emma's Grove round barrows to reflect the oval shape shown on the map that accompanies the Official List Entry listed on the National Heritage List for England. As per commitment CH6 of ES Appendix 2.1 EMP (Document Reference 6.4, Rev 3), the clearance will be undertaken following an updated arboricultural survey and ecological inspection. The method statement will be agreed with Historic England. National Highways recommend a site meeting to finalise agreement of this method statement.</p>

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		Will any necessary agreement be completed by the close of the Examination?	<p>To secure long term ongoing maintenance it would be necessary to obtain the necessary land rights by agreement from the landowner, or through compulsory acquisition.</p> <p>National Highways does not consider the justification for compulsory acquisition of long term rights or an interest in land to be justified on account of the conclusions of the ES, as explained above.</p> <p>National Highways continues to seek the necessary rights by agreement, but to date has not been successful in doing so. Whilst National Highways will continue to seek to obtain those rights and delivery this enhancement, it is not confident of being able to do so prior to the close of Examination. However, that does not impact on its ability to deliver the mitigation measures which it has identified as being necessary under the temporary possession powers it seeks, which do meet the relevant justification.</p>
2.7.7	Applicant, Historic England, Joint Councils	<p>Cowley Conservation Area ES Chapter 6 defines the Conservation Area of Cowley as being largely the setting to Cowley Manor (paragraphs 6.10.3 and 6.10.5), which is said to be unaffected as it is screened from the Proposed Development.</p> <p>a) Is this a fair representation or assessment of the Conservation Area?</p> <p>b) The representation from Petra Vogel (REP3-061) suggests that the fields that surround the settlement are part of the historic character of the village. Is there merit in this?</p> <p>c) What effect, if any, does additional traffic travelling</p>	<p>a) National Highways considers that this is a fair and accurate description of the conservation area. It incorporates Cowley Manor, its ancillary buildings and parkland, but excludes the rest of the village that lies to the west. To the south, views towards the proposed Cowley Junction are screened by extensive woodland.</p> <p>b) The village itself is dispersed and extends for a distance of approximately 600 m from the western edge of the conservation area. This part of the village comprises small fields or paddocks, interspersed with houses and mature hedgerows; the village also lies within a valley, which adds cohesiveness to the village and a sense of isolation from the landscape beyond. This sense of intimacy makes a positive contribution to the significance of the conservation area. The larger scale rural landscape beyond the village forms part of wider setting of the conservation area; however, there is no intervisibility with the conservation area, and therefore this makes a neutral contribution to its significance. The scheme lies approximately 1.8 km from the western edge of the conservation area, and 1.2 km from the western extent of the village itself; it would not be visible from either location due to the local topography, and therefore will not impact on the elements of setting that contribute to the significance of the conservation area.</p> <p>c) As per paragraph 2.6.7 of Comments on responses received by Deadline 3 (Document Reference 8.25, REP4-035), the scheme traffic model indicates that through-traffic is removed from Cowley village. Given the forecast reduction in traffic,</p>

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		through the village (noise, disturbance etc) have on the character or setting of the Conservation Area?	there would be no deterioration of the character or setting of the Conservation Area. This was also explained in detail at ISH4 and summarised in 3.1.9 of the Summary of Applicant's Oral Submissions at Issue Specific Hearing 4 (ISH4) (Document Reference 8.27, REP5-010).
2.7.8	Applicant	<p>Effect on Crickley Hill Camp The NT remains concerned about the visual and noise impacts resultant from the Proposed Development. NT notes that the Proposed Development would result in the removal of the entire tree line and habitat along the line of the Barrow Wake. Can the Applicant provide detailed plans and illustrations to clearly demonstrate the effect of this section of the Proposed Development on Crickley Hill and consider whether additional planting would be appropriate having regard to the landscape, SSSI and heritage significance in the locality, and if not, explain why not?</p>	<p>The effects of Crickley Hill Camp's visitors are assessed as part of the visual receptor Visitors to Crickley Hill Country Park and are covered in detail in ES Chapter 7 Landscape and Visual Effects (Document Reference 6.2, APP-038).</p> <p>ES Figure 7.9 Retained Vegetation sheets 2 and 3 of 6 (APP-153 and APP-154) describe the extent of retained vegetation for the area mentioned, the entire line of trees and habitat along the line of Barrow Wake will not be removed as part of the scheme. This is reflected in ES Chapter 7 Landscape and Visual Effects (Document Reference 6.2, APP-038) and is assessed accordingly, resulting in the expectation of glimpsed views of traffic along this short section of the realigned B4070.</p> <p>Paragraph 8.10.17 of ES Chapter 8 Biodiversity (Document Reference 6.2, APP-039) describes the potential loss of trees in this area to facilitate utilities work and the building of a stone wall as mitigation for light spill. The impact to any vegetation and mature trees will be minimised wherever possible. Paragraph 8.10.17 of ES Chapter 8 Biodiversity (Document Reference 6.2, APP-039) describes the habitat replacement for habitat lost within the SSSI.</p>
2.8 Landscape and Visual			
2.8.1	Applicant, CCB	<p>Cumulative effects It is reported in the Statement of Commonality that an outstanding issue is: "The Board considers that further assessments with regards to cumulative effects should be undertaken." Outline the extent to which this matter is still in dispute between the parties and which cumulative effects, if</p>	As set out in the Statement of Commonality, unfortunately the two parties were unable to meet again to discuss a meaningful update to the draft Statement of Common Ground (SoCG) prior to Deadline 5. A meeting is scheduled for 4 April 2022 and it is intended that the next updated version of the SoCG with CCB will be submitted towards or at the end of the Examination. However, discussions are ongoing with CCB and they have confirmed they intend to provide an update on this matter in response to this question at Deadline 6. That update will then inform the next and possibly final updated version of the SoCG with CCB.

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		any, are perceived to be outstanding.	
2.8.2	Applicant	<p>Design code</p> <p>Whilst the ExA appreciates the nature of controls on the broad parameters and envelope for the Proposed Development and appreciates the need for flexibility in design development post-consent, it is not convinced that the level of control presently provides sufficient safeguards in this sensitive environment. The potential for further control on the detailed appearance of bridges and structures would provide further comfort in this regard. To that extent, the ExA would request that the Applicant reconsider its position in respect of a potential design code or considers alterations to the existing Requirements or a new Requirement to provide additional control specifically in respect of the bridges and structures. It is not suggested that detailed designs are required or produced at this stage, but rather that the nature and extent of the matters that will be taken on board and approach to be adopted in developing those designs is documented and codified. The existing statements of high architectural quality are considered insufficient to give an</p>	<p>In response to this question, the Examining Authority is directed to section 2.2 of National Highways Comments on Responses received by Deadline 5 (Document Reference 8.28), which provides National Highways' latest position on controls on the detailed design of the scheme, including the consideration of a design code.</p>

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		<p>appropriate measure against which to judge future submissions and more objective assessment criteria should be developed. Following Issue Specific Hearing 4, it is understood that the Applicant is proposing to provide additional plans/ drawings which may provide additional detail and potentially require changes to R11 or additional Requirements; this may impact on how you respond to this question.</p>	
2.8.3	Applicant	<p>Design code Has the Applicant got any response to the 'Briefing Note for Access Bridges 2020' submitted by the CCB at Deadline 3 (REP3-036)?</p>	<p>National Highways' latest position on controls on the detailed design of the scheme, including consideration of REP3-036, is presented in section 2.2 of its Comments on Responses received by Deadline 5 (Document Reference 8.28).</p>
2.8.4	Applicant	<p>Lighting The Joint Councils (REP3-018) notes that a Road Safety Audit undertaken recommended that Ullenwood Roundabout be illuminated to avoid risks of collisions. This decision is said to have been overruled by a designer who disagreed and sought to undertake a TN49 Lighting Assessment to justify no lighting.</p> <p>a) Has the TN49 lighting assessment taken precedence over the RSA and, if so, why?</p>	<p>a) A TA49 (rather than TN49) assessment was carried out in 2019. This concluded that lighting at the junctions was not economically justified. TA49 was subsequently superseded by TA501.</p> <p>A TA501 assessment was carried following the update to the DMRB standards. The TA501 assessment maintained that lighting is still not economically justified, and the outcome was consistent with the original TA49 assessment.</p> <p>Forming part of the DMRB, the England National Application Annex to CD 116 Geometric design of roundabouts CD116, Clause E/1.1 removes the requirement for roundabouts to be lit. That clause states: 'CD 116, clause 2.2 shall not apply. Clause 2.2 requires roundabouts to be lit. E/1.2 states that 'The provision of road lighting at roundabouts shall be in accordance with TD 501 [Ref 3.N] and TA 501 [Ref 2.N].'</p> <p>Since TA501 concludes that road lighting is not economically justified, the omission of road lighting is in accordance with the DMRB. However, the TA501 assessment has not taken precedence over the Road Safety Audit. The TA501 assessment was part a suite</p>

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		b) Are either of these documents going to be submitted to the Examination?	<p>of assessments that informed the decision not to light the junction. These included design checks against standards (DMRB CD116), Stage 1 Road Safety Audit, GG104 risk assessment and the TA 501 assessment.</p> <p>The Stage 1 Road Safety Audit suggestion to provide road lighting at the roundabout was expected due to a traditional approach to lighting at roundabouts. The recent update to the standards has removed the requirement to light roundabouts as set out above. However, rather than relying only on the outcomes of TA501, the Applicant has developed a risk assessment in accordance with GG104. This risk assessment concluded that the proposed mitigations result in a residual risk that is acceptable.</p> <p>The Overseeing Organisation (a term used in Road Safety Audits – here National Highways) has decided to agree with the Design Organisation's response to the Auditor's suggestion based on the risk assessment and development of mitigations at detailed design.</p> <p>DMRB CD116 Note 1 identifies measures to be taken to make roundabout more conspicuous. The applicant intends to provide additional mitigation measures beyond those noted in the standards. Various options have been suggested to GCC for their consideration during detailed design.</p> <p>As defined in GG104;</p> <ul style="list-style-type: none"> • The Design Organisation is the organisation(s) commissioned to undertake various phases of scheme preparation. • The Auditor (or audit team) will be a team that works together on all aspects of the road safety audit, independent of the highway scheme conception, design, construction and operation. The road safety audit team comprises a road safety audit team leader and at least one road safety audit team member. <p>b) The Applicant does not intend to submit the TA501 assessment or the Road Safety Audit into Examination.</p>
2.8.5	Applicant	<p>LVIA methodology In response to ExQ1.8.3 a) and b), the Applicant indicated that should the ExA require such</p>	<p>Commitments L28 and L29 have been added to Appendix 2.1 Environmental Management Plan (Document Reference 6.4, Rev 3).</p>

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		<p>control in respect of building and stockpile heights, that such controls could be introduced into the Environmental Management Plan, Appendix 2.1 of the ES. The ExA is of the opinion that, given the sensitivity of the environment and length of construction programme, such control would be appropriate and requests that the Applicant make such alterations as necessary to ensure that heights are maintained at heights as low as reasonably possible having regard to visual impacts assessed in the ES.</p>	<p>L28: The two main compounds would include temporary office and welfare accommodation, along with training and induction facilities. The height of such buildings would be maintained at heights as low as reasonably possible having regard to visual impacts assessed in the ES Chapter 7 Landscape and Visual Effects (Document Reference 6.2, APP-038). The maximum permitted height of such temporary accommodation would be equivalent to the stacking of portacabins no greater than two storeys.</p> <p>L29: The stockpile of material would be limited to several locations identified as compounds on the General Arrangement and Section Plans (REP4-009) - location details are also reported in paragraphs 2.9.24 and 2.9.28 of ES chapter 2 (APP-033). Stockpiles would be constructed, compacted and with recess slopes at no greater than 1:2, which is a safe angle of repose for the material that would be encountered. Stockpiles of material would be constructed at 10-15m in height are typical on large infrastructure projects adhering to industry standards.</p>
2.9 Noise and Vibration			
2.9.2	Applicant	<p>REAC Reference NV10 provides for noise monitoring to be undertaken at National Star but does not specify any thresholds or actions/ commitments to be undertaken should those thresholds be breached. Can the Applicant explain how monitoring by itself could provide mitigation and how any such mitigation would be secured?</p>	<p>There are no nationally established construction noise criteria with associated mitigation actions that could be applied at sites such as National Star College (NSC) where some students are likely to be particularly sensitive to noise. For example, the predicted construction noise levels are substantially lower than any existing criteria for significant effect or noise insulation thresholds described in the noise Standard BS5228-1:2009+A1:2014.</p> <p>The purpose of the sound demonstrations has been to allow the college staff to experience the character of the predicted sound from construction and evaluate how noticeable it would be relative to the ambient traffic noise and how this might affect sensitive students. Two demonstrations have now been carried out. Furthermore, under issue number 13 of Appendix I Position Statement with National Star College of Landowner Position Statements (Document Reference 8.22 Rev 1, REP5-006) National Highways made a commitment that the level of noise impact of construction work relative to ambient traffic noise won't exceed the levels in the noise demonstration. This provides the threshold against which National Highways would monitor. If the monitored level of construction noise relative to ambient traffic noise exceeds the levels in the sound demonstration and there are incidents of students being distressed by construction noise, or the NSC staff raise a concern that the construction noise is highly</p>

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			<p>likely to lead to such incidents, the contractor will review the dominant construction noise sources and make all efforts to reduce noise levels to those represented in the demonstration.'</p> <p>Also noted under issue number 13 of the Position Statement, NV8 of ES Appendix 2.1 EMP (Document Reference 6.4 Rev 3) describes the general noise mitigation provisions for NSC and refers to Section 4.2 Other Control Measures, where further details are provided with respect to NSC. Following discussions with NSC, noted under issue number 13 of Appendix I Position Statement with National Star College of Landowner Position Statements (Document Reference 8.22 Rev 1, REP5-006), further details on the liaison and management of construction noise at NSC have been added to section 4.2 of ES Appendix 2.1 EMP (Document Reference 6.4 Rev 3) submitted at this deadline.</p>
2.9.3	Applicant	<p>Noise mitigation With regards your answer to question ExQ1.9.5, is it correct to interpret that instead of providing noise insulation to mitigate the effects, you will be relying on individual homeowners to contact you and ask for such insulation, and then let you in to fit it?</p> <p>Is that an appropriate way of managing the mitigation of noise effects?</p>	<p>ExQ1.9.5 referred to ES Chapter 11 Noise and Vibration (Document Reference 6.2, APP-042) paragraph 11.10.114 assessing non-scheme road links beyond 600m from the scheme where operational noise levels would change by 1dB(A) in the short term or 3dB(A) in the long term. For these locations, significant indirect effects were assessed at 17 properties where noise levels are predicted to exceed the SOAEL with a minor adverse noise impact.</p> <p>ES Chapter 11 Noise and Vibration (Document Reference 6.2, APP-042) Paragraph 11.10.118 notes that for these properties noise insulation would be offered by the Overseeing Organisation (National Highways), i.e. <u>not</u> only considered by the Overseeing Organisation if requested by the resident. This is the appropriate way of managing the mitigation for these properties.</p> <p>Paragraph 3.8.8 of the Joint Councils Local Impact Report (LIR) identifies that the increase in noise at these 17 properties would be indiscernible. This is also recorded as a matter that is agreed between National Highways and the Joint Councils in Matter 11.6 of Table 4-1 of the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 3, REP5-005).</p>
2.9.4	Applicant	<p>Flyup 417 Are matters regarding noise upon the occupants of the residence at Flyup 417 at a resolution stage? If</p>	<p>The entry dated 12/05/2021 of Table 1 in Appendix C of the Landowner Position Statements (Document Reference 8.22 Rev 1, REP5-006) describes the noise impacts that have been assessed, as explained to Flyup Ltd during stakeholder engagement meetings.</p>

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		so, what conclusions have been drawn?	<p>National Highways has confirmed that the property would be eligible for noise insulation under the Noise Insulation Regulations and what those measures would be to control noise ingress into the property. Concerns were also discussed regarding what would happen if the scheme were louder than expected. National Highways noted that, that prediction methods are conservative, and an under-prediction of noise level was unlikely, but this could be examined post-opening if necessary.</p> <p>Flyup Ltd have requested additional details of mitigations to reach resolution. Resolution will be reached through provision of details of noise mitigation specification which would be prepared following the Noise Insulation / Temporary Rehousing Appraisal committed to through commitment NV6 of ES Appendix 2.1 EMP (Document Reference 6.4, Rev 3)</p>
2.10 Socio-economic effects			
2.10.4	Applicant	<p>Tourism During CAH1, the residential lettings at Stockwell Farm were raised. From Table 12- 25 (APP-043), these lettings are deemed to be subject to a slight adverse temporary effect during construction. However, there are no subsequent findings in relation to the operation of the development. Could this be explained both in an economic sense and in an impact sense (from traffic and noise associated with the use of Cowley Lane)?</p>	<p>ES Chapter 12 Population and Human Health (Document Reference 6.2, APP-043) Table 12- 25 considers the impact on Stockwell Farm Residential Lettings during construction. Paragraph 12.10.74 onwards then considers 'Development land and businesses during operation'. Paragraph 12.10.80 explains how "some beneficial effects are likely to be experienced by businesses that rely upon access to the highway network and/or benefit from people travelling through the area. Operation of the scheme is therefore considered to lead to a minor beneficial change for business receptors, which are of medium sensitivity. This would lead to a slight beneficial effect, which would not be significant." This would be the case for the Stockwell Farm Residential Lettings.</p> <p>In relation to traffic impacts, the amount of traffic would decrease in comparison to the base observed data, and Cowley Lane would operate within capacity. Comments on responses received by Deadline 2 (Document Reference 8.21, REP3-013) section 2.2 provides relevant traffic information in relation to Cowley Lane.</p> <p>The main residence at Stockwell Farm is included in the noise results in ES Appendix 11.4 Assessment Locations and Noise Prediction Results (Document Reference 6.4, APP-393). This shows adverse (although not significant) operational noise effects at the Stockwell Farm building, taking into consideration all roads. The same is true of other residential properties on the farm development in this location either side of Cowley Lane as it passes through the farm buildings. The noise impacts across the buildings and wider farm area are shown on the noise contour plans, i.e., ES Figure 11.3</p>

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			<p>Operational noise difference contour map future assessment year (2041) (Document Reference 6.3, APP-250).</p> <p>It may also assist the ExA to understand the air quality impacts. The most representative point in the air quality model is Shab Hill Barn (reference H53), where there would be a negligible change in air quality (no exceedance and not significant). Further details can be found in Environmental Statement Appendix 5.6 Air Quality Operational Phase Impacts (Document Reference 6.4, APP-338).</p>
2.10.5	Applicant	<p>Employment and Skills Plan In ES Chapter 12 (APP-043), at paragraph 12.10.54, it talks of potential legacy benefits including targeted recruitment and training as well as apprenticeships utilising partnership arrangements with local educational institutions. Is there a mechanism to secure the commitments to the local community stated in the ES, perhaps via making an Employment and Skills Plan a requirement to the dDCO?</p>	<p>ES Chapter 12 (APP-043) paragraphs 12.10.51 – 12.10.55 concern community land and assets during scheme operation. In this context paragraph 12.10.53 confirms that there would be limited employment benefit as result of the scheme during its operation, beyond typical maintenance arrangements. However, benefits of the scheme could continue to be experienced by the local labour force as result of skills and training learned from working on or as part of the supply chain servicing scheme construction. ES Paragraph 12.10.54 commits National Highways and its contractor to discuss initiatives where legacy benefits could be realised and achieved in a flexible way, for example with targeted recruitment and training as well as apprenticeships utilising partnership arrangements with local educational institutions. No further mechanism to secure this commitment is necessary and a separate Employment and Skills Plan DCO Requirement would not be proportionate given the existing ES commitment. National Highways is a responsible employer, and it helps ensure through its sustainable procurement practices that community benefits and targeted recruitment and training benefits are realised through its delivery of programmes and projects, including the A417 Missing Link. National Highways can provide further information about its tendering process on request. A successful contractor would be required to deliver such benefits and its performance will be carefully monitored and evaluated during construction by National Highways.</p>
2.11 Traffic and Transport			
2.11.2	Applicant	<p>Section 59 of Highways Act Can you update the ExA as to any progress made regarding any legal agreement with GCC regarding extraordinary damage to highways?</p>	<p>The Applicant does not consider there to be a need for s.59 Agreement. GCC has powers of recovery under section 59 of the Highways Act 1980 without the need for any such agreement being in place.</p> <p>As noted in Paragraph 2.3.36 of Annex B Construction Traffic Management Plan (CTMP) of ES Appendix 2.1 EMP (Document Reference 6.4 Rev 2, REP4-029) following a request from GCC, National Highways will undertake video surveys prior to construction works start and again completion of the scheme construction.</p>

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2.11.3	Applicant	<p>Cowley Wood Lane The intention is to make the lane private with a key/ gated access for only those specified users. For clarity:</p> <p>a) Are there any design criteria (or indeed preliminary designs) of the gates to be used at either end of the lane?</p> <p>b) Who would be responsible for the maintenance and upkeep of the road once it has been made a private means of access?</p> <p>c) The Order limits and works plans demonstrate the rough locality of where a gate would be provided to Cowley Wood Lane in proximity to the new junction. However, would a gate or barrier be provided at the northern end of Cowley Wood Lane or how would drivers be aware the road was stopped up (and did not attempt to travel down it)?</p> <p>d) If a barrier (gate) is to be used at the northern end of Cowley Wood Lane to create a private means of access (as would be done at the southern end), how would this be provided since it is outside of the Order limits?</p>	<p>a) National Highways have discussed with landowners and the Walking, Cycling and Horse riding Technical Working Group members potential options for enclosures, explaining that this is a matter for detailed design. For example matter agreed 3.2 of Appendix H to the Statement of Commonality (Document Reference 7.3 Rev 3, REP5-005) and the Consultation Report Appendices - Part 2 of 2 (Document Reference 5.2, APP-029) explain "Signage, enclosures and surfaces would be agreed at the detailed design stage between Highways England, its contractor and GCC." Examples have been discussed, such as gates with keys to specified users. However, this will not be agreed until during detailed design when landowners will be consulted on the method of restriction including access arrangements. For example there may be other or additional means considered appropriate, such as use restrictions that could be achieved using a signing strategy. If a gated strategy is preferred by the residents along Cowley Wood Lane, various gate types are available that restrict use for different types of users. In order to retain bridleway access, a gate could be positioned that restricts use to users not on horseback, walking or cycling.</p> <p>b) Discussions with GCC are ongoing about asset adoption extents. The Applicant and GCC agree that the local road network to be handed back to GCC will include Cowley Wood Lane. GCC would be responsible for maintenance, subject to any other arrangements being agreed.</p> <p>c) As described in a), the restriction strategy would be informed by the residents along Cowley Wood Lane during detailed design. Drivers would be informed of the status of the route through appropriate signage and if deemed desirable, a gated solution could be implemented. A potential solution could be the provision of a gate at the southern end of Cowley Wood Lane that would provide the desired restriction to prevent unauthorised access from the A417, along Cowley Wood Lane to Cowley village. Unrestricted access to the residents along Cowley Wood Lane would still be possible from Cowley village, but access to the A417 would be restricted only to those living on Cowley Wood Lane. In that case, a gate would not be required at the northern end of the lane, but conspicuous signage showing a dead end would likely be used to prevent vehicles driving down Cowley Wood Lane.</p> <p>d) A gate could be provided within the Order limits. A gate on the western side of the existing cross-roads would restrict unauthorised access along Cowley Wood Lane from the A417, but retain access from Cowley village.</p>

Number	Directed to	Question	National Highway's Response
2.11.4	Applicant	<p>Diversion routes In the CTMP, Appendix F, Diversion Route 2, it shows a strategic diversion that follows A46, A435 and A436 via Cheltenham.</p> <p>a) What would deter people making the much shorter direct route through Birdlip up Birdlip Hill towards Little Witcombe and the Toby Carvery on Painswick Road?</p> <p>b) Are diversion routes realistic when the so-called rat-run routes are much shorter and attractive?</p> <p>c) Would so-called rat-running significantly increase during construction and, if so, what measures are in place to protect the carriageway and verges of the local roads?</p> <p>d) Paragraph 2.3.36 of the CTMP states video footage will be monitored, watching for impacts of diversion routes on the local network. If the impacts observed were unacceptable (define threshold) then what actions would be undertaken (if any) and where are these secured?</p>	<p>a) The diversion routes in Appendix F of Annex B Construction Traffic Management Plan (CTMP) of ES Appendix 2.1 EMP (Document Reference 6.4 Rev 2, REP4-029) are the strategic diversion routes currently used by the Design, Build, Finance & Operator (DBFO) Contractor for situations that require the closure of the A417 Missing Link.</p> <p>The scheme proposes to maintain the current arrangement and is not aware of any reported issues with this current strategy. Any issues with the strategy would be dealt with by the National Highways maintenance and operations teams on a strategic network basis.</p> <p>The scheme does not propose any deterrents to prohibit diverted traffic from using alternative routes, however the diversion routes would be clearly signposted to encourage vehicles to follow the diversion route and not rat run through local communities.</p> <p>Situations that require a full carriageway closure would be minimised through improved highways geometry and increased resilience due to additional lanes compared to the current situation.</p> <p>b) As above</p> <p>c) In relation to protecting the carriageway and verges of local roads a condition survey has been agreed for affected roads and this is set out in the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3 Rev 3, REP5-005). This condition survey would provide protection for carriageway and verges for those roads included.</p> <p>d) Paragraph 2.3.36 of Annex B Construction Traffic Management Plan (CTMP) of ES Appendix 2.1 EMP (Document Reference 6.4 Rev 2, REP4-029) is referring to the use of video footage in relation monitoring the impact of construction on the existing road network condition rather than the traffic impact.</p> <p>The current position between National Highways and the Joint Councils in relation to condition surveys is set out in the Statement of Common Ground with the Joint Councils in Appendix A of the Statement of Commonality (Document Reference 7.3, Rev 3, REP5-005).</p>

Number	Directed to	Question	National Highway's Response
2.11.5	Applicant	<p>Local highway network Can the Applicant confirm that the operation of the Proposed Development would ensure, as far as is reasonably practicable, the expeditious movement of traffic on the local highway network and GCC's ability to fulfil its Network Management Duty?</p>	<p>National Highways can confirm that as far as reasonably practicable the scheme would assist in the expeditious movement of traffic on the local highway network due to the improved access to the scheme via Ullenwood junction and the A436 Link Road and the Shab Hill interchange.</p> <p>As noted in Figure 7-1 of the Transport Report (Document Reference 7.10, APP-426), the scheme would result in a decrease in traffic on a number of minor roads that without the scheme are used as rat-runs due to the congestion on the existing A417.</p> <p>With the scheme in place there is a broad decrease in journey times for the A417 as reported in Section 7.3 of the Transport Report (Document Reference 7.10, APP-426) and Section 11.4 of Combined Modelling and Appraisal (ComMA) Report (Document Reference 7.6, APP-422).</p>
2.11.7	Applicant	<p>Leckhampton Hill It is suggested in the Applicant's responses to Deadline 4 submissions that delays on the A436 would decrease from 1 minute 45 seconds to 5 seconds. Given that Leckhampton Hill is predicted to have increased traffic flows with the Proposed Development in place and that any traffic on the A436 approaching the Ullenwood Roundabout would have to wait for such Leckhampton Hill traffic to be clear of the roundabout before entering, explain how the conclusion can be reached.</p>	<p>As part of the assessment and design process of the scheme, Ullenwood junction has been assessed using 2041 peak hour flows to ensure that Ullenwood junction would accommodate the forecast 2041 peak hour traffic flows. Details of this assessment are summarised in Section 11.4 and in detail in Appendix J of the Combined Modelling and Appraisal (ComMA) Report (Document Reference 7.6, APP-422). As noted in the Operational Assessment Technical Note (included as Appendix J in the ComMA) there would be two lanes at the entry from Leckhampton Hill with both lanes allowing straight-ahead movements on to the A436 Link Road. This will assist in the movement of traffic from Leckhampton Hill to the A436 Link Road and assist those on the A436 in entering the junction.</p> <p>Although there would be an increase in traffic on Leckhampton Hill, there would be a decrease in traffic passing through Ullenwood junction in comparison to that in the Do-Minimum scenario, this is mainly due to the removal of A417 through traffic using the Ullenwood junction. In addition, the scheme traffic model forecasts that there would be a decrease in traffic on the A436.</p>
2.12 Water Environment and Flood risk			
2.12.2	Applicant, Gloucestershire Wildlife Trust, Historic England	<p>Norman's Brook In the Statement of Common Ground with GWT, there is a noted concern about the partial canalisation of the tributary to Norman's Brook not being in line with purposes of re-naturalising</p>	<p>National Highways has continued to discuss this matter with GWT, and an updated position was provided at Deadline 5 in the Statement of Common Ground with Gloucestershire Wildlife Trust, Appendix F of the Statement of Commonality (Document Reference 7.3 Rev 3, REP5-005). Matter outstanding 8.5 in Table 5-1 is now removed as resolved, with new matter agreed 8.22 in Table 4-1 explaining:</p>

Number	Directed to	Question	National Highway's Response
		watercourses. The Applicant's noted response is that the matter is being discussed with Historic England. What is the status of discussions and is a resolution to be forthcoming by the close of the Examination?	<p><i>"The realignment of Norman's Brook would be conducted under the relevant guidance and EA permits. The detailed design of the new river habitat in the diverted channel would be agreed in consultation with EA specialists via the technical working group, as secured in EMP commitment RDWE9. The detailed design would focus on balancing the habitat requirements (substrate, depth, flow types and refuges) of aquatic communities present, with returning the river to a more natural step-pool habitat that would have existed prior to modification of the river by numerous weirs. Further details concerning this matter are stated in section 3.13 of Appendix 2.1 EMP Annex D Landscape and Ecological Management Plan (LEMP) (Document Reference 6.4, APP-321), and will be refined during engagement at detailed design, as secured via GP8: stakeholder engagement."</i></p> <p>The previous reference made in matter outstanding 8.5 of Appendix F of the Statement of Commonality (Document Reference 7.3 Rev 2, REP3-005) published at Deadline 3 (removed as resolved at Deadline 5 as described above), made an erroneous reference to discussions with Historic England. The previous statement should have referred to discussions with the Environment Agency.</p> <p>Relevant matters are agreed with the Environment Agency, as set out in Appendix B of the Statement of Commonality (Document Reference 7.3 Rev 3, REP5-005) at 4.3; 4.4 7.25; 7.26; and 7.33 in Table 4-1.</p>
2.12.3	Applicant	<p>Highgate Farm Explain, with evidence as necessary, the existing drainage situation at Cowley Wood Lane in proximity to the main construction compound and whether the compound would exacerbate, cause or contribute to surface water flooding in the vicinity.</p>	<p>The existing drainage systems are understood from reviewing 'as-built' drawings sourced from the DBFO contractor, currently operating and maintaining the A417. Cowley Wood Lane is drained via traditional gully, pipe and manhole arrangement, running south and connecting into drainage systems through Cowley underbridge. The northern part of the field drains to highway ditches and via pipes through Cowley underbridge to an existing basin. The southern part of the field drains to highway ditches and infiltration basin on High Cross lane.</p> <p>The scheme does not seek to amend the existing drainage strategy for Cowley Lane or the proposed compound area. The construction compound would be implemented in accordance with commitments in Annex G Surface Water Management Plan of ES Appendix EMP (Document Reference 6.4, APP-324) and Requirements 3 and 12 of the draft Development Consent Order (Document Reference 3.1, Rev 3).</p>
2.12.4	Applicant, EA	<p>Monitoring results Previous submissions to the Examination have suggested that</p>	<p>The Environment Agency were provided with additional monitoring data, as detailed in Surface and ground water monitoring (Document Reference 8.30) which is submitted at Deadline 6. This document summarises the methodologies and results for the surface</p>

Number	Directed to	Question	National Highway's Response
		the position regarding surface and ground water matters has been agreed, subject to further monitoring being undertaken. Has monitoring been ongoing and, if so, will the results of that be submitted to the Examination to either ratify or correct the previous findings and assumptions made?	and spring water quality, surface and spring water flow and rainfall data collected to the end of November 2021 in accordance with the 'matters agreed' within the Statement of Common Ground with the Environment Agency (Appendix B of the Statement of Commonality Document Reference 7.3 Rev 3, REP5-005). The additional monitoring data ratifies the previous findings and assumptions made in ES Chapter 9 Geology and Soils (Document Reference 6.2, APP-040) and ES Chapter 13 Road Drainage and the Water Environment (Document Reference 6.2, APP-044).