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c/o Gloucestershire Wildlife Trust  
Robinswood Hill Country Park  
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Registered charity number: 232580  
Registered in England number: 708575

**Case reference:** TR010056

**Interested party number:** 200028970

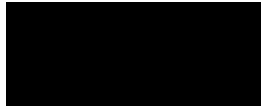
**Document reference:** GWT response to ExQ2 – Deadline 6

28/03/2022

Dear Sirs,

I am writing to provide Gloucestershire Wildlife Trust's (GWT) response to The Examining Authority's further written questions at ExQ2. In addition to the responses provided in Table 1D6, GWT has also submitted a separate detailed position statement regarding the impact of recreational pressure on the Crickley Hill and Barrow Wake SSSI, as requested by the examiners.

Your Sincerely



Dr Gareth Parry

Director for Nature's Recovery

Gloucestershire Wildlife Trust



Table 1D6	Gloucestershire Wildlife Trust responses to Examiners Questions Ex2, submitted at deadline 6		
ExQ2	Question to	Question	GWT response at deadline 5
2.2.2	Environment Agency, Natural England, National Trust, GWT, Cotswolds Conservation Board	<p><b>Carbon emissions</b></p> <p>Do any of the named organisations have any comments they wish to make with regards to the Applicant's assessments and forecasts of carbon emissions, with direct reference to the NPSNN?</p>	<p>GWT expects the assessments and forecasts to be sufficient to demonstrate compliance with the NPSNN. They should meet the objective for the network to support the shift to a low carbon economy. The evidence provided on the scheme's carbon impact should enable an assessment against the Government's carbon budgets. They should also enable an assessment against local carbon budgets and the aim for Gloucestershire to deliver a carbon neutral county by 2045.</p>
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 of essential mitigation objectives (for example, noise and disturbance upon new wildlife areas)?</p>	<p>a) It is not clear whether this question refers to all impacts on biodiversity receptors or just the proposed essential mitigation for biodiversity, so both will be addressed.</p> <p><u>Assessment regarding impacts on biodiversity receptors</u></p> <p>GWT has consistently expressed concern regarding the conclusions drawn by these assessments and the evidence to support them (responses to Statutory consultations in 2019 &amp; 2020, written representation 2021). GWT disagrees with the Environmental Statement and National Highway's response to written representations (Document Reference 8.11, Section 2.15, REP2-012), which state that the residual impact on the Crickley Hill and Barrow Wake SSSI will be minor. GWT considers the impact to be adverse, moderate to major and nationally significant.</p> <p>The decision of National Highways not to monitor recreational activity on the SSSI provides no assurance that adverse impacts on biodiversity will be avoided. GWT and the National Trust jointly manage the SSSI and have extensive practical experience of managing recreational pressure in the area. GWT's view is that no organisations are better placed to assess the likely impacts on biodiversity or how to mitigate them. It is therefore, disappointing that National Highways assessment has not taken on board our aligned concerns on this matter.</p> <p><u>Assessment regarding provision of essential mitigation</u></p> <p>GWT's main concern is not the assessment of impact but the likely efficacy of the mitigation itself. Based on GWT's extensive experience of managing visitor pressure, the mitigation to increased connectivity proposed under 2.15.6 of Document 8.11 will be insufficient to achieve the residual impact stated by the assessment. This is because</p> <ul style="list-style-type: none"> <li>• Signage has very limited efficacy in managing recreational pressure at biodiversity sites.</li> <li>• Mitigation revisions to the network are largely on sections that do little to reduce biodiversity impacts or represent backtracking on routes added after the initial proposals which were removed after GWT and other environmental stakeholders expressed concern.</li> <li>• Car parking at the Golden Heart Inn is too far from the Crickley Hill and Barrow Wake SSSI and doesn't offer equivalent views, so it will not have any meaningful impact on redistributing people.</li> <li>• Evidence has not been provided to support the claim that the much safer Cotswold Way crossing will not increase user activity on the SSSI.</li> </ul> <p>GWT reiterates the solution proposed at ExQ1, calling for a Strategic Access Management &amp; Monitoring Plan to mitigate and monitor the impact of increased recreational pressure at the Crickley Hill and Barrow Wake SSSI. GWT also maintains the view previously expressed (Statutory consultations in 2019 &amp; 2020, written representation 2021) that alternative green space provision is required to sufficiently mitigate increased</p>

			<p>recreational pressure on designated biodiversity sites resulting from the scheme.</p> <p>b) Increased and altered usage of the network will hinder essential mitigation for the Crickley Hill and Barrow Wake SSSI and could adversely impact the Cotswold Beechwoods SAC. Of particular concern is an increase in mountain biking and horse-riders, as expressed in previous responses (Statutory consultations in 2019 &amp; 2020, written representation 2021). This can cause large adverse impacts on the cited features of these sites due to erosion and compaction. A moderate to large increase in pedestrian users would also be concerning.</p> <p>Delivery of essential biodiversity mitigation at the Cotswold Way crossing could be hindered by increased usage. To mitigate this, the bridleway over the crossing must be physically separated from the calcareous grassland and hedgerow habitats, and a buffer area provided between them to avoid damage by erosion or disturbance through noise and vibration. If this is secured through detailed design, then moderate increases in usage are unlikely to have a significant adverse impact.</p> <p>Compaction and erosion by pedestrians, horseriders and cyclists can degrade calcareous grassland or prevent it establishing. The narrow calcareous grassland verges proposed along the Air Balloon Way are unlikely to achieve the target habitat if usage is high. Increases in dog walking use could adversely impact essential mitigation for calcareous grassland habitat and translocated reptiles because the impact of dogs on both features is well established.</p>
2.3.6	GWT, Natural England, National Trust, Joint Councils	<p>Position statement</p> <p>Produce a detailed position statement setting out the respective positions regarding the potential effects of increased recreational pressure upon the Crickley Hill and Barrow Wake units of SSSI.</p> <p>Each party's views on the likelihood of increased recreational pressure and the areas this would be experienced should be clear, alongside views on potential mitigations setting out areas of agreement and disagreement accordingly. Include, where necessary, references to the NPSNN and any disputes with the Applicant's position set out at Deadline 5 [REP5-008]. Since this is an 'operation effect' please confirm what, if any, concerns remain about construction effects either as a separate statement or chapter in your response.</p>	<p>Relevant detail is provided in the response to 2.3.6 and in the document GWT TR010056 SSSI pressure position statement D6, which has also been submitted at deadline 6.</p>
2.3.7	GWT	<p>Imperative Reasons of Overriding Public Interest (IROPI)</p> <p>Given the substantive disputes between GWT and the Applicant, as reported in the Statement of Common Ground, where does GWT stand with regards to consideration of IROPI?</p>	<p>Existing frameworks to test for IROPI in relation to biodiversity issues are designed for adverse impacts on Natura 2000 sites. In this instance, GWT's primary matters outstanding are not related to impacts on Natura 2000 sites. However, application of the existing frameworks and tests would ensure that the scheme does not cause unnecessary adverse harm to biodiversity in the case of IROPI. GWT recommends that the tests and principles included in Article 6(4) of the 'Habitats Directive' and in Regulation 62 of the Conservation of Habitats and Species Regulations 2010 are used to assess IROPI if required.</p> <p>Regulation 62 states two considerations for a project proceeding notwithstanding a negative assessment of the implications for a priority habitat or species.</p>

			<p>a) Reasons relating to human health, public safety or beneficial consequences of primary importance to the environment; or</p> <p>(b) any other reasons which the competent authority, having due regard to the opinion of the European Commission, consider to be imperative reasons of overriding public interest.</p> <p>Article 6(4) states two tests</p> <ol style="list-style-type: none"> <li>1. The alternative put forward for approval, is the least damaging for habitats, for species and for the integrity of the Natura 2000 site, regardless of economic considerations, and that no other feasible alternative, exists that would not affect the integrity of the site.</li> <li>2. There are imperative reasons of overriding public interest, including 'those of a social or economic nature</li> </ol> <p>Many of GWT's principle matters outstanding relate to the design and assessment approach the applicant has taken. For example, concerns regarding the mitigation strategy are due the assumptions of success, absent analyses and the lack of detail on management and remediation mechanisms. These could have been addressed already had GWT's proposed solutions been adopted. GWT's believes that reasonable adjustments to address these concerns are achievable without the scheme becoming unviable, therefore, consideration of IROPI should not be necessary.</p> <p>The exception is the scale of adverse biodiversity impacts on biodiversity receptors, including the scale of Biodiversity Net Loss. It is clear that the proposed scheme will have significant adverse impacts on biodiversity receptors and that some impacts are unavoidable due to policy, legislative and land constraints. Unless the applicant can provide evidence to indicate that these impacts will be fully compensated through other mechanisms (e.g. Environmental Designated Funds), this matter outstanding will remain unresolved.</p> <p>In this case, GWT accepts that tests outlined by regulation 62 and article 6(4) may be required to determine whether there is a case for IROPI. This requires assessments to include 'all elements contributing to the site's integrity and to the overall coherence of the network as defined in the site's conservation objectives. Due to the absence of assessments of the impact of time-lags in habitat loss/creation and on the NRN, GWT' feels that the required information to make this assessment is not currently available.</p>
2.3.10	Natural England, National Trust, GWT	<p>Watercourses</p> <p>Are there any remaining concerns regarding the Applicant's approach towards aquatic wildlife or the management of habitats within watercourses?</p>	<p>Following discussions with the Environment Agency, GWT is satisfied that there are no fundamental biodiversity issues here. However, detailed designs will need to ensure that adverse biodiversity impacts of the canalisation are avoided, mitigated and compensated for where necessary. GWT is satisfied that the applicant has reached an agreement with Natural England concerning the compensation for loss of Tufa habitat.</p>

2.4.4	The National Trust	<p>Crickley Hill facilities</p> <p>a) Can you provide an indication of the annual turnover and revenue for the visitor café and car park at the Crickley Hill site?</p> <p>b) Broadly, in which months is the greatest revenue to be earned?</p> <p>c) Could the construction programme be revised/ accommodated so that access to the Crickley Hill site could be sustained during the most profitable seasons?</p> <p>d) At Deadline 5 [REP5-005] it is stated that agreement has been reached to keep access to the country park open at all times. Would the construction programme be affected by this and/ or would additional traffic management measures need to be implemented on Leckhampton Hill to achieve the continuous access?</p>	<p>The facilities at Crickley Hill are owned and operated by Gloucestershire Wildlife Trust.</p> <p>a) As captured in the Statement of Common Ground, GWT has discussed potential impacts on income at Crickley Hill with the applicant since 2019. At an early stage, GWT expressed willingness to confidentially disclose financial data to National Highways in order to assess whether the business operations are being adversely affected during the construction period. GWT considers this information to be commercially sensitive and would prefer not to submit it into the public domain of the examination. The income generated through parking and the café plays a major role in supporting the upkeep of Crickley Hill and Barrow Wake.</p> <p>b) Both café and carparking income are higher at weekends than weekdays. Income is also higher during school and public holidays, particularly summer and Christmas.</p> <p>c) GWT has previously been assured by National Highways that access to Crickley Hill will be retained throughout the construction programme. This measure is appreciated by GWT. Should the entrance to Crickley Hill be affected by traffic management measures or increased queuing due to the construction activities then visitor numbers may be affected. The impact on income could be reduced by minimising disruption over weekends and during school holiday periods, particularly summer and Christmas.</p>
2.4.6	Joint Councils	<p>Ullenwood Cricket Club</p> <p>a) With reference to the Statement of Common Ground and the apparent acceptance by GCC of land being acquired by the Applicant, have any comments been received from the Cricket Club?</p> <p>b) Would the recreational facility be unavailable at any time to the club or the public during the construction phase of the development?</p>	<p>The Ullenwood Cricket Club pitch is on land owned by GWT. Responses to the questions asked are below.</p> <p>a) GWT has repeatedly sent communications to the cricket club on various matters since 2017, including the A417 proposals. Several communication attempts have been made in the last year and during the examination period. Very few responses have been received and there have been no comments regarding land acquisitions affecting the cricket pitch.</p> <p>b) GWT's understanding is that the club's primary pitch is now in a different location and the Ullenwood pitch has had little use in recent years. Due to a combination of this and other reasons, GWT has decided to take the pitch back in hand and this land will now be used for biodiversity enhancement and to support school visits.</p>
2.12.2	Applicant, Gloucestershire Wildlife Trust, Historic England	<p>Norman's Brook</p> <p>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 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>	<p>Following discussions with the Environment Agency, GWT is satisfied that there are no fundamental biodiversity issues here. However, detailed designs will need to ensure that adverse biodiversity impacts of the canalisation are avoided, mitigated and compensated for where necessary.</p>