

A417 Missing Link  
TR010056

8.31 Comments on Submissions  
received by Deadline 6

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**The Infrastructure Planning  
(Applications: Prescribed Forms  
and Procedure) Regulations 2009**

**A417 Missing Link**

Development Consent Order 202[x]

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# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This document has been prepared by National Highways (the Applicant) for submission to the Examining Authority (ExA) under Deadline 7 of the Examination of the A417 Missing Link Development Consent Order (DCO) application.
- 1.1.2 This document provides the Applicant's comments on the submissions made to the ExA by Interested Parties and Affected Persons at Deadline 6, including in their responses to the ExA's second written questions (ExQ2) (PD-017) issued on 17 March 2022.

## 1.2 Structure of this document

- 1.2.1 In reviewing the submissions made at Deadline 6 National Highways has determined that, in some instances, the matters raised are similar to those already raised in previous submissions and to which National Highways has provided comment at previous deadlines. In particular, the ExA is directed to the following documents which have responded to key themes raised by Interested Parties at previous deadlines:
- Responses to Relevant Representations (Document Reference 8.3, REP1-008)
  - Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012)
  - Comments on Responses to the Examining Authority's Written Questions (ExQ1) (Document Reference 8.13, REP2-014)
  - Summary of Applicant's Oral Submissions of Hearings (Document Reference 8.16 to 8.19, REP3-008 to REP3-011)
  - Comments on Responses received by Deadline 2 (Document Reference 8.21, REP3-013)
  - Comments on Responses received by Deadline 3 (Document Reference 8.25, REP4-035).
  - Comments on Responses received by Deadline 4 (Document Reference 8.26, REP5-008).
  - Comments on Responses received by Deadline 5 (Document Reference 8.28, REP6-014)
- 1.2.2 In light of the above and to avoid unnecessary duplication, in this document National Highways has sought to respond only where it has identified matters that may benefit from new or further points of clarification or correction, where it may assist a stakeholder and/or the ExA.
- 1.2.3 In some instances, this document provides a response to matters that are of relevance to multiple Interested Parties. This includes providing information to respond to a matter that has been raised by several Interested Parties (a 'theme' of submissions). In other instances, this document provides a direct response or comment on specific submissions made at Deadline 6. For example, where National Highways wish to make comment on an Interested Party's response to a written question issued by the ExA on 17 March 2022 (PD-017). Where applicable, relevant references are made for the convenience of the ExA.

- 1.2.4 As set out above, this is not an exhaustive list and National Highways has responded only where it is considered necessary or helpful to do so. This format has been considered necessary at Deadline 7 due to the specific nature of some of the Deadline 6 submissions.
- 1.2.5 In summary, this document does not provide a detailed response to each individual submission made at Deadline 6 where National Highways considers that its existing submissions to the Examination address the matter in question.
- 1.2.6 Failure to respond to a particular point should not therefore be inferred as National Highways accepting a matter on which its position is already clearly identified. National Highways would, however, be very willing to respond to any additional questions from the ExA arising from the submissions made at Deadline 6, where they consider it would be helpful for National Highways to further comment.

## 2 Comments on Deadline 6 submissions

### 2.1 Introduction

2.1.1 National Highways considers the following matters require comment for the benefit of the ExA:

- a. Archaeological investigation
- b. Proposals at Flyup 417 bike park
- c. Traffic on Leckhampton Hill
- d. Recreational pressure on the Site of Special Scientific Interest (SSSI)
- e. Imperative Reasons of Overriding Public Interest (IROPI)
- f. Environment Agency response to ExQ2
- g. Matters raised by George Lambrick
- h. Matters raised by Mr and Mrs Field
- i. Natural England response on the proposed disapplication of legislation relating to SSSIs
- j. National Star College
- k. Update on the proposed diversion of the Cotswold Way National Trail
- l. Assessment of alternatives and impacts on Cowley

### 2.2 Archaeological investigation

#### Summary of matters raised in Deadline 6 submissions

2.2.1 In response to ExQ2 questions 2.7.1-2.7.4, Historic England, the Joint Councils and Cotswolds Conservation Board (CCB) have provided an updated position to reflect ongoing discussions on archaeological investigation, which relate specifically to the drafting of Requirement 9 in the draft DCO (Document Reference 3.1 Rev 3, REP6-007) and the content of the then ES Appendix 2.1 Annex C Detailed Archaeological Mitigation Strategy and Overarching Written Schemes (DAMS and OWSI) (Document Reference 6.4, APP-320).

2.2.2 Historic England, the Joint Councils and CCB are seeking an amendment to the wording of Requirement 9 to address concerns that have previously been raised. There are also a number of matters to be addressed within a final DAMS and OWSI which have yet to be received by the Parties or submitted into the Examination.

#### National Highways response

2.2.3 As documented in Appendix D (Statement of Common Ground with Historic England) of the Statement of Commonality (Document Reference 7.3, REP5-005), progressive discussions have been held with Historic England and the Joint Councils County Archaeologist. A meeting was held on 22 March 2022 to agree remaining updates to the DAMS and OWSI document, which is now being updated and will be agreed in its final form, intended for submission into the Examination at Deadline 8. Following the submission of the DAMS and OWSI, the drafting of Requirement 9 in the draft DCO would be updated as follows:

## Archaeology

9. —(1) No part of the authorised development is to commence until for that part a ~~scheme for the investigation and mitigation of areas of archaeological interest, reflecting the mitigation measures included in the DAMS and OWSI, with provision for sub-written site-specific written~~ schemes of investigation for each area and each phase (evaluation or detailed excavation or watching brief); has been prepared in ~~accordance with the DAMS and OWSI and in~~ consultation with the relevant planning authority and the local highway authority, agreed with the County Archaeologist in consultation with Historic England and submitted to and approved in writing by the Secretary of State.
- (2) The authorised development must be carried out in accordance with the ~~archaeological framework strategy and sub-written~~ DAMS and OWSI and ~~site-specific written~~ schemes of investigation referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State.
- (3) A programme of archaeological reporting, post excavation and publication required as part of the ~~archaeological framework strategy and sub-written~~ DAMS and OWSI and ~~site-specific written~~ schemes of investigation referred to in sub-paragraph (1) must be agreed with the County Archaeologist in consultation with Historic England and implemented within a timescale agreed with the County Archaeologist and deposited with the Historic Environment Record of the relevant planning authority within two years of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.
- (4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be—
- retained in situ and reported to the County Archaeologist as soon as reasonably practicable; and
  - subject to appropriate mitigation as set out in the ~~archaeological framework strategy~~ DAMS and OWSI and mitigation agreed with the County Archaeologist.
- (5) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (4) for a period of 14 days from the date the remains are reported to the County Archaeologist under sub-paragraph (4) unless otherwise agreed in writing by the Secretary of State.
- (6) Prior to commencement of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be agreed with the County Archaeologist.

## Figure 2-1 Update of Requirement 9 in the draft DCO (to be submitted at D9)

- 2.2.4 It is intended that this would feature within an updated draft DCO submission at Deadline 9.
- 2.2.5 It is considered that following that submission, all parties will be in agreement, and the relevant matters will be reflected in the final submission of the Statement of Commonality at Deadline 9 as matters agreed.

## 2.3 Proposals at Flyup 417 bike park

### Summary of matters raised in Deadline 6 submissions

- 2.3.1 Question 2.10.2 of ExQ2 was directed at the Joint Councils and related to proposals at Flyup 417 bike park. Part (b) of that question asked:
- Do you have any concerns about the potential incorporation of new buildings and/or new car parking arrangements as part of the DCO 'essential mitigation' parameters?*
- 2.3.2 In response to that question, the Joint Councils stated in their submission (REP6-040):
- The Joint Councils are not aware of any details of proposed buildings to potentially be provided as essential mitigation having been put before Examination, and therefore cannot provide specific comment at this stage.*

## National Highways response

- 2.3.3 Proposals at Flyup, as submitted at Deadline 4 (14 February 2022) include a temporary car park and building to the west of the current facilities which would be provided as essential mitigation during the construction phase of the scheme. This is to mitigate impacts associated with loss of car parking, with the current car park to be utilised for construction of the scheme. The temporary building would sit adjacent to the car park and ensure that all users to the site ‘check-in’, with Flyup meeting their insurance liabilities prior to users accessing the uplift and downhill tracks. Following construction of the scheme, these facilities would be removed, with operations returning to the current situation and the current car park returned to Flyup in full.
- 2.3.4 National Highways understands that Flyup are exploring the potential of a permanent solution (car park and buildings) to the west of the site. However, this is not proposed through the draft DCO and Flyup would require the necessary permissions from the Local Planning Authority to consent and facilitate any new permanent buildings and / or new car parking arrangements.

## 2.4 Traffic on Leckhampton Hill

### Summary of matters raised in Deadline 6 submissions

- 2.4.1 Question 2.11.6 of ExQ2 was directed at the Joint Councils and related to ongoing discussions between the Councils and National Highways on the impacts of the scheme on traffic on Leckhampton Hill, and the Councils’ request for National Highways to mitigate traffic to ‘acceptable levels’. ExQ2 2.11.6 asked the Councils to clarify what they consider to be an acceptable level.
- 2.4.2 In response to this question in their Deadline 6 submission (REP6-040), the Joint Councils confirmed that they consider the forecast traffic flows on Leckhampton Hill as a result of the scheme to be unacceptable. It stated:
- “Definition of an ‘acceptable level’ of traffic for a specific length of road is subjective, and is dependent on key determining factors including road classification (primary, secondary or minor), location (urban, suburban, rural), carriageway standard (S2 – single lane two-way, WS2 – wide single lane two-way, D2AP – Dual two lane all purpose), among other things. In the case of Leckhampton Hill, which is a minor c-class, rural, single lane two-way carriageway road, the Joint Councils would not expect to see an increase of higher than +25% above the forecast Do Minimum flows (7,600 + 25% = 9,500) once the A417 scheme improvement is in place.*
- Analysis of the weekday peak period Volume/Capacity metric has been undertaken by NH without full regard to the significant predicted increase in traffic which, from the weekday AM and PM average peak hour flows presented in Table 2-2 of their submitted technical note [REP2-016], are shown to increase respectively by +90% and +129%.”*
- 2.4.3 In the Joint Councils Submission at Deadline 6 (REP6-040), reference is made to the A435/A436/A417 route being the primary ‘A’ class route. The Joint Councils have suggested that this would be the more appropriate route for traffic.



## National Highways response

- 2.4.4 In response to the 25% increase above the forecast Do Minimum flows threshold suggested by the Joint Councils Submission at Deadline 6 (Document Reference REP6-040), as noted by the Joint Councils this is a subjective measure and National Highways disagrees with the position.
- 2.4.5 Based on traffic figures for Leckhampton Hill (ID 4) in Figure 7-1 of the Transport Report (Document Reference 7.10, APP-426) the 2041 Do-Minimum two-way Annual Average Daily Traffic (AADT) is 7,600 vehicles. An increase of 25% would equate to approximately 9,500 vehicles on Leckhampton Hill compared to the forecast of 11,500 vehicles.
- 2.4.6 The Joint Councils submission at Deadline 6 (REP6-040) refers to the A435/A436/A417 route being the primary 'A' class route and the Joint Councils have suggested that this would be the more appropriate route for traffic rather than Leckhampton Hill.
- 2.4.7 As National Highways stated in the Comments on responses received by Deadline 5 (Document Reference 8.28, REP6-014), National Highways considers that this would not be the case and that traffic would reassign to alternative local routes and not necessarily travel via the A435/A436/A417.
- 2.4.8 National Highways has reviewed the scheme traffic model and compared the route via the A435/A436/A417 (as advocated by the Joint Councils), to the route via Leckhampton Hill/Old Bath Road, for example travelling between Cheltenham and Cirencester and vice versa.
- 2.4.9 The results from this are:
- The route via A435/A436/A417 is approximately 11.7 miles (18.8km) and takes between 17 and 19 minutes in the 2041 Do-Something (DS) scenario dependent on direction and time period.
  - The route via Leckhampton Hill/Old Bath Road is approximately 9.7 miles (15.6km) and takes between 14 and 15 minutes in the 2041 DS scenario dependent on direction and time period.
- 2.4.10 Based on the journey time information, the route via the A435/A436/A417 is longer and slower route when compared to that via Leckhampton Hill. National Highways therefore considers that if mitigation measures were applied to Leckhampton Hill to reduce traffic, then vehicles would reassign to other local routes, rather than take (as advocated by the Joint Councils) the A435/A436/A417 route due to the longer distance and journey time incurred.
- 2.4.11 The relevance of the National Policy Statement for National Networks (NPSNN) to the impact of the scheme on transport networks is set out in section 6.3 of the Case for the Scheme (Document Reference 7.1, APP-417). Overall, the proposals and anticipated benefits for all modes of transport would contribute to sustainable development, helping better connect people to open spaces, services, facilities and communities. The Applicant considers that the scheme meets the requirements of the NPSNN in relation to its impacts on transport networks.
- 2.4.12 The relevant sections of the NPSNN are paragraphs 5.201 to 5.218 and these paragraphs set out the requirements for national network schemes in relation to wider transport networks. It is stated in paragraph 5.202 that schemes may have

economic, social and environmental effects on surrounding transport infrastructure.

- 2.4.13 The relevant paragraphs of the NPSNN in relation to the Joint Councils' request for mitigation on Leckhampton Hill are paragraphs 5.206 and 5.215.
- 2.4.14 Paragraph 5.206 of the NPSNN states that if a development is subject to an Environmental Impact Assessment (EIA) and is likely to have significant environmental impacts arising from impacts on the transport network, then the environmental statement should describe these impacts and any mitigating commitments.
- 2.4.15 National Highways has undertaken an EIA and a summary of this in relation to environmental impacts arising from impacts on the transport network is provided in Comments on responses received by Deadline 5 (Document Reference 8.28, REP6-014). The only environmental assessment that resulted in a significant impact being identified was the noise assessment, reported in ES Chapter 11 Noise and Vibration (Document Reference 6.2, APP-042). This assessment forecast that for five properties on Leckhampton Hill the increase in traffic would result in a significant adverse effect. Although there may be an increase in noise for those five properties, the increase is only 1 dB and likely to be indiscernible. This is agreed 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).
- 2.4.16 Discussions have taken place between National Highways, the Joint Councils and Cheltenham Borough Council to discuss potential mitigation. In these discussions a speed limit reduction along the relevant sections of Leckhampton Hill was considered to be the only viable potential mitigation method beyond the noise insulation mitigation already proposed. Through discussions, the Joint Councils confirmed that mitigation measures beyond those already proposed would be disproportionate to the effect. The Joint Councils and National Highways agreed that speed limit reductions cannot be relied upon to mitigate the identified noise effect. All other potential forms of mitigation that have been identified and explored have been discarded as being unfeasible or ineffective. All of this is stated and agreed 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).
- 2.4.17 Paragraph 5.215 of the NPSNN states that mitigation for schemes should be proportionate, reasonable and focus on promoting sustainable development. National Highways is committed to proportionate and reasonable mitigation arising at Leckhampton Hill. In the absence of other identified effects, and bearing in mind the capacity of the road, the Applicant does not believe any further mitigation is necessary and nor would it be proportionate in the circumstances.
- 2.4.18 National Highways previously submitted the Leckhampton Hill Technical Note (Document Reference 8.15, REP2-016). This technical note demonstrates that even with the increase in traffic, the scheme improves journey times across the scheme area for certain trips. This is achieved by replacing Air Balloon roundabout and the A436/Leckhampton Hill junction with the Ullenwood junction that would accommodate the forecast 2041 peak hour traffic flows. As the scheme actually improves journey times for those travelling via Leckhampton Hill, National Highways is of the view that mitigation on Leckhampton Hill is not required.

- 2.4.19 National Highways considers that applying mitigation on Leckhampton Hill would increase journey times across the scheme area for certain trips, this would result in vehicles reassigning to alternative routes which may be less suitable than Leckhampton Hill. This is stated in Comments on responses received by Deadline 5 (Document Reference 8.28, REP6-017). Although the Joint Councils refer to the A435/A436/A417 as being the primary 'A' class route in their Submission at Deadline 6 (REP6-040), the scheme traffic model forecasts that travelling this route would be significantly longer in relation to distance and journey time than alternative routes. Ensuring vehicles would travel by the A435/A436/A417 would be difficult with no guarantee that vehicles would follow this route. National Highways remains of the view that traffic reverting to more minor roads would not be suitable and nor would it assist in achieving one of the key objectives of the scheme; to discourage rat running.
- 2.4.20 National Highways remains of the view that any mitigation for Leckhampton Hill would not be proportionate or reasonable and that any mitigation may potentially impact on roads more minor than Leckhampton Hill. The only significant environmental impact is in relation to noise and the Joint Councils and National Highways are in agreement the increase in noise is indiscernible and it has not been possible to identify a form of mitigation which would address that significant noise effect.
- 2.4.21 National Highways is continuing to engage in discussions with the Joint Councils and expects that all outstanding issues will be resolved before the examination closes.

## **2.5 Recreational pressure on the Site of Special Scientific Interest (SSSI)**

### **Summary of matters raised in Deadline 6 submissions**

- 2.5.1 Question 2.3.6 of ExQ2 was directed at the Gloucestershire Wildlife Trust (GWT), National Trust, Natural England and the Joint Councils. It requested that those bodies provide a detailed position statement regarding the potential effects of increased recreational pressure on the Crickley Hill and Barrow Wake units of the SSSI, with reference where necessary to the National Policy Statement for National Networks (NPSNN) and comments made by National Highways in Comments on Responses received by Deadline 4 (Document Reference 8.26, REP5-008).
- 2.5.2 Whilst the Joint Councils set out in their response (REP6-040) that they have a neutral position on this matter, GWT and the National Trust set out their concerns (REP6-028 and REP6-034 respectively) regarding increased recreational pressure on the SSSI, including their view that National Highways has underestimated the significance of the effect in its assessment and that the proposed mitigation is insufficient. Natural England in their Position Statement (REP6-037) support the position of GWT and the National Trust, whilst setting out their additional concerns relating to the effects of increased use of Barrow Wake car park.

### **National Highways response**

- 2.5.3 National Highways' response to the majority of the points raised remains as per Section 2.15 of its Response to Written Representations made at Deadline 1

(Document Reference 8.11, REP2-012) and at Deadline 3 in section 4 of its Summary of Oral Submissions at Issue Specific Hearing 2 (Document Reference 8.19, REP3-011). The following paragraphs therefore seek to clarify the Applicant's current position and respond to specific points where it is considered this may be helpful.

- 2.5.4 The Crickley Hill component of the SSSI is a Country Park with visitor facilities provided by GWT to facilitate and encourage recreational use of the site, including parking for 100 cars, a café and public toilets. It is reported to be used by around 250,000 visitors per year, with the dominant activities being walking and dog walking.

Impact of the scheme on visitor numbers

- 2.5.5 National Highways acknowledges the existing management issues stressed by the stakeholders in their responses. However, the Applicant considers that the perceived impacts of the scheme on increasing visitor numbers to the area would not exacerbate the existing and ongoing management issues. GWT in their submission at Deadline 6 (REP6-028) set out that:

*“The DCO documents acknowledge that visitor numbers to the Crickley Hill and Barrow Wake SSSI are likely to increase as a result of the scheme (Environmental Statement 8.10.212; 8.10.228).”*

- 2.5.6 To clarify, ES Chapter 8 Biodiversity (Document Reference 6.2, APP-039) sets out that the provision of a safe Cotswold Way crossing is likely to increase the number of users travelling south from the Crickley Hill SSSI unit into or towards the Barrow Wake SSSI unit. Therefore, the assessment suggests a dispersion of users as opposed to an overall increase in users within the SSSI units. Paragraph 8.10.231 concludes:

*“...with the implementation of the major alternative recreational routes provided by the scheme and the provision of segregated routes, signage and other measures to deter public access from sensitive features, any damage to habitats from impacts such as increased trampling and degradation of vegetation would not affect the integrity or key characteristics of the SSSI. Habitat degradation from increased recreational pressure would represent a minor adverse impact upon Crickley Hill and Barrow Wake SSSI.”*

- 2.5.7 National Highways does not therefore accept that the scheme would increase visitor pressure to a level that would create a significant impact on the SSSI units and/or its existing management regimes. It is very unlikely that the scheme by virtue of its nature and identified impacts as set out in the DCO application documents would have a material impact on the baseline figure of 250,000 visitors annually. The WCH survey results summarised in ES Chapter 12 Population and Human Health (Document Reference 6.2, APP-043) and explained in the 'Walking, Cycling and Horse Riding (WCH) Review at Preliminary Design' document in ES Appendix 12.2 (Document Reference 6.4, APP-396) indicate that the number of users on the improved PRoW network as a result of the scheme would need to increase substantially to have discernible change on the Country Park and designated SSSI habitats within it. On a single day of WCH surveys (10 September 2017) a total of 343 users were recorded at a location within Crickley Hill Country Park in comparison to 48 WCH at a location within Barrow Wake. The number of users on the PRoW network outside of the SSSI are considerably lower, and National Highways considers the proposed

improvements to the PRoW network with the scheme (e.g. the Air Balloon Way and circular routes) would redistribute the 343 and 48 WCH users across the wider network, reducing the current recreational pressure in the SSSI units.

#### Design and mitigation measures to reduce recreational pressure

2.5.8 National Highways accepts that there is, and likely always will be, a tension in the promotion of visitor facilities and protection of the sensitive habitats that those facilities are located within. However as set out in previous submissions, National Highways has sought to reduce PRoW within the SSSI and help reduce recreational pressure by working collaboratively with stakeholders and user groups to create alternative routes outside of the Country Park and SSSI. For example:

- Circular routes will be created through new and reclassified PRoW, connecting the Air Balloon Way, Gloucestershire Way and Cotswold Way (as detailed in Annex F PRoW Management Plan of ES Appendix 2.1 EMP (Document Reference 6.4, APP-322).
- A significantly larger area of replacement Common Land is proposed adjacent but separate to the Air Balloon Way and existing area of SSSI, which is a design benefiting from the engagement with GWT in light of their support for its potential to accommodate habitat in keeping with the AONB and which could establish as an extension to the SSSI in the future, subject to their management as future landowner. This is addressed in ES Chapter 12 Population and Human Health (Document Reference 6.2, APP-043) and illustrated within ES Figure 12.4 Open Access Land (Document Reference 6.3, APP-0257-9) and the Special Category Land Plans (Document Reference 2.3, APP-007).
- The proposed Air Balloon Way has been introduced and revised to help reduce recreational activity through avoiding people navigating a direct public access route through the Barrow Wake car park and SSSI. This is as a direct result of engagement with the GWT.
- A previously proposed footpath between the Air Balloon Way and Barrow Wake Car park has been removed from the proposed scheme to avoid impact on SSSI habitat where musk orchids are known to occur. This is also as a result of engagement with the GWT.
- Badgeworth footpath 89 is proposed to be stopped up so it can be removed from the SSSI to reduce recreational activity within the SSSI (notwithstanding access rights to the area of open access land).
- Areas of car parking including for disabled users and horse boxes are proposed near the Golden Heart Inn and Stockwell Lane junction. This will help redistribute people away from the SSSI habitat when using the proposed Air Balloon Way.

2.5.9 Appropriate mitigation measures to avoid a significant adverse effect upon the SSSI are included within ES Chapter 8 Biodiversity (Document Reference 6.2, APP-039) and relevant commitments found within ES Appendix 2.1 EMP (Document Reference 6.4 Rev 3, REP6-010) include PH1, PH6, BD49, BD53, and BD63. The proposals for changes to, and assessment of impacts on PRoW, are included within ES Chapter 12 Population and Human Health (Document Reference 6.2, APP-043).

### Redistribution of visitors and provision of alternative routes

- 2.5.10 Provision of the Cotswold Way crossing may result in additional visits to Crickley Hill from visitors parking at Barrow Wake, but National Highways does not agree with the view that any additional visits from this source means that there must be increased recreational pressure on the SSSI. This is because any increase is likely to be outweighed by existing visitors spending time away from the Country Park, as facilitated by the Cotswold Way crossing. The level of recreational pressure upon the SSSI is not only related to the absolute number of visitors, but also the amount of time that those visitors spend within the site.
- 2.5.11 Significantly improving the PRoW network outside of the Country Park and SSSI area will redistribute current and future visitors both in terms of the routes they take and time spent in the designated sites, as detailed in Annex F Public Rights of Way Management Plan of ES Appendix 2.1 EMP (Document Reference 6.4, APP-322).
- 2.5.12 PRoW and parking proposals seek the necessary changes to the access rights and access points across the network to help ensure that all users can benefit from the improvements, seeking to help attract all groups of people to circular and other routes outside of the Country Park and SSSI. It is acknowledged that the Country Park and views from Barrow Wake will remain attractive visitor destinations, but the Applicant considers that the PRoW proposals as part of the scheme will help reduce pressure on those sites by providing high quality alternative routes that could integrate those destinations, and reduce the dwell time within them. This will disperse visitors via safe crossing points and purpose-built multi-use recreational routes.
- 2.5.13 A Crickley Hill Insight Study (2018) jointly commissioned by the NT and GWT found that that nearly 2/3 of visitors to Crickley Hill would access Barrow Wake via a pedestrian bridge between the two, if one existed (such as the proposed Cotswold Way crossing). Those responses did not however take into account the provision of new recreational routes and crossings, such as those proposed as part of the scheme, for example the Air Balloon Way and Gloucestershire Way crossing. National Highways considers that the proportion of existing visitors spending time during their visits away from the SSSI is likely to be greater with the addition of the new and improved recreational routes and crossings provided by the scheme, including those accessed or connected via the proposed Cotswold Way crossing.
- 2.5.14 For visitors parking within the Country Park, the alternative and improved recreational provision within the scheme (including the Cotswold Way crossing, the Air Balloon Way, Gloucestershire Way crossing and the other connected PRoW improvements) would clearly not divert their visits away from the SSSI entirely. However, such provision includes a range of options for attractive circular routes of different lengths using several new crossings across the scheme that would be likely to encourage Country Park visitors to spend more of their visit outside of the SSSI, thus reducing recreational pressure upon the SSSI habitats. The provision of alternative parking near the Golden Heart Inn would further encourage alternative movements outside of the SSSI.
- 2.5.15 Most visits to Barrow Wake are short, with 2/3 existing visitors only sitting and looking at the views and with many visits relating to people stopping off briefly on a journey that takes them along the A417, according to the Insight Study. The scheme will move the A417 further from the entrance to Barrow Wake and require

navigation of 1 or 2 roundabouts at Shab Hill junction before the B4070 access road and another roundabout to enter the site. This makes it a less obvious and less convenient stop off for traffic using the realigned A417, which could reduce visitors from this source.

#### Use of enclosures and interpretation materials

- 2.5.16 It is acknowledged that visitors to the Air Balloon Way, including those originating from Crickley Hill, may choose to take a diversion off the Air Balloon Way to access the views at Barrow Wake. There is little direction to specific viewpoints at present and there is potential to direct users to more formalised viewpoints with signage and interpretation boards at the edge of the car park (which would be progressed at the detailed design stage, secured through commitment CH9 of ES Appendix 2.1 EMP (Document Reference 6.4, REP6-010). At present there is uncontrolled access from the car park into the adjacent grassland, potentially leading to erosion of numerous entrance points. There is potential to better control this access through provision of low fences or other enclosures along the car park edge, to dissuade use of sensitive areas and encourage visitors to take in the views from a new formalised viewpoint(s) with interpretation materials (which would be progressed at the detailed design stage, secured through commitment PH1 of ES Appendix 2.1 EMP (Document Reference 6.4, REP6-010).
- 2.5.17 Natural England state that:
- 'It would be possible to utilise well-designed visitor information and sympathetic signing that asks people to respect the site, for example requesting visitors use certain routes at certain times of year or directing people to more roust (sic) areas'.*
- 2.5.18 However, Natural England then state that they share the reservations of GWT and the National Trust in relation to the effectiveness of such methods. This position is considered to conflict with the findings of the Insight Study which states in terms of potential changes at Crickley Hill (page 27) that:
- 'there is strong support for more information and interpretation boards along the trails and at viewpoints' and 'more benches where you can sit and watch the views'; and (page 37) that 'the study found widespread acceptance of restricting access for the benefit of wildlife and habitats'.*
- 2.5.19 The Insight Study also reports in terms of visitor satisfaction surveys (page 26) that *'the problem areas are focussed in a few areas:*
- Signage – waymarked paths disappearing so people getting lost & insufficient waymarked paths
  - Interpretation – not enough information and interpretation
- 2.5.20 National Highways considers that the findings from the Insight Study do not support the view that visitor interpretation materials would be ineffective at this site. Furthermore, interpretation boards and signage are a widely used measure to help mitigate recreational pressure to designated sites, often forming part of Strategic Access Management and Monitoring Measures (SAMM).

### Comments relating to the Statement to Inform Appropriate Assessment

- 2.5.21 In relation to the efficacy of mitigation, the National Trust have referred to comments made in the Applicant's Habitats Regulation Assessment: Statement to Inform Appropriate Assessment at paragraph 7.1.1 (Document Reference 6.5, APP-415). The Applicant confirms that paragraph 7.1.1 refers to the possibility that integral features of the scheme in the form of alternative recreational provision cannot remove the risk of increased recreational pressure on the Cotswold Beechwoods SAC entirely, on the basis that future visitor behaviour cannot be predicted with scientific certainty. The Applicant has therefore proposed additional precautionary measures (to be agreed with Natural England) to be able to draw a conclusion of no adverse effect on the integrity of the Cotswold Beechwoods SAC. However, the Applicant would note that Habitats Regulation Assessment is subject to a separate statutory regime and specific case law principles, such as the precautionary principle. Comments made in the Statement to Inform Appropriate Assessment should be considered in that context. Those comments, and the precautionary principle, do not comprise the relevant statutory or policy framework for receptors which are not regulated by that regime e.g. SSSIs.

## **2.6 Imperative Reasons of Overriding Public Interest (IROPI)**

### **Summary of matters raised in Deadline 6 submissions**

- 2.6.1 Question 2.3.6 of ExQ2 was directed at GWT and asked:
- 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?*
- 2.6.2 GWT state in their response to Question 2.3.6 (REP6-028) that consideration of IROPI is relevant to the assessment of impacts upon Natura 2000 sites. GWT state that their primary matters outstanding are not related to Natura 2000 sites. However, GWT suggest that the tests of the tests within Regulation 62 of the Conservation of Habitats and Species Regulations 2010 and Article 6(4) of the Habitats Directive could be applied to the impact assessment upon ecological features that are not European sites. If this approach was applied to ecological features other than European sites, GWT do not believe there would be sufficient information within the application to make an assessment of IROPI.

### **National Highways response**

- 2.6.3 The assessment of IROPI is relevant to the assessment of impacts upon European sites, i.e. those sites protected by the Conservation of Habitat and Species Regulations 2017 (known as the Habitats Regulations 2017). Since Brexit, European sites within the UK no longer form part of the Natura 2000 network, but it is clear that GWT are referring to the national site network that replaced it within the UK, which includes all existing Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).
- 2.6.4 Regulation 63 of the Habitats Regulations 2017 states that consent should only be granted for a plan or project once the relevant competent authority has ascertained that it will not adversely affect the integrity of European sites. IROPI is only relevant where an appropriate assessment has been carried out and it concludes that a plan or project would adversely affect the integrity of a European



site. In this scenario, consent would only be granted if there are no alternative solutions and there are IROPI for the development and compensatory measures have been secured.

- 2.6.5 The Habitats Regulations assessment undertaken for the scheme (Habitats Regulations Assessment: Screening Report (Document Reference 6.5, APP-414) and the Habitats Regulations Assessment: Statement to Inform Appropriate Assessment (SIAA) (Document Reference 6.5, APP-415) concludes that there will be no significant adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. This conclusion is agreed with Natural England and is not disputed by GWT. With no significant adverse effects on the integrity of any European site, National Highways does not consider that there are any grounds for a consideration of IROPI to be undertaken for the scheme.
- 2.6.6 National Highways does not agree that there is any basis within relevant legislation or planning policy that would require the consideration of IROPI to be applied to the assessment of impacts of the scheme upon any other ecological features.

## 2.7 Environment Agency response to ExQ2

### Summary of matters raised

- 2.7.1 Question 2.5.3 of ExQ2 was directed at National Highways and the Environment Agency (EA) and sought an update on discussions between the parties on the disapplication of statutory provisions relevant to the EA in Article 3 of the draft DCO (dDCO) (Document Reference 3.1 Rev 3, REP6-007).
- 2.7.2 In their response to the question, both National Highways (Document Reference 8.29, REP6-015) and the EA (REP6-027) confirmed that the EA does not agree to the disapplication of the statutory provisions.

### National Highways response

- 2.7.3 As outlined within our response to ExQ2, question 2.5.3 and within the updated Consents and Agreements Position Statement (Document Reference 7.2 Rev 1, REP6-012), the Environment Agency do not agree to the disapplication of a number of Prescribed Consents. Therefore, National Highways can no longer seek the disapplication of the following consents / agreements through the draft DCO:
- 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 1991.
- 2.7.4 This matter is now agreed between the Environment Agency and National Highways within the SoCG and the Consents and Agreements Position Statement and the draft DCO. The changes which the Applicant will make to the DCO for Deadline 9 in order to confirm this position will be the deletion of:
- Article 3 (a) - (d); and
  - Part 3 of Schedule 8.

- 2.7.5 The Applicant will also delete paragraphs 4.11 (a) – (d) of the Explanatory Memorandum to reflect the changes to the DCO.

## 2.8 Matters raised by George Lambrick

### Summary of matters raised

- 2.8.1 At Deadline 6, a response to ExQ2 has been submitted by George Lambrick (REP6-043). Whilst not a registered Interested Party, and therefore not a party to which an ExQ2 question was specifically directed, Mr Lambrick's submission has been accepted at the discretion of the ExA and relates to his views on the cultural heritage and cumulative effects of the scheme.

### National Highways response

- 2.8.2 National Highways have made the following submissions during examination which respond to some of the matters raised by George Lambrick:
- Responses to the Examining Authority's Written Questions (ExQ1) (Document Reference 8.1, REP1-009) at Deadline 1
  - Response to Cultural Heritage Issues Raised (Document Reference 8.14, REP2-015 ) at Deadline 2
  - Environmental Statement - Updates and Errata - Rev 2 (Document Reference 6.7, REP4-031) at Deadline 4
  - Statement of Commonality (Document Reference 7.3, REP5-005) at Deadline 5
  - Responses to the Examining Authority's Written Question (ExQ2) at Deadline 6 (Document Reference 8.29, REP6-015)

### ExQ2 Ref 2.5.13 DCO Requirement 9

- 2.8.3 As documented in Appendix D (Draft Statement of Common Ground with Historic England) of the Statement of Commonality (Document Reference 7.3, REP5-005), progressive discussions have been held with Historic England and the Joint Councils County Archaeologist. A meeting was held on 22 March 2022 to agree remaining updates to the DAMS and OWSI, which is now being updated and will be agreed in its final form, for submission prior to the end of examination. It is considered that following this submission, all parties will be in agreement, and this position will be reflected in the final submission of the Statement of Commonality.

### ExQ2 Ref 2.7.1 DAMS and OWSI

- 2.8.4 As set out at paragraph 2.2.3 – 2.2.5 above, the DAMS and OWSI document being updated and will be agreed in its final form, intended for submission into the Examination at Deadline 8.
- 2.8.5 The DAMS and OWSI will become a certified document, and the protection of archaeological remains where specified within that document will be ensured by Requirement 9.
- 2.8.6 A response is provided to 2.7.1 in the Responses to the Examining Authority's Written Question (ExQ2) at Deadline 6 (Document Reference 8.29, REP6-015).

ExQ2 Ref 2.7.1 ES Chapter 6 Cultural heritage

- 2.8.7 A response is provided to 2.7.1 in the Responses to the Examining Authority's Written Question (ExQ2) at Deadline 6 (Document Reference 8.29, REP6-015).
- 2.8.8 Non-designated buried archaeological remains impacted by the scheme are of medium to high value as per Table 6-2 of ES Chapter 6 Cultural Heritage (Document Reference 6.2, APP-037). The magnitude of impact on any buried archaeological remains would be a major magnitude of impact. National Highways is committed to undertaking mitigation to the highest detail to record these archaeological remains in advance of construction, followed by a comprehensive programme of analysis and publication of the results for both an academic and non-technical (general public) audience. This mitigation is outlined in paragraphs 6.9.3 - 6.9.7 and will be set out in detail in the final DAMS and OWSI. There is no quantitative mechanism by which the reduction in effect can be determined; it is our professional judgement however that the comprehensive, researched focused programme of mitigation would substantially reduce the adverse effect, to a slight adverse level.

ExQ2 Ref 2.7.1 Conservation of archaeological remains topsoil handling and landscape

- 2.8.9 As per paragraph 2.8.1 of ES Chapter 2 The Project (Document Reference 6.2, APP-033), the scheme design has emerged as part of an iterative process between the Applicant's engineering, environmental design and assessment teams, and through active engagement with statutory consultees, key stakeholders and the wider public. Throughout the iterative design process, the land-take has been minimised and only land required to construct, operate and maintain the scheme is acquired on a permanent basis, the temporary land-take to assist the contractor in the construction of the scheme. This is set out in the Statement of Reasons (Document Reference 4.1, APP-024).
- 2.8.10 Further to this, the landscape mitigation proposals are the result of detailed discussions between the heritage, landscape and engineering disciplines, and represents a balance between retaining archaeological deposits and achieving the engineering and landscape aims of the scheme.

ExQ2 Ref 2.7.1 Issues with EMP

- 2.8.11 Historic England and the Joint Councils are satisfied with the commitments in the Environmental Management Plan. These have been modified where appropriate during examination, as can be seen in the Environmental Management Plan (EMP) (Tracked) submitted at Deadline 6 (Document Reference 6.4 Rev 3, REP6-011).

ExQ2 Ref 2.7.2 Archaeological investigation

- 2.8.12 A response is provided to 2.7.2 in the Responses to the Examining Authority's Written Question (ExQ2) at Deadline 6 (Document Reference 8.29, REP6-015).
- 2.8.13 With respect to the conservation of archaeological remains and topsoil handling, specific soil management processes will be implemented for areas of preservation in situ. This will be developed further during detailed design. Where buried archaeology is preserved in-situ in known locations, the soil will not be moved and therefore the Soils Management Plan noted in ES Appendix 2.1 EMP will not be relevant in these locations.

- 2.8.14 Appendix D of the DAMS and OWSI (Document Reference 6.4, APP-320) gives indicative details of the archaeological potential across the scheme at particular locations. This is currently being updated to include areas proposed for watching brief, retention within the scheme, or no further archaeological work. It will be submitted at Deadline 8.
- 2.8.15 The preliminary design DCO boundary accommodates the location and extent of temporary works. Further details will be developed by the National Highways contractor during the detailed design phase, and therefore it is not possible to provide detailed information at this stage. The assessment in ES Chapter 6 Cultural Heritage (Document Reference 6.2, APP-037) has been undertaken as a worst-case scenario, that assumes impact will occur. Historic England considers two sites that would experience direct impacts, the Roman settlement at Cowley and Iron Age enclosure east of Crickley Hill, to be of national importance. These sites would be subject to detailed recording, as set out in the DAMS and OWSI. Should other sites of equivalent importance be discovered during construction the DAMS and OWSI will ensure that these archaeological remains will be subject to the same standards of recording.

#### ExQ2 Ref 2.7.3 Surveys

- 2.8.16 A response is provided to 2.7.3 in the Responses to the Examining Authority's Written Question (ExQ2) at Deadline 6 (Document Reference 8.29, REP6-015).
- 2.8.17 National Highways notes that while geoarchaeological observation will be maintained for the ground investigation, the ground investigation itself is not being undertaken for archaeological purposes.
- 2.8.18 Plans have been provided to the ExA at Deadline 3 that show the areas of additional geophysical survey that were required at that time (now completed) - Areas Subject to Archaeological Surveys (REP3-016).
- 2.8.19 National Highways notes that the nature and significance of heritage assets, regardless of their legal status, has been reported in ES Chapter 6 Cultural heritage (Document Reference 6.2, APP-037).
- 2.8.20 Measures to investigate areas of the ploughzone established to have potential for pre-iron age material (flint artefacts) will be included in the final version of the DAMS and OWSI.
- 2.8.21 Geoarchaeological deposits were sampled during the trial trenching and specific mitigation to sample and characterise geoarchaeological deposits at a landscape scale will be included in the final DAMS and OWSI.
- 2.8.22 The results of geophysical survey and subsequent findings of the archaeological trial trenching have been compared according to standard professional practice, and this has formed the basis for discussions with Historic England and the Joint Councils in finalising the DAMS and OWSI.
- 2.8.23 Natural features are commonly found in the course of archaeological works, and these will be subject to sampling, where conditions on site suggest archaeological or palaeoenvironmental potential.

#### ExQ2 Ref 2.7.4 Roman settlement at Cowley Junction

- 2.8.24 A response is provided to 2.7.4 in the Responses to the Examining Authority's Written Question (ExQ2) at Deadline 6 (Document Reference 8.29, REP6-015).

- 2.8.25 It should be noted that the loss of the remains at Cowley Junction is a direct effect of the scheme, not a cumulative effect (ES paragraph 6.10.14) The assessment is not intended to consider the effect of everything that may have taken place in the past that could potentially have impacted cultural heritage.

ExQ2 Ref 2.7.6 Emma's Grove ancient monument

- 2.8.26 The proposed works at Emma's Grove including vegetation clearance and ongoing management are currently being developed with stakeholders. Measures required to take the barrows off the At Risk Register are documented in Appendix D to the Statement of Commonality (Document Reference 7.3 Rev 3, REP5-005). Those measures are secured by commitment CH6 of the Environmental Management Plan. As National Highways do not own the land, long-term measures cannot be secured by the draft DCO. However, National Highways are engaging with the landowner to progress this through a separate agreement.

ExQ2 Ref 2.7.8 Crickley Hill Camp

- 2.8.27 A response is provided to 2.7.8 in the Responses to the Examining Authority's Written Question (ExQ2) at Deadline 6 (Document Reference 8.29, REP6-015).

ExQ2 Ref 2.8.1 Cumulative effects

- 2.8.28 An assessment of the cumulative effects of the scheme has been undertaken and is reported in ES Chapter 15 Assessment of cumulative effects (Document Reference: 6.2, APP-046). It includes an assessment of the cumulative effects of the different components of the scheme itself and the cumulative effects of the scheme in combination with other developments. The following standards and guidance have been taken into consideration:

- DMRB volume 11, section 2, LA 104 Environmental assessment and monitoring (section 3.19–3.22), which sets out a high-level methodology for assessing cumulative effects on highways projects; and
- Planning Inspectorate (PINS) Advice Note 17 cumulative effects assessment, which sets out a methodology, relevant to nationally significant infrastructure projects (NSIP).

- 2.8.29 PINS Advice Note 17 states that:

*“Where other projects are expected to be completed before construction of the proposed NSIP and the effects of those projects are fully determined, effects arising from them should be considered as part of the baseline and may be considered as part of both the construction and operational assessment. The ES should clearly distinguish between projects forming part of the dynamic baseline and those in the CEA” (Cumulative Effects Assessment).*

- 2.8.30 The relevant DMRB standards for each topic chapter have ensured that all relevant baseline information has been taken into account, including existing developments within each topic study area. Furthermore, the traffic model on which many of those assessments are based, includes a study area spanning a geography far beyond the schemes of interest and are thus included.
- 2.8.31 Although National Highways considers, in line with Advice Note 17, that the historic A417 developments should not form part of the cumulative assessment in the ES, it is considered that the environmental impact assessment of the scheme has considered the historic A417 developments by virtue of them being included

within the baseline for all of the ES topics and/or have been informed by the traffic modelling results which include those roads.

ExQ2 Ref 2.8.1 Implications for the AONB ‘exceptional circumstances’ tests

- 2.8.32 In relation to the implications for the AONB “exceptional circumstances tests,” section 7.3 of the Case for the Scheme (Document Reference 7.1, APP-417) describes the exceptional circumstances, assessing each of the considerations in Paragraph 5.151 of the NPSNN in turn.

## 2.9 Matters raised by Mr and Mrs Field

### Summary of matters raised

- 2.9.1 Question 2.4.1 of ExQ2 was directed at Mr and Mrs Field and sought further information regarding their request for the ‘western land’ adjacent to the Cirencester Road to be returned to them, with all trees on it cut.
- 2.9.2 In their response (REP6-020), the Fields set out the historic context to their request regarding the western land and the justification for this request. They have also set out their concerns regarding planting on a southern section of land and their concerns regarding a lack of response by National Highways to various requests they have made, including in relation to:
- planting;
  - records of meeting minutes;
  - the siting of a layby adjacent to their property; and
  - information on boundary treatments.

### National Highways response

- 2.9.3 It has been agreed with the landowner that the western boundary is incorrect due to land taken from the previous road scheme. National Highways have agreed to correct the boundary and revise the fenceline as part of the preliminary works for the A417 scheme. This is committed to in the landowner Position Statement (Document Reference 8.22 Rev 1, REP5-007). Vegetation clearance and fence type / boundary treatments will be agreed with the landowner during detailed design.
- 2.9.4 Mitigation planting will be managed and maintained in accordance with Annex D Landscape and Ecological Management Plan of ES Appendix 2.1 EMP (Document Reference 6.4, APP-321). National Highways have committed to review the species mix to reduce visual impact as part of detailed design, as set out in the Position Statement with Mr and Mrs Field (Document Reference 8.22 Rev 1, REP5-007).
- 2.9.5 National Highways considers that the Position Statement captures all issues raised to date by Mr and Mrs Field and no further issues have been raised. The Position Statement makes clear where National Highways is in agreement on the points raised, or provides the National Highways position on issues where agreement has not been reached.
- 2.9.6 The optioneering and development of the layby proposals has been carried out in accordance with Design manual for Roads and Bridges (DMRB) as set out in the Applicant’s response to ExQ1 question 1.11.28 (Document Reference 8.4, REP1-009). Following engagement with Mr and Mrs Field, National Highways have

committed to remove the public layby and consider alternative solutions at detailed design including removal of the public layby and replacement with an emergency area or complete removal of stopping provision at this location. This is set out in the Position Statement with Mr and Mrs Field (Document Reference 8.22 Rev 1, REP5-007).

- 2.9.7 We note the specific point raised by the Field's through their submission at Deadline 6 in relation to Plot 1/3b on the Land Plans (Document Reference 2.2 Rev 2, REP4-006). The query raised is in relation to the land within this plot now being 'white' land rather than 'blue' land or land required temporarily with permanent rights. National Highways can confirm that this is an error that has emerged through document printing / renditioning and will be updated for re-submission at Deadline 9 and should be shown as 'blue' land.

## **2.10 Natural England response on the proposed disapplication of legislation relating to SSSIs**

### **Summary of matters raised**

- 2.10.1 Question 2.5.12 of ExQ2 was directed at Natural England and related to the Applicant's Legal Note on the Disapplication of S28E and H of the WCA1981 contained at Appendix A of the Summary of the Applicants Oral Submissions at Issue Specific Hearing 1 (ISH1) (Document Reference 8.17, REP3-009).
- 2.10.2 In its response at Deadline 6 (REP6-038), Natural England reiterated its position on the disapplication of sections 28E and 28H of the Wildlife and Countryside Act 1981 (the 1981 Act).
- 2.10.3 Natural England has stated in its response that it considers that, as part of the DCO application process, the SoS has consulted with Natural England and Natural England has provided its advice on operations forming part of the scheme that may damage SSSIs (part (a) 3.1). Natural England suggest that, providing that the SoS takes account of its advice in determining the DCO application, the SoS' duty under section 28I of the 1981 Act will be satisfied and that the Applicant (and owner/occupiers) could rely on the reasonable excuse defence set out in s.28P to not comply with the requirements under sections 28E and 28H (as applicable) (part (a) 3.2).

### **National Highways response**

- 2.10.4 Sections 28E and 28H of the 1981 Act provide that certain conditions must be met in order to undertake works that may affect a SSSI. Failure to comply with these provisions results in criminal liability under section 28P, subject to a reasonable excuse defence, as detailed in subsection 28P(4).
- 2.10.5 The consenting regime created by the Planning Act 2008 was intended to be a "one stop shop" for Applicants delivering nationally significant infrastructure projects. Section 120 of that Act enables the disapplication of a large variety of statutory consents to facilitate the delivery of such projects, including the relevant provisions of the 1981 Act.
- 2.10.6 The Applicant agrees with Natural England that the reasonable excuse defence would apply to the authorised development where the SoS has granted the DCO in accordance with section 28I, even if the 1981 Act provisions are not disapplied by the DCO.

- 2.10.7 However, it is noted that the Applicant and Natural England's agreement on that analysis of the operation of the statutory regime is reached only after extensive examination and multiple rounds of detailed written submissions from each of the parties. It is also notable that other DCO projects have previously disapplied aspects of the 1981 Act protective regime for SSSIs. There is an absence of detailed guidance on the application of those provisions, with only three brief paragraphs within PINS Advice Note 11, Annex C, offering a brief summary of the s.28I process. There is no guidance on the manner in which the regime operates to create (or not) criminal liability for those promoting and delivering nationally significant infrastructure projects. There is no detailed guidance from the relevant regulatory bodies, nor are there any settled legal authorities, which address the matter in question.
- 2.10.8 A final strand of ambiguity emerges from the requirement on the Secretary of State under s.28I(6) - if granting development consent for a project which Natural England has advised should not receive that consent or that any consent should be subject to a specific condition - to not grant such consent other than in a form which would prevent operations commencing until the expiry of 21 days from the date of that consent. That is an example of procedural hurdle under the 1981 Act which ought to be eliminated following the extensive process associated with obtaining a DCO. It is also a statutory provision which might be used by those seeing to frustrate the delivery of a nationally significant infrastructure project.
- 2.10.9 The statutory regime is therefore ambiguous, and if not disapplied, would add to the administrative burden in the delivery of a nationally significant infrastructure project. It is clearly preferable for the Applicant to be certain (by way of the DCO) that it would not be committing an offence under section 28H by undertaking the authorised development in accordance with the DCO.
- 2.10.10 Equally, the Applicant considers that it should be clear that owner/occupiers would not be committing an offence under section 28E by facilitating the authorised development in accordance with the DCO.
- 2.10.11 The Applicant would also note that the reasonable excuse defence, to the extent that it would apply to any operations affecting existing SSSIs, *should* also apply to any *new* SSSIs that are designated in the future. The Applicant considers that appropriate protections for existing and prospective SSSIs have been incorporated into the DCO controls. However, Natural England's submission suggests that, in respect of any new SSSIs designated in the future, sections 28E and 28G would still need to be complied with. This well illustrates the Applicant's concerns about reliance on the reasonable excuse defence, and explains why such uncertainty should be resolved by disappling sections 28E and 28H.
- 2.10.12 The Applicant does not accept that there are any risks associated with its proposed disapplication of section 28E and 28H, which is intended instead to confirm that effective consideration of SSSIs has been incorporated within the DCO consenting process.
- 2.10.13 Natural England's comments on the scope of environmental commitment BD63 suggest that the current proposal – which is for National Highways to obtain Natural England's agreement to a method statement for any works within a SSSI – could be replaced with a lower commitment to “consult” with Natural England on any such works. It also implies that any such commitment ought to extend to cover any works undertaken outside of the SSSI boundaries which may affect the SSSI. The Applicant would respectfully suggest that any further controls on its



proposals for development consent outside of the boundaries of a SSSI are not necessary. The parties have acknowledged that the s28I consultation process has been followed in respect of this project, and there is extensive mitigation which has been designed and would be secured by the DCO (following examination of the proposals) to prevent any prospect of those works consented beyond the SSSI boundary from impacting those areas. Requiring the applicant to consult with Natural England, again, on those proposals would potentially frustrate the delivery of a nationally significant infrastructure project. The Applicant is however content with the existing drafting such that, in the event s28 of the 1981 Act is disapplied, it will agree a method statement for works *within* the SSSI with Natural England.

## 2.11 National Star College

### Summary of matters raised

- 2.11.1 Three ExQ2 questions were directed at National Star College, in relation to noise and vibration mitigation (2.9.1), highways safety on Leckhampton Hill (2.11.1) and flood risk (2.12.5).
- 2.11.2 In response to these questions National Star College (REP6-033) set out that:
- a. it does not consider mechanical air ventilation at the college to be a sufficient solution, should windows need to be kept shut due to noise effects, due to potential costs for upkeep, and because it would not address the effects on important outdoor space used in the college;
  - b. it has concerns regarding the safety of the junction between Ullenwood Road and Leckhampton Hill, given anticipated increases of traffic on Leckhampton Hill; and
  - c. it remains concerned regarding potential flooding risk to its land and consider that there is not a need for a temporary easement and drainage pipe.

### National Highways response

- 2.11.3 National Highways considers that the issues raised in the submission made by National Star College (REP6-033) have been responded to in other Examination documents. Whilst not an exhaustive list, this includes:
- Responses to the Examining Authority's Written Questions (ExQ1) (Document Reference 8.4, REP1-009)
  - Summary of Applicant's Oral Submissions at Compulsory Acquisition Hearing 1 (CAH1) (Document Reference 8.18, REP3-010)
  - Appendix I of the Landowner Position Statements (Document Reference 8.22 Rev 1, REP5-007)
  - Section 2.8 of Comments on Responses received by Deadline 5 (Document Reference 8.28, REP6-014)
  - Responses to the Examining Authority's Written Question (ExQ2) (Document Reference 8.29, REP6-015).
- 2.11.4 Notwithstanding the above, National Highways can provide a signpost to the relevant information as below.
- 2.11.5 a) The applicant's response to ExQ2.9.2 in Responses to the Examining Authority's Written Question (ExQ2) (Document Reference 8.29, REP6-015) describes how external noise would be monitored in the relevant outdoor location.

- 2.11.6 National Highways made a commitment to make all efforts to contain the levels presented in the noise demonstration relative to ambient traffic noise, 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).
- 2.11.7 This commitment is also made in ES Appendix 2.1 EMP (Document Reference 6.4 Rev 3, REP6-010) which states that:
- '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 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.'*
- 2.11.8 b) In relation to National Star's concerns about safety, section 2.8 of Comments on Responses received by Deadline 5 (Document Reference 8.28, REP6-014) provides data for the number of personal injury accidents on Leckhampton Hill for the five-year period to the end of June 2019. In this five-year period only three accidents were reported on the section of Leckhampton Hill between the A436/Leckhampton Hill junction and the junction with Old Bath Road. Based on the low accident rate, National Highways are of the view that even with the increase in traffic on Leckhampton Hill that it would be unlikely that there would be an accident issue on this section of Leckhampton Hill.
- 2.11.9 c) The concerns of National Star College regarding drainage proposals was discussed at the Compulsory Acquisition Hearing (CAH1) on 26 January 2022 and the position of National Highways was provided in the Summary of Applicant's Oral Submissions at Compulsory Acquisition Hearing 1 (CAH1) (Document Reference 8.18, REP3-010). This referred to the technical drainage note provided to the College. National Highways has also provided a response to the National Star College's concerns regarding the temporary easement in Issue No. 2 in Table 3 of their Landowner Position Statement (Appendix I of Landowner Position Statements (Document Reference 8.22 Rev 1, REP5-006). This states:
- A piped outfall will be required to manage surface water flows from the site during construction. During this phase an outfall will be required from temporary basins and water treatment facilities. Although basins will have a flood benefit the primary function will be to manage silt and surface water quality. The temporary easement corridor is approximately 14m. This is to allow for temporary works and access during construction, and to allow for some variability in the surface levels versus the topographic survey. Further detail about the site and drainage management plans for the scheme will be confirmed during detailed design and following the appointment of the scheme construction contractor. The construction contractors will have the appropriate site and drainage management plans in place during construction. Detail about the need for the easement was issued to NSC in the drainage note issued on 4 December 2020 and the information presented at the meeting on the 7 May 2021. Issues relating to drainage were discussed at the meeting on 14 January 2022. National Highways to provide NSC a simplified drainage note to support understanding of the design and an update upon receipt of statutory approval from the EA.*
- 2.11.10 As set out above, National Star College has requested a simplified version of the technical drainage note to aid their understanding. National Highways has now

produced such a document and will share it with National Star College on or around Deadline 7.

## 2.12 Update on the proposed diversion of the Cotswold Way National Trail

### Summary of matters raised

- 2.12.1 Question 2.5.8 of ExQ2 was directed at National Highways and Natural England and related to the diversion of the Cotswold Way National Trail. Part c) of that question requested 'Evidence that DEFRA has been contacted and are content with the proposed approach to this matter.'
- 2.12.2 In their Deadline 6 submissions, Natural England (REP6-036) and National Highways (Document Reference 8.28, REP6-014) confirmed that Natural England had provided the DEFRA contact details to National Highways, and that National Highways had contacted DEFRA in relation to the National Trail diversion.

### National Highways response

- 2.12.3 The Applicant is continuing to engage with DEFRA to obtain its agreement to the proposed approach for the diversion of the Cotswold Way National Trail, including the disapplication of s.55 of the National Parks and Access to the Countryside Act 1949. The Applicant has not yet received a substantive response.
- 2.12.4 The Applicant is in the process of updating the Cotswold Way National Trail Diversion Report (Document 7.11, APP-427) to confirm that the diversion would be secured by way of the DCO provisions, rather than under s.55. The Applicant will provide a draft of the updated Report to DEFRA for agreement. The Applicant therefore proposes to submit the final version of the Report at Deadline 9, to allow sufficient time for consultation with DEFRA.
- 2.12.5 The Applicant notes that Natural England appears to have withdrawn its previous agreement to the proposed disapplication of s.55 of the 1949 Act in its Deadline 6 submission (REP6-036). No detailed explanation is provided for why Natural England has chosen to alter its position on this matter, beyond a reference to legal advice. The Applicant notes Natural England's request for appropriate conditions to be attached to the DCO in respect of the National Trail diversion.
- 2.12.6 The Applicant considers that the conditions suggested are already secured by way of the dDCO requirements, as explained in the table below, and that there is therefore no further need for any additional controls on the dDCO:

Natural England's requests (REP6-036)	Applicant's response
1. Prior to implementation of the route variation, NE would ask that National Highways is required to consult with the Cotswold Way Trail Partnership and Natural England, in particular on the alignment of the proposed new route and its ability to provide walkers with a safe and accessible experience so far as is possible in the context of the Cotswold AONB.	As set out in section 4 of the Cotswold Way National Trail Diversion Report (Document 7.11, APP-427), National Highways has engaged extensively with Natural England and the Cotswold Conservation Board (CCB), as well as other relevant stakeholders, in relation to the National Trail diversion.  The alignment of the proposed new route, which was designed in consultation with Natural England and CCB, is described in section 2.3 of the

Natural England's requests (REP6-036)	Applicant's response
	<p>Diversion Report. The proposed permanent diversion is shown on the plan at Appendix A.</p> <p>Requirement 20 of the dDCO would require the diversion to be delivered in accordance with the Diversion Report.</p> <p>The Rights of Way and Access Plans (Document Reference 2.5, REP6-005) and associated Schedules 3 and 4 in the dDCO set out in detail the proposals for both stopping up and creation of the underlying public rights of way.</p>
<p><b>In particular we ask to be consulted on the following:</b></p>	
<p>a. In relation to the temporary route:</p> <ul style="list-style-type: none"> <li>• Details of the proposed alignment of any temporary routes needed during the construction phase.</li> <li>• Signage, and location of signage, used to direct National Trail users during construction.</li> <li>• Safety and mitigation measures implemented on the temporary routes.</li> </ul>	<p>The proposed temporary diversion required during construction is described in section 2.5 of the Diversion Report. It is shown on the plan at Appendix B.</p> <p>The Public Rights of Way Management Plan (ES Appendix 2.1 EMP Annex F (Document Reference 6.4, APP-323) provides further details on construction mitigation measures, including signage and safety measures. It confirms that Natural England will be appropriately engaged to manage and publicise any temporary work in connection with the Cotswold Way (paragraph 3.2.4).</p> <p>The Public Rights of Way Management Plan is secured by way of dDCO Requirement 3.</p>
<p>b. In relation to the permanent variation:</p> <ul style="list-style-type: none"> <li>• Proposed alignment of the long term variation of the Cotswold Way.</li> <li>• Design information of the newly aligned route, to ensure where it is coincident with a multi user route, the walker experience is not unduly impacted by other users.</li> </ul>	<p>As explained above, the Rights of Way and Access Plans and associated Schedules 3 and 4 in the dDCO set out in detail the proposals for both stopping up and creation of the public rights of way as part of the scheme. The proposed permanent National Trail diversion is shown on the plan at Appendix A to the Diversion Report.</p> <p>As explained in section 3 of the Diversion Report, the experience of users of the National Trail has been assessed in Chapter 12 Population and Human Health of the Environmental Statement submitted with the DCO application (Document 6.2, APP-043), which considers the likely impacts of the proposals on walking, cycling and horse riding. Environmental Statement Appendix 12.2 Walking, Cycling &amp; Horse riding including Disabled Users Review at Preliminary Design (Document Reference 6.4, APP-396) confirms that the Cotswold Way crossing would have a width of at least 5m between parapets to provide a safe route for walkers, cyclists, horse riders and carriages along the restricted byway. It would benefit from parapets 1.8m high with 1.0m solid infill to safely accommodate the users of the crossing. It would</p>

Natural England's requests (REP6-036)	Applicant's response
	<p>have maximum gradients of 5% with rest areas at appropriate intervals, as an accessible route.</p> <p>The detailed design of the diverted section of the National Trail will be finalised in accordance with the dDCO requirements.</p>
<p>2. We would also ask that, once the variation is finalised on the ground, National Highways is required to provide NE with mapping details of the new route in a format compatible with NE's Geographic Information Systems, in order to enable the updating of NE's records and public information displays.</p>	<p>National Highways is happy to provide this information and is updating the Diversion Report accordingly to secure this commitment.</p>

2.12.7 The Applicant is therefore of the view that the controls being sought by Natural England are already committed with the dDCO, and there is no competing reason advanced as to why it would not be appropriate to disapply the provisions of s.55. The disapplication of s.55 continues to be sought by the Applicant.

2.12.8 The Applicant had not been made aware that Natural England was intending to revisit its position on this matter prior to Deadline 6, and has sought to engage with Natural England on the issue since its Deadline 6 submissions. Those attempts have not been successful, but will be continued by the Applicant during the remainder of the examination period.

## 2.13 Assessment of alternatives and impacts on Cowley

### Summary of matters raised

2.13.1 In their Deadline 6 submissions, James Hamilton (REP6-031), Tim Knox (REP6-041) and Carol Gilbert (REP6-018) continue to raise matters considered in their previous submissions regarding the assessment of alternatives (Option 12 and Option 30) and the impacts of the scheme on Cowley village, providing elaboration or variation on such points. National Highways has responded to such points in its previous submissions, as summarised in section 2.4 of Comments on Responses received by Deadline 4 (Document Reference 8.26, REP5-008). However, National Highways notes that there are some specific new queries about traffic counts and modelling that it may be helpful to respond to:

- a. James Hamilton (REP6-031) has queried why National Highways has not provided traffic flow information for Option 12 and whether therefore a sufficient comparison between Option 12 and Option 30 was able to be undertaken as part of the option selection process.
- b. James Hamilton has also submitted traffic count data for Cowley Lane (REP6-032) in which it is stated that the National Highways data is incorrect by a figure of 656% compared to data collected by a local traffic count.
- c. Tim Knox (REP6-041) has continued to query why, at the time of the 2018 public consultation, Option 12 had a junction at Cowley roundabout within its design and Option 30 did not. Whilst recognising the response that National Highways made to this matter at Deadline 5 in Comments on Responses received by Deadline 4 (Document Reference 8.26, REP5-008), Tim Knox has identified that the reference made by National Highways to the Scheme

- Assessment Report relates to a design presented after the 2018 public consultation and not before – clarity on this is sought.
- d. Tim Knox (REP6-041) has requested that National Highways clarify why Option 30 was assessed as not being adjacent to the Crickley Hill Country Park, and whether this therefore understated the environmental impacts compared to Option 12, which was identified as being adjacent to the Country Park.
  - e. Tim Knox (REP6-041) has continued to query whether National Highways sufficiently considered the microclimate of the area in assessing the alternatives for the scheme.
  - f. Tim Knox (REP6-041) has raised concern over the impacts of the scheme on journey times at Barnwood and Longlevens junctions, and whether that would erode the perceived benefits of Option 30.

### **National Highways response**

2.13.2 National Highways provides a response to each respective point raised below:

a) Traffic flow information for Option 12

2.13.3 Following the announcement of the preferred route in March 2019, National Highways concentrated work on refining the preliminary design of the intended scheme for the Development Consent Order (DCO) submission and therefore work on Option 12 ended. Therefore to undertake a comparison of the scheme submitted for DCO with Option 12 would not be a fair comparison due to the Option 30 being further refined than Option 12.

2.13.4 A comparison between Option 12 and Option 30 in terms of performance is detailed in the Scheme Assessment Report (Document Reference 7.4, APP-420). However, detailed traffic flow information for each of the Options as suggested by Mr Knox was not prepared at that stage of the design process. Once taken forward as the preferred route, further detailed design work was carried out for Option 30, including traffic modelling. That an appropriate and proportionate approach to the iterative optioneering and design approach which is taken on Nationally Significant Infrastructure Projects of this sort.

b) Traffic count data at Cowley Lane

2.13.5 National Highways considers that the figure of 656% in the traffic count data from James Hamilton (REP6-032) is in relation to the increase in traffic on Cowley Lane between the 2041 Do-Minimum (DM) traffic flow of 18 and the 2041 Do-Something (DS) traffic flow of 118, as stated in National Highways Comments on responses received by Deadline 2 (Document Reference 8.21, REP3-013). Based on these figures this is an increase of 556% rather than the figure of 656% stated in James Hamilton's submission (REP6-032).

2.13.6 National Highways provided a summary of the traffic count information used in the development of scheme traffic model in Appendix B of Comment on responses received by Deadline 2 (Document Reference 8.21, REP3-013) where Table B-1 shows that the observed traffic flow from 2015 on Cowley Lane is 125. Further commentary on this is provided in section 2.6 of National Highways Comments on responses received by Deadline 3 (Document Reference 8.25, REP4-035) and Summary of Applicant's oral submissions at Issue Specific Hearing 4 (ISH4) (Document Reference 8.27, REP5-009).

- 2.13.7 In the Summary of Applicant's oral submissions at Issue Specific Hearing 4 (ISH4) (Document Reference 8.27, REP5-009) National Highways explains that the increase in traffic on Cowley Lane from 18 in the 2041 DM to 118 in the DS would be reassignment of traffic from Cowley Wood Lane to Cowley Lane as a result of the closure of Cowley Wood Lane. National Highways also explained that overall, there would be a decrease in traffic in the DS scenario and that this would be due to the removal of 'through trips' as a result of the scheme improving journey times on the A417.
- 2.13.8 To increase existing traffic counts by 656% (or 556%) is not therefore an accurate representation of modelled traffic in the DS 2041 scenario i.e. those increases are not expected as a result of the scheme.

c) Junction design in Option 12 and Option 30 at 2018 non-statutory consultation

- 2.13.9 National Highways can confirm that at the time of the 2018 non-statutory consultation, the proposed Option 12 scheme design included a junction in the vicinity of the existing Cowley roundabout, whilst the proposed Option 30 scheme design did not. A detailed description of the design of the two options is provided at section 7.4 and section 7.8 of the Technical Appraisal Report (TAR) (Document Reference 7.9, APP-425) which was published as part of that consultation. Paragraph 7.8.6 of that document notes that there is a potential for design development to include the addition of a junction at Cowley:

*"There is an opportunity for further development of Option 30 to allow for the removal of a length of existing carriageway. The current proposal for Option 30 allows for a single junction at Shab Hill to serve the local road network, with the Air Balloon and Cowley roundabouts removed. If a junction (such as a left-in / left out arrangement) were added at Cowley, a length of approximately 1.3km of the existing A417 between the Stockwell and Birdlip junctions could be removed. This will be reviewed further in future stages."*

- 2.13.10 At the point of the non-statutory consultation, it is important to note that the Option 12 route reflected a higher level of design development than for Option 30, as it was based on the route designed as part of the A417 project progressed in 2001-2006 (which ultimately ended due to its exclusion from the Roads Programme). This is reflected in paragraph 7.4.4 of the TAR and helps to explain why the inclusion of a junction at Cowley roundabout remained a point of further review for Option 30.
- 2.13.11 As set out in the Route Options Consultation Report (March 2019) (Document Reference 7.5, APP-421) feedback to the 2018 route options consultation included concerns that Option 30 would not provide sufficient accessibility to local roads. Paragraph 5.1.10 of that document states:
- "Some comments were received relating to the layout of the junctions for Option 30, raising concerns about the accessibility of the road from some other local roads. These primarily include comments about access for A436 users and local access to the road from Cowley and Brimpsfield. These issues will be considered in future stages of the scheme's design and the feasibility of alternative junction arrangements and connections to the local road network will be assessed as part of more detailed design work. This includes a possible junction in the vicinity of the existing Cowley roundabout."*

2.13.12 Following the non-statutory consultation, analysis of the consultation feedback and further design development and assessment was undertaken to establish a preferred route. The Scheme Assessment Report (Document Reference 7.4, APP-420) published at the time of the Preferred Route Announcement in March 2019 sets out on page 6 that following the consultation, several amendments were made to Option 30 to bring it the same level of design as Option 12. At this time a decision was made to add a Cowley junction. Section 6.2 of the SAR sets out in greater detail the changes to Option 30 made following the consultation and Figures 6.3 and 6.4 of the SAR illustrate that by the time of the Stage 2 route assessment, both Option 12 and Option 30 included Cowley junction. As expressly set out in section 6.7 of the SAR, the assessment assumptions relating to junctions for both options were:

- *“The location for the major junction is on top of the escarpment, thereby reducing gradient issues and minimising the length of the A436 diversion*
- *Full grade-separation to TD 22 (Layout of Grade Separated Junctions) is proposed for the major junction due to the anticipated traffic flows*
- *•A “left in / left out” major / minor junction to TD 42 (Geometric Design of Major/Minor Priority Junctions) is provided for the proposed Cowley junction”*

2.13.13 This confirms that the comparative assessment undertaken of Option 12 and Option 30 following the non-statutory consultation does compare the schemes on a like-for-like basis as far as junctions are confirmed.

2.13.14 As set out in the SAR, following the assessment exercise it was ultimately concluded that Option 30 should be taken forward as the preferred route and the design as published at the PRA included Cowley junction. That assessment exercise included the consideration of the cost of Option 30 with the Cowley junction.

d) Described proximity of route options to Crickley Hill Country Park

2.13.15 The point raised by Tim Knox regarding the wording of ‘adjacent to’ Crickley Hill Country Park on page 54 (para 3.14.20) of the TAR (Document Reference 7.9, APP-425) was also raised by Richard Hamilton in the second Issue Specific Hearing (ISH2) held on 27 January 2022 and in Tim Knox’s Deadline 3 and Deadline 4 submissions (REP3-079 and REP4-055 respectively). Three hearing action points relating to the points raised at ISH2 were issued, to provide clarity to the ExA and Mr Knox.

2.13.16 National Highways can confirm that the description of Option 12 as ‘adjacent’ to the Country Park and Option 3, Option 21 and Option 30 as ‘within 1km’ of the Country Park were used as synonyms. The term “adjacent to” in this context is used twice within the TAR, at 3.14.19 and 1.14.20. There are a number of other references to Option 12 being within 1km of the Country Park throughout the TAR, for example at 3.13.3 it states: “Crickley Hill Country Park is located within 1km of the options 3, 12, 21and 30.”

2.13.17 The use of those differing terms to describe the same level of adjacency did not have any impact on the way in which impacts on the Country Park were considered within the options assessment.



e) Consideration of microclimate in options assessment

2.13.18 National Highways provided a response to this in Table 2-3 of Comments on responses received by Deadline 4 (Document Reference 8.26, REP5-008) in response to Tim Knox (REP4-055) and stated that the scheme traffic model is representative of an annual average weekday within the year as required to support the design, assessment and business case of the scheme.

f) Impacts of the scheme on journey times at Barnwood and Longlevens junctions

2.13.19 In response to the Tim Knox question regarding the increased delay for Barnwood and Longlevens and impact on the perceived benefits of the scheme, National Highways can confirm that the increase in journey time for the Barnwood and Longlevens has been considered in the economic and environmental benefits of the scheme and are therefore included in the Benefit Cost Ratio (BCR) and the Value for Money (VfM) of the scheme. Details on the economic appraisal approach and results are detailed in section 12 and 13 of the Combined Modelling and Appraisal (ComMA) Report (Document Reference 7.6, APP-422).

2.13.20 National Highways consider that the scheme is not just passing the traffic management problems further down the A417, or moving traffic management issues further down the A417 to the next major junction. Section 2.10 of National Highways Comments on responses received by Deadline 4 (Document Reference 8.26, REP5-008) provides details on the impact of the scheme at the Barnwood and Longlevens junctions.