

A417 Missing Link
TR010056

7.3.3 Statement of Common Ground with Natural England

Planning Act 2008

APFP Regulation 5(2)(q)
Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009

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A417 Missing Link

Development Consent Order 202[x]

Statement of Common Ground with Natural England

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This document is a Statement of Common Ground (SoCG) between Highways England and Natural England in relation to the A417 Missing Link scheme.
- 1.1.2 The document identifies the following between the two parties:
- Matters that have been agreed; and
 - Matters currently outstanding (not agreed, or subject to ongoing engagement during detailed design and construction).
- 1.1.3 The matters which are referenced in this document are that which are considered to be of material difference. Other lesser matters, such as those that concern amendments to supporting documents, will be reported on in the Consultation Report or addressed in the Environmental Statement (ES), submitted as part of the Development Consent Order (DCO) application.
- 1.1.4 This document has been prepared in accordance with Department for Communities and Local Government (now Department for Levelling Up, Housing and Communities) Guidance on the pre-application process¹.

1.2 Structure of this SoCG

- 1.2.1 The SoCG is structured as follows:
- Section 2 states the role of Natural England in the application and sets out the consultation undertaken
 - Section 3 presents the topics covered in this SoCG
 - Section 4 lists those matters which have been agreed, including the date that this matter was agreed
 - Section 5 lists those matters which remain outstanding, incorporating: a description of the matter; the position of both parties; any actions taken to address the matter; and the date of the latest position including any further meetings planned regarding the matter
- 1.2.2 Appendix A includes the signing sheet.

1.3 Status of this SoCG

- 1.3.1 This SoCG presents the final position between both parties during Examination, submitted at Deadline 9 (16 May 2022).

¹ Department for Communities and Local Government. Planning Act 2008: Guidance for the examination of applications for development consent. (2015)

2 Consultation

2.1 Role of Natural England

- 2.1.1 Natural England is an executive non-departmental public body sponsored by the Department for Environment, Food and Rural Affairs (Defra). Natural England is the government's advisor to protect England's nature and landscape for people to enjoy and for the services they provide.
- 2.1.2 Natural England's role in relation to the DCO process derives from the Planning Act 2008 and secondary legislation made under the Planning Act 2008. The roles and responsibilities of Natural England under the Planning Act 2008 fall into the following categories:
- As one of the prescribed consultees under section 42 of the PA 2008 that applicants are required to consult before submitting a Nationally Significant Infrastructure Projects (NSIP) application.
 - As one of the consultation bodies that the Planning Inspectorate must consult before a scoping opinion is adopted in relation to any Environmental Impact Assessment (EIA) and as a prescribed consultee for the environmental information submitted pursuant to the Infrastructure Planning (EIA) Regulations 2009.
 - As a statutory party in the examination of DCO applications.
 - As a statutory nature conservation body under the Conservation of Habitats and Species and Planning (Various amendments) (England & Wales) Regulations 2018 (Habitats Regulations) in respect of the Habitats Regulations Assessment (HRA).
 - As a consenting and licensing body/authority in respect of protected species and operations likely to damage the protected features of Sites of Special Scientific Interest (SSSIs) pursuant to the Wildlife and Countryside Act 1981 (as amended) (WCA 1981) and in relation to European protected species under the Habitats Regulations.

2.2 Summary of consultation

- 2.2.1 Highways England has been in consultation with Natural England during the development of the scheme's design, including the optioneering process. The parties have continued communicating throughout the progression of the scheme.
- 2.2.2 Natural England has been a member of a Landscape, Environment and Heritage Technical Working Group, the Walking, Cycling and Horse riding Technical Working Group, and has been party to collaborative planning sessions; see Chapter 4 of the Consultation Report (Document Reference 5.1, APP-027) for more information.
- 2.2.3 The engagement outlined in Table 2-1 covers formal consultation with Natural England, and engagement which pertains to matters raised in this SoCG. Other exchanges, such as requests for information or clarification points are not detailed below but are available on request.
- 2.2.4 The consultation with Natural England since the Preferred Route Announcement in March 2019 is set out in Table 2-1.

Table 2-1 Consultation with Natural England since Preferred Route Announcement

Date	Method	Parties involved	Matters Discussed
18 June 2019	Joint Landscape Strategy meeting	Highways England Technical Working Group (TWG) member organisations including Natural England	Technical meeting matters discussed including: <ul style="list-style-type: none"> • Opportunities to restore grassland areas • Opportunity to improve current low-grade arable land to mosaic of calcareous grassland scrub and hedgerow • Woodland creation opportunities • Tree species for planting • Recreation impacts • The potential for landmarks • Drainage solutions (Sustainable drainage systems (SuDS))
26 June to 2 July 2019	Meeting	Highways England Natural England	Natural England suggested that broad bridges with steep banks should be used.
26 June to 2 July 2019	Meeting	Highways England Natural England	Natural England expressed concern over groundwater feeding in to the SSSI and stated that they need to be involved in this.
2 July 2019	Landscape, Heritage and Environment Technical Working Group Meeting	Highways England TWG member organisations including Natural England	The following matters were discussed: <ul style="list-style-type: none"> • TWG terms of reference • Opportunities mapping • Working group technical discussions
23 July 2019	Meeting	Highways England Natural England	The following matters were discussed: <ul style="list-style-type: none"> • Cotswold Beechwoods Special Area of Conservation (SAC) • Cumulative Impacts of further development in Gloucestershire and impacts on designated areas • De-trunked A417 • Surfacing materials • The then proposed Green Bridge

Date	Method	Parties involved	Matters Discussed
30 July 2019	Landscape, Heritage and Environment Technical Working Group Meeting	Highways England TWG member organisation including Natural England	The following matters were discussed: <ul style="list-style-type: none"> • Opportunities mapping feedback • 2019 PEI report update • Landscape update – approach and sketch designs • Working group technical discussions • Overview of Statements of Common Ground
15 August 2019	Email	Highways England to Landscape officers/representatives at statutory body organisations, including Natural England	Highways England landscape specialist emailed the landscape representatives to share figures of the Zone of Theoretical Visibility (ZTV) and indicative viewpoint locations.
20 August 2019	Landscape, Heritage and Environment Technical Working Group Meeting	Highways England TWG member organisations including TWG Member Organisations including Natural England	The following matters were discussed <ul style="list-style-type: none"> • Feedback from last TWG • Ecology update on surveys • Update on design approach and Landscape and Visual Impact Assessment (LVIA) • Geology update on investigations/surveys • DCO process overview • Working group technical discussions
27 September 2019	Email and letter	Highways England to Natural England	Highways England sent formal notification of the supplementary consultation via post and email to Natural England, in accordance with section 42(a) of the Planning Act 2008. This set out a deadline to submit comments of the 8 November 2019.

Date	Method	Parties involved	Matters Discussed
8 October 2019	Walking Cycling Horse rising Technical Working Group meeting	Highways England TWG member organisations including Natural England	<p>The following matters were discussed:</p> <ul style="list-style-type: none"> • The severance of Public Rights of Way (PRoW) and the sensitivity given to PRoW • The consideration of disabled ramblers • The usage and attractiveness of current bridleways • The impact re-routing the national trail will have on national trail funding • Re-routing the PRoW and the creation of new routes • The education of users to ensure bridleways remain segregated • The design specifics of the then proposed green bridge • The opportunity to have an underpass included within the Gloucestershire Way • The opportunity for the provision of a car park which includes electrical charging points • The opportunity to have a circular route which incorporates the re-purposed A417 • The opportunity to have resting points between the then proposed green bridge and the Golden Heart Inn
8 November 2019	Emailed letter	Natural England to Highways England	Natural England provided formal comments in response to the statutory consultation, including comments on the 2019 Preliminary Environmental Information (PEI) report.
28 January 2020	Site visit	Highways England Natural England	<p>Site visit to explore viewpoint locations within the LVIA study area. Key viewpoint locations were visited to gain a better understanding of the subtleties of the available visibility across the study area, particularly at Crickley Hill, Barrow Wake and the Peak.</p> <p>This resulted in some viewpoints being micro sited to afford a clearer view of the scheme, with agreement on new/additional viewpoint locations.</p>
5 February 2020	Statement of Common Ground	Highways England Natural England	<p>The following matters were discussed:</p> <ul style="list-style-type: none"> • Update on the scheme and programme; • Agree the principle of the development, and Highways England's approach to the biodiversity assessment • Headline conclusions of the HRA screening, and the evidence that will be calling upon for the Statement to Inform an Appropriate Assessment (SIAA)

Date	Method	Parties involved	Matters Discussed
3 March 2020	Walking Cycling Horse riding Technical Working Group meeting	Highways England TWG member organisations including Natural England	Highways England provided an update on the scheme and sought feedback from the TWG members on the draft Public Rights of Way Management Plan. The group also discussed the WCH Statement of Common Ground.
1 April 2020	Statement of Common Ground	Highways England Natural England	The following main matters were discussed: <ul style="list-style-type: none"> Update on the scheme and programme Headline conclusions of the Stage 2 HRA (SIAA) Biodiversity Net Gain (BNG) Protected species licensing and Letter of No Impediment
5 August 2020	Statement of Common Ground Technical Working Group meeting	Highways England Natural England	The following matters were discussed: <ul style="list-style-type: none"> Project update and design changes (revised scheme for consultation) Restart of the SoCG process following the announcement of the scheme design and revised timetable Scene-setting of key issues to be resolved over coming weeks Agreement of issue-specific meetings to be set up
12 August 2020	Walking Cycling Horse riding Technical Working Group meeting	Highways England TWG member organisations including Natural England,	Walking/Cycling/Horse-riding (WCH) TWG/SOCCG meeting which provided an update on how the design changes in the scheme have resulted in changes to the PRoW network. Feedback was sought from the group and Q&A on the proposals. The next steps were outlined including the issue of the draft updated PRoW management plan, the upcoming statutory consultation and the SoCG process.
4 September 2020	Statement of Common Ground meeting	Highways England Natural England	The following matters we discussed: <ul style="list-style-type: none"> The project team provided information on the design changes in relation to the increased gradient of Crickley Hill, the Cotswold Way crossing, Gloucestershire Way crossing, B4070 to Birdlip/Barrow Wake improvements, Cowley junction and replacement common land Natural England to follow up to provide feedback prior to statutory public consultation on 14 October 2020 The slides were shared with Natural England by email after the meeting

Date	Method	Parties involved	Matters Discussed
23 September 2020	Statement of Common Ground meeting	Highways England Natural England	Minutes were circulated to all invitees 9 October 2020. The following matters were discussed: <ul style="list-style-type: none"> Geological enhancements at Crickley Hill
29 September 2020	Email	Highways England to Natural England	Email to Natural England to provide the slides from the four collaborative planning sessions held with CCB, Gloucestershire Wildlife Trust and National Trust over the past six weeks to discuss some specific elements of the A417 Missing Link scheme and invite Natural England to a meeting to discuss the scheme design in more detail on 21 October 2020.
13 October 2020	Formal notification of supplementary consultation	Highways England to Natural England	Highways England sent formal notification of the supplementary consultation via post and email to Natural England, in accordance with Section 42(a) of the Planning Act 2008. This set out a deadline to submit comments of the 12 November 2020.
15 October 2020	Email	Natural England to Highways England	Email containing some reflections on the A417 update provided in the meeting on 23 September and information on the approach that Natural England would like to see adopted in relation to geological exposures associated with roads.
21 October 2020	Meeting	Highways England Natural England	The following matters were discussed: <ul style="list-style-type: none"> Detail of the A417 Missing Link scheme and the outcome of the four sessions recently held with the CCB, Gloucestershire Wildlife Trust and the National Trust Explanation of reasons behind scheme decisions taken to date Landscape-led elements, bridge crossing proposals and proposals at Barrow Wake car park Opportunities to improve mitigation for habitat connectivity around the Gloucestershire Way crossing Concerns regarding the scheme delivering its objective to be landscape-led. The suitability of steel as the primary material used for the Cotswold Way crossing New proposals at Barrow Wake car park Concerns about the roundabout adjacent to the SSSI Natural England requested to be consulted with early and throughout the design process to improve outcomes.

Date	Method	Parties involved	Matters Discussed
28 October 2020	Meeting	Highways England Environmental collaborative planning organisations including Natural England	A meeting to discuss Biodiversity Net Gain and the DEFRA Metric in relation to the A417 Missing Link scheme. The following matters were discussed: <ul style="list-style-type: none"> • The change by habitat area within the DCO Boundary • The BNG calculation (using the current DEFRA metric, due to be updated in Dec 2020) • The BNG metric and why the scheme scores lower than expected given biodiversity delivered • Stakeholder ideas to improve biodiversity gain
11 November 2020	Geology and soils meeting	Highways England Natural England	The following matters were discussed: <ul style="list-style-type: none"> • Proposals for geological mitigations and enhancements at Crickley Hill and Shab Hill Meeting minutes were circulated to those present.
11 November 2020	Email	Highways England to Natural England	Email containing details of the discussion on 11 November 2020, with a summary of proposed enhancement and mitigation measures. Requested feedback on the proposed measures.
11 November 2020	Formal response to supplementary statutory consultation	Natural England to Highways England	Letter provides Natural England's overarching comments on the revised A417 missing link scheme, responses to the consultation questions, and detailed comments on the 2020 PEI report and survey information provided to date.
13 November 2020	Email	Natural England to Highways England	Email containing confirmation that Natural England reviewed notes from their discussion, and at present has nothing to add.
24 November 2020	Meeting	Highways England Natural England	Meeting with biodiversity specialists to agree approach to Roman snail mitigation and licence at draft stage. Further correspondence to agree times for future meetings on other species in the New Year.
1 December 2020	Meeting	Highways England Natural England	Meeting to discuss Natural England's comments on the consultation information and PEI report LVIA. Minutes were circulated to attendees 22 December 2020.
27 January 2021	Statement of Common Ground meeting	Highways England Natural England	The following matters were discussed: <ul style="list-style-type: none"> • Design changes • Priority outstanding matters • Agreeing broad content of SoCG following design changes

Date	Method	Parties involved	Matters Discussed
22 February 2021	Email	Highways England to Natural England	Shared draft SoCG document for comments.
23 March 2021	Statement of Common Ground meeting	Highways England Natural England	The following matters were discussed: <ul style="list-style-type: none"> Review of matters agreed Priority outstanding matters Agreeing updated content of SoCG following latest draft shared 22 February
31 March 2021	Meeting	Highways England Natural England	Tufa compensation at Bushley Muzzard SSSI.
22 April	Email	Natural England to Highways England	Comments on draft SoCG document.
11 May 2021	Statement of Common Ground meeting	Highways England Natural England	Page turn of final draft document.
3 August 2021	Meeting	Highways England Natural England	A meeting to discuss survey results, proposed mitigation and licensing approach for Roman snails with the species specialist (David Heaver).
4 August 2021	Meeting	Highways England Natural England	A meeting to discuss survey results, proposed mitigation and licensing approach for bats and badgers with the species specialist (Dagmar Lewis).
19 August 2021	Meeting	Highways England Natural England	A meeting to discuss survey results and proposed non-licenced approach for great crested newts with the species specialist (Edgar Childs).
17 September 2021	Statement of Common Ground meeting	Highways England Natural England	The following matters were discussed: <ul style="list-style-type: none"> Update on DCO matters including relevant representations, examination and possible programme / approach to hearings Priority outstanding matters in relation to relevant representations Update on BNG and discussion on Highways England's designated funds for the A417 (separate to the DCO application) Position on Tufa and opportunity to resolve early in the examination
11 October 2021	Meeting	Highways England Natural England	A meeting to update Natural England on the progress of discussions with Tufa specialist Gareth Farr (as recommended by Natural England).

Date	Method	Parties involved	Matters Discussed
21 October 2021	Email	Natural England Highways England	Receipt of Letter of No Impediment (LONI) regarding mitigation proposed for Roman Snail from Natural England specialist David Heaver, sent in email by Hayley Fleming.
28 October 2021	Email	Natural England Highways England	Receipt of Letters of No Impediment (LONI) regarding mitigation proposed for bats and badgers from Natural England senior adviser Dagmar Lewis.
8 November 2021	Statement of Common Ground meeting	Natural England Highways England	Meeting to discuss and agree the updated draft Statement of Common Ground in advance of Examination Deadline 1.
23 November 2021	Meeting	Natural England Environment Agency Highways England	A meeting to present the latest proposals around tufa mitigation and compensation and agree positions with all parties in relation to the proposals.
3 December 2021	Email	Natural England	Comments to agree the updated draft Statement of Common Ground in advance of Examination Deadline 1.
7 December 2021	Email	Natural England	Bespoke compensation for lowland meadow and possible error in baseline where a field (grid ref used was SO93951566) is more likely to be semi-improved grassland (other neutral grassland' in 'good' condition) following specialist review by Natural England.

Date	Method	Parties involved	Matters Discussed
14 December 2021	Deadline 1 submission	Natural England	<p>Natural England submitted the following documents to inform Examination Deadline 1:</p> <ul style="list-style-type: none"> • Written Representation (REP1-099) • Written Representation - Annex A - Responses to ExQ1 (REP1-100) • Written Representation - Annex B - Bushley Muzzard, Brimpsfield SSSI Citation (REP1-101) • Written Representation - Annex B - Bushley Muzzard, Brimpsfield SSSI Map (REP1-102) • Written Representation - Annex B - Clattinger Farm SSSI Citation (REP1-103) • Written Representation - Annex B - Clattinger Farm SSSI Map (REP1-104) • Written Representation - Annex B - Cotswold Beechwoods SAC - JNCC Standard Data Form (REP1-105) • Written Representation - Annex B - Cotswold Beechwoods SAC Map (REP1-106) • Written Representation - Annex B - Cotswold Commons and Beechwoods SSSI Citation (REP1-107) • Written Representation - Annex B - Cotswold Commons and Beechwoods SSSI Map (REP1-108) • Written Representation - Annex B - Crickley Hill and Barrow Wake SSSI Citation (REP1-109) • Written Representation - Annex B - Crickley Hill and Barrow Wake SSSI Map (REP1-110) • Written Representation - Annex B - Leckhampton Hill and Charlton Kings Common SSSI Citation (REP1-111) • Written Representation - Annex B - Leckhampton Hill and Charlton Kings Common SSSI Map (REP1-112) • Written Representation - Annex B - North Meadow & Clattinger Farm SAC - JNCC Standard Data Form (REP1-113) • Written Representation - Annex B - North Meadow & Clattinger Farm SAC Map (REP1-114)

Date	Method	Parties involved	Matters Discussed
			<ul style="list-style-type: none"> • Written Representation - Annex B - North Meadow, Cricklade SSSI Citation (REP1-115) • Written Representation - Annex B - North Meadow, Cricklade SSSI Map (REP1-116) • Written Representation - Annex B - Severn Estuary Ramsar Site - Information Sheet on Ramsar Wetlands (REP1-117) • Written Representation - Annex B - Severn Estuary SAC - JNCC Standard Data Form (REP1-118) • Written Representation - Annex B - Severn Estuary SAC SPA Ramsar Site Map (REP1-119) • Written Representation - Annex B - Severn Estuary SPA - JNCC Standard Data Form (REP1-120) • Written Representation - Annex B - Wye Valley and Forest of Dean Bat Sites SAC - JNCC Standard Data Form (REP1-121) • Written Representation - Annex B - Wye Valley and Forest of Dean Bat Sites SAC Map (REP1-122) • Written Representation - Annex C - Response to the draft Habitat Regulations Assessment (HRA) Screening Report and the Statement to Inform Appropriate Assessment (REP1-123)
17 December 2021	Email	Highways England	Response to email dated 7 December 2021 providing statistical analysis and species recorded information.
17 December 2021	Email	Natural England	Response to email dated 17 December 2021 regarding national grasslands specialist and confirming intention to progress the action regarding environmental stewardship agreements from the Rural Payments Agency.
6 January 2022	Email	Natural England	Email providing details of environmental stewardship agreement indicating that area identified as lowland meadow is in fact arable reversion to grassland.
10 January 2022	Email	Highways England	Email confirming agreement that evidence supplied on area identified as lowland meadow confirms that this classification is incorrect and will be revised.
21 January 2022	Email	Natural England	Comments to inform an updated draft Statement of Common Ground in advance of Examination Deadline 3.

Date	Method	Parties involved	Matters Discussed
24 January 2022	Statement of Common Ground meeting	Natural England Highways England	Meeting to discuss and agree the updated draft Statement of Common Ground in advance of Examination Deadline 3.
28 January 2022	Email	Highways England	Updated draft Statement of Common Ground in advance of Examination Deadline 3; and Advice note: 'SSSI consent – ss.28E and 28H Wildlife and Countryside Act 1981'
1 February 2022	Email	Highways England to Natural England	Highways England provided an update with regards to the Cotswold Way National Trail Diversion Report following the ExA's Rule 17 request.
2 February 2022	Deadline 3 submissions	Natural England	Natural England submitted its Response to Rule 17 Request for Further Information and Hearing Action Points (REP3-058) to inform Examination Deadline 3.
10 February 2022	Meeting	Highways England Natural England Gloucestershire County Council officers National Trust Cotswolds Conservation Board Gloucestershire Wildlife Trust	Highways England provided an update on the assessment of lighting infrastructure provision at Ullenwood junction and sought feedback from stakeholders on the matter.
14 February 2022	Deadline 4 submissions	Natural England	Natural England submitted its D4 submission to inform Examination Deadline 4 (Document Reference REP4-052).
5 April 2022	Statement of Common Ground meeting	Natural England Highways England	Meeting to discuss and update the Statement of Common Ground for signature.
6 May 2022	Statement of Common Ground meeting	Natural England Highways England	Meeting to discuss and agree the updated Statement of Common Ground to enable signing and agreement to submit for Examination Deadline 9.

3 Topics covered in this SoCG

3.1.1 The following table is a summary of the topics which are considered within this SoCG.

Table 3-1 Summary of the Topics considered within this SoCG

Overarching topic	Topic number	Topic
Background	1.	Principle of Development
	2.	Project Description (Chapter 2 of the ES)
Relevant ES Chapter	3.	Assessment of Alternatives (Chapter 3 of the ES)
	4.	Air Quality (Chapter 5 of the ES)
	5.	Landscape and Visual Effects (Chapter 7 of the ES)
	6.	Biodiversity (Chapter 8 of the ES)
	7.	Geology and Soils (Chapter 9 of the ES)
	8.	Material Assets and Waste (Chapter 10 of the ES)
	9.	Noise and Vibration (Chapter 11 of the ES)
	10.	Population and Human Health (Chapter 12 of the ES)
Other topics	11.	Crossings of the A417
	12.	Gradient change
	13.	The realignment of the B4070 to Birdlip via Barrow Wake
	14.	Common Land
	15.	Improvements for walking, cycling and horse riding, including disabled users

4 Matters agreed

4.1.1 Table 4-1 shows those matters which have been agreed by the parties, including that matters reference number, and the date and method by which it was agreed.

Table 4-1 Matters agreed between Natural England and Highways England

Matter reference number	Matter which has been agreed	Date and method of agreement
1. Principle of Development		
1.1	Natural England acknowledges the need for development in helping to address the current situation of poor road safety and daily congestion and that the solution should reflect the special qualities of the Area of Outstanding Natural Beauty (AONB).	Email, 22 April 2021
1.2	Natural England agrees with the objectives of the A417 Missing Link as a landscape-led scheme that will deliver a safe and resilient free-flowing road whilst conserving and enhancing the special character of the nationally important protected landscape of the AONB that the new route passes through.	Email, 22 April 2021
1.3	Natural England agrees with Highways England's stated vision of a landscape-led scheme. As stated in their previous response to the scheme in November 2019, they support the vision of delivering a road scheme while conserving and enhancing the special character of the AONB; reconnecting landscape and ecology; bringing about landscape, wildlife and heritage benefits, including enhanced residents' and visitors' enjoyment of the area; improving quality of life for local communities; and contributing to the health of the economy and local businesses.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
1.4	Natural England considers that the scheme would not be detrimental to the conservation of the wildlife and natural beauty of the Cotswolds AONB. Natural England is satisfied that the design of the scheme has fulfilled the requirement for high environmental standards (as set out in the National Policy Statement for National Networks at 5.153) and that the design includes measures which enhance aspects of the environment of the Cotswolds AONB. Section 7.5 of document 7.1 'Case for Scheme' provides the evidence for this.	Relevant Representation, 2 September 2021
2. Project Description (Chapter 2 of the ES)		
2.1	Natural England is pleased to see that a number of aspects of the scheme are seeking to support the statutory purpose of the Cotswolds AONB by seeking to enhance or restore key landscape features and other environmental assets.	Response to Statutory Consultation on the 2019 PEI report (08 November 2019)
3. Assessment of Alternatives (Chapter 3 of the ES)		

Matter reference number	Matter which has been agreed	Date and method of agreement
3.1	Natural England agrees with the selection of Alternative 2 (the “parallel option”) (relating to the A416 side road). This option performed the best in terms of environmental opportunities and therefore went the furthest towards delivering the vision of a landscape-led scheme.	Response to Statutory Consultation on the 2019 PEI report (08 November 2019)
4. Air Quality (Chapter 5 of the ES)		
4.1	Natural England’s remit with regards to air quality relates to the environmental effects on designated sites. Highways England have conducted the detailed assessment that was recommended by Natural England, in line with their own guidance which was updated in 2019.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
4.2	<p>Natural England generally agree with the assessment conclusion. The majority of SSSIs (and local sites) will receive a decrease in nitrogen as a result of the scheme.</p> <p>Natural England agree that there will be a significant adverse effect on the ancient woodland at Ullen Wood and that is unavoidable with the proposed route. The following compensation approach has been discussed and is reported within Chapter 8 of the ES:</p> <p>A total of 2.1ha of ancient woodland at Ullen Wood is predicted to be degraded as a result of nitrogen deposition, because it will receive more than 0.4kg N/ha/yr increase as a result of the scheme.</p> <p>To compensate, the ES and environmental masterplan includes 2.1ha of woodland planting adjacent to Ullen Wood in areas that will receive less than 0.4kg N/ha/yr increase as a result of the scheme.</p>	<p>Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)</p> <p>Meeting 27 January 2021</p>
4.3	<p>Natural England acknowledge there will be adverse impacts on areas near Ullen Wood, Leckhampton Hill and Charlton Kings Common. This SSSI is already above its critical load and the scheme will generate a small further increase. Highways England recommend the inclusion of sufficient measures to reduce or offset these impacts.</p> <p>The substantial changes being made to the layout of the roads in the area will alter patterns of nitrogen deposition. Broadly speaking the impact is positive with all designated sites receiving either a decrease, no change or a negligible increase in nitrogen deposition. One ancient woodland (Ullen Wood) will receive an increase which Highways England propose to compensate for through woodland planting.</p>	Relevant Representation, 2 September 2021
5. Landscape and Visual Effects (Chapter 7 of the ES)		
5.1	Natural England agree with the methodology used to undertake the LVIA based upon the requirements of the Design Manual for Roads and Bridges (DMRB) LA107 Landscape and Visual Effects, Rev 0 and further guided by the Landscape Institute’s Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3). It accepts the approach used and is satisfied that it will deliver a robust assessment of the likely landscape and visual effects arising from the scheme’s construction and operation.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)

Matter reference number	Matter which has been agreed	Date and method of agreement
5.2	Natural England welcome the inclusion in the LVIA chapter of an assessment of the likely effects of the scheme on the special qualities of the Cotswolds Area of Outstanding Natural Beauty (CAONB). NE welcomes this additional assessment for the evidence and clarity it provides and believes it will greatly assist in the determination of the scheme. In addition, Highways England has amended how the assessment has presented so as to not amalgamate the judgements on individual special qualities.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
5.3	Natural England agrees that the landscape baseline used to inform the LVIA is appropriate. Natural England advises that Landscape Character Types (LCT) of the CAONB Character Assessment (2002), as listed in Table 7-13 (p.30) and illustrated in Figure 7.4 (sheets 1 and 2), are the most suitable for assessing the scheme's likely effect and is pleased therefore to see that these form the basis of the assessment.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
5.4	Natural England agrees that the method used to assess the likely effects of the scheme on the special qualities of the Cotswolds AONB is suitable; essentially a narrative description followed by a concluding judgement.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
5.5	Natural England agree with the conclusion that the following special qualities can be scoped out of the assessment - distinctive settlements, developed in the Cotswolds vernacular, high architectural quality and integrity.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
5.6	Natural England agree with the location and classification of the viewpoints used in the assessment and considers them to be appropriate to the scale of the scheme, the complexity of the landscape and the high quality of the visual amenity afforded by the landscape within which the scheme is located.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
5.7	Natural England agrees with the method used to define the Zone of Theoretical Visibility (ZTV).	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
5.8	Natural England agrees the landscape assessment methodology used to assess the significance of landscape effects likely to be brought about by the scheme is appropriate. They are content with the methods used to define the sensitivity of landscape receptors and magnitude of likely landscape effect.	Response to Supplementary Consultation on the

Matter reference number	Matter which has been agreed	Date and method of agreement
		2020 PEI report (11 November 2020)
5.9	Natural England agrees the visual assessment methodology used to assess the significance of visual effects likely to be brought about by the scheme is appropriate. They are content with the method used to define the sensitivity of visual receptors and magnitude of likely visual effect.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
5.10	Natural England note that there are no references to sequential visual effects on users of the Cotswold Way National Trail and Gloucestershire Way long distance path in the PEI report. Additional commentary on sequential views has been added to the ES Chapter 7 LVIA and they are satisfied that this is now covered.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
5.11	Natural England agrees to how the judgments on the significance of effects will be made and described.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
5.12	Natural England agrees the extent of the LVIA Study Area is appropriate for the scale and nature of the scheme.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
5.13	Commentary on the significance of effects on visual receptors - Natural England agrees with the preliminary judgements.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
5.14	Natural England welcomes the extensive lengths of new hedgerows and dry-stone walls which have been included in the design of the scheme.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)

Matter reference number	Matter which has been agreed	Date and method of agreement
6. Biodiversity (Chapter 8 of the ES and HRA Screening and SIAA)		
6.1	<p>Natural England understands that there is currently no statutory obligation for Highways England to achieve Biodiversity Net Gain (BNG) given the scheme is a Nationally Significant Infrastructure Project.</p> <p>Natural England agree that Highways England has worked hard to maximise biodiversity improvements on the land that is available. Highways England has worked collaboratively with Natural England and other environmental bodies to consider the evolving Biodiversity Metric 2.0 tool and have agreed to focus on providing Priority Habitats (Natural Environment and Rural Communities Act 2006), which are in keeping with the special qualities of the Cotswolds AONB, as part of this scheme. Highways England is continuing to investigate further opportunities to achieve BNG with neighbouring landowners and through looking at other off-site measures.</p> <p>Consultation has taken place between Highways England and Natural England regarding an area of species-rich grassland in a field to the north of Shab Hill, which is unavoidably impacted by the scheme. The Environmental Statement takes a precautionary approach and classifies this habitat as lowland meadow priority habitat. Further detailed correspondence between the parties has been undertaken to facilitate production of a BNG calculation using the Defra 2.0 Metric. This is because under Natural England guidance, the loss of lowland meadow habitat cannot be accounted for under the Metric, and 'bespoke compensation' must be agreed separately to the BNG calculation if lowland meadow is present.</p> <p>Natural England have further considered the classification of the field north of Shab Hill as lowland meadow and raised doubts that it meets the relevant criteria. This is based upon analysis of the survey data by a Natural England grasslands specialist, discovery of an aerial image that appears to show crop in this field (image undated but from 1999 or afterwards) and evidence of the land being under an environmental stewardship scheme from 1994 – 2012. On this basis, Natural England advise that the field is likely to represent relatively recently created semi-improved grassland, created through arable reversion under the stewardship scheme, rather than lowland meadow priority habitat. Following these further discussions and additional evidence, Highways England agrees with the Natural England view that this habitat is unlikely to qualify as lowland meadow priority habitat.</p> <p>The BNG calculation submitted to the Examining Authority at Deadline 1 reflects this latest thinking on the appropriate approach to the BNG calculation for this area as agreed between the two parties, i.e., that the field north of Shab Hill comprises 'other neutral grassland' in 'good' condition, rather than lowland meadow priority habitat.</p>	<p>SoCG meeting on 27 January 2021</p> <p>Emails, 7 and 17 December 2021</p> <p>Emails, 6 and 10 January 2022</p>
6.2	<p>Natural England are pleased with the scope of surveys and that their initial recommendations regarding surveys were followed including use of the Altringham module for infrastructure sites.</p>	<p>Response to Statutory Consultation on the 2019 PEI report (08 November 2019)</p>

Matter reference number	Matter which has been agreed	Date and method of agreement
6.3	Natural England generally welcome the extensive survey effort undertaken and the measures proposed to mitigate for impacts on bats.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
6.4	Natural England agrees that the ecological impact assessment methodology is appropriate for assessing the ecological effects of the scheme.	Email, 22 April 2021
6.5	Natural England generally agrees with the draft assessment conclusions including proposed mitigation and enhancement measures.	Email, 22 April 2021
6.6	Natural England generally agrees that the scheme should not be lit.	Response to Statutory Consultation on the 2019 PEI report (08 November 2019)
6.7	Natural England welcome the fact that land managers will be able to move cattle across the Cotswold Way crossing, as this will make grazing both sides of Crickley Hill and Barrow Wake SSSI easier.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
6.8	Natural England welcome the proposed woodland planting and wood pasture near to Ullen Wood, and across the rest of the scheme the priority should be on grassland restoration with any woodland planting forming part of a mosaic.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
6.9	Natural England welcomes the creation the areas of calcareous grassland which are incorporated into the design of the scheme. This will provide significant landscape enhancement through the recreation of a grassland habitat which was once common in this area.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
6.10	Natural England is satisfied that protected species such as bats, badgers and barn owls have been given thorough consideration.	Response to Supplementary Consultation on the

Matter reference number	Matter which has been agreed	Date and method of agreement
		2020 PEI report (11 November 2020)
6.11	Natural England and Highways England agree that licenses are required for bats, badgers and Roman snails. The licence methods are referred to in Annex D Landscape Ecological Management Plan (LEMP) of ES Appendix 2.1 EMP. Natural England and Highways England agree further surveys will be undertaken prior to construction to inform any specific Natural England licensing requirements and survey effort will be discussed with a species advisor as appropriate.	Email, 22 April 2021
6.12	Natural England agree in principle to the badger licence method statement and that licences will be sought following DCO. Natural England welcome the proposals set out in the ES Chapter 8 paragraphs 8.10.132-134. Updated surveys will be needed to inform licence applications. On the basis of the information shared to date Natural England is not aware of any issues which could not be overcome. A further meeting to discuss survey results and proposed mitigation was held with the species specialist with regards to obtaining a Letter of No Impediment to be issued before examination. On the basis of information shared Natural England issued a Letter of No Impediment on 28 th October 2021.	Email, 22 April 2021 Email, 11 August 2021 Email, 28 October 2021 Relevant Representation, 2 September 2021
6.13	Natural England and Highways England agree with the mitigation measures proposed for bats, and licences will be sought following DCO. Natural England welcomes the proposed mitigation for the losses of roosts and measures to minimise disturbance, as summarised in the ES Chapter 8 paragraphs 8.10.114 onwards and further detailed in in Annex D LEMP of ES Appendix 2.1 EMP (document reference 6.4, APP-321). Embedded mitigation includes a bat underpass at Crickley Hill and three greened overbridges (the Gloucestershire Way, crossing and Stockwell and Cowley overbridges). The scheme replaces priority habitats with a greater amount than lost and has been amended to provide improved habitat connectivity. A further meeting to discuss survey results and proposed mitigation was held with the species specialist with regards to obtaining a Letter of No Impediment to be issued before examination. On the basis of information shared Natural England issued a letter of no impediment on 28 th October 2021.	Email, 22 April 2021 Email, 04 August 2021 Email, 26 October 2021 Email, 28 October 2021 Relevant Representation, 2 September 2021
6.14	The Roman snail mitigation and conservation licence has been discussed between Natural England and Highways England and the agreed approach is for a new receptor site to be created in an area where low numbers of Roman snail are currently present. Snail translocation on the northern side of the A417 will be translocated into an agreed area within Crickley Hill where there is good quality and extensive habitat. On the basis of the information shared to date, Natural England is satisfied with this proposed mitigation and has no objections to the scheme in relation to impacts on roman snail. A further meeting to discuss survey results and proposed mitigation was held with the species specialist with regards to obtaining a Letter of No Impediment to be issued before examination. On the basis of information shared Natural England issued a Letter of No Impediment on 21 st October 2021.	Email, 22 April 2021 Email, 21 October 2021 Relevant Representation, 2 September 2021
6.15	Natural England has no objections to the scheme in relation to impacts on great crested newts.	Email, 22 April 2021

Matter reference number	Matter which has been agreed	Date and method of agreement
	<p>Natural England and Highways England agree a non-licensed approach can be taken to great crested newts. eDNA surveys (where water samples are analysed) carried out in Spring 2021 for ponds that have not yet been fully surveyed due to slight changes in the DCO Boundary bringing them into the 500m buffer zone. The ponds at National Star exhibit poor habitat suitability for great crested newt and it is considered unlikely that they support a breeding population of this species. No physical works to the ponds are proposed and works to terrestrial habitats within 250m are very minor. A pond at Bentham within the DCO boundary had a known population of GCN and eDNA was carried out to confirm ongoing presence. There is no reasonable likelihood that further surveys would identify impacts to great crested newt that would result in additional significant residual effects. (these surveys have now been carried out and results discussed with specialist Edgar Childs on 19th August 2021)</p>	<p>Relevant Representation, 2 September 2021</p>
6.16	<p>Natural England has been consulted on the Habitat Regulations Assessment Screening and the Appropriate Assessment. Natural England is satisfied that it can be excluded beyond reasonable scientific doubt that the project would not have an adverse effect on the integrity of the Cotswold Beechwoods SAC, the Forest of Dean Bat Sites SAC and North Meadow and Clattinger Farm SAC.</p>	<p>Relevant Representation, 2 September 2021</p>
6.17	<p>Highways England and Natural England agree that it is not possible to mitigate the loss of the tufa habitat impacted by the scheme but that compensation measures at other tufa springs should be undertaken, subject to further discussion and agreements with Natural England at the detailed design stage. As is set out in ES Chapter 8 Biodiversity, to compensate for the loss, off-site restoration of existing tufaceous formations in degraded condition will be undertaken. The methodology and results for the assessment of compensation options are provided within ES Appendix 8.25 Tufa-forming springs: selection of potential compensation sites (Document Reference 6.4, APP-317-325) and full compensatory measures are included in ES Appendix 2.1 EMP (Document Reference 6.4, APP-317-325).</p> <p>Highways England implemented Natural England's request and contacted tufa expert Gareth Farr to inform proposed compensatory measures. Three sites are proposed for restoration as compensation, and Mr Farr provided recommendations in terms of monitoring both pre- and post-construction (including specific recording methods such as light sampling and fixed-point photography), as well as additional in-stream interventions at the three sites. All three sites were deemed suitable to proceed with the restoration proposals (pending adequate monitoring, to include).</p> <p>Highways England recognise that tufaceous formation development is a complex process requiring a combination of optimal conditions with respect to levels of saturation of groundwater, water flow, biological conditions, and therefore, are also working towards on-site mitigation as part of the detailed design of the realigned Norman's Brook, by way of designing spring diversions into the realigned Norman's Brook channel to support tufa forming conditions, as well as looking to slow down processes by creating localised pooling using local stone. It is important to reiterate that this forms an integral part of the overall tufa mitigation package. This approach is agreed with Natural England and the Environment Agency subject to detailed design work.</p>	<p>Meeting, 23 November 2021</p>

Matter reference number	Matter which has been agreed	Date and method of agreement
	<p>Mr Farr emphasised the need to publish the outcome of the work carried out (both in terms of engineering solutions along Norman's Brook and the restoration sites). This was deemed very important in order to share successes but also learn from any shortcomings, especially as tufa restoration / enhancement is not something that has been explored much to date in the UK, so it is vital to test the practical applications.</p> <p>Further to meeting on 23 November 2021, Natural England and the Environment Agency agree to the proposed approach to compensation given the scale of the restoration will exceed the scale of loss, and in light of the conditions and suggested future management proposals at those sites. The parties agree to continue to engage at the detailed design stage to help ensure the proposed compensation is as successful as possible.</p> <p>The parties understand that the on-site mitigation is secured through the DCO and Environmental Management Plan, whereas the land required land for compensatory measures would require agreements outside of the DCO with landowners to secure the principle of this compensation. Detailed design work would then confirm the proposals.</p>	
6.18	Natural England is satisfied that the scheme is not likely to damage or destroy the Cotswold Commons and Beechwoods SSSI or the Leckhampton Hill and Charlton Kings Common SSSI. Natural England is satisfied that the scheme itself would not impact on Bushley Muzzard, Brimpsfield SSSI.	Relevant Representation, 2 September 2021
6.19	No evidence of otter was recorded within the DCO Boundary (ES Chapter 8 paragraph 8.9.79). Overnight working hours will be restricted and temporary lighting managed, as set out in ES Chapter 8 paragraph 8.9.83 and detailed in ES Appendix 2.1 EMP (Document Reference 6.4, APP-317-325). Mitigation proposals state that preconstruction surveys will be carried out in order to inform any required licences from Natural England. On this basis, Natural England has no objections to the scheme in relation to impacts on otter. As a licence is not required, there is no need for a Letter of No Impediment.	Relevant Representation, 2 September 2021
6.20	On the basis of the information shared to date, Natural England is satisfied with this proposed mitigation and has no objections to the scheme in relation to impacts on reptiles. As a licence is not required, there is no need for a Letter of No Impediment.	Relevant Representation, 2 September 2021
6.21	Natural England is satisfied with this proposed mitigation and has no objections to the scheme in relation to impacts on barn owl. As a licence is not required, there is no need for a Letter of No Impediment.	Relevant Representation, 2 September 2021
6.22	Natural England is satisfied with this proposed mitigation and has no objections to the scheme in relation to impacts on birds. As a licence is not required, there is no need for a Letter of No Impediment.	Relevant Representation, 2 September 2021

Matter reference number	Matter which has been agreed	Date and method of agreement
6.23	<p>Natural England (and Natural Resources Wales) had previously agreed with Highways England's conclusion of a negligible risk of impacts from the scheme upon the European eel population associated with the Severn Estuary Ramsar site, even without taking mitigation into account. As such, a conclusion of no likely significant effects upon Severn Estuary Ramsar site is documented within the Habitats Regulations Assessment: Screening Report (Document Reference 6.5, APP-414).</p> <p>Natural England's revised view is that there is the possibility of eels being impacted by works in the absence of mitigation, and therefore the matter should be considered as part of the appropriate assessment stage of the HRA process. This would allow the competent authority to take into account the relevant mitigation measures for fish (including European eel) that are included within the Environmental Statement, summarised as follows:</p> <ul style="list-style-type: none"> • sensitive timings of works during the construction phase would minimise direct impacts to fish as secured through commitment BD28 within the ES Appendix 2.1 EMP (Document Reference 6.4, APP-317). • Detailed design of the new river habitat within the diverted channel of the tributary of Norman's Brook would return the watercourse to a more natural form, improving conditions for fish passage compared to the existing channel that is modified by numerous weirs. This would include improving the potential of the watercourse to support European eel. This mitigation is described in 8.10.199 of Environmental Statement (ES) Chapter 8 Biodiversity (Document reference 6.2, APP-039) and section 5.16 of Annex D Landscape and Ecological Management Plan (LEMP) of ES Appendix 2.1 EMP (Document Reference 6.4, APP-321). <p>In light of Natural England's revised advice, Highways England agrees that, on a precautionary basis, the competent authority should undertake an appropriate assessment of the scheme in relation to potential impacts to European eel as a qualifying interest of Severn Estuary Ramsar site.</p> <p>Natural England and Highways England agree that the mitigation described within the ES would ensure that the scheme would not adversely affect the integrity of Severn Estuary Ramsar site, either alone or in combination with other plans or projects.</p> <p>Natural England have suggested that the SIAA is amended to include the Severn Estuary Ramsar site. Highways England considers that this step is not necessary, because the existing submitted application documents provide the information that the competent authority requires to carry out the appropriate assessment of Severn Estuary Ramsar site.</p>	Relevant Representation, 2 September 2021
6.24	<p>Further concerns expressed by Natural England about the proposed Barrow Wake roundabout and associated light spill (because headlights from vehicles using this roundabout after sundown could cause a lighthouse effect), Highways England has explained how a Cotswold stone wall would be provided on the western side of the roundabout and Barrow Wake carpark to minimise the lighthouse effect of cars travelling round the roundabout. It is acknowledged that this may not completely screen vehicles but there is currently scrub and trees in this location which also provides a buffer to break up the light spill. Both parties agree to engage at the detailed design stage to help ensure measures are appropriate and then monitor the performance of the proposed mitigation to help ensure light spill is minimised or avoided as far as practicable in this area.</p>	Relevant Representation, 2 September 2021 Email, 3 December 2021

Matter reference number	Matter which has been agreed	Date and method of agreement
6.25	<p>Natural England is satisfied with the principle of the scheme providing precautionary mitigation measures in the form of signage/ interpretation boards to contribute to control of recreational use of Cotswold Beechwoods SAC. The SIAA concludes that the scheme would not result in an increase in recreational pressure that would damage the qualifying features of the SAC, because integral measures within the scheme will divert visitors from the SAC. The SIAA acknowledges that there is a degree of uncertainty in this conclusion because it is (unavoidably) based upon predictions of future visitor behaviour that cannot be empirically tested. The precautionary principle has therefore been applied and it has been assumed that the integral measures within the scheme may not prevent a small increase in visitor numbers to the SAC arising from the scheme. As such, the provision of signage/ interpretation boards as precautionary mitigation is identified within the SIAA to address this risk.</p> <p>The principle of the scheme providing such measures to help guide visitor behaviour is agreed with Natural England. The specific number and location of such measures has not been agreed at this stage because a recreation mitigation strategy for the SAC is in preparation by the local planning authorities in the vicinity of the SAC (Tewkesbury Borough Council, Cotswold District Council, Stroud District Council, Cheltenham Borough Council and Gloucester City Council), in collaboration with Natural England. Natural England has confirmed that the recreation mitigation strategy will include reference to signage and interpretation boards but not their specific locations or number, because this will fall within the remit of the strategy's proposed Project Officer. Natural England agrees that the specific details of the signage/ interpretation boards to be provided by the scheme should be agreed with the Project Officer once they are in post. This is to ensure that the mitigation aligns with the wider management strategy for the SAC.</p>	SoCG meeting, May 2021
7. Geology and Soils (Chapter 9 of the ES)		
7.1	<p>Natural England agree with the detailed soils analysis, in particular to identify any Best and Most Versatile agricultural land that would be lost to the scheme (grade 3a).</p> <p>Natural England have no objection to the scheme in relation to its impact on soil.</p>	<p>Response to Statutory Consultation on the 2019 PEI report (08 November 2019)</p> <p>Relevant Representation, 2 September 2021</p>
7.2	<p>Natural England agree the scheme would enhance the existing sensitive geological exposures of the Leckhampton Member at the affected locations within Crickley Hill and Barrow Wake SSSI. Enhancement measures would include lowered slope angles and vegetation clearance where exposures have previously been concealed on the north side of the A417.</p>	<p>Emailed confirmation f on 13 November 2020 following meeting on 11 November 2020</p>
7.3	<p>Natural England agree that with appropriate mitigation (such as improving existing designated rock exposures and allowing access for Natural England during construction), construction of the scheme is not considered to result in a significant effect on the designated geological features at Crickley Hill and Barrow Wake SSSI or tufa deposits (see</p>	<p>Email, 3 December 2021</p>

Matter reference number	Matter which has been agreed	Date and method of agreement
	<p>ES Chapter 9 Geology and Soils, Document Reference 6.2, APP-040), and Figure 9.5 Designated Geological Sites (Document Reference 6.3, APP-242)). A temporary physical barrier would be constructed to protect the identified exposures of the Leckhampton Member within the Crickley Hill SSSI (as shown on ES Figure 9.5 Designated geological sites (Document Reference 6.3, APP-242)). This would be considered by the contractor in their temporary works design. The scheme could result in beneficial impacts through the generation of new exposures within the faces of the rock cuttings proposed in the vicinity of the Crickley Hill and Barrow Wake SSSI. This would provide an opportunity to obtain new information on geological formations present within the designated geological site. Other proposed cuttings along the scheme (for example in the area of Shab Hill junction), could also open new rock exposures as new geological features or attributes. The impact of the wider scheme on the Crickley Hill and Barrow Wake SSSI geology has been detailed in ES Appendix 9.6 Geodiversity at Crickley Hill and Barrow Wake SSSI (Document Reference 6.4, APP-389). Due to implications of health and safety, long-term access to new exposures shall not be provided by Highways England.</p>	
8. Material Assets and Waste (Chapter 10 of the ES)		
8.1	Natural England generally agree with the assessment methodology and draft conclusions of assessment.	Email, 22 April 2021
9. Noise and Vibration (Chapter 11 of the ES)		
9.1	Natural England generally agree with the assessment methodology and draft conclusions of assessment.	Email, 22 April 2021
10. Population and Human Health (Chapter 12 of the ES)		
10.1	Natural England generally agree with the assessment methodology and draft conclusions of assessment.	Email, 22 April 2021
10.2	<p>Natural England agree with the proposed diversion of the Cotswold Way National Trail. It welcomes the inclusion of a bridge across the new A417 carriageway for users of the Cotswold Way National Trail, the location of which minimises the need for a major realignment of the trail. The Cotswold Way National Trail was deliberately routed to afford the walker some of the best landscape and wildlife experiences available, and they consider this provide enhancement to its users (and the potential to provide a better (safer) experience for walkers). They welcome the fact that land managers will be able to move cattle across the bridge, as this will make grazing both sides of Crickley Hill and Barrow Wake SSSI easier.</p>	<p>Response to Supplementary Consultation on the 2020 PEI report (11 November 2020) Email, April 2021 Relevant Representation, 2 September 2021</p>
10.3	Natural England and Highways England agree that during the construction phase a number of PRoW will require either the establishment of temporary diversionary routes or in some cases temporary closure.	Response to Supplementary Consultation on the

Matter reference number	Matter which has been agreed	Date and method of agreement
	<p>The Public Rights of Way Management Plan (Annex F of ES Appendix 2.1 Environmental Management Plan, Document Reference 6.4, APP-323) clearly sets out how routes would be managed during construction and where new routes or diversions would be implemented before or during construction to minimise or avoid adverse impacts on users accessing existing and new routes.</p> <p>For the new Cotswold Way and Gloucestershire Way crossings, it is intended they are put in place prior to mainline construction to help maintain access during construction. Natural England and Highways England agree that for the Cotswold Way National Trail and the Gloucestershire Way long distance footpath temporary closure(s) would not be an appropriate measure to allow the construction works to proceed safely and that diversionary routes need to be identified and agreed with the Cotswolds Way Trail Manager and Gloucestershire County Council at the detailed design stage, when those diversions will be agreed alongside clear way-marking, and will be clearly communicated via the National Trail website and other platforms to be agreed.</p> <p>Due regard will be had to the advice of the Cotswold Way Trail Manager and representatives of local access groups to help ensure that suitable diversionary routes are identified.</p>	2020 PEI report (11 November 2020)
10.4	<p>Natural England agrees that as part of the scheme, Highways England is proposing to divert the existing National Trail over the A417 by way of a new Cotswold Way crossing near Emma's Grove.</p> <p>Natural England agrees that the statutory mechanism for the creation and management of a National Trail is set out in sections 50A to 55 of the National Parks and Access to the Countryside Act 1949 ("the 1949 Act") and that a National Trail can only be varied in accordance with section 55 of the 1949 Act.</p> <p>The Cotswold Way National Trail Diversion Report, prepared by Highways England in consultation with Natural England, demonstrates that the proposals are appropriate and necessary in order to facilitate a nationally significant infrastructure project and improve connectivity for users of the Cotswold Way National Trail.</p> <p>The DCO sought by the Applicant would, if granted, disapply section 55 of the 1949 Act, and secure the diversion through Article 20 and the Cotswold Way National Trail Diversion Report as a certified document. The Environmental Management Plan (also a certified document) would provide for further controls on the diversion. Natural England now agrees that those controls are adequate and appropriate. NE's position is that it is necessary/preferable for the DCO itself to make a direction diverting the route as per the legislation. However, ultimately this is a question for Examining Authority and Secretary of State.</p> <p>An updated Cotswold Way National Trail Diversion Report (Document 7.11 (Rev 1) has been prepared to confirm that the diversion would be secured by way of the DCO provisions, rather than under s.55, and this has been submitted at Deadline 8 (6 May 2022).</p>	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
10.5	<p>Natural England agreed making use of the Golden Heart Inn as a feature of public routes would be beneficial to the scheme and support the provision of additional car parking areas near the Golden Heart Inn and Stockwell Lane to help redistribute public access in the area away from the SSSIs.</p>	Response to Supplementary Consultation on the

Matter reference number	Matter which has been agreed	Date and method of agreement
		2020 PEI report (11 November 2020)
10.6	Natural England agrees with the proposed stopping up, diversions and new sections of public rights of way as set out within the draft Public Rights of Way Management Plan to improve access for all users. A separate Walking, Cycling and Horse Riding (WCH) Technical Working Group (TWG) Statement of Common Ground helps detail any further points (matters agreed and outstanding). They are generally supportive that there would be a benefit to the PRoW network.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
10.7	Natural England agrees with the proposals for the Gloucestershire Way diversion and Gloucestershire Way crossing.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
10.8	Natural England agree it will engage with Highways England about surfacing, signage and enclosures associated with PRoW at the detailed design stage, when appropriate.	SoCG meeting 27 January 2021
10.9	Natural England agree with how the design of the scheme has sought to mask Shab Hill Junction from the wider landscape of the High Wolds and High Wold Valleys LCTs, for instance through the use of landscape bunds and tree planting. Natural England welcomes these aspects of the scheme and considers them to be of an appropriate size and extent to hide the junction. We note that until the mitigation planting matures there will be a detrimental effect on the Coldwell Bottom Valley and agree that this will lower the perceived tranquillity of this part of the LCT until these trees have matured. Confirmation that the junction will not be lit is welcomed as this will help maintain the dark skies currently associated with the High Wold landscape.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
10.10	Natural England welcome the area of wood pasture which will be created in the land between the existing A436 in the direction of Seven Springs) and Leckhampton Hill road. The woodland planting intended for the land between the junction and the new carriageway of the A417 is also welcomed.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
11. Crossings of the A417		
11.1	Natural England agrees there are proposed sufficient crossings of the A417 as part of the scheme. In particular, including the Gloucestershire Way crossing to help carry the long distance path, and the Cotswold Way crossing across the new A417 carriageway for users of the Cotswold Way National Trail.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)

Matter reference number	Matter which has been agreed	Date and method of agreement
11.2	Natural England agrees with the proposals for the Gloucestershire Way crossing, to incorporate a 25m width of calcareous grassland habitat to help address fragmentation of the SSSI, in addition to its required functions for species connectivity, landscape integration and diversion of the Gloucestershire Way. They welcome and fully support this design which, in addition to the 25m of calcareous grassland habitat, also includes two 3m width hedgerows, a 3.5m bridleway and a 1.5m maintenance strip.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
11.3	Natural England agree with the proposed greening of the Cowley Lane and Stockwell overbridges, including the use of native species-rich planting. The design is considered to be of high quality and in keeping with the character of the AONB.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
11.4	Natural England welcomes the creation of the Air Balloon Way for the increased access and recreational opportunities this will provide for.	Correspondence between Highways England and Natural England on 18 December 2020
12. Gradient Change		
12.1	Natural England welcomes the change in the proposed gradient. Reducing the gradient means that less soil and rock needs to be removed, therefore reducing impacts on Crickley Hill and Barrow Wake SSSI, geology, woodland at Ullen Wood and Emma's Grove, reduced cutting depth and less soil needing to be disposed of.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
13. The realignment of the B4070 to Birdlip via Barrow Wake		
13.1	Natural England have requested that Barrow Wake car park is removed or relocated entirely. Natural England accept that the reduction, removal or relocation of the Barrow Wake car park is outside the scope of the consenting of the scheme and it is not owned as part of the strategic road network by Highways England. Gloucestershire County Council who control and maintain the car park intend to undertake an options assessment that would likely involve consultation with interested parties and the public in due course, and could result in changes in the future subject to the outcome of that assessment. Highways England has offered Gloucestershire County Council and other relevant stakeholders including Natural England help to inform or facilitate any discussions about any changes that might be proposed at the car park. Highways England will also ensure the detailed design of the scheme is able to accommodate the existing car park arrangement, or a future scenario if appropriate.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
14. Common Land		

Matter reference number	Matter which has been agreed	Date and method of agreement
14.1	Natural England is in favour of the principle of replacing the Common Land lost to the scheme and has no issues with the proposals, welcoming the fact that more Common Land will be re-provided than lost.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)
15. Improvement for walking, cycling and horse riding, including disabled users		
15.1	Natural England agree the proposals will benefit walkers, cyclists and horse riders overall, and in particular welcome the proposed creation of “The Air Balloon Way” new multi-purpose trail, particularly with the provision of new parking areas for its users.	Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)

5 Matters outstanding

5.1 Principal matters outstanding

5.1.1 The principal matters outstanding between Natural England and Highways England are summarised below:

- The scheme would adversely impact the Barrow Wake part of Crickley Hill and Barrow Wake Site of Special Scientific Interest (SSSI), as a result of land take and increased recreational activity. Natural England wishes to see the complete closure of the Barrow Wake car park, ground levels rationalised, and the land restored to calcareous grassland, with an understanding that this would contribute towards offsetting the net loss of biodiversity resulting from this scheme. Natural England would also like to see the roundabout at Barrow Wake removed from the scheme.
- Natural England continue to advocate for further progress to be made towards biodiversity net gain.

5.2 Matters Outstanding

5.2.1 Table 5-1 shows those matters which remain under discussion by the parties. It sets out the latest position of each party in relation to each matter outstanding, and the latest date of that position.

5.2.2 In response to a request by the Examining Authority (ExA) in the Rule 6 Letter issued 30 September 2021 (PD-005), the final column of the table will be colour coded (if required) to indicate the status of the matter at the end of the Examination. The colour coding is set out as follows:

	Matter subject to ongoing engagement the detailed design stage or construction
	Matter of difference

Table 5-1 Matter outstanding between Natural England and Highways England

Ref.	Matter	Natural England position	Highways England position	Date of the position
1. Principle of Development				
1.1	Paragraph 3(1)h disapplication of legislative powers that Highways England wishes to disapply, section 28E (duties in relation to sites of special scientific interest) of the Wildlife and Countryside Act 1981	<p>Since Highways England is a body to which s.28G of the Wildlife and Countryside Act 1981 (WCA 1981) applies (a s.28G authority), this situation would not be governed by s.28E WCA 1981. Even if s.28E WCA 1981 did apply, it is not legally possible to disapply a requirement to obtain consent under s.28E in a DCO in England.</p> <p>As such and if applicable (which it is not in this case), the usual s.28E notice/consent process would need to be followed. Instead, it is for the Secretary of State (SOS) (as the decision-maker in relation to the DCO and also as a s.28G authority) to give notice to Natural England under s.28I WCA 1981 if the operations to be permitted by the DCO are likely to damage any of the flora, fauna or geological or physiographical features by reason of which the SSSIs are of special interest.</p> <p>Natural England then has 28 days (beginning with the date of the notice) to provide its advice, following which the SOS may decide whether to grant the DCO. The SOS must take Natural England's advice into account in deciding whether to grant the DCO and what (if any) protective provisions should be included in the DCO.</p> <p>If the DCO is granted, Highways England can then carry out the operations permitted by it in reliance on the reasonable excuse defence in S.28P(4)(a) WCA 1981, which says that if the operations in question were permitted by a s.28G authority which has acted in accordance with section s.28I (i.e. followed the correct process for</p>	<p>Highways England's position on SSSI consents under the Wildlife and Countryside Act 1981 remains as set out in its Document Reference 8.17 Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 and the legal advice note attached to that document at Appendix A.</p> <p>Highways England updated the Consents and Agreements Position Statement (Document Reference 7.2, REP8-023) and submitted this to the examination at Deadline 8.</p>	Relevant Representation, 2 September 2021

Ref.	Matter	Natural England position	Highways England position	Date of the position
		obtaining Natural England's advice, as outlined above), then this will be a reasonable excuse for any failure by a s.28G authority to obtain Natural England's assent (under s.28H WCA 1981) before carrying out any damaging operations.		
1.2	DCO requirement at Schedule 2, Part 1, Paragraph 3 should be revised to ensure Natural England is consulted prior to approval of the final versions of the Environmental Management Plans	<p>Natural England recognises the requirement for the DCO process to provide the certainty needed for the assessment of the project, and have been providing advice on the impacts to SSSIs as part of ongoing engagement with Highways England on the A417.</p> <p>Its concern particularly relates to areas of detail which may be deferred to the post consent stage. This is because it is essential that the SoS fully understands the environmental impacts of the project prior to making a determination on whether or not to grant consent.</p> <p>The DCO requirement at Schedule 2, Part 1, Paragraph 3 should be revised to ensure Natural England is consulted prior to approval of the final versions of both of the Environmental Management Plans (i.e., Environmental Management Plan (construction phase) and Environmental Management Plan (end of construction phase)).</p> <p>This will allow Natural England to assess the implications (for protected species and the SSSIs affected by the project) of any changes that may have been made to these plans following the granting of the DCO.</p>	<p>Highways England does not consider that it is necessary for Natural England to be included as a prescribed consultee under paragraph 3 of Schedule 2 to the draft DCO (Requirement 3).</p> <p>Commitment BD63 within the Register of Environmental Actions in the Environmental Management Plan (EMP) already ensures that all works within a SSSI must be subject to a method statement to be agreed and signed off by Natural England. This commitment is secured by Requirement 3.</p>	Relevant Representation, 2 September 2021
2. Project Description				
	No matters identified			
3. Assessment of Alternatives (Chapter 3 of the ES)				
	No matters identified			

Ref.	Matter	Natural England position	Highways England position	Date of the position
4. Air Quality (Chapter 5 of the ES)				
	No matters identified			
5. Landscape and Visual Effects (Chapter 7 of the ES)				
	No matters identified			
6. Biodiversity (Chapter 8 of the ES)				
6.1	Biodiversity Net Gain	<p>Notwithstanding the matters agreed at Table 4-1, Reference 9.1, according to Biodiversity Metric 2.0, the calculated score for the scheme shows a net loss of biodiversity of -29.66% (in area-based habitat units). The Biodiversity Metric 3.0 has now been published, but is not expected to materially alter that result. This is extremely disappointing and does not, in Natural England's opinion, fit with the vision for the scheme.</p> <p>In general, Natural England support the decisions taken to minimise impacts on habitats and species and provide mitigation and compensation, with a focus on providing priority habitats and functional habitat mosaics. They particularly welcome the inclusion of the 37m wide Gloucestershire Way crossing, the addition of habitat steppingstones to enable species to reach the bridge, the 'greening' of over bridges at Cowley and Stockwell, mitigation for specific species such as the inclusion of the main bat underpass, and the proposed repurposing of the Air Balloon Way. However, Natural England does not believe the scheme goes far enough, if it results in a net loss score of -29.66%.</p> <p>A net loss of 29.66% is substantial. In addition, it will take many years for habitats created as compensation to become biodiverse, potentially leaving a time gap between. There are also</p>	<p>As part of the scheme, it is proposed to plant new native broadleaved woodland, calcareous and neutral species-rich grassland, standard trees and native species-rich hedgerows to help preserve and create additional habitats in the local area. The landscape design focusses on the provision of priority habitats that have been carefully designed to improve habitat connectivity and biodiversity, in line with the nature recovery network strategy for the area and stakeholder vision. The provision of these habitats is in excess of that lost during construction. Highways England is working hard to maximise biodiversity delivery on the land that is available within the DCO boundary. Highways England has worked collaboratively with Natural England and other environmental bodies to consider the evolving Biodiversity Metric 2.0 tool and have agreed to focus on providing priority habitats, which are in keeping with the special qualities of the Cotswolds AONB, as part of this scheme.</p> <p>Highways England is continuing to investigate further opportunities to achieve BNG with neighbouring landowners and through looking at other off-site measures.</p> <p>Natural England have further considered the classification of the field north of Shab Hill as lowland meadow and on the basis set out in matter agreed 6.1 of Table 4-1, Highways England agrees with the Natural England view that this habitat is</p>	<p>Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)</p> <p>Relevant Representation, 2 September 2021</p>

Ref.	Matter	Natural England position	Highways England position	Date of the position
		<p>questions around the likely success rate of habitat creation.</p> <p>There are clear policy drivers for requiring the A417 missing link NSIP to deliver biodiversity net gain. The Government is committed to nature recovery, as set out in the 25 Year Environment Plan. Amendments to the Environment Bill will make it a requirement for an NSIPs to deliver a minimum of 10% biodiversity net gain from 2023. National landscapes such as AONB's are seen as vitally important to achieving nature recovery, as described in the Glover Review. Highways England itself has a strategic aim to achieve no net loss of biodiversity across the strategic road network by 2025 and biodiversity net gain by 2040.</p> <p>National landscapes such as AONB's are seen as vitally important to achieving nature recovery, as described in the Glover Review. Given the sensitive location and the scheme's long-held vision of being landscape-led, Natural England would welcome further progress towards net gain.</p>	<p>unlikely to qualify as lowland meadow and this has been taken into account in the calculation.</p> <p>Further information in relation to BNG is provided in Responses to the Examining Authority's Written Questions (Document Reference 8.4, REP1-009) and section 2.16 of Highways England's Response to Written Representations (Document Reference 8.11, REP2-012).</p>	
6.2	Barrow Wake roundabout – habitat loss	<p>Natural England disagree with the design in this area because the proposed access roundabout will require land take within the Crickley Hill and Barrow Wake SSSI. Although they understand that this would not significantly impact features for which the site is notified, this loss of land would still need to be compensated for. Natural England considers that this is a step in the wrong direction for the conservation of this site. It means we would lose the ability to return some secondary woodland to limestone grassland, which might otherwise have been a possibility.</p>	<p>The creation of a roundabout on the B4070 Barrow Wake Road would not result in the loss of any calcareous grassland, the main qualifying feature of the Barrow Wake SSSI unit. There would however be a loss of approximately 500m² (0.05ha) of road verge habitat either side of the current underpass structure. Existing vegetation in these locations comprises young to semi-mature trees, such as ash, hazel, willow and hawthorn, with ruderal species. This habitat is not considered to be high value habitat within the designated area. Impact to mature trees has been avoided where possible, although where ash trees are present the management of ash die back will need to be considered with regard to</p>	<p>Response to Supplementary Consultation on the 2020 PEI report (11 November 2020) Relevant Representation, 2 September 2021</p>

Ref.	Matter	Natural England position	Highways England position	Date of the position
			<p>retention of these trees. Similarly, a limited area of up to 1m wide on the western edge of the B4070 Barrow Wake Road adjacent to the proposed roundabout would be impacted to enable the rerouting of utilities and to provide a working area for the building of a stone wall required to mitigate for light spill from traffic. Vegetation in these locations is scrub and broadleaved trees. The impact of these works on mature trees will be minimised wherever possible.</p> <p>A total loss of approximately 1,400m² (0.14ha) of calcareous grassland and wooded habitat within the SSSI would be compensated for by the creation of calcareous grassland in a greater quantity than that lost. This would be part of a larger area of replacement Common Land as shown on ES Figure 12.4 Special category land (Document reference 6.3, APP-257-259), totalling approximately 10,534m² (1.053ha) and comprising of the existing A417 carriageway and areas of existing verge habitat, both trees and grassland, to be retained. The existing carriageway would be used for the Air Balloon Way route and habitat creation. The Common Land replacement therefore includes the conversion of approximately 3,600m² (0.36ha) of hardstanding to calcareous grassland, of which approximately 1,000 m² (0.1ha) is currently hardstanding within the SSSI boundary.</p> <p>The conversion of approximately 0.36ha of hardstanding to calcareous grassland as part of Common Land replacement, including 0.1ha within the SSSI boundary, would result in a permanent addition to the area of calcareous grassland within and adjacent to the Barrow Wake unit of the SSSI. This would positively affect the integrity of this resource once established.</p>	

Ref.	Matter	Natural England position	Highways England position	Date of the position
			<p>The habitat compensation for the loss of the habitat within the SSSI together with the additional calcareous grassland created for Common Land would represent a minor beneficial impact upon the SSSI.</p> <p>Details are provided in ES Chapter 8 Biodiversity.</p>	
6.3	Recreational Pressure on SSSI	<p>Natural England is concerned that the proposals will increase recreational pressure on the Crickley Hill and Barrow Wake SSSI.</p> <p>The improved access to the car park and the appeal of the Air Balloon Way would lead to increased footfall in the SSSI, as visitors utilise the car park to access the Air Balloon Way trail and Crickley Hill Country Park via the new Cotswold Way crossing. This is likely to lead to increased trampling and erosion within the SSSI, damaging the calcareous grassland, particularly as people move to the ridgeline to enjoy the views. In addition, more people could impact on the ability to graze the site safely, which is essential for its management.</p> <p>Paragraph 8.10.228 of Environmental Statement Chapter 8 – Biodiversity acknowledges that the viewpoint close to the car park will be a particular draw for visitors walking the Air Balloon Way, and that the grassland habitat in closer proximity to this location is more likely to be impacted by increased visitor numbers. It states that:</p> <p>“segregated routes, signage and other measures to deter public access from sensitive features would be discussed and agreed at detailed design stage, to help reduce and avoid adverse impacts on SSSI habitats that could arise from additional visitors attracted to the viewpoint and immediate surrounds”.</p>	<p>Recreational pressure is assessed within the ES Chapter 8 and 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.</p> <p>ES Chapter 8 Biodiversity has taken into account the proposals for walking, cycling and horse riding set out in ES Chapter 12 Population and Human Health and Annex F of the Environmental Management Plan (Public Rights of Way Management Plan).</p> <p>In response to the concerns expressed, a previously proposed footpath from the Air Balloon Way and Barrow Wake car park has been removed to reduce impact on SSSI habitat where musk orchids are known to be.</p> <p>The proposed Air Balloon Way has been revised to help reduce recreational activity through people navigating through the car park and SSSI. A further footpath (89) has been removed from the SSSI to reduce recreational activity within the SSSI.</p> <p>Signage, enclosures and interpretation boards to promote routes away from areas of SSSI would be provided to educate people of the sensitivity of</p>	<p>Response to Supplementary Consultation on the 2020 PEI report (11 November 2020)</p> <p>Relevant Representation, 2 September 2021</p>

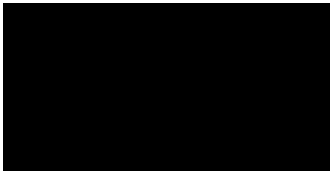
Ref.	Matter	Natural England position	Highways England position	Date of the position
		Natural England would not consider additional infrastructure in the SSSI to be suitable or effective mitigation.	habitat and help reduce or avoid potential adverse impacts. Further information in relation to recreational pressure on the SSSI is provided in section 2.15 of its Response to Written Representations (Document Reference 8.11, REP2-012).	
7. Geology and Soils (Chapter 9 of the ES)				
	No matters identified			
8. Materials (Chapter 10 of the ES)				
	No matters identified			
9. Noise and Vibration (Chapter 11 of the ES)				
	No matters identified			
10. Population and Human Health (Chapter 12 of the ES)				
10.1	Barrow Wake car park	Notwithstanding the matter agreed at 21.1, Natural England recommend the closure of the car park within Barrow Wake Site of Special Scientific Interest (SSSI) and its restoration to calcareous grassland to reduce increased footfall on Barrow Wake SSSI. Natural England wish to see the complete closure of the car park, ground levels rationalised, and the land restored to calcareous grassland, with an understanding that this would contribute towards offsetting the net loss of biodiversity resulting from this scheme. Crickley Hill and Barrow Wake SSSI is a core reservoir for biodiversity and Natural England state that the scheme should do everything possible to protect the site, enhance the site and use it as a pool from which species can expand across the landscape, aiding the recovery of nature. Natural England understands that any changes to the car park are outside of Highways England's control. However, the proposals are	The reduction, removal or relocation of the Barrow Wake car park is outside the scope of the consenting of the scheme, and it is not owned as part of the strategic road network by Highways England. Gloucestershire County Council who controls and maintain the car park intend to undertake an options assessment that would likely involve consultation with interested parties and the public in due course, and could result in changes in the future subject to the outcome of that assessment. Highways England has offered Gloucestershire County Council and other relevant stakeholders help to inform or facilitate any discussions about any changes that might be proposed at the car park. Highways England will also ensure the detailed design of the scheme is able to accommodate the existing car park arrangement, or a future scenario if appropriate.	Email, 22 April 2021

Ref.	Matter	Natural England position	Highways England position	Date of the position
		locking in the existing situation with the inclusion of an access roundabout. Further, the scheme as proposed would have an adverse impact on the SSSI and therefore changes should be made to avoid or mitigate for this impact.	The proposed roundabout is required for the safe movement of traffic along the proposed B4070.	
11. Crossings of the A417				
	No matters identified			
12. Gradient change				
	No matters identified			
13. The realignment of the B4070 to Birdlip via Barrow Wake				
	No matters identified			
14. Common Land				
	No matters identified			
15. Improvements for walking, cycling, horse riding and disabled users				
	No matters identified			

Appendices

Appendix A Signing Sheet

For signing	
Signed	
On Behalf of	Natural England
Name	Joanna Redgwell
Position	Manager – West Midlands team
Date	13 May 2022

For signing	
Signed	
On Behalf of	Highways England
Name	Michael Goddard
Position	Project Director
Date	16 May 2022