

A417 Missing Link  
TR010056

## 7.3.7 Statement of Common Ground with National Trust

Planning Act 2008

APFP Regulation 5(2)(q)  
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Procedure) Regulations 2009

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

**A417 Missing Link**

Development Consent Order 202[x]

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**Statement of Common Ground with National Trust**

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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 the National Trust in relation to the A417 Missing Link scheme.
- 1.1.2 The document identifies the following between the two parties:
- Matters which have been agreed
  - 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 Environment Statement (ES), submitted as part of the Development Consent Order (DCO) application.
- 1.1.4 Where matters are outstanding because they are subject to ongoing engagement during detailed design and construction, these are categorised as such in Table 5-1 to reflect the need for ongoing discussions beyond Examination.
- 1.1.5 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 process<sup>1</sup>.

## 1.2 Structure of this SoCG

- 1.2.1 The SoCG is structured as follows:
- Section 2 states the role of the National Trust in the application and sets out the consultation undertaken.
  - Section 3 summarises the topics considered within the 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.
- 1.2.3 Appendix B includes the National Trust's landowner position statement.

## 1.3 Status of this SoCG

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

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<sup>1</sup> 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 the National Trust

- 2.1.1 The National Trust is Europe's largest conservation charity with more than five million members. Established over 125 years ago, its primary purpose is to promote the preservation of special places for the benefit of the nation. The National Trust has a statutory duty under the National Trust Acts to promote the conservation of these places.
- 2.1.2 The National Trust is the largest private landowner in the UK and has the ability to declare its land to be held inalienably.
- 2.1.3 The National Trust is the Freehold owner of part of Crickley Hill Country Park and has a farm business tenancy and rights of access relating to parts of the Country Park in the freehold ownership of Gloucestershire Wildlife Trust. In addition, the National Trust has a farm business tenancy on land at Barrow Wake which is in the freehold ownership of Gloucestershire Wildlife Trust. The National Trust and Gloucestershire Wildlife Trust jointly manage this land.
- 2.1.4 This SoCG deals with issues that are relevant to the National Trust in its capacity as an affected landowner under section 42(1)(d) of the Planning Act 2008 (the Act) and in its capacity as a major conservation organisation.

### 2.2 Summary of consultation

- 2.2.1 Highways England has been in consultation with the National Trust 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 The National Trust is a member of the Strategic Stakeholder Panel (SSP) and has been a member of the Landscape, Environment and Heritage Technical Working Group, the Walking, Cycling and Horse riding Technical Working Group, and 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 the National Trust, 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 the National Trust since the Preferred Route Announcement in March 2019 is set out within Table 2-1.

**Table 2-1 Consultation with the National Trust since Preferred Route Announcement**

Date	Method	Parties concerned	Matters discussed
2 May 2019	Strategic Stakeholder Panel Meeting	Highways England SSP member organisations including National Trust	The following matters were discussed <ul style="list-style-type: none"> <li>• Preferred route announcement – review and feedback</li> <li>• Status update on the technical working groups</li> <li>• Technical partner and programme update</li> <li>• Programme/governance update</li> <li>• Preliminary design and what to expect</li> </ul>
13 June 2019	Strategic Stakeholder Panel Meeting	Highways England SSP member organisations including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• Update on the scheme.</li> <li>• Building connections and working together</li> <li>• The vision and purpose of the SSP</li> <li>• Next steps: shared objectives and ways of working</li> </ul>
18 June 2019	Joint Landscape Strategy meeting	Highways England TWG member organisations including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• Opportunities to restore grassland areas</li> <li>• Opportunity to improve current low-grade arable land to mosaic of calcareous grassland scrub and hedgerow</li> <li>• Woodland creation opportunities.</li> <li>• Tree species for planting</li> <li>• Recreation impacts</li> <li>• The potential for landmarks</li> <li>• Drainage solutions (Sustainable drainage systems (SuDS))</li> </ul>
26 July 2019	Email	National Trust to Highways England	National Trust provided Highways England with a paper on the then proposed green bridge.
15 August 2019	Email	Highways England to landscape officers/representatives at statutory body organisations, including National Trust	Highways England landscape specialist emailed the landscape representatives to share figures of the Zone of Theoretical Visibility (ZTV) and indicative viewpoint locations. The landscape specialist asked for feedback on the viewpoints.

Date	Method	Parties concerned	Matters discussed
20 August 2019	Landscape, Heritage and Environment Technical Working Group Meeting	Highways England  TWG Member Organisations including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• Feedback from last TWG</li> <li>• Ecology update on surveys</li> <li>• Update on design approach and Landscape and Visual Impact Assessment (LVIA)</li> <li>• Geology update on investigations/surveys</li> <li>• DCO process overview</li> <li>• Working group technical discussions</li> </ul>
4 September 2019	Email	Highways England to National Trust	Highways England invited the National Trust to participate in the Walking, Cycling and Horse Riding TWG and attend a meeting in September.
4 September 2019	Strategic Stakeholder Panel Meeting	Highways England  SSP member organisations including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• Progress update</li> <li>• Technical working group update</li> <li>• Public consultation details</li> <li>• Highways England provided a preview of the scheme proposals forming part of the consultation materials</li> </ul>
27 September 2019	Letter	Highways England to National Trust	Highways England wrote to National Trust to notify them of the statutory consultation taking place between 27 September and 8 November 2019, in accordance with section 42 of the Planning Act 2008. The letter invited the Trust to provide comments by 8 November 2019.
1 October 2019	Walking, Cycling and Horse riding Technical Working Group	Highways England  TWG member organisations including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• Draft proposed walking, cycling and horse riding routes</li> <li>• Consideration of anti-social behaviour in the environmental assessment</li> <li>• Bridleway on the then proposed green bridge</li> </ul>
5 October 2019	Email	Highways England to National Trust	Highways England geologist shared minutes from a meeting held on 6 September with National Trust to discuss geological enhancements and mitigation. The geologist invited National Trust to attend a follow-up site meeting on 23 October.
8 November 2019	Letter	National Trust to Highways England	National Trust sent Highways England their formal response to the statutory consultation.

Date	Method	Parties concerned	Matters discussed
21 November 2019	Email	Highways England to National Trust	Highways England provided a green bridge technical note which set out the principles of the design decisions for the then proposed green bridge and the overall thinking behind it.
13 January 2020	Letter	Highways England to National Trust	Highways England sent a letter to National Trust notifying them of the targeted landowner consultation, with a deadline to respond by 11 February 2020. This was followed by an email with the same content on 17 January.
16 January 2020	Meeting	Highways England National Trust	<p>The following matters were discussed:</p> <ul style="list-style-type: none"> <li>• An overview of the progress of the scheme to date and programme</li> <li>• The design and location of the then proposed green bridge</li> <li>• An overview of how the concept and locations for the then proposed green bridge were considered</li> <li>• National Trust gave a presentation on their position and preference for a wider wildlife bridge, providing examples of precedent bridges</li> <li>• National Trust desire to understand in more detail the potential impacts or benefits of bridge at different locations</li> </ul>
30 January 2020	Meeting	Highways England National Trust	<p>The following matters were discussed regarding the then proposed green bridge:</p> <ul style="list-style-type: none"> <li>• National Trust summarised their position on the bridge and in particular request for more detail on other locations of bridge and impacts</li> <li>• The policy context and purpose of the green bridge and how alternative locations were assessed during the design process, and that detailed assessment of all locations would not be possible</li> <li>• Highways England provided a draft sketch of an alternative location and set out at a high level how this would impact upon land, design, buildability, environment</li> <li>• Highways England set out a need for a clear position from National Trust very soon regarding their support or otherwise for scheme</li> </ul>
11 February 2020	Letter	National Trust to Highways England	The National Trust sent a formal response to the 11 January – 11 February 2020 targeted consultation.



Date	Method	Parties concerned	Matters discussed
26 February 2020	Strategic Stakeholder Panel Meeting	Highways England SSP member organisations including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• Progress of the scheme</li> <li>• Update on governance, funding, programme and statutory consultation</li> <li>• A roundtable discussion on consultation responses – key issues ahead of DCO submission</li> <li>• Next steps – activity up to DCO submission and beyond</li> </ul>
3 March 2020	Walking Cycling Horse riding Technical Working Group meeting	Highways England TWG member organisations including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• Update on the scheme</li> <li>• Draft Public Rights of Way (PRoW) Management Plan</li> <li>• WCH Statement of Common Ground</li> </ul>
6 March 2020	Meeting	Highways England National Trust	A meeting to discuss the then proposed green bridge proposals and respective positions of the parties. It was agreed that as an action of the meeting, Highways England and National Trust would 'hot house' on the issue to consider alternatives.
17 March 2020	Letter	Highways England to National Trust	Highways England sent a letter to the National Trust notifying them as a landowner of additional targeted landowner consultation, with a deadline to respond by 16 April 2020. This was followed by an email copy of the correspondence on 6 April 2020.
26 March 2020	Meeting	Highways England, National Trust	Two consecutive 'hot house' meetings were held as a collaborative session to consider alternatives to the then proposed green bridge, capture potential performance, benefits and disbenefits of each, and provide an indicative assessment of the potential for successful delivery.
27 March 2020	Meeting	Highways England, National Trust	
8 April 2020	Statement of Common Ground Meeting (SoCG)	Highways England, National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• Overview of the draft SoCG</li> <li>• Process and timescales of updating the SoCG.</li> </ul>
29 April 2020	Letter	National Trust to Highways England	Reconfirming National Trust position following meetings in March 2020 regarding the then proposed green bridge.

Date	Method	Parties concerned	Matters discussed
20 July 2020	Strategic Stakeholder Panel meeting	Highways England SSP member organisations including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>Update on the progress of the scheme</li> <li>The change to the scheme's programme</li> <li>The updated designs following consultation in 2019</li> </ul>
12 August 2020	Walking Cycling Horse riding Technical Working Group meeting	Highways England TWG member organisations including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>Update on how the design changes in the scheme have resulted in changes to the PRow network</li> <li>Next steps including the issue of the draft updated PRow management plan, the upcoming statutory consultation and the SoCG process</li> </ul>
17 August 2020	Environmental Collaborative Planning Meeting	Highways England Environmental bodies, including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>Key concerns the groups had following a briefing on the design changes that were being taken to supplementary consultation in October 2020</li> </ul>
25 August 2020	Environmental Collaborative Planning Meeting	Highways England Environmental bodies, including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>The Public Rights of Way proposals</li> <li>Changes to Cowley junction</li> <li>Realignment of the B4070 to Birdlip via Barrow Wake</li> <li>Change in gradient</li> </ul>
3 September 2020	Environmental Collaborative Planning Meeting	Highways England Environmental bodies, including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>Scheme wide connectivity, permeability and crossings strategy</li> <li>Maintaining and improving functionality of the crossings</li> <li>Cotswolds Way crossing</li> <li>Gloucestershire Way crossing</li> <li>Cowley and Stockwell Farm overbridges</li> </ul>
17 September 2020	Environmental Collaborative Planning Meeting	Highways England Environmental bodies, including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>Environmental masterplan</li> <li>Biodiversity Net Gain</li> <li>Archaeology</li> </ul>
28 September 2020	Meeting	Highways England	Highways England presented their strategy with regards to Common Land and the interface between this and impacts on the Crickley Hill and Barrow Wake SSSI's.

Date	Method	Parties concerned	Matters discussed
		Environmental bodies, including National Trust	
29 September 2020	Walking Cycling and Horse-riding Technical Working Group Statement of Common Ground Meeting	Highways England WCH TWG members including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• Draft SoCG document</li> <li>• The process and timescales of updating the SoCG.</li> </ul>
7 October 2020	Strategic Stakeholder Panel Meeting	Highways England SSP member organisations, including National Trust	Highways England provided an update to the SSP on the progress of the scheme including: <ul style="list-style-type: none"> <li>• The upcoming supplementary statutory consultation</li> </ul>
13 October 2020	Formal notification of supplementary consultation	Highways England National Trust	Highways England sent formal notification of the supplementary consultation via post and email to the National Trust in accordance with section 42 of the Planning Act 2008. This set out a deadline to submit comments of the 12 November 2020.
28 October 2020	Meeting	Highways England Environmental collaborative planning organisations including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• Biodiversity Net Gain (BNG) and the DEFRA Metric in relation to the A417 Missing Link scheme</li> <li>• The change by habitat area within the DCO Boundary</li> <li>• the BNG calculation (using the current DEFRA metric, due to be updated in Dec 2020)</li> <li>• The BNG metric</li> <li>• Stakeholders ideas to improve on biodiversity gain</li> </ul>
10 November 2020	Formal response to statutory consultation	National Trust to Highways England	The National Trust submitted a formal response to the statutory consultation to Highways England via letter.

Date	Method	Parties concerned	Matters discussed
2 December 2020	Meeting	Highways England  SSP member organisations, including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• Key concerns and issues regarding the proposed crossings for the scheme.</li> </ul>
11 December 2020	Strategic Stakeholder Panel Meeting	Highways England  SSP member organisations, including National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• Progress of the scheme</li> <li>• Results from the recent consultation</li> <li>• A summary of the responses received</li> <li>• Provide an update on next steps for the scheme</li> </ul>
14 December 2020	Letter	Highways England  Environmental bodies, including National Trust	Highways England wrote to the environmental stakeholders, including National Trust, to outline a change in proposals following the crossings and integration strategy meeting which took place on 2 December 2020.
18 December 2020	Letter	Highways England  Environmental bodies, including National Trust	The National Trust wrote to Highways England to confirm their full support for the proposed design changes outlined in Highways England's letter dated 14 December 2020 but also highlighted the need to collectively challenge the negative biodiversity net gain position of the road scheme.
5 January 2021	Email	Highways England  National Trust	The National Trust responded to Highways England on recent dialogue advising their position with regards to the revised proposed inalienable land take and would wait to formally respond in next land acquisition consultation.
25 January 2021	Statement of Common Ground Meeting (SoCG)	Highways England  National Trust	Highways England provided the National Trust with an overview of the draft SoCG document and sought comments on its structure and National Trust's principal matters outstanding. Highways England and National Trust discussed the process and timescales of updating the SoCG.
8 February 2021	Letter	Highways England to National Trust	Highways England sent a letter to the National Trust notifying them as a landowner of additional targeted landowner consultation, with a deadline to respond by 9 March 2021.

Date	Method	Parties concerned	Matters discussed
8 March 2021	Formal response to statutory consultation	National Trust to Highways England	The National Trust submitted a formal response to the targeted landowner consultation to Highways England via letter.
19 March 2021	Statement of Common Ground Meeting (SoCG)	Highways England National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• Overview of the draft SoCG document and comments on its structure and National Trust's principal matters outstanding</li> <li>• Process and timescales of updating the SoCG</li> </ul>
25 August 2021	Statement of Common Ground Meeting (SoCG)	Highways England National Trust	The following matters were discussed: <ul style="list-style-type: none"> <li>• National Trust's issue of suggested changes to the draft SoCG following DCO application acceptance and publication of DCO documents (resent to Highways England during the meeting)</li> <li>• Commitments and details as part of the long-term management plans set out in the DCO application</li> <li>• Request to hold a focused technical meeting on climate</li> <li>• Suggested further update to the draft SoCG following Relevant Representation, which will align closely to the priority matters outstanding</li> <li>• Update on landowner discussions (separate to the SoCG meetings)</li> <li>• Process and timescales for updating the SoCG during examination</li> </ul>
6 October 2021	Meeting	Highways England National Trust	The following matters were presented and discussed: <ul style="list-style-type: none"> <li>• Climate Change Act and statutory carbon reduction targets</li> <li>• Publicly Available Specification (PAS) 2080 as a standard for managing and reporting infrastructure carbon</li> <li>• Decarbonising transport: a better, greener Britain, DfT's plan to decarbonise the entire transport system in the UK</li> <li>• Highways England's decarbonisation plan, Net zero highways: our 2030 / 2040 / 2050 plan</li> <li>• Scheme net emissions (up to 2037) against UK Government carbon budgets</li> </ul>
22 November 2021	Statement of Common Ground Meeting (SoCG)	Highways England National Trust	Meeting to discuss and agree the updated draft Statement of Common Ground in advance of Examination Deadline 1.

Date	Method	Parties concerned	Matters discussed
14 December 2021	Deadline 1 submissions	National Trust	<p>The National Trust submitted the following documents to inform Examination Deadline 1:</p> <ul style="list-style-type: none"> <li>• Responses to ExQ1 (REP1-096)</li> <li>• Summary of Written Representation (REP1-097)</li> <li>• Written Representation (REP1-098)</li> <li>• Cover letter, notification of wish to participate in a Compulsory Acquisition Hearing, and Submission of suggested locations for the Examining Authority to include in any site inspection (REP1-095)</li> </ul>
31 January 2022	Statement of Common Ground Meeting (SoCG)	Highways England National Trust	Meeting to discuss and agree the updated draft Statement of Common Ground in advance of Examination Deadline 3.
2 February 2022	Deadline 3 submissions	National Trust	The National Trust submitted its Notification of wish for any Interested Party to attend an ASI in February (if held) (REP3-057) to inform Examination Deadline 3.
10 February 2022	Meeting	Highways England National Trust Cotswolds Conservation Board Gloucestershire County Council officers Natural England 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	National Trust	The National Trust submitted its Comments on responses received by D3 (REP4-051) to inform Examination Deadline 4.
14 February 2022	Strategic Stakeholder Panel Meeting	Highways England SSP member organisations, including National Trust	Highways England provided an update on the Examination.
16 February 2022	Email	Highways England to National Trust	Highways England signposted National Trust to their submission at Deadline 4 in relation to concerns relating to detailed design.

Date	Method	Parties concerned	Matters discussed
3 March 2022	Email	Highways England to SSP member organisations, including National Trust	Highways England wrote to National Trust to provide an update on matters concerning detailed design and the lighting assessment at Ullenwood junction.
7 March 2022	Statement of Common Ground Meeting (SoCG)	Highways England National Trust	Meeting to discuss and agree the updated draft Statement of Common Ground in advance of Examination Deadline 5.
29 March 2022	Meeting	Highways England National Trust	Meeting to discuss the proposed noise impacts and associated mitigation.
7 April 2022	Statement of Common Ground Meeting (SoCG)	Highways England National Trust	Meeting to discuss and agree the updated Statement of Common Ground.
30 March 2022	Deadline 6 submission	National Trust	The National Trust submitted their Responses to ExQ2 (REP6-34) to inform Examination Deadline 6.
19 April 2022	Statement of Common Ground Meeting (SoCG)	Highways England National Trust	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.	Consultation
Relevant ES Chapter	3.	Assessment of Alternatives (Chapter 3 of the ES)
	4.	Environmental Assessment Methodology (Chapter 4 of the ES)
	5.	Air Quality (Chapter 5 of the ES)
	6.	Cultural Heritage (Chapter 6 of the ES)
	7.	Landscape and Visual Effects (Chapter 7 of the ES)
	8.	Biodiversity (Chapter 8 of the ES)
	9.	Geology and Soils (Chapter 9 of the ES)
	10.	Noise and Vibration (Chapter 11 of the ES)
	11.	Population and Human Health (Chapter 12 of the ES)
	12.	Population and Human Health – Public Rights of Way (Chapter 12 of the ES)
	13.	Climate (Chapter 14 of the ES)
Other topics	14.	Environmental Management Plan
	15.	Crossings of the A417
	16.	Gradient change
	17.	Cowley junction
	18.	The realignment of the B4070 to Birdlip via Barrow Wake
	19.	Common Land
	20.	Improvements for walking, cycling and horse riding including disabled users
	21.	Land
	22.	Draft DCO



## 4 Matters agreed

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

**Table 4-1 Matters agreed between the National Trust and Highways England**

Matter reference number	Matter which has been agreed	Date and method of agreement
1. Principle of Development		
1.1	Both parties agree that measures are needed to address the safety and traffic flow issues on the 5km stretch of single carriageway between Brockworth bypass and Cowley Roundabout.	Covering letter, National Trust response to Supplementary Consultation, 10 November 2020
1.2	Both parties agree the scheme will need to accord with paragraph 5.152 of the National Policy Statement for National Networks (NPSNN), which states that there is a strong presumption against any significant road widening or the building of new roads in an Area of Outstanding Natural Beauty (AONB) unless it can be shown that there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs significantly.	Covering letter, National Trust response to Supplementary Consultation, 10 November 2020
1.3	Both parties agree the scheme will need to accord with the requirements set out in paragraph 5.153 of the NPSNN which states that for projects within an AONB, the Secretary of State should be satisfied that the project will be carried out to high environmental standards and where possible include measures to enhance other aspects of the environment.	Covering letter, National Trust response to Supplementary Consultation, 10 November 2020
1.4	Both parties agree the scheme will need to accord with the requirements set out in paragraph 5.154 of the NPSNN which states that the aim should be to avoid compromising the purposes of designation and the project should be designed sensitively.	Covering letter, National Trust response to Supplementary Consultation, 10 November 2020

Matter reference number	Matter which has been agreed	Date and method of agreement
1.5	The National Trust agrees with the 'landscape-led' approach for the scheme as stated in the agreed vision statement. The National Trust also agrees with the following aspects of the scheme vision: conserving and enhancing the special character of the Cotswolds AONB; reconnecting landscape and ecology; bringing about landscape, wildlife and heritage benefits; and enhancing visitor enjoyment.	Covering letter, National Trust response to Supplementary Consultation, 10 November 2020
1.6	Both parties agree the scheme should have regard to the policies set out to meet the challenge of climate change, conserving and enhancing both the natural and historic environment stipulated in the revised February 2019 National Planning Policy Framework (NPPF).	Page 1 of National Trust response to Statutory Consultation, 6 November 2019
<b>2. Consultation</b>		
2.1	<p>Highways England agrees that to date, National Trust have raised key concerns in the following submissions:</p> <ul style="list-style-type: none"> <li>• 2017 Position statement</li> <li>• 2018 Non-Statutory Consultation response</li> <li>• 2018 Non-Statutory Consultation position statement</li> <li>• 2019 Preferred Route Announcement statement</li> <li>• 2019 Environmental Impact Assessment Scoping Report to Planning Inspectorate</li> <li>• 2019 July Green Bridge considerations paper</li> <li>• 2019 Statutory consultation response</li> <li>• 2020 Landowner land acquisition consultation responses (x3 – February, April and November)</li> <li>• 2020 Briefing note for the Access Bridges (collaborative document with CNL, GWT)</li> <li>• 2020 Supplementary statutory consultation response</li> <li>• 2020 Supplementary statutory consultation collaborative press release (with CNL, GWT)</li> <li>• 2021 Landowner land acquisition consultation response</li> </ul>	National Trust responses dated to Landowner land acquisition response, February 2021
2.2	Both parties agree to continue to engage with one another during the detailed design stage of the scheme to agree things such as, but not limited to, bridge structures, the repurposed A417, surfacing and signage.	SoCG meeting, 25 January 2021
<b>3. Assessment of Alternatives (Chapter 3 of the ES)</b>		
3.1	The National Trust understands how the scheme has evolved and how the current proposal has been arrived it. They also note that the scheme would bring some notable public benefits.	SoCG meeting, 22 November 2021

Matter reference number	Matter which has been agreed	Date and method of agreement
4. Environmental Assessment Methodology (Chapter 4 of the ES)		
4.1	Both parties agree an Environmental Management Plan and a Construction Traffic Management Plan must be in place before construction commences and key stakeholders must have had the opportunity to feed into the drafting of these documents.	Page 9 of National Trust response to Statutory Consultation, 6 November 2019
5. Air Quality (Chapter 5 of the ES)		
5.1	Both parties agree that a clear scope for ecological receptors in terms of the habitats and the zone of influence is needed and that mitigation measures to reduce any adverse impacts will be fully considered. An assessment of the effects of the scheme on air quality in relation to human and ecological receptors is provided in ES Chapter 5 Air Quality (Document Reference 6.2, APP-036).	SoCG meeting, 19 March 2021
5.2	Both parties agree that there needs to be an assessment of nitrogen deposition from any increased traffic in operational phase on the ecological receptors. An assessment of the effects of the scheme on air quality in relation to human and ecological receptors is provided in ES Chapter 5 Air Quality (Document Reference 6.2, APP-036).	SoCG meeting, 19 March 2021
5.3	Both parties agree that the EIA should include an assessment of the effects of dust during construction and vehicle emissions during operation. The effects of dust during construction will be assessed and reported on in ES Chapter 5 Air Quality (Document Reference 6.2, APP-036).	SoCG meeting, 19 March 2021
5.4	Both parties agree that there is an appropriate mechanism secured through table 2.1 of the EMP (APP-317) for the Trust (and GWT) to report any concerns in relation to construction dust with specific regards to Crickley Hill Country Park and that these would be addressed through the same mechanism.	SoCG meeting, 31 January 2022
5.5	Both parties agree that there is an appropriate mechanism secured through table 2.1 of the EMP (APP-317) for the Trust (and GWT) to report any concerns in relation to construction dust and that these would be addressed through the same mechanism.	SoCG meeting, 31 January 2022
5.6	National Trust agree with the location of the dust crushing compound to be over 250m away from the Crickley Hill and Barrow Wake SSSI as shown on Sheet 2 of 6 of the General Arrangement Plans (APP-010).	SoCG meeting, 31 January 2022
5.7	Both parties agree to continue to engage with specific regards to air quality impacts during construction on Crickley Hill and Barrow Wake SSSI, as secured through commitment GP8 "Stakeholder engagement: Highways England would engage with all key environmental stakeholders prior to and during the detailed design process, as well as during construction of the scheme. These are listed in section 2.2 of this EMP."	SoCG meeting, 31 January 2022
6. Cultural Heritage (Chapter 6 of the ES)		
No matters identified.		

Matter reference number	Matter which has been agreed	Date and method of agreement
<b>7. Landscape and Visual Effects (Chapter 7 of the ES)</b>		
7.1	Both parties agree that there should be no lighting in the vicinity of Shab Hill junction to reduce the amount of light spillage to the Dark Skies area. The National Trust would reconsider this position if the approach to lighting was any different from that currently proposed (particularly in light of GCC's position as local highway authority that Ullenwood junction could be lit subject to assessment).	SoCG meetings, 19 March 2021 and 22 November 2021
7.2	The National Trust agrees with the "Dark-Skies" approach taken to the scheme development in recognition of one of the key characteristics of the Area of Outstanding Natural Beauty (AONB) landscape.	SoCG meeting, 31 January 2022
7.3	The National Trust notes and supports the Applicant's statement that the design and finish of the cutting would be of a 'naturalistic appearance', with mix of exposed rock, terraces and steep slopes, and avoiding 'hard engineered' solutions.	Page 31 of National Trust's Written Representation, December 2021
7.4	Regarding walls, the Trust acknowledges and supports the use of Cotswold dry-stone walls, to reduce noise impacts and reflect the landscape characteristics within the area of the Cotswolds AONB.	Page 30 of National Trust's Written Representation, December 2021
7.5	Both parties wish for the scheme to adhere as closely as possible to its landscape-led vision and are committed to working collaboratively alongside other stakeholders during the detailed design stage to help ensure this is achieved. Whilst Draft DCO requirements secure the approach to continued consultation, appropriate EMP commitments have also been included to help secure this approach to delivering a landscape-led highway scheme, for example (not an exhaustive list) L5 and L21 provide commitments to the design of all bridges and structures – to be of high architectural quality – and commitment L7, L8, BD41 and BD54 define the Gloucestershire Way crossing design in further detail.	SoCG meeting, 31 January 2022
7.6	Requirement 7 states that fencing shall be in accordance with the Manual Contract Documents for Highways Works. Both parties agree to commit to continue engagement on the specifics of the fencing during detailed design to ensure it's appropriate to its setting and requirements for safety (inc. visitor safety and cattle management).	SoCG meeting, 7 March 2022
<b>8. Biodiversity (Chapter 8 of the ES)</b>		
8.1	The National Trust accepts that under the Town and Country Planning Act 1990, a Nationally Significant Infrastructure Project is not required to achieve Biodiversity Net Gain. Whereas the Road Investment Strategy 2: 2020-2025 (RIS2) states a commitment to no net loss to biodiversity by 2020 and net gain by 2040 along the Strategic Road Network, and the 25 Year Environment Plan states that: "Current policy is that the planning system should provide biodiversity net gains where possible". The National Trust agree that Highways England has sought	SoCG meeting, 31 January 2022

Matter reference number	Matter which has been agreed	Date and method of agreement
	to maximise biodiversity improvements on the land that is available within the DCO Boundary. Highways England has worked collaboratively with the National Trust and other environmental bodies to consider the evolving DEFRA Biodiversity Metric 2.0 tool and has agreed to focus on providing priority habitats, 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 Biodiversity Net Gain (BNG) with neighbouring landowners and through looking at other off-site measures.	
8.2	The National Trust supports tree planting mitigation adjacent to Ullenwood.	Page 8 of National Trust response to Statutory Consultation, 6 November 2019
8.3	The National Trust agrees that the re-purposing of part of the existing A417 provides an opportunity for an ecological link across the landscape. Both parties agree that further collaboration will take place during the detail design discussions to ensure it is sensitively designed and existing A417 infrastructure completely removed, that the right surface is provided for all users and planting/landscaping allows the scarring to reduce in the landscape.	SoCG meeting, November 2021
8.4	Overall, the Trust agrees that the amount of calcareous grassland creation is a positive outcome for the scheme when incorporated with the other mitigation measures that Highways England is proposing as part of the scheme. National Trust are pleased to see that Highways England have worked to maximise habitat creation opportunities within the DCO Boundary and are seeking to create high distinctiveness (priority) habitats where possible.	Page 10 of National Trust response to Supplementary Consultation, 10 November 2020
8.5	The National Trust agrees that appropriate mitigation and compensation is proposed for the loss of 5.32ha of species-rich neutral grassland in the field north of Shab Hill It is achieved as part of the creation of c 70ha of calcareous grassland and 7.6 ha of species-rich neutral grassland. The species-rich neutral grassland will be created using topsoil from the field north of Shab Hill. The methodology for translocating and storing the topsoil should be detailed in Annex B Construction Traffic Management Plan (CTMP) of ES Appendix 2.1 EMP (Document Reference 6.4, APP-319). Whilst the calcareous grassland is not a like-for-like replacement for species-rich neutral grassland, it is of equally high-value and appropriate to claim as compensation due to the extent of new habitat and its importance in the local landscape. All appropriate mitigation measures are set out in ES Chapter 8 Biodiversity (Document Reference 6.2, APP-039).	SoCG meetings, 25 August 2021 and 22 November 2021
8.6	As per Requirement 3 (4) and (5) of the draft DCO (dDCO) (Document Reference 3.1, Rev 2), the EMP (end of construction stage) secures the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the scheme. Long-term, in this instance, is not quantifiably defined. As per National Highways Licence, they are responsible for maintaining their assets in accordance with the conditions of the	SoCG meeting, 7 March 2022

Matter reference number	Matter which has been agreed	Date and method of agreement
	Licence unless and until the Licence is revoked, and therefore is in effective perpetuity. To ensure the long-term success of mitigation is secured in the EMP, a new commitment has been added: BD67 The EMP (end of construction stage) would be developed towards the end of the construction of the scheme, to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the scheme. The EMP (end of construction stage) would contain trigger points and remediation measures.	
8.7	National Trust agree that Highways England are drawing on best practice principles and appropriate research that provides the basis supporting the design of wildlife crossing points (i.e. under passes, culverts and bridges) and outlines plans provided to date. Both parties commit to ongoing engagement on this matter as secured through commitment GP8 "Stakeholder engagement".	SoCG meeting, 7 April 2022
8.8	Both parties are committed to working collaboratively with stakeholders to develop the relevant management and monitoring sections of the LEMP at the detailed design stage. Section 4 of the LEMP (APP-321) provides recommended pre, during and post construction monitoring. In addition, the Environmental Management Plan sets out many commitments for mitigation and monitoring, as well as for stakeholder engagement throughout detailed design (GP8). Requirement 6 remedies any failed mitigation to the landscape and planting (including habitat creation).	SoCG meeting, 7 April 2022
8.9	Both parties agree that upon completion of construction of the scheme, the EMP (construction stage) must be converted into the EMP (end of construction stage), which is pursuant of Requirement 3 of the draft DCO (Document Reference 3.1, APP-022). Annex D LEMP of the EMP (end of construction stage) shall detail the accountability, funding, monitoring, management, triggers for remediation and remediation works. This will ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the scheme. The scheme must be operated and maintained in accordance with the EMP (end of construction) which will contain the long-term commitments to aftercare, monitoring and maintenance activities.	SoCG meeting, 7 April 2022
8.10	<p>Both parties agree that the length of habitat management plans will specific be for the type of habitat for a period of time appropriate to ensure the long-term management needs, or for the length of the Highways England License.</p> <p>Highways England confirmed that all land which is the subject of discussions is currently proposed to be acquired permanently so that Highways England can implement, deliver and manage the proposed mitigation.</p> <p>However, if Highways England have confidence that the mitigation can be maintained in the long-term by a third party, it may enter into a S253 Agreement. If an Agreement is signed, this means that the land take would change from permanent to temporary. It would be the responsibility of Highways England to implement the mitigation, but</p>	SoCG meeting, 19 April 2022

Matter reference number	Matter which has been agreed	Date and method of agreement
	the responsibility of the landowner to manage the land under the terms of the Agreement. The Agreement places a legal obligation on the landowner of that piece of land at any given time, to manage the land for the purposes of the essential mitigation proposed. The Agreement would be on the land, and not the individual(s), and so would it pass to any future owner if there are changes.	
9. Geology and Soils (Chapter 9 of the ES)		
9.1	National Trust agrees with the conclusion that with the cutting being much reduced (compared to the scheme consulted on in 2019), it presents a lesser risk from a geological perspective, as it will avoid digging into less stable materials, has a reduced impact to the SSSI geological features (notable rock exposures), ancient woodland and Emma's Grove. Decreasing the amount of spoil by approx. 1m cubic tonnes is another significant environment outcome compared to the scheme consulted on in 2019 (potentially reducing 50,000 lorry movements that would have been required to take the waste material off-site).	National Trust response to Supplementary Consultation, 10 November 2020
9.2	Both parties agree that the EMP (Document Reference 6.4, APP-317) provides the following commitments on geology, that geological interpretation will be carried out, revealing and interpreting exposed sections within the scheme area, GS7, GS8, GS9 and GS10.	SoCG meeting, 31 January 2022
9.3	National Trust agree with commitments GP5 and GS11 to secure avoiding or minimising any temporary and long-term impacts with regards to the creation of new woodland or grassland. Highways England, as secured in GP8, commit to ongoing engagement with the Trust and other environmental stakeholders during detailed design and construction.	SoCG meeting, 7 March 2022
10. Noise and Vibration (Chapter 11 of the ES)		
10.1	Both parties agree that commitment National Trust will be engaged with and consulted regarding noise and vibration impacts from construction. This is secured through NV2, NV3 and NV5 in the EMP (Document Reference 6.4, APP-317).	SoCG meeting, 31 January 2022
10.2	Highways England are committed to providing a lower noise surface on all new and altered roads in the scheme, including the altered section alongside Crickley Hill and is secured by DCO Requirement 13. Low-noise surfaces are standard on new roads and on existing roads when they need resurfacing and Highways England agrees to ongoing engagement with National Trust on this matter during detailed design. Highways England is committed to using lower noise surface solutions on any future resurfacing of the A417 during its operation.	Noise mitigation meeting, 29 March 2022
11. Population and Human Health (Chapter 12 of the ES)		
11.1	Highways England is committed to retain access to Crickley Hill Country Park at all times during the construction of the scheme and will continue to engage with and consult National Trust (and GWT) during detailed design and construction (including CTMP), as secured in EMP GP8: stakeholder engagement.	SoCG meeting, 7 March 2022



Matter reference number	Matter which has been agreed	Date and method of agreement
12. Population and Human Health – Public Rights of Way (Chapter 12 of the ES)		
	No matters identified.	
13. Climate (Chapter 14 of the ES)		
13.1	<p>Both parties agree that there is a requirement for the contractor to reduce the footprint of the scheme through commitment CC2 of the Environmental Management Plan (EMP).</p> <p>Furthermore, commitment CC7 secures that: “The contractor would develop and implement a Carbon Management Plan to reduce energy consumption and associated carbon emissions.” The high-level content of this is set out in section 4.3 EMP (Construction) Management Plans, under a new heading “Carbon Management Plan”.</p> <p>Also, commitment CC9 states that: “Where practicable, measures will be implemented to manage material resource use during construction including:</p> <ul style="list-style-type: none"> <li>• Using materials with lower embedded GHG emissions and water consumption.</li> <li>• Using sustainably sourced materials.</li> <li>• Using recycled or secondary materials</li> <li>• Employing low carbon construction techniques, e.g. warm asphalt.”</li> </ul>	SoCG meeting, 7 April 2022
14. Environmental Management Plan		
14.1	Both parties agree mitigation must be implemented at every stage of the construction process for protected species and other wildlife and phased to have the best opportunity of success in starting the gradual process of restoring and re-connecting the landscape within which the road scheme sits.	Page 10 of National Trust response to Statutory Consultation, 6 November 2019
14.2	Both parties agree that a Construction Traffic Management Plan (CTMP) must be produced. Annex B Construction Traffic Management Plan (CTMP) of ES Appendix 2.1 EMP (Document Reference 6.4, APP-319) has been produced as part of the DCO submission. A construction stage (at detailed design) CTMP will also form part of the construction-stage EMP as per draft DCO Requirement 3.	SoCG meeting, 19 March 2021 and 22 November 2021
14.3	Both parties agree to continue to engage prior to and during the detailed design process, as well as during construction of the scheme, as secured within the EMP, GP8 Stakeholder engagement.	SoCG meeting, 7 March 2022
15. Crossings of the A417		



Matter reference number	Matter which has been agreed	Date and method of agreement
15.1	The National Trust supports the provision of the Cotswold Way crossing in its location, and agrees that it should provide connectivity along the Cotswolds escarpment and provide a safe crossing point for walkers on the Cotswold Way, as well as for other non-motorised users and livestock movement between Crickley Hill and Barrow Wake.	Page 1 of National Trust response to Supplementary Consultation, 10 November 2020
15.2	The National Trust agrees that the Cotswold Way crossing will enhance people's ability to physically connect Crickley Hill, Emma's Grove and Barrow Wake, that it will be a gain for landscape connectivity (compared to having no crossing in this location) and will present an opportunity to enhance people's understanding of the historic environment and landscape setting (subject to detailed scheme design).	Page 2 of National Trust response to Supplementary Consultation, 10 November 2020
15.3	Both parties agree that the design, form and appearance of the Cotswold Way crossing should respond to the natural and built character of this part of the Cotswolds and should make a positive contribution to sense of place.	Page 1 of National Trust response to Supplementary Consultation, 10 November 2020
15.4	The National Trust supports the provision of the Gloucestershire Way crossing in its location, to provide access connectivity for the Gloucestershire Way, and to provide vital connectivity within the landscape, with benefits for ecological networks, with particular regard to having 'splayed' ends as it joins the land on either side of the cutting, providing a funnel effect and will have benefits in terms of how it fits in with the local landscape and guides some mobile wildlife across the crossing. Both parties agree to continue working together, and with other stakeholders during the detailed design discussions to ensure as far as possible for a bridge of its size, that the bridge provides a sustainable wildlife corridor for local species as appropriate once construction has been completed.	Page 2/4 of National Trust response to Supplementary Consultation, 10 November 2020 SoCG meeting, November 2021
15.5	The National Trust agree the Gloucestershire Way will enhance people's ability to physically connect with Crickley Hill, Emma's Grove, Barrow Wake and other notable sites, which will increase understanding of historical assets and how human activity has, over millennia created the living landscape we currently enjoy. This will certainly be a gain for landscape connectivity (compared to having no such crossing) and presents an opportunity to enhance people's understanding of the historic environment and landscape setting if the bridge is designed appropriately and sensitively.	Page 4 of National Trust response to Supplementary Consultation, 10 November 2020
15.6	The National Trust agrees that a primary purpose of the Gloucestershire Way crossing is to provide an access route connecting the Gloucestershire Way and Cotswold Way National Trail.	Page 2 of National Trust response to Supplementary Consultation, 10 November 2020

Matter reference number	Matter which has been agreed	Date and method of agreement
15.7	The National Trust agrees with the provision of 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. The National Trust welcomes and fully supports this design change 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. Both parties agree to continue developing the design of the bridge through detailed design stage.	Page 1 of National Trust position statement response, 18 December 2020
16. Gradient change		
16.1	The National Trust broadly supports the design change with an 8% gradient proposed on Crickley Hill as consulted upon in 2020, compared to the 7% proposed in the Autumn 2019 consultation. The proposed change in grade would remove the extent of some harmful impacts, including visual impacts, effects on the water environment and in terms of wider environmental impacts. Because this reduced depth of excavation means less land/habitat loss, then this is considered to be beneficial.	Page 4 of National Trust response to Supplementary Consultation, 10 November 2020
17. Cowley junction		
17.1	Highways England made the decision to remove the connection between Cowley Village and Cowley junction via Cowley Woods from the scheme. The route will become a private access for local properties and for walking, cycling and horse riding, including for disabled users. Access restrictions (to Cowley village) will be finalised in the detailed design stage of the project, and will be carefully considered in agreement with the local authority and relevant property owners. In principle, the National Trust agree to the proposed change at Cowley junction.	Page 5 of National Trust response to Supplementary Consultation, 10 November 2020
18. Realignment of the B4070 to Birdlip via Barrow Wake		
18.1	The National Trust is supportive of the revised design of the realigned B4070 as it is now using part of the existing highway. The proposed change would reduce both the length of new highway that is required and agricultural land take and therefore, on balance, may represent a beneficial change to the scheme.	Page 6 of National Trust response to Supplementary Consultation, 10 November 2020
18.2	The National Trust supports the aspiration to address the known and persistent anti-social behaviours currently associated with the Barrow Wake car park and this revision will go towards deterring this behaviour.	Page 6 of National Trust response to Supplementary Consultation, 10 November 2020
19. Common Land		
19.1	The National Trust supports the re-provision of Common Land, in principle.	Page 8 of National Trust response to

Matter reference number	Matter which has been agreed	Date and method of agreement
		Supplementary Consultation, 10 November 2020
20. Improvements for walkers, cyclists, and horse riders, including disabled users		
20.1	The National Trust supports the provision of the Cotswold Way and Gloucestershire Way crossings, and the re-purposing of the existing A417 route, subject to detailed design.	Page 7 of National Trust response to Supplementary Consultation, 10 November 2020
20.2	The National Trust supports the proposed improvements, being mindful that they must accommodate different user groups, whilst still protecting the mosaic of habitats, designated sites and differing land uses across landownerships.	Page 7 of National Trust response to Supplementary Consultation, 10 November 2020
21. Land		
21.1	Subject to agreement, the National Trust agrees to the acquisition of four parcels of inalienable land as stated in the first land acquisition plan dated 13.01.2020 – The parcels of land are identified as 2/14, 2/14a, 2/14b and 2/14c 'LAND PLANS APFP REGULATION 5(2)(i)(I),(II),(III) SHEET 2 OF 6 Drawing Number HE551505 Revision C01' Both parties agree to continue discussions about the transfer of these parcels of land.	SoCG meetings, 19 March 2021 and 22 November 2021
21.2	Highways England acknowledges that the National Trust has better title to part of its registered title GR323231, being parcel 2/14 on Drawing Title 'LAND PLANS APFP REGULATION 5(2)(i)(I),(II),(III) SHEET 2 OF 6 Drawing Number HE551505 Revision C01' and that this parcel will be included in the parcels to be acquired by Highways England.	SoCG meeting, 22 November 2021
21.3	Highways England and the National Trust commit to ongoing discussions with regards to long-term land management, with a particular focus on Crickley Hill & Barrow Wake SSSI and blighted land.	SoCG meeting, 25 January 2021
22. Draft DCO		
22.1	Both parties agree that both temporary and permanent stopping up of rights of way are addressed within Article 28 of the Draft DCO.	SoCG meeting, 31 January 2022
22.2	Both parties agree that both the temporary and permanent diversion of the Cotswold Way National Trail is addressed within Article 20 of the Draft DCO	SoCG meeting, 31 January 2022

## 5 Matters outstanding

### 5.1 Principal matters outstanding

5.1.1 The principal matters outstanding between National Trust and Highways England are:

- the conclusion of the predicted impact on Crickley Hill SSSI unit during construction and operation; and
- that a holistic landscape approach should be taken for scheme mitigation that overlays cultural heritage, historic environment and natural environment.

### 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 is colour coded 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 during the detailed design stage or construction
	Matter of difference

**Table 5-1 Matters outstanding between the National Trust and Highways England**

Ref.	Matter	National Trust position	Highways England position	Date of the position
1. Principle of Development				
1.1.	Ability to deliver a 'landscape-led' highways scheme that meets the vision and objectives	National Trust remains concerned regarding the ability to deliver a landscape-led highways scheme, with specific regards to the detailed design of structures. Specific matters are covered in matters outstanding 15.1 and 15.2.	<p>Highways England has drawn comparisons between the A417 Missing Link scheme and a 'traditional' highways scheme in a series of collaborative engagement sessions with the Trust, and other environmental stakeholders, which includes detailing the mitigation and enhancement measures proposed as part of this scheme.</p> <p>The Design Summary Report (Document Reference 7.7, APP-423) demonstrates how the scheme is landscape-led and details the design decisions made during the development of the A417 Missing Link scheme and how this compares with a 'traditional' highways scheme.</p> <p>Appropriate EMP commitments have also been included to help secure the approach to delivering a landscape-led highway scheme, for example (not an exhaustive list) L5 and L21 provide commitments to the design of all bridges and structures – to be of high architectural quality – and commitment L7, L8, BD41 and BD54 define the Gloucestershire Way crossing design in further detail.</p> <p>Highways England has provided a further detailed response to concerns raised regarding detailed design in its Comments on responses received by D3 document, Section 7.8, submitted at Deadline 4.</p> <p>Taking into account the concerns of the National Trust and other organisations, Highways England will submit to the ExA structures engineering drawings and sections, as an appropriate solution that seeks to satisfy these concerns. Highways England intends to do this at Deadline 6. This position will be shared with the ExA at Deadline 5, as part of the Comments on</p>	SoCG meeting, 7 April 2022

Ref.	Matter	National Trust position	Highways England position	Date of the position
			Responses received by Deadline 4 (Document Reference 8.26). Highways England are committed to ongoing consultation at the detailed design stage to help ensure these concerns are addressed at the appropriate time.	
2. Consultation				
	No matters identified			
3. Assessment of Alternatives (Chapter 3 of the ES)				
	No matters identified			
4. Environmental Assessment Methodology (Chapter 4 of the ES)				
4.1.	Use of DMRB standards	Since the Applicant's Scoping Report submission, the Trust has raised concerns about the reliance on the Design Manual for Roads and Bridges (DMRB) for assessment criteria and methodology. In our view, the DMRB methodology can be insufficient when it comes to assessing historic landscape character and the effects of the scheme, resulting in a focus on individual heritage assets, with little consideration of their inter-relationships within a contextual landscape.  Please refer to recommendations on page 19 of our Written Representation.	DMRB is Highways England's principal guidance for undertaking the environmental assessment of trunk road schemes. However, other best practice standards and guidance have been consulted in the course of the assessment, as set out in individual chapters of the Environmental Statement.  Highways England has responded to Written Representations in our Response to Written Representations (Document Reference 8.11, REP2-012).	Pages 8 and 18 of National Trust Written Representation, December 2021
5. Air Quality (Chapter 5 of the ES)				
	No matters identified			
6. Cultural Heritage (Chapter 6 of the ES)				
6.1.	A holistic landscape approach	Having reviewed the ES in respect of historic landscape characterisation, the National Trust disagrees that a holistic approach has	ES Appendix 6.3 Historic Landscape Characterisation (Document Reference 6.4, APP-342) sets out the approach to the assessment of cultural heritage.	Pages 18 – 22 and Annex B of National Trust

Ref.	Matter	National Trust position	Highways England position	Date of the position
		<p>been taken to cultural heritage. Similar concerns also relate to the assessment of landscape and visual effects.</p> <p>The National Trust also considers that three of the HLCAs have been undervalued and therefore the mitigation is not sufficient to the significance to the landscape. The HLCAs concerned are HLCA02, HLCA03 and HLCA04.</p> <p>Refer to Written Representation pages 18-22 and Annex B commissioned report.</p>	<p>Highways England has shared further information to help address these concerns in its Response to Cultural Issues Raised (Document Reference 8.14, REP2-015).</p>	<p>Written Representation, December 2021</p>
6.2.	Assessment conclusion	<p>National Trust disagrees with the conclusions of Highways England with regards to the impact on cultural heritage, in particular Crickley Hill.</p> <p>This reflects the concern of the visual settings Impact at Crickley Hill to Barrow Wake and the mitigation currently being proposed. Refer to Written Representation pages 18-22 and Annex B commissioned report and also Deadline 4 submission.</p>	<p>The assessment in ES Chapter 6 Cultural Heritage takes account of changes to setting as a result of noise and visual intrusion, against the baseline conditions.</p> <p>Woodland planting would include the strategic planting of taller tree specimens of a height of at least 3m where necessary for essential species mitigation. In general, younger specimens are considered to establish better for large areas of planting. However, Highways England and its consultants will review this at detailed design to explore whether more established or taller trees and vegetation could be introduced to assist with the mitigation. Ongoing engagement with stakeholders during the detailed design process is secured through EMP Commitment GP8: stakeholder engagement.</p>	<p>SoCG meeting, 7 April 2022</p>
7. Landscape and Visual Effects (Chapter 7 of the ES)				
7.1.	Short and long term visual impacts	<p>The Trust suggests that further visualisations showing the cutting as experienced from the Cold Slad lane/ Cotswold Way crossing / Ullenwood roundabout area would help</p>	<p>ES Chapter 7 reports all likely impacts that may arise as a result of the scheme, as described in Table 7-14 Assessment of effects on landscape receptors, AONB LCT 7 High Wold and is represented by Viewpoint 21</p>	<p>Section 5.6.3 of National Trust's Written</p>

Ref.	Matter	National Trust position	Highways England position	Date of the position
		parties to better understand the scheme; and would want to ensure the impacts at the entrance to Crickley Hill country park are properly understood and mitigated as appropriate.	Entrance to Crickley Hill Country Park and described in Table 7-30 Assessment of visual effects on visitors to Crickley Hill Country Park.  Highways England is committed to working collaboratively with stakeholders to develop the relevant management and monitoring sections of the LEMP at the detailed design stage. Section 4 of the LEMP (APP-321) provides recommended pre, during and post construction monitoring. In addition, the Environmental Management Plan sets out many commitments for mitigation and monitoring, as well as for stakeholder engagement throughout detailed design (GP8).	Representation, December 2021
8. Biodiversity (Chapter 8 of the ES)				
8.1.	Crickley Hill SSSI unit	<p>The National Trust disagrees with Highways England's conclusions about likely operational impacts on Crickley Hill and are concerned about the potential effects of increased visitor pressure from the Cotswold Way crossing and new PRoWs into Crickley Hill and therefore, the required mitigation.</p> <p>We suggest that a precautionary approach should be applied to the SSSI, including monitoring visitor numbers and impacts post construction, alongside a collaborative and funded mitigation strategy to address recreational pressures, including potential off-site provisions.</p> <p>See Written Representation, Section 4.1.1, Comments on responses received by D3 (REP4-051) and response to ExQ2 (REP6-34).</p>	<p>An assessment of the potential impact of new and diverted public rights of way and recreational pressures from walkers, cyclists and horse riders on the SSSI during operation is assessed within Chapter 8 Biodiversity (Document Reference 6.2, APP-039) and concludes a minor adverse impact upon Crickley Hill and Barrow Wake SSSI which is slight and not significant. Highways England has carefully considered a request for monitoring of recreational activity on Crickley Hill Country Park and the SSSI before, during and/or post construction but does not consider this to be appropriate given the conclusions of the assessment reported in ES Chapter 12 Population and Human Health (Document Reference 6.2, APP-043) (slight adverse and not significant).</p> <p>Highways England has responded to Written Representations in our Response to Written Representations (Document reference 8.11, REP2-012), section 2.15 Recreational Pressures on Crickley Hill and Barrow Wake SSSI.</p>	Pages 6-8 and Annex A Impact report of National Trust Written Representation, December 2021



Ref.	Matter	National Trust position	Highways England position	Date of the position
			Highways England is considering the request as outlined in the Trust's comments on responses received by D3 and will provide an update during detailed design.	
9. Geology and Soils (Chapter 9 of the ES)				
	No matters identified.			
10. Noise and Vibration (Chapter 11 of the ES)				
	No matters identified.			
11. Population and Human Health (Chapter 12 of the ES)				
	No matters identified.			
12. Population and Human Health – Public Rights of Way (Chapter 12 of the ES)				
	No matters identified.			
13. Climate (Chapter 14 of the ES)				
	No matters identified.			
14. Environmental Management Plan				
	No matters identified.			
15. Crossings of the A417				
15.1.	Landscape-led design of Cotswold Way crossing	The Trust has previously questioned whether the appearance of the proposed crossing would reflect the characteristics of the Cotswolds (including its landscape colour palette). It will be important that the design, form and appearance of all bridge structures respond to the natural and built character of this part of the Cotswolds and should make a positive contribution to sense of place.	This is set out and illustrated within the Design Summary Report (Document Reference 7.7, APP-423). Article 11 of the Draft DCO (Document Reference 3.1, REP1-003) controls that the detailed design must be in accordance with the prelim design as shown on the relevant plans and design principles outlined in the Design Summary Report (Document Reference 7.7, APP-423). Appropriate EMP commitments have also been included to help secure this approach to delivering a landscape-led highway scheme, for example (not an	Part C of National Trust's Written Representation, December 2021

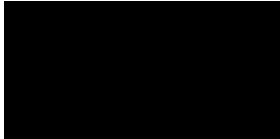
Ref.	Matter	National Trust position	Highways England position	Date of the position
			<p>exhaustive list) L5 and L21 provide commitments to the design of all bridges and structures – to be of high architectural quality.</p> <p>Highways England has provided a further detailed response to concerns raised regarding detailed design in its Comments on responses received by D3 document, Section 7.8, submitted at Deadline 4.</p> <p>Taking into account the concerns of the National Trust and other organisations, Highways England will submit to the ExA structures engineering drawings and sections, as an appropriate solution that seeks to satisfy these concerns. Highways England intends to do this at Deadline 6. This position will be shared with the ExA at Deadline 5, as part of the Comments on Responses received by Deadline 4 (Document Reference 8.26).</p> <p>Highways England are committed to ongoing consultation at the detailed design stage to help ensure these concerns are addressed at the appropriate time.</p>	
15.2.	Landscape-led design of Gloucestershire Way crossing	<p>Aesthetically, the alternative design, a double arch crossing, may have been more appropriate in an AONB landscape context. The detailed design of the crossing should try to avoid the crossing appearing as an incongruous or intrusive structure.</p> <p>We would also like to understand how the bridge would be engineered to successfully sustain the intended calcareous grassland and hedgerow habitats.</p>	<p>This is set out and illustrated within the Design Summary Report (Document Reference 7.7, APP-423). Article 11 of the Draft DCO (Document Reference 3.1, REP1-003) controls that the detailed design must be in accordance with the preliminary design as shown on the relevant plans and design principles outlined in the Design Summary Report (Document Reference 7.7, APP-423).</p> <p>Appropriate EMP commitments have also been included to help secure this approach to delivering a landscape-led highway scheme, for example (not an exhaustive list) L5 and L21 provide commitments to the design of all bridges and structures – to be of high architectural quality – and commitment L7, L8, BD41 and BD54 define the Gloucestershire Way crossing design in further detail.</p>	Part C of National Trust's Written Representation, December 2021

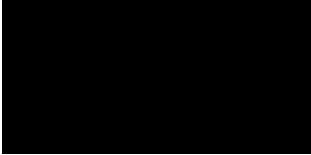
Ref.	Matter	National Trust position	Highways England position	Date of the position
			<p>The bridge has been designed to provide satisfactory soil depth to support the intended vegetation. It is intended that EMP commitment GP8 Stakeholder engagement will help to secure the appropriate design approach during detailed design, where Highways England would engage with all key environmental stakeholders prior to and during the detailed design process, as well as during construction of the scheme.</p> <p>Highways England has provided a further detailed response to concerns raised regarding detailed design in its Comments on responses received by D3 document, Section 7.8, submitted at Deadline 4.</p> <p>Taking into account the concerns of the National Trust and other organisations, Highways England will submit to the ExA structures engineering drawings and sections, as an appropriate solution that seeks to satisfy these concerns. Highways England intends to do this at Deadline 6. This position will be shared with the ExA at Deadline 5, as part of the Comments on Responses received by Deadline 4 (Document Reference 8.26).</p> <p>Highways England are committed to ongoing consultation at the detailed design stage to help ensure these concerns are addressed at the appropriate time.</p>	
16. Gradient change				
	No matters identified.			
17. Cowley junction				
	No matters identified.			
18. Realignment of the B4070 to Birdlip via Barrow Wake				
	No matters identified.			
19. Common Land				

Ref.	Matter	National Trust position	Highways England position	Date of the position
	No matters identified.			
20. Improvements for walking, cycling and horse riding including disabled users				
	No matters identified.			
21. Land				
	See National Trust's Position Statement for Land related matters (see Appendix B)			
22. Draft DCO				
	No matters identified.			

# Appendices

# Appendix A Signing Sheet

For signing	
Signed	
On Behalf of	National Trust
Name	Nick Droy
Position	Assistant Director, National Trust
Date	11 May 2022

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

# Appendix B National Trust's Landowner Position Statement

## Landowner Position Statement – National Trust

### 1.1 Purpose of this Document

- 1.1.1 National Highways have prepared a series of Position Statements with landowners) directly impacted by the A417 Missing Link project. These have been prepared in collaboration with the District Valuer Services (DVS), National Highways Property and Compensation Team and National Highways Project Management Team to inform ongoing discussions about land interests.
- 1.1.2 The purpose of the Position Statement is to provide a 'live' document that captures the key engagement activities held with a landowner and record important matters raised, and with a National Highways response to such matters.
- 1.1.3 The detail recorded within this Position Statement relates to the communication and engagement regarding National Trust's position as a landowner impacted by the scheme.
- 1.1.4 Further detail relating to any consultation responses submitted by the National Trust during targeted landowner and statutory consultation periods can be found in the Consultation Report (Document Reference 5.1, APP-027) and Consultation Report Appendices (Document Reference 5.2, APP-028, APP-029) submitted in support of the DCO application. Where appropriate, matters pertinent to this land raised in those submissions are captured in this document, whereas wider matters (for example any opinions expressed about the principle of development) are not captured in this document to avoid duplication but can be found in the Statement of Common Ground between National Highways and the National Trust.
- 1.1.5 This Position Statement presents the final position between National Highways and the National Trust and is submitted at Deadline 9 (16 May 2022).



**Table 1 Record of Key Landowner Engagement**

Date	Form of correspondence	Key topics discussed and key outcomes
21/08/2019	Meeting	<p>The key issues and actions agreed at the meeting with National Trust were:</p> <ul style="list-style-type: none"> <li>• Natural England Site of Special Scientific Interest (SSSI) assent to be drafted;</li> <li>• Revisit to be arranged to discuss vegetation clearance required and to mark borehole locations; and</li> <li>• Licence agreements to be drafted by Arup and sent to National Trust.</li> </ul>
27/09/2019	Statutory Consultation Notification	A letter was sent in accordance with Section 42(d) of the Act to notify National Trust of the statutory pre-application consultation.
13/01/2020	Land Interest Consultation Invitation - Letter	A letter was sent in accordance with Section 42(d) of the Act to notify National Trust of the targeted landowner consultation.
16/01/2020	Meeting	<p>It was agreed that all National Trust points and concerns raised are to be considered and an approach discussed at the next meeting</p> <p>It was agreed that more documents and plans about the Green Bridge would be sent.</p>
30/01/2020	Meeting	Meeting with further information about the impacts of a 40m bridge in preferred location to be arranged. All agreed may be helpful to have further meeting once information is issued.
11/02/2020	Targeted Landowner Consultation Response	Targeted landowner consultation response received from the National Trust. The purpose of the targeted landowner consultation period was to focus on key scheme design changes and issues relevant to the specific landowners.
07/09/2020	Meeting	<p>The purpose of this meeting was to explain the design changes for the scheme relating to National Trust's land interests.</p> <p>Ground investigation works completed for the scheme were discussed. It was confirmed that there were no issues with the works completed.</p> <p>The change in land impact and required as part of the revised scheme design was explained. Land take required for the green bridge has been removed. The revised land take of National Trust's inalienable land is now significantly less along their land boundary.</p>

Date	Form of correspondence	Key topics discussed and key outcomes
		<p>Cattle access routes across National Trust land are to be created and maintained. It was agreed that cattle will be able to move across National Trust land and the access routes will encourage grazing around barrow wake. Cattle access routes and options are to be developed as the scheme progresses.</p> <p>Land acquisition discussions are likely to begin early 2021.</p>
13/10/2020	Statutory Consultation Notification	A letter was sent in accordance with Section 42(d) of the Act to notify National Trust of the statutory pre-application consultation..
06/11/2020	Meeting (Virtual)	Meeting to discuss the mapping data and land ownership detail relating to National Trust's land.
10/11/2020	Statutory Consultation Response	Statutory consultation response received from National Trust.
16/11/2020	Email Correspondence	National Highways requested evidence of ownership to show that the inalienable land identified is owned by National Trust.
23/11/2020	Email Correspondence	National Trust issued email correspondence that provided clarification about land ownership with associated GIS files and Deeds included for reference.
11/12/2020	Meeting (Virtual)	Following review of the information provided on 23/11/2020, it was agreed that the red line boundary for the scheme would be revised to remove the inalienable land impact.
22/12/2020	Email Correspondence	<p>Email correspondence issued by National Highways confirming the red line boundary change in relation to the inalienable land impact. Email contained updated plans in order to show changes made in relation to National Trust Inalienable land, Deeds of Dedication and the scheme boundary.</p> <p>National Highways advised that this change would be notified formally in early 2021 through targeted landowner consultation.</p>
05/01/2021	Email Correspondence	Email correspondence from National Trust confirming agreement with the changes made and a positive position in relation to potential effect on and need to acquire inalienable land for the scheme.
29/01/2021	Email Correspondence	Draft accommodation works plans issued to National Trust for comment.

Date	Form of correspondence	Key topics discussed and key outcomes
09/02/2021	Targeted Landowner Consultation	A letter was sent in accordance with Section 42(d) of the Act to notify National Trust of the targeted landowner consultation.
08/03/2021	Landowner Consultation Response	Targeted landowner consultation response received from National Trust.
09/03/2021	Meeting (Virtual)	Meeting as part of the targeted landowner consultation. National Trust raised concerns about the ownership of an area of land west of land parcel 1098/2. The land is currently under the ownership of National Highways but National Trust claim to have better title to the land. Land ownership to be reviewed. National Trust requested a response to the other issues raised in their consultation response.
07/06/2021	Telephone call	Call between National Highways and National Trust legal Counsel to confirm how the parcel of land is considered within the DCO and acknowledge with the Land Registry.
10/06/2021	Meeting (Virtual)	Meeting to confirm points within the Position Statement that should be included within the National Trusts Statement of Common Ground. Update on better title and approach to acknowledge this.
17/01/2022	Meeting (Virtual)	Meeting to discuss in detail points within this Position Statement in efforts to provide an updated Statement into the Examination at Deadline 3.
31/01/2022	Meeting (Virtual)	Meeting to discuss points raised in Position Statement and contents of separate agreement.
07/03/2022	Meeting (Virtual)	Meeting to discuss the Statement of Common Ground and Position Statement between National Highways and the National Trust.

**Table 2 Support / Matters Agreed**

Issue No.	Sub-section/ Discipline	Landowner/Occupier Matter	National Highways Position
1	Land take / Red line boundary	<p>National Trust requested that the land take proposed as part of the scheme is reduced.</p> <p>National Trust requested that the land take proposed follows the land ownership boundary of inalienable land parcel 1098/1 (Plots 1/14a and 1/14b on the Land Plans) (Document Reference 2.2 Rev 2, REP4-006). This is to ensure that the inalienable land take is only that as previously agreed.</p>	<p>Land take required for the scheme was reduced in line with the request from the National Trust.</p> <p>The use of National Trust land, as shown on the Land Plans submitted as part of the DCO application (Document Reference 2.2 Rev 2, REP4-006) is agreed.</p>
2	Overspill of materials	<p>National Trust request that due to their land on the other side of the gated entrance being within the SSSI, there must not be any overspill of materials into land parcel 1098/1 (adjacent to the proposed works) as it will create consent issues with Natural England.</p>	<p>The Order Limits set for the scheme form a hard boundary within which the scheme must be delivered. As shown on the Works Plans (Document Reference 2.4 Rev 1, AS-038), National Highways have allowed sufficient space to construct, operate and maintain the scheme in the vicinity of National Trusts wider land holding and the SSSI. There will be no overspill of materials or works beyond the Order Limits set.</p>
3	Disputed land parcel	<p>At the meeting on the 06 November 2020, National Trust raised concerns about the ownership of the inalienable land identified, highlighting an area of land which they believed to be inalienable and within the ownership of the National Trust, despite plans showing this to be within National Highway's ownership.</p> <p>National Trust provided evidence on the 23 November 2020 that confirmed that the land is owned by the Trust rather than National Highways / providing evidence of better title.</p>	<p>After the review of the land ownership information provided by National Trust in December 2020, the DCO application was updated prior to submission.</p> <p>The application as submitted, through the Land Plans (Document Reference 2.2 Rev 1, AS-036) and the Book of Reference (Document Reference 4.3, APP-026) acknowledge the better title (plot 2/14) and this land will form part of acquisition discussions.</p>

Issue No.	Sub-section/ Discipline	Landowner/Occupier Matter	National Highways Position
4	Borehole Survey Data	National Trust asked that the data found from the monthly borehole surveys completed for the scheme is shared with them.	Chapter 9 Geology and Soils of the Environmental Statement (Document Reference 6.2, APP-040) contains data about the borehole surveys completed as part of the ground investigation works for the scheme.
5	Survey Methodology	National Trust requested detail about the methodology to be adopted for future survey work for the scheme on the land that is to be compulsory purchased.	Survey methodology to be provided when a construction contractor is appointed.
6	Gradient of Access at Air Balloon Cottages	National Trust would like to explore the potential of lessening the gradient from the highway into the Country Park on their access to the east of Air Balloon Cottages.	National Highways has committed to working with the contractor (once appointed) and through the detailed design stage, to lessen this gradient / improve the access wherever possible within the scheme Order Limits.
7	Access, security and construction at Crickley Hill	National Trust would like further information in relation to the proposed works, access, security, logistics, site management and duration of construction at the access to Crickley Hill Country Park.	National Highways is committed to ensuring continued access to the Country Park throughout the construction phase of the scheme. The works at the access to Crickley Hill Country Park relate to tying in the access to the realigned Leckhampton Hill. It is likely that works to tie in the access would be completed overnight in order to minimise the impact of works on this access. Where works are required during the daytime, access would be maintained to the Country Park at all times and this commitment is provided through commitment PH2 of the Register of Environmental Actions and Commitments within the EMP (Document Reference 6.4 Appendix 2.1 Environmental Management Plan Rev1, REP-006).

Issue No.	Sub-section/ Discipline	Landowner/Occupier Matter	National Highways Position
8	Boundary fencing	The current wooden stock fencing along the boundary of land to be acquired is in a poor state of repair and National Trust request that this fence line is replaced when works are completed.	National Highways confirm that the boundary fence will be replaced as part of the construction phase works, with exact specifications to be agreed with the National Trust through detailed design.
9	Veteran Tree Protection	National Trust would like to see a commitment to protection of Veteran Trees close to the boundary of the land to be acquired, marked as T172 and T171 in the Environmental Statement Appendix 7.6, Arboricultural Impact Assessment.	Protection for Veteran Trees is currently included in commitment BD21 of the Register of Environmental Actions and Commitments within the EMP (Document Reference 6.4 Appendix 2.1 Environmental Management Plan Rev1, REP-006). This would provide the appropriate protection to the Veteran Trees in line with Natural England Guidelines and Arboricultural advice.
10	Ancient Woodland Protection	National Trust have raised concern about the potential impact of the scheme on the area known as the Scrubbs Woodland.	National Highways confirm that the proposed works in the area adjacent to the Scrubbs Woodland, identified as plot 2/1g on the Land Plans (Document Reference 2.2 Rev 1, AS-036) relates to the installation of sub-surface drainage only and therefore would not directly impact on the Ancient Woodland block.
11	Watercourses / Water Supply	National Trust require confirmation that highway drainage, soakaways and attenuation basins have been sufficiently designed as to not pollute any watercourses or interfere with the water supply, currently providing water to GWT facilities.	The drainage design for the scheme includes measures to replicate the existing situation and will not cause negative impact on watercourses or systems downstream. This is confirmed through Environmental Statement Chapter 13 Road Drainage and the Water Environment (Document Reference 6.2, APP-044).
12	Blighted Land / Future Land Management	National Trust has expressed a willingness to support National Highways in any long-term management of land where this is required as part of the scheme.	National Highways acknowledges this and will continue to discuss such opportunities / requirements with the National trust as a key partner for the delivery of the scheme.

Issue No.	Sub-section/ Discipline	Landowner/Occupier Matter	National Highways Position
13	Book of Reference	<p>National trust raised the following comments on the Book of Reference:</p> <ul style="list-style-type: none"> <li>The Book of Reference – Part 1 lists the National Trust as a Category 2 party, we believe we should be categorised as a Category 1 party (and that the Book of Reference should be amended accordingly). The parcels concerned are 2/13a, 2/13f, 2/13j, 3/12b, 3/12d, 3/12e and 3/12f.</li> <li>The National Trust’s address has been given incorrectly throughout the Book of Reference. It should be Heelis, Kemble Drive, Swindon, Wiltshire, SN2 2NA.</li> </ul>	<p>National Highways have discussed these comments with the National Trust and agreed to make the necessary updates to the Book of Reference. These updates have since been made and are reflected within the Book of Reference submitted at Deadline 9 (Document Reference 4.3, Rev 2).</p>
14	Cattle Access Routes / Grazing Access	<p>The National Trust would like a commitment that cattle can be moved from Crickley Hill, across the proposed Cotswold Way Crossing and onto Barrow Wake. This would include access along the existing carriageway from the Crossing to the Barrow Wake SSSI.</p>	<p>National Highways confirms the principle of maintaining access at this location during both construction and operation of the scheme. The provisions have been reflected in the dDCO as new rights of way PR9 and PR10, as secured in Schedule 4, including the (public) right to drive animals down to the National Trail.</p>
15	Access at Air Balloon cottages	<p>The National Trust would like a commitment that vehicular access to the Country Park at the eastern side of the Air Balloon Cottages is maintained throughout construction and operation of the scheme.</p>	<p>National Highways confirms the principle of maintaining access at this location during both construction and operation of the scheme<sup>2</sup>, as secured through the Construction Traffic Management Plan (Document Reference 6.4, REP4-030).</p>
16	Deeds of Dedication	<p>The National Trust would like to see the covenants in the 1961 and 1963 Deed of Dedications of those land parcels being transferred honoured by National Highways.</p>	<p>The separate agreement between National Trust and National Highways details the covenants that the National Trust wishes to retain, including the transfer of the 1961 and 1963 Deed of Dedications.</p>

Issue No.	Sub-section/ Discipline	Landowner/Occupier Matter	National Highways Position
17	Calcareous grassland verge	National Trust would like to see this verge reinstated post construction with a management plan in place to maximise its biodiversity value. Covenants within the 1961 DoD need to be honoured regarding this.	The restoration and maintenance of the part of the verge alongside the existing route of the A417 within the spatial extent of the Deeds of Dedication as outlined within the separate agreement between National Trust and National Highways. The exact nature of the seed mix to be used will be shared with the National Trust when known.



**Table 3 Issues / Matters Outstanding**

Issue No.	Sub-section/ Discipline	Landowner/Occupier Matter	National Highways Position
1	Acquisition Discussions	National Trust would like to progress with acquisition discussions as soon as possible in order to agree the principles of acquisition.	National Trust Legal Counsel is currently reviewing the position on the potential acquisition of National Trust land by voluntary agreement. There is no National Highways requirement to acquire the land by GVD and we will continue to discuss land acquisition with the National Trust.
2	Accommodation Works	National Trust would ask that boundary fencing and water supply would need to be maintained throughout the construction period.	National Highways is committed to discussing accommodation works with the National Trust at the appropriate time in the programme. When a contractor is appointed, they will liaise with the National Trust on this detail. Accommodation works plans are being prepared for issue in July 2022 and will be provided to the Trust. The fence specification is to be documented and agreed in a separate agreement with National Highways at the appropriate time. <i>NB: this is and would not be the existing separate side agreement which also mentions fencing, but an additional one at the appropriate time.</i>
3	Business Impact	National Trust have current land agreements to graze Crickley Hill and Barrow Wake and have concerns about renewing such agreements given uncertainty of being able to meet commitments. If they do not extend these agreements, it would lead to a reduction in income across the land.  This is a Higher-Level Stewardship Scheme (HLS) with Natural England.	National Highways have advised the National Trust that there should be ways in which construction can be managed in order that they can continue to meet their commitments and therefore the National Trust should continue in its normal operation and planned works and continue to discuss details with the contractor, once appointed.  The National Trust have provided details of the Higher-Level Stewardship Scheme (HLS) to National Highways and we understand that if works cannot be completed, or there are works happening which are against the contract than National Trust would need to

Issue No.	Sub-section/ Discipline	Landowner/Occupier Matter	National Highways Position
			<p>enter a formal process with the Rural Payments Agency who can either grant or refuse permission. Any breaches of the contract can lead to substantial fines against the National Trust. Should any commercial loss occur due to the scheme there is a right to compensation. Should any fines arise from the effects of the scheme to the detriment of the HLS the trust is entitled to reclaim costs from National Highways.</p>