

A417 MISSING LINK

Summary: This paper presents the Board's response to Highways England's consultation on the A417 Missing Link.

Recommendations:

- 1. To note the Board's response to the A417 Missing Link Public Consultation.**

Officer Ref: John Mills, Planning and Landscape Officer (01451 862004)

Introduction

1. Highways England' public consultation for the A417 Missing Link scheme ran from 27th September to 8th November 2019.

Consultation response

2. The A417 Missing Link consultation was a focal point for one of the Board's site visits on 1st October 2019, when Board members had the opportunity to discuss - and visit key locations associated with - the proposed scheme.
3. The Board's A417 Task and Finish Group subsequently helped to draft the Board's consultation response. The draft response was presented to – and endorsed by (subject to a few minor modifications) - the Board's Executive Committee on 5th November 2019. The final response was submitted to Highways England – and circulated to all Board members - on 8th November 2019.
4. The covering letter from the Board's response is provided in Appendix B, below. The covering letter and supporting information are also available on the Board's website - details of the web link are provided in Appendix B.

Next steps

5. A Strategic Stakeholder Panel meeting was scheduled for 14th November to review and discuss the responses of the key stakeholders. However, this has been postponed until after the General Election.
6. The over-arching timetable for progressing the A417 scheme (as presented in Highways England's consultation documents in September 2019) is shown in Appendix A.

Supporting Paper(s):

Appendix 'A' – A417 Missing Link timetable

Appendix 'B' – The covering letter of the Cotswolds Conservation Board's response to the A417 Missing Link public consultation

APPENDIX A. A417 MISSING LINK TIMETABLE



N.B. This is the timetable that was presented in Highways England's A417 Missing Link public consultation booklet, published in September 2019.

APPENDIX A. THE COVERING LETTER OF THE COTSWOLDS CONSERVATION BOARD'S RESPONSE TO THE A417 MISSING LINK PUBLIC CONSULTATION

The covering letter of the Board's response starts on the next page.

The covering letter and supporting information can also be found on the Board's website here:

<https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/11/CCB-RESPONSE-TO-A417-MISSING-LINK-CONSULTATION-8-NOV-2019.pdf>

8th November 2019

By email only to: a417missinglink@highwaysengland.co.uk



Dear Sir / Madam

A417 MISSING LINK PUBLIC CONSULTATION

Thank you for consulting the Cotswolds Conservation Board ('the Board') on the A417 Missing Link Public Consultation.

The Board acknowledges that a scheme is needed to improve the 'missing link' section of the A417. We recognise that such a scheme would improve traffic flows and journey times and reduce congestion, air pollution and, most importantly, the number of accidents. Given that this section of the A417 is located entirely within the Cotswolds Area of Outstanding Natural Beauty (AONB), the Board further recognises that the proposed scheme could not be implemented outside this designated area.

We very much appreciate Highways England's positive engagement with the Board and other key stakeholders. The Board has taken – and continues to take - a proactive role in supporting and helping Highways England to enhance and refine the proposed scheme. For example, the Board has:

- played a key role in instigating and developing the agreed 'landscape-led' approach, in particular, the associated vision, design principles, objectives and sub objectives;
- put forward the proposed option for the A436 link road, which performs better, both economically and environmentally, than the other two link road options that are referred to in the consultation documents.

The agreed landscape-led approach is particularly important because the whole of the Cotswolds AONB is an area whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard it. This landscape-led approach is given further weight by the fact that the Government-commissioned 'Landscapes Review' of National Parks and AONBs recommends that the Cotswolds AONB '*stands out as a leading candidate*' for National Park status.

The Board's statutory purposes require us to consider, when reviewing the proposed scheme, whether it:

- (i) delivers the agreed landscape-led approach, including the agreed vision, design principles, objectives and sub objectives (and provides the best practical option for doing so);
- (ii) sufficiently avoids, mitigates and moderates adverse effects – and further enhances the natural beauty of the AONB and public enjoyment of it - where possible;

- (iii) is fully consistent with the letter and spirit of relevant legislation and national policy.

Key consideration (i): Delivers the agreed landscape-led approach

One of the design principles for the agreed landscape-led approach is that *'any scheme must have substantially more benefits than negative impacts for the Cotswolds AONB'*.

This principle closely aligns with the Government's '25 Year Environment Plan' aspiration to embed a *'net environmental gain'* principle for development. We note that the Preliminary Environmental Information Report (PEIR) does not provide a comprehensive assessment of the overall balance of adverse and beneficial effects. Rather, it only indicates that *'there will be a mix of adverse and beneficial effects'*.

We appreciate that there is still a large amount of data that needs to be collated and assessed and that, as such, it is not currently possible for Highways England to clearly demonstrate that the proposed scheme delivers the agreed landscape-led approach.

The Board recognises that the proposed scheme could potentially have a number of beneficial effects, in addition to the key transport and traffic benefits outlined above. These include:

- the recreational opportunities provided by the re-purposed A417;
- the improved crossing of the A417 for the Cotswold Way National Trail;
- the proposed reduction of traffic intrusion along the Cotswold escarpment; and
- the proposed habitat creation.

However, we are also of the opinion that some of the potential benefits of the scheme may not be as significant as the consultation documents imply. For example, whilst the Board recognises the potential benefits of a green bridge, we consider that Highways England's green bridge proposals are unlikely to deliver the desired ecological and landscape benefits.

It is also the Board's opinion that the potential benefits of the proposed scheme could potentially be outweighed by significant adverse effects, resulting in substantial net harm to the Cotswolds AONB. These include:

- the adverse effects associated with creating a 1km long and 25m deep cutting through the Cotswold escarpment;
- the large quantities of material that would need to be extracted and disposed of as a result of this cutting;
- the construction of the new roads across the High Wold;
- the proposed infilling of the head of the Upper Churn Valley at Shab Hill Junction and the consequent raising of the junction above current ground levels.

On this basis, the Board is of the opinion that key consideration (i) has not yet been adequately addressed.

Key Consideration (ii): Avoids, mitigates and moderates adverse effects and further enhances the natural beauty - and public enjoyment - of the Cotswolds AONB

The Board has previously put forward a number of proposals that could potentially help to avoid, mitigate and / or moderate adverse effects. Crucially, they could also potentially help to further enhance the scheme. Key proposals have been incorporated into the Board's recommendations below.

The Board considers that it would be appropriate for Highways England to thoroughly consider these recommendations and to provide clear justification for how they propose to address them. We consider that this would be an essential component of demonstrating that key consideration (ii) has been adequately addressed.

Key Consideration (iii): Fully consistent with the letter and spirit of relevant legislation and national policy

Highways England has a statutory duty to have regard to conserving and enhancing the natural beauty of the Cotswolds AONB (the 'duty of regard'). The expectation of this duty is not only that adverse impacts will be avoided, where possible, but that opportunities will also be taken to enhance the natural beauty of the AONB.

National policy relating to nationally important road projects (such as the A417 Missing Link scheme) sets out a number of requirements that Highways England must address. These include considering:

- the extent to which adverse effects could be moderated;
- the scope for meeting the need for the scheme in some other way;
- measures to enhance the environment.

The Board is of the opinion that, in order for the proposed scheme to be fully consistent with relevant legislation and national policy, including the points outlined above, key considerations (i) and (ii) would also need to be adequately addressed. This is not currently the case.

Summary

The Board recognises the urgent need for a scheme to improve the 'missing link' section of the A417. However, as outlined above, it is the Board's view that the proposed scheme does not – at this stage, in its current form and with the information currently provided by Highways England – adequately address the Board's three key considerations. On this basis, the Board has no option but to object to the currently proposed scheme.

To help Highways England overcome this objection, the Board would like to make a number of recommendations, which could make several significant improvements to

the scheme as currently proposed, thereby achieving a variety of better outcomes at overall comparable cost.

These recommendations are provided in the context of the holistic approach that will be required to fully address the scheme vision, design principles and objectives in the context of national policy tests. The Board's recommendations are outlined below.

The Board looks forward to working closely with Highways England and other key stakeholders to improve the scheme in a way that truly delivers a landscape-led approach.

Recommendations

The Board recommends that Highways England should:

1. Undertake a comprehensive, quantitative assessment of the overall balance of adverse and beneficial effects across all Environmental Impact Assessment (EIA) topics, both individually and cumulatively, taking into account the agreed landscape-led approach.
2. Give further consideration to the potential benefits and viability of having a cut-and-cover 'tunnel' structure instead of a cutting between Cold Slad Lane and Shab Hill Junction. [N.B. It is important to note that, based on data provided in the consultation documents, the Board has calculated that the cost of a cut-and-cover structure for this section of the scheme is likely to be broadly similar to - or only slightly greater than - a cutting.]
3. Give further consideration to alternatives to infilling the head of the Upper Churn Valley at Shab Hill Junction (particularly if a cut-and cover structure and / or relocating the Shab Hill Junction become viable options) and to the wider adverse effects of excavating and disposing of large volumes of excavated material on site.

If the cut-and-cover option is shown to be viable and becomes the preferred option:

4. Review the relative merits of Alternatives 2 and 3 for the A436 link road.

If the cut-and-cover option does not become the preferred option:

5. Give further consideration to having a green bridge that covers a considerably longer section of the A417 than currently proposed.

The Board's additional recommendations are for Highways England to give further consideration to:

6. Locating and configuring the proposed Shab Hill Junction a few hundred metres further north than in the current proposal.
7. Revising the layout and alignment of Cowley Junction.

8. Altering the alignment of the A436 link road to a lower contour line.
9. Replacing the proposed Birdlip – Shab Hill link road with a bypass around the south side of Birdlip that connects traffic to and from Stroud with a revised Cowley Junction.
10. Providing a more coherent narrative regarding the interactions between historic landscape character, habitats and wildlife, public access and landscape, and the implications of these interactions for a landscape-led scheme.
11. The cumulative effects, on the Cotswolds AONB, of the proposed scheme in combination with its forerunners in creating the Swindon to Gloucester Expressway (in line with PINS Advice Note 17).
12. Clarifying exactly how different areas of land within the ‘red line’ will be used (e.g. what will go where), during both construction and operation, and what the environmental effects of this will be.
13. Highlighting clearly the sheer scale of the proposed scheme in comparison with other major road schemes involving cuttings and / or tunnels.

If the recommendations outlined above are not progressed or implemented then, for those stakeholders who, like ourselves, have real concerns against our statutory duty, it does seem beholden on Highways England to provide robust justifications for their decisions.

We ask that this work is undertaken and the outcomes shared and discussed with key stakeholders, including the Board, well before the formal submission of a planning application.

To be helpful we have incorporated our recommendations, together with additional comments, in our responses to the questions posed in the Feedback Questionnaire. These responses are covered in Annex 1, below.

Conclusion

The Board remains committed to continuing to work with Highways England and their consultants in a constructive way, on an ongoing basis, in order to deliver a truly landscape-led scheme. We trust that Highways England will give full consideration to the Board’s comments and recommendations as part of the scheme development process.

The Board fully appreciates the financial envelope that Highways England is operating within and the challenges that this presents for delivering the agreed vision, design principles, objectives and sub-objectives of the landscape-led approach. However, as indicated above, the Board believes that its recommendations will achieve a variety of better outcomes at overall comparative cost to the proposed scheme.

We look forward to discussing these matters in detail and seeing comprehensive, fully evidenced formal responses to these recommendations in due course.

If you have any queries regarding the Board's consultation response, please contact Andy Parsons, our new Chief Executive (full time from 1st December 2019) - andy.parsons@cotswoldsaonb.org.uk. Andy and I will be attending the A417 Strategic Stakeholder Panel meeting on 14th November and we very much look forward to continuing our dialogue with you at this time.

Yours faithfully,

A handwritten signature in black ink that reads "Elizabeth Eyre". The signature is written in a cursive style with a large initial 'E' and 'E'.

Elizabeth Eyre
Chairman on behalf of the Cotswolds Conservation Board