



A417 Missing Link

ExA's Written Questions (ExQ1)

Response from: Cotswolds Conservation Board

Date: December 2021

SECTION	QUESTION
<p>Miscellaneous and General 1.1.8</p>	<p><u>OPTIONS APPRAISAL:</u> a) In its Relevant Representation (RR) [RR-021] CCB at Key question 3 refer to two detailed reports on suggested alternatives. Could the Applicant/ CCB please confirm the title and references of these reports and whether they have been submitted into the Examination? b) If they have not could the Applicant please submit these or explain why it is not necessary or appropriate to do so?</p> <p>Response: We have spoken with National Highways and they have confirmed that they will be submitting the two reports. However, for completeness, we will also submit them.</p> <ul style="list-style-type: none"> • Confidential: Cut and cover tunnel feasibility study (HE551505-ARP-SGN-X_ML_A417_Z-RP-C-000001 / 25 May 2021 • Cotswolds Conservation Board – Options Report (HE55105-ARP-X_XX_XXXX_X-RP-C-000005) / 9 August 2021
<p>Miscellaneous and General 1.1.29</p>	<p><u>COTSWOLDS NATIONAL PARK:</u> A few relevant representations have raised the prospect of the creation of the Cotswold National Park. Provide any information on any intentions or workings undertaken on any such creation to date and what, if any, the implications of the Proposed Development would have on achieving any National Park status.</p> <p>Response: The Conservation Board has advocated the case for the Cotswolds becoming a National Park in the Cotswolds AONB Management Plan 2018-2023 (link):</p> <ul style="list-style-type: none"> • The Cotswolds AONB Management Plan sets out four 'ambitions' for addressing the key issues identified in the Management Plan. Ambition 4 is 'To promote the case for the Cotswolds being designated as England's next National Park'. • Policy CC1 (Developing a Consistent, Coordinated and Landscape-led Approach across the Cotswolds AONB) states that 'The case for the Cotswolds being designated as a National Park will be promoted'. <p>The Landscapes Review Final Report (link), published in September 2019, advocated consideration of National Park status for the Cotswolds.</p> <p><u>Implications of the proposed development on achieving National Park status</u> If the Government decides that consideration <i>should</i> be given to National Park status for the Cotswolds this process is likely to take many years. It is worth noting that consideration of National Park status doesn't necessarily mean that the Cotswolds would become a National Park. If the A417 Missing Link scheme is permitted, it is highly likely that the scheme would be implemented before significant progress has been made on consideration of National Park status and well before National Park status is actually achieved. If consideration is given to National Park status, one of the key steps involved in this process is likely to be a review of the AONB boundary. This boundary review would be in line with Natural England's '<i>Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England</i>'. This boundary review would include a review of the boundary in the vicinity of the A417 Missing Link Scheme. It is possible that the scheme might result in the AONB boundary being</p>

	<p>revised, for example, by excluding all or part of the scheme from the AONB. However, this is by no means certain.</p> <p>It is worth noting that the AONB includes sections of the M4 motorway and dual carriageways (e.g. the A417 south of Cowley junction) and that these roads pre-date the 1990 review of the Cotswolds AONB boundary.</p>
<p>Biodiversity, Ecology and Natural Environment 1.3.14</p>	<p><u>BARROW WAKE CAR PARK</u>: What would be the effects of closing the Barrow Wake car park, taking into account the need to manage recreational pressure within the Crickley Hill and Barrow Wake SSSI and for recreational use in the area generally?</p> <p>Response:</p> <p>It was our understanding that this was not to be part of the DCO/ examination process. We are involved in the review of Barrow Wake Car Park (which is being led by Gloucestershire County Council). As with many components related to the scheme there will, undoubtedly need to be a balance – in this case it will be between the potentially positive outcome of closure (i.e. for habitats, nature and the SSSI) against the possible adverse impact on users of the car park for recreational use (including local residents), notwithstanding the improved connectivity to Crickley Hill (Air Balloon crossing) and also the additional parking at the Golden Heart pub (although we haven't had the opportunity to review this in detail) which may lessen the need for a car park of this scale at Barrow Wake.</p>
<p>Draft Development Consent Order 1.5.3</p>	<p><u>INTERPRETATION</u>: a) Is the definition of 'commence' within the dDCO, including those elements that are excluded from that description, acceptable to the Local Planning Authorities? b) Similarly, is the definition of 'maintain' acceptable to the appropriate Authorities? c) In both cases, if not, why not? d) Is the Applicant satisfied that the definition of 'maintain' is consistent with other Development Consent orders?</p> <p>Response:</p> <p>a) The definition of 'commence' seems reasonable. However, some consideration could be given to whether soil-stripping might constitute a 'material operation' and / or a 'material development' and should, therefore, not be exempted from this definition.</p> <p>b) A key consideration, with regards to the definition of 'maintain', is the creation and long-term management / maintenance of new priority habitats. In particular, there needs to be certainty that the new habitat will be managed, monitored and maintained over the 30+ years of after-care that are required, to enable all of this new habitat to achieve the desired quality. Without this, the potential biodiversity benefits of the scheme will not be realised. We are not sure that the definition of 'maintain' is sufficient to address this issue.</p>
<p>Draft Development Consent Order 1.5.15</p>	<p><u>DEEMED CONSENT (ARTICLES 15, 19, 21, 23)</u>: There are a number of articles which contain deemed consent provisions, i.e. if the consenting authority does not respond within a certain time consent is deemed to be granted. Are the consenting departments happy with these provisions and the timescales set out?</p> <p>Response:</p> <p>The Cotswolds Conservation Board is not the 'consenting authority' with regards to Articles 15, 19, 21 or 23 of the draft Development Consent Order. As such, we do not consider that this questions relates directly to the Board. It is worth noting that the Cotswolds Conservation Board does not own any land, building or infrastructure.</p>
<p>Landscape and Visual 1.8.6</p>	<p><u>ATTENUATION FEATURES</u>: a) A number of attenuation features are proposed in the Order land. Do you consider the number, design and layout of these to be compatible with the special qualities of the AONB? b) If yes, how and why? c) If not, why not and what are the implications?</p> <p>Response:</p> <p>The proposed attenuation features have not been a key consideration for the Cotswolds Conservation Board to-date. However, having reviewed the information relating to the attenuation features, we would like to make the following comments:</p>

	<ul style="list-style-type: none"> • Features such as drainage basins are not a characteristic feature of the Cotswolds AONB landscape. • Overall, the eight drainage basins would not be compatible with the landscape character of the relevant landscape character types and special qualities. • In terms of visual impacts, most of the drainage basins would be seen from adjacent roads and public rights of way. • However, they would not be particularly noticeable in long distance views, except when they are full of water. • Tree planting and local topography will help to reduce the visual impact in some cases. The most visually prominent drainage basin (in the long term) is likely to be the relatively large basin at the west end of the scheme. <p>It is worth noting that, in all cases, the drainage ponds will be directly adjacent to the A417 (and, in some cases, adjacent to additional infrastructure). In the context of the overall road scheme, the drainage basins are likely to have a relatively minor adverse landscape and visual impact in the long term. As such, they are a relatively minor issue with regards to the effects of the scheme on the natural beauty of the Cotswolds AONB.</p>
<p>Landscape and Visual 1.8.7</p>	<p>LANDSCAPE MITIGATION: a) Does the Applicant’s landscape-led approach go far enough to secure adequate mitigation for the Proposed Development? b) If not, which aspects of the proposed landscaping mitigation are deemed insufficient or requiring work and why?</p> <p>Response:</p> <p>The Cotswolds Conservation Board played a key role in instigating and developing a landscape-led approach for the A417 Missing Link Scheme. The landscape-led vision, design principles, objectives and sub-objectives for the scheme were agreed between National Highways and key stakeholders in 2017 (attached for reference to this email).</p> <p>Paragraph 7.3.5 of the Environmental Statement (link – digital page 10) states that ‘<i>landscape-led means that landscape was a primary consideration in every design decision made, with an understanding of how the design should meet the character of the surrounding area, rather than changing the landscape to fit the proposals</i>’. We recognise that National Highways have considered the landscape and the AONB designation in their design decisions for Option 30.</p> <p>However, the agreed landscape-led design principles of the scheme go further than this. For example, one of the three, over-arching design principles states that:</p> <ul style="list-style-type: none"> • Any scheme must have substantially more benefits than negative impacts for the Cotswolds AONB. <p>As we identified in our relevant representation in September 2021, we consider that the scheme would result in a net adverse effect on (amongst others) landscape quality/character and scenic beauty. As such, we do not consider that the scheme fulfils this particular design principle of the agreed landscape-led approach. We acknowledge that there would likely be a number of net benefits in other regards (e.g. a net beneficial effects for recreational use, which relates directly to the Board’s second statutory purpose of increasing the understanding and enjoyment of the AONB’s special qualities). However, it is worth noting that, in the context of the AONB designation, it is only the effects on landscape quality/character and scenic beauty that should be given great weight. It is also worth noting that if it appears that there is a conflict between the Board’s two statutory purposes, the Board is to attach greater weight to the purpose of conserving and enhancing the natural beauty of the AONB.</p> <p>So, we do not consider that the scheme, including the proposed mitigation, goes far enough to secure a net beneficial effect on landscape quality/character and scenic beauty. However, we do consider that the landscape-led approach that National Highways has followed (i.e. considering landscape in every design decision) has resulted in a considerably better scheme than might have otherwise been the case. We also consider that National Highways has potentially moderated adverse effects to the extent that is practicable within our understanding of the parameters of the scheme (e.g. budget). As such, we do not have specific recommendations on further mitigation measures that could or should be implemented.</p> <p>We will continue to work with National Highways, their consultants and other key stakeholders to ensure that the scheme delivers the proposed design and mitigation measures.</p>

**Landscape and Visual
1.8.8**

COMPLIANCE WITH NPSNN: Notwithstanding any disputes over landscaping and the effectiveness thereof, what are the parties' views of how the Proposed Development complies with the National Policy Statement for National Networks specifically in regard to development within an AONB?

Response:

Development proposed within nationally designated areas is addressed in paragraphs 5.150 to 5.153 of the National Policy Statement for National Networks. Paragraph 5.151 states that *'the Secretary of State should refuse development consent in these areas except in exceptional circumstances and where it can be demonstrated that it is in the public interest'*. Paragraph 5.151 then sets out the assessments that should be undertaken when considering such applications. These are:

- The **need** for the development, including in terms of any national considerations, and the impact of consenting, or not consenting it, upon the local economy.
- The cost of, and scope for, **developing elsewhere**, outside the designated area, or **meeting the need** for it in some other way.
- Any **detrimental effect** on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

We address each of these in turn, below:

1. Need

The Board has consistently recognised the need for a scheme that addresses the problems associated with the 'missing link' section of the A417. For example, in our response to the 2019 consultation, we stated that:

- *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.*

We acknowledge that this need is exceptional. However, 'exceptional need' does not necessarily, on its own, equate to 'exceptional circumstances'.

2. The scope for developing elsewhere

As stated in our response to the 2019 consultation, *'the Board ... accepts that the scheme can, realistically, only be accommodated within the Cotswolds AONB'*. This is because the scheme is being proposed to improve a section of road that lies entirely within the AONB.

3. The cost of, and scope for, meeting the need in some other way

National Highways has identified the preferred route following a rigorous process of reviewing multiple scheme options (30 identified in 2016). The Conservation Board has made various suggestions to the preferred scheme, including:

- A cut and cover tunnel
- having a Birdlip link road that connected the B4070 south of Birdlip with Cowley Junction (rather than the link road connecting with Shab Hill Junction via Barrow Wake);
- moving the Shab Hill Junction further north (in order to reduce the impact on the valley at Shab Hill);
- re-aligning the A436 link road to a lower contour line, closer to Ullen Wood (in order to reduce the visual impact of this link road).

In May 2021, National Highways provided the Board with a report that set out the reasons why the suggested cut and cover tunnel option would not represent an improvement to the proposed scheme. In August 2021, National Highways provided an Options Report which addressed each of these options in turn and concluded that none of them would represent an improvement to the proposed scheme. We have accepted the reasons provided by National Highways, in their Cut and Cover Tunnel report and their Options Report for not taking forward the options that the Board has previously put forward for their consideration. However, we are pleased that the Board's suggested route for the A436 connection was incorporated into the scheme.

Overall, taking all of the above points into consideration we conclude that National Highways has adequately assessed / addressed the scope (and cost) of meeting the need in some other way. We also accept National Highways' conclusion that the variations to the preferred route that have previously been put forward by the Board would not, on balance, represent an improvement to the proposed scheme.

4. Detrimental effects

As outlined above, the NPSNN requires an assessment of any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated. The detrimental (and beneficial) effects of the scheme have been assessed in the Environmental Statement for the A417 Missing Link Scheme. We have reviewed the Environmental Statement and, based on this review, we have set out our conclusions with regards to the overall balance of beneficial and adverse / detrimental effects. We provided a summary of our conclusions, in this regard, in our relevant representation in September 2021. Whilst our conclusions remain broadly the same, we have updated our conclusions slightly, as set out in the table below.

Factors relevant to the Board's statutory purposes	Relevant representation, September 2021	Current position (December 2021)
Natural Beauty:		
- Landscape quality / character	Net adverse effect, with some of these adverse effects potentially being significant.	As per relevant representation.
- Scenic quality / beauty	Net adverse effect, with these adverse effects potentially being significant in some locations.	As per relevant representation.
- Relative tranquillity	Net beneficial effect for both residents and users of public rights of way, particularly the Cotswold Way National Trail.	As per relevant representation.
- Dark skies	Net neutral or minor beneficial effect.	Net minor / moderate beneficial effect (in recognition that the removal of street lighting outweighs the potential adverse effects of vehicle headlights at the Barrow Wake roundabout.
- Natural heritage	Net beneficial effect, albeit with some significant adverse effects on a nationally important SSSI and on irreplaceable ancient woodland habitat.	Recognise potential for significant increase in priority habitats, particularly unimproved calcareous grassland. However, this is very dependent on successful delivery of the new habitat over a 30+ year time period. Also need to take into account adverse effects on SSSI and ancient woodland.
- Cultural heritage	Net adverse effect, with some of these effects potentially being significant.	As per relevant representation.
Enjoyment and understanding of special qualities:		
- Recreational opportunities	Net beneficial effect, particularly with regards to the Cotswold Way National Trail	As per relevant representation.

Within our understanding of the parameters of the scheme there will be a residual net adverse effect on landscape quality/character and scenic beauty. The scheme is, after all, creating a new dual carriageway across a sensitive landscape within an AONB. Furthermore, we acknowledge that National Highways has taken significant steps to moderate these adverse effects, including:

- Providing a 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

	<p>species connectivity, landscape integration and diversion of the popular Gloucestershire Way trail;</p> <ul style="list-style-type: none"> • Providing a ‘stepping stone’ calcareous grassland habitat to help address fragmentation of the Crickley Hill and Barrow Wake SSSI <p>We accept that National Highways has moderated the detrimental effects to the extent that is practicable within the parameters of the scheme.</p> <p>Therefore our conclusions are as follows:</p> <p>Exceptional circumstances / public interest</p> <p>Taking on board all of the above points, we consider that exceptional circumstances do apply and that the scheme would be in the public interest.</p> <p>Compliance with NPSNN</p> <p>Taking on board all of the above points, we consider that the scheme does comply with the requirements of the NPSNN, with regards to development in an AONB.</p>
<p>Landscape and Visual 1.8.10</p>	<p><u>VIEWPOINTS:</u> a) Clarify what consultation was undertaken with stakeholders on the locations of viewpoints used for photomontages and whether agreement was reached. If agreement was not reached, provide details of the differences between parties. b) Do you have any comments on the presentation of baseline photographs and visualisations? c) Are additional viewpoints required and, if so, show these using maps and explain the rationale as to why such viewpoints need evidencing?</p> <p>Response:</p> <p><u>Consultation on location of viewpoints used for photomontages</u></p> <p>The Board acknowledges that there has been some consultation on the location of suitable viewpoints (e.g. potential photomontage viewpoints), including through the Technical Working Group meetings that were held between 2018 and 2020. However, we don’t recall the specifics of what was explicitly agreed or if / when any explicit agreement was reached. National Highways would be best placed to provide the information requested.</p> <p>Paragraph 7.5.9 of the Environmental Statement (link – digital page 28) states that eleven viewpoint locations were selected as suitable locations for photomontages, with ten of these locations having verified photography and surveys carried out. The Environmental Statement does not appear to expand on the methodology for shortlisting these ten viewpoint locations. However, the ten selected viewpoint locations do seem to be appropriate locations. For example, they include important viewpoints on nationally or regionally important public rights of way, such as the Cotswold Way National Trail and the Gloucestershire Way, respectively.</p> <p><u>Comments on the presentation of viewpoints and visualisations</u></p> <p>The viewpoints and visualisations are well presented and appear to comply with relevant guidance. In particular, it is useful to have both winter and summer views and to have large scale images that reflect the view that would be experienced by the naked eye.</p> <p>For those viewpoints where photomontages are not provided it may have been useful to indicate the location and / or extent of the road scheme on the photograph.</p> <p>The photomontages where the road scheme can be clearly seen only show a relatively small amount of traffic (e.g. the photomontages of the view to Barrow Wake from Crickley Hill on the Cotswold Way (link – digital pages 4 and 5)). It may have been more realistic to show a higher volume of traffic.</p> <p><u>Additional viewpoints required</u></p> <p>Discussions with National Highways and their consultants have indicated that they did not provide photomontages for viewpoints directly adjacent to the proposed route as the road scheme would obviously be prominent in these views. Instead, the photomontages have focussed on key locations where the visual impact was perhaps not so clear cut.</p> <p>However, in retrospect, it would probably have been useful to have at least one photomontage of such a viewpoint, for example, at Shab Hill Junction, Cowley Lane overbridge and / or Stockwell Farm overbridge. This would help to provide an understanding of the visual impact of the scheme for users of public rights of way in these locations.</p> <p>Equally, it may have been useful to provide a photomontage of a viewpoint where the current A417 would be replaced by the proposed re-purposed A417 to show the reduction in visual impact.</p> <p>When the Board reviewed the Environmental Statement, we realised that one viewpoint that hadn’t been identified or assessed was the Gloucestershire Way between the proposed Gloucestershire Way</p>

	<p>crossing and the proposed Cotswold Way crossing (i.e. between Viewpoints 25 and 23 (link)). We were concerned that receptors on the Gloucestershire Way in this location would potentially have a relatively clear view (when looking north-east) of the new A417, as well as of the new A436 connection. However, in subsequent discussions, National Highways and their consultants have indicated that topography in this location would mean that the roads would not be clearly seen from this viewpoint. Although it would still be useful to have a photomontage to verify this.</p>
<p>Landscape and Visual 1.8.15</p>	<p><u>ADVERSE AND BENEFICIAL EFFECTS</u>: a) Is there agreement on the scope of adverse and beneficial effects listed in paragraph 7.12.13 and 7.12.14 of ES Chapter 7 [APP-038]? b) Are there any areas of dispute? c) Would the benefits, taken as a whole, outweigh the purported adverse effects, or how do the authorities suggest these effects are balanced?</p> <p>Response: Please refer to our responses to 1.8.7 and 1.8.8 which provides our position to these questions.</p>