

A417 Missing Link TR010056

7.3 Statement of Common Ground with Cotswolds Conservation Board

Planning Act 2008

APFP Regulation 5(2)(q)
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Statement of Common Ground with Cotswolds Conservation Board

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Statement of Common Ground with Cotswolds Conservation Board

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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 Cotswolds Conservation Board (CCB) 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 Environmental 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 process¹.

1.2 Structure of this SoCG

- 1.2.1 The SoCG is structured as follows:
- Section 2 states the role of CCB 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.

1.3 Status of this SoCG

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

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

2 Consultation

2.1 Role of Cotswolds Conservation Board

- 2.1.1 Cotswolds Conservation Board (CCB) is an independent statutory body that works to conserve and enhance the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB). It was established by Parliamentary Order in 2004 and is one of two Conservation Boards in England. CCB is comprised of 37 board members drawn from local authorities, parish councils and appointments made by the Department for Environment, Food and Rural Affairs (DEFRA).
- 2.1.2 CCB has two statutory purposes:
- To conserve and enhance the natural beauty of the Cotswolds AONB
 - To increase the understanding and enjoyment of the special qualities of the Cotswolds AONB.
- 2.1.3 While having regard to these two purposes, CCB seeks to foster the social and economic wellbeing of local communities within the AONB.
- 2.1.4 Conserving and enhancing the natural beauty of the area is also the statutory purpose of an AONB designation. Under section 85 of the Countryside and Rights of Way Act (2000), Highways England, as a public body, has a duty to have regard to this purpose.
- 2.1.5 CCB is a prescribed consultee as defined under section 42(1)(a) of the Planning Act 2008 (the Act).

2.2 Summary of consultation

- 2.2.1 Highways England has been in consultation with CCB 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 CCB has been a member of the Strategic Stakeholder Panel, a Landscape, Environment and Heritage Technical Working Group and the Walking, Cycling and Horse riding Technical Working Group, and has been party to collaborative planning sessions; see Chapter 4 of the Consultation Report (Document Reference 5.1, APP-027) for more information.
- 2.2.3 The engagement outlined in Table 2-1 covers formal consultation with CCB, 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 CCB since the Preferred Route Announcement in March 2019 is set out in Table 2-1.

Table 2-1 Consultation with Cotswolds Conservation Board since Preferred Route Announcement

Date	Method	Parties involved	Matters discussed
March 2019	Letter	Cotswolds Conservation Board to Highways England and MPs	Following the announcement by Highways England that Option 30 was the Preferred Route, the CCB wrote to Highways England and MPs to highlight the impact of Option 30 with regard to landscape and scale of impact.
April 2019	Letter	Cotswolds Conservation Board to Highways England	CCB wrote to Highways England. The letter highlighted earlier responses provided by CCB in 2018 and queried the following: <ul style="list-style-type: none"> • That earlier concerns were not addressed • The lack of any further consideration of tunnels • The inadequacy of a small green bridge • The lack of net environmental gain within the scheme
2 May 2019	Strategic Stakeholder Panel Meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> • Preferred route announcement – review and feedback • Status update on the technical working groups • Technical partner and programme update • Programme/governance update • Preliminary design and what to expect
13 June 2019	Strategic Stakeholder Panel Meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> • Update on the scheme • Building connections and working together • The vision and purpose of the SSP • Next steps: shared objectives and ways of working
12 July 2019	Meeting	Highways England Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> • CCB response to Scoping Opinion • Joint landscape vision • Route selection • Alternative link road to Birdlip • Draft viewpoints for Landscape and Visual Impact Assessment (LVIA) • Depth of cutting
20 August 2019	Landscape, Heritage and Environment Technical Working Group Meeting	Highways England TWG Member Organisations including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> • Feedback from last TWG • Ecology update on surveys • Landscape update on design approach and LVIA • Geology update on investigations/surveys • DCO process overview • Working group technical discussions

Date	Method	Parties involved	Matters discussed
4 September 2019	Strategic Stakeholder Panel Meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> Progress update Technical working group update Public consultation details Highways England provided a preview of the scheme proposals forming part of the consultation materials.
27 September 2019	Letter	Highways England Cotswolds Conservation Board	Highways England wrote to Cotswolds Conservation Board to notify the Board of the statutory consultation taking place between 27 September and 8 November 2019, in accordance with section 42(a) of the Planning Act 2008. The letter invited the Board to provide comments by 8 November 2019.
8 November 2019	Letter	Cotswolds Conservation Board to Highways England	CCB provided a formal response to the statutory public consultation held between 27 September and 8 November 2019.
17 February 2020	Email	Highways England to Cotswolds Conservation Board	Highways England issued the first draft Statement of Common Ground to Cotswolds Conservation Board ahead of the planned meeting on 25 February 2020.
25 February 2020	Statement of Common Ground Meeting	Highways England Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> First draft of the SoCG The process of progressing the SoCG Minutes of this meeting were shared with the Board on 9 March 2020.
26 February 2020	Strategic Stakeholder Panel Meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> Update on progress of the scheme update on governance, funding, programme and statutory consultation A roundtable discussion on consultation responses – key issues ahead of DCO submission Next steps – activity up to DCO submission and beyond
3 March 2020	Walking Cycling Horse riding Technical Working Group meeting	Highways England TWG member organisations including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> An update of the scheme Draft Public Rights of Way (PRoW) Management Plan WCH Statement of Common Ground
6 March 2020	Email	Cotswolds Conservation Board to Highways England	CCB provided Highways England with comments on the first draft of the SoCG as well as a timeline of consultation and engagement with Highways England since 2014.
10 March 2020	Email	Highways England to Cotswolds Conservation Board	Highways England provided CCB with a revised draft structure of the SoCG and sought comment.

Date	Method	Parties involved	Matters discussed
17 March 2020	Email	Cotswolds Conservation Board to Highways England	CCB stated broad agreement with the new SoCG structure, and reiterated the key points of interest for the Board that would need to be captured in the SoCG.
5 May 2020	Statement of Common Ground meeting	Highways England Cotswolds Conservation Board	Meeting to review and update the matters in the SoCG.
20 July 2020	Strategic Stakeholder Panel meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> • Update on the progress of the scheme • The change to the scheme's programme • The updated designs following consultation in 2019
22 July 2020	Combined Technical Working Group	Highways England Landscape, Heritage and Environment TWG members and Walking Cycling and Horse riding TWG members	The following matters were discussed: <ul style="list-style-type: none"> • Project update following delay to programme, setting out the key changes to the design and the amended timescales • Invited questions from stakeholders during the session
28 July 2020	Meeting	Highways England Cotswolds Conservation Board	Meeting to discuss CCB concerns and suggestions regarding the engineering design of the scheme.
12 August 2020	Walking Cycling and Horse riding Technical Working Group Statement of Common Ground Meeting	Highways England WCH TWG members including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> • Draft document given to members and comments on its structure and content were sought • Next steps including date for next meeting
17 August 2020	Environmental Collaborative Planning Meeting	Highways England Environmental bodies, including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> • The key concerns of the design changes that were being taken to supplementary consultation in October 2020

Date	Method	Parties involved	Matters discussed
25 August 2020	Environmental Collaborative Planning Meeting	Highways England Environmental bodies, including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> • The public rights of way proposals • Changes to Cowley junction • Realignment of the B4070 to Birdlip via Barrow Wake • Change in gradient
3 September 2020	Environmental Collaborative Planning Meeting	Highways England Environmental bodies, including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> • Scheme-wide connectivity, permeability and crossings strategy • Maintaining and improving functionality of the crossings • Cotswolds Way crossing • Gloucestershire Way crossing • Cowley and Stockwell overbridges
17 September 2020	Environmental Collaborative Planning Meeting	Highways England Environmental bodies, including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> • Environmental masterplan • Biodiversity net gain • Archaeology
7 October 2020	Strategic Stakeholder Panel Meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	Highways England provided an update to the SSP on the progress of the scheme including the upcoming supplementary statutory consultation.
13 October 2020	Formal notification of supplementary consultation	Highways England to Cotswolds Conservation Board	Highways England sent formal notification of the supplementary consultation via post and email to CCB, in accordance with section 42(a) of the Planning Act 2008. This set out a deadline to submit comments by 12 November 2020.
28 October 2020	Meeting	Highways England Environmental collaborative planning organisations including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> • Biodiversity Net Gain (BNG) • The change by habitat area within the DCO Boundary • The BNG calculation (using the current DEFRA metric, due to be updated in Dec 2020) • The BNG metric • Stakeholders on ideas to improve on biodiversity gain
11 November 2020	Formal response to statutory consultation	Cotswolds Conservation Board to Highways England	CCB submitted a formal response to the statutory consultation to Highways England via emailed letter.

Date	Method	Parties involved	Matters discussed
2 December 2020	Meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	Highways England and the SSP members discussed key concerns and issues regarding the proposed crossings for the scheme, and identified if and how these concerns could be addressed.
11 December 2020	Strategic Stakeholder Panel Meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	The following matters were discussed: <ul style="list-style-type: none"> • Progress of the scheme • Results from the recent consultation • A summary of the responses received • An update on next steps for the scheme
14 December 2020	Letter	Highways England Environmental bodies, including Cotswolds Conservation Board	Highways England wrote to the environmental stakeholders, including CCB, to outline a change in proposals following the crossings and integration strategy meeting which took place on 2 December 2020.
14 December 2020	Letter	Highways England Environmental bodies, including Cotswolds Conservation Board	CCB wrote to Highways England to confirm their full support for the proposed design changes outlined in Highways England's ' letter dated 14 December 2020.
21 December 2020	Meeting	Highways England Cotswolds Conservation Board	Meeting to discuss the LVIA.
2 February 2021	Statement of Common Ground meeting	Highways England Cotswolds Conservation Board	Meeting to review and update the matters in the SoCG.
17 February 2021	Strategic Stakeholder Panel meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	Highways England provided an update on the scheme and its timeline. Outstanding issues for the SSP members were discussed and a Q&A session provided.
31 March 2021	Statement of Common Ground meeting	Highways England Cotswolds Conservation Board	Meeting to review and update the matters in the SoCG.

Date	Method	Parties involved	Matters discussed
5 May 2021	Strategic Stakeholder Panel meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	Highways England provided a project update and information on the next steps following submission of the DCO application.
12 May 2021	Statement of Common Ground meeting	Highways England Cotswolds Conservation Board	Meeting to review and update the matters in the SoCG.
8 September 2021	Strategic Stakeholder Panel meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	Highways England provided a project update and information on the next steps/Examination.
21 September 2021	Statement of Common Ground meeting	Highways England Cotswolds Conservation Board	Meeting to discuss progress following DCO application acceptance, update on separate Designated Funds work and agreement on how best to update the matters in the SoCG following relevant representation and review of the DCO application documents.
15 November 2021	Statement of Common Ground meeting	Highways England Cotswolds Conservation Board	Meeting to discuss SoCG updates following submission of relevant representation and agree an updated draft for Deadline 1 (14 December 2021).
23 November 2021	Strategic Stakeholder Panel meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	Highways England provided an update on the scheme and the Examination process.
7 December 2021	Email	Cotswolds Conservation Board to Highways England	CCB provided an updated set of comments on their draft SoCG which confirmed the removal of the matter outstanding regarding assessment of alternative recommendations by CCB (now matter agreed 2.3).

Date	Method	Parties involved	Matters discussed
14 December 2021	Deadline 1 submissions	Cotswolds Conservation Board	CCB submitted the following documents to inform Examination Deadline 1: <ul style="list-style-type: none"> • Written Representation (REP1-030) • Responses to ExQ1 [The document entitled 'Confidential: Cut and cover tunnel feasibility study' referred to in this submission has not been accepted into the Examination. The Applicant has submitted a version of this document at Deadline 1 which is available to view. See REP1-011] (REP1-028) • Responses to ExQ1 – Cotswolds Conservation Board Options Report (REP1-029) • Written Representation – Supporting information (REP1-031)
17 January 2022	Strategic Stakeholder Panel meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	Highways England provided an update on the Examination.
17 January 2022	Meeting	Highways England Cotswolds Conservation Board	Meeting to discuss potential enhancements at Ullen Wood and agree the development of a Woodland Management Plan, pending landowner agreement and discussions.
31 January 2022	Statement of Common Ground meeting	Highways England Cotswolds Conservation Board	Meeting to discuss SoCG updates and agree an updated draft for Deadline 3 (2 February 2022).
1 February 2022	Email	Highways England to Cotswolds Conservation Board	Highways England provided an update with regards to the Cotswold Way National Trail Diversion Report following the ExA's Rule 17 request.
2 February 2022	Deadline 3 submissions	Cotswolds Conservation Board	CCB submitted the following documents to inform Examination Deadline 3: <ul style="list-style-type: none"> • Deadline 3 (D3) submission (REP3-034) • Post-Hearing submission, including written summary of oral submissions to Issue Specific Hearing 2 (ISH2) (REP3-035) • Post-Hearing submission, Appendix A: Briefing note for the Access Bridges (REP3-036)
10 February 2022	Meeting	Highways England Cotswolds Conservation Board Gloucestershire County Council officers Natural England National Trust 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.

Date	Method	Parties involved	Matters discussed
14 February 2022	Strategic Stakeholder Panel meeting	Highways England SSP member organisations, including Cotswolds Conservation Board	Highways England provided an update on the Examination.
14 February 2022	Deadline 4 submission	Cotswolds Conservation Board	CCB submitted their Position on proposed scheme's approach to historic landscape (REP4-309) to inform Examination Deadline 4.
15 February 2022	Email	Highways England to Cotswolds Conservation Board	Highways England signposted CCB to their submission at Deadline 4 to address concerns relating to detailed design.
9 March 2022	Deadline 5 submission	Cotswolds Conservation Board	CCB submitted their Deadline 5 (D5) Submission (REP5-011) to inform Examination Deadline 5.
30 March 2022	Deadline 6 submission	Cotswolds Conservation Board	CCB submitted their Response to ExQ2 (REP6-019) to inform Examination Deadline 6.
11 April 2022	Deadline 7 submission	Cotswolds Conservation Board	CCB submitted their Comments on responses to ExQ2 (REP7-14) to inform Examination Deadline 7.
5 April 2022	Statement of Common Ground meeting	Highways England Cotswolds Conservation Board	Meeting to discuss and agree the updated Statement of Common Ground to enable signing and agreement to submit for Examination Deadline 9.

- 2.2.5 Highways England and CCB have also engaged regarding CCB's suggested tunnel options as an alternative design solution for the A417 Missing Link scheme. This has taken place since 2014 and a summary is provided below.
- 2.2.6 Tunnel options were previously considered because of the potential opportunities they could provide to reduce the impact of the scheme on some aspects of the environment, compared to surface route options.
- 2.2.7 In 2017, Highways England undertook an assessment of six route options, including four tunnel options and two surface options, that it had shortlisted from the initial 30 options that had been identified in 2016.
- 2.2.8 Highways England considered and discounted tunnel options during the options assessment carried out before making its Preferred Route Announcement in March 2019.
- 2.2.9 This assessment showed that the four tunnel options outperformed the surface options in most of the economy, social and environmental measures². However, the tunnels options were above the upper limit of the cost range (£500 million) and were outperformed by the surface options in terms of value for money³. The assessments also concluded that tunnel options would still have some adverse environmental impacts due to the requirement to build tunnel portals and link roads to the existing A417 and A436, as well as the more significant impacts during construction involving excavations.
- 2.2.10 Highways England made its Preferred Route Announcement in March 2019. In July 2019, in response to the EIA Scoping Report consultation, CCB asked Highways England to consider three tunnel options, which CCB has referred to as the 'Gold', 'Red' and 'Blue' options, as potential alternatives to Highways England's preferred route, Option 30⁴. CCB also recommended that Highways England should not rule out giving tunnel options further consideration if the financial envelope (budget) for the scheme were to increase.
- 2.2.11 However, Highways England indicated that it had already considered and discounted tunnel options (as outlined above) and, as such, did not address the Gold, Red and Blue options when considering alternative options in the EIA Assessment.
- 2.2.12 Highways England consulted on the proposed scheme in autumn 2019. At that stage, the scheme incorporated a 25m deep cutting up the Cotswold escarpment and would have involved approximately one million cubic metres of material being taken off site.
- 2.2.13 When reviewing the proposed scheme, CCB identified that a cut and cover tunnel could potentially be incorporated into the scheme design, instead of the 25m deep cutting, at a similar cost. CCB recommended the inclusion of a cut and cover tunnel in its formal response to the statutory consultation (8 November 2019). CCB considered this cut and cover tunnel proposal to be a very different engineering solution to the tunnel options that had been previously considered and/or recommended.

² Highways England (2019) A417 Missing Link [Scheme Assessment Report](#). Paragraph 4.7.22.

³ Highways England (2019) A417 Missing Link [Scheme Assessment Report](#). Paragraph 4.7.23.

⁴ CCB response to Highways England's EIA Scoping Report consultation response, June 2019.

- 2.2.14 Following the 2020 design changes, Highways England changed the proposed gradient of the road up the escarpment from 7% to 8%. This has resulted in the depth of cutting now being reduced to around 15m. As such, there is little requirement for material to be taken off site. CCB accepts that this has reduced the benefits of a cut and cover tunnel.
- 2.2.15 Although a tunnel would be CCB's ideal option, CCB has accepted that a tunnel does not form part of the proposed scheme. In May 2021, Highways England produced a report named 'Cut and Cover Tunnel Feasibility Study' and the CCB accepted its findings in October 2021, following further discussion and the submission of their Relevant Representation.
- 2.2.16 Please refer to the Scheme Assessment Report (Document Reference 7.4, APP-420) and ES Chapter 3 Assessment for Alternatives (Document Reference 6.2, APP-034) for further information.

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
	3.	Landscape-led approach
	4.	Policy and legislation (AONB)
Scheme design	5.	Crossings of the A417
	6.	Gradient change
	7.	Cowley junction
	8.	The realignment of the B4070 to Birdlip via Barrow Wake
	9.	Improvements for walking, cycling and horse riding including disabled users
	10.	Other engineering design
Relevant ES Chapter	11.	Assessment of Alternatives (Chapter 3 of the ES)
	12.	Environmental Assessment Methodology (Chapter 4 of the ES)
	13.	Cultural Heritage (Chapter 6 of the ES)
	14.	Landscape and Visual Effects (Chapter 7 of the ES)
	15.	Biodiversity (Chapter 8 of the ES)
	16.	Geology and Soils (Chapter 9 of the ES)
	17.	Materials Assets and Waste (Chapter 10 of the ES)
	18.	Assessment of Cumulative Effects (Chapter 15 of the ES)
Other topics	19.	Brockworth bypass to Shab Hill junction (including A436 link)
	20.	Shab Hill to Cowley junction (including Birdlip link road)

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 Cotswolds Conservation Board and Highways England

Matter reference number	Matter which has been agreed	Date and method of agreement
1. Principle of Development		
1.1.	The need for the scheme in principle is agreed by the Cotswolds Conservation Board (CCB) and the benefits of such a scheme include improved traffic flows and journey times; reduced congestion; reduced air pollution; and reduced numbers of accidents.	Consultation response 8/11/2019, page 1
1.2.	CCB agrees that the specific scheme which is proposed could potentially have a number of beneficial effects, in addition to the key transport and traffic benefits outlined above (matter reference 1.1). These include: <ul style="list-style-type: none"> • 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 • The proposed habitat creation 	Consultation response 8/11/2019, page 2
2. Consultation		
2.1.	Highways England has positively engaged with CCB and other key stakeholders. CCB has had a proactive role in assisting Highways England to enhance and refine the scheme.	Consultation response 8/11/2019, page 1
2.2.	Both parties agree to continue engagement regarding the detailed design of the scheme, as appropriate. This is with a specific focus (but not limited to) the mitigation of moderate detrimental effects, the Gloucestershire Way crossing and Cotswold Way crossing. This commitment is outlined within the Landscape and Ecological Management Plan (Environmental Statement, Appendix 2.1, Annex D, APP-321), specifically 1.2.4, 2.5.3 and 2.6.4.	SoCG meeting, 31/01/2022
2.3.	CCB accepts that Highways England has reviewed alternative options (as previously recommended by the Board) in sufficient detail and has provided clear explanation as to the reasons why the current scheme outperforms those alternatives.	Email, 10 December 2021
2.4.	Highways England is committed to ongoing engagement with CCB and all key environmental stakeholders prior to and during the detailed design process, as well as during construction of the scheme, as set out in GP8	SoCG meeting, 05/04/2022

Matter reference number	Matter which has been agreed	Date and method of agreement
	Stakeholder engagement of the EMP (Document Reference 6.4, REP4-027). The stakeholders, including CCB, are listed in Section 2.2.	
3. Landscape-led approach		
3.1.	Relevant stakeholders (including Highways England and CCB) have agreed a landscape-led vision, design principles, objectives and sub-objectives.	Comments on first draft SoCG 06/03/2020
3.2.	CCB agrees that the agreed landscape-led approach to the scheme is particularly important due to the scheme's location within the Cotswolds AONB, the safeguarding of which is in the nation's interest.	Consultation response 8/11/2019, page 1
3.3.	CCB agrees with the stated vision of a landscape-led scheme, including the Design Principles and objectives.	Consultation response 10/11/2020, page 1
3.4.	CCB agrees with the vision of delivering a road scheme that both meets highways requirements and conserves and enhances the natural beauty of the AONB: reconnecting landscape, recreational access and ecology; bringing about landscape, wildlife and heritage benefits, including enhanced residents' and visitors' enjoyment of the area; improving quality of life for local communities; and contributing to the health of the economy and local businesses.	Consultation response 10/11/2020, page 1
3.5.	CCB agrees that it's clear that landscape has been taken into account when taking forward and designing Option 30 and that some amendments, e.g. changing the gradient on Crickley Hill has had benefits for landscape in reducing both the cutting width and the volume of spoil to be transported off site.	Agreed in November 2021 review of SoCG
3.6.	CCB and Highways England agree that there is a net beneficial effect for both residents and users of public rights of way, particularly the Cotswold Way National Trail, with regards to relative tranquillity.	Agreed in November 2021 review of SoCG
3.7.	CCB and Highways England agree that there is a beneficial effect for dark skies.	Agreed in November 2021 review of SoCG
3.8.	CCB and Highways England agree that there is a net beneficial effect for natural heritage, albeit with some significant adverse effects on a nationally important SSSI and on irreplaceable ancient woodland habitat.	Agreed in November 2021 review of SoCG
3.9.	<p>CCB consider the balance of adverse and beneficial effects on the factors that contribute to the natural beauty of the Cotswolds AONB (when compared to the current baseline) to be as follows:</p> <ul style="list-style-type: none"> • Landscape quality/character: net adverse effect, with some of these adverse effects potentially being significant. • Scenic quality/beauty: net adverse effect, with these adverse effects potentially being significant in some locations. • Cultural heritage: net adverse effect, with some of these effects potentially being significant. 	SoCG meeting, 05/04/2022

Matter reference number	Matter which has been agreed	Date and method of agreement
	Taking into account the great weight that should be given to landscape and scenic beauty, both parties believe it is important that we continue a positive dialogue during detailed design to continue to find ways of mitigating these adverse effects and maximising those which are beneficial.	
4. Policy and legislation (AONB)		
4.1.	CCB agrees Highways England has a statutory duty to have regard to conserving and enhancing the natural beauty of the Cotswold AONB under the Countryside and Rights of Way Act (2000) – (the ‘duty of regard’).	Consultation response 8/11/2019, page 1
4.2.	CCB agrees that the scheme must be implemented within the Cotswolds Area of Outstanding Natural Beauty (AONB) because the section of the A417 requiring the scheme (‘the Missing Link’) is located entirely within the AONB.	Consultation response 8/11/2019, page 1
4.3.	It is recognised that the Government-commissioned ‘Landscapes Review’ of National Parks and AONBs (2019) recommends that the Cotswolds AONB ‘stands out as a leading candidate’ for National Park status.	Consultation response 8/11/2019, page 1
5. Crossings of the A417		
5.1.	CCB agrees that a multi-purpose crossing (greened bridge) ‘the Gloucestershire Way crossing’ would provide a number of potential benefits and would be better than an ordinary footbridge. In particular, providing a traffic free crossing across the A417 for users of the Gloucestershire Way Long Distance Footpath and other recreational users would be a significant benefit. A greened bridge could also potentially provide for some degree of connectivity, in terms of landscape, and allow for some habitat creation.	Consultation response 10/11/2020, page 3
5.2.	CCB agrees that the Cotswold Way crossing will provide safer access for users of the Cotswold Way National Trail and better links to other trails than the current position.	Consultation response 10/11/2020, page 2
5.3.	CCB agrees that the Cotswold Way crossing is in the right location because it is as close as practically possible to the existing route and doesn’t entail excessive ascent and descent onto the route.	SSP meeting, 7/10/2020
5.4.	CCB and Highways England agree it is important that an approach to the detailed design of this crossing is considered that combines, where safe and practicable, all factors that contribute to the natural beauty of the National Landscape.	Consultation response 10/11/2020, page 3
5.5.	CCB 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 CCB welcomes and fully supports this provision 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.	Position statement response, 18/12/2020, page 1

Matter reference number	Matter which has been agreed	Date and method of agreement
6. Gradient change		
6.1.	CCB agrees that the increase in gradient from 7% to 8% will bring about positive change to the scheme; the cutting proposed in 2019 would've resulted in a much wider cutting in the landscape and vaster land take. From the geological data it is apparent that the deeper cutting proposed in 2019 would have resulted in a much wider cutting and land take.	Consultation response 10/11/2020, page 4
6.2.	CCB considers that east of the Air Balloon in the vicinity of Emma's Grove and Ullen Wood, the footprint of the scheme would be reduced as compared with the 2019 scheme. The potential benefits for the scheme from the change of gradient are greater here.	Consultation response 10/11/2020, page 4
7. Cowley junction		
7.1.	CCB and Highways England agree that due consideration will be given to the Roman settlement in this area, which is of significant cultural and historic value, and that means avoiding further harm.	Consultation response 10/11/2020, page 6
8. The realignment of the B4070 to Birdlip via Barrow Wake		
8.1.	Highways England acknowledges feedback received in response to public consultation, which has suggested the reduction, removal or relocation of the Barrow Wake car park. This change is outside the scope of the scheme and the car park is not owned as part of the strategic road network by Highways England. However, Highways England has offered the relevant stakeholders help to inform or facilitate any discussions about any changes that might be proposed to the Barrow Wake car park. Highways England will ensure the A417 scheme is able to accommodate the existing car park arrangement, or a future scenario where the car park is reduced or removed. CCB and Highways England have agreed to continue to engage on this matter as the discussions progress.	Consultation response 10/11/2020, page 6
8.2.	CCB remains concerned about the 'lighthouse effect' of headlights as vehicles move around the new roundabout in the SSSI and want to ensure that any potential adverse effects on the SSSI and landscape are minimised. Highways England is committed to ongoing engagement with CCB and all key environmental stakeholders during the detailed design process, as well as during construction of the scheme, as set out in GP8 Stakeholder engagement of the EMP (Document Reference 6.4, REP4-027). The stakeholders, including CCB, are listed in Section 2.2.	SoCG meeting, 05/04/2022
9. Improvements for walking, cycling and horse riding including disabled users		
9.1.	CCB agrees with the potential benefits that the proposed re-purposing of the A417 could provide, including: <ul style="list-style-type: none"> • Creating a new route for walkers, cyclists and horse riders • The proposed tree planting, native hedgerows and species-rich grassland • Enhanced tranquillity and air quality along this section of the High Wold and Cotswold escarpment 	Consultation response 8/11/2019, Annex 1, page 14

Matter reference number	Matter which has been agreed	Date and method of agreement
9.2.	CCB agrees the scheme has the potential to significantly enhance access and recreational experiences. In particular, the principle of creating better linkages between the Cotswold Way National Trail and the Gloucestershire Way is welcomed and the repurposed A417 (the Air Balloon Way) will create more recreational opportunity.	Consultation response 10/11/2020, page 6
10. Other engineering design		
10.1.	CCB agrees with the proposed design for the Birdlip Link Road, which uses more existing public highway and reduces the landscape impact of this elements of the scheme.	Agreed in November 2021 review of SoCG
11. Assessment of Alternatives (Chapter 3 of the ES)		
11.1.	CCB agrees that Alternative 2 for the A436 Link road performs better both economically and environmentally than Alternatives 1 and 3.	Consultation response 8/11/2019, Annex 1, page 7
11.2.	CCB agrees that Alternative 1 for the A436 Link Road would have significant adverse effects and it should not be brought back into consideration.	Consultation response 8/11/2019, Annex 1, page 12
11.3.	From a landscape perspective, CCB agrees an advantage of Alternative 2 for the A436 Link Road, compared to Alternative 1, is that it allows for a significant area along the top of the Cotswold escarpment, including adjacent to sections of the Cotswold Way National Trail, to become car free.	Consultation response 8/11/2019, Annex 1, page 12
12. Environmental Assessment Methodology (Chapter 4 of the ES)		
	No matters identified.	
13. Cultural Heritage (Chapter 6 of the ES)		
13.1	Whilst it is agreed that Historic England and Gloucestershire County Council would lead the ongoing engagement in relation to cultural heritage and historic environment matters, CCB and Highways England agree to ongoing engagement prior to and during the detailed design process, as well as during construction of the scheme on these topics. This is secured through the EMP (Document Reference 6.4, REP4-027), commitment GP8 Stakeholder engagement, and CCB, as well as all other relevant stakeholders, are listed in Section 2.2.	SoCG meeting, 05/04/2022
13.2	Both parties agree that a Detailed Archaeological Mitigation Strategy and the Overarching Written Schemes of Investigation (DAMS and OWSI) should be submitted as part of the examination, in its final form, to be certified by the Secretary of State. Similar to the matter above, it is also agreed that Historic England and Gloucestershire County Council will lead on the development and agreement of these certified documents.	SoCG meeting, 05/04/2022

Matter reference number	Matter which has been agreed	Date and method of agreement
14. Landscape and Visual Effects (Chapter 7 of the ES)		
14.1.	CCB agrees with the methodology, including temporal scope.	March 2021 SoCG meeting
15. Biodiversity (Chapter 8 of the ES)		
15.1.	CCB understands that HE does not have a statutory obligation to achieve biodiversity net gain (BNG) with the A417 road scheme, and agrees that Highways England has tried to avoid the unintended consequences of blindly applying the BNG metric, which would have potentially resulted in an undesirable outcome for landscape and biodiversity in this location.	Review of SoCG in March 2021
15.2.	CCB and Highways England agree to ongoing engagement throughout the detailed design stage, regarding the enhancement measures proposed as a result of the increased nitrogen deposition presence at Ullen Wood, and this section will therefore be finally closed at the end of the detailed design consultation.	May 2021 SoCG meeting
15.3.	Both parties agree to co-developing a Woodland Management Plan for Ullenwood, in order to progress the proposed enhancement measures identified within the Environmental Statement and Environmental Management Plan, subject to landowner agreement.	Meeting, 17 January 2022
16. Geology and Soils (Chapter 9 of the ES)		
16.1	CCB is happy that access to geological exposures is being explored.	Collaborative Planning session 4, 17/09/2020
17. Material Assets and Waste (Chapter 10 of the ES)		
17.1.	CCB agrees the need for some degree of cut-and-fill to achieve an alignment across undulating ground and that some surplus material can be useful in grading out embankments and screening the road.	Consultation response 8/11/2019, Annex 1, page 9
17.2.	CCB agrees that decreasing the amount of spoil by as much as one million cubic metres is another significant positive environment outcome, which would potentially avoid 50,000 lorry movements that would have been required to take the surplus material off site.	Consultation response 10/11/2020, page 5
18. Assessment of Cumulative Effects (Chapter 15 of the ES)		
18.1.	CCB agrees that Highways England has fulfilled the requirements of assessing the cumulative effects of the proposed scheme.	April 2022 review of SoCG

Matter reference number	Matter which has been agreed	Date and method of agreement
19. Brockworth bypass to Shab Hill junction (including A436 link)		
19.1.	CCB agrees with the proposed arrangement for the Shab Hill junction. It's proposed that Shab Hill junction would be located in a localised valley which would require filling, using excess excavated material won from other locations in the scheme. To mitigate the visual impact of this section of the route, landscape earthworks in the form of false cuttings would be provided. These landscape earthworks would act to provide visual screening and noise reduction.	Agreed in November 2021 review of SoCG
19.2.	CCB agrees with the proposed design and alignment of the A436 link road.	Agreed in November 2021 review of SoCG
20. Shab Hill to Cowley junction (including Birdlip link road)		
20.1.	CCB agrees that some of the adverse effects of the scheme between Shab Hill junction and Cowley junction will be offset, to some degree, by the beneficial effects of closing and repurposing the existing A417 between the Air Balloon and Cowley junction.	Consultation response 8/11/2019, Annex 1, page 8

5 Matters outstanding

5.1 Principal matters outstanding

5.1.1 The principal matter outstanding between Cotswolds Conservation Board (CCB) and Highways England is:

- The Board does not consider that the scheme fulfils one of the three Scheme Design Principles of the landscape-led vision

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 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 Examination. The colour coding is set out as follows:

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

Table 5-1 Matters outstanding between Cotswolds Conservation Board and Highways England

Ref.	Matter	Cotswolds Conservation Board's position	Highways England's position	Date of the position
1. Principle of Development				
	No matters identified.			
2. Consultation				
	No matters identified.			
3. Landscape-led approach				
3.1	Impact on the AONB	<p><u>The Overall Balance of Beneficial and Adverse Effects:</u> In its Deadline 1 submission (December 2021) the CCB considered the balance of adverse and beneficial effects that contribute to the natural beauty of the Cotswolds. The summary results of this assessment concluded:</p> <ul style="list-style-type: none"> • Landscape quality / character: net adverse effect, with some of these adverse effects potentially being significant. • Scenic quality / beauty: net adverse effect, with these adverse effects potentially being significant in multiple locations. • Relative tranquillity: net beneficial effect for both residents and users of public rights of way, particularly the Cotswold Way National Trail. • Dark skies: net minor beneficial effect. • Natural heritage: potential to provide a significant net-increase in the extent and connectivity of key priority habitats, particularly calcareous grassland (dependent on an effective, long term (30+ years) management regime); balanced 	<p>The landscape-led approach to this scheme has brought together specialists and stakeholders from a range of disciplines to reach a balanced design solution that responds to the sensitive nature of the Cotswolds AONB. The design process has focused on how best to conserve and enhance the special qualities and landscape character of the AONB. This will be achieved by mitigating the effects of the scheme and integrating it within the landscape. This includes restoring and enhancing landscape features typical to the area, such as Cotswold stone walling, hedgerow, tree, woodland and grassland planting. It also includes ecological design features such as creating new habitat and wildlife crossings, linking and restoring locally important habitats, as well as providing new habitat for rare and protected local wildlife. The landscape-led approach has allowed design interventions on all aspects of the scheme to reduce its impact on the landscape and visual resource, with the careful location and sensitive design of structures and use of locally appropriate materials. Wider benefits of the scheme include improving access and recreational opportunities and improving access to cultural heritage sites. Please see the</p>	SoCG meeting, 05/04/2022

Ref.	Matter	Cotswolds Conservation Board's position	Highways England's position	Date of the position
		<p>against this is the significant adverse effects on a nationally important SSSI and the irreplaceable habitat of Ullen Wood ancient woodland.</p> <ul style="list-style-type: none"> • Cultural heritage: net adverse effect, with some of these effects potentially being significant <p>The CCB also acknowledged that there would potentially be net benefits in other regards (e.g. a net beneficial effect 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 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. As such, <i>we do not consider that the scheme fulfils one of the three Scheme Design Principles of the Landscape-Led Vision, i.e. the scheme will not result in substantially more benefits than negative impacts for the Cotswold AONB.</i> However, we do consider that the landscape-led approach that Highways England has followed (i.e. considering landscape in their design decisions) has resulted in a considerably better scheme than might have otherwise been the case. For example, the proposed Gloucestershire Way crossing provides a wider range of multi-functional benefits than a</p>	<p>Case for the Scheme and Design Summary Report for more information.</p>	


Ref.	Matter	Cotswolds Conservation Board's position	Highways England's position	Date of the position
		<p>simple footbridge would have provided. We also consider that Highways England has moderated adverse effects to the extent that is practicable within the parameters of the scheme.</p> <p>However, the following consideration should also be noted:</p> <p><u>Consideration of Exceptional Circumstances and Public Interest:</u> The National Policy Statement for National Networks (NPSNN) covers a wide range of topics that are relevant to the AONB designation and the Board's two statutory purposes. However, the <i>most</i> relevant aspect of the NPSNN is on '<i>development proposed within nationally designation landscapes</i>'. Paragraph 5.151 states that '<i>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</i>'. Paragraph 5.151 then sets out the assessments that should be undertaken when considering such applications. These are:</p> <ul style="list-style-type: none"> • 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 		

Ref.	Matter	Cotswolds Conservation Board's position	Highways England's position	Date of the position
		<p>recreational opportunities, and the extent to which that could be moderated.</p> <p>As part of its submission at Deadline 1 (December 2021) the CCB addressed each of these issues and concluded the following:</p> <ol style="list-style-type: none"> 1. Exceptional circumstances/public interest: "we consider that exceptional circumstances do apply and that the scheme would be in the public interest" 2. Compliance with NPSNN: "we consider that the scheme does comply with the requirements of the NPSNN, with regards to development in an AONB" 		
4. Policy and legislation (AONB)				
	No matters identified.			
5. Crossings of the A417				
	No matters identified.			
6. Gradient change				
	No matters identified.			
7. Cowley junction				
	No matters identified.			
8. The realignment of the B4070 to Birdlip via Barrow Wake				
	No matters identified.			
9. Improvements for walking, cycling and horse riding including disabled users				
	No matters identified.			
10. Other engineering design				
	No matters identified.			

Ref.	Matter	Cotswolds Conservation Board's position	Highways England's position	Date of the position
11. Assessment of Alternatives (Chapter 3 of the ES)				
	No matters identified.			
12. Environmental Assessment Methodology (Chapter 4 of the ES)				
	No matters identified.			
13. Cultural Heritage (Chapter 6 of the ES)				
	No matters identified.			
14. Landscape and Visual Effects (Chapter 7 of the ES)				
	No matters identified.			
15. Biodiversity (Chapter 8 of the ES)				
	No matters identified.			
16. Geology and Soils (Chapter 9 of the ES)				
	No matters identified.			
17. Material Assets and Waste (Chapter 10 of the ES)				
	No matters identified.			
18. Assessment of Cumulative Effects (Chapter 15 of the ES)				
	No matters identified.			
19. Brockworth bypass to Shab Hill junction (including A436 link)				
	No matters identified.			
20. Shab Hill to Cowley junction (including Birdlip link road)				
	No matters identified.			

Appendices

Appendix A Signing Sheet

For signing	
Signed	
On Behalf of	Cotswolds Conservation Board
Name	Andy Parsons
Position	Chief Executive
Date	6 May 2022

For signing	
Signed	
On Behalf of	Highways England
Name	
Position	
Date	