



November 2020

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

Page: 1 of 10

Dear Sir / Madam

**A417 MISSING LINK PUBLIC CONSULTATION
SUPPLEMENTARY STATUTORY CONSULTATION – 13 October 2020 to 12 November 2020
PLANNING ACT 2008 SECTION 42: DUTY TO CONSULT ON A PROPOSED APPLICATION**

Thank you for the opportunity to comment on the key changes that are being proposed to the road scheme. The intention of this response is to provide Highways England (HE) with a clear understanding of the current position of the Cotswolds Conservation Board (CCB) and for HE to consider our suggestions within the final scheme design to:

1. Mitigate any adverse impacts, and
2. Maximise the potential benefits of these changes

The CCB supports the stated vision of a landscape-led scheme. We support the vision of delivering a road scheme that both meets highways requirements and conserves and enhances the natural beauty of the Cotswolds National Landscape; 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.

Please note that we have not indicated whether we 'support' or 'oppose' each of the changes as the online questionnaire requested. Instead, we have provided a more qualitative assessment of the scheme's design changes within this response (Section 3).

SECTION 1: Feedback from the Board's 2019 Consultation Response

Within the CCB's November 2019 consultation response we made three key recommendations. They were that HE 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 vision, design principles and objectives.
2. Give further consideration to the potential benefits and viability of having a cut-and-cover 'tunnel' structure instead of a cutting for part of the route between Cold Slad Lane and Shab Hill Junction.
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

Cotswolds Conservation Board

The Old Prison, Fosse Way, Northleach
Gloucestershire GL54 3JH
01451 862000
info@cotswoldsaonb.org.uk

The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

cotswoldsaonb.org.uk

Chairman:
Brendan McCarthy
Vice Chair:
Rebecca Charley

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.

We remain concerned overall at the relative lack of detailed evidence and reasoning as to why many of CCB's previous recommendations (including those made prior to 2019) have not been taken forward. This left us wondering whether the recommendations have been given due consideration, or if so how much. We hope moving forward that we can reach a much clearer understanding of the position within the context of the National Policy Statement for National Networks (NPSNN) test for major infrastructure development in National Landscapes.

That said, we remain committed to work with HE, the Strategic Stakeholder Panel and the various Technical Working Groups to deliver the very best outcomes, in the context of the proposed road scheme, for the statutory purposes of the Cotswolds National Landscape. We view this consultation as a single, but important, step in the process rather than the conclusion of our ongoing engagement. We trust that HE will give due consideration to our recommendations presented within this consultation response.

SECTION 2: Collaborative Engagement on the 2020 Revised Scheme

Following the announcement from HE that there were to be five significant revisions to the A417 road scheme, it was agreed that there should be a period of more collaborative sessions involving the CCB, Gloucestershire Wildlife Trust, National Trust, HE and their consultants.

This has carried forward HE's ongoing consultative approach in a different way and, along with their consultants, they have invested a great deal of time and effort into making these four sessions productive and progressive.

SECTION 3: Feedback on the changes to the Scheme's Design

1. The introduction of new crossings, including the Cotswold Way and the Gloucestershire Way

- We note the removal of any form of green bridge to help mitigate the increased severance effect of the main cutting down Crickley Hill west of the Air Balloon. Although we understand, and accept, the reasons for its removal we also feel that this has severely reduced one way in which the scheme could have enhanced the connectivity of landscape, people and wildlife.
- Cotswold Way Bridge – the crossing will provide safer access for users of the Cotswold Way National Trail and better links to other trails than the current position. However, it should be noted that the bridge will not effectively provide either the landscape or ecological connectivity that the previously proposed 'Green Bridge' aspired to do. For access purposes, at just 5m width it will be difficult to avoid conflict between the different users – walkers, cyclists, horse-riders and the occasional movement of

cattle. It is also important to give consideration to how, in particular, horse-riders and cyclists approach and leave the crossing to join existing bridleways and therefore minimise damage to wildlife by avoiding riders diverting to more sensitive areas of habitat, especially on Crickley Hill. The structure's aesthetics is also very important as the bridge will be the gateway into, and out of, the Cotswolds National Landscape. We would like to continue working with HE to ensure the best outcome in this respect. All these matters would need to be given careful thought in any final design.

- Gloucestershire Way Bridge – the design of this crossing, along with the habitats and land management practices either side of the bridge will require further collaborative work to ensure the best possible outcomes for the National Landscape. We welcome HE's desire to continue discussions post-consultation. It is essential that an approach to the detailed design of this crossing is adopted that combines all factors that contribute to the natural beauty of the National Landscape, addressing:
 - a. How best to use this feature to ameliorate the landscape (topographical) and visual impact of the scheme (including how the new road and crossings will appear visually in the landscape at key points, e.g. from the access road to Crickley Hill Country Park). The consultation material doesn't provide this information.
 - b. Ensuring that habitat creation measures either side of the bridge will best suit the High Wold landscape character area. Mitigating habitat fragmentation is vital and therefore the land management practices, e.g. creating stepping stones on both sides, must be carefully considered. We recommend avoiding large areas of woodland in favour of more open areas of calcareous grasslands where most appropriate.
 - c. Ensuring effective recreational access provision for the Gloucestershire Way, minimising visual and noise intrusion.
 - d. Providing sufficient width of the crossing to ensure excellent ecological connectivity-and with a bridge of just 25m width this will not be easy to achieve.
- The '*Briefing Note for the Access Bridges*', separately submitted jointly with Gloucestershire Wildlife Trust and the National Trust, sets out our expectations regarding the A417 scheme's access bridges and crossings. Ultimately our role is to comment upon those designs. The report focuses on four bridges: Cotswold Way; Gloucestershire Way; Cowley and Stockwell. It uses HE's Aesthetic Appraisal Document methodology. Its aim is to explore the opportunities presented by the scheme, find common ground between the requirements for the road, limit the negative impacts, and mitigate where this is not possible.

Recommendation 1 – HE must do everything it can to ensure that the Cotswold Way crossing fits appropriately into the landscape. This bridge will be the gateway to the Cotswolds National Landscape, therefore its role as a gateway should be considered within the final design. It should also provide a much improved access and recreation experience for all the different types of users. In respect of its design concept and visual

appearance we encourage HE to use the *Briefing Note for the Access Bridges* in order to achieve this recommendation.

Recommendation 2 – the Gloucestershire Way crossing must give due consideration to landscape and ecological connectivity as well as recreational access. Whilst we fully understand that the location of the bridge has been largely determined by assessing the optimal location for bat crossing (something that HE has a statutory duty to consider in developing the road scheme) we cannot conclude at this time whether it is in the best location for landscape connectivity. We believe that, with continued dialogue, the desired outcomes for the ancient woodland, protected species and habitat creation could be better integrated with reducing harm to natural beauty and recreational access. We encourage HE to use the *Briefing Note for the Access Bridges*, alongside CCB’s Landscape Strategy and Guidelines in order to achieve this recommendation.

2. *The change in gradient of the A417 as it climbs the escarpment from 7% to 8%, reducing the depth of the cutting to a maximum of 15 metres, with associated benefits to reduced material excavation and construction impact*
 - From the information provided it is our interpretation that the footprint of the cutting now proposed remains roughly the same as the 2019 scheme even though it would be much shallower. This appears to be due to the fact that a better understanding of the geology has meant that HE has abandoned the proposed retaining walls and now proposes a stepped slope, which we consider to be a much more satisfactory design which should accommodate any local slope instability due to rock fractures, etc., possibly with rock bolting or other local measures. Presumably, given the increased understanding of the local geology, if the original depth had been maintained the overall width and footprint of the cutting would have had to be significantly increased.
 - For this reason the increase in gradient from 7% to 8% has the potential to bring about positive change to the scheme. If the depth of cutting is reduced that should lead to a good outcome for wildlife, habitats and landscapes compared to the likely final result of the 2019 scheme.
 - However, at the deepest part of the cutting on Crickley Hill (west of the Air Balloon) the dual carriageway would be at the bottom of a cutting of very similar width to the 2019 proposal, without retaining walls, but now also without a green bridge. At the bottom of the hill, the embankment would have a larger footprint as well as being higher with the potential of greater loss of vegetation. The overall footprint of the scheme would be larger and thus the fundamental topographical change to the landscape and loss of existing vegetation and watercourse would likely be greater.
 - East of the Air Balloon in the vicinity area 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.

- We are concerned that there appears to be no provisions for collection of groundwater which seems likely to arise from rock fissures in the cutting. The PEIR, section 13, states that *“The understanding of the hydrogeological regime of the proposed scheme and its study area is currently limited to published report”*. However, it seems clear that control groundwater in the cutting is likely to be a significant issue. We suggest that, as a minimum, drainage ditches are included at the foot of each slope. We note that there is no geology data shown on any of the cross sections. The most useful information is that shown on figures 13.8, hydrology cross sections.
- Decreasing the amount of spoil by as much as 1 million cubic metres is another significant positive environment outcome (potentially avoiding 50,000 lorry movements that would have been required to take the surplus material off-site).
- From the information currently provided it is not clear whether the visual impacts and noise pollution are better or worse than the 2019 scheme.
 - West of the Air Balloon there is a concern relating to issues of tranquillity, recreational amenity and ecological value Crickley Hill and Barrow Wake, including the Cotswold Way National Trail and the setting of one of the Cotswolds most important and most visited prehistoric monuments. Largely arising from the nature of the topography, this is one of the most sensitive areas in the Cotswolds National Landscape and the interactive and cumulative impacts of this part of the proposed scheme represent a key issue that will need to be fully explored in the EIS. As currently presented, the PEIR suggests that the multiple sensitivities of the area and the interactive nature of the effects have not been adequately recognised (including, for example, whether noise assessment survey points sufficiently capture these sensitivities).
 - East of the Air Balloon there are similar issues, but it is much clearer that the footprint of the scheme will be less.
- We would like to discuss, and understand better, the interactive nature of the impacts and how they could be moderated during future collaborative sessions so that we can offer our advice on a much more fully informed basis.

Recommendation 3 – we ask that HE provide absolute clarity with regard to the visual impact of both the road itself and the vehicles that this change will have compared to (a) the current road and (b) the 2019 road scheme, from the base of the escarpment and to the Shab Hill junction.

Recommendation 4 – we ask that HE provide absolute clarity with regard to the noise impact of the vehicles that this change will have compared to (a) the current road and (b) the 2019 road scheme, from the base of the escarpment and to the Shab Hill junction.

Recommendations 3 and 4 need to be looked at in relation to interactive implications for landscape character, heritage settings, recreational access, tranquillity and ecology.

3. *Access to Barrow Wake car park from the B4070 with a realigned route between Birdlip and Shab Hill*

- Although we applaud the objective of tackling known and persistent anti-social behaviours, this should not require a major road scheme to achieve and nor should the scheme be diverted into addressing such matters unless they fall in line with other strong benefits. We are not convinced that this is not the case here and our opinion is that this is a step backwards from the 2019 scheme. It cannot be right to (a) significantly increase light and noise pollution by bringing vehicle movements back to the edge of the Cotswolds escarpment and (b) impinge upon, and reduce the amount of habitat, within the SSSI to solve what is fundamentally a social issue. Users of the Cotswold Way National Trail will be key receptors to the noise pollution.
- We believe a huge opportunity is currently being missed with regard to Barrow Wake car park. We urge HE to think about relocating the car park outside of the SSSI. The area of the existing car park then has the potential to increase the amount of habitat within the SSSI. We appreciate that there will be landowner negotiations required to enable the car park to be relocated, but suggest the benefits would justify looking again into relocation, taking account of landscape and safety implications.

Recommendation 5 – HE should reconsider their proposal for the link road which would potentially further harm a SSSI and increase light and noise pollution on the escarpment edge in order to solve an anti-social behavioural issue. The 2019 solution for this part of the scheme would potentially be preferable. HE should not give up on the idea of relocating Barrow Wake car park outside of the SSSI and we would encourage further landowner negotiations in this regard. Furthermore, we question whether there is still a requirement for a car park of this size when considering the additional parking facility at the Golden Heart Inn. It might be adequate to provide a limited number of disabled spaces in the area of the Barrow Wake car park with other visitors/ users using a combination of the new facility at the Golden Heart and existing facilities at Crickley Hill (which will be much better connected with the Cotswold Way bridge).

4. *Removal of vehicular access from Cowley junction to Cowley via Cowley Lane, which would remain open to private property, walkers, cyclists and horse riders including disabled users*

- We do not have any significant points/ concerns to raise about this change. We will assume, having listened to HE's consultants, that due consideration will be given to the roman settlement, which is of significant cultural and historic value, and that should mean avoiding further harm.

5. *Improved access with new connections for walkers, cyclists and horse riders including disabled users across the scheme*

- 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. However, the knock-on effect on the surrounding area, e.g. Leckhampton Hill, needs to be better understood.

- The Cotswold Way is a National Trail so this should be given top priority with regard to the overall quality of any enhancements (infrastructure and user experience).

Recommendation 6 – HE should continue dialogue with the Walking, Cycling and Horse-riding Technical Working Group to ensure the optimal solution for access and recreation, making sure that “access for all” is at the heart of any decision making. Trail priority should be given to the Cotswold Way as it is a National Trail.

6. *Proposals for replacement common land*

- HE should ensure that any replacement common land is fit for purpose, e.g. accessible; usable; links in with other Rights of Way and other access land. Lowland calcareous grassland should have priority in terms of habitat.

7. *The change in environmental effects as a result of the new design*

- We have concerns of HE’s interpretation of what ‘landscape-led’ means. Within the consultation material HE describe it as “*a primary consideration in every design decision that we make*”. As previously indicated in consultation responses the CCB does not believe that this accurately reflects the greater ambition of the 2017 vision, as it feels that ‘landscape-considered’ is doing the minimum to comply with statutory obligations.
- Although the Preliminary Environmental Information Report considers the Landscape and Visual Impact of the scheme, both during construction and operation, it provides much less useful information than the noise report. Therefore it is necessary for a full Landscape and Visual Impact Assessment (LVIA) to be completed in order for everyone to fully understand the negative and/ or beneficial impacts of the proposed scheme against the baseline of the current road, and to understand properly the cumulative effects of this scheme as the missing part of the effects of overall improvement of the A417 on the National Landscape.
- We understand that HE do not have a statutory obligation to achieve Biodiversity Net Gain (BNG) with the A417 road scheme. That said, with the government’s recent commitments to nature and with one of the key local authority stakeholders, Cotswold District Council, recently declaring an Ecological Emergency we urge HE to strive for BNG as this will be one clear indicator of going some way to achieving the landscape-led vision of the scheme that was approved in 2017.
- In recent meetings with HE and its consultants we have been informed that the Biodiversity Metric 2.0 has been used to calculate the impact that the road scheme will have on biodiversity within the red line boundary. From these discussions we were encouraged to hear that there will be net gain for some of the priority habitats:

- Lowland Calcareous Grassland – 72 hectares
- Lowland Mixed Deciduous Woodland – 8 hectares
- Hedgerows – 2 kms

However, we also heard that the provisional estimates suggest a net loss of biodiversity in the region of 20%. HE must look to address this ahead of DCO submission next year. Although we heard the argument of ‘quality’ habitats versus the ‘quantity’ of habitats, we stress the importance of combining both. We would welcome and support a much bigger ambition from HE and they must strive to achieve BNG. The biggest obstacle is undoubtedly the current red line of the scheme, which simply doesn’t provide the opportunity to achieve BNG. HE will need to think more laterally about this and, perhaps, utilise Designated Funds to improve and increase biodiversity outside of the red line but still within its general locality and within the National Landscape.

- We are pleased to see the geophysics baseline survey in the heritage report in the PEIR but, in addition, we would like to see consideration of the following further actions:
 - That in an area with major Neolithic and Bronze Age sites (Crickley Hill and Emma’s Grove) a ploughzone survey to identify areas of potential activity typically not detected by geophysics should be completed.
 - More explicit consideration of, and reference to, the major Roman settlement - of which a large part was destroyed by the Cowley roundabout.
 - Further consideration of the overall impacts on the setting of heritage assets (not just the visual effects).
 - To ensure a co-ordinated approach to the geotechnical and archaeological work, e.g. with regards to the palaeo-environmental potential of previously identified peat deposits at the scarp springline.
- At the moment it is questionable whether the overall design and mitigation of the scheme addresses the extent of severance and land take within the context of a highly valued National Landscape. Continued dialogue is crucial in order to work towards significantly improving this current position.
- We are encouraged by discussions with HE around opportunities outside of the red line boundary which would have far greater potential to deliver landscape connectivity, an increase in calcareous grasslands and BNG.

Recommendation 7 – that HE provide a ‘balance sheet’ which shows that the benefits substantially outweighs the negatives (in line with the landscape-led vision of the scheme) in relation to the factors that contribute to the natural beauty of the Cotswolds National Landscape, e.g. landscape quality/ character; scenic quality; tranquillity; natural heritage; historic/ cultural heritage. A good example, and one that has been discussed in collaborative meetings, is for HE to demonstrate Biodiversity Net Gain within this scheme.

Recommendation 8 – we encourage HE to utilise the scheme’s Designated Funds outside of the red line in order to fully achieve our joint landscape-led vision.

SECTION 4: The Board's statutory purposes

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

- (i) delivers the agreed landscape-led 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 vision

One of the design principles for the agreed landscape-led vision 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. When coupled with the statutory purpose of National Landscape designation to conserve and enhance natural beauty, this is much wider than solely ecological gain.

The PEIR still leaves a large amount of data needing to be collated and assessed and, as such, it is not currently possible for HE to clearly demonstrate that the proposed scheme delivers the agreed landscape-led vision, design principles and objectives.

CCB recognises that the proposed scheme could potentially have a number of beneficial effects. 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.

Key consideration (i) has not yet been fully demonstrated and we encourage HE to continue working with us and other environmental partners to work towards achieving this critical objective, especially with regard to Recommendations 7 and 8.

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

CCB 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. We believe that the public would look more favourably on the final design if HE could show it has worked openly in partnership with CCB, and others, by more clearly answering points that are raised from our collaborative work. CCB considers that it would be appropriate for HE 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

HE has a statutory duty to have regard to conserving and enhancing the natural beauty of the Cotswolds National Landscape (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 National Landscape.

National policy relating to nationally important road projects (such as the A417 Missing Link scheme) sets out a number of requirements that HE 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.

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.

SECTION 5: 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 the best possible scheme in the overall context of being landscape-led in a nationally significant landscape. We believe further work is needed to meet these challenges and look forward to our future meetings to take this further forward prior to the DCO application being submitted.

We trust that HE will give full consideration to the Board's comments and recommendations as part of the scheme development process.

If you have any queries regarding the Board's consultation response, please contact me.

Yours faithfully



Andy Parsons

Chief Executive

andy.parsons@cotswoldsaonb.org.uk | 07703 717986