

## A417 Missing Link TR010056

7.3.4 Statement of Common Ground with Historic England

Planning Act 2008

APFP Regulation 5(2)(q)
Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009

Volume 7

May 2022

## Infrastructure Planning

#### Planning Act 2008

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

## **A417 Missing Link**

## Development Consent Order 202[x]

#### **Statement of Common Ground with Historic England**

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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 National Highways and Historic Buildings and Monuments Commission for England (HE), more commonly known as Historic England, in relation to the A417 Missing Link scheme.
- 1.1.2 The document identifies the following between the two parties:
  - · Matters that have been agreed; and
  - 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 process<sup>1</sup>.

#### 1.2 Structure of this SoCG

- 1.2.1 The SoCG is structured as follows:
  - Section 2 states the role of HE 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 between both parties during Examination, submitted at Deadline 9 (16 May 2022).

<sup>&</sup>lt;sup>1</sup> Department for Communities and Local Government. Planning Act 2008: Guidance for the examination of applications for development consent. (2015)

#### 2 Consultation

#### 2.1 Role of HE

- 2.1.1 HE was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983. The general duties of HE under Section 33 are as follows:
  - 1. "...so far as is practicable:
    - a. to secure the preservation of ancient monuments and historic buildings situated in England;
    - b. to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and
    - c. to promote the public's enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation".
- 2.1.2 HE is a statutory consultee providing advice to local planning authorities on certain categories of applications for planning permission and listed building consent, and is also a statutory consultee on all Nationally Significant Infrastructure Projects, where likely to affect land in England. Similarly, HE advises the Secretary of State on those applications, subsequent appeals and on other matters generally affecting the historic environment. It is the lead body for the heritage sector and is the Government's principal adviser on the historic environment.
- 2.1.3 Status in relation to the application
  - Statutory consultee under section 42(a) of the Planning Act 2008 ('the Act').
  - Statutory consultee under section 56(2) of The Act.

#### 2.2 Summary of consultation

- 2.2.1 National Highways has been in consultation with HE 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 HE has been a member of a Landscape, Environment and Heritage Technical Working Group (TWG); 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 HE, 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 HE since the Preferred Route Announcement in March 2019 is set out in Table 2-1.

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 Table 2-1
 Consultation with HE since Preferred Route Announcement

Date	Method	Parties involved	Matters Discussed
7 June 2019	Stakeholder meeting	National Highways HE	An introductory meeting for the next stages of the A417 scheme. The following matters were discussed:  HE's scoping response Compounds and spoil storage areas not included in archaeological desk study and subsequent surveys
			<ul> <li>Suggestion that new drystone walls should be created as landscape enhancement</li> <li>HE's particular concerns including Crickley Hill, Emma's Grove barrows and unknown archaeology</li> </ul>
18 June 2019	Joint Landscape Strategy meeting	National Highways TWG member organisations including HE	<ul> <li>The following matters were discussed:</li> <li>Joint landscape vision</li> <li>Improving setting of Emma's Grove (thinning existing woods around these monuments) and improving connectivity in terms of views and access between Emma's Grove, Crickley Hill and the Peak Camp</li> </ul>
2 July 2019	Landscape, Heritage and Environment Technical Working Group Meeting	National Highways  TWG member organisations including Cotswold District Council (Archaeology Officer) and HE	The following matters were discussed:  Update to the scheme  2019 Preliminary Environmental Impact Report (PEI report) update  Opportunities mapping  TWG terms of reference  Working group technical discussions
30 July 2019	Landscape, Heritage and Environment Technical Working Group Meeting	National Highways  TWG member organisation including Gloucestershire County Council (Heritage Officer) and HE	The following matters were discussed:  Opportunities mapping feedback  2019 PEI report update  Landscape update – approach and sketch designs  Working group technical discussions  Overview of Statements of Common Ground
15 August 2019	Email	National Highways to landscape officers/representatives at statutory body organisations, including HE	National Highways landscape specialist emailed the landscape representatives to share figures of the Zone of Theoretical Visibility (ZTV) and indicative viewpoint locations. The landscape specialist asked for feedback on the viewpoints.

Date	Method	Parties involved	Matters Discussed
20 August 2019	Landscape, Heritage and Environment Technical Working Group (TWG) Meeting	National Highways  Landscape, Heritage and Environment TWG Member Organisations including HE and Gloucestershire County Council Archaeology Officer	<ul> <li>The following matters were discussed:</li> <li>Feedback from last TWG</li> <li>Ecology update on surveys</li> <li>Landscape update on design approach and Landscape and Visual Impact Assessment (LVIA)</li> <li>Geology update on investigations/surveys</li> <li>DCO process overview</li> <li>Working group technical discussions</li> </ul>
17 September 2019	Site walkover and scheme orientation visit	Iational Highways  General discussion regarding scheme design.  Discussed assets beyond 1km which could potentially experience set impacts- agreed to consider Leckhampton Camp in the ES.  Gloucestershire County Council	
27 September 2019	Letter	National Highways HE	National Highways formally notified HE of the statutory consultation taking place between 27 September 2019 and 8 November 2019, in accordance with S42(a) of the Planning Act 2008. The deadline for receipt of responses (11.59pm on the 8 November 2019) was set out in the letter, which was also sent by email.
8 November 2019	Email	HE to National Highways	HE submitted a formal response to statutory consultation.
24 January 2020	Statement of Common Ground Meeting	National Highways HE and Gloucestershire County Council	<ul> <li>The current position regarding archaeological surveys was presented. The following matters were discussed:</li> <li>Number and location of trenches</li> <li>Datasets used to establish baseline</li> <li>ES to be based on existing baseline data (desk based and partial geophysics</li> <li>Overarching Written Scheme of Investigation to be submitted as part of Environmental Management Plan (EMP) (Construction)</li> <li>Risk to construction programme if archaeological potential is not sufficiently understood</li> <li>Proposed GI and the scope of the archaeological watching brief and geoarchaeological interpretation</li> </ul>

Date	Method	Parties involved	Matters Discussed		
14 February 2020	Email	HE to National Highways	Response to National Highways email proposing that trenching could be rearranged to move trenches from proposed landscape areas and relocated within the footprint of the scheme in order to increase sample percentage.		
28 May 2020	Email/phone call	National Highways HE	National Highways wrote to HE via email to explain that the A417 DCO submission would be postponed to 2021 to enable National Highways to undertaken further design and development work of some elements of the scheme. The letter reiterated the commitment to the scheme, and funding for the scheme as announced in RIS2, as well as a commitment to continued stakeholder engagement. National Highways also phoned HE to convey this message.		
22 July 2020	Combined Technical	National Highways	The following matters were discussed:		
	Working Group	Landscape, Heritage and Environment TWG members and	Project update following delay to programme		
		Walking Cycling and Horse Riding TWG members	Key changes to the design and the amended timescales		
22 July 2020	Email	National Highways to TWG member organisations including HE and GCC	Request that the SoCG meeting with HE on 30 July include GCC Heritage Team and HE's Science Advisor. It was agreed at meeting in January that these meetings would be undertaken jointly with GCC and HE. National Highways replied to confirm invitation could be extended.		
30 July 2020	Statement of Common	Notional Highways	The following matters were discussed:		
	Ground Meeting	National Highways HE and Gloucestershire County Council	Historic environment		
			Scheme update		
		officers	<ul> <li>Key design changes</li> <li>Meeting minutes and slides were provided on 18 August.</li> </ul>		
24 August 2020	Email	National Highways HE	Email seeking a meeting regarding communications on the upcoming A417 consultation, key messages, and support of campaigns.		
28 August 2020	Email	National Highways to HE	Email containing a link to a first tranche of information sharing for consultees. It was explained that the information was Work in Progress, Draft and Confidential and should only be shared within their organisation where there is a legitimate reason to do so.		
4 September	Email	National Highways to HE and GCC	Email containing:		
2020	020 archaeologist		Confirmation that specific paleoenvironmental sampling was not planned to be undertaken		

Date	Method	Parties involved	Matters Discussed	
			Information regarding lidar interpretation	
			Draft interpretation shapefiles for information shared	
10 September	Email	National Highways to HE and GCC	Email containing	
2020		archaeologist	Latest versions of shapefiles	
			Confirmation that trenches had to be moved	
			<ul> <li>Confirmation that National Highways is committed to undertaking a full programme of mitigation in advance of construction, and all parties will be fully involved in defining that work</li> </ul>	
18 September 2020	Email	National Highways to HE and GCC archaeologist	Email to share Written Scheme of Investigation for an Archaeological Evaluation.	
30 September 2020	Emails	National Highways to HE and GCC archaeologist	Emails to share latest survey results and drawings with trench numbers attached.	
9 Oct 2020	Statement of Common Ground meeting	National Highways	HE SoCG meeting with attendance from GCC officers.	
		HE		
		Gloucestershire County Council archaeologist		
13 Oct 2020	Formal notification of supplementary consultation	National Highways HE	National Highways sent formal notification of the supplementary consultation via post and email to HE, in accordance with Section 42(a) of the Planning Act 2008. This set out a deadline to submit comments of the 12 November 2020.	
12 Nov 2020	Formal response to statutory consultation	HE	HE submitted a formal response to the statutory consultation to National Highways via letter.	
28 January 2021	Email	National Highways to HE and GCC archaeologist	Emailed latest version of the Statement of Common Ground for comments.	
29 January 2021	Email	HE to National Highways	Email from HE containing comments on Detailed Archaeological Mitigation Strategy (DAMS) and Overarching Written Scheme of Investigation (OWSI).	
1 February 2021	Statement of Common Ground Meeting	National Highways HE	Update on progress of evaluation and feedback on the DAMS and OWSI.	
15 February 2021	Emails	National Highways	Emailed geophysics update from National Highways, and emailed comment on draft SoCG from HE.	
		National Highways		

Date	Method	Parties involved	Matters Discussed	
		to HE and GCC archaeologist		
29 March 2021	Email	National Highways to HE and GCC archaeologist	Emailed draft SoCG for comments.	
28 April 2021	Statement of Common Ground Meeting	National Highways HE	Update on project progress including likely programme for delivery of archaeological reports	
			Discussion and agreement on the position of the SoCG that will be submitted for DCO	
17 September 2021	Statement of Common Ground Meeting	National Highways HE	Update on DCO progress, including relevant representations, likely programme and approach to examination	
			Update on National Highways' designated funds for the A417 (separate to the DCO application)	
			Discussion on updates to the SoCG in light of relevant representation and review of DCO application documents	
			Agreement to arrange separate meeting to discuss landscape matters as raised in the relevant representation, and land plans	
5 October 2021	Meeting	National Highways HE	Meeting to discuss the proposed enhancement of Emma's Grove Barrows, well as the wider landscape mitigation and the archaeological impacts of the mitigation.	
7 December 2021	Statement of Common Ground Meeting	National Highways HE	Meeting to discuss and agree the updated draft Statement of Common Ground in advance of Examination Deadline 1.	
14 December 2021	Deadline 1 submissions	HE	HE submitted the following documents to inform Examination Deadline 1:  • Responses to ExQ1 (REP1-139)	
			<ul> <li>Responses to EXQT (REP1-139)</li> <li>Submission of suggested locations for the Examining Authority to include in any site inspection, Notification of a wish to be considered as an Interested Party by the Examining Authority, and Update on preparation of Statement of Common Ground (REP1-140)</li> <li>Summary of Written Representation (REP1-141)</li> <li>Written Representation (REP1-142)</li> </ul>	
1 February 2022	Statement of Common Ground Meeting	National Highways HE	Meeting to discuss and agree an updated draft Statement of Common Ground for Examination Deadline 3.	

Date	Method	Parties involved	Matters Discussed	
2 February 2022	Deadline 3 submissions	HE	HE submitted its Written summary of oral submissions to Issue Specific Hearing 1 (ISH1) and Issue Specific Hearing 2 (ISH2) (REP-0043) to inform Examination Deadline 3.	
4 February 2022	Email	National Highways to HE	National Highways provided an updated DAMS and OWSI following ongoing engagement with HE, for their review.	
10 February 2022	Email	National Highways to HE	National Highways provided an updated version of DCO Requirements 1, 3 and 9 following ongoing engagement with HE, for their review.	
2 March 2022	DAMS and OWSI meeting	National Highways HE	Meeting to discuss the updated draft DAMS and OWSI and comments from HE and GCC.	
8 March 2022	Statement of Common Ground meeting	National Highways HE	Meeting to discuss and agree an updated draft Statement of Common Ground for Examination Deadline 5.	
22 March 2022	Meeting	National Highways HE	Meeting to discuss the updated draft DAMS and OWSI and comments from HE and GCC.	
6 April 2022	Statement of Common Ground meeting	National Highways HE	Meeting to discuss and agree the updated Statement of Common Ground to enable signing and agreement to submit for Examination Deadline 9.	
12 April 2022	Email	National Highways to HE	National Highways provided an updated interpretation of the geophysics from Wessex Archaeology.	
21 April 2022	Email	National Highways to HE	National Highways provided an updated draft DAMS and OWSI ahead of meeting to discuss on 25 April 2022.	
25 April 2022	DAMS and OWSI meeting	National Highways HE	Meeting to discuss the updated draft DAMS and OWSI and comments from HE and GCC.	
6 May 2022	Email	National Highways to HE	National Highways provided a finalised draft DAMS and OWSI following meeting on 25 April.	

## 3 Topics covered in this SoCG

3.1.1 The following table is a summary of the topics which are considered within this SoCG.

Table 3-1 Summary of the topics considered within this SoCG

Overarching topic	Topic number	Topic
Background	1.	Principle of Development
	2.	Consultation
Relevant ES	3.	Cultural Heritage (Chapter 6 of the ES)
Chapter	4.	Population and Human Health (Chapter 12 of the ES)
Other topics	5.	Draft Development Consent Order (dDCO)
	6.	Detailed Archaeological Mitigation Strategy (DAMS) and Overarching Written Scheme of Investigation (OWSI).
	7.	Environmental Management Plan (EMP)

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## 4 Matters agreed

4.1.1 Table 4.1 below shows those matters which have been agreed by the parties, including that matters reference number, and the date and method by which it was agreed.

Table 4-1 Matters agreed between HE and National Highways

Matter reference number	Matter which has been agreed	Date and method of agreement			
Principle of Development					
1.1.	HE generally agrees with the need for development in helping to address the current situation of poor road safety and daily congestion and that the solution should reflect the special qualities of the Area of Outstanding Natural Beauty (AONB).	SoCG meeting, 7 December 2021			
1.2.	HE generally agrees with the objectives of the A417 Missing Link as a landscape-led scheme that will deliver a safe and resilient free-flowing road whilst conserving and enhancing the special character of the nationally important protected landscape of the Cotswolds Area of Outstanding Natural Beauty (AONB) that the new route passes through.	SoCG meeting, 7 December 2021			
1.3.	HE generally agrees with the form of the scheme to address the objectives of the A417 Missing Link as a landscape-led scheme.	SoCG meeting, 7 December 2021			
2. Consultation		,			
2.1.	National Highways and HE agree that the detail of design will be discussed and agreed between National Highways, its contractor, GCC and in consultation with HE where appropriate, should the scheme progress to construction. Both parties are committed to ongoing engagement throughout the detailed design stage to help discuss and agree detailed matters pertinent to the historic environment.	SoCG meeting, 7 December 2021			
2.2.	National Highways and HE agree that a multidisciplinary approach should continue to be adopted to enable areas of archaeological potential to be identified and mitigated. As part of this process an archaeological watching brief has been maintained on geotechnical investigations and will be subject to specialist paleoenvironmental review to inform the mitigation strategy to be provided through the EMP (by the way of the DAMS/OWSI) and secured by the DCO.	SoCG meeting, 8 March 2022			
3. Cultural Herita	3. Cultural Heritage (Chapter 6 of the ES)				
3.1.	National Highways and HE agree that the Desk-Based Assessment should be undertaken using best practice advice (CIFA 2014, Standard and Guidance for the Historic Environment: Desk-Based Assessment).	Response to statutory consultation 8 November 2019			

Matter reference number	Matter which has been agreed	Date and method of agreement			
3.2.	National Highways and HE agree that due to the (limited) nature of trial trenching, some archaeological sites will not be identified at this stage. There is also the possibility that some early prehistoric sites will not be identified and assessed as they may be buried under colluvium (hill wash).	Response to statutory consultation			
		12 November 2020			
3.3.	National Highways and HE agree that a Detailed Archaeological Scheme of Mitigation and Outline Written Scheme of Investigation (DAMS/OWSI) will be agreed with HE and GCC and included in the EMP. It is agreed between both parties that the DAMS/OWSI will include provision for site specific written schemes of investigation to be agreed and implemented prior to construction.	SoCG meeting, 8 March 2022			
3.4.	National Highways and HE agree that a sufficient distance should be provided between the cutting of the scheme and Emma's Grove to protect the Designated Barrows. The edge of cutting lies at a distance of 52m from the edge of the scheduled area at its nearest point and will not encroach further towards the barrows.	Response to Statutory Consultation 8 November 2019			
3.5.	National Highways and HE agree that noise assessment in relation to the heritage assets, such as Crickley Hill Camp, Crickley Hill SSSI, Emma's Grove, Beechwood Special Areas of Conservation and the Peak, should be provided. Changes in noise levels compared to the current situation have been reviewed for the 2020 PEI report and have informed the assessment of impacts for heritage assets in the ES.	SoCG meeting, 7 December 2021			
3.6.	HE are now satisfied and has agreed with National Highways that geoarchaeological works will be undertaken pre-construction as outlined and agreed within the DAMS and OWSI.	DAMS and OWSI meeting, 25 April 2022			
4. Population and	Human Health (Chapter 12 of the ES)				
4.1.	HE agrees with the inclusion of the Gloucestershire Way and Cotswold Way crossings to maintain connectivity, including to features of the historic environment.	Response to statutory consultation			
		12 November 2020			
5. Draft Developn	5. Draft Development Consent Order (dDCO)				
5.1.	Both parties have worked collaboratively, alongside GCC and the county archaeologist, to agree Requirement 9 of the dDCO and its interrelationship with the DAMS and OWSI. An agreed version of Requirement 9 will be submitted into the Examination with an updated dDCO at Examination Deadline 9 (16 May 2022).	Review of SoCG, April 2022			
6. Detailed Archa	eological Mitigation Strategy (DAMS) and Overarching Written Scheme of Investigation (OWSI)				

Matter reference number	Matter which has been agreed	Date and method of agreement			
6.1.	Both parties have worked collaboratively, alongside GCC and the county archaeologist, to agree the Detailed Archaeological Mitigation Strategy (DAMS) and Overarching Written Scheme of Investigation (OWSI) for the scheme. An agreed version of the DAMS and OWSI will be submitted into the Examination at Deadline 8 (6 May 2022).	DAMS and OWSI meeting, 25 April 2022			
7. Environmental	7. Environmental Management Plan (EMP)				
7.1.	An agreed version of the DAMS and OWSI will be submitted into the Examination at Deadline 8 (6 May 2022).  Environmental Management Plan (EMP)  HE welcomes the commitment within the EMP that Emma's Grove scheduled monument will be fenced off clearly during construction to ensure that no accidental damage occurs during the construction period as secured in the EMP under commitment CH5. National Highways is committed to updating this commitment during the Examination to reflect the provision of appropriate access provisions as per enhancement requirement CH6 and remains committed to ongoing engagement with Historic England on this matter (as secured via EMP commitment GP8: stakeholder engagement.)  Emma's Grove Barrows mitigation/enhancement (during construction) - The DAMS and OWSI now includes a requirement to agree a method statement for protective measures for the clearance and re-planting of Emma's Grove. The planting measures are included in ES Figure 7.9 and 7.11 of the Environmental Masterplan and includes the following stages of work which would ensure that Emma's Grove Barrows are removed from the At Risk Register once completed to the satisfaction of HE;  Stages of works needed to remove barrows from At Risk Register:  1. Clear scrub vegetation  2. Assess damage caused by burrowing animals, if any  3. Burrowing animals if rabbits, remove from site and block up entrances  4. If Badgers seek advice from ecologist and look to exclude them from the area  5. Assess trees within the scheduled area  6. Remove all trees that are within the earthwork and which are causing damage  7. If burrowing animal damage is extensive then more extreme measures will be needed to prevent them returning. This would involve meshing the barrows, but before that can happen the site would need to have a geophysical survey as the meshing would interfere with this.  8. Reseed if needed with locally sourced grassland species				
	HE are satisfied with this approach to mitigation and enhancement of Emma's Grove.				

### 5 Matters outstanding

#### 5.1 Principal matters outstanding

- 5.1.1 The principal matter outstanding between HE and National Highways, which both parties are continuing to engage to resolve, is:
  - The enhancement and management of Emma's Grove Barrows, including improved connectivity of calcareous grassland

#### 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 ongoing engagement during the detailed design stage or construction
Matter of difference

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Table 5-1 Matters outstanding between HE and National Highways

Ref.	Matter	HE position	National Highways position	Date of the position	
1. Pı	Principle of Development				
	No matters identified.				
2. C	Consultation				
	No matters identified.				
3. C	ultural Heritage (Chapter 6 of t	the ES)			
	No matters identified.				
4. Po	4. Population and Human Health (Chapter 12 of the ES)				
	No matters identified.				
5. D	5. Draft Development Consent Order				
	No matters identified.				
6. D	etailed Archaeological Mitigati	on Strategy (DAMS) and Overarching Written S	cheme of Investigation (OWSI)		
	No matters identified.				
7. Er	7. Environmental Management Plan (EMP)				
7.1	Emma's Grove Barrows mitigation/enhancement (post construction)	long-term management of Emma's Grove Barrows. HE look forward to being keep up	It is the intention of National Highways to continue to engage with Historic England on this matter which is reflected in commitment GP8 of the EMP (REP2-006) "Stakeholder engagement: National Highways would engage with all key environmental stakeholders prior to and during the detailed design process, as well as during construction of the scheme. These are listed in section 2.2 of the EMP."	Review of SoCG, May 2022	

## **Appendices**

# **Appendix A Signing Sheet**

For signing		
Signed		
On Behalf of	Historic England	
Name	Melanie Barge	
Position	Inspector of Ancient Monuments	
Date	12 May 2022	

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