

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Executive Committee
<b>Date of Meeting:</b>	7 July 2021
<b>Subject</b>	A417 Missing Link
<b>Report of:</b>	Head of Development Services
<b>Corporate Lead:</b>	Chief Executive
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	None

## **Executive Summary:**

This report provides an update on the A417 Missing Link Development Consent Order (DCO) process, which is being promoted by Highways England. Highways England will be submitting a Development Consent Order to the Secretary of State for independent examination imminently. As part of the process the respective local planning authorities will be asked to enter a Statement of Common Ground (SOCG) with Highways England. The purpose of the Statement of Common Ground is to set out areas of agreement and disagreement relating to a range of issues, including technical and procedural. The SOCG will then be submitted to the examination panel appointed to consider the proposal. In addition to comments on a Local Impact Report (LIR) and various other deliverables during the Examination. The LIR provides the opportunity for the relevant local authorities to provide details of the likely impact of the proposed development on the authority's area. Given the nature of the DCO process and the continuing need to engage and update the Statement of Common Ground and LIR, the production of both will be an ongoing and iterative process.

## **Recommendation:**

- 1. To note the update on the A417 Missing Link, Development Consent Order process.**
- 2. To delegate authority to the Head of Development Services, in consultation with the Leader of the Council, and the Lead Member for the Built Environment, the decisions needed to agree the Statement of Common Ground and the Local Impact Report on the scheme with Highways England.**

## **Reasons for Recommendation:**

To ensure the areas of agreement and disagreement between the Council and Highways England in connection with the A417 Missing Link scheme are clearly set out and the Council is able to respond to changes within the Statement of Common Ground and the Local Impact Report in a timely manner.

**Resource Implications:**

Officer time in considering the content of the Statement of Common Ground.

**Legal Implications:**

The use of Statements of Common Ground (SOCG) is an integral part of the DCO process. There will be an expectation from the examining authority that the local authorities will engage in the process. The SOCG is designed to clarify which issues are agreed and which issues remain in dispute between the promoter of the DCO and the local authorities. As stated in the report, the Council will also need to input into the Local Impact Report which must be submitted by the local authorities and, in addition, may be required to input into other matters. The completion of the DCO examination will follow a timetable set by the examining authority which is required to meet the statutory timescale for the examination. To this end the responses by the local authorities on the SOCG and LIR and to other requests will need to be both flexible and timely.

**Risk Management Implications:**

Not applicable.

**Performance Management Follow-up:**

None.

**Environmental Implications:**

As part of the Development Consent Order process an Environmental Impact Assessment will be undertaken to identify environmental impacts and identify mitigation where necessary.

**1.0 INTRODUCTION/BACKGROUND**

**1.1** Over the past few years Highways England and been working on and promoting a new highway scheme known as the A417 Missing Link. The scheme proposes the following:

- 3.4 miles of new dual carriageway connecting the existing A417 Brockworth bypass with the existing A417 dual carriageway south of Cowley.
- the section to the west of the existing Air Balloon roundabout would follow the existing A417 corridor. However, the section to the south and east of the Air Balloon roundabout would be offline, away from the existing road corridor.
- a new junction at Shab Hill, providing a link from the A417 to the A436 towards Oxford and into Birdlip.
- a new junction would be included near Cowley, replacing the existing Cowley roundabout.
- the existing A417 between the Air Balloon roundabout and the Cowley roundabout would be repurposed. Some lengths of this existing road would be converted into a route for walkers, cyclists and horse riders, while retaining other sections to maintain local access for residents.

**1.2** The A417 Missing Link scheme is situated wholly within the boundary of Gloucestershire County Council (GCC) and falls within the boundaries of Tewkesbury Borough Council (TBC) and Cotswold District Council (CDC). As TBC and CDC are the local planning authority for the area in which the respective scheme falls and GCC is the highway authority also responsible for Minerals and Waste Planning, together with Public Rights of Way, all three Councils are statutory consultees on the proposed scheme, as defined under section 42 (1)(b) and section 43 (b) of the Planning Act 2008.

**2.0 DEVELOPMENT CONSENT ORDER PROCESS AND TIMEBABLE**

**2.1** Highways England has been developing plans to improve the A417 Missing Link since 2015. Following several consultation events on the initial concept to detailed proposals, the next step in the process is for Highways England to submit the DCO application to the Secretary of State who will appoint an examination panel to hold an Independent Examination in Public to consider the proposals.

<b>2.2</b>	Submission of DCO	June 2021.
	Examination in Public	Oct / Nov 2021 (6 months).
	Decision	Not sure when anticipated.
	Start on site	Not sure when anticipated.
	Completion	Not sure when anticipated.

**3.0 STATEMENT OF COMMON GROUND**

**3.1** During the scheme’s evolution, the Council, along with Gloucestershire County Council and Cotswold District Council have been engaged with Highways England and their appointed consultants in order to make comments on the various elements of the project related to our role as statutory consultee.

**3.2** Given the scale and nature of the issues involved in a DCO process it is common practice for interested parties to enter into a Statement of Common Ground (SOCG). The purpose of the SOCG is to set out the areas the agreement and disagreement relating to a range of issues.

**3.3** The range of topics included within the Statement of Common Ground include:

Principle of Development
Consultation.
Assessment of Alternatives (Chapter 3 of the ES).
Environmental Impact Assessment Methodology (Chapter 4 of the ES).
Air Quality (Chapter 5 of the ES).
Cultural Heritage (Chapter 6 of the ES).
Landscape and Visual Effects (Chapter 7 of the ES).
Biodiversity (Chapter 8 of the ES).

Geology and Soils (Chapter 9 of the ES).
Material Assets and Waste (Chapter 10 of the ES).
Noise and Vibration (Chapter 11 of the ES).
Population and Human Health (Chapter 12 of the ES).
Road Drainage and the Water Environment (Chapter 13 of the ES).
Climate (Chapter 14 of the ES).
Assessment of Cumulative Effects (Chapter 15 of the ES).
De-trunking.
Traffic and Transport.
Crossings of the A417.
Engineering design, also including: <ul style="list-style-type: none"> <li>• Design of local roads.</li> <li>• Safety.</li> <li>• Drainage.</li> <li>• Signage.</li> <li>• Lighting.</li> </ul>
Draft Development Consent Order.
Land.
Environmental Management Plan (EMP).
Construction Traffic Management Plan (CEMP).

**3.4** Given the nature of the DCO process, and the continuing need engage and update the Statement of Common Ground, the production of the SOGC will be an ongoing and iterative process.

#### **4.0 Local Impact Reports**

**4.1** As part of the 2008 Act process, the relevant local authorities are invited to submit a local impact report (LIR) giving details of the likely impact of the proposed development on the authority's area.

**4.2** Local authorities have a very important role in the 2008 Act process. They are encouraged to discuss and work through the issues raised by NSIP proposals with prospective applicants well before the application is submitted, and to engage with applicants in the preparation of statements of common ground 1.

**4.3** Topics which may be of assistance in the report include:

- Site description and surroundings/ location.
- Details of the proposal.
- Relevant planning history and any issues arising.
- Relevant development plan policies, supplementary planning guidance or documents, development briefs or approved masterplans and an appraisal of their relationship and relevance to the proposals.
- Relevant development proposals under consideration or granted permission but not commenced or completed.
- Local area characteristics such as urban and landscape qualities and nature conservation sites.
- Local transport patterns and issues.
- Site and area constraints.
- Designated sites.
- Socio-economic and community matters.
- Consideration of the impact of the proposed articles and requirements within the draft Order (such as the scheme) in respect of all the above.
- DCO obligations and their impact on the local authority's area.

**4.4** This list is neither exhaustive nor prescriptive. Local authorities should cover any topics they consider relevant to the impact of the proposed development in their area.

**4.5** In producing a LIR, the local authority is not required to carry out its own consultation with the community.

**4.6** The submission of the LIR is set a fixed timetable with strict deadlines for submission. Timely responses are therefore required.

**5.0 OTHER OPTIONS CONSIDERED**

**5.1** None.

**6.0 CONSULTATION**

**6.1** None.

**7.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

**7.1** Not applicable.

**8.0 RELEVANT GOVERNMENT POLICIES**

**8.1** Planning Act 2008.  
Nationally Significant Infrastructure Projects (NSIP).

**9.0 RESOURCE IMPLICATIONS (Human/Property)**

**9.1** As outlined in the report.

**10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

**10.1** As part of the DCO process a Strategic Environmental Impact Assessment will be undertaken.

**11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

**11.1** The proposed DCO process and comments from statutory consultees/stakeholders will be cognisant of equalities/HRA issues.

**12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

**12.1** Not applicable.

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**Background Papers:** [The process | National Infrastructure Planning \(planninginspectorate.gov.uk\)](http://planninginspectorate.gov.uk)

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-1v2.pdf>

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**Appendices:** None.