

A417 MISSING LINK

Summary: To provide an update to the Executive Committee on the progress and activity since the Board's formal consultation response to Option 30 in November 2019

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Recommendation: That the Executive Committee notes the Board's continued involvement in the process and indicative timeline going forwards

INTRODUCTION

1. The Executive Committee has new members, not only to the Exec but also new to the Board. This paper will provide a clear update of (1) the Board's position at the time of submitting the consultation response, (2) the activity that has happened since then and (3) what the next stages in the process are likely to be.
2. In April the Chairman wrote to the A417 Steering Group thanking them for their time and effort, to date, in examining the scheme on behalf of the Board. He also asked the Steering Group to consider our current position/ thinking in five key areas. These should form the basis for discussion at this meeting.
 - *What proposals have the Board made to the scheme that have been adopted by Highways England (HE) and what proposed changes are still being considered?*
 - These are answered in para 4 and 20
 - *Which of the remaining outstanding points of disagreement do the Group recommend the Board continue to strongly defend?*
 - *How should we approach the upcoming examination process, which could last over a year and will require significant time, resource and expertise?*
 - *How should we liaise and engage with other environmental bodies during the examination process?*
 - Para 26-34 highlights the collaborative work the Board has been involved in to date
 - *What are the Group's recommendations on how to galvanise public opinion in support of our position so that we are seen to be working across the Cotswolds and positively influencing a major infrastructure project of national significance?*

BACKGROUND

3. Following HE's announcement of the preferred route for the A417 Missing Link – Option 30 – the Board submitted its consultation response in November 2019.
4. Included within the scheme was an improvement to the A436 link road and how it joins the A417, proposed by CCB and adopted by HE.
5. The key point to highlight from the response is the following (summarised) statement:

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

 - *delivers the agreed landscape-led approach, including the agreed vision, design principles, objectives and sub objectives (and provides the best practical option for doing so);*

- *sufficiently avoids, mitigates and moderates adverse effects – and further enhances the natural beauty of the AONB and public enjoyment of it - where possible;*
- *is fully consistent with the letter and spirit of relevant legislation and national policy.*

It is the Board's view that the proposed scheme does not – at this stage, in its current form and with the information currently provided by Highways England – adequately address the Board's three key considerations. On this basis, the Board has no option but to object to the currently proposed scheme.

6. In addition, there were three main recommendations that the Board made to HE within its response:
 - *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 approach.*
 - *Give further consideration to the potential benefits and viability of having a cut-and-cover 'tunnel' structure instead of a cutting between Cold Slad Lane and Shab Hill Junction.*
 - *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 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.*
7. The Board made ten additional recommendations.
8. The Board also made it clear that if these recommendations are not taken forward then *"...it does seem beholden on Highways England to provide robust justifications for their decisions"*. The subsequent lack of a detailed response has been a particular area of concern for the Board's A417 Steering Group.
9. In order for the Board to feel that it has fulfilled its statutory duty it is critical to be able to fully understand *"if not, why, not"*.

ROAD INVESTMENT STRATEGY (RIS) 2

10. In March the Department for Transport published RIS2 for the period 2020-25. The A417 'Missing Link' scheme is included in the investment plan. The detailed breakdown of budget allocations and regional programmes have not yet been announced.
11. One of the concerns of the Steering Group is that the indicative budget allocated means that the scheme has become budget-led rather than landscape-led. At a recent meeting Mike Goddard, Senior Project Manager for HE, looked to reassure the group by saying that *"the budget is led by the scheme, the scheme is not led by the budget"* and he went on to say *"the project could be cheaper but HE have sought to design this scheme as sensitively as it can be to the landscape and environment"*.

DEVELOPMENT CONSENT ORDER AND THE EXAMINATION PROCESS

12. The Planning Inspectorate cannot consider representations about the merits of the proposed scheme until HE submits a Development Consent Order (DCO) to the Planning Inspectorate. There will follow a period of up to 28 days (excluding the date of receipt of the application) for the Planning Inspectorate, on behalf of the Secretary of State, to decide whether or not the application meets the standards required to be accepted for examination.
13. At pre-examination the Board will be able to register with the Planning Inspectorate to become an Interested Party by making a Relevant Representation. A Relevant Representation is a summary of the Board's views on the application, made in writing. An Examining Authority is also appointed at the Pre-examination stage, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. Although there is no statutory timescale for this stage of the process, it usually takes approximately three months from the applicant's formal notification and publicity of an accepted application.
14. The Planning Inspectorate has up to six months to carry out the examination. During this stage Interested Parties who have registered by making a Relevant Representation are invited to provide more details of their views in writing. Careful consideration is given by the Examining Authority to all the important and relevant matters including the representations of all Interested Parties, any supporting evidence submitted and answers provided to the Examining Authority's questions set out in writing or posed at hearings.
15. The Planning Inspectorate will then prepare a report on the application to the Secretary of State, including a recommendation, within three months of the close of the six month Examination stage. The Secretary of State then has a further three months to make the decision on whether to grant or refuse development consent.
16. Once a decision has been issued by the relevant Secretary of State, there is a six week period in which the decision may be challenged in the High Court. This process of legal challenge is known as Judicial Review.

STATEMENT OF COMMON GROUND

17. In preparation for the examination process, CCB and HE are working together on a Statement of Common Ground (SoCG). The SoCG is prepared in accordance with DCLG (now Ministry of Housing, Communities and Local Government) Guidance on the pre-application process. Two meetings have been held to date.
18. The SoCG aims to identify the following between CCB and HE:
 - Matters which have been agreed;
 - Matters currently outstanding (subject to negotiation or not agreed). The current principal matters outstanding are:
 - *The overall impact of the scheme on the Cotswolds AONB*
 - *The options selection process and the selection of a surface (non-tunnelled) option for the scheme through Option 30.*
 - *The recommendation by CCB of a cut and cover engineering design within the Option 30 route*

- *The recommendations made by CCB relating to other design aspects of the scheme including junction location, vertical alignment and the link road designs*
 - *The environmental impact of the scheme and the outcome of the EIA.*
19. The overall impact of the scheme will continue to be assessed against the criteria laid out in the scheme's vision, objectives and sub-objectives as agreed in 2017.
20. HE and Arup have agreed to meet with representatives of the Board to have technical engineering discussions on our design alternatives. A series of two meetings are scheduled to take place at the end of May and beginning of June.
21. The Environmental Statement has been completed but the report will not be available to view until after HE has submitted the DCO. Therefore the Board is not yet in a position to comment on whether the scheme will deliver a net environmental benefit.
22. The SoCG will continue to evolve as the application for development consent progresses through the examination stage. The latest version of the SoCG is available to members of the Executive Committee upon request. A further iteration will be provided once the Steering Group has read the DCO submission and Environmental Statement. The formal first draft will be required by deadline 2 of the Examination (about one month from its start) and the final signed off version will be required before the end of the 6-month Examination.

STRATEGIC STAKEHOLDER PANEL

23. In February Graham Hopkins and the Chief Executive attended the Strategic Stakeholder Panel meeting, hosted by HE and its contractors. The Panel is made up of local authorities (Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council) and environmental organisations (Gloucestershire Wildlife Trust, National Trust and ourselves).
24. The meeting focused on the consultation responses from the wider community, including residents, landowners and businesses. In addition, there was some discussion around the focus for the Panel going forward.
25. The Panel was due to meet again in April but due to the current crisis this has not yet taken place.

WORKING IN PARTNERSHIP (1) – COLLABORATIVE STATEMENT

26. In recent months the Board has been working closely with other environmental bodies to prepare a collaborative statement. The other organisations involved are:
- a. Campaign to Protect Rural England (CPRE) Gloucestershire
 - b. Council for British Archaeology
 - c. Gloucestershire Ramblers
 - d. Gloucestershire Wildlife Trust
 - e. National Trust
 - f. Woodland Trust

27. Other statutory bodies have been kept informed of the development of this statement but in deference to their role as statutory advisors to Government and in consideration of their statutory status for the Examination they have decided not to be a formal signatory. This leaves the Board as the only statutory signatory to the statement.
28. The statement urges HE to ensure that plans for the A417 scheme properly consider the natural beauty, diverse wildlife and unique heritage of the Cotswolds landscape.
29. All the organisations are committed to working with HE to design, develop and deliver a landscape-led road scheme.
30. The collaborative statement will be released ahead of the DCO submission and co-ordinated carefully, led by one organisation to avoid confusion.
31. **The Executive Committee is asked to endorse the Board's participation in this Statement.**

WORKING IN PARTNERSHIP (2) - DESIGNATED FUNDS

32. In February John Mills, Planning and Landscape Officer, and the Chief Executive attended a Designated Funds workshop. In addition to HE and Arup, other attendees included:
 - Cotswold District Council
 - Environment Agency
 - Gloucestershire Wildlife Trust
 - Historic England
 - National Trust
 - Natural England
 - Woodland Trust
33. HE's designated funds are to improve the surroundings of a Strategic Road Network, there are five categories of funding:
 - Air quality; cycling, safety and integration; innovation; environment; growth and housing
34. A Landscape Partnership Vision is currently in development and will be used as the basis for a joint Designated Funds bid to HE.

GOING FORWARD

35. Until the Board has sight of the Development Consent Order and the Environmental Statement it cannot form a fully considered view on how it should approach the examination process, e.g. our role and level of involvement.
36. The Board must continue to demonstrate that it is fulfilling its statutory duties to its own Secretary of State.

37. There are key milestones in the examination process, the Steering Group will be looking to the Executive Committee and full Board to provide guidance and/ or decisions at these times.
38. The Steering Group ask that the Executive Committee are able to meet outside of the normal meeting calendar, if required, should important guidance and/ or decisions be required to support the Board's involvement in the process.

SUPPORTING PAPERS

- There are no supporting papers

MAY 2020