

A417 Missing Link  
TR010056

5.1 Consultation Report

37(3)(c) of the Planning Act 2008

APFP Regulation 5(2)(q)  
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Procedure) Regulations 2009

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

**A417 Missing Link**

Development Consent Order 202[x]

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**5.1 Consultation Report**

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# 1 Introduction

## 1.1 Purpose of this report

- 1.1.1 This Consultation Report has been prepared by Highways England (as the applicant) to accompany an application for a Development Consent Order (DCO) for the A417 Missing Link scheme (the scheme).
- 1.1.2 The report is submitted in accordance with section 37(3)(c) of the Planning Act 2008 (the Act), which requires that any application for an order granting development consent must be accompanied by a consultation report. Section 37(7) requires that the consultation report provides details of:
- how the applicant has carried out consultation in compliance with statutory requirements (namely sections 42, 47 and 48 of the Act);
  - any relevant responses; and
  - how any relevant responses were considered (as per section 49 of the Act).
- 1.1.3 Accordingly, this report provides a detailed account of pre-application consultation activities carried out by Highways England prior to the submission of the DCO Application. It demonstrates that Highways England has complied with statutory requirements and explains how relevant responses received were considered prior to the DCO Application being submitted.
- 1.1.4 The focus of this report is the statutory consultations Highways England has carried out prior to submission of the DCO Application, in accordance with the requirements of the Act. This includes: a statutory consultation held between 27 September 2019 and 8 November 2019; a supplementary statutory consultation held between 13 October 2020 and 12 November 2020; and, targeted statutory consultations with Persons with an Interest in the Land (PILs) in 2020 and 2021.
- 1.1.5 In addition, this report provides an overview of the non-statutory consultation and engagement activities carried out by Highways England in relation to the scheme.
- 1.1.6 The pre-application consultation for the scheme, and the preparation of this report, has been carried out with regard to Department for Communities and Local Government (DCLG) (now Ministry of Housing, Communities and Local Government, MHCLG) guidance on pre-application consultation<sup>1</sup> and The Planning Inspectorate (PINS) Advice Note 14: Compiling the Consultation Report<sup>2</sup>.

## 1.2 The proposed scheme

### Scheme description

- 1.2.1 The scheme would provide 3.4 miles (5.5km) of new, rural all-purpose dual carriageway for the A417. The new dual carriageway would connect the existing A417 Brockworth bypass with the existing dual carriageway A417 south of Cowley. The new dual carriageway would be completed in-line with current trunk road design standards. The section to the west of the existing Air Balloon roundabout would follow the existing A417 corridor, but to the south and east of

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<sup>1</sup> Department for Communities and Local Government (DCLG). Planning Act 2008: Guidance on the Pre-application Process. London, 2015

<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-fourteen-compiling-the-consultation-report/>

the Air Balloon roundabout, the corridor would be offline, away from the existing road corridor.

- 1.2.2 The scheme would include a new crossing (Cotswold Way Crossing) near Emma's Grove for walkers, cyclists and horse riders including disabled users, which would accommodate the Cotswold Way National Trail. A new junction would be incorporated at Shab Hill, providing a link from the A417 to the A436 (towards the A40 and Oxford), and to the B4070 (for Birdlip and other local destinations).
- 1.2.3 A new 37m wide multi-purpose crossing (Gloucestershire Way Crossing) would provide essential mitigation for bats and enhancement opportunity of ecology and landscape integration. The public would also further benefit as the crossing would accommodate the Gloucestershire Way and provide an improved visitor experience.
- 1.2.4 A new junction would be included near Cowley, replacing the existing Cowley roundabout, making use of an existing underbridge to provide access to local destinations. The use of the existing underbridge would allow for all directions of travel to be made.
- 1.2.5 The current A417 between the existing 'Air Balloon roundabout' and 'Cowley roundabout' would be de-trunked for its entire length. Some lengths of the existing road would be converted into a route for walkers, cyclists and horse riders including disabled users. Other sections would be retained as lower-class public roads, maintaining local access for residents. Some of the route would provide Common Land.
- 1.2.6 A map of the scheme is provided below at Figure 1-1. A detailed description of the scheme is provided in Environmental Statement (ES) Chapter 2 The project (Document Reference 6.2).

#### **Definition under the Act**

- 1.2.7 The scheme is a Nationally Significant Infrastructure Project (NSIP) under sections 14(1)(h) and 22(1)(a) of the Act.
- 1.2.8 Section 14(1)(h) of the Act defines an NSIP as highway-related development subject to falling within the criteria set out in section 22 of the Act.
- 1.2.9 Under section 22(1) of the Act, an NSIP for highway-related development must fall within one of three specified categories; construction, improvement or alteration of a highway.
- 1.2.10 The scheme is a new offline section of dual carriageway and therefore constitutes the "construction" of a highway within the meaning of section 22(1)(a) and meets the requirements of this definition under section (22)(2) and 22(4) as follows:
- The highway will (when constructed) be wholly in England (section 22(2)(a));
  - Highways England (as the strategic highways company), will be the highway authority for the highway (section 22(2)(b)); and
  - The speed limit on the section of the A417 in the DCO Boundary exceeds 50 mph and the area of development within the DCO Boundary is 198.2 hectares, which is greater than 12.5 hectares (sections 22(2)(c) and 22(4)(b)).
- 1.2.11 As the scheme is an NSIP, development consent must be obtained from the Secretary of State to authorise it, and an application for a DCO must be made to the Planning Inspectorate who administer the DCO process on behalf of the Secretary of State for Transport, under section 37 of the Act.



# A417 Missing Link Masterplan

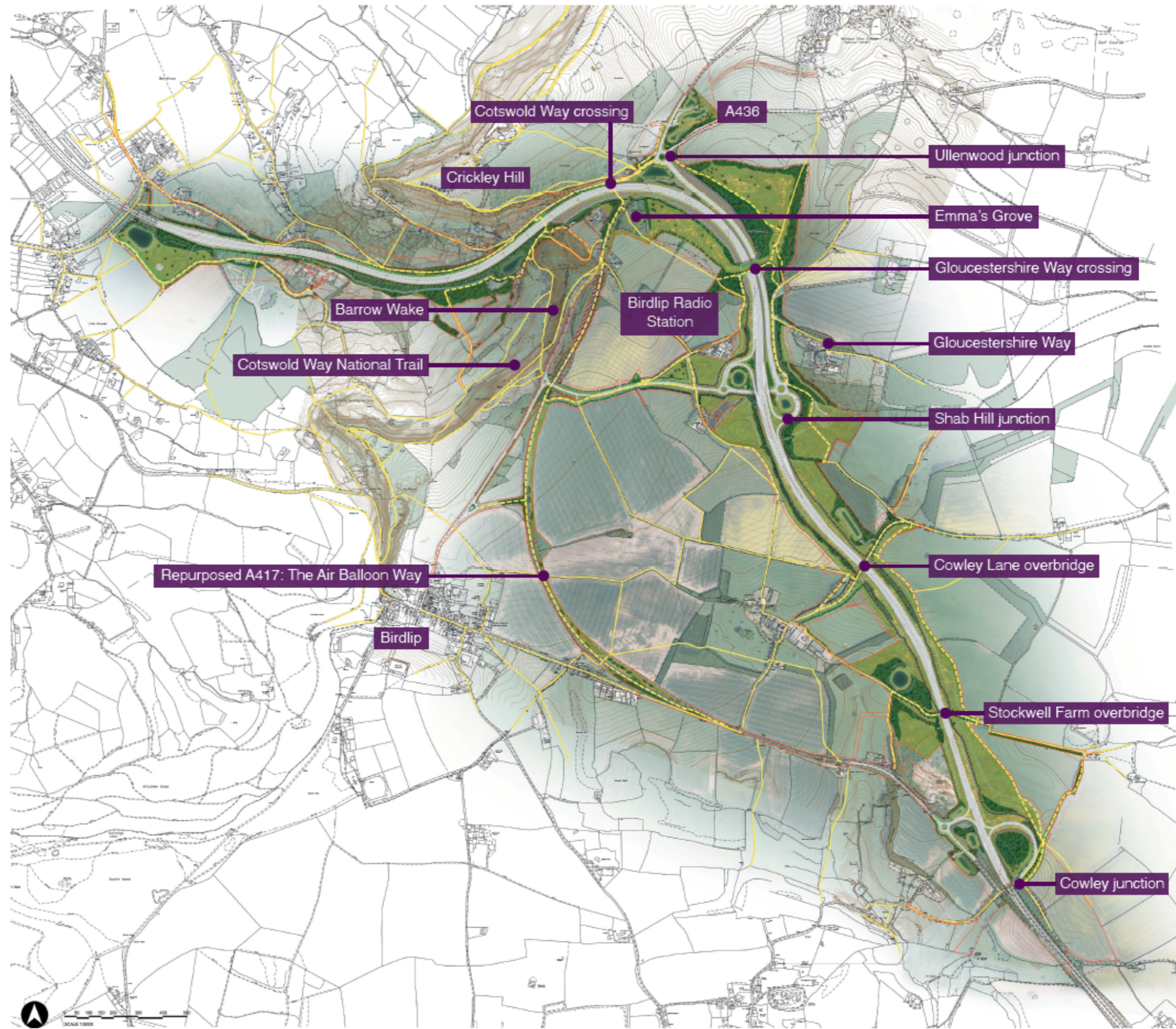


Figure 1-1 The proposed A417 Missing Link scheme



## 1.3 Structure of this report

1.3.1 This Consultation Report is set out in a chronological order as far as possible, detailing the progression of consultation and engagement activities that Highways England has carried out in relation to the scheme. It is organised into chapters; a short summary of each is provided below:

- **Chapter 1** – provides an introduction to the report.
- **Chapter 2** – provides an overview of the need for the scheme and a timeline of its development to date.
- **Chapter 3** – provides a summary of the non-statutory route options consultation carried out by Highways England in 2018, including how the routes were selected and how Highways England had regard to the consultation feedback in selecting the preferred route.
- **Chapter 4** – explains other non-statutory consultation and engagement activities carried out by Highways England during development of the scheme, alongside the formal periods of consultation described in other chapters.
- **Chapter 5** – provides details of the development of the 2019 Statement of Community Consultation (SoCC) in advance of the 2019 statutory consultation.
- **Chapter 6** – reports on the activities undertaken in respect of the statutory consultation held between 27 September 2019 and 8 November 2019 in accordance with the 2019 SoCC and the requirements of sections 42, 46, 47 and 48 of the Act. This includes details of how prescribed consultees, PILs and members of the public were consulted with.
- **Chapter 7** – provides a summary of feedback received in response to the 2019 statutory consultation and explains how Highways England has had regard to this feedback in accordance with section 49 of the Act. This includes a summary of key changes made to the scheme design following the 2019 consultation and why.
- **Chapter 8** – provides details of the development of the 2020 SoCC in advance of the 2020 supplementary statutory consultation.
- **Chapter 9** – reports on the activities undertaken in respect of the supplementary statutory consultation held between 13 October 2020 and 12 November 2020 in accordance with the 2020 SoCC and the requirements of sections 42, 46, 47 and 48 of the Act. This includes details of how prescribed consultees, PILs and members of the public were consulted with.
- **Chapter 10** – provides a summary of feedback received in response to the 2020 supplementary statutory consultation and explains how Highways England has had regard to this feedback in accordance with section 49 of the Act. This includes a summary of key changes made to the scheme design following the 2020 consultation and why.
- **Chapter 11** – sets out how Highways England carried out five statutory targeted consultation with PILs during 2020 and 2021, provides a summary of the feedback received in response to the targeted landowner consultations and sets out how Highways England has had regard to the feedback in accordance with section 49 of the Act.
- **Chapter 12** – provides an overview of the consultation and engagement activities undertaken with regard to the Environmental Impact Assessment (EIA) process.
- **Chapter 13** – sets out the conclusions of this Consultation Report.

## 1.4 Data protection

- 1.4.1 Further to Advice Note 6<sup>3</sup>, Highways England is aware that this Consultation Report will be published on the National Infrastructure Planning website. As such, Highways England has avoided the inclusion of personal data relating to individuals.
- 1.4.2 Highways England must ensure that it complies with the Data Protection Act 2018, which came into force on 25 May 2018 following the introduction of the General Data Protection Regulation in 2016.
- 1.4.3 This means that information such as individuals' names and addresses in this report have been replaced by a number for each consultee.
- 1.4.4 Personal details in this report have been handled responsibly and where necessary redacted to ensure that Highways England complies with the requirements of the Data Protection Act 2018 in the production and publication of this report.

## 1.5 COVID-19

- 1.5.1 It should be acknowledged that from 23 March 2020, when the Prime Minister Boris Johnson announced the commencement of a national 'lockdown' and legal restrictions on everyday life<sup>4</sup> due to COVID-19, Highways England has been required to undertake statutory and non-statutory consultation and engagement activities in accordance with the national restrictions and guidance relevant at that time. Where relevant, specific details are provided in this report of how Highways England has adapted its approach to consultation and engagement, including with regard to meeting its statutory duties under the Act. This includes the amendments to procedural requirements made through the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020, which were temporarily introduced in July 2020 and then made permanent on 31 December 2020<sup>5</sup>.

## 1.6 Consultation Report Appendices

- 1.6.1 The appendices to this report are contained in a separate document, the Consultation Report Appendices (Document Reference 5.2). References are made throughout this document to the relevant appendix which evidences the content of this report or provides further detail and information. For convenience, a full list of those appendices is provided below.

**Table 1-1 List of Consultation Report Appendices (contained within Document Reference 5.2)**

Appendix No.	Appendix Title
5.1	Draft 2019 Statement of Community Consultation (SoCC)
5.2	Copy of email to Gloucestershire County Council, Tewkesbury Borough Council and Cotswold District Council regarding consultation on the draft 2019 Statement of Community Consultation (SoCC) under section 47(3) of the Planning Act 2008

<sup>3</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-six-preparation-and-submission-of-application-documents/>

<sup>4</sup> The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020

<sup>5</sup> <https://www.gov.uk/guidance/guidance-on-procedural-requirements-for-major-infrastructure-projects>

<b>Appendix No.</b>	<b>Appendix Title</b>
5.3	Copy of the responses received from Gloucestershire County Council, Tewkesbury Borough Council and Cotswold District Council regarding consultation on the draft 2019 Statement of Community Consultation (SoCC) under section 47(3) of the Planning Act 2008
5.4	Published 2019 Statement of Community Consultation (SoCC)
5.5	Copy of the 2019 section 47 notice and scanned copies of the notice in newspapers
5.6	2019 Statement of Community Consultation (SoCC) Compliance Table
6.1	List of section 42(a) prescribed consultees for 2019 consultation
6.2	Map of local authorities relevant to the scheme, identified under section 43 of the Act
6.3	List of section 42(1)(d) Persons with an Interest in the Land for 2019 statutory consultation
6.4	Sample copy of letters sent to each category of section 42 consultee for 2019 statutory consultation
6.5	Copy of the section 46 notification letter for 2019 statutory consultation
6.6	Copy of acknowledgment of receipt of section 46 letter provided by PINS
6.7	Map of 2019 statutory consultation mailing zone
6.8	Copy of mailing zone postcard for 2019 statutory consultation
6.9	List of additional organisations (including 'hard to reach' groups) notified of the 2019 statutory consultation
6.10	Copy of documents provided as part of Stakeholder Information Packs for 2019 statutory consultation
6.11	Copy of section 48 notice for 2019 statutory consultation and scanned copies of notices in publications
6.12	Copy of 2019 statutory consultation booklet
6.13	Copy of 2019 statutory consultation feedback questionnaire
6.14	Copy of 2019 statutory consultation plans
6.15	Copy of 2019 statutory consultation exhibition boards
6.16	Photographs of 2019 statutory consultation public events
6.17	Copy of information poster for 2019 statutory consultation
6.18	Screenshots of adverts on the Gloucestershire Live website for 2019 statutory consultation
7.1	Summary of the matters raised by section 47 consultees in response to the 2019 statutory consultation and the Highways England response
7.2	Summary of the matters raised by section 42(1)(a) prescribed consultees and section 42(1)(b) local authorities in response to the 2019 statutory consultation and the Highways England response
7.3	Summary of the matters raised by section 42(1)(d) PILs in response to the 2019 statutory consultation and the Highways England response
7.4	Summary of the matters raised by section 47 additional organisations in response to the 2019 statutory consultation and the Highways England response
8.1	Draft 2020 Statement of Community Consultation (SoCC)
8.2	Copy of email to Gloucestershire County Council, Tewkesbury Borough Council and Cotswold District Council regarding consultation on the draft 2020 Statement of Community Consultation (SoCC) under section 47(3) of the Planning Act 2008

Appendix No.	Appendix Title
8.3	Copy of the responses received from Gloucestershire County Council, Tewkesbury Borough Council and Cotswold District Council regarding consultation on the draft 2020 Statement of Community Consultation (SoCC) under section 47(3) of the Planning Act 2008
8.4	Copy of the published 2020 Statement of Community Consultation (SoCC)
8.5	Copy of the 2020 Statement of Community Consultation (SoCC) notice and scanned copies of the section 47 notice in newspapers
8.6	2020 Statement of Community Consultation (SoCC) Compliance Table
9.1	List of the section 42(a) prescribed consultees for 2020 supplementary statutory consultation
9.2	List of the section 42(1)(d) Persons with an Interest in the Land consulted for the 2020 supplementary statutory consultation
9.3	Sample copy of letters sent to each category of section 42 consultee for 2020 supplementary statutory consultation
9.4	Copy of the section 46 notification letter for 2020 consultation
9.5	Copy of the acknowledgment of receipt of the section 46 letter, provided by PINS on 21 October 2020
9.6	Map of mailing zone for 2020 supplementary statutory consultation
9.7	Copy of mailing zone postcard for 2020 supplementary statutory consultation
9.8	List of additional organisations (including 'hard to reach' groups) notified of the 2020 supplementary statutory consultation
9.9	Copy of documents provided as part of Stakeholder Information Packs for 2020 supplementary statutory consultation
9.10	Copy of the section 48 notice for 2020 supplementary statutory consultation and scanned copies of notices in publications
9.11	Copy of the 2020 supplementary statutory consultation booklet
9.12	Copy of the response form provided at 2020 supplementary statutory consultation
9.13	Copy of the Main Scheme Map, Proposed Mitigation Plan and Red Line Boundary Plan provided at 2020 supplementary statutory consultation
9.14	Copy of the additional documents available on the 2020 supplementary statutory consultation website
10.1	Summary of the matters raised by section 47 general public respondents to the 2020 consultation and the Highways England response
10.2	Summary of the matters raised by section 42(1)(a) prescribed consultees and section 42(1)(b) local authorities in response to the 2020 supplementary statutory consultation and the Highways England response
10.3	Summary of the matters raised by section 42(1) (d) PILs in response to the 2020 supplementary statutory consultation and the Highways England response
10.4	Summary of the matters raised by section 47 additional organisations in response to the 2020 supplementary statutory consultation and the Highways England response
11.1	Copy of letters sent to Persons with an Interest in the Land notifying of first targeted statutory consultation
11.2	List of Persons with an Interest in the Land consulted at first targeted statutory consultation 2020
11.3	Copy of letters sent to Persons with an Interest in the Land notifying of second targeted statutory consultation 2020
11.4	List of Persons with an Interest in the Land consulted at second targeted statutory consultation 2020

<b>Appendix No.</b>	<b>Appendix Title</b>
11.5	Copy of letters sent to Persons with an Interest in the Land notifying of third targeted statutory consultation 2020
11.6	List of Persons with an Interest in the Land consulted at third targeted statutory consultation 2020
11.7	Copy of letters sent to Persons with an Interest in the Land notifying of fourth targeted statutory consultation 2020
11.8	List of Persons with an Interest in the Land consulted at fourth targeted statutory consultation 2020
11.9	Copy of letters sent to Persons with an Interest in the Land notifying of fifth targeted statutory consultation
11.10	List of Persons with an Interest in the Land consulted at fifth targeted statutory consultation 2021
11.11	Summary of the matters raised by section 42(1)(d) PILs in response to the targeted statutory consultations and the Highways England response
12.1	Copy of Regulation 11 List provided by PINS

## 2 Background to the scheme

### 2.1 Overview of the need for the scheme

- 2.1.1 The A417/A419 is a strategic route between Gloucester and Swindon that provides an important link between the Midlands/North and South of England. The route is an alternative to the M5/M4 route via Bristol. The section of the A417 near Birdlip, known as the 'Missing Link', forms the only section of single carriageway along the route and is located in the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 2.1.2 In 2014, the Department for Transport (DfT) announced its five-year investment programme for making improvements to the strategic road network (SRN) across England. This scheme is one of more than 100 schemes identified as part of the first Road Investment Strategy (RIS1) 2015-2020<sup>[i]</sup>. Funding for delivery of the scheme has been confirmed within the second Road Investment Strategy (RIS2)<sup>[ii]</sup>, which covers the period between 2020 and 2025 and was published on 11 March 2020.
- 2.1.3 This scheme to upgrade this section of the A417 to dual carriageway, in a way that is sensitive to the surrounding Cotswolds AONB, would help unlock Gloucestershire's potential for growth, support regional plans for more homes and jobs, and improve life in local communities.
- 2.1.4 The scheme is highway-related development under the Act, subsequently the national policy of relevance is the National Policy Statement for National Networks (NPSNN) (DfT, 2015). The NPSNN sets out the 'vision and strategic objectives for the national networks'. This recognises that there is a critical need to provide safe, expeditious and resilient networks that better support social and economic activity, and to provide a transport network that is capable of supporting economic growth and rebalancing the economy. Section 104(3) of the Act states that the Secretary of State (SoS) must decide the application in accordance with any relevant national policy statement. As such, the NPSNN is the primary planning policy document for the scheme.
- 2.1.5 Further information on the need for the scheme and an assessment of its compliance with the NPSNN and other relevant national and local policy is set out within the Case for the Scheme (Document Reference 7.1) of the DCO Application.

### 2.2 Project timeline

- 2.2.1 The scheme has been under consideration for more than 20 years. By 1998, dual-carriageway improvements were completed to over 90% of the length of the A417/A419 link. The single carriageway section near Birdlip in Gloucester was not improved as part of those works, resulting in the 'missing link' that this scheme seeks to address.

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<sup>[i]</sup> Department for Transport (March 2015), Road investment strategy: 2015 to 2020, accessed 29 January 2020, <https://www.gov.uk/government/publications/road-investment-strategy-for-the-2015-to-2020-road-period>

<sup>[ii]</sup> Department for Transport (March 2020), Road investment strategy: 2020 to 2025, accessed 11 March 2020, <https://www.gov.uk/government/publications/road-investment-strategy-2-ris2-2020-to-2025>

- 2.2.2 Between 2001 and 2006, the then Highways Agency (the strategic highway authority preceding Highways England) carried out assessments to consider options for improving the missing link of the A417 and to identify a route alignment that could be acceptable in terms of both environmental impacts and cost. As part of that work, a tunnel option was discounted due to the estimated cost (£1 billion) and a holding objection from the Environment Agency regarding ground water contamination. Instead, surface on-line dualling options were considered, ultimately resulting in agreement between Highways England and other stakeholders that a route named the 'Modified Brown Route' was suitable for inclusion in the Government's Road Programme. However, the scheme did not progress further as it did not get included in the Road Programme and was instead identified as a scheme for investment in the longer-term (beyond the 10-year programme).
- 2.2.3 While the then Highways Agency did continue to consider options for improvement to the road, including short-term, lower-cost measures, these were not found to deliver as much of a long-term benefit to road safety, congestion and the environment as the Modified Brown Route. In addition, a lower cost scheme to create a grade-separated roundabout at the Air Balloon roundabout was considered in 2014 but not progressed further due to concerns over its buildability.
- 2.2.4 In 2014, DfT announced its first five-year investment programme, RIS1, for making improvements to the SRN across England. More than 100 schemes were identified as part of RIS1, one of which was the A417 Missing Link between the Brockworth bypass and Cowley roundabout in Gloucestershire. As a result, Highways England was able to commence the development of the current A417 Missing Link scheme, carrying out initial project prioritisation and options identification work, which led to the selection of two surface options (Option 12 and Option 30) to go forward for non-statutory public consultation in 2018.
- 2.2.5 Following the consultation and more design and assessment work, a Preferred Route Announcement (PRA) was made in March 2019 selecting Option 30 as the route to be taken forward in a DCO Application. Further information on this process is provided in the Scheme Assessment Report (Document Reference 7.4) and ES Chapter 3 Assessment of Alternatives (Document Reference 6.2).
- 2.2.6 Between 27 September 2019 and 8 November 2019, Highways England carried out a statutory public consultation on the project and sought feedback on the scheme that was developed along the Option 30 alignment. This included consultation with prescribed consultees, PILs and the general public. A summary of how Highways England carried out the 2019 statutory consultation and had regard to the responses received is provided in Chapters 5 to 7 of this report.
- 2.2.7 Additionally, a targeted statutory consultation with Persons with an Interest in the Land (PILs) was carried out during January and May 2020 to seek feedback on changes to the scheme and its red line (DCO) Boundary, changes to land acquisition proposals or because Highways England had identified new information about land ownership. Details of how Highways England carried out this targeted statutory consultation and had regard to the responses received is provided in Chapter 11 of this report.
- 2.2.8 In March 2020, RIS2 was published by the Department for Transport, which sets out the road investment strategy between April 2020 and March 2025. The A417 Missing Link is identified in RIS2 as a 'committed' scheme for its second Road Period.

- 2.2.9 Taking into account the consultation feedback received alongside latest and emerging environmental survey results, Highways England made the decision in July 2020 to review and make changes to its design. As set out in Chapter 7 of this report, these changes included the removal of the previously proposed green bridge on Crickley Hill, and a change to the proposed gradient of the road on the Crickley Hill escarpment.
- 2.2.10 In August 2020, Highways England published its Delivery Plan 2020-2025<sup>6</sup>, which explains how Highways England will invest its government funding in the SRN up until 2025. This plan identifies the A417 Missing Link as one of 12 major enhancement schemes across the country that will be started in Road Period 2.
- 2.2.11 In November 2020, the HM Treasury published the National Infrastructure Strategy<sup>7</sup>, which set out the Government's strategy to improve the UK's infrastructure in order to 'level-up' the country. While the A417 is not specifically named, the Strategy sets out a record level of investment in strategic roads (over £27 billion), with increased focus on improving infrastructure outside of London and the south-east.
- 2.2.12 Following the changes to the scheme announced in July 2020, Highways England carried out a supplementary statutory consultation between 13 October 2020 and 12 November 2020 to seek feedback on the design changes within the revised scheme. A summary of how Highways England carried out the 2020 statutory consultation and had regard to the responses received is provided in Chapters 8 - 10 of this report.
- 2.2.13 Having analysed the feedback from the supplementary statutory consultation, the scheme has been subject to further minor design changes in response. An additional targeted consultation with landowners was carried out between 8 February and 9 March 2021 in relation to these minor changes to the scheme design, to consider the DCO Boundary and land ownership information. Details of how Highways England carried out this targeted statutory consultation and had regard to the responses received is provided in Chapter 11 of this report.
- 2.2.14 Having carried out an EIA on the scheme and finalised the preliminary design following the supplementary and targeted consultations, the DCO Application for the scheme has been prepared for submission.
- 2.2.15 The key milestones of the scheme's history and development are set out in Table 2-1 below. A detailed account of the design development of the scheme is set out in ES Chapter 3 Assessment of alternatives (Document Reference 6.2).
- 2.2.16 The remainder of this report focuses on how Highways England has carried out consultation and engagement on the A417 Missing Link since 2018 and evidences how the feedback received has been taken into account to inform the design of the scheme.

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<sup>6</sup> Highways England (2020), Delivery Plan 2020-2025. accessed 24<sup>th</sup> May 2021

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/910866/5-year\\_Delivery\\_Plan\\_2020-2025\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/910866/5-year_Delivery_Plan_2020-2025_FINAL.pdf)

<sup>7</sup> HM Treasury (2020) National Infrastructure Strategy: Fairer, faster, greener. Accessed 24 May 2021

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/938539/NIS\\_Report\\_Web\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938539/NIS_Report_Web_Accessible.pdf)



**Table 2-1 Timeline of scheme development**

<b>Year</b>	<b>Event</b>	<b>Development</b>
1998	A417/A419 dual carriageway completed	Dual-carriageway improvements were completed to over 90% of the length of the A417/A419 link. The single carriageway near Birdlip was not improved. This section is termed the A417 'Missing Link'.
2001	Constraints study commissioned	Highways Agency commissioned a study to identify the environmental assets and constraints within a study area centred on the existing route alignment.
2003	Tunnel options discounted	Results of the Highways Agency route options study support an on-line dualling option. Further development of a tunnel option is discounted due to cost and a holding objection from the Environment Agency.
2005	Route is reclassified to regional importance	Route is reclassified as being of regional importance rather than national importance. Funding would now have to be awarded through the South West Region's funding allocation. The South West Regional Assembly requested that the Highways Agency examine the possibility of a lower cost solution.
2006	Modified Brown Route identified for consultation	A scheme assessment report concluded the Modified Brown Route should be taken forward as the proposed solution. Modified Brown Route taken forward as the solution. Scheme is prepared for public consultation; however, it is not included in the roads programme therefore the consultation and development are not progressed.
2008 - 2014	Alternative options considered	The Highways Agency reviewed opportunities for a lower cost scheme or short-term measures to improve the route. None of the identified measures were implemented for the A417 Missing Link. It was concluded no such solutions would provide the long-term benefits offered by the previously identified Modified Brown Route scheme.
2014	RIS1 published	Publication of the first RIS1. The A417 Missing Link between the Brockworth bypass and Cowley roundabout in Gloucestershire is included in the Government's 5-year investment plan for improvements to the SRN.
2015	A417 Missing Link project begins	Consultants were appointed to develop the pre-project strategy, shaping and prioritisation of the A417 Missing Link scheme. The strategy concluded that a highways scheme was the most viable transport solution, and that a major roads project should be initialised.
2016	Options identification	Highways England progressed the options assessment and identification stage of the scheme.
February 2018 - March 2018	Non-statutory consultation on route options	Having undergone a thorough modelling and sifting process in 2016, Highways England undertook a non-statutory public consultation on two surface route options: Option 12 and Option 30.
March 2019	Preferred Route Announcement	Following feedback on the proposals, the route was modified and improved, and it was announced that Option 30 had been chosen as the preferred route. The Scheme Assessment Report (Document Reference 7.4) is published which outlines how Option 30 was selected.
September 2019 - November 2019	Statutory consultation	Highways England carried out a statutory public consultation on the scheme, developed along the Option 30 alignment. A Preliminary Environmental Information (PEI) Report was published to set out an initial assessment of the likely environmental effects of the scheme.

<b>Year</b>	<b>Event</b>	<b>Development</b>
January 2020 – May 2020	Targeted statutory consultation with land interests	Highways England carried out additional targeted consultation with affected landowners to seek views on changes to the DCO Boundary and/or land acquisition, as well as to seek views from additional land interests identified following statutory consultation.
March 2020	RIS2 is published	RIS2 identified the A417 Missing Link as a 'committed' scheme for Road Period 2, in which construction of the project is expected to start by 1 April 2025.
July 2020	Design changes announced	Highways England announced its decision in July 2020 to make changes to the scheme's design, including the removal of the previously proposed green bridge and a change to the proposed gradient of the road on the Crickley Hill escarpment.
August 2020	Highways England's Delivery Plan 2020-2025 is published	The Delivery Plan identified the A417 Missing Link as one of 12 major enhancement schemes across the country that will be started in Road Period 2.
October 2020 – November 2020	Supplementary statutory consultation on design changes	Highways England carried out a supplementary statutory consultation to seek feedback on the proposed changes to the scheme design. A PEI report is published to set out an updated assessment of the likely environmental effects of the scheme based on the revised design, and provided further information gathered through environmental surveys carried out since the 2019 statutory consultation.
November 2020	Publication of National Infrastructure Strategy	Publication of the Government's National Infrastructure Strategy reconfirmed a commitment to investment in road infrastructure countrywide.
February 2021 – March 2021	Targeted statutory consultation with land interests	Highways England carried out an additional targeted consultation with landowners in relation to minor changes to the scheme design, the DCO Boundary and land ownership information.

## 3 Approach to 2018 route options consultation

### 3.1 Option identification, sifting and appraisal

- 3.1.1 As set out in Chapter 2 of this report, the development of the current scheme commenced following the inclusion of the A417 Missing Link scheme in RIS1 in 2014. Highways England undertook a staged assessment process which sought to consider alternatives and identify options for the scheme to take forward to a non-statutory public consultation in 2018.

#### **Strategic alternatives considered**

- 3.1.2 The first stage of the current A417 Missing Link scheme was project strategy, shaping and prioritisation, during which it was concluded that the most viable transport solution to address the problems would be a highways scheme. Section 2.6 of the Scheme Assessment Report (Document Reference 7.4) sets out that alternatives to a highways scheme were considered and discounted because they would not deliver the required level of road safety improvements and congestion relief. A high-level summary of those alternatives is provided below; for a more detailed account refer to the Scheme Assessment Report (Document Reference 7.4) or the Case for the Scheme (Document Reference 7.1).

#### Public transport improvements including rail

- 3.1.3 Improving other modes of transport, such as public transport, was considered as an option because it could reduce demand for road travel, therefore reducing congestion and improving safety through lower traffic volumes on the A417. However, Highways England identified that the extent of traffic volume reduction that would be needed to deliver such benefits would be of such a scale (over 15,000 trips per day by 2039) that it would require a widespread, transformational change to existing public transport infrastructure and mode shift in order to be successful. Furthermore, Highways England found that this option would not address other safety issues existing on the road that are not related to volumes of traffic, such as its gradient, alignment, poor forward visibility, and crossings required to be made at road level (rather than segregated).
- 3.1.4 Specific consideration was given to rail as an alternative option to a highways scheme, given the dominance of medium and longer distance trips on the A417. However, Highways England found that the rail services on the line between Swindon, Gloucester and Cheltenham would not be competitive in terms of frequency and journey times, compared to road travel via the A417/A419. The study found that even by doubling the rail passenger demand, through a significant change to rail services and capacity, it would only deliver half the level of congestion relief (via modal shift) required on the A417. The extent of intervention required in rail, and the fact that it would still not address inherent safety issues of the road or serve all road users, meant that this option was not considered reasonable.

### Alternative routes via the Strategic Road Network

- 3.1.5 Highways England considered whether an alternative route using the existing SRN could be feasible for long-distance journeys, which would reduce congestion on the A417. Taking an example route between the M5 near Gloucester and the M4 near Newbury, the study found that alternative routes via other strategic roads would be significantly longer and would also pass through AONBs. In addition to the cost for road users from the additional mileage, there would be associated works required to encourage this routing amongst users. The A417 route would have to be extensively downgraded and the alternatives upgraded to attract and manage the traffic; creating additional capacity on these alternative routes would result in works located in the Cotswolds AONB or the North Wessex Downs AONB. Furthermore, these alternative routes would not be suitable for diverting or reducing more local traffic using the existing A417, particularly east-west between Swindon and the Gloucester/Cheltenham areas. This option was therefore discounted.

### Do nothing

- 3.1.6 As part of the initial assessment, Highways England also considered the option of no intervention on the A417 Missing Link. However, traffic growth forecasts identified that without intervention, the existing problems on the A417 associated with congestion, capacity, road safety and severance of Public Rights of Way (PRoW) would only be exacerbated. This need for the scheme is set out in more detail in the Case for the Scheme (Document Reference 7.1) submitted with the DCO Application.

### **Selection of Option 12 and Option 30 for consultation**

- 3.1.7 Having concluded that a major highways scheme would be required in order to meet the objectives of the scheme, Highways England commenced a second stage of the project to assess the route alignment options and identify those which would be taken forward to a public consultation. That process is summarised in ES Chapter 3 Assessment of Alternatives (Document Reference 6.2) and was detailed in the Technical Appraisal Report (Document Reference 7.9) published at the resulting public consultation in 2018. A high-level summary of the process is provided below.

### Sifting

- 3.1.8 Based on previous studies for the scheme and feedback from a stakeholder workshop, 30 initial route options for the A417 scheme were identified. Those options included tunnel and surface route options.
- 3.1.9 Following a four-step sifting process, six options were shortlisted and taken forward for full assessment and appraisal. This included four tunnel options (options 3, 21, 34 and 29) and two surface options (options 12 and 30). The four step sifting process is outlined below:
- Step 1: Development and categorisation of options
  - Step 2: Engineering assessment of viability of options
  - Step 3: Assessment of remaining routes using Early Assessment and Sifting Tool (EAST) Plus methodology
  - Assessment of highest scoring routes on value for money and affordability

### Further assessment

- 3.1.10 The six options underwent full assessment to identify which should be taken to public consultation. They were assessed with regard to:
- a) Effects on traffic, including journey time improvements
  - b) Effect on road safety
  - c) Likely effects on the environment, including landscape, historic environment, noise, air quality and ecology
  - d) Social impacts including effects on journey times and reliability for commuters and the public, physical activity, accidents and accessibility
  - e) Cost
  - f) Economic impacts and Benefit to Cost Ratio (BCR)
- 3.1.11 Stakeholders were engaged during the assessment process as set out in the Technical Appraisal Report (Document Reference 7.9). Furthermore, additional studies were carried out to supplement the appraisal and to aid discussions with environmental focused stakeholders. This included a sustainability performance assessment; opportunity mapping for measures that would go beyond standard mitigation; a landscape monetisation assessment; and, a landscape study.

### Conclusions of assessment: discounting of tunnel options

- 3.1.12 The assessment of the six shortlisted options concluded that whilst the surface options (12 and 30) performed well, the four tunnel options (3, 21, 24 and 29) outperformed the two surface options (12 and 30) against most of the environmental, social and economic appraisal criteria. However, the assessment showed that the higher level of performance of the tunnel options could only be achieved at a substantially higher financial cost than the surface options, such that the greater benefits attached to the tunnel options would be disproportionate to the additional costs they would incur. As such, the tunnel options offered poor value for money. This is because it was found that all of the tunnel options would exceed the upper limit of the cost range set for the scheme (£500 million) and would have a BCR of less than 1.0, meaning that for every £1 invested in the scheme, a value of less than £1 would be returned. As such, the costs would exceed the estimated returns and the tunnel options would not deliver value for money for the taxpayer.
- 3.1.13 As a result of the assessment, it was determined that options containing tunnels would not be progressed to the next stage of appraisal or for further development. Instead, the two surface options, Option 12 and Option 30, were selected to be taken forward to a non-statutory public consultation because they were concluded to be affordable and deliverable, whilst providing significant improvements to the existing situation.
- 3.1.14 As set out in the Technical Appraisal Report<sup>8</sup>, it was identified that Option 30 was the preferred choice of Highways England when compared to Option 12 because it would provide greater benefits in relation to air quality, road safety, journey times and value for money.

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<sup>8</sup> See section 17.9 of the Technical Appraisal Report (Document Reference 7.9)

## 3.2 Summary of 2018 route options consultation

- 3.2.1 As advised in paragraphs 68-70 of the DCLG Guidance on the pre-application process (March 2015), an iterative and phased approach to consultation has been followed. This has been helpful to inform options selection and to establish the preferred design that is the subject of further consultation. Early engagement is encouraged by the DCLG guidance as an opportunity for consultees to genuinely influence the developing proposals.
- 3.2.2 A non-statutory route options consultation was carried out in 2018. The purpose of the non-statutory route options consultation was to inform the public about the proposals and seek feedback while it was at a formative stage of development, focusing in particular on the route options of Option 12 and Option 30 (for the reasons provided in section 3.1 above). This non-statutory consultation was carried out to help to inform the decision for a preferred route for the scheme.
- 3.2.3 The Report on Public Consultation (Document Reference 7.5), which was published in March 2019, sets out a full account of the 2018 route options consultation including how it was carried out, the feedback received and how Highways England had regard to the feedback in selecting a preferred route for the scheme. A summary of that information is provided below.

### How the consultation was carried out

- 3.2.4 The consultation was held over a six-week period from 15 February 2018 to 29 March 2018. Whilst the consultation was open to all, the following groups were identified and contacted with an invitation to encourage participation:
- a. Local residents and businesses within the area of the two route options being consulted upon.
  - b. Elected Local Authority and Parish Council representatives with wards in the vicinity of the scheme.
  - c. Organisations considered to be statutory consultees under schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the Regulations), including Parish Councils affected by the scheme.
  - d. The 'host' Local Authorities as defined under section 42(1)(b) of the Act: Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council, as well as neighbouring local authorities.
  - e. All known land or property owners with a legal interest in the land within 150 metres of the centre lines of the scheme options.
  - f. Other relevant organisations such as local interest groups, transport associations, business representatives and environmental groups.
  - g. A total of 53 hard-to-reach groups and organisations, within the following classifications:
    - economically and socially deprived communities;
    - those without broadband;
    - geographically isolated communities;
    - young people;
    - older people;
    - people with disabilities;
    - ethnic minorities;
    - holiday home owners, tourists and visitors;
    - time poor/busy working people;

- Lesbian, gay, bisexual and transgender and others (LGBT+); and
  - the traveller community.
- 3.2.5 In addition to those notified by letter, the route options consultation was widely promoted to the wider general public using a range of other channels including leaflets; regional press releases; an animated video; posters; and social media advertising and engagement.
- 3.2.6 An invitation-only preview event was held on 14 February 2018 for stakeholders with a close interest in the scheme, including councillors, key stakeholder organisations and business groups.
- 3.2.7 Six public events were held at a range of times and locations during the consultation period, which gave attendees the opportunity to view and discuss the consultation materials with members of the A417 team. Every landowner was also invited to book an appointment for a one-to-one meeting with Highways England to discuss the scheme options and the consultation in more detail.
- 3.2.8 The consultation materials included a consultation booklet; a feedback form; maps of Option 12 and Option 30; a visualisation video of the options; information banners; and the Technical Appraisal Report. While these materials were available on the schemes website throughout the consultation period, hard copies were also provided and available to view at deposit points in the local area, including the host councils' offices, local libraries, Crickley Hill visitor centre and Tewkesbury Town Hall.
- 3.2.9 The feedback form published at the consultation asked six questions:
  1. To what extent do you agree with our proposed Option 30?
  2. Do you have any comments to make in relation to Option 12?
  3. As part of identifying route options, Highways England assessed over 30 options, including six as part of the further appraisal work. Do you have any comments on any of the other options included in the assessment?
  4. Is there anything further you would like us to consider in relation to improving the A417 Missing Link?
  5. How did you hear about this consultation?
  6. Do you have any feedback on this consultation – events, information provided, advertising etc?
- 3.2.10 Highways England invited feedback to be submitted via the online feedback form, by email or by Freepost.

### **Response to non-statutory route options consultation**

- 3.2.11 In total, approximately 800 people attended the six public consultation events and 1,951 responses to the consultation were received.
- 3.2.12 The feedback received to the non-statutory consultation demonstrated overall high levels of support for the Option 30 route alignment, with 72% of all respondents stating they either agreed or strongly agreed with Highways England's proposal for Option 30. In contrast, 8% of respondents stated a preference for Option 12.
- 3.2.13 Of those supporting Option 30, reasons given were that it would better meet the scheme objective of a free-flowing road network and that it would follow a more direct alignment. It was also considered that it would cause less disruption during construction and provide better value for money. However, concerns were raised

over the potential effects of the scheme on the environment and natural beauty of the area.

- 3.2.14 In addition to expressions of support for the two proposed options as presented, other views were that Highways England should:
- pursue one or any of the discounted tunnel options
  - modify one of the proposed options (Option 12 or Option 30) by extending the proposed cuttings or creating cut and cover tunnels in various locations
  - widen the existing road to a dual carriageway, with amendments to Air Balloon roundabout
  - implement other transport solutions that do not involve building a new road
- 3.2.15 In addition to the comments about the route options, more general comments were made about impacts of the scheme on the Cotswolds AONB, cultural heritage, sites of special scientific interest, and costs of the scheme and potential impact on local communities and businesses.
- 3.2.16 The discounted tunnel options were particularly commented upon in response to Question 3 of the feedback form, regarding the options assessment work. Disappointment was expressed by some that the tunnel options had been discounted and that at least one tunnel option did not get taken to consultation. While some comments considered that a tunnel option would have lower impact on the Cotswolds AONB and environment, some respondents did consider that a tunnel option would be undeliverable due to cost, construction or geological impacts.
- 3.2.17 Beyond the route alignment, feedback was also received that related to various aspects of the design of the scheme and its effects on the environment, local communities and Public Rights of Way.

### **3.3 Preferred Route Announcement**

- 3.3.1 Highways England analysed the responses to the non-statutory consultation to inform selection of a preferred route for the scheme to take forward for preliminary design.
- 3.3.2 While comments were received expressing support for one or any of the discounted tunnel options, Highways England considered that no such comments raised considerations which made a material difference to the appraisal and assessment process that had been undertaken prior to the consultation, in which tunnel options were discounted. As such, Option 12 and Option 30 were further assessed, taking into account the feedback on them received in response to the consultation. The response of Highways England to the matters raised in the 2018 consultation is set out fully in the Report on Public Consultation (Document Reference 7.5) published in March 2019 and submitted as part of this DCO Application.
- 3.3.3 The Scheme Assessment Report (Document Reference 7.4) sets out how Highways England carried out further comparative assessment of Option 12 and Option 30 following the public consultation. That included an assessment of the options with respect to various impacts under the themes of economy, environmental, social and public accounts (cost). That process is also summarised in ES Chapter 3 Assessment of Alternatives (Document Reference 6.2).



- 3.3.4 The assessment identified that Option 30 had greater support from the public and would be lower cost, better value for money and provide greater benefits than Option 12, whilst also delivering a more direct route and reliable journeys on the A417 and strategic road network. It would also provide opportunities for further landscape and environmental design development, by diverting the strategic road network away from the Cotswolds escarpment edge.
- 3.3.5 As a result of the consultation and further assessment, Highways England made and published a PRA in March 2019 confirming that the scheme would be taken forward for design using the Option 30 route alignment.
- 3.3.6 At the time of the announcement, Highways England published a Preferred Route Map, a PRA summary document, the Scheme Assessment Report (Document Reference 7.4) and the Report on Public Consultation (Document Reference 7.5) to provide further information on how its decision had been reached and setting out the next steps for the scheme's development. The PRA summary document identified that a further statutory consultation on the design would be held prior to the submission of a DCO Application.

## 4 Approach to non-statutory consultation and engagement between 2019 and 2021

### 4.1 Types of non-statutory consultation and engagement

4.1.1 Highways England has sought to engage with stakeholders throughout the development of the scheme, including outside of the formal and statutory consultation periods, which are the focus of this report. This informal or non-statutory consultation and engagement has been undertaken through various mechanisms and has sought to keep key stakeholders informed about the progress of the scheme and enable timely discussion on any opportunities or concerns identified.

4.1.2 As explained in Chapter 3 of this report, a summary of the engagement that Highways England undertook prior to the PRA is set out in the Scheme Assessment Report (Document Reference 7.4), including how stakeholders participated in the options selection process.

4.1.3 This chapter summarises the non-statutory consultation and engagement that Highways England has undertaken since the PRA in March 2019.

4.1.4 Since March 2019, Highways England has sought to engage with stakeholders through the following types of activity:

#### **Strategic Stakeholder Panel (SSP)**

4.1.5 The SSP is an advisory group for high-level two-way dialogue between the A417 project team and some key stakeholder organisations. It is intended to be a politically neutral and trusted environment where confidential information is shared between parties for the benefit of constructive and iterative feedback, to help inform the design development work involved in progressing the scheme.

4.1.6 The purpose of the SSP has been to provide a forum for discussion on scheme-related issues, including landscape, environment and economics. The SSP has given members an opportunity to be kept up to date with progress made on the project and its strategic direction, and to monitor its alignment with the collaboratively agreed scheme vision and objectives. The SSP has helped to identify issues or concerns with the scheme and discuss possible options to resolve them, as well as consider the wider legacy of the scheme.

4.1.7 Meetings of the SSP have taken place approximately every two months, or as otherwise agreed between Highways England and the group's members, subject to review of frequency and need.

4.1.8 The membership of the group has evolved over time and at the time of the DCO Application, comprises:

- Highways England A417 Project Team
- Gloucestershire County Council
- Tewkesbury Borough Council
- Cotswold District Council
- Cotswolds Conservation Board<sup>9</sup>
- National Trust

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<sup>9</sup> The Cotswolds National Landscape (CNL) is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board (CCB)

- Gloucestershire Wildlife Trust

### **Technical Working Groups**

- 4.1.9 Highways England originally launched Technical Working Groups (TWGs) during the options assessment process, as set out in the Scheme Assessment Report (Document Reference 7.4). Between the PRA in March 2019 and the start of statutory consultation on 27 September 2019, Highways England re-commenced a series of TWG meetings to bring together various technical specialists from stakeholder organisations and Highways England.
- 4.1.10 The purpose of the TWG meetings have been to update stakeholders on different elements of the scheme design in an iterative and collaborative way, seeking feedback and relevant information that has been used to inform and refine aspects of the design and environmental assessment.
- 4.1.11 The wide membership of the groups has also provided opportunities to consider cross-cutting themes in a collaborative way and where possible reach a consensus on important and relevant issues.
- 4.1.12 Three TWG groups have met during this period, and their purpose and membership is set out below:

#### Landscape, Heritage and Environment TWG

- 4.1.13 This TWG was created to discuss the engineering design, environmental assessment and environmental mitigation for the scheme, as well as opportunities for enhancement. Specialist participants included those from the Environment Agency, Natural England, Historic England, Cotswolds Conservation Board, National Trust, Gloucestershire Wildlife Trust, Gloucestershire County Council, Tewkesbury Borough Council and Cotswold District Council.

#### Walking, Cycling and Horse Riding TWG

- 4.1.14 This TWG was created to discuss the scheme and its interaction and potential effects on PRow and the provision of routes for non-motorised users, including disabled users. The membership of the group has evolved and changed over time and has included representatives of the Gloucestershire Ramblers, British Horse Society, Gloucestershire Local Access Forum, Cheltenham and Tewkesbury Cycling Campaign, Disabled Ramblers, Trail Riders Federation, Active Gloucestershire, Campaign to Protect Rural England, National Trust, Natural England, Sustrans, Gloucestershire Wildlife Trust, Cotswold Trail and Access Partnership, Gloucestershire County Council and Cotswold District Council.
- 4.1.15 This group has entered into a Statement of Common Ground with Highways England (see 4.1.23 below).

#### Communications TWG

- 4.1.16 This TWG was created to discuss and agree shared communications regarding the scheme, with a particular aim of raising awareness of the statutory consultation periods. Communications specialists from Gfirst Local Enterprise Partnership, Gloucestershire County Council, Cotswold District Council, Tewkesbury Borough Council, National Trust, Gloucestershire Wildlife Trust, Cotswolds Conservation Board, Cowley and Birdlip Parish Council, Leckhampton Parish Council, Badgeworth Parish Council, Coberley Parish Council, Brimpsfield Parish Council and the offices of the local MPs, have previously attended.

### **Focused Bilateral Meetings**

- 4.1.17 In addition to the SSP and TWG stakeholder groups, Highways England has carried out focused meetings with individual stakeholder organisations where necessary to discuss areas of particular interest or relevance to that group, for example in relation to technical matters or land ownership. This has also included providing updates on the progress of the scheme to representatives of the area such as Members of Parliament (MPs), Parish Councils or the Gfirst Local Enterprise Partnership (LEP).
- 4.1.18 Where appropriate, technical discussion or information was also shared via email or through telephone discussions.

### **Collaborative Planning Group**

- 4.1.19 Following changes to the scheme design and programme announced in July 2020, Highways England agreed to set up a Collaborative Planning Group with a focused collective of environmentally focused key stakeholders. This sought to discuss the revised scheme design ahead of the supplementary consultation, share information, and consider opportunities for further improvements.
- 4.1.20 This group held a series of meetings to identify concerns and opportunities within the amended scheme design, particularly in relation to the Cotswold Way and Gloucestershire Way crossings and associated ecological connectivity and landscape integration.
- 4.1.21 This group initially comprised the National Trust, Gloucestershire Wildlife Trust and Cotswolds Conservation Board; due to the nature of the discussions, Highways England extended an invitation to Natural England who later joined the group meetings.
- 4.1.22 Members of the other groups were kept up to date on the progression and outcomes of the discussions with the Collaborative Planning Group through meetings and written communications.

### **Statements of Common Ground**

- 4.1.23 Highways England has drafted Statements of Common Ground (SoCG) with eight key stakeholder organisations or groups as explained in the Statement of Commonality (Document Reference 7.3). Focused meetings with the stakeholders to discuss matters and progress their SoCGs have been undertaken alongside and informed by other forms of engagement and consultation.
- 4.1.24 An SoCG identifies matters in relation to the scheme that have been agreed between Highways England and a stakeholder organisation or group, and matters that have not been agreed and remain outstanding or which are subject to further discussion. It is an iterative process, in which the SoCG is updated as matters are discussed. Subsequently, the draft SoCGs submitted with this application will be updated to reflect ongoing discussions throughout the DCO process if and as appropriate.
- 4.1.25 Highways England has entered into an SoCG with the following stakeholders:
1. Joint Councils (Gloucestershire County Council, Tewkesbury Borough Council and Cotswold District Council)
  2. Natural England
  3. National Trust
  4. Historic England

5. Gloucestershire Wildlife Trust
6. Environment Agency
7. Cotswolds Conservation Board
8. Walking, Cycling and Horse Riding TWG members

4.1.26 An SoCG was also initially progressed with the Woodland Trust, however the Woodland Trust decided to opt out of an SoCG in November 2020. The Woodland Trust explained this was because of an organisation wide position on participation in SoCGs and their continued objection in principle to the scheme due to its impact on veteran trees. Highways England has since continued to provide updates on the scheme to the Woodland Trust through focused meetings and other communications, where relevant.

### **Members of Parliament (MPs)**

4.1.27 Highways England has engaged with MPs who represent constituencies within which the scheme is proposed, or within the vicinity of the scheme. Highways England has sought to provide regular updates to the MPs on the progress of the scheme and to brief them at key milestones, such as prior to holding statutory consultations.

### **Parish Councils**

4.1.28 Highways England has engaged with Parish Councils in the vicinity of the scheme during its development. Whilst this has included formal consultation (as set out in Chapters 6 and 9 of this report), Highways England has also sought to engage with Parish Councils on matters raised by or affecting the residents they represent. This approach was of particular importance during the 2020 supplementary statutory consultation, during which Highways England took all reasonable steps to engage with local residents during COVID-19, involving Parish Councils to help overcome challenges to engage with residents face to face. This approach also helped to involve residents through Parish Council representation as part of focused discussions on specific issues pertinent to local communities, such as provision of PRow, provision of new car parking and the effects of the scheme on local bus stops.

4.1.29 In addition, Highways England has sought to work collaboratively with Parish Councils to raise awareness of the scheme and statutory public consultations, such that all members of the community can participate. This has included briefing the Parish Councils prior to consultation and where possible, agreeing with them that consultation materials or advertising can be distributed or displayed from their premises.

### **Landowner engagement**

4.1.30 Highways England has liaised with affected landowners throughout the development of the scheme. This has included engagement both within and outside of the formal consultation periods.

4.1.31 Formal engagement with PILs (in accordance with section 42(1)(d) of the Act) during statutory consultation periods between 2019 and 2021 is summarised in Chapters 6, 9 and 11 of this report.

4.1.32 Outside of periods of formal consultation, landowner meetings and communication has been ongoing throughout the development of the scheme. This has included written communication and phone calls, as well as meetings where identified as necessary.

- 4.1.33 Landowner meetings have been agreed with landowners and in some cases their respective land agents (if employed), taking into account the limitations and guidance associated with COVID-19. In some cases, online meetings have been held, in addition to or instead of face-to-face meetings.
- 4.1.34 Discussions have informed design decisions and where appropriate have involved relevant specialists of the Highways England project team, to help share technical information or advice where relevant to the points of discussion.
- 4.1.35 Communication with landowners has included reaching access agreements for obtrusive and non-obtrusive site investigation work completed for the purposes of the scheme. Where required, licence agreements have been reached with impacted landowners where obtrusive site investigation works have been required.
- 4.1.36 The licence(s) sets out the terms of access and compensation available to landowners.
- 4.1.37 Non-obtrusive site investigation work has been included within licence agreements where compensation relevant to the works has been paid to landowners. Where non-obtrusive site investigation work was completed and no compensation was required, access has been agreed with landowners through verbal and/or written communication.
- 4.1.38 Highways England has prepared a series of position statements with landowners affected by the scheme. The position statements have been prepared in collaboration with the District Valuer Services (DVS), Highways England Property and Compensation Team and A417 Project Management Team to inform and assist ongoing discussions with the relevant landowner(s). The purpose of the position statements has been to provide a 'live' document that captures the key engagement activities and discussions held with landowners and their agents as appropriate. They provide a formal record of matters raised and the Highways England position in response where appropriate.
- 4.1.39 Some stakeholders have been involved in both SoCGs and position statements. In such cases, the latter is appended to the former for the purposes of the DCO Application.
- 4.1.40 Appendix B of the Statement of Reasons (Document Reference 4.1) submitted with the DCO Application further sets out how Highways England has engaged with affected landowners in relation to compulsory acquisition and temporary possession of land.

## **4.2 Summary of non-statutory consultation and engagement activities between PRA and 2019 statutory public consultation**

- 4.2.1 The table below (Table 4-1) provides a summary of consultation and engagement activities undertaken by Highways England between the PRA in March 2019 and the start of the statutory public consultation on 27 September 2019.
- 4.2.2 The table is not exhaustive and seeks to demonstrate key activities carried out, rather than provide a complete record of all communication between Highways England, its specialists, and stakeholders. Focused bilateral meetings with individual stakeholders are detailed in the relevant SoCG or can be made available to the Examining Authority on request.
- 4.2.3 The information and feedback received during this period informed the design and assessment of the scheme that was presented at the 2019 statutory consultation.

**Table 4-1 Summary of key activities informing the 2019 statutory consultation**

Date	Activity type	Summary
2 May 2019	SSP meeting	Scheme update and discussion following Preferred Route Announcement
4 June 2019	Technical meeting	Technical meeting with the Environment Agency regarding water environment
13 June 2019	SSP meeting	Scheme update and discussion on purpose, objectives and vision of SSP
2 July 2019	Landscape, Heritage and Environment TWG meeting	Scheme update, opportunities mapping and technical discussions
4 July 2019	Technical meeting	Technical meeting with the Environment Agency regarding water environment
12 July 2019	Technical meeting	Meeting with Cotswolds Conservation Board to discuss route selection, alternative design for link road to Birdlip, LVIA and depth of cutting
8 August 2019 – 10 October 2019 <sup>10</sup>	Walking, Cycling and Horse Riding TWG	Scheme update, draft PRoW management plan and consultation update
20 July 2019	Landscape, Heritage and Environment TWG meeting	Opportunities mapping feedback, landscape update, SoCG overview and technical discussions
20 August 2019	Landscape, Heritage and Environment TWG meeting	Ecology survey update, Landscape and Visual Impact Assessment (LVIA) update, geology update and technical discussions
27 August 2019	Communications TWG	Scheme and statutory consultation update, particularly around joint communications
4 September 2019	SSP meeting	Scheme update, TWG update and public consultation update
9 September 2019	Technical meeting	Technical meeting with Gloucestershire County Council regarding traffic modelling
17 September 2019	Technical meeting	Technical meeting with Gloucestershire County Council regarding engineering design of local roads
17 September 2019	Technical meeting	Site walkover and scheme orientation with Historic England and Gloucestershire County Council
26 September 2019	Stakeholder preview event	Event ahead of the launch of statutory consultation on the 27 September 2019 to allow key stakeholders to familiarise themselves with the consultation material and ask any questions to the Highways England team.

### 4.3 Summary of non-statutory consultation and engagement activities between the 2019 statutory public consultation and 2020 supplementary public consultation

4.3.1 As set out in this Consultation Report, Highways England considered the feedback received in response to the 2019 consultation and made changes to its design and carried out further environmental and technical assessment. Highways England continued to engage with stakeholders during this time to update them on the progress of the scheme and to seek feedback.

<sup>10</sup> Meetings were held with some TWG members separately due to timing/logistical challenges.

- 4.3.2 The table below (Table 4-2) provides a summary of consultation and engagement activities undertaken by Highways England between 27 September 2019 and the start of the supplementary consultation on 13 October 2020.
- 4.3.3 The table is not exhaustive and seeks to demonstrate key activities carried out, rather than provide a complete record of all communication between Highways England, its specialists, and stakeholders. Focused bilateral meetings with individual stakeholders are detailed in the relevant SoCG or can be made available to the Examining Authority on request.
- 4.3.4 The information and feedback received during this period informed the design and assessment of the scheme that was presented at the 2020 supplementary consultation.

**Table 4-2 Summary of key activities informing the 2020 supplementary consultation**

Date	Activity type	Summary
25 October 2019	Technical meeting	Technical meeting with Gloucestershire County Council regarding drainage design
20 November 2019	Technical meeting	Technical meeting with Gloucestershire County Council regarding traffic impacts on Leckhampton Hill
27 November 2019	Walking, Cycling and Horse Riding TWG	Scheme update, draft PRow management plan update and discussion
16 and 30 January 2020	Technical meeting	Technical meeting with National Trust regarding green bridge at Crickley Hill
24 January 2020	Technical meeting	Technical meeting with Historic England and Gloucestershire County Council regarding archaeological surveys and trial trenching
28 January 2020	Technical meeting	Site visit with Natural England to explore viewpoint locations for LVIA
5 February 2020	Technical meeting	Workshop with Gloucestershire County Council regarding drainage, traffic modelling and road adoption (de-trunking)
26 February 2020	SSP meeting	Scheme update, consultation feedback update and discussion.
27 February 2020 – 3 March 2020	Walking, Cycling and Horse Riding TWG	Updates to PRow Management Plan and discussion.
26 and 27 March 2020	Technical meeting	Technical meeting with National Trust regarding green bridge at Crickley Hill and possible alternatives
20 July 2020	SSP meeting	Scheme update and overview of changes to design and programme
22 July 2020	Combined meeting of Landscape, Heritage and Environment TWG and Walking, Cycling and Horse Riding TWG	Scheme update and overview of changes to design and programme
28 July 2020	Technical meeting	Technical meeting with Cotswold Conservation Board (CCB) regarding engineering design of the scheme including cut and cover tunnel
17 August 2020	Collaborative Planning Group meeting	Discussion around revised scheme design and key concerns / opportunities



Date	Activity type	Summary
25 August 2020	Collaborative Planning Group meeting	Discussion on PRow proposals, B4070 realignment, Cowley junction and change to gradient on Crickley Hill
3 September 2020	Collaborative Planning Group meeting	Discussion around scheme-wide permeability and crossings
4 September 2020	Technical meeting	Technical meeting with Natural England to discuss landscape and visual assessment and design changes
16 September 2020	Supplementary consultation pre-briefing	Discussion on communications with Gloucestershire Wildlife Trust regarding the supplementary consultation
17 September 2020	Supplementary consultation pre-briefing	Discussion on communications with Coberley Parish Council regarding the upcoming statutory consultation
17 September 2020	Collaborative Planning Group meeting	Discussion on draft environmental masterplans, Biodiversity Net Gain and archaeology
22 September 2020	Supplementary consultation pre-briefing	Discussion with Cotswold District Council regarding the upcoming supplementary consultation
23 September 2020	Technical meeting	Technical meeting with Natural England to discuss geological enhancements
24 September 2020	Supplementary consultation pre-briefing	Discussion with Birdlip and Cowley Parish Council regarding the upcoming supplementary consultation
29 September 2020	Walking, Cycling and Horse Riding TWG	Updates to PRow Management Plan and discussion.
7 October 2020	Technical meeting	Technical meeting with Gloucestershire County Council regarding traffic modelling
7 October 2020	SSP meeting	Scheme update and supplementary consultation update
7 October 2020	Supplementary consultation pre-briefing	Briefing with communications lead from National Trust on the upcoming supplementary consultation.
8 October 2020	Communications TWG meeting	Scheme update and supplementary consultation update
14 October 2020	Supplementary consultation briefing	Discussion with Gloucestershire County Council regarding the supplementary consultation

## 4.4 Ongoing engagement

- 4.4.1 The supplementary public consultation closed at 23:59 on 12 November 2020. Since this time, Highways England has continued to engage with stakeholders to provide updates on the progress of the scheme and to discuss any technical matters relevant to the preparation of the scheme design, environmental assessment and SoCGs, prior to submission of the DCO Application. This has included SSP meetings, SoCG meetings, technical/focused meetings and landowner meetings.
- 4.4.2 Highways England is committed to continued engagement with stakeholders as the scheme progresses through Examination and, if development consent is granted, into the detailed design and construction stage of the scheme. Such commitments are set out in ES Appendix 2.1 Environmental Management Plan (Document Reference 6.4) and in SoCGs with stakeholders (see Statement of Commonality, Document Reference 7.3), which are submitted with the DCO Application.

## 5 2019 Statement of Community Consultation (SoCC)

### 5.1 Requirements of the Act

5.1.1 This chapter includes details of how the Statement of Community Consultation (SoCC) was prepared, consulted on and published following the process set out in section 47 of the Act, prior to commencing statutory consultation for the scheme.

5.1.2 Section 47 of the Act states:

*“(1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.*

*(2) Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.*

*(3) The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.*

*(4) In subsection (3) “the consultation documents” means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2).*

*(5) In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant before the deadline imposed by subsection (3).*

*(6) Once the applicant has prepared the statement, the applicant must — (a) make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land; (b) publish in a newspaper circulating in the vicinity of the land a notice stating where and when the statement can be inspected, and (c) publish the statement in such manner as may be prescribed.*

*(7) The applicant must carry out consultation in accordance with the proposals set out in the statement.”*

### 5.2 2019 SoCC

5.2.1 The purpose of the SoCC was to set out how Highways England would consult with the local communities likely to be affected by the proposed development. It sought to set out a consultation methodology that was effective and appropriate to the local context, and which fully complied with the statutory requirements and government guidance on pre-application consultation for NSIPs.

5.2.2 Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council are the relevant section 43(1) host local authorities in relation to the scheme. These are the local authorities in which the statutory public information events took place, and where the consultation documents were deposited.

- 5.2.3 Highways England met with council officers to discuss the preparation of the SoCC and to allow for early input into the content, including a review of how previous consultations had been undertaken and any lessons learned that could be used for the statutory consultation. A summary of the meetings held is provided in Table 5-1.

**Table 5-1 Schedule of meetings held with s43(1) councils during SoCC process**

Date	Purpose and outcome
19/06/2019	<p>Highways England met with Cotswold District Council and Tewkesbury Borough Council to present the proposed SoCC and the consultation proposals. Highways England presented a scheme update, a summary of the pre-application process, a summary of the SoCC production and the process that follows, and an outline of the proposals for consultation.</p> <p>This was an opportunity for the two local authorities to ascertain what was required from them as part of the statutory process, and for Highways England to gain valuable insight into how best to engage with the local communities. As a result of the meeting, Highways England was able to draft the SoCC to include this insight and any requests that were put forward by the local authorities.</p> <p>Both authorities were keen to see a mix of traditional and digital engagement methods used during consultation (mailings, public consultation events, social media activity). Tewkesbury Borough Council suggested that Tewkesbury was host to a deposit and information point for the public, therefore Highways England explored potential locations for the information to be hosted.</p> <p>In addition, Cotswold District Council were keen to see a public consultation event held in Cirencester. As a result, Highways England added an event into the draft SoCC at the Bingham Gallery of Cirencester Town Hall.</p>
01/07/2019	<p>Highways England met with Gloucestershire County Council to present the proposed SoCC and the consultation proposals. Highways England presented a scheme update, a summary of the pre-application process, a summary of the SoCC production and the process that follows, and an outline of the proposals for consultation. The same materials and presentation were used during this meeting as with Cotswold District Council and Tewkesbury Borough Council.</p> <p>This was an opportunity for Gloucestershire County Council to ascertain what was required from them as part of the statutory process, and for Highways England to gain valuable insight into how best to engage with the local community. As a result of the meeting, Highways England was able to draft the SoCC to include this insight and any requests that were put forward by the County Council.</p> <p>Gloucestershire County Council advised of the range of channels they could use to help widen the reach of stakeholders informed about the consultation, such as website, social media and subscriber updates.</p>

### 5.3 Consultation on draft SoCC

- 5.3.1 Following the meetings held on 19 June 2019 and 1 July 2019 with Cotswold District Council, Tewkesbury Borough Council and Gloucestershire County Council respectively, a draft SoCC was submitted to the Councils on Tuesday 9 July 2019.
- 5.3.2 A copy of the draft 2019 SoCC can be found at Consultation Report Appendix 5.1 (Document Reference 5.2).
- 5.3.3 It was requested that the Councils respond by Thursday 8 August 2019 giving a 30-day response period. This exceeded the minimum period of 28 days as required by section 47(3) of the Act.

- 5.3.4 A copy of the letter sent to each council is provided at Consultation Report Appendix 5.2 (Document Reference 5.2).
- 5.3.5 Gloucestershire County Council responded to the consultation on Tuesday 6 August 2019. Cotswold District Council responded to the consultation on Thursday 8 August 2019. Tewkesbury Borough Council responded to the consultation on Thursday 15 August 2019. Although the latter response was received after the deadline for responses, Highways England still considered Tewkesbury Borough Council's comments when finalising the draft SoCC.
- 5.3.6 A copy of the responses received can be found at Consultation Report Appendix 5.3 (Document Reference 5.2).
- 5.3.7 Highways England had regard to the consultation responses submitted by Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council. This is demonstrated in Table 5-2, which details the comments that were made by the Councils on the draft SoCC and the response of Highways England at that time.
- 5.3.8 During the meetings held with Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council, Highways England had suggested commencing the statutory consultation on Tuesday 10 September 2019. This date subsequently changed to Friday 27 September 2019, with the consultation period still running for a period of six weeks. Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council were informed of this change in dates.

## **5.4 Publicity under section 47**

- 5.4.1 The final SoCC, which took account of the comments received from Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council, was published on 27 September 2019. A copy of the published 2019 SoCC can be found in Consultation Report Appendix 5.4 (Document Reference 5.2).
- 5.4.2 The SoCC was displayed and made available for viewing for the duration of the consultation, at the locations and on the days and times listed in Table 5-3. The locations were contacted in advance of SoCC publication to confirm that it would be placed on public display and were visited by a member of the project team on the day of publication to place the document in public view, and again on a weekly basis during the consultation period. The SoCC was also made available on the Highways England schemes website.

**Table 5-2 Comments received from Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council on the draft 2019 SoCC**

<b>Comment received from:</b>	<b>Section of 2019 SoCC:</b>	<b>Amendment/comment made by Local Authority</b>	<b>Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act</b>	<b>Action taken:</b>
Gloucestershire County Council	Front cover	There is repetition of the scheme title on the front cover, which isn't required	The SoCC has now been updated into a designed template which has removed the need for the repetition on the front cover.	SoCC has been updated to remove repetition.
Gloucestershire County Council	Front cover	<i>Notice: Arup assumes no responsibility to any other party in respect of, arising out of or in connection with this document and/or its contents.</i>  Should this refer to Atkins or Highways England instead?	The SoCC has now been updated into a designed template which has removed the need for reference to Arup.	SoCC has been updated to remove reference to Arup.
Gloucestershire County Council	Introduction	Paragraph 1.2: <i>This document also gives you the background to the scheme and how our application to build it will progress.</i>  This should be mentioned as its own paragraph, and not included within other content.	The suggestion is noted and the SoCC amended accordingly.	The sentence has been moved to read as its own paragraph and is now the final paragraph of the Introduction section on page 1.
Gloucestershire County Council	N/A	Alignment issues, grammatical and spelling errors.	These have been addressed throughout the SoCC where indicated.	Amendments made as required.

Comment received from:	Section of 2019 SoCC:	Amendment/comment made by Local Authority	Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act	Action taken:
Gloucestershire County Council	Our application	<p><i>You can find more information about the Planning Inspectorate and the Planning Act 2008 on the National Infrastructure Planning website:</i>  <a href="http://infrastructure.planninginspectorate.gov.uk">http://infrastructure.planninginspectorate.gov.uk</a> or by calling the Planning Inspectorate on 0303 444 5000.</p> <p>The link to the Planning Inspectorate website should be hyperlinked, not styled as plain text</p>	The suggestion is noted and the SoCC amended accordingly.	The hyperlink to The Planning Inspectorate website has been updated as blue text.
Gloucestershire County Council	Next consultation – why and when	<p><i>The draft SoCC shared with Gloucestershire County Council had capital letters at the beginning of each bullet point.</i></p> <p>Style suggestion to de-capitalise, as they are a continuation of a sentence</p>	The suggestion is noted and the SoCC amended accordingly.	Bullet points throughout the SoCC have been de-capitalised.
Gloucestershire County Council	Next consultation – why and when	Remove “and minimise any downsides” from bullet points.	The comment is noted and the SoCC amended accordingly	Text removed
Gloucestershire County Council	Next consultation – why and when	In the template it states after 5.4 'Insert map of catchment area / consultation zone plan'.	The mailing zone plan is included as Appendix A to the document.	No action.

Comment received from:	Section of 2019 SoCC:	Amendment/comment made by Local Authority	Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act	Action taken:
Gloucestershire County Council	Next consultation – why and when	<p><i>“...and therefore we are publishing a Preliminary Environmental Information (PEI) Report as part of the consultation material.”</i></p> <p>Should there be a reference here to the Environmental Statement that will be formed as a result of the PEI report?</p>	The Environmental Statement is explained further in supporting consultation materials, including the consultation booklet, on page 26. As such it is not considered necessary to provide information on this in the SoCC.	No action
Gloucestershire County Council	How will we consult?	<p><i>Public information events.</i></p> <p>The template for this product refers to events as ‘Public information events’, and so this should be changed in the document</p>	The suggestion is noted and the SoCC amended accordingly.	All references to Public information events have been changed to Public information events.
Gloucestershire County Council	How will we consult?	<p><i>We will promote the consultation on Highways England’s South West Twitter account, @HighwaysSWest and will also be running a Facebook advertising campaign.</i></p> <p>Should there also be reference to Gloucestershire County Council sharing information on their social media channels and website?</p>	Information about the consultation will be shared with directly affected local authorities at the start of the consultation so that they can raise awareness through their own communications channels. As such a reference to this has been added to the SoCC.	The SoCC has been updated to include a section in Table 1 that refers to Partner communications specifically.

Comment received from:	Section of 2019 SoCC:	Amendment/comment made by Local Authority	Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act	Action taken:
Gloucestershire County Council	How will we consult?	<p>Notes on Table 1: Should we be including an GCC comms input at this stage? Consultation will also be promoted on @GlosCC social media channels, as well as on our main website and scheme website a417missinglink.co.uk With printed material hosted in local libraries.</p> <p>We also have around 2000 people signed up to receive consultations in the county, and a further 5000 (approximately) who have previously signed up to receive news on this scheme who will receive a mailout. Should we refer to specific stakeholder briefings, the scheme website, briefings at local schools?</p>	Information about the consultation will be shared with directly affected local authorities at the start of the consultation so that they can raise awareness through their own communications channels. As such a reference to this has been added to the SoCC.	The SoCC has been updated to include a section in Table 1 that refers to Partner communications specifically.
Gloucestershire County Council	How will we consult?	<p>Notes on Table 1: any offer of specific briefings for members and stakeholders</p> <p>Information on the scheme website?</p> <p>Briefings at any affected local schools?</p>	<p>We will be holding a stakeholder event at the start of the consultation so reference to this can be added to the SoCC.</p> <p>The scheme website is identified in Table 1 already. There is therefore no need to amend the draft SoCC.</p> <p>We note the comment about briefings at local schools. We will send information about the consultation to local schools as part of the consultation, but do not consider</p>	Reference to a stakeholder briefing event has been added to Table 1.



Comment received from:	Section of 2019 SoCC:	Amendment/comment made by Local Authority	Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act	Action taken:
			that this needs to be specifically referenced in the SoCC.	
Gloucestershire County Council	N/A	The template for this product includes a reference to a map of the red-line boundary to sit within the main content.	The DCO Boundary of the scheme is included in the postcard mailing map which is included at Appendix A.	No action.
Cotswold District Council	How will we consult?	<i>Cotswolds District Council</i>  There doesn't need to be an 's' on Cotswolds	The error is noted and the SoCC amended accordingly.	The 's' has been removed, so that the text now reads Cotswold District Council.
Cotswold District Council	How will we consult?	<i>We will send either emails or letters advising of the consultation and how to get involved to:</i>  <i>- Directly affected parish councils</i>  Some of the parish organisations are meetings, rather than councils	Upon reviewing the list of directly affected and adjacent parish councils, there are none that class themselves as meetings. Therefore, the comment is noted but no action is required.	No action.
Cotswold District Council	How will we consult?	<i>Publicising the SoCC – twice in local circulating newspaper(s)</i>	A notice regarding the publication of the SoCC will be placed in two local circulating newspapers. The SoCC will be amended to reflect this.	The SoCC has been amended to clarify that the SoCC notice will be placed in two local circulating newspapers.

Comment received from:	Section of 2019 SoCC:	Amendment/comment made by Local Authority	Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act	Action taken:
		Will you publish the SoCC in one or more local circulating newspaper(s)? The DCO Application appears to suggest the potential for more than one		
Cotswold District Council	How will we consult?	<p><i>Posters advising of the consultation and public consultation events will be provided to all directly affected and adjacent parish councils. Posters will also be made available to all deposit and information point locations.</i></p> <p>Might it be worthwhile publishing posters/site notices in other public locations, e.g. Barrow Wake, along the Cotswold Way?</p>	The suggestion is noted. The SoCC outlines the wide range of activities being undertaken to provide opportunities for people to find out about the consultation and provide feedback. This includes establishing an information point at Crickley Hill Visitor Centre, providing information to Cotswold Way Association, carrying out geographically targeted social media advertising and advertising the consultation online. As such it is considered that these measures will raise awareness of the consultation with the local community and those that use the Cotswold Way.	No action.
Cotswold District Council	How will we consult?	<p><i>Scheme website</i></p> <p>We would be more than happy to include an item on the home page of our website, drawing attention to the consultation and including a link to the scheme's consultation website. I think that it would be useful for a similar arrangement to be sought from Gloucestershire County Council and Tewkesbury Borough Council.</p>	Information about the consultation will be shared with directly affected local authorities at the start of the consultation so that they can raise awareness through their own communications channels. As such a reference to this has been added to the SoCC.	The SoCC has been updated to include a section in Table 1 that refers to Partner communications specifically.

Comment received from:	Section of 2019 SoCC:	Amendment/comment made by Local Authority	Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act	Action taken:
Cotswold District Council	How will we consult?	<p><i>Scheme website</i></p> <p>Linked to the above point, I assume that you will be asking parish councils/meetings to publicise the consultation on their respective websites and through any parish newsletters?</p>	Information about the consultation will be shared with directly affected parish councils at the start of the consultation so that they can raise awareness through their own communications channels. As such a reference to this has been added to the SoCC.	The SoCC has been updated to include a section in Table 1 that refers to Partner communications specifically.
Cotswold District Council	Information available at and details of local display/deposit locations	<p><i>Written in plain English, this document will provide a summary of the proposals including:</i></p> <ul style="list-style-type: none"> <li>• <i>The background to the scheme</i></li> <li>• <i>A summary of the scheme</i></li> <li>• <i>Information about potential benefits, effects and impacts of the scheme</i></li> <li>• <i>How we propose to mitigate against any potential impacts</i></li> <li>• <i>Signposts for readers to more detailed information reports and how to provide feedback on the scheme</i></li> </ul> <p>Would it be useful to include the 'Vision for the Scheme' in the information pack?</p>	The landscape-led vision for the scheme is described in the consultation brochure. Therefore reference can be made to this in the SoCC.	The SoCC has been updated to include reference to the scheme vision in the bullet points outlining the contents of the consultation brochure in Table 2.
Cotswold District Council	Information available at and details of local display/deposit locations	<p><i>Public information points</i></p> <p>Would it be beneficial to add the National Star College as a Public Information Point?</p>	Following liaison with National Star College this has now been confirmed as a public information point venue. The SoCC has been updated accordingly.	National Star College has been added to the list of public information points in Table 3.

Comment received from:	Section of 2019 SoCC:	Amendment/comment made by Local Authority	Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act	Action taken:
Tewkesbury Borough Council	Consultation documents	Suggestion for topics to include in consultation documents: construction impacts and repurposing the existing A417 for use by walking, cycling and horse riding groups.	These topics will all be covered in the consultation documents where appropriate.	No action.
Tewkesbury Borough Council	How will we consult?	<p><i>Publicising the SoCC – in a local circulating newspaper.</i></p> <p>Many commuters will live outside the catchment for targeted publicity and therefore signs on main routes to the road with information on consultation and web link address would help</p>	The suggestion is noted. The SoCC outlines the wide range of activities being undertaken to provide opportunities for people to find out about the consultation and provide feedback. This includes undertaking public information events in locations remote from the scheme but in areas where commuters are likely to live and work such as Gloucester, Cheltenham and Cirencester, carrying out geographically targeted social media advertising and advertising the consultation online. Consultation material will also be available in libraries throughout Gloucestershire and press releases issued to a wide range of local and regional press outlets. As such it is considered that these measures will raise awareness of the consultation with commuters using the A417.	No action.

**Table 5-3 Locations and times the SoCC was available to view during the consultation period (27 September 2019 – 8 November 2019)**

<b>Deposit location</b>	<b>Opening times</b>
Cotswold District Council, Main Offices, Trinity Road, Cirencester, GL7 1PX	9am – 5pm Monday to Friday
Gloucestershire County Council, Shire Hall, Westgate St, Gloucester, GL1 2TG	8.30am – 5pm Monday to Friday
Tewkesbury Town Hall, High Street, Tewkesbury, GL20 5AL	10am – 3pm Monday to Thursday
Brockworth Community Library, Moorfield Rd, Brockworth, Gloucester, GL3 4EX	10am - 1pm, 2pm - 5pm Monday 10am - 1pm, 2pm - 5pm Tuesday 10am - 1pm, 2pm - 5pm Wednesday 2pm - 5pm Thursday 10am – 12.30pm Saturday
Cheltenham Library, Clarence St, Cheltenham, GL50 3JT	9am – 7pm Monday 9am – 5.30pm Tuesday 9am – 7pm Wednesday 9am – 5.30pm Thursday 9am – 7pm Friday 9am – 4pm Saturday
Churchdown Library, Parton Road, Gloucester, GL3 2AF	10am – 1pm, 2pm – 6pm Tuesday 10am – 1pm, 2pm – 5pm Wednesday - Friday 10am – 1pm Saturday
Cirencester Library, The Waterloo, Cirencester, GL7 2PZ	9.30am – 5pm Monday 9.30am – 7pm Tuesday 9.30am – 1pm Wednesday 9.30am – 5pm Thursday 9.30am – 7pm Friday 9.30am – 4pm Saturday
Coleford Library, The Main Place, Railway Dr, Coleford, GL16 8RH	10am – 2pm Monday 10am – 7pm Tuesday 10am – 5pm Wednesday 10am – 5pm Thursday 10am – 5pm Friday 10am – 2pm Saturday
Crickley Hill Visitor Centre	8am – 5pm Monday to Friday
Gloucester Library, Brunswick Rd, Gloucester, GL1 1HT	9am – 7pm Monday 9am – 7pm Tuesday 9am – 5.30pm Wednesday 9am – 7pm Thursday 9am – 5.30pm Friday 9am – 4pm Saturday
Hucclecote Library, Hucclecote Rd, Gloucester, GL3 3RT	9.30am - 12pm, 1pm - 4pm Monday 9.30am - 12pm, 1pm - 4pm Tuesday 9.30am - 12pm, 1pm - 5pm Wednesday 2pm - 5pm Thursday 9.30am - 12pm, 1pm - 7pm Friday 10am - 4pm Saturday

Deposit location	Opening times
Moreton Area Centre, High Street, Moreton-in-Marsh, Gloucestershire, GL56 9QU	8.45am – 5.15pm Monday - Friday 10am – 1pm Saturday
National Star College, Ullenwood, GL53 9QU	8am – 6pm Monday - Friday
Stroud Library, Landsdown, Stroud, GL5 1BB	9.30am – 6.30pm Monday 9.30am – 5pm Tuesday 9.30am – 5pm Wednesday 9.30am – 2pm Thursday 9.30am – 6.30pm Friday 9.30am – 4pm Saturday
Tewkesbury Library, Sun Street, Tewkesbury, GL20 5NX	9.30am – 5pm Monday 9.30am – 7pm Tuesday 9.30am – 1pm Wednesday 9.30am – 7pm Thursday 9.30am – 5pm Friday 9.30am – 4pm Saturday

5.4.3 In order to publicise the SoCC and where it could be accessed, notices pursuant to section 47(6) of the Act were placed in the following newspapers for two consecutive weeks as detailed in Table 5-4.

**Table 5-4 Publications of the 2019 SoCC notice**

Publication	Date published
Western Daily Press	20 September 2019 & 27 September 2019
Gloucestershire Echo	19 September 2019 & 26 September 2019

5.4.4 A copy of the SoCC notice and scanned copies of the notice in the newspapers can be found at Consultation Report Appendix 5.5 (Document Reference 5.2).

## 5.5 Adherence with the SoCC

5.5.1 The next chapter of this report details how the 2019 statutory consultation was undertaken in compliance with the published 2019 SoCC, as per the requirements of section 47(7) of the Act.

5.5.2 A SoCC compliance table summarising how the 2019 SoCC was complied with is provided at Consultation Report Appendix 5.6 (Document Reference 5.2).

## 6 Approach to 2019 statutory consultation

### 6.1 Requirements of the Act

6.1.1 This chapter explains how Highways England undertook statutory consultation to comply with sections 42, 45, 46, 47 and 48 of the Act with regard to the A417 Missing Link Scheme (the scheme).

#### Section 42 of the Act

6.1.2 Section 42(1) of the Act states:

*“42. Duty to consult*

*The applicant must consult the following about the proposed application-*

- a) Such persons as may be prescribed,*
  - (aa) The Marine Management Organisation, in any case where the proposed development would affect, or would be likely to affect any of the areas specified in subsection (2)*
- b) Each local authority that is within section 43,*
- c) The Greater London Authority if the land is in Greater London, and*
- d) each person who is within one or more of the categories set out in section 44”*

6.1.3 Sub sections 42(aa) and 42(c) are not relevant to this scheme because it is an inland scheme which is not located within Greater London.

6.1.4 For the purposes of section 42(1)(a) of the Act, the persons prescribed are those listed in column 1 of the table in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations), as applicable.

6.1.5 Section 42(1)(b) (local authorities) are defined in section 43 of the Act. There are ‘A’, ‘B’, ‘C’ and ‘D’ category local authorities, depending on the tier of the authority and its location in relation to the scheme.

6.1.6 Section 42(1)(d) (persons within section 44 of the Act) are defined and categorised under section 44 of the Act:

- A person is within Category 1 if the applicant, after making diligent enquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.
- A person is within Category 2 if the applicant, after making diligent enquiry, knows that the person a) is interested in the land, or b) has power to sell and convey the land, or to release the land.
- A person is within Category 3 if the applicant thinks that, if the order sought by the proposed application were to be made and fully implemented, the person would or might be entitled to make a relevant claim: as a result of the implementation of the order; as a result of the order having been implemented; or, as a result of the use of the land once the order has been implemented.

6.1.7 A ‘relevant claim’ under Category 3 is as defined under section 10 of the Compulsory Purchase Act 1965, under Part 1 of the Land Compensation Act 1973 or under section 152(3) of the Act.

- 6.1.8 All section 42(1)(d) consultees are referred to as Persons with an Interest in the Land (PILs).

### **Section 45 of the Act**

- 6.1.9 Under section 45 of the Act, there is a duty on the applicant, when consulting a person under section 42, to notify them of the deadline for the receipt of comments to the consultation. This must be a minimum of 28 days, that begins with the day after the day on which the person receives the consultation documents. Consultation materials must be supplied to the person by the applicant for the purpose of consulting them.

### **Section 46 of the Act**

- 6.1.10 Under section 46 of the Act, Highways England is required to notify the SoS of the proposed application. This must be done on or before commencing consultation under section 42. The SoS must be supplied with the same information on the proposed application as is being supplied to those being consulted under section 42.

### **Section 47 of the Act**

- 6.1.11 The production and publication of a Statement of Community Consultation (SoCC) is required through section 47 of the Act and this is described in the preceding Chapter of this report.
- 6.1.12 Section 47(7) of the Act requires that consultation is carried out in accordance with the proposals contained in the SoCC.

### **Section 48 of the Act**

- 6.1.13 Under section 48 of the Act, Highways England is required to publicise the proposed application in the prescribed manner, which is defined in Regulation 4 of the APFP Regulations and Regulation 13 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations).

## **6.2 Compliance with the requirements of the Act**

- 6.2.1 This section provides a summary of the activities undertaken by Highways England for the 2019 statutory public consultation to ensure compliance with the requirements of the Act. Evidence of this compliance is supplied in the Consultation Report Appendices (Document Reference 5.2) where relevant and appropriate.

### **Compliance with section 42 of the Act**

#### Identification of prescribed consultees under section 42(1)(a)

- 6.2.2 In order to accord with section 42(1)(a) of the duty to consult, Highways England compiled a list of statutory consultees, which was principally derived from the prescribed consultees listed in column 1 of the table in Schedule 1 to the APFP Regulations. Highways England determined whether a consultee was relevant to the A417 Missing Link scheme in accordance with column 2 and column 3 of Schedule 1 of the APFP Regulations. A precautionary approach was taken, whereby a consultee was not discounted unless there was a clear and evidenced reasoning for doing so.



- 6.2.3 Highways England also had regard to the information in PINS Advice Note 3, EIA Notification and Consultation<sup>11</sup> in identifying relevant consultees under section 42(1)(a), including in relation to the requirement to consult relevant statutory undertakers.
- 6.2.4 Table 2 of the annex to PINS Advice Note 3<sup>12</sup> sets out that relevant public gas transporters and relevant electricity licence holders are deemed statutory undertakers. The footnotes to these entries provide a link to Ofgem’s published lists of electricity and gas licence holders. The footnote states that licences are not always restricted to a geographic area and states that PINS will take a precautionary approach and consult all licence holders whose licence covers Great Britain. In determining the relevant bodies to be included in the list, Highways England took an approach of reviewing the list and ruling out those where the licence was limited geographically or where it appeared that the entity would not be relevant to the scheme. Where it was not possible to discount an entity, they were included in the list.
- 6.2.5 Finally, Highways England also took into account the Regulation 11(1)(a) List provided by PINS alongside the Scoping Opinion, issued on 24 June 2019 (Appendix 4.2 of ES, Document Reference 6.4), which set out the list of consultation bodies PINS notified as part of the EIA scoping process. Further detail on EIA consultation and scoping is provided in Chapter 12 of this report.
- 6.2.6 The list of prescribed consultees identified as relevant to the scheme can be found at Consultation Report Appendix 6.1 (Document Reference 5.2).

Identification of local authorities under section 42(1)(b)

- 6.2.7 Under Section 42(1)(b), the applicant has a duty to consult local authorities identified within section 43 of the Act. There are ‘A’, ‘B’, ‘C’ and ‘D’ category local authorities.
- 6.2.8 The scheme is wholly contained within the administrative area of Gloucestershire County Council – which makes it a category “C” authority. Within the Gloucestershire County Council boundary, the scheme is located within the administrative area of two lower-tier authorities, Cotswold District Council, and Tewkesbury Borough Council. These are therefore category ‘B’ authorities for the purposes of section 43 of the Act.
- 6.2.9 The following unitary and upper tier County Councils share a boundary with Gloucestershire County Council and are therefore “D” authorities for the purposes of section 43 of the Act:
- a. Worcestershire County Council;
  - b. Warwickshire County Council;
  - c. Oxfordshire County Council;
  - d. Monmouthshire County Council;
  - e. Herefordshire County Council;
  - f. South Gloucestershire Council;
  - g. Wiltshire Council; and
  - h. Swindon Borough Council.

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<sup>11</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/07/advice\\_note\\_3\\_v5.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/07/advice_note_3_v5.pdf)

<sup>12</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/07/an3\\_annex1.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/07/an3_annex1.pdf)

- 6.2.10 The following local authorities share a boundary with Cotswold District Council, or Tewkesbury District Council and are therefore 'A' authorities for the purposes of section 43 of the Act:
- a. Stroud District Council;
  - b. Gloucester City Council;
  - c. Forest of Dean District Council;
  - d. Cheltenham Borough Council;
  - e. Wychavon District Council;
  - f. Malvern Hills District Council;
  - g. South Gloucestershire Council;
  - h. Wiltshire Council;
  - i. Swindon Borough Council;
  - j. Vale of White Horse District Council;
  - k. West Oxfordshire District Council; and
  - l. Stratford-on-Avon District Council.
- 6.2.11 It is noted that under section 43 of the Act, some local authorities are defined as both an 'A' and a 'D' category authority.
- 6.2.12 Highways England subsequently has a duty to consult the A, B, C and D category local authorities listed above. These consultees are presented on a map in Consultation Report Appendix 6.2 (Document Reference 5.2).

#### Identification of parish councils

- 6.2.13 The scheme is within the boundaries of the following parish councils:
- a. Badgeworth Parish Council;
  - b. Brimpsfield Parish Council;
  - c. Coberley Parish Council; and
  - d. Cowley and Birdlip Parish Council.
- 6.2.14 In accordance with Schedule 1 to the APFP Regulations, which lists 'the relevant parish council' as a prescribed consultee, these parish councils were included in the list of prescribed consultees that is found at Consultation Report Appendix 6.1 (Document Reference 5.2). They were included on the basis that the scheme is within their respective administrative boundaries.

#### Identification of PILs under section 42(1)(d)

- 6.2.15 In order to help establish the identity of PILs as defined under section 44 of the Act, detailed land referencing was carried out. A full account of the diligent enquiry methodology is provided in the Statement of Reasons (Document Reference 4.1) To summarise, this included:
- a. Land Registry search of the route protection boundary (comprising the limits of deviation plus 300m);
  - b. Identification of any interests in unregistered land through desk-based research;
  - c. Review of the common land register;
  - d. Identification of statutory undertakers with any apparatus in the area;
  - e. Questionnaire, letter and plans sent to all identified landowners within 100m of the scheme alignment to confirm information; and
  - f. Follow up phone calls, emails and meetings to ensure quality and accuracy of information.

- 6.2.16 Identified PILs were categorised as Category 1, Category 2 or Category 3 PILs, according to the definitions set out under section 44 of the Act (and detailed in paragraph 6.1.6 of this chapter). Some PILs were identified as falling within more than one category, while several consultees prescribed under section 42(1)(a) were also identified as being a PIL.
- 6.2.17 A list of the section 42(1)(d) PILs consulted is included in Consultation Report Appendix 6.3 (Document Reference 5.2). The PILs have been assigned an identification number for the purposes of this report to avoid the use of information that may identify an individual.
- 6.2.18 The Book of Reference (Document Reference 4.3) submitted as part of the application sets out the persons/bodies that fall within the categories defined in section 44.

#### Consultation activity with section 42 consultees

- 6.2.19 Statutory consultees were written to on 27 September 2019 by letter and email, inviting comments on the scheme under section 42(1)(a). Letters were sent by Royal Mail 1<sup>st</sup> Class post.
- 6.2.20 In accordance with section 45(1) of the Act, all of the letters and emails stated that the consultation opened on 27 September 2019 and that responses needed to be returned by 23:59 on 8 November 2019, a period of 42 days.
- 6.2.21 All of the letters and emails also included:
- A list of consultation materials available during statutory consultation;
  - A website address (or hyperlink in emails) for taking consultees to the consultation website where materials were stored; and
  - A list of the public information events being held during statutory consultation.
- 6.2.22 The prescribed bodies consulted under section 42(1)(a) and the authorities consulted under section 42(1)(b) additionally received a copy of the section 48 Notice and a USB drive containing a copy of the consultation documents (including the PEI report). This was provided to comply with Regulation 13 of the EIA Regulations and because the section 42(1)(a) and section 42(1)(b) bodies were consultation bodies notified by PINS under Regulation 11 of the EIA Regulations.
- 6.2.23 PILs received tailored versions of the consultation letter, which included information identifying the plots of their land affected by the scheme and respective drawing reference numbers. Included with the letter were copies of the relevant land interest plans, showing their relevant plot of land overlaid with the design of the proposed development DCO Boundary. The letter also included an invitation to arrange a meeting with Highways England and Highways England's adviser on land valuation, the District Valuer, during the statutory consultation period.
- 6.2.24 A sample copy of the letters sent to each category of section 42 consultee is in Consultation Report Appendix 6.4 (Document Reference 5.2).

#### Conclusion

- 6.2.25 The above explains and evidences that Highways England complied with the statutory requirements for consultation under section 42 of the Act during the 2019 statutory consultation.

### **Section 45: timetable for consultation under section 42**

- 6.2.26 Consultation took place between Friday 27 September and Friday 8 November 2019.
- 6.2.27 This allowed for 42 days between the day after consultees were sent the consultation documents and the deadline for receipt of comments. The period between receipt of the documents and the deadline therefore exceeded the minimum of 28 days required by section 45(1) and 45(2) of the Act, and was carried out as agreed with the s42(1)(b) Host Authorities in the Statement of Community Consultation (SoCC).
- 6.2.28 The letters (and the enclosures to the letters) and the emails sent to the section 42 consultees and outlined in the preceding section constituted the 'consultation documents' referred to in section 45(3) of the Act.

#### Conclusion

- 6.2.29 The above explains and evidences that Highways England complied with the statutory requirements for consultation under section 45 of the Act during the 2019 statutory consultation.

### **Section 46: duty to notify Secretary of State of proposed application**

- 6.2.30 Highways England wrote to PINS (acting on behalf of the SoS) on 26 September 2019 setting out its intention under section 46 to submit an application for a DCO. In accordance with section 46(1), the letter provided the same information as was provided to section 42 consultees, including details of the scheme, the dates of the consultation and a link to the consultation documents on the consultation website. In addition, a USB drive was provided containing a copy of the consultation materials, a section 48 Notice and a copy of the letters to be sent to consultees notifying them of the consultation. A copy of the s46 notification letter is provided in Consultation Report Appendix 6.5 (Document Reference 5.2).
- 6.2.31 In accordance with section 46(2), this letter was sent before commencing consultation under section 42, which commenced on 27 September 2019.
- 6.2.32 An acknowledgement of receipt was provided by PINS. A copy of this is provided in Consultation Report Appendix 6.6 (Document Reference 5.2).

#### Conclusion

- 6.2.33 The above explains and evidence that Highways England complied with the statutory requirements to notify the SoS under section 46 of the Act during the 2019 statutory consultation.

### **Section 47: duty to consult the local community**

- 6.2.34 As set out Chapter 5, a SoCC was produced and consulted upon prior to the commencement of the supplementary statutory consultation. The published 2019 SoCC identified commitments made by Highways England in relation to carrying out consultation with the local community.
- 6.2.35 Consultation was carried out in accordance with the published SoCC. The table at Consultation Report Appendix 5.6 (Document Reference 5.2) sets out a summary of the commitments made in the SoCC and how these have been adhered to.
- 6.2.36 As required by section 47 of the Act, Highways England consulted people who live and work in the vicinity of the proposed development. As well as the general

public, this included various representatives, groups and organisations who were contacted and invited to participate in the consultation to seek their views on the proposed development.

6.2.37 Those consulted under section 47 of the Act can be grouped into the following categories:

- a. the wider public;
- b. elected representatives;
- c. additional organisations; and
- d. hard-to-reach groups.

#### The wider public: postcode mail drop

6.2.38 Residents and businesses located in the vicinity of the scheme were contacted via post to notify them of the consultation and invite their comments on the scheme. A 'mailing zone' of properties to receive a postcard was identified and incorporated all properties within 1 mile of the proposed development. The zone was amended where appropriate to ensure dwellings just out of the radius were included. The zone was the same as that used as part of the 2018 non-statutory consultation and was confirmed in consultation with Gloucestershire County Council, Tewkesbury Borough Council, and Cotswold District Council as part of the SoCC process (see Chapter 5).

6.2.39 Addresses within this zone were obtained from the Postcode Addresses File supplied by the Royal Mail.

6.2.40 A map of the mailing zone is provided at Consultation Report Appendix 6.7 (Document Reference 5.2).

6.2.41 The postcard stated that the consultation opened on 27 September 2019 and that responses needed to be returned by 23:59 on 8 November 2019. It also provided a list of the public information events being held during statutory consultation. A copy of the postcard can be found at Consultation Report Appendix 6.8 (Document Reference 5.2).

#### Members of Parliament

6.2.42 Members of Parliament (MPs) with constituencies within the DCO Boundary or adjacent to the scheme were notified of the consultation and invited to comment on the scheme. The list of MPs consulted is provided below in Table 6-1.

**Table 6-1 List of MPs consulted at the 2019 statutory consultation**

Position	Name
MP for Tewkesbury	Mr Laurence Robertson MP
MP for Gloucester	Mr Richard Graham MP
MP for The Cotswolds	Sir Geoffrey Clifton-Brown MP
MP for Cheltenham	Mr Alex Chalk MP
MP for Stroud	Dr David Drew MP
MP for Forest of Dean	Mr Mark Harper MP

6.2.43 The MPs were written to on 27 September 2019 by letter and email, inviting comments on the scheme. The letter and email stated that the consultation opened on 27 September 2019 and that responses needed to be returned by 23:59 on 8 November 2019. It also included:

- A list of consultation materials available during statutory consultation.
- A website address (or hyperlink in emails) for taking consultees to the consultation website where materials were stored.
- A list of the public information events being held during statutory consultation.

6.2.44 A copy of the letter can be viewed at Consultation Report Appendix 6.4 (Document Reference 5.2).

#### Other additional organisations

- 6.2.45 Paragraph 27 of the DCLG guidance<sup>13</sup> notes that for any given sector there are a wide range of consultees, in addition to those prescribed, that may be able to make an important contribution in developing an application.
- 6.2.46 Highways England therefore identified a range of organisations or representatives who were relevant to the scheme or may have an interest in it, and who were not otherwise prescribed under section 42 of the Act.
- 6.2.47 These discretionary ‘additional organisations’ which Highways England consulted with as part of the 2019 statutory consultation can be found at Consultation Report Appendix 6.9 (Document Reference 5.2), however they can be summarised under the following categories:
- a) Parish Councils neighbouring those within the DCO Boundary of the scheme;
  - b) Environmental interest and campaign groups, including those local to Gloucestershire;
  - c) PRoW user groups and interest groups, including members of the Walking, Cycling and Horse Riding TWG;
  - d) Road user and transportation/logistics interest groups;
  - e) Business and agriculture groups; and
  - f) Community organisations.
- 6.2.48 Some members of these organisations and groups were consulted at the non-statutory consultation in 2018, as set out in the Route Options Consultation Report (March 2019) (Document Reference 7.5).
- 6.2.49 The additional organisations were sent a letter on 27 September 2019 to notify them of the consultation and invite their comments on the scheme. They were sent the letter by post in the first instance, and an electronic copy via email if a postal address was not available. The letter and email stated that the consultation opened on 27 September 2019 and that responses needed to be returned by 23:59 on 8 November 2019. It also included:
- A list of consultation materials available during statutory consultation.
  - A website address (or hyperlink in emails) for taking consultees to the consultation website where materials were stored.
  - A list of the public information events being held during statutory consultation.
- 6.2.50 A copy of the letter is provided in Consultation Report Appendix 6.4 (Document Reference 5.2).

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<sup>13</sup> Department for Communities and Local Government (DCLG). Planning Act 2008: Guidance on the Pre-application Process. London, 2015.

### Hard-to-reach groups

- 6.2.51 Hard-to-reach groups can be broadly defined as those that may have specific requirements to access consultation information in comparison to other local residents, or may be less likely to become involved in consultation activities when compared to other local residents. It was on this basis that Highways England identified a range of hard-to-reach groups that could potentially be interested in getting involved in the consultation if it was made accessible.
- 6.2.52 In total, 38 hard-to-reach groups were identified, which is less than the number contacted at non-statutory consultation in 2018. This is because hard-to-reach groups who had confirmed they would not like to be contacted about the scheme at the time of the non-statutory consultation were removed from the process. Also, some groups ceased to exist between non-statutory consultation and statutory consultation, and in other cases more appropriate groups were identified during engagement with the local authorities.
- 6.2.53 The identified groups can be categorised as follows:
- a. economically and socially deprived communities;
  - b. those without broadband;
  - c. geographically isolated communities;
  - d. young people;
  - e. older people;
  - f. people with disabilities;
  - g. ethnic minorities;
  - h. holiday home owners, tourists and visitors;
  - i. time poor/busy working people;
  - j. Lesbian, gay, bisexual and transgender and others (LGBT+); and
  - k. the traveller community.
- 6.2.54 In advance of the launch of the consultation, the planned approach was shared with Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council as part of the preparation of the SoCC (see Chapter 5).
- 6.2.55 Representatives of hard-to-reach groups were identified by local authorities and contacted directly by members of the Highways England project team prior to the consultation launch when possible, to help establish the best means of communication with their group. Wherever possible, representatives were contacted by telephone. Where the project team failed to make contact by phone, or where a number was not available, an email was sent.
- 6.2.56 The hard-to-reach groups were sent a letter on 27 September 2019 to notify them of the consultation and invite their comments on the scheme. They were sent the letter by post in the first instance, and an electronic copy via email if a postal address was not available. The letter and email stated that the consultation opened on 27 September 2019 and that responses needed to be returned by 23:59 on 8 November 2019. It also included:
- A list of consultation materials available during statutory consultation.
  - A website address (or hyperlink in emails) for taking consultees to the consultation website where materials were stored.
  - A list of the public information events being held during statutory consultation.
- 6.2.57 A copy of the letter is provided in Consultation Report Appendix 6.4 (Document Reference 5.2).

- 6.2.58 Depending on the requirements or request of the group, materials were also sent in a stakeholder pack, which included the consultation booklet, a feedback form, posters and the stakeholder information pack.
- 6.2.59 The stakeholder pack provided the group with information, social media posts they could simply copy and paste, images to use in their social media posts, and text they could use in any newsletters. An updated version was provided as the consultation progressed. The documents provided as part of the stakeholder information packs are provided in Consultation Report Appendix 6.10 (Document Reference 5.2).
- 6.2.60 In addition, Highways England made sure that:
- The contact telephone number and email address were prominent on all published material (including the SoCC) to enable individuals to contact the team with questions and requests.
  - The consultation booklet and response form were available in alternative forms on request- large print, Braille, languages other than English.
  - Representatives of 'hard-to-reach groups' were contacted directly with details about the consultation.
- 6.2.61 Highways England also sought to ensure that venues were accessible and could be reached by public as well as private transport and provided contact details in case anyone had any challenges when accessing events. An Equality Impact Assessment has been undertaken for the scheme and is submitted with the DCO Application (Document Reference 7.8).

#### Section 47 Notice

- 6.2.62 As set out in Chapter 5 of this report, a notice pursuant to section 47(6) of the Act was published in newspapers in accordance with the requirements of the Act. A copy of the section 47 Notice was also made available on the consultation website. A copy of the section 47 notice is provided at Consultation Report Appendix 5.5 (Document Reference 5.2).

#### Conclusion

- 6.2.63 The above explains and evidences that Highways England complied with the statutory requirements for consultation under section 47 of the Act during the 2019 statutory consultation.

#### **Section 48: duty to publicise the consultation**

- 6.2.64 As per the requirements of Regulation 4 of the APFP Regulations, a notice pursuant to section 48 of the Act was published for: two consecutive weeks in one or more local newspapers circulating in the vicinity of the scheme; once in a national newspaper; and, once in the London Gazette.
- 6.2.65 The section 48 Notice included the following information pursuant to Regulation 4(3) of the APFP Regulations:
- a. the name and address of the applicant;
  - b. a statement that the applicant intends to make an application for development consent to the Commission;
  - c. a statement as to whether the application is EIA development;
  - d. a summary of the main proposals, specifying the location or route of the proposed development;



- e. a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;
- f. the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in subparagraph (i));
- g. whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;
- h. details of how to respond to the publicity; and
- i. a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published.

6.2.66 The section 48 notice was publicised in the newspapers below. The newspapers and publication dates in Table 6-2 below were chosen to fulfil the requirements of Regulation 4(2)(a) – (c) of the APFP Regulations. The scheme does not relate to offshore development therefore Regulation 4(2)(d) does not apply.

**Table 6-2 Section 48 notice publication locations and dates**

Publication and description	Date of notice	Relevant regulation
Gloucestershire Echo – weekly publication circulating in the area of Gloucestershire	19.09.2019 & 26.09.2019	4(2)(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated
Western Daily Press – daily publication circulating across the south west including Gloucestershire	20.09.2019 & 27.09.2019	4(2)(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated
The Guardian – daily national publication	20.09.2019 & 27.09.2019	4(2)(b) once in a national newspaper
London Gazette – as prescribed	20.09.2019 & 27.09.2019	4(2)(c) once in the London Gazette

6.2.67 A copy of the section 48 Notice and scanned copies of the notices in the publications listed are provided at Consultation Report Appendix 6.11 (Document Reference 5.2).

6.2.68 In accordance with Regulation 13 of the EIA Regulations, the section 48 Notice and a copy of consultation materials on a USB drive (including the PEI report) was sent to the list of prescribed consultees in Consultation Report Appendix 6.1 (Document Reference 5.2) on 27 September 2019.

6.2.69 A copy of the section 48 notice was made available on the consultation website at: <https://highwaysengland.citizenspace.com/he/a417-missing-link-public-consultation/> and at deposit points.

### Conclusion

6.2.70 The above explains and evidences that Highways England complied with the statutory requirements for consultation under section 48 of the Act during the 2019 statutory consultation.

## 6.3 Consultation documents and public information events

### Overview of consultation documents

6.3.1 A range of materials were provided at the statutory consultation to help enable everyone to have a clear understanding of the scheme, its potential environmental effects, and the way that feedback could be provided. These materials are summarised below.

#### Consultation booklet

6.3.2 The primary consultation document, this was written in plain English and contained:

- a. the background to the scheme;
- b. a summary of the scheme;
- c. information about potential benefits, effects and impacts of the scheme;
- d. how Highways England proposed to mitigate against any potential impacts; and
- e. signposts for readers to more detailed information.

6.3.3 The consultation booklet set out the scheme in three distinct geographical areas, to help people better understand the different characteristics and proposals pertinent to the three distinct sections of the scheme:

1. Climbing the Escarpment (relating to the section of existing A417);
2. Shab Hill to Cowley junction (relating to the proposed new section of A417); and
3. Repurposing the A417 (relating to the proposed de-trunking of a section of the existing A417).

6.3.4 A copy of the consultation booklet is provided at Consultation Report Appendix 6.12 (Document Reference 5.2).

#### Feedback Questionnaire

6.3.5 The feedback was designed to help collect people's views during the consultation process. The questionnaire comprised eight questions seeking feedback on different elements of the scheme, structured around the three distinct geographical areas set out in the consultation booklet. It also provided opportunities for people to make any additional comments and sought basic demographic information and contact details from each respondent to help Highways England evaluate its approach to consultation.

6.3.6 The feedback questionnaire posed the following eight questions:

1. Do you have any comments on our proposed route from the Brockworth bypass to Shab Hill junction?
2. Do you have any comments on our proposed green bridge?
3. Do you have any comments on our proposed route from Shab Hill to Cowley junction?
4. Do you have any comments on our proposal for Alternative 2 as the preferred A436 link road?
5. Do you have any comments on our proposals for repurposing the existing A417?
6. Do you have anything you think we will need to consider as we develop our construction plans further?

7. Do you have any comments on our PEI report and other proposed mitigation measures?
8. Do you have any other comments you would like to make about our proposals?

- 6.3.7 The feedback questionnaire was available both in hard copy print and online on the consultation website. It included details of a Freepost address to return completed hard copy questionnaires; envelopes were also provided at the public information events. The online version of the feedback questionnaire enabled respondents to complete and submit the questionnaire virtually.
- 6.3.8 A copy of the response form is provided at Consultation Report Appendix 6.13 (Document Reference 5.2).

#### PEI report

- 6.3.9 The PEI report (2019 PEI report) contained preliminary information on the likely environmental effects of the scheme as Highways England had ascertained them at that time. It detailed how Highways England proposed to mitigate these effects and where environmental enhancement may be provided. Printed copies of the 2019 PEI report were available at the public information events and deposit points. It could also be downloaded from the consultation website.
- 6.3.10 Owing to the size of the document, it is not provided as an Appendix to this report but it can be downloaded from the Highways England schemes website here: <https://highwaysengland.co.uk/our-work/south-west/a417-missing-link/>

#### Plans of the scheme

- 6.3.11 Several plans of the scheme were produced and published to help enable the consultees to better understand the scheme proposals.
- 6.3.12 Four 'consultation plans' depicted the scheme design overlaid onto the existing landscape, highlighting where the scheme would be located and how it would relate to the existing transport network. An 'overall scheme' plan showed the entire scheme, while three additional and complementary plans provided details of the design within the three distinct geographical areas:
1. Climbing the Escarpment;
  2. Repurposed A417; and
  3. Shab Hill to Cowley junction.
- 6.3.13 These were provided in the consultation booklet, although higher resolution plans were also made available on the consultation website. Large A0 size display boards of these plans were provided at the public information events and deposit points.
- 6.3.14 In addition, technical engineering drawings of the scheme, known as 'mainline plan and profiles', were provided to assist more technical focused consultees in better understanding the scheme in more detail.
- 6.3.15 Finally, a 'red line boundary' plan was provided, which set out the extent of the land required and that the DCO Application would relate to (the DCO Boundary). These were provided at the public information events and deposit points.
- 6.3.16 All plans were made available on the consultation website for ease of access.
- 6.3.17 Copies of these plans are provided in Consultation Report Appendix 6.14 (Document Reference 5.2).

- 6.3.18 As set out in section 6.2 of this report, land interest plans for each PIL were also produced and provided to them. These were not published for the general public.

#### Scheme visualisation

- 6.3.19 A 3D flythrough visualisation of the scheme was developed and made available on the consultation website and played on televisions at public information events. The visualisation brought the scheme to life for people by providing a 'drive through' and 'fly through' of the scheme. The visualisation was made available for viewing on the schemes website and can be accessed following this link: <https://highwaysengland.citizenspace.com/he/a417-missing-link-public-consultation/> and the corresponding ten minute long video can also be accessed by following this link: [https://www.youtube.com/watch?v=9LaTBb9qZ-s&feature=emb\\_title](https://www.youtube.com/watch?v=9LaTBb9qZ-s&feature=emb_title).
- 6.3.20 An interactive version of the scheme visualisation was made available the public information events. Attendees at the events were able to use video game controllers to move the camera freely around the visualisation for the scheme. Attendees could also virtually navigate the environment open to pedestrians or virtually drive a car through the scheme. Staff were available to guide attendees on how to use the technology. A separate area allowed attendees to sit in a replica gaming car seat with steering wheel and pedals, to virtually drive the proposed route in an immersive version of the interactive scheme visualisation. This was provided where there was sufficient room in the public exhibition venue.

#### 'Case for the scheme' video

- 6.3.21 A video outlining the challenges of the current road and communicating the key objectives of the scheme was produced. This was made available on the schemes website (<https://highwaysengland.citizenspace.com/he/a417-missing-link-public-consultation/>). The six minute long video can be accessed by following this link: [https://www.youtube.com/watch?v=5F0LhDU3YuU&feature=emb\\_title](https://www.youtube.com/watch?v=5F0LhDU3YuU&feature=emb_title).

#### Interactive 'virtual consultation'

- 6.3.22 An interactive 'virtual consultation' was created, which offered stakeholders and members of the public who may have been unable to get to a public information event the opportunity to discover more about the scheme by accessing a virtual version of an event, enabling them to digitally navigate around the room and click on exhibition banners and on documents to find out more. The virtual public information event was made available on the consultation website and can be accessed by following this link: <http://westdigital.arup.com/virtualengage/A417/viewer.html>

#### Statement of Community Consultation, Section 47 Notice and Section 48 Notice

- 6.3.23 As stated in preceding sections of this report, a copy of the SoCC, the section 47 Notice and the section 48 Notice was made available on the consultation website at and at deposit points.

#### **Location of consultation documents**

- 6.3.24 The consultation documents were made available to view at public information events and at the deposit locations listed in Table 6-3 below.

**Table 6-3 List of deposit locations during consultation (27 September 2019 and 8 November 2019)**

Deposit location	Opening times
Cotswold District Council, Main Offices, Trinity Road, Cirencester, GL7 1PX	9am – 5pm Monday to Friday
Gloucestershire County Council, Shire Hall, Westgate St, Gloucester, GL1 2TG	8.30am – 5pm Monday to Friday
Tewkesbury Town Hall, High Street, Tewkesbury, GL20 5AL	10am – 3pm Monday to Thursday

6.3.25 The deposit locations were also provided in Appendix B of the published SoCC, available at Consultation Report Appendix 5.4 (Document Reference 5.2).

6.3.26 In addition, all consultation documents were made available to download from the dedicated consultation website:  
<https://highwaysengland.citizenspace.com/he/a417-missing-link-public-consultation/>.

### Feedback mechanisms

6.3.27 There were several channels through which consultees could provide their feedback on the scheme, as follows:

- f. Online: consultees could complete the consultation feedback questionnaire online via the consultation website;
- g. Freepost: consultees could complete a copy of the consultation feedback questionnaire and send it to 'FREEPOST A417 MISSING LINK';
- h. At public information event: consultees could visit one of the public information events and hand a completed consultation feedback questionnaire to a member of staff, or deposit it in a secure feedback box; and
- i. Email: consultees could send a copy of the completed consultation feedback questionnaire via email to [a417missinglink@highwaysengland.co.uk](mailto:a417missinglink@highwaysengland.co.uk).

### Public information events

6.3.28 During the consultation period, seven public information events were held to give the public an opportunity to view information about the scheme and speak with members of Highways England's team, as well as to provide feedback on the scheme by completing the paper copies of feedback questionnaires made available at the events.

6.3.29 The public information events were run as 'drop-in' sessions, so that attendees could turn up at any point at their own convenience within the advertised times.

6.3.30 The consultation materials and the scheme visualisations were available to view at these public information events, including for example the 2019 PEI report, consultation plans and technical plans.

6.3.31 There were 10 exhibition boards produced for the events, which aligned with information in the consultation booklet; reflecting the level of information made available on the consultation website. Taking into account feedback received at the launch event (detailed later in this Chapter), an additional exhibition board relating to the environmental impacts and mitigation of the scheme was produced

and included for public events. A copy of the exhibition boards is provided at Consultation Report Appendix 6.15 (Document Reference 5.2).

6.3.32 A range of times and locations for the events were selected to help maximise the opportunities for all groups of people to attend, including during the evenings and a weekend.

6.3.33 Details of the public events are provided in Table 6-4.

**Table 6-4 Public events held during the 2019 statutory consultation**

Location	Date	Time
Gloucester Rugby Club, Kingsholm Road, Gloucester, GL1 3AX	Monday 30 September 2019	2pm to 8pm
National Star College, Ullenwood, GL53 9QU	Thursday 3 October 2019	1pm to 8pm*
Witcombe and Bentham Village Hall, Pillcroft Road, Witcombe, GL3 4TB	Saturday 5 October 2019	11am to 6pm
St Andrews Church Hall, Montpellier Street, Cheltenham, GL50 1SP	Monday 7 October 2019	11am to 6pm
Birdlip Church, Birdlip, GL4 8JH	Wednesday 9 October 2019	2pm to 8pm
Cirencester Town Council, Bingham House, 1 Dyer Street, Cirencester, GL7 2PP	Friday 11 October 2019	11am to 6pm
Churchdown Community Association, Parton Road, Churchdown, Gloucester, GL3 2JH	Tuesday 15 October 2019	2pm to 8pm

\*The event at the National Star College was published in the SoCC as due to end at 8pm, but this was stated in error as 7pm within the section 47 Notice, consultation booklet and consultation website. As a result, Highways England made arrangements with the College and kept this event open to 8pm as per the time stated in the SoCC.

6.3.34 There were 1,520 attendees to these events. Photographs of these events can be found in Consultation Report Appendix 6.16 (Document Reference 5.2).

## 6.4 Advertising and publicity of the consultation

6.4.1 In addition to the publication of a section 47 Notice and section 48 Notice as detailed earlier in this chapter, Highways England undertook various activities to promote the 2019 statutory consultation and to encourage participation. Members of the Communications TWG also promoted the consultation on behalf of Highways England, although this is not reported in this section.

### Posters

6.4.2 An information poster was designed to draw attention to the consultation and inform people of how they could get involved and have their say. It was sent out, either physically or digitally, to stakeholder groups who requested it, including 'hard to reach' groups, and some community groups to display in venues they use for community activities. A copy of the poster is provided in Consultation Report Appendix 6.17 (Document Reference 5.2).

### Media releases and press briefing

6.4.3 A press briefing was held on 26 September 2019 at National Star College. The media outlets and local press publications identified in the SoCC were invited to the briefing and interviews were conducted with senior members of the Highways England project team.

- 6.4.4 A media release was issued on 27 September 2019 to coincide with the launch of the consultation. A further release was issued during the consultation in October 2019 to encourage people to provide their feedback before the end of the consultation period.
- 6.4.5 The scheme received 13 pieces of media coverage in the first week of consultation, including BBC Radio Gloucestershire. The coverage was factual. There were 23 pieces of coverage across the remaining 5 weeks.

#### Stakeholder briefing

- 6.4.6 A stakeholder briefing event was held at National Star College on 26 September 2019, the day before the start of the formal consultation period.
- 6.4.7 Key and statutory stakeholders were invited along to this to review the consultation materials ahead of the public launch on 27 September 2019.

#### Pop-up information point

- 6.4.8 Alongside the three deposit points containing a copy of all the consultation materials, additional pop-up information points were provided where the public consultation booklet and feedback questionnaire were available to pick up throughout consultation. A list of the pop-up information points is provided in Table 6-5.

**Table 6-5 List of pop-up information points available during consultation (27 September 2019 and 8 November 2019)**

Location	Opening times
Brockworth Community Library, Moorfield Road, Brockworth, GL3 4ET	10am – 1pm and 2pm – 5pm: Monday to Wednesday 2pm – 5pm: Thursday 10am – 12.30pm: Saturday
Cheltenham Library, Clarence Street, Cheltenham, GL50 3JT	9am – 7pm: Monday to Friday 9am – 5.30pm: Tuesday and Thursday 9am – 4pm: Saturday
Churchdown Library, Parton Road, Gloucester, GL3 2AF	10am – 1pm and 2pm – 6pm: Tuesday 10am – 1pm and 2pm – 5pm: Wednesday to Friday 10am – 1pm: Saturday
Cirencester Library, The Waterloo, Cirencester, GL7 2PZ	9.30am – 5pm: Monday and Thursday 9.30am – 7pm: Tuesday and Friday 9.30am – 1pm: Wednesday 9.30am – 4pm: Saturday
Coleford Library, The Main Place, Old Station Way, Coleford, GL16 8RH	10am – 2pm: Monday and Saturday 10am – 7pm: Tuesday 10am – 5pm: Wednesday to Friday
Crickley Hill Visitor Centre, Crickley Hill, Birdlip, Gloucester GL4 8JY	8am – 5pm: Monday to Friday
Gloucester Library, Brunswick Road, Gloucester, GL1 1HT	9am – 7pm: Monday, Tuesday and Thursday 9am – 5.30pm: Wednesday to Friday 9am – 4pm: Saturday
Hucclecote Library, Hucclecote Road, Gloucester, GL3 3RT	9.30am – 12pm and 1pm – 4pm: Monday and Tuesday 9.30am – 12pm and 1pm – 5pm: Wednesday 2pm – 5pm: Thursday 9.30am – 12pm and 1pm – 7pm: Friday 10am – 4pm: Saturday

Location	Opening times
Moreton Area Centre, High Street, Moreton-in Marsh, Gloucestershire, GL56 0AZ	8.45am – 5pm: Monday to Friday 10am – 1pm: Saturday (until end of October)
National Star College, Ullenwood, GL53 9QU	8am – 9pm: Monday to Friday 8am – 6.30pm: Saturday
Stroud Library, Landsdown, Stroud, GL5 1BB	9.30am – 6:30pm: Monday and Friday 9.30am – 5pm: Tuesday and Wednesday 9.30am – 2pm: Thursday 9.30am – 4pm: Saturday
Tewkesbury Library, Sun Street, Tewkesbury, GL20 5NX	9.30am – 5pm: Monday and Friday 9.30am – 7pm: Tuesday and Thursday 9.30am – 1pm: Wednesday 9.30am – 4pm: Saturday

### Stakeholder media pack

- 6.4.9 A stakeholder information pack was sent out to third party advocates at the start, middle and end of the consultation period. The stakeholder pack provided them with information, suggested text, images and social media posts they could simply copy and paste to use in their social media posts and newsletters.
- 6.4.10 An example of these packs can be found at Consultation Report Appendix 6.10 (Document Reference 5.2).

### Social media

- 6.4.11 Highways England mobilised social media to circulate publicity about the consultation.
- 6.4.12 Social media signposting to the consultation website through the @HighwaysSWest Twitter account was used to raise awareness of the consultation, as well as providing outreach to third party advocates, and to help circulate consultation information on social media.
- 6.4.13 Highways England also paid for advertising on Facebook platforms targeted to a geographic area relevant to the scheme and focused on a youth to mid-life demographic, to help raise awareness of the consultation and encourage participation, taking into account efforts to involve hard to reach groups.
- 6.4.14 There were 47 social media mentions throughout the consultation; 9 positive, 12 negative and 26 neutral.
- 6.4.15 There was a supportive sentiment from Sir Geoffrey Clifton Brown MP, Laurence Robertson MP and Richard Graham MP. The MPs shared details of the consultation on their social channels and expressed support for the investment in the local area that the scheme represented.
- 6.4.16 Comments received on social media were not treated as consultation responses and have not been considered in the analysis of responses.

### Digital media

- 6.4.17 To capture a wider audience online, adverts were placed on the Gloucestershire Live website, the highest traffic external media website relevant to the scheme.
- 6.4.18 Screenshots of the adverts in place can be found at Consultation Report Appendix 6.18 (Document Reference 5.2).



### Consultation van

6.4.19 To capture a wider audience, a Highways England consultation van was driven to and set up at several strategic locations during the consultation, providing consultation documents and feedback questionnaires to take away. This also allowed people to speak with members of the project team. Table 6-6 provides details of where and when the van was operational.

**Table 6-6 List of consultation van events held during 2019 statutory consultation**

Location	Date	Time
Gloucester Business Park	17 October 2019	2pm-8pm
Cheltenham High Street (outside M&S)	18 October 2019	11am-6pm
Waitrose car park, Stroud	28 October 2019	10am-4pm
Mariner's Square, Gloucester	2 November 2019	10am-4pm
Cirencester Market Place	5 November 2019	9:30am-3:30pm
Mariner's Square, Gloucester	6 November 2019	10am-4pm

## **6.5 Conclusion**

6.5.1 This chapter has demonstrated that Highways England carried out the 2019 statutory consultation in accordance with the requirements of the Act and in accordance with published SoCC.

## 7 Summary of responses received to 2019 Public Consultation

### 7.1 Requirements of the Act

7.1.1 Section 49 of the Act sets out the duty upon the applicant to take account of responses to consultation and publicity. Under section 49(2) of the Act, the applicant must have regard to any relevant responses.

7.1.2 Section 49(3) of the Act further clarifies that ‘relevant responses’ means:

- *“(a) a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person’s case,*
- *(b) a response to consultation under section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or*
- *(c) a response to publicity under section 48 that is received by the applicant before the deadline imposed in accordance with section 48(2) in relation to that publicity.”*

7.1.3 This chapter provides an overview of the relevant responses received to the 2019 statutory consultation and provides an account of how Highways England has had regard to those responses. It therefore evidences that Highways England has complied with the requirements of section 49 of the Act with regard to the 2019 statutory consultation. The chapter is structured as follows:

- Section 7.2 provides a statistical overview of the different types of responses received and how they were analysed.
- Section 7.3 provides tables that outline the matters raised by consultees in response to the consultation and publicity, alongside a Highways England response to each matter raised to help demonstrate the regard had to every relevant response.
- Section 7.4 provides a summary of how the design of the scheme was amended following the consultation, including as a result of taking into account the responses to consultation and publicity. In doing so, this Section outlines the key outcomes of the 2019 statutory consultation and how it influenced the scheme’s design and Highways England’s decision making.

### 7.2 Statistical analysis

#### Number and format of responses

7.2.1 A total of 897 relevant responses were submitted to Highways England in response to the statutory consultation held between 27 September and 8 November 2019. That number includes responses received after the deadline (23:59 on 8 November 2019) which were accepted by Highways England on a discretionary basis.

7.2.2 Verbal comments or feedback provided at public information events or via other channels such as social media were not considered as a relevant response and as such have not been taken into account in the analysis. Anyone who attended a public information event was informed that they must submit relevant responses via the feedback questionnaire (hard copy or online) or by the feedback mechanisms set out in section 6.3 of this report, for them to be considered a relevant response and taken into account accordingly.

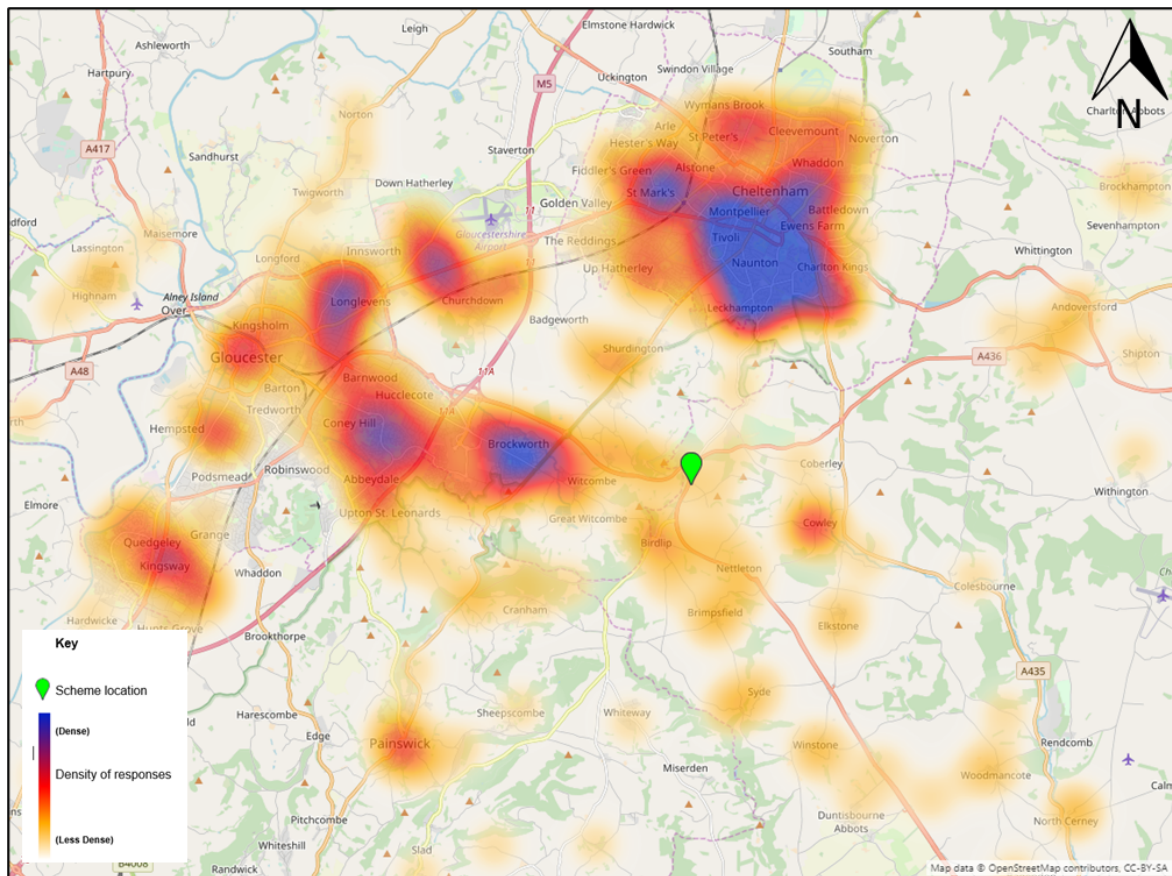
- 7.2.3 For example, social media platforms were only used to publicise the consultation and events, and comments posted on social media were not taken into account as relevant responses. Where possible, users of social media were encouraged to provide relevant responses via the promoted feedback mechanisms.
- 7.2.4 Responses were received through submission of the feedback questionnaire both online and via Freepost; by email; and, by letter. In total, the following number of responses were submitted through these methods:
- 772 returned questionnaires online or via the Freepost address;
  - 120 emails; and
  - 5 letters.
- 7.2.5 Table 7-1 provides a breakdown of the number of responses per consultee category. As all responses were received through the same channels (email or online feedback questionnaire) it is not possible to distinguish those which were responding specifically to section 47 or section 48 publicity.
- 7.2.6 It should be noted that some consultees were notified of the consultation under two different categories of the Act (e.g. they are both a PIL and an additional relevant organisation). For the purposes of this analysis, where such consultees submitted only one response, they have been counted under one category only in the table below, to avoid double counting. In such circumstances, the response has been assigned to the relevant category under section 42 in the first instance.
- 7.2.7 Where two separate responses were submitted by one consultee in relation to each category under which they were consulted, this has been counted separately if the nature of their responses were different and aligned clearly to each category. For example, Gloucestershire County Council responded jointly with the other 'host' local authorities under section 42(1)(b) and separately as a section 42(1)(d) PIL.

**Table 7-1 No. of responses per consultee category**

Consultee category	No. of responses
Section 42(1)(a) statutory consultees (including statutory undertakers)	21
Section 42(1)(b) Local Authorities	9
Section 42(d) people with an interest in the land (PILs)	20
Section 47 general public	794
Section 47 additional organisations	53

### **Geographic distribution of respondents**

- 7.2.8 Figure 7-1 represents an overview of the geographical distribution of respondents, utilising Highways England's data from its consultation software Citizenspace.
- 7.2.9 It should be noted that Figure 7-1 does not convey the full range of respondents' geographical locations and is instead focused on the scheme's regional extent, where the sources of responses were focused.
- 7.2.10 The greatest concentration of responses was those submitted by people within the vicinity of the scheme, particularly in Cheltenham, Gloucester and the villages closest to the scheme; Brockworth, Birdlip and Cowley.



**Figure 7-1 Geographic distribution of responses to 2019 statutory consultation**

### Consultation analysis method

- 7.2.11 In accordance with paragraphs 78 to 84 of the Department for Communities and Local Government (DCLG) (now Ministry of Housing, Communities and Local Government, MHCLG) guidance<sup>14</sup>, the relevant issues raised from section 47 general public responses (which formed the majority of all responses received) have been summarised. To capture and summarise each relevant issue from online or written feedback forms, letters, and emails, a process of analysis and coding has been undertaken.
- 7.2.12 For coding consultation responses, 21 topics were created. Of these 21 topics, 11 topics related directly to the published PEI report chapters, and 10 topics related to the most commonly cited issues raised at public information events. These topics are listed in Table 7-2.
- 7.2.13 In addition, each matter raised was categorised to the section of the scheme it related to, either: 'Climbing the escarpment', 'Repurposing the A417' or 'Shab Hill to Cowley junction'. Where the comment related to the overall scheme, or was not clearly related to a particular section, it was categorised as 'Scheme Wide'. The purpose of this categorisation was to aid presentation and understanding of the comments in this report by reflecting comments in the same way that the scheme was presented in the consultation material, and the way that the questions in the feedback questionnaire were structured.

<sup>14</sup> Department for Communities and Local Government (DCLG). Planning Act 2008: Guidance on the Pre-application Process. London, 2015

**Table 7-2 2019 consultation coding topics**

Topics	
PEI report related topics	Additional topic
Air quality	Anti-social behaviour
Cultural heritage	Consultation
Landscape and visual impact	Economics
Biodiversity	Engineering design
Geology and soils	Land ownership
Materials assets and waste	Legislation and policy
Noise and vibration	Population and human health- PRow
Population and human health- business and tourism	Principle of development
Population and human health- community impacts	Traffic and transport
Road drainage and the water environment	Walking, cycling and horse riders
Climate change	N/A

7.2.14 The following methodology was applied to the coding of responses:

- Each public consultation response was assigned a unique code. The comments were read and the matters raised were coded by location within the scheme and under the coding themes.
- Each separate matter raised was counted once per question in the feedback questionnaire. This means that if they raised the same matter against different questions, this was still counted each time. If it an email or letter was being coded, a matter raised was counted once per email or letter, provided they had not used the questionnaire format.
- Where an identical or materially similar matter was raised by more than one respondent, duplicate matters were archived and stored in a database. This means that a matter raised, as presented in section 7.3 of this report, may be a summary of a number of similar issues that have been raised in consultation responses.

7.2.15 This process created a log of all matters raised through the public consultation responses, categorised by the area of the scheme to which it relates and the topic code. These matters are presented in section 7.3 of this report and a Highways England response to all matters raised is provided.

7.2.16 The responses from the section 42(1)(a) prescribed consultees, section 42(1)(b) local authorities, section 42(1)(d) PILs and additional organisations were not coded with the public responses. Rather, they were read, and issues raised were summarised into tables per respondent. This is also presented in section 7.3 of this report.

### Key themes

7.2.17 This section provides an overview of key matters raised by the section 47 general public responses for each section of the scheme, as identified through the coding process.

7.2.18 Analysis shows that the most comments were made in relation to 'scheme-wide' matters. A similar proportion of comments were made in relation to both the Climbing the Escarpment and Shab Hill to Cowley Junction sections of the

scheme. The area with the least comments was the Repurposing the A417 section of the scheme.

#### Climbing the Escarpment

7.2.19 The greatest proportion of comments submitted in relation to the Climbing the Escarpment section of the scheme were on matters regarding its engineering design.

7.2.20 The next three most commonly arising topics were:

- Principle of development
- Traffic and transport
- Landscape and visual impact

#### Shab Hill to Cowley junction

7.2.21 The greatest proportion of comments submitted in relation to the Shab Hill to Cowley Junction section of the scheme were on matters regarding its engineering design.

7.2.22 The next three most commonly arising topics were:

- Traffic and transport
- Principle of development
- Landscape and visual impact

#### Repurposing the A417

7.2.23 The greatest proportion of comments submitted in relation to the Repurposing the A417 section of the scheme were on matters regarding the principle of development.

7.2.24 The next three most commonly arising topics were:

- Walking, cycling and horse riding
- Engineering design
- Traffic and transport

#### Scheme wide

7.2.25 The greatest proportion of comments submitted in relation to the overall scheme were on matters regarding the principle of development.

7.2.26 The next three most commonly arising topics were:

- Traffic and transport
- Noise and vibration
- Landscape and visual impact

### **7.3 Responding to feedback**

7.3.1 In accordance with section 49 of the Act, this section of the Report demonstrates in detail how Highways England has had regard to the matters raised within the relevant responses submitted to the 2019 statutory consultation.

7.3.2 The tables contained in Consultation Report Appendices 7.1 to 7.4 and referenced within this chapter provide:

- a) A summary of the matters raised by section 47 general public respondents and the Highways England response to these matters, in accordance with section 49 of the Act. This is separated into four tables relating to each section of the scheme (Appendix Tables 7.1A, 7.1B, 7.1C, 7.1D);
- b) A record of the responses received by section 42(1)(a) prescribed consultees and section 42(1)(b) local authorities and the Highways England response to these matters, in accordance with section 49 of the Act (Appendix Table 7.2);
- c) A record of the responses received by section 42(1)(d) PILs and the Highways England response to these matters, in accordance with section 49 of the Act (Appendix Table 7.3); and
- d) A record of the responses received by section 47 additional organisations and the Highways England response to these matters, in accordance with section 49 of the Act (Appendix Table 7.4).

7.3.3 Following the 2019 statutory consultation, design changes were made to the scheme. These took into account feedback from the consultation and ongoing engagement with stakeholders and landowners, as well as results from emerging environmental survey data and technical assessment work. Where a matter raised in the consultation feedback subsequently related to a design change, this is identified in the tables. Where matters raised during statutory consultation have not resulted in a design change, Highways England has provided justification for this decision.

7.3.4 For ease of understanding, a summary of the design response to the 2019 statutory consultation is provided in section 7.4 of this report. It identifies the key design changes that were made and explains the reasoning behind them, including where this was because of consultation feedback. It also identifies the design suggestions or requests that Highways England received from the consultation feedback, but which did not result in a change to the design. A justification for not implementing these changes is also provided.

## **7.4 Design response to the 2019 statutory public consultation**

7.4.1 As part of the analysis of consultation responses submitted during the 2019 statutory consultation, Highways England discussed and then agreed or rejected suggested design changes.

7.4.2 Design changes suggested in response to the public consultation were carefully considered and assessed by specialists involved in the design, including environmental, engineering and construction experts. Some of the more significant changes made or not made, and why, are summarised below. For a full response to feedback, please refer to the tables provided in the preceding section 7.3 of this report.

7.4.3 It should be noted that design changes to the scheme have also been influenced outside of statutory consultation through ongoing engagement with stakeholders and landowners, emerging environmental survey data and technical assessment work. An account of the development of the scheme and all design changes made is provided in ES chapter 3 Assessment of Alternatives (Document Reference 6.2).

## **Design changes made and why, following the 2019 statutory public consultation**

- 7.4.4 The feedback received to the 2019 statutory consultation, as well as other factors outlined above, resulted in Highways England concluding that changes to the scheme design were required.
- 7.4.5 The changes made to the scheme sought to further enhance local connectivity and accessibility and reduce or improve the scheme's impact on communities, the environment, and the local landscape.
- 7.4.6 Highways England considered that the more significant changes should be subject to supplementary statutory consultation to help enable members of the public and landowners to have their say on the design changes.
- 7.4.7 It should be noted that as a result of the supplementary consultation in 2020, some of the changes to the scheme that were made following the 2019 statutory consultation, and described below, were subsequently amended further. The descriptions below in chapter 7 of this report are therefore of the design at that time and do not necessarily reflect the design which is now subject to the DCO Application. Please refer to chapter 10 of this report for further information about the supplementary public consultation held in 2020 and the design changes that followed, which do now reflect the design which is subject to the DCO Application.
- 7.4.8 A summary of the principal design changes made following the 2019 statutory consultation is provided below.

### Removal of the green bridge at Crickley Hill

- 7.4.9 The concept of the green bridge grew out of the need to enable users of the Cotswold Way National Trail to safely cross the A417, and allowed Highways England to explore opportunities to integrate the landscape and connect wildlife habitats on either side of the new road.
- 7.4.10 Highways England had considered width in the design of the bridge that was presented at the 2019 statutory consultation, and had concluded that the proposed width (in the region of 40m) would be appropriate for its function as a mixed-use green bridge, whilst also balancing environmental impacts associated with the construction of the bridge. A wider bridge would have required more land take to accommodate the bridge, resulting in a more significant environmental impact, particularly on the sensitive Crickley Hill and Barrow Wake Site of Special Scientific Interest (SSSI) on both sides of the main A417 carriageway.
- 7.4.11 Highways England reconsidered the concept and location of the green bridge following the results of further ecological survey information and feedback received to the 2019 statutory consultation, including from affected landowners.
- 7.4.12 While there was overall support for the principle of the green bridge, a significant number of comments related to the scale and design of the bridge.
- 7.4.13 Some respondents suggested that the proposed green bridge should be wider to effectively achieve its functions of landscape and habitat connectivity and to mitigate severance of PRoW. Concern was raised over how these different functions would be delivered through the design, as proposed. However, some respondents raised concerns over the impacts of the bridge, as proposed, on the environment. Significant concerns were raised about its location, purpose, scale and visual impact, and its effect on veteran trees and the SSSI.



- 7.4.14 Given that concerns were raised about the environmental and land take impacts of the proposed green bridge, Highways England concluded that increasing its width further would not be an appropriate response to the feedback. On reflection, Highways England removed the green bridge from the scheme; reducing impacts of the scheme on Crickley Hill Country Park, Crickley Hill and Barrow Wake SSSI and nearby veteran trees.
- 7.4.15 Following its removal, Highways England looked at how best to meet the needs that the green bridge was to provide, as well as to meet the scheme objectives and landscape vision. It was determined that alongside other measures, the provision of two separate crossings within the scheme, the Cotswold Way crossing and the Gloucestershire Way crossing, would deliver these outcomes and address the concerns associated with the previous design. In addition, the proposed Stockwell and Cowley overbridges will be planted with hedgerows, which will help connect habitats and integrate them into the landscape. There is also a proposed new Crickley Hill bat underpass near Dog Lane to improve habitat connections, and an underpass with a new bridleway connecting to Cold Slad Lane. To further improve habitat connections, the scheme will also link and restore more hedgerows, create more woodland and plant more locally appropriate grassland, as well as provide additional habitat for rare and protected local wildlife.

#### Cotswold Way crossing

- 7.4.16 A new crossing of approximately 5m width near to Emma's Grove was added to the scheme following the removal of the green bridge. The primary purpose of this crossing is to enable users of the Cotswold Way National Trail to safely cross the A417, meaning that users of the trail would no longer have to walk down the hill to the Air Balloon roundabout and cross the busy and noisy A417. It would therefore provide a safe, segregated crossing and at a location more aligned with the historic route of the existing trail than the previously proposed green bridge.
- 7.4.17 The Cotswold Way crossing would be suitable for walkers, cyclists and horse riders, including disabled users. It would also be wide enough to be used as a cattle crossing, as requested by local farmers.
- 7.4.18 In reconnecting the Cotswold Way National Trail, the Cotswold Way crossing would provide better links to Emma's Grove, the Gloucestershire Way and the proposed new Air Balloon Way (part of the repurposed A417 proposed to become a walking, cycling and horse riding route referred to as the 'Air Balloon Way'.)
- 7.4.19 Highways England determined that the design and materials of the new crossing should be sympathetic to the local landscape and would incorporate a viewing platform for people to enjoy views of the Cotswolds AONB and over the Severn Vale.

#### Gloucestershire Way crossing

- 7.4.20 A second new crossing of approximately 25m<sup>15</sup> was added to the scheme, to the west of Shab Hill junction, following the removal of the green bridge. A requirement for a crossing in this location was determined for two reasons. First, as a result of ecological survey data for badgers, bats and barn owls, it was identified that an ecological crossing would be needed to mitigate the effects of

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<sup>15</sup> Note that this approximate width was subsequently changed following the 2020 supplementary statutory consultation. Please see Chapter 10 for more information.

the scheme and help such species cross the new A417 safely. Second, it was identified that a crossing in such a location would provide an opportunity for a safe, segregated crossing of Gloucestershire Way footpath. It was considered that this would better follow the historical alignment of the Gloucestershire Way and avoid the need for users to navigate the Shab Hill junction, as proposed in the 2019 consultation scheme design.

- 7.4.21 The proposed new Gloucestershire Way crossing would be for walkers, cyclists and horse riders, including disabled users. It would also provide planting such as hedgerows to enable species to cross safely. In creating a multi-purpose crossing, the Gloucestershire Way crossing would be wide enough to accommodate and separate wildlife and people.
- 7.4.22 In addition to the purpose of the crossing for wildlife and non-motorised users, it was considered that the addition of the Gloucestershire Way would have benefits to meeting the landscape vision of the scheme by reconnecting key landscape features in the area including Ullen Wood, Emma's Grove and the proposed repurposed A417 (including the Air Balloon Way).
- 7.4.23 It should be noted that this crossing has been further changed in response to feedback received in 2020 supplementary statutory consultation, as explained in chapter 10 of this report.

#### Change in gradient of the A417 as it climbs the escarpment near Crickley Hill

- 7.4.24 The scheme design presented at the 2019 statutory consultation included a reduction in the existing A417 gradient at Crickley Hill from 10% to 7%. This was proposed to improve safety and congestion, however concerns were raised in response to the consultation, including from statutory environmental stakeholders, that the depth of the cutting required (up to 25m) to deliver the 7% gradient would result in significant environmental effects. In particular, concern was raised around: the potential for a surplus of excavated material requiring disposal; of the visual landscape impact; and of the impacts to groundwater.
- 7.4.25 Having considered this feedback and undertaking further technical assessment, Highways England concluded that a change in the proposed gradient, from 10% to 8% rather than 7% as was previously proposed, would address these environmental concerns whilst still delivering the road safety and traffic flow benefits. The benefits of this change include:
- a) reduction in the required cutting depth from approximately 25m to 15m;
  - b) reduced visual intrusion on the Cotswolds AONB and Emma's Grove scheduled monument;
  - c) reduced effects on groundwater;
  - d) reduced effects on geological features at Crickley Hill and Barrow Wake SSSI;
  - e) reduced impacts on valuable agricultural land;
  - f) a reduction in the amount of material requiring excavation by around one million cubic metres. This would have related benefits of reducing the number of construction vehicles required and the impact on local waste management facilities;
  - g) remove the need for around 1,200 metres of retaining walls, therefore reducing the construction carbon footprint of the scheme;
  - h) reduced impact of the scheme on veteran trees in the area;
  - i) reduced impacts for local properties via construction noise; and
  - j) a reduction in the construction period by up to six months, meaning less disruption for residents and users of the A417.

- 7.4.26 Related to the decision to change the gradient of Crickley Hill is another design change implemented for the access to Grove Farm. In the scheme presented at the 2019 statutory consultation, access to the Grove Farm property was proposed to be via left-in, left-out junction on the A417 main carriageway (or 'mainline'). Concerns over the safety of this junction were raised by several stakeholders in response to the consultation, including the local highways authority.
- 7.4.27 As a result of the feedback, and the decision to change the gradient to 8% on the main carriageway, it was decided to amend this access as part of the proposals. The revised design removes the direct access from Grove Farm onto the A417, instead providing access via an underpass on Cold Slad Lane.

#### Eastbound climbing lane

- 7.4.28 Some respondents raised concerns that the layout of the scheme could be unsafe in the area of Shab Hill junction. In particular, there was concern that the climbing lane provided for eastbound traffic climbing up the escarpment would end prematurely, creating a requirement for an additional traffic movement (to merge), within close proximity of further traffic movements at Shab Hill junction. It was suggested that the climbing lane should extend further along the main carriage way, possibly beyond Shab Hill junction, to enable vehicles in this lane to build speed and merge effectively.
- 7.4.29 Taking into account this feedback, Highways England reconsidered the layout of the scheme in the vicinity of Shab Hill junction. Subsequently, the design was modified to ensure the merge from lane 3 to lane 2 would occur prior to the eastbound merge from Shab Hill junction. This revised eastbound merge would merge approximately 200m further east than proposed in the scheme presented at the 2019 statutory consultation. This would therefore separate these manoeuvres and help ensure safe operation of the road. The proposed layout would provide sufficient opportunity for slower vehicles to reach an appropriate speed before vehicles merge from the eastbound merge of Shab Hill junction. The termination of the climbing lane is fully compliant with design standard, DMRB CD109<sup>16</sup>.

#### Design of Cowley junction

- 7.4.30 The design of the scheme presented at the 2019 statutory consultation included provision at Cowley junction for access between Cowley and the A417 via Cowley Wood Lane. However, many comments were received in response to the consultation that highlighted concerns that there would be an increase in traffic and 'rat running' on Cowley Wood Lane, which is a narrow, single-lane road.
- 7.4.31 Additionally, it was raised that an increase in traffic would cause disruption in Cowley village.
- 7.4.32 As a result, Highways England reassessed the need for this access and decided to amend the design of the junction to prevent vehicles from access Cowley Wood Lane. Access would, however, be retained along Cowley Wood Lane for local properties (with any potential enclosures to be subject to discussion and agreement at the detailed design stage), as well as a route for walkers, cyclists and horse riders, including disabled users.

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<sup>16</sup> <https://www.standardsforhighways.co.uk/prod/attachments/c27c55b7-2dfc-4597-923a-4d1b4bd6c9fa?inline=true>

### The re-routing of the B4070 to Birdlip via Barrow Wake

- 7.4.33 The B4070 provides a road link between Birdlip village and the A417. The design of the scheme presented at the 2019 statutory consultation proposed to join the B4070 to the new A417 via some fields near Barrow Wake and along an existing narrow lane in the vicinity of Birdlip Radio Station. In response to the statutory consultation, there was some concern raised around the impacts of this routing because it would cross the proposed repurposed A417 and would result in the loss of agricultural land.
- 7.4.34 Although not directly related to the scheme, comments were also received that raised concerns about the issue of anti-social behaviour at Barrow Wake car park and which suggested that the scheme could be an opportunity to help to address this, as well as to improve facilities and access to Barrow Wake.
- 7.4.35 Having considered this feedback, and undertaking further technical assessment, Highways England decided to amend the design of the B4070 road to Birdlip by rerouting it near the entrance of Barrow Wake car park and along the existing road to Birdlip. It is proposed to use an existing underpass and Barrow Wake's access road to replace the existing T-junction with a new, safer roundabout. This change would mean that the B4070 would no longer cross the repurposed A417, and the new roundabout would help slow traffic, increase the natural surveillance of the area and make Barrow Wake a more welcoming place to visit.

### Improvements for walkers, cyclists and horse riders including disabled users

- 7.4.36 Feedback on the proposals for the PRoW network was provided through responses to the statutory consultation, including from members of the Walking, Cycling and Horse riding TWG. While many comments were supportive of the proposals presented in the 2019 statutory consultation, there were also comments which sought further improvement or amendment to the proposals, and which highlighted the importance of the area for such users.
- 7.4.37 In addition to the new crossings proposed for the Cotswold Way and the Gloucestershire Way, Highways England decided to make several amendments to the proposals for the PRoW network. This included but is not limited to:
- provision of an underpass at Grove Farm with a new bridleway connecting Cold Slad Lane;
  - the creation of a new bridleway connection for people between Dog Lane and Cold Slad Lane, which would improve pedestrian links between Brockworth and Nettleton Bottom via Crickley Hill, the Cotswold Way crossing and the Air Balloon Way;
  - the connection of local lanes to the wider walking, cycling and horse riding network including new byways open to all traffic; and
  - the addition of new parking provision near to the Golden Heart Inn, including horse box spaces and disabled parking spaces, to improve access to the area and the Air Balloon Way.
- 7.4.38 Some of the amendments made to the PRoW network design were also implemented to reduce or avoid impacts on the SSSI. Additional landscape bunds were also introduced to reduce road noise impacts on local residents and users of the PRoW network.
- 7.4.39 Full details of the proposals for walkers, cyclists and horse riders is provided in the PRoW Management Plan at Annex F of ES Appendix 2.1 Environmental Management Plan (Document Reference 6.4).

### Environmental mitigation

- 7.4.40 Some of the responses to the statutory consultation raised concern over the potential environmental effects of the scheme. Following the 2019 statutory consultation, Highways England undertook further environmental assessment, including taking into account the results of ongoing environmental surveys, and made some modifications to the design of the scheme and its environmental mitigation to further meet the scheme objectives and landscape-led vision. This included but is not limited to:
- a) the addition of earth banks and extra trees, which would reduce the visual impact of the A417;
  - b) improvement to the way the new Air Balloon Way would be integrated into the landscape by restoring or building new Cotswold drystone walls and planting of hedgerows, woodland and areas of native grassland;
  - c) increasing protection of veteran trees; and
  - d) reduction of the number of walking, cycling and horse riding routes through the SSSI.
- 7.4.41 Specifically in relation to biodiversity, Highways England amended the scheme to further increase opportunities to maximise biodiversity delivery on the land available, such as additional planting of new woodland, grassland, trees and hedgerows to help preserve and create additional habitats in the local area and improve habitat connectivity. This included amending the design of the proposed Stockwell and Cowley overbridges to include planting of hedgerows, to help connect habitats and integrate them into the landscape. A new Crickley Hill bat underpass near Dog Lane was also added to the scheme following the 2019 statutory consultation, to improve habitat connections.

### Landowner requests

- 7.4.42 Feedback from PILs was received in response to the 2019 statutory consultation, including through consultation meetings with the Highways England team, and through other engagement undertaken outside of formal consultation periods.
- 7.4.43 Highways England considered any requests made, and concerns expressed, when reviewing the scheme design following the 2019 statutory consultation. Amendments were made to the scheme design to accommodate this feedback where possible. Whilst a detailed summary of design changes including minor changes is provided in ES chapter 3 Assessment of Alternatives (Document Reference 6.2), some of the more notable amendments are highlighted below:
- a) The B4070 and western roundabout of Shab Hill Junction were moved approximately 30m further north to mitigate the effects of the scheme on local properties in response to concerns raised by residents of these properties. This movement places the roundabout and associated section of the B4070 in a cutting, to screen the roundabout and traffic from the properties;
  - b) The A436 link road and private access road running parallel to Rushwood Kennels was moved west, further away from the property, and landscape and noise bunding was been introduced to further reduce effects. This reduced the amount of land required;
  - c) A roadside bay was added to provide safe parking for Air Balloon Cottages;
  - d) The route of the bridleway that currently runs through the Fly Up bike park business was altered to avoid the business and the scheme works were amended to avoid all but one of the existing downhill tracks;

- e) Addition of access track to Fly Up bike park and provision of new mitigation parking to provide continuity of access to the business during construction;
- f) Adjustments to access roads to enable Heavy Goods Vehicles (HGVs) to access landowner properties where required;
- g) Relocation of drainage basin to the western end of the scheme to the south of the A417 carriageway to avoid land take and to avoid interruption to domestic drainage arrangements; and
- h) Deletion of a PRow route from Barrow Wake car park to the Air Balloon Way to avoid impacts to Gloucestershire Wildlife Trust land.

7.4.44 In addition to the changes to the design of the scheme, where possible, Highways England sought to minimise or remove land take to avoid impacts on landowners, adjusting the boundary of the DCO scheme to do so.

#### **Design changes not made and why, following the 2019 statutory public consultation**

- 7.4.45 Some matters raised in response to the 2019 statutory consultation related to suggested changes to the scheme design that were given due consideration by the Highways England project team, but which ultimately did not result in a design change. Such suggestions were assessed to ascertain their feasibility and overall benefits taking into account factors such as environmental impact, traffic, cost, and land take.
- 7.4.46 A summary of the principal matters raised that did not result in a design change in response to the consultation are provided below.

#### Additional lanes climbing the escarpment

- 7.4.47 A concern raised by some respondents to the 2019 statutory consultation was that additional lanes should be provided on the A417 main carriageway on the 'climbing the escarpment' section of the scheme. It was considered by some that this should be provided to withstand future increases in traffic and improve resilience in the event of a broken-down HGV. It was also suggested that there should be a compulsory climbing lane for slower vehicles when travelling up the escarpment towards Shab Hill junction.
- 7.4.48 The scheme as presented at the 2019 statutory consultation included three lanes going up the escarpment, including a climbing lane to help HGVs, and two lanes for traffic travelling down the escarpment.
- 7.4.49 Highways England is looking into the possibility of making the climbing lane compulsory for slower vehicles such as HGVs and proposes to ban HGVs from the outside lane of the escarpment. That could be progressed through Traffic Regulation Orders. However, traffic modelling does not support the addition of more lanes than what has been proposed, as there is a sufficient design to respond to the forecast requirement for such capacity.
- 7.4.50 Given the likely additional environmental and landscape impacts of constructing more lanes than currently proposed, Highways England has determined that there is not a sufficient justification to make such a change, and therefore this suggestion has not been taken forward for inclusion in the scheme design.
- 7.4.51 More information on the traffic modelling for the scheme is included in the Combined Modelling and Appraisal Report (Document Reference 7.6).

### Tunnel / cut and cover solution

- 7.4.52 Some respondents considered that the scheme should not be a surface route and should instead be delivered as a tunnel or 'cut and cover' solution. While Highways England acknowledges the suggested alternative approach to delivery, tunnel routes were discounted following an options assessment process, largely due to their cost, environmental effects and poor value for money. As set out in the Technical Appraisal Report (Document Reference 7.9), the route options assessment and selection process considered 30 possible routes which included surface routes and tunnel routes, with tunnels of varying lengths considered. The Technical Appraisal Report was published as part of the 2018 non-statutory route options consultation to help inform consultees of this process, as summarised in chapter 3 of this Report. Highways England concluded its route selection process at the announcement of Option 30 as the preferred (surface) route in March 2019, publishing the Scheme Assessment Report (Document Reference 7.4) summarising why this route was selected.
- 7.4.53 Whilst recognising the conclusions of the route selection process, a number of respondents, including some of the environmental stakeholders in the area, queried whether a partial tunnel design could be incorporated into the Option 30 alignment through the use of a 'cut and cover' method. It was suggested that this could be delivered between the proposed green bridge and before Shab Hill junction, such that the cutting proposed in this area would be covered with 'a lid' of material won from excavation. It was considered by some of the respondents that this would provide landscape and ecological connectivity benefits between Crickley Hill and Barrow Wake SSSI and would not be as expensive as a full tunnel. Some stakeholders also considered that this design would help avoid the demolition of the Air Balloon pub.
- 7.4.54 A cut and cover solution would require a wide land envelope to build it, with significantly increased land take, cost and environmental impacts. In particular there would be likely significant effects on cultural and heritage features, the water environment, and with the necessary change in gradient of Crickley Hill to around 5% there would be a significant soil impact with surplus materials requiring off-site disposal, resulting in a significant impact on carbon through construction.
- 7.4.55 In addition, Highways England considers that a cut and cover design would not address concerns over the loss of the Air Balloon pub, which would still require demolition given the cover would be preceded by a cut.
- 7.4.56 The project team has carefully considered and discussed this matter with stakeholders; current positions are reflected in Statements of Common Ground with CCB and the WCH TWG in particular (see Statement of Commonality, Document Reference 6.3 for more information). Highways England has presented its assessment of tunnel options in the Technical Appraisal Report (Document Reference 7.9) and ES chapter 3 Assessment of Alternatives (Document Reference 6.2).

### Alternative arrangements for the A436 link road and A436 junction

#### *Alternative 1, 2 and 3 of the A436 link road*

- 7.4.57 At the 2019 statutory consultation, Highways England asked respondents for their feedback on the selection of 'Alternative 2' as the preferred route for the A436 link road. A range of comments were submitted on this matter, with support for all

three options expressed through the responses received. Taking into account this feedback and further technical assessment, Highways England has chosen to proceed with Alternative 2 for the design of the A436 link road as it is the best performing design overall. Highways England has since engaged with stakeholders to help refine this route.

*Routing and capacity of the A436 link road and A436 junction*

- 7.4.58 A substantial number of respondents to the consultation raised concern about the impact of the A436 link road on journey times and routing. It was identified that drivers seeking to travel between the A436 and the west (e.g. to Gloucester or the M5) and vice versa would be required to 'go back on themselves' via Shab Hill junction and the A436 link road, compared to the existing arrangement at Air Balloon roundabout. It was suggested that a more direct route should be provided.
- 7.4.59 A review of a more direct route for the A436 was undertaken during design development, however, it was concluded that this would not be possible to achieve safely requirements. Due to the horizontal curvature and the level differences between the A436 and the proposed section of the A417, road gradients in excess of 10% would be likely. This would not be compliant with current design standards and practices which have been developed with the intention to provide road layouts with a high level of safety during operation. The route provided via Shab Hill junction would provide an appropriate and safe connection to the existing A436 and Leckhampton Hill, and onward to the A40 toward Oxford.
- 7.4.60 Concern was also raised by some respondents that the new A436 roundabout (Ullenwood junction) wouldn't be able to accommodate future traffic levels and should be increased in size and capacity. Related to this was concern that traffic levels on the A436 would increase as a result of the scheme.
- 7.4.61 Highways England carried out traffic modelling to inform the scheme design presented at the 2019 statutory consultation, and to understand its likely effects on traffic. All new roads including the A436 link road and A436 junction have been designed to accommodate forecast 2041 traffic flows, including HGVs. They have been designed to the latest standards to help ensure sufficient capacities, widths, run offs and turning radii are provided.
- 7.4.62 The traffic modelling undertaken by Highways England shows that as a result of the scheme, there would be a decrease in traffic on the A436, as vehicles would redistribute to the A417 following improvements to the road. The traffic modelling also shows that as a result of the scheme, the amount of traffic passing through the upgraded and relocated Ullenwood junction would decrease considerably; freeing up capacity, reducing delays and improving overall journey time reliability for all movements.
- 7.4.63 However, it is recognised that there would be variations in how the scheme would affect journey times on the A436, depending on the direction and time of travel.
- 7.4.64 For example, journey times for those travelling between the A436 and Gloucester/M5 will increase at some times of the day, and in some directions, and decrease at others. For those travelling towards Cheltenham/Stroud, there will be a decrease in journey times on the A436 in comparison a scenario without the scheme.



- 7.4.65 Following the 2019 statutory consultation, Highways England has continued to update the traffic modelling and it is still considered that the design proposed for the A436 link road and junction would be sufficient and appropriate for the forecast traffic flows, as well as being in line with highways design standards for safety.

#### Impacts of Barrow Wake car park

- 7.4.66 Some respondents raised concern about an existing issue of anti-social behaviour at Barrow Wake car park. Some respondents also raised concern about the impacts of the existing car park on the SSSI. It was requested that the A417 scheme include measures to remove or relocate the car park entirely or introduce additional measures to address this problem.
- 7.4.67 While Highways England recognises concerns relating to anti-social behaviour at Barrow Wake car park, addressing such issues is a matter for the Gloucestershire police and Gloucestershire County Council. However, as set out in the preceding section, Highways England did choose to amend the B4070 following the 2019 statutory consultation in a manner that it is considered could increase natural surveillance of the Barrow Wake car park and help to deter anti-social behaviour.
- 7.4.68 Highways England has offered the relevant stakeholders involved in the ownership and operation of the car park help to inform or facilitate any discussions about any changes that might be proposed to the Barrow Wake car park outside of the A417 scheme. 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.

#### Noise concerns on A417/A419 south of Cowley junction.

- 7.4.69 A significant number of concerns were raised about the existing issue of road noise on a stretch of the A417/A419 south of Cowley junction, which has a concrete road surface. It was considered that this issue may be worsened as a result of the A417 Missing Link scheme and it was therefore suggested by respondents that a low noise road surface should be applied to this section of road, as part of the scheme.
- 7.4.70 Taking into consideration the tranquil quality of the Cotswolds AONB, Highways England is proposing to implement a low noise tarmac surface for the scheme. However, it is outside of the scope of the scheme to implement measures to address pre-existing issues in locations outside of the DCO Boundary, such as south of Cowley junction.
- 7.4.71 Highways England has included this section of road within the analysis of traffic changes associated with the scheme, as reported in chapter 11 of the Environmental Statement. It has found that for properties close to the concrete section of the A417/A419 between Daglingworth and Latton, predicted traffic noise increases after the scheme opens would not exceed 0.5dB in the short term (i.e. opening year, 2026) and just over 0.5dB(A) in the long term (2041). Noise changes of less than 1dB in the short term and 3dB in the long term are classified as negligible. In the absence of the scheme, the assessment concluded that the long-term noise changes due to traffic growth would be around 0.5dB, and therefore little different to the scenario with the scheme in place.

- 7.4.72 Taking into account the factors outlined, Highways England concluded that the request for resurfacing of the A417/A419 south of Cowley could not be implemented as part of the scheme.

#### Additional crossings of the A417

- 7.4.73 Some respondents have asked for additional crossings of the A417 to the west of the scheme near Dog Lane, seeking to address severance or fragmentation of rights of way resulting from the previous road scheme (and exacerbated by historical traffic growth).
- 7.4.74 These requests have been carefully considered and Annex F of ES Appendix 2.1 Environmental Management Plan (Document Reference 6.4) incorporates the Public Rights of Way Management Plan, which sets out the mitigation and enhancement for WCH and other users of rights of way/highway with public access. That includes a Grove Farm underpass, providing a new safe crossing of the A417 to the west of the scheme. An assessment has been undertaken and shared with the Walking, Cycling and Horse riding TWG as to why further provision of a grade separated crossing further west of the Grove Farm underpass will not be provided. That concludes it is not feasible or reasonable to do so on engineering, environmental and economic grounds.

#### Avoiding impacts to the Air Balloon public house

- 7.4.75 Some respondents expressed concern and disappointment about the demolition of the Air Balloon public house and requested that an alternative solution be found which would avoid this loss. Some comments suggested that the history behind the name of the public house should be preserved or represented in some way as part of the scheme.
- 7.4.76 Wherever possible, Highways England has worked to avoid the need to demolish property or businesses during scheme design, however Highways England considers the need to demolish the Air Balloon public house is unavoidable in order to deliver the scheme. It is also recognised that some respondents have suggested that a cut and cover design would eliminate the need to demolish the public house. As set out elsewhere in this section of the Report, such a design or outcome is not considered feasible by Highways England.
- 7.4.77 The consideration of the Air Balloon public house and its demolition is considered in ES chapter 6 Cultural Heritage and ES chapter 12 Population and Health (Document Reference 6.2). Whilst it is recognised that the Air Balloon public house is not a Listed Building, Highways England recognises its value to the community and as such would undertake detailed historic building recording as part of the mitigation of the scheme by means of photographic and measured survey.
- 7.4.78 Such detailed recording would not typically be undertaken for a building of this nature but after taking into account feedback from local people, Highways England is proposing this to be secured by a requirement in the DCO and is set out in ES Appendix 2.1 Environmental Management Plan: Annex C Detailed Archaeological Mitigation Strategy and Overarching Written Scheme of Investigation (WSI) (Document Reference 6.4)
- 7.4.79 Recognising that the public house was named after one of the first British balloon flights, Highways England decided, after the 2019 statutory consultation, to call the section of repurposed A417, between the proposed new parking area near the

Golden Heart Inn and Barrow Wake, the Air Balloon Way. This name was subsequently taken forward in all communication about the scheme.

#### Details of surfacing, signage and enclosures

- 7.4.80 Many comments were received requesting more detail about the scheme design, including the surfacing, signage and enclosures, particularly in relation to the proposals for the PRow network. Several comments included suggestions for preferred materials and finishes.
- 7.4.81 Highways England recognises these requests; however, such detail is not included in the scheme design at this preliminary stage. Should the scheme proceed to construction, there would be a detailed design stage, when surfacing, signage and enclosures alongside other detailed matters would be discussed and agreed. Highways England will consult with Gloucestershire County Council and other interest groups as appropriate. This has been included as a commitment in the Public Rights of Way Management Plan (Annex F of the Environmental Management Plan) submitted with the DCO Application.

## **7.5 Summary**

- 7.5.1 This chapter has provided a summary of the relevant responses received to the 2019 statutory consultation and has demonstrated that Highways England has had regard to these responses in accordance with section 49 of the Act. While not all feedback resulted in changes to the scheme, it is evidenced that substantial changes were made to the scheme design following the 2019 statutory consultation, having taken into account the comments received. Furthermore, where comments did not result in a change to the design, Highways England has provided a reasoned justification for its decision making.
- 7.5.2 The changes made to the scheme following the 2019 statutory consultation led Highways England to conclude that a further supplementary statutory consultation should be undertaken to seek feedback from consultees on the changes. The approach to the 2020 supplementary statutory consultation, a summary of the response received, and an account of how Highways England had regard to the matters raised, is set out in the following chapters 8 – 10 of this report.

## 8 2020 Statement of Community Consultation (SoCC)

### 8.1 Requirements of the Act

8.1.1 This chapter includes details of how the 2020 SoCC was prepared, consulted on and published following the process set out in section 47 of the Act, prior to commencing supplementary statutory consultation for the scheme. Please refer to Chapter 5 of this report for the relevant section the Act and its requirements in relation to preparing a SoCC.

### 8.2 2020 SoCC

8.2.1 As set out in Chapter 5 (2019 SoCC), the purpose of the 2020 SoCC was again to set out how Highways England would consult with the local communities likely to be affected by the proposed development. It sought to set out a consultation methodology that was effective and appropriate to the local context, and which fully complied with the statutory requirements and government guidance on pre-application consultation for NSIPs.

8.2.2 Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council are the relevant section 43(1) host local authorities in relation to the scheme.

8.2.3 Further to the 2019 SoCC, Highways England met with council officers to discuss the preparation of the 2020 SoCC and to allow for early input into the content, including a review of how previous consultations had been undertaken and any lessons learned that could be used for the supplementary statutory consultation. Due to COVID-19 and social distancing guidance at the time, these meetings were held virtually. A summary of the meetings held is provided in Table 8-1.

**Table 8-1 Schedule of meetings held with s43(1) councils during 2020 SoCC process**

Date	Purpose and outcome
30/07/2020	<p>Highways England met with Gloucestershire County Council to present the proposed SoCC and the consultation proposals. Highways England presented a scheme update, a summary of the design changes that were being consulted on, a summary of the intent of the SoCC and the timeline for production of the document. This was an opportunity for Highways England to gain valuable insight from Gloucestershire County Council into how to best engage with the local communities, especially with reference to the ongoing global health pandemic (COVID-19). Highways England was able to include this insight and any requests from this early engagement in the draft SoCC.</p> <p>The Council was supportive of the regard had to the ongoing pandemic and community safety, and supported the use of a digital-first approach in this instance. They also advised of the range of channels they could use to help widen the reach of audiences informed about the consultation, such as their own A417 Missing Link website, Council social media channels and subscriber updates.</p>

Date	Purpose and outcome
31/07/2020	<p>Highways England met with Cotswold District Council to present the proposed SoCC and the consultation proposals. Highways England presented a scheme update, a summary of the design changes that were being consulted on, a summary of the intent of the SoCC and the timeline for production of the document.</p> <p>This was an opportunity for Highways England to gain valuable insight from Cotswold District Council into how to best engage with the local communities, especially with reference to the ongoing global health pandemic (COVID-19). Highways England was able to include this insight and any requests from this early engagement in the draft SoCC.</p> <p>The Council was supportive of the regard had to the ongoing pandemic and community safety, and supported the use of a digital-first approach in this instance.</p>
03/08/2020	<p>Highways England met with Tewkesbury Borough Council to present the proposed SoCC and the consultation proposals. Highways England presented a scheme update, a summary of the design changes that were being consulted on, a summary of the intent of the SoCC and the timeline for production of the document.</p> <p>This was an opportunity for Highways England to gain valuable insight from Tewkesbury Borough Council into how to best engage with the local communities, especially with reference to the ongoing global health pandemic (COVID-19). Highways England was able to include this insight and any requests from this early engagement in the draft SoCC.</p> <p>The Council advised of the work that was being done with local communities during COVID-19 and provided information on ways that Highways England could engage with those groups who may otherwise be seldom heard, otherwise referred to as hard to reach.</p>

### 8.3 Compliance with the SoCC within the context of COVID-19

- 8.3.1 At the time of development of the SoCC, temporary amendments to the statutory requirements for consultation on NSIPs were in force, through the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020<sup>17</sup> which were introduced on 22 July 2020.
- 8.3.2 As stated in section 1.5.1 of this Report, those temporary amendments were later made permanent by the Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020, which came into force on 31 December 2020.
- 8.3.3 The amendments reflected the need to protect the public during COVID-19 and adjusted the requirement for developers to provide materials in hard copy in publicly accessible locations, placing greater emphasis on ensuring that materials relevant to a consultation are available in alternative formats.
- 8.3.4 Table 8-2 sets out how Highways England amended its approach to the statutory requirements of the Act, as a result of the legislative amendments introduced in July 2020 and taking into account the social distancing laws and guidance in England at the time.

<sup>17</sup> <https://www.legislation.gov.uk/ukSI/2020/764/made>

**Table 8-2 Regulatory requirements affected by COVID-19**

Statutory Requirement	Details as relevant to this scheme	Change in approach due to COVID-19 and amended regulations
Section 47 of the Planning Act 2008	Prepare a Statement of Community Consultation (SoCC) about how the promoter will consult with the local community and consult each local authority within section 43(1) about what is in the statement.	The provisions for public information points, deposit locations for documents and public information events were delivered digitally rather than physically in accordance with latest Government guidance associated with COVID-19. Section 47 notices were placed in local circulating newspapers to advertise where the SoCC could be found for inspection.
Section 47(6)(a) and section 47(6)(za) of the Planning Act 2008	<p>Publish a notice in a newspaper circulating in the vicinity of the land stating when and where the SoCC can be inspected.</p> <p>Make the SoCC available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land.</p>	<p>Section 47 notices were placed in local circulating newspapers to advertise where the SoCC could be found for inspection.</p> <p>The notice included details of the website(s) where documents can be found.</p> <p>The SoCC was made available for inspection online via the scheme and local authority websites, to address the limitations of COVID-19 measures and support the digital first approach.</p>
Section 48 of the Planning Act 2008	Publish notices in the prescribed manner which publicises the consultation. The prescribed manner is set out in regulation 4 of the APFP Regulations.	<p>Under amendments made to paragraphs (3)(e) and (3)(f) of Regulation 4 (made under Regulation 9A) of the APFP Regulations, documents were to be provided on a website maintained by or on behalf of the applicant, with a telephone number provided in order to contact the applicant. The consultation documents were therefore made available for inspection online via the scheme and local authority websites, to address the amended regulations, the limitations of COVID-19 and support the digital first approach. A telephone number was provided on the website and consultation materials.</p> <p>Section 48 notices were placed in local circulating newspapers a national newspaper and the London Gazette to advertise the consultation. The notices included details of the website(s) where documents can be found.</p>

- 8.3.5 Highways England therefore adopted a ‘digital first’ approach to consultation and engagement, whilst appreciating that this may not be suitable for all demographics. As such, Highways England endeavoured to also consult using more traditional methods where safe and practicable to do so, including using post and telephone communications.
- 8.3.6 Highways England also sought to provide additional publicity and promotion of the 2020 supplementary consultation prior to its commencement, running a ‘Have Your Say’ campaign for the two weeks before the launch of the consultation which aimed to raise awareness and encourage participation.
- 8.3.7 As well as the local authorities subject to the formal SoCC process, Highways England sought to brief local Parish Councils on the upcoming consultation and worked with them to provide consultation materials (such as consultation booklets) that Parish Councillors could distribute to local residents who may otherwise have barriers to accessing virtual materials.

8.3.8 It is therefore considered that Highways England made all reasonable endeavours to consult with the community within the context of the COVID-19 restrictions. See Chapter 9 for more information on how Highways England carried out the 2020 supplementary statutory consultation and Have Your Say campaign.

## 8.4 Consultation on the draft 2020 SoCC

- 8.4.1 Following the online meetings on 30 July, 31 July and 3 August 2020 with Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council, respectively, a draft SoCC was submitted on Monday 10 August 2020. A copy of the draft SoCC can be found at Consultation Report Appendix 8.1 (Document Reference 5.2).
- 8.4.2 It was requested that the Councils respond by Monday 7 September 2020, giving a 28 day response period, the minimum period as required by section 47(3) of the Act. A copy of the email sent to each council is provided at Consultation Report Appendix 8.2 (Document Reference 5.2).
- 8.4.3 Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council submitted a joint response via email to the SoCC consultation on 4 September 2020. A copy of the email received can be found at Consultation Report Appendix 8.3 (Document Reference 5.2).
- 8.4.4 Highways England had regard to the joint response submitted by Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council. This is demonstrated in Table 8-3, which details the comments that were made by the Councils on the draft 2020 SoCC and the response of Highways England as provided to the Councils on 24 September 2020 by email.

**Table 8-3 Comments received from Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council on the draft 2020 SoCC**

Section of 2020 SoCC:	Amendment/comment made by Local Authority	Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act	Action taken:
The scheme	<p><i>Bullet point five: a new multi-purpose crossing around 25m wide to provide essential mitigation for bats and for landscape integration. It will also provide a further benefit in accommodating the Gloucestershire Way and provide an improved experience for visitors to the area</i></p> <p>This bullet needs to say where the new multi-purpose crossing is, previously referenced as Crickley Hill</p>	<p>The SoCC, and description of the scheme, has been amended to say: a new multi-purpose crossing around 25m wide to provide essential mitigation for bats and for landscape integration, north of Shab Hill junction. It will also provide a further benefit in accommodating the Gloucestershire Way and provide an improved experience for visitors to the area.</p>	The SoCC has been updated to reflect the suggested amend.
Consulting the community and previous consultations	<p><i>First bullet point: our proposed route options for the scheme in February and March 2018 where consultees were asked for their views on the route options for the road improvements</i></p> <p>Between February and March 2018. This was only one consultation period not two.</p>	The SoCC has been amended accordingly.	The SoCC has been updated to reflect the suggested amend.
Next consultation – why and when	<p><i>The changes we are seeking feedback on are, fourth bullet: 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</i></p> <p>Can you clarify whether this means although access is closed, disabled drivers can still use or is there work to ensure wheelchair access is possible.</p>	The access that will remain for private property vehicular access will include disabled drivers, walkers, cyclists and horse riders and disabled users.	No action.
Next consultation – why and when	<p><i>The consultation will run from Tuesday 13 October to Thursday 12 November 2020</i></p> <p>Noted that this is the minimum consultation timeframe under the Planning Act 2008.</p>	N/A	No action.



Section of 2020 SoCC:	Amendment/comment made by Local Authority	Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act	Action taken:
Next consultation – why and when	<p><i>The changes we are seeking feedback on are, fifth bullet: improved access with new connections for walkers, cyclists and horse riders including disabled users across the scheme</i></p> <p>Where is this improved access, is it improvements generally across the Project?</p>	Yes, this is correct. This will be explained in further detail in the consultation materials.	No action.
How will we consult?	<p><i>To mitigate this, in line with government guidance, Highways England will explore the possibility of holding face-to-face events using the consultation van</i></p> <p>Is the consultation van mitigation for COVID-19?</p>	We've since explored the possibility of holding face-to-face events using the consultation van, and it has been decided that these will not be carried out during this time. Instead, in accordance with government guidance, Highways England will explore the possibility of hosting a stand at high footfall and convenient locations, such as local supermarkets and motorway service areas, to reach as many people as possible. It's important to note however that the consultation van, or alternative methods of face-to-face engagement is not proposed as mitigation for COVID-19, but to complement and further the digital first approach.	No action.
Table 1: consultation activities	<p><i>Have Your Say invitation: We will write to all registered users of the Highways England project website</i></p> <p>Please clarify the term registered users? Is this people subscribed to A417 Missing Link project updates?</p>	Yes, that's correct. The SoCC has been updated to make this clear to those reading the document.	The SoCC has been updated to add in further detail.
Table 1: consultation activities	<p><i>Stakeholder briefings</i></p> <p>This is vague. Details of the nature of these stakeholder briefings, which stakeholders will be invited, and when they will be held are requested.</p>	We'll brief MPs, local authorities, parish councils and environmental stakeholders at the start of the 'Have Your Say' campaign and at the launch of consultation. The first briefing will include details on how we plan to carry out consultation, including details of the virtual exhibition room, and the second will be a detailed briefing on the content of the consultation materials.	The SoCC has been updated to add in further detail.

Section of 2020 SoCC:	Amendment/comment made by Local Authority	Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act	Action taken:
Table 1: consultation activities	<i>Stakeholder briefings</i> Heading appears twice. Can you distinguish between the two?	The first heading is with reference to 'Have Your Say' activity which will commence on the 28 September, and the second refers to activity at the launch of consultation which will commence on 13 October. This is reflected in the table headings.	No action.
Table 1: consultation activities	<i>Virtual exhibitions</i> Request that it is explained to the general public at the beginning of the meetings and throughout, how verbal and written consultation comments provided will be recorded and actioned by the project team. Clarify that verbal comments made at virtual meetings will not be recorded and that regard will only be had to written submissions provided on feedback questionnaires.	There will be a pop-up when people enter the virtual exhibition room which explains how to navigate the room, and where people can submit their relevant response to the consultation. The SoCC has also been updated to outline how formal responses to the consultation can be submitted.	The SoCC has been updated to reflect the suggested amend.
Table 1: consultation activities	<i>Virtual exhibitions</i> Request that any computer operating requirements / software download required to access the virtual committee are clearly detailed and instructions provided for users.	The virtual exhibition requires no additional operating requirements or software downloads, other than an internet browser. The virtual exhibition will also be fully WCAG 2.1 AA accessibility standard compliant. This will be made clear in project communications.	No action.
Table 1: consultation activities	<i>Virtual exhibitions</i> Reference should be made to temporary amendments to consultation requirements set out in the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020 and accompanying guidance as it relates to Statements of Community Consultation.	A reference to the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020 has been included in paragraph three of the Introduction of the SoCC.	The SoCC has been updated to reflect the suggested amend.
Table 1: consultation activities	<i>Virtual exhibitions</i> Make clear the difference between attending the 17 online events with specialists in attendance and the exhibition room being available 24/7.	A second reference to the 17 online events has been included in this paragraph.	The SoCC has been updated to reflect the suggested amend.

Section of 2020 SoCC:	Amendment/comment made by Local Authority	Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act	Action taken:
Table 1: consultation activities	<i>Postcard mail out</i> The postcards should include a telephone number or non-digital means of communication	That information will be included in all communications. The customer contact centre is open 24/7 for enquiries, and we will make this clear.	No action.
Table 1: consultation activities	<i>Media releases</i> and issue a second media release at the start of the consultation period?	The SoCC has been amended accordingly.	The SoCC has been updated to reflect the suggested amend.
Table 1: consultation activities	<i>Media releases</i> Could BBC Radio Gloucestershire be added to this list?	BBC Radio Gloucestershire is added to the distribution list for media updates.	The SoCC has been updated to reflect the suggested amend.
Table 1: consultation activities	<i>Media releases</i> Could the Wiltshire and Gloucestershire Standard be added to this list?	The Wiltshire and Gloucestershire Standard is added to the distribution list for media updates.	The SoCC has been updated to reflect the suggested amend.
Table 1: consultation activities	<i>Media releases</i> Could the Cotswold Journal be added to this list?	The Cotswold Journal is added to the distribution list for media updates.	The SoCC has been updated to reflect the suggested amend.
Table 1: consultation activities	<i>Emails and letters</i> Check whether two bullets are merged into one	The bullets have been checked and no amends are required.	No action.
Table 1: consultation activities	<i>Emails and letters</i> Please clarify the 'directly affected' parish council's? Are these the host parish councils?	Yes, that's correct. The SoCC has been amended accordingly.	No action.

Section of 2020 SoCC:	Amendment/comment made by Local Authority	Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act	Action taken:
How to respond to the consultation	<p><i>Third bullet point: Pick up a hardcopy at one of our display/deposit locations</i></p> <p>Have deposit locations for the collection of requested hard copies been confirmed yet? Can the confirmed list be published?</p>	<p>Following engagement with the three host local authorities, it became clear that, at the time of writing, they're not hosting physical documents at locations. Instead, we've agreed that they will publish information on their websites which will link to the documents, hosted on Highways England's website. As per the temporary amends to Regulation 4 of the PA 2008, there is not currently a requirement to host physical documents for inspection.</p> <p>However, we're in the process of contacting parish councils to ask if they will hold hard copies of consultation documents.</p>	This bullet point has been amended to reflect the change in legislation and the position for this consultation.
Table 2: Consultation documents	<p><i>Consultation booklet</i></p> <p>All hard copies of consultation booklets should be accompanied by / include a feedback questionnaire to ensure two separate requests for hard copies are not needed.</p>	We'll issue a copy of the feedback questionnaire with each request for a consultation booklet.	No action.
Table 2: Consultation documents	<p><i>Consultation booklet</i></p> <p>Deposit locations for the collection of hard copies need to be confirmed and their locations published.</p>	<p>Following engagement with the three host local authorities, it became clear that, at the time of writing, they're not hosting physical documents at locations. Instead, we've agreed that they will publish information on their websites which will link to the documents, hosted on Highways England's website. As per the temporary amends to Regulation 4 of the PA 2008, there is not currently a requirement to host physical documents for inspection.</p> <p>However, we're in the process of contacting parish councils to ask if they will hold hard copies of consultation documents.</p>	No action.

Section of 2020 SoCC:	Amendment/comment made by Local Authority	Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act	Action taken:
Table 2: Consultation documents	<i>Consultation booklet</i> It should be stated at this point that requests for hard copies of the Consultation Booklet will be free of charge.	The SoCC has been amended so that details of requests for hard copies of documents and any associated costs has been moved to the beginning of the section.	The SoCC has been updated to address this comment.
Table 2: Consultation documents	<i>Feedback questionnaire</i> It should be stated at this point that requests for hard copies of the Feedback Questionnaire will be free of charge.	The SoCC has been amended so that details of requests for hard copies of documents and any associated costs has been moved to the beginning of the section.	The SoCC has been updated to address this comment.
Table 2: Consultation documents	<i>PEI report</i> Will this identify changes since last PEI or will it be a new issue with no cross ref?	Chapter 3, 'Assessment of Alternatives,' of the PEI report will reference the scheme proposed in 2019 and include details of how the scheme has changed since then.	No action.
Table 2: Consultation documents	<i>PEI report</i> It should be clarified against this row that costs may be incurred for requesting hard copies of this document.	The SoCC has been amended so that details of requests for hard copies of documents and any associated costs has been moved to the beginning of the section.	The SoCC has been updated to address this comment.
Table 2: Consultation documents	<i>Map of the route</i> It should be clarified against this row that costs may be incurred for requesting hard copies of this document.	The SoCC has been amended so that details of requests for hard copies of documents and any associated costs has been moved to the beginning of the section.	The SoCC has been updated to address this comment.
Table 2: Consultation documents	<i>Set of plans of the scheme</i> It should be clarified against this row that costs may be incurred for requesting hard copies of this document.	The SoCC has been amended so that details of requests for hard copies of documents and any associated costs has been moved to the beginning of the section.	The SoCC has been updated to address this comment.
Table 2: Consultation documents	<i>Notice of the Application</i> It should be clarified against this row that costs may be incurred for requesting hard copies of this document.	The SoCC has been amended so that details of requests for hard copies of documents and any associated costs has been moved to the beginning of the section.	The SoCC has been updated to address this comment.

<b>Section of 2020 SoCC:</b>	<b>Amendment/comment made by Local Authority</b>	<b>Regard had by Highways England to the amendment/comment (in accordance with section 42(5) of the Act</b>	<b>Action taken:</b>
Table 3: Methods to make consultation documents available	<i>Public information points / Community hubs</i> Check for accuracy of last sentence. Will be advertised in advertising?	The SoCC has been amended accordingly.	The SoCC has been updated to reflect the suggested amend.
Appendix A	<i>Mailing area for postcard</i>  This is the first occasion that the amended DCO Boundary is referenced. This should be mentioned in the introduction and the DCO Boundary for the scheme should also be shown for context.	The SoCC has been amended to reference the change in DCO Boundary in the 'Next consultation – why and when' section. A map which shows the revised DCO Boundary will be available at consultation.	The SoCC has been updated to reflect the suggested amend.

## 8.5 Publicity under section 47

- 8.5.1 The final 2020 SoCC, which took account of the comments received from Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council, was published on 13 October 2020. A copy of the published 2020 SoCC can be found in Consultation Report Appendix 8.4 (Document Reference 5.2).
- 8.5.2 The 2020 SoCC was made available for viewing online for the duration of consultation, via Highways England consultation website and the web addresses listed in Table 8-4.
- 8.5.3 Due to COVID-19, it was agreed with the local authorities to provide links to the schemes webpage where the documents would be available for inspection, free of charge. This approach was agreed in accordance with the then temporary, now permanent, amendments to the APFP Regulations introduced by the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020.
- 8.5.4 **Table 8-4 Online locations where the 2020 SoCC was available to view during the consultation period**

Online location	Host authority	Website address
Cirencester	Cotswold District Council	<a href="https://www.cotswold.gov.uk/">https://www.cotswold.gov.uk/</a>
Gloucester	Gloucestershire County Council	<a href="https://www.gloucestershire.gov.uk/">https://www.gloucestershire.gov.uk/</a>
Tewkesbury	Tewkesbury Borough Council	<a href="https://www.tewkesbury.gov.uk/">https://www.tewkesbury.gov.uk/</a>

- 8.5.5 In order to publicise the 2020 SoCC and where it could be accessed, notices pursuant to section 47(6) of the Act were placed in the following newspapers for two consecutive weeks, as detailed in Table 8-5.

**Table 8-5 Publications of the 2020 SoCC (section 47) notice**

Publication	Date published
Western Daily Press	2 October 2020 and 9 October 2020
Gloucestershire Echo	1 October 2020 and 8 October 2020

- 8.5.6 A copy of the SoCC notice and scanned copies of the section 47 notice in the newspapers can be found at Consultation Report Appendix 8.5 (Document Reference 5.2).

## 8.6 Adherence with the SoCC

- 8.6.1 The next chapter of this report details how the 2020 supplementary consultation was undertaken in compliance with the published 2020 SoCC, as per the requirements of section 47(7) of the Act.
- 8.6.2 A SoCC compliance table summarising how the 2020 SoCC was complied with is provided at Consultation Report Appendix 8.6 (Document Reference 5.2).

## 9 Approach to 2020 statutory consultation

### 9.1 Requirements of the Act

- 9.1.1 This chapter explains how Highways England undertook statutory consultation to comply with sections 42, 45, 46, 47 and 48 of the Act with regard to the A417 Missing Link scheme (the scheme).
- 9.1.2 Please refer to Chapter 6 of this report for a summary of the relevant sections of the Act and their requirements.

### 9.2 Compliance with the requirements of the Act

- 9.2.1 This section provides a summary of the activities undertaken by Highways England for the 2020 supplementary statutory public consultation to ensure compliance with the requirements of the Act. Evidence of this compliance is supplied in the Consultation Report Appendices (Document Reference 5.2) where relevant and appropriate.

#### **Compliance with section 42 of the Act**

##### Identification of prescribed consultees under section 42(1)(a)

- 9.2.2 As set out in Chapter 6 of this report, Highways England had compiled a list of consultees prescribed under section 42(1)(a) of the Act in order to consult with them as part of the 2019 statutory consultation. As stated in Chapter 6, this list was principally derived from the prescribed consultees listed in column 1 of the table in Schedule 1 to the APFP Regulations.
- 9.2.3 However, Highways England also had regard to the information in PINS Advice Note 3<sup>18</sup> and the Regulation 11(1)(a) List provided by PINS alongside the Scoping Opinion, issued on 24 June 2019 (Appendix 4.2 of ES, Document Reference 6.4).
- 9.2.4 In preparing for the 2020 supplementary statutory consultation, Highways England reviewed the section 42(1)(a) list that had been used for the 2019 statutory consultation and updated the list where relevant and necessary to ensure compliance with the Act. In particular, Highways England carried out the following activities to review and update the list:
- Checked for any relevant updates to the APFP Regulations and PINS Advice Note 3;
  - Reviewed the 2019 section 42(1)(a) list against the APFP Regulations, PINS Advice Note 3 and 24 June 2019 Scoping Opinion (Appendix 4.2 of ES, Document Reference 6.4) to ensure all relevant consultees were listed, taking into account design changes to the scheme made since the 2019 statutory consultation; and
  - Reviewed and checked the contact details of the consultees, updating where necessary.
- 9.2.5 In addition, all reasonable efforts were made to help ensure that each section 42(1)(a) consultee had an appropriate email contact address as well as a postal address. This was in recognition that due to COVID-19, many consultee offices

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<sup>18</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/07/advice\\_note\\_3\\_v5.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/07/advice_note_3_v5.pdf)



were not open or had limited access, in line with Government guidance to work from home wherever possible.

- 9.2.6 As a result of this exercise, no new section 42(1)(a) consultees were identified and no existing section 42(1)(a) consultees who had previously been consulted were removed from the list. However, updated or additional contact details were included. As adopted in 2019, a precautionary approach was taken, in which some consultees remained in the section 42(1)(a) list because there was not a clear or evidenced reason to discount them. This is particularly applicable to the statutory undertakers, in which licence holders listed in PINS Advice Note 3 were not discounted unless it could be ruled that their licence was limited geographically or where it would not be relevant to the scheme.
- 9.2.7 The list of section 42(1)(a) prescribed consultees for the 2020 supplementary statutory consultation can be found at Consultation Report Appendix 9.1 (Document Reference 5.2).

#### Identification of local authorities under section 42(1)(b)

- 9.2.8 Under Section 42(1)(b), the applicant has a duty to consult local authorities identified within section 43 of the Act. There are 'A', 'B', 'C' and 'D' category local authorities. As set out in Chapter 6 of this report, these authorities were identified and consulted as part of the 2019 statutory consultation.
- 9.2.9 In preparation for the 2020 supplementary statutory consultation, Highways England reviewed the list of section 42(1)(b) consultees to ensure that no administrative changes had occurred which would result in a local authority no longer being relevant to the scheme, or would result in the identification of a new local authority that would require consultation under the Act.
- 9.2.10 It was determined that no such changes had occurred and the list and categorisation of local authorities used in the 2019 statutory consultation remained compliant with the Act.
- 9.2.11 In addition, all reasonable efforts were made to help ensure that each section 42(1)(b) consultee had an appropriate email contact address as well as a postal address. Again, this was in recognition that due to COVID-19, many local authority offices were not open or had limited access, in line with Government guidance to work from home wherever possible.
- 9.2.12 The list of section 42(1)(b) consultees for the 2020 supplementary statutory consultation was the same as in the 2019 statutory consultation and are therefore listed in section 6.2 of this report. A map depicting the authorities and their categorisation under section 43 of the Act is provided in Consultation Report Appendix 6.2 (Document Reference 5.2).

#### Identification of parish councils

- 9.2.13 At the time of the 2019 statutory consultation, the scheme was identified as being within the boundaries of the following parish councils:
- a) Badgeworth Parish Council;
  - b) Brimpsfield Parish Council;
  - c) Coberley Parish Council; and
  - d) Cowley and Birdlip Parish Council.
- 9.2.14 In preparation for the 2020 supplementary statutory consultation, Highways England reviewed whether design changes to the scheme, or administrative

changes to parish council boundaries since the 2019 statutory consultation had resulted in the scheme being located within additional or different parish council boundaries. It was determined that there had been no changes.

- 9.2.15 The contact details of the parish councils were checked and updated where appropriate. In addition, all reasonable efforts were made to help ensure that each parish council had an appropriate email contact address as well as a postal address. Again, this was in recognition that due to COVID-19, many parish council halls or offices were not open or had limited access, in line with Government guidance to work from home wherever possible.
- 9.2.16 In accordance with Schedule 1 to the APFP Regulations, which lists ‘the relevant parish council’ as a prescribed consultee, these parish councils were included in the list of prescribed consultees that is found at Consultation Report Appendix 9.1 (Document Reference 5.2).

#### Identification of PILs under section 42(1)(d)

- 9.2.17 As set out in Chapter 6 of this report, detailed land referencing was carried out prior to the 2019 statutory consultation in order to identify PILs as defined under section 44 of the Act. A summarised methodology of this diligent enquiry is provided in Chapter 6 of this report and a full account is provided in the Statement of Reasons (Document Reference 4.1).
- 9.2.18 Following the 2019 statutory consultation, changes were made to the design of the scheme, including the DCO Boundary. In addition, Highways England continued to carry out diligent inquiries to identify further PILs where possible.
- 9.2.19 As set out in Chapter 11 of this report, five targeted statutory consultations were carried out with PILs between January 2020 and March 2021.
- 9.2.20 Those sought feedback on changes to the scheme and provide updated information, where relevant to their land interest(s).
- 9.2.21 Throughout those activities, a ‘live’ database was kept up to date to reflect the latest scheme design and identify affected PILs. This has included updating information using Land Registry data (most recently in April 2021) and through information provided by landowners through land interest questionnaires and ongoing engagement. This means that some PILs as consulted in the 2019 statutory consultation no longer had land affected by the scheme and were therefore not required to be consulted under section 42(1)(d) for the 2020 supplementary statutory consultation.
- 9.2.22 In preparing for the 2020 supplementary statutory consultation, Highways England used the most up-to-date information available in the database to identify the Category 1, Category 2 and Category 3 PILs relevant to the scheme, in accordance with the definitions set out under section 44 of the Act. Some PILs were identified as falling within more than one category, while several consultees prescribed under section 42(1)(a) were also identified as being a PIL.
- 9.2.23 A list of the section 42(1)(d) PILs consulted for the 2020 supplementary statutory consultation is included in Consultation Report Appendix 9.2 (Document Reference 5.2). The PILs have been assigned an identification number for the purposes of this report to avoid the use of information that may identify an individual.

9.2.24 The Book of Reference (Document Reference 4.3) submitted as part of the application sets out the persons/bodies that fall within the categories defined in section 44.

Consultation activity with section 42 consultees

9.2.25 Statutory consultees were written to on 13 October 2020 by letter and email, inviting comments on the scheme under section 42(1)(a). Letters were sent by Royal Mail 1st Class post.

9.2.26 In accordance with section 45(1) of the Act, all of the letters and emails stated that the consultation opened on 13 October 2020 and that responses needed to be returned by 23:59 on 12 November 2020, a period of 30 days.

9.2.27 All of the letters and emails also included:

- a) A list of consultation materials available during supplementary statutory consultation;
- b) A website address (or hyperlink in emails) for taking consultees to the consultation website where materials were stored;
- c) A list of the online locations hosting information on how to access consultation materials during the consultation;
- d) Information on the virtual exhibition room and webchat facility available 24/7 during the supplementary statutory consultation; and,
- e) A list of 17 scheduled periods in which a project team member would be available for a live conversation via the webchat.

9.2.28 The prescribed bodies consulted under section 42(1)(a) and the authorities consulted under section 42(1)(b) additionally received a copy of the section 48 Notice with the letter and email. This was provided to comply with Regulation 13 of the EIA Regulations and because the section 42(1)(a) and section 42(1)(b) bodies were consultation bodies notified by PINS under Regulation 11 of the EIA Regulations.

9.2.29 PILs received tailored versions of the consultation letter, which included information identifying the plots of their land affected by the scheme and respective drawing reference numbers.

9.2.30 Included with the letter were copies of the relevant land interest plans, showing their relevant plot of land overlaid with the design of the proposed development DCO Boundary and detail of the type of acquisition proposed for that plot (temporary, permanent, or temporary with permanent rights). The letter also included an invitation to PILs to arrange a meeting with Highways England during the supplementary statutory consultation period. Due to COVID-19, this offered the opportunity for such a meeting to be carried out online or by telephone. Only in exceptional circumstances were face-to-face meetings held and these were carried out in accordance with strict social distancing measures, government guidance and corporate health and safety risk assessments tailored for the pandemic. It was agreed with some PILs that such exceptional circumstances were met and therefore face-to-face meetings were held in some instances.

9.2.31 As standard, PILs were not emailed the consultation letter and accompanying plans, as email addresses are not provided through Land Registry records and it is considered preferable to avoid sending sensitive information such as land ownership records via email. However, for the 2020 supplementary statutory consultation, a small number of PILs were sent an electronic copy of their land interest plans by USB and/or link to a password protected online storage drive.

Where possible this was coordinated through any known land agents where employed by PILs. These PILs, which included statutory undertakers, were those which had a large number of land interest plans and for which receiving a hard copy of such plans may be delayed due to office closures related to COVID-19. Such emails were sent to named contacts at those organisations.

- 9.2.32 A sample copy of the letters sent to each category of section 42 consultee is in Consultation Report Appendix 9.3 (Document Reference 5.2).

#### Conclusion

- 9.2.33 The above explains and evidences that Highways England complied with the statutory requirements for consultation under section 42 of the Act during the 2020 supplementary statutory consultation.

#### **S45 timetable for consultation under section 42**

- 9.2.34 Consultation took place between Tuesday 13 October 2020 and Thursday 12 November 2020.
- 9.2.35 This allowed for 30 days between the day after consultees received the consultation documents and the deadline for receipt of comments. The period between receipt of the documents and the deadline therefore exceeded the minimum of 28 days required by section 45(1) and 45(2) of the Act and was carried out as agreed with the s42(1)(b) Host Authorities in the 2020 SoCC.
- 9.2.36 The letters (and the enclosures to the letters) and the emails sent to the section 42 consultees and outlined in the preceding section constituted the 'consultation documents' referred to in section 45(3) of the Act.

#### Conclusion

- 9.2.37 The above explains and evidences that Highways England complied with the statutory requirements for consultation under section 45 of the Act during the 2020 supplementary statutory consultation.

#### **Section 46: duty to notify Secretary of State of proposed application**

- 9.2.38 Highways England wrote to PINS (acting on behalf of the SoS) on 12 October 2020 by letter and email setting out its intention under section 46 to submit an application for a DCO. In accordance with section 46(1), the letter provided the same information as was provided to section 42 consultees, including details of the scheme, the dates of the consultation and a link to the consultation documents on the consultation website.
- 9.2.39 In addition, a USB drive was provided containing a copy of the consultation materials, a section 48 Notice and a copy of the letters to be sent to consultees notifying them of the consultation. A copy of the s46 notification letter is provided in Consultation Report Appendix 9.4 (Document Reference 5.2).
- 9.2.40 In accordance with section 46(2), this letter was sent before commencing consultation under section 42, which commenced on 13 October 2020.
- 9.2.41 An acknowledgement of receipt was provided by PINS on 21 October 2020. A copy of this is provided in Consultation Report Appendix 9.5 (Document Reference 5.2).

### Conclusion

9.2.42 The above explains and evidences that Highways England complied with the statutory requirements to notify the SoS under section 46 of the Act during the 2020 supplementary statutory consultation.

### **Section 47: duty to consult the local community**

9.2.43 As set out Chapter 8, a SoCC was produced and consulted upon prior to the commencement of the supplementary statutory consultation. The published 2020 SoCC identified commitments made by Highways England in relation to carrying out consultation with the local community.

9.2.44 Consultation was carried out in accordance with the published 2020 SoCC. The table at Consultation Report Appendix 8.6 (Document Reference 5.2) sets out a summary of the commitments made in the 2020 SoCC and how these have been adhered to.

9.2.45 As required by section 47 of the Act, Highways England consulted people who live and work in the vicinity of the proposed development. As well as the general public, this included various representatives, groups and organisations who were contacted and invited to participate in the consultation to seek their views on the proposed development.

9.2.46 Those consulted under section 47 of the Act can be grouped into the following categories:

- a) the wider public;
- b) elected representatives;
- c) additional organisations; and
- d) hard-to-reach groups.

### The wider public: postcode mail drop

9.2.47 Residents and businesses located in the vicinity of the scheme were contacted via post at the start of the consultation to notify them of the consultation and invite their comments on the scheme. A 'mailing zone' of properties to receive a postcard was identified and incorporated all properties within 1 mile of the proposed development. The zone was amended where appropriate to ensure dwellings just out of the radius were included.

9.2.48 The zone was the same as that used as part of the 2018 non-statutory consultation and 2019 statutory consultation and was confirmed in consultation with Gloucestershire County Council, Tewkesbury Borough Council, and Cotswold District Council as part of the 2020 SoCC process (see Chapter 8).

9.2.49 Addresses within this zone were obtained from the Postcode Addresses File supplied by the Royal Mail.

9.2.50 A map of the mailing zone is provided at Consultation Report Appendix 9.6 (Document Reference 5.2).

9.2.51 The postcard was sent to arrive on the first day of the consultation. It stated that the consultation opened on 13 October 2020 and that responses needed to be returned by 23:59 on 12 November 2020. It also provided information on the virtual exhibition room and scheduled webchats being hosted by Highways England instead of face-to-face consultation events (due to COVID-19). In addition, a tear-away slip was provided on the postcard which enabled recipients to request hard copies of the consultation booklet and the feedback

questionnaire, the responding to feedback document, and any of those documents in large print. This slip could be returned to a Freepost address in order to receive the documents. A copy of the postcard can be found at Consultation Report Appendix 9.7 (Document Reference 5.2).

### Elected Representatives

9.2.52 Members of Parliament (MPs) with constituencies within the DCO Boundary or adjacent to the scheme were notified of the consultation and invited to comment on the scheme. The list of MPs consulted is provided below in Table 9-1.

**Table 9-1 List of MPs consulted at the 2020 supplementary statutory consultation**

Position	Name
MP for Tewkesbury	Mr Laurence Robertson MP
MP for Gloucester	Mr Richard Graham MP
MP for The Cotswolds	Sir Geoffrey Clifton-Brown MP
MP for Cheltenham	Mr Alex Chalk MP
MP for Stroud	Ms Siobhan Baillie MP
MP for Forest of Dean	Mr Mark Harper MP
MP for West Worcestershire	Ms Harriet Baldwin MP
MP for North Wiltshire	Mr James Gray MP
MP for North Swindon	Mr Justin Tomlinson MP

9.2.53 Given that a General Election had occurred since the 2019 statutory consultation (on 12 December 2019), the list of MPs was checked and updated where appropriate to reflect the most up-to-date information.

9.2.54 In addition to notifying MPs, it was agreed with within the 2020 SoCC that Highways England would notify all elected representatives (Councillors) at Cotswold District Council, Gloucestershire County Council and Tewkesbury Borough Council of the supplementary statutory consultation.

9.2.55 The MPs were written to on 13 October 2020 by letter and email, inviting comments on the scheme. The Councillors at the three Councils were written to by email only, in recognition of the fact that Council businesses was largely being conducted virtually due to COVID-19, and most Councillors would be unlikely to receive a letter sent to their respective Council office during the consultation period.

9.2.56 The letter and email stated that the consultation opened on 13 October 2020 and that responses needed to be returned by 23:59 on 12 November 2020. It also included:

- a) A list of consultation materials available during supplementary statutory consultation;
- b) A website address (or hyperlink in emails) for taking consultees to the consultation website where materials were stored;
- c) A list of the online locations hosting information on how to access consultation materials during the consultation;
- d) Information on the virtual exhibition room and webchat facility available 24/7 during the supplementary statutory consultation; and,
- e) A list of 17 scheduled periods in which a project team member would be available for a live conversation via the webchat.

9.2.57 A copy of the letter and email they were sent can be viewed at Consultation Report Appendix 9.3 (Document Reference 5.2).

### Other additional organisations

- 9.2.58 As set out in Chapter 6 of this report, as part of the 2019 statutory consultation, Highways England identified and consulted with a range of organisations or representatives who were relevant to the scheme or may have an interest in it, and who were not otherwise prescribed under section 42 of the Act.
- 9.2.59 In preparing for the 2020 supplementary statutory consultation, Highways England reviewed the list of these discretionary 'additional organisations' that has been used to the 2019 statutory consultation and updated the list where relevant and appropriate. In particular, Highways England sought to add any organisations that had expressed interest in the scheme since the 2019 statutory consultation, including those that had been involved in the Walking, Cycling and Horse Riding TWG. The contact details of consultees were checked and updated where necessary, and all reasonable efforts were made to help ensure that email contact addresses were included where possible, in recognition that due to COVID-19, many organisations' offices were not open or had limited opening, in line with Government guidance to work from home wherever possible.
- 9.2.60 The updated list of discretionary 'additional organisations' which Highways England consulted with as part of the 2020 supplementary statutory consultation can be found at Consultation Report Appendix 9.8 (Document Reference 5.2).
- 9.2.61 The additional organisations were sent a letter and/or email on 13 October 2020 to notify them of the consultation and invite their comments on the scheme. The letter and email stated that the consultation opened on 13 October 2020 and that responses needed to be returned by 23:59 on 12 November 2020. It also included:
- a) A list of consultation materials available during supplementary statutory consultation;
  - b) A website address (or hyperlink in emails) for taking consultees to the consultation website where materials were stored;
  - c) A list of the online locations hosting information on how to access consultation materials during the consultation;
  - d) Information on the virtual exhibition room and webchat facility available 24/7 during the supplementary statutory consultation; and,
  - e) A list of 17 scheduled periods in which a project team member would be available for a live conversation via the webchat.
- 9.2.62 A copy of the letter is provided in Consultation Report Appendix 9.3 (Document Reference 5.2).

### Hard-to-reach groups

- 9.2.63 Hard-to-reach groups can be broadly defined as those that may have specific requirements to access consultation information in comparison to other local residents, or may be less likely to become involved in consultation activities when compared to other local residents. It was on this basis that Highways England identified a range of hard-to-reach groups that could potentially be interested in getting involved in the consultation if it was made accessible.



- 9.2.64 As set out in Chapter 6 of this report, a total of 38 hard-to-reach groups were identified and contacted as part of the 2019 statutory consultation. In preparing for the 2020 supplementary statutory consultation, Highways England reviewed the list of hard-to-reach groups used in 2019 and updated the list where considered relevant and appropriate, including checking that contact details were correct. In particular, a new hard-to-reach category was identified which related to those involved in supporting communities during COVID-19.
- 9.2.65 In total, 46 hard-to-reach groups were identified, which is more than the number contacted at statutory consultation in 2019.
- 9.2.66 In advance of the launch of the consultation, the planned approach was shared with Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council as part of the preparation of the 2020 SoCC (see Chapter 8).
- 9.2.67 Representatives of hard-to-reach groups were contacted directly by members of the Highways England project team prior to the consultation launch when possible, to help establish the best means of communication with their group. Wherever possible, representatives were contacted by telephone. Where the project team failed to make contact by phone, or where a number was not available, an email was sent. A total of nine groups confirmed that they would like to engage further with the consultation, and requested the links to appropriate documentation when available, to be shared with their members.
- 9.2.68 The hard-to-reach groups were sent a letter by post and/or email on 13 October 2020 to notify them of the consultation and invite their comments on the scheme. The letter and email stated that the consultation opened on 13 October 2020 and that responses needed to be returned by 23:59 on 12 November 2020. It also included:
- a) A list of consultation materials available during supplementary statutory consultation;
  - b) A website address (or hyperlink in emails) for taking consultees to the consultation website where materials were stored;
  - c) A list of the online locations hosting information on how to access consultation materials during the consultation;
  - d) Information on the virtual exhibition room and webchat facility available 24/7 during the supplementary statutory consultation; and,
  - e) A list of 17 scheduled periods in which a project team member would be available for a live conversation via the webchat.
- 9.2.69 A copy of the letter is provided in Consultation Report Appendix 9.3 (Document Reference 5.2).
- 9.2.70 Depending on the requirements or request of the group, materials were also sent in a stakeholder pack, which included the consultation booklet, a feedback form, posters and the stakeholder information pack.
- 9.2.71 The stakeholder pack provided the group with information, social media posts they could simply copy and paste, images to use in their social media posts, and text they could use in any newsletters. An updated version was provided as the consultation progressed. The documents provided as part of the stakeholder information packs are provided in Consultation Report Appendix 9.9 (Document Reference 5.2).
- 9.2.72 In addition, Highways England made sure that:

- a) The contact telephone number and scheme email address were prominent on all published material (including the 2020 SoCC) to enable individuals to contact the team with questions and requests.
- b) The consultation booklet and response form were available in alternative forms on request- large print, Braille, languages other than English.
- c) Representatives of 'hard-to-reach groups' were contacted directly with details about the consultation.

### Section 47 Notice

- 9.2.73 As set out in Chapter 8 of this report, a notice pursuant to section 47(6) of the Act was published in newspapers in accordance with the requirements of the Act. A copy of the section 47 Notice was also made available on the consultation website. A copy of the section 47 notice is provided at Consultation Report Appendix 8.5 (Document Reference 5.2).
- 9.2.74 As set out in Chapter 8 of this report, the 2020 SoCC was not made available at physical deposit locations due to COVID-19 and associated restrictions. It was available on the consultation website and via the websites of the host local authorities. This was agreed in accordance with the then temporary, now permanent, amendments outlined in the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020.

### Conclusion

- 9.2.75 The above explains and evidences that Highways England complied with the statutory requirements for consultation under section 47 of the Act during the 2020 supplementary statutory consultation.

### **Section 48: duty to publicise the consultation**

- 9.2.76 As per the requirements of Regulation 4 of the APFP Regulations, a notice pursuant to section 48 of the Act was published for: two consecutive weeks in one or more local newspapers circulating in the vicinity of the scheme; once in a national newspaper; and, once in the London Gazette.
- 9.2.77 The section 48 Notice included the following information pursuant to Regulation 4(3) of the APFP Regulations:
- a) the name and address of the applicant;
  - b) a statement that the applicant intends to make an application for development consent to the Commission;
  - c) a statement as to whether the application is EIA development;
  - d) a summary of the main proposals, specifying the location or route of the proposed development;
  - e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;
  - f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));
  - g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;
  - h) details of how to respond to the publicity; and,
  - i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published.

9.2.78 The section 48 notice was publicised in the newspapers below. The newspapers and publication dates in Table 9-2 below were chosen to fulfil the requirements of Regulation 4(2)(a) – (c) of the APFP Regulations. The scheme does not relate to offshore development therefore Regulation 4(2)(d) does not apply.

**Table 9-2 Section 48 notice publication locations and dates in 2020**

Publication and description	Date of notice	Relevant regulation
Gloucestershire Echo – weekly publication circulating in the area of Gloucestershire	1.10.2020 & 8.10.2020	4(2)(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated
Western Daily Press – daily publication circulating across the south west including Gloucestershire	2.10.2020 & 9.10.2020	4(2)(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated
The Telegraph – daily national publication	14.10.2020	4(2)(b) once in a national newspaper
London Gazette – as prescribed	1.10.2020	4(2)(c) once in the London Gazette

9.2.79 A copy of the section 48 Notice and scanned copies of the notices in the publications listed are provided at Consultation Report Appendix 9.10 (Document Reference 5.2).

9.2.80 In accordance with Regulation 13 of the EIA Regulations, the section 48 Notice and a copy of consultation materials via website address/hyperlink (including the PEI report) was sent to the list of prescribed consultees in Consultation Report Appendix 9.1 (Document Reference 5.2) on 13 October 2020.

9.2.81 A copy of the section 48 Notice was made available on the consultation website at: <https://highwaysengland.citizenspace.com/he/a417-missing-link-supplementary-consultation/>.

### Conclusion

9.2.82 The above explains and evidences that Highways England complied with the statutory requirements for consultation under section 48 of the Act during the 2020 supplementary statutory consultation.

## **9.3 Consultation documents and online exhibition**

9.3.1 As already identified in this report, it should be noted that the 2020 supplementary statutory consultation was carried out during COVID-19 and therefore the approach to the consultation and materials had to necessarily be ‘digital first’ to comply with national government regulations on social distancing and public safety. This section identifies the measures taken by Highways England to ensure that the consultation materials and information remained accessible and encouraged participation.

### **Online exhibition room**

9.3.2 As no face-to-face public exhibitions were able to take place, due to COVID-19, Highways England sought to create an online exhibition room which replicated the experience and information of a public event as much as possible. The online exhibition room was available 24/7 during the supplementary statutory

consultation period and it enabled members of the public to access the full suite of consultation materials in an accessible and interactive manner.

- 9.3.3 A user guide for the online exhibition room was provided when the webpage loaded to assist users in navigating the room and understanding how to view consultation materials and submit feedback online. This guide could be accessed at all times through a ribbon at the bottom of the page, and a link back to the main consultation page was also provided.
- 9.3.4 Through the online exhibition room, the following materials could be viewed:
- a) Consultation booklet.
  - b) Consultation feedback questionnaire.
  - c) Banners providing information on the scheme, the consultation and the key proposals within the consultation.
  - d) The 2020 PEI report and Non-Technical Summary.
  - e) The Responding to Feedback document.
  - f) The Scheme Map, Proposed Mitigation Plan, DCO Boundary plan and PRow Management Plan.
  - g) The scheme visualisation video.
  - h) The 'Message from the Project Team' video.
  - i) The 'Developing new road schemes' video.
  - j) The interactive views of the scheme.
  - k) A project timeline poster.
  - l) A poster advertising the Teams Live Q&A events.
  - m) A poster advertising the live webchats and telephone surgery service.
  - n) Links back to the consultation website where other scheme documents could also be accessed, including the SoCC.
- 9.3.5 In addition, a 'Kids Corner' provided a set of materials aimed at children which provided information, facts and activity sheets relevant to the scheme, particularly in relation to the natural environment in the Cotswolds area.
- 9.3.6 Through the online exhibition room, it was possible to access an online version of the feedback questionnaire to submit feedback. This was available 24/7 during the consultation period.
- 9.3.7 The online exhibition room was also where members of the public could enter into a live webchat with members of the project team, during specific advertised times. Outside of these times, it was possible to use the web chat function to leave a message with the project team which they would respond to. This included requesting further guidance on how to use the online exhibition room or any other digital materials. In such instances, a member of the Highways England project team arranged a time for a telephone call with the customer to provide such guidance.
- 9.3.8 The Highways England telephone number was also provided on materials in the online exhibition room to assist with contacting the project team.
- 9.3.9 When the consultation period ended, the online exhibition room remained live in order to provide access to the information provided. However, a pop-up information banner was added, upon loading of the webpage, to advise visitors that the consultation had now ended. The ability to submit feedback via the online questionnaire and the web chat function was also removed. A contact email address was provided in order to contact the project team.

9.3.10 The online exhibition room was available via the consultation website or via the dedicated web address: <https://virtualengage.arup.com/A417-missing-link/>.

### **Overview of consultation documents**

9.3.11 A range of materials were provided at the supplementary statutory consultation to help enable everyone to have a clear understanding of the scheme and changes made to the design of the scheme since the 2019 statutory consultation, its potential environmental effects, and the way that feedback could be provided.

9.3.12 These materials and formats are summarised below.

#### Consultation booklet

9.3.13 The primary consultation document was written in plain English and contained:

- a) an overview of the scheme vision and objectives;
- b) the background to the scheme and the story so far;
- c) a summary of the six main design changes being consulted on, with an explanation of why each change was proposed and what the benefits would be where relevant;
- d) information about the plans for construction of the scheme;
- e) information on the environmental assessment of the scheme and a summary of changes made since the 2019 statutory consultation to the environmental mitigation proposed in the scheme;
- f) information on how to respond to the consultation and how to access the online exhibition or participate in the scheduled online webchat and question and answer (Q&A) events;
- g) signposts for readers to more detailed information.

9.3.14 The consultation booklet was available online at the consultation website and within the online exhibition room. It was available in hard copy by request. Requests could be made via email, telephone and in writing (via Freepost letter or return of the request slip included on the postcard sent to properties within the mailing zone).

9.3.15 A copy of the consultation booklet is provided at Consultation Report Appendix 9.11 (Document Reference 5.2).

#### Feedback Questionnaire

9.3.16 The feedback was designed to help collect people's views during the consultation process. The questionnaire comprised nine questions seeking feedback on each of the main design changes presented at the consultation, as well as feedback more generally on environmental effects of the scheme and other minor design changes. It also provided opportunities for people to make any additional comments and sought basic demographic information and contact details from each respondent to help Highways England evaluate its approach to consultation.

9.3.17 The first six questions of the feedback questionnaire were designed to allow respondents to identify their level of support for each of the main design changes by a 5-point Likert scale. Respondents could choose one of the following descriptors to identify their position regarding the design change: strongly support; support; neither support nor oppose; oppose; or strongly oppose. Respondents could then add any other additional comment to explain their selection, or comment more generally on the design change(s).

- 9.3.18 This format was selected to enable respondents to fill in the feedback questionnaire in a quick and accessible manner, without requiring full written sentences. It also enabled Highways England to gauge levels of support for the design changes in a consistent and quantitative way, whilst also offering the opportunity for more detailed feedback to be submitted in the free-form comments box.
- 9.3.19 The feedback questionnaire posed the following questions:
1. a) To what extent do you support the Cotswold Way crossing? Can you explain why you've chosen this option?
  1. b) To what extent do you support the Gloucestershire Way crossing? Can you explain why you've chosen this option?
  2. To what extent do you support the change in gradient of the scheme? Can you explain why you've chosen this option?
  3. To what extent do you support the changes to Cowley junction? Can you explain why you've chosen this option?
  4. To what extent do you support the rerouting of the B4070 to Birdlip via Barrow Wake? Can you explain why you've chosen this option?
  5. To what extent do you support the changes to public rights of way? Can you explain why you've chosen this option?
  6. Do you agree with our proposals for replacement common land? Can you explain why you've chosen this option?
  7. Do you have any comments on the likely environmental effects that have changed since the previous consultation?
  8. Do you have any comments on any of the other design changes that have been introduced since the previous consultation?
  9. Do you have any other comments?
- 9.3.20 The feedback questionnaire was available online at the consultation website and within the online exhibition room. It was available in hard copy by request. Requests could be made via email, telephone and in writing (via Freepost letter or return of the request slip included on the postcard sent to properties within the mailing zone).
- 9.3.21 The feedback questionnaire included details of a Freepost address to return completed hard copy questionnaires; envelopes were also provided at the public information events. The online version of the feedback questionnaire enabled respondents to complete and submit the questionnaire virtually.
- 9.3.22 A copy of the response form is provided at Consultation Report Appendix 9.12 (Document Reference 5.2)

#### PEI report

- 9.3.23 A PEI report (2020 PEI report) provided updated preliminary information on the likely environmental effects of the scheme following the changes made to the scheme since the 2019 statutory consultation, and as Highways England had ascertained them at that time. The 2020 PEI report provided a greater level of detail than that published at the 2019 statutory consultation, as more environmental surveys and assessment had been carried out in the interim period.
- 9.3.24 The 2020 PEI report detailed how Highways England proposed to mitigate identified environmental effects and set out where environmental enhancement may be provided. To aid with accessibility of the 2020 PEI report during the

necessarily digital first approach to consultation, Highways England created a digital version of the 2020 PEI report. That comprised a specific website hosting the content of the 2020 PEI report in a more accessible manner. It was designed so that users could easily navigate to different environmental topics via a menu and an infographic. The non-technical summary of each topic was provided first to give an overview of the assessment and its findings, whilst links were provided to the full 2020 PEI report chapter and associated figures and appendices.

9.3.25 The digital 2020 PEI report is available via this link which was provided on the consultation website and via the online exhibition room:  
<https://virtualengage.arup.com/A417-missing-link/pei-report/>

9.3.26 The Non-Technical Summary of the 2020 PEI report was also available to download via the consultation website:  
<https://highwaysengland.citizenspace.com/he/a417-missing-link-supplementary-consultation/>.

9.3.27 Printed copies of the 2020 PEI report were available on request only. It was identified in the 2020 SoCC and public notices (section 47 Notice and section 48 Notice), as well as on the consultation website, that requests for printed versions of the 2020 PEI report may incur a charge of up to £200, due to the size of the document.

#### 'Responding to Feedback from our Consultation in 2019' document

9.3.28 In addition to the consultation booklet, Highways England published a document at the 2020 supplementary statutory consultation which set out how the feedback received to the 2019 statutory consultation had been taken into account in further developing the design of the scheme and the proposals presented in the 2020 supplementary statutory consultation. The 'Responding to Feedback' document identified key themes, suggestions and concerns raised by respondents to the 2019 statutory consultation and set out a response from Highways England on the matter, including identifying where this resulted in a change in the design to the scheme. The document was intended to provide additional information to address some of the matters previously raised and to provide context for the revised scheme proposals presented in the supplementary consultation.

9.3.29 The 'Responding to Feedback' document was available on the consultation website and was also available in hard copy on request, free of charge.

#### Plans of the scheme

9.3.30 Several plans of the scheme were produced and published to help enable the consultees to better understand the scheme proposals:

- a) The main Scheme Map provided an overview of the changes proposed to the scheme that were the main focus of the 2020 supplementary statutory consultation. It labelled the location of the six main changes, as well as provided details of the landscaping and PRow proposals within the scheme. The plan also identified where replacement Common Land was to be provided. The plan was provided on the consultation website, in the online exhibition room and in the consultation booklet.

- b) A 'Proposed Mitigation Plan' was provided in the consultation booklet and in the online exhibition room, which provided an overview of the mitigation measures proposed to reduce the scheme's impact on the environment, including the location of ecological and PRoW crossing points; the location of replacement Common Land; the proposals for planting; the location of landscape and noise bunds; and the location of attenuation basins.
- c) A DCO Boundary plan was provided on the consultation website and in the online exhibition room, which identified the extent of the area subject to the DCO Application.
- d) General Arrangement plans were included as Figure 2.1 of Chapter 2 of the 2020 PEI report, which provided the detailed engineering plan of the scheme, including technical details of drainage; PRoW diversions and provision; designated land (e.g. SSSI); proposed landscaping and mitigation measures including ecological crossings; and the location of construction compounds.
- e) A Public Rights of Way Management Plan was provided as Appendix 12.2 of the 2020 PEI report and included detailed technical drawings of the proposals for the diversion, stopping up and provision of PRoW and WCH routes across the scheme, including their proposed designation. This was provided within the digital 2020 PEI report and available to access directly in the online exhibition room.

9.3.31 Copies of the main Scheme Map, the Proposed Mitigation Plan and the DCO Boundary plan are provided in Consultation Report Appendix 9.14 (Document Reference 5.2). The General Arrangement Plans and Public Rights of Way Management Plan provided during the consultation are available online via the digital 2020 PEI report as Figure 2.1 and Appendix 12.2 respectively: <https://virtualengage.arup.com/A417-missing-link/pei-report/>.

#### Scheme visualisation

- 9.3.32 A 3D flythrough visualisation of the scheme was developed and made available in the online exhibition room. The visualisation brought the scheme to life for people by providing a 'drive through' and 'fly through' of the scheme. Labels on the visualisation identified parts of the design, whilst text explained some of the key aspects of the scheme design that had changed since the 2019 statutory consultation, such as the Cotswold Way crossing, the Gloucestershire Way crossing and the Cowley junction. Specific sections provided more detail and visualisations of the proposals for the repurposed A417, the B0470 and Barrow Wake, and the proposed crossings of the A417. The latter identified how people would be able to move between the Cotswold Way crossing and the Gloucestershire Way crossing, and provided an indicative representation of what the crossings would look like for pedestrians, cyclists and horse riders, including disabled users. The visualisation also provided indicative views of the scheme within the landscape.
- 9.3.33 The visualisation was made available for viewing in the online exhibition room. It was also shared on social media and embedded in news articles.

#### 'A Message from the Project Team' video

- 9.3.34 A video of the Highways England project team was provided in the online exhibition room, in which key members of the team set out why the scheme was important, the purpose of the supplementary statutory consultation and how to participate in the consultation.



### Views of the scheme

9.3.35 An interactive map with nine indicative viewpoints was provided in the online exhibition room. This allowed for people to navigate to different points in the scheme and access a 360-degree visualisation of what the scheme would look like in the landscape once constructed. It was possible to zoom in/out and move around within the visualisation, as well as to utilise a VR headset if available.

### 'Developing new road schemes' video

9.3.36 A video was provided in the online exhibition room which set out how Highways England develops new road schemes, including the options selection and design process, undertaking public consultation and the DCO Application process. This video was also provided on the consultation website.

### Additional information and documents

9.3.37 On the consultation website, additional documents were available that provided further information relevant to the scheme and the consultation, however these did not form part of the material being consulted upon. This included:

- a) Your Data, Your Rights General Data Protection Regulations Leaflet;
- b) Development Consent Order Information Leaflet;
- c) A poster advertising the Teams Live Q&A events;
- d) A poster advertising the live webchats and telephone surgery service; and
- e) The 'Kids Corner' materials from the online exhibition room.

9.3.38 A copy of these documents is provided in **Consultation Report Appendix 9.14** (Document Reference 5.2)

9.3.39 A copy of the section 47 Notice and the section 48 Notice was also provided on the consultation website. These are provided in Consultation Report Appendix 8.5 and 9.10 respectively (Document Reference 5.2).

### **Location of consultation documents**

9.3.40 Due to COVID-19 and associated government and social distancing, it was not possible to provide physical deposit points at which hard copies of consultation materials could be collected or inspected. As set out in Chapter 8 of this report, given public buildings would be closed or with limited access, and concerns were expressed about the handling of documents and social distancing guidelines, it was agreed in the 2020 SoCC with the relevant local authorities that information on how to access the consultation documents would alternatively be hosted at three online locations (see Table 9-3 below):

**Table 9-3 Online locations which hosted information on how to access consultation documents**

Online location	Host authority	Website address
Cirencester	Cotswold District Council	<a href="https://www.cotswold.gov.uk/">https://www.cotswold.gov.uk/</a>
Gloucester	Gloucestershire County Council	<a href="https://www.gloucestershire.gov.uk/">https://www.gloucestershire.gov.uk/</a>
Tewkesbury	Tewkesbury Borough Council	<a href="https://www.tewkesbury.gov.uk/">https://www.tewkesbury.gov.uk/</a>

9.3.41 The deposit locations were also provided in Appendix B of the published 2020 SoCC, available at Consultation Report Appendix 8.4 (Document Reference 5.2).

- 9.3.42 Highways England also sought to engage with the relevant Parish Councils prior to the launch of consultation to identify any opportunities for Parish Councillors to receive and distribute hard copies of the consultation materials (such as the consultation booklet) to their constituents where they may otherwise face barriers to accessing the virtual material. As a result, Highways England provided hard copies of the materials to those Parish Councils at the launch of the consultation.
- 9.3.43 In addition, all consultation documents were made available to view or download from the dedicated consultation website:  
<https://highwaysengland.citizenspace.com/he/a417-missing-link-supplementary-consultation/>.

### **Feedback mechanisms**

- 9.3.44 Channels through which consultees could provide their feedback on the scheme were made clear to be as follows:
- a) Online: consultees could complete the consultation feedback questionnaire online via the consultation website or online exhibition room;
  - b) Freepost: consultees could write a letter or complete a copy of the consultation feedback questionnaire and send it to 'FREEPOST A417 MISSING LINK'; or
  - c) Email: consultees could send their comments or a copy of the completed consultation feedback questionnaire via email to [a417missinglink@highwaysengland.co.uk](mailto:a417missinglink@highwaysengland.co.uk).

### **Public information events and other methods of communication**

- 9.3.45 As previously stated, it was not possible to hold any face-to-face public information events during the 2020 supplementary statutory consultation due to COVID-19. The online exhibition room described earlier in this Chapter provided a virtual version of a public information event that was available 24/7 during the consultation period.
- 9.3.46 In total, over 1,797 individual users visited the online exhibition room during the consultation period, with 1,993 total page views in the same period.
- 9.3.47 In addition to the online exhibition room, Highways England advertised and held two types of public events, which enabled attendees to communicate live and/or directly with members of the project team: five Teams Live Q&A events and 17 scheduled live webchats. Furthermore, a telephone surgery was provided to enable members of the public to contact Highways England by telephone regarding the scheme and the consultation. These methods of communication are outlined below.

#### Teams Live Q&A

- 9.3.48 Highways England hosted five online Q&A sessions in the second week of the supplementary statutory consultation via Microsoft Teams Live. Each event was focused on a different theme. Specialists from the Highways England project team gave a short presentation on that theme and then took live questions from the attendees. In order to attend the events, attendees were asked to register with Highways England in advance. This information was advertised on the consultation website; in the online exhibition room; and in the consultation brochure. Recordings were made and were/are available on request. It was not possible to submit a relevant response to the consultation via the live Q&A.

## 9.3.49

**Table 9-4 List of Q&A Events held during supplementary statutory consultation**

Theme	Date	Time
Safety, traffic and engineering	Monday 19 October	9.30am - 11am
Landscape, wildlife and habitats	Tuesday 20 October	9.30am - 11am
Local access and public rights of way	Wednesday 21 October	9.30am - 11am
Land, property, business and tourism	Thursday 22 October	9.30am - 11am
Looking ahead – submission, examination and construction	Friday 23 October	9.30am - 11am

9.3.50 In total, there were 41 attendees to the five Teams Live Q&A events.

Live webchats

- 9.3.51 Whilst anyone at any time could submit a question or query using the web chat function available as part of the online exhibition room, Highways England hosted 17 live webchats during the supplementary statutory consultation period to enable immediate two-way dialogue.
- 9.3.52 The live webchats were scheduled throughout the consultation period and on different days of the week and at different times, to enable as many people as possible to have the opportunity to participate. That included weekends and evenings. The schedule of live webchats was advertised via the 2020 SoCC, the section 47 Notice, consultation website; in the online exhibition room; and in the consultation brochure.
- 9.3.53 The webchat tool was accessed via the online exhibition room. Webchats were operated by members of the Highways England project team and enabled members of the public to ask questions about the scheme, the consultation or the consultation materials and receive a timely response with two way dialogue. In some cases, the questions asked required input from one or more specialist member of the Highways England project team who may have not been available at that time. In those cases, Highways England took contact details for the attendee and arranged a follow-up communication, including an online meeting or a telephone call where preferred, to provide the relevant information in a timely and accurate way.
- 9.3.54 Outside of the scheduled times for the live webchat, visitors to the online exhibition room could submit comments or queries via the webchat tool. These were picked up by members of the Highways England project team within working hours and responded to as soon as possible, using the contact details provided by the visitor.
- 9.3.55 It was not possible to submit a relevant response to the consultation via the live webchat.
- 9.3.56 A list of the scheduled live webchats is provided below in Table 9 5.

**Table 9-5 Date and time of scheduled live webchats during supplementary statutory consultation**

Date	Time
Tuesday 13 October	11am – 2pm
Tuesday 13 October	6pm – 8pm
Friday 16 October	8am – 11am
Friday 16 October	4pm – 7pm
Saturday 17 October	9am – 1pm
Tuesday 20 October	11am – 2pm
Thursday 22 October	6pm – 9pm
Saturday 24 October	1pm – 4pm
Tuesday 27 October	8am – 11am
Thursday 29 October	2pm – 5pm
Monday 2 November	10am - 1pm
Monday 2 November	6pm - 9pm
Wednesday 4 November	4pm – 7pm
Saturday 7 November	9am – 1pm
Tuesday 10 November	8am – 11am
Tuesday 10 November	6pm – 9pm
Thursday 12 November	8am – 11am

9.3.57 In total, there were 45 conversations held via the live webchats.

#### Telephone surgery

9.3.58 An email address and telephone number was advertised on the consultation website and in the consultation materials for members of the public to call to request a telephone call back from a member of the Highways England project team.

9.3.59 While it was not possible to submit a relevant response to the consultation in this manner, the telephone surgery provided an option for consultees to request further information about the scheme, the consultation or the consultation materials and to request a discussion with a member of the project team, including technical specialists.

9.3.60 It was also possible to request hard copies of materials through the telephone service.

9.3.61 In total, Highways England carried out 15 telephone call backs during the supplementary statutory consultation period.

#### Briefing of elected representatives

9.3.62 Highways England sought to engage with MPs, local Councillors and Parish Councils prior to the statutory consultation in order to brief them on its content and its 'digital-first' approach due to COVID-19, as well as to seek their assistance in raising awareness and encouraging participation in the consultation.

## 9.4 Advertising and publicity of the consultation

9.4.1 In addition to the publication of a section 47 Notice and section 48 Notice as detailed earlier in this Chapter, Highways England undertook various activities to promote the 2020 supplementary statutory consultation and to encourage participation. Members of the Communications TWG also promoted the consultation on behalf of Highways England, although this is not reported in this section.

### 'Have Your Say' campaign

9.4.2 Highways England launched a 'Have Your Say' campaign two weeks in advance of the launch of consultation, to encourage participation and promote the upcoming milestone for the scheme.

9.4.3 This included the following activity:

- a) Press and media engagement;
- b) Social media – advertising and shared content; and
- c) Third party and partner communications.

9.4.4 Further information on these activities is detailed below.

### Media releases and press briefing

9.4.5 A media release was issued on 28 September 2020 to coincide with the publication of the first section 47 notice, which promoted the upcoming consultation and offered a preview of the design changes that were going to be consulted on.

9.4.6 A second media release was issued on 13 October 2020 to coincide with the launch of the consultation. A further release was issued prior to the close of consultation, in November 2020 to encourage people to provide their feedback before the end of the consultation period.

9.4.7 The scheme received 22 pieces of media coverage throughout the consultation, including BBC Radio Gloucestershire. The coverage was factual.

### Stakeholder briefings

9.4.8 Virtual stakeholder briefing events were held on Microsoft Teams in advance of the consultation, running from the launch of the 'Have Your Say' campaign up until the launch date (13 October 2020).

9.4.9 Key and statutory stakeholders were invited to an event, where a preview of the consultation materials was given and details on how the scheme was engaging with people in a digital-first way.

### Social media

9.4.10 Highways England mobilised social media to circulate publicity about the consultation.

9.4.11 Social media signposting to the consultation website through the @HighwaysSWest Twitter and Facebook accounts helped to raise awareness of the consultation, as well as providing outreach to third party advocates, and to help circulate consultation information on social media.

- 9.4.12 Highways England also paid for advertising on Facebook and Instagram platforms targeted to a geographic area relevant to the scheme and focused on a youth to mid-life demographic, to help raise awareness of the consultation and encourage participation, taking into account efforts to involve hard to reach groups.
- 9.4.13 As was made clear, comments received on social media were not treated as consultation responses and have not been considered in the analysis of responses.

#### Stakeholder media pack

- 9.4.14 A stakeholder information pack was sent out to third party advocates and communications partners two weeks in advance of the consultation period. The stakeholder pack provided them with information, suggested text, images and social media posts they could simply copy and paste to use in their social media posts, newsletters and websites, to help promote and raise awareness of the upcoming consultation.
- 9.4.15 Additional information packs were issued to stakeholders at the launch of consultation, and again halfway through to encourage participation.
- 9.4.16 An example of these packs can be found at Consultation Report Appendix 9.9 (Document Reference 5.2).

## 10 Summary of responses received to 2020 Supplementary Public Consultation

### 10.1 Requirements of the Act

- 10.1.1 As set out earlier in Chapter 7 of this report, section 49 of the Act sets out the duty upon the applicant to take account of responses to consultation and publicity. Under section 49(2) of the Act, the applicant must have regard to any relevant responses, whilst section 49(3) clarifies the meaning of 'relevant responses'<sup>19</sup>.
- 10.1.2 This Chapter 10 provides an overview of the relevant responses received to the 2020 supplementary statutory consultation and provides an account of how Highways England has had regard to those responses. It therefore evidences that Highways England has complied with the requirements of section 49 of the Act with regard to the 2020 supplementary statutory consultation. This Chapter is structured as follows:
- Section 10.2 provides a statistical overview of the different types of responses received and how they were analysed.
  - Section 10.3 provides tables that outline the matters raised by consultees in response to the consultation and publicity, alongside a Highways England response to each matter raised to help demonstrate the regard had to every relevant response.
  - Section 10.4 provides a summary of how the design of the scheme was amended following the consultation, including as a result of taking into account the responses to consultation and publicity. In doing so, this Section outlines the key outcomes of the 2020 supplementary statutory consultation and how it influenced the scheme's design and Highways England's decision making.

### 10.2 Statistical analysis

#### Number and format of responses

- 10.2.1 A total of 433 relevant responses were submitted to Highways England in response to the supplementary statutory consultation held between 13 October and 12 November 2020. That number includes responses received after the deadline, which were all accepted by Highways England on a discretionary basis.
- 10.2.2 As per the publicity materials supporting the consultation, anyone who participated in a Teams Live Q&A event or spoke to members of the project team via telephone or live webchat was informed that they should submit their relevant response to the consultation, if they wished to do so, via the feedback mechanisms set out in paragraph 9.3.44 of this report, for them to be considered a relevant response and taken into account accordingly.
- 10.2.3 As such, any verbal comments or feedback provided via telephone or a virtual meeting, or via other channels such as social media, were not considered as a relevant response. As such those have not been taken into account in this analysis.
- 10.2.4 If comments on the scheme were provided by email or via the webchat (outside of the scheduled 'live' periods) and it was not clear if the comments were intended to

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<sup>19</sup> Please see section 7.1.2 of this report for the wording of section 49(3) of the Act.

be a formal submission of feedback, Highways England sought to contact that person and seek their confirmation. Highways England took a precautionary approach in which such comments were treated as formal feedback if confirmation was not forthcoming.

- 10.2.5 Social media platforms were only used to publicise the consultation and events, and comments posted on social media were not taken into account as relevant responses. Where possible or appropriate, users of social media were encouraged to provide relevant responses via the promoted feedback mechanisms.
- 10.2.6 Responses were received through the submission of feedback questionnaires either online or via Freepost, by email, or by letter. In total, the following number of responses were submitted through these methods:
- 329 returned questionnaires online (324) or via the Freepost address (5);
  - 101 emails; and
  - 3 letters.
- 10.2.7 Table 10-1 provides a breakdown of the number of responses per consultee category. As all responses were received through the same channels (email or online feedback questionnaire) it is not possible to distinguish those which were responding specifically to section 47 or section 48 publicity.
- 10.2.8 Consistent with the approach taken in 2019, it should be noted that some consultees were notified of the consultation under two different categories of the Act (e.g. they are both a PIL and an additional relevant organisation, such as the National Trust). For the purposes of this analysis, where such consultees submitted only one response, they have been counted under one category only in the table below, so to avoid double counting. In such circumstances, the response has been assigned to the relevant category under section 42 in the first instance.
- 10.2.9 Again consistent with the approach taken in 2019, where two separate responses were submitted by one consultee in relation to each category under which they were consulted, this has been counted separately if the nature of their responses were different and aligned clearly to each category. For example, Gloucestershire County Council responded jointly with the other 'host' local authorities under section 42(1)(b) and separately as a section 42(1)(d) PIL.

**Table 10-1 No. of responses per consultee category**

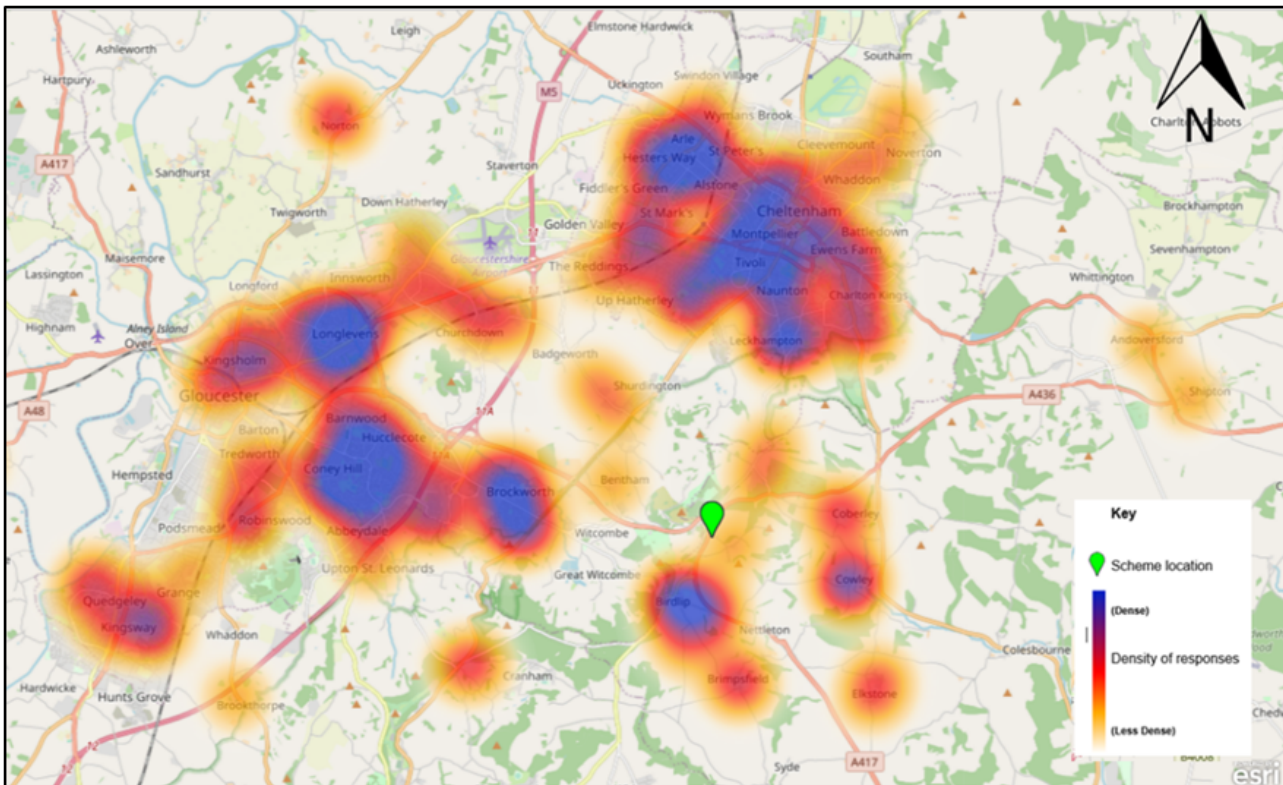
Consultee category	No. of responses
Section 42(1)(a) statutory consultees (including statutory undertakers)	15
Section 42(1)(b) Local Authorities	6
Section 42(d) people with an interest in the land (PILs)	13
Section 47 general public	370
Section 47 additional organisations	29

### Geographic distribution of respondents

- 10.2.10 Figure 10-1 represents an overview of the geographical distribution of respondents, utilising Highways England's data from its consultation software Citizenspace.



- 10.2.11 It should be noted that Figure 7-1 does not convey the full range of respondents' geographical locations and is instead focused on the scheme's regional extent, where the sources of responses were focused.
- 10.2.12 The greatest concentration of responses was those submitted by people within the vicinity of the scheme, particularly in Cheltenham, Gloucester and the villages closest to the scheme; Brockworth, Birdlip and Cowley. This is similar to the distribution of responses to the 2019 statutory consultation (see section 7.2 of this report).



**Figure 10-1 Geographic distribution of responses to 2020 supplementary statutory consultation**

### Consultation analysis method

- 10.2.13 In accordance with paragraphs 78 to 84 of the DCLG (now Ministry of Housing, Communities and Local Government, MHCLG) guidance<sup>20</sup>, the relevant issues raised from section 47 general public responses (which formed the majority of all responses received) have been summarised. To capture and summarise each relevant issue from online or written feedback forms, letters, and emails, a process of analysis and coding has been undertaken.
- 10.2.14 A similar methodology was employed for coding consultation responses as that used for the 2019 statutory consultation (as described in section 7.2 of this report) in which responses were coded based on topics relating to the PEI report chapters and the most commonly cited issues raised.
- 10.2.15 However, taking into account the feedback received in 2019 and the design changes made to the scheme since that consultation, Highways England reviewed and updated the list of coding topics. As a result, 22 topics were used to

<sup>20</sup> Department for Communities and Local Government (DCLG). Planning Act 2008: Guidance on the Pre-application Process. London, 2015

code consultation responses. Of those, 14 related directly to the published 2020 PEI report chapters and 8 topics related to issues most commonly raised in the consultation and engagement (both statutory and non-statutory) that Highways England had carried out to date. Those topics are listed in Table 10-2.

- 10.2.16 In contrast to the approach taken in coding the 2019 statutory consultation responses, Highways England did not categorise responses geographically into sections. This was carried out in 2019 because it then aligned with how the 2019 statutory consultation material presented the scheme and how the questions asked by the 2019 feedback questionnaire were structured.
- 10.2.17 The 2020 supplementary statutory consultation was focused on the more significant design changes made to the scheme and as such the structure of the 2020 feedback questionnaire reflected that, asking questions about each main change as well as for feedback on the wider scheme and its likely environmental effects. To reflect that, the coding of consultation responses was carried out on a question by question basis (and comments were not categorised to a particular geographic section of the scheme as they were in 2019).
- 10.2.18 In taking the approach outlined above, Highways England has sought to provide consistency in the analysis of the responses, such that both the 2019 and 2020 consultation analysis method reflects the structure of the material and questions presented at those consultations.

**Table 10-2 2020 Consultation coding topics**

Topics	
PEI report related topics	Additional topic
Air quality	Anti-social behaviour
Biodiversity / ecology	Alternatives to the scheme
Climate	Consultation
Cultural heritage	Economics
Cumulative effects	Engineering design
Geology and soils	Land ownership
Landscape and visual impact	Principle of development
Materials assets and waste	Traffic and transport
Noise and vibration	
Population and human health- business and tourism	
Population and human health- community impacts	
Population and human health – PRoW/WCH	
Population and human health - health	
Road drainage and the water environment	

- 10.2.19 The following methodology was applied to the coding of responses received for the 2020 supplementary statutory consultation:
- Each public consultation response was assigned a unique code. The comments were read and the matters raised were coded per question, under the coding themes.
  - Each separate matter raised was counted once per question in the feedback questionnaire. This means that if they raised the same matter against different questions, this was still counted each time. If an email or letter was being

coded, a matter raised was counted once per email or letter, provided they had not used the questionnaire format.

- c) Where a response had not used the questionnaire format, it was coded against the final question of the questionnaire 'Do you have any other comments?'
- d) Where an identical or materially similar matter was raised by more than one respondent, duplicate matters were archived and stored in a database. This means that a matter raised, as presented in section 10.3 of this report, may be a summary of a number of similar issues that have been raised in consultation responses.

10.2.20 This process created a log of all matters raised through the public consultation responses, categorised by the question to which it relates and the topic code. These matters are presented in section 10.3 of this report and a Highways England response to all matters raised is provided.

10.2.21 Consistent with the approach taken in 2019, the responses from the section 42(1)(a) prescribed consultees, section 42(1)(b) local authorities, section 42(1)(d) PILs and additional organisations were not coded with the public responses. Rather, they were read, and issues raised were summarised into tables per respondent. This is also presented in section 10.3 of this report.

### **Key themes**

10.2.22 This section provides an overview of key themes raised by the section 47 general public responses for each question of the feedback questionnaire, as identified through the coding process.

### Support for design changes

10.2.23 In total, 324 responses were submitted via the online questionnaire which represents 75% of all responses received. It is possible to utilise this digital format and the Likert scale format of the first six questions of the questionnaire, which focused on the more significant design changes, to identify levels of support / opposition. Whilst this does not therefore include email or letter responses, it does help to indicate sentiment towards the design changes as provided by the majority of section 47 general public responses. This is presented in Table 10-3.

10.2.24 Please see the full summary of feedback in section 10.3 for a detailed account of the responses, including comments made qualifying any selection made in relation to the Likert scale of support or opposition.

**Table 10-3 Levels of support expressed via online questionnaire for the design changes presented at the 2020 supplementary statutory consultation**

Question	Design change	Strongly support or support	Strongly oppose or oppose	Neither support nor oppose
1a	Cotswold Way crossing	77.5%	9.8%	12.6%
1b	Gloucestershire Way crossing	77.5%	8.6%	13.8%
2	Gradient change	63.4%	14.2%	22.5%
3	Cowley junction	60.6%	13.5%	25.8%
4	B4070 to Birdlip	65.2%	12%	22.7%
5	Changes to PRow	71.4%	11.7%	16.9%
6	Common Land	63.4%	12.3%	24.4%

10.2.25 Table 10-3 demonstrates that overall, respondents expressed high levels of support for the changes to the scheme design as presented at the 2020 supplementary statutory consultation.

10.2.26 In particular, the two new proposed crossings, the Cotswold Way crossing and Gloucestershire Way crossing, were highly supported.

10.2.27 Levels of opposition to the changes varied between 8.6% and 14.2%.

10.2.28 Respondents expressing a neutral stance varied between 12.6% and 25.8%.

#### Response themes

10.2.29 As set out above, all responses received from section 47 general public consultees were analysed and coded, including online and postal questionnaires, emails and letters. Through this process, it is possible to identify which codes (or themes) received the most unique comments in response to each question. These are set out below.

#### *Question 1a: the Cotswold Way crossing*

10.2.30 The highest number of unique comments were made in relation to the following themes:

- Population and human health – PRow/WCH
- Engineering design
- Biodiversity/ecology

#### *Question 1b: the Gloucestershire Way crossing*

10.2.31 The highest number of unique comments were made in relation to the following themes:

- Population and human health – PRow/WCH
- Engineering design
- Biodiversity/ecology

*Question 2: the gradient change*

10.2.32 The highest number of unique comments were made in relation to the following themes:

- Engineering design
- Traffic and transport
- Principle of development

*Question 3: Cowley junction*

10.2.33 The highest number of unique comments were made in relation to the following themes:

- Traffic and transport
- Engineering design
- Principle of development

*Question 4: the B4070 link to Birdlip*

10.2.34 The highest number of unique comments were made in relation to the following themes:

- Engineering design
- Traffic and transport
- Population and human health – community impacts

*Question 5: changes to PRow*

10.2.35 The highest number of unique comments were made in relation to the following themes:

- Population and human health – PRow/WCH
- Principle of development
- Traffic and transport

*Question 6: proposals for replacement Common Land*

10.2.36 The highest number of unique comments were made in relation to the following themes:

- Land ownership
- Biodiversity/ecology
- Population and human health – PRow/WCH

*Question 7: likely environmental effects*

10.2.37 The highest number of unique comments were made in relation to the following themes:

- Engineering design
- Principle of development
- Biodiversity/ecology

*Question 8: other design changes*

10.2.38 The highest number of unique comments were made in relation to the following themes:

- Engineering design
- Landscape and visual impact
- Population and human health – PRoW/WCH

*Question 9: any other comments*

10.2.39 This question included analysis comments that did not follow the questionnaire format, such as emails or letters. It therefore reflects a wider range and volume of comments than the other questions.

10.2.40 The highest number of unique comments were made in relation to the following themes:

- Engineering design
- Traffic and transport
- Biodiversity/ecology

### **10.3 Responding to feedback**

10.3.1 In accordance with section 49 of the Act, this section of the Report demonstrates in detail how Highways England has had regard to the matters raised within the relevant responses submitted to the 2020 supplementary statutory consultation.

10.3.2 The tables contained in Consultation Report Appendices 10.1 to 10.4 (Document Reference 5.2) and referenced within this chapter provide:

- a) A summary of the matters raised by section 47 general public respondents and the Highways England response to these matters, in accordance with section 49 of the Act. This is separated into 10 tables relating to each question asked in the consultation feedback questionnaire (Appendix Tables 10.1A – 10.1J)
- b) A record of the responses received by section 42(1)(a) prescribed consultees and section 42(1)(b) local authorities and the Highways England response to these matters, in accordance with section 49 of the Act (Table 10.2);
- c) A record of the responses received by section 42(1)(d) PILs and the Highways England response to these matters, in accordance with section 49 of the Act (Table 10.3); and
- d) A record of the responses received by section 47 additional organisations and the Highways England response to these matters, in accordance with section 49 of the Act (Table 10.4).

10.3.3 Following the 2020 supplementary statutory consultation, some further design changes were made to the scheme. They were made in response to feedback from the consultation and ongoing engagement with stakeholders and landowners, as well as results from further environmental and technical assessment work. Where a matter raised in the consultation feedback subsequently related to a design change, this is identified in the tables. Where matters raised during statutory consultation have not resulted in a design change, Highways England has provided justification for this decision.

10.3.4 For ease of understanding, a summary of the design response to the 2020 supplementary statutory consultation is provided in section 10.4 of this report. It identifies the key design changes that were made and explains the reasoning

behind them, including where this was in response to consultation feedback. It also identifies the design suggestions or requests that Highways England received but which did not result in a change to the design. A justification for not implementing changes is also provided.

## 10.4 Design response

- 10.4.1 As part of the analysis of consultation responses submitted during the 2020 supplementary statutory consultation, Highways England discussed and then agreed or rejected suggested design changes.
- 10.4.2 Design changes suggested in responses to the public consultation were carefully considered and assessed by specialists involved in the design, including environmental, engineering and construction experts. Some of the more significant changes made or not made, and why, are summarised below. For a full response to feedback, please refer to the tables provided in the preceding section 10.3 of this report.
- 10.4.3 It should be noted that design changes to the scheme have also been influenced outside of statutory consultation through ongoing engagement with stakeholders and landowners, emerging environmental survey data and technical assessment work. An account of the development of the scheme and all design changes made is provided in ES Chapter 3 Assessment of Alternatives (Document Reference 6.2).

### Design changes made and why

- 10.4.4 The feedback received to the 2020 supplementary statutory consultation, as well as other factors outlined above, resulted in Highways England concluding that changes to the scheme design were required. The changes made to the scheme sought to further enhance local connectivity and accessibility and reduce or improve the scheme's impact on communities, the environment, and the local landscape.
- 10.4.5 A summary of the principal design changes made following the 2020 supplementary statutory consultation is provided below.

### Cotswold Way crossing

- 10.4.6 Overall, the feedback received on the proposals for the Cotswold Way crossing was positive, as indicated by 77.5% of respondents to the online questionnaire expressing strong support or support (see section 10.2 of this report). However, some comments expressed concerns about the form or aesthetics of the crossing. It was queried whether the materials proposed for the crossing would be suitable for the surrounding area and whether the design could be better integrated into the sensitive Cotswolds AONB landscape. Comments were also received which questioned the need for a viewing platform as was proposed. Whilst some comments were supportive of the inclusion of a viewing platform, more respondents felt that this would not be well-used by visitors due to the proximity to the road, views of traffic, and considered it would result in additional cost and visual intrusion (by virtue of the structure itself) that was not fully justified or even necessary.
- 10.4.7 Having considered the points raised, Highways England has made alterations to the Cotswold Way crossing to simplify the design and make it more slender so that it better fits within the Cotswolds AONB landscape. As part of this design

refinement, the viewing platform has been removed from the crossing. However, the proposed seating area has been retained in the design as Highways England considers that this is necessary to provide a resting area for users of the crossing.

- 10.4.8 Selection of materials at this preliminary stage has focused on the need to keep the structure low in the landscape, reduce or avoid land take including special category land, and has been driven by the landscape-led approach to the design seeking to be in keeping with the special qualities of the Cotswolds AONB.
- 10.4.9 The aesthetics of the crossing, including confirmation of the materials to be used, and the surfacing of the crossing itself, will be determined at the detailed design stage of the scheme.

#### Gloucestershire Way crossing

- 10.4.10 Overall, the feedback received on the proposals for the Gloucestershire Way crossing was positive, as indicated by 77.5% of respondents to the online questionnaire expressing strong support or support (see section 10.2 of this report). Many comments were received that recognised the benefits of the crossing for providing ecological connectivity and as a traffic-free route for walkers, cyclists and horse riders, including disabled users.
- 10.4.11 However, some feedback received from both members of the public and environmental bodies expressed concern that the crossing was not sufficiently wide (at a then proposed 25 metres) to function effectively as a crossing for both wildlife and humans.
- 10.4.12 After careful consideration and collaborative engagement with environmental bodies, Highways England developed a proposal for the crossing to be increased in width. This would further improve ecological connectivity, with a 25 metre wide section of calcareous grassland in addition to the other elements of the crossing, to address any fragmentation of the Crickley Hill and Barrow Wake SSSI, benefit landscape integration and allow effective segregation of the ecological and human functions of the crossing.
- 10.4.13 In summary, Highways England has decided to amend the design of the Gloucestershire Way crossing to increase the width from 25 metres to approximately 37 metres. This design will incorporate an increased area of planting on the crossing, comprising of a 25 metre wide section of calcareous grassland and two 3 metre wide hedgerows. This would provide ecological connectivity, whilst the hedgerows are required as essential mitigation for bats, as surveys have shown they have existing crossing points in this area. A 3.5 metre bridleway is proposed on the crossing to accommodate people, which would also function as a maintenance strip on the southern boundary of the crossing. This bridleway would provide for the diversion of the Gloucestershire Way, creating a motor traffic-free crossing. Finally, a 1.5 metre maintenance strip would be provided on the northern boundary of the crossing.
- 10.4.14 Whilst there was general support for the proposals, it is noted that some respondents sought confirmation of the materials to be used for the aesthetics and surfacing of the bridleway section of the crossing. This will be determined at the detailed design stage following the approval of the scheme, if granted.

#### Impacts on the Site of Special Scientific Interest

- 10.4.15 Related to the requests made for a wider Gloucestershire Way crossing, there were concerns raised by some respondents, particularly environmental bodies,



that the scheme would result in increased severance of the Crickley Hill and Barrow Wake SSSI habitat north and south of the road. There was some concern that the scheme would result in habitat fragmentation, impacting on the connectivity and population of different species in the area.

- 10.4.16 The scheme proposed at the 2020 supplementary statutory consultation did include proposals to plant new native and high quality woodland, grassland, trees and hedgerows to mitigate the effects of the scheme on wildlife. However, taking into account the feedback to the consultation, Highways England engaged with environmental stakeholders collaboratively on this matter to further understand how additional habitat connectivity could be provided to address their concerns. It was decided that in addition to widening the Gloucestershire Way crossing, the provision of additional habitat 'stepping stones' between the crossing and the Crickley Hill and Barrow Wake SSSI would aid the movement of wildlife and improve north-south connectivity. Areas of planting, including an approximate 3.5ha habitat stepping stone, have now been incorporated into the scheme design. These address environmental concerns about fragmentation of the SSSI. Please refer to ES Figure 7.11 Environmental Masterplan (Document Reference 6.3) for details of the proposed planting for the scheme.
- 10.4.17 In addition, some amendments have been made to the Barrow Wake roundabout and B4070 to reduce its impact on the SSSI in this area. The roundabout has been reduced in footprint, whilst earthworks on the western side of the B4070 have been made steeper to reduce the land take required.

#### Replacement Common Land and the Air Balloon Way

- 10.4.18 The proposals for replacement Common Land received the least comments from members of the public responding via the feedback questionnaire. As set out in section 10.2 of this report, the majority of those who responded (63.4%) supported or strongly supported the proposals. However, some environmental stakeholders and PILs made suggestions that the Common Land proposals could be amended to improve connectivity of the proposed replacement Common Land with the SSSI habitats.
- 10.4.19 Some respondents also requested the Air Balloon Way be navigated along the repurposed A417 to the Cotswold Way crossing, to help provide a more direct route for WCH and also reduce any potential adverse impact on the SSSI as a result of people navigating through the Barrow Wake car park.
- 10.4.20 As a result of this feedback, Highways England decided to amend the access between the car park and the Air Balloon Way, as well as adjust the shape of the replacement Common Land to allow for the Air Balloon Way to be extended up to the Cotswold Way crossing (from the proposed area of parking near the Golden Hart Inn and Stockwell Lane). This will help the replacement Common Land to be better aligned and planted so that it connects with the surrounding habitat, including the SSSI. In addition, it means that walkers, cyclists and horse riders would now be able to follow the Air Balloon Way right up to the Cotswold Way crossing (and beyond) without needing to travel through the Barrow Wake car park. This helps to address the concerns expressed by environmental groups in particular about potential impacts of recreation on the SSSI.
- 10.4.21 Some respondents asked for, or suggested, details for the surfacing, signage or enclosures associated with the proposed Air Balloon Way as part of the repurposing of the existing A417.

10.4.22 Annex F Public Rights of Way Management Plan of ES Appendix 2.1 (Document Reference 6.4) sets out the mitigation and enhancement for users of rights of way, including the proposed Air Balloon Way. The Air Balloon Way would include soft and hard surfacing to cater for different non-motorised users, with a restricted byway designation. This would allow walking, cycling and horse riding between near the Golden Heart Inn and Crickley Hill and beyond. The route would be 5m wide for the part accommodating walkers, cyclists and horse riders, including carriages. That would include segregated paths for different uses. Signage, enclosures and surfaces would be agreed at the detailed design stage between Highways England, its contractor and Gloucestershire County Council.

#### Parking near Golden Heart Inn and Stockwell Lane

- 10.4.23 The scheme presented at the 2020 supplementary statutory consultation included proposals for new parking provision near to the Golden Heart Inn and Stockwell Lane, including horse box spaces and disabled parking spaces. This was proposed as a result of feedback received in response to the 2019 statutory consultation, to improve access to the area for users of the Air Balloon Way, and help reduce any pressure resulting from potential increased recreational activity on the SSSI in the Barrow Wake area. This is set out in section 7.4 of this report.
- 10.4.24 The new parking proposals near to the Golden Heart Inn and Stockwell Lane were consulted upon as part of the 2020 supplementary statutory consultation.
- 10.4.25 While feedback received was generally positive about the provision of additional parking in this area, some concerns were raised that the specific location of the parking area off Stockwell Lane could be vulnerable to anti-social behaviour and could negatively impact on visitors and the local residents of Birdlip village.
- 10.4.26 Taking into account this feedback, Highways England engaged with the Cowley and Birdlip Parish Council alongside some local residents to consider their suggestions for alternatives, and reviewed the location of the proposed car parking to help to address these concerns. As a result, Highways England has decided to amend the proposals for the parking near the Air Balloon Way. General and horse box parking will now be located adjacent to the Golden Heart Inn, whilst a smaller disabled parking area will be provided off the Stockwell Farm junction, located further away from the village (east).

#### Improvements for walkers, cyclists and horse riders including disabled users

- 10.4.27 The 2020 supplementary statutory consultation sought feedback on proposals for the PRoW network and routes for walkers, cyclists and horse riders including disabled users. This included a number of changes that had been implemented as a result of the 2019 statutory consultation, as set out in section 7.4 of this report.
- 10.4.28 Whilst there was overall support for the changes to the proposals for the PRoW network, including the provision of the Cotswold Way and Gloucestershire Way crossings, there were also requests made for further amendments to the proposals. This included requests to add a PRoW connection near Cowley junction; improve crossing arrangements of the B4070; amend the designations of some PRoW; and, add more crossings of the A417.
- 10.4.29 Amendments have been made to the proposals to address many of the requests and informed by the interest groups through the Walking, Cycling and Horse Riding TWG. These are clearly set out, described and illustrated in the PRoW

Management Plan (Annex F to the ES Appendix 2.1 Environmental Management Plan).

10.4.30 A summary of these changes is provided below:

- a) The proposed Air Balloon Way has been extended all the way up to the proposed Cotswold Way crossing;
- b) The designation of the proposed Cotswold Way crossing has been changed to a restricted byway;
- c) A previously proposed PRoW connection between the Crickley Hill and Barrow Wake SSSI and the Barrow Wake car park to the Air Balloon Way has been removed, to reduce potential impacts on this environmentally sensitive area. The designation of the proposed footpath east of Shab Hill junction has been changed to a byway open to all traffic and users;
- d) Equestrian holding areas have been added to enable the safe crossing of the proposed B4070 link road; and
- e) A footway has been added to connect Cowley Wood Lane to the proposed Air Balloon Way.

#### Landowner requests

10.4.31 Feedback from PILs was received in response to the 2020 supplementary statutory consultation, including through consultation meetings with the Highways England team, and through engagement undertaken outside of formal consultation periods (as set out in Chapter 4 of this report).

10.4.32 Highways England has carefully considered landowner requests or concerns expressed, when reviewing the scheme design following the 2020 supplementary statutory consultation. Amendments have been made to the scheme design to address landowner feedback where possible. Whilst a detailed summary of design changes including minor changes is provided in ES Chapter 3 Assessment of Alternatives, some of the more notable amendments to the scheme resulting from landowner feedback in response to the 2020 consultation are highlighted below:

- a) The access to Ullenwood Bharat Cricket club has been amended to improve the visibility of incoming traffic;
- b) The access road from the B4070 to Birdlip Radio Station has been widened to allow vehicles to pass;
- c) The DCO west of the Ullenwood junction was amended to avoid special category land; and
- d) It was agreed that an alternative drainage design removing the need for a permanent easement across National Star College's land will be developed.

10.4.33 In addition to the changes to the design of the scheme, Highways England sought to reduce or remove land take to avoid impacts on landowners where possible, adjusting the DCO Boundary of the scheme or type of land take required as appropriate. In some cases, changes to the scheme and/or DCO Boundary following the 2020 statutory consultation required further targeted statutory consultation, which was held with PILs in February to March 2021. Details of this additional consultation are provided in Chapter 11 of this report.

#### **Design changes not made and why**

10.4.34 Some matters raised in response to the 2020 supplementary statutory consultation related to suggested changes to the scheme design that were given due consideration by the Highways England project team, but which ultimately did

not result in a design change. Such suggestions were carefully considered to ascertain their feasibility and benefits balanced with any potential impacts such as likely environmental effects, traffic, cost, value for money and land take.

10.4.35 Some matters were raised in response to the 2019 statutory consultation and again in response to the 2020 supplementary statutory consultation, and did not result in a design change either time after consideration by Highways England. To avoid unnecessary duplication, the explanation for this design change not being implemented has not been repeated in this section, unless the nature of the change or the explanation is different when considered in relation to the 2020 scheme. The following matters were raised at both the 2019 and the 2020 statutory consultations and did not result in a design change; please refer to section 7.4 of this report for an explanation as to why they were not implemented:

- a) Additional lanes climbing the escarpment;
- b) Alternative arrangements at the A417 link road and A436 junction;
- c) Noise concerns on the A417/A419 south of Cowley junction;
- d) Avoiding impacts to the Air Balloon public house; and
- e) Details of surfacing, signage and enclosures.

10.4.36 A summary of the principal matters raised that did not result in a design change in response to the 2020 consultation are provided below.

#### Tunnel or cut and cover solution

10.4.37 Some respondents considered that the scheme should not be a surface route and should instead be delivered as a tunnel or 'cut and cover' solution. While Highways England acknowledges the suggested alternative approach to delivery, tunnel routes were discounted following an options assessment process, largely due to their cost and poor value for money. This information was presented at the 2018 non-statutory consultation, as set out in Chapter 3 of this report. At the announcement of Option 30 as the preferred (surface) route in March 2019, Highways England concluded its route selection process.

10.4.38 Whilst recognising the conclusions of the route selection process, a number of respondents queried in response to the 2019 statutory consultation whether a partial tunnel design could be incorporated into the Option 30 alignment or through a 'cut and cover' method, for example by utilising the then proposed green bridge on Crickley Hill (which has since been removed from the scheme as set out in section 7.4 of this report). An explanation as to why this was not considered feasible following the 2019 statutory consultation is provided in paragraphs 7.4.52 to 7.4.54 of this report.

10.4.39 In response to the 2020 supplementary statutory consultation, some respondents suggested that a partial tunnel or cut and cover design could be incorporated into the scheme design in the vicinity of the existing Air Balloon roundabout, for example through widening the proposed Cotswold Way crossing corridor to create a green bridge or cut and cover solution. It was suggested that this may prevent the Air Balloon public house from requiring demolition.

10.4.40 The scheme presented at the 2020 statutory consultation included the 8% gradient on the escarpment, and the addition of two new crossings following the removal of the previously proposed green bridge at Crickley Hill. To implement a cut and cover within the 2020 scheme design, for example through creating a partial tunnel or cut and cover solution in lieu of the Cotswold Way crossing, would require the gradient of the scheme to be reduced to around 5%. This would

reintroduce several significant effects that Highways England has previously sought to reduce and avoid through the changes made following the 2019 statutory consultation, including environmental effects on the water environment, cultural heritage features, carbon emissions and creation of surplus material through excavation. It would also not avoid the demolition of the Air Balloon public house, due to the requirement to 'cut' and excavate prior to creating the enclosed 'cover' in the location of the public house.

- 10.4.41 Highways England therefore considers that the suggestion to amend the scheme as presented at the 2020 supplementary statutory consultation to incorporate a tunnel or cut and cover solution is neither feasible nor preferable to the proposals.

#### Widening and/or 'greening' the Cotswold Way crossing

- 10.4.42 As explained earlier, the feedback received on the proposals for the Cotswold Way crossing was generally positive, as indicated by 77.5% of respondents to the online questionnaire expressing strong support or support (see section 10.2 of this report). However, some comments suggested that the crossing should be wider to, or, include planting to provide ecological connectivity or for aesthetic purposes, or both. It was suggested the design could be amended to be a 'green bridge' similar to the one previously proposed on Crickley Hill in the scheme as presented at the 2019 statutory consultation.
- 10.4.43 Highways England recognises the need to provide connectivity for wildlife and habitats within the scheme and has included numerous crossings within the scheme for this purpose, where appropriate. The design has responded to ecological survey results and technical assessments, alongside ongoing collaborative engagement with stakeholders including those with an interest in ecology. For example, the provision of the Gloucestershire Way crossing and its subsequent widening, as well as the proposed bat underpass near Dog Lane, directly responds to ecological data and drivers. In addition, the design of the Stockwell Farm and Cowley Lane overbridges have been amended following the 2019 statutory consultation to include planting of hedgerows for habitat and landscape integration. Planting of new woodland, grassland, trees and hedgerows is also proposed across the scheme to help preserve and create additional habitats in the local area and improve habitat connectivity.
- 10.4.44 Ecological surveys and assessments have not identified that the Cotswold Way crossing is required to provide a crossing for wildlife. The addition of planting or the change of the crossing to a 'green bridge' would therefore not serve an effective ecological purpose and would require a larger structure within the landscape resulting in unnecessary adverse impacts on the Cotswolds AONB, land take and cost. Whilst Highways England has concluded that the Cotswold Way crossing should not incorporate a 'greened' design, the Gloucestershire Way crossing near Shab Hill junction and the introduction of habitat 'stepping stones' would address the ecological connectivity concerns in this area.
- 10.4.45 Whilst some comments suggested the crossing should be wider because of the different non-motorised users using it, the width of 5m is appropriate to accommodate the restricted byway designation that would permit walkers, cyclists and horse riders including those with carriages. This would be consistent with the connecting Air Balloon Way, which is also proposed at an appropriate 5m width. The crossing would also be wide enough to be used as a cattle crossing, as requested by local farmers.

### Reduce or remove Barrow Wake car park

- 10.4.46 Some respondents, including environmental bodies and PILs, made suggestions that the Barrow Wake car park should be reduced or removed as part of the A417 Missing Link scheme, due to concerns both over its impacts on the SSSI habitat and relating to anti-social behaviour. Whilst similar concerns were raised in response to the 2019 statutory consultation (see section 7.66 of this report), the nature of the concerns received in 2020 were much more focused on the opportunities for improving the existing SSSI habitat, with much stronger suggestions for the reduction or removal of the car park.
- 10.4.47 The reduction, removal or relocation of the Barrow Wake car park is outside the scope of the consenting of the scheme and it 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 detailed design of the scheme is able to accommodate the existing car park arrangement, or a future scenario where the car park is reduced or removed.
- 10.4.48 Therefore, while the car park is taken into account as it currently exists within the scheme, and is assessed in the ES accordingly (Document Reference 6.2), it is possible that the removal or reduction of the car park by a third party could be accommodated through any necessary detailed design at a future stage.

### Restricted access to Cowley from Cowley junction

- 10.4.49 As set out in section 7.4 of this report, following the 2019 statutory consultation Highways England amended the design of Cowley junction to remove vehicular access to Cowley via the junction and Cowley Wood Lane. That change was made in response to concerns raised about the potential for rat-running and traffic increases in Cowley, as well as the safety and suitability of Cowley Wood Lane for such traffic. It was proposed as part of the 2020 supplementary consultation that the access would be retained for walkers, cyclists and horse riders, and for vehicular access for local properties only.
- 10.4.50 Overall, the feedback received on this change was positive, as indicated by 60.6% of respondents to the online questionnaire expressing strong support or support (see section 10.2 of this report). However, some respondents raised concerns about how Highways England could help ensure that the access along Cowley Wood Lane would be restricted to prevent general traffic, and some sought greater clarification and commitment in the scheme design for details about enclosures (for example, the use of gates or collapsible bollards). There was concern that the route, if not effectively controlled, would still result in rat running.
- 10.4.51 Highways England will 'stop up' the highway from Cowley junction to Cowley, meaning that there will be a restriction to general traffic. As part of the scheme it would become a private means of access to local properties along with public rights of way designations between the proposed Cowley junction and Cowley to allow access to walkers, cyclists and horse riders. Signage and other measures would make it clear that access is for immediate residents only, with access retained for walkers, cyclists and horse riders.
- 10.4.52 At this preliminary stage of the scheme design, it is not possible to confirm in detail what signage, surfacing and enclosures (such as gates and bollards) will be

implemented. This will be determined at the detailed design stage following the approval of the scheme, if granted. Highways England will engage with its contractor, Gloucestershire County Council and local residents effected by this matter at that detailed design stage accordingly.

# 11 Targeted statutory consultation with Persons with an Interest in the Land (PILs)

## 11.1 Background

### Non-statutory and statutory consultation activities with PILs

- 11.1.1 As set out in the preceding chapters of this report, Highways England has sought to engage with PILs through periods of non-statutory and statutory consultation. This has included:
- a) Non-statutory route options consultation between 15 February 2018 and 29 March 2018, in which all known PILs within 150 metres of the centre lines of the scheme options were consulted. This is set out in Chapter 3 of this report.
  - b) Statutory consultation between 27 September 2019 and 12 November 2019, in which PILs were consulted on the proposed Option 30 scheme in accordance with section 42(1)(d) of the Act. This is set out in Chapter 6 of this report.
  - c) Statutory consultation between 13 October 2020 and 12 November 2020, in which PILs were consulted on the revised scheme and design changes, in accordance with section 42(1)(d) of the Act. This is set out in Chapter 9 of this report.
- 11.1.2 Consultation with PILs in each of the above listed formal consultation periods formed part of a wider consultation, in which the general public and prescribed consultees were also consulted.
- 11.1.3 In addition to these formal periods of consultation, Highways England has carried out regular engagement with PILs through meetings, phone calls and written communications, including with their respective land agents, if employed. Where relevant, this has also included engagement relating to access agreements for site investigation / survey work. This is set out in Chapter 4 of this report.

### The need for additional targeted statutory consultation

- 11.1.4 As the scheme design has developed, there have been changes made that have impacted on land take, which has meant that the number of PILs affected by the scheme has changed, and/or the type and extent of proposed acquisition has changed (for example a change from temporary land take to permanent). Furthermore, some changes have led to new or different likely effects to land and property. Some of these changes have occurred because of feedback from PILs submitted in response to consultations, or through other engagement activities.
- 11.1.5 Information relating to land ownership has evolved through diligent enquiry undertaken by Highways England, as set out in the Statement of Reasons (Document Reference 4.1). Environmental assessment has also continued to be undertaken and updated, which identifies effects of the scheme on land and property. These processes have in some cases resulted in new PILs being identified, as per the definitions of section 44 of the Act.
- 11.1.6 Highways England has considered it necessary to carry out additional formal periods of targeted statutory consultation with PILs where changes to the DCO Boundary or type of land take have been made, or where new information has become available about land ownership.



- 11.1.7 In deciding to carry out targeted consultation in relation to changes to the scheme design, Highways England concluded that the changes were localised in nature or related to particular issues that have arisen. Therefore, it was appropriate to consult only with the relevant individuals and organisations, in line with Paragraph 76 of the Department for Communities and Local Government (DCLG) (now Ministry of Housing, Communities and Local Government, MHCLG) guidance on pre-application consultation<sup>21</sup>.
- 11.1.8 Where changes were made to the design
- 11.1.9 In total, five targeted statutory consultations with PILs were carried out between January 2020 and May 2021:
- Targeted consultation 1 - 13 January 2020 to 11 February 2020
  - Targeted consultation 2 – 11 March 2020 to 9 April 2020
  - Targeted consultation 3 – 19 March 2020 to 16 April 2020
  - Targeted consultation 4 – 22 April 2020 – 21 May 2020
  - Targeted consultation 5 – 8 February 2021 – 9 March 2021

#### Approach to targeted statutory consultation

- 11.1.10 This Chapter sets out how the five targeted statutory consultations with PILs were undertaken in accordance with section 42 of the Act, and how the feedback received was then taken into account in accordance with section 49 of the Act.
- 11.1.11 For each targeted statutory consultation, the following information is provided in section 11.2:
- a) Why the targeted statutory consultation was required;
  - b) What was consulted upon;
  - c) How and when the consultation was carried out; and
  - d) Who was consulted.
- 11.1.12 For each targeted statutory consultation, the following information is provided in section 11.3:
- The feedback received in response to the consultation; and
  - And how this feedback was taken into account by Highways England.
- 11.1.13 The targeted statutory consultations were carried out in line with DCLG (now Ministry of Housing, Communities and Local Government) guidance on the pre-application process (March 2015)<sup>22</sup>, which states that:
- “It is understood that land interests change over time and that new or additional interests may emerge after an applicant has concluded statutory consultation but just before an application is submitted. In such a situation, the applicant should provide a proportionate opportunity to any new person identified with a land interest to make their views known on the application.[...] Applicants should explain in the consultation report how they have dealt with any new interests in land emerging after conclusion of their statutory consultation having regard to their duties to consult and take account of any responses.”*

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<sup>21</sup> Department for Communities and Local Government (DCLG). Planning Act 2008: Guidance on the Pre-application Process. London, 2015

<sup>22</sup> Ibid.

## 11.2 Approach to targeted statutory consultations

### Targeted consultation 1: 13 January 2020 to 11 February 2020

- 11.2.1 The first targeted statutory consultation with PILs was carried out for three reasons:
1. Following the statutory public consultation held between 27 September 2019 and 12 November 2019, in which PILs were consulted, changes had been made to the scheme design resulting in a reduction in the DCO Boundary and minor changes to the scheme design.
  2. At the time of the aforementioned statutory consultation it was not possible to provide PILs with details about the expected type of land acquisition; whether their land would be subject to permanent acquisition, temporary possession, or temporary possession with permanent rights. This information was now available.
  3. Following the aforementioned statutory consultation, further land interests had been identified through diligent enquiry.
- 11.2.2 The targeted consultation was therefore required to inform PILs and seek their feedback on the changes to the scheme and the new information available regarding land acquisition proposals.
- 11.2.3 The targeted statutory consultation took place between 13 January 2020 and 11 February 2020. This allowed for 29 days between the day after consultees (PILs) received the consultation documents and the deadline for receipt of comments. The period between receipt of the documents and the deadline therefore exceeded the minimum of 28 days required by section 45(1) and 45(2) of the Act.
- 11.2.4 Letters notifying PILs of the consultation were sent in advance to help ensure arrival by Monday 13 January 2020. Letters were sent by Royal Mail 1st Class post. In accordance with section 45(1) of the Act, all letters stated that the consultation opened on 13 January 2020 and that responses needed to be returned by 23:59 on 11 February 2020.
- 11.2.5 In addition, Highways England sought to continue its diligent enquiry by taking the opportunity to re-send land interest questionnaires to PILs who had yet to complete them in previous correspondence.
- 11.2.6 The documentation sent to PILs varied according to their definition under section 44 of the Act and whether a completed land interest questionnaire had been received. This is summarised below:
- 11.2.7 Category 1 and 2 PILs who had already returned a land interest questionnaire at that time were sent:
- A letter notifying them of the consultation;
  - A DCO Boundary plan for the scheme; and
  - Land interest plan(s) showing the plot(s) of land of the scheme that it was believed that the individual had an interest in. This included information on the type of land acquisition expected for the plot(s).
- 11.2.8 Category 1 and 2 PILs who had not returned a land interest questionnaire at that time were sent the above documents and a land interest questionnaire.
- 11.2.9 Category 2 PILs that were statutory undertakers were sent a letter notifying them of the consultation and DCO Boundary plan only, because their apparatus was

situated across the scheme and it was therefore not considered practical or expedient to provide individual plot plans.

- 11.2.10 Category 3 PILs were not consulted at this stage as the information being consulted on was not relevant to their interest, as it would not affect their entitlement to make a relevant claim. However, it should be noted that some PILs defined under Category 3 could also be defined under Category 1 or Category 2, and therefore may still have been consulted under another definition.
- 11.2.11 The letters sent to PILs set out the dates and deadline of the consultation and provided the following information:
- a) The purpose of the consultation;
  - b) A link to a website containing the 2019 statutory consultation materials, including the 2019 PEI report, which contained the most current preliminary environmental information about the scheme at that time;
  - c) Links to website addresses containing Highways England guidance in relation to compensation;
  - d) Instructions on how to respond to the consultation; and
  - e) An invitation to meet with a member of the Highways England project team to discuss the proposals. A schedule of times and days was provided within which an appointment could be made to meet with Highways England at a venue within the vicinity of the scheme.
- 11.2.12 A copy of the letters sent to the PILs is provided in Consultation Report Appendix 11.1 (Document Reference 5.2).
- 11.2.13 PILs could respond to the consultation via email or Freepost address provided.
- 11.2.14 In addition to the formal notification outlined above, in the week prior to the launch of the consultation, the majority of landowners were contacted by Highways England by telephone to notify them of the upcoming consultation and advise them of the invitation to meet with the Highways England project team during the consultation period, as set out in the letter.
- 11.2.15 In total 82 PILs were consulted during the first targeted statutory consultation. A list of the PILs, identified by their PIL ID is provided in Consultation Report Appendix 11.2 (Document Reference 5.2). A summary of the response to the consultation, and how Highways England has regard to the feedback received, is provided in section 11.3 of this Chapter.

### **Targeted Consultation 2: 11 March 2020 to 9 April 2020**

- 11.2.16 The second targeted statutory consultation with PILs was carried out because, as a result of further environmental assessment work relating to noise effects of the scheme, new Category 3 PILs were identified who may be entitled to make a relevant claim as per the definition of Category 3 under section 44 of the Act. The methodology used to identify Category 3 interests is explained in the Statement of Reasons (Document Reference 4.1).
- 11.2.17 The targeted consultation was therefore required to inform the PILs of their potential entitlement under Category 3 and to seek their feedback.
- 11.2.18 The targeted statutory consultation took place between 11 March 2020 and 9 April 2020. This allowed for 29 days between the day after consultees (PILs) received the consultation documents and the deadline for receipt of comments. The period between receipt of the documents and the deadline therefore exceeded the minimum of 28 days required by section 45(1) and 45(2) of the Act.

- 11.2.19 Letters notifying PILs of the consultation were sent in advance to help ensure arrival by 11 March 2020. Letters were sent by Royal Mail 1st Class post. In accordance with section 45(1) of the Act, all letters stated that the consultation opened on 11 March 2020 and that responses needed to be returned by 23:59 on 9 April 2020.
- 11.2.20 Each PIL was sent a tailored letter, which provided the following information:
- The purpose of the consultation;
  - Information on the legal basis under which the consultee may be entitled to make a claim;
  - A link to a website containing the 2019 statutory consultation materials;
  - Links to website addresses containing Highways England guidance in relation to compensation;
  - Contact details for a member of the Highways England project team to discuss the consultation or the scheme; and
  - Instructions on how to respond to the consultation.
- 11.2.21 Enclosed with the letters was a DCO Boundary plan.
- 11.2.22 A copy of the letters sent to the PILs is provided in Consultation Report Appendix 11.3 (Document Reference 5.2).
- 11.2.23 PILs could respond to the consultation via email or Freepost address provided.
- 11.2.24 In total 63 PILs were consulted during the second targeted statutory consultation. A list of the PILs, identified by their PIL ID is provided in Consultation Report Appendix 11.4 (Document Reference 5.2). A summary of the response to the consultation, and how Highways England has regard to the feedback received, is provided in section 11.3 of this Chapter.

### **Targeted Consultation 3: 19 March 2020 to 16 April 2020**

- 11.2.25 The third targeted statutory consultation with PILs was carried out because, as a result of further design and assessment work, additional changes were made to the area and type of proposed land acquisition in some parts of the scheme.
- 11.2.26 The targeted consultation was therefore required to inform these PILs of the changes and seek their feedback.
- 11.2.27 The targeted statutory consultation took place between 19 March 2020 and 16 April 2020. This allowed for 28 days between the day after consultees (PILs) received the consultation documents and the deadline for receipt of comments. This complied with the minimum of 28 days required by section 45(1) and 45(2) of the Act.
- 11.2.28 Letters notifying PILs of the consultation were sent in advance to help ensure arrival by 19 March 2020. Letters were sent by Royal Mail 1st Class post. In accordance with section 45(1) of the Act, all letters stated that the consultation opened on 19 March 2020 and that responses needed to be returned by 23:59 on 16 April 2020.
- 11.2.29 Each PIL was sent a tailored letter which provided the following information:
- The purpose of the consultation;
  - A detailed description of the proposed changes to the PIL's land, with reference to enclosed land interest plans.
  - A link to a website containing the 2019 statutory consultation materials;

- d) Links to website addresses containing Highways England guidance in relation to compensation;
  - e) Instructions on how to respond to the consultation; and
  - f) An invitation to meet with a member of the Highways England project team to discuss the proposals.
- 11.2.30 Enclosed with the letters were land interest plans showing the plot(s) of land of the scheme that it was believed that the individual had an interest in, showing land required. This included information on the type of land acquisition expected for the plot(s).
- 11.2.31 An example of a letter sent to the PILs is provided in Consultation Report Appendix 11.5 (Document Reference 5.2).
- 11.2.32 PILs could respond to the consultation via email or Freepost address provided.
- 11.2.33 In total 15 PILs were consulted during the third targeted statutory consultation. A list of the PILs, identified by their PIL ID is provided in Consultation Report Appendix 11.6 (Document Reference 5.2). A summary of the response to the consultation, and how Highways England has regard to the feedback received, is provided in section 11.3 of this Chapter.

#### **Targeted Consultation 4: 22 April 2020 to 21 May 2020**

- 11.2.34 The fourth targeted statutory consultation with PILs was carried out because Highways England were notified of further interests in the land through engagement with PILs that were known on the scheme, including the return of completed land interest questionnaires. This included Category 1, Category 2 and Category 3 PILs as defined under section 44 of the Act.
- 11.2.35 The targeted consultation was therefore required to inform the PILs of the scheme, its relation to land or property for which they have a legal interest and to seek their feedback on the proposals.
- 11.2.36 The targeted statutory consultation took place between 22 April 2020 and 21 May 2020. This allowed for 28 days between the day after consultees (PILs) received the consultation documents and the deadline for receipt of comments. This complied with the minimum of 28 days required by section 45(1) and 45(2) of the Act.
- 11.2.37 Letters notifying PILs of the consultation were sent in advance to help ensure arrival by 22 April 2020. Letters were sent by Royal Mail 1st Class post. In accordance with section 45(1) of the Act, all letters stated that the consultation opened on 22 April 2020 and that responses needed to be returned by 23:59 on 21 May 2020.
- 11.2.38 Each PIL was sent a tailored letter which provided the following information:
- a) The purpose of the consultation;
  - b) A link to a website containing the 2019 statutory consultation materials;
  - c) Links to website addresses containing Highways England guidance in relation to compensation;
  - d) Contact details for a member of the Highways England project team to discuss the consultation or the scheme; and
  - e) Instructions on how to respond to the consultation.
- 11.2.39 In addition, for any Category 3 PILs, information was provided on the legal basis under which the consultee may be entitled to make a claim. Also enclosed with the letters were a DCO Boundary plan for the scheme; and land interest plan(s)

showing the plot(s) of land of the scheme that it was believed that the individual had an interest in. This included information on the type of land acquisition expected for the plot(s).

- 11.2.40 PILs consulted under Category 3 only, did not receive a land interest plan, as their land was not proposed to be acquired.
- 11.2.41 A copy of the letters sent to the PILs is provided in Consultation Report Appendix 11.7 (Document Reference 5.2).
- 11.2.42 PILs could respond to the consultation via email or Freepost address provided.
- 11.2.43 In total 6 PILs were consulted during the fourth targeted statutory consultation. A list of the PILs, identified by their PIL ID is provided in Consultation Report Appendix 11.8 (Document Reference 5.2). A summary of the response to the consultation, and how Highways England has regard to the feedback received, is provided in section 11.3 of this Chapter.

#### **Targeted Consultation 5: 8 February 2021 to 9 March 2021**

- 11.2.44 The fifth targeted statutory consultation with PILs was carried out for two reasons:
  1. As a result of further design and assessment work, Highways England identified new PILs in relation to subsoil rights. This was due to the application of the '*ad medium filum*' rule to unregistered highway plots, in which the centre line of subsoil rights are allocated to the adjoining landowner, whilst the highway authority (in this case, Gloucestershire County Council) are the occupier and owner of the surface of the road.
  2. As a result of further design and assessment work, Highways England made minor amendments to the scheme design, which resulted in changes to the DCO Boundary of the scheme and/or type of proposed land acquisition.
- 11.2.45 The targeted consultation was therefore required to inform new PILs of the scheme, its relation to land or property for which they have a legal interest and to seek their feedback on the proposals. It was also required to inform previously identified PILs of changes to the scheme design, DCO Boundary or proposed land acquisition, which may also have included the identification of new subsoil rights that were previously not identified.
- 11.2.46 The targeted statutory consultation took place between 8 February 2021 and 9 March 2021. This allowed for 29 days between the day after consultees (PILs) received the consultation documents and the deadline for receipt of comments. The period between receipt of the documents and the deadline therefore exceeded the minimum of 28 days required by section 45(1) and 45(2) of the Act.
- 11.2.47 Letters notifying PILs of the consultation were sent in advance to help ensure arrival by 8 February 2021. Letters were sent by Royal Mail 1st Class post. In accordance with section 45(1) of the Act, all letters stated that the consultation opened on 8 February 2021 and that responses needed to be returned by 23:59 on 9 March 2021.
- 11.2.48 Each PIL was sent a tailored letter to explain the land interest information in detail. The content of the letter and enclosed documentation varied depending on whether the PIL was newly identified to the scheme or was a previously identified PIL and whether subsoil rights had been assigned to them. This is summarised below.

- 11.2.49 New PILs who had not previously been identified and had subsoil rights assigned to them were sent:
- A letter notifying them of the consultation;
  - A DCO Boundary plan for the scheme; and
  - A 'half width boundary plan' identifying the plots of unregistered highways land to which Highways England had assigned subsoil rights to the PIL, as per the *ad medium filum* rule.
- 11.2.50 PILs who had previously been identified, had subsoil rights assigned to them and were subject to changes to previously identified land plots, were sent the above and a land interest plan(s) showing the plot(s) of land of the scheme that it was believed that the individual had an interest in and for which changes were proposed. This included information on the type of land acquisition expected for the plot(s). Land interest plan(s) were not sent containing the plot(s) for which no change was proposed since the previous statutory consultation.
- 11.2.51 PILs who had previously been identified and were subject to changes to previously identified land plots were sent:
- A letter notifying them of the consultation;
  - A DCO Boundary plan for the scheme; and
  - Land interest plan(s) showing the plot(s) of land of the scheme that it was believed that the individual had an interest in and for which changes were proposed. This included information on the type of land acquisition expected for the plot(s). Land interest plan(s) were not sent containing the plot(s) for which no change was proposed since the previous statutory consultation.
- 11.2.52 The letters sent to all PILs set out the dates and deadline of the consultation, and provided the following information:
- The purpose of the consultation;
  - A detailed description of the content of the enclosed plans, summarising the subsoil interests that had been identified for that PIL (if relevant) or changes proposed to the PIL's land (if relevant).
  - A link to a website containing the 2020 supplementary statutory consultation materials, including the 2020 PEI report, which contained the most current preliminary environmental information about the scheme at that time;
  - Links to website addresses containing Highways England guidance in relation to compensation;
  - Contact details for a member of the Highways England project team to discuss the consultation or the scheme; and
  - Instructions on how to respond to the consultation.
- 11.2.53 PILs could respond to the consultation via email or Freepost address provided. However, due to national restrictions associated with COVID-19, the letter encouraged consultees to respond to the consultation via email where possible, to help ensure timely and safe receipt of responses.
- 11.2.54 A copy of the letters sent to the PILs is provided in Consultation Report Appendix 11.9 (Document Reference 5.2).

11.2.55 In total 83 PILs were consulted during the fifth targeted statutory consultation. A list of the PILs, identified by their PIL ID is provided in Consultation Report Appendix 11.10 (Document Reference 5.2). A summary of the response to the consultation, and how Highways England has regard to the feedback received, is provided in section 11.3 of this Chapter.

### 11.3 Responding to feedback from the targeted statutory consultations

#### Response to consultation

11.3.1 As set out above, the targeted statutory consultation letters included an invitation to meet with the Highways England project team and/or provided contact details for a member of the Highways England project, so that PILs could discuss the scheme, the consultation and its impacts on their property in more detail. The number of meetings that occurred with PILs during the targeted statutory consultation periods is set out in Table 11-1.

**Table 11-1 Meetings held with PILs during targeted statutory consultation periods**

Targeted statutory consultation	Number of meetings held with PILs during consultation period
Targeted consultation 1 - 13 January 2020 to 11 February 2020	23
Targeted consultation 2 – 11 March 2020 to 9 April 2020	0
Targeted consultation 3 – 19 March 2020 to 16 April 2020	3
Targeted consultation 4 – 22 April 2020 to 21 May 2020	3
Targeted consultation 5 – 8 February 2021 to 9 March 2021	11

11.3.2 In some cases, these meetings represented a continuation of ongoing engagement that Highways England was undertaking with that PIL outside of statutory consultations. As set out in Chapter 4 of this report, views expressed during meetings, phone calls and other written correspondence, both within and outside of statutory consultation processes, have been taken into account by Highways England as part of ongoing discussions and negotiations with PILs. Such engagement has been recorded in position statements prepared with landowners which demonstrate how Highways England has had regard to feedback received through such means, including where this has resulted in changes to the scheme design.

11.3.3 Whilst the Highways England project team encouraged PILs that attended meetings with the project team to also submit a relevant response to the statutory consultations, some did not choose to do so.

11.3.4 The number of relevant responses that Highways England received to the five targeted statutory consultations with PILs is set out in Table 11-2 below.



**Table 11-2 Relevant responses to targeted statutory consultation**

Targeted statutory consultation	Number of relevant responses
Targeted consultation 1 – 13 January 2020 to 11 February 2020	12
Targeted consultation 2 – 11 March 2020 to 9 April 2020	2
Targeted consultation 3 – 19 March 2020 to 16 April 2020	0
Targeted consultation 4 – 22 April 2020 to 21 May 2020	0
Targeted consultation 5 – 8 February 2021 to 9 March 2021	8

### Regard had to targeted statutory consultation responses

- 11.3.5 In accordance with section 49 of the Act, this section of the Report demonstrates in detail how Highways England has had regard to the matters raised within the relevant responses submitted to the targeted statutory consultations held with PILs between January 2020 and March 2021.
- 11.3.6 All responses received were carefully considered by members of the Highways England project team and any specific design requests or requests relating to land acquisition were passed to the relevant specialists within the project team. Such requests were addressed or incorporated into the scheme where appropriate and feasible.
- 11.3.7 The tables provided in Consultation Report Appendix 11.11 (Document Reference 5.2) and referred to within this section provide a full account of the responses received to the five targeted statutory consultations and sets out the Highways England response to these matters, in accordance with section 48 of the Act. Where the consultation response resulted in a change to the design of the scheme, this is identified. Three tables are provided:
- Table 11.11A Summary of matters raised by section 42(d) PILs in relation to targeted statutory PIL consultation 1 and the Highways England response
  - Table 11.11B Summary of matters raised by section 42(d) PILs in relation to targeted statutory PIL consultation 2 and the Highways England response
  - Table 11.11C Summary of matters raised by section 42(d) PILs in relation to targeted statutory PIL consultation 5 and the Highways England response

## 11.4 Summary of design response

- 11.4.1 The following design changes were made to help address concerns expressed and requests made by landowners:
- a) Access points to PIL ID39's land altered to be provided from the new track proposed to the south of their land interest.
  - b) Access arrangements and car parking provision has been redesigned in consideration of comments received from FlyUp 417 Bike Park.
  - c) A proposed bridleway route through FlyUp 417 Bike Park has been removed, and instead a new footpath connection is proposed to join existing fragmented PRoW's with a diversion along a new access.
  - d) The 'junior jump track' at FlyUp 417 Bike Park has been avoided as part of the scheme design.
  - e) Only one easterly track at FlyUp 417 Bike Park is being permanently impacted by the scheme following discussions with the landowner.
  - f) The scheme drainage design has been revised to reduce the impact on PIL ID21's land to the west of the existing Air Balloon roundabout.

- g) Landscape planting and ongoing maintenance have been agreed to minimise visual impacts and enjoyment of landowners property.
- h) Gloucestershire Wildlife Trust land that was identified to be acquired for the purposes of the scheme has been reduced to minimise impact SSSI and priority and irreplaceable habitats.
- i) Land proposed to be acquired for the purposes of the scheme has been reduced overall to help reduce impacts on landowners in the area.
- j) Detail relating to accommodation work was identified through the targeted landowner consultation periods.
- k) Comments received helped to inform the PRow Management Plan submitted as part of the DCO Application.

## 12 Environmental Impact Assessment (EIA) consultation

### 12.1 Introduction

- 12.1.1 Regulation 14 of the EIA Regulations states that an application for an order granting development consent for EIA development (such as the DCO that Highways England is seeking) must be accompanied by an Environmental Statement (ES).
- 12.1.2 The scheme falls under paragraph 10(f) of Schedule 2 of the EIA Regulations and therefore constitutes EIA development.
- 12.1.3 The consultation required under the EIA Regulations is separate to that required under the Planning Act 2008, which is the primary focus of this report. Subsequently, this chapter provides a general overview of the pre-application engagement carried out by Highways England relating to the EIA process.
- 12.1.4 Full details of consultation and engagement activities of relevance to the EIA are provided in the Environmental Statement (Document Reference 6.2).

### 12.2 2019 Scoping

- 12.2.1 Regulation 8 of the EIA Regulations provides that an applicant proposing to make an application for a DCO must, prior to carrying out consultation under section 42(1) of the Act, ask the SoS to adopt a screening opinion in respect of the development to which the application relates or, notify the SoS in writing that an environmental statement will be submitted with the application for the development.
- 12.2.2 Highways England submitted a scoping report to PINS on 14 May 2019 in support of a request for a scoping opinion under Regulation 10 of the EIA Regulations (Appendix 4.2 of ES, Document Reference 6.4). A cover letter accompanying the submission of the Scoping Report also served as a notification under Regulation 8 of the EIA Regulations that Highways England proposes to provide an Environmental Statement with an application for an order granting development consent.
- 12.2.3 The Scoping Report set out the key topics that were expected to be included in (or 'scoped in') the EIA, as well as outlining the methods to be applied in carrying out the EIA, and the proposed structure of the Environmental Statement (ES).
- 12.2.4 The Scoping Report was issued to 81 bodies by PINS, of which 19 consultees replied by the statutory deadline. A Scoping Opinion was received from PINS on 25 June 2019 (Appendix 4.2 of ES, Document Reference 6.4).
- 12.2.5 A copy of the adopted Scoping Opinion is provided at ES Appendix 4.1, while responses to the Scoping Opinion are provided at ES Appendix 4.2 (Document Reference 6.4). In addition, Highways England has produced a document as part of the ES which sets out how the scope and methodology of the EIA has changed since the 2019 Scoping Report – please see ES Appendix 4.5 (Document Reference 6.4).
- 12.2.6 In accordance with Regulation 11(1)(b) of the EIA Regulations, PINS provided Highways England with a list of consultation bodies notified under Regulation 11(1)(a). A copy of the Regulation 11 List provided by PINS is provided at Consultation Report Appendix 12.1 (Document Reference 5.2).

- 12.2.7 The Regulation 11(1)(a) list was subsequently used to inform the list of prescribed consultees to be consulted under section 42(a) of the Act during statutory consultation. Further detail is provided in **Chapter 6** of this report.

### **12.3 Development of 2019 PEI report**

- 12.3.1 The adoption of the Scoping Opinion informed the next stage in the EIA process, namely the preparation of a PEI report.
- 12.3.2 The PEI report is prepared in support of the DCO Application to provide preliminary environmental information to the public and stakeholders at statutory consultation. It enables consultees to understand the likely environmental impacts of the proposed development, to inform their responses to consultation. Feedback on the contents of the PEI report is sought during statutory consultation and subsequently it constitutes one of the consultation documents.
- 12.3.3 Highways England carried out a statutory consultation in accordance with section 42 of the Act between 27 September 2019 and 8 November 2019, which included the 2019 PEI report as one of the consultation documents published and consulted upon.
- 12.3.4 The 2019 PEI report was arranged into topic-based chapters to reflect those to be used in the ES. The chapters described the local environment and the findings of baseline environmental surveys, identified sensitive receptors and provided details of consultation with stakeholders. The likely effects of the scheme on the environment were identified, along with the required mitigation and enhancement measures. An assessment of the potential combined and cumulative effects of the scheme was also introduced in the 2019 PEI report.
- 12.3.5 In accordance with the requirements of Regulation 13 of the EIA Regulations, on 27 September 2019 a copy of the notice published under section 48 of the Act for the 2019 statutory consultation was sent to EIA consultation bodies, including additional consultation bodies listed by PINS in the Scoping Opinion under Regulation 11 of the EIA Regulations (such as the West of England Combined Authority) (Appendix 4.2 of ES, Document Reference 6.4),.
- 12.3.6 A copy of the notice published under section 48 and sent to the relevant consultation bodies in 2019 is available at Consultation Report Appendix 6.11 (Document Reference 5.2). Further information is also provided in Chapter 6 of this report.
- 12.3.7 Highways England set out in its 2019 SoCC how it would consult on the 2019 PEI report during the statutory consultation between 27 September 2019 and 8 November 2019. An explanation of how Highways England complied with the 2019 SoCC is provided in Chapters 5 and 6 of this report.
- 12.3.8 The regard had to matters raised in relation to the 2019 PEI report and environmental impacts of the scheme in general, is detailed in Chapter 7 of this report.

### **12.4 2020 PEI report**

- 12.4.1 Following the 2019 statutory consultation, Highways England decided to make changes to the design of the scheme. As well as feedback received to the 2019 statutory consultation, these changes had been informed by further environmental surveys and technical assessment that had been undertaken since the 2019 statutory consultation. Due to the significance of some of the changes proposed

to the scheme, and the progression of environmental assessment, Highways England decided to consult on the revised scheme and updated PEI with a supplementary statutory consultation.

- 12.4.2 Highways England carried out its supplementary statutory consultation between 13 October 2020 and 12 November 2020, in accordance with section 42 of the Act and the agreed 2020 SoCC. The 2020 PEI report was published as one of the consultation documents upon which feedback was sought.
- 12.4.3 The 2020 PEI report contained the most up-to-date information on the environmental baseline, the likely environmental effects of the revised scheme and the mitigation proposed to reduce or avoid adverse identified effects. It also identified where environmental enhancement was proposed and where further environmental surveys or assessment was to be undertaken as part of the EIA. The 2020 PEI report was produced taking into account feedback received from stakeholders, including environmental bodies, during and since the 2019 statutory consultation.
- 12.4.4 In accordance with the requirements of Regulation 13 of the EIA Regulations, on 13 October 2020 a copy of the notice published under section 48 of the Act for the 2020 supplementary statutory consultation was sent to EIA consultation bodies, including additional consultation bodies listed by PINS in the Scoping Opinion under Regulation 11 of the EIA Regulations (such as the West of England Combined Authority) (Appendix 4.2 of ES, Document Reference 6.4).
- 12.4.5 A copy of the notice published under section 48 and sent to the relevant consultation bodies in 2020 is available at Consultation Report Appendix 9.10 (Document Reference 5.2). Further information is also provided in Chapter 8 of this report.
- 12.4.6 Highways England set out in its 2020 SoCC how it would consult on the 2020 PEI report during the statutory consultation between 13 October 2020 and 12 November 2020. An explanation of how Highways England complied with the 2020 SoCC is provided in Chapters 8 and 9 of this report.
- 12.4.7 The regard had to matters raised in relation to the 2020 PEI report and environmental impacts of the scheme in general, is detailed in Chapter 9 of this report.

## 12.5 Summary

- 12.5.1 This chapter has provided an overview of how Highways England has engaged with stakeholders during the EIA process.
- 12.5.2 Table 12-1 provides a summary of how Highways England has complied with the relevant regulations of the EIA Regulations in its approach to consultation during the EIA process.

**Table 12-1 Summary of compliance with Environmental Impact Assessment (Infrastructure Planning) Regulations 2017**

<b>Regulation within the Infrastructure Planning (Environmental Impact Assessment Regulations) 2017</b>	<b>Requirement or provision of regulation</b>	<b>How Highways England has complied</b>
Regulation 8	Notify the SoS that an ES will be submitted with the DCO Application.	Made a request to PINS (acting on behalf of the SoS) for a Scoping Opinion on 14 May 2019, which also notified the SoS that the application would be accompanied by an ES (Appendix 4.2 of ES, Document Reference 6.4).
Regulation 10	Applicant may request a Scoping Opinion from the SoS on the information that should be included within the ES.	Requested a scoping opinion from and notified PINS (acting on behalf of the SoS) on 14 May 2019.
Regulation 11	Planning Inspectorate to notify the consultation bodies that the applicant intends to provide an ES for the Development.	The list of consultation bodies attached to the Planning Inspectorates' Scoping Opinion referenced above was used to inform the prescribed consultees consulted under section 42(a) during the statutory consultation and supplementary statutory consultation. See Consultation Report Appendix 6.1 and 9.1 (Document Reference 5.2)
Regulation 13	A copy of the section 48 notice of the Act must be sent to Regulation 11 consultation bodies.	On 27 September 2019, a copy of the section 48 Notice for the 2019 statutory consultation was emailed or posted by First Class post to all prescribed consultees as required by section 42(a) of the Act, including Regulation 11 bodies. On 13 October 2020, a copy of the section 48 Notice for the 2020 statutory consultation was emailed or posted by First Class post to all prescribed consultees as required by section 42(a) of the Act, including Regulation 11 bodies. See Consultation Report Appendix 6.11 and 9.10 (Document Reference 5.2)
Regulation 14	An application for an order granting development consent for EIA development must be accompanied by an ES.	An ES has been prepared and submitted as in Volume 6 of the DCO Application. See the ES (Document Reference 6.2).

## 13 Conclusion

- 13.1.1 This report has been submitted in accordance with section 37(3)(c) of the Act which requires that any application for an order granting development consent must be accompanied by a consultation report.
- 13.1.2 In accordance with the requirements of section 37(7) of the Act, it has provided details of:
- how Highways England has carried out consultation in compliance with statutory requirements, namely sections 42, 47, and 48 of the Act, in relation to statutory consultation in 2019, supplementary statutory consultation in 2020 and five targeted statutory consultations with PILs between 2020 and 2021;
  - a summary of any relevant responses received by Highways England in response to those consultations; and
  - how Highways England had regard to those relevant responses, in accordance with section 49 of the Act.
- 13.1.3 In addition, this report has provided an overview of how Highways England has carried out non-statutory consultation and engagement with stakeholders, and how the feedback received through such activities has also been taken into account by Highways England in developing the scheme design and assessing its effects on the environment.
- 13.1.4 Finally, this report has set out how Highways England has carried out pre-application consultation on PEI in accordance with the EIA Regulations.
- 13.1.5 In this report, Highways England has demonstrated that a staged and iterative approach to consultation has been undertaken in relation to the A417 Missing Link scheme, reflecting DCLG (now MHCLG) guidance on pre-application consultation. This approach has been taken to provide the opportunity to consultees to genuinely influence the developing proposals. As evidenced in this report, the A417 Missing Link scheme that is the subject of this application for development consent has been designed taking into account feedback from prescribed consultees, PILs, interest groups and the general public, such that changes have been made to the scheme design as a result of their feedback.
- 13.1.6 It is therefore concluded that, as evidenced in this report, Highways England has complied with all statutory requirements of the Act in relation to carrying out consultation prior to making an application for development consent.