

Your reference: TR010056

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11 June 2021

Dear Hefin,

**TR010056 A417 Missing Link – Adequacy of Consultation Representation requested under s55 of the Planning Act 2008.**

This letter is in response to your email communications dated 1 June 2021, inviting the host authorities; Gloucestershire County Council (GCC), Cotswold District Council (CDC) and Tewkesbury Borough Council (TBC), to submit representations on the adequacy of consultation. This response is submitted on behalf of GCC, CDC and TBC, hereafter referred to as the 'Joint Councils'. It sets out the Joint Councils' views relating to Highways England's pre-application consultation for the A417 Missing Link Development Consent Order project.

The Joint Councils are of the view that Highways England has adequately carried out its duties of pre-application consultation in accordance with the provisions set out in Sections 42, 47 and 48 of the Planning Act 2008 (as amended).

**Duty to consult under s42**

The Joint Councils are only able to comment on the adequacy of consultation with the Joint Councils in their roles as host local authorities under s42(1)(a) and as parties with interest in Order land under s42(1)(d). The latter of which only applies to GCC.

Improvements to the single carriageway section of the A417 between Crickley Hill and Cowley have been the subject of ongoing discussions between the Joint Councils and Highways England for many years. Following Highways England's Preferred Route Announcement in March 2019, discussions have increased in frequency and become more focused on design detail. Since March 2019, the Joint Councils have participated in regular meetings of the following technical working groups, established and hosted by Highways England:

- Landscape, Heritage and Environment Technical Working Group;
- Walking, Cycling and Horseriding Technical Working Group; and
- Strategic Stakeholder Panel.

The Joint Councils have regularly attended and contributed advice at these workshops, as well as other technical design meetings throughout 2019, 2020 and 2021.

The Joint Councils and Highways England commenced production of a Statement of Common Ground following the November 2019 statutory public consultation. Highways England has facilitated numerous updates to the Statement of Common Ground throughout 2020 and 2021,

including key updates to the Joint Councils positions following the 2020 statutory public consultation.

Council Officers and their representatives have engaged with Highways England representatives by email, telephone and online meetings to discuss the approach to the design, surveys and assessments.

GCC has received correspondence relating to the design and changes to the Order Limits as a landowner under s42(1)(d).

The Joint Councils are satisfied that Highways England has fulfilled its duty to consult the host authorities under s42.

### **Duty to consult the local community under s47**

The Joint Councils met with Highways England in a series of meetings during July 2019 to discuss the draft Statement of Community Consultation (SoCC) for the 2019 statutory public consultation. On the 9<sup>th</sup> July 2019 Highways England wrote to the Councils and invited comments on the draft SoCC. The Joint Councils wrote separately to Highways England, offering comments on the SoCC and arrangements for publicising and hosting the consultation.

In September 2019, Highways England published the final SoCC and issued a copy to the Joint Councils. Within the correspondence, Highways England provided a schedule of the changes that had been made to the SoCC in response to the Joint Councils' comments. It also provided the requested clarifications. The Joint Councils are content that regard was given to the comments provided and satisfactory explanations were given for those comments which were not incorporated. The Joint Councils also note that Table 5-2 of Highways England Consultation Report provides an accurate account of the comments made by the Joint Councils and the responses provided by Highways England.

The statutory pre-application consultation, which ran for a period of 42 days from 27 September 2019 to 8 November 2019, is considered to have been carried out in accordance with the commitments made in the SoCC and the requirements under s47.

In August 2020 Highways England wrote to the Joint Councils requesting comments on a draft SoCC for a second round of statutory public consultation. The Joint Councils provided a joint response to Highways England, setting out comments and requests for clarifications on the draft SoCC and the arrangements for publicising and hosting the consultation during the COVID-19 pandemic.

In September 2020, Highways England published the final SoCC and issued a copy to the Joint Councils. Within the correspondence Highways England provided a schedule of responses to comments and how the SoCC had been amended to reflect the Joint Councils' comments. The requested clarifications were provided and the Joint Councils are content that regard was given to the comments provided. The Joint Councils also note that Table 8-3 of the Highways England Consultation Report provides an accurate account of the comments made by the Joint Councils and the responses provided by Highways England.

The 2020 statutory public consultation ran from 13 October to 12 November 2020 – a total of 28 days. The 2020 statutory public consultation is considered to have been carried out in accordance with the commitments made in the SoCC, the requirements under s47 and the temporary amendments to procedural requirements during the COVID-19 pandemic.

### **Duty to publicise under s48**

The 2019 statutory public consultation is considered to have been publicised in accordance with the commitments made in the SoCC and the requirements under s48. Likewise, the 2020 statutory public consultation is considered to have been publicised in accordance with the commitments made in the SoCC and the requirements under s48.

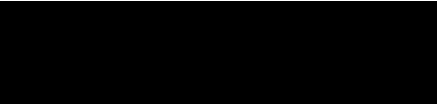
The Joint Councils are not aware of any complaints made by the local community to the Joint Councils in relation to the adequacy of Highways England's publicising of the two rounds of statutory pre-application public consultation.

Overall, it is the view of the Joint Councils that Highways England has fulfilled its commitments for publicising the 2019 and 2020 statutory public consultations and that this is accurately reflected in the Consultation Report.

## Conclusion

Gloucestershire County, Cotswold District and Tewkesbury Borough Councils are the Joint Councils and host authorities for the Highways England A417 Missing Link Development Consent Order project. As host authorities, the Joint Councils submit this Adequacy of Consultation Representation to the Planning Inspectorate. The Joint Councils consider that they have been adequately consulted by Highways England under s42 of the Planning Act 2008. It is also the view of the Joint Councils that Highways England has adequately consulted the public under s47 of the 2008 Act and fulfilled its duty to publicise the statutory public consultations under s48 of the 2008 Act.

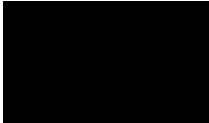
Yours faithfully



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Gloucestershire County Council



Sophia Price  
Heritage and Design Manager  
Cotswold District Council



John Hinett  
Development Management Team Leader (South)  
Tewkesbury Borough Council