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By Email

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Dear George,

A417 Missing Link: Submission at Deadline A

On 30th September the Examining Authority issued a letter under Section 88 of the 2008 Planning Act and Rules 4, 6 and 9 of The Infrastructure Planning (Examination Procedure) Rules 2010 (the Rule 6 Letter), providing notice of appointment of the Examining Authority for the examination of the A417 Missing Link Development Consent Order (DCO) application. The Rule 6 Letter provided the date, time and place for the Preliminary Meeting alongside procedural decisions made by the Examining Authority.

This letter outlines the response of National Highways (the Applicant) to the matters raised within the Rule 6 Letter.

1. Examination Procedure

At Procedural Deadline A the Rule 6 Letter makes request for Written Submissions on the Examination Procedure, including the use of virtual procedures. In response, National Highways can confirm that it is prepared and able to participate using virtual procedures.

If a decision is made by the Examining Authority to move toward in person events, National Highways have taken note of the recent 'blended' hearings on the Sizewell C DCO and would request that a similar format is applied for the A417.

2. Examination Timetable

National Highways has reviewed the draft Examination Timetable set out at Annex D to the Rule 6 letter. National Highways is concerned that the proposed date for Deadline 2 will be difficult to manage for many participants. We understand that this concern is shared by Gloucestershire County Council.

Deadline 2 is currently scheduled for Thursday 6 January 2022, fourteen working days after Deadline 1 on 14 December 2021. A considerable volume of information is required to be submitted at Deadline 2 and this deadline would be challenging in any event. However, in practice the number of working days available will be more limited as this period covers Christmas and the New Year, during which time many employees will be on leave and some organisations (including National Highways' principal consultants) will be closed for a number of days.

Accordingly, the Applicant requests that items 7-10 in the draft Examination Timetable are postponed by one week and re-scheduled as follows.

Item	Matters	Rule 6 Letter Date	Proposed Alternative Date
7.	Deadline 2 (D2)	Thursday 6 January 2022	Thursday 13 January 2022
8.	Hearings	w/c 17 January 2022	w/c 24 January 2022
9.	Deadline 3 (D3)	Wednesday 26 January 2022	Wednesday 2 February 2022
10.	Deadline 4 (D4)	Monday 7 February 2022	Monday 14 February 2022

The hearings scheduled for the w/c 28 February 2022 would proceed as set out in the draft Examination Timetable, two weeks after D4, and no further consequential amendments would be required.

These proposed amendments to the draft Examination Timetable have been discussed with Gloucestershire County Council (on behalf of the joint host authorities), and the Applicant understands they would be supported by those host authorities. The Applicant considers that these amendments would be beneficial for all parties and that no parties would be prejudiced by the revised timetable.

3. Statements of Common Ground (SoCGs) Requested

The first point made in Annex E to the Rule 6 Letter issued by the ExA on 30 September 2021 refers to the submission of Statements of Common Ground (SoCGs). It acknowledges that eight SoCGs have already commenced and requests additional SoCGs with ten other organisations.

The ExA also states in Annex E that it would be beneficial if each party would include within their SoCG an estimation of the likelihood of matters to remain in disagreement at the end of the Examination, using a High-Medium-Low traffic light model.

National Highways provides an update on and response to these matters below:

Ongoing SoCGs

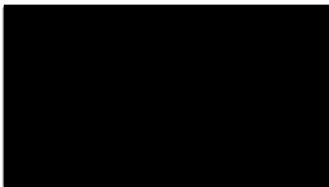
The draft Examination timetable in Annex D of the Rule 6 Letter states that an updated Statement of Commonality (SoC) (Document Reference 7.3, APP-419) is requested at Deadline 1 and progressed SoCGs are requested at Deadline 2. The existing eight SoCGs are appended to the SoC.

National Highways has continued engaging with the relevant parties since the submission of the DCO application and intends to submit an updated version of the SoC together with updated SoCGs at Deadline 1. As part of those updates, each SoCG will include an estimation of the likelihood of matters to remain in disagreement at the end of the Examination, using a High-Medium-Low traffic light model. This will be incorporated into the matters outstanding and/or matters to be determined sections of the SoCGs as appropriate.

Additional SoCGs

National Highways has carefully considered the request for additional SoCGs with the organisations listed in Annex E of the Rule 6 Letter. In response, Appendix A to this letter sets out how National Highways intends to satisfy each request.

Yours sincerely



Michael Goddard
Project Director
National Highways

Appendix A: Additional SoCG

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Organisation (and ref no. as provided in Annex E)	National Highways Position
<p>Relevant Statutory Undertakers (including BT Openreach, Gigaclear Ltd, Severn Trent Water Ltd, and Western Power Distribution) (9)</p>	<p>Table 7-1 Statutory Undertakers Position Schedule of the SoC (Document Reference 7.3, APP-419) summarises the position at the time of DCO application with each of the cited statutory undertakers.</p> <p>National Highways will continue to update this in further iterations of the SoC as requested at each of the relevant Examination deadlines, particularly in relation to ongoing engagement regarding Protective Provisions.</p> <p>It is considered by National Highways that this existing schedule sufficiently presents the position with the statutory undertakers, such that individual SoCGs with each cited party would not be of additional benefit to the Examination.</p> <p>It is intended that an updated SoC will be submitted at Deadline 1, which will include an updated Table 7-1 Statutory Undertakers Position Schedule.</p>
<p>Forestry Commission (10)</p>	<p>In relation to matters related to woodland and trees, National Highways continues to engage with the Woodland Trust to provide scheme updates, notwithstanding the offer of an SoCG having been declined. As explained in section 4.1.26 of the Consultation Report (Document Reference 5.1, APP-027), the initial progression of an SoCG with the Woodland Trust was unsuccessful, with the Woodland Trust clarifying: <i>‘the Trust is unable to participate in any Statement of Common Ground agreements for road schemes. As we are currently considering both our internal and external position on involvement with transport schemes, we have placed a temporary moratorium on partaking in any such agreements. Therefore, we will not be able to participate any further in conversations regarding an SoCG agreement.’</i></p> <p>It is acknowledged that the Forestry Commission also have an interest in matters related to woodland and trees. As set out in the Consultation Report (Document Reference 5.1, APP-027), National Highways notified the Forestry Commission of the 2019 and 2020 statutory public consultations, receiving a response to the 2019 consultation (only). National Highways has responded to the matters raised by the Forestry Commission in Consultation Report Appendix 7.2 (Document Reference 5.2, APP-029).</p> <p>After carefully considering the Relevant Representation submitted by the Forestry Commission (RR-038), National Highways is of the view that the points raised have already been addressed in the Consultation Report as described above, and that the Forestry Commission is seeking by virtue of its Relevant Representation to remain updated on the scheme’s progress.</p>

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	<p>To assist, National Highways will write to the Forestry Commission to provide an update on the scheme and is willing to continue to provide updates when appropriate. It is however considered that an SoCG with the Forestry Commission at this time would not be of additional benefit to the Examination.</p>
<p>Council for British Archaeology (11)</p>	<p>National Highways has carefully considered the Relevant Representation (RR-022) made by the Council for British Archaeology (CBA) and has determined that it does not raise any additional matters beyond those already raised by the CBA during public consultations in 2019 and 2020, which have been addressed within Appendix 7.4 and Appendix 10.4 of the Consultation Report Appendices (Document Reference 5.2, APP-029).</p> <p>National Highways is engaged in an SoCG on cultural heritage matters with Historic England (Appendix D of the SoC, Document Reference 7.3, APP-419). That SoCG has involved representation from the Gloucestershire County Archaeologist as part of its meetings, which have also been reflected in the Joint Councils' SoCG (Appendix A of the SoC).</p> <p>National Highways has considered and will progress the option to engage with CBA in a separate SoCG, should the CBA not consider their points not to be sufficiently captured and addressed in the Consultation Report or SoCG with Historic England.</p> <p>To assist, National Highways will write to the CBA to provide an update on the scheme, the National Highways position on the points the CBA has raised in their Relevant Representation, and to seek their views on entering into an SoCG.</p> <p>An update on this will be provided at Deadline 1.</p>
<p>Coberley Parish Council (12)</p>	<p>National Highways will write to Coberley Parish Council to provide an update on the scheme, the National Highways position on the points Coberley Parish Council has raised in their Relevant Representation, and to seek their views on entering into an SoCG.</p> <p>An update on this will be provided at Deadline 1.</p>
<p>Cowley and Birdlip Parish Council (13)</p>	<p>National Highways will write to Cowley and Birdlip Parish Council to provide an update on the scheme, the National Highways position on the points Cowley and Birdlip Parish Council has raised in their Relevant Representation, and to seek their views on entering into an SoCG.</p> <p>An update on this will be provided at Deadline 1.</p>

Organisation (and ref no. as provided in Annex E)	National Highways Position
Daglingworth Parish Council (14)	<p>National Highways will write to Daglingworth Parish Council to provide an update on the scheme, the National Highways position on the points Daglingworth Parish Council has raised in their Relevant Representation, and to seek their views on entering into an SoCG.</p> <p>An update on this will be provided at Deadline 1.</p>
National Star Foundation (15)	<p>National Highways has continued to engage with landowners following the DCO application and has developed Position Statements with Affected Parties, to help set out the engagement undertaken between the parties and the latest position on relevant matters discussed.</p> <p>National Highways has progressed a draft Position Statement with the National Star Foundation and will write to the National Star Foundation (Gateley Hamer on behalf of the National Star Foundation) in response to their Relevant Representation (RR-078, and RR-039) to share the latest draft Position Statement accordingly, which will continue to be updated.</p> <p>An updated Compulsory Acquisition Schedule will be submitted at Deadline 1 and the Position Statement can also be submitted to the ExA at Deadline 1.</p> <p>It is considered that the provision of a Position Statement will avoid the need for a separate SoCG.</p>
FlyUp Ltd (16)	<p>National Highways has continued to engage with landowners following the DCO application and has developed Position Statements with Affected Parties, to help set out the engagement undertaken between the parties and the latest position on relevant matters discussed.</p> <p>National Highways has progressed a draft Position Statement with FlyUp and will write to FlyUp directly in response to their Relevant Representation (RR-037) to share the latest draft Position Statement accordingly, which will continue to be updated.</p> <p>An updated Compulsory Acquisition Schedule will be submitted at Deadline 1 and the Position Statement can also be submitted to the ExA at Deadline 1.</p> <p>It is considered that the provision of a Position Statement will avoid the need for a separate SoCG.</p>

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<p>Alan Dick (17)</p>	<p>National Highways has continued to engage with landowners following the DCO application and has developed Position Statements with Affected Parties, to help set out the engagement undertaken between the parties and the latest position on relevant matters discussed.</p> <p>National Highways has progressed a draft Position Statement with Alan Dick and will write to Carter Jonas LLP on behalf of Alan Dick directly in response to their Relevant Representation (RR-011) to share the latest draft Position Statement accordingly, which will continue to be updated.</p> <p>An updated Compulsory Acquisition Schedule will be submitted at Deadline 1 and the Position Statement can also be submitted to the ExA at Deadline 1.</p> <p>It is considered that the provision of a Position Statement will avoid the need for a separate SoCG.</p>
<p>Cellnex UK (18)</p>	<p>Through their submitted Relevant Representation (RR-012) National Highways is aware that Cellnex UK is now the relevant Affected Party for the telecommunications masts at Birdlip and Brimpsfield, following the merger between Cellnex UK and Arqiva's telecommunication infrastructure division.</p> <p>National Highways has previously engaged with Arqiva regarding the telecommunications masts at Birdlip and Brimpsfield. National Highways provided a response to matters raised in Arqiva's response to the 2019 and 2020 statutory consultations in Appendix 7.3 and Appendix 10.3 of the Consultation Report Appendices (Document Reference 5.2, APP-029 [see PIL ID 10]).</p> <p>National Highways will write to Cellnex UK to engage with them on the matters raised in their Relevant Representation and to seek their views on entering into an SoCG or preparing a Position Statement.</p> <p>It is anticipated that the matters raised can be resolved via discussion, for example in relation to the Environmental Statement Appendix 2.1 EMP Annex B Construction Traffic Management Plan (Document 6.4, APP-319) and / or agreed within a Position Statement.</p> <p>An update on this will be provided at Deadline 1.</p>