



Planning Act 2008 – section 91

Application by National Highways (formerly Highways England) for an Order granting Development Consent for the A417 Missing Link project

Agenda for Issue Specific Hearing 1 (ISH1) on the draft Development Consent Order (DCO)

In its letter dated 17 December 2021, the Examining Authority (ExA) notified Interested Parties (IP) of its decision to hold an Issue Specific Hearing into the above matter on the following date:

Hearing	Date and time	Location
Issue Specific Hearing 1 (ISH1) The draft DCO	Tuesday 25 January 2022 10.00am (Arrangements Conference starts at 09.30am*)	Virtually via Microsoft Teams ¹

*Participants must join the Arrangements Conference in order to register and be permitted access to the Hearing.

About ISH1 on the draft DCO

This Issue Specific Hearing is being held because the ExA wishes to question the Applicant and hear from IPs about the draft DCO submitted with the application documents, together with any updates.

The main purpose of the Hearing is to undertake an examination of the draft DCO Articles and Schedules, and in particular to:

- clarify issues around how the draft DCO is intended to work – what is to be consented, the extent of the powers and what requirements, provisions and agreements are proposed;
- identify the changes made to the draft DCO by the Applicant in updated versions of the draft DCO submitted since the original application;
- identify any possible issues of prevention, mitigation or compensation not yet covered by the draft DCO; and
- establish or confirm the views of other IPs as to the appropriateness, proportionality or efficacy of proposals.

¹ Further information is available in Advice Note 8.6, available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>



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The Hearing will concentrate on the specific issue of the draft DCO and any agreements needed to secure mitigation. The Hearing is likely to be of a technical nature and will be based on the specific wording of the draft Order.

The Hearing will principally be informed by the most recent version of the draft DCO submitted by the Applicant. A Schedule of Changes to the draft DCO document, which tracks the changes made through the various draft versions of the document and the reasons for these changes, is also relevant.

Discussion at this Hearing is 'without prejudice'; this means that parties may make contributions to improve the quality of the draft DCO without invalidating their own positions of support or opposition to the Proposed Development as a whole.

Irrespective of its recommendation, the ExA is required to present a recommended DCO to the Secretary of State. The ExA's participation in a discussion about the specifics of the draft DCO does not indicate that it has made up its mind about the application.

Attendance at the Hearing

The ExA is conducting this Hearing virtually in light of Government restrictions relating to Coronavirus (COVID-19), in particular the Omicron variant, using digital and telephone technology only.

Anyone wishing to attend the Hearing who has not already advised the Case Team of this should do so as soon as possible (and by **Monday 17 January 2022 at the latest**), as you will need to be issued with joining instructions to access the Hearing virtually. Please email: A417MissingLink@planninginspectorate.gov.uk.

Parties can join using a computer, laptop, tablet, mobile phone or landline telephone. Invitees will receive full instructions on how to join online or by phone in a separate email shortly before the Hearing, including a joining link or telephone number through which you can join the Arrangements Conference. The joining link and telephone number are for your own personal use and **should not be shared with any other party**.

Please join the Arrangements Conference at the appointed time for the Hearing you have been invited to. The Case Team will admit you from the lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

It is the Applicant's intention to livestream the Hearing, and a link to watch the livestream will be posted on the [project webpage of the Planning Inspectorate's National Infrastructure Planning website](#) closer to the event date. A recording of the Hearing will also be made available on the project webpage shortly after the event.



Participation, conduct and management of Hearing

The Agenda has a very specific focus that is likely to be of interest mainly to those organisations or bodies that have a direct involvement in drafting the Order and in its subsequent implementation should it be granted. Oral submissions on other subject matters or from persons who are not IPs may only be heard at the discretion of the ExA. IPs who wish to make representations on other issues are encouraged to bring these to an Open Floor Hearing where there is no subject-specific agenda, and any important and relevant matters may be raised.

The ExA invites and would particularly like to hear from the following IPs during this Hearing:

- The Applicant;
- The Joint Councils (Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council);
- Cotswold Conservation Board;
- Cowley and Birdlip Parish Council (Chair and Vice Chair);
- Daglingworth Parish Council;
- Environment Agency;
- Gloucestershire Wildlife Trust;
- National Air Traffic Services;
- National Trust;
- Natural England;
- Woodland Trust; and
- Historic England.

The named parties have been invited because they are:

- public bodies or other parties that are named in the draft provisions in the draft DCO;
- public bodies with policy and regulatory responsibilities associated with the subject matter;
- national and local authorities for the affected area; or
- persons or organisations with another related and relevant special interest.



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Participation in the Hearing is subject to the ExA's power to control the Hearing. IPs may be invited to make oral representations at the Hearing² (subject to the ExA's power to control the Hearing). Oral representations should be informed by the Relevant Representations and Written Representations made by the person by whom (or on whose behalf) the oral representations are made.

However, representations made at the Hearing should not simply repeat matters previously covered in a written submission. Rather, they should draw attention to those submissions in summary form and provide further detail, explanation and evidential corroboration to help inform the ExA.

The ExA may ask questions about representations or ask the Applicant or other parties to comment or respond. The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will therefore be led by a member of the Panel, supported by other Panel members.

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration. In particular, it is noted that this agenda has been compiled in advance of written submissions for Deadline 2. As such, matters may have progressed in the interim and any other information or updates provided at this Deadline has not been taken into account. The detail of the agenda may be changed once these documents have been received.

Any lack of discussion of a particular issue at a Hearing does not preclude further examination of that issue, including through the inclusion of questions in the ExA's Further Written Questions (ExQ2) (if issued).

Should the consideration of the issues take less time than anticipated, the ExA may conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to. Some of the issues identified in the agenda are by their nature overlapping. It may be the case therefore that certain questions later on in the agenda are answered by earlier questions. If this is the case the ExA will acknowledge this at the time.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day or at a subsequent sitting. Breaks will be taken during the Hearing as directed by the ExA.

All parties should note that the agenda given below is to provide a framework for this Hearing and offer discussion points; it does not constrain the ExA to specific topics.

² s91 Planning Act 2008



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The ExA may wish to raise other matters arising from submissions and pursue lines of inquiry in the course of the discussions which are not included in this agenda.

References in square brackets [] are to the unique document identification number in the Examination Library. This document is regularly updated and can be found on the project webpage of the National Infrastructure Planning website at:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20West/A417-Missing-Link/>

The Hearing will have regard to submissions already set out in the following documents and any subsequent revisions or updates submitted for Deadline 2. You may find it useful to have copies available on your screen or printed beforehand:

- Site Location Plan [[APP-005](#)];
- Land Plans [[AS-036](#)];
- Special Category Land Plans [[AS-037](#)];
- Works Plans [[AS-038](#)];
- Access and Rights of Way Plans [[AS-039](#)];
- Draft Development Consent Order [[APP-022](#)];
- Explanatory Memorandum [[APP-023](#)].

May we draw your attention to **Deadline 3** on the Examination Timetable (**Wednesday 2 February 2022**) and our request to receive full summaries of all oral submissions given at this Hearing by that date by those who made them. Note that any additional illustrative or supporting material that you wish to share must be submitted at Deadline 3, as it will not be possible for you to show it on screen during your contribution to the Hearing.

Please contact the Case Team if you have any questions regarding the arrangements for the Hearing: A417MissingLink@planninginspectorate.gov.uk



Agenda

Project	A417 Missing Link [TR010056]
Title of meeting	Issue Specific Hearing 1 (ISH1) on the draft DCO
Date	Tuesday 25 January 2022
Time	10.00am
Venue	Virtually via Microsoft Teams
Attendees	Invitees

1. Examining Authority's opening remarks

2. Purpose of the Hearing and speakers' introductions

3. Draft DCO Articles and Schedules

- 3.1 The Applicant will be asked to briefly explain the general structure of the draft Development Consent Order (dDCO), the purpose of each of the Parts 1 to 7 of the dDCO and the general thrust of the Articles within each.
- 3.2 The Applicant will be asked to briefly highlight any changes which have been made to the dDCO since the original submission version.
- 3.3 The Applicant will be asked to briefly explain the relationship between the dDCO and the Environmental Management Plan and associated Record of Environmental Actions and Commitments (and the associated annexes) in securing mitigation.
- 3.4 The Examining Authority (ExA) will ask questions in respect of Articles and Schedules of the dDCO, including highlighting drafting errors and/or inconsistencies within the dDCO.
- 3.5 Interested Parties (IP) will be invited to ask questions of clarification in relation to dDCO Articles and Schedules.

4. Schedule 2, Requirements

- 4.1 The Applicant will be asked to provide a brief overview of the background to, and purpose of each of the draft Requirements.
- 4.2 The ExA will ask questions seeking responses where appropriate from the Applicant, the Joint Councils, the Cotswold Conservation Board, the Environment Agency, Natural England, Historic England, the National Trust and the Woodland Trust and other IPs. IPs may also be invited to ask questions of clarification in relation to DCO requirements.

5. Schedule 8, Protective provisions

6. Planning Obligations and any other Consents, Licences or agreements



6.1 The Applicant to identify if any other S106 Agreement, Deed of Obligation, consents and licences will be necessary or provided and if so explain any progress and timescales for completion.

7. Review of issues and actions arising

8. Any other matters

9. Close of Hearing