

A417 Missing Link DCO

Joint Councils comments on the Rule 17 Request
in relation to Cotswold Way National Trail

Gloucestershire County Council, Cotswold District Council,
Tewkesbury Borough Council

2 February 2022

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1. Introduction

- 1.1.1. Gloucestershire County Council (GCC), Cotswold District Council (CDC), and Tewkesbury Borough Council (TBC) 'the Joint Councils' are the three host authorities for the National Highways' (NH) A417 Missing Link DCO Scheme 'the Scheme'.
- 1.1.2. This document is the Joint Councils response to the Rule 17 request made by the Examining Authority (ExA) on 14 January 2022 in relation to Article 20 of the draft DCO which would give NH power to divert the Cotswold Way National Trail.
- 1.1.3. The ExA requests that GCC provide its views on:
- the Applicant's proposed diversion of the Cotswold Way National Trail;
 - the legality and appropriateness of including a direction under s55(2) of the 1949 Act within a DCO; and
 - the appropriateness of Secretary of State (SoS) for the Department for Transport (DfT) making this direction
- 1.1.4. GCC's views on this matter are understood to be sought in its role as the local highway authority with responsibility for the future maintenance of the National Trail.

2. GCCs Response

2.1. The Applicant's proposed diversion of the Cotswold Way National Trail

- 2.1.1. GCC, as part of the Joint Councils supports the proposed diversion of the National Trail in principle; however, so far detailed plans have not been forthcoming and GCC considers these are necessary before the development can commence.
- 2.1.2. GCC, as part of the Joint Councils, has set out its position with regard to the lack of preliminary design detail in relation to the proposed diversion of the Cotswold Way National Trail in its Written Representation submitted at Deadline 1 [REP1-136]. At paragraph 2.10.13 of the Written Representation the Joint Councils state:
- Article 20 in the dDCO [APP-022] as currently drafted refers to the Cotswold Way national trail diversion report being laid out and provided in accordance with the Cotswold Way national trail diversion report. The report is extremely high level with no detail included as to what is actually being provided. There is no process for GCC to be consulted on, comment or approve the detail which is needed and moreover for those comments to be considered. There needs to be a mechanism in the DCO for approval of design by GCC as a prescribed consultee. NH have confirmed that they will continue to consult with GCC throughout the examination.*
- 2.1.3. In our Deadline 2 submission [REP2-034] the Joint Councils expressed their concerns about the lack of preliminary design information for the Air Balloon Way submitted into examination, the implications this has on acceptability of Article 20 ('...laid out and provided in accordance with...'), and Schedule 2 Requirement 11 (the assessment of compatibility with the preliminary design), and the absence of a securing mechanism in the draft DCO for submission of design details for approval by Secretary of State following consultation with the local planning authority and local highway authority.
- 2.1.4. As part of our Deadline 3 submission, the Joint Councils submit *Written Summary of Oral Case Appendix A Detailed Design in DCOs Case Studies*, which provides a comparison of preliminary design detail submitted in recent National Highways DCOs, as well as a comparison of how detailed design is secured in DCOs for NSIPs located in nationally designated areas.

2.2. The legality and appropriateness of including a direction under s55(2) of the 1949 Act within a DCO

2.2.1. The Joint Councils reserve comment and will await an explanation from National Highways.

2.3. The appropriateness of Secretary of State (SoS) for the Department for Transport (DfT) making this direction

2.3.1. The Joint Councils reserve comment and will await an explanation from National Highways.

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