

A417 Missing Link  
TR010056

## 7.3 Statement of Commonality (Rev 4)

Planning Act 2008

APFP Regulation 5(2)(q)  
Infrastructure Planning (Applications: Prescribed Forms and  
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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**Statement of Commonality (Rev 4)**

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# 1 Introduction

## 1.1 Purpose of this document

1.1.1 This Statement of Commonality 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 This document has been prepared to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between Highways England and prescribed consultees and other interested parties in relation to the scheme. The document also demonstrates where there is commonality on specific points between the SoCGs.

1.1.3 This document ~~has been will be~~ updated ~~at each deadline during throughout~~ the Examination of the scheme to reflect the current position of the SoCGs.

1.1.4 This document also sets out the current position between Highways England and statutory undertakers affected by the scheme.

4.1.41.1.5 This version of the document presents the final position of SoCGs and with statutory undertakers as of Deadline 9 (16 May 2022) and the close of Examination. This is the final version of this document.

4.1.51.1.6 This document has been prepared and submitted in compliance with Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ('the APFP Regulations') which states:

*"The application must be accompanied by ... any other documents considered necessary to support the application."*

4.1.61.1.7 A detailed description of the scheme can be found in the Environmental Statement (ES) Chapter 2 The Project (Document Reference 6.2, APP-032).

## 2 Structure of Statements of Common Ground

2.1.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCGs adopted a standard format in order to provide clarity to other parties and ultimately the ExA.

2.1.2 Each SoCG has the following structure:

- Section 1: provides an introduction to the SoCG and a description of its purpose.
- Section 2: describes the role and where relevant, the responsibilities, of the other party (or parties) in the SoCG and summarises the engagement that has occurred between the Applicant and other party (or parties).
- Section 3: sets out the topics covered in the SoCG.
- Section 4: sets out the matters which are agreed.
- Section 5: sets out the matters which are subject to further negotiation or which are not agreed.
- Appendix A: the signing sheet for the SoCG.

~~2.1.3 In some instances, there are matters identified in an SoCG in which the position of one or more of the parties is pending, for example where matters may relate to the future detailed design stage of the scheme. Where this is the case, some SoCGs include an Appendix B containing such matters. Highways England will continue to review the matters detailed in Appendix B of the SoCG with the relevant party.~~

2.1.42.1.3 Also, additional appendices may be provided in the SoCG containing any relevant documents or information that are referenced in the SoCG and do not otherwise form part of the DCO application.

## 3 List of Statements of Common Ground

### 3.1 Parties subject to an SoCG

- 3.1.1 Highways England has prepared SoCGs with a number of parties during the preparation of the DCO application. This includes organisations with which Highways England has a statutory duty to consult with, under section 42 of the Act. It also includes other organisations which have an interest in the scheme and with whom Highways England has engaged with and formally consulted.
- 3.1.2 The parties with which Highways England has prepared an SoCG are listed in Table 3.1 below.

**Table 3-1 List of Parties entered into an SoCG with Highways England**

Party
<b>Local Authorities (as defined under section 42(1)(b) of the Act)</b>
1. The 'Joint Councils' comprising Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council
<b>Prescribed Consultees (as defined under section 42(1)(a) of the Act)</b>
2. Natural England (NE) 3. Environment Agency (EA) 4. Historic Buildings and Monuments Commission for England (HBMCE), more commonly known as 'Historic England' 5. Cotswolds Conservation Board (CCB) <sup>1</sup>
<b>Other Interested Parties</b>
6. Gloucestershire Wildlife Trust (GWT) 7. National Trust (NT) 8. Walking, Cycling and Horse riding Technical Working Group (WCH TWG): <ul style="list-style-type: none"> <li>• Active Gloucestershire;</li> <li>• British Horse Society (BHS);</li> <li>• Campaign to Protect Rural England (CPRE) Gloucestershire;</li> <li>• Cheltenham and Tewkesbury Cycle Campaign;</li> <li>• Cotswold District Council;</li> <li>• Cotswolds National Landscape (formerly Cotswolds Conservation Board);</li> <li>• Cotswold Trail and Access Partnership;</li> <li>• Cycling UK;</li> <li>• Gloucestershire County Council (GCC) PRow officer;</li> <li>• GCC transport officer;</li> <li>• GCC ThinkTravel Coordinator;</li> <li>• Gloucestershire Local Access Forum (GLAF);</li> <li>• Gloucestershire Ramblers;</li> <li>• Gloucestershire Wildlife Trust;</li> <li>• National Trust;</li> <li>• Natural England;</li> <li>• Sustrans;</li> <li>• The Disabled Ramblers; and</li> <li>• Trail Riders Federation.</li> </ul>

<sup>1</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)

3.1.3 As Table 3-1 identifies, some organisations are represented both within an individual SoCG and within the SoCG with the WCH TWG. To avoid duplication where appropriate, cross-references are provided between SoCGs where organisations agree or disagree with WCH matters. Furthermore, the organisations listed at 2, 5, 6 and 7 in Table 3-1 have agreed that they will only sign their own SoCG but are content to have their views on WCH matters recorded in the separate WCH TWG SoCG.

## 3.2 Engagement with SoCG organisations

3.2.1 As set out in the Consultation Report submitted with the DCO application (Document Reference 5.1, APP-027), Highways England has sought to engage with the parties listed in Table 3.1 throughout the development of the scheme. This has included the following activities:

- Non-statutory public consultation in 2018 on route options for the scheme (Chapter 3 of the Consultation Report);
- Non-statutory consultation and engagement between 2019 and 2021 (Chapter 4 of the Consultation Report);
- Statutory public consultation between 27 September 2019 and 8 November 2019 (Chapters 5 to 7 of the Consultation Report);
- Supplementary statutory public consultation between 13 October 2020 and 12 November 2020 (Chapters 8 to 10 of the Consultation Report); and
- Additional, targeted statutory consultation with land interests (Persons with an interest in Land 'PILs') was carried out during January 2020 and March 2021 (Chapter 11 of the Consultation Report).

## 3.3 Additional SoCGs requested by the ExA

3.3.1 Annex E of the Rule 6 Letter issued by the ExA on 30 September 2021 (PD-005) made a request for Highways England to enter into 10 additional SoCGs, with draft or agreed versions of the SoCGs submitted at Deadline 1 of the Examination.

3.3.2 At Procedural Deadline A on 22 October 2021, Highways England wrote to the ExA to respond to matters raised within the Rule 6 Letter. Appendix A of that letter (PDA-001) set out the steps Highways England had taken at that point in relation to the 10 additional requested SoCGs, including the confirmation that Highways England would not seek an SoCG with some of the parties as requested but instead exchange correspondence to set out the latest position on the matters raised, and in some cases (for example with Affected Parties) provide a Position Statement.

3.3.3 An update of the current position in relation to the requested additional SoCGs is provided in Table 3-2 below.

**Table 3-2 Status of additional SoCGs requested in Rule 6 Letter (PD-005)**

Organisation	Highways England Position
Relevant Statutory Undertakers (including BT Openreach, Gigaclear Ltd, Severn Trent Water Ltd, and Western Power Distribution)	<p>Table 7-1 Statutory Undertakers Position Schedule of this document summarises the position at the time of Deadline 93 with each of the cited statutory undertakers. <del>This table will continue to be updated in future iterations of this document at relevant Examination Deadlines, particularly in relation to ongoing engagement regarding Protective Provisions.</del></p> <p>Highways England considers that this schedule sufficiently presents the position with the statutory undertakers, such that an individual SoCG with each cited party would not be of additional benefit to the Examination.</p>
Forestry Commission	As set out in Annex A to the letter sent to the ExA on 22 October 2021, Highways England does not consider that an SoCG with the Forestry Commission would be of additional benefit to the Examination. However, Highways England wrote to the Forestry Commission on 12 November 2021 to provide an update on the scheme. A response to this letter has not yet been received.
Council for British Archaeology (CBA)	Highways England wrote to the CBA on 12 November 2021 to provide an update on the scheme, set out its position on the points the CBA raised in their Relevant Representation and to seek the views of the CBA on entering into an SoCG. A response to this letter has not yet been received.
Coberley Parish Council	<p>Highways England wrote to Coberley Parish Council on 12 November 2021 to provide an update on the scheme, set out its position on the points the Council raised in their Relevant Representation and to seek the views of the Council on entering into an SoCG. A response to this letter was received on 8 December 2021, requesting an SoCG and further discussions with Highways England. <del>A draft SoCG was updated during Examination to reflect discussions through SoCG meetings with the Parish Council. The most recent final, signed version of the SoCG with Coberley Parish Council is provided at Appendix J of this document. This has been updated following a meeting held with the Parish Council on 15 February 2022 in relation to air and noise impacts and an SoCG meeting on 28 February 2022 submitted at Deadline 9 (Document Reference 7.3.10).</del></p>
Cowley and Birdlip Parish Council	Highways England wrote to Cowley and Birdlip Parish Council on 12 November 2021 to provide an update on the scheme, set out its position on the points the Council raised in their Relevant Representation and to seek the views of the Council on entering into an SoCG. A response to this letter was received on 22



	<p>November 2021, in which the Council confirmed that it agrees that an SoCG is not necessary.</p> <p>Highways England <del>has</del> met with local Parish Councils <del>monthly since on</del> 8 February 2022 to further discuss any concerns or queries held by their members and update them on the application and examination.</p> <p><a href="#">Highways England has also invited representation from Cowley and Birdlip Parish Council to the Walking, Cycling and Horse riding Technical Working Group meetings, to which they have been an active participant in a largely observing role to help better understand any potential impacts or benefits to the Parish.</a></p> <p><a href="#">Focused meetings have also taken place to help discuss and address their concerns. Engagement has included but is not limited to:</a></p> <ul style="list-style-type: none"> <li>• <a href="#">Meeting held 19 February 2021 to discuss the Birdlip bus stop and associated safe access routes along the B4070.</a></li> <li>• <a href="#">Meeting held 16 February 2022 to discuss safe access across the B4070 and to the proposed Air Balloon Way.</a></li> <li>• <a href="#">Meeting held 14 and 15 March 2022 to discuss and agree the purchase of the Birdlip bus stop shelter.</a> <del>A focused meeting with Cowley and Birdlip Parish Council was held on 16 February 2022 regarding its concerns about access to the Air Balloon Way. Discussions with the Parish Council are ongoing.</del></li> </ul>
<p>Daglingworth Parish Council</p>	<p>Highways England wrote to Daglingworth Parish Council on 12 November 2021 to provide an update on the scheme, set out its position on the points the Council raised in their Relevant Representation and to seek the views of the Council on entering into an SoCG. Daglingworth Parish Council responded to this letter on 17 November 2021, confirming their continued objection to the scheme due to concerns over noise on the concrete section of the A417 at Daglingworth. Highways England understands that Daglingworth Parish Council has made a submission to the ExA at Deadline 1 to formalise this position and their points of objection. Highways England has responded to the matters directly via a letter, which can be made available on request. <a href="#">Highways England has met with local Parish Councils monthly since 8 February 2022</a> <del>Highways England met with local Parish Councils on 8 February 2022</del> to further discuss any concerns or queries held by their <del>members, and</del> <a href="#">members and</a> update them on the application and <del>E</del>examination.</p>
<p>National Star Foundation</p>	<p>As set out in Annex A to the letter sent to the ExA on 22 October 2021, Highways England has developed a Position Statement with this Affected Party to help set out the engagement undertaken between the parties and the latest position on relevant matters discussed. An updated Compulsory Acquisition Schedule</p>

	(Document Reference 8.9 <a href="#">Rev 2</a> ) <del>iw</del> was submitted at Deadline <del>4</del> <a href="#">9</a> and it is considered that the provision of the Position Statement avoids the need for a separate SoCG. The latest version of the Position Statement with National Star Foundation is submitted at Deadline <a href="#">95</a> in Appendix <del>J</del> <a href="#">X</a> of Landowner Position Statements (Document Reference 8.22 Rev <a href="#">24</a> ).
FlyUp Ltd	As set out in Annex A to the letter sent to the ExA on 22 October 2021, Highways England has developed a Position Statement with this Affected Party to help set out the engagement undertaken between the parties and the latest position on relevant matters discussed. An updated Compulsory Acquisition Schedule (Document Reference 8.9 <a href="#">Rev 2</a> ) <del>was</del> <a href="#">is</a> submitted at Deadline <a href="#">94</a> and it is considered that the provision of the Position Statement avoids the need for a separate SoCG. The latest Position Statement with FlyUp Ltd is provided in <del>-</del> <a href="#">Appendix C of the</a> Landowner Position Statements (Document Reference 8.22 Rev <a href="#">24</a> ) submitted at Deadline <a href="#">95</a> .
Alan Dick	As set out in Annex A to the letter sent to the ExA on 22 October 2021, Highways England has developed a Position Statement with this Affected Party to help set out the engagement undertaken between the parties and the latest position on relevant matters discussed. An updated Compulsory Acquisition Schedule (Document Reference 8.9 <a href="#">Rev 2</a> ) <del>is</del> <a href="#">was</a> submitted at Deadline <a href="#">1</a> and it is considered that the provision of the Position Statement avoids the need for a separate SoCG. The latest Position Statement with Alan Dick is provided in <a href="#">Appendix E of the</a> Landowner Position Statements (Document Reference 8.22 Rev <a href="#">24</a> ) submitted at Deadline <a href="#">95</a> .
Cellnex UK	Highways England has engaged with Cellnex UK, most recently meeting with them on 1 December 2021 to discuss the matters raised in their Relevant Representation. Following communication with Cellnex UK, a signed SoCG with all matters agreed is submitted at <del>Appendix I of this document.</del> <a href="#">Deadline 9 (Document Reference 7.3.9).</a>

3.3.4 As set out in Table 3-2, two additional SoCGs were first prepared for Deadline 1, with Cellnex UK and Coberley Parish Council, ~~included as Appendix I and Appendix J to this document, respectively.~~[now submitted as final and signed at Deadline 9. No further](#) ~~If any further~~ new SoCGs ~~we~~are produced during the Examination, ~~an update will be provided within this document at the relevant Deadline.~~

## 4 Summary of current position

4.1.1 This section provides the current position of each SoCG.

4.1.2 Table 4-1 provides a high-level position and where necessary includes further detail to aid understanding. The high-level positions used in the table are:

- **SoCG in draft** – The SoCG has been drafted by the Applicant, it has been shared with the other party and comments have been provided. Discussion is ongoing to reach a ‘Final Signed SoCG with all matters agreed’ or ‘Final Signed SoCG with matters outstanding’.
- **Final Signed SoCG, all matters agreed** – The final SoCG has been signed by both parties and all matters are agreed.
- **Final Signed SoCG, with matters outstanding** – The final SoCG has been signed by both parties, and there remain matters outstanding that the Applicant and the other party agree will not be resolved during the Examination of the scheme.

~~4.1.3 — Where SoCGs have been submitted with matters subject to further discussion (‘SoCG in draft’), all parties will continue to review these matters in order that a final update can be provided during the Examination.~~

~~4.1.4 — Table 4-1 also provides the document reference which will be used for each SoCG once signed and submitted to the ExA at Deadline 9. Any draft SoCGs updated at each deadline will be appended to this document.~~

Table 4-1 Summary of current position of SoCGs at time of DCO submission

Document Reference	Party (or Parties)	Position at time of DCO submission	Position at Deadline 1	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4	Position at Deadline 5	Position at Deadline 6	Position at Deadline 7	Position at Deadline 7A	Position at Deadline 8	Position at Deadline 9
<b>Local Authorities</b>												
7.3.1	Joint Councils [Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council]	SoCG in draft and agreed for submission with DCO application on 07/05/2021. Provided at DCO submission as Appendix A of this document	Updated draft agreed for Deadline 1 of Examination on 14/12/2021. Provided as Appendix A of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 3 of Examination on 2/2/2022. Provided as Appendix A of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 5 of Examination on 9/3/2022. Provided as Appendix A of this document.	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>Final Signed SoCG, with matters outstanding.</u>
<b>Prescribed Consultees</b>												
7.3.2	Environment Agency	SoCG in draft and agreed for submission with DCO application on 07/05/2021. Provided at DCO submission as Appendix B of this document	Updated draft agreed for Deadline 1 of Examination on 14/12/2021. Provided as Appendix B of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 3 of Examination on 2/2/2022. Provided as Appendix B of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 5 of Examination on 9/3/2022. Provided as Appendix B of this document.	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>Final Signed SoCG, all matters agreed.</u>
7.3.3	Natural England	SoCG in draft and agreed for submission with DCO application on 07/05/2021. Provided at DCO submission as Appendix C of this document	Updated draft agreed for Deadline 1 of Examination on 14/12/2021. Provided as Appendix C of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 3 of Examination on 2/2/2022. Provided as Appendix C of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 5 of Examination on 9/3/2022. Provided as Appendix C of this document.	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>Final Signed SoCG, with matters outstanding.</u>
7.3.4	Historic England	SoCG in draft and agreed for submission with DCO application on 07/05/2021. Provided at DCO submission as Appendix D of this document	Updated draft agreed for submission at Deadline 1 of Examination on 14/12/2021. Provided as Appendix D of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 3 of Examination on 2/2/2022. Provided as Appendix D of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 5 of Examination on 9/3/2022. Provided as Appendix D of this document.	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>Final Signed SoCG, with matters outstanding.</u>

Document Reference	Party (or Parties)	Position at time of DCO submission	Position at Deadline 1	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4	Position at Deadline 5	Position at Deadline 6	Position at Deadline 7	Position at Deadline 7A	Position at Deadline 8	Position at Deadline 9
7.3.5	Cotswolds Conservation Board	SoCG in draft and agreed for submission with DCO application on 07/05/2021. Provided at DCO submission as Appendix E of this document	Updated draft agreed for submission at Deadline 1 of Examination on 14/12/2021. Provided as Appendix E of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 3 of Examination on 2/2/2022. Provided as Appendix E of this document.	N/A – no updated Statement of Commonality submitted.	Draft SoCG provided at Appendix E of this document, with no material changes made since Deadline 3.	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>Final Signed SoCG, with matters outstanding.</u>
7.3.10	Coberley Parish Council	N/A	Draft SoCG produced in response to ExA request and agreed for submission at Deadline 1 of Examination on 14/12/2021. Provided as Appendix J of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 3 of Examination on 2/2/2022. Provided as Appendix J of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 5 of Examination on 9/3/2022. Provided as Appendix J of this document.	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>Final Signed SoCG, with matters outstanding.</u>
<b>Interested Parties</b>												
7.3.6	Gloucestershire Wildlife Trust	SoCG in draft and agreed for submission with DCO application on 07/05/2021. Provided at DCO submission as Appendix F of this document	Updated draft agreed for submission at Deadline 1 of Examination on 14/12/2021. Provided as Appendix F of this document.	N/A – no updated Statement of Commonality submitted.	Draft SoCG provided at Appendix F of this document, with no material changes made since Deadline 1.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 5 of Examination on 9/3/2022. Provided as Appendix F of this document.	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>Final Signed SoCG, with matters outstanding.</u>
7.3.7	National Trust	SoCG in draft and agreed for submission with DCO application on 07/05/2021. Provided at DCO submission as Appendix G of this document	Updated draft agreed for submission at Deadline 1 of Examination on 14/12/2021. Provided as Appendix G of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 3 of Examination on 2/2/2022. Provided as Appendix G of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 5 of Examination on 9/3/2022. Provided as Appendix G of this document.	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>Final Signed SoCG, with matters outstanding.</u>

Document Reference	Party (or Parties)	Position at time of DCO submission	Position at Deadline 1	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4	Position at Deadline 5	Position at Deadline 6	Position at Deadline 7	Position at Deadline 7A	Position at Deadline 8	Position at Deadline 9
7.3.8	WCH TWG	SoCG in draft and agreed for submission with DCO application on 07/05/2021. Provided at DCO submission as Appendix H of this document	Updated draft agreed for submission at Deadline 1 of Examination on 14/12/2021. Provided as Appendix H of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 3 of Examination on 2/2/2022. Provided as Appendix H of this document.	N/A – no updated Statement of Commonality submitted.	Updated draft agreed for Deadline 5 of Examination on 9/3/2022. Provided as Appendix H of this document.	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>Final Signed SoCG, with matters outstanding.</u>
7.3.9	Cellnex UK	N/A	Draft SoCG produced in response to ExA request and agreed for submission at Deadline 1 of Examination on 14/12/2021. Provided as Appendix I of this document.	N/A – no updated Statement of Commonality submitted.	Draft SoCG provided at Appendix I of this document, with no material changes made since Deadline 1.	N/A – no updated Statement of Commonality submitted.	Signed SoCG with all matters agreed submitted for Deadline 5 of Examination on 9/3/2022. Provided as Appendix I of this document.	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>N/A – no updated Statement of Commonality submitted.</u>	<u>Final Signed SoCG, all matters agreed.</u>

## 5 Commonality

- 5.1.1 This section of the document provides a summary of principal topics covered in the final SoCGs submitted at Deadline 9 and highlights where topics have been agreed, are subject to further discussion at detailed design/construction, or where a topic is not agreed.
- 5.1.2 The summary in Table 5-1 is presented in such a way to show topics covered within the various SoCGs and any position for each topic. The topics are defined at a high-level to enable overview and comparison and may not reflect the structure of each individual SoCG. The topics have been defined where possible to broadly align with those of the Environmental Statement (ES), which comprises Volume 6 of the DCO application. Table 5.1 shows topics covered within the various SoCG and how these are relevant to each other party. It provides a position for each topic as follows:

	All <del>M</del> matters of interest agreed on this topic
	Matter/Topic for which there are both matters agreed and disagreed in the final SoCG, or for which subject to further discussion (including matters in which it is agreed to engage further at detailed design stage or construction.)
	All <del>m</del> Matters of interest not agreed on this topic
	Matter not relevant to party / not included in SoCG

Table 5-1 Table of Commonality at Deadline 9 of Examination

SoCG Ref	Party	Broad topics considered in SoCG and <u>current final position at Deadline 9</u>																										
		Principle of Development	Project Description	Consultation	Assessment of Alternatives	EIA Methodology	Air Quality	Cultural Heritage	Landscape & Visual	Biodiversity	Geology, and Soils	Material Assets and Waste	Noise and Vibration	Population and Human Health	Public Rights of Way	Drainage/Water Environment	Climate	Cumulative effects	De-Trunking	Traffic and Transport	Crossings of the A417	Engineering Design	Draft DCO	Land acquisition and/or impacts on property	Environmental Management Plan	Construction Traffic Management Plan		
7.3.1	Joint Councils																											
7.3.2	Environment Agency																											
7.3.3	Natural England																											
7.3.4	Historic England																											
7.3.5	Cotswolds Conservation Board																											
7.3.6	Gloucestershire Wildlife Trust																											
7.3.7	National Trust																											
7.3.8	WCH TWG																											
7.3.9	Cellnex UK																											
7.3.10	Coberley Parish Council																											

## 6 Current position

- 6.1.1 This section provides a summary of the current position between the Applicant and each other party, where there are matters outstanding. The individual SoCG should be referred to for the full detail on specific matters.
- 6.1.2 This section also identifies where the Highways England is engaged in developing a separate agreement with an SoCG party (see Action Point ISH-AP11, EV-036).

### 6.2 Local authorities

#### Joint Councils

~~6.2.1 The most recent SoCG meeting with the Joint Councils was held on 22 April 2022.~~

~~6.2.16.2.2 The SoCG with the Joint Councils is provided as final and signed at Deadline 9 of the Examination (Document Reference 7.3.1), included at Appendix A of this document.~~

~~6.2.2 The SoCG is provided in draft and is not signed.~~

~~6.2.3 The most recent SoCG meeting with the Joint Councils was held on 7 March 2022.~~

~~6.2.4 The principle matters that are currently outstanding are:~~

~~a) 6.2.3 The provision of lighting at Ullenwood junction.~~

~~b) a) The approach to archaeological trenching and cultural heritage assessment methodology; and,~~

~~e) b) The provision of commuted sums, effects of the scheme on the local road network and the requirement, in the view of the Joint Councils, for funding to mitigate such effects.~~

~~6.2.5 Highways England and the Joint Councils will continue to discuss the matters outstanding in the SoCG and provide a further updated version of the SoCG at a future Examination deadline.~~

~~6.2.6 It is the intention of both parties that an updated, signed version of the SoCG will be provided during the Examination.~~

~~6.2.76.2.4 Highways England is progressing a separate agreement with Gloucestershire County Council, which remains under discussion.~~

### 6.3 Prescribed consultees

#### Environment Agency (EA)

~~6.3.1 The most recent SoCG meeting with the EA was held on 7 April 2022.~~

~~6.3.16.3.2 The SoCG with the EA is provided as final and signed at Deadline 9 of the Examination (Document Reference 7.3.2), with all matters agreed, included at Appendix B of this document.~~

~~6.3.2 The SoCG is provided in draft and is not signed.~~

~~6.3.3 The most recent SoCG meeting with the EA was held on 8 March 2022.~~



~~6.3.4 There are no principle matters outstanding with the EA, however the EA's position on one matter, surface and groundwater monitoring, is pending upon further discussion with Highways England.~~

~~6.3.5 Highways England and the EA will therefore continue to review this matter detailed in the SoCG.~~

~~6.3.6 It is the intention of both parties that an updated, signed version of the SoCG will be provided during the Examination.~~

### Natural England (NE)

~~6.3.3 The most recent SoCG meeting with NE was held on 6 May24 January 2022.~~

~~6.3.76.3.4 The SoCG with NE is provided as final and signed at Deadline 9 of the Examination (Document Reference 7.3.3) included at Appendix C of this document.~~

~~6.3.8 The SoCG is provided in draft and is not signed.~~

~~6.3.9 The most recent SoCG meeting with NE was held on 24 January 2022.~~

~~6.3.10 It is intended that the next updated version of the SoCG with NE will be submitted at a future deadline of the Examination.~~

~~6.3.116.3.5~~ The principle matters that are ~~currently~~ outstanding are:

- NE have concerns regarding the adverse impact of the scheme on the Barrow Wake part of the Crickley Hill and Barrow Wake Site of Special Scientific Interest (SSSI) as a result of land take and increased recreational activity. Natural England wishes to see the complete closure of the Barrow Wake car park, ground levels rationalised and the land restored to calcareous grassland, with an understanding that this would contribute towards offsetting the net loss of biodiversity resulting from this scheme. Natural England would also like to see the roundabout at Barrow Wake removed from the scheme.
- NE continue to advocate for further progress to be made towards biodiversity net gain.

~~6.3.12 Highways England will continue to review the matters detailed in the SoCG with NE.~~

~~6.3.13 It is the intention of both parties that an updated, signed version of the SoCG will be provided during the Examination.~~

### Historic England

~~6.3.6 The most recent SoCG meeting with Historic England was held on 25 April8 March 2022.~~

~~6.3.14 The SoCG with Historic England is provided as final and signed at Deadline 9 of the Examination (Document Reference 7.3.4) included at Appendix D of this document.~~

~~6.3.156.3.7 The SoCG is provided in draft and is not signed.~~

~~6.3.16 The most recent SoCG meeting with Historic England was held on 8 March 2022.~~

~~6.3.176.3.8~~ The principle matters that ~~are is~~ currently outstanding ~~are is~~:

- The enhancement and management of Emma's Grove Barrows, including improved connectivity of calcareous grassland.;

- ~~• Pre-construction and construction buried archaeology mitigation through the DAMS/OWSI;~~
- ~~• Methodology for the geophysics and geoarchaeological surveys/works prior to DCO consent; and~~
- ~~• The wording of Requirement 9 of the dDCO to secure the DAMS/OWSI~~

~~6.3.18 There are also a number of matters identified in the SoCG upon which the position of the Historic England is pending upon further discussion with Highways England. Highways England will continue to review the matters detailed in the SoCG with Historic England.~~

~~6.3.19 It is the intention of both parties that an updated, signed version of the SoCG will be provided during the Examination.~~

### **Cotswolds Conservation Board (CCB)**

~~6.3.9 The most recent SoCG meeting with CCB was held on 5 April 2022.~~

~~6.3.20 The SoCG with CCB is provided as final and signed at Deadline 9 of the Examination (Document Reference 7.3.5). included at Appendix E of this document, which is the same as that submitted at Deadline 3.~~

~~6.3.10~~

~~6.3.21 The SoCG is provided in draft and is not signed.~~

~~6.3.22 The most recent SoCG meeting with CCB was held on 31 January 2022.~~

~~6.3.23 Unfortunately, the two parties were unable to meet again to discuss a meaningful update to the draft SoCG prior to Deadline 5. A meeting is scheduled for 4 April 2022.~~

~~6.3.24 It is intended that the next updated version of the SoCG with CCB will be submitted at a future deadline of the Examination.~~

~~6.3.25~~ **6.3.11** The principle matter that is currently outstanding is:

~~6.3.26 The Board does not consider that the scheme fulfils one of the three Scheme Design Principles of the landscape-led vision. The Board considers that further assessments with regards to cumulative effects should be undertaken.~~

- ~~•~~

~~6.3.27 There are also a number of matters identified in the SoCG upon which the position of CCB is pending upon further discussion with Highways England. Highways England will continue to review the matters detailed in the SoCG with CCB.~~

~~6.3.28 It is the intention of both parties that an updated, signed version of the SoCG will be provided during the Examination.~~

## **6.4 Interested parties**

### **Gloucestershire Wildlife Trust (GWT)**

~~6.4.1 The most recent SoCG meeting with GWT was held on 7 March~~ 6 April 2022.

~~6.4.1 — The most recent version of the S SoCG with GWT is provided as final and signed at Deadline 9 of the Examination (Document Reference 7.3.6) included at Appendix F of this document.~~

6.4.2 The SoCG is provided in draft and is not signed.

~~6.4.3 — The most recent SoCG meeting with GWT was held on 7 March 2022.~~

~~6.4.4.3~~ 6.4.4.3 The principle matters that are ~~currently~~ outstanding are:

- ~~Biodiversity Net Loss and the scale of adverse impacts on biodiversity receptors. The scale of adverse impacts on biodiversity~~
- ~~Delivery and management of a high-risk mitigation strategy and associated time lag between habitat loss and re-establishment.~~
- ~~GWT considers that there will be an adverse impact on the ecological features of the Crickley Hill and Barrow Wake SSSI because of increased recreational pressure during the operation of the scheme and its improved PRow network.~~
- ~~Assessment of cumulative impacts. GWT considers the assessment to be inadequate because it screens out developments that are clearly committed but do not fit the constricted timescales of the A417 construction programme. Whilst accepting that this is in-line with LA 104 guidance, it does not provide a true reflection of cumulative impacts~~
- ~~GWT is concerned that no information has been provided about the time lag between habitat loss and the establishment of new habitat of equivalent quality. Information is also required on what area of priority habitat will become more fragmented and fall beneath minimum viable areas, either permanently or temporarily, because of the scheme. This is important to assess the level of extinction risk for threatened species that require priority habitats and, therefore, the suitability of the design, and relevant management plans.~~
- ~~GWT considers it is imperative that the scheme is truly landscape-led, repairing historic damage to wildlife habitats and improving ecological networks, rather than just minimising further damage.~~
- ~~GWT consider that drafts of some key documents relating to ecological issues should've been shared ahead of DCO submission. They feel that several matters remain outstanding or to be determined due to the lack of preliminary design detail available at DCO. National Highways intention to provide no formal requirement to consult stakeholder organisations on detailed design is a major concern.~~
- ~~GWT consider that stakeholder organisations should be named consultees on detailed designs before they are provided to the Secretary of State for approval.~~

~~6.4.5 — There are also a number of matters identified in the SoCG upon which the position of GWT is pending upon further discussion with Highways England. Highways England will continue to review the matters detailed in the SoCG with GWT.~~

~~6.4.6 — It is the intention of both parties that an updated, signed version of the SoCG will be provided during the Examination.~~

### **National Trust (NT)**

6.4.4 The most recent SoCG meeting with NT was held on 19 April 2022.

~~6.4.7~~ The SoCG with NT is provided as signed and final at Deadline 9 of the Examination (Document Reference 7.3.7) included at Appendix G of this document.

~~6.4.8~~ ~~6.4.5~~ The SoCG is provided in draft and is not signed.

~~6.4.9~~ The most recent SoCG meeting with NT was held on 7 March 2022.

~~6.4.10~~ ~~6.6~~ The principle matters that are ~~currently~~ outstanding are:

- The conclusion of the predicted impact on Crickley Hill SSSI unit during construction and operation; ~~and~~
- That a holistic landscape approach should be taken for scheme mitigation that overlays cultural heritage, historic environment and natural environment.

~~6.4.11~~ Highways England will continue to review the matters detailed in the SoCG with NT.

~~6.4.12~~ It is the intention of both parties that an updated, signed version of the SoCG will be provided during the Examination.

### **Walking, Cycling and Horse riding Technical Working Group (WCH TWG)**

~~6.4.13~~ ~~6.7~~ The most recent SoCG meeting with the WCH TWG was held on ~~9 March~~ 5 April 2022. The SoCG with the WCH TWG is included at Appendix H of this document.

~~6.4.14~~ ~~6.8~~ The SoCG is ~~provided in~~ is provided as final and signed at Deadline 9 of the Examination (Document Reference 7.3.8) ~~draft and is not signed~~.

~~6.4.15~~ The most recent SoCG meeting with the WCH TWG was held on ~~9 March 2022~~. There have been no new matters added to the SoCG, or existing matters resolved, following that meeting, with minor updates made to the wording of some positions.

~~6.4.16~~ ~~6.9~~ The principle matter that is ~~currently~~ outstanding is:

- The need for the scheme to provide at least one additional crossing of the A417 between Bentham Lane and Grove Farm underpass, to retain severed or fragmented PRowS.

~~6.4.17~~ It should be noted that the principal matter outstanding relates to only some members of the WCH TWG, as some members are in agreement with Highways England on the matter.

~~6.4.18~~ Highways England will continue to review the matters detailed in the SoCG with the WCH TWG.

~~6.4.19~~ ~~6.10~~ It is the intention of both parties that an updated, signed version of the SoCG will be provided during the Examination.

### **Cellnex UK**

~~6.4.20~~ The most recent version of the SoCG with Cellnex UK is included at Appendix I of this document.

~~6.4.21~~ ~~6.11~~ The most recent SoCG meeting with Cellnex UK was held on 18 October 2021, however correspondence has been undertaken via email since that time.

~~6.4.22~~6.4.12 The SoCG ~~is signed with all matters agreed. is provided as final and signed at~~ Deadline 9 of the Examination (Document Reference 7.3.9) with all matters agreed.

### **Coberley Parish Council**

~~6.4.13~~ 6.4.13 The most recent SoCG meeting with Coberley Parish Council was held on 8 April 2022.

~~6.4.23~~6.4.14 The SoCG with Coberley Parish Council is provided as final and signed at Deadline 9 of the Examination (Document Reference 7.3.10).~~included at Appendix J of this document, which is the same as that submitted at Deadline 1.~~

~~6.4.24~~ The SoCG is provided in draft and is not signed.

~~6.4.25~~ The most recent SoCG meeting with Coberley Parish Council was held on 28 February 2022, comprising positive progression on matters.

~~6.4.26~~6.4.15 The principle matters that are ~~currently~~ outstanding isare:

- Noise and air pollution due to the new road being nearer to the villages of Coberley, Cowley and Ullenwood.;
- Attenuation around the Ullenwood Junction and associated impacts on the water environment and landscape; ~~and.~~
- Traffic impacts at and associated with the proposed new Ullenwood Junction, A436 and its roundabout and crossroads, and Leckhampton Hill Road.

~~6.4.27~~ Highways England will continue to review the matters detailed in the SoCG with Coberley Parish Council.

~~6.4.28~~ It is the intention of both parties that an updated, signed version of the SoCG will be provided during the Examination.

## 7 Statutory Undertakers Position Schedule

- 7.1.1 Highways England has sought to engage with statutory undertakers who are affected by the scheme, including through statutory pre-application consultation, as required by the Act and as set out in the Consultation Report (Document Reference 5.1, APP-027) submitted with the DCO application.
- 7.1.2 Table 7-1 sets out the current position of statutory undertakers who are affected by the scheme. C3 budget estimate refers to draft scheme and budget estimates as defined in subsection C3 of Appendix C of the Measures Necessary Where Apparatus is Affected by Major Works (Diversionary Works): A Code of Practice 1992 (COP). C4 detailed estimate refers to final scheme and detailed estimates as defined in subsection C4 of Appendix C of the COP.

**Table 7-1 Statutory undertakers position schedule**

Statutory undertaker	Summary of C3/C4 process and agreement of technical matters	Consultation on draft DCO/Protective Provisions	Summary of current position
British Telecoms Openreach	All technical matters were agreed through direct meetings with representatives of British Telecoms Openreach. British Telecoms Openreach split their C4 estimate into three sections. Agreement was confirmed on 18 November 2020 (section 2) and 15 December 2020 (section 3 and 4) as discussions with British Telecoms Openreach led to the diversion route being agreed as a C4 estimate.	<p>Highways England provided a draft of the proposed Protective Provisions to British Telecoms Openreach in April 2021. Highways England has made multiple attempts to engage with British Telecoms Openreach since this time, however there has been no engagement from the telecommunications undertakers.</p> <p>Highways England therefore assumes that British Telecoms Openreach content to rely on the standard provisions as set out in the draft DCO.</p> <p>No Relevant Representation has been received from this statutory undertaker.</p> <p>As discussed in the Compulsory Acquisition Hearing on 26 January 2022 and summarised in the Summary of Applicant's Oral Submissions at Compulsory Acquisition Hearing 1 (CAH1) (Document Reference 8.18), Highways England has not been able to obtain agreement from British Telecoms Openreach regarding the draft protective provisions, despite multiple attempts to do so. Highways England has taken this to indicate that British Telecoms Openreach does not object to the current drafting, however will make a final attempt to contact British Telecoms Openreach as per the ExA's recommendation at the Hearing.</p>	All technical matters agreed. Utility diversions agreed with undertaker, incorporated into scheme design and costs.

		<p>A follow up to previous correspondence was made by National Highways on 07 February 2021 and provided a link to the draft DCO and protective provisions as submitted. The email correspondence set out that should National Highways not hear back from British Telecoms Openreach, we would assume they are content with the provisions as drafted. To date, no response has been received.</p>	
Gigaclear Ltd	<p>All technical matters were agreed through direct meetings with representatives of Gigaclear Ltd. Agreement was confirmed 21 August 2019 as discussions with Gigaclear Ltd led to the diversion route being agreed as a C4 estimate.</p>	<p>Highways England provided a draft of the proposed Protective Provisions to Gigaclear Ltd in April 2021. Highways England has made multiple attempts to engage with Gigaclear Ltd since this time, however there has been no engagement from the telecommunications undertakers.</p> <p>Highways England therefore assumes that Gigaclear Ltd is content to rely on the standard provisions as set out in the draft DCO.</p> <p>No Relevant Representation has been received from this statutory undertaker.</p> <p>As discussed in the Compulsory Acquisition Hearing on 26 January 2022 and summarised in the Summary of Applicant’s Oral Submissions at Compulsory Acquisition Hearing 1 (CAH1) (Document Reference 8.18), Highways England has not been able to obtain agreement from Gigaclear Ltd regarding the draft protective provisions, despite multiple attempts to do so. Highways England has taken this to indicate that Gigaclear Ltd does not object to the current drafting, however will make a final attempt to contact Gigaclear Ltd as per the ExA’s recommendation at the Hearing.</p> <p>A follow up to previous correspondence was made by National Highways on 07 February 2021 and provided a link to the draft DCO and protective provisions as submitted. The email correspondence set out that should National Highways not hear back from Gigaclear Ltd, we would assume they are content with the provisions as drafted. To date, no response has been received.</p>	<p>All technical matters agreed.</p> <p>Utility diversions agreed with undertaker, incorporated into scheme design and costs.</p>
Severn Trent Water Ltd	<p>All technical matters were agreed through direct meetings with representatives of Severn Trent Water Ltd. Agreement was confirmed 11 November 2020 as discussions with Severn Trent Water Ltd led to the</p>	<p>Highways England issued a Draft Agreement to Severn Trent in April 2021. Highways England has been contacting the water undertaker’s representative on a regular basis to request their comments on the draft agreement which was provided to them for review.</p>	<p>All technical matters agreed.</p> <p>Utility diversions agreed with</p>

	<p>diversion route being agreed as a C4 estimate.</p>	<p>In August 2021 there was some dialogue with the water undertaker's representative but since then no further communications <del>have been</del>were received despite regular contact being made by Highways England.</p> <p><del>No Relevant Representation</del> has been received from this statutory undertaker.</p> <p>As discussed in the Compulsory Acquisition Hearing on 26 January 2022 and summarised in the Summary of Applicant's Oral Submissions at Compulsory Acquisition Hearing 1 (CAH1) (Document Reference 8.18), Highways England has not been able to obtain agreement from Severn Trent Water Ltd regarding the draft protective provisions, despite multiple attempts to do so.</p> <p><del>As Highways England has taken this to indicate that Severn Trent Water Ltd does not object to the current drafting, however will make a final attempt to contact Severn Trent Water Ltd as per the ExA's recommendation at the Hearing, a final attempt to contact Severn Trent Water Ltd was made on 2 February 2021. This -</del></p> <p><del>A follow up to previous correspondence was made by National Highways on 02 February 2021 and</del> provided a link to the draft DCO and protective provisions as submitted. The email correspondence set out that should National Highways not hear back from Severn Trent Water, it is likely that the protective provisions as shown in the draft DCO will be included in the final version if it is made by the Secretary of State. <del>To date, no response has been received.</del></p> <p><del>Following a submission made by Severn Trent Water (REP8-040) at Deadline 8, they are now engaging with National Highways on the matter of Protective Provisions with a meeting <del>having taken</del>taking place on 12 May 2022. Initial discussions have been positive but a formal response has not yet been received. National Highways understands that STW is intending to make a submission at Deadline 9 to confirm <del>the removal of its holding objection to the scheme.</del>at are likely to seek some amendments to the wording of Protective Provisions and therefore cannot remove their holding objection to the scheme at this point. For clarity, the STW objection is not in relation to utility Diversions, which are agreed. It is our understanding that STW will confirm in their submission that they wish to agree an Asset Protection Agreement with National Highways. A draft Agreement was prepared and shared with STW during initial discussions in early 2021, though a formal response has not been</del></p>	<p>undertaker, incorporated into scheme design and costs.</p>
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		<u>received. National Highways will seek to progress an Asset Protection Agreement with STW as a matter of urgency.</u>	
Western Power Distribution plc	All technical matters were agreed through direct meetings with representatives of Western Power Distribution plc. Agreement was confirmed 19 November 2020 as discussions with Western Power Distribution plc led to the diversion route being agreed as a C4 estimate.	Highways England and Western Power Distribution plc have reached agreement on the terms of the draft DCO and its application to any Western Power Distribution plc apparatus affected by the project, including the application of the protective provisions (see Schedule 8, part 1 of the draft DCO) as they relate to that apparatus. That agreement was completed in February 2022.-	All technical matters agreed. Utility diversions agreed with undertaker, incorporated into scheme design and costs.

# Appendices

# ~~Appendix A Draft Statement of Common Ground with the Joint Councils~~

# ~~Appendix B Draft Statement of Common Ground with the Environment Agency~~

# ~~Appendix C Draft Statement of Common Ground with Natural England~~

# ~~Appendix D Draft Statement of Common Ground with Historic England~~

# ~~Appendix E Draft Statement of Common Ground with Cotswolds Conservation Board~~

# ~~Appendix F Draft Statement of Common Ground with Gloucestershire Wildlife Trust~~



# ~~Appendix G Draft Statement of Common Ground with the National Trust~~

# ~~Appendix H Draft Statement of Common Ground with the Walking, Cycling and Horse riding Technical Working Group~~

# ~~Appendix I — Draft Statement of Common Ground with Cellnex UK~~

# ~~Appendix J Draft Statement of Common Ground with Coberley Parish Council~~