



**REPORT TITLE:** A417 Missing Link Development Consent Order (DCO) process.

<b>Dates between which decision will be taken</b>	Earliest date: 18 November 2021 Latest date: 9 December 2021
<b>Cabinet Member</b>	Councillor David Gray, Cabinet Member for Environment and Planning
<b>Key Decision</b>	Yes
<b>Purpose of Report</b>	To seek Cabinet Member authorisation to formally delegate to GCC officers' authority to represent the Council through the Development Consent Order ("DCO") process in respect of the A417 Missing Link project.
<b>Recommendations</b>	<p>The Cabinet member:</p> <ul style="list-style-type: none"><li>• delegates authority to the Officers set out in Appendix A to:<ul style="list-style-type: none"><li>○ Respond formally on behalf of Gloucestershire County Council (as a statutory consultee) and all other parties (The Joint Council) to the DCO in consultation with the Cabinet Member for Environment and Planning;</li><li>○ Appear at the Examination in Public and make representations concerning the A417 Missing Link in accordance with the Council's responses to the consultation; and</li></ul></li><li>• Ratifies prior officer decisions made in respect of consultation and DCO process in respect of the project as set out in this report.</li></ul>

<p><b>Reasons for recommendations</b></p>	<p>National Highways (NH) has submitted a DCO application in respect of the A417 Missing Link project. Gloucestershire County Council (GCC) is a statutory consultee to the DCO application. In order for the Council to meet its statutory duties as a consultee, it is proposed that authority be delegated to GCC officers to respond with the Council's position in respect of the project, given that timescales for consultation comments are often short i.e. 14 or 28 days.</p> <p>By authorising officers with relevant knowledge and experience, this will ensure that the Council responds to the DCO application in a timely manner.</p> <p>Responses to the DCO will be discussed with the Lead Cabinet Member (LCM) prior to submission and, where necessary, with other Cabinet Members.</p> <p>Authorising officers to respond to the DCO application on the Council's behalf will ensure that there is a clear audit trail in respect of the decision making process.</p>
<p><b>Resource Implications</b></p>	<p>Officer time reviewing and analysing documents and data and drafting response/consultee reports. Additional time required for meetings, etc.</p> <p>Consultancy support to assess more technical documentation. Resource costs as per the agreed framework.</p> <p>External legal costs to support and assess documentation and provide legal advice throughout the DCO process.</p> <p>Consultancy and legal costs will be covered by the GCC Missing Link Reserve fund and/or EM Lawshare Framework Agreement where appropriate.</p> <p>This work is likely to have resource implications for internal GCC departments in particular the following: - Highways, Planning, Flooding, Public Rights of Way, Heritage and Legal teams.</p>

<b>Background Documents</b>	<p>A417 Missing Link DCO documents:  <a href="https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a417-missing-link/?ipcsection=docs">https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a417-missing-link/?ipcsection=docs</a></p> <p>GCC formal responses (can be provided on request):</p> <ul style="list-style-type: none"> <li>• Formal response to NH’s Statutory Consultation – 8<sup>th</sup> November 2019;</li> <li>• Formal response to NH’s formal Statement of Community Consultation – 7<sup>th</sup> September 2020;</li> <li>• Formal response to NH’s Supplementary Consultation – 11<sup>th</sup> November 2020;</li> <li>• Formal response to NH’s Adequacy of Consultation Response – 2<sup>nd</sup> September 2021; and</li> <li>• Planning Inspectorate Joint Councils’ Representation formal response – 2<sup>nd</sup> September 2021</li> </ul>
<b>Statutory Authority</b>	<p>The Planning Act 2008</p>
<b>Divisional Councillor(s)</b>	<p>All</p>
<b>Officer</b>	<p><b>Any representations should be sent to:</b></p> <p>Name: Colin Chick  Executive Director of Economy, Environment, and Infrastructure,  Gloucestershire County Council  Tel. 01452 328470  Email: <a href="mailto:colin.chick@gloucestershire.gov.uk">colin.chick@gloucestershire.gov.uk</a></p> <p><b>By 5pm on Tuesday 16<sup>th</sup> November 2021</b></p>

**Timeline**

Development Consent Order planning application (DCO) Submitted: May 2021

Secretary Of State Consideration and Decision: June 2022 - Nov 2022

DCO decision date: Nov 2022

Start of Works: Feb 2023

Open for Traffic: 2025/2026

## 1. Background

### DELEGATION OF AUTHORISATION

1.1 The A417/A419 provides an important route between Gloucester, Cheltenham and Swindon that helps connect the West Midlands and the north to the south of England via the M5 and M4 motorways. Most of the A417 route is dual carriageway, except for one section in Gloucestershire. Known as the 'Missing Link', this three mile stretch of single carriageway between the Brockworth bypass and Cowley roundabout severely restricts the flow of traffic and has a poor safety record. National Highways (formerly Highways England) ("NH") plans to build 3.4 miles (5.5km) of new dual carriageway, which will considerably improve road safety, reduce traffic congestion and improve connectivity for road users and local communities, while unlocking economic growth. The final approval of this route will be given via a Development Consent Order (DCO) process.

1.2 The DCO process is a planning procedure for dealing with proposals classed as nationally significant infrastructure projects such as the A417 Missing Link, which are determined by the Secretary of State (SoS) and considered by the Planning Inspectorate (PINS). DCOs were established under the Planning Act 2008 (as amended) and involve an examination of major proposals.

1.3 The DCO process contains many areas where local authorities have a specific role to undertake and therefore their participation is expected throughout the process. Participation is not obligatory but it is advised as local authorities are expected to provide a local perspective of potential impacts of a submitted proposal. The local authorities in this case are Gloucestershire County Council, Tewkesbury Borough Council and Cotswold District Council, known as the 'Joint Councils'. The DCO, once confirmed, is set out as a statutory instrument and grants planning permission for the proposal.

1.4 The DCO process has six-stages: Pre-application, Acceptance, Pre-examination, Examination, Decision and Post-submission. A DCO requires an authority or authorities to assume the role of 'Host Authority'. This is normally the authority within whose boundaries the development will occur.

1.5 In June 2021 NH submitted its DCO application in respect of the Missing Link project to PINS. Over the next 12-18 months the application will be examined by a Planning Inspector nominated by the SoS. GCC and its consultants/advisors will be involved in this process, as both a Host Authority and statutory consultee. This will involve GCC officers and their consultants representing the Joint Councils by preparing written representations, a Local Impact Report and appearances at the Examination itself.

#### Ratification of Decisions:

1.6 Certain aspects of the current DCO process and formal consultation processes that occurred prior to the DCO, required responses to be submitted by officers prior to the decision of this ICM report being made in order to adhere to given deadlines. These were decisions made by officers (in consultation with the LCM). Approval of this ICM decision seeks to ratify all previous formal decisions that have been made in respect of the A417 Missing Link. The decisions are;

- Formal response to NH's Statutory Consultation – 8<sup>th</sup> November 2019;

- Formal response to NH's formal Statement of Community Consultation – 7<sup>th</sup> September 2020;
- Formal response to NH's Supplementary Consultation – 11<sup>th</sup> November 2020;
- Formal response to NH's Adequacy of Consultation Response – 2<sup>nd</sup> September 2021; and
- Planning Inspectorate Joint Councils' Representation formal response – 2<sup>nd</sup> September 2021.

## **2. Options**

2.1 Option 1: Authorisation be given to officers, as set out by the 'Delegation of Authorisation' document provided in the Appendix A to respond to the DCO on behalf of the Councils, in consultation with the LCM, ensuring timely decision making in respect of the various urgent responses required as part of the DCO process.

2.2 Option 2: Do not authorise officers of the authority to respond to the DCO process on behalf of the Council, with all responses being decided by GCC's Cabinet.

## **3. Risks**

3.1 Option 1: This option allows officers to respond to all of the DCO processes in a timely manner.

3.2 Option 2 poses significant risk over Option 1. Should authorisation not be granted to officers, it is highly likely that the Council will not be able to respond to the various DCO processes and stages within the timescales required. This would prejudice the Council's ability to provide views of support/objection to certain aspects of the process and may result in our views not being taken into account.

## **4. Financial implications**

4.1 A significant amount of officer time and resource will be required to contribute to the DCO process. Officer time will be spent on engagement within any working groups that may be formed or responding to statutory consultations that may be required as part of the process.

4.2 Additional financial costs will be required to cover the expenses of consultants/advisors tasked with reviewing and summarising more technical details/data and providing advice thereon.

4.3 There is £289,534 within the A417 Missing Link reserve which will cover the expense of consultancy support and legal advisors.

4.4 External legal advisors have been appointed under the EM Lawshare Framework Agreement.

## **5. Legal Implication**

5.1 Relevant legislation such as the Planning Act 2008 (as amended) provides for a streamlined process for nationally significant infrastructure projects. The intention of the legislation allows for a quicker decision making process. This process is separate to the statutory framework whereby local planning authorities determine planning applications.

## **6. Climate change implications**

6.1 There will be no climate change implications as part of the decision to delegate authority to officers. Climate change issues will be dealt with during the DCO process.

## **7. Equality implications**

7.1 There will be no equalities implications as a result of the decision to delegate authority to officers.

### **Has an Equalities Impact Assessment (EIA) been completed?**

7.2 Yes. NH has completed an EIA of the impacts of the A417 Missing Link and roads and communities in its vicinity.

7.3 It is recommended that the Cabinet Member reads the EIA <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010056/TR010056-000601-7.8%20Equality%20Impact%20Assessment.pdf> A summarised version of the EIA has been attached to this paper as Appendix B.

## **8. Data Protection Impact Assessment (DPIA) implications**

8.1 The decision to delegate authority to officers will not require a DPIA. Any DPIA implications will be considered during the DCO process.

## **9. Social value implications**

9.1 There will be no social value Implications as part of this delegation decision.

9.2 However, NH has considered this in their report on 'Population and Human Health' which can be read here <https://virtualengage.arup.com/A417-missing-link/pei-report/842eefdf226aeb82c6ef4f2c55bd1c55/Chapter-12.pdf>

## **10. Consultation feedback**

10.1 NH carried out a public consultation on route options for the A417 Missing Link between 15 February 2018 and 29 March 2018. The Joint Councils, Gloucestershire County Council, Tewkesbury Borough Council and Cotswold District Council, were 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 an Order and under s42(1)(d). The latter of which only applies to the GCC.

10.2 Improvements to the single carriageway section of the A417 between Crickley Hill and Cowley have been the subject of discussions between the Joint Councils and NH for many years. Following NH'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 technical working groups, established and hosted by NH.

10.3 The Joint Councils and NH commenced the production of a Statement of Common Ground following the November 2019 statutory public consultation.

10.4 The Council 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 NH has fulfilled its duty to consult the host authorities under s42.

## **11. Officer recommendations**

11.1 That the Cabinet member:

- delegates authority to the Officers set out in Appendix A to:
  - Respond formally on behalf of Gloucestershire County Council (as a statutory consultee) and all other parties (The Joint Council) to the DCO in consultation with the Cabinet Member for Environment and Planning;
  - Appear at the Examination in Public and make representations concerning the A417 Missing Link in accordance with the Council's responses to the consultation; and
- Ratifies prior officer decisions made in respect of consultation and DCO process in respect of the project as set out in this report.



## DELEGATION OF AUTHORISATION BY CABINET MEMBER

### **Background**

*The A417/A419 provides an important route between Gloucester, Cheltenham and Swindon that helps connect the West Midlands and the north to the south of England via the M5 and M4 motorways. While most of the A417 route is dual carriageway, there is one section that isn't. Known as the 'Missing Link', this three mile stretch of single carriageway between the Brockworth bypass and Cowley roundabout severely restricts the flow of traffic. National Highways (formerly Highways England) plan to build 3.4 miles (5.5km) of new dual carriageway, which will considerably improve road safety, reduce traffic congestion and improve connectivity for road users and local communities, while unlocking economic growth in Gloucestershire and beyond.*

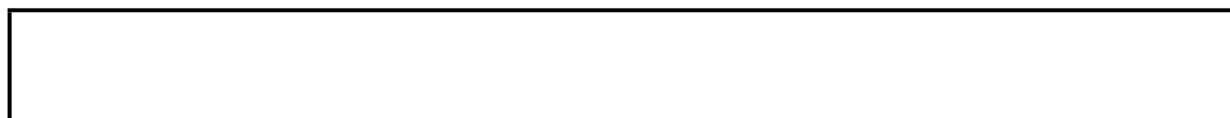
*National Highways has now submitted its application for a Development Consent Order (DCO) to the Planning Inspectorate (PINS). Over the period of the next 12-18 months the application will be examined by an Inspector nominated by the Secretary of State. GCC and its consultant Atkins, will be involved in this process, as a Host Authority and Statutory Consultee, which will involve preparing written representations, a Local Impact Report and appearances at the Examination.*

I David Gray, Cabinet Member for Environment and Planning, authorise the following:

- The preparation and submission of evidence on behalf of the County Council and all parties (The Joint Council) in respect of the A417 Missing Link DCO Project; and
- In consultation and agreement with the Assistant Director of Legal Services, the appearance as witnesses on behalf of the County Council at the Inquiry the Council officers as set out below along with any consultant that is engaged by the County Council in respect of the DCO and is deemed required to provide evidence on the County Council's behalf:

<b>Name</b>	<b>Position</b>
Colin Chick	Executive Director of Economy, Environment and Infrastructure - GCC
Simon Excell	Lead Commissioner – Strategic Infrastructure, GCC

Philip Williams	Lead Commissioner – Community Infrastructure, GCC
Kathryn Haworth	Head of Highways, GCC
Amanda Lawson-Smith	Transport Planning Team Manager, GCC
Dr David Land	Principal Transport Planner, GCC
Emma Shibli	Transport Planner, GCC
Toby Catchpole	Heritage Team Leader, GCC
Gary Kennison	Principal Ecologist, GCC
James Blockley	Flood Risk Manager, GCC
David Lesser	Subs Engineer, GCC
Ben Watts	Economic Development/Infrastructure Outcome Manager, GCC
Kevin Phillips	Team Manager Development Management/Minerals & Waste Planning, GCC
Elizabeth Kirkham	Highways Operations Manager, GCC
Nathan Drover	Highways Development Management Manager, GCC
Brian Walker	Senior Transport Consultant, GCC
Li Holdman	Transport Modelling Officer, GCC
Tom Main	Integrated Transport Unit, Transport Operations Manager, GCC
Peter Wiggins	Sustainability Outcome Manager, GCC
Jenny Goodson	Highways Operations Manager, GCC
Mark Darlow-Joy	Highways Contract Manager – Contracts & Procurement, GCC
Robert Skillern	Area Highways Manager (East), GCC
David Prichett	Local Highways Manager, GCC
Dan Tiffney	Deputy Area Highway Manager, GCC
Alan Bently	Principal Prow Officer, GCC
David Hicks	Structural Maintenance Team Leader, GCC
Jennifer Dorman	Senior Infrastructure Engineer, GCC
Anne Johns	Assistant Engineer, GCC
Andrew Pattenden	Project Manager, Local Major Projects, GCC
Ken Pitt	Street Lighting Manager, GCC
Hugh Graham	Project Manager, Street Lighting, GCC
Scott Macaulay-Lowe	Highways Major Projects Team Leader, GCC
Gillian Parkinson	Assistant Director of Legal Services, GCC
Carrie Denness	Principal Lawyer, GCC
Bridgette Boucher	Senior Lawyer, GCC
Paul Blacker	Director of Finance, GCC
Kaye Turner	Finance Business Partner, GCC
Karen Pearman	Asset Data Team leader, GCC
Hannah Bassett-Louis	Traffic Regulation Order Manager, Network & Traffic Management



Signed:

David Gray  
Cabinet Member for Environment and Planning

Date: