

# A417 Missing Link

## Preliminary Environmental Information Report

Chapter 1 Introduction

28 September 2020

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# 1 Introduction

## 1.1 Purpose of the report

- 1.1.1 This Preliminary Environmental Information (PEI) report has been prepared to enable the local community and any other interested person and stakeholders to understand the environmental effects of the A417 Missing Link scheme (hereafter referred to as the “proposed scheme”) and enable an informed response to the consultation. The document sets out how each environmental topic area is being assessed, the potential environmental effects of the scheme based on the information available at the time, and measures proposed to avoid or reduce such effects. This is to support consultees in developing an informed view of the likely significant environmental effects of the proposed scheme.
- 1.1.2 It should be noted that the proposed scheme design is currently under development, environmental information is still being assembled and impacts are still being identified. The information contained within this PEI report should be regarded as a preliminary account of the principal environmental issues identified to date. The PEI report details a number of uncertainties and assumptions and may be subject to change as the environmental assessment work progresses. The PEI report may also be subject to change as a result of the supplementary consultation responses which will in turn inform the ongoing environmental assessment process. The results will be reported within the Environmental Statement (ES) which will be submitted to the Planning Inspectorate as part of the Development Consent Order (DCO) application.

## 1.2 Overview of the project

- 1.2.1 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. While most of the route is dual carriageway, there’s 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. The scheme is located in the Cotswolds Area of Outstanding Natural beauty (AONB).
- 1.2.2 In 2014, the Department for Transport (DfT) announced its five-year investment programme for making improvements to the Strategic Road Network (SRN) across England. This scheme is one of more than 100 schemes identified as part of the first Road Investment Strategy (RIS1) 2015-2020<sup>1</sup>. Funding for delivery of the scheme has been confirmed within the second Road Investment Strategy (RIS2)<sup>2</sup>, which covers the period between 2020 and 2025 which was published in March 2020.
- 1.2.3 The scheme would upgrade this section of the A417 to dual carriageway, in a way that is sensitive to the surrounding AONB, help unlock Gloucestershire’s potential for growth, support regional plans for more homes and jobs, and improve life in local communities. The inclusion of the A417 Missing Link in the government’s RIS2 demonstrates the government’s continued commitment to upgrading the one remaining single carriageway stretch of this key route from the M4 at Swindon to the M5 at Gloucester. This commitment has allowed Highways England to move forward with the DCO application.

- 1.2.4 The scheme would provide 3.4 miles (5.5 km) of new, rural all-purpose dual carriageway for the A417. The new dual carriageway would connect the existing A417 Brockworth bypass with the existing dual carriageway A417 south of Cowley. The new dual carriageway would be completed in line with current trunk road design standards. The section to the west of the existing Air Balloon roundabout would follow the existing A417 corridor, but to the south and east of the Air Balloon roundabout, the corridor would be offline, away from the existing road corridor. The scheme would comprise the further key components:
- A new crossing near Emma's Grove for walkers, cyclists and horse riders including disabled users, which would accommodate the Cotswold Way National Trail.
  - A new junction at Shab Hill, providing a link from the A417 to the A436 (towards the A40 and Oxford) and to the B4070 (for Birdlip and other local destinations).
  - A new multi-purpose crossing in the region of 25m wide to provide essential mitigation for bats and for landscape integration. It will also further benefit from accommodating the Gloucestershire Way and provide an improved visitor experience.
  - A new junction would be included near Cowley, replacing the existing Cowley roundabout, making use of an existing underbridge to provide access to local destinations such as Nettleton Bottom and Brimpsfield. The use of the existing underbridge would allow for all directions of travel to be made.
  - The existing A417 between the existing 'Air Balloon Roundabout' and 'Cowley Roundabout' would be detrunked for its entire length. Some lengths of the existing road would be converted into a route for walkers, cyclists and horse riders including disabled users. Other sections would be retained as lower-class public roads, maintaining local access for residents.
- 1.2.5 A location plan and aerial photography of the area are shown in PEI report Figure 1.1 and PEI report Figure 1.2 respectively.
- 1.2.6 A detailed description of the scheme and details of the incorporated environmental mitigation measures included to date are provided within PEI report Chapter 2 (The Project).

## 1.3 Legislative and policy framework

### Overview

- 1.3.1 To support the preparation of the PEI report, it is necessary to review the national and local planning policy and legislation that informs the overall approach. An overview of policies relevant and important to the scheme are presented in this section. Further details on the legislative and policy framework are set out in Appendix 1.1, while topic specific policies have been considered within each of the topic chapters (set out within Chapter 5 to Chapter 14 of this PEI report).
- 1.3.2 These sections will be updated in light of future expected legislative change arising as a result of the end of the UK's transition period as part of its exit from the EU.

### Planning Act 2008

- 1.3.3 The scheme is a Nationally Significant Infrastructure Project (NSIP) within sections 14(1)(h) and 22(1)(a) of the Act.

- 1.3.4 Section 14(1)(h) of the Act defines an NSIP as highway-related development subject to falling within the criteria set out in section 22 of the Act.
- 1.3.5 Section 22(1) states that highway-related development is an NSIP only if it is within one of three specified categories, namely construction, improvement or alteration of a highway.
- 1.3.6 The majority of the scheme is a new offline section of dual carriageway and therefore constitutes the “construction” of a highway within the meaning of section 22(1)(a) and meets the requirements of this definition under section (22)(2) as follows:
- the scheme is wholly in England (section 22(2)(a));
  - the speed limit on the section of the A417 in the DCO boundary exceeds 50 mph (section 22(2)(b)); and
  - the area of development within the DCO boundary is 195.5 hectares, which is greater than 12.5 hectares (section 22(2)(c)).
- 1.3.7 As the scheme is an NSIP, Highways England is required to make an application for a DCO to the Planning Inspectorate. The Planning Inspectorate has responsibility for administering the examination of DCO applications and supporting the examining authority that will be appointed to make a recommendation to the Secretary of State as to whether to grant development consent and “make” the order. If granted by the Secretary of State, the DCO will provide the necessary authorisation to allow the scheme to be constructed and operated.

### **The Environmental Impact Assessment Regulations**

- 1.3.8 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) set out the legislative requirements for undertaking an Environmental Impact Assessment (EIA). EIA is defined by Regulation 5 of the EIA Regulations as a process consisting of:
- (a) the preparation of an environmental statement or updated environmental statement, as appropriate, by the applicant;
  - (b) the carrying out of any consultation, publication and notification as required under these Regulations or, as necessary, any other enactment in respect of EIA development; and
  - (c) the steps that are required to be undertaken by the Secretary of State under regulation 21 or by the relevant authority under regulation 25, as appropriate, in determining an application.
- 1.3.9 The scheme falls within Schedule 1 of the EIA Regulations as it has been identified as having the potential for significant adverse effects on the environment. The scheme is therefore considered to be ‘Environmental Impact Assessment (EIA) development’ under the EIA Regulations and is subject to an EIA, the preliminary findings of which are reported in this PEI report. An environmental statement (ES) is being prepared to accompany the application for a DCO.

### **National Policy Statements (NPS)**

- 1.3.10 NPS are of primary importance to the decision-making process when DCO applications are being examined. Section 104 of the Planning Act states that:

*“(2) In deciding the application the Secretary of State must have regard to –*

*(a) any national policy statement which has effect in relation to development of the description to which the application relates (a “relevant national policy statement”) ...*

*(3) The Secretary of State must decide the application in accordance with any relevant national policy statement, except to the extent that one or more of subsections (4) to (8) applies.”*

- 1.3.11 The scheme is a highway-related development under the Act; subsequently the national policy of relevance is the National Policy Statement for National Networks (NPSNN)<sup>3</sup>. The NPSNN sets out the ‘vision and strategic objectives for the national networks’. This recognises that there is a critical need to provide safe, expeditious and resilient networks that better support social and economic activity, and to provide a transport network that is capable of supporting economic growth and rebalancing the economy. Section 104(3) of the Planning Act 2008 states that the Secretary of State must decide the application in accordance with any relevant national policy statement. As such, the NPSNN is the primary planning policy document for the scheme.

#### National Policy Statement for National Networks (NPSNN)

- 1.3.12 There is one NPS which is relevant to the proposed A417 Missing Link, which is the NPSNN. This NPS sets out the need for and the Government’s policies to deliver Nationally Significant Infrastructure Projects (NSIPs) on the national road and rail networks in England. The NPSNN is used by the Secretary of State as the primary basis for making decisions on DCO applications for NSIPs.
- 1.3.13 Given the scheme is a road network NSIP, the EIA approach to be adopted will be in accordance with the NPSNN. In particular, the EIA will adhere to all of the methodology requirements cited within NPSNN section 5: Generic Impacts.
- 1.3.14 Mitigation measures will be developed in accordance with the mitigation requirements also set out in section 5 of the NPSNN.
- 1.3.15 Chapters 5 to 15 of the PEI report include the relevant assessment paragraphs from the NPSNN and where the requirements of those paragraphs will be addressed within the ES. The scheme’s compliance with the NPS will be set out in a compliance table and submitted as part of the case for the scheme with the DCO application.

#### **National Planning Policy Framework (NPPF)**

- 1.3.16 In addition, the NPPF originally published in March 2012 and updated in February 2019, sets out the government’s planning policies for England and provides a framework within which locally prepared plans can be produced. The NPPF is ‘*an important and relevant*’<sup>4</sup> matter to be considered in decision making for NSIPs. The NPPF is supplemented by the Planning Practice Guidance (PPG)<sup>5</sup> web-based resource launched in February 2014. The PPG is updated by the Ministry of Housing, Communities and Local Government as necessary.
- 1.3.17 If there is a conflict between the NPSNN and NPPF, the NPSNN takes precedence.

## Local Plans

- 1.3.18 It is important to understand that applications under the Planning Act are not subject to s38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of a planning application must be made in accordance with the local development plan, unless other material considerations indicate otherwise. Local planning policy may be an important and relevant matter during the consideration of applications for development consent, but such applications do not have to be in accordance with the development plan.
- 1.3.19 If there is a conflict between the NPS and local policies, however, the NPS takes precedence.
- 1.3.20 Further details on the legislative and planning policy framework are provided in Appendix 1.1.

## Relevant planning authorities

- 1.3.21 The scheme is situated within the boundaries of three authorities in a two-tier local authority system:
- **Gloucestershire County Council:** the upper tier planning authority for the county of Gloucestershire. The County Council has duties in relation to planning policy for managing minerals, waste and transport networks across the administrative area. Gloucestershire County Council has a current Waste Core Strategy; a current Local Transport Plan; and a current Minerals Local Plan (2018-2032), which was adopted on 20th March 2020.
  - **Cotswold District Council:** the lower tier planning authority for the Cotswold borough, which includes the towns of Cirencester and Tetbury. Cotswold District Council is the local planning authority, responsible for planning policy and development management in the district. Cotswold District Council has a current Local Plan, which was adopted in August 2018.
  - **Tewkesbury Borough Council:** the lower tier planning authority for the Tewkesbury borough, which includes the town of Tewkesbury. Tewkesbury Borough Council is the local planning authority, responsible for planning policy and development management in the borough. Tewkesbury Borough Council is one of three authorities which produced a Joint Core Strategy (adopted 2017), a co-ordinated strategic development plan for the administrative areas of Tewkesbury Borough, Cheltenham Borough and Gloucester City. The most recent Tewkesbury Borough Council Local Plan is the 2004-2011 Local Plan. Although a new Local Plan (for the period 2011 to 2031) is in production, having submitted for examination on 18 May 2020, the authority is current reliant on saved policies from the 2004-2011 Plan.

## Local development plans

- 1.3.22 Taking account of the adopted and 'saved' policies of the three relevant authorities, the Local Development Plans of relevance include:
- Gloucestershire County Council:
    - Minerals Local Plan 2018-2032 (adopted March 2020);
    - Waste Core Strategy (adopted 2012);
    - Waste Local Plan 2002-2012 Saved Policies (adopted 2004); and
    - Local Transport Plan (LTP), 2015-2031 (adopted 2016, updated 2017).  
Note the LTP is currently undergoing a further review, with public

consultation having concluded in March 2020 and adoption due in the autumn 2020.

- Cotswold District Council:
  - Cotswold District Local Plan 2011 to 2031 (adopted August 2018).
- Tewkesbury Borough Council:
  - Joint Core Strategy 2011-2031 (between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Councils, adopted December 2017);
  - Saved policies of the Tewkesbury Borough Local Plan (TBLP) 2006 to 2011 (adopted March 2006); and
  - The emerging Tewkesbury Local Plan 2011 – 2031 Pre-Submission Tewkesbury Borough Plan (October 2019), submitted for examination on 18 May 2020.

### **Non-statutory plans**

1.3.23 Details of non-statutory plans are provided in Appendix 1.1. This includes details on the following:

- Cotswolds AONB Management Plan (2018-2023).
- A Green Future: Our 25 Year Plan to Improve the Environment (HM Government Policy Paper, Published January 2018, last updated May 2019).

## **1.4 The Applicant**

- 1.4.1 Highways England is the Applicant and the strategic highways company as defined in the Infrastructure Act 2015, and is charged with operating, maintaining and improving England's motorways and major A roads on behalf of the Department for Transport.
- 1.4.2 Highways England is responsible for motorways and major (trunk) roads in England. Their road network totals over 4,300 miles (6,920 kilometres). Whilst this represents only 2% of all roads in England by length, these roads carry a third of all traffic by mileage and two-thirds of all heavy goods traffic.

## **1.5 Competent expert evidence**

- 1.5.1 The EIA Regulations require that the PEI report and ES are prepared by 'competent experts' (Regulation 14 (4)(a)). The EIA is being undertaken by Arup on behalf of Highways England. Arup has been awarded the EIA Quality Mark from the Institute of Environmental Management and Assessment (IEMA) demonstrating competency in ES preparation.
- 1.5.2 The EIA is being undertaken by competent experts with the relevant and appropriate experience in their respective topics. The EIA technical leads responsible for the individual chapters are summarised at the start of each chapter and the professional qualifications and experience of each are given in Appendix 1.2. The overall EIA Lead and competent expert responsible for the ES is Jessica Postance. Details of her qualifications and experience are included in Appendix 1.2.



## 1.6 Stakeholder engagement

- 1.6.1 Highways England has sought to engage and consult with stakeholders during the development of the proposed scheme. This has included pre-application consultation, as required by the Planning Act 2008, and further consultation and engagement. Highways England has had regard to the feedback received through consultation and engagement during the scheme design process.

### Consultation to date

- 1.6.2 Highways England has carried out two rounds of consultation in the vicinity of the scheme. Consultation has been on:
- the proposed route options for the scheme in February and March 2018 where consultees were asked for their views on the route options for the road improvements; and
  - the proposed scheme design for improvements for the A417 Missing Link with a consultation between in September and November 2019 where consultees were asked for their views on the design of the scheme including mitigation proposals and the alternative junction arrangements at Shab Hill.
- 1.6.3 More details of the previous consultations are also available to view and download at: <https://highwaysengland.co.uk/projects/a417-missing-link/>
- 1.6.4 In addition, Highways England has carried out targeted consultation outside of these periods with affected land interests (known as Persons with an Interest in the Land or PILs). These targeted consultations have related to changes to the DCO boundary and/or land acquisition and have sought the views of additional land interests identified following consultation.
- 1.6.5 Following the 2019 consultation, changes have been made to the design of the scheme. Highways England is seeking to consult on these changes through a supplementary public consultation, for which this PEI report has been prepared.

### Consultation in 2018

- 1.6.6 Between 15 February 2018 and 29 March 2018, Highways England carried out a public consultation on two different route alignment options – Option 12 and Option 30 - for the A417 Missing Link scheme. Details of the two proposed options presented to the public as part of the consultation are provided in Chapter 3 (Assessment of alternatives) of this PEI report.
- 1.6.7 The consultation was supported by a Technical Appraisal Report (February 2018) which provided further detail and technical information on the identification of route options and the sifting and appraisal process for determining which should be taken forward to consultation. This is available at the following link:
- [https://highwaysengland.citizenspace.com/he/a417-missing-link/supporting\\_documents/A417%20Technical%20Appraisal%20Report.pdf](https://highwaysengland.citizenspace.com/he/a417-missing-link/supporting_documents/A417%20Technical%20Appraisal%20Report.pdf)
- 1.6.8 The public consultation was documented in full in the 'A417 Missing Link: Report on Public Consultation' (March 2019) which is available at the following link:
- [https://highwaysengland.citizenspace.com/he/a417-missing-link/results/a417\\_missing\\_link\\_report\\_on\\_public\\_consultation.pdf](https://highwaysengland.citizenspace.com/he/a417-missing-link/results/a417_missing_link_report_on_public_consultation.pdf)

- 1.6.9 Highways England made a Preferred Route Announcement (PRA) in March 2019 in which Option 30 was identified as the preferred route for the scheme. The Scheme Assessment Report published at the PRA provided a full description and assessment of the alternative options which resulted in the recommendation of Option 30, including how the public consultation informed the selection. This can be found at the following link:

[https://highwaysengland.citizenspace.com/he/a417-missing-link/results/a417\\_missing\\_link\\_scheme\\_assessment\\_report.pdf](https://highwaysengland.citizenspace.com/he/a417-missing-link/results/a417_missing_link_scheme_assessment_report.pdf)

#### Consultation in 2019

- 1.6.10 Consultation was undertaken on the proposed scheme between 27 September 2019 and 8 November 2019. The consultation presented the option 30 route alignment. While the route alignment itself was not being consulted upon, the consultation sought feedback on the following aspects of the scheme: the scheme design (divided into three sections for the purposes of consultation); construction; and the contents of the September 2019 PEI report<sup>6</sup>. The consultation also presented the selection of Alternative 2 for the A436 Link Road as the preferred alternative (of three alternatives considered) and sought feedback on this selection. The assessment that was undertaken which led to the selection of Alternative 2 was set out in Chapter 3 of the September 2019 PEI report.
- 1.6.11 The September 2019 PEI report was published at consultation to present the environmental information collected together with the preliminary findings of the assessment of likely significant environmental effects of the scheme at the time.
- 1.6.12 The changes to the proposed scheme that have occurred following the consultation are set out in Chapter 3 (Assessment of alternatives) of this PEI report. A full summary of the 2019 consultation, including details of how Highways England has had regard to the matters raised by consultees, will be provided in the Consultation Report which will be published and submitted with the DCO application.

## **1.7 Structure of the PEI report**

- 1.7.1 The main text of this PEI report is divided into four parts:
- Chapters 1 to 4 describe the scheme, the alternatives considered, and the approach that will be taken to the EIA (including consideration of Major accidents and disasters, referred to hereafter as Major Events).
  - Chapters 5 to 14 present the preliminary assessment of the likely significant effects of the scheme in relation to ten specialist topics covering particular aspects of the environment (based on survey data available).
  - Chapter 15 considers the potential inter-relationships between the topics covered in chapters 5 to 14, and between the scheme and other developments in the surrounding.
  - Chapter 16 presents any further survey or assessment work to be undertaken and the preliminary summary of the likely significant environmental effects.
- 1.7.2 The specialist topics covered in chapters 5 to 14 of this PEI report are:
- Chapter 5 Air Quality
  - Chapter 6 Cultural Heritage
  - Chapter 7 Landscape and Visual

- Chapter 8 Biodiversity
- Chapter 9 Geology and Soils
- Chapter 10 Material Assets and Waste
- Chapter 11 Noise and Vibration
- Chapter 12 Population and Human Health
- Chapter 13 Road Drainage and the Water Environment
- Chapter 14 Climate

1.7.3 A separate document has also been prepared to provide a Non-Technical Summary (NTS) of this PEI report.

## 1.8 Next steps

1.8.1 This PEI report has been prepared to support consultees in developing an informed view of the likely significant environmental effects of the scheme. Highways England invites comments on the scheme and the environmental issues addressed in this PEI report.

1.8.2 Further details on the consultation and downloadable copies of this PEI report, the non-technical summary of this PEI report, the draft Environmental Masterplan, the consultation booklet and response form and further information on the scheme can be downloaded at:

<https://highwaysengland.co.uk/projects/a417-missing-link/>

1.8.3 All consultation responses must be made in writing by:

- Completing the online feedback questionnaire via <https://highwaysengland.co.uk/projects/a417-missing-link/>
- Requesting a hard copy of the feedback questionnaire to be sent to you in the post, and return to our freepost address detailed below.
- Pick up a hardcopy at one of our display/deposit locations which can be posted via freepost to the FREEPOST A417 MISSING LINK, or
- Alternatively, you can:
  - Email [a417missinglink@highwaysengland.co.uk](mailto:a417missinglink@highwaysengland.co.uk);
  - Write to us FREEPOST A417 MISSING LINK

1.8.4 All responses must be received by **Thursday 12 November 2020 at 11.59pm. Responses received after that date may not be considered.**

1.8.5 After the consultation period, all responses will be considered in finalising the scheme design and progressing the EIA. Comments will be taken into account when considering the need for further assessment or modification to the scheme design or mitigation measures.

1.8.6 Following submission of the DCO application, the Planning Inspectorate will consider, on behalf of the Secretary of State, whether the application should be accepted for examination. If the application is accepted, consultees including the general public will then be able to make relevant representations about the scheme and its potential impacts. The documents accompanying the DCO application will be publicly available on the Planning Inspectorate's website, and consultees will be able to submit comments to the Planning Inspectorate. These comments will then be considered as part of the examination into the DCO application. Following examination, the Planning Inspectorate will make a

recommendation to the Secretary of State, who will then decide whether to grant a DCO.

- 1.8.7 If the DCO is granted, construction is planned to start in 2023 and the scheme is due to open to traffic in 2025.

## End Notes & References

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<sup>1</sup> Department for Transport (March 2015), Road investment strategy: 2015 to 2020, Accessed 29<sup>th</sup> January 2020, <https://www.gov.uk/government/publications/road-investment-strategy-for-the-2015-to-2020-road-period>

<sup>2</sup> Department for Transport (March 2020), Road investment strategy: 2020 to 2025, Accessed 11<sup>th</sup> March 2020, <https://www.gov.uk/government/publications/road-investment-strategy-2-ris2-2020-to-2025>

<sup>3</sup> Department for Transport (2014). National Policy Statement for National Networks (NPSNN)

<sup>4</sup> UK Government (2019). National Planning Policy Framework, Paragraph 5.

<sup>5</sup> Department for Communities and Local Government (2014), Planning Practice Guidance: February 2014.

<sup>6</sup> Highways England (2019), A417 Missing Link: Preliminary Environmental Information Report, Accessed 27<sup>th</sup> April 2020, [https://highwaysengland.citizenspace.com/he/a417-missing-link-public-consultation/supporting\\_documents/Preliminary%20Environmental%20Information%20Report.pdf](https://highwaysengland.citizenspace.com/he/a417-missing-link-public-consultation/supporting_documents/Preliminary%20Environmental%20Information%20Report.pdf)