

George Harrold
Case Manager
National Infrastructure Planning
The Planning Inspectorate
National Infrastructure Directorate
Temple Quay House, Temple Quay
Bristol
BS1 6PN

Michael Goddard
National Highways
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6HA

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Dear George,

Response to Section 51 advice following issue of decision to accept the A417 Missing Link project for Examination

On 29 June 2021 the Secretary of State (SoS) decided that the application by National Highways (the Applicant) for a Development Consent Order (DCO) for the A417 Missing Link (the scheme) satisfied the acceptance tests under section 55 of the Planning Act 2008 (the Act).

On the same date the Planning Inspectorate (PINS) provided advice (the Section 51 Advice) under section 51 of the Act in respect of some observations made in relation to the application. This letter outlines how the Applicant has responded to the matters raised in the Section 51 Advice (PD-003) and the Section 55 Checklist (PD-001). The same headings as used in the Section 51 Advice letter have been used for clarity. Appended to this letter is a table which summarises how the Applicant has responded to the Section 51 Advice (PD-003) and the Section 55 Checklist (PD-001).

It should be noted that as of 20 August 2021, the Applicant changed their name to National Highways, having previously been Highways England. The name change reflects the role of the strategic road network – to connect the nation's regions – and the part it plays in setting highways standards across the UK. The remit of the organisation has not changed, and the Applicant will continue to operate and maintain England's motorways and major A roads.

1. Consultees identified on a precautionary basis

In Box 6 of the Section 55 Checklist (PD-001), PINS identified that ES Pipelines Ltd appeared not to have been consulted under section 42 of the Act.

The Applicant has reviewed the consultation records and can confirm that ES Pipelines was notified of statutory consultation in 2019 under section 42 of the Act via post and email, however the body was omitted in error from Appendix 6.1 'List of section 42(a) prescribed consultees for 2019 consultation' in the Consultation Report Appendices (Document Reference 5.2, APP-028). The body was then further omitted from notification under section 42 of the Act for the 2020 supplementary statutory consultation. However, ES Pipelines operates alongside several other subsidiaries of ESP Utilities Group, such as ESP Connections Ltd, ESP Pipelines Ltd, ESP Electricity Ltd and ESP Networks Ltd. As noted by PINS in Box 6 of the Section 55 Checklist (PD-001), these other subsidiaries were notified of both the 2019 and 2020 statutory consultations in accordance with section 42 of the Act.

In response to the Section 51 Advice, ES Pipelines has been issued with a notice of the accepted application under section 56(2)(a) of the Act on 22 July 2021. This notice was sent via post and email. The aforementioned other ESP bodies were also notified by post and email under section 56(2)(a) of the Act on 22 July 2021.

A response to the notice was received on 23 July 2021 from ESP Utilities Group Ltd. This identified that ESP Utilities Group Ltd has electricity apparatus and a low pressure gas main in the vicinity of the scheme and that security of its supply is important. ESP Utilities Group Ltd provided a plan of the approximate location of their apparatus in the area and requested that they are kept up to date about the proposed works. A list of precautionary measures was also provided to the Applicant for information.

The Applicant has reviewed the information provided by ESP Utilities Group Ltd on 23 July 2021 and has identified that the ESP utility assets do not fall within the DCO boundary of the scheme and would not be impacted. The Applicant responded to ESP Utilities Group Ltd via email on 13 August 2021 to confirm this position and to provide a link to the DCO application documents on the PINS website, as well as a link specifically to the General Arrangement Plans (Document Reference 2.6a, APP-010) for the scheme. No response to this email has been received from ESP Utilities Group Ltd and no Relevant Representation has been received from any of the ESP Utilities Group Ltd entities.

2. Application Document Tracker (Document Reference 1.1b)

The Application Document Tracker (Document Reference 1.1b, Rev 1) has been updated in response to the Section 51 Advice to list all documents submitted as part of the DCO application, including a breakdown of the chapters, figures and appendices of the Environmental Statement. It has also been updated to include the details of the Examination Library Reference for each document, the date of submission and the revision number (reflecting that some documents have been revised as part of this response to Section 51 Advice).

3. Volume 2 Plans, Drawings and Sections (Document Reference 2.2 to 2.8 and 2.10 to 2.13)

The main Key Plans have been updated to include the proposed highways, drainage and structures layout in response to Section 51 Advice. The following plans have been updated and are-submitted alongside this letter:

- Land Plans – Key Plan (Document Reference 2.2, Rev 1)
- Special Category Land Plans – Key Plan (Document Reference 2.3, Rev 1)
- Works Plans – Key Plan (Document Reference 2.4, Rev 1)
- Rights of Way and Access Plans – Key Plan (Document Reference 2.5, Rev 1)
- General Arrangement Plans – Key Plan (Document Reference 2.6a, Rev 1)
- Traffic Regulation Measures - Speed limits - Key Plan (Document Reference 2.7a, Rev 1)
- Traffic Regulation Measures - Clearways and Prohibitions - Key Plan (Document Reference 2.7b, Rev 1)
- Traffic Regulation Measures – Classification of Roads – Key Plan (Document Reference 2.7c, Rev 1)
- De-Trunking Plans - Key Plan (Document Reference 2.8, Rev 1)
- Habitats of Protected Species, Important Habitats or Other Diversity Features and Water Bodies in a River Basin Management - Key Plan (Document Reference 2.10, Rev 1)
- Confidential Habitats of Protected Species: Location of Badger Setts, Bat Roosts, Barn Owl Nests and Foraging Habitat - Key Plan (Document Reference 2.11, Rev 1)
- Heritage Designation Plans - Key Plan (Document Reference 2.12, Rev 1)
- Trees and Hedgerows to be Removed or Managed - Key Plan (Document Reference 2.13, Rev 1)

4. Works Plans (Document Reference 2.4)

In response to the Section 51 Advice, the Work Plans have been updated to be made clearer, with the text colour of key Work No. labels changed and a new inset added at Shab Hill junction (Sheet 4 of 6). In addition, the colour of the mainline alignment illustrating Work No. 1 has been changed to aid legibility.

The Work Plans which have been updated are as follows:

- Works Plans - Key Plan (Document Reference 2.4, Rev 1)
- Works Plans - Sheet 1 of 6 (Document Reference 2.4, Rev 1)
- Works Plans - Sheet 2 of 6 (Document Reference 2.4, Rev 1)
- Works Plans - Sheet 3 of 6 (Document Reference 2.4, Rev 1)
- Works Plans - Sheet 4 of 6 (Document Reference 2.4, Rev 1)
- Works Plans - Sheet 5 of 6 (Document Reference 2.4, Rev 1)

- Works Plans - Sheet 6 of 6 (Document Reference 2.4, Rev 1)

The draft DCO (dDCO) (Document Reference 3.1, APP-022) has been checked and amendments will be made to Schedule 1 of the dDCO to ensure that Work No. annotations correspond with the sheet numbers identified therein: An updated draft DCO (Document Reference 3.1, APP-022) will be submitted at Deadline 1.

To assist the ExA in locating the relevant Works No. on the Works Plans, the Applicant clarifies that the PDF versions of the plans submitted with the DCO Application are searchable documents.

5. General Arrangement Plans (Document Reference 2.6a)

The Section 51 Advice suggested that the General Arrangement Plans (Document Reference 2.6a, APP-010) may benefit from inclusion of high-level information such as environmental mitigation. On review of this, the Applicant has considered that the information on Figure 7.11 Environmental Masterplans (Document Reference 6.3, APP166-192) sufficiently depicts the location of environmental mitigation proposed and its relationship to the scheme. It is considered that including environmental information on the General Arrangement Plans, even at a high level, would make them more complex and potentially more difficult to interpret for their intended purpose. These plans have therefore not been updated at this time, with the exception of the Key Plan described at point 3 above.

6. Traffic Regulation Measures Classification of Road (Document Reference 2.7c)

Sheet 1 of the Traffic Regulation Measures Classification of Roads (Document Reference 2.7c, Rev 1) has been updated in response to the Section 51 Advice, to fix the legend annotation issue highlighted by PINS.

In addition, the Applicant has engaged with Gloucestershire County Council (GCC) regarding their feedback on the plans since the acceptance of the DCO application. In response to the comments by GCC on the illustration of certain minor roads, National Highways has made further, minor updates to the Traffic Regulation Measures Classification of Roads Plans (Document Reference 2.7c). These minor changes are summarised below:

- Road C195 amended to be shown as a classified road
- Road C377 and Road C193 amended from unclassified road to classified road
- Roads U47282, U50852, U50853, U50855, U50944 amended to be shown as unclassified roads
- Road classification of A417 T extended to scheme boundary

The Traffic Regulation Measures Classification of Roads which have been updated are as follows:

- Traffic Regulation Measures - Classification of Roads - Sheet 1 of 6 (Document Reference 2.7c, Rev 1)
- Traffic Regulation Measures - Classification of Roads - Sheet 2 of 6 (Document Reference 2.7c, Rev 1)
- Traffic Regulation Measures - Classification of Roads - Sheet 3 of 6 (Document Reference 2.7c, Rev 1)
- Traffic Regulation Measures – Classification of Roads - Sheet 4 of 6 (Document Reference 2.7c, Rev 1)
- Traffic Regulation Measures - Classification of Roads - Sheet 5 of 6 (Document Reference 2.7c, Rev 1)
- Traffic Regulation Measures - Classification of Roads - Sheet 6 of 6 (Document Reference 2.7c, Rev 1)

7. Environmental Features – Statutory and Non-Statutory Designated Sites of Nature Conservation (Document Reference 2.9)

In response to Section 51 Advice, Sheet 2 of the Environmental Features – Statutory and Non-Statutory Designated Sites of Nature Conservation (Document Reference 2.9, Rev 1) has been updated to a more appropriate scale to ensure ease of reading.

Additional submissions

In addition to the updates to the DCO application documents outlined above and which have been made in response to Section 51 Advice, the Applicant submits with this letter further updates to DCO application plans and two new documents for consideration by the Examining Authority (ExA). The content and reasoning for these is outlined below:

8. Sheet 2 of the Traffic Regulation Measures - Speed limits (Document Reference 2.7a)

Following feedback from GCC, minor changes have been made to the proposed speed limits in the vicinity of Ullenwood junction; the speed limit on Ullenwood junction and on a short length of the proposed A436 link road approach to the junction has been reduced from the national speed limit to 50mph. This is in relation to only Sheet 2 of the Traffic Regulation Measures - Speed limits (Document Reference 2.7a, Rev 1).

9. Sheet 4 of the Rights of Way and Access Plans (Document Reference 2.5)

Following feedback from GCC, an additional section of unclassified highway to be stopped up (Labelled A31) has been added to Sheet 4 of the Rights of Way and Access Plans (Document Reference 2.5, Rev 1).

10. Responding to the revised National Planning Policy Framework (Document Reference 8.1)

Since the submission and acceptance of the DCO Application, a revised National Planning Policy Framework (NPPF) was published in July 2021, which is relevant to the assessment and determination of the scheme. To aid the ExA in considering these changes, the Applicant has produced a report which summarises the extent of the changes to the NPPF and assesses how they impact upon the scheme. This is submitted as an additional document to the Examination (Document Reference 8.1).

11. Environmental Statement (ES) Updates and Errata (Document Reference 6.7)

Following acceptance of the DCO application, feedback has been received from some stakeholders such as GCC which have sought minor clarifications or amendments to the ES.

A new document, the ES Updates and Errata (Document Reference 6.7) has been provided. It is intended that during the Examination, further points of clarification/amendments which arise through (but not limited to) the Written Questions, Written Representations and the Issue Specific Hearings would be added to this document which would remain live throughout. It will be submitted, where appropriate, at each of the prescribed Deadlines as set out by PINS and is intended to aid the ExA in the determination of the scheme.

This version of the ES Updates and Errata (Document Reference 6.7) provides a number of updates relating to relevant policy and legislation that has been revised since the submission and acceptance of the DCO Application. This includes an update to ES Chapter 14 Climate (Document Reference 6.2, APP-045) in relation to the sixth carbon budget, which was legislated in June 2021. It also includes a number of amendments and clarifications in relation to errors or omissions identified since submission of the DCO Application.

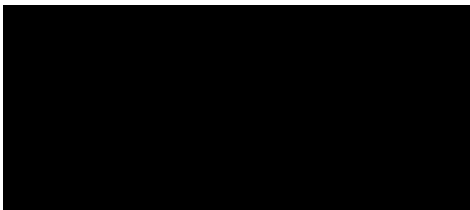
Summary: submission of updated and additional documents

In summary, the following updated and additional documents are submitted:

- Application Document Tracker (Document Reference 1.1b, Rev 1)
- Land Plans (Document Reference 2.2, Rev 1): updates to Key Plan only
- Special Category Land Plans (Document Reference 2.3, Rev 1): updates to Key Plan only
- Works Plans (Document Reference 2.4, Rev 1): updates to Key Plan and all sheets (1 to 6)
- Rights of Way and Access Plans (Document Reference 2.5, Rev 1): updates to Key Plan and Sheet 4 only

- General Arrangement Plans (Document Reference 2.6a, Rev 1): updates to Key Plan only
- Traffic Regulation Measures - Speed limits (Document Reference 2.7a, Rev 1): updates to Key Plan and Sheet 2 only
- Traffic Regulation Measures - Clearways and Prohibitions (Document Reference 2.7b, Rev 1): updates to Key Plan only
- Traffic Regulation Measures – Classification of Roads – Key Plan (Document Reference 2.7c, Rev 1): updates to Key Plan and all sheets (1 to 6)
- De-Trunking Plans - Key Plan (Document Reference 2.8, Rev 1): updates to Key Plan only
- Habitats of Protected Species, Important Habitats or Other Diversity Features and Water Bodies in a River Basin Management (Document Reference 2.10, Rev 1): updates to Key Plan only
- Confidential Habitats of Protected Species: Location of Badger Setts, Bat Roosts, Barn Owl Nests and Foraging Habitat (Document Reference 2.11, Rev 1): updates to Key Plan only
- Heritage Designation Plans (Document Reference 2.12, Rev 1) updates to Key Plan only
- Trees and Hedgerows to be Removed or Managed (Document Reference 2.13, Rev 1): updates to Key Plan only
- Environmental Features – Statutory and Non-Statutory Designated Sites of Nature Conservation (Document Reference 2.9, Rev 1): updates to Sheet 2 only
- Responding to the revised National Planning Policy Framework (Document Reference 8.1)
- ES Updates and Errata (Document Reference 6.7)

Yours sincerely,



Michael Goddard
Project Director
National Highways

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Appendix A – Applicant Response to Section 51 Advice and Section 55 Checklist

Appendix A: Applicant Response to Section 51 Advice and Section 55 Checklist



	Section 51 Advice and Section 55 Checklist	Applicant Response
1. Consultation	Applicant may wish to serve notice on the body listed in Box 6 of the section 55 checklist [ES Pipelines] when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.	ES Pipelines has been notified of the acceptance of the application under section 56(2)(a) of the Act. This notification was provided on 22 July 2021 by post and email.
2. Application Document Tracker (Doc 1.1b)	The Tracker does not list all documents and therefore will have limited scope and benefit. It would be helpful to the future Examination if it contained a breakdown of the Environment Statement chapters, figures and appendices (Docs 6.2 - 6.4).	The Application Document Tracker (Document Reference 1.1b, Rev 1) has been updated in response to the Section 51 Advice to list all documents submitted as part of the DCO application, including a breakdown of the chapters, figures and appendices of the Environmental Statement. It has also been updated to include the details of the Examination Library Reference for each document, the date of submission and the revision number (reflecting that some documents have been revised as part of this response to Section 51 Advice).
3. Volume 2 Plans, Drawings and Sections (Docs 2.2 to 2.8 and 2.10 to 2.13)	The main Key Plans do not include the proposed highways layout. The inclusion of the same would assist the future Examination by making it easier to identify the required sheet number.	The main Key Plans have been updated to include the proposed highways, drainage and structures layout .
4. Works Plans (Doc 2.4)	It is difficult to identify individual works on the plans because of the amount of subworks, particularly in respect of Work No.1. It would be helpful to the future Examination if the plans could be made clearer.	The Works Plans (Document Reference 2.4, Rev 1) have been updated to be made clearer, with the text colour of key Work No. labels changed and a new inset added at Shab Hill junction. In addition, the colour of the mainline alignment illustrating Work No. 1 has been changed to aid legibility.
5. Works Plans (Doc 2.4)	It is noted in the S55 Checklist (Box 30) that there are a number of instances where Work No.	The draft DCO (Document Reference 3.1, APP-022) has been checked and amendments will be made to Schedule

	<p>annotations do not correspond with the sheet numbers specified in Schedule 1 of the draft Development Consent Order (dDCO). The Applicant is advised to carry out a review of how the Works Plans interact with the dDCO.</p>	<p>1 of the dDCO to ensure that Work No. annotations correspond with the sheet numbers identified therein: An updated draft DCO (Document Reference 3.1, APP-022) will be submitted at Deadline 1.</p>
<p>6. General Arrangement Plans (Doc 2.6a)</p>	<p>It would assist the future Examination if Sheets 1-6 included further high-level information about the scheme such as shaded areas of environmental mitigation and enhancement, retained woodland etc, as shown on the Environmental Master Plan (Figure 7.11).</p>	<p>On review of this, National Highways has considered that the information on Figure 7.11 Environmental Masterplans (Document Reference 6.3, APP166-192) sufficiently depicts the location of environmental mitigation proposed and its relationship to the scheme. It is considered that including environmental information on the General Arrangement Plans, even at a high level, would make them more complex and potentially more difficult to interpret for their intended purpose. These plans have therefore not been updated at this time, with the exception of the General Arrangement Plans Key Plan (Document Reference 2.6a, Rev 1).</p>
<p>7. Traffic Regulation Measures Classification of Roads (Doc 2.7c)</p>	<p>The legend annotation between points 1 and 2 on Sheet 1 does not match the solid black line for all other entries made under Schedule 3, Part 4 (Unclassified Roads) of the dDCO.</p>	<p>Sheet 1 of the Traffic Regulation Measures Classification of Roads (Document Reference 2.7c, Rev 1) has been updated in response to the Section 51 Advice, to fix the legend annotation issue highlighted by PINS.</p>
<p>8. Environmental Features - Statutory and Non-Statutory Designated Sites of Nature Conservation (Doc 2.9)</p>	<p>The scale of Sheet 2 in particular makes it difficult to read. The Applicant should consider how this could be resolved. For example, there is little or no information on the right-hand side of Sheet 2, which could be excluded.</p>	<p>Sheet 2 of the Environmental Features – Statutory and Non-Statutory Designated Sites of Nature Conservation (Document Reference 2.9, Rev 1) has been updated to a more appropriate scale to ensure ease of reading.</p>