



Our reference: A417 Missing Link

Your reference: TR010056

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Dear Examining Authority,

**A417 Missing Link Development Consent Order – Joint Councils’ response to Rule 17 Request for Further Information**

## 1. Introduction

- 1.1. Gloucestershire County Council (GCC), Cotswold District Council (CDC), and Tewkesbury Borough Council (TBC) ‘the Joint Councils’ are the three host authorities for the National Highways’ (NH) A417 Missing Link Development Consent Order (DCO) Scheme ‘the Scheme’. Atkins is supporting the Joint Councils during the Examination process and submits this letter on their behalf.
- 1.2. This document is the Joint Councils response to the Rule 17 request for information made by the Examining Authority (ExA) on 25 April 2022. The ExA has sought the views of the Joint Councils on the Secretary of State for Transport (SoST) decision letter on the M54 to M6 Link Road DCO project, with particular focus on paragraphs 43 to 54 of the decision letter, and the implications for the current Examination into the A417 Missing Link.
- 1.3. The ExA has also sought the Joint Councils views on the list of the SoST’s modifications to the M54 to M6 Link Road scheme DCO and whether the drafting of the DCO currently being sought for the A417 Missing Link contains similar provisions that should be modified to accord with the SoST’s stated views.
- 1.4. This letter sets out the Joint Councils’ views under the headings below.

## 2. Secretary of State decision in relation to assessment of carbon emissions

- 2.1. The Joint Councils has not reviewed the M54 to M6 Link Road DCO Scheme, and has not made any reference to the M54 to M6 Link Road DCO Scheme in relation to carbon emissions during the Examination into the A417 Missing Link, nor at any time prior to Examination.
- 2.2. Overall, the Joint Councils welcome the commentary within paragraphs 39 to 54 of the SoST’s Decision Letter and note that these findings may have a positive impact for other DCO Schemes when it comes to assessing carbon emissions. Specific responses to individual points raised within the decision letter are outlined below.

### Approach to assessing cumulative impacts of carbon emissions (paragraph 45)

- 2.3. The Joint Councils agree with the SoST that there is no prescribed approach to assessing the cumulative impacts of carbon emissions and that there are several acceptable ways that such an assessment can be undertaken. The Joint Councils also agree that such assessments are not limited to a specific geographic boundary, unlike other EIA topics and that this should be considered with regards to the A417 Missing Link Project. Therefore, the Joint Councils agree that the cumulative impacts assessment for the Proposed Development should take into account the Proposed Development, all other developments likely to have an influence on the Proposed Development and on the area that the Proposed Development is likely to influence.

### Comparison to carbon budgets (paragraph 46 & 47)

- 2.4. The Joint Councils agree with the SoST that assessing a scheme against the UK national carbon budgets is an acceptable cumulative benchmark and that there is no appropriate benchmark or baseline to be considered at a local or regional scale and therefore carbon budgets can only be effectively considered at a national scale. This is not to state that regional or local baselines should not be included or considered within a carbon assessment, but that the assessment of emissions should be considered at a national scale in the first instance.
- 2.5. The Joint Councils also agree that the assessing a scheme against the UK carbon budgets is an acceptable benchmark for EIA purposed with regards to both construction and operational emissions.

### Information provision (paragraph 48 & 52)

- 2.6. The Joint Councils consider that the level of information provided so far during the DCO for the A417 Missing Link Scheme has been at a level that is comparable to that provided during the M54 to M6 Link Road DCO and that such information has been provided by experts of a similar competency level.

### Conclusion

- 2.7. The Joint Councils support the conclusions outlined in the decision letter and believe that similar conclusions can be drawn of the A417 Missing Link scheme. The Joint Councils particularly agree with the findings of Paragraph 53, believing that the conclusion and argument relating to carbon emissions for the A417 Missing Link Scheme will be similar. The Joint Councils realise that the A417 Missing Link Scheme will lead to an increase in carbon emissions and should be given a negative weight in the planning balance, but that it is still aligned with the UK's trajectory towards Net Zero.

## 3. Schedule of changes to the M54 to M6 Link Road DCO

- 3.1. The Joint Councils has not reviewed the M54 to M6 Link Road Scheme DCO prior to the Rule 17 request. Before providing this response, the Joint Councils has reviewed the relevant articles and schedules of the DCO referenced in the SoST's decision letter. The Joint Councils provide the following comments:
- Article 2 – Interpretation – Definition of 'electronic transmission' being amended – we have no comments on the amendments as it is a clarification point
  - Article 2 – Interpretation – Definition of 'Secretary of State' being deleted – we have no comments on this
  - Article 2 – Interpretation – Definition of 'Undertaker' – we note that the correct entity 'National Highways Limited' is already included in the draft DCO
  - Article 6 – Limited of Deviation – this is Article 8 in the draft DCO. We agree with the Secretary of State that the amendment made is appropriate.
  - Article 8 (4) (b) and (c) – Consent to transfer the benefit of the Order – this is not relevant in the draft DCO.

- Article 9 (8) – Application of the 1991 Act – this is Article 12 in the draft DCO and there is no equivalent paragraph in the draft DCO which needs to be removed
- Article 10 (6) – Construction and Maintenance of new, altered or diverted streets and other structures – in the draft DCO this is Article 13 and there is no equivalent paragraph which needs to be removed
- Article 11 (8) - Classification of Roads – this is Article 14 in the draft DCO and there is no equivalent paragraph 8 to be amended.
- Article 23 (6) – Compulsory Acquisition – this is Article 27 in the draft DCO and there is no equivalent paragraph to be amended.
- Schedule 3 – these amendments stem from the amendments to Article 11(8) of the DCO and are not relevant in the draft DCO.

#### 4. Summary

- 4.1. The Joint Councils consider the Secretary of State's decision to grant development consent for the M54 to M6 Link Road Scheme, and in particular the conclusions it draws in paragraphs 46 to 54 of the decision letter, to be a positive step forward for other highways DCOs. The Joint Councils are of the view that many of the conclusions drawn on the approach to the assessment of effects of carbon emissions can be directly translated to the A417 Missing Link Scheme.
- 4.2. None of the changes to the DCO are considered relevant to the draft DCO for the A417 Missing Link Scheme.

Yours sincerely



For and on behalf of Atkins and the Joint Councils  
Benjamin Noutch