

A417 Missing Link  
TR010056

8.33 Comments on Responses  
received by Deadline 7 and 7a and  
Changes to the Application

Planning Act 2008

APFP Regulation  
Infrastructure Planning (Applications: Prescribed Forms and  
Procedure) Regulations 2009

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Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms  
and Procedure) Regulations 2009**

**A417 Missing Link**

Development Consent Order 202[x]

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**Comments on Responses received by Deadline 7 and 7a and  
Changes to the Application**

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# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This document has been prepared by National Highways (the Applicant) for submission to the Examining Authority (ExA) under Deadline 8 of the Examination of the A417 Missing Link Development Consent Order (DCO) application.
- 1.1.2 This document provides:
- the Applicant's comments on Relevant Representations and Written Representations made on the Applicant's changes to the application received at Deadline 4;
  - the Applicant's comments on the submissions made to the ExA by Interested Parties and Affected Persons at Deadline 7 and Deadline 7a;
  - the Applicant's comments on the Report on the Implications for European Sites (RIES) published on 13 April 2022;
  - the Applicant's comments on the ExA's proposed schedule of changes to the draft DCO (dDCO) published on 13 April 2022;
  - the Applicant's response to requests for further information made by the ExA under Rule 17; and
  - an update to the ExA on other relevant matters, including the status of Statements of Common Ground (SoCGs).

## 1.2 Structure of this document

- 1.2.1 This document is structured to provide the Applicant's comments on the submissions and publications set out above.
- 1.2.2 In reviewing the submissions and publications to which this document responds, National Highways has determined that, in some instances, the matters raised are similar to those already raised in previous submissions and to which National Highways has provided comment at previous deadlines. In particular, the ExA is directed to the following documents which have responded to key themes raised by Interested Parties at previous deadlines:
- Responses to Relevant Representations (Document Reference 8.3, REP1-008)
  - Response to Written Representations made at Deadline 1 (Document Reference 8.11, REP2-012)
  - Comments on Responses to the Examining Authority's Written Questions (ExQ1) (Document Reference 8.13, REP2-014)
  - Summary of Applicant's Oral Submissions of Hearings (Document Reference 8.16 to 8.19, REP3-008 to REP3-011)
  - Comments on Responses received by Deadline 2 (Document Reference 8.21, REP3-013)
  - Comments on Responses received by Deadline 3 (Document Reference 8.25, REP4-035).
  - Comments on Responses received by Deadline 4 (Document Reference 8.26, REP5-008).
  - Comments on Responses received by Deadline 5 (Document Reference 8.28, REP6-014)

- Comments on Responses received by Deadline 6 (Document Reference 8.31, REP7-005)

- 1.2.3 In light of the above and to avoid unnecessary duplication, in this document National Highways has sought to respond only where it has identified matters that may benefit from new or further points of clarification or correction, where it may assist a stakeholder and/or the ExA. This is therefore not an exhaustive list and National Highways has responded only where it is considered necessary or helpful to do so.
- 1.2.4 In summary, this document does not provide a detailed response to each individual submission where National Highways considers that its existing submissions to the Examination address the matter in question.
- 1.2.5 Failure to respond to a particular point should not therefore be inferred as National Highways accepting a matter on which its position is already clearly identified. National Highways would, however, be very willing to respond to any additional questions from the ExA arising from the submissions and publications to which this document responds, where they consider it would be helpful for National Highways to provide further comment.

## 2 Comments on Relevant Representations and Written Representations made on the Applicant's changes to the application

### 2.1 Introduction

- 2.1.1 At Deadline 4 of the Examination (14 February 2022), National Highways made a formal change request pertaining to the premises of Flyup 417 Bike Park and the immediate vicinity. The ExA confirmed its acceptance of the change request via letter on 17 February 2022.
- 2.1.2 Following the required notification and publication of the change request by the Applicant, a deadline for the receipt of Relevant Representations relating to the change request was set as 23:59 on 3 April 2022. In total, three Relevant Representations were received: from Severn Trent Water; Gloucestershire Ramblers; and Mr and Mrs Field (accepted at the discretion of the ExA).
- 2.1.3 In its revised Examination timetable, the ExA requested that any Written Representations relating to the Applicant's change request are submitted by Deadline 7a (28 April 2022). No Written Representations were received.
- 2.1.4 This section of the document provides the Applicant's response to the Relevant Representations and Written Representations received.
- 2.1.5 Where a request for further information under Rule 17 is also relevant to the matters raised by a third party considered in this section, the National Highways response to the Rule 17 request is also provided.

### 2.2 Comments on Relevant Representations

#### Severn Trent Water (RR-111)

- 2.2.1 In their Relevant Representation (RR-111), Severn Trent Water (STW) have stated that they have not yet received draft protective provisions from National Highways and would welcome a discussion on this. Pending agreement of such provisions, STW registers its objection to any proposed compulsory acquisition affecting its assets or access to its assets.
- 2.2.2 On 25 April 2022, the ExA issued a request for information under Rule 17 directed at STW and the Applicant. It asks the Applicant to update the ExA on the latest position of any ongoing discussion with STW and the likelihood of these matters to be resolved before the close of Examination, and whether it is anticipated that STW will be in a position to withdraw its objection.
- 2.2.3 Following the receipt of the STW representation, the Applicant has renewed previous attempts to engage with STW and agree the terms of the relevant protective provisions included within the draft DCO (REP6-007) at Schedule 8 Part 1 with STW. That engagement has taken place through email correspondence and phone calls as follows:
- Email sent from National Highways on 5 April 2022, which included a DWG file showing proposed land take for the scheme.
  - A phone call on 13 April 2022, to run through the information provided. STW's Agent confirmed that he was content with the information as was awaiting final

confirmation from STW asset protection team that the holding objection can be removed.

- Email correspondence on 13 April 2022, which provided a copy of previous attempts to discuss Protective Provisions with the legal team at STW.
- A follow up email on 22 April 2022 to STW legal team in an attempt to engage on the Protective Provisions.
- Phone call on 28 April 2022 to STW's Agents to seek an update on removal of the holding objection in advance of the CAH Hearing on 29 April 2022.
- Email correspondence on 5 May 2022 chasing a response from the STW asset protection team as per the meeting of 13 April 2022.

2.2.4 It is the Applicant's understanding that as a result of that renewed engagement, STW will be withdrawing its objection at Deadline 8. No comments have been received on the draft protective provisions, which are based on previous provisions used in other DCOs for the benefit of STW.

### **Gloucestershire Ramblers (RR-112)**

2.2.5 National Highways takes this opportunity to clarify here that the proposed changes at the Flyup 417 Bike Park do not amend the proposals for Public Rights of Way (PRoW) as part of the DCO application.

2.2.6 The wider matters raised about impacts on and mitigation of crossing points of the existing A417 and other routes remain outstanding with the Gloucestershire Ramblers, as has previous been and will be recorded as a final position in the Statement of Common Ground with the Walking, Cycling and Horse riding Technical Working Group (Document Reference 7.3.8), to be submitted at Deadline 9.

### **Mr and Mrs Field (AS-065)**

2.2.7 In accordance with Compulsory Acquisition Hearing 3 (CAH) action CAH3-AP1, National Highways will provide a response to Mr Fowler's written summary of oral representations to be provided at Deadline 8, at Deadline 9.



## 3 Comments on the submissions made by Deadline 7 and Deadline 7a

### 3.1 Introduction

- 3.1.1 This section of the document provides National Highways' comments on submissions made by Interested Parties and Affected Parties at Deadline 7 (11 April 2022) and Deadline 7A (28 April 2022) or accepted at the discretion of the ExA prior to those dates.
- 3.1.2 Where a request for further information under Rule 17 is also relevant to the matters raised by a third party considered in this section, the National Highways response to the Rule 17 request is also provided.

### 3.2 Climate and carbon

#### Summary of matters raised in Deadline 7 submission

##### Rule 17 letter

- 3.2.1 On 25 April 2022, the ExA issued a request for information under Rule 17 directed at Climate Emergency Planning and Policy (CEPP), the Joint Councils and the Applicant. It requested that all three named parties provide a written submission on decision letter<sup>1</sup> and the findings of the Secretary of State (SoS) in the decision for the M54 to M6 Link Road DCO on 21 April 2022, and the implications of this for the Examination of the scheme. It also asked that the Applicant and the Joint Councils comment on the SoS's modifications to the M54 to M6 Link Road DCO and whether the A417 Missing Link dDCO contains similar provisions and should be modified to accord with the SoS's views.

##### Climate Emergency Planning and Policy (CEPP) submission

- 3.2.2 CEPP provided a detailed submission at Deadline 7, which follows on from submissions made at Deadline 2 and representations made at the second Issue Specific Hearing (ISH2) on 27 January 2022. The submission made by CEPP at Deadline 7 responds specifically to the National Highways submission Comments on Responses received by Deadline 2 (Document Reference 8.21, REP3-013). It also comments on responses made by National Highways in relation to two other DCO schemes: the A38 Derby Junctions; and the A57 Links Road.
- 3.2.3 The key points raised by CEPP in its Deadline 7 submission are:
- Failure to identify the Net Zero Strategy and the Transport Decarbonisation Plan
  - Environmental Statement does not comply with the EIA regulations
  - New carbon prices have been released by Government for carbon appraisal
  - No TDP sensitivity tests have been undertaken
  - The Emission Factor Toolkit used in the assessment is now out of date
  - Cumulative assessment

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<sup>1</sup> M54 to M6 Link Road Decision Letter - 21 April 2022 <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010054/TR010054-001200-Decision%20Letter%20-%20M54%20to%20M6%20Link%20Road.pdf>

- IEMA guidance - Assessing Greenhouse Gas Emissions and Evaluating their Significance

## National Highways response

### Rule 17 response

#### *Climate*

- 3.2.4 On 21 April 2022, the Secretary of State (SoS) for Transport issued a decision on the M54 to M6 Link Road Nationally Significant Infrastructure Project (the “Decision Letter<sup>2</sup>”). In view of this, the ExA requested written submissions from all named parties on the findings of the SoS on that project (particularly paragraphs 43 to 54 of the Decision Letter), and the implications for the current Examination into the A417 Missing Link.
- 3.2.5 The Applicant notes that the SoS endorses the approach taken by the applicant for the M54 to M6 Link Road to assess the potential effects from the construction and operation of the scheme. This approach has also been applied by the A417 Missing Link scheme, as detailed in ES Chapter 14 Climate (Document Reference 6.2, APP-045).
- 3.2.6 **Impact of the scheme on climate** (greenhouse gas emissions): The Decision Letter finds in paragraph 53, that the approach taken by the M54 to M6 Link Road scheme is consistent with existing and emerging policy requirements to achieve the UK’s trajectory towards net zero. That scheme’s effect on climate change would be minor adverse and not significant and this assessment aligns with the IEMA guidance. The scheme complies with the NPSNN and will not lead to a breach of any international obligations that result from the Paris Agreement or Government’s own policies and legislation relating to net zero. The Decision Letter also notes in paragraph 46 that “*The Secretary of State accepts that the only statutory carbon targets are those at a national level and notes that neither the Applicant nor any other party has suggested that there are non-statutory carbon targets at any other level that may need to be considered.*”
- 3.2.7 **Vulnerability of the scheme to climate change** (climate change resilience assessment): The M54 to M6 Link Road scheme assessment finds all climate change risks to assets during the operation of the scheme to be ‘not significant’ and will improve the resilience of the strategic road network to the effects of climate change (ES Appendix 14.2 - Climate Change Resilience Assessment (Document Reference 6.4, APP-411)). Paragraphs 50 and 51 of the Decision Letter state that approach is found to be appropriate.
- 3.2.8 It is noted that for the M54 to M6 Link Road, National Highways provided additional environmental information in response to a SoS consultation letter<sup>3</sup>. In the Applicant’s Response to Secretary of State’s Letter – 9 August 2021<sup>4</sup>, an

<sup>2</sup> M54 to M6 Link Road Decision Letter - 21 April 2022  
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010054/TR010054-001200-Decision%20Letter%20-%20M54%20to%20M6%20Link%20Road.pdf>

<sup>3</sup> M54 to M6 Link Road SoS Consultation Letter - 9 August 2021 [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010054/TR010054-001165-Consultation%20letter%20on%20M54%20to%20M6%20Link%20Road.docx\\_Redacted.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010054/TR010054-001165-Consultation%20letter%20on%20M54%20to%20M6%20Link%20Road.docx_Redacted.pdf)

<sup>4</sup> M54 to M6 Link Road Applicant’s Response to Secretary of State’s Letter – 9 August 2021 (23 August 2021)  
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010054/TR010054-001167-Highways%20England.pdf>

additional assessment of cumulative likely effects of the scheme with other existing and/or approved projects with regards climate adaptation was provided to supplement the assessment made in the M54 to M6 Link Road's environmental statement.

- 3.2.9 For the A417 scheme, the Applicant has opted to provide this further information at Deadline 8. In this supporting assessment (see Section 3.3 of this submission) consideration is given to other strategic transport infrastructure beyond the boundary of the scheme, which may when subject to climate impacts, have consequences that may or may not exacerbate likely significant effects. This assessment demonstrates that the A417 scheme will improve the resilience of the SRN to the effects of climate change.
- 3.2.10 The Applicant's position remains that its environmental assessment for the A417 scheme is adequate in the absence of that supplemental assessment. However, noting that it has been provided elsewhere, it is considered helpful to the ExA and the SoS to provide that supplementary assessment at this time such that any other Interested Party can comment on it at Deadline 9 of the Examination.
- 3.2.11 **In-combination climate impacts (ICCI):** The M54 to M6 Link Road scheme undertook an ICCI assessment to evaluate the combined impacts of future climate change and those associated with the scheme. The A417 scheme followed the same approach, which involved reviewing future climate conditions (as projected by the UK Climate Projections 2018) to identify potential climate hazards that may impact receptors.
- 3.2.12 As per the M54 to M6 Link Road scheme (see Paragraph 49 of the Decision Letter), the A417 ICCI assessment does not identify any new or different significant in-combination effects as a result of the scheme's effects combining with future climate conditions (ES Appendix 14.3 In-Combination Climate Change Impacts Assessment (Document Reference 6.4, APP-412)). The in-combination climate change impact assessment is not disputed by any party for any scheme.

#### *Cumulative*

- 3.2.13 The Applicant notes that the SoS endorses the approach taken by the M54 to M6 Link Road to assess cumulative assessment of road user and other planned developed emissions. This approach is applied on the A417 Missing Link scheme, as detailed in ES Chapter 15 Assessment of Cumulative Effects (Document Reference 6.2, APP-046).
- 3.2.14 A response to the traffic model being used to support the scheme assessment being inherently cumulative with regard to operational carbon emissions, was provided by National Highways at Deadline 3 in the Comments on Responses received by Deadline 2 (Document Reference 8.21, REP3-013). The M54 to M6 Link Road scheme applies the same approach, which is endorsed in paragraphs 42 and 43 of the Decision Letter.

#### *Summary*

- 3.2.15 To sum up, the Climate and Cumulative assessments for the A417 scheme follow the same methodology as the M54 to M6 Link Road, which are considered proportionate and reasonable by the SoS to enable the impacts of both to be understood and accounted for in the decision-making process. Paragraph 45 of the Decisions Letter states "*The Secretary of State considers that the Applicant's*

*approach overall, to both the assessments of the scheme's impact on carbon emissions and its cumulative impact is adequate...".*

- 3.2.16 The SoS accepts that the only statutory carbon targets are those at a national level and that these are an acceptable cumulative benchmark (paragraph 47 of the Decision Letter) for the assessment for EIA purposes with regard to both construction and operation. The information provided by National Highways is sufficient to assess the effect of the scheme on climate matters (paragraph 48 of the Decision Letter).
- 3.2.17 The Decision Letter finds that National Highways has adequately assessed the likely significant effects of the M54 to M6 Link Road scheme on climate and its cumulative impacts on climate taking account of both construction and operation as required by the 2017 Regulations (paragraph 52 of the Decision Letter).

#### CEPP response

##### *The Net Zero Strategy and the Transport Decarbonisation Plan*

- 3.2.18 The Net Zero Strategy (NZS) and the Transport Decarbonisation Plan (TDP) provide new policy background since the Environmental Statement was written. This was recognised at Deadline 2 in Environmental Statement - Updates and Errata (Document Reference 6.7, REP2-011), which reflects the point raised by the SoS in the M54 to M6 Link Road, that weight needs to be given to the Transport Decarbonisation Plan that will mean operational emissions reduce over time. Further to this, a TDP sensitivity test for operational emissions has been undertaken and is included in this submission at paragraph 3.2.31 – 3.2.37.

##### *Environmental Statement does not comply with the EIA Regulations*

- 3.2.19 For the M54 to M6 Link Road, the SoS is content that the Applicant has adequately assessed the likely significant effects of the Proposed Development on climate and its cumulative impacts on climate taking account of both construction and operation as required by the EIA Regulations. The A417 Missing Link adopts the same approach.
- 3.2.20 National Highways disagreed with CEPPs conclusion that the scheme is not compliant with EIA Regulation 20 at Deadline 2 in the Comments on Responses to the Examining Authority's Written Questions (ExQ1) (Document Reference 8.13, REP2-014) and provides a response to Climate Emergency Policy and Planning's Written Representation in its Response to Written Representations (Document Reference 8.11).
- 3.2.21 National Highways provided details of how the assessment of the scheme complies with the Environmental Impact Assessment Regulations at Deadline 3 in the Comments on Responses received by Deadline 2 (Document Reference 8.21, REP3-013).
- 3.2.22 The Applicant does not consider any further response is required.

##### *New carbon prices have been released by Government for carbon appraisal*

- 3.2.23 At the time the DCO was submitted the values placed on carbon were being reviewed by the Department of Business, Energy and Industrial Strategy and that the values at that time were likely to undervalue carbon emissions. Therefore, to assess the impact that a higher carbon value would have on the Benefit Cost

Ratio (BCR) a sensitivity test was carried out that used the higher value of carbon in the July 2020 version of the Transport Analysis Guidance (TAG) Greenhouse Gases workbook. This sensitivity test is reported in Section 15.3 of the Combined Modelling and Appraisal (ComMA) Report (Document Reference 7.6, APP-422). The impact of using the higher values of carbon was to reduce the adjusted BCR from 2.51 to 2.41 as reported in Section 15.3 of the ComMA.

- 3.2.24 A comparison of the high carbon values in the July 2020 TAG Greenhouse Gases workbook and the core carbon values in the November 2021 TAG Greenhouse Gases workbook for the 60-year appraisal period has been undertaken. The results from this comparison indicate that the difference between the sum of the values over the 60-year period is just 0.25%, with the November 2021 TAG Greenhouse Gases workbook values being slightly higher. Therefore, the Applicant is of the view that the greenhouse gases sensitivity test reported in Section 15.3 of the ComMA (Document Reference 7.6, APP-422) is a robust approximation of the impact that higher carbon values would have on the BCR based on the carbon emissions reported in Environmental Statement Chapter 14 – Climate (Document Reference 6.2, APP-045).
- 3.2.25 As part of the continuing work on the scheme, before the main construction work can commence, the project will need to produce a full business case (FBC). This FBC will need to gain approval from National Highways Investment Decision Committee, followed by approval from the Department for Transport's Investment Portfolio and Delivery Committee (IPDC), from HM Treasury's Treasury Approval Point (TAP) and the Cabinet Office. This will incorporate an updated assessment of the economic value for money of the scheme based on an updated BCR using the relevant applicable guidance.

#### *Emission Factor Toolkit (EFT)*

- 3.2.26 Since the submission of the ES, the Department for Environment, Food and Rural Affairs (Defra) has released (on the 19th November 2021) a new version of the Emission Factor Toolkit (EFT) (version 11) (EFT v11). This update is notable because, for the first time, the EFT now includes data relating to the UK vehicle fleet and associated emissions for the period between 2031 and 2050 inclusive.
- 3.2.27 EFT v11 also now includes greater uptake rates of electric vehicles, aligned to electric vehicle penetration rates described in worksheet labelled 'A1.3.9' of Department for Transport's (DfT's) Databook<sup>5</sup> for all road types (motorways, urban and rural) listed in EFT.
- 3.2.28 Previous versions of EFT, including EFT v10.0 which was used to calculate CO<sub>2</sub>e emissions from road traffic for the scheme, stopped at 2030. In the absence of CO<sub>2</sub>e emission factors after 2030 in earlier versions of the EFT, 2030 emissions were used as the last available set of factors to represent CO<sub>2</sub>e emissions into the future. This clearly overestimated the CO<sub>2</sub>e emissions in future years because it did not take into account the higher uptake rates of electric vehicles post 2030 as described by the DfT Databook.
- 3.2.29 Table 3-1 sets out the scheme's net emissions against UK Government carbon budgets, providing a comparison between the operational emissions modelled with EFT v10.0 versus EFT v11.0.

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<sup>5</sup> <https://www.gov.uk/government/publications/tag-data-book>

**Table 3-1 Assessment of scheme net emissions (up to 2037) against UK Government carbon budgets**

Project stage	Net (cumulative) scheme GHG emissions per relevant carbon budget (tCO <sub>2</sub> e)			
	Third (2018 - 2022)	Fourth (2023 - 2027)	Fifth (2028 - 2032)	Sixth (2033 - 2037)
<b>Carbon budget (tCO<sub>2</sub>e)</b>				
<b>(a) Previously Reported in the Environmental Statement (2019)</b>				
Construction (over a period of 42 months, assumed to commence in early 2023-2026)	n/a	74,144	n/a	n/a
Operation (modelled from 2026 through to 2037) *1	n/a	22,158	61,196	69,211
<b>Total</b>	<b>n/a</b>	<b>96,302</b>	<b>61,196</b>	<b>69,211</b>
<b>(b) Updated Government Guidance since the publication of the Environmental Statement (2022)</b>				
Construction (over a period of 42 months, assumed to commence in early 2023-2026) (a)	n/a	74,144	n/a	n/a
Operation (modelled from 2026 through to 2037) *2		21,955	55,316	55,654
<b>Total</b>	<b>n/a</b>	<b>96,099</b>	<b>55,316</b>	<b>55,654</b>
<b>Difference between (a) and (b)</b>				
Change in Operation (modelled from 2026 through to 2037)		<b>-203</b>	<b>-5,880</b>	<b>-13,557</b>
Percentage Change in Operation (modelled from 2026 through to 2037)		<b>-0.2%</b>	<b>-9.6%</b>	<b>-19.6%</b>
<b>Sensitivity Test for Operational Emissions</b>				
TDP (upper bound)	n/a	21,702	50,374	38,220
TDP (lower bound)	n/a	19,209	34,760	19,934
*1 Emission Factor Toolkit v10.0				
*2 Emission Factor Toolkit v11.0				

3.2.30 A comparison of the change in CO<sub>2</sub>e operational vehicle emissions between EFT v10.0 and EFT v11.0 based calculations demonstrates that the EFTv11 operational vehicle emissions are 19,640 tonnes lower over the next three carbon budgets alone.

3.2.31 The scheme is estimated to lead to an increase of approximately 902,895 tCO<sub>2</sub>e during the modelled 60-year operational period (2026 – 2085), relative to the 'Do-Minimum' scenario based on EFT v10.0 (as reported in Table 14 17 of ES Chapter 14 Climate (Document Reference 6.2, APP-045)). This number is

reduced to 604,203 tCO<sub>2</sub>e with the application of EFT v11.0. This is a reduction of 298,692 tCO<sub>2</sub>e over 60 years.

*Transport Decarbonisation Plan sensitivity test for operational emissions*

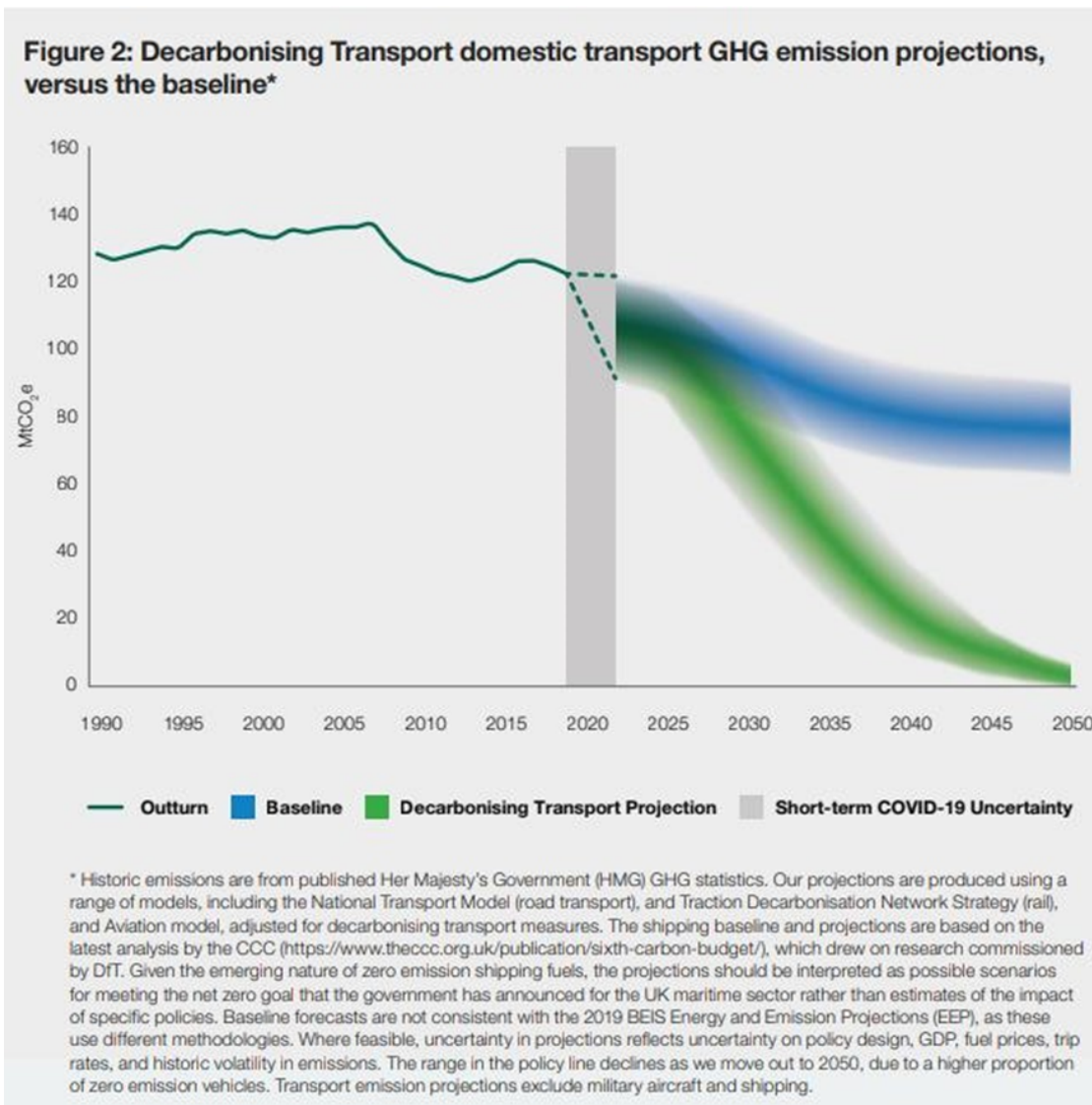
- 3.2.32 The DfT published their Transport Decarbonisation Plan (TDP)<sup>6</sup> on the 14th July 2021, which sets out the Government's aspirations to decarbonise transport to support the wider approach to achieving Net Zero by 2050. The TDP represents a series of policy and measures Government is considering to decarbonise transport. "Figure 2: Decarbonising Transport domestic transport GHG emission projections, versus the baseline", page 45 of the TDP, illustrates the anticipated reduction in CO<sub>2</sub>e emissions from transport, including road traffic between 2020 and 2050.
- 3.2.33 Projecting emissions out to 2050 is inherently uncertain, and technology, behaviour and policy development will continue to evolve. The DfT have advised National Highways that a sensitivity test based on the impact of the policy measures set out in TDP can now be undertaken for schemes. The DfT have approved a sensitivity test based on the rate of improvement shown in Figure 2 of the TDP which can be applied to CO<sub>2</sub>e emissions calculated for the scheme assessment.
- 3.2.34 The TDP calculator takes inputs from the 'with' and 'without' scheme CO<sub>2</sub>e emissions (tailpipe for electricity generation) for the opening and design year.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1009448/decarbonising-transport-a-better-greener-britain.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1009448/decarbonising-transport-a-better-greener-britain.pdf)





**Figure 3-1 Figure copied verbatim from Transport Decarbonisation Plan**

- 3.2.35 Table 3-1 presents the change in CO<sub>2</sub>e emissions between the ‘with scheme scenario’ (also referred to as the Do-something scenario) and ‘without scheme scenario’ (also referred to as the Do-minimum scenario), split by carbon budgets, for the CO<sub>2</sub>e emissions previously reported in the environmental statement, the updated CO<sub>2</sub>e emissions based on EFTv11 and TDP sensitivity test (upper and lower bounds).
- 3.2.36 The sensitivity test shows the upper and lower bound projections based on the possible scenarios reflected in the TDP for meeting the net zero goal, in the context of the legislated carbon budgets. The sensitivity test demonstrates support for the downward trajectory of operational emissions in both scenarios, which aligns with the UKs commitment to net zero denounced by the Climate Change Act 2008 and shows that the scheme remains consistent with the requirements of the NPSNN.

*IEMA guidance - Assessing Greenhouse Gas Emissions and Evaluating their Significance*

- 3.2.37 The Applicant notes that in February 2022, IEMA released version 2 of their “Assessing greenhouse gas emissions and evaluating their significance”



guidance. As noted in paragraph 35 of the M54 to M6 Link Road DCO DfT Letter on the 21 April 2022, the SoS considers that the approach to significance set out in the most recent IEMA Guidance aligns with DMRB LA104 and LA114. Further commentary on the alignment is provided in Table 3 2.

**Table 3-2 Alignment of IEMA Guidance with DMRB LA104 and LA114**

Topic	National Highways position
<b>Cumulative effects</b>	<p>The IEMA guidance recognises that greenhouse gas emission impacts and resulting effects are global rather than affecting one localised area, and therefore should not be individually assessed, as there is no basis for selecting any particular cumulative project that has GHG emissions for assessment over any other. This is the basis from which National Highways has proceeded in its assessment of cumulative carbon as demonstrated in answers to questions raised at decision stage at a number of recent schemes.</p> <p>The National Highways approach currently compares an inherently cumulative assessment to national budgets (Comments on Responses received by Deadline 2 (Document Reference 8.21, REP3-013)), recognising, for example, that there are no legal duties for local authorities to achieve carbon budgets and there is no sectoral level target for transport, nor a baseline.</p>
<b>Significance</b>	<p>The guidance states that “To meet the 2050 target and interim [carbon] budgets, action is required to reduce GHG emissions from all sectors.... EIA for any proposed project must therefore give proportionate consideration to whether and how that project will contribute to or jeopardise the achievement of these targets”. This aligns with the current approach in the NPS and LA114.</p> <p>The IEMA guidance also states (in bold) that: “The crux of significance therefore is not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050”.</p> <p>While the guidance is not clear on what constitutes this baseline, it does acknowledge that “The 2050 target (and interim budgets set to date) are, according to the CCC, compatible with the required magnitude and rate of GHG emissions reductions required in the UK to meet the goals of the Paris Agreement”. This will give some assurance that the LA114 approach of comparison with national carbon budgets is sound.</p> <p>Paragraph 5.17 in the NPS states “It is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets. However, for road projects applicants should provide evidence of the carbon impact of the project and an assessment against the Government’s carbon budgets”. The test, at 5.18 in the NPS, is that “any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets”. Material impacts on legislated carbon budgets are considered in the ES in Environmental Statement - Updates and Errata Rev 2 (Document Reference 6.7, REP4-031). It is considered that there are no material impacts on the achievement of carbon budgets from this scheme including, in line with the IEMA guidance, when the embedded / committed mitigation for GHG emissions has been considered.</p>
<b>Mitigation</b>	<p>The guidance brings a new focus on early design mitigation. Drawing from PAS2080 an updated GHG management hierarchy is presented. This shows good alignment with the mitigation hierarchy in LA114.</p>

### 3.3 Cumulative likely effects of the scheme with other existing and/or approved projects – climate adaptation

- 3.3.1 Direct and indirect climate vulnerability effects are already included within the climate change resilience (CCR) assessment provided within the Environmental Statement. The CCR assessment has included all infrastructure and assets associated with the scheme and has assessed resilience against both gradual climate change and the risks associated with an increased frequency of extreme weather events, referencing the latest set of UK Climate Projections (UKCP18). Details of the climate resilience data is presented in Appendix 14.2 of the Environmental Statement (Document Reference 6.4, APP-411). The assessment includes a sensitivity test of the scheme's vulnerable safety critical features against H++ climate scenarios<sup>7</sup>. Direct effects of climate change are those identified through the UKCP18 data review, such as high precipitation events and are presented as 'hazards'. The indirect effects are presented as 'impacts' that occur in combination with the direct effect, such as Increased risk of flooding from river/streams in the example of high precipitation events.
- 3.3.2 In addition, as part of the in-combination climate change impact (ICCI) assessment, the combined impacts of future climate change and those associated with the scheme were considered as a cumulative assessment within the scheme. The methodology for this assessment is presented in paragraphs 14.4.16 and 14.4.17 of Chapter 14 Climate in the Environmental Statement (Document Reference 6.4, APP-411). The results of the ICCI assessment are presented in Appendix 14.3 and Section 14.10 of the Environmental Statement (Document Reference 6.4, APP-411).
- 3.3.3 The scheme's Environmental Statement found that none of the potential impacts (during construction or operation) identified in Appendix 14.2 of the Environment Statement would be significant. This conclusion is based on the embedded and essential mitigation<sup>8</sup> measures outlined in the EMP (Document Reference 6.4 (Rev 3) REP6-011), assumed management practices, UKCP18 climate change projections, and information from other environmental disciplines (see CCR assessment of likely significant effects in Section 14.10 of the Environmental Statement). The assessment also found that the scheme is expected to increase the resilience of transport systems in the region to a range of hazards, including climatic hazards and climate change, and hence provide benefit for the overall resilience of the region.
- 3.3.4 The sensitivity test of the scheme's vulnerable safety critical features against the more extreme H++ climate scenarios also found that such features would not be significantly affected by more radical changes to the climate beyond that projected in UKCP18. The extreme climate scenarios will continue to be taken in to account through detailed design and maintenance to ensure the scheme is designed with resilience to climate change as a key consideration. The ICCI

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<sup>7</sup> H++ scenarios are a set of plausible 'high-end' climate change scenarios which are typically extreme climate change scenarios on the margins or outside of the 10th to 90th percentile range presented in the UK Climate Projections 2009 (UKCP09). They cover the following climate hazards: heat waves, cold snaps, low and high rainfall, droughts, floods and windstorms. Note: the UKCP18 project will not be producing an updated H++ scenario and so the H++ scenario developed from UKCP09 remains current and applicable.

<sup>8</sup> The Environmental Statement reports on the following categories of mitigation: Embedded mitigation: project design principles adopted to avoid or prevent adverse environmental effects; and Essential mitigation: measures required to reduce and if possible offset likely significant adverse environmental effects, in support of the reported significance of effects in the environmental assessment.

assessment has not identified the potential for significant combined impacts of future climate change and the scheme on identified receptors in the surrounding environment (see ICCI assessment of likely significant effects in Section 14.10 of the Environmental Statement).

- 3.3.5 To supplement the assessment made in the environmental statement, which already includes direct, indirect and cumulative effects, an additional assessment is made here to consider whether other strategic transport infrastructure beyond the boundary of the scheme, which may when subject to climate impacts, have consequences that exacerbate likely significant effects. This has been measured using the likelihood and consequence criteria described at Tables 14-4 and 14-5 in the Environmental Statement.

### **Study Area**

- 3.3.6 Given the scheme's importance to regional transport, cumulative climate vulnerability effects are considered at both local and regional scales. The main transport networks at these scales are shown in Figure B-1, Figure B-2 and Figure B-3 in Appendix B and are described in further detail in the paragraphs below.

### **Climate vulnerability baseline for cumulative effects**

- 3.3.7 Figure B-1 (Appendix B) shows that alternate road routes around the scheme are primarily provided by A roads, primarily including the A435, A436, A46, A40 and A429.
- 3.3.8 Collectively these routes surround the scheme and would provide local resilience in the event of climate vulnerability impacts in the area.
- 3.3.9 Figure B-2 (Appendix B) puts the scheme in a regional context. It shows that:
- Traffic traveling from the south of the scheme (from Swindon and Chippenham for example) towards Gloucester or the Midlands (or vice versa) can interchangeably use the M4 and M5 (as well as a number of A roads) for long distance journeys; and
  - Traffic traveling from the west of the scheme (from Mid-Wales) towards London (or vice versa) could interchangeably use a number of A roads, including the A40 and the A449, as well as the M4 and/or M5.
  - Traffic from the Midlands travelling towards London and Reading can use the M40/A40 as an alternative.
- 3.3.10 All of the above mentioned regional alternate routes are interconnected by other A roads providing some flexibility at an unforeseen point of traffic disruption that caused re-routing.
- 3.3.11 The rail transport network is presented in Figure B-3 (Appendix B) and shows:
- Main line routes from the south-west pass through the study area around Cheltenham Spa.
  - Rail traffic can divert east around the study area through Oxford via Worcester, Evesham and Moreton-in-Marsh.
  - Rail traffic can divert east around the study area through Birmingham.

### Potential cumulative climate vulnerability effects

- 3.3.12 The scheme will improve transport resilience by providing additional capacity on the A435, A436 and A40 by separating local traffic from long-distance and commuter traffic. A number of assets being replaced or improved on the scheme will also be designed so they are more resilient to climate change compared to the existing infrastructure assets. Further details on the climate change mitigation that is embedded into the scheme design can be found in Table 14-14 and 14-20 of the Environmental Statement. For example, with regards to flood risk and anticipated climate change, the scheme has been designed to appropriate standards (see Chapter 13 – Road Drainage and the Water Environment of the Environmental Statement (Document Reference 6.2, APP-044)).
- 3.3.13 Were significant climate vulnerability events to occur and affect one or more strategic routes, it is likely that the broad number of journey options available, coupled with the level of mitigation embedded in the design of the scheme and the rail network (as demonstrated through, for example, the regional weather resilience and climate adaptation plans for the rail network<sup>9</sup>) would provide a sufficient level of systemic resilience to avoid a significant effect when considered against the criteria for significance in the Environmental Statement (which is aligned with the methodology in LA114 in DMRB).

### Summary and Conclusion

- 3.3.14 Cumulative effects have been considered in the CCR and ICCI assessments. Both assessments have concluded that there would be no significant cumulative climate vulnerability effects associated with the scheme. Cumulative effects have also been considered in the additional assessment of the combined effects on transport infrastructure presented in this report. This assessment demonstrates that the scheme will improve the resilience of the SRN to the effects of climate change.

## 3.4 Gloucestershire Wildlife Trust (GWT)

### Summary of matters raised in Deadline 7 submission

- 3.4.1 In its Deadline 7 submission, GWT has provided comments on National Highways submissions at Deadline 6. GWT has confirmed that it is satisfied with information that National Highways has provided, namely:
- a. a comprehensive map of compensatory habitat;
  - b. amendments to secure long-term monitoring of compensatory habitat via the EMP;
  - c. provision of further detail on the governance procedure of the LEMP, including trigger points and remediation measures; and
  - d. the amendments to Requirement 11 of the dDCO in relation to detailed design of structures.
- 3.4.2 However, GWT also outlines in its Deadline 7 submission that it considers the Applicant has not addressed its request to confirm how much land has been secured for compensatory habitat.

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<sup>9</sup> Available online: [REDACTED]

- 3.4.3 GWT also considers that an assumption of 100% success rate for compensatory habitat is unrealistic and unevidenced.
- 3.4.4 Finally, GWT has outlined that it remains in disagreement with National Highways on the assessment and mitigation of increased recreational pressure on the Crickley Hill and Barrow Wake SSSI.

### **National Highways response**

- 3.4.5 National Highways addressed the request to confirm how much land for compensatory habitat has been secured within the Comments on Responses received by Deadline 5 (Document Reference 8.28, REP6-014), by identifying the documents that provide these details. This includes section 8.10 of ES Chapter 8 Biodiversity (Document Reference 6.2, APP-039), which describes the extent of different types of compensatory habitat throughout and Table 8-18 which summarises the habitat losses and gains associated with the scheme. National Highways explained within the Comments on Responses received by Deadline 5 (Document Reference 8.28, REP6-014) that the vast majority of this habitat would all be secured within the DCO boundary, with the exception of two locations of restoration of tuffaceous vegetation (for which an update on securing them is provided within section 2.3.4a of that document).
- 3.4.6 In sections 2.3.4b and 2.3.4c of the Comments on Responses received by Deadline 5 (Document Reference 8.28, REP6-014), National Highways summarised its commitments to ensure the successful establishment of compensatory habitats, including commitments to undertake monitoring and implement remedial measures to take corrective actions as required. These commitments are considered to provide a robust basis to ensure that the full extent of proposed compensatory habitat is established.
- 3.4.7 National Highways provided its latest position on the assessment and mitigation of increased recreational pressure on the Crickley Hill and Barrow Wake SSSI in section 2.5 of its Comments on Submissions received by Deadline 6 (Document Reference 8.31, REP7-005). The matter remains outstanding with GWT, as will be recorded as a final position in its Statement of Common Ground to be submitted at Deadline 9 (Document Reference 7.3.6).

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

### **Summary of matters raised in Deadline 7 submission**

- 3.5.1 In their Deadline 7 submission, CCB has provided an updated response to Question 2.8.1 in the ExA's second written questions, which stated:
- 3.5.2 "It is reported in the Statement of Commonality that an outstanding issue is: "The Board considers that further assessments with regards to cumulative effects should be undertaken."
- 3.5.3 Outline the extent to which this matter is still in dispute between the parties and which cumulative effects, if any, are perceived to be outstanding."
- 3.5.4 In providing an updated response to this question, CCB has confirmed at Deadline 7 that the matter of cumulative effects has been resolved through discussion with National Highways and is now a matter agreed.

### **National Highways response**

- 3.5.5 National Highways is pleased that the concern previously raised by CCB in relation to cumulative effects has now been satisfactorily resolved. This will be a matter agreed and recorded as a final position in its Statement of Common Ground to be submitted at Deadline 9 (Document Reference 7.3.5).

## **3.6 Joint Councils**

### **Summary of matters raised in Deadline 7 submission**

- 3.6.1 In their Deadline 7 submission, the Joint Councils provided the ExA with an update on progress made regarding three outstanding matters between the Councils and National Highways which had been raised at previous deadlines and reflected in the Statement of Common Ground with the Joint Councils (Appendix A of Document Reference 7.3 Rev 3, REP5-005). It confirmed that following matters have now been satisfactorily resolved through the submissions made by National Highways at Deadline 6 and subsequent discussions:
- a. provisions for preliminary design and controls over detailed design;
  - b. the need for below ground lighting infrastructure at Ullenwood junction; and
  - c. the Councils' concerns regarding impacts on Leckhampton Hill.

### **National Highways response**

- 3.6.2 National Highways is pleased that positive discussions with the Joint Councils have enabled resolution of the above three outstanding points. This will be reflected in a final signed Statement of Common Ground with the Joint Councils (Document Reference 7.3.1) to be submitted at Deadline 9 of the Examination.
- 3.6.3 The Joint Councils confirmed in their Deadline 7 submission that matter a) outlined above was resolved through the submissions made by National Highways at Deadline 6. However, National Highways notes that the details of the resolution of matter b) and c) are not provided in the Councils' submission, with such detail deferred to the Applicant. In response to this, National Highways provides the ExA with a copy of a letter sent on 8 April 2022, at Appendix A of this document. That letter sets out the assurances provided by the Applicant to Gloucestershire County Council (acting on behalf of the Joint Councils) outside of the DCO process in order to resolve their concerns regarding Ullenwood junction and Leckhampton Hill.
- 3.6.4 As set out by the Joint Councils at Deadline 7, these commitments were found satisfactory by all parties and have therefore enabled resolution of those matters.

## **3.7 Royal Mail Group**

### **Summary of matters raised**

- 3.7.1 On 28 April 2022, the ExA accepted a submission from Royal Mail Group (AS-069). In its submission, the Royal Mail Group set out its concern regarding the scheme's potential impacts to Royal Mail operations during construction. The Royal Mail Group requests in its submission that ES Appendix 2.1 EMP Annex B Construction Traffic Management Plan (CTMP) (Document Reference 6.4 (Rev 3)) is amended to provide a specific mechanism to notify Royal Mail in advance about works affecting the local highways network, with particular regard to Royal

Mail's distribution facilities in the vicinity of the scheme (as identified in their submission).

### **National Highways response**

- 3.7.2 National Highways notes that Royal Mail expressed concerns regarding the impact of the construction of the scheme on its operational services in response to the 2019 statutory consultation, to which National Highways responded in Row ID 345 of Table 7-2 of Consultation Report Appendix 7.2 (Document Reference 5.2, APP-029). Royal Mail raised similar concerns in its Relevant Representation (RR-005). National Highways provided a response to concerns as raised by a number of Relevant Representations regarding construction impact on the local road network in in section 2.13 of its Response to Relevant Representations (REP1-008).
- 3.7.3 National Highways notes that the latest submission by Royal Mail Group sets out specific suggested additions to the CTMP which it considers would resolve its concerns. National Highways has considered the request made by Royal Mail Group and agrees to amend the CTMP to include the suggested provision. Royal Mail is to be added as a Key Customer and Stakeholder under section 2.1 and text added to Communication Plan section to clarify advanced notifications to major road users. This will be submitted at Deadline 8 of the Examination.



## **4 Comments on the Report on the Implications for European Sites (RIES)**

### **4.1 Introduction**

4.1.1 The ExA published the Report on the Implications for European Sites (RIES) (PD-019) on 13 April 2022.

### **4.2 National Highways comments**

4.2.1 Wye Valley and Forest of Dean Bat Sites Special Area of Conservation (SAC) and Severn Estuary SAC/Special Protection Area (SPA) and Ramsar fall partially within Wales. As such, National Highways have also agreed the conclusions of the HRA Screening Report (Document Reference 6.5, APP-414) with Natural Resources Wales (NRW). The updated HRA screening and integrity matrix for Severn Estuary Ramsar (REP3-015) that was submitted at Deadline 3 has also been agreed with NRW. Written confirmation of NRW's agreement can be provided at the request of the ExA.



## 5 Comments on the ExA's proposed schedule of changes to the draft DCO

### 5.1 Introduction

5.1.1 The ExA published its schedule of proposed changes to the draft DCO (dDCO) (PD-020) on 13 April 2022.

### 5.2 National Highways comments

5.2.1 With three exceptions, National Highways has updated the dDCO with the ExA's proposed changes in the final version of the dDCO submitted at Deadline 8.

5.2.2 The exceptions are:

- **DCO-PC006**; the Applicant would respectfully disagree with the suggested drafting change. The relevant article is referring to the consent, rather than the body issuing the consent, and therefore the existing language is correct ("which consent").
- **DCO-PC007**; again the Applicant would respectfully disagree with the suggested drafting change. The sub-clause "or that the remains in question can be identified" is contingent on the introductory wording of the Article, which is (emphasis added), "If the undertaker is not satisfied that,,,". The question is to be determined by the county court if the undertaker is not satisfied that the remains can be identified. The suggested drafting change would undermine the intended effect of the provision, which is accurately drafted.
- **DCO-PC008**: the Applicant would respectfully disagree that any change is required. As identified in its responses to previous written questions, in particular 2.4.2 and 2.51 (REP6-015), any amendments to the current design of the scheme with regard to the layby would be agreed with relevant stakeholders at the detailed design stage. The Application continues to be for the scheme as described in the dDCO and other application documents. The Applicant's response at Deadline 7 confirms that approach (2.9 of REP7-005), albeit it with a commitment to remove the public layby if possible, at the detailed design stage. Should that occur, the Applicant considers there to be sufficient flexibility with the drafting of the dDCO to accommodate either a smaller (public) emergency layby, or no layby at all. That flexibility exists within the Limits of Deviation and the detailed design Requirement 10.

## 6 Update to the ExA on other relevant matters

### 6.1 Introduction

6.1.1 This section provides an update on other matters which are considered relevant or useful to highlight to the ExA at Deadline 8 of the Examination. These matters therefore may not relate directly to submissions or publications made at Deadline 7 or Deadline 7A, however they do relate to matters previously raised during the Examination or more broadly to the DCO application as a whole.

### 6.2 Veteran trees

6.2.1 In readiness for, and in support of detailed design work, which is progressing in parallel with the DCO Examination, National Highways has been undertaking further survey work. This has included further arboricultural survey work to collect more details information on individual trees as part of identified clusters. Initial survey findings from a ground-based survey of these trees have identified one additional potential ancient tree within a grouping of trees within the vicinity of Flyup 417 Bike Park. The tree has to date been considered as part of its grouping as is appropriate for the preliminary design stage and associated Environmental Impact Assessment.

6.2.2 The alignment of the access track to Flyup 417 Bike Park, in the current scheme design would require the removal of this tree. National Highways is currently working with our arboricultural specialists to find an alternative design solution within the existing land take, to avoid the loss of this tree. National Highways consider that the proposed access track could be slightly realigned southwards away from the tree, but within the current temporary land take with permanent rights. In order to achieve this, mitigation for impact on the tree is likely to include the use of a cellular confinement system, paired with raising the track level.

6.2.3 The retention of trees, including veteran trees, is controlled through:

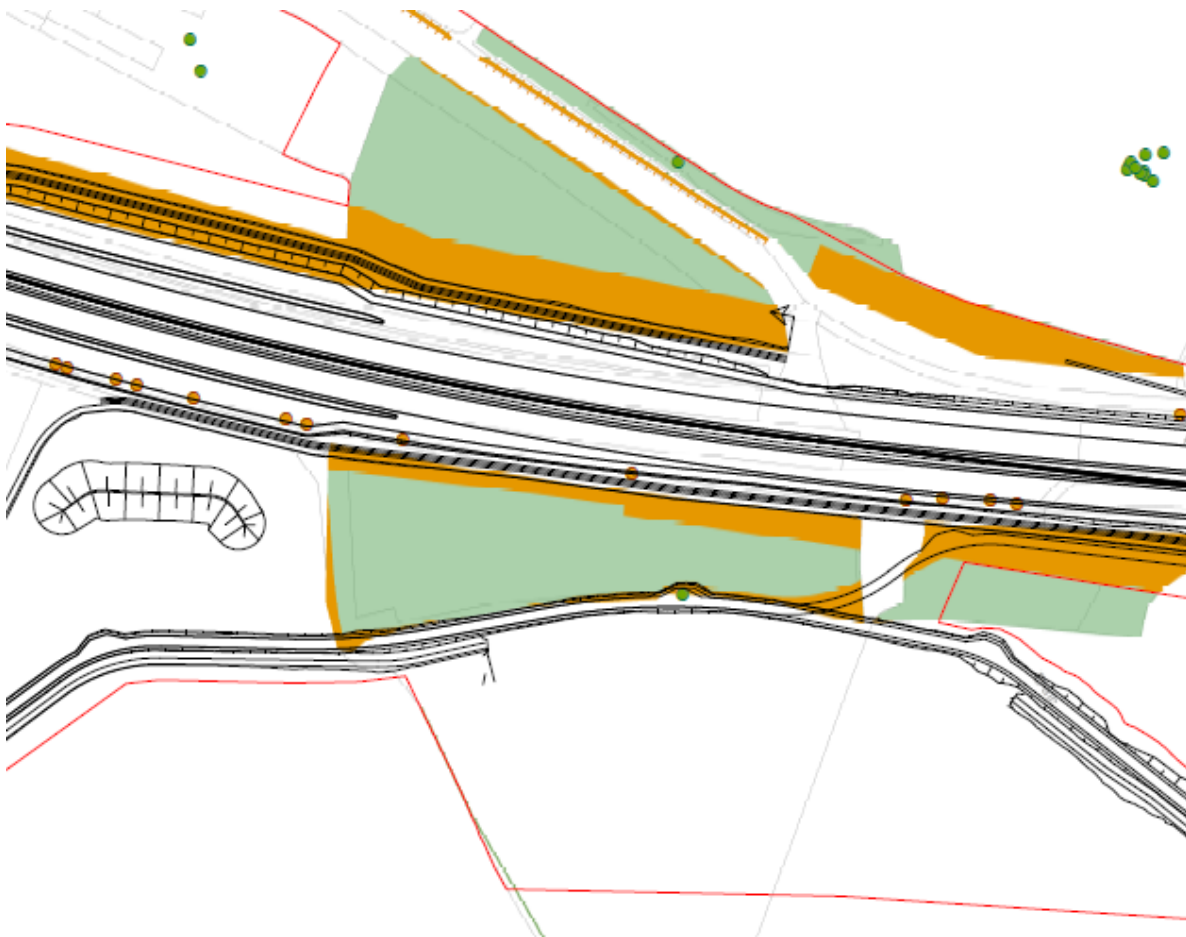
- Commitment BD21, L13 and L19, L20 within the Register of Environmental Actions and Commitments as part of the EMP (Document Reference 6.4 Rev 3, REP6-010).
- Section 4.3 of the EMP (Document Reference 6.4 Rev 3, REP6-010) provides an outline of the EMP (Construction) Management Plans to be prepared by the Contractor as the detailed design is developed. This includes an Arboricultural Method Statement and Tree Protection Plan, to be updated in accordance with the commitments listed under bullet 1 and draft DCO Requirement 5 (Document Reference 3.1).
- Section 2.18 Existing vegetation and habitats and Section 4.2 Pre/During construction of ES Appendix 2.1 - EMP Annex D Landscape and Ecological Management Plan (Document Reference 6.4, APP-321)

6.2.4 All ancient trees are veteran trees. This is highlighted in the definition of veteran trees in ES Chapter 18 – Glossary (Document Reference 6.2, APP-049), which provides descriptions of both ancient and veteran trees.

6.2.5 ES Chapter 8 Biodiversity (Document Reference 6.2, APP-039) currently reports the loss of three veteran trees as permanent/irreversible and presents this as a major adverse impact in paragraph 8.10.59. The residual effect associated with the veteran trees for the scheme is considered to be large adverse at the national

level, and significant (as per paragraph 8.10.62 of ES Chapter 8 Biodiversity). Should it not be possible to find an alternative design to retain the tree as described above, within the current land take, it may be necessary to remove the tree. This would increase the loss reported to four veteran trees, though the residual effect would remain the same.

- 6.2.6 National Highways wishes to make the ExA aware of this finding which has only materialised at this point in time due to the sharing of interim arboricultural survey results progressing in parallel with the DCO Examination.
- 6.2.7 A screenshot to assist the ExA is provided at Figure 6-1 in this document.



**Figure 6-1** Screen shot from Trees and hedgerows to be removed or managed APFP Regulation 5(2)(o) Sheet 1 of 6

### **6.3 Drainage basin access at land owned by Mrs Besterman**

- 6.3.1 Mrs Besterman has raised during landowner discussions concerns about access to an attenuation basin near her property for maintenance purposes during operation. Concerns are associated with potential disruption during maintenance, involving vehicles travelling past and accessing the attenuation basin likely once or twice annually for short periods of time only. Alternative options have been discussed and considered, and no changes are proposed to the DCO application documents. This position has been shared with Mrs Besterman and her representative in writing, as set out in the Position Statement to be submitted at Deadline 9 in Appendix D of the Landowner Position Statements document.

## 6.4 Summary of the statuses of Statements of Common Ground

- 6.4.1 National Highways notes that the Examination timetable requests updated Statements of Common Ground (SoCGs) at Deadline 8, with finalised SoCGs to be submitted at Deadline 9.
- 6.4.2 Having liaised with SoCG organisations regarding timescales to submit revised documents, National Highways is not submitting updated SoCGs at Deadline 8. Instead, ongoing discussions and meetings with SoCG bodies are focused on progressing and signing final SoCGs for Deadline 9. Whilst National Highways has provided some updates of relevance to SoCG bodies within this document, highlighting where there has been a change of position since Deadline 7 and Deadline 7A, it considers it is useful to the ExA to also provide a general overview of the status of SoCGs at Deadline 8. This is provided in Table 6-1.

**Table 6-1 Status of SoCGs at Deadline 8**

SoCG	Status at Deadline 8
Joint Councils	Latest meeting held 22 April 2022. Final, signed SoCG intended to be submitted at Deadline 9. Some matters will remain outstanding.
Environment Agency	Latest meeting held 7 April 2022. Final, signed SoCG intended to be submitted at Deadline 9. All matters are now agreed.
Natural England	Latest meeting held 6 May 2022. Final, signed SoCG intended to be submitted at Deadline 9. Some matters will remain outstanding.
Historic England	Latest meeting held 25 April 2022. Final, signed SoCG intended to be submitted at Deadline 9. Some matters will remain outstanding.
CCB	Latest meeting held 5 April 2022. Final, signed SoCG intended to be submitted at Deadline 9. Some matters will remain outstanding.
GWT	Latest meeting held 6 April 2022. Final, signed SoCG intended to be submitted at Deadline 9. Some matters will remain outstanding.
National Trust	Latest meeting held 19 April 2022. Final, signed SoCG intended to be submitted at Deadline 9. Some matters will remain outstanding.
Walking, Cycling and Horse riding Technical Working Group (WCH TWG)	Latest meeting held 5 April 2022. Final, signed SoCG intended to be submitted at Deadline 9. Some matters will remain outstanding.
Cellnex UK	Latest meeting held 18 October 2022, with email correspondence since. Final, signed SoCG intended to be submitted at Deadline 9. All matters are now agreed.
Coberley Parish Council	Latest meeting held 8 April 2022. Final, signed SoCG intended to be submitted at Deadline 9. Some matters will remain outstanding.

# Appendices

# Appendix A National Highways Letter to Joint Councils (8/04/22)



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8 April 2022

Dear Gloucestershire County Council

## **A417 Missing Link**

National Highways welcomes the support and collaboration which has been offered to date by Gloucestershire County Council (the "Council") in relation to its application for a development consent order ("DCO") for the A417 Missing Link project (the "Scheme").

In its recent submission to the Examination of the Scheme, at Deadline 5, the Council continued to outline concerns with two outstanding matters:

- (a) Traffic impacts on Leckhampton Hill; and
- (b) Safety concerns at the proposed Ullenwood junction.

National Highways' position on both of those matters has been explained at length in its application documents for the Scheme, and in written and oral submissions made during the course of the Examination. National Highways respectfully disagrees with the concerns being raised by the Council. In respect of each of those matters, its summary position remains:

- (a) That all relevant impacts on the local road network arising from the Scheme have been adequately identified, assessed, and where appropriate are subject to mitigation to be delivered as part of the Scheme; and
- (b) That there is not a reasonable basis for safety concerns to arise in respect of the proposed Ullenwood junction. That junction has been designed to comply with all relevant standards, and its performance will be monitored through the Road Safety Audit process.

However, recognising its positive and collaborative working relationship with the Council, National Highways has carefully considered whether there are any further assurances that it can offer the Council to allay its concerns. Those assurances are outlined in the following sections of this letter.



For the avoidance of doubt, National Highways does not consider the Examining Authority or the Secretary of State need to be able to rely on these assurances as part of their decision-making processes. Whilst this letter is likely to be provided to the Examination for information purposes, it is National Highways' position that these matters can be dealt with outside of the DCO process.

### **Leckhampton Hill**

National Highways commits to undertake, if acceptable to the Council, an ongoing review of traffic, road safety and air quality on Leckhampton Hill, in accordance with the following provisions:

- 1 A review is to be conducted on the first, second and third year anniversaries of the Scheme being open to traffic;
- 2 That review will include assessments of traffic, road safety and air quality monitoring on Leckhampton Hill. Assessments of road safety will be based on STATS19 records to be provided to National Highways by the Council;
- 3 An investigation into effective measures to be carried out, if the review demonstrates that there are exceedances of observed traffic, accidents and/or air quality impacts, in excess of that predicted and assessed in the A417 DCO application. The investigation would also be conditional on those exceedances being directly caused by the Scheme;
- 4 Measures to be considered as part of that investigation would include traffic calming measures on affected roads, signage, or reduced speed limits; and
- 5 National Highways commits to fund those measures (in 3 above) in the event they are demonstrated to be necessary due to changes in traffic caused by the Scheme (as identified in 2 above).

If that review process is an acceptable solution to the Council's concerns, it is asked to indicate that in response to this letter.

### **Ullenwood junction**

National Highways commits to undertake, if acceptable to the Council, ongoing safety reviews of the performance of Ullenwood junction, in accordance with the following provisions:

- 1 The Ullenwood junction will be subject to the usual Road Safety Audit stage 4 review on the first anniversary of the Scheme being open to traffic;
- 2 National Highways will also undertake equivalent reviews on the second and third year anniversaries of the Scheme being open to traffic;

- 3 In the event the outcome of any of those reviews results in remedial actions being agreed, National Highways will commit to fund the delivery of those remedial actions, including obtaining all necessary consents for the actions.

If that review process is an acceptable solution to the Council's concerns, it is asked to indicate that in response to this letter.

Yours sincerely



Michael Goddard





# Appendix B Figures

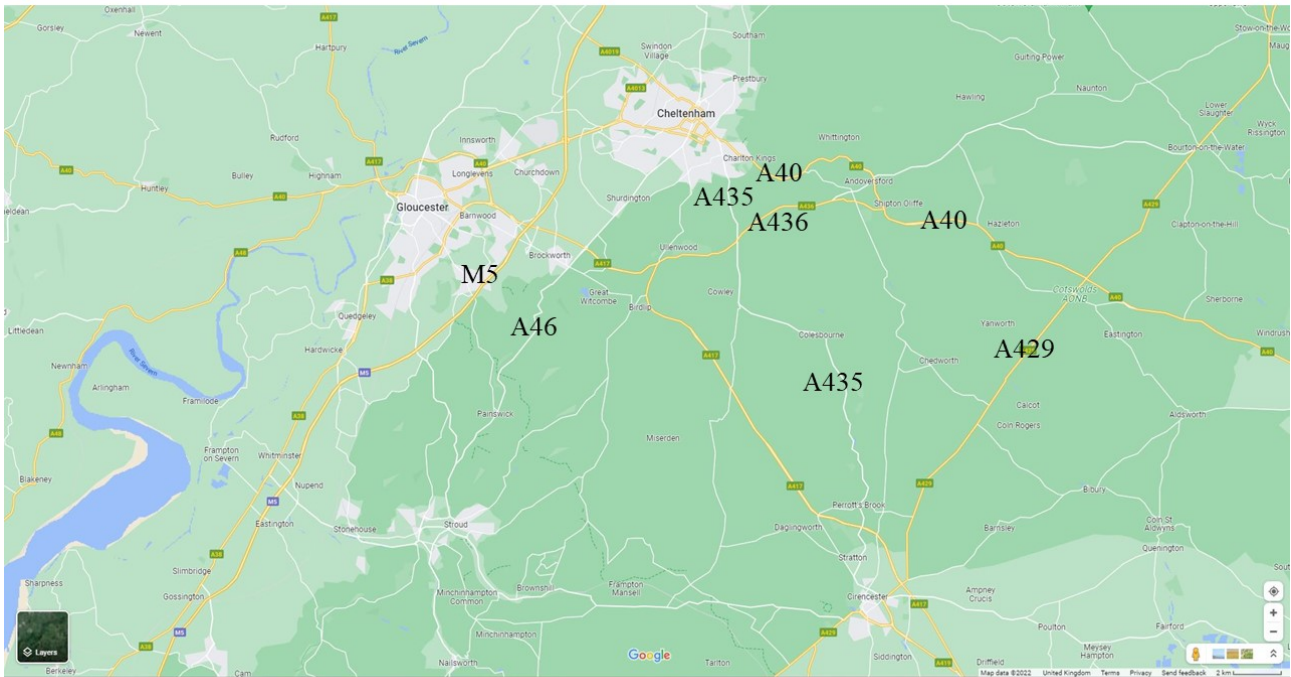


Figure B-1 Primary local alternative routes around the scheme



Figure B-2 Primary regional alternative routes around the scheme



Figure B-3 Regional rail connections<sup>10</sup>

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