

# M5 Junction 10 Improvements Scheme

## Consultation Report

### Appendix R - Reporting on Further Targeted Consultation Responses

TR010063 - APP 5.2

Regulation 5 (2) (q)

Planning Act 2008

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

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Gloucestershire  
COUNTY COUNCIL

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# Infrastructure Planning Planning Act 2008

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

### M5 Junction 10 Improvements Scheme Development Consent Order 202[x]

#### 5.2 Consultation Report

#### Appendix R - Reporting on Further Targeted Consultation Responses

<b>Regulation Number:</b>	Regulation 5(2)(q)
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## Appendix R Reporting on further targeted consultation responses

### R.1. Prescribed consultees

Ref	Consultee	Matter raised	Response	Scheme Change	Change or no change to Scheme
4	Natural England	As you are aware our advice on protected species licensing is currently in preparation and these changes can be incorporated into any future advice we provide on protected species.	The Applicant is in discussion with Natural England on the protected species licencing.	N/A	
22	Midlands Land Portfolio Limited and St. Modwen	The locations of the proposed changes are in proximity to the outline planning application (EIA development) to Tewkesbury Borough Council (Ref: 22/01107/OUT) and Cheltenham Borough Council (Ref 22/01817/OUT) in respect of land to the West of Cheltenham, on behalf of Midlands Land Portfolio Limited (MLPL) and St. Modwen (the "Applicants"). These changes relate to extensions to the Development Consent Order Limits for the Scheme to accommodate utility diversions and to allow for working space. As you will note, these proposed changes are close to, or overlap, the outline planning application red line boundary.	The Applicant does not envisage there being an issue with the overlap between the two planning applications but will work with Midlands Land Portfolio and the Local Planning Authorities on the overlap between the two planning applications to resolve any conflict issues.	N/A	
23	Midlands Land Portfolio Limited and St. Modwen	While the outline planning application and the Scheme are independent developments, it is important that, where there is an interface between them, the implications are carefully considered and appropriately coordinated between the interested parties.	The Applicant will continue ongoing liaison on these matters as part of the ongoing Statement of Common Ground process.	N/A	
24	Midlands Land	In respect of the pending outline application at West Cheltenham, the key interface between	Midlands Land Portfolio's proposals are noted, and the Applicant will continue	N/A	

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	Portfolio Limited and St. Modwen	the two schemes is at Old Gloucester Road. It is currently envisaged that the four arm junction at the south end of the new West Cheltenham Link Road with Old Gloucester Road will eventually become the primary access to the West Cheltenham development. In the interim period, the outline planning application is proposing an interim access from Old Gloucester to facilitate the early phases of the development. This access will be downgraded or stopped up at the point the primary access is delivered.	ongoing liaison on these matters as part of the ongoing Statement of Common Ground process.		
26	Midlands Land Portfolio Limited and St. Modwen	In respect of the proposed overhead line diversions, we note that some lines proposed for diversion as part of the Scheme could be within, or overlap, the West Cheltenham emerging diversionary works package. This will depend on timing, and so continued communication and coordination will be necessary.	Midlands Land Portfolio's comments are noted, and the Applicant will arrange a technical meeting to discuss and co-ordinate potential overlap of utility diversions.	No	Further liaison with Midlands Land Portfolio is required to review potential overlap of designs and therefore whether the change is required for Development Consent Order application, or whether it can be resolved as part of detail design.
27	Midlands Land Portfolio Limited and St. Modwen	The following comments have also been made in respect of the emerging West Cheltenham proposals for underground diversion routes: <ul style="list-style-type: none"> <li>The 11 kV underground diversion route will run across change areas 15 and 20. We therefore understand that there is potential for third party consent requirements (if land is transferred out of the development)</li> </ul>	Midlands Land Portfolio's comments are noted, and the Applicant will arrange a technical meeting to discuss and co-ordinate potential overlap of utility diversions.	No	Further liaison with Midlands Land Portfolio is required to review potential overlap of designs and therefore whether the change is required for Development Consent Order

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		<p>for the underground easement to cross land, and a crossing agreement may be required, should the cable route cross any existing utilities or new services.</p> <ul style="list-style-type: none"> <li>The 11kV proposed underground cable route and termination pole (change number 20) is proposed to be located within this extended area. The 11 kV cable route will pass underneath the new access road therefore cable lay/ducting/other services in the road will need to be considered.</li> <li>An 11 kV underground cable route for a subsequent phase will pass through Change 20 land, as currently drafted.</li> </ul>			application, or whether it can be resolved as part of detail design.
28	Midlands Land Portfolio Limited and St. Modwen	Clarification is also requested as to whether the reference to the "WPD Diversion (Change 20)" are offsite Overhead diversions.	Clarification will be provided as part of meeting on overlap of utility diversions.	N/A	
29	Midlands Land Portfolio Limited and St. Modwen	Following a review, it is noted that some of the junction works will encroach into the area we have identified for open space. Clarification is sought in respect of the reference to "works", and whether this would ultimately become open space again, or if it would permanently be some form of hardstanding or similar.	The Applicant has clarified the extents of the proposed permanent "works" for Midlands Land Portfolio to review and update their open space calculations. The Applicant will continue to liaise with Midlands Land Portfolio should they need any further details.	N/A	
31	Midlands Land Portfolio Limited and	On the assumption that the revision to the Development Consent Order Limits for location 20 (utilities diversion) is to underground the overhead cable, then this will	Currently the proposals are for an overhead diversion rather than to underground the overhead cable.	N/A	

Ref	Consultee	Matter raised	Response	Scheme Change	Change or no change to Scheme
	St. Modwen	impact on the proposed flood storage areas. Further engagement is necessary to better understand the proposals and implications.	Clarification will be provided as part of meeting on overlap of utility diversions.		
51	Environment Agency	We welcome the changes made to the Development Consent Order Limits to accommodate the various impacts and mitigation measures associated with the Scheme. We would highlight the need to ensure adherence with the Control of Major Accidents and Hazards Regulations in relation to the gas pipeline at this location. If there is a need to divert the gas pipeline, and in any event, any works in proximity to it, will require consideration of any risks under the Control of Major Accidents and Hazards Regulations. We have a role in advising on Control of Major Accidents and Hazards matters, alongside the Health and Safety Executive. (The Health and Safety Executive leads on the Control of Major Accidents and Hazards Regulations). We can provide further advice on this at later stages in the project/Development Consent Order as required.	The requirements of the Control of Major Accident Hazards Regulations will be reviewed when further information is confirmed from the utility undertaker on whether a diversion of the gas pipeline is required.	N/A	



## R.2. Local authorities s43

Ref	Consultee	Matter raised	Response	Scheme Change	Change or no change to Scheme
36	Cheltenham Borough Council and Tewkesbury Borough Council	The proposed changes must not prejudice and should future proof access, including associated infrastructure, for the strategic developments at West Cheltenham development, Golden Valley Development, and associated proposed West Cheltenham Link Road.	The Applicant is not sure from comment if there are any specific areas of concern. However, the Applicant considers the Scheme provides the necessary access requirements and future proofing.	N/A	

### R.3. People with Interest in Land (PwIL)

Ref	Consultee	Matter raised	Response	Scheme Change	Change or no change to Scheme
7	The House in the Tree	The information that we are being asked to consider is limited to an extension of the Development Consent Order Limits only, which now encroaches further into Stonegate's land than previously. We have not been provided with any plans identifying the nature of your land and rights requirements over land within the Development Consent Order Limits, and so we must reserve the right to update and amend this consultation response if these plans are produced.	<p>The Development Consent Order Limits (including the changes being consulted) are to ensure the utility companies are able to have full access to all of their equipment that may be impacted by proposed diversionary works.</p> <p>As requested, the Applicant will arrange to meet with the landowner to confirm details and will continue to liaise with the landowner as part of the ongoing land acquisition process.</p>	N/A	
9	The House in the Tree	In earlier targeted consultation the Development Consent Order Limits was already changed for this same purpose and so we fail to see why a further extension to the Order Limits is required to serve the same purpose. A further extension of the Development Consent Order Limits for the same reason is therefore unwarranted and Stonegate object to this amendment.	<p>The Development Consent Order Limits (including the changes being consulted) are to ensure the utility companies are able to have full access to all of their equipment that may be impacted by proposed diversionary works.</p> <p>As requested, the Applicant will arrange to meet with the landowner to confirm details and will continue to liaise with the landowner as part of the ongoing land acquisition process.</p>	No	The Development Consent Order Limits (including the changes being consulted) are to ensure the utility companies are able to have full access to all of their equipment that may be impacted by proposed diversionary works.
10	The House in the Tree	It is understood that there are two poles that the statutory undertaker requires access to for the disconnection and reconnection of services in this area. The first pole is situated in the front garden of the neighbour's property and the second pole is situated on the periphery of Stonegate's land ownership in the highway verge.	The Development Consent Order Limits (including the changes being consulted) are to ensure the utility companies are able to have full access to all of their equipment that may be impacted by proposed diversionary works.	No	The Development Consent Order Limits (including the changes being consulted) are to ensure the utility companies are able to have full access to all of their equipment that may

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		<p>Based on the existing pole positions there is no justification for:</p> <p>a) Entering Stonegate's land as the first pole can be accessed from the neighbour's front garden and the second pole can be accessed from the public highway.</p> <p>b) Extending the Development Consent Order Limits to allow greater access and this is for the same reason as above.</p>	<p>As requested, the Applicant will arrange to meet with the landowner to confirm details and will continue to liaise with the landowner as part of the ongoing land acquisition process.</p>		<p>be impacted by proposed diversionary works.</p>
11	The House in the Tree	<p>Entering Stonegate's operational land has potential to cause business disturbance and should be avoided. For this reason, and those set out above, Stonegate see no justification for firstly included their land within the Development Consent Order Limits, which we understand is being reserved for access for utility diversion works when more appropriate access is available, and secondly, the proposed extension of the Development Consent Order Limits to reserve an even larger area for access for the same utility diversion works.</p>	<p>The Development Consent Order Limits (including the changes being consulted) are to ensure the utility companies are able to have full access to all of their equipment that may be impacted by proposed diversionary works.</p> <p>As requested, the Applicant will arrange to meet with the landowner to confirm details and will continue to liaise with the landowner as part of the ongoing land acquisition process.</p>	No	<p>The Development Consent Order Limits (including the changes being consulted) are to ensure the utility companies are able to have full access to all of their equipment that may be impacted by proposed diversionary works.</p>
12	The House in the Tree	<p>To allow Stonegate to consider this matter in full we request draft Land Plans demonstrating:</p> <p>a) permanent land acquisition plots,                      b) temporary possession land plots, and                      c) temporary possession and permanent rights land plots.</p>	<p>The Development Consent Order Limits (including the changes being consulted) are to ensure the utility companies are able to have full access to all of their equipment that may be impacted by proposed diversionary works.</p> <p>As requested, the Applicant will arrange to meet with the landowner to confirm details and will continue to liaise with the</p>	N/A	

Ref	Consultee	Matter raised	Response	Scheme Change	Change or no change to Scheme
			landowner as part of the ongoing land acquisition process.		
39	Landowner 1	We understand that all land within this proposal identified as owned by the landowner is to be used/occupied for temporary access purposes only, so a licence/short lease only will be required, and the land will not be purchased. If that is not the case, then we would wish to make an objection. We do not wish to lose ownership of any land. We also reserve our position to object or make further representations or make claims depending on the details relating to the length of time that the land is to be used for temporary access, the treatment and management of that land, and its impact and timing of the longer-term use of the access land and the adjacent land.	The Applicant can confirm the land required is for temporary access purposes. The position to object or make further representations is noted. The Applicant intends to continue liaison with the landowner as part of the ongoing land acquisition process.	N/A	
40	Landowner 1	With regards to the change to the Development Consent Order Limits, we would prefer for you to use the hard track for access adjacent the village hall/car park directly to the council road rather than the extended route identified.	Initial review of this proposal appears to require construction vehicles to pass through a residential property. The Applicant therefore has some reservations with this option. Further review and position will be confirmed.	No	Initial review of this proposal appears to require construction vehicles to pass through a residential property. The Applicant therefore has some reservations with this option. Further review and position will be confirmed.
43	Landowner 2	With regards to ecology mitigation changes, please can we have confirmation of the dimensions of this access road as per the original representations we made to the Statutory Consultation, and where we detailed indicative measurements for modern agricultural machinery.	The proposed access is to be around 8 metres wide from the A4019 to the east-west section, which is to be 5 metres wide. Additional swept path details (with vehicles similar length to Combine Harvester and tractor and trailer) will be provided as part of ongoing liaison.	No	The proposed access is to be around 8 metres wide from the A4019 to the east-west section, which is to be 5 metres wide. Additional swept path details (with vehicles similar length to Combine Harvester and tractor and

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		<p>“To add some context to the size of the equipment used on this land a Combine Harvester is approximately 3-3.5m wide and 9-10m in length without the header attachment which is 4-5m+ in length and will generally be trailed behind the combine before being attached to the machine in the field. A tractor is 2-2.5m wide and 4.75-5m in length with the grain trailers 5-6m in length attached to the tractor.</p> <p>A simple assessment of the current proposed narrow access track on the plan brings me to the conclusion that the current proposal is neither wide enough as a single access point or as an access point with a secondary access point along the road frontage of the A4019 to the East. This access needs to be redesigned in order to make access to the land safe and suitable for its current uses.”</p> <p>As has been discussed at both site and consultation meetings this access will be serving two different landowners both with productive arable land using this track. The reality is that due to weather conditions and the nature of arable cropping this access will be used by both landowners at the same time and particularly during harvest. If this access is not wide enough to allow large agricultural machines to pass it each other at the same time the Scheme is potentially creating a very dangerous and ineffective replacement access to both parties land.</p> <p>Before we will be able to support this</p>	<p>Future access arrangements following completion of the works will need to be agreed with the developers of the Safeguarded Site.</p>		<p>trailer) will be provided as part of ongoing liaison.</p> <p>Future access arrangements following completion of the works will need to be agreed with the developers of the Safeguarded Site.</p>

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		<p>Scheme, we will need to have confirmation that the dimensions of this replacement access option are suitably wide enough to support the farm traffic.</p> <p>In addition to the practical agricultural reasons detailed above we also need confirmation how this access route could be maintained in the future as the Safeguarded Land for future development will be able to use this access when it is developed in phases for employment and residential uses in the future. If it is only a single width lane this will not be an acceptable situation and risks prejudicing the safe continuation of farming of the site in advance of later development of my clients land.</p>			
44	Landowner 2	<p>Will this be adopted highway? If not, please can you confirm ownership of the track/road as it is essential the ownership of this is clarified as due to this Scheme you are removing our future control of access to the land which is identified as the main access to the Safeguarded Land for future development. It needs to be adopted as public highway including the verge either side, or my client will need to be granted an unreserved right of way over the road and full extent of the land around the road to protect my clients future use of their severed land. The final option that would be acceptable as we have also previously suggested is a shared ownership arrangement if the access track does not become adopted highway.</p>	<p>The access track to the landowner's land parcel is to be highway.</p>	N/A	

Ref	Consultee	Matter raised	Response	Scheme Change	Change or no change to Scheme
45	Landowner 2	<p>We have asked on several occasions for confirmation of the size of the proposed gated access this is still not forthcoming. As we have previously explained which sits alongside the point above is the size of the agricultural equipment which will use this as the main access will require this to be a double gated access to be suitably wide for the machinery used to farm the land.</p> <p>As above, and as discussed at the last site meeting, we are losing access points so we will need confirmation that this gateway is suitably sized for the agricultural use before we can support the Scheme.</p>	<p>The Scheme will provide a standard 4 metre wide field gate. The Applicant is considering the landowners request for a double gate but was awaiting further details from the landowner. These have now been provided by the landowner in the response to further targeted consultation.</p> <p>The Applicant will review the information and discuss with the landowner as part of ongoing landowner liaison.</p>	No	<p>The Scheme will provide a standard 4 metre wide field gate. The Applicant is considering the landowners request for a double gate but was awaiting further details from the landowner. These have now been provided by the landowner in the response to further targeted consultation.</p> <p>The Applicant will review the information and discuss with the landowner as part of ongoing landowner liaison.</p>
46	Landowner 2	<p>The key for the plan identifies this existing hedgerow “to be enhanced” please can you confirm what is meant by enhanced?</p> <p>When we discussed this option at the site meeting it was agreed that there would be gateways in the new hedge. However, there are none detailed on the plan which we will need to see identified on the plans or at least written confirmation that there will be gateways included within the accommodation works.</p> <p>Can you confirm details of the proposed gateway?</p>	<p>Enhancement to comprise the planting up of gaps in existing hedgerows (apart from those required for access) and reducing the management intensity of these existing hedgerows. Localised coppicing and planting will be undertaken to increase woody species diversity and dormouse nest boxes will be installed to provide replacement nesting opportunities.</p> <p>Access gateways are shown in the environmental masterplan drawings.</p> <p>The Applicant will work with landowner on locations and sizes of gateways, and this will be confirmed as part of the accommodation works schedule.</p>	N/A	

Ref	Consultee	Matter raised	Response	Scheme Change	Change or no change to Scheme
47	Landowner 2	<p>As the points above are yet to be resolved we continue to object to the Scheme until such date as the above points have been satisfied.</p> <p>We welcome the engagement efforts made by the Applicant in progressing its Development Consent Order application, and would welcome further discussions on this matter as soon as possible to ensure all of the points above can be settled prior to the submission of the final plans.</p>	The objection is noted, and the Applicant will continue to liaise with the landowner to resolve the issues raised.	N/A	
48	Landowner 2	Can you confirm dimensions of the gateway?	The Scheme will provide a standard 4 metre wide field gate. At site meeting, there was request by the agent for double gate, but further details were requested from the agent to justify the request. The Applicant will continue to liaise with the landowner on this matter.	No	The Scheme will provide a standard 4 metre wide field gate. At site meeting, there was request by the agent for double gate, but further details were requested from the agent to justify the request. The Applicant will continue to liaise with the landowner on this matter.
54	Landowner 3	We would request that careful consideration be given to the access into Barn Farm and its surrounding land. This does not detract from a concern over the proposed loss of the main access, off the A4019 at Withy Bridge, as the alternative access via Barn Farm relies on a weak bridge that is not suitable for modern agricultural machinery. This will limit future farming systems, including current operations to increase efficiency, limit emissions and nutrient run off.	The Applicant will clarify this query with the landowner as it is unclear which access the landowner is referring to.	N/A	



Ref	Consultee	Matter raised	Response	Scheme Change	Change or no change to Scheme
		Access via Barn Farm also results in a longer route than the access point at Withy Bridge.			

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