

M5 Junction 10 Improvements Scheme

Consultation Report

Appendix H - Section 42 Section 46 Notices

TR010063 - APP 5.2

Regulation 5 (2) (q)

Planning Act 2008

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



Volume 5
October 2023

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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 H - Section 42 Section 46 Notices

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010063
Application Document Reference	TR010063/APP/5.2
Author:	M5 Junction 10 Improvements Scheme Project Team

Version	Date	Status of Version
Rev 0	December 2023	DCO Application


Appendix H. Section 46 and Section 42 Notices






H.1. Section 46 Notice to the Planning Inspectorate

M5 Junction 10 Improvements Scheme Statutory Consultation

 M5 Junction 10
To: Almond, Martin
Cc: M5 Junction 10 Highways Improvements Scheme

 Follow up.

 M5 Junction 10 Section 46 Notice.pdf
.pdf File

  Reply  Reply All  Forward 

Tue 07/12/2021 12:41

Dear Martin,

We are pleased to announce that Gloucestershire County Council's M5 Junction 10 Improvements Scheme statutory consultation will be opening for **ten weeks** from **08 December 2021** until **15 February 2022**. The scheme aims to remove constraints on the highway network and improve connectivity. This will support economic growth, housing development and job opportunities locally and throughout Gloucestershire. This consultation aims to gather feedback on our proposal which we will then develop further before we submit our Development Consent Order in later 2022.

Please see the attachment for a copy of the Section 46 notice. To access the consultation documents, please use the file transfer link below.

<https://filetransferb.atkinsglobal.com/link/NuLyC4QIT0Fm0Vpt3CQz>


The documents on file transfer link includes:

1. Section 46 notice (PDF)
2. Consultation Brochure
3. Feedback Survey
4. Preliminary Environmental Information Report (PEIR) (12 documents)
 - a. Introduction, The Scheme, Assessment of Alternatives, and Environmental Assessment Methodology
 - b. Air Quality
 - c. Noise and Vibration
 - d. Biodiversity
 - e. Road Drainage and the Water Environment
 - f. Landscape and Visual
 - g. Geology and Soils
 - h. Cultural Heritage
 - i. Materials and Waste
 - j. Population and Human Health
 - k. Climate
 - l. Cumulative Effects Assessment
5. Non-Technical Summary of the PEIR
6. Scheme Plan
7. Indicative Application Red Line Boundary Plan
8. Statement of Community Consultation (SoCC)
9. A Copy of the Section 47 Notice Publicising a Statement of Community Consultation (SoCC)
10. A Notice of the Proposed Application (Section 48)

If you have any issues downloading the files, please notify us by replying to this email as soon as possible. The file transfer link is valid until **Thursday, 06 January 2022**.

All our consultation documents are also available to download from our consultation website: www.gloucestershire.gov.uk/110 where you can find out more about the scheme.

Yours faithfully


Scott Macaulay-Lowe
Team Leader, Major Projects
Gloucestershire County Council

M5 Junction 10 Improvements Scheme





c/o Mr Martin Almond,
NI Operations Manager – Transport
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BS1 6PN

Dear Mr Almond,

NOTIFICATION UNDER SECTION 46 PLANNING ACT 2008.

M5 Junction 10 Improvements Consultation Wednesday 08 December 2021 – Tuesday 15 February 2022

Please treat this letter as a notice under Section 46 of the Planning Act 2008 (the Act) that Gloucestershire County Council intends to submit an application under Section 37 of the Act for an order granting development consent for the construction and operation of the M5 Junction 10 Improvements Scheme.

We are proposing to:

- Construct a new all movements roundabout junction over the M5, centred either side of the existing overbridge, which is to be demolished;
- Widen the A4019, including widening of the A4019 for motorised traffic and the provision of separate, dedicated footways and cycle lanes for non-motorised traffic; and
- Construct a new link road with a segregated cycleway and footway, from the B4634 to the A4019, towards land safeguarded for key housing and employment allocations in West Cheltenham.

The scheme is an Environmental Impact Assessment (EIA) development under the Infrastructure Planning (EIA) Regulations 2017 and therefore an Environmental Statement will accompany the application. A preliminary Environmental Information Report (PEIR) forms part of the consultation materials.

Gloucestershire County Council will be undertaking statutory pre-application consultation between Wednesday 08 December 2021 and 15 February 2022 prior to submitting the application for a Development Consent Order in late 2022.

The Statement of Community Consultation will be made available on Wednesday 08 December in accordance with Section 47 (6) of the Act. A notice publicising where this statement can be inspected will be published in a newspaper circulating in the vicinity of the land.

The following consultation materials are being provided to the Planning Inspectorate via the project website: www.gloucestershire.gov.uk/J10. These will be available to view from Wednesday 08 December.

- **Consultation Brochure** – Contains background, summary and a vision for the Scheme and information about the potential benefits, effects and impacts of the Scheme. The brochure contains signposts for readers to other useful information and explains how to provide feedback.



- **Feedback Survey** – This survey (print version included for reference but also available on the scheme website) will be available for people to provide their feedback on specific aspects of the Scheme and to provide overall feedback on our proposals.
- **Preliminary Environmental Information Report (PEIR)** – As the Scheme is Environmental Impact Assessment (EIA) development as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, we have prepared a PEIR that contains preliminary information on the likely environmental effects of our proposals as we have ascertained them so far.
- **Non- Technical Summary of the PEIR** - An overview in non-technical language of the main findings of the PEIR.
- **Scheme Plan** – This provides the latest details of the design for the Scheme.
- **Indicative Application Red Line Boundary Plan** – A plan detailing the full extent of land subject to the Development Consent Order Application and necessary to carry out the proposed development.
- **Statement of Community Consultation (SoCC)** – This document sets out our proposed approach to consulting with the local community for the Scheme, provides details about how the local community can take part in the consultation and explains how the feedback received will influence the proposed design. This statement will be made available as part of the consultation.
- **A Copy of the Section 47 Notice Publicising a Statement of Community Consultation (SoCC)** – This a copy of the notice of the publication of the SOCC.
- **A Notice of the Proposed Application** – We are publishing a notice of the proposed application pursuant to Section 48 of the Act.

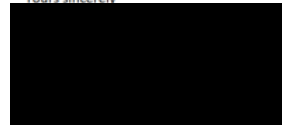
These are the materials on which Gloucestershire County Council are consulting and are provided to the Planning Inspectorate on behalf of the Secretary of State in accordance with Section 46 of the Act.

Further details of the consultation arrangements can be found on the project website and in the enclosed Section 48 notice.

We would be grateful for your confirmation that this letter and the accompanying documentation fully satisfy the requirements of Section 46 of the Act.

If you have any queries or require any additional information, please email M5Junction10@atkinsglobal.com or contact 01454 667900.

Yours sincerely




Colin Chick

Executive Director of Economy, Environment & Infrastructure

Gloucestershire County Council



H.2. Acknowledgement of receipt of s46 notification



The Planning Inspectorate

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer: 0303 444 5000
Services: M5Junction10@planninginspectorate.gov.uk
e-mail:

Colin Chick -
Executive Director of Economy,
Environment & Infrastructure

By email only

Our Ref: TR010063

Date: 14 December 2021

Dear Colin

Planning Act 2008 (PA2008) – Section 46 and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 – Regulation 8


Proposed application by Gloucestershire County Council for an Order Granting Development Consent for the M5 Junction 10 Improvements Scheme.

Acknowledgement of receipt of information concerning proposed application

Thank you for your letter of Tuesday 7 December 2021 and the following documentation:

1. Section 46 notice (PDF)
2. Consultation Brochure
3. Feedback Survey
4. Preliminary Environmental Information Report (PEIR) (12 documents)
 - a. Introduction, The Scheme, Assessment of Alternatives, and Environmental Assessment Methodology
 - b. Air Quality
 - c. Noise and Vibration
 - d. Biodiversity
 - e. Road Drainage and the Water Environment
 - f. Landscape and Visual
 - g. Geology and Soils
 - h. Cultural Heritage
 - i. Materials and Waste
 - j. Population and Human Health
 - k. Climate
 - l. Cumulative Effects Assessment
5. Non-Technical Summary of the PEIR
6. Scheme Plan

<https://infrastructure.planninginspectorate.gov.uk>



7. Indicative Application Red Line Boundary Plan
8. Statement of Community Consultation (SoCC)
9. A Copy of the Section 47 Notice Publicising a Statement of Community Consultation (SoCC)
10. A Notice of the Proposed Application (Section 48)

I acknowledge that you have notified the Planning Inspectorate of the proposed application for an order granting development consent for the purposes of section 46 of the PA2008 and supplied the information for consultation under section 42. The following reference number has been given to the proposed application, which I would be grateful if you would use in subsequent communications:

TR010063

I also acknowledge notification in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 that you propose to provide an Environmental Statement in respect of the proposed development.

I will be your point of contact for this application – my contact details are at the end of this letter.

The role of the Planning Inspectorate in the application process is to provide independent and impartial advice about the procedures involved and to have open discussions with potential applicants, statutory bodies and others about the processes and requirements of the new regime. It is important that you keep us accurately informed of your timetable and any changes that occur.

We will publish advice we give to you or other parties on our website and, if relevant, direct parties to you as the Applicant. We are happy to meet at key milestones and/or provide advice as the case progresses through the Pre-application stage.

Once you have prepared draft documents we are able to provide technical advice, in particular on the draft Development Consent Order, draft Explanatory Memorandum, the draft Consultation Report and any draft Habitats Regulations Assessment. You may therefore wish to build this into your timetables.

In the meantime, you may wish to have regard to the guidance and legislation material provided on our website including The Infrastructure Planning (Fees) Regulations 2010 (as amended) and associated guidance, which you will need to observe closely in establishing the correct fee to be submitted at the successive stages of the application process.


When seeking to meet your Pre-application obligations you should also be aware of your obligation under the current data protection legislation to process personal data fairly and lawfully.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

Martin Almond

<https://infrastructure.planninginspectorate.gov.uk>



Operations Manager

Tel.
Email.



This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

<https://infrastructure.planninginspectorate.gov.uk>



H.3. Sample notification email and Section 42 letter

From: M5 Junction 10
Sent: 06 December 2021 20:51
To: 'Underdown, Rebecca' [REDACTED] <consultations@naturalengland.org.uk> <consultations@naturalengland.org.uk>
Cc: M5 Junction 10 <M5Junction10@atkinglobal.com>
Subject: M5 Junction 10 Improvements Scheme Statutory Consultation

Dear Rebecca,

You will be aware through our previous communication that the M5 Junction 10 Improvements Scheme, promoted by Gloucestershire County Council, has been classified as a Nationally Significant Infrastructure Project (NSIP) and a Development Consent Order (DCO) application is due to be made in late 2022.

Our statutory consultation will be open for **ten weeks** from **00:01 on 8th December 2021** until **23:59 on 15th February 2022**.

Under Section 42 of the Planning Act 2008, your organisation has been listed as a Prescribed Consultee for our scheme.

Please see the attachment for a copy of the Section 42 notice. To access the consultation documents, please use the file transfer link below: (Password: - "J10Transfer")
<https://filetransfergb.atkinglobal.com/link/MLxDtxRoBISuYd8OC1INQF>

If you have any issues downloading the files, please notify us by replying to this email as soon as possible. This link is valid until Wednesday, 05th January 2022.

All our consultation documents are also available to download from our consultation website: www.gloucestershire.gov.uk/j10 where you can find out more about the scheme and complete our survey.

For project related queries, please email us at M5Junction10@atkinglobal.com or ring us on 01454 667900 and leave a voicemail and one of our dedicated M5 Junction 10 team will get back to you.

We look forward to hearing your views.

[REDACTED]
Yours faithfully,

Scott Macaulay-Lowe
Team Leader, Major Projects
Gloucestershire County Council





Dear [Redacted]

M5 JUNCTION 10 IMPROVEMENTS SCHEME
NOTICE OF A PROPOSED APPLICATION FOR A DEVELOPMENT CONSENT ORDER

Notice pursuant to Section 42 of the Planning Act 2008, Regulation 4 of the Infrastructure Planning (Applications: Prescribed Forms And Procedure) Regulations 2009 and Regulation 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

Notice is hereby given that Gloucestershire County Council of Shire Hall, Westgate Street, Gloucester ("the Applicant") proposes to make an application for a Development Consent Order ("DCO") to the Secretary of State for the construction and operation of improvement works to the M5 Junction 10 and parts of the surrounding highway network, consisting of:

- A new all-movements junction at junction 10 of the M5 enabling travel both north and south on the M5.
- A new link road from the A4019, 250m east of the northern entrance to Witybridge Lane, to the B4634, 300m east of the junction with southern entrance to Witybridge Lane.
- Widening of the A4019, extending 250m to the west of the junction with Witybridge Lane and approximately 650m to the eastern extent at the Gallagher Retail Park.

(the "Scheme").

The proposals have previously been the subject of non-statutory consultation carried out between 14 October and 25 November 2020. The current consultation is a statutory consultation carried out pursuant to the Planning Act 2008 (the "Act"). Notice of the proposed application is also being published under the requirements of Section 48 of the Act.

You are being specifically consulted on the proposals because either:

1. You have, or may have, an interest in land which is the subject of the current proposals; or
2. You are a prescribed consultee.

The Scheme is a Nationally Significant Infrastructure Project as defined by the Act. The scheme is an Environmental Impact Assessment development (EIA development), as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement will be submitted as part of the application. A Preliminary Environmental Information Report forms part of the consultation material. The Applicant intends to submit to the Secretary of State for Transport an application DCO for the construction and operation of the Scheme. That application, if accepted, will be examined by an examining authority appointed by the Secretary of State for Transport and a



recommendation will be made to the Secretary of State for Transport who will then decide whether to make the DCO.

Consultation

This consultation is being held to seek opinions on the emerging designs and mitigation for the Scheme, as well as refining potential mitigation measures for the environment and the local area. All responses to the consultation will be considered and how the consultation has influenced the final proposal will be explained in the Consultation Report to be submitted with the DCO application in late 2022.

This letter is notice of the consultation that will run from **Wednesday 08 December 2021 to Tuesday 15 February 2022**.

The Scheme

We are proposing to:

- Construct a new all-movements roundabout junction over the M5, centred either side of the existing overbridge, which is to be demolished.
- Construct a new link road with a segregated cycle track and footway, from the B4634 to the A4019, towards land safeguarded for key housing and employment allocations in West Cheltenham.
- Widen the A4019, including widening of the A4019 for motorised traffic and the provision of separate, dedicated footways and a cycle track for non-motorised traffic.

Supporting information

Consultation materials are available on the enclosed USB stick and are also available to be inspected or downloaded free of charge from the scheme website www.gloucestershire.gov.uk/J10 until **Wednesday 16 February 2022**. The materials include the following:

- **Consultation Brochure** – Contains background, summary and a vision for the Scheme and information about the potential benefits, effects and impacts of the Scheme. The brochure contains signposts for readers to other useful information and explains how to provide feedback.
- **Feedback Survey** – This survey (print version included for reference but available on the scheme website to complete online) will be available for people to provide their feedback on specific aspects of the Scheme and to provide overall feedback on our proposals.
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Highways

- **Statement of Community Consultation (SoCC)** – This document sets out our proposed approach to consulting with the local community for the Scheme, provides details about how the local community can take part in the consultation and explains how the feedback received will influence the proposed design. This statement will be made available as part of the consultation.
- **A Copy of the Section 47 Notice Publicising a Statement of Community Consultation (SoCC)** – This a copy of the notice of the publication of the SOCC.
- **A Notice of the Proposed Application** – We are publishing a notice of the proposed application pursuant to Section 48 of the Act.

For the duration of the consultation period the venues listed will display a poster containing a QR code for people to scan, linking them to the scheme website. Cheltenham Library and Tewkesbury Library will also host hard copies of the consultation brochure and feedback survey for the duration of the consultation period.

Venue	Address	Opening times
Cheltenham West Community Fire and Rescue Station	Tewkesbury Road Uckington, Cheltenham, GL51 9SN	Open 24 hours a day
Swindon Village Community Hall	Church Road, Swindon Village, Cheltenham, GL51 9QP	Sunday-Thursday: 08:00-22:00 Friday-Saturday: 08:00-23:30
Cheltenham Area Civil Service Club	3 Tewkesbury Road, Uckington, Cheltenham, GL51	Varying opening times
Sainsbury's	Gallagher Retail Park, Cheltenham, GL52 9RR	Monday-Saturday: 07:00-22:00 Sunday: 10:00-16:00
Tewkesbury Community Fire and Rescue Station	Oldbury Road, Tewkesbury, GL20 5ND	Open 24 hours a day
Cheltenham Library	Clarence Street, Cheltenham, GL50 3JT	Monday: 09:00-19:00 Tuesday: 09:00-17:30 Wednesday: 09:00-13:00 Thursday: 09:00-17:30 Friday: 09:00-19:00 Saturday: 10:00-16:00 Sunday: Closed
Prestbury Library	The Burgage, Prestbury, Cheltenham, GL52 3DN	Sunday, Monday & Wednesday: Closed Tuesday: 10:00-13:00 & 14:00-19:00 Thursday: 10:00-13:00 Friday: 14:00-17:00 Saturday: 09:30-13:00
Bishops Cleeve Library	Tobyfield Road, Bishops Cleeve, Cheltenham, GL52 8NN	Monday: 13:00-17:00 Tuesday: 13:00-17:00 Wednesday: 10:00-17:00 Thursday: 09:00-17:00 Friday: 09:00-17:00 Saturday: 09:00-15:00 Sunday: Closed
Winchcombe Library	Back Lane, Winchcombe, Cheltenham, GL54 5PZ	Thursday and Sunday: Closed Monday: 10:00-14:00



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		Tuesday & Wednesday: 10:00-13:00 & 14:00-17:30 Friday: 10:00-13:00 & 14:00-18:00 Saturday: 10:00-13:00
Hesters Way Library	Goldsmith Road, Cheltenham, GL51 7RT	Thursday and Sunday: Closed Friday: 14:00-17:00 Saturday & Wednesday: 10:00-13:00 Monday: 13:00-17:00 Tuesday: 10:00-18:00
Charlton Kings Library	Church street, Charlton Kings, Cheltenham, GL53 8AR	Sunday and Monday: Closed Tuesday & Wednesday: 09:30-13:00 & 14:00-17:30 Thursday: 09:30-13:00 & 14:00-19:00 Friday: 09:30-13:00 & 14:00-17:30 Saturday: 09:30-15:00
Up Hatherley Library	Caernarvon Road, Cheltenham, GL51 3BW	Monday: 09:30-13:00 & 14:00-17:00 Tuesday: 09:30-13:00 & 14:00-17:30 Wednesday and Sunday: Closed Thursday: 09:30-13:00 & 14:00-19:00 Friday: 09:30-19:00 Saturday: 10:00-13:00
Churchdown Library	Parton Road, Churchdown, Gloucester, G3 2AF	Tuesday: 10:00-13:00 & 14:00-18:00 Wednesday, Thursday & Friday: 10:00-13:00 & 14:00-17:00 Saturday: 10:00-13:00 Sunday & Monday: Closed
Hucclecote Library	Hucclecote Road, Gloucester, GL3 3RT	Wednesday to Friday: 14:00-17:00 Saturday, Monday & Tuesday: 10:00-13:00 Sunday: Closed
Longlevens Library	Church Road, Longlevens, Gloucester, GL2 0AJ	Monday & Friday: 10:00-13:00 Tuesday & Thursday: 10:00-13:00 & 14:00-17:00 Wednesday: 10:00-13:00 & 14:00-19:00 Saturday: 10:00-16:00 Sunday: Closed
Brockworth Link and Community Library	Moorfield Road, Brockworth, Gloucester, GL3 4EX	Monday to Thursday: 10:00-13:00 & 14:00-17:00 Saturday: 10:00-12:30 Friday and Sunday: Closed
Tewkesbury Library	Sun Street, Tewkesbury, GL20 5NX	Monday & Friday: 09:30-17:00 Tuesday & Thursday: 09:30-19:00 Wednesday: 09:30-13:00 Saturday: 09:30-16:00 Sunday: Closed



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Gloucester Library	Brunswick Road, Gloucester, GL1 1HT	Monday, Tuesday & Thursday: 09:00-19:00 Wednesday & Friday: 09:00-17:30 Saturday: 09:00-16:00 Sunday: Closed
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In addition, consultation events are being held which will be staffed to allow people to hold face-to-face discussions with the project team. All events are subject to change based on ongoing COVID-19 restrictions and venue availability. All events will be held in accordance with latest government guidelines on COVID-19. The events will take place at the following locations:

Venue	Date	Time
Cheltenham West Community Fire and Rescue Station, Tewkesbury Road, Uckington, Cheltenham, GL51 9SN	Tuesday 14 December 2021	10am- 7pm
Hesters Way Community Resource Centre, Cassin Drive, Cheltenham, GL51 7SU	Saturday 15 January 2022	10am- 5pm

Virtual consultation events will also be held. Joining instructions will be made available on the scheme webpage www.gloucestershire.gov.uk/J10 to ensure the events are accessible to all members of the local community.

- Wednesday 15 December 2021, 7pm- 8:30pm
- Thursday 13 January 2022, 2pm-3:30pm
- Saturday 29 January 2022, 2pm-3:30pm
- Wednesday 02 February 2022, 7pm- 8:30pm

How to obtain paper copy documents

Paper copies of the consultation brochure and feedback survey will be supplied free of charge where requested, however, there may be a charge for paper copies of other consultation materials of up to £200. Please contact us using the details below if you would like to request paper copy documents.

How to respond to the consultation

Any person may comment on the proposals or otherwise respond to this notice. A feedback survey will be available as part of the consultation materials and can be completed online via the Scheme website www.gloucestershire.gov.uk/J10. If you require assistance filling out this survey, please call Gloucestershire County Council Customer Services on 01452 426256 (Monday - Friday 9am - 4pm, excluding bank holidays).

You can also comment by:

Consultation event: Attending a face-to-face consultation event, where there will be the opportunity to complete a paper copy of our feedback survey.

By post: Request a paper copy of the survey free of charge by contacting M5Junction10@atkinsglobal.com. Completed paper copies can either be given to project team members at consultation events or returned by Freepost M5 JUNCTION 10.



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Highways

For all other project queries, including any enquiries in relation to documents, maps and plans please email M5Junction10@atkinsglobal.com or contact 01454 667900.

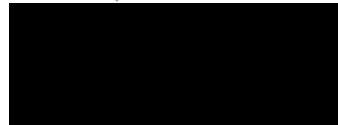
All responses must be received by **Tuesday 15 February 2022 at 11:59pm**.

Next steps

We will record and carefully consider all responses received during the consultation and consider these when finalising the Scheme design and our application. We will summarise our findings in a Consultation Report. The report will form part of our DCO application that is planned for late 2022.

If you have any questions about this consultation, please contact the project team using any of the methods outlined above. Responses received as part of the consultation will be anonymised, stored and handled in accordance with Gloucestershire County Council's policy on General Data Protection Regulation (GDPR).

Yours faithfully



Colin Chick

Executive Director of Economy, Environment & Infrastructure

Gloucestershire County Council



www.gloucestershire.gov.uk

5th Floor, Block 5
Shire Hall
Bearland
Gloucester
GL1 2TH