

M5 Junction 10 Improvements Scheme

Section 55 Checklist TR010063 - APP 1.3

Regulation 5 (2) (q)

Planning Act 2008

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

Volume 1

December 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]

1.3 section 55 Checklist

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010063
Application Document Reference	TR010063 - APP 1.3
Author:	M5 Junction 10 Improvements Scheme Project Team

Version	Date	Status of Version
Rev 0	December 2023	DCO Application

1. Schedule of compliance with section 55 of The Planning Act 2008

Section 55 of the Planning Act 2008 can be viewed at legislation.gov.uk, here: <http://www.legislation.gov.uk/ukpga/2008/29/section/55>

DISCLAIMER: This Checklist is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Housing, Communities and Local Government. Section 55(2) Acceptance of Applications

1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision

Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:

Planning Inspectorate comments

Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent

2	Is the development a Nationally Significant Infrastructure Project ¹ (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order ² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which	Yes , the Scheme as set out in Schedule 1 of the Development Consent Order (TR010063 - APP 3.1) comprises the construction of a new Junction 10 of the M5 motorway; the widening of the A4019 to the north-west of Cheltenham and the construction of a new link road between the A4019 and B4634 and associated works. The Scheme is a Nationally Significant Infrastructure Project (“NSIP”) under sections 14(1)(h) and 22(1)(a) of the Planning Act 2008 (the “Act”). Under section 14(1)(h) of the Act “highway-related development” constitutes an NSIP.
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¹ NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

² Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	<p>category or categories in ss14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>Under section 22(1) of the Act, highway-related development is within section 14(1)(h) only if the development falls within one of three specified categories: construction of a highway in a case within subsection (2), alteration of a highway in a case within subsection (3) or improvement of a highway in a case within subsection (5). The Scheme includes alterations to Junction 10 of the M5 motorway, which is part of the strategic highway network. It therefore constitutes the “alteration” of a highway within the meaning of section 22(3). The Scheme meets the requirements of this definition under section 22(3) as follows:</p> <p>(a) The highway is wholly in England (section 22(3)(a));</p> <p>(b) National Highways (the strategic highways company) is the highway authority for the highway (section 22(3)(b)); and</p> <p>(c) The area of development is approximately [53] hectares, which is greater than the relevant limit set out in subsection (4), in this case being 15 hectares as the M5 is a motorway (sections 22(3)(c) and 22(4)(a)).</p> <p>See also Box 4 of the Application Form (TR010063 - APP 1.2) and the Explanatory Memorandum (TR010063 - APP 3.2) which confirm that the Scheme is an NSIP.</p>
3	<p>Summary: Section 55(3)(a) and s55(3)(c)</p>	<p>See above. Gloucestershire County Council (“GCC”), ‘the Applicant’ requires development consent to implement the Scheme and accordingly the application is for an order granting development under the Planning Act 2008.</p>
<p>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</p>		

4	<p>In accordance with the EIA Regulations³, did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?</p>	<p>Yes, in accordance with Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the Applicant requested a Screening Opinion from the Planning Inspectorate on the 20 July 2021 in respect of the Scheme. This request was provided prior to the Applicant undertaking its consultation in accordance with s42, which commenced on the 8 December 2021, with consultation materials and emails issued between the 6 December and the 8 December 2021.</p> <p>A copy of the Applicant's letter of notification dated the 20 July 2021 is provided in Appendix B of the Consultation Report (TR010063 APP - 5.2).</p>
5	<p>Have any Adequacy of Consultation Representations⁴ been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>The Applicant understands that the Planning Inspectorate will invite the relevant 'A', 'B', 'C' and 'D' local authorities to submit their adequacy of consultation representation once the application for development consent has been received, in accordance with the process set out in the Planning Inspectorate's Advice Note 2 (paragraph 16), published in February 2015.</p>
<p>Section 42: Duty to consult</p>		
<p>Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?</p>		
6	<p>Section 42(1)(a) persons prescribed⁵?</p>	<p>Yes, for the statutory s42 consultation that commenced on the 8 December 2021, the Applicant consulted all consultees prescribed under s42(1)(a) of the Planning Act 2008 where required by the circumstances stipulated in Column 2 of the table in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).</p>

³ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

⁴ Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

The Applicant had full regard to the advice provided in the annexes to the Planning Inspectorate's Advice Note 3 in determining the circumstances in which to consult a particular prescribed body and to the advice on the application of the relevance test as set out in the Planning Inspectorate's Advice Note 3 (Version 7). Where there was any doubt about the relevance of a particular prescribed body, the Applicant adopted a precautionary approach and included that body within the scope of its consultation.

A **list of the prescribed bodies** consulted in the December 2021 to February 2022 under s42(1)(a) is provided in **Appendix K of the Consultation report (TR010063 - APP 5.2)**.

Table E-1 Consultation Report (TR010063 - APP - 5.1) outlines the timeline of consultation activities.

Letters with a USB containing digital copies of consultation materials and/or an email containing digital copies of consultation materials were sent out between the 6 December 2021 and the 7 December, with the consultation period commencing the 8 December 2021. The deadline of the 15 February 2022 was clearly stated in each consultation letter. The Applicant decided on a ten-week consultation period to ensure the local community, residents and stakeholders had an opportunity to fully understand the proposals and have their say over the festive period. This is a longer duration than the statutory minimum stipulated in s45 of the Planning Act 2008.

All bodies/ persons notified to the Applicant by the Planning Inspectorate on the 23 August 2021, under Regulation 11(1)(a) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 were consulted.

Copies of **sample letters** sent to s42 consultees are provided in **Appendix H (TR010063 - APP 5.2)** of the **Consultation Report (TR010063 - APP 5.1)**.

Additional Traveller Consultation

Following a review of the Scheme and ongoing engagement with Tewkesbury Borough Council, the Applicant identified that occupiers of the Traveller Site have or may have an interest in land which is included in the DCO limits. Subsequently, the Occupiers of

the Traveller Site were issued a Section 42 Notice and consultation pack and given a deadline of the 3 February 2023, allowing the Occupiers 44 days (to allow for the Christmas period) to respond to the statutory consultation.

Additional targeted non-statutory consultations

As a result of feedback during the statutory consultation and ongoing engagement with stakeholders, the Applicant subsequently made design changes to the Scheme. The design changes aim to reduce the impact on the environment, local community and Persons with Interest in Land (PwIL), the specific changes are outlined in **paragraph 14.2.4 of the Consultation Report (TR010063 - APP 5.1)**. The targeted consultation lasted 29 days from 00.01hr on the 8 August 2022 until 23.59hrs on the 5 September 2022. The consultation was directed towards affected landowners under s44 of the Act and Prescribed Bodies under s42(1)(a) of the Act whose role, duties and responsibilities or area of interest could be affected as a result of the Scheme design changes. Letters detailing the purpose of the targeted consultation and Scheme drawings were emailed to all prescribed consultees (22 prescribed consultees) and affected landowners (16 landowners). Copies of these letters and all targeted consultation materials are available in **Appendix E (TR010063 - APP 5.2) of the Consultation Report**.

As design work progressed, and following a review of the Scheme, a number of additional parties that may have an interest in land which is subject to the Scheme design were identified. A copy of the above targeted consultation materials was sent to 8 statutory undertakers on the 17 January 2023, and were given a deadline for responses of the 16 February 2023.

Further Targeted Consultation

Following the main statutory consultation and additional targeted consultation, the Applicant undertook a period of further targeted consultation on design changes as a result of feedback received and ongoing engagement with stakeholders. This consultation lasted 30 days, from the 18 January 2023 to the 16 February 2023. The details of the proposed design changes that were consulted on are outlined in

paragraph 15.2.4 of the **Consultation Report (TR010063 - APP 5.1)**. Letters were emailed to 14 prescribed consultees, 8 statutory undertakers, and posted to 25 affected PwL (including 14 landowners, 6 occupiers, and people with 9 people with rights / easements / other interests.

All prescribed consultees were sent letters with a full set of drawings that illustrated the proposed design changes. Letters were tailored to the circumstances of each of the 25 affected PwL and were provided a tailored drawing showing their land extent and any proposed changes that impacted their land parcel. Copies of these letters and all targeted consultation materials are available in **Appendix Q (TR010063 - APP 5.2)** of the **Consultation Report**.

Targeted Consultation on the Bus Lane

The Applicant undertook a period of targeted consultation on the inclusion of a bus lane following the above consultations. As a result of feedback received from previous consultation and ongoing engagement with stakeholders, the Applicant proposed to include a bus land in the Scheme design. The targeted consultation lasted 30 days from the 29 May 2023 to the 27 June 2023.

The consultation was targeted towards relevant prescribed bodies under s42(1)(a) of the Act, affected PwL under s44 of the Act as well as relevant non statutory consultees (including stakeholders, local residents and businesses) whose role, duties or responsibilities or area of interest could be affected as a result of the Scheme design development.

Letters were emails on the 25 May 2023 to 18 prescribed consultees, 6 key stakeholders (non-statutory consultees), and posted to two PwL and 38 local residents and businesses (non-statutory consultees).

Each letter included details of the targeted consultation, its purpose and how to provide feedback as well as information on an information session which was held in June 2023. A Scheme drawing showing the proposed change was also included in the letter.

		A copy of the letter template, Scheme drawing showing the proposed change and distribution list are available in Appendix S (TR010063 - APP 5.1) of the Consultation Report .
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	Not applicable as the Marine Management Organisation is not a relevant consultee in respect of the Scheme.
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes, Section 8.3, Table 8-1, of the Consultation Report (TR010063 - APP 5.1) lists the relevant local authorities that were identified under s43 and consulted in accordance with s42(1)(b) of the PA2008, on the 6 and the 7 December 2021.</p> <p>The host 'B' authorities consulted were:</p> <ul style="list-style-type: none"> • Tewkesbury Borough Council • Cheltenham Borough Council <p>The host 'C' authority consulted was:</p> <ul style="list-style-type: none"> • Gloucestershire County Council <p>The boundary 'A' authorities consulted were:</p> <ul style="list-style-type: none"> • Gloucester City Council • Cotswolds District Council • Forest of Dean District Council • Monmouthshire County Council • Stroud District Council <p>The boundary 'D' authorities consulted were:</p>

⁶ In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

⁷ Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

		<ul style="list-style-type: none"> • Herefordshire Council • Malvern Hills District Council • Oxfordshire County Council • South Gloucestershire Council • Swindon Borough Council • Warwickshire County council • Wiltshire Council • Worcestershire County Council • Wychavon District Council <p>A sample of the letter sent to s42(1)(b) relevant authorities on the 6 and the 7 December 2021 are included in Appendix H (TR01063 - APP 5.2) of the Consultation Report (TR010063 - APP - 5.1).</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable , as the Scheme is not located within the Greater London area.
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes, for the s42 consultation undertaken between December 2021 - February 2021, the Applicant consulted each person in one or more of the S44 categories. Letters with a USB containing digital copies of consultation materials and/or an email containing digital copies of consultation materials were sent out between the 6 December 2021 and the 7 December, with the consultation period commencing on the 8 December 2021.</p> <p>In total 264 s44 consultees were issued letters containing digital copies of the consultation materials and were given a deadline for receipt of all responses by the 15 February 2022. This is equivalent to a ten-week consultation period to ensure the local</p>

⁸ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

community, residents and stakeholders had an opportunity to fully understand the proposals and have their say over the festive period. This is a longer duration than the statutory minimum stipulated in s45 of the Planning Act 2008.

Section 8.4 of the **Consultation Report (TR010063 - APP 5.1)** outlines the Scheme’s approach to identifying s42 (1)(d) consultees. All prescribed consultees, local authorities and Persons with Interest in Land (PwIL) were sent letters on the 6 December and the 7 December 2021.

Section 8.4, paragraphs 8.4.2 to 8.4.8 of the **Consultation Report (TR010063 APP- 5.1)** summarises how the Applicant made diligent inquiry to identify and consult persons with an interest in lands affected by the **Draft DCO (TR010063 - APP 3.1)** for the purpose of the December 2021 statutory consultation. Further detail of the methodology is described further in the **Book of Reference (TR010063 - APP 4.3)**.

As the Scheme progressed, landowners of an affected land parcel change, and therefore a s42 consultation pack was sent to the landowners on the 17 January 2023.

A sample of the email notification and Section 42 letter sent to s 42(1)(d) consultees on the 6 and the 7 December is provided at **Appendix H.3 of the Consultation Report Appendices (TR010063 - APP 5.2)**.

Section 45: Timetable for s42 consultation

11	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes, the Applicant notified all s42 consultees of the deadline for the receipt of consultation responses and in every case the deadline was 28 days or more starting with the day after which the consultee would have received the relevant materials/ documents.</p> <p>The Statutory pre-application consultation that commenced on the 8 December 2021 in accordance with s42 of the Planning Act 2008 made provision for a 10-week consultation period with a stated deadline of the 15 February 2022.</p> <p>The December 2022 Statutory Consultation with the Traveller Site occupiers made provision for a 44 day consultation period which commenced on the 21 December 2022,</p>
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and stated a deadline on the 3 February 2023. Copies of sample letters sent to s42 consultees are provided in Appendix H (**TR010063 - APP 5.2**) of the **Consultation Report (TR010063-APP - 5.1)**.

The additional targeted consultation made provision for a 29 day consultation period which commenced on 08 August 2022 and stated a deadline of the 5 September 2022. Letters were emailed to all prescribed consultees (22) and affected landowners (16). Copies of the letters sent are provided within **Appendix E (TR010063 - APP 5.2)** of the **Consultation Report**. As design work progressed and following a review of the Scheme, the Applicant identified a number of additional parties that may have interest in land which is the subject of the Scheme design. Therefore, a copy of additional targeted consultation material was sent to 8 statutory undertakers on the 17 January 2023, and letters stated a deadline of the 16 February 2023.

The further targeted consultation made provision for a 30 day consultation period which commenced on the 18 January 2023 and stated a deadline of the 16 February 2023. Letters were emailed to all prescribed consultees (14), statutory undertakers (8), and posted to affected PwIL (25), including landowners (14), occupiers (6) and people with rights/easements/other interests (9). Copies of the letter sent are provided within **Appendix Q (TR010063 APP - 5.2)** of the **Consultation Report (TR010063 - APP 5.1)**.

The targeted consultation on the Bus Lane made provision for a 30 day consultation period which commenced on the 29 May 2023 and stated a deadline of the 27 June 2023. Letters were emailed on the 25 May 2023 to 18 prescribed consultees, and six key stakeholders (non-statutory consultees) and posted to two PwIL and 38 local residents and businesses (non-statutory consultees). Copies of the letter template are provided within **Appendix S (TR010063 APP - 5.2)** of the **Consultation Report (TR010063 - APP 5.1)**.

See also the Applicant's responses to questions 6, 7, 8, 9 and 10 above for further details. The Applicant notes that where any letter had to be re-issued due to incorrect address details, all parties were allowed a minimum of one calendar month in which to respond.

Section 46: Duty to notify the Planning Inspectorate of proposed application

12	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>Yes, in accordance with s46 of the Planning Act 2008 the Applicant notified the Planning Inspectorate of the proposed application on the 7 December 2021, which was before the commencement of the s42 consultation period on the 8 December 2021.</p> <p>A copy of this notice is provided at Appendix H1 (TR010063 - APP 5.2) of the Consultation Report (TR010063 - APP 5.1). Receipt of the s46 notice was acknowledged by the Planning Inspectorate in a letter dated the 14 December 2021.</p>
<p>Section 47: Duty to consult local community</p>		
13	<p>Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>Yes, the Applicant prepared a draft Statement of Community Consultation (SoCC) in September 2021. A copy of the draft SoCC is provided in Appendix F.1 (TR010063 - APP 5.2) of the Consultation Report (TR010063 - APP 5.1). The final SoCC was published on the 25 November 2021.</p> <p><u>Approach for subsequent non-statutory consultations:</u></p> <p>As a result of feedback received during the statutory consultation and ongoing engagement with stakeholders, the Applicant subsequently made some design changes to the Scheme. The Applicant held additional targeted consultations on these proposed changes with relevant prescribed consultees and persons with interest in land. These are summarised in Table E-1 of the Consultation Report (TR010063 - APP 5.1) and included:</p> <ul style="list-style-type: none"> - Targeted Consultation 8 August to 5 September 2022 - Statutory Public Consultation with occupants of the Informal Traveller Site 21 December 2022 – February 2023 - Statutory Public Consultation with newly identified landowners 17 January 2023 – 16 February 2023 - Additional Targeted Consultation with newly identified parties 17 January 2023- 16 February 2023 - Further Targeted Consultation 18 January 2023 – 16 February 2023 - Targeted Consultation on Bus Lane 29 May 2023 – 27 June 2023

		As outlined in paragraph 3.8.5 of the SoCC available in Appendix F.1 (TR010063 APP - 5.2) of the Consultation Report (TR010063 APP - 5.1) , further consultations have been undertaken in accordance with the principles and methods set out in the Statement of Community Consultation.
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the consultation documents?	<p>Yes, Cheltenham Borough Council, and Tewkesbury Borough Council (as 'B' authorities) and Gloucestershire County Council (as 'C' authority) were consulted on the content of the SoCC. Each local authority was provided with a copy of the SoCC via email on the 23 September 2021 and invited to provide comments and suggestions in response to the SoCC over a statutory period of 28 days. Responses were due by the 22 October 2021. A copy of the Applicant's email dated the 23 September 2021 is provided in Appendix F (TR0010063 - APP 5.2) of the Consultation Report.</p> <p>To note, earlier drafts of the SoCC were also shared with the three host authorities on the 2 August 2021 and the 27 August 2021.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes, the Applicant has had full regard to the responses received on the draft SoCC.</p> <p>The Applicant received a response to the draft SoCC from Gloucestershire County Council on 07 October 2021. A copy of the response is included in Appendix F of the Consultation Report (TR010063 – APP 5.2). No formal response was provided by Cheltenham Borough Council or Tewkesbury Borough Council.</p> <p>An email notification was sent to each of the local authorities confirming that the SoCC had been finalised and where appropriate, confirming that all comments had been taken onboard. Table 7-2 within the Consultation Report (TR010063 - APP 5.1) outlines the regard had to local authority responses to the draft SoCC.</p> <p>The final SoCC was published on the 25 November 2021, see Appendix F (TR010063 - APP 5.2) of the Consultation Report.</p>
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been	Yes , the SoCC was published on the 25 November 2021 and was made publicly available on the Scheme website and sent electronically as part of the consultation pack

	<p>published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?</p>	<p>to all statutory consultees including prescribed consultees and PwIL. Two copies were also made available at the two face to face consultation events.</p> <p>The SoCC was not made available in other public deposit points, following changes to DLUHC guidance due to COVID-19. Additional legislation was released in 2020 to support developers to safely undertake consultation during the COVID-19 pandemic stating that “<i>Section 47(6) of the Planning Act 2008 requires that at the pre-application stage the Statement of Community Consultation must be made available for inspection. This requirement can be met by making documents available for inspection online. Applicants should take reasonable steps to ensure that anyone wishing to view the documentation can find these documents on their website. Hard copies should be made available by the applicant on request</i>”.</p> <p>An electronic copy of the SoCC can be found on the Scheme website.</p>
17	<p>Does the SoCC set out whether the development is EIA development⁹; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?</p>	<p>Yes, the SoCC sets out at paragraphs 3.2.1. and 3.2.2. that the Scheme is EIA development and how the Applicant intended to publicise and consult on the preliminary environmental information.</p> <p>A copy of the final published SoCC is provided in Appendix F (TR010063 - APP 5.2) of the Consultation Report.</p>
18	<p>Has the Applicant carried out the consultation in accordance with the SoCC?</p>	<p>Yes, the Applicant demonstrates in Section 10.9 and Table 10-6 of the Consultation Report (TR010063 - APP 5.1) the evidence that the consultation with the community adhered to the commitments made in the SoCC.</p> <p>For the Statutory consultations undertaken from the 8 December 2021 to the 15 February 2022 the Applicant:</p> <ul style="list-style-type: none"> - All properties within 500m of the DCO limits and communities such as Elmstone Hardwicke, Hester’s Way, Swindon Village, Springbank and Kingsditch were sent a leaflet advertising the consultation.

⁹ Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

		<ul style="list-style-type: none"> - Posters were issued for display in the offices of GCC, CBC and TBC as well as 18 public information points. - 380 emails and nine letters were issued at the start of the consultation period. - Three council member briefings were held for each of the host authorities (GCC, TBC and CBC). - Stakeholder information packs containing consultation materials were issued to GCC, CBC, TBC, and National Highways. - Statutory notices to publicise the DCO application were published in The Times, London Gazette, Gloucester Citizen, and Gloucestershire Echo. - There were 27 local press publications about the Scheme during the statutory consultation period. - Two face to face events were held at Cheltenham West Community Fire and Rescue Station and Hester's Way Community Resource Centre, as well as four virtual events took place throughout the statutory consultation period. - The dedicated Scheme website hosting all of the Scheme information saw 7,700 visitors during the statutory consultation period. <p>The subsequent targeted non-statutory consultations outlined in section 13 of this table, were carried out by invitation.</p>	
Section 48: Duty to publicise the proposed application			
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	Yes , details of the newspapers and dates of the s48 publicity notices are provided in Chapter 11 of the Consultation Report (TR010063 - APP 5.1) and copies of the newspaper notices are provided in Appendix I of the Consultation Report (TR010063 - APP 5.2) .	
		Newspaper(s)	Date
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	Gloucester Citizen and Gloucestershire Echo	25 November 2021 and the 2

			December – 2 successive weeks
b)	once in a national newspaper;	The Times	25 November 2021
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	London Gazette	25 November 2021
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Not applicable – the Scheme does not relate to offshore development and was therefore not published in Lloyds list or a fishing trade journal.	
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes , the s48 notice (a copy of which is provided at Appendix I of the Consultation Report (TR010063 - APP 5.2)) contained the information required under Regulation 4(3) of the APFP Regulations.	
	Information	Paragraph	Information
a)	the name and address of the Applicant.	Yes, see 1 st paragraph of the s48 notice.	b) a statement that the Applicant intends to make an application for development consent to the Secretary of State
c)	a statement as to whether the application is EIA development	Yes, see 3 rd paragraph of s48 notice.	d) a summary of the main proposals, specifying the location or route of the Proposed Development
			Yes, see 1 st paragraph of the s48 Notice.
			Yes, see 2 nd paragraph (including bullet point list) of s48 notice.

e)	a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge on a website maintained by or on behalf of the Applicant, including the address of the website; the place on the website where the documents, plans and maps may be inspected; and a telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps	Yes, see 5 th paragraph of s48 notice	f)	the latest date on which those documents, plans and maps will be available for inspection on the website	Yes, see 5 th paragraph of the s48 notice which explains that the documents will be available online from 08 December to 15 February.
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Yes, see 6 th paragraph of the s48 notice.	h)	details of how to respond to the publicity	Yes, see 11 th , 12 th , 13 th and 14 th paragraph of the s48 notice.
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	Yes, see 15 th paragraph of the s48 notice.			
21	Are there any observations in respect of the s48 notice provided above?				
	The Applicant wishes to note that the s48 notice also provided information on who people should contact if they needed to request further information to seek clarification. The s48 notice contained a brief explanation as to how any feedback would be used to inform the development of the Scheme.				

22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations ¹⁰ ?	Yes , a copy of the notice was sent to the EIA consultation bodies on the 6 December and the 7 December 2021, see copies of the sample letters sent to the EIA consultation bodies in Appendix I (TR010063 - APP 5.2) of the Consultation Report .
s49: Duty to take account of responses to consultation and publicity		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes, the Applicant has had full regard to all relevant responses received in respect of the consultations carried out, both statutory and the targeted non-statutory consultations. Chapter 12 of the Consultation Report (TR010063 - APP 5.1) explains how the Scheme has been further developed and refined in light of the consultation feedback and the actions that the Applicant has taken to have regard to the relevant responses.</p> <p>In total, there were 63 written responses received and 579 responses to the feedback survey conducted during the December 2021 statutory public consultation carried out under sections 42, 43, 44 and 47 of the Planning Act 2008. All responses were analysed and issued raised allocated to key themes. A table outlining the Applicant's regard to those responses and whether they have resulted in a design change are listed in Appendix N (TR010063 - APP 5.2) of the Consultation Report. Section 10.14 of the Consultation Report (TR010063 - APP 5.1) also outlines how this consultation had regard to responses received, and Chapter 12 outlines the summary of the Scheme changes as a result of the statutory consultation and the summary of changes that could not be changed.</p> <p>In relation to the Additional Targeted Consultation (8 August 2022 to the 5 September 2022, Section 14.4 of the Consultation Report (TR010063 - APP 5.1) outlines the key changes to the Scheme as a response to the additional targeted consultation and Section 14.4 outlines the Scheme features that could not be changed.</p>

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

In relation to the Further Targeted Consultation (18 January 2023 – 16 January 2023), **Section 15.4** outlines of the **Consultation Report (TR010063 - APP 5.1)** that there were no design changes as a response to the further targeted consultation and **Section 15.5** outlines the Scheme features that could not be changes as a result of the consultation.

In relation to the targeted consultation on the Bus Lane (29 May 2023 – 27 June 2023), **Section 16.4** of the **Consultation Report (TR010063 - APP 5.1)** outlines that feedback from consultees showed overall support for the Bus Lane to be included and hence, was included in the Scheme design. **Section 16.5** of the **Consultation Report (TR010063 - APP 5.1)** outlines the Scheme features that could not be changed.

Guidance about pre-application procedure

24	To what extent has the Applicant had regard to statutory guidance ‘Planning Act 2008: Guidance on the pre-application process’ ¹¹ ?	<p>The Applicant has had full regard to the relevant DCLG guidance, as well as to the Advice Notes published by the Planning Inspectorate relating to the pre-application procedure for NSIPs and the helpful advice provided by the Planning Inspectorate under s51 of the Planning Act 2008.</p> <p>The Applicant has engaged extensively with local communities, local authorities, statutory bodies, local groups and those who would be directly affected by the Scheme before submitting its development consent order application. A range of engagement activities has been embedded in the project from and early stage and before decisions were made on a preferred route option.</p> <p>The Applicant has provided thorough and detailed information about the nature of the Scheme and its likely significant effects, both individually and cumulatively, to ensure that its engagement has been meaningful and effective. The Applicant has consulted widely and has wherever possible allowed longer than the statutory minimum timeframes for responses recognising the complexity of the issues involved. Consultation materials have been tailored to their respective audiences and the</p>
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¹¹ The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

Applicant has continued to engage on technical matters with a number of statutory bodies throughout the entire pre-application process.

The Applicant has sought to provide feedback to keep people informed and has demonstrated a flexible approach by embracing several changes to the Scheme to address concerns, reduce adverse effects and maximise opportunities to improve outcomes. The Applicant considers that it has developed strong working relationships with many of the stakeholders, enabling the important issues to be considered as fully as possible before finalising its application proposals.

The Applicant has undertaken three rounds of targeted non-statutory consultation on design modifications so that everyone who is likely to be affected or have an interest in the changes has been given an opportunity to respond to those changes in a fair, reasonable and proportionate manner. The Applicant has had full regard to the relevant guidance in determining how best undertake its targeted non-statutory consultations.

The Applicant is proactively seeking to enter into a number of Statements of Common Ground (SoCG) to help provide focus at the examination stage and throughout the project has worked diligently to ensure all relevant interests have had the opportunity to shape the Scheme. **The Statement of Commonality** submitted with the suite of application documentation outlines the status of the SoCGs (**TR010063 - APP 8.1**).

Chapter 17 of the **Consultation Report (TR010063 - APP 5.1)** provides further explanation as to the Applicant's approach to the consultation in detail and **Table 17-1** outlines how the Scheme has Compliance with the Planning Act 2008, Infrastructure Planning (Applications; Prescribed Forms and Procedure Regulations) 2009, DLUHC Guidance, and PINS Advice Note 14: Compiling the Consultation Report.

25 **Summary: Section 55(3)(e)**

s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)

26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> a brief statement which explains why it falls within the remit of the Planning Inspectorate; and a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes, the application is submitted in the prescribed form, see the Application Form (TR010063 - APP 1.2). In Box 4 of the Application Form, the Applicant explains why the Scheme falls within the remit of the Secretary of State. A brief statement clearly identifying the location of the Scheme is provided in Box 6 of the Application Form.</p> <p>Reference should also be made to the Explanatory Memorandum (TR010063 - APP 3.2) which confirms the Scheme's qualifying status as an NSIP.</p> <p>A Location Plan is submitted as TR010063 - APP 2.1.</p>			
27	Is it accompanied by a Consultation Report?	Yes , the application documentation includes a Consultation Report (TR010063 - APP 5.1) , which comprises a main report and 16 appendices (TR010063 - APP 5.2).			
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	Yes , with the exception of the Location Plan, which is a single sheet plan, all of the plans included within Volume 2 of the DCO application comprise at least 16 sheets at 1:1250 scale. A key plan has been provided for all the plans sets 2.2 - 2.13 (TR010063 - APP 2.2 – TR010063 - APP 2.13).			
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes , see details listed in relation to question 29 below. The Applicant has adopted best practice in preparing its suite of application documents and has had regard to the approaches adopted for other comparable DCO schemes. The Applicant has had full regard to the feedback following their review of several draft application documents and to the requirement to ensure that the documents are clearly drafted, accurate, contain sufficient detail and meet the requirements of the relevant regulations.			
	Information	Document	Information	Document	
a)	Where applicable, the Environmental Statement	Yes , the application is accompanied by an Environmental Statement,	b)	The draft Development Consent Order (DCO)	Yes, the application is accompanied by a draft DCO (TR010063 - APP 3.1) .

¹² Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<p>required under the EIA Regulations¹³ and any scoping or screening opinions or directions</p>	<p>which comprises the following chapters:</p> <p>TR010063 - APP 6.1 – Environmental Statement – Non-technical Summary</p> <p>TR010063 - APP 6.2 – Environmental Statement - Chapter 1 - Introduction</p> <p>TR010063 - APP 6.2 – Environmental Statement - Chapter 2 – Scheme description</p> <p>TR010063 - APP 6.2 – Environmental Statement - Chapter 3 – Assessment of Alternatives</p> <p>TR010063 - APP 6.2 – Environmental Statement - Chapter 4 – Environmental Assessment Methodology</p> <p>TR010063 - APP 6.3 – Environmental Statement Chapter 5 - Air Quality</p> <p>TR010063 - APP 6.4 – Environmental Statement Chapter 6 - Noise and Vibration</p>			
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¹³ The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

	<p>TR010063 - APP 6.5 – Environmental Statement Chapter 7 - Biodiversity</p> <p>TR010063 - APP 6.6 – Environmental Statement Chapter 8 - Road Drainage and the Water Environment</p> <p>TR010063 - APP 6.7 – Environmental Statement Chapter 9 – Landscape</p> <p>TR010063 - APP 6.8 - Environmental Statement Chapter 10 – Geology and Soils</p> <p>TR010063 - APP 6.9 – Environmental Statement Chapter 11 – Cultural Heritage</p> <p>TR010063 - APP 6.10 – Environmental Statement Chapter 12 – Materials and Waste</p> <p>TR010063 - APP 6.11 – Environmental Statement Chapter 13 – Population and Human Health</p> <p>TR010063 - APP 6.12 – Environmental Statement Chapter 14 – Climate</p>	
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		TR010063 - APP 6.13 – Environmental Statement Assessment of Cumulative Effects			
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Yes , the application is accompanied by an Explanatory Memorandum (TR010063 - APP 3.2) .	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	Yes , the application is accompanied by a Book of Reference (TR010063 - APP 4.3) .
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
e)	A copy of any Flood Risk Assessment	Yes , the application is accompanied by a Flood Risk Assessment , included as appendices to the ES Chapter 8 Road Drainage and the Water Environment (TR010063 - APP 6.1) and Appendix 8.1 Flood Risk Assessment (TR010063 - APP 6.15) .	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	Yes , the application is accompanied by a Statement on Statutory Nuisances (TR010063 - APP 6.16) .
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
h)	A Statement of Reasons and a Funding Statement (where the application	Yes , the application is accompanied by a Statement of Reasons, (TR010063 - APP 4.1) and a	i)	A Land Plan identifying: - (i) the land required for, or affected by, the	Yes , the application is accompanied by a set of Land Plans (TR010063 - APP 2.2) .

	involves any Compulsory Acquisition)	Funding Statement (TR010063 APP - 4.2).		Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	The application is also accompanied by a set of Crown Land Plans (TR010063 - APP 2.7) .
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
j)	A Works Plan showing, in relation to existing features:- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and	Yes , the application is accompanied by a set of Works Plans , which shows the alignment and limits of works (TR010063 - APP 2.4).	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation	Yes , the application is accompanied by a set of Streets, Rights of Way and Access Plans which show this information (TR010063 - APP 2.5).

	(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO				
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
l)	<p>Where applicable, a plan with accompanying information identifying: -</p> <ul style="list-style-type: none"> (i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to</p>	<p>Yes, the application is accompanied by plans showing this information and an assessment of any effects on nature conservation sites and features, as follows.</p> <p>A set of Biodiversity Sites and Features Plans, which show the location of statutory and non-statutory sites and features, (TR010063 - APP 2.11).</p> <p>ES Chapter 7 Biodiversity contains an assessment of any effects on nature conservation sites and features (TR010063 - APP 6.6), together with associated appendices for ES Chapter 7 (TR010063 - APP 6.15).</p> <p>The Water Framework Directive Assessment (Appendix 8.2 WFD Compliance Assessment) contains</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>Yes, the application is accompanied by plans showing this information and an assessment of any effects on historic sites or features, as follows:</p> <p>Historic Environment Sites and Features Plans, which show the location of statutory and non-statutory sites and features (TR010063 - APP 2.12).</p> <p>ES Chapter 11 Cultural Heritage contains an assessment of any effects of such sites and features (TR010063 - APP 6.9) together with the associated Figures and Appendices 11.1, 11.2, 11.3 and 11.4 (TR010063 - APP 6.15).</p>

n)	be caused by the Proposed Development	<p>an assessment on the effects of water bodies in a river basin management plan (TR010063 - APP 6.15) and Figure 3-2 contained within that report (TR010063 - APP 6.15).</p> <p>The Habitats Regulations Assessment - Screening (Appendix 7.13) and the Habitats Regulations Assessment Statement to inform appropriate assessment (Appendix 7.14) contains an assessment of the effects of the Scheme on the identified European sites (TR010063 - APP 6.15).</p> <p>ES Chapter 8 Road Drainage and the Water Environment (TR010063 - APP 6.6).</p>	o)		
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
	Where applicable, a plan with any accompanying information identifying any Crown land	Yes , the application is accompanied by a set of Crown Land Plans (TR010063 - APP 2.7) .		Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/ structures,	Yes , the application is accompanied by the following: General Arrangement Plans (TR010063 - APP 2.9) . Engineering Drawings and Sections (TR010063 - APP 2.10) .

			drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	Environmental Masterplan (TR010063 - APP 2.13).
	Is this of a satisfactory standard?		Are they of a satisfactory standard?	
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<p>Yes, the application is accompanied by a set of Engineering Drawings and Sections (TR010063 - APP 2.10), which provide details of levels, heights, depths, longitudinal profiles, sections and typical details.</p> <p>Drainage outfall locations are shown on the General Arrangement Plans (TR010063 - APP 2.9).</p>	q) Any other documents considered necessary to support the application	<p>Yes, the application is accompanied by the following additional documents:</p> <p>1.1 Introduction to the Application (TR010063 - APP 1.1).</p> <p>1.2 Application Form (TR010063 - APP 1.2).</p> <p>1.3 Schedule of Compliance with Section 55 of the Planning Act 2008 (TR010063 - APP 1.3).</p> <p>2.8 Speed Limits and Traffic Regulations Plans (TR010063 - APP 2.14).</p> <p>3.3 Consents and Agreements Position Statement (TR010063 - APP 3.3).</p> <p>7.1 Planning Statement and Schedule of Accordance with National Policy Statement (TR010063 - APP 7.1).</p> <p>7.3 Environmental Management Plan (1st iteration) (TR010063 - APP 7.3).</p>

				7.4 Register of Environmental Actions and Commitments (TR010063 - APP 7.4) . 7.5 Transport Assessment Report (TR010063 - APP 7.5) . 7.6 Equality Impact Assessment (TR010063 - APP 7.6) .
	Are they of a satisfactory standard?			Are they of a satisfactory standard?
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? ¹⁴	Yes , see the Habitats Regulations Assessment (Appendices 7.13 and 7.14 TR010063 - APP 6.15) to ES Chapter 7 (TR010063 - APP 6.5). These comprise of the screening and statement to inform appropriate assessment.		
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	With the agreement of the Planning Inspectorate, the Applicant is making its application in electronic form only, sent via file transfer.		

¹⁴ Regulation 5(2)(g) of the APFP Regulations

¹⁵ Regulation 5(2)(r) of the APFP Regulations

		<p>The Applicant undertakes to provide the Planning Inspectorate paper copies of any of the application documents if requested.</p>
<p>33</p>	<p>Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?</p>	<p>Yes, the applicant has had full regard to the DCLG guidance. In particular:</p> <ul style="list-style-type: none"> • The application is made in the prescribed form and is accompanied by a Consultation Report, a draft DCO, Explanatory Memorandum, Land Plans, Book of Reference, Funding Statement, Statement of Reasons, Works Plans, Environmental Statement, Habitats Regulations Assessment, and other relevant documents and information prescribed in The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended). • The application documentation is sufficiently detailed to enable the Secretary of State and other interested parties to consider the Scheme and is supported by copies of written statements and other correspondence to identify relevant matters that have been agreed with interested parties as well as other information to enable the Examining authority to undertake its duties in an efficient manner. • The application documents have been appropriately referenced to enable them to be easily identified by the Secretary of State and other interested parties. The documents are submitted in electronic form rather than paper copies as agreed with the Planning Inspectorate. • The application fee of £8,244 has been paid prior to submitting the application. • The application form has been completed as far as possible without using technical or complex language and terminology to ensure that the information it contains is understandable to any interested person. <p>The Applicant has also had full regard to the advice provided by the Planning Inspectorate under s51 of The Planning Act 2008 and as published on the Planning Inspectorate's website.</p>

34	Summary - s55(3)(f) and s55(5A)	The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4).
The Infrastructure Planning (Fees) Regulations 2010 (as amended)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁶ ?	Yes, the Applicant has paid the sum of £8,244 via BACS transfer to the account of the Planning Inspectorate on 18/12/2023.

¹⁶ The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made

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