

M5 Junction 10 Improvements Scheme

Statement of Commonality TR010063 - APP 8.1

Regulation 5 (2) (q)

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8.1 Statement of Commonality

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1. Introduction

1.1. Purpose of this Document

- 1.1.1. This Statement of Commonality for Statements of Common Ground (this 'Statement') relates to an application made by Gloucestershire County Council (GCC) (the 'Applicant') to the Planning Inspectorate under Section 37 of the Planning Act 2008 (the 'Act') for a Development Consent Order (a 'DCO'). If made, the DCO would grant consent for the Applicant to construct the M5 Junction 10 Improvements scheme (the 'Scheme'). A detailed description of the Scheme can be found in the Environmental Statement (the 'ES') Chapters 1-4 (TR010063 – APP 6.2).
- 1.1.2. This Statement has been prepared to provide the examining authority (the "ExA") with a summary of the current position at the time of submission of the DCO.
- 1.1.3. This Statement will be revised and submitted to the ExA on each occasion that the updated Statements of Common Ground ("SoCG") are submitted in accordance with the deadlines set out by the ExA.

2. Structure of Statements of Common Ground

- 2.1.1. The SoCGs have been structured in a generally consistent form and set out those matters which are agreed, the matters subject to further discussion and those matters which are not agreed. Each SoCG has been tailored according to the approach agreed with the interested party concerned.
- 2.1.2. Each SoCG has the following structure:
- Section 1: Introduces the SoCG and provides a description of its purpose.
 - Section 2: Outlines the engagement that has taken place with the interested party.
 - Section 3: Sets out any issues that have arisen, reporting on the status of each issue, i.e., whether it is agreed, still under discussion or not agreed and any remaining actions.
 - Where relevant, documents that are referenced in the SoCG, but do not form part of the application, have been appended to the SoCG, to draw the ExA's attention to further relevant information.
- 2.1.3. Each SoCG includes a list of topics, unless the relevant parties consider that there are no issues to address on a particular topic.

3. List of Statements of Common Ground

3.1.1. The Applicant has prepared SoCGs with a number of parties during the preparation of the DCO application. This includes organisations with which the Applicant has a statutory duty to consult with, covered under section 42 of the Planning Act 2008. It also includes other organisations which have an interest in the Scheme and with whom the Applicant has formally consulted.

3.1.2. The parties with which the Applicant has prepared an SoCG are listed in Table 3-1.

Table 3-1 – List of Parties entered into an SoCG with the Applicant

Party
Local Authorities (as defined under section 42 (1)(b) of the Planning Act 2008)
1. The “Joint Councils” – comprising Gloucestershire County Council, Cheltenham Borough Council, and Tewkesbury Borough Council.
Prescribed Consultees (as defined under section 42 (1)(a) of the Planning Act 2008)
2. National Highways
3. Environment Agency
4. Natural England
5. Historic England
Other Interested Parties
6. North West Cheltenham (Elms Park) – Bloor and Persimmon Homes
7. Safeguarded Site adjacent to M5 Junction 10 – Bloor Homes
8. West Cheltenham (Golden Valley) – Midland Land Portfolio (“MLP”) and Cheltenham Borough Council

4. Summary of current position

- 4.1.1. This section provides the current position in respect of each SoCG. The draft SoCGs have been submitted alongside this Statement of Commonality.
- 4.1.2. Table 4-1 provides a high-level position and where necessary includes further detail to aid the ExA's understanding. The high-level positions used in the table are:
- **Agreed with no outstanding matters** – The final SoCG has been agreed by both parties and either all matters are agreed, or some matters are agreed but there are matters which are not agreed and which will not be resolved during examination. Where matters are not agreed, the SoCG provides reasons for the disagreement between the parties.
 - **Agreed SoCG with matters outstanding** – An interim SoCG has been agreed by both parties, but there remain matters outstanding that the Applicant and the interested parties will seek to resolve during the remainder of the examination. Where matters are outstanding, the SoCG indicates the steps which the Applicant (and, where appropriate, the interested party) will take in order to seek to resolve them.
 - **SoCG in draft with matters outstanding** – An SoCG has been drafted by the Applicant, has been shared with the interested party and some comments have been provided in response although the draft is not yet in agreed form. The Applicant anticipates being in a position to provide an agreed form of the SoCG with these parties by the final deadline, if not sooner where this may be of assistance to the ExA.

Table 4-1 – High Level Position of SoCGs





Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline X	Position at Deadline X
Local Authorities				
TR010063 – APP 8.2	Joint Councils	SoCG in draft with matters outstanding		
Prescribed Consultees				
TR010063 – APP 8.5	Natural England	SoCG in draft with matters outstanding		
TR010063 – APP 8.6	Historic England	SoCG in draft with matters outstanding		
Other Interested Parties				
TR010063 – APP 8.7	North West Cheltenham (Elms Park) – Bloor and Persimmon Homes	SoCG in draft with matters outstanding		
TR010063 – APP 8.8	Safeguarded Site adjacent to M5 Junction 10 – Bloor Homes	SoCG in draft with matters outstanding		
TR010063 – APP 8.9	West Cheltenham Golden Valley –	SoCG in draft with matters outstanding		

Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline X	Position at Deadline X
	MLP and Cheltenham Borough Council			

5. Commonality

- 5.1.1. This section of the Statement provides a summary of principal issues covered in each of the SoCGs and demonstrates where there is commonality in the topics or matters.
- 5.1.2. Table 5-1 is presented in such a way to show topics covered within the various SoCGs, how these relate to each other interested party and a colour categorization for each topic. The colour categories are illustrated in Figure 5-1 and seek to provide a high-level summary of matters, and do not necessarily indicate that all matters within the topic are either agreed or not agreed:

Figure 5-1 -Commonality Colour Categorisation

	There is broad agreement on specific matters within this general topic area.
	Matters within this topic area are subject to further discussion.
	There is a general disagreement between the parties within this general topic area.
	Matter is not relevant to interested party / not included in SoCG.

- 5.1.3. Where a matter is not relevant to an interested party, it is not included within the SoCG and therefore not covered in Table 5-1, where it is shown as blue.

Table 5-1 – Table of Commonality at time of DCO submission

		Topic																				
Party		Principle of Development	Statutory Consultation	Assessment of Alternatives	Environmental Impact Assessment Methodology	Air Quality	Noise and Vibration	Biodiversity	Road Drainage and Water Environment	Landscape and Visual	Geology and Soils	Cultural Heritage	Materials and Waste	Population and Human Health	Climate	Assessment of Cumulative Effects	Engineering Design	Draft Development Consent Order	Land	Environmental Management Plan	Construction Traffic Management Plan	
Joint Councils																						
National Highways																						
Environment Agency																						

		Topic																				
Party		Construction Traffic Management Plan	Environmental Management Plan	Land	Draft Development Consent Order	Engineering Design	Assessment of Cumulative Effects	Climate	Population and Human Health	Materials and Waste	Cultural Heritage	Geology and Soils	Landscape and Visual	Road Drainage and Water Environment	Biodiversity	Noise and Vibration	Air Quality	Environmental Impact Assessment Methodology	Assessment of Alternatives	Statutory Consultation	Principle of Development	
Natural England																						
Historic England																						

Party	Topic																				
	Principle of Development	Statutory Consultation	Assessment of Alternatives	Environmental Impact Assessment Methodology	Air Quality	Noise and Vibration	Biodiversity	Road Drainage and Water Environment	Landscape and Visual	Geology and Soils	Cultural Heritage	Materials and Waste	Population and Human Health	Climate	Assessment of Cumulative Effects	Engineering Design	Draft Development Consent Order	Land	Environmental Management Plan	Construction Traffic Management Plan	
North West Cheltenham Elms Park – Bloor Homes & Persimmon Homes																					
Safeguarded Site adjacent to M5 J10 – Bloor Homes																					
West Cheltenham Golden Valley – MLP & Cheltenham Borough Council																					

6. Position as at time of DCO submission

6.1.1. This section provides a summary of the position between the Applicant, and each interested party as at the time of the DCO submission. This section will be updated at each deadline when the revised SoCGs will be submitted, to explain what has changed since the previous iteration. The individual SoCGs should be referred to for further detail on specific matters.

6.2. Joint Councils

6.2.1. Since the Preferred Route Announcement in June 2021, a series of regular meetings have been held with the Joint Councils. The majority of matters raised are outstanding because they require further detail contained within the ES before agreement can be formalised.

6.2.2. The issues identified within the SoCG as being 'matters outstanding' will continue to be discussed with the Joint Councils throughout the remainder of the examination and the Applicant is confident that a number of the issues currently identified as matters outstanding will become 'agreed' matters before the end of examination. There are no principal matters of disagreement.

6.3. Natural England

6.3.1. There have been a series of virtual meetings and email exchanges with Natural England since June 2021 which has enabled several matters to be agreed with Natural England on the Scheme.

6.3.2. A key concern raised by Natural England relates to the Applicants approach to bat licensing; principally around how gaps in bat roost data have been addressed, and the mitigation and compensation approach set out in the draft bat license. Atkins, the Applicant's principal designer, has produced a Compensatory Bat Roost document, which has been sent to Natural England for comment.

6.3.3. In terms of matters agreed, Natural England are in agreement with the methodology within the ES, and information/the approach taken with the dormice and badger. Letters of No Impediment have been agreed with Natural England. It is anticipated that the remaining 'matters outstanding' will be agreed throughout examination.

6.4. Historic England

6.4.1. Historic England has been consulted on the Scheme since June 2021, with regular email exchanges taking place. Virtual meetings have also taken place with Historic England, which allowed the Applicant to discuss the Scheme and provide Historic England with the opportunity to comment and query certain elements of the Scheme.

6.4.2. Historic England raised concerns over potential impacts on the Uckington Moated Site (comprising a Scheduled Monument, and Grade II listed buildings), as well as works at Moat Lane Junction. The Applicant have provided responses in the draft SoCG and have agreed several matters relating to the impact of the Scheme on Uckington Moated Site Scheduled Monument following meetings and sharing of draft DCO documentation.

6.4.3. The principal matters outstanding relate to the impact of the height of the new link road on views from the Moated site, the construction impacts of the Scheme on the setting of heritage assets, and concerns that an Archaeological Management Plan will not be submitted as part of the DCO.

6.4.4. The issues currently identified as 'matters outstanding' will continue to be discussed and it is envisaged that these items will be agreed as the application moves towards examination.

6.5. National Highways

- 6.5.1. Since the preferred route announcement in June 2021 National Highways have been consulted on the Scheme. A meeting was held with National Highways in July 2022 to discuss the approach to the SoCG process given their differing roles on the project. During the preparation of the DCO, National Highways have been a contributor to the Scheme in relation to elements which relate to the Strategic Road Network (SRN). Once the DCO is submitted, National Highways will take on their role as a statutory body for the Scheme.
- 6.5.2. It has been agreed that, in order to avoid conflicts of interest, National Highways will enter into the SoCG process at the point of the submission of the DCO to the Examining Authority. National Highways has indicated they would like to view a draft SoCG once the draft DCO is submitted.

6.6. Environment Agency

- 6.6.1. Since the Preferred Route announcement in June 2021, the applicant has sought to engage with the EA in order to discuss matters raised from the Statutory Consultation. However, engagement opportunities have been limited with one virtual meeting held in January 2023.
- 6.6.2. All issues identified within the draft SoCG remain as 'matters outstanding' from the initial issue of the Preliminary Environmental Impact Report (PEIR) for consultation. The principal matters that are outstanding relate to the EIA methodology, the biodiversity and road drainage and water environment particularly impacts on the aquatic environment and design elements relating to the River Chelt.
- 6.6.3. Since the initial issue of the SoCG, the relevant ES chapters have been shared with the Environment Agency, however no response has been received from this stakeholder. Currently no matters have been agreed with the Environment Agency. The Applicant will discuss the outstanding matters throughout DCO examination, and it is envisaged that many of these items will be resolved as a result of the information provided by the full suite of DCO documentation.

6.7. North West Cheltenham (Elms Park) – Bloor Homes & Persimmon Homes

- 6.7.1. The developers of Elms Park site have been formally consulted on the Scheme since the Preferred Route announcement in June 2021. A draft SoCG was shared with them in May 2023 along with draft DCO documents.
- 6.7.2. Two matters have been agreed, following the issue of non-statutory targeted consultation information. A matter was raised regarding the design of the Scheme and its connection to the proposed Elms Park site. Alterations to the Scheme design that were being subject to targeted statutory consultation resolved this matter. The other issue raised objection to the Scheme proposals to ban right turn movements at the Tewkesbury Road / Retail Park Junction. This option is no longer part of the Scheme and therefore this matter has been resolved.
- 6.7.3. There are three key matters outstanding which relate to traffic modelling information, design changes to the Scheme which impact site accesses to the Elms Park site, and timing of the Scheme which is conditional on Bloor Homes and Persimmon Homes being able to progress the Elms Park development in a timely manner. The stakeholder wishes to agree a construction phasing plan which has regard to the Elms Park construction programme.
- 6.7.4. Since final drafts of the DCO documentation were shared there has been no further engagement with these stakeholders on the draft SoCG. The issues currently identified as 'matters outstanding' will continue to be discussed and it is envisaged that these items will be agreed as the application moves towards examination.

6.8. West Cheltenham (Golden Valley) – Midland Land Portfolio ('MLP') & Cheltenham Borough Council

- 6.8.1. The developers of the Golden Valley site (West of Cheltenham), MLP and Cheltenham Borough Council, have been formally consulted on the Scheme since the Preferred Route Announcement in June 2021. A draft SoCG was shared with them in May 2023 along with draft DCO documents.
- 6.8.2. The stakeholder provided a response to the non-statutory targeted consultation in February 2023. The principal matters outstanding relate to timing of the works and Scheme design in relation to the interface between the Scheme boundaries and the West Cheltenham development site boundaries.
- 6.8.3. Since the final drafts of the DCO documentation were shared, there has been no further engagement received from the stakeholder in relation to the draft SoCG. The issues currently identified as 'matters outstanding' will continue to be discussed and it is envisaged that these items will be agreed as the application moves towards examination.

6.9. Safeguarded Site adjacent M5 Junction 10 – Bloor Homes

- 6.9.1. The developers of Elms Park site have been formally consulted on the Scheme since the Preferred Route Announcement in June 2021. A draft SoCG was shared with them in May 2023 along with draft DCO documents.
- 6.9.2. The principal matters outstanding relate to the principle of development, funding, and Scheme design in relation to the location of access to the safeguarded land.
- 6.9.3. Since final drafts of the DCO documentation were shared with the stakeholder, there has been no further engagement on the draft SoCG. The issues currently identified as 'matters outstanding' will continue to be discussed and it is envisaged that these items will be agreed as the application moves towards examination.

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