

M5 Junction 10 Improvements Scheme

Statement of Common Ground
National Highways
TR010063 - APP 8.3

Regulation 5(2)(q)

Planning Act 2008

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8.3 Statement of Common Ground National Highways

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Glossary

Term	Meaning / Definition
(The) Act	The Planning Act 2008 (as amended)
(The) Applicant	Gloucestershire County Council (Strategic Development team) applying for the DCO
Biodiversity Net Gain (BNG)	Biodiversity Net Gain delivers measurable improvements for Biodiversity by creating or enhancing habitats in association with development
Carter Jonas (CJ)	Land referencing consultant working on behalf of the Applicant
Cheltenham Borough Council (CBC)	CBC is the local planning authority for Cheltenham Borough, and is a statutory consultee for the scheme, as defined under section 42(1)(b) and section 43(b) of the Act
Development Consent Order (DCO)	The consent for the construction, operation and maintenance of Nationally Significant Infrastructure Projects (NSIP) given by the relevant Secretary of State on the recommendation of the Planning Inspectorate under the Planning Act 2008 (as amended).
Environment Agency (EA)	A non-departmental public body with responsibilities relating to the protection and enhancement of the environment in England.
Environmental Impact Assessment (EIA)	A process of evaluating the likely environmental impacts of a proposed development, including inter-related socioeconomic, cultural and human health impacts, both beneficial and adverse.
Environmental Statement (ES)	Reports the findings of the EIA, including at least the information reasonably required to assess the likely significant environmental effects of the development.
Examining Authority (ExA)	The person(s) appointed by the Secretary of State (SoS) to assess the DCO application and make a recommendation to the SoS.
Flood Risk Assessment (FRA)	An assessment of the likelihood of flooding in a particular area so that development needs, and mitigation measures can be considered.
Gloucestershire County Council (GCC)	Gloucestershire County Council. It is therefore a statutory consultee for the Scheme, as defined under section 42(1)(b) and section 43(c) of the Planning Act 2008 ("the Act"). GCC is the local highway authority in Gloucestershire and is the Minerals and Waste Planning Authority (MWPA) for Gloucestershire. GCC also has statutory duties in relation to drainage, flood risk, and heritage assets and archaeology.
Historic England	Publicly funded body that champions and protects England's historic places, also known as the Historic Buildings and Monuments Commission for England.
Host Authority	The local authority, within which the Scheme would be situated, In this case, Cheltenham Borough Council, Gloucestershire County Council and Tewkesbury Borough Council.
Local Planning Authority (LPA)	The county council, metropolitan, or district council, which has statutory responsibilities within its administrative areas.
Nationally Significant Infrastructure Project (NSIP)	A project of a type and scale defined under the Planning Act 2008 and by Order of the Secretary of State (SoS) relating to energy, transport, water, wastewater and waste generally. These projects require a single development consent, which includes consents under different regimes, such as planning permission, listed building consent and scheduled monument consent.

Term	Meaning / Definition
Natural England (NE)	Executive non-departmental public body responsible for the natural environment.
Planning Inspectorate (PINS)	The Government Agency responsible for operating the planning process for NSIPs. The Planning Inspectorate is responsible for examining DCO applications and making recommendations to the relevant SoS, who will make the decision on whether to grant or to refuse development consent. The SoS for Transport takes the decision on applications for highway NSIPs.
Preferred Route Announcement	Designation of a proposed option as a 'preferred route' by the Department for Transport and provides a form of planning protection from development of land in the vicinity of the M5 Junction 10 improvement scheme
Statement of Community Consultation (SoCC)	Prepared in accordance with Section 47 of the Planning Act 2008, to inform, explain and communicate how the consultation will be undertaken.
(the) Scheme	The proposed M5 Junction 10 improvements development which is the subject of a DCO application.
Tewkesbury Borough Council (TBC)	Tewkesbury Borough Council is the local planning authority for Tewkesbury Borough and a statutory consultee for the Scheme, as defined under section 42(1)(b) and section 43(b) of the Act.
Water Framework directive	The Water Framework Directive (2000/60/EC) which established a framework for European Community action in the field of water policy.

1. Introduction

- 1.1.1. This Statement of Common Ground (SoCG) has been prepared in respect of the application for the M5 Junction 10 Improvements Scheme (“the Scheme”) made by Gloucestershire County Council (GCC) (the Applicant) to the Secretary of State for a Development Consent Order (DCO) under section 37 of the Planning Act 2008.
- 1.1.2. If made, the DCO would grant consent for the construction of improvement works to M5 Junction 10, consisting of a new all-movements junction; the widening of the A4019 east of the junction to the Gallagher Retail Park Junction; and a new link road from the A4019 to the B4634. A small section of the A4019 will also be widened to the west of the proposed junction.

1.2. Purpose of this Document

- 1.2.1. This document is a Statement of Common Ground (SoCG) between GCC (the Applicant) and National Highways in relation to the M5 J10 improvement scheme.
- 1.2.2. The document identifies the following between the parties:
 - Matters which have been agreed; and
 - Matters currently outstanding (subject to negotiation or not agreed)
- 1.2.3. The matters which are referenced in this document are that which are considered to be of material difference. Other lesser matters, such as those that concern amendments to supporting documents, will be reported on in the Consultation Report or addressed in the Environmental Statement (ES), submitted as part of the Development Consent Order (DCO) application.
- 1.2.4. The SoCG will continue to evolve as the application for development consent progresses through the pre-application and Examination stages.

1.3. Structure of Statements of Common Ground

- 1.3.1. The SoCG has been structured in a generally consistent form and sets out the 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.
- 1.3.2. 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.
- 1.3.3. Where relevant, documents that are referenced in the SoCG but do not form part of the application are available to the Examining Authority (ExA) upon request.

1.4. Status of this SoCG

- 1.4.1. This SoCG is a correct reflection of the position of both parties at the pre-application stage.
- 1.4.2. It is acknowledged that the views and opinions of both parties may change over time and as such this SoCG will continue to evolve as the application for development consent progresses through the Examination Stage

2. Consultation

2.1. The Role of Gloucestershire County Council

- 2.1.1. Gloucestershire County Council (GCC) is the Highway Authority for Gloucestershire, and the Applicant for the M5 Junction 10 Improvements Scheme will be promoted and delivered by GCC with support from National Highways and Homes England.

2.2. The Role of National Highways

- 2.2.1. The application includes improvements to the Strategic Road Network (“SRN”) controlled by National Highways as well as improvements to the local road network managed by GCC’s Highways Authority. Therefore, National Highways have been a collaborator on aspects of the Scheme related to the SRN. National Highways also perform a separate role as a prescribed consultee under section 42 of the Planning Act 2008. This SoCG contains record of engagement with and matters raised by National Highways in their role as a prescribed consultee rather than their role as collaborator on the Scheme.

2.3. Summary of consultation

- 2.3.1. GCC has been in consultation with National Highways during the development of the scheme’s design, including the optioneering process. The parties have continued communicating throughout the progression of the scheme.
- 2.3.2. The engagement outlined in Table 2-1 covers formal consultation with National Highways and engagement which pertains to matters raised in this SoCG. Other exchanges, such as requests for information or clarification points are not detailed below but are available on request.
- 2.3.3. The consultation with National Highways since the Preferred Route Announcement on 16 June 2021 is set in Table 2-1.

Table 2-1 - Consultation with National Highways

Date	Method	Parties concerned	Matters Discussed
10/06/2021	Email	National Highways	Update on intended date for preferred route announcement
16/06/2021	Email	National Highways	Update on intended date for preferred route announcement
07/12/2021	Email	National Highways	Sharing of stakeholder pack
10/12/2021	Email	National Highways	Issuing of public consultation documents
10/02/2021	Email	National Highways	Receipt of National Highways representation to statutory consultation
12/05/2021	Email	National Highways	Response provided to National Highways’ feedback to statutory consultation
07/07/2022	Meeting Virtual	National Highways, GCC project team, Atkins planning team	Meeting held to update National Highways on the progress of the Scheme and to agree their approach to undertaking the SoCG. At this stage National Highways indicated that the initial SoCG draft should be shared with them at the point of receiving the draft DCO.

3. Topics covered in this SoCG

3.1.1. The following table is a summary of the topics which are considered within this SoCG

Table 3-1 - Summary of topics considered within this SoCG

Overarching topic	Topic Number	Topic
Background	1.	Principle of Development
	2.	Statutory Consultation
Relevant ES Chapter	3.	Assessment of Alternatives
	4.	Environmental Impact Assessment Methodology
	5.	Air Quality
	6.	Noise and Vibration
	7.	Biodiversity
	8.	Road Drainage and the Water Environment
	9.	Landscape and Visual
	10.	Geology and Soils
	11.	Cultural Heritage
	12.	Materials and Waste
	13.	Population and Human Health
	14.	Climate
	15.	Assessment of Cumulative Effects
Other Topics	16.	Engineering Design
	17.	Draft Development Consent Order
	18.	Land
	19.	Environmental Management Plan
	20.	Construction Traffic Management Plan

4. Matters Agreed

4.1.1.

4.1.2. Table 4-1 shows those matters which have been agreed, including the matter reference number, and the date and method by which it was agreed.

Table 4-1 - Matters agreed between the Applicant and National Highways

Matter Reference number	Position	Date and method of agreement
1. Principle of Development		
1.1		
1.2		
2. Statutory Consultation		
2.1		
3. Assessment of Alternatives		
4. Environmental Impact Assessment Methodology		
5. Air Quality		
6. Noise and Vibration		
7. Biodiversity		
8. Road Drainage and the Water Environment		
9.	Landscape and Visual	

Matter Reference number	Position	Date and method of agreement
10.	Geology and Soils	
11.	Cultural Heritage	
12.	Materials and Waste	
13.	Population and Human Health	
14.	Climate	
15.	Assessment of Cumulative Effects	
16.	Engineering Design	
17.	Draft Development Consent Order	
18.	Land	
19.	Environmental Management Plan	
20.	Construction Traffic Management Plan	

5. Matters Outstanding

5.1. Principal matters outstanding

5.1.1. The principal matters outstanding between Applicant and Joint Councils are:

5.2. Matters outstanding

5.2.1. Table 5-1 shows those matters that are outstanding between the parties, including that matters reference number, and the date of the latest position. Table 5-1 - Matters Outstanding

Matters Reference Number	Position of Interested Party	Applicant Response	Date of the last Position
1.	Principle of Development		
2.	Consultation		
3.	Assessment of Alternatives		
4.	Environmental Impact Assessment Methodology		
4.1.	References to the Design Manual for Roads and Bridges (DMRB) methodology for consideration of significant effects in the short term should be provided, particularly in relation to 1dB change and exceedance of the Significant Observed Effect Level (SOAEL). As this is a local authority scheme, if consultation is undertaken with other local authority departments, the reporting of this should be factual and clearly state who will or has been consulted, why and the reason why the consultation work hasn't been completed to date. This clarity will help understanding	More information on the short term assessment, as well as the consultation process will be included in the ES.	12.05.21

Matters Reference Number	Position of Interested Party	Applicant Response	Date of the last Position
	where there is potential for significant environmental effects.		
4.2.	In terms of survey approach, attention should be given to the translation between Phase 1 and UKHab not always being direct, therefore the necessary surveys should be undertaken using UKHab, assessing conditions accordingly. Translation of Phase 1 isn't considered a robust approach to establish the biodiversity baseline.	This has been identified as a limitation in the Biodiversity Net Gain (BNG) assessment that has been undertaken to-date using Metric 3.0 and based on the Design Fix (DF) 2 design. UK Habitat surveys are proposed in May 2022. These will feed into an update to the BNG assessment, along with updated landscape design and the DF3 design.	12.05.21
4.3.	In terms of scheme design compliancy, as the design develops it should also include that it is both DMRB and Water Framework Directive (WFD) compliant.	The Scheme is being designed in line with DMRB and Water Framework Directive (WFD) legislation to ensure it is compliant with both.	12.05.21
4.4.	Clarification should be given around the availability of the results of the Geophysical survey undertaken in 2020 and subsequent surveys to be included within the Environmental Statement.	The full results of the geophysical survey and trenching will inform the ES.	12.05.21
5. Air Quality			
5.1.	National Highways have been consulted on this document prior to publication and have the following remaining comments on this chapter: It is noted that the LV is now 20µg/m ³ for PM2.5. (Table 5-1) and with the PM2.5 change in concentration there is no risk of LV compliance issue with the scheme. This can be done by utilising PM10 values if necessary (Paragraph 5.1.49). Generally, with reference to 2.92 of LA105, magnitude of change shouldn't be assigned to	Comparisons to PM2.5 Air Quality (AQ) thresholds will be presented in the Environmental Statement (ES) and Figure 5.3 will be updated to present concentrations rather than change where modelled receptors are below the AQ threshold.	12.05.21

Matters Reference Number	Position of Interested Party	Applicant Response	Date of the last Position
	individual receptors as it's meaningless, they are intended to inform the significant test rather than saying there is medium changes at receptors that don't exceed. This chapter was accepted by National Highways on the understanding that this point would be addressed in the final version of the consultation material.		
6. Noise and Vibration			
6.1.	National Highways also have data available on EnvIS which confirms the locations of Noise Important Areas (NIAs) on the strategic road network and confirms where low noise surfacing has previously been deployed. The Applicant should consider accessing this data source and referring to the information in the Environmental Statement to be produced with a note included to say this will be the case. Additionally, it should offer clarity as to why only daytime noise was assessed.	The ES will include the additional information, including nighttime assessment.	12.05.21
7. Biodiversity			
7.1.	Maintenance responsibilities for bat roosts where created need to be considered. It was also noted that n-dep hasn't been considered quantitatively to inform assessment at this stage so this will need to be referenced in Paragraph 7.11.3.	Further detail will be included in the ES.	12.05.21
8. Road Drainage and the Water Environment			
9. Landscape and Visual			
10. Geology and Soils			

Matters Reference Number	Position of Interested Party	Applicant Response	Date of the last Position
11. Cultural Heritage			
	It is noted that the Historic Statement should be characterised using the current Scheme boundary at the very least and the limitations to the magnitude of impact stated if it isn't possible to undertake the assessment of impacts on it. Clarification around the availability of its assessment which will follow the next design fix should be included within the Environmental Statement.	The study area for the assessment of the impacts to the historic environment is defined by the redline boundary for a Scheme. The methodology for identifying the magnitude of impact has been presented as part of the PEIR and will be included as part of the Environmental Statement.	12.05.21
	Clarification is needed as to where responsibility will lie with delivering mitigation for cumulative effects being provided through "archaeological recording that provides a landscape scale interpretation of the information recovered	The ultimate responsibility for the mitigation lies with the developer. The "landscape scale" interpretation does not mean that work is required outside of the redline boundary, only that recent investigations in the area need to be considered when interpreting the results to provide an understanding beyond the specific remains impacted by the scheme.	12.05.21
12. Materials and Waste			
13. Population and Human Health			
14. Climate			

Matters Reference Number	Position of Interested Party	Applicant Response	Date of the last Position
15. Assessment of Cumulative Effects			
16. Engineering Design			
16.1.	<p>The Indicative General Arrangement Plan shows the welcome provision of new cycle paths and footways along the local road network. With regard to the section to the west of the M5, this terminates shortly after the junction and merges into a narrow footway on the northern side of the A4019. It is considered that the plan should show a direct access onto the cycle path from the eastbound carriageway of the A4019 (just after the bus stop) so that this can be accessed before the motorway junction and without having to cross the road markings of the earlier junction. Additionally, some further thought must be given to how cyclists travelling west on the new cycle path can safely access the westbound carriageway of the A4019 to continue their journey. Such changes would help reduce the number of cyclists entering the carriageway of the junction and incentivise more local journeys by bike.</p>	<p>This comment is noted, and such provision will be incorporated into the developing preliminary design. This will include features to provide a connection between the off-road facility and the carriageway (and vice versa).</p>	12.05.21
16.2.	<p>It has been noted that there will be some directional drilling by Statutory Undertakers involved which could have an impact on the safe operation and maintenance of the SRN.</p> <p>It is noted that a site visit during the Preliminary Design Stage is being arranged between the affected parties which will provide further information.</p>	<p>National Highways will be fully involved in the design process and the proposals for directional drilling will be developed in conjunction with them to ensure the safe operation and maintenance of the Strategic Road Network.</p>	12.05.21
17. Draft Development Consent Order			

Matters Reference Number	Position of Interested Party	Applicant Response	Date of the last Position
18. Land			
18.1.	National Highways are unable to comment on this due to a lack of available information but welcome future meetings to discuss. When additional information is available, the National Highways Property Management team will review the land that National Highways currently holds title to and owns or has an interest in.	We note the comments, and we will continue to liaise with you as the scheme progresses so you have all of the information required.	12.05.21
18.2.	If the scheme stops up any of the land we own, it will need to be identified and National Highways duly informed. As the indicative layout of just the M5 Junction 10 for consultation doesn't show the scheme to the North and South, the Scheme Plan is satisfactory but it's not clear what works or powers are proposed outside the area shown on this plan and we request that additional information is provided. Further discussion will be required upon receipt of this information regarding the use of existing Operational Land and whether the land is to be considered a permanent or temporary acquisition. Any land acquisition required for the scheme should not impede the safe operation and maintenance of the SRN.	The drawings that form part of the DCO application will show all of this information. We are continuing to liaise with National Highways to clarify the position.	12.05.21
19. Environmental Management Plan			
20. Construction Traffic Management Plan			

Appendices



Appendix A. Matters to be determined

- A.1.1. There are some matters which the position of National Highways is pending upon publication of the full suite of DCO application documents, in particular those relating to the Environmental Statement (ES).
- A.1.2. The Applicant will continue to review matters with the Joint Councils during the examination of the DCO application and discussions will be aided by the Joint Councils being able to review the full suite of DCO application documents on the National Infrastructure Planning website (at the point of submission).

Table A-1 - Matters to be determined between the Applicant and National Highways

Ref	Matter	Position	Date of the latest position

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