



Tracey Williams
Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

AtkinsRéalis
Nova North
11 Bressenden Place
London
SW1E 5BY

OUR REFERENCE:
M5 J10 LA AOC

YOUR REFERENCE:
TR010063

Date: 4/1/24

Dear Tracey,

Adequacy of Consultation Representation requested under s55 of the Planning Act 2008 for the M5 Junction 10 Improvements Scheme

This letter is in response to your email communications dated 20th December 2023, inviting the host authorities; Gloucestershire County Council (GCC), Cheltenham Borough Council (CBC) and Tewkesbury Borough Council (TBC), to submit representations on the adequacy of consultation. This response is submitted on behalf of GCC, CBC and TBC, hereafter referred to as the 'Joint Councils'. It sets out the Joint Councils' views relating to GCC – Major Projects Team, hereafter referred to as the 'Scheme Promoter', pre-application consultation for the proposed M5 Junction 10 Improvements (M5J10) Scheme Development Consent Order project.

The Joint Councils are of the view that Scheme Promoter has adequately carried out its duties of pre-application consultation in accordance with the provisions set out in Sections 42, 47 and 48 of the Planning Act 2008 (as amended).

It should be noted that the Joint Councils have been fully engaged in the M5 Junction 10 Improvements Scheme since the inception of the project and the drafting of the bid to the Government's Housing Infrastructure Fund.

One point of clarification, within the Consultation Report it notes the Joint Core Strategy (JCS) in the summary of bodies, this needs to be updated to Cheltenham, Gloucester & Tewkesbury Strategic and Local Plan (SLP) going forward.

Duty to consult under s42

The Joint Councils are only able to comment on the adequacy of consultation in relation to their roles as host local authorities under s42(1)(a), as a local authority as set out under s42(1)(b) and as parties with interest in Order land under s42(1)(d).

The Scheme Promoter has been in consultation with the Joint Councils during the development of the Scheme's design, including the optioneering process. The Joint Councils have been full and active members of the M5 Junction 10 Improvements Scheme Steering Group. This has enabled close contact with the detail of the scheme as it has developed, acting as a valuable point both for the receipt of detailed information, but also importantly enabling a point of check and challenge. Engagement through this group has been positive and responsive.

The preferred route was announced on the 16th June 2021 and the parties have continued communicating throughout the progression of the Scheme. Since June 2021 meetings have been held and email correspondence has discussed a wide range of issues including the information that should be included in the Environmental Statement, the impact of the proposal on the Climate and how the consultation should be conducted.

The Joint Councils and Scheme Promoter have commenced the production of a draft Statement of Common Ground (SoCG). This has been regularly updated to reflect the comments from both the Joint Councils and Scheme Promoter. This will continue to be updated as the development proposal progresses. This has included responding to issues the Joint Councils have raised arising from their own member engagement, parish councils and wider stakeholders.

At key points in the programme, online presentations together with Q&A has been facilitated. However, outside this an open channel has been maintained to answer questions and queries arising direct.

The Joint Councils have all raised matters for discussion that are particularly relevant to the individual authorities that form the Joint Council. The applicant has provided a detailed response to each concern raised within the Consultation Report, thus acknowledging the concerns of the statutory consultees.

The Joint Councils are satisfied that Scheme Promoter has fulfilled its duty to consult the host and local authorities as well as those who with interest in Order land as set out under s42 of the Planning Act 2008.

Duty to consult the local community under s47

The Joint Councils met with the Scheme Promoter in a series of meetings from August 2021 to September 2021 to discuss the draft Statement of Community Consultation (SoCC) for the 2021-2022 statutory public consultation. On 23rd September 2021 GCC wrote to the Councils separately and invited comments on the draft SoCC over a statutory period of 28 days. GCC officers, acting on behalf of the host local authority, responded with comments on the SoCC and the arrangements for hosting the consultation during the COVID-19 pandemic. CBC and TBC did not make any comments and accepted the draft SoCC following on from the engagement work undertaken through the M5 Junction 10 Improvements Scheme Steering Group.

In November 2021, the Scheme Promoter published the finalised SoCC and issued a copy to the Joint Councils. Within the correspondence, the Scheme Promoter confirmed that all comments had been taken on board and the SoCC had been amended accordingly. The Joint Councils note that Table 7-2 of the GCC Consultation Report provides an accurate account of the comments made and the clarifications requested by the Joint Councils and the responses provided by the Scheme

Promoter. The Joint Councils are content that regard was given to the comments and clarifications raised.

The 2021-2022 statutory public consultation ran for a period of 10 weeks from 8th December 2021 to 15th February 2022. While most legal restrictions to control COVID-19 had been lifted prior to the statutory public consultation period, the Joint Councils note that Section 7.2 of the GCC Consultation Report provides an account of the engagement strategy of GCC to undertake both virtual and face to face public consultation events. This aimed to ensure all stakeholders at different stages of their deconfinement and adjustment to the latest COVID-19 situation were included. The 2021-2022 statutory public consultation is considered to have been carried out in accordance with the commitments made in the SoCC, the requirements under s47, the 2020 Regulations on amendments to the procedural requirements for major infrastructure projects, and the latest UK Government guidelines on the COVID-19 pandemic.

Public consultation occurred in a venue as close to the scheme development as possible, to enable local residents ease of access to attend. Consultation to date through the pre application has included both full public engagement and targeted engagement. Sitting alongside this has been access to online material that sets out the detail of the scheme.

Duty to publicise under s48

The DCO application and the 2021-2022 statutory public consultations are considered to have been publicised in accordance with the commitments made in the SoCC and the requirements under s48. The Joint Councils are not aware of any complaints made by the local community to the Joint Councils in relation to the adequacy of the Scheme Promoter's publicising of the DCO application and the statutory pre-application public consultation.

Overall, it is the view of the Joint Councils that the Scheme Promoter has fulfilled its commitments for publicising the DCO application and the 2021-2022 statutory public consultation and that this is accurately reflected in the Consultation Report.

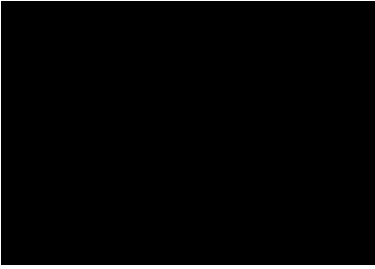
Conclusion

Gloucestershire County Council (GCC), Cheltenham Borough Council (CBC) and Tewkesbury Borough Council (TBC), are the Joint Councils and host authorities for the M5 Junction 10 Improvements Scheme Development Consent Order project. As host authorities, the Joint Councils submit this Adequacy of Consultation Representation to the Planning Inspectorate. The Joint Councils consider that they have been adequately consulted by the Scheme Promoter under s42 of the Planning Act 2008. It is also the view of the Joint Councils that the Scheme Promoter has adequately consulted the public under s47 of the 2008 Act and fulfilled its duty to publicise the statutory public consultations under s48 of the 2008 Act.

Yours faithfully



Tracey Birkinshaw, Director of Communities & Economic Development, Cheltenham Borough Council



Nick Bryant, Associate Director - Planning, Tewkesbury Borough Council



Simon Excell, Assistant Director – Planning and Economic Development, Gloucestershire County Council