



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

Customer 0303 444 5000
Services:

e-mail: M5Junction10@planninginspectorate.gov.uk

By email

Your Ref:

Our Ref: TR010063

Date: 16 January 2024

Dear Tim Pearce,

Planning Act 2008 (as amended) – Section 51

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

Advice following issue of decision to accept the application for examination

On 16 January 2024 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's Acceptance Checklist and the Applicant's Application documents have been published and made available on the project page of our website. See link below;

[M5 Junction 10 Improvements Scheme - Project Information \(planninginspectorate.gov.uk\)](https://planninginspectorate.gov.uk/m5-junction-10-improvements-scheme-project-information)

In undertaking checks at the acceptance stage, the Inspectorate made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of those initial observations and also has regard to the earlier guidance issued on the 23 November 2023. The advice here is not intended to repeat that in full, as it has already been indicated further work is to be undertaken in respect of the Flood Risk Assessment and the Transport Assessment.

The Applicant should pay attention to its content and consider how appropriate action might be taken in response. It should be read in conjunction with the M5 Junction 10 Improvements Scheme Acceptance of Application checklist (Section 55 Checklist) issued alongside it.

Land Plans (Document 2.2)

Sheet 5 Plot 5/6c & 5/6h of the land plans may benefit from an inset due to the small size and sheer volume of plots surrounding.

Some of the locational descriptions of plot numbers in the Book of Reference (BoR) when crossed referenced to the Land Plans could be more accurate. For example, Sheet 5 Plot 5/6d description in the BoR reads “south of Bridge House and northeast of Laburnum” where as on the land plan it appears to be located north west of Laburnum.

Sheet 11, Plot 11/1b is described as ‘West of Elm Tree Cottage’ in the BoR, however the plot appears to be located Northwest of Elm Tree Cottage

Sheet 11, Plots 11/1d & 11/1f are described as being located ‘East of Mill Cottage’ in the BoR. Whereas Plot 11/1e is described as being located ‘northeast of Mill Cottage’. As the plots are in the same area, they should be re-labelled with the same directional description (east).

Biodiversity Sites and Features Plans – Part 1 - Large Scale Plan (Document 2.11)

Document 2.11 appears to be a merged document of the requirement of 29 (L)(i) and 29 (L)(iii) of the s55 checklist, as it combines biodiversity features (on a single sheet) and water bodies in a river basin management plan (16 sheets). The water bodies figure does not have a separate entry on the document index, and as such is it advised that this be provided as two separate documents. The water bodies shown on this plan are also not clearly labelled on each sheet, (however a figure with clear labelling is provided in 6.15 ES Appendix 8.4).

The exported large scale plan has some rendering issues, where the (former) Area of Outstanding Natural Beauty (now known as National Landscape) layer has sporadic horizontal lines that are not shown in the legend. The Applicant is also advised to update the terminology used.

There is also no base map to indicate the geographical location of the identified sites/features.

Environmental Master Plan (Part 2) (Document 2.13)

The final plan in the second part of the Environmental Master Plan is the “*Proposed Indicative River Chelt Link Road River Cross-Sections*” and should be removed as it does not appear to be part of the correct document.

Draft DCO (Document 3.1)

There appears that there may be a contradiction between the Environmental Statement (ES) and the DCO as the DCO would allow for a depth of up to 2 metres, while the ES Chapter 2, paragraph 2.5.30 states that storage for 190,298 cubic metres of floodwater storage would be provided, with permitted excavation no deeper than Piffs Elm culvert. Please ensure consistency between documents.

The Applicant is advised to explain the reason for the change between the use of square metres in the DCO and cubic metres in the ES with reference to flood storage.

Environmental Statement (Document 6.1 – 6.15)

Description of the Development

The Inspectorate has identified inconsistencies in the way the Proposed Development has been described in the ES and other application documents. Examples include:

- the required volume of flood storage, including the permitted maximum depth / limits of deviations for excavations (as above);
- the slope of the embankments; and
- the volume of fill required (as below).

The above are examples only and the Applicant is advised to ensure that there is consistency in the project description for all elements across all documents, or an explanation as to why any parameters have been considered differently.

The ES does not include information about the expected number of construction workers, associated vehicle movements, or the number of parking spaces proposed as part of construction compounds (if any). The Applicant should provide this information or, if it is not yet known, confirm a worst-case scenario with an explanation as to how this has been established.

The quantum of excavations and import of materials, also need to be clarified as there is a discrepancy with information presented in ES Chapter 12 (Document 6.10) compared to Chapter 2. Table 12-9 appears to state that 664,873m³ of primary aggregate would be imported to site, which with the c. 200,000m³ available from the flood storage excavation as noted in paragraph 2.8.12, would lead to a total required fill volume of 864,873m³, rather than the c. 660,00m³ stated in ES Chapter 2.

As set out in our earlier advice to you of the 23 November 2023, understanding the external appearance and means of landscaping remains an important issue. The Guidelines for Landscape and Visual Impact Assessment (GLVIA) suggests that for the majority of EIA development, Type 2 to 4 visualisations should be prepared i.e. wireline or photomontages. This type of visualisation has not been provided and there does not appear to be clear explanation or justification why this scheme would not warrant such detail to support the proposal and aid all parties with their understanding of the development. Within the ES Chapter 9 the approach taken relies upon the methodology from the DRMB that indicates visualisation at year 1 and year 15 are expected, visualisations in line with GLVIA to the standard referred to above would provide far greater clarity for all parties.

Assessment scope

ES Chapter 5 - Air Quality and ES Chapter 14 - Climate do not include an assessment of emissions from construction worker vehicle movements. The Scoping Opinion was based on a commitment in the Scoping Report to provide such an assessment as part of the consideration of greenhouse gas (GHG) emissions. The ES should include an assessment of this matter, based on a worst case scenario if the numbers have not yet been

established, or otherwise explain by reference to relevant guidance as to why significant effects are not likely to occur.

ES Chapter 8 - Road Drainage and Water Environment presents an assessment of effects during the construction phase and concludes a moderate or large (significant) effect for flood risk, which it is stated could be managed through a future iteration of the Environmental Management Plan (EMP) (2nd). The assessment is based on generic impacts associated with road schemes rather than information specific to the Proposed Development.

Flood Risk Assessment (Document 6.15)

ES Appendix 8.1A does not provide information to differentiate between land within Flood Zone 3a and 3b. The Applicant is advised to provide updated figures and text which describe the location and extent of these flood zones.

The figures in ES Appendix 8.1B skip from 3-4 to 3-7 and 5-1 to 5-4. It does not appear that any are missing as the contents page appears to indicate that the Applicant did not use the intervening figure numbers; however, the Applicant is advised to confirm this.

The Flood Risk Assessment (FRA) refers to several other reports including a Scheme Modelling Report and three Atkins reports that have information to support the sequential/exception test, which have not been provided. The Applicant is advised to submit these.

ES Appendix 8.1 FRA suggests that further modelling of construction phase effects on flood risk may be required at a later stage (for the River Chelt and Leigh Brook), as secured in the Register of Environmental Actions and Commitments (REAC). The FRA also suggests that further assessment of the proposed haul routes may be required. It is unclear how such assessment is secured, as whilst reference is made to other consenting processes (e.g. for environmental permits), it is not categorically stated that this would be used. The Applicant is advised to explain whether the additional modelling and/ or assessment described is required to inform the assessment of construction phase flood risk effects in the ES to support the identification of any further mitigation required.

The FRA states that construction compounds would be located outside of Flood Zone 3 or would require temporary platforms and compensatory storage. This matter is not referenced in ES Chapter 8. The REAC (WE15) states that compounds within the floodplain would be minimised and does not reference compensatory storage (other than the permanent areas in Work Nos. 3, 5 and 7). The Applicant is advised to explain how the siting of construction compounds has been assessed in the ES and whether there is a requirement for compensatory storage on a temporary basis during construction (and if so, whether provision has been made for this within the dDCO).

ES Appendix 7.3 Bat Survey Part 1 of 2 (Document 6.15)

There is no list / mention of appendices in the contents page. It is recommended that the appendices are listed for information to be easily located.

Consultees identified on a precautionary basis

As detailed in the Section 55 checklist there are several potentially relevant bodies which, on the basis of the information provided by the Applicant, do not appear to have been consulted at the pre-application stage. These are:

- Wales and West Utilities Ltd
- GTC Pipelines Limited
- Mua Electricity Limited
- Optimal Power Networks Limited
- Malvern Hills District Council
- Wychavon District Council

Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, the Planning Inspectorate suggests that the Applicant may wish to include the above bodies amongst those on whom they serve notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient Examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

TA Williams

Tracey Williams
Case Manager- National Infrastructure

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