

22<sup>nd</sup> March 2024

National Infrastructure Projects  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

By email to [M5Junction10@planninginspectorate.gov.uk](mailto:M5Junction10@planninginspectorate.gov.uk)

Dear Sirs,

**M5 Junction 10- proposed Development Consent Order**

I wish to submit the following representations, on behalf of my clients, the landowners of the farm land adjoining the A4019 known as land at [REDACTED] - Mrs Mary Bruton & Ms Elizabeth Counsell- with regard to the M5 Junction 10 Improvements Scheme. This land forms part of the Safeguarded Land to the North East of junction 10.

My clients wish to reiterate (as no response has been received from the council or their appointed agents, Carter Jonas, to previous concerns raised as to the deterioration in their accesses post DCO) their concerns at the safe farming of their land and the risks that the proposed access create for large, slow farm machinery entering and leaving site on to an already busy road.

The extent of the very limited information and high level drawings supplied to date show at least four users sharing a narrow single vehicle width track which will be far inferior to the current levels of access to the substantial area of land that my clients farm at this location. At peak times such as harvest, we believe that accidents are likely to occur as a result.

I attach my previous representations on this matter to avoid further repetition.

Despite multiple written requests and promises made by the council's representatives at face to face meetings, going back over several years, we are still to receive any drawings at a technically detailed level.

Yours faithfully,

[REDACTED]

Andrew Bower  
Agent for the Landowners, registration identification number 20047682

Encl.

14<sup>th</sup> February 2022

Mr Gareth Herbert  
Project Manager  
Gloucestershire County Council

By email to [M5Junction10@atkinsglobal.com](mailto:M5Junction10@atkinsglobal.com)

Dear Mr Herbert

### **M5 Junction 10 Improvements Scheme - Statutory Public Consultation- Response**

Thank you for sending the drawings to my client, Mrs Mary Bruton; this response is submitted on behalf of both her and her sister, who jointly own the land and for whom I act. These comments are made without prejudice.

As previously stated, my clients support the overall proposal, but do have substantial concerns with regards to the current draft proposal:

1. There are serious farm traffic safety concerns as to the current proposals for alterations to access on to the A4019 where it passes their land and their secondary access point to the East. Their land comprises a substantial block of arable ground which lies North of the road. The current primary access lies almost opposite Withybridge Lane and as traffic has increased over the years is already a challenging junction to slow down for, turn in to and- more notably- to pull out of with large farm machinery, including combine harvesters, tractors with fully laden grain trailers, straw balers and straw articulated lorries, as well as the usual tractors, seed drills, fertiliser trailers and regular sprayer visits through the year. At present vehicles exiting the land turn right across the carriageway- this will no longer be possible due to the proposed new central reservation and barriers.

The proposed changes have the following impacts:

- a) Remove two accesses points, to be replaced by a single one over land they do not own, meaning that if there is an accident on the main road around that point there will be no availability of an alternative exit and entry point, which can cause the potential for a notable impact on the business during peak periods, especially when weather changes mean operations need to be completed urgently.
- b) That single access is informally proposed to be initially by an interim solution of a narrow track with several bends on it, whereas the current two access routes are both straight. Furthermore, the new access would be shared with three other land owners who may well all be looking to carry out similar high peak volume works at the same time e.g. during harvest. In addition to this the contractor for the junction 10 works will also be using this area, given the proposed compound location. At the meeting with you on 9<sup>th</sup> June 2021 you confirmed that

you would be creating a four lane junction in to the land; this was again reiterated at our meeting on 3<sup>rd</sup> December 2021, as per the Carter Jonas minutes that say a 4 lane junction will be created, albeit on a shorter length basis.

- c) The new access for the third party land by the M5 would also pass along the frontage of my clients' land and expose them to the substantial risk and costs of the illegal users of one of the nearby fields causing similar problems, as well as fly tipping, on to their land.
- d) The splays as shown for the temporary access do not look sufficient for longer vehicles which include combine harvesters and articulated lorries collecting either crops or straw from the land.
- e) There does not appear to be any proposed traffic lighting for the temporary access - thus the multiple users of the access could have to halt on the A road to wait for a vehicle to exit on to the road; they will not be able to safely reverse along such a curved track. My clients traffic flows from the land always turn right/West from the site, hence crossing the carriage way. There seems a high likelihood of accidents if this has to be done with other high sided vehicles waiting on the A4019 to turn in to the land, as they will limit visibility for all road users.

My clients request that the proposals are altered as per the following objections:

- i) The new access is built to an adoptable standard with two lanes in and two lanes out with traffic (exit triggered) lights, as previously promised and as shown in the Consultation document- on which these representations are based.
- ii) This access is straight, built as per the main scheme design shown in the Consultation and extends/is adopted all the way up to their land, otherwise they are suffering a major degradation in the safety, quality and accessibility of their remaining land.
- iii) A replacement secondary access further East is provided and maintained as an alternative emergency route in case the main access is blocked by an accident.
- iv) The third party fields to the West, between my clients' land and the M5 should be provided with their own new accesses from the North, across land owned by the town council. This removes a security risk to my clients' land and reduces the number of agricultural users that would need to utilise the new access on to the busy A4019. Sharing this access with a second party is much more dangerous than at present; sharing between four agricultural users is seen as unwise at best and likely to cause accidents at worst, given the increase in traffic volumes above the current high levels.
- v) Further detailed information is provided with regards to the flood risk and drainage modelling as this could impact detrimentally on to the subject land.
- vi) Progression with either a Development Consent Order or the use of compulsory powers should not be progressed until the matter of safe and no lesser standard of accesses are satisfactorily resolved.

Your agent has also provided a plan that shows there is only a permanent land purchase under the DCO along the land's existing frontage to the A4019; all other land is only required for the construction compound. This is understood and there are no objections, on the basis that this remains the case.

If you require any further information at this stage, please let me know.

Yours sincerely,



Andrew Bower  
Agent for the Landowners

5<sup>th</sup> September 2022

Mr Scott Macaulay-Lowe  
Gloucestershire County Council  
By email to [M5Junction10@atkingglobal.com](mailto:M5Junction10@atkingglobal.com)

Dear Mr Macaulay-Lowe

## **M5 Junction 10 Improvements Scheme - Additional Targeted Consultation- Response to consultation and to latest highways proposals regarding future land access**

This letter is submitted on behalf of both Mrs Mary Bruton and Mrs Elizabeth Counsell, who jointly own land at [REDACTED]. These comments are made without prejudice.

In Kathryn Haworth's letter of 12<sup>th</sup> May 2022 responding to previous representations, she stated "We will continue to liaise with you to develop and agree a solution prior to our submission of the Development Consent Order (DCO) application." There were several similar comments throughout that document, as well as previous ones/meetings; these gave us confidence that a sensible series of solutions were forthcoming. However, the most recent information provided through your liaison with Bloor Homes (who have a Land Registry registered interest of their option agreement over the subject land) cause serious concern given that many elements completely turn previous changes on their head with no explanation, calculations or detailed information as to why there have been these amendments, which can only lead us to conclude they are simply on financial cost cutting grounds. These changes would lead to my clients being in a substantially worse position than before the proposed DCO and certainly do not show any regard to the above mentioned liaison and concept of working together.

If this current basis represents the final position then I regret to inform you that we will not be able to support the DCO and will object and fight it as necessary in order to protect the landowners' position. The council's proposals take away both of the owned access points, to be replaced by a multi-user small single junction which conveniently leaves control to the land that is safeguarded for development in your own council's hands. I repeat our view that there would be inevitable serious accidents from these poorly thought out and dangerous designs.

In more detail:

- 1. Removal of two owned access points & their replacement with a right of way:** given this land is clearly reserved for development given its safeguarded status, the proposal to leave my clients land locked, save for a right of way owned by the council, will have a substantial risk of impact on the value of the site and the flexibility in terms of master planning any future development scheme. This will therefore result in us having to make a substantial claim for this loss as part of the DCO process, which is a major backwards step given that the DCO acquisition had been looking likely to be achieved on a consensual basis. It is of utmost relevance that the short extension required up to the boundary of my clients' land is entirely within the ownership of the council, so an owned access could easily be provided for the main access.

I suspect that the compensation claim for the significant effect on the diminution in value of the retained land will far outweigh any perceived savings on junction design and access road length. There may also be a claim due to the reduction in control over masterplanning the site's development layout with a resultant loss in the footprint of developable area; this is against the

methodology that should be carried out both under the DCO and in terms of the JCS policies on the safeguarded land.

My understanding of the DCO and JCS is that there should be a fairness test whereby my clients' land should not be prejudiced in its relativity to other development land. In particular where one of the main nearby landowners is the council; the current proposals seem to set development up very nicely for the council itself, to the detriment of my clients and other private landowners.

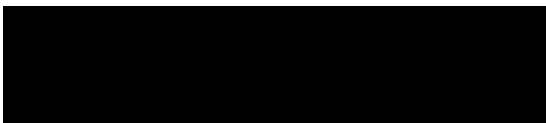
2. **Danger of the narrow junction dimensions proposed for the agricultural access:** the reasons behind this have been explained in detail within previous correspondence that serve no benefit in being repeated here. We are disappointed, to put it mildly, to not be provided with the courtesy of explaining this abrupt change of position. We struggle to believe that if this junction was a stand alone one submitted by the farmers that it would ever be approved, certainly on the thin to non-existent (as far as we are aware) supporting data.
3. **The M5 Junction 10 improvement scheme is aimed at facilitating growth:** installing a new sub standard access for one of the main housing (and employment) areas that is supported by HIF grant aid will only slow down the delivery of this site, especially when adding to the requirement to further negotiate with the council over extending the road across your land to my clients' boundary will only slow the process and delivery further.
4. **The proposals in the Additional Targeted Consultation:** the proposed PROW and underpass , as well as the ecological mitigation should not be contentious, but given they are put forward in isolation from the development proposed on the safeguarded land they represent potential obstacles to the delivery of that land due to their possible impact and need to relocate to maximise the efficient utilisation of the land. Hence they are objected to.

#### Proposals:

- a. Return to the previous 2022 larger junction design that connects up to my clients' land.
- b. Retain a secondary access, in a position to be agreed and documented as acceptable to your highways department.
- c. Any shared access must be adopted given the number and range of type of user, it would be unlikely to secure payments on a maintenance according to user basis.
- d. Provide detailed data to support all the proposals and confirm their acceptability in design terms.
- e. The new underpass and changes to the PROW on the North side of the Uckington Road should only proceed on the basis that their designs are subject to agreement by Bloor Homes and my clients so as not to prejudice the development of the land to the North.
- f. Likewise for the planned ecological mitigation works and planting.

These comments should be taken in conjunction with my previous submissions. If you require any further information, please let me know.

Yours sincerely,



Andrew Bower  
Agent for the Landowners