

Highways Commissioning
Block 5, 6th Floor East
Shire Hall
Gloucester GL1 2TH
Telephone: 01454 662377

5th April 2024

M5 Junction 10 Improvements Scheme

Dear Mr Maund,

Application by Gloucestershire County Council for an order granting Development Consent for the M5 Junction 10 Improvements Scheme

Planning Act 2008 – Section 89(3): The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 9

Procedural Decision following issue of Acceptance decision

Clarification of the role of Gloucestershire County Council

Further to the Rule 9 letter, dated 27 March 2024, we apologise for any confusion or inconsistency in how the Applicant has been referred to throughout the application document. Please find below the Applicant's response in relation to the role of Gloucestershire County Council (GCC).

Role of Gloucestershire County Council

It is common for development schemes promoted by local authorities to involve that authority considering the application in a number of different capacities. Colloquially this is often referred to as the different "hats" of the local authority.

As established in the Introduction to the Application [APP-001] the main "capacities" in which GCC has a role in this Development Consent Order (DCO) application is as Applicant, County Planning Authority and County Highway/Street Authority. These functions should be treated as separate. In particular, its role as local planning authority or local highways authority should be seen as separate to that of the body politic which is promoting this application.

The Applicant – GCC as a body politic is promoting this application and should be seen as the Applicant. The team within GCC which has been devolved or delegated power to do this on behalf of the body politic is GCC's Major Projects Team, within its Highways Commissioning department. It is through this team that GCC will act as Applicant and will be responsible for the preparation and submission of information, into the DCO Examination, that is required of the Applicant.

County Planning Authority – As part of the Joint Host Authorities/Councils, GCC will also perform its role as statutory consultee for the Scheme. GCC is the Minerals and Waste Planning Authority (MWPA) for Gloucestershire. GCC also has statutory duties in relation to drainage and flood risk in its capacity as lead local flood authority, as well as heritage assets and archaeology. GCC also has statutory duties relating to Public Rights of Way (PRoW) and therefore will consider provision for walking, cycling and horse riding (WCH) within the

Highways

Scheme. In performing these duties GCC's role as County Planning Authority will be led by members of GCC's Planning Department, with support from GCC's technical officers.

As defined in the draft DCO **[APP-031]** the County Planning Authority means Gloucestershire County Council in its capacity as County Planning Authority for the county of Gloucestershire under section 1(1)(a) (local planning authorities: general) of the 1990 Act.

County Highway/Street Authority – GCC is the local highway authority for Gloucestershire. As outlined in the Explanatory Memorandum **[APP-032]** GCC is the highway authority for the local road network and is under a duty to maintain it. In its role as County Highway Authority GCC will provide comment on the Scheme and DCO application in relation to local highway matters. These will be coordinated through the County Planning Authority.

As defined in the draft DCO **[APP-031]** the local highway authority means Gloucestershire County Council. In its role as local highway authority GCC will carry out any function of the local highway authority as outlined in the draft DCO.

In the same way GCC will also be the "street authority" under the DCO. This is a statutory term set out in the New Roads and Street Works Act 1991 where pursuant to section 49, a street authority means, if the street is a maintainable highway, the highway authority.

With each statutory role comes specific requirements, responsibilities and duties attached to that role. This means that there is a network of checks and balances between the aspirations of the body politic, in this case the Applicant, and the duties of the statutory roles.

Representatives and Contact Details

As requested, please find below contact details for the relevant officers within GCC representing the Council in its different capacities.

The Applicant:

Mr. Chris Beattie, M5 J10 Programme Manager



County Planning Authority:

Mr. Simon Excell, Assistant Director of Economic Development and Planning



Mr. Ben Watts, Team Manager – Economy & Strategic Planning



Please note that all correspondence relating to GCC's statutory functions should be directed to the County Planning Authority in the first instance, given their coordination role, to ensure consistency and clarity of communication.

Notwithstanding the above we will endeavor to provide you with further contact details for the County Highway Authority in due course, once the relevant officers to confirm such details have returned from leave.

Highways

I trust this information provides is sufficient to addresses the matters raised by the ExA in its Rule 9 letter, dated 27 March 2024. Should you require any further information please do not hesitate to contact me or a member of the Project Team.

Yours sincerely,



Chris Beattie
Highways and Infrastructure
Gloucestershire County Council