

**Application by Gloucestershire County Council for an Order Granting Development Consent for the M5 Junction 10 Improvement Project (Ref TR010063)**

Notification of the date, time and attendance instructions for ISH1 was provided in the Examining Authority's (ExA's) Rule 6 letter dated 7 May 2024.

**Agenda for Issue Specific Hearing 1 (ISH1) dealing with matters relating to the Policy, Need and Alternatives: Wednesday 5 June 2024 at 10:00am.**

**Date:** **Wednesday 5 June 2024**

**Arrangements Conference from:** **9.30am**

Participants must join the Arrangements Conference in order to register and be permitted access to the virtual method of attending the Issue Specific Hearing.

**Hearing start time:** **10.00am**

**Venue:** **Blended event via Microsoft Teams<sup>1</sup> and at the Leonardo Hotel Gloucester Road Cheltenham GL51 0TS**

**Access and parking:** **The Leonardo Hotel has 200 on-site parking spaces available which will be free for attendees at a first come first serve basis.**

Where necessary breaks will be provided during the ISH in recognition of the fatigue associated with on-screen communication during virtual and blended events.

The event will be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure Planning website closer to the event date.

Interested Parties (IPs) and members of the public who wish to observe the event can therefore view and listen to the Hearing using the livestream, or the recording, after it has concluded.

---

<sup>1</sup> Full instructions on how to join online or by phone will be provided in advance of the meeting to those who register to participate.  
M5 Junction 10 Improvement Project  
Issue Specific Hearing 1

## **Participation, conduct and management of the Hearing.**

The Examining Authority (ExA) has identified the matters to be considered at this ISH, and those on which it requires further information, and these are set out in this agenda. It is intended that the scope of the ISH will be limited to those matters. However, the ExA may wish to raise matters arising from oral submissions and pursue lines of inquiry in the course of the discussions which are not listed on the agenda. The actual agenda on the day including the order of items may be subject to change at the discretion of the ExA.

Oral submissions on other matters or from persons who are not IPs may only be heard at the discretion of the ExA. However, reliance should not be placed upon the exercise of that discretion and attention is drawn to the opportunity for any such submissions to be made in writing by **Deadline 1, 18 June 2024**.

The ExA invites and would particularly like to hear from the following IPs during this Hearing:

- The Applicant;
- Gloucestershire County Council as County Planning and Highway Authority;
- Cheltenham Borough Council;
- Tewkesbury Borough Council;
- National Highways;
- Persimmon Homes;
- Bloor Homes;
- St Modwen and Midlands Land Portfolio Ltd.

Those IPs listed above are those from whom the ExA would particularly like to hear from on this topic. By way of clarification, IPs who are not included in that list, but who have specifically requested to speak at this ISH will also be sent a joining link. They are reminded that the ISH will be livestreamed in the usual way.

Participation in the Hearing is subject to the ExA's power to control the Hearing. It is for the ExA to determine how hearings are to be conducted, including the time allowed at the Hearing for the making of a person's representations. IPs may be invited to make oral representations at the Hearing<sup>2</sup> (subject to the ExA's power to control the Hearing), on the specific issues being examined at the event, as set out in this agenda. The Hearing will be managed in the interests of ensuring that the submissions of invited persons are fully heard within the allotted time.

Oral representations should be informed by the Relevant Representations, Written Representations and Local Impact Reports made by the person by

---

<sup>2</sup> Section 91 Planning Act 2008  
M5 Junction 10 Improvement Project  
Issue Specific Hearing 1

whom (or on whose behalf) the oral representations are made.

However, representations made at the Hearing should not simply repeat matters previously covered in a written submission. Rather, they should draw attention to those submissions in summary form and provide further detail, explanation, and evidential corroboration to help inform the ExA.

The ExA may ask questions about representations or ask the Applicant or other parties to comment or respond. The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will therefore be led by a member of the Panel, supported by other Panel members.

All participants are advised that written summaries of their oral submissions at this Hearing should be submitted at **Deadline 1, 18 June 2024**.

The Hearing will run until the ExA is content that all matters on the agenda have been addressed.

### **Arrangements Conference**

Invitees attending virtually will receive a joining link or telephone number in a separate email, shortly before the Hearing. Please join the Arrangement Conference at the appointed time for the Hearing. The Case Team will admit you from the Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

### **About the Hearing relating to the Policy, Need and Alternatives.**

The main purpose of this ISH is to undertake an examination of the policy position and the case presented in respect of the Need for, and the alternatives assessed for the Proposed Development, and to understand the evidence for the different component parts of the Proposed Development, and how each of these align with National and Local Policy tests. It will provide an opportunity for the issues raised by IPs, in particular the differences between them, to be explored further by the ExA.

## Detailed Agenda for Issue Specific Hearing 1 (ISH1)

### 1. Welcome, introductions and arrangements for the Hearing

Reference will be made in Agenda Items 2-4 to the Applicant's submissions in particular:

- [APP-062] Environmental Statement. The Assessment of Alternatives
- [APP-135] Planning Statement
- [APP-060] Scheme Background
- [APP-007 and APP-008] Works Plans
- [AS-044] Green Belt Plan

### 2. Policy

- (i) The Applicant will be asked to explain the chronology of the events that have led to the development of local policy and how this proposal has responded to the policy development.

The Applicant should highlight any part of the proposals which conflict with local policy or where they remain silent.

- (ii) The Applicant should explain the alignment of the proposals with the National Policy Statement for National Networks (NPSNN) and the strategic need to improve the National Road Network.
- (iii) The Applicant will be asked to provide an explanation of whether there is a distinction between the national and local highway elements of the scheme in policy terms.
- (iv) The Applicant will be invited to explain how the proposed development meets the tests set out in the Department for Communities and Local Government Guidance on associated development applications for major infrastructure projects 2013.
- (v) The Applicant should explain how the cited 5 scheme objectives relate to the requirements of the NPSNN.
- (vi) The Applicant will be asked whether the newly designated NPS NN has important and relevant considerations for the ExA to consider.
- (vii) **Court Decision: Friends of the Earth and Ors v SSDES NZ 3 May 2024**  
Neutral Citation Number: [2024] EWHC 995 (Admin)

The Applicant will be invited to address any issues that may arise as a consequence of the recent court judgement, and whether this has any

implications for the Proposed Development, or the information provided to date in the ES.

The Applicant will also be asked to address the recent Written Ministerial Statement of the 24 May regarding the 6<sup>th</sup> Carbon Budget.<sup>3</sup>

- (viii) The Applicant will be asked whether the latest iteration of the NPPF raises any important relevant considerations the ExA should be aware of.

## **Green Belt**

- Green Belt Assessment

- (i) The Applicant will be asked to provide an explanation upon their approach to how the Proposed Development accords with the specific tests of Green Belt policy, and to understand if there are any differences between the Councils and the Applicant with regard to the approach and conclusions reached.

The ExA will examine the approach taken by the Applicant and how their case has been presented and conclusions reached within the ES and Planning Statement [APP-135].

- (ii) The Applicant will be asked to provide evidence of other examples of road schemes delivered through the DCO process where the proposed development has been considered to be not inappropriate development in the Green Belt?
- (iii) The Applicant will be asked whether the Proposed Development may be inappropriate development within the meaning of Green Belt policy and if this were to be the case the implications that would arise.
- (iv) If the Proposed Development (or any part of it) may be inappropriate development are there special circumstances that exist which may mean that the harm by reason of inappropriateness and any other harm, is outweighed by other considerations
- (v) Effects on openness: geographical considerations

Having regard to the different component parts of the project to understand from the Councils and the Applicant whether there are particular locations within the Green Belt where the effects on openness would be particularly pronounced, and conversely whether there are locations where effects on openness would be avoided or at the lower end of the harm scale.

---

<sup>3</sup> Delivering Carbon Budgets Statement made on 24 May 2024. <https://questions-statements.parliament.uk/written-statements/detail/2024-05-24/hcws505>  
M5 Junction 10 Improvement Project  
Issue Specific Hearing 1

- (vi) In light of the policy within the NPSNN at paragraph 5.171 whether there are any additional policy elements which the ExA should take into consideration

### **3. Need**

- To obtain an understanding on the assessment of need for each element of the Proposed Development.
  - (i) The Applicant will be asked to explain the need for all of the scheme components to form one NSIP Proposal.
  - (ii) The Applicant will be asked to explain how the scheme design process determined the need for each of the 3 main components of the scheme. It would be helpful if this makes reference to any trigger points (traffic generations or levels of capacity and delay) which inform this.

Furthermore, the Applicant should clearly explain the need for the proposals (and individual components) and the specific associated future land use proposals, including the safeguarded land or land allocations within the Joint Core Strategy.

- (iii) The Applicant will be asked to explain whether the current transport assessment has included the safeguarded land and if so whether that is appropriate at this stage?
- (iv) The Applicant will be asked to explain how the level of vehicular capacity that the proposals will provide has been determined?

### **4. Alternatives**

- The Applicant will be asked to provide an explanation of the ES consideration of alternatives and how that aligns with the requirements of the NPSNN, in particular with regard to the following.
  - (i) EIA Regulations
  - (ii) Flood Risk and the application of the sequential and exception tests
  - (iii) Whether the proposal has had a full options appraisal through the Road Investment Strategy 2 (RIS2) or other appropriate policy or investment plans?
  - (iv) Whether if the development were considered to be inappropriate development within the Green Belt this should have been a factor in considering the alternatives.

### **5. Review of issues and actions arising**

- The ExA will address how any actions are to be dealt with in the light of issues raised.

## **6. Any other matters**

## **7. Closure of the hearing**