

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

28th May 2024

Dear Mr Maund

**Application Ref: TR010063**  
**Application by Gloucestershire County Council for an Order granting Development Consent for the M5 Junction 10 Improvement Scheme**

**Applicant's response to Rule 6 letter of the 7th May 2024**

This letter is Gloucestershire County Council's (the Applicant) response to the Examining Authority's (ExA) Rule 6 letter dated 7<sup>th</sup> May 2024 and constitutes the Applicant's response pursuant to Procedural Deadline A.

**1 LIST OF PROPOSED ATTENDEES AT THE PRELIMINARY MEETING**

- 1.1 The Applicant will attend, and participate in, the Preliminary Meeting on Tuesday 4<sup>th</sup> June 2024. The Applicant will principally be represented by Andrew Tait KC of Francis Taylor Building. The Applicant's list of proposed attendees is set out below:

	Attendee	Title	Organisation
1	Andrew Tait KC	Barrister	Francis Taylor Building
2	Gary Soloman	Partner	Burges Salmon LLP
3	Douglas Haycock	Solicitor	Burges Salmon LLP
4	Chris Beattie	Programme Manager	Gloucestershire County Council
5	Graham Bown	Senior Project Manager	Gloucestershire County Council
6	Tim Pearce	Associate Director	AtkinsRéalis
7	Lars Jorgensen	Senior Project Manager	AtkinsRéalis

**2 OPEN FLOOR HEARING 1 (OFH1)**

- 2.1 The Applicant will attend OFH1 which has been scheduled for the afternoon of Tuesday 4<sup>th</sup> June 2024 and its list of proposed attendees will be as per that of the Preliminary Meeting. The principal representative of the Applicant at this hearing will be Andrew Tait KC.

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- 2.2 In lieu of a published agenda for this hearing, the Applicant anticipates that the ExA will wish to make use of the time at the hearing to hear from members of the public. Accordingly, the Applicant is not anticipating responding in detail to parties at OFH1 nor providing any detailed statements but will provide responses to clarify issues should that assist the ExA. The Applicant will instead provide a written response to the representations made at the hearing where necessary and requested by the ExA.
- 2.3 If this is not the expected level of participation at OFH1, the ExA is requested to clarify the involvement of the Applicant as the attendees at this hearing reflects the proposed approach.

### 3 ISSUE SPECIFIC HEARING 1 (ISH1)

- 3.1 The Applicant will attend ISH1 which has been scheduled for Wednesday 5<sup>th</sup> June 2024. The principal representative of the Applicant at ISH1 will be Andrew Tait KC. In lieu of an agenda, which may be published on 29<sup>th</sup> May 2024 the Applicant would estimate that in addition to those proposed attendees set out for the Preliminary Meeting, the Applicant may also call upon the below, however would highlight that once an agenda is published additional attendees might be required.

	<b>Attendee</b>	<b>Title</b>	<b>Organisation</b>
1	Steve Katesmark	Technical Director	AtkinsRéalis
2	Christopher Roberts	Senior Group Engineer	AtkinsRéalis
3	Colin Cartwright	Associate Director	AtkinsRéalis
4	Mike Vaughan	Chief Engineer	AtkinsRéalis
5	James Cattermole	Partner	Carter Jonas

### 4 ISSUE SPECIFIC HEARING 2 (ISH2)

- 4.1 The Applicant will attend ISH2 which has been scheduled for Thursday 6<sup>th</sup> June 2024. The principal representative of the Applicant at ISH2 will be Gary Soloman supported by Douglas Haycock both of Burges Salmon LLP. In lieu of an agenda, which the Applicant notes may be published on 30<sup>th</sup> May 2024, the Applicant anticipates that it will require the following attendees but would highlight that once an agenda is published additional attendees might be required.

	<b>Attendee</b>	<b>Title</b>	<b>Organisation</b>
1	Gary Soloman	Partner	Burges Salmon LLP
2	Douglas Haycock	Solicitor	Burges Salmon LLP
3	Chris Beattie	Programme Manager	Gloucestershire County Council
4	Graham Bown	Senior Project Manager	Gloucestershire County Council
5	Tim Pearce	Associate Director	AtkinsRéalis

	Attendee	Title	Organisation
6	Lars Jorgensen	Senior Project Manager	AtkinsRéalis
7	Colin Cartwright	Associate Director	AtkinsRéalis
8	James Cattermole	Partner	Carter Jonas

## 5 INITIAL ASSESSMENT OF PRINCIPAL ISSUES

- 5.1 The Applicant considers that the ExA's initial assessment of principal issues provides a good overview of the relevant topics to discuss during the examination. In addition the Applicant anticipates that scheme funding will need to be addressed and suggests that this is done in a later Issue Specific Hearing, possibly within those hearings listed for week commencing 12 August 2024 so that it can support the issue of ExQ2.
- 5.2 The Applicant appreciates that, prior to the week commencing 12 August 2024, the ExA will have already seen the Applicant's responses to written representations as well as its responses to ExQ1 and so would hope that the ExA is sufficiently briefed on this matter prior to this date, but in preparation for the potential for further discussion to be had on the topic considers that a particular hearing would be appropriate.

## 6 APPLICANT'S WRITTEN SUBMISSIONS ON THE EXAMINATION PROCEDURE

- 6.1 The Applicant has the following comments on the ExA's draft examination timetable:

### ExA's First Written Questions (ExQ1)

- 6.2 The publication of ExQ1 is due on the 16 July 2024. The deadline for receipt by the ExA of responses to ExQ1 is the 30 July 2024 at Deadline 3. The Applicant notes that this deadline provides two weeks between the publication of ExQ1 and the need to respond. The Applicant notes the ExA's position in its Rule 6 letter, page B7, which clarifies that it is a deliberate rationale to delay issue of ExQ1 to allow OFH1, ISH1, and ISH2 to support the primacy of the written process. However, the Applicant considers that two weeks to prepare responses to written questions presents a potentially overly onerous deadline that could create a significant programme risk for the Applicant.
- 6.3 The Applicant would request that Deadline 3 is extended by one week to the 6<sup>th</sup> August 2024. This extension would still allow a full week between it and the hearings scheduled for the week commencing 12<sup>th</sup> August 2024 and so allow parties to review those responses ahead of those hearings.

### Hearings: week commencing 12<sup>th</sup> August 2024

- 6.4 The week commencing 12<sup>th</sup> August 2024 has been set aside for further ISHs, OFHs, ASIs and a compulsory acquisition hearing (CAH).
- 6.5 The Applicant would ask that the ExA note that its water environment team are not available between the 14<sup>th</sup>-16<sup>th</sup> August 2024, and so would request that if any ISH is required on topics related to this speciality this is held either on the 13<sup>th</sup> August 2024 or within the week commencing 14<sup>th</sup> October 2024.

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- 6.6 The Applicant would further ask that the ExA note that it has no resource for arboriculture, population and human health, and cumulative assessment during the entire week and would request that if an ISH is required on these topics that an ISH is scheduled for the week commencing 14<sup>th</sup> October 2024.

## ExA's Second Written Questions (ExQ2)

- 6.7 The publication of ExQ2 is due on the 10<sup>th</sup> September 2024. The deadline for receipt by the ExA of responses to ExQ2 is the 24 September 2024 at Deadline 5. Similar to the Applicant's concerns over the timeline for responses to ExQ1, the Applicant is concerned that two weeks presents a constrained timeline to respond. The Applicant notes that after Deadline 5, there appears to be a gap in the examination procedure of three weeks until week commencing 14<sup>th</sup> October 2024 being the third week of potential hearings.
- 6.8 The Applicant would request that Deadline 5 is extended by one week to the 1<sup>st</sup> October 2024 to allow further time to consider and respond to ExQ2. This would continue to provide two weeks between Deadline 5 and the start of hearings week commencing 14<sup>th</sup> October 2024.

## Hearings: week commencing 14<sup>th</sup> October 2024

- 6.9 The Applicant would ask that the ExA note that it has no resource for materials and waste during this week and so would request that if any ISH is required on this topic that this is held during the week commencing 12<sup>th</sup> August 2024.

## Report on the Implications for European Sites (RIES) and ExA's proposed changes to the dDCO

- 6.10 The publication of the ExA's RIES and any associated questions as well as the ExA commentary on, or schedule of changes to, the dDCO is scheduled for the 22<sup>nd</sup> October 2024. The deadline for response to these items is the 12 November 2024, being Deadline 7. Deadline 8, on the 19<sup>th</sup> November 2024, then seeks to wrap up the examination with closing submissions.
- 6.11 The Applicant would request that a more iterative process is introduced for the RIES and proposed changes to the dDCO. The Applicant proposes that the Applicant respond to the ExA's documents released on the 22<sup>nd</sup> October 2024 at Deadline 6 being the 30 October 2024. This will allow interested parties to provide comments on the Applicant's position at Deadline 7 to allow the Applicant to take those comments into account before issuing final documents at Deadline 8.

## Additional week of hearings

- 6.12 The Applicant appreciates that it has made a number of comments regarding its availability to the hearings and has also suggested additional items dealt with by way of hearing. In order that items are dealt with by way of hearing earlier in the examination process, the Applicant would like to express its availability for the week commencing 19<sup>th</sup> August 2024, which could be reserved for additional ISH hearings which the ExA consider necessary. In particular the Applicant's experts for the water environment, arboriculture, population and human health, and cumulative assessment would all be available during this period which may help ensure that those topics which the Applicant does not have resource to field on the week commencing 12<sup>th</sup> August 2024 can still be heard at a similar stage in the examination process.

## **7 ACCOMPANIED SITE INSPECTION (ASI)**

- 7.1 The Applicant appreciates that it has been asked to provide a draft itinerary for the ASI at Deadline 1, being 18<sup>th</sup> June 2024, but notes that suggested locations for site inspections have been requested at Procedural Deadline A. The Applicant appreciates that this latter request is primarily intended for interested parties, but to the extent that it helps the ExA in their

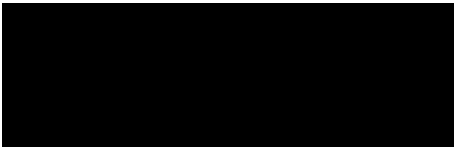
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consideration of those locations, the Applicant has provided its suggested locations for site inspections at Procedural Deadline A which are enclosed with this letter.

## 8 APPLICANT'S REQUEST FOR FURTHER CLARIFICATION

- 8.1 The Applicant notes that for Deadline 1, being the 18<sup>th</sup> June 2024, the Applicant has been requested to provide a draft NPS tracker. The Applicant would like to clarify the intention of the ExA behind this document. The Applicant has provided two tables in its Planning Statement [APP-135] at Appendix B and Appendix C which sets out Scheme compliance with the NPS NN (2014) against which this Scheme is to apply and what was the draft revised NPS NN.
- 8.2 Subject to the ExA's views, the Applicant would intend to provide a tracker against the new NPS NN (2024) as an important and relevant consideration in the form of Appendix C (the draft version having been superseded). Appendix B would be unchanged.

Yours sincerely,



**Chris Beattie**  
Highways and Infrastructure  
Gloucestershire County Council

## Accompanied Site Visit

**Table 1: Proposed Stop Locations for the ASI**

<b>Location No.</b>	<b>Location</b>	<b>Applicant's comments</b>
Location 1	A4019 Gallagher Junction	To view the proposed alterations to the existing Gallagher junction (Work Nos 4 and 4x).  This can be viewed from publicly accessible land.
Location 2	Site B (North West Cheltenham Development) accesses and Homecroft Drive Service Road	To view the locations of the proposed junctions and proposed service road (Work Nos 4, 4s, 4u and 4v).  This can be viewed from publicly accessible land.
Location 3	A4019 Uckington Junction	To view the location of the proposed A4019 Uckington junction, including service road (Work No 4 and 4m).  This can be viewed from publicly accessible land.
Location 4	Northern end of link road	To view the northern end of the Link Road and new A4019 / Link Road Junction, including access to Site A (Safeguarded land) (Work No 4, 4f and 5).  Subject to land access permission.
Location 5	M5 Junction 10	To view the topography and setting of the existing motorway junction (Work No 2).  This can be viewed from publicly accessible land.
Location 6	Flood storage area	To view the location of the proposed flood storage area (Work No 7).  Subject to land access permission but viewing from Withybridge Gardens is possible.
Location 7	River Chelt Bridge	To view the location of the proposed River Chelt Bridge (Work No 5 and 5d).  Subject to land access permission.
Location 8	Southern end of Link Road	To view southern end of the proposed Link Road and access to Site C (West Cheltenham Development) junction (Work No 5, 5j and 6).  Subject to land access permission.

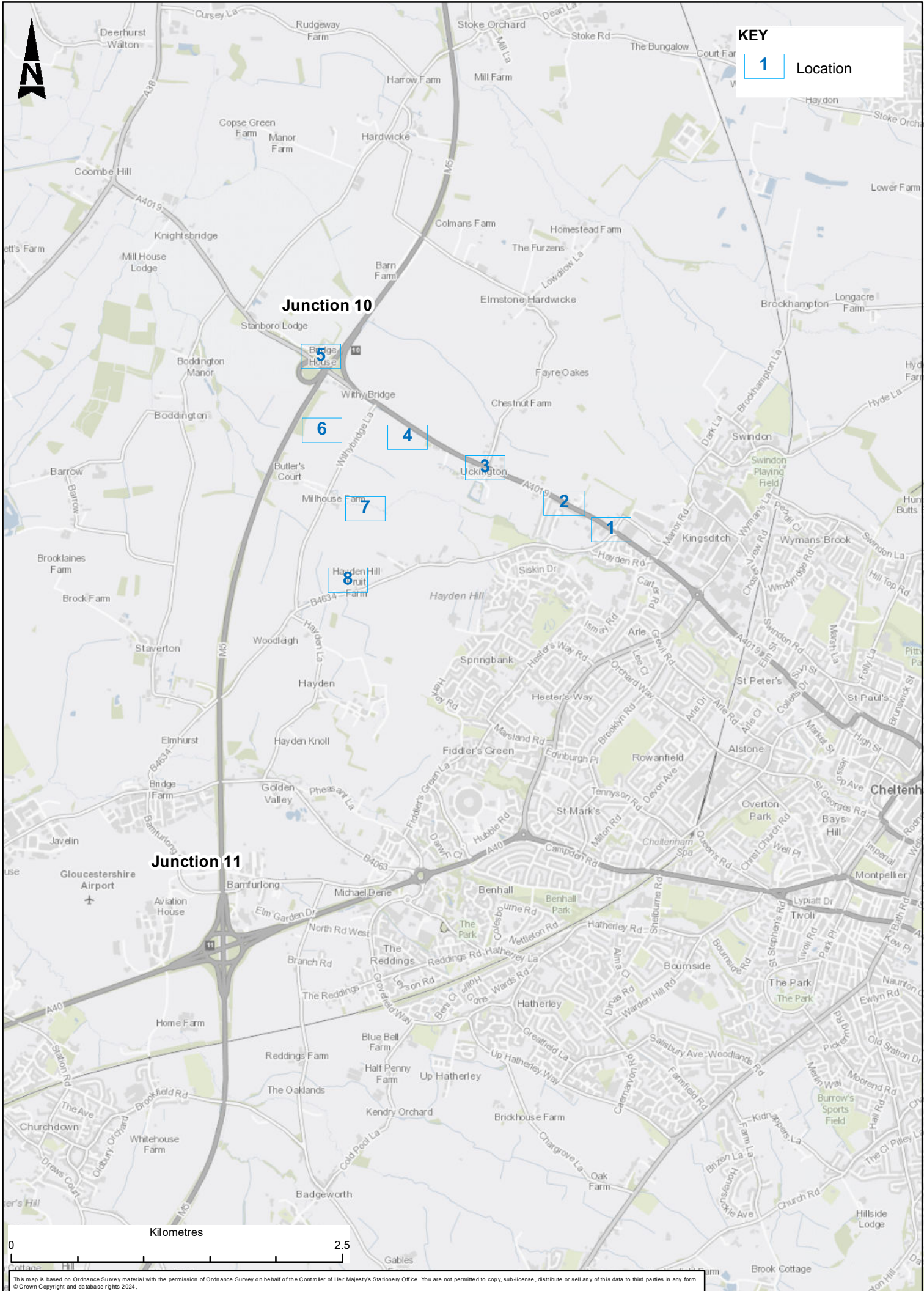
**Figure 1: Proposed Stop Locations for ASI**





**KEY**

**1** Location



**Junction 10**

**Junction 11**

Kilometres

0

2.5

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