

Summary of Relevant Representation - M5 J10

Summary of National Highways 'Relevant Representation – M5 J10 (RR-026)

1 Introduction

- 1.1 This is a summary of the relevant representation of National Highways dated 22 March 2024 (“**Relevant Representation**”). The Relevant Representation is National Highways’ formal written response to the application by Gloucestershire County Council (“**Applicant**”) for the Development Consent Order granting development consent for the M5 Junction 10 Improvement Scheme and carries Examination Library reference number RR-026.
- 1.2 Terms used in this Summary have the same meaning as those in the Relevant Representation unless defined otherwise. This Summary does not refer to developments, changes of position or facts that have emerged since the date that the Relevant Representation was made.

2 Summary

- 2.1 National Highways’ Relevant Representation is split into six sections –
- (a) Introduction and overview of principle concerns with the Application (this is summarised in more detail below);
 - (b) The role of National Highways (this section is not scheme specific and factual in nature. It has not been summarised in more detail below);
 - (c) The need to protect the SRN (this section is not scheme specific and factual in nature. It has not been summarised in more detail below);
 - (d) The proposed works and how they interact with the SRN, including commentary on the Land Plans, the Draft DCO and the PCF role (this is summarised in more detail below);
 - (e) Protective Provisions (this is summarised in more detail below); and
 - (f) Summary conclusion.
- 2.2 The Relevant Representation states that National Highways supports the principle of a scheme of improvement works Junction 10 of the M5. However, National Highways has concerns about the application that need to be addressed, and therefore National Highways objects to the DCO and the Authorised Development on a protective basis.
- 2.3 The principle area of concern of National Highways relates to its inability to assess the impact of the scheme on the safe and efficient operation of the SRN based on the information that has been provided to support the application.
- 2.4 Primarily, traffic modelling information upon which the application is based has not been received. The design of the scheme cannot be supported until the modelling is supplied and fully reviewed by National Highways to its satisfaction, including where updates are required to the modelling.
- 2.5 Other principal areas of concern in the Application identified in the Relevant Representation are:

-
- (a) The Transport Assessment is lacking critical information in relation to M5 slip road design and modelling;
 - (i) Further details are required regarding the construction phasing of the scheme;
 - (ii) National Highways requests further information or confirmation from the Applicant in relation to a range of topics arising from the application documents;
 - (b) The funding of the scheme. The Applicant has placed significant reliance on unsecured developer planning contributions. There is also concern regarding the adequacy of the estimate produced for the scheme. National Highways requires funding security in advance of commencement to ensure works to the SRN can be completed in full. There must not be interference with the SRN without confidence that the works will be completed to a sufficient standard and in an appropriate timeframe to allow for National Highways adoption of the SRN elements for operation and maintenance.
 - (c) The Land Plans, Book of Reference, Statement of Reasons, Works Plans, General Arrangement Plans and descriptions of works in Schedule 1 of the DCO are inconsistent or simply incorrect in multiple instances. The documents are illegible for the purposes of National Highways carrying out a meaningful review of the Authorised Development and compulsory acquisition proposals to determine their effects on the SRN.
 - (d) The Land Plans and the Book of Reference identify a significant number of plots owned or occupied by National Highways for the purposes of its undertaking in respect of which compulsory acquisition powers are sought. To safeguard National Highways' interests and the safety and integrity of the SRN, National Highways objects to the inclusion of the Plots. The Plots constitute land acquired or held by National Highways for the purpose of its statutory undertaking and the Relevant Representation is made under section 56 and sections 127 and 138 of the Planning Act 2008. National Highways considers that there is no compelling case in the public interest for the Compulsory Powers over the Plots without the inclusion of National Highways' protective provisions and additional safeguarding, either in the DCO or in ancillary agreements.
 - (e) The DCO includes provisions that authorise the interference with statutory powers belonging to National Highways and/or grant the Applicant powers over the SRN which would have significant safety implications if not properly and proportionately controlled through National Highways' protective provisions. Discussions with the Applicant are ongoing to agree an acceptable form of provisions. National Highways standard corporate provisions should be substituted in the DCO for the current provisions.
 - (f) The DCO includes requirements to be discharged relating to a number of matters. It is proposed that the Applicant is both the applicant for the discharge and the determining body. National Highways believes that the Secretary of State for Transport ought to be the decision maker for discharge of requirements that impact the SRN; this provision would be consistent with the regime applying to National Highways' schemes.
 - (g) National Highways considers that the ownership and maintenance of the Flood Storage Area and the M5 southbound on-slip embankment lies with the Applicant. National Highways' preference would be that the M5 southbound on-slip embankment does not form part of the Flood Storage Area. If this is not possible, the responsibility for both the construction and the maintenance of the southbound on-slip embankment, up to the formation level, will remain with the Applicant. National Highways does not have the operational capacity to maintain any aspect of the Flood Storage Area. National Highways require provision for the drainage asset to be included in the commuted sum, required under the protective provisions.
 - (h) National Highways has a BNG Key Performance Indicator to achieve no net loss to the SRN by 2025 and to have a net positive impact on nature in Roads Period 3 (2025-2030) and beyond. The BNG assessment should be updated throughout detailed design to ensure the scheme remains in a gain position which should then be secured. National Highways requests that the Applicant promotes lower whole life carbon choices throughout the detailed

design and construction of the scheme and is willing to support the Applicant throughout the project design and construction phases to ensure this outcome is delivered.

- (i) National Highways requests the establishment of a Traffic Management Forum, with the inclusion of all the relevant Local Authorities and other appropriate stakeholders, to provide an integrated transport plan during the construction phase of the project to ensure that the SRN or LRN is not adversely impacted, to co-ordinate other planned works in the area, and to ensure that traffic management embargos requirements are considered.
- (j) National Highways requires provision to be made for its oversight of the landscaping contract to be entered into between the principal contractor and the Applicant to ensure that landscaping on the SRN accords with National Highways operational requirements.
- (k) National Highways requires provision to be made on the face of the DCO to make it clear that the Applicant is the appropriate highway authority for the purposes of Part 1 of the Land Compensation Act 1973, and that claims for compensation pursuant to that legislation (and any other claims arising from the works, whether under compulsory acquisition powers or otherwise) are not payable by National Highways.

- 2.6 The Relevant Representation sets out which Works will interact with the SRN. It also includes tables setting out specific issues National Highways has identified with the Land Plans and a table setting out necessary drafting amendments to the draft DCO.
- 2.7 The Relevant Representation contains a table explaining the effect and need for National Highways standard protective provisions to be included on the face of the DCO and appends a full copy of the protective provisions sought.
- 2.8 National Highways is prepared to withdraw its objection, either in full or in part, subject to the Applicant supplying full and updated traffic modelling data which demonstrates safe and efficient operation of the SRN and satisfactorily addressing the points raised throughout the Relevant Representation.
- 2.9 National Highways reserves the right to expand, amend or clarify any of the issues in the Relevant Representation, and to produce additional grounds of objection to the Examining Authority as the examination progresses.