

M5 Junction 10 Improvements Scheme

Applicant Response to Relevant Representations

TR010063 – APP 9.28

Rule 8 (1) (b)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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The Infrastructure Planning (Examination Procedure) Rules 2010

M5 Junction 10 Improvements Scheme Development Consent Order 202[x]

9.28 Applicant Response to Relevant Representations

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1. Introduction

- 1.1.1 The Development Consent Order (DCO) application for the M5 junction 10 scheme was submitted on 19 December 2023 and accepted for examination on 16 January 2024.
- 1.1.2 The purpose of this document is to set out Gloucestershire County Council's response to all the Relevant Representation (RR) from interested parties submitted to the Planning Inspectorate. A combined response to the broader themes raised by those Interested Parties associated with the Strategic Allocations and the Safeguarded land (RR-005, RR-006, RR-007 and RR-034) is provided in a separate document (Application document: APP/TR010063/9.33) submitted at Deadline 1.

RR-001 Adam Dorling

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|---|--|
| | Safety Concerns and Traffic on (Redacted) | <p>Thank you for your registering as an interested party and for your submission. In response to your query, the design of the Scheme has been undertaken in full accordance with guidance and standards contained in the Design Manual for Roads and Bridges (DMRB) and road safety risk assessments in accordance with DMRB have been undertaken. The Scheme design has also been subject to an independent road safety audit that has not identified any safety issues that cannot be addressed at the detail design stage. Furthermore, The Transport Assessment (APP-138) confirms that the Scheme does not create any safety concerns and ensures that the operation performance of the road network overall will be better than it would in a situation where the dependent developments are delivered without the Scheme. The Applicant hopes this satisfies any concerns you have regarding the Scheme.</p> |

RR-002 Andrew Smith

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|--|--|
| 2.1 | If consented, the scheme will see my client dispossessed of his residential property - a property he has enjoyed for many years. | <p>Thank you for your response, which the Applicant acknowledges. If you would like to discuss this further in respect of your property, please contact James Cattermole at Carter Jonas: T: 01865 404434. James.Cattermole@carterjonas.co.uk</p> <p>The Applicant has presented its case for compulsory acquisition within the Statement of Reasons (APP-035), and in particular chapter 5 of that document.</p> <p>The Applicant recognises that as a general approach compulsory acquisition should only be sought if attempts to acquire by agreement fail but notes that the CA Guidance recognises that in some cases, it may not always be practicable to acquire each plot of land by agreement and where this is the case it would be reasonable to include provision authorising the compulsory acquisition of all land required at the outset. In addition, the Applicant has sought to minimise the land-take required to construct, operate, maintain and mitigate the Scheme whilst maintaining a balance to ensure that enough land is acquired to enable the Scheme to be built.</p> <p>The Applicant is committed to attempting to reach agreement with all affected parties and has set out its status of negotiation in Appendix B of the Statement of Reasons (APP-035).</p> |

RR-003 Anthony Musson

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|--|--|
| 3.1 | Whilst I support making junction 10 four way, I have significant concerns given the planning detail. | Noted |
| 3.2 | <p>I have seen so far around the impact on the traffic levels and persistent speeding through (Redacted) and the lack of any changes to the Gloucester Old Spot junction.</p> <p>The recent incident on the M5 in February 24, where it was shut in both directions between junctions nine and 11, is a perfect example of why both these locations need to be considered during the planning phase of this junction improvement. For example, traffic was backing up from the Gloucester Old Spot all the way to (Redacted)</p> | <p>The primary objective of the Scheme is to enable proposed development on land to the north-west and west of Cheltenham (dependent development) to be delivered in accordance with both the Joint Core Strategy (JCS) (Regional Plan) and the Cheltenham Local Plan, whilst minimising the impact of these proposed developments on the operational performance of the road network.</p> <p>The Scheme is not intended to address existing issues on the wider road network, such as speeding on Main Road through Hardwicke.</p> <p>Whilst the Applicant appreciates that during infrequent temporary closures of the M5 due to traffic incidents alternative routes might be used beyond their capacity, it is not the objective of this Scheme to mitigate for those impacts.</p> |

RR-004 Benedict Williams

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|--|---|
| 4.1 | Mr Williams lives on site at (Redacted) , with all of his income coming from lettings on the site, including (Redacted), a number of commercial lettings and adjacent agricultural and equestrian land. Mr Williams suffers from (Redacted) and otherwise is at an age and stage in life where loss of his home and income will be difficult to the point where the Council should be treating him as a special case. | The Applicant acknowledges that discussions on terms for the acquisition of the property have been ongoing for several years. The Applicant is committed to assembling the land required for the Scheme in full compliance with the Government guidance on use and promotion of compulsory purchase powers and the Applicant's strong preference remains to secure land and rights required by agreement, wherever this is possible. |
| 4.2 | The plans for the scheme show all of the commercial buildings being demolished, with his home, the house he lets out and the majority of the land being acquired either temporarily or permanently. | The land owned by Mr Williams, referred to by the Applicant as "Sheldon Nurseries" is subject to complex occupational arrangements and whilst the Applicant's understanding of the position was assisted by the information provided in November 2023, there remain aspects that are unclear, not least the recorded details for all leasehold occupiers and the Applicant is currently liaising with Mr Williams to obtain this further information. The tenancies and licences are material to the assessment of compensation and the Applicant continues to consider the material provided to date before proposing terms for the acquisition of Mr Williams interest. |
| 4.3 | Whilst the houses are shown to be retained, during the works they are within the scheme boundary and surrounded by site compound and / or soil storage. | The Applicant continues to be in discussions for the acquisition of Mr Williams' interest by agreement. |
| 4.4 | Mr Williams will therefore lose all of his income and presumably be expected to move off site for a considerable period during the works. | The Applicant is acutely cognisant of its duty of care to vulnerable parties and will always seek to adhere to legal and ethical standards when making decisions that affect them and has suggested that safeguarding be put in place to assist Mr Williams through what can be a difficult process to navigate for any party. |
| 4.5 | The Notice period of works with DCO in hand would allow the Council to force occupation within 28 days (temporary occupation) and to take ownership within three months. Compensation for permanent possession is not statutorily payable until three months after claim submitted on receiving permanent Notice, meaning that Mr Williams would have to vacate in advance of receiving any compensation. This is nothing like enough time for Mr Williams to find and secure replacement home, or replacement income and he will likely have to secure such replacement without the benefit of agreed compensation. | |
| 4.6 | This raises the very clear possibility of having to find temporary rented accommodation, prior to moving to permanent replacement. This is not a reasonable expectation for the Council to expect the claimant to plan for. Mr Williams has not been able to submit a Blight Notice in advance of | |

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|--|---------------------|
| | <p>the scheme due to the mixed use and mixed occupation of (Redacted). We have therefore looked to engage with the Council in advance of them seeking their powers, stressing the health issues of Mr Williams, as to the need to reach agreement for purchase of the site in advance of the normal Notice period.</p> | |
| 4.7 | <p>Unfortunately, despite having been in discussion with the Council for over three years, no offer for purchase has been made by them. Most recently they have asked for information on the tenancies upon the holding, this information being supplied in November of last year. No formal response has been made to this but indication has been made that any purchase will need to be with vacant possession</p> | |
| 4.8 | <p>The Council are aware that delivering vacant possession will be problematic for Mr Williams: many of the tenancies do not allow for the Landlord to demand vacant possession in the short term; he is reliant on the rent as his only income and most importantly; as Benedict lives on his own, on site, subject to a (Redacted), he is potentially subject to negative approaches from the tenants in advance of any negotiated or forced vacancy. The Council seem only to be concerned with the management issues they will face post purchase, rather than reflecting on the implications for Mr Williams.</p> | |
| 4.9 | <p>We ask please that the Inspector directs the Council to engage in negotiations as to purchase of the Property so that purchase completes and Mr Williams is able to move in advance of powers being used. If the Council will not engage as requested then, in line with the recent decision to refuse the Royal Borough or Windsor and Maidenhead (Nicholsons Shopping Centre etc) CPO 2022 due to lack of suitable engagement with Smokeys nightclub, we ask please that the Inspector does not grant powers to the Council for these works.</p> | |

RR-008 Cheltenham Borough Council & Asset Management

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|--|--|
| 8.1 | <p>We write on behalf of the landowners of Barn Farm to the north west of M5 Junction 10. The Barn Farm site was submitted to Cheltenham Borough Council (CBC), Gloucester City Council (GCC) and Tewkesbury Borough Council (TBC), as a potential residential and employment strategic development site through the JCS review in 2022. Discussions on the Barn Farm site are ongoing with the three authorities. v</p> | <p>The Applicant acknowledges that the Joint Councils (Cheltenham Borough Council, Gloucester City Council and Tewkesbury Borough Council) have been submitted an application regarding a potential residential and employment strategic development site.</p> <p>The Cumulative Effects Assessment of the Environmental Statement [APP-074] sets out at paragraph 15.3.14 the criteria that must be satisfied for other developments to be considered as Reasonably Foreseeable Future Projects (RFFPs) for the purposes of conducting the inter-project cumulative effects assessment.</p> <p>At the time of drafting, no qualifying planning applications were identified by the Applicant in relation to the Barn Farm site, situated within Tewkesbury borough. A further search has been undertaken in preparing this response and the Applicant notes that the most recent application relating to this property sought permission for a detached dwelling and was made in 2016 (16/00885/FUL). The application was refused on 10 October 2016, with reasons for refusal citing design and amenity concerns. Previous applications for residential development at the property have also been refused (14/00621/FUL and 15/00361/FUL) and an appeal of one of these decisions was dismissed in 2015 (15/00022/DECISI).</p> <p>Proposals that were submitted to the Joint Councils-during the production of the Joint Core Strategy (JCS) do not qualify for inclusion as an RFFP, with the exception of those that were included in the adopted JCS as site allocations or areas of restraint safeguarded areas. Land at Barn Farm was not included within the above categories within the JCS.</p> |
| 8.2 | <p>The Barn Farm site and adjacent land north west of M5 Junction 10 (J10) was submitted as part of the Draft Regulation 18 Housing and Economic Land Availability Assessment (HELAA) process. The December 2023</p> | <p>The Joint Councils have commenced a full review of the JCS. This will lead to the preparation of a Strategic and Local Plan (SLP) for future development. Evidence gathering is underway to inform the</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>HELAA identifies it as potentially developable for housing and employment uses, site reference ELM011.</p> | <p>above review process. The Tewkesbury Borough Council Housing and Economic Land Availability Assessment (HELAA) is one of a number of documents providing a technical evidence base to inform the preparation of the SLP.</p> <p>Sites that have been submitted to the HELAA process are all subject to an assessment process, which is reported within the HELAA. Barn Farm appears in the Tewkesbury Borough Council HELAA sites maps available online. It appears under site reference ELM007 covering an area of 6.3 hectares and has been categorised as potentially developable for housing (119 capacity); and for employment. It also features within a larger 93.45 hectare site referenced ELM011 with the same categorisation (1766 capacity) as ELM007.</p> <p>The published frequently asked questions in respect of the SLP HELAA states that <i>‘the call for sites exercise will not determine whether a site should be allocated for development, nor does it have any planning weight. The site submitted will be put into the supply of all sites which are deliverable within the area. A further detailed site assessment will then filter sites which could become potential allocations’</i>¹.</p> <p>Inclusion within the HELAA as a named site does not confer any planning status. Sites that appear in the HELAA do not qualify for inclusion as an RFFP for the purposes of cumulative effects assessment for the Scheme.</p> |
| 8.3 | <p>The landowner has responded to the CBC, GCC and TBC Strategic and Local Plan (SLP) Issues and Options Consultation document published in December 2023 confirming that the site could accommodate a range of uses on site, be accessible by public transport, cycling and walking and a suitable access can be provided from the A4019 Tewkesbury Road. The Barn Farm site was also submitted to the Gloucestershire County Council’s “call for sites” for its Waste Plan review. The site could provide land for a new recycling depot to serve both Cheltenham and Tewkesbury</p> | <p>Noted. However, as outlined above, inclusion within the HELAA as a named site does not confer any planning status. Similarly, submission to the Waste Plan Review call for sites does not confer any planning status. As such the Scheme cannot prejudge the outcome of any planning process until such time as the site obtains an appropriate planning status.</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | Borough, plus the potential need for further waste and highways depots for the county as a whole. | |
| 8.4 | The landowners are in discussion with Gloucestershire County Council as promoters for the M5 J10 scheme and are supportive of the improvements as they will enhance access to Cheltenham and surrounding area from the motorway network, support economic growth and improve connections for non-motorised users over the M5 motorway. | <p>Discussions with Cheltenham Borough Council (CBC) have been ongoing for several years as indicated in the representation. The importance to the occupier of the access to Barn Farm from the A4019 and associated service road to the south has been made clear by CBC through the consultation and negotiation process. It has been confirmed during engagement that the Scheme recognises the need for the southern access to be maintained for current and any future occupiers and the Applicant acknowledges that an application has been submitted to the Joint Councils regarding a potential residential and employment strategic development site.</p> <p>Please be assured that the Applicant is fully aware of the need for access to Barn Farm to continue from the A4019 and associated service road and that this will be delivered by the Scheme.</p> |
| 8.5 | To provide an access the potential development land at Barn Farm and adjacent land north west of M5 J10 would require a new signal controlled junction on the A4019. The junction design would be of high standard and consistent with the proposed form of junctions along the A4019 corridor to the east and the M5 J10 improvements. The junction would include pedestrian and cycle links to / from the site the opportunities for controlled pedestrian/cycle crossings. A new junction on the A4019 to serve the Barn Farm site, with the J10 highway improvements and to meet national guidance, is feasible. | As outlined in the responses above, the potential future development of this land has not been considered within the current design, and therefore possible junctions off the A4019 to this potential development land have not been included. This approach has been taken on a Scheme-wide basis where it is not the intention of the Scheme to pre-determine and design for development which does not yet have a planning status. |
| 8.6 | However, the attenuation basin 1 proposed as shown on Atkins drawing no TR010063/APP/2.9 would limit the ability to provide a junction to an appropriate standard and would not provide sufficient spacing to the improved junction 10. We would like to agree that this attenuation pond location could be reconsidered and potentially relocated to the south east on land within the same ownership. The maintenance track would also need to be relocated. | |

RR-009 Cheltenham Paint Festival

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|---|--|
| 9.1 | As the Director of the paint festival, I think this is an unprecedented opportunity to paint the compulsory purchased buildings with murals, possibly of the occupants or scenes of life there, as part of the festival. They could then be filmed being knocked down to create a permanent reminder, this would undoubtedly go viral and create a positive response to their loss. | The earliest the Applicant could be granted consent would be June 2025 and thereafter the Applicant will need to go through a process of detailed design to finalise a full programme of works and as such it would not be appropriate to consider this proposal at this stage. However, the Applicant would be happy to engage with Cheltenham Paint Festival should it be granted consent, to investigate shared opportunities, should timescales allow. |

RR-010 Christopher Rose

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|--|---|
| 10.1 | <p>I have numerous reasons for wishing to oppose this scheme which I will expand on further at a later date. Leaving my personal concerns to one side for the time being, I have to emphasise that to spend an enormous amount of money on something that, for the foreseeable future, is totally unnecessary is madness. Surely our crumbling schools and not fit for purpose NHS is a priority until better days arrive for our country.</p> | <p>Thank you for registering as an interested party and for your submission.</p> <p>The Applicant appreciates your concerns regarding the allocation of funding to the M5 Junction 10 Improvements Scheme. However, the M5 Junction 10 Improvements Scheme is required to provide the necessary infrastructure to support planned housing and economic growth around Cheltenham as well as ensure the continued functioning of the M5 as a reliable link providing regional connectivity. A detailed explanation of the need for the Scheme is provided within Chapter 3 - Planning Statement and Schedule of Accordance with National Policy Statement (APP-135).</p> <p>The Applicant hopes this response satisfies your concerns and look forward, but we look forward to future correspondence/engagement if necessary.</p> |

RR-011 Dana Wotton

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|---|--|
| 11.1 | <p>We are tenants in one of the cottages at (Redacted). Having moved from out of the area we were not aware of the project and were not made aware of it by the letting agent. We were looking for a long term let and were advised that was what this property was. Now finding out about the project and having invested our money into moving here, we are offered no assistance from GLC for the disruption that may be caused by us having to move due to the project.</p> | <p>The Applicant considers that it has undertaken extensive public consultation and engagement to raise awareness of the Scheme as set out in its [APP-038 to APP-058].</p> <p>Engagement commenced on 5 June 2023 and is ongoing. Engagement has covered the scheme design, timeline for construction, DCO consent process, compensation routes relating to compulsory purchase and further queries. The most recent meeting was held on 25 February 2024 to provide an update on the scheme, compensation routes, and next steps.</p> <p>In the event that the Applicant is required to terminate a leasehold interest; the Applicant may be potentially liable to pay compensation under the Compensation Code. The Applicant will give due consideration to any claim and settle reasonable compensation as soon as is practicable. The Applicant continues to be willing to meet with you again to explain the position regarding compensation if it is helpful and therefore, please do contact M5J10@carterjonas.co.uk should you wish to discuss further.</p> |

RR-012 EiGroup Limited

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|---|---|
| 12.1 | Gateley Hamer are instructed by Ei Group Limited ('Ei Group'), who are the freehold landowner of House in the Tree Public House, to submit representation objecting to the Compulsory Acquisition ('CA') and Temporary Possession ('TP') powers contained in the draft Development Consent Order ('dDCO'). | Noted |
| 12.2 | Ei Group's objection concerns the general satisfaction of the fundamental tests applicable to any Compulsory Purchase Order ('CPO'), namely: 1) there must be a compelling case in the public interest for the CPO, 2) there are no material impediments, and 3) compulsory purchase must be the method of last resort. | Noted |
| 12.3 | Compelling Case in the Public Interest Test: The purposes of acquiring slithers of land from Ei Group is explained in the Statement of Reasons to be to enable improvements to be undertaken east along the B4634 to provide a shared use path for future continuation of cycling and pedestrian routes in the West Cheltenham Golden Valley Development. Justification on this basis might be reasonable if there were no impediments to the West Cheltenham Golden Valley Development but this scheme is yet to secure outline planning permission and there could be a multitude of other impediments before it is a deliverable scheme. | <p>For the avoidance of doubt, the Applicant is seeking to acquire the following plots of which EI Group Limited are landowner:</p> <p>Permanent Acquisition of freehold:</p> <p>16/1b, 16/1c, 16/4h: The Book of Reference [doc ref] notes that this plot is public adopted highway with EI Group Limited having subsoil rights up to the centreline of that highway.</p> <p>16/1e: The Book of Reference notes Gloucestershire County Council as the presumed freehold owner with EI Group noted as occupier in respect of signage.</p> <p>16/1f: The Book of Reference notes Gloucestershire County Council as presumed freehold owner with EI Group noted as owner of riparian rights.</p> <p>16/1f(i): the Book of Reference notes Gloucestershire County Council as presumed freehold owner with EI Group noted as owner of rights of access</p> <p>16/5e(i): the Book of Reference notes EI Group Limited as freehold owner over approximately 56 square metres of car park, beer garden</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>and hedgerow north of Old Gloucester Road (B4634) and south of the House in the Tree, Boddington and is required for construction of shared use path and new boundary fence and hedge (Work. No. 6) and diversion of utilities (Work Nos 14 and 25).</p> <p>The Statement of Reasons sets out the purpose for which land is required and it is clear here that there are other requirements than just use for the construction of the shared use path.</p> <p>Temporary rights:</p> <p>16/5e: The Book of Reference notes EI Group Limited as freehold owner. The Development Consent Order restricts temporary use of this plot to temporary access for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting and for the division of Severn Trent Water Limited water pipeline.</p> <p>Permanent Rights and Temporary rights:</p> <p>16/5b, 16/5d: The Book of Reference notes EI Group Limited as freehold owner. These plots are included to acquire a new right for a working space for the diversion of electric cable (16/5b) and a working space for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting (16/5d).</p> <p>The Applicant's work to the B4634 is required to ensure that this road aligns with the new West Cheltenham Link Road junction. As part of this realignment the Applicant is proposing to provide a shared use path on the northern side of the B4634 which will connect into the segregated footway/cycleway running North/South on the West Cheltenham Link Road and Withybridge Lane.</p> <p>The Scheme has as one of its objectives to "provide safe access to services for the local community, including for users of sustainable transport modes within and to west and north-west Cheltenham." The B4634 requires realignment to communicate with the new junction at</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>the Link Road. Due to the B4634 leaving its current alignment to sit further south, there is a clear opportunity to provide a shared use path utilising, for the most part, the current highway boundary. Plot Number 16/5e(i) is required to facilitate the limited area of this shared use path which sits outside the current highway boundary.</p> <p>The Applicant considers that this shared use path will be a desirable route for leisure users and is anticipated to benefit future residents of the proposed Golden Valley Development. The requirement for a shared use path has a planning justification as established through Policy A7 (viii) – West Cheltenham of the JCS, which outlines the expectation for the delivery of safe, easy and convenient pedestrian and cycle links within the site, to key centres and with neighbouring existing development and the wider green infrastructure network, and is further set out in the Golden Valley Development Supplementary Planning Document¹, page 15. In addition, at LTP Table (g) – Countywide Priorities the Gloucestershire Local Transport Plan² identifies as a priority: “Completing gaps in existing cycle networks and ensuring linkages into new strategic development sites, including improved cycle parking at key destinations”.</p> <p>The Applicant acknowledges that it is seeking compulsory acquisition in order to deliver this element of the Scheme and is seeking to arrive at a private agreement. The Applicant considers that land take for this element has been minimised by situating the shared use path, for the most part, in the highway boundary.</p> |
| 12.4 | The grant of CA and TP powers on the basis of a scheme that might not come forward is not a compelling reason to interfere with the right of a landowner to enjoy their property right free from interference from the | See response to 12.3 above. |

¹ [Golden Valley SPD | The Golden Valley Development | Planning policy | Cheltenham Borough Council](#) (Accessed 13/06/2024)

² [ltp-policy-document-final-v132-3.pdf \(gloucestershire.gov.uk\)](#) (Accessed 13/06/2024)

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | state. | |
| 12.5 | <p>Last Resort Test: This test has not been satisfied. The Applicant and its representatives have completely failed to enter into any sort of meaningful negotiations with Ei Group to try and secure the land and rights required to deliver the scheme without recourse to compulsory acquisition powers, and therefore powers cannot reasonably be seen as last resort. Ei Group were first made aware of the M5 Junction 10 Improvements Scheme in August 2020 or thereabouts and since then have repeatedly invited the Applicant and its representatives to set out what land and rights are required in the hope that the parties can negotiate appropriate voluntary arrangements that negate the need to implement CA and TP powers. Unfortunately, the Applicant and its representatives have not done this and have also not made any efforts whatsoever to secure the land and rights said to be required by agreement – no offer has ever been made to acquire the permanent acquisition land and / or terms proposed for a licence agreement to undertake scheme works.</p> <p>The Applicant even acknowledges this deficiency in the Statement of Reasons ('SoR') where at Appendix B it says (see page 153): "The Applicant will shortly be issuing Heads of Terms to the landowner to acquire the land and rights required on a permanent and temporary basis by way of an option agreement." This status update is unsatisfactory and non-committal. The word "shortly" gives the impression that the Applicant is about to actively pursuing voluntary agreements, but the reality is that it has simply decided to submit the dDCO and leave negotiations to some later date at its convenience. Unhelpfully this status update is also undated, but it is at least three months since the update was recorded (the SoR is dated December 2023) and Ei Group are still waiting to receive Heads of Terms that were supposed to be issued "shortly".</p> <p>The back to front approach being taken to negotiations is grossly unfair and should not be allowed to continue. A direct consequence of the Applicant's actions is that Ei Group are now left incurring costs objecting</p> | <p>Meetings and discussions have been held in relation to the land as summarised in the Land Rights Tracker. These meetings have included explanations of why the land is required to deliver the Scheme and your representation sets out there in an understanding of why the land is necessary for the Scheme. This was further reiterated during a meeting with your agent on the 30 May 2024 to ensure clarity on the inclusion of the land within your client's ownership. The Heads of Terms issued on the 03 May 2024 were also discussed to progress the desired voluntary acquisition of the land and rights required for the Scheme.</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | to the Applicant's scheme when they would potentially have been content to agree voluntary arrangements before the dDCO was submitted. The Applicant should therefore be required to reimburse all costs (including those incurred objecting) by the landowner. | |
| 12.6 | <p>Conclusion: CA and TP powers should not be confirmed for the slithers of land surrounding the House in the Tree Public House held in the freehold ownership of Ei Group until such time as there is both greater certainty regarding the West Cheltenham Golden Valley Development and private treaty negotiations have failed.</p> <p>Ei Group remain willing to engage in negotiations with the Applicant and its representatives so as to avoid the need to implement CA and TP powers, but there needs to be a similar level of commitment shown to such negotiations from the Applicant.</p> | |

RR-013 Environment Agency

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | <p>These Relevant Representations contain an overview of the project issues, which fall within our remit. They are given without prejudice to any future detailed representations that we may make throughout the examination process. We may also have further representations to make if supplementary information becomes available in relation to the project.</p> | |
| | <p>We have reviewed the Development Consent Order (DCO) application, Environmental Impact Assessment (EIA) and supporting documents submitted as part of the above-mentioned application, following notification of its acceptance for Examination on 16 January 2024. Our main key outstanding issues of concern are listed in tables below under each subject with general comments underneath the tables that need to be addressed before the DCO is granted.</p> | |
| | <p>DRAFT DEVELOPMENT CONSENT ORDER</p> | |
| <p>13.1</p> | <p><u>Schedule 2, Part 1 Requirements</u></p> <p>Requirement 3: Environmental Management Plan – The Environment Agency requests that it is added as a specific consultee to the discharge of this requirement so that it can advise on matters within its remit.</p> | <p>The Applicant's position is that the Environment Agency is not required to be consultee for the EMP as a whole and is noted in the Register of Environmental Actions and Commitments (REAC) as consultee on those matters related to its functions. This is a standard approach which has been taken on the A417 Missing Link DCO 2022, M25 Junction 10 DCO 2022 and the M3 Junction 9 DCO 2024.</p> <p>The Applicant will continue to engage with the Environment Agency on this matter to understand the scope of consultation they require within the REAC.</p> |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| 13.2 | <p><u>Schedule 2, Part 8, Requirements</u></p> <p>We concur with Land and groundwater contamination section that we should be consulted on any remedial works.</p> <p>We suggest you add the wording that is in bold - (5) <i>Remedial measures must be carried out and validated in accordance with the scheme approved under subparagraph (4).</i></p> | <p>The Applicant does not recognise the wording of “validation” suggested by the Environment Agency as necessary to mitigate the impact of the development as there is a question regarding who is to “validate”. The requirement as currently drafted already ensures that a written scheme and programme for remedial measures is to be submitted to and approved in writing by the county planning authority following consultation with the Environment Agency and relevant planning authority and further that the remedial measures must be carried out in accordance with the scheme approved. Under section 161 Planning Act 2008 a person commits an offence if without reasonable excuse the person carries out or causes to be carried out, development in breach of the terms of an order granting development consent or otherwise fails to comply with the terms of an order. That offence carries a maximum penalty on summary conviction to a fine not subject to a maximum value within that section. The Applicant therefore considers that the regime under the Planning Act 2008 and the control within the DCO at present constitutes enough assurance that remedial measures will be carried out. In addition, it is considered that any written scheme of remedial measures will include as a matter of course a plan for verification of those remedial measures.</p> <p>The Applicant’s proposed method has been used in many highways DCOs previously including the proposed M3 Junction 9 DCO 2024, A417 Missing Link DCO 2022, M25 Junction 10/A3 Wisley Interchange DCO 2022, A12 Chelmsford to A120 Widening DCO 2024, A428 Black Cat to Caxton Gibbet DCO 2022.</p> |
| 13.3 | <p><u>Schedule 2, Part 11, Requirements</u></p> <p>We would like to be consulted on the detailed design due to the environmental impacts.</p> | <p>The Applicant does not consider that it would be necessary to consult with the Environment Agency on detailed design due to its perception that there may be additional environmental impacts. The process by which the Environment Agency will be consulted will be through the specific requirements related to its functions and those elements of the REAC which require its input.</p> |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | | <p>Requirement 11 permits detailed design to be carried out so that it is compatible with preliminary design shown on the works plans, the general arrangement plans, the environmental masterplan and the engineering sections and drawings.</p> <p>The Applicant would be able to apply for a deviation from this preliminary design to the county planning authority, but the county planning authority may only grant that deviation if that departure would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.</p> <p>In this way, the Applicant considers that the scope of the Environment Agency’s consultation is appropriate as currently drafted. If the Environment Agency has a particular element of the design which it is concerned about, the Applicant would welcome further discussion to see how their concerns can be mitigated in the dDCO.</p> <p>The Applicant notes that its proposed method has been used in other highways DCOs including A417 Missing Link 2022, A47/A11 Thickthorn Junction DCO 2022, A57 Link Roads DCO 2022, A47 Wansford to Sutton DCO 2023, A428 Black Cat to Caxton Gibbet Development Consent Order 2022, A12 Chelmsford to A120 Widening DCO 2024, M25 Junction 10/A3 Wisley Interchange DCO 2022</p> |
| 13.4 | <p><u>Schedule 2, Part 13, Requirements</u></p> <p>Flood Compensatory Storage – The Environment Agency requests that it is added as a specific consultee to the discharge of this requirement so that it can advise on matters within its remit.</p> | <p>The Applicant agrees with the Environment Agency that it would be appropriate to consult on the discharge of this Requirement and has added the Environment Agency as consultee in its updated dDCO.</p> |
| 13.5 | <p>Schedule 2, Part 18, Requirements</p> <p>Discharge of water – we would like to be informed of any permits which are addressed under Water Quality and Flood Risk sections “The undertaker must take such steps as are</p> | <p>The Applicant’s position regarding other consents and agreements required to construct, use and maintain the authorised development is set out in the Applicant’s</p> |

| Response Reference | Relevant Representation Issue | Applicant Response | | | |
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| | reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension”. | Consents and Agreements Position Statement [APP-033] and in particular sets out the Applicant’s position regarding permits related to water and flood risk. | | | |
| | BOOK OF REFERENCE | | | | |
| 13.6 | We can concur that the Environment Agency’s does not have any land interest that falls within the red boundary provided. | Noted. | | | |
| | KEY ISSUES - BIODIVERSITY | | | | |
| 13.7 | <i>Bank Erosion and loss of riparian habitat</i> | Noted - The Register of Environmental Actions and Commitments (REAC) [APP-137] states: | | | |
| | <table border="1"> <tr> <td data-bbox="327 837 539 1335">Chapter 7: Biodiversity</td> <td data-bbox="539 837 663 1335">Issue</td> <td data-bbox="663 837 1059 1335">It is assumed that hard engineered bank protection will be required underneath the new bridge structure, due to an increased likelihood of bank erosion (caused in part by shading acting to remove bankside vegetation). At this stage, the details of the bank protection have not been determined but it has been assumed that the length will equal that of the width of the bridge deck and comprise of hard bank protection (e.g. rip-rap or non-biodegradable</td> </tr> </table> | Chapter 7: Biodiversity | Issue | It is assumed that hard engineered bank protection will be required underneath the new bridge structure, due to an increased likelihood of bank erosion (caused in part by shading acting to remove bankside vegetation). At this stage, the details of the bank protection have not been determined but it has been assumed that the length will equal that of the width of the bridge deck and comprise of hard bank protection (e.g. rip-rap or non-biodegradable | <p><i>‘WE4: At the detailed design stage, further assessment (including a scour assessment) will determine the most pragmatic solution and confirm the need for bank protection, specify the materials and general arrangement which will aim to minimise and, where possible, utilise soft solutions rather than hard bank protection. This will be agreed through consultation with the Environment Agency.’</i></p> <p>The Applicant therefore considers that the Environment Agency’s involvement in the process of detailed design is sufficiently controlled for this element of the Scheme.</p> |
| Chapter 7: Biodiversity | Issue | It is assumed that hard engineered bank protection will be required underneath the new bridge structure, due to an increased likelihood of bank erosion (caused in part by shading acting to remove bankside vegetation). At this stage, the details of the bank protection have not been determined but it has been assumed that the length will equal that of the width of the bridge deck and comprise of hard bank protection (e.g. rip-rap or non-biodegradable | | | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | | | geotextile) as a worst case scenario. | |
| | Section/pages/ table reference: 7.8.11 and 7.8.12. | Impact | This may cause permanent modification and potential localised loss of marginal lamprey ammocoete habitat. | |
| | | Solution | A bioengineered “green solution” would be used to transition from the grey bank protection to the natural banks up and downstream of the crossing. At the detailed design stage, further assessment and consultation with the Environment Agency is required to minimise and, where possible, exclude hard engineered or inappropriate bank protection and maximise habitat compensation. | |
| 13.8 | <i>Channel shading and disturbance</i> | | | The impacts of permanent shading and riparian vegetation loss and consequent habitat quality reduction associated with the Link Road River Chelt Bridge, and temporary shading and riparian vegetation disturbance/loss have been assessed within the Biodiversity Chapter [APP-066] (principally in Table 7-15 - Watercourse construction impact pathways and 7-17 Summary of impacts and effects from construction and operation of the Scheme). It is recognised that the bridge could result in shading and subsequent reduction in habitat suitability for plants at the site scale (20.8 m deck width). |
| | Chapter 7: Biodiversity | Issue | The new high clear span crossing over the River Chelt (West Cheltenham Link Road River Chelt Bridge) will result in permanent localised | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | | | <p>channel shading and loss of riparian habitat associated with earthworks for the construction of the bridge. The placement and use of the temporary haul bridge during construction may also result in temporary disturbance to riparian habitats and temporary in channel shading and as a result localised loss of aquatic plants and riparian vegetation</p> | <p>The Order limits are currently extended 100m upstream of the River Chelt culvert and approximately 150m upstream and 100m downstream of the Link Road bridge crossing, covering a 350m stretch of the River Chelt in total. This has been done to enable hydromorphological and ecological enhancements over this 350m stretch of the River Chelt which are included in the Scheme as an enhancement.</p> <p>The impacts as described only apply to a short stretch of watercourse including the area beneath the new bridge (approximately 20.8m) plus the area impacted by the temporary haul bridge during construction.</p> <p>These impacts will be mitigated by:</p> <ul style="list-style-type: none"> • Reinstating riparian vegetation • Avoiding ecologically sensitive periods • Ensuring working areas are located 10m from the watercourse wherever possible • Using soft start procedures for piling machinery • Using rotary piling rather than percussive piling • Maintaining fish passage at all times • Implementing appropriate fish displacement methods/fish rescue plan • Not undertaking night time working <p>These mitigation measures are secured via the Register of Environmental Actions and Commitments (REAC) [APP-137].</p> |
| | <p>Section/pages/ table reference</p> <p>Table 7-15</p> <p>Table 8-17:</p> | <p>Impact</p> | <p>Shading caused by the deck will impact in-channel and riparian vegetation structure under the bridge, as well as potentially having localised adverse impacts on other species such as aquatic macroinvertebrates and fish through habitat quality reduction. The placement and use of the temporary haul bridge during construction may result in temporary disturbance to riparian habitats and temporary in-channel shading and as a result</p> | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | | | <p>localised loss of aquatic plants and riparian vegetation. Construction activities such as excavation, plant/material movements and piling to accommodate the new watercourse crossing may result in disturbance to aquatic species</p> | <p>A residual effect of minor adverse, rather than neutral, is reported on a reasonable worst case, precautionary basis.</p> <p>The Applicant considers that extending the area over which measures to improve hydromorphological and ecological diversity are already being implemented would be disproportionate to the impacts of this project.</p> |
| | | Solution | <p>We welcome the implementation of mitigation and enhancement measures upstream of the River Chelt M5 culvert and upstream and downstream of the Link Road Bridge crossings. However, we recommend that proposed bank reprofiling, riparian planting and installation of channel feature be further extended. We believe it is proportionate and desirable to extend the reach of the Chelt that will be subject to hydromorphological and ecological enhancements.</p> | |
| 13.9 | Hard engineering and bank protection | | | <p>The drawings provided in these plans are indicative plans which will be developed further at detailed design and therefore the indicative cross section drawings are</p> |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | Environmental Master Plan (EMP) | Issue | <p>The indicative cross-sections in drawing number GCCM5J10 ATK EWE ZZ_PO DR LW 000001 of</p> <p>the reaches up and downstream of the Link Road illustrate an asymmetrical channel with significant additional space for river processes, primarily as a result of lowering the inside bends, up stream of the Link Road in particular. The current iteration shows a relatively uniform bank top (bank full) width which has 'smoothed out' to some extent the existing meandering form.</p> | <p>not intended to be relied upon as the final design of the channel.</p> <p>The Applicant agrees that creating a two staged channel by pulling back the bank tops has created a wider, less sinuous bank top. However, there remains a low flow channel which has maintained its naturally sinuous platform. The principles behind this approach are set out below:</p> <ul style="list-style-type: none"> • The channel is over deep due to the incision with very steep, vertical banks upstream of the Link Road which are subject to significant erosion. • The channel is known to be active in this reach and the Applicant agrees it is naturalising through lateral migration and bank erosion during high flow events. • By pulling the bank tops back, the Applicant aims to aid this natural process by improving lateral connectivity and creating more opportunity for the channel to adjust and be more diverse under the low and moderate flow events. • The additional space created by pulling the existing bank tops away from the watercourse will reduce the erosive potential in high flow events and prevent further incision. This method is expected to help maintain the sinuosity of the low flow channel. <p>There will be an opportunity to review and amend the channel design at the Detailed design stage as outlined in the REAC (WE4). In particular, to ensure the design appropriately considers the active geomorphological nature of the channel, but also ties-in with the overall design.</p> |
| | Section/pages/table reference: Indicative River Chelt Link Road River Cross-Sections | Impact | <p>The Chelt in particular is very geomorphologically active, particularly between the edges of Cheltenham and the M5, where it is naturalising following historic straightening and re-sectioning. It suffers from excessive incision which needs to be redressed and</p> | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | | | anticipated any design. | |
| | GCCM5J10 ATK EWE ZZ_PO DR LW 000001 | Solution | The final iteration of the channel cross sections should show more diversity in gradient in all elements of channel geometry to create an attractive naturalistic channel with improved functionality. In the expectation of | |
| | | | further dialogue with the Environment Agency e.g. in the context of Flood Risk Activity Permit (FRAP) /statement of common ground etc we can offer more detailed feedback on all the river enhancement commitments to maximise benefits and optimise the designs of the interventions. | |
| 13.10 | <i>Dean brook, River Swilgate and Hatherley brook</i> | | | <p>As explained in Appendix 7.12 Aquatic Ecology Survey [APP-098], the River Swilgate, Hatherley Brook and Dean Brook are all identified as being within the study area, but are then screened out of further assessment, thus they have not been carried through to the main Biodiversity Chapter [APP-066]. The reasoning for this was that these watercourses are not within the footprint of the works and have no downstream hydrological connectivity to likely Scheme impacts.</p> <p>Whilst these watercourses are within the Order limits, they are outside of the Scheme Boundary as defined in at paragraph 7.4.11, Biodiversity Chapter [APP-</p> |
| Chapters: Environmental Statement | Issue | Dean brook, River Swilgate and Hatherley brook aren't labelled, highlighted or included in the assessment screening outcome. All three are within hydrological catchment of the Severn estuary and support qualifying | | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | | | species of the protected site. | <p>066]. This is because this area of the Order limits does not contain any substantive works which communicate with these watercourses.</p> <p>Where the Order limits extend along the M5, in the location of the Dean brook, River Swilgate and Hatherley brook, the only works proposed are the installation of signs in discrete locations, which will require minor vegetation clearance of up to approximately 20m² plus some minor trimming back of vegetation up to a distance of 180 m in front of the sign to ensure visibility. These signage locations can be micro-sited to avoid/minimise ecological impacts. These small-scale works are consistent with routine highway maintenance works. Pre-construction surveys of the discrete signage locations and working with the contractor to micro-site locations where appropriate to avoid or minimise ecological impacts will be undertaken and is considered to be proportionate. Therefore, these areas have been excluded from assessments to inform the ES. The Applicant understands that Natural England are in agreement with this approach, as set out in the Statement of Common Ground [APP-149].</p> <p>Addressing legacy environmental issues (such as existing culverts under the M5) that are not connected to the Scheme proposals should be secured by an alternative route; it is not appropriate to link such measures to the Scheme.</p> <p>Extending the Order limits to accommodate longer lengths of the River Chelt is considered to be disproportionate for the impacts. Retrofitting other passes to all relevant watercourses within the Order limits is not considered appropriate given that no impacts to the Dean Brook, River Swilgate and Hatherley Brook are anticipated as a result of the Scheme, and therefore they have been excluded from assessments to inform the ES.</p> |
| | <p>Section/pages/table reference:</p> <p>Land Plans - APP 2.2</p> <p>/APP/2.2 LAND PLANS REGULATION 5(2)(i) SHEET1, 2</p> <p>and 10 OF 16</p> <p>Appendix 7.12 Aquatic ecology survey – APP 6.15 FIGURE7-12A</p> | Impact | <p>The carriageway and potentially some additional land over Dean brook, River Swilgate and Hatherley brook are within the red line boundary and shown as land to be used temporarily. More clarification/confirmation is needed as to what works are taking place (if any) that might affect this watercourse directly or indirectly and the significance of being in land used temporarily?</p> <p>There doesn't appear to be any planned. Additionality of current proposal to significant legacy environmental impacts of M5; loss of habitat, habitat connectivity and increased risk to otters etc. In additions to culverts and training walls under M5 the Swilgate suffered significant unsympathetic realignment at the toe of the M5.</p> <p>The scale of proposed mitigation on the Chelt itself and ditch</p> | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | | | network at headwaters of Chelt and headwater ditch network not commensurate with impact. | |
| | | Solution | <p>If it is not possible to further extend the order/red line boundary limits on the Chelt to accommodate longer lengths for compensation habitat enhancement, we strongly advocate retrofitting otter passes to all relevant watercourses within redline boundary – scheme wide approach.</p> <p>Opportunities to offer mitigation on these watercourses within the estate Highways and red line boundary mitigation or enhancement</p> | |
| 13.11 | Leigh Brook | | | <p>It is recognised that European eel have wide-ranging habitat requirements and are found in a variety of aquatic features (rivers, lakes, ditches etc). However, the Leigh Brook is considered to be sub-optimal habitat for all fish species, and likely to typically only support common small species, such as 3-spined stickleback, if any fish at all (see paragraph 7.6.155 of the Biodiversity Chapter [APP-066]). The reasoning for this assessment is due to low water levels and limited ‘truly’ aquatic habitat within the Leigh Brook at the point of interaction with the Scheme.</p> <p>The Applicant acknowledges that during periods when the Leigh Brook conveys flows/holds water, it may act as a suitable resource for migrating European eel</p> |
| Chapters: Chapter 7 Biodiversity | Issue | Impacts to Leigh Brook not adequately characterised or mitigated. | | |

| Response Reference | Relevant Representation Issue | | Applicant Response | |
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| | Section/pages/ table reference: Table 7-15 7.8.136. Table 7-16 | Impact | <p>The extension Leigh Brook Culvert under the M5</p> <p>0.02 km of open channel and riparian habitat will be permanently lost due to the extension of the Leigh Brook culvert to accommodate the installation of the two northern slip roads. Construction activities such as excavation and plant/material movements to accommodate the culvert extension and channel realignment, may result in temporary disturbance to other aquatic species and riparian species. Although we agree that the section of the Leigh Brook within and immediately adjacent to the Scheme may not support a significant fish population, due to poor habitat quality and intermittent flow. We do not agree that this will act to limit the presence of key sensitive species, such as migratory eel, as much as stated.</p> | <p>within the wider catchment (see Table 3-6 in Appendix 7.12 Aquatic Ecology Survey [APP-098]). However, the Leigh Brook is not considered in itself to be a viable resource for long-term adult eel development due to very low water levels. Moreover, at the point of interaction with the Scheme the Leigh Brook is unlikely to be a key migration route given there is limited upstream habitat which would be suitable for this species. Whilst there is potential for individual eel to utilise the reach at times, it is considered unlikely that this is a common occurrence.</p> <p>Following consultation with the Environment Agency, additional mitigation has been included within the Biodiversity chapter (application document: TR010063 – APP 6.5), the WFD assessment (application document: TR010063 - APP 6.15) and the Register of Environmental Actions and Commitments (REAC) [APP-137]: B28 as part of Deadline 1 to mitigate any potential impacts to fish as a result of construction of the Barn Farm Culvert extension on the Leigh Brook.</p> <p>For further information on the Leigh Brook see photographs within the Appendix 8.2 WFD Compliance Assessment [APP-6.15] and Appendix 7.12 Aquatic Ecology Survey [APP-098].</p> |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | | Solution | Reconsider impacts to Leigh Brook, and proposed mitigation. | |
| 13.12 | Otters | | | <p>The assessment acknowledges that otter could potentially be subject to residual slight adverse effects during construction as a result of some temporary disturbance. During operation, the assessment concludes a neutral residual effect.</p> <p>The potential impacts to otter are clearly stated (disturbance to commuting, foraging and resting otter and degradation of habitats via pollution during construction; injury/mortality of otters as a result of collision with vehicles and degradation of habitats via pollution during operation) and the assessment takes into account the embedded and additional mitigation measures which will reduce or avoid such impacts.</p> <p>Direct loss of watercourses and associated riparian and bankside habitat as a result of new or extended culverts:</p> <p>The survey results indicate that the River Chelt, MW5 and connected watercourses/waterbodies (Leigh Brook, MW4 and nearby ponds) primarily function to provide connectivity to the wider landscape.</p> <p>Resting site features identified during the surveys will not be lost as a result of the Scheme although the potential for temporary disturbance to otters moving through the Scheme area, as well as otters using the resting site features identified, has been identified.</p> <p>The mitigation proposed therefore focuses primarily on maintaining connectivity and minimising disturbance which is aligned with how the survey results indicate otters are using the area, and the impacts identified. There will be no measurable loss of otter habitat as a result of the Scheme.</p> |
| Chapters: Chapter 7 Biodiversity | Issue | Scheme concludes that there will be no impacts to otters. The proposed culverting operations and realignments although unavoidable will affect otter aquatic and terrestrial habitats. | | |
| Section/pages/ table reference: 7.8.78. 7.8.171 | Impact | The direct loss of watercourses and associated riparian and bankside as a result of new or extended culverts represents a loss to this (and other) species. Injury/mortality to otters as a result of collision with vehicles. Fragmentation of the ditch network in the upper reaches of the Leigh brook and minor tributaries of the Chelt will have a | | |

| Response Reference | Relevant Representation Issue | | Applicant Response |
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| | | residual impact. | <p>Injury/mortality to otters as a result of collision with vehicles:</p> <p>This has been considered as an operational impact and the following mitigation measures put in place to avoid such impacts:</p> <ul style="list-style-type: none"> The proposed Link Road will comprise a clear span structure over the River Chelt and, therefore, the River Chelt channel and banks will be retained beneath ensuring otters can continue to move along this watercourse unimpeded. An otter underpass within 50 m to the south of the River Chelt on the Link Road, and associated landscape planting to guide otters to the underpass, will reduce the risk of injury/mortality to otters as a result of collision with vehicles. An otter ledge will be retrofitted to the existing River Chelt culvert beneath the M5 to improve this crossing feature for otters. Installation of otter proof fencing along the Link Road within 100 m of the River Chelt will prevent otters from reaching the live carriageway. <p>Fragmentation of the ditch network in the upper reaches of the Leigh Brook and minor tributaries of the Chelt:</p> <p>None of the ditches were considered suitable to support otters, being predominantly dry with no aquatic vegetation present, or supporting only small pools of polluted water, heavily shaded with shallow banks. However, it is acknowledged that they may offer some limited suitability for otters moving through the landscape. The mitigation measures ensure that there is a net gain in ditch length, and any new or realigned ditch includes ecologically and geomorphologically sensitive design to improve habitat condition. In addition, any riparian vegetation that is lost to ditch works will be reinstated following construction. Therefore, fragmentation of the ditch</p> |
| | Solution | Increase extent of riparian mitigation and enhancement states scheme. We urge caution when assessing degradation impacts to these habitats during construction or operation via pollution events or other causes of degradation relying on embedded mitigation to conclude negligible adverse impact. | |

| Response Reference | Relevant Representation Issue | Applicant Response | | | | | | | | | | | | |
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| | | <p>network will not result in an adverse effect on otters.</p> <p>The Applicant maintains that the mitigation package proposed for otters is appropriate and proportionate to the impacts. Natural England are in agreement with our assessment.</p> | | | | | | | | | | | | |
| 13.14 | <table border="1"> <tr> <td colspan="3" data-bbox="344 496 1055 571"><i>Eels</i></td> </tr> <tr> <td data-bbox="344 571 562 959">Chapters: Appendix 7.14 Habitat Regulations Assessment – Statement</td> <td data-bbox="562 571 689 959">Issue</td> <td data-bbox="689 571 1055 959">Value of watercourses other than the Chelt for eel may have been underestimated. The Leigh Brook and some of the other affected watercourses have some potential to support Catadromous fish namely eel. Eel also routinely frequent heavily modified drainage ditches.</td> </tr> <tr> <td data-bbox="344 959 562 1098">Section/pages/ table reference:</td> <td data-bbox="562 959 689 1098">Impact</td> <td data-bbox="689 959 1055 1098">Potential disturbance, injury or mortality to eels during construction.</td> </tr> <tr> <td data-bbox="344 1098 562 1254"></td> <td data-bbox="562 1098 689 1254">Solution</td> <td data-bbox="689 1098 1055 1254">Consider impacts on eels in other watercourses other than the Chelt.</td> </tr> </table> | <i>Eels</i> | | | Chapters: Appendix 7.14 Habitat Regulations Assessment – Statement | Issue | Value of watercourses other than the Chelt for eel may have been underestimated. The Leigh Brook and some of the other affected watercourses have some potential to support Catadromous fish namely eel. Eel also routinely frequent heavily modified drainage ditches. | Section/pages/ table reference: | Impact | Potential disturbance, injury or mortality to eels during construction. | | Solution | Consider impacts on eels in other watercourses other than the Chelt. | <p>The Leigh Brook and other minor tributaries and ditches within the Study Area are heavily modified drainage channels relatively near their source, often choked with vegetation. The Leigh Brook is the largest of these minor watercourses yet exhibits low flow conditions within the study area demonstrated by the ‘no perceptible’ flow type recorded within MoRPh survey and observations of stagnant pools (see Appendix 7.12 Aquatic Ecology Survey [APP-098].) Whilst it is recognised that European eel have wide-ranging habitat requirements and are found in a variety of aquatic features (rivers, lakes, ditches etc), the watercourses listed above are considered unlikely to provide suitable habitat for long term adult eel development due to very low water levels (as discussed in the Applicant response 13.11). In addition, it is not expected that realignments or culvert works on these watercourses would take place during high flows, when eel could potentially utilise these systems, if they do. This would therefore reduce risk to this species further.</p> <p>However, following consultation with the Environment Agency, additional mitigation has been included within the Biodiversity chapter updated at Deadline 1 (application document: TR010063 – APP 6.5 – Rev 1.0), the WFD assessment (application document: TR010063 - APP 6.15 – Rev 1.0) and the Register of Environmental Actions and Commitments (REAC) [APP-137]: B28 as part of Deadline 1 to mitigate any potential impacts to fish as a result of construction of the Barn Farm Culvert extension on the Leigh Brook.</p> |
| <i>Eels</i> | | | | | | | | | | | | | | |
| Chapters: Appendix 7.14 Habitat Regulations Assessment – Statement | Issue | Value of watercourses other than the Chelt for eel may have been underestimated. The Leigh Brook and some of the other affected watercourses have some potential to support Catadromous fish namely eel. Eel also routinely frequent heavily modified drainage ditches. | | | | | | | | | | | | |
| Section/pages/ table reference: | Impact | Potential disturbance, injury or mortality to eels during construction. | | | | | | | | | | | | |
| | Solution | Consider impacts on eels in other watercourses other than the Chelt. | | | | | | | | | | | | |
| 13.15 | <i>Biodiversity Net Gain</i> | Version of metric used: | | | | | | | | | | | | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | Chapters: Appendix 7.18 Biodiversity Net Gain (BNG) Environmental Statement Non-technical summary asp 6.1 | Issue | Previous version of BNG Metric (Version 3.0) was used. Inappropriate works classed as enhancement when they should be classed as mitigation. All areas within the temporary working area of the scheme noted as being returned after construction to their pre-works baseline habitat type and condition. The river diversity units, in particular the river and ditches appear to significantly overestimate the actual net gain. | <p>The BNG Metric has been through four iterations (which are referred to as; 2.0, 3.0, 3.1 and 4.0) prior to a statutory metric being issued by the DEFRA on 12th February 2024, after submission of the DCO. The statutory metric is the version of the metric which is now required to be used by developers to support any Town & Country Planning Applications (TCPA) submitted after 12th April 2024. However, this requirement for mandatory BNG does not apply to DCO applications at present and is not due to apply to them until further Regulations are laid before Parliament and approved, expected to be in late 2025. Guidance has been issued after each metric update outlining the action to take if previous versions of the metric have been used to date for a project. The advice published in April 2022 (when metric version 3.1 was issued to replace version 3.0) after the BNG feasibility study had been completed for the Scheme was 'If a project has already begun using a previous version of the Biodiversity Metric we do not recommend changing metrics mid-project, as this may result in discrepancies between calculations' (Natural England Joint Publication JP039 (April 2022) Biodiversity Metric 3.1 Frequently Asked Questions accessed here: http://publications.naturalengland.org.uk/publication/6049804846366720.) This guidance was followed, and metric version 3.0 has continued to be used to avoid such discrepancies and was used for the BNG assessment reported in Appendix 7.18 Biodiversity Net Gain [APP-104]. Natural England are in agreement with this approach.</p> <p>Inappropriate works classed as enhancement when they should be classed as mitigation:</p> <p>Within the BNG metric, post works habitats (i.e. excluding any areas that are identified as retained in the baseline) are either classified as 'created' or 'enhanced.' The term 'created' in this context refers to the scenario when the original broad habitat type is lost and replaced with a different habitat type. The term 'enhanced' in this context refers to the scenario when the original broad habitat type remains but is restored. For example, a number of hedgerows are enhanced from native hedgerows to native species rich hedgerows by increasing species diversity through additional planting. And the condition of the River Chelt upstream and</p> |
| | Section/pages/table reference: | Impact | Risk that overrepresented net gain undermines the need for adequate mitigation and enhancement. Missed opportunity to enhance some areas and features within temporary working area. | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | | Solution | <p>Re-do metric calculations using latest (official) version, unless agreed with Natural England. Re- assess works to determine if some need to be classed as mitigation.</p> <p>Determine if river diversity unit is being overestimated and ensure that measures required by other drivers including WFD are delivered. A combined meeting with Natural England to gain a better understanding of what has been agreed.</p> | <p>downstream of the Link Road will be enhanced from moderate to fairly good by implementing measures to improve hydromorphological and ecological diversity such as bank reprofiling and marginal and aquatic planting. It is not possible to classify works as 'mitigation' within the metric. It is correct that some of the measures described as enhancement in the BNG assessment are reported as mitigation within the ES, but this is a result of the terminology within the BNG metric.</p> <p>Temporary working areas:</p> <p>The Scheme has a commitment that all land taken temporarily for the purposes of construction will be reinstated to the same habitat type and condition as prior to the works occurring and returned to the landowner. The Scheme will not have long-term control over these areas and the BNG assessment therefore cannot reliably incorporate any habitat enhancements here.</p> <p>Over representation of river and ditch biodiversity units:</p> <p>The BNG assessment submitted to the Planning Inspectorate in December 2023 (Appendix 7.18 Biodiversity Net Gain [APP-104]) was undertaken predominantly in 2022 and early 2023 in order to inform the Scheme design. Therefore, at the time of the assessment BNG was in its early stages. Limited examples were provided from DEFRA to follow. In particular, there wasn't specific advice on how to account for new drainage channels within Scheme designs. Subsequently, new drainage ditches proposed within the Scheme were considered to contribute towards a net gain in river units as it was felt they would meet the definition of a 'ditch' provided within the 3.0 User Guide: 'A ditch is an artificially created, linear water-conveyancing feature less than 5m wide and likely to retain water for more than 4 months of the year. Their hydraulic function is primarily for land drainage, and although partially or fully connected to a river system, they would not have been present without human intervention' (accessible from http://publications.naturalengland.org.uk/publication/6049804846366720).</p> |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | | <p>New drainage ditches were assumed to be created in poor condition with major riparian encroachment to reflect the fact that these are artificial features adjacent to road infrastructure. As such, this is not thought to be an overestimation of the units created for these features.</p> <p>Creation of 'rivers and streams' habitat accounted for within the assessment relates to re instating the River Chelt in a poorer condition as per the guidance. This creates units, but at a lower number than the baseline (condition) which was lost.</p> <p>A separate scenario was presented alongside this approach, which did not include any losses of watercourse where there is a reduction in condition because it was felt this approach did not adequately reflect the fact that the river was retained in-situ. However, updated guidance for following versions of the metric, including the Statutory Metric reinforce the original guidance that a reduction in river condition should be considered a loss in units. As such, this additional scenario presented can be disregarded, including the units reported for it. The results for the assessment following the 3.0 guidance are reported and believed to provide a correct representation of BNG creation for rivers for the metric version used.</p> <p>Additional unit gain was calculated from enhancements. These were related to:</p> <ul style="list-style-type: none"> • Enhancements to the retained length of the River Chelt within the Order limits at the West Cheltenham Link Road. • Enhancements of the River Chelt immediately upstream of the River Chelt Culvert resulting in an increase in one condition class. • Enhancements of the retained section of the Leigh Brook within the Order limits downstream of the Leigh Brook Culvert. <p>Appendix C within Appendix 7.18 Biodiversity Net Gain Appendix 7.18 Biodiversity Net Gain [APP-104] provides a detailed breakdown of the expected changes in river condition indicator scores within these reaches in light of the proposed Scheme</p> |

| Response Reference | Relevant Representation Issue | Applicant Response | | | | | | | | | |
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| | | design. The changes in condition reflected in these reaches are considered to be appropriate. | | | | | | | | | |
| 13.16 | <table border="1"> <thead> <tr> <th colspan="3" data-bbox="344 405 1050 480">Great Crested Newts</th> </tr> </thead> <tbody> <tr> <td data-bbox="344 480 607 927">Chapters 7: Biodiversity</td> <td data-bbox="607 480 707 927">Issue</td> <td data-bbox="707 480 1050 927">The scheme proposes to create six attenuation basins and the wetland habitat within the flood storage area which `will be designed to benefit biodiversity, including great crested newts`. The current design does not show much biodiversity enhancement, however, optimise the potential of the attenuation ponds.</td> </tr> <tr> <td data-bbox="344 927 607 1190">Section/pages/table reference</td> <td data-bbox="607 927 707 1190">Impact</td> <td data-bbox="707 927 1050 1190">Lack of available habitat specifically for great crested newt. Risk of amphibian mortality (including great crested newts) associated with traditional gullies.</td> </tr> </tbody> </table> | Great Crested Newts | | | Chapters 7: Biodiversity | Issue | The scheme proposes to create six attenuation basins and the wetland habitat within the flood storage area which `will be designed to benefit biodiversity, including great crested newts`. The current design does not show much biodiversity enhancement, however, optimise the potential of the attenuation ponds. | Section/pages/table reference | Impact | Lack of available habitat specifically for great crested newt. Risk of amphibian mortality (including great crested newts) associated with traditional gullies. | <p>Chapter 7 – Biodiversity APP6.5 (reference TR010063) Para 7.8.137 states, “No ponds are located under the footprint of the Scheme or within the Order limits” therefore there are no GCNs present within existing waterbodies (ponds) on the site.</p> <p>In the absence of existing standing waterbodies (ponds) mitigation for the loss of standing waterbody (ponds) habitat suitable for GCN at the site is not required, and Table 7-17 in the ES states, “No ponds specifically for great crested newts will be created”.</p> <p>As an enhancement measure, the ES states, “the six attenuation basins and the wetland habitat within the flood storage area will be designed to benefit biodiversity, including great crested newts”. The attenuation ponds will be wet at times of wet weather and therefore will potentially provide wet habitat for GCNs at this time. The ponds will not always be wet but will be planted with wetland habitats to accommodate the changing conditions of the pond. This wet habitat may provide terrestrial habitat to support GCNs and GCNs will breed in temporary ponds and use waterbodies which dry out in summer months.</p> <p>The design submitted for DCO will provide 10% Biodiversity Net Gain this includes terrestrial habitat which will benefit GCNs.</p> <p>The ponds are designed to meet Tewksbury Borough Council’s requirement that attenuation ponds should have a maximum depth of 1.2m. Retaining a permanent water volume in the ponds would reduce the available storage volume. Thus, the ponds would need to increase in size, potentially up to 6m radius, to accommodate a permanent water volume. Unfortunately, it is not possible to accommodate larger attenuation bonds within the Red Line Boundary whilst avoiding site constraints,</p> |
| Great Crested Newts | | | | | | | | | | | |
| Chapters 7: Biodiversity | Issue | The scheme proposes to create six attenuation basins and the wetland habitat within the flood storage area which `will be designed to benefit biodiversity, including great crested newts`. The current design does not show much biodiversity enhancement, however, optimise the potential of the attenuation ponds. | | | | | | | | | |
| Section/pages/table reference | Impact | Lack of available habitat specifically for great crested newt. Risk of amphibian mortality (including great crested newts) associated with traditional gullies. | | | | | | | | | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | | Solution | We would recommend you improve the physical design of the basins to make a meaningful contribution to this species and other wildlife. | <p>such as utilities.</p> <p>During detailed design, consideration will be given to undulating the base of the attenuation ponds to retain pools of water for as long as possible. Opportunities to include escape routes for GCNs from the highway gullies will also be included where feasible.</p> |
| KEY ISSUES – FLOOD RISK | | | | |
| 13.17 | Volume 6. (Appendix 8.1 Flood Risk Assessment Part 1 of 2) | | | <p>Flood compensation will be required during the construction phase to offset the losses. This is described in the Register of Environmental Commitments [AS-027] under item WE17, which states:</p> <p>“To mitigate the impact of permanent earthworks within the wider floodplain, construction work will be phased so that floodplain storage and compensation areas are constructed prior to loss of floodplain volume to ensure no overall adverse impact. Compensatory floodplain to offset the volume of water displaced by the Scheme during the design flood, will be implemented prior to the removal of any existing floodplain. This includes a flood storage basin between the M5 motorway and Withybridge Lane (Work No. 7), and two areas of compensatory floodplain immediately east of the West Cheltenham Link Road (Work No. 5n) and north of the B3634 (Work No. 6d)”.</p> <p>The Applicant recognises the need to avoid locating construction compounds and stockpiles in the floodplain. This is described in the Register of Environmental Commitments [AS-027] under item WE15, which states:</p> <p>“Construction activities including temporary works, storage, and compounds within the functional floodplain will be minimised as far as possible.”</p> <p>The Applicant recognises the need for a flood management plan during</p> |
| 2.4.4 | Issue | Flood plain compensation | | |
| | Impact | To mitigate for losses incurred by the construction of the new junction and link road. | | |
| | Solution | <p>A full compensation scheme to be delivered prior to commencement of major engineering works to not only offset the final proposed solution but also minimise impacts during the construction period.</p> <p>Clarification is required from applicant.</p> | | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | 5.1.8 | Issue | Location of Construction Compounds and temporary stockpiling of material. | <p>construction. This is described in the Register of Environmental Commitments [AS-027] under item WE15, which states:</p> <p>“A Flood Management Plan will be produced as part of the Emergency Preparedness and Response Plan, to be produced in the EMP (2nd iteration), and secured under Schedule 2, Requirement 3(2)(e)(viii) of the DCO.”</p> <p>The DCO application provides the preliminary design, in terms of a location and size (volume) required for the flood storage and compensatory floodplain. Detailed design will be undertaken at the next stage of the project.</p> <p>The question of landowner agreement is a matter of ongoing correspondence between the Applicant and the landowners. Consultation is underway and ongoing.</p> |
| | | Impact | Compounds should avoid being in Flood Zone 3b and 3a. If it is proposed to locate any compound in Flood Zone 3a then appropriate mitigation should be provided. Stockpiling of material should also be avoided in key out of bank flood flow routes. | |
| | | Solution | At present no agreement or detail has been provided as to location of compounds or temporary stockpiling and their duration throughout the works. This will need to be agreed in advance of the commencement of works with suitable mitigation, with further plans/information submitted. | |
| | 5.4.3 | Issue | Flood Management Plan. | |
| | | Impact | The Flood Management Plan should outline in detail all mitigation measures required | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | | | during the construction phase. | |
| | | Solution | A Flood Management Plan must be submitted prior to the finalisation of designs and commencement of works and include all relevant mitigation measures. | |
| | 5.4.26 – 5.4.47 | Issue | Provision of flood plain compensation scheme. | |
| | | Impact | Failure to provide an appropriate scheme will result in impacts to third parties. | |
| | | Solution | Whilst a scheme has been agreed in principle no detail designs have been submitted as would be expected to support the application. Whilst this could be conditioned it would have been preferable to have seen detailed designs submitted. | |
| 5.4.95 – 5.4.99 | Issue | Right to increase flood levels through the DCO. | | |

| Response Reference | Relevant Representation Issue | | Applicant Response |
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| | Impact | Where full flood plain compensation cannot resolve all flood risk impacts over the lifetime of the development. | |
| | Solution | A legal agreement with those landowners affected should be submitted as part of this review based on the evidence set out within the Flood Risk Assessment (FRA) in line with common land drainage law or alternative mitigation provided. | |
| 13.18 | <p>We have reviewed the Flood Risk Assessment (FRA) prepared by Atkins dated December 2023 as set out in Appendix 8.1 of the Environment Statement.</p> <p>We have no objections to the proposals in principle from a flood risk perspective as the evidence presented to support the Development Consent Order (DCO) meet the requirements set out within the National Planning Policy Framework (NPPS) in relation to flood risk.</p> | | <p>Noted that the Environment Agency has no objections to the proposals in principle from a flood risk perspective as the evidence presented to support the Development Consent Order (DCO) meets the requirements set out within the National Planning Policy Framework (NPPS) in relation to flood risk.</p> |
| 13.19 | <p>Exemption Test Principles: Following on from the model reviews the applicant has submitted initial details for flood mitigation proposals to meet the requirements of the principles that must be met as listed in paragraph 079 of the NPPG.</p> | | Noted |
| 13.20 | <p>Remain operational and safe for users in times of flood: The Design Flood Level which includes an appropriate 53%</p> | | Noted |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | <p>uplift for the potential impacts of climate change over the lifetime of the development has been used and additional freeboards applied to ensure that the link road remains operational along with all flood risk infrastructure such as the flood culverts (which are positioned where key out of bank flood flow routes currently exist in Flood Zone 3b) and river bridge meet appropriate design criteria.</p> | |
| 13.21 | <p>Result in no net loss of floodplain storage: Whilst appropriate level for level, volume for volume flood plain compensation has been difficult to obtain the overall volume of compensation provided and its location shows that no significant impacts will result from the development.</p> <p>This has been supported by the detailed preferred option hydraulic modelling. However, where some minor impacts do still occur outside of the proposed compensation areas the applicant must obtain the agreement of the effected landowner as part of the DCO process.</p> <p>It is also key that any proposed compensation works are undertaken prior to construction of the scheme commencing within the flood plain that would also minimise impacts during the construction phase.</p> <p>However, the level of detail provided on the final compensation designs is deemed limited and several documents referred to within the FRA such as the Baseline and Scheme Hydraulic Modelling Reports have not been included within the submissions, which contain further relevant details to support the application.</p> | <p>The Scheme will result in no net loss of floodplain storage by virtue of the floodplain storage and compensatory floodplain. This is described in the Flood Risk Assessment [AS-023], summarised in paragraph 7.2.2. The predicted minor impacts in flood risk to farmland are considered non-material and are being consulted upon with the landowners. The land affected is included in the DCO Order limits. There are no increases in flood risk to property.</p> <p>Flood compensation will be required during the construction phase to offset the losses. This is described in the Register of Environmental Commitments [AS-027] under item WE17, which states:</p> <p>“To mitigate the impact of permanent earthworks within the wider floodplain, construction work will be phased so that floodplain storage and compensation areas are constructed prior to loss of floodplain volume to ensure no overall adverse impact. Compensatory floodplain to offset the volume of water displaced by the Scheme during the design flood, will be implemented prior to the removal of any existing floodplain. This includes a flood storage basin between the M5 motorway and Withybridge Lane (Work No. 7), and two areas of compensatory floodplain immediately east of the West Cheltenham Link Road (Work No. 5n) and north of the B3634 (Work No. 6d)”.</p> <p>The DCO application provides the preliminary design, in terms of a location and size (volume) required for the flood storage and compensatory floodplain. Detailed design will be undertaken at the next stage of the project. The Baseline and Scheme Hydraulic Modelling Reports have been added to the Flood Risk</p> |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | | <p>Assessment as appendices within the submissions {AS-047 and AS-048 respectively}. These contain further relevant details and evidence to support the application.</p> <p>The Applicant understands that the statement made here by the Environment Agency is not an objection but raised for information and that the Environment Agency is satisfied that the Scheme will not impede water flows and not increase flood risk elsewhere.</p> |
| 13.22 | <p>Not impede water flows and not increase flood risk elsewhere: The proposed design includes flood culverts beneath the carriageway embankment within critical areas of out of bank flood flows within the functional flood plain (Flood Zone 3b).</p> <p>The new bridge across the River Chelt also takes account of the impacts of climate change, though the description within the FRA and the drawings submitted do not align. The hydraulic modelling also confirms that whilst structures would potentially impact on out of bank flow routes, these impacts can be mitigated for.</p> <p>Hence it is considered that in principle the above key requirements of the exception test can be passed subject to appropriately worded conditions to ensure the works are delivered.</p> | <p>The Scheme will not impede water flows by virtue of the culverts placed underneath the Link Road and extension of other existing culverts to ensure hydraulic connectivity. The Scheme will impede water flows between the River Chelt and Leigh Brook, preventing them from overtopping the A4019. The flood storage mitigates for the impact of raising the A4019. This is described in the Flood Risk Assessment [AS-023], summarised in paragraph 7.2.2.</p> <p>The description of the new bridge across the River Chelt within the Flood Risk Assessment indicates a 24 m wide span with the deck soffit set at least 600 mm above the predicted design flood level of 27.7 m AOD. The abutments are to be set back from the river banks by 4 m on the north and 8 m on the south, permitting access under the bridge on both banks if required. Sheet 4 of 12 within the Engineering Drawings and Sections [APP-017] shows a 24.00m clear span. A 4m wide easement is labelled off the north bank of the River Chelt, and a similar width, undimensioned, easement is shown off the southern bank. The Flood Risk Assessment, which references an 8m wide easement, is superseded and refers to a much earlier design option.</p> <p>Minor impacts on flood risk are predicted to farmland are whilst considered non-material are being consulted upon with the landowners. The land affected is included in the DCO Order limits. There are no increases in flood risk to property and there is no material increase in flood risk elsewhere.</p> <p>The Applicant understands that the statement made here by the Environment</p> |

| Response Reference | Relevant Representation Issue | Applicant Response | | | |
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| | | <p>Agency is not an objection but raised for information and that the Environment Agency is satisfied that the Scheme will not impede water flows and not increase flood risk elsewhere.</p> | | | |
| 13.23 | <p>Regulatory Easements and need for other permissions: Elements of the proposals will also require the prior separate formal permission of the Environment Agency under the Environmental Permitting Regulations (2016) and it is noted that the DCO does not seek to disapply these requirements.</p> <p>However, this process is seen as secondary to formal planning permission in relation to the final proposed designs and required mitigation in relation to flood risk, which should have been submitted.</p> | <p>Noted. The DCO application provides the preliminary design, in terms of a location and size (volume) required for the flood storage and compensatory floodplain. Detailed design will be undertaken at the next stage of the project.</p> <p>The DCO does not disapply the Environmental Permitting Regulations (2016) and Flood Risk Activity Permits and Ordinary Watercourse Consents will be required. These will be sought at the detailed design stage.</p> <p>The Applicant understands that the statement made here by the Environment Agency is not an objection but raised for information and that the Environment Agency is satisfied that the Scheme will not impede water flows and not increase flood risk elsewhere.</p> | | | |
| 13.24 | <p>KEY ISSUES – FLOOD RISK MODELLING AND HYDROLOGY</p> | | | | |
| | <table border="1"> <tr> <td data-bbox="344 967 595 1286"> Section 7.4.1 page 68. Recommendations </td> <td data-bbox="600 967 730 1286"> Issue </td> <td data-bbox="734 967 1055 1286"> The applicant has identified the need to test the detailed design within the hydraulic model to validate the findings of the flood risk assessment. The Environment Agency agree that this is necessary </td> </tr> </table> | Section 7.4.1 page 68. Recommendations | Issue | The applicant has identified the need to test the detailed design within the hydraulic model to validate the findings of the flood risk assessment. The Environment Agency agree that this is necessary | <p>The detailed design will need to be tested in the flood model. This is described in 7.4.1 of the Flood Risk Assessment [AS-023].</p> |
| Section 7.4.1 page 68. Recommendations | Issue | The applicant has identified the need to test the detailed design within the hydraulic model to validate the findings of the flood risk assessment. The Environment Agency agree that this is necessary | | | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
|--------------------|--------------------------------------|----------|---|--|
| | | Impact | The detailed design should be tested within the hydraulic model to validate the findings of the flood risk assessment | <p>The preliminary design was developed and proven in version 2020-01-AB-iSP-w64 of TUFLOW (and ESTRY) software. A Sensitivity test was undertaken using the then latest version of TUFLOW (2020-10-AC), as is described in the Baseline hydraulic modelling report [AS-047] in its Section 7.4. The results indicated that the model was generally insensitive to the version of TUFLOW which is applied to the model. There are little to no differences in flood extents, depth and flow results whether the model is run with TUFLOW 2020-01-AB or TUFLOW 2020-10-AC. It is noted that later versions of this software are now available, and these could be used in the detailed design work.</p> |
| | | Solution | As noted in section 7.4.1 page 68 of the flood risk assessment. The Environment Agency agree that the scheme at detailed design is tested within the hydraulic model to ensure that the detailed design remains consistent with the findings of the flood risk assessment | |
| | Hydraulic modelling software version | Issue | The baseline and with scheme models were run using TUFLOW version 2018-03-AE-iSPw64 (GPU) according to the reporting and Jacob's 2021/2022 model reviews. More recent versions of TUFLOW are now available | |

| Response Reference | Relevant Representation Issue | | Applicant Response | |
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| | | Impact | The influence of more recent versions of TUFLOW on hydraulic model results is not likely to be significant, however, there could be slight changes in model results. | The Principal Contractor and their Designer has and will continue to test the detailed design, as it develops, within the hydraulic model to validate findings of the flood risk assessment and ensure that the proposed scheme will not increase flood risk elsewhere. The detailed design baseline and with-scheme models are currently being run using the latest TUFLOW model release (TUFLOW 2023-03-AE iSPw64 (GPU)) in accordance with the Environment Agency best practice guidance. |
| | | Solution | It would be sensible to test the impact on model results following more recent versions of TUFLOW. | |
| 13.25 | The hydrological assessment and hydraulic modelling for the baseline and with scheme scenario was reviewed on behalf of the Environment Agency by Jacobs in 2021 and 2022. Following these hydrology and model reviews, comments were addressed by Atkins, and no further action was deemed necessary on the hydrological assessment or the hydraulic model. We consider the modelling to be fit for purpose. | | Noted. The Applicant understands that the statement made here by the Environment Agency is not an objection but raised for information and that the Environment Agency is satisfied that the Scheme will not impede water flows and not increase flood risk elsewhere. | |
| 13.26 | Section 4.4.4 page 36 Climate Change: The peak river flow allowances for climate change used in the hydraulic modelling are correct in respect to the current guidance and no further action is required. A credible maximum scenario has also been tested in line with current guidance. The credible maximum scenario flow uplift of plus 94% is correct. No action is required by the applicant in respect to the climate change allowances used within the hydraulic model. | | Noted. | |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| 13.27 | <p>Section 4.5.4 page 38 Hydraulic model input data: The list of hydraulic model input data presented in this section of the flood risk assessment reflects the best available datasets except for the Lidar composite digital terrain model (DTM) data dated 2019. This was current at the time of the Jacobs' 2021/22 reviews of the hydraulic model; however, more recent composite 1 metre resolution Lidar data is now available dated 2022. Comparisons undertaken by the Environment Agency in March 2024 between the 2019 1 metre resolution composite DTM data used in the hydraulic modelling and the latest available 2022 1 metre resolution composite DTM data reveal no differences. No further action is needed by the applicant with respect to the Lidar data used in the hydraulic model.</p> | Noted. |
| 13.28 | <p>Section 4.5.5 page 38. Hydrological assessment input data and software. Atkins hydrological assessment was reviewed by Jacobs on behalf of the Environment Agency in 2021. The hydrological assessment at the time was considered fit for purpose following this review. Hydrological methods and available data have updated slightly since Atkins undertook their hydrological assessment in 2021.</p> <p>WINFAP version 5 is now available along with HiFlows database version 12.1, an updated version of the ReFH2.3 software, and new design rainfall data (FEH22). Updates to hydrological software and data are not likely to change the design flow estimates used in the hydraulic modelling significantly. To confirm this, checks have been undertaken by the Environment Agency on the 05 March 2024 using ReFH2.3 (version 4.0.8560) and WINFAP5. For the 100-year scenario for the catchment to the M5 crossing these checks</p> | The Applicant understands that the statement made here by the Environment Agency is not an objection but raised for information and that the Environment Agency is satisfied that the Scheme will not impede water flows and not increase flood risk elsewhere. |

| Response Reference | Relevant Representation Issue | Applicant Response | | | | | | | | | |
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| | confirm very similar peak flows to those documented by Atkins in their 2022 hydrological assessment. No further action is needed by the applicant with respect to the hydrological calculations and input flows used within the hydraulic model. Atkins hydrological assessment remains current and representative. | | | | | | | | | | |
| 13.29 | Section 4.5.6 page 39 Calibration: The July 2007 event remains the largest event on record for the River Chelt. The Slate Mill gauge closed in 2010 and hence calibration to more recent flood events is not possible within the modelled reach. Inspection of gauge data on the Chelt further upstream (outside of the model domain) at the Arle level gauge confirms that July 2007 was the largest event upstream also. No further action is needed by the applicant with regards to hydraulic model and hydrological calibration. | Noted. | | | | | | | | | |
| 13.30 | KEY ISSUES – WATER QUALITY | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th colspan="3" data-bbox="344 936 1048 1034">Volume 6. Chapter 8 – Road Drainage and the Water Environment</th> </tr> <tr> <th data-bbox="344 1034 539 1114">Section</th> <th data-bbox="539 1034 658 1114">Issue</th> <th data-bbox="658 1034 1048 1114"></th> </tr> </thead> <tbody> <tr> <td data-bbox="344 1114 539 1329">8.7.47</td> <td data-bbox="539 1114 658 1329"></td> <td data-bbox="658 1114 1048 1329">This section, and section 8.9.13, states that spillage control measures will contain spillages and prevent pollutants from reaching controlled waters if a spill were to occur. Although these measures reduce the risk of spillages reaching the environment, they are unlikely</td> </tr> </tbody> </table> | Volume 6. Chapter 8 – Road Drainage and the Water Environment | | | Section | Issue | | 8.7.47 | | This section, and section 8.9.13, states that spillage control measures will contain spillages and prevent pollutants from reaching controlled waters if a spill were to occur. Although these measures reduce the risk of spillages reaching the environment, they are unlikely | <p>This comment now related to section 4.7.48 which has been updated following progression of the Statement of Common Ground. The wording of this section has been updated in the Deadline 1 submission to state the mitigation would provide the containment for potential spillage rather than it would contain a spill and prevent it from reaching the water receptors.</p> <p>Noting the different roles performed by GCC in this application, the Applicant has sought the following answer from GCC Highways with regard to spillage control measures and pollution prevention, specifically in relation to serious spills if one were to occur and the example raised:</p> |
| Volume 6. Chapter 8 – Road Drainage and the Water Environment | | | | | | | | | | | |
| Section | Issue | | | | | | | | | | |
| 8.7.47 | | This section, and section 8.9.13, states that spillage control measures will contain spillages and prevent pollutants from reaching controlled waters if a spill were to occur. Although these measures reduce the risk of spillages reaching the environment, they are unlikely | | | | | | | | | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | | | to be able to prevent serious spills (for example a collision involving a HGV tanker carrying polluting material) from entering a watercourse. | <p>GCC Highways operates a 24 hour 7 days a week emergency response through its 08000 514 514 contact number. GCC Highways Duty Managers and Contractors Duty Supervisors are on call out of hours.</p> <p>Report of a pollution issue – GCC Highways receive these from a number of channels but normally due to road traffic collisions where Police and Fire Services are normally on scene first and take control. GCC Highways are then brought in to deal with traffic management and clear up operations, as required.</p> <p>Dependent upon the type of spillage GCC Highways are dealing with appropriate action will be taken – spill kits, gully covers, a gully emptier or specialist contractor may be utilised, depending on the material being dealt with i.e. blood or hazardous material etc.</p> <p>These incidents are usually multi agency events and as such specialist advice would be provided by the EA, Fire Service or the haulier/owner of the material and this would be co-ordinated through Civil Protection Team and the Local Resilience Forum</p> |
| | Impact | The Highways England Water Risk Assessment Tool (HEWRAT) spillage assessment quoted considers the risk of pollution from serious spillages. The assumption that the proposed control measures will prevent any contamination from reaching a watercourse is therefore incorrect. | | |
| | Solution | Although the Environment Agency agrees that the output of the HEWRAT appears to suggest a low risk of a pollution occurring as the result of a spillage, it should not be assumed that the pollution will be stopped in the event that one does occur. Therefore, a plan should be in place if an | | |

| Response Reference | Relevant Representation Issue | | | Applicant Response | | | | | | | | | |
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| | | | event does occur. | | | | | | | | | | |
| 13.31 | <table border="1"> <thead> <tr> <th colspan="3" data-bbox="327 571 1055 647">Register of Environmental Actions and Commitments</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 647 490 1034">WE1</td> <td data-bbox="490 647 607 1034">Issue</td> <td data-bbox="607 647 1055 1034">Action WE1 focuses on minimising deterioration in surface water quality resulting from construction activities. A key protection measure for water quality is the requirement to hold and adhere to an environmental permit to discharge any trade or dewatering effluent, as well as surface water runoff from areas of exposed soil. Securing and adhering such a permit is not reflected within this action.</td> </tr> <tr> <td data-bbox="327 1034 490 1326"></td> <td data-bbox="490 1034 607 1326">Impact</td> <td data-bbox="607 1034 1055 1326">If this action to protect water quality is not linked to the need for an environmental permit, then the proposed mitigation measures (for instance the EMP) may not line up with the permit requirements. This could result in pollution events or permit non-compliance.</td> </tr> </tbody> </table> | | | Register of Environmental Actions and Commitments | | | WE1 | Issue | Action WE1 focuses on minimising deterioration in surface water quality resulting from construction activities. A key protection measure for water quality is the requirement to hold and adhere to an environmental permit to discharge any trade or dewatering effluent, as well as surface water runoff from areas of exposed soil. Securing and adhering such a permit is not reflected within this action. | | Impact | If this action to protect water quality is not linked to the need for an environmental permit, then the proposed mitigation measures (for instance the EMP) may not line up with the permit requirements. This could result in pollution events or permit non-compliance. | <p>The Applicant understands the need for securing and adhering the environmental permits to discharge any trade or dewatering effluent to help minimise deterioration in surface water quality resulting from construction activities. Within the Environmental Management Plan Annex B.7 Pollution Prevention and Control Management Plan and Environmental Management Plan Annex b.6 Emergency Preparedness Response Plan which include Action WE1 it states:</p> <p><i>“The construction works will comply with all relevant legislation and regulations to ensure legal construction works as outlined in Chapter 8 Road Drainage and the Water Environment of the ES (Application document TR010063/APP/6.6). Other requirements from the Local Authority (Gloucestershire County Council and Tewkesbury Borough Council), National Highways or other Statutory Bodies (such as Natural England) will be reviewed by the Principal Contractor and applied where applicable.”</i></p> <p>The commitment text for WE1 covers a range of measures and therefore does not specifically refer to environmental permits for any discharges.</p> <p>Environmental permits to discharge any trade or dewatering effluent will be dealt with at a later stage under relevant legislation when further details of the discharges and their permit requirements are known.</p> |
| Register of Environmental Actions and Commitments | | | | | | | | | | | | | |
| WE1 | Issue | Action WE1 focuses on minimising deterioration in surface water quality resulting from construction activities. A key protection measure for water quality is the requirement to hold and adhere to an environmental permit to discharge any trade or dewatering effluent, as well as surface water runoff from areas of exposed soil. Securing and adhering such a permit is not reflected within this action. | | | | | | | | | | | |
| | Impact | If this action to protect water quality is not linked to the need for an environmental permit, then the proposed mitigation measures (for instance the EMP) may not line up with the permit requirements. This could result in pollution events or permit non-compliance. | | | | | | | | | | | |

| Response Reference | Relevant Representation Issue | | Applicant Response |
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| | | <p style="text-align: center;">Solution</p> <p>The commitment to obtain and adhere to an environmental permit for any discharges should be included within action WE1. The 2nd iteration of the EMP should reflect how this will be achieved</p> | |
| | <p>KEY ISSUES – GROUNDWATER AND CONTAMINATED LAND</p> | | |
| 13.32 | <p>Volume 6. Chapter 10: Geology and Soils</p> | | <p>The Principal Contractor will produce a 2nd iteration of the Pollution Prevention and Control Management Plan, as part of the Environmental Management Plan 2nd iteration in advance of construction. This will build on and refine the documentation produced for the Development Consent Order submission (the EMP 1st iteration [AS-025] and the Pollution Prevention and Control Plan (1st iteration) [AS-037]. This plan will outline risk assessments undertaken and management protocols to be utilised to manage flood risk, pollution risk, and risk to groundwater. The management protocols will take into account all key legislative, stakeholder and permitting requirements.</p> <p>As per the Applicants Consents and Position’s Consents and Positions Agreement Statement [APP-033f] the Applicant is not seeking to disapply regulation 12 Environmental Permitting Regulations 2016 for the purpose of water discharge activities or flood risk activities, sections and 25 of the Water Resources Act 1991 for the purpose of water abstraction licences, or any relevant bylaws made under the Water Resources Act 1991 for the purpose of flood risk activity permits. Once the permitting requirements are fully identified, the Principal Contractor will liaise with the Environment Agency regarding the schedule of submissions, so they are completed in a timely manner.</p> |

| Response Reference | Relevant Representation Issue | | Applicant Response |
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| | 10.2.15 | <p data-bbox="506 683 573 703">Issue</p> <p data-bbox="607 325 1039 443">There will be a requirement to manage shallow groundwater and/or rainwater ingress were encountered during excavation and earthworks.</p> <p data-bbox="607 480 1039 783">Whereas any such small-scale dewatering at a rate of <20 m3/d is excluded from permitting, anything more significant will require an abstraction licence if it doesn't meet any of the exemption criteria given in The Water Abstraction and Impounding (Exemptions) Regulations 2017 (legislation.gov.uk)</p> <p data-bbox="607 852 1039 1062">There may also be permit requirements for the subsequent discharge of any waters, unless covered by an exemption too, e.g. Temporary dewatering from excavations to surface water: RPS 261 - GOV.UK (www.gov.uk).</p> <p data-bbox="506 1177 573 1198">Impact</p> <p data-bbox="607 1118 1039 1262">Uncontrolled dewatering and/or discharge activities on-site could have an impact upon nearby linked features, such as local wells, watercourses or wetlands.</p> | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | | Solution | <p>We advise the Applicant to seek early pre-application advice from the Environment Agency's National Permitting Service to understand and prepare for any requirements.</p> <p>Our standard position is that we recommend that the Applicant twin tracks the DCO and permit applications. At present this has not been undertaken, therefore at this stage we cannot give any assurances that the current proposals will be granted environmental permits where needed.</p> | |
| 13.33 | <p>Further to our previous response to the Scoping Study (ref. SV/2021/111053/01- L01) (response attached) we have now also reviewed the Environmental Statement for this M5 Junction 10 Improvements Scheme, Chapter 10: Geology and Soils, Appendix 10.7 Ground Investigation Report and Appendix 8.2B WFD Groundwater Impact Assessment and would like to comment as follows, again from a perspective of the protection of Controlled Waters only.</p> | | | Noted |
| 13.33 | <p>We note that superficial deposits of Cheltenham Sand & Gravel and Alluvium are present in the vicinity of the River Chelt and the Leigh Brook, sections of the M5 and also near the A4019 between the M5 Junction 10 and Cheltenham, at depths of 0.2 - 2.7 m below ground level. These are classed</p> | | | Noted |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | <p>as a Secondary A aquifer and are permeable enough to carry substantial groundwater. The Charmouth Mudstone bedrock (a less valuable / unproductive Undifferentiated Aquifer) underlies the Scheme across the majority of the study area, with the Rugby Limestone Member (Secondary A aquifer) present in the south-west of the area only. Made Ground was merely recorded in the vicinity of the existing roads (M5, A4019 and B4634), embankments and structures, with natural topsoil and agricultural activities present in all of the other locations. We understand that no official records of areas of potentially contaminated land or landfills were identified within the study area and no local abstraction licences (public or private) recorded. Also, there are no statutory environmental designations locally.</p> | |
| 13.34 | <p>An intrusive ground investigation was undertaken and reported in February 2022. We note that a total of 70 samples were recovered from the area, collected from a range of strata and from depths of between ground level to 5.9 m bgl. No visual indications of contamination were recorded in any of the locations progressed during the investigation and only benzo(a)pyrene was identified above the General Assessment Criteria in soil samples collected from five locations within the existing M5 carriageway footprint. Soil leachate samples and groundwater samples were also collected and assessed against Water Quality Standards (WQS), which did show various concentrations of ammoniacal nitrogen, nitrate, chloride, sulphate, metals and organics in exceedances of the Tier 1 standards. However, it was concluded that there was unlikely to be an unacceptable risk to Controlled Waters receptors from these considering that the identified exceedances of metals and inorganics were marginally above the assessment criteria and generally</p> | <p>Noted. This comment is presenting a summary of the methodology and findings of the ground investigation as presented in the Geology and Soils chapter (APP-069) and ground investigation assessment report (APP-124).</p> <p>It reproduces the wording contained within the ES chapter and is considered to be a statement rather than a question, and therefore not required to be addressed as part of this response.</p> |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | <p>widespread across the Scheme. The concentrations were considered likely to be indicative of natural background concentrations associated with farming and naturally high sulphate derived from the underlying Charmouth Mudstone bedrock. In addition, direct comparison of soil leachate results with Tier 1 WQS does not take into account the dilution and attenuation of contaminants that may occur along the pathway between the source and the nearest receptors and no exceedances of the screening criteria were reported in surface water samples.</p> | |
| 13.35 | <p>It therefore appears that the area in question is ready for redevelopment without the need for further ground investigations, risk assessment or remedial action first. However, we are mindful that the construction activities themselves could potentially introduce new sources of contamination (e.g. from spillages and leaks), expose extracted soils in stockpiles to enhanced leaching and runoff plus create possible new and more direct pollution pathways through piling and/or installation of drainage. The Applicant therefore should aim to undertake –</p> <ul style="list-style-type: none"> • Preparation of piling risk assessments as required in accordance with Environment Agency guidance to assess and manage any risks to Controlled Waters. • Working methods during construction to manage groundwater and surface water appropriately and ensure that there is no run-off from the works, any material / waste stockpiles and/or storage containers into adjacent surface watercourses in accordance with DEFRA and Environment Agency's guidance. • Stockpile management (such as water spraying and | <p>The Principal Contractor's Construction Environmental Management Plan process requires the identification of all environmental-related risks; whether geographical or activity-based. An Environmental Risk Register will be populated and identify the control measures required. This detail will then be transferred to the Environmental Management Plan (2nd iteration). The environmental risks, and management of, will be briefed to site staff on induction and throughout the construction phase.</p> <p>The Principal Contractor has monitoring processes to ensure measures documented and implemented are effective; this includes qualitative (audits, site inspections) and quantitative (water quality, noise) monitoring.</p> <p>With respect to the specific bullet points raised.</p> <ul style="list-style-type: none"> • Following the completion of the detailed design of the structures, the Principal Contractor will be able to undertake piling risks assessments with the supply chain as required under REAC commitments WE10, WE11, WE12 and WE14 (APP-027) • The Environmental Management Plan (2nd iteration) will include a 2nd iteration of the Pollution Prevention and Control Management Plan which will address pollution prevention. The Principal Contractor is acutely aware of the issues with silt management and will implement measures to minimise risk. A |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | <p>avoiding over stockpiling to reduce compaction of soil and loss of integrity) and timely removal of stockpiled soil to prevent windblown dust and surface water run-off.</p> <ul style="list-style-type: none"> Implementation of an appropriate Materials Management Plan and Site Waste Management Plan to manage all materials during the construction works. | <p>Soil Handling Management Plan (2nd iteration) will also incorporate controls to minimise silt and air quality issues.</p> <ul style="list-style-type: none"> A Materials Management Plan (2nd iteration) will be produced to account for the Definition of Waste Code of Practice protocols, to allow for the sustainable reuse of site-won materials. A Site Waste Management Plan (2nd iteration) will detail what Duty of Care measures that will be implemented to manage contained (skips etc) and loose (stockpiles) waste to minimise the impact on the environment. |
| 13.36 | <p>Finally, also during the actual future operation of the Scheme there will likely be new sources of contamination introduced such as tyre and vehicle debris, spillages and leaks, road de-icing or indeed chemicals from road traffic accidents, with their possible impacts enhanced by newly installed drainage runs. It is therefore essential that the Scheme will be operated in accordance with the relevant regulations and best practice guidance in applying Best Available Techniques and pollution prevention to mitigate the risk of contamination to Controlled Waters. We understand a drainage strategy has already been developed to allow for management of volumes and quality of any surface runoff from the highway, including the construction of six attenuation basins along the M5, A4019 and the new link road, and we hope these will indeed be able to contain and lock in any gross pollution when needed, as well as filter out any more diffuse inputs. We also trust such features will be lined where needed and subject to ongoing inspection and maintenance during their lifespan. The design of infiltration SuDS schemes and of their treatment stages can be considered but needs to be appropriate to the sensitivity of the location and subject to a relevant risk</p> | <p>The drainage strategy has been developed using the very latest guidance and policy to allow for management of volumes and quality of any surface runoff from the highway. Proposed Water quality treatment was developed following the Design Manual for Roads and Bridges (DMRB) LA 113 Standard (Road drainage and the water environment). National Highways Water Risk Assessment Tool (HEWRAT) was used to determine the level of water quality treatment required. Water quality mitigation measures include not only attenuation basins but also swales, vegetated ditches and a wetland. These measures are designed to remove pollutants based on performance with dissolved metals and suspended solids and also provide spillage control. DMRB Standard CG 501 (Design of highway drainage systems) has been used to develop these appropriate treatment trains, ensuring removal of pollutants is adequate. The drainage strategy highlights the relevant maintenance required for attenuation/water quality treatment features and refers to typical maintenance schedules that have been provided from the CIRIA SuDS manual.</p> <p>Infiltration tests were undertaken in various locations throughout the site and results indicated that minimal infiltration would occur, therefore soakaway features were not included within the design. With the ground being relatively impermeable there was no proposal to line any features and the risk of groundwater contamination</p> |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | assessment, considering the types of pollutants likely to be discharged, design volumes and the dilution and attenuation properties of the aquifer. | | | considered low. It was noted that no source protection zones are present within the site boundary. |
| 13.37 | ENVIRONMENTAL MANAGEMENT PLAN | | | |
| | Chapters: Environment Management Plan (EMP) APP 7.3 | Issue | The EMP (1st iteration) sets out the framework for future iterations of the EMP. The preferred option doesn't go far enough to ensure all relevant detail for all requisite mitigation and enhancement. | The Applicant notes the Environment Agency's comments and has been in discussions to date regarding the extent of consultation that the EA requires. The Applicant's position is that the Environment Agency is not required to be consultee for the EMP as a whole and is noted in the Register of Environmental Actions and Commitments (REAC) as consultee on those matters related to its functions. This is a standard approach which has been taken on the A417 Missing Link DCO 2022, M25 Junction 10 DCO 2022 and the M3 Junction 9 DCO 2024. |
| Section/pages/table reference: | Impact | Risk of unacceptable residual impacts from scheme. | | |
| | Solution | Consult the Environment Agency on 2nd iteration of the EMP – known formerly as the construction EMP, in advance of construction starting. | | |
| 13.38 | RIVER BASIN MANAGEMENT PLAN | | | |

| Response Reference | Relevant Representation Issue | | | Applicant Response |
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| | Chapters: Environmental Statement Appendix 8.2A WFD Surface Water Impact Assessment - APP 6.15 | Issue | Programmes of measures needed to achieve the environmental objectives in the river basin district is not given due consideration. | <p>The WFD assessment [APP-108] was completed based on the most up-to-date information available. At the time of reporting, this was the Cycle 2 WFD data, which included Mitigation Measures for HMWB (as provided by the Environment Agency), measures outlined in the River Severn Cycle 2 River Basin Management Plan (RBMP) and the Cycle 2 Measures not linked to 2021 outcomes (<i>source: Environment Agency, 2020. WFD Cycle 2 mitigation measures assessment classification. Available at: WFD Cycle 2 mitigation measures assessment classification - data.gov.uk [Accessed 20 Aug. 2020]</i>).</p> <p>As the Cycle 2 RBMP and the Cycle 2 Measures not linked to 2021 outcomes did not specifically identify measures associated with those water bodies scoped into the WFD assessment, they were not considered further.</p> <p>Impacts to water bodies (associated with Test A and Test B) beyond the <i>Severn – conf R Avon to conf Upper Parting</i> water body were not considered due to the impacts of the Scheme being relatively localised and therefore not expected to propagate to the next downstream water body (approximately 11 km downstream). This was based on several factors, including:</p> <ul style="list-style-type: none"> • No new barriers to fish movement introduced as a result of the Scheme; • All tests passed for routine runoff assessment of the HEWRAT; • and the chance of spillage was low which is acceptable under the DMRB LA113. <p>As a result, only the water bodies scoped into the assessment were reviewed for the potential impacts to measures.</p> |
| Section/pages/table reference: | Impact | The scheme could restrict the options for future plans and projects to achieve good ecological status in the Severn Estuary. Risk of unacceptable residual impacts from scheme. | | |
| | Solution | Consider programmes of measures for Severn Estuary River Basin Management within WFD Assessment. | | |
| | FURTHER REPRESENTATIONS | | | |
| 13.39 | In summary, we can confirm that we have no objections to the principle of the proposed development, as submitted. The | | | Noted |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | issues outlined above are all capable of resolution and we look forward to receiving additional information to resolve our outstanding concerns. We will also continue to engage with the Applicant and review the Statement of Common Ground (SoCG). | |
| 13.40 | We reserve the right to add or amend these representations, including requests for DCO requirements and protective provisions should further information be forthcoming during the examination on issues within our remit. | Noted |

RR-014 The Wildlife Trust

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 14.1 | Dear Sir/Madam, Please see below Gloucestershire Wildlife Trusts response to the DCO application for the M5 junction 10 improvements scheme. | Noted |
| 14.2 | <p>Coombe Hill SSSI and nature reserve</p> <p>As per our previous response to the previous consultation held in 2022 (please see our previous response titled 'GWT M5 J10 statutory consultation 2022' for context), our main concern is the impact the road scheme will have on Coombe Hill Canal Site of Specific Scientific Interest (SSSI) and nature reserve.</p> | <p>The Applicant notes your previous response which was as follows:</p> <p>'A study commissioned by Natural England found that land at Coombe Hill Canal SSSI and nature reserve is functionally linked to the SPA through the bird assemblages that move between the sites. Impacts on the SSSI and land functionally linked to the SPA are not adequately covered by the PEIR, which does not assess impact on recreational pressure. To be compliant with The Conservation of Habitats and Species Regulations 2017 (As amended) the PEIR should undertake a Habitats Regulations Assessment. This should include assessment of cumulative impacts on the SSSI, and SPA linked land that will result from providing enhanced access for the growing population, which is due to several strategic housing allocations being near to the Scheme.'</p> <p>The Applicant has taken this response into account and it is addressed in the Biodiversity Chapter [APP-066] and the HRA Screening report [APP-099]. The connection between the SPA and the SSSI is acknowledged but a conclusion of no Likely Significant Effect is made at Screening.</p> |
| 14.3 | We are disappointed to see that the HRA screening (4.2.43) rules out any impact from the scheme to Coombe Hill. The reasoning given is that the large developments in North-West and West Cheltenham, which the project will support, will be delivering the required mitigation to counteract the additional recreational pressure. | <p>An assessment of recreational pressure on the Severn Estuary designations has been undertaken and is presented in the HRA Screening report [APP-099] Natural England have reviewed the HRA and are in agreement with the conclusions.</p> <p>One of the Scheme objectives is to unlock a number of strategic housing developments surrounding the junctionM5 Junction 10, which could in turn result in increased recreational pressure at</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>Coombe Hill Canal SSSI, which has been shown to be functionally linked to the Severn Estuary SPA/Ramsar.</p> <p>Whilst it is appropriate for the Scheme to consider recreational impacts, it is important to remember that the Scheme itself will not result in increased recreational pressure. The increase in recreational pressure will come from the increase in housing, which the Scheme will facilitate, but will not permit.</p> <p>It is entirely appropriate, therefore, to make reference to the existing policy requirements that are in place at a strategic level (within the Joint Core Strategy (JCS) and the Tewkesbury Borough Plan (TBP)) that have been designed specifically to mitigate the potential in-combination recreational effects of the combined housing developments, and which must be met by the housing developments if planning permission is to be granted. Such policies have been ruled as sufficient within the HRAs of the JCS and the TBP.</p> |
| 14.4 | <p>The proposals for these developments include suitable alternative green spaces, integrated into the sites, to help mitigate recreational pressure. The report states that NE are content with this approach, which we acknowledge. However, the scheme doesn't only support development in the area. It also makes Coombe Hill more accessible via the M5, which is a separate matter and isn't considered.</p> | <p>As explained above, the Scheme itself will not result in increased recreational pressure. The increase in recreational pressure will come from the increase in housing, with the Scheme facilitating, but not permitting, three key developments. It is therefore entirely appropriate to make reference to existing policy requirements that are in place at a strategic level that have been designed specifically to mitigate the potential in-combination recreational effects of the combined housing developments, and which must be met by the housing developments if planning permission is to be granted.</p> <p>Note that Natural England's relevant representation 27.14 states:</p> <p>'Recreational pressure - three of the aforementioned designated sites (Cotswold Beechwoods SAC, Severn Estuary SAC/SPA/Ramsar, and Coombe Hill Canal SSSI) are particularly sensitive to increased recreational pressure. Whilst the project itself will not increase recreational pressure; it is unlocking housing developments that are within the zone of influence of these sites. There are already policies and strategic schemes in place to prevent harm from increased</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | recreational pressure on these sites. Furthermore, the housing developments that this project is unlocking will be subject to their own impact assessments. We have therefore advised that these three designated sites will not be harmed by recreational pressure arising indirectly from this project.' |
| 14.5 | There also remains uncertainty and concern over the approach to mitigation for the proposed North-West Cheltenham development (Elms Farm), and until this is resolved we are not content with the approach taken for this scheme. The shadow HRA for the Elms Farm outline application (16/02000/OUT) quoted the planning inspectors report for a nearby, previous development (Planning Inspectorate APPG1630W203257625), suggesting that the mitigation paid to GWT for that development (of only 140 homes) covers all required mitigation, which is simply not the case. The inspectors report for that development clearly stated that “the sum of £100,000 which is offered through the Unilateral Undertaking meets all the requests which the GWT has made and so I conclude that it represents a proportionate contribution to be made from this development. This makes clear that this contribution does not apply to any subsequent development. We raised this point in our response to the Elms Farm outline application. A decision on Elms Farm has not yet been made and there are no guarantees around the delivery of the Green Infrastructure (GI) proposed for that scheme | The Applicant notes this concern and have noted this response. However, as it directly related to the Elms Farm outline application (16/02000/OUT), this concern falls outside of the scope of M5 Junction 10 Improvements Scheme. As such, no response can be provided. |
| 14.6 | Even if the Elms Park and Golden Valley developments deliver the most effective, attractive, multi-functional GI possible, the addition of thousands of extra people (over 10,000 at Elms Farm alone) will see additional recreational pressure at Coombe Hill. Large expanses of effective GI at development sites will help to lessen the pressures faced, but the level of development in the area will still create an impact on the site, which needs to be managed and where possible mitigated, to avoid irreversible damage. This scheme needs to acknowledge the role it has in this. Our response to 16/02000/OUT also stated that, without sufficient | The potential in-combination recreational effects of the combined housing developments within the JCS/TBP area are known. There are already existing policies_requirements that are in place at a strategic level (within the JCS and TBP) that have been designed specifically to mitigate the potential in-combination recreational effects of the combined housing developments, and which must be met by the housing developments if planning permission is to be granted. Such policies have been ruled as sufficient within the HRAs of the JCS and the TBP. |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>mitigation in place, Coombe Hill might need to have restricted access to the public going forward, which is not an ideal outcome as we want to connect people with nature, not limit access to it, but we need to protect this valuable habitat.</p> | |
| 14.7 | <p>Nature recovery and compensation</p> <p>We are disappointed to see the loss of very high distinctiveness habitats as part of this scheme, including lowland meadow and native species rich hedgerow with trees, valuable, core areas of habitat and an important part of Gloucestershire’s nature recovery network. When looking at the plans, the compensatory habitat proposed for the loss of lowland meadow, which is species-rich road verge that would need to reach good target condition, could be difficult to achieve. It will depend on the strategy and management plan for the verges. Although road verges can support high levels of biodiversity, poor management and nutrient pollution can lead to deterioration. We note that a Road Verge Compensation strategy is not yet available for comment and will be produced at the detailed design stage. Until we have seen the content of this, there is no evidence that the loss can be ‘compensated’ which will be a requirement of the scheme gaining permission as per 186(a) of the NPPF.</p> | <p>The Applicant notes this concern. Loss of valuable habitat has been minimised as much as possible throughout the design of the Scheme. For example, two small areas of lowland meadow habitat were identified in the baseline (0.1 ha and 0.07 ha). The embankments for the proposed Scheme have been designed to ensure the retention of the 0.07ha area.</p> <p>It was not possible to retain the remaining 0.1 ha area south of the A4019 as it is beneath the footprint of the northbound off slip road. As noted, the compensation strategy includes the creation of 22.56 ha of species-rich road verge in ‘good’ condition. The Applicant acknowledges that this can be difficult to achieve, however, the target is realistic and achievable with good design and appropriate management, supported by ongoing monitoring to ensure targets are met.</p> <p>The Scheme will implement a number of measures during detailed design and construction to help achieve the target, including (1) ensuring low nutrient/minimal topsoil is used to create new verges to promote wildflower growth; and (2) utilising either collected seed and/or using green hay sourced from an appropriate local (species-rich) donor site.</p> <p>Gloucestershire County Council and National Highways have guidance in place to help design and manage road verges in a way which increases species richness and associated biodiversity value, and the Road Verge Compensation Strategy will mirror the practices outlined i.e. using low nutrient substrates and cutting at appropriate times of the year and removing arisings.</p> <p>Guidance documents are as follows:</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>National Highways Major Projects Delivery Services (October 2020), Low Nutrient Grasslands (version number MPI-85-102020)</p> <p>Gloucestershire County Council (May 2022) Gloucestershire Highways Biodiversity Guidance. Available from: ghhg-v32-may2022.pdf (gloucestershire.gov.uk)</p> <p>The Road Verge Compensation Strategy will be produced during detailed design, in collaboration with National Highways and Gloucestershire County Council operational teams, to incorporate aspects of the design that will be determined at this later stage. However, the principles of the strategy have been committed to in the Environmental Statement (refer to paragraphs 7.8.141 – 7.8.145 in the Biodiversity Chapter [App-066], B10 within the Register of Environmental Actions and Commitments (REAC) [APP-137] and paragraphs B.5.11.2 and B.5.11.3 in the Landscape and Ecological Management Plan [AS-035]).</p> |
| 14.8 | <p>Biodiversity Net Gain We note a BNG% of 11.59% has been stated in the Environmental Impact Assessment. As the neutral grassland that will form the road verge is a substantial contributor to habitat units in the BNG metric, failure to deliver it to a 'good' standard would likely mean failure to deliver 10% BNG. We understand that 10% BNG won't apply to NSIPs until late 2025, however, given that this project is being delivered by local government, we would expect to see a strong commitment to achieving at least 10%. We also note that an older version of the BNG metric (3.0) was used, when a newer version (4.0) is now available.</p> | <p>The Applicant acknowledges that the creation of 22.56 ha of species-rich road verge in 'good' condition can be difficult to achieve. However, the target is realistic and achievable with good design and appropriate management, supported by ongoing monitoring to ensure targets are met. The Road Verge Compensation Strategy will capture the necessary design, management and monitoring measures required to ensure that the target is met. The Road Verge Compensation Strategy will be produced during detailed design, in collaboration with National Highways and Gloucestershire County Council operational teams, to incorporate aspects of the design that will be determined at this later stage. However, the principles of the strategy have already been committed to in the Environmental Statement (refer to paragraphs 7.8.141 – 7.8.145 in the Biodiversity Chapter [App-066], B10 within the Register of Environmental Actions and Commitments (REAC) [APP-137] and paragraphs B.5.11.2 and B.5.11.3 in the Landscape and Ecological Management Plan [AS-035]).</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>There is no requirement for the Scheme to update the Biodiversity Net Gain (BNG) assessment from version 3.0 to the statutory metric as Nationally Significant Infrastructure Projects (NSIPs) are not required to deliver net gain under the Environment Act 2021 at present. Noting that, a BNG assessment has been carried out and has aimed for 10% net gain which the Scheme has the potential to achieve a net gain within the Order limits for area habitats, linear hedgerows, watercourses. Details of this assessment are included within the Biodiversity Net Gain Appendix (APP-104).</p> <p>The BNG metric version (3.0) has been used, and this has been superseded by a statutory metric which was issued by the Department for Environment, Food and Rural Affairs (DEFRA) on 12th February 2024. Guidance has been issued after each metric update outlining the action to take if previous versions of the metric have been used to date for a project. The advice published in April 2022 (when metric version 3.1 was issued to replace version 3.0) after the BNG feasibility study had been completed for the Scheme was 'If a project has already begun using a previous version of the Biodiversity Metric we do not recommend changing metrics mid-project, as this may result in discrepancies between calculations'. This guidance was followed, and metric version 3.0 has continued to be used and was used for the BNG assessment in the Biodiversity Net Gain Appendix [APP-104].</p> <p>Guidance documents are as follows:</p> <p>Natural England Joint Publication JP039 (April 2022) Biodiversity metric 3.1 Frequently Asked Questions available at: https://publications.naturalengland.org.uk/publication/5850908674228224- [Accessed 02 May 2024].</p> |

RR-015 Hallam Management Limited

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 15.1 | Avison Young act on behalf of Hallam Land Management Limited, who wish to be registered as an interested party in relation to the M5 Junction 10 Development Consent Order (DCO). | Noted |
| 15.2 | The proposed improvements are a key infrastructure requirement, enabling economic growth around Cheltenham, Gloucester and Tewkesbury. Hallam Land Management Limited support the scheme due to the positive impacts that would result in terms of connectivity, sustainable transport and reduced traffic impact on the local highway network. | Noted |
| 15.3 | The direction of planned growth in Cheltenham requires infrastructure investment, of which the proposed junction improvements will be a significant factor. Cheltenham is a focus area for growth and investment and the Junction 10 improvements will allow the desired spatial changes to come into fruition, addressing current M5 barriers to growth. | Noted |
| 15.4 | At present, Junction 10 only provides access and egress to the North, with no southern connectivity options. This has a detrimental impact on traffic flows across Cheltenham, leading to congestion. The Junction 10 improvements will increase highway capacity to unlock existing housing and employment allocations in order to meet local need. It is abundantly clear that the UK is facing a housing crisis and as a result, infrastructure improvements will encourage and allow new homes to be built to create a sustained supply of housing. We would be very grateful if we can be provided with updates throughout the DCO process. | <p>Thank you for registering as an interested party and for your submission.</p> <p>The Applicant has reviewed your submission and has noted your comment regarding the current egress and connectivity at Junction 10 which the Scheme seeks to address.</p> |

RR-016 Health and Safety Executive

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|---|--|
| 16.1 | HSE's Land Use Planning Advice Will the proposed development fall within any of HSE's consultation distances? 1. With reference to TR010063_2.1_Location Plan (INSET A) on which is shown a redlined area Development Consent Order (DCO) Limits, sections of the proposed development fall within HSE public safety consultation zones associated with Major Accident Hazard Pipelines operated by Wales and West Utilities: • Uckington / Gloucester (Ref: UG) [HSE ref: 7220, Transco ref: 1490] • Fiddington / Uckington (Ref: FU) [HSE ref: 7207, Transco ref: 1476] • Uckington / Cheltenham (Ref: UC) [HSE ref: 7219, Transco ref: 1489] | Noted |
| 16.2 | 2. The redlined area does not currently fall within the consultation distances of any Major Accident Hazard Installation(s). | Noted |
| 16.3 | 3. HSE is currently unable to provide specific LUP advice regarding this proposal until details of any proposed alterations/upgrades to the Major Accident Hazard Pipeline(s) is made available to the HSE, by the Developer / Pipeline Operator. On receipt of this information HSE will be in a position to provide case specific LUP advice. The HSE strongly recommends that, at the earliest opportunity, the Developer liaise with the Pipeline Operator (Wales and West Utilities) to establish any necessary measures required to alter/upgrade Major Accident Hazard Pipeline(s). | The Applicant has been in liaison with Wales and West during design development to discuss the potential impacts to the high-pressure gas main as a result of the Scheme. It has been agreed that Wales and West will undertake a pipeline integrity test prior to construction and if required, carry out pipeline strengthening work. Details will be shared by Wales and West with the Applicant following completion of this integrity test. This will inform the need for any alterations or upgrades. The Applicant will then share the details with HSE. It should be noted that the Scheme allows for the potential diversion of the pipeline should this be required. |
| 16.4 | 4. Please note if at any time a new Major Accident Hazard Pipeline is introduced or existing Pipeline modified prior to the determination of a future application, the HSE reserves the right to revise its advice. | Noted |
| 16.5 | 5. Likewise, if prior to the determination of a future application, a Hazardous Substances Consent is granted for a new Major Hazard Installation or a Hazardous Substances Consent is varied for an existing | Noted |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | Major Hazard Installation in the vicinity of the proposed project, again the HSE reserves the right to revise its advice. Would Hazardous Substances Consent be needed? | |
| 16.6 | 6. The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015. | Noted |
| 16.7 | 7. Hazardous Substances Consent would be required if the proposed development site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations. | Noted |
| 16.8 | 8. Further information on HSC should be sought from the relevant Hazardous Substances Authority. Explosives Inspectorate response remains the as previous response in August 2021 – no comment to make, as there are no HSE licensed explosive sites in the vicinity of the proposed development. Sent on behalf of The NSIP Team. | Noted |

RR-017 House in the Tree

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|--|---|
| 17.1 | We are the landlords for the House in the Tree Pub, living on site for 12 years with a further lease for 9 years at the property. The pub is a hub for the local community to enjoy for the whole family, including a mini football pitch, animal petting area & childrens play area with further enhancements to the pub currently being worked on. We pride ourselves on being family friendly, having traditional features & using local produce. | Noted |
| 17.2 | The lack of information coming from all parties concerned regarding the scheme is most concerning for the impact this will have on our business & to the community, the parties have not engaged with us directly in any detail or made any offers or negotiations to agree voluntary arrangements that would avoid the need to use compulsory purchase order powers. | <p>Discussions regarding the project have been ongoing for some time as summarised in the Land Rights Tracker (RTR010063/APP-9.29), submitted at Deadline 1, the Applicant continues to engage to discuss the Scheme and interaction with the House in the Tree pub with the most recent meeting being held on the 28 May 2024. The Applicant understands the ongoing business operations as well as the concerns made regarding the impact that the Scheme may have on daily business operations. The Applicant's position is that due to the Scheme being within preliminary design phase, it is difficult to determine the full potential impact of the Scheme until detailed programming and phasing of the works across the Scheme are understood and it is not possible to identify opportunities to tailor the phasing and traffic management of the highway works until the Scheme has been through the detailed design process. The Applicant has committed to providing a Community Engagement Plan (CEP) which will be secured via Requirement 3 of the dDCO (AS-003). A 1st iteration of the Community Engagement Plan has been provided submitted to the ExA (AS-052). The 1st iteration currently commits the Applicant to developing a 2nd iteration Community Engagement Plan which will describe the approach to managing engagement with the local and surrounding prior to commencement of the authorised development.</p> <p>Whilst it is acknowledged that Head of Terms to voluntarily acquire</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>the land required by the project have not been agreed with all parties, there has been direct engagement with the occupiers of the House in the Tree pub. The Applicant considers that meaningful engagement, and negotiation has taken place and the Applicant is committed to continuing to engage with the House on the Tree to reach a voluntary agreement. The Applicant wish to reiterate their intention to continue negotiations for any acquisition required for the Scheme by agreement. The Applicant is committed to assembling the land required for the Scheme in full compliance with the Government guidance on use and promotion of compulsory purchase powers and their strong preference remains to secure land and rights required by agreement, wherever this is possible.</p> |
| 17.3 | <p>We have no time scale of when the works will be carried out, what it will entail to the day to day operation of our Pub, we have asked for any works relating to our garden area to be done in the winter months to minimise disruption, car parking spaces will also be affected and there are no additional parking facilities in the area where people can park and walk into us.</p> | <p>The Applicant appreciates that one of the House in the Tree pub is around the impact to its business operations. The Applicant considers that, separate to the proposed acquisition of land required for the shared use path, the works that have the greatest likelihood of impacting business operation are a water main diversion (identified as Work 14 on Work Plan Sheet 16), and an overhead electricity connection which will be placed underground (identified as Work 25 on Works Plan Sheet 16). The Principal Contractor is working with Statutory Utility providers to develop efficient utility diversion programmes to minimise construction impact as far as reasonably practicable. Once the construction sequencing is agreed with the providers, the Principal Contractor will engage with the House in the Tree Pub to discuss the timing and durations of the proposed works, taking cognisance of the requests regarding seasonality.</p> <p>The Applicant has committed to providing a Community Engagement Plan (CEP) which will be secured via Requirement 3 of the dDCO (AS-003). A 1st iteration of the Community Engagement Plan has been provided submitted to the ExA (AS-052). The 1st iteration currently commits the Applicant to developing a 2nd iteration Community Engagement Plan which will describe the approach to managing engagement with the local and surrounding prior to</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | commencement of the authorised development. |
| 17.4 | We kindly ask for further correspondence with regards to time scales that will affect our business to be given as requested. | <p>The specifics of the timing of construction activities to be carried out at specific locations of the Scheme are being reviewed to optimise the process. The Applicant notes your submission and welcomes future correspondence regarding the matter.</p> <p>While the specifics are being reviewed, please refer to Table 2-2 of section 2.5 of 1.4 Guide to the Application (APP-004) for the Scheme Timeline as an indication of the expected beginning of construction.</p> <p>Additionally, please refer to Sheet 16 of 16 of 2.4 Works Plans - Part 2 (APP-008). This plan shows the scale of nature and works to be carried out within proximity to your business.</p> <p>The Applicant has committed to providing a Community Engagement Plan (CEP) which will be secured via Requirement 3 of the dDCO (AS-003). A 1st iteration of the Community Engagement Plan has been provided submitted to the ExA (AS-052). The 1st iteration currently commits the Applicant to developing a 2nd iteration Community Engagement Plan which will describe the approach to managing engagement with the local and surrounding prior to commencement of the authorised development.</p> |

RR-018 JW Bruton & Sons

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|--|---|
| 18.1 | <p>We act for an occupier with a qualifying interest to land that forms part of the proposed acquisition. The proposed acquisition will stop up a primary access to the remaining land, outside of the limits of the Order. Pre consultation with the Acquiring Authority has suggested that an alternative access route will be provided to this land however, we have not been provided with any evidence to corroborate these assurances.</p> | <p>The Applicant has been in discussions with the Land Agents (Court Consulting) acting on behalf of the occupier since their confirmed appointment in late 2021 as shown in the Lands Tracker (TR010063/APP/9.29) submitted at Deadline 1. The importance of the access to Barn Farm from the A4019 and associated service road to the south has been made clear by Court Consulting throughout and the importance to J W Bruton & Sons is clearly understood by the Applicant. The Applicant understands that the land in question is currently accessed both from the north and the south. The Scheme does not propose any changes to the northern access which will continue to be accessible both during construction and at operation. The Applicant is committed to continuing engagement on the southern access route in order to minimise disruption, as far as possible.</p> <p>The Applicant is aware of the need to provide access to assets or land south of Barn Farm for several parties as part of the Scheme. The Scheme includes access arrangements which are equivalent to the existing and will provide a right of way to use this in the same manner as the existing. In this way the Applicant considers that there is no detriment to the provision of access caused by this Scheme.</p> <p>The Applicant is fully aware of the need for access to Barn Farm to continue from the A4019 and associated service road and confirms that this will be delivered by the Scheme.</p> |
| 18.2 | <p>We wish to submit the following representation, on behalf of our client, J.W Bruton & Sons, who hold land under an Agricultural Holdings Act tenancy, at Barn Farm, (redacted). This land is situated to the north-west of junction 10 and adjoins the M5 at its eastern boundary.</p> | Noted |

| Response Reference | Relevant Representation Issue | Applicants Response |
|--------------------|---|---|
| 18.3 | <p>Part of the land at Barn Farm has been identified for acquisition, under the proposed Development Consent Order, and this includes the primary access point for agricultural operations.</p> <p>Our client wishes to reiterate (following previous representations to Gloucestershire Highways and their agent Carter Jonas) that the loss of this access would have significant impact on our client’s ability to farm the remainder of the land, as it is the only access suitable for modern agricultural machinery</p> <p>Previous responses from Gloucestershire Highways have stated that an alternative access route will be provided, to join the existing access point, with technical drawings to follow. However, these design drawings have not been forthcoming and therefore our client has concern over the validity of this information.</p> | <p>The Applicant understands that Barn Farm is currently accessed both from the north and the south. The Scheme does not propose any changes to the northern access which will continue to be accessible.</p> <p>The existing access located to the south is via Stanboro Lane and is identified as D on the Streets, Rights of Way and Access Plans Regulation 5(2)(k) Sheet 5 (APP-009 and APP-010). The Scheme proposes to stop up this existing access and provide a direct replacement identified as access a on the Streets, Rights of Way and Access Plans Regulation 5(2)(k) Sheet 5 (APP-009 and APP-010). The proposed access will be connected to Stanboro Lane at its southern end at a point north-west of the existing access. At its northern end the proposed access will connect to the existing access track that leads to Barn Farm.</p> <p>The proposed access a (Streets, Rights of Way and Access Plans Regulation 5(2)(k) Sheet 5 (APP-009 and APP-010)) is 5.0m wide with 1.0m verges either side and will be sufficient to accommodate agricultural machinery.</p> |

RR-019 Jason Clarke

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 19.1 | I am the landlord of the (Redacted) and would like to submit our concerns for our business | Thank you for registering as an interested party and for your submission. The Applicant has noted your response and looks forward to future correspondence. |

RR-020 John Michael Sexton

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 20.1 | Service road/dual carriageway separation, noise barrier type, height. So to help with Noise, Light Safety and Practicality. | This has been considered within the Environmental Statement. These are included within Chapter 2 The Scheme (AS-010). Details on the noise barrier are included within 'Scheme key element specific measures' specifically paragraphs 2.6.15 and 2.6.17. Service road/dual carriageway separation is shown on Engineering Drawings and Sections 3 (APP-018). The design of the noise barrier will be further developed during detailed design. |
| 20.2 | Type of street lights to help reduce Light Pollution. | Light pollution has been considered within the Landscape and Visual Chapter (APP-068). Section 9.11 'Residual effects – Landscape character', specifically paragraph 9.11.15 includes proposals to limit light pollution. |

RR-021 Kenneth Martin Pollock

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 21.1 | I objected to the Options consultation in 2020 and received a reply promising a detailed response, (which of course never came) | All responses received by the deadline were acknowledged and recorded. All responses were analysed and included in the Non Statutory Consultation Report (available on the GCC scheme webpage) (APP-045) and in Section 3.4 of the DCO Consultation Report (available on the Planning Inspectorate's scheme webpage) (APP 038). The feedback was used to support the scheme development and inform the Preferred Route Announcement (PRA) in June 2021. All Section 47 responses received to the statutory consultation by the deadline were recorded, anonymised and published in Section 5.9 and Appendix D of the Statutory Consultation Report available via GCC's Scheme Webpage. The DCO Consultation Report (APP 038) Section 10.10 and 10.14 explains that all responses received to the Section 47 community consultation, via both the feedback survey and individual written consultation responses from members of the public, have been analysed and the matters raised allocated to key themes with responses to these matters raised. |
| 21.2 | Principal objection was (1) to the 'Link Road' through Green Belt to service merely the 'Cyber Park' portion of the 'West Cheltenham' Urban Extension, | It should be noted that the proposed West Cheltenham Link Road (WCLR) is required to facilitate the development of the JCS allocated housing and employment site at West Cheltenham (JCS Policy A7). With regard to its location within the Green Belt please see section 7.6 of the Planning Statement and Schedule of Accordance with National Policy Statement [APP-135] which provides a detailed outline of its justification for development within the Green Belt. |
| 21.3 | and (2) to the failure by GCC Highways to propose an integrated highway network linking the permitted, large West and NorthWest urban extensions around Cheltenham towards Bishops Cleeve (town) and to the Golden Valley Bypass (for Greater Gloucester, without loading local | The proposed link between Bishops Cleeve and Golden Valley is outside the scope of this Scheme. The Scheme, as submitted, is designed to facilitate the development of the allocated housing sites at North West (JCS Policy A4) and West Cheltenham (JCS Policy A7), as well as providing sufficient capacity to facilitate future |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | traffic onto the national M5 route). | development of the safeguarded land associated with these allocations. |
| 21.4 | <p>Here is an extract: "It is inefficient 'patching' by GCC to now be proposing a link road to service the West Cheltenham UE (urban extension) separated from the adjacent North West UE. Designing an integrated road network connecting the large West and NorthWest UE's, thereby linking them around from Bishops Cleeve through to the Golden Valley Bypass, was ducked due to GCC's chosen minimal involvement in the lengthy JCS Examination process. Thus, reference (in scheme Objective 3) to providing connectivity with "the transport network in west and north-west Cheltenham" (i.e. as it exists, with minimal upgrades) simply means further overloading of Princess Elizabeth Way by the gyratory traffic for a much expanded Cheltenham.</p> | <p>The primary objective of the Scheme is to enable proposed development on land to the north-west and west of Cheltenham (dependant development) to be delivered in accordance with both the Joint Core Strategy (JCS) (Regional Plan) and the Cheltenham Local Plan, whilst minimising the impact of these proposed developments on the operational performance of the road network.</p> <p>Gloucestershire County Council has undertaken traffic modelling to assess the impact of the Scheme, in conjunction with the dependent development, on the operational performance of the road network which is reported in the Transport Assessment (TA) (APP-138) and Appendix J – Transport Model Package (APP-140) and Appendix L – Traffic Forecasting Report (APP-142). The strategic traffic modelling covers an extensive area as shown in Figure 8 of Transport Assessment (APP-138) and includes Princess Elizabeth Way.</p> <p>Forecast changes in traffic flows on the road network due to the Scheme in conjunction with the dependent development is shown on Figures 6-1 to 6-6 in the Traffic Forecasting Report (APP-142). These show that the two-way traffic flows on Princess Elizabeth Way are forecast to reduce in all time periods in both 2027 and 2042.</p> |
| 21.5 | <p>There also needs to be some integration shown with the West Cheltenham UE's 'spine road', including with an upgraded (widened) B4634, through from the A4019 to the B4063 (Staverton crossroads). Otherwise we get yet more piecemeal highways 'planning'. Remember that Cheltenham has NO outer ring road, not even on its flatter (yet greatly expanding) West and NorthWest side."</p> | <p>Figures 6-1 to 6-6 in the Traffic Forecasting Report (APP-142) show that the two-way traffic flows on the B4634 are forecast to remain broadly unchanged due to the Scheme in conjunction with the dependent developments in all time periods in both 2027 and 2042. The exception to this is the eastern end of the B4634 between the proposed link road and the A4019, where there is forecast to be a relatively small increase in two-way traffic flows in all time periods for both 2027 and 2042.</p> |

RR-022 Anne Griffiths

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 22.1 | I wish to register, and submit comments later. Please see attached. | Noted |
| 22.2 | I am a local resident, and also a member of a local campaign group, Save the Countryside, who has given evidence over many years to the JCS Planning Inspector, concerning the local issues, especially transport in this area. The JCS Local Plan was adopted in 2017 I therefore wish to comment on this scoping document before you. The objectives of the M5 Junction 10 Improvements Scheme (the Scheme) are to: | Noted. The objectives of the Scheme are listed in section 3.1 of the Planning Statement and Schedule of Accordance with National Policy Statement for National Networks (NPSNN) (APP-135). |
| Provide the transport connections and network capacity in west and north-west Cheltenham to facilitate the delivery of housing and economic development sites allocated or safeguarded in the JCS. | | |
| 22.3 | The scheme is weighted toward the Strategic Allocation of West Cheltenham, with very little evidence, especially the transport modelling, and its effect on how this scheme from the huge Strategic Allocation of North-West Cheltenham (Elms Park) is to be delivered. | <p>The primary objective of the M5 junction 10 improvement scheme (the Scheme) is to enable proposed development on land to the north-west and west of Cheltenham (dependant development) to be delivered in accordance with both the Joint Core Strategy (JCS) (Regional Plan) and the Cheltenham Local Plan, whilst minimising the impact of these proposed developments on the operational performance of the road network.</p> <p>The traffic modelling undertaken by the Applicant compares the scenario with the M5 junction 10 improvement scheme, in conjunction with dependent development, (Scenario R), with the scenario without the Scheme and without dependent development (Scenario P), to assess the impact of the Scheme on the operational performance of the road network.</p> <p>The results of the traffic modelling are reported in the Transport Assessment (TA) (APP-138) and Appendix J – Transport Model Package (APP-140) and Appendix L – Traffic Forecasting Report (APP-142).</p> <p>The traffic modelling includes traffic forecast to be generated by proposed development on all the allocated or safeguarded sites in</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>the JCS, including north-west Cheltenham (Elms Park). The quantum of development assumed to be deliverable without triggering the M5 junction 10 highway improvement scheme (dead-weight development) is listed in Tables 5 and 6 of the Traffic Forecasting Report (APP-142). The quantum and mix of proposed development included in each of the modelled scenarios is listed in the Uncertainty Log contained in Appendix A of the Traffic Forecasting Report (APP-142).</p> <p>Each of the dependent developments will also be required to implement appropriate and proportional highway improvement works if necessary to mitigate the impact of additional development generated traffic on the operational performance of the road network, based on the site-specific Transport Assessments submitted with forthcoming planning applications. These highway improvement works will be in addition to the Scheme but have not been included in the traffic modelling if they are outside of the extent of the Order limits</p> |
| <p>Provide a transport network in the west and north-west Cheltenham area with the levels of service, safety and accessibility to meet current and future needs.</p> | | |
| 22.4 | <p>The report states that the scheme is to REDUCE PRESSURE on JUNCTION 11 and the local roads.</p> <p>However this report diverts traffic off the M5 at Junction 10 ,on to the new Link Road, to a minor road B 4063 with no improvements. Then traffic is directed on through the proposed Strategic Allocation, West Cheltenham(full details and traffic modelling are not yet available).</p> <p>Traffic is further directed to the very busy Arle Court Roundabout, to the existing Arle Court Park and Ride, which is already at full capacity.</p> <p>Surely this is increasing traffic in this area and therefore does not comply.</p> | <p>As outlined in the response to 22.3 the primary objective of the M5 junction 10 improvement scheme (the Scheme) is to enable proposed development on land to the north-west and west of Cheltenham (dependant development) to be delivered in accordance with both the Joint Core Strategy (JCS) (Regional Plan) and the Cheltenham Local Plan, whilst minimising the impact of these proposed developments on the operational performance of the road network. The traffic modelling demonstrates that the Scheme, in conjunction with the dependent development, will result in changes in traffic patterns across the road network but will generally improve the operational performance of the road network compared to a situation where the dependent development was delivered without the Scheme.</p> <p>The Transport Assessment (APP-138) concludes that the Scheme creates networks with the capacity and connectivity to support</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | national and local economic activity and facility growth. |
| Provide greater connectivity between the strategic road network (SRN) and the transport network in west and north-west Cheltenham | | |
| 22.5 | <p>It seems amazing that in still in 2024, there is no mention of these strategic roads which will be needed to prevent the traffic going through the congested centre of Cheltenham and the surrounding villages.</p> <p>Therefore,at present our locality is traversed by 'rat runs' along Brockhampton Lane through Swindon Village, and the Kingsditch Trade Park, Manor Road,Old Gloucester Road, Hayden Road, Withybridge Lane,Boddington Lane,Elmstone Hardwicke Lane, Stoke Orchard Lane to Bishops Cleeve, and onwards through Tredington to the A38, and the A38 for its length especially at Coombe Hill.</p> <p>These are all being used as 'Relief Roads' for local commuters moving from their homes to their places of work to avoid the centre of Cheltenham,between Cheltenham, Tewkesbury and Bishops Cleeve.</p> <p>These 'rat runs ' will only get worse as the availability of the assess to the new junction is altered.</p> | <p>The Strategic Road Network (SRN) refers to the network of motorways and major 'trunk' A-roads across England which are managed by National Highways. In the context of the Scheme, the SRN is the M5. One of the Scheme objectives is to 'Improve connectivity between the SRN (i.e. the M5) and the local transport network in west and north-west Cheltenham'. The Scheme is not intended to address existing issues on the wider road network.</p> <p>The forecast impact of the Scheme, in conjunction with dependent developments, on traffic flows across the road network are shown on Figures 6-1 to 6-6 of the Traffic Forecasting Report (APP-142).</p> |
| Provide a more integrated transport network by enabling opportunities to switch to more sustainable transport modes within and to west, north-west and central Cheltenham | | |
| 22.6 | <p>This does not comply with the :</p> <p>GCC Local Transport Plan to 2041.Strategic Schemes CSV5 – Strategic Park and Interchange hub at UCKINGTON</p> <p>JCS 2017 Strategic Allocation, North West Cheltenham includes a Transport Hub.</p> <p>Elms Park Planning Application,16/02000/OUT clearly states 600 space park and ride facility.</p> <p>THERE IS NO MENTION IN THIS SCOPING REPORT OF A TRANSPORT INTERCHANGE AT THIS JUNCTION</p> | <p>The Strategic Park and Interchange Hub referred to relates to the park and ride facility that makes up a component of the Elms Park planning application and Strategic Allocation A4. The provision of this facility falls to the developer for the Elms Park and is outside the scope of this DCO application.</p> <p>The traffic modelling to assess the impact of the Scheme does not include a park and ride site for the proposed Elm Park development, which is one of the dependent developments. This is because at the time the traffic modelling was undertaken, this park and ride facility was not a committed scheme.</p> <p>The traffic forecast to be generated by the dependent developments is based on the anticipated quantum and mix of proposed</p> |

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| | | <p>development for each site (consistent with that identified for the site allocations in the Cheltenham Joint Core Strategy (Regional Plan)), multiplied by typical traffic generation rates as presented in Table 7 of the Traffic Forecasting Report (APP-142).</p> <p>The developer of the proposed Elm Park development will be required to implement appropriate and proportional highway improvement works if necessary to mitigate the impact of additional development generated traffic (including that generated by the proposed park and ride facility) on the operational performance of the road network, based on the site-specific Transport Assessments submitted with the planning application. These highway improvement works will be in addition to the Improvement Scheme.</p> <p>Although not part of the Scheme, the proposed improvements to Arle Court Park and Ride are included in the traffic modelling as listed in the Uncertainty Log (Appendix A of the Traffic Forecasting Report APP-142). Therefore, the traffic modelling accounts for the impact of the proposed improvements to Arle Court Park and Ride.</p> <p>Three planning applications (Arle Court highways and civils works ref. 21/0074/CHR3MJ; Arle Court MSCP ref. 22/0002/CHR3MJ; and West of Cheltenham Transport Improvements Scheme Phase 1 ref. 20/0021/CHREG3) have been submitted and the proposals have since received planning permission.</p> <p>The Environmental Statement Chapter 15 (APP-074) reports the Cumulative Effects of the Scheme, and this includes and assessment of the impacts of planning application 16/02000/OUT as a reasonably foreseeable future project (RFFP).</p> |
| <p>Deliver a package of measures which is in keeping with the local environment and minimises any adverse environmental impacts.</p> | | |
| 22.7 | <p>As a result of the increase in traffic this report does not mention how it will address the cumulative affects on existitng and new residents from air pollution, noise pollution, odour, and pluvial flooding.</p> | <p>The cumulative effects of the Scheme have been assessed and are reported within Chapter 15 of the Environmental Statement (APP-074). The cumulative effects assessment considers both the interaction of the different Scheme effects (intra-Scheme cumulative</p> |

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| | | <p>effects) and the interaction of the effects of the Scheme with those that may arise from other projects expected to be developed within comparable timeframes (inter-project cumulative effects). In both types of cumulative effects assessment, a future baseline scenario is considered, which takes into account impacts on and from developments that would introduce new residents to the study area.</p> <p>Section 15.12 (APP-074) provides a summary of the inter-project cross topic cumulative effects. Section 15.13 includes a summary of the inter-project cumulative effects within topics, including those relating to air quality (paragraph 15.13.2.), noise and vibration (paragraph 15.13.5.) and flood risk (paragraph 15.13.25.).</p> <p>Section 15.14 (APP-074) outlines the mitigation measures and Table 15-7 highlights the selected embedded and essential mitigation measures that will be implemented to mitigate adverse effects that may arise from cumulative impacts. Please see the Environmental Statement Chapter 15 (document reference APP-074) for further details.</p> |
| <p>The Scheme comprises three elements of works:</p> <ul style="list-style-type: none"> • An all-movements junction at M5 Junction 10; • A new West Cheltenham Link Road east of Junction 10 from the A4019, to the West Cheltenham Cyber Park; and | | |
| 22.8 | See comments above (22.7) | Noted |
| <ul style="list-style-type: none"> • Widening of the A4019 to the east of Junction 10. | | |
| 22.9 | <p>The whole of the A4019 from Cheltenham to Coombe Hill needs to be widened to cope with the increase traffic on a busy and dangerous road. I note that no changes have been made to an accident hot-spot at the junction of the A4019 and the Stoke Road(Old Spot pub).</p> | <p>The primary objective of the Scheme is to enable proposed development on land to the north-west and west of Cheltenham (dependant development) to be delivered in accordance with both the Joint Core Strategy (JCS) (Regional Plan) and the Cheltenham Local Plan, whilst minimising the impact of these proposed developments on the operational performance of the road network. The Scheme is not intended to address existing issues on the wider road network, such as speeding on Main Road through Hardwicke.</p> |

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| | <ul style="list-style-type: none"> The Scheme is classed as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008, and as such requires a Development Consent Order (DCO) to proceed. This scoping report sets out the proposed scope of the Environmental Impact Assessment (EIA) to be undertaken for the Scheme, and is part of a formal request for a scoping opinion. Once agreed, the EIA will be undertaken and reported within an Environmental Statement that will be submitted with the application for development consent for the Scheme. | |
| 22.10 | <p>We agree that future Transport Plans needs innovative solutions to solve the existing problems, before any new development can go forward. The overarching strategies need to work with Parish Councils, and communities. Similarly in 2016 the JCS Transport Strategy put before the Inspector, listed that there would be a new dual carriageway linking the A40 to the A4019, and a new link road from the A4019 to Hyde Lane, with an upgrade of the A435 Evesham Road, and the junctions on Hyde Lane.</p> <p>Therefore these roads/lanes have become increasingly used, and have become very dangerous for other road users, such as pedestrians, cyclists, and horseriders.</p> <p>Essential local community involvement and master-planing is needed now to identify and seek solutions that will minimise the impact of proposed motorway improvements and its associated Infra-structure alterations is essential, and must promote schemes now which will tackle traffic congestion on our rural community lanes.</p> <p>AG/20/03/24</p> | <p>The Scheme design has been developed in response to local policy need in order to facilitate housing and employment growth, whilst mitigating the impacts of these developments and ensuring that both the SRN and Local Road Network (LRN) can operate to an acceptable level.</p> |

RR-023 Mrs Mary Bruton

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| 23.1 | <p>My firm acts on behalf of one of the landowners whose land is affected by the proposed scheme and will be likely to have land taken as part of the DCO process. The current post scheme revised access design proposal severely impacts upon both the safe access and egress for the land for farming operations and with regards to the change in position from owning two unfettered accesses on to the A4019 Uckington Road to a proposed restricted right of way over Gloucestershire County Council land which we have been informed will be subject to a ransom position with regards to any future development (and the land forms part of the Safeguarded Land in the Local Plan) in favour of the council.</p> | Noted |
| 23.2 | <p>22nd March 2024 Dear Sirs,</p> <p>M5 Junction 10- proposed Development Consent Order</p> <p>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.</p> | Noted |
| 23.3 | <p>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.</p> | <p>The existing accesses are directly accessed off the A4019. The main access (to field No GR216008) appears to be located opposite the Withybridge Lane junction identified as J on Streets, Rights of Way and Access Plans Regulation 5(2)(k) Sheet 12 (APP-009 and APP-010). At this location, the A4019 currently has two eastbound lanes and one westbound lane. These are separated by a non-standard right turn lane, with</p> |

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| | | <p>limited storage length for turning vehicles. Five years of collision data for the period 1st January 2016 to 31st December 2020 shows that there were two serious and two slight collisions recorded at or near this location.</p> <p>Vehicles turning into or out of this access have potential conflict points with two eastbound lanes, including merging traffic from the M5 southbound slip road and one westbound lane of the A4019 as well as right turning traffic into and out of Withybridge Lane, which is in very close proximity.</p> <p>The second existing field access onto the A4019 is located to the east (near an existing layby) and is identified as L on Streets, Rights of Way and Access Plans Regulation 5(2)(k) Sheet 12 ((APP-009 and APP-010).. This is on a section of single carriageway approximately 7.0m wide, without any right turn lane. This seems to primarily serve field No. GR455442 (under different ownership) as the route into field no GR216008 from this access seems overgrown. This existing access is approximately 4.2m wide and set-back an approximate distance of 5.0m from the edge of carriageway.</p> <p>The Scheme proposes to stop up these existing accesses and replace them with accesses b and k (Streets, Rights of Way and Access Plans Regulation 5(2)(k) Sheet 12) ((APP-009 and APP-010). served from the northern arm of the A4019/West Cheltenham Link Road junction. This proposed junction would be fully signal controlled allowing access to and from the A4019 westbound and eastbound carriageways, as well as the new West Cheltenham Link Road. The proposed junction also includes a fully standard segregated right turn lane from the A4019 westbound carriageway.</p> <p>The northern arm of the A4019/West Cheltenham Link Road junction has a minimum width of 8.3m and the access track is 5.0m wide with hardened 1m verges for occasional over-run.</p> |

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| | | <p>This arm of the junction is not a through road so would be used exclusively for land access and therefore the risk of conflict between users is low compared to direct access from the A4019. Swept path analysis has been undertaken and this has shown that large agricultural vehicles are able to pass each other on this arm of the junction.</p> <p>The proposals therefore offer an improvement over the existing situation in terms of both safety and the ease of access.</p> |
| 23.4 | <p>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.</p> <p>I attach my previous representations on this matter to avoid further repetition.</p> <p>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.</p> <p>Yours faithfully,</p> <p>(redacted)</p> <p>Andrew Bower Agent for the Landowners, registration identification number 20047682</p> | <p>In addition to response 23.3 above:</p> <p>The existing primary field access located opposite Withybridge Lane is approximately 4.5 wide between the fence line and hedge line with a track width of approximately 3m. The secondary access located to the east (near an existing lay-by) is approximately 4.2m wide and set-back an approximate distance of 5.0m from the edge of carriageway. The dimensions of the existing accesses are therefore of a lower provision compared with the proposed northern arm of the A4019/West Cheltenham Link Road junction which has a minimum width of 8.3m and the access track which is 5.0m wide with hardened 1m verges for occasional over-run. The junction will be fully signal controlled allowing access to and from the A4019 in both directions and swept path analysis has shown that large agricultural vehicles are able to pass each other on this arm of the junction.</p> <p>The proposals therefore offer an improvement over the existing situation in terms of both safety and the ease of access.</p> |
| 23.5 | 14 th February 2022 | Noted |

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| | <p>Dear Mr Herbert</p> <p>M5 Junction 10 Improvements Scheme - Statutory Public Consultation-Response</p> <p>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.</p> <p>As previously stated, my clients support the overall proposal, but do have substantial concerns with regards to the current draft proposal:</p> | |
| 23.6 | <p>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.</p> <p>The proposed changes have the following impacts:</p> | <p>In addition to response 23.3 above:</p> <p>The proposed land accesses are served by the A4019/West Cheltenham Link Road junction which is a fully signal controlled allowing access to the A4019 westbound and eastbound carriageways. Therefore, there is no central reservation or barrier preventing access to the A4019 westbound with the Scheme.</p> |
| 23.7 | <p>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</p> | <p>In addition to response 23.3 above:</p> <p>Whilst two access points are currently available to the A4019, it appears that currently there is only one serviceable access from the primary access point opposite Withybridge Lane as the</p> |

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| | <p>the business during peak periods, especially when weather changes mean operations need to be completed urgently.</p> | <p>second existing access to the east appears to be overgrown beyond the gate. Due to the proximity of the existing accesses to each other, it is likely that an accident on the A4019 of the severity required to cause disruption on the A4019 would impact both accesses as any congestion caused would likely extend over the length between the accesses.</p> <p>The Scheme proposes two land accesses identified as b and k on Sheet 12 of the Streets, Rights of Way and Access Plans Regulation 5(2)(k) (APP-009 and APP-010). Both accesses would be served from the northern arm of the A4019/West Cheltenham Link Road junction. The Scheme would also see widening of the A4019 to a two lane dual-carriageway and the introduction of a new Link Road between the A4019 and B4634 to the south. The A4019/Link Road junction is to be fully signal controlled as well as signalisation of the M5 Junction 10 and other A4019 junctions to the east. The Scheme is therefore considered to provide improved resilience to serious accidents on the network compared with the current A4019 layout as there are more opportunities to retain open lanes, provide better diversion routes and control traffic movements through the signalised junctions.</p> |
| 23.8 | <p>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 th 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 3rd December 2021, as per the Carter Jonas minutes that say a 4 lane junction will be created, albeit on a shorter length basis.</p> | <p>In addition to response 23.3 above:</p> <p>The comment (RR 23.8) does not refer to the DCO application Scheme as it references “a narrow track with several bends on it”. The Scheme includes a straight maintenance track connected to the northern arm of the A4019/West Cheltenham Link Road junction. This proposed junction would be fully signal controlled and also includes a fully standard segregated right turn lane from the A4019 westbound carriageway. The northern arm of the A4019/West Cheltenham Link Road junction has a minimum width of 8.3m and the access track is 5.0m wide with hardened 1m verges for occasional over-run. This arm of the</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>junction is not a through road so would be used exclusively for land access and therefore the risk of conflict between users is low compared to direct access from the A4019. Swept path analysis has been undertaken and this has shown that large agricultural vehicles are able to pass each other on this arm of the junction.</p> |
| 23.9 | <p>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.</p> | <p>In addition to response 23.3 above:</p> <p>Separate or segregated accesses for the land north of the A4019 in this location was deemed unsuitable due to the road safety implications of providing multiple direct accesses to the proposed A4019 dual-carriageway, particularly due to the proximity of the proposed M5 Junction 10. Direct accesses to the A4019 would only allow for a left-in left-out arrangement due to the presence of the central reservation introduced as part of the A4019 dualling. Gaps in the central reservation to allow access to the opposite carriageway was deemed unsuitable due to the safety implications of large agricultural vehicles having to wait to cross a dual-carriageway and potentially wait within the central reservation.</p> <p>A single maintenance track connected to the northern arm of the fully signalised A4019/West Cheltenham Link Road junction offers the safest and a suitable access arrangement to accommodate large agricultural vehicles.</p> |
| 23.10 | <p>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.</p> | <p>In addition to response 23.3 above:</p> <p>The proposed accesses are served by the northern arm of the A4019/West Cheltenham Link Road junction which is to be a fully signalised controlled junction. Therefore, users are not required to find suitable gaps in traffic given the full signalised controlled junction and as such, full visibility splays at the junction are not required. The signal controlled junction will provide easier and safer access to the A4019 for larger</p> |

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| | | <p>agricultural vehicles compared with the current access arrangement.</p> <p>Swept path analysis has been undertaken and this has shown that large agricultural vehicles are able to pass each other on this arm of the junction.</p> |
| 23.11 | <p>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 into the land, as they will limit visibility for all road users.</p> | <p>Please refer to response 23.3 and 23.8 above for full details of the proposed access arrangement including details of the signalised junction arrangement.</p> |
| 23.12 | <p>My clients request that the proposals are altered as per the following objections:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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,</p> | <p>Refer to response 23.3 for details of the access proposals as well as other responses above which relate to these points.</p> <p>Please see Chapter 8 – Road Drainage and the Water Environment (AS-016) and the Flood Risk Assessment (AS-023) for details on flood risk and modelling.</p> |

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| | <p>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.</p> <p>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.</p> <p>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.</p> | |
| 23.13 | <p>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.</p> <p>If you require any further information at this stage, please let me know</p> | Noted |
| 23.14 | <p>Dear Mr Macaulay-Lowe</p> <p>M5 Junction 10 Improvements Scheme - Additional Targeted Consultation- Response to consultation and to latest highways proposals regarding future land access.</p> <p>This letter is submitted on behalf of both Mrs Mary Bruton and Mrs Elizabeth Counsell, who jointly own land at . These comments are made without prejudice.</p> | Noted |

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| 23.15 | <p>In Kathryn Haworth’s letter of 12th 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.</p> <p>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.</p> | <p>Refer to response 23.3</p> <p>With regard to the proposed access arrangements please refer to response 23.3 above. In relation to Safeguarded land itself please note that the Scheme has taken a deliberate stance against predetermining the release of the Safeguarded land at North West Cheltenham. Whilst the proposed design would allow any future developer to tie into the Local Road Network (LRN) through the creation of an approved access the Scheme stops short of the provision of an access that has been afforded the Strategic Allocations, in accordance with policy SD5 of the JCS.</p> |
| 23.16 | <p>In more detail:</p> <ol style="list-style-type: none"> 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 | <p>Refer to response 23.3 for details of the proposed access arrangements.</p> <p>With regard to the provision of an access to the Safeguarded land please note that the Scheme has taken a deliberate stance against predetermining the release of the Safeguarded land at</p> |

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| | <p>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.</p> | <p>North West Cheltenham. Whilst the proposed design would allow any future developer to tie into the Local Road Network (LRN) through the creation of an approved access the Scheme stops short of the provision of an access that has been afforded the Strategic Allocations, in accordance with policy SD5 of the JCS.</p> |
| 23.17 | <p>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 nonexistent (as far as we are aware) supporting data.</p> | <p>Noted. Refer to response 23.3.</p> |
| 23.18 | <p>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</p> | <p>Noted. Refer to response 23.3 for details of the proposed access arrangements.</p> |

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| | <p>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.</p> | <p>With regard to the provision of an access to the Safeguarded land please note that the Scheme has taken a deliberate stance against predetermining the release of the Safeguarded land at North West Cheltenham. Whilst the proposed design would allow any future developer to tie into the Local Road Network (LRN) through the creation of an approved access the Scheme stops short of the provision of an access that has been afforded the Strategic Allocations, in accordance with policy SD5 of the JCS.</p> |
| 23.19 | <p>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.</p> | <p>The proposals include a diversion of an existing PROW (bridleway) through the proposed A4019 underpass and onto Withybridge Lane to retain a desired route for equestrians. The diversion is contained within the extents of the M5 J10 Improvements Scheme which cannot prejudge the outcome of any planning process or future development site plans. Existing PROW routes outside the extent of the M5 J10 Improvements scheme are retained in their current position.</p> <p>The proposed A4019 underpass is also designed to provide mitigation for impacts to bats and provide a safer crossing across the A4019 which will be elevated and widened as a result of the Scheme. The mitigation is wholly within the extents of the M5 J10 Improvements Scheme.</p> |
| 23.20 | <p>Proposals:</p> <ol style="list-style-type: none"> 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. | <p>Refer to previous answers for comments on the proposals outlined in your Relevant Representation.</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>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.</p> <p>f. Likewise for the planned ecological mitigation works and planting.</p> <p>These comments should be taken in conjunction with my previous submissions. If you require any further information, please let me know</p> | |

RR-024 National Grid

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 24.1 | Recommendations to recognise electricity network assets which may be adversely effected by road layout changes | <p>Thank you for your response.</p> <p>The Applicant appreciates your concerns regarding the M5 Junction 10 Improvements Scheme. In response to your issue, discussions are in place to agree a form of protective provisions that will recognise and protect the electricity network assets which may be adversely affected by road layout changes. A draft version of the protective provisions for the electricity network, along with gas, water and sewage undertakers are provided in Schedule 9 Part 1 of the draft DCO [APP-031]. Meetings to agree a bespoke set of protective provisions are ongoing with NGED and an update on these discussions will be provided to the ExA in due course.</p> <p>The Applicant hopes this response satisfies your concerns, but we look forward to future correspondence if necessary.</p> |

RR-025 National Grid Electricity Distribution (West Midlands)

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>Relevant Representation submitted by Osborne Clarke LLP on behalf of National Grid Electricity Distribution (West Midlands) plc ("NGED").</p> <p>Osborne Clarke LLP act for NGED whose registered office is at Avonbank, Feeder Road, Bristol, BS2 0TB. NGED is the licensed distribution network operator under Section 6 Electricity Act 1989 (the "EA 1989") for the area in which the M5 Junction 10 Improvement Scheme DCO 202* (the "Order") is proposed to have effect. Section 9 of the EA 1989 places a duty on NGED as the electricity distributor to develop and maintain an efficient, co-ordinated and economical system of electricity distribution.</p> <p>The application was received by the Planning Inspectorate on 19 December 2023 and accepted on 16 January 2024.</p> | |
| 25.1 | NGED's assets consisting of overhead and underground cables are situated in the Order land. | |
| 25.2 | Article 24 of the draft Development Consent Order ("DCO") (Document Reference 3.1) provides the power for the Undertaker to compulsorily acquire the rights of NGED over the Order land or impose restrictive covenants. | |
| 25.3 | <p>Schedule 1 of the draft DCO sets out the authorised development. Schedules 5 and 7 set out the land in which only new rights may be acquired and land of which temporary possession may be taken. In both of these schedules, it is noted that the purpose is that it may be required for the diversion of NGED cables and associated apparatus and equipment. The Book of Reference (Document Reference 4.3) records the plot numbers within which NGED's apparatus is situated. NGED are reviewing these plots to establish the extent to which their apparatus are affected.</p> | The Applicant notes the NGED are reviewing the plots in the Book of Reference (APP-037) and are happy to discuss the outcome of the review further with NGED as required. |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 25.4 | <p>General protective provisions for the protection of electricity undertakers are included in Part 1 of Schedule 9 of the draft DCO. NGED consider these protective provisions alone to be insufficient for the protection of their assets. NGED needs to ensure that the wider powers being sought in the Order will not have a detrimental impact on NGED's electricity network and its duties under the EA 1989. This includes securing acceptable terms of any proposed protective provisions.</p> | <p>The Applicant and NGED have been discussing a form of protected provisions. Draft protective provisions are provided in Schedule 9 Part 1 for the Protection of Electricity, Gas and Water) APP-031). NGED has requested bespoke PPs to be secured by a confidential asset protection agreement. Discussions are ongoing to agree these draft protective provisions are ongoing and an update will be provided to the ExA in due course.</p> |
| 25.5 | <p>NGED is therefore making this representation as a holding objection to the application until an asset protection arrangement and protective provisions have been agreed between the parties. No formal agreement has yet been concluded and accordingly we are lodging this representation to protect NGED's position pending conclusion of an appropriate agreement. Once NGED is satisfied that its network is protected, we will notify the Planning Inspectorate promptly and withdraw the objection. Osborne Clarke LLP March 2024</p> | <p>The Applicant and NGED have been discussing a form of protected provisions. Draft protective provisions are provided in Schedule 9 Part 1 for the Protection of Electricity, Gas and Water (APP-031). NGED has requested bespoke PPs to be secured by a confidential asset protection agreement. Discussions are ongoing to agree these draft protective provisions are ongoing and an update will be provided to the ExA in due course.</p> |

RR-026 National Highways

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 26.1 | 1.1 This is the relevant representation of National Highways; its formal written response to the application by Gloucestershire County Council (“Applicant”) for the Development Consent Order (“DCO”) granting development consent for the M5 Junction 10 Improvement Scheme Project. The Applicant seeks development consent for proposed authorised development described in Schedule 1 of the draft DCO (“Authorised Development”). | Noted. |
| 26.2 | 1.2 National Highways supports the principle of a scheme of improvement works at Junction 10 of the M5. However, the DCO application contains insufficient information for National Highways to support the current application and therefore National Highways objects to the DCO and the Authorised Development in its submitted form on a protective basis. | Noted. |
| 26.3 | 1.3 National Highways cannot assess the impact of the scheme on the safe and efficient operation of the Strategic Road Network (“SRN”) based on the information that has been provided to support the application. Traffic modelling information as referenced in the proposed application has not been received and therefore the design of the scheme and everything that follows from it cannot be supported until the modelling is supplied and fully reviewed by National Highways. National Highways requested the full modelling package in its targeted consultation response in June 2023 and again in response to Developer Contributions Engagement in December 2023, alongside direct requests to the Applicant, including in February 2024, January 2024, September 2023 and August 2023. The information was also referenced as being inadequate and out of date in the section 51 letter issued by the Planning Inspectorate (“PINS”) on 23 November 2023. To date, National Highways has only received the SATURN traffic model (on 13 March 2024) and therefore still requires the other modelling packages to complete a full review of the proposal. Upon receipt of the full and | <p>The Applicant has consulted and liaised with National Highways (NH) throughout the evolution and design development of the Scheme. This has included discussions with National Highways’ technical teams, regarding the traffic modelling that quantifies the impact of the Scheme on the Strategic Road Network, highway design and road safety. The evolution and design development of the Scheme has also been undertaken in accordance with National Highways’ Project Control Framework (PCF) process and all required PCF documents relating to the Scheme have been issued to and approved by National Highways from a PCF governance perspective.</p> <p>The Applicant issued the operational (PARAMICS) traffic models to National Highways on 26/03/2024.</p> <p>National Highways provided further comments on the traffic modelling and Transport Assessment on 24/05/24. The Applicant issued a response to these comments to National Highways on 10/06/24. The SoCG will be updated for future deadline to reflect these further</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>updated traffic modelling information, alongside the updated Transport Assessment, National Highways will require sufficient time (estimate 6 - 8 weeks, should everything be received to the required standard), to review and comment to ensure that the impact of the scheme on the SRN is adequately understood and to inform the approach to Examination.</p> | <p>exchanges of comments and responses, where appropriate and necessary.</p> |
| | <p>1.4 Other principal areas of concern in the application, as submitted, are:</p> | |
| <p>26.4</p> | <p>(a) The Transport Assessment is lacking critical information in relation to M5 slip road design and modelling:</p> | <p>The design of the Scheme has been undertaken in full accordance with guidance and standards contained in the Design Manual for Roads and Bridges (DMRB). General Arrangement plans showing the Scheme design (APP-014 and APP-015) have been shared with National Highways (NH). Design development of the Scheme has followed the NH's Project Control Framework (PCF), with all applicable PCF documents having been approved by NH from a PCF governance perspective. The proposed designs for all the M5 junction 10 slip roads require departures from standard. These have been uploaded onto NH's Departure Approval System (DAS) and NH's Safety, Engineering & Standards (SES) have confirmed provisional agreement to the departures.</p> <p>Section 8 and appendices B to H of the Transport Assessment (TA) (APP-138) contain detailed information on the results of the PARAMICS traffic modelling that quantify the impact of the Scheme, including: changes in overall network performance; changes in journey times for all routes through M5 junction 10; changes in traffic flows; and changes in queue lengths.</p> <p>The Applicant will provide responses to National Highways' detailed comments in an updated Statement of Common Ground (SoCG) (APP-147) submitted to the ExA at Deadline 1.</p> |
| <p>26.5</p> | <p>(i) National Highways requests that the Applicant provides further details regarding the construction phasing of the scheme to ensure that any potential impacts to the SRN are communicated and agreed with</p> | <p>The construction programme is in the process of being developed as detailed design progresses. Once the Principal Contractor is satisfied that the construction programme is feasible and efficient, particularly</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | National Highways in advance of Notice to Proceed, to guarantee that works will not impact the safe operation and capacity of the SRN. | with regards to traffic management phases and sequencing, the programme will be presented to National Highways for collaborative discussion. Moreover, the Principal Contractor will also submit a Traffic Management Plan (2nd iteration) as part of the discharge of Requirement 3 of the DCO, for which National Highways will be a consultee. |
| 26.6 | (ii) National Highways requests further information or confirmation from the Applicant in relation to a range of topics arising from the application documents, which are summarised in Appendix B. | The SoCG submitted at Deadline 1 provides a response to the comments summarised in Appendix B. |
| 26.7 | (b) National Highways has concerns regarding the funding of the scheme. The Applicant has placed significant reliance on unsecured developer planning contributions. National Highways has concerns that there is no guarantee that any of the identified residential developments that necessitate the need for the scheme will come forward within the construction period, and with the necessary level of financial contributions secured and due. There is also concern regarding the adequacy of the estimate produced for the scheme. It is not clear that the Applicant's cost estimate is reflective of the current construction trading market and that it sufficiently accounts for any delays of unforeseen risks which may occur throughout detailed design, construction and handover periods. National Highways requires funding security in advance of Notice to Proceed before the start of construction, due to the risk of construction beginning without the full funding package in place and should the Applicant experience issues with finances. 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. | The Applicant has secured significant funding from Homes England and is confident that additional funding will be available including through development contributions and is satisfied therefore that there is a reasonable prospect of the necessary funding being available during the implementation period as required by policy. The Applicant is in discussions with National Highways in relation to a notice to proceed procedure, to give them the certainty they require in relation to ensuring that works carried out to the SRN will be completed as required. |
| 26.8 | (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 places. As such, the documentation as referenced in the application is illegible for the purposes of National Highways carrying out a meaningful | The Applicant will seek to continue to engage with National Highways to clarify individual queries. |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>review of the Authorised Development and compulsory acquisition proposals to determine their effects on the SRN. Examples of inaccuracies and discrepancies are given below in section 4. The section 51 letter issued by PINS in November 2023 asked for the plans to be reviewed and revised for consistency and accuracy and National Highways question whether this has been carried out.</p> | |
| 26.9 | <p>(d) To the extent that National Highways has been able to review the Land Plans and the Book of Reference as submitted by the Applicant, it has identified a significant number of plots of land owned or occupied by National Highways for the purposes of its undertaking (“Plots”) in respect of which compulsory acquisition powers are sought. The compulsory acquisition powers sought are described in the DCO and the Book of Reference as permanent acquisition of land, temporary possession of land, extinguishment of rights, and creation of new rights (“Compulsory Powers”). To safeguard National Highways’ interests and the safety and integrity of the SRN, National Highways objects to the Plots in the DCO. The Plots constitute land acquired or held by National Highways for the purpose of its statutory undertaking and, accordingly, this 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. This is necessary in the public interest to ensure any existing National Highways rights extinguished as a result of temporary land acquisition are reinstated upon completion of the scheme, and that land and/or rights over land are transferred back (or to) National Highways to ensure the safe operation and maintenance of the SRN is maintained post completion. All SRN assets transferred to National Highways must be confirmed as having appropriate access rights where access is gained over third party land. The grant of the DCO without such provisions would result in serious detriment to the SRN.</p> | <p>The Applicant continues to engage with National Highways regarding its proposed approach to Compulsory Acquisition.</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 26.10 | <p>(e) The DCO includes a number of 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. The protective provisions for the benefit of National Highways included in the DCO as currently drafted are insufficient to protect the SRN and National Highways assets and to enable it to perform its statutory duties. Discussions with the Applicant are ongoing to agree a form of protective provisions acceptable to both parties but in any event, the provisions included at Appendix A are National Highways standard corporate provisions and should be substituted in the DCO for the current provisions.</p> | <p>The Applicant notes National Highways position and continues to engage with National Highways to reach a satisfactory position regarding protective provisions. The Applicant will seek to keep the Examining Authority up to date as to the progress of these negotiations throughout the examination.</p> |
| 26.11 | <p>(f) The DCO includes requirements to be discharged to, inter alia, determine detailed landscaping design, fencing details, flood storage, drainage, lighting and detailed technical design. It is proposed that the Applicant is both the applicant for the discharge and the determining body. The requirement to consult National Highways on discharge of relevant requirements is not sufficient to ensure that any approval is made in accordance with National Highways comments, by virtue of paragraph 4(3) of Part 1 of Schedule 2 of the DCO, to safeguard the SRN. National Highways believes that the Secretary of State for Transport ("SoS") 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' own schemes.</p> | <p>The Applicant is actively engaging with both National Highways and the Joint Councils and has provided a response as to the parties' position in its Written Summary of Oral Submissions to ISH2, submitted at Deadline 1.</p> |
| 26.12 | <p>(g) National Highways considers that if the DCO is granted it must be secured in the consent and approved documentation that the ownership and maintenance of the Flood Storage Area (Work 7) 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, i.e. a separate bund/boundary should be provided for this purpose. If this is not possible, as the M5 southbound on-slip embankment would form</p> | <p>Discussions are ongoing with National Highways in relation to this matter.</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>part of the Flood Storage Area, the responsibility for both the construction and the maintenance of the M5 southbound on-slip embankment, up to the formation level, will remain with the Applicant in accordance with the requirements of The Reservoirs Act 1975 for above ground reservoirs. National Highways does not have the operational capacity to maintain any aspect of the Flood Storage Area. National Highways requires that ownership and maintenance of the M5 southbound on-slip drainage become the responsibility of National Highways post-construction and National Highways require provision for the drainage asset to be included in the commuted sum, required under the protective provisions.</p> | |
| 26.13 | <p>(h) National Highways has a Biodiversity Net Gain (“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. National Highways considers that land forming part of the SRN can be used and could deliver a route for providing enhancement, which National Highways understand the Applicant has sought to do. 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 further 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 outcome¹⁹ is delivered.</p> | <p>National Highways is correct that the Applicant has used both land within the SRN and elsewhere within the Scheme to deliver a net gain in biodiversity.</p> <p>The BNG assessment (APP-104) will be updated as the Scheme progresses through the detailed design stage. The Scheme is committed to delivering a net gain in biodiversity. This will be secured via appropriate agreements with National Highways and GCC to ensure the designed habitats are managed appropriately in accordance with the Landscape and Ecology Management Plan (LEMP) [AS-035].</p> <p>The Principal Contractor and their Designer will continue to assess the detailed design, as it develops, to ensure the Scheme achieves the BNG outcomes included in the DCO submission.</p> <p>A BNG assessment has been completed on the interim DF4 design to inform the development of the DF4 landscaping design. A BNG assessment will be carried out on the final DF4 design, to identify any amendments or enhancements required to the landscaping design through DF5 design development.</p> <p>The Principal Contractor is also assessing the BNG outcomes for the SRN, to determine a value for BNG specific to the SRN.</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | The Principal Contractor has identified a range of opportunities for reducing carbon, which will be implemented through DF5 design development. The National Highways low carbon opportunities register database has been reviewed to maximise opportunities for reducing Scheme carbon. |
| 26.14 | (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 local road network (“LRN”) is not adversely impacted, to co-ordinate other planned works in the area, and to ensure that traffic management embargos requirements are considered. | The Applicant agrees to establish a Traffic Management Forum with relevant Local Authorities and other appropriate stakeholders to co-ordinate all planned works in the area. This will be included in the updated Annex B Community Engagement Plan (AS-052) when the 2 nd iteration EMP is updated at Detailed Design. |
| 26.15 | (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. | The Applicant is content to share the contract from the landscaping contractor for discussion with National Highways to ensure that operational requirements can be met, The Applicant wishes to discuss core topics with National Highways to ensure requirements are met. |
| 26.16 | (k) National Highways requires provision to be made on the face of the DCO to make it expressly clear that the undertaker 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. | Discussions are ongoing with National Highways in relation to this matter. |
| 26.17 | 1.5 National Highways is prepared to withdraw this 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 this representation. | Noted. |
| 26.18 | 1.6 National Highways reserves the right to expand, amend or clarify any of the issues in this relevant representation, and to produce additional grounds of objection to the Examining Authority as the examination | Noted. |

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| | <p>progresses. This is particularly pertinent given the Examining Authority's letter of 9 February 2024 to the Applicant and the additional information expected from the Applicant before the examination begins.</p> | |
| | <p>2. National Highways</p> | |
| 26.19 | <p>2.1 National Highways (formerly Highways England and being the statutory successor to the Highways Agency) is an arms-length government owned company responsible for the ownership, management and improvement of England's motorways and major Aroads referred to as the SRN. The SRN comprises over 4,500 miles of road sitting at the core of the national transport system, connecting all major economic and resource centres with key markets and conurbations. The SRN is the most heavily used part of the national road network, carrying a third of all traffic and two-thirds of all freight totalling approximately 4 million journeys a day. It provides businesses with the means to get products and services to their customers, gives access to labour markets and suppliers, and encourages trade and new investment. It is also a complex network of highway structures, drainage and attenuation apparatus and telemetry and electronic communication assets. In short, the SRN is a critical piece of economic infrastructure, vital to the nation's connectivity and the means for generating economic growth.</p> | Noted. |
| 26.20 | <p>2.2 National Highways is appointed pursuant to section 1 of the Infrastructure Act 2015 to act as the highway authority, traffic authority and street authority for the SRN. The effect of this appointment is to make National Highways the statutory custodian (and a statutory undertaker) of this national asset, conferring on it the status and legislative functions of a strategic highways company.</p> | Noted. |
| 26.21 | <p>2.3 As a strategic highways company, National Highways must comply with a number of general and specific statutory duties¹, including to: (a) co-operate in so far as reasonably practicable with other persons exercising functions which relate to highways or planning;</p> | Noted. |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>(b) have regard to the effect of the exercise of its functions on the environment;</p> <p>(c) have regard to the effect of the exercise of its functions on the safety of users of highways.</p> | |
| 26.22 | <p>2.4 The SoS may from time to time give a strategic highways company directions or guidance as to the manner in which it is to exercise its statutory duties and functions. For the purposes of directing the functions as regards the SRN, these directions are contained within the 2015 Licence.² The directions contained in the 2015 Licence are mandatory³ and are regulated by the Office of Rail and Road. They include:</p> <p>(a) Paragraph 4.1 - The network for which the Licence holder is responsible is a critical national asset, which the Licence holder must operate and manage in the public interest, in respect of both current activities and needs and in providing effective stewardship of its long-term operation and integrity;</p> <p>(b) Paragraph 4.2 – Without prejudice to the general duties on the Licence holder under section 5 of the Infrastructure Act 2015, the Licence holder must, in exercising its functions and complying with its legal duties and other obligations, act in a manner which it considers best calculated to:</p> <p>(i) ensure the effective operation of the network;</p> <p>(ii) ensure the maintenance, resilience, renewal and replacement of the network;</p> <p>(iii) ensure the improvement, enhancement and long-term development of the network;</p> <p>(iv) ensure efficiency and value for money;</p> <p>(v) protect and improve the safety of the network;</p> <p>(vi) co-operate with other persons or organisations for the purposes of coordinating day-to-day operations and long-term planning</p> | Noted. |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>(vii) minimise the environmental impacts of operating, maintaining and improving its network and seek to protect and enhance the quality of the surrounding environment;</p> <p>(viii) conform to the principles of sustainable development.</p> <p>(c) Paragraph 5.37 – The Licence holder must hold and manage land and property in line with, and as a function of, the Licence holder’s legal duties as a highway authority, and solely for the purposes of operating, managing and improving the highway, unless otherwise approved by the Secretary of State for Transport.</p> | |
| 26.23 | 2.5 Additionally, sections 41 and 130 of the Highways Act 1980 contain respectively a statutory duty for National Highways to ensure it maintains the SRN to the appropriate/sufficient standard, free from any hazards so it is safe to use, and a statutory duty to assert and protect the rights of the public in use and enjoyment of the SRN. | Noted. |
| 26.24 | 2.6 Section 16 of the Traffic Management Act 2004 contains a statutory Network Management Duty for National Highways to manage the SRN with a view to achieving, so far as may be reasonably practicable having regard to National Highways’ other obligations, policies and objectives, securing the expeditious movement of traffic on the SRN and facilitating the same on roads where another authority is the traffic authority. | Noted. |
| 26.25 | 2.7 In order to achieve this, the action National Highways may take in performing that duty includes that which National Highways considers will contribute to securing the more efficient use of the SRN or avoidance, elimination or reduction of disruption to the above relevant roads and may involve the exercise of any power to regulate or coordinate the uses made of any road (or part of a road) in the road network (whether or not the power was conferred on them in their capacity as a traffic authority). Section 17 of the Traffic Management Act 2004 requires that National Highways shall make such arrangements as they consider appropriate for planning and carrying out the action to be taken in performing its Network Management Duty and has to establish processes to, as far as reasonably practicable, identify things (including | Noted. |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | future occurrences) which are causing, or have potential to cause SRN congestion or other disruption to the movement of traffic on it and consider any possible action that could be taken in response to (or anticipation of) anything so identified, e.g. in the event National Highways considers this particular statutory duty may not be met. | |
| 26.26 | 2.8 Supplementary to this, paragraph 4.2 of National Highways' statutory licence requires National Highways to act in a manner which it considers best calculated to ensure the effective operation of the SRN. To comply with this, paragraph 5.1 states that National Highways should seek to minimise disruption to road users that might reasonably be expected to occur as a result of planned or unplanned disruption to the network, as well as proactively and reactively provide relevant, accurate and timely information about traffic and conditions on the SRN to road users, including when there is disruption. | Noted. |
| 26.27 | 2.9 This range of duties demonstrates that National Highways must always protect road users/the SRN and ensure the SRN retains its integrity, is free from hazard/safe to use and is available for continual uncongested use all year round subject to precise terms of its Network Management Duty which means National Highways is duty bound to consider carefully any activity that has the potential to impact on any of National Highways' statutory duties. | Noted. |
| | 3. Protecting the SRN | |
| 26.28 | 3.1 Unlike other statutory consultees involved in the consenting of nationally significant infrastructure projects, National Highways is an active promoter of development consent orders and keenly understands the pressures and requirements placed on applicants to balance the delivery of the scheme with the protections afforded to statutory consultees. National Highways has been at the forefront of DCO-consented development since the Planning Act 2008 was introduced and has offered many commitments for the protection of electricity and gas apparatus, water and drainage infrastructure, railway undertakings and other infrastructure owned by statutory consultees as a | The Applicant notes National Highways position and continues to engage with National Highways to reach a satisfactory position regarding protective provisions. The Applicant will seek to keep the Examining Authority updated as to the progress of these negotiations throughout the examination. |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>consequence of its own development consent orders. The SRN deserves the same measure of protection, proportionate to the extent of interference caused by the Authorised Development.</p> | |
| 26.29 | <p>3.2 National Highways understands the need for proportionality in the context of such protections and considers that a proportionate level of protection in all cases and as a minimum standard where there is the potential for impact to the SRN should be the following:</p> <p>(a) that National Highways be held harmless from the impact of third party development;</p> <p>(b) that National Highways procedures put in place for the protection of property and persons are adhered to in accordance with National Highways’ strict requirements on network occupancy;</p> <p>(c) that any works carried out to the highway, on National Highways land, underneath the highway, above the highway and to apparatus forming part of the highway estate should be certified by National Highways and approved by National Highways on completion of the works;</p> <p>(d) that financial provision should be put in place to ensure that in the event of the Applicant commencing works which may impact the SRN (including for example, underground works beneath the SRN or oversailing above it) and falling into financial difficulty or defaulting on completion of the works, National Highways has the resources needed to put the SRN and the highway estate into the position it was in before the Applicant commenced works;</p> <p>(e) that National Highways be indemnified for any loss or damage to the SRN or the highway estate as a result of the works;</p> <p>(f) that the Applicant requests approval from National Highways before exercising any powers under the DCO in relation to the SRN or the highway estate (such approval not to be unreasonably withheld) to enable proportionate rights and reservations to be secured for the protection of the SRN through private treaty;</p> | <p>Where temporary land and permanent rights are required (as shown in blue), the extents of plots may be larger than those specifically to be required. GCC remains committed to design refinement through the detailed design process but are unable to specifically pinpoint the relocated or new asset (primarily utilities and/ or diversions) in some cases. GCC intent is to limit the area impacted as far as possible through design refinement, in discussion with National Highways and its design representatives. The Applicant will continue to liaise with National Highways in relation to this issue.</p> |

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| | <p>(g) that any consent required by National Highways is deemed refused if not approved within a reasonable period of time to prevent the potential for catastrophic damage or injury through non-compliance with safety critical procedures;</p> <p>(h) that emergency procedures be agreed for National Highways to access the SRN to carry out works or remove dangerous obstacles resulting from the Authorised Development which pose a risk to life.</p> | |
| 26.30 | 3.3 These provisions are included in the National Highways protective provisions at Appendix A. | Discussions are ongoing with National Highways in relation to this matter. |
| 26.31 | 3.4 National Highways considers that without the National Highways protective provisions, there is a considerable risk of serious detriment to the SRN, as any damage or injury to the SRN or wider highway estate would require funding to rectify that is not within National Highways' budget. There is no recourse to public funding for emergency works of this nature and a reserve of funding is not available. Without prejudice to whether the Authorised Development would cause a serious detriment to the SRN, it remains the case that the public purse should not be left to meet or subsidise costs of impacts caused by third party development to the SRN. | Discussions are ongoing with National Highways in relation to this matter. |
| 26.32 | 3.5 Further, National Highways' estate comprises more than just the corpus of the highway (the "zone of ordinary use"). Unlike local roads, where the local highway authority typically controls only the highway strata and sufficient vertical limits above and beneath the highway to maintain necessary apparatus and street furniture, in most cases National Highways controls the freehold of the land beneath the highway to the centre of the earth and to the heavens above. This estate is held inalienably for the benefit of the statutory undertaking, to ensure that the SRN is not compromised and that maintenance work at any required depth can take place free from risk of trespass or ransom. Where apparatus is co-located in the highway (which is commonplace), that apparatus has been authorised by National Highways or has been | Discussions are ongoing with National Highways in relation to this matter. |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>installed through industry standard processes (such as under the New Roads and Street Works Act 1991), where statutory protection is afforded to National Highways as the highway or street authority. Whilst National Highways is prepared to approve the acquisition of sub surface interest and grant rights to co-locate apparatus in the highway, where it is geotechnically possible and respecting other apparatus that is in, on, under or over the highway – the land take must be proportionate and necessary and cannot be to the detriment of National Highways, the SRN or other undertakers. It cannot be acceptable that apparatus is placed in, on, under or over the SRN through a DCO by disapplying statutory protections that National Highways has and not accepting to acquiesce to the terms which are required by National Highways to manage its network in accordance with regulatory requirements.</p> | |
| 26.33 | <p>3.6 For the sake of clarity and transparency, National Highways does not support imposing requirements on the Applicant which are disproportionate to the potential harm that could be caused to the SRN. National Highways is legally obliged to co-operate with third parties exercising planning or highway functions, which includes the Applicant in this statutory process. National Highways is prepared to engage fully and assist in whatever way is reasonable to ensure that the Authorised Development proceeds as quickly and efficiently as possible.</p> | <p>Discussions are ongoing with National Highways in relation to this matter.</p> |
| | <p>4. The Proposed Works</p> | |
| 26.34 | <p>4.1 The Authorised Development includes the following works in Schedule 1 of the DCO which will interface with the SRN:</p> | <p>Noted.</p> |
| 26.35 | <ul style="list-style-type: none"> • Work No. 1 – the construction of a new Junction 10 on the M5 Motorway made up of four new slip roads, at the location shown on sheets 1 to 10, 12 and 15 of the works plans, to include: <ul style="list-style-type: none"> (a) the construction of motorway signage and associated cabling and ducting works; (b) the construction of a new northbound exit slip from the M5 to the A4019; | <p>Noted.</p> |

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| | <p>(c) the construction of a new southbound exit slip from the M5 to the A4019;</p> <p>(d) the construction of a new southbound entry slip from the A4019 to the M5;</p> <p>(e) the construction of a new northbound entry slip from the A4019 to the M5;</p> <p>(f) the demolition of the existing M5 northbound entry slip;</p> <p>(g) the demolition of the existing M5 southbound exit slip;</p> <p>(h) the construction of drainage attenuation basin (3) with associated drainage facilities, access and landscaping southwest of Junction 10 at the location shown on sheet 6 of the works plans;</p> <p>(i) construction compound no. 1 of approximately 37,300 square metres southwest of Junction 10 at the location shown on sheets 5 and 6 of the works plans;</p> <p>(j) construction compound no. 2 of approximately 47,500 square metres northwest of Junction 10 at the location shown on sheets 4 and 5 of the works plans;</p> <p>(k) construction compound no. 3 of approximately 53,800 square metres northeast of Junction 10 at the location shown on sheets 5 and 12 of the works plans;</p> <p>(l) the construction of drainage attenuation basin (2) with associated drainage facilities, access and landscaping northwest of Junction 10 at the location shown on sheets 4 and 5 of the works plans;</p> <p>(m)the extension of the Leigh Brook culvert (also known as the Barn Farm culvert);</p> <p>(n) the construction of an environmental barrier adjacent to Barn Farm north of Junction 10 and west of the M5 at the location shown on sheet 4 of the works plans;</p> <p>(o) the construction of an environmental barrier adjacent to land housing a traveller site north of Junction 10 and east of the M5 at the location shown on sheets 4 and 5 of the works plans;</p> | |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | (p) The construction compound no. 9 of approximately 48,300 square metres south of Junction 10 at the location shown on sheets 6 and 15 of the works plans. | |
| 26.36 | <ul style="list-style-type: none"> • Work No. 2 – the construction of a new grade separated roundabout junction and maintenance bays at the location shown on sheets 4 and 5 of the works plans, to include: <ul style="list-style-type: none"> (a) the construction of a new roundabout over the M5 comprising a circulatory carriageway and the Piffs Elm interchange bridges (north and south); (b) landscaping northwest of Junction 10; (c) the extension of the Piffs Elm culvert; (d) the demolition of the existing A4019 bridge over the M5; (e) the demolition of 14 properties at Withybridge Gardens southeast of Junction 10; (f) the demolition of Sheldon Nurseries northwest of Junction 10; (g) the demolition of Barn Farm Cottage north of Junction 10; (h) the demolition of Wayside northwest of Junction 10; (i) the demolition of Bridge House northwest of Junction 10. | Noted. |
| 26.37 | <ul style="list-style-type: none"> • Work No. 3 – the realignment and widening of the A4019 (Tewkesbury Road) northwest of Junction 10 for approximately 550 metres with associated footway; cycle track; shared use path; private access points; and signage and ducting at the location shown on sheets 5, 6 and 11 of the works plans, to include: <ul style="list-style-type: none"> (a) the realignment of the unclassified road known as Stanboro Lane / Piffs Elm Lane; (b) the construction of drainage attenuation basin (1) with associated drainage facilities, access and landscaping north of the A4019 (Tewkesbury Road); (c) the diversion of a public right of way (FP ABO14) to the south side of the A4019 (Tewkesbury Road); (d) the construction of new or altered private means of access; | Noted. |

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| | (e) the provision of a flood compensation area at the location shown on sheets 5 and 11 of the works plans. | |
| 26.38 | • Work No. 7 – the construction of a flood storage area of approximately 119,600 square metres and associated works to the east of the M5 and south of the A4019 at the location shown on sheets 5, 6 and 12 of the works plans. | Noted. |
| 26.39 | • Work No. 10 - the diversion of 1585 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheets 5, 11 and 12 of the works plans. | Noted. |
| 26.40 | • Work No. 15 - the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans. | Noted. |
| 26.41 | • Work No. 16 - diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans. | Noted. |
| 26.42 | • Work No. 20 – the diversion of 444 metres of electric cable and associated apparatus and equipment at the location shown on sheets 4 and 5 of the works plans. | Noted. |
| 26.43 | • Work No. 27 – the diversion of 3815 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheets 5, 12, 13 and 14 of the works plans. | Noted. |
| 26.44 | 4.2 There are works which National Highways considers are ambiguous and do not give National Highways the assurance and confidence that the Authorised Development will be completed to the satisfaction of National Highways as highway authority for the SRN. For example, the existing northbound entry slip road in the south western quadrant of Junction 10 of the M5 (Land Plans, sheet 5, plot 5/2n) will be stopped up and dismantled (Works Plans Part 1, sheet 5, Work No 1(f)) and replaced by a new slip road, in a new location, as part of the Authorised Development. However, the area of former carriageway is shown as white on sheet 5 of the General Arrangement Plans (as well as white in the Environmental Master Plan) and appears to show the redundant carriageway being left in situ. Even if the existing carriageway is | <p>Work No 1(f)</p> <p>The DCO Schedule 1 includes the description of the work for Work No. 1(f) as “the demolition of the existing M5 northbound entry slip”, therefore the removal of the existing carriageway is secured.</p> <p>The intention regarding landscaping is to let the area re-wild naturally, hence no landscaping proposals have been specified on the General Arrangement plans (APP-0014 and APP-015) and Environmental Masterplan (APP-027 and APP 0-28)</p> |

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| | removed, it is not clear what is intended for this piece of land. This is unacceptable to National Highways and removal of the former carriageway must be secured, along with appropriate landscaping to the area. | |
| 26.45 | 4.3 Furthermore, the proposed land take as per the Land Plans is more extensive than what is required for the Authorised Development and National Highways will be left with maintenance responsibility for land it does not require for the operation of the SRN. Using the same example referred to in paragraph 4.2 above, the new access track in this area is identified on the General Arrangement Plans as being to the west of the redundant slip road, rather than adjacent to the new carriageway, looping behind a large area of landscaping (which encloses the white area referred to above) and resulting in a need to take plots 5/10a and 5/10b. In addition, National Highways is unclear from the plans how the width of the newly created SRN is to be determined to understand what assets will be handed over to National Highways upon scheme completion for operation and maintenance. National Highways is also unclear on whether, for example, drainage assets will be within the SRN or the LRN where the two interface; and where environmental barriers are proposed at the edge of the carriageway of the M5, who will be expected to take future responsibility for them. | Please refer to 26.29. |
| 26.46 | 4.4 At this time National Highways has undertaken a review of the first four sheets of the Land Plans only, for reasons referred to in section 1.4 (c) and section 1.4 (d). From that limited review, the following issues relating to Plots included within Compulsory Powers were identified: | Discussions are ongoing with National Highways in relation to this matter. |
| | Land Plan Table 1 – See Appendix Error! Reference source not found. below | |
| 26.47 | 4.5 Arising from the review undertaken to inform the table above, the following table includes some examples of the additional issues identified. These issues are not necessarily relevant to the Compulsory | The Applicant is aware of the queries raised by National Highways and has established above the methodology which has resulted in these. As already suggested the Applicant proposes a multi-discipline |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | Powers in respect of National Highways interests, but they are relevant to the ability of National Highways to comprehensively review the plans and comment on the impacts of the Compulsory Powers on the Plots and on the deliverability of the DCO and Authorised Development as it relates to the SRN. | workshop is the most appropriate method to consider the appropriate land acquisition type in line with design and construction need. |
| | Land Plan Table 2 – See Appendix Error! Reference source not found. below | |
| 26.48 | 4.6 The Applicant's draft DCO includes the following provisions which are of specific concern to National Highways: | Noted. |
| | Draft DCO Table – See Appendix Error! Reference source not found. below | |
| 26.49 | 4.7 National Highways has met regularly with the Applicant during the pre-application period to begin to understand the impact of the proposed development on the SRN. A Statement of Common Ground (“SoCG”) has been drafted by the Applicant and is currently under review. However, at this stage, National Highways has not formally agreed to any matter being resolved and does not believe that the range of issues set out in the current draft SoCG by the Applicant fully reflects the concerns previously communicated, and therefore does not accurately reflect National Highways’ position. National Highways has shared a list of matters with the Applicant for inclusion and will continue to collaborate with the Applicant through the examination to ensure that an updated and agreed version of the SoCG is submitted to the Examining Authority to provide a complete and accurate representation of National Highways’ position. | The Applicant has been actively engaging with National Highways during the pre-application and Pre-Examination stages and will continue to collaborate throughout the Examination. The draft SoCG (APP-146) submitted with the DCO application has progressed and the Applicant has had a number of meetings with National Highways to discuss the outstanding issues and track their progress. The Applicant considers that recent discussions with National Highways have been productive and collaborative and an updated SoCG, representing the current position, will be submitted to the ExA at Deadline 1. |
| 26.50 | 4.8 National Highways confirms that its role prior to the acceptance of the DCO was to provide support to the Applicant to ensure that the application documentation met the requirements of governance for projects on the SRN at the Preliminary Design at Project Control Framework Stage 3 (PCF 3). National Highways did not review any products that have been de-scoped from the PCF 3 process or any documents that were sent for National Highways information only at PCF | The Applicant has consulted and liaised with National Highways throughout the evolution and design development of the Scheme. This has included discussions with National Highways’ technical teams, regarding the traffic modelling that quantifies the impact of the Scheme on the Strategic Road Network, highway design and road safety. The evolution and design development of the Scheme has also been undertaken in accordance with National Highways’ Project |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>3 stage. National Highways reviews and advice at PCF 3 are intended to ensure that documents are in accordance with governance requirements and include the chapters, headings and topics that should be covered. The PCF 3 review does not provide any level of technical assurance or endorsement of the scheme’s viability or design, nor comment on the accuracy or acceptability of any substantive consent, simply that content is there. The PCF 3 process is to ensure that documents meet governance standards only. If it assists the examination process, a full list of which documents that National Highways reviewed at PCF 3 stage can be provided to the Examining Authority, as well as a list of documents that were de-scoped. National Highways confirms that despite reviewing a selection of documentation for PCF 3 stage, there are a number of matters which were not resolved by the Applicant and National Highways can provide the Examining Authority with further information should this be required.</p> | <p>Control Framework (PCF) process and all required PCF documents relating to the Scheme have been issued to and approved by National Highways, following detailed review.</p> |
| | <p>5. Protective Provisions</p> | |
| 26.51 | <p>5.1 The DCO includes a number of 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. National Highways requests that the Applicant includes the National Highways protective provisions at Appendix A of this representation to the DCO at the next deadline. A full justification for each of the key provisions and definitions is set out below:</p> | <p>The Applicant notes National Highways position and continues to engage with National Highways to reach a satisfactory position regarding protective provisions. The Applicant will seek to keep the Examining Authority updated as to the progress of these negotiations throughout the examination.</p> |
| | <p>Protective Provisions Table – See Appendix Error! Reference source not found. below</p> | |
| 26.52 | <p>5.2 National Highways confirms that ongoing discussions regarding protective provisions are taking place with the Applicant and these conversations will continue throughout the examination process until a resolution satisfactory to both parties can be reached. In the absence of agreement, however, National Highways’ Protective Provisions must be included in the DCO.</p> | <p>The Applicant notes National Highways position and continues to engage with National Highways to reach a satisfactory position regarding protective provisions. The Applicant will seek to keep the Examining Authority updated as to the progress of these negotiations throughout the examination.</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | 6. Summary | Noted. |
| 26.53 | 6.1 For the reasons given above, National Highways objects to the DCO and the Authorised Development in its submitted form and requests that the National Highways Protective Provisions at Appendix A are included on the face of the Order. | The Applicant notes National Highways position and continues to engage with National Highways to reach a satisfactory position regarding protective provisions. The Applicant will seek to keep the Examining Authority updated as to the progress of these negotiations throughout the examination. |
| 26.54 | 6.2 National Highways would like to reconfirm support for the proposed principle of the scheme due to the significant growth planned in the area, which requires an improved motorway junction, and commits to continued engagement with the Applicant. However, before National Highways can support the detail of the scheme, it requires resolution of outstanding matters listed above, and further matters of detail which can be found in Appendix B, and in the Principal Areas of Disagreement documentation to be submitted in due course. | The Applicant welcomes confirmation that National Highways supports the proposed principle of the Scheme and its commitment to continued engagement. |
| 26.55 | 6.3 Should it assist the Examining Authority; National Highways will respond to any written questions that the panel may have and can attend appropriate hearings to detail the impacts of the Authorised Development to National Highways. | Noted. |

RR-027 Natural England

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England confirms that we wish to be registered as an interested party in respect of this Nationally Significant Infrastructure Project. Our relevant representations (submitted separately by email) cover a range of themes and issues within our remit, as follows:</p> <ul style="list-style-type: none"> • European Sites • Sites of Special Scientific Interest • Protected species <p>Natural England has cooperated with the applicant by means of a statement of common ground. There are no matters that require further details, evidence or assessment on this occasion. We advise that the following mitigation and monitoring requirements are secured by the DCO:</p> <ul style="list-style-type: none"> • air quality monitoring (post completion of the project) • River Chelt mitigation strategy as outlined in the shadow Habitats Regulations Assessment • bat mitigation as outlined in the draft licence application • dormouse mitigation as outlined in the draft licence application • badger mitigation as outlined in the draft licence application | <p>Noted.</p> |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| 27.1 | <p>Introduction</p> <p>Natural England is a non-departmental public body established under the Natural Environment and Rural Communities Act 2006 (NERC Act). Natural England is the statutory advisor to Government on nature conservation in England and promotes the conservation of England's wildlife and natural features.</p> | Noted |
| 27.2 | <p>Natural England is a statutory consultee in respect of environmental information submitted pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017; in respect of plans or projects that are subject to the requirements of the Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations") which are likely to have a significant effect on European Sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) for the purposes of the EU Habitats and Birds Directives; in respect of proposals likely to damage any of the flora, fauna or geological or physiological features for which a Site of Special Scientific Interest (SSSI) has been notified pursuant to the Wildlife and Countryside Act 1981; and in respect of all applications for consent for Nationally Significant Infrastructure Projects which are likely to affect land in England.</p> | Noted |
| | <p>In determining this application, the Secretary of State will be acting as the competent authority for the purposes of the Habitats Regulations. The Secretary of State is also a section 28G authority with specific duties under the Wildlife and Countryside Act 1981 in respect of SSSIs.</p> | Noted |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| 27.3 | Natural England’s advice in these relevant representations is based on information submitted by Gloucestershire County Council in support of its application for a Development Consent Order (‘DCO’) in relation to the M5 Junction 10 Improvements Scheme (‘the project’). The project refers to the construction of improvement works to M5 Junction 10, consisting of a new all-movements motorway junction; a new West Cheltenham Link Road (the Link Road from the A4019 to B4634 (Old Gloucester Road)), and the widening of the A4019 (Tewkesbury Road) east of the junction to the Gallagher Retail Park Junction. | Noted |
| 27.4 | Natural England has been working closely with Gloucestershire County Council’s consultants AtkinsRéalis to provide advice and guidance since April 2021. Prior to the Planning Inspectorate’s acceptance of the application on 16 January 2024, Natural England has worked with the developer to develop a statement of common ground in order to develop understanding and resolve outstanding issues. | Noted |
| 27.5 | These relevant representations contain a summary of what Natural England considers the main nature conservation and related issues ³ to be in relation to the DCO application, and indicate the principal submissions that it wishes to make at this point. Natural England will develop these points further as appropriate during the examination process. It may have further or additional points to make, particularly if further information about the project becomes available. | Noted |

³ PINS NSIP Advice Note 11 Annex C sets out Natural England’s role in infrastructure planning

| Response Reference | Relevant Representation Issue | Applicant Response |
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| 27.6 | Part I of these representations provides an overview of the issues and a summary of Natural England’s advice. Section 2 identifies the natural features relevant to this application. Section 3 summarises Natural England’s overall view of the application and the main issues which it considers need to be addressed by the Secretary of State. | Noted |
| 27.7 | Part II of these representations confirms that there are no matters that require further details, evidence or assessment on this occasion. It also lists the matters that must be secured by requirements in the DCO. | Noted |
| 27.8 | The Examining Authority may wish to ensure that the matters set out in these relevant representations are addressed as part of the Examining Authority’s first set of questions to ensure the provision of information early in the examination process. | Noted |
| | PART I – SUMMARY OF NATURAL FEATURES AFFECTED BY THE APPLICATION AND NATURAL ENGLAND’S OVERALL POSITION | |
| | The natural features potentially affected by this application | |
| 27.9 | The Scheme is located within a low-lying, mainly agricultural landscape to the north-west of Cheltenham. The area is dominated by large arable fields, improved grasslands and poor semi-improved grasslands. The dominant arable and grassland habitats are interspersed with pockets of other terrestrial habitats of greater nature conservation value, including broadleaved and mixed woodland, traditional orchard and semi-improved neutral grassland. | Noted |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| 27.10 | <p>The designated sites relevant to this application are:</p> <ul style="list-style-type: none"> • Wye Valley and Forest of Dean Bat Sites SAC • Walmore Common SPA/Ramsar • Cotswold Beechwoods SAC • Severn Estuary SAC/SPA/Ramsar • Coombe Hill Canal SSSI | Noted |
| 27.11 | <p>The following European Protected Species may be affected by the proposed project:</p> <ul style="list-style-type: none"> • Bats • Great crested newt • Dormouse • The following nationally protected species may be affected by the proposed project: • Badgers | Noted |
| | The Overall Position of Natural England | |
| 27.12 | <p>Natural England considers that the documents presented to the Planning Inspectorate, to support the application for Development Consent, are of satisfactory quality and present an acceptable overview of the impacts on nature conservation issues. We advise that in relation to the nature conservation issues that are within our remit there is no fundamental reason or principle why the project should not be permitted.</p> | Noted. |
| | Natural England's headline points are that on the basis of the information submitted: | |
| 27.13 | Air quality - All of the aforementioned designates sites could potentially | None of the designated sites listed at RR 27.10 were located within |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | <p>be impacted by changes in air quality from this motorway improvement project. However a comprehensive assessment has demonstrated that air pollution from road traffic will reduce as a result of this project. We have therefore advised that none of the aforementioned designated sites will be harmed by air pollution from this project.</p> | <p>the air quality study area as stated at Air Quality chapter (AS-012) paragraph 5.6.8 within the ES. Hence changes in air quality with the Scheme at these sites would be imperceptible as they are outside of the air quality study area.</p> <p>However, it would not be wholly true to say that air pollution from road traffic will reduce for all receptors as a result of the Scheme, given that the results of the air quality assessment show that some of the human health receptors will have an increase in pollutant concentrations with the Scheme, identified at Air Quality chapter (AS-012) paragraph 5.7.23-24.</p> <p>With specific regard to the results of the air quality assessment of the non-statutory designated sites within the study area, the assessment showed that at all of these sites there would be a decrease or no change in the nitrogen deposition rates with the Scheme, Air Quality chapter (AS-012) paragraph 5.7.36.</p> |
| 27.14 | <p>Recreational pressure - three of the aforementioned designated sites (Cotswold Beechwoods SAC, Severn Estuary SAC/SPA/Ramsar, and Coombe Hill Canal SSSI) are particularly sensitive to increased recreational pressure. Whilst the project itself will not increase recreational pressure, it is unlocking housing developments that are within the zone of influence of these sites. There are already policies and strategic schemes in place to prevent harm from increased recreational pressure on these sites. Furthermore the housing developments that this project is unlocking will be subject to their own impact assessments. We have therefore advised that these three designated sites will not be harmed by recreational pressure arising indirectly from this project.</p> | <p>Noted. This is as per the assessment submitted in support of the Scheme.</p> |
| 27.15 | <p>Wye Valley and Forest of Dean Bat Sites SAC – This SAC is made up of 14 SSSIs in England and Wales. The project is too far away to have an impact on any of these SSSIs (the closest is 21km away). We have therefore advised that the project will not have a likely significant effect</p> | <p>Noted. This is as per the assessment submitted in support of the Scheme.</p> |

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| | on this SAC. | |
| 27.16 | <p>Walmore Common SPA/Ramsar – This designated site is located 17.5km south-west of the project. The agricultural habitats present within the project were initially identified as having the potential to support populations of Bewick’s swan which are associated with the SPA. However, during comprehensive bird surveys, no Bewick’s swan were identified, and no records of Bewick’s swan were provided from a desk study. We have therefore advised that the project will not have a likely significant effect on this SAC.</p> | <p>Noted. This is as per the assessment submitted in support of the Scheme.</p> |
| 27.17 | <p>Severn Estuary SAC/SPA/Ramsar - This designated site is located approximately 47.5km downstream of the project. Notified features include wintering birds and migratory fish. A number of potential impact pathways on these features have been identified:</p> <p>Water quality impacts via the release of pollutants from the project into the watercourse network upstream of the Seven Estuary SPA – however this would be eliminated by dilution over the distance of at least 40km that any pollutants would have to travel.</p> <p>Impacts on wintering birds – however the habitats within and surrounding the project are not considered to provide a role in maintaining the SPA populations of wintering bird species.</p> <p>Impacts on migratory fish (European eel, Atlantic salmon, sea trout and river lamprey) in the River Chelt, which is in the vicinity of the project and is hydrologically linked to the Severn Estuary. A number of potential impacts were identified including a temporary reduction in the extent of functionally linked habitat available in the event that dewatering part of the River Chelt channel is required during construction; disturbance during construction as a result of noise and vibration; injury or mortality to river lamprey ammocoetes if they are present within burrows in the sediment in the event that dewatering of part of the channel is required during construction; and fragmentation as a result of disturbance and pollution, which could result in barrier</p> | <p>Noted. This is as per the assessment submitted in support of the Scheme and where mitigation is relied upon are considered in our Stage 2 Statement to Inform an Appropriate Assessment [APP-100] for the project.</p> |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | <p>effects, resulting in fish being unable to disperse or move along the River Chelt. A suite of mitigation measures have been proposed to prevent these impacts.</p> <p>We have therefore advised that the project will not have an adverse effect on the integrity of the Severn Estuary SAC/SPA/Ramsar.</p> | |
| 27.18 | <p>Great crested newts – The project will have impacts on this protected species including habitat loss. We understand that Gloucestershire County Council intend to use the NatureSpace District Licensing scheme to mitigate for these impacts. We have not seen the details of how the scheme will be used to mitigate impacts, but we can confirm that it is appropriate for the scheme to be used in NSIP casework.</p> | <p>Noted. NatureSpace have confirmed that the Scheme can make use of District Licensing provided development consent is granted and certain conditions are met and included in the Landscape and Ecological Management Plan (LEMP). The required conditions have been included in the LEMP (1st iteration) [AS-035] and are achievable by the Scheme.</p> |
| 27.19 | <p>Bats – The project will have impacts on this protected species including roost loss. Natural England have advised on an appropriate mitigation strategy which involves habitat improvements, sensitive lighting and roost compensation. Natural England have assessed a draft licence application and have issued a 'letter of no impediment' confirming that it sees no impediment to granting a licence in the future should the situation on the ground not change.</p> | <p>These comments have been noted. The Applicant can confirm that the Letter of No Impediment has been received.</p> |
| 27.20 | <p>Dormouse - The project will have impacts on this protected species including habitat loss. Natural England have advised on an appropriate mitigation strategy. Natural England have assessed a draft licence application and have issued a 'letter of no impediment' confirming that it sees no impediment to granting a licence in the future should the situation on the ground not change.</p> | |
| 27.21 | <p>Badgers - The project will have impacts on this protected species including sett loss. Natural England have advised on an appropriate mitigation strategy. Natural England have assessed a draft licence application and have issued a 'letter of no impediment' confirming that it sees no impediment to granting a licence in the future should the situation on the ground not change.</p> | |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| 27.22 | <p>Part II: Outstanding Matters Requiring Attention</p> <p>Further details, evidence or assessment work required</p> <p>There are no matters that require further details, evidence or assessment on this occasion.</p> | Noted |
| 27.22 | <p>The project is delivering a reduction in air pollution from traffic which is welcome.</p> <p>However we are continuing to encourage the applicant to ensure all air quality assessments are conducted in line with our guidance document Natural England Internal Guidance – Approach to Advising Competent Authorities on Road Traffic Emissions and HRAs v1.4 Final - June 2018.</p> | Noted |
| 27.23 | <p>We are also continuing to encourage the applicant to present the results of all three nitrogen based pollutants which are emitted by road traffic: nitrogen deposition, nitrous oxides (NOx) and ammonia. It is now standard practice to assess changes in all three of these pollutants for developments that involve road infrastructure and/or major changes in traffic.</p> | <p>The Applicant has assessed the changes in nitrogen oxides (NOx) and ammonia (NH₃) concentrations, and calculated the estimated changes in nitrogen deposition rates, which are derived from the NOx and NH₃ concentrations, at all non-statutory designated sites within the air quality study area identified in the air quality study area in the air quality assessment in the ES [AS-012]. The results of the assessment showed that there will be a reduction (or no change) in NOx and NH₃ concentrations and hence also, a reduction or no change in the calculated nitrogen deposition rates at all the non-statutory designated sites. The change in total nitrogen deposition rates (the sum of oxidised and reduced road nitrogen depositions plus background deposition rate) as derived from the NOx and NH₃ concentrations, have been reported in the ES in compliance with the DMRB assessment approach.</p> |
| 27.24 | <p>We advise that the following mitigation and monitoring requirements are secured by the DCO:</p> <ul style="list-style-type: none"> • air quality monitoring (post completion of the project) • River Chelt mitigation strategy as outlined in the shadow | <p>Air quality monitoring:</p> <p>The assessment of eight non-statutory designated sites found either a decrease or no change in nitrogen deposition rates with the Scheme, with no significant adverse effect as detailed in the Air</p> |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | <p>Habitats Regulations Assessment</p> <ul style="list-style-type: none"> • bat mitigation as outlined in the draft licence application • dormouse mitigation as outlined in the draft licence application • badger mitigation as outlined in the draft licence application | <p>Quality chapter paragraphs 5.7.34 and 5.7.35 within the ES (AS-012) and no requirement for any mitigation measures was identified in paragraph 5.8.6. Hence there is no requirement for any air quality monitoring (post construction) as part of the Scheme.</p> <p>River Chelt mitigation strategy:</p> <p>Details of the mitigation measures are described in item B23 (minimising disturbance to migratory fish within the River Chelt) in the Register of Environmental Actions and Commitments (AS-027). Section B.5.22.18 of the Environment Management Plan (EMP) Annex B5 Landscape and Ecology Management Plan (AS-035) sets out measures to mitigate the potential for disturbance / injury / mortality to migratory fish species present in the River Chelt that are to be carried forward and developed at the next iteration of the EMP, and implemented during construction of the Scheme.</p> <p>Draft licence applications:</p> <p>Section 1.2 of the Register of Environmental Actions and Commitments (AS-027) identifies the requirement to apply for European Protected Species Licences (EPSLs) before commencement of the DCO. Further details regarding the content of these licences, for badgers, bats and dormice, are specified in the Biodiversity commitments within the REAC. These details include requirements to undertake post-construction monitoring in accordance with the Method Statement that will form part of the EPSL, which will be agreed with Natural England.</p> |

RR-028 Neil Hadley

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | Mr Neil & Mrs Teresa Hadley Representations prepared by: Neil Hadley dated 19/03/2024 Qualifications: Member of the Royal Town Planning Institute. Diploma in Urban Planning (Oxford Brookes) & Diploma in Surveying (College of Estate Management). REPRESENTATIONS relating to Field Title No. GR364928 | |
| 28.1 | Ardent, the agents who are acting for me have not had their first invoice paid despite repeated attempts to make contact with Carter Jonas (CJ) by leaving telephone messages and emails since September 2023. This issue is causing considerable concern both to Ardent and myself as to the integrity of Gloucestershire County Council Highways (GCC) and their agents. | <p>The Applicant understands that Mr Hadley 's agent's reasonably incurred fees to date have been settled. However, if there is any issue with outstanding fees then this can be discussed as part of the ongoing negotiations.</p> <p>Regarding the other consultant's fees, the Applicant has set out that where fees have been incurred as a consequence of the Scheme, and provided these are proportionate and reasonable, then they will be considered for payment as part of the negotiations to voluntarily acquire the land.</p> |
| 28.2 | I am the only landowner whose land is being acquired to significantly improve access to the Strategic Allocation and have not been involved in collective discussion with the other landowners. The result is that as a retired couple, lack of consultation has caused considerable stress and mental health issues to both my wife and I. | <p>The Applicant has been in dialogue with Mr Hadley for several years regarding the Scheme, having first met on 6th December 2021. The Applicant has undertaken extensive engagement and negotiations are ongoing. Heads of Terms were issued to Mr Hadley's agent on the 13 May 2024 and a meeting to discuss these is welcomed. The Applicant's agent will be in contact again to try and arrange this. The Applicant appreciates that whilst land is being acquired to facilitate access to the Strategic Allocation the Compulsory Acquisition powers are being sought over a range of different land areas and are affecting a range of different land owners and therefore the Applicant does not consider that the land held by Mr Hadley is the only land being acquired to facilitate this access.</p> |
| 28.3 | For months there has been a total lack of engagement and no attempt to acquire by agreement. Again this raises questions about the professionalism of GCC officers. | |
| 28.4 | CJ wanted to have discussions with me at the same level as the other main developers within the Strategic Allocation, namely Cheltenham | The Applicant has an established set of principles setting out the basis for addressing access arrangement for land adjacent to the |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>Borough Council and St. Modwen regarding an access suitable for development into and out of my field. GCC refused to enter into this type of conversation.</p> | <p>Scheme in respect of any future development. Where there is a clear planning status of a development then the Applicant has sought where it is feasible to provide an access that might be able to be utilised by that development. Where a proposed development or land has no planning status then the Applicant has sought to provide an access on equivalent terms that is currently secured. In this case, the land referred to has no extant permission or live planning application and therefore the Applicant has sought only to ensure that access is maintained for current agricultural use. The Applicant has not refused to engage regarding the possibility of future development but has established its set of principles to ensure an equitable approach is taken for all interests in the Scheme.</p> |
| <p>28.5</p> | <p>My land is identified in the Local Plan with a schematic drawing showing a large lake and bird hide to form the basis of a Nature Reserve that was originally going to be linked to the West Cheltenham Strategic Allocation. This could only be formally put in place with an equalisation agreement. In order for this to be delivered it will need to be part of a section 106 obligation. My understanding is that this is not currently the case and therefore is unlikely to be delivered.</p> | <p>The Applicant is not able to comment or nor resolve any issues that may be identified in the West Cheltenham Strategic Allocation which falls entirely outside of the scope of this Scheme.</p> |
| <p>28.6</p> | <p>I have not seen any engineering details regarding satisfactory access / egress details from the B4634 such as levels & landscaping. As things stand this application will sterilise my entire field.</p> | <p>For the avoidance of doubt, the Applicant understands this comment to be in relation to Work No. 6c as shown on page 16 of the Works Plans - Part 2 (APP-008). The Scheme's proposed general arrangement can be seen on the General Arrangement Plans Part 1 (APP-014) and General Arrangement Plans Part 1 (APP-015). The preliminary engineering and section drawings are shown in Engineering Drawings and Sections 1 (APP-016), Engineering Drawings and Sections 2 (APP-017) and Engineering Drawings and Sections 3 (APP-016). Landscaping details are shown on the Environmental Master Plan – Part 1 (APP-027) and the Environmental Master Plan – Part 1 (APP-028).</p> <p>The Applicant considers that the proposed access will be an improvement on the existing access, but notwithstanding this the</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | Applicant is aware there appears to be another well used access from Hayden Lane which will be unaffected by the Scheme. |
| 28.7 | No provision has been made for a middle lane on B4634 to allow for right hand turn into and out of the site. Bearing in mind the huge size of modern agricultural vehicles, the present agricultural access will be a danger when turning right into and out of the site. | <p>Currently, there is no right turn lane for the existing field access and therefore the Scheme does not change the current arrangement. However, it remains that it is the Applicant's position that access will be improved, especially as the B4634 is being widened in this location (it will be 10.1m wide compared to the existing 6.1m wide). This is therefore an improvement over the current situation.</p> <p>Additionally, a bell mouth access with radii of 6m and an access track of 3.6m wide would be provided along with a gate set back 15.8m from the carriageway. This would allow suitably sized vehicles to pull in and stop off the road when turning in and out of the site compared to the existing situation where the gate is set back approximately 2m from the carriageway with no space for vehicles to stop off road.</p> <p>The signalised junction should create gaps in traffic flow that would aid agricultural vehicles when turning in and out of the site.</p> <p>The proposals therefore offer an improvement over the existing situation in terms of both safety and the ease of access when turning right in and out of the site.</p> |
| 28.8 | For some reason GCC were not prepared to discuss a roundabout instead of the B4634 signalised junction. The signalised junction will inevitably lead to tail backs at busy times. I also suggested a roundabout at the junction of Hayden Lane and B4634 to help with visibility and traffic movement but this has not been taken forward. | <p>A roundabout was considered during the conceptual and route identification stages of the Scheme, as was a roundabout at the northern end of the link road. Traffic modelling undertaken in the preliminary design stage identified significant increases in forecast flows and an amendment to a signalised junction design was required to avoid significant queuing at the junction.</p> <p>A signalised crossroads junction was considered at the Link Road/B4634 junction to provide better active travel crossing facilities and for consistency with the A4019 junction.</p> <p>The improvement of the junction of Hayden Lane and the B4634 is not considered necessary for this scheme. With the Scheme in place, the reduction in speed limit from 50mph to 40mph, the signalised junction</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | and the reduction in traffic using Withybridge Lane should improve the opportunities for traffic movements at the Hayden Lane junction. |
| 28.9 | Despite my requests GCC were not prepared to agree payment of other consultants I have required to address my site complexities, e.g. Highway & Planning consultants. | <p>As outlined under response 28.1 above, the Applicant understands that Mr Hadley's agent's reasonably incurred fees to date have been settled. However, if there is any issue with outstanding fees then this can be discussed as part of the ongoing negotiations.</p> <p>Regarding your other consultant's fees, the Applicant has set out that where fees have been incurred as a consequence of the Scheme, and provided these are proportionate and reasonable, then they will be considered for payment as part of the negotiations to voluntarily acquire the land.</p> |
| 28.10 | It appears to me unusual, that excessive amounts of land edged red on the DCO plan are required for the ditch and grass embankment bordering my field. GCC has not demonstrated that there is a compelling case in the public interest for the acquisition of my land. | The minimum amount of land has been included to accommodate unlined ditches at the toe of embankments to intercept embankment runoff and land drainage. The ditches have a base width of 1m, depth of 1m, with 1 in 3 side slopes, an earthwork offset of 2m and a maintenance strip of 4m is proposed. Where the embankment height is not significant, a filter drain or ditch of reduced size having a base width of 0.5m, depth of 0.5m, with 1 in 3 side slopes and top width of 3m with an offset of 2m earthworks interface slope and a maintenance track of 4m is proposed. |
| 28.11 | Why has this access to the West Cheltenham Strategic Allocation been included by GCC rather than in the developers planning application? | The access with reference Work No. 5j on the Works Plans, has been proposed to facilitate and enable the future housing and employment developments at the West Cheltenham Strategic allocation site, which has planning status The Applicant's approach with other potential future developments that do not enjoy planning status is to provide equivalent access arrangements to ensure no detriment to the current use of land (Of particular relevant here being Work No. 6c on page 16 of the Works Plans). |
| 28.12 | As my land is not required for a standard signal junction, why is it necessary to be included in the CPO? | The Applicant understands that this comment is predominantly aimed at plots 16/9a and 16/9b. |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>Plot 16/9a is being proposed to be compulsory acquired permanently for the following purposes:</p> <p>Work No 6: Required for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting</p> <p>Work No 6a: Required for the construction of flood culverts (group 1) under the B4634</p> <p>Work No 6b: Required for the construction of flood culverts (group 2) under the B4634</p> <p>Work No 6c: Required for the construction of new or altered private means of access</p> <p>Work No 8: Required for the diversion of telecommunication cable and associated apparatus and equipment</p> <p>Work No 12: Required for the diversion of telecommunication cable and associated apparatus and equipment</p> <p>Work No 26: Required for the diversion of National Grid Electricity Distribution PLC electric cable and associated apparatus and equipment</p> <p>Work No 34: Required for the diversion of telecommunication cable and associated apparatus and equipment</p> <p>Plot 16/9b is being compulsory purchased temporarily for the following purposes:</p> <p>Work No. 6: Required for temporary access for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting</p> <p>Work No 6a: Required for temporary access for the construction of flood culverts (group 1) under the B4634</p> <p>Work No 6b: Required for temporary access for the construction of flood culverts (group 2) under the B4634</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 28.13 | <p>Drawing TRO10063/APP/210 shows two new culverts under the B4634 but does not refer to any field watercourse cleaning to take the extra volume of water. The drawing also shows the public right of way going across the B4634.</p> <p>Should my site become a nature reserve or anything else I will also need cycleway and pedestrian access which should be linked to the public pedestrian / cycleway route.</p> | <p>WORK No 6c: Required for temporary access for the construction of new or altered private means of access</p> <p>The two additional culverts are in addition to the existing small crossing which is also being replaced. The total flow area of the new culverts will be nearly 10-times that of the existing small culvert. The Scheme accounts for the discharges in the watercourse up to the 1 in 100year event with allowance for future climate change. A short length of watercourse will be cleaned out as part of the construction, although widescale clearance is not required.</p> <p>The Scheme provides a single junction access into the A7 Site allocation, in accordance with the Cheltenham Borough Council and Tewkesbury Borough Council Golden Valley Development Supplementary Planning Document: A Garden Community Development and home of Cyber Central UK (July 2020). This access includes links to the shared use path network as part of the pedestrian and cycling provision proposed for the Scheme. The Applicant considers that this is an appropriate level of access and provision to enable the connection of the Golden Valley site with the wider network and to facilitate its development. Any further links or provision within the allocated site itself are outside the scope of this Scheme.</p> |
| 28.14 | <p>The drawing shows a proper funnelled radius entrance into the balancing pond north of my site, and as a larger lake may be constructed on my site I should also be entitled to a matching radius entrance off the B4634.</p> | <p>The attenuation pond and its access are essential components of the Scheme. Any future development on adjacent private land would need to follow the separate planning application process for that application, which would consider access arrangements and impacts on highways in relation to the development proposed.</p> |
| 28.15 | <p>The existing ditch between the edge of B4634 and my field, along its northern boundary needs to be replaced so that the water from the ridge and furrow in my field can drain away as it presently does. The new ditch needs to be clearly shown on the appropriate works drawing.</p> | <p>The existing ditches are being replaced with new ditches along the B4634, tying into the existing ditches that are remaining. Existing flow paths are retained. The proposed ditches are shown on Works Plan Sheet 16 of 16</p> |

RR-029 National Grid Electricity Distribution

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 29.1 | This junction improvement is linked to the Cheltenham West planning application and NGED have overhead lines crossing both the M5 and also the development scheme. The progress of the development is directly linked to the DCO decision. | Thank you for registering as an interested party and for your submission. The Applicant is aware of the Cheltenham West planning application and its dependence on the progress of this DCO application. The Applicant has been actively engaging with the developers during the Pre-examination stage and will continue to through the Examination. |

RR-030 Peter Frank Dufton

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | Comments and objections include: | |
| 30.1 | Loss of countryside and agricultural / horticultural land (including Grade 1 best and most versatile) which would be better suited to recreational activity and local food production | <p>Thank you for your registering as an interested party and for your submission. In response to your query, a detailed explanation of the need for the scheme is discussed in the Planning Statement and Schedule of accordance with National Policy Statement (APP-135). The Scheme is required to provide the necessary infrastructure to support planned housing and economic growth around Cheltenham, as well as ensure the continued function of the M5 as a reliable link providing regional connectivity. In response to your further queries, the Scheme's impact on the green belt and farming and agricultural land, including grade 1 Best and Most Versatile (BMV), is addressed in chapter 10 of the Environmental Statement on Geology and Soils (APP-069). Paragraph 10.1.2 discusses the assessments undertaken to determine the effect the scheme will have on soil resources and agricultural land, including BMV, while Paragraph 10.11.1 discusses the land due to be lost as a result of the scheme.</p> <p>Flooding is addressed in chapter 8 of the Environmental Statement on Road Drainage and the Water Environment (APP-067). The the Scheme will be designed to ensure that the practicable loss of land will be minimised where possible.</p> |
| 30.2 | Substantially increased traffic movements causing deteriorated air quality, generating more noise and damaging vibration to properties and potentially causing biodiversity contamination. | <p>Traffic modelling has been used to assess environmental impacts within the following Environmental Statement chapters, Air Quality (AS-012), Noise and Vibration (AS-014), Biodiversity (APP-066), Population and Human Health (AS-018) and Cumulative Effects Assessment (APP-074).</p> <p>Traffic modelling for the operation of the Scheme shows an improved traffic flow along the A4019, however an introduction of additional source of traffic and vehicle emissions at the Link Road.</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>The air quality assessment, as reported within Chapter 5 - Air Quality (AS-012), section 5.7, shows that the Scheme would not have an overall significant adverse effect on human health receptors or on designated habitats in the opening year, with the majority of human health receptors within the air quality study area found to experience decreases in annual mean NO₂ concentrations.</p> <p>For noise and vibration, a beneficial effect has been identified for residential properties within areas where there will be a reduced traffic flow or where noise barriers will be installed. Noise impacts are summarised within Chapter 6 – Noise and Vibrations (AS-014), section 6.12.</p> <p>Whilst the Scheme does note that there will be adverse noise and vibration impacts associated with increased traffic movements for some residential receptors, in the long term, the Scheme will lead to significant beneficial effects for some residential properties. These beneficial effects are predicted where noise barriers have been installed or where changes in traffic flows will cause a reduction in noise levels, including the A4019 (East of the M5 Junction), the M5 and Withybridge Lane, Hayden Lane, St James Terrace, Bamfurlong Lane and Hesters Way Road.</p> |
| 30.3 | Additional traffic drawn in will be 'bottle-necked' in Cheltenham causing congestion. | <p>The primary objective of the Scheme is to enable proposed development on land to the north-west and west of Cheltenham (dependent development) to be delivered in accordance with both the Joint Core Strategy (JCS) (Regional Plan) and the Cheltenham Local Plan, whilst minimising the impact of these proposed developments on the operational performance of the road network.</p> <p>Gloucestershire County Council has undertaken traffic modelling to assess the impact of the Scheme, in conjunction with the dependent development, on the operational performance of the road network which is reported in the Transport Assessment (TA) (APP-138) and Appendix J – Transport Model Package (APP-140) and Appendix L – Traffic Forecasting Report (APP-142).</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>The traffic modelling demonstrates that the Scheme, in conjunction with the dependent development, will result in changes in traffic patterns across the road network, but will not cause any significant deterioration in levels of traffic congestion and delay on the roads in Cheltenham compared to the forecast situation without the Scheme and the dependent development. This is demonstrated by the changes in forecast delays on the A4019 to the east of the Scheme and on roads in central Cheltenham shown on Figures 6-8 to 6-13 in the Traffic Forecasting Report (APP-142). These show either forecast reductions in delay or only negligible increases.</p> |
| 30.4 | <p>An irrational and unbalanced acceptance of the ever increasing dominance of and dependency on the motor car with inadequate emphasis given to public transport.</p> | <p>The Scheme design includes an active travel corridor along the length of the Link Road and the A4019 (within the extents of the Scheme). This will provide traffic free space for cyclists and pedestrians with the objective of reducing car journeys through the Scheme.</p> <p>The Scheme design also incorporates public transport options for users. There is provision for a dedicated bus lane and a bus gate on the A4019 eastbound, between Site Access A and the Gallagher junction, and eastbound into the Gallagher junction, respectively. Chapter 2 of the Environmental Statement (document reference APP-061) provides a full description of all scheme elements including those related to active travel and public transport.</p> <p>Significant population and household growth is expected to take place in the area over the next 10-15 years. The volume and dispersed origin and destinations of trips anticipated to be generated by planned development will present significant challenges in terms of accommodating all new trips via public transport or active travel modes. This coupled with uncompetitive journey times offered by public transport options means that there will be a residual number of trips generated by new developments that will need to be accommodated through highways-based solutions. This means that even with allowances for some changes in travel behaviour or</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>changes in car technology, the pressures on M5 Junction 10 and on the A4019 are unlikely to diminish. Road improvements are essential to respond to future development and to accommodate the extra journeys that new residential and commercial developments will create. The Planning Statement and Schedule of Accordance with National Policy Statement (document reference APP-135), provide further detail on the need for the scheme and the alignment of the Scheme with national, regional, and local planning policy. Section 6 outlines the Transport Case, and the Government's requirement for the development of the strategic road network.</p> |

RR-031 Ros Nolan

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 31.1 | A resident living within this scheme it is hugely important to me. | Thank you for registering as an interested party and for your submission. The Applicant understands the significance of the project to local residents and has noted your response and look forward to future correspondence. |

RR-032 Sally Black

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | I accept the need for, & wider benefits of, an improved future proofed road infrastructure to the west of Cheltenham. My main issues: | Noted |
| 32.1 | The destruction of the local countryside. This will not only deprive much wildlife of their natural habitats but also local residents of the beautiful natural environment they have enjoyed for decades selected noise barrier. | <p>The Environmental Statement (ES) produced for the Scheme presents the findings of the environmental impact assessments that have been carried out and identifies any likely significant environmental effects. The Non-Technical Summary [APP- 059] provides an overview of issues presented in the environmental impact assessment, including what the existing environment is like, what impacts could arise as a result of the construction and operation of the Scheme, and what mitigation has been included to avoid or reduce the impacts.</p> <p>Issues relating to wildlife are covered in Chapter 7 of the ES: Biodiversity [APP-066]. Paragraph 7.1.1 states that the chapter presents the environmental assessment of the Scheme for biodiversity, based on the proposed plans for the Scheme. Paragraph 7.4.1 confirms that the effects on biodiversity resources have been categorised using current best practice guidelines, and that the assessments consider both on-site impacts and those that may occur to adjacent and more distant biodiversity resources.</p> <p>Issues relating to noise are covered in Chapter 6 of the ES: Noise and Vibration [APP-065]. Paragraph 6.1.1 states that the chapter presents the findings of the environmental assessment of the Scheme for noise and vibration, based on the proposed plans for the Scheme.</p> |
| 32.2 | The replacement of rural views with that of a hard, grim urban landscape of tarmac, concrete & metal | Issues relating to the landscape and visual amenity are covered in Chapter 9 of the ES: Landscape and Visual [APP-068]. The chapter presents the environmental assessment of the scheme for 'Landscape and Visual receptors', based on the proposed plans for |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | the scheme. Paragraph 9.1.5 outlines that the assessment has been undertaken in accordance with current best practice guidelines. |
| 32.3 | The detrimental effect on the mental & physical wellbeing of local residents resulting from increased pollutants such as vehicle emissions, fine dust particles, incessant traffic noise & vibrations, light pollution etc | Consideration of impacts of the Scheme on local residents can be found within the Population and Human Health Chapter (AS-018). Mental and physical wellbeing being is covered within the health outcomes tables, these are Table 13-48 for the construction phase and Table 13-49 for the operation of the Scheme. Both tables include mitigation measures specific to each of the identified adverse impacts throughout construction and operation. |
| 32.4 | The inability to enjoy the serenity of our gardens on a sunny day and a restful night's sleep with bedroom windows open, spoiled by HGV's thundering past 24/7 & glaring street lighting | Traffic and temporary construction lighting impacts have been assessed within the Population and Human Health Chapter (AS-018). These are included within Table 13-11 'Residual effects of construction activities on Private Property and Housing'. Minimising these impacts on the population are included within the Register of Environmental Actions and Commitments [AS-027] under item PHH6 which states, " <i>Prevent adverse effects on human health determinants, derived from water, air and soil quality/pollutants and noise</i> " and PHH7 which states, " <i>Prevent adverse effects on human health determinants, derived from light pollution nuisance, disturbed sleep/night-time working</i> ". |
| 32.5 | The lengthy disruptive construction phase | The construction sequence is listed out within Chapter 2, The Scheme (AS-010), with the construction programme anticipated to run for 30 months. Paragraph 2.8.35 lists out the principles that were followed in preparation of the construction phase, this includes the minimisation of disruption through maintaining of access and avoiding of road closures where possible. |
| | My suggestions: | |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 32.6 | Maximise the aesthetic visual appeal of the development with pollution resistant trees, flowers & hedgerows for wildlife, not simply a grass verge &/or low lying shrubs. | <p>Visual impacts from the Scheme have been considered within the Landscape and Visual Chapter (APP-068), with the production of the Landscape and Ecological Management Plan (LEMP) (AS-035).</p> <p>Section B.5.4 'Design principles' within the LEMP covers the principles followed for the landscape design, which includes, but is not limited to retaining vegetation, replacement planting, including roadside hedgerows and trees, and the retention of natural character through planting locally native species with evergreen screening as its key function.</p> <p>The variety of planting is detailed within Sections B.5.8 through to B.5.17.</p> |
| 32.7 | During construction, cable or full fibre internet to be installed, so at least local residents will see some benefit from the upheaval. | <p>The Applicant will liaise with Statutory Utility Companies throughout the detailed design phase of the works to understand and co-ordinate any upgrades to existing services that may be planned during the construction phase. This includes all cable companies who currently provide services in the vicinity of the projects. However, the Applicant is unable to provide funding for new services as part of this Scheme.</p> |
| 32.8 | Obviously to minimize all forms of pollution & it's effects on local houses & residents, with particular focus on the selected noise barrier. | <p>Chapter 2 of the ES (AS-010) states, within Section 2.6 'Preliminary environmental design', "the aim of the process has been to avoid key environmental features as far as possible for that impacts to them are avoided or minimised."</p> <p>Mitigation measures for environmental impacts on human health are reported within section 13.14 'Mitigating measures – Human Health' of the Population and Human Health Chapter (AS-018).</p> <p>Details on the noise barrier are included within 'Scheme key element specific measures' specifically paragraphs 2.6.15 and 2.6.17. Service road/dual carriageway separation is shown on Engineering Drawings and Sections 3 (APP-018). The design of the noise barrier will be further developed during detailed design.</p> |

RR-033 Simon Jobson

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 33.1 | I am a local resident who uses J10 of the M5 twice a day by car, and is also a regular cyclist. | Thank you for registering as an interested party and for your submission. The Applicant has noted your response and looks forward to future correspondence. |

RR-035 Steven Wakefield

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 35.1 | <p>The amount of engagement with affected landowners and the general public has not been of a satisfactory level. The resulting data is not of the quantity or quality to qualify as a reliable representation.</p> | <p>Ongoing engagement and consultation with the local community, residents, and stakeholders is set out in the DCO Consultation Report (APP-038). There have been five rounds of consultation including non-statutory consultation, statutory consultation, and three rounds of targeted consultation. Information on the scheme, consultation materials, reporting and regular updates including Frequently Asked Questions (FAQs) are available to view on the GCC scheme webpage.</p> <p>The effectiveness of the statutory consultation is detailed in Section 6 of the Statutory Consultation Report (APP-038) (published August 2022),. The report provides metrics of engagement, including survey responses, attendance of consultation events, viewership of the scheme webpage, portal and consultation website, and social media effectiveness. The value of our statutory consultation, and further consultations, has been to identify the issues and views of those who have responded and their perceptions of the proposals. This important information has been included in decision-making processes, and the Applicant's responses to all matters raised received during each round of consultation are included in appendices to the DCO Consultation Report (Appendices G, J, M, N, R and T) (APP-045, APP-048, APP-051), APP – 052, APP-, APP-056 and APP-058). Detail of Applicant's compliance with statutory requirements set out in the Planning Act 2008 is provided in Section 17.2 of the DCO Consultation Report (APP-038).</p> <p>The Applicant has been undertaking ongoing engagement with landowners. The Statement of Reasons (APP-035) provides details of the status of negotiations with affected landowners. An update on status of negotiations with landowners will be provided to the Examining Authority (ExA) during the Examination at regular points (see Draft Schedule of Negotiation of Compulsory Acquisition</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | submitted at Deadline 1. |

RR-036 Susan Jane Alice Rose

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 36.1 | <p>More tarmac and concrete over A1 farming land, green belt and, of most importance, an area that severely flooded in 2007. Perfectly good houses destroyed plus peoples lives and what for? Just to push more cars and lorries into a bottleneck. ABSOLUTELY CRAZY WASTE OF PUBLIC MONDEY AT A TIME WHEN THE UK IS BROKE! Save the NHS, save our crumbling schools – get your priorities right!</p> | <p>Thank you for your registering as an interested party and for your submission. In response to your query, a detailed explanation of the need for the scheme is discussed in the Planning Statement and Schedule of accordance with National Policy Statement (APP-135).</p> <p>The Scheme is required to provide the necessary infrastructure to support planned housing and economic growth around Cheltenham, as well as ensure the continued function of the M5 as a reliable link providing regional connectivity. In response to your further queries, the Scheme's impact on farming land and the green belt is covered in Chapter 10 of the Environmental Statement on Geology and Soils (APP-069). Paragraph 10.1.2 outlines that a series of assessments have taken place that assess the impacts of the scheme on agricultural and farming land. Flooding is covered in Chapter 8 of the Environmental Statement on Road Drainage and the Water Environment (APP-067). Paragraph 8.12.6 confirms the outcome of the Flood Risk Assessment (FRA) and confirms that the Scheme is compliant with the requirements of the National Planning Policy Framework (NPPF).</p> |

RR-037 Tewkesbury Town Council

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 37.1 | <p>Comments from Tewkesbury Town Council's Planning committee: Although M5 Motorway Junction 10 is not within the Tewkesbury Town Council immediate area of influence and concern, Junction 9, is and where there have been issues on adjacent stretches of the M5 Motorway in the past, this has often had an impact on the flow of traffic through Junction 9 and into the town centre. We are concerned that decisions made on the development of Junction 10 should take this potential impact into account and include mitigations for future scenarios.</p> | <p>The primary objective of the M5 Junction 10 Improvements Scheme (the Scheme) is to enable proposed development on land to the north-west and west of Cheltenham (dependent development) to be delivered in accordance with both the Joint Core Strategy (JCS) (Regional Plan) and the Cheltenham Local Plan, whilst minimising the impact of these proposed developments on the operational performance of the road network.</p> <p>Gloucestershire County Council has undertaken traffic modelling to assess the impact of the Scheme, in conjunction with the dependent development, on the operational performance of the road network which is reported in the Transport Assessment (TA) (APP-138) and Appendix J – Transport Model Package (APP-140) and Appendix L – Traffic Forecasting Report (APP-142). The strategic traffic modelling covers an extensive area as shown in Figure 8 of Transport Assessment (APP-138) and includes M5 junction 9.</p> <p>The traffic modelling demonstrates that the Scheme, in conjunction with the dependent development, will result in changes in traffic patterns across the road network, but will not cause any significant deterioration in levels of traffic congestion and delay across the roads network compared to the forecast situation without the Scheme and the dependent development. This is demonstrated by the changes in forecast delays shown on Figures 6-8 to 6-13 in the Traffic Forecasting Report (APP-142).</p> <p>The Scheme, in conjunction with dependent developments, results in a small reduction in total traffic throughput at M5 Junction 9 in both 2027 and 2042. Consequently, the traffic modelling indicates minimal forecast changes in delay at M5 junction 9 due to the Scheme, in conjunction with dependent development, for most approaches and time periods. However, there are forecast to be some more notable additional delays on the M5 southbound off-slip road at junction 9</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | during most time periods in both 2027 and 2042 (between an average of one and 71 additional seconds per vehicle). It is likely that this additional delay can be mitigated by optimisation of the traffic signal timings, which has not been included in the traffic modelling. |

RR-038 Crown Estate

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>Application by Gloucestershire County Council for an Order granting Development Consent for the M5 Junction 10 Improvements Scheme Relevant Representations submitted on behalf of The Crown Estate submitted by Montagu Evans LLP These Relevant Representations are submitted on behalf of The Crown Estate.</p> | |
| | <p>Our Client is the owner of land at the Gallagher Retail Park, Tewkesbury Road, Cheltenham, GL51 9RR which is directly impacted by the DCO.</p> | |
| | <p>Land Sought</p> | |
| <p>38.1</p> | <p>The Crown Estate is the freehold owner of plots 13/3r, 13/6a and 14/5a (hereafter called “the Land”). The Scheme seeks to permanently acquire Land in the ownership of The Crown Estate within Plot 14/5a for the purposes of carrying out Environmental Compensation and Mitigation Works to offset the impact of the Scheme and in particular the development of the North West Cheltenham Development which is directly north of the Crown Estate’s property. Specifically, the Land is required for:</p> <ul style="list-style-type: none"> (i) Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage, and ducting. (ii) Required for the alteration of the signalised junction serving Gallagher Retail Park and the B4634 to the south of the A4019 (Tewkesbury Road) with maintenance bay. (iii) Required for the diversion of telecommunication cable and associated apparatus and equipment. The acquisition of land in this location may have an impact on the enjoyment and use of the adjacent Gallagher Retail Park including the | <p>The Applicant notes the comments made by the Crown Estate and has instructed its land agents to continue to engage with the Crown Estate to reach a voluntary agreement. The Applicant appreciates that there is a conceptual difference between consent under section 135 Planning Act 2008 and demonstrating CPO as a last resort in compliance with CPO Guidance. Whilst subject to the terms of any agreement under section 135, the Applicant considers that discussions under section 135 to be inextricably linked to discussions around merits and scope of the proposed compulsory acquisition of a Scheme. If the Crown Estate is not satisfied with the proposals made by the Applicant, then it is within its power to withhold consent under section 135 and therefore prevent the Applicant from acquiring compulsory acquisition powers over this land. In this way, the Crown Estate benefits from an elevated position within the CPO regime. The Applicant’s attempts to engage with the Crown Estate sought to first discuss consent under section 135 as were this to be given freely, there would be tacit agreement that the Crown Estate does not object to the process of CPO over its land and the measures that the Applicant has carried out. This does not remove the onus on the Applicant, as the Crown Estate has recognised, of demonstrating</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>use of the A4019 (Tewkesbury Road)/B4634 junction which is the one of main access routes into the retail park and the servicing access. In addition, temporary possession of Plot 13/3r is required for road realignment and utility diversions and Plot 13/6a for the construction of a new road and utility diversions.</p> | <p>CPO as a last resort and to acquire land by negotiation wherever practicable but the dominating feature in any discussion with the Crown Estate will always be section 135 consent which the CA Guidance states at paragraph 39 to require bilateral agreement.</p> <p>The Applicant will continue to keep the Examining Authority updated on the progress of its negotiations and invites also the Crown Estate’s agents to contact the Applicant’s land agents using the following contact details: T: 01865 404434. James.Cattermole@carterjonas.co.uk.</p> <p>The Crown Estate raises the status of extant planning permissions for re-development. Article 47(1) operates that from the date on which the authorised development is commenced, any condition of a planning permission granted pursuant to Part 3 of the Town and Country Planning Act 1990 shall cease to have effect to the extent that they are inconsistent with the authorised development. This ensures that there are not any issues arising from a “Hillside” interpretation of overlapping permissions. It does mean that the DCO becomes the dominant planning permission, and any re-development would not be capable of providing that screening to the extent that it is inconsistent with the authorised development. Should the land be acquired compulsorily then compensation will be available to the extent required by the compensation code. Any bilateral agreement would need to consider this separately.</p> |
| | <p>CPO not last resort</p> | |
| <p>38.2</p> | <p>The Crown Estate does not object to the scheme in general but is concerned the Council has not attempted to negotiate in demonstrating that all reasonable alternatives to compulsory acquisition (including modifications to the Scheme) have been explored. The Council sets out the relevant sections of the Compulsory Purchase and Criche Down Rules (“the CA Guidance”) in section 5.2 of the Statement of Reasons but has not followed it. It is possible to deliver the requirements for the Land without permanently acquiring the land. For example, the Council could occupy the Land (being Plot 14/5a) on a temporary basis to install such environmental compensation and mitigation works and acquire a permanent right to keep and maintain such works whilst leaving ownership of the Land with The Crown Estate. Also, The Crown Estate is concerned the Council has not considered the status of Plot 14/5a which has extant planning permissions for redevelopment, provides screening for the adjacent retail development, currently contains signage and</p> | |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | contains a number of underground utilities used by the adjacent Retail Park. | |
| | Failure to Negotiate | |
| 38.3 | <p>So far, the Crown Estate are not aware of any attempts by the Council to acquire the Land by agreement. Indeed paragraph 7.1.3 of the Statement of Reasons confirms that the “Applicant (the Council) is proposing to acquire this (being the Crown Land) voluntarily”. This suggests that the Council had not made any attempts to do so prior to the submission of their DCO. So far, no heads of terms for a voluntary agreement have been issued to the Crown Estate. Appendix B to the Statement of Reasons sets out a Schedule of Negotiations in the land and progress of negotiations with persons subject to compulsory acquisition and temporary possession powers. The entry against the Crown Estate in respect of the Land states the Applicant issued a letter in October 2023 to seek Crown consent and to progress engagement and agreement of terms for voluntary acquisition. This letter does not attempt to negotiate with the Crown Estate to acquire their land by agreement. It merely seeks the Crown Estate’s consent that its Land interests can be compulsorily acquired to satisfy the provisions of Section 135 of the Planning Act 2008. This is plainly not the same as negotiating.</p> | |
| | Conclusion | |
| 38.4 | <p>In conclusion there has been, so far, limited direct engagement and no negotiation with the Crown Estate as an affected landowner. Whilst the Crown Estate does not object to the Scheme as a whole, it requires an opportunity to discuss the importance of the Land to its adjoining retail development and how the loss of the Land can be mitigated. As set out above there are reasonable alternatives which are available to the Council to use the Land without having to acquire it. The Crown Estate is a willing and capable landowner who can maintain the Land in accordance with the Council’s DCO requirements whilst maintaining</p> | |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | ownership. Montagu Evans LLP 19th March 2024 | |

RR-039 Joint Councils

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | <p>Gloucestershire County Council (GCC), Cheltenham Borough Council (CBC) and Tewkesbury Borough Council (TBC), referred to as ‘the Joint Councils’, are the host authorities for the GCC Major Projects Team (‘the Scheme Promoter’) M5 Junction 10 Improvements Scheme DCO (‘the Scheme’).</p> | |
| | <p>The Joint Councils have long recognised the need for the Scheme to upgrade the only restricted junction on the whole of the M5 motorway and the transport network adjacent to Junction 10 of the M5. The Scheme would help increase the highway capacity around M5 Junction 10 and on the A4019. This would alleviate existing pressure on the local road network in and surrounding Cheltenham. The Scheme would also facilitate the transport demands generated by planned housing and economic growth around Cheltenham. It is the Joint Councils’ view that the Scheme would play a vital role in facilitating delivery and success of housing and economic growth opportunities set out in the Joint Core Strategy (JCS) adopted by the Joint Councils. In addition to informing the emerging Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan (CGTSLP), Issues and Options Consultation, recently undertaken under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).</p> | |
| | <p>The Joint Councils have been engaging with the Scheme Promoter through the original application for HIF and continued through the pre-application stage, providing advice on the design and impacts of the Scheme and discussing elements of the Scheme that GCC as the Local Highway Authority will become responsible for once the DCO is approved and the Scheme is constructed, together with ongoing updates in respect of the adopted JCS and the emerging CGTSLP.</p> | |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | <p>While the Joint Councils are fully supportive of the need and principle of the Scheme, there are a number of matters which require attention during Examination and within the draft DCO. These include:</p> | |
| | <p>Air Quality (ES Chapter 5)</p> | |
| 39.1 | <p>The potential air quality impacts of construction Heavy Duty Vehicle (HDV) movements in combination with traffic management routes (diversions) that potentially increase HDV flows and thus emissions on the road network.</p> | <p>The Applicant notes the Joint Councils observation that there are potential air quality impacts from construction HDV movements in combination with local traffic management during construction.</p> <p>The air quality chapter in the ES [AS-012] paragraph 5.7.13 notes that during construction, additional construction vehicle movements would be below the DMRB LA105 traffic scoping criteria and hence an assessment of additional construction traffic was not required.</p> <p>Paragraph 5.7.15 of the air quality chapter in the ES [AS-012] furthermore noted that the local traffic management measures adopted during construction will be in place for less than 2 years and in accordance with DMRB LA 105 further consideration would not be considered necessary.</p> <p>Hence whilst there may be a period of time during which additional construction traffic would overlap with local traffic management measures, this period would be for a duration of less than 2 years, and hence in accordance with DMRB LA 105 would not require an air quality assessment.</p> <p>Nevertheless, as noted at paragraph 5.7.11 of the air quality chapter in the ES [AS-012], construction vehicle movements would be restricted, where possible, to specified preferred construction traffic routes, and a traffic management plan will be prepared.</p> |
| 39.2 | <p>The potential impacts of the Scheme on PM10 and PM2.5 concentrations at the identified future human health receptors within the transect locations.</p> | <p>The Applicant notes the Joint Councils observation that potential impacts of the Scheme on PM₁₀ and PM_{2.5} concentrations at 44 locations representing five transects across the strategic development sites within 200 m of the ARN were not reported in the air quality</p> |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | | <p>assessment in the ES [AS-012].</p> <p>The air quality chapter in the ES [AS-012] para 5.7.32 states that “there are no exceedances of the PM₁₀ AQS objectives in the base year (2019), therefore, assessment of PM₁₀ concentrations in the Scheme opening year (2027) has not been undertaken (as per DMRB LA 105 (para 2.21.2))”. The results in Table 2.3 of Appendix 5.1 of the ES [APP-081] furthermore show that concentrations at the majority of existing receptors in 2019 are below half of the annual mean objective value of 40 µg/m³, with hence minimal risk of exceeding the objective in future years. In accordance with DMRB LA 105, it is therefore considered that there is no requirement to assess PM₁₀ concentrations in the future year of 2042 at either existing or future human health receptors.</p> <p>Although the PM₁₀ concentrations for the future receptors were not included within the assessment for the 2019 base year, as they would not be in existence, an indication of the likely concentrations at these locations can be determined by considering the annual average NO₂ concentrations at the future human health receptors. Table 2.2 of Appendix 5.1 of the ES [APP-081] shows that at the five receptors closest to the road within each transect (T1, T11, T18, T27, and T37) in the 2019 base year ranged between 17.6 µg/m³ at T18 and 30.1 µg/m³ at T37, in line with concentrations at existing receptors in proximity to these transects (receptors R4, R23, R24, R37, R46, R68, R69, R84, R85, R86, R87, R88, R89 and R90) as shown in Figure 5.4 of Appendix 5.2 [APP-082], for which annual mean NO₂ concentrations in the 2019 base year ranged between 18.7 µg/m³ at receptor R88 and 24.8 µg/m³ at receptor R24.</p> <p>Annual mean PM₁₀ concentrations in the 2019 base year at these nearby existing receptors were estimated to range from 15.0 µg/m³ at receptor R88 to 17.3 µg/m³ at receptor R68, as shown in Table 2.3 of Appendix 5.1 of the ES [APP-081]. The results at these receptors can be considered to be representative of the range in annual mean PM₁₀ concentrations at the future human health receptors and can be seen</p> |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | | <p>to be well below the annual mean objective of 40 µg/m³, with hence minimal risk of exceeding the air quality objective in future years.</p> <p>Estimated PM_{2.5} concentrations have also been provided for the 2019 base year as shown in Table 2.3 of Appendix 5.1 of the ES [APP-081]. Annual mean concentrations were shown to be below the annual mean objective of 20 µg/m³. As noted above, the range in concentrations for the 2019 base year at the future human health receptors is likely to be similar to existing receptors in proximity to the five transects, and hence also likely to be below the annual mean objective of 20 µg/m³. As noted in the ES [AS-012] at para 5.3.7, under the Environment Act 2021, the government has set 2 ambitious, legally-binding targets to reduce concentrations of PM_{2.5}, an annual mean concentration target for PM_{2.5} of 10 µg/m³ across England by 2040, and an average population exposure reduction target of 35% in 2040 compared to a 2018 baseline. Defra's Air Quality Strategy for England (https://www.gov.uk/government/publications/the-air-quality-strategy-for-england) section 5 identifies that having set the targets, further consideration is required to determine how the targets will be implemented and taken account of within decision-making.</p> |
| 39.3 | The Joint Councils request dust mitigation measures to be submitted, as part of an updated Environmental Management Plan (EMP) to address this matter. | The Applicant acknowledges the Joint Councils request regarding dust mitigation measures. Dust mitigation measures are detailed in the Register of Environmental Actions and Commitments (REAC) [AS-027] and the Environmental Management Plan Annex B4 - Air Quality Management Plan (1 st iteration) [AS-034]. |
| | Noise and Vibration (ES Chapter 6) | |
| 39.4 | The noise and vibration mitigation measures proposed. The Joint Councils are aware that the current assessments show that several residential properties would exceed the acceptable noise threshold that is exceeded which necessitates the need for potential noise insulation or temporary rehousing. | Construction Noise - The Noise and Vibration Chapter of the ES (APP-065) determined, that with temporary noise barriers in place, the predicted noise levels from the construction works at representative properties could exceed the noise threshold for a moderate or major impact (a potential significant effect) at a number |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | | <p>of noise sensitive receptors. During the day there were four properties predicted to exceed the criteria, in the evening it was 14 properties and at night it was 20 properties, as provided in Section 6.9 of APP-065.</p> <p>The Noise and Vibration Chapter of the ES (APP-065) concluded that in most cases, the construction works that are very close to a residential property will be transitory in nature and it is unlikely that the moderate or major works would exceed the duration threshold for a significant effect due to the nature of the works and frequency of non-daytime works. Therefore, construction noise is unlikely to lead to the eligibility for temporary rehousing or noise insulation at any of the noise sensitive receptors.</p> <p>Section B.3.6 of the Noise and Vibration Management Plan (1st iteration) (AS-033) will include the commitment that "The Principal Contractor will undertake a noise insulation / temporary rehousing appraisal six to nine months prior to starting the construction phase of the works or such time appropriate to the scale and nature of the works."</p> <p>Operational Noise - Based on the predicted road traffic noise levels and impact magnitudes described in the ES Section 6.9 (APP-065), there are three properties that may be eligible for an offer of noise insulation under the Noise Insulation (Amended) Regulations 1988. These residential properties are the Gloucester Old Spot, Stanboro Cottage Annex and Stanboro Cottage, all located on the A4019 west of the M5 Junction 10. No formal offers of noise insulation can be made until after the completion of the statutory processes and the finalisation of the detailed engineering design of the Scheme.</p> |
| 39.5 | The Joint Councils request a Noise and Vibration Management Plan which will be included in the 2nd iteration of the EMP at the Detailed Design stage. | A Noise and Vibration Management Plan (1 st iteration) (AS-033) has been produced and forms Annex B.3 of the Environmental Management Plan (1 st iteration) (AS-025). The Noise and Vibration Management Plan (AS-033) and the Environmental Management |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | | Plan (AS-025) will be updated as required in the 2 nd iteration of the EMP prior to the construction stage. |
| | Biodiversity (ES Chapter 7) | |
| 39.6 | The principal concern for biodiversity is that the Scheme will result in loss and disturbance of habitats and introduction of structures and artificial lighting which will, in turn, result in severance and fragmentation of ecological connectivity. | <p>The Applicant notes the Joint Councils observation that the introduction of structures and lighting will result in impacts to biodiversity receptors. The Applicant welcomes the fact that the Joint Councils recognise that the embedded mitigation measures include habitat creation and management which will enhance and improve the habitats on site through increasing the area and quality of more valuable habitats.</p> <p>The Applicant also notes the Joint Council's observation about fragmentation. Measures included in the design to minimise fragmentation impacts to insignificant levels include a combination of safe crossing points, landscape planting to direct species to safe crossing points and creation of strong green corridors which link to habitat in the wider landscape.</p> <p>The embankments of the Link Road will be planted with blocks of woodland and hedgerows with trees, creating a strong north-east to south-west green corridor. North-west to south-east movement will be maintained by the incorporation of wildlife underpasses and hop-over planting, as well as the clear span bridge structure over the River Chelt. In addition, there will be no lighting along the Link Road.</p> <p>Planting along the A4019 will comprise hedgerows and trees to the north and south; as well as trees within the existing central reserve, which currently comprises grassland, and trees within the newly created central reserve; and areas of species rich grassland road verges. This will create a more robust habitat network than is currently the case, comprising a better connected network of habitats of higher quality and variety. The Withybridge (A4019) underpass will allow bats and other species to safely cross the A4019 (currently there is no traffic-free route). Additional hop-over planting is</p> |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | | <p>incorporated along the A4019, as well as two dark corridors to the east and west of Uckington (a 92 m section to the east of Uckington and 150 m section to the west of Uckington).</p> <p>Where lighting is required, it has been designed to be wildlife friendly. Columns will be 12m with LED luminaires with a colour temperature of 2700k, which emit no upward light and minimise light spill onto adjacent habitats.</p> <p>The planting along the M5 will link with existing highway planting. Connectivity will be maintained to the north of the A4019 as any lost hedgerows will be replaced with species-rich hedgerows. Hedgerows will also be created and existing retained hedgerows enhanced in this area such that they provide better connecting features. These link to hedgerows in the wider area and the green corridor along the Leigh Brook, ensuring that the landscape design functions at a landscape scale.</p> |
| 39.7 | The Joint Councils welcome that the Scheme includes a suite of embedded mitigation measures including habitat creation which aim to enhance and improve the habitats on site through increasing the area and quality of more valuable habitats, through creation and subsequent management. | Noted |
| 39.8 | A Biodiversity Net Gain assessment report concludes the project has the potential to achieve a net gain in excess of 10 % for habitats units. | Noted |
| 39.9 | The Joint Councils request that an Outline Landscape and Ecology Management Plan (LEMP) be submitted to give assurance about the aims and objectives of proposed habitat creation and subsequent management and that this will deliver right habitats required to reduce the effect of the Scheme on priority species. The Joint Councils welcome that an outline LEMP has been requested by the Examining Authority. | A Landscape and Ecological Management Plan (AS-035) has been produced and submitted in response to Planning Inspectorate's Rule 9 advice and will be updated as required in the 2 nd iteration of the EMP at the Detailed Design stage. |

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| | Road Drainage and the Water Environment (ES Chapter 8) | |
| 39.10 | The potential water quality impact to the Severn Estuary and a robust justification for it being scoped out. | <p>The River Severn SAC/SPA/Ramsar Site are greater than 40 km downstream of the Scheme.</p> <p>Although there is a direct hydrological connection between the Scheme and the Severn Estuary designations, at such a distance, it is considered that the potential for direct impacts via release of pollutants from the Scheme during construction and operation would be eliminated by dilution.</p> <p>Although not relied upon for the Habitats Regulations Assessment (HRA) screening conclusions, pollution prevention methods will be in place as part of the embedded mitigation for the Scheme, including standard water protection measures to avoid chemical or sediment pollution of any watercourses. These will be secured via the Register of Environmental Actions and Commitments (REAC) (AS-027).</p> <p>The drainage strategy to be implemented by the Scheme incorporates Sustainable Drainage Systems (SuDS) to mitigate the pollution risk associated with operational road runoff as well as accidental spills. However, given the relatively small size of the proposed works in comparison with the distance, size and mixing of the receptor designations, risks of significant spillage of chemical contaminant or silt pollution could be discounted even without any additional pollution controls.</p> <p>For the reasons listed above, water quality impacts to the Severn Estuary designations were discounted in the HRA Screening report [APP-099], which Natural England have confirmed they are in agreement with, the WFD assessment (APP-108) and the Road Drainage and the Water Environment Chapter (AS-017).</p> |
| 39.11 | Water quality data (or summary of current conditions) for the watercourses in the study area. | Section 8.6 of Chapter 8 of the Environmental Statement (AS-016) outlines the baseline conditions for the water environment. Table 8-2 provides the current WFD status for the six water body catchments |

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| | | within the study area for surface water quality and hydromorphology. |
| 39.12 | Activity and associated mitigation that is likely to specifically impact the water environment. | Section 8.7 of Chapter 8 of the Environmental Statement (AS-016) outlines the potential impacts from the Scheme to surface water quality, hydromorphology, flood risk and groundwater. This includes both the potential construction and operational impacts of the Scheme. This section also outlines the embedded mitigation and determines the magnitude of impact for surface water quality, hydromorphology, groundwater and flood risk. Section 8.8 outlines the essential mitigation measures that should be implemented in addition to the embedded mitigation that is outlined in section 8.7. |
| 39.13 | The Joint Councils request that a summary of activity and associated mitigation, that is likely to specifically impact the water environment is provided, including a WFD water quality summary. | Appendix 8.2 of ES Chapter 8 is the WFD Compliance Assessment (APP-108) which outlines the WFD compliance assessment that has been undertaken for the Scheme. The conclusion summarises the principal activities that will affect the water environment (paragraph 7.1.6.), identifies the surface water bodies and groundwater bodies that were scoped into the assessment (paragraph 7.1.7), and makes conclusions for each of these in paragraphs 7.1.8 to 7.1.14. Details of the water quality assessment can be found in Appendix 8.3 (APP-111) and are related to WFD compliance in Appendix 8.2A (APP-108). |
| | Landscape and Visual Impacts (ES Chapter 9): | |
| 39.14 | The reported operational effect of visual receptor VR4 at Year 15, the reported magnitude of change at visual receptor VR5 at Year 1, and the reported operational effects of visual receptor VR24 at Year 1 and 15. The Joint Councils disagree with the conclusions on these reported effects mainly because existing vegetation on all three receptors will be removed and proposed planting could not replace their current situations. These would result in a change of views from vegetated buffers to views dominated by infrastructure including noise barriers. | The Applicant believes the conclusions for the reported operational effects for VR4, VR5, and VR15 are correct for the following reasons. For VR4 There are already views from upper floors over the M5, above and through existing vegetation and retained field vegetation will retain some screening towards Junction 10. The assessment assumes that residents will have input into the design of the noise barrier that itself will provide better screening of the M5. There is room for climbing plants to create an interesting/attractive screen at |

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| | | <p>year 1 and planting on the M5 side is also proposed to provide longer term amenity. The initial loss of verge vegetation replaced by noise barrier would be a slight rather than major effect.</p> <p>For VR5, the noise barrier would provide better screening of the M5 and there is room for climbing plants to create an interesting/attractive screen at year 1. The new perimeter fence would replace that lost. The lack of vegetation rising above this would be slight and particularly so if the noise barrier is planted up.</p> <p>For VR24 The majority of these properties are bungalows with garden vegetation providing relatively good screening – that will be retained. Where views are available, i.e. from dormers or where driveways are extra wide, the views are open over the A4019 to the dense vegetation opposite. The proposed noise barrier would fully screen views from the lower floors and gardens, with upper floor views likely to be of the opposite side of the widened A4019, filtered in time by proposed vegetation along the A4019. The removal of the A4019 traffic from the immediate frontages is a beneficial effect and there is room for climbing plants or artwork to create an interesting/attractive screen. The assessment assumes that residents will have input into the design of the barrier.</p> |
| 39.15 | The Joint Councils note that the management measures within the REAC and ES chapter are not yet included within the 1st iteration of the EMP. The Joint Councils request the inclusion of these measures in the 2nd iteration along with a Landscape and Ecology Management Plan. | A Landscape and Ecological Management Plan (AS-035) has been produced and submitted in response to Planning Inspectorate’s Rule 9 advice and will be updated as required in the 2 nd iteration of the EMP at the Detailed Design stage. |
| | Cultural Heritage (ES Chapter 11): | |

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| 39.16 | The Joint Councils would expect that the DCO application is supported by an Archaeological Management Plan (AMP). The Joint Councils are aware that no consultation on the AMP has been carried out and request an update from the Scheme Promoter on the progress of the AMP. The Joint Councils welcome that an outline LEMP has been requested by the Examining Authority. | An Archaeological Management Plan (AS-038) has been produced and submitted in response to Planning Inspectorate’s Rule 9 advice and will be updated as required in the 2 nd iteration of the EMP at the Detailed Design stage. |
| | Materials and Waste (ES Chapter 12): | |
| 39.17 | The Joint Councils would welcome further information on whether the significant amount of primary materials (excluding steel) will be sourced from within Gloucestershire, the South West or elsewhere. This is to help with regional reporting where significant quantities are reported in the Aggregates Working Party reports as well as with planning for overall provision within the relevant Local Aggregate Assessments. | It is anticipated that a significant portion of the primary materials will be sourced from the Southwest and Gloucestershire area. The Principal Contractor will select sustainable suppliers, considering commercial viability and location. Due to the quantity of imported fill material that will be required for the Scheme, the suitability and surety of fill material will be reviewed in detail to mitigate potential programme impacts of any supply delays. This was also discussed in topic specialist meeting with the Joint Councils to progress the updated SoCG submitted at Deadline 1. |
| 39.18 | It is acknowledged that the actual contract/quarry is likely to be confidential at this point, but a broad location would be helpful. | The Principal Contractor is in the process of reviewing potential suppliers and therefore the quarry locations are not known at this time. However, all suppliers currently under consideration operate from the Southwest (greater Bristol area) with some potential supply from South / East Wales. The potential for utilising recycled materials is also under review, but it will not be possible to identify the locations of the recycled material until nearer to the project start, due to the volume of the demand and availability of the supply. This was also discussed in topic specialist meeting with the Joint Councils to progress the SoCG submitted at Deadline 1. |
| | Population and Human Health (Chapter 13): | |

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| 39.19 | <p>Safety of pedestrians and equestrian users of the underpass during dusk till dawn given it will not be lit to allow the movements of bats. It is noted that the underpass will not be lit during dusk and dawn to allow the movement of bats. From an ecological perspective, this is recommended though it does pose a safety risk to pedestrians and equestrian users which the Joint Councils welcome further information on how this matter would be addressed.</p> | <p>The underpass has been designed with dual function; however, the passage of pedestrians and equestrians is expected to be principally recreational, while bats are a nocturnal species. It is anticipated that recreational users of the underpass would typically favour daytime movement. There are alternatives for the movement of people and equestrians who may wish to cross the A4019 at grade – there will be signalised pedestrian crossings as part of the A4019/Link Road junction as well as an informal opportunity for equestrians to cross between The Green and Moat Lane at Uckington using the signalised junction proposed in this location. In balancing the needs to be met here, the ecological mitigation is a primary driver; and the pedestrian and equestrian movement is a compatible benefit in terms of recreational connectivity. The design parameters reflect this. The population and human health assessment provides mitigation measures that seek to address human health effects – this includes ensuring that user groups are well informed about the characteristics and benefits of the Scheme once operational, and this aspect of the design would logically be included within such communications. See section 13.14 of Chapter 13 Population and Human Health of the Environmental Statement (AS-018) for further detail on mitigation measures for Human Health. This was also discussed in topic specialist meeting with the Joint Councils to progress the SoCG submitted at Deadline 1.</p> |
| | <p>Climate (ES Chapter 14):</p> | |
| 39.20 | <p>The approach to the carbon assessment. In particular, there is no consideration of the manufacturing of raw materials into products. The Joint Councils also disagree with the current method of estimating operation and maintenance emissions, specifically the assumption on the correlation between the increased use of low-carbon vehicles and the operation and maintenance estimates from tailpipe projections.</p> | <p>As noted in the Climate chapter for the ES (AS-020) paragraph 14.5.10, the National Highways carbon tool uses Bath ICE v2.0 and v3.0 factors. As documented in the National Highways Carbon Tool Guidance, the emissions from the extraction and processing of the raw materials and fuels are included within the carbon factors in the tool, but the manufacture and transport of materials by third parties are not included as standard. The text in the ES chapter will be clarified.</p> |

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| | | <p>The Applicant does not disagree that the method for estimating emissions from operation and maintenance could be further refined. However, it is noted that the emissions from this component form only a small proportion of the total whole life carbon emissions overall when compared to construction and road user emissions as shown in Tables 14.7 and 14.8 of the climate chapter for the ES (AS-020) and are likely to be overestimated given the anticipated innovations in materials and technologies to reduce maintenance emissions in the future.</p> |
| 39.21 | <p>The climate effects of the Scheme on the Study Area without mitigation have not been carried out, which has not been explicitly stated or justified anywhere. This needs to be clarified within the Study Area</p> | <p>The mitigation for the effects on climate is embedded within the design (Climate chapter (AS-020), para 14.9.5), and no specific design change or mitigation measure was assessed individually within the Climate chapter (AS-020) to demonstrate the likely changes in emissions. The principles of the carbon reduction hierarchy were considered during the design.</p> |
| | <p>Transport Assessment, Highways and Design</p> | |
| 39.22 | <p>The Joint Councils are pleased to see the inclusion of a detailed Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) and a full Transport Assessment in the DCO application.</p> | <p>The Applicant welcomes the Joint Councils comment about inclusion of a detailed Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) and a full Transport Assessment in the DCO application.</p> |
| 39.23 | <p>The Joint Councils are in full support of the scheme in the context that it provides the necessary infrastructure to deliver the identified Sustainable Growth to the West of Cheltenham.</p> | <p>The Applicant welcomes that Joint Councils are in full support of the Scheme in the context that it provides the necessary infrastructure to deliver the identified Sustainable Growth to the West of Cheltenham.</p> |
| 39.24 | <p>The scheme presents an opportunity to manage the network with support of wider transport interventions around the central urban settlements of Cheltenham and Gloucester.</p> | <p>Comment noted.</p> |
| 39.25 | <p>There are a number of complementary sustainable transport schemes being delivered to enable multi-modal travel to operate more efficiently. These are as identified within the overarching transport strategy for</p> | <p>Comment noted.</p> |

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| | Gloucestershire | |
| 39.26 | Furthermore, the existing network constraints will be resolved to allow a clear hierarchy, routing and network management. This will help manage both local and national highway networks in both existing and future scenarios. | The Applicant welcomes the Joint Councils view that the existing network constraints will be resolved with the Scheme to allow a clear hierarchy, routing and network management to help manage both local and national highway networks in both existing and future scenarios. |
| 39.27 | The Joint Councils recommended that the information within the Transport Assessment and WCHAR reports be summarised taking account of the detailed comments provided separately to the Scheme Promoter, as part of the ongoing negotiations. | Please see section 12 (summary and conclusions) of the Transport Assessment that was submitted to the Planning Inspectorate on 22 March (AS-029) in response to their s51 advice. The Statement of Common Ground with the Joint Councils, submitted at Deadline 1, has been updated to reflect the ongoing discussions in relation to the matters which are outstanding and will continue to be refined as discussions continue throughout Examination. |
| | Draft DCO | |
| | Detailed comments on the draft DCO and DCO Requirements have been provided to the Scheme Promoter separately. The Joint Councils will continue engaging with the Scheme Promoter to seek to agree necessary revisions in the DCO where possible. At this stage, we note the following: | |
| 39.28 | Compensation arrangements for tree works and hedgerow removal – Paragraphs 4.134 and 4.136 of the Explanatory Memorandum to the draft DCO do not specify who the compensation is payable to for the tree works and if compensation is payable in relation to hedgerow removal pursuant to Article 36 of the draft DCO. | Compensation provisions are set out in Article 36 and 37 of the draft DCO [APP-031]. Article 36 deals with the power to fell or lop trees and remove hedgerows. Article 36(1) states that the undertaker may fell or lop any tree or shrub or cut back its roots within or overhanging land within the Order limits if it reasonably believes it to be necessary to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised |

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| | | <p>development; or from constituting a danger to persons using the authorised development.</p> <p>In carrying out this activity the undertaker is subject to the restrictions set out in article 36(2) of which states that it must pay compensation to any person for any loss or damage arising from such activity.</p> <p>Article 36(4) makes clear that where the undertaker is removing hedgerows then this is also subject to the restrictions in article 36(2) and therefore the compensation provision continues to apply.</p> <p>In the same way Article 37(2)(a) sets out that where the undertaker is felling or lopping any tree described in Schedule 8, being trees subject to tree preservation orders) that it must pay compensation to any person for any loss or damage arising from such activity.</p> <p>The Explanatory Memorandum [APP-032] does not attempt to categorise these persons as there is not such restriction in the DCO. The DCO introduces a general compensation liability for loss or damage. It is not practice in development consent orders, and indeed more widely in legislation, to identify categories of persons who may benefit from compensation rather the method used to establish a principle of compensation liability leaving it to third parties to bring forward valid claims.</p> |
| 39.29 | Street works – Paragraph 4.36 of the Explanatory Memorandum to the draft DCO does not explain why Article 11 of the draft DCO has to depart from the model provisions in that it authorises interference with any street within the Order limits, rather than just those specified in Schedules 3 and 4 of the draft DCO | <p>The Applicant does not consider it necessary to justify departing from the model provisions which do not persist as precedent against which future Orders are to be decided.</p> <p>The approach taken by the Applicant is consistent with many highways DCOs, being A417 Missing Link Order 2022, A47/A11 Thickthorn Junction Order 2022, A57 Link Roads Order 2022, A47 Wansford to Sutton Order 2023. A428 Black Cat to Caxton Gibbet Order 2022, A12 Chelmsford to A120 Widening 2024, A47 Blofield to North Burlingham Order 2022, A38 Derby Junctions Order 2023, [and M3 Junction 9 Order 2024].</p> <p>The purpose of article 11 is to grant the power to go into the street</p> |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | | <p>and carry out works, thus removing the need to obtain a separate section 50 licence under the New Roads and Street Works Act 1991.</p> <p>The purpose of Schedules 3 and 4 is not to detail all those streets required to be subject to the power contained in article 11. They each have a separate use and function.</p> <p>Schedule 3 has various uses, but its principal use is to relate to article 14 which is to classify roads as well as instigate traffic regulation measures over certain stretches of road. Schedule 4 lists those streets and private means of access being permanently stopped up and, through the use of separate parts, sets out those examples where substitutes are being provided or not. Neither of these Schedules are intended to constitute the total extent of the streets required to be subject to article 11.</p> <p>The Applicant accepts that in other non-highways DCOs it is more common to see a separate Schedule for those streets subject to this power. For example, see Awel y Mor Offshore Wind Farm Order 2023, Hynet Carbon Dioxide Pipeline Order 2024. However, it should be noted that in these cases it is a private actor who is being granted this power rather than a body which constitutes a local highway authority and so embodies significant knowledge and responsibility over the local highway network regardless.</p> <p>As such, the Applicant does not see its position as being outside the normal drafting for highway DCOs promoted by a highway authority.</p> |
| 39.30 | <p>Consultation on the discharge of DCO Requirements – The Joint Councils require greater involvement in the consultation process prior to discharge of DCO Requirements. The Joint Councils should be named as prescribed consultees in relation to all relevant DCO Requirements in Part 1 of Schedule 2 of the draft DCO.</p> | <p>The Applicant understands that this request is likely made in the following capacities:</p> <ol style="list-style-type: none"> a. Gloucestershire County Council as local highway authority, minerals and waste planning authority and as having duties relating to drainage and flood risk, heritage assets and archaeology, public rights of way for Gloucestershire. b. Tewkesbury Borough Council as local planning authority for Tewkesbury Borough |

| Response Reference | Relevant Representation Issue | Applicant Response |
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| | | <p>c. Cheltenham Borough Council as local planning authority for Cheltenham Borough.</p> <p>Currently the DCO, Schedule 2 contains various obligations to consult with the above parties.</p> <p>Requirement 3, 5, 7, 11, 13, 14, 15 require consultation with the relevant planning authority and strategic highway authority.</p> <p>Requirement 8 requires consultation with the Environment Agency and relevant planning authority.</p> <p>Requirement 9 requires consultation with the relevant planning authority, strategic highway authority and County Archaeologist</p> <p>Requirement 12 requires consultation with the Environment Agency, relevant planning authority and strategic highway authority.</p> <p>The Applicant would be willing to discuss this item further and would invite the Joint Council to determine exactly what requirements they wish to be consultees and under which authority they would like this consultation. It is not the case that consultation should be granted to the Joint Councils on areas outside their jurisdiction and statutory function.</p> |
| 39.31 | <p>Responsibilities on the discharge of DCO Requirements – The draft DCO is unclear on some of the Requirements are required to be discharged by GCC as the County Planning Authority, when for issues such as noise, are the role of CBC and/or TBC as the Local Planning Authorities.</p> | <p>The Applicant understands this comment as questioning why Requirement 14 has the County Planning Authority as the decision maker for this requirement despite noise being a role for the local planning authority. It is for this reason that CBC and/or TBC must be consulted in the preparation of the written details of proposed noise mitigation. However, the Applicant considers that the best authority to discharge this requirement would be the county planning authority so as to co-ordinate approach across local planning authority jurisdictions. This is pending the outcome of discussions between the Joint Councils, National Highways and the Applicant as to the appropriate body for the discharge of requirements in respect of the authorised development generally.</p> |

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| 39.32 | Protective provisions – The Joint Councils require clarification on whether draft protective provisions in Schedule 9 of the draft DCO will be finalised prior to the DCO coming into effect or will this need to be a pre- commencement obligation. | The Applicant can confirm that it will seek agreed positions with all statutory undertakers who would request a bespoke arrangement to be put in place but would point out that Schedule 9 Parts 1 and 2 already operate to prevent any serious detriment to the carrying out of the relevant statutory undertakers’ undertaking and thus the requirements of section 127 Planning Act 2008 are met. This means that no “pre-commencement obligation” is required. |
| | Developer Contributions | |
| 39.33 | The Joint Councils are actively engaging with the Scheme Promoter in considering the proposed methodology in respect of developer contributions. Current engagement across the relevant developers and the Local Planning Authorities is ongoing. | The Applicant agrees and welcomes the Joint Councils active engagement with the Scheme. With regard to developer contributions, as stated by the Joint Councils, current engagement across the relevant developers and the Local Planning Authorities is ongoing. |

RR-040 The Marcer Family

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 40.1 | <p>Increase noise pollution has always been a concern with this project, we were assured the new 'Western Bypass' would be screened as it is raised. We are now told this will not happen and the extra noise pollution will affect the homes in Homecroft Drive. We are told the noise is not sufficient to warrant screening and yet the Motorway further away is a noise concern. This decision must be reviewed.</p> | <p>A comprehensive Environmental Impact Assessment for noise has been carried out and is reported within the Noise and Vibration Chapter (AS-014).</p> <p>This assessment has been carried out in line with DMRB LA 111. The methodology behind this assessment can be found in Section 6.4.</p> <p>Mitigation measures included within the Scheme are defined within Section 6.8, with the inclusion of permanent environmental noise barriers located between along the A4019 between Homecroft Drive and the B4634 for the operation of the Scheme, and a variety of construction mitigation measures.</p> <p>Mitigation measures for the construction of the Scheme are included within the Noise and Vibration Management Plan (AS-033).</p> <p>Noise and vibration impact to individual properties along Homecroft Drive have been carried out and are included within Table 6-18 and 6-20, of the Noise and Vibration Chapter (AS-014), for construction.</p> <p>Operation impacts have been assessed using traffic modelling, with both scenarios within Table 6-28 and 6-33, of the Noise and Vibration Chapter (AS-014), concluding a significant beneficial effect for the representative properties on Homecroft Drive.</p> |
| 40.2 | <p>Many residents have little or no faith in the plans to alleviate any flooding that might occur. In 2007 several properties flooded and others were on the brink, this plan makes the situation worse not better.</p> | <p>Flood risk to the Scheme and local receptors has been considered, with detailed hydraulic modelling having been completed for the Scheme and reported within the Flood Risk Assessment (AS-023 and APP-107).</p> <p>Suitable mitigation measures have been incorporated into the Scheme including the flood storage area, compensatory flood storage and culverts through the new Link Road. The preliminary design does not increase flood risk elsewhere. The general impact is of a reduction in flood levels across a wide area, noting small</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>increases in peak flood depths on areas of farmland by the Staverton Stream which are already at flood risk and are non-material.</p> <p>The above overview can be visualised through figures within APP-107, specifically Figure 5-5 '1% AEP level difference map – present day'.</p> |

RR-041 The Woodland Trust

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>The Woodland Trust is the UK's largest woodland conservation charity and a leading voice in bringing to the attention of government, landowners and the general public the state of the UK's woods and trees. We own over 1,000 sites across the UK, covering over 30,000 hectares and we have over 500,000 members and supporters. The Trust also campaigns with the support of local communities, to prevent any further destruction of ancient woods and veteran trees. We are an evidence-led organisation, using existing policy and our conservation and planning expertise to assess the impacts of development on ancient woodland and veteran trees. Planning responses submitted by the Trust are based on a review of the information provided as part of a planning application.</p> | |
| 41.1 | <p>We are particularly concerned about the potential impacts of this development on ancient and veteran trees. The applicant has provided an Arboricultural Impact Assessment to accompany this submission, within which is a tree survey detailing the trees within proximity to the proposed works. The applicant has identified a single tree as a veteran specimen despite the presence of a number of sizeable trees that have been noted as having deadwood and decay features that could indicate veteran status. That includes the following trees: T052, G081, G149, T165, T208, T211, T225, T232, T233. Tree T233, in particular, appears to be a considerable oversight for ancient or veteran status considering this hybrid black poplar has a girth of approximately 6 metres, a girth that would typically indicate ancient status in most tree species, never mind veteran status. We are concerned by the applicant's methodology for affording ancient and veteran status to surveyed trees. They appear to have determined that veteran trees need to meet criteria associated with all three characteristics of age, size and condition. This is a step away from Government recommendations. The Planning Practice Guidance (PPG) for Natural Environment, which is used to provide additional</p> | <p>The Applicant has followed the National Planning Policy Framework and the Core Standing Advice provided by Natural England and the Forestry Commission in the classification of veteran trees in support of this DCO Application. The methodology is detailed in section 2 of the submitted Arboricultural Impact Assessment (APP-116 and APP-117). It is to be noted that this approach has been utilised in a number of previous successful DCO applications, namely the M25 J10, M25 J28, A14 and A57 DCOs.</p> <p>The Applicant notes there is no defined British Standard in the classification of veteran trees and therefore the default approach has been to follow the core standing advice documentation to avoid a degree of subjectivity that could impart irreplaceable habitat status onto a tree that is not benefitting such value.</p> <p>The Applicant considers the approach adopted in the classification of a tree as a veteran is appropriate. The classification of a Hybrid Black Poplar as a veteran is not deemed appropriate as it's a non-native tree. Also, given its quick grown nature and the instability of its</p> |

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| | <p>clarity on the status of ancient and veteran trees, states: “Ancient trees are trees in the ancient stage of their life. Veteran trees may not be very old but exhibit decay features such as branch death or hollowing. Trees become ancient or veteran because of their age, size or condition. Not all of these three characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species.” As such, the Woodland Trust considers that trees within the development area have not been afforded ancient and veteran status appropriately and that protections required for such trees, i.e. extended buffer zones/root protection areas, have not been applied accordingly. Therefore, it appears that this scheme is likely to result in adverse impacts on ancient and veteran trees. We would appreciate the opportunity to address this concern with the Examining Authority and the Applicant.</p> | <p>heartwood rot it does not provide the environment suitable for the slower moving and nationally scarce entomology.</p> |

RR-042 Uckington Parish Council

| Response Reference | Relevant Representation Issue | Applicants Response |
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| 42.1 | The impact upon the parish by way of infrastructure disruption and traffic management. | <p>Thank you for registering your interest in the Schemes impact upon Uckington Parish. Traffic management impacts have been considered within the Environmental Statement.</p> <p>Chapter 2 The Scheme (AS-010) lists the traffic management principles that will be implemented in paragraph 2.8.29. The principles identified to minimise disruption for Uckington Parish are as follows:</p> <p>On the A4019 a minimum of one eastbound and one westbound traffic lane will be maintained throughout the construction period except for essential overnight works where single lane working under traffic control will be deployed.</p> <p>Withybridge Lane is to be retained as it provides access to several farms and farmland. Access will be maintained from the B4634 for the duration of the works. Access from the A4019 will be closed while the new junction 10 is constructed. Access is to be maintained throughout construction to Cooks Lane, Moat Lane, and Green Lane, either directly from the A4019 or by local diversions.</p> <p>M5 and A4019 closures will be minimised as far as is practicable.</p> <p>Night-time working will be minimised where possible.</p> <p>Widening of the A4019 will require temporary closures of the side road junctions whilst they are tied into the new alignment. Property accesses will be maintained as part of the traffic management arrangements.</p> <p>Effective traffic management will be implemented during the construction phase. This is described in the Register of Environmental Commitments and Actions (REAC) (AS-027) under item G10, which states “Traffic management will be implemented by the Principal Contractor to maintain traffic flows during the</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | | <p>construction of Junction 10, the Link Road and the widened A4019. This will include local service roads linked to the signalised junctions to enable local residents to retain an ease of access onto the A4019, particularly for turning right (onto the A4019).”</p> <p>Further details of traffic management will be included in the 2nd iteration Traffic Management Plan to be produced by the Principal Contractor.</p> |

RR-043 UK Health Security Agency

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>Thank you for your consultation regarding the above development. The UK Health Security Agency (UKHSA) welcomes the opportunity to comment on your proposals at this stage of the project. Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided is sent on behalf of both UKHSA and OHID. We can confirm that:</p> | <p>Noted</p> |
| 43.1 | <p>Human Health and Wellbeing</p> <p>This section of the response, identifies the wider determinants of health and wellbeing we expect the Environmental Statement (ES) to address, to demonstrate whether they are likely to give rise to significant effects. OHID has focused its approach on scoping determinants of health and wellbeing under four themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements. The four themes are:</p> <ul style="list-style-type: none"> • Access • Traffic and Transport • Socioeconomic • Land Use <p>Having considered the ES OHID wish to make the following specific comments and recommendations.</p> | <p>Noted</p> |
| 43.2 | <p>It is noted that the ES utilises LA112 to consider the sensitivity of the community assets and private property. The approach within the ES considers the physical asset rather than the additional consideration of the vulnerability of the users or occupiers.</p> <p>The 32 residential properties subject to demolition are noted to be of medium sensitivity to change. This level of sensitivity is underestimated given the impact of forced relocation of the small community both in terms of land use and human health. The current ES assessment</p> | <p>Noted. The Environmental Statement Chapter 13: Population and Human Health [APP-072] sets out the methodology that has been applied for this topic area.</p> <p>Effects arising from demolition impacts fall within the scope of the Population assessment, which has followed the Design Manual for Roads and Bridges standard (DMRB) LA112. Table 3.11 of DMRB LA112 provides criteria for the assignment of environmental value (sensitivity) for set receptor categories, which include private property</p> |

| Response Reference | Relevant Representation Issue | Applicants Response |
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| | <p>concludes a significant effect, so it is acknowledged that increasing sensitivity to high will not affect the final assessment conclusion.</p> <p>It does, however, assume that all residents are of equal vulnerability, where the only proposed mitigation is that of financial compensation. This approach does not consider the capability and capacity of the resident households to relocate and the potential loss of social networks and support mechanisms. The baseline data and equalities impact assessment establishes a higher level of resident population over 65 in the study area and as such the potential for vulnerable populations to be resident in the properties to be demolished.</p> <p>The ES identifies the sole mitigation to be compensation and comments this is outside of the impact assessment scope. DLUHC guidance (Guidance on Compulsory purchase process and The Crichel Down Rules) outlines other steps which should be considered to help those affected by a compulsory purchase order. Compulsory purchase proposals will inevitably lead to a period of uncertainty and anxiety for the owners and occupiers of the affected land. The guidance outlines additional support that should be offered to residents, but which are not identified within the assessment as potential mitigation measures.</p> <p>Recommendation</p> <p>Additional information is required to identify additional mitigation to be provided in support of households affected by compulsory purchase as outlined in Para 19 of DLUHC Guidance - guidance on Compulsory purchase process and The Crichel Down Rules."</p> | <p>and community assets. The sensitivity categorisation is based on selected characteristics of the receptor. For existing private property, it is the number of properties that drives value; for community assets the considerations are usage levels, severance and the availability of alternatives. The UKHSA comment that this approach considers the physical asset rather than user characteristics (including vulnerability) is accurate. Table 3.11 of DMRB LA112 makes no allowance for vulnerability and the presence of persons with protected characteristics to influence sensitivity. The DMRB LA112 standard has provided precedent as a suitable methodology for considering Population effects in relation to relevant NSIP projects. The residential properties to be demolished to not form a single cluster of >30 – no single cluster exceeds the 30 houses specified in DMRB LA112 as the threshold to categorise as high sensitivity. On this basis, the Applicant has applied the DMRB LA112 as intended.</p> <p>The Applicant concurs with UK HSA that an elevation of the sensitivity from medium to high for the properties that are subject to demolition impacts would not materially alter the assessment findings for the Population effects. The magnitude of impact is noted as major, in accordance with Table 3.12 of DRMB LA112. A significant adverse residual effect on the residents of the properties that are to be demolished is therefore already reported in relation to the assessment of effects for the Population sub-topic (Table 13-58 of Environmental Statement Chapter 13: Population and Human Health [APP-072]). Mitigation is not possible for this impact and compensation is required.</p> <p>The potential for impacts from demolition to result in adverse human health outcomes, including adverse effects on mental health and wellbeing is reflected within the Human Health assessment. Residents of properties subject to demolition are assigned a 'high' sensitivity to change for the assessment of this sub-topic (Table 13-47 and assessment table at p279 of Environmental Statement Chapter 13: Population and Human Health [APP-072]). Significant</p> |

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| | | <p>adverse residual effects from demolition impacts are identified for these sub-populations and the wider population (rural context), which includes people with protected characteristics (not drawn out on a separate basis) and embraces both those directly affected by the demolition, as well as those indirectly affected who will remain within the study area. This is reported in the Environmental Statement Chapter 13: Population and Human Health [APP-072], including at Table 13-47, paragraphs 13.15.16, 13.15.17 and summarised at Table 13-59.</p> <p>The Applicant considers the compensation process, which forms part of the Compulsory purchase process, to sit outwith the environmental actions and commitments that respond to the environmental impact assessment process. Notwithstanding this, the Register of Environmental Actions and Commitments (REAC) [APP-137] sets out (amongst other matters) measures that are intended to provide enhanced support to affected residents to adapt to the changes arising from the Scheme. Relevant measures include PHH3, PHH4, PHH9, PHH11.</p> <p>Measure PHH9 sets out the minimum parameters for the work of the Public Liaison Officer (PLO), which includes the need for communication methods used to <i>'seek to meet the inclusivity/accessibility needs of each stakeholder'</i>. This reinforces requirements of the Community Engagement Plan secured by measure PHH4, which prescribes the minimum expectations on the contractor regarding interaction with persons within the communities affected by the Scheme, including the need to ensure that the Community Engagement Plan <i>'acknowledges the differing perspectives and issues of each stakeholder.'</i></p> <p>The DLUHC guidance (Guidance on Compulsory purchase process and The Crichel Down Rules) paragraph 19, cited by UKHSA, highlights <i>'what other steps should be considered to help those affected by a compulsory purchase order.'</i> This guidance suggests considerations relating to the provision of information about the</p> |

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| | | <p>process and timetable, dedicated case managers, efficient progression through the process, agreements relating to compensation values and reasonable additional costs and expenses together with advice and assistance for relocation.</p> <p>The Applicant considers that the mitigation measures specified, particularly PHH4 and PHH9 (relating to the Community Engagement Plan and PLO) provide a framework that supports the adoption of approaches that align to best practice, including the DLUHC guidance (where it would apply). The detail of the activities will be set out in the CEP later in the implementation process. The approach is intentionally flexible such that it can respond to individual circumstances in order to offer the most appropriate support available in the interests of reducing adverse mental health and wellbeing effects.</p> |
| 43.3 | <p>It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF). We request that the ES clarifies this and if necessary, the proposer should confirm either that the proposed development does not impact any receptors from potential sources of EMF; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES.</p> | <p>Section 4.4 'Scoping' of the Chapter 4 Environmental Assessment Methodology (APP-063) covers the consideration of the assessment of Electric and Magnetic Fields (EMF).</p> <p>It is considered that the Scheme will not create new sources of EMF that could give rise to potential health impacts and does not impact any receptors from potential sources of EMF that could be hazardous to human health. EMF has therefore been scoped out of the assessment. Further consideration and reasoning can be found in paragraphs 4.4.4 – 4.4.8.</p> |
| | <p>We can confirm that we have registered an interest on the Planning Inspectorate Website. Please do not hesitate to contact us if you have any questions or concerns.</p> | |

RR-044 Wales and West Midlands Utilities Limited

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| 44.1 | Wales & West Utilities are seeking to agree protective provisions with the developer. These are not yet agreed and Wales & West wish to register as an interested party to be kept informed of the application progress and to be able to submit representations if required. | <p>Thank you for registering as an interested party and for your submission.</p> <p>The Applicant has reviewed your submission and have noted that you are seeking to agree bespoke protective provisions separate to those draft protective provisions that are provided in Schedule 9 Part 1 for the Protection of Electricity, Gas and Water (APP-031). Steps to agree these draft protective provisions are ongoing and an update on discussions is provide in the Land Rights Tracker (Application document APP/010063/9.29) submitted at Deadline.</p> |

AtkinsRéalis

5th Floor, Block 5
Shire Hall
Bearland
Gloucester
GL1 2TH

Tel: +44 (0) 8000 514 514