

# M5 Junction 10 Improvements Scheme

Statement of Common Ground  
Historic England  
TR010063 - APP 8.6

Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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# Infrastructure Planning Planning Act 2008

## The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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

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#### 8.6 Statement of Common Ground Historic England

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Rev 0	December 2023	DCO Application
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**STATEMENT OF COMMON GROUND**

This Statement of Common Ground has been prepared agreed by (1) Gloucestershire County Council and (2) Historic England.

Signed

On behalf of Gloucestershire County Council

Date:

Signed

On behalf of the Historic England

Date:

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# Glossary

Term	Meaning / Definition
(The) Act	The Planning Act 2008 (as amended)
(The) Applicant	Gloucestershire County Council (Strategic Development team) applying for the DCO
Biodiversity Net Gain (BNG)	Biodiversity Net Gain delivers measurable improvements for Biodiversity by creating or enhancing habitats in association with development
Carter Jonas (CJ)	Land referencing consultant working on behalf of the Applicant
Cheltenham Borough Council (CBC)	CBC is the local planning authority for Cheltenham Borough, and is a statutory consultee for the scheme, as defined under section 42(1)(b) and section 43(b) of the Act
Development Consent Order (DCO)	The consent for the construction, operation and maintenance of Nationally Significant Infrastructure Projects (NSIP) given by the relevant Secretary of State on the recommendation of the Planning Inspectorate under the Planning Act 2008 (as amended)
Environment Agency (EA)	A non-departmental public body with responsibilities relating to the protection and enhancement of the environment in England
Environmental Impact Assessment (EIA)	A process of evaluating the likely environmental impacts of a proposed development, including inter-related socioeconomic, cultural and human health impacts, both beneficial and adverse
Environmental Statement (ES)	Reports the findings of the EIA, including at least the information reasonably required to assess the likely significant environmental effects of the development
Examining Authority (ExA)	The person(s) appointed by the Secretary of State (SoS) to assess the DCO application and make a recommendation to the SoS
Flood Risk Assessment (FRA)	An assessment of the likelihood of flooding in a particular area so that development needs, and mitigation measures can be considered
Gloucestershire County Council (GCC)	Gloucestershire County Council. It is therefore a statutory consultee for the Scheme, as defined under section 42(1)(b) and section 43(c) of the Planning Act 2008 ("the Act"). GCC is the local highway authority in Gloucestershire and is the Minerals and Waste Planning Authority (MWPA) for Gloucestershire. GCC also has statutory duties in relation to drainage, flood risk, and heritage assets and archaeology
Historic England	Publicly funded body that champions and protects England's historic places, also known as the Historic Buildings and Monuments Commission for England
Host Authority	The local authority, within which the Scheme would be situated, In this case, Cheltenham Borough Council, Gloucestershire County Council and Tewkesbury Borough Council
Local Planning Authority (LPA)	The county council, metropolitan, or district council, which has statutory responsibilities within its administrative areas
Nationally Significant Infrastructure Project (NSIP)	A project of a type and scale defined under the Planning Act 2008 and by Order of the Secretary of State (SoS) relating to energy, transport, water, wastewater and waste generally. These projects require a single development consent, which includes consents

Term	Meaning / Definition
	under different regimes, such as planning permission, listed building consent and scheduled monument consent”
Natural England (NE)	Executive non-departmental public body responsible for the natural environment
Planning Inspectorate (PINS)	The Government Agency responsible for operating the planning process for NSIPs. The Planning Inspectorate is responsible for examining DCO applications and making recommendations to the relevant SoS, who will make the decision on whether to grant or to refuse development consent. The SoS for Transport takes the decision on applications for highway NSIPs
Preferred Route Announcement	Designation of a proposed option as a ‘preferred route’ by the Department for Transport and provides a form of planning protection from development of land in the vicinity of the M5 Junction 10 improvement scheme
Statement of Community Consultation (SoCC)	Prepared in accordance with Section 47 of the Planning Act 2008, to inform, explain and communicate how the consultation will be undertaken
(the) Scheme	The proposed M5 Junction 10 improvements development which is the subject of a DCO application
Tewkesbury Borough Council (TBC)	Tewkesbury Borough Council is the local planning authority for Tewkesbury Borough and a statutory consultee for the Scheme, as defined under section 42(1)(b) and section 43(b) of the Act
Water Framework directive	The Water Framework Directive (2000/60/EC) which established a framework for European Community action in the field of water policy

# 1. Introduction

- 1.1.1. This Statement of Common Ground (SoCG) has been prepared in respect of the application for the M5 Junction 10 Improvements Scheme (“the Scheme”) made by Gloucestershire County Council (GCC) (the Applicant) to the Secretary of State for a Development Consent Order (DCO) under section 37 of the Planning Act 2008.
- 1.1.2. If made, the DCO would grant consent for the construction of improvement works to M5 Junction 10, consisting of a new all-movements junction; the widening of the A4019 east of the junction to the Gallagher Retail Park Junction; and a new link road from the A4019 to the B4634. A small section of the A4019 will also be widened to the west of the proposed junction.

## 1.2. Purpose of this Document

- 1.2.1. This document is a Statement of Common Ground (SoCG) between GCC (the Applicant) and Historic England in relation to the Scheme.
- 1.2.2. The document identifies the following between the parties:
- Matters which have been agreed; and
  - Matters currently outstanding (subject to negotiation or not agreed).
- 1.2.3. The matters which are referenced in this document are that which are considered to be of material difference. Other lesser matters, such as those that concern amendments to supporting documents, are reported on in the Consultation Report or addressed in the Environmental Statement (ES), submitted as part of the Development Consent Order (DCO) application.
- 1.2.4. The SoCG will continue to evolve as the application for development consent progresses through the pre-application and Examination stages.

## 1.3. Structure of Statement of Common Ground

- 1.3.1. The SoCG has been structured in a generally consistent form and sets out the matters which are agreed, the matters subject to further discussion and those matters which are not agreed. The SoCG has been tailored according to the approach agreed with the interested party concerned.
- 1.3.2. The SoCG has the following structure:
- Section 1: Introduces the SoCG and provides a description of its purpose;
  - Section 2: Outlines the engagement that has taken place with the interested party; and
  - Section 3: sets out the topics included in this SoCG - topics struck through have had no matters raised throughout engagement with Historic England as not relevant to their statutory function.
  - Sections 4 and 5 set out any issues that have arisen, reporting on the status of each issue, i.e., whether it is agreed (Table 4.1), still under discussion or not agreed (Table 5.1), and any remaining actions.
- 1.3.3. Where relevant, documents that are referenced in the SoCG but do not form part of the application are available to the Examining Authority (ExA) upon request.



## 1.4. Status of this SoCG

- 1.4.1. This SoCG is a correct reflection of the position of both parties at Deadline 1 submission on 18 June 2024..
- 1.4.2. It is acknowledged that the views and opinions of both parties may change over time and as such this SoCG will continue to evolve as the application for development consent progresses through the Examination Stage.

## 2. Consultation

### 2.1. The Role of Gloucestershire County Council

2.1.1. In this SOCG, Gloucestershire County Council (GCC) is the Applicant for the M5 Junction 10 Improvements Scheme, and this is separate and independent from the other functions and statutory duties carried out by the Council. As Applicant, GCC are promoting and delivering the Scheme with support of the rest of the Council, other Local Planning Authorities, National Highways and Homes England. This is to be recorded in separate SOCGs with the other parties.

### 2.2. The Role of Historic England

2.2.1. Historic England was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983. The general duties of Historic England under Section 33 are as follows: so far as practicable:

- To secure the preservation of ancient monuments and historic buildings situated in England;
- To promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and
- To promote the public's enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation.

2.2.2. Historic England is a statutory consultee providing advice to local planning authorities on certain categories of applications for planning permission and listed building consent and is also a statutory consultee on all Nationally Significant Infrastructure Projects (NSIP), where likely to affect land in England. Similarly, Historic England advises the Secretary of State on those applications, subsequent appeals and on other matters generally affecting the historic environment. It is the lead body for the heritage sector and is the Government's principal advisor on the historic environment.

### 2.3. Summary of consultation

2.3.1. GCC has been in consultation with Historic England during the development of the Scheme's design, including the optioneering process consultation, through preliminary design, pre-application stage, post DCO acceptance stage, and into the Examination. The parties have continued communicating throughout the progression of the Scheme.

2.3.2. The engagement outlined in Table 2-1 covers formal consultation with Historic England and engagement which pertains to matters raised in this SoCG. Other exchanges, such as requests for information or clarification points are not detailed below but are available on request.

2.3.3. The consultation with Historic England to date is set out in Table 2-1.

Table 2-1 - Consultation with Historic England

Date	Method	Parties Concerned	Matters Discussed
16/06/2021	Email	Historic England	Notifications of M5 Junction 10 Improvements Scheme preferred route announcement
04/08/2021	Email	Historic England / Atkins Environment	Atkins Environment lead provided updated Scheme stating the project is an NSIP and

Date	Method	Parties Concerned	Matters Discussed
		Lead	DCO submission is due to be made in Autumn 2022.
13/10/2021	Email	Historic England	Historic England consulted to confirm their postal address for USB delivery of consultation documents. Historic England officer replied confirming the address.
06/12/2021	Letter	Historic England	USB sent to Historic England address along with formal notification of the start of Statutory consultation.
20/01/2022	Email	Historic England	Reminder email to send consultation response.
14/02/2022	Email	Historic England	Consultation representation received.
12/05/2022	Email	Historic England	Formal response provided for Historic England's feedback on Statutory Consultation.
13/05/2022	Teams call	Historic England / Atkins Heritage	Atkins Heritage consultant and Historic England officer discussed the potential impacts of the Scheme on the Scheduled moated site (and associated listed buildings) and the listed buildings at Uckington.
16/06/2022	Email	Historic England / Atkins Heritage	Atkins heritage consultant sent Historic England officer an update on key points following her chat about the Scheme and its potential impacts to the Scheduled moated site (and associated listed buildings) and the listed buildings at Uckington.
05/09/2022	Email	Historic England	Consultation representation received.
08/11/2022	Teams call	Historic England / Atkins Heritage / Atkins Planning	Atkins planning consultants and heritage consultants provided the Historic England officer with an update on the Scheme design and the mitigation measures currently in place. This focused mainly on the Scheduled moated site (and associated listed buildings) and the listed buildings at Uckington.
16/05/2023	Email	Historic England	Atkins document control team provided Historic England with some relevant draft DCO deliverables as part of a round of targeted consultation to key stakeholders.
30/05/2023	Letter	Historic England	Consultation representation received.
14/07/2023	Email	Historic England	Atkins planning team provided Historic England with some relevant draft DCO deliverables for review.
04/08/2023	Email	Historic England	Consultation representation received.
07/09/2023	Teams call	Historic England / Atkins Heritage / Atkins Planning	Having provided Historic England with the relevant draft submission documents, Atkins provided responses to comments made by Historic England. Some matters

Date	Method	Parties Concerned	Matters Discussed
			were then able to be agreed upon because of this.
29.05.2024	Teams call	Historic England / AtkinsRéalis Heritage / Atkins Planning	Meeting to discuss the remaining outstanding matters on the SoCG.
31.05.2024	Email	Historic England / AtkinsRéalis Heritage / Atkins Planning	Historic England outlining comments on the Archaeological Management Plan (AMP) (AS-038) submitted by the Applicant and on the draft DCO schedules and articles (AS-003) to be included in the SoCG.

## 3. Topics covered in this SoCG

3.1.1. The following table is a summary of the topics which are considered within this SoCG.

3.1.2. Topics struck through have had no matters raised throughout engagement with Historic England as not relevant to their statutory function.

Table 3-1 – Summary of topics covered within this SoCG

Overarching Topic	Topic Number	Topic
Background	1.	Principle of Development
	2.	Consultation
Relevant ES Chapter	3.	Assessment of Alternatives
	4.	Environmental Impact Assessment Methodology
	5.	Air Quality
	6.	Cultural Heritage
	7.	Landscape
	8.	Biodiversity
	9.	Geology and Soils
	10.	Material Assets and Waste
	11.	Noise and Vibration
	12.	Population and Human Health
	13.	Road Drainage and Water Environment
	14.	Climate
	15.	Assessment of Cumulative Effects
Other Topics	16.	Engineering Design
	17.	Draft Development Consent Order
	18.	Land
	19.	Environmental Management Plan
	20.	Construction Traffic Management Plan

## 4. Matters Agreed

4.1.1. Table 4-1 shows those matters which have been agreed, including the matter reference number, and the date and method by which it was agreed. Topics struck through have had no matters raised throughout engagement with Historic England as not relevant to their statutory function.

Table 4-1 – Matters agreed between the Applicant and Historic England

Matter Topic and Reference Number	Position	Date and method of Agreement
1. Principle of Development		
2. Statutory Consultation		
2.1	Historic England agrees that they will not be providing detailed comments on the assessment of non-designated archaeological remains as this falls under the statutory function of Gloucestershire County archaeological advisors.	29 May 2024 – agreed via teams meeting
3. Consideration of Alternatives		
4. Environmental Impact Assessment Methodology		
4.1	Historic England reviewed the PEIR and considered that there was not enough information to provide a clear understanding of the nature and full extent of the potential impacts on the historic environment as required either by the EIA regulations, National Planning Statements, or the National Planning Policy Framework. Further information has been provided as part of the Environmental Statement (ES) submitted with the DCO application in December 2023, including an assessment of the potential impacts to the Scheduled Monument and Listed Buildings at Moat House. Historic England have reviewed the ES and have no further comments and therefore this matter is closed.	07 September 2023 – agreed via Teams meeting
4.2	Historic England stated that, in their view, proportional and refined information is necessary to understand the impacts upon designated heritage assets in their landscape setting. The level of carefully considered information required is proportional to the issues identified in relation to the Scheme, and directly related to the need to assess the overall sustainability of the development.	07 September 2023 – agreed via Teams meeting

Matter Topic and Reference Number	Position	Date and method of Agreement
	<p>Setting assessments for designated heritage assets have been conducted and are reported on in the ES submitted with the DCO Application in December 2023. Results of the setting assessments have also been provided to the Landscape and Design teams to recommend embedded mitigation for the design. Historic England agreed that the setting of assets have been addressed in the ES and therefore this matter is closed.</p>	
4.3	<p>Historic England advised that a number of considerations would need to be taken into account when proposals of this nature are being assessed. This included:</p> <ul style="list-style-type: none"> <li>• consideration of the impact of ancillary infrastructure and development, including local link roads and drainage proposals;</li> <li>• The potential impact upon the landscape, especially if a site falls within an area of historic landscape.</li> <li>• Direct impacts on historic/archaeological fabric (buildings, sites or areas), whether statutorily protected or not. All grades of listed buildings should be identified.</li> <li>• Other impacts, particularly the setting of listed buildings, scheduled monuments, registered parks and gardens, conservation areas etc, including long views and any specific designed views and vistas within historic designed landscapes.</li> <li>• In some cases, intervisibility between historic sites may be a significant issue;</li> <li>• The potential for buried archaeological remains;</li> <li>• Effects on landscape amenity from public and private land;</li> <li>• Cumulative impacts.</li> </ul> <p>All of these elements have been considered in the development of the study area and impact assessments and have been addressed in the submitted ES with the DCO application and therefore this matter is closed.</p>	07 September 2023 – agreed via Teams meeting
4.4	<p>Historic England agrees that the Applicant has described the significance of any heritage assets affected, including any contribution made by their setting. The level of detail is proportionate to the asset’s importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The relevant Historic Environment Record has been consulted and the heritage assets assessed using appropriate expertise.</p> <p>The Applicant has provided an appropriate desk-based assessment within the ES and sufficient field evaluations to assess the value (sensitivity) and impact to buried archaeological remains associated with the proposed Link Road. In addition, Historic England has agreed that the draft Archaeological Management Plan (AMP) (AS-038) provides the</p>	29 May 2024 – agreed via Teams meeting

Matter Topic and Reference Number	Position	Date and method of Agreement
	mechanism by which additional surveys and evaluations will take place to meet the requirements of the NPSNN. This matter was agreed as resolved at meeting on 29 May 2024.	
5- Air Quality		
6. Cultural Heritage		
6.1	<p>Historic England stated that the addition of a new track for the farm just to the south of the A4019, and off Moat Lane, may impact on the setting of Uckington Moat.</p> <p>Following targeted consultation in May 2023, Historic England responded, stating that they consider there will be no impact on the significance of the highly designated heritage asset - Uckington Moated Site Scheduled Monument (Moat House moated site, Mon. No. 32340, NHLE 1016835). Historic England have no comments to make on this proposed design change and therefore this matter is closed.</p>	30 May 2023 – agreed via letter to GCC
6.2	<p>Historic England stated the road improvements can be made with minimal harm to the Scheduled Monument provided the semi-isolated and set-back positioning of the monument from the road is maintained, so that the improvements do not cause the road to become a dominant feature from Scheduled Monument. Lighting should be only what is required for safety and the new junction between the A4019, and Moat Lane/The Green should not be obviously visible from the Scheduled Monument, particularly at the entrance near the listed gate houses.</p> <p>The Applicant explained that the lighting design seeks to minimise obtrusive light pollution but will provide light at locations which are not currently lit at night within the study area. This matter was agreed as resolved at meeting on 07.09.23.</p>	07 September 2023 – agreed via Teams meeting
6.3	<p>Historic England agree that the impact and effect, once all the embedded mitigation is completed is slight adverse and not significant. There is some harm caused to the Scheduled Monument through the increase in traffic and road infrastructure (especially lighting) closer to the monument. This is partially mitigated through planting, landscaping and reduced lighting for ecology reasons. The impact is therefore equivalent to less than substantial harm in NPPF terms. This matter was agreed as resolved at meeting on 07.09.23.</p>	07 September 2023 – agreed via Teams meeting
6.4	<p>Historic England agreed that the settings of the moated site and its listed buildings have been modestly compromised due to the plantings surrounding the site, which limit the views to and from the wider landscape, which somewhat limits the ability of the moated site to feel connected to the village of Uckington, which was likely to have been a more significant connection in the past. This matter was agreed as resolved at meeting on 07.09.23.</p>	07 September 2023 – agreed via Teams meeting



Matter Topic and Reference Number	Position	Date and method of Agreement
6.5	<p>Historic England stated that even with the trees planted to provide a screen to/from the moated site and its listed buildings, the fields surrounding the Scheduled Monument contribute to the setting of the asset though continued agricultural and communal use. This is particularly clear to the south and east of the monument, connecting Moat Cottage with the Scheduled Monument. The Scheduled Monument and its listed buildings should be considered an important aspect to the setting of Moat Cottage.</p> <p>It was agreed that the Scheduled Monument and Listed Buildings have been considered addressed in the submitted ES with the DCO application and therefore this matter is closed.</p>	07 September 2023 – agreed via Teams meeting
6.6	<p>Historic England have stated that they are happy overall with the impacts on archaeological remains to the north of the Moated Site. In terms of the approach to the Moat Lane Junction, if GCC as the County Authority do not have any concerns then Historic England will follow their lead in that regard. See comment 2.1 above.</p>	07 September 2023 – agreed via Teams meeting
6.7	<p>Historic England agrees that their concerns regarding the understanding of significance and setting of the following designated heritage assets have been sufficiently addressed in the ES:</p> <ul style="list-style-type: none"> <li>• Moat House moated site Scheduled Monument (Mon. No. 32340, NHLE 1016835).</li> <li>• Moat House Grade II Listed Building (NHLE 1091874)</li> <li>• Barn circa 30 metres north west of The Moat House Grade II Listed Building (NHLE 1340069)</li> <li>• Bridge and attached pair of lodges Moat House Grade II Listed Building (NHLE 1154528)</li> </ul>	29 May 2024 – agreed via Teams meeting
6.8	<p>Historic England agrees that the design of the signal-controlled junction, along with landscaping and lighting mitigation, would mitigate the impacts of the Scheme on the significance of the moated site through changes in its setting.</p>	29 May 2024 – agreed via Teams meeting
6.9	<p>Historic England recognises the need for this road improvement and has no comments to make on the works to the Junction, or the Link Road. Historic England do however have a concern regarding the widening of the A4019 and the current proposals for the widening and joining of Moat and Cook Lane as the Scheme will cause harm to the highly designated heritage asset - Uckington Moated Site-, through the urbanising of its immediate rural setting which contributes to its significance.</p> <p>The joining of Moat Lane and Cook Lane has been removed from the Scheme design, Historic England agrees that this has adequately addressed their concern.</p>	29 May 2024 – agreed via Teams meeting
6.10	<p>Historic England has concern that the water system that feeds and drains the moat, to ensure there is no loss of levels, flow or quality through the proposed works.</p>	29 May 2024 – agreed via Team meeting

Matter Topic and Reference Number	Position	Date and method of Agreement
	Historic England has agreed that the water survey conducted to ascertain the water source for the moated site has proven that the Scheme would not impact the level of water within the moat and therefore this matter is closed.	
6.11	Historic England stated further work is needed on providing suitable noise and visual screening between the new road and the Moated Site. This should be in the form of natural barriers (hedges and trees) to retain the rural character. Historic England agrees that the landscaping of the Link Road will mitigate any visual impact of that element of the Scheme on the designated heritage assets and therefore this matter is closed.	29 May 2024 – agreed via Teams meeting
6.12	To better inform the ES Cultural Heritage Chapter Historic England recommended that: <ul style="list-style-type: none"> <li>• A more thorough settings assessment of this designated heritage asset is undertaken.</li> <li>• Further work is needed on understanding the water system that feeds and drains the moat to ensure there is no loss of levels, flow or quality through the proposed works.</li> <li>• Further work is needed on providing suitable noise and visual screening between the new road and the Moated Site. This should be in the form of natural barriers (hedges and trees) to retain the rural character.</li> </ul> Historic England agrees that all relevant data sources have been consulted for the assessment of the historic environment, including historic mapping available online in the submitted ES and therefore this matter is resolved.	29 May 2024 – agreed via Teams meeting
6.13	Historic England stated that the ES needs to be clear about why on-line resources such as Know Your Place West and Heritage Gateway were not used to write a separate Desk-Based Assessment as recommended under Policy 5.127 (NPS NN). The ES also needs to state that there was a map regression and LiDAR survey undertaken but this did not provide any significant information so was not included. Historic England agrees that the relevant sources have been consulted in the ES submitted with the DCO application in December 2023 and therefore this matter is closed.	29 May 2024 – agreed via Teams meeting
6.14	Historic England stated that the Roman and Saxon summaries in the PIER do not include accurate details of the Fire Station excavation (GHER 29641). The HER record is titled Iron Age, Roman and early medieval features including inhumations, wooden structures, a well, ditches, pits and post holes. They found Iron Age, Roman and Saxon occupation with pits with preserved waterlogged wood in them and some burials. The HER is clear this find was potentially of National Significance. Historic England agrees that the ES submitted with the DCO application (APP-070) has addressed concerns regarding the asset GHER29641 and noted the discrepancy of the HER.	29 May 2024 – agreed via Teams meeting

Matter Topic and Reference Number	Position	Date and method of Agreement
6.15	<p>Historic England is concerned that construction activities may also impact the setting of heritage assets, but these will be temporary and can be managed through noise and access arrangements. It does not state the level of harm and impact that will be caused.</p> <p>The Applicant outlined that impacts to Landscape and Visual amenities are assessed differently than impacts to heritage significance. The assessment of the contribution of setting to the significance of Moat House and its associated assets did not identify any significant impacts to setting in a way that would have a negative effect on the assets' historic significance.</p> <p>Historic England agrees that the ES submitted with the DCO application (APP-070) addresses changes in setting and impacts to heritage assets and recognises the distinction between how LVIA assesses impacts to receptors compared to the assessment of impacts to heritage significance.</p>	29 May 2024 – agreed via Teams meeting
6.16	<p>Historic England had some concerns that the Archaeological Management Plan (AMP) will not be submitted as part of the DCO. Though it is noted there may be a draft produced during the examination. Without an AMP it will mean that at DCO submission the full extent and nature of archaeological works that will be needed will not be known.</p> <p>Following a review of the draft AMP included in the DCO application (AS-038), Historic England is satisfied with the provisions of the AMP and the process for ensuring its implementation.</p>	29 May 2024 – agreed via Teams meeting
6.18	<p>Historic England noted that as there is a more harmful impact during construction on the heritage assets and properties along Moat Lane and queried the level of mitigation proposed. Historic England recognises that as no impacts were identified to the heritage significance of the assets in question during the temporary construction works, the Applicant has not made recommendations for mitigation of these works. The Applicant confirmed that no compound would be sited near the Moat House assets, thus further minimising potential impacts. This matter was agreed as resolved at the meeting on 29 May 2024.</p>	29 May 2024 – agreed via Teams meeting
6.17	<p>Historic England agree that the harm overall to the heritage assets is less than substantial. However, any harm to a highly designated heritage asset (which a scheduled monument is) has to have clear and convincing justification or public benefits to outweigh that harm.</p> <p>The key Scheme benefits which outweigh this harm can be seen with the Scheme bringing forward three major site allocations/safeguarded land in proximity to Cheltenham, fostering economic growth and facilitating jobs. The Scheme will also enhance the transport network to be future-proofed, meeting current and future needs. Historic England agrees that the Scheme will have public benefits outweighing the limited harm to designated heritage assets. This matter was agreed as resolved at the meeting on 29 May 2024.</p>	29 May 2024 – agreed via Teams meeting

Matter Topic and Reference Number	Position	Date and method of Agreement
6.18	<p>Historic England agreed that cumulative impacts from the combination of the M5 Junction 10 Scheme and the North West Cheltenham housing developments are expected to impact the significance of the Scheduled Monument through changes in setting, but the harm can be mitigated through careful design that protects a buffer around the Scheduled Monument and preventing dominating architecture or lighting from detracting from the semi-isolated feeling of the Scheduled Monument or the village setting of Uckington. The outline application for the development east of Uckington has done this through the siting of the playing fields and allotments, on the boundaries with Uckington and the A4019, to limit the sense of suburban dominance. A similar approach would be appropriate for the safeguarded land between Uckington and the M5.</p> <p>The Scheme design between M5 Junction 10 and Uckington includes proposed banks and ditches sown with wet grassland. Native species hedgerow will also be provided, ensuring that impacts to the Scheduled Monument are minimised and a buffer is provided from the A4019.</p> <p>Historic England agrees that the design, including landscaping, will mitigate the impacts of the Scheme and minimise the cumulative effects of the Scheme in combination with other developments proposed in the area. Historic England accepts that the Scheme cannot implement required mitigation on developments unrelated to the DCO application. This matter was agreed as resolved at the meeting on 29 May 2024.</p>	29 May 2024 – agreed via Teams meeting
7. Landscape		
7.1	<p>Historic England had commented that the LVIA chapter of the ES (Chapter 9) reported that during construction the properties along Moat Lane will have a Major Adverse Effect with Moderate Adverse Significance due to the removal of vegetation, demolition, construction as well as site compounds and soil storage areas . More specifically for Moat Lane would be the closeness to works and consequent intrusion on views . Atkins responded that the LVIA is assessed using different criteria to the Heritage assessment. It is noted that our assessments of significance and setting suggest that there will be no impact on the heritage values (significance/ sensitivity) of the designated assets. If there is an impact on landscape and visual character, that would be for the LVIA team to address. This matter was agreed as resolved at the meeting on 7 September 2023.</p>	07 September 2023 – agreed via Teams meeting
7.2	<p>Historic England has concerns that the works at Moat Lane Junction will result in the industrialisation, the urbanisation and the opening up of the junction. The works will result in a longer journey to the more rural environs to the south of Moat Lane. Work should be done to look into implementing mitigation measures such as trees, wood pasture and landscape mitigation.</p> <p>Historic England agrees that the ES submitted with the DCO application in December 2023 provides a recommendation for careful consideration to be given to protecting the semi-rural nature of the properties on either side of the A4019 near the junction with The Green/ Moat Lane. By protecting these land parcels, there is less risk for heritage assets at</p>	29 May 2024 – agreed via Teams meeting

Matter Topic and Reference Number	Position	Date and method of Agreement
	<p>Uckington and Moat House to become isolated from their wider settings and unable to express their historic significance at the level that now exists. The design has responded to this through the provision of species-rich grassland to the south of the A4019 and grassland with bulbs to the north of the A4019. Three individual trees are also proposed to the north of the A4019 to the west of The Green. This matter was agreed as resolved at the meeting on 29 May 2024.</p>	
8.	Biodiversity	
9.	Geology and Soils	
10.	Material Assets and Waste	
11.	Noise and Vibrations	
12.	Population and Human Health	
13.	Road and Drainage	
13.1	<p>Historic England commented that water quality within the moated site is of concern and how or if the proposed works will impact on that through changes in the water table or run-off from the road. The moat is fed from a spring and there is a series of channels and waterways that feed and drain the site. A better understanding of how this works will be needed to ensure that the proposed works do not affect this and cause a reduction of waterflow or contaminates the water. Either of which would cause harm to the significance of the archaeological interest of the site.</p> <p>See point 6.10 above; A site survey has been undertaken by the Applicant's groundwater team. The initial assessment from the survey undertaken is that the spring feeding the moat is a locally fed spring that is highly unlikely to be affected by the design of the Scheme. Mitigation to avoid dewatering issues during construction is set out in the REAC (AS-027). Water for construction activities will not be sourced from groundwater supply in this area for example.</p> <p>Historic England agrees that the Scheme as designed would not cause any change to the source of the water for the Moat. This matter was agreed as resolved at the meeting on 29 May 2024.</p>	<p>29 May 2024 – agreed via Teams meeting.</p>
14.	Climate	
15.	Assessment of Cumulative Effects	
16.	Engineering Design	

Matter Topic and Reference Number	Position	Date and method of Agreement
16.1	Historic England agrees that the removal of the new link between Cooks Lane and Moat Lane and the passing bays on Moat Lane will remove the impact to the Moated site. Historic England further agrees that the ES has adequately addressed the assessment of setting and significance with regards to designated heritage assets. This matter was agreed as resolved at the meeting on 29 May 2024.	29 May 2024 – agreed via Teams meeting
17. <del>Draft Development Consent Order</del>		
18. Land		
19. Environmental Management Plan		
19.1	A 1 <sup>st</sup> iteration AMP has been submitted with the DCO application (APP038), as part of the EMP (AS-025)-. Historic England agrees that the REAC and EMP, which is secured through adherence by the Contractor through Requirement 3 of the DCO (AS-003) will ensure the development of appropriate measure to mitigate the impact of the Scheme on designated heritage assets. Historic England understands that they will continue to be a consulting party in the further development of the AMP (through Requirement 3 and 9 of the DCO) and any associate Project Designs (Written Schemes of Investigation).	29 May 2024 – agreed via Teams meeting
20. Construction Traffic Management Plan		

## 5. Matters Outstanding

### 5.1. Matters outstanding

5.1.1. Table 5-1 shows those matters that are outstanding between the parties, including that matters reference number, and the date of the latest position. Topics struck through have had no matters raised through out engagement with the Historic England as not relevant to their statutory function.

Table 5-1 - Matters outstanding between the Applicant and Historic England

Matter topic and Reference Number	Position of Interested Party	Applicant response	Matters outstanding
1. <del>Principle of Development</del>			
2. <del>Statutory Consultation</del>			
	No matters outstanding.		
3. <del>Consideration of Alternatives</del>			
4. <del>Environmental Impact Assessment Methodology</del>			
	No matters outstanding		
5. <del>Air Quality</del>			
6. Cultural Heritage			
6.1.	The Applicant should also look at opportunities to enhance or better reveal significance of heritage assets through the new development.  Historic England recognises the need for this road improvement and has no	Opportunities to enhance or better reveal the significance of heritage assets have been considered as part of the development of the mitigation measures developed for the Scheme and in an iterative way as part of the Archaeological Management Plan.	29.05.2024 – Matters outstanding as opportunities outside the scope of the DCO process. It was discussed that opportunities could be considered through

Matter topic and Reference Number	Position of Interested Party	Applicant response	Matters outstanding
	<p>comments to make on the works to the Junction, or the Link Road. Historic England do however have a concern regarding the widening of the A4019 and the current proposals for the widening and joining of Moat and Cook Lane. This is because they feel that this will cause harm to the highly designated heritage asset - Uckington Moated Site-, through the urbanising of its immediate rural setting which contributes to its significance.</p>	<p>The new link proposed between Cooks Lane and Moat Lane, and the creation of passing bays along Moat Lane was not included in the design submitted with the DCO application.</p>	<p>other initiatives such as designated funds.</p>
6.2.	<p>Historic England have some concerns that the Archaeological Management Plan will not be submitted as part of the DCO. Though it is noted there may be a draft produced during the examination. Without an AMP it will mean that at DCO submission the full extent and nature of archaeological works that will be needed will not be known.</p>	<p>1<sup>st</sup> Iteration AMP (AS-070) has been prepared and submitted to the ExA at the S51 submission on 22 March. Historic England have reviewed and request amendments to the 2<sup>nd</sup> iteration of the AMP.</p>	<p>Matter is outstanding until Historic England reviews 2<sup>nd</sup> and 3<sup>rd</sup> iteration of the EMP and AMP.</p>
7. Landscape			
	No matters outstanding		
8. Biodiversity			
9. Geology and Soils			
10. Material Assets and Waste			
11. Noise and Vibrations			



Matter topic and Reference Number	Position of Interested Party	Applicant response	Matters outstanding
12. Population and Human Health			
13. Road and Drainage			
14. Climate			
15. Assessment of Cumulative Effects			
16. Engineering Design			
17. Draft Development Consent Order.			
17.1	Within requirement 9 of the DCO Historic England request that after 'in consultation with the County Archaeologist' in consultation with Historic England where required is added. This ensures Historic England can provide advice to the County where needed on scientific matters and potentially nationally significant archaeological finds.	The Applicant can confirm that this request will be included as consultee in Requirement 9 when the updated DCO is submitted to the ExA.	Matter is outstanding until Historic England review the updated DCO. Meeting 29.05.24 via Teams
17.2	Need to check that the DCO wording does not contradict the Burial Licence and archaeological remains guidance. Article 38 of the DCO only refers to burials over 100 years old and does not refer to Archaeological remains. Does Article 38 mean the archaeologists do not have to apply for a burial licence? Not clear if Article 38 covers this.	A response will be provided to Historic England.	Matter is outstanding until Historic England review the updated DCO. Meeting 29.05.24 via Teams

Matter topic and Reference Number	Position of Interested Party	Applicant response	Matters outstanding
18. Land			
19. Environmental Management Plan			
19.1.	<p>For other DCOs I have dealt with, for linear schemes, we have agreed an Overarching WSI and/or an Archaeological Mitigation Strategy in draft prior to the submission of the DCO. This allows the applicant and statutory bodies to be clear about the level and location of any archaeological interventions needed post DCO and pre-construction. This can then have an impact on timescales for the start of construction depending on the extent of works needed.</p> <p>This is particularly relevant for this DCO as only the link road has been investigated with geophysics and trial trenching. Other areas within the DCO red line, that are off the live road corridor, could have been investigated to inform the DCO. Especially areas for compounds, attenuation ponds, etc.</p>	<p>1<sup>st</sup> Iteration AMP (AS-070) has been prepared and submitted to the ExA at the S51 submission on 22 March. Historic England have reviewed and request amendments to the 2<sup>nd</sup> iteration of the AMP. Terminology, usage and sequencing of EMPs to be considered in 2<sup>nd</sup> and 3<sup>rd</sup> iterations.</p> <p>The contractor has appointed an archaeological contractor and are undertaking geophysical surveys to inform the need for trial trenching, discussions had with GCC county archaeologist and discussions are ongoing.</p>	<p>Matter is outstanding until Historic England reviews 2<sup>nd</sup> and 3<sup>rd</sup> iteration of the EMP and AMP.</p>
20. Construction Traffic Management Plan			

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