

National Highways Limited Written Representation: TR010063

Written Representation submitted by National Highways Limited

IP ID: 20047703

Application by Gloucestershire County Council for an Order granting Development Consent for the M5 Junction 10

Improvement Scheme

Planning Inspectorate Reference Number: TR010063

1 Introduction

- 1.1 This is the Written Representation of National Highways Limited to Gloucestershire County Council's Application for development consent for the M5 Junction 10 Improvement Scheme.
- 1.2 Following the submission of National Highways' Relevant Representation, dated 22 March 2024, National Highways has continued to engage with the Applicant regarding matters raised in its Relevant Representation and to establish an agreed Statement of Common Ground (SoCG) that reflects the current status of agreement between both parties. National Highways has also continued to engage with the Applicant to agree a set of Protective Provisions that are acceptable to National Highways.
- 1.3 Due to the strategic importance of the Applicant's proposals on the Strategic Road Network ("**SRN**"), National Highways introduced a robust Relevant Representation which outlined National Highways' position in respect to the Applicant's proposals and should therefore act as the primary point of reference. However, this Written Representation has been prepared to highlight any new matters which should be read in conjunction with the Relevant Representation and to address specific questions raised by the Examining Authority at Issue Specific Hearing 1 (Policy, Need and Alternatives) and Issue Specific Hearing 2 (Draft DCO – "**dDCO**"). This Written Representation should also be read in conjunction with the Principal Areas of Dispute Summary Statement ("**PADSS**") that National Highways is submitting for Deadline 1 of the Examination.
- 1.4 National Highways is keen to resolve the concerns raised both within the Relevant Representation and this Written Representation to enable the scheme to proceed, whilst safeguarding the safe and efficient operation of the SRN in accordance with our statutory obligations.
- 1.4 Should it assist the Examining Authority, National Highways will respond to any written questions that the panel may have and is willing to attend an appropriate hearing to detail the impacts of the Authorised Development on the SRN.

2 Inconsistencies Between Schedule 1 dDCO and Statement of Reasons

- 2.1 The Examining Authority has asked National Highways to provide examples of where it considers the works packages described in Schedule 1 of the draft DCO differ from, or are inconsistent with, the Statement of Reasons.
- 2.2 Line 26 of the PADSS explains National Highways position in general terms but the table below sets out specific issues that have been identified as a result of National Highways' partial review of the documents. Upon identifying issues with the first four works no.s in the dDCO, National Highways did not continue to review the balance.

Work No.	DCO Schedule 1	Statement of Reasons (SoR) (not exhaustive)	Comment
1a	the construction of motorway signage and associated cabling and ducting works;	<ul style="list-style-type: none"> - Required for the construction of motorway signage and associated cabling and ducting works and associated works - Required for access to the M5 Motorway to provide and maintain advance signage, cabling, ducting and associated works 	'associated works' and 'required for access' introduced in SoR
1b	the construction of a new northbound exit slip from the M5 to the A4019	<ul style="list-style-type: none"> - Required for the construction of a new northbound exit slip from the M5 to the A4019 - New right to construct, use, protect, inspect and maintain the environmental mitigation associated with the construction of a new northbound exit slip from the M5 to the A4019 	No reference to environmental works in DCO Schedule 1 on work no.1b.

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1c	the construction of a new southbound exit slip from the M5 to the A4019	<ul style="list-style-type: none"> - Required for the construction of a new southbound exit slip from the M5 to the A4019 - New right for the temporary access for the construction of a new southbound exit slip from the M5 to the A4019 and new permanent right of access to provide, protect, inspect and maintain environmental and ecological mitigation 	<p>Given the above it is unclear if the environmental works are associated with this work no. or not.</p> <p>There is also inconsistency between the rights expressed in the second bullet point for the southbound slip, compared to the northbound slip (above). There does not appear to be any reason for this difference.</p>
1d	the construction of a new southbound entry slip from the A4019 to the M5	<ul style="list-style-type: none"> - Required for the construction of a new southbound entry slip from the A4019 to the M5 - Required for the demolition and clearance of properties at Withybridge Gardens southeast of Junction 10 - New right to construct, use, protect, inspect and maintain the environmental mitigation associated with the construction of a new southbound entry slip from the A4019 to the M5 	<p>Introduction of demolition and clearance works in the SoR.</p> <p>Introduction of environmental mitigation. This drafting does match that included for the southbound exit slip.</p>

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2.3 National Highways Relevant Representation also contains examples of where the Land Plans appear to be inconsistent with the works nos in Schedule 1. Whilst National Highways is engaged in discussions with the Applicant about their approach to land take and compulsory acquisition powers generally, a holistic review of the Works Nos, SoR, Works Plans and Land Plans is needed by the Applicant to identify and address all the inconsistencies and inaccuracies.

3. Policy Considerations Arising from NPSNN 2024

3.1 The Application was accepted for Examination before the designation of the 2024 National Policy Statement, however National Highways considers the following paragraphs of the NPSNN 2024 to be relevant to the Application and considers that they be afforded weight by the Examining Authority:

3.1.1 Paragraph 4.9: “The [transport] modelling should be proportionate to the scale of the scheme and include appropriate sensitivity analysis to consider the effects of uncertainty on project impacts.” Paragraph 5.275 also states “For road and rail developments, the Applicant’s assessment should include an assessment of the transport impacts on other networks as part of the application, based on discussions with the Local Highway Authority/Local Transport Authority/Local Planning Authority.” Whilst substantively similar provisions are included in the 2015 NNNPS, the 2024 NNNPS must be considered separately and be given additional weight. Unfortunately, National Highways continues to have concerns about the modelling produced by the Applicant and is not currently in a position to confirm that it agrees that the assessments, for both construction and operation, can be relied upon.

3.1.2 Paragraph 4.43: “The Applicant should be able to demonstrate that their scheme is consistent with government Road Safety policy and with the National Highways Safety Framework for the Strategic Road Network. Applicants must show that they have taken all steps that are reasonably required to minimise the risk of death and injury arising from their development”. This requirement does not appear in the 2015 NNNPS and National Highways considers it is relevant to this scheme. National

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Highways is not in a position currently to confirm whether the scheme is compliant with this paragraph, particularly in relation to the impacts potentially arising from construction.

- 3.1.3 Paragraph 5.51: “The Applicant should not just look to mitigate direct harms but should show how the project has taken advantage of opportunities to conserve and enhance biodiversity, having due regard to any relevant local nature recovery strategies and species conservation strategies.” National Highways’ position is that the Applicant has not addressed fully the opportunities to enhance biodiversity and National Highways is not currently confident that the proposals secure National Highways standards for biodiversity on the SRN.

4. National Highways Consultation Response – Elms Park

- 4.1 The Examining Authority has asked National Highways to confirm its consultation response in relation to the planning application submitted for Elms Park. The context for the question is how much new development can be supported without the need for the motorway junction improvement element of the scheme. The Applicant has referred to this quantum of development as “dead weight” in the Application documents.
- 4.2 National Highways asked for two conditions to be attached to any planning permission for Elms Park that was issued. The conditions set out the level of development that can be supported at the site before the M5 J10 improvements are delivered.
- 4.3 *“No more than 260 dwellings of the development hereby permitted shall be occupied unless or until the improvement scheme identified for M5 Junction 10, as shown on PJA drawing reference 2314-A-0100 Rev P2, titled ‘M5 junction 10 SB Off-slip Signalised Junction General Arrangement’, or an alternative scheme that provides equal or greater benefit, is completed to the written satisfaction of the Local Planning Authority (in consultation with Highways England) and is open to traffic.*

Reason: To off-set development traffic impacts at the M5 J10. To ensure the safe and efficient operation of the SRN”

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4.4 *“No more than 1,000 dwellings of the development hereby permitted shall be occupied unless or until the “M5 Junction 10 All Movements Improvement Scheme” (Housing Infrastructure Fund major improvement scheme), or an alternative scheme that provides equal or greater benefit, is completed to the written satisfaction of the Local Planning Authority (in consultation with Highways England) and is open to traffic.*

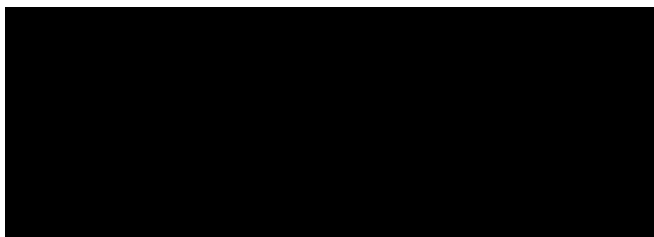
Reason: To off-set development traffic impacts at the M5 J10. To ensure the safe and efficient operation of the SRN”

4.5 National Highways has not yet provided an opinion or consultation response to the local planning authorities on any of the other allocated or safeguarded sites.

5. Other Matters

5.1 National Highways has met with the Applicant and the representatives of the joint councils (as planning authorities) to discuss resolving the dispute concerning discharge of requirements. The Applicant is providing an update to the Examining Authority on a joint basis for Deadline 1.

Yours sincerely



Colin Bird

Regional Delivery Director

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Major Projects Regional Investment Programme (South West)

National Highways Limited

17 June 2024