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Joint Councils Deadline 1 Submission

Gloucestershire County Council, Cheltenham
Borough Council, Tewkesbury Borough Council

18 June 2024

M5 JUNCTION 10 IMPROVEMENTS SCHEME DCO

**Joint Councils Written Submission of case put orally
at the Hearings held the week commencing 3 June
2024**

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Client signoff

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1. Introduction

- 1.1.1 This document summarises the submissions made orally by Gloucestershire County Council (GCC), Cheltenham Borough Council (CBC), and Tewkesbury Borough Council (TBC) (together ‘the Joint Councils’) at the Hearings held on the week commencing 3 June 2024 in relation to the GCC Major Projects Team (‘the Applicant’) M5 Junction 10 Improvements Scheme Development Consent Order (DCO) (‘the Scheme’). The Joint Councils are the three host authorities for the Scheme.
- 1.1.1.1 The Joint Councils were represented at the Hearings by John Webster (JW) – Partner at DWF Law LLP, Andrew Padden (AP) – Principal Project Manager at AtkinsRéalis for the Joint Councils’ involvement in the DCO Examination for the Scheme and Nick Bryant (NB) – Joint Councils’ representatives at TBC.

2. Open Floor Hearing 1 (OFH1)

- 2.1.1 The Joint Councils offered no comments during OFH1. Following a review of the evidence presented during OFH1, the Joint Councils have no further comments to make.

3. Issue Specific Hearing 1 (ISH1)

3.1 Agenda item 1 – Welcome, introductions and arrangements for the Hearing

- 3.1.1 No questions or comments of an introductory or preliminary nature were raised by the Joint Councils on this agenda item.

3.2 Agenda item 2 – Policy

Agenda item 2(i) – The Applicant will be asked to explain the chronology of the events that have led to the development of local policy and how this proposal has responded to policy development. The Applicant should highlight any part of the proposals which conflict with local policy or where they remain silent.

- 3.2.1 The Examining Authority (ExA) asked the Applicant to provide an overview of the chronology of local policy document and a justification of the need of the Scheme in local policies. The Applicant presented on these two matters and confirmed that there is no conflict between any component of the Scheme and the local policies.
- 3.2.2 The ExA then queried the Joint Councils on any additional comments on local policies. JW stated that the Joint Councils offered no comments on this agenda item. The Joint Councils will present the relevant Statutory Development Plans covering the Scheme and identify the relevant local policies in the Joint Councils Local Impact Report (LIR) to be submitted at Deadline 1.



Agenda item 2(vii) – The Applicant will be invited to address any issues that may arise as a consequence of the recent court judgement¹, and whether this has any implications for the Proposed Development, or the information provided to date in the ES. The Applicant will also be asked to address the recent Written Ministerial Statement of the 24 May regarding the 6th Carbon Budget².

- 3.2.3 The ExA asked the Applicant whether the recent court judgement regarding the Government’s Carbon Budget Delivery Plan and the recent Written Ministerial Statement (WMS) would have any implications for the Scheme and the information provided to date in the Environmental Statement (ES). The Applicant confirmed that these have no implications for both the soundness of the ES and the climate change calculations contained within the ES.
- 3.2.4 The ExA then directed the Joint Councils to comment on the Applicant’s response to the recent court judgement and WMS. It also invited the Joint Councils to raise any other concerns relating to climate change with respect to the submitted Relevant Representation [RR-039], particularly regarding the lack of consideration of the manufacturing of raw materials into products in the Applicant’s carbon assessment. JW stated that the Joint Councils will respond in writing in its LIR that will be submitted at Deadline 1. This action is encapsulated in point 4 of the list of Action Points arising from ISH1 [EV5-007].
- 3.2.5 The Joint Councils have followed up on action point 4 after ISH1. The response to this action point is set out in Section 3.5 of this written submission.

Other agenda items

- 3.2.6 The Joint Councils offered no comments on the other agenda items and the questions raised on the other agenda items under Agenda item 2 – Policy, namely agenda items 2(ii), 2(iii), 2(iv), 2(v), 2(vi) and 2(viii). Following a review of the evidence presented during ISH1, the Joint Councils have no further comments to make.

Green Belt – Green Belt Assessment

Agenda item (i) – The Applicant will be asked to provide an explanation upon their approach to how the Proposed Development accords with the specific tests of Green Belt policy, and to understand if there are any differences between the Councils and the Applicant with regard to the approach and conclusions reached. The ExA will examine the approach taken by the Applicant and how their case has been presented and conclusions reached within the ES and Planning Statement [APP-135].

- 3.2.7 The ExA asked the Applicant to explain their approach to the green belt assessment and the conclusion that the Scheme is not considered to be inappropriate development in policy definition terms in the Green Belt. Following the Applicant’s explanation, the ExA queried the Joint Councils whether they would take a different approach to the Green Belt assessment and whether they agree with the Applicant’s conclusion. NB stated that the Joint Councils believe the assessment is a reasonable interpretation and the Joint Councils support the Applicant’s conclusion on the basis that paragraph 155(c) of NPPF regarding local transport infrastructure requirement applies.
- 3.2.8 The ExA also asked the Joint Councils whether they agree with the Applicant’s interpretation of paragraph 155(b) of the NPPF that the Scheme is “predominantly” engineering operations which justifies that it is not inappropriate development in the Green Belt. NB stated that the Joint Councils agree with this interpretation. The Joint Councils note that point 6 of the Action Points list [EV5-007]

¹ Friends of the Earth and Ors v SDESNZ [2024] EWHC 995 (Admin). Judgement approved on 3 May 2024.

² Delivering Carbon Budgets Statement made on 24 May 2024. <https://questions-statements.parliament.uk/written-statements/detail/2024-05-24/hcws505>



requires the Applicant to confirm by Deadline 1 what part of the Scheme is not engineering operations. The Joint Councils look forward to the Applicant's submission at Deadline 1 and will further review this matter.

Agenda item (v) – Effects on openness: geographical considerations. Having regard to the different component parts of the project to understand from the Councils and the Applicant whether there are particular locations within the Green Belt where the effects on openness would be particularly pronounced, and conversely whether there are locations where effects on openness would be avoided or at the lower end of the harm scale.

- 3.2.9 The ExA invited the Applicant to present their assessment of the Scheme's impacts on openness of the Green Belt. The Applicant presented their assessment within ES Chapter 9: Landscape and Visual [APP-068] and concluded an overall beneficial effect on landscape character with no impact on openness of the Green Belt.
- 3.2.10 The ExA then directed the Joint Councils to comment on the Applicant's presentation and outline the Joint Councils' assessment of the Scheme's effects on openness of the Green Belt. JW offered no comment on the Applicant's presentation. Turning to the Joint Councils' assessment, JW stated that there are no locations within the Green Belt where the effects on openness would be particularly pronounced. The only area where minor reduction in openness is possible would be the West Cheltenham Link Road that connects A4019 Tewkesbury Road to B4634 Old Gloucester Road. The proposed road must cross the River Chelt via a single span bridge, meaning that the road will be on an embankment to rise up to the level of the bridge abutment in this section. In doing so, a visual barrier will be created, dividing open field areas on either side. The effects on openness in this area of Green Belt are only likely to be reduced when in close proximity to the raised section of road and would affect users of the two Public Rights of Way that run parallel to the River Chelt. From further afield, views of the raised road should blend into the layers of field boundary vegetation, and it should still be possible to view hills and countryside in the distance. This will be the same as views currently had, so it should not reduce the sense of openness to the greater extent of the Green Belt area.
- 3.2.11 Regarding locations where effects on openness would be avoided or at the lower end of the harm scale, JW added that the proposed widening of A4019 Tewkesbury Road on the approach to the M5 junction is unlikely to have an impact and would be in keeping with the current situation. The raised junction at the M5 would generally be in keeping with the current situation, which is also a raised junction. This area currently forms a visual barrier between open Green Belt land on either side of the M5. The proposed junction, although larger than currently, is unlikely to have detrimental effects beyond the current situation, particularly once proposed planting establishes, therefore it does not reduce openness in this area further.
- 3.2.12 JW continued that this part of the Green Belt is considered to be already heavily influenced by the existing motorway, junction, approach roads, dwellings and associated built development which in turn impact openness at present (elements of which are proposed to be replaced/demolished). Notwithstanding the impacts above, it is considered that the benefits of the Scheme would clearly and demonstrably outweigh the harms and the area is not subject to any other landscape constraints. The consideration of landscaping and other mitigation would serve to reduce the overall impacts of the development.
- 3.2.13 The ExA questioned whether the Applicant's assessment has properly considered the overall impacts on the openness of the Green Belt. The ExA stressed the need to broaden the concept of openness to consider views between the M5 and Cheltenham looking towards different directions. The ExA also stated their opinion that the effects on openness should be greater at the raised section of the proposed Link Road crossing over River Chelt and at the raised topography at the proposed B4634 signalised junction. The Joint Councils offered no comments on the ExA's concerns on the overall impacts. It is noted that point 10 of the Action Points list [EV5-007] requires the



Applicant to address this issue in writing by Deadline 1. The Joint Councils look forward to the Applicant's submission at Deadline 1 and will further review this matter.

Other agenda items

3.2.14 The Joint Councils offered no comments on the other agenda items and the questions raised on the other agenda items under Agenda item Green Belt – Green Belt Assessment, namely agenda items (ii), (iii), (iv) and (vi). Following a review of the evidence presented during ISH1, the Joint Councils have no further comments to make.

3.3 Agenda item 3 – Need

3.3.1 The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during ISH1, the Joint Councils have no further comments to make.

3.4 Agenda item 4 – Alternatives

The Applicant will be asked to provide an explanation of the ES consideration of alternatives and how that aligns with the requirements of the NPSNN, in particular with regard to the following: (i) EIA Regulations, (ii) Flood Risk and the application of the sequential and exception tests, (iii) Whether the proposal has had a full options appraisal through the Road Investment Strategy 2 (RIS2) or other appropriate policy or investment plans? (iv) Whether if the development were considered to be inappropriate development within the Green Belt this should have been a factor in considering the alternatives.

3.4.1 On the second point, the ExA queried the Applicant if there are any relevant considerations adopted within the alternatives assessment regarding flood risk and the application of sequential and exception tests that the ExA should be made aware of. The Applicant explained the relevant considerations and particularly highlighted that there are no reasonably alternative lower risk sites for the proposed West Cheltenham Link Road. This brings in the exception test and the Applicant concluded that both parts of the exception test are satisfied in accordance with paragraphs 5.131 to 5.137 of the NPSNN.

3.4.2 The ExA then invited the Joint Councils to comment on the Applicant's approach and conclusion of the Flood Risk Assessment that informs the consideration of alternatives. JW confirmed that the Applicant's approach and conclusion is a reasonable interpretation, and the Joint Councils offered no further comments in this regard.

3.4.3 The Joint Councils offered no comments on the questions raised on the other numbered points under Agenda item 4 – Alternatives, namely numbered points (i), (iii) and (iv). Following a review of the evidence presented during ISH1, the Joint Councils have no further comments to make.

3.5 The Joint Councils' responses to the Action Points arising from ISH1

Action Point 4 - Climate response to be included as part of the LIR

3.5.1 Since the submission of the Joint Council's Relevant Representation [RR-039], the Joint Councils have met with the Applicant to discuss climate related matters including those outlined in our Relevant Representation [RR-039] and further comments the Joint Councils had on ES Chapter 14: Climate Change [APP-073]. The point on the lack of consideration of the manufacturing of raw



materials into products in the carbon assessment within ES Chapter 14: Climate Change [APP-073] was discussed and it was agreed that paragraph 14.5.11 and Table 14-3 were to be updated to address the Joint Councils concerns. The updated ES Chapter 14 is to be submitted at Deadline 1.

- 3.5.2 The Joint Councils have reviewed the draft updated ES Chapter 14 and are satisfied that our comments have been addressed and the specific exclusion of manufacturing raw materials into products is clearly stated.
- 3.5.3 The Joint Councils LIR does not mention this point as it has now been resolved through the updated ES Chapter 14 submitted at Deadline 1.

4. Issue Specific Hearing 2 (ISH2)

4.1 Agenda item 1 – Welcome, introductions and arrangements of the Hearing

- 4.1.1 No questions or comments of an introductory or preliminary nature were raised by the Joint Councils on this agenda item.

4.2 Agenda item 2 – The Draft DCO

The Applicant will be asked to provide a very brief overview of each part of the dDCO and explain the approach taken to include/explain the extent of the associated development and how this is defined and meets with the Guidance for Associated Development.

- 4.2.1 The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during ISH2, the Joint Councils have no further comments to make.

The Applicant will be asked to briefly highlight changes which have been made to the dDCO since the original submission version.

- 4.2.2 The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during ISH2, the Joint Councils have no further comments to make.

Articles

Part 1 Preliminary

Agenda item (ii) – Article 3 Disapplication of legislative provisions

- 4.2.3 The ExA asked the Applicant whether they have made progress in the discussion with the drainage authorities on the disapplication of section 23 of the Land Drainage Act 1991. The Applicant stated that they have asked for consent from GCC as the Lead Local Flood Authority (LLFA) and they are hoping to receive a response by Deadline 1. The Applicant confirmed that GCC is the only drainage authority from which consent for the disapplication have to be sought.
- 4.2.4 The ExA queried the Joint Councils on their latest position on this matter. JW stated that discussions with the Applicant are ongoing and GCC as the LLFA are looking to expedite the discussions. The Joint Councils would work with the Applicant to confirm in writing by Deadline 1 the timescale in



securing the consent to disapply section 23 of the Land Drainage Act 1991. This action is captured in point 3 of the list of Action Points arising from ISH2 [EV6-001].

- 4.2.5 On 17 June 2024 correspondence was sent to both the Applicant and the Joint Councils from GCC as LLFA consenting to the disapplication of section 23 of the Land Drainage Act 1991.

Other agenda items

- 4.2.6 The Joint Councils offered no comments on the other agenda items and the questions raised on the other agenda items under Part 1 Preliminary, namely agenda item (i). Following a review of the evidence presented during ISH2, the Joint Councils have no further comments to make.

Part 2 Principal Powers

- 4.2.7 The Joint Councils offered no comments on the agenda items under Part 2 Principal Powers. Following a review of the evidence presented during ISH2, the Joint Councils have no further comments to make.

Part 3 Streets

Agenda item (i) – Article 11 Street Works

- 4.2.8 The ExA stated that they would like to seek clarification from the Applicant on the justification for Article 11 to depart from the model provision to give a blanket authorisation for interference with any street rather than being limited to a schedule of streets. The ExA first invited the Joint Councils to explain their concerns on this matter. JW stated that the Joint Councils made reference to this matter in their submitted Relevant Representation [RR-039] and they are looking for clarification from the Applicant on the deviation.
- 4.2.9 Following the Applicant's clarification, the ExA suggested an action point for the Applicant to clarify in writing by Deadline 1 their approach taken to reach the decision that a blanket authorisation for all streets within the Order Limits is required for Article 11. This is recorded in point 6 of the Action Point list [EV6-001]. The Joint Councils look forward to the Applicant's submission at Deadline 1 and will further review this matter.

Agenda item (ii) – Article 12 Application of the 1991 Act

- 4.2.10 The ExA stated that they would like to seek clarification from the Applicant on the role of the Highway Authority and Street Authority as explained in paragraph 4.42 of the Explanatory Memorandum (EM). JW suggested that this matter could be addressed by clarifying in paragraph 4.42 that GCC will be both the Highway Authority and the Street Authority.
- 4.2.11 The Applicant agreed to make this amendment into the EM. The Joint Councils look forward to this amendment being incorporated into the next version of the EM.

Other agenda items

- 4.2.12 The Joint Councils offered no comments on the other agenda items and the questions raised on the other agenda items under Part 3 Streets, namely agenda items (iii), (iv) and (v). Following a review of the evidence presented during ISH2, the Joint Councils have no further comments to make.



Part 4 Supplemental Powers

- 4.2.13 The Joint Councils offered no comments on the agenda items under Part 4 Supplemental Powers. Following a review of the evidence presented during ISH2, the Joint Councils have no further comments to make.

Part 5 Powers of Acquisition

- 4.2.14 The Joint Councils offered no comments on the agenda items under Part 5 Powers of Acquisition. Following a review of the evidence presented during ISH2, the Joint Councils have no further comments to make.

Other Parts of Articles

- 4.2.15 The ExA queried the Joint Councils about their concerns on Article 36 with respect to compensation arrangements for tree works and hedgerow removal. JW stated that this is set out in the first bullet point of the dDCO section in the submitted Joint Councils Relevant Representation [RR-039]. The Joint Councils are looking for clarification in paragraphs 4.134 and 4.136 of the EM on who the compensation is payable to for the tree works and if compensation is payable in relation to hedgerow removal pursuant to Article 36.
- 4.2.16 The Applicant explained that compensation provisions are set out in Articles 36 and 37 of the dDCO. The EM does not attempt to categorise persons entitled to compensation for tree works and hedgerow removal as there is no restriction of any type or category of persons in the DCO. The DCO introduces a general compensation liability for loss or damage and it is not a practice to categorise persons entitled to compensation. The approach of Articles 36 and 37 is to establish a principle of compensation liability and leave it to third parties to bring forward valid claims.
- 4.2.17 The Joint Councils welcome this clarification and anticipate the Applicant to set this out in writing in their Comments on Relevant Representations to be submitted at Deadline 1.

Schedule 1 Authorised Development

- 4.2.18 The Joint Councils offered no comments on the agenda items under Schedule 1 Authorised Development. Following a review of the evidence presented during ISH2, the Joint Councils have no further comments to make.

Schedule 2 Requirements

Justification for the undertaker being the appropriate organisation responsible for the discharge of and determining body in respect of Requirements.

- 4.2.19 The ExA asked the Applicant to explain the approach taken in deciding the appropriate organisation responsible for the discharge of and determining body in respect of Requirements. The Applicant explained that the DCO proposes GCC as the county planning authority to be the discharging authority for Requirements. This is a standard approach taken in both non-highways DCOs and highways DCOs that are not promoted by National Highways (NH). The Applicant stated that it is entirely appropriate for GCC to be the discharging authority because GCC as the Applicant and as the county planning authority have very separate and distinct functions and obligations. The Applicant highlighted a specific issue with NH on whether Requirements in relation to Strategic Road Network (SRN) elements should be discharged by the Secretary of State (SoS) instead of GCC as the county planning authority, and they will continue the discussion on this matter with NH. The Applicant also stated that they are aware of the requests of some bodies such as the Environment



Agency to be included in the consultation prior to the discharge of Requirements, and the Applicant are happy to accommodate these requests.

- 4.2.20 NH explained that they were trying to arrange a meeting prior to Deadline 1 between the Joint Councils, NH and the Applicant to discuss matters regarding the appropriate discharging authority. NH also stated that there is a case team at the Department of Transport (DfT) set up to act as the discharging authority on behalf of the SoS for Requirements in DCOs promoted by NH. NH suggested that there is no issue with the case team at DfT being utilised on this Scheme to determine applications for the discharge of Requirements related to the SRN and/or any assets that will form part of the SRN or NH's land base post-construction.
- 4.2.21 The ExA then invited the Joint Councils to explain their position on matters regarding consultation and the appropriate discharging authority as set out in their submitted Relevant Representations [RR-039]. JW explained that the submitted Relevant Representations [RR-039] queries about the responsibilities of the county and local planning authorities on the discharge of DCO Requirements and raises a request for the Joint Councils to be named as a prescribed consultee prior to the discharge of all Requirements. JW added that the Joint Councils are looking to get a firmer understanding from the Applicant on what the split between the SRN and the Local Road Network (LRN) would look like. The Joint Councils believe these issues will be considered further in the tripartite meeting prior to Deadline 1 between the Joint Councils, NH and the Applicant. JW also indicated to the ExA that GCC as the county planning authority will continue to remain separated from GCC as the Applicant when requirements are being discharged.
- 4.2.22 The Joint Councils will work with the Applicant and NH to update the ExA in writing by Deadline 1 on the progress of the tripartite meeting with regards to the extent of SRN and LRN and the associated discharging authorities for relevant Requirements. This action is encapsulated in point 7 of the Action Point list [EV6-001]. The Joint Councils also aware that point 11 of the Action Point list [EV6-001] requires the Applicant to explain and justify in writing by Deadline 1 for the county planning authority or other bodies being the appropriate discharging authorities for Requirements. The Joint Councils look forward to the Applicant's submission at Deadline 1 and will review this matter further.
- 4.2.23 A position statement has been prepared and agreed between the Joint Councils, NH and Applicant following the tripartite meeting on 11 June 2024. This reads as follows:
- 4.2.24 *"A meeting was held between the Joint Councils, National Highways and the Applicant on 11 June 2024 to discuss the proposed approach to discharging the Requirements in the dDCO. This included a discussion around establishing the extent of the SRN and LRN. It was agreed that the precise boundaries of the SRN and LRN can only be identified through detailed design. Given that detailed design needs to be approved as part of the Requirements, it was agreed that it would not be possible before then to say precisely what part of the authorised development falls within the SRN and what part of the authorised development falls with the LRN. As such, the current view of the County Planning Authority, National Highways and the Applicant is that it would be better to have one organisation taking on the role of discharging authority with other parties having a role as consultee. It was recognised that the relevant district councils, as local planning authorities, must also have adequate opportunity to comment on aspects relevant to them through consultation. The parties are investigating the scope for Secretary of State for Transport, through the Department for Transport's Transport Infrastructure Planning Casework Unit taking on this role. The Joint Council's representative is seeking instructions from the County Council and district councils as to the acceptability of this as an approach. In addition, a mechanism for identifying and agreeing what highway assets will fall within the SRN, and therefore the extent of maintenance on NH, and what highway assets will remain with the undertaker needs to be agreed. Discussions are continuing on this aspect. The Examining Authority will be kept updated on progress."*



Part 1 Requirements

Agenda item (v) – Requirement 8 Land and groundwater contamination

- 4.2.25 The ExA questioned the Applicant whether it is appropriate in Requirement 8(4) for the undertaker to determine if contamination remediation is necessary or not. The Applicant stated that it is appropriate because it is a decision following a risk assessment that needs to be submitted to the county planning authority and in consultation with the Environment Agency and the relevant planning authority. The Applicant also suggested changing the wording in Requirement 8(4). The proposal would be to replace the word “undertaker” with the phrase “risk assessment”, so it is the risk assessment, in consultation with the relevant authorities that determines whether remediation is required and not the undertaker. This drafting has been adopted in more recent DCOs.
- 4.2.26 The ExA then asked the Joint Councils whether they agree with the amendment to Requirement 8(4) proposed by the Scheme Promoter. John Webster (JW) stated that they will have to confirm with the Joint Councils’ technical and planning team. The Joint Councils have consulted with the relevant Planning Team and they have confirmed that they are happy with the proposed drafting change.

Agenda item (viii) – Requirement 12 Surface and foul water drainage

- 4.2.27 The ExA asked the Applicant whether there should be consultation with the LLFA aside from the relevant planning authority, the strategic highway authority and Environment Agency prior to discharging Requirement 12. The Applicant stated that they have only been in discussions with the LLFA in terms of consenting for the disapplication of legislative provisions, but they can raise with the LLFA whether it would like to be a prescribed consultee for Requirement 12.
- 4.2.28 The ExA then queried the Joint Councils if this is a position that they want to consider. JW agreed with the ExA. The Joint Councils, which represent GCC as the LLFA, will work with the Applicant to update the ExA in writing by Deadline 1 the LLFA’s position on being a prescribed consultee for Requirement 12, alongside the timescale in securing the concerned consent. This action is noted in point 3 of the Action Points list [EV6-001].

Other agenda items

- 4.2.29 The Joint Councils offered no comments on the other agenda items and the questions raised on the other agenda items under Part 1 Requirements, namely agenda items (i), (ii), (iii), (iv), (vi), (vii), (ix), (x) and (xi). Following a review of the evidence presented during ISH2, the Joint Councils have no further comments to make.

Part 2 Procedure for discharge of requirements

- 4.2.30 The Joint Councils refer to paragraph 4.2.24 above concerning the position statement between themselves and the Applicant and NH in respect of the procedure for discharge of requirements.

4.3 Agenda item 3 – Schedule 9 Protective Provisions

- 4.3.1 The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during ISH2, the Joint Councils have no further comments to make.



4.4 Agenda item 4 – Consents, licences and other agreements

- 4.4.1 The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during ISH2, the Joint Councils have no further comments to make.

4.5 Agenda item 5 – Statements of Common Ground

- 4.5.1 The Joint Councils offered no comments on this agenda item. Following a review of the evidence presented during ISH2, the Joint Councils have no further comments to make.

4.6 The Joint Councils' responses to the Action Points arising from ISH2

Action Point 3 – Applicant and joint authorities to confirm in writing roles and approvals required re. drainage authority re. Article 3 and Article 18 to disapply section 23 of the Land Drainage Act 1991

- 4.6.1 The Joint Councils have confirmed that GCC are the sole Lead Local Flood Authority (LLFA) for the county of Gloucestershire. GCC, as LLFA, have delegated consent for works on ordinary watercourses to Tewkesbury and Cheltenham Borough Councils for their respective administration areas. However, the approval to disapply section 23 of the Land Drainage Act will remain with GCC.
- 4.6.2 The Joint Councils have briefed GCC, TBC and CBC's LLFA representatives and introduced the relevant contacts to the Applicant for them to hold discussions and obtain acceptance of the disapplication.
- 4.6.3 GCC as LLFA confirmed on 17 June 2024 that section 23 of the Land Drainage Act can be disapplied.

Action Point 7 – Written update regarding extent of SRN and local road process, future maintenance of assets and approvals from NH for access to SRN (re. Article 11)

- 4.6.4 Please refer to paragraph 4.2.24 above.



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