



Application by Gloucestershire County Council for M5 Junction 10 Improvement Scheme
The Examining Authority's written questions and requests for information (ExQ1)
Issued on 9 July 2024

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 7 May 2024. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact M5junction10@planninginspectorate.gov.uk and include 'M5 Junction 10 Improvement Scheme' in the subject line of your email.

Responses are due by Deadline 3: Tuesday 30 July 2024.



Abbreviations used:

PA2008	The Planning Act 2008	LIR	Local Impact Report
Art	Article	LPA	Local planning authority
ALA 1981	Acquisition of Land Act 1981	MP	Model Provision (in the MP Order)
BoR	Book of Reference	MP Order	The Infrastructure Planning (Model Provisions) Order 2009
CA	Compulsory Acquisition	NPS	National Policy Statement
		NPSNN	National Policy Statement for National Networks
CPO	Compulsory purchase order	NSIP	Nationally Significant Infrastructure Project
dDCO	Draft DCO	R	Requirement
EM	Explanatory Memorandum	SI	Statutory Instrument
ES	Environmental Statement	SoS	Secretary of State
ExA	Examining authority	TP	Temporary Possession

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[TR010063-000482-M5 Junction 10 Examination Library.pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/TR010063-000482-M5%20Junction%2010%20Examination%20Library.pdf)

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1 1.0.1 – refers to question 1 in this table.



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ExQ1	Question to:	Question:
1. General and Cross-topic Questions		
Q1.01	The Applicant, National Highways (ii and v only)	<p>Highway Extents</p> <p>(i) Following on from ISH1 please either provide a plan which details the proposed post-completion strategic highway boundary and that of the local highway authority boundary and the proposed areas maintainable by the relevant highway authorities, or</p> <p>(ii) set out how best practice has developed to overcome the difficulties that could arise in the event the boundaries are not defined during the examination.</p> <p>(iii) In the event a defined boundary is not set out please explain how the ES and HRA, and as noted in the relevant representation of National Highways [RR-026], which specific assets would be maintained by the Applicant, and which would be maintained by National Highways, as it is noted in the LEMP [AS-035] that both parties are to be responsible in the 6-30 year period. This is of a particular concern in relation to the maintenance of assets that are required for mitigation to avoid or reduce significant adverse effects or achieve biodiversity net gain. An example is paragraph 3.4.3 of the DSR [APP-079] which states “It is envisaged that the maintenance of the M5 Basins (Basin 2 (S2) and Basin 3 (S1)) will be the responsibility of National Highways and other basins (Basin 1 (J1), Basin 4 (J2), Basin 5 (L2) and Basin 6 (L1)) will be the responsibility of Gloucestershire County Council”.</p> <p>(iv) The Applicant is requested to provide clarification as to the planned maintenance regime and which body would be responsible for all aspects of the Proposed Development.</p> <p>(v) In the event a plan is provided advise if it is considered it should be a certified document?</p> <p>(vi) In light of the response set out to Action Point 7 in [REP1-042] what progress has been made on this issue. Please ensure updates are covered in the respective SoCG and PADD.</p>
Q1.02	The Applicant, Joint Councils and National Highways (ii) only	<p>Mitigation</p> <p>The First Iteration Environmental Management Plan – as referenced in the DCO appears to be written such that subsequent approvals are not required by the relevant planning authority.</p> <p>(i) Is our understanding of the approach, correct?</p> <p>(ii) Do the Councils, or National Highways agree that (assuming this is confirmed) this is an appropriate mechanism for the Applicant to be undertaking and if not what alternative would you wish to see?</p>

ExQ1	Question to:	Question:
Q1.03	The Applicant, Historic England	<p>Statement of Common Ground (SoCG) – Historic England</p> <p>The Applicant indicates a SoCG with Historic England is in preparation and a draft has been prepared [APP-150]. No relevant representation was received from Historic England, the ExA would like confirmation that the SoCG will continue to be worked through during the examination so that a clear position is available.</p> <p>Can both parties confirm that the SoCG is to be concluded prior to the close of the examination, and what the process is that has been agreed to conclude on this matter?</p>
Q1.04	The Applicant	<p>General Arrangement Plans</p> <p>Considering the concerns identified in the National Highways [RR-026 para 4.2] and noting the Applicant's response at D1 [REP1-043 para 26.44] While the ExA understand the demolition is secured, it is not clear what condition the land would be left in and for example whether all materials including foundations would be removed. Please clarify the situation, and how the condition and future maintenance of this land is to be secured?</p>
Q1.05	The Applicant	<p>Land Plans [REP1-002]</p> <p>The Inset panel suggests plot 3/2a continues to the east, whereas the main plan appears to indicate it falls short of the eastern side of the inset, please clarify and correct the plan if appropriate.</p>
Q1.06	The Applicant	<p>Book of Reference Change Log</p> <p>The change log provided at D1 [REP1-040] has a number of instances where it states, "<i>No change to DCO- provided we previously consulted</i>".</p> <p>Please confirm that the appropriate consultation has been carried out.</p>
Q1.07	The Applicant	<p>Population and Human Health</p> <p>(i) Within [APP-072] summary tables 13-58 to 13-61 are provided, however the text does not entirely correspond, could the Applicant explain the apparent inconsistency, and if appropriate further clarify if the chapter correctly reports the more/less beneficial/adverse effects?</p> <p>(ii) 13.15.16 – 13.15.24 Geographic sub populations under the sub-heading for construction four moderate adverse impacts are identified but eight are listed, can the Applicant please clarify?</p>

ExQ1	Question to:	Question:
Q1.08	The Applicant, Health and Safety Executive	<p>Other Consents and Licences</p> <p>The Health and Safety Executive in their [RR-016] indicate there may need to be an application for a Hazardous Substances Consent in respect of three major accident pipelines operated by Wales and West Utilities that cross the site.</p> <p>(i) Please advise on the progress on obtaining such consent</p> <p>(ii) Advise of any impediment that there may be to the grant of such consent.</p>
Q1.09	The Applicant, The Environment Agency	<p>Other Consents and Licences</p> <p>The SoCG with the Environment Agency refers to a Temporary Flood Risk Activity Permit (under the Environmental Permitting Regulations 2016) that will be required.</p> <p>(i) Please advise what progress has been made on obtaining such a permit.</p> <p>(ii) Advise of any impediment that there may be to the grant of such a permit.</p> <p>(iii) In the absence of the information of what the permit may or may not allow explain how the ExA can be satisfied there is sufficient understanding of the flood risk and eater management issues that the tests in the NPS NN are satisfied.</p>
Q1.0.10	The Applicant	<p>Equalities Act</p> <p>The people from the informal traveller's site are likely to have protected characteristics and could be regarded as a sensitive population, Page 223 of [APP-0072] Chapter 13 Population and Human Health states "<i>residents have been unwilling to engage with Scheme representatives.</i>"</p> <p>(i) What has been done to attempt to engage other than the service of documents.</p> <p>(i) Please explain how the responsibilities as a public body in meeting the obligations under the Public Sector Equality Duty have been met.</p>
Q1.0.11	The Applicant	<p>Traveller Site</p> <p>[APP-072] recognises the vehicular access route to the site will be removed resulting in a major adverse magnitude of impact. It states that these impacts on access are temporary during construction and reversible. It then goes on to say there is also potential availability of alternative access routes across the intervening field during the period of temporary disruption, albeit that these are not envisaged to be formalised within the Scheme. (our emphasis)</p>

ExQ1	Question to:	Question:
		How does the scheme ensure that access will be maintained during construction, and that a suitable access will be facilitated once construction is complete?
Q1.0.12	The Applicant	<p>Associated Development</p> <p>(i) Can the Applicant explain how the DCO as drafted ensures that all three elements of the proposed developed will be delivered.</p> <p>(ii) If the current drafting does not secure this, would this undermine the argument that is presented that the associated development is subordinate to the principal development of the M5 J10 NSIP?</p>
Q1.0.13	The Applicant	<p>Construction Programme</p> <p>Can the Applicant provide a detailed construction programme or point out where this can be found in the current documentation.</p>
Q1.0.14	The Applicant	<p>National Highways Relevant Representation</p> <p>The RR from NH [RR-026] includes at Appendix B a number of matters by subject matter. Please provide a full response to each of these points.</p>
1.1 Environmental Statement (General)		
Q1.1.1	The Applicant	<p>Proposed Development Parameters - Embankment construction</p> <p>ES Chapter 4 [APP-063] paragraph 4.10.14 states that flexibility is sought in relation to embankment construction. Paragraph 4.10.15 indicates that the ES has used a figure of 1:3 as an embankment angle, however paragraph 4.10.16 considers that the final design may utilise 1:2.5, 1:1, 1:0.4 or 1:0.1. It is not clear how the potential for these changes has been accounted for in the ES or if they would lead to more significant environmental effects than those assessed in the ES.</p> <p>The Applicant is requested to explain how the potential for changes in the embankment angle has been considered in the ES.</p>
Q1.1.2	The Applicant	<p>Limits of Deviation</p> <p>Several private access tracks are proposed, some of which are substitutes for existing tracks proposed to be stopped up. These are shown on the Works' Plan [APP-007 and APP-008] and Access Rights of Way and Access Plans [APP-009 and APP-010] and listed as part of various Work Nos. in the dDCO [REP1-004]. Schedule 4 of the dDCO states the proposed lengths of</p>

ExQ1	Question to:	Question:
		<p>the tracks and levels and dimensions are specified on the General Arrangement Plans [APP-014 and APP-015]. It is not clear as to whether the private access tracks are subject to the horizontal limits of deviation (LoD) on the Works' Plans.</p> <p>The Applicant is requested to provide clarification on this matter.</p>
Q1.1.3	The Applicant	<p>Cumulative Effects Assessment (CEA)</p> <p>Within the Funding Statement [APP-036] Appendix A, the Applicant provides a list of the individual planning applications. The listing under site A (Safeguarded land at north-west Cheltenham) and site B (3 individual applications) are all taken forwards to the cumulative effects assessment (CEA) ES chapter 15 [APP-074]. However, three sites referred to in the funding statement Appendix A do not appear to be referred to elsewhere (Golden Valley, expected winter 2023, CBC residential, expected winter 2023, 23/01418/Scope, expected summer 2024).</p> <p>(i) Can the Applicant confirm the status of these three sites, and how they have been considered within the CEA and any other relevant application documents (such as the Transport Assessment)?</p> <p>(ii) The naming conventions for the different sites are not consistent, and it appears there may be a number of different planning applications for the different sites. It would be helpful to have a Table linked to a plan which clearly identifies the allocated sites, and the land subject to the different planning applications. Please provide this information at the next deadline.</p>
Q1.1.4	The Applicant, Joint Councils	<p>Cumulative Effects Assessment</p> <p>Paragraph 15.6.11 of the CEA [APP-074] states that the safeguarded land to the west of Cheltenham, immediately adjoining the West Cheltenham Development Area, which is identified in the JCS, is scoped out of the CEA, on the basis that the policy cites it as potentially meeting needs beyond the JCS period and GCC has not advised of any current developer interest that would potentially accelerate delivery here.</p> <p>(i) Can the Joint Councils and the Applicant provide an update on the agreement for this site to be scoped out of the cumulative effects assessment, or if there has been any update on potential future development on this safeguarded site.</p> <p>(ii) It is noted that the safeguarded land at north-west Cheltenham is included within the Transport Assessment (AS-029). Can the Applicant outline why this site has been included in</p>

ExQ1	Question to:	Question:
		<p>the TA but not within the ES, and consequently, how the ES can be considered as robust where the effects of traffic (For example noise and air quality)</p> <p>(iii) What evidence does the Applicant have that the development of the safeguarded land at north-west Cheltenham may come forward within the time frame that would be material to this proposed development and should be within the CEA and the TA?</p>
Q1.1.5	The Applicant, Joint Councils	<p>Cumulative Effects Assessment</p> <p>(i) In light of the previous question, please provide clarity on the apparent tension between the exclusion of this site (north-west Cheltenham safeguarded land) from the CEA, but the inclusion of an assumed traffic generation within the TA?</p> <p>(ii) Please explain why a different approach is justified and support this with appropriate evidence, precedent or policy as appropriate.</p> <p>(iii) If a consistent approach were to be taken in respect of CEA and the TA such that the safeguarded land was not included, please explain what implications this could have for the Proposed Development, the ES, and the quantity of land to deliver the proposal.</p> <p>(iv) Counter to the above, as the CEA does not include this land can the ExA be confident that the worst-case scenario has been assessed in respect of cumulative environmental effects?</p>
Q1.1.6	The Applicant	<p>Cumulative Effects Assessment</p> <p>The ExA, considers that it is unclear whether the conclusions of the cumulative effects assessment ES chapter 15 [APP-074] are reliant on the mitigation measures to be provided by other developments (to reduce their own impacts) being in place in advance of the construction and operation of the Proposed Development.</p> <p>(i) The Applicant is requested to provide additional information on the cumulative effects methodology, including confirmation as to whether the mitigation measures provided by other developments have been included in the do minimum scenario where used throughout the EIA.</p> <p>(ii) In the event mitigation from other schemes is relied upon, provide clarity as to how this is secured, and when this would occur.</p>
Q1.1.7	The Applicant, Joint Councils	<p>Cumulative Effects Assessment</p>

ExQ1	Question to:	Question:
		<p>The cumulative effects assessment (CEA) ES Chapter 15 [APP-074] states in paragraph 15.4.2 that consultation took place on the long and short lists in October 2022 and November 2022.</p> <p>(i) Given the time that has elapsed since this point, the Applicant is requested to provide an update on any new planning applications or allocations which have come forwards since then which are of relevance to the CEA.</p> <p>(ii) Can the Applicant and the Joint Councils ensure that the final updated list is agreed and is confirmed as part of the SoCG.</p>
Q1.1.8	The Applicant	<p>Potential Ransom Situation</p> <p>Court Consulting on behalf of Mrs Bruton [RR-023] and Bloor Homes [RR-005] both raise concern over the potential for the creation of a future ransom situation in the event the safeguarded land comes forward, and the current access arrangements as set out in the dDCO are realised.</p> <p>(i) Whilst it is understood that the scheme has not sought to design an access for this land due to the current policy status as explained in the ES and in the response to RRs [REP1-043 para 23.16]. On what basis is a potential ransom situation justified?</p> <p>(ii) Should not all parties who currently own land up to the highway have unfettered access to the highway on this frontage, continue to enjoy similar rights in the future?</p> <p>(iii) Alternatively, are you able to confirm that the APs would continue to have access to the highway and would not be subject to a ransom situation created by this proposal?</p>
<p>1.2 Need</p>		
Q1.2.1	The Applicant, Joint Councils, National Highways	<p>Safeguarded Land</p> <p>(i) It would appear to be accepted that the safeguarded land is not currently allocated but is likely to be considered in future iterations of local plans. Considering the need case, on what policy basis should the safeguarded land identified within Policy SD5 of the JCS form part of the justification for highway improvements now?</p> <p>(ii) Would it be more appropriate to say, that the safeguarded land does not currently generate a 'need' as it has no policy status?</p>
Q1.2.2	The Applicant	Need

ExQ1: 9 July 2024

Responses due by Deadline 3: 30 July 2024

ExQ1	Question to:	Question:
	<p>Persimmon, Bloor Homes, National Highways</p>	<p>The NPS NN sets out a strategic need case for the improvement of the strategic road network, while the policy allocations in the local plans aim to ensure the <i>“the Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal”</i> before them.</p> <p>The TA [APP-138] has tested three scenarios, P, S and R</p> <p>(i) Has an assessment been undertaken which considers the improvements to the M5 J10 without the dependant development and without the Associated Development?</p> <p>(ii) If this has not been undertaken what evidence is before the Examination that the strategic need for the Associated Development is established?</p> <p>(iii) Please can the applicant identify the strategic need for the local road elements of the proposal having regard to the requirements of the NPS NN. The response should also set out the Applicant’s position with respect to the appropriateness of the DCO proposals to mitigate impacts associated with specific land allocations and planning applications?</p> <p>(iv) Please can the Applicant provide examples of DCOs for similar highway schemes whereby they implicitly provide local road infrastructure to facilitate specific land allocations / planning applications?</p>
<p>Q1.23</p>	<p>The Applicant, National Highways and GCC as Local Highway Authority</p>	<p>Associated Development</p> <p>In response to the ISH 1 Agenda Item Policy (iv) the Applicant states in [REP1-046] <i>“As to the Link Road, the West Cheltenham site cannot be released without M5 Junction 10 improvement and therefore there is a close interdependence.”</i></p> <p>(i) Please set out where the ExA can find the policy or TA evidence that this is the case.</p> <p>(ii) Do National Highways and GCC as Local Highway Authority agree that the West Cheltenham site cannot go ahead without either improvements to the M5 Junction 10 or the link road?</p>
<p>Q1.24</p>	<p>The Applicant</p>	<p>Associated Development</p> <p>The issue of Associated Development was raised at ISH1. The ExA have read the Applicant’s submissions at D1 [REP1-046] however the ExA would like to have a full understanding of the case for Associated Development. The DCLG Guidance (2013) on associated development applications for major infrastructure projects sets out a series of principles. The ExA are concerned that to date evidence has not been presented that clearly addresses each of the four principles and how the associated development meets them. Please clearly set out a full</p>

ExQ1	Question to:	Question:
		explanation of the justification for the inclusion of the Associated Development addressing each of the four principles under paragraph 5 for each element of the associated development.
1.3	Site selection and alternatives	
Q1.3.1	National Highways, GCC as Highway Authority	<p>Alternatives</p> <p>If the modifications to M5 J10 were undertaken as proposed without the associated development proposed in scheme elements 2 and 3, would the SRN and the LRN operate to an appropriate standard?</p> <p>In responding to this can you explain your response with and without the proposed development from the allocations or the safeguarded land?</p>
Q1.3.2	The Applicant	<p>Alternatives</p> <p>The NPSNN paragraph 4.27 states that all projects should be subject to an options appraisal, which should consider viable modal alternatives.</p> <p>(i) Please confirm that the Proposed Development has been subject to a full options appraisal as expected by the NPSNN.</p> <p>(ii) Please advise what consideration has been given to viable modal alternatives or other options in this case.</p> <p>(iii) If these options have not been considered, please explain why that might represent a reasonable and proportionate approach.</p>
2.	Air Quality and Emissions	
Q2.0.1	The Applicant, Joint Councils	<p>Dust Mitigation</p> <p>The Joint Council [RR-039] identifies the need for dust mitigation, are all parties now in agreement or otherwise that the mitigation provided through the EMP and subsequent Air Quality Management Plan would appropriately control dust emissions?</p>
Q2.0.2	The Applicant	<p>Receptor Verification</p> <p>Paragraph 5.4.6 of ES Chapter 5 [AS-012] refers to the identification of sensitive receptors using Ordnance Survey and address base plus data. Can the Applicant provide any information of how the accuracy of this information was verified eg through a site walkover?</p>
Q2.0.3	Joint Councils	Use of Model Corrections

ExQ1	Question to:	Question:
		Table 5-7 of ES Chapter 5 [AS-012] provides a summary of the annualised and bias adjusted concentrations for 10 locations. Can the local authorities and any other interested parties confirm that they are in agreement or otherwise in relation to the adjustment factors and data locations used?
Q2.04	The Applicant	<p>Assessment of slip road closures</p> <p>Paragraph 5.7.15 of ES Chapter 5 (AS-012) indicates that a separate assessment of the slip road closures is not required as the duration of this is 19 months and therefore less than the 2-year threshold given in DMRB LA105 where further assessment is required. However, it is noted that this would be concurrent with the overall construction period, which is greater than 2 years, and therefore the slip road closures have the potential to further alter the existing traffic flows. The Applicant is requested to confirm how the slip road closures have been factored into the overall construction phase assessment.</p>
Q2.05	Joint Councils	<p>Cheltenham Air Quality Management Area</p> <p>Can the Council's confirm that they are confident that the Proposed Development if approved and undertaken would not compromise the ability to manage the AQMA in Cheltenham, or lead to any worsening of effects.</p>
3. Biodiversity, Ecology and the Natural Environment		
Q3.01	The Applicant	<p>Bat Surveys 2023</p> <p>Can the Applicant provide the 2023 emerging survey work in respect of bats as referenced in ES Chapter 7 [APP-066] paras 7.4.38 and para 7.6.38 and explain any implications for the assessment reported to date.</p>
Q3.02	Natural England	<p>Biodiversity Net Gain (BNG)</p> <p>Para 7.4.65 to 7.4.71 of ES Chapter 7 [APP-066] confirms that the BNG assessment has been undertaken using Metric 3.0 – this was superseded by Metric 4.0 in March 2023 and the Statutory Metric in February 2024. While the ExA understand BNG is not mandatory for NSIPs at this stage and the BNG Guidance allows for projects to continue with earlier versions of the metric, both the Environment Agency and the Gloucestershire Wildlife Trust comment the latest metric has not been used.</p> <p>Can NE advise whether the use of Metric 3.0 remains appropriate and acceptable.</p>

ExQ1	Question to:	Question:
Q3.03	The Applicant	<p>Ancient and Veteran Trees</p> <p>The Woodland Trust states that the Applicant appears to have determined that veteran trees need to meet criteria associated with all three characteristics of age, size and condition, but that this should not be the case, and that size, age or condition can determine a veteran tree.</p> <p>(i) If the approach the Woodland Trust advocate is agreed to be correct, what are the implications for the assessment carried out?</p> <p>(ii) What additional mitigation might be available to ensure the identified trees are appropriately protected?</p>
Q3.04	The Applicant	<p>Veteran Trees</p> <p>Can the Applicant confirm which tree is being referenced in the ES Chapter 7 [APP-066] at paragraph 7.7.11 it is not entirely clear whether this relates to Ash Tree G249C, the reference applied in the AIA.</p>
Q3.05	The Applicant, Natural England	<p>Great Crested Newts</p> <p>District Level Licensing (DLL) – the Applicant confirmed it intends to use the NatureSpace District Licensing scheme to mitigate for impacts to GCNs, including habitat loss.</p> <p>NE [RR-027] state that it has not seen the details of how the scheme will be used to mitigate impacts but confirm that it is appropriate for the scheme to be used in NSIP casework.</p> <p>(i) In these circumstances can the Applicant provide further detail concerning the proposal to use a District Level Licensing (DLL) for great crested newts and explain how it has been secured?</p> <p>(ii) The Applicant is also requested to provide a counter-signed Impact Assessment and Conservation Payment Certificate (IACPC) from the approved DLL provider.</p>
Q3.06	The Joint Councils, Gloucestershire Wildlife Trust, Natural England	<p>Landscape Ecology Management Plan (LEMP) 1st Iteration</p> <p>Can the Joint Councils and IPs confirm they are content with the content, including aims and objectives for the proposed habitat creation and subsequent management of these areas?</p>
3.1 Habitats Regulations Assessment		
Q3.1.1	The Applicant	Legibility of Figures

ExQ1	Question to:	Question:
		<p>On Figure 7-13a of the HRA Screening report [APP-099], there are several areas shaded as a Special Area of Conservation (SAC) that are not labelled on this figure.</p> <p>Please ensure this information is added to the figure for clarity, particularly in relation to those European sites considered in the HRA Screening. This comment also applies to Figure 7.14A of the draft HRA SIAA. (This matter was also raised in the Inspectorates draft document review, published as s51 advice.)</p>
Q3.1.2	The Applicant	<p>Provision of survey data</p> <p>The HRA Screening Report [APP-099] refers throughout to surveys data which has informed the assessment, including 4.1.4 (Bird surveys, Walmore Common SPA / RAMSAR), 4.2.2 – 4.2.6 Bird Surveys (Severn Estuary SAC / SPA / RAMSAR) and 4.2.7 – 4.2.14 Fish Surveys (Severn Estuary SAC / SPA / RAMSAR). However, the results have not been provided as part of the HRA.</p> <p>Can the Applicant clarify whether this data has been provided as part of the ES Appendices [APP-078, APP-079 and APP-7.12], and ensure appropriate cross referencing and if has not, how the ExA can rely on the findings of the HRA?</p>
Q3.1.3	The Applicant	<p>Stage 1 screening - Specific impact pathways considered</p> <p>Within Appendices B to H (Screening Matrices) of the HRA Screening Report [APP-099], the assessed impacts under the heading of “initial assessment” do not directly match to the section heading “indicate the significance....in terms of”.</p> <p>There are 6 headings under initial assessment, and 8 under indicate significance.</p> <p>The terms fragmentation and disturbance also appear twice under “indicate significance”.</p> <p>The ExA therefore request a list of the specified pathways of potential LSE assessed within the HRA screening report, and a clear description of what is included within each impact.</p> <p>For example, none of the headings refer to direct mortality but this is taken forwards for the Severn Estuary SAC and RAMSAR under disturbance. The headings also do not differentiate between impacts to habitats and impacts to species or specify where LSE can be ruled out for some qualifying features. Any amendments should also be carried forwards to the SIAA [APP-100].</p>
Q3.1.4	Gloucestershire Wildlife Trust, The Applicant, Natural England	<p>Stage 1 screening - Coombe Hill SSSI (Severn Estuary sites)</p>

ExQ1: 9 July 2024

Responses due by Deadline 3: 30 July 2024

ExQ1	Question to:	Question:
		<p>The relevant representation from the Gloucestershire Wildlife Trust (RR-014) highlights a concern that the improved accessibility of the Coombe Hill Canal SSSI as a result of the Proposed Development has not been considered.</p> <p>(i) GWT are invited to expand on this concern and give details of how they proposed this should be considered, as it is noted that the Proposed Development itself does not provide additional housing.</p> <p>(ii) The Applicant is requested to provide information on how the HRA has considered the improved connectivity as a result of the Proposed Development.</p> <p>(iii) Natural England are also invited to comment on these matters.</p>
Q3.1.5	Joint Councils, Natural England	<p>Stage 1 screening - Severn Estuary sites</p> <p>The relevant representation provided by the joint councils indicates that they wish to raise matters relating to the potential water quality impact to the Severn Estuary and a robust justification for it being scoped out. However, it is not clear if the Joint Councils consider that there are any concerns over the assessment of the Severn Estuary SPA / RAMSAR / SAC in the HRA Screening [APP-099] or HRA SIAA [APP-100] reports.</p> <p>(i) The Joint Councils are requested to provide their position on the HRA.</p> <p>(ii) Natural England are also invited to comment on these matters.</p>
Q3.1.6	The Applicant, Natural England	<p>Stage 1 screening - Severn Estuary sites In combination</p> <p>Paragraph 4.2.26 of the HRA Screening [APP-099] identifies five pathways that are to be taken forwards to appropriate assessment. Paragraphs 4.2.28 and 4.2.29 then state four pathways are considered relevant to the in-combination assessment. However, this only includes 2 of the 5 effects in paragraph 4.2.26 identified as having potential LSE alone and introduces 2 pathways that have no LSE alone. Limited explanation is provided for this.</p> <p>(i) The Applicant is requested to provide additional justification for the pathways scoped in to the in-combination assessment.</p> <p>(ii) Natural England are also invited to comment on these matters.</p>
Q3.1.7	The Applicant, Natural England	<p>Waterbodies connected to the Severn Estuary</p> <p>The relevant representation (RR-013) and written representation (REP1-067) provided by the Environment Agency raises three matters in relation to:</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • Section 5.4 (5.3 in written rep) – 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 species of the protected site. • Section 5.7 (not listed in written rep) - the assessment of effects on waterbodies that have a hydrological linkage to the Severn Estuary sites (In combination effects on the Chelt and Severn Confluence) • Section 5.8 (5.5 in written rep) - the Value of the Leigh Brook for eels. <p>We note the response at D1 however it remains unclear what the position is in respect of Section 5.7</p> <p>(i) The Applicant is requested to provide further details on the survey methods and assessment for these waterbodies (which may include signposting to where the data has been provided), and how the HRA addresses the matter raised.</p> <p>(ii) Natural England are also invited to comment on these matters.</p>
Q3.1.8	The Environment Agency	<p>Waterbodies connected to the Severn Estuary</p> <p>Can the EA explain the absence of reference to the Severn Estuary in the WR [REP1-067]?</p>
Q3.1.9	The Applicant, Natural England	<p>Assessment of in-combination effects</p> <p>It is noted that a table (Table 8-1) containing a more detailed consideration of in-combination plans and projects was included within the draft version of the SIAA (current version provided as APP-100). This has not been included within the version submitted with the DCO application, as the Applicant considers that the SIAA concludes that mitigation will be successful for both the project alone and in combination effects and therefore no detailed assessment is required.</p> <p>(i) The Applicant is requested to provide the detail of this table and information on how this was utilised within the assessment, including providing a list of the developments or allocations which formed part of the in-combination assessment.</p> <p>(ii) Natural England are also invited to comment on these matters.</p>
Q3.1.10	The Applicant, Natural England	<p>Consultation agreement</p>

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ExQ1	Question to:	Question:
		<p>Appendix G of the SIAA [APP-100] provides a repeated summary of Appendix N of the screening document [APP-099], and the additional 30 November 2022 consultation from the NE freshwater team, which indicates that whilst NE were in general agreement of the findings of both the draft HRA screening and draft SIAA, they provided some specific comments in relation to the assessment methodologies. These were summarised as:</p> <ul style="list-style-type: none"> • 1. Avoidance of the use of “de-minimis” arguments (line 1.1.5, 6.3.3, 6.6.2, Table 6.1, Table 6.2 row 8). • 2. Requesting that the Applicant consider standard pollution prevention measures as being required rather than being considered as (additional) mitigation (6.3.4, 6.5.3). • 3. Inclusion of details of proposed drainage and subsequent operational water quality (6.7.1). • 4. Quantification of changes to run off, to potentially include beneficial effects of SuDS (such as consideration of the potential for Biodiversity Net Gain) as run off to the River Chelt is currently unmitigated (8.1.1). • 5. Additional assessment of in-combination effects (Table 8.1) - The potential effects of the Proposed Development with three known housing / other land use allocations (Warners of Cheltenham, North West Cheltenham Site B and Safeguarded land northeast of J10). <p>Whilst a specific assessment of these is not included within the SIAA as NE requested (see question above in relation to draft Table 8-1), the HRA screening report includes 3 Proposed Developments referred to as North West Cheltenham Development area, safeguarded land to the north-west of Cheltenham, and west Cheltenham development area as in paragraph 4.2.36. It is therefore not clear which sites have been included in the in-combination effects assessment (including any from the ES chapter APP-074).</p> <p>However, there is no further correspondence provided with the application to determine the current status of these matters.</p> <p>(i) The Applicant and NE are invited to provide an update.</p>
Q3.1.11	The Applicant, Natural England	Lamprey Ammocoetes relocation

ExQ1	Question to:	Question:
		<p>The Applicant does not appear to be planning to implement the Natural England Recommendation [APP-099, 6.3.13, Appendix N] to relocate Lamprey Ammocoetes during dewatering in order to reduce mortality.</p> <p>(i) Can the Applicant confirm why this is not considered as part of the additional mitigation for the Severn Estuary sites, as a potential impact remain even if the HRA does not consider that it results in AEOI?</p> <p>(ii) Natural England are also invited to comment on these matters.</p>
Q3.1.12	The Applicant, Natural England	<p>River Chelt Mitigation Strategy</p> <p>The Relevant Representation provided by Natural England [RR-027] Section 5.1 notes that a “River Chelt mitigation strategy” is required to be secured and subsequently implemented. The ExA cannot find reference to this term in the HRA Screening [APP-099] or HRA SIAA [APP-100].</p> <p>Can Natural England and the Applicant confirm what their understanding of this strategy to be, and if it is a standalone document, how this is secured in the DCO?</p>
4. Climate Change adaption and carbon emissions		
Q4.01	The Applicant	<p>Mitigation Measures</p> <p>Please explain how the proposed mitigation/adaptation measures would ensure that the Proposed Development would be sufficiently resilient against the possible future impacts of climate change</p>
Q4.02	The Applicant	<p>Carbon Reduction</p> <p>Paragraph 14.9.3 of ES Chapter 14 [APP-073] states “To fully embed this hierarchy in the project team’s ways of working, the Principal Contractor should commit to adhering to the principles of the PAS 2080 – Carbon Management in Infrastructure verification.” (Our emphasis)</p> <p>Please explain how the mitigation is secured within the DCO and what ensures the Principal Contractor will adhere to PAS 2080.</p>
5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
Q5.01	The Applicant	The scope and purpose of the Compulsory Acquisition Powers sought

ExQ1	Question to:	Question:
		<p>The SoR [AS-005], Section 3.3, relates to other compulsory acquisition powers and paragraph 3.3.1, states that the land included in the draft DCO [AS-003] is the minimum land-take required to construct, operate, maintain, and mitigate the scheme, and that the limits of deviation have been drawn as tightly as possible so as to avoid unnecessary land-take. To assist with the consideration of whether the extent of the land to be acquired is no more than is reasonably required for the purposes of the development to which the development consent will relate:</p> <p>(i) For the avoidance of doubt, please set out and justify the extent of the flexibility that the submitted scheme would allow in terms of limits of deviation and parameters providing dimensions where relevant.</p> <p>(ii) How would it be ensured that powers of Compulsory Acquisition (CA) would not be exercised in respect of land not ultimately required as a result of the detailed design process.</p>
Q5.02	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought.</p> <p>At ISH1 where the Applicant identified the scheme had been designed to result in a nil detriment effect on the highway network. What is the basis for designing a scheme in this way, and how can the ExA be confident that this has resulted in the minimum land take necessary to deliver the scheme, and that s122 of the PA2008 is satisfied.</p>
Q5.03	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought.</p> <p>The SoR [AS-005], paragraph 3.3.8, indicates that this article would enable the Applicant to choose instead of acquiring the whole of the land pursuant to Article 21, to acquire only the subsoil underneath, or airspace over the land. Please indicate the circumstances in which this power might be used, and the anticipated purposes of any land so acquired?</p>
Q5.04	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought.</p> <p>The SoR [AS-005] Section 3.4, explains that in addition to powers of CA, if made, the DCO would also confer other rights and powers on the Applicant that may interfere with property rights and private interests. Article 23 would authorise the Applicant to enter onto any land within the Order Limits or which may be affected by the authorised development to undertake various survey and investigative works, including trial holes. Article 23(2) provides for a 14 day notice period to be given to the owner/occupier of the land.</p>

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ExQ1	Question to:	Question:
		<p>(i) Please explain and define the land outside the Order limits which “may be affected by the authorised development”?</p> <p>(ii) How would that land be ascertained and how can it be ensured that this power would be reasonably exercised for a necessary purpose?</p> <p>(iii) Please specify the types of surveys and investigations for which this power would be utilised?</p> <p>(iv) Please provide justification for a 14 day notice period and consider whether this is unreasonably short and should be extended to 28 days?</p>
Q5.05	The Applicant	<p>Land Plans</p> <p>Sheet 16 Inset Box M appears to have an error with no obvious division between plots 16/1b and 16/1c, please correct or clarify the situation?</p>
Q5.06	The Applicant	<p>Funding</p> <p>In the RR from National Highways [RR-026] NH question whether the current cost estimates for the scheme are accurate in light of challenging market conditions. It is not clear from [REP1-043 section 26.7] how this concern has been addressed.</p> <p>(i) Please respond fully to this concern setting out how you have assessed the cost of the Proposed Development and taken into account market conditions and recent inflationary pressures?</p> <p>(ii) Please can you also provide a current cost estimate breakdown of each of the three main component parts (motorway junction, West Cheltenham Link Road and A4019 dualling)?</p>
Q5.07	The Applicant	<p>Funding</p> <p>What is the identified funding gap?</p> <p>(i) According to Planning Statement [REP1-028] para 5.3.5 the gap is £72.25 million, however the total cost estimate set out in Table 1 of the Funding Statement appears to show a deficiency of £81,138,909. Can the Applicant clarify the situation?</p> <p>(ii) In confirming the correct figure please also confirm whether this remains the case now in the current economic climate, and under current market conditions and having responded to the previous question?</p>

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ExQ1	Question to:	Question:
		<p>(iii) Please explain what sensitivity testing has been undertaken to demonstrate what factors have been taken into consideration when arriving at the cost estimates for the construction of the Proposed Development? It would be helpful to understand what the range of costs might be and what factors have been taken into consideration in establishing that range, with evidence of what the most likely cost would be with an upper and lower estimate, and providing confidence that the funding could meet the worst case scenario.</p>
Q5.08	The Applicant	<p>Funding According to the Funding Statement [APP-036] para 3.4.2 the Notice To Proceed (NTP) is not intended to be issued until “<i>sufficient amounts of developer contribution have been secured to fully support delivery of the Scheme</i>”.</p> <p>(i) What time frame do you consider this to be and what degree of certainty is there that this time frame reflects a realistic approach? (ii) If funding to meet the gap is delayed, what are the alternative options that are being considered which could give assurance to the SoS that the scheme could go ahead and be completed in a timely manner? and (iii) That if the DCO were to be granted the Applicant would be able to meet its obligations in respect of Compulsory Acquisition?</p>
Q5.09	The Applicant	<p>Funding Table 2 of the Funding Statement has a row identified as Risk and a further column of strategic risk. Please clarify how these have been established and what elements contribute to the overall totals.</p>
Q5.010	Bloor and Persimmon Homes, St Modwen and Midlands Portfolio Ltd	<p>Funding Can each developer advise on when they hope to commence development and over what time period you estimate your build to be.</p>
Q5.011	The Applicant and Homes England	<p>Funding (i) Can the Applicant clarify if the funding from Homes England is a fixed figure or index linked? (ii) If it is not index linked what is in place to meet any increase in shortfall should one occur during or prior to construction?</p>

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ExQ1	Question to:	Question:
Q5.0.12	The Applicant (i ,ii, iii), The Joint Councils (ii only), Persimmon Homes, Bloor Homes, St Modwen and Midlands Land Portfolio Ltd (iii only)	<p>Funding</p> <p>Para 3.2.5 of the Funding Statement [APP-036] GCC is to confirm their approach to the application of JCS policy INF7 following the Cabinet meeting in December 2023.</p> <ul style="list-style-type: none"> (i) What is latest position? (ii) Is this position/approach agreed with the other Councils? (iii) Is this approach agreed with the Interested Parties who are the prospective developers of the allocated sites?
Q5.0.13	The Applicant, The Joint Councils, (I and ii) Persimmon Homes, Bloor Homes, St Modwen and Midlands Land Portfolio Ltd (ii only)	<p>Funding</p> <ul style="list-style-type: none"> i) What is the latest position in respect of the GCC Local Developers Guide? ii) What Status do you consider it currently to have?
Q5.0.14	Homes England, The Applicant	<p>Funding</p> <p>In responding to the ExA’s PD letter [PD-007] of the 23 April [AS-057] the Applicant gives some limited information regarding milestones for the Homes England funding.</p> <ul style="list-style-type: none"> (i) The letter explains that the Housing Infrastructure Fund (HIF) Grant Determination Agreement (GDA) includes contractual requirements “<i>to enable the core housing outputs to be delivered</i>” Please clarify what is meant by the core housing outputs. (ii) The letter also states “<i>For the wider housing scheme, the GDA includes target start on site and practical completion dates for the core housing outputs on the three strategic sites.</i>” Please clarify which 3 sites this refers to. (iii) If a proportion of the funding is linked to “<i>practical completion dates for the core housing outputs on the three strategic sites</i>” when is this anticipated to be paid? If this is to be paid in instalments, please provide an anticipated payment schedule and what the likely split is to be. (iv) Please explain what is meant by “flexible to allow the scheme to evolve”? Does this relate to evolution of the project as design, or for example the timing for draw down of the funding?
Q5.0.15	The Applicant, Joint Councils	<p>Funding</p> <p>Can the Applicant and Joint Councils provide the following:</p>

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ExQ1	Question to:	Question:
		<p>(i) On an Ordnance Survey base indicate the current planning application red lines and the extent of the allocations in the JCS;</p> <p>(ii) Support this with a table setting out:</p> <ul style="list-style-type: none"> a) the type (outline, full, reserved matters) and description of the development; b) the status of the applications, whether they have been approved, refused or remain undetermined, c) if undetermined what the current state of play is and a likely time frame for determination, and d) if approved whether a s106 has been completed and if funding from that is assigned towards the infrastructure improvements included within the DCO and how much this equates to.
Q5.0.16	The Applicant, Bloor and Persimmon Homes, and St Modwen and Midlands Land Portfolio Ltd	<p>Funding</p> <p>(i) The funding for the scheme has a significant reliance on Section 106 funding associated with (future) development. Please can you explain the specific mechanism for how this will be secured at the appropriate time to support the proposed construction (including programme) of the scheme.</p> <p>(ii) Can the house builders also respond to this question but also give an indication of the timing of the likely commencement of development and the prospective build programmes as far as you can at the present time.</p> <p>(iii) There would appear to be a tension between the NPPF requirements on developers to provide mitigation to address infrastructure needs associated with their development, and how the current proposal responds to those needs? Can each party explain their position on this matter and provide an explanation of how they consider this might be resolved.</p>
Q5.0.17	The Applicant, Bloor and Persimmon Homes, and St Modwen and Midlands Land Portfolio Ltd	<p>Funding</p> <p>In the Funding Statement [APP-036] paragraph 3.3.1 the Applicant indicates there is transport modelling that demonstrates relative benefit for each of the sites.</p> <p>(i) Can the Applicant explain whether this an established and agreed approach as this would appear to contradict both the RRs from Persimmon and St Modwen, but also the Funding Statement which indicates the approach is still the subject of consultation and is yet to be agreed?</p> <p>(ii) Can each of the housebuilders clarify their position on this matter?</p>

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ExQ1	Question to:	Question:
Q5.0.18	Joint Councils	<p>Funding</p> <p>Can the Joint Councils provide a detailed update on the relationship between the Proposed Development and the Community Infrastructure Levy and whether the Proposed Development forms part of the Infrastructure Funding Statement.</p>
Q5.0.19	Applicant	<p>Funding</p> <p>Within the Funding Statement [APP-036] at paragraph 3.4.2 it states “GCC anticipate making progress with agreements for developer contributions as the identified housing schemes progress through the planning system. It is envisaged that the NTP to stage two will only be issued to the contractor in the event that sufficient amounts of developer contribution have been secured to fully support delivery of the Scheme. This protects the highway authorities from the risk of the scheme starting construction, and not completing, due to a lack of funds.”</p> <p>Does this not confirm that there is a significant degree of uncertainty regarding the funding of the project?</p>
Q5.0.20	The Applicant	<p>Funding and the scope and purpose of the Compulsory Acquisition Powers sought</p> <p>At the present time as there is not an agreement on transport modelling and the potential this may have for changes to scheme design. What confidence can the ExA have that the necessary funding will be available and the extent of land necessary meets the appropriate legal and policy tests?</p>
Q5.0.21	The Applicant	<p>Cumulative Assessment and Funding</p> <p>(i) In light of the evidence presented by the Applicant in Paragraph 15.6.11 of the CEA [APP-074] that the Safeguarded land should not be included in the cumulative effects assessment, should any prospective s106 contributions related to this land be included in the funding assessment?</p> <p>In answering, please provide a reasoned response in respect of the timing of any funds that may arise and any policy or other justification for the inclusion.</p>
Q5.0.22	The Applicant	<p>Engagement with Parties Subject to Compulsory Acquisition and Temporary Possession</p> <p>Relevant Representations from or on behalf of Mr Hadley [RR-028], Mr Williams [RR-004], Mrs Mary Bruton [RR-023], Dana Wotton [RR-011], The Crown Estate [RR-038], Donna James</p>

ExQ1	Question to:	Question:
		<p>[RR-017], Bloor Homes [RR-005] and the oral representation of Mr Webb at the OFH all cite a lack of positive engagement.</p> <p>The ExA is familiar with the response set out in [REP1-043], however is there anything further the Applicant would wish to add in light of the obligations on Applicants in pursuing Compulsory Acquisition powers.</p>
6. Draft Development Consent Order (DCO)		
6.0 Articles		
Q6.01	The Applicant	<p>Requirements</p> <p>Following ISH2 the Applicant, National Highways and the Joint Councils it is understood were having a meeting to discuss outstanding matters regarding the discharge of requirements as referenced in NH [REP1-062] submission (paragraph 5.1).</p> <p>Please can the Applicant advise where the update can be found as this was not referenced in the covering letter [REP1-001].</p>
Q6.02	IPs other than the Applicant and specifically statutory undertakers / utility providers and local authorities	<p>Schedule 1 Authorised Development</p> <p>Under Schedule 1 Authorised Development there is no distinction between the works constituting a nationally significant infrastructure project (NSIP) and those which are associated development within the meaning of (s) 115(2) of PA2008. Following the receipt of the Applicant's explanation for this at Deadline 1 following ISH2 into the dDCO. Do the Joint Councils, SUs and IPs agree with the approach taken and that the list of additions (a) to (l) is reasonable, precise and appropriate in all other respects.</p>
Q6.03	IPs, The Environment Agency, GCC as LLFA	<p>Article 4 – Maintenance of Drainage Works</p> <p>The Explanatory Memorandum (EM) [APP-032] states at para 4.15 “<i>Responsibility for maintenance of drainage works may sit with the Environment Agency, an internal drainage board (IDB), a lead local flood authority or a landowner</i>”.</p> <p>Following on from ISH2 and the Applicant's response at D1 are all parties agreed as to who the responsible authorities are as set out by the Applicant?</p>

ExQ1	Question to:	Question:
Q6.04	The Applicant, Persimmon and Bloor Homes, Joint Councils, (i) Crown Estate (ii) only	<p>Article 7 - Planning Permission</p> <p>(i) In light of the overlap between the scheme boundary and the planning application for Elms Park referred to in the joint Bloor Homes and Persimmon Homes RR [RR-006] (16/0200/OUT) (para 1.6) would there be any conflict with the DCO as drafted? In responding, please explain with particular reference to timing as well as the physical differences proposed for access to the Elm Park Development.</p> <p>(ii) The Crown Estate [RR-038] refers to a planning permission at the Gallagher Retail Park, please provide details of this scheme explaining what land is included, and what conflict if any would arise between the DCO scheme and the planning permission.</p>
Q6.05	The Applicant	<p>Article 17 Access to works</p> <p>(i) Paragraph 4.68 of the EM [APP-032] seems to go beyond what the DCO would do in facilitating accesses for others, is the explanation in the EM correct, and if so should this be more limited than the EM suggests?</p> <p>(ii) Does the wording of the article reflect the powers being sort or does it need to be rewritten?</p>
Q6.06	The Applicant	<p>Article 18 Discharge of Water</p> <p>In light of the response at D1 in [REP1-042] page 21 where can the narrative described explaining the interaction between Article 18 and the disapplication of legislative provisions be found?</p>
Q6.07	The Applicant	<p>Article 31</p> <p>(i) The Article as drafted appears to allow temporary possession of any land within the Order Limits. Please provide further details as to why this inclusion is justified, and what steps the Applicant has taken to alert all landowners, occupiers, etc, within the Order limits of the possibility of the applicant using the powers of temporary possession.</p> <p>(ii) While 31 (4) requires the undertaker to remove temporary works and restore the land to reasonable satisfaction of the owners of the land, it does not specify that vehicles and equipment should be removed. Please consider whether this should be added, and if not explain with justification the approach.</p> <p>(iii) Powers of temporary possession are sometimes said to be justified because they are in the interests of landowners, whose land would not then need to be acquired permanently. The</p>

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ExQ1	Question to:	Question:
		Neighbourhood Planning Act (NPA) 2017 Act provisions (accepting these are not yet enacted) include the ability to serve a counter-notice objecting to the proposed temporary possession so that the landowner would have the option to choose whether temporary possession or permanent acquisition was desirable. Should this article make some such provision – whether or not in the form in the NPA?
Q6.0.8	The Applicant	<p>Article 36 Felling or lopping of trees and removal of hedgerows</p> <p>It is noted that in contrast to the advice given in Section 22 of Advice Note 15, there is not a schedule setting out the trees, hedgerow etc that may be lopped, felled, or cut back, but instead the power applies to any tree within or overhanging the Order Land.</p> <p>Having a schedule may assist parties in making submissions, and the ExA to consider these, please provide a schedule.</p>
Q6.0.9	The Applicant, Joint Councils	<p>Article 41 Defence to proceedings in respect of statutory nuisance</p> <p>Are there controls on factors listed in 79 1 (d) (dust, steam, smell etc), (fb) (artificial light), (g) (noise from premises) and (ga) (noise from vehicles, machinery etc) of the Environmental Protection Act 1990 sufficient to justify the defence being provided against a statutory nuisance claim?</p>
Q6.0.10	The Applicant	<p>Article 46 Arbitration</p> <p>Are you able to provide examples of where a SoS has allowed arbitration to decisions they may have to make on future consents or approvals within their remit? The SoS would appear to take a different approach.</p> <p>By way of example the SoS for BEIS included the following drafting in the arbitration article in the Norfolk Vanguard Offshore Windfarm DCO and the draft Hornsea Three Offshore Windfarm DCO <i>“Any matter for which the consent or approval of the Secretary of State or the Marine Management Organisation is required under any provision of this Order shall not be subject to arbitration.”</i></p>
6.1 Schedule 1 – Authorised Development		
Q6.1.1	The Applicant	<p>Schedule 1 Authorised Development</p> <p>Please clarify the discrepancy between the description in Work No.1 with the description given in the Transport Assessment [APP-138] Section 4.2 which states it is a signalised roundabout.</p>

ExQ1	Question to:	Question:
6.2	Schedule 2 - Requirements	
Q6.2.1	The Applicant	<p>PINS Advice Note 15: Drafting Development Consent Orders.</p> <p>It would not appear that the drafting of the Requirements has not followed the guidance within the document referred to. Please provide a detailed explanation and justification for the approach taken.</p>
Q6.2.2	The Applicant	<p>Requirement 3 Environmental Management Plan</p> <p>(2) a) 'substantially' – (i) would this not be more appropriately written as 'in accordance with'?</p>
Q6.2.3	The Applicant	<p>Requirement 12. Surface water drainage</p> <p>(i) Is the word 'reflect' appropriate in delivering the mitigation measures in chapter 8, would not it better to 'accord with'?</p> <p>(ii) The EMP Requirement does not refer to drainage or flood compensation areas so how is the maintenance of these to be secured?</p> <p>(iii) Do the Councils and Environment Agency agree the requirement appropriately delivers mitigation?</p>
6.3	Schedule 16 – Procedure for discharge of requirements	
Q6.3.1	The Applicant	Following on from ISH 2 and the response in [REP1-042] can the Applicant provide an update on the progress with regard to who and how the various requirements are proposed to be discharged.
7.	Good Design	
Q7.0.1	The Applicant	<p>Good Design</p> <p>(i) Considering the advice within the NPSNN at paragraph 4.33 'The use of professional independent advice on the design aspects of a proposal should be considered, to ensure good design principles are embedded into infrastructure proposals.</p> <p>(ii) Please explain what independent advice has been sought to ensure good design principles are embedded into the proposals.</p>

ExQ1	Question to:	Question:
		(iii) Please indicate the regard that has been had to 'Design Principles for National Infrastructure', published by the National Infrastructure Commission (February 2020) in respect of Climate, Places, People and Value in the design of the scheme.
Q7.02	The Applicant	Good Design Please explain how the design process has been conducted and how the design has evolved to ensure that the design would achieve a positive response to the challenges faced in this locality.
Q7.03	The Applicant	Good Design Should there be a process that involves an independent Design Champion or similar to seek to ensure the concept of good design is thoroughly considered and secured?
8. Green Belt		
Q8.01	The Applicant	Green Belt The Green Belt assessment set out in [REP1-028] paragraph 7.6.8 – includes “ <i>As the majority of this infrastructure exists, with the exception of the proposed Link Road, it demonstrates a requirement for its location within the Green Belt.</i> ”- While this position can be readily understood in respect of the existing motorway and the A4019, this does not of itself provide an explanation or justification for the link road being in this location and being within the Green Belt. The assessment goes on to recognise that such development can be regarded as not inappropriate where the Green Belt openness is preserved. Is not openness a broader concept that just the degree of visual impact effect? Please provide an explanation of the effects on the concept of openness beyond any landscape and visual effects which may arise
Q8.02	The Applicant	West Cheltenham Link Road Please can the Applicant confirm why the Technical Note 'Inappropriate Development in the Green Belt' [REP1-046] (Appendix A) seems to principally base its findings with respect to the West Cheltenham Link Road route options based upon land take / length of road? Furthermore, please can the Applicant explain how the openness of the green belt can be fully

ExQ1	Question to:	Question:
		understood in the absence of visualisations which may identify other material considerations and how the assessment that has been undertaken has been informed without them?
Q8.03	Joint Councils	<p>Green Belt</p> <p>(i) Can the Councils confirm whether they are satisfied that the elements of the Proposed Development that fall within the Green Belt fall within either paragraph 155 b) or c)</p> <p>(ii) If the ExA was to conclude that openness would not be preserved, are you satisfied with the case of very special circumstances provided by the Applicant in [REP1-046].</p>
9.	Heritage	
Q9.01	Joint Councils	<p>Archaeology</p> <p>In light of the advice in the NPSNN and the NPPF are the Councils now content that the submission [AS-038] the Archaeological Management Plan (AMP) provides sufficient detail at this stage to give the necessary reassurance that any below ground heritage assets will be safeguarded appropriately.</p>
Q9.02	The Applicant	<p>Archaeological Management Plan</p> <p>Within the AMP at paragraph B.8.1.2 it states, <i>“The AMP will form a record of the required treatment of heritage assets through the course of the detailed design and construction of the Scheme.”</i></p> <p>Is it intended that the AMP would deal with all heritage assets or be limited to archaeology?</p>
Q9.03	Joint Councils	<p>Archaeological Management Plan</p> <p>The AMP specifies at paragraph B.8.6.6 <i>“All works will be monitored by the Archaeological Consultant and the LPA Archaeological advisor.” (Our emphasis)</i></p> <p>Can the Councils confirm that this is agreed and there is the necessary capacity to undertake this work, or provisions are secured to provide the capacity?</p>
Q9.04	Joint Councils, Historic England	<p>Archaeological Management Plan</p> <p>At paragraph B.8.10.2 states <i>“The LPA Archaeological advisor and, where appropriate, Historic England, will review and approve as aligned to and limited by the DCO requirements ...” (Our emphasis)</i></p>

ExQ1: 9 July 2024

Responses due by Deadline 3: 30 July 2024

ExQ1	Question to:	Question:
		Do the Councils and or Historic England consider that the Requirements and the AMP provide the appropriate approach to signing off on heritage matters?
Q9.05	Joint Councils, Historic England	<p>Archaeological Management Plan</p> <p>In the Register of Environmental Actions and Commitments (REAC) CH1 indicates that the intention is to “<i>achieve preservation by record</i>” Is this considered to be the appropriate approach and in line with best practice?</p>
Q9.06	The Applicant	<p>Historic Environment Sites and Features Plan – Non Designated receptors ridge and furrow.</p> <p>On sheets 11, 12, 13, and 14 of 16 within [APP-022] a bold yellow line is shown running along the line of the A4019 on what appears to be the parish boundary. It does however not continue onto sheet 5 as might be expected. please clarify what this feature is and whether sheet 5 needs to be amended.</p> <p>A similar line is annotated along the B4634 on sheet 16, please also clarify what this feature is.</p>
10. Geology and Soils		
Q10.01	The Applicant	<p>Geology and Soils</p> <p>Paragraph 10.3.5 of ES Chapter 10 [REP1-018] states that Agricultural Land Classification (ALC) surveys were undertaken in December 2020, October 2021 and May 2022. The results are in ES Appendices 10.4 to 10.6 [APP-121, 122 and 123]. Survey coverage includes the site of the proposed West Cheltenham Link Road, the flood storage area south-east of the M5 Junction 10 and three parcels north-west of the junction/ along the Link Road. A small area to the north of the A4019 was planned for survey but could not proceed due to access restrictions, and instead baseline information has been established through Natural England mapping and the outcome of the other surveys.</p> <p>The Applicant is requested to confirm whether there are any plans to complete a survey in this location.</p>
Q10.02	The Applicant	<p>Geology and Soils</p> <p>ES Appendix 10.7 [APP-124] presents the results of ground investigation completed in 2021, including instructive investigation and soil sampling. The figures used in this report show an earlier iteration of the project boundary, not the current Order Limits. R8 of the dDCO [REP1-</p>

ExQ1	Question to:	Question:
		004] includes requirements for further risk assessment and remediation in the event of encountering previously unidentified contamination. The Applicant is requested to explain how the ground investigation completed in 2021 relates to the Order Limits.
Q10.03	The Applicant	Best and Most Versatile Agricultural Land Please can the Applicant confirm that the requirements of Paragraph 5.168 NPSNN have been met including demonstrating that there are no areas of poorer quality land which could be used?
Q10.04	The Applicant	Best and Most Versatile Agricultural Land Please can the Applicant also demonstrate how the economic and other benefits associated with the retention of the Best and Most Versatile Agricultural land is outweighed by the benefits of the DCO proposal having regard to NPSNN Paragraph 5.176?
11. Landscape and Visual		
Q11.01	The Applicant	Landscape and Visual Please clarify the apparent inconsistency in terminology within [APP-068] where a moderate effect is sometimes regarded as significant and sometimes not?
Q11.02	The Applicant	Landscape and Visual Please check the reference to viewpoints referred to in the ES Fig 9.3 VR3a is not clearly shown and the marker south of VR18a, 18b, 18c is not obviously labelled. Please provide an updated figure with each visual receptor clearly marked or point out where the ExA can find these in the current documentation?
12. Noise and Vibration		
Q12.01	The Applicant	Essential Mitigation Measures to mitigate operational noise levels on Stoke Road are set out in Sections 6.8.42 – 6.8.49 in the Noise and Vibration chapter of the ES [AS-014] as essential. (i) Can the Applicant provide an update as to why this does not currently form part of the DCO. (ii) Please can the applicant provide further details of this mitigation scheme?

ExQ1	Question to:	Question:
		<p>(iii) Please can the applicant provide an assessment of the level of mitigation that the scheme could be expected to provide?</p> <p>(iv) Explain if the Applicant is relying on this to conclude no significant effects to some receptors.</p> <p>(v) Please can the applicant provide the ExA with any details of how any relevant scheme would be secured?</p>
Q12.02	The Applicant	<p>National Policy Statement</p> <p>The relevant representation provided by National Highways [RR-026] raises the following matters, which the Applicant is requested to respond to:</p> <p>(i) That M5 J10 has been represented in the baseline scenario in relation the Noise Policy Statement for England with specific reference to noise barriers. It appears that the compliance has been modelled upon a separate Proposed Development completed in advance of the proposed development. Please clarify the situation and explain the timing of the development relative to the Proposed Development of this scheme.</p> <p>(ii) Confirmation of compliance with the three aims of the National Policy Statement for England.</p>
Q12.03	The Applicant	<p>Noise assessment methodology</p> <p>Within the ES noise and vibration chapter 6 [AS-014], for the construction phase assessment (construction activity and traffic), the magnitude of impacts is directly linked to the Significant Observed Adverse Effects Level (SOAEL) and Lowest Observed Adverse Effect level (LOAEL) (Table 6-2), however for the diversion assessment (Table 6-6) and operational phase (Table 6-8), the magnitude is based on change to road traffic noise only with no specified reference to the SOAEL and LOAEL (Table 6-7). Please explain this difference in approach?</p>
Q12.04	The Applicant	<p>Construction phase assessment - receptors</p> <p>Paragraph 6.9.12 of ES Chapter 6 [AS-014] refers to 38 receptors, however all other relevant parts of the construction assessment refer to 39.</p> <p>Please can the Applicant confirm that the assessment has considered all of the 39 receptors listed in Table 6-11.</p>
Q12.05	The Applicant	<p>Construction phase assessment - Noise exceedances below duration threshold</p>

ExQ1: 9 July 2024

Responses due by Deadline 3: 30 July 2024

ExQ1	Question to:	Question:
		<p>Paragraph 6.9.20 of ES Chapter 6 (AS-014) refers to using a threshold of the number of exceedances to determine significance, rather than one off events.</p> <p>Can the Applicant explain how one-off events, or any events less than the threshold, have been considered in related chapters such as population and human health [APP-072]?</p>
Q120.6	The Applicant	<p>Construction phase assessment</p> <p>Paragraph 6.9.21 and 6.9.22 of ES Chapter 6 [AS-014] refers to roadworks being transitory in nature, and therefore unlikely to breach the threshold (duration) of significance. This is also stated for the vibration assessment. The ExA considers that the detail of the construction programme given in the ES should mean that greater surety is available as to how long works would last near to each property subject to potential LSE, and therefore the locations and duration of exceedances.</p> <p>The Applicant is requested to:</p> <ul style="list-style-type: none"> (i) Provide further information on how long works would last near to each property subject to potential LSE, and therefore the locations and duration of exceedances; (ii) Confirm where the Applicant is relying on the roadworks being transitory to conclude no LSE, as paragraph 6.9.6 states that “Note that, the determination of significance has not been influenced by any noise insulation or temporary rehousing considerations”, whereas 6.9.22 states that “Therefore, construction noise is unlikely to lead to significant effect, including temporary rehousing or noise insulation”.
Q120.7	The Applicant	<p>Construction phase assessment – vibration</p> <p>It is not clear from the assessment of vibration in Table 6-20 of ES Chapter 6 [AS-014] whether the “vibration significance threshold exceeded” column refers to the scenario without mitigation or residual effects (with mitigation).</p> <p>The Applicant is requested to:</p> <ul style="list-style-type: none"> (i) Provide clarification as to whether Table 6-20 refers to the scenario without mitigation or with mitigation (residual effects); (ii) Whether the conclusions of the vibration assessment of no LSE where listed are reliant on the thresholds given in paragraph 6.9.37.
Q120.8	The Applicant	<p>Construction phase assessment – Headroom</p>

ExQ1	Question to:	Question:
		<p>Within the Noise and Vibration Chapter 6 [AS-014] (and also Chapter 6 the Air Quality [AS-012] and Traffic Management Plan [AS-041]), the Applicant refers to the “headroom” in the calculations of construction traffic. It is not clear where this concept has come from, as the term does not appear in DMRB LA 111.</p> <p>The Applicant is therefore requested to provide:</p> <ul style="list-style-type: none"> (i) Additional information on the methodology used and the application to the assessment. (ii) The thresholds used to identify moderate or other potential effects, as these do not appear to be given for all effects. (iii) Why an effect would only be significant if “changes in traffic flows if the number of additional vehicles exceeds the threshold for ten or more days in any fifteen consecutive days or 40 days in six consecutive months”? (iv) Why some worst-case figures have more headroom than the “no slip road diversions” scenario (for example A46 Ashchurch road and A438 Ashchurch Road)? (v) On which timescale the headroom figures are based (as it is not clear, for example, whether these are for a specified time period such as a day and therefore similar to the HDV and Car / LDV movements), or the duration of the construction works as a whole? (vi) Why the headroom figures only consider the need to assess car / LDV movements if the HDV movements are exceeded, rather than assessing both types of movements?
Q120.9	The Applicant	<p>Operational phase – properties subject to significant effects</p> <p>The specific properties listed in Table 6-27 and 6-28 of ES Chapter 6 [AS-014] which are subject to significant adverse or beneficial effects do not appear to be listed, as these tables instead refer to groups or total numbers of receptors. The same matter arises for the cumulative effects assessment in Tables 6-31, 6-32 and 6-33.</p> <p>The ExA request a list of the specific properties subject to significant adverse or beneficial effects is provided at the next deadline.</p>
Q120.10	The Applicant	<p>Operational phase – properties subject to significant effects</p> <p>It is not clear to the ExA how the information in Tables 6-27 and 6-28 of ES Chapter 6 [AS-014] relates to the assessment presented in Table 6-29, which appear to show a much higher number of properties subject to significant adverse effects, for example 58 alone in Stoke Orchard Village, and an apparent total of 278 total from Stoke Road, Stoke Orchard, A4019,</p>

ExQ1: 9 July 2024

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ExQ1	Question to:	Question:
		<p>Gloucester Road and Brooklyn Road. The same matter arises for beneficial effects, and the cumulative effects assessment in Tables 6-31, 6-32, 6-33 6-34.</p> <p>The Applicant is requested to provide clarity on the number of properties subject to significant adverse or beneficial effects.</p>
Q120.11	The Applicant	<p>Operational phase – modelling outputs</p> <p>It is not clear how the modelling outputs listed in Table 6-39 of ES Appendix 6.2 [APP-083] relate to the total receptors assessed as listed in Table 6-23 (up to 14,404 receptors). Whilst it is noted that Table 6-39 provides a summary of “representative receptors”, no information is given as to how these receptors were chosen.</p> <p>The Applicant is requested to explain how the receptors were identified.</p>
Q120.12	The Applicant	<p>Operational phase – overall significance</p> <p>Paragraph 6.9.103 of ES Chapter 6 [AS-014] indicates that the assessment of significance takes into account short and long term, day and night scenarios, however the reasoning for this is not explained.</p> <p>The Applicant is requested to provide information on the assessment of significance for individual scenarios and provide them as a summary table.</p>
Q120.13	The Applicant	<p>Operational phase – overall significance</p> <p>Paragraph 6.9.104 of ES Chapter 6 [AS-014] refers to figures (6-15 and 6-16) which show the properties which meet the criteria to be subject to significant effects. It is not specified whether this relates to the short term or long-term assessments. It is also not clear how this relates to the statement in 6.9.109 which only refers to 3 properties which may be eligible for insulation, and Table 6-29, which as above, refers to 278 properties subject to adverse effects. The same matter also arises for beneficial effects and the cumulative assessment (Figure 6.17).</p> <p>The Applicant is requested to provide confirmation on the use of short- and long-term effects to determine significance, and how the conclusions are consistent throughout the ES.</p>
Q120.14	The Applicant	<p>Cumulative effects assessment</p> <p>Table 6-34 of ES Chapter 6 [AS-014] does not appear to include an additional assessment of cumulative effects where the assessment of the project alone considers a significant adverse effect. Therefore, no information is provided as to whether the cumulative effects may worsen</p>

ExQ1	Question to:	Question:
		<p>the significant effect (for example a higher increase in decibels compared to the project alone). The Applicant is requested to provide additional information on how this has been assessed.</p>
Q120.15	The Applicant	<p>Cumulative effects assessment Table 6-31, and the subsequent assessment in Table 6-34 of ES Chapter 6 [AS-014], appear to be related to existing properties, however a higher number are assessed in the cumulative assessment than the project alone assessment, with no explanation given. The Applicant is requested to provide clarification on this point.</p>
Q120.16	The Applicant	<p>Residual significance – all phases The summary of the construction phase assessment (Table 6-18), operational phase assessment (6-29) and cumulative (6-34) considers the significance of effects before and after mitigation but does not provide a summary or list of which mitigation measures are being relied upon to form the overall conclusions. The ExA requests updated tables to confirm the mitigation measures relevant to each receptor.</p>
Q120.17	The Applicant	<p>Mitigation via Insulation, rehousing and compensatory payments Throughout the ES Noise and vibration chapter 6 [AS-014], the Applicant refers to the unlikely, but possible requirement to offer either insulation or additional payments / compensation for properties subject to significant adverse effects during operation, or insulation or temporary rehousing during construction. It is stated that offers of insulation or rehousing would be made at a later date during detailed design. However, given that this would involve works to, or affect parties outside of the red line boundary, the ExA requests information on:</p> <ul style="list-style-type: none"> (i) The specific properties that have the potential to be offered noise insulation or rehousing during either the construction or operational phase, as this information is presented inconsistently throughout the ES chapter. (ii) Whether these properties have been informed at present as to the potential for insulation and rehousing, and whether there are any specific needs to consider in insulation or rehousing such as disabilities, other medical equipment needs and household pets. (iii) Noting that this approach is secured in the Noise and Vibration Management Plan [AS-033], how the insulation, compensation and rehousing are proposed to be funded. (iv) Whether the impact of insulation works and rehousing have been considered in other chapters of the ES such as the Population and Human Health chapter (APP-072).

ExQ1	Question to:	Question:
		(v) The Applicant is also requested to confirm if they are reliant on this to conclude no likely significant effects to some receptors.
Q120.18	The Applicant	<p>Mitigation – short term effects (less than 15 years)</p> <p>It is noted that no properties are subject to significant adverse effects in the longer-term operational scenario (Table 6-28, [AS-014]). However, it is unclear whether the Applicant considers that any additional mitigation such as insulation should be given to the properties subject to short term significant adverse effects (4 properties as in Table 6-27), as 15 years is a considerable period for potential significant effects.</p> <p>The Applicant is requested to provide information on this matter.</p>
Q120.19	The Applicant	<p>Mitigation via low noise surfacing</p> <p>Paragraph 6.8.18 of ES Chapter 6 [AS-014] indicates that it is not GCC policy to surface roads with a low noise surfacing. However, the term appears as part of requirement 14 of schedule 2 of the dDCO [AS-003] <i>“No part of the authorised development is to commence until written details of proposed noise mitigation in respect of the use and operation of that part of the authorised development, including noise barriers and any very low noise surfacing, have been submitted to and approved in writing by the county planning authority following consultation with the relevant planning authority and the strategic highway authority on matters related to their functions”.</i></p> <p>(i) The Applicant is requested to confirm whether low noise surfacing is proposed.</p> <p>(ii) If it is not, the Applicant is requested to explain why this is the case, why the term appears in the dDCO and why, given the high number of receptors subject to potentially significant effects during operation, why this was not considered as a possible embedded mitigation?</p>
13. Policy		
Q130.1	The Applicant	<p>Policy Approach</p> <p>(i) The Transport Assessment (TA) has been undertaken it would appear to predict future traffic movements from the dependant development (future allocations and safeguarded land) rather than from the position of assessing the M5 J10 operational need in the future. This consequently then seeks to justify the A4019 widening and West Cheltenham link road rather than evidencing the need for either in support of the junction modifications, as such the</p>

ExQ1	Question to:	Question:
		<p>scheme could be said to be facilitating growth as opposed to responding to a strategic highway need.</p> <p>Please explain the purpose of each element and respond to the concerns outlined above.</p>
Q13.0.2	The Applicant	<p>General Assessment Principles</p> <p>Notwithstanding the details provided in the National Policy Statement for National Networks (NPSNN) Accordance Table set out in Appendix B of [APP-135] updated by [REP1-028]. In relation to NPSNN paragraph 4.26:</p> <p>(i) Please identify all legal and policy requirements relating to the assessment of alternatives applicable to the Proposed Development and summarise the Applicant's compliance with those requirements.</p> <p>(ii) Please identify any such legal or policy requirements where compliance has not yet been agreed with the relevant statutory regulator? For example, in relation to the Habitats Directive, the Water Framework Directive or in respect of flood risk.</p>
Q13.0.3	The Applicant, National Highways	<p>Policy</p> <p>(i) Following on from the details set out in Appendix C of [REP1-028] and the ongoing concerns identified in National Highways post ISH submission [REP1-061 para 2.6] would it be appropriate for the EMP 3rd iteration to also specifically include reference to the monitoring of and planning for the adaption for climate change.</p> <p>(ii) In referencing para 4.43 of the NPSNN 2024 you indicate this is a safety issue, please clarify how this relates to safety, when the paragraph appears to deal with the need to respond to climate change.</p>
14. Socio-economic Effects		
Q14.0.1	The Applicant	<p>Effects on Local Businesses</p> <p>Reference is made to the potential adverse effect on the café business run from the layby on the A4019 and the Old Spot PH. How has the effect been considered on the individual businesses and the staff affected?</p>
Q14.0.2	The House in the Tree Public House	<p>Effects on Local Business</p> <p>Please can you provide more detail on the potential adverse effect on the business, setting out how the scheme would interfere with the operation of the business including the effect on the</p>

ExQ1	Question to:	Question:
		staff, the number of staff involved and what you anticipate the implications for trading might be?
Q14.03	The Applicant	<p>Effects on Local Businesses</p> <p>In light of the concerns expressed in both [RR-017 and RR-019] what reassurance can you provide to the ExA that the effects on the local business have been properly taken into consideration when the full effects are yet to be determined?</p>
15. Traffic and Transport		
Q15.01	National Highways Gloucestershire County Council (Highway Authority) Joint Councils	<p>Traffic Management Plan (TMP)</p> <p>(i) Do the Councils and National Highways consider the wording of the TMP [AS-041] is sufficiently precise to ensure the plan would be effective?</p> <p>(ii) Should there be a requirement for the TMP to be consulted upon, and or approved by the relevant highway authority?</p>
Q15.02	The Applicant	<p>Construction Traffic</p> <p>(i) Section 10.2 of the Transport Assessment states that “detailed information such as construction worker numbers and HGV numbers....are not available”. What reliance can the ExA have on this position and the robustness of the assumptions in advance of a full assessment?</p> <p>(ii) Please can the Applicant confirm how construction traffic flows have been derived to inform the air quality and noise and vibration assessments in the absence of the details referred to above?</p>
Q15.03	The Applicant Gloucestershire County Council (Highway Authority)	<p>Modelling of Construction Traffic</p> <p>The TA at Section 10.4.3 states that the modelling is a ‘reasonable worst case scenario where traffic has free choice over routes’.</p> <p>(i) Please can the Applicant confirm how this represents a worst case scenario if it results in a lower quantum of traffic on the sign posted route?</p> <p>(ii) Please can the Applicant provide evidence which supports this approach and the position that a large number of road users would not use the sign posted route?</p>

ExQ1: 9 July 2024

Responses due by Deadline 3: 30 July 2024

ExQ1	Question to:	Question:
		(iii) Please can the Local Highway Authority also provide a response with respect to the above matters?
Q15.04	The Applicant	<p>Barn Farm</p> <p>Following on from [RR-008] and [REP1-053]. please can the Applicant provide a response as to the potential conflict for future access into this site and whether there is the ability or need to relocate the proposed attenuation pond?</p>
Q15.05	The Applicant	<p>Traffic Management</p> <p>[REP1-043 section 26.14 states] <i>“The Applicant agrees to establish a Traffic Management Forum with relevant Local Authorities and other appropriate stakeholders to coordinate all planned works in the area. This will be included in the updated Annex B Community Engagement Plan (AS-052) when the 2nd iteration EMP is updated at Detailed Design.”</i></p> <p>How is the provision of this secured?</p>
Q15.06	The Applicant, National Highways	<p>Transport Modelling</p> <p>(i) Please can the Applicant and National Highways explain the SATURN modelling approach taken and identify the key areas of disagreement between the parties? This should also include identification of what actions the Applicant is taking to address this and an estimate of timescales.</p> <p>(ii) Please can any likely implications with respect to the different findings of the model based upon the applicant’s approach and that suggested by National Highways should be explained insofar as possible?</p>
Q15.07	The Applicant, National Highways	<p>Transport Modelling</p> <p>(i) Please can the Applicant and National Highways explain the PARAMICS modelling approach taken identify the key areas of disagreement between the parties? In doing so please cover National Highways issues regarding the extent of the model, route choice and any other key areas? This should also include identification of what actions the applicant is taking to address this and an estimate of timescales.</p>

ExQ1: 9 July 2024

Responses due by Deadline 3: 30 July 2024

ExQ1	Question to:	Question:
		(ii) Please can any likely implications with respect to the different findings of the model based upon the applicant's approach and that suggested by National Highways be explained insofar as possible?
Q15.08	The Applicant	<p>Transport Modelling</p> <p>Given that the transport modelling is not agreed with National Highways, please can the Applicant confirm in the absence of this, any implications with respect to the scheme development process, the evidence in respect of the need case, the adequacy of the transport assessment and subsequent findings of the Environment Statement (including Air Quality and Noise and Vibration)?</p>
Q15.09	The Applicant, National Highways and Joint Councils	<p>Transport Modelling</p> <p>Given the current differing positions with respect to the adequacy of the transport modelling, please can the Applicant, the Joint Councils and National Highways provide their view on the suitability of the modelling to:</p> <ul style="list-style-type: none"> - support scheme development and the need case, - inform other areas of the ES (AQ, Noise etc), - support the case for CA, - assist the ExA in its reporting to the SoS?
Q15.0.10	The Applicant	<p>Traffic Associated with Safeguarded Land</p> <p>The Applicant's response to RR-005, RR-006, RR-007 and RR-34 [APP 9.33] suggests on Page 11 that whilst the scheme is 'capable of accommodating the traffic associated with the Safeguarded land or any other equivalent development sites that come forward in relative proximity to the junction', that this has no bearing on the Scheme design. Please can the Applicant explain how the addition of additional traffic does not have any bearing on the design of the scheme concerning matters such as vehicular capacity provision? The response should also set out clearly the Applicant's position with respect to NN NPS paragraph 2.24 in this context?</p>
Q15.0.11	The Applicant	<p>Traffic Modelling</p> <p>The Amey Traffic Forecasting Report HIF OBC (March 2019) Submitted at Appendix C to the Applicant Written Submission of Oral Case for ISH1 (APP 9.31) shows at Figure 7 (Page 40),</p>

ExQ1: 9 July 2024

Responses due by Deadline 3: 30 July 2024

ExQ1	Question to:	Question:
		AM and PM peak hour 2041 capacity assessment for Scenario Q (all development). That appears to show traffic impacts of the Dependent Development on the existing highway network. Having regard to NN NPS paragraph 2.24, the Applicant is requested to explain how those traffic impacts support the specific scheme proposals at M5, Junction 10 given the indicated link and junction stress ratings?
Q15.0.12	The Applicant	<p>Safeguarded Land and Scheme Funding</p> <p>The Applicant's response to RR-005, RR-006, RR-007 and RR-34 (APP 9.33) suggests on Page 11 that the Safeguarded land at North West Cheltenham was included in 'the Scheme's assessment and design development' and in the context of the Scheme's 2042 design year 'it was the most likely site to come forward in this time period'. Given that the scheme is scheduled to open in 2027, please can the applicant confirm how any necessary developer contributions will be secured to fund the DCO scheme? Please can the applicant also provide a response in this regard relating to the other site allocations ('dependant developments') from which developer contributions would be sought?</p>
Q15.0.13	The Applicant	<p>West Cheltenham Link Road</p> <p>With respect to the need for the West Cheltenham Link Road, Table 3-1 the Assessment of Alternatives (Environmental Statement, Chapter 3 – Assessment of Alternatives) sets out flows for West Cheltenham Link Road. Please can the applicant confirm why the link road is essential to accommodate the traffic flows identified? The ExA would find it helpful if the response clearly sets out what the implications of excluding the West Cheltenham Link Road would be in terms of traffic conditions arising without it (including on Witherbridge Lane).</p>
<p>16. Water Environment – Flood Risk, Water Quality and Resources</p>		
Q16.0.1	The Environment Agency	<p>Flood Risk</p> <p>Are the EA satisfied with the scope of flood risk assessments undertaken by the Applicant including the omission of any specific hydraulic modelling of temporary construction conditions?</p>
Q16.0.2	The Environment Agency	<p>Flood Risk</p>

ExQ1: 9 July 2024

Responses due by Deadline 3: 30 July 2024

ExQ1	Question to:	Question:
		Are the EA satisfied with the findings regarding minor riverbank erosion and whether EA are now a consultee that would also be adequately addressed in the REAC via a flood risk activity permit?
Q16.03	The Applicant, The Environment Agency	<p>Flood Risk</p> <p>Please can the Applicant and the EA confirm how the ExA can be satisfied that there will be no significant construction phase flood effects (fluvial and surface water) in the absence of any construction phase assessments? The Applicant should demonstrate how adequate floodplain storage and compensation areas will be in place to avoid any overall adverse impacts during construction.</p>
Q16.04	The Applicant	<p>Flood Risk</p> <p>How can the SoS be assured that the appropriate assessments have been undertaken to meet the tests in the PPG and NPPF where outstanding matters are yet to be assessed?</p>
Q16.05	The Applicant	<p>Essential Infrastructure</p> <p>With reference to the Applicant's response to Action Point 16 in the Applicant Written Submissions of Oral Case for Issue Specific Hearing 1 (ISH1) [APP 9.31], concerning 'essential infrastructure', please can the applicant confirm which of the schemes provided specifically include proposed local roads within Flood Zone 3?</p>
Q16.06	The Applicant	<p>Reservoir Note</p> <p>The SoCG with National Highways states that "The Applicant has produced a Technical Note on the Reservoir which was shared with National Highways on 30 April 2024. Awaiting a response from National Highways." Please can this technical note be submitted to the ExA?</p>
Q16.07	The Applicant, The Environment Agency	<p>Flood risk assessment - Construction phase and Flood Risk Activity Permits</p> <p>The advice issued by the Inspectorate following acceptance [PD-003] indicated three areas of the ES / FRA that were required to be updated (use of generic rather than specific construction assessment, construction compounds, and construction haul roads). However, the provided amended FRA [AS-023] states in paragraph 5.4.3 – 5.4.5 that the construction assessment will not be undertaken until the detailed design phase as it will be required for the application for a Flood Risk Activity permit (FRAP) which is to be applied for outside of the dDCO. Reference is</p>

ExQ1	Question to:	Question:
		<p>made to this in the updated REAC [AS-027]. The FRA and ES Chapter 8 [AS-016] also considers that the ongoing construction of permanent floodplain storage / compensation will be sufficient should an event occur during construction. Matters relating to construction works are also raised in the relevant and written representations provided by the EA [RR-013 and REP1-067]. The Applicant and the EA are invited to provide information on:</p> <ul style="list-style-type: none"> (i) The current status of the application for a Flood Risk Activity Permit, or if not submitted yet, the anticipated timescale of submitting and approving or rejecting this request. (ii) The appropriateness of not undertaking a site-specific construction flood risk assessment at this time. (iii) Whether it is likely that the FRAP would actually specify that a site-specific construction flood risk assessment is undertaken. (iv) How it would be ensured that no construction compounds would be located in Flood Zone 3. (v) The appropriateness of relying on the ongoing construction of floodplain storage / compensation rather than specific construction phase measures, noting that paragraph 5.4.5 of the FRA uses the term “ideally” to describe the requirement to put in floodplain compensation prior to works in the floodplain; (vi) Any other relevant matters associated with the FRAP or assessment of construction phase works.
Q16.08	The Applicant	<p>Flood Risk Assessment - Additional Data Sources</p> <p>Cross-reference is made in Appendix 8.1A of the FRA [AS-023] as <i>“providing some of the investigations that explain how the sequential test was applied.”</i> However, no information is provided in this appendix other than a reference to a separate report, West Cheltenham Link Road Route Corridor Assessment (Atkins, February 2021). The Applicant is requested to either identify where in the application documents this assessment can be found or, if it has not been included in the application documents, provide a copy to the Examination.</p>
Q16.09	The Applicant	<p>Flood Risk Assessment - Additional Data Sources</p> <p>Table 4-2 of the FRA [AS-023], in relation to Part A of the exception test, states that this is on the basis that the Proposed Development would provide the wider sustainability benefits to the</p>

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ExQ1	Question to:	Question:
		community that outweigh flood risk including unlocking economic potential and improving climate resilience. Cross-reference is made to relevant information contained in the ES, including ES Chapter 13 Population and Human Health [AS-018] and a Sustainability Statement (Atkins, October 2022) that has not been submitted with the application. The ExA requests a copy of the Atkins' reports referred to.
Q16.0.10	The Applicant	<p>Flood Risk Assessment - Construction phase</p> <p>Within ES Chapter 8 [REP1-014] there is a discrepancy between paragraphs 8.7.32, which states that there would be a major adverse effect, and 8.7.33, which states a moderate adverse effect during construction. Can the Applicant explain the discrepancy and confirm what the significance of the effect is considered to be?</p>
Q16.0.11	The Applicant	<p>Contractor method statements and Flood Risk Activity Permits</p> <p>Paragraph 5.4.6 of the FRA [AS-023] suggests that the mitigation required to avoid significant adverse effects would be secured through separate consent processes including a temporary Flood Risk Activity Permit (FRAP) for works located within and adjacent to a main river. Paragraph 5.4.6 also refers to a separate Land Drainage Consent for the ordinary watercourse of Leigh Brook but states that the dDCO [REP1-004] seeks to disapply section 23 of the Land Drainage Act in this regard and that further consideration would need to be given in the contractor's method statements to flood risk, as well as possible further assessment of temporary access culverts. Whilst it is noted that the dDCO R3(2)(f)(vi) requires submission of a Flood Management Plan, can the Applicant confirm how further consideration would need to be given in the contractor's method statements to flood risk, as well as possible further assessment of temporary access / culverts is secured.</p>
Q16.0.12	The Applicant	<p>Flood Risk Model testing</p> <p>Paragraph 7.4.1 of the FRA [AS-023] states that it is recommended that the Proposed Development at the detailed design stage is tested in the flood model to ensure that it remains consistent with the findings. Can the Applicant confirm how this requirement is secured, and whether this will use the more recent TUFLOW model as suggested in the Environment Agency's relevant and written representations [RR-013 and REP1-067]?</p>

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ExQ1	Question to:	Question:
Q16.0.13	The Applicant	<p>Flood storage – LOD</p> <p>Within the checklist [PD-002] and advice given following acceptance [PD-003] noted that the floodplain was referred to in both m² (119,600) and m³(190,298). However, the relationship between these values does not appear to have been defined, including in the additional submissions of 22nd March [AS-001 and AS-023], and the dDCO [REP1-004] only refers to m². The Applicant is requested to provide confirmation of:</p> <ol style="list-style-type: none"> 1. How the m² and m³ figures are related. 2. How the requirements of Article 8 to allow a limit of deviation of up to 2m is compatible with the information in ES Chapter 2 [AS-010], paragraph 2.5.30 which states that storage for 190,298 cubic metres of floodwater would be provided, with excavation no deeper than Piffs Elm culvert (of an unspecified depth).
Q16.0.14	The Applicant	<p>Flood Storage - Designation of reservoir</p> <p>Paragraph 6.2.2 of The FRA [AS-043] states that the floodplain storage will be a reservoir. It is unclear whether there would be any additional consenting process associated with this designation or if this would form part of the DCO process. The Applicant is requested to provide additional information on this matter.</p>
Q16.0.15	The Applicant	<p>Mitigation - Drainage Strategy Report (DSR)</p> <p>Requirement (R) 12 of the dDCO [REP1-004] (Surface water drainage) states that the surface water drainage system should reflect the mitigation measures in ES Chapter 8 [REP1-014], but there is no mention of the DSR [APP-079] in the dDCO. Can the Applicant confirm how adherence with the DSR is secured via the dDCO?</p>
Q16.0.16	The Applicant	<p>Mitigation - Requirements for additional culverts</p> <p>Paragraph 6.1.12 of the FRA [AS-023] states that adaptation measures might be required in the maximum credible scenario that has been modelled, such as additional culverts or enlarging the proposed compensation storage area. The ExA is unclear how it would be determined whether this is required and, if so, how is this secured. The Applicant is requested to provide additional information on this matter.</p>

ExQ1	Question to:	Question:
Q16.0.17	The Applicant	<p>Mitigation - Operational pollution control</p> <p>In its relevant and written representations [RR-013 and REP1-067] with reference to Section 8.7.47 and 8.9.13 of ES Chapter 8 [AS-016], the Environment Agency consider that potentially large-scale pollution incidents such as an accident involving a tanker would not be capable of being dealt with under the anticipated operational pollution control measures. The Applicant is requested to provide further information as to how large-scale incidents have been considered within the operational mitigation and detail any potential effects should the pollution control measures be overwhelmed in the event of a large spill.</p>
Q16.0.18	The Applicant	<p>Mitigation - Environmental Management Plan update</p> <p>The Applicant is requested to provide an updated EMP to reflect the comments in the relevant and written representation provided by the Environment Agency [RR-013 and REP1-067], section 10 (Consulting with EA, oversight of contractors, monitoring, checking water courses and best practice / guidance).</p>
Q16.0.19	The Applicant, Environment Agency	<p>Legal Agreement or further mitigation</p> <p>In their relevant and written representations [RR-013 and REP1-067], the Environment Agency (5.4.95 – 5.4.99 Issue - Right to increase flood levels through the DCO and 6.10 Exemption Test Principles, referring to the FRA [AS-023] refer to the requirement to enter into a legal agreement with landowners affected by any increases to flood risk as a result of the Proposed Development, or provide further mitigation.</p> <p>(i) To the Applicant, please provide an update on the status of any legal agreements, and whether there is any additional mitigation proposed outside of the DCO, and if so, how is this assessed and secured.</p> <p>(ii) To the Environment Agency, please provide further details of the anticipated contents of the legal agreements and potential types of additional mitigation.</p>
16.1 Water Framework Directive (WFD)		
Q16.1.1	The Applicant	Water Framework (WFD) assessment

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ExQ1	Question to:	Question:
		The Applicant is requested to provide an updated Water Framework Directive Assessment [APP-109] to include consideration of the programme of measures needed to achieve the environmental objectives in the river basin district, and consider whether the Proposed Development could restrict the options for future plans and projects to achieve good ecological status in the Severn Estuary, as noted to be required in the EA relevant representation [RR-013].
Q16.12	The Environment Agency	Water Framework Directive (WFD) Are the EA satisfied that there would be no adverse effects on water quality or on achieving the environmental objectives established under the WFD?

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