

Ref: TR010063

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Sent by email to:
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30 July 2024

Dear Mr Maund

Application by Gloucestershire County Council (the Applicant) for an Order Granting Development Consent for the M5 Junction 10 Highways Improvements Scheme

Submission from National Highways for Examination Deadline 3 (30 July 2024)

National Highways noted that 11 no. questions from the Examining Authority (ExA), either in full or part thereof, were directed at National Highways at Deadline 2 (9 July 2024).

For the avoidance of doubt, National Highways' responses are to the ExA questions in respect of the Strategic Road Network (SRN) only. Gloucestershire County Council, as local highways authority, will need to respond in relation to the Local Road Network (LRN).

Q1.0.1 – Highways Extents – part ii and v only

Response: National Highways do not believe that it will be possible at this time to provide anything more than an indicative plan of the extent of the SRN (and LRN, where it intersects) at completion of the Scheme. Until detailed design is complete and ground assessments have taken place there is significant margin for change in precise boundaries, especially relating to drainage.

In response to the question of including an appropriate mechanism to determine the precise boundaries of the network in due course, National Highways suggest a collaborative approach with the Applicant as undertaker and Gloucestershire County Council (GCC) as highway authority for the LRN. The process to be followed would include regular project/technical team meetings to agree final plans. Fallback dispute resolution provisions would be included in the event that agreement cannot be

reached in a timely manner, with a final reference to the Secretary of State for Transport to make a decision if expert determination did not resolve matters. In terms of securing this mechanism, it can be documented between the parties and listed as a Schedule 10 document to be certified, with an addition to [Article 13] of the DCO.

National Highways suggested drafting:

13(9) The extent and boundaries of a special road or a trunk road to be constructed under this Order, together with any other land, asset or feature to be transferred to or adopted by the strategic highway authority will be determined by the procedure set out in the [final road network agreement process] and will be shown on a plan to be certified by the Secretary of State once agreed in accordance with that process.

13(10) Notwithstanding any other provision of this Order, no transfer to or adoption by the strategic highway authority of a special road or trunk road or other land, asset or feature shall take place until such time as the plan required by the [final road network agreement process] has been certified.

New definition – ["final road network agreement process"] means the document listed in Schedule 10 (documents to be certified) and certified by the Secretary of State as the process to be followed between the undertaker and the strategic highway authority to determine the limits and extent of the strategic highway network upon completion of the works for the purposes of this Order.

Given National Highways does not believe that any plan showing the extent of the post-completion network produced at this stage would be sufficiently final and precise, any plan submitted at this stage should not be a certified document. However, as set out above, the final plan that is agreed between National Highways and the Applicant should be certified in due course.

Q1.0.2 – Mitigation – part ii only

Response: National Highways understanding of Requirement 3 in relation to the EMP is that the 1st iteration EMP is a certified document, and fixed at the time that the DCO is granted. It does not require any subsequent approvals or consultation by or with any other bodies because its status is not one of a construction document. The 1st iteration EMP is used by the Applicant to develop the 2nd iteration EMP, which also includes a number of other management plans and information, and which is the version of the EMP that will guide construction. By virtue of Requirement 3(1) the 2nd iteration EMP is subject to consultation with the local planning authority and National Highways and is then approved by the [County Planning Authority]. The

works are thereafter built out in accordance with the approved document. If subsequent changes were made to the 2nd iteration EMP, National Highways would expect the Applicant to go through the consultation and approval procedure required by Requirement 3(1) again, so that the amended EMP was regarded as the approved document to be complied with and construction thereafter would proceed in accordance with the latest approved version.

On the basis of National Highways' understanding of Requirement 3, it does not have any objections to how the approvals for the EMP are proposed to work. The current drafting in Requirement 3(1) mirrors the drafting that National Highways uses for its own DCOs.

It should be noted that approval of the 2nd (and 3rd) iteration of the EMP is currently drafted to sit with the County Planning Authority. As the Examining Authority will be aware, the appropriate decision maker for the Requirements is currently an issue in discussion between the Applicant, the Joint Councils and National Highways. The panel will be aware that National Highways' position is that it should be the Secretary of State for Transport.

Q1.2.1 – Safeguarded Land

Response: Policy SD5 (7.i) is clear that the safeguarded areas “are not allocated for development at the present time” and that “permission for the permanent development of safeguarded land (except for uses that would not be deemed inappropriate within the Green Belt) will only be granted if a future review of the JCS deems the release of this land necessary and appropriate and proposes the development”.

Accordingly, National Highways considers that it would be more appropriate to say that the safeguarded land does not currently generate a ‘need’ as it is not allocated for development.

Q1.2.2 – Need

Response: National Highways' understanding is that an assessment has not been undertaken by the Applicant which considers the improvements to the M5 J10 without the dependant development and without the Associated Development so National Highways are unable to comment on this. National Highways has not carried out such an assessment and is not in a position to do so.

Q1.3.1 – Alternatives

Response: National Highways' understanding is that an assessment has not been undertaken by the Applicant which considers partial improvements to the M5 J10 so National Highways are unable to comment on this. It is therefore not clear as to whether the LRN or the SRN can operate with just the SRN (M5 J10 improvement

work) element of the scheme. National Highways has not carried out its own assessment and is not in a position to do so.

Q13.0.3 – Policy

Response: The EMP will set out how the mitigation and management of environmental effects will be delivered and maintained. A proposed management measure can be secured by requiring that it is included in the appropriate iteration of the EMP. This would include climate change adaptation measures to be implemented should the need arise.

Our submissions at ISH1 are correctly reported in our post ISH submission [REP1-061 para 2.6], but the reference to paragraph 4.43 of the NPSNN is an error. The reference should be to paragraph 4.59, which does relate to the safety of the network. We apologise for this error.

Q15.0.1 – Traffic Management Plan (TMP)

Response: National Highways' understanding of Requirement 3 in relation to the EMP is that the 1st iteration EMP is a certified document, and fixed at the time that the DCO is granted. The Traffic Management Plan (TMP) is listed as a Relevant Plan to be included in the 1st iteration EMP. A TMP (whether original per the 1st iteration version or amended/updated) is required by Requirement 3(e)(xi) to be included in the 2nd iteration EMP. National Highways is a consultee for the purposes of Requirement 3 and therefore will comment upon the version of the TMP that is used for construction purposes. National Highways' view is that the TMP to be included as part of the 1st iteration EMP is sufficient for its purpose and that further detail would be expected to be included when the TMP for 2nd iteration EMP is produced.

It should be noted that approval of the 2nd (and 3rd) iteration of the EMP is currently drafted to sit with the County Planning Authority. As the Examining Authority will be aware, the appropriate decision maker for the Requirements is currently an issue in discussion between the Applicant, the Joint Councils and National Highways. The panel will be aware that National Highways' position is that it should be the Secretary of State for Transport.

Q15.0.6 – Transport Modelling

Response: As set out in National Highways' Relevant Representation dated 22 March 2024 and our most recent PADSS submission (Deadline 3), National Highways do not believe the current SATURN model is sufficient. Through discussions with the Applicant, National Highways understanding is that the Applicant does not propose to update the current SATURN model. Specifically, a number of issues have been identified by National Highways in respect to the TAG compliance of the base model. Amongst these issues is the journey time validation (delay) on the A4019, which is a key route within the model, giving rise to concern

that delays on the A4019 may not be representative. The proximity of this route to the scheme, in particular with regards to dualling of the A4019, means that this route is of particular significance. If the A4019 delay issue is taken through into the Do Minimum and then compared to a Do Something that removes the delay – there will be an imbalance and inaccuracy in the results, whether one is looking at benefits, or route choice, or just at delays to development traffic. This is an example of one issue; further concerns have been raised directly to the Applicant.

A suggestion on how these issues could be resolved is for the Applicant to undertake updates at the earliest opportunity, leading to a TAG compliant solution. This may not be completed during the examination period due to the potential duration of the work (which may include modelling and review), but National Highways are hopeful that a TAG compliant model could be provided by the Applicant during examination if the work were to commence promptly. National Highways will engage with the Applicant to seek a resolution and provide an update to the ExA by Deadline 5 as to the means and timeline to resolve any outstanding matters.

Q15.0.7 – Transport Modelling

Response: As set out in National Highways Relevant Representation dated 22 March 2024 and our most recent PADSS submission (Deadline 3), National Highways do not believe the current traffic modelling is sufficient. Our initial assessments show that the PARAMICS model seems to be sufficient in isolation, it cannot be fully supported as it is fed by the SATURN model which we do not support at this stage. Changes to the SATURN model would feed through into the PARAMICS model which we would then need to further assess. Through discussions with the Applicant, National Highways understanding is that the Applicant does not propose to update the current SATURN model.

A suggestion on how these issues could be resolved is for the Applicant to undertake updates at the earliest opportunity, leading to a TAG compliant solution. This may not be completed during the examination period due to the potential duration of the work (which may include modelling and review), but National Highways are hopeful that a TAG compliant model could be provided by the Applicant during examination if the work were to commence promptly. National Highways will engage with the Applicant to seek a resolution and provide an update to the ExA by Deadline 5 as to the means and timeline to resolve any outstanding matters.

Q15.0.9 – Transport Modelling

Response: The modelling informs all of the aspects listed in the question posed by the ExA. National Highways cannot provide a definitive comment on the impact of traffic dependent aspects until such time as the Applicant provides a TAG compliant solution.

Principal Areas of Disagreement Summary Statement (PADSS)

National Highways has prepared an update to the PADSS for Deadline 3 following further engagement with the Applicant. A 'tracked' and a 'clean' version of the document have been uploaded for ease of reference.

Notification of a wish to attend the ASI, ISH, CAH and OFH (if requested) on the w/c 12 August 2024

National Highways confirm that one member of the team will attend the ASI planned for w/c 12 August 2024.

National Highways will attend the ISH, CAH and OFH scheduled for w/c 12 August 2024 with one speaker to be registered from our legal representation at DLA Piper for the ISH and CAH only. There will be an expected three further attendees to the ISH and CAH.

National Highways will attend, but do not wish to register to speak, at the OFH.

Deadline 2 submissions


National Highways confirms that there are no comments to raise to the ExA from the Deadline 2 submissions which are not addressed in this response.

National Highways position

To confirm, National Highways continues to support the principle of a scheme of improvement works at Junction 10 of the M5 motorway. However, the DCO application still contains insufficient information for National Highways to support the current application scheme and therefore National Highways objects to the DCO and the Authorised Development in its submitted form on a protective basis.

If you have any queries, please do contact me at your earliest convenience.

Yours sincerely



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