

M5 Junction 10 Improvements Scheme

**Applicant Response to Examining Authority's First
Written Questions**

TR010063 - APP 9.43

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

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Executive Summary

The Development Consent Order (DCO) application for the M5 junction 10 scheme was submitted on 19 December 2023 and accepted for examination on 16 January 2024.

The purpose of this document is to set out Gloucestershire County Council's (GCC) response to the Examining Authority's first round of Written Questions (ExAs). Where the ExAQ have requested that the Applicant provide new documents, these are submitted at Deadline 3 with the associated ExAQ referenced in the document title.

1. General and Cross-topic Questions

Question number	Doc ref and question to:	Question	Applicant Response
Q1.0.1	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>	<p>(i) Attached is an indicative plan (TR010063/APP/9.6) which shows the in principle division of the strategic road network boundary and the local road network boundary and which show those areas which fall within the responsibility (and maintenance) of the relevant highway authorities. However, the precise boundaries are not able to be confirmed until detailed design has been undertaken.</p> <p>(ii) The Applicant is not aware of any best practice which would apply here. The boundaries can only be confirmed following detailed design. The Applicant understands that this is normal and typical in a highways application of this kind.</p> <p>(iii) The Applicant is continuing to engage with National Highways to agree a mechanism for agreeing the precise boundaries of the SRN and local highway network. The Applicant would note that the HRA and ES is not dependent on the ownership of any structure, it only requires that structures and mitigation measures are maintained. In the absence of a final agreement with National Highways, the Applicant will propose wording in the dDCO which will set out a mechanism for future agreement as to the final boundaries of the SRN and local road network.</p> <p>(iv) Development works within the Strategic Road Network would fall to National Highways to maintain on completion (subject to any sub-contract maintenance requirements, e.g. landscaping aftercare); all other highways assets would become the responsibility of the Applicant to maintain. The precise limits of maintenance responsibilities are currently under discussion with National Highways.</p> <p>(v) The plan is indicative only and does not precisely define the boundaries between the SRN and local road network. The boundaries can only be settled on detailed design and therefore should not be a certified document.</p> <p>(vi) The Applicant and the Joint Councils met with a representative of the Department for Transport to secure more information as to the process which DfT undertakes on behalf of the Secretary of State when the Secretary of State is the relevant body for discharging the requirements of a DCO. That information is being considered by the Applicant and Joint Councils. Further updates will be provided</p>
Q1.0.2	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>Is our understanding of the approach, correct?</p> <p>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>	<p>The Applicant notes the ExA's question and was intending to update the dDCO to incorporate this change to expand the consultative role of National Highways and the relevant planning authorities in requirement 3 of the dDCO, following representations by National Highways and the Joint Councils. The updated dDCO (TR010063 / APP 3.1 Rev 2) is included in its Deadline 3 submission.</p>
Q1.0.3	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>	<p>The Applicant can confirm that a SoCG is being produced with Historic England. A draft copy has been submitted to examination to date (ref [REP1-038]). In addition, Historic England submitted a Written Representation to the ExA at Deadline 1 (REP1-071). The Applicant is engaging with Historic England through the examination process to resolve the outstanding matters relating to the wording of Requirement 9 to include Historic England as a statutory consultee in the discharge of this requirement of the dDCO. The Applicant considers the SoCG will be concluded prior to the end of examination.</p>

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Q1.0.4	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>	<p>Work No 1(f) of the dDCO Schedule 1 includes the description of the work as "the demolition of the existing M5 northbound entry slip", therefore the removal of the existing carriageway is secured.</p> <p>Whilst the majority of the northbound entry slip will be removed, there will be an area where the existing infrastructure is left in situ including above surface features and foundations. The extent of the works left in situ can be seen as illustrated on sheet 5 of the General Arrangement Plans, as shaded in white.</p> <p>The intention regarding landscaping over this area is to let the area re-wild naturally. This is to be achieved by perforating existing carriageway and then leaving for nature to reclaim; no demolition or removal of materials is planned for the existing carriageway in this area. Hence, no landscaping proposals have been specified on the General Arrangement plans (APP-0014 and APP-015) and Environmental Masterplan (APP-027 and APP 0-28).</p> <p>In addition to this area of carriageway being left, there are areas of embankments associated with the previous onslip which will also remain, the extent of the existing embankment slopes to remain in situ is indicated on the works plans as "Vegetation to be Retained". The remainder of the embankment material would either be incorporated into the works to construct the proposed slip road / A4019 embankment or removed if found to be unsuitable.</p>
Q1.0.5	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>	<p>The Applicant accepts that the marked extent of inset box B extends beyond the section of plan shown within the inset panel on the plan. The plot boundaries shown are correct, but the extent of the inset box will be adjusted to reflect the inset panel and submitted at Deadline 3.</p>
Q1.0.6	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, "No change to DCO- provided we previously consulted". Please confirm that the appropriate consultation has been carried out.</p>	<p>The Applicant has submitted a revised draft BoR, SoR, Crown Land Plans, Land Plans Change Log to the ExA as original REP1-040 was submitted in error. The updated version of the Change Log removes columns QC to DCO <i>Change needed? (BS COMMENTS)</i> which were for internal information only.</p> <p>The Applicant has consulted with interested parties throughout, including those detailed within the change log. Details of this can be found in the Land Rights Tracker which is updated and submitted at Deadline 3 (TR010063/APP/9.29 Rev 1).</p>
Q1.0.7	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>	<p>(i) APP-072 has been superseded by additional submission AS-018 submitted in response to S51 advice (AS-019 provides a tracked changes version of the same), then again by REP1-022, submitted at Deadline 2 (REP1-023 provides a tracked changes version of the same).</p> <p>AS-018 included a number of minor text changes to the assessment tables earlier within the document. None of these tracked changes (AS-019) altered the overall categories of significant residual effects reported within the tables cited by the ExA.</p> <p>The response provided here is based on the latest version of the ES Population and Human Health Chapter, which is REP1-022 (REP1-023 as tracked changes), as submitted at Deadline 2.</p> <p>The summary tables in REP1-022 hold the same numbering as APP-072. The following changes appear in REP1-022 that are relevant to the summary tables referenced.</p> <ul style="list-style-type: none"> Table 13-11 removes a significant residual adverse construction effect in respect of 21-02832/OUT. Table 13-12 removes a significant residual beneficial operational effect in respect of Policy HD8. <p>(ii) Table 13-12 adds a significant residual beneficial operational effect in respect of the duplicate applications 22/01817/OUT and 22/01107/OUT (large beneficial).</p> <ul style="list-style-type: none"> T13-16 makes an internal consistency change to confirm the residual large beneficial operational effect in respect of Gallagher Retail Park and Kingsditch Trading Estate. Table 13-17 Holding C residual effect changed from moderate/large to the single category of moderate. Table 13-17 Holding B residual effect is moderate/large, which accords to the agricultural assessment methodology; but a footnote has been added to confirm PHH reporting is worst case and therefore large adverse. Table 13-18 PROW references corrected from AU8 and AU14 to AUC8 and AUC14.

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			<ul style="list-style-type: none"> Table 13-49 adds a moderate adverse and significant residual effect on landscape amenity experienced by the wider population in the operational FY scenario. Also reflected in text changes at 13.15.8. Table 13-58 text edits to clarify the impact type leading to significant residual construction effects for the residents of the informal Traveller site. <p>A further consistency check of REP1-022 (REP1-023) has been undertaken in responding to Q1.0.7. This has identified that the reporting in Tables 13-58 – 13-61, inclusive, correctly expresses the significant residual effects identified across all aspects of the assessment. However, the checking process has identified the need to amend the reporting of cumulative effects in respect of RFFP application ref 21/00872/REM. No significant residual cumulative effects in respect of this RFFP interacting with the Scheme should be reported, which is consistent with the existing summary table text and the Non-Technical Summary (REP1-011). Text at para. 13.16.48-13.16.52, 13.16.76-13.16.80 and section 13.18 of REP1-022 (REP1-023 provides a tracked changes version of the same) has been reviewed and three alterations have been made to ensure clarity. This is reflected in an amended version of the Population and Human Health chapter of the ES (TR010063 APP6.11 Rev 1), which will be provided at Deadline 3.</p> <p>The Applicant is of the opinion that, with the exception of the point above, REP1-022 (REP1-023 provides a tracked changes version of the same) is internally consistent between assessment findings (Tables 13-11 – 13-18; and Table 13-48 – 13-55) and the summary of assessment findings, with the latter provided in summary tables 13-58 – 13-61 inclusive.</p> <p>(ii) APP-072 has been superseded by additional submission AS-018 (AS-019 provides a tracked changes version of the same), then again by REP1-022 (REP1-023 provides a tracked changes version of the same)).</p> <p>The chapter content corresponding to the ExA question is at para 13.15.21 of REP1-022. The text has been amended in this paragraph.</p> <p><i>'The introductory phrasing references four 'categories of moderate adverse residual construction effects, which are significant....' Sub-headings have been added to illustrate the categories.</i></p> <p>Following other edits made in submitting REP1-022 version of the Population and Human Health chapter, there are now four receptors variously experiencing the impacts on determinants of human health that result in the significant adverse residual construction effects. Each receptor is stated/repeated under the relevant impact types (i.e. Users of the PRow and WCH networks experience three of the impact types and therefore appear under each relevant sub-heading).</p>
Q1.0.8	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> <ol style="list-style-type: none"> Please advise on the progress on obtaining such consent Advise of any impediment that there may be to the grant of such consent. 	<p>(i) and (ii)</p> <p>Please see Applicant's response to RR-016. As stated at 16.3 of The Applicant Response to Relevant Representations [REP1-042].</p> <p>The Applicant has been in liaison with Wales and West Utilities during design development to discuss the potential impacts to the high-pressure gas main as a result of the Scheme. It has been agreed that Wales and West Utilities will undertake a pipeline integrity test prior to construction and if required, carry out pipeline strengthening work. Details will be shared by Wales and West Utilities with the Applicant following completion of this integrity test. This will inform the need for any alterations or upgrades. The Applicant will then share the details with HSE. It should be noted that the Scheme allows for the potential diversion of the pipeline should this be required.</p> <p>If a pipeline requires diversion, a Hazardous Substances Consent will be applied for. It is not envisioned that there would be any impediment of the consent.</p> <p>The Applicant has updated the Consents and Agreements Position Statement to reflect this change at Deadline 3 (TR010063/APP/3.3 Rev 1.0).</p>
Q1.0.9	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> <ol style="list-style-type: none"> Please advise what progress has been made on obtaining such a permit. 	<p>(i) The main regulations for the environmental permitting regime are the Environmental Permitting (England and Wales) Regulations 2016 ("2016 Regulations") (SI2016/1154). Flood risk activities were brought into the environmental permitting regime by the Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016 (SI2016/475). The regulators for flood risk activities under these regulations are the Environment Agency in England. A wide range of flood risk activities are defined as a "regulated facility" in regulations 8, and paragraph 3, Part 1, Schedule 25 of the 2016 Regulations. Like any other permit under the 2016 Regulations, the</p>

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		ii. Advise of any impediment that there may be to the grant of such a permit. 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>Environment Agency has a range of powers to enforce the requirements of the 2016 Regulations. These can include enforcement notices, enforcement undertakings, or prosecution. It is an offence to carry out a flood risk activity without an environmental permit, or to cause or knowingly permit a flood risk activity to be carried out without an environment permit, see regulation 38 of the 2016 Regulations. This is a criminal offence. Given the legislative framework already in place, the Applicant does not consider that there is a requirement to further legislate for the undertaker of the Order to comply with those regulations which is already bound by law to follow. The Flood Risk Activity Permit(s) (FRAP) required for the Scheme will be produced by the Principal Contractor once detailed design specifications are known.</p> <p>(ii) The Applicant does not foresee any impediment to this being in place in advance of construction.</p> <p>(iii) The Applicant's understanding and management of flood risk for the construction stage are outlined in the Flood Risk Assessment (FRA) [AS-023] and the 1st iteration Emergency Prepared and Response Management Plan [AS-036]. The requirements of the Principal Contractor with regards to managing flood risk and water management issues are set out in the REAC, specifically item WE15 [REP1-030]. This item includes a requirement for specific temporary floodplain compensation at the construction stage. The specific details of this will be determined by detailed flood risk modelling of the construction phase, which will be undertaken to support the Temporary Flood Risk Activity Permit. The dDCO further seeks to ensure that sufficient input from the Environment Agency is secured in developing a detailed scheme for the flood compensation areas and flood storage area within the Scheme pursuant to Requirement 13 and therefore the Applicant considers that there is sufficient understanding of existing flood risk, sufficient controls over design development, and a legislative framework that will ensure risk is managed during construction, satisfying the tests of the NPS NN.</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 "residents have been unwilling to engage with Scheme representatives."</p> <p>i. What has been done to attempt to engage other than the service of documents.</p> <p>ii. Please explain how the responsibilities as a public body in meeting the obligations under the Public Sector Equality Duty have been met.</p>	<p>(i) The ExA's attention is drawn to the fact that the Population and Human Health chapter submitted with the application in December 2023 has since been superseded. The current version is REP1-022 with tracked changes provided in REP1-023, submitted at Deadline 2.</p> <p>REP1-022 contains a description of human health receptor groups. The residents of the informal Traveller site are included at p224/225 of REP1-022, which states that '<i>Traveller community groups have Protected Characteristics and are therefore considered to be a sensitive population group.</i>' The sensitivity assigned to this receptor is 'High' which reflects this aspect of the receptor. The text cited in the ExA question appears in relation to the 'outlook' of the receptor and remains as stated.</p> <p>The occupiers of the Traveller Site were issued a Section 42 consultation pack including the S42 Notice in December 2022. Taking advice from the Traveller Liaison Support Officer at GCC and the Friends, Families and Travellers' charity, the pack included a cover letter which was translated into six of the most commonly used languages for this community. This offered the opportunity to contact the Applicant to discuss the proposals and if any further information/ translation was required. The consultation pack was physically issued to the occupiers of the site in line with the advice from the Travellers Liaison Support Officer. The consultation period was extended to 44 days to allow for the Christmas period. As set out in the Consultation Report (APP- 038) and EqIA (APP-144) no response was received..</p> <p>ii) The Applicant has paid due regard to the Public Sector Equality Duty and the Equality Act 2010, through undertaking and updating the Equality Impact Assessment (EqIA) throughout the development of the scheme (APP-144). The EqIA identifies the Travellers Site has housing persons with protected characteristics and as a result of this has included Travellers as part of the assessment. For consultation a statutory consultation pack was issued to the Occupiers of the site including a cover letter translated into six different languages offering opportunity to contact the Applicant to discuss proposals further if required.</p> <p>The assessment also shows that if the site is still operational at the time of construction mitigation is included in the design to ensure that access is retained to the site through construction period and also when the Scheme is complete.</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</p>	<p>The proposed access track (Work no 4g) will provide permanent vehicular access to the 'informal Traveller site'. Negotiations are ongoing to reach a voluntary agreement which will include the rights required and permanent rights are included within the dDCO for this purpose.</p> <p>As part of the Traffic Management Plan (AS-041) and REAC requirement (REP1-030) the Contractor is to maintain through movements and access to residential, community and business premises through areas under traffic</p>

Question number	Doc ref and question to:	Question	Applicant Response
		<p>field during the period of temporary disruption, albeit that these are not envisaged to be formalised within the Scheme. (our emphasis)</p> <p>How does the scheme ensure that access will be maintained during construction, and that a suitable access will be facilitated once construction is complete?</p>	<p>management, unless otherwise agreed with the landowner. Due to the adjacent area being used for temporary works purposes (e.g. topsoil storage), a temporary access track running adjacent to the Redline boundary would be required for safety and security. This will be determined by the Contractor as part of detail design, when earth moving works are better understood. REAC [REP1-030] item PHH8 requires that access to the informal Traveller site is maintained during the construction stage, and in the completed Scheme. The Applicant considers that due to the protections contained in the Traffic Management Plan and REAC that access will be secured during construction, and that due to the works proposed as Work No 4g, permanent access will be secured once construction is complete.</p>
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>	<p>The Applicant provides the following In response to Q1.0.12 points (i) and (ii):</p> <p>The dDCO does not ensure that all three elements of the Authorised Development, being the M25 Junction 10 gyratory, the A4019, and Link Road, will be delivered. The Applicant considers that it is an important and essential principle in planning that a developer is not forced to complete the development for which they have permission. The Applicant considers that the way to achieve this would be through a requirement, however:</p> <p>Advice Note 15 states:</p> <p><i>“The law and policy relating to planning conditions (in particular, in England, relevant paragraphs of the National Planning Policy Framework and associated Planning Practice Guidance), imposed on planning permissions under the TCPA1990, will generally apply when considering Requirements to be imposed in a DCO in relation to the terrestrial elements of a proposed NSIP. Requirements should therefore be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects.”</i></p> <p>In this respect Planning Practice Guidance: Use of Planning Conditions states at paragraph 005 that:</p> <p><i>“Conditions requiring a development to be carried out in its entirety will fail the test of necessity by requiring more than is needed to deal with the problem they are designed to solve. Such a condition is also likely to be difficult to enforce due to the range of external factors that can influence a decision whether or not to carry out and complete a development.”</i></p> <p>Therefore, the Applicant would consider that an attempt to secure the delivery of all three elements through the dDCO would not be accordance with Guidance.</p> <p>However, the Applicant does not consider that any ability of the Applicant to deliver elements of the Scheme separately to be evidence of an elevated status which might undermine its position as a “subordinate” element. The term “subordinate” appears to come from the Department for Communities and Local Government Guidance on associated development applications for major infrastructure projects 2013 “DCLG 2013 Guidance”. This word is mentioned once in that Guidance and should be read in context. This states that <i>“associated development should not be an aim in itself but should be subordinate to the principal development”</i>. In the Applicant’s Written Submission of Oral Case for Issue Specific Hearing 1 (ISH1) (REP1-046), the Applicant reiterated that the purpose of this wording is to ensure that development which might have some unrelated purpose or motivation is not included in the dDCO. This is clearly not the case in this instance.</p> <p>The Applicant has demonstrated why the Link Road and A4019 are subordinate to the purpose of the NSIP (being the M5 Junction 10). The fact that the dDCO might permit the elements to be brought forward in a phased way, or in isolation is not related to the factual reality that the elements are interrelated and required in order to achieve the Scheme objectives.</p> <p>The Applicant does not consider that the Scheme objectives would be met if the Link Road or A4019 elements were brought forward in isolation and has established the need for the authorised development as a whole in its Planning Statement (REP1-027).</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>	<p>A construction programme has been provided in Table 2-1 in ES Chapter 2 [AS-010]. This provides an overview of the construction programme for the individual components of the Scheme.</p>
Q1.0.14	The Applicant	<p>National Highways Relevant Representation</p>	<p>The Applicant has responded to each point of Appendix B of NH RR (RR-026) and a table is submitted at Deadline 3 (TR010063/APP/9.62).</p>

Question number	Doc ref and question to:	Question	Applicant Response
<p>The RR from NH [RR-026] includes an Appendix B a number of matters by subject matter. Please provide a full response to each of these points.</p>			
<p>1.1 Environmental Statement (General)</p>			
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>	<p>The potential for changes in the embankment angle is mentioned in ES Chapter 4 [APP-063] paragraph 4.10.14. The ES itself does not describe an assessment of all the potential embankment angles. A 1:3 embankment angle has been taken as the 'worst case' scenario, and the statement reports the assessment of the Scheme using that angle.</p> <p>When considering how best to assess and report on the Scheme, it was decided that this approach would enable the production of an easy to read detailed design. This is particularly relevant to this Scheme, and the angle of embankment slopes to be used, because the preliminary design requires a net import of materials to provide sufficient fill to create 1:3 embankment slopes.</p> <p>Hence, 1:3 slopes are 'worst case' scenario because land take is the most significant factor in the assessment of impacts for the following topics:</p> <ul style="list-style-type: none"> • Geology and soils: loss of agricultural land including Best and Most Versatile land. • Water environment: intrusion into the floodplain requiring flood compensation. • Historic environment: potential for disturbance to or loss of buried archaeological assets. <p>For the following topics, steepening the slopes was considered to not affect the assessed level of effects, taking account of embedded and essential mitigation:</p> <ul style="list-style-type: none"> • Landscape and Visual: if embankments were constructed at a steeper angle than 1:3, land at the toe of the slope would be used for planting and although it may take slightly longer for the planting to establish sufficiently to provide screening, this isn't enough to change the assessed level of impact in the particular context of this Scheme. • Biodiversity: if slopes are steeper than 1:3, land at the toes of the slope would be used for habitat creation. <p>Using 1:3 slopes as the Scheme design covers the maximum potential for importing fill and thus the maximum lorry movements, and potential disruption during construction for road users and communities. Any potential reduction in construction traffic is also beneficial in terms of reducing potential noise and air quality construction impacts, and carbon generated by the construction of the Scheme.</p> <p>The Applicant notes that the design already includes local steepening of slopes to avoid the priority habitat that was identified during ecological survey along part of the northern edge of Stanboro Lane, just to the west of Junction 10. (see APP-062 6.2 Environmental Statement- Chapter 3: Assessment of Alternatives paragraph 3.7). The level of assessed impacts in this area was not made worse for any topic by this adjustment.</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 the tracks and levels and dimensions are specified on the General Arrangement Plans [APP014 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. The Applicant is requested to provide clarification on this matter.</p>	<p>The dDCO states at article 8(a) that the undertaker may deviate laterally from the lines or situation of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans.</p> <p>The Works Plans show the horizontal lateral limits of deviation through the pink shading on the plan. To the extent that works fall outside of this pink shading, a lateral limit of deviation will not apply. Where any private access track or means of access is situated within the pink shading, a lateral or horizontal limit of deviation will apply.</p> <p>For the avoidance of doubt the following private access tracks are not subject to a limit of deviation.</p> <ul style="list-style-type: none"> • Work No. 3d (Access Track PMA "a" & Access Track PMA "h"), • Work No. 4d (Access Track PMA "b"), • Work No. 5 (Access Track PMA "h"),
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</p>	<p>(i) Cumulative effects assessment</p> <p>The Applicant assumes that this question relates to the following three references identified in Appendix A of the Funding Statement (APP-036):</p>

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		<p>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>	<ul style="list-style-type: none"> • 23/01418/SCOPE • Golden Valley Development • CBC Residential Development <p>The Applicant has undertaken periodic review of the RFFP list to ensure that it remains relevant and proportionate to the level of assessment within the CEA of the ES. The last full review was undertaken in June 2023, as stated at para. 15.3.15 of APP-074, which was aligned to achieving meaningful assessment in suitable timeframes for the preparation of the final ES for the DCO submission. Paragraph 15.3.14 in APP-074 sets out the RFFP long-list criteria that have to be met in order for a project to be screened for inclusion within the CEA.</p> <p>In the CEA (APP-074), the sites referenced in Q1.1.3 have been considered in the following way:</p> <p>23/01418/SCOPE</p> <p>This has been excluded from the CEA as a defined proposal. This was a request for a scoping opinion only, not associated with a specific planning application. It therefore did not meet the RFFP criteria. Notwithstanding this, it relates to land within the West Cheltenham Development Area (as referred to in the CEA), which has been included in the CEA as an RFFP (policy allocation A7).</p> <p>A review of the planning status of the site has been undertaken in preparing this response. No planning application has yet been made for this proposal.</p> <p>Golden Valley Development</p> <p>This has been excluded from the CEA as a defined proposal. There was no planning application for this parcel of land, and it therefore did not meet the RFFP criteria. Notwithstanding this, it relates to land within the West Cheltenham Development Area (as referred to in the CEA), which has been included in the CEA as an RFFP (policy allocation A7). Applications associated with the 'Golden Valley' that are within the RFFP list and have been also considered in the CEA comprise 22/01817/OUT and 22/01107/OUT.</p> <p>A review of the planning status of the site has been undertaken in preparing this response. Two outline planning applications have been identified as submitted subsequent to the preparation of the CEA part of the ES. These comprise 23/01874/OUT and 23/01875/OUT. These will be included within the scope of the Technical Note proposed for delivery by Deadline 4 – see section (ii) of this response for additional information.</p> <p>CBC Residential Development</p> <p>This has been excluded from the CEA as a defined proposal. There was no planning application for this parcel of land and it therefore did not meet the RFFP criteria. Notwithstanding this, it relates to land within the West Cheltenham Development Area (as referred to in the CEA), which has been included in the CEA as an RFFP (policy allocation A7).</p> <p>(i) Transport</p> <p>The traffic modelling undertaken to assess the impact of the Scheme has been completed in accordance with Department for Transport (DfT) Transport Analysis Guidance (TAG). This includes preparation of an Uncertainty Log (Traffic Forecasting Report - Appendix A, APP-142) that lists all potential developments and assigns them a category for how likely they are to be implemented based on TAG defined criteria. Those developments categorised as near certain or more than likely are included in the demand forecasting for the traffic modelling, with one exception, which is development on the JCS north west Cheltenham safeguarded site. This has been included because the objective of the Scheme is to unlock development on the JCS allocated and safeguarded sites, and the awarded Housing Infrastructure Funding (HIF) is justified on this basis.</p> <p>In accordance with TAG, planning applications that have not been determined are not categorised as near certain or more than likely, so are not locationally specifically included in the demand forecasts for the traffic modelling. However, TEMPRO growth is included in the demand forecasting, and this accounts for forecast population and economic growth, accounting for adopted regional and local development plans, that can only happen if the housing and commercial developments are implemented to facilitate this growth. To avoid double counting in the demand forecast, only developments that are categorised as near certain or more than likely are included in the demand forecast to account for the specific locations of these proposed developments, but the overall demand is adjusted in</p>

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			<p>accordance with TAG such that growth is constrained across the modelled area to TEMPRO. This adjustment changes where additional traffic demand is loaded onto the road network, but overall traffic demand across the modelled area is constrained, or capped, to TEMPRO growth factors. Thus, TEMPRO accounts for other potential developments not included as near certain or more than likely in the Uncertainty Log, but the resulting additional forecast traffic demand is spread across the modelled area, rather than reflecting specific locations as these are not confirmed until planning applications are determined.</p> <p>Consequently, the traffic modelling represents a cumulative assessment, but it is derived in a different way from that for some ES topics. Nonetheless, the outputs from the traffic modelling are used for several other impact assessments within the ES, including noise and air quality, and thereby represent a robust cumulative effects assessment.</p> <p>(ii) Clarity of planning applications</p> <p>The response to this question is also intended to provide a resolution to Q1.1.7. The two should be read in conjunction with each other.</p> <p>The Applicant notes the ExA's request. In order to deliver an efficiency in response, the Applicant proposes the preparation of a technical note that will seek to address Q1.1.3 and Q1.1.7. This note would provide clarification of the identification, nomenclature, location and treatment of planning applications known to the Applicant. It will include a table setting out the following:</p> <ul style="list-style-type: none"> • Application names – the application reference number and any alternative naming conventions used within the DCO submission; • Application description – the description provided within the planning application submission(s); • Connection of planning applications to any policy allocations or safeguarded sites within the JCS; • Confirmation of which documents have included each application within scope, indicated by a simple cross or tick – this will cover the CEA of the ES, the Transport Assessment and the funding statement; and • a notes column, where any rationale for scoping applications in or out of some or all of the documents will be provided. This will also include suggested actions, if the Applicant considers it necessary to propose any. <p>The technical note will include a second table highlighting new projects that meet the criteria for RFFPs that have come forward since the last RFFP review. A commentary will be provided regarding the likelihood of each RFFP having notable interactions with the Scheme. If necessary, the RFFPs will be considered further within the CEA and this second table will set out the actions the Applicant is taking. The Technical note will include a plan, to illustrate the locations of the planning applications, relative to the Scheme.</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 the TA but not within the ES, and consequently, how the ES can be considered as robust where the effect for traffic (For example noise and air quality)</p>	<p>(i) Paragraph 15.3.14 in CEA ES Chapter (APP-074) sets out the RFFP long-list criteria that have to be met in order for a project to be screened for inclusion within the CEA. Criterion 6 is relevant and states:</p> <p><i>'Development Plan projects such as the site allocations, safeguarded sites and transport initiatives scheduled for development within the Joint Core Strategy (JCS) (therefore proposed for implementation by 2031, which pre-dates the operational future baseline for the Scheme) that are within 5 km of the Order limits (with the flexibility to consider additional projects if consultation with TBC and CBC identifies a need). The inclusion of such projects is subject to desk-based validation of sufficient evidence available relating to the projects to allow a meaningful cumulative effects assessment for the Scheme, together with consideration of whether such projects are dependent upon the Scheme for their progression and/or have the potential to affect the traffic flows on links that are relevant to the transport, noise and vibration and air quality assessments'</i></p> <p>The safeguarded land to the west of Cheltenham, immediately adjoining the West Cheltenham Development Area is scheduled for development to come forward after the plan period – post 2031. That places it outside the qualifying criteria for inclusion in the CEA as an RFFP. In addition, there is an existing waste treatment site on this land. Due to the location of the waste treatment site on the land and the associated difficulty in bringing the site forward would suggest that it would not be within a timeframe for consideration by the Scheme. The two safeguarded sites (West of Cheltenham and north-west of Cheltenham) are therefore different in that regard.</p>

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		ii. 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>(ii) Safeguarded land at north-west Cheltenham is a different site from the one that point (i) relates to. This area of safeguarded land is included within the scope of the ES, as an RFFP that has been considered within the CEA in all topic chapters. It is referred to in the ES as 'safeguarded land to the north-west of Cheltenham' and appears within the CEA. The assumptions used in the CEA are set out in the RFFP shortlist at Table 15-3 (p29 of APP-074).</p> <p>(iii) Safeguarded land at north-west Cheltenham relates to land for which a housebuilder has declared an interest. This interest has manifested in a number of ways, which are set out to follow. In respect of the CEA, whilst the SD5 policy suggests that the development of the site would post-date 2031 and therefore place it outside the qualifying criteria for inclusion, the manner of engagement by the developer has suggested that the developer will be seeking to accelerate the timeframe. The materials that have been provided to the project have been sufficient to support meaningful consideration of how the RFFP might interact with the Scheme and vice versa. Given the above, plus the position of the site, which shares two of its boundaries with the Scheme, an exception was made to include the site as an RFFP and assess the potential for cumulative impacts to arise, leading to possible cumulative effects.</p> <p>The developer interest has comprised:</p> <ul style="list-style-type: none"> informal engagement between the prospective developer and the Scheme promoter via Teams meetings. the provision, by the developer, of a concept masterplan for the site.
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>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>	<p>(i) As set out in the Applicant's response to Q1.1.5 (ii), safeguarded land to the north-west of Cheltenham is included within the CEA as well as the TA. There is no tension arising from exclusion of the site from the CEA.</p> <p>(ii-iv) On the basis that the safeguarded land to the north-west of Cheltenham has been considered within the ES, with cumulative effects reported within the CEA (APP-074), the Applicant does not have any further comment to make in relation to these parts of Q1.1.5.</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>	<p>The Applicant does not have any reliance on the mitigation measures to be provided by other developments (to reduce the third party developers' own impacts) being in place in advance of the construction and operation of the Proposed Development. The assessment of the effects of the Scheme presented across the ES as a whole does not require third party mitigation to be in place in advance in order to reach the conclusions of significance of effects of the Scheme itself (intra-Scheme effects), or the contribution of the Scheme to inter-project effects reported.</p> <p>(i) The CEA methodology itself does not use a 'do minimum' scenario.</p> <p>There is a 'do minimum' scenario that is used within the traffic modelling. The response to Q1.1.3 provides clarifications in respect of how this considers committed developments, with reference to the Traffic Forecasting Report – Appendix A, (APP-142). In turn, this modelled traffic output influences the findings of the noise and vibration and air quality assessments, providing data on traffic flows along relevant links within the respective study areas under different modelled scenarios.</p> <p>The CEA, in drawing conclusions relating to the potential for inter-project impacts to result in significant cumulative effects, makes a series of assumptions. The core assumption confirming the precautionary worst case approach taken in the assessment where proposed mitigation involves proposals for co-ordination between two or more developers is presented at para. 15.15.2 of APP-074. The worst-case assumption is that the co-ordination will not occur, and the significance of residual effects is made on this basis – there is no inherent reliance on any third party mitigation.</p> <p>It is relevant to highlight that an additional assumption that influences the inter-project interactions reported in the CEA Chapter (APP-074) is derived from the approach to inter-project CEA within the contributing topic</p>

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			<p>assessments. The assumption made is that all developers (of RFFPs) will adhere to national level (or above) environmental legislation governing the control of pollutants to air and water (para. 15.10.2, APP-074). This assumption has informed the screening process undertaken in the relevant topic assessments when considering the potential for impacts interactions between the Scheme and RFFPs to arise; and then the potential for impacts to cumulatively result in significant effects.</p> <p>These are not exclusive to one scenario, but scenario, but instead form a blanket assumption about the way in which any development would be expected to respect environmental legislative requirements, in order to secure relevant development consents (e.g. planning permission or equivalent).</p> <p>(ii) The Scheme CEA does not rely on mitigation from other schemes. However, it does assume that all developers (of RFFPs) would be required to meet standards of pollution control set out in environmental legislation. As these represent legal requirements, it is assumed that they would be secured as a matter of course by respective developers, as a pre-requisite for their own consents to be obtained. The Scheme does not rely on such controls to be in place, it assumes that they are an essential pre-requisite for any development to be consented.</p>
Q1.1.7	The Applicant, Joint Councils	<p>Cumulative Effects Assessment</p> <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>	<p>The response to this question is intended to provide a resolution to Q1.1.3 also. The two responses should be read in conjunction with each other.</p> <p>(i) the Applicant has undertaken periodic reviews of the RFFP list to ensure that it remains relevant and proportionate to the level of assessment. The last full review was undertaken in June 2023, as stated at para. 15.3.15 of APP-074, which was aligned to achieving meaningful assessment in suitable timeframes for the preparation of the final ES for the DCO submission.</p> <p>As a complement to the work informing the CEA, an up to date list of planning applications is maintained. The Applicant intends to provide an update to the ExA and relevant interested parties on this matter – the proposed approach is set out in the response to part (ii) of this question, and also addresses requests within question Q1.1.3, in the interests of efficiency.</p> <p>(ii) the Applicant notes the ExA's request. In order to deliver an efficiency in response, the Applicant proposes the preparation of a technical note that will seek to address Q1.1.3 and Q1.1.7. This technical note would provide clarification of the identification, nomenclature, location and treatment of planning applications known to the project team. It will include a table setting out the following:</p> <ul style="list-style-type: none"> • Application names – the application reference number and any alternative naming conventions used within the DCO submission • Application description – the description provided within the planning application submission(s) • Confirmation of which documents have included each application within scope, indicated by a simple cross or tick – this will cover the CEA of the ES, the Transport Assessment and the funding statement • a notes column, where any rationale for scoping applications in or out of some or all of the documents will be provided. This will also include suggested actions, if the Applicant considers it necessary to propose any. <p>The technical note will include a second table highlighting of new projects that meet the criteria for RFFPs that have come forward since the last RFFP review. A commentary will be provided regarding the likelihood of each RFFP having notable interactions with the Scheme. If necessary, the RFFPs will be considered further within the CEA and this second table will set out the actions the Applicant is taking. The technical note will include a plan, to illustrate the locations of the planning applications, relative to the Scheme.</p> <p>In order to address part (ii) of Q1.1.7, this Technical Note would be included within the SoCG discussions with the Joint Councils. The intention would be to provide an agreed understanding and confirmation of the approach taken by the Applicant.</p> <p>This Technical Note would be provided by Deadline 4.</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</p>	<p>The Scheme provides an access to the land owned by Mrs Bruton which has been designed to provide safe and equivalent access for the current land use. This includes the current agricultural operations undertaken on the land and associated large vehicles. The three current agricultural accesses onto the A4019 will be replaced by a single signal- controlled junction from which access will be provided in line with the current field access.</p>

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		<p>event the safeguarded land comes forward, and the current access arrangements as set out in the dDCO are realised.</p> <ul style="list-style-type: none"> 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? 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? 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? 	<ul style="list-style-type: none"> (i) The Sscheme has been designed based upon the current land use. Due to the current policy status the Scheme has not sought to design an access which would be appropriate for a currently unknown, undefined and uncertain future development (ii) Mrs Bruton will continue to own land up to new highway frontage and will continue to have access to all parcels of land. The signal-controlled junction will provide a safer and more predictable access than the current arrangement where large slow moving agricultural vehicles have to pull out directly onto the busy and fast A4019 with a 50 mph speed limit. Mrs Bruton will be in the same position as currently, whereby a future planning application could include an improved access onto the A4019 within the section of frontage within their control. (iii) As referred to above Mrs Bruton will continue to have access to the highway which is equivalent to the current access arrangements.
1.2 Need			
Q1.2.1	The Applicant, Joint Councils, National Highways	<p>Safeguarded Land</p> <ul style="list-style-type: none"> 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? 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>(i) Whilst the Strategic and Local Plan is in its early stages of development the Issues and Options Consultation (January to March 2024) would suggest that of the six Scenarios proposed only Scenario 2 (Urban Extensions) would appear to meet the housing and employment needs identified. This would include safeguarded land from the JCS as a consideration for the future development strategy and its potential allocation and highlights the importance of the safeguarded land or equivalent in policy considerations beyond the current plan period of the JCS.</p> <p>As stated in the response to Q1.1.4 the safeguarded land at north-west Cheltenham relates to land for which a housebuilder has declared an interest. The manner of engagement by the developer has suggested that the developer will be seeking to accelerate the timeframe.</p> <p>As outlined in the Applicant's response to RR-005 (REP1-048), it should be noted that the safeguarded land was included in the Scheme's assessment and design development as the most reasonable proxy to ensure that the Scheme was able to future proof the road networks' resilience. This is in the context of the Scheme's 2042 design year looking beyond the plan term of the JCS (2031) and that the nature of its safeguarding through the JCS suggesting that it was the most likely site to come forward in this time period. Whilst the Applicant recognises the uncertainty surrounding the Safeguarded land being brought forward its inclusion within the Scheme assessment would have no bearing on the Scheme design other than to demonstrate that the design that unlocks Site Allocations A4 and A7 is also 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.</p> <p>(ii) JCS policy SD5 removed the safeguarded areas: west of Cheltenham and north-west of Cheltenham from the green belt. Whilst the safeguarded sites do not have a policy status of a strategic allocated site, the fact it has been removed from the green belt establishes the principle of development of the safeguarded land. The Scheme provides enough capacity for the additional traffic associated with the safeguarded land as well as A4 and A7. This is on the basis that the Scheme's 2042 design year looks beyond the plan term of the JCS (2031).</p>
Q1.2.2	The Applicant	<p>Need</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 "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" before them.</p> <p>The TA [APP-138] has tested three scenarios, P, S and R</p> <ul style="list-style-type: none"> i. Has an assessment been undertaken which considers the improvements to the M5 J10 without the dependant development and without the Associated Development? ii. If this has not been undertaken what evidence is before the Examination that the strategic need for the Associated Development is established? 	<p>The Associated Development in this context consists of the improvements to the local road network that are included in the Scheme, i.e. the improvements to the A4019 and the proposed West Cheltenham Link Road. These elements of the Scheme are integral to achieving the key objective of the Scheme which is to unlock development on the JCS allocated and safeguarded sites.</p> <p>Please also refer to the Applicants' response to ExA Q13.0.1, Q15.0.11 & Q15.0.13.</p> <p>Therefore, an assessment that considers the improvements to M5 junction 10, but without the dependant development and without the Associated Development (Improvements to the A4019 and the West Cheltenham Link Road) has not been undertaken.</p> <ul style="list-style-type: none"> ii. Please see the Applicant's response to Q1.2.3 below and the JCS Transport Evidence Base, May 2017 (TR010063 / APP 9.48) that has been submitted into Examination at Deadline 3. iii. Paragraph 5.5.6 of the JCS Transport Evidence Base, May 2017, outlines the key impacts of the DS5 scenario compared to previous scenarios and which established that for the M5 J10 to A4019 route corridor

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		<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>(Corridor 6) there was a significant reduction in eastbound delay and total time with traffic able to use the new link road to access West Cheltenham.</p> <p>As outlined in paragraph 6.7.5 this was further compounded by DS6a scenario which highlighted that access to the south of the West Cheltenham site via M5 Junction 11 and the A40 would result in significant delays, including issues with the M5 mainline. Converting junction 10 to an 'All movements' junction and providing access from the A4019 to the West of Cheltenham via a new distributor link road significantly reduced the impact of the site on the local network. Paragraph 6.7.6 also establishes the preferred DS7 mitigation package for Corridor 6 which, in addition to the all movements junction and the link road, also included [but wasn't limited to]:</p> <ul style="list-style-type: none"> • New A4019 traffic signals site access junction, west of B4634 Old Gloucester Rd • Revised A4019 traffic signals site access junction at B4634 Old Gloucester Rd / Gallagher Retail Park. <p>The Applicant's further consideration of A4019, as summarised in Section 3.4 of ES Chapter 3, Alternatives [APP-062], was that for the A4019 to cope with the additional traffic associated with planned developments an urban all-purpose dual carriageway was required.</p> <p>Paragraph 6.2.8 of the JCS Transport Evidence Base, May 2017, concluded that the outcome of the DS7 scenario is that the M5 mainline and motorway off slips operate within capacity. This is despite an increase in motorway traffic as a result of improvements to M5 Junction 10 and conversion to a full-movements junction.</p> <p>This demonstrates interdependency of the M5 J10 all movements junction, the link road and the A4019 elements of the Scheme and their requirement to mitigate the impacts of the JCS growth strategy, whilst maintain the safety of the Strategic Road Network.</p> <p>The Scheme is therefore in accordance with paragraph 2.24 of the NPS NN 2014.</p> <p>iv. In relation to the A12 Chelmsford to A120 Widening Scheme (DCO made in January 2024), the host authorities (North Essex Authorities' Shared Strategic Section 1 Plan) expressly acknowledged the need for the scheme to enable development of Witham and service villages of Hatfield Peverel, Kelvedon and Feering with allocations of over 2,000 new homes. This is set out in paragraph 5.2.11 of the examining authority's recommendation report to the Secretary of State which made reference to the applicant's Case for the Scheme, the relevant paragraph of which appears to be 8.2.18.</p> <p>Paragraph 6.9 of the North Essex Authorities' Shared Strategy states: 'The A12 is set to have major improvements as part of the Government's Roads Investment Strategy (RIS1 and RIS), with the aim of improving capacity and relieving congestion. The A12 is being widened between junction 19 (Chelmsford) and junction 25 (A120 interchange) to increase safety, improve journey time reliability, provide a benefit to the local road network, and in doing so support long term sustainable growth. Highways England has announced its preferred route between junction 19 and 23 (October 2019) and between junction 23 and 25 in August 2020. The A12 junction 19 to junction 25 widening scheme will go ahead as part of the Road Investment Strategy 2 (RIS2) programme and is now a fully funded scheme. It is expected the route will be open for traffic in 2027 – 2028. RIS2 stated that the A12 scheme will need to take account of the evolving proposals for the A120 Braintree to A12 improvements, and any potential future road link to the improvements for the A120 will be incorporated into the A12 scheme.'</p>
Q1.2.3	The Applicant, National Highways and GCC as Local Highway Authority	<p>Associated Development</p> <p>In response to the ISH 1 Agenda Item Policy (iv) the Applicant states in [REP1-046] "As to the Link Road, the West Cheltenham site cannot be released without M5 Junction 10 improvement and therefore there is a close interdependence."</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>Please refer to the Applicant's response to ExA Q13.0.1, Q15.0.11 & Q15.0.13.</p> <p>(i) Paragraph 5.6.6 of the JCS Transport Evidence Base, May 2017, outlines the key impacts of the DS5 scenario compared to previous scenarios and which include:</p> <ul style="list-style-type: none"> • "A40 Golden Valley, M5 J11 to Princess Elizabeth Way – Eastbound this route shows a significant increase in traffic compared to DS4 and DS5a, with traffic now flowing better as a result of the West Cheltenham Link Road and access to the West Cheltenham Cyber Park. Note that for both DS4 and DS5a, the level of demand to West Cheltenham was unable to flow through the network, causing significant delay. There is also a reduction in both delay and total time (this appears contradictory). For the Westbound in the AM, delay is reduced and flows are reduced as there are now alternative routes and access to the M5 (for example, via the M5 J10 all movements junction);

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			<ul style="list-style-type: none"> • M5 J10 to A4019 - significant reduction in eastbound delay and total time (with traffic able to use the new link road to access West Cheltenham. The new Cheltenham Western Relief Road removes significant level of traffic from the congested local road network”. <p>This demonstrates the interdependency of the M5 J10 all movements junction with the link road as impacts felt from the JCS allocations are reduced through the in- combination mitigation provided by the two Scheme elements.</p> <p>The DS6 scenario was the first of the JCS model runs to use the updated 2013 CSV SATURN base year model. Paragraph 5.7.3 states that:</p> <p><i>“The mitigation package differed from previous scenarios and included over 30 interventions. Critical to the scenario were the access arrangements into the West Cheltenham Strategic Site. Within this scenario these are provided via Junction 10 of the M5 and a new distributor road linking into the site from the motorway. The motorway junction improvement comprised a minimum upgrade to allow full movements, with additional capacity provided on the slip roads. (This was based on an earlier scheme proposal tested in the DS5 scenario developed previously by the Highways Agency – now Highways England [now National Highways]).”</i></p> <p>The conclusion of DS6 was that the proposed network mitigation for access to the West of Cheltenham via M5 J10 and a new distributor road linking into the site was insufficient in terms of reducing traffic impact on both the Strategic road network and local road network to a reasonable level. However, it was indicated that further work on an improved layout arrangement could potentially allow sufficient distribution of traffic across the network.</p> <p>DS7 became the preferred package of transport improvements, although paragraph 6.1.4 notes that the assessment undertaken was based on the delivery of the full JCS plan with no assessment made regarding delivery phasing or the prioritisation of mitigation schemes. To assess the impact of the transport strategy, 11 strategic travel corridors were identified within the JCS area. Within those corridors, highway junctions considered to be critical to their function were identified, of particular relevance to the Scheme are corridors 1, 6 and 8.</p> <p>Paragraph 6.2.1 states that Corridor 1 includes the M5 mainline, from Junction 13 (Stroud), to Junction 9 (Tewkesbury). This forms part of the Strategic Road Network and is managed by Highways England [now National Highways]. It is essential to maintain highway operation and safety by avoiding any queuing traffic on the motorway mainline caused by congestion at the motorway junctions impacting vehicles on the off-slips.</p> <p>In view of the above it should be noted that paragraph 6.2.5 outlines the preferred mitigation package for this corridor which is intended to account for capacity issues and trip reassignment as a result of the JCS growth strategy and other network changes. This includes:</p> <ul style="list-style-type: none"> • M5 J10 - ‘All Movements’ junction improvements including complementary measures to M5 mainline. This includes a high capacity upgrade of M5 J10 junction including three lane motorway off slips and a three circulatory lane grade separated roundabout with A4019, and a new signal controlled junction immediately west of the M5 to accommodate the associated West of Cheltenham development access road (see corridor 6 for more information). This will be a high capacity signal controlled junction, with a separate left turn slip road from M5J10 northbound off-slip onto Cyber Park link road (southbound). There would also be new signals on the A4019 westbound entry to the new grade separated motorway junction <p>This further establishes the intrinsic link between the M5 J10 all movements junction and the link road in mitigating the impacts of the JCS allocations on Corridor 1, namely the M5 mainline.</p> <p>Paragraph 6.7.1 states that Corridor 6 starts within Cheltenham Town Centre and continues to the A38 Coombe Hill junction to the west of M5 Junction 10. The largest of the JCS Strategic housing allocations at North West Cheltenham will have direct access onto this corridor. It also forms parts part of the strategic public transport corridor served by the 41/42 linking Tewkesbury with Cheltenham.</p> <p>Paragraph 6.7.5 confirms that “A significant change to this corridor is required to provide access to the West of Cheltenham Strategic Allocation. The Do Something 6a scenario considered access to the south of the site via M5 Junction 11 and the A40 resulting in significant delays including issues with the M5 mainline. Converting junction 10 to an ‘All movements’ junction and providing access from the A4019 to the West of Cheltenham via a new distributor link road significantly reduces the impact of the site on the local network.</p>

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			<p>As outlined in paragraph 6.7.6 “The preferred mitigation package for this corridor (intended to account for the capacity...and other trip reassignment resulting from the JCS growth strategy and other network changes” includes [but is not limited to]:</p> <ul style="list-style-type: none"> • M5 J10 - ‘All Movements’ junction improvements (see corridor 1) • New 50 mph dual carriageway two-lane link road, providing free-flow access from A4019 / M5 J10 to West of Cheltenham site only <p>This is again establishes the intrinsic link between the M5 J10 all movements junction and the link road in mitigating the impacts of the JCS allocations on Corridor 6.</p> <p>Paragraph 6.9.1 states that Corridor 8 starts at M5 Junction 11 and flows eastwards via the A40 through Cheltenham Town Centre. The corridor has the highest vehicle flows on the local highway network and accesses several major employers in the JCS area. It also forms part of the main public transport corridor linking Cheltenham and Gloucester and provides access to Arle Court Park and Ride.</p> <p>Paragraph 6.9.4 highlights that within the DS7 scenario it should be noted that the primary access to the West of Cheltenham site is provided via M5 Junction 10 with an expanded Park and Walk facility provided at the Arle Court Park and Ride site. Providing access via Junction 10 does have a significant impact on vehicle flows using this corridor resulting in fewer junctions reporting vehicle delay issues.</p> <p>This further emphasises the link between the M5 J10 all movements junction and the link road and the in combination benefits as mitigation to reduce impacts felt across various corridors as a result of the JCS growth strategy and other network changes.</p> <p>To aid in the Examining Authority and Interested Parties in their consideration of the above response, and given the apparent issues with accessing the information online, The JCS Transport Evidence Base, May 2017, (TR010063 – APP- 9.48) has been submitted into Examination at Deadline 3.</p>
Q1.2.4	The Applicant	<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 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.</p>	<p>For completeness, the Applicant has responded to each of the four principles in turn. However, the scope of the question posed by the ExA has issues. The Applicant has explained that it is not a possible to ascertain with precision the exact boundaries of the NSIP and Associated development at REP1-046. Therefore, it must respond to the below in the generality.</p> <p>The Scheme can be considered in three elements</p> <ol style="list-style-type: none"> 1. An all-movements junction at M5 Junction 10 (Scheme element 1). 2. A new West Cheltenham Link Road east of junction 10 from the A4019 to the B4634 (Scheme element 2). 3. Widening of the A4019 to the east of junction 10, including a bus lane on the A4019 eastbound carriageway from the West Cheltenham Fire Station to the Gallagher Junction (Scheme element 3). <p><i>(i) The definition of associated development, as set out in paragraph 3 above, requires a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development, or help address its impacts.</i></p> <p>Link Road: The Link Road element of the Scheme has a direct relationship to Element 1 due it being required to support the operation of the principal development. The purpose of the principal development (element 1) is to enable capacity on the wider network to unlock housing. The Link Road is required to enable the development at strategic allocation A7 to communicate directly and efficiently with element 1 without inducing negative impacts on the wider network. The Applicant has provided detailed analysis of the need for this element at Q1.2.3.</p> <p>A4019: The A4019 elements of the Scheme have a direct relationship with Element 1 due to their being required to mitigate the impacts caused by induced traffic along the A4019 and also support the “operation” of element 1 through enabling capacity through this road to support element 1. The improvements to the A4019 are required to provide sufficient capacity between the JCS sites and M5 junction 10 to accommodate forecast development generated traffic. They are also required to facilitate improved bus services along the A4019, as well as improving pedestrian and cyclist connectivity. The Applicant has provided specific detailed analysis of the need for this element at Q1.2.3.</p>

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			<p><i>(ii) Associated development should not be an aim in itself but should be subordinate to the principal development.</i></p> <p>Link Road: The Link Road does not have an ulterior motive other than to ensure that traffic induced by the all movements gyratory, and in particular that traffic from strategic allocation A7, can access that gyratory in a suitable manner without inducing negative impacts on the wider network. The Applicant doesn't consider that building the Link Road in isolation would mean that the Link Road would have a useful function in alleviating traffic pressures in the local network, as it would simply continue to funnel traffic to Junction 11 to access the south. Therefore the Applicant does not regard the Link Road as capable of being an "aim in itself"</p> <p>A4019: The A4019 elements of the Scheme are clearly subordinate to element 1, given that they are design to mitigate the induced traffic caused by the changes to the J10 gyratory. There would be no traffic need to introduce the A4019 elements in isolation from element 1, clearly demonstrating that it is not an "aim in itself".</p> <p><i>(iii) Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development. This does not mean that the applicant cannot cross-subsidise, but if part of a proposal is only necessary as a means of cross-subsidising the principal development then that part should not be treated as associated development.</i></p> <p>The Applicant does not consider that this principle is relevant to this Scheme. The Scheme does not produce a revenue. The Applicant considers that this is aimed at ensuring that profit driven schemes do not seek to over-engineer the principal development so that excess capacity of elements not related to the principal development can be sold elsewhere, which might not have an established needs case in the relevant NPS. However, this additional principle makes clear that even if the Scheme is relying on the revenue of that excess capacity to remain viable – that is not enough for it to be considered associated development. For example, if a pipeline project sought to include permission to include the laying of fibre-optic cables the capacity of which had no functional relationship to the pipeline it would not be open for the applicant in that instance to argue that the funding of the project depended on the marketability of those fibre optic cables and therefore they were not an "aim in itself". Given the Scheme is not revenue driven the Applicant doesn't consider this clarificatory principle to be necessary to consider when applying (ii).</p> <p><i>(iv) Associated development should be proportionate to the nature and scale of the principal development. However, this core principle should not be read as excluding associated infrastructure development (such as a network connection) that is on a larger scale than is necessary to serve the principal development if that associated infrastructure provides capacity that is likely to be required for another proposed major infrastructure project. When deciding whether it is appropriate for infrastructure which is on a larger scale than is necessary to serve a project to be treated as associated development, each application will have to be assessed on its own merits. For example, the Secretary of State will have regard to all relevant matters including whether a future application is proposed to be made by the same or related developer as the current application, the degree of physical proximity of the proposed application to the current application, and the time period in which a future application is proposed to be submitted.</i></p> <p><i>The Applicant provided its position regarding (iv) during ISH1. The Applicant's Written Submissions of Oral Case for Issue Specific Hearing 1 (REP1-046) at reference Policy (iv) a further elaboration as to the interpretation of "proportionate". The Applicant's position is that a "purposive" interpretation of the policy should be used, which goes to the heart of the intention of the guidance, which is to protect against other non-associated proposals being introduced into an NSIP. However, the Applicant provided figures to give context to the clear geographic proportionality of both the Link Road and A4019 elements against element 1. The Applicant, therefore, considers it has adequately how the associated development meets principle (iv).</i></p>
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>	<p>Whilst this question is not directed to the Applicant it would like to refer the Examining Authority to the Applicants' responses to Q1.2.2 and Q1.2.3 above, as well as the JCS Transport Evidence Base, May 2017, that has been submitted into Examination at Deadline 3, as it is felt that these are of relevance.</p>

Question number	Doc ref and question to:	Question	Applicant Response
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> <ul style="list-style-type: none"> i. Please confirm that the Proposed Development has been subject to a full options appraisal as expected by the NPSNN. ii. Please advise what consideration has been given to viable modal alternatives or other options in this case. <p>If these options have not been considered, please explain why that might represent a reasonable and proportionate approach.</p>	<p>(i) and (ii)</p> <p>The JCS, adopted in December 2017, was an iterative process, with assessment of the transport impacts and resultant mitigation developed throughout its Examination. The transport evidence base for the JCS shows five iterations of transport impacts, mitigation and analysis up to October 2016. These iterations considered different potential interventions, including options with a range of improvements for sustainable modes of transport. The outcome of this process was a preferred package of measures to mitigate the impacts of the JCS that are incorporated into the JCS Transport Strategy. The package of measures includes improvements to public transport and active modes of travel, in addition to highway improvements such as the M5 Junction 10 Improvements Scheme.</p> <p>The overall JCS Transport Strategy has sought to alleviate traffic growth by providing for modal alternatives and the Scheme is, therefore, part of a package of measures to address the adverse impacts of the JCS that has already accounted for the modal alternatives aimed at alleviating traffic growth.</p> <p>Committed schemes providing modal alternatives have been included in the traffic model, such as the extension of Arle Court Park & Interchange Hub, and so it has accounted for any benefits they might bring. The Scheme incorporates a bus lane on the A4019, to cater for improved public transport provision, and a substantially improved and coherent network of facilities for active modes of transport, i.e., pedestrians and cyclists. Consequently, it facilitates increased travel demand by alternatives to the private car, in addition to providing additional road capacity, to enable delivery of the JCS developments in accordance with the JCS Transport Strategy.</p> <p>Nonetheless, a high-level assessment of potential alternative sustainable transport interventions to accommodate some of the forecast increase in travel demand was prepared during the pre-application phase and reported in a technical note. This technical note is submitted into examination at Deadline 3 (TR010063/APP/9.53).</p> <p>This assessment concluded that <i>“The walking, cycling and public transport related improvements being brought forward in the area and as part of the M5 Junction 10 Improvements Scheme will have a positive impact on influencing travel behaviour change in the area. However, in terms of unlocking the scale of development planned for the area, there is a residual need for improvements to the highway network including at M5 Junction 10.”</i></p>

2. Air Quality and Emissions

Question number	Doc ref and question to:	Question	Applicant Response
Q2.0.1	The Applicant, Joint Councils	Dust Mitigation 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?	The Applicant has detailed dust mitigation measures in the Register of Environmental Actions and Commitments (REAC) REP1-030] and the Environmental Management Plan 1 st Iteration Annex B4 - Air Quality Management Plan [AS-034], which would be required to be adopted by the Principal Contractor to appropriately control dust emissions during construction. This matter has been agreed as noted in the Statement of Common Ground [REP1-034] at 19.1, which states that the Joint Councils have reviewed the Environmental Management Plan and annexes and the Applicant will share comments with the contractor which will be addressed in the second iteration of the management plans.
Q2.0.2	The Applicant	Receptor Verification 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?	Receptor verification was undertaken using online mapping resources including satellite images and interactive panoramic imagery recorded on streets in the UK and available using Google Street View and Bing Birds Eye and Streetside imagery.
Q2.0.3	Joint Councils	Use of Model Corrections 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?	Not for Applicant to answer
Q2.0.4	The Applicant	Assessment of slip road closures 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>The impact of construction traffic during the overall construction phase has been considered as noted in the Air Quality chapter [AS-012] at para 5.4.7 and 5.7.7. The numbers of construction vehicles expected over the 30 month construction period was estimated using information on the quantities of materials and of waste, as documented in Table 5.12, and the expected numbers of workers as documented in para 5.7.12. As noted at para 5.7.13 [AS-012], the additional construction traffic would be lower than DMRB criteria for assessment, and hence no further assessment was required. The preferred construction traffic route for the additional construction traffic is provided in the Traffic Management Plan (TMP) [AS-041] at para B.11.2.14.</p> <p>The closure of the southbound off slip road and then the northbound on slip road are scheduled to take place between month 11 and month 30, lasting 19 months within the overall construction period, as detailed in Table 2.1 of Chapter 2 – The Scheme [AS-010]. During the slip road closures, the additional construction traffic would be redirected to use the A438 to access the M5 at Junction 9 or the A40 to access the M5 at Junction 11, as documented in para B.11.2.15 of the TMP [AS-041]. During the slip road closures, diverted traffic would be expected to use official routes as described in Appendix A of the TMP, which include the preferred construction traffic routes, such as A4019 Tewkesbury Road and Cheltenham Road, A38 Gloucester Road and Jubilee Way, A4013 Princess Elizabeth Way and A40 Gloucester Road. However, because any change in traffic flows as a result of the slip road closures along these roads is scheduled over a period of less than 2 years, there is no requirement for further assessment, as this is below the DMRB criterion for assessment.</p> <p>Hence, although there may be changes to existing traffic flows over the 30 month construction period as a result of additional construction traffic movements and slip road closures, changes over the DMRB criteria would only potentially occur over a 19 month period, and as such there is no requirement for assessment.</p>
Q2.0.5	Joint Councils	Cheltenham Air Quality Management Area 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.	Whilst this question is not directed to the Application, for information, the Applicant adds that the air quality assessment undertaken, and reported in the Air Quality chapter [AS-012] showed that there would not be an overall significant adverse effect, as documented at para 5.7.31 of ref. AS-012. With regards to the Cheltenham AQMA, four receptors in the Cheltenham AQMA 2020 were included in the air quality assessment: receptors R57, R58, R59 and R60; and R61 is adjacent to the AQMA boundary, as shown in Figure 5-3 [APP-082]. The results of the assessment as documented in the Air Quality appendix [APP-081] -Table 2.1 identified that with the Scheme in the opening year (2027) all five of these receptors would have a decrease in annual mean NO ₂ concentrations. Receptors R57, R58, R60 and R61 were estimated to have concentrations below the annual mean NO ₂ objective both with and without the Scheme in the opening year with a decrease of between 0.1 and 0.4 µg/m ³ with the

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			Scheme. Receptor R59 was estimated to have concentrations above the annual mean NO ₂ objective both with and without the Scheme in the opening year, but to have a small decrease of 1.6 µg/m ³ with the Scheme.

3. Bioiversity, Ecology and Natural Environment

Question number	Doc ref and question to:	Question	Applicant Response
Q3.0.1	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>	<p>Please refer to the Bat Roost Technical Appendix Addendum Report (TR010063 / APP 9.45) submitted with and in support of this response at Deadline 3.</p> <p>This addendum report presents the results of the bat roost surveys undertaken in 2023, which were not included within the Environmental Statement (ES) submitted as part of the Development Consent Order (DCO) application.</p> <p>The 2023 surveys resulted in the identification of three additional roosts in structures and additional information was obtained about four known roosts, allowing further characterisation of the roosts.</p> <p>Within the ES, a precautionary approach was taken to assuming the potential numbers of roosts in unsurveyed / partially surveyed features. Following the 2023 surveys, the number of structures and trees potentially impacted by the Scheme with incomplete surveys has reduced to 26 structures and 11 trees. Following the methods of predicting roost presence in unsurveyed / partially surveyed locations as described in Appendix D of the addendum report, roosts are predicted to be present within these 26 partially surveyed structures and 11 roosts are predicted to be present within the 11 unsurveyed / partially trees (i.e. every unsurveyed / partially surveyed tree has been assumed to support a roost).</p> <p>The combined number of known and predicted roosts (67) is a reduction when compared to that reported in the ES submitted as part of the DCO application [REP1-012], confirming that a sufficiently precautionary approach was taken when considering unsurveyed / partially surveyed structures and trees, and the predicted roosts and impacts presented in Chapter 7 Biodiversity [REP1-012] are an over-estimation.</p> <p>Taking into account the known and predicted assemblage of species recorded roosting within the survey area, which includes Annex II species, the bat roost resource is still considered to be a resource of Regional importance for biodiversity, as presented within the ES documents Appendix 7.3 Bat Survey [APP-088] and Chapter 7 Biodiversity [REP1-012].</p> <p>In order to reflect the results of the 2023 surveys and some localised refinement of impacts, the mitigation and compensation package for roosting bats has been updated as set out in the Bat Roost Technical Appendix Addendum Report (TR010063/APP/9.45). This has resulted in a small reduction in levels of compensation for roosting bats, reflected in a decrease in the roost provision (some more bat boxes, but fewer structures). The updated mitigation and compensation package for roosting bats presented in the Bat Roost Technical Appendix Addendum Report aligns with that within the draft European Protected Species Mitigation Licence for bats which Natural England have approved, as evidenced by the Letter of No Impediment (LoNI) received in March 2024 included in Appendix D of the Statement of Common Ground (SoCG) with Natural England [REP1-037].</p> <p>Taking into account the embedded and essential mitigation measures, bats could potentially be subject to a minor adverse residual effect as a result of loss and disturbance of roosts. For a resource of Regional importance for biodiversity, this is a slight adverse effect, which is not significant. This assessment remains the same as that presented in the ES Chapter 7 Biodiversity [REP1-012].</p>
Q3.0.2	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>	<p>Although this question is for NE to respond to, the Applicant notes that NE has provided agreement on the BNG assessment methodology as detailed in section 7.21 of the SoCG with NE [REP1-037].</p>
Q3.0.3	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</p>	<p>(i): The Applicant has followed guidance set within the National Planning Policy Framework and the Core Standing Advice provided by Natural England and the Forestry Commission in the classification of veteran trees in support of this DCO Application.</p>

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		<p>condition, but that this should not be the case, and that size, age or condition can determine a veteran tree.</p> <ul style="list-style-type: none"> i. If the approach the Woodland Trust advocate is agreed to be correct, what are the implications for the assessment carried out? ii. What additional mitigation might be available to ensure the identified trees are appropriately protected? 	<p>The methodology adopted is detailed in section 2 of the submitted Arboricultural Impact Assessment [APP-116]. It is to be noted that this approach has been used in several previous successful DCO applications, namely the M25 J10, M25 J28, A14 and A57 DCOs. The methodology adopted by the Applicant was not subjected to scrutiny during the examination process in relation to these development consent orders and was accepted.</p> <p>The Applicant advocates the approach adopted and must point out that there is no defined British Standard in the classification of veteran trees. Indeed, the guidance available can be seen as ambiguous and its interpretation open to differing opinion. However, the Applicant is satisfied the approach follows the available guidance for the purposes of this assessment and there are no implications for the assessment carried out.</p> <p>(ii): The trees cited by the Woodland Trust in their representation are all retained except for 4no. individual recorded trees. These trees being willow specimens that are quick grown species whose growth rates far exceed that of the slower grown native specimens. The quick grown nature of the species means that they typically reach large stem circumferences at a quicker rate than other species. This includes their branches and is often the reason that this species has branch failures due to their large size and the brittle nature of their structural integrity. All of which is important to note on the grounds that veteran specimens are classified as irreplaceable habitat, on the grounds their features contribute to its 'exceptional biodiversity' value. The instability of the decay features present mean the habitat afforded is not exceptional and typically does not support national scarce entomology. Similarly, of the trees impacted, given their advanced decay these trees are highly susceptible to further failures and outright collapse to which the habitat value will be lost naturally. The retention of the remaining trees cited by the Woodland Trust and further trees containing decay features will enable the continued preservation of the habitat resource in the locality.</p> <p>Section 5 within the submitted Arboricultural Impact Assessment [APP-116] provides an Outline Arboricultural Method Statement for the purposes of this Scheme. The Principal Contractor is to develop this into a final version at which time the trees cited by the Woodland Trust can all be reviewed to determine if any further mitigation measures, outside of that already proposed, could be implemented to further protect the trees. Of the 4no. trees cited by the Woodland Trust that shall be lost to the Scheme the Applicant can in consultation with the Ecologists determine a suitable use of their arisings to provide some ongoing dead wood habitat that was previously afforded by the trees when standing. This could involve sectional felling and the placement of stem or branch parts in suitable locations facing the same aspect (sunlight exposure).</p>
Q3.0.4	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>	<p>The Applicant confirms the tree being referenced in the ES Chapter 7 [APP-066] paragraph 7.7.11 is the Ash Tree reference G249C as detailed in Table 3-2 Veteran tree table of the AIA [APP-116].</p>
Q3.0.5	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> <ul style="list-style-type: none"> 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? ii. The Applicant is also requested to provide a counter-signed Impact Assessment and Conservation Payment Certificate (IACPC) from the approved DLL provider. 	<p>Further detail concerning the proposal to use a DLL for great crested newts is included within the District Licence Report [APP - 9.51] which is provided in support of this response at Deadline 3. The report sets out the costs, terms and conditions of the scheme.</p> <p>(i) Regarding the mechanism for securing the DLL, please refer specifically to pages 8, 9 and 10 of the District Licence Report [APP - 9.51] which is provided with this response. As described on these pages, three conditions will apply to access the DLL option once the DCO is made. Condition 1 links the development consent and permitted impacts to the relevant District Licence; Condition 2 requires the developer to submit a NatureSpace certificate (obtained upon second-stage payment) to the Council before the development can be authorised under the District Licence (i.e. the certificate is presented to the planning authority as part of and prior to the Landscape and Ecological Management Plan (LEMP) [AS-035] approval process); Condition 3 specifies the on-site compensation and mitigation measures.</p> <p>These conditions are required to be included in the LEMP [AS-035] for submission to and approval by Gloucestershire County Council (who hold the District (organisational) Licence (WML-OR138)), in order for the Council to authorise the development. These conditions are included in paragraphs B.5.22.14, B.5.22.15 and B.5.22.16 of the 1st iteration LEMP [AS-035]. This will be secured via the DCO's Schedule 2, Requirements 3(1) and 3(2). The proposed draft text of these Requirements are as follows:</p>

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			<ul style="list-style-type: none"> Requirement 3(1) – No part of the authorised development is to commence until a EMP (2nd iteration) for that part has been prepared in consultation with the relevant planning authority and the strategic highway authority and submitted to and approved in writing by the county planning authority. Requirement 3(2)(e) – The EMP (2nd iteration) must include the following management plans – Landscape and Ecology Management Plan. <ul style="list-style-type: none"> (ii) an IACPC is specific to DLL schemes run by Natural England. For this Scheme, the DLL is administered by NatureSpace. The District Licence Report plays a comparable role to the IACPC under the Natural England scheme. NatureSpace will issue a NatureSpace Certificate when the developer makes the second-stage payment to NatureSpace. The developer will do so at DCO grant. This certificate will confirm that all necessary measures in regard to great crested newt compensation have been delivered.
Q3.0.6	The Joint Councils, Gloucestershire Wildlife Trust, Natural England	Landscape Ecology Management Plan (LEMP) 1st Iteration 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?	For Joint Councils, Gloucestershire Wildlife Trust and Natural England to respond to.
3.1 Habitat Regulations Assessment			
Q3.1.1	The Applicant	Legibility of Figures 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. 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.)	Regarding Figures 7-13A and 7-14A, only those European designated sites of relevance to the assessment were labelled. However, for completeness, all European designated sites within or close to the study areas are now shown and labelled. An updated HRA Screening report (TR010063/APP/6.15 Rev1) and SIAA (TR010063/APP/6.15 Rev1) with updated figures are submitted at Deadline 3.
Q3.1.2	The Applicant	Provision of survey data 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. 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?	The Applicant confirms that this data has been provided as part of other ES Appendices as follows: <ul style="list-style-type: none"> Bird survey data - Environmental Statement Appendix 7.9 Winter Bird surveys [APP-095]. Fish survey data - Environmental Statement Appendix 7.12 Aquatic ecology survey [APP-098]. An updated HRA Screening report (TR010063/APP/6.15 Rev1) is submitted with cross references inserted at paragraphs 4.1.2, 4.2.2 and 4.2.7 and within Table 4-2 and the screening matrices. An updated HRA SIAA (TR010063/APP/6.15 Rev1) is submitted at Deadline 3 with cross references inserted at paragraph 4.4.1 and the screening matrices.
Q3.1.3	The Applicant	Stage 1 screening - Specific impact pathways considered 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”. There are 6 headings under initial assessment, and 8 under indicate significance. The terms fragmentation and disturbance also appear twice under “indicate significance”. 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. 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	The Applicant agrees that the ‘initial assessment’ headings and ‘indicate the significance’ headings in the Screening Matrices do not match. This is embedded in the Screening Matrix format, which is included in LA 115 ¹ , and it is not appropriate to amend the headings. Although National Highways is not the applicant for this DCO, LA 115 is standard guidance for road schemes and is therefore appropriate to this Scheme. The Applicant also notes that the terms fragmentation and disturbance are duplicated under the ‘indicate significance’ section. The Applicant’s reading of the matrices as presented in LA 115 is that the first list ‘initial assessment’ relates to impacts in the form of changes to the European Site that might result from the Scheme. The second list considers the significance of these impacts on the interest feature. Changes do not directly correlate with the significance impacts and could potentially result in impacts in more than one significance category. Therefore, the two lists are slightly different. A list of the specified pathways of potential LSE assessed within the HRA screening report and a description are provided, as detailed below. An updated HRA Screening report (TR010063/APP/6.15 Rev1) is submitted at Deadline 3 with the following text inserted as paragraph 7.2.15:

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		<p>can be ruled out for some qualifying features. Any amendments should also be carried forwards to the SIAA [APP- 100].</p>	<p>The following potential impact pathways are considered within this Screening report. This list aligns with the list of impacts identified in the LA 115 Screening Matrices (Presented in Appendix B to H of the HRA Screening report):</p> <p>Reduction of habitat area – Includes direct loss of habitats under the footprint of temporary or permanent works. Indirect effects through the loss of functionally linked habitats, i.e. habitats that support species outside of the European Site boundary.</p> <p>Disturbance to key species – visual, noise or vibration disturbance. This refers to disturbance during construction, operation or decommissioning works on to species that may cause behavioural effects, e.g. avoidance, change in foraging behaviour and could result in reduced success in key life stages such as breeding, migration or overwintering, or ultimately physical injury or death. Physical works, vehicle movements, light pollution and presence of staff/workers are all considered.</p> <p>Habitat or species fragmentation - barrier effects resulting in species being unable to disperse or move through their environment as a result of habitat severance or being deterred from using normal routes as a result of disturbance or pollution. This could result in reduced success in key life stages such as breeding, migration or overwintering, or ultimately physical injury or death</p> <p>Reduction in species density –Effects on the overall population either in terms of overall population size or distribution which result in local or widespread reduction in density. Includes injury or mortality to species which could occur as a result of damaging works, or as a result of high levels of disturbance, changes to water quality or air quality etc.</p> <p>Changes in key indicators of conservation value (water quality etc) – includes the following:</p> <ul style="list-style-type: none"> • Changes to water quality – considers effects on species (and their prey) as a result of contamination, changes in pH, increased nutrient loads, salinity, turbidity, alterations in the thermal regime, discharges or changes in sediment levels. • Changes to air quality – evaluates the risk of discharges to air, including fugitive dust and combustion emissions. • Changes to surface and groundwater hydrology – changes to the flow, supply, availability and drainage of water, and increased risks associated with flooding. • Introduction of Invasive Non-Native Species (INNS) – the risk of introducing or spreading INNS as a result of the Proposed Scheme. • Recreation – direct and indirect impacts on species and habitats as a result of increased recreational use, including increased visitor numbers, dog walkers, vehicle or watercraft use and associated issues such as dog fouling, litter and anti-social behaviour (littering, vandalism and fires). <p>Climate change – long term shifts in temperature and weather patterns.</p> <p>Injury/mortality has been separated out from disturbance in Table 4-2 of the HRA Screening report (TR010063/APP/6.15 Rev1), and further minor changes to the HRA Screening report (TR010063/APP/6.15 Rev1) and SIAA (TR010063/APP/6.15 Rev1) have been made to align the pathways listed above. Updated versions of these two documents are submitted at Deadline 3.</p>
Q3.1.4	Gloucestershire Wildlife Trust, The Applicant, Natural England	<p>Stage 1 screening - Coombe Hill SSSI (Severn Estuary sites)</p> <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> <ol style="list-style-type: none"> 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. 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>The HRA addresses the potential effects of increased recreational pressure from residents of the proposed housing developments that will be facilitated by the Scheme, as it is assumed that these housing developments are within the zone of influence of Coombe Hill SSSI, which is functionally linked to the Severn Estuary SPA/Ramsar, within which an increase in recreational use of the SSSI may be a result of housing growth. This is supported by visitor survey information provided by Gloucestershire County Council (Footprint Ecology (2022) Severn Estuary Visitor Survey 2022) which was reviewed within the HRA Screening Report [APP-099] (TR010063/APP/6.15 Rev1). The visitor surveys undertaken at Coombe Hill Canal SSSI indicate that the majority of interviewees were on a day trip from home/short visit, with 50% of interviewees visiting a location that they go to at least once a week, with dog walking the most common activity. The potential in-combination recreational effects of the combined housing developments within this and the wider area are known. There are already existing policy requirements that are in place at a strategic level (within the Joint Core Strategy and the Tewkesbury Borough Plan) that have been designed specifically to mitigate the potential in-combination recreational effects of the combined housing</p>

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		iii. Natural England are also invited to comment on these matters.	<p>developments, and which must be met by the housing developments if planning permission is granted. The Applicant considers that this potential effect pathway has been fully considered, and a conclusion of no Likely Significant Effect at screening is appropriate.</p> <p>The Scheme does not provide direct access to the SSSI, which is located almost 2km north west of Junction 10. The existing M5 Junction 10 already provides access and egress to and from the north, with no connectivity to M5 south. It is this southern connectivity that will be improved as a result of the Scheme. As a result, the Applicant considers that improving the road infrastructure as the Scheme proposes would not facilitate access to the SSSI.</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> <ul style="list-style-type: none"> i. The Joint Councils are requested to provide their position on the HRA. ii. Natural England are also invited to comment on these matters. 	For Joint Councils and Natural England to respond to.
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> <ul style="list-style-type: none"> i. The Applicant is requested to provide additional justification for the pathways scoped in to the in-combination assessment. ii. Natural England are also invited to comment on these matters. 	<p>Paragraph 4.2.26 of the HRA Screening [APP-099] (TR010063 / APP 6.15 Rev1) summarises the five pathways identified as having potential to result in a likely significant effect (LSE) on the Severn Estuary SAC and Severn Estuary Ramsar 'alone' (these are also which are detailed in the preceding Table 4-2). Where effect pathways have been screened in 'alone', there is no need to subsequently consider them at screening 'in-combination'. They are taken through to appropriate assessment in the HRA SIAA (TR010063 / APP 6.15 Rev1) where they are considered further alone. Only when they have been considered at appropriate assessment stage 'alone' and mitigation measures applied to ensure that the project alone will not have a significant adverse effect on the integrity of the European site, or no effect at all, is it necessary to consider potential effect pathways in-combination.</p> <p>This approach is in line with established guidance (Tyldesley, D., and Chapman, C., (2013) The Habitats Regulations Assessment Handbook, April 2021 edition UK: DTA Publications Limited www.dtapublications.co.uk) which states 'when a plan or project is screened as having a likely significant effect alone, the appropriate assessment should initially concentrate on its effects alone.'</p> <p>Paragraph 4.2.28 summarises the pathways identified as not having potential for a LSE on the Severn Estuary SAC, Severn Estuary Ramsar and Severn Estuary SPA alone (which are detailed in the preceding Table 4-2). Paragraph 4.2.29 identifies one further potential pathway that is only relevant in-combination (potential for increased recreational pressure). These pathways are then considered in-combination in the subsequent sections under the headings 'water quality,' 'air quality,' 'loss of functionally linked habitat,' and 'recreational pressure' to ascertain whether any in-combination effect pathways need to be taken through to appropriate assessment. Again, this is in line with the above referenced established guidance which states 'the requirement for an appropriate assessment arises from a finding on screening (Stage 1) that the subject project is likely to have a significant effect on a European site either alone or in combination with other plans or projects.'</p> <p>Clarifying text has been added to paragraphs 4.2.27, and subsequent paragraphs of the HRA Screening report (TR010063 / APP 6.15 Rev1) submitted at Deadline 3.</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> <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. 	<p>The Applicant's response to Section 5.7 of the Environment Agency's Relevant Representation [RR-013] is as follows:</p> <p>The assessment has confirmed or assumed the presence of European eel, river lamprey, Atlantic salmon and sea/brown trout, all qualifying features of the Severn Estuary SAC/Ramsar, within the River Chelt. The confluence of the Chelt with the Severn has therefore been considered with regards to the connectivity between the two watercourses.</p> <p>A number of likely effect pathways were identified which could, in the absence of mitigation, result in Likely Significant Effects (LSE) on these qualifying fish species using functionally linked habitat within the River Chelt. The effect pathways included pollution, injury/mortality, disturbance, fragmentation and temporary reduction in the extent of functionally linked habitat. A suite of mitigation measures has been designed, including pollution prevention</p>

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		<ul style="list-style-type: none"> 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> <ol style="list-style-type: none"> 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. Natural England are also invited to comment on these matters. 	<p>measures, design of the River Chelt bridge to be a clear span structure, various measures to mitigate the potential for disturbance/injury/mortality/fragmentation including timing works to avoid ecologically sensitive periods in particular for qualifying fish species, and incorporation of SuDS (swales, ditches and attenuation basins) into the drainage strategy. The mitigation measures are effective, reliable, plainly established and uncontroversial, and will avoid any adverse effects. The mitigation measures are secured in the DCO via B23 in the REAC [REP1-030].</p> <p>Regarding the reference to the other channels (i.e. all channels excluding the River Chelt), those that will be impacted by the Scheme have been assessed for their potential to support qualifying fish species. These comprise heavily modified small tributary systems and managed drainage ditches with limited habitat complexity. They are typically dry and choked with terrestrial herbs and scrub and/or shaded by trees, with limited water/flow (i.e., small stagnant pools). Their straightened planforms exhibit a limited range of habitat typologies for aquatic species and thus they are not considered suitable for supporting qualifying fish species most of the time. The Leigh Brook is the largest of these minor watercourses yet exhibits low flow conditions within the study area demonstrated by the 'no perceptible' flow type recorded within MoRPh survey and observations of stagnant pools (see Appendix 7.12 Aquatic Ecology Survey [APP-098]). The Applicant acknowledges that during periods when the Leigh Brook channel conveys flows/holds water, it may act as a suitable resource for migrating European eel within the wider catchment. However, the Leigh Brook is not considered in itself to be a viable resource for adult eel development due to very low water levels. Moreover, at the point of interaction with the Scheme the Leigh Brook is unlikely to be a key migration route given there is limited upstream habitat which would be suitable for this species. Whilst there is potential for individual eel to utilise the reach at times, it is considered unlikely that this is a common occurrence. This very occasional and temporary use of the Leigh Brook by eels does not warrant its inclusion within the HRA. Nonetheless, standard good practice pollution prevention measures and silt management/control measures will be implemented throughout the construction period to avoid pollution to all watercourses, as well as additional measures at the Leigh Brook including avoidance of sensitive periods and development of a fish rescue plan if sections of the watercourse require dewatering. Where realignments occur, these have been designed to improve habitat condition where possible.</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>	For Environment Agency to respond to.
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> <ol style="list-style-type: none"> 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. Natural England are also invited to comment on these matters. 	<p>The Applicant confirms that an earlier version of the SIAA did include an assessment of other individual plans and projects as part of the in-combination assessment. This included consideration of the following projects and plans in-combination with the proposed Scheme:</p> <ul style="list-style-type: none"> Gloucestershire County Council Minerals Local Plan HRA, March 2018. Gloucestershire County Council Waste Core Strategy HRA. Gloucestershire County Council Local Transport Plan (LTP) HRA. Gloucester City Plan 2011 – 2013 HRA. Forest of Dean District Council Allocations Plan Habitat Regulations Assessment (Appropriate Assessment) Report, March 2015. Habitats Regulations Assessment of the Stroud Local Plan. Cheltenham Local Plan Pre-Submission HRA. Tewkesbury Borough Plan 2011 – 2031 HRA. Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) HRA. Warners of Cheltenham Blaisdon Way. North West Cheltenham Development Area (Elms Park). Safeguarded site north-west of Cheltenham. West Cheltenham Development Site (Golden Valley).

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			<p>This earlier version of the report was from November 2022.</p> <p>Since then, updates to the SIAA have been made, to address the points made by Natural England in the letter dated 30 November 22 included in Appendix G of the SIAA (TR010063 / APP 6.15 Rev1).</p> <p>An updated HRA SIAA report (TR010063 / APP 6.15 Rev1) is submitted at Deadline 3 with an updated Appendix G which includes the Applicant's response to each point in the letter. The Examining Authority will note the switch in approach described in the first row of the table in updated Appendix G, to acknowledge risk of adverse effects on site integrity and set out mitigation to eliminate the risk. This switch in approach resulted in an in-combination assessment not being necessary and Table 8-1 being removed as there are no residual effects to contribute to an in-combination effect. This switch in approach, addressed the comments raised by Natural England around in-combination in their letter. Refer to rows 5 and 19 in updated Appendix G. Natural England confirmed via email on 02.05.2023 that they are satisfied that all previous comments on the HRA documents have been addressed, as set out in the Statement of Common Ground [REP1-037].</p>
Q3.1.10	The Applicant, Natural England	<p>Consultation agreement</p> <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> <ol 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, ble 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>The Applicant and NE are invited to provide an update.</p>	<p>Please refer to the updated Appendix G of the SIAA submitted at Deadline 3 (TR010063 / APP 6.15 Rev1) which sets out the Applicant's response to Natural England's letter dated 30 November 2022. Natural England confirmed via email on 02.05.2023 that they are satisfied that all previous comments on the HRA documents have been addressed, as set out in the Statement of Common Ground [REP1-037].</p> <p>Regarding paragraph 4.2.36 in the HRA screening report (TR010063 / APP 6.15 Rev1), this relates to a potential pathway that is only relevant in-combination - potential for increased recreational pressure. The three developments listed are those that the Scheme will directly facilitate, and which were the focus of the in-combination recreational pressure assessment on the Severn Estuary designations. Please refer to the Applicant's response to Q3.1.4 above.</p>
Q3.1.11	The Applicant, Natural England	<p>Lamprey Ammocoetes relocation</p> <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>Paragraph 7.2.3 of the HRA SIAA (TR010063 / APP 6.15 Rev1) states in point 5 (bold added):</p> <p>'In the event that dewatering is required during the installation of bank protection, only part of the width of the channel will be dewatered. Therefore, continuity of flow and fish passage would be maintained at all times during construction. A fish rescue plan will be developed in consultation with the Environment Agency and Natural England, which may include the need to relocate lamprey ammocoetes prior to dewatering in order to reduce</p>

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		<p>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 AEOL?</p> <p>Natural England are also invited to comment on these matters.</p>	<p>the potential for injury/mortality. The fish rescue plan will also include a requirement for an ecological watching brief.'</p> <p>The Applicant therefore considers that Natural England's recommendation has been considered and will be implemented, and further detail will be set out in the fish rescue plan which will be produced during detailed design. This will be secured in the DCO via B23 in the Register of Environmental Actions and Commitments (REAC) [REP1-030].</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>	<p>This is referred to as a 'fish rescue plan' within the HRA SIAA (TR010063 / APP 6.15 Rev1) (no reference is made to this in the HRA Screening (TR010063 / APP 6.15 Rev1). The fish rescue plan is secured in the DCO via B23 in the REAC [REP1-030].</p>

4. Climate Change Adaption and Carbon Emissions

Question number	Doc ref and question to:	Question	Applicant Response
Q4.0.1	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>	<p>Mitigation measures to remove, reduce or manage climate vulnerability impacts are summarised in the Chapter 14 (Climate) [REP1-024] and set out in detail in columns 3 and 4 of Table 14-15 within the same document.</p> <p>Early engagement between design engineers and environmental assessment professionals has enabled mitigation for many of the potential climate vulnerability impacts to be embedded into the design. This has been the most effective way of eliminating and reducing impacts on the project from climate, thereby reducing requirements for additional mitigation measures.</p> <p>The climate vulnerability assessment method adheres to the current standards set out in DMRB LA114 Climate¹. The outcome of the assessment, the significance of each impact, is <i>"based on and incorporates confirmed design and mitigation measures"</i> (LA114, Section 3.42). The proposed mitigation is therefore a key consideration in the assessment which demonstrates that the design is sufficiently resilient to avoid significant impacts. Furthermore, in accordance with LA114 (Section 3.28), it is noted that the assessment is completed using climate projections that are based on a future scenario in which emissions are high (UKCP18 Relative Concentration Pathway 8.5). This is a worst case future emissions pathway where greenhouse gas emissions continue to grow and it means that the climate vulnerability assessment is precautionary and that the mitigation will be robust even if greenhouse gas emissions do not reduce.</p>
Q4.0.2	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>	<p>Paragraph B.16.1.9 of the Carbon Management Plan (CMP) (1st iteration) [AS-040] states that the PC will produce a CMP (2nd iteration) and that the target of the CMP (2nd iteration) will be to support reduction in carbon emissions by adhering to the principles of the PAS 2080:2023 – Carbon Management in Buildings and Infrastructure.</p> <p>The commitment to produce a CMP is secured through DCO Schedule 2, Requirement 3(2)(e).</p>

5. Compulsory Acquisition, Temporary Possession and other Land or Rights Considerations

Question number	Doc ref and question to:	Question	Applicant Response
Q5.0.1	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <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>	<p>(i) and (ii)</p> <p>The limits of deviation for the authorised development are set out in Article 8 of the draft Development Consent Order [REP1-004]. This sets out that primarily the lateral limits of deviation are as set out on the works plans. Certain works are explicitly set out in Article 8 of the draft Development Consent Order [REP1-004] and have separate limits of deviation such as work number 3(e), 4(b), 5(d), 5(n), and 6(d) deviate vertically from the levels of the authorised development shown on the engineering section drawings 0.5 metres upwards or 1 metre downward or a maximum of 2 metres downwards in respect of excavation of the flood storage area.</p> <p>The Applicant has carefully considered the degree of flexibility that it requires to undertake the Scheme. In identifying the vertical limits of deviation in Article 8 of the draft Development Consent Order [REP1-004] the Applicant has, as far as possible, sought to provide appropriate flexibility while recognising that it cannot have unfettered flexibility. In defining those vertical limits of deviation, in particular, the flexibility is very limited. The limits of deviation reflect the current level of design and the complexity of the Scheme. The site is heavily constrained in engineering terms, in particular by existing infrastructure, water features and geometric standards. This approach is well precedented for other schemes such as the A417 (Missing Link), M25 Junction 10, or A38 Derby Junctions Orders.</p> <p>These limits of deviation would not apply in exceptional circumstances where the Applicant is able to demonstrate satisfactorily to the Secretary of State, following consultation with the relevant planning authority and the strategic highway authority, that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects.</p> <p>The Environmental Statement [REP1-011 6.1-6.15] has assessed the Scheme in respect of the limits of deviation. Powers of compulsory acquisition would not be exercised in respect of land not ultimately required as a result of the detailed design process, as Article 21 of the draft Development Consent Order [REP1-004] only grants the undertaker power to acquire compulsorily so much of the Order land as is required to carry out or to facilitate, or is incidental to, the authorised development. Where detailed design has provided that less land take may be required, then that land would not be acquired unless it remains necessary to facilitate or is incidental to the authorised development. In addition, the Applicant would not want to incur the compensation liabilities involved in acquiring land it does not need. Furthermore, any land acquired by compulsory acquisition is subject to the Crichel Down Rules and so in the unlikely event it has been acquired but it is not required for the Scheme, the land would have to be dealt with in accordance with these rules.</p>
Q5.0.2	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>	<p>The Scheme is designed to unlock potential developments on both the JCS allocated sites and the north-west Cheltenham safeguarded land. Therefore, the Scheme has been designed to mitigate only the most severe adverse impacts that would otherwise be caused by the traffic forecast to be generated by these potential developments. It has also been optimally designed, within its limits, to operate just within practical capacity, without building in any additional reserve capacity to accommodate unconstrained traffic growth.</p> <p>The outcome of the Scheme design is that it broadly results in a nil-detriment effect across the wider road network compared to the Scenario without the Scheme and dependant development (Scenario P), rather than having been designed to specifically achieve this outcome. Consequently, the ExA can be confident that the design has resulted in the minimum land take necessary to deliver the Scheme, and that s122 of the PA2008 is satisfied.</p> <p>Please also refer to Applicants' Statement of Reasons [REP1-007] and response to ExA Q15.0.10.</p>
Q5.0.3	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>	<p>The Applicant has interpreted this question as relating to Article 29 of the draft Development Consent Order [REP1-004]. Article 29 (Acquisition of subsoil or airspace only) of the draft Development Consent Order [REP1-004], facilitates the Applicant's ability to be flexible in order to minimise, so far as is possible, the extent of interests to be acquired, with less impact upon landowners. The Explanatory Memorandum [APP-032], at paragraphs 4.106 to 4.108 explains that it is considered to be in the public interest to provide this flexibility. The right enables accommodation works to be installed underground and structures to oversale third party land without needing to acquire the surface. This power has precedence in Article 24 of the model provision as well as Article 32 of the A47 Blofield to North Burlingham Development Consent Order 2022, Article 32 of the M25 Junction 28 Development</p>

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			<p>Consent Order 2022, Article 27 of the M54 to M6 Link Road Development Consent Order 2022, Article 31 of the A30 Chiverton to Carland Cross Development Consent Order 2020, Article 27 of the A19/A184 Teston's Junction Alteration Development Consent Order 2018, and Article 29 of the M20 Junction 10a Development Consent Order 2017, and Article 32 of the A417 (Missing Link) Development Consent Order 2022.</p> <p>In respect of subsoil rights, an example of where this is required is where land being acquired is within the existing highways and there is no registered owner in respect of the subsoil. In these situations, the presumption is that the subsoil of the half road width (up to its centreline) is owned by the adjoining landowner. The DCO compulsory acquisition rights over the subsoil so that the land on which the highway rights exist the Applicant benefits from all rights to implement the Scheme.</p> <p>The Applicant seeks the acquisition of airspace over the land where bridges oversailing land owned by third parties is required for the delivery of the Scheme, for example, the two motorway bridges and the River Chelt Bridge.</p>
Q5.0.4	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> <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>	<p>(i), (ii), (iii) and (iv)</p> <p>The Applicant has interpreted this question as relating to Article 20 of the draft Development Consent Order [REP1-004] in relation to the authority to survey and investigate the land. As set out in the Applicant's Explanatory Memorandum [APP-032 paragraph 7.75] the provisions of this Article were included in the model provisions as Article 16. Paragraph 6 of the Explanatory Memorandum [APP-032] which provides for deemed consent in cases where there is no response to an application for consent under this Article, was not included in the model provisions but is now a standard provision following its inclusion in numerous previous orders.</p> <p>The land outside the Order limits which ‘may be affected by the authorised development’ cannot be succinctly defined but will be limited to the purpose for which access might be obtained. The affected land would have to have a direct connection to the Scheme and be required by the Applicant to be accessed for those reasons set out in Article 20(1). For example, it may be necessary to undertake ecology survey work outside the Order limits in advance of construction such as pre-construction bat assessment of roosting structures close to the Order limits which the Applicant may need to inspect where works are carried out adjacent to the roost. The reasonable exercise of this power is already limited through the express set of circumstances that the Applicant might exercise this power as set out in Article 20(1). However, the types of survey or investigation which may be undertaken include: site condition surveys of each section of the Scheme, ecological walkover surveys including any temporary works areas, updated habitat and notable plant surveys (including invasive species), updated species surveys, ground/surface water sampling and gas monitoring. The Applicant must serve 14 days' notice under Article 20(2). This is a reasonable notice period considering the precedence of this Article in the model provisions and other National Highways Development Consent Orders. It is also the same notice period as is required in section 172 of the Housing and Planning Act 2016 which permits a person authorised in writing by an acquiring authority, which includes the Applicant, to enter and survey or value land in connection with a proposal to acquire an interest or a right over land. Therefore, the Applicant considers that this provides ample justification for a 14-day notice period being reasonable.</p>
Q5.0.5	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>	<p>The Applicant assumes the question relates to Inset Box X rather than M. The plot divisions shown within the Inset panel are correct, Plot 16/1c is not shown in the inset panel and the plot label ‘16/1c’ should not be present. The sheet 16 will be updated to reflect this (TR010063/ APP9.63)</p>
Q5.0.6	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>	<p>i. The costs of the Proposed Development as submitted in the Funding Statement (APP-036) were assessed against the Preliminary Design (the application version of design) and estimated accordingly in July 2023. The methodology is explained in more detail at the Applicant's response to Q5.0.7</p> <p>Since then, as part of our on-going review process, the Applicant has allowed for inflation against the latest BCIS figures for inflation (December 2023). This review confirmed that the funding gap is marginally less than £ 81.139m (although not sufficiently different to introduce another figure in to the examination).</p> <p>ii. Paragraph 2.1.4 of the Funding Statement [APP-036] provides an estimate of the three components as follows:</p> <ul style="list-style-type: none"> • M5 J10 £192,956,542 • A4019 £55,892,848 • Link road £40,219,822

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			<p>We have reviewed spend to date and the applied the inflation forecasts as per (i) above for the three components and this has not changed the above estimates.</p>
Q5.0.7	The Applicant	<p>Funding</p> <p>What is the identified funding gap?</p> <p>(i) (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> <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?</p> <p>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>	<p>(i) The figure stated in paragraph 5.3.5 of the Planning Statement (REP1-028) is a dated figure that should have been updated to reflect the current position in the Funding Statement (£81,138,909) which is correct and represents the current funding gap. As it has been agreed with the Examining Authority that the Planning Statement and Schedule of Accordance with National Policy is a 'live' document, in order to capture any changes in policy position, it is the Applicant's position that this amendment will be captured in the next iteration that is submitted into Examination.</p> <p>(ii) See above Q5.0.6 response which confirms that in the current economic climate (ie with reference to inflation) the figure remains the same.</p> <p>In terms of the current market conditions, the Applicant has not updated the scheme costs in terms of the revised estimates for the quantity and cost of materials and labour to deliver the scheme.</p> <p>This is a requirement of the ECI contractor who will update the costs of scheme (ie the scheme target cost for the Engineering Construction Contract Stage 2 contract) which would reflect the market conditions at the point in time that this is done. The Applicant expects the contractor's proposals for Stage 2 to be submitted in May 2025 and, subject to this being achievable within the identified scheme budget, this would result in the award of the contract.</p> <p>As such, it remains the case that the scheme costs and funding gap remain as identified in the Funding Statement.</p> <p>(iii) In terms of sensitivity testing, the Scheme cost estimate was developed based on the Preliminary Design (DF3) using a 'bottom-up' estimating methodology. Quantities were measured and priced in accordance with the Method of Measurement for Highways Works (MMHW), which is the industry (DMRB) standard Estimating Guidance document for Cost Plans and Estimates across Highways schemes. The prices were derived using composite rates of comparable schemes held by the estimating team. The outturn estimate was then subject to a benchmarking exercise against two different highway schemes.</p> <p>GCC land agent produced an estimated land cost using their valuation of land property prices.</p> <p>To calculate inflation, a spend profile was developed in reflection of the Scheme Programme schedule and inflation calculated to be £18.7 million using the BCIS General Civil Engineering Indices. The base date of the estimate in the spend profile is 2Q2022 and inflation calculation is done using spend profile from 3Q2022 to end of construction. The Scheme's design has not changed since 2Q2022 such that costs were materially affected. Sensitivity analysis was undertaken against the BCIS Indices available for different types of works. BCIS General Civil Engineering Indices (May'23) and BCIS All in TPI Indices (Mar'23) by considering Sep'22 as base date. When compared, the BCIS General Civil Engineering Indices had a 11.48% inflation rate where BCIS All in TPI Indices had 16.83% inflation rate. As a result of this exercise, a risk allowance was made for inflation volatility (inflation above 11.48%) and this risk is regularly monitored.</p> <p>The inflation indices were reviewed in Dec 2023 and inflation re-calculated to be £18,690,547, which is marginally lower than the allowance in the Costs Estimate. This will be regularly monitored for the next cost estimate update.</p> <p>An allowance within the base cost was made for post completion costs. Post completion costs would include commuted sum payments. This allowance has been based on professional judgement using similar schemes. The base cost is set out in paragraph 2.1.4 of the Funding Statement.</p> <p>Risk is considered to be the main area of sensitivity. Therefore, in term of allowance, an QCRA assessment was undertaken at the time of finalising the cost estimate in [3Q2022]. This concluded that using a probability ratio of 80%, an appropriate risk allowance against the base cost of the proposed development would be 10.4%. However, a risk allowance of 18% (equating to £33.8 million) was recommended based on the estimator's professional experience and in line with the benchmarked percentages of comparable complex projects. The figures regarding risk allowance are set out in the table at paragraph 2.1.4 of the Funding Statement. At the time of finalising the cost estimate in June 2023, it was decided to retain the conservative 18% risk allowance with a view to amending at the next update by the ECI Contractor scheduled for May 2025. The project team carries out</p>

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Q5.0.8	The Applicant	<p>Funding</p> <p>According to the Funding Statement [APP-036] para 3.4.2 the Notice To Proceed (NTP) is not intended to be issued until “sufficient amounts of developer contribution have been secured to fully support delivery of the Scheme”.</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?</p> <p>(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</p> <p>(iii) That if the DCO were to be granted the Applicant would be able to meet its obligations in respect of Compulsory Acquisition?</p>	<p>regular interim reviews of the risk allowance, including carrying interim QCRA analysis to manage project risk and take mitigating actions as and when risks materialise or risks change and the Applicant is confident that risk allowance is sufficient to cover any changes in cost associated that may materialise in the May 2025 update.</p> <p>(i) The Applicant notes that article 23 of the dDCO permits the undertaker of the Order 5 years beginning on the day on which the Order is made to either serve a notice to treat under Part 1 of the 1965 Act as modified by article 27 or no declaration is to be executed under section 4 of the 1981 Act as applied by article 28. The Applicant considers that it is reasonable to assume that sufficient quantum to enable compulsory acquisition to be drawn down is secured within this timeframe due to sufficient funds being committed already to allow this to take place. Regarding the funding gap, the Applicant is confident that within the time period of compulsory acquisition developers’ contributions will continue to enable the funding gap to be closed.</p> <p>(ii) The unsecured funding (the gap) under current projections is required in FY 2027/28. The relevant period to drawdown the land under the DCO (if made) is likely to be circa June 2030. This provides the Applicant sufficient time to work with project partners (e.g. Hoomes England, NH, CBC, TBC and developers) to look at alternative options for funding the gap if required. The Applicant’s current understanding is that the planning applications related to the Allocated Sites will come forward within the DCO period. In addition, the emerging SLP is expected to be adopted in April 2026 [Reg 22 submission] which will potentially allocate the Safeguarded Land or other sites in the area.</p> <p>(iii) The Applicant notes that paragraph 18 of the Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (DCLG, 2013) states “Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of.”</p> <p>The Applicant also notes that paragraph 9 of the same Guidance states that Applicant’s “should be able to demonstrate that there is a reasonable prospect of the requisite <i>funds for acquisition</i> becoming available”. The requirement in guidance here is noted that if there is not a reasonable prospect of funds being available then “it will be difficult to show conclusively that the compulsory acquisition of land meets the two conditions in section 122.” However, again it is imperative that consideration of paragraph 9 is interpreted that the “reasonable prospect of the requisite funds” is in relation to the “funds for acquisition”.</p> <p>The Applicant notes that paragraph 2.1.4 of the Funding Statement demonstrates that the cost of land acquisition to be £24,579,173. A significant amount of land has already been acquired by voluntary agreement. The Applicant considers that sufficient funding is currently in place to meet the remaining requirement for compulsory acquisition. The Applicant has made considerable efforts to reduce the burden of compulsory acquisition having secured 19 out of the 24 residential properties to date through voluntary acquisition and having made detailed offers in relation to the remaining properties. The Applicant is in the process of exchange on a 20th residential property.</p> <p>The Applicant therefore considers that regarding paragraphs 9 and 18 of the Guidance, the funding it has in place is sufficient to meet this test.</p> <p>Paragraph 17 of the Guidance is also relevant. This states that “it may be that the project is not intended to be independently financially viable...in such instances, the application should provide an indication of how any potential shortfalls are intended to be met. This should include the degree to which other bodies (public or private) have agreed to make financial contributions or to underwrite the scheme and on what basis such contributions or underwriting is to be made. (our emphasis). The Applicant has emphasised an important element of paragraph 17. The Application is not required to set out a fully costed and justified methodology for the potential shortfall of funding in the Scheme. It is required by Guidance to provide an indication only. The Applicant has done this through its methodology of funding through developer’s contributions.</p>
Q5.0.9	The Applicant	<p>Funding</p>	<p>Risk refers to M5 J10 Project Specific Risk. Response 5.0.7 outlines the approach taken to the determination of costing Project Specific Risks. Strategic risk or portfolio risk refers to those risks and opportunities that cover the</p>

Question number	Doc ref and question to:	Question	Applicant Response
		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.	delivery of the portfolio of schemes that are covered in the HIF grant. Therefore, they include Arle Court and Coombe Hill as well as M5 J10.
Q5.0.10	Bloor and Persimmon Homes, St Modwen and Midlands Portfolio Ltd	Funding Can each developer advise on when they hope to commence development and over what time period you estimate your build to be.	Not for applicant to response.
Q5.0.11	The Applicant and Homes England	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?	This answer has been prepared by the Applicant. Homes England will be responding under separate cover. i) The grant funding is for a fixed amount with no index linking. It should be noted that scheme cost forecasting and estimating accounts for inflation over the delivery period. ii) Cost overruns are the responsibility of the Applicant. The scheme cost forecast includes allowances for inflation and risk. The risk allowance includes items for changes to the cost of labour and materials and for changes in the assumed rate of inflation. The Applicant is working with its ECI contractor to identify opportunities to deliver the Scheme more efficiently.
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)	Funding 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. (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?	i) The meeting referred to in December 2023 became a Cabinet Paper entitled Funding Update and was submitted in March 2024. The paper states that an Executive decision is required once the funding approach has been finalised. The resolutions include: Acknowledge that revisions will be required in the future to the Highways Capital budget in relation to the scheme up to a value of £334.270 million, on the basis of £249.131 million secured HIF funding (<i>added for clarity: for M5 J10, Arle Court and Coombe Hill</i>), £4 million secured GCC funding and notes the remaining gap of £81.139 million, in funding for the M5 J10 improvement scheme and confirms its intention to seek to raise those funds through section 106 contributions from developers. Approve the principle of requesting Section 106 contributions toward the M5 Junction 10 Improvements Scheme from development sites benefiting from the scheme, with such contributions being sought under policy INF7 of the Joint Core Strategy and/or any subsequent policy replacement. Delegate authority to the Executive Director of Economy Environment & Infrastructure in consultation with the Cabinet Member for Environment and Planning and the Chief Finance Officer to negotiate and determine GCC's position with regard to the scope, mechanism and levels of contribution being sought from each development site under policy INF7 of the Joint Core Strategy and/or any subsequent policy replacement. ii) The approach is not yet agreed with other councils. It is expected to be updated by Autumn 2024. iii) GCC is working with prospective developers of the allocated sites but the approach is not yet agreed. It is expected to be updated by Autumn 2024.
Q5.0.13	The Applicant, The Joint Councils, (i and ii) Persimmon Homes, Bloor Homes, St Modwen and Midlands Land Portfolio Ltd (ii only)	Funding (i) What is the latest position in respect of the GCC Local Developers Guide? (ii) What Status do you consider it currently to have?	i) The Gloucestershire County Council Local Development Guide June 2024 is presently being consulted on. That consultation ends in September 2024. The draft document is subject to a formal consultation process. The final draft document will take into account any representations received and will then be subject to GCC's decision making process, with a view to it being adopted as the Gloucestershire County Council Local Development Guide, replacing the 2021 version. The Local Development Guide is not a Statutory Planning Document. It seeks to identify the mitigation needed to offset the impacts of new development on existing infrastructure and services. It provides the framework within which GCC will prepare its consultation responses to planning applications and, if necessary, object to planning applications where mitigation measures and infrastructure requirements in respect of its service areas are not adequately covered. The Local Planning Authority has the responsibility for weighing up the planning balance when determining applications. Para 80 seeks that " <i>developer contributions sought through S106 planning obligations must solely assist in mitigating the adverse impacts of new development on the local transport network. They cannot be used as an alternative funding stream for addressing pre-existing infrastructure issues, unless in doing so it can be justified as a demonstrable mitigation measure. However, there may be</i>

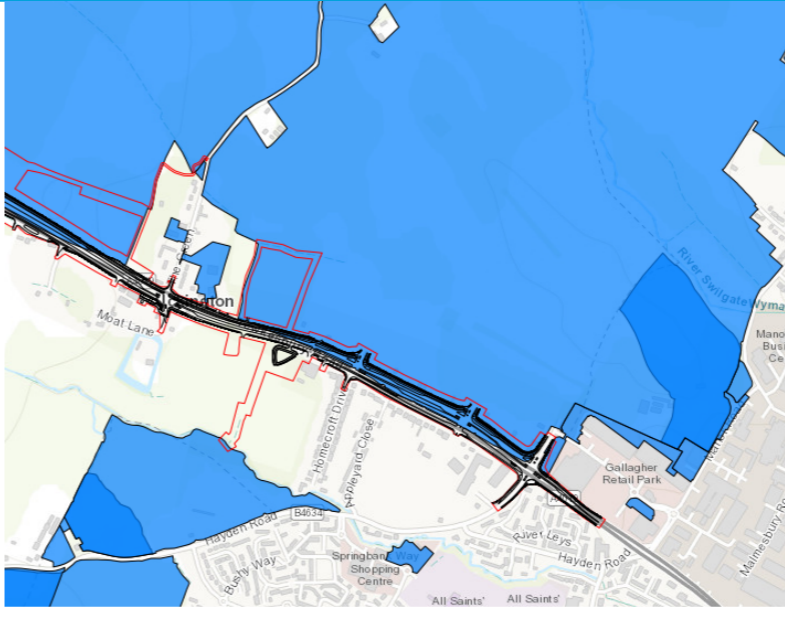
Question number	Doc ref and question to:	Question	Applicant Response
			<p><i>circumstances where proposed mitigation aligns with pre-identified infrastructure priorities set out within the adopted and emerging Gloucestershire Local Transport Plan4.</i></p> <p>ii) The Local Developers Guide is not policy but guidance. However, as it moves through the adoption process, its influence in respect to applications will have greater weight. It will be a material planning consideration.</p>
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> <p>(i) The letter explains that the Housing Infrastructure Fund (HIF) Grant Determination Agreement (GDA) includes contractual requirements "to enable the core housing outputs to be delivered" Please clarify what is meant by the core housing outputs.</p> <p>(ii) The letter also states "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." Please clarify which 3 sites this refers to.</p> <p>(iii) If a proportion of the funding is linked to "practical completion dates for the core housing outputs on the three strategic sites" 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.</p> <p>(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?</p>	<p>This answer has been prepared by the Applicant. Homes England will be responding under separate cover.</p> <p>i) The GDA identifies housing outputs (in terms of numbers of housing units) which are considered to be supported by delivery of the scheme.</p> <p>ii) The three sites being referred to are:</p> <ul style="list-style-type: none"> • North-West Cheltenham allocation (JCS Policy A4), • West Cheltenham allocation (JCS Policy A7) • Safeguarded land at North-West Cheltenham. <p>iii) The timing of grant funding drawdowns is not linked to practical completion dates for the core housing outputs on the three sites. The drawdown of the grant is linked to the delivery of the agreed infrastructure works.</p> <p>iv) The flexibility referred to recognises that during the process the design/mitigation may need to change as the scheme evolves. The GDA is flexible in so far as it describes the infrastructure to be delivered however does not contain detailed documents that prescribe for example a fixed design. Flexibility also extends to the timing and amounts of grant drawdowns to suit the expenditure forecast profile, based on the progress of the scheme through its various stages of design and delivery, within the parameters of the GDA.</p>
Q5.0.15	The Applicant, Joint Councils	<p>Funding</p> <p>Can the Applicant and Joint Councils provide the following:</p> <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> <p>(a) the type (outline, full, reserved matters) and description of the development;</p> <p>(b) the status of the applications, whether they have been approved, refused or remain undetermined,</p> <p>(c) if undetermined what the current state of play is and a likely time frame for determination, and</p> <p>(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.</p>	<p>The Applicant has agreed with the Joint Councils that they will provide the information requested by the ExA in response to Q5.0.15".</p>
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</p>	<p>i) The section 106 Agreements will be agreed at the time of grant of the various planning applications. As part of those section 106 Agreements GCC will be seeking appropriate contributions to the M5,J10 works. The anticipated timing of these applications is dealt with in Q5.0.8 and 5.0.15.</p> <p>iii) Paragraph 57 of the NPPF states that Planning obligations must only be sought where they meet all of the following tests:</p> <p>a) necessary to make the development acceptable in planning terms;</p> <p>b) directly related to the development; and</p> <p>c) fairly and reasonably related in scale and kind to the development.</p>

Question number	Doc ref and question to:	Question	Applicant Response
		<p>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>	<p>It is the Applicant's position that the entirety of the DCO scheme is required to ensure the acceptability in planning terms of the allocated sites, as well as possible future development past the JCS plan term. The Scheme is directly related to the developments which it seeks to facilitate and is reasonable in terms of scale and kind to those developments given that it provides necessary strategic transport infrastructure to enable the developments to be brought forward. The Applicant has provided its position on the need for the Scheme in relation to the different development sites but would draw the Examining Authority's attention to its response to Q1.2.3 and the JCS Transport Evidence Base, May 2017 (9.48) in particular which establishes the need for the Scheme.</p> <p>From the written representations received and through ongoing discussions with the various developers it is clear that it is the quantum of planning obligations attributed to the different development sites that is of the greatest tension.</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>	<p>GCC has been consulting on a contribution methodology, which has been developed in line with the s122 CIL tests, and the resultant contribution amount since September 2023. That consultation closed in May 2024 and GCC responded to developers in a meeting on 18/07/24. GCC confirm that the methodology is still to be agreed.</p> <p>GCC is proposing to continue to work with the developers to reach an agreed position.</p>
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>	<p>For Joint Councils to answer.</p>
Q5.0.19	Applicant	<p>Funding</p> <p>Within the Funding Statement [APP-036] at paragraph 3.4.2 it states "<i>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.</i>"</p> <p>Does this not confirm that there is a significant degree of uncertainty regarding the funding of the project?</p>	<p>The Scheme is designed to unlock potential developments on both the JCS allocated sites and the north-west Cheltenham safeguarded land totalling over 8900 homes and employment space.</p> <p>The Applicant has significant funds already, indeed £212m of the £293m budget is confirmed. This is sufficient to acquire the necessary land as well as deliver a significant proportion of the scheme. The Applicant is confident that the budget estimate is robust, with a significant risk allowance and inflation seeming to have peaked as addressed in response to Q5.0.6 and Q5.0.7 above.</p> <p>The JCS INF7 provides provision for developers to contribute to the scheme and consultation regarding a contribution methodology, and resultant contribution amount has been on-going since September 2023. The Applicant has evidence of conditional support for the scheme from some of the developers and is confident of securing further support.</p> <p>The unsecured funding (the gap) under current projections is required in FY 2027/28. The relevant period to drawdown the land under the DCO (if made) is likely to be circa June 2030. This provides the Applicant sufficient time to work with project partners (e.g. Homes England, NH, CBC, TBC and developers) to look at ways to resolve any issues that may emerge. The Applicant's current understanding is that the planning applications related to the Allocated Sites will come forward within the DCO period. In addition, the emerging SLP is expected to be adopted in April 2026 [Reg 22 submission] which will potentially allocate the Safeguarded Land or other sites in the area.</p> <p>Whilst challenges remain, GCC is confident that that timing of applications for development and the construction programme can align to secure developer contributions and allow for necessary and prudent stages of governance to enable the much-needed development to come forward.</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.</p>	<p>The Applicant is working closely with National Highways and have submitted further documentation and model files to assist NH to draw conclusions about the suitability and robustness of the modelling undertaken. Please also see the Applicants' response to the ExA First Written Questions, Q15.0.6 & Q15.0.7</p> <p>The Applicant is not anticipating any changes to the scheme design resulting from the future agreement of the transport modelling and whilst it is not over-providing capacity at M5 J10, the Applicant has demonstrated that the</p>

Question number	Doc ref and question to:	Question	Applicant Response
		<p>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>	<p>design provides sufficient capacity to accommodate development on the JCS allocated and the safeguarded land or other potential future development in proximity of the junction that extends past the JCS plan period.</p> <p>The applicant is confident, as described in the answer to Q5.0.19 above, 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>	<p>(i)</p> <p>For clarification, there are two areas of land safeguarded for future development within the JCS, for development beyond the Plan period – i.e. post 2031. The CEA excludes the safeguarded land to the west of Cheltenham; but includes the safeguarded land to the north-west of Cheltenham. The response to ExA question Q1.1.4 provides additional context.</p> <p>As the most likely proxy development to come forward past the JCS plan term, when considering the Scheme design year of 2042, the Applicant's position is that it is reasonable to include contributions relating to this in its funding assessment, whilst accepting that as a proxy the quantum of development and contributions associated with the site could be attributed to other future development schemes in proximity of the junction should they be brought forward in advance of the safeguarded land.</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 [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>	<p>The Applicant reiterates that extensive engagement has been undertaken with all affected parties. It is obvious and accepted that schemes such as this can cause affected parties concern and can be stressful, but the Applicant has sought to reduce this where possible through the engagement. Whether the engagement is positive is subjective, but in the Applicant's opinion the engagement has been extensive and positive. The representations referenced are under 4% of the parties affected by the Scheme. The Applicant would also raise that it is not uncommon for there to be differences in opinion on value which continue to be addressed through negotiations.</p> <p>The applicant has completed on voluntary acquisition with 19 out of 24 residential properties and in the process of exchanging on a 20th, through the engagement and negotiation process to date. Negotiations continue to try and secure all remaining land and properties voluntarily, including with the affected parties listed in the question. Offers have been made to these parties and terms proposed for land or rights required for the scheme.</p>

6. Draft Development Consent Order

Question number	Doc ref and question to:	Question	Applicant Response
Q6.0.1	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>	The Applicant would draw the Examining Authority's attention to its response to Action Point 7 in the Applicant Written Summaries of Oral Case for Issue Specific Hearing 2 (ISH2) (REP1-047).
Q6.0.2	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>	Not for Applicant to respond.
Q6.0.3	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>	Not for Applicant to respond.
Q6.0.4	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?</p> <p>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>	<p>(i) The Applicant considers that the dDCO as drafted ensures that no conflict is created between the authorised development and the planning application for Elms Park which would mean that enforcement action could not be taken against Elms Park in respect of any inconsistency. Article 7(2) would mean that if there is inconsistency between the dDCO and the planning permission for Elms Park, then any inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of the Elms Park planning permission is capable of physical implementation and that no enforcement action can be taken in respect of that inconsistency. The Article doesn't present a solution to the inconsistency itself but it ensures that the operator of the Elms Park planning permission is not disadvantaged as a result of the Scheme in respect of planning enforcement.</p> <p>(ii) The Applicant has provided the below plan to overlay the extent of other planning applications locally, which includes Elms Park application, in blue, with the Scheme.</p>

Question number	Doc ref and question to:	Question	Applicant Response
			
Q6.0.5	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>	<p>(i) The Applicant is unclear as to the precise implication the ExA is seeking to draw. The Applicant assumes the question made is in relation to the issue raised at ISH2, where the ExA asked “Does the wording of the dDCO align with the explanation in the EM para 4.68 and is there justification for the extension of powers as sought?”</p> <p>The Applicant’s written summaries of oral case for Issue Specific Hearing 2 (ISH2) (REP1-047) summarises the discussion had on this topic.</p> <p>The Applicant does not consider the EM to be incorrect. As explained in REP1-047, the EM clarifies that the article applies to temporary accesses but does not state that it is limited to temporary accesses.</p> <p>If the concern of the ExA is that paragraphs. 4.67-4.68 do not adequately cover the intention of the Article, the Applicant will ensure that the EM is updated to cover both permanent and temporary accesses which are covered by Article 17.</p> <p>(ii) The Applicant considers that the article as drafted is as intended which provides it with the power to form and lay out means of access or improve existing means of access.</p>

Question number	Doc ref and question to:	Question	Applicant Response
Q6.0.6	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>	<p>The Applicant's written summaries of oral case for Issue Specific Hearing 2 (ISH2) (REP1-047), page 21 states that the interaction can be found at "Action Point 3 above". This can be found at page 9 of that same document, with the heading "Response to Action Point 3."</p>
Q6.0.7	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 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?</p>	<p>(i) All the land that is to be subject of only temporary possession has been identified in Schedule 7 of the draft Development Consent Order (REP1-004). As set out in the Explanatory Memorandum (APP-032), at paragraph 4.111-115, the land set out in Schedule 7 is required during the construction of the Scheme but is not required permanently. Article 31(1)(a)(ii) of the draft Development Consent Order (REP1-004) permits the Applicant to occupy any other Order land which it has not yet permanently acquired. Article 31(11) of the draft Development Consent Order (REP1-004) sets out that the Applicant cannot take temporary possession under Article 31(1)(a)(ii) of the draft Development Consent Order (REP1-004) of any land which the undertaker is not authorised to acquire under Article 21 or 24 of the draft Development Consent Order (REP1-004). This permits the Applicant to undertake limited preliminary actions, as listed at Article 31(1)(b), (c), and (d) of the draft Development Consent Order (REP1-004) prior to full acquisition. Article 31(2) of the draft Development Consent Order (3.1, Rev 2) sets out a notice procedure requiring the Applicant to serve 28 days' notice to any relevant owner occupier of land to be temporary occupied and explain the purpose of the temporary possession should the Applicant be taking possession pursuant to Article 31(1)(a)(ii) of the draft Development Consent Order (REP1-004) There are limits to the time the Applicant might continue to temporarily possess land under Article 31(1)(a)(ii) as set out in Article 31(3)(b). The Applicant is not able to provide a definitive list of plot numbers this might be applicable, neither would be appropriate to do this as the purpose of this clause is to add flexibility for the Applicant and aid in the timely delivery of the Scheme. Compensation would be payable to the owners and/or occupiers of the land in the event that the Applicant exercised this power. As set out in the Applicant's Explanatory Memorandum, this approach has been taken on other highways Development Consent Orders.</p> <p>The Applicant has not specifically alerted all landowners, occupiers, etc within the Order limits of the possibility of the Applicant using the powers of temporary possession, however when providing notice through section 56, the Applicant will have provided the relevant parties with land plans, the dDCO, and EM. The Applicant does not consider that there is a statutory requirement to "alert" landowners on this basis.</p> <p>(ii) The Applicant does not consider that the measures proposed are necessary to include at article 31(4). The proposed wording has not been included in recently granted highways DCOs, such as A417 (Missing Link) 2022, A303 (Amesbury to Berwick Down) 2023, M3 Junction 9 2024. The Applicant considers that in order for the undertaker of the order to be considered to have "given up possession" it will have had to cease the occupation of that land, and that would include the use of the land for storage of vehicles and materials. Therefore, the additional distinction is unnecessary and superfluous.</p> <p>(iii) The Applicant does not consider that a "counter-notice" provision would be necessary or justified on the basis of legislation that is not in force. The Applicant is unaware of another development consent order which incorporated a counter-notice procedure. Section 19, NPA, states that the authorising instrument making provision relating to temporary possession must "specify the total period of time for which the land may be subject to temporary possession." There is no upward limit for the definition of "temporary". The NPA sets out that under section 20(3) a notice served 3 months prior to date of intended entry must set out the period for which the temporary possession is to take place. Under the provision of the counter notice, in section 21, the leaseholder or freeholder may serve counter notice specifying that the land may only be subject to temporary possession for a maximum of 12 months where the land is or is part of a dwelling, or 6 years in any other case. On receiving the counter-notice the acquiring authority would have the decision to either accept the counter notice, withdraw the notice of intended entry or proceed as if the land were subject to compulsory acquisition. Therefore it is not the position that "the landowner would have the option to choose whether temporary possession or permanent acquisition was desirable". The NPA ensures that the landowner may place some upward limits on the period over which temporary possession may be taken, given that the authorising instrument is not limited by any set period. This is because that "limit" is to be determined by further regulations, see section 29(4)(b).</p> <p>This is in direct contrast to the dDCO. Limiting the analysis to just that land being used temporarily pursuant to article 31(1) (a)(ji), as the dDCO would not grant the undertaker the power to permanently</p>

Question number	Doc ref and question to:	Question	Applicant Response
			<p>acquire land specified in article 31(1)(a)(i), the undertaker is already limited to only remain in possession for the period of <i>one year beginning with the date of completion of the work for which temporary possession of the land was taken</i>. This ensures that the undertaker of the Order is not granted potentially unlimited rights of possession. The fact that the dDCO limits the period over which temporary possession may be exercised is a clear distinction to the operation of the NPA.</p> <p>The Applicant therefore does not consider that the example provided in the NPA is readily applicable to the context of article 31 in the dDCO.</p>
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>	Please see Schedule 1 which sets out the Applicant's position regarding Advice Note 15. See application document: TR010063/APP/9.55).
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>	The Applicant has set out its position in relation to statutory nuisance in its Statement of Statutory Nuisance (APP-134). This document provides a narrative that the provisions of section 79(1) of the EPA 1990 could potentially be engaged as a consequence of the Scheme are (d), (fb), (g), and (ga). This document sets out how the Applicant has sought to mitigate any statutory nuisance that may be caused by the Scheme. The Statement concludes that whilst no statutory nuisance is likely to occur due to the mitigation proposed, the Applicant has included a defence in the dDCO in order that the defence can be relied on in circumstances where nuisance cannot be avoided. This is common practice and can be found in other DCOs.
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>	<p>The arbitration provision as drafted in Article 43 of the draft DCO (REP1-004) is intended to develop the model provision in order to make it more appropriate for use by either party subject to it, by providing effective timeframes. As set out in the Explanatory Memorandum (APP-032 paragraph 4.161) this article was included in the model provisions as article 42.</p> <p>The proposed arbitration provision is the only mechanism to resolve disputes arising from different interpretations of the order and therefore it is an important inclusion in order to provide a fair, impartial and final award on substantive difference between parties.</p> <p>The Applicant is not aware of examples where a SoS has allowed arbitration to decisions they may have to make on future consents or approvals. However, the drafting agreed in the Norfolk Vanguard Offshore Windfarm DCO was as a response to specific issues raised by the Marine Management Organisation and in relation to energy projects.</p> <p>The current wording of Article 43 takes precedent in many highways development consent orders such as recent examples like A12 Chelmsford to A120 Widening Development Consent Order 2024 and M3 Junction 9 Development Consent Order 2024, where the Arbitration Article was accepted by the Secretary of State for Transport.</p>
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>	<p>The Applicant does not recognise a discrepancy between the Transport Assessment (APP-138) which described the gyratory as "A new signalised roundabout at Junction 10 with three lanes " and the dDCO. Work No.1 does not describe the signalised roundabout. The gyratory is, as labelled on the works plans, described as "a new grade separated roundabout junction" at Work No. 2. Work No. 2 must be read in conjunction to the further development set out at the end of Schedule 1 which includes at paragraph (l) which reads:</p> <p>"the provision of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development."</p> <p>The Applicant, therefore, does not consider that the description in the TA includes a discrepancy between that sought in the dDCO.</p>
Q6.2.1	The Applicant	<p>PINS Advice Note 15: Drafting Development Consent Orders.</p>	Please Application document TR010063/APP/9.55 which sets out the Applicants approach taken regarding Advice Note 15.

Question number	Doc ref and question to:	Question	Applicant Response
		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.	
Q6.2.2	The Applicant	Requirement 3 Environmental Management Plan (2) a) 'substantially' – (i) would this not be more appropriately written as 'in accordance with'?	The Applicant does not consider that the removal of the word "substantially" would materially impact the interpretation of this paragraph and therefore would not object to its removal.
Q6.2.3	The Applicant	Requirement 12 Surface water drainage (i) Is the word 'reflect' appropriate in delivering the mitigation measures in chapter 8, would not it better to 'accord with'? (ii) The EMP Requirement does not refer to drainage or flood compensation areas so how is the maintenance of these to be secured? (iii) Do the Councils and Environment Agency agree the requirement appropriately delivers mitigation?	(i) The Applicant has provided its reasoning for the use of the word "reflect" in Applicant's written summaries of oral case for Issue Specific Hearing 2 (ISH2) (REP1-047), page 37. (ii) The binding nature of the maintenance is in relation to the detailed scheme for the flood compensation areas or flood storage area relevant to that part of the authorised development. This is set out in Schedule 2, paragraph 2(1). The Applicant therefore considers that Schedule 2, paragraph 12 does adequately bind "maintenance" as that identified in the scheme referenced and that scheme is for the flood compensation areas. (iii) The Applicant understands that the EA and Joint Councils are satisfied that the requirement appropriately delivers mitigation, but this will need to be confirmed by the EA and the Joint Councils
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.	The Applicant and the Joint Councils met with a representative of the Department for Transport to secure more information as to the process which DfT undertakes on behalf of the Secretary of State when the Secretary of State is the relevant body for discharging the requirements of a DCO. That information is being considered by the Applicant and Joint Councils. Further updates will be provided.

7. Good Design

Question number	Doc ref and question to:	Question	Applicant Response
Q7.0.1	The Applicant	<p>Good Design</p> <ul style="list-style-type: none"> 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. ii. Please explain what independent advice has been sought to ensure good design principles are embedded into the proposals. 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. 	<ul style="list-style-type: none"> i. The Applicant has not specifically appointed professional independent design advice (such as an independent Design Champion as identified in 'Design Principles for National Infrastructure' ('DPNI') NIC 2020). However, National Highways are experts in the field of highways projects and have provided professional advice throughout the development of the Scheme, being an affected landowner, a consultee and the owner of the Project Control Framework (PCF) and design guides which the Scheme design has followed. Whilst the Scheme is being developed by Gloucestershire County Council, the design process has followed National Highways' PCF, which sets out a process for developing and delivering projects taking account of iterative inputs across environmental, traffic and engineering inputs and consultation responses <i>inter alia</i>. National Highways have undertaken the 'Stage Gate Review' ('SGaR') process which reviews design, and supporting documentation at relevant stages throughout the project life. ii. As stated at (i), National Highways have provided independent advice through the SGaR process. They have reviewed and accepted the Scheme design and supporting documentation at all stages through its development. A deliverable for PCF Stage 3 is the production of a Project Design Report ('PDR'). This report sets out how due regard for good design and the environment in which the Scheme is located, have been key components in the development of the preliminary design for the Scheme, by reference to 'The Road to Good Design' ('TRTGD') published by Highways England (now National Highways) (2018). As such, the PDR provides the evidence of how the Scheme addresses good design requirements, as set out in TRTGD. The PDR has been reviewed and accepted by National Highways through the SGaR process. Similarly, a Sustainability Statement was produced for PCF Stage 3 which outlines how sustainability principles have been included in the Stage 3 Preliminary Design for the Scheme, in accordance with the Department for Transport's Design Manual for Roads and Bridges (DMRB) GG103 'Introduction and General Requirements for Sustainable Development and Design'. The Sustainability Statement has been reviewed and accepted by National Highways through the SGaR process. The PDR and Sustainability Statements have been submitted at Deadline 3. iii. DPNI states that '<i>...some organisations...have already shown great leadership by developing their own principles</i>'. National Highways is one such organisation. National Highways have an Environmental Sustainability Strategy to deliver their 2050 vision to support the country's transport needs whilst protecting and strengthening the natural environment and community wellbeing. It has focus on positive change for nature, carbon and communities. It is supported by a suite of documents, including TRTGD, across nine priority areas. The Applicant has had regard to the National Highways' Environmental Sustainability Strategy. The principles and guidance set out within this strategy and its associated documents align with the principles set out in DPNI. The development of the Scheme has been run along National Highways' H guiding principles including use of the PCF, and with reference to the Environmental Sustainability Strategy and DMRB. DMRB is a suite of guidance documents which includes GG103 'Introduction and General Requirements for Sustainable Development and Design' as mentioned above. as well as guidance on iterative environmental impact assessment feeding back into design. The Applicant believes that the principles and guidance set out within National Highways' Environmental Sustainability Strategy and DMRB align with the principles set out in the DPNI. As mentioned above, a PDR and a Sustainability Statement were produced for PCF Stage 3, which demonstrate the regard for environment, community and sustainability embedded in the Scheme. As stated at (ii), these documents have been submitted at Deadline 3.

Question number	Doc ref and question to:	Question	Applicant Response
Q7.0.2	The Applicant	<p>Good Design</p> <p>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.</p>	<p>National Highways' Project Control Framework (PCF).</p> <p>The Scheme has been developed using the National Highways' Project Control Framework (PCF). This provides a clear, pragmatic approach to project management throughout the development of major road projects, defining what is required throughout each stage. It has three key principles which can be summarised as: Planning to ensure delivery of relevant outcomes; Integrated consultation; eliminate waste and focus effort where most needed. The PCF defines activities and products for each stage and has inbuilt reviews at appropriate stages to ensure that the Scheme is on track, taking account of all considerations and delivering against social, environmental and economic objectives.</p> <p>Throughout this process, design alternatives have been considered, assessed and prioritised to be discarded or developed, taking account of constraints and opportunities and the project aims.</p> <p>Design process and evolution of the design</p> <p>Feeding into the design process, a range of experts have gathered existing data in their own area of expertise pertaining to the locality, and where appropriate carried out further, more detailed studies and surveys to ensure sufficient data is available to inform the design. The DMRB has guided the environmental impact assessment process.</p> <p>The Environmental Impact Assessment (EIA), Equality Impact Assessment (EqIA) and transport assessment have all informed the design process.</p> <p>In addition, consultation has been undertaken at appropriate stages throughout the design evolution, and the results have been fed back into the design where appropriate.</p> <p>The Consultation Report [APP-038] and its appendices [APP-039 to APP-058 inclusive] set out the detail of the consultation undertaken throughout the development of the Scheme, the results of the consultations, key changes as a response to consultation and summaries of key features. A summary overview of the consultation undertaken can be found at Section 1.7 of ES Chapter 1- Introduction [APP-060].</p> <p>The design process for the Scheme has been iterative and the developing understanding of the location, the requirements of the Scheme and the consultation feedback have all contributed to the evolution of the Scheme design.</p> <p>ES Chapter 3 Assessment of Alternatives [APP-062] sets out a summary of the process and results of the consideration of Alternatives as an iterative design process related to the development of more detailed understanding of environmental, community, traffic and sustainability factors including through consultation.</p> <p>ES Chapter 4- Environmental Assessment Methodology [APP-063] describes the methodology and process undertaken, including iterative design of embedded and essential mitigation.</p>
Q7.0.3	The Applicant	<p>Good Design</p> <p>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?</p>	<p>The project has not specifically appointed an independent Design Champion.</p> <p>National Highways have provided independent design consideration through their Project Control Framework 'Stage Gate Review' ('SGaR') process, which the Scheme has followed, as described above.</p> <p>In view of the above the Applicant considers that independent design advice has been embedded within the PCF process and this will continue to be the case throughout the remaining stages of the PCF process. As such this process is already considered within the Scheme as a whole.</p>

8. Green Belt

Question number	Doc ref and question to:	Question	Applicant Response
Q8.0.1	The Applicant	<p>Green Belt</p> <p>The Green Belt assessment set out in [REP1-028] paragraph 7.6.8 – includes “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.”-</p> <p>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.</p> <p>The assessment goes on to recognise that such development can be regarded as not inappropriate where the Green Belt openness is preserved.</p> <p>Is not openness a broader concept that just the degree of visual impact effect?</p> <p><i>Please provide an explanation of the effects on the concept of openness beyond any landscape and visual effects which may arise</i></p>	<p>The Applicant’s response in [REP1-046] at Appendix A Section 6 Assessment of alternatives and the Green Belt sets out detail around consideration of alternative route options for the Link Road. To summarise, four route options were assessed against criteria which were selected to provide a distinction between the route options: directness of route, noise and air quality impacts, and impacts on floodplain, hedgerows and trees, buried archaeology, listed buildings and properties (see also paragraphs 3.5.9-3.5.8, Table 3.2 and Figure 3-4 of Chapter 3 of the ES [APP-062]). Whilst directness of route is not in itself an environmental factor, it has an influence on air quality and noise impacts as well as affecting how effectively a route will function as a practical addition to the road network in alleviating potential congestion elsewhere.</p> <p>When the Green Belt is included as a separate criterion for consideration, this does not change the ranking of the options. The option that avoided the Green Belt land (Corridor 4) passed close to Moat House scheduled monument and was in a considerably less functional position than corridors closer to the M5 in terms of carrying traffic from / to M5J10 and to the West Cheltenham Development Area.</p> <p>Route option 3 minimises additional impact on existing properties, avoids carrying additional traffic close to the heritage assets at Moat House, minimises the potential impact on hedgerows and trees, and has the least flood plain impact of the three other options. At the same time, its location within the Green Belt- not far from the M5- ensures its functionality in terms of alleviating future traffic congestion and serving traffic from the improved M5 Junction 10 and development land to avoid adding to congestion in Uckington.</p> <p>The Link Road location is broadly within the zone of influence of the existing M5 relative to the Green Belt. Further consideration of the Link Road design has enabled the vertical alignment to be lowered, reducing its apparent presence as an element of the environment.</p> <p>In conclusion, the selection of the Link Road location seeks to balance minimising the required length and height of the new road; its impact on floodplain, property, heritage assets, hedgerows and trees; the potential for disruption during construction; and consideration of potential impact on Green Belt status.</p> <p>Although identified in the NPPF (and preceding PPG2) as one of the essential characteristics of Green Belts, ‘openness’ is not formerly defined. When considering whether development is appropriate or inappropriate, paragraph 154 of the NPPF (December 2023) includes defined exceptions which are identified, with the proviso that they “would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.</p> <p>There is a difference between impacts on visual amenity, which are considered as part of Landscape and visual impact assessment (LVIA) and the visual aspects of Green Belt openness. LVIA assesses (i) the effects of development on landscape character and quality, and (ii) the views available to people and their visual amenity. An assessment of the effects of development on the visual openness of the Green Belt may look at impacts on long distance views, visual links to the wider Green Belt and inter-visibility between settlements. However, there is no official methodology developed specifically for assessing the impact of a particular scheme on the ‘openness’ of the Green Belt. Furthermore, matters relating to potential impacts on openness are ‘planning judgement, not law’ (Supreme Court decision in R.(on the application of Samuel Smith Old Brewery) v Yorkshire County Council (2020) UKSC 3. This judgement gives weight to the consideration of visual openness, which can be interpreted as the inclusion of the consideration of visual effects on landscape and on receptors of visual impact.</p> <p>The Applicant’s response in 9.31 Applicant Written Submissions of Oral Case for Issue Specific Hearing 1 (ISH1) [REP1-046] at Appendix A Section 5 sets out detail around consideration of visual openness in the Green Belt in relation to the Scheme.</p> <p>As PPG2 made clear, ‘openness’ is not necessarily a statement about the visual qualities of the land, and it does not imply freedom from any form of development. Paragraph 90 shows that some forms of development, including engineering development, may be not inappropriate, and compatible with the concept of openness. Unfortunately these sections of PPG2 are not reflected in NPPF which replaced PPG2. NPPF paragraph 143 identified the 5 purposes of Green Belts which may be worth repeating here:</p>

Question number	Doc ref and question to:	Question	Applicant Response
			<p>(a) to check the unrestricted sprawl of large built-up areas;</p> <p>(b) to prevent neighbouring towns merging into one another;</p> <p>(c) to assist in safeguarding the countryside from encroachment;</p> <p>(d) to preserve the setting and special character of historic towns; and</p> <p>(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.</p> <p>Openness can be seen in this context to require a lack of urban development.</p> <p>The word “openness” is open-textured in the context of its relevance to planning decisions within the Green Belt, and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case.</p> <p>However, although openness is not defined in either PPG2 or NPPF, it is commonly taken to be the absence of built urban development.</p> <p>PPG Paragraph 001[2] sets out factors to be taken into account when considering the potential impact of development on the openness of the Green Belt-</p> <p><i>‘openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume’.</i></p> <p>So yes, openness is a broader concept than ‘just’ the degree of visual effect. It is a broad policy concept that is naturally read as referring back to the underlying aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently ‘open’.</p> <p>Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt.</p> <p>The Link Road can be considered as engineering development, that forms an integral part of the delivery of infrastructure improvements which in turn support the delivery of the Joint Core Strategy. The Link Road does not constitute ‘urban sprawl’, which is what the Green Belt designation aims to prevent.</p> <p>The route corridor selection for the Link Road has been summarised in the Applicant’s response above. Paragraphs 3.8.4-3.8.9 of [APP-062] Environmental Statement Chapter 3- Assessment of Alternatives set out the further design refinement of the Link Road that has been undertaken. This includes reducing the width of the Link Road from dual to single carriageway, refining the horizontal alignment to the most efficient use of land, and lowering the vertical alignment thus minimising the prominence of the bridge within the surrounding landscape.</p> <p>This demonstrates that the volume and significance of the Link Road within the Green Belt land has been refined and reduced where possible.</p> <p>The M5 passes north to south through the Green Belt. The Link Road aligns broadly with the route of the M5 through the local landscape, lies within its zone of influence and similarly is a linear infrastructure element, albeit at smaller scale. It is not considered that its introduction would have a detrimental influence on the five purposes set out in the NPPF (and repeated above).</p> <p>Whilst locally there would be a new engineered element within the landscape, the Link Road will be set within planting designed to match the existing vegetation which will mean that perception of the Link Road as a new element will reduce as the planting matures, integrating with the surrounding Green Belt land through which the M5 already passes. It is not considered that the Link Road will affect the function of the Cheltenham and Gloucester Green Belt, designated to avoid urban coalescence of the settlements of Cheltenham, Gloucester and (latterly) Bishops Cleeve.</p>
Q8.0.2	The Applicant	<p>West Cheltenham Link Road</p> <p>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?</p>	<p>Technical Note ‘Inappropriate Development in the Green Belt’ [REP1-046] (Appendix A) includes at section 4 an assessment of land area within the Green Belt; section 5 sets out a discussion of visual openness within the Green Belt; and section 6 sets out a summary assessment of route options in relation to the Green Belt and seven other criteria. While section 4 discusses land area and length of road, it does not principally base its findings on land take and length of road.</p> <p>To reiterate a brief summary of factors that contributed to the location of the Link Road:</p>

Question number	Doc ref and question to:	Question	Applicant Response
		<p>Furthermore, please can the Applicant explain how the openness of the green belt can be fully 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?</p>	<p>The Link Road is required to link the existing A4019 / B4634 to the east of the M5 to alleviate potential congestion, which may in part be generated by traffic arising from future housing development on land identified for development as part of the Joint Core Strategy in this area;</p> <p>Other routes identified at option selection stage would have had greater impact on residents, on the scheduled monument (Moat House) and on existing hedgerows and the character of the existing rural road network, which were judged as more significant impacts when compared with crossing fields adjacent to the existing SRN (M5), an established engineering and traffic element within the landscape and clearly running north-south through the Green Belt.</p> <p>The Applicant's response to Q8.0.1 above quotes PPG Paragraph 001[2] in relation to the factors to be taken into account when considering the potential impact of development on the openness of the Green Belt- '<i>openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume</i>'.</p> <p>The Applicant has discussed the consideration of openness of the Green Belt, and its interrelationship with considerations of planning, engineering, traffic and environmental factors, without requiring visualisations. Discussion continues around the exact meaning of the word 'openness' in relation to Green Belt designation. At this time, Green Belt 'openness' is understood to be a planning concept developed in order to prevent urban sprawl. Openness covers potential visual aspects but in the case of Green Belts is also strongly related to the absence of urbanisation- specifically, buildings. Specifically in the case of the Cheltenham and Gloucester Green Belt, it is the 'openness' which prevents the potential urban coalescence of the settlements of Cheltenham, Gloucester and Bishops Cleeve. It covers an area of approximately 66.94 km² or 25.85 sq miles, and includes Cheltenham Racecourse, Gloucestershire Airport and the section of the M5 between junction 10 and junction 11a. In this context it can be seen that the Link Road is set within the zone of influence of the M5 and has a similar transport infrastructure purpose and impact on the land.</p> <p>The Scheme has been designed and developed taking account of the Green Belt designation across much of the land which it requires, as one factor to be considered alongside environmental, engineering, traffic and planning considerations.</p> <p>This is possible without visualisations because the engineers, planners and environmental consultants involved in the development and design of the Scheme have professional training and experience in developing similar proposals. Visualisations are not required for experts to be able to 'visualise' what different designs look like; they are usually developed to enable non-professional individuals to easily understand potential changes in views from particular viewpoints. Visualisations are not produced at all stages to allow professional individuals to understand what differing options will look like; the professional individuals use their training and professional judgement. This allows consideration of both potential visual effects and of the volume of the new engineering element within the landscape and the Green Belt.</p> <p>Please note that visualisations have been produced and submitted at Deadline 2 (REP2-003, REP2-004, REP2-005, REP2-006 and REP2-007). These were produced to support understanding of the Scheme and the EIA undertaken, for the ExA and other interested parties. They were not produced specifically in relation to Green Belt issues, which, it has been established, are not solely based on visual matters.</p>
Q8.0.3	Joint Councils	<p>Green Belt</p> <ol style="list-style-type: none"> 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) 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]. 	Not for Applicant to respond directed to Joint Councils

9. Heritage

Question number	Doc ref and question to:	Question	Applicant Response
Q9.0.1	Joint Councils	Archaeology 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.	For the Joint Councils to respond to.
Q9.0.2	The Applicant	Archaeological Management Plan 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> Is it intended that the AMP would deal with all heritage assets or be limited to archaeology?	The AMP [AS-038] is for archaeology only. Mitigation for impacts to non-archaeological heritage assets are covered through embedded design mitigation.
Q9.0.3	Joint Councils	Archaeological Management Plan The AMP specifies at paragraph B.8.6.6 <i>"All works will be monitored by the Archaeological Consultant and the LPA Archaeological advisor."</i> (Our emphasis) 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?	For the Joint Councils and Historic England to respond to.
Q9.0.4	Joint Councils, Historic England	Archaeological Management Plan 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 ..."</i> (Our emphasis) Do the Councils and or Historic England consider that the Requirements and the AMP provide the appropriate approach to signing off on heritage matters?	For the Joint Councils and Historic England to respond to.
Q9.0.5	Joint Councils, Historic England	Archaeological Management Plan 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?	For the Joint Councils and Historic England to respond to.
Q9.0.6	The Applicant	Historic Environment Sites and Features Plan – Non Designated receptors ridge and furrow. 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. A similar line is annotated along the B4634 on sheet 16, please also clarify what this feature is.	The yellow line shown on sheets 11, 12, 13, 14 and 16 of [APP-022] is the turnpike historic feature. This is labelled in the key of each of the sheets. The yellow line is shown on sheet 5 of [APP-021] as the turnpike historic feature. The design of the plans submitted means that no details are shown beyond the continuation lines on each of the sheets. Please note that [APP-022] together with [APP-021] is the Historic Environment Sites and Features Plan showing non-designated receptors, and not the Plan showing non-designated receptors ridge and furrow which is [APP-023 and APP-024].

10. Geology and Soils

Question number	Doc ref and question to:	Question	Applicant Response
Q10.0.1	The Applicant	<p>Geology and Soils 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. The Applicant is requested to confirm whether there are any plans to complete a survey in this location.</p>	<p>Additional ALC surveys are planned to be completed for the north-east area of the Order Limits by the ECI Contractor. The survey area includes the land adjacent to the north of the A4019.</p>
Q10.0.2	The Applicant	<p>Geology and Soils 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 [REP1-004] 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.</p>	<p>The ground investigation report for the Scheme, provided in ES Appendix 10.7 [APP-124], was prepared in December 2023 based on intrusive works undertaken between June and October 2021 for an early Scheme design. This design had a slightly different project boundary to the current Order Limits. The coverage of the 2021 ground investigation lies within the footprint of the Order Limits for the Scheme. This is shown on Figure 10-2 in the ES Appendix 10.8: Geology and Soils chapter figures [App-125], where the 2021 ground investigation locations are overlaid against the current Order Limit boundary. The spatial extent of the 2021 ground investigation also covers the majority of the land within the Order Limits for the Scheme. Therefore, the information as reported in the ES Appendix 10.7 [APP-124] is considered to be representative of the likely ground conditions to be encountered within the Scheme. As detailed in paragraph 10.7.8 in the Geology and Soils ES chapter [REP1-018], mitigation during construction works will be implemented via the Environmental Management Plan (EMP) to deal with unexpected ground conditions and to minimise potential contamination of soils through construction activities. In the areas where the Order Limits have significantly altered since the 2021 ground investigation was completed, additional ground investigation is proposed to be undertaken by the ECI Contractor. The investigation will cover the proposed flood compensation area (between the existing M5 carriageway, Piffs Elm Interchange and the proposed Link Road), the proposed site compound areas, and the M5 corridor.</p>
Q10.0.3	The Applicant	<p>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?</p>	<p>Paragraph 5.168 of the NPSNN states that: <i>'Applicants should take into account the economic and other benefits of the best and most versatile (BMV) agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality. Applicants should also identify any effects, and seek to minimise impacts, on soil quality, taking into account any mitigation measures proposed. Where possible, developments should be on previously developed (brownfield) sites provided that it is not of high environmental value. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination and how it is proposed to address this'</i>. As identified in paragraph 10.7.1 in the Geology and Soils ES chapter [REP1-018], BMV agricultural land is present across the entire Study Area for the Scheme and no areas of land within the Study Area were assessed as non BMV. Therefore, BMV agricultural land could not be avoided. However, the design of the Scheme has taken into account the most direct routes, minimising permanent land take as far as is possible. As set out in paragraph 10.7.4 in the Geology and Soils ES chapter [REP1-018], mitigation measures for minimising impacts on BMV agricultural land during construction will also be implemented, through the development of a Soil Handling Management Plan (SHMP), to ensure that the quality of the soil resource in areas within the temporary footprint of the Scheme is maintained.</p>
Q10.0.4	The Applicant	<p>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?</p>	<p>The impacts of the Scheme on agricultural land are described in ES Chapter 10, Geology and Soils [REP1-018]. As identified in paragraph 10.7.1 of this document, BMV agricultural land is present across the entire Study Area for the Scheme and no areas of land within the Study Area were assessed as non BMV. Therefore, BMV agricultural land could not be avoided. A plan showing the classification of agricultural land across the Scheme and the surrounding area will be provided at Deadline 4. The Applicant has not undertaken a quantitative exercise as to the economic impact caused by the loss of BMV. This assessment was not considered necessary as it was not considered reasonable or proportionate to remove the impact on BMV.</p>

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			<p>Whilst BMV impacts cannot be avoided, the Scheme alignment and design has sought to limit its impact on agricultural land by minimising permanent land take as far as is possible taking into account various elements such as impact on residential properties, built heritage receptors and green belt, floodplain.</p> <p>The Applicant considers that the Need for the Scheme, as set out in Section 3 of the Planning Statement [REP1-028] outweighs these impacts to agricultural land as permitted under NN NPS Paragraph 5.176.</p>

11. Landscape and Visual

Question number	Doc ref and question to:	Question	Applicant Response
Q11.0.1	The Applicant	<p>Landscape and Visual</p> <p>Please clarify the apparent inconsistency in terminology within [APP-068] where a moderate effect is sometimes regarded as significant and sometimes not?</p>	<p>As noted in 9.4.9 & 9.4.10 of [REP1-016] "Moderate effects may be considered significant, but depending upon rationale provided by the assessor, may not necessarily be considered material in the decision making.... It should be noted that the tables are used as a guide only and reasoning by the assessor is provided for any rating given." The assessment is not a tick box exercise, and, perhaps especially with landscape and visual aspects, is often subjective and therefore relies on the professional judgement of the assessors. Moderate effects are borderline in terms of being "significant".</p> <p>For instance, VR3 at year 15 is assessed as having Moderate change resulting in Moderate significance of effect. However, the assessor considers that although the new junction is closer to the receptor and cannot be fully mitigated, the planting proposed would reduce any dominating effect and help to integrate the scheme into the view. In this regard, the assessor considers the effect as not significant. Using the matrix to obtain a non-significant effect would mean having to assess the change as Minor, but the assessor does not consider that such change to a view is Minor.</p> <p>The chapter doesn't include this explanation in every instance as that would create a cumbersome report which the Applicant does not consider would aid comprehension, rather it states at para 9.4.8 and 9.4.9 that professional judgement is used in deciding the significance of landscape and visual effects.</p>
Q11.0.2	The Applicant	<p>Landscape and Visual</p> <p>Please check the reference to viewpoints referred to in the ES Fig 9.3</p> <p>VR3a is not clearly shown and the marker south of VR18a, 18b, 18c is not obviously labelled.</p> <p>Please provide an updated figure with each visual receptor clearly marked or point out where the ExA can find these in the current documentation?</p>	<p>An updated version of Figure 9-3 has been produced, and provided in Appendix 9.1 (TR010063/APP/6.15 Rev 1.0) (submitted at Deadline 3).</p>

12. Noise and Vibration

Question number	Doc ref and question to:	Question	Applicant Response
Q12.0.1	The Applicant	<p>Essential Mitigation</p> <p>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.</p> <ol style="list-style-type: none"> Can the Applicant provide an update as to why this does not currently form part of the DCO. Please can the applicant provide further details of this mitigation scheme? Please can the applicant provide an assessment of the level of mitigation that the scheme could be expected to provide? Explain if the Applicant is relying on this to conclude no significant effects to some receptors. Please can the applicant provide the ExA with any details of how any relevant scheme would be secured? 	<p>i. ii, iii, iv and v</p> <p>The mitigation measures in Stoke Orchard referred to in para 6.8.43 of Chapter 6 [AS-014] are not included in the assessment of effects from noise, in this chapter. As presented in Tables 6-29 and 6-3 in Chapter 6, the assessment reports that traffic along Stoke Road and through Stoke Orchard will result in a significant adverse effect. Mitigation measures at Stoke Road are being implemented as a separate project undertaken by Gloucestershire Highways and are planned to be completed in Spring 2025. This will be in advance of the opening of the Scheme.</p> <p>The mitigation measures at Stoke Road will comprise traffic calming and speed reduction measures:</p> <ul style="list-style-type: none"> New 20mph speed limit on Stoke Road in Stoke Orchard (between Swan Lane and Banady Lane) with 20mph gateways and regular repeater signage and roundel markings. Build-outs at two locations within the 20mph speed limit to create a priority system to slow traffic. Cycle by-pass has been included within the build-outs to avoid creating delay for cyclists. New pedestrian crossing points incorporated within build-outs described above to provide a safer crossing provision to the Parish Church and The Elms. Enhanced 30mph gateways on the three approaches to Stoke Orchard including new speed limit signage, roundel road markings and dragon's teeth markings. Increased 30mph repeater signage and roundel road markings between the eastern 30mph gateway and the access to Waterloo Farm to provide more frequent reminders to drivers of the 30mph speed limit and encourage better compliance. New/replacement advanced signing for the current vehicle weight restriction through Stoke Orchard and improved lorry routing signing to direct prohibited HGVs away from using Stoke Road through Stoke Orchard. <p>The mitigation measures at Stoke Road are designed to reduce the increase in noise associated with the increase in traffic along Stoke Road when the Scheme is open.</p> <p>Notwithstanding the information included in the Applicant's written summaries of oral case for Issue Specific Hearing 2 (ISH2) [REP1-047]. The mitigation measures referred to in para 6.8.43 of Chapter 6 [AS-014] are not relied on as part of the noise assessment undertaken and the conclusions presented.</p> <p>The scheme described in (ii) above is not relied on as mitigation for the assessment undertaken and reported in AS-014. Therefore measures to secure this scheme as in advance of the Scheme are not required.</p>
Q12.0.2	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> <ol style="list-style-type: none"> 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. Confirmation of compliance with the three aims of the National Policy Statement for England. 	<p>(i) The matter identified has been responded to in the SoCG with National Highways (Item 2.6 Noise Barriers) [REP1-035]. As detailed in the SoCG the assessment undertaken assumes that Arle Court and Coombe Hill schemes will be completed in advance of the construction of the Scheme, as set out in the Transport Assessment [APP-138]. Arle Court opens at the end of July 2024. The completion of the Coombe Hill scheme is currently estimated for September 2025, based on a January 2025 start on site.</p> <p>(ii) Paragraph 5.195 of NPS NN states that:</p> <p><i>'The Secretary of State should not grant development consent unless satisfied that the proposals will meet, the following aims, within the context of Government policy on sustainable development:</i></p> <ul style="list-style-type: none"> <i>avoid significant adverse impacts on health and quality of life from noise as a result of the new development;</i> <i>mitigate and minimise other adverse impacts on health and quality of life from noise from the new development; and</i>

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			<ul style="list-style-type: none"> contribute to improvements to health and quality of life through the effective management and control of noise, where possible. <p>To satisfy the three conditions, the Applicant has prepared Environmental Statement Chapter 13: Population and Human Health [AS-018]. The chapter assesses the potential health effects caused by changes to the noise environment and vibration as a result of the Scheme on a number of receptors. These include the wider population, identified sub-populations including populations with a shared characteristic or geographical sub-groups as well as community assets and employment and training assets. Section 13.13 assesses these receptors at both the construction and operational phase of the Scheme. The assessment summary tables and supporting narrative provided in Section 13.13 includes the Scheme design, embedded and essential mitigation measures that are considered relevant to each set of impacts. These represent means of avoiding adverse effects through good design, delivering mitigation of adverse effects, and incorporating enhancement measures into the Scheme design, and the management of construction of the Scheme.</p> <p>Section 13.14 extracts the relevant embedded and essential mitigation measures from the REAC. For noise and vibration, the relevant mitigation within Table 13-56 is NV1.</p>
Q12.0.3	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>	<p>The assessment approach is as set out in the DMRB LA 111, which defines LOAEL and SOAEL values for construction activity noise, construction vibration and operation phase noise. These values are shown in the ES Chapter 6 [AS-014] Table 6-2, Table 6-3 and Table 6-7 respectively, which have been used to help determine whether any significant effects would occur in combination with other relevant assessment criteria, such as impact magnitude changes.</p> <p>The DMRB does not set specific LOAEL / SOAEL values for construction traffic and diversion routes because the assessment is not at individual receptors, however, it does provide an accepted framework for determination of significance. Table 6-6 of the ES Chapter 6 [AS-014] provides the criteria for these assessments, determining the magnitude of impact from the change in noise alone. The Applicant, therefore, considers that its assessment is robust and in accordance with DMRB guidance.</p> <p>For Table 6-2 the title should read "Magnitude of impacts from construction activity noise".</p> <p>At an appropriate point in the examination, the Applicant will ensure this is reflected in any updated revisions of this chapter.</p>
Q12.0.4	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>	<p>The "38" in Paragraph 6.9.12 of the ES Chapter 6 [AS-014] is an error. All three of the tables, which used these representative receptors, included all 39 of the receptors. This was Table 6-11, Table 6-18 and Table 6-20. At an appropriate point in the examination, the Applicant will ensure this is reflected in any updated revisions of this chapter.</p>
Q12.0.5	The Applicant	<p>Construction phase assessment - Noise exceedances below duration threshold</p> <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>	<p>As stated in Paragraph 6.4.17 of the ES Chapter 6 [AS-014], in line with guidance from DMRB LA 111, "A significant effect is likely where it is determined that a moderate or major magnitude of impact shall occur for:</p> <ul style="list-style-type: none"> - either 10 or more days or nights in any 15 consecutive days or nights; or - a total number of days exceeding 40 in any 6 consecutive months." <p>In relation to the Population and Human Health Assessment in the ES, the ExA's attention is drawn to the fact that [APP-072] has been superseded, first as [AS-018] and most recently at Deadline 1. The latest Population and Human Health ES Chapter is now [REP1-022]. [REP1-023] provides a tracked changes version of the same.</p> <p>Table 13-6 of REP1-022 sets out the matters that have been scoped in or out of the human health aspect of the assessment and provides the core rationale. Table 13-8 provides further clarification of the focus of the human health assessment in terms of the potential impacts associated with the Scheme. Taken together, impacts of noise are a factor that has been considered in the identification of human health effects on landscape amenity, mental health and well-being, including anxiety.</p> <p>There is a general reliance within the assessment on the delivery of the mitigation measures that are identified within the REAC [REP1-030], [REP1-031] tracked changes. Particular importance is placed within the human health assessment on the role of the Project Liaison Officer in ensuring that potential receptors are provided with accurate</p>

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			<p>and timely information relating to the nature of construction works that may affect them, which could include short periods of noisy activities (i.e. periods that would be below the threshold of the number of exceedances for a significant noise effect to be identified).</p> <p>Professional judgement has been used to evaluate the capacity of specific receptors to adapt to changes in noise, drawing on receptor sensitivity and the characteristics of the impacts. The findings are presented in the relevant assessment tables, with the residual effects assessment assuming that the relevant mitigation measures are implemented – Table 13-56 [REP1-022] highlights those measures that have been particularly influential in undertaking the human health assessment. In the context of this question, G1, G2, G3, G4, NV1, LV6, PHH3, PHH4, PHH6, PHH7, PHH9 and PHH16 are of direct relevance.</p>
Q12.0.6	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”. 	<p>(i) The construction programme given in the ES is indicative and does not provide enough detail to be able to determine the number of days that each receptor is likely to experience a moderate or a major impact.</p> <p>For example, Table 6-16 of the ES Chapter 6 [AS-014] indicates that the topsoil strip and stockpile on the M5 would take 8 weeks, with a moderate or major impact predicted when 25m or less from the Informal Travellers Site. However, this section of the M5 is around 2km long and so for the majority of time, the works will be well beyond 25m from this receptor.</p> <p>Noise impacts during the construction stage will be managed through the 2nd iteration of the Noise and Vibration Management Plan which is secured via requirement 3 of the dDCO. This will be produced by the Principal Contractor in advance of construction, and submitted for approval by the county planning authority, following consultation with the relevant planning authority and strategic highway authority to the extent that it relates to matters relevant to its functions.</p> <p>The 1st iteration of the Noise and Vibration Management Plan [AS-033] (section B.3.6) sets out that the Principal Contractor will undertake an appraisal for noise insulation or temporary housing six to nine months prior to starting the construction phase of the works or at such time appropriate to the scale and nature of the works.</p> <p>(ii) With regard to paragraph 6.9.6 of the ES, this sentence was included to clarify that the numbers had not been adjusted to take into account any provision for noise insulation or temporary rehousing.</p>
Q12.0.7	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. 	<ul style="list-style-type: none"> i. No vibration mitigation measures have been included in the assessment, other than best practicable means (BPM), and so the adverse effects columns in Table 6-20, of ES Chapter 6 [AS-014], provide the results of the vibration assessment. ii. As with the construction noise assessment, the conclusions of the vibration assessment are based on the duration thresholds, as provided in paragraph 6.9.37, as well as the commentary in Table 6-3 about vibration levels that exceed the SOAEL. “It is likely that vibration of this level in residential environments will cause complaint but can be tolerated if prior warning and explanation is given to the residents”. Given the transitory nature of the works the construction vibration was not considered to be a significant effect.
Q12.0.8	The Applicant	<p>Construction phase assessment – Headroom</p> <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. 	<ul style="list-style-type: none"> i. The assessment of headroom was carried out, in lieu of more detailed information about the construction traffic which would not be available until detailed design was completed. However, the assessment provides the parameters of acceptable numbers of additional vehicles during the construction phase, for any roads within the study area that had the potential to be affected, such as the diversion route when the M5 Junction 10 slip roads are closed, and the roads that lead to any of the construction areas. <p>Paragraph 6.9.41 of the ES Chapter 6 [AS-014] states “In accordance with DMRB LA 111 methodology, basic noise level (BNL) calculations are used to determine the likelihood of a significant effect on the road network from construction traffic, including the cars commuting to the site. The Do Minimum opening year (DMOY) traffic data, as well as the worst-case diversion route traffic scenario, were used to determine the construction traffic ‘headroom’ for HDV and Cars and LDV along the construction traffic routes. The headroom is the maximum number of additional vehicles (comprising cars, LDV and HDV) that could use</p>

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		<p>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”?</p> <p>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)?</p> <p>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?</p> <p>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?</p>	<p>each part of the preferred construction traffic route before exceeding the threshold for a moderate magnitude of impact.”</p> <p>ii. The headroom assessment used the values from Table 6-6 of ES Chapter 6 [AS-014] to predict the additional traffic that could use the roads within the study area that had the potential to be affected, during daytime hours as well as peaks times, without leading to a moderate or major impact. As provided at paragraph 6.9.42, this was based on traffic scenarios provided, both with and without the slip road diversions. The results of the assessment are provided in Table 6-21 of the ES.</p> <p>iii. As provided in Paragraph 6.4.17 of the ES Chapter 6 [AS-014], in line with guidance from Paragraph 3.19 of DMRB LA 111 which states, " Construction noise and construction traffic noise shall constitute a significant effect where it is determined that a major or moderate magnitude of impact will occur for a duration exceeding</p> <ul style="list-style-type: none"> • either 10 or more days or nights in any 15 consecutive days or nights; or • total number of days exceeding 40 in any 6 consecutive months." <p>iv. Some of the worst case slip road diversion figures are higher than the values with no slip road diversions, and this is because when the slip roads are closed there are fewer vehicles using these links, as they lead to the slip roads, such as the A4019. The closure of the slip roads therefore, in these instances, reduces the expected level of non-construction traffic on the road meaning a greater headroom which could be utilised by construction traffic.</p> <p>v. The figures in Table 6-21 represent a typical daytime period, 7am to 7pm. This time period is a standard period used for the assessment of construction noise, in DMRB LA 111 (Table 3.12) and BS5228. Daytime is 07:00 to 19:00, evening is 19:00 to 23:00 and night time is 23:00 to 19:00).</p> <p>vi. The maximum number of HDVs per day was provided in paragraph 6.9.44, which stated that this value was taken from the ES Chapter 5 (AS-012). As this was the maximum value, this was kept the same in all situations and the headroom only considered the additional LDV and car movements. A consideration of all possible combinations would not have been a proportionate approach, as even using the maximum number of HGV per day, the number of LDV and cars that could use the road network was still well above the volume of traffic expected during the daytime period.</p>
Q12.0.9	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>	<p>The list has been created and is provided in a separate document ‘Additional information relating to ExA Questions 12.9, 12.14 and 12.16’ (TR010063 / APP 9.56).</p>
Q12.0.10	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, 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>	<p>The operational noise assessment included two stages. The first compares the change in noise with the magnitude of significance values provided in Table 6-8 of ES Chapter 6 [AS-014], as provided in Table 6-24 to Table 6-26 of the main assessment and 6-31 of the cumulative assessment.</p> <p>Paragraph 6.4.59 states " The DMRB LA 111 states that moderate and major adverse impacts are to be considered as potential significant adverse effects, in EIA terms, as part of an initial assessment. Final operational significance is determined with reference to contextual factors." And so the initial assessment is a count of the number of receptors that are predicted a moderate or major change in noise. These are provided in Table 6-27 for short term, Table 6-28 for long term and Table 6-32 for the long term cumulative assessments.</p> <p>The final operational significance also takes into account contextual factors, such as whether there are other sources of noise in the area, the change in the short term/long term/future year with no Scheme, the location of the sensitive rooms of a receptor or existing noise levels. This is provided in Table 6-9 - “Determining final operational significance on noise sensitive buildings”.</p>

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			<p>In particular, one of these contextual factors states "Where any Do Something absolute noise levels are above the SOAEL, a noise change in the short-term of 1.0dB or over results in a likely significant effect.", which was reiterated in paragraph 6.9.93. Therefore, the additional receptors that have been included in Tables 6-29 and 6-34 are those that are predicted to experience a change of 1 to 3dB, in an area that already experiences high levels of noise, and would be above the SOAEL with the Scheme.</p> <p>Therefore it is the final assessments provided in Tables 6-29 and 6-34 that detail the number of receptors predicted to experience a significant change in noise; and this includes the moderate and major changes in noise, and the receptors predicted a 1dB+ change above the SOAEL.</p>
Q12.0.11	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>	<p>The representative receptors from Table 6-39 within ES Appendix 6.2 [APP-083] includes at least one receptor from each postcode in the study area, with additional receptors added in areas predicted to experience moderate or major changes in noise. On the basis that there are thousands of properties that have been assessed, the method of including only at least one receptor from each postcode in a study area is seen as a proportionate method of reporting which would allow residents to use the results presented without overloading the ES with data. This is considered to be in accordance with R (Blewett) v Derbyshire County Council [2003] EWHC 2775 whereby it is understood that it is a principle of ES assessment that they shouldn't be drafted on a "purely 'defensive basis', mentioning every possible scrap of environmental information just in case someone might consider it significant at a later stage. Such documents would be a hindrance, not an aid to sound decision-making by the local planning authority, since they would obscure the principal issues with a welter of detail."</p>
Q12.0.12	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>	<p>The assessment was carried out in accordance with DMRB LA 111 paragraph 3.49, which states that "LOAELs and SOAELs shall be set for all noise sensitive receptors within the study area, for time periods when they are in use". It also provides example reporting tables (Table 3.55a and b) which include columns for the daytime and the night time assessment, and were the basis for the ES Chapter 6 [AS-014] Table 6-27 for short term, Table 6-28 for long term and Table 6-32 for the long term cumulative assessments, indicating the negligible, minor, moderate and major changes in noise.</p> <p>There is no element of the guidance that indicates that the daytime or the night time periods are more important to the assessment, which is why they have been given equal significance. For example, if it is a minor change but below the SOAEL during the day but above the SOAEL at night, or vice versa, it counted as significant.</p> <p>The final operational significance also takes into account contextual factors, as provided in Table 6-9, such as "Where the long-term impact is predicted to be greater than the short-term impact, it can be appropriate to conclude that a minor change in the short-term is a likely significant effect. Where the long-term impact is predicted to be less than the short-term it can be appropriate to conclude that a moderate or major change in the short-term is not significant."</p> <p>There is a summary of the different scenarios in Table 6-33 of the ES, which indicates the receptors from the initial assessment, with a predicted moderate or major change in noise, as well as those from the final assessment that are predicted a 1dB (minor) increase in noise above the SOAEL.</p>
Q12.0.13	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>	<p>The Figures within ES Appendix 6.1 (APP-083) are labelled as "Figure 6-15 - Dwellings that meet the significant effect criteria for noise - short term", "Figure 6-16 - Dwellings that meet the significant effect criteria for noise - long term" and "Figure 6-17 - Dwellings that meet the significant effect criteria for noise - long term (cumulative)".</p> <p>Not all of the receptors that are predicted a significant adverse change in noise qualify for noise insulation. As provided in ES Chapter 6 [AS-014] paragraph 6.4.63 "receptors that could qualify for noise insulation under the Noise Insulation (Amendment) Regulations 1988 were identified from the predicted noise levels. NSRs that may potentially qualify for noise insulation are residential receptors that experience road traffic noise levels greater than or equal to 68dB L_{A10,18h} and are shown to experience an increase of at least 1dB due to the Scheme [by the future year] and are situated within 300m of a new or altered road."</p> <p>Although not specifically indicated in Figures 6-16 and 6-17, the only receptors which meet all of these criteria are the two pink dots on the A4019 west of Junction 10, representing three residential receptors, Gloucester Old Spot,</p>

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			Stanboro Cottage Annex and Stanboro Cottages. Pink dots in these figures represent an adverse change of 1dB+ above the daytime SOAEL, 68dB L _{A10 18hr} , in the long term.
Q12.0.14	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 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>	<p>ES Chapter 6 [AS-014] Table 6-34 for the cumulative assessment includes the same areas as Table 6-29, the assessment of the project alone, and these tables indicate the change in the number of receptors that are predicted to experience a moderate change, major change or 1dB+ change above the SOAEL. Paragraphs 6.10.44 to 6.10.52 summarise the differences between the traffic Scenario S and Scenario R.</p> <p>A list summarising the changes in each area has been created, and is provided as a separate document 'Additional information relating to ExA Questions 12.9, 12.14 and 12.16' (TR010063 / APP 9.56).</p>
Q12.0.15	The Applicant	<p>Cumulative effects assessment</p> <p>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.</p> <p>The Applicant is requested to provide clarification on this point.</p> <p>The Applicant is also requested to confirm if they are reliant on this to conclude no likely significant effects to some receptors.</p>	<p>The total number of receptors is provided in Table 6-23 of ES Chapter 6 [AS-014], and it is consistent for all 'Do-Something' scenarios. There is a typo in the number of receptors experiencing negligible changes in the Traffic Scenario R future year assessment (Table 6-31), but the numbers of minor, moderate and major changes are unaffected.</p> <p>The amendments are as follows:</p> <p>Scenario R negligible - daytime - dwellings –From 13589 to 13582 Scenario R negligible - daytime - non-dwellings – From 563 to 558 Scenario R negligible - night time – dwellings – From 13681 to 13674 Scenario R negligible - night time - non-dwellings - remains 40</p> <p>Once amended, the numbers should be consistent.</p> <p>Plus Table 6-32 should read:</p> <p>Significant - Daytime - Adverse - remains 23 Significant - Daytime – Beneficial – From 3 to 38 Not-Significant - Daytime - Adverse - remains 6601 Not-Significant - Daytime – Beneficial – From 6746 to 7019 Significant - Night time – Adverse – From 38 to 3 Significant - Night time - Beneficial - remains 29 Not-Significant - Night time – Adverse – From 7019 to 6746 Not-Significant - Night time - Beneficial - remains 6881</p> <p>Table 6-27 and Table 6-28 are unaffected, but note that the total number of receptors is not the same in all cases, as changes of 0dB are not included in the count.</p> <p>At an appropriate point in the examination, the Applicant will ensure this is reflected in any updated revisions of this chapter.</p>
Q12.0.16	The Applicant	<p>Residual significance – all phases</p> <p>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.</p> <p>The ExA requests updated tables to confirm the mitigation measures relevant to each receptor.</p>	<p>Operational Noise - Within ES Chapter 6 [AS-014], Table 6-13 provides the list of embedded mitigation, with paragraphs 6.8.17 and 6.8.18 providing details of the low noise surfacing. This noise mitigation has been included in the noise assessment of the Scheme, and includes three noise barriers to protect the properties along the A4019 and two environmental noise barriers along the M5 (adjacent to Barn Farm and the Informal Travellers Site).</p> <p>In Table 6-29 and Table 6-34, text is included to describe the mitigation options where significant effects cannot be minimised, such as "Noise barriers have been considered but would not be possible due to access requirements and limited space." In the majority of cases this is where the change in noise is predicted due to changes in traffic on the wider road network, and not directly from the Scheme itself.</p> <p>Construction Noise - Paragraphs 6.8.29 to 6.8.32 describe the level of mitigation considered. These are universal measures that will be used around the footprint of the Scheme. More specific information about noise mitigation will be determined during detailed design.</p>

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			<p>Noise barriers work best when the distance between the works and the receptor is small, and similarly, noise levels from construction are greatest when receptors are close to the works. Therefore the noise barriers sited between the works and the receptors will offer some benefit for the most affected receptors, and it is understood that temporary noise mitigation will be available throughout the works.</p> <p>Noise impacts during the construction stage will be managed through the 2nd iteration of the Noise and Vibration Management Plan secured via requirement 3 of the dDCO. This will be produced by the Principal Contractor in advance of construction, and submitted for approval by the county planning authority, following consultation with the relevant planning authority and strategic highway authority to the extent that it relates to matters relevant to its functions.</p> <p>The 1st iteration of the Noise and Vibration Management Plan (AS-033) (section B.3.6) sets out that the Principal Contractor will undertake an appraisal for noise insulation or temporary housing six to nine months prior to starting the construction phase of the works or at such time appropriate to the scale and nature of the works.</p> <p>The Applicant has provided updated information confirming the receptors relevant to each of the noise barriers in the separate document 'Additional information relating to ExA Questions 12.9, 12.14 and 12.16' (TR010063 / APP 9.56)' submitted at Deadline 3.</p>
Q12.0.17	The Applicant	<p>Mitigation via Insulation, rehousing and compensatory payments</p> <p>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> <ol 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). v. The Applicant is also requested to confirm if they are reliant on this to conclude no likely significant effects to some receptors. 	<ol style="list-style-type: none"> i. The ES Chapter 6 [AS-014] provides a table (Table 6-18) of representative receptors and indicates where noise levels are likely to exceed the noise level threshold for a significant effect. Noise insulation and/or temporary rehoming could be required at those relevant receptors, during the period in which the works are at the shortest distance from the receptors. However, the overall significance of the noise level at these receptors is based on whether this noise level threshold is likely to be exceeded for the duration threshold, and the works are expected to move around throughout the construction period. <p>As stated in Paragraph 6.4.17 of the ES Chapter 6 [AS-014], in line with guidance from DMRB LA 111, "A significant effect is likely where it is determined that a moderate or major magnitude of impact shall occur for</p> <ul style="list-style-type: none"> - either 10 or more days or nights in any 15 consecutive days or nights; or - a total number of days exceeding 40 in any 6 consecutive months." <p>As provided in 6.9.22 "construction noise is unlikely to lead to a significant effect." The works are transitory in nature, i.e. will move past the receptor and will not stay at the closest distance for long periods of time, and so it is unlikely that the duration thresholds will be exceeded for any given time period. An example of this is provided in the response to 12.0.6.</p> <p>Despite this, the 1st iteration of the Noise and Vibration Management Plan (AS-033) (section B.3.6) sets out that the Principal Contractor will undertake an appraisal for noise insulation or temporary housing six to nine months prior to starting the construction phase of the works or at such time appropriate to the scale and nature of the works, to check that with the latest construction programme this will still be the case, or to put in measures as required.</p> ii. As a result of this, no receptors have been informed that they would be offered noise insulation or temporary rehousing, given that the Applicant does not know with sufficient certainty at this stage whether that mitigation would be necessary. The exception is Sheldon Cottages which will not be occupied during the construction stage. iii. As described in the Noise and Vibration Management Plan [AS- 033], insulation, compensation or rehousing as a result of noise impacts is triggered if specific noise levels are exceeded for a stated duration. Whilst the noise assessment (reported in Chapter 6 [AS-014]) has reported that the specific noise levels could be exceeded at particular receptors, the assessment expects that the duration of the noise impact will not exceed the stated period, and therefore noise insulation or compensation will not be required. In the event that insulation, compensation or rehousing is required, the Applicant has accounted for this in its base cost estimate set out in paragraph 2.1.4, of the Funding Statement. Therefore, there is not a separate funding mechanism required.

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			<p>iv. The ExA's attention is drawn to the fact that APP-072 has been superseded, first as AS-018 and most recently at Deadline 1. The latest Population and Human Health ES Chapter is now REP1-022 (REP1-023 provides a tracked changes version of the same).</p> <p>Table 13-6 of REP1-022 sets out the matters that have been scoped in or out of the human health aspect of the assessment and provides the core rationale. Relocation has been scoped out on the basis that the Scheme does not include the identification of properties or land that will host relocation. It is noted that the process of household relocation is managed through the compulsory purchase process, which is separate from the EIA. However, it is also stated that <i>'impacts on people who will be supported to relocate (e.g. through compulsory purchase of homes or premises) and impacts that might lead to a person choosing to relocate are considered in relation to other health determinants that are scoped in – social cohesion; air quality; noise environment and vibration; landscape amenity; and characteristics of the transport network across all modes.'</i> Table 13-6, in relation to the noise and vibration wider determinant of health, notes that noise is considered in the assessment as one of a number of contributors to changes in landscape amenity.</p> <p>Insulation works and potential rehousing due to noise impacts form part of the package of mitigation measures that may become available depending on the outcome of relevant appraisal work – the detail is presented in the Noise and Vibration Management Plan [AS-033]. The availability of this type of mitigation to eligible properties is recognised within the assessment given that it forms part of the embedded mitigation measures that are cited within the relevant assessment tables in the Population and Human Health Chapter of the ES (REP1-022 (REP1-023 provides tracked changes to the same)). There are no individual properties that have been identified as specific receptors to which this mitigation would apply – this aligns to the Noise and Vibration chapter position [AS-014] that this will be a matter determined during detailed design. Rehousing has been identified as a requirement to manage the magnitude of impacts that will be experienced by residents of Sheldon Cottages during the construction stage for the Scheme. The Population and Human Health assessment (REP1-022 (REP1-023 tracked changes)) has been undertaken on the assumption that these residents will not be present in Sheldon Cottages during construction.</p> <p>This is set out in the Record of Environmental Actions and Commitments (REP1-030 (REP1-031 tracked changes)) as item G12 (reproduced in Table 13-56 of the Population and Human Health chapter (REP1-022 (REP1-023)) and is relied upon in the assessment as a specific mitigation. There are no other individual properties that have been identified as specific receptors to which this mitigation would apply – this aligns to the Noise and Vibration chapter position [AS-014] that this will be a matter determined during detailed design.</p> <p>v. In the Population and Human Health assessment, the only specific property to which the assessment of effects relies upon a mitigation of the type set out in the question is Sheldon Cottages. The response to part (iv) of this question clarifies this matter.</p> <p>There is a general reliance within the assessment to the delivery of the mitigation measures that are identified within the Record of Environmental Actions and Commitments (REP1-030 (REP1-031 tracked changes)).</p>
Q12.0.18	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>	<p>The eligibility for noise insulation is wholly dependent on meeting the requirements set out in the Noise Insulation Regulations.</p> <p>The criteria for this are provided in ES Chapter 6 [AS-014] paragraph 6.4.63 "receptors that could qualify for noise insulation under the Noise Insulation (Amendment) Regulations 1988 were identified from the predicted noise levels. NSRs that may potentially qualify for noise insulation are residential receptors that experience road traffic noise levels greater than or equal to 68dB LA10,18h and are shown to experience an increase of at least 1dB due to the Scheme [by the future year] and are situated within 300m of a new or altered road". However, a property that is potentially eligible for noise insulation may not have windows on the qualifying facade.</p> <p>The minor change in noise predicted at Newhouse Farm, 6 Westfield Cottage, Hardwicke House and Bramble Cottage do not qualify for noise insulation due to the distance from the Scheme and/or noise levels being below the SOAEL threshold/68dB LA10, 18hr.</p>

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Q12.0.19	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] "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".</p> <ol style="list-style-type: none"> i. The Applicant is requested to confirm whether low noise surfacing is proposed. 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>Paragraphs 6.8.17 and 6.8.18 of ES Chapter 6 [AS-014] explain the surfacing assumptions for the Scheme and as noted, low noise surfacing has not been proposed on the A4019 in line with GCC policy, but has been included on the M5 itself.</p> <p>The majority of receptors located close to the A4019 are predicted a decrease in noise due to the change of alignment (road becomes further away from properties) and proposed noise barriers. Although the low noise surfacing would be effective at reducing noise from the A4019, the benefit of the surfacing would diminish at greater distances, and as other roads become the dominant source of noise at a receptor. Where changes in noise are predicted throughout the study area, it is generally as a result of changes on the traffic network, on the road closest to the property, and not due to the noise from the Scheme roads, such as the A4019; and so introducing low noise surfacing on the A4019 within the Scheme would have minimal benefit. See Figure 6-15, Figure 6-16 and Figure 6-17 from the ES Chapter 6 Appendix (APP-084) which demonstrates that generally the significant adverse effect are not as a result of the A4019.</p> <p>Even if it were an option for this Scheme to resurface non-scheme roads within the study area, the operational noise prediction methodology discounts the benefit of low noise surfacing on roads where the speed of the vehicles is less than 75kph (around 46mph). This is because noise from low speed vehicles is due to the engine rather than the tyres, with a gradual crossover from engine to tyre noise as the speed increases. A low noise surface would not be beneficial on many of the roads within the study area.</p> <p>As demonstrated by (i) given the existence of low noise road surfacing in the Scheme the Applicant does not consider the dDCO to be inappropriately drafted.</p>

13. Policy

Question number	Doc ref and question to:	Question	Applicant Response
Q13.0.1	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 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>	<p>The Applicant considers that the question posed in principally related to paragraph 2.24 of the NPS NN 2014. This states:</p> <p><i>2.24 The Government’s policy on development of the Strategic Road Network is not that of predicting traffic growth and then providing for that growth regardless. Individual schemes will be brought forward to tackle specific issues, including those of safety, rather than to meet unconstrained traffic growth (i.e. ‘predict and provide’).</i></p> <p>The Applicant doesn’t consider that the NPS NN 2014 by stating that it does not support a “predict and provide” method is implying that providing for highways development which is necessary to enable growth would not be acceptable. The Applicant would note that this interpretation would be in direct contrast to paragraph 2.6 which states:</p> <p><i>2.6 There is also a need for development on the national networks to support national and local economic growth and regeneration, particularly in the most disadvantaged areas. Improved and new transport links can facilitate economic growth by bringing businesses closer to their workers, their markets and each other. This can help rebalance the economy.</i></p> <p>The interaction between 2.24 and 2.6 is perhaps explained by paragraph 2.20 which states:</p> <p><i>2.20 Annex B sets out the Department’s latest road traffic forecasts for all roads and the Strategic Road Network. Traffic forecasts are not a policy goal and do not in themselves generate a need for development – the need for development arises from the pressures created by increases in traffic. Increased traffic without sufficient capacity will result in more congestion, greater delays and more unpredictable journeys. As with the congestion forecasts, these traffic forecasts will change over time as our understanding improves and circumstances change. Updated forecasts will be published, generally on an annual basis. Local forecasts will be used for the assessment of any specific road scheme being assessed under the NN NPS.</i></p> <p>The Applicant considers that the NPS NN is clear in stating that the need for a scheme must be based on “specific issues” or “pressures created by increases in traffic”, rather than growth in the abstract. The Applicant does not consider that these “specific issues” need to be currently experienced and can be identified by traffic forecasts and modelling.</p> <p>In the scenario without the Scheme and without the dependant developments (Scenario P), the road network is forecast to be operating over practical capacity at the following locations and times in the immediate vicinity of the Scheme.:</p> <ul style="list-style-type: none"> • M5/J10 Southbound off-slip 2027 and 2042 AM peak period. • Withybridge Lane 2042 AM peak period. <p>These forecast issues with the operational performance of the road network are also addressed by the Scheme.</p> <p>The Scheme does not support a “predict and provide” method. The Applicant is responding to an identified <i>pressure created by increases in traffic</i> which means that the Scheme is required in order to alleviate.</p> <p>The Scheme is designed to “unlock” potential developments on both the JCS allocated sites and the north-west Cheltenham safeguarded land. The use of the term “unlock” has been used frequently by the Applicant. For the</p>

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			<p>avoidance of doubt, it refers to the fact that without the Scheme these developments would cause unacceptable impacts to the local road network meaning that they would be contrary to paragraph 115 NPPF. Therefore, the Scheme seeks to provide the requisite infrastructure so that this identified growth can occur. It would not make good policy for unacceptable impacts caused by growth to appear first before it would be open to address those impacts under the NSIP regime. Clearly, anticipation of impact is permitted, and reasonable.</p> <p>The allocated Housing Infrastructure Funding (HIF) for the Scheme is justified on this basis. Therefore, it is a fact that the Scheme has been designed to facilitate growth in housing and employment consistent with JCS policy. However, this is not in the abstract. More specifically, the Scheme has been designed to ameliorate otherwise unacceptable effects anticipated by future planned growth. This housing and employment growth will inevitably result in additional development generated traffic needing to use the road network, even with the introduction of measures to encourage sustainable transport by public transport, walking and cycling as alternatives to the private car.</p> <p>The Scheme has been designed to mitigate only the most severe adverse impacts that would otherwise be caused by the traffic forecast to be generated by these potential developments. It has also been optimally designed, whilst minimising land take, to operate just within practical capacity, without building in any additional reserve capacity to accommodate unconstrained traffic growth.</p> <p>Please refer to the Applicants' response to ExA Q15.0.11 that explains the purpose of the south-facing slip roads element of the Scheme.</p> <p>Please refer to the Applicants' response to ExA Q15.0.13 that explains the purpose of the West Cheltenham Link Road element of the Scheme.</p> <p>The improvements to the A4019 as part of the Scheme are required to provide sufficient highway capacity between the JCS allocated and safeguarded sites and M5 junction 10 to accommodate the additional traffic forecast to be generated by the dependant developments, as well as facilitate enhanced public transport (through the reduction of traffic congestion and provision of a bus lane) and active mode connectivity (through the provision of enhanced pedestrian and cyclist facilities) for these developments. Figure 7 in the HIF OBC Traffic Forecasting Report (REP1-046 Appendix C of the Applicant Written Submissions of Oral Case for Issue Specific Hearing 1 (ISH1)) shows that with the dependent developments, but without the Scheme (Scenario Q), the A4019 between M5 Junction 10 and the JCS sites is forecast to be operating over capacity. This demonstrates that improvements to the A4019 are a necessary component of the Scheme to achieve its objective of unlocking the JCS dependant development. Furthermore, the forecast peak period traffic flows on the A4019, with the Scheme and dependant development (Scenario R), exceed the maximum hourly flow that can be accommodated by the existing single carriageway road. Furthermore, M5 Junction 10 would be subject to severe impacts due to JCS dependant development generated traffic and inadequate capacity on the A4019 would cause traffic congestion at junction 10 that would exacerbate this.</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>Combined response for (i) and (ii)</p> <p>As outlined in Applicant Response (REP1-028), the Scheme is compliant with the EIA Regulations in that it provides an assessment of the main alternatives and the reasons for the Scheme as set out in ES Chapter 3: Assessment of Alternatives (ES Chapter 3 APP-062). In addition the Applicant has undertaken an assessment of the Scheme against the requirements of the Habitats Regulations (as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) with details presented in [APP-099] and [APP-100]; and the Water Framework Directive (Water Environment (Water Framework Directive) (England and Wales) Regulations 2017) with details presented in [REP1-026]. The Applicant has concluded that the Scheme is compliant with both of these requirements. With regards to the flood risk sequential test, the Scheme has been assessed to meet the requirements of this test, as detailed in the Flood Risk Assessment [AS-023].</p>

Question number	Doc ref and question to:	Question	Applicant Response
		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.	In regard to compliance with the Habitats Directive and Water Framework Directive referred to in ExA Q13.02 (ii), Natural England indicated agreement with the conclusions of the Habitats Regulations Assessment (HRA) Screening [APP-099] and Statement to Inform Appropriate Assessment (SIAA) [APP-100]. As indicated in the Natural England SoCG [REP1-037] in Table 2-1 (and elsewhere), Natural England confirmed via email on 02.05.2023 that they are satisfied that all previous comments on the HRA documents have been addressed. This is also confirmed in the Natural England Relevant Representation [RR-027] which outlines in paragraphs 3.2.1 to 3.2.5 that Natural England agrees with the conclusions of the HRA documents. The Environment Agency has agreed in principle the WFD assessment. Please see the current Natural England (REP1-037) and Environment Agency (REP1-036) SoCGs that have been submitted into Examination.
Q13.0.3	The Applicant, National Highways	Policy 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. 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.	i. As described in the response to Q4.0.1 and in the ES Chapter 14 [REP1-024], measures to mitigate the impacts of climate change to the Scheme have been embedded into the design of the Scheme. Therefore planning has been undertaken for the adaptation for climate change. With regards to monitoring the Applicant considers that this is most relevant to the performance of the drainage system, and expects that this will be monitored as part of the future maintenance programme for the Scheme's drainage. The Applicant does not consider it is necessary for the EMP 3 rd iteration to include reference to the monitoring of and planning for the adaptation for climate change. Whilst the Applicant's position is that this should not be included in the 3 rd iteration EMP, requirement 13(2) of Schedule 2 of the draft order requires provision for a climate change allowance in respect of suitable flood storage for flood waters displaced by the Scheme. ii. This is for National Highways to answer as they appear to have referenced the NN NPS paragraph incorrectly. Paragraph 4.43 or NN NPS 2024 refers to climate change not safety.

14. Socio-economic Effects

Question number	Doc ref and question to:	Question	Applicant Response
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>	<p>Engagement with the breakfast van commenced on 6 April 2021, and is ongoing. Engagement has been regarding plans for a new layby as part of the scheme, and potential impact on the business. A meeting was held with the owner on 9 June 2021 to discuss the Preferred Route Announcement. A further phone call was held on 26 July 2021 between the owner and Carter Jonas, the Applicant's land agents, to discuss provision of a layby as part of the scheme, and the owner followed up by email with a suggested layby location. A formal response was issued explaining that the location was unsuitable, and potential layby locations are being investigated. On 24 June 2022, the owner requested an update on the layby. A formal response was provided which confirmed that no suitable layby locations could be identified on the A4019, and the team would be in touch to discuss potential options moving forward. The owner acknowledged the response.</p> <p>In the Matters Raised in response to the statutory consultation (under Section 47 community consultation, see APP-052) the provision of the layby was raised nine times. These matters raised identified the need for a layby or alternative location, the impact on the business and livelihoods, and driver safety. These matters were responded to, explaining that due to space limitations it was not possible to identify a suitable safe location to provide a layby. It was also explained that the Applicant would be working with the owner to find a suitable alternative location for the van.</p> <p>Discussions between the owner, the Applicant and Tewkesbury Borough Council are ongoing to identify a new location for the business.</p> <p>Engagement commenced on 21 October 2020 with the Gloucester Old Spot pub and is ongoing. As a landowner, the owner is a Section 44 Consultee, and was consulted during the Statutory Consultation, and was sent a Section 56 Notice.</p> <p>Engagement has covered a number of topics including potential compensation of interruption to trade for businesses, night closures and diversions. On 22 February 2021 the landowner asked for further information on how business affected could receive compensation regarding interruption to trade. A response was provided that explained there was not currently a detailed construction phasing plan and so there was no indication of traffic management set up or any potential disruption at this location. The response explained that GCC will work hard to ensure that all that can be done will be done to limit the impact on businesses in and around the locality of the works. A meeting was held between the landowner, the Applicant on 9 November 2020 where the landowner raised concerns around the potential impact of construction works and road closures, and the potential for compensation or disturbance claims. A further meeting was held on 10 June 2021, offered to the landowner to discuss a potential impact on his land. The landowner attended a statutory consultation event on 14 December 2021 and met with the project team. He followed up with an email summarising his key points, including potential diversions of the A4019, night closures, and the A4019/Stoke Road junction. A response was provided explaining that once a contractor has been appointed, phasing and traffic management will be discussed in more detail, and the landowner can be kept up to date. On January 17 2022 the landowner requested to be put in contact with Carter Jonas, the Applicant's land agents, regarding Business Interruption, and this contact was made. The landowner requested information regarding nighttime working in April 2022, and a holding response was sent explaining that the Applicant will be in contact once more information is available. Since October 2023, engagement has been ongoing between the landowner, and the Applicant. Further to this, there has also been engagement between the landowner, a local councillor and the Applicant.</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 staff, the number of staff involved and what you anticipate the implications for trading might be?</p>	Not for the Applicant to answer.
Q14.0.3	The Applicant	<p>Effects on Local Businesses</p>	Meetings have been held with both Affected Parties to understand the impact on their businesses. Further detail following the detailed design process, specifically regarding the programming and phasing of different aspects, will

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		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?	be key and the opportunities to mitigate the impact of Scheme are being incorporated where possible. The engagement with both parties has also been incorporated into compensation considerations for the Scheme.

15. Traffic and Transport

Question number	Doc ref and question to:	Question	Applicant Response
Q15.0.1	National Highways Gloucestershire County Council (Highway Authority) Joint Councils	Traffic Management Plan (TMP) (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? (ii) Should there be a requirement for the TMP to be consulted upon, and or approved by the relevant highway authority?	Not for GCC as applicant to respond.
Q15.0.2	The Applicant	Construction Traffic (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? (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>(i) & (ii) Details on the volume of construction traffic forecast to be generated by the Scheme and the anticipated size of the workforce are provided in both Chapter 2 of the ES (Section 2.8.4 - AS-010) and the Traffic Management Plan (TMP) (EMP Annex B11, Sections 11.2.17& 11.2.23 - AS-041). These have been derived as follows:</p> <p>The forecast number of vehicles delivering construction materials and equipment has been calculated from the estimated quantities of required materials in combination with the construction programme.</p> <p>The forecast number of vehicle trips generated by construction workforce commuting has been calculated from anticipated size of the workforce in combination with assumptions regarding arrival and departure profiles/times and usage of different modes of transport.</p> <p>The amended Transport Assessment submitted at Deadline 3 has been updated to include this information on anticipated construction traffic generation (Section 10.3).</p> <p>These vehicles will be directed, but not limited, to use the preferred construction traffic routes as set out in TMP (Section B.11.2.14.).</p> <p>The usage of these preferred construction traffic routes by construction traffic will vary depending on the different phases of construction and the associated temporary traffic management arrangements, such as temporary closures of the M5 junction 10 slip roads.</p> <p>The additional construction traffic generated by both the construction workforce and materials/equipment deliveries, will be dispersed across the road network resulting only a proportion of it using any one route. It is estimated that construction generated traffic would result in up to 60 additional vehicles on any one road, which equates to an average of one additional vehicle per minute. The basis for this estimate and the assumptions underpinning it are presented in Section 10.3 of the amended Transport Assessment submitted at Deadline 3 (TR010063/APP/7.5 Rev 2).</p> <p>Consequently, the additional generated construction traffic, now quantified, represents an insufficient proportional increase in traffic on the road network compared to background traffic volumes to materially impact its operational performance, particularly during the morning and evening road network peak hours. Thus, the outcomes of the traffic modelling undertaken to establish the traffic impacts of the Scheme during construction are very unlikely to be materially altered if construction generated traffic was included.</p> <p>An amended Transport Assessment reporting on the forecast construction traffic, the anticipated size of the workforce and associated potential impacts will be submitted at Deadline 3.</p> <p>Furthermore, the volume and distribution of construction generated vehicle trips will be controlled by the Traffic Management Plan (TMP) (EMP Annex B11- AS-041) such that it does not exceed thresholds that would trigger significant adverse effects on noise and air quality, when assessed cumulatively with the construction workforce movements. This calculation is based on a technical assessment of available headroom within the existing transport network below these thresholds (see Chapter 5 – Air Quality [AS-012] and Chapter 6 – Noise and Vibration [AS-014] of the ES).</p> <p>Hence, the modelling is a ‘reasonable worst-case scenario’ (ie, the worst-case that is likely to occur) rather than a ‘worst-case scenario’ (that is an extreme and not likely to occur).</p> <p>Not for Applicant to respond.</p>

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Q15.0.3	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> <p>(iii) Please can the Local Highway Authority also provide a response with respect to the above matters?</p>	<p>(i) (and (ii))</p> <p>Details on the volume of construction traffic forecast to be generated by the Scheme and the anticipated size of the workforce are provided in both Chapter 2 of the ES (Section 2.8.4 - AS-010) and the Traffic Management Plan (TMP) (EMP Annex B11, Sections 11.2.17& 11.2.23 - AS-041). These have been derived as follows:</p> <ul style="list-style-type: none"> - The forecast number of vehicles delivering construction materials and equipment has been calculated from the estimated quantities of required materials in combination with the construction programme. - The forecast number of vehicle trips generated by construction workforce commuting has been calculated from anticipated size of the workforce in combination with assumptions regarding arrival and departure profiles/times and usage of different modes of transport. <p>The amended Transport Assessment submitted at Deadline 3 has been updated to include this information on anticipated construction traffic generation (Section 10.3).</p> <p>These vehicles will be directed, but not limited, to use the preferred construction traffic routes as set out in TMP (Section B.11.2.14.).</p> <p>The usage of these preferred construction traffic routes by construction traffic will vary depending on the different phases of construction and the associated temporary traffic management arrangements, such as temporary closures of the M5 junction 10 slip roads.</p> <p>The additional construction traffic generated by both the construction workforce and materials/equipment deliveries, will be dispersed across the road network resulting only a proportion of it using any one route. It is estimated that construction generated traffic would result in up to 60 additional vehicles on any one road, which equates to an average of one additional vehicle per minute. The basis for this estimate and the assumptions underpinning it are presented in Section 10.3 of the amended Transport Assessment submitted at Deadline 3 (TR010063/APP/7.5 Rev 2).</p> <p>Consequently, the additional generated construction traffic, now quantified, represents an insufficient proportional increase in traffic on the road network compared to background traffic volumes to materially impact its operational performance, particularly during the morning and evening road network peak hours. Thus, the outcomes of the traffic modelling undertaken to establish the traffic impacts of the Scheme during construction are very unlikely to be materially altered if construction generated traffic was included.</p> <p>An amended Transport Assessment reporting on the forecast construction traffic, the anticipated size of the workforce and associated potential impacts will be submitted at Deadline 3.</p> <p>Furthermore, the volume and distribution of construction generated vehicle trips will be controlled by the Traffic Management Plan (TMP) (EMP Annex B11- AS-041) such that it does not exceed thresholds that would trigger significant adverse effects on noise and air quality, when assessed cumulatively with the construction workforce movements. This calculation is based on a technical assessment of available headroom within the existing transport network below these thresholds (see Chapter 5 – Air Quality [AS-012] and Chapter 6 – Noise and Vibration [AS-014] of the ES).</p> <p>Hence, the modelling is a 'reasonable worst-case scenario' (ie, the worst-case that is likely to occur) rather than a 'worst-case scenario' (that is an extreme and not likely to occur).</p> <p>(ii) Not for Applicant to respond.</p>
Q15.0.4	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>	<p>The Applicant would draw the Examining Authorities attention to its response to REP1-053 (REP2-008) which states that:</p> <p>"The Applicant understands that the future development of the Barn Farm site, along with any associated junction, does not have any planning status at present. The Applicant therefore has no requirement to consider the potential future access in this location in the design of the Scheme.</p> <p>Furthermore the Applicant is not aware of any interest of CBC in the land where the alternative location of the attenuation basins proposed, based on the Land Plans (REP1-002) and the Book of Reference (REP1-009).</p> <p>Notwithstanding the above the location of the proposed attenuation basin has been carefully considered during the design of the scheme due to the existing levels of Stanboro Lane and the adjacent land. The Applicant considers that the design of the drainage system would not function as required should the basin be moved further to the east due</p>

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			<p>to the pre-existing level of land in this location.</p> <p>Regarding the suitability of the indicative access route shown, the Environmental Masterplan, sheet 5 (APP-027), demonstrates that there is an area of the Priority Habitat (lowland meadow) along the length of Stanboro Lane adjacent to the attenuation basin. This would be lost if this proposed access was created."</p> <p>In view of the above, the Applicant does not consider there to be a potential conflict between the Scheme and the Barn Farm site and as such there is no need to relocate the proposed attenuation pond. Moreover, the Applicant is unable to relocate the attenuation pond of the reasons outlined above.</p>
Q15.0.5	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>	<p>A first iteration Community Engagement Plan has been included with the dDCO. Under requirement 3 of the DCO (Schedule 2, Paragraph 3), no part of the authorised development is to commence until a EMP (2nd iteration) for that part has been prepared in consultation with the relevant planning authority and the strategic highway authority and submitted to and approved in writing by the county planning authority. Paragraph 3(2) states that the EMP (2nd iteration) must be substantially in accordance with the environmental management plan (1st iteration) and include a Community Engagement Plan. The Applicant therefore considers that delivery of the Community Engagement Plan (2nd iteration) is adequately secured.</p> <p>The Applicant has also included a requirement at CEA1 of the REAC which states:</p> <p>"PC will be required to submit all phasing plans associated with the management of construction traffic (as part of the Traffic Management Plan) to the GCC streetworks manager, and NH, on a rolling monthly basis. This will ensure co-ordinated consideration of all streetworks intervention information across projects, capturing all booking system requests for diversions on the GCC and NH highway networks; and works will not be implemented until approval and endorsement by GCC and NH is attained (where applicable). PC may be required to adapt proposals and scheduling in response to streetworks manager requests. The PLO will be required to coordinate dissemination of accurate network disruption information in advance, in accordance with the Community Engagement Plan. This information should incorporate interfaces with other project impacts on the transportation network, to the extent that they are known (see also PHH4 and PHH9)."</p> <p>The 2nd iteration EMP will ensure that the entries in the REAC are included in its management plans. This is secured via requirement 3 of the dDCO. The Applicant considers the most likely place for this commitment to be secured is in the 2nd iteration CEP. The Applicant considers, therefore, that the process for co-ordination of works is already secured in the dDCO.</p>
Q15.0.6	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>	<p>(i) & (ii)</p> <p>The Strategic SATURN modelling has been undertaken in accordance with best practice guidance as set out in the Department for Transport (DfT) Transport Analysis Guidance (TAG). The SATURN modelling has also been subject to National Highways' Project Control Framework (PCF) process, with all required PCF documents relevant to the traffic modelling having been submitted to and signed-off by National Highways.</p> <p>The principal areas of disagreement between the Applicant and National Highway regarding the SATURN modelling are set out in Principal Areas of Disagreement Summary Statement (PADSS) (REP1-059 - Points of concern reference numbers 1, 2 & 5), with the outstanding matters listed in the SoCG (REP1-035 references 5.1, 5.8, 5.17, 5.18, 5.19, 5.21, 5.26, 5.27, 5.28 & 5.33).</p> <p>The Applicant continues to regularly engage with National Highways to resolve outstanding matters which it is seeking to achieve at the earliest opportunity during the DCO Examination. To date, the Applicant has held regular meetings with National Highways and provided it with written responses to all its detailed comments on the SATURN modelling.</p> <p>The Applicant is confident that the SATURN modelling meets the requirements of both TAG and the National Highways PCF process and is, thus, proportionate and robust for the purpose of assessing the impacts of the Scheme. Consequently, the Applicant is of the view that there are no valid different traffic modelling findings to those presented in the Transport Assessment (AS-029) and consequently, there are no associated implications.</p>
Q15.0.7	The Applicant, National Highways	Transport Modelling	<p>(i) & (ii) The Operational PARAMICS modelling has been undertaken in accordance with best practice guidance as set out in the Department for Transport (DfT) Transport Analysis Guidance (TAG). The PARAMICS modelling</p>

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		<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> <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 be explained insofar as possible?</p>	<p>has also been subject to National Highways' Project Control Framework (PCF) process, with all required PCF documents relevant to the traffic modelling having been submitted to and signed-off by National Highways.</p> <p>The principal areas of disagreement between the Applicant and National Highway regarding the PARAMICS modelling are set out in Principal Areas of Disagreement Summary Statement (PADSS) (REP1-059 - Points of concern reference numbers 1, 2 & 5), with the outstanding matters listed in the SoCG (REP1-035 references 5.1, 5.8, 5.9, 5.18, 5.19, 5.22, 5.23, 5.26 & 5.28).</p> <p>The Applicant continues to regularly engages with National Highways to resolve outstanding matters which it is seeking to achieved at the earliest opportunity during the DCO Examination. To date, the Applicant has held regular meetings with National Highways and provided it with written responses to all its detailed comments on the PARAMICS modelling. The Applicant has also refined the PARAMICS modelling in response to National Highways' comments, and this has been issued to National Highways for its review.</p> <p>The Applicant is confident that the refined PARAMICS modelling meets the requirements of both TAG and the National Highways PCF process and is, thus, proportionate and robust for the purpose of assessing the impacts of the Scheme.</p> <p>An amended Transport Assessment reporting the outputs and outcomes of the refined PARAMICS modelling, undertaken to address National Highways comments, has been submitted at Deadline 3.</p> <p>The refined PARAMICS modelling does not materially alter the finding and conclusions that are drawn from it. Consequently, the Applicant is of the view that there are no valid different traffic modelling findings to those presented in the Transport Assessment (AS-029), as amended in the version submitted at Deadline 3, and consequently, there are no associated implications.</p>
Q15.0.8	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>	<p>The Applicant is confident that the traffic modelling (both the SATURN and amended PARAMICS modelling) meets the requirements of both TAG and the National Highways PCF process and is, thus, proportionate and robust for the purpose of assessing the impacts of the Scheme. Consequently, the Applicant does not consider there to be 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). Although an amended Transport Assessment reporting the outputs and outcomes of the refined PARAMICS modelling, undertaken to address Nation Highways' comments, has been submitted at Deadline 3.</p>
Q15.0.9	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? 	<p>Please refer to the Applicants' response to Q15.08 above. S.</p>
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>	<p>The Scheme is designed to unlock potential developments on both the JCS allocated sites and the north-west Cheltenham safeguarded land (or any other equivalent development sites that come forward in relative proximity to the junction). The allocated Housing Infrastructure Funding (HIF) for the Scheme is justified on this basis. Therefore, the Scheme has been designed to mitigate the most severe adverse impacts that would otherwise be caused by the traffic forecast to be generated by these potential developments.</p> <p>In accordance with DfT Transport Analysis Guidance (TAG), the forecast traffic demand used for the traffic modelling is constrained or capped to DfT's TEMPRO forecasts. The additional traffic forecast to generated by JCS developments in combination with TEMPRO forecasts results in this cap being exceeded for the model zones containing the JCS dependent developments. The forecast demand matrices have therefore been adjusted in accordance with TAG to ensure the TEMPRO cap is not exceeded across the model overall. This process results in TEMPRO forecast background traffic growth being redistributed across the wider area.</p> <p>Consequently, if the traffic forecast to be generated by potential development on the north-west Cheltenham safeguarded land was excluded from the modelling, then the forecast traffic demand on the road network in the</p>

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			<p>vicinity of the Scheme would effectively remain the same as currently modelled. If this traffic was essentially distributed evenly across the model, there would inevitably be some changes in the distribution of traffic across the road network. Whilst the Applicant considers that these would most likely be very minor because the additional traffic forecast to be generated by potential development on the safeguarded land is very small in comparison to the total cumulative traffic volumes forecast to be using the road network. Excluding traffic forecast to be generated by the safeguarded sites would remain an unrealistic scenario and the Applicant continues to consider it a robust and reasonable position to specifically include an element of assumed growth in specific locations to reflect what is considered to be the more likely traffic flows in the locality given the Scheme's 2042 design year extending past the existing plan period.</p> <p>In addition, the Scheme has been optimally designed, whilst minimising land take, to operate just within practical capacity with the additional traffic forecast to be generated by JCS dependent development on the allocated and safeguarded sites, without building in any additional reserve capacity to accommodate unconstrained traffic growth.</p> <p>Thus, the design of the Scheme would be no different were the traffic forecast to be generated by potential development on the north-west Cheltenham safeguarded land to be excluded from the demand forecasting used for the traffic modelling.</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), 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?</p>	<p>Figure 7 (Page 40) of the HIF OBC Traffic Forecasting Report (Appendix C to the Applicant Written Submission of Oral Case for ISH1 - APP 9.31) shows that all routes to and from the south that provide access to the JCS allocated and safeguarded sites are all forecast to be operating at or over practical capacity in the scenario with developments on the JCS allocated and safeguarded sites but without the Scheme (Scenario Q). These route locations are as follows:</p> <ul style="list-style-type: none"> A38 north of Gloucester. A4019 west of M5 junction 10. B4634 Old Gloucester Road. A4013 Princess Elizabeth Way. B4633 Gloucester Road. M5 Junction 11. Junctions of the A40 with the B4063 and with Telstar Way. A46 south of Cheltenham. <p>Consequently, the most appropriate and least impactful way to provide vehicular access to the JCS allocated and safeguarded sites to and from the south is by providing south-facing slip roads at M5 junction 10 and utilising reserve capacity on the M5 south of junction 10. This means access to the JCS allocated and safeguarded sites avoids congested sections of the local road network and, thereby, minimises the impacts of development generated traffic on road users as well as communities adjacent to these local roads. This was tested as part of the transport evidence base for the adopted JCS, which was subject to examination in public..</p> <p>Also see Applicants' response to Q15.0.13 below regarding the link road.</p> <p>Therefore, the Applicant does not consider that the provision of the M5 Junction 10 element of the scheme could be described as being designed for "unconstrained traffic growth" in a "predict and provide" method. The Applicant has identified "specific issues" which the Scheme has sought to alleviate. The Applicant considers that paragraph 2.24 does not restrict an Applicant from seeking to addresses future "specific pressures". The Applicant does acknowledge that catering for additional growth on its own does not necessarily trigger a need under paragraph 2.24 and that it is the specific issues which the growth causes that trigger the need. The Applicant has above, demonstrated the evidence for the specific issues that the M5 Junction 10 seeks to address.</p>
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</p>	<p>The applicant has responded to a similar question (5.0.8) above.</p> <p>The Applicant's current understanding is that the planning applications related to the Allocated Sites (dependant development) will come forward within the DCO period. In addition, the emerging SLP is expected to be submitted in April 2026 [Reg 22 submission] which will potentially allocate the Safeguarded Land or other sites in the area if the plan is subsequently adopted.</p>

Question number	Doc ref and question to:	Question	Applicant Response
		<p>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>	<p>The unsecured funding, under current projections, is required in FY 2027/28. The relevant period to drawdown the land under the DCO (if made) is likely to be circa June 2030. This provides the Applicant sufficient time to work with project partners (e.g. Homes England, NH, CBC, TBC and developers) to look at alternative options for funding the gap if required.</p>
Q15.0.13	The Applicant	<p>West Cheltenham Link Road 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 Withybridge Lane).</p>	<p>Figure 7 (Page 40) of the HIF OBC Traffic Forecasting Report (Appendix C to the Applicant Written Submission of Oral Case for ISH1 - APP 9.31) shows that the B4633 Gloucester Road that provides an access to and from the north for the west JCS allocated and safeguarded sites is forecast to be operating at or over practical capacity in the scenario with developments on the JCS allocated and safeguarded sites but without the Scheme (Scenario Q). Thus, this route cannot accommodate additional development generated traffic.</p> <p>Withybridge Lane, which is an alternative potential route to and from the north for the west JCS allocated and safeguarded sites is included as one of several alternative route corridors options (Route Corridor 2) considered and evaluated in Section 3.5 of Chapter 3 of the ES - Assessment of Alternatives (APP-062). This summarised that <i>"The options considered for Corridor 2, utilising the existing Withybridge Lane layout concluded that this is unlikely to be suitable to cater for future traffic and walking, cycling and horse-riding demand after the Scheme and surrounding developments are in place due to the existing alignment and cross sectional restrictions."</i></p> <p>Consequently, the West Cheltenham Link Road is essential to unlocking the west JCS allocated site by providing a suitable road link between it and M5 junction 10.</p> <p>A scenario with the Scheme and dependant development but excluding the Link Road has not been subject to traffic modelling, since the Link Road is an essential and integral element of the Scheme for the aforementioned reasons. Therefore, the traffic implications of excluding only the Link Road element with dependent development have not been separately determined. Notwithstanding this, Withybridge Lane, which would then be used, would be inadequate to fulfil the function of a link road for the reasons set out above. Please also refer to the Applicant's response to ExA Written question Q1.2.3.</p> <p>Therefore, the Applicant does not consider that the provision of the Link Road element of the scheme could be described as being designed for "unconstrained traffic growth" using a "predict and provide" method. The Applicant has identified "specific issues" which the Scheme has sought to alleviate through the known impact on the B4633 in Scenario Q. The Applicant looked at four main options for providing the Link Road before settling on the current proposal. The Applicant considers that paragraph 2.24 does not restrict an applicant in seeking to addresses future "specific pressures". The Applicant does acknowledge that catering for additional growth on its own does not generate a need under paragraph 2.24 and that it is the specific issues that the growth causes that generates the need. The Applicant has above, demonstrated the evidence for the specific issues that the Link Road seeks to address.</p>

16. Water Environment – Flood Risk, Water Quality and Resources

Question number	Doc ref and question to:	Question	Applicant Response
Q16.0.1	The Environment Agency	Flood Risk 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?	Not for Applicant to respond.
Q16.0.2	The Environment Agency	Flood Risk 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?	Not for Applicant to respond.
Q16.0.3	The Applicant, The Environment Agency	Flood Risk 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.	The REAC [REP1-030] item WE15 states that construction activities including temporary works, storage, and compounds within the functional floodplain will be minimised as far as possible. It is acknowledged that specific temporary floodplain compensation may be required depending on the sequencing and location of the works where construction activities are located within the floodplain. The exact requirements to mitigate for the construction activities will be determined by detailed flood risk modelling of the construction phase, undertaken by the Principal Contractor to support Flood Risk Activity Permits (FRAPs). The FRAPs will need to have been approved by the EA in advance of the construction works within the floodplain being undertaken. REAC item WE15 has now been updated to specifically commit to hydraulic modelling of the construction stage arrangements. The updated version of the REAC is provided at Deadline 3 (TR010063 / APP 7.4 Rev3).
Q16.0.4	The Applicant	Flood Risk 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?	As detailed in the Flood Risk Assessment [AS-023] the Scheme design meets the required sequential and essential tests. The detailed design will need to continue to meet these tests, to ensure that the Scheme remains safe for its users and does not increase flood risk elsewhere. The Scheme design is presented in the General Arrangement Plans [APP-014 and APP-015]. DCO Schedule 2 Requirement 11(1) requires the detailed design to be compatible with inter alia the General Arrangement Plans. The REAC [REP1-030] item WE15 and WE24 set requirements to undertake hydraulic flood modelling of the construction phase and detailed design respectively. This flood modelling will be used to inform the FRAP for the works and will be submitted to the EA for approval under the Environmental Permitting Regulations [2016].
Q16.0.5	The Applicant	Essential Infrastructure 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?	A14 Cambridge to Huntingdon Improvement Scheme DCO application – TR010018 includes local roads off the SRN that are in FZ3. A57 Link Roads - TR010034 - The scheme includes local road elements off the respective SRN. The A57 Link Road is a new single carriageway link from the A57(T) at Mottram Moor to a new junction on the A57 in Woolley Bridge that crosses FZ3. A47 Wansford to Sutton Dualling - TR010039 - has local roads but these are not in FZ3. A428 Black Cat to Caxton Gibbet improvements - TR010044 - has local roads but these do not appear to be in FZ3. Lower Thames Crossing - TR010032 - has some local roads but these are not in FZ3.
Q16.0.6	The Applicant	Reservoir Note 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?	The Reservoir Technical Note is a working document that is being drafted through the discussions in the SoCG with National Highways. It has therefore not been submitted into examination at the current time.

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Q16.0.7	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 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. 	<p>The FRAP applications for both the permanent and temporary works will be submitted following the finalisation of the detailed design.</p> <p>To deal with the queries in turn:</p> <p>(i)</p> <p>Environmental Permitting (England and Wales) Regulations 2016 set out that for temporary flood risk associated with the construction of the Scheme and permanent flood risk associated with the operation of the Scheme a standard permit/bespoke permit will be required (FRAP).</p> <p>The requirement for a FRAP is in relation to works within 8m of a main watercourse (16 for tidal watercourses) or flood defences. Consent to carry out flood risk activities for temporary structures altering water levels in main rivers e.g. temporary headwall, bridge, culvert, works within the floodplain, temporary storage in a flood plain, dewatering within a flood plain and the temporary diversion of a watercourse. A Flood Risk Activity Permit is required for the permanent flood risk associated with e.g. permanent headwall, bridge, culvert, and permanent diversion of a watercourse.</p> <p>FRAPs for both permanent and temporary work are not yet prepared but will be submitted following the detailed design process to enable construction to start. There is no timetable currently. These FRAPs would need to be supported by modelling of detailed design which has not yet been developed.</p> <p>(ii) As the design is likely to change as part of detailed design there is little benefit in undertaking an uninformed assessment, now, into the impacts of the construction phase when the methods and sequencing is unknown. The assessment to inform the temporary and permanent FRAP will assess and set out the mitigation required to deal with any adverse impacts of the proposed construction. The FRA acknowledges the preliminary nature of the design and hence recommended that the flood modelling and FRA be updated once the design had been developed further.</p> <p>(iii) The FRAP for the construction works will be supported by a construction stage flood risk assessment, developed from flood modelling, and will set out the mitigation required to deal with any adverse impacts of the proposed construction approach. A site-specific construction flood risk assessment will be required (as specified in REAC item WE15 [REP1-030]) to support the FRAP: the FRAP will not recommend/specify that such is produced (the FRAP will be incomplete if it is not supported by a flood risk assessment).</p> <p>(iv) As part of temporary works FRAP, the contractor will specify location of compounds and have to demonstrate, through a flood risk assessment, that these compounds remain safe and have no adverse impact on flood risk elsewhere. Following the sequential test at a site level, any dwelling cabins/caravans should be located outside of FZ3, whereas the works facilities may be located in FZ3. Whilst the FRA [AS-023] paragraph 5.1.8 suggests any site compounds should be located outside of FZ3, such only applies to any dwelling accommodation that might be present. Compounds were discussed with the EA at the SoCG meeting on 10th July 2024. The EA is in agreement with our approach that construction activities including temporary works, materials storage, and compounds within the functional floodplain (FZ3b) will be minimised as far as possible as proposed.</p> <p>(v) The construction phase and the mitigation adopted to deal with any impacts associated with the construction phase would be set out in the FRAP for the temporary works and its accompanying flood risk assessment. It is important that the construction of the Scheme follows a progressive approach to the provision of the required mitigation ensuring that sufficient mitigation is always provided throughout the construction phase. This may be through adaptive development of the permanent flood storage scheme, or the need for additional storage on a temporary basis. It would be preferential to use the permanent flood storage to offset the construction impacts (to avoid unnecessary excavation), although it may be that additional or alternative flood storage is required on a temporary basis during the construction work.</p> <p>(vi) It is relevant to note that other DCOs for preliminary designs equally have not provided construction stage flood risk assessments of any more detail than submitted for this Scheme. Those schemes equally rely on the permitting regime or provisions written into the DCO and REAC to ensure that both the detailed design for construction, and any temporary construction stage works, satisfy the general requirements for flood risk assessment. Such DCOs include the A14 Cambridge to Huntingdon Improvement Scheme (TR010018).</p>

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Q16.0.8	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 “providing some of the investigations that explain how the sequential test was applied.” 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>	
Q16.0.9	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 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.</p>	<p>The Applicant notes that the FRA [AS-023] cross-references to the Sustainability Statement which has not been submitted to examination. This document is currently being updated and the Applicant will submit this at Deadline 4.</p> <p>The Sustainability Statement considers the Scheme’s performance under various sustainability topics, including financial, human, natural, social and manufactured capital.</p>
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>	<p>The assessment here takes a professional view on the likely impact of the construction work without having the details. This is based on an understanding of the flood model and its proven sensitivity to various parameters as documented in the Scheme modelling report [AS-048].</p> <ul style="list-style-type: none"> • The floodplain is of medium importance (LA113); • An assumed localised 100mm increase in flood level is a major impact (LA113); • The resulting significance of effect is thus moderate (LA104). <p>The text can be clarified rewording in 8.7.32 "...at worst, a major adverse change..." with, "...at worst, a major adverse impact..."</p> <p>At an appropriate point in the examination, the Applicant will ensure this is reflected in any updated revisions of this chapter.</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.</p> <p>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>	<p>Consents/permits are required before construction can take place. The Principal Contractor will be responsible for obtaining the relevant FRAPs (for Main River related work) from the EA, for the construction works, be they considered temporary or permanent. The requirement for ordinary watercourse consent is disapplied through the dDCO although the LLFA has requested that consultation be undertaken with the LLFA on the otherwise consentable works, recognising that the S23 consenting process has been disapplied. A new item (WE23) has been added to the REAC to cover this commitment. An updated copy of the REAC is submitted at Deadline 3 (TR010063 / APP 7.4 Rev1).</p> <p>dDCO Requirement 3(2)(vi) [REP1-004] requires submission of a Flood Management Plan which will also form part of any FRAP application or consultation with the LLFA. Any FRAP will include a description of the management system (method statement) prepared by the Principal Contractor setting out their methodology as to how the Scheme would be constructed. The method statement would need to consider flood risk and any temporary flood risk mitigation for the temporary construction works clearly set out. Similarly, in satisfying the LLFA, the Principal Contractor will need to demonstrate the impact the works have on flood risk, taking account of the temporal arrangements. Any temporary access culverts should be assessed against their risk of blockage and the subsequent impact.</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</p>	<p>The Works Plans [APP-007 and APP-008] are secured by DCO Schedule 2 Requirement 11(1) which requires the detailed design to be compatible with inter alia the Works Plans. The detailed design will need to continue to meet the sequential and exception tests – to ensure that the Scheme remains safe for its users and does not increase flood risk elsewhere.</p> <p>An item has been added to the REAC [REP1-030] WE24 as a commitment to undertake hydraulic flood modelling of the detailed design to demonstrate its compliance with the FRA. This flood modelling of the detailed design will be</p>

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		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>used to inform the FRAP for the permanent works and will be submitted to the EA for approval under the Environmental Permitting Regulations [2016]. Whilst the need for ordinary watercourse consent is disapplied under the dDCO [REP1-004], REAC commitment WE23 secures consultation with the LLFA on the otherwise consentable works.</p> <p>The permit and consultation will require use of an updated hydraulic model based on the final detailed design and an updated FRA. Use of the latest available version of the hydraulic modelling software is also secured through the REAC item WE24.</p>
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"> How the m2 and m3 figures are related. 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). 	<p>The m2 value relates to the plan area of the proposed flood storage area, whilst the m3 value relates to the volume of infill within the floodplain. There is no direct relationship between them. The plan area is reported to give the reader a better sense of scale, where volumes can be hard to visualise. Hence the average depth of the flood storage area excavation is given by the volume 190,298m3 divided by the plan area 119,600m2 = 1.59m. However, this varies across the storage area and is a statistical average only.</p> <p>The limits of deviation in the dDCO [REP1-004] have been refined for the flood storage area, as any excavation below the invert level of the extended Piffs Elm culvert would not provide usable flood storage. Whilst such 'dead' storage could receive floodwater and provide a permanent body of water, it could not be drained in readiness for a second flood event.</p> <p>The limit of deviation allows for variation on the design. The design as described for the flood storage area is an excavation of volume 190,298m3 to the fixed level of Piffs Elm culvert. A vertical limit of deviation is required at the flood storage area should the plan area increase and excavation be required outside the currently described perimeter (outer rim) of that feature.</p> <p>The vertical limit of 2m downwards permitted by article 8(b)(ii) is necessarily expressed as applying to the total of the Work No. 7 (flood storage area). It is not the case that this 2m downwards would be utilised to its fullest extent, as that is not what is required by the minimum performance criteria determined by the flood risk assessment. It remains an appropriate limit to impose, as precise levels of the Work No. 7 will remain subject to detailed design and require an enhanced level of flexibility.</p> <p>It is recognised that the detailed design will be developed and refined at detailed design, and as such the plan area, and contained volume could be smaller or larger depending on the constraints put forward by the LoDs.</p>
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>	<p>The Reservoirs Act 1975 is the primary legislative vehicle governing the creation and operation of reservoirs in England. Section A1(1) defines a "large-raised reservoir" as a "large raised structure deigned or used for collecting and storing water, and a large raised lake or other area capable of storing water which was created or enlarged by artificial means". In England, the Environment Agency is responsible for ensuring that the undertaker or otherwise the owner of the reservoir complies with the requirements of the Reservoirs Act 1975.</p> <p>There are several requirements set out in the Reservoirs Act 1975 and section 22 of the Act sets out how undertakers and their employees may become criminally liable for acts or omissions in relation to reservoirs by virtue of failing to perform the requirements contained in that Act.</p> <p>Other than a Flood Risk Activity Permit (FRAP) (as the works are on the floodplain) no specific consent is required to build a reservoir, although GCC will need to notify the EA of the intent to build a reservoir.</p> <p>Post construction, GCC the Applicant will need to register the fields (containing the flood storage area) as a large raised reservoir with the Environment Agency. Notification should also be made to GCC as the Lead Local Flood Authority, which has a duty to maintain a register of physical features that have a significant effect on flooding in its area, as described under Section 21 of the Flood and Water Management Act 2010.</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>	<p>The DSR (Drainage Strategy Report) [APP-079] provides a summary of the overall drainage design strategy for the Scheme, outlining a comprehensive and systematic approach for road drainage design aspects of the Scheme.</p> <p>Therefore it sets out the basis for the Scheme's drainage design which has then been implemented as part of the overall design of the Scheme. This is secured through Requirement 11 of the DCO.</p>
Q16.0.16	The Applicant	<p>Mitigation - Requirements for additional culverts</p>	<p>The EA guidance is to treat this upper-end (credible maxima) as a 'sensitivity test' to help assess how sensitive the proposal is to changes in the climate for different future scenarios. This is not intended to be a design case. This will</p>

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		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>help to ensure, if found to be necessary, that the Scheme could be constructed for, or adapted to, large-scale climate change over its lifetime should the worst happen. As a sensitivity test the evaluation is considering where there is a step change in flood risk from the credible maxima, and whether the costs of such a risk being realised outweigh the overdesign costs to mitigate for it in the present day or at some point in the future. The rate of climate change would need to be reviewed over the lifetime of the development which would be considered in practical terms as an evaluation of a design flow that was greater than currently accommodated. If the future rate of climate change exceeds the current assumed rate, and that the peak flow becomes greater than the design condition, then mitigation work may be considered at some point in the future to address the then increased risk - if the risk is not considered acceptable.</p> <p>The Scheme remains safe for its users should the credible maxima climate change occur, yet the flood impacts relative to a baseline under the same credible maxima do show some additional adverse effects on farmland. However, no additional properties are affected with the Scheme in place under this climate scenario, and the flood risk profile of the Scheme is unchanged. Hence, it is not considered likely that adaptive measures to the infrastructure will be required to deal with unforeseen climate change. The suggested culvert adaptation measures could be implemented as they lie within the highway boundary although the funding for such is not allocated at this time. Similarly, any enlargement of the flood storage area could be undertaken within the permanent land acquisition in that area.</p>
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>	<p>The spillage assessment is a risk-based assessment which considers serious pollution incidents, such as a spill resulting from an accident involving a tanker. It is a precautionary assessment, and the results show the risk is acceptable (i.e. the annual probability of a pollution incident occurring as a result of a spillage is less than 0.001 (1%)) for the River Chelt and the Leigh Brook. It is thus extremely unlikely for an event to occur that would cause the pollution prevention control measures to be overwhelmed and the Applicant considers that assessment of potential effects from such an incident is not justified. The GCC Highways team have spillage control and pollution prevention procedures in place that would be enacted in the event of such an incident.</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>	<p>The details presented in the relevant and written representations provided by the Environment Agency on the Environmental Management Plan (EMP) [AS-025], refer to the updates that will be made to the EMP by the Principal Contractor as the 2nd iteration of the EMP. As detailed in the REAC [REP1-030], for example item WE15, the 2nd iteration EMP will be produced by the Principal Contractor and submitted to the local planning authority for approval.</p> <p>A new item (WE25) has been added to the REAC setting out the documents which will also be submitted to the Environment Agency for approval.</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>	<p>(i) Negotiations with the relevant affected parties are ongoing and the Applicant is seeking terms within the purchase agreement which record agreement to changes to the flood levels. The areas are included within the DCO to acquire Permanent Rights should negotiations be unsuccessful. No land for mitigation is required outside of the DCO.</p> <p>(ii) Not for Applicant to respond.</p>
Q16.1.1	The Applicant	<p>Water Framework (WFD) assessment</p> <p>The Applicant is requested to provide an updated Water Framework Directive Assessment [APP-109] to include consideration of the programme of measures needed</p>	<p>An updated WFD assessment has been provided at Deadline 3 as requested. The Updated WFD assessment (TR010063 / APP 6.15 Rev1) has included a review of the Cycle 3 Programme of Measures (PoM) for the Severn River Basin District.</p>

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		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].	<p>The WFD assessment has been updated in Sections 1.3.2, 2.3.5, 2.4.1, 4.1 and 4.5.</p> <p>All of the PoMs have been scoped out of further assessment as the Scheme does not prevent any measure from being implemented. Therefore, Test B is passed in relation to these PoMs and the Scheme does not have the potential to restrict any future plans and project to achieve status Objectives in the Severn River Basin District which includes the Estuary.</p>
Q16.1.2	The Environment Agency	<p>Water Framework Directive (WFD)</p> <p>Are the EA satisfied that there would be no adverse effects on water quality or on achieving the environmental objectives established under the WFD?</p>	Not for Applicant to respond.

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