

M5 Junction 10 Improvements Scheme

Applicant's Responses on Deadline 2 Submissions

TR010063 - APP 9.44

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

Applicant's Responses on Deadline 2 submissions

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1. Introduction

1.1.1. This document (TR010063/APP/9.44 provides the Applicant's response to submissions made by interested parties at Deadline 2 namely:

- REP2-012 Environment Agency
- REP2-013 Joint Council
- REP2-014 National Highways
- REP2-015 Gowling WLG (UK) LLP on behalf of Bloor Homes and Persimmon Homes Limited
- REP2-016 Savills on behalf of St Modwen and Midlands Land Portfolio Limited

2. REP2-012 Environment Agency

Response Reference	Relevant Representation Issue	Applicants Response
12.1	<p>We have some concerns over access to a river gauging station during the works at Uckington.</p> <p>If I refer you to Sheet 13 of 16 (TR010063-000742-TR010063_2.2_Land_Plans), we would normally use the A4019, Moat Lane and then a track to access our asset (please see EAAssetUckingtonPlan.pdf), however it looks as if the works will prevent this access.</p> <p>We are not accessing this asset frequently, however, therefore if we could be provided with the dates of work, then our team believe we would be able to work around this.</p>	<p>The Applicant understands that the site at Uckington is not currently a working Environment Agency river gauge but a concrete trapezoidal channel that was once intended as a new gauge for the River Chelt.</p> <p>The proposed Scheme will not prevent access to this site on the River Chelt.</p> <p>The Applicant is not undertaking any works on Moat Lane in the vicinity of the Environment Agency's access point.</p> <p>The only issue on access are the works planned to the A4019 and the junction of the A4019 and Moat Lane at Uckington which will require temporary traffic management measures. However, access to Moat Lane will be maintained not least due to the need to ensure access to residential properties along Moat Lane is secured. Access to residential community and business premises is secured within the Traffic Management Plan which is in turn secured via requirement 3 of dDCO.</p>

3. REP2-013 Joint Councils

Response Reference	Relevant Representation Issue	Applicants Response
Joint Councils' comments on the Deadline 1 submissions made by Gloucestershire County Council		
13.1	This letter is written on behalf of Gloucestershire County Council (GCC), Cheltenham Borough Council (CBC) and Tewkesbury Borough Council (TBC), together the Joint Councils (20047710). The Joint Councils are the host authorities for the GCC Major Projects Team ('the Applicant') M5 Junction 10 Improvements Scheme Development Consent Order (DCO) ('the Scheme').	Noted.
13.2	GCC is the County Planning Authority, Local Highway Authority, Street Authority, Minerals and Waste Planning Authority (MWPA) and Local Lead Flood Authority (LLFA) for the county of Gloucestershire. CBC and TBC are Local Planning Authorities for the boroughs of Cheltenham and Tewkesbury respectively, where the Scheme is situated within.	Noted.
13.3	Since the submission of our Relevant Representation [RR-039] on 22nd March 2024, the Joint Councils have reviewed updated application documents submitted by the Applicant on 22nd March 2024 regarding Section 51 advice of the Planning Inspectorate and on 10th May 2024 regarding the Rule 9 letter from the Examining Authority (ExA) referenced PD-007. The Joint Councils have been providing comments on the Applicants documents to the Applicant through a Comments Log and have been working with the Applicant to reach agreements on the comments raised. An updated version of the Comments Log was shared with the Applicant on 24th April 2024 and a series of topic specialist meetings were arranged between the Joint Councils and the Applicant from 2nd May 2024 to 20th May 2024 to discuss any unresolved comments. An updated position of the Joint Councils was represented in the Applicant's Statement of Common Ground (SoCG) Joint Councils [REP1-034] and the Joint	Noted.

Response Reference	Relevant Representation Issue	Applicants Response
	<p>Councils' Local Impact Report (LIR) [REP1-069] submitted to the ExA at Deadline 1 on 18th June 2024. The Joint Councils have reviewed submissions made by the Applicant at Deadline 1 on 18th June 2024 including:</p> <ul style="list-style-type: none"> • Updated Environmental Statement documents: <ul style="list-style-type: none"> • Appendix 8.2 WFD Compliance Assessment (Tracked) [REP1-027] • Chapter 8: Road Drainage and the Water Environment (Tracked) [REP1-015] • Chapter 12: Materials and Waste (Tracked) [REP1-021] • Chapter 9: Landscape and Visual (Tracked) [REP1-017] • Chapter 10: Geology and Soils (Tracked) [REP1-019] • Chapter 13: Population and Human Health (Tracked) [REP1-023] • Chapter 7: Biodiversity (Tracked) [REP1-013] • Chapter 14: Climate (Tracked) [REP1-025] • 7.4 Register of Environmental Actions and Commitments (REAC) (Tracked) [REP1- 031] • Applicant Response to Relevant Representations (TR010063 – APP 9.28) [REP1-043] 	
13.4	<p>Where updates to the Environmental Statement have been made, the Joint Councils are, in general, satisfied that these updates accurately reflect the outcomes of topic specialist meetings. Similarly, the Applicant's response to our Relevant Representation [RR-039] broadly aligns with what has been agreed during the examination period thus far. Further details of the Joint Councils review of the updated Environmental Statement documents and the Applicant Response to Relevant Representations (TR010063 – APP 9.28) [REP1-043] are provided below.</p>	Noted.

Updated Environmental Statement documents

Response Reference	Relevant Representation Issue	Applicants Response
13.5	<p>The Joint Councils are satisfied that the updates made to the Environmental Statement documents sufficiently address their initial requests. However, the Joint Councils do not agree with one of the updates made to the Appendix 8.2 WFD Compliance Assessment (Tracked) [REP1-027]. Section 4.3.2 of Appendix 8.2 WFD Compliance Assessment originally referred to 'relatively' high stream power but did not provide a value for this. As such, the updates to the Appendix included stream power of 40Wm². This stream power (at bankfull discharge) would not, in our view, necessitate bank protection. If bank protection is indeed needed, the Joint Councils request that this is linked to some other form of evidence (e.g. observed bank erosion in the field) or indicate that bank protection is being provided as a precautionary measure to protect the assets.</p>	<p>The following statement has been added to Section 4.3.2 of the updated WFD submitted at Deadline 3 (TR010063/APP/6.15 Rev1).</p> <p><i>'Although this alone may not necessitate the requirement for bank protection, information gathered from survey has shown the watercourse to be eroding both laterally and vertically meaning the river is a likely to be a high energy system and the need for bank protection is likely, along all or part of the river banks through the structure.'</i></p> <p>The Applicant considers that the comment raised by the Joint Councils is addressed by this amendment.</p>
Applicant Response to Relevant Representations (TR010063 – APP 9.28) [REP1-043]		
13.6	<p>The Joint Councils have reviewed the Applicant's Response to Relevant Representations (TR010063 – APP 9.28) [REP1-043]. The Joint Councils' Relevant Representation was submitted to the Planning Inspectorate in March 2024. These Relevant Representations are referenced as RR-039 within the Applicant Response to Relevant Representations (TR010063 – APP 9.28) [REP1-043] submitted at Deadline 1. While the Joint Councils are fully supportive of the need and principle of the Scheme, there were several matters that required attention which were reflected in our Relevant Representation [RR-309].</p>	Noted.
13.7	<p>It should be noted that since the Joint Councils' Relevant Representation [RR-309] was issued in March, a number of the original matters have now been addressed via updates to the Environmental Statement (as outlined above) or through specialist meetings. This is reflected within the Statement of Common Ground (TR010063 - APP 8.2) [REP1-034]. As such, the Statement of Common Ground (TR010063 - APP 8.2) [REP1-034] now supersedes the matters raised by the Joint Councils in the</p>	Noted, see responses below under Appendix A of this document.

Response Reference	Relevant Representation Issue	Applicants Response
	Relevant Representations [RR-039]. Nevertheless, the Joint Councils have reviewed REP1-043, and broadly agree with responses. Where the Joint Councils have further comments on the Applicant's response, these are provided in the Appendix of this letter.	
13.8	The Joint Councils would like to reiterate their position in support of the Scheme in principle. The Joint Councils will continue to progress the discussion of outstanding matters with the Applicant throughout the Examination.	Engagement is ongoing with the Joint Councils and an updated position on all outstanding matters will be included in an updated SoCG submitted at an agreed deadline during the Examination.

Appendix: Joint Councils comments on Applicant Response to Relevant Representations (TR010063-APP 9.28) [REP1-043]

39.16	<p>Cultural Heritage</p> <p>Joint Council response at Deadline 2:</p> <p>The Joint Councils expected that the AMS would be updated with information on additional geophysical survey and the location of any trial trenches which has not yet been addressed.</p>	<p>The second iteration of the AMS will be updated by the Principal Contractor, post grant of the DCO, who is tasked with the remaining geophysical survey and evaluation trenching work. The Applicant understands that the proposed geophysical survey scope was discussed and agreed with the County Archaeologist 29 April 2024 who asked ECI to carry out a full desk top study as the Applicant's consultants, Atkins, were unable to access the physical archives during Covid. The Applicant is currently progressing this request.</p> <p>The Applicant is in the process of obtaining land access, with the intention of conducting the geophysical surveys in September through to December this year. The results of the geophysical surveys will then be reviewed with the county archaeologist to determine the requirement for and location of additional trial pits. The programme for the trial pits will be dependent on location, land access and crop cycles. The Applicant considers that these further surveys are necessary for the process of detailed design and that the material submitted within the application is sufficient for adequate consideration of the relevant issues during the examination.</p>
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Response Reference	Relevant Representation Issue	Applicants Response
39.22 to 39.27	<p>Transport Assessment, Highways and Design</p> <p>Joint Council response at D2:</p> <p>The Joint Councils would like to see some high-level plans setting out the cycle network with the opportunities listed within the WCHAR report identified.</p> <p>It is noted that good pedestrian and cycle infrastructure provision is included in the extents of the Scheme itself, ideally additional buffers should be provided as highlighted in the detailed comments provided. It would be useful to have a clear strategic cycle network plan presented.</p> <p>The Central Severn Vale Cycling and Walking Infrastructure Plan (CSV LCWIP) and the principles of the Connecting Cheltenham report (2019) should be considered, to clearly demonstrate where the missing links are and how the Scheme will support the delivery of improved connectivity for sustainable modes.</p> <p>A clear plan setting out the sustainable transport provision for all modes adjacent and through the Scheme would be beneficial e.g., bus, cycle and pedestrian.</p> <p>The Joint Councils would like a summary plan of the movements and how all modes will be provided to/through the local development sites.</p> <p>There are missing links and therefore these need to be clearly identified with an understanding of future opportunities around delivery of these for example, west towards A38 Coombe Hill along the A4019.</p> <p>The Tewkesbury Rd corridor becomes more urban focussed as you approach Cheltenham centre and therefore, the design approach needs to reflect this in the approach to pedestrian and cycle infrastructure. Rather than capacity improvements continuing to be prioritised, pedestrian and cycle provision needs to be the design focus.</p>	<p>The Applicant considers the WCHAR (APP-139) to provide all the required information on current provision for walking, cycling and horse-riding in the vicinity of the Scheme and sets out the opportunities for improvement. The design of the Scheme incorporates the walking, cycling and horse-riding improvements recommended in the WCHAR that are within the scope and extent of the Scheme.</p> <p>In addition, plans showing the strategic cycle network are publicly available elsewhere.</p> <p>The Applicant does not therefore consider it necessary to produce high-level plans setting out the cycle network with the opportunities listed within the WCHAR.</p> <p>The segregate pedestrian and cycle facilities included in the Scheme have been designed with appropriate buffer strips segregating them from carriageways in accordance with good practice guidance, specifically LTN1/20 - Cycle infrastructure design. Therefore, the Applicant does not consider that the “additional buffers” are necessary for the Scheme.</p> <p>Regarding the request for a summary plan of the movements and how all modes will be provided to/through the local development sites. The Applicant considers that it is not for the Scheme to determine how all modes will be provided to/through the local development sites. This is a matter between the each of the promoters of developments on the JCS sites and both the Local Planning Authority and Highway Authority when planning applications are submitted for determination based on the site-specific Transport Assessments and Travel Plans supporting each application.</p> <p>The missing links referred to, including west towards Coombe Hill along the A4019 connecting with the A38, are all outside the scope of the Scheme.</p> <p>The developers of the JCS allocated and safeguarded sites will be required to implement, or finance through s106 contributions, appropriate</p>

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	<p>To the west, between Coombe Hill and J10, the cycle provision is shared use and does not connect with the existing cycle infrastructure connecting Tewkesbury along the A38.</p> <p>The Joint Councils would like to understand how this could be addressed in the Scheme design. Sustainable modes should be considered up front in providing a complete network linked to the identified development sites to the west of Cheltenham.</p> <p>It is recommended the information within the Transport Assessment and WCHAR reports is summarised taking account of the detailed comments provided separately. Understanding the relationship of the future year scenarios and the development phasing will help to support sustainable transport provision.</p>	<p>and proportionate improvements for public transport, walking and cycling that will complement the provision for these modes incorporated into the Scheme. This will be based on the Transport Assessments and Travel Plans submitted in support of individual planning applications.</p> <p>The Scheme design has considered sustainable modes upfront and incorporates improvements for pedestrians, cyclists and horse-riders as recommended in the WCHAR, as well as facilitating improved public transport provision, with the inclusion of a bus lane along the A4019.</p> <p>It is not the purpose of the Scheme to deliver all the public transport, walking and cycling infrastructure necessary to make the individual developments on the JCS allocated and safeguarded sites acceptable in planning terms. However, the Scheme allows for and facilitates the future introduction of sustainable transport measures associated with individual planning applications.</p> <p>For the aforementioned reasons, the Applicant does not consider it necessary to provide further information within an updated Transport Assessment on provision for sustainable modes.</p> <p>The Applicant is continuing to engage with the Joint Councils to resolve outstanding matters, with progress being reflected in an update to the SoCG which will be submitted to the Examination. The Applicant hopes to be able to provide this at Deadline 4, depending on the progress of this document.</p>
39.29	<p>Draft DCO:</p> <p>Joint Council response at Deadline 2:</p> <p>The Joint Councils indicate that the Explanatory Memorandum should be updated to reflect the Applicant's response.</p>	<p>The Applicant notes the comment from the Joint Council's and notes that it has provided commitments to update the Explanatory Memorandum (EM). The EM has been updated at Deadline 3 (TR010063/APP/3.2/Rev 1).</p>
39.30 – 39.31	<p>Draft DCO</p>	<p>Noted.</p>

Response Reference	Relevant Representation Issue	Applicants Response
	<p>Joint Council response at Deadline 2</p> <p>The Joint Councils are in discussions with the Applicant regarding consultation on the discharge of DCO Requirements, in light of the proposal that the Secretary of State will be the body to discharge requirements.</p>	
39.33	<p>Developer Contributions</p> <p>Joint Council response at Deadline 2</p> <p>The Joint Councils are in active engagement with the Applicant in respect of developer contributions. CBC and TBC made joint responses on the proposed s106 methodology on 19th October 2023 and 18th December 2023. A further meeting was held between the Joint Councils and the Applicant on 12th June 2024 where a commitment to propose a revised methodology was made, this is anticipated to be available by mid-July. The methodology is needed to support and help justify that any contribution sought:</p> <ol style="list-style-type: none"> 1. Meets the s106 tests, and 2. Meets the severity tests <p>Key to the representations submitted to the Applicant on this matter by the Joint Councils is viability, taking full account of the whole demands for s106/CIL arising from development, not just those subject to Joint Core Strategy policy INF7. As the determining local planning authorities, Cheltenham and Tewkesbury will need to ensure that the developer contribution package negotiated appropriately mitigates across developments as a whole to enable sustainable and vibrant communities.</p>	Noted.

4. REP2-014 National Highways

Response Reference	Relevant Representation Issue	Applicants Response
14.1	<p>Draft Development Consent Order (dDCO)</p> <p>National Highways comments on the amended drafting of the dDCO are as follows:-</p> <ul style="list-style-type: none"> • Article 7 – National Highways welcomes the revised drafting and supports its inclusion. • Schedule 7, plot 5/2q - “Exiting” should read “Existing” <p>In respect of anticipated amendments that National Highways expected to be made to the dDCO by the Applicant but which have not been made, please see our comments in response to the Applicant’s Written Summary of Oral Submissions, below.</p>	<p>The Applicant notes National Highways comments. The correction in relation to Schedule 7, plot 5/2q has been captured and reflected in the dDCO submitted at Deadline 3 (TR010063/APP/3.1 Rev 3).</p>
14.2	<p>Land Rights Tracker</p> <p>Clarification is sought from the Applicant as to why National Highways' interests have not been included in the Land Rights Tracker.</p>	<p>National Highways not being included within the Land Rights Tracker was an omission and an updated document is being submitted at Deadline 3 (TR010063/APP/9.29/Rev 1).</p>
14.3	<p>Draft NPS tracker</p> <p>The Applicant has included a NPS NN 2024 tracker. National Highways has highlighted a number of paragraphs within the 2024 NPS as requiring weight to be given, notwithstanding that the application is to be examined against the NPS NN 2014:</p>	<p>Noted.</p>

Response Reference	Relevant Representation Issue	Applicants Response
14.4	Paragraph 4.9 - National Highways remains concerned with the traffic modelling undertaken by the Applicant; that it is insufficient and not up to date.	<p>Please refer to the Applicants' response to ExA Q15.0.06 & Q15.0.07. For ease of reference, the Applicant has replicated its response here.</p> <p>The traffic modelling has been undertaken in accordance with best practice guidance as set out in the Department for Transport (DfT) Transport Analysis Guidance (TAG). It 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 traffic modelling are set out in Principal Areas of Disagreement Summary Statement (PADSS) (REP1-059), with the outstanding matters listed in the SoCG (REP1-035).</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 traffic 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. The refined PARAMICS modelling does not materially alter the finding and conclusions that are drawn from it.</p> <p>The Applicant is confident that the traffic 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>

Response Reference	Relevant Representation Issue	Applicants Response
		<p>In addition, to the response above, an update SoCG on the latest position between the parties is submitted at Deadline 3 (TR010093/APP/8.3 Rev 2).</p>
14.5	<p>Paragraph 4.43 - National Highways still does not have sight of the information it needs to confirm whether the Scheme satisfies this requirement.</p>	<p>The Applicant has provided National Highways with all the traffic modelling files, written responses to all its detail comments and all relevant and required Project Control Framework documents.</p> <p>The Applicant has updated the Transport Assessment to:</p> <ul style="list-style-type: none"> • Include reference to relevant policy and guidance that has been updated since the original TA was prepared. • Report on the outcomes of updated operational (Paramics) traffic modelling that has been undertaken to address refinements to the model as suggested by National Highways. • Reference to latest of recorded personal injury accidents, reflecting data that has subsequently become available since the original TA was prepared. • Provide additional and more detailed information on the impacts of the Scheme on the Strategic Road Network (SRN). • Provide information on forecast construction traffic generation for both vehicles delivering materials and equipment and the workforce. <p>This has been submitted into examination at Deadline 3 (TR010063/APP/7.5 Rev 2).</p> <p>The Applicant has assessed the impacts of climate and climate change on the Scheme and has designed the Scheme to manage these impacts.</p>

Response Reference	Relevant Representation Issue	Applicants Response
		<p>Details are presented in ES Chapter 14, Climate [REP1-024]. Information on how the Scheme design manages the impacts of climate change with regards specifically to flood risk are presented in ES Appendix 8.1, Flood Risk Assessment [AS-023].</p>
14.6	<p>Paragraph 5.283 - National Highways remains concerned that the traffic modelling undertaken by the Applicant does not confirm that the Scheme improves the operation of the network and resolves capacity issues.</p>	<p>The key objective of the Scheme is to unlock development on the JCS allocated sites by providing additional road capacity to accommodate forecast development generated traffic in an appropriate and least impactful way. The Scheme delivers the required additional capacity, in accordance with JSC policy, which results in the operational performance of the wider road network broadly remaining unchanged when comparing the scenario with the Scheme and dependant developments (Scenario R) to the Scenario without the Scheme and dependant developments (Scenario P).</p> <p>Traffic modelling of the scenario without the Scheme, but with the dependant developments (Scenario Q) demonstrates that the operational performance of the road network would be significantly worse without the Scheme than with it.</p> <p>The Applicant understands that National Highways has confirmed that it does not object to the principle of the Scheme.</p>
14.7	<p>Paragraph 5.51- The application documents referred to in the tracker do not meet National Highways' standards for improving Biodiversity Net Gain (BNG)</p>	<p>The application documents referred to in the tracker are the ES Biodiversity Chapter [REP1-012], and an appendix to this chapter which presents the BNG assessment. This is application document [APP-104].</p> <p>The Applicant notes that the assessment and reporting of BNG for the Scheme has been discussed with National Highways through the SoCG process [REP1-035]. The following text has been agreed with National Highways (SoCG Item 2.7):</p> <p><i>The BNG assessment (and subsequent reporting) are based on the Scheme's landscaping and planting design. These have been developed in line with NH's requirements (for the SRN areas), and GCC's planting and maintenance of road verges requirements for the non-SRN elements.</i></p>

Response Reference	Relevant Representation Issue	Applicants Response
		<p><i>These details are presented in the LEMP (Annex B5 of the EMP 1st iteration). All management and maintenance requirements will be agreed with NH.</i></p> <p>Given what has been agreed through the SoCG process to date, the Applicant requests clarification from National Highways on why the documents REP1-012 and APP-104 do not meet National Highways' standards for improving Biodiversity Net Gain.</p>
14.8	<p>Statement of Common Ground (SoCG) with National Highways</p> <p>National Highways continues to work with the Applicant to progress outstanding matters included in the SoCG. National Highways would note that Topic 8.4 is not yet agreed and that it should be listed as a matter outstanding. National Highways will continue to engage with the Applicant to provide an update to the SoCG (and PADSS) at Deadline 3.</p>	<p>The Applicant endorses the opinion that National Highways and the Applicant are actively engaging and to work to progress the matters outstanding in the SoCG submitted at Deadline 1 (REP1-035) .The matter in SoCG item 8.4 remains in discussion in terms of resolution and has been moved into matters outstanding in the SoCG submitted at Deadline 3 (TR010063/APP/8.3 Rev 2). An updated position between the parties has been agreed and revised iteration of the SoCG is submitted at Deadline 3 (TR010063/APP/8.3 Rev 2).</p>
14.9	<p>Written Summary of Oral Submissions for ISH1</p> <p>National Highways has no specific comments to make in response to the Applicant's written summary of oral submissions made at ISH1.</p>	<p>Noted.</p>
14.10	<p>Written Summary of Oral Submissions for ISH2</p> <p>National Highways' comments on the revised drafting of the dDCO are set out above.</p> <p>National Highways responses to points raised in the summary are:-</p> <ul style="list-style-type: none"> Article 2, "commence" - National Highways welcomes a discussion with the Applicant as to the precise works which are to be included in the definition of "pre-construction ecological mitigation works" 	<p>Regarding Article 2, 10, 11, 17, 30 and protective provisions. The Applicant endorses National Highways statements that conversations are ongoing and that the protective provisions and side agreement will adequately control and manage National Highways concerns in this respect.</p> <p>Regarding Article 11. The Applicant notes that National Highways position is that provided protective provisions are agreed its concerns will be satisfied. The Applicant is currently engaging with National Highways to ensure this is the case.</p>

Response Reference	Relevant Representation Issue	Applicants Response
	<p>and to how these are going to be controlled in the absence of an amendment to this Article.</p> <ul style="list-style-type: none"> Article 10 – National Highways welcomes a discussion with the Applicant to agree appropriate contractual controls to resolve its concerns with this Article as currently drafted. Article 11 – National Highways remains concerned that the Article includes the ability to break open and otherwise interfere with the M5 motorway. The Applicant justifies this wide approach as analogous to powers that already exist for Highways Authorities under other legislation; in this case the Applicant would be the Highway Authority for the local road network impacted by the Scheme. However, the Applicant is not the Highway Authority for the strategic road network and is therefore seeking a power that it would not otherwise have. National Highways position remains that Article 11 should be limited in its application to exclude the SRN, or National Highways protective provisions must be included on the face of the DCO, to control its use in relation to the SRN. Article 14 – The Applicant’s position is that it should be read in conjunction with Article 13, and therefore provides protection for the SRN. If that is the case, Article 14 should make direct reference to Article 13 (and the need to fulfil its requirements) before a certificate can be issued. In the absence of an amendment to Article 14 and with National Highways’ protective provisions not being included on the face of the latest dDCO, National Highways concerns remain extant. Article 17 – National Highways welcomes a discussion with the Applicant regarding accesses that are on, or impact, the SRN and 	<p>Regarding Requirement 3(4), the Applicant has updated the dDCO at Deadline 3 to reflect this change (TR010063/APP/3.1 Rev 3).</p> <p>Regarding Requirement 4, the Applicant does not recognise making a commitment to clarify that comments regarding safety cannot be disregarded. The Applicant’s written summary of oral submissions at ISH1 (REP1-047) demonstrates the Applicants position. This is that the Applicant is not, through the current, drafting looking to avoid safety issues. The Applicant acknowledges in that summary that it states that there may be some finessing required to include a clarification in this regard, but on reflection the Applicant does not consider such clarification to be necessary. The relevant paragraph is clearly driven by the key requirement that a comment raised in consultation may only be disregarded where it is inappropriate, unreasonable or unfeasible. Clearly, where legitimate safety concerns are raised they will not be “inappropriate or unreasonable”. The point regarding “unfeasibility” will, as far as the Applicant is concerned, be relevant where there are engineering concerns. The Applicant would consider that it would be difficult to argue that a safety concern can be disregarded due to “unfeasibility” if the sole concern is around cost. The Applicant notes that National Highways position in this regard is likely to be influenced by the conclusion of discussions regarding the arbiter of the requirements and would be content to engage further with National Highways on the conclusion of those discussions over whether a change is still required in this respect, considering that this wording has been used by National Highways in the vast majority of their DCOs.</p>

Response Reference	Relevant Representation Issue	Applicants Response
	<p>agreeing an appropriate control on this power as currently drafted.</p> <ul style="list-style-type: none"> • Article 30 – National Highways welcomes a discussion with the Applicant regarding the use of airspace above and subsoil below the SRN and how this will be controlled. • Requirement 3 (4) - The Applicant committed to amending the dDCO to include National Highways as a consultee of the 3rd iteration EMP. This change has not been made in the latest version of the dDCO and is still required. • Requirement 4 – The Applicant committed to providing clarity in the next version of the dDCO, that consultee comments cannot be disregarded where they are based on matters of safety. No amendment has been made to the dDCO in this respect and is still required. As a strategic highways company, National Highways must comply with a number of general and specific statutory duties¹ including to have regard to the effect of the exercise of its functions on the safety of users of highways. • Protective Provisions – National Highways confirms that discussions are ongoing with the Applicant in respect of protective provisions but restates its position that National Highways standard form of protective provisions should be included on the face of the dDCO. These have been provided to the Applicant. 	
14.11	<p>Joint Councils Local Impact Report</p> <p>National Highways has no specific comments to make in response to the Joint Councils Local Impact Report.</p>	Noted.

Response Reference	Relevant Representation Issue	Applicants Response
14.12	Applicants draft itinerary for the ASI National Highways has no comment on the Applicant's draft itinerary for the ASI. Subject to the agreement of the ExA, it would be the intention that one member of National Highways' team will attend the ASI.	Noted.

5. REP2-015 Gowling WLG (UK) LLP on behalf of Bloor Homes and Persimmon Homes Limited

Response Reference	Relevant Representation Issue	Applicants Response
Applicant's Covering Letter dated 18 June 2024 (REP1-001)		
15.1	<p>The Applicant's proposal to submit updated versions of the Statements of Common Ground (SoCG) with the Interested Parties in respect of North West Cheltenham and the Safeguarded Land at Deadline 3 is noted.</p> <p>However, it is disappointing to note that, despite the Applicant indicating that it hoped to make more meaningful progress on the SoCG by Deadline 3, we are not aware that the Applicant has not attempted to contact the Interested Parties about the draft SoCG since the start of the Examination.</p>	<p>The Applicant has continued to have meetings with Bloor Homes and Persimmon Homes Limited since the start of examination, and so whilst the Applicant appreciates that SoCGs have not been progressed in recording engagement, the Applicant does consider that suitable engagement is ongoing. The Applicant has shared a draft SoCG with Bloor Homes and Persimmon Homes and is committed to working with the developer to progress the SoCG.</p>
Draft Statement of Commonality (REP1-032 and 033)		
15.2	<p>Whilst the Interested Parties agree with the Applicant that there has been no engagement on the draft SoCG, the Interested Parties consider the Applicant to have overstated and misrepresented the commonality between them. In particular, some of the matters which are shown as being 'subject to further discussion' in Figure 1 are in fact matters of 'general disagreement' (for example, funding).</p>	<p>The Statement of Commonality will be updated at an agreed deadline in the Examination and will present the updated position between parties. The Applicant anticipates that this will be at Deadline 4.</p>
Draft Land Rights Tracker (REP1-044)		
15.3	<p>The Applicant indicates that a draft agreement is under discussion, but this again overstates the position. Despite the requirement in the 'Guidance related to procedures for the compulsory acquisition of land' (September 2013) for applicants to seek to acquire land by negotiation</p>	<p>The category 2 interest of Bloor Homes Limited and J S Bloor (Tewkesbury) Limited is understood by the Applicant and reflected in the Book of Reference. There is contractual relationship between Bloor Homes and the freeholder of the land. The Applicant understands that freeholder</p>

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	<p>wherever practicable and to only seek powers to acquire land compulsorily where attempts to acquire by agreement fail, there has been limited efforts made by the Applicant to acquire the land in which Bloor Homes Limited (in the name of J S Bloor (Tewkesbury) Limited) has an interest. After only limited engagement in 2023, the Applicant indicates that it has issued draft Heads of Terms in May 2024, but no meaningful engagement has taken place.</p>	<p>has been in consultation with Bloor Homes throughout the process as would be expected on a scheme such as this.</p> <p>The Applicant has been engaging with the freeholder since 2021, with Bloor Homes being directly involved at times. This has included several meetings in 2023. This has also included meetings directly between the Applicant and Bloor Homes. During these meetings both the practical implications on the freeholder's operations and the potential agreement format and headline terms have been discussed. The Applicant has attempted to progress negotiations in parallel to addressing the concerns raised by Bloor Homes and the freeholder regarding the access design. Bloor Homes and the freeholder have however been focused on the design of an access for a currently undefined, unallocated and unconsented future development.</p> <p>Notwithstanding this, terms have been proposed for voluntary acquisition and the Applicant is continuing to try and progress negotiations. A meeting has been requested to allow a discussion regarding the terms. The Applicant understands from the freeholder the main point of focus remains the access for a potential future land use.</p>
<p>Applicant's Response to Relevant Representations RR-005, RR-006, RR-007 and RR-034 (REP1-048)</p>		
	<p>The Interested Parties have reviewed the Applicant's response and respond as follows:</p>	

Response Reference	Relevant Representation Issue	Applicants Response				
15.4	<table border="1"> <thead> <tr> <th data-bbox="371 344 517 403">Relevant Representation Theme</th> <th data-bbox="524 344 1149 403">Interested Parties Response to Applicant's Response</th> </tr> </thead> <tbody> <tr> <td data-bbox="371 424 517 499">Regional and Local Planning Policy Support for the Scheme.</td> <td data-bbox="524 424 1149 999"> <p>The Interested Parties do not disagree that there is regional and policy support for the Scheme. They do however disagree that the Scheme is required to "unlock all of the strategic allocations within the JCS". The JCS seeks to accommodate all future growth within the region and does not directly link delivery of the Scheme to the strategic allocations at A4 and A7 (save for the reference to the link road in the case of A7). In particular, the JCS is intended to accommodate the following growth:</p> <ul style="list-style-type: none"> • 35,175 new homes • Over 192 hectares of Class B employment • 39,500 new jobs <p>All of the strategic allocations combined as allocated are intended to deliver only 10,900 (31%) of those new homes and only 112 hectares of that employment land (58%). And A4 and A7 as allocated are only intended to deliver 5,385 new homes (15%). It is therefore incorrect to say that the Scheme is necessary to unlock A4 and A7.</p> <p>Had it been intended that A4 and A7 were dependent development, unable to come forward without the M5 Junction 10 works, then the JCS would have provided for this. It was instead intended that those allocations could come forward mitigating their own impacts which the Interested Parties have shown, in the case of A4, to be achievable without the Scheme.</p> <p>The Applicant identifies Policy SA1: Strategic Allocations Policy, Policy INF6: Infrastructure Delivery and Policy INF7: Developer Contributions of the JCS as supporting its assertion that development of A4, A7 and the Safeguarded Land is reliant on the Scheme. However, the Infrastructure Delivery Plan (IDP) again identifies schemes "to support JCS-wide growth". Improvements to M5 J10 are identified at a cost of £45m. There is no direct reference to or link between A4 and the proposed improvement to M5 J10 and the only linkage with A7 is to the link road.</p> </td> </tr> </tbody> </table>	Relevant Representation Theme	Interested Parties Response to Applicant's Response	Regional and Local Planning Policy Support for the Scheme.	<p>The Interested Parties do not disagree that there is regional and policy support for the Scheme. They do however disagree that the Scheme is required to "unlock all of the strategic allocations within the JCS". The JCS seeks to accommodate all future growth within the region and does not directly link delivery of the Scheme to the strategic allocations at A4 and A7 (save for the reference to the link road in the case of A7). In particular, the JCS is intended to accommodate the following growth:</p> <ul style="list-style-type: none"> • 35,175 new homes • Over 192 hectares of Class B employment • 39,500 new jobs <p>All of the strategic allocations combined as allocated are intended to deliver only 10,900 (31%) of those new homes and only 112 hectares of that employment land (58%). And A4 and A7 as allocated are only intended to deliver 5,385 new homes (15%). It is therefore incorrect to say that the Scheme is necessary to unlock A4 and A7.</p> <p>Had it been intended that A4 and A7 were dependent development, unable to come forward without the M5 Junction 10 works, then the JCS would have provided for this. It was instead intended that those allocations could come forward mitigating their own impacts which the Interested Parties have shown, in the case of A4, to be achievable without the Scheme.</p> <p>The Applicant identifies Policy SA1: Strategic Allocations Policy, Policy INF6: Infrastructure Delivery and Policy INF7: Developer Contributions of the JCS as supporting its assertion that development of A4, A7 and the Safeguarded Land is reliant on the Scheme. However, the Infrastructure Delivery Plan (IDP) again identifies schemes "to support JCS-wide growth". Improvements to M5 J10 are identified at a cost of £45m. There is no direct reference to or link between A4 and the proposed improvement to M5 J10 and the only linkage with A7 is to the link road.</p>	<p>The Applicant has stated its position regarding the need for the Scheme in relation to Strategic Allocations A4 and A7 at previous deadlines (refer to REP1-028 and REP1-048). Notwithstanding this, fact the Applicant has also provided a response to the Examining Authority's question Q1.2.3 which expands on this point in relation to the JCS Transport Evidence Base, May 2017 (TR010063/APP/9.48) which has also been submitted into Examination at Deadline 3.</p>
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It is also inconsistent with the JCS which clearly states that the Scheme is required "to support JCS-wide growth".</p> <p><i>Enhance the transport network in the west and north-west of Cheltenham area with the resilience to meet current and future needs.</i></p> <p>The Applicant states that the Scheme will provide enough capacity to absorb traffic from A4, A7 and the potential safeguarded land / future development sites "and what is considered reasonable future identifiable needs", but it is unclear what future need the Scheme is seeking to facilitate. It is not justifiable for allocated sites to bear the burden of the costs of delivering a scheme which will serve future development or growth within wider Gloucestershire.</p> <p>The Interested Parties note that the Applicant seeks to rely on the capacity study published as part of the Golden Valley SPD and states that the SPD is a material consideration in the examination of the DCO application as it supplements the information that informed the JCS at the time of its adoption. However, the SPD has never been independently tested or examined, and this should be reflected in the</p> </td> </tr> <tr> <td data-bbox="353 879 510 1094"></td> <td data-bbox="510 879 1160 1094"> <p>weight given to it. In addition, the SPD states that the upgrade to M5 Junction 10 will merely "support" the JCS allocations at North West and West Cheltenham suggesting that there is no direct link between the Scheme and those allocations.</p> <p>With regard to the Safeguarded Land, the Applicant acknowledges the uncertainty surrounding whether or when development of it will come forward and states that it will have no bearing on the Scheme design, and yet seeks to justify the Scheme on the basis that it will accommodate the traffic associated with that development. 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In relation to how the Scheme 'supports' and 'facilitates' the development of Strategic Allocations at A4 and A7 please see the Applicant's response to 15.4 above.</p> <p>As has been outlined in REP1-048 with regard to the Safeguarded land at North West Cheltenham, it should be noted that this 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 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 and 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. Moreover, the Scheme has taken a deliberate stance against predetermining the release of the Safeguarded land through the absence of an access provision that has been afforded the Strategic Allocations.</p> <p>With regard to the costs of delivering the Scheme the Developer Contributions methodology has sought to apportion any planning obligations on the basis of dependent development trips using the slips of J10 and J11 in the design year (2042). As such the allocated sites are not considered to bear any more costs than are relevant to their individual schemes.</p> <p>With regard to the examination of the SPD it should be noted that this is not a requirement of the SPD preparation and adoption process. Whilst they do not form part of a local plan they are however a material consideration in decision-making. Moreover, there are currently outline planning applications</p>
Scheme Objectives	<p><i>Support economic growth and facilitate growth in job and housing by providing improved transport network connections in west and north-west Cheltenham.</i></p> <p>The Applicant now states that the Scheme "facilitates" the development of A4 and A7 in an attempt to align the Scheme with its objective. This is however inconsistent with the Applicant's previous position that the Scheme "supports" A4 and A7. It is also inconsistent with the JCS which clearly states that the Scheme is required "to support JCS-wide growth".</p> <p><i>Enhance the transport network in the west and north-west of Cheltenham area with the resilience to meet current and future needs.</i></p> <p>The Applicant states that the Scheme will provide enough capacity to absorb traffic from A4, A7 and the potential safeguarded land / future development sites "and what is considered reasonable future identifiable needs", but it is unclear what future need the Scheme is seeking to facilitate. It is not justifiable for allocated sites to bear the burden of the costs of delivering a scheme which will serve future development or growth within wider Gloucestershire.</p> <p>The Interested Parties note that the Applicant seeks to rely on the capacity study published as part of the Golden Valley SPD and states that the SPD is a material consideration in the examination of the DCO application as it supplements the information that informed the JCS at the time of its adoption. However, the SPD has never been independently tested or examined, and this should be reflected in the</p>					
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		relating to Allocation A7 that have been prepared with regard to the Golden Valley SPD.		
15.6	<table border="1"> <tr> <td data-bbox="349 416 495 738">Need for the Scheme</td> <td data-bbox="499 416 1171 738"> <p>The Applicant's response fails to address the points made by the Interested Parties. In particular, the Applicant states that the A4019 improvements are "intrinsicly linked" to <u>the all</u> movements junction and that it is "evident" that the link road cannot be delivered without the all movements junction but does not clearly explain why they are linked or how it is evident.</p> <p>In addition, the Applicant states that the Scheme is needed to "unlock dependent development at A4 and A7, as well as any other development sites facilitated by the design capacity" and "the cumulative traffic generated as a result of the development cannot be brought forward in its entirety without the Scheme in situ" but fails to properly address the extent to which development could come forward without the Scheme. The Interested Parties set out in their relevant representations why A4 is not dependent development and how the JCS growth can be accommodated without the <u>Scheme</u> but the Applicant's response does not deal with these points. The Applicant further acknowledges that the Scheme will facilitate other development sites and yet appears to be seeking funding for the Scheme largely from A4 and A7.</p> </td> </tr> </table>	Need for the Scheme	<p>The Applicant's response fails to address the points made by the Interested Parties. In particular, the Applicant states that the A4019 improvements are "intrinsicly linked" to <u>the all</u> movements junction and that it is "evident" that the link road cannot be delivered without the all movements junction but does not clearly explain why they are linked or how it is evident.</p> <p>In addition, the Applicant states that the Scheme is needed to "unlock dependent development at A4 and A7, as well as any other development sites facilitated by the design capacity" and "the cumulative traffic generated as a result of the development cannot be brought forward in its entirety without the Scheme in situ" but fails to properly address the extent to which development could come forward without the Scheme. The Interested Parties set out in their relevant representations why A4 is not dependent development and how the JCS growth can be accommodated without the <u>Scheme</u> but the Applicant's response does not deal with these points. The Applicant further acknowledges that the Scheme will facilitate other development sites and yet appears to be seeking funding for the Scheme largely from A4 and A7.</p>	<p>The Applicant has stated its position regarding the need for the Scheme in relation to Strategic Allocations A4 and A7 at previous deadlines (refer to REP1-028 and REP1-048).. Notwithstanding this, fact the Applicant has also provided a response to the Examining Authority's question Q1.2.3 which expands on this point in relation to the JCS Transport Evidence Base, May 2017 (TR010063/APP/9.48) which has also been submitted into Examination at Deadline 3.</p>
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Access Provision	<p>The Applicant states that an equivalent access will be provided to that which is currently secured. However, as indicated in RR-005, the proposed access to the Safeguarded Land is inappropriate and fails to provide a satisfactory means of access, being neither</p>			

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	<p>safe nor suitable for existing farm operations. The Applicant has failed to respond to this point.</p> <p>The Applicant further states that, whilst it has taken a deliberate stance against pre-determining the release of Safeguarded Land at <u>North West</u> Cheltenham, the proposed design would allow any future developer to tie into the local road network (LRN). However, this is inconsistent with the Applicant's previous comments to Bloor Homes Limited that creating such tie in would require land controlled by the Applicant (following exercise of its compulsory purchase powers as part of the Scheme) to be crossed at a commercial ransom. The Applicant is asked to clarify the position and, in particular, confirm how the Scheme enables (rather than impedes) the tie in to the LRN to be made without the need for further land interests.</p>	<p>road and one westbound lane of the A4019 as well as right turning traffic into and out of Withybridge Lane, which is in very close proximity.</p> <p>The second existing field access onto the A4019 is located to the east (near an existing layby) and is identified as L on Streets, Rights of Way and Access Plans Regulation 5(2)(k) Sheet 12 ((APP-009 and APP-010).. This is on a section of single carriageway approximately 7.0m wide, without any right turn lane. This seems to primarily serve field No. GR455442 (under different ownership) as the route into field no GR216008 from this access seems overgrown. This existing access is approximately 4.2m wide and set-back an approximate distance of 5.0m from the edge of carriageway.</p> <p>The Scheme proposes to stop up these existing accesses and replace them with accesses b and k (Streets, Rights of Way and Access Plans Regulation 5(2)(k) Sheet 12) ((APP-009 and APP-010), served from the northern arm of the A4019/West Cheltenham Link Road junction. This proposed junction would be fully signal controlled allowing access to and from the A4019 westbound and eastbound carriageways, as well as the new West Cheltenham Link Road. The proposed junction also includes a fully standard segregated right turn lane from the A4019 westbound carriageway.</p> <p>The northern arm of the A4019/West Cheltenham Link Road junction has a minimum width of 8.3m and the access track is 5.0m wide with hardened 1m verges for occasional over-run. This arm of the junction is not a through road so would be used exclusively for land access and therefore the risk of conflict between users is low compared to direct access from the A4019. Swept path analysis has been undertaken and this has shown that large agricultural vehicles are able to pass each other on this arm of the junction.</p> <p>The existing primary field access located opposite Withybridge Lane is approximately 4.5 wide between the fence line and hedge line with a track width of approximately 3m. The secondary access located to the east (near an existing lay-by) is approximately 4.2m wide and set-back an approximate distance of 5.0m from the edge of carriageway. The dimensions of the</p>

Response Reference	Relevant Representation Issue	Applicants Response		
		<p>existing accesses are therefore of a lower provision compared with the proposed northern arm of the A4019/West Cheltenham Link Road junction which has a minimum width of 8.3m and the access track which is 5.0m wide with hardened 1m verges for occasional over-run. The junction will be fully signal controlled allowing access to and from the A4019 in both directions and swept path analysis has shown that large agricultural vehicles are able to pass each other on this arm of the junction.</p> <p>The proposals therefore offer an improvement over the existing situation in terms of both safety and the ease of access.</p> <p>In relation to how the Scheme enables the Safeguarded site to come forward it should be noted that whilst the Scheme is unable to predetermine the outcome of any planning process by providing an access it does provide capacity within the local and strategic road network that would allow for the Safeguarded land, or other future development proposal in proximity of the junction, to come forward without the need to further improve the road network capacity themselves.</p> <p>GCC, as landowner, is seeking recognition of the value of its land over which the access will be built, on the basis that this land is required to facilitate future development. It could be provided as part of a landowner equalisation agreement.</p>		
15.9	<table border="1"> <tr> <td data-bbox="353 1013 504 1157">Funding</td> <td data-bbox="508 1013 1144 1157">The Interested Parties note that the Applicant considers it to be premature to provide a response on funding matters at this time. However, the timing and availability of funding for the Scheme is an essential component of the case for the Scheme. It is unreasonable and prejudicial for the Applicant to seek consent for the Scheme without having addressed this issue or to seek powers to compulsory acquire land without providing certainty that the Scheme is funded and therefore deliverable.</td> </tr> </table>	Funding	The Interested Parties note that the Applicant considers it to be premature to provide a response on funding matters at this time. However, the timing and availability of funding for the Scheme is an essential component of the case for the Scheme. It is unreasonable and prejudicial for the Applicant to seek consent for the Scheme without having addressed this issue or to seek powers to compulsory acquire land without providing certainty that the Scheme is funded and therefore deliverable.	<p>The position on funding has been well documented and the Applicant has been working with developers since 2023 to determine a methodology for allocating funding contributions. That consultation closed in May 2024 and a meeting was held on 18th July 2024 to take matters forward.</p> <p>For further information on our approach to funding and Compulsory Acquisition, see our response to section five of the ExA written questions.</p>
Funding	The Interested Parties note that the Applicant considers it to be premature to provide a response on funding matters at this time. However, the timing and availability of funding for the Scheme is an essential component of the case for the Scheme. It is unreasonable and prejudicial for the Applicant to seek consent for the Scheme without having addressed this issue or to seek powers to compulsory acquire land without providing certainty that the Scheme is funded and therefore deliverable.			

Response Reference	Relevant Representation Issue	Applicants Response
15.10	<p>As the Examining Authority is aware, there is an extant planning application in respect of Elms Park (Allocated Site A4) which is the subject of ongoing discussion with the relevant local authorities. The Interested Parties have recently identified that the Scheme has a significant effect on the ability of the Interested Parties to create an efficient layout within the first phase of development at Elms Park on the A4019 Tewkesbury Road frontage. Ongoing work to develop a revised phase one layout has identified that the access to the Park and Ride 'Transport Hub' required by JCS Policy A4 would be better located approximately 70m west of its currently proposed location. The Interested Parties are therefore seeking that the Applicant amend the proposed layout of the Scheme so as to minimise the effect of the Scheme on the development potential of North West Cheltenham Allocation A4. As required and necessary, the Interested Parties can provide further details on the optimal location for the Park and Ride access.</p>	<p>The Applicant would be content to consider the request upon receipt of further details (such as Park and Ride layout) from the Interested Parties.</p>
<p>Comments on the Applicant's draft itinerary for the Accompanied Site Inspection (ASI) (REP1-042)</p>		
15.11	<p>We confirm that the Interested Parties agree with the draft itinerary for the ASI, particularly the proposed inspection of the northern and southern ends of the proposed link road and the access to Site A (Safeguarded Land).</p>	<p>Noted.</p>

6. REP2-016 Savills on behalf of St Modwen and Midlands Land Portfolio Limited

Response Reference	Relevant Representation Issue	Applicants Response
16.1	This document is submitted on behalf of St. Modwen and Midlands Land Portfolio Ltd (SM&MLPL) and forms their formal Written Representation for submission at Deadline 2 (9 July 2024). Savills act as planning adviser to SM&MLPL and are authorised to submit these representations on their behalf.	Noted.
16.2	SM&MLPL are the joint applicants for the outline planning application (refs: 22/01817/OUT and 22/01107/OUT) at land at West Cheltenham, to the south of Old Gloucester Road. The proposed development, as set out in the outline planning application, has been prepared with regard to the adopted planning policy, the Golden Valley SPD and the separate application and emerging proposals of the other principal landowners within the wider A7 West Cheltenham allocation	Noted.
16.3.	In March 2024, Savills submitted a Relevant Representation on behalf of SM&MLPL prior to commencement of the examination process [document reference RR-034].	Noted.
16.4.	SM&MLPL participated in ISH1 (represented by Mr Nick Matthews of Savills) and following the discussions during this hearing, SM&MLPL submitted additional representations to Deadline 1.	Noted.
16.5.	This Written Representation has been prepared in regard to the previously submitted Relevant Representation and Written Representations to Deadline 1 and therefore does not repeat previously submitted information.	Noted.

Response Reference	Relevant Representation Issue	Applicants Response
16.6.	Instead, it seeks to provide an update to SM&MLPL's previously stated position in response to the Applicant's documents published 20 June.	Noted.
SM&MLPL Position		
16.7.	SM&MLPL wish to reserve the right to provide further commentary and respond to matters raised once the Deadline 2 submissions from the Applicant are published.	Noted.
16.8.	SM&MLPL support the intention to submit updated versions of Statements of Common Ground (SoCGs) and are committed to working collaboratively with the applicant to progress these and other relevant matters.	Noted.
16.9.	SM&MLPL's technical team met with the applicant team on 2 July 2024 in relation to the acquisition of SM&MLPL's land adjacent to Old Gloucester Road and the relationship to SM&MLPL's planning application. Further collaboration on other matters has been ongoing which is reflected in the draft land rights tracker.	Noted.
16.10.	The outcome of the meeting on 2 July is summarised by the following points, confirming SM&MLPL's position at deadline 2 and requests for further input from the Applicant team:	Noted.
Highways Matters		

Response Reference	Relevant Representation Issue	Applicants Response
16.11	<p>The Applicant's design team have been asked to make provision for an active travel route to the east of the junction to tie in with West of Cheltenham's movement parameter plan, which provides an east/west route at the north of the site immediately south of the hedgerow fronting Old Gloucester Road. While the permanent CPO land south of Old Gloucester Road will become public highway land, it is recommended the DCO application drawings are amended to recognise that a link is required.</p>	<p>The Applicant is committed to ensuring the M5 J10 scheme elements tie-into SM&MLPL's proposals provided that it is able to do this within the scope of the Scheme as submitted. Based on discussions with SM&MLPL, the Applicant understands that the changes are minor in nature and therefore could be incorporated as part of detailed design. The Applicant requires design details from SM&MLPL to enable it to determine the suitability of any tie-in that might be required.</p>
16.12	<p>Currently a footway is provided on the southwest quadrant of the access junction, and routes west to public footway ABO26. In order to future proof active travel provision for the triangle of land to the west of the SM&MLPL site, and which forms part of the Golden Valley, the allocation of a shared use path should be included in the design.</p>	<p>The Applicant is stopping up footpath ABO26 between points 16/1 and 16/2 as shown on sheet 16 of the Streets, Rights of Way and Access Plans. The diverted routed will follow the footway demonstrated on the same sheet between point labelled PR56. Users of the footpath with therefore join the footway leading to access into A7.</p> <p>The Applicant understands that SM&MLPL are suggesting that the footway labelled PR56 should be a shared use path.</p> <p>The Applicant does not consider this appropriate because there is no onward route from the westward end of PR56 that would enable cyclists to continue.</p>
16.13	<p>The SM&MLPL team note that proposed active travel routes within the SM&MLPL application may be impacted by the Scheme, and this will be reviewed by the team. The preferences for the active travel routes will then be conveyed to the Applicant team.</p>	<p>Noted. Applicant is waiting on plans showing the active travel routes.</p>

Response Reference	Relevant Representation Issue	Applicants Response
16.14	The Scheme's general arrangement to the development site interface differs to the current SM&MLPL general arrangement. A cross-section of the link-road will be shared with the Applicant team to allow the design to be adjusted. This layout confirms that the active travel route for the West Cheltenham link road is on the eastern side, with a footway only on the western side.	Noted. Applicant is awaiting the layout of the proposed active travel route.
Drainage and Flood Risk Matters		
16.15	The existing land drainage ditch along Old Gloucester Road is to be diverted as part of the Scheme. We understand from our discussions that the Applicant team will provide details illustrating location, levels and capacity, as well any proposed drainage outfalls into it (and whether they are attenuated prior to discharge).	<p>The existing roadside ditch is being realigned to site alongside the widened highway. Swales, with check dams to attenuate the flow, will collect highway runoff. These will drain into the realigned ditch which in turn drains into the ordinary watercourses in this area. The swales and ditch realignment are to be sized at the detailed design stage.</p> <p>Until these details are determined at detailed design the Applicant is not in a position to confirm on final alignments and capacity.</p>
16.16	The existing watercourse alongside the triangle land to the west, and the new culvert beneath Old Gloucester Road, need to maintain their existing flood conveyance and storage capacity and therefore requires protection/diversion within the Scheme. We understand from our discussions that the Applicant team will share the hydraulic modelling outputs with the SM&MLPL to demonstrate this.	<p>ICM flood modelling of the ordinary watercourse has been undertaken building on the work of SM&MLPL. It has been demonstrated to SM&MLPL through the modelling that the proposed culverting arrangement, moving from a single small irregular crossing to 3nr 2.1m wide 0.5m high openings does not increase flood risk to the south and in fact marginally increases conveyance during smaller floods. This is documented in the Flood risk Impacts technical note [AS-049].</p> <p>The flood modelling of this has been reviewed by the LLFA and the Environment Agency. The model was shared with SM&MLPL on 23 September 2022. No further changes have been made.</p>
Utilities		

Response Reference	Relevant Representation Issue	Applicants Response
16.17	<p>The proposed 11kV diversion route needs to be coordinated between the Applicant team and SM&MLPL team. The proposed diversion route for the 11kV overhead line will be shared with the Applicant team. The main point on this matter following the meeting relates to the proposed drainage / swale and its proximity to the proposed cable. There is the possibility of running the cable through a footway / cycleway, however the easement will extend approximately 3-4m which will need to be free of any water courses.</p>	<p>The Applicant agrees that a coordinated approach is required for SM&MLPL's proposed 11kV diversion and will continue to liaise with SM&MLPL on this matter.</p>
16.18	<p>The SM&MLPL team also note that the proposed terminal pole appears to fall outside the area of land to be temporarily acquired for the DCO. Clarification on this point is requested.</p>	<p>The Applicant seeks clarification from SM&MLPL as the Applicant's position is that all terminal poles are within the land to be acquired.</p>
16.19	<p>We note the applicant's response to Action Point 13 from ISH1: 'Provide an explanation with respect to Table 6, contained in Appendix L of the Transport Assessment (APP_142) regarding development assumptions for the safeguarded land, deadweight development and dependant development etc.'</p>	<p>Noted.</p>
16.20	<p>The Applicant's response is not considered to answer the question posed in Action Point 13 and should be expressed more clearly. SM&MLPL are aware that further modelling to ascertain the deadweight development is being undertaken by National Highways. It is understood that this modelling is being undertaken to inform the LPAs to enable them to allocate a proportion of the deadweight development to each of the current planning applications, and to be able to apply a Grampian condition that caps development prior to the delivery of the Scheme and calculate each development's contribution towards the Scheme. SM&MLPL consider that the deadweight quantum is not a matter that relates to the DCO application, however, and would be more</p>	<p>The Applicant considers that the response under Action Point 13 contained in the Applicant Written Submissions of Oral Case for Issue Specific Hearing 1 (ISH1) (REP1-046) clearly answers the question. The Applicant therefore requests that SM&MLPL provide clarity on specifically how the response does not answer the question and on which aspects of the answer they consider to be unclear.</p> <p>The Applicant agrees that the deadweight quantum is not a matter that relates to the DCO application and would be more appropriately deferred to the LPAs for agreement through the subsequent, separate planning process for these applications.</p>

Response Reference	Relevant Representation Issue	Applicants Response
	appropriately deferred to the LPAs for agreement through the subsequent, separate planning process for these applications.	Any further traffic modelling being undertaken to inform the LPA's regarding allocation of deadweight development to each of the current planning applications is being done as part of the planning application determination process for these applications and is separate to and therefore, not applicable to the M5 junction 10 DCO Examination.
16.21	Should further detail be provided by the Applicant to the ExA's question, SM&MLPL wish to reserve the right to respond to further submissions relating to deadweight capacity.	Noted.
16.22	SM&MLPL note that this document provides a high level response to the interested parties associated with the Strategic Allocations and the Safeguarded Land.	Noted.
16.23	The response sets out that the initial modelling that set the need for the Scheme, as proposed, was based on the link road within Golden Valley (GV) allocation being open i.e. no bus gate, and concluded that a dualled link road between the A4019 and Old Gloucester Road would be required. Since then, a bus gate has been introduced and southbound traffic on the M5 which was travelling to the southern parcel of GV and which could have come off at J10 via the West Link Road is now required to use J11. The need for the West Link Road has never been tested for this scenario (i.e. it has never been justified that M5 J10 + A4019 improvements only are not sufficient with the bus gate in-situ).	The Applicant would appreciate the interested party's confirmation of this point but it would appear from the information submitted as part of Planning Application 22/01817/OUT that the application as proposed is seeking to provide 1,100 homes in the area of the wider West Cheltenham allocation north of the proposed bus gate. On that basis the associated traffic anticipated to travel to the northern part of the West Cheltenham development would continue to be in line with that modelled for the Scheme and the JCS Transport Evidence Base , May 2017 which justifies the need for the West Cheltenham Link Road.
16.24	SM&MLPL consider that the highway network modelling reported in Appendix 5 of RR-006 is not sufficient for the ExA to determine if the proposed infrastructure is suitable to support the development associated with the allocated sites: The development set out in Table 1 does not include the future development quantum for the West of Cheltenham allocation as set out	Noted.

Response Reference	Relevant Representation Issue	Applicants Response
	<p>in the submitted planning application and therefore does not provide an informed cumulative assessment; and,</p> <p>The reported modelling only provides results for the operation of the strategic road network and it is not possible to determine the effect of the non-delivery of the Scheme on the local highway network.</p>	
16.25	<p>SM&MLPL would encourage the parties to undertake the work and we reserve the right to respond to future submissions in relation to this matter.</p>	Noted.
16.26	<p>SM&MLPL note that a number of the chapters of the ES have been updated at deadline 1, at this stage we have no comments to make on the updated chapters.</p>	Noted.
16.27	<p>SM&MLPL have clearly set out in detail in this submission, their position at deadline 2.</p>	Noted.
16.28	<p>In principle, SM&MLPL support the proposed works set out within the DCO application, however, there remain implications for SM&MLPL's scheme which need to be worked through and agreed. SM&MLPL are committed to continue working with the Applicant to resolve these matters as soon as possible.</p>	Noted.
16.29	<p>SM&MLPL await the justification from the Applicant following a positive meeting in June 2024, in regard to the extent of the land required for the DCO and will comment further once this has been received.</p>	Noted.

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