

M5 Junction 10 Improvements Scheme

Statement of Commonality TR010063 - APP 8.1

Regulation 5 (2) (q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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8.1 Statement of Commonality

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1. Introduction

1.1. Purpose of this Document

- 1.1.1. This Statement of Commonality for Statements of Common Ground (this 'Statement') relates to an application made by Gloucestershire County Council (GCC) (the 'Applicant') to the Planning Inspectorate under Section 37 of the Planning Act 2008 (the 'Act') for a Development Consent Order (a 'DCO'). If made, the DCO would grant consent for the Applicant to construct the M5 Junction 10 Improvements scheme (the 'Scheme'). A detailed description of the Scheme can be found in the Environmental Statement (the 'ES') Chapters 1-4 (APP-060 - 063).
- 1.1.2. This Statement has been prepared to provide the Examining Authority (the "ExA") with a summary of the current position at the time of submission of the DCO.
- 1.1.3. This Statement provides a current position on the commonality on specific points between SoCG's at Examination Deadline 1 on 18 June 2024 and Deadline 3 on the 30 July 2024.

2. Structure of Statements of Common Ground

- 2.1.1. The SoCGs have been structured in a generally consistent form and set out those matters which are agreed, the matters subject to further discussion and those matters which are not agreed. Each SoCG has been tailored according to the approach agreed with the interested party concerned.
- 2.1.2. Each SoCG has the following structure:
- Section 1: Introduces the SoCG and provides a description of its purpose.
 - Section 2: Outlines the engagement that has taken place with the interested party.
 - Section 3 sets out the topics discussed in the SoCG
 - Sections 3 and 4: sets out any issues that have arisen, reporting on the status of each issue, i.e., whether it is agreed, still under discussion or not agreed and any remaining actions.
- 2.1.3. Where relevant, documents that are referenced in the SoCG, but do not form part of the application, have been appended to the SoCG, to draw the ExA's attention to further relevant information.
- 2.1.4. Each SoCG includes a list of topics, unless the relevant parties consider that there are no issues to address on a particular topic.

3. List of Statements of Common Ground

3.1.1. The Applicant has prepared SoCGs with a number of parties during the preparation of the DCO application. This includes organisations with which the Applicant has a statutory duty to consult with, covered under section 42 of the Planning Act 2008. It also includes other organisations which have an interest in the Scheme and with whom the Applicant has formally consulted.

3.1.2. The parties with which the Applicant has prepared an SoCG are listed in Table 3-1.

Table 3-1 – List of Parties entered into an SoCG with the Applicant

Party
Local Authorities (as defined under section 42 (1)(b) of the Planning Act 2008)
1. The “Joint Councils” – comprising Gloucestershire County Council, Cheltenham Borough Council, and Tewkesbury Borough Council.
Prescribed Consultees (as defined under section 42 (1)(a) of the Planning Act 2008)
2. National Highways
3. Environment Agency
4. Natural England
5. Historic England
Other Interested Parties
6. North West Cheltenham (Elms Park) – Bloor and Persimmon Homes
7. Safeguarded Site adjacent to M5 Junction 10 – Bloor Homes
8. West Cheltenham (Golden Valley) – Midland Land Portfolio (“MLP”) and Cheltenham Borough Council

4. Summary of current position

- 4.1.1. This section provides the current position in respect of each SoCG. The draft SoCGs have been submitted alongside this Statement of Commonality.
- 4.1.2. Table 4-1 provides a high-level position and where necessary includes further detail to aid the ExA's understanding. The high-level positions used in the table are:
- **Agreed with no outstanding matters** – The final SoCG has been agreed by both parties and either all matters are agreed, or some matters are agreed but there are matters which are not agreed and which will not be resolved during examination. Where matters are not agreed, the SoCG provides reasons for the disagreement between the parties.
 - **Agreed SoCG with matters outstanding** – An interim SoCG has been agreed by both parties, but there remain matters outstanding that the Applicant and the interested parties will seek to resolve during the remainder of the examination. Where matters are outstanding, the SoCG indicates the steps which the Applicant (and, where appropriate, the interested party) will take in order to seek to resolve them.
 - **SoCG in draft with matters outstanding** – An SoCG has been drafted by the Applicant, has been shared with the interested party and some comments have been provided in response although the draft is not yet in agreed form. The Applicant anticipates being in a position to provide an agreed form of the SoCG with these parties by the final deadline, if not sooner where this may be of assistance to the ExA.

Table 4-1 – High Level Position of SoCGs

Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline 1 18 June 2024	Position at Deadline 2 9 July 2024	Position at Deadline 3 30 July 2024
Local Authorities					
APP-146	Joint Councils	SoCG in draft with matters outstanding	Following a series of specialist meetings, the Joint Councils and the Applicant have agreed a revised iteration of the SoCG with matters agreed and matters still outstanding. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision provided with D1 documents. Further iteration to be submitted to the Examination at an agreed deadline between parties.	SoCG in draft with matters outstanding	<u>SoCG in draft with matters outstanding.</u>
Prescribed Consultees					
APP-147	National Highways	SoCG in draft with matters outstanding	National Highways and the Applicant have agreed a revised iteration of the SoCG. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision provided with D1 documents. Further iteration to be submitted to the Examination at an agreed deadline between parties.	SoCG in draft with matters outstanding	<u>SoCG in draft with matters outstanding.</u> <u>Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination.</u> <u>Updated revision provided with D3 documents.</u> <u>Further iteration to be submitted to the Examination at an agreed deadline between parties.</u>
APP-148	Environment Agency	SoCG in draft with matters outstanding	The Environment Agency and the Applicant have agreed a revised iteration of the SoCG. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision provided with D1 documents. Further iteration to be submitted to the Examination at an agreed deadline between parties.	SoCG in draft with matters outstanding	<u>SoCG in draft with matters outstanding</u>
APP-149	Natural England	Agreed with no matters outstanding	Natural England and the Applicant have agreed a revised iteration of the SoCG with all matters now agreed. Final SoCG provided with D1 documents as all matters now agreed.	Agreed with no matters outstanding	<u>Agreed with no matters outstanding</u>
APP-150	Historic England	SoCG in draft with matters outstanding	Historic England and the Applicant have agreed a revised iteration of the SoCG. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision provided with D1 documents. Further iteration to be submitted to the Examination at an agreed deadline between parties.	SoCG in draft with matters outstanding	<u>SoCG in draft with matters outstanding</u>
Other Interested Parties					
APP-151	North West Cheltenham (Elms	SoCG in draft with matters outstanding	No revision to the SoCG submitted with the DCO application as yet. The Applicant is looking to	SoCG in draft with matters outstanding	<u>SoCG in draft with matters outstanding.</u>

Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline 1 18 June 2024	Position at Deadline 2 9 July 2024	Position at Deadline 3 30 July 2024
	Park) – Bloor and Persimmon Homes		advance SoCG to see what can be agreed and to capture those issues which are in dispute.		
APP-152	Safeguarded Site adjacent to M5 Junction 10 – Bloor Homes	SoCG in draft with matters outstanding	No revision to the SoCG submitted with the DCO application as yet. The Applicant is looking to advance SoCG to see what can be agreed and to capture those issues which are in dispute.	SoCG in draft with matters outstanding	<u>SoCG in draft with matters outstanding.</u>
APP-153	West Cheltenham Golden Valley – MLP and Cheltenham Borough Council	SoCG in draft with matters outstanding	No revision to the SoCG submitted with the DCO application as yet. The Applicant is looking to advance SoCG to see what can be agreed and to capture those issues which are in dispute.	SoCG in draft with matters outstanding	<u>SoCG in draft with matters outstanding.</u>

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5. Commonality

- 5.1.1. This section of the Statement provides a summary of principal issues covered in each of the SoCGs and demonstrates where there is commonality in the topics or matters.
- 5.1.2. Table 5-1 is presented in such a way to show topics covered within the various SoCGs, how these relate to each other interested party and a colour categorization for each topic. The colour categories are illustrated in [Figure 5-1](#) and seek to provide a high-level summary of matters, and do not necessarily indicate that all matters within the topic are either agreed or not agreed:

Figure 5-1 -Commonality Colour Categorisation

	There is broad agreement on specific matters within this general topic area.
	Matters within this topic area are subject to further discussion.
	There is a general disagreement between the parties within this general topic area.
	Matter is not relevant to interested party / not included in SoCG.

- 5.1.3. Where a matter is not relevant to an interested party, it is not included within the SoCG and therefore not covered in Table 5-1, where it is shown as blue.

Table 5-1 – Table of Commonality at time of ~~DCO submission~~ Deadline 34 submission

Party	Topic																					
	Principle of Development	Statutory Consultation	Assessment of Alternatives	Environmental Impact Assessment Methodology	Air Quality	Noise and Vibration	Biodiversity	Road Drainage and Water Environment	Landscape and Visual	Geology and Soils	Cultural Heritage	Materials and Waste	Population and Human Health	Climate	Assessment of Cumulative Effects	Engineering Design	Draft Development Consent Order	Land	Environmental Management Plan	Traffic and Transport	Funding	
Joint Councils	Yellow	Green	Green	Yellow	Green	Green	Yellow	Green	Green	Green	Green	Green	Green	Yellow	Green	Green	Yellow	Yellow	Green	Yellow	Yellow	Yellow
National Highways	Yellow	Green	Green	Green	Green	Green	Yellow	Green	Green	Green	Green	Green	Green	Yellow	Green	Green	Yellow	Yellow	Green	Yellow	Yellow	Yellow
Environment Agency	Yellow	Yellow	Green	Green	Blue	Blue	Yellow	Blue	Blue	Green	Blue	Blue	Blue	Blue	Green	Blue	Yellow	Blue	Yellow	Blue	Blue	Blue

Party	Topic																					
	Principle of Development	Statutory Consultation	Assessment of Alternatives	Environmental Impact Assessment Methodology	Air Quality	Noise and Vibration	Biodiversity	Road Drainage and Water Environment	Landscape and Visual	Geology and Soils	Cultural Heritage	Materials and Waste	Population and Human Health	Climate	Assessment of Cumulative Effects	Engineering Design	Draft Development Consent Order	Land	Environmental Management Plan	Traffic and Transport	Funding	
Natural England																						
Historic England																						

Party	Topic														Funding						
	Principle of Development	Statutory Consultation	Assessment of Alternatives	Environmental Impact Assessment Methodology	Air Quality	Noise and Vibration	Biodiversity	Road Drainage and Water Environment	Landscape and Visual	Geology and Soils	Cultural Heritage	Materials and Waste	Population and Human Health	Climate		Assessment of Cumulative Effects	Engineering Design	Draft Development Consent Order	Land	Environmental Management Plan	Traffic and Transport
North West Cheltenham Elms Park – Bloor Homes & Persimmon Homes	Red	Yellow	Yellow	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Yellow	Blue	Yellow	Blue	Red	Red
Safeguarded Site adjacent to M5 J10 – Bloor Homes	Red	Blue	Yellow	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Yellow	Blue	Yellow	Blue	Blue	Red

Party	Topic																					
	Principle of Development	Statutory Consultation	Assessment of Alternatives	Environmental Impact Assessment Methodology	Air Quality	Noise and Vibration	Biodiversity	Road Drainage and Water Environment	Landscape and Visual	Geology and Soils	Cultural Heritage	Materials and Waste	Population and Human Health	Climate	Assessment of Cumulative Effects	Engineering Design	Draft Development Consent Order	Land	Environmental Management Plan	Traffic and Transport	Funding	
West Cheltenham Golden Valley – MLP & Cheltenham Borough Council, <u>HBD</u> X <u>Factory,</u> <u>NEMA</u>																						

6. Position as at time of Deadline 13 (~~3018 July~~ 2024)

6.1.1. This section provides a summary of the position between the Applicant, and each interested party as at the time of ~~Deadline 4~~ Deadline 13. This section will be updated at each deadline when the revised SoCGs will be submitted, to explain what has changed since the previous iteration. The individual SoCGs should be referred to for further detail on specific matters.

6.2. Joint Councils

6.2.1. Since the Preferred Route Announcement in June 2021, a series of regular meetings have been held with the Joint Councils.

6.2.2. Following a series of specialist meetings, the Joint Councils and the Applicant have agreed a revised iteration of the SoCG with matters agreed and matters still outstanding.

6.2.3. The principal matters outstanding relate to Scheme's integration with active travel opportunities, illumination of the underpass, further details relating to transport assessment, design at West Cheltenham Fire Station and the methodology for developer contributions.

6.2.4. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination.

6.3. Natural England

6.3.1. There are no matters outstanding with Natural England as all agreed.

6.3.2. Letters of No Impediment have been agreed with Natural England and submitted with the updated SoCG at Deadline 1.

6.4. Historic England

6.4.1. Historic England has been consulted on the Scheme since June 2021, with regular meetings taking place.

6.4.2. Historic England and the Applicant have agreed a revised iteration of the SoCG.

6.4.3. The principal matters outstanding relates to wanting to review the further iterations of the AMP, amendments to the wording of Requirement 9 and to ensure burial licence in DCO is not disappplied and opportunities to improve Moat House (agreed that this is outside the Scope of the DCO).

6.4.4. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination.

6.5. National Highways

6.5.1. Since the preferred route announcement in June 2021 National Highways have been consulted on the Scheme. A meeting was held with National Highways in July 2022 to discuss the approach to the SoCG process given their differing roles on the project. During the preparation of the DCO, National Highways have been a contributor to the Scheme in relation to elements which relate to the Strategic Road Network (SRN). Once the DCO is submitted, National Highways will take on their role as a statutory body for the Scheme.

6.5.2. It has been agreed that, in order to avoid conflicts of interest, National Highways will enter into the SoCG process at the point of the submission of the DCO to the Examining Authority.

- 6.5.3. National Highways and the Applicant have agreed a revised iteration of the SoCG. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision is provided with Deadline 1 submission.
- 6.5.4. Since Deadline 1, two meetings have been held to discuss National Highways' comments on Saturn modelling, and the DCO articles, schedules and protective provisions. Five of the outstanding matters from Deadline 2 are now agreed.
- 6.5.5. At Deadline 3, the principal matters outstanding relate to Draft DCO, Articles and Schedules, Carbon Management Plan, Traffic modelling, Funding and Collateral warranties, landscaping maintenance, Approach to land rights acquisition, Liabilities and Reservoir and Ownership.
- 6.5.3-6.5.6. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination at an agreed deadline between parties.

6.6. Environment Agency

- 6.6.1. The Environment Agency and the Applicant have agreed a revised iteration of the SoCG. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination.
- 6.6.2. The principal matters outstanding with the EA relate to:
- The classification of the Link Road and A4019 works as Essential Infrastructure;
 - Review of the 2022 ordinary watercourse model for the watercourses to the southern end of the Link Road including requirement for additional modelling for blockage tests;
 - Flood risk during construction in relation to sequencing of construction activities, which is matter for the Contractor at the detailed design stage;
 - Groundwater regime around the flood compensation area and potential impacts on flood risk;
 - Definition of the extents of Flood Zone 3b in relation to the Link Road through the River Chelt floodplain;
 - Impacts to flood risk associated with the flood compensation area and the River Chelt Bridge crossing. The Environment Agency will require final designs prior to agreeing to the Scheme being compliant with Flood Risk guidance and legislation.
 - Timing of construction activities for the Leigh Brook culvert extension in relation to fish mitigation; and,
 - Designs of bank protection under the Link Road River Chelt Crossing.
- 6.6.3. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination.

6.7. North West Cheltenham (Elms Park) – Bloor Homes & Persimmon Homes

- 6.7.1. The developers of Elms Park site have been formally consulted on the Scheme since the Preferred Route announcement in June 2021. A draft SoCG was shared with them in May 2023 along with draft DCO documents.
- 6.7.2. Two matters have been agreed, following the issue of non-statutory targeted consultation information. A matter was raised regarding the design of the Scheme and its connection to the proposed Elms Park site. Alterations to the Scheme design that were being subject to targeted statutory consultation resolved this matter. The other issue raised objection to the Scheme proposals to ban right turn movements at the

Tewkesbury Road / Retail Park Junction. This option is no longer part of the Scheme and therefore this matter has been resolved.

6.7.3. There are three key matters outstanding which relate to traffic modelling information, design changes to the Scheme which impact site accesses to the Elms Park site, and timing of the Scheme which is conditional on Bloor Homes and Persimmon Homes being able to progress the Elms Park development in a timely manner. The stakeholder wishes to agree a construction phasing plan which has regard to the Elms Park construction programme.

6.7.4. Since Deadline 1, -there has been further engagement with these stakeholders on the draft SoCG. The issues currently identified as 'matters outstanding' will continue to be discussed and it is envisaged that these items will be agreed as the application moves through examination. No revision to the SoCG submitted with the DCO application as yet. The Applicant is looking to advance SoCG to see what can be agreed and to capture those issues which are in dispute.

6.7.5. The draft SoCG has been shared with the developers and the principal outstanding matters relate to policy, need and alternatives, funding and the overlap in proposed highway works in connection with the Elms Park application.

6.7.4-6.7.6. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination at an agreed deadline between parties.

6.8. West Cheltenham (Golden Valley) – Midland Land Portfolio ('MLP') & Cheltenham Borough Council

6.8.1. The developers of the Golden Valley site (West of Cheltenham), MLP and Cheltenham Borough Council, have been formally consulted on the Scheme since the Preferred Route Announcement in June 2021. A draft SoCG was shared with them in May 2023 along with draft DCO documents.

6.8.2. The stakeholder provided a response to the non-statutory targeted consultation in February 2023. The principal matters outstanding relate to timing of the works and Scheme design in relation to the interface between the Scheme boundaries and the West Cheltenham development site boundaries.

6.8.3. Since the DCO deadline 1 submission there has been further engagement with these stakeholders on the draft SoCG. Three meetings have been held to discuss active travel, development progress, viability and DCO contributions, and funding methodology.

6.8.4. The issues currently identified as 'matters outstanding' will continue to be discussed and it is envisaged that these items will be agreed as the application moves through examination. There is no revision to the SoCG submitted with the DCO application as yet. The Applicant is looking to advance SoCG to see what can be agreed and to capture those issues which are in dispute.

6.8.5. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination at an agreed deadline between parties.

6.9. Safeguarded Site adjacent M5 Junction 10 – Bloor Homes

6.9.1. The developers of Elms Park site have been formally consulted on the Scheme since the Preferred Route Announcement in June 2021. A draft SoCG was shared with them in May 2023 along with draft DCO documents.

6.9.2. The principal matters outstanding relate to the principle of development, funding, and Scheme design in relation to the location of access to the safeguarded land.

6.9.3. Since Deadline 1 submission there has been further engagement with these stakeholders on the draft SoCG. There has been engagement with the Applicant regarding developer contributions.

- 6.9.4. The issues currently identified as 'matters outstanding' will continue to be discussed and it is envisaged that these items will be agreed as the application moves through examination. There is no revision to the SoCG submitted with the DCO application as yet. The Applicant is looking to advance SoCG to see what can be agreed and to capture those issues which are in dispute.
- 6.9.5. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination at an agreed deadline between parties.

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