

Application by Gloucestershire County Council for an Order Granting Development Consent for the M5 Junction 10 Improvement Project (Ref TR010063)

Agenda for Issue Specific Hearing 3 (ISH3) dealing with matters relating to the Traffic and Transport, Flooding, Funding, Mitigation and Environmental Matters: Tuesday 13 and Wednesday 14 August 2024 at 10:00am.

Notification of the date, time and attendance instructions for ISH3 was provided in the Examining Authority's (ExA's) Rule 8 letter dated 14 June 2024.

Date: **Tuesday 13 and Wednesday 14 August 2024**

Seating available/ Arrangements Conference from: **9.30am**

Participants must join the Arrangements Conference in order to register and be permitted access to the virtual method of attending the Issue Specific Hearing

Meeting start time: **10.00am**

Venue: **Blended event via Microsoft Teams¹ and at the Leonardo Hotel Gloucester Road Cheltenham GL51 0TS**

Access and parking: **The Leonardo Hotel has 200 on-site parking spaces available which will be free for attendees on a first come first served basis.**

Where necessary breaks will be provided during the ISH in recognition of the fatigue associated with on-screen communication during virtual events.

The event will be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure Planning website closer to the event date.

Interested Parties (IPs) and members of the public who wish to observe the

¹ Full instructions on how to join online or by phone will be provided in advance of the meeting to those who register to participate
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event can therefore view and listen to the Hearing using the livestream, or the recording, after it has concluded.

Arrangements Conference

Invitees attending virtually will receive a joining link or telephone number in a separate email, shortly before the Hearing. Please join the Arrangement Conference at the appointed time for the Hearing. The Case Team will admit you from the Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

Agenda

1. Welcome, introductions and arrangements for the hearing

2. Purpose of the Issue Specific Hearing

3. Flood Risk, Drainage and the Water Environment

- i. The ExA will explore with the EA and the Applicant their consideration of Sequential and Exception Test and the current conclusions in the Statement of Common Ground (SoCG).
- ii. The ExA will explore with the Applicant and National Highways the Strategic and Local Road Drainage and management of the surface water runoff during construction and the subsequent operation of the Proposed Development.
- iii. The ExA will explore with the Applicant, the Joint Councils (JC) and the Environment Agency an understanding of the compliance with the Water Framework Directive, and the measures secured through the dDCO.
- iv. Are the EA and the LLFA content that the Flood Risk Activity Permit (FRAP) aligns with the dDCO and would secure appropriate mitigation?

Are all parties content that the dDCO as worded ensures that the FRAP will have been agreed in advance of the commencement of works authorised by the dDCO?

- v. Phasing of attenuation basin construction and consenting process. Are the Environment Agency (EA) and JCs content that this is appropriate and that it is appropriately secured via the dDCO?

- vi. The ExA will wish to explore the principle of the reservoir as well as the practical implications of operation, maintenance and ownership.
- vii. The ExA will seek an understanding of the progress of negotiations with the landowner where there is the prospect of an increased depth of flooding and seek to understand the implications for the scheme in the event an agreement has not been secured prior to the end of the examination.
- viii. The Applicant and EA will be asked to confirm their positions with respect to their view on drainage consents and whether they are appropriately covered in Requirement 13.
- ix. The ExA will seek clarification from the Applicant and the EA on the outstanding matters referred to in the SoCG.

4. Traffic and Transport

- i. The Applicant and National Highways will be asked to explain their respective position with regard to the modelling that has been undertaken in support of the Proposed Development and compliance of the base model with TAG requirements, including journey time validation (delay) on the A4019.
- ii. The ExA will explore the current position with respect to the Transport Assessment and modelling and its ability to support the examination of the DCO proposals (including need, geometric design etc).
- iii. The ExA will seek clarification on the position with respect to the representations concerning site access.
- iv. The Applicant and National Highways will be asked to explain their positions with respect to all Departures from Standard sought in the Safety Report submitted at Deadline 2.

5. Funding

- I. The Applicant to provide an explanation as to how they foresee the funding being delivered and over what timeframe to plug the gap between the HE funding and the cost of the Proposed Development.
- II. Homes England and the Applicant will be asked to provide an explanation of the Homes England Funding in respect of the

amount, the security and the timing of the funding and the contractual milestone trigger points.

- III. The Applicant will be asked to evidence if there are other sources of funding available, and the timing, and certainty of delivery to be explained. Please make reference to any alternative funding mechanisms which may be being developed.
- IV. National Highways will be asked to provide evidence of why it is considered the assessment of the cost has not properly taken account of inflationary pressures and current market conditions.
- V. The Applicant will be asked to explain whether a series of cost forecasts have been prepared setting out different scenarios over time preparing a range of forecasts which could give reassurance that financing for the project is robust and the funding is available for the worst case forecast?

S106 Funds

"further engagement with the relevant developers is undertaken in the coming weeks in order to further develop the contributions methodology with the aim being that an agreement can be reached on a more up to date position." quote from 52.2 of [REP2-010].

- i. The Applicant and Interested Parties will be questioned on the likelihood of the discussions being concluded, and an agreed methodology being before the Examination?
- ii. The Applicant and Interested Parties will be asked to explain the reliance upon s106 funds, the timing of this funding and expected commitment to delivery of the Proposed Development.
- iii. The Applicant and Interested Parties will be asked to explain the suitability of including the safeguarded land, the reliance that can be put upon the assumptions made and the consequences if the SoS does not agree this is an appropriate approach.
- iv. The ExA will seek clarification on how the timing of the progress on the Local Plan reviews align with the timing of the DCO decision making process?

6. Environmental Matters

Design

- The Applicant will be asked to explain:
- I. the design vision for the project giving detail of where this is set out and how the design has been influenced by
 - a) the need for sustainability and carbon reduction,
 - b) any changes that have occurred as a consequence of feedback in respect of design input,
 - c) how the local context has influenced the design and how this has responded to the vision,
 - d) what controls are in place to secure the quality of the design needed for a national project,
 - e) provide evidence of any external or independent review process to date and whether an independent review process should be in place for the consideration and approval of the future detailed design process.

Landscape

- I. Joint Council LIR Section 3.5 Can the Applicant and Joint Councils explain the latest position in respect of Barn Farm, the Travellers Site, and properties to the south side of the A4019.
- II. The Applicant and IPs views will be sought in respect of the visualisations, and how well they represent the potential effects on the local character areas and the Green Belt?

Heritage

- I. The Applicant will be requested to explain the degree of uncertainty on the effect of significance concluded for archaeological assets given the current status of investigations.
- II. The Joint Councils will be asked to confirm whether they are content that sufficient baseline assessments have been carried out to inform the assessment of significance and the suitability of and security of any mitigation proposed?
- III. The Applicant and Joint Councils will be asked for an update on the progress in updating the Archaeological Management Plan [AS-038] and any progress made on reporting geophysical surveys and trial trenches.

Noise

- I. The Applicant will be asked to explain the mitigation measures in Stoke Orchard in the context of the provided answer to 1st Written Question 12.0.1.

EIA Methodology

In the SoCG with Natural England (NE) item 4.1 in dealing with cumulative recreational effects there appears to be a reliance upon the respective planning applications to review their HRA in order to assess the potential for effects on the neighbouring sites with biodiversity and geological interests. The ExA will seek views of parties on this approach?

7. Mitigation

Geology and Soils

In the SOCG with NE [REP1-037] at 10.1 reference is made to the provision of a watching brief. How is this secured and what would it facilitate/show?

Requirements

- The Applicant and Interested Parties will be requested to provide an update on the approach to consultation and discharge of requirements and detail where matters remain outstanding.
- The Applicant and the EAs views will be sought on the drafting of Requirements 8,11 and 13.
- The Applicant and National Highways views will be sought on the drafting of Requirements 3 and 4.

Environmental Management Plan (iterations)

The ExA will seek the views of IPs on the role of the EMP, the relationship to the REAC and the supplemental management plans and whether in combination they are satisfied that appropriate mitigation is secured, would be delivered in a timely manner and that they facilitate appropriate monitoring in advance of any harm arising.

Register of Environmental Actions and Commitments (REAC)

- Inconsistency in the REAC relative to the DCO – the Applicant will be asked to explain how these are to be resolved.
- G12 of the REAC– Residents of Sheldon Cottages to be relocated – Applicant to explain how this is to be secured.
- Has the REAC been changed to reflect the requirement to restrict the timing for construction in respect of the Leigh Brook identified in the SoCG with EA (item 7.3 [REP1-036])?
- In the SoCG with the EA item 8.9 refers to the inclusion of shutoff penstocks for each basin – how are these secured?

8. Review of issues and actions arising

- The ExA will address how any actions are to be dealt with in the light of issues raised.

Any other matters

Closure of the hearing

Notes on participation, conduct and management of the hearing

All IPs are invited to attend issue specific hearings. The event will also be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure Planning website closer to the event date.

Each IP is entitled to make oral representations at the Hearing. However, this is subject to the Examining Authority's (ExA) power to control the Hearing.

The ExA would find it helpful for the following attendees to participate in ISH3:

- The Applicant;
- Gloucestershire County Council (Highway Authority and Lead Local Flood Authority);
- National Highways;
- The Environment Agency;
- Cheltenham Borough Council;
- Tewkesbury Borough Council;
- Persimmon and Bloor Homes;
- Homes England, and
- St Modwen and Midlands Land Portfolio Ltd.
- Mr Hadley
- **Any other Interested Parties.**

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. Guidance under the Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written questions.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets [].

The evidence presented orally at ISH3 should be included in post-hearing submissions and submitted by **3 September 2024 (Deadline 4)**.

Contingencies

The ExA will endeavour to hear all participants. If the ISH, or parts of it, is unable to proceed, for example for technical reasons, then the ExA may adjourn incomplete business to reserved hearings later in the Examination Timetable. Notice of any adjournments will be provided on the project page of the National Infrastructure Planning website.

Microsoft Teams

The ISH will take place in person and virtually using Microsoft Teams. Further information about virtual events in relation to Nationally Significant Infrastructure Projects can be found in the Planning Inspectorate's Advice Note 8.6: Virtual examination events:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>

Further information, including a short video regarding taking part in a Planning Inspectorate virtual event, can be found on the Planning Inspectorate's website:

<https://www.gov.uk/government/publications/planning-inspectorate-virtual-events-guide-to-participating>

Please contact the Case Team if you have any questions about using Microsoft Teams or if you would like to test your access arrangements:

M5Junction10@planninginspectorate.gov.uk

0303 444 5000