



Hearing Transcript

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| Project: | M5 Junction 10 Improvements Scheme |
| Hearing: | Issue Specific Hearing 3 (ISH3) – Session 1 |
| Date: | 13 August 2024 |

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M5J10_ISH3_SESSION1_13082024

00:00

Good morning, everybody. It's 10 o'clock and it's now time for me to open this issue specific hearing. Welcome. This is obviously a hearing being held in connection with an application made by Gloucestershire County Council for an order for development consent for the m5 junction 10 improvement project. This is a construction of three components and all movements, junction at m5, junction 10, which is sometimes described as scheme element one, a new West Cheltenham link road east of junction 10, from the a 4019 to the b4, 634, which is again sometimes described as scheme element two. And then finally, the widening of the a 4019 to the east of junction 10, including a bus lane on the A 4019 eastbound carriageway from the west Cheltenham fire station to the Gallagher junction. So before I go any further, can I just confirm with the case team that teams is working and that I can be seen and heard and the recording and live streaming of the event has commenced. Okay? Thank you very much so those if anyone is watching the live stream, let me explain that if proceedings are adjourned, we will have to stop the live stream in order to give us a clear recording file. And when the meeting is resumed, you will need to refresh your browser page to view the restarted live stream. We will try to remind you again of that at any adjournment. Now, let me introduce myself. My name is Edwin maund. I'm a chartered town planner and a planning inspector. I've been appointed by the Secretary of State as the lead member of the panel of examining inspectors that together comprise the examining authority. Now pass over to my colleague to introduce himself.

02:08

Good morning all. My name is Luke Regan. I'm a chartered transport planner and a planning inspector, and have been appointed by the Secretary of State as a member of the panel of examining inspectors to examine this application. I will now hand back to Mr. Morne.

02:24

We're assisted today at this hearing by our case Team. Today we have the case manager, Spencer BARROWMAN, here in person, and he's the gentleman at the back of the room. And we're supported by Jessica Weatherby remotely if you have any questions or queries about the examination or the technology we're using, they should be your first point of contact, and their contact details can be found at the top of any letter you've received from us or on the project page of the national infrastructure planning website. Now I'll ask my colleague Mr. Regan to highlight a few housekeeping and background matters for today,

03:05

as explained in the examining authority's rule six letter at Annex E the issue specific hearings will be live streamed and recorded. The recordings will be published on the project page of the national infrastructure planning website as soon as possible after each hearing closes to assist viewers and listeners. Anyone speaking should introduce themselves each time they speak as the recordings are retained and published. They form a public record that can contain personal information to which the

General Data Protection Regulation applies, the rule six letter includes a link to the planning inspectorates privacy notice which provides further information on this topic. If there is a need to refer to information that participants would otherwise wish to be kept private and confidential, it should be in a written form which can be redacted before being published. If you prefer not to have your image recorded, you can switch your camera off. I will repeat the request made in the arrangements conference that in order to minimize background noise, please ensure your microphone or telephone is muted and that you stay muted unless you are speaking. In order to avoid fatigue, it is our intention to take a 15 minute break at about 90 minutes intervals, and a longer break over the lunch time period. I will now hand back to Mr. Mon.

04:35

Okay. I'll now come to parties listed on the agenda and ask them to introduce themselves. So I'll start with the applicant. Please

04:46

Good morning, sir. My name is Andrew Tate, T, a, i, t, k, C, for the applicant. To my left is Douglas Haycock from Burgess salmon, and to my right Mike Vaughan, who is the. The fra lead to his right, Colin Cartwright, who's the environmental lead. To his right, James catamall, who's the land assembly lead. And at the end, Ian Morrissey, who's the aquatic lead. And there will be others who will come forward under other relevant items, but they are the likely speakers Under Item three,

05:23

thank you, Mr. Tate, if I come then to the joint councils

05:29

morning, sirs Catherine Knight, on behalf of the joint councils being Gloucestershire, Gloucestershire county council as county planning authority and highways and street authority chews through Borough Council and Charlton and borough Council's local planning authorities as and all host authorities for the project. To my right is Andrew Padden from Atkins. I'm assisted by specialists from Atkins. And officers are here present today, sir, in respect of the LPA for the host authorities,

06:01

thank you, and then come to the Environment Agency, or believe with us virtually.

06:09

Good morning, sir. This is Noreen Narges from the Environment Agency and the Planning Specialist, and I'll be representing this case, and I am a Technical Specialist who are virtual as well. And the flood risk specialist is John folds. John folds if you'd like to introduce yourself, please, Good

06:32

morning, sir. I'm John folds on flood risk permitting specialist for episodes in the Environment Agency.

06:42

Thank you. Good to see you.

06:46

I'd like to introduce Lewis Baines, who's our water quality specialist as well. Thank you, sir.

06:54

Good one says, I am Lewis Baines from the Environment Agency. I'm a water quality specialist. Good morning.

07:12

Okay, I come then to national highways.

07:16

Good morning, sir. I'm Sophie Stewart from DLA Piper, representing national highways. And to my immediate left, I have Rebecca Marshall, Senior Project Manager with national highways, and to her left, Terry Preston, Assistant Project Manager, thank you.

07:37

Do we have a representative here for Bloor and for swimming homes. Good morning, sirs. My name is Killian Garvey.

07:46

It's G, A, r, v, e, y,

07:47

I'm a barrister from King's chambers.

07:50

I'll let my colleagues introduce themselves so

07:55

good morning says. My name is Joe Wooldridge from p, j, A, with transport planning consultants. You

08:00

Thank

08:03

you. Do I have anyone this morning from st moddewin and Midlands land portfolio? No, okay. If there are any other people in attendance today who have not come to I won't ask you to introduce yourselves now, but the first time you're invited to speak, please, can you introduce yourselves by giving your name and the name or names of the organization that you are representing. Now, the purpose and conduct of this issue, specific hearing is here to provide an opportunity for the issues raised by interest parties, and particularly the differences between them, to be explored further by us the examining authority, an issue specific hearing, the purpose of which is set out in Section 91 of the Planning Act. It is held for the examining authority if it decides it's necessary for the examination to hear oral

representations to enable adequate examination of the issue, or to ensure an interested party has a fair chance to put their case, as indicated in the agenda. Questioning and hearing will be led by a member of the panel supported by the other panel member, and it is for the examining authority to determine how hearings are to be conducted, including the amount of time to be allowed as a hearing for the making of a person's representations. Our aim is to use our powers of control over the conduct of hearings to ensure they're carried out as effectively as possible, whilst remaining fair to all parties through our examination of the evidence, we've identified a number of matters to be considered at this issue specific hearing, and those in which we require further information, and those are set out in the agenda that we published in advance of this hearing. So. The participants should note that written summaries of the oral submissions to this hearing should be provided to the planning Inspectorate by deadline four, which is Tuesday, the third of September. I hope you've had a chance to read the detailed agenda for this hearing during the hearings today, we have questions for the applicant and other interested parties. I'm aware a number of industry parties may wish to speak on some of the agenda items. Once we have finished our direct questioning, we will ask if interested parties would like to make any submissions relating to that agenda item before moving to our direct questioning on the next agenda item. Remind everyone this is an issue specific hearing submissions made orally should relate only to the agenda items we're discussing. Do want to reassure you that previous submissions have been read and noted, understand there may be other issues not on the agenda that parties may wish to raise, but submissions on those matters should be made in writing again by deadline four, which is Tuesday, the third of September. So thank you in advance for your cooperation with this approach. I think we have also listed the documents we are likely to refer to today. So that would be the environmental statement, non technical summary, which is rep one, zero 11 in the examination library. The environmental statement introduction, which is a double P, Zero 60. The environmental statement for the scheme, which is now updated as zero 10, as the most up to date iteration, the planning statement. And that's there's a clean version which is rep 1028, and a tracked version which is rep 1029, the funding statement, which is a double P 036, and then there's a supporting letter, which came in response to a procedural decision. Letter from ourselves, which is as 057, the National Highway statement of common ground, which is rep 3037, the national highways hubs, which is rep 3074 safety report, rep two zero, 11, statement of common ground with the Environment Agency, which is rep 1036, the environment agency's comments on the written questions, which is rep 3070 and then land plans and work plans. So land plan use rep 3002 and the work plan.

12:53

Sheet 12,

12:54

rep 3004 general arrangement plan again. Sheet 12, rep 3008 so hopefully, for anyone who's viewing it, they'll be the documents that we're likely to need to show and refer to as we go through the agenda. So if we now turn to main item on the agenda, Item three, which is flood risk, drainage and the water environment. And I'll transfer to my colleague, Mr. Regan, to lead on this. Thank you.

13:33

Thank you, Mr. Mond. And obviously we're dealing with the first sub point there, and the first question I think we'd like to explore, please, is posed to the EA. And in particular, we would appreciate given what

the statement of common ground tells us that item 1.1 with respect to essential infrastructure, the question we'd like to pose to the EA, please, if the Secretary of State deem that it is not essential infrastructure, does that then alter the EA position with respect to the sequential and exception tests?

14:11

Yes, sir. The sequential test is basically to steer development away from flood flooded areas, so we don't make that decision, which we clarified in the statement of common ground. Let me just section version eight. That was Section 5.2 that was for the inspector to determine whether that would pass a sequential test, if for if it is determined it is essential infrastructure, that is for us not to determine. That is for the applicant to prove its essential infrastructure, then it has to pass exception tests. This is where we come into play regarding the safe. D and making it safe for its lifetime and not increasing flood risk elsewhere.

15:09

Thank you for that. So does it then follow that if the Secretary of State deems that it was not essential infrastructure, then your findings and your position may alter?

15:21

Yes, I shall just clarify that with my flood risk specialist as well. John folds, if you could just confirm that. Please,

15:31

Good morning, sir. Yes, looking at paragraph 79 of the mppg, there are four points that the scheme would need to pass, remain operation was safe for users in times of flood result in no net loss and floodplain storage not impede water flows and not increase flood elsewhere that will be dependent on the final design, there has work already been done with modeling to show that in principle, it has No impacts. So once final designs are submitted and further modeling has been undertaken, those three points should be passed. So I doubt it will change our opinion. In the end, it should be able to pass the exception test with Phil.

16:21

Okay. Thank you for that. Just turning to the applicant, I think we have your position in writing on this. Could you just please remind me and signpost where that was set out?

16:39

Mike Vaughan, for the applicant, I firstly, we agree with what John Falls was just saying, and that the conclusions of the statement, common ground is rep one, oh 36 that we deem the sequential test had been passed, and then the exception test also needs to be passed. Part of that was the Environment Agency suggested that its own internal guidance required it to look at the ordinary auditors model for the stables and stream, and that was supplied to them in June, with regards to where it's set out. I don't have that reference to hand, but we, we did discuss the exception test within the flood risk assessment, and I believe it's in section 4.6 of that. But I don't have the reference of that document.

17:39

Yeah, I think there was also a written response to the XA that you've provided as well. So maybe as an action point, if you could sign post any relevant submissions with that respect that would be helpful to people. Thank you.

18:02

This point, could I just invite the joint councils to comment on anything that they wish to under this agenda item? Please?

18:12

There's thank you for the opportunity. We don't have any comments to this agenda item.

18:16

Thank you. Thank you. Applause.

18:26

And is there anybody else in the room who wishes to make any comment to this particular item on the agenda? Not seeing any hands, not seeing any virtual hands. Thank you. Applause.

18:50

Moving on to the next item, then, please, can the applicant explain their position with respect to how the proposals would adequately respond to draining surface water from the strategic and local road components, please.

19:09

Colin Cartwright,

19:10

yeah, so Colin Cartwright, for the applicant, so with regards to the drainage strategy for the project, so the strategic road drainage would be covered by national highways, and their network is defined by the strategic road network, which includes the m5 motorway. So drainage from the local roads is covered by Gloucestershire county council, so the exact boundary and thus management that drainage network is still under discussion between Gloucestershire county council and national highways, the drainage will be adopted and maintained by both parties once that boundary is set. And then you're asking further details on the drainage management for the scheme and.

20:02

Yeah, obviously there are still some outstanding items in the statement of common ground with natural highways, which I think relate to future liabilities and maintenance, etc. Just wondered if there's any anything you want to share with us on that particular point,

20:19

not on that further point. I don't have any further information on that. I further information in terms of the drainage strategy for the scheme once in operation. If that's of

20:32

that's of use next, yes, please. Yeah. Okay,

20:35

so the drainage plan for the scheme once in operation, that will be managed through the embedded mitigation that's part of the drainage design. So that drainage design for the preliminary design that we have currently that's based on sustainable drainage mitigation that aims to mimic natural systems and provide some level of treatment for water quality at the same time as providing flow control for flood risk. So that preliminary drainage design is set out in the drainage strategy report, which was appendix 2.1, to the ES reference, app, 079, so the requirements for that drainage system have been assessed under both the baseline IV current drainage and The Wiz scheme scenarios, including the mitigation using current guidance from dmr, so as defined within the ES and appendix 8.3 which is the surface water quality assessment, a detailed assessment has been undertaken, including a horat assessment to ascertain acceptable routine runoff quality and undertaking spillage risk calculations to ensure that the spillage risk is below required thresholds. So the purpose of this is to ensure that the scheme's potential impacts on water quality are reduced to appropriate levels by the use of mitigation measures, namely filter drains, swales, ditches and ponds, and would provide an improvement to water quality compared to the current scenario. The mitigation ensures that runoff from the scheme is acceptable, both for routine runoff and for the risk of a spillage incident occurring within the carriage rate of the scheme drainage catchments.

22:21

Thank you for that. At this stage, could I please invite national highways to come in with any any comments on what they've heard? Please?

22:30

Thank you, sir. Sophie Stewart for national highways. National Highways, at the moment, have obviously seen the information relating to drainage provided in Chapter Eight of the environment environmental statement, rep 1014, and the plans that form part of the environmental management plan, iteration one, and have no comments on the information seen so far, They will be national highways will be a consultee for the amp iteration two, which will deal with construction, particularly surface runoff and drainage implications, and then again, with the latest amendment to the DCO that was submitted by the applicant at deadline three for iteration Three of the amp, which will deal with operational drainage and subject, obviously to those more detailed plans coming through to national highways satisfaction, national highways are satisfied at the moment with the approach that's been taken. So I think you also raised the matter that there may be other issues around adoption of drainage assets that national highway still has concerns with, principally that is the slip which currently sits atop the embankment for the flood storage area, and how the drainage asset there for the SRN will be dealt with, in light of the fact that It may be the slip itself may be a feature, a retaining feature, of that flood storage area. And I believe that's something we we have as a later agenda item.

24:13

Thank you for that. That's helpful.

24:21

I think at that stage, is there anything that joint councils wish to add to this particular agenda? Point, please.

24:27

There's Catherine Knight. There's no further comment from the joint councils. At this stage, they may seek to make comment as further details come forward. Thank you.

24:36

Thank you. Applause.

24:47

And before we move on to the next point, is there anybody else, either virtually in attendance or in the room who wishes to comment on this particular sub point? Not seeing any hands so. Okay. Thank you.

25:17

So moving on to sub point three in the Water Framework Directive. If I could please, for the benefit of everybody in the room, just ask the applicant just to set out their current position with regards to compliance with WFD, please.

25:34

So this is going to be Ian Morris, who's the aquatic lead, who's at the end of the end of the row.

25:40

Thank you.

25:44

Ian Morrissey, for the applicant, the Water Framework Directive compliance assessment has been published as a appendix 8.2 to the environmental statement, most recently submitted as rep three, hyphen 029, the WFD compliance assessment concludes that the proposed scheme is compliant with the objectives of the Water Framework Directive, as transposed into law in England and Wales by the Water Environment regulations 2017, in doing so, in undertaking the assessment, we the guidance produced by the planning inspectorate, the water framework, Director of advice, note 18 was followed. And as a result, the compliance assessment included three stages, an initial stage, stage one of screening was undertaken, during which the potentially affected surface water bodies and groundwater bodies within the zone of influence of the proposed scheme were scheduled. This was followed by a stage two scoping assessment, purpose of which is to assess the potential mechanisms of impact on the status elements of the water bodies screened into the compliance assessment process in undertaking scoping information on existing water body status as reported in cycle two at the time, including where relevant reasons for not achieving good status and mitigation measures for heavily modified water bodies were reviewed, alongside wider program of measures for The seven, for the river seven, River Basin district, scoping was framed by information which was gathered as part of the wider environmental impact assessment and that was transposed into the assessment within the context of the Water Framework Directive. And the elements under assessment as a result of the scoping, three

surface water bodies were taken forward to the next stage to stage three. These were the chelt source to m5 surface water body designated as a heavily modified water body. The chelt m5 to confluence with the river seven, surface water body and the Lee Brook source to confluence with the river chelt surface water body. In addition to this, taken forward to impact assessment, were two groundwater bodies, Severn Vale second, Regan Park Secondary, combined groundwater body and the Warwickshire Avon secondary, mud rocks, groundwater body, the stage three WFD impact assessment is the process that is undertaken for us to provide a detailed assessment of potential impacts against those water body elements that form the status of the water body, and more detail around particular mitigation measures that have been identified for the water bodies and the program of measures for the Severn River Basin district. And this followed a risk based approach in line with the guidance, a red, amber, Yellow, Green, Blue, risk based approach to indicate the level of risk against objective non compliance within each of the water bodies. It's important to note that this assessment accounts for mitigation embedded within the preliminary design of the scheme, and also additional mitigation that was appropriately defined within the report. The detail of that assessment was published in two appendices, 8.2, a WFD surface water impact assessment. And appendix 8.2 B, which was the WFD groundwater impact assessment, and in looking at potential impacts associated with surface water quality issues, the highways England. And water risk assessment tool, Herat assessment was used to understand and inform on potential risks against non compliance in relation to water quality parameters measured under the Water Framework Directive status in undertaking the test we followed undertaking the compliance assessment, each of the mechanisms of potential effect were assessed against two key tests, test A and test B. Test A is a test by which the scheme we look to see, to see if the scheme could cause a potential deterioration in any element of the water body classification. Test B is where we look to test to see if the scheme could potentially prevent WFD status objectives from being reached within water bodies or the wider River Basin district. In addition to this, we undertook tertiary test test C, which is to make an assessment of how the scheme can contribute towards the water bodies reaching their objectives. In relation to specific elements of the question that was put forward around how the measures are secured through the DCO process. They are the Embedded Design mitigations, which were defined within the Water Framework Directive assessment as mitigation captured as part of the current design will be secured through schedule two, requirement 11, which requires the detailed design to be compatible with the work plans. And there are a number of specific mitigation measures which are committed to within the REAC document, the register of environmental actions and commitments in relation to key design elements and activities. A couple of examples being the link road, River Trout bridge crossing, new culvert design, existing culvert extensions. I have a full schedule of the React commitments listed, if you would wish me to read those. In the interest of time, I

32:21

don't think we need to hear them read and follow this stage. Thank you.

32:24

So yes, those mitigation measures which are detailed within the Water Framework Directive assessment are all scheduled and housed within that react document.

32:38

Thank you for that. That was helpful. I suppose. I think the next person I'd like to turn to please is DEA, and two things, really, for the EA, firstly, would appreciate comments on what you've just heard from the applicant. And secondly, in providing your answer, I think it would be helpful if you can provide your opinion on the applicant's position with respect to deferring a scour assessment and associated EA consultation until detailed design stage and in providing your answer, if you could please just confirm to the XA whether you're in agreement with what The applicant is proposing in that regard, please. Thank you.

33:25

So this is Noreen August from the Environment Agency, and listen to the applicant. We have reviewed the following documents, Appendix 8.2, of the WFD compliance assessment and the highways England water risk assessment tool as well. And regarding the water quality aspects we have, we are satisfied that there is no negligible risk of deterioration to water quality in the elements of the WFD water bodies. And for the next question regarding the scour assessment, I'll pass you on to my water quality specialist, Lewis Baines from the Environment Agency. Sir.

34:10

Hi there, sir. Lewis Baines from the Environment Agency. Sorry, Noreen, I don't think I'm going to be able to answer the scour assessments that doesn't necessarily come under water quality. Okay.

34:31

Can we get back to you regarding that? So in deadline four?

34:37

Yes, I'll be fine. Thank you. Could I please enter into the joint councils? I know that you've made reference to some concerns within your written responses. Is there anything else you wish to add at this stage? So

34:52

we do have a comment? I'm going to introduce Roshni survan of actus. I'm an environmental consultant who's going to respond.

35:02

Roshni sirtevan for the joint councils, we have reviewed the information and that assessment provided as part of the draft DCO, and this indicates compliance with the water Fauci directive. We have noted that the ES chapter regards the embedded mitigation and then the specific mitigation in the React document, and then we've seen the pollution prevention and control management plan as well. And we've got no further comments. It has, however, been noted that there are further assessments, notably the scour assessment at the detailed design stage. Thank you.

35:53

Okay, thank you for that. Is there anything else, anybody else in the room wishes to raise under this item not seeing any hands,

36:05

Matt, can I just clarify with the joint councils? Are you confirming to us that you're content that the elements that need to be reviewed at further detail design? You're happy with that position as it stands Yes, we are. Is

36:29

there anything else the applicant wishes to add based on what you've heard? Thank you, sir. Thank you. Applause.

36:48

Moving on to Item four, then, and this obviously relates to construction stage, temporary storage and the applicant's position on how that will be secured. Really, can I firstly, turn to the Environment Agency and ask for their opinion on the appropriateness of this approach. And secondly, if the AR content that the draft DCO as currently drafted, secures that, please. Thank you. Applause.

37:23

Yes, it's already known from the Environment Agency. I'd just like to bring in my flood risk specialist, John folds as well too on this question. Thank you.

37:37

So John folds for the Environment Agency, the DCO has two requirements, 11 and 13, that cover the permanent works and the floodplain compensation mitigation, flood risk activity permits cover two aspects, both the permanent structures and also temporary works as its secondary legislation, we believe the flood receptive activity permit really only relates to the temporary works. In this case, as all mitigation, etc, should be tied up with the planning commission granted for the permanent structures and permanent works, until a contractor is engaged, it's very difficult to deal with the temporary works elements. You're talking of things like scaffolding and temporary storage. It is felt that requirement 13 and ddco, if the mitigation is undertaken first, before any earth works are done within the flood plain, almost certainly cover the temporary works, but that would probably have to be reviewed, and I believe there is a commitment to review that and do further modeling once We understand what the temporary works are going to i

39:04

Sorry, Mr. Falls, I think you just cut off mid sentence at the the last last sentence. Could you just repeat your closing comment, please? Sorry,

39:15

yes. So we're just waiting once the contractor is engaged, there is a commitment, I believe made them in the FRA to do further modeling work to just check that the temporary works still result in no detriment, because the current mitigation as set out in requirement 13 is sufficient, and That would be covered by the planning application planning decision.

39:47

Thank you for that. That's helpful. Could I turn to the Joint Council please, and just explore your position with respect to the what you just heard with regards to the use of the trap and the provision secure? Within the draft DCO, please.

40:02

So certainly, Catherine, I'm passing to Rob Sewell, who is from Atkins, feels he's online. Rob, are you there?

40:12

Yes, good morning. Good morning, sir. Thank you. Yes. Really, just sort of following on from the environment agency's position, nothing specific to add or expand on, really, regarding that, as indicated in terms of the permanent works, the embedded mitigation has been demonstrated through the sort of modeling presented in DCO would ensure that there's an adequate level of flood mitigation being afforded in terms of the temporary works and issues such as phasing of works and temporary works, then it is recognized that this needs to be further explored at detailed design, so Really, just really in agreement with the Environment Agency and Environment Agency, and no other sort of, no other other points to raise.

41:10

Thank you for that.

41:20

I think I've asked everything I wanted to under that, is there anybody else in the room who wishes to raise something? Yes, Mr. Hadley.

41:27

Hadley, I'm an effective person. On a practical point, I still question whether the proposed pipe work under the old Gloucester road is sufficient. I fear that there could be backing up of water in periods of excessive rainfall, and I'm very concerned that I don't want that to back up onto my land final water discharge from the west Cheltenham. Allocation to the river chelt is a long overgrown agricultural ditches, and a considerable length of these are outside the application area, and therefore I have concerns about the flooding on neighboring land, and again, it backing up along the system towards the west Cheltenham allocation and

42:53

thank you for that, Mr. Hadley, could I invite the applicant please to provide, to provide a response to Mr. Hadley or anything else that you've just heard under this agenda item, please. Thank

43:02

you, sir. In relation to the earlier matters, as you're aware, react item we 15 was updated at deadline three, and that specifically commits to hydraulic modeling of the construction stage arrangements. So far as Mr. Hadley is concerned, I can pass on to Mike Vaughan again.

43:30

Mike Vaughan for the applicant, just following my colleague just talked about W 15, just to restate that that's committing the update in the React item is committing to flood modeling of the construction phase at that time. And as with any frap, the needs to be approved by the Environment Agency in advance of construction works. So there's no specific differences here to from this scheme to any other scheme. For Neil Hadley to say that the culvert, the existing culvert under the B, 4634 is, we know, very small. It's a very small culvert, very old, and the plans are to increase the size of that by putting three new culverts in, so the risk of backing up onto the land upstream will be far reduced from what it is today. Furthermore, we appreciate that the watercourses through there are very overgrown, and our flood modeling has taken that into account in what we're doing and the ethos the purpose of that modeling is to understand whether such changes would increase flood risk downstream and upstream, and the flood modeling has demonstrated that it does not.

44:50

Thank you for that. Thank.

45:07

Moving on to the next point, then I think we've largely covered this with respect to the discussions that we've just had. But I think I'd just like to pose a question to both the Joint Council, the EA and the applicant in particular, please, and just for the avoidance of doubt, get the applicant please, just to summarize very, very simplistically, how the Secretary of State can be secured. Can be assured that sufficient compensatory flood storage will be provided to ensure no increased risk of flooding joint construction and how that will be secured. I'm very aware that we've heard about item we 15 in the React and also other provisions in the draft DCO. But is there just a summary statement that you'd just like to provide against this agenda item? Please? Again,

46:04

Mike Vaughn for the applicant, I think the summary statement is that flood compensation for the scheme is being provided by three work items. That's the flood storage, large flood storage basin by junction 10, which is work item seven, the compensatory flood plain on the river shelf floodplain, which is just east of the link road. That is work items 5c and 5n and also the flood compensation area on the minor Ward course to the north of the B, 4634 that is work item 6d construction best practice is to ensure that sufficient compensatory flood plain is in place before any temporary or permanent works are implemented that would otherwise displace flood water. And as you just stated, these are covered by the draft DCO children, two requirements in 13, one and within the react to note also that we have expanded the React commitment. We 24 to include the Environment Agency as a consultee on the aspects of the detailed design and compliance with the frap process.

47:16

Thank you. That was helpful. Turning to the EA then, obviously there's been some substantial amounts of overlap with what we're actually talking about here. But just for the avoidance of doubt, please, could you just give us your position with respect to the appropriateness of the phasing of the attenuation basin and the consenting process? Is there any issues or outstanding items that you wish to identify at this stage, including how that ultimately is secured in the draft DCO, please. Thank you.

47:55

So Noreen, now this no, we're we've got no issues regarding the generation based on construction and consenting process. So there is one minor thing we'd like to slightly tweak in the React GS four regarding the wording, which I can send you in deadline for to slight tweak to the wording there. That's it.

48:24

Thank you. That will be helpful.

48:26

Thank you.

48:33

And could I pose the same questions to the Joint Council please? Thank you,

48:37

sir. Thank you. I Catherine Knight handing over to Rob Sewell, who's online.

48:44

Rob saw joint councils yeah further to what's been discussed, nothing, nothing to raise or highlight the approach to phasing the compensatory storage during during construction phase is appropriate and will mitigate construction phase risks. The only point maybe for just consider and highlight is just around placement of excavated material and spoil from the construction and excavation of the compensatory storage during that construction phase that that should be avoided on sort of within the flood plain itself, to avoid potentially offsetting some of the benefits that would be provided by the storage being provided during the construction phase. But that's a relatively minor point for observation within the overall overall approach.

49:50

Thank you for that. I'm going to let the applicant have closing comment under this item. But is there anybody else in the room or online who wishes to for. Raise anything under this agenda item, Mr. Hadley,

50:03

just going back on my earlier point. I accept modeling has taken place regarding flood risk, but the development of West Cheltenham runoff is obviously going to affect the water flows. What number of units were included in the modeling.

50:33

Mike Vaughn, for the applicants, the modeling looks at the situation that's there today and takes no view on how many units might be built upstream. It is for that development alone to mitigate itself and compensate and it's not permitted to increase runoff from from the development. They will be obliged or mandated to limit runoff to Greenfield, possibly Brownfield, if there is existing development up there, so there, there should be no increase in runoff from that site once built.

51:16

Thank you for the applause.

51:25

Moving on then to the next item in the agenda, please. This relates to the principle of the reservoir. And obviously there are some live issues here that national highways have set out within their statement of common ground. But to start with, please, I'd appreciate if the applicant, for the benefit of everybody in the room and online, could explain the wider context to the principle of the reservoir and also the current position with regards to your discussions with national highways with respect to that. And if you also want to please touch upon the broad content of the technical note that you've referred to in your d3 submissions with regards to what that actually says or does. Thank you.

52:18

Mike Vaughan, for the applicant. So to set out the issue of the reservoir, the Environment Agency indicated early in the project that works that sever the flows over the a 4019 by virtue of the a 4019 being raised to meet the new junction 10, would implicate the road as a flood defense. As such, the Environment Agency would expect the road embankment to be designed and maintained as a flood defense. The considerations here are described in the working document that you referred to, which is being drafted through discussions in the statement common ground with national highways, that's not been yet submitted to the examination at the current time and still remains in draft. However, the baseline flood map for the design event that's the one in 100 year flood with an allowance for climate change is provided in our baseline modeling report as 047, that indicates that flood depths in that event peak at about 1.6 meters depth of water held against the existing motorway embankment. With water retained by the raised embankments of both the m5 and the a 4019 during the flood, some 200,000 cubic meters of water pass over the a 4019 flooding the road over a length of about 150 meters, with a peak flow over that road in excess of 10 cubic meters per second and a maximum depth of 650 millimeters on the road. Water over topping that highway passes north into the lybrook. Work to improve the junction pen, which involves raising the Eastern broach from the a 4019 will mean that floodwater previously flowing over the A, 4019, during that design event will be contained and held in the southern fields. The existing properties on withybridge Gardens, which currently would suffer deep flooding, will be demolished as part of the junction improvement works. Through the flood modeling, we've established that without mitigation, flood levels in the fields south would rise, spreading eastwards and forcing more water through the m5 culverts and downstream. In order to mitigate that increase, ground levels in the fields will be reduced to provide the compensatory flood storage offsetting the displacement of flood water caused by the scheme and the severance of the flow over the a 4019, the additional storage will keep the flood levels at or below existing flood levels for equivalent return period events, but the volume held on the flood plain will be appreciably increased to about 190,000 cube. This increase is considered to fall within the ambit of the reservoirs act 1975 our understanding here is provided with the support of an all reservoirs panel engineer appointed by Gloucester County Council to the role of construction engineer for the project. They have provided the following statement, which is outlined in our technical note, which we have not yet submitted. So I shall read, read the statement, whilst the current volume of water retained by the m5 embankments and the a 4019, approach to junction 10 would far exceed the 25,000 meters cubed above natural ground level,

the exception provided in regulation 3d of statutory instrument 2013 number 1896 would apply. That is where there was no intention to attenuate or store water. Road embankments are not treated as large raised reservoirs. It is a gray area in respect to how undertaking works without compensating flood storage would affect the exemption in the above regulation. It could be argued that whilst the works will lead to an increased flood depths in the southern field, albeit no increase in flood level at the design event, the intention would not be to store water there, retaining the exemption, but this reason would need to be ratified by the environment agency's reservoir safety team. However, flood modeling work has identified that without storage, water levels at junction 10 would rise by over 100 millimeters, and hence a significant effect in environmental statement terms, this would affect the motorway, local highway network and residential development at Butler's court and upstream of withybridge Lane. Furthermore, the Environment Agency requires that displaced floodwater is not passed forward to downstream landowners, and hence having to store it at source. Whilst it is not anticipated that pisselme culvert through the m5 motorway will be artificially blocked for the purposes of attenuating flows, with the compensatory storage in place, extra water will be retained by virtue of the flood storage area and the extension of the culvert, as well as raising the raising of the a 4019, and this implies an intent to hold water. Hence, the creation of a compensatory storage area means that the new body of water and its associated raised structures might meet the definition of a large raised reservoir, as given in section one A of the act. It should be noted that only during flood events that are more extreme than the one in 25 year return period would overland flows develop from the chelt that will enter the flood storage for clarity, both the a 4019, and the m5 including its slip rows, would be deemed large raised structures used for storing water. It is important to say, regardless of the application of the Act, the Environment Agency has previously indicated that the works to sever the flows over the 4019 will implicate the road as a flood defense. The Design Manual for roads and bridges document la 113, entitled road drainage in the water environment covers this situation. It states that where an embankment as part of a project has the potential to hold a large volume of flood water, such that it would be defined as a ray as a reservoir, national legislation must be followed, so that gives a background to the consideration of the reservoir in terms of the practical applications of operation, maintenance and ownership. I'll continue with the statement. Statutory reservoirs in England are regulated by action under the reservoirs act 1975 In common law, the owner of a reservoir is liable for any damage caused should there be an uncontrolled release of water from a reservoir. The Act allocates responsibility for reservoir safety to an undertaker, and this Undertaker can be the owner, operator or a nominated representative of a group of owners or a company or other organization. For them, five junction 10. This flood storage area is proposed to be managed through an agreement between Gloucester County Council, Gloucestershire county council and national highways. The undertakers are ultimately responsible for reservoir safety, including the day to day operation monitoring, maintenance and repair of the reservoir, and the appointment of qualified civil engineers to design and supervise construction of the reservoir. The construction engineer to supervise the reservoir at all times. The supervising engineer and periodically inspect the reservoir. The inspecting engineer the Environment Agency, is the enforcement authority. Its role is to ensure that the undertaker complies with the prime. Of the act, and offenses under the Act are primarily strictly liable, strictly strict sorry, the offenses under the Act give strict liability of criminal offenses upon registration, the environment agency decides whether the reservoir is high risk or not high risk. It is likely that the proposed reservoir will be classified as high risk. The Undertaker of a high risk reservoir must ensure that the reservoir is under the supervision of a supervising engineer at all times from issue of the final certificate, a statement on

the performance of the reservoir is given annually to the Undertaker and copied to the Environment Agency. In the long term, it is proposed that the reservoir be managed as a joint undertaking with national highways being the Undertaker, responsible for day to day management and maintenance of the motorway and slip road embankments and pierce elm drainage culvert which passes under the motorway. And Gloucestershire county council will be the undertaker for all other elements, including be the nominated representative for dealing with the Environment Agency, appointing the supervising engineer, preparing and testing the on site plan and appointing the inspecting engineer. How this role is managed between Gloucestershire county council and national highways needs to be agreed. The Undertaker is also required to commission an inspecting engineer to inspect the reservoir at least every 10 years, initially two years from the final certificate, and the supervising engineer is on call for inspection, or can call for an inspection at any time when the reservoir is inspected, the inspecting engineer may recommend measures in regard to maintenance or that it needs to be undertaken to ensure its safety satisfying the recommended actions is the responsibility of the Undertaker and is enforced by the Environment Agency. This requirement is a key future liability on both Gloucestershire county council and national highways, although the future cost of this liability entirely depends on the behavior and condition of the motorway, slip road and the a 4019, embankments.

1:02:06

If Gloucestershire county council plans any alterations to the flood storage reservoir which increase or decrease its capacity, it will need again to appoint a construction engineer. If Gloucestershire county council or national highways plan any works that might affect the safety of the reservoir, then they will need to ensure the works are supervised by a qualified civil engineer, as defined by the Act. This will not constrain either to undertake routine maintenance, and the supervising engineer will always be available to provide advice should there be any doubt. And finally, the following additional operations, or following additional operations and maintenance requirements have been identified to manage the effectiveness of the flood compensation area. It's noted that only the two final points here are required as a direct result of the area being designated as a reservoir under the act. So the points are clearance of the trash green at Pierce elm, clearance of the outlet head wall at pissel, maintenance of the pissel and culvert, and then the two that come from the ACT additional landscape maintenance of the designated spill areas. Typically this will be mowing three times a year. And finally, any future repair works the embankment and culvert within acceptable period, as defined by the inspecting engineer, if recommended by the inspecting engineer,

1:03:38

when you started your explanation, you made reference to it being a gray area. So has the approach you've taken and set out there then taken a sort of precautionary approach, assuming that it does apply and therefore it's the safest option or the most what's the phrase I'm looking for? The one which gives greatest responsibility is that

1:04:07

certainly the advice we are working from is from our ARP, or reservoirs panel engineer, and they believe is, or will be designated as reservoir that the EA, the Environment Agency, will state that it is you are right that we have taken the precautionary approach in the way we've looked at this as a reservoir in parts of the greatest requirements of the design. Thank you.

1:04:42

Thank you for that. That's helpful. Next, I'd like to turn to the EA, please. And then after that, invite national highways to comment on what you've heard and with regards to the proposals and the ultimate operation, maintenance and ownership, but turning to the EA first, please. I. Yeah, just really seek your opinions on what you've just heard, with regards to the applicants, consideration and status of of the reservoir, and also the your emerging position, really, with regards to any of the future enforcement and approval roles required from the if there's anything at this particular stage you'd like to sign the post to us. Thank you.

1:05:27

Yes, sir. Nargis, yes, we've had discussions with our team regarding the reservoir, and it does fall in within the reservoir act. So we've got no issues, no no like no issues. And it's they're already complying with the legal requirements from the reservoir 1975 and obviously they've got in all references what panel engineer, Mike Hughes and so we are. We've got no objections regarding that, and regarding the like the works and further future plans. We would like to see further details from the applicant regarding that. But so if they could forward any like plans, or whatever they plan to do regarding the reservoir, and we'll have to review it with our team. Okay,

1:06:36

can I clarify with you then i in terms of the additional information you're seeking from the applicant. Is that something you're wanting now, or is that something your content would be done at a later stage? So how do you see it working in practice, going from today moving forwards,

1:06:54

hopefully at a later stage? I'll have to discuss this with my specialist, who's not available today, I'm afraid. But it won't be imminent. You know, we've still got having discussions with the applicant, so later on would be, would be fine.

1:07:14

So what I'm trying to clarify is, Are you content with how the draft DCO is is is written to ensure that the process that needs to be gone through by the Environment Agency with the applicant on looking at the future details, is is secured in a way that ensures that The obligations within the reservoir Act are are met, do

1:07:44

can I get back to you, sir on that in deadline? Four,

1:07:48

yes. Thank you.

1:07:53

Thank you for that. Can I invite national highways please to come in and respond to anything that you've just heard please. Thank you.

1:08:01

Thank you, sir. Sophie Stewart for national highways, as we've set out previously in our relevant reps, our written reps, and the current version of the principal areas of disagreement the pads document, national highways position is that no responsibility for work seven the flood storage area should lie with national highways. National Highways doesn't accept the principle of joint responsibility, and its position is that it must be secured in the DCA and the documentation there under that responsibility remains with The Undertaker. National Highways does not have the operational capacity to maintain any aspect of the flood storage area under the reservoirs act. It has concerns around how the current design with the southbound on slip forming part of that embankment will work as it is proposed, clearly that that will be transferred back to national highways as part of the SRN, but it cannot be disaggregated from the operation of the SR from the FSA sorry. National Highways position, obviously, is that it has seen that note that the applicant has shared with us, but it doesn't agree with its contents. National Highways are of the opinion that alternative flood attenuation solutions are likely to be feasible within the current order limits. I should say, Sir, I'm informed that we weren't aware that the DEA had been consulted on the current design of of the FSA, and that if the FSA does. Need to remain in its current position some sort of physical boundary, whether that's a bund or other solution needs to be provided to prevent to provide physical separation between the SRN and the FSA. It should be noted that if that can be achieved, national highways would then take responsibility for the drainage asset of that on slip, but not whilst it forms an integral part of the FSA. National Highways can't open themselves to the future possibility of incurring the cost. If there was a failure, it wouldn't just impact the on slip where of the opinion that it could heavily impact the mainline carriageway, and in respect of the comment that was made by the applicant around ordinary maintenance functions not being impacted by the fact that the slip would form part of the FSA. Our understanding is that other than the mowing of the grass on the verge, everything else would require panel engineer approvals before they can take place. So it would have a significant impact on national highways, day to day maintenance regime. It would also impact on things like breaking open of ground for maintenance and planting to standards, amongst other issues. That's it. Thank you, sir. Thank you.

1:11:54

Can I invite the joint councils please to come in at this stage, and then obviously, I'd like to give the applicant chance to come back, and it'd be helpful for us if you could respond to some of the concerns that national highways have phrased today. Thank you. So joint councils.

1:12:10

So Catherine Knight, joint councils, my understanding is we don't the joint councils don't have any comment at this stage, so I'd like to take it away and have a chat with them when we may get back to you in writing at deadline four, if that's all right. Thank you.

1:12:29

So at this stage, I think it would be helpful if, if the applicant could come back and give us their position with respect to the national highways concerns in particular, please. Thank you. Applause,

1:12:49

Mike Vaughn for the applicants, two points to note, I think. Firstly, we can provide the draft technical note to the Environment Agency so they can see some of the information that we've been putting together regarding the reservoir. And second point, I just wanted to restate that flood waters, or the depth of flood water sitting against the m5 embankment, are unchanged by the scheme. So if there is a risk of the motorway failing, which is a risk today, with or without the scheme in place,

1:13:24

I don't think that's the concern that national highways are identifying to us, though. Is it because, at the moment, their concern is they're going to be given a legal responsibility for maintenance of a wall to a reservoir. That's a simplistic explanation, which they currently don't have, despite what you're saying, because it's not currently classed as the reservoir, I'm assuming, because it's just the way that it's flowing and on a flood event here, that's the way it goes. So that, I assume you accept that there is a different legal position in the event that your scheme goes as currently prepared, which gives it an additional responsibility to national highways as currently drafted.

1:14:14

Yes, absolutely, the act will come into play and that enforces certain things on the undertakers to carry out.

1:14:23

And I think is it a red line for the national highways that they just would not do this?

1:14:33

So sorry. To clarify. Do you mean national highways would not do this if they were designing their own scheme, or if it's a red line that national highways will not agree to joint responsibility for this scheme?

1:14:43

Well, I'm glad you've put it in those and I'll ask you to answer both, because it seems to me that if you're willing to do it for your own scheme, why wouldn't you do it for this? But perhaps you wouldn't, I don't know. I'd be interested to hear thank

1:14:59

you so. Sophie Stuart for national highways. The answer to the first question, would national highways design a scheme with a reservoir? No, they would not. My understanding is national highways only has responsibility for one reservoir in the country, and that was an asset that was inherited. The answer to the question as to whether it's an absolute red line for this scheme. If it's okay with you, sir, I'll take a final instruction and come back to you in a couple of minutes. Thank you. Applause.

1:15:47

So

1:15:49

obviously, we're going to come back to this agenda item to let national highways input again. But before we keep on moving through the agenda, is there anybody else, either online or in the room who wishes to comment on this particular item, not seeing any hands.

1:16:18

Sorry, national highways, if you'd like to come back with your response. Thank you.

1:16:22

Thank you, sir. Sophie Stewart, for national highways, I'm informed, yes, it is a red line.

1:16:39

Okay, so obviously, if there's some more work and discussions to have, I don't think we're going to get any further with that today.

1:16:51

Are the joint councils wanting to say anything? I'm just No. So we're

1:16:56

going to take I'm going to take instructions, and we will report back at deadline for but thank you for asking.

1:17:07

Moving on to the next item then, and this really is with regards to what the flood risk assessment tells us, with regards to ongoing consultations with landowners with regards to farmland which may incur additional flooding and the rights which are secured through the DCO. Within that respect, I suppose, firstly, I'd invite the applicant please, just to provide a commentary really, on on the process, progress of those negotiations which were outlined within the flood risk assessment and, yeah, confirm what the current position is with regards to those. Please. Thank you. So

1:17:49

that'll be James Catamall, who is the land assembly lead three down. No, Mr. Vaughn's got a preface. And then we'll move on to Mr.

1:18:02

Catamath, Mike Vaughan, for the applicants, I'm just going to run through what those those impacts are. So the flood risk assessment, which supports the application in as 23 describes that there are areas inside the order limits that are affected by small increases in flood level, although these except are in the compensatory flood plain area are already flooded in the baseline. The scheme hydraulic modeling report, which is as 048 describes the impact on the flood depths, on the river child floodplain and the flood risk impacts. Technical note, which is as 049 describes the impacts on flood depths arising from the minor Ward course near the B, 4634 at the southern end of the link road. The impact assessment is described in the environmental statement. That's rep 1015 the magnitude of adverse impacts is set out in LA 113, the design manual for roads and bridges, and where the magnitude of adverse impacts on third party land was considered to be minor, that is 10 to 50 millimeters, or worse,

more than 50 millimeters and or it was considered economically or environmentally unsuitable to provide additional mitigation measures, the probability and consequence of flooding were considered that is the definition of flood risk, probability and consequence, and we considered these to establish whether that would constitute a change in flood risk. The analysis found that the scheme is not predicted to cause a material increase in flood risk elsewhere. So in short, the predicted detriments are on farmlands in the river chelt flood plain, both upstream and downstream of the link road, where the fields either side of that are predicted to incur a localized increase in flood level of up to 60 millimeters. That's right. Rising from a baseline of 160 mil up to a with scheme 220 millimeters, and also on farmland between the B 4634 and with the ridge lane, where the flood depths in the in the design events are predicted to go up by 30 to 40 millimeters. That's from 140 millimeters deep to 180 millimeters deep, with a more widespread reduction in flood depths across the fields further downstream. However, at this location, the greatest impact, interestingly, was predicted for more frequent events, nothing at the one in two year events, but a widespread 20 to 30 millimeter increase from 100 mil millimeters deep to 130 millimeters deep in three fields. And that's about the one in five year event and the one in 10 year event, no impacts or negligible impacts, were predicted at the one in 20 year in bent and above. So it's really that those, those small, those smaller events where the impact is predicted, but despite having no material increase on flood risk, the project is consulting with the affected landowners to demonstrate, and we need to demonstrate that they're fully aware of and they accept the small increases in flood level. And at the same time, rights are being sought through the draft DCO through the order limits for the increased flooding on farmland. The areas are included in the DCO order limits to acquire permanent rights. Should the negotiations be unsuccessful, no land for mitigation is required outside of the DCO. And I will hand over to James catamole, who will talk about the landowner negotiations.

1:21:43

Thank you. James Cassell, for the applicant, in terms of the consultations being undertaken by the applicant, it's been ongoing since 2022 with meetings specifically around the changes Mike's referred to, held in 2030 2023 sorry, with all the parties impacted, that's seven interested parties in total. One agreement is now in place with Robert Hitchens limited. Five agreements are in negotiation for inclusion within the overarching purchase and temporary acquisition voluntary agreements. They are with Malcolm and Susan Holbert, Anne and Charles Arkel, Terry Smith, Andrew and Sarah Holbert and Grace gray and John Olney, one specific separate flood agreement is also in negotiation with Terry Smith, sorry, as opposed to him being within The overarching

1:22:38

thank you for that.

1:22:42

If I could just pose a question, based on what I've just heard, is it, is it right for me to take that you are actively seeking agreement with with the with the relevant landowners, but in the event that any of those discussions don't end in a positive resolution that the DCO was drafted will secure all necessary permanent rights so that there are to overcome any any unresolved discussions with the landowners.

1:23:16

That is correct. Yeah.

1:23:18

Thank you.

1:23:21

So that's schedule five, and we will enumerate which plots they are in our fuller response in writing.
Thank

1:23:30

you. That would be helpful. Could I ask the joint councils Firstly, if there's anything that you wish to respond to on this matter, so

1:23:41

is Catherine Knight for the Joint Council. No, there's nothing further for the joint councils on this matter.

1:23:45

Thank you.

1:23:49

Anybody else in the room who wishes to comment on this particular item or online? I'm not seeing any hands. Okay, Mr. Hadley,

1:24:02

excuse me, Neil Hadley, from what I've heard, the applicant, has seemingly allowed for future growth, excuse me, in transport, etc, but not clearly the runoff from homes and several 1000 people who are going to live in the West Cheltenham strategic allocation, the applicant is clearly anticipating something, though, by inserting three new pipes, I'm at a loss where the three New pipes fit in when there's no mandatory responsibility and three new pipes being inserted, perhaps there can be some clarification on that

1:24:57

microphone for the applicants. Do. The current mechanism of flooding at the B 4634 is that water goes through an existing, very small, old culvert under the road, and the rest of it goes over the top. The three new culverts is to take all the water under the road, rather than allowing for it to flood in the future. Part of the reason, or the reason why we have a small increase in flood depths downstream that I just referred to is because those three culverts don't, in our current design, perfectly match the amount of flow that's going under and over the road. If they did perfectly match, then we would just be mimicking what's there today. That's why there's three new pipes there. The pipes are not in any shape or form to deal with an increase in future flow from any development upstream, as I said earlier, those developments need to account for themselves, and there's legislation in place to ensure that they do that.

1:26:07

But I mean what you're saying to us that you're designing it such that it resolves a current problem and obviously then aligns with your scheme, so that your scheme then doesn't cause any worsening effect, but actually results in an improvement. Is that? Is that right?

1:26:28

So our scheme results in a minor improvement upstream, but it's, it's now, say, negligible,

1:26:40

and just so I've got clear in my mind, because two different culverts have been referenced, but also pipes, and I think they're they're not quite the same thing, are they? I'm using

1:26:50

the term interchangeably. Okay, so the existing culvert is just bespoke. It's probably just a lidded channel at the time, the design is for three box culverts, not pipes,

1:27:06

not circular pipes.

1:27:07

Thank you. Does that assist Mr. Hadley?

1:27:15

It Up to a point it does. But I just make the point that if you're in this inquiry, we're talking about the improvements through the road network and other general improvements. And at the last hearing, we were shown different charts showing what they'd allowed for and it just seems rather odd to me that, knowing full well that the West Cheltenham allocation is coming on stream very soon, they've allowed for everything, such as transport and noise and the environment, ecology, etc, but they haven't allowed for several 1000 people living on the west Cheltenham site.

1:28:11

I understand the point you're making, but obviously this examination is for the road scheme, and they need to demonstrate initially to us, and so that we can report to the Secretary of State the findings that our recommendation from the evidence that's being presented. And as Mr. Vaughn said, it will be for the house developers to prepare their drainage schemes to show that their schemes can be done satisfactorily without causing adverse effects from their proposals. Ultimately, the two need to join together and but we are obviously examining the road scheme, and that's clearly what we need to understand so that we can prepare our reports to Secretary State on the road scheme.

1:29:14

If there's nothing else anyone else wants to raise under that agenda item, I think we can move on to the next point, which we've touched upon in several other areas of the agenda. But again, just for completeness, if I could ask the applicant please, just to confirm your position with regards to requirement 13 and its ability to deal with all of the necessary drainage consents. Please, thank you.

1:29:40

That will be Mr. CART, right?

1:29:43

Michael,

1:29:49

born for the applicants. As you noted, we've we've covered this on several of the questions, so I'll just summarize our response so requirements. 13 implies that a flood risk activity permit from the Environment Agency, under the environmental permitting regulations 2016 will be required for the flood storage and compensatory flood plain items, commitments, w e, 15 and W E 24 in the React. That's rep three Oh, 31 commit to undertaking this process, both the temporary construction stage and the permanent operational stages of the project. With regards to the ordinary Ward course, Gloucestershire County Council, as the lead local flood authorities agreed to disapply section 23 of the land drainage act 1991 that concerns prohibition on obstructions, etc, in Ward courses, such that the ordinary Ward course consent will not be required. This agreement was confirmed by Gloucestershire, and it's set out in draft DCO under Part One article three a to enable this disapplication commitment, we 23 has been put into the React, which commits to consultation with Gloucester County Council as the lead local flood authority on the detailed design of the otherwise consentable works being any elements which may alter the flow of the ordinary Ward course in the scheme area.

1:31:22

Thank you for that. That was helpful. And again, just for completeness, if I could now invite the EA to provide an opinion on what you've just heard and the appropriateness of requirement 13 and the provisions that that secures, please. Thank you.

1:31:46

So Noreen novice from the Environment Agency, we're happy with the works that the applicants doing and the React. We're content with the consents within the react if there's anything else John would like to say, John folds.

1:32:10

John Foltz for the Environment Agency, I've nothing really to add, sir. I think W 15 and we 24 cover the need for the permits for both the temporary and permanent works. Schedule 13, on top plan compensation is specific to that you also have schedule 11, which is also for the old for the overall design, the permanent designs that also will allow for the frap to be undertaken. So no nothing further to add

1:32:42

that's helpful. Thank you and again for completing the same same question to the joint councils. Please. He content with the applicants position that the wording of requirement 13 and the provisions that secures thank you so

1:32:55

for the joint councils. Joint councils asked happy with the current wording.

1:33:01

Thank you.

1:33:03

Thank you. And can I just clarify in terms of your response? Mr. Vaughn, you said that you'd had confirmation from the county councils for this application. Is that something that we've seen, or is it, is that something we're going to see in due course? I

1:33:21

don't believe you have seen that. It was confirmed by email and the covering letter between Peter syrit of the lead liberal authority and Chris Beatty, which was personal comms email of 17 to June, think

1:33:38

it'd be helpful if we did get that confirmation so that we can report that Thank you.

1:33:58

Is there anybody else in the room or virtually who wishes to provide any inputs under this particular item on the agenda, and specifically the suitability requirement 13, not seeing any hands. Okay, so moving on, then to the final point on this section of the agenda. And again, it's really with regards to the current position, with regards to the same statement of common ground between the applicant and in the EA and any any outstanding specific concerns or issues that are worth airing at this particular point. And I'll first invite the applicant to provide a response, and then invite the EA please to just provide your current position with respect to the outstanding matters or areas of disagreement within the statement of common ground. Thank you. So applicant first, please.

1:34:56

So this is Colin cartridge. Do.

1:35:00

Thank you. So Colin Cartwright for the applicant. So in summary, as you've identified Environment Agency and the applicant have a statement of common ground discussion is ongoing with regard to the matters outstanding within that and the applicant expects to submit a further iteration of that statement of common ground into examination at deadline four, the status of the statement of common ground with the Environment Agency as of 18th of June this year, as described in rep 1036, identifies the following as outstanding matters, and I have a short update on each of those in terms of where we are, which will we will then be discussing with the Environment Agency in advance of deadline for so item 7.1, which covers further investigation being required at detailed design stage to determine the need for bank protection and the requirements of That bank protection. So that's under the river shell bridge on the link road. So react commitment, w e4 so that's within react version, reference rep 3031, so that item, w e4 has been updated to state that the Environment Agency will be consulted on that aspect of the detailed design. The next item, Item 7.2, which is detailed design of the flood storage area, again. React item, well, not again. React item, but react item W, E 17, has been updated to state that the

Environment Agency will be consulted on that aspect of the detailed design. And then item 7.3, is regards to timing of construction activities on the live Brook and react. Item B 28 has been added into the React that was at version rep 1031, to address this matter. And I think that's a separate point that we've got at the end of this section on the agenda as well. So that's the three item sevens. And then there are a number of item eights within the socg that we still have matters outstanding. So items 8.1 8.2 and 8.3 relate to the classification of the link road and the A, 4019, works as essential infrastructure, and we discussed that at the start of this meeting today, and we will bring those discussions into that item. Item 8.4 is regards to managing flood risk, and we have embedded mitigation for flood risk. They're based on the flood risk hierarchy, and are described in the flood risk assessment as 023, and we will follow up with Environment Agency on the status of that matter and whether it can be closed. Item 8.5 is in relation to flood risk during construction, in relation to the sequencing of construction activities, and that has been or should be progressed through, through the extension of commitment. Wb 15, which we've discussed earlier. Item 8.6 is around the groundwater regime in the flood compensation area and the potential impacts on flood risk. A groundwater technical note, which is referred to in the FRA was submitted to the Environment Agency in July of this year, and that has been appended to the let to the current version of the socg, so rep 1036, item, 8.7 is around definition of the extents of flood zone 3b and A figure showing flood zone 3b and how that relates to the scheme that will be submitted as an attachment to the next iteration of the socg. I've got three more item, 8.8 so that covers designs of the bank protection under the river chelt bridge for the link roads that's been identified as a detailed design consideration, the ES has assumed a worse case in that it's assumed a hard bank protection to be used in that location. Yes, Item 8.9 refers to future attainment of good status, and the action is with the Environment Agency to review the updated chapter eight. So reference rep, 1014, following the deadline, one submission, and then finally, Item 8.10, so ordinary watercourse model to be agreed with a flood risk specialist at the EA, and the applicant has submitted that model for the ordinary watercourse to the EA. That's all of the items we have further discussion scheduled with the Environment Agency in advance of deadline for to discuss these matters, and as I said, intend to submit an updated socg At deadline four.

1:40:56

Thank you. That's helpful. Thank you. Applause. I could, I now turn to the EA please for any comments they wish to make on what the applicants just said, and in doing so, if I could, please ask that you could sign post any specific concerns or issues with regards to any of the outstanding matters in particular. Thank you.

1:41:22

Thanks. Noreen novice from the Environment Agency, and going through the statement of common ground, we have a few matters outstanding, which we've got a meeting scheduled before deadline for. And hopefully most of these matters should be resolved by then, so we have got no further issues, you know, alarming issues or anything at the moment. Thank you.

1:41:52

Is there anyone else in the room who wishes to comment on the statement of common ground between the EA and applicant before we move on. Not seeing any hands, I think that then takes us to the end of the agenda items under that heading, and we'll hand back to Mr. Mund

1:42:19

I think, just one final point on the statement of common ground with between the applicant and the Environment Agency. At the moment, there seems to be a slight degree of confusion on some of the elements, whether they're relying on whether it's something is classed as essential infrastructure or not, and also whether the schemes vulnerability under the national planning policy framework. So I think when you have your meeting in due course, you need to set up very clearly to us what is agreed and what isn't, and if there are concerns about or a different view that might be taken in respect of essential infrastructure or not, or if there is any dispute on vulnerability, then we need to understand very clearly what those differences are and whether they lead to any different conclusions, so that we Can if there isn't a complete alignment or view by the end of the examination, we're in a position to very clearly report to the Secretary of State those distinctions if there are any. So hopefully that will help in the discussions. If you do to help us clarify the position. Does that help? By all means, ask me a question. Is that useful? Thank you. Okay,

1:43:53

well, I think it's we've been going reasonable times. It's probably a sensible time to have a break. And I'm not sure whether those on the water environment will be gladly running out into the sunshine, and we need a chance to see you again. You're welcome to stay if you wish to, but if not, then thank you very much for your attendance, and we will adjourn now. Those on live stream just remind you you will need to re start your browser page when, when you come back, let's see what's the time. So if we come back at 12 o'clock, hopefully that gives everyone enough time for a comfort break and we'll resume then.

1:44:33

Thank you. Applause.