



**Application by Gloucestershire County Council for M5 Junction 10 Improvement Scheme**  
**The Examining Authority's written questions and requests for information (ExQ2)**  
**Issued on 10 September 2024**

The following table sets out the Examining Authority's (ExA's) second written questions and requests for information - ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 7 May 2024. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from ExQ2) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q2.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [m5junction10@planninginspectorate.gov.uk](mailto:m5junction10@planninginspectorate.gov.uk) and include 'M5 Junction 10 Improvement Scheme' in the subject line of your email.

**Responses are due by Deadline 5: Tuesday 1 October 2024**



### Abbreviations used:

<b>PA2008</b>	The Planning Act 2008	<b>LIR</b>	Local Impact Report
<b>Art</b>	Article	<b>LPA</b>	Local planning authority
<b>ALA 1981</b>	Acquisition of Land Act 1981	<b>MP</b>	Model Provision (in the MP Order)
<b>BoR</b>	Book of Reference	<b>MP Order</b>	The Infrastructure Planning (Model Provisions) Order 2009
<b>CA</b>	Compulsory Acquisition	<b>NPS</b>	National Policy Statement
<b>CPO</b>	Compulsory purchase order	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>dDCO</b>	Draft DCO	<b>R</b>	Requirement
<b>EM</b>	Explanatory Memorandum	<b>SI</b>	Statutory Instrument
<b>ES</b>	Environmental Statement	<b>SoS</b>	Secretary of State
<b>ExA</b>	Examining authority	<b>TP</b>	Temporary Possession

### The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[TR010063-000482-M5 Junction 10 Examination Library.pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/TR010063-000482-M5 Junction 10 Examination Library.pdf)

It will be updated as the examination progresses.

### Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ2 1.0.1 – refers to question 1 in this table.



**Index**

**1. General and Cross-topic Questions ..... 4**

1.1 Environmental Statement (General) ..... 4

1.2 Need ..... 4

1.3 Site selection and alternatives ..... 5

**2. Air Quality and Emissions ..... 5**

**3. Biodiversity, Ecology and Natural Environment..... 6**

3.1 Habitats Regulations Assessment ..... 6

**4. Climate Change adaption and carbon emissions.... 6**

**5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations ..... 6**

**6. Draft Development Consent Order (DCO) ..... 12**

**7. Good Design ..... 13**

**8. Green Belt..... 13**

**9. Heritage ..... 13**

**10. Geology and Soils ..... 14**

10.1 Subheading ..... **Error! Bookmark not defined.**

**11. Landscape and Visual ..... 14**

**12. Noise and Vibration..... 14**

**13. Policy ..... 15**

**14. Socio-economic effects..... 15**

**15. Traffic and Transport..... 15**

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

16.1 Water Framework Directive (WFD)..... 17

ExQ2	Question to:	Question:
<b>1. General and Cross-topic Questions</b>		
Q1.0.1	The Applicant and National Highways	<p><b>Project Control Framework and Governance</b></p> <p>(i) The SoCG with National Highways [REP3-037] states no agreement has been reached on this matter. Can the Applicant and National Highways set out clearly their respective positions, and how each party proposes that an appropriate control framework and governance arrangements are proposed to be achieved.</p> <p>(ii) Can each party also set out its position if agreement is not reached and how they envisage the SoS should be advised of the implications of not having an agreement in place bearing in mind the ExA's responsibility to prepare a DCO which would be fit for purpose in the event the SoS were to approve the application.</p>
Q1.0.2	The Applicant	<p><b>Statements of Common Ground with prospective developers</b></p> <p>Drafts of the SoCG were supplied as part of the initial application [APP-151, APP-152 and APP-153]. Please provide updated drafts so the positions of each respective party can be properly understood at this stage of the examination and the ExA can be advised of the progress made between the parties.</p>
Q1.0.3	The Applicant and National Highways	<p><b>Statement of Common Ground with National Highways</b></p> <p>Can the Applicant ensure that the Glossary includes reference to all the abbreviations and acronyms used in the document, currently there are several which are not referenced, for example at section 7.6 CPI, SPI, LEI, BEI.</p>
Q1.0.4	The Applicant	<p><b>Equalities Act</b></p> <p>In response to Q1.0.10 the Applicant reiterates that a pack of information was provided to occupiers of the Traveller site and a cover letter was provided in 6 different languages which provided contact details.</p> <p>(i) Did either the Traveller Liaison Support Officer or the Friends, Families and Travellers Charity advise that engagement in writing was the most appropriate approach to engage constructively with the residents?</p> <p>(ii) Did the Applicant visit the site in order to seek to create a constructive approach which facilitated consultation without relying on written communication?</p> <p>(iii) Was the Applicant advised not to visit the site, or undertake a review that indicated it was not safe to do so?</p>
<b>1.1 Environmental Statement (General)</b>		
Q1.1.1		No further questions at this time.
<b>1.2 Need</b>		

**ExQ2: Tuesday 10 September 2024**

**Responses due by Deadline 5: Tuesday 1 October 2024**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
Q12.1	The Applicant	<p><b>Local Policy</b></p> <p>Is it correct to say that in respect of the evolution of local policy, that the Applicant seeks to rely on the evidence base for the JCS as supporting the need case for the proposed development?</p>
Q12.2	The Applicant, Bloor and Persimmon Homes, Joint Councils, St Modwen and Midlands Land Portfolio	<p><b>Local Policy</b></p> <p>The JCS, as adopted, does not stipulate that for individual allocations, each subsequent planning application must not go ahead in advance of any road improvement scheme but to set out how it proposes to ensure the particular scheme would need to address “<i>the provision of infrastructure and services required as a consequence of development,</i>”</p> <p>Paragraph 5.8.7 of the JCS goes on to say “<i>This policy will primarily be delivered through the development management process. Early engagement with the Local Planning Authority at pre-application stage is encouraged. Developers may note in this respect that Gloucestershire County Council has adopted a ‘Local Developer Guide: Infrastructure &amp; Services with New Development’ (February 2013) that relates to infrastructure requirements and associated matters for which it is responsible.</i>” (Our Highlighting)</p> <p>(i) Is it not the case, that even if the ExA were to accept the Applicant’s case that the need for the broad infrastructure improvements has been established through the evidence base for the JCS, the actual policy and supporting paragraphs do not specifically require this proposed development, or specifically justify it in need terms.</p> <p>(ii) Does it not remain the case for the developer to demonstrate to the LPA’s satisfaction that the scheme proposed provides the infrastructure and services required as a consequence of the individual developments?</p>
<b>1.3 Site selection and alternatives</b>		
Q13.1	Bloor Homes and Persimmon Homes, St Modwen and Midlands Land Portfolio	<p><b>Alternatives</b></p> <p>Noting the evidence provided in support of the applications for allocations A4 and A7 and recognising that it is a decision for the LPA as to whether to grant planning permission for the applications. What is the IPs position on the consideration of alternatives for the delivery of the Proposed Development?</p>
<b>2. Air Quality and Emissions</b>		
Q20.1		No further questions at this time.

ExQ2	Question to:	Question:
<b>3.</b>	<b>Biodiversity, Ecology and Natural Environment</b>	
Q3.0.1	The Applicant, Joint Councils	<b>LEMP</b> The Joint Councils sought amendments to the LEMP in response to FWQ 3.0.6. Have amendments been made which now resolves this concern?
<b>3.1</b>	<b>Habitats Regulations Assessment</b>	
Q3.1.1	The Environment Agency	Within the Relevant Representation [RR-013], the Environment Agency raise a number of points related to the aquatic environment (5.1, 5.2, 5.3, 5.4, 5.5, 5.7). A number of matters are also raised in the SOCG [REP1-036] (Entries 7.1, 7.2 and 7.3 of Table 5-1 matters outstanding). However, these entries do not provide an indication as to whether the EA consider that these have the potential to affect the conclusions of the Habitats Regulations Assessment provided to date (most recent versions provided as REP3-024 and REP3-026). Can the EA confirm their current position on the Habitats Regulation Assessment?
<b>4.</b>	<b>Climate Change adaption and carbon emissions</b>	
Q4.0.1		No further questions at this time
<b>5.</b>	<b>Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>	
Q5.0.1	The Applicant, Joint Councils, Bloor and Persimmon Homes, St Modwen and Midlands Land Portfolio, Cheltenham Borough Council Property and Asset Management	<b>Funding</b> At CAH1 the Joint Councils advised that there had been a change to the Community Infrastructure Levy Funding Statement. Please can all parties explain what implications this has for the funding in respect of Compulsory Acquisition and the obligations under those regulations, and secondly in the Applicant's capacity to fund the construction of the project.  In responding, please set out any implications for the timing of the delivery of such funding, and as far as you can the changes to the amount of funding this could ultimately deliver, relative to the sums which might be delivered through s106 alone?

**ExQ2: Tuesday 10 September 2024****Responses due by Deadline 5: Tuesday 1 October 2024**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
Q5.02	The Applicant, Joint Councils, Bloor and Persimmon Homes, St Modwen and Midlands Land Portfolio, Cheltenham Borough Council Property and Asset Management	<b>Funding</b> The ExA understand that the Community Infrastructure Levy Amendment Regulations 2019 removed the restrictions on pooling funds and on funding the same item of infrastructure from both CIL and s106 obligations. Can each party explain the changes that the inclusion of the M5 J10 within the Infrastructure Funding Statement has in respect of the potential to facilitate funding in combination with any s106 money?
Q5.03	National Highways	<b>Funding</b> (i) Does the change referred to in the previous two questions provide sufficient assurance that concerns NH have previously raised in respect of funding are resolved? (ii) In the event this is not the case please set out in detail any ongoing concerns, and any mechanism you consider may overcome them.
Q5.04	National Highways	<b>Funding</b> If Protective Provisions can be agreed, would they provide the assurances sought by NH about the funding for the project or provide for the necessary controls in respect of commencement of work on the SRN relative to the timing of the funding.
Q5.05	Joint Councils	<b>Funding</b> During the CAH the JC indicated that M5J10 had now been added to the infrastructure list and this is confirmed in the D4 submission, however the Infrastructure List (Appendix 2) to the submission refers to the M5J10 as a 'Project Requiring More Work to Identify Costs.' This would appear to be an earlier list of infrastructure projects. Please clarify the situation. Assuming the M5J10 has now been included in the Infrastructure List for CIL can the Joint Councils update the ExA on the current position in respect of the response provided to FWQ 5.0.18. (i) Is it still the position that the Joint Committee will need to agree a prioritisation methodology?

**ExQ2: Tuesday 10 September 2024**

**Responses due by Deadline 5: Tuesday 1 October 2024**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		<p>(ii) Assuming this to be the case, when is it expected this would take place?</p> <p>(iii) In seeking to understand the broader picture for CIL can the Joint Councils set out the anticipated balance sheet of projects anticipated to deliver CIL against the projects they are to support so that we can understand where the Proposed Development fits in the overall funding situation.</p>
Q5.06	The Applicant	<p><b>Funding</b></p> <p>(i) The ExA note the response provided to ExQ 5.0.8, do you consider that the test under s122 would be met if the land were to be acquired within the 5-year period referenced within the answer, but the development did not commence?</p> <p>(ii) Taken as a whole does the guidance, and the terms of the Act not only require there to a reasonable prospect of the requisite funding being available for acquisition, but for the development to be undertaken?</p>
Q5.07	The Applicant	<p><b>Funding</b></p> <p>The ExA note the Applicant's response at Item 16.20 in [REP3-044].</p> <p>If there is no agreed position on deadweight and that this should be considered by the LPAs as part of the determination of the individual applications, does this contradict the Applicants position in respect of any confidence that there can be in future funding from the development of the allocations?</p>
Q5.08	The Applicant	<p><b>Funding</b></p> <p>In the Funding Technical Note at paragraph 4.1.8 the Applicant advises that CA would have a five-year window. While this would meet the usual timeframe within a DCO and the CA Regulations, the HIF funding on which the Applicant relies would appear to expire in 2027.</p> <p>(i) In these circumstances would it not be more appropriate to have a Requirement similar to that at Manston Airport not less?</p>
Q5.09	The Applicant and National Highways	<p><b>Funding</b></p> <p>In previous evidence NH have indicated that they do not agree with the cost forecasts for the sum needed for the construction of the project.</p> <p>Can both parties please provide an itemised list spelling out their calculations and why you consider list provides an objective basis for costing assessment.</p> <p>In doing so please provide evidence as to why you consider your position the more robust and why the ExA should give this greater weight in the recommendation to the SoS.</p>



ExQ2	Question to:	Question:
Q5.0.10	The Applicant and Homes England	<p><b>Funding and Construction Programme</b></p> <p>Homes England in their D4 submission state <i>"The contractual funding Availability Period is to 30 September 2027 by which time all HIF grant funding must be incurred and claimed. The GDA requires construction of the Scheme to be completed by 30 December 2027."</i> This is confirmed in the Applicants Funding Technical Note.</p> <p>As of September 2024, that facilitates a 40-month window for the project to have been constructed prior to the end of the HIF funding as currently offered.</p> <p>In Chapter 2 of the ES [AS-010] Table 2-1 indicates a 30-month construction sequence for the project to be complete. In the D4 submission (doc 9.68 page 20 Item 1.4 Item 3) the Applicant further states that the "final cost is likely to be around September/October 2025"</p> <p>Assuming the SoS were to make a positive decision to grant the DCO, the current statutory timetable would give a provisional date for decision of 4 June 2025, 9 months from now.</p> <p>This infers the construction would need to commence within one month of a positive decision being made by the SoS.</p> <p>(i) Please explain how this might be achieved, when the Applicant acknowledges that there would be no statement to commence in advance of certainty of funding. (the gap in funding currently identified (circa £81 million)), That the funding gap relies in part, according to evidence presented by the Applicant at ISH3 upon the safeguarded land to deliver 33% of the assumed s106 funding and the Joint Councils in their D3 submission [REP3-64] in response to ExQ1.1.4 state <i>"Should the site be allocated then there could be potential that some units may be realised before the end of 2031."</i></p> <p>(ii) [REP3-016] identifies a series of additional consents and licences which will be required, (some of which may limit works in specific seasons) while others are yet to be concluded. Can the Applicant give greater detail on their construction programme and the readiness to start on site? In doing so set out your programme for development of the detailed design work, approvals for necessary licences and the discharge of requirements and any other time critical factors which would influence the ability to commence promptly upon getting a favourable decision from the SoS.</p> <p>(iii) In the event there were to be a slippage in the programme, what arrangements are in place to secure either alternative funding or what assurance can either the Applicant or Homes England provide that there is flexibility in the end date?</p> <p>(iv) Do Homes England have a final threshold (date) that would mean the funding would be withdrawn in the event that the proposed development had not been completed by December 2027?</p>

**ExQ2: Tuesday 10 September 2024**

**Responses due by Deadline 5: Tuesday 1 October 2024**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		(v) The ExA understands from the D4 submission there is a process that would need to be gone through to assess whether the terms of the GDA were being met. Would an extension of the time period beyond December 2027 be within Homes England's delegated authority or would this require approval of MHCLG/HMT?
Q5.0.11	The Applicant and Homes England	<p><b>Funding</b></p> <p>(i) Is there a process under way with Homes England that prepares for the eventuality of a delay?</p> <p>(ii) At this time are you able to provide additional information to the ExA on this issue such that it could be set out to the SoS?</p>
Q5.0.12	The Applicant	<p><b>Funding</b></p> <p>There is an acknowledgment in the funding technical note provided at D4 that for each year of delay there is the potential for an increase of cost in the region of £4-5million.</p> <p>What assurance can you provide that this additional cost is capable of being met in the event of a delay?</p>
Q5.0.13	The Applicant, Statutory Undertakers	<p><b>s127 and s138 of the Planning Act 2008</b></p> <p>(i) Can the Applicant set out their case in detail in respect of s127 and s138 for each of the SUs where agreement has not been reached.</p> <p>(ii) For each SU to set out their case in respect of s127 and s138 explaining fully where agreement has not been reached and why the Protective Provisions as drafted in the draft DCO are not considered sufficient. In doing so please provide a version of the preferred Protective Provisions clearly explaining the differences and what each change from the dDCO achieves and why this wording is considered more appropriate.</p>
Q5.0.14	The Applicant	<p><b>s135 of the Planning Act 2008</b></p> <p>Can the Applicant set out where agreement is not reached a statement setting out clear reasoning and justification for the inclusion of each of the land plots, their purpose and the extent of powers sought, including justification as appropriate and why lesser powers might not suffice.</p>
Q5.0.15	The Crown Estate Commissioners, Department for Environment Food and Rural Affairs,	<p><b>Article 43 - Crown Rights</b></p> <p>Can each party advise whether they consent to the inclusion of Article 43 of the dDCO.</p>

ExQ2: Tuesday 10 September 2024

Responses due by Deadline 5: Tuesday 1 October 2024

ExQ2	Question to:	Question:
	Department for Levelling Up, Housing & Communities	
Q5.0.16	Applicant (i), (iii) and (iv) Bloor Homes (ii), (iii)	<p><b>Potential Ransom Strip</b></p> <p>During the CAH discussions took place around whether there was the potential for a ransom strip to be created by virtue of the DCO proposals.</p> <p>(i) Following receipt of the plans as part of the action points to the CAH, it appears to the ExA the highway boundary is proposed to be contiguous with the land plots that front onto the north side of the A4019. Can the Applicant confirm how this arrangement is secured in the DCO?</p> <p>(ii) Can Bloor advise whether this overcomes the concern they have set out?</p> <p>(iii) The ExA understands that GCC as a landowner has the same rights as other landowners and should not be disadvantaged, however it also appears that it should not be disproportionately advantaged by virtue of any CA and the choice of access proposed by the Applicant.</p> <p>In [REP3-044] Item 15.8 the Applicant recognises that the design currently offered achieves a ransom situation. <i>“GCC, as landowner, is seeking recognition of the value of its land over which the access will be built, <b>on the basis that this land is required to facilitate future development.</b> It could be provided as part of a landowner equalisation agreement.”</i></p> <p>Do reasonable alternatives exist to access the land to the north to allow for the development of the safeguarded land should it be allocated as they appear to do at present? (This would appear to be the inference in the Applicant’s response to ExQ1.1.8)</p> <p>(iv) Should the ransom situation arise can the Applicant explain how this might be regarded as meeting the tests in the PA2008 and the CA Regulations.</p>
Q5.0.17	The Applicant and Bloor Homes	<p><b>Potential Ransom Strip</b></p> <p>(i) In the event that a ransom strip was created where one does not currently exist, would the landowner be entitled to compensation taking into consideration the current status of the land, and that it is specified as ‘safeguarded’ in the JCS?</p> <p>(ii) If this is the case with regard to future funding for the Proposed Development – would the relative amount payable be any different, or would it be split to be paid pro rata by the beneficiaries?</p> <p>(iii) Has the Applicant’s assurance that there is sufficient funding in place for CA included for this eventuality should it exist?</p>

ExQ2	Question to:	Question:
<b>6.</b>	<b>Draft Development Consent Order (DCO)</b>	
Q6.01	All statutory undertakers / utility providers and local authorities	<p><b>Protective Provisions:</b></p> <p>(i) Please can each Statutory Undertaker (SU) set out their preferred protective provisions where these have not already been agreed? In doing so, please set out clearly the arguments why the preferred PPs are sought.</p> <p>(ii) In responding to the previous question, please can each SU provide details of their case in respect of s127 and s138 of the Planning Act 2008 or confirm that they are content that there is no conflict with either legislative test?</p>
Q6.02	National Highways	<p><b>Protective Provisions</b></p> <p>Please can National Highways set out their preferred protective provisions where these have not already been agreed? In doing so please set out clearly the arguments why the preferred PPs are sought and why the draft PPs do not fulfil NH's needs.</p>
Q6.03	Joint Councils	<p><b>Regulation 6 of the Hedgerow Regulations 1997</b></p> <p>Can the Councils advise whether they have any concerns regarding the disapplication of these regulations or confirm they are content with this addition to the dDCO?</p>
Q6.04	Applicant, National Highways, and Joint Councils	<p><b>Discharge of Requirements</b></p> <p>Clarity is required on the progress between the parties on the procedure for the discharge of requirements, the role of consultees, and any arbitration process in the event that agreement is not reached.</p> <p>Can each party clarify their current position and provide the wording in respect of any requirements, discharge arrangements, consultees, and arbitration that they would wish to be include within the dDCO where not presently agreed? (The ExA notes there has been a series of updates to the REAC and the dDCO submitted at D4 by the Applicant. If these changes have resolved the concerns previously identified, please confirm this to be the case)</p>
Q6.05	Applicant, Joint Councils	<p><b>Article 7 Planning Permission</b></p> <p>(i) Can each party provide their preferred wording for this Article, if there is not resolution to the disagreement referenced in the response to FWQs?</p> <p>(ii) Can the Applicant provide reference to a precedent which has been agreed by the SoS?</p>
Q6.06	Applicant and National Highways	<p><b>Article 10 Consent to transfer benefits</b></p> <p>(i) Can the ExA be updated on the progress on the side agreement between the NH and the Applicant with respect to if the concerns NH identify in the PADDs are now resolved?</p>

**ExQ2: Tuesday 10 September 2024****Responses due by Deadline 5: Tuesday 1 October 2024**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
		(ii) In the event agreement is not reached, can each party give a detailed explanation of their position?
Q6.0.7	The Applicant	<b>Article 13</b> National Highways in their response to ExQ1 have provided their preferred wording to Article 13 with the addition of sub paragraphs (9) and (10). (i) Can the Applicant advise of its views on these additions?
Q6.0.8	The Applicant	<b>Article 41 Defence to Proceedings in respect of Statutory Nuisance</b> The Joint Councils sought amendments to this article such that the defence should only arise for the construction period. (i) Can the Applicant provide greater clarity and any legal justification for the defence continuing for any subsequent maintenance period or during the operation of the development?
Q6.0.9	The Applicant,	<b>Requirement 12</b> In ExQ6.2.3 we sought clarification of whether the word 'reflect' was the most appropriate phrase or whether this would be better if amended to 'in accordance with'? The response provided refers to [REP1-047] page 37 but this does not answer the question. Please set out an explanation for the form of words used in this Requirement?
<b>7. Good Design</b>		
Q7.0.1	The Applicant	<b>Design Review</b> (i) In light of the response from NH at D4 (page 12) please respond to the concern/ advice that a Design Review process prior to detailed design would be beneficial. (ii) If this is not considered to be the case, please provide a detailed response setting out why the current project would not benefit from such an approach? (iii) In the event that the ExA were to consider it appropriate, please draft your preferred wording for a Requirement to have a Design review process undertaken, the results fully considered, and the design developed taking account of any advice.
<b>8. Green Belt</b>		
Q8.0.1		No further questions at this time.
<b>9. Heritage</b>		

ExQ2	Question to:	Question:
Q9.0.1	The Applicant, GCC and Joint Councils	<p><b>Archaeological Management Plan (AMP)</b></p> <p>The ExA understands that the current GCC Archaeologist post is being advertised in order to recruit to the post. What the ExA is seeking to ensure/understand is that the wording within the AMP can be met by the obligation “that all works will be monitored by the LPA Archaeological advisor”.</p> <p>In the event the DCO is granted is there a mechanism that ensures suitable availability to undertake this monitoring as the AMP requires?</p>
Q9.0.2	The Applicant	<p><b>Geophysical Surveys - Archaeology</b></p> <p>The JCs D3 response confirms that geophysical surveys are required ahead of the end of Examination to assess whether the legal tests on heritage impacts have been met appropriately. Is this agreed?</p> <p>Please can the Applicant confirm that this information will be submitted in good time, in order for the JCs to be able to respond to the findings and the ExA given evidence prior to the close of the Examination.</p>
<b>10. Geology and Soils</b>		
Q10.0.1	The Applicant	No further questions at this time
<b>11. Landscape and Visual</b>		
Q11.0.1	The Applicant and Joint Councils	<p><b>Acoustic Barriers</b></p> <p>(i) Can the Applicant confirm their position with respect to the D3 request from the JC that LV6 of the REAC be modified to explicitly include the objective of implementing a vegetated solution for the barriers?</p> <p>(ii) In the event this is not included it would appear that the Landscape and Visual Impact Assessment Chapter should be updated to assess the impacts of a non-vegetated design solution. If the Applicant does not agree that this is the case, please explain the reasons why this would not be appropriate?</p> <p>(iii) It would appear there is very limited space to allow planting on both sides of the barriers along the A4019. Can GCC confirm as Highway authority they agree to landscape planting to screen the fences within the highway, and that appropriate space is available for maintenance?</p> <p>(iv) Can the Applicant point out how the effect on residential properties has been assessed where barriers are proposed and the significance or otherwise of the effect created upon these residential properties and the balance to be struck between any visual harm and acoustic benefit.</p>
<b>12. Noise and Vibration</b>		

ExQ2	Question to:	Question:
Q120.1	The Applicant	<p><b>Stoke Orchard – Construction Stage Noise Impacts</b></p> <p>Please can the Applicant confirm that in the absence of secured mitigation the proposal would comply with the requirements of the Noise Policy Statement for England (March 2010)?</p>
Q120.2	Applicant, Joint Councils	<p><b>Noise Mitigation</b></p> <p>In response to Action Point ISH3.39, the Applicant suggests that the need for mitigation (insulation or rehousing etc) would be established following detailed design and secured via the 2<sup>nd</sup> Iteration of the EMP.</p> <p>(i) How can the ExA be assured that this process is appropriately secured at this stage?</p> <p>(ii) Are the JC content with the approach offered by the Applicant?</p>
<b>13. Policy</b>		
Q130.1		No further questions at this time
<b>14. Socio-economic effects</b>		
Q140.1		No further questions at this time
<b>15. Traffic and Transport</b>		
Q150.1	The Applicant	<p><b>Transport Modelling</b></p> <p>(i) In response to ExQ1 15.0.9 the Joint Councils indicated that an additional chapter pulling together the transport information in one place. Is this being prepared?</p> <p>(ii) If so, when is it anticipated to be submitted to the ExA?</p>
Q150.2	Applicant and NH	<p><b>Transport Modelling</b></p> <p>The Applicant's and National Highways' currently have substantially different positions with respect to consideration of the adequacy of the transport modelling. On this basis:</p> <p>(i) Can both parties explain how the SoS can reach a view that the Proposals adequately address the requirements of the NN NPS including those relating to good design (noting NN NPS Paragraph 4.31) and road safety?</p> <p>(ii) Can National Highways indicate which specific parts (design elements) of the Proposals compliance with the NN NPS remain unproven given their current consideration of the transport modelling and clearly explain why?</p>

**ExQ2: Tuesday 10 September 2024**

**Responses due by Deadline 5: Tuesday 1 October 2024**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
Q15.03	Applicant	<p><b>Transport Modelling</b></p> <p>With respect to the Transport Assessment, Appendix L : Traffic Forecasting Report, please can the Applicant produce V/C plots for all Scenario Q assessment periods / years so that the impacts of the dependent development without the transport scheme can be clearly understood?</p>
Q15.04	Joint Councils, Applicant	<p><b>Departures from Standards</b></p> <p>The ExA note the D3 submission from the JCs including that relating to Departures from Standard and that the JC Project Team were not party to any discussions with respect to this matter, but GCC’s independent Departures for Standard Board is attended by senior qualified officers who are not directly involved in the scheme from the Applicants point of view and can therefore be “construed” as representative of the Joint Councils?</p> <p>For the avoidance of doubt, please can the JC confirm the position with respect to agreements for the Departures from Standards included within the proposals for the local road network. Is there any outstanding requirement for the JC to provide any further agreements with respect to any departures proposed?</p>
Q15.05	Applicant, JC	<p><b>Departures from Standards</b></p> <p>Can both parties explain if the Deadline 4 ‘Departures from Standard Report’ was provided to the JC to inform their respective positions / decisions about the acceptability of the departures from standard sought?</p>
Q15.06	Applicant, JC	<p><b>Departures from Standards</b></p> <p>Can both parties confirm their position with respect to the acceptability of DFS.10 as considered in the Deadline 4 ‘Departures from Standard Report’? The decision stated suggests that it was ‘approved with comments’, however the comment suggests that the item should remain ‘on the departure list and review at detailed design stage’?</p>
<b>16. Water Environment – Flood Risk, Water Quality and Resources</b>		
Q16.01	The Applicant	<p><b>Flood Risk Assessment - Additional Data Sources</b></p> <p>We asked at ExQ1 (Q16.0.8) the following, however, there does not appear to have been an answer. Cross-reference is made in Appendix 8.1A of the FRA [AS-023] as “<i>providing some of the investigations that explain how the sequential test was applied.</i>” However, no information is provided in this appendix other than a reference to a separate report, West Cheltenham Link Road Route Corridor Assessment (Atkins, February 2021). The Applicant is requested to either identify where in the application documents this assessment can be found or, if it has not been included in the application documents, provide a copy to the Examination.</p>



**ExQ2: Tuesday 10 September 2024**

**Responses due by Deadline 5: Tuesday 1 October 2024**

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
Q16.02	The Applicant and Joint Councils	<b>Essential Infrastructure</b> The EA has provided alternative positions in their D4 submission in respect of 'essential infrastructure' with regard to the link road, can the Applicant's and Joint Councils advise of their position on this and explain the justification for the approach?
<b>16.1 Water Framework Directive (WFD)</b>		
Q16.1.1		No further questions at this time

**ExQ2: Tuesday 10 September 2024**

**Responses due by Deadline 5: Tuesday 1 October 2024**