

M5 Junction 10 Improvements Scheme

Statement of Commonality

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M5 Junction 10 Improvements Scheme

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8.1 Statement of Commonality

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1. Introduction

1.1. Purpose of this Document

- 1.1.1. This Statement of Commonality for Statements of Common Ground (this 'Statement') relates to an application made by Gloucestershire County Council (GCC) (the 'Applicant') to the Planning Inspectorate under Section 37 of the Planning Act 2008 (the 'Act') for a Development Consent Order (a 'DCO'). If made, the DCO would grant consent for the Applicant to construct the M5 Junction 10 Improvements scheme (the 'Scheme'). A detailed description of the Scheme can be found in the Environmental Statement (the 'ES') Chapters 1-4 (APP-060 - 063).
- 1.1.2. This Statement has been prepared to provide the Examining Authority (the "ExA") with a summary of the current position at the time of submission of the DCO.
- 1.1.3. This Statement provides a current position on the commonality on specific points between SoCG's at Examination Deadline 5 on 01 October 2024. The Statement was not submitted at Deadline 4 therefore, it reflects the position between parties at Deadline 4 and Deadline 5.

2. Structure of Statements of Common Ground

- 2.1.1. The SoCGs have been structured in a generally consistent form and set out those matters which are agreed, the matters subject to further discussion and those matters which are not agreed. Each SoCG has been tailored according to the approach agreed with the interested party concerned.
- 2.1.2. Each SoCG has the following structure:
- Section 1: Introduces the SoCG and provides a description of its purpose.
 - Section 2: Outlines the engagement that has taken place with the interested party.
 - Section 3 sets out the topics discussed in the SoCG
 - Sections 4 and 5: sets out any issues that have arisen, reporting on the status of each issue, i.e., whether it is agreed, still under discussion or not agreed and any remaining actions.
- 2.1.3. Where relevant, documents that are referenced in the SoCG, but do not form part of the application, have been appended to the SoCG, to draw the ExA's attention to further relevant information.
- 2.1.4. Each SoCG includes a list of topics, unless the relevant parties consider that there are no issues to address on a particular topic.

3. List of Statements of Common Ground

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

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

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

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

4. Summary of current position

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

Table 4-1 – High Level Position of SoCGs

Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline 1 18 June 2024	Position at Deadline 2 9 July 2024	Position at Deadline 3 30 July 2024	Position at Deadline 5 01 October 2024
Local Authorities						
APP-146	Joint Councils	SoCG in draft with matters outstanding	Following a series of specialist meetings, the Joint Councils and the Applicant have agreed a revised iteration of the SoCG with matters agreed and matters still outstanding. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision provided with D1 documents. Further iteration to be submitted to the Examination at an agreed deadline between parties.	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding.	SoCG in draft with 10 matters outstanding submitted at Deadline 4 (03 September 2024).
Prescribed Consultees						
APP-147	National Highways	SoCG in draft with matters outstanding	National Highways and the Applicant have agreed a revised iteration of the SoCG. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further	SoCG in draft with matters outstanding. Discussions are ongoing with National Highways and updated SoCG to be submitted at an

Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline 1 18 June 2024	Position at Deadline 2 9 July 2024	Position at Deadline 3 30 July 2024	Position at Deadline 5 01 October 2024
			of the SoCG to the Examination. Updated revision provided with D1 documents. Further iteration to be submitted to the Examination at an agreed deadline between parties.		iteration of the SoCG to the Examination. Updated revision provided with D3 documents. Further iteration to be submitted to the Examination at an agreed deadline between parties.	agreed deadline between parties.
APP-148	Environment Agency	SoCG in draft with matters outstanding	The Environment Agency and the Applicant have agreed a revised iteration of the SoCG. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision provided with D1 documents. Further iteration to be submitted to the Examination at an agreed deadline between parties.	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding	SoCG in draft with five matters outstanding submitted at Deadline 4 (03 September 2024).
APP-149	Natural England	Agreed with no matters outstanding	Natural England and the Applicant have agreed a revised iteration of the SoCG with all matters now agreed.	Agreed with no matters outstanding	Agreed with no matters outstanding	Agreed with no matters outstanding. Minor amendments made to be submitted at D5.

Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline 1 18 June 2024	Position at Deadline 2 9 July 2024	Position at Deadline 3 30 July 2024	Position at Deadline 5 01 October 2024
			Final SoCG provided with D1 documents as all matters now agreed.			
APP-150	Historic England	SoCG in draft with matters outstanding	Historic England and the Applicant have agreed a revised iteration of the SoCG. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision provided with D1 documents. Further iteration to be submitted to the Examination at an agreed deadline between parties.	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding	SoCG in draft, remaining matters pending further discussion. Further iteration to be submitted to the Examination at an agreed deadline between parties.
Other Interested Parties						
APP-151	North West Cheltenham (Elms Park) – Bloor and Persimmon Homes	SoCG in draft with matters outstanding	No revision to the SoCG submitted with the DCO application as yet. The Applicant is looking to advance SoCG to see what can be agreed and to capture those issues which are in dispute.	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding.	SoCG in draft with matters outstanding. SoCG has been shared with the developer and awaiting their review. A updated SoCG has been submitted at Deadline 5.

Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline 1 18 June 2024	Position at Deadline 2 9 July 2024	Position at Deadline 3 30 July 2024	Position at Deadline 5 01 October 2024
APP-152	Safeguarded Site adjacent to M5 Junction 10 – Bloor Homes	SoCG in draft with matters outstanding	No revision to the SoCG submitted with the DCO application as yet. The Applicant is looking to advance SoCG to see what can be agreed and to capture those issues which are in dispute.	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding.	SoCG in draft with matters outstanding. SoCG has been shared with the developer and awaiting their review. A updated SoCG has been submitted at Deadline 5.
APP-153	West Cheltenham Golden Valley – MLP and Cheltenham Borough Council	SoCG in draft with matters outstanding	No revision to the SoCG submitted with the DCO application as yet. The Applicant is looking to advance SoCG to see what can be agreed and to capture those issues which are in dispute.	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding.	SoCG in draft with matters outstanding. SoCG has been shared with the developer and awaiting their review. A updated SoCG has been submitted at Deadline 5.

5. Commonality

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

Figure 5-1 -Commonality Colour Categorisation

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

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

Table 5-1 – Table of Commonality at time of Deadline 4 submission

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

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

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

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

6. Position as at time of Deadline 5 (01 October 2024)

6.1.1. This section provides a summary of the position between the Applicant, and each interested party as at the time of Deadline 5. This section will be updated at each deadline when the revised SoCGs will be submitted, to explain what has changed since the previous iteration. The individual SoCGs should be referred to for further detail on specific matters.

6.2. Joint Councils

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

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

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

6.2.4. Since deadline 4 discussions have been ongoing in relation to archaeology, active travel, methodology for developer contributions and transport.

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

6.3. Natural England

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

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

6.3.3. Following the Issue Specific Hearing 3 (ISH3), matter 10.1 has been amended and agreed with Natural England. A final version of the SoCG will be to the Examination at the specified deadline in the Examination timetable.

6.4. Historic England

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

6.4.2. Historic England and the Applicant have agreed a revised iteration of the SoCG as submitted at Deadline 3.

6.4.3. The principal matter outstanding relates to Historic England wanting to review the further iterations of the AMP. The wording of Requirement 9 has now been agreed and will be reflected in an updated SoCG. Historic England still wishes opportunities to improve Moat House agreed that this is outside the Scope of the DCO.

6.4.4. Discussion is ongoing with regard to matter outstanding and the Applicant expects to submit final version of the SoCG to the Examination at the specified deadline in the Examination timetable.

6.5. National Highways

6.5.1. Since the preferred route announcement in June 2021 National Highways have been consulted on the Scheme. A meeting was held with National Highways in July 2022 to

discuss the approach to the SoCG process given their differing roles on the project. During the preparation of the DCO, National Highways have been a contributor to the Scheme in relation to elements which relate to the Strategic Road Network (SRN). Once the DCO is submitted, National Highways will take on their role as a statutory body for the Scheme.

- 6.5.2. It has been agreed that, in order to avoid conflicts of interest, National Highways will enter into the SoCG process at the point of the submission of the DCO to the Examining Authority.
- 6.5.3. National Highways and the Applicant have agreed a revised iteration of the SoCG. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision is provided with Deadline 3 submission.
- 6.5.4. Since Deadline 1, regular meetings have been held to discuss National Highways' comments on Saturn modelling, and the DCO articles, schedules and protective provisions. Five of the outstanding matters from Deadline 2 are now agreed. Regular weekly meetings have been ongoing between parties during the examination.
- 6.5.5. At Deadline 4, the principal matters outstanding related to Draft DCO, Articles and Schedules, Funding and Collateral warranties, landscaping maintenance, Approach to land rights acquisition, Liabilities and Reservoir and Ownership. These issues remain as matters outstanding at Deadline 4 and 5. The Applicant has submitted in response to ExA 2nd Written Questions a table which provides an updated position from the Applicant with regard to the Principal Areas of Disagreement Summary Statement (PADSS), latest version submitted by National Highways at Deadline 3 (REP3-074).
- 6.5.6. With regard to traffic modelling, discussions have been ongoing between parties. As outlined in National Highways D4 response (REP4-049), the remaining outstanding concern with the traffic modelling is regarding validation of A4019 journey times in the base year model. The Applicant has submitted a Traffic Modelling Sensitivity Test Technical Note at D5 (TR010063/APP/9.79) to address this concern, which has been shared with National Highways. National Highways has confirmed that the SATURN sensitivity modelling had alleviated its concerns regarding validation of journey times in the baseline model, but still needs to understand whether the do-minimum and do-something scenarios would equally show no material changes.
- 6.5.7. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination at an agreed deadline between parties.

6.6. Environment Agency

- 6.6.1. The Environment Agency and the Applicant have agreed a revised iteration of the SoCG. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. At Deadline 4, a revised SoCG was submitted (REP4-024) in which further matters have been agreed.
- 6.6.2. The remaining matters outstanding with the EA relate to:
- The classification of the Link Road and A4019 works as Essential Infrastructure;
 - Review of the 2022 ordinary watercourse model for the watercourses to the southern end of the Link Road including requirement for additional modelling for blockage tests;
 - Wording of dDCO Schedule 2, Part 8, Requirements
- 6.6.3. Wording of dDCO Schedule 2, Part 2, Procedure for the discharge of requirements Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit final version of the SoCG to the Examination at the specified deadline in the Examination timetable.

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

- 6.7.1. The developers of Elms Park site have been formally consulted on the Scheme since the Preferred Route announcement in June 2021. A draft SoCG was shared with them in May 2023 along with draft DCO documents.
- 6.7.2. Two matters have been agreed, following the issue of non-statutory targeted consultation information. A matter was raised regarding the design of the Scheme and its connection to the proposed Elms Park site. Alterations to the Scheme design that were being subject to targeted statutory consultation resolved this matter. The other issue raised objection to the Scheme proposals to ban right turn movements at the Tewkesbury Road / Retail Park Junction. This option is no longer part of the Scheme and therefore this matter has been resolved.
- 6.7.3. There are three key matters outstanding which relate to traffic modelling information, design changes to the Scheme which impact site accesses to the Elms Park site, and timing of the Scheme which is conditional on Bloor Homes and Persimmon Homes being able to progress the Elms Park development in a timely manner. The stakeholder wishes to agree a construction phasing plan which has regard to the Elms Park construction programme.
- 6.7.4. Since Deadline 1, there has been further engagement with these stakeholders on the draft SoCG. The issues currently identified as 'matters outstanding' will continue to be discussed and it is envisaged that these items will be agreed as the application moves through examination.
- 6.7.5. A revised SoCG has been shared with the developers and the principal outstanding matters relate to policy, need and alternatives, funding and the overlap in proposed highway works in connection with the Elms Park application. An updated SoCG is submitted at Deadline 5.

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

- 6.8.1. The developers of the Golden Valley site (West of Cheltenham), MLP and Cheltenham Borough Council, have been formally consulted on the Scheme since the Preferred Route Announcement in June 2021. A draft SoCG was shared with them in May 2023 along with draft DCO documents.
- 6.8.2. The stakeholder provided a response to the non-statutory targeted consultation in February 2023. The principal matters outstanding relate to timing of the works and Scheme design in relation to the interface between the Scheme boundaries and the West Cheltenham development site boundaries.
- 6.8.3. Since the Deadline 1 submission there has been further engagement with these stakeholders on the draft SoCG. Meetings have been held to discuss active travel, development progress, viability and DCO contributions, and funding methodology.
- 6.8.4. The issues currently identified as 'matters outstanding' will continue to be discussed and it is envisaged that these items will be agreed as the application moves through examination. A revised SoCG has been shared with the developers and the principal outstanding matters relate to policy, need and alternatives and funding. An updated SoCG is submitted at Deadline 5.

6.9. Safeguarded Site adjacent M5 Junction 10 – Bloor Homes

- 6.9.1. The developers of Elms Park site have been formally consulted on the Scheme since the Preferred Route Announcement in June 2021. A draft SoCG was shared with them in May 2023 along with draft DCO documents.
- 6.9.2. The principal matters outstanding relate to the principle of development, funding, and Scheme design in relation to the location of access to the safeguarded land.

- 6.9.3. Since Deadline 1 submission there has been further engagement with these stakeholders on the draft SoCG. There has been engagement with the Applicant regarding developer contributions.
- 6.9.4. The issues currently identified as 'matters outstanding' will continue to be discussed and it is envisaged that these items will be agreed as the application moves through examination. A revised SoCG has been shared with the developers and the principal outstanding matters relate to policy, need and alternatives and funding. An updated SoCG is submitted at Deadline 5.

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