

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

Agenda for Issue Specific Hearing 4 (ISH4) dealing with matters relating to Traffic and Transport, Funding, the DCO, Noise, Flooding and the Water Environment : Tuesday 15 and Wednesday 16 October 2024 at 10:00am.

Notification of the date, time and attendance instructions for ISH4 was provided in the Examining Authority's (ExA's) Rule 8 letter dated 14 June 2024.

Date: **Tuesday 15 and Wednesday 16 October 2024**

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

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

Meeting start time: **10.00am**

Venue: **Blended event via Microsoft Teams¹ and at the Cheltenham Chase Hotel, GL3 4PB**

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

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

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

¹ Full instructions on how to join online or by phone will be provided in advance of the meeting to those who register to participate
M5 Junction 10 Improvement Project
Issue Specific Hearing 4

Interested Parties (IPs) and members of the public who wish to observe the event can therefore view and listen to the Hearing using the livestream, or the recording, after it has concluded.

Arrangements Conference

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

Agenda

1. Welcome, introductions and arrangements for the hearing

2. Purpose of the Issue Specific Hearing

2a. The ExA will seek views of all parties on the approach to be taken for any future hearings and consideration of whether these could be undertaken virtually as a consequence of the Change Request No.1.

2b. The ExA will seek clarification from the Applicant on the situation with regard to the Change Requests.

3. Traffic and Transport

- i. The ExA will explore with NH and the Applicant their consideration of current respective positions with the adequacy of the Transport modelling.
- ii. The ExA will explore with the Applicant the consequential effects of the sensitivity testing of the SATURN Modelling.
- iii. The ExA will seek an explanation from the Applicant on the Active Travel Provision within the scheme and the views of the Joint Councils on their conformity or otherwise with Local Plan policy in line with NPSNN paragraph 5.211.
- iv. The ExA will seek an explanation of the slip road diversion assessment from the Applicant.
- v. The ExA will seek clarification from NH on their views following receipt of the Deadline 5 response [REP5-039] on the assessment of alternatives and the need for the scheme as designed.
- vi. The ExA will seek views from the Applicant and IPs on access to sites with and without the scheme for existing and future uses.

4. Funding

- i. The Applicant to provide an explanation of the build programme in the event of a positive decision to grant the DCO from the SoS including the timing of the delivery of each element of the project and the funding availability to deliver it.
- ii. Homes England to explain the certainty of funding in the event of a delay beyond September 2027 and the current 2027/28 financial year and the process and timing of any subsequent agreement to extend the period for the availability of funding either through their delegation powers or if necessary, through referral to HMT and MCHLG.
- iii. The ExA will follow up 5.017 in ExQ2 in seeking views from the Applicant and APs on whether funding available to support the scheme would be materially different if land were subject to more than one ownership.
- iv. The ExA will explore with NH and the Applicant their positions in respect of the costs of the project.
- v. The ExA will explore with the Applicant the process of gaining a loan from the UK Investment Bank

S106 Funds

- i. The ExA will seek clarification from the Applicant and IPs as to whether there has been any update on funding via s106 and CIL since ISH3 and D4.
- ii. The ExA will seek clarification from IPs, the Applicant, and the Joint Councils the position following receipt of the 'Letter of In Principle Support' [REP5-031].

5. DCO

- i. The ExA will seek views of parties in respect of the Requirements as now drafted in the D5 submission of the dDCO.
- ii. The ExA will seek an understanding of the progress between NH and the Applicant on their positions in respect of Protective Provisions to gain a detailed understanding of the differences between the parties.

6. Noise

- i. The Joint Councils will be asked for their position with respect to the Applicant's answer to 2nd Written Question 12.0.1, in that the Noise Policy Statement (March 2010) is complied with on the basis that "measures to avoid, mitigate and minimise noise has been considered".

7. Flooding and the Water Environment

- i. The EA will be asked to provide an updated position with respect to Flood Risk Impacts Technical Note and Flood Risk Assessment (Doc 6.15) submitted at Deadline 5.

8. Review of issues and actions arising

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

9. Any other matters

Closure of the hearing

Notes on participation, conduct and management of the hearing

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

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

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

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

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

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

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

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

The evidence presented orally at ISH3 should be included in post-hearing submissions and submitted by **30 October 2024 (Deadline 6)**.

Contingencies

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

Microsoft Teams

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

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

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

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

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

M5Junction10@planninginspectorate.gov.uk

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