



# The Planning Inspectorate

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All Interested Parties, Statutory Parties  
and Other Persons

Your Ref:

Our Ref: TR010063

Date: 18 October 2024

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Dear Sir/Madam,

**Planning Act 2008 (as amended) – Section 89, The Infrastructure Planning  
(Compulsory Acquisition) Regulations 2010 and The Infrastructure Planning  
(Examination Procedure) Rules 2010 (as amended) - Rule 8(3) and 9**

**Application by Gloucestershire County Council for an Order Granting Development  
Consent for the M5 Junction 10 Improvements Scheme**

**Notification of a Procedural Decision**

I am writing to advise you of a Procedural Decision taken by the Examining Authority following the Applicant's confirmation of a formal change request dated 11 October 2024 [AS-084 - AS-107].

This follows the Applicant's initial letter in respect of changes to the Proposed Development dated 12 August 2024 and the subsequent Change Request No.1 of the 4 September 2024 [AS-062-AS-073] and the Examining Authority's response [PD-014].

**Procedural Decision**

I am writing to notify you of our decision to accept a further change to the Application Change Application No.2 submitted on 11 October 2024.  
This incorporates the following:

Changes No.1-7.

- Change 1 Link Road replacement of swales with filter drain
- Change 2 Link Road replacement of culverts with bridges
- Change 3 Link Road River Chelt bridge structural form
- Change 4 Link Road alignment
- Change 5 Relocation of existing NRTS transmission station
- Change 6 Flood storage area reconfiguration
- Change 7 Infill of existing northbound on-slip loop.

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/TR010063>



## **Change to the timetable**

The ExA has decided to delay the publication of the commentary on the dDCO to enable us to consider the revised dDCO as now drafted incorporating change No.2 as well as facilitating the opportunity to undertake Compulsory Acquisition and Open Floor Hearings should they be requested or considered necessary following the acceptance of Change Request 1. This means that it is necessary to amend the Examination Timetable. This letter provides you with the updated Examination Timetable at Annex A. This replaces the one that was included in our letter of 14 June 2024[PD-009].

## **Background**

The ExA has assessed the Applicant's request in line with paragraphs 109 to 115 of DCLG Guidance 'Planning Act 2008: examination of applications for development consent' and the Planning Inspectorate's Advice Note 16 – Requests to change applications after they have been accepted for examination. The ExA provides its procedural decision on the Change Requests and reasons for its decision below.

The ExA agree that the changes proposed by the Applicant comprise changes that are:

- Minor in nature;
- All within the Order limits;
- Do not change the environmental impacts of the Scheme as reported;
- Do not engage the Infrastructure Planning (Compulsory Acquisitions) Regulations 2010; and
- There is sufficient time left in examination for the proposed changes to be examined

## **The Examining Authority's reasoning and decision**

The Examining Authority recognises that in considering whether or not to accept the proposed change for examination it needs to act reasonably and in accordance with the principles of natural justice. The Examining Authority must be satisfied that anybody affected by the proposed changes would have a fair opportunity to make their views on them known and to have their views properly taken into account.

We note that the Applicant has undertaken further consultation and in adjusting the Examination Timetable all parties will have the opportunity to express their views prior to the close of the Examination.

The Applicant's submission in relation to the environmental impact assessment concludes that the proposed changes do not generate new or different likely significant effects. We concur with this view and are content that the environmental impact assessment's conclusions around significance of effects would remain the same.

We note that the Applicant concludes that the proposed changes would make no difference to the outcome of a Habitats Regulations Assessment, and we have taken the opportunity to include questions within the RIES to seek confirmation from all parties that they agree with that conclusion.

We agree with the Applicant that the proposed changes do not materially alter the original application and that the development now being proposed remains in substance that which was originally applied for. We are therefore satisfied that the proposed changes would not amount to a different project being proposed.

Overall, we are content that the supporting information provided with the notification and confirmation of the proposed changes is of a satisfactory standard for examination.

We are also satisfied that if all the steps outlined within the Applicant's submission are undertaken in time, sufficient time remains in the Examination for the proposed changes to be properly and fairly examined, including the opportunity for any affected parties to provide written submissions and oral representations to Hearings, and to comply with the procedural requirements of the CA Regulations.

The Examining Authority has therefore decided to accept this proposed change to the application for examination, and we have written separately to the Applicant to confirm this.

Please contact the Case Team if you have any questions about this letter.

Yours faithfully

*Edwin Maund*

**Edwin Maund**  
**Lead Member of the Examining Authority**

## Annex A

### Varied Examination timetable

17.	<b>Issue Specific Hearing 4 (ISH4)</b> <ul style="list-style-type: none"> <li>• ISH4 - Traffic and Transport, Funding, DCO, Noise, Flooding, and the Water Environment.</li> </ul>	Tuesday 15 and Wednesday 16 October 2024
18.	<b>Publication by the ExA of:</b> <ul style="list-style-type: none"> <li>• Report on the Implications for European Sites (RIES) and any associated questions (if required)</li> </ul>	<b>Tuesday 22 October 2024</b>
19.	<b>Deadline 6</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>• Relevant Representations in respect of Change Application No. 1 for Change 8</li> <li>• Certification compliance for the CA Regulations (Change Application No.1)</li> <li>• Updated Funding Statement</li> </ul>	<b>Monday 28 October 2024</b>
20.	<b>Deadline 7</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>• Written summaries of oral submissions made at Hearings held during the w/c 14 October 2024</li> </ul>	<b>Wednesday 30 October 2024</b>
21.	<b>Deadline 8</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>• Consultation Statement</li> </ul>	<b>Tuesday 5 November 2024</b>
22.	<b>Publication of:</b> <ul style="list-style-type: none"> <li>• The ExA's Third Written Questions (ExQ3) (if required)</li> <li>• ExA's commentary on, or schedule of changes to the dDCO</li> </ul>	<b>Thursday 7 November 2024</b>
23.	<b>Deadline 9</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>• Comments on the RIES and responses to any associated questions (if issued)</li> <li>• Comments on any additional information/submissions received by Deadline 8</li> <li>• Comments on the ExA's dDCO/Schedule of changes</li> <li>• Responses to WRs, RRs and responses to ExQ3</li> </ul>	<b>Tuesday 19 November 2024</b>
24.	<b>Date reserved for Hearings:</b> <ul style="list-style-type: none"> <li>• Issue Specific Hearing (ISH) (if required)</li> <li>• Compulsory Acquisition Hearing (CAH) (if required)</li> <li>• Open Floor Hearing (OFH) (if required)</li> </ul>	<b>Wednesday 20 and Thursday 21 November 2024</b>
25.	<b>Deadline 10</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>• Written summaries of oral submissions made at Hearings held on 20 and 21 November 2024</li> <li>• Closing Submissions (all except Applicant)</li> <li>• Final DCO to be submitted by the Applicant in the SI template with the SI template validation report and also a clean and tracked word version</li> <li>• Final BoR and schedule of changes to BoR</li> <li>• Final SoCGs</li> </ul>	<b>Thursday 28 November 2024</b>

	<ul style="list-style-type: none"> <li>• Final Principal Areas of Disagreement Summary Statement</li> <li>• Final Statement of Commonality of SoCG</li> <li>• List of matters not agreed where SoCG could not be finalised</li> <li>• Final Navigation Document/Guide to the application</li> <li>• Final Land Rights Tracker in PDF and excel format</li> <li>• Final NPS Tracker</li> <li>• Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> </ul>	
<b>26.</b>	<p><b>Deadline 11</b></p> <p>For the receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Applicant’s closing submissions</li> <li>• Applicant’s responses to oral submissions made at ISH/CAH/OFH w/c 20 November</li> </ul>	<b>Tuesday 3 December 2024</b>
<b>27.</b>	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	<b>Wednesday 4 December 2024</b>

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