

# M5 Junction 10 Improvements Scheme

**Applicant Written Submission of Oral Case for Issue  
Specific Hearing 4 (ISH4)**

**TR010063 - APP 9.83**

Rules 8 (k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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# Infrastructure Planning Planning Act 2008

## The Infrastructure Planning (Examination Procedure) Rules 2010

### M5 Junction 10 Improvements Scheme Development Consent Order 202[x]

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#### Applicant Written Submission of Oral Case for Issue Specific Hearing 4 (ISH4)

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<b>Rule Number:</b>	Rule 8 (k)
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# 1. Introduction

- 1.1.1. The purpose of this document is to set out the Applicant's written summary of its oral case for Issue Specific Hearing 4 (ISH4) held on Tuesday 15 and Wednesday 16 October 2024 in Gloucester and virtually via Microsoft Teams.
- 1.1.2. This document does not propose to summarise the oral case of parties other than the Applicant. Summaries of the oral case made by other parties are only included where necessary in order to give context to the Applicant's summary.
- 1.1.3. Where the Examining Authority (ExA) requested further information from the Applicant on particular matters, or the Applicant undertook to provide further information during the Hearing, the Applicant's response is set out.
- 1.1.4. This document follows the order of the Agenda published by the Examining Authority on 7 October 2024.
- 1.1.5. For defined terms and abbreviations, please refer to Section 14 of the Introduction to the Application (APP-001).
- 1.1.6. The Applicant has provided responses to the ISH4 hearing actions published by the ExA (EV10-002) collectively in the Applicant's Response to Issue Specific Hearing 4 Action Points (TR010063/APP/9.85), also submitted at Deadline 7.

## 1.2. Item 1 – Welcome, introductions and arrangements for the hearing

1.2.1. Andrew Tait KC of Francis Taylor Building confirmed that he represents the Applicant and introduced the following members of the Applicant's project team, who would speak as required on the agenda items:

- (a) Douglas Haycock, Burges Salmon;
- (b) Steve Katesmark, Transport Planning Lead, AtkinsRéalis;
- (c) James Cattermole, Land Assembly Lead, Carter Jonas; and
- (d) Tim Pearce, Planning Lead, AtkinsRéalis.

1.2.2. The following members of the Applicant's project team also spoke on the certain agenda items:

- (a) Chris Beattie, Project Manager, Gloucestershire County Council;
- (b) Nathan Drover, Developer Interface Manager, Gloucestershire County Council;
- (c) Jason Humm, Director of Transport and Highways, Gloucestershire County Council;
- (d) Mike Vaughan, Flood Risk Assessment Lead, AtkinsRéalis; and
- (e) Colin Cartwright, Environment Lead, AtkinsRéalis.

### 1.3. Item 2 – Purpose of the Issue Specific Hearing

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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.	<p>The Applicant confirmed that it has no objection to the hearings being held virtually.</p> <p>In response to a further query from the ExA the Applicant confirmed that should a local party come forward who is unable to access the meeting virtually, it would be possible in principle for the Applicant to facilitate their access to the virtual meeting (e.g. through use of a council room).</p>
2b	The ExA will seek clarification from the Applicant on the situation with regard to the Change Requests.	<p>The Applicant explained that the proposed Change Application 2 was foreshadowed in the Applicant’s Notification of Change Request of 12 August 2024 [AS-061]. It was intended at that stage that changes would be combined into one request, but it was later indicated in the Applicant’s Cover Letter dated 4 September 2024 [AS-062] that the requests would be split.</p> <p>The Applicant confirmed that targeted non-statutory consultation has taken place in response to the ExA’s advice issued 12 August 2024 [PD-011]. Change Application 2 is for 7 changes of a relatively minor nature which do not alter substance of the Scheme. All changes are within the order limits of the Scheme, are considered to be non-material changes, do not change the environmental impacts of the Scheme, and do not engage The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regs). Moreover, it is considered that there is sufficient time for the change application to be examined within the remaining examination period.</p> <p>The Applicant explained that the Change Application Summary Report [AS-068] for Change Application 2 includes an indicative programme at Table 5-2, which was read out.</p> <p>The ExA noted that the Applicant had requested, at the preliminary meeting, a staggered series of events for the end of examination and asked whether it is correct that all parties will submit final representations on 2 December 2024.</p>

<b>Agenda Reference</b>	<b>Examining Authority's Agenda Item</b>	<b>Applicant's summary of oral case</b>
		The Applicant explained this would be 4 December 2024, but that the proposed timings can be brought forward depending on when the decision on whether to accept the change request is made by the ExA.

## 1.4. Item 3 – Traffic and Transport

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i.	The ExA will explore with NH and the Applicant their consideration of current respective positions with the adequacy of the Transport modelling.	<p>The Applicant confirmed that the sensitivity testing presented in Traffic Modelling Sensitivity Tests Technical Note (AS-078) has no other purpose than to provide reassurance that the DCO modelling is fit for purpose.</p> <p>The ExA asked the Applicant whether anything shown in the sensitivity testing puts doubt on the air quality assessments or noise assessments submitted for the DCO assessment.</p> <p>The Applicant explained that the changes shown in the sensitivity testing are below the thresholds that would trigger any changes to the air quality or noise assessments.</p>
ii.	The ExA will explore with the Applicant the consequential effects of the sensitivity testing of the SATURN Modelling.	<p>The ExA asked the Applicant to explain the body of work relating to the Traffic Modelling Sensitivity Tests Technical Note (AS-078) and what can be drawn from it.</p> <p>The Applicant explained that the sensitivity report was undertaken at the ExA's request. The Applicant undertook sensitivity testing on the base year model and on the future year models where the Applicant has adjusted journey times on the westbound links of the A4019 to meet the TAG criteria for validation against observed journey times on those specific links. What is presented in the Traffic Modelling Sensitivity Tests Technical Note is that the modelling shows the changes do not materially alter the traffic flows across the road network. The only notable changes that are shown in the vicinity of the Gallagher and Kingsditch junctions on the A4019 are very local in nature. Therefore, the traffic modelling that supports the DCO is fit for purpose and the assessment of the Scheme is robust.</p> <p>The ExA referred to Figure 2-2 of <b>AS-078</b> and asked the Applicant whether it shows the difference between the DCO's modelled traffic flows in the base year and those arising in the sensitivity test during the AM peak hour.</p> <p>The Applicant confirmed this is correct.</p> <p>The ExA asked the Applicant to explain what message should be taken from it.</p> <p>The Applicant explained that Figure 2-2 demonstrates that the traffic flow changes across the network as a result of the sensitivity test are generally negligible. When the changes</p>



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		<p>are compared against the background flows, which are not shown in the figure, the proportional changes are very small.</p> <p>The ExA asked the Applicant whether it is correct that the blue links show hourly changes of less than 50 vehicles an hour between the DCO model scenario and the sensitivity test.</p> <p>The Applicant confirmed this is correct.</p> <p>The ExA noted that there is a significantly greater change in the areas coloured red.</p> <p>The Applicant explained that, while the numbers exceed to 50 vehicles per hour in these locations, they are still not very large in the context of total traffic flows on the road.</p> <p>The ExA referred to the appendix to <b>AS-078</b>, which provides a comparison of conditions in the 2024 modelling, and asked the Applicant to explain its purpose and findings.</p> <p>The Applicant explained that the purpose of the tests was to see what the impact of the changes in the base model would be if carried over into the future year models and what impact this would have on the forecast distribution of traffic in the forecast models as well.</p> <p>The Applicant explained that it is important to bear in mind that the future year model is based on a different situation than the base year model, because the signal timings at the junctions are optimised in response to forecast traffic demand, and the assumed speeds for the links are based on a future year situation. There is no guarantee that the adjustment used to meet the TAG criteria would be applicable to the future year; however, the Applicant has carried out this test as a sensitivity test. The Applicant stands by its future year model as being the most appropriate assessment of the impact of the Scheme, rather than the sensitivity test which was carried out to demonstrate the robustness of the traffic modelling in response to the ExA's request for information.</p> <p>The Applicant explained that the tests for the future year models show essentially the same conclusions as for the base year tests, with very minimal flow changes across the network except locally in the vicinity of the Gallagher and Kingsditch junctions on the A4019. The sensitivity test shows that the routing of traffic in this very local area is very sensitive to the signal timing settings at those junctions, which will be set and optimised</p>

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		<p>at a future point in time and may not reflect the settings used for the test. The testing shows that the signal timings, which are not an inherent part of the Scheme, will likely to be the determining factor in what route traffic will take.</p> <p>The ExA referred to Figure 2-1 of the Appendix and asked the applicant to explain what a GEH statistic is and what does it demonstrate.</p> <p>The Applicant explained that a GEH statistic is a measure of how well two datasets are aligned and whether the differences are statistically significant, in this case, the differences between the sensitivity test flows and the Scheme traffic modelling flows. It is not a true statistical measure but is a recognised measures used as part of the TAG validation process for traffic modelling. It essentially shows the accuracy of a traffic model when compared to the baseline information.</p> <p>The ExA asked the Applicant to clarify whether a GEH statistic of 0 shows no material difference and less than 5 is indicates that the traffic flows are not statistically different (i.e. any blue or amber lines).</p> <p>The Applicant confirmed this is correct.</p> <p>The ExA noted that some traffic flows are shown in red with one showing a GEH statistic of 15. The ExA asked the Applicant to explain what they should take from anomalies in the GEH statistics.</p> <p>The Applicant explained that altering the journey times on the two sections of the A4019 very locally influences the route traffic chooses to take. The figure shows some traffic turning left at the Gallagher Junction of the A4019 onto Hayden Lane to reach their destination, rather than using the later Kingsditch junction. This demonstrates that the routing of traffic in this locality is very sensitive to the signal timings and assumptions about what a realistic link speed is along the relevant links. The Applicant considers that the modelling presented for the DCO, rather than the sensitivity test, represents a more reliable assumption about the link speeds and likely signal setting at the junctions in the future assessment.</p>
<p><b>Action Point 1: Differences in the retail park junction and on Haden Lane between the GEH figure and the figure in the model – more detailed written explanation sought.</b></p>		

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Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).		
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.	<p>The ExA referred to the plans included in <b>REP5-030</b> and asked the Applicant to explain what the plans show and to explain the design rationale between the sustainable connections shown in the plans.</p> <p>The Applicant explained that the rationale for the plans came from discussions with the Joint Councils and a request to demonstrate the active travel provision within the Scheme in the context of local plan policies, the links sought through those policies (through Gloucestershire County Council (GCC) as highways authority) and the relevant planning policy.</p> <p>The Applicant explained that Plan 1 shows the outline of the Scheme, the 3 key development site allocations and the relevant cycle links within the plan. Plan 2 shows the active travel links provided by the Scheme which are:</p> <ul style="list-style-type: none"> <li>• A segregated off carriageway facility for pedestrians and cyclists along A4019 to the north (between Sites A and B on the plan) and an equivalent line running down the Link Road from north east to south west (shown by a red line). At the northwestern end of the A4019 the segregated facilities are not possible due to limited space within highway boundary and along the southeastern end of A4019 (shown by purple line).</li> <li>• New footways are shown on the southern side of the A4019 to the eastern extent.</li> <li>• A link from the southern end of the Link Road along the northern part of the Old Gloucester Road to the House in the Tree pub allowing access to the southern end of Withybridge Lane as an alternative cycle route to the A4019.</li> </ul> <p>The Applicant explained that a key premise of the active travel provision is the bus priority provision within the Scheme along the A4019. It was the intent of the Scheme, through its objectives, to unlock the Strategic Allocations of the Joint Core Strategy (JCS). Therefore, the intent was to provide links to those sites to allow them to gain access onto the major infrastructure (both road infrastructure and active travel provision). The intent is also for the relevant planning policy to seek for the Strategic Allocations to</p>

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		<p>make their own provisions for active travel through their own applications. Therefore, the Scheme brings forward the more holistic elements that could not be provided on a site-by-site basis and it is intended that any missing links can be closed by the active travel provision of both the Elms Park and West of Cheltenham developments. For example, publicly available information shows that the North West Cheltenham planning application shows both bus priority and a two way cycle provision running east of the Scheme extent, through Kingsditch and towards northwest Cheltenham. Moreover, the for the A7 Strategic Allocation the Golden Valley supplementary planning document (SPD) demonstrates bus provision and cycle provision running in a southwest and north easterly direction from its site access along the Old Gloucester Road.</p>
<p><b>Action Point 2: Active Travel Provision and the relationship to local plan policy and NPSNN para 5.211 – Applicant will collate information into written note.</b></p> <p>Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).</p>		
iv.	The ExA will seek an explanation of the slip road diversion assessment from the Applicant.	<p>The Applicant explained that the re-routing of traffic during slip road closures document [AS-080] takes the traffic flows that currently use the M5/J10 southbound off-slip and northbound on-slip from the future base year model without the scheme and manually adds that traffic to the proposed signposted diversion routes in full (i.e. 100% of traffic). The Applicant considers that these numbers are unrealistic and stands by the modelling submitted for the DCO, which assumes people will follow the most attractive route to reach their destinations, rather than necessarily following the signposted route. However, it is a theoretical exercise to show an absolute worst-case scenario which is not considered to be realistic. The document demonstrates that despite adding 100% of the diverted traffic flows to the diversion route, the Scheme stays below the thresholds for triggering noise impacts. Regarding air quality, the Design Manual for Roads and Bridges (DMRB) guidance is that air quality assessments are not undertaken for anything less than 2 years. The diversion is currently in place for 19 months (measured from first closure of either slip road to when both have re-opened) and therefore there is no need for an air quality assessment.</p>

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		<p>The ExA asked whether it is correct that the figure shows that in the worst-case scenario all the diverted would follow the whole length of the signposted diversion route back to the end of the closed southbound slip road.</p> <p>The Applicant explained that this is correct. However, it is very unlikely to represent a realistic situation, since the ultimate destination of the diverted traffic will determine which sections of the signposted diversion route are used. For example, most vehicles using the M5/J10 southbound off-slip will be heading to central Cheltenham. Consequently, much of the diverted traffic would leave the signposted diversion route at the Princess Elizabeth Way roundabout on the A40 to continue their journey towards central Cheltenham.</p> <p>The ExA asked the Applicant to explain the headings shown in Table 2-1.</p> <p>The Applicant explained that the table shows the AM Peak, Inter Peak, PM Peak and 24Hr Traffic. The first set of columns show traffic flow in the future and base year model without the road closures (i.e. traffic currently using those roads or forecast to use those roads without the scheme). The second set of columns show the flows with traffic using the slip roads that are closed added to the relevant diversion route (i.e. cumulative flow). The third set of columns show the difference (i.e. the slip road traffic on those sections) which is a consistent figure on each section of the route since 100% of traffic is assumed to follow the whole of the signposted diversion route. The next two sets of columns were derived by the noise team for the Environmental Statement (ES) and shows the thresholds that would trigger a significant noise impact. The ES explains the way that the thresholds were established and are based on DMRB guidance about change in decibels triggered by proportional increases in traffic. This provides a figure for the maximum traffic flows that would trigger either a minor or moderate noise impact. These thresholds can be compared with the two-way traffic flows including the diversion route and the difference in two-way flow, which shows that the figures do not exceed the threshold.</p> <p>The ExA asked the Applicant to explain what the practical issues would be from the results shown in respect of congestion, severance and road safety.</p> <p>The Applicant explained that the traffic flows hadn't been modelled or tested. If it was modelled, it is important to note that the Applicant believes it is an unrealistic view of what would happen with the volume of traffic, since not all the diversion routes would be used.</p>

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		<p>For example, there would be some suppression of demand during construction with people choosing not to make journeys or re-timing their journeys, which is not taken account of. Also, when traffic diverts to the diversion routes traffic using those routes is displaced as people who previously used the routes choose alternative routes to avoid congestion, which is also not accounted for. Therefore, it is difficult to present any conclusions on congestion from the technical note. The Applicant considers that the traffic modelling presented for the DCO is the best way to model these factors as it models the displacement inherently because of the way reassignment works in the model and picks up that drivers will use the most advantageous route. Moreover, with most drivers using satellite navigation, drivers will generally follow the route presented to them by the sat nav rather than using the signposted route and therefore the model is better at reflecting this behaviour.</p> <p>The Joint Councils noted that some traffic will not follow the diversion route, with some M5 southbound traffic likely to use M5 Junction 9.</p> <p>The Applicant noted that Appendix M of the Transport Assessment (APP-143) includes plots showing select link analysis for the slip roads. These show how traffic using the M5/J10 slip roads reassigns in the modelling submitted in support of the DCO during the slip road closures. This shows traffic coming off at M5 Junction 9 and heading south, which demonstrates that the modelling reflects the common-sense view of what people will do.</p> <p>Mr Badham asked the Applicant to explain how long the diversion will be in place.</p> <p>The Applicant confirmed that dates of the works are shown in Table 2-1 of <b>APP-061</b>. The slip roads will be closed for 19 months in total with an overlap where both slip roads will be closed of 5 months.</p>
<p><b>Action Point 3: Note on traffic flow increases leading to Noise consequences relative to traffic figures – from Table 2-1 in AS080</b></p> <p><b>Action Point 4: Any concerns on safety, severance, congestion etc. in the event people follow the promoted signed diversion route.</b></p> <p>Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).</p>		

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v.	<p>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.</p>	<p>In summary, National Highways (NH) explained that their concern is that they were unsighted on the evidence base to support the determination of the need and form of the junction itself.</p> <p>The Applicant explained that since the Scheme is on the Strategic Road Network (SRN), the Applicant has endeavoured to develop the scheme in partnership with NH and to keep it informed with the development of the Scheme throughout the process. The Applicant recognises that it has mainly liaised with the NH Technical Team, rather than NH Spatial Planning team throughout the Scheme development. The Applicant understands that NH are represented in the examination by the Spatial Planning team, whilst the early stages of the discussions were had with NH's technical team. NH has been involved in the evolution of the Scheme at the various stages, including key gateways. NH was involved in statutory and non-statutory consultation and is cited in the public consultation material. NH would have been involved in the JCS and had sight of the evidence base, including traffic modelling. Therefore, the Applicant is of the view that NH have been kept informed of the process at every stage, with the Applicant following NH's PCF process (or its predecessor at the time - DRMB TD37/93). NH has also signed-off all PFC documents from a governance perspective. An iterative multi-criteria assessment of the different options has been applied by the Applicant throughout the evolution of the Scheme which led to the selection of the single preferred option. DRMB TD37/93 was withdrawn in March 2023 and was replaced by the PCF process and so the evolution of the scheme straddled the change in guidance. The Applicant considers that the PCF process was adopted from Stage 2 (Scheme Assessment Report) onwards and prior that DMRB TD37/93 was followed.</p> <p>The Applicant considers that adoption of the JCS established the principle of the Scheme and equates to PCF Stage 0 (Feasibility Study). Moreover, the need for the Scheme was confirmed by the work that supported the Housing Infrastructure Fund (HIF) application and outline business case. The alternatives, in term of its form, considered during the subsequent equivalent of the PCF Stage 1 (Technical Appraisal Report) were based on the principal elements of the Scheme, i.e. an all-movements junction with associated improvements to the A4019 and the West Cheltenham Link Road, having been pre-established by adoption of the JCS. This stage of work involved looking at previous case studies of alternative junction layouts in existence at the time and the different options for</p>

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		<p>the form of the junction and its location. This assessment was presented in the Technical Appraisal Report (TAR), which was submitted to, and signed off by NH from a governance perspective. The outcome of that process were 6 options which were taken forward for detailed appraisal assessment using a multi-criteria assessment (i.e. environmental, design, safety and other criteria normally used for selecting the preferred scheme). From that, 3 options proceeded to the next stage, PCF Stage 2 (Scheme Assessment Report) following the production of the technical appraisal report. These were subject to non-statutory public consultation and following this, further assessments were carried out and consultation outcomes considered to determine a recommended preferred option that was taken forward for the Preferred Route Announcement. In line with PCF Stage 2, the Applicant then produced a Staged Overview Assessment Report (SOAR) which was submitted to NH. For PCF stage 3 (Route Development Report), the traffic modelling was updated due to changes in forecasts and updated TAG, which resulted in notably more traffic using the Scheme. This triggered a refinement of the preferred option including 3-lane approaches and signalisation of the gyratory. The Applicant did not need to revisit previous options at that stage because other options, such as the dumbbell option, failed on capacity grounds and therefore increased traffic would have also resulted in the options failing. The alternatives considered and the option selection process, post adoption of the JCs, is presented in Chapter 3 of the ES.</p> <p>In conclusion, the Applicant believes that NH has been fully involved in the evolution of the Scheme and has had sight of all relevant information relating to alternatives considered. The Applicant followed the recommended guidance at the time and has carried out an iterative and fully comprehensive review of alternatives options to get to the current Scheme.</p>
<p><b>Action Point 6: Applicant and NH to have a conversation and to discuss how scheme has been progressed and whether other documents need to be shared.</b></p> <p>Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).</p>		



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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.	<p><u>Access for Bloor Homes</u></p> <p>In summary, Bloor Homes raised several points regarding future access provision to the safeguarded land including that they remain concerned about a potential ransom. Bloor noted that GCC's highways team had provided pre-application advice which suggests that an alternative access would be suitable to serve up to 75% of the development on the development on the Safeguarded Land without being reliant on access through GCC land. Bloor Homes expressed a desire for further engagement with GCC's estates team.</p> <p>The Applicant explained that it does not represent the highway authority but notes what has been explained by the local highway authority to Bloor Homes. The Applicant explained also that it does not represent GCC as landowner. Therefore, insofar as there are discussions between the landowners the Applicant's suggests it is a matter for that process, rather than the DCO.</p> <p>The Applicant also explained that it would be helpful for Bloor Homes to provide clarity on the difference between the Scheme and no Scheme world in terms of how Bloor Homes would see access to the Safeguarded Land being delivered in a no Scheme World, to help understand the point of difference that the Scheme introduces.</p> <p>The Applicant noted that it is premature to commit to future highway boundaries in particular around the safeguarded land since there has not been a master planning process for the Safeguarded Land to deal with particular accesses (as opposed to Strategic Allocations A4 and A7). Therefore, precisely where the highway boundary is drawn is a matter for later consideration when the Scheme has been drawn up in detail.</p> <p>The ExA asked the Applicant whether it would be able to make it clear that once the design is concluded the highway boundary will be contiguous with the Safeguarded Land plots.</p> <p>The Applicant confirmed it would take this point away. The Applicant then asked Bloor Homes whether they could provide a copy of the plan which was missing from Bloor Homes response to the ExA's questions.</p> <p>Following comments from Mr Hadley, the ExA asked the Applicant to explain the provision for the existing agricultural use onto Mr Hadley's land and to explain the</p>

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		<p>provision for future access. The ExA also asked the Applicant to explain whether the Applicant had provided supplementary plans to Mr Hadley and if there is anything else that could be provided to provide comfort, such as swept path analysis for large tractors and trailers.</p> <p>The Applicant explained that there is provision for access for agricultural use from the Old Gloucester Road as part of the Scheme and there is an existing agricultural access to the south off of Hayden Lane. The access to the north is used infrequently in comparison to the access to the south, yet it has been maintained as part of the Scheme. The Applicant explained that the works plan, and a general arrangement drawing with an overlay of Mr Hadley's title, was provided to him and shared on a call on 5 September 2024 and provided by email on 18 September 2024. The Applicant explained that it is happy to review the plan again with Mr Hadley and his agent if more detail is needed, and to try and provide something which will provide sufficient understanding and comfort of what is going to take place, but efforts have been made. Swept path analysis on the agricultural access has not been undertaken, but the access is designed in accordance with the Scheme's general design principles that have been applied across the Scheme for other access. Regarding the concern that the signalised junction will increase the risk associated with operator safety, the Applicant suggested that the traffic will be stopped by the signalised junction, which will allow a slow moving large agricultural vehicle a gap in traffic to cross and will increase safety associated with the access. Regarding future uses, which are at this point undefined, the Applicant noted that there have been concerns raised in written representations and questions regarding future access have been discussed in meetings with Mr Hadley and his agent. The Applicant is working to try and allay the concerns regarding future access opportunities for development and discussion is ongoing. The Applicant hopes to soon be able to provide the certainty Mr Hadley needs regarding access from the South, from Hayden Lane, as opposed to Old Gloucester Road.</p> <p>Following further comments from Mr Hadley regarding the detail provided in the plan, the ExA asked the Applicant to explain the plan and what the Applicant introduced to try and explain what the Scheme does to Mr Hadley.</p> <p>The Applicant explained that the plan shared with Mr Hadley can be found at Appendix B of <b>REP4-038</b>. It shows the general layout of the road which will be delivered by the</p>

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		<p>Scheme and shows the land that will be required for the Scheme which Mr Hadley owns and the land which will be temporarily used which shown in different colours.</p> <p>The ExA asked the Applicant whether the level of detail on the plans conforms with drawings associated with similar highway schemes DCOs and asked the Applicant to explain what matters may be deferred and dealt with by requirements or may require further detail at a later stage.</p> <p>The Applicant is explained that the level of detail shown in the plan is a normal level of detail for what is available at this stage. The Applicant is happy to prepare other plans and documents showing Mr Hadley's ownership boundary and to continue the dialogue around suitability. There are also some aspects such as accommodation works where the Applicant will be engaging with Mr Hadley in relation to his site as part of detailed design as the Scheme continues to evolve.</p> <p><u>Access to Bruton / Counsell Land</u></p> <p>Mr Andrew Bower (representing Mrs Mary Bruton) expressed concern regarding the proposed agricultural access off the A4019 from the signalised junction. Mr Bower noted concern regarding the width of the access with it being used by multiple landowners and regarding safety and traffic backing up along the A4019 towards the M5. Mr Bower also expressed concern regarding a lack of engagement and suggested there was a risk that a ransom situation could arise.</p> <p>The Applicant explained that the concerns Mr Bower raised regarding the safety of the access for agricultural use have been explored and discussed for some time, and numerous submissions have been made by both parties on the point. The Applicant has taken the comments on board and for example has carried out swept path analysis for combine harvesters towing their own header. Mr Bower raised a concern that vehicles are getting larger, but the Applicant's position is that the size of vehicles will ultimately be limited by the wider road network that they will need to travel on. Also, combine harvesters are generally moved with escorts due to their size with a similar situation for bailers which are used infrequently. In terms of tractors towing trailers during harvest, the design of the junction with signal control will provide a much clearer and easier route for vehicles to get into and out of the site without needing to wait for breaks in traffic or trying to cross live carriageways. This is a similar position to Mr Hadley's land where the junction provides a</p>

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		<p>benefit for safety in terms of access to, and egress from, the site. In terms of road frontage, there will be a greater section of road frontage for Mr Bower's client following the Scheme, since the current 102m frontage is blocked by residential properties which form part of the new road infrastructure. The Applicant noted that there are plans from the previous compulsory access hearing that it will re-circulate following the hearings. In terms of the access position from this frontage, it is a small road frontage which will increase in size as a result of the Scheme. Therefore, access will always be a challenge for future uses in respect of the ransom position raised.</p> <p>The ExA asked whether the 102 metre road frontage would increase to the west.</p> <p>The Applicant confirmed this is correct with the slip road and the change to a gyratory arrangement. There will also be a private means of access crossing over the site and there may be a greater separation of verge width from the carriageway itself, with a greater length of frontage.</p> <p>The ExA asked whether the Scheme include a new agricultural access from this frontage.</p> <p>The Applicant explained that there is no agricultural access proposed from that location due to the footpath and other features in the area, all access will be from the signalised junction. The Applicant accepted it will have no impact on access as the site is currently used but if there are future applications for a change of use the access will need to be considered.</p> <p>The ExA asked the Applicant had carried out work to identify if larger vehicles can access the sites via existing accesses.</p> <p>The Applicant confirmed that work has been carried to review the new private means of access from the signalised junction. Using a standard size of agricultural equipment, which the Applicant considers is likely the peak width at this stage, the Applicant has reviewed the access single vehicle movements and passing vehicles. The Applicant will consider further whether these vehicles would be able to pass on a bend, but this wouldn't be anticipated. In respect of the existing agricultural accesses the Applicant confirmed that the existing gates could be widened more easily with the limitation being the width of the gate and width of the dropped kerbs, the key questions are how much further they would need</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
		<p>to be widened and whether this an additional permission would be needed to substantially widen the accesses in the no Scheme world.</p> <p>Mr Bower suggested that it would be possible to resolve the problem with a straight spur from the new junction of the A4019, through the GCC land and onto their land.</p> <p>The Applicant confirmed they would take the issue away to review the feasibility/suitability of the access. The Applicant asked Mr Bower to clarify whether the access is sought for purely agricultural use.</p> <p>Mr Bower confirmed that the spur would be intended to accommodate future use, not just agricultural use.</p> <p>The Applicant had no further comments.</p>
<p><b>Action Point 8: Consider if a commitment could be made that would facilitate that highway boundary is contiguous with the safeguarded land.</b></p> <p><b>Action Point 9: Agricultural Vehicle swept path analysis for Mr Hadley's land.</b></p> <p><b>Action Point 24: Updated information regarding agricultural access into Brunton / Counsell Land (inc. consideration of access into land via straight continuation of proposed signal spur).</b></p> <p>Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).</p>		

## 1.5. Item 4 – Funding

Agenda Reference	Examining Authority’s Agenda Item	Applicant’s summary of oral case
i.	<p>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.</p>	<p>The Applicant explained that, based on a decision by the Secretary of State being made in June 2025, the Applicant expects to commence work immediately in respect of discharging requirements and securing necessary lands through the CPO process. Shortly after the Secretary of State decision the Applicant anticipates being in receipt of a final target cost proposal from its contractor on or around August 2025, which will enable it to commence works or issue a notice to proceed to the contractual term in October 2025.</p> <p>The ExA asked the Applicant whether it anticipates having all its requirements discharged between June and October 2025.</p> <p>The Applicant confirmed it is working with an ECI contractor who has good visibility on the requirements. It wouldn’t be the case that the Applicant would wait until June 2025 to commence preparation for discharging requirements. Moreover, the Applicant won’t have to secure the discharge of every requirement, and it would depend on the nature of the works it is looking to do early in the programme.</p> <p>The ExA asked the Applicant whether they could provide a list of critical factors that need to be in place to do the initial pre-commencement works.</p> <p>The Applicant confirmed it would take this point away.</p> <p>The ExA asked the Applicant whether land assembly would be sufficiently concluded by October 2025.</p> <p>The Applicant explained this is correct, noting that the Applicant continues to make significant efforts toward voluntary acquisition and is in control of large parts of the land now, as well as GCC being highway authority with a significant amount of the Scheme being redevelopment of existing highway land. The Applicant will proceed with compulsory purchase through June 2025 to October 2025 but there may be a staggered land delivery beyond that point to suit the build programme. The Applicant won’t necessarily have full control of all land by October 2025, but this won’t be a limitation to starting works in certain areas.</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
		<p>The ExA asked the Applicant to provide a reasonable best prediction for the total resolution of the land matters where agreement is outstanding.</p> <p>The Applicant explained that it believes this could be achieved by November 2025 but there may be practical considerations, and it may extend beyond that.</p> <p>The ExA asked the Applicant which element of the Scheme it would commence works on.</p> <p>The Applicant confirmed that it is not possible to say where they would be commencing, but at that stage of the programme the Applicant would be working on the establishment of site compounds, mobilisation of the construction team, ecological works, archaeological works, site clearance, demolitions and utilities diversions.</p> <p>The ExA asked the Applicant whether these works would all be covered as pre-commencement and asked how long the works would take from October 2025.</p> <p>The Applicant explained that they would be pre-commencement works. Indicatively, the work presented in ES Chapter 2 explains the stage would extend to early 2026.</p> <p>The ExA asked the Applicant whether the prediction would be affected by the delay of approximately 3 months which is referenced in the latest correspondence.</p> <p>The Applicant explained it would not be affected.</p> <p>The ExA asked whether funding for these works would fall within Homes England funding</p> <p>The Applicant explained this is correct and that they have a regularly updated cash flow and expenditure forecast with Homes England, which is part of the routine process alongside grant conditions. The Applicant has good visibility of spend profile and anticipates that the HIF funding will last to September 2027, which is the current availability period of that funding.</p> <p>The ExA asked the Applicant to explain what happens next.</p> <p>The Applicant explained that, as set out in ES Chapter 2, it will mobilise works on M5 J10 and the A4019. There is then a delay of approximately 1 month before works commence on the Link Road and then all three works are built concurrently. M5 Junction 10 and the A4019 are completed by March 2028, with the Link Road being completed slightly earlier.</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
		<p>The ExA asked the Applicant about certainty of funding to allow the works to commence.</p> <p>The Applicant explained that the intention is that on or before October 2025 it will have sufficient surety regarding section 106 funding to allow GCC to take a decision to secure a loan through the UK Infrastructure Bank. That would provide the Applicant surety that it has sufficient funding to complete the works at the point the Applicant commences and issues the instruction to start the works.</p> <p>The ExA asked the Applicant to explain how the planning permissions align with spending money from Homes England by 2027 and the timeframe suggested.</p> <p>The Applicant explained that while GCC will need sufficient security to take the loan it won't need full visibility on all the s.106 agreements. The Applicant assumes it is reasonable that by October 2025 sites A4 and A7 will have been taken through planning committee and the s.106 agreements will be capable of being formed.</p> <p>The ExA asked the Applicant whether, if planning permissions have been granted for the sites and s.106 agreements have been negotiated this would give sufficient assurance to seek a loan from the bank and the confidence to make a formal start.</p> <p>The Applicant explained this is correct.</p> <p>The ExA asked whether the loan facility would cover the equivalent value of the secured s.106 or just the shortfall.</p> <p>The Applicant explained that the loan can do either depending on the payment profile of the s.106 agreements secured. The initial discussions the Applicant has had with the UK Infrastructure Bank relate to a £80m facility over a period of 15 years.</p> <p>The ExA asked the Applicant whether there are any other consents and licences needed prior to commencement which may affect the timeline.</p> <p>The Applicant explained they could not provide a definitive answer at the hearings but agreed to provide further information.</p> <p>Bloor Homes and National Highways made various comments, including that the programme of works appears optimistic and queried the duration of the works.</p>



Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
		<p>The Applicant explained that table 2-1 of ES Chapter 2 sets out the 30-month period and includes the pre-construction works within that period. Construction starts, however defined, at month 1, the M5 J10 works commence in month 5 and works for the Link Road commence in month 12.</p> <p>The Applicant explained that discussions with the UK Infrastructure Bank will be based on GCC's financial standing rather than the value of the s.106 agreements.</p>
<p><b>Action Point 12: Applicant to demonstrate how activities re requirements and pre-commencement necessary would be completed by October 2025.</b></p> <p><b>Action Point 13: Gant chart / timeline showing that full construction programme can be met including any required surveys or licences etc.</b></p> <p>Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).</p>		
ii.	<p>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.</p>	<p>The Applicant explained that the September 2027 deadline is an availability period over which Homes England have agreed with HM Treasury that the funds will be drawn and utilised. The December 2027 date relates to the contractual milestone for completion of the infrastructure identified by the Scheme. The Applicant explained that it is in active discussions with Homes England regarding an extension of the December 2027 milestone to March 2028. It is within Homes England's delegation to award the extension, and the Applicant understands the request will be looked on favourably.</p> <p>The ExA asked for clarity that Homes England can incorporate the 3-month delay within their delegated authority.</p> <p>The Applicant confirmed this is correct.</p> <p>The ExA asked whether the Applicant is in the process of negotiating this.</p> <p>The Applicant confirmed this is correct. The Applicant has had discussions with Homes England and is producing evidence to substantiate the position.</p> <p>The ExA asked the Applicant when they will receive a formal decision.</p> <p>The Applicant confirmed the discussion is expected to take place over the next couple of months. It shouldn't be a long process since it can be decided by their approvals panel and shouldn't need escalation above that.</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
		<p>The ExA asked whether the decision is likely to occur before 4 December 2024.</p> <p>The Applicant stated they will take the aspiration away.</p> <p>The ExA asked whether an extension beyond March 2028 would fall outside Homes England's delegated authority and would need to go back to MHCLG and HM Treasury.</p> <p>The Applicant explained that it has some wording to this effect, but Homes England will respond separately. It is feasible for the Applicant to request an extension to the HIF funding availability period to a later date. The Applicant has been advised to request to extend the availability period within the financial year in which it currently expires, so that it expires in March 2028 rather than September 2027. Homes England has advised that this will be easier to accommodate than an extension that falls within a subsequent financial year. Any request beyond that will be decided by MHCLG and HM Treasury, which will be above the level of delegation to Homes England. The Applicant explained that a request would go to Homes England who would make a recommendation to the HIF delivery board, which would subsequently be referred to HM Treasury for consideration and decision. This has happened before on this Scheme with an extension that was referred to HM Treasury and MHCLG. The wording provided by Homes England states they have supported the Applicant in the past and there is reference to commitment of the delivery of the Scheme from Homes England and MHCLG, the full wording will be provided by Homes England. It is important to bear in mind that the Scheme is referred to expressly in RIS2, which is a marker of its significance.</p> <p>The ExA asked for clarification of the length of the extension of time and whether it is 6 months.</p> <p>The Applicant explained that the near-term revision will be to extend only the completion date to March 2028. The second part of the statement from Homes England relates to any change beyond that, whether the availability period or completion date.</p> <p>The ExA asked whether the decision is referred to HM Treasury and MHCLG if either date goes beyond March 2028.</p> <p>The Applicant explained this is its understanding.</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
<p><b>Action Point 14: Evidence regarding extension of contract period from Homes England – March 2028 (3 month extension) completion date. Any subsequent update or progress with MHCLG and or HMT for an extension beyond that time.</b></p>		
<p>Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).</p>		
iii.	<p>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.</p>	<p>The ExA asked whether, if the safeguarded land was to become allocated, would GCC as landowner and Bloor Homes be subject to s.106 contributions equally as developers.</p> <p>The Applicant confirmed this is its position and that it wouldn't make a difference. It doesn't depend on the identity or the number of landowners. The contributions will be coming from whoever made up the land ownership of the area in question.</p> <p>The ExA asked the Applicant whether a ransomed party would be liable to compensation for hope value if a ransom situation arises due to the compulsory acquisition which would otherwise not have arisen.</p> <p>The Applicant explained that it would need to reflect on this point.</p> <p>The ExA noted that they need to understand compensation that may be payable on the back of Compulsory Acquisition and whether the Applicant has assessed having to pay compensation if a ransom strip arises on the back of Compulsory acquisition for a large part of land.</p> <p>The Applicant explained that it was hesitant to be drawn into the discussion and become bound regarding compensation in this context.</p>
<p><b>Action Point 15: Written submissions regarding likelihood of hope value claim and if so, is that covered in applicant's funding statement</b></p>		
iv.	<p>The ExA will explore with NH and the Applicant their positions in respect of the costs of the project.</p>	<p>The Applicant explained that the Applicant is hopeful in reaching agreement with NH.</p>
<p><b>Action Point 16: Update regarding positions on scheme cost and variances.</b></p>		

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
v.	The ExA will explore with the Applicant the process of gaining a loan from the UK Investment Bank.	<p>The Applicant explained that GCC has been exploring potential of securing a loan from UK Investment Bank to ensure it has necessary funds to complete the works and that the loan facility will be in place within the relevant time period to support the start of the works. The UK Infrastructure Bank is an executive non-departmental public body sponsored by HM Treasury which is set up to support local growth and help infrastructure projects by offering a range of financing tools, including loans. The Applicant has exchanged a number of emails with the UK Infrastructure Bank and had a meeting with the Bank at the end of September regarding a loan facility of £80m over 15 months. The Applicant set out a high-level summary of the Scheme, its objectives and the rationale for seeking a loan to forward fund the delivery of the Scheme before the s.106 payments are received. There is now an internal process which the UK Infrastructure Bank need to undertake to assess GCCs financial covenant in relation to the loan facility GCC would be requesting, which emphasises that the loan is assessed against GCC's financial standing and is not dependent on the s.106 contributions. The UK Infrastructure Bank has advised that GCC is speaking to them earlier than would normally be expected given that the facility loan is not required for some time, but the Bank is happy to work with the Applicant to move things forward. If GCC does pursue a loan, then the preparation of the necessary loan documentation and approval process typically takes 10-12 weeks. Furthermore, the UK Infrastructure Bank has advised that the Applicant would be best off applying after securing the consent for the Scheme and so the Applicant would work back 10-12 weeks from the notice to determine when to initiate actions to take out the loan (July – September 2025 to enable the facility to be secured by October 2025). The UK Infrastructure Bank has confirmed that the loan can be agreed at that point in time even if drawdown is not required until September 2027. This would allow GCC to fully draw and exhaust the HIF funding assigned to the Scheme and would provide the confidence needed for the notice to proceed knowing that the facility is secure. It would also give comfort to the other parties, including NH, that when the Applicant commences the works, it can fully complete them. The ability to arrange a facility with no requirement to draw it until funds are needed limits the interest that will accrue and is attractive and presents GCC with a very genuine option for forward funding the latter part of the Scheme should monies not be available at the appropriate time from other sources.</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
		<p>Therefore, while the Applicant would expect s.106 agreements to be committed for use in the repaying any draw on the loan facility, having a facility secured against GCC rather than a specific source of income gives GCC additional flexibility around the range of funding options that can be explored at the appropriate time.</p> <p>The ExA asked the Applicant whether the intention would be to submit the funding request in June 2025.</p> <p>The Applicant confirmed this is correct and that the funding would be needed prior to making a decision to issue a notice to proceed.</p> <p>The ExA asked the Applicant about the certainty it can have that there are required funds in place to cover the Scheme.</p> <p>The Applicant explained that there can be confidence in GCC's ability to borrow the maximum amount of the loan if necessary. It isn't secured against future money from s.106 agreements but instead against GCC's turnover. Initial discussions with the UK Infrastructure Bank suggest that they are comfortable that GCC can meet and underwrite the amount at this stage.</p> <p>The ExA asked whether there is any documentation which can be submitted to the ExA.</p> <p>The Applicant confirmed it will take this away.</p> <p>The ExA asked whether the Applicant would wait for planning permissions to be granted and s.106 agreements to be signed before it commences work on the Scheme.</p> <p>The Applicant explained that this will be a decision taken at senior level and cabinet level within GCC in terms of the level of risk that the Applicant would be willing to take. The Applicant noted In terms of the policy provision to replenish or repay the funds, the Applicant is confident that this will come forward provided that the DCO gets approval.</p> <p>The ExA asked for an updated funding statement and noted that it would be helpful to understand the changes to the DCO funding package and the impact of CIL.</p> <p>The Applicant agreed to provide an updated Funding Statement.</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
<p><b>Action Point 17: Position statement and any agreement from the UK Infrastructure Bank that the cost discrepancy (over-and-above HE monies) can be funded.</b></p>		
<p><b>Action Point 19: Updated Funding Statement including CIL position, above items (as appropriate) and Change Requests 1 and 2.</b>            Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).</p>		
<p><b>S106 Funds</b></p>		
<p>i.</p>	<p>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.</p>	<p>The ExA asked for the Applicant's view on the letter from the Joint Councils of 2<sup>nd</sup> October [AS-081].</p> <p>The Applicant explained that it has made progress on s.106 discussions and has had two further developer engagement sessions regarding a new funding methodology. The first meeting on 21 August 2024 was to discuss and agree the approach with the developer's consultants and the second meeting on 23 September 2024 was to look at the outputs from the new methodology. The LPAs were party to both discussions. The engagement sessions were carried out without prejudice to the developer's position regarding the need for M5 J10, the CIL test and potential viability issues. There are six applications on sites A4 and A7 and two other sites nearby. The first methodology used a trip rate information computer system measuring traffic generation at each site, which was felt to be unfair as it didn't recognise the degree to which sites were relieved by the Scheme. The second methodology used the SATURN traffic model to work out vehicle km travelled from the respective sites on the improved A4019, M5 J10 and the Link Road. this loaded the northern sites with a disproportionate amount of cost and didn't recognise the relief of traffic on the A40 corridor from M5 J11. The third methodology uses select link analysis from the SATURN model to look at the impacts between the sites and M5 J10 and M5 J11, however this was a measure of relief rather than impact. The fourth (current) methodology was developed in the August workshop and uses select link analysis to determine impacts from individual sites at traffic hotspots in Cheltenham. The methodology is an ongoing piece of work and the latest methodology results in a one third apportionment to each of sites A4, A7 and a proxy site on the A4019. Some input from developers suggested that proportional background growth needs to be included to better meet the tests, which results in a 25% apportionment for each of site A4, A7, the proxy site and background growth. The Applicant noted that developers will protect their</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
		<p>position given any future planning appeal, but the latest model was better received. The Applicant has carried out formal consultation and is now waiting for feedback from the developers.</p> <p>The Applicant explained that the letter of support says GCC will continue to refine the s.106 and CIL funding approach to Junction 10 to take account of the needs of the Scheme and the individual site-specific characteristics, local mitigation and viability. However, all the negotiations which are without prejudice are dealing with other parts of the s.106 obligations and not the methodology. Discussions have been positive, and the Applicant is confident it will get agreement on the s.106 packages. It has to take into account the specific sites and so rather than having a standalone methodology for a local plan the Applicant has effectively been negotiating several s.106 agreements simultaneously for 7,000 units and trying to get a methodology to work alongside it. Regarding the hosts letter, the Applicant's position on the policy position is that it will be relying on INF 1, 6 and 7, which all refer to cumulative impacts of the development. The Applicant will also rely on the strategic local plan, which is planned to be in place for 2027. However, the Applicant has begun discussions with the LPAs regarding their ability to claw back money post completion, which would require a clear policy position linked to the JCS or the strategic local plan.</p> <p>The ExA asked the Applicant whether it disagrees with anything in the Joint Councils letter.</p> <p>The Applicant explained it recognises there is difficulty in that the LPAs cannot predetermine applications and so cannot provide any commitment to the s.106 agreements. There are lots of issues introducing an SPD including enforceability, resources, timing and so those discussions are ongoing with the host authority. However, the Applicant does not consider that it needs to rely on an SPD as a resolution can be reached in accordance with the existing JCS policies. The Applicant is confident that it will be successful in relation to sites A4 and A7 given current negotiations.</p> <p>There was some discussion between the ExA and the Joint Council's regarding CIL funding.</p> <p>The Applicant explained that it's understanding is that the CIL pot is currently £17m and that sites A4 and A7 are likely to generate in excess of £20m for CIL.</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
<p><b>Action Point 18: Position statement regarding ability of S106 monies to be sought for a highway scheme that has already commenced.</b></p>		
<p>Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).</p>		
ii.	<p>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].</p>	<p>The ExA asked whether the redacted box over the words 'NEMA Strategic Land' is their signature, rather than the producer of the letter.</p> <p>The Applicant explained this is correct and that the document has been signed by the developers (including GCC in its capacity as landowner of part of site A4).</p> <p>The ExA asked the Applicant what the status of GCC Asset Management and Property Services, Henry Boot Development and NEMA Strategic Land is in the examination.</p> <p>The Applicant explained Henry Boot Development made a lot of representations early in the process and at <b>REP5-034</b>, which was accepted at the ExA's discretion.</p> <p>The ExA asked the Applicant whether it endorses the commentary in the letter of in principle support.</p> <p>The Applicant explained that it does not entirely endorse the wording, insofar as in the second paragraph there is a reference to a pre-requisite for strengthening planning policy in relation to the forward funding approach. It is the Applicant's position that for sites A4 and A7, where it is anticipated there will be s.106 in place prior to autumn 2025, there is no requirement for the strengthening of planning policy since INF 1, 6 and 7 and SA1 for areas A4 and A7 are considered to be sufficient. However, the rest of the letter is agreed.</p> <p>The Applicant explained that the letter is a collection of issues, which have come to a fore following months of negotiations. It deals with the forward funding approach for existing and future developments unlocked by the Scheme, it also deals with existing and future CIL, which is important to the developers including the need to deal with individual site-specific characteristics, local mitigation and viability and it also deals with the phasing of developer funding over the build out of the contributing sites. The developers wanted to show that there is broad alignment regarding the overall funding strategy. The letter covers all of the developers in A4 and A7 with the exception of part of A7 to the west. There is also a small site in A4 to the east (Home Farm) that has written to agree a</p>



Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
		<p>financial contribution towards M5 J10 in line with the scale of proposed development, which is outside the existing developers on this list.</p> <p>Following Bloor Homes comments, the Applicant reiterated there has been productive and useful dialogue with Bloor Homes and Persimmon Homes.</p>
<p><b>Action Point 22: Applicant to confirm position of status within the Examination of the signatures of 'Letter of In Principle Support' [REP5-031].</b> Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).</p>		

## 1.6. Item 5 – Development Consent Order

Agenda Reference	Examining Authority’s Agenda Item	Applicant’s summary of oral case
i.	The ExA will seek views of parties in respect of the Requirements as now drafted in the D5 submission of the dDCO.	<p><u>Requirement 8</u></p> <p>The Environment Agency (EA) explained that they would push back on the Applicant’s suggested wording for requirement 8(5) and would prefer their own suggested wording.</p> <p>The Applicant explained that they acknowledge the position set out by the EA on the verification point and will take it away to consider. The Applicant noted that the EA’s suggestions for requirements 8(3) – 8(5) have been drafted in a way that is internally consistent and so they can’t be picked and chosen individually. For example, it would not be possible to use the Applicant’s preferred drafting for requirement 8(3) and then use the EA’s drafting for requirement 8(4). In respect of requirement 8(4), the Applicant’s comment that it would be happy for the County Planning authority to come in would only apply if all the EA’s suggested drafting for requirements 8(3) – 8(5) were to be accepted wholesale, but absent this the Applicant is not proposing this change. The Applicant explained that the suggested wording provided by the EA doesn’t tie in with requirements 8(1) and 8(2) correctly. The Applicant’s response to the EA’s deadline 4 submission [REP5-028] explains some issues with the wording. The Applicant recognised that the EA have suggested three different amendments across their written representations to this requirement and have consistently looked to introduce some form of validation into the DCO, which the Applicant has responded to on each occasion. The Applicant noted that the information provided by the EA at the hearing as to why verification was required had not been presented in writing to date, therefore the Applicant requested some time to consider the justification and introduce wording if it is considered that validation is required.</p> <p><u>Timing of ExA commentary on DCO</u></p> <p>The ExA suggested that they may need to adjust when they issue their comments regarding the draft DCO.</p> <p>The Applicant confirmed they have no issue with this.</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
		<p><u>Article 7</u></p> <p>The ExA asked the Applicant to explain its position on the Suitable Alternative Natural Green Space (SANG) noted in St Modwen's Statement of Common Ground [REP1-064] and whether Article 7 compromises that, or whether the DCO would compromise it in any event.</p> <p>The Applicant explained that it is not aware that this continues to be an issue between the parties and that it would take the issue away.</p> <p><u>Deemed consent from National Highways</u></p> <p>NH explained that it remains concerned regarding the deemed consent provisions in the DCO.</p> <p>The Applicant explained that its position is that the deemed consent provisions should remain in the DCO. If the provision were to be replaced with a deemed refusal, then that would mean that the Scheme would be unable to proceed if NH do not respond. The Applicant is currently discussing, as part of a side agreement, a compromise which if implemented into the DCO will likely be through the protective provisions since a change to the articles would apply to both the strategic road network and local road network.</p> <p>The ExA asked the Applicant for their view on removing the deemed consent/refusal position altogether.</p> <p>The Applicant explained that its concern is that a blanket removal would put the Applicant in the same position without an approval. Therefore, the Applicant is looking to ensure it is not left in a position where it cannot proceed.</p> <p>The ExA asked the Applicant whether it has any comments on the drafting in safety terms, which was raised by NH.</p> <p>The Applicant explained that the information will go to NH and if they have a concern they will refuse the application rather than approving it. The Applicant's understanding of NH's concern about deemed consent is that it may go to the wrong person at NH internally, which the Applicant considers is not a reason to amend the provision.</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
		<p>NH noted that they wish to fall into a position where further information is requested and arrives only just before the deemed approval is triggered.</p> <p>The Applicant explained that the revised protective provisions, which include deemed consent, allow a 2-month period from receipt of information and where further particulars are requested by NH, there is a further 2-month period from receipt of the additional information. If that is replicated in relation to the various articles it should satisfy NH.</p> <p>NH noted that this provision applies only to the protective provisions.</p> <p>The Applicant explained that it could be extended to the main provisions.</p> <p>The ExA asked whether there is a particular timeline for final positions.</p> <p>The Applicant explained it is continuing to discuss matters with NH and is hoping to resolve the issue quickly and within 2 weeks.</p> <p><u>Article 25 – Public Rights of Way</u></p> <p>The ExA asked whether this matter has been agreed.</p> <p>The Applicant confirmed that point of concern 10 of the Principal Areas of Disagreement Summary Statement [REP5-038] is now resolved.</p>
<p><b>Action Point 11: Consider wording of Requirement 8(3), 8(4) and 8(5). (re. pollution safeguards and inc. validation inclusion).</b></p> <p><b>Action Point 26: Updated position regarding Article 7.</b></p> <p><b>Action Point 27: Applicant to consider St Modwen issues and provide an update regarding Article 7 (as per REP1-064).</b></p> <p><b>Action Point 28: Set out current position / differences re. DCO Articles 11, 15, 18, 20 and deemed consent concerning SRN.</b></p> <p>Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).</p>		
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.	Following NH's comments, the Applicant explained that the two outstanding issues are the deemed consent provisions and the bond/security. The bond/security matter falls within the notice to proceed process, which is being discussed as part of a side agreement. The difference between the Applicant and NH is whether the bond/security is

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
		<p>required by default or whether it is required only where it cannot be demonstrated that GCC have the funds available.</p> <p>The ExA asked the Applicant whether it would be possible for National Highways to have step-in rights to the HIF funding.</p> <p>The Applicant explained they will take it away and see what is currently permitted and what can be agreed with Homes England. If the Applicant can reach agreement with NH and this is placed in a side agreement then the matter is resolved, but if it cannot be resolved then there may be a need to include wording on this in any event so the Applicant will respond in writing. The Applicant wants to provide NH with the security they require but don't want to enter into large expensive bonds if the money is there and available.</p> <p>The ExA noted that they had been informed that a bond was not available at the previous hearing.</p> <p>The Applicant explained that it depends on the size of the bond. The current notice to proceed process is broken into work packages that would come forward on the strategic road network, and so the availability of the bond will depend on the size of the work package.</p> <p>NH noted that their concern is that in the event of default the work packages would need to be capable of sitting in isolation to ensure the safety of the network.</p> <p>The Applicant explained that the current process being suggested and that is largely agreed is that funding must be demonstrated to be available to NH. If NH are not happy then they can call upon security, including a bond. It appears the issue is how NH can then call upon that bond and this is something the Applicant can look at.</p> <p>The ExA asked about commuted sums.</p> <p>The Applicant and NH confirmed commuted sums are agreed.</p> <p>The ExA queried the reference to specified works in the NH protective provisions.</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
		The Applicant noted that Specified Works is a defined term which refers to works to the SRN, which is itself defined. Then throughout the protective provisions these terms are used.
<p><b>Action Point 29: Updated positions regarding need for bond and funding (inc. ability of HIF monies to include a Step-In right for NH).</b></p> <p>Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).</p>		

## 1.7. Item 6 – Noise

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
i.	<p>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".</p>	<p>The Applicant explained that the word 'considered' does not go far enough in seeking to represent the Applicant's position. The Applicant's position is that it has been applied where practical and appropriate.</p> <p>The ExA confirmed that its concern relates to operational noise on Stoke Road and asked whether the NPS NN has been satisfied in this respect.</p> <p>The Applicant explained that consideration was given to the provision of earth bunds, which would have the result of restricting access. Consideration was also given to noise surfacing, which would not provide mitigation at the speeds experienced in Stoke Orchard. In respect of the separate traffic calming proposals, there is now a greater degree of maturity in relation to the project and a more detailed design. There was engagement with Parish Council and local community in September 2024 so there is greater clarity as to the shape of the proposal. The proposal is separately funded and there is now greater clarity regarding the absence of any related issues to it. One matter which the Applicant will give consideration to in light of the NPS NN is whether the road scheme can be included as part of the future baseline given the greater clarity as to its shape. Moreover, there is no less clarity as to timing of the scheme, which is expected to be well in advance of operation in Spring 2025.</p> <p>The ExA asked whether funding is in place for the road scheme as it was previously stated the DCO would provide funding for the scheme.</p> <p>The Applicant recognised one of the previous application documents refers to the DCO providing a funding contribution towards the traffic scheme, which is incorrect. The Applicant confirmed that the road scheme is separately funded to the Scheme (partly from HIF funding over and above that allocated for the Scheme and from other sources). Further information will be provided in writing.</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
<b>Action Point 30: Update regarding funding and progress regarding implementation / development of the noise mitigation traffic calming scheme on Stoke Road.</b>		
Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).		



## 1.8. Item 7 – Flooding and the Water Environment

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
i.	<p>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.</p>	<p>The Applicant explained that it made two updates at Deadline 5. The first update was to the Flood Risk Assessment where the Applicant formally included mapping for flood zone 3b and provided two extra maps in the appendix to the Flood Risk Assessment:</p> <ul style="list-style-type: none"> <li>a pure flood zone 3b map (for 1 in 30-year flood); and</li> <li>a drawing which superimposes the flood zone 3b map onto the Scheme so that the EA can see where it lies in relation to culverts on the Link Road.</li> </ul> <p>The Applicant explained that the second update was to the Technical Note for the ordinary water course by Hayden Lane. This update was made to address comments made by the Joint Council and EA requesting sensitivity tests on the flood modelling there. The Applicant undertook sensitivity testing on the channel and floodplain roughness on the baseline model. The Applicant described the impacts of future possible blockages of the culverts, and also looked at the impact of credible maxima climate change scenario for flood, which was requested as requirement under the NPS NN.</p> <p>The JCs asked for clarification on the updated Flood Risk Technical Note as to why a 1 in 20-year return period is used rather than the more typical 100-year return period, and regarding the level of confidence placed in the conclusion that there would still be a relatively low impact at higher return period events.</p> <p>The Applicant explained that the sensitivity of the baseline model was tested for channel roughness and its downstream boundary at the 1 in 20-year flood, not the design event or 100-year present day event. The reason for this was because the modelling demonstrates greater impacts in the small order events, such as the 1 in 5-year or 1 in 10 year. For the 1 in 100-year event and design event there were no impacts: the Scheme has more of an impact in the more frequently seen events. Therefore, it was decided to do the sensitivity tests at those events. With higher flows the hydraulic effects get drowned out and the impact of parameters such as such as roughness and boundary disappear; hence, the actual sensitivity of the model will be less with higher flows. A precautionary approach has been taken by testing the smaller events.</p>

## 1.9. Item 8 – Any Other Matters

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
N/A	N/A	<p data-bbox="936 384 1928 411"><u>Applicant Response to Examining Authority's Second Written Questions [REP5-027]</u></p> <p data-bbox="936 440 1995 499">The ExA noted that the document refers to a response from NEMA being appended, which is missing. The ExA also noted a potential typo on page 23 of the document.</p> <p data-bbox="936 528 1995 587">The Applicant confirmed they will take steps to rectify the missing appendix and clarified that the date on page 23 should read March 2028 rather than March 2024.</p> <p data-bbox="936 616 1070 643"><u>Elton Lawn</u></p> <p data-bbox="936 671 1995 938">Mr Peter Badham raised concerns regarding the adequacy of acoustic fences at the Elton Lawn property including that the landscape and visual impact assessment assumes the use of an enhanced vegetative barrier, but the proposal is for a simple timber barrier. Mr Badham raised a concern regarding whether the basic barrier is sufficient to reduce noise and suggested that the barrier is extended further along the property. Mr Badham also noted that he had been advised by a conservation officer that the Elton Lawn, Landean and Post Box cottage properties should be considered non-designated heritage assets, and that Mr Badham should apply to Historic England for full listing.</p> <p data-bbox="936 967 1995 1257">The Applicant confirmed that it would have to check the point regarding designation of the property, but there are designated receptors in Uckington. Regarding the design and assessment of the barriers. A starting point for the noise and landscape assessment in the ES is a barrier assumed to be a 2-metre-high simple timber board structure. There are subsequent commitments in the REAC at item LV6 to provide consultation with affected parties, as part of detailed design, on the design of the noise barriers. Planting and vegetative design for noise barriers will be brought in on a barrier-per-barrier basis and so the comments from Mr Badham seeking changes to the noise barrier will be picked up as part of that consultation process in advance of detailed design.</p>

Agenda Reference	Examining Authority's Agenda Item	Applicant's summary of oral case
		<p>The ExA asked whether the Applicant was confident that there is sufficient space to accommodate the barrier and planting if necessary.</p> <p>The Applicant confirmed that the expectation is there is sufficient space available, but this will be confirmed. The Applicant later noted that its response to the second written question 12.0.1 provides an indication of scope for particular screens and hedges and their locations, and there is an indication of space.</p> <p>The ExA asked the Applicant whether they would be able to accommodate the meeting requested by Mr Badham to discuss the issues raised.</p> <p>The Applicant explained they could do so.</p>
<p><b>Action Point 31: Provide NEMA appended plan and clarification of date / typos. Doc Ref: REP5-027-page 14</b></p> <p><b>Action Point 32: Update re. Mr Badham's property, acceptability of noise barriers and mitigation. Is the property considered as a non-designated heritage asset. What are the implications of this?</b></p> <p><b>Action Point 34: Position regarding ability to include vegetation on acoustic barriers (both sides) within space available? Would this provision be acceptable to the LHA including maintenance etc?</b></p> <p>Please see Applicant's Response to ISH4 Action Points in (Application Document TR010063/APP/9.85).</p>		

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