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OUR REFERENCE:
M5J10.JC.D9.CL

YOUR REFERENCE:
TR010063

Date: 19 November 2024

Dear Mr Maund,

Application by Gloucestershire County Council for an Order Granting Development Consent for the M5 Junction 10 Improvements Scheme: TR010063

Submission made by the Joint Councils pursuant to Deadline 9 [D9] of the Examination of the M5 Junction 10 Improvements Scheme

This covering letter is written on behalf of Gloucestershire County Council [GCC], including GCC in its role as the Local Highway Authority, Cheltenham Borough Council [CBC] and Tewkesbury Borough Council [TBC] as Local Planning Authorities [LPAs], together the Joint Councils [20047710]. The Joint Councils are the host authorities for the GCC Major Projects Team [‘the Applicant’] M5 Junction 10 Improvements Scheme Development Consent Order [DCO] [‘the Scheme’].

This letter provides a summary of the Joint Councils’ Deadline 9 submissions of which further details can be found within the following documents:

- Joint Councils’ Response to the Examining Authority’s Third Written Questions – our document reference M5J10.JC.ExAQ3; prepared by AtkinsRéalis on behalf of the Joint Councils, dated 19 November 2024;
- Joint Councils’ Response to the Applicant’s Updated Funding Statement

The Joint Councils have also reviewed the submissions made by the Applicant and other Interested Parties at Deadlines 6 to 8. Where a review of a submission item does not warrant a separate document, these are captured within this letter.

Joint Councils’ Response to the Examining Authority’s [ExA’s] Third Written Questions [ExQ3]

The ExA published the ExQ3 referenced [PD-021] on 7 November 2024. The Joint Councils have identified a number of questions that have been directed to them at ExQ3 and have submitted responses to these questions at Deadline 9. The Joint Councils’ responses to these questions are set

out in a separate document titled “Joint Councils’ Response to the Examining Authority’s Third Written Questions” [our reference: M5J10.JC.ExQ3].

Joint Councils Follow-up Response to Issue Specific Hearing 4 [ISH4] Action Point 20

Following on from the Joint Councils’ submission at D7, the Joint Councils wish to submit the following updated response to Action Point item 20 arising from ISH4.

ISH4 Action Point	Action By	Joint Councils’ position at D9
Action Point 20 – JC to submit CIL Funding Policy agreed once relevant Joint Committee meeting has taken place 12 November 2024	JC	The first CIL Joint Committee meeting was held on 12 November 2024. The Joint Councils will submit a copy of the meeting minutes once this is made available by the Democratic Services teams of the SLP authorities.

Joint Councils’ comments on the D6-8 submissions made by the Applicant and other Interested Parties

The Joint Councils have reviewed the submissions made by the Applicant and other Interested Parties at Deadline 6 on 28 October 2024, Deadline 7 on 30 October 2024 and Deadline 8 on 5 November 2024. In summary, the Joint Councils have no specific comments on the submissions made by other Interested Parties but would particularly like to highlight our comments on the following submission items made by the Applicant which are set out below.

Updated Funding Statement [REP6-005]

The Joint Councils have reviewed [REP6-005]. The Joint Councils’ position is that the updated Funding Statement [REP6-005] and the Funding Technical Note [REP4-043] do not accord with the Joint Councils’ Planning Statement [REP4-048b] submitted to Examination at D4. The Joint Councils’ position remains as set out in the Planning Statement [REP4-048b].

The Joint Councils have provided a detailed response to the updated Funding Statement [REP6-005] at Deadline 9. This is set out in a separate document titled “Joint Councils’ Response to the Applicant’s Updated Funding Statement”.

Applicant Response to Interested Parties D5 Submissions [REP7-009]

The Joint Councils have reviewed [REP7-009]. The Joint Councils noted that the Applicant has responded to the following submission items made by the Joint Councils at Deadline 5:

- Joint Councils’ Response to ExQ2 [REP5-036]. The Applicant’s response is set out in Section 3 of [REP7-009]

1. Cover Letter [REP5-037], which comprises the Joint Councils' comments on the Deadline 4 submissions made by the Applicant and other Interested Parties. The Applicant's response is set out in Section 4 of [REP7-009]

The Joint Councils broadly agree with the responses made by the Applicant in [REP7-009]. Where the Joint Councils have further comments on the Applicant's responses, these are provided in Table 1 of the Appendix of this letter.

Applicant Response to Issue Specific Hearing 4 [ISH4] Action Points [REP7-010]

The Joint Councils have reviewed [REP7-010]. The Joint Councils are broadly satisfied with the responses made by the Applicant. Where the Joint Councils have further comments on the Applicant's responses, these are provided in Table 2 of the Appendix of this letter.

Change Application Consultation Statement [REP8-003]

The Joint Councils have reviewed [REP8-003]. Table 4-2 comprises the Applicant's responses to the comments the Joint Councils raised to the Applicant's Change Applications Consultation on 25 October 2024. The Joint Councils are satisfied with the responses made by the Applicant and have no further comment at this stage.

Other submissions made by the Applicant at Deadlines 6-8

The Joint Councils have reviewed [REP7-005]. The Joint Councils confirm that the LVIA assessment has been updated, based on the noise barriers being a simple timber board design.

The Joint Councils have no specific comments to make in response to the other submission items from the Applicant.

Statement of Common Ground [SoCG] with the Applicant

The Applicant's SoCG Joint Councils [REP4-022] submitted at Deadline 4 reflects the latest position of the SoCG between the Joint Councils and the Applicant. A meeting between the Joint Councils and the Applicant was held on 5 November 2024 to discuss updates to the SoCG. The Joint Councils have agreed with the Applicant that a final SoCG will be submitted to Examination by the Applicant at Deadline 10 on 28 November 2024. The Joint Councils are currently in the process of confirming their final position on all matters recorded in the SoCG. The Joint Councils would like to reiterate their position in support of the Scheme in principle and will continue the discussions of outstanding matters with the Applicant during the Examination to work towards agreement wherever possible.

Joint Councils' comments on the publications from the ExA

The Joint Councils have reviewed the following publications from the ExA and would particularly highlight our comments which are set out below:

The Report on the Implications for European Sites [RIES] [PD-019]

The Joint Councils have reviewed the Habitats Regulations Assessment Screening Addendum [AS-094] and the RIES [PD-019]. The Joint Councils agree with the summary and conclusions set out in the RIES and have no further comments to make.

Schedule of ExA's recommended amendments to the Applicant's draft DCO revision 6 [PD-022]

The Joint Councils have reviewed [PD-022] and have no further comments to make.

Documents submitted by the Joint Councils at Deadline 9

In summary, please find below a list of documents which form the Joint Councils' submission for Deadline 9 of the Examination of the Scheme:

- Joint Councils' Response to the Examining Authority's Third Written Questions – our document reference M5J10.JC.ExAQ3; prepared by AtkinsRéalis on behalf of the Joint Councils, dated 19 November 2024;
- Joint Councils' Response to the Applicant's Updated Funding Statement; and
- This Covering Letter for the submission, which includes the Joint Councils' comments on the D6-8 submissions made by the Applicant and other Interested Parties, as well as the Joint Councils' comments on the publication from the ExA.

If you require any further information, please do not hesitate to get in contact via the M5 J10 Joint Councils project team: M5J10JointCouncils@atkinsrealis.com

Yours sincerely,



Lewis Oliver

Associate Planner for and on behalf of The Joint Councils

APPENDIX

Appendix: Joint Councils comments on the D7 submissions made by the Applicant and other Interested Parties

Table 1 – Joint Councils’ comments on the Applicant Response to Interested Parties D5 Submissions [REP7-009]

Response Reference	Applicant’s Response at D7 [verbatim]	Joint Councils’ Comments on the Applicant’s Response at D9
037-04	<p>LIR Ref 3.9.24 Population and Human Health –</p> <p>The ‘dual function’ referred to in the Applicant’s response to the Local Impact Report [REP2-009] item 3.9.24 refers to the design of the underpass to provide two uses, namely as an access route for bats across the A4019 [the nighttime function]; as a traffic free route for Walkers, Cyclists and Horse-riders [WCH] users to cross the A4019.</p> <p>It is expected that the use of the underpass by WCH users would be principally a daytime use as the bridleway [AUC1] which has been routed through the underpass is expected to have more users during the daytime. The underpass does not preclude nighttime use of the underpass by WCH groups.</p> <p>Lighting considerations and wayfinding will be addressed at detailed design stage.</p>	<p>The update and further clarification is welcomed. Whilst there should be no issues with WCH use of the underpass during the daytime, consideration should be given to any potential conflict between bats and WCH during the nighttime use of the underpass, to minimise any potential adverse impacts on WCH [physical or mental, including perceived issues] i.e. is there any risk of injury or disturbance to WCH from flying bats and how is this proposed to be managed? Presuming that the underpass is the most direct and safest route, WCH should not be forced to find an alternative route which is less direct or less safe [severance] because of fear of bats or the potential to be injured if they were to use the underpass. Ongoing consultations with WCH should continue and address any conflict/concerns.</p>

Table 2 – Joint Councils’ comments on the Applicant Response to ISH4 Action Points [REP7-010]

Action By	ISH4 Action Point	Joint Councils’ Comments on the Applicant’s Response at D9
Applicant	Action Point 3 – Note on traffic flow increases leading to Noise consequences relative to traffic figures – from Table 2-1 in AS-080.	The Joint Councils agree with the Applicant’s response. Traffic flow would need to be doubled for a 3dB increase [moderate impact and potentially significant effect].
Applicant	Action Point 9 – Agricultural Vehicle swept path analysis for Mr Hadley’s land.	The Joint Councils are content with the swept path analysis provided to Mr Hadley.
Applicant and Joint Councils	Action Point 32 – Update regarding Mr Badham’s property, acceptability of noise barriers and mitigation. Is the property considered as a non-designated heritage asset and what are the implications of this designation.	With respect to the noise barrier, the Joint Councils agree with the Applicant that vegetation will not affect the performance of the barrier. Also, the Joint Councils can confirm that Landean and Elton Lawn are not located within the Noise Important Area [NIA] driving the requirement for mitigation [NIA3949]. Therefore, since Landean and Elton Lawn falls outside of the NIA there are no requirement to further extend the barrier.
Applicant and Joint Councils	Action Point 34 – Position regarding ability to include vegetation on acoustic barriers [both sides] within available space. Would this provision be acceptable to the LHA including maintenance.	The Highway Authority are comfortable with the Applicants noise barrier micro-siting concept and are happy this will be undertaken during the design detailed stage alongside appropriate consultation.