

# M5 Junction 10 Improvements Scheme

Applicants comments on Report on the Implications  
for European Sites (RIES)

TR010063 - APP 9.87

Rules 8 (k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9

November 2024



Gloucestershire  
COUNTY COUNCIL

# 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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#### Applicants comments on Report on the Implications for European Sites (RIES)

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<b>Rule Number:</b>	Rule 8 (k)
<b>Planning Inspectorate Scheme Reference</b>	TR010063
<b>Application Document Reference</b>	TR010063/APP/9.87
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<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	November 2024	Deadline 9

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# 1. Introduction

- 1.1.1. This document sets out the Applicant’s comments on the Report on the Implications for European Sites (RIES) [PD-019].
- 1.1.2. The RIES report was published by the ExA on the 22 October 2024. The Applicant has reviewed the RIES and has the following comments.

# 2. Applicant’s comment on the RIES

- 2.1.1. With regards to questions raised by the ExA in the RIES, the Applicant notes that only one question has been asked, in Section 4 (Concluding remarks):
  - Para 4.0.2 - *The ExA seeks confirmation as to whether the ExA’s understanding of screening and adverse effects conclusions at point of RIES publication (Tables A.1 to A1.7 in Annex 1) is correct.*
- 2.1.2. The Applicant confirms that the ExA’s understanding of screening and adverse effects conclusions, set out in Tables A.1 and A1.7 in the RIES, is correct.
- 2.1.3. The Applicant has four further minor comments on the RIES report:

Table 2-1 – Applicant’s minor comments on the RIES report

Report location	Text in the RIES	Applicant’s comment
<b>Table 2.2</b> - Issues raised in the Examination to date by the ExA and IPs in relation to the Applicant’s screening of LSEs (alone and in-combination). <b>Row</b> - 2.2.3 / FWQ3.1.6	<p>The ExA considered [PD-010, FWQ3.1.6] that the definition of the impact pathways considered relevant to the in-combination assessment within the HRA Screening [APP-099] was ambiguous, which meant that it was difficult to conclude that all relevant pathways had been considered.</p> <p>An explanation of the rationale behind the presentation of the impact pathways was provided in [REP3-043]. The Applicant also provided an updated HRA Screening [REP3-024] which provided further information (paragraphs 4.2.27 to 4.2.38) to clarify the methodology and specific impact pathways considered. NE also provided a response to Q3.1.5 [REP3-076], stating its understanding of and agreement with the methodology (<b>where no LSE are noted from the project alone, there is no requirement to assess these in combination</b>).</p> <p>No other IPs raised queries on this matter.</p>	<p>The Applicant considers that the text highlighted in yellow is incorrect.</p> <p>The Applicant believes it should read:</p> <p>‘where LSE are noted from the project alone, there is no need to assess these impacts in combination at screening – they are taken through to Appropriate Assessment where they are considered further alone. Where no LSE are noted from the project alone, these require an in combination assessment at screening, to determine whether any in-combination effect pathways need to be taken through to Appropriate Assessment.’</p>
<b>Table 3.1</b> - Issues raised in the Examination to date by the ExA and IPs in relation to the Applicant’s	<p>The EXA noted [PD-010, FWQ3.1.9] that the HRA SIAA [APP-100] did not include a specific list of projects and plans scoped into the assessment, as the Applicant did not consider a detailed assessment to be necessary as the HRA SIAA [APP-100]</p>	<p>The Applicant can provide the following clarification on the text highlighted in yellow:</p> <p>To clarify, the list of plans and projects provided in</p>

Report location	Text in the RIES	Applicant's comment
<p>assessment of effects on integrity (alone and in-combination).  <b>Row</b> - 3.1.3 / FWQ3.1.9</p>	<p>concludes that mitigation will be successful for both the project alone and in combination effects.</p> <p>The Applicant provided a list of the plans and projects scoped in [REP3-043], and an updated HRA SIAA [REP3-026] (Appendix G) to demonstrate agreement with NE in relation to the approach taken to not include a detailed assessment in the SIAA [APP-100].</p> <p>NE also reconfirmed its agreement with this approach [REP3-076].</p> <p>No other IPs raised queries on this matter</p>	<p>[REP3-043] is associated with a historical version of the HRA. Since then, there has been a change in approach with regards to the SIAA, whereby the risk of AEol in the absence of mitigation was acknowledged. Detailed mitigation was set out to eliminate the risk. An in-combination assessment was not necessary as, with the mitigation in place, no residual effects remain to contribute to an in-combination effect.</p>
<p><b>Table 3.1</b> - Issues raised in the Examination to date by the ExA and IPs in relation to the Applicant's assessment of effects on integrity (alone and in-combination)  <b>Row:</b> 3.1.4 / FWQ3.1.11</p>	<p>The ExA [PD-010, FWQ3.1.11] considered that it was unclear within the HRA SIAA [APP-100] if the Applicant was intending to implement the mitigation measure of relocation of lamprey ammocoetes, which NE considered would be required (as detailed in Appendix G of [APP- 100]).</p> <p>Both the Applicant [REP3-043] and NE [REP3- 076] responded to state that the Applicant would be undertaking this where required. The requirement for this during dewatering would be avoided predominately by design of the works to ensure that only part of the width of the channel will be dewatered. Therefore, continuity of flow and fish passage would be maintained at all times during construction. In the event of relocation being required, a fish rescue plan would be available, the requirement for which is secured in B23 of the REAC [REP4-018].</p> <p>No other IPs raised queries on this matter.</p>	<p>The Applicant has the following comment on the text highlighted in yellow:  Ammocoetes spend a number of years in burrows in sediment. Therefore any dewatering (even if only part of the width of the channel is dewatered) presents a risk to lamprey during their ammocoete stage. As such, lamprey ammocoetes will need to be relocated prior to any dewatering in order to reduce the potential for injury/mortality. This will be set out and detailed in a fish rescue plan.</p>
<p><b>Table A1.4</b> - Severn Estuary SAC (HRA Screening Appendix E, HRA SIAA section 6 and 8):</p>		<p>The Applicant has this comment on the content of the table:  There is a row missing for the impact 'changes in key indicators of conservation value ( C ) ' for River lamprey. Information should be as per Table A1.6 for the Severn Estuary Ramsar.</p>

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