

M5 Junction 10 Improvements Scheme

**Applicant Response to Examining
Authority's Third Written Questions**

TR010063 - APP 9.93

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]

Applicant Response to Examining Authority's Third Written Questions

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Executive Summary

The Development Consent Order (DCO) application for the M5 Junction 10 scheme was submitted on 19 December 2023 and accepted for examination on 16 January 2024.

The purpose of this document is to set out Gloucestershire County Council's (GCC) response to the Examining Authority's third round of Written Questions (ExQ3s). Where the Examining Authority have requested that the Applicant provide new documents, these are submitted at Deadline 9 with the associated ExQ3 referenced in the document title.

1. General and cross-topic questions

Question number	Doc ref and question to:	Question	Applicant Response
Q1.0.1	The Applicant	<p>Equalities Act:</p> <p>Considering the points made on behalf of the Joint Councils in Appendix to the D7 [REP7-016] submission, please clarify what advice was received from the police, and whether attempts to visit the site were made with police assistance.</p>	<p>As was stated in the Applicant's Response to the Examining Authority's Second Written Questions (REP5-027) The Applicant was advised by GCC's Traveller Liaison Support Officer not to visit site without police support due to history of the site and serious incident that occurred a few years previous. Having received this advice, the Applicant considered the implications of visiting the site with police support and the impact this could have on constructive engagement moving forward. The police were not consulted on this matter as it was the Applicant's position that the Traveller Liaison Support Officer was the most appropriate authority to consider engagement with the occupants of the site. As such it was determined that a police presence would likely antagonise the occupants of the site and undermine any attempts for constructive engagement moving forward. Therefore, a decision was taken to rely on the information pack served in the languages noted in the Applicant's response to Q1.0.4 (REP5-027).</p>
Q1.0.2	The Applicant	<p>Plans</p> <p>Sheet 4 of 12 the Cross-section BB [AS-103] would appear not to be correctly labelled please update or explain the drawing/plan.</p>	<p>An updated drawing package will be submitted at Deadline 10.</p>
Q1.0.3	The Applicant and National Highways	<p>Consistency of Information</p> <p>In both the original RR from NH [RR-026] Item 1.4 (c), (d), the SoCG [REP3-037] Items 4.1 and 4.3 and the subsequent PADSS [REP5-038] issues</p>	<p>The Applicant can confirm that SoCG (REP3-037) Items 4.1 and 4.3 have been resolved with National Highways as a result of updates to the land plans, Book of Reference and Statement of Reasons and confirmed in their updated PADSS (PADSS items 9</p>

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		<p>were raised about the consistency of information within the Statement of Reasons and Work No's (PADSS Item No. 26).</p> <p>Can each party explain the current position and if matters remain outstanding make clear what these matters are.</p>	<p>&11) submitted at Deadline 5 (REP5-038).</p> <p>A final SoCG reflecting the final position between parties on the articles above and other matters outstanding from REP3-037 is currently being prepared and will be submitted at Deadline 10.</p>
Q1.0.4	The Applicant (ii) Gloucestershire County Council as Highway authority (i) and (iii)	<p>Change 6 in Change Application No.2</p> <p>The design appears to allow the PROW to be flooded at times of a flood event.</p> <ul style="list-style-type: none"> (i) Is the Highway authority content this is an acceptable form of design for a PROW? (ii) What mechanism would be in place to ensure that the underpass would be made good after a flood event to ensure that it could continue to operate as a PROW once the flood event had passed? <p>Are GCC as Highway Authority content there is an appropriate method of long term maintenance for this PROW including any process for clean up after a flood event?</p>	<p>(ii) Section 41 of the Highways Act 1980 establishes in legislation the duty of a highway authority to maintain a highway maintainable at the public expense. <i>Burnside v Emerson</i> [1968] 1 WLR 1490, 1497 clarifies that the duty to maintain was, in that case, to put the road in such good repair as renders it reasonable passage for the ordinary traffic of the neighbourhood at all seasons of the year without danger caused by its physical condition. For the avoidance of doubt, <i>Burnside</i> restated <i>Burgess v Nerthwich Local Board</i> [1880] (6 QBD 264) to state that an occasional flood, even if it temporarily renders a highway impassable is not sufficient to sustain an indictment for non-repair. The PROW will be an adopted highway and therefore the Highway Act 1980 and associated common law principles contain the mechanism to ensure suitable ongoing maintenance.</p>
Q1.0.5	The Applicant	<p>Equalities Statement</p> <p>Paragraphs 1.1.3 – 1.1.5 of [APP-144] the Equality Impact Assessment confirms that this is to be a live document and kept up to date during the examination, with the latest iteration being [REP5-014].</p> <p>Can the Applicant provide an update which reflects</p>	<p>The Applicant can confirm that an updated EqIA will be submitted at Deadline 10 which reflects the latest position with regard to the two change requests.</p>

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		the latest position including the two change requests.	
Q1.0.6	Applicant and National Highways	<p>Re. Updated Funding Statement [REP6-005]</p> <p>(i) If the money is secured by way of a loan, does this resolve the outstanding concerns of NH such that there is confidence the scheme can progress to completion and the SRN be adequately safeguarded?</p> <p>If this remains an outstanding issue has an alternative mechanism been agreed that would provide for assurances the SoS could (in the event of a positive decision on the DCO) have to ensure the works can commence and be completed.</p>	<p>Response to (ii) only:</p> <p>(ii) the Applicant has agreed with National Highways a notice to proceed mechanism which is considered by the Applicant will give NH the ability to ensure that proposed works can only be commenced if they are able to be completed. This mechanism is in the process of being finalised.</p>
Q1.0.7	Applicant and National Highways	<p>Safe operation of the SRN during construction</p> <p>Can NH confirm if there are any outstanding safety concerns in respect of the SRN beyond those relating to finance (certainty of funding/bond)?</p>	Please refer to the Applicant's response to ExA Q15.0.3 below.
Q1.0.8	Applicant and National Highways	<p>Previous DCOs on the SRN where NH were not the Applicant</p> <p>Can the Applicant and NH consider whether the approaches taken for the delivery of M1 Junction 10a, or Heysham link to M6 or other NSIP schemes where the undertaker was not National Highways or its predecessor organisation, to advise whether there might be options that these schemes followed which allowed work to be undertaken to the SRN by a third party.</p>	<p>The Applicant does not consider that there are currently any extant issues of contention between itself and National Highways regarding the operation of the Scheme on the SRN. However, for context the Applicant has provided a brief summary of the operation of both the M1 J10a and Heysham Link to M6 below.</p> <p>M1 J10a: The principal articles of this DCO do not, within themselves, contain restrictions on their operation within the SRN. Schedule 12, Part 1 of that Order contains protective provisions for the benefit of National Highways. This sets out that before commencing any part of the authorised development the</p>

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		<p>(In asking this question the ExA is aware that the schemes referenced date from 2011/2012 and so best practice may well have moved on, but it is felt that it may be worth exploring to see if there was a possible remedy to what currently appears to remain as an obstacle to agreement to the undertaking of the DCO)</p>	<p>undertaker must submit to the highway authority for its approval or consent sufficient plans and must not commence until those plans are approved. There is then a process for revision and approval with a deemed approval period of 21 days. There is a general provision at paragraph 9 for the authorised development to be completed in accordance with the reasonable requirements of National Highways. The Applicant is not best placed to comment on the features of any separate contractual relationship, if one were established.</p> <p>Heysham link to M6: The DCO for this Scheme does not contain protective provisions for the benefit of National Highways. Instead, it appears that the only specific protection in place is through Requirement 10 of that Order. This states that no part of the authorised development is to commence until details of the proposed improvements to Junction 34 of the M6 Motorway as shown in outline on the special roads plan have been submitted in writing to and approved by the Secretary of State for Transport. This appears to be due to the fact that the details of the interface were only known at a high level.</p> <p>The date of these Orders is relevant because they pre-date National Highways more recent approach of requiring a certain set of “standard” protection provisions. It is this new “standard” against which the Applicant has been negotiating with National Highways for some time being unwilling to entertain the amendment of the “standard” in the DCO and insisting rather that variations be captured in a separate side agreement.</p> <p>The Applicant has further reviewed the following projects which were promoted by a local highway authority and involved some interaction with the SRN.</p> <ul style="list-style-type: none"> - A30 Temple to Higher Carblake Improvement: The DCO

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			<p>does not contain separate authorisation for the works to the SRN and there are no protective provisions. The Recommendation Report does make reference to a section 6 Highways Act 1980 agreement which may contain separate contractual obligations but the agreement is not publicly available. There is no mention of a bond in the recommendation report, decision letter or order.</p> <ul style="list-style-type: none"> - Morpeth Northern Bypass: The DCO does not contain separate authorisation for the works to the SRN. There is a requirement relating to the control of deposits in the highway which requires consultation with National Highways but nothing more. The Recommendation report explains that the scheme would be carried out pursuant to a section 6 Highways Act 1980 agreement which may contain separate contractual obligations but the agreement is not publicly available. There is no mention of a bond in the recommendation report, decision letter or Order. - Norwich Northern Distributor Road: The DCO contains a requirement at Schedule 2, paragraph 19 that “all highway works (including their construction) that directly affect the Trunk Road network, must comply in all respects with the relevant requirements of the Design Manual for Roads and Bridges, except where [National Highways] first approved otherwise in writing. There is no mention of a bond in the recommendation report, decision letter or Order. It should be noted in this case, the funding needed was £148.55m, with DfT providing £67.5m, other government departments providing £20.71m and Norfolk County Council underwriting the balance. The NCC

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			<p>contribution was in turn under-written by the Greater Norwich Growth Board out of CIL collected the District Councils which was estimated to amount to £40m leaving £20.34m to be met by NCC directly.</p> <ul style="list-style-type: none"> - Lake Lothing Third Crossing: The DCO does not contain separate authorisation and there are no protective provisions for the benefit of National Highways. There is no mention of a bond or private agreement in the recommendation report, decision letter or Order.
Q1.0.9	Applicant and National Highways	<p>NH Requested Bond</p> <p>Please can both parties explain their current positions including any agreements / remaining areas of disagreement?</p> <p>Please can both parties set out their positions with respect to if the strategic road elements of the DCO scheme could be completed first using the secured HIF monies? In doing so, please can the parties provide their views with how this approach could be appropriately secured via the DCO or another mechanism.</p>	<p>In relation to the current position between the Applicant and National Highways please see the Applicant response to Q1.0.6 above.</p> <p>With regard to HIF funding there is no restriction on the HIF monies which would prevent it from first being applied to the strategic road elements. The notice to proceed mechanism which is currently being agreed with NH requires the extent of works to the SRN to be defined in a commencement notice and for NH to give consent for those works to proceed if NH is satisfied there is sufficient funding in place to allow the completion of the defined works. If the Applicant can demonstrate that the HIF funding is available for the works to the SRN this would meet the requirements of the notice to proceed mechanism. The works to the SRN could therefore be completed first using the HIF monies under this mechanism.</p>

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Q1.0.10	Applicant and National Highways	<p>Scheme Cost</p> <p>(i) The D7 NH submission [REP7-019] suggests that there may be a scheme cost variance of as much as c. £48m (associated with inflation and indirect works). Please can the applicant and NH clearly set out their respective positions?</p> <p>(ii) In doing so, please can both parties explain any additional scheme cost burden based upon the cumulative total sum associated with the costed items which were within c. 10% variance?</p> <p>In light of the variances currently between the parties are NH able to provide evidence from other recent cases which support the approach to assessment that they are taking, and give evidence as to why the Applicant's assessment is less robust?</p>	<p>The Applicant has continued to engage with National Highways on the variances the respective parties have regarding scheme costs. Discussions had between the parties have been had within the limits of what is capable regarding the information that can be shared due to commercial sensitivities. The Applicant and National Highways have agreed that to the extent that there remain any differences in costs these are due to internal governance requirements and differences affecting how the cost calculation has been done. The Applicant has not been able to fully analyse the differences as National Highways have been unable to provide the requisite detail in order to assist in any assessment. The Applicant is of the view, and is of the understanding that National Highways agree, that a variance of 10% is within an acceptable uncertainty band or tolerance and therefore there are no extant concerns regarding scheme cost. The Applicant and National Highways have agreed that regardless of scheme cost, a Notice to Proceed mechanism will function to protect the integrity of the SRN.</p>
Q1.0.11	Applicant	<p>National Infrastructure Bank Loan</p> <p>Please can the applicant explain if any greater sum of money (over-and-above) the £81 million funding gap could reasonably be expected to be secured if any remaining disputes between the Applicant and NH (as per Q1.0.9) identify the need for a larger sum?</p>	<p>The current £81m funding gap is the difference between the expected scheme cost and the grant award from Homes England. It excludes the realisation of savings brought about by value engineering and potential acceptance of the changes introduced into the Examination stage. Similarly, it does not include contributions from developers that might be received, which given that the loan may not be required until after the grant from Homes England is exhausted in September 2027, would allow for significant contributions from developers by this time.</p> <p>The pursuit of a loan to the value of £81m is therefore considered to be a worst-case requirement but a reasonable value to pursue</p>

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			from the point of potential availability from UKIB. The applicant can demonstrate that the Council, via a letter from the Chief Executive, is willing to borrow this much money.

5. Compulsory acquisition, temporary possession and other land or rights considerations

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Q5.0.1	The Applicant and all statutory undertakers	<p>Statutory Undertakers</p> <p>(i) As of the current version of the dDCO and representations at deadline 5 there appear to remain outstanding matters in respect of protective provisions with the following statutory undertakers, National Grid, Wales and West Utilities, Severn Trent Water.</p> <p>In light of the response provided to second written question 5.013 by the Applicant in [REP5- 027] are there any further updates that can be provided in respect of each of the individual statutory undertakers and the specific provisions that are being sort where matters are yet to be resolved.</p>	<p>In the latest version of the Draft DCO and Schedules [REP7-002] submitted at deadline 7 the Applicant incorporated bespoke protective provisions for the benefit of National Grid Electricity Distribution (West Midlands) PLC (“NGED”), Wales and West Utilities (“W&W”) and Severn Trent Water (“STW”) at Parts 4, 5 and 6 of Schedule 9.</p> <p>These bespoke protective provisions reflect the result of negotiations with these statutory undertakers and follow recent precedents for other similar linear schemes. In addition to this, and as set out in the Applicant’s response to second written question 5.0.13 [REP5-027] the Applicant took this year’s updated Government Guidance “Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects (30 April 2024)” into consideration when negotiating bespoke protective provisions with statutory undertakers. Concerning the inclusion of protective provisions, the Guidance confirms at paragraph 012 that:</p> <p>“Most statutory undertakers have now developed their own preferred form of protective provisions which is very helpful to the preparation of the draft DCO. However, these must be adapted as necessary, so they accurately reflect the proposed development. They should also not simply negate other provisions of the DCO, particularly concerning proposed compulsory acquisition of statutory undertakers’ land”</p>

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			<p>With this in mind, the Applicant pursued agreement with each of these statutory undertakers. However, given the imminent approach of the end of examination and the inability to agree certain matters, the Applicant decided to include its preferred version of protective provisions in the latest version of the dDCO [REP7-002].</p> <p>Since the Applicant's submission of the Draft DCO, including bespoke protective provisions [REP7-002], the Applicant produced and submitted a position statement setting out the Applicant's case under sections 127 and 138 of the Planning Act 2008 [AS-110]. This document sets out the background of negotiations, main outstanding areas of disagreement and the Applicant justification for its position and confirmation that the relevant tests in sections 127 and 138 of the Planning Act 2008 are met and that the protections afforded to the statutory undertaker's apparatus are sufficient to ensure that there is no serious detriment to their undertaking.</p> <p>In summary, these are the outstanding points of disagreement:</p> <p>NGED:</p> <p>Definition of "specified works": NGED's position is that the definition of "specified works" should refer to any part of the authorised development that is carried out within a 6-metre radius of their apparatus. This is a definition NGED have used previously but it does not align with the Health & Safety Executive Guidance ("HSE Guidance"). During the course of negotiations, the Applicant set out the reasons why this could have serious implications in the implementation and completion of the Scheme.</p> <p>The Applicant believes that such an approach would not be practical taking into account Scheme-specific issues. For this</p>

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			<p>reason, the Applicant included a graded definition in the protective provisions for the protection of NGED in Schedule 9, which follow the HSE Guidance, Note 6 on “Avoiding danger from overhead power lines”. Taking into account updated the Government Guidance referred to above, protective provisions “must be adapted as necessary, so they accurately reflect the proposed development” which is what the Applicant seeks to a reasonable extent.</p> <p>Approvals process for specified works: the timeframes proposed by NGED for the approval of specified works could cause severe delays in the implementation of the Scheme.</p> <p>Under NGED’s preferred draft, where the Applicant submits revised plans, the 60-day notice period set out above resets. The Applicant proposed to reduce the ‘reset’ period to 40 days. The Applicant also sought to reduce the ‘reset’ period from 60 to 40 days where the Applicant submits a revised works plan in response to a reasonable requirement of NGED.</p> <p>The Applicant maintains that the timescales set out in the protective provisions included in the dDCO [REP7-002] provide appropriate protection to NGED whilst also minimising approval periods so that unnecessary delays would not obstruct the implementation of the Scheme.</p> <p>W&W:</p> <p>(i) Definition of “specified works”: W&W’s position is that “specified works” should be defined as any part of the authorised development that is carried out within a 15-metre radius of their apparatus and that a single distance should be applied regardless of the type of apparatus. A single distance of 15 metres is</p>

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			<p>not acceptable due to the practical complications this would carry and is also not aligned with best practice guidance.</p> <p>The Applicant's proposal is to include the definition of "specified works" as submitted in the dDCO [REP7-002] to incorporate a non-distance-specific definition of "specified works" and instead incorporate reference to the WWU Guidance (WW/SP/SSW/22), which contains graded definitions. The effect of the wording is that the specified works process will only be triggered where works are not compliant with safe digging practice and WWU Guidance.</p> <p>Taking into account updated the Government Guidance referred to above, protective provisions "must be adapted as necessary, so they accurately reflect the proposed development" which is what the Applicant seeks to a reasonable extent.</p> <p>Acquisition of land: W&W seek to maintain approval over the Applicant's exercise of any compulsory acquisition powers needed for the implementation of the order. This is against Government Guidance (as set out above) and the Applicant could face a serious detriment and delay in the implementation of the order if approval prior to using CA powers was required from any third party.</p> <p>The Applicant is of the view that such limitation in its ability to exercise compulsory acquisition powers could hinder the ability to carry out works in line with programme and can lead to delays or obstructions if the Applicant is unable to secure consent from W&W.</p> <p>Paragraph 1.10 (above) sets out the most up-to-date Guidance issued by DLUHC in April 2024, and is clear on this point: "Most statutory undertakers have now developed their own preferred</p>

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			<p>form of protective provisions which is very helpful to the preparation of the draft DCO. However, these must be adapted as necessary, so they accurately reflect the proposed development. They should also not simply negate other provisions of the DCO, particularly concerning proposed compulsory acquisition of statutory undertakers' land."</p> <p>As set out above, no land owned by W&W would need to be compulsorily acquired, only rights over land, and given that the Applicant seeks rights to divert W&W apparatus, no detriment to their undertaking will take place. The Applicant seeks to acquire rights which are either being transferred to W&W for their benefit or can co-exist alongside those of W&W with minimum interference.</p> <p>Throughout the negotiation of protective provisions, W&W were unable to provide any evidence to substantiate the need for such restriction.</p> <p>Any works required for the interface with W&W's assets could be carried out by W&W by virtue of Article 10 of the DCO (which transfers the benefit of the order to W&W to the extent required to carry out the diversion works).</p> <p>1. STW:</p> <p>Access to apparatus in stopped-up streets- We proposed a requirement for STW to give GCC reasonable notice (except in case of emergency) before taking access to streets which are temporarily stopped up but contain STW apparatus. STW have rejected this requirement to give notice on the basis that STW must have access at all times.</p> <p>The Applicant proposed at paragraph 42 (2) of Schedule 9 of the dDCO that STW is required to give reasonable notice to the</p>

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			<p>Applicant of its intention to access the stopped-up highways for the purpose of maintaining any of their apparatus. Access is not restricted in any way but the requirement to give the Applicant reasonable notice is necessary due to the stopped-up highways being a construction site and the Applicant or its principal contractor must ensure that anyone accessing the construction site follows and adheres with health and safety regulations and guidance.</p> <p>Restrictions on Compulsory Acquisition – As previously discussed, paragraph 6 unacceptably seeks to prevent the compulsory acquisition of STW land interests without STW’s agreement. We will continue to resist STW’s position on the basis of the Scheme’s requirements, Government Guidance, and the PPs accepted by other water undertakers in recent DCOs.</p> <p>The Applicant is of the view that this such limitation in its ability to exercise compulsory acquisition powers could hinder the ability to carry out works in line with programme and could lead to delays or obstructions if the Applicant is unable to secure consent from STW.</p> <p>Paragraph 1.10 (above) sets out the most up-to-date Guidance issued by DLUHC in April 2024 and is clear on this point: “Most statutory undertakers have now developed their own preferred form of protective provisions which is very helpful to the preparation of the draft DCO. However, these must be adapted as necessary, so they accurately reflect the proposed development. They should also not simply negate other provisions of the DCO, particularly concerning proposed compulsory acquisition of statutory undertakers’ land.”</p>

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			<p>As set out above, no land owned by STW would need to be compulsorily acquired, only rights over land, and given that the Applicant seeks rights to divert STW apparatus, no detriment to their undertaking will take place. The Applicant seeks to acquire rights which are either being transferred to STW for their benefit or can co-exist alongside those of STW with minimum interference.</p> <p>Throughout the negotiation of protective provisions, STW were unable to provide any evidence to substantiate the need for such restriction.</p> <p>Any works required for the interface with STW's assets could be carried out by STW by virtue of Article 10 of the DCO (which transfers the benefit of the order to STW to the extent required to carry out the diversion works).</p>
Q5.0.3	The Applicant	<p>Crown Land</p> <p>(i) Can the Applicant provide an update on the progress of negotiations with the Crown and whether it is likely negotiations will be resolved prior to the end of the examination.</p> <p>In the event that it is not considered likely that the negotiations would be resolved by the end of the examination, can the Applicant provide an update on how they consider the SoS should address this matter?</p>	<p>(i & ii) Section 135(1) Planning Act 2008 states that a DCO cannot include provision authorising the compulsory acquisition of an interest in Crown land without consent of the appropriate Crown authority. In addition section 135(2) Planning Act 2008 states that a DCO cannot include any other provision applying in relation to Crown land or rights benefitting the Crown unless the appropriate Crown authority consents to the inclusion of the provision. The dDCO does not propose to acquire any such rights or apply in any such way in relation to Crown land without the appropriate Crown authority consent.</p> <p>Crown land is defined in section 227 of the Planning Act 2008, as land in which there is a Crown interest.</p>

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			<p>Whilst the Applicant is seeking consent from the appropriate Crown authorities to provide during examination it should be noted that the Applicant considers that the dDCO as drafted ensures that the Order does not permit the undertaker from undertaking any action pursuant to the Order which would be contrary to section 135.</p> <p>In response to section 135(1), article 43(1)(b) explicitly states that nothing in the dDCO authorises the undertaker to exercise any right under the Order compulsorily to acquire an interest in any land which is Crown Land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act). This ensures that notwithstanding the book of reference and relevant schedules of the Order the Applicant would be barred from including any Crown land which is otherwise held by or on behalf of the Crown without the Crowns consent.</p> <p>In response to section 135(2), article 43(1)(a) explicitly states that nothing in the dDCO authorises the undertaker to take use enter upon or in any way interfere with any land or rights of any description</p> <p>(i) belonging to His Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;</p> <p>(ii) belonging to His Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land;</p>

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			<p>(iii) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department</p> <p>In this way, the undertaker would be barred from utilising the rights of the dDCO expressed in generality in relation to the Crown land plots absent written consent of the appropriate Crown authority.</p> <p>Therefore, the Applicant would argue that the ExA, in their reporting to the Secretary of State, can confirm that the Order does not grant powers of compulsory acquisition, nor does it authorise the undertaker to take use, enter upon or in any manner interfere with any land or rights of any description belonging to the above list, without written consent from the appropriate Crown authority.</p> <p>The Applicant has been chasing for section 135 consent. The Applicant considers it unlikely that any issue will be raised in providing this consent. The Applicant's issue to date has been in trying to obtain the engagement with the appropriate Crown authority.</p> <p>The Applicant sent letters requesting the consent of the appropriate Crown authorities on 19th March 2024 and chased on 9th May 2024, the 3rd September 2024 and the 12th November. In relation to DLUCH/Ministry of Housing, Communities and Local Government it is currently awaiting a final form letter of consent, in relation to the Crown Estate Commissioners, it is currently in engagement regarding separate HoTs and is requesting s135 consent as part of that engagement, regarding DEFRA the Applicant has not been able to elicit a response and continues not to be able to get engagement from this body.</p>

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			<p>Specifically in relation to The Crown Estate Commissioners, the Applicant understands that currently they are withholding consent of the s135 letter until agreement on heads of terms of an option agreement, which we understand will be signed off shortly. The Applicant is therefore expecting the s135 letter to be available shortly.</p> <p>In relation to DEFRA, it should be noted that DEFRA's interest relates to a Land Charge within a Redemption of Tithe Rent charge by an Order dated 16 June 1922 registered under title GR8654. The land currently sits within the adopted highway. Therefore, the Applicant considers it highly unlikely that consent from DEFRA would be reasonably withheld given the nature of rights held, the nature of the current use of land being public adopted highway, and the proposed use being temporary possession to modify the existing highway.</p> <p>It would remain that given the placement of the Crown land on this Scheme that Crown land is required to construct the authorised development. The Applicant is aware that it is not unheard of for crown consent not to be confirmed during examination. In cases such as this, during the determination period for the Secretary of State, the Applicant would be able to provide an update on the status of these consents in order to inform the Secretary of State's final decision.</p>

6. Compulsory Acquisition

Question number	Doc ref and question to:	Question	Applicant Response
Q6.0.1	The Applicant and National Highways	<p>Outstanding matters</p> <p>The latest SoCG [REP3-037] continues to identify a series of outstanding matters in respect of:</p> <p>Article 2 – Pre construction mitigation</p> <p>Article 8 - Limits of Deviation</p> <p>Article 10 - Transfer of Benefits</p> <p>Article 11 – Power over street works within SRN</p> <p>Article 13 – Assets to be transferred</p> <p>Article 14 – Assets to be adopted</p> <p>Article 17 – Exclusion of SRN from the Article</p> <p>Article 25 – NH land affected by PROW</p> <p>Article 30 - in respect of Article 13</p> <p>Can both parties ensure that where agreement has been reached this is clearly updated within the SoCG, and where matters remain outstanding each part makes clear its position in respect of each individual Article.</p> <p>Where a different form of words is sought, please provide the preferred wording and explain the reasons why such wording is preferred.</p>	<p>Discussions have been ongoing with National Highways through fortnightly meetings since the SoCG was last submitted to the Examination at D3. The Applicant can confirm the latest position on the articles listed in Q6.0.1 which were included in the DCO submitted at D5 and in response to the ExA WQ2 Q6.0.6 (REP5-027)</p> <ul style="list-style-type: none"> • Article 2 – Agreed through revised PPs (PP 25(3)) submitted in dDCO at D5 (REP5-003). • Article 8 – Agreed through revised PPs (PP 25(5)) submitted in dDCO at D5 (REP5-003). • Article 10 – Agreed subject to side agreement being confirmed. • Article 11 – Agreed subject to side agreement being confirmed. • Article 13 - Agreed subject to side agreement being confirmed. • Article 14 – Agreed through revised PPs (PP 28(5)) submitted in dDCO at D5 (REP5-003). • Article 17 – Agreed through revised PPs (PP 25(4)) submitted at D5 (REP5-003). • Article 25 - Resolved by National Highways in PADSS (Item 11) submitted at D5 (REP5-038).

Question number	Doc ref and question to:	Question	Applicant Response
			<ul style="list-style-type: none">Article 30 - Agreed subject to side agreement being confirmed. <p>A final SoCG reflecting the final position between parties on the articles above and other matters outstanding from REP3-037 is to be submitted at Deadline 10 as requested in the Examination timetable.</p>

9. Heritage

Question number	Doc ref and question to:	Question	Applicant Response
Q9.0.1	The Applicant and Joint Councils	<p>Non Designated Heritage Assets: In light of the confirmation that Elton Lawn, Post Box Cottage and Landean have now been identified as Non-designated heritage assets despite not being on a publicly available local list, can the Joint Councils liaise with the Applicant so that the ExA can be reassured there are no further non-designated heritage assets which may be affected by the Proposed Development, and that the heritage assessment is comprehensive.</p>	<p>The Applicant has liaised with the Joint Councils regarding this matter. The Applicant has been provided by the Joint Councils the names of five properties which the Tewkesbury Borough Council (TBC) conservation officer considers to be non-designated heritage assets (NDHA). These are:</p> <ul style="list-style-type: none"> • The House in the Tree Public House, Withybridge Lane (extended part thatched cottage – now Public House) • Elm Cottage, Old Gloucester Road (small formal white rendered cottage) • Orchard House, Hayden Lane (Large red brick villa/farmhouse with outbuildings) • Barn Close, Old Gloucester Road (19th century farmstead, house and barn) • Mill Cottage, Withy Bridge, off Withybridge Lane (Cottage adjacent to Grade II Listed Withy Mill) <p>To enable an assessment of the Scheme’s impact on those properties the Applicant needs to understand the significance of these properties from a heritage perspective. The Applicant has not been provided with the basis for these properties to be considered as NDHA and therefore has not been provided the means to carry out an assessment.</p> <p>The Applicant would note that the NPS NN 2014 states at paragraph 5.125 that “the Secretary of State should also consider the impacts on other non-designated heritage assets (as identified either through the development plan process by local authorities, including ‘local listing’, or through the nationally significant</p>

Question number	Doc ref and question to:	Question	Applicant Response
			<p>infrastructure project examination and decision making process) on the basis of clear evidence that the assets have a significance that merit consideration in that process, even though those assets are of lesser value than designated heritage assets.”</p> <p>The Applicant is of the view that it is only those NDHAs that are identified during examination together with clear evidence that the assets have a significance that merit consideration that need to be considered by the Secretary of State.</p> <p>The Applicant would argue that there has been insufficient information provided to date demonstrating that these assets have a significance that merit consideration.</p> <p>Regarding the reliance to be placed on the ES, it is clear that just because the ES does not consider NDHA that are not listed because there has been no information relating to their significance provided by any party, does not render it incapable of meeting the policy tests set out in the NPS NN 2014.</p> <p>In line with the requirements of DMRB (LA106) the following sources were consulted to establish a baseline for the historic environment:</p> <ul style="list-style-type: none"> - National Heritage List for England (NHLE). - Gloucestershire Historic Environment Record (GHER). - Know Your Place: West of England digital mapping. - Portable Antiquities Scheme (PAS). - Gloucestershire Historic Landscape Characterisation (HLC) data.

Question number	Doc ref and question to:	Question	Applicant Response
			<p>As the Applicant has followed DMRB, and NPS NN, the Applicant considers that its ES is robust and has considered those assets required of it.</p> <p>With regards to the five further properties identified by TBC's conservation officer, the Applicant has the following comments on these properties and potential impacts from the Scheme:</p> <ul style="list-style-type: none">• Mill Cottage (Withy Bridge) and Barn Close are both outside of the Order limits of the Scheme all >200m from any construction activity. As such it is not expected the Scheme will impact on these properties.• The House in the Tree Public House, Elm Cottage, and Orchard House are at the junction of the B4634 (Old Gloucester Road) and Withybridge Lane. The Scheme will require the acquisition of part of the roadside boundary of each property, but will not impact on the buildings. Potential impacts to the NDHA categorisation of three buildings will be considered when further information is available on the basis for their categorisation from TBC's conservation officer.

11. Landscape and visual

Question number	Doc ref and question to:	Question	Applicant Response
Q11.0.1	The Applicant	<p>Change Request Application No.2</p> <p>In light of the changes to the application now to be examined and be subject to the report to the Secretary of State, can the Applicant provide revised visual imagery which fully reflect the scheme at year one and year 15 as now proposed from the same vantage points as provided earlier in the examination where the changes deliver visual changes.</p>	<p>The Applicant has reviewed the Visualisations submitted previously into Examination ([REP2-003] – [REP2-007]) against the Change Request Application No.2. Only the visualisation from Viewpoint 2 [REP2-004] is affected by the design changes, and only slightly. None of the other visualisations show the design changes. The Applicant is currently reviewing the visualisations and will look to be able to provide an updated visualisation during examination, however, the Applicant would request that the ExA note that these documents take time to prepare and therefore there is a chance that these documents would not be available during examination. As visualisations are only ever used to support the examination and are not considered necessary to inform the environmental statement the Applicant does not consider this to be an issue but acknowledges the request of the ExA and is endeavouring to provide regardless.</p> <p>The Scheme shown in Viewpoint 2 [REP2-004] is the Link Road River Chelt bridge and the embankment of the Link Road, from a point west of the Link Road and north of the River Chelt. The section of the embankment to the north of the River Chelt, and the bridge wing wall to the north of the river are the Scheme items most clearly visible in the visualisation. The wing wall and road embankment to the south of the river are obscured by existing trees.</p> <p>Design changes 1-4 all affect the Link Road. Only design changes 3 (River Chelt bridge structural form) and 4 (Link Road vertical alignment) are visible in Viewpoint 2 [REP2-004].</p> <p>Design change 3 will result in a small change in the appearance of the wing wall that is visible.</p>

Question number	Doc ref and question to:	Question	Applicant Response
			<p>Design change 4 will result in a reduction in the height of the embankment to the south of the River Chelt, which will be noticeable for the small sections of this embankment that are visible in Viewpoint 2. The embankment to the north of the River Chelt will be unchanged apart from a very slight increase in height (0.35 m) immediately to the north of the River Chelt bridge.</p>

12. Noise and Vibration

Question number	Doc ref and question to:	Question	Applicant Response
Q12.0.1	The Applicant Joint Councils	<p>Stoke Road Traffic Calming Scheme</p> <p>(i) Please can the applicant confirm the level of mitigation / noise reduction that the Stoke Road scheme will offer? In particular, for the avoidance of doubt will the speed reduction (30mph to 20 mph) / traffic calming effectively mitigate the operational stage significant effects identified in the noise chapter of the Environmental Statement?</p> <p>Do the Joint Councils accept that the identified scheme will effectively mitigate these effects?</p>	<p>The 'Calculation of Road Traffic Noise' (CRTN) Calculation Methodology, has been used to determine the likely benefits of the Stoke Road traffic calming scheme, based on the operational noise predictions at Stoke Road, as used in ES Chapter 6 (AS-014).</p> <p>It was determined that the change in traffic speed, as well as the potential change in traffic volume, with the Stoke Road scheme implemented, would result in no properties in Stoke Orchard experiencing a 1dB or greater increase in noise level as a result of the Scheme. Therefore, the Stoke Road worksmitigate the effect of the Scheme. Further details are set out below, which the Applicant understands is agreed with the Joint Councils.</p> <p>The change in noise at the properties on Stoke Road was predicted to be significant in the ES (without the Stoke Orchard Mitigation Scheme) due to:</p> <ul style="list-style-type: none"> • The noise levels exceeding the daytime SOAEL (68dB) and • The increase in noise of 1dB+, with the Scheme. <p>The highest basic noise levels predicted at 10m from Stoke Road, with the Scheme and scheme permitted developments in the future year, was 69.9dB LA10, 18h - with the associated change in noise of +2.1dB, Properties that are closer than 10m from the road were predicted higher noise levels, with the highest noise level at Dove Cottage – predicted 73.7dB LA10, 18h in the same scenario, and an associated change in noise of +2.1dB.</p>


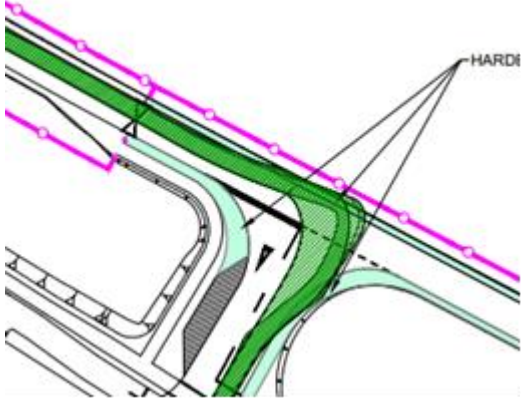
Question number	Doc ref and question to:	Question	Applicant Response
			<p>The traffic calming scheme within Stoke Orchard includes a speed limit reduction from 30mph to 20mph, priority system build-outs, and new and enhanced speed limit signage and road markings, which will mitigate the increase in traffic flows and associated noise impacts by encouraging slower speeds through the village, and potentially discouraging use of the route.</p> <p>The reduction in speed to 20mph would result in a reduction in noise of about 1.8dB.</p> <p>The reduction in noise was predicted using the change in speed alone, and does not take into account that the volume of traffic is also likely to decrease through Stoke Road. The change in traffic volume has not been predicted, but even a 20% decrease in traffic volume would result in a 1dB decrease in noise.</p> <p>In summary, a reduction in noise of about 1.8dB as a result of the reduction in traffic speed in isolation means that none of the properties would experience a 1dB, or greater, increase in noise, when compared with the DMOY used in the ES, thereby mitigating the significant adverse effect of the Scheme reported in the ES. It should be noted also that for some of the properties, the Stoke Orchard Mitigation Scheme will reduce baseline noise to below SOAEL.</p>

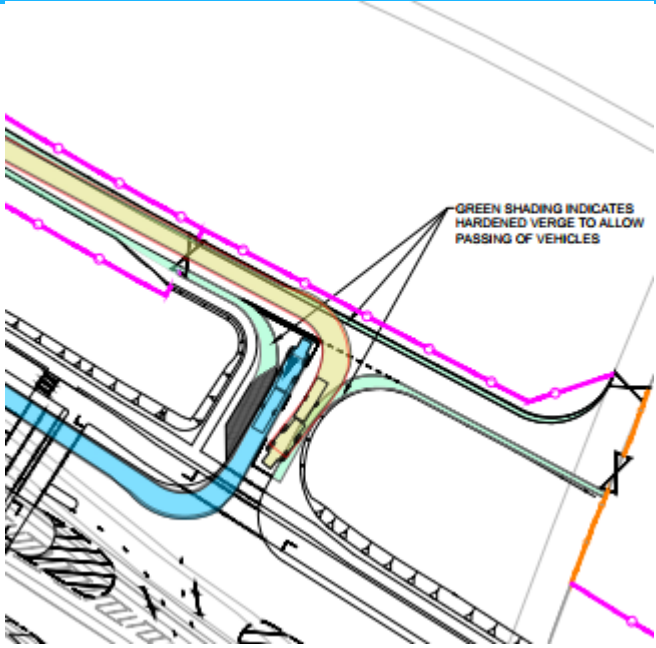
15. Traffic and transport

Question number	Doc ref and question to:	Question	Applicant Response
Q15.0.1	Joint Councils The Applicant	<p>North West Cheltenham - Safeguarded Land Access (Retained Use)</p> <p>(i) Considering the vehicle figures presented by Court Consulting submission [REP7-20] Please can the LHA / Joint Councils and Applicant confirm if the seasonal vehicle flows and sizes outlined are considered reasonable and reflective of existing conditions?</p> <p>Please can the LHA / Joint Councils and Applicant provide a response as to the appropriateness of the shared access proposed, and its ability to safely and suitably accommodate such seasonal vehicle flows and vehicle sizes?</p>	<p>(i) The Applicant strongly disagrees with the volume of vehicle movements being suggested in REP7-020, which are at best, misleading.</p> <p>The 192 movements assumes that each landowner has between 8 and 12 tractors and trailers available to operate at the same time, or there are four agricultural contractors in the area which can operate at this scale. Given the costs to purchase and operate this level of machinery it is incredibly unlikely this is the case; it is certainly not for the land owned by Gloucestershire County Council.</p> <p>The calculation does not account for the time to exit the field once a trailer is loaded, for it to travel to the destination farm yard with appropriate storage, unload the trailer, then travel back to the field being harvested. The Applicant would be interested to understand how many tractors and trailers along with employees to drive them that J W Bruton & Sons (the occupier of Ms Bruton and Ms Counsel land) has available.</p> <p>It is also noted that at the rate of harvest suggested by Mr Bower when applied to national average yields per acre, if all landowner were harvesting maize across all areas, the maximum number of movements would be 102 movements during the first hour only. This is due to the small size of the fields owned by parties other than Ms Bruton and Ms Counsell. Once these fields are fully harvested tractors and trailers would no longer be required, and the number of movements would reduce significantly. For example, the land owned by GCC would only require 6 trailers to totally harvest the field, and the land owned by Robert Hitchins Limited would be 24 trailers only, on this basis of the proposed intensity of use in REP7-020,</p>

Question number	Doc ref and question to:	Question	Applicant Response
			<p>This could only happen if all of the landowners started harvesting at the same time and had the sufficient volume and scale of machinery and employees to operate at this level of intensity. It also assumes that the forage harvester is constantly processing maize in a straight line, without the need to pause or turn. This is clearly not realistic, as fields are not infinitely long, and the harvester will have to turn regularly within the field and pauses are very common in reality when harvesting maize.</p> <p>The Applicant would also highlight that all agricultural machinery accessing the land, will do so using the local road network, which will limit the width and size of the machinery used. There are prescribed restrictions on vehicles widths using the public highway.</p> <p>The Applicant considers it entirely reasonable not to over engineer a solution and instead provide an access that is suitable for the reasonable use of the land.</p> <p>(ii) The Applicant would reiterate that it considers that the proposals would improve road safety compared to the current direct access arrangements. It is also the case that the Scheme proposes a three-lane dual carriageway on the A4019, either side of the proposed A4019/Link Road junction in order to improve capacity through the junction. The provision of a parallel connector/service road to collect accesses before they join the carriageway at a main junction location is a safety recommendation included within the design standard CD123 - Geometric design of at-grade priority and signal-controlled junctions. The same design standard also states that direct accesses should be avoided where possible and not provided on dual three lane carriageways.</p> <p>Therefore, the Applicant considers that the provision of the signalised junction and parallel connector road not only is an improvement on the existing access arrangements in terms of safety but also that the revised scheme would avoid direct access onto this section of the new A4019.</p>

Question number	Doc ref and question to:	Question	Applicant Response
			<p>The signalised junction will ensure that agricultural machinery can access the A4019 safely and without conflict even during peak times.</p> <p>The proposed shared track has a total corridor width of approximately 12m between proposed fence lines. Of this 12m, approximately 9m would be available to passing vehicles. This comprises a 5m wide track with 1m over-run strips on either side, which provides a total width of 7m. There is also an additional 2m width between the back of the over-run strip and the proposed boundary fence line that runs to the north of the access track.</p> <p>This provides a greater passing width than much of the local road network would provide, including sections of the A4019. Furthermore, this access track would have much less traffic than the adjoining road network.</p> <p>As a result the Applicant considers that even if there is occasional instances where conflicts might arise, due to isolated occasions in the calendar year where usage of the track might be heightened, it does not consider that the shared track would result in any higher degree of conflicts that would be experienced on the normal road network.</p>
Q15.0.2	Applicant and Joint Councils	<p>Vehicle Swept Path Assessments Appendix D, [REP7-101]</p> <p>The vehicle swept paths seem to suggest that there will be conflicts with kerbs, road features and potentially any oncoming vehicles waiting at give-way and stop lines within the A4019 and the service road etc. For example, with reference to the drawing extract below, any vehicle waiting at the give way line, would appear to conflict with an oncoming vehicle travelling towards the A4019.</p>	<p>The Applicant accepts that in the swept path analysis previously submitted, a path was used as being the likely path in event of an open lane on the other side of the junction. Clearly where there are stationary vehicles, this would not be possible, although the Applicant would consider that it would remain in the driver's control to identify if there is a vehicle waiting and to stop to allow vehicles onto the access track, before making a turn. Regardless, the Applicant has reviewed its swept path analysis to consider the manoeuvres to avoid crossing the give way line to cover the scenario of this movement being performed while another vehicle is stopped at the give way line. This vehicle would use the 1m hardened surface, over-run areas to fully avoid the give way line.</p>

Question number	Doc ref and question to:	Question	Applicant Response
		 <p data-bbox="555 671 1178 839">Please can the applicant and the Joint Councils provide a response as to if this can be considered to be a safe and suitable design arrangement? If not, how will the scheme be amended to provide an appropriate solution?</p>	<p data-bbox="1216 336 2051 395">An extract from a swept path sketch of a 19.020m farm tractor and hay wagon is shown below:</p>  <p data-bbox="1216 919 2063 1078">The Applicant has also analysed the same movement using a combine harvester and trailer with an overall length of 18.779m and an overall width of 3.460m. This also shows that a vehicle using the over-run area avoids a vehicle waiting at the give way line, as shown in the extract below:</p>

Question number	Doc ref and question to:	Question	Applicant Response
			 <p>The above demonstrates that, if required, vehicles can process through the junctions whilst another vehicle is waiting at the give-way marking. However, the Applicant would continue to consider this event to be isolated, and in any event can be mitigated by driver discretion utilising their sight lines to identify whether or not to let traffic onto the access spur before turning into the access themselves. To add opportunity to this discretion, there is a parking bay on the west side of the access spur which would further widen the available space for passing vehicles in this area. it is the Applicant's position therefore that this can be</p>

Question number	Doc ref and question to:	Question	Applicant Response
			considered a safe and suitable design arrangement and that there is no need for the Scheme to be amended.
Q15.0.3	The Applicant National Highways	<p>Motorway Junction / Slip Road Modelling</p> <p>With respect to Paragraph 3.4 in the NH D7 [REP7-019] response, please can both parties set out any specific concerns which may stand against the proposals in terms of highway safety or appropriate operation of the strategic highway network?</p>	<p>Traffic modelling undertaken by the Applicant to assess the impact of the Scheme during construction, when both M5 junction 10 slip roads are temporarily closed, as reported in the Transport Assessment (REP4-021), has indicated the following:</p> <ul style="list-style-type: none"> • That approximately 45% of the traffic diverted from the M5 junction 10 southbound off-slip closure (46% and 44% during the AM and PM peak periods respectively) finds alternative routes via the local road network rather than via the Strategic Road Network (SRN). • 37% and 49% of the traffic diverted from the M5 junction 10 southbound off-slip closure follows the signposted diversion route via the M5 junction 11 southbound off-slip during the AM and PM peak periods respectively. • 17% and 7% of the traffic diverted from the M5 junction 10 southbound off-slip closure exit the M5 at junction 9 via the southbound off-slip during the AM and PM peak periods respectively. • Traffic demand around the roundabouts at both M5 junctions 9 and 11 are also forecast to change, which could potentially impact delay and queueing on the northbound off-slips at both these junctions. <p>The Applicant has analysed the forecast changes in traffic queues on the off-slips at both junctions 9 and 11 of the M5 during construction of the Scheme, when the M5 junction 10 slip roads are temporarily closed, to determine if the queues would extend back onto the M5 mainline carriageway, which would introduce a road safety hazard. This analysis has indicated the following:</p> <ul style="list-style-type: none"> • There would be minimal change in forecast traffic queues on both the north and southbound off-slips at M5 junction 9. Maximum queue lengths will remain well within the available slip road storage

Question number	Doc ref and question to:	Question	Applicant Response
			<p>capacities, with a maximum utilisation of less than 15% of available capacity during peak hours.</p> <ul style="list-style-type: none"> • There would be minimal change in forecast traffic queues on the northbound off-slips at M5 junction 11. Maximum queue lengths will remain well within the available slip road storage capacity, with a maximum utilisation of less than 5% of available capacity during peak hours. • There is forecast to be a larger change in forecast traffic queues on the southbound off-slips at M5 junction 11, resulting in the queue extending back onto the M5 mainline carriageway during the AM peak hour. However, maximum queue lengths are forecast to remain within the available slip road storage capacity during the PM peak hour, with a maximum utilisation of less than 80% of available capacity. <p>Consequently, modelling undertaken by the Applicant demonstrates that the temporary closures of the M5 junction 10 slip roads during construction of the Scheme should not result in the queues on the M5 junction 9 off-slips nor on the M5 junction 11 northbound off-slip extending back onto the M5 mainline carriageway resulting in a road safety hazard. It also demonstrates that there would be considerable headroom on these slip roads to absorb additional traffic demand before queues would extend back on M5 mainline carriageway, should the traffic modelling underestimate traffic diverting via these routes. Noting that the signposted diversion route for the closure of the M5 junction 10 southbound off-slip is via junction 11 southbound off-slip, rather than junction 9.</p> <p>However, the traffic modelling does indicate that the queue on the M5 junction 11 southbound off-slip could sometimes extend back onto the M5 mainline carriageway within the AM peak period due to the additional traffic demand arising from the diversion of traffic from the</p>

Question number	Doc ref and question to:	Question	Applicant Response
			<p>temporary closure of the M5 junction 10 southbound off-slip. This would create a potential road safety hazard.</p> <p>Therefore, appropriate temporary traffic management arrangements are likely to be needed at M5 junction 11, such as temporary traffic lights and changes to lane markings to optimise capacity and lane utilisation on the slip road.</p> <p>The need for temporary traffic management arrangements at M5 junction 11 will be reviewed at detailed design, as well as monitored during construction of the Scheme, and appropriate measures implemented if required under the Traffic Management Plan (TMP) (AS-041). The following sections in the TMP (1st iteration) are considered to provide sufficient reassurance that the TMP (2nd iteration) will ensure this required management:</p> <ol style="list-style-type: none"> 1. Paragraph 11.1.2 (second bullet): “This TMP (1st iteration) sets the expectations for the PC to undertake the following, as the TMP is iterated: develop and implement detailed proposals for general traffic management that accord with Gloucestershire County Council and National Highways requirements, preserving through traffic and access as far as is practicable and safe” 2. Paragraph 11.2.2: “The PC will be required to develop the methodology such that it meets the requirements of National Highways, reflecting commitment to safety, good customer service and the time and efficient delivery of projects affecting the network for which it is responsible.” <p>Separately, the dDCO, Schedule 9, Part 3 which contains protective provisions for the benefit of National Highways states at paragraph 25 that the specified works must not commence until a scheme of traffic management has been submitted by the undertaker and approved by National Highways such scheme to be capable of amendment by</p>

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			<p>agreement between the undertaker and National Highways from time to time. Separately, paragraph 25(2) states that National Highways may in connection with the exercise by the undertaker of any of the powers in the Order require the undertaker to provide details of and obtain National Highways' approval to any proposed road booking and / or submit a scheme of traffic management for National Highways approval.</p> <p>The Applicant therefore considers that notwithstanding that there does appear to be a potential risk of a road safety hazard without mitigation, it is confident this can be dealt with by way of temporary traffic management and the DCO documentation contains sufficient controls to ensure that the works cannot start before National Highways are satisfied with the traffic management methodology.</p> <p>The Applicant has been in discussion with National Highways and it has been agreed that the Applicant will provide some minor amendments to the TMP, in consultation with NH, at Deadline 10 to ensure absolute clarity in this regard.</p>

AtkinsRéalis

5th Floor, Block 5
Shire Hall
Bearland
Gloucester
GL1 2TH

Tel: +44 (0) 8000 514 514