

M5 Junction 10 Improvements Scheme

**Applicants Comments on Interested Parties Deadline
7 submissions**

TR010063 - APP 9.90

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]

Applicant Response to Interested Parties Deadline 7 submissions

Rule Number:	Rule 8 (k)
Planning Inspectorate Scheme Reference	TR010063
Application Document Reference	TR010063/APP/9.90
Author:	M5 Junction 10 Improvements Scheme Project Team

Version	Date	Status of Version
Rev 0	November 2024	Deadline 9

Contents

Chapter	Page
1. Introduction	4
2. REP7-013 and REP7-014 – Bloor Homes and Persimmon Homes Limited	5
3. REP7-017 and REP7-018 – Joint Councils	10
5. REP7-019 – National Highways	18
6. REP7-020 – Andrew Bower on behalf of Mrs Mary Bruton and Ms Elizabeth Counsell	24
7. REP7-021 – Neil Hadley	31
8. REP7-023 – Peter Badham	32
9. AS-109 – John Mercer	37
10. AS-109 – Osborne Clarke on behalf of National Grid Electricity Distribution (NGED)	38
Appendix A. Safeguarded Land Access Bloor Homes Proposal	42

1. Introduction

- 1.1.1. This document (TR010063/APP/9.90) provides the Applicant's response to submissions made by interested parties at Deadline 7 where it is considered that a response is required:
- REP7-013 and REP7-014 Bloor Homes and Persimmon Homes Limited;
 - REP7-017 and REP7-018 Joint Councils;
 - REP7-019 National Highways;
 - REP7-020 Andrew Bower on behalf of Mrs Mary Bruton and Ms Elizabeth Counsell;
 - REP7-021 Neil Hadley;
 - REP7-023 – Peter Badham
 - AS-108 John Mercer; and
 - AS-109 Osborne Clarke on behalf of National Grid Electricity Distribution (NGED).
- 1.1.2. The Applicant acknowledges that Deadline 7 submissions were also made by Asset Management and Property Services (REP7-012), Environment Agency (REP7-015), Homes England (REP7-016), however, the Applicant considers a response is not required in this instance.
- 1.1.3. Where issues raised within the IP's response have been dealt with previously by the Applicant within one of the application or other examination documents, a cross reference to that response or document is provided to avoid unnecessary duplication. The information provided in this document should, therefore, be read in conjunction with the material to which cross references are provided.
- 1.1.4. In order to assist the Examining Authority, the Applicant has not commented on every point made by Interested Parties, including for example statements which are matters of fact and those which it is unnecessary for the Applicant to respond to. However, and for the avoidance of doubt, where the Applicant has chosen not to comment on matters contained in the response, this should not be taken to be an indication that the Applicant agrees with the point or comment raised or opinion expressed.

2. REP7-013 and REP7-014 – Bloor Homes and Persimmon Homes Limited

Ref	Issue	Applicant Response
1. Traffic and Transport		
Agenda item 3vi – The ExA will seek views from the Applicant and IPs on access to sites with and without the scheme for existing and future uses.		
013-02	<p>As regards access for future uses and access for future development of the Safeguarded Land, Bloor Homes and the landowner remain concerned about the potential for the Safeguarded Land to be ransomed by the Applicant following the exercise by the Applicant of its compulsory acquisition powers. In particular:</p> <p>(a) The plan submitted by the Applicant (Appendix C of REP4-037) showing the new proposed highway limits is only indicative.</p> <p>(b) The Applicant has stated in its response to the Examining Authority's second written questions [Q5.0.16 of REP5-027] that the plan of the final highway boundary is not secured in the dDCO. Nor does the Applicant propose to secure it in the dDCO on the grounds that it is not aware of highway boundaries being secured in any other dDCO.</p> <p>(c) Given the above, Bloor Homes and the landowner cannot place any reliance on the plan.</p> <p>(d) The Applicant further states that the detailed design of the Scheme is not known at this stage and any commitment provided in the dDCO for a proposed highway boundary would have to be done on an indicative basis and would be of limited merit. Bloor Homes and the landowner accept that it may not be possible to confirm the</p>	<p>The Applicant set out its position in response to Action Point 8 in the Applicant's Response to Issue Specific Hearing 4 (ISH4) Action Points (REP7-010).</p>

Ref	Issue	Applicant Response
	<p>highway boundary at this stage but do not agree with the Applicant that a commitment would be of limited merit. It is within the gift of the Applicant to provide a commitment not to ransom or prevent provision of a development access to the Safeguarded Land. This could be secured in the dDCO or potentially by a deed of undertaking, which could, for example, provide that, if the final highway boundary did result in a ransom, then the Applicant would commit to granting suitable rights to Bloor Homes and the landowner to negate that ransom.</p> <p>(e) The Applicant stated at the ISH4 that, as it is not representing Gloucestershire County Council (GCC) as highway authority or landowner, then it is not within their gift to provide such a commitment. This is not accepted. The Applicant will exercise the compulsory acquisition powers in the dDCO and create the ransom. It should therefore be within its control to avoid a ransom position arising.</p> <p>(f) As indicated in its responses to second written questions [REP5-033], Bloor Homes has, to try and mitigate the ransom risk, undertaken its own work to propose an alternative access to the Safeguarded Land. GCC, as highways authority, has indicated that that alternative access is likely to be acceptable. Whilst this provides some comfort, it does not entirely remove the ransom risk.</p> <p>(g) Bloor Homes would welcome engagement from the Applicant to discuss how the ransom risk might properly be addressed.</p>	
<p>2. Funding</p>		
<p>Agenda item 4i - 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>		
013-03	<p>The Interested Parties note the Applicant's comments on its intended programme but consider it to be optimistic. The Applicant</p>	<p>The Applicant provided a programme in Appendix C of the Applicant's Response to Issue Specific Hearing 4 (ISH4) Action Points (REP7-010).</p>

Ref	Issue	Applicant Response
	has been requested to provide a detailed programme and the Interested Parties would welcome the opportunity to comment on it in due course.	

Ref	Issue	Applicant Response
Action Points		
014-01	<p>Action Point 7</p> <p>The Safeguarded Land presently abuts Tewkesbury Road and benefits from a long frontage providing plenty of scope for an access to be constructed. An example of an access which could be provided is illustrated on the attached drawing.</p>	<p>The Applicant agrees that there is scope for a signalised access of this type to be provided as part of any future development of the land and that the DCO Scheme would not compromise the developer's ability to provide such an access.</p> <p>The suggested secondary left turn only lane into the site however does not seem to be feasible or safe.</p> <p>As shown on the plan submitted with REP7-014, the example access would introduce further safety concerns at the already hazardous existing access from the westbound direction to the properties on the northern side of the A4019 and further on to fields and the travellers' site.</p> <p>The weaving length between the M5 southbound off slip road and the left turn lane would be approximately 65 m compared to the 1 km minimum required for all-purpose roads (please see Appendix A which provides an aerial view of the left turn lane in relation to the junction).</p> <p>Critically this entry point into the land within Bloors control, does not provide a secondary access – being an alternative access and egress into the development. If nothing else, this would be expected for a development of the scale in Bloors control, to ensure emergency access and egress can be achieved in a scenario where the primary access is obstructed.</p> <p>Furthermore, it is the Applicant's understanding that Bloors can only achieve access for 75% of the units desired using the primary access put forward in REP7-014. This has been the underlining principle to Bloors concern that the Scheme detracts access into the site, creating a 'ransom'.</p> <p>The Applicant believes it is clear that the left-hand entry lane would not provide sufficient access and egress for the remaining 25% of units desired.</p>

Ref	Issue	Applicant Response
		<p>In the Applicant's opinion, there are two potential scenarios. Firstly, the primary access put forward in REP7-014 would be sufficient for Bloors to deliver 100% of the units desired. The primary access in REP7-014 can still be delivered in the scheme world and therefore there is no change in Bloors position to develop the site in full as a result of the Scheme.</p> <p>Alternatively, it may be the case that the primary access shown in REP7-014 is only suitable for 75% of the units Bloors wish to develop and a secondary access is required. The secondary left-hand filter lane entrance for east bound traffic only, included within REP7-014, does not satisfy this requirement. In the Applicant's opinion, this clearly demonstrates that Bloors cannot deliver access for 100% of the units desired within the land in Bloors control. It is therefore the case that Bloors in a no scheme world would need to secure a commercial agreement with a neighbouring landowner, most likely Gloucestershire County Council, to secure rights or purchase the land required for a secondary access. In a no scheme world it would be expected that a commensurate commercial consideration would be demanded for the land or rights and if through the land owned by GCC there would be a duty to ensure best value.</p> <p>Given the outcomes in a no scheme world, the Applicant does not consider that Bloors ability to secure development access has been materially altered by the Scheme. As such, there is no ransom created.</p>

3. REP7-017 and REP7-018 – Joint Councils

Ref	Issue	Applicant Response
017-10	<p>Joint Councils' comments on the Technical Note on re-routing of traffic during slip road closures [AS-080]</p> <p>The Joint Councils have engaged with GCC's Traffic Manager with regard to [AS-080] dated 9 October 2024. GCC's Traffic Manager has reviewed the document and makes the following comments:</p> <p>"This is going to be disruptive, the signage and media messaging needs to be spot on, if not then the centre of Cheltenham will become gridlocked. The A4019 area is also grim at the best of times if lights are erected, so there will be an immense amount of pressure at this location.</p> <p>Not sure how this is going to be communicated to the racecourse either, as this is the main route in on race days. The racecourse will need to add additional messaging (on their sites) asking people to use alternative transport if possible, such as the train.</p> <p>Messages asking people to stagger journeys etc will be useful and to avoid peak travel if possible."</p>	<p>It is inevitable that the temporary closure of the slip roads at M5 junction 10 during construction of the Scheme will cause some traffic congestion and disruption on the road network, especially along the sign-posted diversion routes. However, traffic modelling undertaken by the Applicant has indicated that displaced traffic will disperse across many alternative routes, with only a proportion of the diverted traffic following the signposted diversion routes. This will mean that levels of additional traffic congestion across the road network are likely to remain manageable.</p> <p>Furthermore, the traffic modelling does not take account of the likely suppression in traffic demand during construction of the Scheme due to some drivers choosing not to make non-essential/discretionary journeys or retime journeys to less busy periods.</p> <p>Commitments in the Traffic Management Plan (Annex B11 of the environmental Traffic Management Plan - AS-041) will ensure effective communication of temporary traffic management arrangements, including to Cheltenham Racecourse, during construction of the Scheme.</p> <p>The proposed signposted diversion routes are also those used when the M5 is closed due to maintenance works or because of an incident and are agreed by both National Highways and Gloucestershire County Council as the most suitable diversion routes.</p> <p>The Applicant will actively engage with key stakeholders, residents, local businesses, and the wider public in advance of the slip road closures, to understand concerns and ensure information is widely distributed. By co-ordinating project messaging with GCC Highways and National Highways, the Applicant will seek to maximise public awareness of the closures and the alternative routes. These communications could be delivered through multiple channels, including:</p>

Ref	Issue	Applicant Response
		<ol style="list-style-type: none"> 1. Letter drops, email alerts and community newsletters 2. Public drop-in events 3. Meetings with Parish Councils, emergency services and immediately affected businesses 4. Website and social media updates 5. Media releases 6. Advanced warning signage <p>Advanced warning signs will be placed at key locations to inform road users of the planned works. Where appropriate, we will also utilise variable message signs (VMS) to provide up-to-date information, allowing motorists to make informed decisions about their routes. In addition, the Applicant plans to consult with the GCC Highways team and the emergency services to identify potential “rat runs” and will use this information to inform its traffic management plan.</p>
017-11	<p>Updates on the Joint Councils’ Response to Consultation on Proposed Changes to the Scheme</p> <p>The Joint Councils have responded to the Applicant’s Change Applications Consultation on 25 October 2024.</p> <p>The Joint Councils look forward to our responses being considered in the Applicant’s Consultation Statement to be submitted at D8 on 5 November 2024.</p> <p>Following from the submission of the response, the Joint Councils would like to provide an additional comment from the County Archaeologist on Chapter 12 Cultural Heritage of the Change Application 2 Environmental Statement Addendum [AS-093]:</p> <p>“No comments on addendum as no changes to Order Limits or to previously identified impacts in ES. Geophysical survey (full report yet to be produced) has just been completed over much of the Order</p>	<p>The ES Chapter and Archaeological Management plan (AMP) have been updated to include the findings of the latest geophysical survey report and the inclusion of proposed evaluation trenching. The ES Chapter is submitted at Deadline 9 with the AMP to be submitted at Deadline 10 following final review from the Joint Councils and Historic England.</p>

Ref	Issue	Applicant Response
	<p>Limits (the exception being where no physical impact is expected). It is GCC's Archaeology Team understanding as of 29 October 2024 that Galliford Try are continuing to work with their appointed archaeological contractor to produce trial trenching proposals for discussion/ review and proceed with this programme of works once a project design has been agreed with the Joint Council's archaeological advisors. The trenching is now likely to be in the new year, weather permitting. This trenching will ground truth the geophysical survey results and provide additional information on the likely character, extent, preservation, depth, and significance of archaeological remains within the order limits and inform mitigation proposals."</p>	

Ref	Issue	Applicant Response
2. Issue Specific Hearing 4 (ISH4)		
2.3 Agenda item 3 – Traffic and Transport		
018-08	<p>Agenda item 3(iv) – The ExA will seek an explanation of the slip road diversion assessment from the Applicant.</p> <p>During the discussion of this agenda item, the ExA invited the Joint Councils to comment on the slip road diversion assessment [AS-080] submitted by the Applicant. AP explained that the assessment was issued a week before ISH4 and the Joint Councils will continue to review the assessment. The Joint Councils agreed with the ExA that some of the diverted traffic will not actually follow the signposted diversion routes. For example, the southbound M5 traffic is unlikely to leave the M5 at Junction 11 if they are going to the north of Cheltenham as they would potentially use Junction 9 as their diversion route rather than travelling south and then going north.</p>	<p>Traffic modelling undertaken by the Applicant has indicated that a notable proportion of the traffic diverted due to the temporary closure of the M5 junction 10 slip roads during construction of the Scheme will find alternative routes to the signposted diversion routes. This includes some traffic diverted due to the temporary closure of the M5 junction 10 southbound off-slip using junction 9, confirming the Joint Councils' prediction.</p>
2.8 The Joint Councils' responses following ISH4		
The Joint Councils' responses to the Action Points arising from ISH4		
018-23	<p>Action Point 18 – The Applicant and the Joint Councils to provide a position statement regarding the ability of section 106 monies to be sought for a highway scheme that has already commenced</p> <p>As a follow-up action of the discussion under agenda item 4(v) (see paragraph 2.4.6), the Joint Councils would like to provide the following response to Action Point item 18.</p> <p>Regulation 122 of the Community Infrastructure Levy Regulations 2010 provides that a section 106 obligation is only lawful and able to</p>	<p>The Applicant's position is that section 106 monies can be sought where a highway scheme has not been completed. This position is set out in detail in the Applicant's Funding Statement (REP6-005)</p>

Ref	Issue	Applicant Response
	<p>be taken into account as a reason for granting planning permission where it meets the tests – (i) necessary to make the development acceptable in planning terms; (ii) directly related to the development; and (iii) fairly and reasonably related in scale and kind to the development.</p> <p>The Government’s ‘Planning Obligations: good practice advice’ dated 26 April 2023 provides assistance as to whether any financial contribution provided through a planning obligation meets the tests and sets out the following: - “the relevant development plan policy or policies, and the relevant sections of any supplementary planning document or supplementary planning guidance; - quantified evidence of the additional demands on facilities or infrastructure which are likely to arise from the proposed development; - details of existing facilities or infrastructure, and up-to-date, quantified evidence of the extent to which they are able or unable to meet those additional demands; - the methodology for calculating any financial contribution necessary to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet the additional demands; and - details of the facilities or infrastructure on which any financial contribution will be spent.”</p> <p>In respect of relevant policy, the NPPF sets out at Policy 57.3 the policy tests which mirror the test in the CIL Regulations. Policy INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) deals with the Councils’ collection of section 106 contributions from developers. The Policy states that arrangements for financial contributions towards the provision of infrastructure required as a consequence of development will be negotiated with developers before the grant of planning permission, and that financial contributions will be sought through the section 106 mechanism as appropriate.</p> <p>Generally speaking, infrastructure to be funded by CIL should also not be secured through section 106 obligations. The CIL Regulations</p>	

Ref	Issue	Applicant Response
	<p>put into legislation the tests previously set out in guidance as to what constitutes a lawful obligation (Regulation 122); and limit the type and number of section 106 contributions which can be secured towards infrastructure (the pooling restriction in Regulation 123). Additionally, a section 106 payment is not able to be made to public bodies other than the LPA.</p> <p>In summary, section 106 contributions must 1) meet the tests in the CIL Regulations and 2) must comply with relevant Local Plan policy. When considering a section 106 obligation the LPA should consider the government guidance which includes – i) necessity to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet the additional demands, and ii) additional demands on facilities or infrastructure which are likely to arise from the proposed development, and iii) the extent to which existing facilities or infrastructure are able or unable to meet those additional demands. If the M5 Junction 10 Scheme is already built out then the Scheme is considered as ‘existing infrastructure’.</p>	
018-27	<p>Action Point 25 – The Joint Councils as the Local Highway Authority to consider the ability of the Scheme’s agricultural access proposal into Bruton / Counsell (and adjacent land plots) to provide safe and suitable access (including possible congestion effects on A4019)</p> <p>As a follow-up action of the discussion under agenda item 3(vi) (see paragraph 2.3.13), the Joint Councils have engaged with GCC HDM team and would like to provide the following response to Action Point item 25.</p> <p>The Highway Authority considers that the existing proposal does provide safe and suitable access for agricultural vehicles up to the gated private access. The northern signalised road access is proposed to be in excess of 8m wide at the signal stop line and swept path assessments have confirmed unrestricted two-way movements. It is not considered necessary to maintain this width beyond the initial</p>	<p>The suggestions for formalising the over-run areas are accepted and will be carried forward into the detailed design.</p>

Ref	Issue	Applicant Response
	<p>link because it is understood that the public highway will be constructed with a 5m carriageway, a 1m reinforced verge construction and a further 2m soft verge proposed to be provided to both sides.</p> <p>This layout is considered adequate to permit two agricultural vehicles to pass without dictating any priority, although to ensure a negligible chance of delays on the left turn movement it is suggested that the hard verge areas could be formalised as over run carriageway areas with a nominal <50mm chamfer kerb to define the carriageway and standard 125mm check forming segregation to the footway but only within the extent of future adoption.</p>	
018-29	<p>Action Point 32 – The Joint Councils to provide an update on whether Mr Badham’s property is considered as a non-designated heritage asset and what are the implications of this</p> <p>As a follow-up action from the discussion under ‘Other agenda items’ (Agenda item 6 - see paragraphs 2.6.2 and 2.6.3), the Joint Councils would like to provide the following response to Action Point item 32.</p> <p>The Joint Councils confirm that Elton Lawn is currently not shown on Gloucestershire's Historic Environment Record or on any TBC' s publicly available Local List. However, following Mr Badham's representations at ISH4 the Joint Councils checked directly with TBC's Conservation Specialist, who has confirmed that Post Box Cottage, Landean and Elton Lawn are identified as non-designated Heritage Assets.</p> <p>Following this new information, it is understood that the applicant will assess, as appropriate, the impact of the scheme on the significance of the Non-Designated Heritage Assets identified and update the Heritage chapter of the ES. The Joint Councils will reserve their opinion until receipt of this additional assessment has been undertaken and submitted into Examination.</p>	<p>Further assessment of the properties in question did not identify any historic, evidential, architectural or artistic, or communal heritage values that would determine either their sensitivity (value) or the contributions setting makes to these.</p> <p>Paragraphs 198-199 of the NPPF state:</p> <p>198. Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:</p> <p>(a) assess the significance of heritage assets and the contribution they make to their environment; and</p> <p>(b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.</p> <p>199. Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.</p> <p>As none of these properties have been included in the historic environment record or any local list required for consultation by the NPPF, NPSNN, or EIA regulations, they have not been considered heritage assets subject to NPPF.</p>

Ref	Issue	Applicant Response
	<p>The following are planning policy considerations relevant to a non-designated heritage asset status.</p> <p>A non-designated site is described in the Government’s Planning Practice Guidance on ‘Historic Environment’ dated 23rd July 2019 as:</p> <p>“Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets.”</p> <p>The effect of a property being identified as a non-designated site is set out in the NPPF at paragraph 209 which states:</p> <p>“209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”</p> <p>Of additional relevance is Policy SD8 of the JCS which is attached for ease of reference and in particular states that:</p> <p>“Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate;”</p>	<p>However, following further information provided by the Conservation Officer, the information provided was reviewed and the ES has been updated. Significance was determined to be related to their age, design, and construction as well as associations to early farmworker accommodation. Whilst the material provided by the Conservation Officer noted that they would have historically been landmarks on the Tewkesbury Road, their current surroundings include more modern development as well as excessive amounts of vegetation around the buildings that render them nearly invisible from the road. As such, the settings of the buildings are not considered to contribute to their significance and no impact to heritage values has been identified.</p>

5. REP7-019 – National Highways

Ref	Issue	Applicant Response
3. Traffic and Transport		
019-05	<p>National Highways received the slip road modelling report a few days before the hearing and are still considering it. One area of possible concern would be queuing back onto the main line of the motorway. The Applicant acknowledged that the motorway junctions themselves had not been modelled. National Highways will engage with the Applicant if concerns do arise.</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 queuing 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

Ref	Issue	Applicant Response
		<p>remain well within the available slip road storage 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 temporary closure of the M5 junction 10 southbound off-slip. This would create a potential road safety hazard.</p>

Ref	Issue	Applicant Response
		<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 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</p>

Ref	Issue	Applicant Response
		<p>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 would welcome any comments from National Highways on this position and would request that discussion, if needed, on any proposed solution can be dealt with outside of examination as part of detailed design.</p>
019-06	<p>The concern expressed by National Highways at Deadline 5 stemmed from the fact that National Highways were unsighted on the evidence base to support the determination of the need and form of the junction itself. For a typical SRN scheme National Highways will develop the solution through an iterative process, gradually refining and developing the solution as a result of data received. That data typically includes information on safety matters, environmental constraints, stakeholder contributions, engineering requirements as well as forecasts based on transport modelling. The iterative process to develop an appropriate solution seeks to adhere to the principles of minimizing adverse impacts whilst meeting project objectives. In a similar manner to a National Highways scheme, the form of the all movement junction that is proposed is dictated by the need to understand the constraints, traffic and safety considerations.</p> <p>As detailed above, a process is followed whereby data is assessed to develop options that fulfil the requirements of the objectives; it may be that some options/solutions perform better than others in terms of the operational performance; but what is unclear and has not been presented are the mechanisms by which the full movement junction, as submitted as part of the application, was determined as being the optimum outcome. Reference has been made to the JCS by the Applicant in support of the need for an all-movement junction, but those documents are silent on the process to confirm the means by which the design that has been submitted was determined.</p>	<p>National Highways' response 019-12 below states that "<i>National Highways are satisfied that the requirements of paragraphs 4.26 and 4.27 of the 2014 National Policy Statement for National Networks have been satisfied.</i>"</p> <p>Otherwise, the Applicant has nothing further to add to its response to Issue Specific Hearing 4 (ISH4) Action point 6 (REP7-010).</p>

Ref	Issue	Applicant Response
	<p>For a typical National Highways scheme that iterative process would be documented in the following documents at the appropriate PCF stage in line with DMRB TD37/93:</p> <ul style="list-style-type: none"> • PCF Stage 0 - Feasibility Study • PCF Stage 1 - Technical Appraisal Report • PCF Stage 2 - Scheme Assessment Report • PCF Stage 3 – Route <p>Development Report (or similar to support the Environmental Statement/Environmental Impact Assessment) National Highways have been engaging with the Applicant to understand the evolution of the project in its early stages in the context of the above. Whilst the Applicant is best placed to provide a detailed narrative NH understand that alternative highway interventions were considered that looked at both the form of the junction and its location These included:</p> <ul style="list-style-type: none"> • complimentary solutions to existing infrastructure (i.e. adding the two missing slips); • A 'dumb-bell' arrangement; • Gyratory solutions <p>A process of assessment was undertaken to appraise the different solutions considering:</p> <ul style="list-style-type: none"> • Environment • Engineering • Traffic • Cost 	

Ref	Issue	Applicant Response
	<ul style="list-style-type: none"><li data-bbox="344 293 472 320">• Safety <p data-bbox="293 339 1111 552">Complimentary solutions and offline alternatives were discounted based on the assessments described above leading to a solution at J10 being promoted. Following further appraisal of the dumbbell compared to the gyratory it was determined that the gyratory was the preferred solution to be adopted. Evolution of the gyratory solution following updated modelling lead to the introduction of traffic signals due to capacity concerns on the circulatory carriageway.</p> <p data-bbox="293 571 1077 689">National Highways would invite the Applicant to expand on this further. National Highways had taken part in discussions with the Applicant where this process was explained in more detail but has not been provided with the underlying documents and reports.</p>	

6. REP7-020 – Andrew Bower on behalf of Mrs Mary Bruton and Ms Elizabeth Counsell

Ref	Issue	Applicant Response
020-02	My clients have safety concerns at the risks that the proposed access creates for large, slow farm machinery entering their land from an already busy road during peak periods, as well as capacity issues for exit flows.	The Applicant would reiterate that they consider 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. 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 term of safety but also that the revised scheme would not allow for direct access onto this section of the new A4019. The signalised junction will ensure that agricultural machinery can access the A4019 safely and without conflict even during peak times.
020-03	The proposed shared track will serve at least five landowners, plus Highways England. At peak times such as harvest, this will create conflicts between landowners due to the bends of the service roads and road splays that are proposed as part of the scheme, which could impede traffic entering and exiting the junction with resultant tailbacks towards the M5.	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. 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.

Ref	Issue	Applicant Response
		<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>
020-04	<p>The Inspectors asked for detail about possible peak vehicle movements. The highest volume crop grown on the land currently (grown in 2024 as would have been seen at the site visit) is maize. The current forage harvester used fills a 16 tonne trailer in 2&1/2 minutes (2.5 minutes). The whole team of tractors & trailers will usually be waiting in the field for the harvester at the start of the day; they will get there before the harvester as they have a higher road speed. This will therefore generate 24 trailers per hour leaving and (depending on the time for the round trip) up to 24 returning to the field per landowner. There are definitely three arable farming landowners; possibly four if the Gloucestershire County Council field is put to that use. Hence in a worst case scenario, if all farms were to harvest the same crop at the same time using the larger current size of harvester (noting that even large scale farmers often use a contractor for the maize harvest and that farm machinery is still increasing in size and output) this could result in 192 tractor and trailer movements per hour.</p>	<p>The Applicant strongly disagrees with the volume of vehicle movements being suggested by Mr Bower, 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. This is based upon the 2.5 minutes to fill a trailer as referenced by Mr Bower, then at least 20 minutes to exit the field, travel to the destination farm yard with a silage clamp, 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 (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 the basis of the proposed intensity of use suggested. Again, 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</p> <p>It also assumes that the forage harvester is constantly processing maize in a straight line, without the need pause or turn. This is clearly not realistic, as</p>

Ref	Issue	Applicant Response
		<p>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 also disputes the potential for all four landowners to be growing forage maize as it has very specific uses. Maize is only used as a feed product in the dairy industry and as a feedstock for anaerobic digestion which are not wide spread in the area, least of all with the three other landowners.</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 restriction on vehicles widths using the public highway.</p> <p>The Applicant would welcome discussions with Mr Bower about the expected peak movement volume and the duration of that volume but consider the current estimations to be unrealistic.</p>
020-05	<p>Even if the different farms sharing the access did not grow maize in the same year and harvest on the same day, it is quite possible that all of them might grow wheat and harvest that on the same day if it's a wet Summer and further rain is forecast. In such situations it is quite common for everyone to be out at the same time- not only harvesting but also baling straw behind the combine to stop it getting wet- and immediately carting that off to get it under cover or to straw stacks near the farm buildings. The largest John Deere combine harvester is advertised as being able to process 100 tonnes of wheat per hour- this would require about 8 trailers per hour, so 16 grain trailer movements per landowner plus 1 or 2 straw trailers- hence 20 movements per landowner with four arable units equates to 80 movements per hour, plus the arrival/departure of combine harvesters and balers at the start and end.</p>	<p>The Applicant agrees that it is plausible that the wheat harvests for the three farms used for arable production could coincide, although this is unlikely. This would extend for a maximum of 1 to 2 days in the fields within Mr Bower's client's ownership and the wider safeguarded land.</p> <p>For the reasons referenced above in relation to maize harvest the peak output of any harvesting equipment is reduced by the need to turn and manoeuvre during harvesting operations and availability of tractors and trailers (due to overall number of equipment available to a landowner and the time spent on the road getting to and from sites).</p> <p>As such the Applicant believes the figures put forward by Mr Bower are unrealistic and would request revised figures are put forward to allow meaningful review.</p>

Ref	Issue	Applicant Response
020-06	<p>My clients take their straw away on articulated 40 feet (12.2m) long trailers that, when the tractor and dolly draw bar are added, gives a combined length of 20.7metres; these articulated trailers cut corners when turning and we are not convinced that the five metre width (plus two metres of stoned edge and extended track bends) will be nearly enough given the double 90 degree turns off the A4019 and then almost immediately on to the access track, followed again by the 90 degree turn in to the fields. There is also the combined harvester front table that with its trailer will be at least 16.7m plus tractor with front weights 6.5m, thus 23.2metres. The swept path analysis by the applicants is only for vehicles that are 19.02m and the drawing's chosen tractor with bale trailer is not an articulated trailer. My client has particularly instructed me to point out that when exiting the land with large rectangular bales stacked three high and making a sharp turn the trailer is at its most unstable and sufficient level turning width is essential. The width of the track when vehicles are travelling in a straight line is not a problem, it is the turns that are the issue and there is no detail of a wide and suitable swept access in to my clients' main field entrance.</p>	<p>As stated above, the available widths for passing and turning would be greater than that available on most of the public highway network during its transportation from the fields to storage.</p> <p>For the Preliminary design, the Applicant assumed similar level of provision as exists currently. However, it is the expectation of the Applicant that accommodation works would be reviewed and confirmed with landowners as part of detail design.</p> <p>The Applicant does not envisage an issue with providing wider gates than are currently shown on the plans if this further assists with turning movements.</p> <p>The Applicant notes that Mr Bower's client uses the maximum length trailer that is permitted for road use and the overall length that Mr Bower has put forward would mean his client is using one of the largest tractors available in the UK to tow these trailers. Such tractors are specialised for pulling large cultivation equipment, such as large ploughs in most farm enterprises due to their cost. The swept path analysis was completed with a 12.2-metre-long trailer with a dolly axle and a total trail length with a tractor of 19 metres.</p> <p>Whilst the use of such a long trailer is not unlikely, the intensity of use for a trailer of that size is such that the Applicant considers that there is minimal risk of conflict, and regardless any conflict experienced would likely be similar to that experienced on the public road network.</p> <p>For comparison, the maximum HGV and trailer length is 16.5 metres in total.</p> <p>The Applicant's highway design team would welcome the opportunity for a meeting with Mr Bower's client to allow a specific review of the equipment being used and characteristics before revised swept path analysis is conducted.</p>
020-07	<p>The applicant has previously suggested that such improvements give a better access than the current gateway; but this ignores the point that at present my clients have over 100 metres of road frontage where (subject to any necessary consents) they could enlarge the</p>	<p>The Applicant considers that the comparison should only be made to the current existing facilities and not hypothetical potential improvements to accesses.</p>

Ref	Issue	Applicant Response
	<p>gateway/access for whatever the permitted or required use of the land if there is a constraint to operations in the future. Importantly, at present when turning off a wide main road there have been no issues with the large machinery entering or egressing the land. The proposed track would presumably be shared ownership and thus any changes would require additional consents and associated costs from third parties, which might not be forthcoming.</p>	<p>The Applicant maintains that the signal-controlled junction will improve the safety of exiting fields onto the A4019.</p> <p>Mr Bower's client's frontage onto the A4019 will increase as a result of the Scheme, which was demonstrated in drawing TR010063/APP/9.68 in response to action ISH 3.13. Mr Bower's client can make an application in the future to create an access at this location following the Scheme.</p> <p>As has been explained to Mr Bower, it is proposed that the Private Means of Access provided by the Scheme within his client's land remains in their ownership with rights of access for other users. The agreement would allow the alignment of the Private Means of Access to be reasonably varied from time to time, to allow alterations in line with changes to access arrangements. Further ensuring flexibility for his clients in the future.</p> <p>In a no scheme world, Mr Bower's clients would not be able to provide an access suitable for large scale development within their frontage onto the A4019. This point has been emphasised by the plan put forward by Bloors in response to ISH4 action point 7, which shows a left hand only access through this location, as opposed to true development access and exit. The Applicant believes that Ms Bruton and Ms Counsel cannot independently provide a development access into their land but would welcome a plan from Mr Bower demonstrating that an independent development access could be achieved in this location.</p>
020-08	<p>It is entirely within the applicant's gift and control/ownership to replace the two current owned access routes on to my clients' land. This is a basic tenet of compulsory purchase. The fact that the applicant is trying to avoid doing so in order to artificially create a ransom situation where none exists at the present time is fundamentally unfair, especially given that the main payment for the scheme comes from the Housing Infrastructure Fund with its specific objective of facilitating new housing. The applicant's position is making the delivery of those new houses less likely and more complicated.</p>	<p>The Applicant is unclear on the meaning of the first sentence. The Applicant is providing replacement access to the current owned access routes which ensures that current use is not impacted. The form of the replacement might be in debate, but it is not the case that the Applicant is depriving the Interested Party of continued access. The Applicant therefore does not agree that by providing an access that allows continuation of current use of the land, it has engineered a ransom.</p> <p>The Applicant considers that perhaps the reference to a "ransom" is not in relation to the current use of the land but rather stating that the future development potential for this land is "ransomed". The Applicant does not</p>

Ref	Issue	Applicant Response
		<p>consider this the case. It has provided detailed submissions in response to Bloor Homes regarding the argument of a ransom being in place.</p> <p>The tenet of compulsory purchase is to provide equivalent access. As the Applicant does not believe Ms Bruton and Ms Counsel could independently provide a suitable development access within their frontage onto the A4019 in a no scheme world, it is not reasonable to expect the Scheme to provide this.</p> <p>The Applicant considers that there has been no evidence provided to date which would indicate that the Scheme has changed the status-quo forcing future development to go through GCC land. There has been no evidence to suggest how access for future development could be arranged in a no-scheme world and no demonstration that as a result of the Scheme there are no other options but to go through GCC land.</p> <p>The Applicant will happily review their position on this matter, if Mr Bower can demonstrate his clients (Ms Bruton and Ms Counsel) ability to independently provide a suitable development access into their land within their existing frontage and ownership onto the A4019 in a no scheme world.</p>
020-09	<p>Despite numerous requests to meet/speak to resolve matters, there has been no substantive engagement from Gloucestershire County Council's Asset Management & Property Services. The only reply is the attached letter of 1st October, where no definite offer is put forward, merely a statement that they will "continue to work with developers and landowners to agree terms in order to facilitate a suitable access from the A419 (sic) into the Safeguarded Land". This does not solve the issue or give any defined reassurance. The County Council is portraying their different departments as separate legal entities, but as far as we are aware, they are a single corporate body and thus should not be trying to make a financial gain from a public scheme by imposing a ransom on unencumbered land.</p>	<p>An invitation for a meeting with GCC's Asset Management & Property Services team was sent on the 12 November 2024.</p> <p>The Scheme should not remove GCC's (as landowner) ability to exercise any commercial advantage when considering the disposal of an asset or rights. Moreover, GCC has a duty to ensure 'best value' is achieved.</p>
3. Proposed Solution		

Ref	Issue	Applicant Response
020-10	<p>The attached plan was initially provided by the applicant after meeting with us to refine an earlier version. This was removed at subsequent revisions, without explanation, which is surprising given Bloor Homes offer to fund the entrance extension beyond the new farm access track, which would appear to have resolved the current issues at no increased cost to the taxpayer.</p>	<p>The Applicant revised its design and it was considered that it would not be appropriate for the Scheme to pre-determine the outcome of a future planning application in relation to the safeguarded land and provide an access engineered for future, as of yet undetermined, development.</p>
020-11	<p>Whilst the agricultural access for other landowners needs refining, in terms of my clients this access straight in to their land would deal with the safety and ransom issues. Given Mr Cattermole's question for the applicant, at the Hearing on 16th October (which he and I had previously discussed with the same negative answer) as to whether this would be acceptable as an access restricted to agricultural use only, it seems that it is still technically viable but does not solve the Council's desire to newly create a value gaining position via ransom.</p>	<p>The Applicant maintains that Mr Bower's clients cannot independently provide a development access into their land in a no scheme world. This is supported by the submissions made by Bloors. The Applicant believes that Mr Bower and his clients through this submission are continuing to pursue a significantly improved access position to maximise their return if the safeguarded land is developed in the future. The Applicant does not consider that any argument over the safety of the proposed access solution is credible when compared to the existing arrangement and therefore there is no need to consider the access proposed by the interested party which is clearly designed for future, unconsented use.</p>

7. REP7-021 – Neil Hadley

Ref	Issue	Applicant Response
021-01	I formally and strongly object to the latter section of the proposed spur road, between the northern side of the B4634 Old Gloucester Road into part of the West Cheltenham Strategic Allocation on the following grounds:	Please see the Applicant's response submitted at Deadline 7 (REP7-009) which provides a response to Mr Hadley submission at D5 (AS-083) which provides Applicant responses to representations made in REP7-021.

8. REP7-023 – Peter Badham

Ref	Issue	Applicant Response
023-03	As to the Landscape and Visual aspect the Applicant's response appears to assume that the barriers will comprise a 2 metre high barrier of non-specified material that could be a simple timber board design and that a vegetated solution is not required. However, it goes on to say that should a vegetated design be identified as the preferred option from the consultation undertaken at detailed design stage, space for such planting could be then considered.	The Applicants Response to Issue Specific Hearing 4 (ISH4) Action Points (REP7-010) provides the Applicant response to this issue (Action Point 34). With regards to the noise barrier in Uckington to the east of the Green there is space along the entire length of the barrier facing the housing for vegetation planting.
023-04	I have to say I find this very confusing and, indeed, the response of the Joint Councils is that there appears to be some ambiguity in this regard, where they acknowledge that the Landscape and Visual Impact Assessment assumes an enhancement to a standard plain barrier, but also say at the current preliminary design stage the proposal is for a timber acoustic fence.	The Applicants Response to Issue Specific Hearing 4 (ISH4) Action Points (REP7-010) provides the Applicant response to this issue (Action Point 34). An updated version of ES Chapter 9 (Landscape and Visual Impact Assessment) was submitted to Examination at Deadline 7 [REP7-005] confirming the assessment of the noise barriers assumes they are of a simple timber board design.
023-05	With respect, I consider, as the landowner affected, I am entitled to certainty at this stage, by way of an upgraded version of acoustic barrier, because I do not consider the basic version would provide the mitigation expected and to which I am entitled. My view appears to be confirmed by the assessment of 'Slight Adverse' in Year 1 and again 'Slight Adverse' in Year 15, but that the key aspect of this is the proposed lighting columns. My reaction to this is that it is simply not good enough and further I would strongly object to lighting columns being located directly outside the property as I find it difficult to see any reason why they could not be located otherwise.	The Applicants Response to Issue Specific Hearing 4 (ISH4) Action Points (REP7-010) provides the Applicant response to this issue (Action Point 32). With regard to the design of the noise barrier, the presence of vegetative solutions will not affect the assumed benefit as provided in ES Chapter 6. Noise barriers are designed so that the sound through a barrier is negligible compared with the sound going over the top of it. With regards to the lighting design for the Scheme, road safety requirements mean that the new junction in Uckington has street lighting to either side of the junction. The specific locations of the lighting columns will be subject to review at detailed design.

Ref	Issue	Applicant Response
023-06	<p>As to the Noise aspect, in the Applicant's response, I note the reference to the importance of reducing noise impact. Again, my position is that I consider I am entitled to an upgraded version of acoustic barrier as I have my doubts that the basic version would provide the necessary protection and mitigation. I have to say that I am not clear as to the Meaning of the statement that 'the noise barrier contributes 5dB improvement (Moderate in Future Year), leading to a combined noise reduction of up to 10dB (Major in Future Year) for the Scheme overall'.</p>	<p>Please see Applicant response to ISH4 Action Point 32 (REP7-010) repeated below</p> <p>The noise barrier outside of Mr Badham's property is shown on the Environmental Masterplan (Sheet 13 of 16) (REP4-010). It is shown on the plan as a purple line located in the verge between the service road and the cycleway/footway.</p> <p>The assessment of noise reported in ES Chapter 6 (Noise and Vibration) (AS-014) predicts a decrease in noise at Mr Badham's property. This is a result of the realignment of the A4019 further away from the property than it is currently. The realignment of the A4019 to the south means that the eastbound carriageway is further away from the property. In addition, the widening of the A4019 results in the westbound carriageway being even further away. As a result, a minor to moderate decrease in noise at this property is predicted, even without the noise barrier, in the opening year. With the noise barrier in place, as provided with the Scheme, there is a moderate to major decrease in noise in the short term and a minor to moderate decrease in the long term at Mr Badham's property and sections of the garden.</p> <p>With regard to the design of the noise barrier, the presence of vegetative solutions will not affect the assumed benefit as provided in ES Chapter 6. Noise barriers are designed so that the sound through a barrier is negligible compared with the sound going over the top of it.</p>
023-07	<p>As I mentioned at the preliminary meeting I have major concerns that the acoustic barrier, as currently indicated, terminates some distance prior to the Eastern boundary of the Elton Lawn property. I find this unacceptable and inconsiderate. As well as failing to provide any protection for a large part of the garden, noise generated East of the current termination point would inevitably impact on the property. As I also mentioned at the preliminary meeting, road noise generated from a single modest sized vehicle travelling at a modest speed is of itself significant and the extent to which this is compounded by large volumes of vehicles and HGVs of various description is the reality</p>	<p>Please see Applicant response to ISH4 Action Point 32 (REP7-010). With regard to the extent of the acoustic barrier, the Applicant's response in REP7-010 to action point 32 states:</p> <p>With regards to the length of the noise barrier and the mitigation provided, a 20m extension eastwards of the noise barrier at this location has been investigated. This was raised by Mr Badham, as there was a concern regarding the current extent not covering the entire of the wider garden of Elton Lawn. The Applicant would note that the noise barriers proposed in Uckington, have been designed to mitigate noise impacts to NIA3949, in</p>

Ref	Issue	Applicant Response
	<p>one is faced with. I, therefore, again request that serious consideration is given to the extension of the currently proposed Eastern termination point so that the appropriate and necessary protection and mitigation can be provided. I would appreciate some dialogue and a site meeting with the Applicant's noise specialists involved to address and take this issue forward.</p>	<p>addition to the re-alignment of the A4019 to the south (through Uckington). NIA3949 covers the section of the A4019 from 1 Tewkesbury Road to the west through to the property Cherry Orchard in the east. The properties of Post Box Cottage, Landean and Elton Lawn fall outside of the NIA, and have benefited as a result of the noise barrier and the re-alignment of the A4019. The Applicant does not consider it necessary to provide enhancement to Elton Lawn by extending a noise barrier which is currently predicted to achieve its purpose in mitigating impacts to the NIA.</p>
023-08	<p>Lastly, I would like to mention that the now adjoining property, is a divided single property built in approx 1820 and being the The Conservation Officer at Tewkesbury Borough Council has confirmed that (and also should be regarded as Non Designated Heritage Assets and also considers that I should apply to Heritage England for full listing as a Designated Heritage Asset</p>	<p>Please see Applicant response to ISH4 Action Point 32 (REP7-010). With regard non-designated heritage assets, the Applicant's response in REP7-010 to action point 32 states:</p> <p>Regarding the designation of the property as a non-designated heritage asset, the Applicant can confirm that neither Mr Badhams property or adjacent properties are listed on the Historic Environment Record (HER), or on local heritage listings held by Cheltenham Borough Council or Tewkesbury Borough Council. The baseline assessments undertaken by the Applicant did not identify any heritage records for buildings in this location that would have resulted in these buildings being included in the ES.</p> <p>Under the methodology applied for the heritage assessment in the ES, it is not the role of the Applicant to assess heritage significance of buildings that are not included in the HER or local heritage listings or otherwise suggested as historically significant based on map regression analysis or other research done for the desk-based studies. It is the responsibility of the Local Planning Authority to identify and assess the historic significance of buildings within their jurisdiction.</p> <p>Subsequent to the ISH4 hearing, the Joint Councils confirmed that the Conservation Officer for Tewkesbury Borough Council (TBC) has stated that Elton Lawns (along with Landean and Post Box Cottage) are categorised by TBC as non-designated heritage assets on the basis that they meet some of the criteria listed on TBC's supplementary planning document adopted in</p>

Ref	Issue	Applicant Response
		<p>February 2022 entitled 'Local Heritage List Selection Criteria for Tewkesbury Borough'. The Conservation Officer also confirmed that none of these properties are listed as non-designated heritage assets on the Historic Environment Record or local heritage listings.</p> <p>Subsequent to further information being provided to the Applicant by TBC, the Applicant will review the assessment presented in ES Chapter 11 (Cultural Heritage) [APP-070], and provide an updated assessment, as appropriate, at Deadline 9 subject to the timely receipt of the necessary information.</p>
023-09	<p>I, therefore, respectfully request that the actual design, specification and quality of the acoustic barriers, both as to the Landscape and Visual and Noise aspects take my comments into full account.</p>	<p>REAC item LV6 [REP4-018] sets out that the Applicant will consult with the LPA and directly affected receptors on options for the final design of noise barriers so that they provide visual amenity and/or biodiversity values as well as noise abatement.</p> <p>The Applicant held a meeting on site with Mr Badham on 18 November 2024.</p> <p>The Applicant showed Mr Badham noise contour plots that illustrated the reduction in noise experienced at his property with the Scheme in place, compared to the do minimum scenario (no Scheme). The Applicant also showed Mr Badham noise contour plots with and without the noise barrier (at the east end of Uckington). Mr Badham noted the reduction in noise that is achieved by the Scheme, compared to the do minimum, from both the relocation of the A4019 to the south, and the inclusion of a noise barrier. The Applicant explained to Mr Badham that extending the noise barrier 20m further east would result in a further reduction in noise in the garden (when compared with the preliminary design), and that the change in the noise levels experienced in the gardens would be a negligible to minor decrease. However, whilst a reduction in noise levels occurred, the reduction is at a level not considered to be readily perceptible.</p> <p>With regards to the visual appearance of the noise barrier the Applicant explained to Mr Badham that the design presented at this stage is a preliminary design, and is a simple design, rather than a cheap or low quality design. The preliminary design achieves the noise reduction stated in the</p>

Ref	Issue	Applicant Response
		<p>assessment. Other designs, such as a vegetated structure will achieve the same reduction in noise, and will only differ to the preliminary design in terms of visual appearance. The Applicant explained that there would be opportunity for stakeholders to contribute to the final design details of the noise barriers.</p>

9. AS-109 – John Mercer

Ref	Issue	Applicant Response
108-01	The whole junction 10, A4019 widening and the Elms Park development should have planned and considered as one application.	<p>The Elms Park development outline planning application (16/02000/OUT) was submitted in 2016 by the local planning authority for determination under the Town and Country Planning Act (TCPA) 1990. The M5 J10 Improvements Scheme (which includes J10, A4019 widening and West Cheltenham Link Road) is subject to a different consent and a Development Consent Order (DCO) application was submitted to the Planning Inspectorate in December 2023 under the Planning Act 2008 (PA08). The schemes are therefore being consented separately. That said, the Elms Park planning application has not yet been determined and its decision is intrinsically linked to whether the M5 J10 Improvements Scheme is consented. The Transport Assessment (TA) supporting the DCO application has considered the likely traffic impact associated with the Elms Park development and the Environmental Statement (ES) submitted with the DCO application also cumulatively assesses the three development schemes collectively in terms of impact.</p> <p>Therefore, whilst the Schemes are subject to different consenting regimes, each scheme is considered and will be determined within the context of the other.</p>
108-02	This has not been done, the public have yet to see a plan showing all three, instead just an overlay which is worse than useless.	
108-03	My contention is that all planning should be put on hold until a full plan of all three planned developments is available for the public to comment on.	
108-04	Until this is done it is impossible for any constructive criticism, one would ask why this has not been achieved after 2 years of requesting it.	

10. AS-109 – Osborne Clarke on behalf of National Grid Electricity Distribution (NGED)

Ref	Issue	Applicant Response
109-01	This Representation is submitted by Osborne Clarke LLP on behalf of National Grid Electricity Distribution (West Midlands) plc ("NGED").	<p>The Applicant has provided an updated dDCO with bespoke provisions for the benefit of NGED at Deadline 7 [REP7-002]. The bespoke provisions provided are not entirely agreed with NGED. However, the Applicant has produced and submitted a position statement setting out the Applicant's case under sections 127 and 138 of the Planning Act 2008 [AS-110] (the "Section 127 Position Statement"). 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>Since the submission of the Section 127 Position Statement, the Applicant has made every effort to reach agreement with NGED. One of the three areas of disagreement set out in the Section 127 Position Statement (NGED's liability for negligence / breach) has now been agreed. In addition to this, the Applicant has confirmed agreement with NGED's proposed Asset Protection Agreement.</p> <p>In relation to the outstanding points of disagreement, the Applicant has set out in its Section 127 Position Statement the reasons why NGED's standard approach could cause serious delays to programme when considered for the specific circumstances the Scheme deals with.</p>
109-02	NGED remains the licensed distribution network operator under Section 6 Electricity Act 1989 (the "EA 1989") for the area in which the M5 Junction 10 Development Consent Order 202[X] (the "Order") is proposed to have effect and which was submitted by Gloucestershire County Council (the "Applicant").	
109-03	We note that the Applicant has submitted a revised Draft DCO and Schedules as part of Deadline 7 [REP7- 002], and that this includes a set of protective provisions for the benefit of NGED at Part 5 of Schedule 9.	
109-04	The Applicant's dDCO Change Log submitted as part of Deadline 7 [REP7-006] states that the protective provisions are the "product of negotiations".	
109-05	However, while negotiations have progressed between the Applicant and NGED in respect of the protective provisions, we want to clarify that the protective provisions currently included at Part 5 of Schedule 9 are the Applicant's preferred form protective provisions and their inclusion has not been agreed to by NGED.	

Ref	Issue	Applicant Response
109-06	NGED's position is that this form of protective provisions as recently submitted is not sufficient to protect NGED's interests and statutory undertaking.	The Applicant's position remains the same that whilst the precise form has not been agreed, the remaining items are not sufficiently material to jeopardise the Scheme's compliance with Section 127 of the Planning Act 2008.
109-07	In its relevant representation submitted on 19 March 2024, NGED objected to the granting of the Order until such time that it could be satisfied that the Order would not cause serious detriment to NGED's interests and undertaking.	
109-08	In particular, NGED now confirms that it will not be in a position to withdraw its objection to the Order until the following requirements have been satisfied for the purpose of protecting its undertaking: <i>(i) a satisfactory set of protective provisions in favour of NGED has been agreed with the Applicant and these have been included in the Order ("Requirement 1"); and</i> <i>(ii) an asset protection agreement has been entered into between on the parties on terms which are satisfactory to NGED ("Requirement 2").</i>	
109-09	In the absence of these two requirements being met, NGED considers that the granting of the Order has the potential to cause serious detriment (for the purpose of Section 127 of the Planning Act 2008) to NGED's assets and interests which form part of its undertaking.	
109-10	By way of an update in respect of Requirement 1, NGED previously provided the Applicant with its required form protective provisions to be included in the Order and the parties have been negotiating these terms. A copy of NGED's required protective provisions is appended to this Representation at Appendix A .	
109-11	The form of protective provisions at Appendix 1 is consistent with NGED's standard approach to protective provisions, with similar terms	

Ref	Issue	Applicant Response
	<p>having been agreed with promoters on the M42 Junction DCO 2020, the M54 to M6 Link Road DCO 2022, the A47 Wansford to Sutton DCO 2023, the Portishead Branch Line (MetroWest Phase 1) Order 2022, the proposed Hinckley Rail Freight Interchange DCO, and the withdrawn A358 Taunton to Southshields Dualling DCO.</p>	
109-12	<p>As an update in respect of Requirement 2 above, NGED has provided the Applicant with its standard form asset protection agreement. Similar to the form of protective provisions required at Requirement 1, this asset protection agreement is aligned and consistent with arrangements regularly agreed by NGED with other developers (including highway authorities and National Highways). NGED notes that the parties have substantially agreed the terms of the asset protection agreement.</p>	
109-13	<p>NGED's position is that it hopes a satisfactory arrangement can be agreed with the Applicant before the close of Examination. However, if the protective provisions are not provided as shown in Appendix A of this Representation or if the parties fail to agree the terms of the asset protection agreement to NGED's satisfaction, then NGED considers that its undertaking could be subject to serious detriment as a result of the granting of the Order.</p>	

Appendices



Appendix A. Safeguarded Land Access Bloor Homes Proposal

DO NOT SCALE

100
0 10
Millimetres



NOTES

1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.

Description						
Status	Revision	Drawn	Checked	Reviewed	Authorised	Issue Date
Description						
Status	Revision	Drawn	Checked	Reviewed	Authorised	Issue Date
Description						
Status	Revision	Drawn	Checked	Reviewed	Authorised	Issue Date
Description						
Status	Revision	Drawn	Checked	Reviewed	Authorised	Issue Date

Description						
FOR REVIEW						
Status	Revision	Drawn	Checked	Reviewed	Authorised	Issue Date
D5	P01.1	VN	---	---	CJ	---

Drawing Suitability						Status
FOR 3RD PARTY COORDINATION						D5

AtkinsRéalis 5th Floor, Block 5
Shire Hall
Bearland
Gloucester
GL1 2TH
Tel : 08000 514514

Copyright © AtkinsRéalis Limited (2024)



Client
M5 Junction 10 Improvements Scheme

Drawing Title
**SAFEGUARDED LAND ACCESS
BLOOR HOMES PROPOSAL**

Drawing Number		Originator		Volume	
GCCM5J10		- ATK		- HGN	
Project		J2		- SK- CH- 000009	
Location		Type		Role	
Original Size: A1		Scale: 1:500		Project Ref. No: 5197035	
Sheet: 1 of 1		Rev: P01.1		Rev: P01.1	

This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of His Majesty's Stationery Office. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form. © Crown Copyright and database rights 2024, Ordnance Survey AC0000850000.

Scale 1:500

AtkinsRéalis

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

Tel: +44 (0) 8000 514 514