

M5 Junction 10 Improvements Scheme

Statement of Common Ground
Joint Councils (Tracked)
TR010063 – APP 8.2

Regulation 5 (2) (q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Volume 8

November ~~September~~ 2024



Gloucestershire
COUNTY COUNCIL

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared agreed by (1) Gloucestershire County Council and (2) the Joint Councils consisting of Cheltenham Borough Council, Tewkesbury Borough Council, and Gloucestershire County Council.

Signed: Chris Beattie



On behalf of Gloucestershire County Council (as Applicant)

Date: 27th November 2024

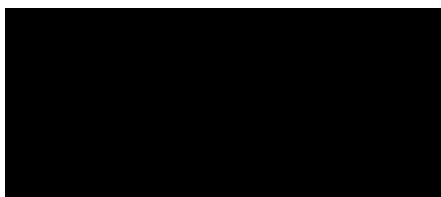
Signed:



On behalf of the ~~Joint Councils~~ Cheltenham Borough Council

Date: 28th November 2024

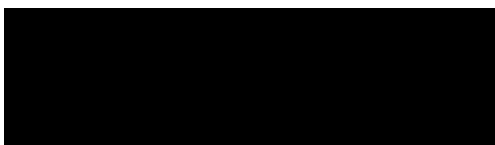
Signed:



On behalf of the Tewkesbury Borough Council

Date: 28th November 2024

Signed:



On behalf of the Gloucestershire County Council (as statutory consutee)

Date: 28th November 2024

Infrastructure Planning Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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

8.2 Statement of Common Ground – Joint Councils

(tracked version)

Regulation Number:	Regulation 5(2)(q)
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Author:	M5 Junction 10 Improvements Scheme Project Team

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Rev 1	June 2024	For Deadline 1 submission
Rev 2	September 2024	For Deadline 4
<u>Rev 3</u>	<u>November 2024</u>	<u>For Deadline 10</u>

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Glossary

Term	Meaning / Definition
(The) Act	The Planning Act 2008 (as amended)
(The) Applicant	Gloucestershire County Council (Strategic Development team) applying for the DCO
Biodiversity Net Gain (BNG)	Biodiversity Net Gain delivers measurable improvements for Biodiversity by creating or enhancing habitats in association with development
Carter Jonas (CJ)	Land referencing consultant working on behalf of the Applicant
Cheltenham Borough Council (CBC)	CBC is the local planning authority for Cheltenham Borough, and is a statutory consultee for the scheme, as defined under section 42(1)(b) and section 43(b) of the Act
Development Consent Order (DCO)	The consent for the construction, operation and maintenance of Nationally Significant Infrastructure Projects (NSIP) given by the relevant Secretary of State on the recommendation of the Planning Inspectorate under the Planning Act 2008 (as amended).
Environment Agency (EA)	A non-departmental public body with responsibilities relating to the protection and enhancement of the environment in England.
Environmental Impact Assessment (EIA)	A process of evaluating the likely environmental impacts of a proposed development, including inter-related socioeconomic, cultural and human health impacts, both beneficial and adverse.
Environmental Statement (ES)	Reports the findings of the EIA, including at least the information reasonably required to assess the likely significant environmental effects of the development.
Examining Authority (ExA)	The person(s) appointed by the Secretary of State (SoS) to assess the DCO application and make a recommendation to the SoS.
Flood Risk Assessment (FRA)	An assessment of the likelihood of flooding in a particular area so that development needs, and mitigation measures can be considered.
Gloucestershire County Council (GCC)	Gloucestershire County Council. It is therefore a statutory consultee for the Scheme, as defined under section 42(1)(b) and section 43(c) of the Planning Act 2008 ("the Act"). GCC is the local highway authority in Gloucestershire and is the Minerals and Waste Planning Authority (MWPA) for Gloucestershire. GCC also has statutory duties in relation to drainage, flood risk, and heritage assets and archaeology.
Historic England	Publicly funded body that champions and protects England's historic places, also known as the Historic Buildings and Monuments Commission for England.
Host Authority	The local authority, within which the Scheme would be situated, In this case, Cheltenham Borough Council, Gloucestershire County Council and Tewkesbury Borough Council.
Local Planning Authority (LPA)	The county council, metropolitan, or district council, which has statutory responsibilities within its administrative areas.
Nationally Significant Infrastructure Project (NSIP)	A project of a type and scale defined under the Planning Act 2008 and by Order of the Secretary of State (SoS) relating to energy, transport, water, wastewater and waste generally. These projects require a single development consent, which includes consents under different regimes, such as planning permission, listed building consent and scheduled monument consent.

Term	Meaning / Definition
Natural England (NE)	Executive non-departmental public body responsible for the natural environment.
Planning Inspectorate (PINS)	The Government Agency responsible for operating the planning process for NSIPs. The Planning Inspectorate is responsible for examining DCO applications and making recommendations to the relevant SoS, who will make the decision on whether to grant or to refuse development consent. The SoS for Transport takes the decision on applications for highway NSIPs.
Preferred Route Announcement	Designation of a proposed option as a 'preferred route' by the Department for Transport and provides a form of planning protection from development of land in the vicinity of the M5 Junction 10 improvement scheme
Statement of Community Consultation (SoCC)	Prepared in accordance with Section 47 of the Planning Act 2008, to inform, explain and communicate how the consultation will be undertaken.
(the) Scheme	The proposed M5 Junction 10 improvements development which is the subject of a DCO application.
Tewkesbury Borough Council (TBC)	Tewkesbury Borough Council is the local planning authority for Tewkesbury Borough and a statutory consultee for the Scheme, as defined under section 42(1)(b) and section 43(b) of the Act.
Water Framework directive	The Water Framework Directive (2000/60/EC) which established a framework for European Community action in the field of water policy.

1 Introduction

1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the application for the M5 Junction 10 Improvements Scheme (“the Scheme”) made by Gloucestershire County Council (GCC) (“the Applicant”) to the Secretary of State for a Development Consent Order (DCO) under section 37 of the Planning Act 2008.

1.1.2 If made, the DCO would grant consent for the construction of improvement works to M5 Junction 10, consisting of a new all-movements junction; the widening of the A4019 east of the junction to the Gallagher Retail Park Junction; and a new link road from the A4019 to the B4634. A small section of the A4019 will also be widened to the west of the proposed junction.

1.2 Purpose of this Document

1.2.1 This document is a SoCG between GCC (the Applicant) and the Joint Councils in relation to the M5 J10 Improvements Scheme. The Joint Councils being:

- ~~Gloucestershire County Council~~ Gloucestershire County Council as Statutory Consultee; including Highways Development Management (HDM);
- Tewkesbury Borough Council; and
- Cheltenham Borough Council.

1.2.2 The document identifies the following between the parties:

- A record of key consultation / correspondence.
- Matters which have been agreed; and
- Matters currently outstanding (subject to negotiation or not agreed).

1.2.3 The matters which are referenced in this document are that which are considered to be of material difference. Other lesser matters, such as those that concern amendments to supporting documents, are reported on in the Consultation Report or addressed in the Environmental Statement (ES), and other documents submitted as part of the DCO application.

~~1.2.4 The SoCG will continue to evolve as the application for development consent progresses through the DCO Examination stage.~~

1.3 Structure of Statement of Common Ground

1.3.1 The SoCG has been structured in a generally consistent form and sets out the matters which are agreed, the matters subject to further discussion and those matters which are not agreed. The SoCG has been tailored according to the approach agreed with the Joint Councils following workshops and specialist meetings. The SoCG has the following structure:

- Section 1: Introduces the SoCG and provides a description of its purpose.
- Section 2: Outlines the engagement that has taken place with the Joint Councils
- Section 3 outlines the topic themes for this SoCG.
- Sections 4 and 5: set out issues that have arisen, reporting on the status of each issue, i.e., whether it is agreed, still under discussion or not agreed, and any remaining actions:
 - Table 4.1 – Matters agreed ~~following SoCG workshop discussions;~~
 - Table 5.1: Matters not agreed / outstanding.

- 1.3.2 Where relevant, documents that are referenced in the SoCG but do not form part of the application are available to the Examining Authority (ExA) upon request.

1.4 Status of this SoCG

- 1.4.1 This SoCG is a correct reflection of the position between the Applicant and the Joint Councils, ~~comprising Tewkesbury Borough Council, Cheltenham Borough Council and GCC, at the Deadline 104 on 3 September 28 November 2024.~~

~~It is acknowledged that the views and opinions of both parties may change over time and as such this SoCG will continue to evolve as the Examination.~~

2 Consultation

2.1 The Role of Gloucestershire County Council as the Applicant

- 2.1.1 Gloucestershire County Council (GCC) is the Highway Authority for Gloucestershire and the Applicant for the M5 Junction 10 Improvements Scheme. GCC will promote and deliver the Scheme with support from National Highways and Homes England.

2.2 The Role of the Joint Councils

Gloucestershire County Council as Statutory Consultee

- 2.2.1 The Scheme is situated within the boundaries of GCC. It is therefore a statutory consultee for the Scheme, as defined under section 42(1)(b) and section 43(c) of the Planning Act 2008 (“the Act”).
- 2.2.2 GCC is the local highway authority in Gloucestershire and is the Minerals and Waste Planning Authority (MWPA) for Gloucestershire. GCC also has statutory duties in relation to drainage and flood risk, and heritage assets and archaeology.
- 2.2.3 GCC also has statutory duties relating to Public Rights of Way (PRoW) and therefore will consider provision for walking, cycling and horse riding (WCH) within the Scheme.

Tewkesbury Borough Council

- 2.2.4 The Scheme is partially situated within the boundaries of Tewkesbury Borough Council. It is therefore a statutory consultee for the Scheme, as defined under section 42(1)(b) and section 43(b) of the Act.
- 2.2.5 Tewkesbury Borough Council is the local planning authority for Tewkesbury borough.

Cheltenham Borough Council

- 2.2.6 The Scheme is partially situated within the boundaries of Cheltenham Borough Council. It is therefore a statutory consultee for the scheme, as defined under section 42(1)(b) and section 43(b) of the Act.
- 2.2.7 Cheltenham Borough Council is the local planning authority for Cheltenham borough.

2.3 Summary of consultation

- 2.3.1 GCC (the Applicant) has been in consultation with the Joint Councils during the development of the Scheme’s design, including the optioneering process, statutory and non-statutory consultation, through preliminary design, pre-application stage, post DCO acceptance stage, Pre-examination including Relevant Representation received by the Joint Councils (~~APP-146~~), Written Representations and into the Examination through a series of meetings and topic specific workshops and responses to submissions. The parties have continued communicating throughout the progression of the Scheme.
- 2.3.2 The engagement outlined in Table 3-1 covers consultation with the Joint Councils and engagement which pertains to matters raised in this Statement of Common Ground (SoCG). Other exchanges, such as requests for information or clarification points are not detailed below but are available on request.
- 2.3.3 The consultation with the Joint Councils to date is set in Table 3-1 below.

Table 3-1 - Consultation with CBC, GCC, TBC

Date	Method	Parties concerned	Matters Discussed
16/06/2021	Email	CBC/ GCC/ TBC	M5 Junction 10 Improvements Scheme preferred route announcement email sent
17/06/2021	Member Briefing	GCC	GCC thanked GCC councillor for attending meeting and agreed to get back in contact with further information on points raised, namely carbon, Biodiversity Net Gain (BNG) and flood mitigation.
21/06/2021	Email	GCC	Following on from members Briefing on 17/06/2021 GCC councillor stated that issues raised need time to consider and provided comments, questions and thoughts on the scheme. GCC project team responded confirming that they will be back in contact with comments. 29/06/2021 councillor maintained that the scheme should take climate change seriously and is happy to work with the GCC project team on this aspect as not much is happening political level. GCC project team responded.
25/06/2021	Letter	CBC	A letter providing the Local Planning Authority with notice of Gloucestershire County Council's proposed highways improvements.
28/06/2021	Letter	TBC	A letter providing the Local Authority with notice of Gloucestershire County Council's proposed highways improvements.
14/07/2021	Meeting – virtual	CBC/ GCC/ TBC/ Atkins (Planning team, environment lead, Project Manager/ Stakeholder engagement)	First of a series of planning liaison meetings to keep host planning authorities up to speed with M5 Junction 10 improvements DCO. Matters discussed include: Environmental update on programme for Environmental statement Resourcing issues with host authorities, Atkins PM noted this and agreed to see how the project can help with this. Consultation and stakeholder engagement confirm the strategy going forward.
15/07/2021	Email	GCC	Atkins comms team sent Parish Council engagement summary to GCC
21/07/2021	Email	GCC	GCC project team sent updated report from Members monthly meeting to GCC planning officers. Email also informed the officers that Cabinet approval was granted for the procurement progression of Arle Court Transport Hub
03/08/2021	Email	GCC	GCC Councillor added more concern on carbon auditing for road building/ improvement projects and requested information on how the carbon footprint of the road improvement. Building project is being calculated. GCC project team responded outlining the methodology used for the EIA.

Date	Method	Parties concerned	Matters Discussed
05/08/2021	Email	CBC / GCC	GCC project team sent update to CBC councillor regarding statutory consultation (scheduled for late 2021) and informed that the Scheme has been classified as a Nationally Significant Infrastructure Project (NSIP) and a Development Consent Order (DCO) application is due to be made in late 2022
11/08/2021	Meeting - virtual	CBC/ GCC/ TBC/ Atkins (Planning team, environment lead, Project Manager/ Stakeholder engagement)	Planning Liaison meeting, matters discussed include: Stakeholder engagement team discussed with LPA's queries on the SoCC Statement of Community Consultation (SoCC) , and how to approach consultations, with support for council briefings. Atkins team acknowledge resourcing difficulties, and the project planned to identify where it can give LPA's an idea on the level of resourcing required.
16/08/2021	Email	GCC/ Carter Jonas (CJ)	Carter Jonas (CJ) are the land referencing consultant for the Scheme operating on behalf of the Applicant. CJ, sent a request for update on landowner negotiations as Atkins, CJ and GCC project team had been receiving contacts regarding negotiations. CJ wanted to be able to give an official response to these types of enquiries from the public. GCC project team responded stating landowners would receive a further update in 4-6 weeks.
18/08/2021	Email	CJ / Atkins / GCC	CJ confirmed that the letter with update for landowners has been sent via post and attached a copy of the letter.
23/08/2021	Email	Atkins / GCC	Atkins request Landscape Character Data from GCC ecology department.
08/09/2021	Meeting Virtual	CBC/ GCC/ TBC/ Atkins (Planning team, environment lead, Project Manager/ Stakeholder engagement)	Planning liaison meeting. Matters discussed include: Update on SoCC provided. Atkins advised the project to approach Homes England directly for capacity funding and outlined likely required inputs from the regulatory teams. Environment team confirmed the PEIR is in final draft stages
16/09/2021	Email	CBC	GCC project team emailed CBC councillor and informed them that a letter has been sent to contact all residents on Homecroft Drive and those east of the Fire Station along A4019 to invite them to attend drop-in sessions with GCC project team to discuss highway improvement proposals in advance of the statutory consultation planning for December 2021.
22/09/2021	Email	CBC	GCC emailed CBC officer to get confirmation of the list of local transport schemes compiled either in progress or proposed involving public transport and active modes in the area around M5 J10

Date	Method	Parties concerned	Matters Discussed
23/09/2021	Email	CBC	CBC officer response confirmed that GCC had been dealing with local schemes. Link to Supplementary Planning Document (SPD) provided and GCC officers copied in. GCC requested further information from the GCC officers to provide insight into other schemes that were listed.
23/09/2021	Email	TBC	Email sent to request confirmation of the list of local transport schemes compiled either in progress or proposed involving public transport and active modes, in the area around M5 J10. TBC advised that GCC would be able to provide the information requested as they are responsible for public transport schemes
23/09/2021	Email	CBC / GCC / TBC	Atkins planning shared SoCC with CBC/ GCC/ TBC planning officers and requested comments.
24/09/2021	Email	GCC	GCC planning officer acknowledged email containing SoCC and stated they will provide the views of GCC as a statutory consultee by 22nd October 2021.
28/09/2021	Email	Atkins / GCC	Atkins planning issued high-level programme for M5 J10the Scheme that focussed on the DCO deliverables and consultation requirements.
29/09/2021	Email	GCC/ Atkins	Atkins requested GIS data set for Minerals Safeguarding inclusion on map figures for the environmental assessment.
07/10/2021	Email	GCC	GCC planning officer responded with comments on SoCC
12/10/2021	Email	CBC	CBC Councillor emailed distribution list of prescribed consultees and sample notification for address confirmation
13/10/2021	Email	CBC	Contacted to confirm the address for consultation materials to be sent to.
13/10/2021	Meeting Virtual	CBC/ GCC/ TBC/ Atkins (Planning team, environment lead, Project Manager/ Stakeholder engagement)	<p>Planning liaison meeting, matters discussed include:</p> <p>Stakeholder consultation presentation covering the consultation materials, events, and documents was shared.</p> <p>Confirmation that the Planning Inspectorate (PINS)PINS will have a light touch until the project is closer to submission, PINS case officers shared with LPAs.</p> <p>Request for gap funding from Homes England has been submitted, awaiting outcome.</p> <p>Environment team confirm the PEIR is advanced and undergoing internal review. LPAs query the response expected, Atkins confirm LPA can comment on any part, does not have to be every chapter.</p>

Date	Method	Parties concerned	Matters Discussed
14/10/2021	Email	TBC	TBC planning officer contacted to confirm the address so consultation documents can be shared via USB
01/11/2021	Email	CBC	GCC sent notification to CBC planning officers stating that SoCC considered accepted as there were no comments made within the 28 day deadline and will proceed with the DCO pre-application consultation process as set out in the SoCC.
01/11/2021	Email	TBC	Atkins planning informed TBC planning officer that the SoCC is considered accepted as there were no comments made within the 28 day deadline and will proceed with the DCO pre-application consultation process as set out in the SoCC.
03/11/2021	Email	Atkins/ GCC	Notification sent to GCC planning officer to confirm their postal address for consultation USB delivery. GCC request Atkins to consider various means of providing consultation materials. Atkins checked statutory requirements and confirmed USB would be issued to GCC planning officers address. GCC also request virtual presentation on consultation materials.
10/11/2021	Meeting Virtual	CBC/ GCC/ TBC/ Atkins (Planning team, environment lead, Project Manager/ Stakeholder engagement)	Planning liaison meeting, matters discussed include: Reminder for consultation dates/ milestones A technical officer briefing offered to LPAs to outline the PEIR ahead of statutory consultation. confirmed £35K gap funding from Homes England to be spent by the end of the final year. Discussion on the approach to consultation responses as joint councils or individual authorities. Agreed that GCC respond separately, TBC and CBC to give joint response coordinated via consultant (Atkins in a separate office to differentiate between Atkins role as promoter).
06/12/2021	Email	GCC	Consultation notification sent to GCC planning officer and updates on USB delivery. GCC planning officer confirmed that USB was received via post.
06/12/2021	Email	GCC	FileTransfer link shared with GCC planning team to access consultation
06/12/2021	Email	TBC	Stakeholder pack shared with TBC officer; confirmation of receipt received.
07/12/2021	Email	CBC	Stakeholder information pack shared with CBC officer.
07/12/2021	Email	CBC	Pre-consultation notification sent for statutory consultation. CBC replied to expressing concern that link on Pg. 24 of Preliminary Environmental Impact Report (PEIR) was not working. 09/12/2021- live link sent via email.

Date	Method	Parties concerned	Matters Discussed
07/12/2021	Meeting- Member Briefing	CBC	GCC project team member suggested arranging a call to discuss consultation with CBC member who was not available during the meeting.
07/12/2021	Meeting- Member Briefing	GCC	Summary of associated actions from the Member's briefing sent to all councillors
08/12/2021	Meeting – Officer Technical Briefing	CBC/ GCC/ TBC / Atkins (Planning team and technical officers, ecology, drainage, heritage climate, landscape)	An in-depth presentation to CBC, TBC and GCC technical officers by Atkins technical leads on the content of the PEIR ahead of the statutory consultation.
11/01/2022	Email	Atkins/ GCC.	Atkins environment lead receive request from GCC Heritage officer for a shapefile showing the redline boundary for the scheme. Shapefile sent 12/01/2022
03/02/2022	Meeting – Virtual	CBC/ GCC/ TBC/ Atkins (Planning team, Environment lead, Project Manager/ Stakeholder engagement)	Planning Liaison meeting, matters discussed include: Consultation progress update on responses so far and key themes. Overall update on DCO status, and current actions to arrange SoCG, drawing on other example DCOs as starting point. Queries raised over how the document will be managed and evolve.
09/03/2022	Meeting - Virtual	CBC/ GCC/ TBC/ Atkins (Planning team, environment lead, Project Manager/ Stakeholder engagement)	Planning liaison meeting, matters discussed include: Full consultation update outlining survey response statistics, key themes and next steps following the consultation including production of Consultation summary, DCO consultation report. Query raised regarding funding for authorities and how legal representative will be appointed. Agreed, that a single joint legal representative will be funded via Homes England funding. Queries raised on Gypsy Traveller site in TBC as this will need to be considered a sensitive receptor in the ES. TBC agreed to speak to officers in their team dealing with the site
23/03/2022	Email	TBC	TBC planning officer emailed Atkins environment lead regarding issue of the unauthorised Gypsy Traveller Site at Withybridge and confirmed that the council intends to take necessary steps to ensure the site is cleared of caravans and any unauthorised residential occupation. Atkins thanked

Date	Method	Parties concerned	Matters Discussed
			TBC for the information and queried whether there is a timeline for this and if all occupation on the site was unauthorised or if there was some authorised occupancy. TBC state there is no timeline yet, and to their knowledge all residential occupation on the site is unauthorised on the land.
13/04/2022	Meeting Virtual	CBC/ GCC/ TBC/ Atkins (Planning team, environment lead, Project Manager/ Stakeholder engagement)	<p>Planning liaison meeting, matters discussed include: Gypsy traveller site, TBC officer confirmed the issue is not straightforward, there is intent to injunct them, but timescales are unknown. The proposed DCO traffic model presented. JCS status and programme Bid for Homes England funding submitted, includes time for LPA officers or officer replacements including consultants (Atkins) and time for legal support.</p>
27/04/2022	Email	Atkins environment / GCC environment	Note sent to GCC officer documenting flood modelling undertaken at Old Gloucester Road B4634 and requested comments.
11/05/2022	Meeting Virtual	CBC/ GCC/ TBC/ Atkins (Planning team, environment lead, Project Manager/ Stakeholder engagement)	<p>Planning liaison meeting, matters discussed include: SoCG update, template explained. LPAs to sign off front sections of the SoCG report draft. Consultation summary report available on GCC scheme webpage. Consultation letters in response to representations from stakeholders to be emailed this week. As design is progressing Atkins suggest a more detailed run through of the route and to highlight design changes resulting from consultation Traveller site update -TBC officer confirmed that notice has been served on all occupiers of the site, but it will not be a quick process. Occupiers are not from travelling community and therefore do not have protected status. It is suggested that for the purpose of the ES it is safest to assume the site will be occupied. Agenda for next 4 months of meetings suggested.</p>
10.08.2022	Meeting Virtual	CBC/ TBC/ GCC Atkins (Planning team, environment lead, Project Manager/ Stakeholder engagement)	SoCG progress discussed and approach to SoCG updates agreed.

Date	Method	Parties concerned	Matters Discussed
12.08.2022	Email	Atkins / Officers from GCC/ CBC/ TBC	Draft SoCG shared with Joint Councils in editable format for comment
09.09.2022	Email	GCC officer	Comments received on draft SoCG responding to matters raised responses, and updated position of GCC.
14.09.2022	Meeting Virtual	Officers from CBC/ GCC/ TBC/ Atkins (Planning team, environment lead, Project Manager/ Stakeholder engagement) GCC project team	Funding update provided for the project, and SoCG feedback provided.
22.09.2022	Email	GCC Officer	Further comments received on draft SoCG clarifying agreement in relation to matters 14.6, 16.6, 16.7 and 16.8 (previously matters 27.6, 31.5, 31.6, 31.7)
27.09.2022	Email	Agent acting on behalf of TBC/ CBC	Comments received on the draft SoCG responding to matters raised and clarified the updated position of TBC/CBC.
02.11.2022	Meeting Virtual	Officers from CBC/ GCC/ TBC/ Atkins (Planning team, environment lead, Project Manager/ Stakeholder engagement)	General update on SoCG progress, and DCO progress for the project.

Date	Method	Parties concerned	Matters Discussed
15.02.2023	Meeting Virtual	Officers and representatives from GCC/ CBC and TBC/ Atkins (Planning team, environment lead, Project Manager / Stakeholder engagement) / Applicant	<p>Update on the position of the Scheme. Officers were informed of a delay to the Scheme due to Homes England Treasury reviewing funding on all Housing Infrastructure Fund (HIF) projects nationally. It was confirmed that the length of the delay was unknown, but the Councils will be updated when information is available.</p> <p>Preparation for DCO submission will continue and there is intention to share finalised drafts of DCO documents with the Joint Councils to enable a full review of the ES as part of the SoCG process.</p>
03.05.2023	Meeting Virtual	Officers and representatives from GCC/ CBC and TBC/ Atkins (Planning team, environment lead, Project Manager / Stakeholder engagement)	<p>Officers informed of upcoming targeted consultation for a proposed bus lane on the A4019. Officers informed that DCO documentation is close to being ready for DCO submission and there is intention to share these with the Joint Councils soon so the SoCG can be updated ahead of submission and examination.</p> <p>Issue raised around the Homes England capacity funding which CBC/ TBC used previously to aid the SoCG process. At this point the funding is not confirmed (associated with Homes England funding review). This funding is required for CBC and TBC to complete the review of documents, therefore there may be difficulty reviewing the documents.</p>
16.05.2023	Email	GCC Planning Officer	<p>The following DCO documents were shared with the GCC planning officer for review:</p> <ul style="list-style-type: none"> • Planning Statement • ES (Non-technical summary, Chapter 1-15 and figures) • Environmental Management Plan • Register of Environmental Actions and Commitments • Environmental Masterplan • General Arrangement Drawings • Works Plans <p>Deadline for receipt of comments set for 9th June.</p>

Date	Method	Parties concerned	Matters Discussed
16.05.2023	Email	CBC Planning Officer	<p>The following DCO documents were shared with the CBC planning officer for review:</p> <ul style="list-style-type: none"> • Planning Statement • ES (Non-technical summary, Chapter 1-15 and figures) • Environmental Management Plan • Register of Environmental Actions and Commitments • Environmental Masterplan • General Arrangement Drawings • Works Plans <p>Deadline for receipt of comments set for 9th June.</p>
16.05.2023	Email	TBC Planning Officer	<p>The following DCO documents were shared with the TBC planning officer for review:</p> <ul style="list-style-type: none"> • Planning Statement • ES (Non-technical summary, Chapter 1-15 and figures) • Environmental Management Plan • Register of Environmental Actions and Commitments • Environmental Masterplan • General Arrangement Drawings • Works Plans <p>Deadline for receipt of comments set for 9th June.</p>
23.05.2023	Email	GCC Planning Officer	<p>GCC Planning Officer requested a copy of the latest version of the SoCG to complete the review of documentation.</p>
23.05.2023	Email	GCC Planning Officer	<p>GCC Planning Officer sent request for Transport Assessment to review.</p>
24.05.2023	Email	GCC Planning Officer	<p>GCC Planning Officer sent further request for updated SoCG in order to consult colleagues and highlight areas where there may still be matters of concern. An extension for completing the review was also requested due to resourcing constraints.</p> <p>Atkins planner response sent with copy of latest version of the SoCG and agreement to extend deadline to 23rd June.</p>

Date	Method	Parties concerned	Matters Discussed
24.05.2023	Email	CBC Planning Officer	Atkins planner sent copy of the latest SoCG and extension to the deadline in accordance with correspondence with GCC planning officer.
24.05.2023	Email	TBC Planning Officer	Atkins planner sent copy of the latest SoCG and extension to the deadline in accordance with correspondence with GCC planning officer.
26.05.2023	Email	GCC Planning Officer	Atkins shared Transport Assessment document with GCC Planning Officer to review as part of the SoCG process.
26.05.2023	Email	CBC Planning Officer	Atkins shared Transport Assessment document with CBC Planning Officer to review as part of the SoCG process.
26.05.2023	Email	TBC Planning Officer	Atkins shared Transport Assessment document with TBC Planning Officer to review as part of the SoCG process.
30.05.2023	Email	Representative for TBC/ CBC	Email received stating that discussions are ongoing between GCC, CBC, and TBC regarding the availability of capacity funding from Homes England which was to enable the Local Authorities to engage consultancy assistance in the DCO process. As such, comments on the SoCG cannot be returned by the proposed deadline. An extension to the 7 th July was requested.
22.06.2023	Email	GCC Planning Officer	GCC Planning Officer provides a response and comments in relation to the DCO documentation that was issued on 16.05.2023. Comments received on Chapter 11, 12, 13, and 14. Comments on the Transport Assessment are still expected.
10.07.2023	Email	TBC/ CBC	A joint response was received confirming they have no comments at this stage on the Statement of Common Ground, however we reserve our right to make amendments at the next stage.
Pause in meetings while DCO application is submitted. DCO submitted 19 December 2023 and accepted by PINS 16 January 2024			
20.02.2024	Teams	AtkinsRéalis project team and Joint Councils	To recommence discussions on the matters agreed and matters outstanding in the SoCG, comments tracker following review of DCO application documents.

Date	Method	Parties concerned	Matters Discussed
19.03.2024	Teams	AtkinsRéalis project team and Joint Councils	To discuss progress with the Pre-application stage, submission of S51 / Rule 9 documents, updates on the response tracker.
16.04.2024	Teams	AtkinsRéalis project team and Joint Councils	To discuss progress with the Pre-application stage, submission of S51 / Rule 9 documents, updates on the response tracker, update / 2 nd iteration SoCG. Set up specialist technical meetings.
02.05.2024	Teams	AtkinsRéalis highways design team, Joint Councils highways design specialists	Topic specific meeting to discuss matters raised by the Joint Councils relating to highways design.
08.05.2024	Teams	AtkinsRéalis Environment Lead, topic specialists, Joint Councils, Joint Councils topic specialists	Topic specific meeting to discuss matters raised on the Environmental Statement relating to Population and Human Health, Climate, and Archaeology.
09.05.2024	Teams	AtkinsRéalis Environment Lead, environmental topic specialists, Joint Councils, Joint Councils environmental topic specialists	Topic specific meeting to discuss matters raised on the Environmental Statement relating to Air Quality, Noise and Vibration, and Geology and Soils.
13.05.2024	Teams	AtkinsRéalis Environment Lead, environmental topic specialists, Joint Councils, Joint Councils environmental topic specialists	Topic specific meeting to discuss matters raised on the Environmental Statement relating to flooding and drainage, water quality, climate and ecology.
15.05.2024	Teams	AtkinsRéalis Environment Lead, environmental topic	Topic specific meeting to discuss matters raised on the Environmental Statement relating to landscape and materials and waste.

Date	Method	Parties concerned	Matters Discussed
		specialists, Joint Councils, Joint Councils environmental topic specialists	
20.05.2024	Teams	AtkinsRéalis PM team, AtkinsRéalis transport team, Joint Councils transport specialists	Topic specific meeting to discuss matters raised on traffic and transport.
21.05.2024	Teams	AtkinsRéalis project team and Joint Councils	Monthly SoCG Working Group to discuss the comments log tracker following the specialist topic meetings and to agree approach to updating the SoCG with matters agreed and matters not agreed.
07.08.2024	Teams	AtkinsRéalis project team and Joint Councils	Meeting to discuss the outstanding matters within the SoCG, including discussions around Active Travel, A4019 underpass, developer contributions, surface water quality, and climate.
12.08.2024	Teams	AtkinsRéalis project team and Joint Councils	Topic specific meeting to discuss Active Travel and to agree on scope of the plan to be produced to address Joint Councils outstanding comments.
22.08.2024	Teams	AtkinsRéalis project team and Joint Councils	Meeting to discuss outstanding matters in the SoCG, focused on heritage and traffic/ transport matters.
<u>02.09.2024</u>	<u>Teams</u>	<u>AtkinsRéalis heritage team and Joint Councils</u>	<u>Meeting to discuss outstanding matters relating to archaeology.</u>
<u>18.09.2024</u>	<u>Teams</u>	<u>AtkinsRéalis project team and Joint Councils</u>	<u>Meeting to discuss the programme for Geophysical Surveys.</u>
<u>30.09.2024</u>	<u>Teams</u>	<u>AtkinsRéalis project team and Joint Councils</u>	<u>Meeting to discuss ExA written questions 2, specifically question 9.0.1.</u>
<u>11.10.2024</u>	<u>Teams</u>	<u>AtkinsRéalis project team and Joint Councils</u>	<u>Meeting to discuss ISH4 agenda item 6 relating to noise.</u>

Date	Method	Parties concerned	Matters Discussed
<u>11.10.2024</u>	<u>Teams</u>	<u>AtkinsRéalis project team and Joint Councils</u>	<u>Meeting to discuss ISH4 Agenda item 3 relating to Active Travel provision.</u>
<u>05.11.2024</u>	<u>Teams</u>	<u>AtkinsRéalis project team and Joint Councils</u>	<u>Meeting to discuss the remaining outstanding matters in the SoCG.</u>
<u>w/c 11 November</u>	<u>Emails</u>	<u>AtkinsRéalis project team and Joint Councils</u>	<u>Emails to discuss and to resolve the outstanding SoCG items relating to active travel and traffic modelling.</u>
<u>26.11.2024</u>	<u>Teams</u>	<u>AtkinsRéalis AtkinsRéalis and Joint Councils</u>	<u>Meeting to discuss the final SoCG.</u>

3 Topics covered in this SoCG

3.1.1 The following table is a summary of the topics which are considered within this SoCG however, not all topics have recorded entries.

Table 4-1 - Summary of topics considered within this SoCG

Overarching topic	Topic Number	Topic
Background	1.	Principle of Development / The Scheme
	2.	Statutory Consultation
Relevant ES Chapter	3.	Assessment of Alternatives
	4.	Environmental Impact Assessment Methodology
	5.	Air Quality
	6.	Noise and Vibration
	7.	Biodiversity
	8.	Road Drainage and the Water Environment
	9.	Landscape and Visual
	10.	Geology and Soils
	11.	Cultural Heritage
	12.	Materials and Waste
	13.	Population and Human Health
	14.	Climate
	15.	Assessment of Cumulative Effects
Other Topics	16.	Engineering Design
	17.	Draft Development Consent Order
	18.	Land
	19.	Environmental Management Plan
	20.	Construction Traffic Management Plan
	<u>21</u>	<u>Funding</u>
	22	Transport

3.2 Comments log

3.2.1 The Joint Councils reviewed all of the DCO documents and collated all their comments in a Comments Log that was shared with the Applicant in April 2024. The Applicant responded to all the comments and any unresolved comments were discussed at topic meetings throughout May 2024 as outlined in Table 3.1 above. The majority of the comments have been resolved through either the topic discussions or updates to the ES chapters that have been submitted to PINS during the examination so far and any outstanding comments have been recorded in the Matters Outstanding section 5. -With

regard to matters to address at detailed design these are recorded as such in the matters agreed table and it is understood that further discussions will be ongoing continue with the Joint Councils in relation to comments raised on the detailed design after the Examination has closed.

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4 Matters Agreed

4.1 Principal matters agreed

4.1.1 Table 4-1 shows those matters which have been agreed, including the matter reference number, and the date and method by which it was agreed. The references to the ES chapters and other documents relate to those submitted with the DCO Application in December 2023, ~~and~~ documents submitted with the Applicant's responses to Rule 9 / S51 advice in March 2024 and documents submitted during the Examination unless otherwise indicated. Where the issues and references relate to historical discussion, such as the PEIR this is also indicated.

Table 4-1 - Matters agreed between the Applicant and Joint Councils

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
1.	Principle of Development / The Scheme			
1.1	Joint Councils	It is noted that there will be a section to the east and west of Uckington where there will be no street lighting to provide mitigation for bats. Similarly, it is proposed that the Link Road will not be lit, apart from a short section at the junctions at the northern and southern ends. Two sections of the A4019 to the east and west of Uckington comprising a 92m section to the east between Uckington and the West Cheltenham Fire Station, and a 150m section between Uckington and Cooks Lane, will also not be lit to provide mitigation for bats to be able to forage across the A4019. Please confirm the level of pedestrian activity in the area and any mitigation measures required to reduce safety risks.	The lighting strategy will be developed at detailed design including mitigation where required.	Agreed via specialist meeting 29.04.2024
1.2	Joint Councils	Confirm the construction working hours. It is noted that the working hours are provided within the EMP though clarification / confirmation is requested.	In G11 of the REAC and in the EMP states that unless otherwise notified (and agreed in writing with the LPA), construction works will take place during normal work hours 07:00 - 19:00 weekdays	Agreed via review of comments log 24.04.2024

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
			and Saturdays. Construction works outside of these hours shall be minimised as far as possible.	
1.3	Joint Councils	Discrepancy between the site area included in Chapter 1 (53 ha) and that which is included in ES Chapter 2 (54.1 ha). This may be particularly relevant for the BNG Assessment.	The site area is approximately 54ha.	Agreed at topic meeting 13.05.2024.
2. Statutory Consultation <u>(no comments)</u>				
3. Assessment of Alternatives				
3.1	CBC / TBC	Scheme alternatives and option selection process is outlined clearly in ES Chapter 3. The Joint Councils would expect to see further details on any environmental considerations that were included in the option selection process in the ES and how this influenced the outcome.	The selection of options through the design process included consideration of the impacts to the environment. Chapter 3 includes discussion on the environmental metrics used in considering alternatives and is considered accepted.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
4. Environmental Impact Assessment Methodology				
4.1	CBC / TBC	The Joint Councils would expect further details to be provided in the ES on the reasoning why visual receptors are scoped out in Table 9-8 as also noted by the Planning Inspectorate in Appendix 1.1.	A full review of potential receptors has been undertaken for the Landscape and Visual Impact Assessment (LVIA) and justification provided for those then scoped out from further assessment. It is agreed this has been adequately addressed in the ES.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
4.2	CBC / TBC	The Joint Councils note that the PEIR assessment does not include an assessment of the proposed lighting columns. The ES should include these in the assessment if they will be visible from the receptors in both the day and night and outline the effects these will have, and any mitigation measures needed to reduce the effects.	Lighting columns are assessed in the LVIA and therefore this comment has been addressed.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
4.3 – 4.5	Joint Councils	The Joint Councils review of the Population and Human Health ES chapter picked up a few discrepancies in the methodology and findings however these were discussed at a specialist meeting with the Applicant, and it was agreed that the updates will be made to the ES chapter submitted to PINS at Deadline 1.	It is agreed that the updates will be made to the ES documents submitted to PINS at Deadline 1.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted and at the specialist meeting on 09.05.2024
4.6	Joint Councils	In paragraph 4.6.3 of ES Chapter 4 it states that the baseline assessment for construction is taken as the year 2025 though it then goes on to say that the baseline is 2019. Please confirm a) when construction is likely to commence and b) the baseline year for construction.	It is agreed that construction commences in 2025 and baseline year for construction is 2019.	Agreed via comments log review 24.04.2024
4.7	Joint Councils	The assessment approach to describing the impacts is adequate for this stage. However, the Joint Councils expect the methodology outlined in the PEIR (DMRB LA 107) to be followed in the ES and the assessment of effects should follow the criteria for the identification of the sensitivity and magnitude of impacts to determine the significance of the effects and ensure these are outlined. The methodology should also define the terms used to describe the length of time the effects will occur until any mitigation becomes effective e.g. how long is 'long term'.	This matter has been addressed in the Landscape chapter in the ES.	24.04.2024
4.8	Joint Councils	The Joint Councils note that there is no mention of whether or not any permitted/licensed processes (e.g., IPPCs, COMAH, etc.) are within 500m of the Scheme. If this is because there are none within the boundary, the Joint Councils would welcome this confirmation in the ES.	These matters have been addressed in the ES.	03.06.2024

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
4.9	GCC	<p>GCC sought early discussion regarding the DCO requirement necessary to secure the production and implementation of the AMP.</p> <p>The AMP is expected to form part of the Register of Environmental Actions and Commitments (REAC) that will be a requirement of the Development Consent Order (DCO).</p>	<p>After reviewing the draft ES Chapter 11 – Cultural Heritage issued on 16.03.2023, GCC are now content that the outstanding concerns relating to this matter has been resolved.</p> <p>An outline AMP has now also been submitted and reviewed and the Joint Councils welcome the review of the 2nd iteration.</p> <p><u>The Applicant undertook further geophysical surveys and assessment during examination September 2024.</u></p> <p><u>A meeting was held on 28 October to discuss geophysical surveys and agreement. The County Archaeologist considers the details at the flood storage area to be of local, possibly regional significance. The County Archaeologist considers that the project now has sufficient baseline information for a decision to be made'.</u></p> <p><u>The AMP 1st Iteration has been updated (Rev 1.0) and shared with Joint Councils. Comments have been received and have been incorporated into the submission of the revised AMP at Deadline 10.</u></p>	<p>Agreed via email received on 22.06.2023 in response to the issue of dDCO documentation.</p> <p><u>Agreed via email 22.11.2024</u></p>
5.	Air Quality			
5.1	CBC / TBC	<p>The Joint Councils note the latest versions of assessment guidance documents, emission datasets and other assessment tools at the time of the assessment have been used. It is noted that a revised emission database has been issued since the assessment was undertaken (the assessment used the emission factors toolkit v10.1, but version 11 was issued</p>	<p>The methodology and tools adopted in the air quality assessment are considered appropriate.</p>	<p>Agreed via email on 15.03.2024 as part of the review of the DCO application documents submitted.</p>

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
		<p>in November 2021). However, the update does not result in changes to emission factors for nitrogen dioxide (NO2) and particulate matter PM10, which are the key pollutants included in the air quality assessment. The updates in EFT v11 are for carbon dioxide only.</p>		
5.2	CBC / TBC	<p>The Joint Councils are keen to understand the direct relationship between traffic impacts and air quality of the Scheme. It is recommended that the Scheme should take into account the county-wide Gloucestershire Air Quality and Health Strategy. Additional traffic measures aiming to reduce congestion and source emissions should help to reduce dangerous pollutant concentrations and reduce the risk of detrimental impact on health and wellbeing within the area.</p>	<p>The Gloucestershire Air Quality & Health Strategy is identified at paragraph 5.3.22 of the ES. The Scheme seeks to improve the transport network, supporting policy in the Gloucestershire Local Transport Plan and councils' Joint Core Strategy.</p> <p>Chapter 5 of the ES has concluded that the Scheme would not have an overall significant adverse effect on human health or designated habitat receptors. Therefore, the Scheme does not conflict with the aims of the Gloucestershire Air Quality and Health Strategy.</p>	<p>Agreed via email on 15.03.2024 as part of the review of the DCO application documents submitted.</p>
5.3	Joint Councils	<p>The Air Quality ES Chapter references the Cheltenham BC Air Quality Action Plan 2014. This is not the most recent AQAP for CBC, though the text does acknowledge CBC were revising their AQAP with anticipated consultation in 2022.</p> <p>We have identified that a new CBC AQAP was published in 2022 (https://haveyoursay.cheltenham.gov.uk/public-protection/draft-air-quality-action-plan/supporting_documents/Draft%20Air%20Quality%20Action%20Plan%202022.pdf).</p>	<p>The ES chapter was updated to reflect CBC Air Quality Action Plan 2023 and was included in the S51 submission on 22 March.</p>	<p>Agreed via topic specialist meeting 09.05.2024.</p>

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
		We would invite the Applicant to provide a response on any implication of the new AQAP on the assessment scope or findings therein.		
5.4	Joint Councils	There is no justification provided within the Air Quality ES chapter for scoping out construction worker vehicle movements. We would invite the Applicant to provide a response on this.	This was included in the updated ES chapter included with the s51 submission to PINS on 22 nd March.	Agreed via comment tracker updates. 24.0.2024
5.5	Joint Councils	The potential impacts of the combination of construction HGVs with traffic management routes (diversions) do not appear to have been considered.	This was included in the updated ES included with the s51 submission to PINS on 22 nd March.	Agreed via comment tracker updates. 24.0.2024
5.6	Joint Councils	Table 5-15 RFFP is often cited as being too small to impact the Scheme. No descriptor is provided to define a threshold at which a RFFP may affect the Scheme. We invite the Applicant to provide a response on this.	This is addressed within Chapter 15 on the selection of the RFFPs.	Agreed via comment tracker updates. 24.0.2024
5.7	Joint Councils	No justification is given as to why the dwellings identified in Table 5-15 would not be sensitive to AQ impacts from the Scheme. We invite the Applicant to provide a response on this.	Lansdown Industrial estate outside of the air quality study area.	Agreed via topic specialist meeting 09.05.2024.
5.8	Joint Councils	The value '-0.4' within Appendix 5.1, Table 1-4. "Site ID CM1, final column looks anomalous. This could just be a typographic error and should perhaps be— '-44%'. This would then concur with the description in paragraph 1.4.5 that modelled concentrations at only four sites fell within 25% of monitored concentrations. Could the Applicant please confirm the anomalous figure has not been carried forward in calculations affecting derivation of an adjustment factor, and thus	Typo clarified with Joint Councils and confirmed the correct figures were used in calculations.	Agreed via topic specialist meeting 09.05.2024.

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
		potentially affecting dispersion modelling results reported in the assessment.		
5.9	Joint Councils	Scenario_R has not been defined in any of the Air Quality assessment documents.	Typo clarified with the Joint Councils.	Agreed via topic specialist meeting 09.05.2024.
5.10	Joint Councils	Paragraph 5.6.14 states that the CBC 2022 ASR is not yet published. However, ASRS for 2022 and 2023 are now available on the CBC website, as are AQ Mesh monitoring data. We would invite the Applicant to provide a response on any implication of the latest LAQM ASR and AQ Mesh data on the baseline data and assessment findings presented in Chapter 5 of the ES."	No change to the outcome of the assessment. The latest monitoring data from the 2023 ASR was reviewed. 2022 monitoring results were similar to those reported in 2021. There were no new exceedances in 2022. If the 2022 monitoring data had been included in the ES it would not have changed the outcome of the ES. A CMS has been installed by CBC, located just outside the air quality study area. PM2.5 results for 2023 are expected to be published in the 2024 ASR, interim results indicate that the annual mean concentration recorded was less than the PM2.5 air quality objective and future fine particulate targets for 2028 and 2040. AQ Mesh monitoring data is indicative only as this is not a reference method and would not be used for comparison with the air quality criteria	Agreed via topic specialist meeting 09.05.2024.
5.11	Joint Councils	No explanation is provided as to why the annualisation factor for Site D2 is different from other monitoring locations in Table 5-7.	No change to the outcome of the assessment, one tube had been lost during the site specific survey at Site D2 so the annualisation is an average of 5 monthly results as compared to 6 monthly results at the other locations.	Agreed via topic specialist meeting 09.05.2024.
5.12	Joint Councils	Is the cross reference to Table 5-15 "16/02000/OUT (Elms Park) incorrect as how are the 4115 receptors in this development located relative to the Scheme ARN.	No change to the outcome of the assessment. This reference has been corrected in updated chapter AS-012 to refer to the operational phase assessment. The Elms Park development is	Agreed via topic specialist meeting 09.05.2024.

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
			partially within 200 m of the ARN however the development extends up to km north from the A4019. The receptors reported in the opening year assessment reflect the representative locations with the highest concentrations and largest improvements and worsening as a result of the project and all receptors with the likelihood of exceeding the air quality criteria. Additional receptors within the proposed development in the opening year operational assessment were not necessary.	
5.13	Joint Councils	Section 5.12 Presents a summary of assessment findings. These are a true reflection but omits to summarise assessment of potential future receptors modelled on transects.	No change to the outcome of the assessment. The assessment of the NO2 concentrations in the future year were included as a sensitivity test to confirm that assessment in the opening year was the worst case scenario given that there is expected to be traffic growth associated with additional development as a result of the Junction 10 improvement. Our report confirms that the opening year is the worst case scenario for air quality at human health receptors, as results are higher in the opening year DS scenario than with the future year DS scenario for existing receptors and future strategic development sites. As the sensitivity test was in addition to the methodology outlined in the DMRB LA105 we have not reported the findings in our summary section.	Agreed via topic specialist meeting 09.05.2024.
5.14	Joint Councils	Table 2-3 "Presents PM concentrations for human health receptors for the base year only, as justified in paragraph 5.7.35 of Chapter 5 of the ES." To future proof the assessment, it would have been prudent to also calculate base year PM at the transect	No change to the outcome of the assessment. Paragraph 5.7.32-5.7.33 of AS-012 refers to the human health impacts for particulate matter. The findings are that the worst case results for receptors across the study area are reported at	Agreed via topic specialist meeting 09.05.2024.

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
		receptors (T_1 to T_44), representing future receptors enable by the Scheme, to also justify no PM modelling at these locations in future years.	R_59, R_66 and R_67, reported in APP-064, Table 2-3. This is the same as the finding for NO2 concentrations in paragraph 5.7.21 of AS-012. We can confirm that there are no exceedances of the PM10 and PM2.5 AQ objectives in the base year at R_59, R_66 and R_67 at any modelled locations including the future transect locations.	
6. Noise and Vibration				
6.1	CBC / TBC	The baseline noise surveys were undertaken in May/June of 2021 following COVID-19 lockdown restrictions, as it was considered to be representative of an almost 'back to normal' situation. The Joint Councils suggest that additional baseline surveys may be required if it is judged that the traffic circumstances have changed significantly since May/June of 2021 at the time of preparing the ES.	Paragraph 6.6.7 of ES states the following regarding the validity of the baseline survey. <i>"It is considered that the traffic levels were at/close to prelockdown conditions, and it did not significantly affect the baseline noise levels in the study area."</i>	Agreed via email on 15.03.2024 as part of the review of the DCO application documents submitted.
6.2	CBC / TBC	The PEIR includes a high-level construction noise assessment, which highlights potential areas that might be affected by construction noise from the Scheme. It goes on to state that the ES will include a full BS 5228-1:2009+A1:2014 assessment, including ambient noise environment at the closest receptors and distance to receptors construction methodology, including proposed equipment, work hours and duration. The proposed more detailed assessment for the ES is welcomed by the Joint Councils. The Joint Councils would also expect the detailed construction noise assessment to provide more Scheme specific best practical means mitigation measures, than those outlined in the PEIR.	Quantitative construction assessment is included in section 6.9. Scheme specific BPMs are outlined as the embedded and essential mitigation in section 6.8.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
6.3	CBC / TBC	The Joint Councils would expect the ES to identify all properties that are predicted to have a residual significant adverse effect, and which may need to be considered for noise insulation measures, or temporary rehousing of occupiers.	<p>Properties with residual (unavoidable) significant adverse effects have been identified for the operation.</p> <p>For construction the ES states the following in paragraph 6.9.22: <i>“Based on a worst case scenario assessment it is considered that the moderate or major works would not exceed the duration threshold due to the nature of the works. Therefore, construction noise is unlikely to lead to significant effect, including temporary rehousing or noise insulation.”</i></p> <p>With regards to construction traffic and diversion routes the ES states the following in paragraph 6.9.49: <i>“Predicted changes that are Moderate or Major are considered to be potentially significant, although these changes are not significant in the long term as limited to the duration of the slip road closures.”</i></p> <p>Furthermore, the criteria for noise insulation and temporary rehousing is unlikely to be met for the diversion routes, since most are more than 300m away from physical works and the absolute noise levels would be below 68 dB LA10,18hr (i.e. there is a potential for significant change in noise, but the absolute noise levels are below the trigger levels).</p>	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
7.	Biodiversity			
7.1	CBC / TBC	Chapter 2 of the PEIR gives a brief overview of the key aspirations for the environmental design which the Joint Councils welcome. The Joint Councils would expect to see further details on this provided in the ES, including	Further detail has been provided as part of the ES including details of the assessment undertaken of	Agreed via email on 15.03.2024 as part of the review of the

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
		reference to Biodiversity Net Gain (BNG) and whether and how the Scheme is looking to achieve this.	the biodiversity net gain (BNG) achieved by the Scheme.	dDCO application documents submitted.
7.2	CBC / TBC	BNG is mentioned a few times in the PEIR (e.g. paragraphs 7.6.17 and 7.12.10). The text mentions net gain targets and ensuring BNG, but there is no explanation within the Biodiversity chapter about whether the project is committing to achieving BNG, or what the intended target is. The Joint Councils would expect this to be clarified, either in the ES or elsewhere. It is also noted that a biodiversity BNG using metric 3.0 is listed as part of the next steps and it is expected that this would be submitted with the ES (as stated in paragraph 7.12.10). The Joint Councils preference is for BNG to be achieved on site, as an integral component of the Scheme. If this cannot be achieved, then we would request an early conversation about the proposals as in the spirit of the Environment Act 2021, this should be met on or as close to the site as possible and bring benefit to the local biodiversity and communities.	The Scheme has an objective of achieving a net gain in biodiversity. The Scheme has potential to achieve in excess of 10% for all BNG elements (based on design proposals submitted and metric assessment). The justification for using the Metric v3.0 methodology is provided in the text and therefore this matter is resolved.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
7.3	CBC / TBC	The methodology of assessment is in line with DMRB LA 108, which is considered appropriate for a road scheme. Limitations to baseline data collection and potential impacts of these on the assessment are set out. The Joint Councils would expect these to be reviewed and refined for the ES, taking into account any additional survey data collected and any changes to the Scheme.	These matters have been addressed in the ES. All limitations are clearly defined in ES chapter.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
7.4	CBC / TBC	Detailed terrestrial invertebrate surveys have not been carried out, but no explicit explanation for excluding	The presence of notable terrestrial invertebrate assemblages was ruled out within most of the	Agreed via email on 15.03.2024 as part of

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
		them has been provided in the PEIR. Paragraph 7.5.102 states that it is considered that priority assemblages of terrestrial invertebrates are unlikely, based on the habitat types. The Joint Councils expect the ES to provide a clear explanation for the exclusion of detailed surveys and to set out any potential limitations to the assessment/mitigation proposals as a result of this.	study area due to poor habitat. The exception was traditional orchard habitat, which was assumed to support noble chafer and accorded a value of County importance on a precautionary basis. Noble chafer was then scoped out of the assessment because none of the traditional orchards will be affected by the Scheme. This detail has been included within the ES. The explanation given is also provided in the ES chapter.	the review of the dDCO application documents submitted.
7.5	CBC / TBC	Paragraph 7.11.6 in the Biodiversity chapter appropriately considers the age of survey data and notes that some updates to the extended Phase 1 habitat survey in some areas will be carried out, to verify the baseline conditions prior to submission of the ES and determine whether any conditions have changed. This approach is acceptable. It is expected that the age of all other survey data will be considered, and any limitations set out in the ES, along with any assumptions that have been made in the assessment in relation to this.	These matters have been addressed in the ES. Survey data and age of data explained in ES chapter along with limitations and mitigation requirement to update some surveys prior to construction.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
7.6	CBC / TBC	Paragraphs 7.6.27 to 7.6.34 and Table 7-8 in the Biodiversity chapter set out habitat loss and creation. This includes terrestrial (ha and linear m) and aquatic habitats. Paragraph 7.6.28 states there is a permanent loss of 69ha, and a temporary loss of 32ha. Paragraph 7.6.32 states that habitat creation will offset the effects of habitat loss and fragmentation, with a potential minor beneficial effect on habitats stated in 7.6.34 during operation. The information in the PEIR does not explain/evidence how the proposals offset these effects, particularly as the numbers in the table indicate an	Habitat that will be lost, the majority of these areas are of lower value for biodiversity, such as improved grassland/arable habitats. The habitat creation proposed will offset effects of habitat loss by providing an increase in area of the more valuable habitats. For example, 8.74 ha of plantation woodland will be removed, and 13.5 ha of woodland will be created; the majority of grassland habitat to be removed is of low nature conservation value, and 21.16 ha of species-rich grassland and grassland with bulbs will be	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.

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		overall loss of terrestrial habitats and there is no explanation regarding this. The ES should consider the best way to present the overall mitigation plan and habitat loss/creation in relation to terrestrial and aquatic habitats. If there is an overall net loss of terrestrial or aquatic habitat, the ES will need to include further explanation/evidence about how the habitat creation proposals offset the effects of this loss.	created. Habitat loss and creation has explained in ES and in the BNG assessment.	
7.7	GCC	The work on the potential ecological impact of the various highway improvements has been reassuringly detailed so far. The biodiversity resources being scoped in as being potentially adversely impacted at 7.6.10 of the PEIR seem correct. It is acknowledged that more survey work in the coming months will be carried out to fully inform the ES for the DCO process. For this reason, final assessments, particularly for bats, dormice and reptiles are not possible. Generally, though, the mitigation listed looks appropriate but may need to vary a little when all survey information is in including some pre-construction surveys at key locations/times, e.g. for badgers. The very useful table 7-12 (Summary of impacts and effects from construction and operation of the Scheme) will need reviewing in connection with late breaking survey information as well as any late changes in scheme design nearer to the DCO stage.	The Bat Survey data has been updated and assessment undertaken with any limitations clearly set out in the ES chapter.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
7.8	GCC	The Environment Bill is referenced in the biodiversity chapter of the PEIR at 7.2.11 and 7.2.12. This needs to be updated to the 'Environment Act' with the relevant aspects being Sections 99 (Biodiversity Net Gain (BNG) for NSIP) and 102 (biodiversity duty). It is pleasing to see reference to the Gloucestershire Highways Biodiversity Guidance, the fledgling Nature Recovery	The legislation and policy section of the ES chapter was updated for the time of writing. Whilst some changes have occurred since that time, the information is relevant.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.

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		Network (NRN), and the county Tree Strategy at 7.2 of the PEIR. There is brief mention at the end of this part of the biodiversity chapter to the Gloucestershire Local Nature Partnership (GLNP). Usefully reference should also be made in the ES to the Partnership's current strategy "Growing Natural Success 2021-2024" and that GCC is a key member.		
7.9	GCC	The old Gloucestershire Biodiversity Action Plan (BAP) shouldn't form a titled section in the ES but instead a section on the GLNP should briefly reference the old BAP. This section should also refer to the new NRN and work currently underway to produce a mandatory Local Nature Recovery Strategy (LNRS) for Gloucestershire (which GCC is likely to be named the responsible body to compile and publish by the end of 2023). In Appendix 7.1 at 1.2.7 it would be more accurate to end the first sentence with '...and is using these to review the suite of Strategic Nature Areas (SNAs) to feed into a new LNRS for the county.'	Information about GLNP is included in the legislation and policy section of the ES, with reference to the old BAP.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
7.10	GCC	The objective to aim for a level of Biodiversity Net Gain (BNG) which will be a mandatory requirement for such schemes in a few years' time (Environment Act Section 99 and Schedule 15) is welcomed. Retaining as much existing vegetation that has good value for biodiversity (its quality or location) is supported. Where necessary, mitigation to reduce risks to a low level must be effective, i.e., proven efficacy, carefully located/implemented and be sufficient. Going beyond pure mitigation at certain places will help to achieve the BNG objective. The results of using the new BNG metric 3.0 will be an important part of the ES as will a response to the calculation made. Areas calculated should, in our	BNG assessment provided. Text in the ES chapter shows that the habitat creation proposals have been influenced by mitigation and compensation requirements for habitats and species affected by the scheme.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.

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		view, refer to real areas not just simplified ones from a 2D plan. The metric outcome, although not covering all matters (e.g., species' populations and potential implications for designated sites), should if appropriate influence the extent of habitat features created or retained or even the need to purchase some biodiversity credits if biodiversity enhancement is not possible on other land away from the scheme area.		
7.11	GCC	Table 7-10 (Watercourse construction impact pathways) and Table 7-11 (Watercourse operational impact pathways) are very useful and something like these should be included in the ES. The new clear span bridge over the River Chelt and enhancement of existing culverts with mammal ledges is very important and relevant to the comments on otters below. Also, the section on mitigating and enhancing aquatic habitats is supported (7.7.47 to 7.7.60).	Watercourse impact assessment and mitigation / enhancement is included in the ES chapter.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
7.12	GCC	Otters are present in the area and so there needs to be some anticipation of likely change in otter movements because of implementing the scheme. This is as opposed to just purely considering existing movement patterns and mitigating for any impact on the current situation. New wetland features/habitats may attract otters on a regular or occasional basis, e.g., to balancing ponds or washlands. So, just an assessment in the ES of the use of existing watercourses and associated habitat is unlikely to be sufficient. Mitigation may require further tweaks such as designs of structures (bridges/culverts) or landscaping (corridors that would be preferentially used by otters) or special fencing (7.7.26) so that otters (and badgers) are less likely to cross a carriageway. If all risks cannot be	The ES chapter includes a description of measures including underpasses and mammal fencing in relation to badger and otter. Includes retro-fitting otter ledge to River Chelt culvert.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.

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		reasonably reduced, then there may be a need for some strategically placed 'otter' eye level reflectors to bounce back car headlights to deter otters from the roadside at night (and similarly deer perhaps?).		
7.13	GCC	Great Crested Newt District Level Licensing (GCN DLL) should be employed if the cost is similar or less than traditional licencing. This is because GCC promotes the use of this scheme to others, and it helps to provide new habitats for GCNs in a strategic way across the county. The most important part of DLL is that it results in fewer delays to works especially if designs or proposed operations or timetables change. We are aware that GCC/Atkins are in contact with Naturespace who can advise further. They will also be able to confirm how DLL may be employed, i.e. because there is a link with consenting of some aspect of the highways scheme such as from a Local Planning Authority or other decision maker.	Joint Councils are in support of the District Level Licensing (DLL) scheme for Great Crested Newts (GCN), and it is confirmed that Naturespace is being consulted regarding DLL and therefore this matter resolved.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
7.14	GCC	We note a Habitats Regulations Assessment (HRA) screening report is being prepared with input from Natural England and the main concern is impact on migratory fish population connected with Severn Estuary. It would be good to see early sight of a confirmed or near final version of an HRA document for the scheme.	The Habitats Regulations Assessment (HRA) (Appendix 7.13) was submitted with the DCO application. It shows evidence of consultation with Natural England.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
7.15	Joint Councils	Is there an intention for the Applicant to submit the results of the 2023 bat survey work to the Examination, along with commentary on whether this affects the assessment conclusions. Having reviewed the very precautionary approach taken to the assessment, is considered that additional adverse effects as a result of	An addendum is being produced and will be submitted if requested during Examination. Natural England have seen the results of the 2023 bat survey work, which have been incorporated into the updated draft bat licence, for which a LoNI	Agreed via specialist meeting 12.05.2024.

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		further surveys are highly unlikely. However, some commentary on this in relation to additional survey work would give confidence in this assumption.	has now been issued. The Applicant has confirmed no change in overall results.	
7.16	Joint Councils	<p>Paragraph 7.8.141-7.8.145 (and REAC B7 and B10) provide context to the grassland creation aims, and the intention to following the National Highways Low Nutrient Grassland approach is welcomed.</p> <p>Paragraph 7.8.144 states grassland will be managed with <i>'one cut at an appropriate time of year (late July to end of September)'</i> in line with the recommendations in the Gloucestershire Highways Biodiversity Guidance (2022). As there is no specific mention of appropriate management of habitats for harvest mouse in the ES or other documents, to agree with the assessment for harvest mouse we would like to seek assurance that the Landscape and Ecology Management Plan (LEMP) will include provision for appropriate management of habitats in some areas of the scheme in a way that provides opportunity for this species, as well as other mammals, reptiles, amphibians and invertebrates.</p> <p>For example, The Gloucestershire Highways Biodiversity guidance indicates that provision for species should be included, and that areas of taller, more infrequently cut vegetation should be allowed to develop where appropriate (e.g. at the back of verges) to provide space for species. A balance between measures to increase plant diversity, and provide space for other wildlife, will need to be set out in the LEMP and Road Verge Compensation Strategy.</p>	This has been added to the 1st iteration LEMP which has been submitted with S51 submission to PINS 22 nd March and reviewed by the Joint Councils.	Agreed via specialist meeting 12.05.2024

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7.17	Joint Councils	Paragraph 7.10.60 identifies that there is potential for significant cumulative effects on species as a result of RFFPs and states that 'mitigation is included within the Scheme' (M5 J10). The REAC (CEA2) which sets out a commitment to managing these potential impacts through co-ordination between the Scheme promotor and developers. Can any more information be provided about how this risk will be managed through the detailed design and construction process and is there any intention to adapt proposals or programme to avoid potential significant effects if specific conflicts are identified during consultation.	This will be managed through discussions with the Developers. All of the mitigation identified is within the Scheme's Order limits. The Joint Councils assume there is no intention to change the mitigation within the schemes order limits, but that the Applicant will work with developers to ensure that developers are aware of the mitigation measures included in the scheme, so that this can be integrated with future development proposals.	Agreed via comment log review 24.04.2024.
7.18	Joint Councils	The bat mitigation guidelines were published in September 2023 with updated information about evaluation. Do these guidelines affect the valuation of bats undertaken as part of the Scheme? We understand this written assessment likely took place prior to release of the guidelines (despite the October 23 date on the documents). Based on the information provided, it initially appears unlikely the guidelines would alter the evaluation within the ES but comment on this from the Applicant is needed, as changes to the evaluation of this receptor could alter the residual effect assessment.	The assessment took place prior to the release of the guidelines. It is considered unlikely that the updated guidelines would alter the evaluation within the ES.	Agreed via comment log review. 24.04.2024.
7.19	Joint Councils	The ILP guidance referred to has recently been updated. Detailed design should take into account the most up to date guidance available at that time.	The Applicant will ensure this is logged for detailed design.	Agreed via comment log review. 24.04.2024.
7.20	Joint Councils	The ES chapter states that a Road Verge Compensation Strategy will be designed and agreed with statutory consultees during detailed design and that Natural England have confirmed they are in agreement	GCC will be listed as a relevant consultee for the future strategy.	Agreed at specialist meeting 13.05.2024.

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		<p>with the broad proposals. The Joint Councils wish to be consulted on the Road Verge Compensation Strategy.</p> <p>The Joint Councils would like to understand who are the 'relevant consultees' who will be party to the monitoring information during habitat establishment.</p> <p>The Applicant have outlined that GCC have been consulted throughout. The 'relevant' consultees' will be identified during detailed design, when the Road Verge Compensation Strategy will be produced.</p>		
7.21	Joint Councils	<p>What is the status of the draft bat mitigation licence. Text for hazel dormouse and badger both refer to a Letter of No Impediment (LoNI) from Natural England. This isn't mentioned for bats.</p>	<p>The Applicant updated draft bat mitigation licence that was submitted to Natural England on 10/01/2024. Meeting held with Natural England on 04/03/2024, where Natural England confirmed that they would issue a LoNI on the basis of this updated draft, with some relatively minor caveats. The LoNI was received on 04/03/2024.</p>	<p>Agreed at specialist meeting 13.05.2024.</p>
7.22	Joint Councils	<p>The Applicant notes that NatureSpace District Licensing will be secured as part of the DCO and will form one of the pre-commencement conditions of the Scheme. However, it is not clear how this will be secured.</p> <p>REAC B4 states that the GCN District Licence will be committed to. However, this then says there will be a precautionary method statement for GCN in the EMP secured as part of DCO requirement 3(1) and 3(3). The reference to a precautionary method statement is confusing in relation to the district licensing approach. Can we seek assurance that the conditions of any such licence will be followed in terms of site clearance, and that these will be incorporated in the EMP?</p>	<p>An updated REAC included in the s51 submission on 22nd March now references NatureSpace District Level Licencing.</p> <p>This was discussed and the issue is captured through the LEMP and REAC.</p>	<p>Agreed at specialist meeting 13.05.2024.</p>

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7.23	Joint Councils	The Joint Councils welcome the National Highway's Low Nutrient Grassland policy being applied during the design of this road scheme and road verge habitats. The ES (and/or accompanying landscape and ecology management plan) should explain the proposed aims and objectives of grassland design for both the road verge habitats and other areas. Descriptions such as 'grassland with bulbs' require more detail to explain their value for biodiversity.	This matter has now been addressed in the ES.	Agreed at specialist meeting 31.05.2024
7.24	Joint Councils	Biodiversity monitoring arrangements is welcomed – but more information is required on proposals to overcome the barriers to wildlife movement caused by the Scheme. Please clarify whether there'll be biodiversity monitoring post-scheme development? Information on proposals to avoid fragmentation of habitats and therefore overcome barriers to wildlife movement are presented in the Biodiversity chapter of the ES.	This matter has now been addressed within the LEMP submitted at S51 deadline.	Agreed at specialist meeting 31.05.2024
7.25	Joint Councils	It's stated that grassland habitats will be created totalling 22.56 ha, but that not all of this will be suitable as a foraging resource for barn owl due to location / management. Can it be confirmed that the grassland that is appropriately managed and located (away from collision risk) at least matches that lost on a 1:1 ratio (4.7 ha of potential foraging habitat is lost). The Applicant confirms that the grassland that is created and appropriately managed/located at least matches that lost. Suggested amendment to paragraph 7.8.102: The Scheme will result in the loss of a small area (4.7 ha) of potential foraging habitat for barn owl at the eastern end of the A4019 and at the southern end of	The updated paragraph will be included in an update to Chapter 7: Biodiversity that will be submitted to PINS at deadline 1.	Action agreed at specialist meeting 13.05.2024

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		the Link Road. However, loss of this foraging resource makes up a very small part of the available foraging habitat in the wider area, and grassland habitats will be created (over 35 ha of grassland will be created) which will replace this resource, once established. It is acknowledged that not all of this area will provide suitable foraging resource for barn owl due to inappropriate location and/or inappropriate management, however the areas along the Link Road, adjacent to the River Chelt and within the flood storage area in particular are likely to be suitable, providing at least the equivalent to that which will be lost.		
7.26	Joint Councils	Paragraph 7.7.13 text refers to terrestrial invertebrates as given a precautionary value of County, assuming the presence of a key population of noble chafer at traditional orchards. However, paragraph 7.6.129 states noble chafer as County importance, but the remaining terrestrial invertebrate assemblage as 'less than Local' importance. Terrestrial inverts are also mentioned in the conclusion as an important ecological resource but are scoped out of the impact assessment (with exception of noble chafer). Is it correct to assume paragraph 7.7.13 is an error? Minor error in 7.7.13. First two sentences of 7.7.13 could be replaced with 'Traditional orchards and potentially present noble chafer population have been assigned a value of County importance.'	This will be included in an update to Chapter 7: Biodiversity that will be submitted to PINS at deadline 1. The Joint Councils agree that when chapter is resubmitted at any point in the examination this error will be corrected.	Action agreed at specialist meeting 13.05.2024
7.27	Joint Councils	Permeability of the scheme is important, creating opportunities for wildlife to move through the landscape	This was discussed in meeting held on 13.05.2024. The Joint Councils accept the	Agreed at specialist meeting 23.05.2024

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		<p>around the junction. The scheme includes a variety of measures described in the ES chapter paragraph 7.8.17 - 7.8.22 including the large underpass, mammal tunnels, ledges and bat 'hop-overs'. The mammal crossing tunnels are shown on the Environmental Masterplan figures, but it does not appear that the ledges at the River Chelt or flood relief on link road are shown although the location is described in the ES chapter. Sheet 4/5 of the Environmental Masterplan indicate that an existing culvert within the order limits will be slightly extended. No mammal crossing appears to be linked to this location. Similarly, a potential culvert shown on Sheet 7 does not include a crossing feature. Do these features present opportunities to retrofit crossing features to increase permeability of the M5 corridor, or is there a reason this has been discounted as an option?</p> <p>Sheet 4/5 of the Environmental Masterplan relates to the Leigh Brook. The existing Leigh Brook Culvert under the M5 will be extended by 0.02 km. The Leigh Brook is a heavily modified drainage channel with very low water levels limited to a few stagnant pools, and limited 'truly' aquatic habitat at the point of interaction with the Scheme. Given the very low water levels, it was not considered that a mammal crossing/ledge would add any benefit at this location as mammals can pass through the culvert freely and will continue to be able to do so with the Scheme in place.</p> <p>Sheet 7 refers to Minor Watercourse 4, which is within the Order limits but beyond the Scheme alignment. No impacts are anticipated here and therefore no crossing point features have been included. At this location Minor</p>	<p>Applicant's response that these features were considered but not appropriate in this case.</p>	

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		Watercourse 4 passes underneath the M5 carriageway through two small tunnel culverts which otters may use as a crossing point beneath the M5 during low flow conditions. The only potential solution to improve the situation here would be a new underpass located above possible flood levels which is considered disproportionate given that this watercourse will not be impacted.		
8. Road Drainage and the Water Environment				
8.1	CBC / TBC	Section 8.6 in the PEIR outlines that a preliminary Highways Agency Water Risk Assessment Tool (HAWRAT) assessment has been undertaken, based on available information at this stage. However, it is noted that no ambient background concentrations for copper or water hardness data were reported as part of the assessment methodology. This should be applied at the next stage of the assessment, to ensure appropriate mitigation measures are accounted for.	HEWRAT assessment has been undertaken as expected.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
8.2	CBC / TBC	Section 8.11 in the PEIR states that the National River Flow Archive has been used to provide an estimate of flow on the River Chelt. The Joint Councils recommended that at the next stage of assessment, flow estimates are either amended based on catchment area scaling or estimated using Low Flow Estimates modelling (or equivalent).	The Low Flows Estimation Tool has been used in the assessment.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
8.3	CBC / TBC	Joint Councils note the use of the conservative assumption of using $0.001m^3/s$ results in a requirement to consider the receptor as soak away and therefore a groundwater assessment will be required. The Joint Council recommend in the next stage of the assessment, that flow estimates based on catchment	Following the Low Flows Estimation (LFE), none of the receptors have flows equal to or less than $0.001m^3/s$. Therefore, no requirement for a groundwater assessment. LFE used in HEWRAT assessment, comment resolved.	Agreed via email on 15.03.2024 as part of the review of the DCO application documents submitted.

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		<p>area scaling or Low Flows modelling are considered. If the 0.001m³/s is retained, a judgement should be made regarding the requirement for a groundwater assessment.</p>		
8.4	CBC / TBC	<p>Paragraph 8.6.31 in the PEIR outlines that compensatory floodplain volumes and locations have been identified. However, further details on what has been done to ensure high confidence in the viability of these areas in terms of ground conditions and like-for-like vertical profile of storage volumes are required.</p> <p>9/3/22 - further clarification provide by consultee - Compensatory storage - volumes and locations identified but what has been done to ensure high confidence in the viability of these areas in terms of ground conditions and like-for-like vertical profile of storage volumes? Can it be stated that compensatory storage areas will be fully free draining and discharge all temporarily stored water without notable residual standing water? Noted that Appendix 8.1 FRA states level for level not required in agreement with EA so perhaps this can be signposted in the chapter text.</p>	<p>The identified flood storage has been subject to detailed ground investigation and testing. The interpretation of this is such that the basin would not suffer from groundwater intrusion and thus retain the required volume for floodwater. There may be some isolated and localised intrusion, or infiltration through a gravel lens found near the southern excavated edge of the flood storage area. This is likely to be of negligible flow and would pass straight through the storage area and out through the Piffs Elm culvert. The basin would not permit infiltration of stored water and instead all outflows will need to be through the Piffs Elm culvert. The storage area is not intended to provide reposition of floodplain on a level for level basis as the Junction does not displace water on a level for level basis - it is hydraulically disconnected from the River Chelt.</p> <p>The compensatory floodplain by the Link Road will be free draining and discharge all temporarily stored water in the same manner that the existing floodplain does today: any residual standing water will not be increased. Similarly, at the flood storage area the basin will fully drain after a flood event, with the exception of any permanent body of water purposefully retained for biodiversity or related benefit.</p>	<p>Agreed via email on 15.03.2024 as part of the review of the DCO application documents submitted.</p>

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			The Joint Councils support this change and that this future assessment and consultation with the Environment Agency will determine the final extent and design of the mitigation required. The proposed compensatory flood storage has been assessed in detail using a 1D-2D hydraulic model.	
8.5	CBC / TBC	<p>Section 8.8 outlines the residual impacts on flood risk. The Joint Councils have noted some inconsistency between table 8.12 and paragraph text in the assessment and so would expect clarification of this assessment.</p> <p>9/3/22 - further clarification provided by consultee - Paragraph 8.8.19 states that the worst-case adverse residual impact on flood receptors is Negligible resulting in Slight or Neutral significance. However, Table 8-12 shows Moderate Adverse significance for Elmstone Business Park. How is this reconciled?</p>	It is agreed that the magnitude of impact for flood risk have been assessed using detailed hydraulic modelling.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
8.6	CBC / TBC	The Joint Councils acknowledge this is a preliminary FRA and would expect more details included in the updated FRA on the volumetric calculations of compensatory floodplain storage with respect to displaced flood water, the timing of peak flows and volumes and revisions with the updated (lower) climate change allowances applied to the modelling.	Volumetric floodplain impacts have been quantified in the submitted ES.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
8.7	CBC / TBC	The Joint Councils would also expect to see confirmation of whether the proposed compensatory flood storage falls within the scope of the Reservoirs Act and if so, that an All Reservoir Panel Engineer will be engaged.	All Reservoir Panel Engineer has been engaged and the FRA confirms the River Chelt floodplain storage falls under the Reservoirs Act 1975. Modelling has been undertaken to understand impact of the 1:10,000 and PMF flood events and a Construction Engineer has been appointed to	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.

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			oversee design and supervision of the works in relation to the Reservoirs Act.	
8.8	CBC / TBC	Table 8.1 in the PEIR refers to the Environmental Permitting Regulations (2016) which is welcomed however, the Joint Councils agree it would be useful to make the linkage between these regulations and WFD as one of the EU Directives referred to is the WFD and is therefore, key to permitting.	<p>These matters have been addressed in the ES, where a connection is made between the Environmental Permitting Regulations (2016) and Water Framework Directive (WFD) as one of the EU Directives.</p> <p>Line provided in Table 8-1: It covers <i>Environment Agency permits for flood risk (on Main River), WFD regulations and certain discharges to watercourses.</i></p> <p>This has been addressed appropriately.</p>	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
8.9	CBC / TBC	The PEIR indicates the impacts of the attenuation basins, flood compensation areas and temporary works on agricultural soils will be covered in a later stage of the EIA as their location/extent is not finalised. The Joint Councils would expect that these are assessed along with the necessary agricultural surveys/sampling in these areas and that the ES will include this data.	<p>The FRA provides detailed modelling assessment of extent, depth and frequency of inundation to agricultural land, including where flood compensation areas are proposed. It also states that affected landowners are being consulted so that they are aware of and accepting of any changes to predicted flood levels. Right to flood agreements also being sought.</p> <p>ES Section 8.8 addresses effects and significance of impact of flooding to farmland, identifies as Significant Adverse but qualifies that this does not relate to new flooding but a change in the pattern of inundation within areas of existing flooding.</p>	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
8.10	CBC / TBC	The Joint Councils would expect to see further details of the extent of surface water run-off to be contaminated (e.g., with hydrocarbons) and how will this be mitigated in the ES. Natural storage solutions in terms of swales	HEWRAT completed as expected (inclusive of mitigation measures).	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.

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		would be preferred and welcomed, over and above hard landscaped proposals.		
8.11	CBC / TBC	The Joint Councils would expect to see more details regarding the reasons for screening out water bodies identified in Table 3.1 in the update to the WFD assessment.	These water bodies fall within the area of the red line boundary where works will only be carried out on signage. As this is expected to have no impact on the water environment, the water bodies have been screened out. Scoping outcomes are provided in Table 4-12.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
8.12	GCC	The Road Drainage and the Water Environment chapter (Chapter 8) of the PEIR shows that the primary source of flood risk to the area is fluvial flooding from the River Chelt, its associated tributaries and the Leigh Brook. These not only pose a risk to the Scheme itself but the Scheme could have an adverse impact on flooding elsewhere if appropriate mitigating steps are not taken.	Flood risk both to and from the Scheme is described in the FRA, along with the embedded mitigation that controls that impact. FRA has covered assessment of flood risk both to the scheme itself and to third parties arising from the (unmitigated) development.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
8.13	Joint Councils	There is a heft reliance on control measures that are to be identified and implemented post DCO. It may be more appropriate to stipulate some key themes that need to be upheld in these subsequent stages. In other words, can it be ensured that the mitigation details within section 5 form part of a commitment that the contractor needs to implement. As written, it is not clear whether this is the case.	These are presented in the REAC and the EMP annexes which was submitted to PINS on 22 nd March. This has been reviewed by the Joint Councils and accepted.	Agreed via comments log review 24.04.2024
8.14	Joint Councils	Appendix 8.1 FRA, Paragraph 5.4.46 - Confirm that the 600mm freeboard above the design flood accounts for the 53% uplift on peak flows for climate change.	The flood assessment has been undertaken on the basis of a 53% allowance for climate change.	Agreed via comments log review 24.04.2024
8.15	Joint Councils	Appendix 8.1 FRA, Paragraph 5.4.70 - 100 hour storm has been used to simulate flood levels in the proposed storage area. Confirm that a range of storm durations	Discussion confirmed this is a 100 hour simulation not storm duration. Storms of different durations were tested to ensure the worst case event for storage was considered. The 2007 event was	Agreed via specialist meeting 13.05.2024

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		were tested to identify this as the critical duration for the storage area.	used for the shorter storm, being a shorter storm but higher flows.	
8.16	Joint Councils	Paragraph 3.3.3 It seems strange that the 'serious pollution incident' is effectively being screened out here without any assessment or presentation of the mitigation.	Justification is presented in paragraph 3.3.3 in the WFD as to why this has not been assessed further. Paragraph 3.3.3 to be updated and the ES Chapter 8 will be submitted to PINS at deadline 1.	Agreed via specialist meeting 13.05.2024
8.17	CBC / TBC	There is no specific water quality data provided for any of the watercourses within the study area in the ES. The Applicant has confirmed that water quality data is provided in WFD Compliance Assessment. The Joint Councils would expect as a minimum to see the WFD WQ summary main ES report however, following discussion at the specialist meeting with the Applicant, it is agreed that this is provided in the WFD and no changes to the ES chapter required.	Agreed that there is no change required to the ES chapter.	Agreed via specialist meeting 13.05.2024
8.18	Joint Councils	Culvert blockage hydraulic modelling has been carried out but no quantitative details of impacts on flood levels presented. It would be helpful to provide details on maximum flood levels at culverts under clear running and blocked scenarios along with height to road surface - this can demonstrate if/if not blockage at any structures increases risk to the road infrastructure.	The risk of blockage in the baseline will be much reduced by the Scheme as 3 new culverts will be provided instead of the single small opening. This will reduce the risk of blockage which would impact on the land upstream. It should be noted that the highway is being raised at this location which in itself, without additional culverts, increase flood risk upstream. So whilst the risk of blockage is reduced by the Scheme, should blockage occur then flood risk upstream will be increased.	Agreed via specialist meeting 13.05.2024
8.19	Joint Councils	The Joint Councils requested that the Applicant confirm the level of freeboard above the design flood for the culverts. It was also requested confirmation that for the	According to the modelled results these culverts will surcharge in the 4% AEP flood event. This is an improvement over the baseline condition due	Agreed via specialist meeting 13.05.2024 and email

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
		credible maximum flood, the Link Road culverts remain free-flowing and are not surcharged however, is this also the case for the other culverts in the Scheme.	to the increase in conveyance provided by the three in number 2.1m by 0.5m box culverts. Some of the structures are identified to surcharge during the credible maximum flood. However, these structures are existing structures and the surcharge level at these culverts/structures would be no greater than the level of surcharge predicted in the baseline/current day case.	confirmation on 11.06.2024
8.20	Joint Councils	The Joint Councils would expect the surface water quality assessment to include impacts from salt and gritting activities within the ES. The DMRB LA 113 does not include any specific guidance for assessing the impact from salt and gritting on the water environment. Reference can be made in the ES to the potential impact salt and gritting can have on the water environment by including the following statement, but a specific assessment will not be undertaken: Other than heavy metals and nutrients, the significant dissolved constituent of highway runoff in the UK is sodium chloride (NaCl), applied as de-icing salt during the winter. Sodium chloride can cause damage to vegetation and can potentially trigger the release of accumulated nutrients and heavy metals adsorbed to the suspended solids into solution.	An updated ES Chapter 8 Road Drainage and the Water Environment (REP 1-015) was submitted at Deadline 1. This matter is now agreed.	Agreed via SoCG meeting 07.08.2024.
8.21	Joint Councils	Potential impacts during the construction phase are high level and generic only, there is no description or reference to specific site activity, construction compounds etc. It is not clear where localised activities may have more of an impact on surface water quality	An updated ES Chapter Road Drainage and Water Environment (REP1-015) was submitted at Deadline 1.	Agreed via SoCG meeting 07.08.2024.

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		and it is difficult to know whether or not the embedded mitigation is enough. The Joint Councils would expect to see a summary of activity that is likely to specifically impact the water environment. The detail of the construction activities is not available currently and have been requested from the ECI contractor.	The management of construction stage impacts to the water environment is presented in the ES Chapter and the REAC updated at Deadline 3.	
8.22	CBC / TBC	The PEIR recognises the necessity of a Right to Flood agreement outlined in section 8.7. The Joint Councils expect that the extent of land acquired for the Scheme construction period should ensure it takes account of requirements for land to facilitate construction of storage areas as well as the final extents of the completed Scheme. The Applicant agree that temporary, or early construction of permanent flood storage needs to be in place to offset any construction stage impacts on the floodplain. this is described in Para 8.7.15. The temporary construction phase needs to be understood by the contractor to minimize risk during the build stage. The Buildability Report provides some further information on how this Scheme might be constructed. The Applicant has also provided a response to ExA Q16.0.13 in relation to limits of deviation for the Flood Storage area.	This matter was agreed at the meeting held on 07.08.2024.	Agreed via SoCG meeting 07.08.2024.
9. Landscape and Visual				
9.1	CBC / TBC	It is noted in the Landscape and Visual chapter of the PEIR that arboricultural surveys are proposed. These surveys must be to the BS 5837 (2012) standard and must include surveys for any ancient and veteran trees which may be impacted by the Scheme. Impacts on	The arboricultural survey is to BS 5837 (2012) standard and includes a survey for any ancient and veteran trees which may be impacted by the Scheme.	Agreed via email on 15.03.2024 as part of the review of the DCO

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		existing trees should be detailed and made clear as well as proposed tree planting details in the ES. The Biodiversity ES chapter should also refer to the results of this survey to confirm whether any additional ancient or veteran trees are recorded within the study area.	Appendix 9.4 of the dDCO application documents provides the arboricultural survey.	application documents submitted.
9.2	GCC	The Joint Councils are satisfied with the landscape design presented in Appendix 2.2. Landscaping with an emphasis on native woodland strips, hedgerows, wetland features and wildflowers (grass verges/reservations) is appropriate and could have benefits in certain locations for improving visual appearance, water capture, attenuation of air, noise and light pollution. This could be emphasised and considered more in the ES. Enriched topsoil should not be imported but on-site supplies moved to areas that will mainly become woodland, tree lined or hedgerow. Areas to become open grassland should have minimal substrate so that an enriched grassland does not develop which would be poor for biodiversity value and a higher cost to maintain (i.e. require more regular cutting). This appears to be the case with a reference at 7.6.17.	Comment addressed in the REAC and to be included in further iterations of the EMP.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
9.3	GCC	Some thought on how future maintenance of verges could be facilitated to allow for removal of arisings and for them to perhaps be deposited somewhere on site as a sacrificial area maybe along with shrub/tree prunings. The sacrificial areas (if appropriate) would provide a different kind of habitat for a range of different animal species, e.g., invertebrates, fungi and reptiles/amphibians. This approach is being sought at various locations by GCC and Ringway over the coming years so it would be useful if some investigation into	This detail is included in the REAC and to be included in further iterations of the EMP.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.

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		what might be possible within the scope of these highway improvements is carried out.		
9.4	GCC	Lighting impact on potential bat and other nocturnal wildlife needs to be considered sufficiently. We need to be sure that indicative lighting schemes can be acceptable because they can demonstrate no significant impact on valued species. Some mitigation will take the form of enhancing existing or creating new dark corridors/areas. It would be extremely helpful if indicative schemes could be presented in the ES showing predicted lux levels as contours on a drawing and/or 3D indicative visualisation diagrams. Generally, we should be aiming at not much more than 1.0 lux upon important hedgerows, woodlands, and wetland features. Crossing points beneath the road (and potentially above it by bats) should be dark at their entry/exit points (over/under the carriageway/cycleway/footway). This could potentially be challenging but is an important aspect that may receive scrutiny at the DCO stage as the topic also has crossovers with visual and landscape character impact. There are lots of luminaire designs that can help to reduce impact but where lighting is not strictly needed, and could have an unacceptable impact on biodiversity, it should not be installed. LEDs used should not exceed 3,000K in colour temperature and at crucial locations where bats are present colour temperature should be reduced further. We are therefore pleased to see LEDs of a colour temperature of 2,700 are quoted at 7.6.20 for at least some locations. Over time, landscaping vegetation may improve the lighting scenario but the impact of the newly constructed road with respect to	The submitted LVIA and REAC include details on lighting impact and assessment.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.

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		lighting must be considered first to see if it is acceptable.		
9.5	Joint Councils	The Joint Councils did not agree with assessment conclusions of the visual receptors at Barn Farm, Informal Travellers Site and at the properties on the south side of A4019 east of West Cheltenham Fire Station mainly due to the introduction of a barrier. The Joint Councils requested further explanation as to how these conclusions were reached.	On all occasions these matters were agreed during a meeting between technical specialists. The Joint Councils now understand that the assessment assumes that residents will have input into the design of the barrier. There is room for climbing plants to create an interesting/attractive screen at year 1. The Joint Councils agree with these matters subject to detailed design and commitments made in the REAC.	Agreed via specialist meeting 15.05.2024
9.6	Joint Councils	Paragraph 9.12.8 - Some properties in Elmstone Hardwicke (to the west) have intervisibility with A4019 and Withybridge Gardens. No buildings filter views and vegetation that provides screening will be removed as part of the works. Although long distance, works will be visible and suspect less filtered any has been anticipated.	There is some intervening field boundary vegetation which would help distract form views. The impact is highly unlikely to be greater than slight adverse for these properties. This matter is agreed subject to detailed design and commitments made in the REAC.	Agreed via specialist meeting 15.05.2024
10. Geology and Soils				
10.1	GCC	Paragraph 12.3.5 – the proposed review of the ‘South West Aggregates Working Party Annual Report: 2018’ needs updating to: ‘South West Aggregates Working Party - Annual Report 2020’	Comment is addressed in Chapter 12. Latest annual report from 2021 has been referenced.	Agreed via email on 15.03.2024 as part of the review of the DCO application documents submitted.
10.2	Joint Councils	The Joint Councils review of the Geology and Soils ES chapter, figures and appendices picked up a few errors and requested some additional information is provided in the documents. The comments were discussed at a	It is agreed that the updates will be made to the ES documents submitted to PINS at Deadline 1.	Agreed via specialist meeting 09.05.2024

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		specialist meeting with the Applicant, and it was agreed that the updates will be made to the documents submitted to PINS at Deadline 1.		
11. Cultural Heritage				
11.1	GCC	GCC Historic England and District Conservation staff should also be consulted regarding potential impacts on designated heritage assets and their settings.	It is agreed that assessments of significance are being conducted for the ES, and Historic England and local conservation officers will be consulted. Initial responses have already been received from Historic England.	Email response to SoCG 09.09.2022
11.2	GCC	<p>There has been no geophysical survey or trial trenching in areas outside of the link road and a scheme of further investigation should be agreed with GCC to inform the ES and proposed Archaeological Management Plan (AMP) for mitigation, outside the link road. It is recommended that a scheme for evaluative investigation of the remainder of the red line area is agreed with the County Archaeology Service. Whilst it is understood that some areas may not be accessible, the ES needs to provide an assessment of the significance of archaeology and the impact upon it over the entire route. This should include the areas of motorway access and exit slips (including the cropmark site HER 48027), the flood alleviation area and other ponds, proposed access routes off the A4019 and the widening of that road at the eastern end of the scheme, particularly in proximity to the fire station.</p> <p>Additional survey work is proposed for areas outside of the link road corridor, where access allows, and will be included in the ES. The AMP will include approaches for areas inaccessible or otherwise unavailable in advance</p>	After reviewing the draft ES Chapter 11 – Cultural Heritage issued on 16.03.2023, GCC are now content that the outstanding concerns relating to this matter has been resolved.	Agreed via email received on 22.06.2023 in response to the issue of dDCO documentation.

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		of the ES, to ensure the full consideration of the historic environment.		
11.3	GCC	The PEIR is already out of date, as although it mentions geophysical survey of the Link Road site it does not include that archaeological trial trenching has been completed in that area. The full report into the trial trenching is awaited but it will form an important part of the evidence base for the ES as it should clarify the significance and extent of the archaeology there. Both the geophysical survey and trial trenching results will inform the assessments reported in the ES. Both the geophysical survey and trial trenching results will inform the assessments reported in the ES.	In September 2022, GCC stated that the answer is fine but the archaeological surveys necessary to inform the ES in areas other than the link road remained outstanding. After reviewing the draft ES Chapter 11 – Cultural Heritage issued on 16.03.2023, GCC are now content that the outstanding concerns relating to this matter has been resolved.	Agreed via email received on 22.06.2023 in response to the issue of dDCO documentation.
11.4	GCC	Officers are unclear as to the potential of the area (particularly the drift geology) to produce evidence of early prehistoric material and would like to see that this has been assessed by a relevant specialist for the ES. Perhaps some site assessment would be beneficial combined with engineering geotechnical investigations. Results of the geotechnical investigations will inform the assessments for the ES. Geoarchaeological assessment undertaken for the trial trenching will also be used to inform the potential for early prehistoric remains. However, initial findings do not suggest a strong likelihood of such remains.	In September 2022, GCC stated that the answer is fine but the archaeological surveys necessary to inform the ES in areas other than the link road remained outstanding. After reviewing the draft ES Chapter 11 – Cultural Heritage issued on 16.03.2023, GCC are now content that the outstanding concerns relating to this matter has been resolved.	Agreed via email received on 22.06.2023 in response to the issue of dDCO documentation.
11.5	GCC	There is a high probability of significant waterlogged remains being present in this area, which should be assessed in the ES and, in due course, arrangements for its investigation and recording should be agreed with	In September 2022, GCC stated the potential for waterlogged deposits needs to be assessed across the site not just in the area of the link road already subject to trial trenching therefore the matter remained outstanding.	Agreed via email received on 22.06.2023 in response to the issue

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		<p>the Historic England Science Advisor and included in the AMP.</p> <p>The potential for waterlogged deposits has been identified and evaluated during trial trenching activities. Results from the analysis will inform the ES and the Historic England science advisor will be approached during the development of the AMP where appropriate.</p>	<p>After reviewing the draft ES Chapter 11 – Cultural Heritage issued on 16.03.2023, GCC are now content that the outstanding concerns relating to this matter has been resolved.</p>	<p>of dDCO documentation.</p>
11.6	GCC	<p>The PEIR underestimates the potential of the area for early medieval (Anglo-Saxon) archaeology. This is probably due to the lack of a final report for the site that now houses the fire station which, together with the nearby All Saints Academy excavation, indicate a high potential for further early medieval remains in the area. The A4019 follows a spur of Cheltenham Sand and Gravel, all of which may well share a similarly high potential for currently unknown archaeology, including continuation of known Iron Age, Roman and early medieval activity.</p> <p>The results of the geophysical survey and trial trenching will inform the assessments undertaken for the ES.</p>	<p>In September 2022, GCC stated that the answer is fine but the archaeological surveys necessary to inform the ES in areas other than the link road remained outstanding.</p> <p>After reviewing the draft ES Chapter 11 – Cultural Heritage issued on 16.03.2023, GCC are now content that the outstanding concerns relating to this matter has been resolved.</p>	<p>Agreed via email received on 22.06.2023 in response to the issue of dDCO documentation.</p>
11.7	CBC / TBC	<p>The Joint Councils welcome the proposed approach of developing a robust programme of archaeological investigation and recording following an AMP prepared in consultation with the local authority’s archaeological advisor, to mitigate the impacts on buried archaeological remains.</p> <p>The awareness that any such AMP should also take into account cumulative effects resulting from adjacent developments impacting on wider archaeological remains, such as the housing allocation site at Fiddlers</p>	<p>Cumulative impacts on cultural heritage have been addressed in the ES Section 11.15.</p> <p>A 1st iteration AMP has also been submitted with S51 submission to PINS 22nd March which sets out the archaeological evaluation proposed.</p> <p>This is agreed subject to detailed design.</p> <p><u>The Applicant undertook further geophysical surveys and assessment during examination September 2024.</u></p>	<p>Agreed via email on 15.03.2024 as part of the review of the DCO application documents submitted.</p> <p><u>Agreed via email 22.11.2024</u></p>

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		<p>Green (OUA07) and at North West Cheltenham as part of the Tewkesbury Borough JCS (reported within paragraphs 11.10.3 and 11.10.4 of the PEIR), is welcomed.</p> <p>It is recommended and anticipated that the findings of any current or ongoing archaeological investigations within the area around the Scheme, for example in relation to nearby housing developments, will be taken into account in developing the proposed AMP.</p> <p>The Joint Councils also agree with the proposals for permanent impacts on the setting of heritage assets to be mitigated through design and landscaping and temporary impacts on the setting of heritage assets during construction to be mitigated through the CEMP.</p>	<p><u>A meeting was held on 28 October to discuss geophysical surveys and agreement. The County Archaeologist considers the details at the flood storage area to be of local, possibly regional significance. The County Archaeologist considers that the project now has sufficient baseline information for a decision to be made'.</u></p> <p><u>The AMP 1st Iteration has been updated (Rev 1.0) and shared with Joint Councils. Comments have been received and have been incorporated into the submission of the revised AMP at Deadline 10.</u></p>	
11.8	CBC / TBC	<p>The Joint Councils note that the assessment of landscape character does not include any reference to the tranquillity of the landscape and suggest it this should be undertaken and included in the ES to understand the current situation and how the Scheme may affect this.</p>	<p>Tranquillity of the area has been considered within the landscape character section of the LVIA.</p>	<p>Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.</p>
11.9	<u>Joint Councils</u>	<p><u>Joint Councils have been asked by the Examining Authority to ensure that all Non-Designated Heritage Assets (NDHA) affected by the development have been identified. This requirement followed the oral representation, at ISH4, from Mr Badham of Elton Lawn who informed the Examination that his property had been identified by Tewkesbury Borough Council's (TBC) Conservation Officer as a NDHA.</u></p>	<p><u>Joint Councils through the TBC Conservation Officer have since identified that there are a total of 8 properties that have been identified as NDHA's as part of earlier Planning Applications. These properties have not been added to the Historic Environment Record (HER), National List (NHLE) or TBC's Local List. The names of the properties have been provided to the Applicant along with the relevant criteria that are fulfilled by the properties. This information will allow the</u></p>	<p><u>Agreed via email 22.11.2024</u></p>

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			<u>Applicant to update Chapter 11 of the Environmental Statement (Cultural Heritage).</u>	
<u>11.10</u>	<u>Joint Councils</u>	<u>The Joint Councils emphasised the importance of conducting further surveys to inform the application adequately. The Joint Councils were concerned that the AMP (1st iteration) was based on incomplete data and lacks necessary location details, which could significantly impact the mitigation plans.</u> <u>To avoid potential delays and increased costs due to unforeseen archaeological discoveries, the Joint Councils requested that the necessary surveys be conducted during the examination.</u>	<u>The Applicant undertook further geophysical surveys and assessment during examination September 2024.</u> <u>A meeting was held on 28 October to discuss geophysical surveys and agreement. The County Archaeologist considers the details at the flood storage area to be of local, possibly regional significance. The County Archaeologist considers that the project now has sufficient baseline information for a decision to be made'.</u> <u>The AMP 1st Iteration has been updated (Rev 1.0) and shared with Joint Councils. Comments have been received and have been incorporated into the submission of the revised AMP at Deadline 10.</u>	<u>Agreed via meeting, 26.11.2024.</u>
12. Materials and Waste				
12.1	GCC	A review of the recommended updated data sources highlighted above may also have an impact on the future presentation of the 'Baseline conditions' set out under section 12.6. Future baseline sections will incorporate most recent data from updated documents on landfill capacity and waste infrastructure.	The response provided is considered wholly reasonable and GCC M&W Policy officers have no further comments to make at this time.	Agreed via email received on 22.06.2023 in response to the issue of dDCO documentation.
12.2	GCC	In addition, within section 12.8 'Potential mitigation measures', consideration could be given to the future use of underlying mineral resources (those subject to local mineral safeguarding provisions). The resources	GCC officers previously commented in relation to potential mitigation measures to prevent the unnecessary sterilisation of the underlying mineral resource. It is noted that there is now a broad	Agreed via email received on 22.06.2023 in response to the issue

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		<p>could make a positive contribution to the proposed material assets of the development. On-site sourced aggregate minerals could potentially reduce the amount of imported raw materials needed and the carbon footprint of the overall project. The concept of 'prior extraction', which would transpire if this suggested opportunity was pursued, is identified in the adopted Minerals Local Plan for Gloucestershire (2018 – 2032). It is a potentially acceptable solution for resolving the risk of needless mineral sterilisation. See adopted MLP section 7 (Mineral safeguarding), pages 37 to 40 for further local policy information.</p> <p>Where the option to utilise the underlying mineral resources is proposed by the Principal Contractor, this will be recorded in the mitigations section of the ES.</p> <p>To clarify the Applicant should provide sufficient, credible evidence early on to establish the significance of potential mineral resource sterilisation with the development. Should it be agreed that the issue is materially significant, then the applicant should bring forward proposed mitigation measures. This could include preparation of an 'on-site mineral recovery and use' strategy; or a 'mineral recovery and onward sale' strategy. In respect of the initial assessment stage, the Applicant is strongly encouraged to acquire a sufficiently detailed and technical competent Mineral Resource Assessment. This will be the core evidence for determining whether mineral resource sterilisation is in fact a land-use planning matter that demands attention with this development.</p>	<p>level discussion. within the Environmental Statement Chapter 12: Materials and Waste section 12.7 -12.8. This makes reference to the production of a Materials Management Plan (MMP) which will be produced under the CLAIRE Definition of Waste: Code of Practice (DoWCoP).</p> <p>Provided that there is the strong commitment to produce and adhere to the MMP, then there are no further M&W Policy comments on the draft documents.</p>	<p>of dDCO documentation.</p>

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12.3	CBC / TBC	The PEIR provides no mention of historical GI reports, or whether any search of the local authority records, or request for information, have been undertaken. The Joint Councils would welcome consultation with Environmental Health Officers and would expect confirmation in the ES as to whether the planning portal was reviewed to identify any GI reports on, or in close proximity to the Scheme boundary, particularly in the vicinity of the Violet Villa landfill. If reports do exist, then this data should be used to inform the baseline.	Whilst there is nothing about this in the waste and materials chapter it is mentioned in the Geology and Soils chapter, which confirms the environmental health officers and/or contaminated land registers were consulted.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
12.4	CBC / TBC	Section 12.7.2 in the PEIR outlines an assumption the waste will all be primarily aggregate. The Joint Councils suggest that there is likely to be sufficient resource in the aggregate market for recycled aggregate products, however, if it has to be primary, the Joint Councils suggest a justification for this be provided within the ES.	Section 12.7 is the Potential Impacts and as such looks at the worst case scenario of the project before mitigation, hence it refers to materials only being from primary sources. Section 12.9 refers to the actual project impacts, after mitigation, highlighting that at minimum 22% will be from recycled sources. The principal contractor would be expected to source as much as possible from recycled aggregate.	Agreed via email on 15.03.2024 as part of the review of the DCO application documents submitted.
12.5	Joint Councils	The Joint Councils review of the Materials and Waste ES chapter picked up a few errors and requested some additional information is provided in the documents. The comments were discussed at a specialist meeting with the Applicant, and it was agreed that the updates will be made to the documents submitted to PINS at Deadline 1.	It is agreed that the updates will be made to the ES documents submitted to PINS at Deadline 1.	Agreed via specialist meeting 09.05.2024
12.6	Joint Councils	Section 12.8 focusses on the re-use of soils. What about re-use/recycling of asphalt? Table 12-9 showing the material re-use quantities after mitigation suggest the asphalt will be re-used as the quantity of asphalt	A Site Waste Management Plan (SWMP) was submitted on 22nd March with a suite of Annexes to the EMP.	Agreed via specialist meeting 15.05.24

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		wastes has been subtracted from the primary material quantity. Will demolition materials be crushed and re-used on site?		
12.7	Joint Councils	Whilst Gloucestershire does sit within the South West and the only regional information for data comparison is in the context of the South West. The project is located in the most northerly part of the region closely bordering the West Midlands, the South East and Wales. The nearest appropriate waste facility might not be within the South West region, and it could be more sustainable to import certain specialist materials from other regions.	This comment is noted however the study areas were put forward and accepted at scoping stage	Agreed via specialist meeting 15.05.2024
12.8	Joint Councils	Table 12-9 It would be useful to know whether the significant amount of primary materials (excluding steel) will be sourced from within Gloucestershire, the South West or elsewhere. This is to help with regional reporting where significant quantities are report in the Aggregates Working Party reports as well as with planning for overall provision within the relevant Local Aggregate Assessments. It is acknowledged that the actual contract/quarry is likely to be confidential at this point, but a broad location would be helpful.	This is something the design team or contractor would need to comment on. Assessment criteria is only to examine material recovery, whether aggregates required for the project will have recycled content and sterilisation of mineral safeguarding sites and peat. Matter agreed subject to detailed design.	Agreed via specialist meeting 15.05.2024
12.9	Joint Councils	The Joint Councils review of the Materials and Waste ES chapter picked up a few errors and requested some additional information is provided in the documents. The comments were discussed at a specialist meeting with the Applicant, and it was agreed that the updates will be made to the documents submitted to PINS at Deadline 1.	It is agreed that the updates will be made to the ES documents submitted to PINS at Deadline 1.	Agreed via specialist meeting 09.05.2024
13.	Population and Human Health			

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
13.1	CBC / TBC	The Joint Councils note that Chapter 4 of the PEIR refers to a Health Impact Assessment and Equalities Impact Assessment which will be prepared separately and, as such, it is expected that the population and human health ES chapter will need to both reflect and inform these reports.	A separate Equality Impact Assessment (EqIA) has been produced for the Scheme and is referred to in the Population and Human Health (P&HH) chapter. The requirement to produce a separate Health Impact Assessment (HIA) has been reviewed and it has been concluded that such a document is not required for the Scheme.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
13.2	CBC / TBC	The Joint Councils would also expect the ES to consider the distribution of effects within the affected population. This should include identifying the vulnerable groups present in the study area and assessing the potential effects of the Scheme on these vulnerable groups (typical vulnerable groups that are likely to be present in the study area include; families with children and adolescents; people who are physically or mentally disadvantaged e.g. elderly people, people with physical and/or disabilities, people with other health problems or impairments; people of certain ethnicity and/or gender, and people who are materially disadvantaged e.g. people on a low income, people without access to a car, unemployed people) who will be more susceptible to change to the baseline conditions and any effects arising from the Scheme.	See response to 13.1 above.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
13.3	GCC	Given the deprivation and health profile of these communities, there is the potential for this scheme to contribute towards a reduction in health inequalities. Less traffic also has the potential to encourage and enable residents to access local green and recreational space e.g. Hester's Way and Springfields Park, with the attendant benefits to physical and mental health and wellbeing and opportunities for social interaction. Traffic calming measures, if not already in place, would	See response to 13.1 above.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.

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		enhance the potential benefits when congestion levels fall.		
13.4	GCC	The temporary and permanent loss of land and/or demolition of some properties has the potential to have a significant detrimental impact on the mental health and wellbeing of landowners and occupiers. The intention to undertake further consultation and compensate landowners and occupiers is strongly supported alongside any other mitigation identified via these conversations alongside the provision of mental health awareness training for community engagement workers, signposting to sources of support and any other mitigations identified via these conversations.	See response to 13.1 above.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
13.5	GCC	The potential benefits to communities living close to existing 'rat runs' through Hesters Way could be offset by the development of new rat runs during the construction period and beyond. An assessment of when and where these could occur and their potential impact on noise, air quality, safety and opportunities to enjoy local facilities, alongside the necessary undertake mitigations, would be strongly supported.	The P&HH assessment follows the LA112 methodology to take account of these technical assessments and highlights them as appropriate within the ES.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
13.6	Joint Councils	Table 13.11 states no significant land take effects for the informal Traveller site; however, land take is listed in the second bullet point in Para 13.11.4. Should reference to land take not be removed from here, leaving vegetation clearance as the reason for the significant effect.	Discussed at meeting -no change required.	Agreed via specialist meeting 08.05.2024.
13.7	Joint Councils	The Joint Councils review of the Population and Human Health chapter picked up a few errors and requested some additional information is provided in the documents. The comments were discussed at a	It is agreed that the updates will be made to the ES Chapter submitted to PINS at Deadline 1.	Agreed via specialist meeting 08.05.2024.

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		specialist meeting with the Applicant, and it was agreed that the updates will be made to the document submitted to PINS at Deadline 1.		
13.8	Joint Councils	<p>Joint Councils are surprised that "Housing" (Access and accessibility to Housing) and "Relocation" has been scoped out of the assessment (presuming that what's stated here is correct) as the loss of housing (residual impacts states 32 properties will be lost)/ re-location is not just a physical (Population) impact, its one of the main impacts to human health arising from a scheme (similar comments have been made when assessing other schemes and fully supported by the client)?, whilst other determinants/ receptors (such as community, recreation and education) which are less impacted have been scoped in. Yet demolition of residential properties is considered later sections of the assessment. Please double check this table/ section and the later sections as this appears as inconsistent. Following on from this comment I'd have expected "Access and accessibility to Housing" to have been included as a Health Determinant (Scoped in) in Table 13-7, page 35 and Table 13-8, page 36 (noting its not just demolition but there's also severance and disruptions to access to private property/ housing) and mentioned/assessed along with the other wider health determinants in other parts of the report (such as the bullet points in para 13.6.23).</p> <p>Section 13 and 15. Above comments apply. I'd have thought that "Access and accessibility to housing" should have been included in the HH assessment (see Para 13.13.2 for example). This then leads to further</p>	<p>Scoping description for housing and relocation to be revised in order to reflect the assessment that has been undertaken.</p> <p>Consistency of references to accessibility to housing and demolition to be checked throughout and updated as appropriate.</p> <p>Clarifications made in relation to the applicant's response to RR-043 are relevant to the consideration of vulnerable residents facing compulsory acquisition of their property. Updates to be made to recognise potential differential effects on vulnerable members of communities affected by demolition.</p> <p>Updates to the ES chapter to be made and resubmitted to examination at Deadline 1.</p>	Agreed via specialist meeting 08.05.2024.

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		<p>inconsistencies e.g. Table 13.48 lists "Demolition" as an Impact and as a Health determinant but there's no mention of Demolition in the health determinants listed in the methodology and this clearly relates to Housing and Accessibility to Housing? Demolition is not mentioned in Table 13-6.</p> <p>Table 13-48. Notwithstanding the above comments about "Access and accessibility to housing" and Demolition, Demolition has been considered/assessed for the Wider Groups but is this not also applicable to some of the Vulnerable Groups assessments. Even if not mentioned in detail in the subsequent sections it should at least be cross referenced back to the Wider Groups assessment. Is it known that no vulnerable groups live at any of the properties that are being demolished because these groups would potentially be more affected?</p>		
14.	Climate			
14.1	GCC	<p>The climate change impacts as outlined do seem to be based on very general assumptions with no specific modelling and also no consideration of changing vehicle usage.</p> <p>The traffic modelling assessment includes changes to vehicles as the UK moves towards Net Zero and the increase in Electric vehicles (EVs) grows. However, it is anticipated that the drop in emissions will be greater than modelled due to government policy to phase out petrol/diesel vehicles in the 2030s and will reach close to Net Zero emissions by 2050. This is noted within in</p>	<p>After reviewing the draft ES Chapter 14 – Climate, issued on 16.03.2023, GCC are now content that the outstanding concerns relating to this matter has been resolved.</p>	<p>Agreed via email received on 22.06.2023 in response to the issue of draft DCO documentation.</p>

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		<p>the Preliminary PEIR when operating emissions are discussed.</p> <p>GCC queried that the target for Glos is 80% reduction of emissions from transport by 2030; is there a requirement for this to be taken account of?</p>		
14.2	GCC	<p>From the information provided, it is not clear whether the proposed flood measures have been scaled to account for the increasing frequency and impact of extreme weather events arising from the warming climate. This needs to be clarified. Will there be advanced lines provided at traffic lights for cyclists to ensure priority at junctions otherwise the incentive to use the route is diminished?</p>	<p>Officers are content that point will be clarified in the ES. Drainage infrastructure is designed with consideration of projected future changes in precipitation, both gradual changes to average amounts and changes to maximum amounts from extreme events.</p> <p>The Scheme is providing separate segregated facilities and will not provide advanced stop lines. LTN 1/20 recommends against advanced stop lines when the traffic flows, number of lanes and proportion of green time expected are similar to those that will be found on most parts of this scheme</p>	<p>Agreed via email response received on 09.09.2022 to the issue of SoCG document.</p>
14.3	GCC	<p>Clarification is also required in relation to the frequency of air quality monitoring. Will this be undertaken before construction commences, during construction and after scheme completion?</p> <p>We have not recommended any routine monitoring of dust generated at the construction stage. Given the largely rural surroundings for the construction site we would not anticipate that construction dust monitoring would be necessary as standard high risk site mitigation measures are likely to be sufficient to control construction dust emissions. We will assess this at the next stage of environmental assessment and will propose mitigation measures to be included in the EMP</p>	<p>After reviewing the draft ES Chapter 14 – Climate, issued on 16.03.2023, GCC are now content that the outstanding concerns relating to this matter has been resolved.</p>	<p>Agreed via email response received on 22.06.2023 to the issue of dDCO documentation.</p>

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		that is being drafted alongside the ES. Where particularly sensitive receptors such as food production plants or electronics factories or activities with a much higher than normal dust risk potential are identified, quantitative monitoring survey's may be recommended to ensure that the appropriate mitigation measures are effective.		
14.4	CBC / TBC	The Joint Councils note that the Scheme will contribute 114,207 tCO2e net emissions towards the Carbon Budgets as far as 2037 and that it is identified that the Scheme will not therefore have a significant effect on climate. The Joint Councils would expect to see more details on how 'significant' is defined in the ES.	Further details on significance has been provided within the ES. It should be noted that significance is determined primarily through whether the Scheme will materially impact the ability for the UK to meet its carbon reduction targets. GCC will continue to work with project stakeholders, including National Highways, to ensure approach is consistent with other schemes and relevant legislation.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
14.5	CBC / TBC	The Joint Councils welcome the mitigation measures outlined in the PEIR. However, they would expect to see further specific mitigation measures implemented as part of the Scheme.	Specific mitigation measures included as part of the Scheme are outlined in the ES. Minimising Greenhouse Gas (GHG) emissions through design is a core principle of PAS2080:2016 and evidence of this is provided within the ES. PAS 2080 is a global standard for managing infrastructure carbon. The framework looks at the whole value chain, aiming to reduce carbon and reduce cost through more intelligent design, construction and use.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
14.6	CBC / TBC	CBC and TBC declared a climate emergency in July 2019 and October 2019 respectively. CBC are currently working on a climate change pathway which is expected to go to Council for approval in February 2022.CBC has set an ambitious target of being net zero as an	The Scheme objectives include an aim to meet the requirements of climate change within the context of successfully unlocking the required growth in the area. As part of this, the Scheme will help to reduce carbon emissions when compared	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.

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		organisation and Borough by 2030, and TBC has also committed to achieving carbon neutrality in Council services by 2030. Therefore, the Joint Councils would expect the Scheme to consider carbon emissions adequately and include innovative design and mitigation measures to reduce carbon emissions during the construction phase and ongoing operation of the Scheme. The Joint Councils suggest exploring if any opportunity that any residual highways land could have potential for wider climate change benefits i.e. location of renewable generation capacity.	to a 'with development, but without scheme' scenario. The ES includes an assessment of greenhouse gas emissions from the construction and the operation of the Scheme. The ES describes mitigation measures to reduce Scheme emissions in line with CBC/TBC ambitions. The ES presents the contribution of the scheme to UK carbon reduction targets. There is no requirement to consider the specific local reduction targets, this comments is resolved.	
14.7	CBC / TBC	The review has found extensive reference to operational impacts of climate change to the Scheme and mitigation of those impacts. However, in sections 14-15, the operational impact of wildfires, both to road furniture/equipment and landscaping and safety hazards to end users should be added. The Joint Councils would expect the impact of heatwaves on human health and the potential impact of increased levels of humidity on electronic equipment with respect to increased corrosion rates, to be included in the ES.	Impacts on electrical equipment are already considered in the ES to specifically mention humidity: 'Changes in humidity may affect reliability of electrical equipment (higher humidity increases condensation which can lead to corrosion, e.g. rust, causing short circuits, premature deterioration of performance, overheating or even electrical fires.' Roadside furniture will be designed to be in accordance with the Specification for Highways Works and the appropriate British Standards.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
14.8	Joint Councils	The analysis focuses on the period 2071 to 2089. Given the average lifespan of concrete and asphalt is 18 to 25 years and a maintenance is expected, is it sensible to present a mid-Century summary of impacts as well, with the aim to inform potential maintenance?	The assessment follows LA114 guidance: "The assessment of a project's vulnerability to climate change shall take the life span of the project to be 60 years" (LA114, Section 3.31 and Table 3.39a). This provides a worst case precautionary assessment of potential operational climate vulnerability impacts. Using a shorter lifespan would not identify new or more significant impacts. No change.	Agreed via specialist meeting 13.05.2024

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14.9	Joint Councils	The Joint Councils review of the Effects on Climate ES chapter picked up a few errors and requested some additional information is provided in the document. The comments were discussed at a specialist meeting with the Applicant, and it was agreed that the updates will be made to the documents submitted to PINS at Deadline 1.	It is agreed that the updates will be made to the ES chapter submitted to PINS at Deadline 1.	Agreed via specialist meeting 13.05.2024
14.10	Joint Councils	The Joint Councils review of the Vulnerability to Climate Change ES chapter requested clarifications and some additional information is provided in the document. The comments were discussed at a specialist meeting with the Applicant, and it was agreed that the updates will be made to the documents submitted to PINS at Deadline 1.	It is agreed that the updates will be made to the ES chapter submitted to PINS at Deadline 1.	Agreed via specialist meeting 13.05.2024
14.11	Joint Councils	The method of estimating operation and maintenance (O&M) emissions needs reconsidering. As the fleet gets 'cleaner', taking a percentage approach to calculating O&M does not work. O&M emissions will not decrease proportionally as more EVs are used. In fact, the increased use of low-carbon vehicles decouples O&M estimates from tailpipe projections. Also, the schemes used to take the operation and maintenance assumption from are not recent in terms of their carbon assessments. Is there more up to date information available on O&M, perhaps in National Highway's Net Zero Plan?	The ES Climate Chapter was updated and submitted at Deadline 1 (REP-025) to respond to this. This matter is now agreed.	Agreed via SoCG meeting 07.08.2024.
14.12	Joint Councils	The method of estimating operation and maintenance (O&M) emissions needs reconsidering. As the fleet gets 'cleaner', taking a percentage approach to calculating O&M does not work. O&M emissions will not decrease proportionally as more EVs are used. In fact, the	This comment was discussed at the specialist meeting with the Applicant. The Joint Councils have reviewed the updated ES Climate chapter that was submitted at deadline 1. This matter is now agreed.	Agreed via SoCG meeting 07.08.2024.

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		increased use of low-carbon vehicles decouples O&M estimates from tailpipe projections. Also, the schemes used to take the operation and maintenance assumption from are not recent in terms of their carbon assessments. Is there more up to date information available on O&M, perhaps in National Highway's Net Zero Plan?		
15. Assessment of Cumulative Effects				
15.1	GCC	The Joint Councils agree that the assessment of Cumulative Effects is appropriate and covers intra-scheme topics including Lighting Biodiversity, Landscape, Highway Drainage and Visual Impact and Landscape Character and the Reasonably Foreseeable Future Projects (RFFPs) are appropriate.	Agreed following review of dDCO application documents.	Agreed via specialist meeting 13.05.2024
16. Engineering Design				
16.1	GCC	The Joint Councils would like to understand if there would be sufficient linkages from segregated routes to local networks.	Officers are content that the scheme includes a segregated route along the north side of the A4019 from its western scheme extent to the A4019 / B4634 junction. This route connects into the PRow network and the local highway network with controlled crossings provided at key locations (Withybridge Lane, the WCLR and at Uckington where there is a signal-controlled junction with The Green and Moat Lane). The segregated route ties-in at the scheme extents, ready for future connections by developers and GCC.	Agreed via email response received on 22.09.2022 to the issue of SoCG document.
16.2	GCC	How will the segregated route outlined for the West Cheltenham Link Road be connected into Tewkesbury Road and Kingsditch, Hester's Way and Springbank.	It is agreed that this falls outside the scope of our scheme. The expectation is that the West Cheltenham Development will be taking this forward.	Agreed via email response received on 22.09.2022 to the

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				issue of SoCG document.
16.3	GCC	Policy PD2.1 – Gloucestershire’s Cycle Network which seeks to deliver high quality, coherent, direct, safe, comfortable and attractive cycle networks.	The Joint Councils are pleased to see that the scheme provides good cycling facilities along the whole length.	Agreed via email on 15.03.2024 as part of the review of the DCO application documents submitted.
16.4	GCC	There is a requirement that swept path analysis of all junctions and access roads is provided, which should include movements of waste refuse vehicles. This is a key consideration for the new short sections of access roads which will be created alongside the proposed widened A4019. There will be a need to understand how these proposed short access roads will interact with the proposed signalisation of the junctions. Of particular note is the new section of access road created at the junction of the A4019/The Green. At present it is difficult to understand how residents using these access roads will have visibility of the proposed signal heads at this junction.	Swept path analysis has been undertaken at junctions and access roads and agreed that this can be provided at detailed design.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
16.5	GCC	The Joint Councils want to understand if it is sufficient to have same colour lines as a segregated barrier at the motorway junction.	Segregation will be some form of kerb or separation strip and not just coloured lines. It is agreed that this can be considered at detailed design.	Agreed via email on 15.03.2024 as part of the review of the dDCO application documents submitted.
16.6	GCC	From a Public Rights of Way (PROW) point of view we welcome the effort to provide new walking and cycling links within the scheme. However, it doesn’t appear that the opportunity to link walkers, cyclists and horse riders with an improved Bridleway AEH1 which runs north east	The Applicant explained the approach taken to WCH in the Scheme design. It is agreed that Government focus has changed to focus on walking and cyclist however, the design has	Agreed at SoCG topic meeting 13.05.2024

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		from the A4019, has been taken, which may be seen as a lost opportunity. It's the blue line on the plan below.	sought to incorporate horse riders where needed and possible. It is agreed this could be considered at Detailed Design.	
16.7	Joint Councils	The Joint Councils would expect the height of underpass to be at least 3m for horse riders or they would have to dismount.	The preliminary design allows for a 4m high underpass. Comment resolved.	Agreed at SoCG topic meeting 13.05.2024
16.8	Joint Councils	The Joint Councils would like to reiterate that onward footway to Old Glos Road is very important (FP AB026).	Agreed that the proposed footway linking from FP ABO26, along the highway side of the fence to connect with the footway at the B4634 signalised junction including signalised crossing of the B4634 was sufficient.	Agreed at SoCG topic meeting 02.05.2024
16.9	Joint Councils	The Joint Councils would like to understand why the extent of the Classified A Roads at the tops of the slip roads extend so far down the slip roads (5/3 to 5/9, 5/2 to 5/8, 5/1 to 5/7 and 5/4 to 5/10). This implies that GCC would be responsible for maintaining these sections of road that would be impracticable - this is to suit positioning of start/end of motorway signage. Full length of slip road will be the maintenance responsibility of NH apart from the extents of the pedestrian and cycle crossings on the northern side of the junction.	Agreed as long as Highway Records are provided with a clear plan showing the boundaries of NH vs GCC responsibility for both the carriageways and verges.	Agreed at SoCG topic meeting 02.05.2024
16.10	Joint Councils	The Joint Councils review of the General Arrangement Plans, Speed Limits and Traffic Regulations Plans and Classification of Roads and Traffic Regulations Plans have picked up a number of comments specifically related to the design information provided.	The comments raised were discussed at a specialist meeting with the Applicant held on the 2 nd May 2024, during which it was agreed that many of the comments will be dealt with during the detailed design stage or a further explanation and discussion with the Applicants design team resolved the comments.	Agreed at SoCG topic meeting 02.05.2024

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16.11	<u>Joint Councils</u>	<u>The Joint Councils noted that the underpass will not be illuminated from dusk to dawn to allow the movements of bats though is encouraged for pedestrian and equestrian use. The Joint Councils asked the applicant to provide further information on the risk this may pose and if this solution will be safe for pedestrian and equestrian use in the dark.</u>	<u>The Applicant has prepared a technical note providing further details on lighting options for the underpass. GCC's lighting engineer and PRow officer have provided comments which will be responded to as part of detailed design.</u>	<u>Agreed via email 13.11.2024.</u>
17. Draft Development Consent Order				
17.1	GCC	This is not an exhaustive list of the policies contained within the LTP, and as per the requirements of the NPS it is expected that the applicant fully outlines how the Scheme fully aligns with the policies within the LTP.	The DCO application contains further details on alignment with national and local polices.	Agreed via email on 15.03.2024 as part of the review of the DCO application documents submitted.
17.2	GCC	Further details of the proposed access to the existing Cheltenham West fire station should be provided and clarified, and it is recommended that the applicant consults with Gloucestershire Fire and Rescue Service (GFRS) to understand their requirements for access. With the proposed arrangement, any fire tenders leaving the site will need to cross a dual carriageway to head towards Cheltenham. It is likely some form of part time control will be needed here to allow the safe and efficient exit of these vehicles. Furthermore, a Traffic Regulation Order (TRO) will be required to restrict vehicles heading east on the A4019 using this section of highway to turn right or complete U-turn movements.	As part of the DCO the Applicant propose to amend the existing no u-turn prohibition along the A4019. This is proposed to cover a continuous length of the A4019 from approx. Withybridge Lane to the eastern scheme extents, rather than apply a no u-turn prohibition on individual junctions. This proposed TRO will therefore cover the proposed opening within the central reservation at the Fire Station. This is reflected on the submitted Speed Limit and TRO plans (Sheets 12, 13 and 14) and the DCO. The Applicant is currently not proposing No Right Turns, instead proposing No Entry at the central reserve opening adjacent to the Fire Station. We do not currently have a TRO within the DCO for this No Entry prohibition. The Applicant considers	Agreed via SoCG meeting 07.08.2024.

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			<p>that amendments to the DCO and plans are not required for this aspect as:</p> <p>There is already a proposed TRO to cover the no u-turn at this location.</p> <p>There are existing no entry markings at the Fire Station.</p> <p>This could be picked up later under GCC own powers, if required.</p> <p>This matter is now agreed.</p>	
<u>17.3</u>	<u>Joint Councils</u>	<u>(Response to ExA Q6.0.4) The Joint Councils had concerns that the further drafting at Article 7 (2) & (3), which seeks to deal with the risk of inconsistency and incompatibility issues emerging from the Hillside case; seeks to constrain the planning enforcement powers of the Joint Council's LPAs, in them not being able to take planning enforcement action in the circumstances laid out in this Article. The Joint Council's consider that is not possible for a DCO Article to constrain the LPAs planning enforcement or decision-making powers in such a way, and its inclusion in a DCO is not vires. Therefore, the drafting of Article 7 (2) & (3) should be deleted.</u>	<u>The updated dDCO includes updated wording to Article 7 which has been agreed with the Joint Councils.</u>	<u>Agreed via email 13.11.2024.</u>
<u>17.4</u>	<u>Joint Councils</u>	<u>(Response to ExA Q6.0.9) Article 41 Statutory Nuisances:</u> <u>The (exception) included with the DCO drafting in relation to the defence to proceedings in respect of statutory nuisance, should be limited only to works associated the construction. It is unreasonable for the defence to apply to ongoing use and maintenance works. The use and consequential works should not</u>	<u>The Applicant has set out its position in relation to statutory nuisance in its Statement of Statutory Nuisance (APP-134). This document provides a narrative that the provisions of section 79(1) of the EPA 1990 could potentially be engaged as a consequence of the Scheme are (d), (fb), (g), and (ga). This document sets out how the Applicant has sought to mitigate any statutory nuisance that may be caused by the Scheme. The Statement</u>	<u>Agreed via email 13.11.2024.</u>

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		<u>impose on the local community be planned, consulted in the local community and come within normal statutory works regarding road and associated measures.</u>	<u>concludes that whilst no statutory nuisance is likely to occur due to the mitigation proposed, the Applicant has included a defence in the dDCO in order that the defence can be relied on in circumstances where nuisance cannot be avoided. This is common practice and can be found in other DCOs.</u>	
18.	Land (<u>no comments</u>)			
19.	Environmental Management Plan			
19.1	Joint Councils	<p>The following Annexes to the 1st iteration Environmental Management Plan submitted with the S51 submission to PINS on the 22nd March and the PD-007 submission on the 10th May have been reviewed by the Joint Councils:</p> <ul style="list-style-type: none"> • Annex B.1 Materials Management Plan • Annex B.2 Soil Handling Management Plan • Annex B.3 Noise and Vibration Management Plan • Annex B.4 Air Quality Management Plan • Annex B.5 Landscape and Ecology Management Plan • Annex B.6 Emergency Preparedness and Response Plan • Annex B.7 Pollution Prevention and Control Management Plan • Annex B.8 Archaeological Management Plan • Annex B.9 Operational Unexploded Ordnance Emergency Response Plan 	The Applicant has shared the comments with the ECI contractor and to be addressed, as appropriate, in the 2 nd Iteration of the management plans.	Agreed via specialist meetings in May 2024.

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		<ul style="list-style-type: none"> Annex B.10 Severe Weather Plan Annex B.11 Traffic Management Plan Annex B.12 Site Waste Management Plan Annex B.13 Public Rights of Way Management Plan Annex B.14 Emergency Vehicle Movement Management Plan Annex B.15 Community Engagement Plan Annex B.16 Carbon Management Plan <p>The Joint Councils had a number of comments on each of these plans which the Applicant has ensured will be addressed in the 2nd iteration of each plan by the Early contractor involvement (ECI) Contractor.</p>		
19.2	CBC / TBC	The Joint Councils have reviewed the 1 st iteration of the EMP, and it is requested that any details on monitoring, particularly where potentially significant effects have been identified and where there is uncertainty on the success of mitigation this matter remains is included in the 2 nd iteration in more detail.	The Applicant has shared the comments with the ECI contractor and to be addressed as appropriate in the 2 nd iteration of the management plans.	Agreed at topic meetings 07.06.2024
20. Construction Traffic Management Plan (<u>no comments</u>)				
21. Funding (<u>no matters agreed</u>)				
22. Transport (including traffic modelling)				
22.1	Joint Councils	The Joint Councils note that the existing conditions/ current congestion refers to 2017 and not 2023. Also there are no details on the quantum of traffic diverted to J11 or how far is the diversion and how many vehicles there would be. The Joint Councils would like to understand what the routes without the new J10 are and	Comment addressed by the production of the Transport Assessment Supplementary Report (March 2024). Observed data collected, included and used in the development of the 2023 Forecast Model. The need for a Transport Chapter in the	Agreed at SoCG meeting 13.05.2024

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		are there actual traffic counts post-COVID to confirm that flows are still as high as the model.	ES to summarise this information remains (see matters outstanding table)	
224.2	Joint Councils	The Joint Councils would like to understand if there are any partial build-out models and could a % of the development progress without J10 i.e. the current Cyber Central is proceeding at pace (including transport hub) and could be ahead of the junction improvement.	<p>The dependency test which establishes what portion of the proposed developments can be built without the M5 J10 scheme was undertaken and used to secure the funding for the scheme.</p> <p>The same quantum have been maintained for the subsequent modelling.</p> <p>Traffic modelling for M5 J10 includes a number of scenarios namely P, S and R. Scenario P includes trips from the non-dependent part of the proposed developments with the corresponding demand and the new scheme is not included in the model run. This can be considered the base line.</p> <p>Scenario S uses the demand from Scenario P but includes the M5 J10 scheme, so it measures the impact of the scheme without the dependent developments.</p> <p>Finally Scenario R assesses the cumulative impact of all developments (dependent and non-dependent) as well as impact of the scheme.</p>	Agreed at SoCG meeting 13.05.2024
224.3	Joint Councils	The Joint Councils note that no economics or VfM is in the TA and wonder if this is available elsewhere as this would be expected in a TA. The Joint Councils- also note that air and noise and environmental aspects require some cross referencing (for example, economic benefit of accident reduction is relevant).	The TA has an operational focus whilst the economic appraisal is reported separately as part of a number of PCF reports as agreed with National Highways which includes a full Economic Appraisal Package report (Ref.: GCCM5J10-ATK-HTA-ZZ-RP-TR-000005) where details about VfM and the accident benefits are provided.	Agreed at SoCG meeting 13.05.2024
22.4	Joint Councils	<u>The Joint Councils are pleased to see the full Transport Assessment has been provided. Detailed clarifications</u>	<u>The Joint Councils acknowledge the additional modelling submissions and can confirm the</u>	<u>Agreed via email on 13.11.2024.</u>

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
		<u>have been provided separately. There remains a need to understand the relationship with the existing and future scenarios including the committed housing and employment growth being brought forward. There is no future year modelling with the developments included and without the scheme in place. It would be useful to have this as a comparison in the main report with an understanding of the relationship with M5 J11.</u>	<u>information provided demonstrates the need for the M5 J10 improvements. The information has been reviewed and the mitigation proposed is acceptable subject to detailed design checks and technical approval by GCC HDM. Further mitigation may be considered necessary by the LPAs for West and North West Cheltenham developments which are linked to the scheme.</u>	
<u>22.5</u>	<u>Joint Councils</u>	<u>The Joint Councils requested that a full TA was provided as part of the ES which includes individual junction assessment of the proposed signalised junctions on the A4019 so they could fully understand the operation and capacity of these junctions.</u>	<u>The Joint Councils, taking advice from GCC HDM, have reviewed the 'Traffic Modelling Sensitivity Tests' Technical Note (TR010063-APP 9.79), dated 24/09/24, submitted at Deadline 5. The Applicant can confirm the modelling submitted to the DCO by the applicant supports the need for the M5 J10 scheme. Any revisions to the traffic modelling undertaken during detailed design of the Scheme should be provided to GCC HDM for review."</u>	<u>Agreed via email on 13.11.2024.</u>
<u>22.6</u>	<u>Joint Councils</u>	<u>The Joint Councils welcome the proposed widening of the A4019 and provision of a separate, dedicated cycle track and footway lanes for non-motorised traffic. However, they would expect further information articulating the opportunities the Scheme brings for modal shift and the aid to a behavioural shift to promote more sustainable and less polluting methods of transport. To align with local strategies such as CBC's Connecting Cheltenham report (2019), more details need to be provided to explain how the use of the improved network will encourage shorter journeys and build in mechanisms to enable and encourage sustainable transport, particularly measures that allow</u>	<u>Following Joint Councils review of Active Travel Plan submitted at Deadline 5 [REP5-030], Active Travel Policy Position Statement submitted at Deadline 7 (REP7-010) and Joint Councils D7 submission (REP7-019) confirming scheme is in compliance with NN NPS 5.211. This matter is now resolved.</u>	<u>Agreed via email on 14.11.2024</u>

Matter Reference number	Parties Concerned	Matter which has been discussed / agreed	Position	Date and method of agreement
		<u>people to use active and collective forms of transport to travel to work.</u>		
<u>22.7</u>	<u>Joint Councils</u>	<u>While the Joint Councils fully recognise the importance of the Scheme to deliver improvements to the highway network to help facilitate strategic housing allocations, there is a clear need that the Scheme needs to fully integrate active travel opportunities where possible and help to reduce CO2 emissions.</u>	<u>Following Joint Councils review of the Active Travel Plan submitted at Deadline 5 [REP5-030], Active Travel Policy Position Statement submitted at Deadline 7 (REP7-010) and Joint Councils D7 submission (REP7-019) confirming scheme is in compliance with NN NPS 5.211. This matter is now resolved.</u>	<u>Agreed via email on 14.11.2024</u>
<u>22.8</u>	<u>GCC</u>	<u>The Joint Councils noted that a stand-alone chapter for transport has not been produced within the Environmental Statement itself. The Assessment of Alternatives chapter provides a road focussed options assessment. The sustainable modes are considered as part of the design once options have been assessed. Sustainable modes should be considered up front in providing a complete network linked to the identified development sites to the west of Cheltenham. It is recommended the information within the Transport Assessment and WCHAR reports be summarised taking account of the detailed comments provided separately.</u>	<u>The Joint Councils acknowledge the additional modelling submissions and can confirm the information provided demonstrates the need for the M5 J10 improvements. The information has been reviewed and the mitigation proposed is acceptable subject to detailed design checks and technical approval by GCC HDM. Further mitigation may be considered necessary by the LPAs for West and North West Cheltenham developments which are linked to the scheme.</u>	<u>Agreed via email 13.11.2024</u>

4.1.2 The following matters that are listed in the table above are agreed between the parties subject to detailed design:

- The lighting strategy across the Scheme will be developed at detailed design including mitigation where required.
- The Joint Councils comments on the technical note providing further details on lighting options for the Withybridge underpass will be responded to as part of detailed design.
- The detailed design will take into account the most up to date Institute of Landscape guidance.
- The visual assessment of the barriers proposed at at Barn Farm Informal Travellers Site and properties on the south side fo the A4019 east of West Cheltenham Fire Station assumes residents will have input into the design of the barrier. This is subject to detailed design and commitments made in the REAC.
- Properties at Elmstone Hardwicke have intervisibility with the A4019 and Withybridge Gardens. No buildings that filter views and vegetation that provides screening will be removed as part of the works. There is some intervening field boundary vegetation which would help distract form views. This matter is agreed subject to detailed design and commitments made in the REAC.
- The Joint Councils welcome the approach that the AMP will take into account cumulative effects resulting from adjacent developments impacting on wider archaeological remains. A 1st iteration AMP was submitted into Examinatione PINS-which sets out the archaeological evaluation process. Later iterations of the AMP are to be prepared.
- The Joint Councils request information on whether the primary materials (excluding steel) will be sourced from within Gloucestershire, the South West or elsewhere. This is to help with regional reporting. This is ~~for the contractor to comment on~~ subject to the detailed design process.
- The Joint Councils request swept path analysis of junctions and access roads which shoud include the movements of waste vehicles. Swept path analysis has been undertaken at juncions and access roads and agreed that this can be provided at detailed design.
- The Joint Councils would like to understand what type of segregated barrier is proposed at the motorway junction. Segregation will be some form of kerb or separation strip, not just coloured lines, and this is to be considered at detailed design.
- The Joint Councils request improvement of Bridleway AEH1 which runs north east from the A4019. The design has sought to incorporate horse riders where needed and possible and this will be considered in detailed design.
- The Joint Councils review of the General Arrangement Plans, Speed Limits and Traffic Regulations Plans and Classification of Roads and Traffic Regulations Plans have generated some comments related to the design information. It is agreed that these comments will be resolved at detailed design.

5 Matters Outstanding

5.1 Principal matters outstanding

5.1.1 The principal matters outstanding between the Applicant and Joint Councils are:

- ~~• Scheme needs to fully integrate active travel opportunities where possible.~~
- ~~• Illumination of the underpass.~~
- ~~• Further details requested as part of the Transport Assessment.~~
- The funding methodology for developer contributions.
- ~~•~~

5.1.2 Table 5-1 shows those matters that are outstanding between the parties, including that matters reference number, and the date of the latest position.

5.1.3 Where a matter relates to the position of one council only, or there are differences in the position between the Councils, the matter is subdivided. In all other instances, the position relates to that of the Joint Councils. The references to the ES chapters and other documents relate to those submitted with the DCO Application in December 2023, ~~and~~ documents submitted with the Applicant's response to Rule 9 / S51 advice in March 2024 and documents submitted during the examination unless otherwise indicated. Where the issues and reference to historical discussion, such as the PEIR this is also indicated.

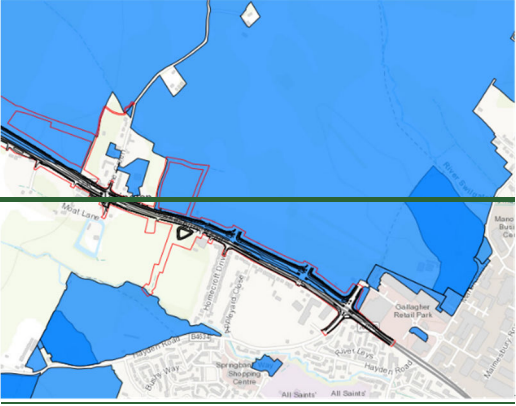
Table 5-1 - Matters Outstanding

Matter Reference Number	Parties Concerned	Position of Interested Party	Applicant Response	Joint Council Comment	Applicant further response at D4	Applicant Final position at D10 (28 November 2024)	Date of latest position
1. Principle of Development (all matters agreed/resolved)							
	Joint Councils	The Joint Councils welcome the proposed widening of the A4019 and provision of a separate, dedicated cycle track and footway lanes for non-motorised traffic. However, they would expect further information articulating the opportunities the Scheme brings for modal shift and the aid to a behavioural shift to promote more sustainable and less polluting methods of transport. To align with local strategies such as CBC's Connecting Cheltenham report (2019), more details need to be provided to explain how the use of the improved network will encourage shorter journeys and build in mechanisms to enable and encourage sustainable transport, particularly measures that allow people to use active and collective forms of transport to travel to work.	We note this comment. The 'Strategic Connections' section of Connecting Cheltenham strategy report states "improving both motorway access capacity and resilience will support the delivery of these areas of development whilst helping mitigate their impact on the existing urban area." Within the corridor-based remit of a highway scheme it is felt that the proposed walking & cycling facilities will provide good quality off-road connections. For cyclists, these are intended to encourage less-confident cyclists that are needed to deliver the aims of Connecting Cheltenham.	Further to the Joint Councils PEIR response in paragraph 2.14.2, the applicants' comments are noted. The Joint Council's note and welcome the proposed changes 8 and 9 in the targeted consultation which includes future proofing bus provision. However, some further commentary on how this would enable modal shift to sustainable transport, and how it would connect the strategic allocation in the Joint Core Strategy would be welcomed.	Discussions have been had with the Joint Councils regarding the additional information they would like to see with regard to the transport assessment. It has been agreed to produce a plan relating to connected and wider cycle network to support the WCHAR report. The Applicant submitted a Multi-Modal study REP3-053) at Deadline 3 which is has been reviewed by the Joint Councils and the Applicant is considering the comments received on 28.08.24.		28.08.24
1.2	Joint Councils	Whilst we fully recognise the importance of the Scheme to deliver improvements to the highway network to help facilitate strategic housing allocations, there is a clear need that the Scheme needs to fully integrate active travel opportunities where possible and help to reduce CO2 emissions.	An active travel corridor is included as part of the design for the full extent of the Scheme.	The Joint Councils are pleased to see the inclusion of the WCHAR detailed assessment. Full comments on this report have been provided separately. The Joint Councils would like to see some high-level plans setting out the cycle network with the opportunities listed within the WCHAR report identified. It is noted that good pedestrian and cycle infrastructure provision is included in the extents of the scheme itself, ideally additional buffers should be provide as highlighted in the detailed comments provided. It would be useful to have a clear strategic cycle network plan presented. The CSV LCWIP and the principles of the Connecting Cheltenham report (2019) should be	Discussions have been had with the Joint Councils regarding the additional information they would like to see with regard to the transport assessment. It has been agreed to produce a plan relating to connected and wider cycle network to support the WCHAR report. The Applicant submitted a Multi-Modal study REP3-053) at Deadline 3 which is has been reviewed by the Joint Councils and the Applicant is considering the comments received on 28.08.24.		28.08.24

Matter Reference Number	Parties Concerned	Position of Interested Party	Applicant Response	Joint Council Comment	Applicant further response at D4	Applicant Final position at D10 (28 November 2024)	Date of latest position
				considered, to clearly demonstrate where the missing links are and how the scheme will support the delivery of improved connectivity for sustainable modes. A clear plan setting out the sustainable transport provision for all modes adjacent and through the scheme would be beneficial e.g. bus, cycle, and pedestrian. The Joint Councils would like a summary plan of the movements and how all modes will be provided to/through the local development sites. There are missing links and therefore, these need to be clearly identified with an understanding of future opportunities around delivery of these. E.g. west towards A38 Coombe Hill along the A4019.			
2. Statutory Consultation <u>(no comments)</u>							
3. Assessment of Alternatives <u>(all matters agreed/resolved)</u>							
3.1	Joint Councils		It was not envisaged that pedestrians/ equestrians would be using the underpass from dusk till dawn. A further response to this is included in the Applicant's response to the Joint Councils Relevant Representation.	This information is not sufficient to close out. Pedestrians and equestrian users should feel safe using the underpass.	This matter was discussed at meetings held on 07.08.24 and 21.08.24. The ECI contractor's lighting designer is reviewing the feasibility of potential solutions. It is anticipated the Applicant/ ECI contractor will be in a position to engage with the Joint Councils on the outcome of this review in September.		28.08.24
4. Environmental Impact Assessment <u>(all matters resolved)</u>							
4.1	Joint Councils			The Joint Councils are pleased to see the full Transport Assessment has been provided. Detailed clarifications have been provided separately. There remains a need to understand the relationship with the existing and future scenarios including the committed housing and	Discussions are ongoing with the Joint Councils on traffic modelling and Joint Councils will review additional modelling submitted by the Applicant at Deadline 5.		28.08.24

Matter Reference Number	Parties Concerned	Position of Interested Party	Applicant Response	Joint Council Comment	Applicant further response at D4	Applicant Final position at D10 (28 November 2024)	Date of latest position
				employment growth being brought forward. There is no future year modelling with the developments included and without the scheme in place. It would be useful to have this as a comparison in the main report with an understanding of the relationship with M5 J11. It is suggested this be provided for clarity.			
4.2	GCC	Whilst the submitted PEIR does not outline that the final ES will provide a chapter on Transport as a standalone chapter, it is crucial that this is provided in support of the DCO application. This should be supported by a comprehensive Transport Assessment (TA) which should inform the assessment within the ES.	The inclusion of a Transport chapter will be reviewed as part of the ES. A Transport Assessment (TA) is being prepared as part of the DCO submission.	The Joint Councils note that a stand-alone chapter for transport has not been produced within the Environmental Statement itself. The Assessment of Alternatives chapter provides a road focussed options assessment. The sustainable modes are considered as part of the design once options have been assessed. Sustainable modes should be considered up front in providing a complete network linked to the identified development sites to the west of Cheltenham. It is recommended the information within the Transport Assessment and WCHAR reports be summarised taking account of the detailed comments provided separately.	Discussions have been had with the Joint Councils regarding the additional information they would like to see with regard to the transport assessment. It has been agreed to produce a plan relating to connected and wider cycle network to support the WCHAR report. The Applicant submitted a Multi-Modal study REP3-053) at Deadline 3 which is has been reviewed by the Joint Councils and the Applicant is considering the comments received on 28.08.24.		28.08.24
	GCC	As outlined above, it is crucial that a full TA is provided as part of the ES. This should include individual junction assessment of the proposed signalised junctions on the A4019 so we can fully understand the operation and capacity of these junctions. It is suggested that in a future year six after the opening of the Scheme, there is a substantial change to the turning movements proposed at the Gallagher Retail Park junction, with the banning of right	This comment is noted, and a full Transport Assessment will be prepared and submitted as part of the DCO application.	The Joint Councils previously requested individual stand-alone junction assessments along the A4019. These have been provided. Detail to be reviewed in ongoing discussions.	Discussions are ongoing with the Joint Councils on traffic modelling and Joint Councils will review additional modelling submitted by the Applicant at Deadline 5.		28.08.24

Matter Reference Number	Parties Concerned	Position of Interested Party	Applicant Response	Joint Council Comment	Applicant further response at D4	Applicant Final position at D10 (28 November 2024)	Date of latest position
		turns. Several modelling scenarios should be included with the TA which picks up on these points					
5. Air Quality <u>(all matters resolved)</u>							
6. Noise and Vibration <u>(all matters resolved)</u>							
7. Biodiversity <u>(all matters resolved)</u>							
8. Road Drainage and the Water Environment <u>(all matters resolved)</u>							
9. Landscape and Visual <u>(all matters resolved)</u>							
10. Geology and Soils <u>(all matters resolved)</u>							
11. Cultural Heritage <u>(all matters resolved)</u>							
11.4	Joint Councils	<p>The Joint Councils would like to emphasise the importance of conducting further surveys to inform the application adequately. While we appreciate the progress made, we still lack essential location details for the proposed geophysical and trial trenching surveys.</p> <p>The AMP (1st iteration) is based on incomplete data and lacks necessary location details, which could significantly impact the mitigation plans.</p> <p>To avoid potential delays and increased costs due to unforeseen archaeological discoveries, the Joint Councils request that the necessary surveys be conducted during the examination.</p>	<p>The Applicant's contractor has appointed a specialist archaeological contractor. The proposed geophysical survey scope was discussed and agreed with County Archaeologist on 29th April 2024. The County Archaeologist requested a full desk top study as the Applicant were unable to access the physical archives during Covid, which is being progressed.</p> <p>The Applicant's contractor is in the process of obtaining land access, with the intention of conducting the geophysical surveys in September through to December this year. The results of the geophysical surveys will then be reviewed with the county archaeologist to determine the requirement for and location of additional trial pits. The programme for the trial pits will be dependent on location, land access and crop cycles".</p> <p>The next update of the AMP will be the 2nd iteration of the document produced by the Principal Contractor in advance of construction. This will include further information on survey location and plans.</p>	<p>The Joint Councils request the location details for the proposed geophysical and trial trenching surveys and would like to understand the programme these are to be carried out and expect them to be conducted during the examination.</p>	<p>As discussed at the SoCG meeting on the 22.08.24, the Applicant notes that further geophysical assessment is required for the Scheme, and that this will be undertaken from September 2024.</p> <p>The assessments undertaken to date (as reported in the ES Cultural Heritage chapter), alongside the processes set out in the AMP covering the further investigations to be undertaken and the management measures to be implemented to mitigate the impacts of the Scheme on as yet unknown archaeological remains, provide a sufficient level of information and mitigation for the DCO.</p> <p>Whilst further geophysical survey work is required, and will be undertaken, the results of the geophysical survey is not expected to change the overall assessment of impact and effect identified in the ES and is therefore not required for the DCO Examination. At the 22/8/24 meeting with the Joint Councils it was agreed that the geophysical survey results would be required to identify and refine further evaluation and mitigation measures, but that it is unlikely that remains of such significance will be discovered as to affect whether a consent should be given.</p>	<p><u>Meeting held on 28 October to discuss geophysical surveys and agreement. County Archaeologist considers the details at the flood storage area to be of local, possibly regional significance. County Archaeologist considers that 'the project now has sufficient baseline information for a decision to be made'.</u></p> <p><u>AMP 1st Iteration being updated (Rev 1.0) has been shared with Joint Councils prior to submission at Deadline 9. Comments have been received and will be incorporated into the submission at Deadline 9.</u></p>	<p><u>5</u> 22.08.2024</p>
12. Materials and Waste <u>(all matters resolved)</u>							
13. Population and Human Health- <u>(all matters resolved)</u>							
14. Climate <u>(all matters resolved)</u>							
	Joint Councils	Response to ExA Q6.0.4	The Applicant considers that the dDCO as drafted ensures that no conflict is created	The Joint Council's recognise that the drafting of	This is a new matter added into the SoCG at D4 that has arisen from submissions		01.08.2024

Matter Reference Number	Parties Concerned	Position of Interested Party	Applicant Response	Joint Council Comment	Applicant further response at D4	Applicant Final position at D10 (28 November 2024)	Date of latest position
		<p>The Joint Council's recognise that the drafting of Article 7 (1) is wording used in previous DCOs to provide clarification and reassurance that following the coming into force of an Order, any future planning permission granted under TCPA 1990 within its Order limits, which is not required for the use or operation of that DCO, will not breach the terms of its Order. However, the Joint Councils have concerns that the further drafting at Article 7 (2) & (3), which seeks to deal with the risk of inconsistency and incompatibility issues emerging from the Hillside case; seeks to constrain the planning enforcement powers of the Joint Council's LPAs, in them not being able to take planning enforcement action in the circumstances laid out in this Article. The Joint Council's consider that is not possible for a DCO Article to constrain the LPAs planning enforcement or decision making powers in such a way, and its inclusion in a DCO is not vires. Therefore, the drafting of Article 7 (2) & (3) should be deleted. It also noted that the drafting within Article 7 is based on that proposed by the Promoter within the Lower Thames Crossing DCO, which has not yet been determined by the Secretary of State and therefore cannot be relied upon as a precedent.</p>	<p>between the authorised development and the planning application for Elms Park which would mean that enforcement action could not be taken against Elms Park in respect of any inconsistency. Article 7(2) would mean that if there is inconsistency between the dDCO and the planning permission for Elms Park, then any inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of the Elms Park planning permission is capable of physical implementation and that no enforcement action can be taken in respect of that inconsistency. The Article doesn't present a solution to the inconsistency itself but it ensures that the operator of the Elms Park planning permission is not disadvantaged as a result of the Scheme in respect of planning enforcement.</p> <p>The Applicant has provided the below plan to overlay the extent of other planning applications locally, which includes Elms Park application, in blue, with the Scheme.</p> 	<p>Article 7 (1) is wording used in previous DCOs to provide clarification and reassurance that following the coming into force of an Order, any future planning permission granted under TCPA 1990 within its Order limits, which is not required for the use or operation of that DCO, will not breach the terms of its Order. However, the Joint Councils have concerns that the further drafting at Article 7 (2) & (3), which seeks to deal with the risk of inconsistency and incompatibility issues emerging from the Hillside case; seeks to constrain the planning enforcement powers of the Joint Council's LPAs, in them not being able to take planning enforcement action in the circumstances laid out in this Article. The Joint Council's consider that is not possible for a DCO Article to constrain the LPAs planning enforcement or decision-making powers in such a way, and its inclusion in a DCO is not vires. Therefore, the drafting of Article 7 (2) & (3) should be deleted. It also noted that the drafting within Article 7 is based on that proposed by the Promoter within the Lower Thames Crossing DCO, which has not yet been determined by the Secretary of State and therefore cannot be relied upon as a precedent.</p>	<p>from the Joint Councils D3 submission in response to the ExAQ1s. The Applicant will respond at Deadline 4 and a further iteration of the SoCG will confirm latest position on this matter between the parties.</p>		
	<p>Joint Councils</p>	<p>Response to ExA Q6.0.9: Article 41 Statutory Nuisances: The (exception) included with the DCO drafting in relation to the defence to proceedings in respect of statutory nuisance, should be limited only to works associated the construction. It is</p>	<p>The Applicant has set out its position in relation to statutory nuisance in its Statement of Statutory Nuisance (APP-134). This document provides a narrative that the provisions of section 79(1) of the EPA 1990 could potentially be engaged as a consequence of the Scheme are (d), (fb), (g), and (ga). This document sets out how the Applicant has sought to mitigate any</p>		<p>This is a new matter added into the SoCG at D4 that has arisen from submissions from the Joint Councils D3 submission in response to the ExAQ1s. The Applicant will respond at Deadline 4 and a further iteration of the SoCG will confirm latest position on this matter between the parties.</p>		<p>01.08.2024</p>

Matter Reference Number	Parties Concerned	Position of Interested Party	Applicant Response	Joint Council Comment	Applicant further response at D4	Applicant Final position at D10 (28 November 2024)	Date of latest position
		unreasonable for the defence to apply to ongoing use and maintenance works. The use and consequential works should not impose on the local community be planned, consulted in the local community and come within normal statutory works regarding road and associated measures. For amended drafting please refer below.	statutory nuisance that may be caused by the Scheme. The Statement concludes that whilst no statutory nuisance is likely to occur due to the mitigation proposed, the Applicant has included a defence in the dDCO in order that the defence can be relied on in circumstances where nuisance cannot be avoided. This is common practice and can be found in other DCOs.				
14. Assessment of Cumulative Effects (all matters resolved)							
15. Engineering Design (all matters resolved)							
16. Draft Development Consent Order (all matters resolved)							
17. Land (no comments)							
18. Environmental Management Plan (all matters resolved)							
19. Construction Traffic Management Plan (no comments)							
<u>20. Funding</u>							
210.1	Joint Councils	<p>The Joint Councils are in active engagement with the Applicant in respect of developer contributions. –CBC and TBC made joint responses on the M5 J10 proposed S106 methodology on 19th October 2023 and 18th December 2023. A further meeting was held between the Joint Councils and the Applicant on 12th June 2024 and a revised methodology is anticipated by the end of June. The methodology is needed to support and help justify that any contribution sought;</p> <ul style="list-style-type: none"> Meets the S106 tests, and Meets the severity tests. <p>Key to the representations submitted to the Applicant on this matter by the Joint Councils is viability, taking full account of the whole demands for S106/CIL arising from development, not just those subject to Joint Core Strategy policy INF7. As the determining local planning authorities, Cheltenham and Tewkesbury will need to ensure that the developer contribution package negotiated appropriately</p>	<p>The Applicant welcomes positive, on-going engagement on this matter regarding the revised contribution methodology later this month.</p>	<p>The Joint Councils will await to review the revised methodology once received from the Applicant.</p> <p>Joint Councils response to ExA Q5.0.12: (ii) The Applicant has circulated their draft response to Q5.0.12 to the Joint Councils prior to the submission at Deadline 3. The Joint Councils received the following text from the Applicant on the latest position of their approach to the application of JCS policy INF7: The meeting referred to in December 2023 became a Cabinet Paper entitled Funding Update and was submitted in March 2024. The paper states that an Executive decision is required once the funding approach has been finalised. The resolutions include:</p>	No response given.	<p>The Applicant acknowledges that the funding methodology for developer contributions is yet to be agreed This will continue to be discussed among relevant interested parties.</p>	<p>17.06.2024 Updated response provided at D3 (30 July 2024) Deadline 10 28 November 2024</p>

Matter Reference Number	Parties Concerned	Position of Interested Party	Applicant Response	Joint Council Comment	Applicant further response at D4	Applicant Final position at D10 (28 November 2024)	Date of latest position
		mitigates across developments as a whole to enable sustainable and vibrant communities.		<p>• Acknowledge that revisions will be required in the future to the Highways Capital budget in relation to the scheme up to a value of £334.270 million, on the basis of £249.131 million secured HIF funding (added for clarity: for M5 J10, Arle Court and Coombe Hill), £4 million secured GCC funding and notes the remaining gap of £81.139 million, in funding for the M5 J10 improvement scheme and confirms its intention to seek to raise those funds through section 106 contributions from developers.</p> <p>• Approve the principle of requesting Section 106 contributions toward the M5 Junction 10 Improvements Scheme from development sites benefiting from the scheme, with such contributions being sought under policy INF7 of the Joint Core Strategy and/or any subsequent policy replacement.</p> <p>• Delegate authority to the Executive Director of Economy Environment & Infrastructure in consultation with the Cabinet Member for Environment and Planning and the Chief Finance Officer to negotiate and determine GCC's position with regard to the scope, mechanism and levels of contribution being sought from each development site under policy INF7 of the Joint Core Strategy and/or any subsequent policy replacement.</p> <p>It is of the Joint Councils' understanding that this position/approach is not yet</p>			

Matter Reference Number	Parties Concerned	Position of Interested Party	Applicant Response	Joint Council Comment	Applicant further response at D4	Applicant Final position at D10 (28 November 2024)	Date of latest position
				agreed with the other Councils and it is expected to be updated by Autumn 2024. The Joint Councils also understand that the Applicant is working with prospective developers of the allocated sites but the approach is not yet agreed. This is also expected to be updated by Autumn 2024.			
21.2	Joint Councils	The Joint Councils reiterate their support for the purpose of the Order and concur with the Applicant that works enabled by the Order will assist to unlock the development of additional housing in the Strategic Site Allocations and Safeguarded Land. Our position remains as set out in the JC's Planning Statements submitted to the ExA at Deadline 4 [REP4-048b] and attached for ease of reference. In summary, the main points from the JC's Planning Statement and comments on the Applicant's Updated Funding Statement [REP6-005] and the Funding Technical Note [REP4-043] are that:					
		1. The three tests in Regulation 122[2] of the Community Infrastructure Levy [CIL] Regulations 2010 are solely for the LPA to determine. This determination includes whether or not the LPA are satisfied and whether it would be appropriate for a contribution to be made, after taking account of other requirements, representations from the various consultees including GCC as Local Highway Authority, and any impact on the viability of the Scheme.	N/A	N/A	N/A	The Applicant agrees to this statement.	Deadline 10 28 November 2024
		2. CIL Funding determinations are a decision for the CIL Joint Committee in keeping with the	N/A	N/A	N/A	The Applicant agrees to this statement.	Deadline 10 28 November 2024

Matter Reference Number	Parties Concerned	Position of Interested Party	Applicant Response	Joint Council Comment	Applicant further response at D4	Applicant Final position at D10 (28 November 2024)	Date of latest position
		<u>CIL Regulations and the CIL Prioritisation Framework.</u>					
		<u>3. The JC's do not intend to bring forward a Supplementary Planning Document [SPD] in respect of the relevant sites, as they are presently progressing a joint Strategic Local Plan [SLP], this would be a more robust approach to future financial obligations relating to the points picked up in the funding statement.</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>The Applicant agrees to this statement.</u>	<u>Deadline 10 28 November 2024</u>
		<u>4. The JC's cannot at this time confirm the financial value of S106 or CIL.</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>The Applicant is in agreement that the quantum of s106 or CIL contributions towards the Scheme is unable to be determined at this time and would be subject to the individual planning application processes and determination by the relevant LPAs and/or CIL Charging Authorities.</u>	<u>Deadline 10 28 November 2024</u>
		<u>5. The JC's do not consider s106 contributions would meet the Reg.122 tests in a retrospective situation</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>The Applicant is in agreement that s106 contributions would be unlikely to meet the Reg.122 tests in a retrospective situation (post Scheme completion) and in any event would be subject to determination by the relevant LPA.</u>	<u>Deadline 10 28 November 2024</u>
<u>22 Transport (all matters resolved)</u>							

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