

M5 Junction 10 Improvements Scheme

Statement of Common Ground
National Highways
TR010063 – APP 8.3

Regulation 5(2)(q)

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

8.3 Statement of Common Ground National Highways

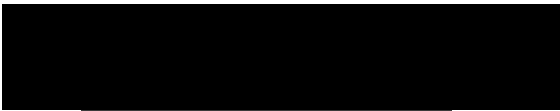
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Rev 4	November 2024	Final for Deadline 10 submission

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Gloucestershire County Council and (2) National Highways

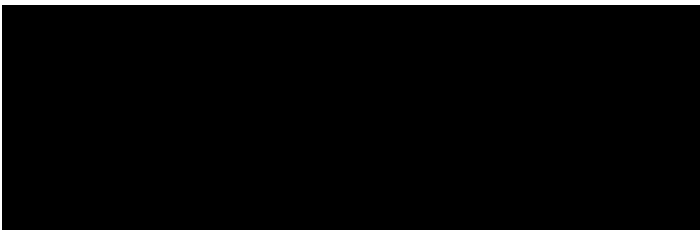
Signed: Chris Beattie



On behalf of Gloucestershire County Council (as Applicant)

Date: 27 November 2024

Signed: Andrew Alcorn



On behalf of National Highways

Date: 27 November 2024

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Glossary

Term	Meaning / Definition
(The) Act	The Planning Act 2008 (as amended)
Asset Data Management Manual (ADMM)	This provides the requirements for creating, managing or using data on behalf of National Highways. It captures the requirements of asset data management; a data dictionary outlining the structure and rules for individual assets and attributes and contains the asset reference catalogue which is a tool used to help identify and record specific assets.
(The) Applicant	Gloucestershire County Council (Strategic Development team) applying for the DCO
Baseline Execution Index (BEI)	Baseline Execution Index - performance calculations
Biodiversity Net Gain (BNG)	Biodiversity Net Gain delivers measurable improvements for Biodiversity by creating or enhancing habitats in association with development
CI32 – Principal Contractor Clause 32 submission	This term refers to the revised programme of works which the Principal Contractor submits for Client acceptance, typically on a monthly basis, as per the NEC contract requirements of Clause 32. Clause 32 submissions are based on the original Clause 31 programme submission as per NEC requirements. It is industry practice to reference individual clauses numbers in the NEC contracts, rather than the clause title. For example, " <i>Clause 32 Revising the Programme</i> " is known as Clause 32 or CI32.
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
CPI -	Cost Performance Index - earned value metrics
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).
Early Contractor Involvement (ECI)	This is a term defined in the New Engineering Contract (NEC) suite of contracts. ECI is a type of construction contract where the Principal Contractor is engaged at an early state in a project to offer input into the design phase. It is on contrast to the design-bid-build model where the contractor is only brought onboard at the end of the design phase. The model allows the contractor to have input into the design and suggest value engineering changes which can result in time and cost savings.
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.
EPSL	EPS Licence – European Protected Species Licence.

Term	Meaning / Definition
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.
Handover Environmental Management Plan (HEMP)	3 rd iteration Environmental Management Plan (EMP) which related to the post-construction stage of the scheme
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.
LEI	Lookahead Execution Index performance calculations
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.
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
SPI	Schedule Performance Index - earned value metrics
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.

Term	Meaning / Definition
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 Statement of Common Ground (SoCG) between GCC (the Applicant) and National Highways in relation to the M5 J10 improvement Scheme (‘the Scheme’).
- 1.2.2. The document identifies the following between the parties:
- 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, have been reported on in the Consultation Report or addressed in the Environmental Statement (ES), submitted as part of the Development Consent Order (DCO) application. This SoCG has been progressed alongside responses made by National Highways during the examination as well as side agreements.

1.3. Structure Statement of Common Ground

- 1.3.1. The final version of the SoCG has been structured on a topic based approach which as such, removes Section 3 of the 1st iteration SoCG. The issues discussed in this SoCG are grouped by topic as follows:
- Draft DCO articles, schedules, Protected Provisions
 - Environmental Statement (including carbon reporting)
 - Register of Environmental Actions and Commitments (REAC) and Environmental Management Plans
 - Transport (including modelling)
 - Land Plans, Book of Reference, Statement of Reasons
 - Funding
 - Construction
 - Operation and maintenance
 - Project Control Framework and Governance

1.4. Status of SoCG

- 1.4.1. This SoCG is a correct reflection of the position of both parties at Deadline 10 on 28 November 2024. This is the final version of the SoCG between parties.

2. Consultation

2.1. The Role of Gloucestershire County Council

- 2.1.1. Gloucestershire County Council (GCC) is the Highway Authority for Gloucestershire, and the Applicant for the M5 Junction 10 Improvements Scheme will be promoted and delivered by GCC with support from National Highways and Homes England.
- 2.1.2. The Strategic Road Network (SRN) comprises the M5 J10 junction and is managed by National Highways. The A4019 is managed by Gloucestershire County Council as the local highway authority.

Gloucestershire County Council as Statutory Consultee

- 2.1.3. The Scheme is situated wholly 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”).
- 2.1.4. 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.
- 2.1.5. 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.

2.2. The Role of National Highways

- 2.2.1. The application includes improvements to the Strategic Road Network (“SRN”) controlled by National Highways as well as improvements to the local road network managed by GCC’s Highways Authority. Therefore, National Highways have been a collaborator on aspects of the Scheme related to the SRN as these elements will be handed over to the National Highways Operations Directorate upon scheme completion. National Highways also perform a separate role as a prescribed consultee under section 42 of the Planning Act 2008. This SoCG contains record of engagement with, and matters raised by National Highways in their role as a prescribed consultee rather than their role as collaborator on the Scheme.
- 2.2.2. GCC has been in consultation with National Highways during the development of the scheme’s design, including the optioneering process, non-statutory and statutory consultation in February 2022, further targeted consultation in June 2023 and S42 and S56 consultations. Consultation has continued throughout preliminary design, pre-application stage, post DCO acceptance stage, Pre-examination including Relevant Representation received by Highways England (APP-147) and into the Examination through a series of meetings. The parties have continued communicating throughout the progression of the Scheme.
- 2.2.3. During statutory and non-statutory consultations, National Highways is a statutory consultee for the Scheme, as defined under section 42(1)(b) and section 43(c) of the Planning Act 2008 (“the Act”).
- 2.2.4. A section 278 agreement (or s278) is a section of the Highways Act 1980 that allows developers to enter into a legal agreement with the local authority to make permanent alterations or improvements to a public highway, as part of a planning approval.

2.3. Summary of consultation

- 2.3.1. The engagement outlined in Table 2-1 - covers consultation with National Highways and engagement which pertains to matters raised in this SoCG. Other exchanges, such as requests for information or clarification points are not detailed below but are available on request.
- 2.3.2. The consultation with National Highways to date is set in Table 2-1 - .

Table 2-1 - Consultation with National Highways

Date	Method	Parties concerned	Matters Discussed
10/06/2021	Email	National Highways	Update on intended date for preferred route announcement
16/06/2021	Email	National Highways	Update on intended date for preferred route announcement
07/12/2021	Email	National Highways	Sharing of stakeholder pack
10/12/2021	Email	National Highways	Issuing of public consultation documents
10/02/2021	Email	National Highways	Receipt of National Highways representation to statutory consultation
12/05/2021	Email	National Highways	Response provided to National Highways' feedback to statutory consultation
09/01/2022	Email	Atkins, National Highways Environment	Email sent requesting a meeting with National Highways to discuss the SoCG.
07/07/2022	Meeting Virtual	National Highways, GCC project team, Atkins planning team	Meeting held to update National Highways on the progress of the Scheme and to agree their approach to undertaking the SoCG. At this stage National Highways indicated that the initial SoCG draft should be shared with them at the point of receiving the draft DCO.
06/2021 to 10/2023	Meeting series - Virtual	National Highways, GCC project team, Atkins project team	Regular weekly progress meetings to provide updates on progress and discuss key design changes or issues.
06/2021 to 10/2023	Meeting series - Virtual	National Highways, GCC project team, Atkins project team	Fortnightly meetings to discuss key issues.
06/2021 to 10/2023	Meeting series - Virtual	National Highways, GCC project team, GCC management team, Atkins project team	Six weekly programme board meetings to provide project board (NH member) with progress updates and for project board to make key project decisions
03/08/2023	Meeting Virtual	National Highways	Meeting to discuss matter reference 19.1 about National Highways requirements around Carbon Management Plan and reporting.

Date	Method	Parties concerned	Matters Discussed
06/2021 to 10/2023	Emails	National Highways	Relevant PCF products issued initially for review and then for approval following updates to address NH comments
01/2024 to date	Meeting series virtual	National Highways, GCC PM,	Weekly meetings. Items discussed include governance, key matters and project management.
05/03/2024	Meeting Virtual	National Highways, GCC PM, AtkinsRéalis Project Team, Burges Salmon	SoCG Working Group held to discuss NH comments on the dDCO in the comments tracker spreadsheet.
06/03/2024	Meeting Virtual	National Highways, GCC PM, AtkinsRéalis Project Team (including Project Management and Planning team)	SoCG Working Group held to discuss the data-modelling that to be shared with NH, and to inform NH of when information is likely to be available.
08/03/2024	Meeting Virtual	National Highways, GCC PM, AtkinsRéalis project team (including Project Management, Environment and Planning)	SoCG Working Group to discuss environmental matters raised by NH in the draft SoCG.
12/03/2024 – to date	Meeting series Virtual	National Highways, GCC, AtkinsRéalis PM	Fortnightly SoCG catch up meetings (SoCG working group).
29/04/2024	Meeting Virtual	National Highways, Burges Salmon, GCC, Carter Jonas, AtkinsRéalis PM	Discussion on land acquisition.
09/05/2024	Meeting Virtual	National Highways, GCC, AtkinsRéalis PM, AtkinsRéalis Planning and Traffic Modelling	To discuss National Highways review of traffic models issued on 26 March including Paramics modelling. Further meeting to be held following AtkinsRéalis review of National Highways Technical Note on modelling.
13/05/2024	Meeting Virtual	National Highways, Burges Salmon, GCC, Carter Jonas, AtkinsRéalis PM	Lands workshop to discuss high level principles to acquiring land through Compulsory Acquisition. Further actions agreed to be discussed at further meeting to be arranged.
03/07/2024	Meeting virtual	National Highways, GCC, Atkins Réalis	To discuss National Highways comments on the Saturn modelling.

Date	Method	Parties concerned	Matters Discussed
10/07/2024	Meeting virtual	GCC and NH Legal meeting	To discuss National Highways concerns relating to the DCO, articles, schedules and protective provisions.

3. Matters Agreed

3.1.1. Table 3-1 shows those matters which have been agreed, including the topic, the issue and position and the date and method by which it was agreed..

Table 3-1 - Matters agreed between the Applicant and National Highways

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
1. Draft Development Consent Order (dDCO)				
1.1 Requirements	National Highways have concerns regarding requirements 4, 7, 8, 9, 11 and 12 and request that any discharge of requirements is for the SoS throughout the entire suite of DCO documentation.	Resolved by National Highways in PADSS submitted at D5 (PADSS item 21).	National Highways PADSS submitted at Deadline 5 on 1 st October 2024 (REP5-038).	13
1.2 Limits of Deviation	National Highways have concerns regarding limits of deviation and request that GCC confirm that the design and any implications of implementing, for example a full 2m downward LoD in respect of NH assets and adjacent to them has been considered. NH also wish to seek further clarity regarding the assessment of horizontal LoD within the limits of the order.	PPs are still being discussed with National Highways with the aim of an agreed form being submitted to the ExA. Notwithstanding those discussions, a revised set of PPs were submitted at Deadline 5 (REP5-003) which reflect discussions to date and which the Applicant considers addresses this issue (PP 25 (5)).	Revised PPs submitted at Deadline 5 on 1 st October (REP5-003).	15
1.3 Schedule 2 Requirements	National Highways request that any assets to be handed over to National Highways upon scheme completion are clearly subject to the agreement of National Highways to ensure that the asset is acceptable to National Highways, including but not limited to fencing, landscaping, drainage and noise mitigation.	PPs are still being discussed with National Highways with the aim of an agreed form being submitted to the ExA. Notwithstanding those discussions, a revised set of PPs were submitted at Deadline 5 (REP5-003) which reflect discussions to date and which the Applicant considers addresses this issue (PP 31 (2)).	Revised PPs submitted at Deadline 5 on 1 st October (REP5-003).	24
1.4 Article 14	National Highways request that the wording, inventory and associated plans in relation to	PPs are still being discussed with National Highways with the aim of an agreed form being submitted to the ExA. Notwithstanding	Revised PPs submitted at Deadline	17

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	adoption of the assets are subject to the agreement of National Highways.	those discussions, a revised set of PPs were submitted at Deadline 5 (REP5-003) which reflect discussions to date and which the Applicant considers addresses this issue (PP 28 (5)).	5 on 1 st October (REP5-003).	
1.5 Article 17	National Highways request that the wording in relation to access roads inside the order limits excludes motorways and slip roads	PPs are still being discussed with National Highways with the aim of an agreed form being submitted to the ExA. Notwithstanding those discussions, a revised set of PPs were submitted at Deadline 5 (REP5-003) which reflect discussions to date and which the Applicant considers addresses this issue (PP 25 (4)).	Revised PPs submitted at Deadline 5 on 1 st October (REP5-003).	18
1.6 Temporary Possession	National Highways require confirmation that all land rights necessary to access all (current and proposed) Strategic Road Network assets affected by the project have been included in the DCO/land requirements.	Resolved by National Highways in PADSS submitted at D5 (PADSS item 11).	National Highways PADSS submitted at Deadline 5 on 1 st October 2024 (REP5-038).	N/A
1.7 Article 2	National Highways are concerned that 'pre-construction mitigation works' referred to within the definition of 'commence' in Article 2 are not defined.	PPs are still being discussed with National Highways with the aim of an agreed form being submitted to the ExA. Notwithstanding those discussions, a revised set of PPs were submitted at Deadline 5 (REP5-003) which reflect discussions to date and which the Applicant considers addresses this issue (PP 25 (3)).	Revised PPs submitted at Deadline 5 on 1 st October (REP5-003).	19
1.8 Requirement 3	National Highways notes that Requirement 3(2)(e) does not clearly set out appropriate working hours on Sundays. National Highways further requests that Requirement 3(4) require consultation with National Highways on the proposed EMP 3rd Iteration.	Working hours resolved via amends to draft DCO at Deadline 2.	National Highways PADSS submitted at Deadline 5 on 1 st October 2024 (REP5-038).	20, 21

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	National Highways requests (as noted above) that this requirement is discharged by the SoS.			
1.9 Requirement 6	<p>National Highways requests the wording in relation to the liability of replacing trees and shrubs within 5 years of planting is clarified to make this the responsibility of Gloucestershire County Council, and that this is included in the aftercare package between Gloucestershire County Council and the Principal Contractor.</p> <p>National Highways also requests that the aftercare package agreement between Gloucestershire County Council and the Principal Contractor is provided for National Highways oversight to ensure that the agreement is in accordance with National Highways operational requirements, e.g. the use of Species Rich Grasses and the application of MPI-85.</p> <p>National Highways request that the aftercare package is to be agreed with National Highways to ensure that the package is maintainable by National Highways and reflects the existing landscaping packages already in place on the Strategic Road Network.</p>	PPs are still being discussed with National Highways with the aim of an agreed form being submitted to the ExA. Notwithstanding those discussions, a revised set of PPs were submitted at Deadline 5 (REP5-003) which reflect discussions to date and which the Applicant considers addresses this issue (PP 31 (2)).	Revised PPs submitted at Deadline 5 on 1 st October (REP5-003).	24
1.10 Requirement 14	National Highways request clarity in relation to noise mitigation measures that will be handed over to NH for operation and maintenance are subject to agreement with National Highways throughout detailed design and handover.	PPs are still being discussed with National Highways with the aim of an agreed form being submitted to the ExA. Notwithstanding those discussions, a revised set of PPs were submitted at Deadline 5 (REP5-003) which reflect discussions to date and which the	Revised PPs submitted at Deadline 5 on 1 st October (REP5-003).	17

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
		Applicant considers addresses this issue (PP 28 (5)).		
1.11 Article 11	National Highways request that this Article is drafted to ensure that the power in relation to street works cannot be exercised over the Strategic Road Network without consent from National Highways.	PPs are still being discussed with National Highways with the aim of an agreed form being submitted to the ExA. Notwithstanding those discussions, a revised set of PPs were submitted at Deadline 5 (REP5-003) which reflect discussions to date and which the Applicant considers addresses this issue (PP 35).	Revised PPs submitted at Deadline 5 on 1 st October (REP5-003).	25
1.12 Article 25	National Highways request a review of the interaction with NH lands to confirm re-rerouting of PRoWs in both the temporary and permanent case.	Expressed by NH not to be a DCO drafting concern. Resolved by National Highways in PADSS submitted at D5 (PADSS item 11).	National Highways PADSS submitted at Deadline 5 on 1 st October 2024 (REP5-038).	10
1.13 Freehold of subsoil	National Highways request that all interests within the Strategic Road Network in relation to the freehold of subsoil, including that on unregistered highway land, is transferred to National Highways.	The revised PPs as submitted at D5 resolve this issue given the provisions in relation to design and construction.	Revised PPs submitted at Deadline 5 on 1 st October (REP5-003).	11
1.14 Status of SoCG	National Highways note that the Statement of Common Ground as submitted by the Applicant in the December 2023 application is historic and not reflective of the current working position with Gloucestershire County Council. National Highways would like to note they will work with the Applicant to update this as necessary throughout the Development Consent Order process.	Noted and why this SoCG has been re-structured. This updated SoCG provides an up to date position between National Highways and GCC and will continue to be updated to keep the ExA informed of the latest position between parties.	Agreed for SoCG submission at Deadline 3.	N/A
2. Environment Statement including carbon reporting				

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
2.1 Carbon Reporting	National Highways request GCC consultation in respect to carbon reporting for the construction period since this will be the responsibility with Gloucester County Council.	Noted and agreed.	Agreed at SoCG working group 08/03/2024	29
2.2 Land Management	National Highways requests confirmation of any changes to land management and/or the short list of development included in the cumulative assessments over the last 2-4 years is provided by Gloucestershire County Council. National Highways also requests further information in relation to the justification of the approach to the assessment and why this hasn't been updated reporting to reference a more up to date baseline.	The request from NH clarified as to be regarding the details of the RFFPs (reasonably foreseeable future projects) and their assessment within the Environmental Statement (ES). The list of RFFPs was last updated in August 2023 and the current ES has been assessed against this list. This is presented in Chapter 15 (Cumulative Effects Assessment) of the ES, as submitted to PINS.	Agreed at SoCG working group 08/03/2024	N/A
2.3 Mitigation	National Highways requests further information from Gloucestershire County Council is provided in relation to references in the Environmental Statement where other projects provide mitigation to the expected impacts of the M5 J10 scheme (e.g., noise impacts and air quality) and request that these associated developments are referenced in the do-min scenario for the Environmental Impact Assessment if they are works to be carried out in advance.	The associated developments referred to were Coombe Hill Junction Improvements, and Arle Court Park and Ride. Chapter 1 of the ES (Section 1.1) describes how these two schemes have been managed, and that they are not included as part of the ES for the M5 J10 Improvements Scheme (as set out in the Transport Assessment APP-138).	Agreed at SoCG working group 08/03/2024	N/A
2.4 Flood Assessments	National Highways requests information regarding any agreements within the Environmental Assessment on the approach to modelling the Flood Risk Assessment. In particular, further evidence is requested in relation to advice given by the Environmental Agency and Lead Local Flood Authorities on	Climate change allowances are assigned based on vulnerability of the receptors. A categorisation of essential infrastructure means a climate change allowance of 53% applies. Early discussions with the Environment Agency around the Link Road suggested that this may not be categorised	Agreed at SoCG working group 08/03/2024	N/A

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	the climate change allowances used and weather these represent a precautionary position (the FRA seems to suggest the EA advised they could use a lower % for climate change allowance for the link road compared to the upper central allowance used (53%).	as essential infrastructure. If it is not essential infrastructure, then a lower allowance for climate change could be assigned. The FRA indicates this, but then assessed flood risk with a single climate change allowance (the higher 53% figure) on a precautionary basis. The assessment undertaken is described in Appendix 8.1 (Flood Risk Assessment).		
2.5 Noise	National Highways requests that further information is provided by Gloucestershire County Council in relation to any agreements with National Highways on any indicated night closures.	The Applicant agrees to this.	Agreed at SoCG working group 08/03/2024	N/A
2.6 Noise barriers	National Highways request confirmation from Gloucestershire County Council that M5 J10 has been represented in the baseline scenario in relation the Noise Policy Statement for England with specific reference to noise barriers as it appears that the compliance has been modelled upon a separate project completed in advance of proposed development.	The assessment undertaken for M5 J10 assumes that Arle Court and Coombe Hill schemes will be completed in advance of the construction of M5 J10 (as set out in the Transport Assessment APP-138).	Agreed at SoCG working group 08/03/2024	N/A
2.7 Biodiversity net gain	National Highways request that the biodiversity net gain unit loss/gain related to the Strategic Road Network is clarified by Gloucestershire County Council. National Highways also request that Gloucestershire County Council confirm and agree any maintenance obligations which are reliant on National Highways due to being the guardian of the Strategic Road Network which may support a project wider BNG position.	The BNG assessment undertaken is for the Scheme as a whole. There is no separate calculation for the SRN. The BNG Scores reported in the DCO are: <ul style="list-style-type: none"> - Terrestrial habitats +11.59% - Hedgerows +15.96% - Rivers and Streams +34.19% - Ditches +23.38% 	Principles agreed at SoCG working group 08/03/2024. Level of detail remains to be resolved (PADSS point 30 as captured in 2.2 of Matters Outstanding)	30

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
		<p>The BNG assessment (and subsequent reporting) are based on the Scheme's landscaping and planting design. These have been developed in line with NH's requirements (for the SRN areas), and GCC's planting and maintenance of road verges requirements for the non-SRN elements. These details are presented in the LEMP (Annex B5 of the EMP 1st iteration). All management and maintenance requirements will be agreed with NH.</p>		
<p>2.8 Carbon Management Plan</p>	<p>National Highways request visibility and agreement of the carbon management reporting for the project to ensure the promotion of lower whole life carbon choices, including visibility and agreement of construction carbon datasets, operation and maintenance datasets and road user emissions.</p>	<p>The carbon reporting in the ES uses the NH carbon tool. All reporting is Scheme wide and there is no separation for the Strategic Road Network aspects. Further work is to be taken up by ECI contactor.</p> <p>It was discussed in the SoCG meeting on the 8/3/24 that the way data is recorded within NH is under review and there is an obligation for NH to understand SRN impacts. The NH team were reviewing the requirements internally for future reporting. Copy of the Carbon Management Plan (Annex B16 of the EMP 1st iteration) to be shared with NH.</p> <p>23/07 NH confirms visibility of the Applicants, NH PCF compliant, CMP product for future stages is sufficient, including TAG compliant reporting of Operational carbon and DRMB compliant reporting assessment and use of the NH carbon tool.</p>	<p>Agreed 23/07/2024 for SoCG submission at Deadline 3 on 30 July 2024</p>	<p>29</p>

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
2.1 Environmental Statement (item 30 from PADSS)	National Highways request clarification on the approach taken to Biodiversity Net Gain in respect to the Strategic Road Network. National Highways require clarity from the Applicant in respect of any National Highways maintenance obligations on the SRN including how these align to the REAC.	Resolved - control via the REAC and EMP. The location and preliminary design of these habitats is shown on the Environmental Masterplan (Application document TR010063/APP/2.13). - Implemented through the detailed design. - Details of how the habitat creation measures will be implemented, managed, and monitored will be within the EMP (2nd iteration). Completion, approval and implementation of the 2nd iteration EMP, is secured by DCO Schedule 2, Requirement 3(1) and 3(3).	Agreed 25/11/2024 for SoCG submission at Deadline 10 on 28 November 2024	30
3. Register of Environmental Actions and Commitments				
3.1 para 1.2.1	National Highways require that the wording needs to cover the Construction Exclusion Zones (CEZ) around retained tree areas.	Agreed, request to change the wording in the REAC.	SoCG Deadline 1 submission on 18 June 2024	N/A
3.2 G1	National Highways require that the 3rd iteration EMP (Handover EMP) must be developed and completed 'in draft' by the end of construction and planting on site. The final version is required for handover at the end of the establishment / aftercare period. For end of construction the 3rd iteration EMP must be issued to National Highways and acknowledged by this team as an acceptable draft. The 3rd iteration EMP must comprise the draft handover report and draft handover plans. These are required to enable a joint inspection at the completion of planting and will trigger the start of the establishment /	The Applicant is in agreement with National Highways request.	SoCG Deadline 1 submission on 18 June 2024.	21

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	<p>aftercare period if the condition of landscape planting is agreed to be acceptable by National Highways. The HEMP plans must be readable when printed at A3 size.</p> <p>Approval of the 3rd iteration EMP, all versions (draft at the end of construction, interim drafts during the establishment period, and the final version at handover), will require acceptance by National Highways.</p>			
3.3 reference B5	National Highways require that the EMP and REAC recognise national biosecurity issues, not just those identified within the curtilage of the Scheme.	Agreed, and this can be carried through to the EMP at the 2 nd iteration .	SoCG Deadline 1 submission on 18 June 2024.	N/A
3.4 reference B6	National Highways require that the Applicant provide the Arboricultural Impact Assessment for National Highways review and reference.	This is a DCO Application document APP-116 (Part 1) and APP-117 (Part 2)).	SoCG Deadline 1 submission on 18 June 2024	N/A
3.5 reference B9	National Highways requested that the text regarding 'shrubs with trees' is updated as this is no longer recognised by ADMM.	The Applicant considers this is a reference to the text in the REAC and a key on the Environmental Masterplan. Agreed that this will be carried through in the detailed design.	Agreed for SoCG submission at Deadline 3 on 30 July 2024.	N/A
3.6 reference B13	National Highways require further information regarding the replacement planting of 10 years, i.e. is this an EPS licence requirement stipulated by Natural England and is this applicable to all planting or only specific mitigation locations.	PPs are still being discussed with National Highways with the aim of an agreed form being submitted to the ExA. Notwithstanding those discussions, a revised set of PPs were submitted at Deadline 5 (REP5-003) which reflect discussions to date and which the Applicant considers addresses this issue (PP 31 (2)).	Revised PPs submitted at Deadline 5 on 1 st October (REP5-003).	24
3.7 REAC	National Highways require that any of the construction-related undertakings of actions and commitments are to the responsibility of the Applicant.	On the basis that these are commitments then they will be for the Applicant to deliver under the contract (through detailed design,	SoCG Deadline 1 submission on 18 June 2024	21

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	National Highways require that any operational commitments in relation to the Register of Environmental Actions and Commitments are to the agreement of National Highways.	where applicable, initially and then in the construction phase).		
4. Land Plans, Book of Reference, Statement of Reasons				
4.1 Land acquisition	National Highways request a review with the Applicant of the National Highways land interests and all lands associated with the construction, planned handover, operation and maintenance to ensure that the proposed land and its DCO status facilitates the foregoing.	The Applicant understands that the approach to acquisition of NH's land is now agreed with NH. The dDCO has been amended to address concerns. Resolved by National Highways in PADSS submitted at D5 (PADSS item 11).	National Highways PADSS submitted at Deadline 5 on 1 st October 2024 (REP5-038).	11, 26
4.2 Land Access – Easements	National Highways require easements over the private land side of any fencing for future maintenance/ replacement min 5mts width required. National Highways require easements over the private land for any outfalls, ditches and or buried pipelines that are to remain in NH ownership for future maintenance/ replacement min 5mts width required each side of the apparatus. National Highways require easements over private land to any land locked plots for future maintenance min 10mts required. National Highways require easements over private land to any Culverts not deemed structures for future maintenance min 10mts required .	The Applicant considers that all land and rights necessary to access all SRN assets (current and proposed) affected by the scheme have been included in the Book of Reference. Suitable easements can be included so far as necessary as part of the PPs should agreement not be reached with NH in the side agreement. Resolved by National Highways in PADSS submitted at D5 (PADSS item 9).	National Highways PADSS submitted at Deadline 5 on 1 st October 2024 (REP5-038).	9

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	<p>National Highways require easements over private land to any structures for future maintenance min 10mts required</p> <p>National Highways require easements for access and the rights for future maintenance in relation to all assets to be adopted by National Highways for operation and maintenance.</p>			
4.3 Statement of Reasons	<p>National Highway request further details of the breakdown of works as they do not follow the structure of Schedule 1 of the DCO.</p>	<p>High level principles agreed by NH at Legal Meeting held 10 July. Plot by plot review has been shared with National Highways.</p> <p>The Applicant understands that this is no longer an issue. Resolved by National Highways in PADSS submitted at D5 (PADSS items 9 &11).</p>	<p>National Highways PADSS submitted at Deadline 5 on 1st October 2024 (REP5-038).</p>	26
4.4 Streets, Right of Way and Access Plans – sheet 5 of 16	<p>Omission of a viewport to show stopping up on sheet 5 of 16 of Street, Right of Way and Access Plans.</p> <p>National Highways requests that an insert to the drawings is added to show the stopping up of the old N/B on slip road under the junction overbridge.</p>	<p>Resolved by National Highways in PADSS submitted at D5 (PADSS item 32).</p>	<p>National Highways PADSS submitted at Deadline 5 on 1st October 2024 (REP5-038).</p>	32
4.5 Diminution of property values (Inclusion of Part 1 claims)	<p>Part 1 compensation claims for diminution of property values caused by physical factors arising from new works – liability to remain with Applicant - National Highways requires confirmation that any Part 1 claims for compensation will remain the responsibility of the Applicant to settle and that the Applicant will retain all liability for compensation payments arising out of CA after the SRN Assets are transferred to National Highways.</p>	<p>Protective provisions are still being discussed with NH with the aim of an agreed form being submitted to the ExA.</p> <p>Notwithstanding those discussions, a revised set of PPs were submitted at deadline (D5) which reflect discussions to date and which GCC consider address all the issues raised in relation to the PPs.</p>	<p>Revised PPs submitted at Deadline 5 on 1st October (REP5-003).</p>	12

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
4.1 Land Parcel 5/2n (new item from PADSS)	National Highways request that parcel 5/2n, which appears to leave the redundant length of the old northbound on slip road loop in situ, including carriageway and retained vegetation, with the maintenance track pushed to west of works, is redesigned so that the maintenance track is designed adjacent to scheme earthworks and that the redundant length of the slip and existing vegetation is removed/integrated into the scheme. The land and works plans will require amendment.	This issue will be resolved by changes to the land and works plans as required (linked to Change Application 2).	Agreed 25/11/2024 for SoCG submission at Deadline 10 on 28 November 2024	7
5 Transport (including modelling)				
5.1 Transport Assessment Chapter 4: Scheme Proposals, Para 4.2.4	National Highways requests that the location of the access to farmland is confirmed by Gloucestershire County Council.	General Arrangement Plans for the Scheme, that show the locations of access to farmland, have been submitted with the DCO application (APP-014 and APP-015). The access to farmland referred to in the scheme description of TA is the existing farm track that is currently accessed off the A4019 where the M5 southbound off-slip merges with the A4019 eastbound, which is an inherently unsafe location for an access. The Scheme amends this access so that it is incorporated into the signal-controlled junction of the A4019 with the West Cheltenham Link Road. See Sheet 12 of the General Arrangement Plans (APP-015)	Agreed 24/07/2024 for SoCG submission at Deadline 3 30 July 2024	3
5.2 Transport Assessment	National Highways are unable to support the scheme without full visibility of the transport modelling in order to confirm the findings of	Traffic modelling first shared with NH Spatial Planning on 03/2024.	Agreed following discussions with	1, 2 & 4

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	<p>the transport assessment. National Highways require the full modelling package including but not limited to future year modelling, slip road design, travel time variances, capacity, modelled queues, model calibration, construction scenarios, signal modelling, local road/SRN interactions, model validation, development assumptions.</p>	<p>Applicant provided NH with written responses to NH's detailed comments on the traffic modelling on 10/06/24.</p> <p>Revised operational (Paramics) traffic modelling responding to NH comments shared with NH on 27/06/24.</p> <p>Technical note prepared by the Applicant addressing issues raised by NH regarding the Strategic traffic modelling issued to NH on 08/07/24.</p>	<p>National Highways. 01/10/2024.</p>	
<p>5.3 Transport Assessment Chapter 1.2.4 (Scheme background)</p>	<p>National Highways request that Gloucestershire County Council provide further information regarding the dependencies between the developments at Coombe Hill and Arle Court Park and Ride development in respect to M5 Junction 10.</p> <p>National Highways have concerns regarding the Coombe Hill development should this not occur and the impacts of this on the cumulative assessments as submitted in the draft Development Consent Order application.</p>	<p>Appendix A of the Traffic Forecasting Report (APP-142) contains the Uncertainty Log that lists proposed developments in the model area and categorises the likelihood of them being implemented in accordance with TAG. The Uncertainty Log indicates which proposed developments are included in the traffic modelling for the Core scenario for each of the forecast years of assessment.</p> <p>Coombe Hill is referred to as Land at A38/A4019 Jct in the Uncertainty Log and is included in the Core scenario (100% complete by 2027). Arle Court Park and Ride development is referred to as Christ College Arle Road, Cheltenham Gloucestershire, GL51 8LE in the Uncertainty Log and is included in the Core scenario (100% complete by 2027). A list of proposed developments that are dependent on the implementation of the M5 junction 10 Improvement Scheme is provided in Table 6 of the Traffic Forecasting Report.</p>	<p>Agreed following discussions with National Highways.. 01/10/2024.</p>	<p>1</p>

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
		Neither the Coombe Hill or the Arle Court Park and Ride developments are dependent on the M5 junction 10 Improvement Scheme being implemented.		
5.4 Transport Assessment Chapter 2: Planning Policy	National Highways request that Gloucestershire County Council confirm how the scheme of works are compliant with 01/22 circular and Planning for the Future (2023) documentation.	Chapter 2 of the Transport Assessment (APP-138) provides a review of the national, regional and local transport related policy relevant to the Scheme. Department for Transport (DfT) Circular 01/22- Strategic Road Network the delivery of sustainable development and National Highways' (NH) Planning for the Future - A guide to working with National Highways on planning matters (2023) are not referenced in either the Transport Assessment or the Planning Statement (APP-135). This is because both the DfT and NH documents explain how NH will engage with the planning system. GCC has engaged with NH throughout the evolution and development of the Scheme in accordance with these documents."	Agreed following discussions with National Highways.. 01/10/2024.	5
5.5 Transport Assessment Chapter 3: Baseline conditions	National Highways requested that Gloucestershire County Council update the Personal Injury Analysis in relation to the nature of serious and fatal accidents on the SRN. This will allow National Highways to understand what current major PIAs are known and understand if further analysis is required to mitigate issues for any areas of concern in relation to the proposed design for the Strategic Road Network.	The Applicant has updated the Transport Assessment to: <ul style="list-style-type: none"> • Include reference to relevant policy and guidance that has been updated since the original TA was prepared. • Report on the outcomes of updated operational (Paramics) traffic modelling that has been undertaken to address refinements to the model as suggested by National Highways. • Reference to latest recorded personal injury accidents, reflecting data that 	Agreed following discussions with National Highways.. 01/10/2024.	5

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
		<p>has subsequently become available since the original TA was prepared.</p> <ul style="list-style-type: none"> • Provide additional and more detailed information on the impacts of the Scheme on the Strategic Road Network (SRN). • Provide information on forecast construction traffic generation for both vehicles delivering materials and equipment and the workforce. 		
<p>5.6 Transport Assessment Chapter 5: Traffic Modelling, Section 5.11</p>	<p>National Highways request that Gloucestershire County Council confirm the difference between the strategic and operational model to understand the differences and potential impacts between Saturn and Paramics matrices to ensure where there are alternative routes to the M5, that traffic assignment is similar in both models.</p>	<p>Section 5 of the Transport Assessment (APP-138) describes the approach to the traffic modelling. The Appendices to the Transport Assessment provide more detailed information on the traffic modelling, specifically Appendix J - Transport Model Package (APP-140), Appendix K – Traffic Data Package Report (APP-141) and Appendix L – Traffic Forecasting Report (APP-142).</p> <p>Figure 8 in the Transport Assessment shows the geographical coverage of the Strategic Traffic Model (Gloucestershire Countywide Traffic Model (GCTM)). Figure 9 in the Transport Assessment shows the geographical coverage of the Operational (PARAMICS) Traffic Model.</p> <p>Outputs from the demand matrices of a cordoned section of the Strategic Model, corresponding to the area of covered by the Operational Traffic Model, have been used to provide the inputs to the traffic demand matrices for the Operational Traffic Model.</p>	<p>Agreed following discussions with National Highways. 01/10/2024.</p>	<p>1</p>

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
		<p>The road network covered by the Operational Traffic Model offers no alternative routes for traffic using the M5 and offers virtually no practical alternatives routes for traffic using the rest of the road network within the modelled area. Consequently, the routing, or assignment, of traffic in the Operational Traffic Model is consistent with that for the Strategic Traffic Model.</p> <p>National Highways have reviewed the information provided by the Applicant and agree this matter.</p>		
<p>5.7 Transport Assessment Chapter 6: Scheme Assessment Methodology, Section 6.4.1</p>	<p>National Highways requests that Gloucestershire County Council confirm the sample size of seeded runs is appropriate to the variability of the future year model and if any of the model runs appear to be a significant outlier from the others.</p>	<p>Section 6 of the Transport Assessment (APP-138) confirms that the Operational Traffic Model has been run for all the modelled scenarios with 10 different random seeds (sample size of seeded runs) to account for the daily variability of the traffic arrival patterns and network operation.</p> <p>Revised operational (Paramics) traffic modelling responding to NH comments shared with NH on 27/06/24. The revised modelling is based on 15 seed runs per scenario.</p> <p>National Highways have reviewed the information provided by the Applicant and agree this matter.</p>	<p>Agreed following discussions with National Highways. 01/10/2024.</p>	<p>4</p>
<p>5.8 Transport Assessment Chapter 7: Scheme Assessment, Section 7.2</p>	<p>National Highways requested that Gloucestershire County Council confirm the interpretation of the traffic flow differences identified for the Strategic Road Network.</p>	<p>The flow difference plots in Appendix B of the Transport Assessment (APP-138) provide peak hour traffic flow differences for the model impact area covering two</p>	<p>Agreed following discussions with National Highways. 01/10/2024.</p>	<p>1</p>

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
		<p>comparisons of scenarios, namely with the Scheme, but without Dependent Development compared with the do-minimum (Scenarios S vs P) and with both the Scheme and Dependent Development compared to the do-minimum (Scenarios R vs P) for both the opening (2027) and horizon (2042) years. The results shown in the difference plots are generally as expected. In Scenarios S v P comparison, that shows the impact of the Scheme in isolation, there is re-routing of some of the existing traffic which take advantage of the proposed south-facing slip roads at junction 10, which results in some increases in traffic flows along the M5 between junctions 10 and 11. The Scenarios R v P comparison, that shows the impact of both the Scheme and Dependent Development in combination, shows a notable amount of extra traffic on the road network as a result of the proposed Dependent Development in addition to the rerouted traffic due to the proposed south-facing slip roads, particularly on the M5 between junctions 10 and 11 and on the A4019.</p>		
<p>5.9 Transport Assessment Chapter 7: Scheme Assessment, Table 9</p>	<p>National Highways request that Gloucestershire County Council provide further information about the location(s) that are causing the travel time increase on Route 3 WB (A4019 E to M5 N) for the 'with scheme' scenario 2027 AM peak.</p>	<p>Most of the additional delay for this journey time route during the AM peak is due to the introduction of several new signal-controlled junctions along the A4019 as part of the proposed Scheme. These signal-controlled junctions are necessary to provide access for the Dependent Developments and control</p>	<p>Agreed following discussions with National Highways. 01/10/2024.</p>	<p>4</p>

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
		<p>the resultant additional development generated traffic.</p> <p>Revised operational (Paramics) traffic modelling responding to NH comments shared with NH on 27/06/24. The revised modelling shows a notable reduction in the previously reported journey time increase for Route 3.</p> <p>National Highways have reviewed the information provided by the Applicant and agree this matter.</p>		
<p>5.10 Transport Assessment Chapter 7. Scheme Assessment, Table 10</p>	<p>National Highways requested that Gloucestershire County Council provide further information about the location(s) that are causing the travel time increase on Route 3 WB (A4019 E to M5 N) for the 'with scheme' scenario 2027 PM peak as there is insufficient information to ascertain if this impact relates to the A4019 or the M5.</p>	<p>National Highways have reviewed the information provided by the Applicant and agree this matter.</p>	<p>Agreed following discussions with National Highways. 01/10/2024.</p>	<p>4</p>
<p>5.11 Transport Assessment Chapter 8 Table 15</p>	<p>National Highways requested that Gloucestershire County Council provide further information about the 33% increase in total network travel time (hours) and a 7% increase in the average journey time for the 2024 AM peak as this suggests the scheme has a detrimental impact in some locations.</p>	<p>The additional total network travel time is due to a combination of the extra traffic generated by the Dependent Developments and the introduction of additional signal-controlled junctions along the A4019 as part of the Scheme.</p> <p>National Highways have reviewed the information provided by the Applicant and agree this matter.</p>	<p>Agreed following discussions with National Highways. 01/10/2024.</p>	<p>4 & 5</p>
<p>5.12 Transport Assessment Chapter 8: Cumulative Assessment, Figure 20</p>	<p>National Highways requested that the assessment of the where the predicted journey time increase of up to 10 minutes may occur along the M5 NB route is provided.</p>	<p>Figure 20 in the Transport Assessment (APP-138) shows the variance in northbound journey times over the 10 seeded runs undertaken for the Operational Traffic Modelling for the AM peak period, covering</p>	<p>Agreed following discussions with National Highways. 01/10/2024.</p>	<p>3, 4 & 5</p>

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
		<p>the whole of Journey Time Route 2 along the M5. The maximum increase in the AM peak journey time over the 10 seeded runs is 10 minutes, but the average increase is just over two minutes compared to the Do-minimum Scenario (Scenarios R v P), as presented in Table 19 of the Transport Assessment.</p> <p>The additional journey time is in the vicinity of the northbound junction 10 diverge and is due to the extra traffic generated by the Dependent Developments.</p> <p>Revised operational (Paramics) traffic modelling responding to NH comments shared with NH on 27/06/24. The revised modelling is based on 15 seed runs per scenario. The revised modelling also shows a notable reduction in the previously reported journey time increases.</p>		
<p>5.13 Transport Assessment Chapter 10: Assessment of Highway Network During Construction</p>	<p>National Highways requested zoomed in V/C plots of M5 J9 and M5 J11 as it is currently impossible to ascertain the predicted impacts at the current scale of the plans.</p>	<p>There are 15 V/C plots in Appendix M of the Transport Assessment (APP-138) supporting Chapter 10 which details the assessment of highway network during construction. The plots cover the Do-minimum and four different closure scenarios for three modelled time periods. Gloucester County Council request that NH confirm it requires zoomed out V/C plots for all 15 plots in Appendix M, which will result in 30 new plots. Given the pattern of impact is the same during the three modelled periods, GCC suggest a sample for each of the closure phases and the Do-minimum scenario for one period (AM peak or PM</p>	<p>Agreed following discussions with National Highways. 01/10/2024.</p>	<p>1, 5</p>

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
		peak) would be sufficient. This will generate six new plots that are likely to provide sufficient information for NH to understand the impacts during construction of the Scheme.		
5.14 Transport Assessment Chapter 18	National Highways requests confirmation from Gloucestershire County Council to confirm the suitability of flows used in the model validated for a 2017 base year and any comparisons between the 2017-present day (including the impact of COVID flows).	GCC has undertaken further traffic modelling work to confirm its validity, accounting for the impact of COVID-19 on travel patterns and demand. This is reported in the Transport Supplementary Report (AS-046) which has been shared this with NH. Applicant provided NH with written responses to NH's detailed comments on the traffic modelling on 10/06/24. Technical note prepared by the Applicant addressing issues raised by NH regarding the Strategic traffic modelling issued to NH on 08/07/24.	Agreed following discussions with National Highways. 01/10/2024.	2
5.15 Transport Assessment	National Highways request evidence of the calibration of M5 flows as this currently does not appear to show any calibration of flows on the M5 mainline.	Both the Strategic and Operational Traffic Models have been calibrated and validated in full accordance with TAG and pass the relevant TAG traffic modelling calibration and validation acceptance criteria. Calibration and validation of the Strategic Traffic Model is set out in the Chapters 5 and 10 of the Traffic Model Package (APP-140) which is Appendix J of the Transport Assessment (APP-138). Baseline traffic flows on the M5 from the Strategic Traffic Model have been calibrated and validated against observed data as shown in Figure 8-1 of the Traffic Model Package. Figures 10-	Agreed following discussions with National Highways. 01/10/2024.	1, 2

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
		4, 10-5 and 10-6, as well as Table 10-5 of the Traffic Model Package demonstrate that the baseline modelled flows along the M5 north and south of junction 10 all pass the TAG criteria when compared to observed flows.		
5.16 Transport Assessment (same as 5.18)	National Highways request evidence of the queue length calibration of the comparison of modelled and observed queue lengths and confirmation of if this assessment has been undertaken during calibration.	Both the Strategic and Operational Traffic Models have been calibrated and validated in full accordance with TAG and pass the relevant TAG traffic modelling calibration and validation acceptance criteria. Calibration and validation of the Strategic Traffic Model is set out in the Chapters 5 and 10 of the Traffic Model Package (APP-140) which is Appendix J of the Transport Assessment (APP-138). Calibration and validation of the Operational Traffic Model (Local Model Validation Report (LMVR)) is contained in Appendix H of the Traffic Model Package. The calibration and validation of both the Strategic and Operational traffic models have been undertaken using observed traffic flows and journey times and not observed queue lengths. This approach is compliant with TAG Validation Criteria and Guidance, which specifies traffic flow and journey times as the only required criteria. Nonetheless, as stated in Section 18.6 in Appendix H of the Traffic Modelling Package “modelled queuing simulated in the base model runs correlates with the AM and PM peak journey time validation exercise”.	Agreed following discussions with National Highways. 01/10/2024.	1, 2

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
5.17 Transport Assessment	National Highways request further information in relation to the quote "with more notable queuing intermittently present at the signalised junctions and the M5 J10 southbound on slip" as this appears to contradict the validation of journey times on the M5 SB if sufficient delay is present in this part of the model.	Applicant provided NH with written responses to NH's detailed comments on the traffic modelling on 10/06/24. Technical note prepared by the Applicant addressing issues raised by NH regarding the Strategic traffic modelling issued to NH on 08/07/24. Revised operational (Paramics) traffic modelling responding to NH comments shared with NH on 27/06/24. The revised modelling shows a notable reduction in the previously reported journey time increases.	Agreed following discussions with National Highways. 01/10/2024.	4
5.18 Transport Assessment	National Highways requests confirmation from Gloucestershire County Council to confirm the suitability of flows used in the model validated for a 2017 base year and any comparisons between the 2017-present day (including the impact of COVID flows).	National Highways have reviewed the information provided by the Applicant and agree this matter.	Agreed following discussions with National Highways. 01/10/2024.	1, 2
5.19 Transport Assessment Appendix J: Transport Model Package, Table 14.2	National Highways request information related to modelled journey times validated on 60s TAG criteria is provided to identify how significant the difference between modelled and observed journey times is to demonstrate the model is within a reasonable range of the observed.	Applicant provided NH with written responses to NH's detailed comments on the traffic modelling on 10/06/24. Technical note prepared by the Applicant addressing issues raised by NH regarding the Strategic traffic modelling issued to NH on 08/07/24. National Highways have reviewed the information provided by the Applicant and agree this matter.	Agreed following discussions with National Highways. 01/10/2024.	1, 2
5.20 Transport Assessment Appendix J: Transport Model Package, Section 16.5	National Highways requests confirmation in relation to the statement of amendments made to the average signal timings during calibration and if these amendments were	Revised operational (Paramics) traffic modelling responding to NH comments shared with NH on 27/06/24.	Agreed following discussions with National Highways. 01/10/2024.	4

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	also made to factors affecting saturation flows before changing the signal timings.	National Highways have reviewed the information provided by the Applicant and agree this matter.		
5.21 Transport Assessment Appendix J: Transport Model Package	National Highways request that Gloucestershire County Council provide confirmation of how the impacts at the adjacent junctions on the M5, practically Junction 11, is assessed to demonstrate that the scheme is not having a severe impact at these junctions.	M5 junction 11 is not included in the Operational Traffic Model. Therefore, the impact of the Scheme on M5 junctions 9 and 11 has been assessed using the Strategic Traffic Model. The impact of the Scheme on M5 junctions 9 and 11, in terms of changes in total traffic throughput and demand to capacity ratios, will be provided to NH. National Highways have reviewed the information provided by the Applicant and agree this matter.	Agreed following discussions with National Highways. 01/10/2024.	N/A
5.22 Transport Assessment Appendix J: Transport Model Package	National Highways requests full details of what is included/excluded for Appendix J.	The Transport Assessment (APP-138) lists its appendices and their contents. Appendix J is listed as containing the Model Package Report (APP-140) which refers to the Strategic Traffic Model. Appendix J also includes the Operational Traffic Modelling – Local Model Validation Report, which erroneously is not listed in the Transport Assessment contents under Appendix J. National Highways have reviewed the information provided by the Applicant and agree this matter.	Agreed following discussions with National Highways. 01/10/2024.	1
5.23 Transport Assessment Appendix K: Traffic Data Package Report	National Highways request that Gloucestershire County Council provide the comparison information of 2015 and 2017 base years against the present day data for both GCTM and Paramics models.	National Highways have reviewed the information provided by the Applicant and agree this matter.	Agreed following discussions with National Highways. 01/10/2024.	1

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
5.24 Transport Assessment Appendix K: Traffic Data Package Report, Figure 2.2	National Highways request that Gloucestershire County Council provide further information relating to the validation of journey times on the route through Staverton and Boddington as journey time data does not provide data for validation of the journey times through these locations. Whilst not being a major road, this information is required as could be a key route choice in the Paramics model and should be included in the journey time validation.	The local road through Staverton and Boddington is included in full in the Strategic Traffic Model, but only in part in the Operational (PARAMICS) Traffic Model. This route is not included in the journey time calibration/validation of either the Strategic or Operational traffic models. Also refer to Gloucestershire County Council's response to comment 5.19 above. 24/07 – National Highways are reviewing the information provided by the Applicant and will respond with any comments in due course. National Highways have reviewed the information provided by the Applicant and agree this matter.	Agreed following discussions with National Highways. 01/10/2024.	1, 2
5.25 Transport Assessment Appendix L: Traffic Forecasting Report	National Highways requests that Gloucestershire County Council provide further information regarding the assignment of traffic in Saturn and Paramics to understand any differences or potential impacts on the proposed scheme.	Please refer to GCC's response to 5.8 above. National Highways have reviewed the information provided by the Applicant and agree this matter.	Agreed following discussions with National Highways. 01/10/2024.	1, 2, 4
5.26 Traffic Modelling GC3M Model	National Highways request the review and endorsement of the GC3M model, including any amendments to the model baseline and scenarios, as this has not been undertaken by National Highways to date and, as such, are unable to confirm that the model is acceptable to National Highways.	The Gloucestershire Countywide Traffic Model (GCTM) traffic model has been used for the assessment of Scheme, not the GC3M traffic model. National Highways have reviewed the information provided by the Applicant and agree this matter.	Agreed following discussions with National Highways. 01/10/2024.	1
5.27 Transport Assessment	National Highways notes that the Transport Assessment indicates that increased traffic levels and V/C ratios predicted along the M5	The Applicant has done further interrogation of the model outputs	Agreed following discussions with	1

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	main-line, imply that the motorway will be operating above capacity between Jcns 10-11. National Highways require full visibility of the traffic models to fully assess this concern.	National Highways have reviewed the information provided by the Applicant and agree this matter.	National Highways. 01/10/2024.	
5.28 Transport Assessment	National Highways request that further information relating to scheme design including length/type of slips (as supported by traffic modelling) and explanation of 'dependant development' is provided by Gloucestershire County Council.	The full details of the scheme design have been provided in Volume 2 of the submission. Details of dependent developments can be found in Appendix L of the TA (Table 6 of Transport Forecasting Package). National Highways have reviewed the information provided by the Applicant and agree this matter.	Agreed following discussions with National Highways. 01/10/2024.	3
5.29 Transport Assessment	National Highways request that that current flows for M5 J10 (using Webtris) are provided for a comparison for J10 forecast flows since traffic survey data provided in the TA is dated 2017 and then growthed to 2023 levels (using the industry standard TEMPRO).	National Highways have reviewed the information provided by the Applicant and agree this matter.	Agreed following discussions with National Highways. 01/10/2024.	1, 2
5.30 Traffic Assessment	National Highways have concerns that there is no construction traffic or construction related employee traffic included in the traffic assessments as this could be a significant addition to the traffic patterns and flows.	The TA includes four closure scenarios during construction in Chapter 10 in accordance with the current TMP. The TMP will be reviewed during the next stage of the scheme when the information on construction related traffic would be available. Estimates of forecast construction traffic and workforce commuting trips were not available when the traffic modelling of the temporary traffic management arrangements was undertaken. Nonetheless, the construction traffic generated by construction	Agreed following discussions with National Highways. 01/10/2024.	1

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
		<p>of the scheme will most likely represent a very small proportional increase in traffic volumes on the M5 compared to baseline flows and is, therefore, unlikely to materially alter the outputs of the traffic modelling of the temporary traffic management arrangements as reported in the Transport Assessment (APP-138).</p> <p>Section 2.8 of Chapter 2 of the Environmental Statement (AS-010) provides the following information:</p> <ul style="list-style-type: none"> - Estimated size of the construction workforce. - Estimated construction vehicle generation. <p>Section B.11.2.14 of the Environment Management Plan Annex B11 – Traffic Management Plan (AS-041) provides information on anticipated construction traffic routes.</p> <p>National Highways have reviewed the information provided by the Applicant and agree this matter.</p>		
5.31 Traffic Management	National Highways requested that all Traffic Management will be subject to the agreement of National Highways to mitigate any impacts to the Strategic Road Network.	<p>The Applicant has shared our TM proposals with NH and seek approval/acceptance where they are deemed to impact the SRN only, e.g. any works on the M5, including the slip road closures and diversion routes (but these are in the DCO anyway).</p> <p>National Highways has responded to ExA Q15.0.1 on this matter. The dDCO has been amended to address this issue and is agreed with the Applicant.</p>	Agreed following discussions with National Highways. 01/10/2024.	N/A

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
5.32 Merge/Diverge/weaving assessments	National Highways requested further information including traffic flows/modelling to understand if the weaving/merge/diverge provision proposed (as required by CD 122), offer sufficient capacity for the predicted increase in traffic levels. Any assessment also needs to include the impact and safety implications of the new junction proposed between 9 and 10.	This matter is resolved following National Highways' review of DFS information issued on 12.11.24. .	Agreed via email 12.11.2024.	1, 3 and 4
5.33 (new item from PADSS)	National Highways requires clarification from the Applicant that a fully GG119 compliant Road Safety Audit (RSA) has been completed for the DCO design. Furthermore, National Highways require confirmation of what stage RSA has been completed. The response letter implies this is a Stage 1/2 but the report is just that of a Stage 1. National Highways would expect the RSA Stage 2 to be completed after detailed design which National Highways would require consultation for the SRN elements. More specifically this needs to also include a location plan based on the scheme marked up and referenced to understand the impact on the SRN - see clause 5.3 of GG119.	The RSA 1 & 2 will be completed by the PC through detailed design.	Agreed via email 15.11.2024.	33
5.34 Slip Roads	National Highways request that Gloucestershire County Council provides a GG104 risk assessment in relation to the design of slip roads and associated traffic modelling analysis specific to the slip roads to	The design of the Scheme has been undertaken in full accordance with guidance and standards contained in the Design Manual for Roads and Bridges (DMRB). Design development of the Scheme has followed the National Highways (NH) Project	1/10 - The revised Protective Provisions contain amendments to address NH's concerns.	3, 33

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	outline the proposals potential impact to road user and operational safety	<p>control Framework (PCF), with all applicable PCF documents having been signed-off from a governance perspective by NH. This is acknowledged by NH in comment reference 8.1 of this Statement of Common Ground (SoCG). A Safety Report for the Scheme has been submitted to, and signed-off by, NH in accordance with the NH PCF process. The Safety Report includes risk assessments in accordance with GG104 of the DMRB. The proposed designs for all the M5 junction 10 slip roads require departures from standard. These have been uploaded onto NH's Departure Approval System (DAS) and NH's Safety, Engineering & Standards (SES) have confirmed provisional agreement to the departures.</p> <p>The design of the Scheme has also been subject to an independent road safety audit (RSA) and an Audit Response has been prepared by the Scheme design team. These have been issued to, and signed-off by, NH (SES) in accordance with the PCF process and will be issued to the Examining Authority (ExA) by 22/03/24.</p> <p>The M5 junction 10 slip roads are included in both the Strategic and Operational traffic models."</p>	Considered resolved as included in revised PPs (PP 25(4))	
5.1 Transport Assessment Chapter 1.1 (Introduction)	National Highways request that the study area of impact at the SRN and rationale of J9 and J11 current conditions or impact to the proposals have to the junction.	Chapter 11 of the latest version of the Transport Assessment (TA) (REP4-021) specifically reports on the impact of the Scheme on the SRN, including M5 junctions 9 and 11, with Appendices N, O & P providing further detailed information.	Agreed 25/11/2024 for SoCG submission at Deadline 10 on 28 November 2024	4

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
		<p>Chapter 10 of the TA also includes further information regarding additional traffic generated during construction of the Scheme and its impact.</p> <p>Additional modelling completed by the Applicant to demonstrate impacts during construction. Also refer to responses to the ExA's Third Written Questions by both National Highways [REP9-017] and the Applicant [REP9-011]</p>		
6. Funding				
6.1 Homes England Infrastructure Funding	National Highways request that the Homes England grant for the project is provided for information to confirm any caveats to funding noting this funding represents some, but not all, of the funding streams and may provide a cash surety mechanism noting the shortfall in committed funds.	NH confirm this matter is resolved.	08/11 via NH review of SoCG.	34
6.4 Commuted sum	National Highways seeks a milestone schedule to provide visibility of when the commuted sum figure will be updated and how this aligns to the detailed design programme.	National Highways and the Applicant have reached an agreement in respect to the Commuted Sum.	Agreed 25/11/2024 for SoCG submission at Deadline 10 on 28 November 2024	34
7. Construction				
7.1 Handover	National Highways require Gloucestershire County Council to adhere to National Highways handover process as presented in the Project Control Framework to allow for the scheme to be operated and maintained by the National Highways.	The Applicant can adhere to this.	SoCG Deadline 1 submission	N/A

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	National Highways will require documentation including but not limited to as-built drawings, completed PCF product documentation, assets data and quality records.			
7.2 Traffic management	National Highways request that all Traffic Management will be subject to the agreement of National Highways to mitigate any impacts to the Strategic Road Network.	As it stands, this request to too general. It goes without saying that the Applicant will need to gain approval for all TM on the SRN. The slip roads will be closed for 9 and 15 months (according to the DCO submission) and TM on the A4019 and B4634 during this time will not affect the SRN. The Applicant propose to share our TM proposals with NH and seek approval/acceptance where they are deemed to impact the SRN only, e.g. any works on the M5, including the slip road closures and diversion routes	SoCG Deadline 1 submission	N/A
7.3 Technical Assurance	National Highways will require funding for a Works Examiner to inspect and supervise the construction of National Highways assets. Confirmation is sought from GCC.	The Applicant can adhere to this.	SoCG Deadline 1 submission	N/A
7.4 Value Engineering	National Highways would like to confirm that any value engineered solutions on the Strategic Road Network in relation to the detailed design throughout construction are agreed with National Highways to ensure that proposed solutions are within the Operations Directorate capacity for management.	The DCO already requires this.	SoCG Deadline 1 submission	N/A
7.5 Closures	National Highways requests confirmation from Gloucestershire County Council to confirm the slip road closure strategy as the summary indicates to a closure of the slip roads onto the M5 for a period of 19 months. This is so that any impacts to the Strategic Road	DF3 TMP has been reviewed and approved as part of the stage 3 PCF process. This included NH alternate routes for M5 closures, both from J9 and J11 which have been adopted by the Project. The TA and ES submitted with the DCO application also	SoCG Deadline 1 submission	N/A

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	Network and Local Road Network are fully assessed and mitigated as far as reasonably practicable.	assesses the impacts of the slip road closures. As an additional comment, the slip road closures are described in Chapter 2.		
7.6 Programme	National Highways request that a construction programme is provided to National Highways on a monthly basis to align with Principal Contractor CI32 submissions to Gloucestershire County Council to provide oversight of construction activities to the Strategic Road Network. National Highways request that a cost loaded construction programme is regularly provided to NH for oversight of project performance (i.e., CPI/SPI/LEI/BEI).	The Applicant can provide a construction programme but not with cost loading. The Applicant does not understand why NH needs oversight of project performance.	This matter is now agreed with National Highways as cost loaded programme not required and metric elements have been agreed elsewhere. 16/07/2024	N/A
8. Operation and Maintenance				
8.1 Reservoir	National Highways request consultation throughout the detailed design of the reservoir and surrounding assets to ensure that the proposed solutions are within the Operations Directorate capacity for management for assets to be maintained by National Highways.	The Applicant can adhere to this.	SoCG Deadline 1 submission	6
8.2 Detailed Design	National Highways would like to reconfirm that the proposed development on the Strategic Road Network will need to be designed as per Safety, Engineering and Standards and Operations Directorate requirements to allow for safe and efficient maintenance upon scheme completion.	The Applicant can adhere to this.	SoCG Deadline 1 submission	N/A
8.3 Operations Technical Leadership Group	National Highways request confirmation from Gloucestershire County Council that the	The actions arising from Stage 3 Ops TLG have been considered as part of the	SoCG Deadline 1 submission	N/A

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	<p>project will attend the Operations Technical Leadership Group as required to ensure that best practice is applied throughout scheme design.</p> <p>National Highways seeks confirmation from Gloucester County Council that the actions arising from Stage 3 Ops TLG from February 2022 have been fully addressed and the design submitted for the Development Consent Order does not amend any of these findings.</p>	<p>Preliminary design development and the design submitted for the Development Consent Order is not considered to not amend any of the findings raised at the Ops TLG meeting. Please refer to the "Stage 3 Ops TLG Actions" Technical Note (GCCM5J10-ATK-GEN-ZZ-TN-CS-000003_C01.pdf), issued to NH in Sept 2022, which provides additional details of work undertaken to address the actions and NH agreements.</p>		
8.4 Access	<p>National Highways request that access onto land parcels affected by the development for future maintenance by the Operations Directorate are applied and agreed with National Highways. This includes, but not limited to, easements over the private land for any outfall, ditches and/or buried pipelines that are to remain in National Highways ownership with a minimum 5m width required at each side of the apparatus for maintenance, easements over private land to any land locked plots for future maintenance with minimum 10meters width required, easements over private land with any culverts not deemed as structures for future maintenance with minimum 10 meters width required, easements for any drainage or other national highways assts and the rights to carry out future maintenance to these.</p>	<p>Plot by plot review has been undertaken by National Highways.</p>	<p>01/10 - Resolved by National Highways in PADSS submitted at D5 (PADSS item 9).</p>	7
8.2 Reservoir	<p>National Highways would require provision for the drainage asset in relation to the reservoir in the commuted sum figure (£TBC)</p>	<p>This issue will be resolved by the Applicants Change Application 2 submitted and accepted in examination by the ExA.</p>	<p>Agreed 25/11/2024 for SoCG submission at Deadline 10 on 28 November 2024</p>	6

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
8.3 Ownership	National Highways would like it secured in the DCO and supporting documentation that ownership and maintenance of the reservoir lies with GCC and that responsibility of the construction and maintenance of the M5 southbound on slip embankment, up to formation level, lies with Gloucestershire County Council in accordance with the requirements of the Reservoirs Act 1975 of an above ground reservoir. Ownership and maintenance of the M5 southbound on-slip road drainage to be with National Highways.	This issue will be resolved by the Applicants Change Application 2 submitted and accepted in examination by the ExA.	Agreed 25/11/2024 for SoCG submission at Deadline 10 on 28 November 2024	6
9. Project Control Framework and Governance				
9.1 PCF	National Highways confirms that its role prior to the acceptance of the DCO was to provide support to the Applicant to ensure that the application documentation met the requirements of governance for projects on the SRN at the Preliminary Design at Project Control Framework Stage 3 (PCF 3). National Highways did not review any products that have been de-scoped from the PCF 3 process or any documents that were sent for National Highways information only at PCF 3 stage. National Highways reviews and advice at PCF 3 are intended to ensure that documents are in accordance with governance requirements and include the chapters, headings and topics that should be covered. The PCF 3 review does not provide any level of technical assurance or endorsement of the scheme's viability or design, nor comment on the accuracy or acceptability of any substantive consent,	National Highways position is that they have endorsed, for the purposes of joint governance, PCF products rather than approved them. Resolved by National Highways in PADSS submitted at D5 (PADSS item 31).	Deadline 5 submission 01/10/2024	31

Topic	Matter which has been discussed / agreed	Position	Date and Method of Agreement	PADSS Ref
	<p>simply that content is there. The PCF 3 process is to ensure that documents meet governance standards only. If it assists the examination process, a full list of which documents that National Highways reviewed at PCF 3 stage can be provided to the Examining Authority, as well as a list of documents that were de-scoped. National Highways confirms that despite reviewing a selection of documentation for PCF 3 stage, there are a number of matters which were not resolved by the Applicant and National Highways can provide the Examining Authority with further information should this be required.</p>			

4. Matters Outstanding

4.1. Principal matters outstanding

- 4.1.1. The principal matters outstanding between Applicant and National Highways are summarised as follows:
- Draft DCO, Articles and Schedules
 - Funding and Collateral warranties
 - Liabilities
- 4.1.2. Table 4.1 shows those matters that are outstanding between the parties, including that matters reference number, and the status and date of the latest position. This table has been updated to include cross reference to the Points of Concern outlined in National Highways Principal Areas of Disagreement Summary Statement (PADSS) submitted by National Highways at Deadline 1 (REP1-059), at Deadline 3 (REP3-075) and Deadline 5 (REP5-038).
- 4.1.3. An additional column has been added to record final response at Deadline 10.

Table 4-1 - Matters outstanding between the Applicant and National Highways

Topic	Matter Raised	Applicant Position at D1(18 June)	Position between D1 and D3	Latest position at D10	PADSS Ref
1. Draft Development Consent Order (dDCO)					
1.1 Transfer of Benefits	National Highways have concerns regarding the transfer of benefits in article 10 and request that a bespoke provision is included to the effect that where any transfer to a third party would impact the SRN, the strategic highway authority is consulted and SoS consent needed to transfer benefit to NH.	Considering Amendment to Article 10 which require SoS consent to transfer on face of the order to allow for public visibility and transparency.	In ISH2 NH confirmed that a contractual solution would address its concerns. GCC awaited NH's written response to the draft side agreement sent 24 May 2024. 23/07 - Discussions continued between Applicant and National Highways.	01/10 - The Applicant does not understand the need for a restriction on the transfer of rights to statutory undertakers as specified by and pursuant to the dDCO and consider NH are sufficiently protected. However, NH have suggested covenants as a way of resolving this issue. This is being considered by the Applicant. This is being discussed as part of the side agreement	14
1.2 Article 10	National Highways request further information from Gloucestershire County Council regarding the consent to benefit transfer of the order will occur noting that National Highways are a consultee as per the requirements. National Highways further requests clarification by Gloucestershire County Council on the proposal mechanism to agree assets to be handed over to National Highways upon scheme completion to ensure that these are within the operational capacity of National Highways South West Operations Directorate.	Scope and mechanism to be discussed.	Legal meeting held 10 July. Awaiting NH response to draft side agreement. 23/07 - Discussions continue between Applicant and National Highways	01/10 -The Applicant does not understand the need for a restriction on the transfer of rights to statutory undertakers as specified by and pursuant to the dDCO and consider NH are sufficiently protected. However, NH have suggested covenants as a way of resolving this issue. This is being discussed as part of the side agreement.	14

Topic	Matter Raised	Applicant Position at D1(18 June)	Position between D1 and D3	Latest position at D10	PADSS Ref
<p>1.3 Article 13</p>	<p>National Highways request that the effect of article 13 is detailed by Gloucestershire County Council in relation to assets intended to be handed over to National Highways. National Highways request that paragraph 7 should apply to the strategic highway authority as well as the undertaker.</p>	<p>To be explored and included in side agreement in terms of clarification on what highways assets are to be handed over to NH. Amending article also possible should this impact other consultees. Second point - article point likely to be amended but with drafting points in side agreement to protect GCC liabilities in relation to work activities.</p>	<p>Legal meeting held 10 July. Amendment proposed in draft side agreement issued to NH on 24 May. Awaiting NH response.23/07 - Discussions continue between Applicant and National Highways</p>	<p>The Applicant considers that Article 13 (together with Article 14) identifies the assets which NH will be taking on. The PPs also protect NH though the certification process.</p> <p>Under Art 13 construction, alterations and diversions to the M5, as a trunk road, must be completed to NH's reasonable satisfaction. NH must maintain those alterations including any culverts or structures laid under it unless it is otherwise agreed in writing with NH. Therefore, in the absence of agreement, the assets which NH will be liable to maintain would be those which fall within the boundaries of the trunk road.</p> <p>This will be obvious in relation to most of the works and Art 14 makes the position clear.</p> <p>Art 14 states that the roads in Sch 3, Part 1 are to be special roads (trunk roads) and when GCC notify NH that they are complete and open to the public NH becomes the strategic highway for those roads (and therefore are liable for maintenance). Sch 3, Part 1 is prescriptive in respect of the length of the roads to be</p>	<p>16</p>

Topic	Matter Raised	Applicant Position at D1(18 June)	Position between D1 and D3	Latest position at D10	PADSS Ref
				<p>special roads and cross refers to the classification of roads plans.</p> <p>Given these Articles and the PPs, this should be sufficient to define the assets which NH will be taking on (the PPs prescribe a process for the construction, adoption and maintenance of the specified works).</p>	
1.4 Protective Provisions	National Highways object to the Protective Provisions in the draft Development Consent Order and believed this leaves both National Highways and the Strategic Road Network exposed to risk. National Highways confirm that these are still to be agreed with Gloucestershire County Council and will continue discussing this with the Applicant.	Draft alternative protective provisions with NH for consideration. Awaiting response.	<p>Legal meeting held 10 July. Matters raised verbally by NH for consideration, which GCC are considering. Formal response on PPs awaited from NH.</p> <p>NH retain position that notwithstanding what is included in any side agreement, NH's form of PPs to be included on the face of the Order.</p> <p>23/07 - Discussions continue between Applicant and National Highways</p>	<p>01/10 - Protective provisions are being discussed with NH with the aim of an agreed form being submitted to the ExA.</p> <p>Notwithstanding discussions on the PPs and side agreement continue, a revised set of PPs have been submitted at this deadline (D5) which reflect discussions to date and which seek to address concerns raised by NH.</p>	8
1.5 Deemed consent	National Highways requests that the deemed consent provisions in the draft DCO (for example, article 11, 15, 18 and 20) are altered to a deemed refusal, and ask that a provision be included requiring	To be amended in Order to a deemed refusal with side agreement to capture process. Road Space Booking point	<p>Legal meeting held 10 July. NH suggested deletion of deemed refusal which is being considered.</p> <p>Discussions continue between Applicant and</p>	01/10 - It is considered that the deemed consent provisions should remain. To replace with deemed refusal means that if NH fail to respond the scheme cannot proceed which is unreasonable. The revised	22

Topic	Matter Raised	Applicant Position at D1(18 June)	Position between D1 and D3	Latest position at D10	PADSS Ref
	Gloucestershire County Council to follow the Road Space Booking process.	negated as to be agreed in PP's.	National Highways for other matters	PPs include deemed consent provisions which are considered reasonable and protect both the Applicant and NH (PP 25(7)). This is being discussed as part of the side agreement.	
1.6 Article 30	National Highways request that, in respect of Article 13, any airspace or subsoil over or under the SRN is not to be used without consent from National Highways.	To be captured in side-agreement.	Legal meeting held 10 July. Awaiting NH response to side agreement. 23/07 - Discussions continue between Applicant and National Highways	01/10 - The revised PPs as submitted at D5 should resolve this issue given the provisions in relation to design and construction. This is being discussed as part of the side agreement.	23
2. Environment Statement (all matters agreed)					
3 Register of Environmental Actions and Commitments and Environmental Management Plan (all matters agreed)					
4 Land Plans, Book of Reference, Statement of Reasons (all matters agreed)					
5. Transport (including modelling) (all matters agreed)					
6. Funding					
6.1 Funding Security	National Highways have concerns about the significant reliance on unsecured developer contributions, as previously raised to Gloucestershire County Council, due to no guarantee that any or all of the identified developments will come forward within the timescales when funding is required and with the	Approach needs discussion.	Matter remains outstanding 24/07 – matter remains outstanding.	01/10 - Discussions continue between Applicant and National Highways.	34

Topic	Matter Raised	Applicant Position at D1(18 June)	Position between D1 and D3	Latest position at D10	PADSS Ref
	<p>necessary level of financial contributions secured.</p> <p>National Highways require funding security before the start of construction activities due to the risk of beginning construction without the full funding package in place.</p>				
6.2 Cash Surety	<p>National Highways request that discussions continue regarding cash surety for pre and post Notice to Proceed to ensure that any delays or unforeseen risks do not affect the construction and operation of the Strategic Road Network.</p> <p>National Highways requests sight of commercial documentation to ensure affordability of completion of all aspects of the scheme impacting on the SRN).</p>	To be discussed.	Matter remains outstanding 24/07 – matter remains outstanding.	01/10 - Discussions continue between Applicant and National Highways.	34
6.3 Notice to Proceed	National Highways request that the Notice to Proceed decision is captured in a legal agreement with Gloucestershire County Council to ensure that construction does not start on the Strategic Road Network without funding secured.	To be discussed.	Matter remains outstanding 24/07 – matter remains outstanding.	01/10 - Discussions continue between Applicant and National Highways. The protective provisions can be amended to incorporate a suitable notice to proceed process if agreement is not reached.	34
6.5 Collateral warranties	National Highways request that a copy of the contract with Galliford Try, copies of the professional appointments in place with consultants engaged in relation to the works, confirmation of the levels of	The Applicant understands that this has been done. However a meeting is to be arranged to discuss as NH has further queries.	Matter remains outstanding 24/07 – matter remains outstanding.	01/10 - Discussions continue between Applicant and National Highways.	34

Topic	Matter Raised	Applicant Position at D1(18 June)	Position between D1 and D3	Latest position at D10	PADSS Ref
	professional indemnity insurance each warrantor will be obliged to maintain and evidence from their broker of said insurance and any technical appendices are provided to be able to agree and approve any collateral warranty agreements.				
7. Construction (all matters agreed)					
8. Operations and Maintenance					
8.1 Liabilities	National Highways request that a maintenance plan is provided and agreed for all assets, including but not limited to structures, flood storage areas, attenuation basins and embankment, in event of an issue affecting SRN.	To be discussed.	Legal meeting being held on 10 July. NH response to side agreement awaited. 24/07 – Discussions are ongoing in relation to this matter.	01/10 - This is being discussed as part of the side agreement.	6

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