

Highways Commissioning
Block 5, 6th Floor East
Shire Hall
Gloucester GL1 2TH
Telephone: 01454 662377

28th November 2024

M5 Junction 10 Improvements Scheme

Dear Mr Maund,

Application by Gloucestershire County Council for an order granting Development Consent for the M5 Junction 10 Improvements Scheme

Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 and 9, 13 and 16

Further to the Examining Authority's Rule 8 letter, dated 29 October 2024, I write in respect to the information requested from the Applicant at Deadline 10 (28 November 2024).

Documentation submitted at Deadline 10

Please find enclosed the following documents which have been requested from the Applicant at Deadline 10:

1. Written summaries of oral submissions made at Hearings held on 20 November 2024

Applicant's Written Summary of Oral Case for Open Floor Hearing 2 (OFH2), Compulsory Acquisition Hearing 2 (CAH2) and Issue Specific Hearing 5 (ISH5) (TR010063/APP/9.95 – Rev 0)

2. Draft Development Consent Order (dDCO), Change Log and Validation Report

The Applicant has provided an explanation for all changes made to the dDCO (TR010063/APP/3.1 – Rev 6.0) in its Change Log (TR010063/APP/9.21 – Rev 5.0). The Applicant has provided a clean Deadline 10 version of the dDCO as well as two tracked copies. The first tracked copy compares Deadline 10 against the Applicant's Deadline 7 submission. The second tracked copy compares Deadline 10 against the original submission version.

The Applicant notes that a request has been made to provide a validation report. The Applicant has been engaging with HMSO to obtain this report which has required the Applicant to re-format the entire of the dDCO. The Applicant is awaiting a revised validation report and will provide this separately once received, which it expects will be on the 29 November 2024.

Highways

The Applicant would note also that it is likely that a revised dDCO will be submitted at Deadline 11 to account for a completed side agreement with National Highways. The Applicant expects this side agreement to introduce a requirement for changes to the National Highways protective provisions. If the Applicant does have to change its dDCO at Deadline 11, a validation report will accompany at that submission.

The Applicant also notes that a “tracked word version” has been requested. Due to the need to finalise the dDCO in a validated template, which does not allow for tracked changes, the Applicant has been unable to provide a “tracked word version” which would be in a valid SI template form. If the ExA would like to be provided with a tracked word version, which would be in a basic word template, the Applicant would be happy to send this across separately.

3. Final Book of Reference, Statement of Reasons, Land Plans and Schedule of Changes

The Applicant can confirm that the following documents have been updated at Deadline 5:

- Combined Schedule of Changes to Book of Reference, Statement of Reasons and Land Plans (TR010063/APP/9.22 – Rev 5.0)
- Book of Reference (TR010063/APP/4.3 – Rev 4.0)
- Statement of Reasons (TR010063/APP/4.1 – Rev 5.0)
- Land Plans (TR010063/APP/2.2 – Rev 6.0)

The changes to the Book of Reference have been driven by a final re-refresh of the land information available to the Applicant. Other changes to the Book and Reference, Land Plans and Statement of Reasons have been driven by the incorporating the change application 1 & 2 documents.

4. Statements of Common Ground (“SoCG”), Statement of Commonality and List of Matters Not Agreed.

Statements of Common Ground have been provided for:

- a. Joint Councils (TR010063/APP/8.2 – Rev 3.0)
- b. National Highways (TR010063/APP/8.3 – Rev 3.0)
- c. Environment Agency (TR010063/APP/8.4 – Rev 3.0)
- d. Natural England (TR010063/APP/8.5 – Rev 2.0)
- e. Historic England (TR010063/APP/8.6 – Rev 2.0)
- f. North West Cheltenham (Elms Park) – Bloor Homes & Persimmon Homes (TR010063/APP/8.7 – Rev 2.0)
- g. Safeguarded Site adjacent to M5 Junction 10 – Bloor Homes (TR010063/APP/8.8 – Rev 2.0)
- h. West Cheltenham (Golden Valley) – Midland Land Portfolio Limited (“MLPL”) & Cheltenham Borough Council (TR010063/APP/8.9 – Rev 2.0)

The Applicant has summarised the position of the SoCGs in its Statement of Commonality (TR010063/APP/8.1 – Rev 4.0). The areas of disagreement have been distilled into a List of Matters Not Agreed (TR010063/APP/9.96 – Rev 0) as referred to in the ExA’s letter of 29 October 2024.

Highways

The Applicant would note that Natural England, Historic England, & Environment Agency have no remaining matters in disagreement. In relation to the Joint Council's, two matters are noted as outstanding both of which are in relation to funding. The Applicant has provided its position on funding in an updated Funding Statement. In relation to National Highways, a number of points remain outstanding. However, the Applicant and National Highways have now agreed terms in a side agreement and are arranging for engrossment and execution. Once the side agreement is completed, which the Applicant anticipates to be within examination, the Applicant understands that all remaining items will be resolved. Regarding the various developer SoCGs, the Applicant has sought to progress items as far as possible. It may be possible for the Applicant to provide a further update on these SoCGs by Deadline 11.

5. Guide to the Application

The Guide to the Application (TR010063/APP/9.26 – Rev 10.0) charts the submission of DCO application documents to the Inspectorate, identifying the current revision for all documents submitted by the Applicant into Examination. This is a live document and will be updated throughout the Examination process and submitted, when updated, for each relevant deadline.

6. Final Land Rights Tracker

The Applicant has provided a clean version only Land Rights Tracker (TR010063/APP/9.29 – Rev 3.0) due to the difficulty in creating a tracked change copy of an excel spreadsheet. A excel format version of the document has been submitted to the Examining Authority separately.

7. Final Planning Statement and Schedule of Accordance with National Policy Statement

The Applicant has provided an updated Planning Statement and Schedule of Accordance with National Policy Statement (TR010063/APP/7.1 – Rev 2.0) to reflect the latest position and incorporates the two change requests as well as other policy matters discussed through the course of the Examination.

Additional Submissions at Deadline 10

1. Environmental Management Plan (1st iteration) Annex B.8 - Archaeological management plan (1st iteration, rev.1)

The Archaeological Management Plan (1st iteration) (TR010063/APP/9.8 – Rev 1.0) has been updated to reflect the further geophysical survey work undertaken between September and October 2024; and to incorporate some minor amendments requested following review by the Joint Councils. The document remains a 1st iteration environmental management plan document.

Highways

2. Environmental Management Plan (1st iteration) Annex B.6a – Severe weather emergency response plan (1st iteration) (TR010063/APP/9.25 – Rev 1.0)

The Severe weather emergency response plan was submitted into Examination previously with the wrong annex reference. The document submitted previously was labelled as Annex B.10 of the Environmental Management Plan (1st iteration), but should be part of Annex B.6. The Severe weather emergency response plan has therefore been updated to be Annex B.6a of the Environmental Management Plan (1st iteration). This now aligns with other references to this document in the DCO application.

3. Environmental Management Plan (1st iteration) Annex B.10 – Operational unexploded ordnance emergency response plan (1st iteration) (TR010063/APP/9.24 – Rev 1.0)

The Operational unexploded ordnance emergency response plan was submitted into Examination previously with the wrong annex reference. The document submitted previously was labelled as Annex B.9 of the Environmental Management Plan (1st iteration), but should be Annex B.10. The Operational unexploded ordnance emergency response plan has therefore been updated to be Annex B.10 of the Environmental Management Plan (1st iteration). This now aligns with other references to this document in the DCO application.

4. Environmental Management Plan (1st iteration) (TR010063/APP/7.3 – Rev 2.0)

The document has been updated to show the correct numbering in Annex B of the individual management plans, and to include reference to the Annex B.17 River realignment and channel diversion management plan that was submitted into Examination at Deadline 9.

5. Register of Environmental Actions and Commitments (REAC) (TR010063/APP/7.4 – Rev 5.0)

The document has been updated for the following REAC items:

- Item G4 – to include reference to the Annex B.17 River realignment and channel diversion management plan in the list of EMP annexes.
- Item B23, WE1, WE2, WE3, WE12 and WE19 - to incorporate the changes listed in the Summary of changes to Register of Environmental Actions and Commitments (TR010063/APP/10.26).
- Item B8 – to address some inconsistencies in how the habitat management measures at the River Chelt Link Road bridge, the River Chelt culvert and the Leigh Brook culvert are described across the REAC, ES Chapter 7 (Biodiversity) and ES Chapter 8 (Road drainage and the water environment). Updated copies of ES Chapter 7 (Biodiversity) and ES Chapter 8 (Road drainage and the water environment) have also been submitted at Deadline 10.
- Item B13 – to include a footnote to this item to reflect the outcome of an agreement with Natural England on the management period for hedgerow H48.

Highways

These changes were mostly due to the need to incorporate change application 1 & 2 into the REAC with the exception of item B8 which was raised to address separate inconsistencies.

6. Environmental Statement Chapter 11 (Cultural Heritage) (TR010063/APP/6.9 – Rev 2.0)

The chapter has been updated to include an assessment of the five non-designated built heritage assets identified following ISH5. The Applicant was able to obtain sufficient information from TBC to carry out its review of the likely significant effects of the Scheme on these assets.

7. Environmental Statement Appendix 11.1 (Gazetteer) (TR010063/APP/6.15 – Rev 1.0)

The appendix has been updated to reference the eight non-designated heritage assets, identified following ISH4 and ISH5.

8. Environmental Statement (ES) chapters and appendices containing minor changes that are not already in Examination

A review of the ES chapters and appendices during the Examination process, identified minor changes required in some documents. These amendments are considered minor and did not have an effect on any of the assessments made or the conclusions drawn within the documents. Therefore, the Applicant sought to introduce these changes as a bulk amendment to reduce administrative burden and unnecessary multiple revisions.

A list of the ES chapters and appendices submitted at Deadline 10, and a summary of the amendments made is provided below:

- ES Chapter 6 (Noise and Vibration). Further explanatory detail added into the Table 6-18, Table 6-21, Section 6.9 and Section 6-12; and minor amendments made to the numbers of properties affected in Table 6-29, Table 6-31, Table 6-32, Table 6-34.
- ES Chapter 7 (Biodiversity) and ES Chapter 8 (Road drainage and the water environment). Amendments made to address some inconsistencies in how the habitat management measures at the River Chelt Link Road bridge, the River Chelt culvert and the Leigh Brook culvert have been described across the REAC, ES Chapter 7 (Biodiversity) and ES Chapter 8 (Road drainage and the water environment).
- ES Appendix 5.1 (Air quality emission modelling). Amendments made to Table 2-2. The results shown in the table had been misaligned in original table. This amendment does not affect the description of results in ES which reflected the correctly aligned results table.

Highways

- ES Appendix 9.2 (LVIA assessment table). Amendment to the labelling for VR3a and VR3; an amendment in the magnitude of change reported for VR23 (to align with that reported in ES Chapter 9); and a minor amendment to the assessment of VR26c.
- ES Appendix 9.3 (Photo sheets). Amendment to the title of photosheet 1, and grammatical corrections in the text.
- ES Chapter 1, ES Chapter 3, ES Chapter 4, ES Chapter 9, ES Chapter 15, ES Chapter 16 and ES Appendix 1.4 - Documents updated for minor amendments identified in a consistency review of the application; and document references updated use the Applicant's document referencing system, rather than the PINS Examination Library references. This is to ensure consistency in referencing across the application.

9. Design Principles Report (TR010063/APP/9.70 – Rev 1.0)

Document updated to use the Applicant's document referencing system, rather than the PINS Examination Library references. This is to ensure consistency in referencing across the application.

10. Explanatory Memorandum

The Applicant has provided an updated Explanatory Memorandum (TR010063/APP/3.2 – Rev 2.0) to take account of the amendments to the dDCO throughout the examination.

11. Equality Impact Assessment

The Applicant has provided an updated Equality Impact Assessment (TR010063/APP/7.6 – Rev 2.0) in response to the Examining Authority's Third Written Questions (Q1.0.5) which reflects the latest position and incorporates the two change requests.

12. Traffic Management Plan (TMP)

As was outlined in the Applicant's response to Examining Authority's Third Written Questions (REP9-011), specifically Q15.0.3, the Applicant has been in discussion with National Highways regarding an amendment to the TMP and has provided an updated TMP (TR010063/APP/9.12 – Rev 1.0) to provide the clarity National Highways are seeking on this matter and is agreed in the SoCG.

13. Scheme Plans

The Applicant has incorporated the Change Applicant 1 & 2 plans into its core scheme drawings and has therefore provided the following plans. These do not show any variation other than those introduced by the change applications:

Highways

- a. Location Plan
- b. Works Plans
- c. General Arrangement Plans
- d. Streets Rights of Way and Access Plans
- e. Classification of Roads Plans
- f. Engineering Sections and Drawings
- g. Historic Environment Sites and Features Plans
- h. Speed Limits and Traffic Regulations Plans
- i. Environmental Masterplans

14. Consents and Agreements Position Statement

In response to an action point raised at ISH5, the Applicant has updated its Consents and Agreements Position Statement to reflect current position on other consents required for the Scheme.

15. Funding Statement

The Applicant has updated its Funding Statement (TR010063/APP/42. – Rev 2) to address comments made by the Joint Councils in their Deadline 9 document (REP9-015).

16. Applicant's Response to Interested Parties Deadline 9 Submissions TR010063/APP/9.98 – Rev 0)

The Applicant has reviewed the Deadline 9 written representations submitted by interested parties. It should be noted that in a change from earlier deadlines and in order to minimise the extent of repetition in its submissions, the Applicant has only provided a response where clarification was deemed helpful or necessary. This is reflected in the sequencing of response references where it should be noted that references relate to the equivalent paragraph number or Examining Authority question reference of the relevant interested party's comments.

17. Applicant's Response to Open Floor Hearing 2 (OFH2), Compulsory Acquisition Hearing 2 (CAH2) and Issue Specific Hearing 5 (ISH5) Action Points (TR010063/APP/9.94 – Rev 1.0)

The Applicant has provided a further iteration of its response to action points, to provide a response to those items requested by Deadline 10. Key among these responses relate to the issue of the time period for compulsory acquisition. The Applicant has provided further detail in this regard, particularly an update on its position regarding the need for protections against legal challenge.

The Applicant would like to note two further points which relate to items discussed during the hearing:

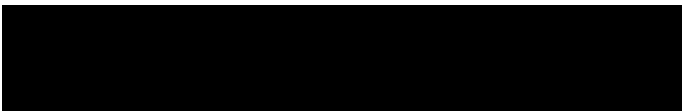
Highways

Crown Land: The Applicant checked and confirmed that its previous notices and correspondence has been sent to the appropriate addresses. In relation to DEFRA, the Applicant continues yet to receive a response. The Applicant continues to try and obtain response through its various contacts. The Applicant has discussed with its contacts in Homes England who have offered support to encourage a response in this regard. The Applicant has no further update in relation to the other Crown interests, with the position being the same as reported during ISH5. The Applicant continues to seek Crown consent with a view to update the ExA in this regard at Deadline 11.

Homes England: The Applicant would also wish to update the Examining Authority regarding discussions with Homes England. The Grant Determination Agreement between Homes England and Gloucestershire County Council was updated on 27 November 2024 to update the Infrastructure Works Practical Completion milestone deadline from 31 December 2027 to 31 March 2028 as requested by the Applicant. On the basis of Consent in June 2025 and start of mobilisation / works in October 2025, this now allows the 30-month programme of works to be completed within the deadlines of the Grant Determination Award. The Applicant considers that whilst this extension does not contribute to the likeliness of any extension to the funding period it is indicative of the support the Scheme has on an ongoing basis. The Applicant has separately responded regarding the 5-year availability period for compulsory acquisition. The Applicant continues to maintain that a 5-year availability period is an appropriate period considering the prospect of variation of the current terms of the HIF funding.

I trust this information provides assistance in considering the matters raised and addresses the Examining Authority's Rule 8 letter.

Yours sincerely,



Chris Beattie
Highways and Infrastructure
Gloucestershire County Council