

# M5 Junction 10 Improvements Scheme

**Applicant response to Interested Parties  
Deadline 9 Submissions**

**TR010063 - APP 9.98**

Rules 8 (k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9

November 2024



**Gloucestershire**  
COUNTY COUNCIL

# Infrastructure Planning Planning Act 2008

## The Infrastructure Planning (Examination Procedure) Rules 2010

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

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#### Applicant Response to Interested Parties Deadline 9 Submissions

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<b>Rule Number:</b>	Rule 8 (k)
<b>Planning Inspectorate Scheme Reference</b>	TR010063
<b>Application Document Reference</b>	TR010063/APP/9.98
<b>Author:</b>	M5 Junction 10 Improvements Scheme Project Team

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	November 2024	Deadline 10

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# 1. Introduction

This document (TR010063/APP/9.84) provides the Applicant's response to submissions made by interested parties at Deadline 9 where considered a response is required including:

- REP9-012 Gloucestershire Wildlife Trust
- REP9-013, REP9-014 and REP9-015 Joint Councils
- REP9-017 National Highways
- REP9-019 Osborne Clarke LLP on behalf of National Grid Electricity Distribution
- AS-111 [REDACTED]

1.1.1. Where issues raised within the IP's response have been dealt with previously by the Applicant within one of the application or other examination documents, a cross reference to that response or document is provided to avoid unnecessary duplication. The information provided in this document should, therefore, be read in conjunction with the material to which cross references are provided.

1.1.2. In order to assist the Examining Authority, the Applicant has not commented on every point made by Interested Parties, including for example statements which are matters of fact and those which it is unnecessary for the Applicant to respond to. However, and for the avoidance of doubt, where the Applicant has chosen not to comment on matters contained in the response, this should not be taken to be an indication that the Applicant agrees with the point or comment raised or opinion expressed.

## 2. REP9-012 – Gloucestershire Wildlife Trust

### Comments on the RIES and responses to any associated questions

Ref	Issue	Applicant Response
012-02	Table 2.2 of the RIES refers to our previous comments regarding concerns that the proposed M5 junction 10 development would increase accessibility for recreational users to Coombe Hill SSSI, which is known to be functionally linked to the Severn Estuary SPA, SAC and Ramsar. As an intrinsic element of the Severn Estuary habitat mosaic, any potential harm to Coombe Hill could lead to harm to the SAC.	The Applicant responded to this concern at Deadline 1 [REP1-043]. The ExA sought further information in their First Written Questions at Deadline 2 [PD-010, FWQ3.1.4], and invited the Applicant, Gloucestershire Wildlife Trust (GWT) and Natural England (NE) to comment. The Applicant ([REP3-043] and [REP4-035]) and NE [REP3-076] provided commentary. GWT did not provide any further comments.
012-03	We disagree that the increase in recreational pressure will come solely from the increase in housing locally. The need for the project is not limited to supporting growth and new housing in and around Cheltenham but also to sustain the m5 corridor more widely. The addition of northbound and southbound slip roads will make it much easier, convenient and appealing to travel to the area from elsewhere. It can therefore be argued that the works will inevitably make Coombe Hill more accessible from longer distances.	To reiterate the Applicant's position; the Scheme does not provide direct access to the SSSI, which is located almost 2 km northwest of Junction 10. The existing M5 Junction 10 already provides east-west movement and access and egress to and from the M5 north, with no connectivity to the M5 south. It is this southern connectivity that will be improved as a result of the Scheme, which will help to alleviate congestion across Cheltenham as well as facilitate the planned housing development around the junction. As set out in Section 2.2 of Chapter 2 of the ES [AS-010] the objectives for the Scheme are focused on improving the local transport network in the west and north-west of Cheltenham.
012-04	Over the past few years, we have had reports from regular local visitors to our Coombe Hill Canal and Meadows reserve that there has been an ongoing increase in visitor numbers. Despite the point raised by the applicant that parking limits visitors, a more consistent flow of visitors throughout the day and use of the site by minibuses, potentially for a greater number of organised groups (i.e. further increasing footfall in this way, rather than by private cars) is possible and likely. Dogs cause one of the biggest disturbances to the site, and dog walkers with one vehicle can walk several dogs at once. An increase in this activity could also have a large impact. This is something we are already seeing as a result of the increase in dog	Visitor survey information provided by Gloucestershire County Council (Footprint Ecology (2022) Severn Estuary Visitor Survey 2022) suggests that Coombe Hill SSSI is a 'local' destination. The visitor surveys undertaken at Coombe Hill Canal SSSI indicate that the majority of interviewees were on a day trip from home/short visit, with 50% of interviewees visiting a location that they go to at least once a week, with dog walking the most common activity.  It is assumed that the proposed housing developments around the junction that will be facilitated by the Scheme are within the zone of influence of Coombe Hill SSSI, within which an increase in recreational use of the SSSI may occur as a result of housing growth. The HRA

Ref	Issue	Applicant Response
	<p>ownership in recent years. The combination of significant new local development, with potentially new dog walking businesses, and improved accessibility to Coombe Hill from this scheme, will likely add to this issue. As such, we still consider it an error for the application not to consider such impacts.</p>	<p>Screening Report [REP3-024] fully considers the potential effects of increased recreational pressure from residents of these proposed housing developments which is considered to be a proportionate and sufficiently precautionary approach.</p> <p>The HRA Screening Report concluded no Likely Significant Effect on the basis that any potential increase in recreational pressure will come from an increase in housing, which the Scheme will facilitate but will not cause. The potential in-combination effects of the combined housing developments around the junction, and within the wider area, are known, and there are already existing policy requirements in place at a strategic level (within the Joint Core Strategy and the Tewkesbury Borough Plan) that have been designed specifically to mitigate the potential in-combination recreational effects of the combined housing developments, and which must be met by the housing developments if planning permission is granted. The housing developments will be subject to their own planning applications and assessments where this will be set out in more detail.</p> <p>It should also be noted that NE are in agreement with the Applicant's approach and conclusions [REP3-076]. Gloucestershire County Council, Tewkesbury Borough Council and Cheltenham Borough Council (the 'Joint Councils') [REP4-048] [REP4-048c] are also in agreement with the Applicant's position. No other Interested Parties have raised queries on this matter.</p>
012-05	<p>The application makes reference to mitigation being provided by local housing development, which the M5 junction 10 scheme will facilitate. The mitigation proposed for the West Cheltenham development includes the creation of a new SANG. This SANG will be an 'enhancement' in general terms, in adding/introducing new habitat, and may deter visitors from visiting the Cotswold Beechwoods, which is a further distance to travel, but is not mitigation for harm to the existing habitat at Coombe Hill.</p>	<p>The DCO application does make reference to mitigation provided by the surrounding proposed housing developments, where this information was available, in order to complete the cumulative effects assessment of the Environmental Statement. Such mitigation is not relied upon by the Scheme.</p> <p>The Applicant notes GWT's specific concern in relation to the West Cheltenham development. However, as it directly related to the West Cheltenham development (application 23/01875/OUT), this concern falls</p>

Ref	Issue	Applicant Response
012-06	<p>The new SANG will be several kilometres from the West Cheltenham development. This is a similar distance to Coombe Hill but with a longer journey time. Coombe Hill will also be made even more accessible from West Cheltenham by the addition of the new link road which is part of the scheme. The SANG will have a very different appeal to the wetland landscape at Coombe Hill.</p>	<p>outside of the scope of M5 Junction 10 Improvements Scheme. As such, no response can be provided.</p>
012-07	<p>We therefore think it is highly unlikely that the creation of this new SANG will deter people from visiting, and we do not think this suggested mitigation will help to protect Coombe Hill, as per paragraph 180 (a) of the NPPF, nor does it comply with paragraph 186 (b). We have also raised these concerns in our response to application 23/01875/OUT in September 2024.</p>	
012-08	<p>Feasible Coombe Hill mitigation</p> <p>We consider the reserve to be at full capacity and have/ are putting infrastructure and interpretation measures in place to try and reduce ongoing recreational impact on the reserve itself. An effective way to prevent further harm at Coombe Hill through additional recreational pressure and risk a reduction to the estuary mosaic would be to create an area of publicly accessible land next to the car park end of the Coombe Hill reserve.</p>	<p>As set out above, there is no basis for the M5 Junction 10 Improvements Scheme to contribute to the mitigation set out here.</p>
012-09	<p>The site would have a good network of accessible surfaced paths, providing better walking conditions than those in the surrounding countryside. We feel that by creating such a feature right next to the nature reserve, people would use this (especially dog walkers) rather than walking in other parts of the reserve where more sensitive wildlife persists. A site of this size would provide enough of an outdoor experience to keep the majority of visitors happy, benefiting both people and wildlife.</p>	

Ref	Issue	Applicant Response														
012-10	<p>An example of what this type of mitigation would cost is set out below. We would welcome further discussion around this but consider this to be the only way to truly protect and prevent further degradation of the Coombe Hill site, as a result of the improved accessibility that the M5 Junction 10 scheme will deliver in cumulation with the additional nearby development.</p> <table border="1" data-bbox="353 491 1137 833"> <thead> <tr> <th data-bbox="353 491 987 539">Item</th> <th data-bbox="987 491 1137 539">Cost</th> </tr> </thead> <tbody> <tr> <td data-bbox="353 539 987 587">5ha permanent pasture (Severn Vale)</td> <td data-bbox="987 539 1137 587">£120k</td> </tr> <tr> <td data-bbox="353 587 987 635">Path work</td> <td data-bbox="987 587 1137 635">£19k</td> </tr> <tr> <td data-bbox="353 635 987 683">Interpretation (3 boards x £3k)</td> <td data-bbox="987 635 1137 683">£9k</td> </tr> <tr> <td data-bbox="353 683 987 730">Habitat improvements - reseeding, tree planting</td> <td data-bbox="987 683 1137 730">£7k</td> </tr> <tr> <td data-bbox="353 730 987 778">Reserve management (£8k per year) X 3yrs</td> <td data-bbox="987 730 1137 778">£24k</td> </tr> <tr> <td data-bbox="353 778 987 833">Legal fees</td> <td data-bbox="987 778 1137 833">£5k</td> </tr> </tbody> </table>	Item	Cost	5ha permanent pasture (Severn Vale)	£120k	Path work	£19k	Interpretation (3 boards x £3k)	£9k	Habitat improvements - reseeding, tree planting	£7k	Reserve management (£8k per year) X 3yrs	£24k	Legal fees	£5k	
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### 3. REP9-013, REP9-014 and REP9-015 – Joint Councils

Ref	Issue	Applicant Response
013-08	<p>Updated Funding Statement [REP6-005]</p> <p>The Joint Councils have reviewed [REP6-005]. The Joint Councils' position is that the updated Funding Statement [REP6-005] and the Funding Technical Note [REP4-043] do not accord with the Joint Councils' Planning Statement [REP4-048b] submitted to Examination at D4. The Joint Councils' position remains as set out in the Planning Statement [REP4-048b].</p>	<p>Please see updated SoCG item 21.2 for latest position submitted at Deadline 10 (TR010063/APP/8.2 (Rev 3.0)).</p>
013-09	<p>The Joint Councils have provided a detailed response to the updated Funding Statement [REP6-005] at Deadline 9. This is set out in a separate document titled "Joint Councils' Response to the Applicant's Updated Funding Statement".</p>	<p>Please see the Applicant's Response to REP9-019 below.</p>
<p>Appendix: Joint Councils comments on the D7 submissions made by the Applicant and other Interested Parties</p>		
<p>Table 1 – Joint Councils' comments on the Applicant Response to Interested Parties D5 Submissions [REP7-009]</p>		
013-22	<p>Response Reference: 037-04</p> <p>Applicants Response at D7:</p> <p>LIR Ref 3.9.24 Population and Human Health –The 'dual function' referred to in the Applicant's response to the Local Impact Report [REP2-009] item 3.9.24 refers to the design of the underpass to provide two uses, namely as an access route for bats across the A4019 [the nighttime function]; as a traffic free route for Walkers, Cyclists and Horse-riders [WCH] users to cross the A4019.</p> <p>It is expected that the use of the underpass by WCH users would be principally a daytime use as the bridleway [AUC1] which has been</p>	<p>As acknowledged by the Joint Councils, the nighttime function of the underpass is to provide a safe route for bats to cross the A4019. The primary function of this underpass has been to provide ecological mitigation. The Applicant has sought to maximise the underpass' benefits by designing a "dual" use function by designing so that WCH might utilise this ecological mitigation during the day. The Applicant does not consider that it would be appropriate to start to consider how to design this ecological mitigation to cater more for WCH users which was always intended as a secondary use.</p> <p>The Applicant notes that the existing PRoW (AUC1) terminates at the A4019 and does not cross the road. Therefore the Scheme does not</p>

Ref	Issue	Applicant Response
	<p>routed through the underpass is expected to have more users during the daytime. The underpass does not preclude nighttime use of the underpass by WCH groups.</p> <p>Lighting considerations and wayfinding will be addressed at detailed design stage.</p> <p>Joint Councils' Comments on the Applicant's Response at D9:</p> <p>The update and further clarification is welcomed. Whilst there should be no issues with WCH use of the underpass during the daytime, consideration should be given to any potential conflict between bats and WCH during the nighttime use of the underpass, to minimise any potential adverse impacts on WCH [physical or mental, including perceived issues] i.e. is there any risk of injury or disturbance to WCH from flying bats and how is this proposed to be managed? Presuming that the underpass is the most direct and safest route, WCH should not be forced to find an alternative route which is less direct or less safe [severance] because of fear of bats or the potential to be injured if they were to use the underpass. Ongoing consultations with WCH should continue and address any conflict/concerns.</p>	<p>sever the existing PRoW. The underpass was not considered and proposed to provide, as its primary function, a crossing for WCH users.</p> <p>With regards to the risk of injury or disturbance to WCH, there is no risk of injury or disturbance to WCH from bats. Bats in the UK are small, discrete animals, and WCH are unlikely to be aware of bats using the underpass. Regarding the perception of injury from bats, or a fear, the Applicant would again point to the primary function of this underpass being for bat/ecological mitigation. The presence of bats, therefore, is not severable to the purpose of the underpass.</p>

**REP9-014 – Joint Councils – Response to the Examining Authority’s Third Written Questions**

ExA Q No.	Interested Parties Response	Applicant Response
9. Heritage		
Q9.0.1	<p>Tewkesbury Borough Council’s Conservation Officer has been unable to visit site to undertake a full survey of the proposed development area. However, after undertaking a desktop review utilising the scheme General Arrangement drawings five further properties have been identified:</p> <ul style="list-style-type: none"> <li>• The House in the Tree Public House, Wythybridge Lane [extended part thatched cottage – now Public House]</li> <li>• Elm Cottage, Old Gloucester Road [small formal white rendered cottage]</li> <li>• Orchard House, Hayden Lane [Large red brick villa/farmhouse with outbuildings]</li> <li>• Barn Close, Old Gloucester Road [19th century farmstead, house and barn]</li> <li>• Mill Cottage, Withy Bridge, off Withybridge Lane [Cottage adjacent to Grade II Listed Withy Mill]</li> </ul> <p>These additional assets have been passed over to the Applicant.</p>	<p>Information on these five properties has been provided to the Applicant by TBC’s Conservation Officer. ES Chapter 11 (Cultural Heritage) has been updated to include these further five properties. The updated chapter is submitted at D10 (TR010063/APP/6.9).</p>

## REP9-015 – Response to the Applicants Updated Funding Statement

Ref	Issue	Applicant Response
015-04	1. The three tests in Regulation 122[2] of the Community Infrastructure Levy [CIL] Regulations 2010 are solely for the LPA to determine. This determination includes whether or not the LPA are satisfied and whether it would be appropriate for a contribution to be made, after taking account other requirements, representations from the various consultees including GCC as Local Highway Authority, and any impact on the viability of the Scheme.	Please see updated SoCG item 21.2 for latest position submitted at Deadline 10 (TR010063/APP/8.2 (Rev 3.0)).
015-05	2. CIL Funding determinations are a decision for the CIL Joint Committee in keeping with the CIL Regulations and the CIL Prioritisation Framework.	
015-06	3. The JC's do not intend to bring forward an Supplementary Planning Document [SPD] in respect of the relevant sites, as they are presently progressing a joint Strategic Local Plan [SLP], this would be a more robust approach to future financial obligations relating to the points picked up in the funding statement.	
015-08	At this time the JC's are unable to confirm the s106 contributions referenced or £17m of CIL funding will be available.	
015-09	The JC's do not consider s106 contributions would meet the Regulation 122 tests in a retrospective situation. In accordance with Regulation 122 of the CIL Regulations 2010, any s106 contributions sought by the Councils must additionally be; (i) necessary to make the development acceptable in planning terms; (ii) directly related to the development; and (iii) [fairly and reasonably related in scale and kind to the development. s106 contributions are to mitigate the LPA assessed harm of a	

Ref	Issue	Applicant Response
	development proposal and such assessment occurs at the time of determination of the application.	
015-10	The three tests in Reg.122[2] of the CIL Regulations 2010 are solely for the LPA to determine. This determination includes whether or not the LPA is satisfied it would be appropriate for a contribution to be made, after taking account other requirements, representations from the various consultees including GCC as Local Highway Authority, and any impact on the viability of the Scheme.	
015-11	Where there is a lack of funding to cope with effects of development due to an increased wider population projection and not the effects of a development in isolation then those issues merit further consideration outside of s106 contributions which are limited to consideration of each development at the particular time and for the Applicant to consider.	
015-12	It would be helpful to see a copy of the Cabinet/ Full Council in principle decision for the UKIB loan, including how the conditions of the loan are to be met and loan payments fulfilled, so we can test any implications more fully in respect of future planning decisions.	
015-13	<p>CIL Funding</p> <p>The JC's consider there is a possibility the CIL Joint Committee will make some CIL funds available, however, there is not a reasonable prospect that the whole £17m of CIL funds would be available due to the infrastructure demands that far exceed the funds available. CIL funding determinations are a decision for the CIL Joint Committee and must be determined in accordance with the CIL Regulations 2010 and the CIL Prioritisation Framework. The first allocations are likely to be made at the next meeting of the CIL Joint Committee on 30th January 2025. At the inaugural meeting of the Committee on 12th November 2024, committee members agreed that all parties with items on the CIL</p>	

Ref	Issue	Applicant Response
	Infrastructure List should prioritise submissions to make maximum use of the funds available.	

## 4. REP9-017– National Highways

ExA Q No.	Interested Parties Response	Applicant Response
Q1.0.7	<p><b>Q1.0.7 – Safe operation of the SRN during construction</b></p> <p>Response: National Highways had one residual concern in respect of safety during construction, relating to the performance of the slip roads at M5 J9 and J11 whilst diversions were in place. The Applicant has provided National Highways with further evidence to support the understanding of potential queuing on the SRN as a result of closures to M5 J10 during construction. Modelling, via SATURN, shows that all M5 J9 and M5 J11 slips, with the exception of the M5 J11 southbound off-slip, have capacity and would not result in queuing on the mainline at peak times as a result of the expected increase in traffic that the closure of M5 J10 would cause.</p> <p>The Applicant subsequently demonstrated through the SATURN model that by the introduction of temporary signals at M5 J11, queuing on the mainline could be avoided.</p> <p>National Highways are therefore satisfied that through the introduction of suitable traffic management measures the risk of queuing on the mainline on both M5 J9 and J11 can be avoided. Further modelling, via the use of a more granular microsimulation, will be required during the detailed design stage in order to optimise the necessary mitigation. National Highways therefore seek a inclusion in the current Traffic Management Plan, to implement this required mitigation. National Highways would suggest the following: "Temporary traffic management will be implemented at M5 J9 and/or J11 in order to avoid queuing on to the mainline carriageway, beyond the slip roads. The necessary intervention will be determined as a result of modelling, at detailed design stage, via a microsimulation." The Applicant is aware of this request.</p>	<p>The final position SoCG between the Applicant and National Highways submitted at Deadline 10 (TR010063/APP/8.3 (Rev3.0)) confirms National Highways considers that the Scheme does not compromise the safe operation of the SRN during either its operation or construction and this matter is therefore now agreed subject to a minor amendment to the wording of the 1<sup>st</sup> iteration TMP regarding the need for temporary traffic management at M5 junctions 9 and/or 11 during construction.</p> <p>The Applicant has agreed to include the requested wording in an updated TMP and has submitted a Rev 1.0 of the 1<sup>st</sup> iteration TMP (TR010063/APP/9.12) at Deadline 10.</p>

ExA Q No.	Interested Parties Response	Applicant Response
Q6.0.1	<p><b>Q6.0.1 – Outstanding matters</b></p> <p>Response: National Highways are working with the Applicant to update the SoCG, which we understand the Applicant intends to submit at Deadline 10. The ancillary agreement to be entered into by the Applicant and National Highways deals with the outstanding issues relating to Articles 2, 8, 10, 11, 13, 14, 17, and 30.</p> <p>Following receipt of updated land plans, National Highways are satisfied that there are no public rights of way across their land which are negatively impacted by the Scheme. This deals with the residual Article 25 point.</p>	<p>The final position SoCG between the Applicant and National Highways on matters agreed and matters outstanding is recorded in the SoCG submitted at Deadline 10 (TR010063/APP/8.3 (Rev 3.0)).</p>
Q6.0.2	<p><b>Q6.0.2 – PADSS</b></p> <p>Response: National Highways intend to submit an updated Principal Areas of Disagreement Summary Statement (PADSS) at Deadline 10. The PADSS item numbers set out in the question correspond with the topics raised in question Q6.0.1 of the ExA written questions.</p> <p>National Highways understand that the Applicant will be submitting an updated Statement of Common Ground with National Highways for Deadline 10.</p>	<p>The final position SoCG between the Applicant and National Highways has been submitted to the ExA at Deadline 10 (TR010063/APP/8.3 (Rev 3.0)).</p>
Q15.0.3	<p><b>Q15.0.3 – Motorway Junction/Slip Road Modelling</b></p> <p>Response: Please refer to Q1.0.10 in respect to resolution of safety concerns.</p>	<p>See response to Q1.0.7 above.</p>



## 5. REP9-019 – Osborne Clarke LLP on behalf of National Grid Electricity Distribution

Ref.	Interested Parties Response	Applicant Response
017-16	3.8 The Applicant has included a third outstanding point in the Applicant's Case, which relates to NGED's extent of liability for negligence under Paragraph 9(5) of the protective provisions in <b>Schedule 3</b> .	Since the submission of the Applicant's case under sections 127 and 138 of the Planning Act 2008 in respect of Statutory Undertaker's Land on 13 November 2024 [AS-110] (the " <b>Applicant's Case</b> ") the Applicant has conceded this point and has agreed to include the capped liability clause in favour of NGED subject to an additional Cooperation clause. This will be reflected in the draft DCO submitted at deadline 10.

## 6. AS-111 – [REDACTED]

Ref	Issue	Applicant Response
111-03	<p>083-04</p> <p>Yes, meetings and correspondence have taken place between both parties but without any detailed responses from the Applicant. An example of this is that we were promised a response on access off Hayden Lane when we met on 18th September and a draft produced by GCC within the following 7/10 days – as yet nothing has been received despite a reminder request from us on 29th October.</p>	<p>The Applicant promoting the DCO scheme is GCC however, the IP is referring to discussions with the GCC Highways Development Management Team (GCC HDM) which is not the Applicant. Discussions with regard to access off Hayden Lane would be with GCC HDM not the Applicant. To aid [REDACTED] in his pre-application enquiry the Applicant sought a response from GCC HDM on [REDACTED] behalf which was subsequently provided.</p>
111-08	<p>083-10</p> <p>The plans shown to me on the 5th September 2024 were unacceptable and I specifically said I wanted see detailed drawings not schematic drawings. There is a limit to how many times I request drawings from the Applicant before thinking they are not going to supply them, therefore I will simply get on with other things in my life!!</p> <p>Let the Inquiry be clear on the swept path analysis, this has only recently been produced and clearly is going to be dangerous to all users of the highway. I have set out the measurements of our vehicles in this paper which are totally different to the tractor and trailer shown in the analysis, where the trailers are much smaller. Therefore my vehicles will not be able to make the turning radius as illustrated &amp; will overhang across the carriageway. As of this date 11th November 2025 no new information has been forwarded to us on any of the outstanding matters, so again we are no further forward. Interesting the Applicant can keep listing dates when things are meant to have taken place, yet there are no actions to proceed to any conclusion with.</p>	<p>The supplied drawings show the information that was requested by [REDACTED]. They are at the level of detail that is available at the DCO stage. There will be a detailed design stage should the DCO be successful, after which more detail can be supplied to [REDACTED] if required.</p> <p>The Applicant is only required to replace an access that is affected by the scheme with an equivalent access. It is the Applicant's position that the size of vehicle that [REDACTED] describes is far larger than any that can use the existing access at present.</p> <p>Notwithstanding this, the proposed access is of a significantly higher standard than the existing and will therefore cater for larger vehicles than the existing access can accommodate. Despite any intensification of use of the Old Gloucester Road, the Applicant considers that the proposed access does not represent a danger to the users of the highway and can be seen as an improvement due to the gate being set back from the highway allowing a vehicle to pull off the highway when accessing the field. Having the gate set back from the highway will also help with sight lines. In addition, the signalised junction creates breaks in the traffic flow allowing greater opportunity for access/egress.</p>

Ref	Issue	Applicant Response
111-09	083-12 I would not call the engagement we have had as negotiations, it is a stop start, wait, then my agent sends an email requesting to know what is happening, and duly get nothing back of any consequence. The applicant refers to the statutory process and best practice, <b>but I emphasise to the panel at the Inquiry nothing is being processed and both my agent and I cannot agree best practice is being followed.</b>	The Applicant continues to engage with the interested party, and has set out its history of engagement in the Land Rights Tracker [ref] as summarised in its response to action points at ISH5 submitted at Deadline 9a [REP9A-006].
111-11	The spur road Junction onto the Old Gloucester Road. 1) The designed scheme substantially affects my allocated site, by restricting development access and therefore in my case the scheme does not meet the key objective set out in the JCS to provide housing.	Response to 083-01 is provided in Applicant response to IP submissions at D5 (REP7-009)
111-14	4) On the first day of the Inquiry I stated the need for a roundabout and since then minor negotiations with GCC have taken place to consider access off Hayden Lane into my site, but these negotiations have stalled without any definite outcome.	Response to 083-04 is provided in Applicant response to IP submissions at D5 (REP7-009)
111-15	5) If GCC persist in not agreeing a way forward to address the issues, then they have been warned that a substantial claim will result, leading to further financial pressure on the overall cost of the scheme.	Response to 083-05 is provided in Applicant response to IP submissions at D5 (REP7-009).
111-16	6) A clear alternative way forward is to finish the spur road at the northern edge of the Old Gloucester Road and let landowners sort out their own access, this is a much cheaper option for the scheme and would reduce some of the financial shortfall in the whole proposal.	Response to 083-06 is provided in Applicant response to IP submissions at D5 (REP7-009).
111-17	7) It is of great concern to me that the Applicant did not do their initial due diligence regarding land ownership in the early stages and have	Response to 083-07 is provided in Applicant response to IP submissions at D5 (REP7-009)

Ref	Issue	Applicant Response
	not been 100% effective in solving the problem of access into my Allocated Land.	
111-19	How our Human Rights are affected. [REDACTED] for many years and are owners of other land close by. Some of the land has been in the family for over 100 years and there is obviously a strong sentimental attachment to it.	Response to 083-09 is provided in Applicant response to IP submissions at D5 (REP7-009):
111-20	At no time have we ever argued against the overall scheme, but we are anxious to know certain outcomes. This has clearly not happened ever since the initial correspondence we received years ago and certainly not during this Inquiry.	
111-21	Therefore my [REDACTED] have been [REDACTED] under the Human Rights Act 1998, due to the Applicant 'Acting in an incompatible way with Convention Rights'. Article 1, First Rule; which includes land affecting 'peaceful enjoyment of property', Second rule; 'deprivation of property ([REDACTED])'. The Third rule 'controlling the use of property – in my case access arrangements'.	
111-22	To underpin the above and emphasise the way in which we are poorly treated I give simple <u>examples of matters still requiring immediate attention:</u>	
111-23	<ul style="list-style-type: none"> <li>At the last Inquiry Hearing the Inspector again asked for a detailed overlay plan of the proposed land take and its effect on my site. After studying the Agricultural Sweep Path Analysis drawings, it is clear this does not work. The applicant either needs to refine or admit that this access will not work. Even the site plan is still in draft form. I set out the measurements of agricultural vehicles we use: The tractor measures 3.05m @widest point with a length of 6m &amp; with a 40ft artic trailer it</li> </ul>	

Ref	Issue	Applicant Response
	<p>would measure 21m in total. Terragator &amp; trailer would measure 3m wide &amp; 12m long plus low loader trailer at 2.9m wide &amp; 11.6m long, so total length of 23.6m long. Maximum gross weight is 31.25t &amp; we regularly achieve that. A small tractor &amp; trailer would be 2.8m wide &amp; 4.5m long plus silage trailer @ 8.8m length. The drawings showing the sweep of the tractor and trailer show trailers either the same length or less than the tractor, which obviously would not work in our case, and would make the access impractical and unsafe with our larger vehicles.</p>	
111-24	<ul style="list-style-type: none"> <li>As yet there is still no agreement on terms regarding 'Licence to Enter my Land'</li> </ul>	
111-25	<ul style="list-style-type: none"> <li>Proposals for a new access off Hayden Lane are at best sketchy, for me to consider the applicants proposal I need more detail, otherwise a basic email is not going to satisfy lawyers, my Highway Consultants, etc. <b><u>If these aspects of the outstanding matters were addressed fully by the Applicant then several of our objections could probably be withdrawn.</u></b></li> </ul>	
111-26	<ul style="list-style-type: none"> <li>A realistic land purchase offer based on commercial values for Allocated Development Land.</li> </ul>	
111-28	<p>Finally I draw the ExA attention to the fact that I told the Applicant in correspondence that am happy to have proactive discussions anytime and any place in an attempt to resolve the issues, but no contact is ever made. I highlight that while the access off Hayden Lane was suggested by the Applicant, it is the Development Control division of GCC that would also need to agree matters and despite my emails to them together with offers of a detailed discussion no response has yet been received.</p>	<p>Response to 083-012 is provided in Applicant response to IP submissions at D5 (REP7-009):</p>

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