

M5 Junction 10 Improvements Scheme

Statement of Commonality TR010063 - APP 8.1 (tracked)

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8.1 Statement of Commonality (tracked version)

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1. Introduction

1.1. Purpose of this Document

- 1.1.1. This Statement of Commonality for Statements of Common Ground (this 'Statement') relates to an application made by Gloucestershire County Council (GCC) (the 'Applicant') to the Planning Inspectorate under Section 37 of the Planning Act 2008 (the 'Act') for a Development Consent Order (a 'DCO'). If made, the DCO would grant consent for the Applicant to construct the M5 Junction 10 Improvements scheme (the 'Scheme'). A detailed description of the Scheme can be found in the Environmental Statement (the 'ES') Chapters 1-4 (APP-060 - 063).
- 1.1.2. This Statement has been prepared to provide the Examining Authority (the "ExA") with a summary of the current position at the time of submission of the DCO.
- 1.1.3. This Statement provides the final position on the commonality on specific points between the Applicant and third parties to which an SoCG has been prepared and submitted at the close of Examination ~~and submitted at Deadline 11 on 4~~³ December 2024.

2. Structure of Statements of Common Ground

- 2.1.1. The SoCGs have been structured in a generally consistent form and set out those matters which are agreed, the matters subject to further discussion and those matters which are not agreed. Each SoCG has been tailored according to the approach agreed with the interested party concerned.
- 2.1.2. Each SoCG has the following structure:
- Section 1: Introduces the SoCG and provides a description of its purpose.
 - Section 2: Outlines the engagement that has taken place with the interested party.
 - Section 3 sets out the topics discussed in the SoCG
 - Sections 4 and 5: sets out any issues that have arisen, reporting on the status of each issue, i.e., whether it is agreed, still under discussion or not agreed and any remaining actions.
- 2.1.3. Where relevant, documents that are referenced in the SoCG, but do not form part of the application, have been appended to the SoCG, to draw the ExA's attention to further relevant information.
- 2.1.4. Each SoCG includes a list of topics, unless the relevant parties consider that there are no issues to address on a particular topic.

3. List of Statements of Common Ground

3.1.1. The Applicant has prepared SoCGs with a number of parties during the preparation of the DCO application. This includes organisations with which the Applicant has a statutory duty to consult with, covered under section 42 of the Planning Act 2008. It also includes other organisations which have an interest in the Scheme and with whom the Applicant has formally consulted.

3.1.2. The parties with which the Applicant has prepared an SoCG are listed in Table 3-1.

Table 3-1 – List of Parties entered into an SoCG with the Applicant

Party
Local Authorities (as defined under section 42 (1)(b) of the Planning Act 2008)
1. The “Joint Councils” – comprising Gloucestershire County Council, Cheltenham Borough Council, and Tewkesbury Borough Council.
Prescribed Consultees (as defined under section 42 (1)(a) of the Planning Act 2008)
2. National Highways
3. Environment Agency
4. Natural England
5. Historic England
Other Interested Parties
6. North West Cheltenham (Elms Park) – Bloor Homes and Persimmon Homes
7. Safeguarded Site adjacent to M5 Junction 10 – Bloor Homes
8. West Cheltenham (Golden Valley) – Midlands Land Portfolio Limited (“MLPL”) and HBD

4. Summary of current position

- 4.1.1. This section provides the current position in respect of each SoCG. The draft SoCGs have been submitted alongside this Statement of Commonality.
- 4.1.2. Table 4-1 provides a high-level position and where necessary includes further detail to aid the ExA's understanding. The high-level positions used in the table are:
- **Agreed with no outstanding matters** – The final SoCG has been agreed by both parties and either all matters are agreed, or some matters are agreed but there are matters which are not agreed and which will not be resolved during examination. Where matters are not agreed, the SoCG provides reasons for the disagreement between the parties.
 - **Agreed SoCG with matters outstanding** – An interim SoCG has been agreed by both parties, but there remain matters outstanding that the Applicant and the interested parties will seek to resolve during the remainder of the examination. Where matters are outstanding, the SoCG indicates the steps which the Applicant (and, where appropriate, the interested party) will take in order to seek to resolve them.
 - **SoCG in draft with matters outstanding** – An SoCG has been drafted by the Applicant, has been shared with the interested party and some comments have been provided in response although the draft is not yet in agreed form. The Applicant anticipates being in a position to provide an agreed form of the SoCG with these parties by the final deadline, if not sooner where this may be of assistance to the ExA.

Table 4-1 – High Level Position of SoCGs

Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline 1 18 June 2024	Position at Deadline 2 9 July 2024	Position at Deadline 3 30 July 2024	Position at Deadline 5 01 October 2024	Position at Deadline 10 28 November 2024	Position at Deadline 11 3 December 2024	Position at close of Examination 4 December 2024
Local Authorities									
APP-146	Joint Councils	SoCG in draft with matters outstanding	Following a series of specialist meetings, the Joint Councils and the Applicant have agreed a revised iteration of the SoCG with matters agreed and matters still outstanding. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision provided with D1 documents. Further iteration to be submitted to the	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding.	SoCG in draft with 10 matters outstanding submitted at Deadline 4 (03 September 2024).	Final position SoCG signed between parties with two matters outstanding (SocG Item 21.1 and 21.2). Please see “List of Matters not agreed where SoCG could not be finalised” (TR010063/APP/9.96) for details on the matters not agreed.	Final position SoCG signed between parties with two matters outstanding (SocG Item 21.1 and 21.2). Please see “List of Matters not agreed where SoCG could not be finalised” (TR010063/APP/9.96) for details on the matters not agreed	As per position at Deadline 11.

Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline 1 18 June 2024	Position at Deadline 2 9 July 2024	Position at Deadline 3 30 July 2024	Position at Deadline 5 01 October 2024	Position at Deadline 10 28 November 2024	Position at Deadline 11 3 December 2024	Position at close of Examination 4 December 2024
			Examination at an agreed deadline between parties.						
Prescribed Consultees									
APP-147	National Highways	SoCG in draft with matters outstanding	National Highways and the Applicant have agreed a revised iteration of the SoCG. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision provided with D1 documents. Further iteration to be submitted to the Examination at an agreed deadline	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision provided with D3 documents. Further iteration to be submitted to the Examination at an agreed deadline	SoCG in draft with matters outstanding. Discussions are ongoing with National Highways and updated SoCG to be submitted at an agreed deadline between parties.	Final position SoCG signed between parties with 11 matters outstanding. Please see "List of Matters not agreed where SoCG could not be finalised" (TR010063/APP/9.96) for details on the matters not agreed.	Final position SoCG signed between parties with 11 matters outstanding. Please see "List of Matters not agreed where SoCG could not be finalised" (TR010063/APP/9.96) for details on the matters not agreed.	<u>All matters now agreed.</u>

Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline 1 18 June 2024	Position at Deadline 2 9 July 2024	Position at Deadline 3 30 July 2024	Position at Deadline 5 01 October 2024	Position at Deadline 10 28 November 2024	Position at Deadline 11 3 December 2024	Position at close of Examination <u>4 December 2024</u>
			between parties.		between parties.				
APP-148	Environment Agency	SoCG in draft with matters outstanding	The Environment Agency and the Applicant have agreed a revised iteration of the SoCG. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision provided with D1 documents. Further iteration to be submitted to the Examination at an agreed deadline between parties.	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding	SoCG in draft with five matters outstanding submitted at Deadline 4 (03 September 2024).	SoCG finalised and signed with all matters agreed between parties.	SoCG finalised and signed with all matters agreed between parties.	<u>As per position at Deadline 11.</u>

Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline 1 18 June 2024	Position at Deadline 2 9 July 2024	Position at Deadline 3 30 July 2024	Position at Deadline 5 01 October 2024	Position at Deadline 10 28 November 2024	Position at Deadline 11 3 December 2024	Position at close of Examination 4 December 2024
APP-149	Natural England	Agreed with no matters outstanding	Natural England and the Applicant have agreed a revised iteration of the SoCG with all matters now agreed. Final SoCG provided with D1 documents as all matters now agreed.	Agreed with no matters outstanding	Agreed with no matters outstanding	Agreed with no matters outstanding. Minor amendments made to be submitted at D5.	SoCG finalised and signed with all matters agreed between parties.	SoCG finalised and signed with all matters agreed between parties.	As per position at Deadline 11.
APP-150	Historic England	SoCG in draft with matters outstanding	Historic England and the Applicant have agreed a revised iteration of the SoCG. Discussion is ongoing with regard to matters outstanding and the Applicant expects to submit a further iteration of the SoCG to the Examination. Updated revision	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding	SoCG in draft, remaining matters pending further discussion. Further iteration to be submitted to the Examination at an agreed deadline between parties.	SoCG finalised and signed with all matters agreed between parties.	SoCG finalised and signed with all matters agreed between parties.	As per position at Deadline 11.





Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline 1 18 June 2024	Position at Deadline 2 9 July 2024	Position at Deadline 3 30 July 2024	Position at Deadline 5 01 October 2024	Position at Deadline 10 28 November 2024	Position at Deadline 11 3 December 2024	Position at close of Examination 4 December 2024
			provided with D1 documents. Further iteration to be submitted to the Examination at an agreed deadline between parties.						
Other Interested Parties									
APP-151	North West Cheltenham (Elms Park) – Bloor and Persimmon Homes	SoCG in draft with matters outstanding	No revision to the SoCG submitted with the DCO application as yet. The Applicant is looking to advance SoCG to see what can be agreed and to capture those issues which are in dispute.	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding.	SoCG in draft with matters outstanding. SoCG has been shared with the developer and awaiting their review. A updated SoCG has been submitted at Deadline 5.	Final position SoCG signed between parties with seven matters outstanding. Please see “List of Matters not agreed where SoCG could not be finalised” (TR010063/APP/9.96) for details on the matters not agreed.	Final position SoCG signed between parties with seven matters outstanding. Please see “List of Matters not agreed where SoCG could not be finalised” (TR010063/APP/9.96) for details on the matters not agreed.	As per position at Deadline 11.
APP-152	Safeguarded Site adjacent to M5 Junction 10 – Bloor Homes	SoCG in draft with matters outstanding	No revision to the SoCG submitted with the DCO application as yet. The Applicant is	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding.	SoCG in draft with matters outstanding. SoCG has been shared with the developer and	Final position SoCG signed between parties with six matters outstanding. Please see “List of Matters not agreed	Final position SoCG signed between parties with six matters outstanding. Please see “List of Matters not agreed	As per position at Deadline 11.

Document Reference	Party/ Parties	Position at time of DCO Submission	Position at Deadline 1 18 June 2024	Position at Deadline 2 9 July 2024	Position at Deadline 3 30 July 2024	Position at Deadline 5 01 October 2024	Position at Deadline 10 28 November 2024	Position at Deadline 11 3 December 2024	<u>Position at close of Examination 4 December 2024</u>
			looking to advance SoCG to see what can be agreed and to capture those issues which are in dispute.			awaiting their review. A updated SoCG has been submitted at Deadline 5.	where SoCG could not be finalised” (TR010063/APP/9.96) for details on the matters not agreed.	where SoCG could not be finalised” (TR010063/APP/9.96) for details on the matters not agreed.	
APP-153	West Cheltenham Golden Valley – MLP and Cheltenham Borough Council	SoCG in draft with matters outstanding	No revision to the SoCG submitted with the DCO application as yet. The Applicant is looking to advance SoCG to see what can be agreed and to capture those issues which are in dispute.	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding.	SoCG in draft with matters outstanding. SoCG has been shared with the developer and awaiting their review. A updated SoCG has been submitted at Deadline 5.	Final position SoCG signed between parties with four matters outstanding. Please see “List of Matters not agreed where SoCG could not be finalised” (TR010063/APP/9.96) for details on the matters not agreed.	Final position SoCG signed between parties with one matter outstanding. Please see “List of Matters not agreed where SoCG could not be finalised” (TR010063/APP/9.96) for details on the matters not agreed.	<u>As per position at Deadline 11.</u>

5. Commonality

- 5.1.1. This section of the Statement provides a summary of principal issues covered in each of the SoCGs and demonstrates where there is commonality in the topics or matters.
- 5.1.2. Table 5-1 is presented in such a way to show topics covered within the various SoCGs, how these relate to each other interested party and a colour categorization for each topic. The colour categories are illustrated in Figure 5-1 and seek to provide a high-level summary of matters, and do not necessarily indicate that all matters within the topic are either agreed or not agreed:

Figure 5-1 -Commonality Colour Categorisation

	There is broad agreement on specific matters within this general topic area.
	Matters within this topic area are subject to further discussion.
	There is a general disagreement between the parties within this general topic area.
	Matter is not relevant to interested party / not included in SoCG.

- 5.1.3. Where a matter is not relevant to an interested party, it is not included within the SoCG and therefore not covered in Table 5-1, where it is shown as blue.

Table 5-1 – Table of Commonality at time of Deadline 10 submission

Party	Topic																					
	Funding	Traffic and Transport	Environmental Management Plan	Land	Draft Development Consent Order	Engineering Design	Assessment of Cumulative Effects	Climate	Population and Human Health	Materials and Waste	Cultural Heritage	Geology and Soils	Landscape and Visual	Road Drainage and Water Environment	Biodiversity	Noise and Vibration	Air Quality	Environmental Impact Assessment Methodology	Assessment of Alternatives	Statutory Consultation	Principle of Development	
Joint Councils																						
National Highways																						
Environment Agency																						

		Topic																					
Party		Funding	Traffic and Transport	Environmental Management Plan	Land	Draft Development Consent Order	Engineering Design	Assessment of Cumulative Effects	Climate	Population and Human Health	Materials and Waste	Cultural Heritage	Geology and Soils	Landscape and Visual	Road Drainage and Water Environment	Biodiversity	Noise and Vibration	Air Quality	Environmental Impact Assessment Methodology	Assessment of Alternatives	Statutory Consultation	Principle of Development	
Natural England																							
Historic England																							

Party	Topic																				
	Funding	Traffic and Transport	Environmental Management Plan	Land	Draft Development Consent Order	Engineering Design	Assessment of Cumulative Effects	Climate	Population and Human Health	Materials and Waste	Cultural Heritage	Geology and Soils	Landscape and Visual	Road Drainage and Water Environment	Biodiversity	Noise and Vibration	Air Quality	Environmental Impact Assessment Methodology	Assessment of Alternatives	Statutory Consultation	Principle of Development
North West Cheltenham Elms Park – Bloor Homes & Persimmon Homes	Yellow	Yellow	Blue	Yellow	Blue	Yellow	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Yellow	Blue	Yellow
Safeguarded Site adjacent to M5 J10 – Bloor Homes	Yellow	Blue	Blue	Yellow	Blue	Yellow	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Yellow	Blue	Yellow
West Cheltenham Golden Valley – MLPL & HBD	Green	Yellow	Blue	Green	Blue	Green	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Green	Green	Blue	Blue	Blue	Blue	Green	Blue

6. Position at time of close of Examination Deadline 11 (43 December 2024)

6.1.1. This section provides a summary of the position between the Applicant, and each interested party as at the time of Deadline 11, this is the final position for all SoCGs. The individual SoCGs should be referred to for further detail on specific matters.

6.2. Joint Councils

6.2.1. Since the Preferred Route Announcement in June 2021, a series of regular meetings have been held with the Joint Councils.

6.2.2. A final position SoCG was submitted at Deadline 10 which is the latest position between the Applicant and the Joint Councils. The SoCG shows the progression of discussions between the Joint Councils and the Applicant on matters within the SoCG.

6.2.3. The Applicant and the Joint Councils have agreed the majority of the matters within the SoCG as set out in Table 4-1 of Section 4 of the final SoCG submitted at Deadline 11 (TR010063/APP/8.2 Rev 3.0). A number of agreed matters require follow-up actions from both parties at the detailed design stage. These have been listed in paragraph 4.1.2 of the SoCG.

6.2.4. There are two remaining principal matters outstanding which both relate to the Scheme's funding methodology to seek contributions from developers of the neighbouring site allocations.

6.3. Natural England

6.3.1. There are no matters outstanding with Natural England as all agreed.

6.3.2. Letters of No Impediment have been agreed with Natural England and submitted with the updated SoCG at Deadline 1.

6.3.3. Following the Issue Specific Hearing 3 (ISH3), matter 10.1 has been amended and agreed with Natural England.

6.3.4. A final version of the SoCG has been agreed, signed and ~~has been~~ submitted to Examination at Deadline 10.

6.4. Historic England

6.4.1. Historic England has been consulted on the Scheme since June 2021, with regular meetings taking place.

6.4.2. Since Deadline 5, the remaining outstanding matters relating to the AMP 1st iteration have now been resolved. All matters are now agreed between parties.

6.4.3. A final version of the SoCG has been agreed, signed and ~~has been~~ submitted to Examination at Deadline 10.

6.5. National Highways

6.5.1. Since the preferred route announcement in June 2021 National Highways have been consulted on the Scheme.

6.5.2. Since the last submission of the SoCG between National Highways and the Applicant at Deadline ~~35~~, a majority of matters have been resolved relating to land acquisition, DCO articles and schedules, traffic modelling, REAC, reservoir and Project Control Framework Governance. The remaining matters ~~related outstanding relate~~ to the drafting

of the dDCO, protective provisions and the provision of sufficient protection around funding. ~~The Applicant confirm that would note that National Highways have confirmed that all matters~~ are now agreed between the Applicant and National Highways and that a side agreement has been formally signed between both parties. ~~are agreed pending completion of a side agreement. The Applicant expects this side agreement to be signed prior to close of examination and will update the ExA accordingly.~~

6.5.3. ~~Please see Application Document: List of Matters not agreed where SoCG could not be finalised (TR010063/APP/9.96) for details on the matters outstanding, the latest position at Deadline 10 of the Applicant and of National Highways and What is required to resolve this matter?~~

6.6. Environment Agency

6.6.1. Since the last submission of the draft SoCG at Deadline 4, all matters have been agreed. As a result of Change Application 2, two new matters have been added to the SoCG. The first relates to the impact of the new conveyance channel connecting to the Leigh Brook on fish. The second relates to the FRA and FRA addendum. Both matters have been agreed. A final version of the SoCG has been agreed, signed and ~~was~~ has been submitted to Examination at Deadline 10.

6.7. North West Cheltenham (Elms Park) – Bloor Homes & Persimmon Homes

- 6.7.1. The developers of Elms Park site have been formally consulted on the Scheme since the Preferred Route announcement in June 2021. A draft SoCG was shared with them in May 2023 along with draft DCO documents.
- 6.7.2. In the final SoCG there are six matters agreed which relate to the letters of support which outlined that, subject to a review of the revised funding methodology, there is support in principle of the development sites contributing to the methodology to make up the funding shortfall subject to a number of conditions.
- 6.7.3. A final version of the SoCG has been agreed and signed and has been submitted to Examination at Deadline 10. There are seven matters that will remain outstanding. Four of these relate to policy, alternatives and need, two relate to funding, and one relates to the Scheme overlap with the IPs development site.

6.8. West Cheltenham (Golden Valley) – Midland Land Portfolio Limited ('MLPL') & HBD

- 6.8.1. The developers of the Golden Valley site (West of Cheltenham), MLPL and HBD, have been formally consulted on the Scheme since the Preferred Route Announcement in June 2021. A draft SoCG was shared with them in May 2023 along with draft DCO documents.
- 6.8.2. Since the Deadline 5 submission there has been further engagement with these stakeholders on the draft SoCG. Eight items have been agreed as a result which relate to the Link Road alternatives, connection of the Link Road to the IP development (utility diversions), SANG, funding contributions and charging rationale.
- 6.8.3. A final version of the SoCG was been agreed, signed and has been submitted to Examination at Deadline 10. Subsequently at Deadline 11, 3 items have been agreed, and one item remains outstanding, all other matters have been agreed:
- Link Road – Bus gate and scheme modelling

6.9. Safeguarded Site adjacent M5 Junction 10 – Bloor Homes

- 6.9.1. The developers of Elms Park site have been formally consulted on the Scheme since the Preferred Route Announcement in June 2021. A draft SoCG was shared with them in May 2023 along with draft DCO documents.
- 6.9.2. Since the Deadline 5 submission there has been further engagement with these stakeholders on the draft SoCG. Three items have been agreed as a result which relate to funding contributions and secondary access to the site with and without the DCO.
- 6.9.3. A final version of the SoCG has been agreed, signed and has been submitted to Examination at Deadline 10. This includes the following items which remain outstanding, all other matters have been agreed:
- Scheme dependence
 - Scheme design – site access

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