

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

4th December 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 of additional information submitted by the Applicant prior to the Close of Examination (04 December 2024).

Documentation submitted at Close of Examination

Please find enclosed the following documents submitted by the Applicant at Close of Examination:

1. Statement of Common Ground ("SoCG"), Statement of Commonality and List of Matters Not Agreed

An updated Statement of Common Ground has been provided for:

- a. National Highways (TR010063/APP/8.3 – Rev 4.0)

Following the completion of the side agreement with National Highways the Applicant has updated the SoCG to reflect this final position, as well as the associated elements of its Statement of Commonality (TR010063/APP/8.1 – Rev 6.0). The List of Matters Not Agreed (TR010063/APP/9.96 – Rev 2.0) has also been updated to reflect the above. The Applicant would also note National Highways' additional submissions (AS113, AS114 and AS-115) that confirm this position.

2. Guide to the Application

The Guide to the Application (TR010063/APP/9.26 – Rev 12.0) 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.

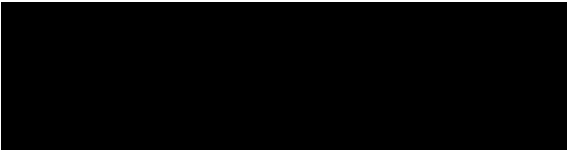
Highways

3. Response to Additional Submission from Neil Hadley (AS-112)

Further to the additional submission from Neil Hadley that has been accepted into Examination the Applicant has provided its final response as an appendix to this letter. Please see Appendix A.

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

Appendix A - Response to Additional Submission from Neil Hadley (AS-112)

| Final Submission | Applicant's Response |
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| <p>During the course of the Inquiry I have set out my case in several written detailed objection papers and made verbal statements at the Inquiry relating to my site access, and as nothing has been resolved directly with the Applicant, or via the Inquiry, all the points / objections I have made still stand.</p> | <p>The Applicant considers that principally its previous replies to the Interested Party should be reviewed for its position, which it has made clear throughout examination. This can be found in the Applicant's response to relevant representations Submissions [REP1-043], the Applicant's response to written representations [REP2-008], the Applicant Response to Interested Parties Deadline 3 submissions [REP4-036] and the Applicant Response to Interested Parties Deadline 5, [REP7-009].</p> |
| <p>I would like to draw the panels attention to the two attached drawings in my email which clearly show that access into my site can be achieved without the proposed signal junction.</p> | <p>The Applicant acknowledges that it might be the case that a physical junction has the potential to be built on the Old Gloucester Road in the absence of the Scheme. However, it has never been the Applicant's position that the Old Gloucester Road could not in the absence of the Scheme facilitate an access from Mr Hadley's site.</p> <p>The Applicant has continued to reiterate that the "unlocking" of housing which the Scheme achieves relates to the increase in the capacity of the local road network. It would be for the local planning authority to confirm, but the Applicant is of the view that regardless of the possibility of an access, the development for which that access is proposed would not be capable of being consented without the Scheme due to the severe cumulative impacts on the road network caused by the additional housing and the fact that the strategic allocations are predicated on the Scheme mitigating these impacts.</p> <p>Clearly, the issue raised by the Interested Party is that for a future development for which the Interested Party would prefer to develop an access for housing on the Old Gloucester Road. The Interested Party has continued to argue during examination that the position of the Link Road Signalised Junction with the Old Gloucester Road will act to the Interested Parties detriment when seeking to promote their scheme. The Applicant is not in a position to confirm on the factual basis for that claim. The Applicant appreciates that in the Interested</p> |

| Final Submission | Applicant's Response |
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| | <p>Party's Deadline 4 submission they relate that GCC HDM state that an access on the Old Gloucester Road would see "a presumption against a proliferation of access onto a rural distributor road and conflict with the wider scheme." Ultimately, it would be a matter of planning judgement, made by the local planning authority in consultation with the local highway authority GCC HDM, to confirm the unsuitability of an access on to Old Gloucester Road.</p> <p>However, the Applicant considers that even in the event that it can be demonstrated that an access off the Old Gloucester Road is no longer suitable, it remains the case that the Interested Party continues to have a secondary access from Hayden Lane which would be capable of development.</p> <p>Overall, whilst the Interested Party has continued to maintain their preferred access arrangement it has not been demonstrated that the Interested Party can no longer develop their land.</p> <p>Moreover, it has been demonstrated through local policy and during examination that the Scheme would facilitate the development of the Interested Party's land. If the Scheme did not get consented, then the Strategic Allocation to which the Interested Party's land belongs would not be able to be developed any further than the capacity that the existing local road network would allow. The preference of how the Interested Party develops their land should not be given greater weight to the wider benefits the Scheme delivers for multiple developments within the Strategic Allocations.</p> |
| <p>This is in contradiction to the CAD drawing the Applicants land assembly agents (Carter Jonas) showed me in September of this year. The Applicants CAD drawing illustrated the splay to the west going over third party land. As can be seen from my Highway Consultants drawing this is clearly not the case.</p> | <p>During negotiations with the Interested Party, the Applicant has sought to understand the potential for a development access from the Old Gloucester Road in the no-scheme world. This is relevant in considering the points raised regarding compensation and the impact of the Scheme. The drawing presented by the Interested Party demonstrates that in a no-scheme world, the visibility splay required to expand the existing access onto the Old Gloucester Road would fall over land</p> |

| Final Submission | Applicant's Response |
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| | <p>outside the ownership and control of the Interested Party. This is the land circled within the red cloud symbol.</p> <p>The Applicant has not been able to undertake a detailed technical review of the drawing presented due to the timing of the evidence put forward by the Interested Party. Notwithstanding that fact, and as set out previously, it is not for the Applicant to determine the suitability as this is a matter for the local highway and local planning authorities. It does however appear that if the access point was moved to the eastern extent of the Interested Party's ownership in a no-scheme world, the visibility splay would not cross third-party registered title but would cross over ditches over which there is presumed third party interest. The Applicant notes that the drawing does not demonstrate what impact moving the access further east would have on the layout of development within the land. This could reduce the number of residential units which could be delivered within the Interested Parties land in a no-scheme world, but the Applicant acknowledges this would be a matter more relevant to compensation.</p> <p>The Applicant also notes that the drawings put forward by the Interested Party do not account for the access proposals already submitted within the outline application for the wider A7 allocation which would need to be considered alongside the Interested Party's own proposals.</p> |
| <p>Should the DCO be approved, it would remove any possibility of a Development access and prevent housing being delivered with access onto the Old Gloucester Road, which is one of the 'Key Objectives' of the Applicants scheme.</p> | <p>The Interested Party has not adduced evidence which would provide or even suggest that the Scheme removes the possibility of development. Either from an access onto the Old Gloucester Road or Hayden Lane.</p> |
| <p>Despite my several attempts at starting detailed negotiations with GCC regarding a Development access off Hayden Lane, these have not progressed apart from a basic 'highway note' and one telephone call the day before the last CAH. As I have highlighted to the Inquiry in the past, there</p> | <p>The Applicant acknowledges the position of the Interested Party but would note that it is not the role of the Applicant to provide advice as to how the Interested Party might be able to access Hayden Lane. The Interested Party must develop their own proposal and is capable of using GCC HDM's service for pre-application advice if</p> |

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| <p>is a lack of implementation detail in GCC's correspondence.</p> | <p>they chose so to do, but this should not be confused with the Applicant.</p> <p>The onus on developing a potential access for the Interested Party's development lies with the Interested Party.</p> |
| <p>I look forward to hearing from GCC plus the start of detailed negotiations and agreement in the near future</p> | <p>The Applicant has made several offers to voluntarily acquire the land owned by the Interested Party and required for the Scheme. The Applicant has not received any constructive response to these offers other than representations made into examination. The Applicant would welcome the progression of negotiations and any justification, substantiation or evidence that can be provided by the Interested Party or their agent to support their position.</p> |