



REPORT TITLE: M5 Junction 10 - Approval to move to DCO submission to seek Secretary of State consent for the scheme.

Cabinet Date	25 th January 2023
Cabinet Member	Cllr David Gray Cabinet Member for Environment and Planning
Key Decision	Yes
Purpose of Report	To obtain approval to submit the M5 Junction 10 (M5J10) Development Consent Order (DCO) to the Planning Inspectorate, to progress planning permission and compulsory acquisition powers.
Recommendations	<p>The Cabinet:</p> <ul style="list-style-type: none">• approves the submission of an application for a Development Consent Order (DCO) to the Planning Inspectorate (PINS) for planning permission to construct the M5 Junction 10 Improvements Scheme (including powers of compulsory acquisition and any other powers required to facilitate the Scheme).• delegates authority to Executive Director of Economy, Environment and Infrastructure in consultation with Cabinet Member for Environment and Planning to implement the programme as set out in paragraph 24 of this report.

<p>Reasons for Recommendations</p>	<p>Gloucestershire County Council (in its role as Scheme Promotor / ‘the Applicant’) intends to submit an application to the Planning Inspectorate under section 37 of the Planning Act 2008 for a DCO for the M5 Junction 10 Improvements Scheme, to obtain planning permission to construct the Scheme and the associated compulsory acquisition powers (through Compulsory Purchase Orders) needed to facilitate this. The Planning Inspectorate will then make a recommendation to Secretary of State.</p> <p>The M5 Junction 10 programme of infrastructure improvements seeks to facilitate an ambitious and accelerated housing growth agenda. It underpins growth plans identified through the adopted Joint Core Strategy, targeting 35,175 new homes and 39,500 new jobs in Gloucestershire by 2031. Specifically, the infrastructure improvements support major development of new housing (c.9,000 homes) and employment land (c.100ha) that has been proposed in strategic and safeguarded allocations in the West and North West of Cheltenham. This is linked to wider economic investment, including a government-supported and nationally significant Cyber Park adjacent to GCHQ, predicted to generate c.7,000 jobs. In doing so, the M5 Junction 10 programme also addresses the wider challenges and opportunities that exist across Gloucestershire as a whole. These are highlighted by Gloucestershire First Local Enterprise Partnership (GFirst LEP) in the 2018 update to their Strategic Economic Plan (SEP) and the Gloucestershire 2050 Vision.</p>
<p>Resource Implications</p>	<p>GCC secured £249,131,000 from Homes England through the Housing Infrastructure Fund in October 2020, with a further £4,000,000 contribution from GCC. Under the Grant Determination Agreement signed between GCC and Homes England, drawdown against the funding is made on a monthly basis, with over £20,000,000 of funding claimed to date.</p> <p>With this funding the GCC project team, through the highways professional services contract commissioning arrangement, has been engaging Atkins as lead consultant in delivering preliminary design, consultation and planning support. Further external services covering legal and land agent support remain ongoing and will continue throughout the DCO process. This has resulted in significant progress in acquiring land by negotiation, access agreements and undertaking significant survey work across a large scheme area.</p> <p>Future provision for resource to support the DCO and the Early Contractor Involvement is currently under review but will continue to be funded through the existing scheme funding envelope.</p>

Background Documents	<ul style="list-style-type: none"> ▪ ICM Decision (06/01/2022): M5 Junction 10 Improvements Scheme – Delegating Authority ▪ Cabinet Decision (22/07/2020): M5 Junction 10 Improvement Scheme: Commitment to use Compulsory Purchase Powers ▪ Cabinet Decision (17/06/2020): M5 Junction 10 Improvement Scheme: Revenue budget approval and Homes England contract conditions agreement ▪ Project-wide information including consultation www.gloucestershire.gov.uk/highways/major-projects-list/m5-junction-10-improvements-scheme 																	
Statutory Authority	Planning Act 2008 Infrastructure Planning (Environmental Impact Assessment) Regulations 2017																	
Divisional Councillor(s)	Cllr Phil Awford Cllr Bernard Fisher																	
Officer	Name: Kathryn Haworth; M5J10 Senior Responsible Officer Tel. no: 01452 328792 Email: Kathryn.Haworth@gloucestershire.gov.uk																	
Timeline	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Year</th> <th style="text-align: left;">Activity</th> </tr> </thead> <tbody> <tr> <td>October – November 2020</td> <td>Non-statutory consultation on Scheme options</td> </tr> <tr> <td>June 2021</td> <td>Preferred Route Announcement (PRA)</td> </tr> <tr> <td>December 2021 – February 2022</td> <td>Statutory pre-application consultation</td> </tr> <tr> <td>August 2022-September 2022</td> <td>Non-statutory targeted consultation on Scheme options</td> </tr> <tr> <td>February 2023</td> <td>Application for a Development Consent Order to be submitted</td> </tr> <tr> <td>Autumn 2024</td> <td>Planned start of works</td> </tr> <tr> <td>Summer 2027</td> <td>Planned opening of Scheme to traffic</td> </tr> </tbody> </table>		Year	Activity	October – November 2020	Non-statutory consultation on Scheme options	June 2021	Preferred Route Announcement (PRA)	December 2021 – February 2022	Statutory pre-application consultation	August 2022-September 2022	Non-statutory targeted consultation on Scheme options	February 2023	Application for a Development Consent Order to be submitted	Autumn 2024	Planned start of works	Summer 2027	Planned opening of Scheme to traffic
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Background

1. M5 Junction 10 is in a strategically important location for the region, particularly as northern and western Cheltenham are the sites of a number of large retail parks and employment areas. The Joint Spatial Plan (JSP), the planning policy and regional development strategy has allocated land in this area for housing and nationally significant business development in the future
2. Improvements to M5 Junction 10 are needed to increase the capacity of the junction and to upgrade the current junction from north facing slips only (M5 southbound off and M5 northbound on) to an all-movements junction, enabling travel both south and north on the M5 from the A4019. The Scheme includes three elements comprising improvements to M5 Junction 10: widening along the A4019 and construction of a new link road into west Cheltenham
3. An upgrade to Arle Court Park and Ride (now referred to as Arle Court Transport Hub) and improvements at the A38/A4019 Coombe Hill Junction were also included as part of the overall package of improvements funded by Homes England. However, these aspects have been taken forward separately to facilitate their early delivery and as such do not form part of the 'Scheme' in relation to the DCO submission.
4. These improvements are the catalyst to support economic growth and facilitate growth in jobs and housing by providing improved transport network connections in West and North-West Cheltenham. As well as the Scheme being necessary to deliver the development envisaged by the JSP, as highlighted in the Reasons for Recommendations, the proposal is supported by policies in the Gloucestershire First Local Enterprise Partnership (GFirst LEP) in the 2018 update to their Strategic Economic Plan, (SEP) and the Gloucestershire 2050 Vision.
5. The Scheme is considered to be consistent with the National Planning Policy Framework supporting the move towards efficient and sustainable infrastructure and assisting with planned economic and housing growth. It is considered to be compliant with the relevant policies therein. In particular, it will provide a network with the capacity and connectivity to support housing delivery, economic activity to facilitate growth and create jobs, support the delivery of environmental goals and move to a low carbon economy. It supports Gloucestershire's 2050 Vision, enabling the right development in the right areas, underpinned by high quality infrastructure. The Joint Core Strategy identifies future development and the site allocations/safeguarded land in three areas (North- West Cheltenham, West Cheltenham and land safeguarded adjacent to the M5 Junction 10) and the Scheme is needed to support this growth. There is also direct support for the Scheme within the Local Transport Plan under which improvements to the M5, Junction 10 are a strategic priority in supporting delivery of the North-West and West Cheltenham strategic locations and addressing traffic issues on the A4019 corridor. There are also a number of Scheme objectives which align with policy and which are considered to be met by the proposals:

Objective	Evidence Metric
<p>1. Support economic growth and facilitate growth in jobs and housing by providing improved transport network connections in West and North-West Cheltenham.</p>	The Scheme will directly unlock 7,203 housing units
	The Scheme will directly unlock 3,138 affordable housing units
	The Scheme will directly unlock 87 hectares of new employment space
	The Scheme will contribute £853 million in land value uplift resulting from unlocking housing
	A number of new jobs will be created during scheme construction.
<p>2. Enhance the transport network in the West and North-West of Cheltenham area with the resilience to meet current and future needs</p>	Average delay across M5 Junctions 9, 10 and 11 will reduce
	New junction will provide sufficient capacity for new demand
	The future transport network will be resilient to unforeseen closures
<p>3. Improve the connectivity between the Strategic Road Network (SRN) and the local transport network in West and North-West Cheltenham</p>	Movement options will be improved at M5 Junction 10
	Journey times will be improved at M5 Junction 10
<p>4. Deliver a package of measures which is in keeping with the local environment, establishes local biodiversity net gain and meets climate change requirements.</p>	The scheme will result in a net gain in biodiversity
	Improvements to air quality in built up areas in Cheltenham
	Overall, most properties will experience a decrease in noise pollution
	Town / landscape and visual amenity will be improved along the A4019
	The Scheme will not have a significant effect on the climate.
<p>5. Provide safe access to services for the local community and including for users of sustainable transport modes within</p>	Access to key services such as education and health facilities will be improved for existing and local residents.
	New footpaths will be provided for pedestrians
	New cycle paths will be provided for cyclists

and to West and North West Cheltenham.	The level of service for cycle facilities will be improved in line with LTN1/20 standards
	Safer and more direct access to local bus stops will be provided
	Road safety will be improved for all road users, with a reduction in accident rate anticipated

6. The Scheme qualifies as a National Significant Infrastructure Project (NSIP), as defined in The Planning Act 2008 and therefore requires a Development Consent Order which needs to be considered and made by the Secretary of State.
7. In view of the above, Gloucestershire County Council (GCC) (in its role as Scheme Promotor / 'the Applicant') intends to submit an application under section 37 of the Planning Act 2008 for a development consent order (DCO) for the M5 Junction 10 Improvements Scheme ('the Scheme').

Scheme design summary

8. M5 Junction 10 - a new all-movements, elongated roundabout junction. Two new overbridges will be constructed over the M5, centred either side of the existing Piffs Elm Interchange Bridge (carrying the A4019 over the M5), which will then be demolished. The A4019 will be realigned to provide appropriate grade and entry angle to the new roundabout. An underpass will also be constructed under the A4019 immediately east of Junction 10 as part of essential ecology mitigation measures for bats to cross under the road. The underpass will also be used by pedestrians, cyclists and equestrians. Land southeast of M5 Junction 10 will be reprofiled by the excavation of material to provide flood compensation for the loss of flood plain arising from the construction of the Scheme. The area will also provide habitat creation and assist in meeting bio-diversity net gain targets. See image 1 overleaf.
9. A4019 Widening - the A4019 will be widened to a two-lane dual carriageway from Withybridge Lane, eastwards to the Gallagher Retail Park, where the scheme will tie into existing dual carriageway. Widening through Uckington will predominantly be to the northern side of the A4019. Widening to the east and the west of Uckington will be to the northern side of the A4019. Three new junctions will be created along this road, as well as some changes to existing junctions. The three new junctions will be created to provide access into the proposed North-West Cheltenham development site. See image 2 overleaf.
10. West Cheltenham Link Road - the Scheme will also provide a new single carriageway link road between the B4634 and the A4019 in order to allow traffic from the West Cheltenham development to access M5 Junction 10 and thereby reduce pressure on M5 Junction 11 and local roads. The link road includes a segregated cycleway and footway throughout the length of its west side. See image 3 overleaf.



Image 1: Visualisation of the proposed M5 J10 arrangement



Image 2: Visualisation of the proposed A4019 widening



Image 3: Visualisation of the proposed West Cheltenham Link Road

Scheme drawings can be found at www.gloucestershire.gov.uk/j10

Compulsory acquisition

11. In order to deliver the Scheme, the acquisition of land is required. The Council has been negotiating with landowners in order to acquire the land needed by voluntary agreement where possible. This has been a successful process with several properties acquired to date. However, the Scheme covers a significant amount of land and, whilst the Council will continue with its negotiations, it will be necessary to compulsorily acquire any land needed for the scheme where agreement cannot be reached. It will also be necessary to include the land required for the scheme, both on a temporary and permanent basis, in the Development Consent Order to ensure that all the necessary land and rights can be acquired as required.
12. At its meeting on 22nd of July 2020, Cabinet resolved in principle to use compulsory powers to deliver the Scheme but that, in the event that it is determined that use of compulsory powers is required, further Cabinet approval would be sought outlining any resource implications at that time, together with the formal decision to acquire the land through a DCO (if that was considered to be the appropriate consenting regime).
13. Sections 122 to 134 of the Planning Act 2008 gives powers to compulsorily acquire land through a DCO. In taking a decision to authorise a Development Consent which seeks to compulsorily acquire land, the Secretary of State must be satisfied that there is a compelling case in the public interest. In this respect it is important to have regard to the guidance on compulsory acquisition (*Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (Sept 2013)* ('the Guidance') which states that

applicants for Development Consent must be prepared to justify their proposals for the compulsory acquisition of any land to the satisfaction of the Secretary of State. In this regard there are a number of issues which are relevant.

14. There is a need to establish that all reasonable alternatives to the scheme have been explored. In this case the proposed scheme has been in development since October 2020 and significant consultation has taken place with a wide range of public, statutory bodies and stakeholders (including National Highways which is a key stakeholder in relation to the proposals). Where considered appropriate and feasible, all feedback received as part of the consultation has been used to develop the design of the scheme. A summary of the consultation undertaken to date is contained in the Consultation Feedback section below.
15. It is also important to show that GCC has a clear proposal regarding how it is to use the land being acquired and that there is a reasonable prospect of the requisite funds for acquisition becoming available. The proposed land acquisition is based on the need for the scheme as outlined in this report. The funding position is explained in the Resource Implications section of this report and will be explained in a funding statement which will accompany the DCO application.
16. There is a requirement to show that the purposes for which the land is acquired are legitimate and sufficient to justify interfering with the human rights of those with an interest in the land affected. The scheme has a number of objectives (see paragraph 5 above) which will be met by delivery of the proposals, including the associated land acquisition. GCC has been careful to ensure that all the land identified and included in the Scheme is required in order to deliver or facilitate the proposals or is incidental to the proposed development, and no land is included which is not reasonably required for the purposes of the development. Where the freehold purchase of land is not required, GCC has been careful to ensure that rights only are being sought. This meets the requirement to ensure that the acquisition is proportionate and the DCO application accordingly will not seek acquisition of land that is not necessary to deliver the scheme.
17. The Guidance makes it clear that the Secretary of State ultimately must be in agreement that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected as set out within the Human Rights Act 1998 ('HRA'). In particular, regard must be given to the provisions of Article 1 of the HRA convention and, in relation to the acquisition of a dwelling, Article 8. The HRA incorporates into domestic law the European Convention on Human Rights and it includes provisions in the form of articles which aim to protect the rights of the individual. The relevant articles can be summarised as follows:

18. *Article 1 of The First Protocol 'Protection of Property'*: protects the rights to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest; *Article 6 of the Convention Rights and Freedoms 'Right to a fair trial'*: entitles those affected by compulsory powers to a fair and public hearing; *Article 8 of the Convention of Rights and Freedoms 'Right to respect for private and family life'*: protects the right of the individual to respect for his private and family life, his home and his correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country; Section 6 of the HRA prohibits public authorities from acting in a way which is incompatible with rights protected by the Convention.
19. The DCO, if made by the Secretary of State, may infringe the human rights of persons with an interest in land. The infringement is authorised by law provided that there is a compelling case in the public interest for compulsory acquisition to be included in the DCO and the proper procedures have been followed and any interference is proportionate and justified. Of the land being included in the scheme for compulsory acquisition, the plots listed below should be noted in particular because the acquisition affects business, residential and other properties. However, it is considered that the acquisition in each case is proportionate and justified.
20. Included in the land needed for the Scheme are a number of residential properties. GCC is negotiating with the owners/occupiers to acquire those properties by agreement where possible. As part of those discussions GCC is offering assistance in relation to finding alternative accommodation for those affected. As with all land and rights needed, GCC will continue to offer fair compensation to those whose properties are affected by the Scheme. Given the need for the Scheme, it is considered that the acquisition in each case is proportionate and justified.
21. It is recognised that the Scheme may have an impact on individuals. However, this is outweighed by the significant public benefits that will arise from the Scheme. A fair balance must be struck between the public interest in seeing the Scheme proceed (which is unlikely to happen in the absence of the compulsory acquisition) and the private rights which would be affected by the compulsory acquisition. In relation to both Articles 1 and 8, the compelling public interest case for the compulsory acquisition has been demonstrated in this report. The land over which compulsory acquisition is needed is the minimum necessary to ensure the delivery of the Scheme. The Scheme has been designed to minimise detrimental impacts, whilst achieving its publicly stated objectives. In this respect the interference with human rights is both proportionate and justified. In relation to Article 6 it is the case that proper procedures have been followed for both the consultation on the Scheme and for the inclusion of land for compulsory acquisition. Throughout the development of the Scheme, persons with an interest in the land have had full opportunity to comment on the proposals in a non-statutory and statutory capacity, and GCC has endeavoured to engage with landowners. GCC has been responsive to landowner feedback in both the initial design of the Scheme and in iterative

design changes throughout the development of the Scheme. The approach which has been taken to considering alternatives is explained. (Further statutory consultation will be undertaken when the DCO application is submitted.) Any person affected by the exercise of compulsory acquisition may be entitled to compensation.

22. Given the above and the need for the Scheme as outlined in paragraph 1-5 of this report, it is considered that there is a compelling case in the public interest, which justifies the compulsory acquisition of land. The public benefits which would result from the Scheme and the land acquisition outweighs the private loss that will be suffered by those whose land is to be acquired. Furthermore, it is believed that GCC has followed all due guidance and best practice relating to the DCO preparation and land acquisition. It is therefore considered appropriate for the DCO application to be submitted containing powers of compulsory acquisition.
23. In recognising the dynamic nature of the DCO process, Cabinet should note that GCC is required to make decisions quickly so as not to delay the programme. To ensure this is possible, appropriate GCC Officers will continue to respond formally on behalf of GCC throughout the DCO process in line as agreed by the Cabinet Member decision of 6 January 2022, and subject to the governance assurances set out in section 46 and 47 of this report.
24. Working on the basis of the DCO being submitted at the end of February 2023, the following programme and timeline is expected:
- Submission – (February 2023)
 - Acceptance of application - (28 days) – (March 2023)
 - Pre-examination stage – Register interested parties and Relevant Representations – usually 3 Months (April – June 2023)
 - Examination – up to 6 months (July to December 2023)
 - Recommendation to Secretary of State - 3 months (January – March 2024)
 - Secretary of State decision – 3 months (April – June 2024)
 - Post decision 6-week period for high court challenge

Options

25. **Option 1** – To approve the submission of the M5J10 Development Consent Order (DCO) application to the Planning Inspectorate and delegate authority to Director of Economy, Environment and Infrastructure in consultation with Cabinet Member for Environment and Planning, to implement the programme as set out in paragraph 24 of this report.
26. **Option 2** – To decline to approve the DCO submission and subsequent DCO Examination resulting in the potential default and termination of the Grant Determination Agreement between GCC and Homes England and the subsequent loss of secured funding.

Risks

27. Submission of the DCO commits GCC to the form of Scheme including the commitment to deliver the Scheme itself. There would be reputational damage if we were later unable to fully commit to the Scheme's onward delivery.
28. Commitment to the onward delivery of the Scheme is reliant on a sound funding proposal. This is elaborated in the form a 'Funding Statement' that accompanies the DCO submission. The M5 Junction 10 Funding Statement sets out the wider strategic proposal for securing the additional third-party funding required to deliver the Scheme, by way of s106 contributions from dependant development.
29. Whilst it is not unusual for a scheme entering DCO to identify sources of funding yet to be secured, this could place a greater emphasis on current back-stop provisions whereby GCC are contractually committed to meet cost-overruns under the terms of the Grant Determination Agreement. In recognising this, Members can be assured that a further key decision, through Cabinet, will be required at the point at which construction costs are known.
30. The DCO submission could be rejected by the Secretary of State creating delay and additional costs to the programme. Alternatively, it could be accepted and subsequently fail to gain the necessary recommendation or Secretary of State approval. GCC have worked closely with relevant parties including the Planning Inspectorate (PINS), National Highways (NH), Homes England and other affected Stakeholders and Statutory bodies and do not consider there to be a significant risk of this occurring. The Scheme is not novel and proposals have been developed through close and ongoing liaison with the relevant parties.

Financial implications

31. Commitment to delivery of the Scheme (as implied by submission of the DCO) is associated with a total Scheme budget based upon externally assured programme and cost estimates which then further rely upon inflation forecasts. The cost estimates are developed on the basis of preliminary design information and may be subject to change. The Scheme maintains a risk management process and the budget includes allowances for risk. Cost estimates and anticipated funding have been revisited in the light of recent volatility in the financial landscape and current forecasts have been separately considered by Homes England.
32. There remains a risk that the total amount of funding that can be secured may be lower than currently forecast as a significant amount of the identified funding arises from s106 agreements that are yet to be secured. Whilst the approach to securing the relevant s106 contribution is set out under existing JCS policy and the technical information used to define the level and apportionment of contributions is considered to be robust, the level of contribution may be

challenged on a viability basis or may deter new development also resulting in a loss of this funding source.

33. Under the proposed terms of the main Early Contractor Involvement (ECI) contract GCC are in no way committed to construction delivery and the associated financial exposure. There will be opportunity to delay award of the construction stage, even post-DCO, should the current funding not be resolved to the satisfaction of GCC.

Climate change implications

34. The Scheme has been developed in accordance with the relevant National Policy Statement for National Networks (NPS NN) and is considered compliant. The Early Contractor Involvement work will prioritise delivering a Carbon Management Plan and the development of opportunities to further reduce construction emissions will be considered throughout the remaining delivery phases.

Equality implications

35. The Equality Impact Assessment for J10 can be found at www.gloucestershire.gov.uk/j10. Members should note that the Scheme Equality Impact Assessment was last updated October 2022 and that an updated version is currently being reviewed ahead of DCO submission. Cabinet Members should read and consider the Equalities Impact Assessment in order to satisfy themselves as decision makers that due regard has been given.

Data Protection Impact Assessment (DPIA) implications

36. Gloucestershire County Council (GCC) and the M5 Junction 10 Improvements Scheme project team are fully committed to adhering to the UK data protection law. Personal data has only been gathered when necessary to ensure services and tasks were delivered, and the approach discussed and agreed with GCC's Information Management Adviser. Collection of data was important for equality monitoring of the statutory (and targeted) consultation responses, COVID-19 track and trace at face-to-face events and to help understand the local demographics in order to inform the Equality Impact Assessment. Where personal data was requested, it was accompanied with a Privacy Notice setting out why and how personal data is being collected, in addition to how it will be used and secured. Personal data has been processed according to UK data protection law and will be retained only for the duration of the Scheme to ensure all data held is accurately maintained until the Scheme has been completely finalised. Personal data will not be used for any purpose other than that for which it was originally collected.

Social value implications

37. GCC is committed to a performance and evidence-based approach to Social Value for contracts across the M5 Junction 10 Improvements Scheme. Based on the National TOMs (Themes, Outcomes and Measures) developed by the Social Value Portal, successful tenderers across the project will be required to propose credible targets against which performance will be monitored. Where a tender framework allows, it is expected that the evaluation weightings for quality and price will be reduced in equal proportions, to preserve the respective ratios that existed prior to the introduction of this social value policy.
38. The TOMs to be adopted across M5 Junction 10 contracts will reflect the specific needs of GCC and tenderers will be given access to them after registering on the Social Value Portal. Whilst GCC will not be prescriptive as to which TOMs measures are being sought from Tenderers by way of Social Value proposal, a key success factor for tenderers will be to demonstrate the ability to deliver against the commitments made. Responsible officers will monitor social value commitments, with agreed reporting periods to track progress ensuring commitments are undertaken in their entirety and using the Council leverage when suitable to support delivery.

Consultation feedback

39. The Scheme has been developed and designed following extensive engagement and consultation. GCC has and continues to work proactively with a number of key stakeholders and interested parties. This work and the wider consultation activities as set out in the table below have assisted in shaping the Scheme, improving design and making for a well-formed DCO application.
40. The Planning Act 2008, Part 5, Chapter 2 ('the Act') sets out the consultation requirements for NSIPs, including the duty to consult with the local community, statutory consultees, landowners, local authorities, and other non-statutory consultees on the proposed development. Section 49 of the Act requires the Applicant to have regard to responses received as a result of statutory consultation. Section 37(3)(c) requires that an application for a DCO must be accompanied by a consultation report. Section 50 of the Act requires the applicant to have regard to any guidance issued by the Secretary of State about pre-application procedure.
41. In line with the Act, the M5 Junction 10 Improvements Scheme has undertaken the following programme of engagement and consultation under both section 42 (consultation with Statutory consultee) and section 47 (consultation with the local community) of The Act.

Consultation Activity Undertaken

Non Statutory Consultation 2019-2021	Date
Early engagement with stakeholders and landowners	March 2019 to October 2020
Non statutory public consultation	14 October to 25 November 2020
Preferred Route Announcement	16 June 2021

Statutory Public Consultation 2021-2022	Date
Engagement with statutory and non-statutory stakeholders, landowners and public	08 December 2021 – 15 February 2022

Non Statutory Targeted Consultation 2022	Date
Targeted Consultation	08 August 2022- 05 September 2022

42. In addition, work is ongoing with the preparation of Statements of Common Ground (SoCG) between GCC (the Applicant) and prescribed consultees and other interested parties in relation to the Scheme.

43. The SoCG is a written statement prepared jointly by the Applicant and other interested parties, the purpose of which is to set out the matters that have been agreed and to identify the most contentious matters upon which agreement has not been reached. They are intended to help provide a focus for further discussion during the examination of the Scheme. The preparation and agreement of SoCG is an iterative process and it is usual for updated documents to be required before a final statement is agreed by the end of the examination period. Parties involved in this process include Joint Councils (GCC/Cheltenham Borough Council /Tewkesbury Borough Council), National Highways, Environment Agency, Natural England, Historic England, Stagecoach and United Kingdom Health Security Agency.

Statutory consultation summary

44. We received 617 responses to the statutory consultation including 560 online surveys, 19 postal surveys and 38 written responses via email. The consultation survey comprised a combination of open and closed questions. Overall, there is considerable agreement on the need for the Scheme, with 74% of survey respondents agreeing or strongly agreeing with the proposals for improvements to M5 Junction 10. In addition:

- 76% of respondents agreed or strongly agreed with the proposal for an all-movement signalised junction at M5 Junction 10.
- 65% of respondents agreed or strongly agreed with the proposal for a new road linking Junction 10 to West Cheltenham.

- 67% of respondents agreed or strongly agreed with the proposal on A4019 Tewkesbury Road Subsection 1.
- 62% of respondents agreed or strongly agreed with the proposal on A4019 Tewkesbury Road Subsection 2.

A total of 579 responses were received on each of the questions highlighted.

A detailed breakdown of the responses to the consultation survey can be viewed in the Statutory Consultation Report:

[M5 Junction 10 Improvements Scheme - Highways \(goucestershire.gov.uk\)](https://www.goucestershire.gov.uk/m5-10-improvements-scheme-highways)

Officer recommendations

45. That Cabinet agree to the officer recommendation as set out in Option 1 of this report (para 25).

Performance management/follow-up

46. The Scheme's Programme Execution Plan sets out the governance, assurance and roles and responsibilities within the programme organisation. The M5 Junction 10 Programme Board meets six-weekly and is attended by the Executive Director of Economy, Environment and Infrastructure, Director of Policy Performance & Governance and Deputy Chief Executive & Executive Director of Corporate Resources. In the event of their absence, appropriate substitute Officers attend on their behalf. The Board's purpose includes the review and monitoring of project performance and progress against GCC strategy and policies as well as the assessment of financial reporting both in and out of project stage.
47. In addition, a M5 Junction 10 Scheme update is presented to the Cabinet Member for Environment and Planning on a quarterly basis.