

M5 Junction 10 Improvements Scheme

Statement of Common Ground North West Cheltenham (Elms Park) TR010063 - APP 8.7

Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Volume 8
December 2023

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Infrastructure Planning Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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

8.7 Statement of Common Ground North West Cheltenham (Elms Park)

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010063
Application Document Reference	TR010063 - APP 8.7
Author:	M5 Junction 10 Improvements Scheme Project Team

Version	Date	Status of Version
Rev 0	December 2023	DCO Application

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared agreed by (1) Gloucestershire County Council and (2) Bloor Homes and Persimmon Homes

Signed

On behalf of Gloucestershire County Council

Date:

Signed

On behalf of Bloor Homes

Date:

Signed

On behalf of Persimmon Homes

Date:

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Glossary

Term	Meaning / Definition
(The) Act	The Planning Act 2008 (as amended)
(The) Applicant	Gloucestershire County Council (Strategic Development team) applying for the DCO
Biodiversity Net Gain (BNG)	Biodiversity Net Gain delivers measurable improvements for Biodiversity by creating or enhancing habitats in association with development
Carter Jonas (CJ)	Land referencing consultant working on behalf of the Applicant
Cheltenham Borough Council (CBC)	CBC is the local planning authority for Cheltenham Borough, and is a statutory consultee for the scheme, as defined under section 42(1)(b) and section 43(b) of the Act
Development Consent Order (DCO)	The consent for the construction, operation and maintenance of Nationally Significant Infrastructure Projects (NSIP) given by the relevant Secretary of State on the recommendation of the Planning Inspectorate under the Planning Act 2008 (as amended).
Environment Agency (EA)	A non-departmental public body with responsibilities relating to the protection and enhancement of the environment in England.
Environmental Impact Assessment (EIA)	A process of evaluating the likely environmental impacts of a proposed development, including inter-related socioeconomic, cultural and human health impacts, both beneficial and adverse.
Environmental Statement (ES)	Reports the findings of the EIA, including at least the information reasonably required to assess the likely significant environmental effects of the development.
Examining Authority (ExA)	The person(s) appointed by the Secretary of State (SoS) to assess the DCO application and make a recommendation to the SoS.
Flood Risk Assessment (FRA)	An assessment of the likelihood of flooding in a particular area so that development needs, and mitigation measures can be considered.
Gloucestershire County Council (GCC)	Gloucestershire County Council. It is therefore a statutory consultee for the Scheme, as defined under section 42(1)(b) and section 43(c) of the Planning Act 2008 ("the Act"). GCC is the local highway authority in Gloucestershire and is the Minerals and Waste Planning Authority (MWPA) for Gloucestershire. GCC also has statutory duties in relation to drainage, flood risk, and heritage assets and archaeology.
Historic England	Publicly funded body that champions and protects England's historic places, also known as the Historic Buildings and Monuments Commission for England.
Host Authority	The local authority, within which the Scheme would be situated, In this case, Cheltenham Borough Council, Gloucestershire County Council and Tewkesbury Borough Council.
Local Planning Authority (LPA)	The county council, metropolitan, or district council, which has statutory responsibilities within its administrative areas.
Nationally Significant Infrastructure Project (NSIP)	A project of a type and scale defined under the Planning Act 2008 and by Order of the Secretary of State (SoS) relating to energy, transport, water, wastewater and waste generally. These projects

Term	Meaning / Definition
	require a single development consent, which includes consents under different regimes, such as planning permission, listed building consent and scheduled monument consent.
Natural England (NE)	Executive non-departmental public body responsible for the natural environment.
Planning Inspectorate (PINS)	The Government Agency responsible for operating the planning process for NSIPs. The Planning Inspectorate is responsible for examining DCO applications and making recommendations to the relevant SoS, who will make the decision on whether to grant or to refuse development consent. The SoS for Transport takes the decision on applications for highway NSIPs.
Preferred Route Announcement	Designation of a proposed option as a 'preferred route' by the Department for Transport, announced in June 2021, and provides a form of planning protection from development of land in the vicinity of the M5 Junction 10 Improvements Scheme
Statement of Community Consultation (SoCC)	Prepared in accordance with Section 47 of the Planning Act 2008, to inform, explain and communicate how the consultation will be undertaken.
Statutory Consultation	In accordance with the Planning Act 2008, applicants of major infrastructure projects have a statutory duty to carry out a consultation on their proposals before submitting an application to the Planning Inspector.
(the) Scheme	The proposed M5 Junction 10 Improvements development which is the subject of a DCO application.
Tewkesbury Borough Council (TBC)	Tewkesbury Borough Council is the local planning authority for Tewkesbury Borough and a statutory consultee for the Scheme, as defined under section 42(1)(b) and section 43(b) of the Act.
Water Framework Directive (WFD)	The Water Framework Directive (2000/60/EC) which established a framework for European Community action in the field of water policy.

1. Introduction

- 1.1.1. This Statement of Common Ground (SoCG) has been prepared in respect of the application for the M5 Junction 10 Improvements Scheme (“the Scheme”) made by Gloucestershire County Council (GCC) (the Applicant) to the Secretary of State for a Development Consent Order (DCO) under section 37 of the Planning Act 2008.
- 1.1.2. If made, the DCO would grant consent for the construction of improvement works to M5 Junction 10, consisting of a new all-movements junction; the widening of the A4019 east of the junction to the Gallagher Retail Park Junction; and a new link road from the A4019 to the B4634. A small section of the A4019 will also be widened to the west of the proposed junction.

1.2. Purpose of the report

- 1.2.1. This document is a Statement of Common Ground (SoCG) between, GCC (the Applicant) and Bloor Homes and Persimmon Homes, developers promoting North West Cheltenham development area (also referred to as Elms Park and referred to as the “North West Cheltenham Developers” for this SoCG); in relation to the M5 J10 Improvements Scheme.
- 1.2.2. The document identifies the following between the parties:
- Summary of engagement and consultation
 - Matters which have been agreed; and
 - Matters currently outstanding (subject to negotiation or not agreed)
- 1.2.3. The matters which are referenced in this document are considered to be of material difference. Other lesser matters, such as those that concern amendments to supporting documents, will be reported on in the Consultation Report or addressed in the Environmental Statement (ES), submitted as part of the Development Consent Order (DCO) application.
- 1.2.4. The SoCG will continue to evolve as the application for development consent progresses through the pre-application and Examination stages.

1.3. Structure of Statements of Common Ground

- 1.3.1. The SoCG has been structured in a consistent form and sets out the matters which are agreed, the matters subject to further discussion and those matters which are not agreed. A SoCG will be tailored according to the approach agreed with the interested party concerned.
- 1.3.2. This 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 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.
- 1.3.3. Where relevant, documents that are referenced in the SoCG but do not form part of the application are available to the Examining Authority (ExA) upon request.

1.4. Status of this SoCG

- 1.4.1. This SoCG is a correct reflection of the position of both parties at the pre-application stage.
- 1.4.2. It is acknowledged that the views and opinions of both parties may change over time and as such this SoCG will continue to evolve as the application for development consent progresses through the Examination Stage.

2. Consultation

2.1. The Role of Gloucestershire County Council

- 2.1.1. In this SOCG, Gloucestershire County Council (GCC) is the Applicant for the M5 Junction 10 Improvements Scheme and this is separate and independent from the other functions and statutory duties carried out by the Council. As Applicant, GCC are promoting and delivering the Scheme with support of the rest of the Council, other Local Planning Authorities, National Highways and Homes England. This is to be recorded in separate SOCGs with the other parties.

2.2. The Role of Bloor Homes and Persimmon Homes Ltd

- 2.2.1. Bloor Homes and Persimmon Homes Ltd (North West Cheltenham Developers) are house-building developers. The North West Developers role in relation to the DCO process derives from their joint venture in the development known as Elms Park, a strategic development site identified as Policy A4 - North West Cheltenham in the adopted Joint Core Strategy.
- 2.2.2. The North West Cheltenham Developers submitted the following applications for planning permission for Elms Park:
- 2.2.3. In September 2016 an application for outline planning permission to Cheltenham Borough Council (ref. 16/0200/OUT) consisting of:
- Up to 4,115 new homes providing a range and choice of mix and tenure, including affordable housing (C3) and elderly persons accommodation (C2 up to 200 rooms), 24 ha of employment generating uses including 10 ha B1 business park (up to 40,000 sqm), a hotel (C1 up to 100 rooms), and mixed use centres providing retail uses and community facilities (A1 - A5 up to 6,150 sqm, D1/D2 up to 1,000 sqm) A transport hub and public transport inter change, primary and secondary school education (D2), new areas of green infrastructure including areas of play sports hub, woodland planting, allotments and habitat at creation, creation of new means of access onto Tewkesbury Road and Manor Road, new footways and cycleways, and drainage infrastructure.
- 2.2.4. In XX 2020 an application for full planning permission to Cheltenham Borough Council (ref. 20/00759/FUL) consisting of:
- Swindon Farm Development: Demolition of a residential property dwelling and erection of new residential development (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure. 260 homes.
- 2.2.5. JCS policy seeks 4285 homes and 10ha. office park, plus 13 ha. of predominantly non-B class employment (to include retail, healthcare and community facilities)
- 2.2.6. The application has yet to be determined, however significant progress has been made.
- 2.2.7. The M5 Junction 10 Improvements Scheme will support the development of Elms Park.

2.3. Summary of Consultation

- 2.3.1. GCC has been in consultation with the North West Cheltenham Developers during the development of the Scheme's design, including the optioneering process. The parties have continued communicating throughout the progression of the Scheme.
- 2.3.2. The engagement outlined in Table 2-1 covers formal consultation with the North West Cheltenham Developers and engagement which pertains to matters raised in this SoCG. Other exchanges, such as requests for information or clarification points are not detailed below but are available on request.

2.3.3. The consultation with the North West Cheltenham Developers since 16/06/2021, the date of the Proposed Route Announcement, is set in Table 2-1.

Table 2-1 - Consultation with Bloor and Persimmon Homes

Date	Method	Parties concerned	Matters discussed
16/06/2021	Email	Bloor Homes / Persimmon Homes	Email notification of Preferred Route Announcement.
06/12/2021	Email	Bloor Homes Persimmon Homes	Atkins sent a USB drive containing consultation documents along with a formal notification on the start of the Statutory Consultation, for comment.
15/02/2022	Email	Bloor Homes / Persimmon Homes	Joint response to consultation received from Bloor Homes / Persimmon Homes.
15/02/2022	Email	Bloor Homes /	Amended representation from Bloor Homes was received.
12/05/2022	Email	Bloor Homes	GCC sent a formal response to the representation from Bloor Homes, received during the statutory consultation.
12/05/2022	Email	Persimmon Homes	GCC sent a formal response to the representation from Persimmon Homes received during the statutory consultation.
05/08/2022	Email	Bloor Homes / Persimmon Homes	Email notification with targeted consultation pack sent to prescribed consultees.
05/09/2022	Email	Bloor Homes / Persimmon Homes	Response to non-statutory consultation received.
27/05/2023	Email	Bloor Homes / Persimmon Homes	Atkins sent a copy of SoCG and file transfer link containing draft DCO documents including Planning Statement, Environmental Statement, Transport Assessment, Register of Environmental Actions and Commitments, Environmental Masterplans, General Arrangement Drawings, and Works Plans.

3. Topics covered in this SoCG

3.1.1. The following table is a summary of the topics which are considered within this SoCG.

Table 3-1 - Summary of topics considered within this SoCG

Overarching topic	Topic Number	Topic
Background	1.	Principle of Development
	2.	Statutory Consultation
Relevant ES Chapter	3.	Assessment of Alternatives
	4.	Environmental Impact Assessment Methodology
	5.	Air Quality
	6.	Noise and Vibration
	7.	Biodiversity
	8.	Road Drainage and the Water Environment
	9.	Landscape and Visual
	10.	Geology and Soils
	11.	Cultural Heritage
	12.	Materials and Waste
	13.	Population and Human Health
	14.	Climate
	15.	Assessment of Cumulative Effects
Other Topics	16.	Engineering Design
	17.	Draft Development Consent Order
	18.	Land
	19.	Environmental Management Plan
	20.	Construction Traffic Management Plan

4. Matters Agreed

4.1.1. Table 4-1 will show those matters which have been agreed, including the matter reference number, and the date and method by which it was agreed.

4.1.2. Table 4-1 will be added to as the SoCG process is progressed.

Table 4-1 - Summary of topics considered within this SoCG

Matter Reference number	Position	Date and method of agreement
1.	Principle of Development	
1.1		
1.2		
2.	Statutory Consultation	
2.1		
3.	Assessment of Alternatives	
4.	Environmental Impact Assessment Methodology	
5.	Air Quality	
6.	Noise and Vibration	
7.	Biodiversity	

Matter Reference number	Position	Date and method of agreement
8.	Road Drainage and the Water Environment	
9.	Landscape and Visual	
10.	Geology and Soils	
11.	Cultural Heritage	
12.	Materials and Waste	
13.	Population and Human Health	
14.	Climate	
15.	Assessment of Cumulative Effects	
16.	Engineering Design	
	<p>Objection 1 – Transport Hub Access</p> <p>The GCC Scheme does not include any consideration of the access to the Transport Hub. This could prejudice delivery of Elms Park. It is necessary for the GCC Scheme to either include the Transport Hub access or demonstrate how it could be separately delivered at a later stage.</p> <p>The transport hub access from Tewkesbury Road has been reinstated, this is welcomed, and the objection is therefore</p>	<p>05.09.2022 – non statutory targeted consultation response</p>

Matter Reference number	Position	Date and method of agreement
	resolved (05.09.2022 – Non statutory consultation targeted consultation).	
	<p>Objection 4 – Future Option to Ban Movements at Retail Park Junction</p> <p>- Banning right turn movements at the Tewkesbury Road / Retail Park junction may prejudice delivery of the business park within Elms Park and would deter potential future occupiers. This must not be included as a future design option.</p> <p>Although not mentioned in the updated scheme, it is understood the option to ban movements is no longer under consideration. This is supported and the objection is resolved on that basis.</p>	05.09.22 – non statutory targeted consultation response.
17. Draft Development Consent Order		
18. Land		
19. Environmental Management Plan		
20. Construction Traffic Management Plan		

5. Matters Outstanding

5.1. Principal matters outstanding

5.1.1. There are currently no principal matters outstanding between Applicant, Bloor Homes and Persimmon Homes.

5.2. Matters outstanding

5.2.1. Table 5-1 shows those matters that are outstanding between the parties, including that matters reference number, and the date of the latest position.

Table 5-1 - Summary of topics considered within this SoCG

Matter Reference Number	Position of interested party	Response	Date of the last position
1. Principle of Development			
2. Consultation			
2.1.	Objection 5 – Supporting Information There has been no publication of any of the supporting traffic modelling information. This reduces the ability of PJA to meaningfully comment on the GCC Scheme design. Traffic modelling information must be provided to justify design variations from the PJA scheme.	We note this comment. Traffic modelling details to be shared with you as part of an ongoing engagement and will form part of the DCO submission.	15.02.2022 (statutory consultation)
2.2.	Objection 5 – Supporting Information There has still been no publication of any supporting traffic modelling information. This is particularly important as the amended scheme seeks to remove Homecroft Drive from ‘Site Access A’ and relocated ‘Site Access B’ to include the civil service club. The implications of this change need to be fully understood before PJA can support or provide any commentary on the acceptability of this change.		05.09.2022 (non -statutory consultation)

2.3.	Objection 6 – Timing Support of the GCC Scheme is conditional on Bloor Homes and Persimmon Homes being able to progress the Elms Park development in a timely manner. To resolve this objection, it will be necessary to agree to a construction phasing plan for the GCC Scheme which has regard to the Elms Park construction programme.	We note this and will continue discussions with yourselves on this matter.	15.02.2022 (statutory consultation)
3. Assessment of Alternatives			
4. Environmental Impact Assessment Methodology			
5. Air Quality			
6. Noise and Vibration			
7. Biodiversity			
8. Road Drainage and the Water Environment			
9. Landscape and Visual			
10. Geology and Soils			
11. Cultural Heritage			

12. Minerals and Waste			
13. Population and Human Health			
14. Climate			
15. Assessment of Cumulative Effects			
16. Engineering Design			
16.1.	<p>Transport Hub Access</p> <p>The PJA design includes an access into a 'Transport Hub' from Tewkesbury Road (left-in only). This is not included within the GCC Scheme and there is no indication of where it would be provided (Figure 1).</p>	<p>The design will be updated to include the access to the Transport Hub.</p>	15.02.2022 (statutory consultation)
16.2.	<p>There are considerable differences between the PJA design and the GCC Scheme designs for this junction. An additional exit lane has been provided from the development, but the bus priority lane has been removed (Figure 2).</p>	<p>We note this and will continue discussions with yourselves on our proposals prior to the submission of the Development Consent Order (DCO) application. Bus priority measures are being considered as we develop and refine our design. More information will be provided as we have more detail.</p>	15.02.2022 (statutory consultation)
16.3.	<p>The Elms Park design includes a pedestrian / cycle route into the development opposite Sandpiper Drive, which is a direct and dedicated non-vehicular access. This is not included within the GCC Scheme.</p>	<p>This was combined with the Site Access A junction to reduce the number of traffic signals along this short length. We will continue discussions with yourselves and GCC Planning Team on this matter.</p>	15.02.2022 (statutory consultation)

16.4.	The pedestrian and cycle facilities included in the GCC junction design would offer an alternative, but on an indirect and non-segregated route.	We fully support the improvement of accessibility for pedestrians and cyclists as a fundamental part of the scheme. However, alternative crossings of the A4019 will be included in the design that better create a balance between reducing severance for pedestrians and cyclists and the number of sets of traffic signals along the A4019.	15.02.2022 (statutory consultation)
16.5.	Elms Park 'Access B' There are again considerable differences between the PJA and GCC Scheme designs (Figure 3). Most notably the PJA design only permits buses to turn right into the site and provides a bus gate allowing priority for buses to leave the site. These features are removed from the GCC Scheme.	The design of site access B changed due to the option of a potential right turn ban. Further work is ongoing to confirm if the right turn ban option will be taken forward.	15.02.2022 (statutory consultation)
16.6.	Tewkesbury Road / Retail Park Junction (leading to Access C) The design for this section again removes the bus priority measures included within the PJA design (Figure 4)	Bus priority measures are being considered as we continue to develop and refine our design, including options that would allow for future provision. More information will be provided once we have more detail as part of our ongoing liaison with the Parish Council.	15.02.2022 (statutory consultation)
16.7.	This junction is the main entrance to the business park element of Elms Park. By restricting access from the east, arriving vehicles would be forced to detour through the residential elements of Elms Park.	Traffic modelling is ongoing to establish if this is to be taken forward.	15.02.2022 (statutory consultation)
16.8.	This could potentially result in knock-on junction capacity effects on the surrounding road network that requires further analysis. This could also necessitate future changes to the internal road layout and road hierarchy of Elms Park.		15.02.2022 (statutory consultation)
16.9.	A convoluted access arrangement could also make the business park less attractive to potential occupiers, including during the initial development phases prior to 2031. This would be contrary to the		15.02.2022 (statutory consultation)

	Scheme objectives of supporting economic growth and facilitating growth in jobs.		
16.10.	<p>The Scheme design has changed to include areas of verge which could be widened in future to provide bus lanes. It is not clear how these bus lanes, when delivered, would offer any meaningful reduction in public transport journey times. There are not any measures at the signalised junctions themselves to provide bus priority. Providing public transport priority measures, and reducing bus journey times compared to car journeys, is a fundamental element of the Gloucestershire Local Transport Plan (2020 – 2041), and of the transport strategy for development at North West Cheltenham.</p> <p>The scheme as currently presented still has insufficient regard for public transport and this objection is still strongly maintained.</p>		05.09.2022 (non-statutory consultation)
16.11.	<p>Objection 3 – Standalone Pedestrian / Cycle Access and A4019 Crossing. The GCC Scheme removes the standalone pedestrian and cycle access and associated crossing. This reduces the provision for non-motorised users and is prejudicial to delivery of the Elms Park planning application. The access and crossing must be fully reinstated within the GCC Scheme.</p>	<p>This was combined with Site Access A junction to reduce the number of traffic signals along this short length. We will continue discussions with yourselves and GCC Planning Team on this matter.</p>	15.02.2022 (statutory consultation)
16.12.	<p>Objection 3 – Standalone Pedestrian / Cycle Access and A4019 Crossing</p> <p>The standalone pedestrian / cycle crossing included in the Elms Park application has been removed and is not reinstated in the updated scheme. This crossing must be fully reinstated, and this objection therefore remains.</p>		05.09.2022 (non-statutory consultation)

16.13.	The amended scheme includes existing hedgerows within Elms Park within the scheme boundary. These hedgerows are noted as to be retained for ecological mitigation. This requires further discussion to understand any implications for Elms Park, and until then is a further objection.		05.09.2022 (non-statutory consultation)
17. Draft Development Consent Order			
18. Land			
19. Environmental Management Plan			
20. Construction Traffic Management Plan			

Appendices



Appendix A.

- A.1.1. There are some matters which the position of Bloor Homes and Persimmon Homes is pending upon publication of the full suite of DCO application documents, in particular those relating to the Environmental Statement (ES).
- A.1.2. The Applicant will continue to review matters with the Joint Councils during the examination of the DCO application and discussions will be aided by the Joint Councils being able to review the full suite of DCO application documents on the National Infrastructure Planning website (at the point of submission).

Table A-1- Matters to be determined between the Applicant and the North West Cheltenham Developers

Ref	Matter	Position	Date of the latest position

ATKINS

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