

TR010063

# M5 Junction Improvement Scheme

Representations submitted on behalf of  
Bloor Homes Limited and Persimmon Homes Limited

March 2024



PLANNING  
LIMITED

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## DOCUMENT CONTROL

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## Executive Summary

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1. These representations are submitted pursuant to the Section 56 notice dated the 9<sup>th</sup> February 2024 issued by Gloucestershire County Council (the "Applicant"). They have been prepared on behalf of Bloor Homes Limited and Persimmon Homes Limited ("Bloor" and "Persimmon").
2. Bloor and Persimmon are prospective developers at Elms Park. The proposed Elms Park development is within the North West Cheltenham Strategic Allocation Site (Policy A4; North West Cheltenham) in the Cheltenham Gloucester Tewkesbury Joint Core Strategy ("JCS").
3. Bloor and Persimmon have sought outline planning permission reference 16/0200/OUT<sup>7</sup> for development of Elms Park as envisaged in the JCS ("the Elms Park Application").
4. Bloor and Persimmon have no in principle objection to the Scheme; there are no fundamental reasons not to develop an all-movements junction. However, these representations consider the following:
  - 4.1.1 That the Applicant has conflated and confused strategic development at North West and West Cheltenham with wider development aspirations and development of land at ("the Safeguarded Land") with no policy basis in an attempt to justify the Scheme.
  - 4.1.2 That the Applicant wrongly asserts that the JCS policies establish the need for the Scheme and relies on this misconception as the basis for requiring planning obligations to secure funding towards the inflated Scheme cost.
  - 4.1.3 That the Applicant wrongly asserts that development at Elms Park (North West Cheltenham) cannot be achieved without the Scheme; in this regard it has misconstrued the JCS process and has misunderstood the transport related evidence submitted in relation to Elms Park. Alternative mitigation in respect of West Cheltenham and the Safeguarded Land have not been properly considered.
  - 4.1.4 That the Applicant's funding strategy is not justifiable or sufficient to demonstrate that funding is or will be available for the Scheme. Reliance on S106 contributions is

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<sup>7</sup>16/0200/OUT Outline application for up to 4115 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

particularly uncertain and not justifiable, because it disproportionately applies costs to Elms Park that would result in it subsidising other developments, has no realistic prospect of delivering the necessary level of funding as it relies on the development of sites with no planning policy status, and any such s106 as may be imposed will not comply with the CIL Regulations.

5. At the present time, Bloor and Persimmon object to the application for the Scheme as currently formulated.



# 1 Introduction

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- 1.1. These representations are submitted pursuant to the Section 56 notice dated the 9<sup>th</sup> February 2024 issued by the Applicant on behalf of Bloor and Persimmon.
- 1.2. The Applicant is seeking a Development Consent Order for the Scheme.
- 1.3. In summary form, the Scheme comprises:
  - 1.3.1. works to create an all-movements junction at M5 Junction 10;
  - 1.3.2. a new Link Road east of junction 10 from the A4019 to the B4634 to provide the means of access to the Joint Core Strategy's Strategic Allocation at West Cheltenham; and
  - 1.3.3. widening of the A4019 to the east of junction 10, including a bus lane on the A4019 eastbound carriageway from the West Cheltenham Fire Station to the Gallagher Junction.
- 1.4. Bloor and Persimmon are prospective developers at Elms Park. The proposed Elms Park development is within the North West Cheltenham Strategic Allocation Site (Policy A4; North West Cheltenham) in the Cheltenham Gloucester Tewkesbury JCS.
- 1.5. Bloor and Persimmon have submitted the Elms Park Application for development of Elms Park.
- 1.6. There is an overlap between the authorised development comprising the Scheme and highway works proposed in connection with the Elms Park Application. Work no 4 of Schedule 1 of the draft DCO (APP-035) includes works that overlap with the development proposed at Elms Park. Those elements comprise the following:
  - (r) the construction of a left turn exit for eastbound traffic into the development site known as Elms Park;*
  - (s) the construction of a signalised junction to access development (site access A) to the north of the A4109 (Tewkesbury Road) with pedestrian and cycle crossing points;*
  - (u) the construction of a signalised junction to access development (site access A) to the north of the A4109 (Tewkesbury Road) with pedestrian and cycle crossing points;*
  - (y) the demolition of ten properties on the north site of the A4019 (Tewkesbury Road) between Uckington and the Gallagher Junction;*

*(y) demolition of buildings forming part of the Baileys Nursery West of Gallager Retail Park.*

("the Overlap Works").

- 1.7. The proposed access drawings for Elms Park are included at *Appendix 1*. There is a high degree of consistency between the works proposed for Elms Park and the Scheme. The substantive difference exists on account of the widening of Tewkesbury Road which is a component of the Scheme in overall terms rather than access and egress to Elms Park.
- 1.8. The Overlap Works are all within the part of the Scheme described at paragraph 1.3.3 above.
- 1.9. The Elms Park Application has been with Cheltenham Borough Council and Tewkesbury Borough Council, reflecting its cross boundary nature, since 2016. At the present time, it is fair to characterise the application as well advanced, and save for the purported need for the Scheme, all other planning considerations are substantially agreed between the Bloor and Persimmon and the Case Officer appointed by the Local Planning Authorities ("LPAs").
- 1.10. In the event that overlapping consents exist in due course, it has been agreed with the LPAs that a planning obligation would be imposed on the Elms Park development to restrict the implementation of access works to those approved pursuant to the DCO.

#### **Matters addressed in these representations**

- 1.11. Bloor and Persimmon make these representations because they are concerned that the Applicant has wrongly characterised the Elms Park development as being dependent on the Scheme. This mischaracterisation goes to the heart of the Applicant's stated justification for the Scheme, the Scheme's objectives, and its funding strategy. These issues are examined in more detail in the following sections of these representations:

Section 2: The Applicant's reliance on the JCS as the basis of the Scheme;

Section 3: The Applicant's explanation of the Scheme's objectives and the need for it;

Section 4: The need for the Scheme;

Section 5: Whether alternatives to the Scheme have been considered; and

Section 6: The Applicant's approach to funding the Scheme.

- 1.12. Bloor and Persimmon have no in principle objection to the Scheme; there are no fundamental reasons not to develop an all-movements junction. However, Bloor and Persimmon do not agree with and object to the characterisation of dependent development; the Scheme emanates from growth levels in the JCS area overall and is not directly related only to the strategic allocations and the Safeguarded Land in the terms

suggested by the Applicant. The only direct relationship is between the Link Road for West of Cheltenham proposed by the Scheme.

- 1.13. In preparing the DCO application, the Applicant has failed to consider alternatives comprehensively. As part of the Elms Park Application, and consistent with the view taken by the JCS Inspector as to the need for focused modelling and mitigation design to deal with allocated development issues at that stage in the planning process, Bloor and Persimmon have identified that alternative mitigation could be delivered.
- 1.14. Bloor and Persimmon object to the Applicant's approach towards additional funding to compensate for the shortfall that has arisen; the mechanism proposed amounts to local taxation. It is of particular note that the Applicant intends not to issue the notice to proceed unless and until it has secured sufficient amounts of developer contributions to fully support delivery of the Scheme, yet even if the principle of funding the Scheme were acceptable, it would be unreasonable to expect such monies to be paid by third party developers prior to the commencement of their developments.
- 1.15. At the present time, Bloor and Persimmon object to the application for the Scheme as currently formulated.

## 2 The Joint Core Strategy

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- 2.1 The Applicant asserts that the JCS is the genesis of its Scheme. The DCO application must therefore be considered having regard to the JCS.

### **Up-grading of the M5 Junction 10 to all-movements**

- 2.2 At various points in its DCO application, the Applicant asserts that upgrading the M5 junction 10 to an all-movements junction has been identified as a key infrastructure requirement to enable the housing and economic development proposed by the JCS (for example, paragraph 1.2.1 of the Funding Statement (APP-036)). The Applicant does this by reference to the strategic urban extensions and longer-term development opportunities at North West and West Cheltenham and set within the overall scale of housing and employment in the JCS area as a whole, namely at least 35,000 new homes and 193 hectares of employment land.
- 2.3 The overwhelming majority of new housing and employment in the JCS is to occur within what is known as the 'Central Severn Vale at Cheltenham' and Gloucester as the two principal urban areas. The JCS allocates seven strategic urban extensions, six of which are at the two principal urban areas, and two of which are at Cheltenham – 'A4' at North West Cheltenham and 'A7' at West Cheltenham. Together, these two allocations are to provide 5,395 new homes and 68 hectares of employment land. This equates to some 15% of the total housing to be provided and 23% of the employment land.
- 2.4 Chapter 3 of the Environmental Statement – Assessment of Alternatives (APP-062) describes the high-level highway mitigation scenarios that were considered alongside the preparation of the JCS.
- 2.5 During the JCS Examination, and in response to the appointed Inspector's initial findings, the plan-making authorities had to identify additional development land. It was this exercise that led to the West Cheltenham allocation and Safeguarded Land being proposed as a Main Modification.
- 2.6 In this regard, the position of Highways England Limited (now National Highways Limited) and the Local Highway Authority was set out in EXAM233(a):

***“Whilst Highways England and Gloucestershire County Council were broadly content with the available transport evidence base and the Transport Strategy to support the Submission version of the Plan, the proposed level and location of new development sites which is now being considered for inclusion in the main modifications introduces a significant degree of uncertainty about the suitability of the Transport Strategy to accommodate the Plan allocations and the overall soundness of the Plan.”***

2.7 Atkins were commissioned by the JCS Authorities to undertake successive model runs and assimilate mitigation measures. Do Something 1, DS2, DS3, DS4, DS5 were undertaken using the 2008 Central Severn Vale model. DS6, in 2017, was the first model run to use the 2013 Central Severn Vale model. This included the West Cheltenham allocation and a minimum upgrade to allow full movements at M5 Junction 10. The results showed **“an over-capacity of vehicle movements on the M5 Junction 10 southbound and northbound off-slips in the AM peak hour, with major queueing on the A4019 Tewkesbury Road at the new signalised junction with the West of Cheltenham distributor road.”**

2.8 DS7 followed and incorporated an alternative upgrade to M5 Junction 10 on this occasion due to issues raised with DS6. This is described as a:

**“High-capacity upgrade of M5 J10 junction providing an ‘All Movements’ junction including three lanes on slip roads and circulatory lanes on the roundabout to accommodate the associated Cyber Park access road / A4019 junction (Scheme ref 28). This will be a high-capacity signal controlled junction, with a separate left turn slip road from M5J10 northbound off-slip onto Cyber Park link road (southbound). New signals on A4019 westbound entry to upgrade motorway junction”.**

2.9 The outcome of this, and other changes, result in the M5 mainline and motorway off slips operating within capacity. It was on this basis that the JCS Inspector was able to conclude as follows:

**“Although the volume of traffic in the JCS area is set to significantly increase during the Plan period, the evidence suggests that JCS development will only account for a small proportion of this overall traffic growth. The updated modelling scenario Do Something 7 (DS7) indicates that mitigation strategies could be developed to significantly reduce the cumulative impact of the growth envisaged by the JCS including the traffic impact of the strategic allocations.** (paragraph 220 refers)

**SATURN does have limitations in that it is a strategic model and the DS7 proposals are high level. Furthermore, DS7 does not resolve all congestion issues across the JCS area. Nonetheless, more focussed modelling and mitigation design to deal with allocated development issues can be left to application stage.** (223)

**Highways England are content that, from a strategic road network perspective, the JCS is sound and residual issues are not fundamental. Gloucestershire County Council, the local highways authority, is satisfied that the proposed planned growth in the JCS area can be safely accommodated on the local highway network without a cumulative severe impact, and that residual issues are not fundamental to the safe and efficient operation of the local transport network. Both indicate that residual issues are capable of resolution and can be dealt with through further detailed assessment and mitigation as sites come forward. I give considerable weight to the opinions of these bodies.** (224)

***I am now satisfied that the submitted evidence properly supports the JCS and that the TIS sufficiently resolves transport issues for allocation of the identified strategic sites to proceed". (226)***

- 2.10 Having set out this context it is instructive to note how in fact the JCS refers to the Scheme; paragraph 4.1.12 of the JCS describes the all movements junction as follows:

***"There is agreement across relevant partners that the upgrading of Junction 10 to an all movements junction will support the economy of the JCS area and that of wider Gloucestershire. It would support accelerated growth of the economy, enabling land to be delivered for mixed use including high value employment. A Junction 10 task group has been set up to establish the timetable for evidencing the business case for the upgrading of this junction of the M5. Given funding timelines, the earliest funding could be available is 2021 with support through the Highways England Road Investment Strategy. All partners on the task group, including the LEP are agreed that junction improvements will unlock the constraint to land currently designated in the JCS as a safeguarded area for development. At this stage, there is no certainty that this funding will be released and it is not therefore possible to anticipate any delivery within the JCS plan period; should funding become available, then the JCS authorities would consider a Strategic Allocation through a JCS Review."*** (emphasis added)

- 2.11 Plainly, this associated upgrading of the M5 junction 10 with the long term development of the Safeguard Land, not the delivery of allocated development within the JCS.
- 2.12 Later in the JCS Policy INF6 refers to the Infrastructure Delivery Plan. At Section 3.1.1 entitled JCS-wide, is a list of strategic infrastructure schemes. An extract from this is included at Appendix 2. These are explained as projects "***that have been identified to support JCS-wide growth***". M5 Junction 10 is described in the same terms as set out in paragraph 2.8 above. The high-level cost estimate from DS7 modelling totals approximately £251,000,000. The M5 Junction 10 improvement cost is estimated as £45 million.

#### **A4019/B4634 Link Road**

- 2.13 Elsewhere in the JCS, Policy A7, which is the West Cheltenham Strategic Allocation, refers directly to the Cyber Park link road referenced in DS7. In this regard a policy requirement for West Cheltenham is vehicular accesses from Fiddlers Green Lane and B4634 Old Gloucester Road and links to the M5 J10 for strategic movements to and from the site. Other than this, there are no express references to the Link Road element of the Scheme in the JCS.
- 2.14 The Link Road is not associated in the JCS with any development outside of the A7 West Cheltenham allocation.

## Cumulative Development and aspirational development

2.15 Policy SA1, which is a generic policy relating to the Strategic Allocations refers to the following:

***“The transport strategy to support the delivery of Strategic Allocations should align with and where appropriate contribute to the wider transport strategy contained within the Local Transport Plan, including priority transport corridors and junctions. The development of Strategic Allocations must encourage the use of walking, cycling and the use of public transport and ensure that transport demands arising from the development can be effectively mitigated in accordance with Policy INF1.”***

2.16 Policy INF1 concerns the Transport Network and is referenced at various points in APP-135. While Policy INF1 recognises that cumulative impacts must be mitigated, it promotes sustainable mitigation strategies and site by site assessment of the impact (including cumulative impacts) of proposals.

2.17 The JCS also safeguards land for longer term development needs at West Cheltenham, North West Cheltenham, and also at Twigworth (Policy SD5 7 (i) (ii) (iii)). The Applicant has included the cumulative impacts of development of the West Cheltenham and North West Cheltenham safeguarded land in its assessment of the cumulative mitigation requirements arising from the JCS. This safeguarded land is not allocated for development and there is no defined type or quantum of future development. The transport infrastructure requirements of the safeguarded land are not considered within the JCS' evidence base. The various DS models were concerned with the development needs of the JCS and not longer-term development. As such, the transport infrastructure requirements of the JCS should have been considered separately to the possible future requirements of the safeguarded land.

2.18 The aspirational need for the Scheme, rather than a requirement for allocated development, is reinforced by the Cheltenham and Tewkesbury Local Plans.

2.19 The Cheltenham Local Plan is in effect a Part 2 plan, providing local policies to supplement the strategic policies in the JCS. At paragraph 3.09 it refers to the Scheme in the following terms:

***“Whilst Junction 10 is still constrained through being two-way rather than four-way, sites to the west of Cheltenham would stand to benefit further should investment be forthcoming to facilitate an all-movements junction in future. The Council is committed to keep up the pressure of lobbying to influence this and is working closely with key partners on achieving a satisfactory outcome, namely to get Junction 10 included on the post-2020 Roads Investment Strategy. The economic strategy as set out in this Plan will support that activity. Upgrading the junction will provide significant economic growth opportunities by unlocking the potential of additional land.”***

- 2.20 In the Tewkesbury Local Plan, also a Part 2 Plan, the only reference to the Scheme is at paragraph 4.5 which is an acknowledgement of “**work on-going to seek to upgrade to an all-movements junction**”.
- 2.21 In both instances, these passages are associated with the Employment Sections of those Plans.
- 2.22 Therefore, to the extent that the development plan, and the JCS in particular, establishes the basis for the Scheme, it does so by reference only to the IDP as part of a wider package of measures associated with delivery of JCS wide growth and at a cost estimate that bears no relation to that which is contemplated by the present time. Where there is express reference, it is made in relation to allocated site A7 where the unavoidable need for a new access road is necessary and widely understood.



### 3 Scheme objectives

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- 3.1 The Introduction to the Application (APP-001) describes the Scheme's objectives at Table 2-1. The first objective is to:

***“Support economic growth and facilitate growth in jobs and housing by providing improved transport network connections in west and north-west Cheltenham”.***

- 3.2 This is explained by reference to an evidence metric that corresponds to new housing and employment development at the strategic allocations in the Joint Core Strategy at (1) North West Cheltenham (A4) and (2) West Cheltenham (A7); and the future development of the (a) the West of Cheltenham Safeguarded Land (SD5(7)(i)); and (b) north west Cheltenham Safeguarded Land (SD5(7)(ii)).

- 3.3 The Statement of Reasons (APP-035) paragraph 2.1.3 under the sub-heading the Need for the Scheme states:

***“The need for the Scheme has been developed from the limitations of the existing M5 Junction 10, and the identification in the JCS of land for development adjacent to the existing junction.***

***Upgrading M5 Junction 10 to an all movements junction has been identified as a key infrastructure requirement to enable the housing and economic development allocated in the JCS and proposed by the Gloucestershire Local Enterprise Partnership's (GFirst LEP) Strategic Economic Plan.”***

- 3.4 The Planning Statement and Schedule of Accordance with National Policy Statement (APP-135) paragraph 3.2.1 lists these three development locations:

***“Significant population and household growth is expected to take place in the area over the next 10-15 years. The JCS adopted in December 2017 includes two Strategic Allocations, and one area of land which is safeguarded for development:***

***• Policy A4 ‘Land at North West Cheltenham’ – allocated land for 4,285 new homes, 10ha for office, and 13 ha for employment generating land.***

***• Policy A7 ‘Land at West Cheltenham’ – allocated land for 1,100 homes, 45ha of Bclass led employment land.***

***• JCS Policy SD5 ‘Area of Restraint Safeguarded Area’ – safeguards land directly east of M5 Junction 10 and north of the A4019 to meet longer term development needs”***

- 3.5 This is further explained in Table 3-1 which provides the Applicant's explanation of the Scheme's conformity with the National Policy Statement for National Networks ("NPSNN") objectives:

***“The Scheme will help to increase highway capacity around M5 Junction 10 and on the A4019 which is crucial to unlock and support the planned development on site allocations West of Cheltenham, North West Cheltenham and safeguarded land east of M5 Junction 10, and will therefore support the economy and improve quality of life”*** (emphasis added)

- 3.6 Paragraph 3.2.2 of APP-135 increases the amount of development at West Cheltenham to correspond to the Golden Valley Supplementary Planning Document. Appendix 4 of the SPD provides a residential development capacity of 2370 new homes as opposed to approximately 1100 new homes in the JCS. The phrase *approximate* cannot reasonably be construed to mean twice as much development, and this scale represents a departure from the JCS. The amount of employment land is also said to be greater; at 51ha rather than 45ha.
- 3.7 Despite the references referred to above, Figure 1 of the Transport Assessment (APP-138) is based on development locations that omit the Safeguarded Land at West Cheltenham. It is notable that Appendix 4 of the Golden Valley SPD employed to justify the enlarged capacity at A7 also includes an additional 1500 new homes and 5 hectares of employment land (reproduced at *Appendix 3*). This inconsistency has been raised with the Applicant on successive occasion but without resolution. This has a material implication on the funding measures sought by the Applicant which is discussed in Section 6 of these representations.
- 3.8 The Applicant characterises the predicted effects of trips anticipated to be generated by these developments as ***“significant challenges”*** (Statement of Reasons (APP-035) paragraph 2.2.10 and Planning Statement and Schedule of Accordance with National Policy Statement (APP-135) paragraph 3.2.3). Even allowing for changes in travel behaviours they perceive that pressures on the M5 junction 10 and the A4019 are ***“unlikely to diminish”***. In their opinion ***“road improvements are essential to respond to future development and to accommodate the extra journeys that new residential and commercial developments will create”***.
- 3.9 The Applicant’s analysis is that ***“the ability of the local authorities to deliver their planned housing and economic growth is part contingent upon finding solutions to facilitate the smooth flow of traffic through this area”*** (Statement of Reasons (APP-035) paragraph 2.2.11 and Planning Statement and Schedule of Accordance with National Policy Statement (APP-135) paragraph 3.2.4)
- 3.10 The Applicant concludes that the Scheme ***“is needed to support planned housing and economic growth around Cheltenham as the current highway provision would not be able to accommodate the additional journey”*** (Statement of Reasons (APP-035))

paragraph 2.2.15 and Planning Statement and Schedule of Accordance with National Policy Statement (APP-135) paragraph 3.2.6).

- 3.11 These statements are framed to suggest that the Scheme is required to mitigate the scale of housing and employment growth in the JCS, but the position in fact appears to be that the Applicant is promoting the Scheme on the basis of the following:
- (a) development at North West Cheltenham in the terms described in Policy A4;
  - (b) development of twice as many new homes at West Cheltenham as intended by the Policy A7;
  - (c) further development at North West Cheltenham presupposing and predetermining the release of the Safeguarded Land in the short term; and
  - (d) A further amount of development at the Safeguarded Land at West Cheltenham that is not accounted for in the Applicant's Funding Statement (APP-036).
- 3.12 As such, the Scheme's objectives are the facilitation and mitigation of a significant quantum of additional development not anticipated by the JCS at West Cheltenham and development on safeguarded but unallocated land which falls outside of the JCS and Local Plans. As such, the scope and scale of the Scheme are not entirely in accordance with planning policy,

## 4 The need for the Scheme

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- 4.1 As identified in earlier sections, the Applicant presents the upgrading of the M5 junction 10 to an all-movements junction as having been identified in the JCS as a key infrastructure requirement to enable the housing and economic development.
- 4.2 It develops this point to assert that the Scheme is a precursor to development at A4 and A7 and the Safeguarded Land (see paragraph 3.3. above). That assertion is incorrect in so far as A4 (Elms Park) is concerned as evident from the stages of the JCS; DS6 and DS7 only arose after the intention to allocate A7, and specifically the need to connect A7 directly to M5 J10 combined with improvements to that junction.
- 4.3 Moreover, the Applicant has grouped together the development quantum in Policies A4 and A7 with larger development aspirations at West Cheltenham via the SPD and the longer-term development of Safeguarded Land. In these terms, the basis upon which the Applicant has approached the need for the Scheme is to go outwith the development plan's allocations and to contemplate larger and longer-term growth.
- 4.4 The Applicant's case is that beyond what it terms "deadweight", no development can occur without the Scheme. Appendix L Table 6 indicates that only some 1,700 new homes and some 60,000 sqm of employment land across the North West and West development locations can be developed without the Scheme.
- 4.5 Bloor and Persimmon contend, to the contrary, that the Scheme is not required to deliver Elms Park, consistent with the position as set out in the JCS.
- 4.6 This is evidenced by the following documents which have been submitted with the Elms Park Application:
- (a) the PJA Transport Assessment ("PJA"), which provides mitigation and sustainable transport improvement on the local network. In responding to that Transport Assessment, the Applicant, in their role as local highway authority, has responded positively; and
  - (b) additional highway modelling undertaken by PJA and submitted to National Highways demonstrates alternative mitigation could be delivered on the Strategic Road Network at M5 Junction 10 (off slip signals), M5 Junction 11 (traffic signals) and at Elmbridge Court (new link road through South Churchdown allocation). The latter two schemes are included in the JCS Infrastructure Delivery Plan.

- 4.7 The local highway authority response and additional highway modelling are included at *Appendix 4 and 5*.
- 4.8 In a “no Scheme” world North West Cheltenham (A4) would be deliverable. The ability of West Cheltenham (A7) to achieve a satisfactory access would be limited by what would then be the absence of the required link road, but this issue impacts on the West Cheltenham development only and should be mitigated/resolved in the context of that development only. Were the absence of the link road to prevent the West Cheltenham development coming forwards, the cumulative impacts (which would anyway appear only to become consequential with the additional quantum of development identified beyond the JCS allocation) would be further reduced and the case for the junction improvement further diminished.

## 5 Alternatives to the Scheme

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- 5.1 Chapter 3 of the Environmental Statement (APP-062) deals with the assessment of alternatives, with paragraph 3.1.3 stating:

***“To support the developments allocated and reserved in the Joint Core Strategy (JCS) at West Cheltenham and North-west Cheltenham, including safeguarded land to the north-west of Cheltenham, a number of proposals for new and improved public transport services and walking and cycling schemes will be required in the area. However, the volume and dispersed origin and destinations of the trips anticipated to be generated by the developments will present significant challenges in terms of accommodating all new trips via public transport or active modes solutions. This, coupled with uncompetitive journey times offered by public transport options, means that there will be a large residual number of trips generated by the new developments that will need to be accommodated through highways based solutions.”***

- 5.2 This statement is made with regard to achieving the Scheme objectives, which as described in Section 3 of these representation, are to enable delivery of development at North West Cheltenham (JCS Policy A4), West Cheltenham (JCS Policy A7), and the Safeguarded Land. Each of these is considered in turn.

### North West Cheltenham

- 5.3 The Elms Park Application is well progressed and proposes an extensive package of local highway mitigation, including junction capacity improvements, walking and cycling routes, and bus priority measures. It is incorrect to state that its transport impacts cannot be mitigated otherwise than by delivery of the Scheme.
- 5.4 The most recent planning application response received from the Applicant, in its capacity as the local highway authority, (Appendix 4) notes the following:

***“Overall, the above package of works provides the correct balance of vehicle mitigation and provision of sustainable [transport] between the development and Cheltenham Town Centre and Railway Station. It also helps to ensure that mitigation spreads demand through a variety of transport modes and access locations, this in turn provides network resilience and provides choice. It also aligns with the aims of the National Planning Policy Framework, The Local Transport Plan, and the Joint Core Strategy, which seek to ensure the schemes give priority to pedestrians, cyclists and encourage public transport usage. The proposal therefore accords with the adopted policy requirements and the wider aspirations to promote a sustainable development.”***

- 5.5 On the local highway network, the Applicant is therefore in agreement that the Scheme is not required for delivery of Elms Park.
- 5.6 On the Strategic Road Network ("SRN"), the impact of Elms Park at M5 Junction 10 can be mitigated through implementation of works to install traffic signals on the southbound slip

road. Those works have been agreed with National Highways. On other parts of the SRN (M5 Junction 11 and A40 Elmbridge Court), PJA has identified schemes to mitigate the effects of the JCS allocations, as explained in the technical note at Appendix 5.

- 5.7 These conclusions are echoed by the JCS evidence base, which did not identify a potential need for the Scheme until West Cheltenham was included at a late stage.
- 5.8 It is therefore concluded that there are alternatives to delivery of North West Cheltenham without the Scheme, a position that is well evidenced. These alternatives have not been properly assessed or considered by the Applicant.

### West Cheltenham

- 5.9 West Cheltenham, as defined by JCS Policy A7, requires that the allocation is expected to deliver:

***“Vehicle accesses from Fiddlers Green Lane and B4634 Old Gloucester Road and facilitate links to the M5 J10 for strategic movements to and from the site.”***

- 5.10 Absent any evidence as to why there should be a departure from development plan policy, there are no reasonable alternatives to the Scheme (or at least the Link Road element of the Scheme) to deliver West Cheltenham. The Applicant does not appear to have considered the alternative delivery of part only (Link Road) of the Scheme.

### Safeguarded Land

- 5.11 Finally, considering the Safeguarded Land at North West and West Cheltenham, it has no status in the development plan other than being safeguarded for longer term development. There is no policy position on what type or quantum of development this land could deliver, and there has been no assessment of this for the JCS evidence. There is no available evidence base within the JCS from which any assessment of alternative delivery could be made in respect of the safeguarded land. But as the objectives for the Scheme are the mitigation of such aspirational development, the Applicant should have considered alternative delivery options and the DCO application is flawed in this regard.

### Conclusions

- 5.12 Drawing these matters together:
- (a) Elms Park can be delivered alongside a mitigation package providing highway capacity improvements and sustainable transport measures and is not reliant on the Scheme. This is agreed with the Applicant as local highway authority and discussions are well advanced with National Highways;

- (b) West Cheltenham is reliant on the Link Road element of the Scheme, this is established by JCS Policy A7; and
- (c) There can be no proper consideration of transport requirements, or alternatives, for the Safeguarded Land, absent any development plan policy allocating it for a specific use.



## 6 Funding

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- 6.1 The Applicant's Funding Statement (APP-036) describes the funding mechanisms available to the Scheme. The Applicant's contention at paragraph 1.1.2 is that funding ***“is no impediment to the delivery of the Scheme or the payment of compensation to the persons affected by the compulsory acquisition, temporary possession or a blight claim.”***
- 6.2 Paragraph 1.2.1 therein describes the housing and employment development associated with the JCS. The Applicant refers to ***“upgrading the M5 junction to an all-movements junction as [having] been identified as a key infrastructure requirement to enable the housing and economic development proposed by the JCS”***. As detailed above, this is incorrect as regards A4 Elms Park and A7 (although A7 is reliant on the Link Road which forms a part of the Scheme).
- 6.3 At paragraph 1.2.2, the Applicant then seeks to associate ***“in particular”*** the major development at the JCS' strategic and safeguarded allocations to the west and north-west Cheltenham. These are depicted at Figure A-1 of APP-036. The allocated sites and the safeguarded sites are shown.
- 6.1 At paragraph 3.2.1, the Applicant recasts this: ***“The Strategic Sites identified in the JCS (West Cheltenham, North West Cheltenham and Safeguarded Land north west of Cheltenham) are reliant on the implementation of the Scheme and the Scheme forms a substantial part of the necessary highway mitigation required to make developments acceptable in planning terms.”***
- 6.2 As is set out in the preceding sections this is not correct – the JCS only allocates North West and West Cheltenham for development, and only West Cheltenham is dependent on the Scheme (Link Road). The Safeguarded Land may be dependent on the Scheme, but it is not allocated in the JCS, the quantum of development is not defined, and transport impacts not assessed.
- 6.3 Furthermore paragraph 3.2.1 omits reference to the Safeguarded Land at West Cheltenham, which runs counter to the earlier references and the illustration at Figure A-1. Paragraph 3.2.1 is suggestive that this area of the Safeguarded Land is not a dependant development. It is difficult to see any justification for this omission; as is set out above North West Cheltenham is not a dependent development but it is included. The dependency of the West Cheltenham Safeguarded Land is more assured as it is like the West Cheltenham allocated land dependent on the Link Road for access. By levying the funding requirements

onto only three of the four development locations, the Applicant's approach is wrongly conceived and is discriminatory towards development north of the A4019.

- 6.4 Paragraph 3.2.1 of APP-036 continues "***This position was established by the JCS***". Whilst the Applicant contends that the Scheme is associated of necessity with the Strategic Allocations in the JCS, again it is wrong to assert that the JCS establishes this as a matter of approach or Policy.
- 6.5 Setting aside these fundamental points of inconsistency, the Applicant's approach to funding the Scheme comprises two elements.
- 6.6 Firstly, the Housing Infrastructure Fund ("HIF"), which, amounts to £212,071 million (see Funding Statement (APP-036) paragraph 3.13).
- 6.7 Secondly, financial contributions from the developers of what are termed the "dependent developments"; as defined at paragraph 3.2.1 of the Funding Statement (APP-036). Such financial contributions are said to be required to meet the shortfall in funding between the HIF monies secured and the Scheme's cost. In effect, as the cost of the Scheme has risen, "this has created the need for additional funding" which the dependent developments are to provide.
- 6.8 Section 106 of the Town and Country Planning Act 1990 provides for planning obligations to be entered into by agreement or in a unilateral form. Such obligations could restrict the development or use of land in some specified way; require specified use operations or activities to be carried out in, on under, or over land; require the land to be used in a specified way; or require a sum or sums to be paid to the authority on a specified date or dates or periodically. Such planning obligations are only justifiable where they meet the tests of the Community Levy Regulations 2014 (Regulation 122):
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 6.9 Those tests are not met for the Elms Park development. Alternative mitigation measures are possible, so the Scheme is not necessary to make the development acceptable in planning terms, the Scheme is not directly related to the development, and the proposed scale of contribution is not fairly and reasonably related to the scale and kind of the development.

- 6.10 The Applicant's case appears to be that the Gross Development Value of the proposed developments are somehow relevant to the scale of the financial contribution towards the Scheme that may be required (paragraph 1.2.5 of APP-036). Section 106 obligations should serve to ensure the acceptability of development and not act as a tax on developers to allow the delivery of infrastructure that it not directly related to their development.
- 6.11 The Applicant also asserts that Gloucestershire County Council's Local Developers Guide has established the need for financial contributions towards the Scheme. There does not appear to be any reference, express or otherwise, to the Scheme therein. Furthermore, the Local Developers Guide is not development plan policy. The Applicant misrepresents the extent to which it can rely upon non-statutory guidance as justification to require financial contributions towards infrastructure, even if the Guide included such a requirement.
- 6.12 In the Funding Statement (APP-036) at paragraph 3.2.9, the Applicant refers to engagement with identifiable developers. This implies some form of acceptance on the part of the identifiable developers that they accept the requirement for a contribution. For completeness, the engagement responses from Bloor and Persimmon are at Appendix 6. A number of fundamental points have been raised therein, which at the time of writing, have not been addressed by the Applicant. Bloor and Persimmon have not accepted the proposed funding through S106 contributions either as a matter of principle or approach.
- 6.13 In Section 3.3 of the Funding Statement (APP-036), the Applicant explains how it has used transport modelling to demonstrate the relative benefits that each of the JCS gains from the Scheme. This is referred to as "**a robust proxy**" for the relative harms of each development absent the Scheme. Bloor and Persimmon dispute this in the case of Elms Park. Highway modelling undertaken for the application has demonstrated that the development can be undertaken with alternative measures to the Scheme.
- 6.14 Regardless of the validity of the proposal to require S106 contributions to fund the Scheme, that in Section 3.4 of its Funding Statement, the Applicant states that it will not issue the notice to proceed unless and until it has secured sufficient amounts of developer contributions to fully support delivery of the Scheme.
- 6.15 This raises three fundamental questions that do not appear to be addressed in the Applicant's documents.
- 6.16 First is the likely timescale for being in receipt of sufficient monies from the dependent developments. The Elms Park Application could be determined positively later in 2024, as all matters are effectively agreed, other than the purported reliance on the Scheme. However, even if the principle of a financial contribution was justifiable, it would be

unreasonable to expect a single payment on the commencement of development. The contribution would realistically be paid in tranches with the phased implementation of the development as traffic (necessitating mitigation) from the proposed development would only arise with occupation over the life of the project.

6.17 Secondly, there is no practical way for the North West Cheltenham Safeguarded Land to make such a payment; reflecting this land's status in the development plan as safeguarded rather than allocated. There is no planning application before Tewkesbury Borough Council to be determined that would capture the funding sought, and no certainty as to when if ever this site will be brought forwards for development.

6.18 Thirdly, there does not appear to be any realistic assessment of the viability of the developments in the context of the rising Scheme costs. The requirement for financial contributions to fund a Scheme to unlock development beyond that allocated in the JSC may serve to render the allocated development unviable.

6.19 In addition to the above, there appears to be no consideration to how the Community Infrastructure Levy for which development across the JCS is liable, could and should contribute to funding the Scheme. The JCS website describes the areas' CIL as:

***“[funds] used to provide a wide range of infrastructure that is needed to support new development. It does not replace Section 106 planning obligations which continue to be used for affordable housing provision and site-specific mitigation measures which are necessary to make a planning application acceptable in planning terms.*”**

***The Community Infrastructure Levy charge applies to most new residential buildings and can be used to fund a wide variety of infrastructure that will support development, including...Transport schemes”.***

6.20 Funding of the Scheme is not a site-specific mitigation measure, and the appropriate mechanism for funding given that the LPAs have adopted a CIL Schedule is arguably through CIL rather than S106. The relevant CIL Schedules will need to be reviewed to guard against double recovery.

6.21 In conclusion, the Scheme is reliant on a funding strategy to draw S106 contributions from deemed 'dependent' developments. This approach would be contrary to the CIL Regulations and will fail to deliver the required funding, by virtue of:

- (a) North West Cheltenham's well evidenced position of not being reliant of the Scheme to make it acceptable in planning terms;
- (b) The flawed methodology to attribute impacts to specific developments; and
- (c) The reliance on funding from land unallocated for development with no prospect of being able to collect such contributions within the timescales for Scheme delivery.

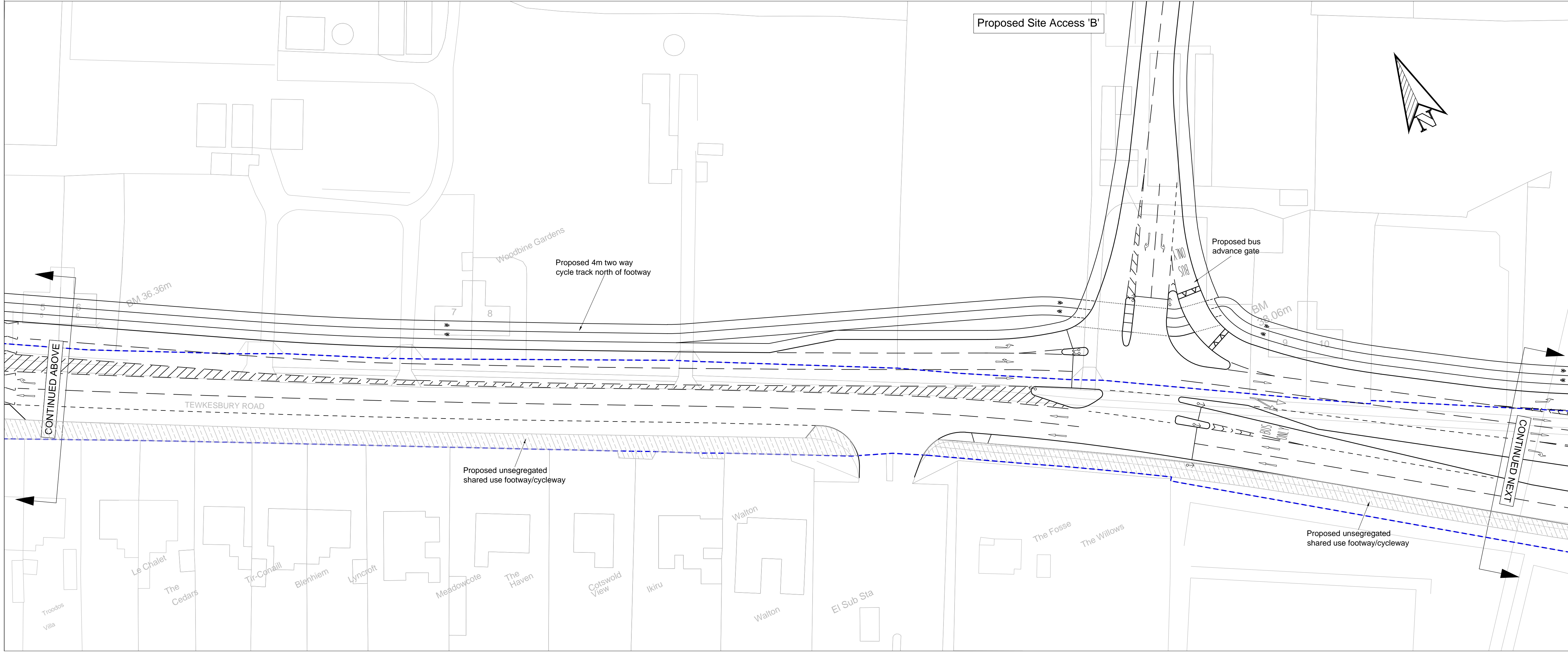
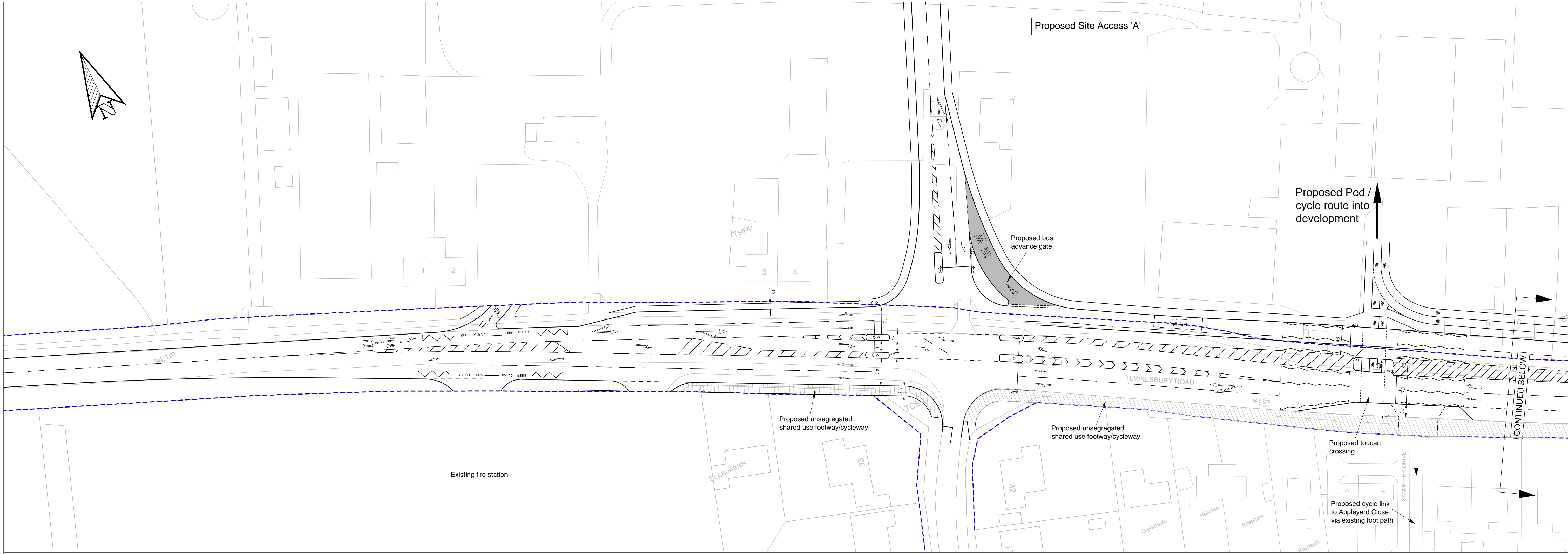
## 7 Conclusion

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- 7.1 In response to the Section 56 Notice, Bloor and Persimmon make the following representations:
- 7.2 The Applicant has conflated and confused strategic development at North West and West Cheltenham with wider development aspirations and development of the Safeguarded Land with no policy basis in an attempt to justify the Scheme.
- 7.3 The Applicant wrongly alleges that the JCS policies establish the need for the Scheme and relies on this misconception as the basis for requiring planning obligations to secure funding towards the inflated Scheme cost.
- 7.4 The Applicant wrongly asserts that development at Elms Park (North West Cheltenham) cannot be achieved without the Scheme; in this regard it has misconstrued the JCS process and has misunderstood the transport related evidence submitted in relation to that scheme. Alternative mitigation in respect of West Cheltenham and the Safeguarded Land have not been properly considered.
- 7.5 The Applicant's funding strategy is not justifiable or sufficient to demonstrate that funding is or will be available for the Scheme. Funding through S106 payments is not justifiable, disproportionately applies costs to Elms Park that would result in it subsidising other developments, has no realistic prospect of fully securing the necessary funding required as it relies on the development of sites with no planning policy status, and would not comply with the CIL Regulations.

**Appendix 1 Elms Park access drawings**





**KEY :**

- Proposed shared use unsegregated cycle track/footway
- Existing highway boundary

B	11/10/21	Road re-aligned at No.3	JL	JW
A	17/05/16	Bus scheme amm.	PAS	AS
Rev / Date	Description		Drm	Chck'd

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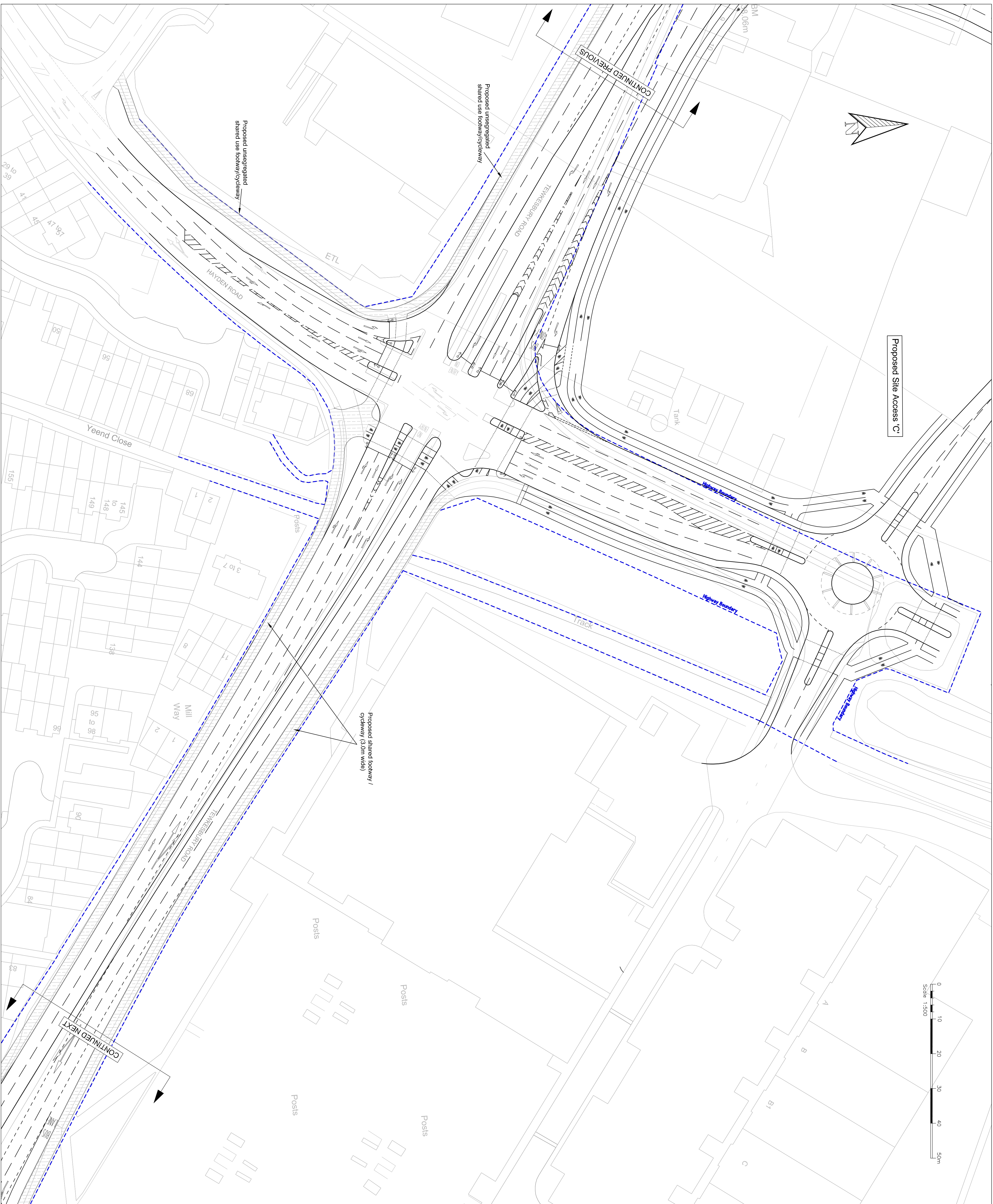
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Project  
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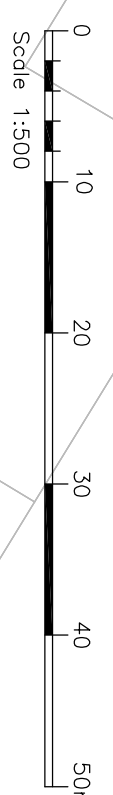
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Tewkesbury Road Corridor  
Sheet 1 of 6**

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Checked by: AS	18.07.2014	1:500 @ A1
Drawing No.	1041 - 101	Revision
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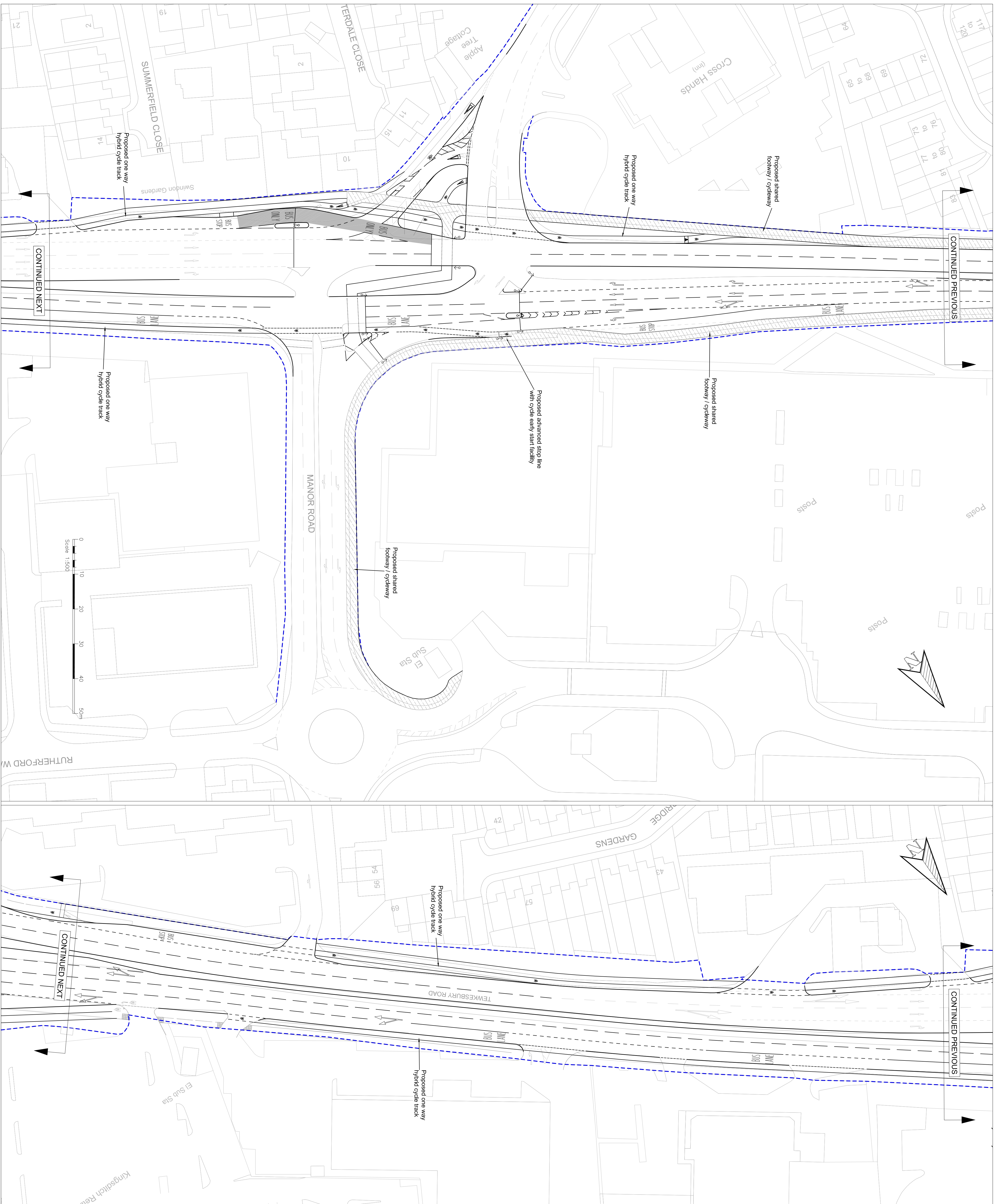


**KEY :**  
 Proposed shared use unsegregated cycle track/footway  
 Existing highway boundary



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Client: <b>Bloor Homes / Persimmon Homes</b>		
Project: <b>Elms Park Cheltenham</b>		
Drawing: <b>Proposed Highway Works Tewkesbury Road Corridor Sheet 2 of 6</b>		
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Checked by: AS 18/07/21		
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 Existing highway boundary

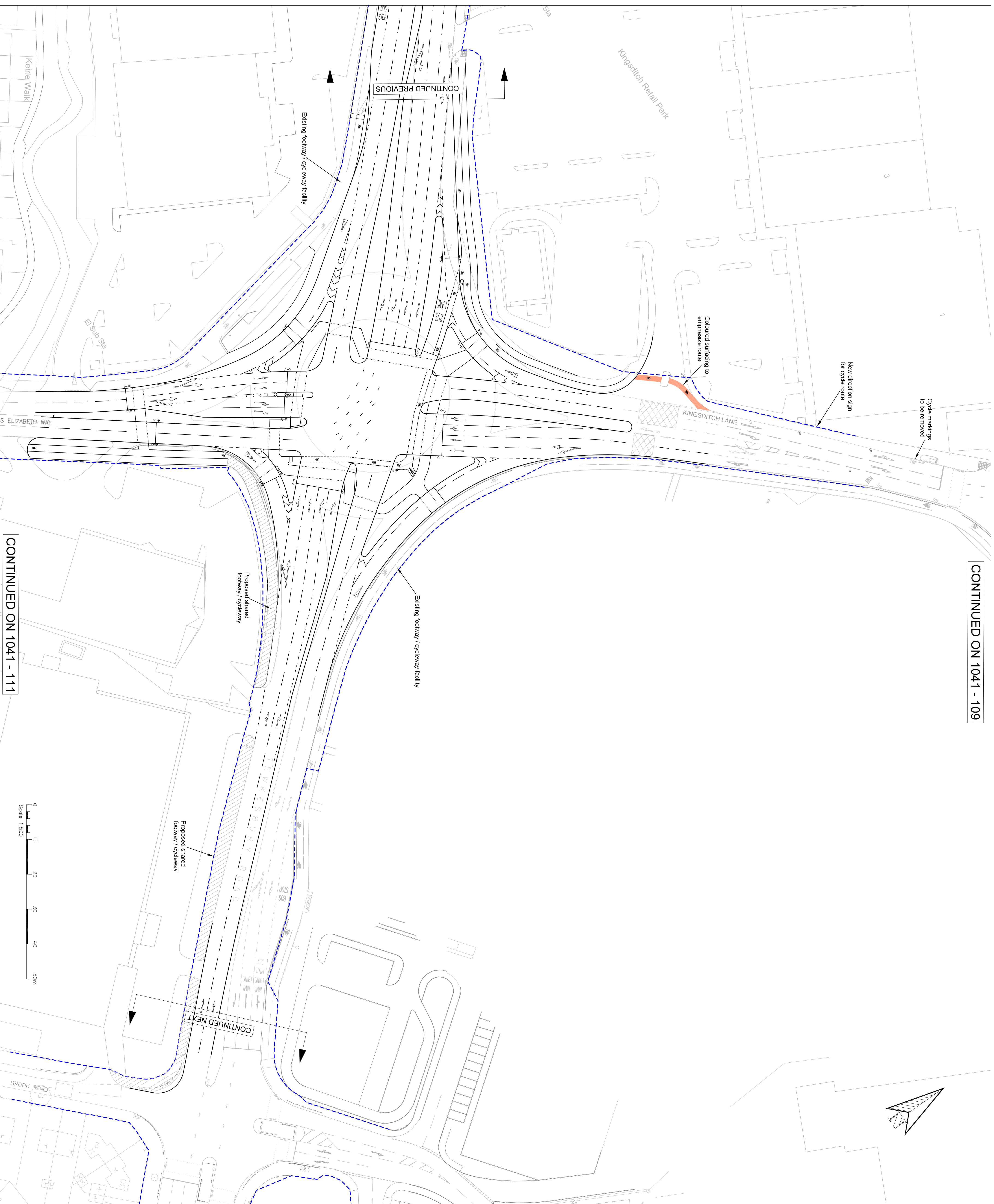
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Seven Hazels, High Street, Persimmon Park, Persimmon Tel: 0121 415 024 Fax: 0121 415 2027 admin@philjonesassociates.co.uk www.philjonesassociates.co.uk			
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<b>Project</b> <b>Elms Park</b> <b>Cheltenham</b>			
<b>Drawing</b> <b>Proposed Highway Works</b> <b>Tewkesbury Road Corridor</b> <b>Sheet 3 of 6</b>			
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18.07.2014			
<b>Drawing No.</b>	<b>1041 - 103</b>		
<b>Revision</b>	<b>-</b>		



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KEY :

-  Proposed shared use unsegregated cycle track/footway
-  Existing highway boundary



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Rev / Date	Description	Dim	Checked


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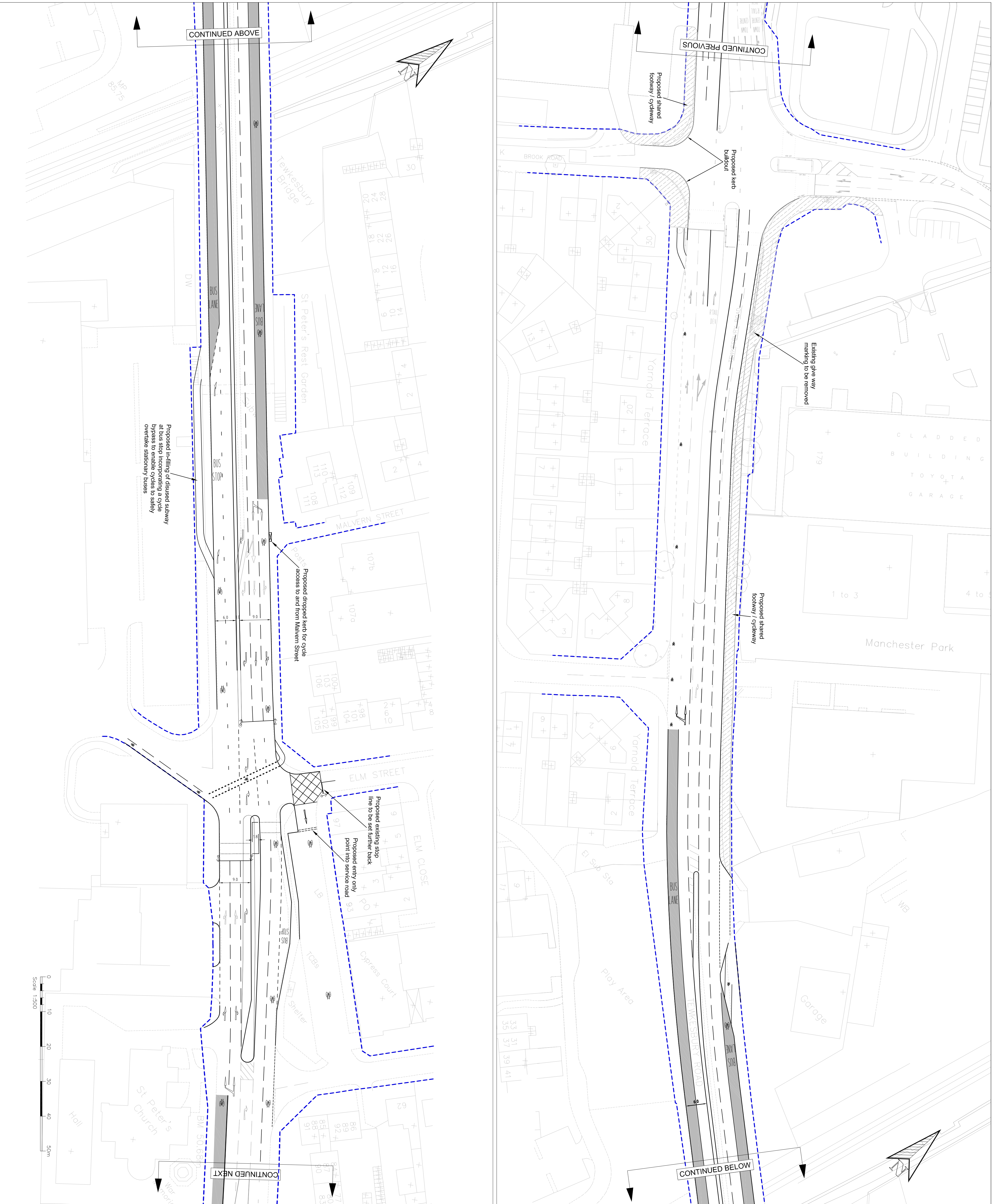
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Project  
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**Cheltenham**

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**Sheet 4 of 6**

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Drawing No.	1041 - 104			





**KEY :**  
 Proposed shared use unsegregated cycle track/footway  
 Existing highway boundary

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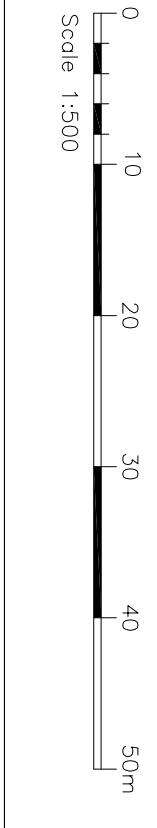
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 Sheet 5 of 6

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- KEY:**
- Proposed shared use unsegregated cycle track/lookway
  - Existing highway boundary

<b>Rev/Date</b>	<b>Description</b>	<b>Dm Chkd/</b>

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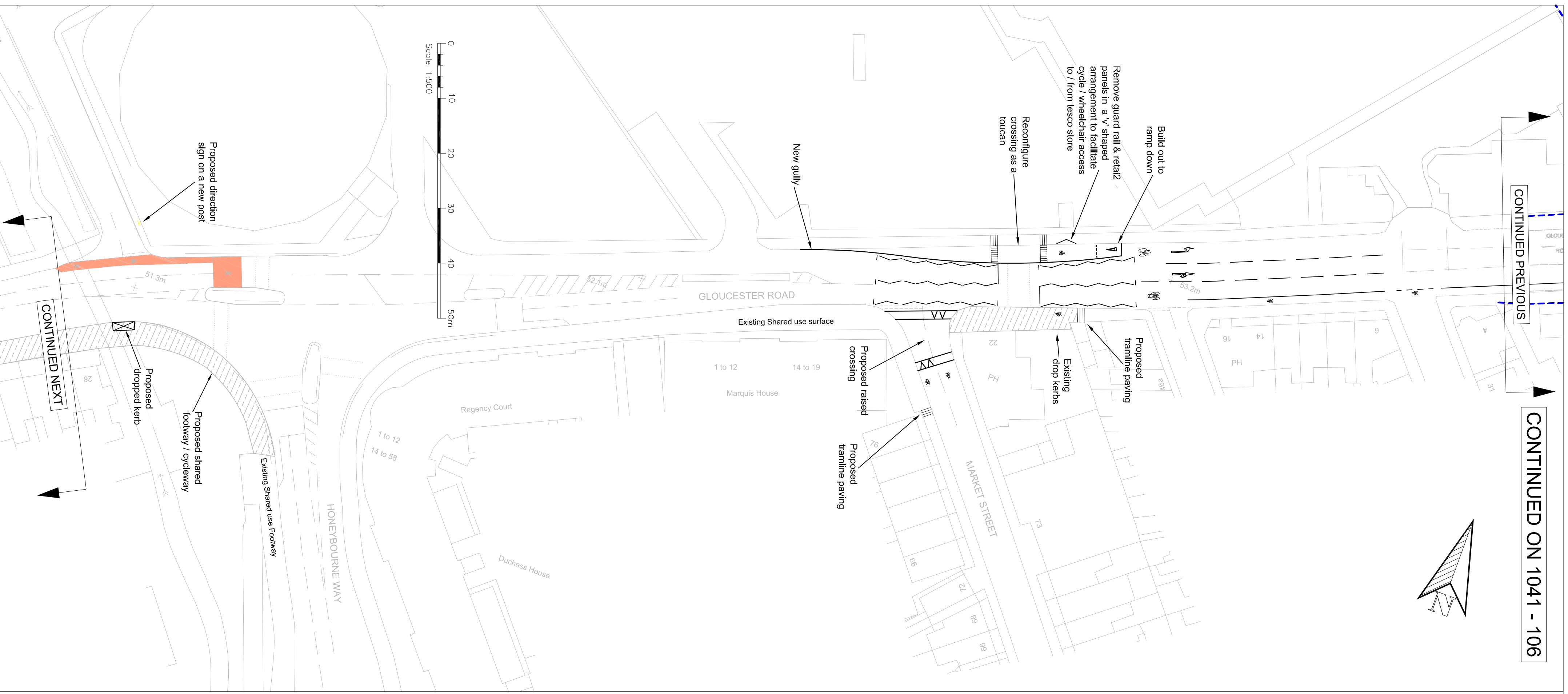
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 Persimmon Homes

**Project**  
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 Cheltenham

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 Tewkesbury Corridor  
 Sheet 6 of 6

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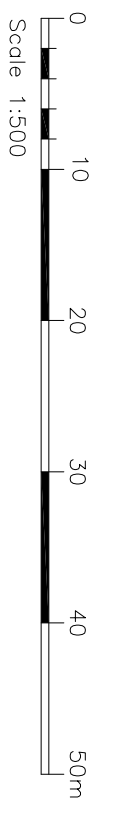
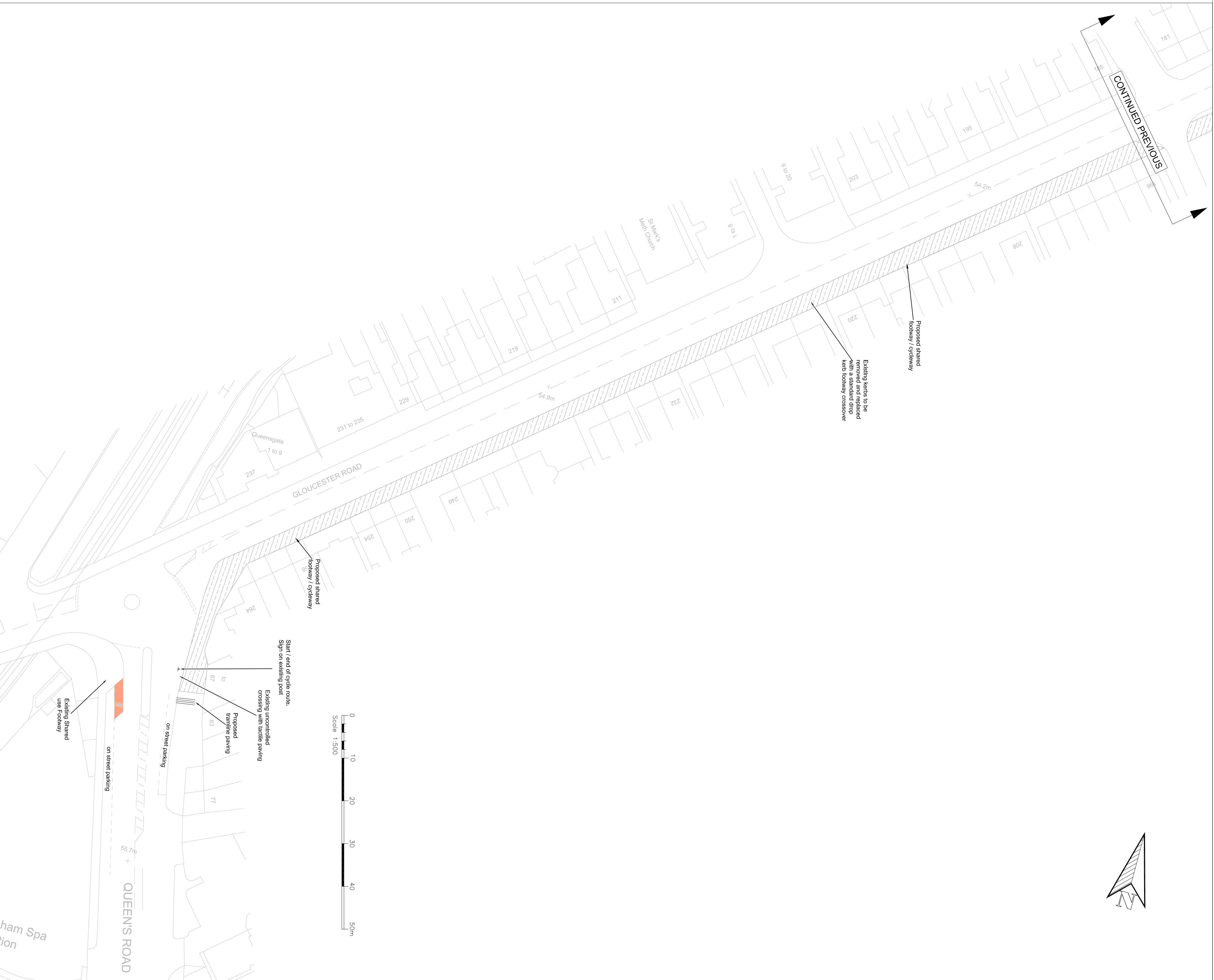
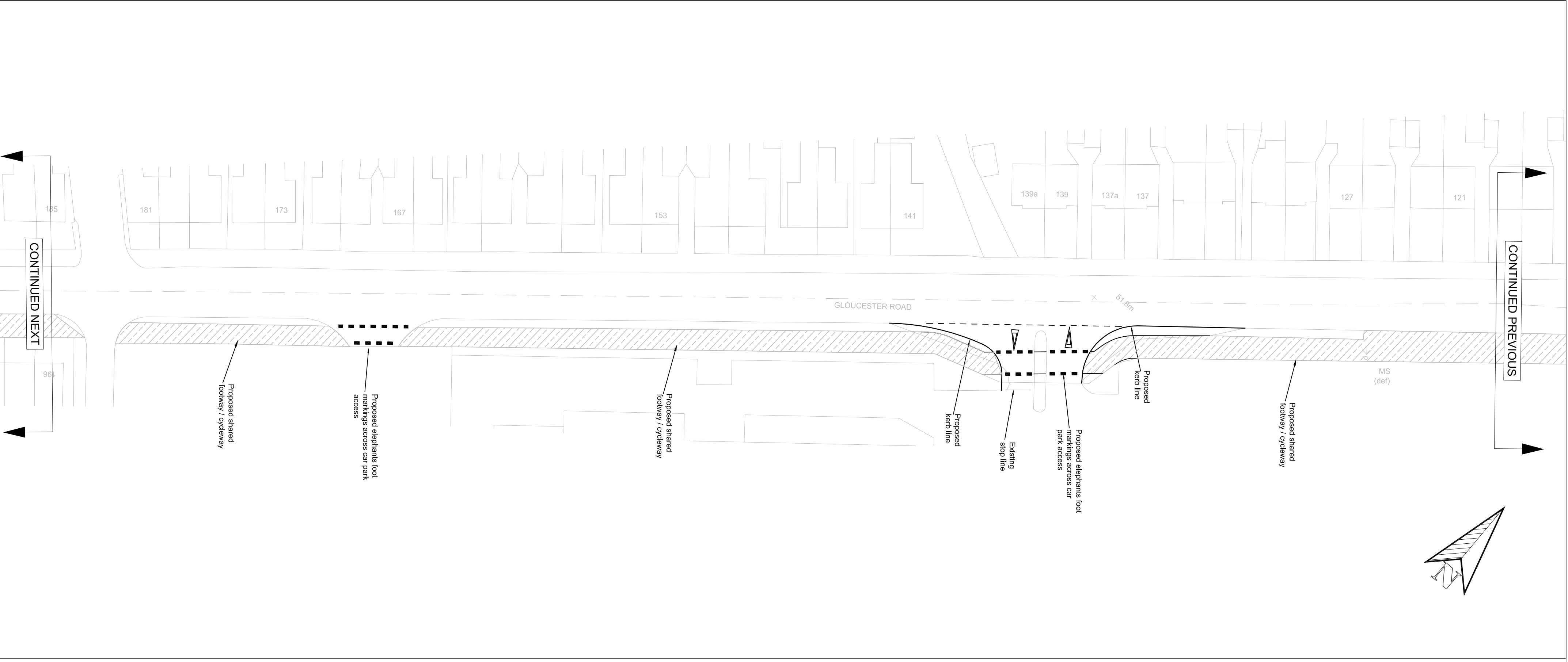


**KEY:**  
 Proposed shared use unsegregated cycle track/footway  
 Existing highway boundary


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<p><b>Client</b>          Bloor Homes /          Persimmon Homes</p>			
<p><b>Project</b>          Elms Park          Cheltenham</p>			
<p><b>Drawing</b>          Highway Works          Gloucester Road          Sheet 1 of 2</p>			
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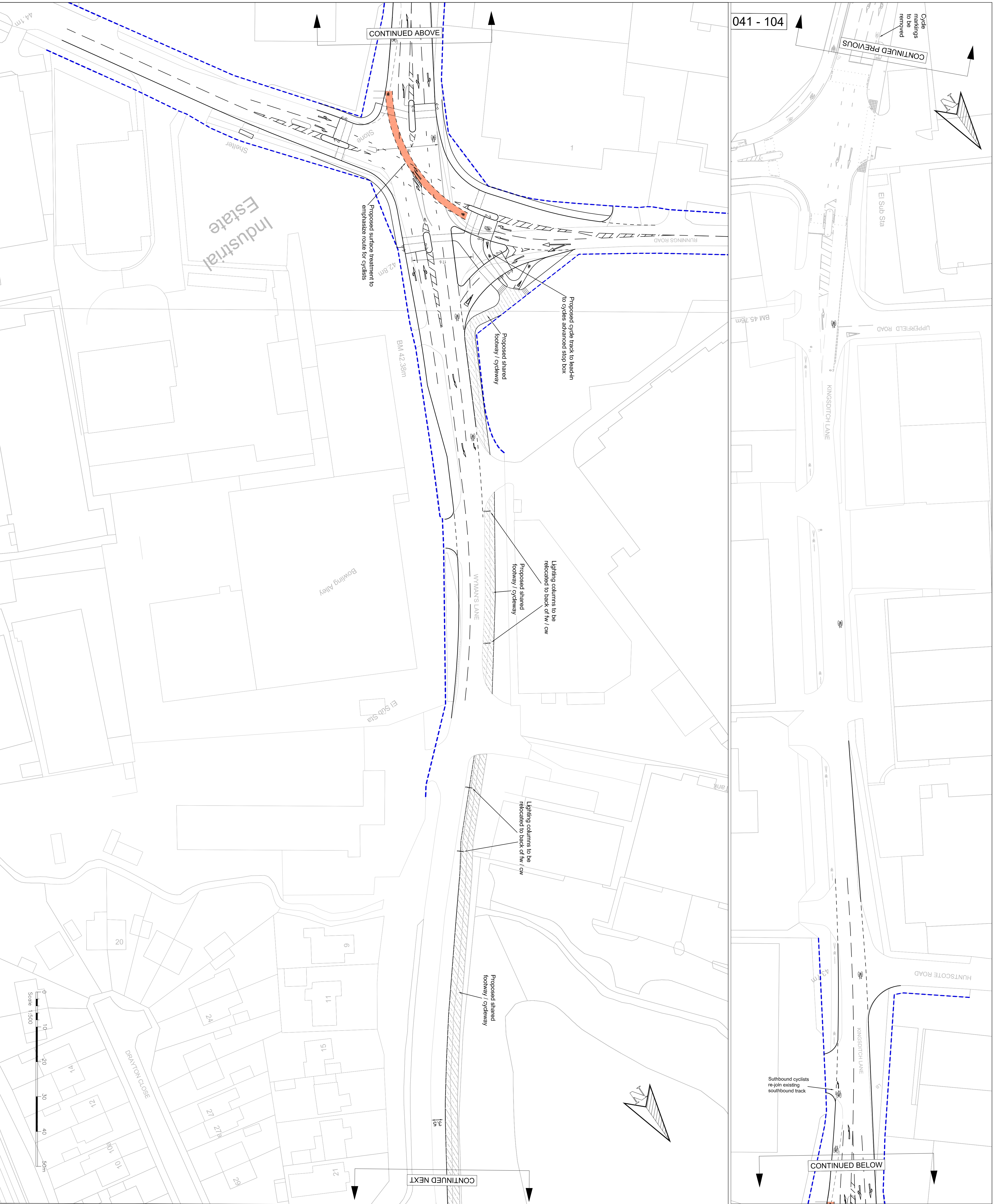
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Client: **Bloor Homes / Persimmon Homes**  
 Project: **Elms Park Cheltenham**  
 Drawing: **Highway Works Gloucester Road Sheet 2 of 2**

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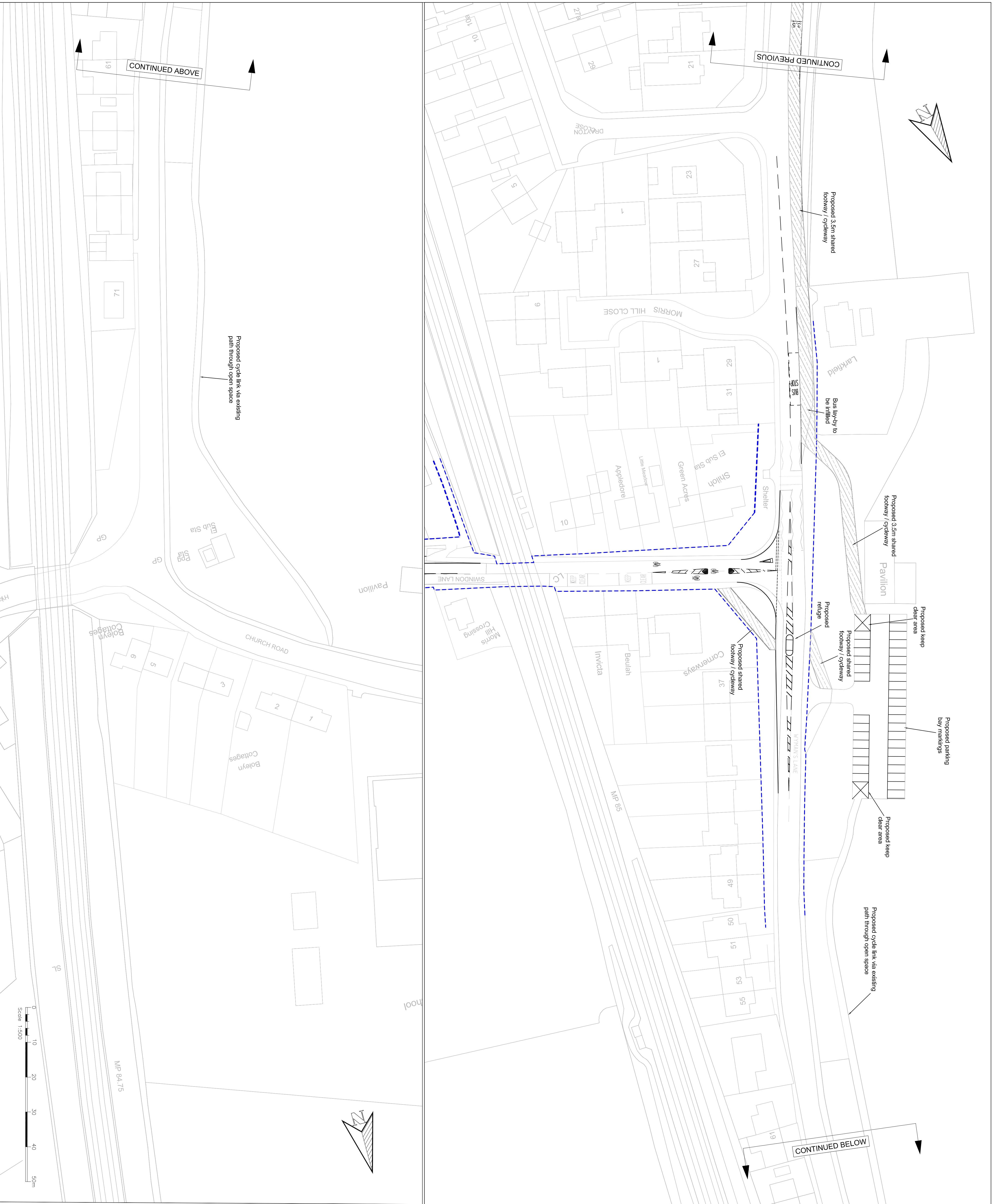
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 Existing highway boundary

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<b>Project</b> Elms Park Cheltenham			
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<b>Drawing No.</b> 1041 - 110		<b>Revision</b> -	



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Project  
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**Cheltenham**

Drawing  
**Highway Works**  
**Princess Elizabeth Way**  
**Corridor**

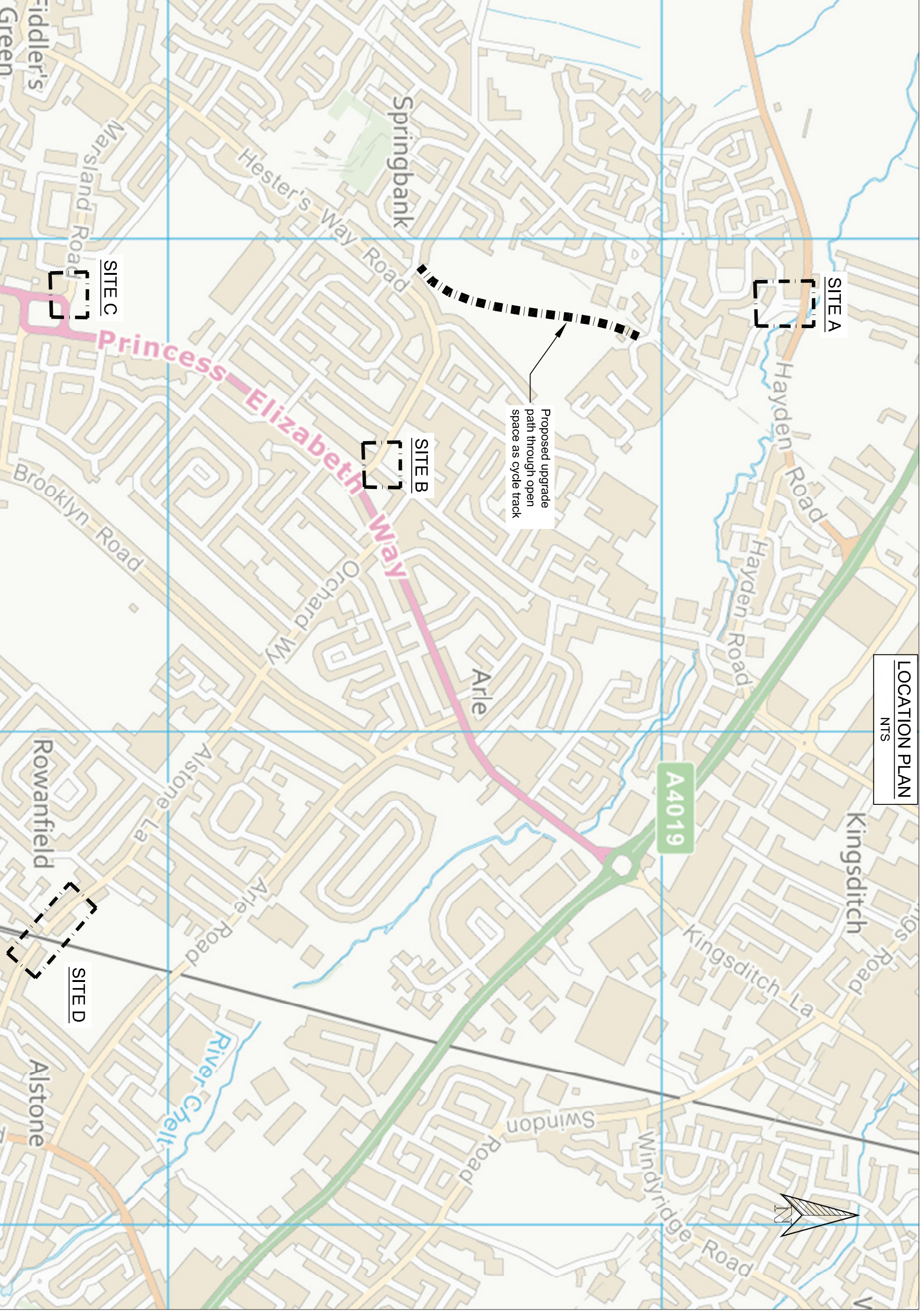
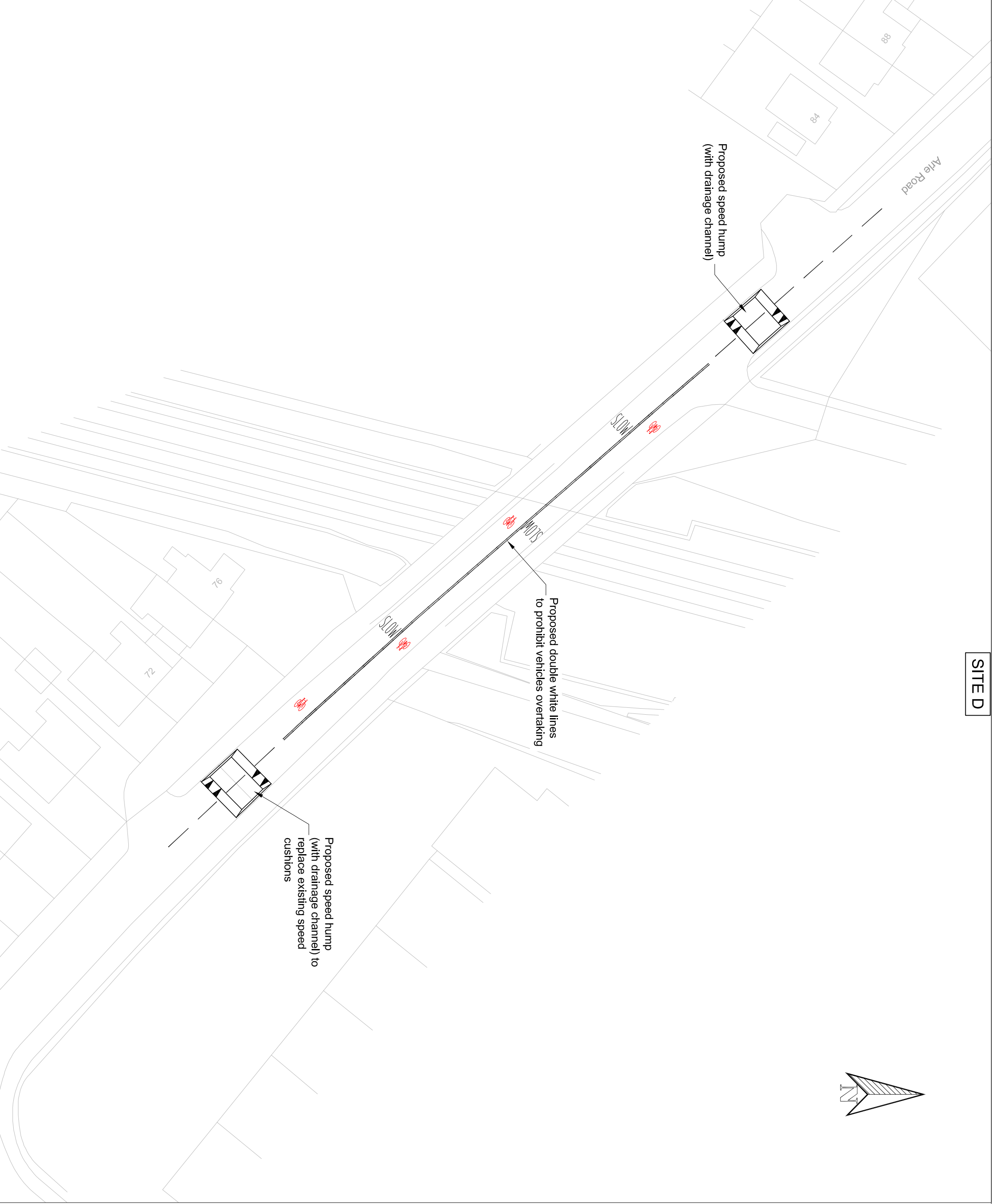
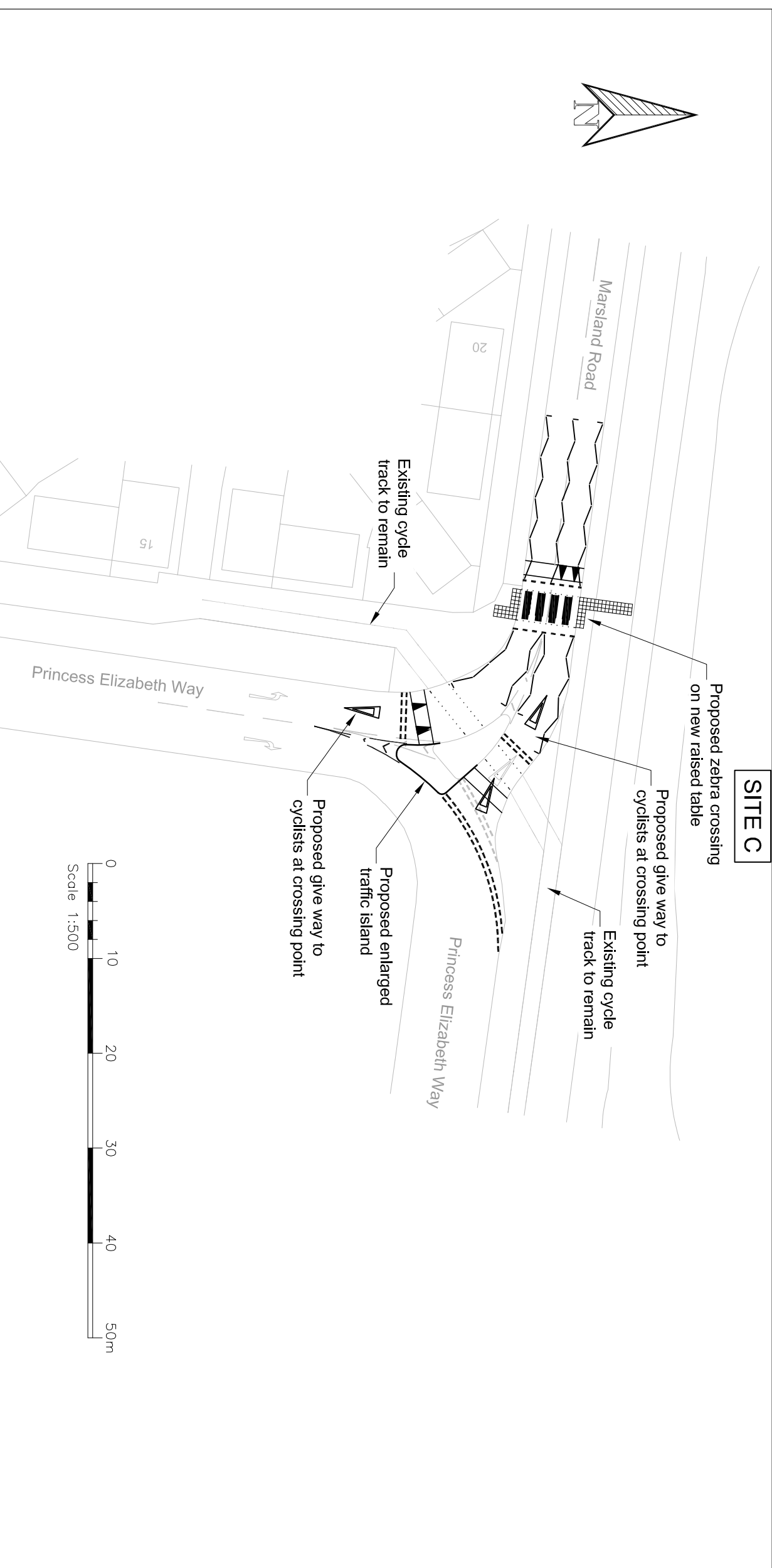
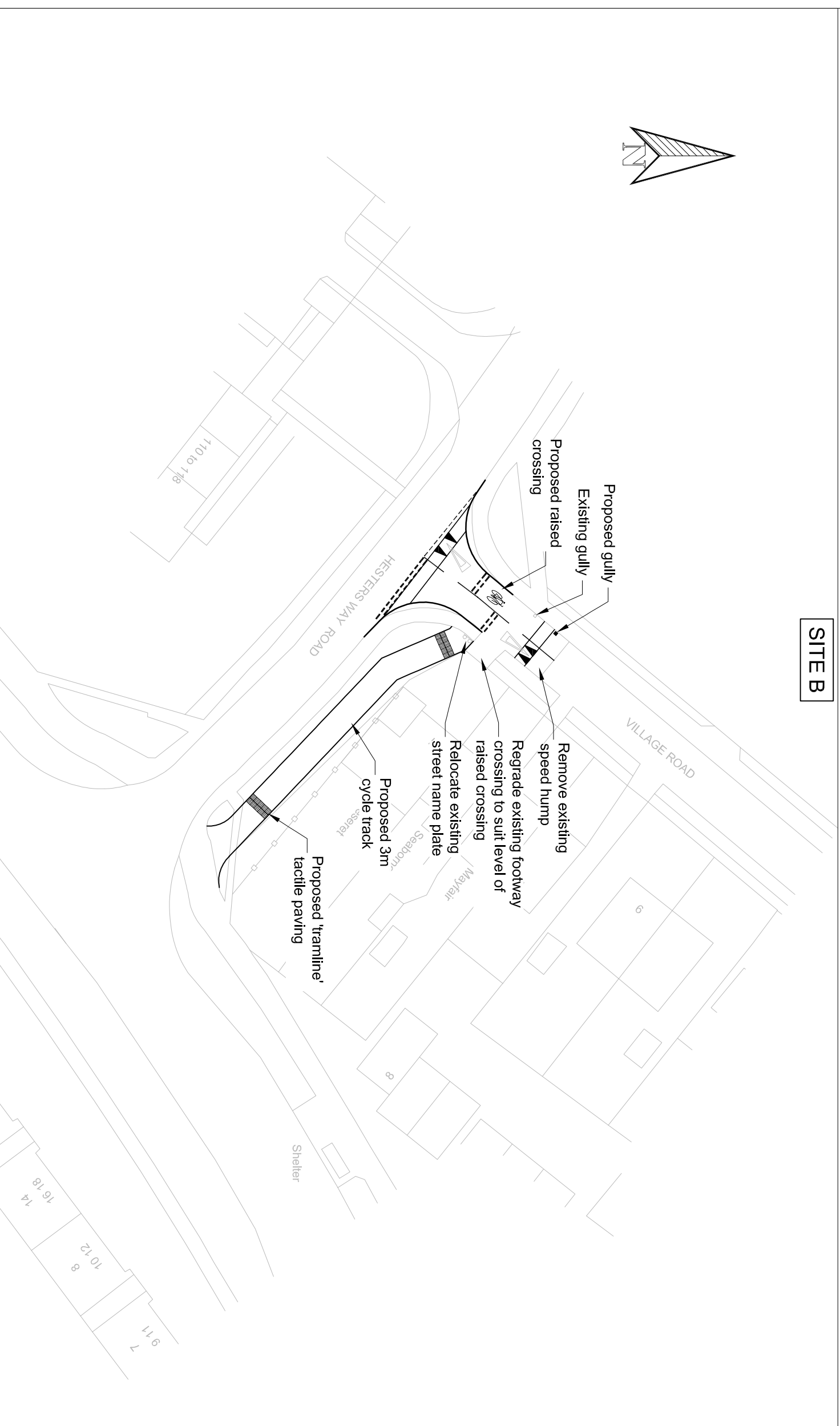
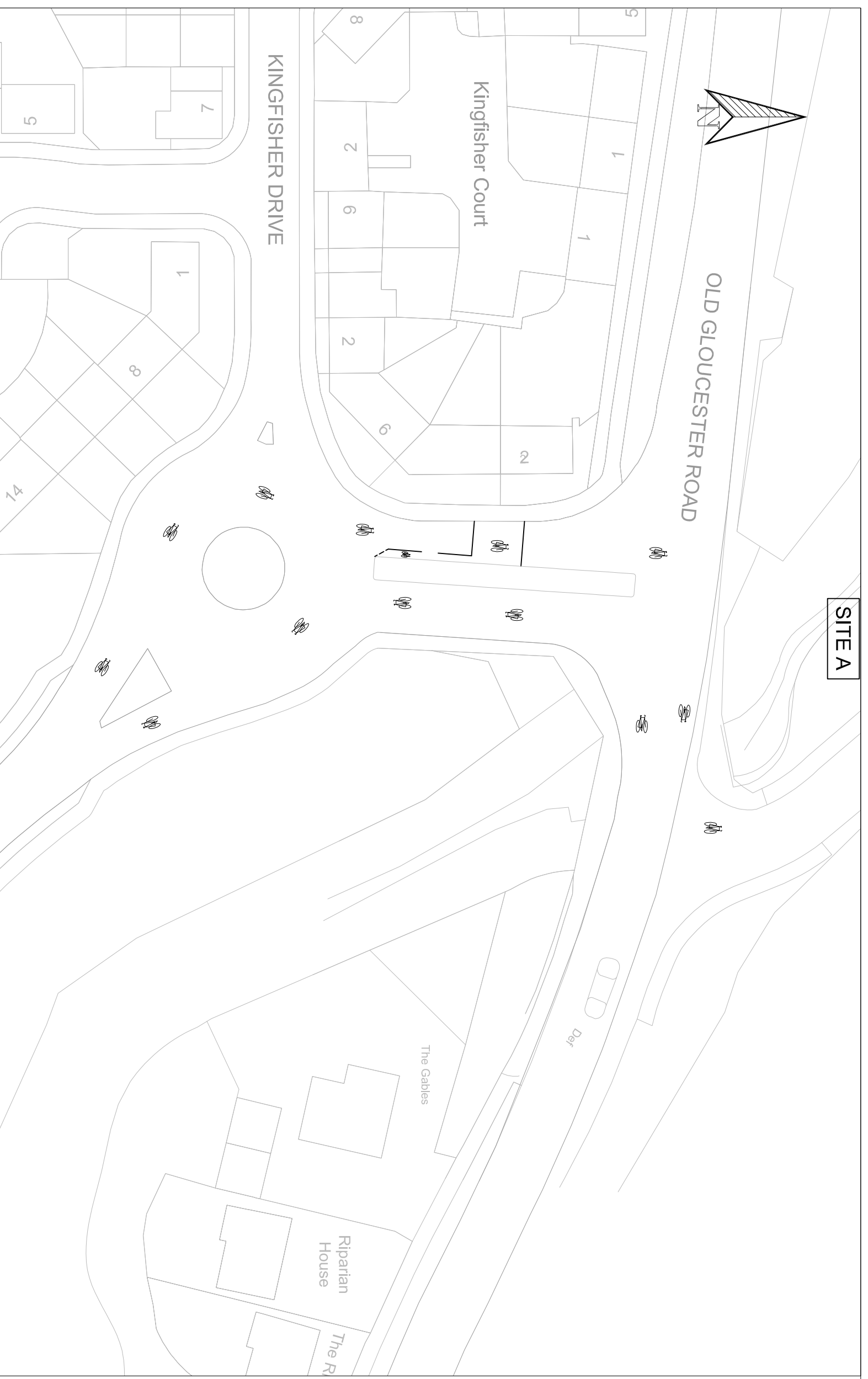
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Client: **Bloor Homes / Persimmon Homes**  
 Project: **Elms Park Cheltenham**  
 Drawing: **Highway Works Arle Area Cycling Network Improvements**

Drawing No.	Revision
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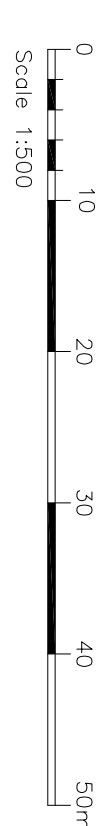
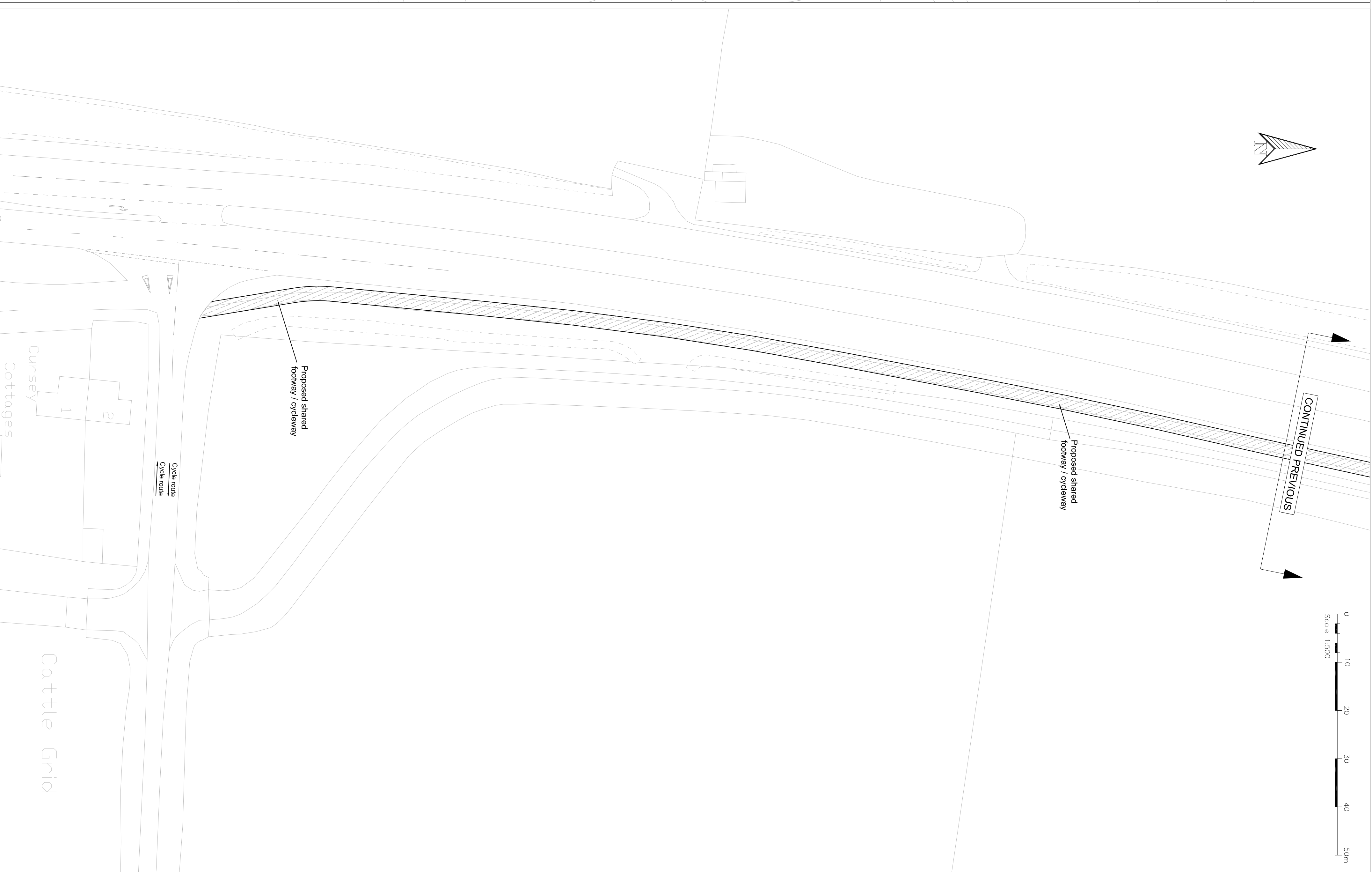
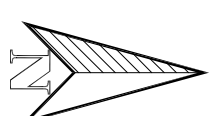
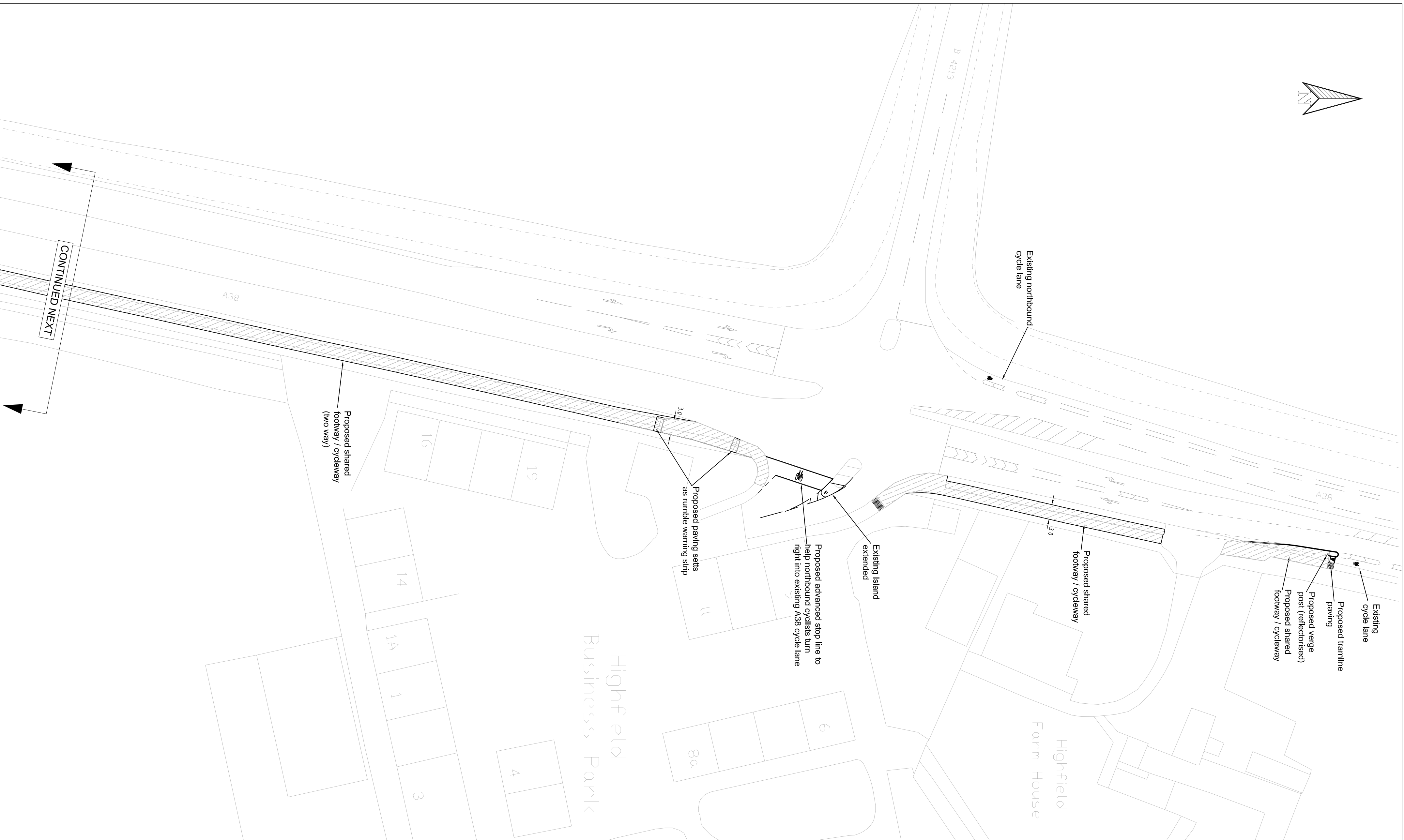
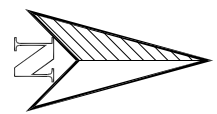
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Client  
**Bloor Homes /**  
**Persimmon Homes**

Project  
**Elms Park**  
**Cheltenham**

Drawing  
**Proposed Site Access**  
**D and E**

Drawn by: JL 18/07/2014 Scale: 1:500 @ A1  
 Checked by: AS 18/07/2014  
 Drawing No. 1041 - 114 Revision A



**KEY :**  
 Proposed shared use unsegregated cycle track/footway

<b>Rev / Date</b>	<b>Description</b>	<b>Dm Chkd</b>

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**Client**  
 Bloor Homes /  
 Persimmon Homes

**Project**  
 Elms Park  
 Cheltenham

**Drawing**  
 Highway Works  
 Walton Hill

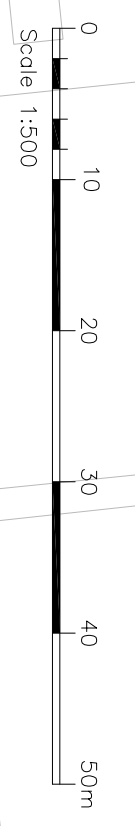
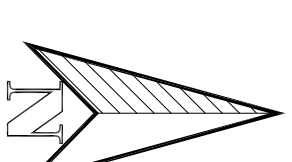
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<b>Checked by:</b> AS 18/07/2014	<b>Revision</b>
<b>Drawing No.</b> 1041 - 115	-

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Notes  
 1. Design shown is based upon Ordnance Survey data and not topographical survey. As such all dimensions will require verification on site.

KEY:  
 --- Highway Boundary



Rev / Date Description Dm Chkd  
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**Bloor Homes /**  
**Persimmon Homes**

Project  
**Elms Park**  
**Cheltenham**

Drawing  
**Proposed improvement to**  
**Old Gloucester Road/B4063**  
**Bamfurlong Lane Junction**

Drawn by: JL 18/07/2014 Scale: 1:500 @ A1  
 Checked by: MF 18/07/2014  
 Drawing No. 1041 - 116 Revision -

**Appendix 2 2017 Joint Core Strategy Infrastructure Delivery Plan (extract)**

JCS Authorities  
**Infrastructure Delivery Plan**  
2017 Addendum to the IDP

Issue | 1 December 2017

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number

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**ARUP**



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## 3 Infrastructure Requirements

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### 3.1 Infrastructure Schemes and Cost

The 2014 IDP provides a high level view of infrastructure requirements based on population forecasts between 2011 and 2031 and cost assessments using accepted benchmark standards for education, open space, sport and recreation and community facilities.

This section of the report sets out the relevant infrastructure schemes within each of the JCS Authorities on a topic by topic basis. Schemes have been attributed to the growth area, rather than location; i.e. whilst South Churchdown is situated within Tewkesbury's administrative area, it is apportioned to the housing supply of Gloucester City (as per Table SP2b 'Apportionment of Strategic Allocation Sites and District Capacity' within the Joint Core Strategy). This includes updated assessments using benchmark standards and relevant evidence baseline studies including the results of the JCS transport mitigation scenario 'DS7'.

DS7 modelling has identified a number of aspirational projects to support growth; it should be noted that those within the schedules below represent current thinking of how to support growth, and are subject to change.

As many of the schemes outlined in DS7 are for the moment concepts there are no scheme designs available to inform likely costs. To address this, a series of high level cost bandings have been used and allocated to each of the scheme elements. Where a cost banding is assumed, the midpoint value has been used to cost the scheme. Where an estimated cost of £0 is identified, it is assumed that this would be entirely developer funded or delivered, and embedded within scheme design, such as site enabling transport works or on-site SUDs.

### 3.1.1 JCS-wide

The following projects have been identified to support JCS-wide growth, and largely relate to the M5 motorway, which runs through the JCS Area. These projects would require funding such as Highways England investment through the Road Investment Strategy (RIS) or could be delivered through ad-hoc funding opportunities to central government. The next funding period for the RIS is from 2020/21 to 2025/26. No further projects were identified within the other infrastructure topics. The high level cost estimates from DS7 modelling total approximately £251,000,000.

Table 3.1 – Strategic Infrastructure Schemes

Scheme Name	Scheme description	Estimated cost (£)	Funding Secured (£)	Likely delivery	Location / Route Corridor
TRANSPORT					
M5 J9 to M6 J11a	Upgrade motorway to a smart motorway increasing capacity during peak times and controlling vehicle flows	£192,000,000	£0	Highways England Funding	<b>Corridor 1</b> - M5 – between (and including) M5 Junction 9 and Junction 13
M5 J9	Extended junction to accommodate new off-line A46 (Ashchurch). Funded through the A46 Ashchurch Scheme	£0	£0	Highways England Funding	<b>Corridor 1</b> - M5 – between (and including) M5 Junction 9 and Junction 13

Scheme Name	Scheme description	Estimated cost (£)	Funding Secured (£)	Likely delivery	Location / Route Corridor
M5 J10	High capacity upgrade of M5 J10 junction providing an 'All Movements' junction including three lanes on slip roads and circulatory lanes on the roundabout to accommodate the associated Cyber Park access road / A4019 junction (Scheme ref 28). This will be a high capacity signal controlled junction, with a separate left turn slip road from M5J10 northbound off-slip onto Cyber Park link road (southbound). New signals on A4019 westbound entry to upgrade motorway junction	£45,000,000	£0	Ad-hoc funding opportunities	<b>Corridor 1</b> - M5 – between (and including) M5 Junction 9 and Junction 13
M5 J11	Signalise South Bound off-slip. North Bound off slip extra lane	£1,000,000	£0	Ad-hoc funding opportunities	<b>Corridor 1</b> - M5 – between (and including) M5 Junction 9 and Junction 13
M5 11a	Optimise junction operation with improved signing and lining and area wide reassignment	£1,000,000	£0	Ad-hoc funding opportunities	<b>Corridor 1</b> - M5 – between (and including) M5 Junction 9 and Junction 13
M5 J12	Upgrade to junction to include 2 lane wide off and on slips	£12,500,000	£0	Ad-hoc funding opportunities	<b>Corridor 1</b> - M5 – between (and including) M5 Junction 9 and Junction 13

Scheme Name	Scheme description	Estimated cost (£)	Funding Secured (£)	Likely delivery	Location / Route Corridor
South Churchdown Sport & Recreation Facilities	Development of 1,100 homes would result in the demand for 1.32 and 0.44 ha of playing pitches and outdoor sport respectively at a cost of £566,940	£566,940	£0	Developer contributions	South Churchdown
North Brockworth Open Space	0.78 ha of allotments onsite and £75,000 contribution paid towards open space	£374,025	£75,000	Developer contributions	North Brockworth
North Brockworth Sport & Recreation Facilities	New Multi Use Games Area (MUGA) onsite, 4 new LEAPs onsite, new NEAP onsite and new changing facilities onsite	£0	£0	Cost to developer	North Brockworth
Rest of Gloucester Growth Green Infrastructure	Based upon FIT and ANGSt benchmarks, it is estimated 332 dwellings would create demand for 0.87ha playing pitches, 0.29ha outdoor sports, 0.4ha informal open space and 0.72ha natural open space at a cost of £553,495	£553,495	£0	Developer contributions	Rest of district

### 3.1.3 Cheltenham Borough Council

Infrastructure projects identified as potential solutions to support the growth of Cheltenham is the second highest of the three districts. This is largely because of the 18 transport and highways schemes identified within the DS7 modelling, which total around £75 million. Including other infrastructure topics, it is estimated that infrastructure costs total approximately £148,000,000.

Table 3.3 CBC Infrastructure Schemes

Scheme Name	Scheme description	Estimated cost (£M)	Funding Secured (£)	Likely delivery	Location / Route Corridor
<b>TRANSPORT</b>					
A38 Coombe Hill	Optimise signals	£1,000,000	£0	Ad-hoc funding opportunities	<b>Corridor 6</b> - A4019 – Coombe Hill to A46 Albion Street / St Johns Avenue
New junction west of M5 J10	New 50 mph dual carriageway two-lane link road, providing free-flow access from A4019 / M5J10 to West of Cheltenham site only.	£22,500,000	£0	Developer Contributions	<b>Corridor 6</b> - A4019 – Coombe Hill to A46 Albion Street / St Johns Avenue
West of M5 J10	Major/Minor Priority Junction on new 50 mph dual carriageway two-lane link road, with Minor junction arm for West of Cheltenham residential site access only.	£3,000,000	£0	Developer Contributions	<b>Corridor 6</b> - A4019 – Coombe Hill to A46 Albion Street / St Johns Avenue
West of M5 J10	Change to highway priorities west of M5J10, with a new Major/Minor Priority Junction, with A4019 (West) as Minor junction arm.	£7,500,000	£0	Developer Contributions	<b>Corridor 6</b> - A4019 – Coombe Hill to A46 Albion Street / St Johns Avenue

Scheme Name	Scheme description	Estimated cost (£M)	Funding Secured (£)	Likely delivery	Location / Route Corridor
A4019 / A4013 Kingsditch	A4019 / A4013 Kingsditch (Centrum Park) Roundabout – replacing existing roundabout with traffic signals,	£3,000,000	£0	Developer Contributions	<b>Corridor 6</b> - A4019 – Coombe Hill to A46 Albion Street / St Johns Avenue
West of B4634 Old Gloucester Road	New A4019 traffic signals site access junction, west of B4634 Old Gloucester Rd	£3,000,000	£0	Developer Contributions	<b>Corridor 6</b> - A4019 – Coombe Hill to A46 Albion Street / St Johns Avenue
A4019 / B4634 Gallagher Retail Park	Revised A4019 traffic signals site access junction at B4634 Old Gloucester Rd / Gallagher Retail Park	£3,000,000	£0	Developer Contributions	<b>Corridor 6</b> - A4019 – Coombe Hill to A46 Albion Street / St Johns Avenue
A4019 Tewkesbury Road	Upgrade signals to SCOOT operation to optimise signal timings with bus priority along A4019 corridor junctions including: B4634 Old Gloucester Rd/A4019 Junction Hayden Road/A4019/Manor Road Junction A4019 / Elm Street Junction B4633 Gloucester Rd / A4019 /Townsend Street	£7,500,000	£0	Ad-hoc funding opportunities	<b>Corridor 6</b> - A4019 – Coombe Hill to A46 Albion Street / St Johns Avenue
Withybridge Lane	Close access onto A4019	£1,000,000	£0	Developer Contributions	<b>Corridor 6</b> - A4019 – Coombe Hill to A46 Albion Street / St Johns Avenue

Scheme Name	Scheme description	Estimated cost (£M)	Funding Secured (£)	Likely delivery	Location / Route Corridor
A435 / Hyde Lane / Southam Lane Signalised Junction	Signalised Junction -Upgraded to provide additional straight ahead lanes on all junction approaches	£1,000,000	£0	Developer Contributions	<b>Corridor 7</b> - A435 – Teddington Hands (A46) to A46 St. Margaret's Road / Fairview Road
A435/ Stoke Road and A435 / Finlay Way Roundabouts	Capacity Improvements by approach arm widening	£1,000,000	£0	Developer Contributions	<b>Corridor 7</b> - A435 – Teddington Hands (A46) to A46 St. Margaret's Road / Fairview Road
A435/GE Aviation Roundabout	Capacity Improvements by increasing the number of circulatory lanes to 2, and the A435 south bound exit to two lanes	£3,000,000	£0	Developer Contributions	<b>Corridor 7</b> - A435 – Teddington Hands (A46) to A46 St. Margaret's Road / Fairview Road
A435 / Racecourse Roundabout	Capacity Improvements by approach arm widening	£1,000,000	£0	Developer Contributions	<b>Corridor 7</b> - A435 – Teddington Hands (A46) to A46 St. Margaret's Road / Fairview Road
Arle Court Park and Ride	Expansion of existing Arle Court P&R parking facilities (100% Increase in Capacity), and new walking and cycling improvements to link P&R site with the new West of Cheltenham Employment site	£7,500,000	£7,500,000	Local Growth Fund	<b>Corridor 8</b> - A40 – M5 Junction 11 to A435 London Road



Scheme Name	Scheme description	Estimated cost (£M)	Funding Secured (£)	Likely delivery	Location / Route Corridor
Arle Court Park and Ride / A40 Arle Court Roundabout	New signalised junction on the A40 to the west of Arle Court roundabout to provide access into Park and Ride site only. With left turn out and right turn in only. This will not allow through traffic into Hatherley Lane.	£3,000,000	£3,000,000	Local Growth Fund	<b>Corridor 8</b> - A40 – M5 Junction 11 to A435 London Road
Leckhampton Lane	Upgrade A46 / Leckhampton Lane priority junction, to include a dedicated right turn from A46 south into Leckhampton Lane.	£3,000,000	£0	Developer Contributions	<b>Corridor 9</b> - A46 – Bath Road (central Cheltenham) to A417 junction
Moorend Park Road	A46 Shurdington Road northbound approach to Moorend Park Road – additional highway space for right turning traffic by providing a longer stacking lane.	£3,000,000	£0	Developer Contributions	<b>Corridor 9</b> - A46 – Bath Road (central Cheltenham) to A417 junction
Badgeworth Lane	A46 / Badgeworth Lane priority Junction – Signalisation of junction to provide improved access to/from Badgeworth.	£1,000,000	£0	Ad-hoc funding opportunities	<b>Corridor 9</b> - A46 – Bath Road (central Cheltenham) to A417 junction
North West Cheltenham Site Enabling Works	New A4019 Tewkesbury Road accesses, new access from Manor Road and Public Transport only access via Quat Goose Lane. The S.278 agreement between the highways authority and the developer sets out a package in region of £17m.	£17,000,000	£17,000,000	Cost to developer	North West Cheltenham
North West Cheltenham Sustainable Travel infrastructure	Public transport hub and walking and cycling links	£0	£0	Developer contributions	North West Cheltenham

Scheme Name	Scheme description	Estimated cost (£M)	Funding Secured (£)	Likely delivery	Location / Route Corridor
West Cheltenham Site Enabling Works	New highway connection between the A40 and B4634 and new access points at Fiddler's Green Lane and the B4634	£0	£0	Cost to developer	West Cheltenham
West Cheltenham Sustainable Travel infrastructure	Bus only access points and walking and cycling links	£0	£0	Developer contributions	West Cheltenham
<b>EDUCATION</b>					
North West Cheltenham Early Years & Childcare	On-site provision as part of the 'all-through' school	£0	£0	Developer contributions	North West Cheltenham
North West Cheltenham Primary Education	One 'all-through' school incorporating up to 3 forms of entry of primary provision will be delivered (phase 2), and one stand-alone primary school with up to 3 forms of entry (phase 3).	£0	£0	Developer contributions	North West Cheltenham
North West Cheltenham Secondary Education	On-site provision as part of the 'all-through' school	£0	£0	Developer contributions	North West Cheltenham
West Cheltenham Early Years & Childcare	It is estimated that the development of 1,100 dwellings would create demand for 152 early years' places at a cost of £1,876,096.	£1,876,096	£0	Developer Contributions	West Cheltenham

## 3.2 Total Infrastructure Cost Estimate

The proposed infrastructure costs associated with the mitigation derived from DS7 modelling, infrastructure provider discussions and benchmark-based assessments would be in excess of £670,000,000. It should be noted that this figure has not been rationalised through the definition of critical, essential or desirable infrastructure, but is solely associated with infrastructure that is considered to be CIL-chargeable.

Table 3.5 Total Infrastructure Cost Estimates

	Estimated Infrastructure Cost	Known Infrastructure Funding
Strategic Infrastructure	£251,500,000	£0
GCC	£94,284,885	£31,391,429
CBC	£148,487,447	£41,000,000
TBC	£176,446,071	£80,500,000
	£670,718,403	£152,891,429

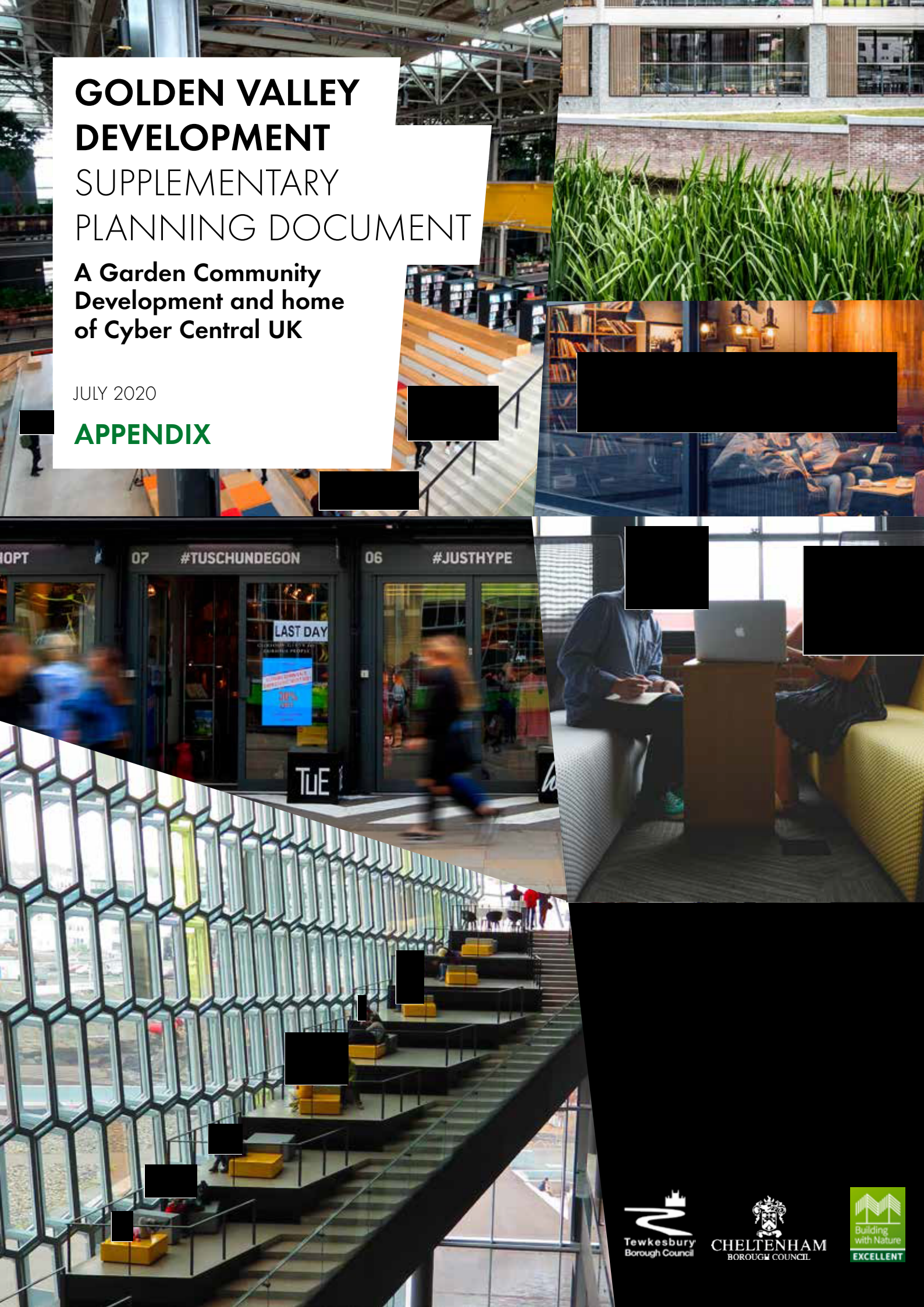


# GOLDEN VALLEY DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT

A Garden Community  
Development and home  
of Cyber Central UK

JULY 2020

**APPENDIX**





AVISON  
YOUNG

WITH

Allies and Morrison

Hydrock 

# Appendices

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# A4 Site capacity study

## A4.1 Estaimting housing capacity

- A4.1.1 The Adopted JCS, under Policy A7, allocated the site for a mixed use development involving approximately 1,100 new dwellings and approximately 45 ha of employment land.
- A4.1.2 This number of homes was a high level estimate of the site's housing capacity. The Strategic Assessment Land Availability (SALA) methodology is that for sites above 2ha a discount of 37% of the overall land area is made to take account of the land take required for infrastructure. The total size area of allocation Site A7 (not including safeguarded land) is approximately 132 ha, of which 45 ha is earmarked fro employment uses under the provisions on the adopted policy. Once the land required for employment and infrastructure to taken from the 132 ha area, the residual area of land is 55 Ha. An assumed and conservative housing density of 20 dph was assigned to this 55 ha of housing land which accounts for the approximate policy provision of 1,100 dewllings.
- A4.1.3 The preparation of The Golden Valley SPD provided the opportunity of this approximate housing capacity to be assessed in more detail. The masterplan framework presented in the main SPD document presents an illustrative street and green infrastructure network which define a network of development land parcels.
- A4.1.4 These parcels have been measured and land uses and development densities can be applied to them in order to provide an indicative development capacity.
- A4.1.5 The plan opposite provides a summary of the capacity testing exercise undertaken during the preparation of the Golden Valley Development SPD. The assessment looks across both the allocated and safeguarded land.
- A4.1.6 The assessment finds the allocated site to have an indicative approximate housing capacity of 2,370 dwellings. Over 45 Ha of land is earmarked for mixed use development in the capacity study presenred opposite. This mixed use land, particularly that located closest to GCHQ, takes account of the policy requirement of 45 Ha of employment land.
- A4.1.7 This is a high level assessment, based on the assignment of potential housing densities to defined parcels of land across the SPD area. Given that it takes account of potential road and green infrastructure as outlined within the SPD masterplan framework, it is considered to be a more accurate assessment of potential capacity than that undertaken to determine the approximate capacities included in the adopted JCS Policy A7. However, the assessment supplements rather than updates the provisions of this adopted policy and has been undertaken to help promote the development of the site in the context of the policy requirement for a comprehensive masterplan and development strategy for the site, set in the context of the safeguarded land as West Cheltenham (criteria iv(c) under Policy A7).
- A4.1.8 In so doing, the study also extends to and includes the adjacent safeguarded Hayden Sewage Treatment Works (HSTW) site.



**WEST CHELTENHAM UK CYBER CENTRAL  
INDICATIVE DEVELOPMENT SCHEDULE**

Neighbourhood	Land use	Parcel #	Area Ha	Density dph	Capacity dwellings
Old Gloucester	Residential	A1	2.09	40	84
	Residential	A2	5.12	35	179
	Education	A3	2.72		
	Residential	A4	4.04	35	141
	Residential	A5	1.62	40	65
	Residential	A6	4.88	40	195
	Residential	A7	1.30	35	46
	Residential	A8	1.23	40	49
<b>Subtotal</b>			<b>20.28</b>		<b>759</b>
Main street neighbourhood	Residential	B1	1.41	35	49
	Residential	B2	3.21	35	112
	Mixed-use	B3	3.21	40	128
	Mixed-use	B4	0.57	40	23
	Mixed-use	B5	0.91	40	36
	Mixed-use	B6	3.78	40	151
	Residential	B7	3.15	35	110
	Mixed-use	B8	2.24	35	78
<b>Subtotal</b>			<b>18.48</b>		<b>689</b>
Cyber Central 1 (local centre)	Mixed-use	C1	2.79	75	69
	Mixed-use	C2	2.08	75	51
	Mixed-use	C3	3.13	75	77
	Mixed-use	C4	2.18	75	54
<b>Subtotal</b>			<b>10.18</b>		<b>252</b>
Cyber Central 2 (employment zone)	Mixed-use	D1	2.14	40	86
	Mixed-use	D2	1.73	40	69
	Mixed-use	D3	1.78	40	71
	Mixed-use	D4	1.36	35	48
	Mixed-use	D5	2.69	35	94
	Mixed-use	D6	1.48	35	52
	Mixed-use	D7	0.40	50	20
<b>Subtotal</b>			<b>11.58</b>		<b>440</b>
Cyber Central 3 (phase 2)	Mixed-use	E1	0.83	50	42
	Mixed-use	E2	1.34	50	67
	Mixed-use	E3	0.84	50	42
	Mixed-use	E4	0.65	40	26
	Mixed-use	E5	1.55	35	54
<b>Subtotal</b>			<b>5.21</b>		<b>231</b>
The Works	Residential	F1	4.27	35	149
	Residential	F2	2.91	50	146
	Residential	F3	0.70	35	25
	Residential	F4	6.07	50	304
	Residential	F5	2.18	35	76
	Residential	F6	3.99	50	200
	Education	F7			0
	Residential	F8	3.40	35	119
	Residential	F9	2.17	35	76
	Residential	F10	4.06	35	142
	Residential	F11	3.00	35	105
<b>Subtotal</b>			<b>32.75</b>		<b>1,341</b>

no residential component
35 dph
40 dph
50 dph
75 dph across 33% of area

ALLOCATED	Residential				Employment		
	Phase #	Capacity dwellings			Ha		
Old Gloucester	1	759					
Main street	1	689					
Cyber Central 1	1	252			18.53		
Cyber Central 2	1	440			20.24		
Cyber Central 3	2	231	Target	Difference	12.82	Target	Difference
<b>Subtotal</b>		<b>2,370</b>	<b>1,100</b>	<b>1,270</b>	<b>51.59</b>	<b>45.00</b>	<b>6.59</b>

SAFEGUARDED	Phase Capacity				Employment		
	#	dwellings	Target	Difference	Ha	Target	Difference
The Works	2	1,341			5.58		
<b>Subtotal</b>		<b>1,341</b>	<b>1,324</b>	<b>17</b>	<b>5.58</b>	<b>5.00</b>	<b>0.58</b>

Phase 1	Phase Capacity				Employment		
	#	dwellings	Target	Difference	Ha	Target	Difference
Phase 1	1	2,140			38.77		
Phase 2	2	1,572	Target	Difference	18.40	Target	Difference
<b>All phases</b>		<b>3,711</b>	<b>2,424</b>	<b>1,287</b>	<b>57.17</b>	<b>50.00</b>	<b>7.17</b>

Within CBC	Capacity		Employment		
Within CBC		1,047			18.15
<b>All phases</b>		<b>1,047</b>			<b>18.15</b>



**Notes and assumptions**

- Housing densities are applied to each entire parcel.
- Densities are attributed by multiplying the assigned housing density with the area of the host parcel.
- The area taken by indicative routes between parcels are excluded from the area measures.
- Lower housing densities of 35 and 40 dph are likely to be predominantly houses.
- Higher densities of 50 and 75 dph are likely to include a mix of dwelling types including apartments.
- The 'Cyber Central' zones nearest GCHQ are envisaged to be the area with the most diverse mix of uses and the majority of the cyber-tech oriented floorspace.
- In the highest density mixed use area within Cyber Central 1, higher density housing development is only attributed to one third of the total land area in light of the anticipated employment-led nature of new development in this part of the site.
- Mixed uses are also anticipated along the length of the main street traversing the site.
- The three Cyber Central zones notionally account for the required 45 Ha of employment land as set out in Adopted Policy A7.
- However, in view of the guidance outlined in the Golden Valley Masterplan SPD, this land would be developed for a mix of uses so will still contribute to the overall level of housing provision.
- It is assumed that significant areas of green infrastructure will also be delivered with these Cyber Central zones.
- This study finds the allocated site to have an indicative approximate housing development capacity of 2,370.
- This is significantly more than the policy allocation housing capacity of approximately 1,100 dwellings, but is considered to be a more accurate estimate.

Figure 25 High level development capacity study for the allocated and safeguarded land at West Cheltenham (an illustrative framework and not a blueprint for development)

**Appendix 4    GCC Response to Elms Park planning application**

Tewkesbury Borough Council  
Public Services Centre  
Gloucester Road  
Tewkesbury  
Gloucestershire  
GL20 5TT

Highways Development  
Management  
Economy Environment and  
Infrastructure  
Shire Hall  
Westgate Street  
Gloucester  
GL1 2TG

7<sup>th</sup> October 2022  
Your ref: 16/02000/OUT  
Ask for: Stephen Hawley

**TOWN AND COUNTRY PLANNING ACT 1990  
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015  
ARTICLE 18 CONSULTATION WITH HIGHWAY AUTHORITY**

- PROPOSAL:** Outline application for up to 4115 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.
- LOCATION:** Elms Park North West Cheltenham Off Tewkesbury Road Uckington
- APPLICANT:** Bloor Home & Persimmon Homes

Gloucestershire County Council, the Local Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has **no objection subject to conditions and financial obligations**.

The justification for this decision is provided below.

Gloucestershire County Council has declared a climate change emergency recognising the urgency and scale of change that is needed in the way we live and in the context of the Highway Authority, the way we travel. In 2018 transport accounted

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for 32% of all emissions (per capita) in Gloucestershire, therefore transport interventions can make a meaningful difference in achieving net zero Gloucestershire by 2045.

Overarching policy in the adopted Local Transport Plan defines the vision of what is needed, and this applies to developments of all scale and type. Furthermore, the National Planning Policy Framework confirms that the planning system should support the transition to a low carbon future, and as such development proposals must take a proactive approach in their design to demonstrate how proposals reduce the need to travel, car dominance and promote sustainable travel choices.

The Highway Authority recognises that repeating past practices will not achieve the net zero ambition, and proposals that are unable to make a positive contribution as a result of location or design must be resisted. This consultation response is made having had regard to climate change mitigation and adaptation, as well as the more traditional view of safety and capacity.

This application seeks permission for a mixed use site comprising of 4115 dwellings, 40,000m<sup>2</sup> of (B1) employment land, care home, hotel, primary school, local centre and park and ride interchange. The land is allocated in the adopted Joint Core Strategy. This application has been subject to considerable scrutiny by Gloucestershire County Council to ensure that the evidence base supporting it is robust. The applicant has undertaken modelling of the local highway network to demonstrate that the resulting impact, with mitigation, does not result in a severe impact on the highway network. This mitigation is based on the series of improvements contained in appendix F of the Transport Assessment and the improvement works are delivered at junction 10 on the M5.

Gloucestershire County Council sought additional information in June 2021 relating to confirmation that any interim mitigation at junction 10 didn't have inadvertent impact on the A4019, and to ensure that the proposal reflected modern cycleway design. A TA addendum has been provided which addresses these matters.

It is important to recognise that modelling is a tool to reflect a scenario and is not a guarantee of outcome and this is a large proposal which will take many years to construct. It is likely that the choices people make and the way they travel will change over time and as such it is important to ensure that whilst mitigation is proposed based on the modelling output that high quality walking and cycling infrastructure is provided and it is delivered at the early stages of the build out. It is an intended strategy to give as much priority as practical to sustainable transport modes.

The nature of the proposal provides for a local centre, education provision, employment opportunities and transport interchange, this will encourage short distance trips for shopping, education and work to be undertaken on foot or by bike which will reduce the number of vehicle trips this proposal places on the existing highway network. This is also supported by a travel plan which looks to promote sustainable transport behaviours.

Key outcomes from the travel plan are:

- Provision on welcome packs which will include maps of how to reach key destinations
- Establishment of walking and cycling groups
- Marketing

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- Free bus passes for a trial period
- Provision of a fully funded car club on site
- Promotion of car sharing
- Personal Travel Planning

The proposed highway improvements are found in appendix F of the Transport Assessment and are summarised below. It will be for the applicant to deliver these works through a suitable legal agreement of section 278 and section 38 (The Highways Act 1980), the time of these works would be controlled through a planning condition.

#### Site Access Points

##### Tewkesbury Road

- Left in access to Proposed Park and Ride
- 4 way Signal controlled junction with Homecroft Drive
- 3 way Signal controlled junction near access to Cotswold Area Civil Service Sports Association.

##### Manor Road

- New 3 arm roundabout

#### A4019 Tewkesbury Road:

- Dualling between the Fire Station and Hayden Road
- Active Travel Corridor from the Fire Station and Gloucester Road
- Bus priority measures between the Fire Station and Gloucester Road
- Replacement of Princess Elizabeth Way Roundabout with a 4 way signal controlled junction incorporating bus and cycle priority measures.

#### Gloucester Road

Improvements to walking and cycling infrastructure between Tewkesbury Road and Queens Road (Cheltenham Spa railway station)

#### Kingsditch Lane / Wymans lane

Improvements to walking and cycling infrastructure between Tewkesbury Road to Swindon Lane

#### Princess Elizabeth Way

Improvements to walking and cycling infrastructure between Tewkesbury Road and Grevil Road

#### Evesham Road

Improvements to walking and cycling infrastructure between New Barn Lane and Albemarle Gate

#### A38 Walton Hill (Nr Highfield Farm House)

Improvements to walking and cycling infrastructure between Highfield Farm House and Cursey Cottages

#### Junction of Old Gloucester Road / Bamfurlong Road

Provision of 4 way roundabout

#### Kingfisher Drive Roundabout

Cycle priority road markings

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Hesters Way / Village Road

New Cycleway and junction alterations

Princess Elizabeth Way / Marsland Road

Junction Alterations and zebra crossing

Arle Road

Additional Speed Tables and road markings

The proposal also provides for a park and ride facility, this is suggested to provide 250 spaces, however this needs to be increased to reflect the local plan requirements.

A series of cycle routes are proposed to the north of the site, these will connect the site to existing or proposed cycle infrastructure enhancing connections within Cheltenham but also to Tewkesbury and Bishops Cleeve.

Additionally, section 106 contributions are required towards:

- Travel Plan monitoring and bonding
- The Community Infrastructure Levy
- Junction 10 improvement

Overall, the above package of works provides the correct balance of vehicle mitigation and provision of sustainable between the development and Cheltenham Town Centre and Railway Station. It also helps to ensure that mitigation spreads demand through a variety of transport modes and access locations, this in turn provides network resilience and provide choice. It also aligns with the aims of the National Planning Policy Framework, The Local Transport Plan and the Joint Core Strategy which seek to ensure the schemes give priority to pedestrians, cyclists and encourage public transport usage.

The proposal therefore accords with the adopted policy requirements and the wider aspirations to promote a sustainable development.

It is recognised that the wording and triggers of conditions need to be agreed

The application is however asked to address the following matters as part of any future reserved matters application.

- Local Centre / Transport Hub. Provision to be made for a mobility hub, this should site alongside the car club. Provision of co-working space and last mile delivery options should be included in the local centre.
- The street layout should maintain low design speeds and provide active travel infrastructure on the desire line and be of a high quality design.
- Non transport infrastructure is provided such as superfast broadband, and the local centre / education offer is provided at an early stage of the development.

An updated design and access statement has been provided which includes an access and movement strategy. Whilst this document is welcomed it should be treated as what is possible rather than a template for future streets. With the expected update to Manual for Streets, the recently published "Streets for a Healthy Life" and the requirement to provide trees in every street, there needs to be some

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flexibility in the design to ensure that the proposal adapts to changing national and local design standards.

The application requires the provision of planning conditions and obligations to regulate the proposal and control any impacts. Therefore, the following conditions, informatives and planning obligations are recommended.

Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

## **Conditions**

### **Highway Improvements**

Prior to the occupation of the 500th dwelling or the first use of any employment development hereby approved the highway works as shown on drawings:

- 1041 – 101 A
- 1041 – 102

Shall be constructed and completed.

Reason: In the interests of Highway Safety

Prior to the first occupation of any dwelling or the first use of any employment development hereby approved the worksite access onto Manor Road as shown on drawing 1041 – 114 A Shall be constructed and completed.

Reason: In the interests of Highway Safety

Prior to the first occupation of the 100<sup>th</sup> dwelling or the first use of any employment development hereby approved the Manor Road / Runnings Road signal improvement as shown on drawing 1041 – 114 A Shall be constructed and completed.

Reason: In the interests of Highway Safety

Prior to the occupation of the 705 dwelling or 13,500m<sup>2</sup> of employment development being brought into the approved highway works as shown on drawings:

1041 – 109 – 2750

1041 – 110 – 2750

1041 – 111 – 2000

1041 – 112 – 2750

1041 – 113 – 500

1041 – 115 - 2750

Shall be constructed and completed.

Reason: In the interests of Highway Safety

Prior to the occupation of the 1020 dwelling or 17,000m<sup>2</sup> of employment development being brought into the approved highway works as shown on drawings:

1041 – 103 - 500

1041 – 104 - 1750

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1041 – 105 - 1750  
1041 – 106 - 1750  
1041 – 107 - 1750  
1041 – 108 - 1750

Shall be constructed and completed.

Reason: In the interests of Highway Safety

Prior to the occupation of the 1335 dwelling or 20,000m2 of employment development being brought into the approved highway works as shown on drawing 1041 - 116 2750 shall be constructed and completed.

Reason: In the interests of Highway Safety

### **Park and Ride Details**

Prior to the occupation of the 500<sup>th</sup> dwelling details of the park and ride facility, including a car park of not less than 350 spaces, shall be submitted to an approved in writing by the Local Planning Authority. The proposal shall then be implemented prior to the occupation of the 1000<sup>th</sup> occupation.

Reason: To encourage sustainable travel and healthy communities.

### **Cycle Routes Proposal**

Prior to the occupation of the 705 dwelling or 13,500m2 of employment development being brought into the new cycle routes shown on figure 6-3 of the Transport Assessment shall be submitted to and approved by the Local Planning Authority, and implemented.

Phase 1 – 500  
Phase 2 – 1750  
Phase 3 - 2750

Reason: To encourage sustainable travel and healthy communities.

### **Travel Plan**

The Travel Plan hereby approved, dated May 2016 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

REASON: To reduce vehicle movements and promote sustainable access.

### **Construction Environmental Management Plan**

The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;

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- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

## **Informatives**

### **Works on the Public Highway**

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee
- iii. Approving the highway details
- iv. Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

### **Traffic Regulation Order (TRO)**

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov](mailto:highwaylegalagreements@gloucestershire.gov).

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The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

### **Highway to be adopted**

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- I. Drafting the Agreement
- II. Set up costs
- III. Approving the highway details
- IV. Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

### **Impact on the highway network during construction**

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

### **Travel Plan**

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

### **Construction Environmental Management Plan (CEMP)**

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and

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- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

### **Planning Obligations**

Specific Purpose – Travel Plan Deposit  
Contribution - £432,363.00 (paid proportionately per phase)  
Trigger – Prior to the occupation of each phase  
Retention Period – 5 years from the receipt of the last payment

Specific Purpose – Travel Plan Monitoring  
Contribution - £10,000.00  
Trigger – Prior to the first occupation of any dwelling  
Retention Period – 10 years from the receipt of the last travel plan deposit payment.

Specific Purpose – Junction 10 Improvement Scheme  
Contribution - £ TBC  
Trigger – Prior to the occupation of each phase  
Retention Period – 5 years from the receipt of the last payment

Yours Sincerely

### **STEPHEN HAWLEY**

BSc (Hons) IEng FIHE FCIHT MTPS Certmgmt(Open)  
Highways Development Management Team Leader

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[REDACTED]@gloucestershire.gov.uk

**Appendix 5    Alternative mitigation measures – Technical Note (PJA)**

# Technical Note

**Project:** Elms Park, Cheltenham

**Subject:** Strategic Road Network Modelling - Update

<b>Client:</b>	Bloor Homes and Persimmon Homes	<b>Version:</b>	C
<b>Project No:</b>	02314	<b>Author:</b>	JW
<b>Date:</b>	30/01/2024	<b>Approved:</b>	NM

## I Introduction

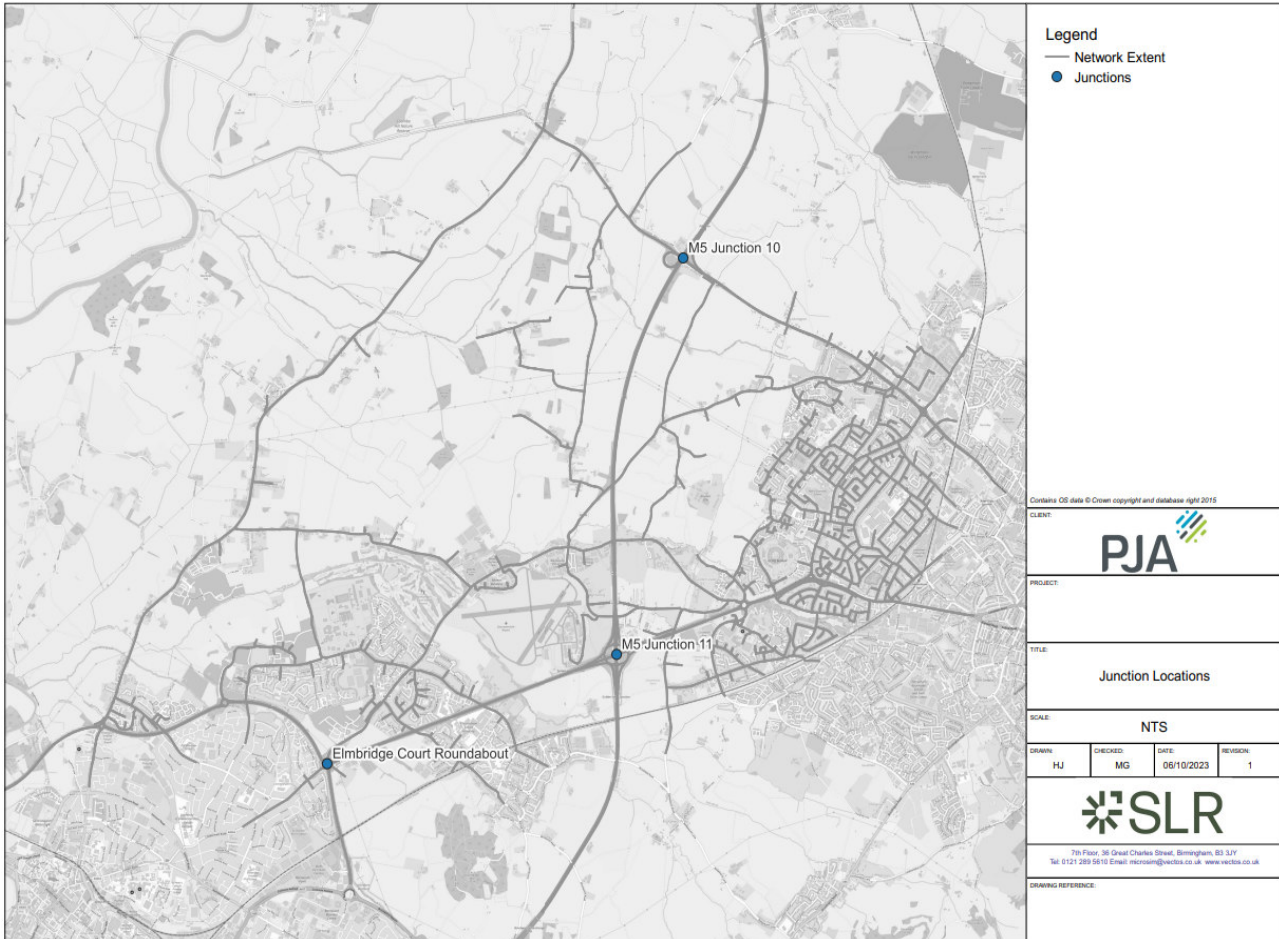
- 1.1.1 This note summarises traffic modelling that has been undertaken to assess the impact of Elms Park on the Strategic Road Network (SRN).
- 1.1.2 The exercise identifies potential mitigation schemes, *without* reliance on the M5 Junction 10 ‘All Movement’ Development Consent Order (DCO).
- 1.1.3 This exercise stems from National Highways (NH) request of September 2023 for the following:
  - Elms Park modelling must include assumptions for other Joint Core Strategy (JCS) developments to demonstrate that Elms Park would not adversely affect delivery of any other element of the JCS strategy; and
  - The modelling must consider M5 Junctions 10 and 11, plus the A40 Elmbridge Court Roundabout.

## 2 Assessment Methodology

### 2.1 Overview of Approach

- 2.1.1 The assessment has utilised the NH Paramics model. Figure 1 below highlights the model extent and the relevant SRN junctions.

**Figure 1: Model Extents**



2.1.2 A number of different scenarios were tested as part of an iterative process, with the main scenarios reported here being:

- 2017 Base Year
- 2031 Do Nothing
- 2031 Do Something

**Committed and Proposed Developments**

2.1.3 The 2031 Do Nothing scenario includes only consented development. The 2031 Do Something scenario includes the full JCS allocations, as detailed in Table 1.



**Table 1: Committed and Proposed Developments**

JCS Allocation	2031 Do Nothing Scenario	2031 Do Something Scenario
A1 – Innsworth & Twigworth	2,295 dwellings, 9.1ha employment	2,295 dwellings, 9.1ha employment
A2 – South Churchdown	465 dwellings (16/00737/OUT)	1,100 dwellings, 17.4ha employment
A3 – North Brockworth	1,500 dwellings, 3ha employment	1,500 dwellings, 3ha employment
A4 – North West Cheltenham	265 dwellings (Swindon Farm)	4,285 dwellings, 23.4ha employment
A5 – Ashchurch	None	None
A6 – Winnycroft	620 dwellings	620 dwellings
A7 – West Cheltenham	None	1,100 dwellings, 45ha employment

2.1.4 Note that allocation A5 Ashchurch is not included as it is understood to have been developed for alternative uses rather than those envisaged by the JCS. The location of site A5 is also distant from the modelled area and would therefore not materially change the outcome of the assessment.

2.1.5 The development quantum tested for West Cheltenham was as per that listed in Policy A7 (1,100 dwellings), rather than the larger development envisaged by the Golden Valley SPD (and recent planning applications), which are not consistent with the JCS.

### **Mitigation Schemes**

2.1.6 The following mitigation schemes are included in the Do Something scenario:

#### *M5 Junction 10*

- Traffic signals at the junction of the southbound off-slip with the A4019 Tewkesbury Road Eastbound.

#### *M5 Junction 11*

- Traffic signals on the M5 Southbound off-slip, A40 East and A40 West entries i.e. resulting in full signalisation of the junction.

#### *A40 Elmbridge Court*

- A link road between the A40 and Cheltenham Road East;
- A new four-arm signalised junction between the link road, the A40 and the remainder of the South Churchdown allocation to the south of the A40;
- A new signalised junction with Cheltenham Road East; and
- Adjustment of lane markings at the Elmbridge Court junction.

## 2.2 Robustness of Methodology

2.2.1 This exercise has adopted a highly conservative approach to the assessment of the JCS Strategic Allocations, and the results should therefore be considered to be overly robust as a consequence.

### *Trip Rates*

2.2.2 For example, a 'standard' trip rate was used for the purpose of this assessment, which makes no allowance for any shift away from historic mode shares. This is despite the fact that a fundamental component of the Elms Park transport strategy is the provision of high-quality walking, cycling and public transport infrastructure, as is required by all the relevant policy provisions. The other Strategic Allocations will also be required to offer the same level of provision.

2.2.3 This is therefore anticipated to result in a high level of mode shift away from the private car, when compared to historic data, which is an approach endorsed by GCC. The following mode share changes are forecast for the Elms Park development within the Transport Assessment (TA):

- A doubling of trips undertaken by bus;
- A doubling of trips undertaken by cycling; and
- A 25% increase in trips undertaken on foot.

2.2.4 These changes are forecast to result in a trip generation reduction of 29% for residential trips and 16% for employment trips, when compared to a 'standard' trip rate. It is anticipated that the same would occur for the other Strategic Allocations.

2.2.5 It can therefore be considered that the trip rates used in the assessment are a 'worst case' and a significant reduction on those rates should be expected, with a commensurate improvement in the expected modelling results.

### *Post-COVID Effects*

2.2.6 The trip generation estimates and base traffic information used in the modelling to support this assessment all pre-date the COVID pandemic. It is widely acknowledged that weekly trip making patterns and total journey volumes are now different to those before the pandemic, with an increase for example in home-working. Any impacts predicted by the modelling must therefore be considered as worst-case in that respect, and should not be expected to be realised consistently on each week day, with some days of the week resulting in lower traffic volumes.

### *Headroom*

- 2.2.7 Many of the sustainable transport interventions such as improved active travel corridors and public transport improvements are focussed on key routes such as the A4019 Tewkesbury Road. These interventions are designed not only to encourage mode shift for residents, employees and visitors associated with the Elms Park site (in order to deliver the reduced trip rates referred to above), but also to encourage mode shift for existing road users on those corridors. By providing attractive alternatives to the private car for existing road users, this will have the effect of creating headroom on the highway network. Whilst these interventions are focussed on the local rather than the strategic road network, the overall effect will be to create additional capacity on the network as a whole. Following an assessment of the effectiveness of those interventions, and the likely extraction rate from key road corridors, the TA estimated that base traffic flows could reduce by up to 5%. This effect would of course result in an improvement in the expected modelling results.

### *Peak Spreading*

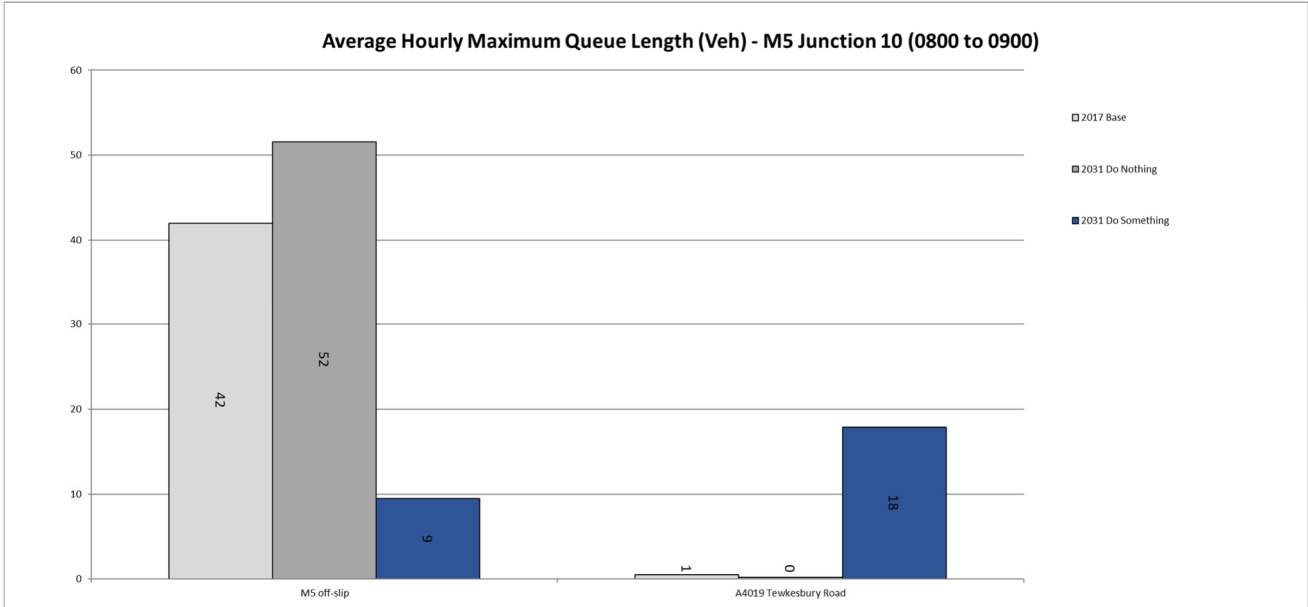
- 2.2.8 The trip generations used in the assessment are based on a three-hour modelled period, with a trip demand profile predicated on historic data. However, as the network becomes more congested over time, some of that demand spreads into the shoulders of each peak hour, as drivers modify their departure times to avoid the busiest periods of the day. The effect of this peak spreading in the real world is that, as development traffic is added onto the network, the network performance in main peak hour reaches a point of equilibrium, with additional traffic occurring in the pre- and post-peak periods, where absolute levels of traffic are lower. The modelling results for the peak hour can therefore be regarded as worst-case in this regard also.
- 2.2.9 For all the reasons noted above, it can be considered that the results in this report represent a 'worst case' scenario.

## **3 Junction Results**

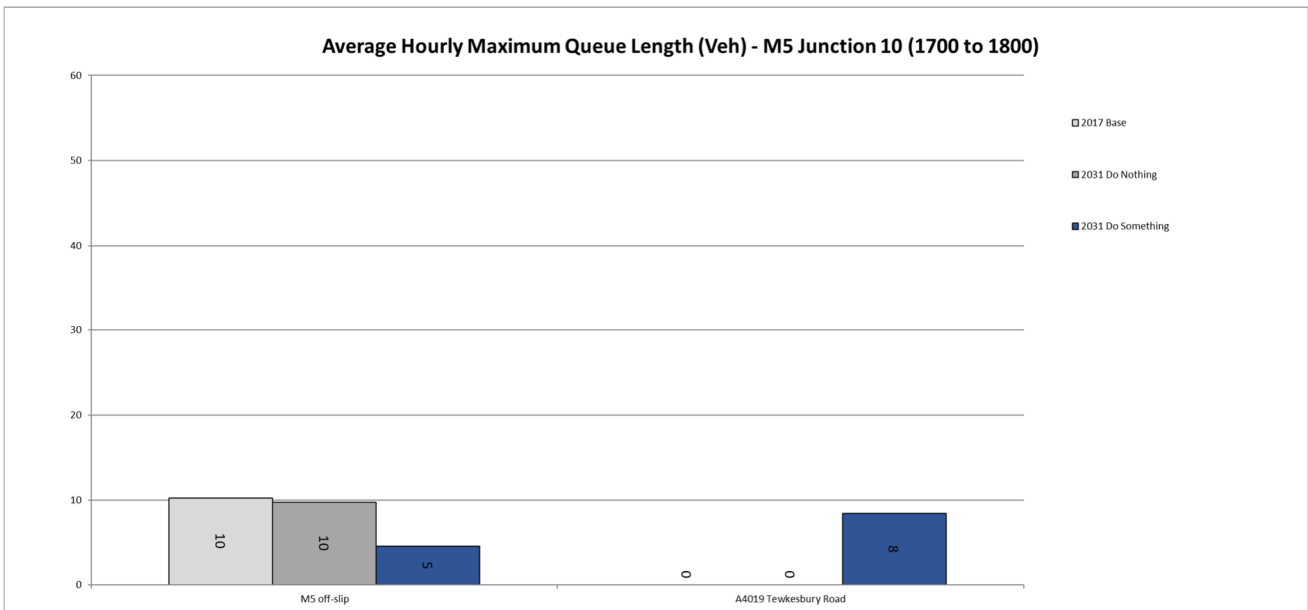
### **3.1 M5 Junction 10**

- 3.1.1 The results for the AM and PM peak scenarios are presented in Figures 2 and 3. The 'Do Something' scenario includes all JCS developments plus the mitigation scheme to implement traffic signals at the junction of the southbound slip road with the A4019 Tewkesbury Road.

**Figure 2: M5 Junction 10 Results - AM Peak Hour**



**Figure 3: M5 Junction 10 Results - PM Peak Hour**



3.1.2 The results demonstrate that the mitigation scheme at M5 Junction 10, which has already been agreed with NH, would significantly reduce queueing on the off-slip compared to the Do Nothing and Base scenarios, even with the addition of all JCS developments. This would therefore fully mitigate any impact arising from the development, plus it would offer betterment by resolving the existing safety and capacity issues.

### 3.2 M5 Junction 11

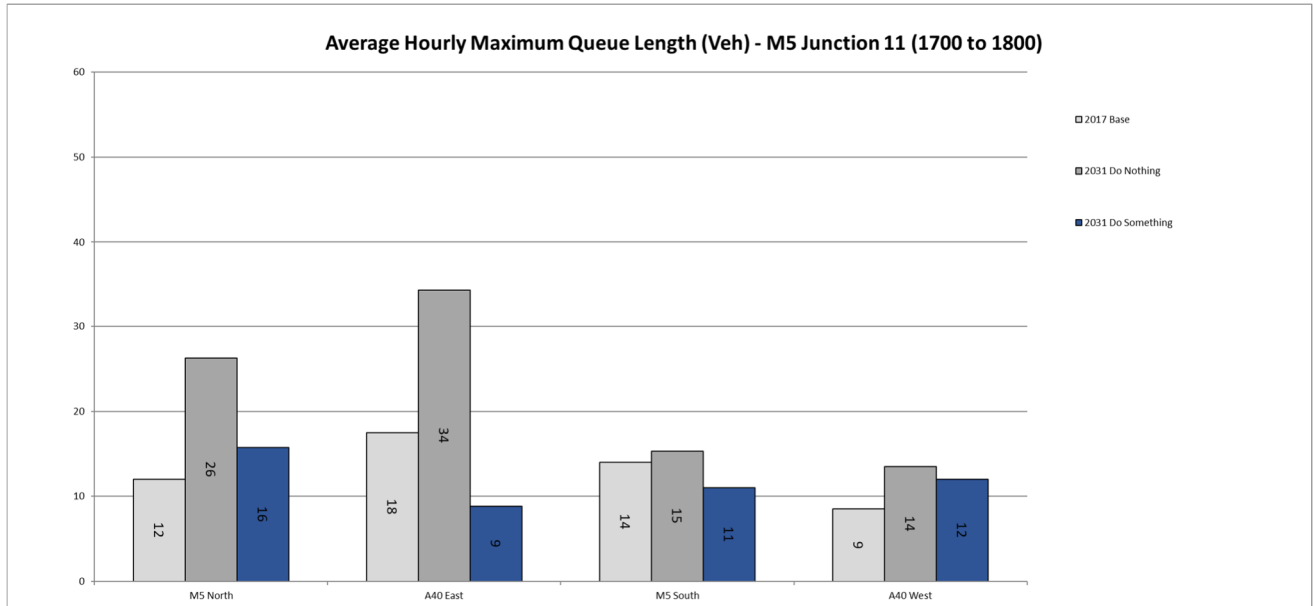
3.2.1 The results for the AM and PM peak scenarios are presented in Figures 4 and 5. The 'Do Something' scenario includes all JCS developments plus the mitigation scheme to fully signalise the junction.

3.2.2 In undertaking this work, an error was found in the base Paramics model whereby the A40 East was not restricted. This was corrected to a 'give way' arrangement as per the existing layout.

**Figure 4: M5 Junction 11 Results - AM Peak Hour**



**Figure 5: M5 Junction 11 results - PM Peak Hour**



3.2.3 The data indicates that in the Do Nothing scenario, queue lengths would increase on the M5 North and A40 East arms. This would be fully mitigated in the Do Something scenario, with queue lengths being comparable to the Base.

3.2.4 Whilst there have been no designs prepared for this scheme as yet, initial feasibility work shows that there appears to be space within the highway boundary for such a scheme. There is already a precedent for signal control at this junction as the M5 Northbound off-slip is already under traffic signal control. Preliminary design work would be required to demonstrate deliverability of this scheme.

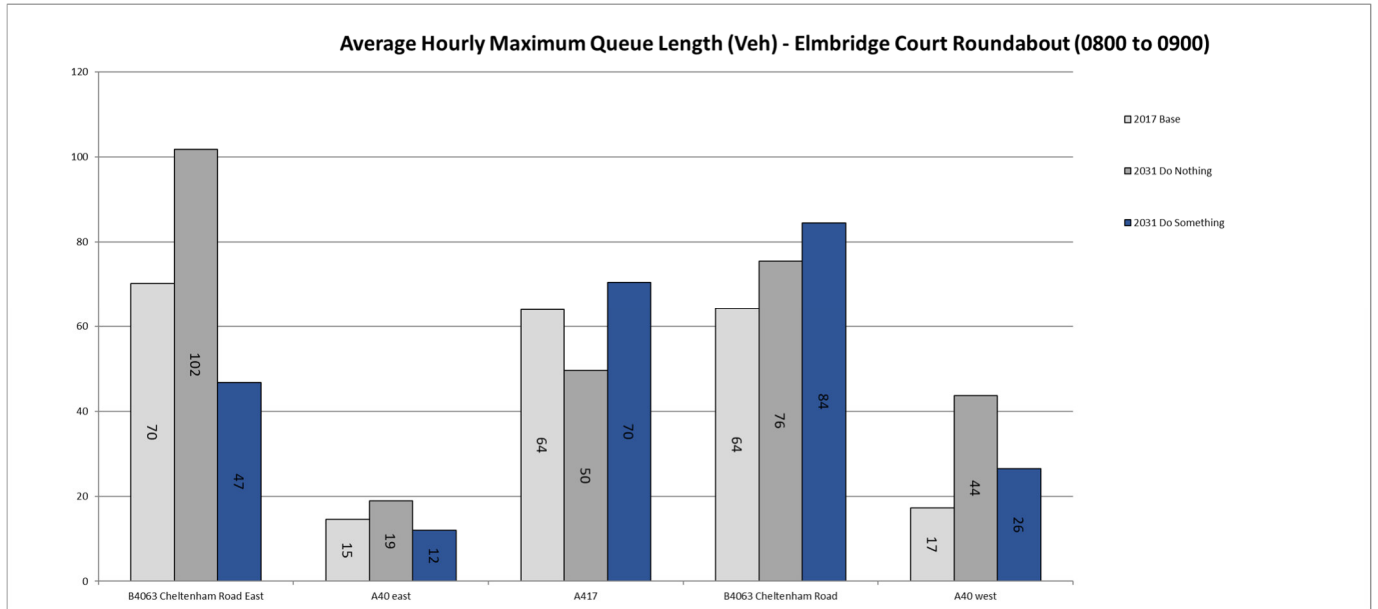
3.2.5 The signalisation of the southbound off-slip is consistent with the JCS 'Addendum to Infrastructure Delivery Plan' (2017)<sup>1</sup>.

### 3.3 A40 Elmbridge Court

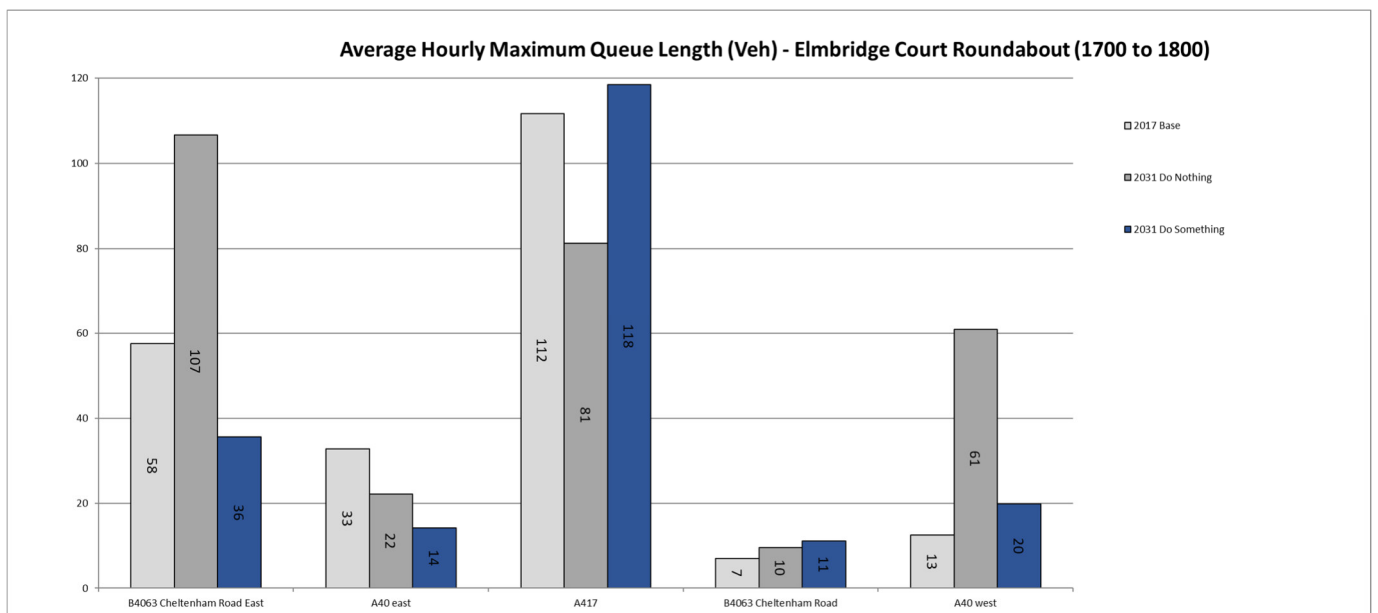
3.3.1 The results for the AM and PM peak scenarios are presented in Figures 6 and 7. The 'Do Something' scenario includes the mitigation scheme to provide the link road between the A40 and Cheltenham Road East.

<sup>1</sup> JCS Addendum to IDP, pg 9 – signalise SB offslip, NB offslip extra lane

**Figure 6: A40 Elmbridge Court results - AM Peak Hour**



**Figure 7: A40 Elmbridge Court results - PM Peak Hour**



3.3.2 The results demonstrate that queue lengths would reduce on the A40 approaches, and on Cheltenham Road East. There would be an increase in queueing on the A417, although this would not affect the SRN.

3.3.3 There have been no designs prepared for this scheme by PJA at this stage, although land is 'safeguarded' for the link road within the South Churchdown site, and it is understood that the



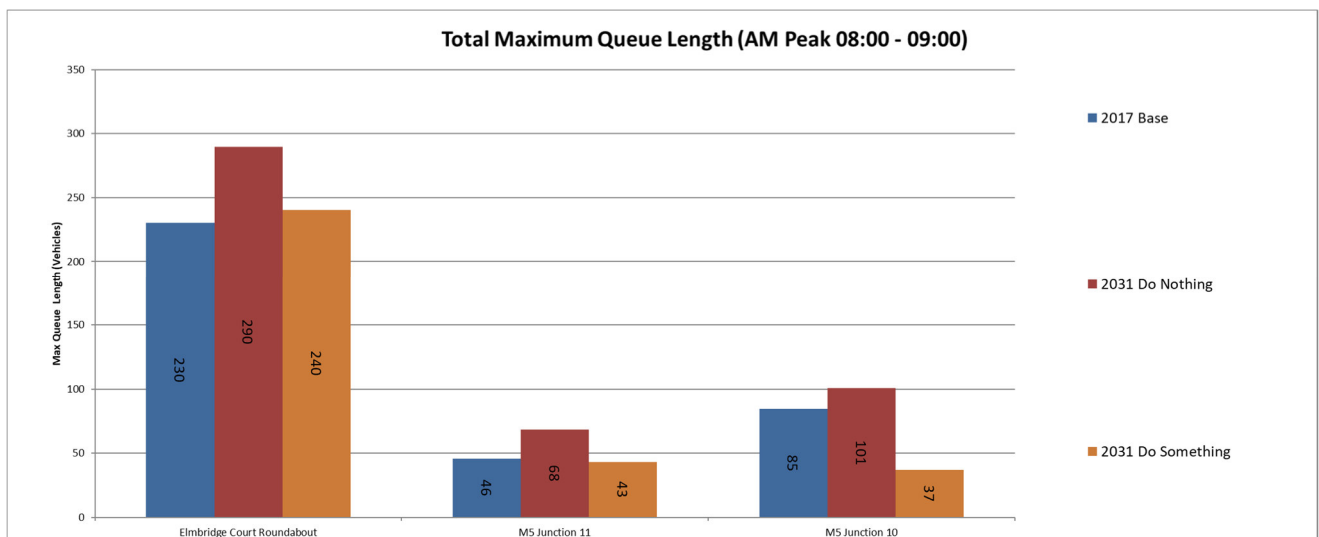
promoters of that site have prepared preliminary designs in order to identify the extent of the land required for safeguarding. Further assessment and design work would be required to ensure that an appropriate scheme could be delivered within the safeguarded land, and the nature of any safeguarding including the transfer of land to the local highway authority would need to be confirmed.

3.3.4 The provision of this mitigation scheme is consistent with the JCS Infrastructure Delivery Plan<sup>2</sup>.

### 3.4 Queue Comparison – All Junctions

3.4.1 Figures 8 and 9 present the total maximum queue lengths at each junction on all approaches in the AM and PM peaks.

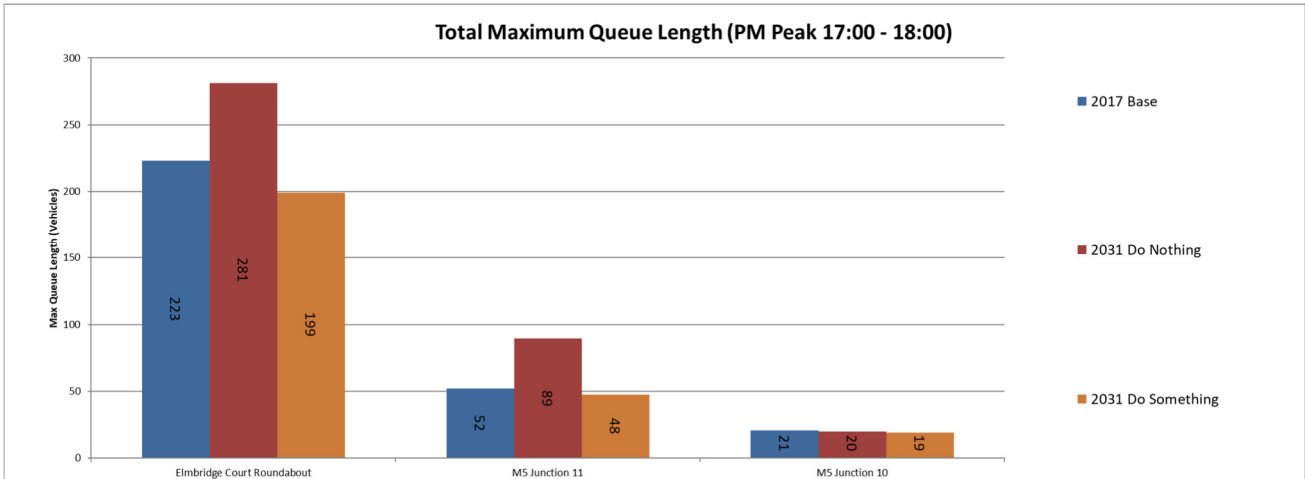
**Figure 8: Total Maximum Queue Length (AM Peak)**



3.4.2 The data indicates that overall, queuing will reduce at each junction in both peaks when compared to the Do Nothing scenario, even with all the Strategic Allocations included.

<sup>2</sup> JCS Addendum to IDP pg 12 – Remove B4063 Cheltenham Road East approach arm from the junction and remove business park arm.

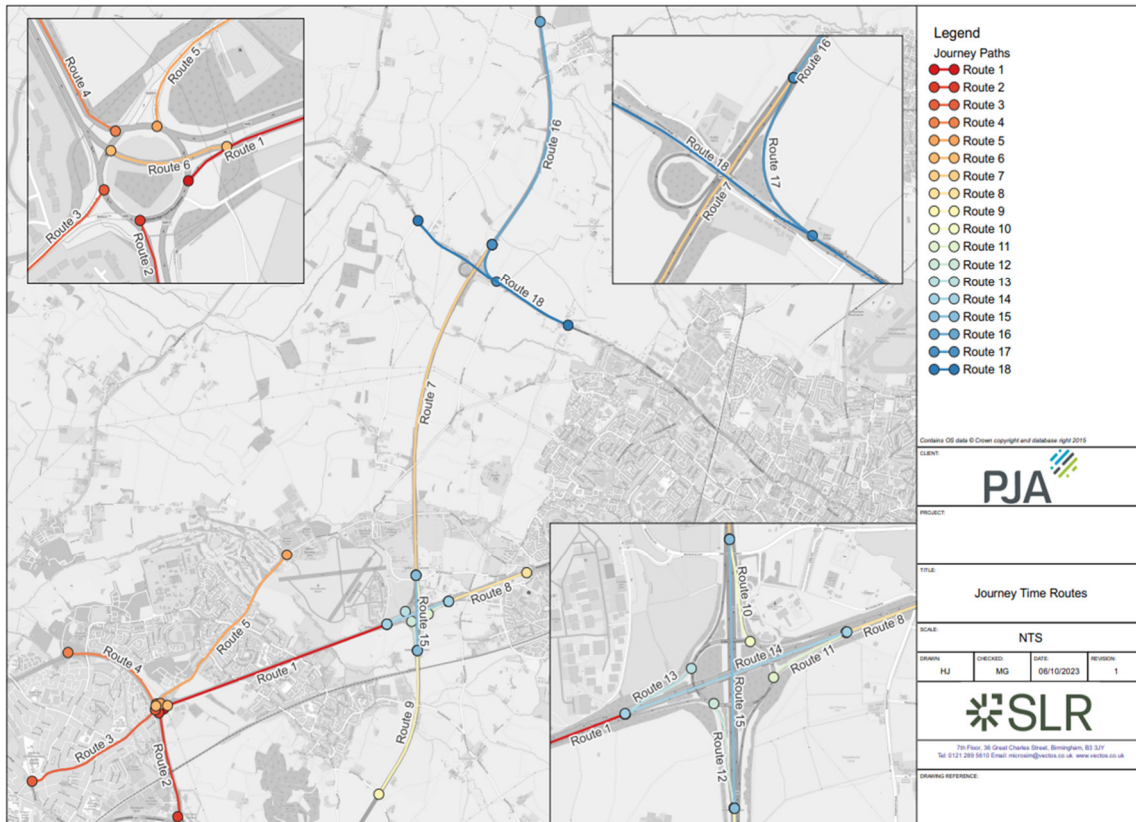
**Figure 9: Total Maximum Queue Length (PM Peak)**



## 4 Journey Time Results

4.1.1 The Paramics model provides journey times on the key routes shown in Figure 10.

**Figure 10: Journey Time Routes**



4.1.2 Tables 2, 3 and 4 provide a comparison of journey times between the Do Nothing and Do Something scenarios for routes through Elmbridge Court, M5 J11 and M5 J10 respectively.

4.1.3 In each case the results for each individual route are presented, together with a summary of the total net change in journey times through the junction. These results present the residual effects of the JCS developments following completion of the mitigation schemes.

**Table 2: Journey Time (Seconds) – Elmbridge Court (Routes 1 – 5)**

Route / Direction	AM Peak (08:00 – 09:00)			PM Peak (17:00 – 18:00)		
	Do Nothing	Do Something	Difference	Do Nothing	Do Something	Difference
Route 1 EB	113	192	<b>79</b>	112	146	<b>34</b>
Route 1 WB	149	151	<b>3</b>	151	159	<b>7</b>
Route 2 NB	115	172	<b>57</b>	259	363	<b>104</b>
Route 2 SB	44	44	<b>0</b>	44	44	<b>0</b>
Route 3 EB	332	370	<b>38</b>	117	124	<b>7</b>
Route 3 WB	80	81	<b>0</b>	89	95	<b>5</b>
Route 4 NB	49	52	<b>3</b>	51	53	<b>3</b>
Route 4 SB	143	106	<b>-37</b>	207	102	<b>-105</b>
Route 5 NB	267	328	<b>61</b>	226	288	<b>62</b>
Route 5 SB	917	606	<b>-312</b>	1071	548	<b>-524</b>
<b>Net Change</b>	<b>-108</b>			<b>-407</b>		

**Table 3: Journey Time (Seconds) - M5 Junction 11 (Routes 10 - 14)**

Route / Direction	AM Peak (08:00 – 09:00)			PM Peak (17:00 – 18:00)		
	Do Nothing	Do Something	Difference	Do Nothing	Do Something	Difference
Route 10	51	31	<b>-20</b>	56	34	<b>-22</b>
Route 11	30	22	<b>-8</b>	56	24	<b>-32</b>
Route 12	27	23	<b>-4</b>	25	24	<b>-1</b>
Route 13	29	29	<b>0</b>	36	31	<b>-4</b>
Route 14 EB	31	31	<b>0</b>	31	31	<b>0</b>

Route / Direction	AM Peak (08:00 – 09:00)			PM Peak (17:00 – 18:00)		
	Do Nothing	Do Something	Difference	Do Nothing	Do Something	Difference
Route 14 WB	31	30	0	30	30	0
<b>Net Change</b>	<b>-32</b>			<b>-59</b>		

**Table 4: Journey Time (Seconds) - M5 Junction 10 (Routes 17 - 18)**

Route / Direction	AM Peak (08:00 – 09:00)			PM Peak (17:00 – 18:00)		
	Do Nothing	Do Something	Difference	Do Nothing	Do Something	Difference
Route 17	164	42	<b>-123</b>	32	39	<b>7</b>
Route 18 EB	129	183	<b>54</b>	113	129	<b>16</b>
Route 18 WB	120	120	<b>0</b>	122	125	<b>2</b>
<b>Net Change</b>	<b>-69</b>			<b>+25</b>		

4.1.4 The following conclusions can be drawn from the results:

**Elmbridge Court (Routes 1 – 5)**

- There is an increase in journey time on Route 1 Eastbound (A40 from Elmbridge Court to M5). This is due to the introduction of a new signalised junction (79 seconds AM / 34 seconds PM);
- There is an increase on Route 2 Northbound (A417 approaching Elmbridge Court). This is due to additional demand on this route (57 seconds AM / 105 seconds PM), which is partially, but not fully, mitigated;
- There is a small increase on Route 3 Eastbound in the AM Peak only (B4063 West) of 38 seconds;
- There is a journey time reduction on Route 4 (A40 West) southbound due to the benefits of the mitigation scheme (37 seconds AM / 105 seconds PM);
- There is a very large reduction on Route 5 (Cheltenham Road East) southbound of 312 seconds in the AM and 514 seconds in the PM. This is due to the new link road allowing traffic to avoid the junction; and
- There is an increase on Route 5 (Cheltenham Road East) northbound of 61 seconds in both peaks, this is due to the new junction serving the link road.

- **Across the junction as a whole, there is a journey time reduction of 109 seconds in the AM peak and 407 seconds in the PM peak, therefore demonstrating significant betterment.**

#### **M5 Junction 11 (Routes 10 – 14)**

- The residual effect on all these routes is either neutral or positive, with reductions in journey time of up to 32 seconds in some cases.
- **Across the junction as a whole, there is a journey time reduction of 32 seconds in the AM peak and 59 seconds in the PM peak, therefore demonstrating significant betterment.**

#### **M5 Junction 10 (Routes 17 – 18)**

- There is a reduction of 123 seconds on the Route 17 (M5 Southbound off-slip) due to the mitigation scheme;
- There is a corresponding increase of 54 seconds on Route 18 Eastbound (A4019) due to installing traffic signals as part of the above mitigation scheme.
- **Across the junction as a whole, there is a reduction of 69 seconds in the AM peak and an increase of 25 seconds in the PM peak. The increase in the PM peak is because the junction is not congested in this period at present, but the additional delay arising from the introduction of traffic signals is marginal (a maximum of 16 seconds). Note that the road safety benefits arising from removing queuing traffic from the mainline of the southbound carriageway in the AM peak more than offset any marginal increases in delays in the PM peak on the local network.**

## **5 Conclusions**

5.1.1 Three junction improvement schemes are proposed to mitigate the effects of the JCS in the event that the M5 Junction 10 DCO scheme is not delivered:

- Signalisation of the M5 Junction 10 southbound off-slip;
- M5 Junction 11 full signalisation; and
- Elmbridge Court A40 to Cheltenham Road East link road.

5.1.2 At M5 Junctions 10 and 11, the schemes provide clear betterment compared to the 'Do Nothing' scenario.

5.1.3 At Elmbridge Court, there are reductions in queue length on the A40 arms of the junction (the SRN arms), and on Cheltenham Road East, in some cases significantly below the 2017 Baseline.

The benefits are slightly tempered by residual effects on the A417 and Cheltenham Road (West) arms, however the effects are not considered to be severe.

5.1.4 Furthermore, the results should be considered overly robust for the reasons set out earlier in this Note.

5.1.5 It is therefore considered that a suitable package of highway improvements can be implemented to mitigate the effects of the JCS on the SRN, without reliance on the M5 Junction 10 DCO. There is therefore no basis on which to maintain an objection or impose Grampian conditions on the Elms Park development.

**Appendix 6 WPP responses to non-statutory consultation in respect of funding**



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20<sup>th</sup> October 2023

Dear Chris,

**Re: M5 Junction 10 Developer Contributions Consultation 2023**

Thank you for the opportunity to engage with you on your approach to implementing the JCS policy INF7 in relation to the M5 Junction 10 Improvements Scheme. On behalf of our clients, Bloor Homes and Persimmon Homes who are the applicants for the Elms Park scheme which forms the majority of the North-west Cheltenham strategic allocation, we have set out our response below. Note that Bloor Homes as the lead promoter of the Safeguarded Land east of M5 Jctn 10 submits the same response.

Overview

In our overview, based on the high-level information provided by in the Consultation slides, we wish to submit a **'Holding Objection'** pending the provision of more detailed information to understand the rationale and detail behind the methodology. Until such time as this information is provided and agreement as to the basis of the methodology, we will be unable to commit to the level of funding being sought.

The reasons for this position are set out below and they relate to the basis of the Dependent Developments as well as the Methodology used to apportion the dependent trips and the weighting of those trips, together with the principle of Re-evaluation.

We also comment on the basis for the triggering of future payments and the formula to be applied to those payments.

Dependent Developments

The Consultation identifies West of Cheltenham: Golden Valley; North-west Cheltenham; and Land Safeguarded for Development (being land east of Jctn 10) as the Dependent Developments. The identification of these three developments raises significant concerns, as follows.

Firstly, through the JCS Examination it was only ever the inclusion of West of Cheltenham that triggered the need for the Junction 10 works, and this is reflected in the JCS Strategic Allocation Policy A7 which refers to the link to Jctn 10 and is absent from the policy wording for the remaining Strategic Allocations or indeed from the accompanying Infrastructure Delivery Plan.

As such we do not consider that North-west Cheltenham should be termed a 'Dependent Development', which should be reserved for West of Cheltenham only as that development cannot come forward in full without the Jctn 10 works, with other Strategic Allocations and developments to be included as 'Contributing Developments', which better reflects the title of the consultation being 'Developer Contributions'. Financial payments from 'Contributing Developments' should then be treated as 'Planning Gain' in the decision-making process.

Secondly there is an inherent discrepancy in that the safeguarded land east of Jctn 10 is included, and yet the safeguarded land that forms part of the wider Golden Valley SPD is excluded. There seems to be no basis for including one and not the other, noting that they are both referred to in the Policy Context on slide 8 and are both included in the JCS, with Golden Valley further benefitting from the SPD.

Thirdly, there is no recognition of the contribution towards traffic growth within the JCS from the wider Strategic Allocations. This is inconsistent with the approach being taken to mitigation on the Strategic Road Network whereby Elms Park is being asked to consider this wider growth in modelling the impacts on the SRN, deriving mitigation measures to alleviate severe impacts where these are identified and contribute proportionally to these schemes. It is understood that GCC has undertaken SATURN modelling that includes for the wider JCS growth to inform the funding methodology, but has chosen to only apportion costs to two of the Strategic Allocations. This would seem to be particularly inconsistent with the South Churchdown Strategic Allocation which is directly linked to M5 Junction 11 via the A40 when at slide 11 of the Consultation both Junctions 10 & 11 are identified.

The above discrepancies need to be reconciled such that fair, reasonable and proportionate contributions can be derived.

### **Methodology**

Firstly, and fundamentally, it is impossible to agree to a funding formula without being able to interrogate the modelling behind it. Therefore, the transport modelling referred to on Slide 11 should be provided to the promoters of the Contributing Developments so that it can be reviewed.

Being able to interrogate the modelling is essential to be able to comment on the weighting of the level of transport impact in particular as there is nothing contained within the Consultation slides to inform this. It is assumed that there are weighting calculations or spreadsheets which inform the percentage splits both in terms of between the Contributing Developments and within the developments themselves and these should be made available so they can be reviewed.

Once this information has been provided, we would like to discuss further the subdivision of contributions from within a development as based on the information presented there would appear to be inconsistencies and inaccuracies with this.

Additionally, the methodology appears to have assumed that a certain proportion of development can come forward without Junction 10. Please would you provide further detail as to how this has been calculated, so as to enable an assessment of whether the proportion applied is reasonable and appropriate.

### **Financial & Payment Considerations**

It is understood that the basis of the financial contributions being sought is that they are received by March 2027, subject to two potential stages of Re-evaluation for payments beyond 2027, with the implication that the contributions sought thereafter could increase.

This is wholly unacceptable in principle as the developers will have been asked to sign up to a complete package of S106 contributions at the point of granting outline planning permission, which will have been based on a viability exercise undertaken at that time. On the assumption that this is completed prior to March 2027, that will fix the viability at a point in time and thereafter the only increases that can be agreed to will be the indexation of payments.

In short and without prejudice, any Contributions would be capped at the time of agreeing the S106 subject only to the agreed indexation method. If Re-evaluation were to show costs had reduced, or the apportionment reduced with the inclusion of further contributing development then a proportionate Re-imbursment would need to be made under the provisions of the S106 as noted on Slide 15.

We note that you intend to lobby for the inclusion of the Jctn 10 scheme and any associated funding gap within the CIL Infrastructure List and that a long-overdue formal agreement can be put in place between GCC and the CIL charging authorities to confirm this. Thereafter, CIL receipts would need to be accounted for in the Re-imbursment payments.

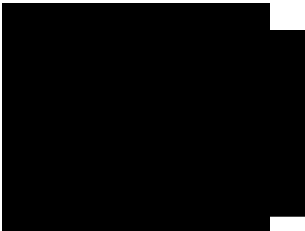
There will be considerable CIL receipts from the Strategic Allocations with no identified infrastructure on which they will be spent, given that they are required to provide infrastructure on-site or make financial contributions via S106 agreements. If the Jctn 10 works are deemed essential to the delivery of the JCS, then it would seem obvious that CIL receipts should be directed towards the funding of those works.

In terms of the triggers for initiating payments and the payment mechanism thereafter, then these must be linked to the Approval of Reserved Matters on a phased basis. Thereafter, the payments would need to be linked to the completion of the development subject to the RM approval, with a suggested mechanism set out below based on the approach taken in Milton Keynes:

- Payments made quarterly in arrears for completed residential units;
- Payments made in the quarter following completion of qualifying non-residential development.

We trust that the above consultation response is clear and understood and we look forward to receiving the requested information such that we can consider the proposed funding mechanism and respond accordingly. In the meantime, we look forward to continuing dialogue with yourselves as the funding mechanism evolves and is better understood.

Yours sincerely,



**Rob White**  
**Director**

**For and on behalf of White Peak Planning Ltd.**

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19<sup>th</sup> December 2023

Dear Chris,

**Re: M5 Junction 10 Developer Contributions Further Consultation 2023**

Thank you for the further opportunity to engage with you on your approach to implementing the JCS policy INF7 in relation to the M5 Junction 10 Improvements Scheme. This consultation response is submitted further to your additional consultation issued on 15<sup>th</sup> November 2023 containing a revised slide deck and accompanying Technical Note (TN). This response should be read in conjunction with our previous response dated 20<sup>th</sup> October 2023.

On behalf of our clients, Bloor Homes and Persimmon Homes who are the applicants for the Elms Park scheme which forms the majority of the North-west Cheltenham strategic allocation, we have set out our response below. Note that Bloor Homes as the lead promoter of the Safeguarded Land east of M5 Jctn 10 submits the same response.

Overview

In our overview, based on the information provided by in the revised Consultation slides and TN, we wish to retain our '**Holding Objection**' pending the resolution of outstanding queries from our October response and further queries raised in the TN. Until such time as these queries are resolved we will be unable to commit to the level of funding being sought.

The reasons for this position are set out below and they relate to the basis of the Dependent Developments as well as the Methodology used to apportion the dependent trips and the weighting of those trips, together with the principle of Re-evaluation.

We also comment on the basis for the triggering of future payments and the formula to be applied to those payments.

Dependent Developments

The November consultation did not address the issues we raised in our October submission with regards to the Dependent Developments. As such we do not consider that fair, reasonable and proportionate contributions can be derived, and this remains a fundamental concern.

## **Methodology**

With regards to the methodology, again we set out in our October response that we could not agree to a funding formula without being able to interrogate the modelling behind it. We still await the provision of the transport modelling that supports the funding methodology so that it can be technically reviewed.

The methodology relies on a SATURN model to calculate the use of the new M5 Jctn 10 and existing Jctn 11 slip roads which we consider to be a fundamentally flawed approach. The purpose of the J10 scheme is to allow existing traffic to access the M5 south without travelling through Cheltenham, and thereafter create headroom for local trips. It is not simply to enable better access to the motorway from the JCS sites. By focussing just on traffic using the slip roads this excludes the benefits of the scheme that will be attributed to each site.

Having reviewed the TN provided in November seems that development at the Safeguarded Land and NWC (Elms Park) is being asked to contribute disproportionately higher amounts per residential unit or unit of employment floorspace than those being sought from West of Cheltenham. By our calculations this equates to **+57% and +42% per residential unit and +56% and +50% per employment floorspace respectively.** There seems to be no justification for these significant discrepancies, especially given that the need for the Jctn 10 works was triggered by the inclusion of West of Cheltenham in the Joint Core Strategy and West of Cheltenham requires a dedicated access road to service it.

As previously, once the modelling has been provided, we would like to discuss further the subdivision of contributions from within a development as based on the information presented there would appear to be inconsistencies and inaccuracies with this.

Again, as before the methodology appears to have assumed that a certain proportion of development (the deadweight) can come forward without Junction 10. This information has now been provided, but there is no evidence to justify whether the proportions applied are reasonable and appropriate.

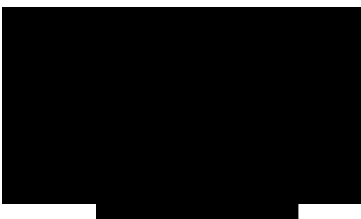
There remain significant concerns over the modelling basis behind the funding methodology and the methodology itself which seems to neither be sound, fair, reasonable or proportionate.

## **Financial & Payment Considerations**

We set out a number of concerns with regards to the financial and payment considerations in our October response, none of which appear to have been addressed or responded to in your November consultation. Consequently these remain unresolved and until such time as they are will remain a reason for us sustaining an objection to the developer contributions being sought.

We trust that the above consultation response is clear and understood and we look forward to receiving the requested information such that we can consider the proposed funding mechanism and respond accordingly. In the meantime, we look forward to continuing dialogue with yourselves as the funding mechanism evolves and is better understood.

Yours sincerely,



**Rob White**  
**Director**

**For and on behalf of White Peak Planning Ltd.**

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