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# M5 JUNCTION 10 IMPROVEMENTS SCHEME

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Written Representation on behalf of St. Modwen  
and Midlands Land Portfolio Limited, Land at West  
Cheltenham

# SM&MLPL, Land at West Cheltenham – WRITTEN REPRESENTATION

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Quality management			
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## 1 Introduction

### 1.1 Background

- 1.1. This document is submitted on behalf of St. Modwen and Midlands Land Portfolio Ltd (SM&MLPL) and forms their formal Written Representation for submission at Deadline 1 (18 June 2024). Savills act as planning adviser to SM&MLPL and are authorised to submit these representations on their behalf.
- 1.2. SM&MLPL are the joint applicants for the outline planning application (refs: 22/01817/OUT and 22/01107/OUT) at land at West Cheltenham, to the south of Old Gloucester Road. The proposed development, as set out in the outline planning application, has been prepared with regard to the adopted planning policy, the Golden Valley SPD and the separate application and emerging proposals of the other principal landowners within the wider A7 West Cheltenham allocation.
- 1.3. In March 2024, Savills submitted a Relevant Representation on behalf of SM&MLPL prior to commencement of the examination process [document reference RR-034]. This Written Representation has been prepared in regard to the previously submitted Relevant Representation and therefore does not repeat previously submitted information, instead it seeks to provide further clarification on SM&MLPL's current position in relation to the matters previously raised and provide additional technical commentary on the proposed link road interface with SM&MLPL's application.
- 1.4. SM&MLPL participated in ISH1 (represented by Mr Nick Matthews of Savills) and following the discussions during this hearing, SM&MLPL wish to reserve the right to provide further commentary and response to matters raised once the Deadline 1 submissions from the Applicant are published. SM&MLPL will provide this further commentary to the ExA at Deadline 2.
- 1.5. Further, SM&MLPL have been in regular dialogue with the Applicant team for a number of years, SM&MLPL are committed to continuing this dialogue and await further response from the matters discussed post ISH1 as outlined in SM&MLPL's written submission of oral case submitted at Deadline 1.

### 1.2 SM&MLPL Position

- 1.6. The overall position of SM&MLPL is that the DCO should only acquire land that is necessary. SM&MLPL consider that there has been a lack of regard to SM&MLPL's proposals, given that SM&MLPL's planning application was submitted in advance of the DCO application.
- 1.7. The sections below provide the additional technical commentary of the interface between the two applications that SM&MLPL consider the ExA should have due regard to.

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## Transport

- 1.8. SM&MLPL's Relevant Representation [document reference RR-034] provides an accurate summary of SM&MLPL's current position in relation to transport modelling, and for brevity, the matters raised are not repeated again here.
- 1.9. SM&MLPL have also provided a written note of the oral submission provided by Mr Matthews on behalf of SM&MLPL at Deadline 1, this should also be referred to when considering SM&MLPL's position.
- 1.10. SM&MLPL note that the Technical Note (dated 30/01/24) submitted by PJA on behalf of Bloor Homes and Persimmon Homes outlined the outputs from the modelling work which they have undertaken. The modelling included only 1,100 dwellings at West Cheltenham. This very conservative quantum of development upon which the allocation was made, reflects the uncertainty at the time of the allocation of the site through the JCS. The further assessment work undertaken to inform the preparation of the Golden Valley Supplementary Planning Document recognised that the allocation has capacity for a considerably larger quantum of development and this has been reflected in the planning applications subsequently submitted by two of the three developers / landowners bringing forward proposals. The output of the PJA modelling does not therefore reflect the latest position with the cumulative sites and underestimates the quantum of development being brought forward at West Cheltenham.
- 1.11. SM&MLPL consider that the TA submitted to support the DCO application focuses on the need for Scheme Element 1 (all-movements junction) and does not clearly define the need for Scheme Element 2 (West Cheltenham Link Road east of Junction 10 from the A4019) and Scheme Element 3 (widening of the A4019).
- 1.12. SM&MLPL would also wish to raise a concern that the land acquired for the DCO would impact the active travel routes proposed as part of SM&MLPL's submitted planning application.

## Biodiversity and Ecology

- 1.13. SM&MLPL have reviewed the DCO in relation to ecology and biodiversity matters, SM&MLPL reserve the right to raise additional points in the process of the examination but at this stage wishes to raise the matters below as the key areas and interactions between the two applications.
- 1.14. The most important implication of the DCO in ecological terms is the loss of SANG area. By the Applicant's calculations, taking the DCO redline, this would lead to loss of 0.67 hectares of the proposed SANG - such that the total area reduces from 21.42 hectares to 20.75 hectares. As the Applicant has noted on the plan submitted with the DCO, this would result in the scheme becoming deficient overall in terms of the total area of SANG required for 1,100 units, specifically by 0.37 hectares. On review of the Applicant's environmental masterplan for this area, it is apparent that there will be some re-provision of habitats to the south of the widened road - however, this would

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constitute swale / road verge habitats primarily, and a new hedgerow to be provided on the southern boundary of these (between the road and the site). On this basis, in effect this area could not form part of a SANG as it would not be publicly accessible for use by new and existing residents, regardless of the fact that this would constitute semi-natural habitats.

- 1.15. This forms a fundamental element of the avoidance and mitigation strategy upon which the scheme is reliant to demonstrate that the development would not be likely to affect the integrity of Cotswold Beechwoods SAC (or indeed any other 'Habitats Site' or other statutory designations) either alone or in combination with other development. Whilst the Competent Authority under the Habitats Regulations (the LPA for West Cheltenham) may take the view that this is not material, the application documents as agreed with Natural England make clear that the provision of SANG of the scale proposed meets the relevant requirements in terms of area, and therefore it is feasible that NE could, as the statutory advisor, have concerns that the removal of this area from the SANG means that it is no longer appropriate.
- 1.16. The Biodiversity Chapter (7) for the DCO application explicitly notes (para 7.6.12) the following: "one of the objectives of the scheme is to unlock the proposed housing developments in the area by providing the necessary highways infrastructure". In this light, this would appear to conflict directly with the scheme, as reducing the area of SANG as a result of the works would be likely, in fact, to do the opposite for the West Cheltenham site.
- 1.17. SM&MLPL would welcome the opportunity to discuss with the Applicant the approach taken in the DCO towards this matter through the course of the examination.
- 1.18. Beyond this, the DCO application would invariably result in loss of additional hedgerow habitat in the north-west of the site. The DCO proposes to mitigate for this on a 'site-wide' basis, and new hedgerow planting appears to be proposed as part of the scheme. These hedgerows are not particularly species-rich in their own right but bat surveys did record these to be utilised by foraging and commuting bats, including Lesser Horseshoe and (more occasionally) Barbastelle. Survey work for the DCO recorded the presence of roosting bats in buildings to the north of Old Gloucester Road (Pipistrelle), and made reference to the findings of SM&MLPL's surveys in the cumulative assessment section of ES Chapter 7 (para 7.10.50). A crossing point is however proposed in close proximity to the site. As such, it would appear that the implications arising in relation to bats has been considered and SM&MLPL have no additional comments to make in this regard.
- 1.19. A suite of other surveys was also undertaken across the DCO site and wider area - SM&MLPL consider that the findings of these surveys appear to be relatively robust and there do not appear to be any particular implications arising for West Cheltenham (e.g. No Dormouse, Great Crested Newt or reptile records in the local area of the site for instance) and as such, SM&MLPL have no additional comments to make in this regard..

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## 1.2.1 Flood risk and Drainage

- 1.20. Having reviewed the submissions for the DCO application in relation to flood risk and drainage, SM&MLPL have a number of matters to raise at this stage, SM&MLPL reserve the right to provide further commentary at later stages of the examination.
- 1.21. SM&MLPL note that the temporary and permanent junction works encroach upon the proposed attenuation basin and downstream drainage alignment of SM&MLPL's planning application submitted prior to the DCO application.
- 1.22. On review of the proposed junction general arrangement to the DCO development, it is noted that the site interface also differs to SM&MLPL's general arrangement set out in their planning application submitted prior to the DCO application.
- 1.23. SM&MLPL recommends that these discrepancies are resolved and wish to engage with the Applicant in relation to other matters that require further consideration, these include any loss of flood storage due to the raised levels associated with the new junction and the potential requirement to widen the existing ditch under flood mitigation measures for the residential site, both of these are subject to agreement of flood modelling data.

## Utilities

- 1.24. As part of their planning application, SM&MLPL are seeking diversions of 11 kV powerlines. On this basis, SM&MLPL wish to engage with the Applicant to discuss these diversions and their relationship to the land which is proposed to be acquired under the DCO to address a number of matters where the two applications interact.

## 1.3 Conclusion

- 1.25. In principle, SM&MLPL support the proposed works set out within the DCO application, however, there remain implications for SM&MLPL's scheme which need to be worked through and agreed.
- 1.26. SM&MLPL remain unconvinced that the extent of the land required for the DCO has been fully justified, and on this basis, SM&MLPL will continue to work with the Applicant to resolve these and ensure that the two developments can work alongside each other.