

REFERENCE TR010063

APPLICATION BY GLOUCETERSHIRE COUNTY COUNCIL FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE M5 JUNCTION 10 HIGHWAYS IMPROVEMENT SCHEME

SUMMARY OF THE RELEVANT REPRESENTATIONS MADE BY BLOOR HOMES LIMITED

1 INTRODUCTION

- 1.1 Gloucestershire County Council (the Applicant) is seeking a Development Consent Order for the M5 Junction 10 Improvement Scheme (the Scheme).
- 1.2 Bloor Homes has a legal interest in part of the land required for the Scheme by way of various option agreements. The land is part of an area of land which is safeguarded for development (Safeguarded Land) in the Joint Core Strategy (JCS).
- 1.3 The JCS is a strategic level development plan covering Cheltenham, Gloucester and Tewkesbury.
- 1.4 One of the objectives of the Scheme is to facilitate the development of the Safeguarded Land, however Bloor considers that the works proposed will do just the opposite.

2 SCHEME OBJECTIVES

- 2.1 The Applicant indicates that the Scheme is needed to support the housing and economic growth around Cheltenham as the current highway provision would not be able to accommodate the additional journeys.
- 2.2 The development is said to be dependent upon the Scheme. However, it is arguable that without further details about the type of development, timescale, and their highway mitigation proposal, it cannot be said with certainty that the Safeguarded Land is dependent on the Scheme.

3 SCHEME WORKS

- 3.1 There are various components to the Scheme works. As part of the Scheme, the A4019 junction will provide access to JCS Safeguarded Land to the north, Cheltenham to the east and Junction 10 to the west.
- 3.2 Although there is a legit expectation that the Works would provide such access, the General Arrangement Plans for the Scheme which highlights the proposed improvements makes no provision for such an access.
- 3.3 In the proposal, the northern arm of the junction provides for only a short section of single carriageway road before meeting a junction with several farm tracks leading off to the north-west and south-east. The farm tracks combine three separate accesses onto Tewkesbury Road into a single shared access.
- 3.4 As such, the works effectively does not provide access into the Safeguarded Land as it is stated in their objectives.

4 ACCESS TO THE SAFEGUARDED LAND

- 4.1 Further information from the Environmental Statement states that according to the design of the Scheme, the northern arm of the junction only provides for field access and the informal Traveller site. The relevant developer will be the ones to undertake the works to enable access into the safeguarded land.

- 4.2 The Scheme is merely presenting what could be implemented. Whereas in fact, the developer of the Safeguarded Land will be responsible for designing and securing all necessary land interests and permissions for construction of that access.
- 4.3 It appears the initial intention of the Applicant was to genuinely provide the access onto the Safeguarded Land. However, these earlier proposals now include a much smaller signalled junction which is notably inferior access to the land in question.
- 4.4 The Safeguarded Land abuts Tewksbury Road and benefits from a long frontage providing plenty of scope for an access to be constructed. If the Scheme comes forward, it will not only fail to facilitate development of the land but also compromises the ability of the developer to build a suitable access.
- 4.5 Once the Scheme is in place, the new junction terminates on land owned by the Applicant and stops short of the Safeguarded Land. Meaning, the further length of road required to be constructed will be across the land owned by the Applicant. This places a significant commercial advantage on the Applicant, as landowner. The development of the Safeguarded Land will be dependent on the Applicant making its land available for the access.
- 4.6 Bloor Homes has been informed that the Applicant will seek to extract a commercial ransom because of this situation, in due course. It is unjust for the Applicant to use compulsory acquisition powers to so position itself. This injustice is further created by the fact that the developer of the Safeguarded Land will be required to contribute to the funding of the overall Scheme.
- 4.7 Bloor Homes has contacted the Applicant and expressed its concerns. It proposed to enter into an agreement with the Applicant to transfer the land interest necessary to deliver the Scheme on term which would not prejudice delivery of an access and/or contribute to the funding to deliver an access. This would indeed result in the objectives of the Scheme to be achieved. However, the Applicant did not fully respond to these concerns or offers.
- 4.8 As the Scheme does not provide full access to the Safeguarded Land, shortly after the Scheme, further works will be needed. Effectively creating unnecessary and significant disruption. The proposed works is neither safe nor suitable for the existing farm operations due to the conflict between road users and farm vehicles at peak harvest times.

5 FUNDING

- 5.1 The source of funding for this Scheme comprises of two elements: £212.071m from HIF and financial contributions from developers of the Safeguarded Land. The contribution is needed as the HIF monies does not cover the costs of the Scheme.
- 5.2 The Applicant plans to utilise the JCS policy to secure section 106 agreements for the making of contributions towards delivery of the Scheme from 'dependent' developments. The section 106 funding is not certain and as such, the Applicant fails to meet the requirements to demonstrate adequate funding has been secured.
- 5.3 There is no concrete sum of financial contributions required to meet this target, nor any planning application before Tewkesbury Borough Council which could be determined to capture the funding sought. The Applicant also does not consider how Community Infrastructure Levy, for which development across the JCS is liable, could contribute to funding the Scheme.

6 CONCLUSION

- 6.1 The main objective of the Scheme is to facilitate the potential development of 7,203 housing units at North West Cheltenham, West of Cheltenham and the Safeguarded Land. Bloor has an interest in the Safeguarded Land.

- 6.2 Bloor does not agree that development of the Safeguarded Land is dependent on the delivery of the Scheme. The Applicant's proposed works will not deliver an access which is appropriate to enable development of the Safeguarded Land in the way it is said to do. In effect, a further separate and different planning permission will be necessary for construction of a much larger junction, with greater capacity to achieve the development of the Safeguarded Land. The
- 6.3 Applicant has indicated that it will seek to create an advantageous position for itself in future negotiations as to the delivery of the Safeguarded land. Future developers will need to reach a commercial agreement with the Applicant, as landowner of land necessary to serve the Safeguarded Land. Such conduct by a public body is at odds with the statutory and policy framework which the DCO application has been made. The Scheme not only does not meet its objectives but impedes future housing and employment development opportunities.
- 6.4 As such, the Applicant should be required to amend its application to either:
- (a) Redesign the northern arm of the A4109 junction as to provide the necessary access to the Safeguarded land, providing public highway up to the existing legal ownership;
or
 - (b) Make a commitment that it will not impede future development of the Safeguarded Land.