

REFERENCE TR010063

APPLICATION BY GLOUCESTERSHIRE 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 (BLOOR) AND PERSIMMON HOMES LIMITED (PERSIMMON)

1 INTRODUCTION

- 1.1 Gloucestershire County Council (the Applicant) is seeking a Development Consent Order (DCO) for a Scheme, which comprises of an all-movement junction at M5 Junction 10 (the Scheme).
- 1.2 It comprises a new Link Road east of junction 10 from the A4019 to the B4634 to provide means of access to the Joint Core Strategy's Strategic Allocation at West Cheltenham. It also includes the 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.
- 1.3 Bloor and Persimmon are the prospective developers of Elms Park. The proposed Elms Park development is within the North West Cheltenham Strategic Allocation Site in the Cheltenham Gloucester Tewkesbury Joint Core Strategy (JCS). Bloor and Persimmon have sought outline planning permission reference 16/0200/OUT for development of Elms Park (the Elms Park Application).
- 1.4 There is an overlap in the proposed highway works in connection with the Elms Park Application and the authorised development comprising the Scheme. However, the difference is that the Scheme only envisages the widening of Tewkesbury Road rather than access and egress to Elms Park.
- 1.5 The Elms Park Application has been with the local planning authorities (LPAs) since 2016 and, besides the Scheme, all other planning considerations are substantially agreed between Bloor, Persimmon and the appointed case officer. It has been agreed that where overlaps may exist in due course, the LPAs would impose a planning obligation on the Elms Park development to restrict the implementation of access works to those approved pursuant to the DCO.

2 THE JOINT CORE STRATEGY

- 2.1 The Applicant identifies the JCS as the core need of its Scheme as the development proposed in the JCS foresees at least 35,000 new homes and 193 hectares of employment land coming forward. However, most of this development is to occur within 'Central Severn Vale at Cheltenham' and Gloucester as the two main principal urban areas. Only 15% of the total housing to be provided and 23% of the employment land will be at North West 'A4' and West Cheltenham 'A7'.
- 2.2 Chapter 3 of the Environmental Statement accompanying the DCO application describes highway mitigation scenarios alongside the preparation of the JCS.

3 SCHEME OBJECTIVES

- 3.1 The Scheme's first objective is to support economic growth and facilitate growth in jobs and housing by providing transport network connections in west and north-west Cheltenham. This is evidenced by the new housing and employment development at the strategic allocations in the JCS. In the Statement of Reasons, the Applicant states that the need for the Scheme was identified in the JCS as are land adjacent to the existing junction identified for development.
- 3.2 The Scheme is set to 'unlock and support' the planned development on site allocations of West Cheltenham, North West Cheltenham and safeguarded land east of M5 Junction 10. The

Applicant increases the amount of development at West Cheltenham from approximately 1100 new homes to 2370 new homes and enlarges the employment land at 51ha rather than 45ha. This will also have significant impact on the funding measures sought.

- 3.3 These statements suggest that the Scheme is required to mitigate the scale of housing and employment growth in the JCS. Whereas the Scheme is based on additional development not anticipated by the JCS at West Cheltenham and development on safeguarded land which remains unallocated and falls outside of the JCS and Local Plans. It concludes that the Scheme is not in line with planning policy.

4 THE NEED FOR THE SCHEME

- 4.1 The Applicant indicates that the Scheme is the starting point to development identified in the JCS as key infrastructure requirement. This is incorrect as far as Elms Park is concerned as evident as from the stages of the JCS. The Applicant's case is that no development can occur without the Scheme.
- 4.2 Bloor and Persimmon have evidenced the contrary in the documents submitted with the Elms Park Application, which provides mitigation and sustainable transport improvement on the local network. The additional highway modelling undertaken by PJA and submitted to National Highways demonstrates alternative mitigation could be delivered on the Strategic Road Network.

5 ALTERNATIVES TO THE SCHEME

- 5.1 The Sustainability Appraisal has already considered the need for highways based solutions and has dealt with the assessment of alternatives which will enable the delivery of development at North West Cheltenham, West Cheltenham and the Safeguarded land.
- 5.2 The Applicant in response to the Elms Park Application agrees that the Scheme is not required for delivery of the development as the proposal accords with the adopted policy requirements.
- 5.3 The Safeguarded land at North West and West Cheltenham has no status in the development plan other than being safeguarded for longer term development. There is no indication of the type or quantum of development this land could deliver. Yet the Scheme makes mitigations of such aspirational development and gives no further consideration to alternative delivery options.

6 FUNDING

- 6.1 The Applicant states that funding is no impediment to the delivery of the Scheme or the payment of compensation to the persons affected by the DCO. The Scheme suggests that the developments in the JCS are reliant on its implementation. This is incorrect as only West Cheltenham is dependent on the Link Road.
- 6.2 Despite these inconsistencies, the Applicant's funding comprises of the Housing Infrastructure Fund (HIF) which, as stated in the Funding Statement, amounts to £212.071 million and financial contributions from the developers of what are termed the 'dependent developments'.
- 6.3 These contributions will be sought via the Section 106 agreement which imposes planning obligations on the developers. However, these obligations are only justifiable where they meet the tests of the Community Levy Regulations 2010 (Regulation 122).
- 6.4 Those tests are not met for the Elms Park development as alternative mitigation measures are possible. The 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 is not directly related to.

- 6.5 The Applicant indicates that this approach has been discussed with developers and implies it has been agreed. Bloor and Persimmon have raised various points which the Applicant have not addressed. Bloor and Persimmon have not accepted the proposed either as a matter of principle or approach.
- 6.6 It is also unrealistic that Section 106 contributions are paid before commencement of development, it would be more realistic to be paid in tranches with the phases of the development, which raises the question that the Applicant may not have all the funds available within time for the Scheme.
- 6.7 As the North West Cheltenham Safeguarded Land has no planning applications to be determined, there would be no contributions from developers from this allocated area.
- 6.8 It concludes that 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.

7 CONCLUSION

- 7.1 In summary, Bloor and Persimmon make the following representations:
- 7.2 The Applicant uses the development at North West and West Cheltenham and development of the Safeguarded Land with no policy basis as an attempt to justify the Scheme. It alleges incorrectly that the need for the Scheme is established in the JCS policies. It further relies in this misconception as the basis for requiring planning obligations to secure funding towards the Scheme.
- 7.3 The Applicant wrongly affirms that Elms Park development is dependent on the Scheme. Whereas alternative mitigation has already been submitted in relation to this scheme.
- 7.4 The Applicant's funding strategy is not justifiable or sufficient to demonstrate that funding is or will be available for the Scheme through the S106 payments. This approach also relies on development sites with no planning policy status and would not comply with the CIL regulations.