

REFERENCE TR010063

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

WRITTEN POST HEARING SUBMISSIONS INCLUDING WRITTEN SUBMISSIONS OF ORAL  
CASES MADE AT THE HEARING ON 5 JUNE 2024

MADE ON BEHALF OF BLOOR HOMES LIMITED AND PERSIMMON HOMES LIMITED

1 ITEM 2 - POLICY

- 1.1 Bloor Homes Limited and Persimmon Homes Limited (the Interested Parties) do not agree with Gloucestershire County Council's (the Applicant's) interpretation of planning policy.
- 1.2 In particular, the Interested Parties do not agree with the Applicant that the Joint Core Strategy (JCS), Cheltenham Local Plan or Tewkesbury Local Plan can be interpreted in a way which makes North West Cheltenham (Allocated Site A4) (NWC) reliant on the M5 Junction 10 Highways Improvement Scheme (the Scheme). Or that development of the Safeguarded Land is reliant on the Scheme.
- 1.3 The Interested Parties analysis and interpretation of planning policy is set out in their Relevant Representations (**Documents RR-005 and RR-006**), namely that:
- (a) The JCS requires NWC to mitigate its own highway impacts by prioritising sustainable modes of travel. There is no reference to NWC requiring or being dependent on improvements to M5 J10. The Interested Parties have undertaken work as part of their planning application for NWC which demonstrates that the proposed development can come forward without the Scheme;
  - (b) Only West of Cheltenham (Allocated Site A7) (WoC) is identified in the JCS as requiring links to the M5 J10 for strategic movements to and from the site. There are no other express references to the link road element of the Scheme in the JCS;
  - (c) The Applicant places much reliance on Policy SA1: Strategic Allocations Policy, Policy INF6: Infrastructure Delivery and Policy INF7: Developer Contributions of the JCS to support its assertion that development of NWC, WoC and the Safeguarded Land is reliant on the Scheme. However, the Infrastructure Delivery Plan (IDP) identifies schemes "*to support JCS-wide growth*". Improvements to M5 J10 are identified at a cost of £45m. There is no direct reference to or link between NWC and the proposed improvement to M5 J10;
  - (d) Notwithstanding the above, the Applicant asserts that the Scheme is necessary because it 'supports' development of NWC, WoC and the Safeguarded Land. However, 'supports' falls short of any requirement that the Scheme is necessary to enable those developments to come forward;
  - (e) The Interested Parties have demonstrated that NWC can come forward without the Scheme. It is further premature to suggest that the Safeguarded Land cannot come forward without the Scheme given that that land is not yet allocated and has not been assessed in terms of the quantum and mix of development it can achieve and consequently the mitigation which will be required to serve it.

## **2 ITEM 3 - NEED**

- 2.1 The position of the Interested Parties as detailed in its Relevant Representations (**Documents RR-005 and RR-006**) is that NWC can be made acceptable in transport terms without reliance on the Scheme.
- 2.2 The Applicant has considered three sites together – NWC, West of Cheltenham (WoC), and the Safeguarded Land, plus additional development at WoC beyond that allocated in the JCS. Only NWC and WoC are allocated in adopted planning policy.
- 2.3 The Applicant in its oral submissions stated it adopted a "nil detriment" objective for its transport modelling analysis. However, in considering individual sites and applications for development, the correct test to be applied is whether an impact can be classified as severe [NPPF Paragraph 115]. There is no policy requirement for development to have a nil detriment on highway capacity nor is there a policy requirement to prioritise the needs of car drivers without consideration of mode shift.
- 2.4 The evidence the Interested Parties have put forward (see paragraph 4.6 and appendices 4 and 5 of RR-006) is that NWC as part of the JCS can avoid a 'severe' impact through a combination of highway capacity improvements and sustainable transport measures to deliver mode shift. There is consequently no policy basis for requiring NWC to have a nil detriment alongside consideration of other unallocated sites.

## **3 ITEM 4 - ALTERNATIVES**

- 3.1 The Applicant seeks development consent for a scheme which it cannot afford to deliver within its funding envelope. It is the position of the Interested Parties that alternatives should be considered that can be delivered within the Applicant's funding envelope, including:
- (a) Infrastructure to deliver only development of the land that is allocated in the JCS;
  - (b) Reducing the Scheme to only infrastructure which requires development consent with the balance of the infrastructure being delivered by developers as part of their own development schemes (for example, such as the A4019 works or the link road).
- 3.2 The Scheme also proposes to purposefully restrict access to the Safeguarded Land. This is a change from the 2021 consultation document and results in a 'ransom' to the benefit of the Applicant. This is a wholly unacceptable situation which will restrict the ability of the Safeguarded Land to come forward or to make financial contributions towards the Scheme (if such a requirement is compliant with Regulation 122 of the Community Infrastructure Regulations 2010 and confirmed through a planning application for development of the Safeguarded Land). Reverting to the proposed access layout which was the subject of the 2021 consultation document should be considered as an alternative.